

00-2448-CD  
FIRST COMMONWEALTH BANK -vs- ROBERT D. WHEELPLEY

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: INDIANA

Mag. Dist. No.:

40-2-01

DJ Name: Hon.

RICHARD G. ORENDOFF  
Address: 801 WATER STREET  
INDIANA, PA

Telephone: (724) 463-8781      15701-1705

NOTICE OF JUDGMENT/TRANSCRIPT  
CIVIL CASE

PLAINTIFF:

FIRST COMMONWEALTH BANK  
PO BOX 400  
INDIANA, PA 15701

NAME and ADDRESS

DEFENDANT:

WHELPLEY, ROBERT D  
312 S HIGHLAND ST  
DUBOIS, PA 15801-1952

VS.

NAME and ADDRESS

Docket No.: CV-0000596-99  
Date Filed: 9/02/99



FIRST COMMONWEALTH BANK ATT:D.HUDEC  
PO BOX 400  
INDIANA, PA 15701

THIS IS TO NOTIFY YOU THAT:

Judgment:

DEFAULT JUDGMENT PLT

00-448-CO

Judgment was entered for: (Name) FIRST COMMONWEALTH BANK

Judgment was entered against: (Name) WHELPLEY, ROBERT D

in the amount of \$ 2,265.38 on: (Date of Judgment) 10/07/99

Defendants are jointly and severally liable. (Date & Time) \_\_\_\_\_

Damages will be assessed on: \_\_\_\_\_

This case dismissed without prejudice. \_\_\_\_\_

Amount of Judgment Subject to Attachment/Act 5 of 1996 \$ \_\_\_\_\_

Levy is stayed for \_\_\_\_\_ days or  generally stayed. \_\_\_\_\_

Objection to levy has been filed and hearing will be held: \_\_\_\_\_

Amount of Judgment	\$ <u>2,190.38</u>
Judgment Costs	\$ <u>75.00</u>
Interest on Judgment	\$ <u>.00</u>
Attorney Fees	\$ <u>.00</u>
<b>Total</b>	<b>\$ 2,265.38</b>
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
<b>Certified Judgment Total</b> \$ _____	

Date:	Place:
Time:	

FILED

APR 17 2000

William A. Shaw

Prothonotary

ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. YOU MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.

10/08/99 Date \_\_\_\_\_

*Richard G. Orendoff*

, District Justice

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.

01/31/00 Date \_\_\_\_\_

*Richard G. Orendoff*

, District Justice

My commission expires first Monday of January,

2000

SEAL

FILED

APR 11 1960  
M10:11 First Com. Bank  
PROVISIONAL  
PA 520.00

Not to D. Whelpsey  
Statement to First Com. Bank

**COPY**

NOTICE OF JUDGMENT

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

FIRST COMMONWEALTH BANK

PO BOX 400

INDIANA PA 15701

vs.

NO. 00-448-00

WHELPLEY, ROBERT D

312 S HIGHLAND ST

DUBOIS PA 15801-1952

NOTICE is given that a JUDGMENT in the above captioned  
matter has been entered against you in the amount of \$2,265.38  
on April 17, 2000

WILLIAM A. SHAW  
Prothonotary

COPY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
STATEMENT OF JUDGMENT

FIRST COMMONWEALTH BANK

Plaintiff

No. 00-448-CD

vs.

ROBERT D. WHELPLEY

Defendant(s)

Costs

Int. From

Entry \$ 20.00

Instrument DJ Judgment

Date of Entry April 17, 2000

Expires April 17, 2005

Certified from the record this 17th day of April, 2000

William A. Shaw, Prothonotary

\*\*\*\*\*

SIGN BELOW FOR SATISFACTION

Received on \_\_\_\_\_, 20 \_\_\_, of defendant full satisfaction of this Judgment, Debt, Interest and Costs and Prothonotary is authorized to enter Satisfaction on the same.

\_\_\_\_\_  
Plaintiff/Attorney

00-447-CD.  
KENNETH A. NELSON et ux -vs- AMOS G. HIXON et al

Clearfield, PA 16830  
23 N. Second Street  
Attorney-at-Law

BARBARA J. HUGNEY-SHOPE

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

NO. 00-447cp -CD

KENNETH A. NELSON and  
ELIZABETH L. NELSON,  
Plaintiffs,

vs.

AMOS G. HIXON and  
SANDY HIXON,

Defendants.

C O M P L A I N T

REC'D  
SHERIFF  
1/14/2000

William A. Show  
Prothonotary

Act to Act.  
RJD/BS/PA.

BARBARA J. HUGNEY-SHOPE  
Attorney-at-Law  
23 N. Second Street  
Clearfield, PA 16830  
(814) 765-5155  
FAX (814) 765-2957

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

(1) KENNETH A. NELSON and  
(3) ELIZABETH L. NELSON,  
husband and wife,

Plaintiffs,

vs.

(4) AMOS G. HIXON and (5) SANDY HIXON,  
husband and wife, their heirs,  
heirs, executors, administrators,  
successors and assigns, and all other  
persons or entities in interest, known  
or unknown, claiming by and through or  
under them,

Defendants.

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\* No. 00- 447 -CD

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\* QUIET TITLE ACTION

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\* Type of Pleading: COMPLAINT

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\* Filed on behalf of: PLAINTIFFS:  
\* KENNETH A. NELSON  
\* ELIZABETH L. NELSON

\* Counsel of Record for Plaintiff:  
\* BARBARA J. HUGNEY-SHOPE, ESQ.  
\* Supreme Court I. D. No. 26274  
\* 23 North Second Street  
\* Clearfield, PA 16830  
\* (814) 765-5155

FILED

APR 14 2000

William A. Shaw  
Prothonotary

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

**KENNETH A. NELSON and  
ELIZABETH L. NELSON,  
husband and wife,**

**Plaintiffs,**

VS.

\* \* \* \*

\* No. 00-

-CD

**AMOS G. HIXON and SANDY HIXON,**  
husband and wife, their heirs,  
heirs, executors, administrators,  
successors and assigns, and all other  
persons or entities in interest, known  
or unknown, claiming by and through or  
under them.

## Defendants.

**\*  
\* QUIET TITLE ACTION**

**NOTICE TO DEFEND**

You have been sued in Court. If you wish to defend against these 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 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.

Court Administrator  
Clearfield County Courthouse  
1 North Second Street  
Clearfield, PA 16830  
(814) 765-2641, Ext. 5982

Barbara J. Hugney-Shope  
Barbara J. Hugney-Shope, Esq.  
Attorney for Plaintiffs

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

**KENNETH A. NELSON and  
ELIZABETH L. NELSON,  
husband and wife,**

Plaintiffs,

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vs.

\* **No. 00-** -CD  
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\* **QUIET TITLE ACTION**  
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**AMOS G. HIXON and SANDY HIXON,  
husband and wife, their heirs,  
heirs, executors, administrators,  
successors and assigns, and all other  
persons or entities in interest, known  
or unknown, claiming by and through or  
under them,**

Defendants.

**C O M P L A I N T**

NOW COME the Plaintiffs, KENNETH A. NELSON and ELIZABETH L. NELSON, husband and wife, who by and through their attorney, Barbara J. Hugney-Shope, Esquire, file the following Complaint in Quiet Title against the Defendants and in support aver as follows:

1. That the Plaintiffs, Kenneth A. Nelson and Elizabeth L. Nelson, are husband and wife, and reside at 302 West 5<sup>th</sup> Avenue, Clearfield, Clearfield County, Pennsylvania 16830.
2. That the Defendants, Amos G. Hixon and Sandy Hixon are believed to be husband and wife, and their last known address was 80 Daryll Lane, Roanoke, Texas 76262.

3. That Plaintiffs claim sole ownership of premises identified as 319 Williams Street, Clearfield Borough, Clearfield County, Pennsylvania by virtue of a deed from the Clearfield County Tax Claim Bureau dated November 19, 1996, and recorded in Clearfield Deeds and Records Book 1807, page 48.

4. The aforesaid premises are identified as Clearfield County Assessment Map NO. 4.3-K8-209-40 situate in the Third Ward of Clearfield Borough, more fully bounded and described as follows:

BEGINNING at a post in the line of Williams Street at a point of Nichols Street; thence in an easterly direction along the line of lot of F.A. Rollins fifty-one (51) feet six (6) inches to a post in the lot formerly of Philip Reese Estate now Forrest Livingston; thence South along the line of lot of Forrest Livingston one hundred thirteen (113) feet to a public alley; thence West along said alley fifty-one (51) feet six (6) inches to line of Williams Street one hundred thirteen (113) feet to lot of F. A. Rollins and the place of beginning.

5. The aforesaid premises were sold to the Plaintiffs as the property of the Defendant, Amos G. Hixon, at the September 13, 1996, tax sale for unpaid real estate taxes.

6. The aforesaid premises were conveyed to Defendant, Amos G. Hixon, by deed from Henry F. Powell and M. Arletta Powell, husband and wife, dated November 1, 1989, and recorded in Clearfield County Deeds and Records Book 1317, 532.

7. The aforesaid premises had been conveyed to Henry F. Powell and M. Arletta Powell, husband and wife, by deed from Glenn F. Hixon and Clare V. Hixon, husband

and wife, dated June 20, 1978, and recorded in Clearfield County Deed Book 901, page 358.

8. The aforesaid premises had been conveyed to Glenn F. Hixon and Clare V. Hixon, husband and wife, by deed from the County National Bank as Administrator of the Estate of William M. Eisenhauer, dated December 23, 1958, and recorded in Clearfield County Deed Book 472, page 15.

9. The aforesaid premises had been conveyed to William Eisenhauer by deed of Lewis Brown, unmarried, dated October 31, 1928, and recorded in Clearfield County Deed Book 290, page 109.

10. The Plaintiffs have joined Sandy Hixon in this complaint since she is believed to be the wife of Amos G. Hixon, and this is done in order to extinguish any community property rights or equitable division of marital assets that she might have as a result of this marriage.

11. The Plaintiffs are not aware of any other claims or interests inconsistent with their interest in the aforesaid premises except for those of the Defendant, Amos G. Hixon, which were extinguished as a result of the tax sale.

12. The Defendant claims that the tax sale of September 13, 1996, was invalid because he was not given notice of the impending tax sale.

13. The Defendant failed to file objections or exceptions within the thirty (30) days from the date after the date of the return of sale and the sale was confirmed by the Court of Common Pleas of Clearfield County absolutely.

14. Despite being filed untimely the Court permitted the Defendant to file Exceptions and Objections following consideration of the Defendant's Petition to File Exceptions and Objections Nunc Pro Tunc.

15. A hearing on the Defendant's Exceptions and Objections was scheduled for August 28, 1997.

16. Prior to the date scheduled for hearing, Defendant through his counsel advised the Plaintiffs that he was abandoning his exceptions and objections and the hearing was canceled.

17. A Praecept to Discontinue was filed by Defendants' counsel on August 26, 1997, requesting that the Defendants' "Objections and Exceptions to Tax Sale of September 13, 1996 (see Tax Claim Number 95-339) as 'Withdrawn, Discontinued and Ended.' "

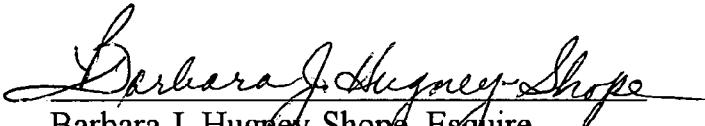
18. The Plaintiffs believe and therefore aver that the tax sale of September 13, 1996, was valid and that all interest or claim of the Defendant, Amos G. Hixon, was extinguished.

19. The Plaintiffs believe that this action to quiet the title to the aforesaid premises is necessary to remove any cloud on Plaintiffs' title to these premises due to any further untimely claims raised by the Defendant with regard to the validity of the tax sale or any other irregularities.

WHEREFORE, Plaintiffs request:

- (a) That the Defendants be forever barred from asserting any right, title, lien or interest in the Plaintiffs' land inconsistent with the ownership of the Plaintiffs, unless the Defendants bring an action of ejectment against the Plaintiffs for the recovery of the land within thirty (30) days after the entry of judgment of the Court.
- (b) That the Plaintiffs be decreed as the sole owners and be entitled to exclusive possession of the premises described in the foregoing Complaint; and
- (c) That the Court make such further orders as may be necessary to establish the legal and valid title of the Plaintiffs and to grant them appropriate relief.

Respectfully submitted,

  
Barbara J. Hugney-Shope, Esquire  
Attorney for Plaintiffs

VERIFICATION

We verify that the statements made in the foregoing Complaint are true and correct. We understand that false statements herein made are subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.

Kenneth A. Nelson  
Kenneth A. Nelson

Elizabeth L. Nelson  
Elizabeth L. Nelson

Date: April 14, 2000

(2)

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

KENNETH A. NELSON and  
ELIZABETH L. NELSON,  
husband and wife,

Plaintiffs,

vs.

AMOS G. HIXON and  
SANDY HIXON,  
husband and wife, their heirs,  
executors, administrators, successors,  
and assigns, and all other persons or  
entities in interest, known or unknown  
claiming by and through or under them,  
Defendants.

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\* No. 00-447-CD  
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\* QUIET TITLE ACTION  
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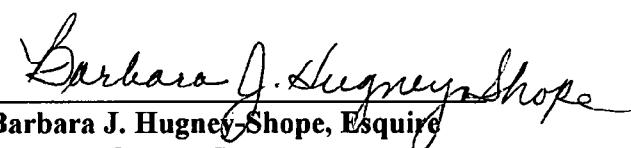
FILED

MAY 09 2000

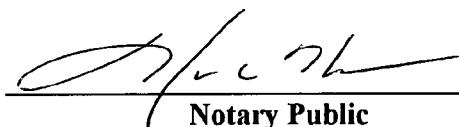
William A. Shaw  
Prothonotary

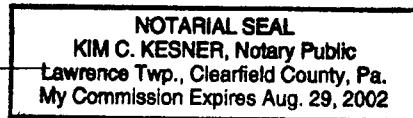
AFFIDAVIT OF SERVICE

AND NOW, this 8th day of May, 2000, I, Barbara J. Hugney-Shope, Esquire, who being duly sworn according to law, deposes and says that I served a certified copy of the COMPLAINT filed in the above-captioned action, on AMOS G. HIXON, by depositing the same with the U. S. Postal Service, postage prepaid, Certified Mail No. Z 052 292 155, return receipt requested, to the Defendant at his last known address, to wit: 11537 Cockleburr Lane, Roanoke, Texas 76262, with service having been accepted on May 3, 2000, as evidenced by the return receipt which is attached hereto.

  
Barbara J. Hugney-Shope, Esquire  
23 North Second Street  
Clearfield, PA 16830  
(814) 765-5155

SWORN to and subscribed  
before me this 8 day  
of May, 2000.

  
Notary Public



Z 052 292 155

US Postal Service  
**Receipt for Certified Mail**

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to	
Amos G. Hixon	
Street & Number	
11537 Cockleburr Lane	
Post Office, State, & ZIP Code	
Roanoke, TX 76262	
Postage	\$ 77
Certified Fee	140
Special Delivery Fee	125
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date & Addressee's Address	
TOTAL Postage & Fees	\$ 342
Postmark or Date	

Form 3800, April 1995

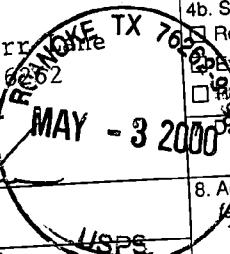
Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.  
Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to:

Amos G. Hixon  
11537 Cockleburr Lane  
Roanoke, TX 76262



5. Received By: (Print Name)

6. Signature (Addressee or Agent)

I also wish to receive the following services (for an extra fee):

- Addressee's Address
- Restricted Delivery

4a. Article Number

Z 052 292 155

4b. Service Type

Registered  Certified  
 Express Mail  Insured  
 Return Receipt for Merchandise  COD

5. Date of Delivery

8. Addressee's Address (Only if requested and  
fee is paid)

PS Form 3811, December 1994

102595-99-B-0223 Domestic Return Receipt

Thank you for using Return Receipt Service.

FILED

MAY 09 2000  
O 1181 C.C. & the Shape  
William A. Shaw  
Prothonotary  
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(3)

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

KENNETH A. NELSON and  
ELIZABETH L. NELSON,  
husband and wife,

Plaintiffs,

vs.

AMOS G. HIXON and  
SANDY HIXON,  
husband and wife, their heirs,  
executors, administrators, successors,  
and assigns, and all other persons or  
entities in interest, known or unknown  
claiming by and through or under them,  
Defendants.

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\* No. 00-447-CD  
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\* QUIET TITLE ACTION  
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FILED

MAY 09 2000

William A. Shaw  
Prothonotary

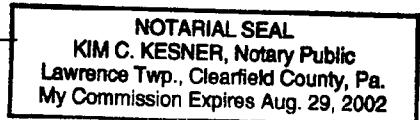
AFFIDAVIT OF SERVICE

AND NOW, this 8<sup>th</sup> day of May, 2000, I, Barbara J. Hugney-Shope, Esquire, who being duly sworn according to law, deposes and says that I served a certified copy of the COMPLAINT filed in the above-captioned action, on SANDY HIXON, by depositing the same with the U. S. Postal Service, postage prepaid, Certified Mail No. Z 052 292 156, return receipt requested, to the Defendant at her last known address, to wit: 11537 Cockleburr Lane, Roanoke, Texas 76262, with service having been accepted on May 3, 2000, as evidenced by the return receipt which is attached hereto.

*Barbara J. Hugney-Shope*  
Barbara J. Hugney-Shope, Esquire  
23 North Second Street  
Clearfield, PA 16830  
(814) 765-5155

SWORN to and subscribed  
before me this 8 day  
of May, 2000.

*[Signature]*  
\_\_\_\_\_  
Notary Public



Z 052 292 156

US Postal Service  
**Receipt for Certified Mail**

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to	
Sandy Hixon	
Street & Number	
11537 Cockleburr Lane	
Post Office, State, & ZIP Code	
Roanoke, TX 76262	
Postage	\$ 77
Certified Fee	140
Special Delivery Fee	
Restricted Delivery Fee	41
Return Receipt Showing to Whom & Date Delivered	125
Return Receipt Showing to Whom, Date & Addressee's Address	
TOTAL Postage & Fees	\$ 342
Postmark or Date	
2000	
USPS	

PS Form 3800, April 1995

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.  
Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1.  Addressee's Address
- 2.  Restricted Delivery

3. Article Addressed to:

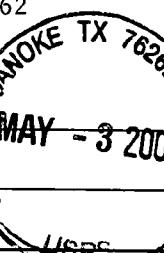
Sandy Hixon  
11537 Cockleburr Lane  
Roanoke, TX 76262

4a. Article Number  
Z 052 292 156

4b. Service Type

- Registered
- Certified
- Express Mail
- Insured
- Return Receipt for Merchandise
- COD

5. Received By: (Print Name)



6. Signature (Addressee or Agent)

7. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

102595-99-B-0223 Domestic Return Receipt

Thank you for using Return Receipt Service.

FILED

MAY 09 2008  
8 11:19 AM C.A.T.  
William A. Shaw  
Prothonotary

Shope  
ECS

(4)

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

<b>KENNETH A. NELSON and</b>	*
<b>ELIZABETH L. NELSON,</b>	*
husband and wife,	*
Plaintiffs,	*
vs.	*
	* NO. 00-447-C.D.
	*
<b>AMOS G. HIXON and</b>	* QUIET TITLE ACTION
<b>SANDY HIXON, husband</b>	*
and wife, their heirs	*
executors, administrators, successors	*
and assigns, and all other persons	*
or entities in interest, known or	*
unknown, claiming by and through	*
or under them,	*
Defendants.	*

**FILED**

JUL 10 2000

William A. Shaw  
Prothonotary

COMMONWEALTH OF PENNSYLVANIA )  
ss.:  
COUNTY OF CLEARFIELD )

BARBARA J. HUGNEY-SHOPE, ESQUIRE, being duly sworn according to law, deposes and says that she is the attorney for the Plaintiffs in the above-captioned action and makes this Affidavit on behalf of the Plaintiffs, being authorized to do so; that a Complaint in Action to Quiet Title, endorsed with a Notice to Defend within twenty (20) days from service thereof was served on the Defendants, AMOS G. HIXON and SANDY HIXON, by the U. S. Postal Service, postage prepaid, certified mail, return receipt requested, with an Affidavit of Service filed of record in this case,

and a Notice of Intent to Take Default Judgment was served on the Defendants, AMOS G. HIXON and SANDY HIXON, through the U. S. Postal Service, postage prepaid, on May 3, 2000. A copy of said Notice together with proof of service has been filed of record in this case. These Defendants have not filed an Answer thereto although the time in which to do so has expired.

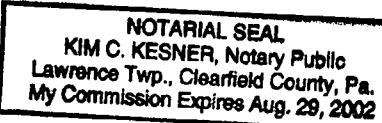
*Barbara J. Hugney-Shope*  
Barbara J. Hugney-Shope, Esquire  
Attorney for Plaintiffs

SWORN TO and subscribed

before me this 6 day  
of July, 2000.



\_\_\_\_\_  
Notary Public



FILED

JUL 10 2000  
McCoy, Dore  
William A. Shaw  
Prothonotary

7/10/00  
McCoy, Dore  
William A. Shaw  
Prothonotary

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

KENNETH A. NELSON and  
ELIZABETH L. NELSON,  
husband and wife,  
Plaintiffs,

vs.

AMOS G. HIXON and  
SANDY HIXON, husband  
and wife, their heirs  
executors, administrators, successors  
and assigns, and all other persons  
or entities in interest, known or  
unknown, claiming by and through  
or under them,  
Defendants.

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\* NO. 00-447-C.D.  
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\* QUIET TITLE ACTION  
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JUL 18 2000

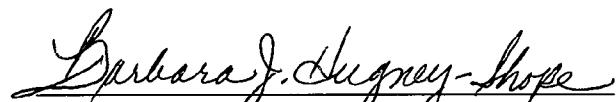
William A. Shaw  
Prothonotary

MOTION FOR JUDGMENT

NOW, this 6th day of July, 2000, Affidavits having been filed by the Plaintiffs, Kenneth A. Nelson and Elizabeth L. Nelson, through their attorney, Barbara J. Hugney-Shope, Esquire, that the Complaint with Notice to Defend was served on the Defendants, AMOS G. HIXON and SANDY HIXON, by depositing the same with the U. S. Postal Service, postage prepaid, certified mail, return receipt requested, and a Notice of Intent to Take Default Judgment was served on the Defendants, AMOS G. HIXON and SANDY HIXON, by depositing the same with the U. S. Postal Service, postage prepaid, and that these Defendants have failed to answer or enter an appearance. Based on the foregoing, the Plaintiffs moves the Court to enter judgment

in favor of the Plaintiffs and against the Defendants in the above-captioned case, and to grant to the Plaintiffs the relief prayed for in accordance with the Pennsylvania Rules of Civil Procedure 1066. Plaintiffs further request that the Honorable Court, in accordance with Pennsylvania Rules of Civil Procedure, Rule 248, require the Defendants within thirty (30) days to assert any right, lien, title or interest in the land inconsistent with the interest or claim Plaintiffs set forth in their Complaint.

Respectfully submitted,



Barbara J. Hugney-Shope, Esquire  
Attorney for Plaintiffs

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

**KENNETH A. NELSON and  
ELIZABETH L. NELSON,  
husband and wife,**

Plaintiffs,

\*  
\*  
\*  
\*  
\*

vs.

\* No. 00-447-CD

**AMOS G. HIXON and SANDY HIXON,  
husband and wife, their heirs,  
heirs, executors, administrators,  
successors and assigns, and all other  
persons or entities in interest, known  
or unknown, claiming by and through or  
under them,**

Defendants.

\*  
\* QUIET TITLE ACTION  
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**NOTICE OF INTENTION TO FILE  
PRAECIPE FOR ENTRY OF DEFAULT JUDGMENT**

TO: **AMOS G. HIXON  
11537 Cockleburr Lane  
Roanoke, TX 76262**

DATE OF NOTICE: **May 24, 2000**

**IMPORTANT NOTICE**

**YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO TAKE ACTION  
REQUIRED OF YOU IN THIS CASE. UNLESS YOU ACT WITHIN TEN (10) DAYS  
FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST  
YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER  
IMPORTANT RIGHTS. YOU SHOULD TAKE THIS NOTICE TO A 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  
Clearfield, Pennsylvania 16830  
(814) 765-2641

Barbara J. Hugney-Shope

Barbara J. Hugney-Shope, Esquire

Attorney for Plaintiffs  
23 North Second Street  
Clearfield, PA 16830  
(814) 765-5155

U.S. POSTAL SERVICE		CERTIFICATE OF MAILING	
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE — POSTMASTER			
Received From:			
Barbara J. Hugney-Shope, Esquire			
23 North Second Street			
Clearfield, PA 16830			
One piece of ordinary mail addressed to:			
Amos G. Hixon			
11537 Cockleburr Lane			
Roanoke, TX 76262			

PA 76830 U.S. POSTAGE 00067389-07 00 60  
CLEARFIELD, PA, U.S.A. MAY 24, 1988  
CLERK OF COURT, M. H. HUMPHREY  
UNITED STATES POSTAL SERVICE

PS Form 3817, Mar. 1989

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

**KENNETH A. NELSON and  
ELIZABETH L. NELSON,  
husband and wife,**

Plaintiffs,

\*  
\*  
\*  
\*  
\*

vs.

\* No. 00-447-CD

\*  
\*  
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\*  
\*  
\*

**AMOS G. HIXON and SANDY HIXON,  
husband and wife, their heirs,  
heirs, executors, administrators,  
successors and assigns, and all other  
persons or entities in interest, known  
or unknown, claiming by and through or  
under them,**

Defendants.

\* QUIET TITLE ACTION

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**NOTICE OF INTENTION TO FILE  
PRAECIPE FOR ENTRY OF DEFAULT JUDGMENT**

TO: **SANDY HIXON**  
11537 Cockleburr Lane  
Roanoke, TX 76262

DATE OF NOTICE: May 24, 2000

**IMPORTANT NOTICE**

**YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO TAKE ACTION  
REQUIRED OF YOU IN THIS CASE. UNLESS YOU ACT WITHIN TEN (10) DAYS  
FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST  
YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER  
IMPORTANT RIGHTS. YOU SHOULD TAKE THIS NOTICE TO A 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  
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Court Administrator  
Clearfield County Courthouse  
Clearfield, Pennsylvania 16830  
(814) 765-2641

Barbara J. Hugney-Shope  
Barbara J. Hugney-Shope, Esquire  
Attorney for Plaintiffs  
23 North Second Street  
Clearfield, PA 16830  
(814) 765-5155

U.S. POSTAL SERVICE **CERTIFICATE OF MAILING**  
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT  
PROVIDE FOR INSURANCE — POSTMASTER

Received From:  
Barbara J. Hugney-Shope, Esquire  
23 North Second Street  
Clearfield, PA 16830

One piece of ordinary mail addressed to:  
Sandy Hixon  
11537 Cockleburr Lane  
Roanoke, TX 76262

POSTAGE  
PA 16830  
MAY 24 2000  
USPS  
00007389-07  
\$0.60  
3606  
UNITED STATES POSTAL SERVICE

PS Form 3817, Mar. 1989

**FILED**

JUL 18 2000  
8/1/00 SEC a/cy Shape  
William A. Shaw  
Prothonotary

*Erg*

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

**KENNETH A. NELSON and  
ELIZABETH L. NELSON,  
husband and wife,**

Plaintiffs,

\*  
\*  
\*  
\*  
\*

vs.

\* **NO. 00-447-C.D.**

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**AMOS G. HIXON and  
SANDY HIXON, husband  
and wife, their heirs  
executors, administrators, successors  
and assigns, and all other persons  
or entities in interest, known or  
unknown, claiming by and through  
or under them,**

Defendants.

\* **QUIET TITLE ACTION**

**FILED**

JUL 18 2000

William A. Shaw  
Prothonotary

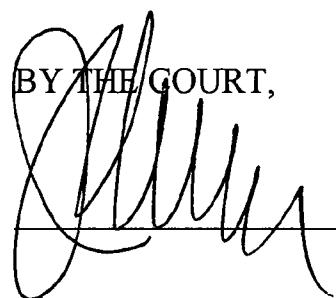
**ORDER OF COURT**

AND NOW, this 18<sup>th</sup> day of July, 2000, Affidavits having been made that service was made through the U. S. Postal Service, postage prepaid, certified mail, return receipt requested, on AMOS G. HIXON and SANDY HIXON, on May 3, 2000, and that Notice of Intent to Take Default Judgment was served on these Defendants on May 24, 2000, with these Defendants having failed to answer or enter an appearance.

IT IS ORDERED AND DECREED, that Defendants file suit in ejectment or otherwise enter a proceeding to contest the case within thirty (30) days, or this Order

of Court shall become final upon Praeclipe by Plaintiffs, which hereby Orders and Decrees that title to the land subject of this action is vested absolutely in the Plaintiffs, their heirs and assigns, free and clear of any and all claims of any nature by these Defendants, their successors or assigns or anyone claiming by, through or under them, or any of them, and that the Plaintiffs are seized of an indefeasible title to the land situated in Clearfield Borough, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a post in the line of Williams Street at a point of Nichols Street; thence in an easterly direction along the line of lot of F.A. Rollins fifty-one (51) feet six (6) inches to a post in the lot formerly of Philip Reese Estate now Forrest Livingston; thence South along the line of lot of Forrest Livingston one hundred thirteen (113) feet to a public alley; thence West along said alley fifty-one (51) feet six (6) inches to line of Williams Street one hundred thirteen (113) feet to lot of F. A. Rollins and the place of beginning.

BY THE COURT,  
  
\_\_\_\_\_  
Judge

FILED

JUL 18 2000  
O/S/3cc/Allie Shope  
William A. Shaw  
Prothonotary

Encls

(7)

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

KENNETH A. NELSON and  
ELIZABETH L. NELSON,  
Plaintiff,  
vs.

AMOS G. HIXON and  
SANDY HIXON, husband  
and wife, their heirs  
executors, administrators, successors  
and assigns, and all other persons  
or entities in interest, known or  
unknown, claiming by and through  
or under them,  
Defendants.

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\*  
\* NO. 00-447-CD  
\*  
\* QUIET TITLE ACTION  
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\*

AFFIDAVIT OF SERVICE

AND NOW, this 5th day of September, 2000, I, Barbara J. Hugney-Shope, Esquire, who, being duly sworn according to law, deposes and says that I served a certified copy of the ORDER OF COURT DATED JULY 18, 2000 filed in the above-captioned matter, upon the Defendant, AMOS HIXON, by depositing the same with the United States Postal Service, Certified Mail No. 7099 3400 0002 7591 8192, return receipt requested, addressed to the Defendant at his last known address, to wit: 11699 Airway Boulevard, Roanoke, TX 76262, with service having been accepted on August 23, 2000, as evidenced by the return receipt which is attached hereto.

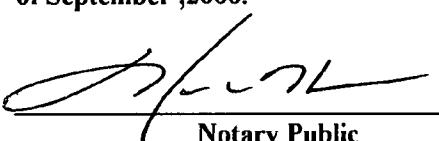
**FILED**

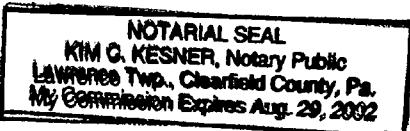
SEP 05 2000

William A. Shaw  
Prothonotary

SWORN to and subscribed  
before me this 5 day  
of September, 2000.

*Barbara J. Hugney-Shope*  
Barbara J. Hugney-Shope, Esquire  
23 North Second Street  
Clearfield, PA 16830  
(814) 765-5155

  
Notary Public



**U.S. Postal Service  
CERTIFIED MAIL RECEIPT**

*(Domestic Mail Only; No Insurance Coverage Provided)*

**Article Sent To:**

Mr. Amos Hixon

7099 3400 0002 7591 8192

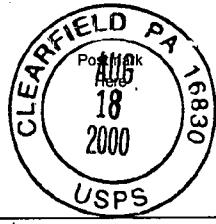
Postage \$

Certified Fee

Return Receipt Fee  
(Endorsement Required)

Restricted Delivery Fee  
(Endorsement Required)

Total Postage & Fees \$ 2.98



Name (Please Print Clearly) (to be completed by mailer)

Mr. Amos Hixon

Street, Apt. No.; or PO Box No.

11699 Airway Boulevard

City, State, ZIP+4

Roanoke, TX 76262

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Amos Hixon  
11699 Airway Boulevard  
Roanoke, TX 76262

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature

*Mr. Amos Hixon*

Agent  
 Addressee

D. Is delivery address different from item 1?

If YES, enter delivery address below:

ROANOKE TX  
AUG 23 2000

3. Service Type

Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

2. Article Number (Copy from service label)

7099 3400 0002 7591 8192

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

**FILED**

SEP 05 2000

01101451w

William A. Shaw  
Prothonotary

1 C5000 TO 11000

*8/22/00*

⑧  
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW

KENNETH A. NELSON and  
ELIZABETH L. NELSON,  
Plaintiff,  
vs.

\*  
\*  
\*  
\* NO. 00-447-CD  
\*

AMOS G. HIXON and  
SANDY HIXON, husband  
and wife, their heirs  
executors, administrators, successors  
and assigns, and all other persons  
or entities in interest, known or  
unknown, claiming by and through  
or under them,

\* QUIET TITLE ACTION  
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Defendants.

AFFIDAVIT OF SERVICE

AND NOW, this 5th day of September, 2000, I, Barbara J. Hugney-Shope, Esquire, who, being duly sworn according to law, deposes and says that I served a certified copy of the ORDER OF COURT DATED JULY 18, 2000 filed in the above-captioned matter, upon the Defendant, SANDY HIXON, by depositing the same with the United States Postal Service, Certified Mail No. 7099 3400 0002 7591 8222, return receipt requested, addressed to the Defendant at her last known address, to wit: 11699 Airway Boulevard, Roanoke, TX 76262, with service having been accepted on August 23, 2000, as evidenced by the return receipt which is attached hereto.

**FILED**

SEP 05 2000

07/10/00 4:51 PM  
William A. Shaw  
Prothonotary  
(Clerk to Attn)

SWORN to and subscribed  
before me this 5 day 9/28  
of September, 2000.

Barbara J. Hugney-Shope  
Barbara J. Hugney-Shope, Esquire  
23 North Second Street  
Clearfield, PA 16830  
(814) 765-5155

Kim C. Kesner  
Notary Public

NOTARIAL SEAL  
KIM C. KESNER, Notary Public  
Lawrence Twp., Clearfield County, Pa.  
My Commission Expires Aug. 29, 2002

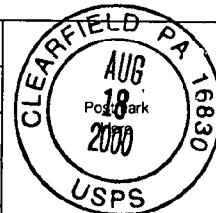
U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
*(Domestic Mail Only; No Insurance Coverage Provided)*

Article Sent To:

Mrs. Sandy Hixon

82222  
75913  
00000  
00000  
70993400

Postage	\$	
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees		\$ 2.98



Name (Please Print Clearly) (to be completed by mailer)  
**Mrs. Sandy Hixon**

Street, Apt. No., or PO Box No.  
**11699 Airway Boulevard**

City, State, ZIP+4  
**Roanoke, TX 76262**

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

**Mrs. Sandy Hixon  
 11699 Airway Boulevard  
 Roanoke, TX 76262**

**COMPLETE THIS SECTION ON DELIVERY**

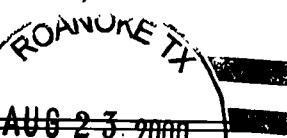
A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature

**X** *[Signature]*

Agent  
 Addressee

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No



3. Service Type

<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

2. Article Number (Copy from service label)  
**7099 3400 0002 7591 8222**

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

KENNETH A. NELSON and  
ELIZABETH L. NELSON,  
husband and wife,

Plaintiffs,

vs.

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\* NO. 00-447-C.D.

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AMOS G. HIXON and  
SANDY HIXON, husband  
and wife, their heirs  
executors, administrators, successors  
and assigns, and all other persons  
or entities in interest, known or  
unknown, claiming by and through  
or under them,

Defendants.

\* QUIET TITLE ACTION

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PRAECIPE

TO: WILLIAM A. SHAW, PROTHONOTARY

Please enter final judgment in favor of the above-named Plaintiffs and against  
the Defendants in accordance with Order of the above-named Court dated July 18,  
2000.

Respectfully submitted,

Barbara J. Hugney-Shope  
Barbara J. Hugney-Shope, Esquire  
Attorney for Plaintiffs

FILED

OCT 11 2000  
6/10/00 1:15 PM  
William A. Shaw  
Prothonotary  
L. Cesar To Harry