

00-600-CD
THOMAS M. CURRY -vs- JAMES R. ALBERT a/k/a et al

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

(4) ✓ THOMAS M. CURRY, an Individual,
Plaintiff

DOCKET NO: 00-600-CD
QUIET TITLE ACTION

VS.

(5) ✓ JAMES R. ALBERT, a/k/a J.R. ALBERT, a/k/a
(6) ✓ RUSSELL ALBERT and SUSAN ALBERT,
their cumulative heirs, devisees, successors,
administrators, executors and assigns and all other
persons known or unknown, claiming by, through
or under them,

Defendants

CODE PAGE

COMPLAINT IN QUIET TITLE

Filed on behalf of Plaintiff:

THOMAS M. CURRY

Attorney of Record for this Party:

John A. Ayres, Jr.
PA ID #23286
101 South Second Street
Clearfield, PA 16830
(814) 765-2611

FILED

MAY 19 2000

William A. Shaw
Prothonotary

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

THOMAS M. CURRY, an Individual,
Plaintiff

DOCKET NO: 00- -CD
QUIET TITLE ACTION

VS.

JAMES R. ALBERT, a/k/a J. R. ALBERT, a/k/a
RUSSELL ALBERT and SUSAN ALBERT,
their cumulative heirs, devisees, successors,
administrators, executors and assigns and all other
persons known or unknown, claiming by, through
or under them,

Defendants

NOTICE

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

David S. Meholic, Court Administrator
OFFICE OF COURT ADMINISTRATOR
1 North Front Street
Clearfield, PA 16830
(814) 765-2641, Extension 5982

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

THOMAS M. CURRY, an Individual,
Plaintiff

DOCKET NO: 00- -CD
QUIET TITLE ACTION

VS.

JAMES R. ALBERT, a/k/a J. R. ALBERT, a/k/a
RUSSELL ALBERT and SUSAN ALBERT,
their cumulative heirs, devisees, successors,
administrators, executors and assigns and all other
persons known or unknown, claiming by, through
or under them,

Defendants

COMPLAINT

AND NOW, comes THOMAS M. CURRY, by and through his attorney, JOHN A.
AYRES, JR., who avers as follows:

1. That Plaintiff is THOMAS M. CURRY, a sui juris adult, who currently resides at
308 Washington Avenue, Newtown, Pennsylvania 18940.
2. That Defendant JAMES R. ALBERT, a/k/a J. R. ALBERT, a/k/a RUSSELL
ALBERT, is an individual, whose address and whereabouts are unknown, and it is unknown
whether he is living or deceased.

3. That Defendant, SUSAN ALBERT, is an individual, who is believed to have been the wife of JAMES R. ALBERT, a/k/a J. R. ALBERT, a/k/a RUSSELL ALBERT, and whose address and whereabouts are unknown, and it is unknown whether she is living or deceased.

4. That EDMUND ALBERT died Testate on April 26, 1895, and in Item 6 of his Last Will and Testament, he left 125 acres in Boggs Township, which real estate is the subject of this Quiet Title Action, to JAMES R. ALBERT, a/k/a J. R. ALBERT, a/k/a RUSSELL ALBERT.

5. The aforesaid 125 acres was sold for taxes to CARL A. BELIN and JOHN A. REDDING, at Commissioner's Sale on January 22, 1942, as set forth in the Land Sold to County Docket Book 5, Page 148, with the Commissioner's Deed for said sale being unrecorded.

6. By unrecorded Deed dated May 19, 1942, JOHN A. REDDING conveyed the above-described premises to LEWIS COUTURIAUX and WALTER GALLAHER.

7. By Deed dated April 20, 1943, recorded in Clearfield County Deed Book Volume 350, Page 68, WALTER GALLAHER conveyed his interest in the above-described premises to LEWIS COUTURIAUX, excepting and reserving all minerals, gas and oil, with the exception of coal.

8. By Deed dated October 17, 1955, recorded in Clearfield County Deed Book Volume 447, Page 104, LEWIS COUTURIAUX, JR., believed to be the same person as the LEWIS COUTURIAUX referred to above, joined by his wife, CATHERINE COUTURIAUX, conveyed the above-described premises, including all seams of coal underlying the surface of the property to JOHN A. REDDING and GENEVIEVE REDDING.

9. By deed dated April 24, 1964, recorded in Clearfield County Deed Book Volume 507, Page 463, JOHN A. REDDING and GENEVIEVE REDDING and CARL A. BELIN and MARGARET BELIN, conveyed the above-described premises to C. E. POWELL and ANNIE POWELL, as tenants in common, doing business as the C. E. POWELL COMPANY.

10. By Deed dated June 19, 1967, recorded in Clearfield County Deed Book Volume 532, Page 698, CHARLES E. POWELL conveyed his interest in the above-described premises to ANNIE POWELL.

11. By Deed dated November 8, 1967, recorded in Clearfield Deed Book Volume 535, Page 200, ANNIE M. POWELL conveyed her interest in the above-described premises to JOHN A. THOMPSON.

12. Under Item II of his Last Will and Testament, dated October 11, 1968, JOHN A. THOMPSON left his entire estate to his wife, BETTY T. THOMPSON, who survived him.

13. Pursuant of Decree of Confirmation and Distribution, dated May 21, 1987, in the matter of the Estate of BETTY T. THOMPSON, which was recorded in Clearfield County Deeds and Records Book Volume 1166, Page 299, the above-described premises were awarded to THOMAS M. CURRY, which premises are described as follows:

All that certain tract of land located in Boggs Township, Clearfield County, Pennsylvania, bounded and described as follow:

Bounded on the North by the Robert Leland Robertson property; on the East by the A. H. Reitz property; on the South by the Game Lands; and on the West by Josephine Hess Tract and two (2) unknown tracts. Said land is known as the Russell Albert Tract and contains approximately one hundred twenty-five (125) acres.

BEING identified with Clearfield County Tax Map Assessment Number 105-M10-18.

14. That the purpose of this Quiet Title Action is to extinguish and cure any title defects which may exist due to any defects or any irregularities in tax sale of the property, including, but not limited to, failure to provide proper notice of sale, failure to follow proper procedure for sale, lack of recording of Deed from the Clearfield County Treasurer to the Clearfield County Commissioners, if such deed was executed and required, and including lack of recording of Deed from the Clearfield County Commissioners to Carl A. Belin and John A. Redding, for sale that is described in Paragraph 5 above.

15. That the purpose of this Quiet Title Action is to extinguish any claims or equity that any of the above-named Defendants, their heirs, fiduciaries and assigns may have or claim in the above-described premises due to any defects that may have existed in the above-described Tax Sale proceedings.

16. That Plaintiff and his predecessors in title have exercised dominion, possession and control over the premises described in Paragraph 13 above for a period in excess of twenty-one (21) years.

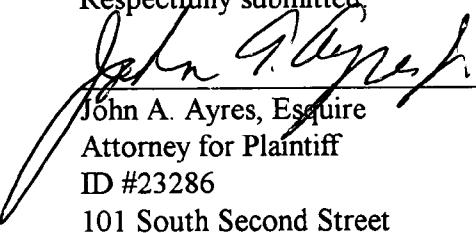
17. None of the Defendants, their heirs, fiduciaries or assigns, nor any other person or person's claiming, or who might claim title under them, have any right, title or interest in the premises, nor have they been in possession of the premises, nor have any of them attempted to secure possession of the premises, nor have they contested title of Plaintiff or Plaintiff's predecessors in title to the premises, nor have they claimed any adverse interest in the premises by legal action or informal notice.

18. Plaintiff, together with his predecessors in title, has paid all current real estate taxes and has shown settled intent to exclude all individuals from the use, actual occupation and/or constructive possession of the premises.

WHEREFORE, Plaintiff requests your Honorable Court to decree as follows:

- a. That the Defendants, their heirs, fiduciaries, assigns and any person or persons or entities claiming, or who might claim title under them, and all other persons or entities having a claim to the premises described in Paragraph 13 above, be ordered to bring an action of ejectment within thirty (30) days from service of this Complaint, to establish whatever claim they have for said premises within a time set by the Court, or be forever barred and enjoying from setting up any title to said premises inconsistent with the title of the Plaintiff and that Plaintiff shall be allowed to enjoy said property in peace;
- b. that the Plaintiff is the sole owner of said premises and is entitled to the exclusive possession of the said 125 acre parcel described in Paragraph 13;
- c. That the Court make such further orders as may be necessary to establish the title of the Plaintiff and to grant such other relief as the Court determines to be equitable and just.

Respectfully submitted;



John A. Ayres, Esquire

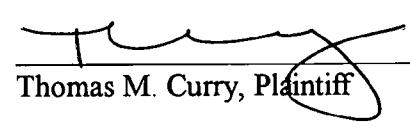
Attorney for Plaintiff

ID #23286

101 South Second Street

Clearfield, PA 16830

(814) 765-2611



Thomas M. Curry, Plaintiff

I, THOMAS M. CURRY, verify that the statements made in the foregoing Complaint are true and correct. Plaintiff understands that false statements made herein are made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.


THOMAS M. CURRY

DATE: 5/15/00

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL DIVISION

THOMAS M. CURRY, An Indivi-
dual,
Plaintiff

vs.
JAMES R. ALBERT, et al.,
Defendants

COMPLAINT IN QUIET TITLE

John A. Ayres, Jr.
Attorney At Law
101 South Second Street
Clearfield, PA 16830

May 19 2000
BPO/3:45pm
SAC/2000
Prothonotary
1 court to ATR

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL DIVISION

THOMAS M. CURRY, An Indivi-
dual,
Plaintiff

vs.

JAMES R. ALBERT, et al.,
Defendants

COMPLAINT IN QUIET TITLE

John A. Ayres, Jr.

Attorney At Law
101 South Second Street
Clearfield, PA 16830

Atty pd.
May 19 2000
400.00
1/25/00
Prothonotary
1 cent to ATM

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

(a) ✓ THOMAS M. CURRY, an Individual,
Plaintiff

DOCKET NO: 00-600-CD
QUIET TITLE ACTION

VS.

(5) ✓ JAMES R. ALBERT, a/k/a J. R. ALBERT, a/k/a
(8) ✓ RUSSELL ALBERT and SUSAN ALBERT,
their cumulative heirs, devisees, successors,
administrators, executors and assigns and all other
persons known or unknown, claiming by, through
or under them,

Defendants

CODE PAGE

COMPLAINT IN QUIET TITLE

Filed on behalf of Plaintiff:

THOMAS M. CURRY

Attorney of Record for this Party:

John A. Ayres, Jr.
PA ID #23286
101 South Second Street
Clearfield, PA 16830
(814) 765-2611

FILED

MAY 19 2000

William A. Shaw
Prothonotary

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

THOMAS M. CURRY, an Individual,
Plaintiff

DOCKET NO: 00- -CD
QUIET TITLE ACTION

VS.

JAMES R. ALBERT, a/k/a J. R. ALBERT, a/k/a
RUSSELL ALBERT and SUSAN ALBERT,
their cumulative heirs, devisees, successors,
administrators, executors and assigns and all other
persons known or unknown, claiming by, through
or under them,

Defendants

NOTICE

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

David S. Meholic, Court Administrator
OFFICE OF COURT ADMINISTRATOR
1 North Front Street
Clearfield, PA 16830
(814) 765-2641, Extension 5982

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

THOMAS M. CURRY, an Individual,
Plaintiff

DOCKET NO: 00- -CD
QUIET TITLE ACTION

VS.

JAMES R. ALBERT, a/k/a J. R. ALBERT, a/k/a
RUSSELL ALBERT and SUSAN ALBERT,
their cumulative heirs, devisees, successors,
administrators, executors and assigns and all other
persons known or unknown, claiming by, through
or under them,

Defendants

COMPLAINT

AND NOW, comes THOMAS M. CURRY, by and through his attorney, JOHN A.
AYRES, JR., who avers as follows:

1. That Plaintiff is THOMAS M. CURRY, a sui juris adult, who currently resides at 308 Washington Avenue, Newtown, Pennsylvania 18940.
2. That Defendant JAMES R. ALBERT, a/k/a J. R. ALBERT, a/k/a RUSSELL ALBERT, is an individual, whose address and whereabouts are unknown, and it is unknown whether he is living or deceased.

3. That Defendant, SUSAN ALBERT, is an individual, who is believed to have been the wife of JAMES R. ALBERT, a/k/a J. R. ALBERT, a/k/a RUSSELL ALBERT, and whose address and whereabouts are unknown, and it is unknown whether she is living or deceased.

4. That EDMUND ALBERT died Testate on April 26, 1895, and in Item 6 of his Last Will and Testament, he left 125 acres in Boggs Township, which real estate is the subject of this Quiet Title Action, to JAMES R. ALBERT, a/k/a J. R. ALBERT, a/k/a RUSSELL ALBERT.

5. The aforesaid 125 acres was sold for taxes to CARL A. BELIN and JOHN A. REDDING, at Commissioner's Sale on January 22, 1942, as set forth in the Land Sold to County Docket Book 5, Page 148, with the Commissioner's Deed for said sale being unrecorded.

6. By unrecorded Deed dated May 19, 1942, JOHN A. REDDING conveyed the above-described premises to LEWIS COUTURIAUX and WALTER GALLAHER.

7. By Deed dated April 20, 1943, recorded in Clearfield County Deed Book Volume 350, Page 68, WALTER GALLAHER conveyed his interest in the above-described premises to LEWIS COUTURIAUX, excepting and reserving all minerals, gas and oil, with the exception of coal.

8. By Deed dated October 17, 1955, recorded in Clearfield County Deed Book Volume 447, Page 104, LEWIS COUTURIAUX, JR., believed to be the same person as the LEWIS COUTURIAUX referred to above, joined by his wife, CATHERINE COUTURIAUX, conveyed the above-described premises, including all seams of coal underlying the surface of the property to JOHN A. REDDING and GENEVIEVE REDDING.

9. By deed dated April 24, 1964, recorded in Clearfield County Deed Book Volume 507, Page 463, JOHN A. REDDING and GENEVIEVE REDDING and CARL A. BELIN and MARGARET BELIN, conveyed the above-described premises to C. E. POWELL and ANNIE POWELL, as tenants in common, doing business as the C. E. POWELL COMPANY..

10. By Deed dated June 19, 1967, recorded in Clearfield County Deed Book Volume 532, Page 698, CHARLES E. POWELL conveyed his interest in the above-described premises to ANNIE POWELL.

11. By Deed dated November 8, 1967, recorded in Clearfield Deed Book Volume 535, Page 200, ANNIE M. POWELL conveyed her interest in the above-described premises to JOHN A. THOMPSON.

12. Under Item II of his Last Will and Testament, dated October 11, 1968, JOHN A. THOMPSON left his entire estate to his wife, BETTY T. THOMPSON, who survived him.

13. Pursuant of Decree of Confirmation and Distribution, dated May 21, 1987, in the matter of the Estate of BETTY T. THOMPSON, which was recorded in Clearfield County Deeds and Records Book Volume 1166, Page 299, the above-described premises were awarded to THOMAS M. CURRY, which premises are described as follows:

All that certain tract of land located in Boggs Township, Clearfield County, Pennsylvania, bounded and described as follow:

Bounded on the North by the Robert Leland Robertson property; on the East by the A. H. Reitz property; on the South by the Game Lands; and on the West by Josephine Hess Tract and two (2) unknown tracts. Said land is known as the Russell Albert Tract and contains approximately one hundred twenty-five (125) acres.

BEING identified with Clearfield County Tax Map Assessment Number 105-M10-18.

14. That the purpose of this Quiet Title Action is to extinguish and cure any title defects which may exist due to any defects or any irregularities in tax sale of the property, including, but not limited to, failure to provide proper notice of sale, failure to follow proper procedure for sale, lack of recording of Deed from the Clearfield County Treasurer to the Clearfield County Commissioners, if such deed was executed and required, and including lack of recording of Deed from the Clearfield County Commissioners to Carl A. Belin and John A. Redding, for sale that is described in Paragraph 5 above.

15. That the purpose of this Quiet Title Action is to extinguish any claims or equity that any of the above-named Defendants, their heirs, fiduciaries and assigns may have or claim in the above-described premises due to any defects that may have existed in the above-described Tax Sale proceedings.

16. That Plaintiff and his predecessors in title have exercised dominion, possession and control over the premises described in Paragraph 13 above for a period in excess of twenty-one (21) years.

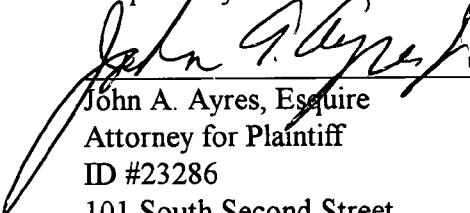
17. None of the Defendants, their heirs, fiduciaries or assigns, nor any other person or person's claiming, or who might claim title under them, have any right, title or interest in the premises, nor have they been in possession of the premises, nor have any of them attempted to secure possession of the premises, nor have they contested title of Plaintiff or Plaintiff's predecessors in title to the premises, nor have they claimed any adverse interest in the premises by legal action or informal notice.

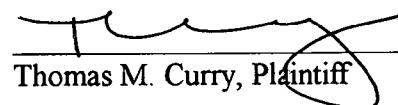
18. Plaintiff, together with his predecessors in title, has paid all current real estate taxes and has shown settled intent to exclude all individuals from the use, actual occupation and/or constructive possession of the premises.

WHEREFORE, Plaintiff requests your Honorable Court to decree as follows:

- a. That the Defendants, their heirs, fiduciaries, assigns and any person or persons or entities claiming, or who might claim title under them, and all other persons or entities having a claim to the premises described in Paragraph 13 above, be ordered to bring an action of ejectment within thirty (30) days from service of this Complaint, to establish whatever claim they have for said premises within a time set by the Court, or be forever barred and enjoying from setting up any title to said premises inconsistent with the title of the Plaintiff and that Plaintiff shall be allowed to enjoy said property in peace;
- b. that the Plaintiff is the sole owner of said premises and is entitled to the exclusive possession of the said 125 acre parcel described in Paragraph 13;
- c. That the Court make such further orders as may be necessary to establish the title of the Plaintiff and to grant such other relief as the Court determines to be equitable and just.

Respectfully submitted;


John A. Ayres, Esquire
Attorney for Plaintiff
ID #23286
101 South Second Street
Clearfield, PA 16830
(814) 765-2611


Thomas M. Curry, Plaintiff

I, THOMAS M. CURRY, verify that the statements made in the foregoing Complaint are true and correct. Plaintiff understands that false statements made herein are made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.


THOMAS M. CURRY

DATE: 5/15/00

②
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL DIVISION

THOMAS M. CURRY, An Indivi-
dual,
Plaintiff

vs.

JAMES R. ALBERT, et al.,
Defendants

AFFIDAVIT EXPLAINING
WHY PERSONAL SERVICE CANNOT
BE MADE AND NATURE AND EX-
TENT OF INVESTIGATION UTITIZED

John A. Ayres, Jr.
Attorney At Law
101 South Second Street
Clearfield, PA 16830

FILED
MAY 19 2000
Clerk
William A. Shaw
Commonwealth of Pennsylvania

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

THOMAS M. CURRY, an Individual,
Plaintiff

DOCKET NO: 00-600-CD

QUIET TITLE ACTION

VS.

JAMES R. ALBERT, a/k/a J. R. ALBERT, a/k/a
RUSSELL ALBERT and SUSAN ALBERT,
their cumulative heirs, devisees, successors,
administrators, executors and assigns and all other
persons known or unknown, claiming by, through
or under them,

Defendants

CODE PAGE

**AFFIDAVIT EXPLAINING WHY
PERSONAL SERVICE CANNOT
BE MADE AND NATURE AND
EXTENT OF INVESTIGATION
UTILIZED**

Filed on behalf of Plaintiff:

THOMAS M. CURRY

Attorney of Record for this Party:

John A. Ayres, Jr.
PA ID #23286
101 South Second Street
Clearfield, PA 16830
(814) 765-2611

FILED

MAY 19 2000

William A. Shaw
Prothonotary

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

THOMAS M. CURRY, an Individual,
Plaintiff

DOCKET NO: 00- -CD

QUIET TITLE ACTION

VS.

JAMES R. ALBERT, a/k/a J. R. ALBERT, a/k/a
RUSSELL ALBERT and SUSAN ALBERT,
their cumulative heirs, devisees, successors,
administrators, executors and assigns and all other
persons known or unknown, claiming by, through
or under them,

Defendants

**AFFIDAVIT EXPLAINING WHY PERSONAL SERVICE CANNOT BE
MADE AND NATURE AND EXTENT OF INVESTIGATION UTILIZED**

THOMAS M. CURRY, an Individual, hereby avers to the best of his knowledge,
information and belief that all of the following Defendants in the above-captioned case are
deceased or their present whereabouts are unknown and that the successors, heirs and assigns of
the said Defendants are unknown: JAMES ALBERT, a/k/a J. R. ALBERT, a/k/a RUSSELL
ALBERT and SUSAN ALBERT, believed to be the wife of JAMES ALBERT, a/k/a J. R.
ALBERT, a/k/a RUSSELL ALBERT.

All public records in the Clearfield County Courthouse and local telephone books have
been checked prior to reaching this conclusion.

This statement is made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn
falsification to authorities.

DATED:

5/15/00

THOMAS M. CURRY

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL DIVISION

THOMAS M. CURRY, an Individual,
Plaintiff

vs.

JAMES R. ALBERT, et al.,
Defendant

MOTION FOR SERVICE
BY PUBLICATION

John A. Ayres, Jr.

Attorney At Law
101 South Second Street
Clearfield, PA 16830

FILED

Arg **MAY 19 2000**

William A. Shaw
Prothonotary

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

THOMAS M. CURRY, an Individual,
Plaintiff

DOCKET NO: 00-~~600~~-CD

QUIET TITLE ACTION

VS.

JAMES R. ALBERT, a/k/a J. R. ALBERT, a/k/a
RUSSELL ALBERT and SUSAN ALBERT,
their cumulative heirs, devisees, successors,
administrators, executors and assigns and all other
persons known or unknown, claiming by, through
or under them,

Defendants

CODE PAGE

**MOTION FOR SERVICE BY
PUBLICATION**

Filed on behalf of Plaintiff:

THOMAS M. CURRY

Attorney of Record for this Party:

John A. Ayres, Jr.
PA ID #23286
101 South Second Street
Clearfield, PA 16830
(814) 765-2611

FILED

MAY 19 2000

William A. Shaw
Prothonotary

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

(4)

THOMAS M. CURRY, an Individual,
Plaintiff

DOCKET NO: 00- -CD

QUIET TITLE ACTION

VS.

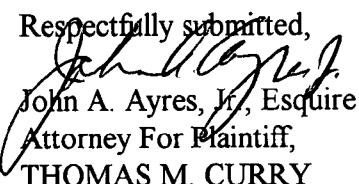
JAMES R. ALBERT, a/k/a J. R. ALBERT, a/k/a
RUSSELL ALBERT and SUSAN ALBERT,
their cumulative heirs, devisees, successors,
administrators, executors and assigns and all other
persons known or unknown, claiming by, through
or under them,

Defendants

MOTION FOR SERVICE BY PUBLICATION

AND NOW, this 18th day of May, 2000, an Affidavit having been
executed and filed on behalf of Plaintiff that the Defendants, JAMES R. ALBERT, a/k/a J. R.
ALBERT, a/k/a RUSSELL ALBERT and SUSAN ALBERT, are deceased or their present
whereabouts are unknown, and that their cumulative heirs, devisees, successors, administrators,
executors and assigns and all other persons known or unknown, claiming by, through or under
them, the Plaintiff, by his Attorney, John A. Ayres, Jr., hereby requests your Honorable Court to
order service on each of them by publication in *The Progress* and in the *Clearfield County Legal
Journal*, one (1) time.

DATE: May 18, 2000

Respectfully submitted,

John A. Ayres, Jr., Esquire
Attorney For Plaintiff,
THOMAS M. CURRY

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL DIVISION

THOMAS M. CURRY, An Individual,
Plaintiff

vs.

JAMES R. ALBERT, et al.,
Defendants

ORDER
FOR PUBLICATION

FILED
MAY 19 2000
013145/WS
William A. Shaw
Prothonotary
1 CFTN 70 AFCT

John A. Ayres, Jr.

Attorney At Law
101 South Second Street
Clearfield, PA 16830

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

THOMAS M. CURRY, an Individual,

Plaintiff

DOCKET NO: 00- 600-CD

QUIET TITLE ACTION

VS.

JAMES R. ALBERT, a/k/a J. R. ALBERT, a/k/a
RUSSELL ALBERT and SUSAN ALBERT,
their cumulative heirs, devisees, successors,
administrators, executors and assigns and all other
persons known or unknown, claiming by, through
or under them,

Defendants

CODE PAGE

ORDER FOR PUBLICATION

Filed on behalf of Plaintiff:

THOMAS M. CURRY

Attorney of Record for this Party:

John A. Ayres, Jr.
PA ID #23286
101 South Second Street
Clearfield, PA 16830
(814) 765-2611

FILED

MAY 19 2000

William A. Shaw
Prothonotary

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

THOMAS M. CURRY, an Individual,

Plaintiff

DOCKET NO. 00- -CD

QUIET TITLE ACTION

VS.

JAMES R. ALBERT, a/k/a J. R. ALBERT, a/k/a
RUSSELL ALBERT and SUSAN ALBERT,
their cumulative heirs, devisees, successors,
administrators, executors and assigns and all other
persons known or unknown, claiming by, through
or under them,

Defendants

ORDER FOR PUBLICATION

AND NOW, this 18th day of May, 2000, the foregoing Motion and
Affidavit having been presented to and read by the Court, Plaintiff is permitted and authorized to
make service of the Complaint in the above-captioned matter on the Defendants, JAMES R.
ALBERT, a/k/a J. R. ALBERT, a/k/a RUSSELL ALBERT and SUSAN ALBERT, their
cumulative heirs, devisees, successors, administrators, executors and assigns and all other persons
known or unknown, claiming by, through or under them, by general publication one (1) time in
The Progress and in the Clearfield County Legal Journal, said insertion to appear not less than
thirty (30) days, prior to July 7, 2000, the date set for hearing of said Complaint
in Courtroom No. 1, of the Clearfield County Courthouse, Clearfield, Pennsylvania, at
1:30 o'clock, ~~A.M.~~ P.M.

BY THE COURT,

Judge

(5)

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

THOMAS M. CURRY, an
Individual, Plaintiff

-vs-

JAMES R. ALBERT, et al.,
Defendants

AFFIDAVIT EXPLAINING WHY
PERSONAL SERVICE CANNOT BE
MADE AND NATURE AND EXTENT
OF INVESTIGATION UTILIZED

John A. Ayres, Jr.
Attorney At Law
101 South Second Street
Clearfield, PA 16830

FILED

JUL 05 2000
07/10/00
William A. Shaw
Prothonotary

1 CRNT TO ATTY

EKA

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

THOMAS M. CURRY, an Individual,
Plaintiff

DOCKET NO: 00-600-CD

QUIET TITLE ACTION

VS.

JAMES R. ALBERT, a/k/a J. R. ALBERT, a/k/a
RUSSELL ALBERT and SUSAN ALBERT,
their cumulative heirs, devisees, successors,
administrators, executors and assigns and all other
persons known or unknown, claiming by, through
or under them,

Defendants

CODE PAGE

AFFIDAVIT

Filed on behalf of Plaintiff:

THOMAS M. CURRY

Attorney of Record for this Party:

John A. Ayres, Jr.
PA ID #23286
101 South Second Street
Clearfield, PA 16830
(814) 765-2611

FILED

JUL 05 2000
0/10:15/00
William A. Shaw
Prothonotary

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

THOMAS M. CURRY, an Individual,
Plaintiff

DOCKET NO: 00-600-CD

QUIET TITLE ACTION

VS.

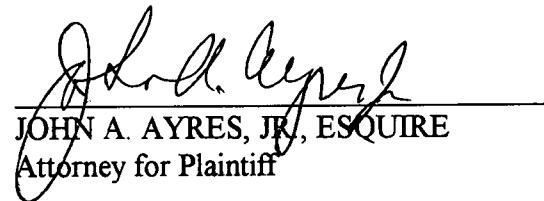
JAMES R. ALBERT, a/k/a J. R. ALBERT, a/k/a
RUSSELL ALBERT and SUSAN ALBERT,
their cumulative heirs, devisees, successors,
administrators, executors and assigns and all other
persons known or unknown, claiming by, through
or under them,

Defendants

AFFIDAVIT

JOHN A. AYRES, JR., verifies that he is the Attorney for the Plaintiff, and being
authorized to do so makes this Affidavit on behalf of the Plaintiff; that the Complaint with Notice
to plead has been filed and that service by publication was made upon JAMES R. ALBERT, a/k/a
J. R. ALBERT, a/k/a RUSSELL ALBERT and SUSAN ALBERT, their cumulative heirs,
devisees successors, administrators, executors and assigns and all other persons known or
unknown, claiming by, through or under them, proof of which is annexed hereto, incorporated
herewith and marked Exhibit "A" and Exhibit "B"; and that none of the Defendants or any of their
cumulative heirs, devisees, successors, administrators, executors and assigns and all other persons
known or unknown, claiming by, through or under them, filed an Answer thereto, although the
time in which to do so has expired.

I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.
§4904 relating to unsworn falsification to authorities.


JOHN A. AYRES, JR., ESQUIRE
Attorney for Plaintiff

DATED: July 5, 2003

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA

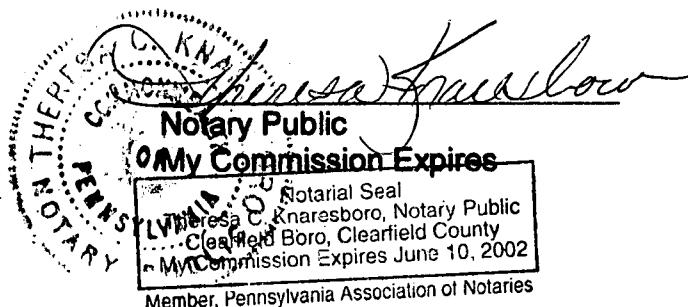
COUNTY OF CLEARFIELD

On this 18th day of June 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 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 June 2, 2000, Vol. 12, No. 22. 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.



John A Ayres Jr
101 South Second Street
Clearfield, PA 16830

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

THOMAS M. CURRY, an Individual, Plaintiff vs. JAMES R. ALBERT, a/k/a J.R. ALBERT, a/k/a RUSSELL ALBERT and SUSAN ALBERT, their cumulative heirs, devisees, successors, administrators, executors and assigns and all other persons known or unknown, claiming by, through or under them.

NO. 00-600-CD
QUIET TITLE ACTION

TO: JAMES R. ALBERT, a/k/a J.R. ALBERT, a/k/a RUSSELL ALBERT and SUSAN ALBERT, believed to be the wife of JAMES ALBERT, a/k/a J.R. ALBERT, a/k/a RUSSELL ALBERT, their cumulative heirs, devisees, successors, administrators, executors and assigns and all other persons known or unknown, claiming by, through or under them, in the premises herein described.

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you do not do so, the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the Plaintiffs. You may lose money or property or other rights important to you.

YOU SHOULD TAKE 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, Clearfield County Courthouse, Corner of Second and Market Streets, Clearfield, PA 16830 (814) 765-2641, Ext. 5982.

You are hereby notified that an Action

REPORT OF JUDGMENTS
May 22, 2000

Commonwealth of PA, PIT vs. Charles R. Pearce, 00-599, \$350.34
Don R. Dimmick & Geraldine Lloyd vs. John L. Wissinger, 99-1073, \$4,735.37

REPORT OF JUDGMENTS
May 24, 2000

Larry F. Smyers, vs. New York Oil & Gas Co., Inc., 98-1496, \$38,523
Commonwealth of PA UC vs. Robert E. Pacewicz, t/a Cambria Restoration Remodeling, 95-832, \$1,167.39
Commonwealth of PA UC vs. Carl P. Zwick t/a Open Pantry Food Mart of Sykesville, 95-1132, \$3,687.12
NBOC Bank vs. Ronald L. Weaver & Cynthia E. Weaver, 00-413, \$32,442.12
First Select Corp vs. Jayne Miller, 00-429, \$7,722.27

REPORT OF JUDGMENTS
May 25, 2000

Commonwealth of PA vs. Quik Chek Market, 00-617, \$68.03
Commonwealth of PA vs. Norman D. Tibbens, 00-618, \$6,236.43
Commonwealth of PA vs. Seneca Insurance Co. Inc., 00-621, \$2,500
Laurel Bank vs. Craig A. Bainey, 00-329, \$13,212.64

REPORT OF JUDGMENTS
May 26, 2000

Joseph Colavecchi vs. Harold F. Gustafson, 00-626, \$1,325.18

there will be exposed to public sale in the Sheriff's Office in the Court House in the Borough of Clearfield on FRIDAY, JULY-7, 2000 at 10:00 A.M.

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

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

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

ALL that certain piece or parcel of land situate, lying and being in the Township of Sandy, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

BEING known as part of Lot No. 34 as per Wilson Brothers' Plat of Lots' bounded on the West by Wilson Avenue; on the South by Lot No. 33; on the East by other land of former Grantor, of which this was formerly a part; and on the North by Lot No. 35. Being 50 feet wide on Wilson Avenue; 82 feet deep on line of Lot No. 35

SEIZED, taken in execution to be sold as the property of ROBERT R. HARRIS, at the suit of S & T BANK. JUDGMENT NO. 00-100-CD.

Chester A. Hawkins, Sheriff.

SHERIFF'S SALE
OF VALUABLE REAL ESTATE

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

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

The Price of sum at which the property shall be struck off must be paid at the time of sale or such other arrangements made as will be approved, otherwise the property will be immediately put up and sold again at the expense and risk of the person to whom it was struck off and who in case of deficiency of such resale shall make good

to Quiet Title to the following premises situate in Boggs Township, Clearfield County, Pennsylvania, has been filed against you, said premises are more particularly bounded and described as follows:

ALL that certain tract of land located in Boggs Township, Clearfield County, Pennsylvania, bounded and described as follows:

Bounded on the North by the Robert Leland Robertson property; on the East by A. H. Reitz property; on the South by the Game Lands and on the West by Josephine Hess Tract and two (2) unknown tracts. Said land is known as the Russell Albert Tract and contains approximately one hundred twenty-five (125) acres.

BEARING Clearfield County
Assessment No. 105-M10-18.

BY DECREE OF CONFIRMATION
AND DISTRIBUTION dated May 21, 1987
and recorded June 24, 1987, in Clearfield
County Deeds and Records Book 1166, at
Page 299, In The Matter Of The Estate Of
Betty T. Thompson, the above-described
parcel was awarded to Thomas M. Curry,
the Plaintiff herein.

THAT THE PURPOSE of this Quiet
Title Action is to extinguish any equity of
redemption, which Defendant, JAMES R.
ALBERT, a/k/a J.R. ALBERT, A/K/A
RUSSELL ALBERT, and SUSAN
ALBERT, their cumulative heirs, devisees,
successors, administrators, executors and
assigns and all other persons known or
unknown, claiming by, through or under
them, may have in and to the subject
premises by virtue of a tax sale.

WHEREUPON, said Court ordered
that Notice of said action and the facts
thereto be served on the Defendant,
JAMES R. ALBERT, a/k/a J.R. ALBERT,
a/k/a RUSSELL ALBERT and SUSAN
ALBERT, believed to be the wife of JAMES
R. ALBERT, a/k/a J.R. ALBERT, a/k/a
RUSSELL ALBERT, their cumulative heirs,
devisees, successors, administrators,
executors and assigns and all other
persons known or unknown, claiming by,
through or under them, by the Plaintiff by
advertisement requiring Defendants above-
named, their cumulative heirs, devisees,
successors, administrators, executors and
assigns and all other persons known or
unknown, claiming by, through or under
them, to answer the said Complaint within
twenty (20) days from the date of this
publication. For failure to comply, a
judgment will be taken by application of
Plaintiff before the Court at a hearing to be
held on July 7, 2000, at 1:30 p.m., at the
Clearfield County Courthouse, Courtroom
No. 1, Clearfield, PA.

JOHN A. AYRES, JR., ATTORNEY
FOR PLAINTIFF, 101 SOUTH SECOND
STREET, CLEARFIELD, PA 16830.

⑦

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

THOMAS M. CURRY, an
Individual, Plaintiff

JAMES R. ALBERT, et al.,
Defendants

-vs-

MOTION FOR JUDGMENT

John A. Ayres, Jr.
Attorney At Law
101 South Second Street
Clearfield, PA 16830

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

THOMAS M. CURRY, an Individual,
Plaintiff

DOCKET NO: 00-600-CD
QUIET TITLE ACTION

VS.

JAMES R. ALBERT, a/k/a J. R. ALBERT, a/k/a
RUSSELL ALBERT and SUSAN ALBERT,
their cumulative heirs, devisees, successors,
administrators, executors and assigns and all other
persons known or unknown, claiming by, through
or under them,

Defendants

CODE PAGE

MOTION FOR JUDGMENT

Filed on behalf of Plaintiff:

THOMAS M. CURRY

Attorney of Record for this Party:

John A. Ayres, Jr.
PA ID #23286
101 South Second Street
Clearfield, PA 16830
(814) 765-2611

FILED

JUL 07 2000
o/1:50 lms
William A. Shaw
Prothonotary
EKB

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

THOMAS M. CURRY, an Individual,
Plaintiff

DOCKET NO: 00-600-CD
QUIET TITLE ACTION

VS.

JAMES R. ALBERT, a/k/a J. R. ALBERT, a/k/a
RUSSELL ALBERT and SUSAN ALBERT,
their cumulative heirs, devisees, successors,
administrators, executors and assigns and all other
persons known or unknown, claiming by, through
or under them,

Defendants

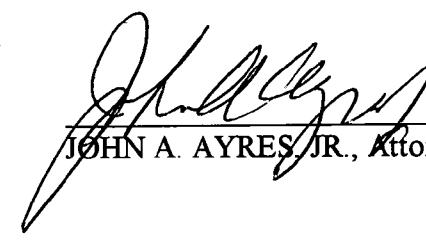
MOTION FOR JUDGMENT

COMES NOW, the Plaintiff, THOMAS M. CURRY, an Individual, by and through his attorney, John A. Ayres, Jr., Esquire, and moves this Court for Judgment in the above matter praying for relief in accordance with Pennsylvania Rule of Civil Procedure No. 1066 alleging as follows:

(1) An Affidavit has been executed and filed on behalf of the Plaintiff indicating that the Complaint with a Notice to Plead has been served as prescribed by Order of Court dated May 18, 2000, on said Defendants by publication; and that said Defendants have failed to answer said complaint within the time allotted by law.

WHEREFORE, the Plaintiff moves your Honorable Court to enter judgment in his favor and against the Defendants and grant the Plaintiff the relief prayed for in accordance with Pennsylvania Rule of Civil Procedure No. 1066.

DATED: July 7, 2000


JOHN A. AYRES, JR., Attorney for Plaintiff

(7)

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

THOMAS M. CURRY, an
Individual, Plaintiff

JAMES R. ALBERT, et al.,
Defendant

-vs-

O R D E R

John A. Ayres, Jr.
Attorney At Law
101 South Second Street
Clearfield, PA 16830

2 cent TO ATF

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

THOMAS M. CURRY, an Individual,
Plaintiff

DOCKET NO: 00-600-CD

QUIET TITLE ACTION

VS.

JAMES R. ALBERT, a/k/a J. R. ALBERT, a/k/a
RUSSELL ALBERT and SUSAN ALBERT,
their cumulative heirs, devisees, successors,
administrators, executors and assigns and all other
persons known or unknown, claiming by, through
or under them,

Defendants

CODE PAGE

ORDER

Filed on behalf of Plaintiff:

THOMAS M. CURRY

Attorney of Record for this Party:

John A. Ayres, Jr.
PA ID #23286
101 South Second Street
Clearfield, PA 16830
(814) 765-2611

FILED

JUL 07 2000
12:50 PM
William A. Shaw
Prothonotary

EKB

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

THOMAS M. CURRY, an Individual,
Plaintiff

DOCKET NO: 00-600-CD

QUIET TITLE ACTION

VS.

JAMES R. ALBERT, a/k/a J. R. ALBERT, a/k/a
RUSSELL ALBERT and SUSAN ALBERT,
their cumulative heirs, devisees, successors,
administrators, executors and assigns and all other
persons known or unknown, claiming by, through
or under them,

Defendants

ORDER

AND NOW, this 7 day of July, 2000, an Affidavit of Service of
the Complaint, with Notice to Defend, having been filed and no answer having been made by
JAMES R. ALBERT, a/k/a J. R. ALBERT, a/k/a RUSSELL ALBERT and SUSAN ALBERT, or
their heirs, successors, fiduciaries and assigns, or their legal representatives, the Court, upon
Motion for Judgment by JOHN A. AYRES, JR., ESQUIRE, Attorney for Plaintiff, hereby Orders
that unless they bring an action in ejectment against the Plaintiff's within THIRTY (30) DAYS
from the entry of this Order pursuant to the Pennsylvania Rules of Civil Procedure No.
1066(b)(1), they, the Defendants, shall be forever barred and enjoined from impeaching denying
or in any way attacking Plaintiff's title to said premises from encumbering, mortgaging or
conveying this parcel or any part thereof, or from asserting in any manner any right, lien, title

claim or interest inconsistent with the interest or claim of the Plaintiff as set forth in his Complaint.

The property is described as follows:

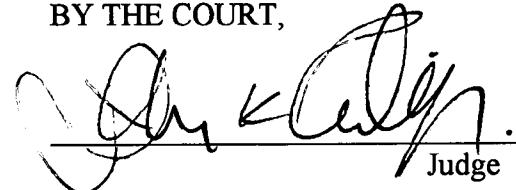
ALL that certain tract of land located in Boggs Township, Clearfield County, Pennsylvania, bounded and described as follow:

Bounded on the North by the Robert Leland Robertson property; on the East by the A. H. Reitz property; on the South by the Game Lands; and on the West by Josephine Hess Tract and two (2) unknown tracts. Said land is known as the Russell Albert Tract and contains approximately one hundred twenty-five (125) acres.

BEING identified with Clearfield County Tax Map Assessment Number 105-M10-18.

BY DECREE OF CONFIRMATION AND DISTRIBUTION dated May 21, 1987 and recorded June 24, 1987, in Clearfield County Deeds and Records Book 1166, at Page 299, In The Matter Of The Estate Of Betty T. Thompson, the above-described parcel was awarded to Thomas M. Curry, the Plaintiff herein.

BY THE COURT,



A handwritten signature in black ink, appearing to read "John K. Kelly".

Judge

⑧
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL DIVISION

THOMAS M. CURRY, an
Individual, Plaintiff

-VS-

JAMES R. ALBERT, et al.,
Defendants

PRAECIPE TO ENTER FINAL
JUDGMENT AND CERTIFICATION

John A. Ayres, Jr.
Attorney At Law
101 South Second Street
Clearfield, PA 16830

FILED
O/10: 20/77
AUG - 9 2000
William A. Shaw
Prothonotary
ACCTO 2000
Re

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

THOMAS M. CURRY, an Individual,
Plaintiff

DOCKET NO: 00-600-CD

QUIET TITLE ACTION

VS.

JAMES R. ALBERT, a/k/a J. R. ALBERT, a/k/a
RUSSELL ALBERT and SUSAN ALBERT,
their cumulative heirs, devisees, successors,
administrators, executors and assigns and all other
persons known or unknown, claiming by, through
or under them,

Defendants

CODE PAGE

**PRAECIPE TO ENTER FINAL
JUDGMENT AND
CERTIFICATION**

Filed on behalf of Plaintiff:

THOMAS M. CURRY

Attorney of Record for this Party:

John A. Ayres, Jr.
PA ID #23286
101 South Second Street
Clearfield, PA 16830
(814) 765-2611

FILED

AUG - 3 2000

William A. Shaw
Prothonotary

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

THOMAS M. CURRY, an Individual,
Plaintiff

DOCKET NO: 00-600-CD
QUIET TITLE ACTION

VS.

JAMES R. ALBERT, a/k/a J. R. ALBERT, a/k/a
RUSSELL ALBERT and SUSAN ALBERT,
their cumulative heirs, devisees, successors,
administrators, executors and assigns and all other
persons known or unknown, claiming by, through
or under them,

Defendants

PRAECIPE TO ENTER FINAL JUDGMENT AND CERTIFICATION

AND NOW, this 9th day of August, 2000, Affidavits having been
executed and filed on behalf of the Plaintiff, that the Complaint has not been answered by any of
the Defendants, their cumulative heirs, devisees, successors, administrators, executors and assigns
and all other persons known or unknown, claiming by, through or under them, and legal
representatives, the Plaintiff, by his attorney, JOHN A. AYRES, JR., ESQUIRE, moves the Court
to enter a final Judgment in favor of the Plaintiff and against the Defendants, their cumulative
heirs, devisees, successors, administrators, executors and assigns and all other persons known or
unknown and legal representatives, and to grant Plaintiff the relief prayed for in accordance with
the Pennsylvania Rules of Civil Procedure No. 1066.

It is certified that none of the said Defendants, their cumulative heirs, devisees, successors,
administrators, executors and assigns and all other persons known or unknown, or legal

representatives, have filed an ejectment action against the Plaintiff in this matter and more than THIRTY (30) DAYS have elapsed since the date of the last judgment in this action directing Defendants to do so. Final judgment can therefore be entered in this case on behalf of the Plaintiff.



John A. Ayres, Jr.

JOHN A. AYRES, JR., ESQUIRE

DATED: August 9, 2000