

00-465-0D
BRIAN T. ACEY -vs- JESSE DICKINS et al

R. Denning
Gearhart, Esq.

BRIAN T. ACEY

APRIL 20, 2000, COMPLAINT IN QUIET TITLE, filed by R. DENNING
Gearhart, Esq., Attorney for the Plaintiff
Three Certified Copies to Attorney Gearhart

00-465-CD

(Property is located in Woodward Township, Clearfield County,
Pennsylvania)MAY 04, 2000, AFFIDAVIT, filed by s/R. DENNING GEARHART, ESQ. ONE
(1) CC ATTY GEARHART

JESSE DIGGINS and

MAY 04, 2000, AFFIDAVIT, filed by s/R. DENNING GEARHART, ESQ. ONE
(1) CC ATTY GEARHART

MARY JANE DIGGINS, his wife,

MAY 04, 2000, MOTION FOR PUBLICATION, filed by s/R. DENNING GEARHART,
ESQUIRE ONE (1) CC ATTY GEARHART

their heirs, successors and/or

assigns; JOHN MARREC, his

MAY 08, 2000, ORDER, RE: SERVICE BY PUBLICATION, GRANTED: BY THE
COURT, s/JOHN K. REILLY, JR., PRESIDENT JUDGE ONE (1) CC TO ATTY
GEARHART

heirs, successors and/or

JUN 01, 2000, AFFIDAVIT, RE: CLEARFIELD COUNTY LEGAL JOURNAL, filed
by s/ R. DENNING GEARHART, ESQ. NO CC

assigns; MILDRED JOHNSTON, her

JUN 01, 2000, AFFIDAVIT, RE: THE PROGRESS, filed by s/R. DENNING
GEARHART, ESQ. NO CC

heirs, successors and/or

assigns; CYPRIAN FERRIER, his

JUN 01, 2000, AFFIDAVIT, RE: THE DAILY NEWS, filed by s/R. DENNING
GEARHART, ESQ. NO CC

heirs, successors and/or

assigns; ESTATE OF JOHN STOKER,

JUN 09, 2000, PETITION TO INTERVENE, filed by s/GIRARD KASUBICK, ESQ.
ONE (1) CC TO ATTY

his heirs, successors and/or

VERIFICATION, s/EUGENE J. THOMPSON s/SUTAH THOMPSON
PRELIMINARY OBJECTIONS, s/GIRARD KASUBICK, ESQ.
CERTIFICATE OF SERVICE, filed.

assigns; SARAH STOKER, her

JUN 12, 2000, ORDER, RULE UPON R. DENNING GEARHART, ESQ., RETURNABLE
JULY 03, 2000, for hearing: BY THE COURT, s/JOHN K. REILLY, JR., P.J.
ONE (1) CC ATTY KASUBICK

heirs, successors and/or

assigns; J.S. REITZ and

JUL 03, 2000, ORDER, RE: PETITION TO INTERVENE: By the Court, s/
JOHN K. REILLY, JR., PRESIDENT JUDGE TWO (2) CC ATTY KASUBICK

A.H. REITZ, their heirs,

JUL 10, 2000, MOTION FOR SPECIAL SERVICE, filed by s/R. DENNING
GEARHART, ESQ.

successors and/or assigns;

JUL 12, 2000, PRELIMINARY OBJECTIONS, filed by s/GIRARD KASUBICK, ESQ.

JOHN BLAIR, his heirs,

JUL 12, 2000, RULE RETURNABLE UPON JOHN K. JOHNSTON, RETURNABLE the
27th day of September, 2000: BY THE COURT, s/JOHN K. REILLY, JR. P.J.

successors and/or assigns;

SEP. 19, 2000, ANSWER TO, AND BRIEF OPPOSING, PRELIMINARY
OBJECTIONS, filed by s/R. DENNING GEARHART, ESQ.

CYPRIAN FERRER, his heirs,

SEP. 19, 2000, AMENDED COMPLAINT, filed by s/R. DENNING GEARHART,
ESQUIRE

BEN BADMAN and

SEP. 20, 2000, CERTIFICATE OF SERVICE, AMENDED COMPLAINT UPON
GIRARD KASUBICK, ESQ. s / R. DENNING GEARHART, ESQ.

ANN BADMAN; his wife, their

SEP. 27, 2000, ORDER, re: Preliminary Objections: By the Court,
s/JOHN K. REILLY, JR., PRESIDENT JUDGE

heirs, successors and or

OCT. 30, 2000, STATEMENT, filed by s/R. DENNING GEARHART, ESQ.

assigns; ISRAEL C. MORGAN, his

heirs, successors and/or

assigns, and/or any person or

entity claiming title in and

to the herein described

premises under them

Pro BY ATTY 90.00

PLEASE REFER TO COMPUTER

FOR FURTHER ENTRIES

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

¹⁶BRIAN T. ACEY,
Plaintiff
VS.

NO. 00-465 -CD

⁵³JESSE DIGGINS and ⁶³MARY JANE
DIGGINS, his wife, their heirs, successors
and/or assigns, ³¹JOHN MARREC, his heirs,
successors and/or assigns, ⁴³MILDRED
JOHNSTON, her heirs, successors and/or
assigns, ⁴⁷CYPRIAN FERRIER, his
heirs, successors and/or assigns,
⁵ESTATE OF JOHN STOKER, his heirs,
successors and/or assigns;
⁸³SARAH STOKER, her heirs, successors
and/or assigns, ³J.S. REITZ and ⁴³A.H. REITZ,
their heirs, successors and/or assigns,
⁵¹JOHN BLAIR, his heirs, successors
and or assigns, ²¹CYPRICAN FERRER,
his heirs, successors and/or assigns,
²BEN BADMAN and ANN BADMAN, his
wife, their heirs, successors and or assigns;
⁴⁴ISRAEL C. MORGAN, his heirs,
successors and/or assigns,
and/or any person or entity claiming
title in and to the herein described
premises under them,

ACTION TO QUIET TITLE

Defendants

CASE NUMBER: 00-465 -CD

TYPE OF CASE: Civil

TYPE OF PLEADING: COMPLAINT

FILED ON BEHALF OF: Plaintiff

COUNSEL OF RECORD FOR THIS PARTY:

R. DENNING GEARHART, ESQUIRE
Supreme Court I.D. #26540
215 East Locust Street
Clearfield, PA 16830
(814) 765-1581

FILED

APR 20 2000

William A. Shaw
Prothonotary

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

BRIAN T. ACEY,
Plaintiff

VS.

NO. 00- -CD

JESSE DIGGINS and MARY JANE
DIGGINS, his wife, their heirs, successors
and/or assigns; JOHN MARREC, his heirs,
successors and/or assigns; MILDRED
JOHNSTON, her heirs, successors and/or
assigns; CYPRIAN FERRIER, his
heirs, successors and/or assigns,
ESTATE OF JOHN STOKER, his heirs,
successors and/or assigns;
SARAH STOKER, her heirs, successors
and/or assigns; J.S. REITZ and A.H. REITZ,
their heirs, successors and/or assigns,
JOHN BLAIR, his heirs, successors
and or assigns; CYPRICAN FERRER,
his heirs, successors and/or assigns,
BEN BADMAN and ANN BADMAN, his
wife, their heirs, successors and or assigns;
ISRAEL C. MORGAN, his heirs,
successors and/or assigns,
and/or any person or entity claiming
title in and to the herein described
premises under them,

Defendants

NOTICE TO DEFEND

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 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'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)

BRIAN T. ACEY,
Plaintiff

VS.

NO. 00- -CD

JESSE DIGGINS and MARY JANE
DIGGINS, his wife, their heirs, successors
and/or assigns; JOHN MARREC, his heirs,
successors and/or assigns; MILDRED
JOHNSTON, her heirs, successors and/or
assigns; CYPRIAN FERRIER, his
heirs, successors and/or assigns,
ESTATE OF JOHN STOKER, his heirs,
successors and/or assigns;
SARAH STOKER, her heirs, successors
and/or assigns; J.S. REITZ and A.H. REITZ,
their heirs, successors and/or assigns,
JOHN BLAIR, his heirs, successors
and or assigns; CYPRICAN FERRER,
his heirs, successors and/or assigns,
BEN BADMAN and ANN BADMAN, his
wife, their heirs, successors and or assigns;
ISRAEL C. MORGAN, his heirs,
successors and/or assigns,
and/or any person or entity claiming
title in and to the herein described
premises under them,

Defendants

COMPLAINT

AND NOW comes the Plaintiff, BRIAN T. ACEY, by and through his
attorney, R. DENNING GEARHART, who files this Complaint and avers as follows:

1. That Plaintiff, **BRIAN T. ACEY**, is an adult individual, with an
address of 415 Liberty Street, Clarion, Pennsylvania 16214.

2. That the Plaintiff has, in the manner described in the various Counts below, obtained color of title to various properties.

3. That with respect to these properties, Plaintiff and his predecessors in title have exercised open, notorious and continuous dominion possession and control over the premises described herein for a period in excess of 21 years adverse to any other claims of ownership.

4. That the purpose of this Quiet Title Action is to extinguish and cure any defects which may exist in the ownership of these properties more particularly described herein, and to extinguish any equity which the various Defendants named below, their heirs, successors and assigns may have in the premises described herein.

5. That the Defendants, their heirs, successors and assigns identified below 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.

COUNT I

6. That paragraphs One (1) through Five (5) of the Complaint hereto are incorporated herein as though set forth in full.

7. That Defendants, **JESSE DIGGINS** and **MARY JANE DIGGINS**, were adult individuals, with a last known address in Huntingdon County, Pennsylvania. A search of the appropriate records show no Estate filed for them. Thus, it is believed

and therefore averred that they died intestate, passing their interest to their heirs, who are unknown.

8. That the property in question is more particularly described in Clearfield County Deed Book 4, Page 16, and is commonly referred to as Lot No. 94 in Woodward Township, Clearfield County, Pennsylvania, and is shown on the attached map referred to as Exhibit 'A' as Lot No. 94 and having the Tax Map No. 130-M14-20.

9. The Plaintiff has acquired the same by treating it as his own and holding it openly, continuously, notoriously and exclusively as his own in a manner adverse to any other claims, and has been paying taxes on the same.

COUNT II

10. That paragraphs One (1) through Nine (9) of the Complaint hereto are incorporated herein as though set forth in full.

11. That Defendant, **JOHN MARREC**, was an adult individual, with a last known address in Woodward Township, Clearfield County, Pennsylvania. A search of the appropriate records shows no Estate filed for him. Thus, it is believed and therefore averred that he died intestate, passing his interest to his heirs, who are unknown.

12. That the property in question is more particularly described as Lot No. 100 and is shown on Exhibit 'A', and known as Tax Map No. 130-M14-30.

13. The Plaintiff acquired the same from Joseph Colavecchi and John R. Redding.

14. That the above three have maintained this property openly, notoriously, continuously and exclusively in a manner adverse to any other claims, including that of Defendant, John Marrec, his heirs, successors and assigns. John Marrec being the last owner of title.

COUNT III

15. That paragraphs One (1) through Fourteen (14) of the Complaint hereto are incorporated herein as though set forth in full.

16. That Defendant, MILDRED JOHNSTON, is an adult individual, with a last known address of c/o John K. Johnston, Stonewell Farm, P.O. Box 402, Lambertville, New Jersey 8530-0402.

17. That the property in question is more particularly described as Lot No. 100 and is shown on Exhibit 'A', and known as Tax Map No. 130-M14-30.

18. That the property was formerly owned by Defendants, J.S. Reitz, A.H. Reitz and John Blair.

19. That there is an indication at the Assessment Office of Clearfield County that she maintained a fifty (50%) percent interest in this property. However, there is no basis for this determination.

20. That the Plaintiff or his predecessors, have maintained the property openly, continuously, notoriously and exclusively as his own in a manner adverse to any other claims, and has been paying taxes on the same.

COUNT IV

21. That paragraphs One (1) through Twenty (20) of the Complaint hereto are incorporated herein as though set forth in full.

22. That Defendant, **CYPRIAN FERRIER**, was an adult individual, with a last known address in Woodward Township, Clearfield County, Pennsylvania. A search of the appropriate records shows no Estate filed for him. Thus, it is believed and therefore averred that he died intestate, passing his interest to his heirs, who are unknown.

23. That the property in question is more particularly described as Lot Nos. 42, 44 and 46 and is shown on Exhibit 'A', and known as Tax Map No. 130-M14-37.

24. That the Assessment records of Clearfield County indicate that these Lots may have been transferred to a Ben Badman.

25. The Plaintiff has acquired the same by treating them as his own and holding them openly, continuously, notoriously and exclusively as his own in a manner adverse to any other claims, and has been paying taxes on the same.

COUNT V

26. That Paragraphs One (1) through Twenty-five (25) of the Complaint hereto are incorporated herein as though set forth in full.

27. That Defendant, **SARAH STOKER**, was an adult individual, with a last known address in Woodward Township, Clearfield County, Pennsylvania. A search of the appropriate records shows no Estate filed for her. Thus, it is believed and

therefore averred that she died intestate, passing her interest to her heirs, who are unknown.

28. That the property in question is more particularly described as Lot No. 48 and is shown on Exhibit 'A', and known as Tax Map No. 130-M14-38.

29. The Plaintiff has acquired the same by treating it as his own and holding it openly, continuously, notoriously and exclusively as his own in a manner adverse to any other claims, and has been paying taxes on the same.

COUNT VI

30. That Paragraphs One (1) through Twenty-nine (29) of the Complaint hereto are incorporated herein as though set forth in full.

31. That Defendants, **J.S. REITZ, A.H. REITZ and JOHN BLAIR**, were adult individuals, with a last known address in Woodward Township, Clearfield County, Pennsylvania. A search of the appropriate records shows no Estate filed for them. Thus, it is believed and therefore averred that they died intestate, passing their interest to their heirs, who are unknown.

32. That the property in question is more particularly described as Lot No. 50 and is shown on Exhibit 'A', and known as Tax Map No. 130-M14-27.

33. The Plaintiff acquired the same from Joseph Colavecchi and John R. Redding.

34. That the above three have maintained this property openly, notoriously, continuously and exclusively in a manner adverse to any other claims,

including that of Defendants, J.S. Reitz, A.H. Reitz and John Blair, their heirs, successors and assigns. J.S. Reitz, A.H. Reitz and John Blair being the last owners of title.

COUNT VII

35. That Paragraphs One (1) through Thirty-four (34) of the Complaint hereto are incorporated herein as though set forth in full.

36. That Defendant, **CYPRICAN FERRER, BEN BADMAN and ANN BADMAN**, were adult individuals, with a last known address in Woodward Township, Clearfield County, Pennsylvania. A search of the appropriate records shows no Estate filed for them. Thus, it is believed and therefore averred that they died intestate, passing their interest to their heirs, who are unknown.

37. That the property in question is more particularly described as Lot No. 52 and is shown on Exhibit 'A', and known as Tax Map No. 130-M14-39.

38. That the Assessment records of Clearfield County indicate that this Lot may have been transferred from Cyprican Ferrer to Ben Badman.

39. The Plaintiff has acquired the same by treating it as his own and holding it openly, continuously, notoriously and exclusively as his own in a manner adverse to any other claims, and has been paying taxes on the same.

COUNT VIII

40. That Paragraphs One (1) through Thirty-nine (39) of the Complaint hereto are incorporated herein as though set forth in full.

41. That Defendant, **ISRAEL C. MORGAN**, is an adult individual, with a last known address in Woodward Township, Clearfield County, Pennsylvania. A

search of the appropriate records shows no Estate filed for him. Thus, it is believed and therefore averred that he died intestate, passing his interest to his heirs, who are unknown.

42. That the property in question is more particularly described as Lot Nos. 54, 56 and 58 and is shown on Exhibit 'A', and known as Tax Map No. 130-M14-40.

43. The Plaintiff has acquired the same by treating them as his own and holding them openly, continuously, notoriously and exclusively as his own in a manner adverse to any other claims, and has been paying taxes on the same.

WHEREFORE, Plaintiff requests:

A. that by decree of your Honorable Court it may be declared that title to the premises set forth herein is in the Plaintiff and that he 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 Plaintiff 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 attaching 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 Plaintiff

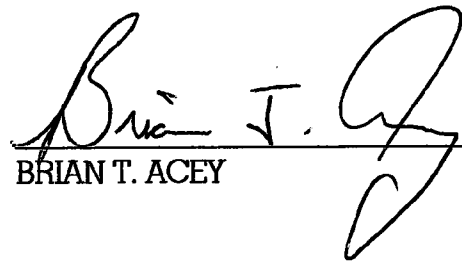
COMMONWEALTH OF PENNSYLVANIA

:
: SS:
:

COUNTY OF

AFFIDAVIT

Before me, the undersigned officer, personally appeared, BRIAN T. ACEY 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 his knowledge, information, and belief.


BRIAN T. ACEY

Sworn to and subscribed

before me this 3rd day

of March/April, 2000.


Notary Public

Notarial Seal
Judith E. Fiscus, Notary Public
Clarion Boro, Clarion County
My Commission Expires Feb. 17, 2004
Member, Pennsylvania Association of Notaries

Exhibit 'A'

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA (CIVIL DIVISION) NO. 00- -CD	
BRIAN T. ACEY, Plaintiff vs. JESSE DIGGINS, et al, Defendants	
COMPLAINT	
<div>FILED</div> <div>APR 20 2009</div> <div>01:10:45 / atty v den hart pd</div> <div>William A. Shaw</div> <div>Prothonotary</div> <div>\$90.00</div> <div>3cc atty v den hart</div>	
R. DENNING GEARHART ATTORNEY AT LAW CLEARFIELD, PA. 16830	

COMMERCIAL PRINTING CO., CLEARFIELD, PA

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

BRIAN T. ACEY,
Plaintiff

VS.

NO. 00-465-CD

JESSE DIGGINS and MARY JANE
DIGGINS, his wife, their heirs, successors
and/or assigns; JOHN MARREC, his heirs,
successors and/or assigns; MILDRED
JOHNSTON, her heirs, successors and/or
assigns; CYPRIAN FERRIER, his
heirs, successors and/or assigns,
ESTATE OF JOHN STOKER, his heirs,
successors and/or assigns;
SARAH STOKER, her heirs, successors
and/or assigns; J.S. REITZ and A.H. REITZ,
their heirs, successors and/or assigns,
JOHN BLAIR, his heirs, successors
and or assigns; CYPRICAN FERRER,
his heirs, successors and/or assigns,
BEN BADMAN and ANN BADMAN, his
wife, their heirs, successors and or assigns;
ISRAEL C. MORGAN, his heirs,
successors and/or assigns,
and/or any person or entity claiming
title in and to the herein described
premises under them,
Defendants

FILED

MAY 04 2000

William A. Shaw
Prothonotary

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :

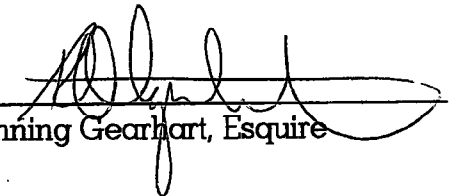
R. DENNING GEARHART, who being duly sworn according to law,
deposes and says that in support of his Motion For Publication, the following:

1. I have searched the Courthouse records and found no estate for
Jesse Diggins and Mary Jane Diggins, no heirs, successors or assigns.

2. All public records in the Huntingdon 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.

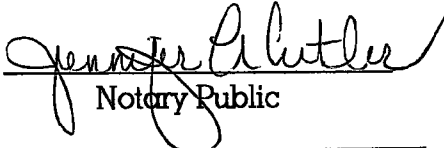
Further, the deponent sayeth not.


R. Denning Gearhart, Esquire

Sworn to and subscribed

before me this 2nd day

of May, 2000.


Notary Public

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

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)
NO. 00-465-CD

BRIAN T. ACEY,
Plaintiff
VS.

JESSE DIGGINS, et al,
Defendants

AFFIDAVIT

FILED

MAY 04 2009

010:48 / cclatty

William A. Shaw

Prothonotary

Denning Gearhart

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

COURTESY PRINTING CO., CLEARFIELD, PA

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

BRIAN T. ACEY,
Plaintiff
VS.

NO. 00-465-CD

JESSE DIGGINS and MARY JANE
DIGGINS, his wife, their heirs, successors
and/or assigns; JOHN MARREC, his heirs,
successors and/or assigns; MILDRED
JOHNSTON, her heirs, successors and/or
assigns; CYPRIAN FERRIER, his
heirs, successors and/or assigns,
ESTATE OF JOHN STOKER, his heirs,
successors and/or assigns;
SARAH STOKER, her heirs, successors
and/or assigns; J.S. REITZ and A.H. REITZ,
their heirs, successors and/or assigns,
JOHN BLAIR, his heirs, successors
and or assigns; CYPRICAN FERRER,
his heirs, successors and/or assigns,
BEN BADMAN and ANN BADMAN, his
wife, their heirs, successors and or assigns;
ISRAEL C. MORGAN, his heirs,
successors and/or assigns,
and/or any person or entity claiming
title in and to the herein described
premises under them,

Defendants

FILED

MAY 04 2000

William A. Shaw
Prothonotary

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

:
:
: SS.
:

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

1. I have searched the Courthouse records and found no estate for
John Marrec; Cyprian Ferrier; Estate of John Stoker; Sarah Stoker; J.S. Reitz and A.H.

Reitz; John Blair; Cyprican Ferrer; Ben Badman and Ann Badman, and Israel C. Morgan, and no heirs, successors or assigns.

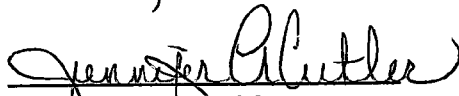
2. All public records in the Clearfield County Courthouse and local telephone books have been checked prior to making this Affidavit.

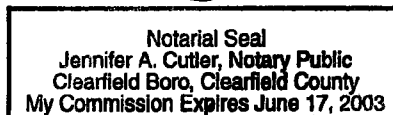
3. That I have made a good faith effort to find the whereabouts of the Defendants and all their heirs, successors and assigns.

Further, the deponent sayeth not.


R. Denning Gearhart, Esquire

Sworn to and subscribed
before me this 2nd day
of May, 2000.


Notary Public



IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)
NO. 00-465-CD

BRIAN T. ACEY,
Plaintiff
VS.

JESSE DIGGINS, et al,
Defendants

AFFIDAVIT

FILED

MAY 04 2000

01/04/2000
William A. Shaw

Prothonotary

Shaw
9/10

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

COMMERCIAL PRINTING CO., CLEARFIELD, PA.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
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BRIAN T. ACEY,
Plaintiff
VS.

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DIGGINS, his wife, their heirs, successors
and/or assigns; JOHN MARREC, his heirs,
successors and/or assigns; MILDRED
JOHNSTON, her heirs, successors and/or
assigns; CYPRIAN FERRIER, his
heirs, successors and/or assigns,
ESTATE OF JOHN STOKER, his heirs,
successors and/or assigns;
SARAH STOKER, her heirs, successors
and/or assigns; J.S. REITZ and A.H. REITZ,
their heirs, successors and/or assigns,
JOHN BLAIR, his heirs, successors
and or assigns; CYPRICAN FERRER,
his heirs, successors and/or assigns,
BEN BADMAN and ANN BADMAN, his
wife, their heirs, successors and or assigns;
ISRAEL C. MORGAN, his heirs,
successors and/or assigns,
and/or any person or entity claiming
title in and to the herein described
premises under them,

ACTION TO QUIET TITLE

Defendants

FILED

MAY 04 2000

William A. Shaw
Prothonotary

CASE NUMBER: 00-465-CD

TYPE OF CASE: Quiet Title Action

TYPE OF PLEADING: **MOTION FOR PUBLICATION**

FILED ON BEHALF OF: Plaintiff

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

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

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Plaintiff

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DIGGINS, his wife, their heirs, successors
and/or assigns; JOHN MARREC, his heirs,
successors and/or assigns; MILDRED
JOHNSTON, her heirs, successors and/or
assigns; CYPRIAN FERRIER, his
heirs, successors and/or assigns,
ESTATE OF JOHN STOKER, his heirs,
successors and/or assigns;
SARAH STOKER, her heirs, successors
and/or assigns; J.S. REITZ and A.H. REITZ,
their heirs, successors and/or assigns,
JOHN BLAIR, his heirs, successors
and or assigns; CYPRICAN FERRER,
his heirs, successors and/or assigns,
BEN BADMAN and ANN BADMAN, his
wife, their heirs, successors and or assigns;
ISRAEL C. MORGAN, his heirs,
successors and/or 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 2th day of May, 2000,

Affidavits having been filed by R. Denning Gearhart, attorney for the Plaintiff, that the whereabouts of the above named Defendants, their heirs, successors and assigns, are 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 Daily News, Huntingdon, Pennsylvania; The Progress, Clearfield, Pennsylvania and the Clearfield County Legal Journal, Clearfield, Pennsylvania.

Respectfully submitted,



R. Denning Gearhart, Esquire
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)
NO. 00-465-CD

BRIAN T. ACEY,
Plaintiff
VS.

JESSE DIGGINS, et al,
Defendants

MOTION FOR PUBLICATION

FILED

MAY 04 2000

QID: 50116
William A. Shaw

Prothonotary

att. R. Denning Gearhart
EGH

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

COMMERCIAL PRINTING CO., CLEARFIELD, PA

5

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

BRIAN T. ACEY,
Plaintiff
VS.

NO. 00-465-CD

JESSE DIGGINS and MARY JANE
DIGGINS, his wife, their heirs, successors
and/or assigns; JOHN MARREC, his heirs,
successors and/or assigns; MILDRED
JOHNSTON, her heirs, successors and/or
assigns; CYPRIAN FERRIER, his
heirs, successors and/or assigns,
ESTATE OF JOHN STOKER, his heirs,
successors and/or assigns;
SARAH STOKER, her heirs, successors
and/or assigns; J.S. REITZ and A.H. REITZ,
their heirs, successors and/or assigns,
JOHN BLAIR, his heirs, successors
and or assigns; CYPRICAN FERRER,
his heirs, successors and/or assigns,
BEN BADMAN and ANN BADMAN, his
wife, their heirs, successors and or assigns;
ISRAEL C. MORGAN, his heirs,
successors and/or 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 8th day of May, 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 Daily News, Huntingdon, Pennsylvania, The Progress, Clearfield,
Pennsylvania and the Clearfield County Legal Journal, Clearfield, Pennsylvania.

BY THE COURT

JUDGE

FILED

MAY 08 2000

William A. Shaw
Prothonotary

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

BRIAN T. ACEY,
Plaintiff
VS.

NO. 00-465-CD

JESSE DIGGINS and MARY JANE
DIGGINS, his wife, their heirs, successors
and/or assigns; JOHN MARREC, his heirs,
successors and/or assigns; MILDRED
JOHNSTON, her heirs, successors and/or
assigns; CYPRIAN FERRIER, his
heirs, successors and/or assigns,
ESTATE OF JOHN STOKER, his heirs,
successors and/or assigns;
SARAH STOKER, her heirs, successors
and/or assigns; J.S. REITZ and A.H. REITZ,
their heirs, successors and/or assigns,
JOHN BLAIR, his heirs, successors
and or assigns; CYPRICAN FERRER,
his heirs, successors and/or assigns,
BEN BADMAN and ANN BADMAN, his
wife, their heirs, successors and or assigns;
ISRAEL C. MORGAN, his heirs,
successors and/or assigns,
and/or any person or entity claiming
title in and to the herein described
premises under them,

Defendants

FILED

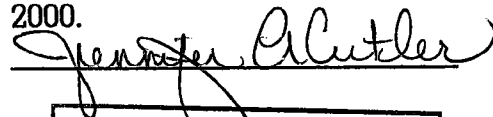
JUN 01 2000

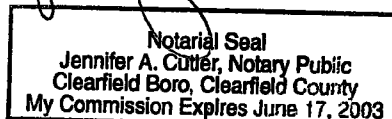
William A. Shaw
Prothonotary

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.

Sworn to and subscribed before
me this 1st day of June
2000.





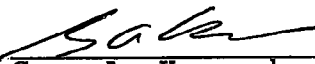

R. Denning Gearhart, Esquire
Attorney for Plaintiff

PROOF OF PUBLICATION


STATE OF PENNSYLVANIA
COUNTY OF CLEARFIELD

:
:
:

On this 29th day of May, 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 May 26, 2000, Vol 12, No. 21. 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.


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

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

BRIAN T. ACEY, Plaintiff vs. JESSE DIGGINS and MARY JANE DIGGINS, his wife, their heirs, successors and/or assigns; JOHN MARREC, his heirs, successors and/or assigns; MILDRED JOHNSTON, her heirs, successors and/or assigns; CYPRIAN FERRIER, his heirs, successors and/or assigns, ESTATE OF JOHN STOKER, his heirs, successors and/or assigns; J.S. REITZ and A.H. REITZ, their heirs, successors and/or assigns, JOHN BLAIR, his heirs, successors and or assigns; CYPRICAN FERRER, his heirs, successors and/or assigns, BEN BADMAN and ANN BADMAN, his wife, their heirs, successors and or assigns; ISRAEL C. MORGAN, his heirs, successors and/or assigns, and/or any person or entity claiming title in and to there herein described premises under them, Defendants.

No. 00-465-CD

**ACTION TO QUIET TITLE
NOTICE**

TO: THE ABOVE-NAMED DEFENDANTS, 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.

YOU SHOULD TAKE THIS PAPER OR A COPY OF THIS NOTICE 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
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, Township of Woodward and more particularly described as follows:

ALL that certain lots or parcels of land

situate in Woodward Township, Clearfield County, Pennsylvania, being bounded and described as follows:

Lot No. 94 - Tax Map No. 130-M14-20; Lot No. 100 - Tax Map No. 130-M14-30; Lot Nos. 42, 44 and 46 - Tax Map No. 130-M14-37; Lot No. 48 - Tax Map No. 130-M14-38; Lot Nos. 50 - Tax Map No. 130-M14-27 and Lot No. 52 - Tax Map No. 130-M14-39; and Lot Nos. 54, 56 and 58 - Tax Map No. 130-M14-40.

Further, the Court of Common Pleas of Clearfield County, Pennsylvania, did by Order executed the 8th day of May, 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.

NOTICE OF TAX SALE

Notice is hereby given of the proposed private sale by the Clearfield County Tax Claim Bureau of a parcel of land in KARTHAUS TOWNSHIP known as Map #121-T03-000-00027 and described as "3.22 A" assessed to "UNKNOWN OWNER."

Sale will be held on July 25, 2000 at 9:00 AM in the Tax Claim Bureau, 230 E. Market Street, Clearfield. The property will be sold free and clear of all tax claims and tax judgments. A bid of \$400.00 has been received and accepted by the Bureau. Any party not satisfied with the accepted sale price must, within forty-five days of this notice, petition the Court of Common Pleas to disapprove the sale.

Clearfield County Tax Claim Bureau, 230 E. Market Street, Clearfield, PA 16830.
May 12th & 26th, 2000.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)
NO. 00-465-CD

BRIAN T. ACEY,
Plaintiff
VS.

JESSE DIGGINS, et al,
Defendants

AFFIDAVIT

FILED

JUN 01 2000

Oliver Rock
William A. Shaw
Prothonotary

E. H. Shaw

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

CORRECTIONAL PRINTING CO., CLEARFIELD, PA

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

BRIAN T. ACEY,
Plaintiff
VS.

NO. 00-465-CD

JESSE DIGGINS and MARY JANE
DIGGINS, his wife, their heirs, successors
and/or assigns; JOHN MARREC, his heirs,
successors and/or assigns; MILDRED
JOHNSTON, her heirs, successors and/or
assigns; CYPRIAN FERRIER, his
heirs, successors and/or assigns,
ESTATE OF JOHN STOKER, his heirs,
successors and/or assigns;
SARAH STOKER, her heirs, successors
and/or assigns; J.S. REITZ and A.H. REITZ,
their heirs, successors and/or assigns,
JOHN BLAIR, his heirs, successors
and or assigns; CYPRICAN FERRER,
his heirs, successors and/or assigns,
BEN BADMAN and ANN BADMAN, his
wife, their heirs, successors and or assigns;
ISRAEL C. MORGAN, his heirs,
successors and/or assigns,
and/or any person or entity claiming
title in and to the herein described
premises under them,

Defendants

FILED

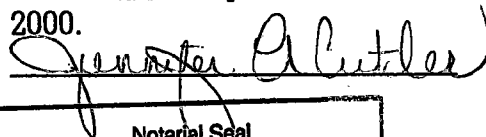
JUN 01 2001

William A. Shaw
Prothonotary

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.

Sworn to and subscribed before
me this 15th day of June
2000.



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


R. Denning Gearhart, Esquire
Attorney for Plaintiff

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

BRIANT. ACEY, Plaintiff
VS.

JESSIE DIGGINS and MARY
JANE DIGGINS, his wife, their
heirs, successors and/or assigns;
JOHN MARREC, his heirs, succes-
sors and/or assigns; MILDRED
JOHNSTON, her heirs, successors
and/or assigns; CYPRIAN
FERRIER, his heirs, successors
and/or assigns; ESTATE OF JOHN
STOKER, his heirs, successors
and/or assigns; SARAH STOKER,
her heirs, successors and/or as-
signs; J.S. REITZ and A.H. REITZ,
their heirs, successors and/or as-
signs; JOHN BLAIR, his heirs, suc-
cessors and/or assigns; CYPRI-
CAN FERRER, his heirs, succes-
sors and/or assigns; BEN BADMAN
and ANN BADMAN, his wife, their
heirs, successors and/or assigns;
ISRAEL C. MORGAN, his heirs,

successors and/or assigns, and/or
any person or entity claiming title in
and to the herein described prem-
ises under them, Defendants

No. 00-465-CD

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 ac-
tion within twenty (20) days after
the Complaint and Notice are
served by entering a written ap-
pearance personally or by attorney
and filing in writing with the Court
your defenses or objections or 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
Plaintiff. You may lose money or
property or other rights important to
you.

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

COURT ADMINISTRATOR'S OF-
FICE, 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 Pennsylva-
nia, County of Clearfield, Township
of Woodward and more particularly
described as follows:

ALL those certain lots or parcels
of land situate in Woodward Town-
ship, Clearfield County, Pennsylva-
nia, described as follows:

Lot No. 94 - Tax Map No.
130-M14-20; Lot No. 100 - Tax
Map No. 130-M14-30; Lot Nos.
42, 44 and 46 - Tax Map No.

130-M14-37; Lot No. 48 - Tax
Map No. 130-M14-38; Lot No. 50
- Tax Map No. 130-M14-27 and
Lot No. 52 - Tax Map
No. 130-M14-39; and Lot Nos.
54, 56 and 58- Tax Map No.
130-M14-40.

Further, the Court of Common
Pleas of Clearfield County, Penn-
sylvania, did by Order executed the
8th day of May, 2000, direct that
notice of this action be served upon
you by advertisement in The Pro-
gress 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 their Complaint.

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

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :
: SS:
COUNTY OF CLEARFIELD :

On this 26th day of May, 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 May 23, 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

honored its
 re Spencer
 pting for his

1-800-371-
 Callers ca
 and be
 Reward u
 1-80



Association recently h
 of service. From left a
 hart, Ed Swanson, acce
 son, and Jack Errigo.



at Hill Cemetery A
 embers for their years
 vin, Max Irwin, Dale Kep
 other, the late Sara Swans

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)
NO. 00-465-CD

BRIAN T. ACEY,
Plaintiff
VS.

JESSE DIGGINS, et al,
Defendants

AFFIDAVIT

FILED

JUN 01 2000
0/257/10 CC
William A. Shaw
Prothonotary

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

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

BRIAN T. ACEY,
Plaintiff
VS.

NO. 00-465-CD

JESSE DIGGINS and MARY JANE
DIGGINS, his wife, their heirs, successors
and/or assigns; JOHN MARREC, his heirs,
successors and/or assigns; MILDRED
JOHNSTON, her heirs, successors and/or
assigns; CYPRIAN FERRIER, his
heirs, successors and/or assigns,
ESTATE OF JOHN STOKER, his heirs,
successors and/or assigns;
SARAH STOKER, her heirs, successors
and/or assigns; J.S. REITZ and A.H. REITZ,
their heirs, successors and/or assigns,
JOHN BLAIR, his heirs, successors
and or assigns; CYPRICAN FERRER,
his heirs, successors and/or assigns,
BEN BADMAN and ANN BADMAN, his
wife, their heirs, successors and or assigns;
ISRAEL C. MORGAN, his heirs,
successors and/or assigns,
and/or any person or entity claiming
title in and to the herein described
premises under them,

Defendants

FILED

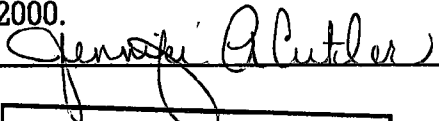
JUN 01 2000

William A. Shaw
Prothonotary

AFFIDAVIT

The undersigned hereby certifies that he did cause to have published in
The Daily News 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.

Sworn to and subscribed before
me this 1st day of June
2000.



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


R. Denning Gearhart, Esquire
Attorney for Plaintiff

Proof of Publication of Legal Notice

In Accordance with the Provisions of "Newspaper Advertising Act"
approved May 16, 1929, P.L. 1784, as amended

Proof of Publication

VS

Copy of Notice or Advertisement

State of Pennsylvania
County of Huntingdon } SS:

Carol Cutshall, being
duly sworn according to law, deposes and says that he (she) is
Director of Advertising of The Daily News, a newspaper
of general circulation in Huntingdon County, Published at Huntingdon, Penn-
sylvania, daily, established in 1867 and that the legal notice attached hereto
and made part hereof was published in said Newspaper

MISCELLANEOUS LEGAL NOTICE

MISCELLANEOUS LEGAL NOTICE

In the Court of Common Pleas of Clearfield County, Penn-
sylvania (Civil Division)

BRIAN T. ACEY
Plaintiff
VS.

NO. 00-465-CD

JESSE DIGGINS and MARY JANE
DIGGINS, his wife, their heirs,
successors and/or assigns;
JOHN MARREC, his heirs, success-
ors and/or assigns; MILDRED
JOHNSTON, her heirs, successors
and/or assigns; CYPRIAN FERRIER,
his heirs, successors and/or assigns;
ESTATE OF JOHN STOKER, his
heirs, successors and/or assigns;
SARAH STOKER, her heirs, success-
ors and/or assigns; J.S. REITZ and
A.H. REITZ, their heirs, successors
and/or assigns; JOHN BLAIR, his
heirs, successors and/or assigns;
CYPRIAN FERRER, his heirs, suc-
cessors and/or assigns; BEN BADMAN
and ANN BADMAN, his wife, their heirs,
successors and/or assigns; ISRAEL C.
MORGAN, his heirs, successors and/or
assigns and/or any person or entity claim-
ing title in and to the herein described
premises under them,
Defendants

NOTICE

TO THE ABOVE NAMED DEFENDANTS, their heirs, succes-
sors 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 this Complaint and No-
tice are served, by entering a written appearance 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 further
notice for any money claimed in the Complaint of 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 AF-
FORD ONE, GO TO OR TELEPHONE THE OFFICE SET
FORTH BELOW TO FIND OUT WHERE YOU CAN GET LE-
GAL HELP.

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

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

Lot No. 94 - Tax Map No. 130-M14-20; Lot No. 100 - Tax Map
No. 130-M14-30; Lot Nos. 42, 44 and 46 - Tax Map No. 130-
M14-37; Lot No. 48 - Tax map No. 130-M14-38; Lot No. 50 -
Tax Map No. 130-M14-27 and Lot No. 52 - Tax Map No. 130-
M14-39; and Lot Nos. 54, 56 and 58 - Tax Map No. 130-M14-
40.

Further, the Court of Common Pleas of Clearfield County,
Pennsylvania, did by Order executed the 8th day of May, 2000,
direct that notice of this Action be served upon you by adver-
tisement in The Daily News 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, for-
ever 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 the Plaintiffs
215 East Locust Street
Clearfield, PA 16830
(814) 765-1581

May 24, 2000

; that the affiant is not interested
any manner in the subject matter of said notice or advertisement, and that
of the allegations contained herein as to the time, place and character of
said publication are true and correct.

sworn to and subscribed before me this 24 day

May

A.D. 192000

Kay Coons

My Commission expires

KAY COONS
PROTHONOTARY
HUNTINGDON COUNTY, PENNSYLVANIA
MY COMMISSION EXPIRES JANUARY 7, 2002

Statement of Advertising Costs

R. Denning Gearhart, Esquire (Brian T. Acey), Dr.

For publishing Notice or Advertisement attached hereto on above
May 24, 2000 161.68
ates \$
robing same Proof of Publication \$ 2.00
total \$ 163.68

Receipt for Advertising Costs

authorized representative whose signature follows, hereby acknowledges
publication costs and certifies that the same have been fully paid.

THE DAILY NEWS

By

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)
NO. 00-465-CD

BRIAN T. ACEY,
Plaintiff
VS.

JESSE DIGGINS, et al,
Defendants

AFFIDAVIT

FILED

JUN 01 2000
09:57/10cc
William A. Shaw
Prothonotary *WAS*

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

COMMERCIAL PRINTING CO., CLEARFIELD, PA

LEHMAN & KASUBICK
611 BRISBIN STREET
HOUTZDALE, PA 16651
(814) 378-7840

Ux

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

BRIAN T. ACEY, : No.: 00-465-CD
Plaintiff :
vs. : Type of Case: Civil
 : Type of Pleading:
 : Petition to Intervene
JESSE DIGGINS and MARY JANE : Filed on Behalf of:
DIGGINS, his wife, their heirs, : Eugene J. Thompson
successors and/or assigns; : and Sutah Thompson
JOHN MARREC, his heirs, : Counsel of Record for
successors and/or assigns; : This Party:
MILDRED JOHNSTON, her heirs, : Girard Kasubick, Esq.
successors and/or assigns; : Supreme Court # 30109
CYPRIAN FERRIER, his heirs, : LEHMAN & KASUBICK
successors and/or assigns; : 611 Brisbin Street
ESTATE OF JOHN STOKER, his : Houtzdale, PA 16651
heirs, successors and/or : (814) 378-7840
assigns; SARAH STOKER, her :
heirs, successors and/or :
assigns; J.S. REITZ and A.H. :
REITZ, their heirs, successors :
and/or assigns; JOHN BLAIR, :
his heirs, successors and/or :
assigns; CYPRICAN FERRER, his :
heirs, successors and/or :
assigns; BEN BADMAN and ANN :
BADMAN, his wife, their heirs, :
successors and/or assigns; :
ISRAEL C. MORGAN, his heirs, :
successors and/or assigns; :
and/or any person or entity :
claiming title in and to the :
herein described premises :
under them, :
Defendants :

FILED

JUN 29 2000

William A. Shaw
Prothonotary

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

BRIAN T. ACEY,	:	No.: 00-465-CD
Plaintiff	:	
	:	
vs.	:	
	:	
JESSE DIGGINS and MARY JANE	:	
DIGGINS, his wife, their heirs,	:	
successors and/or assigns;	:	
JOHN MARREC, his heirs,	:	
successors and/or assigns;	:	
MILDRED JOHNSTON, her heirs,	:	
successors and/or assigns;	:	
CYPRIAN FERRIER, his heirs,	:	
successors and/or assigns;	:	
ESTATE OF JOHN STOKER, his	:	
heirs, successors and/or	:	
assigns; SARAH STOKER, her	:	
heirs, successors and/or	:	
assigns; J.S. REITZ and A.H.	:	
REITZ, their heirs, successors	:	
and/or assigns; JOHN BLAIR,	:	
his heirs, successors and/or	:	
assigns; CYPRICAN FERRER, his	:	
heirs, successors and/or	:	
assigns; BEN BADMAN and ANN	:	
BADMAN, his wife, their heirs,	:	
successors and/or assigns;	:	
ISRAEL C. MORGAN, his heirs,	:	
successors and/or assigns;	:	
and/or any person or entity	:	
claiming title in and to the	:	
herein described premises	:	
under them,	:	
Defendants	:	

PETITION TO INTERVENE

AND NOW COMES, Eugene T. Thompson and Sutah Thompson,
his wife, by and through their attorney, Girard Kasubick,

Esq., and files the following Petition to Intervene under PA. R.C.P. 2328.

1. The Petitioners are Eugene J. Thompson and Sutam Thompson, his wife, of R.R. 1, Box 663, Houtzdale, PA 16651.

2. The Petitioners have obtained a legal interest in real property subject of this Quiet Title Action being Lots 42, 44, and 46 and known by Tax Map No. 130-M14-389-37 as a result of their own Quiet Title Action filed with this Court to No. 99-898-CD and Final Order recorded in Clearfield County Instrument No. 199918226, a copy of which is attached hereto and marked Exhibit "A".

3. The Petitioners further hoped to obtain interest in other properties subject of this Quiet Title Action at tax sale, because they are adjacent landowners and the property is assessed as unknown or has been assessed as unknown or is assessed to named person, but their whereabouts are unknown or they are deceased.

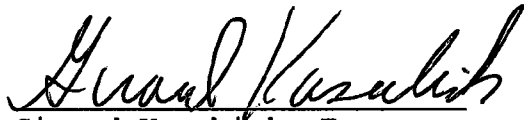
4. Based on the averments in Plaintiff's Complaint and research of the records, Plaintiff is attempting to claim the properties subject of this action without any public record claim of right by deed, nor any fact basis for adverse possession in the Complaint.

5. If Petitioners are allowed to intervene, they will raise the claim that they are the owners of Lots 42, 44, and 46, known by Tax Map No. 130-M14-389-37 and that as adjoining landowners, they have equal right to claim the other properties in the Complaint, unless Plaintiff shows proper claim of right by deed or a factual basis for adverse possession of these unknown tracts or unknown whereabouts landowners.

6. If Petitioners are allowed to intervene, they will file Preliminary Objections, a copy of which is attached hereto and marked Exhibit "B".


WHEREFORE, Petitioners request your Honorable Court to issue an Order granting leave of Petitioners, Eugene J. Thompson and Sutah Thompson to intervene in this action.

Respectfully submitted,


Girard Kasubick, Esq.,
Attorney for Petitioners

VERIFICATION

I verify that the statements made in the foregoing
Petition To Intervene are true and correct. I understand
that false statements herein are made subject to the
penalties of 18 Pa. C.S.A. 4904 relating to unsworn
falsification to authorities.



Eugene J. Thompson



Sutare Thompson

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

<p>EUGENE J. THOMPSON and SUTAH THOMPSON, his wife, Plaintiffs vs. ANNIE WILKINS, a/k/a ANN WILKINS; JULIUS GORDAN a/k/a JULIUS GOURDON a/k/a JULIUS GORDEN and ROSALIA GORDAN a/k/a ROSALIA GOURDON a/k/a ROSALIA GORDON, his wife; CYPRIAN FERRIER, and JOSEPHINE FERRIER, his wife LAURA M. FERRIER; CYPRIEN J. FERRIER; JULES FERRIER a/k/a JULIUS FERRIER; EDWARD L. FERRIER; CHARLES FERRIER; FRANK FERRIER; CLARA FERRIER; BENJAMIN BADMAN; THE HOUTZDALE COAL COMPANY; MOSES GEORGE; JOHN M. GEORGE; ALBERT PRICE; J.W. NEWCOMBE and MATILDA NEWCOMBE, his wife; and ROSE PRICE; and their heirs, executors, administrators, successors, trustees and assigns, known or unknown, and any other person who may claim title or an interest in the property subject to this action, Defendants</p>	<p>: No.: 99-898-CD : Type of Case: Quiet : Title Action : Type of Pleading: : Order of Court : Filed on behalf of: : Plaintiffs : Counsel of Record For : This Party: : Girard Kasubick, Esq. : Supreme Court #30109 : 611 Brisbin Street : Houtzdale, PA 16651 : KAREN L. STARCK : REGISTER AND RECORDER : CLEARFIELD COUNTY : Pennsylvania : INSTRUMENT NUMBER : 199918226 : RECORDED ON : Nov 03, 1999 : 9:14:16 AM : RECORDING FEES - \$25.00 : RECORDER : COUNTY IMPROVEMENT \$1.00 : FUND : RECORDER \$1.00 : IMPROVEMENT FUND : STATE WRIT TAX \$0.50 : TOTAL \$27.50 : <i>Kasubick</i></p>
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA
CIVIL DIVISION

EUGENE J. THOMPSON and	:	No.: 99-898-CD
SUTAH THOMPSON, his wife,	:	
Plaintiffs	:	QUIET TITLE ACTION
	:	
vs.	:	
	:	
ANNIE WILKINS, a/k/a ANN	:	
WILKINS; JULIUS GORDAN a/k/a	:	
JULIUS GOURDON a/k/a JULIUS	:	
GORDEN and ROSALIA GORDAN	:	
a/k/a ROSALIA GOURDON a/k/a	:	
ROSALIA GORDON, his	:	
wife; CYPRIAN FERRIER, and	:	
JOSEPHINE FERRIER, his wife	:	
LAURA M. FERRIER; CYPRIEN J.	:	
FERRIER; JULES FERRIER a/k/a	:	
JULIUS FERRIER; EDWARD L.	:	
FERRIER; CHARLES FERRIER;	:	
FRANK FERRIER; CLARA FERRIER;	:	
BENJAMIN BADMAN; THE HOUTZDALE:	:	
COAL COMPANY; MOSES GEORGE;	:	
JOHN M. GEORGE; ALBERT PRICE;	:	
J.W. NEWCOMBE and MATILDA	:	
NEWCOMBE, his wife; and ROSE	:	
PRICE; and their heirs,	:	
executors, administrators,	:	
successors, trustees and	:	
assigns, known or unknown, and:	:	
any other person who may claim:	:	
title or an interest in the	:	
property subject to this	:	
action,	:	
Defendants	:	

ORDER OF COURT

NOW, this 1st day of October, 1999, an
Affidavit having been made that service was made by
publication on unknown Defendants in the Clearfield
Progress on September 4, 1999, and in the Clearfield County
Legal Journal the week of September 3, 1999, and it

appearing that it was impossible to serve any other Defendant by any other means,

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 praecipe 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 any of the named Defendants, their heirs, executors, administrators, trustees, successors and assigns or by anyone claiming by, through or under them or any of them, and that the Plaintiffs are seized of an indefeasible title to that certain piece or parcel of land situated in the Village of Sterling, Township of Woodward, County of Clearfield, Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at the corner of St. James Street and Virgin Alley and running West along St. James Street one hundred fifty (150') feet to post on Spruce Street, thence North along the line of Spruce Street one hundred fifty (150') feet to post on Oak Alley, thence East along the line of Oak Alley one hundred fifty (150') feet to post on Virgin Alley, thence South along the line of Virgin Alley one hundred fifty (150') feet to post and the place of beginning and being known as Lot Nos. 42, 44, and 46 in the general plan of sterling of Jesse Diggins.

I hereby certify this to be a true
and correct copy of the original
as shown in this case.

BY THE COURT,

/s/ Fredric J. Ammerman

OCT 04 1999

Attest:

Notary Public

J.

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

BRIAN T. ACEY,	:	No.: 00-465-CD
Plaintiff	:	
	:	Type of Case: Civil
vs.	:	Type of Pleading:
	:	Preliminary Objections
JESSE DIGGINS and MARY JANE	:	Filed on Behalf of:
DIGGINS, his wife, their heirs,	:	Eugene J. Thompson
successors and/or assigns;	:	and Sutah Thompson
JOHN MARREC, his heirs,	:	Counsel of Record for
successors and/or assigns;	:	This Party:
MILDRED JOHNSTON, her heirs,	:	Girard Kasubick, Esq.
successors and/or assigns;	:	Supreme Court # 30109
CYPRIAN FERRIER, his heirs,	:	LEHMAN & KASUBICK
successors and/or assigns;	:	611 Brisbin Street
ESTATE OF JOHN STOKER, his	:	Houtzdale, PA 16651
heirs, successors and/or	:	(814) 378-7840
assigns; SARAH STOKER, her	:	
heirs, successors and/or	:	
assigns; J.S. REITZ and A.H.	:	
REITZ, their heirs, successors	:	
and/or assigns; JOHN BLAIR,	:	
his heirs, successors and/or	:	
assigns; CYPRICAN FERRER, his	:	
heirs, successors and/or	:	
assigns; BEN BADMAN and ANN	:	
BADMAN, his wife, their heirs,	:	
successors and/or assigns;	:	
ISRAEL C. MORGAN, his heirs,	:	
successors and/or assigns;	:	
and/or any person or entity	:	
claiming title in and to the	:	
herein described premises	:	
under them,	:	
Defendants	:	

EXHIBIT "B"

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

BRIAN T. ACEY, : No.: 00-465-CD
Plaintiff :
 :
vs. :
 :
JESSE DIGGINS and MARY JANE :
DIGGINS, his wife, their heirs, :
successors and/or assigns; :
JOHN MARREC, his heirs, :
successors and/or assigns; :
MILDRED JOHNSTON, her heirs, :
successors and/or assigns; :
CYPRIAN FERRIER, his heirs, :
successors and/or assigns; :
ESTATE OF JOHN STOKER, his :
heirs, successors and/or :
assigns; SARAH STOKER, her :
heirs, successors and/or :
assigns; J.S. REITZ and A.H. :
REITZ, their heirs, successors :
and/or assigns; JOHN BLAIR, :
his heirs, successors and/or :
assigns; CYPRICAN FERRER, his :
heirs, successors and/or :
assigns; BEN BADMAN and ANN :
BADMAN, his wife, their heirs, :
successors and/or assigns; :
ISRAEL C. MORGAN, his heirs, :
successors and/or assigns; :
and/or any person or entity :
claiming title in and to the :
herein described premises :
under them, :
Defendants :

PRELIMINARY OBJECTIONS

AND NOW COMES, Eugene T. Thompson and Sutah Thompson,
his wife, by and through their attorney, Girard Kasubick,
Esq., and files these Preliminary Objections:

MOTION FOR MORE SPECIFIC PLEADINGS

1. The Plaintiff has not alleged facts in the Complaint sufficient to determine his claim, nor sufficient for the Defendants to file a proper Answer.

2. In each Count in Paragraphs 7, 11, 16, 22, 27, 31, 36, and 41 of the Complaint, the Plaintiff sets forth the Defendants, but does not aver any facts concerning the Defendants interest or connection to the real property subject to each Count or how the Defendant has any interest in the property or had any interest in the property.

3. In each Count in Paragraphs 8, 12, 17, 23, 28, 32, 37, and 42 of the Complaint, the Plaintiff describes the property as shown on Exhibit "A" and by the Tax Map Number. The Tax Map Numbers given are not shown on Exhibit "A", nor are they a part of the map shown.

4. In the Complaint, the Plaintiff alleges in Paragraph 13 and 33 that he acquired interests of Joseph Colavecchi and John R. Redding. As of May 30, 2000, the records of Clearfield County Recorder of Deeds Office did not show any deed or Agreement into the Plaintiff from Joseph Colavecchi and John Redding, and Defendants need to know how and what interest was acquired more specifically.

5. In the Complaint in Paragraphs 9, 14, 20, 25, 29, 34, 39, and 43, the Plaintiff alleges adverse possession, but does not set forth any facts other than paying taxes and does not allege if Plaintiff has done so for twenty-one (21) years or more, and these Paragraphs are conclusions of law or fact.

6. In Paragraph 8 of the Complaint, the Plaintiff states that he is quieting title to property in Deed Book 4, Page 16 which describes a tract of land containing 75 acres and 95 2/3 perches, then in the same Paragraph, Plaintiff states he is quieting title to Lot 94 on Exhibit "A" which appears to be a 50 foot by 150 foot lot and it is unclear what property Plaintiff is quieting title to in Paragraph 8.

7. Under PA. R.C.P. 1019(a), the Plaintiff has not stated material facts on his claim, nor clearly identified the real property subject of this Quiet Title Action.

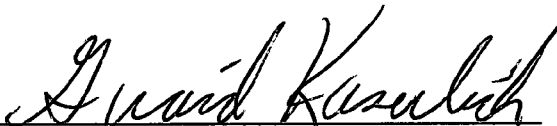
WHEREFORE, Intervenor request your Honorable Court to Order the Plaintiff to file a more specific Complaint clearing alleging how Plaintiff acquired his claim by deed or other document or the material facts of any claim of adverse possession for twenty-one (21) years.

DEMURRER

8. The Plaintiff's Complaint does not set forth a good cause of action nor has it set forth material facts which establish a right for Plaintiff to claim the properties shown on Exhibit "A" of the Complaint.

9. The Plaintiff appears to be trying to claim these properties as his own merely because they are currently assessed as unknown or to parties whose whereabouts are unknown or they are deceased. The Plaintiff has not alleged any material facts that he has a claim to any properties by deed or other document or by material facts of an adverse possession claim for twenty-one (21) years.

WHEREFORE, Intervenor request your Honorable Court to enter a Demurrer and enter judgment against the Plaintiff.



Girard Kasubick, Esquire,
Attorney for Intervenor

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


BRIAN T. ACEY,	:	No.: 00-465-CD
Plaintiff	:	
	:	
vs.	:	
	:	
JESSE DIGGINS and MARY JANE	:	
DIGGINS, his wife, their heirs,	:	
successors and/or assigns;	:	
JOHN MARREC, his heirs,	:	
successors and/or assigns;	:	
MILDRED JOHNSTON, her heirs,	:	
successors and/or assigns;	:	
CYPRIAN FERRIER, his heirs,	:	
successors and/or assigns;	:	
ESTATE OF JOHN STOKER, his	:	
heirs, successors and/or	:	
assigns; SARAH STOKER, her	:	
heirs, successors and/or	:	
assigns; J.S. REITZ and A.H.	:	
REITZ, their heirs, successors	:	
and/or assigns; JOHN BLAIR,	:	
his heirs, successors and/or	:	
assigns; CYPRICAN FERRER, his	:	
heirs, successors and/or	:	
assigns; BEN BADMAN and ANN	:	
BADMAN, his wife, their heirs,	:	
successors and/or assigns;	:	
ISRAEL C. MORGAN, his heirs,	:	
successors and/or assigns;	:	
and/or any person or entity	:	
claiming title in and to the	:	
herein described premises	:	
under them,	:	
Defendants	:	

CERTIFICATE OF SERVICE

I hereby certify that I, Girard Kasubick, Esq.,
forwarded a copy of the Petition To Intervene of

Petitioners, Eugene J. Thompson and Sutah Thompson, to the
counsel of record listed below by United States mail,
postage prepaid on the 9th day of June, 2000, at the
following address:

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


Girard Kasubick, Esquire,
Attorney for Petitioners

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

BRIAN T. ACEY, : No.: 00-465-CD
Plaintiff :
vs. :
JESSE DIGGINS and MARY JANE :
DIGGINS, his wife, their heirs, :
successors and/or assigns; :
JOHN MARREC, his heirs, :
successors and/or assigns; :
MILDRED JOHNSTON, her heirs, :
successors and/or assigns; :
CYPRIAN FERRIER, his heirs, :
successors and/or assigns; :
ESTATE OF JOHN STOKER, his :
heirs, successors and/or :
assigns; SARAH STOKER, her :
heirs, successors and/or :
assigns; J.S. REITZ and A.H. :
REITZ, their heirs, successors :
and/or assigns; JOHN BLAIR, :
his heirs, successors and/or :
assigns; CYPRICAN FERRER, his :
heirs, successors and/or :
assigns; BEN BADMAN and ANN :
BADMAN, his wife, their heirs, :
successors and/or assigns; :
ISRAEL C. MORGAN, his heirs, :
successors and/or assigns; :
and/or any person or entity :
claiming title in and to the :
herein described premises :
under them, :
Defendants :

FILED

JUN 12 2000

William A. Shaw
Prothonotary

ORDER

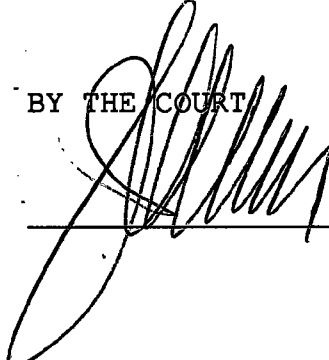
AND NOW, this 15th day of June, 2000, upon
consideration of the attached Petition, it is hereby

1

ORDERED and DIRECTED that Petitioners shall serve notice upon R. Denning Gearhart, Esq., Attorney for Plaintiff, by providing him with regular mail notice of this Petition and Rule Returnable Order, and that;

A Rule Returnable date is set for the 3rd day of July, 2000, at 3:00 P. M., in Courtroom No. 1 in the Clearfield County Courthouse, at which time all parties having an interest may appear and show cause why the foregoing Petition should not be granted.

BY THE COURT



Judge

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

BRIAN T. ACEY, : No.: 00-465-CD
Plaintiff :

vs. :

JESSE DIGGINS and MARY JANE :
DIGGINS, his wife, their heirs, :
successors and/or assigns; :
JOHN MARREC, his heirs, :
successors and/or assigns; :
MILDRED JOHNSTON, her heirs, :
successors and/or assigns; :
CYPRIAN FERRIER, his heirs, :
successors and/or assigns; :
ESTATE OF JOHN STOKER, his :
heirs, successors and/or :
assigns; SARAH STOKER, her :
heirs, successors and/or :
assigns; J.S. REITZ and A.H. :
REITZ, their heirs, successors :
and/or assigns; JOHN BLAIR, :
his heirs, successors and/or :
assigns; CYPRICAN FERRER, his :
heirs, successors and/or :
assigns; BEN BADMAN and ANN :
BADMAN, his wife, their heirs, :
successors and/or assigns; :
ISRAEL C. MORGAN, his heirs, :
successors and/or assigns; :
and/or any person or entity :
claiming title in and to the :
herein described premises :
under them, :
Defendants :

FILED

JUL 03 2000

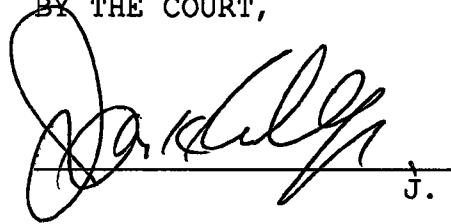
William A. Shaw
Prothonotary

ORDER OF COURT

NOW THIS 3 day of July, 2000, the parties by their counsel having agreed to permit the Intervenor, Eugene J. Thompson and Sutare Thompson, his wife, to intervene in this Quiet Title Action,

It is hereby, ORDERED AND DECREED that the Petition to Intervene of Eugene J. Thompson and Sutare Thompson, his wife, is granted and they shall proceed to file Responsive Pleading to the Quiet Title Action Complaint within twenty (20) days from the date of this Order.

BY THE COURT,


J.

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

BRIAN T. ACEY,
Plaintiff

VS.

NO. 00-465-CD

JESSE DIGGINS and MARY JANE
DIGGINS, his wife, their heirs, successors
and/or assigns; JOHN MARREC, his heirs,
successors and/or assigns; MILDRED
JOHNSTON, her heirs, successors and/or
assigns; CYPRIAN FERRIER, his
heirs, successors and/or assigns,
ESTATE OF JOHN STOKER, his heirs,
successors and/or assigns;
SARAH STOKER, her heirs, successors
and/or assigns; J.S. REITZ and A.H. REITZ,
their heirs, successors and/or assigns,
JOHN BLAIR, his heirs, successors
and or assigns; CYPRICAN FERRER,
his heirs, successors and/or assigns,
BEN BADMAN and ANN BADMAN, his
wife, their heirs, successors and or assigns;
ISRAEL C. MORGAN, his heirs,
successors and/or assigns,
and/or any person or entity claiming
title in and to the herein described
premises under them,

Defendants

CASE NUMBER: 00-465-CD

TYPE OF CASE: Civil

TYPE OF PLEADING: MOTION FOR SPECIAL SERVICE

FILED ON BEHALF OF: Plaintiff

COUNSEL OF RECORD FOR THIS PARTY:

FILED

JUL 10 2000
m 11:57 pm
William A. Shaw
Prothonotary

R. DENNING GEARHART, ESQUIRE
Supreme Court I.D. #26540
215 East Locust Street
Clearfield, PA 16830
(814) 765-1581

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

BRIAN T. ACEY,
Plaintiff
VS.

NO. 00-465-CD

JESSE DIGGINS and MARY JANE
DIGGINS, his wife, their heirs, successors
and/or assigns; JOHN MARREC, his heirs,
successors and/or assigns; MILDRED
JOHNSTON, her heirs, successors and/or
assigns; CYPRIAN FERRIER, his
heirs, successors and/or assigns,
ESTATE OF JOHN STOKER, his heirs,
successors and/or assigns;
SARAH STOKER, her heirs, successors
and/or assigns; J.S. REITZ and A.H. REITZ,
their heirs, successors and/or assigns,
JOHN BLAIR, his heirs, successors
and or assigns; CYPRICAN FERRER,
his heirs, successors and/or assigns,
BEN BADMAN and ANN BADMAN, his
wife, their heirs, successors and or assigns;
ISRAEL C. MORGAN, his heirs,
successors and/or assigns,
and/or any person or entity claiming
title in and to the herein described
premises under them,
Defendants

MOTION FOR SPECIAL SERVICE

AND NOW, comes BRIAN T. ACEY, by and through his attorney, R. DENNING
GEARHART, who moves your Honorable Court as follows:

1. Attempt was made to serve Defendant, Mildred B. Johnston by certified mail,
restricted delivery, but was returned marked "deceased".

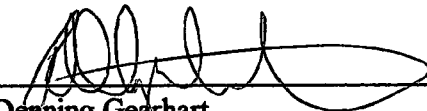
2. That John K. Johnston is known to be her son and the person with whom she was last known to be living.

3. It is not known if she has any other children or heirs.

4. That it is John K. Johnston who responded for her by earlier correspondence sent to Mildred B. Johnston.

WHEREFORE, Plaintiff prays your Honorable Court to issue a Rule upon John K. Johnston to show cause why the Complaint should not be amended so that the heirs of Mildred B. Johnston can be served by service on John K. Johnston by certified mail, restricted delivery.

Respectfully submitted,



R. Denning Gearhart
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)
NO. 00-465-CD

BRIAN T. ACEY,
Plaintiff
VS.

JESSE DIGGINS, et al,
Defendant

MOTION FOR SPECIAL SERVICE

FILED

JUL 10 2000

01:57/3cc atty
William A. Shaw
Prothonotary

Denning Gearhart
WAS

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

COMMERCIAL PRINTING CO., CLEARFIELD, PA.

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

BRIAN T. ACEY, : No.: 00-465-CD
Plaintiff :
vs. : Type of Case: Civil
: Type of Pleading:
: Preliminary Objections
JESSE DIGGINS and MARY JANE : Filed on Behalf of:
DIGGINS, his wife, their heirs, : Eugene J. Thompson
successors and/or assigns; : and Sutam Thompson
JOHN MARREC, his heirs, : Counsel of Record for
successors and/or assigns; : This Party:
MILDRED JOHNSTON, her heirs, : Girard Kasubick, Esq.
successors and/or assigns; : Supreme Court # 30109
CYPRIAN FERRIER, his heirs, : LEHMAN & KASUBICK
successors and/or assigns; : 611 Brisbin Street
ESTATE OF JOHN STOKER, his : Houtzdale, PA 16651
heirs, successors and/or : (814) 378-7840
assigns; SARAH STOKER, her :
heirs, successors and/or :
assigns; J.S. REITZ and A.H. :
REITZ, their heirs, successors :
and/or assigns; JOHN BLAIR, :
his heirs, successors and/or :
assigns; CYPRICAN FERRER, his :
heirs, successors and/or :
assigns; BEN BADMAN and ANN :
BADMAN, his wife, their heirs, :
successors and/or assigns; :
ISRAEL C. MORGAN, his heirs, :
successors and/or assigns; :
and/or any person or entity :
claiming title in and to the :
herein described premises :
under them, :
Defendants :
vs. :
EUGENE J. THOMPSON and SUTAH :
THOMPSON, his wife, :
Intervenor Defendants :

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JUL 12 2000

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William A. Shaw
Prothonotary

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

BRIAN T. ACEY, : No.: 00-465-CD
Plaintiff :

vs. :

JESSE DIGGINS and MARY JANE :
DIGGINS, his wife, their heirs, :
successors and/or assigns; :
JOHN MARREC, his heirs, :
successors and/or assigns; :
MILDRED JOHNSTON, her heirs, :
successors and/or assigns; :
CYPRIAN FERRIER, his heirs, :
successors and/or assigns; :
ESTATE OF JOHN STOKER, his :
heirs, successors and/or :
assigns; SARAH STOKER, her :
heirs, successors and/or :
assigns; J.S. REITZ and A.H. :
REITZ, their heirs, successors :
and/or assigns; JOHN BLAIR, :
his heirs, successors and/or :
assigns; CYPRICAN FERRER, his :
heirs, successors and/or :
assigns; BEN BADMAN and ANN :
BADMAN, his wife, their heirs, :
successors and/or assigns; :
ISRAEL C. MORGAN, his heirs, :
successors and/or assigns; :
and/or any person or entity :
claiming title in and to the :
herein described premises :
under them, :

Defendants :

vs. :

EUGENE J. THOMPSON and SUTAH :
THOMPSON, his wife, :
Intervenor Defendants :

PRELIMINARY OBJECTIONS

AND NOW COMES, Eugene T. Thompson and Sutah Thompson, his wife, by and through their attorney, Girard Kasubick, Esq., and files these Preliminary Objections:

MOTION FOR MORE SPECIFIC PLEADINGS

1. The Plaintiff has not alleged facts in the Complaint sufficient to determine his claim, nor sufficient for the Defendants to file a proper Answer.

2. In each Count in Paragraphs 7, 11, 16, 22, 27, 31, 36, and 41 of the Complaint, the Plaintiff sets forth the Defendants, but does not aver any facts concerning the Defendants interest, claim of right, or connection to the real property subject to each Count or how the Defendant has any interest in the property or had any interest in the property.

3. In each Count in Paragraphs 8, 12, 17, 23, 28, 32, 37, and 42 of the Complaint, the Plaintiff describes the property as shown on Exhibit "A" and by the Tax Map Number. The Tax Map Numbers given are not shown on Exhibit "A", nor are they a part of the map shown.

4. In the Complaint, the Plaintiff alleges in Paragraph 13 and 33 that he acquired interests of Joseph Colavecchi and John R. Redding. As of May 30, 2000, the

records of Clearfield County Recorder of Deeds Office did not show any deed or Agreement into the Plaintiff from Joseph Colavecchi and John Redding, and Defendants need to know how and what interest was acquired more specifically.

5. In the Complaint in Paragraphs 9, 14, 20, 25, 29, 34, 39, and 43, the Plaintiff alleges adverse possession, but does not set forth any facts other than paying taxes and does not allege if Plaintiff has done so for twenty-one (21) years or more, and these Paragraphs are conclusions of law or fact.

6. In Paragraph 8 of the Complaint, the Plaintiff states that he is quieting title to property in Deed Book 4, Page 16 which describes a tract of land containing 75 acres and 95 2/3 perches, then in the same Paragraph, Plaintiff states he is quieting title to Lot 94 on Exhibit "A" which appears to be a 50 foot by 150 foot lot and it is unclear what property Plaintiff is quieting title to in Paragraph 8.

7. Under PA. R.C.P. 1019(a), the Plaintiff has not stated material facts on his claim, nor clearly identified the real property subject of this Quiet Title Action.

WHEREFORE, Intervenor Defendants request your Honorable Court to Order the Plaintiff to file a more


specific Complaint clearing alleging how Plaintiff acquired his claim by deed or other document or the material facts of any claim of adverse possession for twenty-one (21) years.

DEMURRER

8. The Plaintiff's Complaint does not set forth a good cause of action nor has it set forth material facts which establish a right for Plaintiff to claim the properties shown on Exhibit "A" of the Complaint.

9. The Plaintiff appears to be trying to claim these properties as his own merely because they are currently assessed as unknown or to parties whose whereabouts are unknown or they are deceased. The Plaintiff has not alleged any material facts that he has a claim to any properties by deed or other document or by material facts of an adverse possession claim for twenty-one (21) years.

WHEREFORE, Intervenor Defendants request your Honorable Court to enter a Demurrer and enter judgment against the Plaintiff.


Girard Kasubick, Esquire,
Attorney for Intervenor
Defendants

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

BRIAN T. ACEY,
Plaintiff

VS.

NO. 00-465-CD

JESSE DIGGINS and MARY JANE
DIGGINS, his wife, their heirs, successors
and/or assigns; JOHN MARREC, his heirs,
successors and/or assigns; MILDRED
JOHNSTON, her heirs, successors and/or
assigns; CYPRIAN FERRIER, his
heirs, successors and/or assigns,
ESTATE OF JOHN STOKER, his heirs,
successors and/or assigns;
SARAH STOKER, her heirs, successors
and/or assigns; J.S. REITZ and A.H. REITZ,
their heirs, successors and/or assigns,
JOHN BLAIR, his heirs, successors
and or assigns; CYPRICAN FERRER,
his heirs, successors and/or assigns,
BEN BADMAN and ANN BADMAN, his
wife, their heirs, successors and or assigns;
ISRAEL C. MORGAN, his heirs,
successors and/or assigns,
and/or any person or entity claiming
title in and to the herein described
premises under them,

Defendants

FILED

JUL 12 2000

William A. Shaw
Prothonotary

RULE RETURNABLE

AND NOW THIS 12th day of July, 2000, upon consideration
of the attached Motion, a Rule is hereby issued upon JOHN K. JOHNSTON, to Show Cause
why the Complaint filed in the above captioned action should not be amended so that the
heirs of Mildred K. Johnston can be served by service on John K. Johnston by certified mail,
restricted delivery. Rule Returnable the 27th day of September, 2000, at 9:30
o'clock A.m. in Courtroom No. 1 of the Clearfield County Court House,
Clearfield, Pennsylvania.

NOTICE

A PETITION OR MOTION HAS BEEN FILED AGAINST YOU IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PETITION BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND AN ORDER MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR RELIEF REQUESTED BY THE PETITIONER OR MOVANT. YOU MAY LOSE 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
Second & Market Streets
Clearfield, PA 16830
(814) 765-2641 Ext. 50-51

BY THE COURT,



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William A. Shaw
Prothonotary

Atty
Deanhart
[Signature]

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

BRIAN T. ACEY,
Plaintiff
VS.

NO. 00-465-CD

JESSE DIGGINS and MARY JANE
DIGGINS, his wife, their heirs, successors
and/or assigns; JOHN MARREC, his heirs,
successors and/or assigns; MILDRED
JOHNSTON, her heirs, successors and/or
assigns; CYPRIAN FERRIER, his
heirs, successors and/or assigns,
ESTATE OF JOHN STOKER, his heirs,
successors and/or assigns;
SARAH STOKER, her heirs, successors
and/or assigns; J.S. REITZ and A.H. REITZ,
their heirs, successors and/or assigns,
JOHN BLAIR, his heirs, successors
and or assigns; CYPRICAN FERRER,
his heirs, successors and/or assigns,
BEN BADMAN and ANN BADMAN, his
wife, their heirs, successors and or assigns;
ISRAEL C. MORGAN, his heirs,
successors and/or assigns,
and/or any person or entity claiming
title in and to the herein described
premises under them,

Defendants

VS.

EUGENE J. THOMPSON and SUTAH
THOMPSON, his wife,
Intervenor Defendants

FILED

CASE NUMBER: 00-465-CD

TYPE OF CASE: Civil

TYPE OF PLEADING: ANSWER TO, AND BRIEF OPPOSING, PRELIMINARY
OBJECTIONS

FILED ON BEHALF OF: Plaintiff

COUNSEL OF RECORD FOR THIS PARTY:

R. DENNING GEARHART, ESQUIRE
Supreme Court I.D. #26540
215 East Locust Street
Clearfield, PA 16830
(814) 765-1581

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William A. Shaw

Prothonotary

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA (CIVIL DIVISION) NO. 00-465-CD	
BRIAN T. ACEY, Plaintiff VS.	JESSE DIGGINS, et al, Defendants VS.
EUGENE J. THOMPSON, et ux, Intervenor Defendants	ANSWER TO, AND BRIEF OPPOSING, PRELIMINARY OBJECTIONS
R. DENNING GEARHART ATTORNEY AT LAW CLEARFIELD, PA. 16830	

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

BRIAN T. ACEY,
Plaintiff

VS.

NO. 00-465-CD

JESSE DIGGINS and MARY JANE
DIGGINS, his wife, their heirs, successors
and/or assigns; JOHN MARREC, his heirs,
successors and/or assigns; MILDRED
JOHNSTON, her heirs, successors and/or
assigns; CYPRIAN FERRIER, his
heirs, successors and/or assigns,
ESTATE OF JOHN STOKER, his heirs,
successors and/or assigns;
SARAH STOKER, her heirs, successors
and/or assigns; J.S. REITZ and A.H. REITZ,
their heirs, successors and/or assigns,
JOHN BLAIR, his heirs, successors
and or assigns; CYPRICAN FERRER,
his heirs, successors and/or assigns,
BEN BADMAN and ANN BADMAN, his
wife, their heirs, successors and or assigns;
ISRAEL C. MORGAN, his heirs,
successors and/or assigns,
and/or any person or entity claiming
title in and to the herein described
premises under them,

Defendants

VS.

EUGENE J. THOMPSON and SUTAH
THOMPSON, his wife,
Intervenor Defendants

CASE NUMBER: 00-465-CD
TYPE OF CASE: Civil
TYPE OF PLEADING: AMENDED COMPLAINT
FILED ON BEHALF OF: Plaintiff

COUNSEL OF RECORD FOR THIS PARTY:

R. DENNING GEARHART, ESQUIRE
Supreme Court I.D. #26540
215 East Locust Street
Clearfield, PA 16830
(814) 765-1581

FILED

SEP 19 2000

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William A. Shaw
Prothonotary

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

BRIAN T. ACEY,
Plaintiff
VS.

NO. 00-465-CD

JESSE DIGGINS and MARY JANE
DIGGINS, his wife, their heirs, successors
and/or assigns; JOHN MARREC, his heirs,
successors and/or assigns; MILDRED
JOHNSTON, her heirs, successors and/or
assigns; CYPRIAN FERRIER, his
heirs, successors and/or assigns,
ESTATE OF JOHN STOKER, his heirs,
successors and/or assigns;
SARAH STOKER, her heirs, successors
and/or assigns; J.S. REITZ and A.H. REITZ,
their heirs, successors and/or assigns,
JOHN BLAIR, his heirs, successors
and or assigns; CYPRICAN FERRER,
his heirs, successors and/or assigns,
BEN BADMAN and ANN BADMAN, his
wife, their heirs, successors and or assigns;
ISRAEL C. MORGAN, his heirs,
successors and/or assigns,
and/or any person or entity claiming
title in and to the herein described
premises under them,

Defendants

VS.

EUGENE J. THOMPSON and SUTAH
THOMPSON, his wife,
Intervenor Defendants

NOTICE TO DEFEND

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 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'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)

BRIAN T. ACEY,
Plaintiff
VS.

NO. 00-465-CD

JESSE DIGGINS and MARY JANE
DIGGINS, his wife, their heirs, successors
and/or assigns; JOHN MARREC, his heirs,
successors and/or assigns; MILDRED
JOHNSTON, her heirs, successors and/or
assigns; CYPRIAN FERRIER, his
heirs, successors and/or assigns,
ESTATE OF JOHN STOKER, his heirs,
successors and/or assigns;
SARAH STOKER, her heirs, successors
and/or assigns; J.S. REITZ and A.H. REITZ,
their heirs, successors and/or assigns,
JOHN BLAIR, his heirs, successors
and or assigns; CYPRICAN FERRER,
his heirs, successors and/or assigns,
BEN BADMAN and ANN BADMAN, his
wife, their heirs, successors and or assigns;
ISRAEL C. MORGAN, his heirs,
successors and/or assigns,
and/or any person or entity claiming
title in and to the herein described
premises under them,

Defendants

VS.

EUGENE J. THOMPSON and SUTAH
THOMPSON, his wife,
Intervenor Defendants

AMENDED COMPLAINT

AND NOW comes the Plaintiff, BRIAN T. ACEY, by and through his
attorney, R. DENNING GEARHART, who files this Complaint and avers as follows:

1. That Plaintiff, **BRIAN T. ACEY**, is an adult individual, with an address of 415 Liberty Street, Clarion, Pennsylvania 16214.

2. That the Plaintiff has, in the manner described in the various Counts below, obtained color of title to various properties.

3. That with respect to these properties, Plaintiff and his predecessors in title have exercised open, notorious and continuous dominion possession and control over the premises described herein for a period in excess of 21 years adverse to any other claims of ownership.

4. That the purpose of this Quiet Title Action is to extinguish and cure any defects which may exist in the ownership of these properties more particularly described herein, and to extinguish any equity which the various Defendants named below, their heirs, successors and assigns may have in the premises described herein.

5. That the Defendants, their heirs, successors and assigns identified below 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.

COUNT I

6. That paragraphs One (1) through Five (5) of the Complaint hereto are incorporated herein as though set forth in full.

7. That Defendants, **JESSE DIGGINS** and **MARY JANE DIGGINS**, were adult individuals, with a last known address in Huntingdon County, Pennsylvania.

it openly, continuously, notoriously and exclusively as his own in a manner adverse to any other claims for a period in excess of twenty-one (21) years and has been paying taxes on the same. In support thereof, Plaintiff introduces into evidence correspondence dated September 16, 1994 in which Attorney Gerard Kasubick proposes that the Plaintiff, and the Defendants, Eugene and Sutch Thompson, and himself join in an action to quiet title to obtain marketable title to the property referred to throughout this complaint. It is averred that the lots referred to in letter dated September 16, 1994 are the same lots referred to despite the fact that there are different map numbers. This argument is again bolstered by a letter dated September 13, 1994 from the Plaintiff to Attorney Kasubick. It is further bolstered by a letter dated January 26, 1998 from the Plaintiff to Attorney Kasubick.

COUNT II

10. That paragraphs One (1) through Nine (9) of the Complaint hereto are incorporated herein as though set forth in full.

11. That Defendant, **JOHN MARREC**, was an adult individual, with a last known address in Woodward Township, Clearfield County, Pennsylvania. A search of the appropriate records shows no Estate filed for him. Thus, it is believed and therefore averred that he died intestate, passing his interest to his heirs, who are unknown.

11.5 That Defendant, John Marrec became vested in this property by Deed dated December 4, 1890 and recorded in Clearfield County Deed Book Volume 62, Page 241.

12. That the property in question is more particularly described as Lot No. 100 and is shown on Exhibit 'A', and known as Tax Map No. 130-M14-30.

13. The Plaintiff acquired the same from Joseph Colavecchi and John R. Redding by Deed dated June 5, 2000 and recorded in the Recorder's Office of Clearfield County to Instrument No. 200008925.

14. The Plaintiff, by taking on the activities of his predecessors (being his father, Michael Acey, and family), has treated this property as his own by holding it openly, continuously, notoriously and exclusively as his own in a manner adverse to any other claims for a period in excess of twenty-one (21) years and has been paying taxes on the same. In support thereof, Plaintiff introduces into evidence correspondence dated September 16, 1994 in which Attorney Gerard Kasubick proposes that the Plaintiff, and the Defendants, Eugene and Sutare Thompson, and himself join in an action to quiet title to obtain marketable title to the property referred to throughout this complaint. It is averred that the lots referred to in letter dated September 16, 1994 are the same lots referred to despite the fact that there are different map numbers. This argument is again bolstered by a letter dated September 13, 1994 from the Plaintiff to Attorney Kasubick. It is further bolstered by a letter dated January 26, 1998 from the Plaintiff to Attorney Kasubick.

COUNT III

15. That paragraphs One (1) through Fourteen (14) of the Complaint hereto are incorporated herein as though set forth in full.

16. That Defendant, MILDRED JOHNSTON, is an adult individual, with a last known address of c/o John K. Johnston, Stonewell Farm, P.O. Box 402, Lambertville, New Jersey 8530-0402.

16.5 The assessment records in Clearfield County indicate that the property has been assessed in the names of Joseph Colavecchi, John R. Redding and Mildred B. Johnston.

17. That the property in question is more particularly described as Lot No. 100 and is shown on Exhibit 'A', and known as Tax Map No. 130-M14-30.

18. That the property was formerly owned by Defendants, J.S. Reitz, A.H. Reitz and John Blair.

19. That there is an indication at the Assessment Office of Clearfield County that she maintained a fifty (50%) percent interest in this property. However, there is no basis for this determination.

20. The Plaintiff, by taking on the activities of his predecessors (being his father, Michael Acey, and family), has treated this property as his own by holding it openly, continuously, notoriously and exclusively as his own in a manner adverse to any other claims for a period in excess of twenty-one (21) years and has been paying taxes on the same. In support thereof, Plaintiff introduces into evidence correspondence dated September 16, 1994 in which Attorney Gerard Kasubick proposes that the Plaintiff, and the Defendants, Eugene and Sutch Thompson, and himself join in an action to quiet title to obtain marketable title to the property referred to throughout this complaint. It is averred that the lots referred to in letter dated September 16, 1994 are the same lots referred to despite the fact that there are different

map numbers. This argument is again bolstered by a letter dated September 13, 1994 from the Plaintiff to Attorney Kasubick. It is further bolstered by a letter dated January 26, 1998 from the Plaintiff to Attorney Kasubick.

COUNT IV

21. That paragraphs One (1) through Twenty (20) of the Complaint hereto are incorporated herein as though set forth in full.

22. That Defendant, **CYPRIAN FERRIER**, was an adult individual, with a last known address in Woodward Township, Clearfield County, Pennsylvania. A search of the appropriate records shows no Estate filed for him. Thus, it is believed and therefore averred that he died intestate, passing his interest to his heirs, who are unknown.

22.5 That Defendant, Cyprian Ferrier became vested in this property by Deed dated October 14, 1886 and recorded in Clearfield County Deed Book 40, Page 17.

23. That the property in question is more particularly described as Lot Nos. 42, 44 and 46 and is shown on Exhibit 'A', and known as Tax Map No. 130-M14-37.

24. That the Assessment records of Clearfield County indicate that these Lots may have been transferred to a Ben Badman.

25. The Plaintiff, by taking on the activities of his predecessors (being his father, Michael Acey, and family), has treated this property as his own by holding it openly, continuously, notoriously and exclusively as his own in a manner adverse to any other claims for a period in excess of twenty-one (21) years and has been paying

taxes on the same. In support thereof, Plaintiff introduces into evidence correspondence dated September 16, 1994 in which Attorney Gerard Kasubick proposes that the Plaintiff, and the Defendants, Eugene and Sutah Thompson, and himself join in an action to quiet title to obtain marketable title to the property referred to throughout this complaint. It is averred that the lots referred to in letter dated September 16, 1994 are the same lots referred to despite the fact that there are different map numbers. This argument is again bolstered by a letter dated September 13, 1994 from the Plaintiff to Attorney Kasubick. It is further bolstered by a letter dated January 26, 1998 from the Plaintiff to Attorney Kasubick.

COUNT V

26. That Paragraphs One (1) through Twenty-five (25) of the Complaint hereto are incorporated herein as though set forth in full.

27. That Defendant, **SARAH STOKER**, was an adult individual, with a last known address in Woodward Township, Clearfield County, Pennsylvania. A search of the appropriate records shows no Estate filed for her. Thus, it is believed and therefore averred that she died intestate, passing her interest to her heirs, who are unknown.

27.5 That Defendant, **JOHN STOKER** was the husband of Sarah Stoker. His estate records filed to Clearfield County File No. 10073

28. That the property in question is more particularly described as Lot No. 48 and is shown on Exhibit 'A', and known as Tax Map No. 130-M14-38.

29. The Plaintiff, by taking on the activities of his predecessors (being his father, Michael Acey, and family), has treated this property as his own by holding it openly, continuously, notoriously and exclusively as his own in a manner adverse to any other claims for a period in excess of twenty-one (21) years and has been paying taxes on the same. In support thereof, Plaintiff introduces into evidence correspondence dated September 16, 1994 in which Attorney Gerard Kasubick proposes that the Plaintiff, and the Defendants, Eugene and Sutch Thompson, and himself join in an action to quiet title to obtain marketable title to the property referred to throughout this complaint. It is averred that the lots referred to in letter dated September 16, 1994 are the same lots referred to despite the fact that there are different map numbers. This argument is again bolstered by a letter dated September 13, 1994 from the Plaintiff to Attorney Kasubick. It is further bolstered by a letter dated January 26, 1998 from the Plaintiff to Attorney Kasubick.

COUNT VI

30. That Paragraphs One (1) through Twenty-nine (29) of the Complaint hereto are incorporated herein as though set forth in full.

31. That Defendants, **J.S. REITZ, A.H. REITZ and JOHN BLAIR**, were adult individuals, with a last known address in Woodward Township, Clearfield County, Pennsylvania. A search of the appropriate records shows no Estate filed for them. Thus, it is believed and therefore averred that they died intestate, passing their interest to their heirs, who are unknown.

31.5 That in 1932, the hereinafter described property became assessed in the name of Defendant, John Blair. In 1944/1945, it became assessed in the name of J.S. and A.H. Reitz. Furthermore, the property was the subject of a Commissioner's Sale dated August 8, 1950 whereby the property hereinafter referred was sold to John A. Redding and Genevieve O. Redding.

32. That the property in question is more particularly described as Lot No. 50 and is shown on Exhibit 'A', and known as Tax Map No. 130-M14-27.

33. The Plaintiff acquired the same from Joseph Colavecchi and John R. Redding by Deed dated June 5, 2000 and entered for record to Clearfield County Instrument No. 200008925.

34. The Plaintiff, by taking on the activities of his predecessors (being his father, Michael Acey, and family), has treated this property as his own by holding it openly, continuously, notoriously and exclusively as his own in a manner adverse to any other claims for a period in excess of twenty-one (21) years and has been paying taxes on the same. In support thereof, Plaintiff introduces into evidence correspondence dated September 16, 1994 in which Attorney Gerard Kasubick proposes that the Plaintiff, and the Defendants, Eugene and Sutch Thompson, and himself join in an action to quiet title to obtain marketable title to the property referred to throughout this complaint. It is averred that the lots referred to in letter dated September 16, 1994 are the same lots referred to despite the fact that there are different map numbers. This argument is again bolstered by a letter dated September 13, 1994 from the Plaintiff to Attorney Kasubick. It is further bolstered by a letter dated January 26, 1998 from the Plaintiff to Attorney Kasubick.

COUNT VII

35. That Paragraphs One (1) through Thirty-four (34) of the Complaint hereto are incorporated herein as though set forth in full.

36. That Defendant, **CYPRICAN FERRER, BEN BADMAN and ANN BADMAN**, were adult individuals, with a last known address in Woodward Township, Clearfield County, Pennsylvania. A search of the appropriate records shows no Estate filed for them. Thus, it is believed and therefore averred that they died intestate, passing their interest to their heirs, who are unknown.

36.5 Defendant, Cyprican Ferrer acquired the property by Deed dated September 24, 1883 and recorded in Clearfield County Deed Book Volume 26, Page 356.

37. That the Assessment records of Clearfield County indicate that this Lot may have been transferred from Cyprican Ferrer to Ben Badman.

38. That the property in question is more particularly described as Lot No. 52 and is shown on Exhibit 'A', and known as Tax Map No. 130-M14-39.

39. The Plaintiff, by taking on the activities of his predecessors (being his father, Michael Acey, and family), has treated this property as his own by holding it openly, continuously, notoriously and exclusively as his own in a manner adverse to any other claims for a period in excess of twenty-one (21) years and has been paying taxes on the same. In support thereof, Plaintiff introduces into evidence correspondence dated September 16, 1994 in which Attorney Gerard Kasubick proposes that the Plaintiff, and the Defendants, Eugene and Sutch Thompson, and himself join in an action to quiet title to obtain marketable title to the property referred to throughout this complaint. It is averred that the lots referred to in letter dated

September 16, 1994 are the same lots referred to despite the fact that there are different map numbers. This argument is again bolstered by a letter dated September 13, 1994 from the Plaintiff to Attorney Kasubick. It is further bolstered by a letter dated January 26, 1998 from the Plaintiff to Attorney Kasubick.

COUNT VIII

40. That Paragraphs One (1) through Thirty-nine (39) of the Complaint hereto are incorporated herein as though set forth in full.

41. That Defendant, **ISRAEL C. MORGAN**, is an adult individual, with a last known address in Woodward Township, Clearfield County, Pennsylvania. A search of the appropriate records shows no Estate filed for him. Thus, it is believed and therefore averred that he died intestate, passing his interest to his heirs, who are unknown.

41.5 That Defendant, Israel C. Morgan, became vested in this property by Deed dated November 9, 2874 and recorded in Clearfield County Deed Book Volume 11, Page 259.

42. That the property in question is more particularly described as Lot Nos. 54, 56 and 58 and is shown on Exhibit 'A', and known as Tax Map No. 130-M14-40.

43. The Plaintiff, by taking on the activities of his predecessors (being his father, Michael Acey, and family), has treated this property as his own by holding it openly, continuously, notoriously and exclusively as his own in a manner adverse to any other claims for a period in excess of twenty-one (21) years and has been paying taxes on the same. In support thereof, Plaintiff introduces into evidence

correspondence dated September 16, 1994 in which Attorney Gerard Kasubick proposes that the Plaintiff, and the Defendants, Eugene and Sutah Thompson, and himself join in an action to quiet title to obtain marketable title to the property referred to throughout this complaint. It is averred that the lots referred to in letter dated September 16, 1994 are the same lots referred to despite the fact that there are different map numbers. This argument is again bolstered by a letter dated September 13, 1994 from the Plaintiff to Attorney Kasubick. It is further bolstered by a letter dated January 26, 1998 from the Plaintiff to Attorney Kasubick.

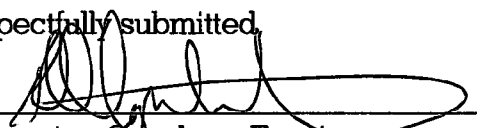
WHEREFORE, Plaintiff requests:

A. that by decree of your Honorable Court it may be declared that title to the premises set forth herein is in the Plaintiff and that he 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 Plaintiff 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 attaching 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 Plaintiff

AFFIDAVIT

R. DENNING GEARHART, being duly sworn according to law, deposes and says that he is the agent of the Plaintiff, Brian T. Acey, that said Brian T. Acey cannot make the verification to the foregoing Amended Complaint because he is outside the Court's jurisdiction and his verification cannot be obtained within the time allowed for filing, and that the facts set forth in the foregoing Amended Complaint are true and correct upon his personal knowledge, information and belief.

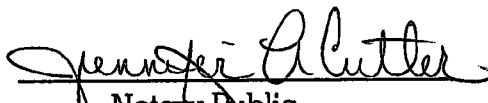


R. Denning Gearhart, Esquire

Sworn to and subscribed

before me this 19th day

of September, 2000.



Notary Public

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

HILL TOP ACRES

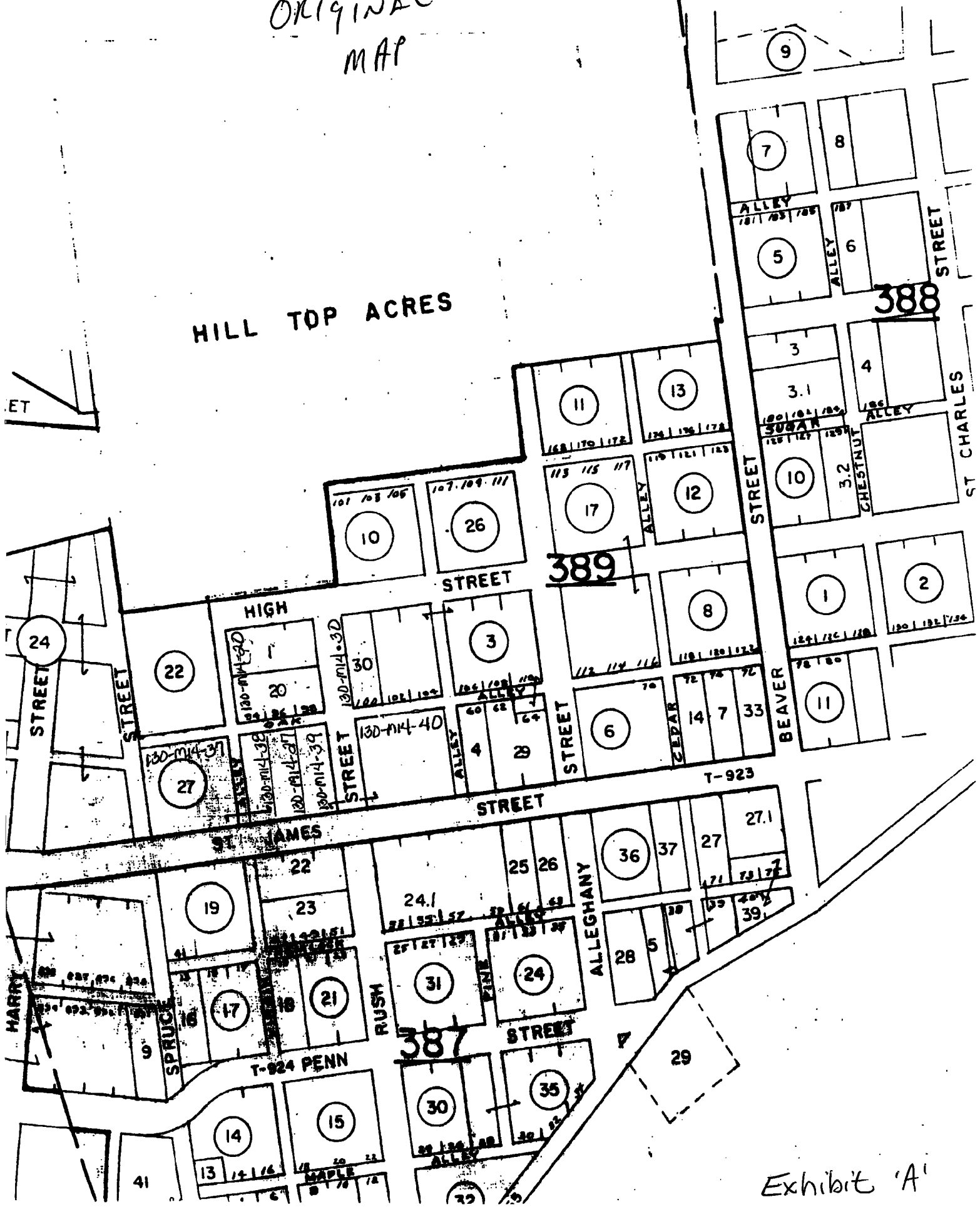


Exhibit 'A'

LAW OFFICES
LEHMAN & KASUBICK
230 NORTH FRONT STREET
PHILIPSBURG, PA 16866
814-342-1550

September 1, 1987

RE: Unknown Map No. 130-M14-389-27
in Woodward Twp., Pennsylvania

Mr. & Mrs. Eugene Thompson
R. R. #1, Box 663
Houtzdale, PA 16651

Dear Gene & Sutah:

I have had a chance to look into the real property assessed as unknown in Woodward Township, Clearfield County, Pennsylvania, and known by Tax Map No. 130-M14-389-27. You are currently assessed with Tax Map No. 130-M14-389-22 as outlined in red on the sketch of the assessment map. The unknown tract is outlined in green on the sketch. The unknown tract consists of more property than just in front of your property.

I have not completed all research which would be necessary to pursue a Quiet Title Action, because I have run into more work than originally anticipated, and because the unknown tract is larger than I originally thought, and I want to know what specific property you desire to claim.

The following is what my research has revealed so far.

All of the Sterling area in Woodward Township was conveyed to Jesse Diggins, a/k/a Diggins, by deed dated October 1, 1872 and recorded in Clearfield County Deed Book 4, page 16. Jesse Diggins then formed the plan of streets, alleys and lots of Sterling from this real property. The plan of Sterling is not recorded, however, the plan is on file in the County Assessment Office.

The plan of Sterling shows that the lots north of St. James Street from Spruce Street to Pine Alley which is Assessment Map No. 130-M14-389-27 are lot nos. 42, 44, 46, 48, 50, 52, 54, 56 and 58, for a total of nine lots. These are designated on the sketch. Therefore, my first step was to check every conveyance out of Jesse Diggins to determine if these lots were ever conveyed out by him.

Lots 42, 44 and 46 were conveyed by Jesse Diggins and his wife to Annie Wilkins by deed dated November 10, 1882 and recorded in Deed Book 27, page 266. Annie Wilkins then conveyed these 3 lots to Julius Gordon by deed dated March 30, 1883 and recorded in Deed Book 27, page 268. Julius Gordon and his wife conveyed the 3 lots to

Exhibit 'B'

September 1, 1987

Cyprian Ferrier by deed dated October 14, 1886 and recorded in Deed Book 40, page 17. I could not find any recorded deed conveying lots 42, 44 and 46 out of Cyprian Ferrier and he appears to be the last record owner of those lots, which are the 3 lots directly between your property and the Township Road or St. James Street.

Lot 48 was conveyed by Jesse Diggins and his wife to Margaret M. Williams by deed dated May 29, 1876 and recorded in Deed Book 10, page 16. Margaret M. Williams conveyed lot 48 to Sarah Stoker by deed dated May 1, 1882 and recorded in Deed Book 22, page 398. I could not find any recorded deed conveying lot 48 out of Sarah Stoker and she appears to be the last record owner of lot 48.

I could not find any recorded deed out of Jesse Diggins on lot 50. Therefore, the record owner of lot 50 is Jesse Diggins by the deed recorded in Deed Book 4, page 16.

Lot 52 was conveyed by Jesse Diggins and his wife to Francis Lelievre by deed dated June 21, 1876 and recorded in Deed Book 11, page 236. Francis Lelievre and his wife conveyed lot 52 to Cyprian Ferrier by deed dated September 24, 1883 and recorded in Deed Book 26, page 356. I could not find any recorded deed conveying lot 52 out of Cyprian Ferrier and he appears to be the last record owner of lot 52.

Lots 54, 56 and 58 were conveyed to Jesse Diggins and his wife to Israel C. Morgan by deed dated November 9, 1874 and recorded in Deed Book 11, page 259. I could not find any recorded deed conveying lots 54, 56 and 58 out of Israel C. Morgan and he appears to be the last record owner of lots 54, 56 and 58.

As can be seen from the above, there are five different chains of title and title searches covering the unknown tract known by tax map no. 130-M14-389-27, one for lots 42, 44 and 46, one for lot 48, one for lot 50, one for lot 52, although it eventually vests in the same owner as lots 42, 44 and 46, and one for lots 54, 56 and 58. To complete my research in order to draft a Quiet Title Action complaint, I would have to trace estate records and the assessment records on each of the chains of title. This would involve considerably more work than I originally anticipated and additional attorneys fees for the title work of possibly as much as \$500 - \$600 more than I initially quoted to you.

Therefore, I am writing to you now to inform you of my findings at this point and to find out from you exactly what you want to pursue. Do you wish to pursue only lots 42, 44 and 46 in front of your property, or all nine lots comprising map no. 130-M14-389-27, or some other combination of those lots. At this stage of my research, all of the names of parties that would be named in a Quiet Title Action Complaint appear to be unknown or deceased, and probably no one would contest the action.

Mr. & Mrs. Eugene Thompson

-3-

September 1, 1987

In conclusion, at this stage, I think there is a good chance you could succeed in an action on this property. I am not going to do any more research at this time until I hear from you on whether you want to pursue this further on all the lots or only on some other portion of all the lots. I am enclosing an extra copy of this letter which you can forward to Eugene in Spain.

I will await to hear from you.

Very truly yours,
LEHMAN & KASUBICK

Girard Kasubick

GK:bg

Enc.

MARY ANN; 11/5/96

Also lot #100 - Tax Map No. 130-M14-389-30
was conveyed out by Jesse Diggin to
Louis Catillon by Deed recorded
in Deed Book 26, Page 375.

Guaid

230 NORTH FRONT STREET
PHILIPSBURG, PA 16866
814-342-1550

LAW OFFICES
LEHMAN & KASUBICK

611 BRISBIN STREET
HOUTZDALE, PA 16651
814-378-7840

FAX #: (814)-378-6231

September 16, 1994

Re: Woodward Twp., Tax
Map Nos. M14-389-20,
M14-389-30, M14-389-27
and M14-389-1

Brian T. Acey
990 East Main Street
Clarion, PA 16214

Dear Brian:

I did pay the taxes on Tax Map No. 130-M14-389-20 to remove it from the tax sale. I probably did quote to you a figure of \$1,200.00 to do a Quiet Title Action for attorney fees and court costs as an estimate. If I do a Quiet Title Action on all the property we have discussed, there will be multiple title searches, up to as many as 13 searches, since there are 13 lots involved in all the property. There are nine lots fronting on St. James Street and four lots behind them, being Lots 94, 96, 98 and 100. I have done extensive research on the front 9 lots for Eugene Thompson, however I have never billed him for the full amount of research. Therefore, my fee for completing the Quiet Title Action, because of the numerous title searches, and including expenses, will be approximately in the \$2,000 range, assuming you and Gene receive all the properties. If we reach an agreement for me to have 3 lots, I would drastically reduce my fee. The only arrangement I have made with Mr. Thompson is that he would pay his share of the costs and attorney fees in accordance with the number of lots he receives. If he receives the three lots in front of his property, then his share would be 3/13ths. There is nothing in writing and it is only a verbal commitment. I would hope that I could start the additional research sometime in October, but I will not do anything until you contact me to start, as per your letter of September 13, 1994. One other thing on this Quiet Title Action is that we should probably process it in your name alone and then have a written Agreement on what Mr. Thompson would pay and on what particular lots you would retain, Mr. Thompson would obtain and if I am involved, what I would obtain.

It is my opinion that you would have no problem in completing the Quiet Title Action because probably all of the named Defendants

Brian T. Acey

-2-

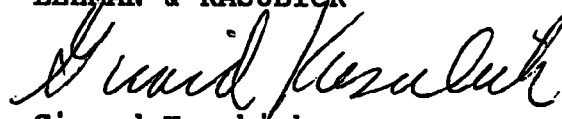
September 16, 1994

would be deceased or unknown. I cannot guarantee anything, but I think the chances of successful completion of a Quiet Title Action are good. I have outlined in red on the Assessment map enclosed the property subject of the Quiet Title Action, but it would not include the streets and alleys within the area outlined in red.

The deed from Frank Latosky to you describes Lots 96 and 98 as outlined in green on the assessment map enclosed. Frank Latosky, however, was assessed with Map 130-M14-389-1. The deed has a clause in it at the end that it is also intended to convey any interest in this map number, which would include the additional area outlined in blue, which includes the northern half of Lot No. 94. Therefore, the deed from Frank Latosky to you intends to convey any interest Frank Latosky has in the areas outlined in green and blue. He would only provide you with a quit-claim deed because of the tax sales, therefore this deed does not convey good and marketable title. To obtain good and marketable title, you would have to complete a Quiet Title Action.

Finally, to claim title on tax Map No. 130-M14-389-29 you would also have to complete a Quiet Title Action. My fee for this would be \$800.00 and there would be approximately \$300-\$400 for costs.

Very truly yours,
LEHMAN & KASUBICK


Girard Kasubick

GK:bc

Enc.

Brian T. Acey
990 East Main Street
Clarion, PA 16214

September 27, 1994

Attorney Girard Kasubick
611 Brisbin Street
Houtzdale, PA 16651

Dear Mr. Kasubick,

Thank you for your recent written response regarding my letter dated September 13, 1994. Almost all of the items mentioned have been clarified except for the following. I am still uncertain as to the limitations of this type of deed conveyance in regards to future mortgage collateral and possible resale. As mentioned, I would like to have a deed which would be acceptable to FANNIE MAE guidelines (without having to obtain title insurance, etc.). I would think that at least the parcel obtained from Frank J. Latosky could be eligible for a general warranty deed through/by my family.

Additionally, what is the procedure for obtaining the rights to the allies and streets which surround the proposed properties? Being more specific Virgin Alley, Pine Alley, Oak Alley, Rush Street, and High Street. I understand that the township supervisor must consent to the closing of the allies and streets and that 1/2 of the alley goes to the neighboring property owner. Could you please provide me with the associated costs and time frame involved with completing these procedures. Also, is the neighboring property owner responsible for any of the costs?

Please proceed with the Quiet Title Action under my name as previously discussed for the lots contained in the following tax map nos. M14-389-1, 20, 30 and 27. As mentioned above, please let me know about the general warranty deed from my family (if possible) for parcel M14-389-1. Possibly, the Quiet Title Action will not be necessary for at least certain parts of this parcel and perhaps parts of M14-389-20 (please advise). If the total cost is going to be more than \$2,000, I would ask that I am notified a.s.a.p. before proceeding any further.

As mentioned in your letter, I am agreeable with splitting tax map no. M14-389-27 with Mr. Thompson, being more specific, the three lots in front of M14-389-22. Please include in this agreement the associated costs and fees to each party including but not limited to, the Quiet Title Action and past real estate taxes (even in the event we are not successful) and the lots expected by each party. I understand that the costs and fees will be commensurate with the proportions of land received. Customarily, correct me if I am wrong, I understanding that Mr. Thompson would bear the cost of drawing the Agreement.

At this point in time, I don't wish to further divide the property described by tax map no. M14-389-27 with any others aside from Mr. Thompson. My objective is to purchase M14-389-3 and 4 in the near future. When this time draws near, I will contact you to proceed with the Quiet Title Action for M14-389-29.

If I can be of any assistance to you, feel free to call me at home (814) 227-2503 or at work (814) 226-9700. Once again, thank you for your services.

Sincerely yours,


Brian T. Acey

Brian T. Acey
990 East Main Street
Clarion, PA 16214

September 13, 1994

Attorney Girard Kasubick
611 Brisbin Street
Houtzdale, PA 16651

Dear Mr. Kasubick,

Enclosed please find a check in the amount of \$567.09 for your services and the payoff of the past due taxes (\$547.09 on assessment parcel # M14-389-20). I hope all has gone well.

Per our telephone conversation on September 13, 1994, I understand that you are tentatively planing to start proceedings with the adverse possessions, etc. on October 1, 1994 for the following parcels: M14-389-20, M14-389-30, M14-389-27. Our earlier conversations would lead me to believe a fee of \$1,200.00 would be associated with your services. If this is not correct please contact me before you start. Additionally, I would like to know (a highlighted area on the tax map would do) what Mr. Thompson is expecting and what arrangements have been made for splitting the cost of the adverse possession action and the real estate taxes which I have already paid on parcel # M14-389-27.


Please advise me before starting the adverse possessions the probability of success for such actions (your professional opinion). Also, I would like to know what type of deed to expect and the likelihood of future claims on the parcels in which we are successful in obtaining deeds.

As you probably ascertained from our telephone conversation, I am a little confused with what exactly has been transferred from Frank J. Latosky to me in our first transaction. I had thought that portions of M14-389-20 along with M14-389-01 were conveyed to me through the deed from Latosky. Could you please send me an assessment map (updated if possible) highlighting the areas you know have been transferred to me as indicated in the recorded deed.

Also, as we had discussed earlier, I would like to know what will be involved (along with your fee quote) to obtain a marketable deed for the parcel purchased from Frank J. Latosky M14-389-01 and any of parcel #20 (as discussed above). I would need a deed (preferably a general warranty deed) acceptable to FANNIE MAE guidelines for possible mortgage collateral in the future.

Additionally, I have paid the back taxes on parcel # M14-389-29. Please advise me on any chance (and the associated fee) of an adverse possession action or any other way of obtaining ownership to lot #29. At this point, I don't believe I have a justifiable claim for the adverse possession action. If in that event, I will probably continue to pay the real estate taxes to prevent the tax sale. If the owner is known to you, I would attempt to negotiate buying the lot.

Sincerely yours,


Brian T. Acey

Brian T. Acey
415 Liberty Street
Clarion, PA 16214
(814) 227-2503 home number
(814) 226-5165 work number

January 26, 1998

Lehman & Kasubick
Attorneys at Law
611 Brisbin Street
Houtzdale, PA 16651
Attn: Girard

Re: Sterling properties

Dear Girard,

Pursuant to our telephone conversation on January 20, 1998, the following is a synopsis of what I would like to accomplish in the near future. As you are aware, I purchased map numbers M14-389-1 from Frank Latosky (volume 1582, page 325). During my last visit to the Clearfield County Assessment Office, I was surprised to see that the area has been re-mapped. The previous location of the old house was mapped showing an unknown owner. It is my understanding that at least the northern portion of lot 94 was conveyed to me. It appears they have corrected the locations of lots 96 and 98 and inadvertently dismissed lot 94 as an unknown parcel. The clerks at the courthouse would not change the map. They insisted that my attorney would need to clarify the issue - Hence this letter.

In any event, I would like to have some type of closure to the entire matter. In addition to the northern portion of lot 94, I feel at one time the southern portion of lot 94 also belonged to my family. As I previously indicated, there may have been unrecorded deeds to this portion as well as the other unknowns including parcel #30 and portions of parcel #29. However, at present I have no way of proving this. Please note, old records belonging to my grandparents were destroyed in a house fire many years ago. In any event, my family occupied the areas in question for many years prior to the tax sale in which Frank purchased some of the lots.

If this makes a difference, my father's name was Michael Acey. As far as I know, the property was never conveyed to him by his father Mike Acey. It is my understanding that the tax sale was between my grandfather and the tax claim bureau not my father (both deceased). In any event, I would like to have at least a good marketable title for the property clearly belonging to me (lots 96, 98 and the northern portion of lot 94 and if possible the southern portion of lot 94).

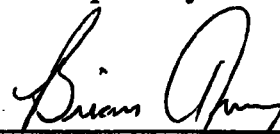
As for the properties in front or to the side of the land I already own or think I have a reasonable claim to (94, 96 and 98), I would like to know the plausibility and costs of obtaining these lots either through adverse possession or a quiet title action. This would include, at least, the southern lots in front of lots 94, 96, 98, 100 and including 100. I understand that the chain of ownership to possibly one of the lot can be linked back to Colavecchi and company. Please clarify.

As discussed before and in light of the new information available to me, a quiet title action, etc. on Gene Thompson's account would be useless. I would be willing to release any future action on the parcel in front of his land if reimbursed for the proportional share of back taxes paid by me. Also, as you indicated earlier, if you have any interest in the properties not mentioned within or even the ones I have mentioned, let me know.

I know this matter is confusing. I am not trying to get something for nothing. I do believe at one point my grandfather purchased many of the lots in front of the old house. Why deeds were never recorded or kept in a safe place is beyond me. It's probably along the same reason why the house was sold in a tax sale to begin with. Regardless, I hope I can get the matter cleared-up, it means a lot to me.

I hope to here from you as soon as possible. I want to get these items resolved before something else is sold at a tax sale, etc.

Respectfully submitted,



Brian T. Acey

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)
NO. 00-465-CD

BRIAN T. ACEY,
Plaintiff
VS.

JESSE DIGGINS, et al,
Defendants
VS.
THOMPSON, et ux,

AMENDED COMPLAINT

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

FILED

SEP 19 2000

William A. Shaw
Prothonotary

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

BRIAN T. ACEY,
Plaintiff

VS.

NO. 00-465-CD

JESSE DIGGINS and MARY JANE
DIGGINS, his wife, their heirs, successors
and/or assigns; JOHN MARREC, his heirs,
successors and/or assigns; MILDRED
JOHNSTON, her heirs, successors and/or
assigns; CYPRIAN FERRIER, his
heirs, successors and/or assigns,
ESTATE OF JOHN STOKER, his heirs,
successors and/or assigns;
SARAH STOKER, her heirs, successors
and/or assigns; J.S. REITZ and A.H. REITZ,
their heirs, successors and/or assigns,
JOHN BLAIR, his heirs, successors
and or assigns; CYPRICAN FERRER,
his heirs, successors and/or assigns,
BEN BADMAN and ANN BADMAN, his
wife, their heirs, successors and or assigns;
ISRAEL C. MORGAN, his heirs,
successors and/or assigns,
and/or any person or entity claiming
title in and to the herein described
premises under them,

Defendants

VS.

EUGENE J. THOMPSON and SUTAH :
THOMPSON, his wife, :
Intervenor Defendants :

FILED

SEP 20 2000

0/130/ur
William A. Shaw
Prothonotary

No. 9/10
KTB

CERTIFICATE OF SERVICE

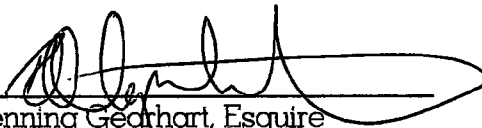
That on the 19th day of September, 2000, I served a certified copy of the
Amended Complaint filed in this proceeding on the following and in the following manner:

U.S. POSTAL SERVICE, FIRST CLASS, POSTAGE PREPAID

Girard Kasubick, Esquire
611 Brisbin Street
Houtzdale, PA 16651

I certify under penalty of perjury that the foregoing is true and correct.

Dated: September 19, 2000


R. Denning Gearhart, Esquire
Attorney for Plaintiff

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

BRIAN T. ACEY,

Plaintiff

-vs-

No. 00 - 465 - CD

JESSE DIGGINS and MARY JANE
DIGGINS, his wife, their heirs, successors
and/or assigns; JOHN MARREC, his heirs
successors and/or assigns; MILDRED
JOHNSTON, her heirs, successors and/or
assigns; CYPRIAN FERRIER, his heirs,
successors and/or assigns; ESTATE OF
JOHN STOKER, his heirs, successors and/or
assigns; SARAH STOKER, her heirs,
successors and/or assigns; J.S. REITZ and
A.H. REITZ, their heirs, successors and/or
assigns; JOHN BLAIR, his heirs, successors
and/or assigns; CYPRICAN FERRER, his
heirs, successors and/or assigns; BEN
BADMAN and ANN BADMAN, his wife,
their heirs, successors and/or assigns;
ISRAEL C. MORGAN, his heirs, successors
and/or assigns; and/or any person or entity
claiming title in and to the herein described
premises under them,

Defendants

-vs-

EUGENE J. THOMPSON and SUTAH
THOMPSON, his wife,

Intervenor Defendants:

ORDER

NOW, this 27th day of September, 2000, following argument into Preliminary
Objections filed on behalf of Defendants Eugene J. Thompson and Sutare Thompson, it is the
ORDER of this Court that said Objections be and are hereby sustained to the extent that
Plaintiff shall file a statement within 20 days from date hereof containing the following
information:

FILED

SEP 27 2000

0/3:50/60

William A. Shaw
Prothonotary

CERT TO GENERAL
+
KAS40111

1. Correctly identifying the property claimed in counts 4, 5, 6, 7 and 8 of Plaintiff's First Amended Complaint;
2. Identifying the basis for Plaintiff's claim thereto whether by record title or adverse possession;
3. For those paragraphs in which Plaintiff claims by adverse possession, the factual basis for said claim; and
4. Plaintiff's factual basis for including other named Defendants in counts 4, 5, 6, 7 and 8.

Said statement shall be as binding upon Plaintiff as if it were a Second Amended Complaint.

By the Court,

President Judge

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

BRIAN T. ACEY,

Plaintiff

VS.

NO. 00-465-CD

JESSE DIGGINS and MARY JANE
DIGGINS, his wife, their heirs, successors
and/or assigns; JOHN MARREC, his heirs,
successors and/or assigns; MILDRED
JOHNSTON, her heirs, successors and/or
assigns; CYPRIAN FERRIER, his
heirs, successors and/or assigns,
ESTATE OF JOHN STOKER, his heirs,
successors and/or assigns;
SARAH STOKER, her heirs, successors
and/or assigns; J.S. REITZ and A.H. REITZ,
their heirs, successors and/or assigns,
JOHN BLAIR, his heirs, successors
and or assigns; CYPRICAN FERRER,
his heirs, successors and/or assigns,
BEN BADMAN and ANN BADMAN, his
wife, their heirs, successors and or assigns;
ISRAEL C. MORGAN, his heirs,
successors and/or assigns,
and/or any person or entity claiming
title in and to the herein described
premises under them,

Defendants

VS.

EUGENE J. THOMPSON and SUTAH
THOMPSON, his wife,

Intervenor Defendants

FILED

OCT 30 2000

William A. Shaw
Prothonotary

Pursuant to the Judge's Order dated September 27, 2000 and attached hereto,
Plaintiff files the following statement:

1. The property claimed in Counts 4, 5, 6, 7 and 8 are as follows:
 - a. Count 4 refers to property designated as Tax Map No. 130-M14-389-37.
 - b. Count 5 refers to property designated as Tax Map No. 130-M14-389-38.
 - c. Count 6 refers to property designated as Tax Map No. 130-M14-389-27.
 - d. Count 7 refers to property designated as Tax Map No. 130-M14-389-39.

- e. Count 8 refers to property designated as Tax Map No. 130-M140-389-40.
- 2. As to the basis for Plaintiff's claim to title to the following lots:
 - a. Count 4 - Plaintiff is claiming by adverse possession.
 - b. Count 5 - Plaintiff is claiming by adverse possession.
 - c. Count 6 - Plaintiff is claiming by record title and adverse possession.
 - d. Count 7 - Plaintiff is claiming by adverse possession.
 - e. Count 9 - Plaintiff is claiming by adverse possession.
- 3. As to the basis of Plaintiff's claim for adverse possession, note as follows:
 - a. The above listed lots had been joined together by Tax Map No. 130-M14-389-27, which map is filed of record. Said map joined all of the Lots in question - specifically those lots referred to in No. 1 of this statement as Lot Nos. 42, 44, 46, 48, 50, 52, 54, 56 and 58.
 - b. Plaintiff is thirty-one (31) years of age. Plaintiff was thirty (30) years of age when the present action to quiet title was filed. For as long as he can remember - that being a period longer than twenty (20) years - he, or his father, or other members of the family have used this property with conjunction of the ownership contiguous to this property (Lot No. 100 - Tax Map No. 130-M14-389-30). The use included using the property as a play area, including the construction of "camps", "tree houses", and the like, and as a septic system, and for the distribution of refuse from the Acey home located at the above mentioned Lot. In addition, they have been the only people in the last twenty (20) years to have paid taxes on these Lots.
 - c. They have also used this property as part of their driveway.
 - d. It further has been a storage area for a 1972 Torino, which was purchased by the Acey family and still sits on this property.
- 4. Plaintiff's basis for naming the other Defendants are as follows:
 - a. As to Count 4, and as alleged in Count 4, Cyprian Ferrier was vested in this property by Deed dated October 14, 1886 and recorded in Clearfield County Deed Book 40, Page 17. For unknown reasons, the assessment records of Clearfield County begin to indicate that the lots

100

1. The first of these is the fact that the

2. second is the fact that the

3. third is the fact that the

4. fourth is the fact that the

5. fifth is the fact that the

6. sixth is the fact that the

7. seventh is the fact that the

8. eighth is the fact that the

9. ninth is the fact that the

10. tenth is the fact that the

11. eleventh is the fact that the

12. twelfth is the fact that the

13. thirteenth is the fact that the

14. fourteenth is the fact that the

15. fifteenth is the fact that the

16. sixteenth is the fact that the

17. seventeenth is the fact that the

18. eighteenth is the fact that the

19. nineteenth is the fact that the

20. twentieth is the fact that the

21. twenty-first is the fact that the

22. twenty-second is the fact that the

23. twenty-third is the fact that the

24. twenty-fourth is the fact that the

25. twenty-fifth is the fact that the

26. twenty-sixth is the fact that the

27. twenty-seventh is the fact that the

28. twenty-eighth is the fact that the

29. twenty-ninth is the fact that the

30. thirtieth is the fact that the

31. thirty-first is the fact that the

32. thirty-second is the fact that the

33. thirty-third is the fact that the

34. thirty-fourth is the fact that the

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are assessed in the name of Ben Badman. This, despite the fact that there are no Deeds of record into Ben Badman, is the reason Plaintiff named as Defendants Cyprian Ferrier and Ben Badman, their heirs, successors and assigns, even though the Plaintiff does not believe that they still possess title to the same. Inasmuch as the Plaintiff is now claiming that title vests in him by virtue of the adverse possession claimed, Plaintiff wishes to extinguish any hint of a claim to be asserted by the heirs of the named Defendants.

b. As to Count 5, and as alleged in Count 5, Sarah Stoker was vested in this property by Deed dated May 1, 1882 and recorded in Clearfield County Deed Book 22, Page 398. She was married to John Stoker who passed away June 22, 1925. This being the reason Plaintiff named as Defendants, Sarah Stoker and John Stoker, their heirs, successors and assigns, although the Plaintiff does not believe that they still possess title to the same. Inasmuch as the Plaintiff is now claiming that title vests in him by virtue of the adverse possession claimed, Plaintiff wishes to extinguish any hint of a claim to be asserted by the heirs of the named Defendants.

c. As to Count 7, and as alleged in Count 7, Cyprian Ferrer was vested in this property by Deed dated September 24, 1883 and recorded in Clearfield County Deed Book 26, Page 356. For unknown reasons, the assessment records of Clearfield County begin to indicate that the lots are assessed in the name of Ben Badman; Ann Badman being his wife. This, despite the fact that there are no Deeds of record into Ben Badman, is the reason Plaintiff named as Defendants Cyprian Ferrer, Ben Badman and Ann Badman, their heirs, successors and assigns. Although the Plaintiff does not believe that they still possess title to the same. Inasmuch as the Plaintiff is now claiming that title vests in him by virtue of the adverse possession claimed, Plaintiff wishes to extinguish any hint of a claim to be asserted by the heirs of the named Defendants.

d. As to Count 8, and as alleged in Count 8, Israel C. Morgan, was vested in this property by Deed dated November 9, 1874 and recorded in Clearfield County Deed Book Volume 11, Page 259. This is the reason Plaintiff named as Defendant Israel C. Morgan, his heirs, successors and assigns. Although the Plaintiff does not believe that he still possesses title to the same.

Inasmuch as the Plaintiff is now claiming that title vests in him by virtue of the adverse possession claimed, Plaintiff wishes to extinguish any hint of a claim to be asserted by the heirs of the named Defendants.

Respectfully submitted,



R. Denning Gearhart
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)
NO. 00-465-CD

BRIAN T. ACEY,
Plaintiff
VS.

JESSE DIGGINS, et al,
Defendants

FILED

OCT 30 2000

01/18/3ccathy
William A. Shaw
Prothonotary

Denhart

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

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

BRIAN T. ACEY, : No.: 00-465-CD
Plaintiff :
vs. : Type of Case: Civil
: Type of Pleading:
: Answer to Complaint
JESSE DIGGINS and MARY JANE : and to Statement Filed
DIGGINS, his wife, their heirs, : October 30, 2000
successors and/or assigns; : Filed on Behalf of:
JOHN MARREC, his heirs, : Eugene J. Thompson
successors and/or assigns; : and Sutare Thompson
MILDRED JOHNSTON, her heirs, : Counsel of Record for
successors and/or assigns; : This Party:
CYPRIAN FERRIER, his heirs, : Girard Kasubick, Esq.
successors and/or assigns; : Supreme Court #30109
ESTATE OF JOHN STOKER, his : LEHMAN & KASUBICK
heirs, successors and/or : 611 Brisbin Street
assigns; SARAH STOKER, her : Houtzdale, PA 16651
heirs, successors and/or : (814) 378-7840
assigns; J.S. REITZ and A.H. :
REITZ, their heirs, successors :
and/or assigns; JOHN BLAIR, :
his heirs, successors and/or :
assigns; CYPRIAN FERRER, his :
heirs, successors and/or :
assigns; BEN BADMAN and ANN :
BADMAN, his wife, their heirs, :
successors and/or assigns; :
ISRAEL C. MORGAN, his heirs, :
successors and/or assigns; :
and/or any person or entity :
claiming title in and to the :
herein described premises :
under them, :
Defendants :
vs. :
EUGENE J. THOMPSON and SUTAH :
THOMPSON, his wife, :
Intervenor Defendants :

FILED

NOV 13 2000

William A. Shaw
Prothonotary

ANSWER TO COMPLAINT AND TO STATEMENT
FILED OCTOBER 30, 2000

AND NOW comes, Intervenor Defendants, Eugene J. Thompson and Sutare Thompson, his wife, by and through their Attorney, Girard Kasubick, Esq., and files the following Answers:

ANSWER TO COMPLAINT

1. Admitted.
2. Denied. This is a conclusion of law or fact for which no responsive pleading is required.
3. Denied. This is a conclusion of law or fact for which no responsive pleading is required.
4. Denied. This is a conclusion of law or fact for which no responsive pleading is required.
5. Denied. The Intervenor Defendants have acquired an interest in certain properties herein by Quiet Title Action No. 99-898-CD and Final Order of Court recorded November 3, 1999 in Clearfield County Instrument No. 199918226. All other averments herein are denied as conclusion of law or fact for which no responsive pleading is required.

COUNT I.

6.-9. Intervenor Defendants make no claim to the real property in Count I and does not answer this Count.

COUNT II.

10.-14. Intervenor Defendants make no claim to the real property in Count II and does not answer this Count.

COUNT III.

15.-20. Intervenor Defendants make no claim to the real property in Count III and does not answer this Count.

COUNT IV.

21. Paragraph 1 through 20 of this Answer are incorporated herein by reference thereto.

22. Admitted in part and denied in part. This paragraph is admitted, except that there is an Estate for Cyprian Ferrier, a/k/a Cyprien Ferrier, who died December 26, 1919. The estate is found in Clearfield County Estate File No. 8451 and his heirs were Josephine Ferrier, wife and three children; namely: Cyprien J. Ferrier, Laura M. Ferrier, and Julius Ferrier.

23. Admitted in part and denied in part. It is denied that Exhibit "A" shows Tax Map Number as 130-M14-37, but it is 130-M14-389-37, as in Paragraph 1 of the

Statement filed. It is admitted that Tax Map No. 130-M14-389-37 is Lot Nos. 42, 44, and 46 in the Plan of Sterling and the property is bounded and described as follows:

BEGINNING at the corner of St. James Street and Virgin Alley and running West along St. James Street one hundred fifty (150') feet to post on Spruce Street, thence North along the line of Spruce Street one hundred fifty (150') feet to post on Oak Alley, thence East along the line of Oak Alley one hundred fifty (150') feet to post on Virgin Alley, thence South along the line of Virgin Alley one hundred fifty (150') feet to post and the place of beginning and being known as Lot Nos. 42, 44, and 46 in the general plan of sterling of Jesse Diggins.

24. Admitted in part and denied in part. The Assessment Records of Clearfield County currently shows Tax Map No. 130-M14-389-37 assessed to Eugene J. and Sutah Thompson, his wife. It is admitted that Benjamin Badman may have been assessed with these lots between 1907 and 1930, but not thereafter.

25. Denied. This is a conclusion of law or fact for which no responsive pleading is required, and further after reasonable investigation the Intervenor Defendants are without knowledge or information to form a belief as to the truth of this averment and proof is demanded.

COUNT V.

26. Paragraph 1 through 25 of this Answer are incorporated herein by reference thereto.

27. Admitted.

28. Admitted in part and denied in part. It is denied that Exhibit "A" shows Tax Map Number as 130-M14-38, but it is 130-M14-389-38, as in Paragraph 1 of the Statement filed. It is admitted that Tax Map No. 130-M14-389-38 is Lot No. 48 in the Plan of Sterling and the property is bounded and described as follows:

BEGINNING at the corner of St. James Street and Virgin Alley and running East along St. James Street fifty (50') feet to a post; thence North one hundred fifty (150') feet to Oak Alley; thence West fifty (50') feet to Virgin Alley; thence South along said Alley one hundred fifty (150') feet to place of beginning. Known and designated as Lot No. 48 in the general plan of Sterling.

29. Denied. This is a conclusion of law or fact for which no responsive pleading is required, and further after reasonable investigation the Intervenor Defendants are without knowledge or information to form a belief as to the truth of this averment and proof is demanded.

COUNT VI.

30. Paragraph 1 through 29 of this Answer are incorporated herein by reference thereto.

31. Admitted in part and denied in part. This paragraph is admitted, except that there is an Estate for J. S. Reitz, a/k/a Joseph S. Reitz, who died October 13, 1950. The estate is found in Clearfield County Estate

File No. 20945 and under his Will he devised everything to his wife, Anna H. Reitz. There is also an Estate for A. H. Reitz, a/k/a Anna H. Reitz, who died December 15, 1966. The estate is found in Clearfield County Estate File No. 26799 and under her Will she devised her property to her son, Thomas E. H. Reitz. It is admitted that there is no estate for John Blair.

32. Admitted in part and denied in part. It is denied that Exhibit "A" shows Tax Map Number as 130-M14-27, but it is 130-M14-389-27, as in Paragraph 1 of the Statement filed. It is admitted that Tax Map No. 130-M14-389-27 is Lot No. 50 in the Plan of Sterling.

33. Denied. The property acquired from Joseph Colavecchi and John A. Redding was recorded on June 26, 2000 in Clearfield County Instrument No. 200008925. That deed conveys any interest in Tax Map No. 130-M14-27, but does not convey any interest in Tax Map No. 130-M14-389-27.

34. Denied. This is a conclusion of law or fact for which no responsive pleading is required.

COUNT VII.

35. Paragraph 1 through 34 of this Answer are incorporated herein by reference thereto.

36. Admitted in part and denied in part. It is admitted that Ben Badman and Ann Badman had no estates and appeared to die intestate and their heirs are unknown. It is believed and averred Cyprican Ferrer is also known as Cyprien Ferrier, and he died on December 26, 1919 and his estate and heirs can be found in Clearfield County Estate File No. 8451 as stated in Paragraph 22 of this Answer which is incorporated herein by reference thereto.

37. Admitted in part and denied in part. It is denied that Exhibit "A" shows Tax Map Number as 130-M14-39, but it is 130-M14-389-39, as in Paragraph 1 of the Statement filed. It is admitted that Tax Map No. 130-M14-389-39 is Lot No. 52 in the Plan of Sterling and the property is bounded and described as follows:

BEGINNING at the corner of Rush and St. James Streets and running West along St. James Street fifty (50') feet to Lot No. 50; thence running North one hundred fifty (150') feet to Oak Alley; thence running East fifty (50') feet to Rush Street; thence running South one hundred fifty (150') feet to place of beginning. Known as Lot No. 52 in the Plan of Sterling.

38. Admitted. It is admitted that the Woodward Township Assessment Records for 1907 state that a L and 3L of Cyprien Ferrier were transferred to Ben Badman. It is believed and averred the L is Lot 52 in this Count and

the 3L are the lots in Count IV above. A tracing of the Assessment Records also shows the lot in this Count and the lots in Count IV above were also assessed to the Houtzdale Coal Co. and Moses George.

39. Denied. This is a conclusion of law or fact for which no responsive pleading is required, and further after reasonable investigation the Intervenor Defendants are without knowledge or information to form a belief as to the truth of this averment and proof is demanded.

COUNT VIII.

40. Paragraph 1 through 39 of this Answer are incorporated herein by reference thereto.

41. Admitted.

42. Admitted in part and denied in part. It is denied that Exhibit "A" shows Tax Map Number as 130-M14-40, but it is 130-M14-389-40, as in Paragraph 1 of the Statement filed. It is admitted that Tax Map No. 130-M14-389-40 is Lot Nos. 54, 56, and 58 in the Plan of Sterling and the property is bounded and described as follows:

BEGINNING at the corner of Rush Street and St. James Street and running North one hundred fifty (150') feet to Oak Alley; thence running East along Oak Alley one hundred fifty (150') feet to Pine Alley; thence running South one hundred fifty (150') feet along Pine Alley to St. James Street; thence running West along St. James

Street to place of beginning, known and designated as Lot Nos. 54, 56, and 58 in the general plan of Sterling.

43. Denied. This is a conclusion of law or fact for which no responsive pleading is required, and further after reasonable investigation the Intervenor Defendants are without knowledge or information to form a belief as to the truth of this averment and proof is demanded.

ANSWER TO STATEMENT FILED OCTOBER 30, 2000

1. Admitted that Plaintiff is claiming the Tax Map Numbers in a. through e. It is denied that any claim has been established as set forth in Paragraph 1 through 43 of this Answer above and 1 through 4 of the Statement herein.

2. Admitted in part and denied in part. Admitted that Plaintiff is claiming title, as stated in a. through e. It is denied that any claim has been established, as set forth in Paragraph 1 through 43 of this Answer above and 1 through 4 of the Statement herein.

3. a. It is admitted that Lot Nos. 42, 44, 46, 48, 50, 52, 54, 56, and 58 being the lots in Counts VI

through Count VIII were at one time under one county assessment map number, being Tax Map No. 130-M14-389-27.

b. Denied. Intervenor Defendants after reasonable investigation are without knowledge or information to form a belief as to the truth of this averment and proof thereof is demanded for the properties in Count IV through Count VIII of the Complaint. The Intervenor Defendants and their children have resided in the adjacent tract, being Tax Map No. 130-M14-389-22 since 1978 and they never saw camps, tree houses or a septic system on the properties in Counts VI through Count VIII, but Intervenor Defendants make no claim to Lot 100 in Counts II and III. Intervenor Defendants do know of a septic system which was located on the southern part of Tax Map Nos. 130-M14-389-1 or 130-M14-389-20.

c. Denied. The driveway used by Plaintiff and/or his family ran along Virgin Alley, as shown on Exhibit "A" of the Complaint. It may have run slightly onto Tax Map No. 130-M14-389-38, but it did not go over any other properties in Counts IV through VIII of the Complaint.

d. Denied. The 1972 Torino sits on the property known by Tax Map No. 130-M14-389-20 or 130-M14-

389-1. At one time, it may have sat on the northern corner of Tax Map No. 130-M14-389-38, but it does not sit on any of the other properties in Count IV through VIII.

4. a. Admitted in part and denied in part. It is admitted the property described in Count IV and as set forth in Paragraph 23 of this Answer is the same conveyed to Cyprian Ferrier in Deed Book 40, Page 17. It is admitted that the 1907 assessment records for Woodward Township appear to show this property transferred to Ben Badman, but there was not a deed recorded. It is denied that Plaintiff has adversely possessed the property in Count IV for the reasons set forth in this Answer, all of which are incorporated herein by reference thereto, and that this is a conclusion of law or fact for which no responsive pleading is required.

b. Admitted in part and denied in part. It is admitted the property described Count V and as set forth in Paragraph 28 of this Answer is the same conveyed to Sarah Stoker in Deed Book 22, Page 398. It is admitted that Sarah Stoker was married and her husband may have died. It is denied that Plaintiff has adversely possessed the property in Count V for the reasons set forth in this Answer, all of which are incorporated herein by reference

thereto, and that this is a conclusion of law or fact for which no responsive pleading is required.

c. Admitted in part and denied in part. It is admitted the property described in Count VII and as set forth in Paragraph 37 of this Answer is the same conveyed to Cyprian Ferrier in Deed Book 26, Page 356. It is admitted that the 1907 assessment records for Woodward Township appear to show this property transferred to Ben Badman, but there was not a deed recorded. It is denied that Plaintiff has adversely possessed the property in Count VII for the reasons set forth in this Answer, all of which are incorporated herein by reference thereto, and that this is a conclusion of law or fact for which no responsive pleading is required.

d. Admitted in part and denied in part. Admitted in part and denied in part. It is admitted the property described in Count VIII and as set forth in Paragraph 42 of this Answer is the same conveyed to Israel C. Morgan in Deed Book 11, Page 259. It is denied that Plaintiff has adversely possessed the property in Count VIII for the reasons set forth in this Answer, all of which are incorporated herein by reference thereto,

and that this is a conclusion of law or fact for which no responsive pleading is required.

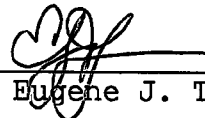
Respectfully submitted,



Girard Kasubick,
Attorney for
Intervenor Defendants

VERIFICATION

I verify that the statements made in the foregoing Answer to Complaint and to Statement Filed October 30, 2000 are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. 4904 relating to unsworn falsification to authorities.



Eugene J. Thompson



Sutah Thompson

21

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL TRIAL LISTING

CERTIFICATE OF READINESS

TO THE PROTHONOTARY

DATE PRESENTED - 06/27/02

CASE NUMBER	TYPE TRIAL REQUESTED	ESTIMATED TRIAL TIME
00-465-CD	() Jury (X) Non-Jury () Arbitration	<u>1</u> Day(s)

Date Complaint
Filed: April 20, 2000

PLAINTIFF(S)

BRIAN T. ACEY

DEFENDANT(S)

JESSE DIGGINS, et al

ADDITIONAL DEFENDANT(S)

NONE

()
()
()
Check Block if
a Minor is a
Party to the
Case

JURY DEMAND FILED BY:

DATE JURY DEMAND FILED:

N/A

AMOUNT AT ISSUE

CONSOLIDATION

DATE CONSOLIDATION ORDERED

Less/More than
\$25,000.00

() yes (X) no

PLEASE PLACE THE ABOVE CAPTIONED CASE ON THE ARBITRATION LIST.

I certify that all discovery in the case has been completed; all necessary parties and witnesses are available; serious settlement negotiations have been conducted; the case is ready in all respects for trial, and a copy of this Certificate has been served upon all counsel of record and upon all parties of record who are not represented by counsel.


R. DENNING GEARHART, ESQUIRE

FOR THE PLAINTIFFS

TELEPHONE NUMBER

R. Denning Gearhart, Esquire
215 E. Locust Street
Clearfield, PA 16830

FILED

814-765-1581

FOR THE DEFENDANT

TELEPHONE NUMBER

Girard Kasubick, Esquire
611 Brisbin Street
Houtzdale, PA 16651

JUN 27 2002
01:10:48 PM
William A. Shaw
Prothonotary

814-378-7840

FOR ADDITIONAL DEFENDANT

TELEPHONE NUMBER

NO ATTORNEY ENTERED THEIR APPEARANCE



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

BRIAN T. ACEY

-vs-

No. 00 - 465 - CD

JESSE DIGGINS and MARY JANE
DIGGINS, his wife, their heirs, successors
and/or assigns; JOHN MARREC, his heirs,
successors and/or assigns; MILDRED
JOHNSTON, her heirs, successors and/or
assigns; CYPRIAN FERRIER, his heirs,
successors and/or assigns; ESTATE OF
JOHN STOKER, his heirs, successors
and/or assigns; SARAH STOKER, her
heirs, successors and/or assigns; J.S. REITZ
and A.H. REITZ, their heirs, successors
and/or assigns; JOHN BLAIR, his heirs,
successors and/or assigns; CYPRICAN
FERRER, his heirs, successors and/or
assigns; BEN BADMAN and ANN
BADMAN, his wife, their heirs,
successors and/or assigns; ISRAEL C.
MORGAN, his heirs, successors and/or
assigns; and/or any person or entity
claiming title in and to the herein described
premises under them

-vs-

EUGENE J. THOMPSON and SUTAH
THOMPSON, his wife

FILED

AUG 27 2002

William A. Shaw
Prothonotary

PRE-TRIAL ORDER

NOW, this 26th day of August, 2002, following pre-trial conference in the
above-captioned matter, it is the ORDER of this Court that trial without a jury shall be had on
Tuesday, October 22, 2002, beginning at 9:00 a.m.

By the Court,


President Judge

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

BRIAN T. ACEY

:

VS.

: NO. 00-465-CD

JESSE DIGGINS and

:

MARY JANE DIGGINS, et al

:

VS.

:

EUGENE J. THOMPSON and

:

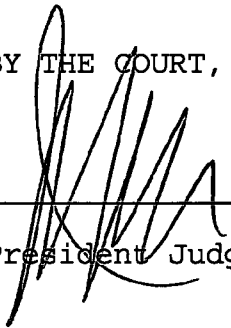
SUTAH THOMPSON

:

O R D E R

NOW, this 22nd day of October, 2002, following the taking of testimony, it is the ORDER of this Court that counsel for Plaintiff file a brief and proposed findings of fact within thirty (30) days from this date; and Intervenor Defendant file brief and proposed findings of fact within thirty (30) days thereafter.

BY THE COURT,



President Judge

FILED

OCT 22 2002

William A. Shaw
Prothonotary

FILED

2 cc Aug Geosthart

013-11884
OCT 22 2002

2 cc Aug Kasabick

mailed 10/22/02 -RA

William A. Shaw
Prothonotary



In the Court of Common Pleas of Clearfield County, Pa
CIVIL DIVISION

BRIAN T. ACEY,
Plaintiff

No .:00-465-CD

vs.

JESSE DIGGINS and MARRY JANE
DIGGINS, his wife, their heirs,
successors and/or assigns;
JOHN MARREC, her heirs,
successors and/or assigns;
MILDRED JOHNSTON, his
heirs, successors and/or
assigns; SARAH STOKER,her
heirs, successors and/or
assingns; J.S. REITZ and A.H.
REITZ, thier heirs, successors
and/or assingns,JOHN BLAIR,
his heirs, successors and/or
assigns, CYPRICAN FERRER, his
heirs, sccessors and/or
assigns; BEN BADMAN and ANN
BADMAN, his wife, their heirs,
successors and/or assigns;
ISRAEL C. MORGAN, his heirs,
successors and/or assigns;
and/or any person or entity
claiming title in and to the
herein described premisees
under them

Defendants

VS,

EUGENE J, THOMPSON and SUTAH
THOMPSON , his wife
Intevenor Defendants

PETITION TO INTERVENE

AND NOW COMES, Patrick I. Brown and Kathy j.
Brown
his wife, by and through themselves,

FILED

AUG 20 2003

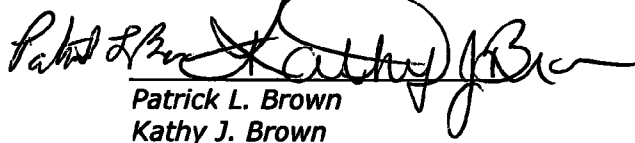
and files the following Petition to Intervene under

PA. R.C.P. 2328.

1. The Petitioners are Patrick L. Brown and Kathy J. Brown
R.R. 1, Box 661, Houtzdale PA 16651
2. The Petitioners and Prodeccesors has had adversely possessed
the property Know as Tax Map No.130-m14-40. Lot Nos.54,56,58
vested in this property is ISRAEL C. MORGAN by Deed dated November
9,1874 and recored in Clearfield County Deed Book Volume
11, page 259. For the purpose of the only access and egress
to our property.
3. The alley on lots 56,58 have been in Petitioners and Prodeccesors
have been in actual possession and held in open, notorious, hostile
for more then 50 years.
4. Petitioners septic is on said lots 54 and can be documented to over
25 years. And still in use today
5. The Petitioners further hoped to obtain interest in lots 54,56,58
To protected a rightaway to their property.
6. The Petitioners have paid taxes on said lots for a number of years.
From 1997 to present
7. If Petitioners are allowed to intervene they will raise the clame that
they are the only persons in Adverse Possession of said lots 54,56,58
8. Based on the averments in Plaintiff 's Complaint
and research of the records, Plaintiff is attempting to claim the
lots 54,56,58 subject of this action with out any public record claim
of rights by deed , nor any fact basis
for adverse possession in the Complaint.

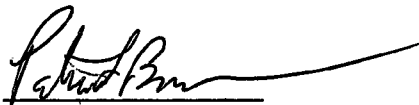
WHEREFORE, Petitioners request your Honorable Court
to issue an Order granting leave of Petitioners, Patrick L. Brown
and Kathy J. Brown to intervene in this action.

Respectfully submitted,

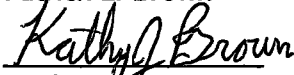

Patrick L. Brown
Kathy J. Brown

VERIFICATION

***I verify that the statements made in the foregoing
Petition To Intervene are true and correct. I understand
that false statements herein are made subject to the
penalties of 18 Pa. C.S.A. 4904 relating to unsworn
falsification to authorities.***

A handwritten signature in cursive script, appearing to read "Patrick L. Brown", written over a horizontal line.

Patrick L. Brown

A handwritten signature in cursive script, appearing to read "Kathy J. Brown", written over a horizontal line.

Kathy J. Brown

103

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNT, PA
CIVIL DIVISON

Brian T Acey,
Plaintiff

NO. 00-465-CD

vs.

JESSE DIGGINS and MARY JANE
DIGGINS, his wife, their heirs, successors
and/ or assigns; JOHN MARREC, his heirs,
successors and/ or assigns; MILDRED
JOHNSTON, her heirs, successors and/ or
assigns; CYPRIAN FERRIER, his
heirs, successors and/ or assigns;
ESTATE OF JOHN STOKER, his heirs,
successors and/ or assigns;
SARAH STOKER, her heirs successors
and/ or assigns; J.S. REITZ and A.H. REITZ,
their heirs, successors and/ or assigns,
JOHN BLAIR, his heirs, successors
and/ or assigns; CYPRICAN FERRER,
his heirs, successors and/ or assigns,
BEN BADMAN and ANN BADMAN, his
wife, their heirs, successors and or assigns;
ISRAEL C. MORGAN, his heirs
successors and/ or assigns,
and/ or any person or entity claiming
title in and to the herein described
premises under them,

Defendants

VS,

EUGENE J. THOMPSON and SUTAH
THOMPSON, his wife,

Intervenor Defendants

CERTIFICATE OF SERVICE

That on the 20 th of August, 2003, I served a certified copy of the

Amended Complaint filed in this proceeding on the following and in the following manne
r;

U.S. POSTAL SERVICE, FIRST CLASS, POSTAGE PREPAID

Girard Kasubick, Esquire

611 Brisbin Street

Houtzdale, PA 16651

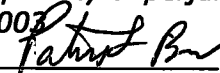

R. Denning Gearheart Esquire

215 East Locus Street

Clearfield, PA 16830

I certify unded penalty of perjury that the foregoing is true and correct.

Dated: August 20, 2003


Patrick L. Brown

Kathy J. Brown

378-5343
577-5900

FILED

AUG 20 2003

William A. Shaw
Prothonotary

09:28:24 4445

FILED
8/14-318-5343
8/14-318-5343
8/14-318-5343

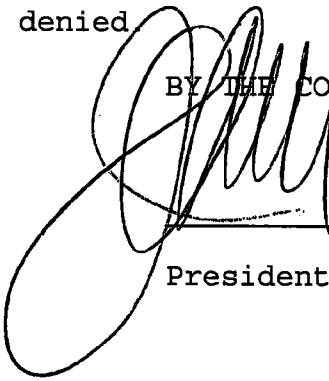
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

BRIAN T. ACEY :
VS. : NO. 00-465-CD
JESSE DIGGINS, et al :
VS. :
EUGENE J. THOMPSON, et al :

O R D E R

NOW, this 17th day of September, 2003, following
argument into Petition to Intervene filed on behalf of Patrick
I. Brown and Kathy J. Brown, it is the ORDER of this Court that
said Petition be and is denied

BY THE COURT,



President Judge

FILED

SEP 17 2003

William A. Shaw
Prothonotary/Clerk of Courts

FILED

2cc Atty Gearhart

01/55/01
SEP 17 2003

2cc Atty Kasubick

William A. Shaw
Prothonotary/Clerk of Courts

1 cc Patrick & Kathy Brown RR 1, Box 661,

Houtzdale, PA 16651

SEP

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

BRIAN T. ACEY

Plaintiff

VS.

NO. 00-465-CD

JESSE DIGGINS and MARY JANE
DIGGINS, his wife, their heirs, successors
and/or assigns; JOHN MARREC, his heirs,
successors and/or assigns; MILDRED
JOHNSTON, her heirs, successors and/or
assigns; CYPRIAN FERRIER, his
heirs, successors and/or assigns,
ESTATE OF JOHN STOKER, his heirs,
successors and/or assigns;
SARAH STOKER, her heirs, successors
and/or assigns; J.S. REITZ and A.H. REITZ,
their heirs, successors and/or assigns,
JOHN BLAIR, his heirs, successors
and or assigns; CYPRICAN FERRER,
his heirs, successors and/or assigns,
BEN BADMAN and ANN BADMAN, his
wife, their heirs, successors and or assigns;
ISRAEL C. MORGAN, his heirs,
successors and/or assigns,
and/or any person or entity claiming
title in and to the herein described
premises under them,

Defendants

VS.

EUGENE J. THOMPSON and SUTAH
THOMPSON, his wife,
Intervener Defendants

FILED

OCT 01 2003
01/11/03
William A. Shaw
Prothonotary/Clerk of Courts
NO COURT COSTS

TYPE OF CASE: Civil


TYPE OF PLEADING: CERTIFICATE OF SERVICE

FILED ON BEHALF OF: Plaintiff

COUNSEL OF RECORD FOR THIS PARTY: R. DENNING GEARHART, ESQUIRE
Supreme Court I.D. #26540
215 East Locust Street
Clearfield, PA 16830
(814) 765-1581

such documents in the United States Mail postage pre-paid and addressed as follows:

Girard Kasubick, Esq.
Lehman & Kasubick, Esqs.
611 Brisbin Street
Houtzdale, Pa 16651

By: 
R. Denning Gearhart, Esq.
Attorney for Plaintiff

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

BRIAN T. ACEY,

Plaintiff

-vs-

JESSE DIGGINS and MARY JANE
DIGGINS, his wife, their heirs, successors
And/or assigns; JOHN MARREC, his heirs,
Successors and/or assigns; MILDRED
JOHNSTON, her heirs, successors and/or
Assigns; CYPRIAN FERRIER, his heirs,
Successors and/or assigns; ESTATE OF
JOHN STOKER, his heirs, successors
And/or assigns; SARAH STOKER, her
Heirs, successors and/or assigns; J.S. REITZ;
And A.H. REITZ, their heirs, successors
And/or assigns; JOHN BLAIR, his heirs,
Successors and/or assigns; CYPRICAN
FERRER, his heirs, successors and/or
Assigns; BEN BADMAN and ANN
BADMAN, his wife, their heirs,
Successors and/or assigns; ISRAEL C.
MORGAN, his heirs, successors and/or
Assigns; and/or any person or entity
Claiming title in and to the herein
Described premises under them,

Defendants

-vs-

EUGENE J. THOMPSON and SUTAH
THOMPSON, his wife,

Intervenor Defendants

No. 00 - 465 - CD

FILED

JAN 02 2004

William A. ...
Prothonotary/Clerk of Courts

OPINION AND ORDER

Plaintiff above-named commenced this Action in Quiet Title and on September 19, 2000, filed an Amended Complaint seeking title as follows. In Count I thereof Plaintiff claims Lot #94 with tax map number 130-M14-20 as set forth in Exhibit A attached to Plaintiff's Complaint. In Counts II and III Plaintiff claims ownership of Lot #100 with tax map number 130-M14-30 as shown in Exhibit A attached to Plaintiff's Complaint. With regards to these claims the Court finds in favor of the Plaintiff and does award to him

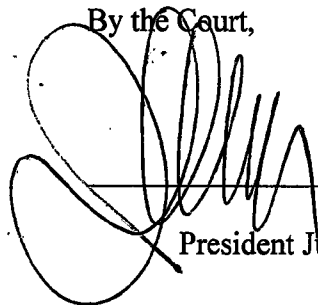
ownership interest as against the named Defendants and the Intervenor. With regards to the remaining parcels, specifically Lots A, B, C, D1, D2, E, G, I, J and K to which Plaintiff claims ownership by adverse possession, this Court cannot find, based on the record, that Plaintiff has sustained his burden of proving actual, continuous, exclusive, visible, notorious, distinct, and hostile possession of said premises for a period of at least 21 years, and therefore must dismiss his Complaint to Quiet Title with regards to these premises.

WHEREFORE, the Court enters the following:

ORDER

NOW, this 31st day of December, 2003, following hearing into the above-captioned Action to Quiet Title, it is the ORDER of this Court that judgment shall be and is hereby entered in favor of Plaintiff and against the Defendants and the Intervenor with regards to Lot #94, tax map number 130-M14-20 and Lot #100, tax map number 130-M14-30 and in all other respects said Complaint shall be and is hereby dismissed in accordance with the foregoing Opinion.

By the Court,



President Judge

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

BRIAN T. ACEY,
Plaintiff

vs.

JESSE DIGGINS and MARY JANE
DIGGINS, his wife, their heirs,
successors and/or assigns;
JOHN MARREC, his heirs,
successors and/or assigns;
MILDRED JOHNSTON, her heirs,
successors and/or assigns;
CYPRIAN FERRIER, his heirs,
successors and/or assigns;
ESTATE OF JOHN STOKER, his
heirs, successors and/or
assigns; SARAH STOKER, her
heirs, successors and/or
assigns; J.S. REITZ and A.H.
REITZ, their heirs, successors
and/or assigns; JOHN BLAIR,
his heirs, successors and/or
assigns; CYPRICAN FERRER, his
heirs, successors and/or
assigns; BEN BADMAN and ANN
BADMAN, his wife, their heirs,
successors and/or assigns;
ISRAEL C. MORGAN, his heirs,
successors and/or assigns;
and/or any person or entity
claiming title in and to the
herein described premises
under them,

Defendants

vs.

EUGENE J. THOMPSON and SUTAH
THOMPSON, his wife,
Intervener Defendants

No.: 00-465-CD

Type of Case: Civil
Type of Pleading:
Post-Trial Motion
Filed on behalf of:
Eugene J. Thompson
and Sutare Thompson
Counsel of Record for
This Party:
Girard Kasubick, Esq.
Supreme Court #30109
LEHMAN & KASUBICK
611 Brisbin Street
Houtzdale, PA 16651
(814) 378-7840

FILED

JAN 08 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

BRIAN T. ACEY, :
Plaintiff :
 : No.: 00-465-CD
vs. :
 :
JESSE DIGGINS and MARY JANE :
DIGGINS, his wife, their heirs, :
successors and/or assigns; :
JOHN MARREC, his heirs, :
successors and/or assigns; :
MILDRED JOHNSTON, her heirs, :
successors and/or assigns; :
CYPRIAN FERRIER, his heirs, :
successors and/or assigns; :
ESTATE OF JOHN STOKER, his :
heirs, successors and/or :
assigns; SARAH STOKER, her :
heirs, successors and/or :
assigns; J.S. REITZ and A.H. :
REITZ, their heirs, successors :
and/or assigns; JOHN BLAIR, :
his heirs, successors and/or :
assigns; CYPRICAN FERRER, his :
heirs, successors and/or :
assigns; BEN BADMAN and ANN :
BADMAN, his wife, their heirs, :
successors and/or assigns; :
ISRAEL C. MORGAN, his heirs, :
successors and/or assigns; :
and/or any person or entity :
claiming title in and to the :
herein described premises :
under them, :
Defendants :
vs. :
 :
EUGENE J. THOMPSON and SUTAH :
THOMPSON, his wife, :
Intervener Defendants :

POST-TRIAL MOTION

AND NOW, comes Eugene J. Thompson and Sutare Thompson, his wife, Intervener Defendants, by their attorney, Girard Kasubick, Esq. and file the following Post-Trial Motion.

1. After Non-Jury trial on October 22, 2002 and the late submission of Briefs and Findings of Fact by the parties involved, the Court issued an Opinion and Order dated December 31, 2003, a copy of which is attached hereto and marked Exhibit "A".

2. The Opinion and Order have some inconsistencies and errors which Intervener Defendants request be clarified. The record and pleadings in this case have some of these errors also, which may have confused the Court. The errors and inconsistencies are as follows:

a. The Opinion and Order of the Court refers to Tax Map Numbers 130-M14-20 and 130-M14-30. The actual Clearfield County Tax Map Numbers of the property in dispute in this action are Tax Map Numbers 130-M14-389-20 and 130-M14-389-30. The Court is omitting the "389". Clearfield County Tax Map No. 130-M14-20 is currently assessed as "Camp and 7.97 acres" to Samuel McClelland. Clearfield County Tax Map No. 130-M14-30 is currently assessed as "H, G. and 3.786 acres" to Bernard Petrusky.

To assure no problems with other properties the Court needs to correct the Tax Map Numbers.

b. In Count I of Plaintiff's Complaint, Plaintiff claims title of Tax Map No. 130-M14-389-20 (referred to as Tax Map Number 130-M14-20 in Plaintiff's Complaint and Amended Complaint) by Adverse Possession. The Court appears to award title to Plaintiff of this Lot which is Lot 94 in its Order. In the Courts opinion it states Lots D1 and D2, as referred to on Plaintiff's Exhibit 1, have not been shown to be adversely possessed. Lots D1 and D2 on Plaintiff's Exhibit No. 1 do make up Tax Map No. 130-M14-389-20 which is referred to in the Opinion and Order as Tax Map No. 130-M14-20. The Intervener Defendants believe this should be clarified, since the only way Plaintiff can acquire title to Lot 94 under his Complaint is by adverse possession. The Intervener Defendants Brief in the Conclusion incorrectly referred to Lots 50 and 94 to be awarded to the Plaintiff. It should have been Lots 50 and 100 to be awarded to the Plaintiff. These are the two Lots Plaintiff has acquired by recorded deeds.

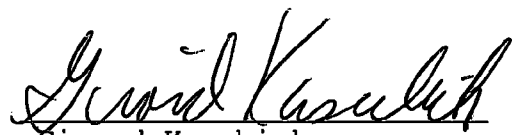
c. The Opinion and Order makes no specific mention of Lot F in its Opinion and Order which is Lot 50 on Intervener Defendants Exhibit, Exhibit No. 2. The

Plaintiff has obtained title to Lot 50 by deed as shown in the Pleadings and from the Order it appears the Court is voiding this deed since the Court is dismissing Plaintiff's claim to all Lots except Lots 94 and 100 as the current Opinion and Order stands.

3. Intervener Defendants believe the Court may be trying to award the Plaintiff the Lots to which Plaintiff has the deeds recorded which are Lots 50 and 100 or Tax Map Numbers 130-M14-389-27 and 130-M14-389-30, but the Court has made some incorrect references due to errors and confusion in the record and pleadings of this case and due to the length of time since trial.

WHEREFORE, Intervener Defendants, request your Honorable Court to review its Opinion and Order to determine if any clarification is needed due to incorrect reference to Lot Numbers, Tax Map Numbers, and references to Exhibits used at Trial.

Respectfully Submitted,


Girard Kasubick,
Attorney for Intervener
Defendants

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

BRIAN T. ACEY,

Plaintiff

-vs-

No. 00 - 465 - CD

JESSE DIGGINS and MARY JANE
DIGGINS, his wife, their heirs, successors
And/or assigns; JOHN MARREC, his heirs,
Successors and/or assigns; MILDRED
JOHNSTON, her heirs, successors and/or
Assigns; CYPRIAN FERRIER, his heirs,
Successors and/or assigns; ESTATE OF
JOHN STOKER, his heirs, successors
And/or assigns; SARAH STOKER, her
Heirs, successors and/or assigns; J.S. REITZ;
And A.H. REITZ, their heirs, successors
And/or assigns; JOHN BLAIR, his heirs,
Successors and/or assigns; CYPRICAN
FERRER, his heirs, successors and/or
Assigns; BEN BADMAN and ANN
BADMAN, his wife, their heirs,
Successors and/or assigns; ISRAEL C.
MORGAN, his heirs, successors and/or
Assigns; and/or any person or entity
Claiming title in and to the herein
Described premises under them,
Defendants

-vs-

EUGENE J. THOMPSON and SUTAH
THOMPSON, his wife,
Intervenor Defendants

OPINION AND ORDER

Plaintiff above-named commenced this Action in Quiet Title and on September 19, 2000, filed an Amended Complaint seeking title as follows. In Count I thereof Plaintiff claims Lot #94 with tax map number 130-M14-20 as set forth in Exhibit A attached to Plaintiff's Complaint. In Counts II and III Plaintiff claims ownership of Lot #100 with tax map number 130-M14-30 as shown in Exhibit A attached to Plaintiff's Complaint. With regards to these claims the Court finds in favor of the Plaintiff and does award to him

ownership interest as against the named Defendants and the Intervenor. With regards to the remaining parcels, specifically Lots A, B, C, D1, D2, E, G, I, J and K to which Plaintiff claims ownership by adverse possession, this Court cannot find, based on the record, that Plaintiff has sustained his burden of proving actual, continuous, exclusive, visible, notorious, distinct, and hostile possession of said premises for a period of at least 21 years, and therefore must dismiss his Complaint to Quiet Title with regards to these premises.

WHEREFORE, the Court enters the following:

ORDER

NOW, this 31st day of December, 2003, following hearing into the above-captioned Action to Quiet Title, it is the ORDER of this Court that judgment shall be and is hereby entered in favor of Plaintiff and against the Defendants and the Intervenor with regards to Lot #94, tax map number 130-M14-20 and Lot #100, tax map number 130-M14-30 and in all other respects said Complaint shall be and is hereby dismissed in accordance with the foregoing Opinion.

By the Court,

/s/ JOHN K. REILLY, JR.

President Judge

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

JAN 02 2004

Attest.

[Signature]
Prothonotary/
Clerk of Courts

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

BRIAN T. ACEY, :
Plaintiff :
 : No.: 00-465-CD
vs. :
 :
JESSE DIGGINS and MARY JANE :
DIGGINS, his wife, their heirs, :
successors and/or assigns; :
JOHN MARREC, his heirs, :
successors and/or assigns; :
MILDRED JOHNSTON, her heirs, :
successors and/or assigns; :
CYPRIAN FERRIER, his heirs, :
successors and/or assigns; :
ESTATE OF JOHN STOKER, his :
heirs, successors and/or :
assigns; SARAH STOKER, her :
heirs, successors and/or :
assigns; J.S. REITZ and A.H. :
REITZ, their heirs, successors :
and/or assigns; JOHN BLAIR, :
his heirs, successors and/or :
assigns; CYPRICAN FERRER, his :
heirs, successors and/or :
assigns; BEN BADMAN and ANN :
BADMAN, his wife, their heirs, :
successors and/or assigns; :
ISRAEL C. MORGAN, his heirs, :
successors and/or assigns; :
and/or any person or entity :
claiming title in and to the :
herein described premises :
under them, :
Defendants :
vs. :
 :
EUGENE J. THOMPSON and SUTAH :
THOMPSON, his wife, :
Intervener Defendants :

CERTIFICATE OF SERVICE

I hereby certify that I, Girard Kasubick, Esq., served a copy of the Post-Trial Motion by regular United States mail, postage pre-paid, mailed on January 8, 2004 upon the attorney for the Plaintiff at the following address:

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

A handwritten signature in cursive script, reading "Girard Kasubick", written over a horizontal line.

Girard Kasubick, Esquire,
Attorney for Intervener
Defendants

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

BRIAN T. ACEY

vs.

JESSE DIGGINS, al

:
:
: No. 00-465-CD
:
:

ORDER


AND NOW, this 20th day of January, 2004, it is the ORDER of the Court that argument on Attorney Kasubick's Post-Trial Motion in the above matter has been scheduled for **Wednesday, February 25, 2004 at 3:00 P.M.** before the Honorable John K. Reilly, Jr., Senior Judge, Specially Presiding, in Courtroom No. 2, Clearfield County Courthouse, Clearfield, PA.

BY THE COURT:

FILED

JAN 20 2004

William A. Shaw
Prothonotary/Clerk of Courts


FREDRIC J. AMMERMAN
President Judge

FILED

1 CC Atty Geas hart

12/18/04

1 CC Atty Kasabick

JAN 20 2004

William A. Shaw

Prothonotary/Clerk of Courts

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

BRIAN T. ACEY,
Plaintiff

No.: 00-465-CD

vs.

JESSE DIGGINS and MARY JANE
DIGGINS, his wife, their heirs,
successors and/or assigns;
JOHN MARREC, his heirs,
successors and/or assigns;
MILDRED JOHNSTON, her heirs,
successors and/or assigns;
CYPRIAN FERRIER, his heirs,
successors and/or assigns;
ESTATE OF JOHN STOKER, his
heirs, successors and/or
assigns; SARAH STOKER, her
heirs, successors and/or
assigns; J.S. REITZ and A.H.
REITZ, their heirs, successors
and/or assigns; JOHN BLAIR,
his heirs, successors and/or
assigns; CYPRICAN FERRER, his
heirs, successors and/or
assigns; BEN BADMAN and ANN
BADMAN, his wife, their heirs,
successors and/or assigns;
ISRAEL C. MORGAN, his heirs,
successors and/or assigns;
and/or any person or entity
claiming title in and to the
herein described premises
under them,

Defendants

vs.

EUGENE J. THOMPSON and SUTAH
THOMPSON, his wife,
Intervenor Defendants

FILED

MAR 02 2004

William A. Shaw
Prothonotary/Clerk of Courts

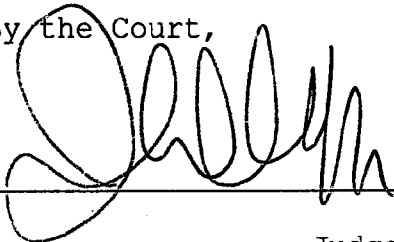
must dismiss his Complaint to Quiet Title with regard to these premises.

WHEREFORE, the Court enters the following:

ORDER

NOW, this 2 day of March, 2004, following argument on the Intervenor Defendants Post-Trial Motion on February 25, 2004 on the above-captioned Action to Quiet Title, the Court is hereby modifying its Opinion and Order entered December 31, 2003, and it is the ORDER of this Court that judgment shall be and is hereby entered in favor of Plaintiff and against the Defendants and the Intervenor with regards to Lot #100, tax map number 130-M14-389-20 and Lot #50, tax map number 130-M14-389-27 and in all other respects said Complaint shall be and is hereby dismissed in accordance with the foregoing Amended Opinion.

By the Court,

A handwritten signature in black ink, appearing to be "J. J. [unclear]", written over a horizontal line.

Judge

William A. Shaw
Prothonotary

R. Denning Gearhart, Esq., Movant
Attorney for Plaintiff

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

BRIAN T. ACEY,

Plaintiff

vs.

JESSE DIGGINS, et. al.,

Defendant

:
:
:
:
:
:
:

No. 00-465-CD

ORDER

AND NOW, THIS ____ day of _____, 2004, upon consideration of the foregoing Motion for Continuance, it is the ORDER of this Court that Argument in the above matter be continued and it is hereby rescheduled for the ____ Day of _____, 2004, at _____ O'clock , ____M. in Courtroom No. ____ of the Clearfield County Courthouse, Clearfield, PA 16830.

BY THE COURT

SENIOR JUDGE

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION No. 00-465-CD

BRIAN T. ACEY,
Plaintiff

vs.

JESSE DIGGINS, et. al.,
Defendant

MOTION FOR CONTINUANCE

FILED

09:24 AM 3cc to [unclear]

JUN 18 2004

William A. Shaw
Prothonotary

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

COMMERCIAL PRINTING CO., CLEARFIELD, PA.

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

BRIAN T. ACEY,
Plaintiff

vs.

JESSE DIGGINS, et. al.
Defendant

:
:
:
: No. 00-465-CD
:
:
:

CASE NUMBER: No. 00-465-CD
TYPE OF CASE: Civil
TYPE OF PLEADING: PRAECIPE TO WITHDRAW MOTION FOR
CONTINUANCE
FILED ON BEHALF OF: Plaintiff

COUNSEL OF RECORD FOR THIS PARTY: R. DENNING GEARHART, ESQ.
Supreme Court I. D. #26540
207 E. Market Street
Clearfield, PA 16830
(814) 765-1581

FILED

JUN 24 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

BRIAN T. ACEY,
Plaintiff

vs.

No. 00-465-CD

JESSE DIGGINS, et. al.,
Defendant

PRAECIPE TO WITHDRAW DIVORCE

TO THE PROTHONOTARY OF CLEARFIELD COUNTY:

Please withdraw my Motion for Continuance filed in the above captioned
matter.



R. Denning Gearhart, Esq.
Attorney for Plaintiff

DATE: June 24, 2004

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION No. 00-465-CD

BRIAN T. ACEY,
Plaintiff

vs.

JESSE DIGGINS, et. al.,
Defendant

PRAECIPE TO WITHDRAW MOTION FOR
CONTINUANCE

FILED ^{10 cc}

10:48 AM
JUN 24 2004

copy to c/A

William A. Shaw
Prothonotary/Clerk of Courts

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