

00-642-CD
COOPER TOWNSHIP MUNICIPAL AUTHORITY -vs- RAPHAEL JOHNSON et ux

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

116 COOPER TOWNSHIP MUNICIPAL AUTHORITY, :
Condemnor :
vs. : No. 00-642-CD
83 12 RAPHAEL and MILDRED JOHNSON, :
Condemnees :
:

DECLARATION OF TAKING

The Cooper Township Municipal Authority, pursuant to the Eminent Domain Code 26
P.S. 1-101 et seq. ("Code"), hereby declares:

1. The Condemnor is the Cooper Township Municipal Authority, whose address is
P.O. Box 446, Winburne, Clearfield County, Pennsylvania.
2. The condemnation is authorized by 26 P.S. 1-101 et seq.
3. Pursuant to Resolution approved April 11, 2000, the Cooper Township Municipal
Authority hereby appropriates and condemns real estate designated in the
Resolution, a copy of which is attached as Exhibit "A". The Condemnees are
Raphael and Mildred Johnson, husband and wife.
4. The purpose of the condemnation is to secure land for a waste water treatment
system as described more fully in the Act 537 Plan approved March 31, 1997,
prepared by Hess and Fisher and intended to be recorded.
5. The property condemned is a portion of that tract of land situate in Cooper

cc **FILED**

Township, Clearfield County, Pennsylvania, described in Clearfield County

Atty pd. JUN 01 2000 *Shaw*

Atty pd. 00-642-CD
William A. Shaw
Prothonotary

Record Book No. 827, Page No. 210, more particularly shown in the description attached as Exhibit "B".

6. The nature of title acquired is a permanent easement.
7. The plan showing the condemned property may be inspected at the Office of the Condemnor.
8. Pursuant to 26 P.S. 1-403, the Condemnor files its bond herewith, conditioned for the payment to the Condemnees of damages for taking when the same shall have been ascertained.
9. A conformed copy of this declaration of taking, together with the information and notice will be served upon the condemnees in this proceeding. Proof of such service will be filed.

WHEREFORE, the Cooper Township Municipal Authority declares the within premises condemned and appropriated for the public purpose mentioned.

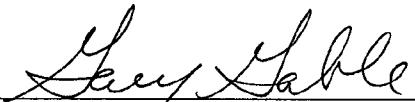
Date: 5/17/00



Charles A. Schneider, Esquire
Attorney for Cooper Township Municipal Authority
Mazza, Schneider, Arbuckle & Bascom
1315 South Allen Street, Suite 302
State College, PA 16801
(814) 237-6255

VERIFICATION

I hereby verify that the facts set forth in this pleading are true and correct to the best of my knowledge, information and belief. I understand that any false statements herein are made subject to the penalties of 18 P.S. Section 4904, relating to unsworn falsification to authorities.



Gary Gable, Chairman of the Cooper
Township Municipal Authority

RESOLUTION

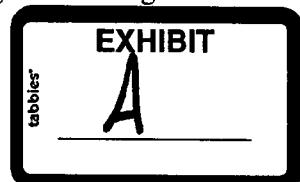
A RESOLUTION OF THE COOPER TOWNSHIP MUNICIPAL AUTHORITY FOR THE CONDEMNATION OF THE FOLLOWING PROPERTIES IN COOPER TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA FOR THE WASTEWATER TREATMENT SYSTEM.

BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against Andrea Borger for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book 1683, page 475 for purposes of constructing a wastewater treatment system. **BE IT FURTHER RESOLVED**, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of Andrea Borger, conditioned for the payment to the said Andrea Borger of damages for taking when damages have been ascertained.

BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against James Hadvabne for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Books, 249, page 112, 184, page 436 and 155, page 183 for purposes of constructing a wastewater treatment system. **BE IT FURTHER RESOLVED**, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of James Hadvabne, conditioned for the payment to the said James Hadvabne of damages for taking when damages have been ascertained.

BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against Michael Pash for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book Instrument Number 199902949, pages 1-4 for purposes of constructing a wastewater treatment system. **BE IT FURTHER RESOLVED**, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of Michael Pash conditioned for the payment to the said Michael Pash of damages for taking when damages have been ascertained.

BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against William Amick and Penelope Amick, his wife, for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book Instrument No. 199801732 , pages 1-4 for purposes of constructing a wastewater treatment system. **BE IT FURTHER RESOLVED**, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of William Amick and Penelope Amick, his wife, conditioned for the payment to the said William Amick and Penelope Amick, his wife, of damages for taking when damages have been ascertained.



BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against Timothy Campbell for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book Instrument Number 199916454, pages 1-4 for purposes of constructing a wastewater treatment system. **BE IT**

FURTHER RESOLVED, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of Timothy Campbell conditioned for the payment to the said Timothy Campbell of damages for taking when damages have been ascertained.

BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against Doris Carlson, Donald Carlson and Kathy Jolly for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book 815, page 189 for purposes of constructing a wastewater treatment system. **BE IT FURTHER RESOLVED**, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of Doris Carlson, Donald Carlson and Kathy Jolly conditioned for the payment to the said Doris Carlson, Donald Carlson and Kathy Jolly of damages for taking when damages have been ascertained.

BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against Melvin Wood and Patricia Wood, his wife, for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Books 1301, page 052, 611 page 215 and 1237, page 243 for purposes of constructing a wastewater treatment system. **BE IT FURTHER RESOLVED**, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of Melvin Wood and Patricia Wood, his wife, conditioned for the payment to the said Melvin Wood and Patricia Wood, his wife, of damages for taking when damages have been ascertained.

BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against John Bordas and Debbi Bordas, his wife, for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book 1535, page 100 for purposes of constructing a wastewater treatment system. **BE IT FURTHER RESOLVED**, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of John Bordas and Debbi Bordas, his wife, conditioned for the payment to the said John Bordas and Debbi Bordas, his wife, of damages for taking when damages have been ascertained.

BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against the Presbyterian Church for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Book 1689, page 590 for purposes of constructing a wastewater treatment system. **BE IT FURTHER RESOLVED**, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of the Presbyterian Church conditioned for the payment to the said the Presbyterian Church of damages for taking when damages have been ascertained.

BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against James Gilham et al for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Books 1705, page 045, 1728, pages 301 & 312, 1651, page 252, and 1444, page 376 for purposes of constructing a wastewater treatment system. **BE IT FURTHER RESOLVED**, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of James Gilham et al conditioned for the payment to the said James Gilham of damages for taking when damages have been ascertained.

BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against Frank Hahn and Tonya Hahn, his wife, for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book 1406, page 497 for purposes of constructing a wastewater treatment system. **BE IT FURTHER RESOLVED**, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of Frank Hahn and Tonya Hahn, his wife, conditioned for the payment to the said Frank Hahn and Tonya Hahn, his wife, of damages for taking when damages have been ascertained.

BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against Sally Isham and William Amick, for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Books 677, page 091 and 1404, page 036 for purposes of constructing a wastewater treatment system. **BE IT FURTHER RESOLVED**, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of Sally Isham and William Amick conditioned for the payment to the said Sally Isham and William Amick of damages for taking when damages have been ascertained.

BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against Raphael Johnson and Mildred Johnson, his wife, for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book 827, page 210 for purposes of constructing a wastewater treatment system. **BE IT FURTHER RESOLVED**, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of Raphael Johnson and Mildred Johnson, his wife, conditioned for the payment to the said Raphael Johnson and Mildred Johnson, his wife, of damages for taking when damages have been ascertained.

BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against Bryan Sones and Kimberly Sones, his wife, for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book 1406, page 357 for purposes of constructing a wastewater treatment system. **BE IT FURTHER RESOLVED**, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of Bryan Sones and Kimberly Sones, his wife, conditioned for the payment to the said Bryan Sones and Kimberly Sones, his wife, of damages for taking when damages have been ascertained.

BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against Penny Sunderlin for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book 905, page 361 for purposes of constructing a wastewater treatment system. **BE IT FURTHER RESOLVED**, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of Penny Sunderlin conditioned for the payment to the said Penny Sunderlin of damages for taking when damages have been ascertained.

BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against Elmer Zahuranec for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book 1649, page 034 for purposes of constructing a wastewater treatment system. **BE IT FURTHER RESOLVED**, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of Elmer Zahuranec conditioned for the payment to the said Elmer Zahuranec of damages for taking when damages have been ascertained.

BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against George Carter, Sr. for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Books 100, page 166 and 282, page 251 for purposes of constructing a wastewater treatment system. **BE IT FURTHER RESOLVED**, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of George Carter, Sr. conditioned for the payment to the said George Carter, Sr. of damages for taking when damages have been ascertained.

BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against Unknown Property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Tax Assessment Map S9, Enlargement 533, Parcel Number 18, Lot Number 298 from the Map of Ames and Control Number 110046513 for purposes of constructing a wastewater treatment system. **BE IT FURTHER RESOLVED**, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of Unknown Property conditioned for the payment to the said Unknown Property of damages for taking when damages have been ascertained.

BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against Unnamed Street/Third Street - Winburne (unopened) and located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Tax Assessment Map S9, Enlargement 533, also located on the Map of Ames for purposes of constructing a wastewater treatment system. **BE IT FURTHER RESOLVED**, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of Unnamed Street/Third Street - Winburne conditioned for the payment to the said Unnamed Street/Third Street - Winburne of damages for taking when damages have been ascertained.

RESOLVED this 11th day of April, 2000, by the board of the Cooper Township Municipal Authority in lawful session assembled.

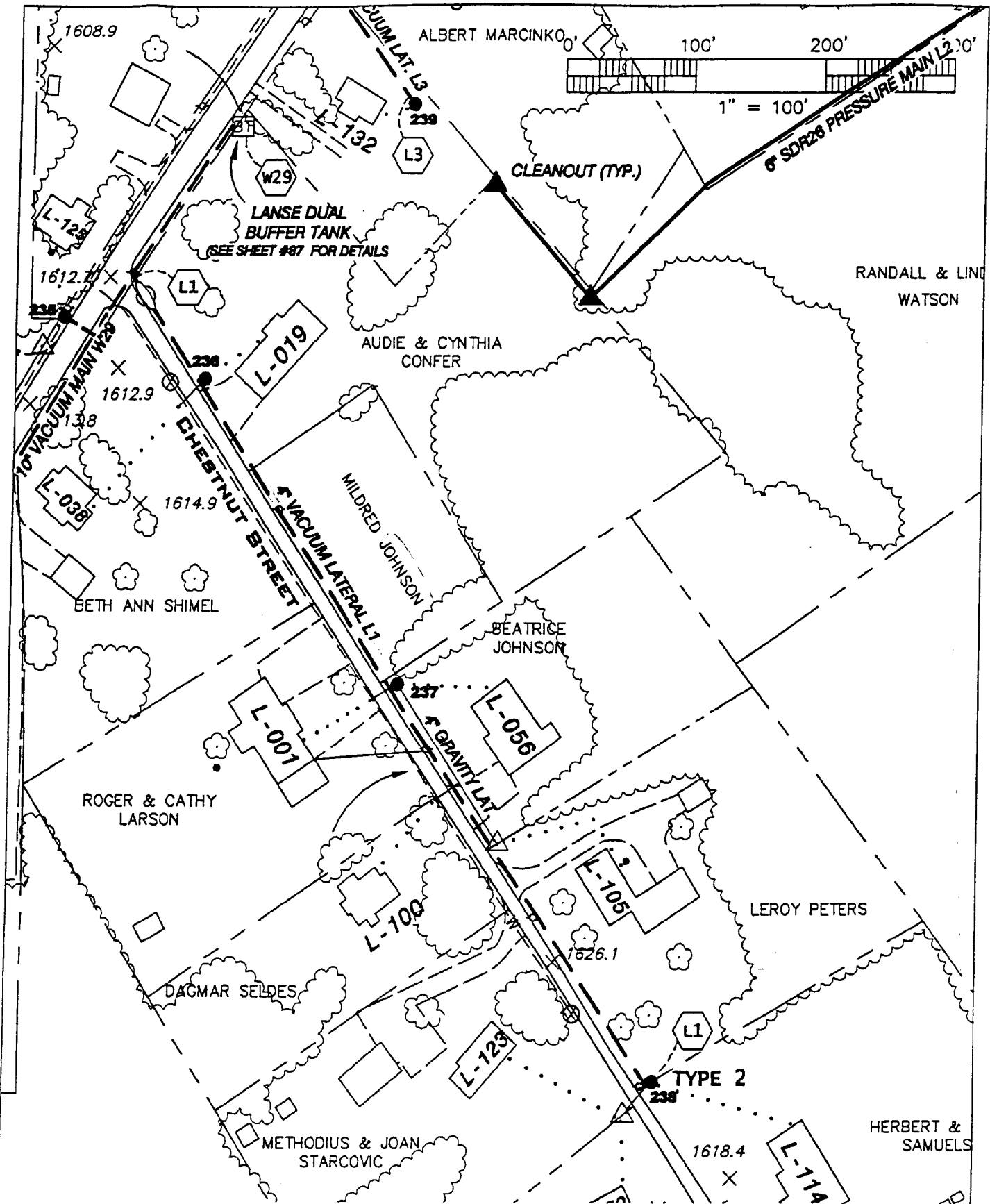
ATTEST:

Peggy Lateson
SECRETARY

SEAL

COOPER TOWNSHIP MUNICIPAL AUTHORITY

By: Henry Shable
CHAIRMAN



"THE PROPERTY LINES SHOWN ARE BASED UPON CURRENT COUNTY TAX ASSESSMENT MAPS. SOME PROPERTY LINES HAVE BEEN ADJUSTED TO CONFORM WITH OBSERVED APPARENT PROPERTY BOUNDARY POSSESSION EVIDENCE. (TREELINES, SHRUBS, LAWNS, ROADS, ETC.) THE PROPERTY LINE NOT BEEN DETERMINED BY A FIELD SURVEY." EXH

EXHIBIT

3

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY, :
Condemnor :
vs. : No.
RAPHAEL and MILDRED JOHNSON, :
Condemnees :

ORDER

AND NOW this 1 day of June, 2000, upon review of the
Plaintiff's Petition and Bond, the said Bond is hereby approved.

BY THE COURT:

A handwritten signature in black ink, appearing to read "John Schlegel", is written over a horizontal line.

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY, :
Condemnor :
vs. : No.
RAPHAEL and MILDRED JOHNSON, :
Condemnees :

BOND

KNOW ALL MEN BY THESE PRESENTS, that the Declaration of Taking having
been filed the 1 day of JULY, 2000, by the Cooper Township Municipal
Authority, ("obligor") a body politic and corporate organized and existing under the laws of the
Commonwealth of Pennsylvania ("obligee") for the use and benefit of the owners of the property
condemned as hereinafter noted, and other proper parties in interest, for such amount of damage
as the owner of the property and other parties in interest shall be entitled to receive after the same
shall have been agreed upon or assessed in the manner prescribed by law, by reason of the
condemnation by obligor of certain land located in Cooper Township, Clearfield County,
Pennsylvania, and described as follows: [PROPERTY SHOWN IN THE ATTACHED PLAN,]
to which payment well and truly to be made, the obligor does bind itself and its successors, and
assigns, firmly by these presents.

WHEREAS, the obligor has condemned the said property and cannot agree with the
owner of said land upon the just compensation to be paid for the damages sustained by said
owner as a result of the condemnation:

NOW THE CONDITION of this bond is such that if the obligor shall pay or cause to be paid such amount of damages as the said owner of the property and other parties in interest shall be entitled to receive by reason of such condemnation, after the same shall have been agreed upon or assessed in the manner provided by law, then this obligation shall be void; otherwise, to be and remain in full force and effect.

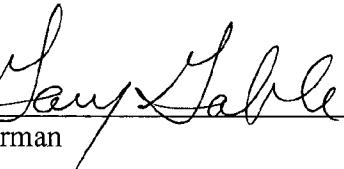
SEALED with the corporate seal and duly executed this 9 day of May, 2000.

Attest:

Secretary



Cooper Township Municipal Authority

By: 
Chairman

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY, :
: Condemnor :
: :
: vs. : No.
: :
RAPHAEL and MILDRED JOHNSON, :
: :
: Condemnees :
:

NOTICE OF CONDEMNATION

In accordance with Section 405 of the Eminent Domain Code of 1964, 26 P.S. § 1-405,
Cooper Township Municipal Authority notifies you that:

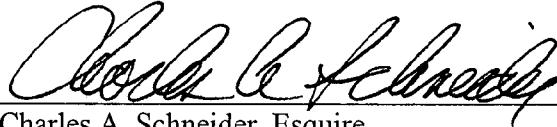
1. A declaration of taking, a copy of which is attached as Exhibit "A," was filed on
JUNE 1, 2000, in the Court of Common Pleas of Clearfield County at the
above-named term and number.

2. Your property has been condemned for waste water treatment system purposes.

Identification of your property appears on Exhibit "B" of the declaration of taking.

3. If you wish to challenge the power or right of Cooper Township Municipal
Authority to appropriate the condemned property, the sufficiency of the security, the procedure
followed by the Condemnor, or the declaration of taking, you are required to file preliminary
objections within 30 days after being served with this notice.

Date: 6/1/00



Charles A. Schneider, Esquire
Attorney for Cooper Township Municipal Authority
Mazza, Schneider, Arbuckle & Bascom
1315 South Allen Street, Suite 302
State College, PA 16801
(814) 237-6255

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY, :
Condemnor :
vs. : No. 00-642-cr
RAPHAEL and MILDRED JOHNSON, :
Condemnees :

NOTICE OF FILING OF DECLARATION OF TAKING

The Cooper Township Municipal Authority states that:

A Declaration of Taking was filed this 1 day of JUNE, 2000, at the above Court term and number, by which the following property was condemned in whole or in part for a waste water treatment system on the land of Raphael and Mildred Johnson, husband and wife, described in Record Book No. 827, Page No. 210.

Date: 6/1/00

Charles A. Schneider
Charles A. Schneider, Esquire
Attorney for Cooper Township Municipal Authority
Mazza, Schneider, Arbuckle & Bascom
1315 South Allen Street, Suite 302
State College, PA 16801
(814) 237-6255

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY, :

Condemnor :

vs. :

No. 00-642-CD

RAPHAEL and MILDRED JOHNSON, :

Condemnees :

MEMORANDUM OF FILING OF NOTICE

To the Prothonotary:

Notice of the above-captioned condemnation is recorded in the Department of Records of Clearfield County at Instrument Number 200007622.

Date: 6/19/00


Charles A. Schneider, Esquire
Attorney for Cooper Township Municipal Authority
Mazza, Schneider, Arbuckle & Bascom
1315 South Allen Street, Suite 302
State College, PA 16801
(814) 237-6255

FILED
02-01-01
JUN 23 2000

William A. Shaw
Prothonotary

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY,

:

Condemnor

:

vs.

:

No. 00-642-CD

RAPHAEL and MILDRED JOHNSON,
Condemnees

:

:

:

ORDER

AND NOW, this 5th day of October, 2000, upon the Petition of Raphael and Mildred Johnson, the Court appoints J. Richard Mattern, II, Esquire Samuel Yost, and Evo Facchine as viewers on the foregoing Petition and further Orders that the viewers perform their duties in accordance with the law and Act of Assembly in such case made and provided.

BY THE COURT:


JUDGE

FILED

Oct 05 2000
013511-City
William A. Shaw
Prothonotary Schneider

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY, :
: Condemnor :
: :
: vs. : No. 00-642-CD :
: :
RAPHAEL and MILDRED JOHNSON, :
: Condemnees :
: :

PETITION FOR THE APPOINTMENT OF A BOARD OF VIEWERS

The Petition of **Cooper Township Municipal Authority** ("Condemnor"), by its undersigned counsel, respectfully represents:

1. The Condemnor is Cooper Township Municipal Authority, whose address is Box 446, Winburne, Pennsylvania.
2. On June 1, 2000, Condemnor filed a declaration of taking in this proceeding. A copy of the declaration of taking is attached as Exhibit "A." No preliminary objections to the declaration of taking have been filed.
3. The name and address of the Condemnees known by Condemnor to have an interest in the condemned property is:

Raphael and Mildred Johnson, P.O. Box 123, Lanse, PA 16849

4. A description of the condemned property is fully set forth in the Resolution, approved on April 11, 2000, a copy of which is included in the declaration of taking.

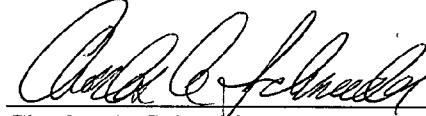
FILED

OCT 05 2000
11:30 AM
William A. Shaw
Prothonotary
No. 1/1

WHEREFORE, Condemnor Cooper Township Municipal Authority respectfully requests that your Honorable Court appoint three viewers to assess the damages to which the condemnees are entitled, and to assess the benefits, if any, arising from the above-mentioned condemnation.

Respectfully submitted,

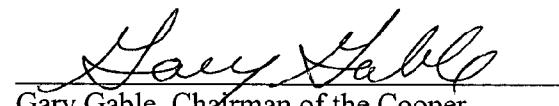
Date: 10/3/00



Charles A. Schneider
Attorney ID #06780
Mazza, Schneider, Arbuckle & Bascom
1315 South Allen Street, Suite 302
State College, PA 16801
(814) 237-6255

VERIFICATION

I hereby verify that the facts set forth in this pleading are true and correct to the best of my knowledge, information and belief. I understand that any false statements herein are made subject to the penalties of 18 P.S. Section 4904, relating to unsworn falsification to authorities.



Gary Gable, Chairman of the Cooper
Township Municipal Authority

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY,

Condemnor

vs.

No. 00-642-CJ

RAPHAEL and MILDRED JOHNSON,

Condemnees

NOTICE OF CONDEMNATION

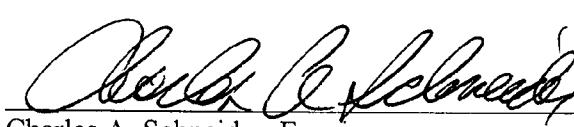
In accordance with Section 405 of the Eminent Domain Code of 1964, 26 P.S. § 1-405,
Cooper Township Municipal Authority notifies you that:

1. A declaration of taking, a copy of which is attached as Exhibit "A," was filed on JUNE 1, 2000, in the Court of Common Pleas of Clearfield County at the above-named term and number.
2. Your property has been condemned for waste water treatment system purposes.

Identification of your property appears on Exhibit "B" of the declaration of taking.

3. If you wish to challenge the power or right of Cooper Township Municipal Authority to appropriate the condemned property, the sufficiency of the security, the procedure followed by the Condemnor, or the declaration of taking, you are required to file preliminary objections within 30 days after being served with this notice.

Date: 6/1/00



Charles A. Schneider, Esquire
Attorney for Cooper Township Municipal Authority
Mazza, Schneider, Arbuckle & Bascom
1315 South Allen Street, Suite 302
State College, PA 16801
(814) 237-6255

EXHIBIT


A

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY,

Condemnor

vs.

No. 00-642-CD

RAPHAEL and MILDRED JOHNSON,

Condemnees

NOTICE OF FILING OF DECLARATION OF TAKING

The Cooper Township Municipal Authority states that:

A Declaration of Taking was filed this 1 day of June, 2000, at the above Court term and number, by which the following property was condemned in whole or in part for a waste water treatment system on the land of Raphael and Mildred Johnson, husband and wife, described in Record Book No. 827, Page No. 210.

Date: 6/1/00


Charles A. Schneider, Esquire
Attorney for Cooper Township Municipal Authority
Mazza, Schneider, Arbuckle & Bascom
1315 South Allen Street, Suite 302
State College, PA 16801
(814) 237-6255

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

Attest:


Prothonotary

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY,

Condemnor

vs.

No. 00-642-C

RAPHAEL and MILDRED JOHNSON,

Condemnees

DECLARATION OF TAKING

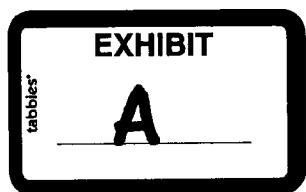
The Cooper Township Municipal Authority, pursuant to the Eminent Domain Code 26 P.S. 1-101 et seq. ("Code"), hereby declares:

1. The Condemnor is the Cooper Township Municipal Authority, whose address is P.O. Box 446, Winburne, Clearfield County, Pennsylvania.
2. The condemnation is authorized by 26 P.S. 1-101 et seq.
3. Pursuant to Resolution approved April 11, 2000, the Cooper Township Municipal Authority hereby appropriates and condemns real estate designated in the Resolution, a copy of which is attached as Exhibit "A". The Condemnees are Raphael and Mildred Johnson, husband and wife.
4. The purpose of the condemnation is to secure land for a waste water treatment system as described more fully in the Act 537 Plan approved March 31, 1997, prepared by Hess and Fisher and intended to be recorded.

^{5.} I hereby certify this to be a true and attested copy of the original statement filed in this case. The property condemned is a portion of that tract of land situate in Cooper Township, Clearfield County, Pennsylvania, described in Clearfield County

JUN 9 2000

Attest: *William L. Hess*
Prothonotary

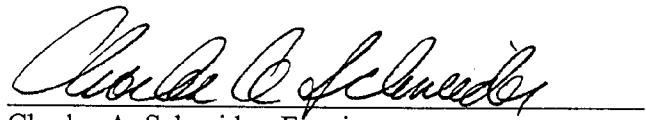


Record Book No. 827, Page No. 210, more particularly shown in the description attached as Exhibit "B".

6. The nature of title acquired is a permanent easement.
7. The plan showing the condemned property may be inspected at the Office of the Condemnor.
8. Pursuant to 26 P.S. 1-403, the Condemnor files its bond herewith, conditioned for the payment to the Condemnees of damages for taking when the same shall have been ascertained.
9. A conformed copy of this declaration of taking, together with the information and notice will be served upon the condemnees in this proceeding. Proof of such service will be filed.

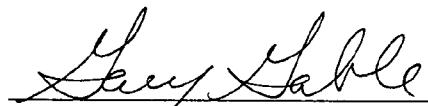
WHEREFORE, the Cooper Township Municipal Authority declares the within premises condemned and appropriated for the public purpose mentioned.

Date: 5/17/00


Charles A. Schneider, Esquire
Attorney for Cooper Township Municipal Authority
Mazza, Schneider, Arbuckle & Bascom
1315 South Allen Street, Suite 302
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VERIFICATION

I hereby verify that the facts set forth in this pleading are true and correct to the best of my knowledge, information and belief. I understand that any false statements herein are made subject to the penalties of 18 P.S. Section 4904, relating to unsworn falsification to authorities.



Gary Gable, Chairman of the Cooper
Township Municipal Authority

RESOLUTION

A RESOLUTION OF THE COOPER TOWNSHIP MUNICIPAL AUTHORITY FOR THE CONDEMNATION OF THE FOLLOWING PROPERTIES IN COOPER TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA FOR THE WASTEWATER TREATMENT SYSTEM.

BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against Andrea Borger for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book 1683, page 475 for purposes of constructing a wastewater treatment system. **BE IT FURTHER RESOLVED**, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of Andrea Borger, conditioned for the payment to the said Andrea Borger of damages for taking when damages have been ascertained.

BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against James Hadvabne for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Books, 249, page 112, 184, page 436 and 155, page 183 for purposes of constructing a wastewater treatment system. **BE IT FURTHER RESOLVED**, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of James Hadvabne, conditioned for the payment to the said James Hadvabne of damages for taking when damages have been ascertained.

BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against Michael Pash for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book Instrument Number 199902949, pages 1-4 for purposes of constructing a wastewater treatment system. **BE IT FURTHER RESOLVED**, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of Michael Pash conditioned for the payment to the said Michael Pash of damages for taking when damages have been ascertained.

BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against William Amick and Penelope Amick, his wife, for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book Instrument No. 199801732 , pages 1-4 for purposes of constructing a wastewater treatment system. **BE IT FURTHER RESOLVED**, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of William Amick and Penelope Amick, his wife, conditioned for the payment to the said William Amick and Penelope Amick, his wife, of damages for taking when damages have been ascertained.



BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against Timothy Campbell for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book Instrument Number 199916454, pages 1-4 for purposes of constructing a wastewater treatment system. **BE IT**

FURTHER RESOLVED, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of Timothy Campbell conditioned for the payment to the said Timothy Campbell of damages for taking when damages have been ascertained.

BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against Doris Carlson, Donald Carlson and Kathy Jolly for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book 815, page 189 for purposes of constructing a wastewater treatment system. **BE IT FURTHER RESOLVED**, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of Doris Carlson, Donald Carlson and Kathy Jolly conditioned for the payment to the said Doris Carlson, Donald Carlson and Kathy Jolly of damages for taking when damages have been ascertained.

BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against Melvin Wood and Patricia Wood, his wife, for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Books 1301, page 052, 611 page 215 and 1237, page 243 for purposes of constructing a wastewater treatment system. **BE IT FURTHER RESOLVED**, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of Melvin Wood and Patricia Wood, his wife, conditioned for the payment to the said Melvin Wood and Patricia Wood, his wife, of damages for taking when damages have been ascertained.

BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against John Bordas and Debbi Bordas, his wife, for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book 1535, page 100 for purposes of constructing a wastewater treatment system. **BE IT FURTHER RESOLVED**, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of John Bordas and Debbi Bordas, his wife, conditioned for the payment to the said John Bordas and Debbi Bordas, his wife, of damages for taking when damages have been ascertained.

BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against the Presbyterian Church for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Book 1689, page 590 for purposes of constructing a wastewater treatment system. **BE IT FURTHER RESOLVED**, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of the Presbyterian Church conditioned for the payment to the said the Presbyterian Church of damages for taking when damages have been ascertained.

BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against James Gilham et al for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Books 1705, page 045, 1728, pages 301 & 312, 1651, page 252, and 1444, page 376 for purposes of constructing a wastewater treatment system. **BE IT FURTHER RESOLVED**, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of James Gilham et al conditioned for the payment to the said James Gilham of damages for taking when damages have been ascertained.

BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against Frank Hahn and Tonya Hahn, his wife, for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book 1406, page 497 for purposes of constructing a wastewater treatment system. **BE IT FURTHER RESOLVED**, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of Frank Hahn and Tonya Hahn, his wife, conditioned for the payment to the said Frank Hahn and Tonya Hahn, his wife, of damages for taking when damages have been ascertained.

BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against Sally Isham and William Amick, for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Books 677, page 091 and 1404, page 036 for purposes of constructing a wastewater treatment system. **BE IT FURTHER RESOLVED**, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of Sally Isham and William Amick conditioned for the payment to the said Sally Isham and William Amick of damages for taking when damages have been ascertained.

BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against Raphael Johnson and Mildred Johnson, his wife, for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book 827, page 210 for purposes of constructing a wastewater treatment system. **BE IT FURTHER RESOLVED**, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of Raphael Johnson and Mildred Johnson, his wife, conditioned for the payment to the said Raphael Johnson and Mildred Johnson, his wife, of damages for taking when damages have been ascertained.

BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against Bryan Sones and Kimberly Sones, his wife, for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book 1406, page 357 for purposes of constructing a wastewater treatment system. **BE IT FURTHER RESOLVED**, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of Bryan Sones and Kimberly Sones, his wife, conditioned for the payment to the said Bryan Sones and Kimberly Sones, his wife, of damages for taking when damages have been ascertained.

BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against Penny Sunderlin for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book 905, page 361 for purposes of constructing a wastewater treatment system. **BE IT FURTHER RESOLVED**, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of Penny Sunderlin conditioned for the payment to the said Penny Sunderlin of damages for taking when damages have been ascertained.

BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against Elmer Zahuranec for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book 1649, page 034 for purposes of constructing a wastewater treatment system. **BE IT FURTHER RESOLVED**, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of Elmer Zahuranec conditioned for the payment to the said Elmer Zahuranec of damages for taking when damages have been ascertained.

BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against George Carter, Sr. for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Books 100, page 166 and 282, page 251 for purposes of constructing a wastewater treatment system. **BE IT FURTHER RESOLVED**, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of George Carter, Sr. conditioned for the payment to the said George Carter, Sr. of damages for taking when damages have been ascertained.

BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against Unknown Property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Tax Assessment Map S9, Enlargement 533, Parcel Number 18, Lot Number 298 from the Map of Ames and Control Number 110046513 for purposes of constructing a wastewater treatment system. **BE IT FURTHER RESOLVED**, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of Unknown Property conditioned for the payment to the said Unknown Property of damages for taking when damages have been ascertained.

BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against Unnamed Street/Third Street - Winburne (unopened) and located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Tax Assessment Map S9, Enlargement 533, also located on the Map of Ames for purposes of constructing a wastewater treatment system. **BE IT FURTHER RESOLVED**, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of Unnamed Street/Third Street - Winburne conditioned for the payment to the said Unnamed Street/Third Street - Winburne of damages for taking when damages have been ascertained.

RESOLVED this 11th day of April, 2000, by the board of the Cooper Township Municipal Authority in lawful session assembled.

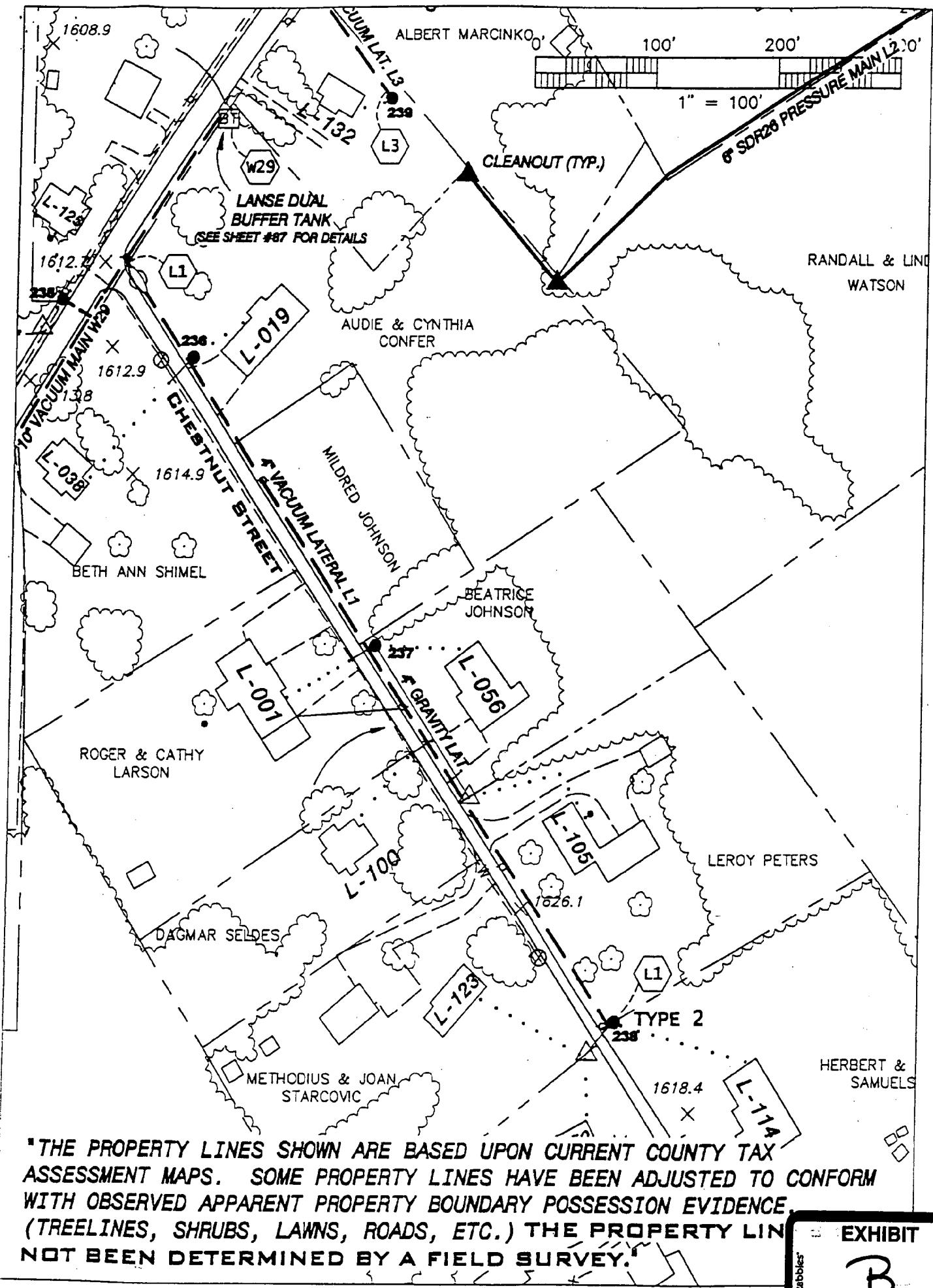
ATTEST:

Roger Lakin
SECRETARY

SEAL

COOPER TOWNSHIP MUNICIPAL AUTHORITY

By: George Shable
CHAIRMAN



"THE PROPERTY LINES SHOWN ARE BASED UPON CURRENT COUNTY TAX ASSESSMENT MAPS. SOME PROPERTY LINES HAVE BEEN ADJUSTED TO CONFORM WITH OBSERVED APPARENT PROPERTY BOUNDARY POSSESSION EVIDENCE. (TREELINES, SHRUBS, LAWNS, ROADS, ETC.) THE PROPERTY LINES HAVE NOT BEEN DETERMINED BY A FIELD SURVEY." EXH

EXHIBIT

B

Tables

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY,

Condemnor

vs.

No. 00-642-CD

RAPHAEL and MILDRED JOHNSON,

Condemnees

ORDER

AND NOW this 1 day of June, 2000, upon review of the Plaintiff's Petition and Bond, the said Bond is hereby approved.

BY THE COURT:

1s/ John K. Reilly Jr.

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY, :
: Condemnor :
: vs. : No. 00-642-CO
: RAPHAEL and MILDRED JOHNSON, :
: Condemnees :
:

BOND

KNOW ALL MEN BY THESE PRESENTS, that the Declaration of Taking having
been filed the 1 day of JUNE, 2000, by the Cooper Township Municipal
Authority, ("obligor") a body politic and corporate organized and existing under the laws of the
Commonwealth of Pennsylvania ("obligee") for the use and benefit of the owners of the property
condemned as hereinafter noted, and other proper parties in interest, for such amount of damage
as the owner of the property and other parties in interest shall be entitled to receive after the same
shall have been agreed upon or assessed in the manner prescribed by law, by reason of the
condemnation by obligor of certain land located in Cooper Township, Clearfield County,
Pennsylvania, and described as follows: [PROPERTY SHOWN IN THE ATTACHED PLAN,]
to which payment well and truly to be made, the obligor does bind itself and its successors, and
assigns, firmly by these presents.

WHEREAS, the obligor has condemned the said property and cannot agree with the
owner of said land upon the just compensation to be paid for the damages sustained by said
owner as a result of the condemnation:

NOW THE CONDITION of this bond is such that if the obligor shall pay or cause to be paid such amount of damages as the said owner of the property and other parties in interest shall be entitled to receive by reason of such condemnation, after the same shall have been agreed upon or assessed in the manner provided by law, then this obligation shall be void; otherwise, to be and remain in full force and effect.

SEALED with the corporate seal and duly executed this 5 day of May, 2000.

Attest:

Roy L. Lamm
Secretary

Cooper Township Municipal Authority

By: Sam Gable
Chairman

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY, :
: :
Condemnor : :
: :
vs. : No. 00-642-CD
: :
RAPHAEL and MILDRED JOHNSON, : :
: :
Condemnees : :
: :

MEMORANDUM OF FILING OF NOTICE

To the Prothonotary:

Notice of the above-captioned condemnation is recorded in the Department of Records of Clearfield County at Instrument Number 200007622.

Date: 6/01/00



Charles A. Schneider, Esquire
Attorney for Cooper Township Municipal Authority
Mazza, Schneider, Arbuckle & Bascom
1315 South Allen Street, Suite 302
State College, PA 16801
(814) 237-6255

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY, :
Condemnor :
vs. : No. 00-642-CD
RAPHAEL and MILDRED JOHNSON, :
Condemnees :

CERTIFICATE OF SERVICE

I hereby certify that on this day, I am serving the foregoing document upon the person and in the manner indicated below, which service satisfied the requirements of Pa. R.C.P. 440.

SERVICE BY CERTIFIED MAIL ADDRESSED AS FOLLOWS:

Raphael and Mildred Johnson
P.O. Box 123
Lanse, PA 16849

Date: 6/9/00

Charles A. Schneider
Charles A. Schneider, Esquire
Attorney for Cooper Township Municipal Authority

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COOPER TOWNSHIP
MUNICIPAL AUTHORITY,

Condemnor

vs.

No. 00-642-CD

RAPHAEL and MILDRED JOHNSON,

Condemnees

FILED

REPORT OF VIEWERS

JAN 26 2001

TO: THE HONORABLE JOHN K. REILLY, JR.
PRESIDENT JUDGE OF SAID COURT

William A. Shaw
Prothonotary

The undersigned Board of Viewers respectfully reports:

1. A Declaration of Taking by Petition of Cooper Township Municipal Authority, whose address is P. O. Box 446, Winburne, Clearfield County, Pa., was filed on June 1, 2000.
2. The purpose of the Condemnation is to secure land for a wastewater treatment system as more fully described in the Act 537 Plan approved March 31, 1997, as prepared by Hess & Fisher Engineers, Inc.
3. Said Declaration of Taking was authorized by Resolution of the Cooper Township Municipal Authority, approved April 11, 2000.
4. The Condemnation is authorized by 26 P.S. §1-101 et seq.
5. The Condemnee(s) are: **Raphael & Mildred Johnson, P. O. Box 123, Lanse, Pa., 16849.**

6. The property condemned is a portion of that tract of land situate in Cooper Township, Clearfield County, Pennsylvania, as more fully described in the Declaration of Taking and as shown in the map attached hereto designated as Exhibit "2".
7. The nature of the title acquired is a permanent easement of 10' in width and a 20' in width construction easement.
8. By Order of your Honorable Court dated August 21, 2000, J. Richard Mattern, II, Esquire, Samuel B. Yost and Evo G. Facchine, were appointed Viewers to perform the duties in accordance with the law and Act of Assembly and, basically, to assess damages to which the Condemnee(s) are entitled, and to assess benefits, if any, arising from the above mentioned Condemnation.
9. That the View was scheduled for December 15, 2000, and the Board of View Hearing was scheduled for December 20, 2000.
10. Notice of the View and Hearing was served on the Condemnee(s) by United States Mail, First Class, mailed November 22, 2000.
11. The Board of Viewers conducted their View and Hearing at the aforesaid date and place.
12. That the following Exhibits were presented to the Board and accepted as exhibits and evidence by the Board, to aid in their decision in the matter, copies of which are attached hereto:
 - a. Board Exhibit "1" - John E. West, CPE, CREA, Appraisal;

b. Board Exhibit "2" – Map of premises prepared by Hess & Fisher Engineers, Inc.

13. That after the View and Hearing, the Board of Viewers has determined that the wastewater system lines, pumps, grinders, manhole covers and all facets are consistent with prudent and necessary requirements and comprise the best locations with minimal impact on the property owner(s).

14. That after View and Hearing in this matter and in consideration of all testimony and evidence, the Board has determined that before condemnation the subject property described on Exhibit 2 had a value of \$4,000.00. As there has been no change in value, and therefore, no damages after condemnation, the property has a value of \$4,000.00 Therefore, no damages are awarded by the Board to the Condemnee(s).

15. That attached to this Report are the following:

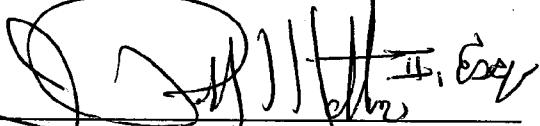
1. Notice of Board of View as to date of View and Hearing, dated November 22, 2000 - Exhibit "A";
2. Notice of Intention to File Report – Exhibit "B";
3. Board of Viewers' Schedule of Costs to be filed separately.

16. That a copy of this Report with Notice of Intention to File Report as required by 26 P.S. §1-513 is being forwarded to:

Attorney for Condemnor – Cooper Township Municipal Authority
Charles A. Schneider, Esq.
Mazza, Schneider, Arbuckle & Bascom
1315 South Allen Street, Suite 302
State College, Pa., 16801

Condemnee(s) or Condemnee(s) Attorney:
Raphael & Mildred Johnson
P. O. Box 123
Lanse, PA 16849

All of which is Respectfully Submitted,



J. RICHARD MATTERN, ESQUIRE
CHARMAN, BOARD OF VIEWERS



Samuel B. Yost, Board of Viewers



Evo G. Facchine, Board of Viewers

Date: 1/28/01

JACK WEST REALTY
Real Estate Appraiser

CTMA
File No. Johnson

APPRAISAL OF

0.52 Acre +/- Developed Land Prior to Taking 1950 Sq. Ft. Sewer Line Easement

LOCATED AT:

Chestnut Street
Lanse, Pa., 16849

FOR:

Cooper Township Municipal Authority
Forest Road P.O. Box 446
Winburne, Pa. 16879

BORROWER:

N/A

AS OF:

October 4, 2000

BY:

John E. West CPE,CREA

October 4, 2000

Gary Gable

Cooper Township Municipal Authority
Forest Road P.O. Box 446
Winburne, Pa. 16879

File Number: Johnson

Dear Mr. Gable,

In accordance with your request, I have personally inspected and appraised the real property at:

Chestnut Street
Lanse, Pa., 16849

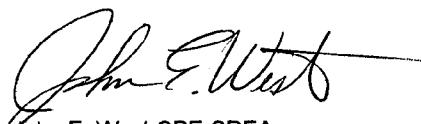
The purpose of this appraisal is to estimate the market value of the subject property, as vacant.
The property rights appraised are the fee simple interest in the site.

In my opinion, the estimated market value of the property as of October 4, 2000 is:

\$4,000
Four Thousand Dollars

The attached report contains the description, analysis and supportive data for the conclusions, final estimate of value, descriptive photographs, limiting conditions and appropriate certifications.

Sincerely Yours,



John E. West CPE,CREA

Residential Appraiser

RL-000292-L

jew

ADDENDUM

Borrower:	File No.: Johnson
Property Address: Chestnut Street	Case No.: CTMA
City: Lansse	State: Pa.
Lender: Cooper Township Municipal Authority	Zip: 16849

ADDENDUM FOR EASEMENT DAMAGE VALUE ESTIMATE

As per instructions I have determined the land value of the subject property in order to estimate the overall damage incurred by placing a sewer line easement down the front of the property. The subject property would require a 10' easement along the front of the property. Since there is a 35' building set-back requirement in Cooper Township and the easement is within this set-back I would conclude that there would be no damage to future construction on this property. The CTMA will place the sewer line and restore the property to original condition and, therefore, would cause no actual physical damage to the subject property. The available public sewer system would actually make new construction less costly.

It is my opinion that there is no change in value to the subject property because of this sewer easement and subsequently no monetary damages to the property from the sewer easement.

**SUMMARY REPORT
LAND APPRAISAL REPORT**

CTMA

File No. Johnson

Property Address Chestnut Street				Census Tract 3306		LENDER DISCRETIONARY USE			
City Lanse		County Clearfield	State Pa.	Zip Code 16849		Sale Price \$		\$	
Legal Description Deed Book 827 Page 210						Date			
Owner/Occupant Raphael & Mildred Johnson						Map Reference 110-S9-708-123			
Sale Price \$ N/A		Date of Sale N/A		Property Rights Appraised		Mortgage Amount \$			
Loan charges/concessions to be paid by seller \$ N/A				<input checked="" type="checkbox"/> Fee Simple		Mortgage Type			
R.E. Taxes \$ 27.15		Tax Year 2000		<input type="checkbox"/> Leashold		Discount Points and Other Concessions			
Lender/Client Cooper Township Municipal Authority		HOA \$/Mo. None		<input type="checkbox"/> Condominium (HUD/VA)		Paid by Seller \$			
Forest Road P.O. Box 446, Winburne, Pa. 16879						<input type="checkbox"/> PUD			
						Source			

LOCATION	<input type="checkbox"/> Urban	<input checked="" type="checkbox"/> Suburban	<input type="checkbox"/> Rural	NEIGHBORHOOD ANALYSIS			
BUILT UP	<input type="checkbox"/> Over 75%	<input checked="" type="checkbox"/> 25-75%	<input type="checkbox"/> Under 25%	Good	Avg.	Fair	Poor
GROWTH RATE	<input type="checkbox"/> Rapid	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Slow				
PROPERTY VALUES	<input type="checkbox"/> Increasing	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Declining				
DEMAND/SUPPLY	<input type="checkbox"/> Shortage	<input checked="" type="checkbox"/> In Balance	<input type="checkbox"/> Over Supply				
MARKETING TIME	<input type="checkbox"/> Under 3 Mos.	<input checked="" type="checkbox"/> 3-6 Mos.	<input type="checkbox"/> Over 6 Mos.				
PRESENT LAND USE %	LAND USE CHANGE		PREDOMINANT OCCUPANCY	SINGLEFAMILY HOUSING			
Single Family	60%	Not Likely	<input checked="" type="checkbox"/> Owner	PRICE \$ (000)	AGE (yrs)		
2-4 Family		Likely	<input type="checkbox"/> Tenant	25 Low	10		
Multi-Family		In process	<input type="checkbox"/> Vacant (0-5%)	150 High	100		
Commercial		To:	<input type="checkbox"/> Vacant (over 5%)	Predominant			
Industrial				55 -	50		
Vacant	40%						

Note: Race or the racial composition of the neighborhood are not considered reliable appraisal factors. COMMENTS: The neighborhood is consistent with that of Cooper Township and the village of Lanse. The area is serviced by public water and the public sewer system is in the planning stages at this time.

Dimensions See site area.	Topography		At Street Grade/Level	
Site Area 0.52 Acre +/-	Size		Typical	
Zoning Classification None	Shape		Rectangular	
HIGHEST & BEST USE: Present Use Yes	Drainage		Appears adequate	
UTILITIES	Public	Other	View	
Electricity	<input checked="" type="checkbox"/>		Typical	
Gas	<input type="checkbox"/>	LP	Landscaping	
Water	<input checked="" type="checkbox"/>		Typical	
Sanitary Sewer	<input type="checkbox"/>	Private	Driveway	
Storm Sewer	<input type="checkbox"/>	Open Ditch	Utilities	
SITE IMPROVEMENTS Type			Public	Private
Street	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Curb/Gutter	None		<input type="checkbox"/>	<input type="checkbox"/>
Sidewalk	None		<input type="checkbox"/>	<input type="checkbox"/>
Street Lights	None		<input type="checkbox"/>	<input type="checkbox"/>
Alley	None		<input type="checkbox"/>	<input type="checkbox"/>
Comments (Apparent adverse easements, encroachments, special assessments, slide areas, etc.): There are no apparent easements, encroachments, special assessments or slide areas observed by this appraiser at the time of the inspection.				

The undersigned has recited three recent sales of properties most similar and proximate to subject and has considered these in the market analysis. The description includes a dollar adjustment, reflecting market reaction to those items of significant variation between the subject and comparable properties. If a significant item in the comparable property is superior to, or more favorable than, the subject property, a minus (-) adjustment is made, thus reducing the indicated value of subject; if a significant item in the comparable is inferior to, or less favorable than, the subject property, a plus (+) adjustment is made, thus increasing the indicated value of the subject.

ITEM	SUBJECT	COMPARABLE NO. 1		COMPARABLE NO. 2		COMPARABLE NO. 3	
Address	Chestnut Street Lanse	110-S9-532-25 Winburne		110-R8-3 Cooper Township		110-S9-532-21 Winburne	
Proximity to Subject							
Sales Price	\$ N/A	\$ 1,800		\$ 10,000		\$ 2,000	
Price/	\$ <input type="checkbox"/>	\$ 1800 <input type="checkbox"/>		\$ 10000 <input type="checkbox"/>		\$ 2000 <input type="checkbox"/>	
Data Source	Inspection	Public Record		Public Record		Public Record	
VALUE ADJUSTMENTS	DESCRIPTION	DESCRIPTION	+(-\$ Adjustment)	DESCRIPTION	+(-\$ Adjustment)	DESCRIPTION	+(-\$ Adjustment)
Sales or Financing Concessions		None		None		None	
Date of Sale/Time	Appr. 10/4/00	2/00		11/99		2/00	
Location	Suburban	Equal		Equal		Suburban	
Site/View	0.52 Acre +/-	0.344 Acre	+440	4.00 Acres	-6,960	0.516 Acres	
Utilities	Water, Elect.	Inferior	+500	Equal		Inferior	+500
Homesite	Lawn	None	+1,000	None	+1,000	None	+1,000
Public Road	Yes	Yes					
Net Adj. (total)		<input checked="" type="checkbox"/> + <input type="checkbox"/> -	\$ 1,940	<input type="checkbox"/> + <input checked="" type="checkbox"/> -	\$ 5,960	<input checked="" type="checkbox"/> + <input type="checkbox"/> -	\$ 1,500
Indicated Value of Subject		Gross: 107.8		Gross: 79.6		Gross: 75.0	
		Net: 107.8	\$ 3,740	Net: -59.6	\$ 4,040	Net: 75.0	\$ 3,500

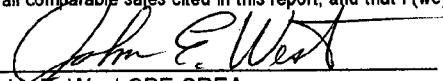
Comments of Sales Comparison: See Attached Addendum.

Comments and Conditions of Appraisal: See Attached Addendum.

Final Reconciliation: The Market Approach to Value, which best reflects the actions of the buyers and sellers in the marketplace, has been given the most emphasis. The Cost and Income Approaches are not applicable in this type of assignment.

I (WE) ESTIMATE THE MARKET VALUE, AS DEFINED, OF THE SUBJECT PROPERTY AS OF October 4, 2000 to be \$ 4,000

I (We) certify: that to the best of my (our) knowledge and belief, the facts and data used herein are true and correct; that I (we) personally inspected the subject property and inspected all comparable sales cited in this report; and that I (we) have no undisclosed interest, present or prospective therein.

Appraiser(s)  Review Appraiser _____ Did Did Not Inspect Property

John E. West CPE, CREA

ADDENDUM

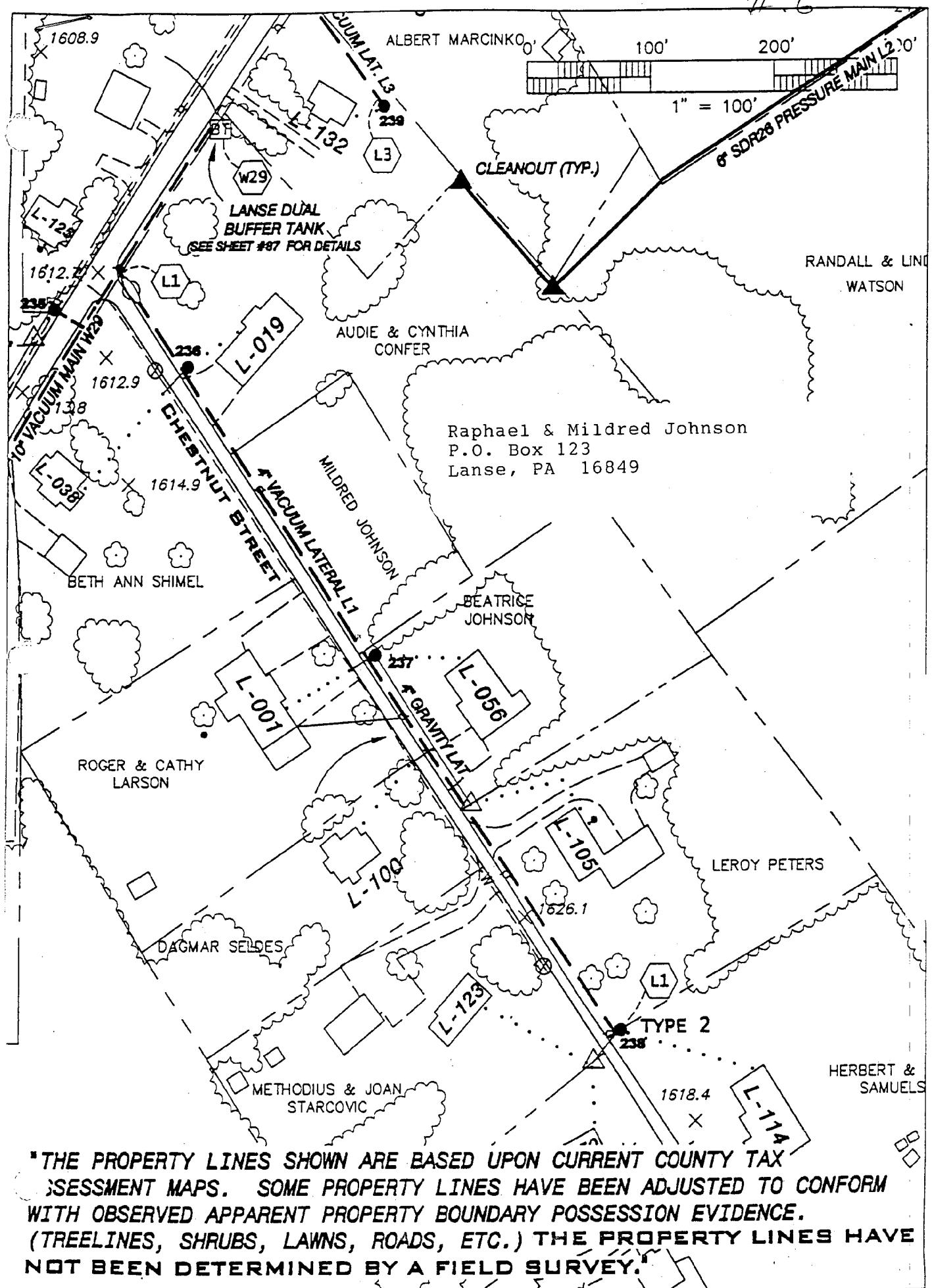
Borrower:	File No.: Johnson
Property Address: Chestnut Street	Case No.: CTMA
City: Lanse	State: Pa.
Lender: Cooper Township Municipal Authority	Zip: 16849

Comments on Sales Comparison

A search of the Clearfield-Jefferson MLS, public records and broker files indicated that these sales are the most recent, closest, similar, closed sales available as of the date of the appraisal. The comparables chosen are considered to be good indicators of value. After variation adjustments, a value range of \$3,500 to \$4,040 is indicated. The Subject property has been developed and planted in grass and all of the comparable land sales have been adjusted for the difference. The indicated land value for the subject in its present condition, in my opinion, would be \$4,000.00, or \$.17 per Sq. Ft.

Condition of Appraisal Comments

This appraisal assumes competent, professional marketing with a reasonable time to sell. No value is assigned to the buildings in this appraisal because the purpose is to determine the overall damage from an easement for a sewer line. The land value is being considered with full knowledge that there is no house on the property at this time and the land will probably be used as a building site in the future, but the right-of-way has no effect on the value of the home site because it is within the 35' building setback required by the township.



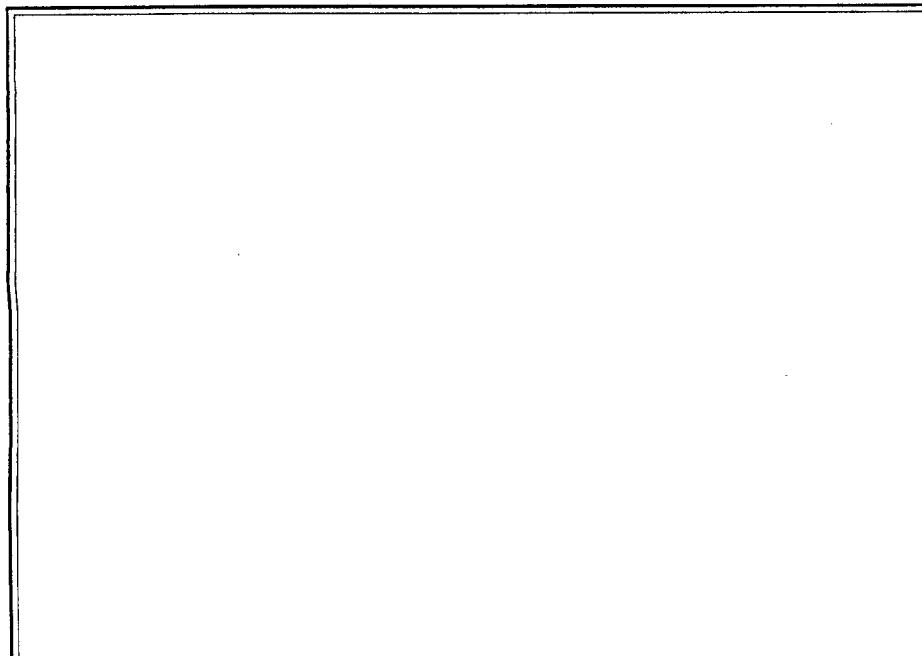
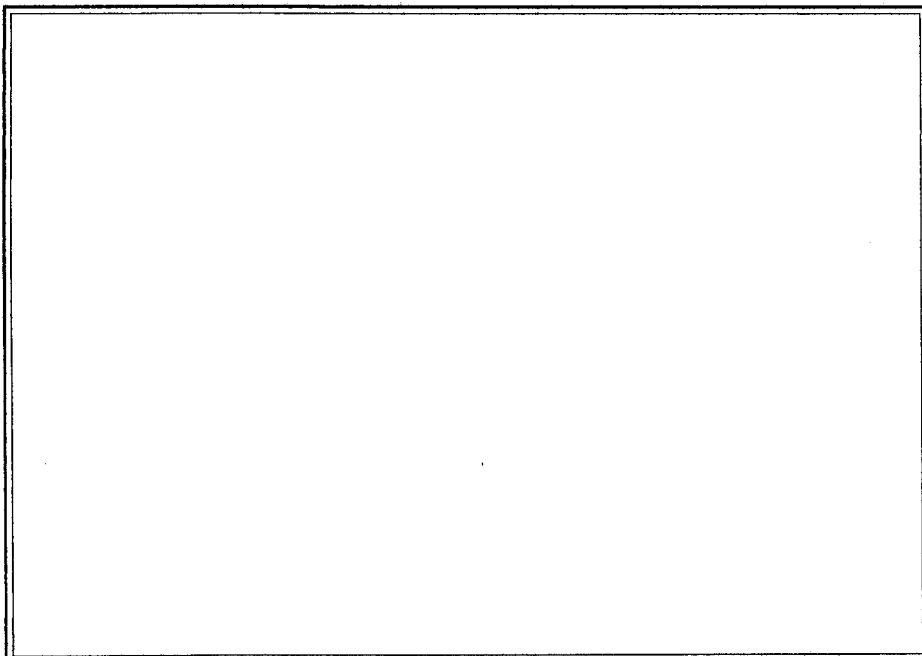
SUBJECT PHOTO

Borrower:
Property Address: Chestnut Street
City: Lanse
Lender: Cooper Township Municipal Authority

File No.: Johnson
Case No.: CTMA
State: Pa.
Zip: 16849



SUBJECT PHOTO



DEFINITION OF MARKET VALUE: The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: (1) buyer and seller are typically motivated; (2) both parties are well informed or well advised, and each acting in what he considers his own best interest; (3) a reasonable time is allowed for exposure in the open market; (4) payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions* granted by anyone associated with the sale.

*Adjustments to the comparables must be made for special or creative financing or sales concessions. No adjustments are necessary for those costs which are normally paid by sellers as a result of tradition or law in a market area; these costs are readily identifiable since the seller pays these costs in virtually all sales transactions. Special or creative financing adjustments can be made to the comparable property by comparisons to financing terms offered by a third party institutional lender that is not already involved in the property or transaction. Any adjustment should not be calculated on a mechanical dollar for dollar cost of the financing or concession but the dollar amount of any adjustment should approximate the market's reaction to the financing or concessions based on the Appraiser's judgment.

STATEMENT OF LIMITING CONDITIONS AND APPRAISER'S CERTIFICATION

CONTINGENT AND LIMITING CONDITIONS: The appraiser's certification that appears in the appraisal report is subject to the following conditions:

1. The appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it. The appraiser assumes that the title is good and marketable and, therefore, will not render any opinions about the title. The property is appraised on the basis of it being under responsible ownership.
2. The appraiser has provided a sketch in the appraisal report to show approximate dimensions of the improvements and the sketch is included only to assist the reader of the report in visualizing the property and understanding the appraiser's determination of its size.
3. The appraiser has examined the available flood maps that are provided by the Federal Emergency Management Agency (or other data sources) and has noted in the appraisal report whether the subject site is located in an identified Special Flood Hazard Area. Because the appraiser is not a surveyor, he or she makes no guarantees, express or implied, regarding this determination.
4. The appraiser will not give testimony or appear in court because he or she made an appraisal of the property in question, unless specific arrangements to do so have been made beforehand.
5. The appraiser has estimated the value of the land in the cost approach at its highest and best use and the improvements at their contributory value. These separate valuations of the land and improvements must not be used in conjunction with any other appraisal and are invalid if they are so used.
6. The appraiser has noted in the appraisal report any adverse conditions (such as, needed repairs, depreciation, the presence of hazardous wastes, toxic substances, etc.) observed during the inspection of the subject property or that he or she became aware of during the normal research involved in performing the appraisal. Unless otherwise stated in the appraisal report, the appraiser has no knowledge of any hidden or unapparent conditions of the property or adverse environmental conditions (including the presence of hazardous wastes, toxic substances, etc.) that would make the property more or less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties, express or implied, regarding the condition of the property. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because the appraiser is not an expert in the field of environmental hazards, the appraisal report must not be considered as an environmental assessment of the property.
7. The appraiser obtained the information, estimates, and opinions that were expressed in the appraisal report from sources that he or she considers to be reliable and believes them to be true and correct. The appraiser does not assume responsibility for the accuracy of such items that were furnished by other parties.
8. The appraiser will not disclose the contents of the appraisal report except as provided for in the Uniform Standards of Professional Appraisal Practice.
9. The appraiser has based his or her appraisal report and valuation conclusion for an appraisal that is subject to satisfactory completion, repairs, or alterations on the assumption that completion of the improvements will be performed in a workmanlike manner.
10. The appraiser must provide his or her prior written consent before the lender/client specified in the appraisal report can distribute the appraisal report (including conclusions about the property value, the appraiser's identity and professional designations, and references to any professional appraisal organizations or the firm with which the appraiser is associated) to anyone other than the borrower; the mortgagee or its successors and assigns; the mortgage insurer; consultants; professional appraisal organizations; any state or federally approved financial institution; or any department, agency, or instrumentality of the United States or any state or the District of Columbia; except that the lender/client may distribute the property description section of the report only to data collection or reporting service(s) without having to obtain the appraiser's prior written consent. The appraiser's written consent and approval must also be obtained before the appraisal can be conveyed by anyone to the public through advertising, public relations, news, sales, or other media.

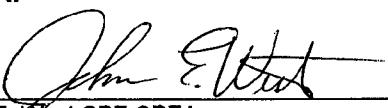
APPRAISERS CERTIFICATION: The Appraiser certifies and agrees that:

1. I have researched the subject market area and have selected a minimum of three recent sales of properties most similar and proximate to the subject property for consideration in the sales comparison analysis and have made a dollar adjustment when appropriate to reflect the market reaction to those items of significant variation. If a significant item in a comparable property is superior to, or more favorable than, the subject property, I have made a negative adjustment to reduce the adjusted sales price of the comparable and, if a significant item in a comparable property is inferior to, or less favorable than the subject property, I have made a positive adjustment to increase the adjusted sales price of the comparable.
2. I have taken into consideration the factors that have an impact on value in my development of the estimate of market value in the appraisal report. I have not knowingly withheld any significant information from the appraisal report and I believe, to the best of my knowledge, that all statements and information in the appraisal report are true and correct.
3. I stated in the appraisal report only my own personal, unbiased, and professional analysis, opinions, and conclusions, which are subject only to the contingent and Limiting Conditions specified in this form.
4. I have no present or prospective interest in the property that is the subject to this report, and I have no present or prospective personal interest or bias with respect to the participants in the transaction. I did not base, either partially or completely, my analysis and/or the estimate of market value in the appraisal report on the race, color, religion, sex, handicap, familial status, or national origin of either the prospective owners or occupants of the subject property or of the present owners or occupants of the properties in the vicinity of the subject property.
5. I have no present or contemplated future interest in the subject property, and neither my current or future employment nor my compensation for performing this appraisal is contingent on the appraised value of the property.
6. I was not required to report a predetermined value or direction in value that favors the cause of the client or any related party, the amount of the value estimate, the attainment of a specific result, or the occurrence of a subsequent event in order to receive my compensation and/or employment for performing the appraisal. I did not base the appraisal report on a requested minimum valuation, a specific valuation, or the need to approve a specific mortgage loan.
7. I performed this appraisal in conformity with the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place as of the effective date of this appraisal, with the exception of the departure provision of those Standards, which does not apply. I acknowledge that an estimate of a reasonable time for exposure in the open market is a condition in the definition of market value and the estimate I developed is consistent with the marketing time noted in the neighborhood section of this report, unless I have otherwise stated in the reconciliation section.
8. I have personally inspected the subject property and the exterior of all properties listed as comparables in the appraisal report. I further certify that I have noted any apparent or known adverse conditions in the subject improvements, on the subject site, or on any site within the immediate vicinity of the subject property of which I am aware and have made adjustments for these adverse conditions in my analysis of the property value to the extent that I had market evidence to support them. I have also commented about the effect of the adverse conditions on the marketability of the subject property.
9. I personally prepared all conclusions and opinions about the real estate that were set forth in the appraisal report. If I relied on significant professional assistance from any individual or individuals in the performance of the appraisal or the preparation of the appraisal report, I have named such individual(s) and disclosed the specific tasks performed by them in the reconciliation section of this appraisal report. I certify that any individual so named is qualified to perform the tasks. I have not authorized anyone to make a change to any item in the report; therefore, if an unauthorized change is made to the appraisal report, I will take no responsibility for it.

SUPERVISORY APPRAISER'S CERTIFICATION: If a supervisory appraiser signed the appraisal report, he or she certifies and agrees that: I directly supervise the appraiser who prepared the appraisal report, have reviewed the appraisal report, agree with the statements and conclusions of the appraiser, agree to be bound by the appraiser's certifications numbered 4 through 7 above, and am taking full responsibility for the appraisal and the appraisal report.

ADDRESS OF PROPERTY APPRAISED: Chestnut Street, Lanse, Pa., 16849

APPRAISER:

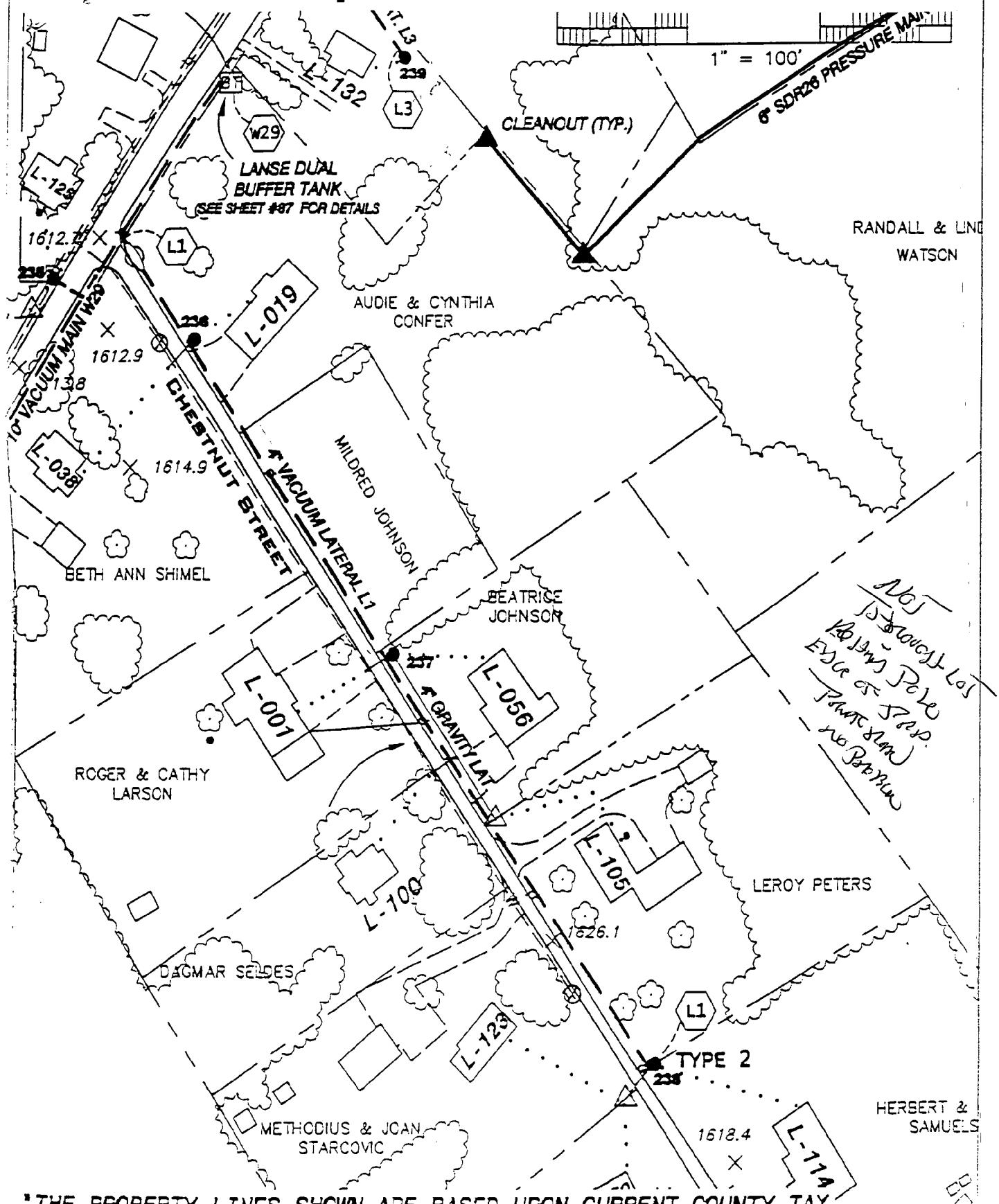
Signature: 
Name: John E. West CPE, CREA
Date Signed: October 10, 2000
State Certification #: RL-000292-L
or State License #: _____
State: Pa
Expiration Date of Certification or License: May 30, 2001

SUPERVISORY APPRAISER (only if required)

Signature: _____
Name: _____
Date Signed: _____
State Certification #: _____
or State License #: _____
State: _____
Expiration Date of Certification or License: _____

Did Did Not Inspect Property

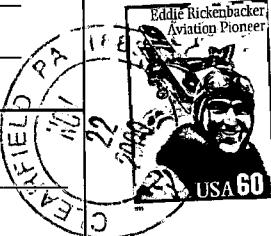
25 Kapnael-Mildred Johnson



THE PROPERTY LINES SHOWN ARE BASED UPON CURRENT COUNTY TAX ASSESSMENT MAPS. SOME PROPERTY LINES HAVE BEEN ADJUSTED TO CONFORM WITH OBSERVED APPARENT PROPERTY BOUNDARY POSSESSION EVIDENCE. (TREELINES, SHRUBS, LAWNS, ROADS, ETC.) THE PROPERTY LINES HAVE NOT BEEN DETERMINED BY A FIELD SURVEY.

U.S. POSTAL SERVICE		CERTIFICATE OF MAILING
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE—POSTMASTER		
<p>R Rick Mattern — Attorney at Law — 211 East Pine Street — Clearfield, Pa., 16830</p>		
<p>One piece of ordinary mail addressed to: Raphael & Mildred Johnson</p>		
<p>P. O. Box 123</p>		
<p>Lanse, PA 16849</p>		

Affix fee here in stamps
or meter postage and
post mark. Inquire of
Postmaster for current
fee.



PS Form 3817, Mar. 1989

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COOPER TOWNSHIP
MUNICIPAL AUTHORITY,

Condemnor

vs. No. 00-642-CD

RAPHAEL and MILDRED
JOHNSON,

Condemnees

NOTICE OF VIEW AND HEARING

You are hereby notified that J. Richard Mattern, II, Esquire, Samuel B. Yost and Evo Facchine, Board of Viewers in the above captioned matter, will hold a view on Friday, December 15, 2000, at or about 10:00 A.M. at the subject premises located in Cooper Township, Clearfield County, Pennsylvania.

You are further notified that there will be a hearing in this matter at the Cooper Township Municipal Authority Building in Winburne, Pennsylvania, 16879, on Wednesday, December 20, 2000, commencing at approximately 10:00 A.M.

J. RICHARD MATTERN, II, ESQUIRE
Attorney ID# 06817
CHAIRMAN, BOARD OF VIEWERS
211 East Pine Street
Clearfield, Pa., 16830
(814) 765-6416

Date: November 22, 2000

Exhibit A

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COOPER TOWNSHIP
MUNICIPAL AUTHORITY,

Condemnor

vs.

No. 00-642-CD

RAPHAEL and MILDRED JOHNSON,

Condemnees

TO: Attorney for Condemnor – Cooper Township Municipal Authority

Charles A. Schneider, Esq.
Mazza, Schneider, Arbuckle & Bascom
1315 South Allen Street, Suite 302
State College, Pa., 16801

Condemnee(s) or Condemnee(s) Attorney:

Raphael & Mildred Johnson
P. O. Box 123
Lanse, PA 16849

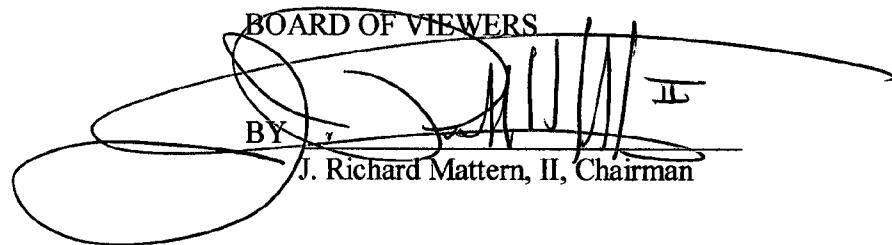
NOTICE OF INTENTION TO FILE REPORT

The Board of Viewers in the above captioned matter shall file their Report on January 26, 2001.

A copy of said Report is being served on counsel for the Cooper Township Municipal Authority, and a copy is being served on you as Condemnee(s) or as Condemnee(s) attorney to the proceeding in accordance with P.S. §1-513.

You are hereby notified that the Report of Viewers in this matter shall become final unless an appeal is filed within thirty (30) days from the date the Report is filed.

BOARD OF VIEWERS
BY
J. Richard Mattern, II, Chairman



E x B

FILED NO
9/10/2001 cc
JAN 26 2001
William A. Shaw
Prothonotary

00-642-CJ

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

IN RE:

COOPER TOWNSHIP
MUNICIPAL AUTHORITY,
Condemnee
36 CONDEMNATION CASES
CASE LIST ATTACHED –
EXHIBIT A

Misc. II page 475
No. 2001 CD

ORDER

AND NOW, this 26 day of January, 2001, the Court acknowledges the filing of 36 Reports by the Board of Viewers, together with the attached Board of Viewers Schedule of Costs and Orders that the Cooper Township Municipal Authority of Winburne, Pa., pay for the services rendered and costs incurred in the above cases the sum of One Thousand Nine Dollars and Fifty-Six Cents (\$1,009.56) to Samuel B. Yost, the sum of One Thousand One Hundred Eighty-Five Dollars (\$1,185.00) to Evo G. Facchine and the sum of Three Thousand Ninety-Nine Dollars and Ninety Cents (\$3,099.90) to J. Richard Mattern II, Esq., directly to the Board of Viewers at the addresses noted.

BY THE COURT,

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

/s/ JOHN K. REILLY, JR.

JAN 26 2001

JOHN K. REILLY, JR.
PRESIDENT JUDGE

Attest:

William L. Reilly
Prothonotary

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