

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

## EQUITY DIVISION - LAW

Defendant

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 2000

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

EQUITY DIVISION - LAW

GERALD L. MAINES,

Plaintiff

VS.

PHYLLIS DUNLAP A/K/A

PHYLLIS M. ROWLES,

Defendant

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No. 00-

**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,

Plaintiff

vs.

PHYLLIS DUNLAP A/K/A

PHYLLIS M. ROWLES,

Defendant

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No. 00-

***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,

A handwritten signature in black ink, appearing to read "David R. Thompson", written in a cursive style.

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 PAGE 310

AFFIDAVIT No.

30/61

# This Deed,

MADE THE 18th day of September 1961 in the year  
of our Lord one thousand nine hundred and ninety-eight

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 and convey to the said grantees:

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 Paula 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 Kopeck, by deed dated August 31, 1961 and recorded in Deed Book Vol. 504 at page 231. This Deed is subject to all reservations and exceptions contained in prior deeds.

CLEARFIELD COUNTY  
ENTERED OF RECORD  
TIME 12:15 pm 7-18-71  
BY Karen L. Stark  
FEES 15.00  
Karen L. Stark, Recorder





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 "GRANTEES"

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 INDENTURE 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.

TIME	DATE	TIME	DATE
1200	ABOVE	1200	NONE
1300	PAVD	1300	LITE
1400	SEPT		
1500	ELEC		
1600			
1700			
1800			
1900			
2000			
2100			
2200			
2300			
2400			

CONTROL NUMBER 110022242  
LEAD DESCRIPTION L #25

01 01 R 000 030 1000  
 ROAD NO. 6400 1/2 MILE SW 20N 10E  
 PROPERTY ADDRESS  
 LOCATION NEIGH/SPOT ROUTE 17064  
 ADJACENT RESID COMPLET  
 ROAD BACK 1 COMTYPE  
 LANDISC FRAME NO: 111886

[illegible]

NO. LIVING UNITS		TOTAL LAND VALUE	
STATE	STORY HEIGHT/FT.	TOTAL LAND VALUE	3700.
TOTAL ROOMS	GROUND FLOOR AREA		
BEDROOMS	EXTERIOR WALLS		
FAMILY ROOMS	INSULATED BASE		
BATH ROOMS	BASEMENT		
HEAT. SYSTEMS	HEAT & A/C		
ADDITIONAL FEATURES	PLUMBING		
POORER REPAIRS	POOR ROOM		
BATHROOM REPAIRS	FIN. ISNT LIVING AREA		
	WATER		
	BASEMENT GARAGE		
	LIVING AREA		
	HEATING AREA (4)		
	BATHROOM		
	GRADE		
	C/O FACTOR		
	CON		
	PERCENT GOOD		
	TOTAL LIVING AREA		

[illegible][illegible][illegible]

FILED

MAY 12 2000

William A. Shaw  
Prothonotary

PD 80.00

acc atty Thompson

DAVID R. THOMPSON

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MAINES, GERALD L.

00-567-CD

VS

DUNLAP, PHYLLIS A/K/A PHYLLIS


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

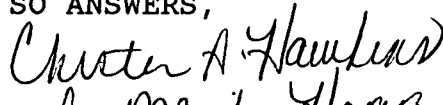

28.73 SHFF. HAWKINS PAID BY: ATTY  
10.00 SURCHARGE PAID BY: ATTY

SWORN TO BEFORE ME THIS

23rd DAY OF May 2000  


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

SO ANSWERS,

  
  
CHESTER A. HAWKINS  
SHERIFF

FILED

MAY 23 2000  
6:24 PM  
William A. Shaw  
Prothonotary

EJK



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

COPY

**Notice of Proposed Termination of Court Case**

November 10, 2005

FILED

NOV 10 2005

William A. Kelly  
Prothonotary, Court 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. Meholic  
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:

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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, appearing to read "David S. Meholick".

David S. Meholick  
Court Administrator

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

00-567-2

Prothonotary/Clerk of Courts

FILED  
NOV 16 2005  
William A. Shaw  
(54)

NMP

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

☒ INSUFFICIENT ADDRESS  
☐ ATTEMPTED NOT KNOWN  
☐ NO SUCH NUMBER/STREET  
☐ NOT DELIVERABLE AS ADDRESSED  
☐ UNABLE TO FORWARD

A C S

RTS  
RETURN TO SENDER



16830/0549





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.

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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,

David S. Meholic  
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

CA

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

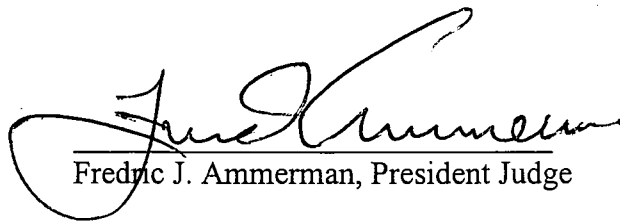
In Re: Inactive Case Dismissal

06-01-MD

NOW, this 3<sup>RD</sup> 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
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	

BY THE COURT:

  
Fredric J. Ammerman, President Judge

**FILED** *icc CIA*  
*01/01/86*  
**MAY 04 2006** *icc MDSS*  
*Ford, Ireland, Rudella*  
William A. Shaw  
Prothonotary/Clerk of Courts