

00-567-CD
GERALD L. MAINES -vs- PHYLLIS DUNLAP a/k/a

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

EQUITY DIVISION - LAW

43 GERALD L. MAINES,

Plaintiff

vs.

⑦ PHYLIS DUNLAP A/K/A
⑦ PHYLIS M. ROWLES,

Defendant

No. 00-567. CO

TYPE OF CASE:

Equity Division - Law

Type of Pleading:

Complaint in Partition

FILED ON BEHALF OF:

Plaintiff

COUNSEL OF RECORD FOR THIS
PARTY:

David R. Thompson, Esquire
Attorney at Law
Supreme Court I.D. 73053
308 Walton Street, Suite 4
P.O. Box 587
Philipsburg PA 16866
(814) 342-4100

FILED

MAY 12 2020

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

EQUITY DIVISION - LAW

GERALD L. MAINES,

*

*

Plaintiff

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No. 00-

vs.

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PHYLLIS DUNLAP A/K/A

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PHYLLIS M. ROWLES,

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Defendant

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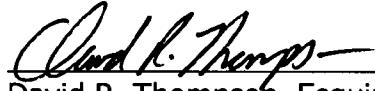
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NOTICE

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

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

Court Administrator
Clearfield County Courthouse
Clearfield PA 16830
(814) 765-2641



David R. Thompson, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

EQUITY DIVISION - LAW

GERALD L. MAINES,	*
	*
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Plaintiff	*
	*
	No. 00-
vs.	*
	*
	*
PHYLLIS DUNLAP A/K/A	*
PHYLLIS M. ROWLES,	*
	*
	*
Defendant	*
	*

COMPLAINT IN PARTITION

AND NOW, comes the Plaintiff, Gerald L. Maines by and through his attorney David R. Thompson, Esquire and files the following Partition Action of which the following is averred:

1. The Plaintiff is Gerald L. Maines, an individual, with a residential mailing address of P.O. Box 375, Winburne, Pennsylvania, 16879
2. The Defendant is Phyllis Dunlap also known as Phyllis M. Rowles, an individual, with a mailing address of P.O. Box 156, Munson, Pennsylvania, 16860.
3. The parties are the owners, as joint tenants with the right of survivorship, of property located in Cooper Township, Clearfield County, Pennsylvania, by deed of Francis Kopelock dated September 18, 1998 and recorded in Clearfield County Deed Book Volume 1969 at Page 310 (A true and correct copy of this deed is attached hereto and made a part hereof as Exhibit "A"). By way of further pleading the property is bounded and described as follows:

ALL that certain tract or piece of land situate in the Village of Winburne, Cooper Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at the southeastern corner, which is the southeastern corner of the tract of which this is a part; thence along southern line of the said tract of which this is a part N 85° 57' W 169.00 feet to line of other lands formerly of Joseph Lawrence; thence along said line of other lands formerly of Joseph Lawrence N 14° 27' W 80.40 feet; thence through the aforesaid tract of which this is a part; thence along said eastern line S 0° 36' E 70.00 feet to the place of beginning. **CONTAINING** 48 perches. This tract being a southern part of the Beale and Merritt tract of 93.3 perches as shown on plan of lots, and being that portion enclosing what was known as house #24.

4. An estimated fair market value of the above described property is \$13,100.00 as referenced by the Clearfield County Tax Assessment Card attached hereto as Exhibit "B".

5. The parties are also owners as Joint Tenants with the Right of Survivorship of another lot in Cooper Township, Clearfield County, Pennsylvania, by deed of the Tax Claim Bureau of Clearfield County, Pennsylvania, dated August 11, 1999 and recorded in Clearfield County to Instrument No. 199913295. (A true and correct copy of this deed attached hereto and made a part hereof as Exhibit "C"). By way of further pleading the property is bounded and described as follows:

COOPER TOWNSHIP
MAP #110-S09-539-00035
LOT #25

6. The fair market value of the above-described property is \$4,210.00, as referenced by the Clearfield County Tax Assessment Card attached hereto as Exhibit "D".

7. The Plaintiff resides at first above-described property and maintains both properties herein described.

8. The Plaintiff has paid all real estate taxes due on both properties and further

pays homeowners coverage on the properties.

9. The Plaintiff has offered to purchase Defendant's one-half interest in these properties for one-half of the fair market value, but Defendant has refused said offers.

10. Because the parties herein are not on amicable terms, the Defendant has refused such offer and will not negotiate with the Plaintiff in any means.

11. Plaintiff has further requested to sell the properties and divide the proceeds equally between them and the Defendant has refused this also.

12. Plaintiff avers that the real property constitutes property not capable of division under Pa. R. Civ. P. Rule 1563(a).

13. Plaintiff is in a deadlock with Defendant/Co-Tenant of these properties and requests the Court to equitably partition the property pursuant to Pa. R. Civ. P. Rule 1557.

WHEREFORE, Plaintiff respectfully requests this Honorable Court to equitably partition the herein described property between the parties.

Respectfully submitted,



David R. Thompson, Esquire
Attorney for Plaintiff

VERIFICATION

Plaintiff hereby verifies that the statements made in this **COMPLAINT IN PARTITION** are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

DATE: 5 - 12 - 00

Gerald L. Maines
Gerald L. Maines

Vol 1969 pg 310

AFFIDAVIT NO. 30161

This Deed,

MADE THE 18th day of September, ninety-eight in the year

BETWEEN FRANCIS KOPELOCK, individual, of the Village of Winburne, Cooper Township, Clearfield County, Pennsylvania, Grantor and Party of the First Part;

and

GERALD L. MAINES and PHYLLIS M. ROWLES, both of Winburne, Cooper Township, Clearfield County, Pennsylvania, as Joint Tenants with Right of Survivorship. Grantees and Parties of the Second Part;

WITNESSETH, that in consideration of ONE (\$1.00) Dollar

in hand paid, the receipt whereof is hereby acknowledged, the said grantor does hereby grant

ALL that certain tract or piece of land situate in the Village of Winburne, Cooper Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at the Southeastern corner, which is the Southeastern corner of the tract of which this is a part; thence along Southern line of the said tract of which this is a part N 85° 57' W 169.00 feet to line of other lands formerly of Joseph Lawrence; thence along said line of other lands formerly of Joseph Lawrence N 14° 27' W 80.40 feet; thence through the aforesaid tract of which this is a part; thence along said Eastern line S 0° 36' E 70.00 feet to the place of beginning. Containing 48 perches. This tract being a Southern part of the Peale and Merritt tract of 93.3 perches as shown on plan of lots, and being that portion enclosing what was known as house #24.

BEING the same premises as were conveyed to Francis Kopelock, by deed dated August 31, 1963 and recorded in Deed Book Vol. 504 at page 281. This Deed is subject to all reservations and exceptions contained in prior deeds.

CLEARFIELD COUNTY
ENTERED OF RECORD
TIME 12:15 pm 7-18-98
BY Karen L Stark
FEES 15.00
Karen L Stark, Recorder

MAINES, GERALD E.
PHYLLIS M ROWLES
P O BOX 373
WINBURN PA

16879

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H #24 & L
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ROUTE 17064
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NEIGH/SPOT
FRONTING
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PARCEL NUMBER
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LAND DATA & COMPUTATIONS

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AFFIDAVIT No. 30932

TAX CLAIM BUREAU DEED

THIS DEED made the Eleventh day of August in the year of our Lord, 1999,

BETWEEN THE TAX CLAIM BUREAU OF CLEARFIELD COUNTY, PENNSYLVANIA, Trustee,
under the provisions of the Act of July 7, 1947, P.L. 1368, and amendments
thereto, hereinafter called the GRANTOR,

AND

GERALD L. MAINES
AND
PHYLLIS M. ROWLES

hereinafter referred to as "GRANTEE'S"

WHEREAS, the hereinafter described premises were assessed in the name
of JAMES R. BROWN and BILLIE JO BROWN, and taxes levied against said property
for the years 1993 through 1997 which have not been paid and which are
delinquent; and

WHEREAS, the delinquent taxes against the said property were filed
in the Tax Claim Bureau of Clearfield County, Pennsylvania and became
absolute; and

WHEREAS, after proceeding under the provisions of the Act aforesaid, the
Tax Claim Bureau did expose the said premises to public sale on the
Thirteenth day of September 1996; and

WHEREAS, the said premises having remained unsold, a bid of Three Hundred
Fifty Dollars, (\$350.00), was received from GERALD L. MAINES and PHYLLIS M.
ROWLES, for private sale of said property, as provided or in P.L. 1368 No.
542 Sec. 613., and

WHEREAS, notification of the acceptance of this bid was sent to
Cooper Township Supervisors, West Branch Area School District, and Clearfield
County Commissioners on May 21, 1999, and notice of the proposed sale was
published in the The Progress on May 21, 1999 and June 8, 1999 and in the
Clearfield Legal Journal on May 28, 1999 and June 11, 1999

WHEREAS, no Order has been received from the Court of Common Pleas to halt
the sale...

NOW THIS INDEBTURE WITNESSETH, that for and in consideration of the sum
of Three Hundred Fifty Dollars, (\$350.00), the receipt thereof is hereby
acknowledged, Grantor does hereby grant and convey unto the said Grantee,
their heirs, successors or assigns the following described property to-wit

COOPER TOWNSHIP
MAP #110-S09-539-00035
LOT #25

BEING the same property offered for sale for delinquent taxes in
accordance with the provisions of the Act of Assembly hereinbefore recited
under Tax Claim No. 94-3435 as the property of JAMES R. BROWN and BILLIE JO
BROWN.

MAINES, GERALD
PHYLLIS M. ROWE
P. O. BOX 375
WINBURNE, PA.

16878

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110022242
CONTROL NUMBER

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ROUTE 17064 030 1000

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E 99 1 3295

LOCATION NEIGH/SPOT CONCURRENCE
FRONTING RESID CONCURRENCE
PARCELS, TRACTS

LAND DATA & COMPUTATIONS
ACTUAL FRONTAGE EFFECTIVE DEPTH ACTUAL EFFECTIVE FRONTAGE SURFACE UNIT PRICE
UT REG 58 140 .97 IP -10 3670

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SWELLING DATA & COMPUTATIONS		TOTAL LAND VALUE
NO. LIVING GARTS	1	3700
STYLE		
TOTAL ROOMS	12	
STORM PROTECTIVE		
GROUND FLOOR AREA		
EXTERIOR WALLS		

HEAT SYSTEMS	BASEMENT
BATH ROOMS	ADJUSTED BASE
ADDITIONAL FEATURES	
KITCHEN REAR'D.	
BARRON POND	
POOL SLIDES/SHADE	
TEEN BLD.	BASE
REBROD	ADJUSTED BASE
FINANCIAL CONDITION	
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PERCENT GOOD	
TOTAL OVERALL VALUE	

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1. **ONE OPEN IMPROVEMENT**

VALUES	OLD	APPRAISAL	CURRENT ASSET	VALUE
LAND	925	3700	925	925
IMPROV.	0	0	0	0
TOTAL	925	3700	925	925

FILED

RECEIVED

MAY 12 2000

O 1.52 /athy Thompson

William A. Shaw
Prothonotary

DO \$ 80.00

2cc /athy Thompson

DAVID R. THOMPSON

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MAINES, GERALD L.

VS

DUNLAP, PHYLLIS A/K/A PHYLLIS

00-567-CD

COMPLAINT IN PARTITION

SHERIFF RETURNS

NOW MAY 18, 2000 AT 2:17 PM DST SERVED THE WITHIN COMPLAINT
IN PARTITION ON PHYLLIS DUNLAP A/K/A PHYLLIS M. ROWLES,
DEFENDANT AT RESIDENCE MAIN ST., WINBURN, CLEARFIELD COUNTY,
PENNSYLVANIA BY HANDING BOBBY DUNLAP, SON A TRUE AND
ATTESTED COPY OF THE ORIGINAL COMPLAINT IN PARTITION AND
MADE KNOWN TO HIM THE CONTENTS THEREOF.
SERVED BY: NEVLING/PETRO

28.73 SHFF. HAWKINS PAID BY: ATTY
10.00 SURCHARGE PAID BY: ATTY

SWORN TO BEFORE ME THIS

23rd DAY OF May 2000
William A. Shaw

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2002
Clearfield Co., Clearfield, PA.

SO ANSWERS,

Chester A. Hawkins
by Marilyn Harry
CHESTER A. HAWKINS
SHERIFF

FILED

MAY 23 2000
02:47 pm
William A. Shaw
Prothonotary

EJK



OFFICE OF COURT ADMINISTRATOR
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

 COPY

CLEARFIELD COUNTY COURTHOUSE
SUITE 228, 230 EAST MARKET STREET
CLEARFIELD, PENNSYLVANIA 16830

DAVID S. MEHOLICK
COURT ADMINISTRATOR

PHONE: (814) 765-2641
FAX: 1-814-765-7649

MARCY KELLEY
DEPUTY COURT ADMINISTRATOR

Notice of Proposed Termination of Court Case

November 10, 2005



NOV 10 2005

William A. Kelley
Prothonotary Clerk of Courts

RE: 00-567-CD
Gerald L. Maines
Vs.
Phyllis Dunlap a/k/a Phyllis M. Rowles

Dear Plaintiff/Defendant:

Please be advised that the Court intends to terminate the above captioned case without notice, because the Court records show no activity in the case for a period of at least two years.

You may stop the Court terminating the case by filing a Statement of Intention to Proceed. The Statement of Intention to Proceed must be filed with the **Prothonotary** of Clearfield County, 230 East Market Street, Clearfield, Pennsylvania 16830. The Statement of Intention to Proceed must be filed on or before January 17, 2005.

If you fail to file the required statement of intention to proceed within the required time period, the case will be terminated.

By the Court,



David S. Meholick
Court Administrator



**OFFICE OF COURT ADMINISTRATOR
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA**

CLEARFIELD COUNTY COURTHOUSE
SUITE 228, 230 EAST MARKET STREET
CLEARFIELD, PENNSYLVANIA 16830

DAVID S. MEHOLICK
COURT ADMINISTRATOR

PHONE: (814) 765-2641
FAX: 1-814-765-7649

MARCY KELLEY
DEPUTY COURT ADMINISTRATOR

Notice of Proposed Termination of Court Case

November 10, 2005

RE: 00-567-CD
Gerald L. Maines
Vs.
Phyllis Dunlap a/k/a Phyllis M. Rowles

Dear Plaintiff/Defendant:

Please be advised that the Court intends to terminate the above captioned case without notice, because the Court records show no activity in the case for a period of at least two years.

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If you fail to file the required statement of intention to proceed within the required time period, the case will be terminated.

By the Court,

A handwritten signature in black ink that appears to read "David S. Meholic".

David S. Meholic
Court Administrator

WILLIAM A. SHAW
PROTHONOTARY
and CLERK of COURTS
P.O. BOX 549
CLEARFIELD, PENNSYLVANIA 16830

WILLIAM A. SHAW
BROTHERHOOD ARBY

INCORPORATION AND CLERK OF COURTS

CLERK OF COURTS
PO BOX 510

P.O. BOX 549

FIELD, PENNSYLVANIA 16830

1. C. ECA 343
CLEARFIELD PENNSYLVANIA 16830

Prothonotary/Clerk of Courts

William A. Shaw
DV 162005
m/11/08/06
FILED

Phyllis Dunlap a/k/a
Phyllis Rowles
PO Box 156
Munson, PA

RTS
RETURN TO SENDER

16830/0343

80-705-00



**OFFICE OF COURT ADMINISTRATOR
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA**

CLEARFIELD COUNTY COURTHOUSE
SUITE 228, 230 EAST MARKET STREET
CLEARFIELD, PENNSYLVANIA 16830

DAVID S. MEHOLICK
COURT ADMINISTRATOR

PHONE: (814) 765-2641
FAX: 1-814-765-7649

MARCY KELLEY
DEPUTY COURT ADMINISTRATOR

Notice of Proposed Termination of Court Case

November 10, 2005

RE: 00-567-CD
Gerald L. Maines
Vs.
Phyllis Dunlap a/k/a Phyllis M. Rowles

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Dear Plaintiff/Defendant:

Please be advised that the Court intends to terminate the above captioned case without notice, because the Court records show no activity in the case for a period of at least two years.

You may stop the Court terminating the case by filing a Statement of Intention to Proceed. The Statement of Intention to Proceed must be filed with the **Prothonotary** of Clearfield County, 230 East Market Street, Clearfield, Pennsylvania 16830. The Statement of Intention to Proceed must be filed on or before January 17, 2005.

If you fail to file the required statement of intention to proceed within the required time period, the case will be terminated.

By the Court,

A handwritten signature in black ink that reads "David S. Meholick".

David S. Meholick
Court Administrator

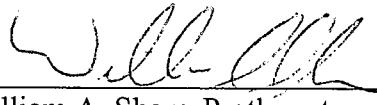
In the Court of Common Pleas of Clearfield County, Pennsylvania
Civil Division

In Re: Inactive Case Dismissal

06-01-MD

I, William A. Shaw, hereby certify that notice of termination for the following inactive cases was published in the Clearfield County Legal Journal January 27, 2006, per Rule 230.2:

96-0188-CD	00-0793-CD	00-1532-CD
96-1586-CD	00-0799-CD	01-0146-CD
98-1317-CD	00-0822-CD	01-0237-CD
00-0046-CD	00-0823-CD	01-1030-CD
00-0143-CD	00-0992-CD	01-1869-CD
00-0203-CD	00-1019-CD	02-0373-CD
00-0533-CD	00-1061-CD	02-0374-CD
00-0543-CD	00-1062-CD	02-1300-CD
00-0567-CD	00-1078-CD	02-1308-CD
00-0629-CD	00-1085-CD	02-1610-CD
00-0732-CD	00-1220-CD	03-0091-CD
00-0756-CD	00-1264-CD	03-0138-CD
00-0760-CD	00-1321-CD	03-0172-CD
00-0768-CD	00-1372-CD	03-1148-CD
00-0782-CD	00-1386-CD	03-1176-CD
00-0791-CD	00-1492-CD	



William A. Shaw, Prothonotary

FILED

MAY 04 2006

William A. Shaw
Prothonotary/Clerk of Courts

In the Court of Common Pleas of Clearfield County, Pennsylvania
Civil Division

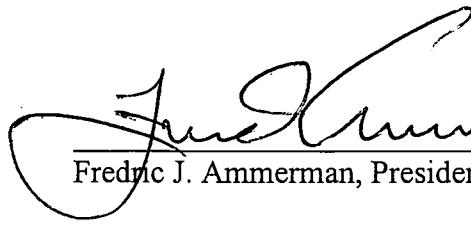
In Re: Inactive Case Dismissal

06-01-MD

NOW, this 3rd day of May, 2006, the Court hereby directs the Prothonotary to terminate the following cases for inactivity, per Rule 230.2:

96-0188-CD	00-0793-CD	00-1532-CD
96-1586-CD	00-0799-CD	01-0146-CD
98-1317-CD	00-0822-CD	01-0237-CD
00-0046-CD	00-0823-CD	01-1030-CD
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00-0768-CD	00-1372-CD	03-1148-CD
00-0782-CD	00-1386-CD	03-1176-CD
00-0791-CD	00-1492-CD	

BY THE COURT:


Fredric J. Ammerman, President Judge

FILED 1cc CIA

05/04/2006 1cc MDJS

Ford, Ireland, Budella

William A. Shaw
Prothonotary/Clerk of Courts