

00-644-CD  
COOPER TOWNSHIP MUNICIPAL AUTHORITY -vs- JAMES GILHAM ESTATE

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

110 COOPER TOWNSHIP MUNICIPAL AUTHORITY, :  
: Condemnor :  
: vs. : No. 06-644-CO  
5 JAMES GILHAM ESTATE, :  
: 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 Condemnee is the  
James Gilham Estate.
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

FILED Township, Clearfield County, Pennsylvania, described in Clearfield County

JUN 01 2000

William A. Shaw  
Prothonotary

Record Book No. 1705, Page 45; Record Book 1728, Pages 301 & 312; Record Book 1651, Page 252; and Record Book 1444, Page No. 376, 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: 5/12/00



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**

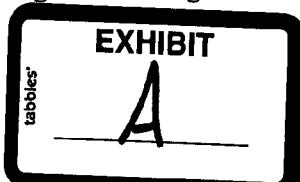
**A RESOLUTION OF THE COOPER TOWNSHIP MUNICIPAL AUTHORITY FOR THE CONDEMNATION OF THE FOLLOWING PROPERTIES IN COOPER TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA FOR THE WASTEWATER TREATMENT SYSTEM.**

**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 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 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.

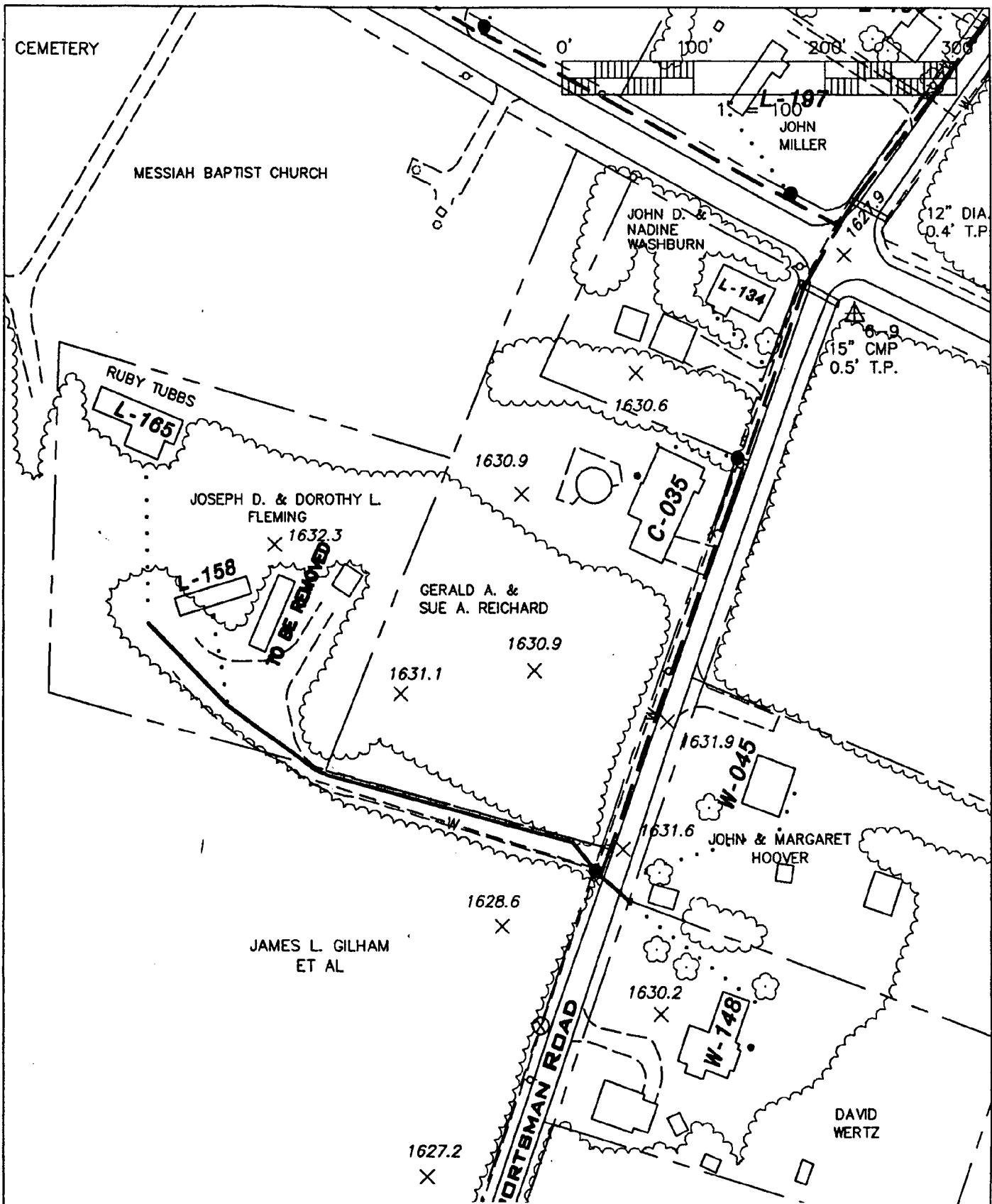
ATTEST:

Peggy Lakin  
SECRETARY

SEAL

COOPER TOWNSHIP MUNICIPAL AUTHORITY

By: Henry Shable  
CHAIRMAN

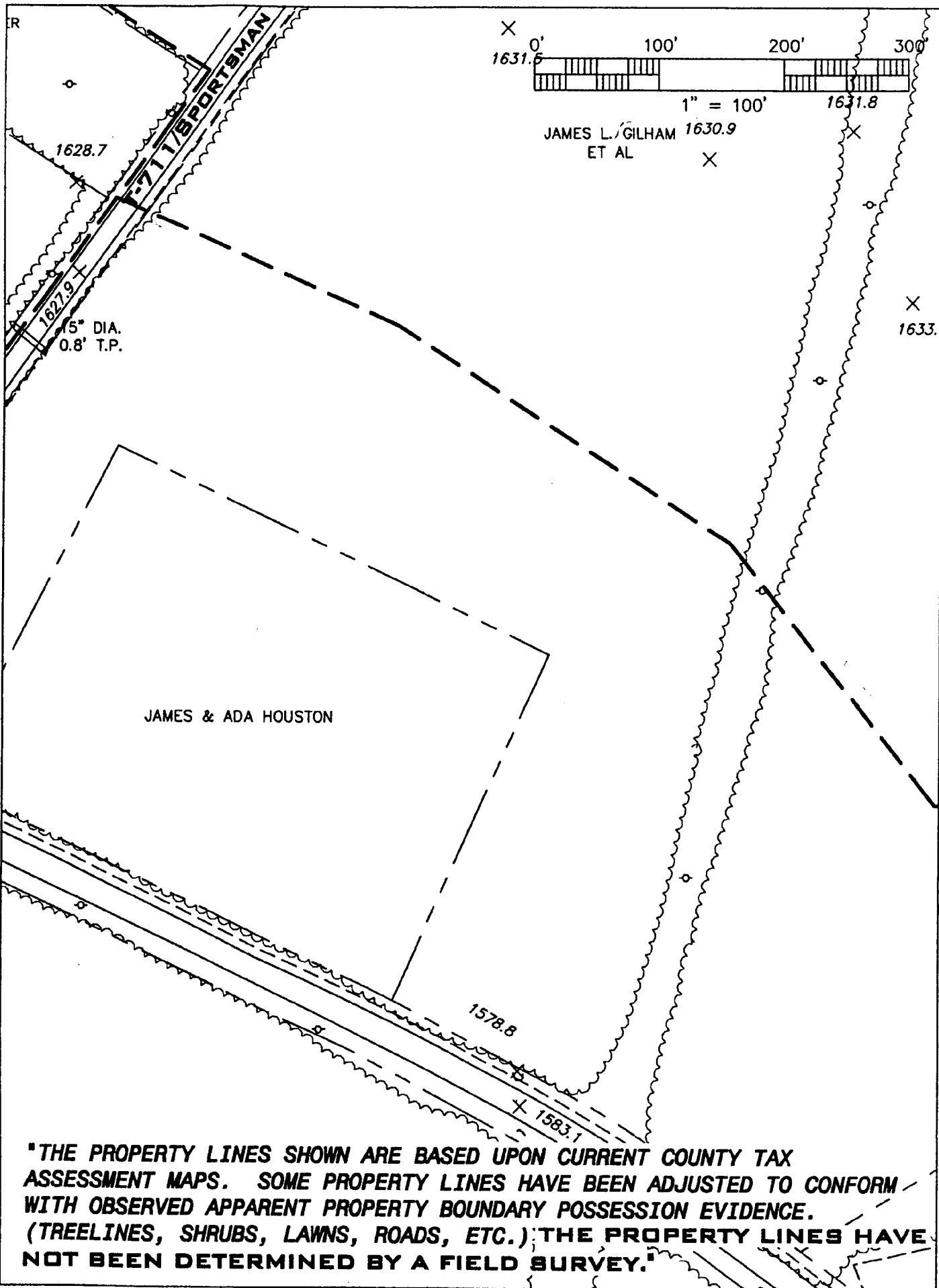


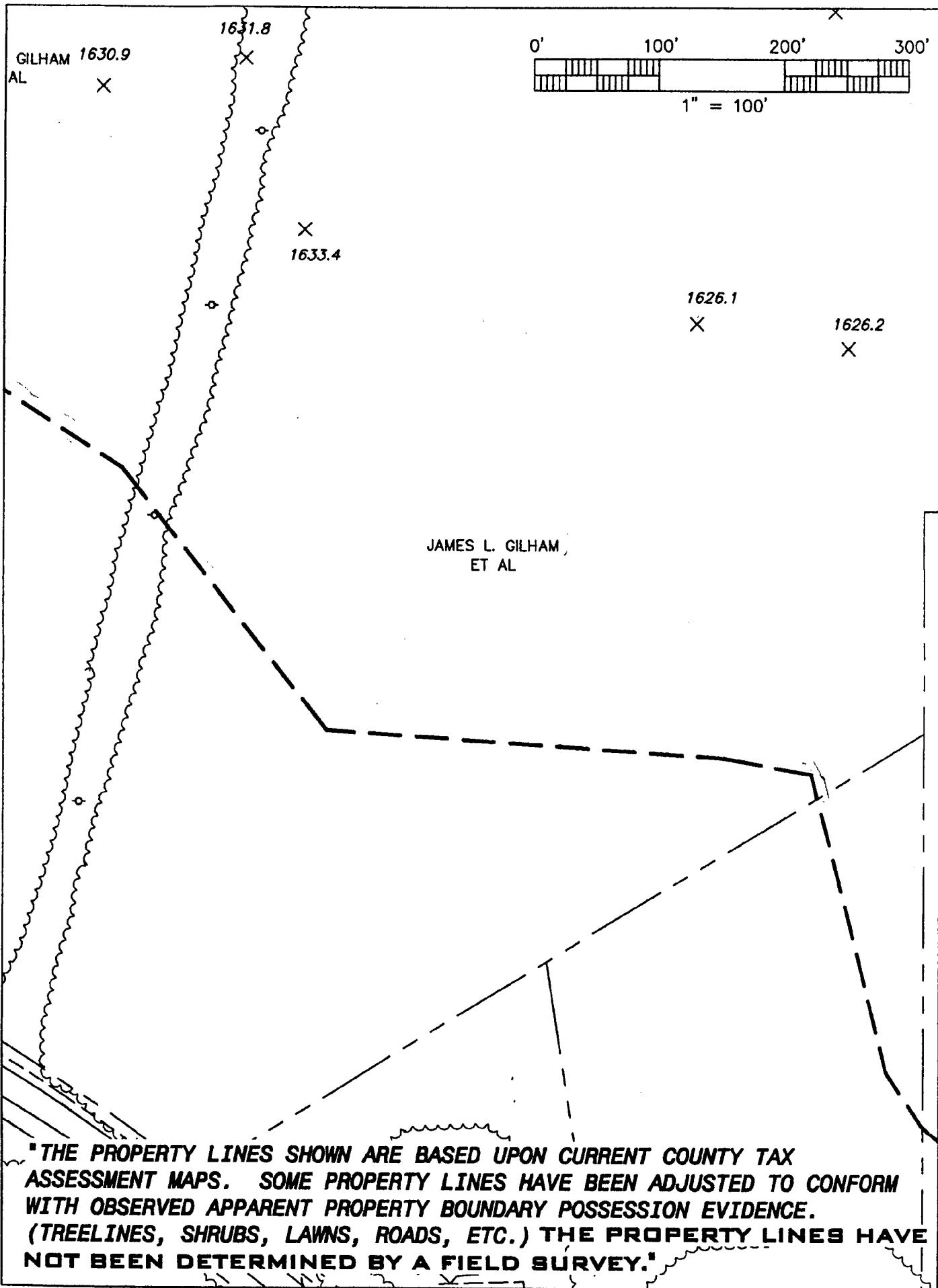
"THE PROPERTY LINES SHOWN ARE BASED UPON CURRENT COUNTY TAX ASSESSMENT MAPS. SOME PROPERTY LINES HAVE BEEN ADJUSTED TO CONFORM WITH OBSERVED APPARENT PROPERTY BOUNDARY POSSESSION EVIDENCE (TREELINES, SHRUBS, LAWNS, ROADS, ETC.) THE PROPERTY NOT BEEN DETERMINED BY A FIELD SURVEY."

5/1/19

EXHIBIT

B





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

COOPER TOWNSHIP MUNICIPAL AUTHORITY, :  
Condemnor :  
vs. : No.  
JAMES GILHAM ESTATE, :  
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:

  
Jack Kelly

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY, :  
Condemnor :  
vs. : No.  
JAMES GILHAM ESTATE, :  
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 9 day of May, 2000.

Attest:

John Lakin  
Secretary

Cooper Township Municipal Authority

By: Sam Sable  
Chairman

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY, :  
Condemnor :  
vs. : No.  
JAMES GILHAM ESTATE, :  
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 11, 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: 6/17/00

  
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

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

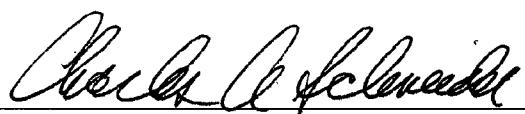
COOPER TOWNSHIP MUNICIPAL AUTHORITY, :  
: :  
Condemnor : :  
: :  
vs. : No. 00-644-Cp  
: :  
JAMES GILHAM ESTATE, : :  
: :  
Condemnees : :  
: :

**NOTICE OF FILING OF DECLARATION OF TAKING**

The Cooper Township Municipal Authority states that:

A Declaration of Taking was filed this 1 day of JULY, 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 James Gilham Estate, described in Record Book No. 1705, Page 45; Record Book 1728, Pages 301 & 312; Record Book 1651, Page 252; and Record Book 1444, Page No. 376.

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

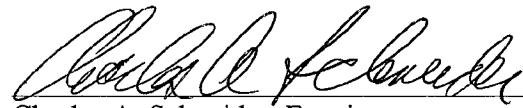
COOPER TOWNSHIP MUNICIPAL AUTHORITY, :  
: :  
Condemnor : :  
: :  
vs. : No. 00-644-CD  
: :  
JAMES GILHAM ESTATE, : :  
: :  
Condemnees : :  
: :

**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 200007624.

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  
a 2:01 PM  
JUN 23 2000

William A. S...  
Prothonotary

889

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY,

Condemnor

vs.

No. 00-644-CD

JAMES GILHAM ESTATE,

Condemnees

**ORDER**

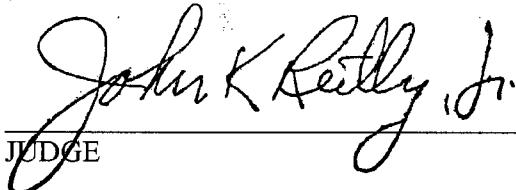
AND NOW, this 5<sup>th</sup> day of October, 2000, upon the Petition of

James Gilham Estate, 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

013:5711ccatty  
William A. Shaw  
Prothonotary

Schneider

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY, :  
: Condemnor :  
: :  
: vs. : No. 00-644-CD :  
: :  
JAMES GILHAM ESTATE, :  
: 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:

French Brothers Limited Partnership  
c/o Orrin French  
P.O. Box 232  
Woodstock, VA 22664

French Brothers Limited Partnership  
c/o Catherine Gregerson Anderson  
1377 Grantham Street  
St. Paul, MN 55105

French Brothers Limited Partnership  
Schoonover Real Estate Trust  
c/o Orrin French  
P.O. Box 232  
Woodstock, VA 22664

French Brothers Limited Partnership  
c/o Robert L. Gregerson  
3401 Sheffield Drive  
Arlinton, TX 76015

**FILED**

OCT 05 2000  
11:25 AM  
William A. Shaw  
Prothonotary  
W.C.C.

French Brothers Limited Partnership  
c/o David & Marjorie Dahlgren  
P.O. Box 157  
Lanse, PA 16849

French Brothers Limited Partnership  
c/o B.D. Schoonover Estate  
P.O. Box 1  
Lanse, PA 16849

French Brothers Limited Partnership  
c/o Bonnie Lou Dahlgren Gilham  
310 Spruce Street  
Philipsburg, PA 16866

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.

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.

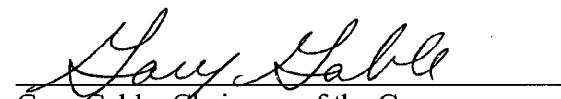
Respectfully submitted,

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. 00-646-CD  
: :  
GEORGE CARTER, SR. ESTATE, :  
Condemnees :  
: :

**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2000, upon the Petition of  
George Carter, Sr. Estate, the Court appoints \_\_\_\_\_,  
\_\_\_\_\_, and \_\_\_\_\_ 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

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY,

Condemnor

vs.

No. 00-644-CD

JAMES GILHAM ESTATE,

Condemnees

**NOTICE OF CONDEMNATION**

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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



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

COOPER TOWNSHIP MUNICIPAL AUTHORITY,

Condemnor

vs.

No. 00-644-CP

JAMES GILHAM ESTATE,

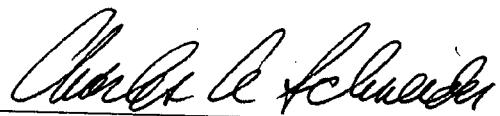
Condemnees

**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 James Gilham Estate, described in Record Book No. 1705, Page 45; Record Book 1728, Pages 301 & 312; Record Book 1651, Page 252; and Record Book 1444, Page No. 376.

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

KAREN L. STARCK  
REGISTER AND RECORDER  
CLEARFIELD COUNTY  
Pennsylvania

INSTRUMENT NUMBER  
**2000007624**

RECORDED ON

**Jun 01, 2000**  
2:08:43 PM

RECORDING FEES -	\$13.00
RECORDER	\$1.00
COUNTY IMPROVEMENT FUND	\$1.00
<b>TOTAL</b>	<b>\$15.00</b>
RECORDER	\$1.00
IMPROVEMENT FUND	\$0.50
STATE WRIT TAX	\$0.50
<b>TOTAL</b>	<b>\$15.50</b>

*Schneider*

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

**JUN 01 2000**

Attest:

*Prothonotary*

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY,

Condemnor

vs.

No. 06-644-cp

JAMES GILHAM ESTATE,

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 Condemnee is the  
James Gilham Estate.
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.

~~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 01 2000

Attest: *William L. Schaeffer*  
Prothonotary

EXHIBIT

tabbies

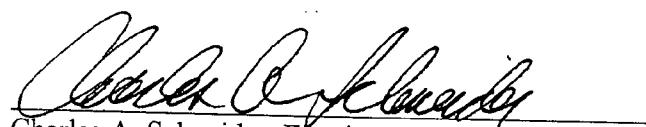
A

Record Book No. 1705, Page 45; Record Book 1728, Pages 301 & 312; Record Book 1651, Page 252; and Record Book 1444, Page No. 376, 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: 5/12/00

  
\_\_\_\_\_  
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

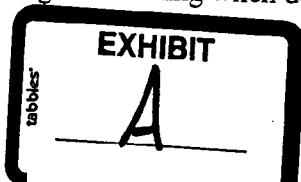
**A RESOLUTION OF THE COOPER TOWNSHIP MUNICIPAL AUTHORITY FOR THE CONDEMNATION OF THE FOLLOWING PROPERTIES IN COOPER TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA FOR THE WASTEWATER TREATMENT SYSTEM.**

**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 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 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.

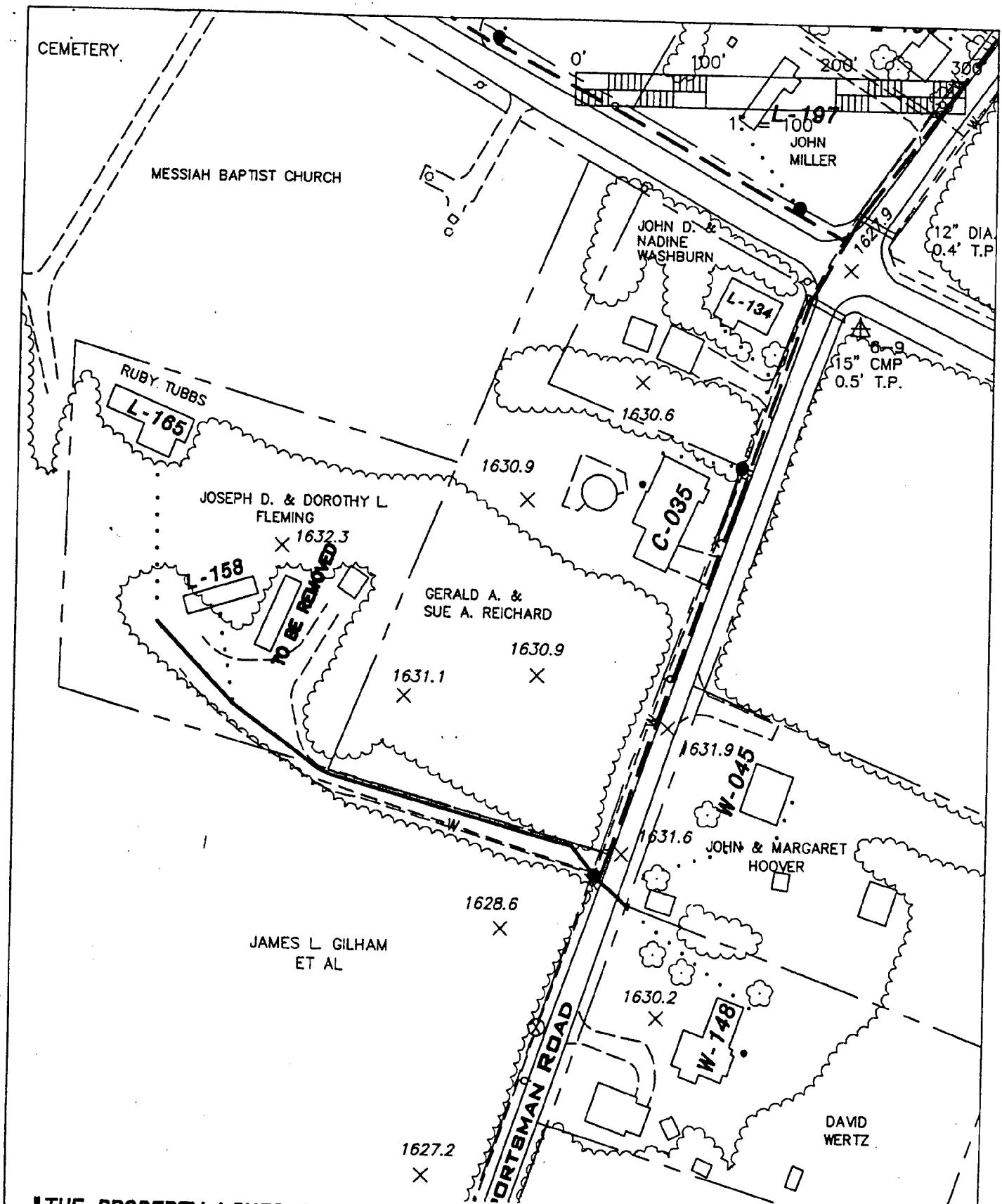
ATTEST:

Roger L. Lakin  
SECRETARY

SEAL

COOPER TOWNSHIP MUNICIPAL AUTHORITY

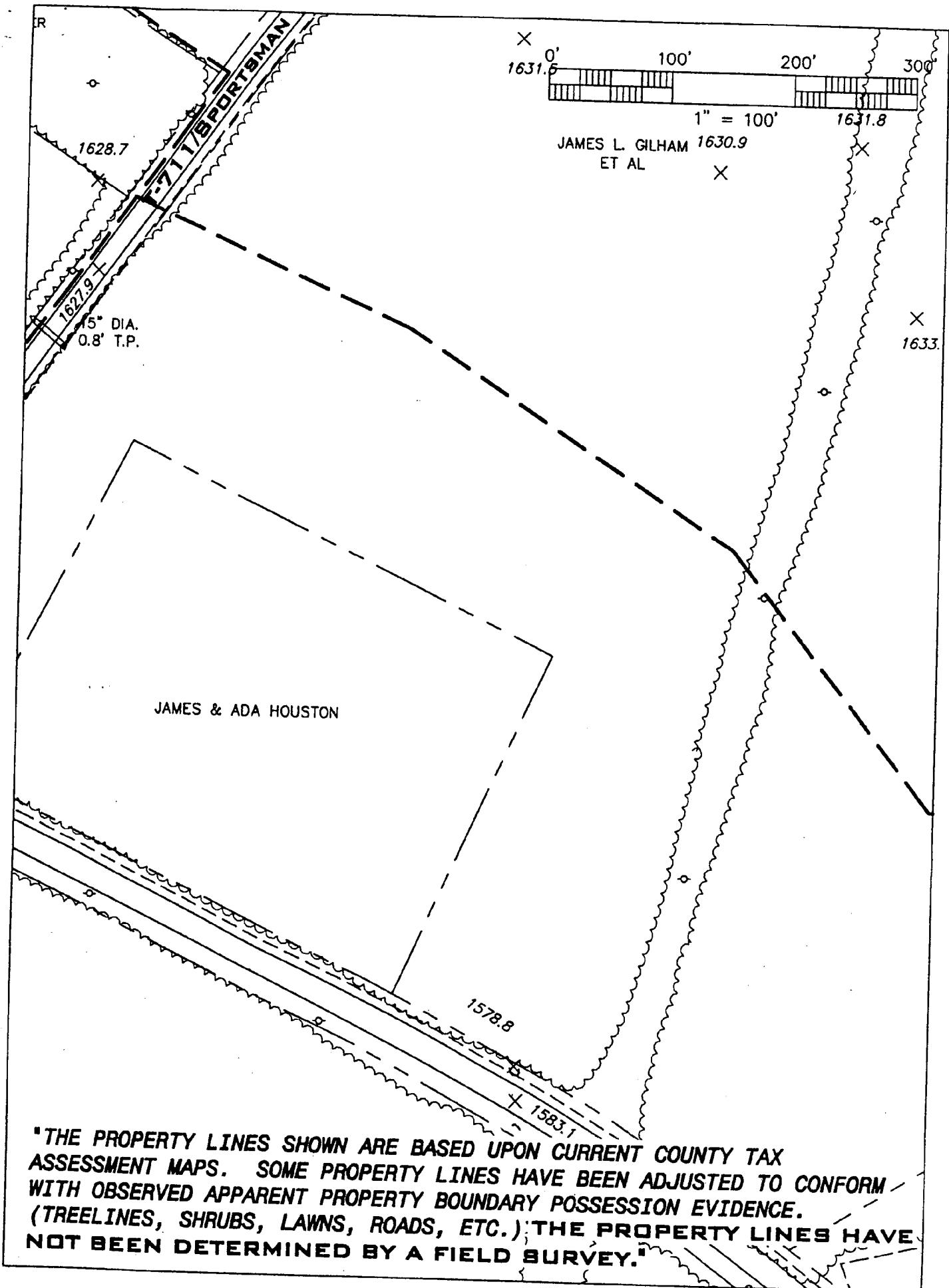
By: Henry Shable  
CHAIRMAN

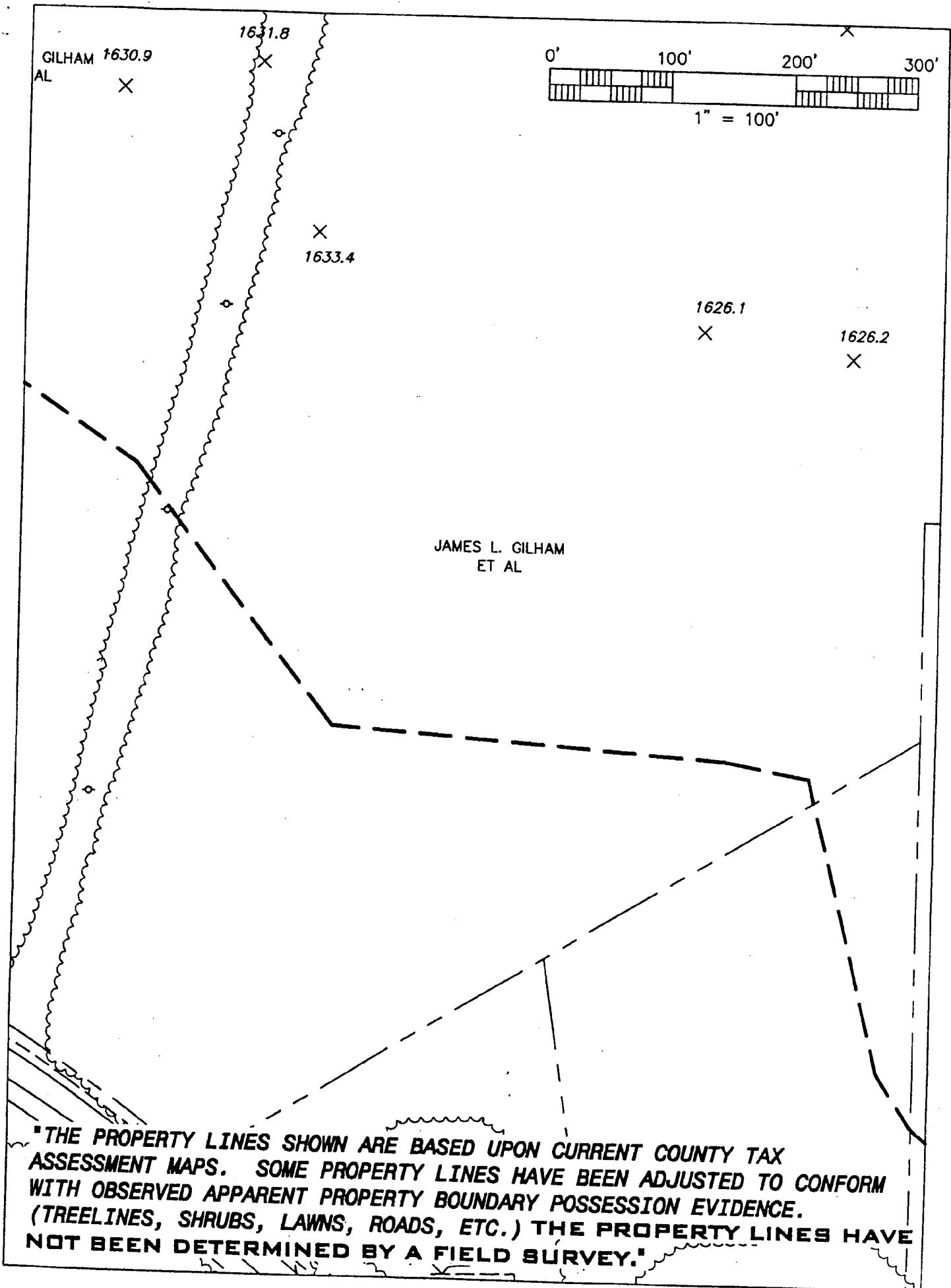


5.19/9

"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." EXHIBIT B

SL 19





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

COOPER TOWNSHIP MUNICIPAL AUTHORITY,

Condemnor

vs.

No. 00-644-CD

JAMES GILHAM ESTATE,

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:

/s/ John X. Reilly Jr.

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY, :

Condemnor :

vs. :

No. 00-644-CD

JAMES GILHAM ESTATE, :

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 9 day of May, 2000.

Attest:

Cooper Township Municipal Authority

Roger Lakin  
Secretary

By: Gray Sable  
Chairman

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY, :  
: :  
Condemnor : :  
: :  
vs. : No. 00-644-CD :  
: :  
JAMES GILHAM ESTATE, : :  
: :  
Condemnees : :  
: :

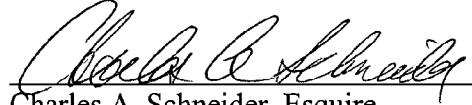
**MEMORANDUM OF FILING OF NOTICE**

To the Prothonotary:

Notice of the above-captioned condemnation is recorded in the Department of Records of Clearfield County at Instrument Number 200007624.

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. 00-644-C0  
: :  
JAMES GILHAM ESTATE, : :  
: :  
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:

James Gilham Estate  
c/o Ann Wood, Solicitor  
318 East Locust Street  
Clearfield, PA 16830

Date: 6/19/00

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MICHELE J. SOKOL,  
Plaintiff  
vs.

CHRISTOPHER J. SOKOL,  
Defendant

CIVIL DIVISION  
NO. 00- 655 - CD

PETITION FOR PERIODS OF  
HOLIDAY CUSTODY

Filed on Behalf of:

Defendant, CHRISTOPHER J.  
SOKOL

Counsel of Record for This  
Party:

JOHN R. RYAN, ESQUIRE  
Pa. I. D. #38739

Colavecchi, Ryan & Colavecchi  
221 East Market Street  
P. O. Box 131  
Clearfield, PA 16830

814/765-1566

**FILED**

OCT 27 2000

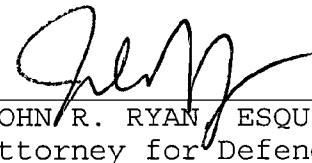
William A. Shaw  
Prothonotary

December 13, 2000, it would be too late to have the Court hear any Petition regarding holiday periods of partial custody.

6. Defendant has requested partial custody from December 26, 2000, through January 1, 2001, which believes under the circumstances is a fair and reasonable proposal. However, the Plaintiff has not responded to this request.

WHEREFORE, Defendant respectfully requests that the Court enter an Order granting him partial custody of the said minor children each year from December 26<sup>th</sup> through January 1<sup>st</sup>.

Respectfully submitted,



---

JOHN R. RYAN, ESQUIRE  
Attorney for Defendant

LAW OFFICES OF  
COLAVECCHI  
RYAN & COLAVECCHI  
221 E. MARKET ST.  
(ACROSS FROM  
COURTHOUSE)  
P. O. BOX 131  
CLEARFIELD, PA

VERIFICATION

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



Christopher Sokol 10/26/00

LAW OFFICES OF  
COLAVECCHI  
RYAN & COLAVECCHI  
221 E. MARKET ST.  
(ACROSS FROM  
COURTHOUSE)  
P. O. BOX 131  
CLEARFIELD, PA

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNA.  
CIVIL DIVISION  
No. 00 - 655 - CD

MICHELE J. SOKOL, Plaintiff  
vs.

CHRISTOPHER J. SOKOL, Defendant

PETITION FOR PERIODS OF  
HOLIDAY CUSTODY

Oct 27/2000  
William A. Colavecchi /  
Prothonotary  
Sear

**COLAVECCHI & RYAN**

ATTORNEYS AT LAW  
221 E. MARKET STREET  
(ACROSS FROM COURTHOUSE)  
P. O. BOX 131  
CLEARFIELD, PA. 16830

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MICHELE J. SOKOL,  
Plaintiff  
vs.

CHRISTOPHER J. SOKOL,  
Defendant

CIVIL DIVISION  
NO. 00 - 655 - CD

ORDER

Filed on Behalf of:

Defendant, CHRISTOPHER J.  
SOKOL

Counsel of Record for This  
Party:

JOHN R. RYAN, ESQUIRE  
Pa. I. D. #38739

Colavecchi, Ryan & Colavecchi  
221 East Market Street  
P. O. Box 131  
Clearfield, PA 16830

814/765-1566

LAW OFFICES OF  
COLAVECCHI  
RYAN & COLAVECCHI  
221 E. MARKET ST.  
(ACROSS FROM  
COURTHOUSE)  
P. O. BOX 131  
CLEARFIELD, PA

**FILED**

NOV 01 2000

William A. Shaw  
Prothonotary

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

MICHELE J. SOKOL,

Plaintiff : No. 00 - 655 - CD

vs.

CHRISTOPHER J. SOKOL,

Defendant :

ORDER

AND NOW, this 1<sup>st</sup> day of November, 2000,  
upon consideration of the foregoing Petition, a Rule is issued upon  
the Plaintiff, Michele J. Sokol, to appear and show cause why the  
relief requested therein should not be granted.

Rule made Returnable for hearing the 2<sup>nd</sup> day of  
December, 2000, at 9:00 A.M., Clearfield County  
Courthouse, Courtroom No. 2.

BY THE COURT:

  
FREDRIC J. AMMERMAN, JUDGE

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNA.  
CIVIL DIVISION  
No. 00 - 655 - CD

MICHELE J. SOKOL, Plaintiff

vs.

CHRISTOPHER J. SOKOL, Defendant

ORDER

3C  
NOV 01 2001 Atty Ryan  
TJ

**COLAVECCHI & RYAN**

ATTORNEYS AT LAW  
221 E. MARKET STREET  
(ACROSS FROM COURTHOUSE)  
P. O. BOX 131  
CLEARFIELD, PA. 16830

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COOPER TOWNSHIP  
MUNICIPAL AUTHORITY,

Condemnor

vs.

No. 00-644-CD

FRENCH BROTHERS LIMITED  
PARTNERSHIP,

Condemnees

REPORT OF VIEWERS

**FILED**

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

JAN 26 2001

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: **French Brothers Limited Partnership, c/o Ann Wood 318 East Locust Street, Clearfield, Pa., 16830.**

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 "1A" - John E. West, CPE, CREA, Appraisal – prior to taking 300 square feet;

(b) Board Exhibit "1B" - John E. West, CPE, CREA, Appraisal – prior to taking 0.23 acres;

(c) Board Exhibit "2" – Map of premises prepared by Hess & Fisher Engineers, Inc;

(d) Condemnee Exhibit "3" – Letter and invoice from Ann B. Wood.

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 had a value of \$45,000.00. There has been no change in value, and therefore, the property had an after condemnation value of \$45,000.00. Therefore, no damages are awarded by the Board to the Condemnee(s). The Board finds that there is a specific benefit to the total tract of land for development. Counsel for Condemnor cited Simon vs. City of Philadelphia, 177 A.2d §621, wherein the Court held the jury could find a specific benefit to Plaintiff's land derived from the sewer system. The Board finds as fact that Condemnees incurred legal fees in the amount of \$629.87 which were paid. The Board awards reimbursement to the Condemnees in the total amount of \$500.00

which is the total amount they are permitted to award by law. 26 P.S.  
§1-610.

15. That attached to this Report are the following:

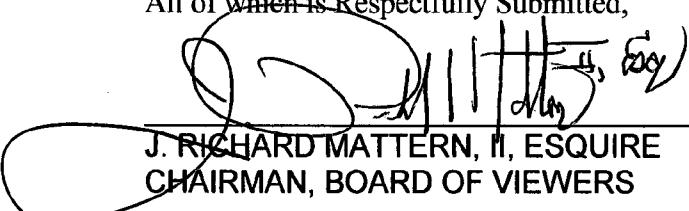
1. Notice of Board of View as to date of View and Hearing, dated November 22, 2000 - Exhibit "A";
2. Notice of Intention to File Report - Exhibit "B";
3. Board of Viewers' Schedule of Costs to be filed separately.

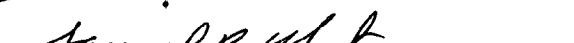
16. That a copy of this Report with Notice of Intention to File Report as required by 26 P.S. §1-513 is being forwarded to:

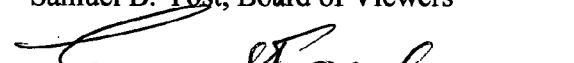
Attorney for Condemnor – Cooper Township Municipal Authority  
Charles A. Schneider, Esq.  
Mazza, Schneider, Arbuckle & Bascom  
1315 South Allen Street, Suite 302  
State College, Pa., 16801

Condemnee(s) or Condemnee(s) Attorney:  
**French Bros. Limited Partnership**  
**c/o Ann B. Wood, Esquire**  
**318 East Locust Street**  
**Clearfield, Pa., 16830**

All of which is Respectfully Submitted,

  
J. RICHARD MATTERN, II, ESQUIRE  
CHAIRMAN, BOARD OF VIEWERS

  
Samuel B. Yost, Board of Viewers

  
Evo G. Facchine, Board of Viewers

Date: 1/23/01

Jack West Realty, Inc.  
Real Estate Appraiser

CTMA  
File No. French#5

## APPRAISAL OF

75.02 Acres +/- Vacant Land Prior to Taking 300 Sq. Ft. Sewer Line Easement

### LOCATED AT:

c/o David & Marjorie Dahlgren, P.O. Box 157  
Lanse, PA, 16849

### FOR:

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

### BORROWER:

Owner: French Brothers Limited Partnership

### AS OF:

October 4, 2000

### BY:

John E. West CPE,CREA

Jack West Realty, Inc.  
Real Estate Appraiser

CTMA  
File No. French#5

October 4, 2000

Gary Gable

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

File Number: French#5

Dear Mr. Gable,

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

c/o David & Marjorie Dahlgren, P.O. Box 157  
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:

\$45,000  
Forty-Five 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: Owner: French Brothers Limited Partnership	File No.: French#5
Property Address: c/o David & Marjorie Dahlgren, P.O. Box 157	Case No.: CTMA
City: Lanse	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 over part of the property. The subject property would require a 10' easement that runs across one corner of the property about 20 feet back from the road and would take around 300 Sq. Ft.. This easement is within the 35' building setback required by the Township. The property is large and if it were developed in the future I am quite certain that this could be done with this easement in place. It my opinion that there would be no damage to the property in it's current condition nor any 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.

**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.**

**Total Amount of the damage is: \$0.00.**

**SUMMARY REPORT  
LAND APPRAISAL REPORT**

File No. French#5

<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2">Property Address c/o David &amp; Marjorie Dahlgren, P.O. Box 157</td> <td colspan="2">Census Tract 3306</td> </tr> <tr> <td colspan="2">City Lanse County Clearfield State PA Zip Code 16849</td> <td colspan="2"></td> </tr> <tr> <td colspan="4">Legal Description Deed Book 1728 Page 301, Sportsman Rd., Cooper Township</td> </tr> <tr> <td colspan="2">Owner/Occupant French Bros. Lmtd. Partners</td> <td colspan="2">Map Reference 110-S9-160</td> </tr> <tr> <td colspan="2">Sale Price \$ N/A Date of Sale N/A</td> <td colspan="2">Property Rights Appraised</td> </tr> <tr> <td colspan="2">Loan charges/concessions to be paid by seller \$ N/A</td> <td><input checked="" type="checkbox"/> Fee Simple</td> <td></td> </tr> <tr> <td colspan="2">R.E. Taxes \$ 380.10 Tax Year 2000 HOA \$/Mo. 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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.</p> </td> </tr> <tr> <td colspan="4"></td> </tr> <tr> <td colspan="4"> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>ITEM</th> <th>SUBJECT</th> <th>COMPARABLE NO. 1</th> <th>COMPARABLE NO. 2</th> <th>COMPARABLE NO. 3</th> </tr> </thead> <tbody> <tr> <td>Address</td> <td>c/o David &amp; Marjor Lanse</td> <td>110-R9-57 Cooper Township</td> <td>110-R9-54 Cooper Township</td> <td>110-S7-37 Cooper Township</td> </tr> <tr> <td>Proximity to Subject</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Sales Price</td> <td>\$ N/A</td> <td>\$ 16,850</td> <td>\$ 105,000</td> <td>\$ 32,000</td> </tr> <tr> <td>Price/</td> <td>\$ <input type="checkbox"/> \$ 16850 <input type="checkbox"/></td> <td>\$ 105000 <input type="checkbox"/></td> <td>\$ 32000 <input type="checkbox"/></td> <td></td> </tr> <tr> <td>Data Source</td> <td>Inspection</td> <td>Public Record</td> <td>Public Record</td> <td>Public Record</td> </tr> <tr> <td>VALUE ADJUSTMENTS</td> <td>DESCRIPTION</td> <td>DESCRIPTION</td> <td>DESCRIPTION</td> <td>DESCRIPTION</td> </tr> <tr> <td>Sales or Financing Concessions</td> <td></td> <td>None None</td> <td>None None</td> <td>None None</td> </tr> <tr> <td>Date of Sale/Time</td> <td>Appr. 10/4/00</td> <td>9/99</td> <td>11/99</td> <td>6/99</td> </tr> <tr> <td>Location</td> <td>Rural</td> <td>Inferior</td> <td>Superior</td> <td>-10,500</td> </tr> <tr> <td>Site/View</td> <td>75.02 Acres +/-</td> <td>33.70 Acres</td> <td>+20,660 21.80 Acres</td> <td>+26,610 80.0 Acres</td> </tr> <tr> <td>Utilities</td> <td>Water, Elect.</td> <td>Equal</td> <td>Equal</td> <td>Equal</td> </tr> <tr> <td>Strip mined</td> <td>Partial</td> <td>Equal</td> <td>No</td> <td>-52,500</td> </tr> <tr> <td>Public Road</td> <td>Paved</td> <td>Yes</td> <td>Yes</td> <td>Yes</td> </tr> <tr> <td>Net Adj. (total)</td> <td><input checked="" type="checkbox"/> + <input type="checkbox"/> -</td> <td>\$ 24,860</td> <td><input type="checkbox"/> + <input checked="" type="checkbox"/> -</td> <td>\$ 36,390</td> </tr> <tr> <td>Indicated Value of Subject</td> <td>Gross: 147.5 Net: 147.5</td> <td>\$ 41,710</td> <td>Gross: 85.3 Net: -34.7</td> <td>\$ 68,610</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>Net: 42.2 \$ 45,500</td> </tr> </tbody> </table> </td> </tr> <tr> <td colspan="4">Comments of Sales Comparison: See Attached Addendum.</td> </tr> <tr> <td colspan="4"></td> </tr> <tr> <td colspan="4"> <p>Comments and Conditions of Appraisal: This appraisal assumes competent, professional marketing with a reasonable time to sell.</p> </td> </tr> <tr> <td colspan="4"> <p>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.</p> </td> </tr> <tr> <td colspan="4"> <p>I (WE) ESTIMATE THE MARKET VALUE, AS DEFINED, OF THE SUBJECT PROPERTY AS OF October 4, 2000 to be \$ 45,000</p> </td> </tr> <tr> <td colspan="4"> <p>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.</p> </td> </tr> <tr> <td colspan="2">Appraiser(s)</td> <td>Review Appraiser</td> <td><input type="checkbox"/> Did <input type="checkbox"/> Did Not Inspect Property</td> </tr> <tr> <td colspan="2">John E. West CPE,CREA</td> <td></td> <td></td> </tr> </table>				Property Address c/o David & Marjorie Dahlgren, P.O. 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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.</p>								<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>ITEM</th> <th>SUBJECT</th> <th>COMPARABLE NO. 1</th> <th>COMPARABLE NO. 2</th> <th>COMPARABLE NO. 3</th> </tr> </thead> <tbody> <tr> <td>Address</td> <td>c/o David &amp; Marjor Lanse</td> <td>110-R9-57 Cooper Township</td> <td>110-R9-54 Cooper Township</td> <td>110-S7-37 Cooper Township</td> </tr> <tr> <td>Proximity to Subject</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Sales Price</td> <td>\$ N/A</td> <td>\$ 16,850</td> <td>\$ 105,000</td> <td>\$ 32,000</td> </tr> <tr> <td>Price/</td> <td>\$ <input type="checkbox"/> \$ 16850 <input type="checkbox"/></td> <td>\$ 105000 <input type="checkbox"/></td> <td>\$ 32000 <input type="checkbox"/></td> <td></td> </tr> <tr> <td>Data Source</td> <td>Inspection</td> <td>Public Record</td> <td>Public Record</td> <td>Public Record</td> </tr> <tr> <td>VALUE ADJUSTMENTS</td> <td>DESCRIPTION</td> <td>DESCRIPTION</td> <td>DESCRIPTION</td> <td>DESCRIPTION</td> </tr> <tr> <td>Sales or Financing Concessions</td> <td></td> <td>None None</td> <td>None None</td> <td>None None</td> </tr> <tr> <td>Date of Sale/Time</td> <td>Appr. 10/4/00</td> <td>9/99</td> <td>11/99</td> <td>6/99</td> </tr> <tr> <td>Location</td> <td>Rural</td> <td>Inferior</td> <td>Superior</td> <td>-10,500</td> </tr> <tr> <td>Site/View</td> <td>75.02 Acres +/-</td> <td>33.70 Acres</td> <td>+20,660 21.80 Acres</td> <td>+26,610 80.0 Acres</td> </tr> <tr> <td>Utilities</td> <td>Water, Elect.</td> <td>Equal</td> <td>Equal</td> <td>Equal</td> </tr> <tr> <td>Strip mined</td> <td>Partial</td> <td>Equal</td> <td>No</td> <td>-52,500</td> </tr> <tr> <td>Public Road</td> <td>Paved</td> <td>Yes</td> <td>Yes</td> <td>Yes</td> </tr> <tr> <td>Net Adj. 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Equal	Equal	Equal	Strip mined	Partial	Equal	No	-52,500	Public Road	Paved	Yes	Yes	Yes	Net Adj. (total)	<input checked="" type="checkbox"/> + <input type="checkbox"/> -	\$ 24,860	<input type="checkbox"/> + <input checked="" type="checkbox"/> -	\$ 36,390	Indicated Value of Subject	Gross: 147.5 Net: 147.5	\$ 41,710	Gross: 85.3 Net: -34.7	\$ 68,610					Net: 42.2 \$ 45,500	Comments of Sales Comparison: See Attached Addendum.								<p>Comments and Conditions of Appraisal: This appraisal assumes competent, professional marketing with a reasonable time to sell.</p>				<p>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.</p>				<p>I (WE) ESTIMATE THE MARKET VALUE, AS DEFINED, OF THE SUBJECT PROPERTY AS OF October 4, 2000 to be \$ 45,000</p>				<p>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.</p>				Appraiser(s)		Review Appraiser	<input type="checkbox"/> Did <input type="checkbox"/> Did Not Inspect Property	John E. West CPE,CREA			
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<p>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.</p>																																																																																																																																																																																																																																																																																																																																																																																																																	
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<p>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.</p>																																																																																																																																																																																																																																																																																																																																																																																																																	
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## ADDENDUM

Borrower: Owner: French Brothers Limited Partnership	File No.: French#5
Property Address: c/o David & Marjorie Dahlgren, P.O. Box 157	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 \$41,710 to \$68,610 is indicated. The indicated land value for the subject in it's present condition, in my opinion, would be \$45,000.00. or \$600 per Acre

**SUBJECT PHOTO**

Borrower: Owner: French Brothers Limited Partnership  
Property Address: c/o David & Marjorie Dahlgren, P.O. Box 157  
City: Lanse  
Lender: Cooper Township Municipal Authority

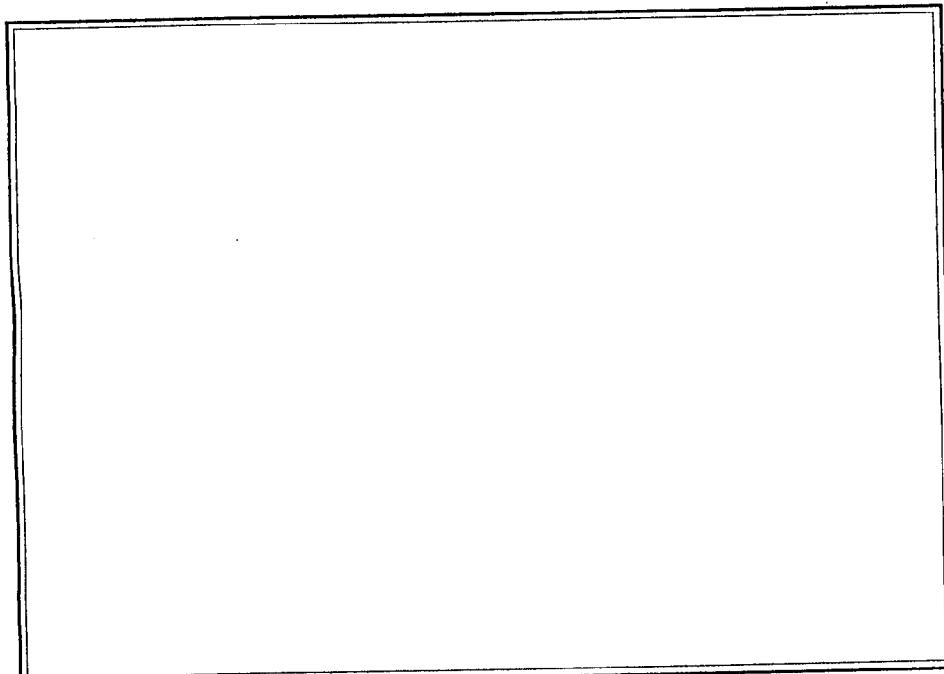
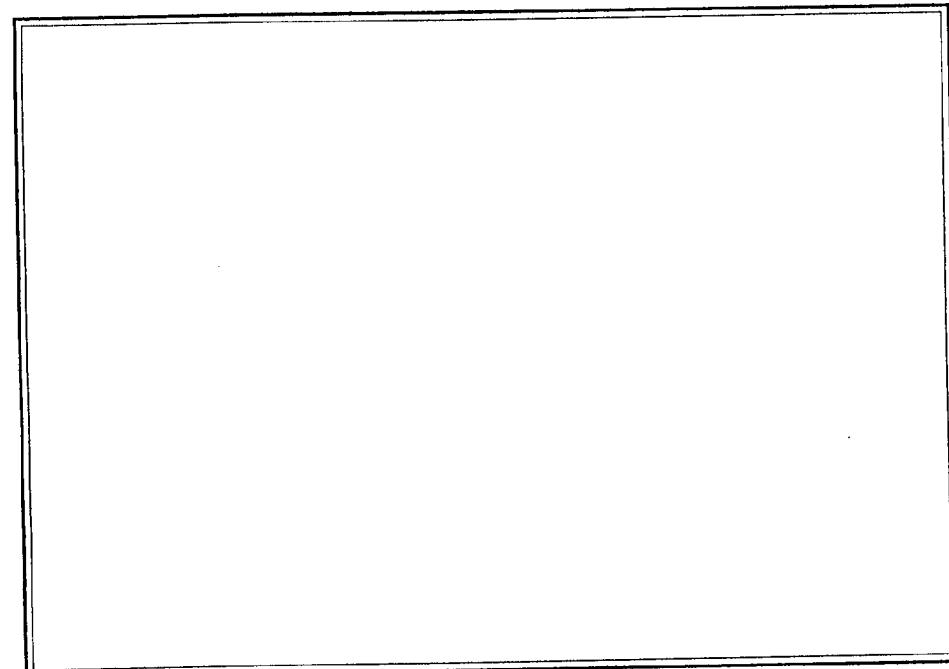
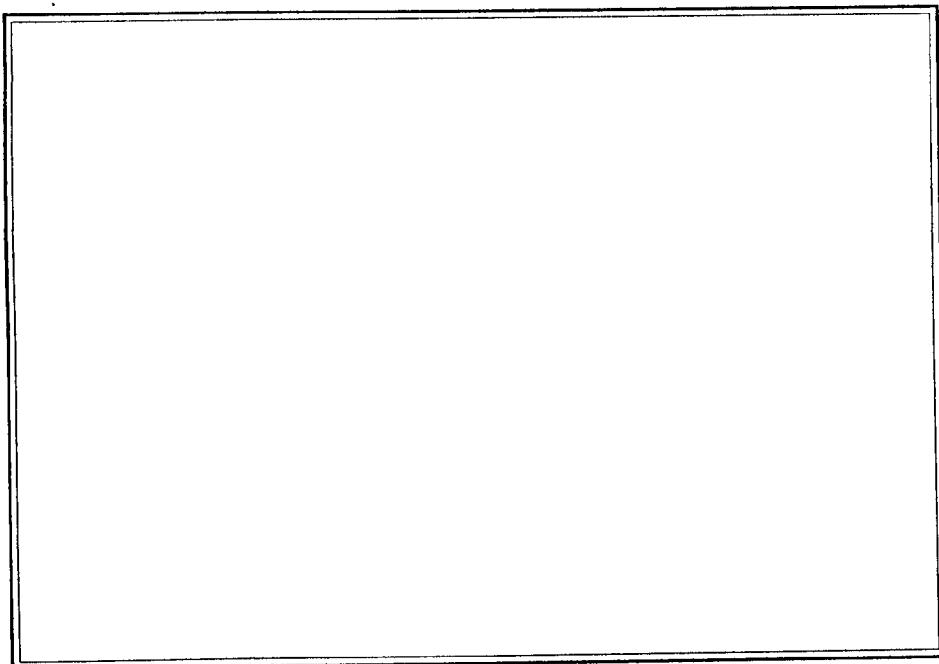
File No.: French#5

Case No.: CTMA

State: PA

Zip: 16849

SUBJECT PHOTOS



**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:** c/o David & Marjorie Dahlgren, P.O. Box 157, Lanse, PA, 16849

**APPRAISER:**

Signature: \_\_\_\_\_

Name: John E. West CPE,CREA

Date Signed: October 23, 2000

State Certification #: RL-000292-L

or State License #: \_\_\_\_\_

State: PA

Expiration Date of Certification or License: June 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

Jack West Realty, Inc.  
Real Estate Appraiser

CTMA  
File No. French5A

**APPRAISAL OF**

75.02 Acres +/- Vacant Land Prior to Taking 0.23 Acre For a Sewer Line Easement

**LOCATED AT:**

c/o David & Marjorie Dahlgren, P.O. Box 157  
Lanse, PA, 16849

**FOR:**

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

**BORROWER:**

Owner: French Brothers Limited Partnership

**AS OF:**

October 4, 2000

**BY:**

John E. West CPE,CREA, RL-000292-L

Jack West Realty, Inc.  
Real Estate Appraiser

CTMA  
File No. French5A

October 4, 2000

Gary Gable

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

File Number: French5A

Dear Mr. Gable,

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

c/o David & Marjorie Dahlgren, P.O. Box 157  
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:

\$45,000  
Forty-Five 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, RL-000292-L

Residential Appraiser

RL-000292-L

jew

**ADDENDUM**

Borrower: Owner: French Brothers Limited Partnership  
Property Address: c/o David & Marjorie Dahlgren, P.O. Box 157  
City: Lanse  
Lender: Cooper Township Municipal Authority

File No.: French5A  
Case No.: CTMA  
State: PA  
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 across the property owned by the French Brothers Limited Partnership. The subject property would require a 10' easement that runs across the property from Sportsman Road (T-711) to the rear property line and a property owned by Halden Johnson about 1010'. The sewer line easement also crosses a power line that crosses the property in the other direction parallel with the road. This easement does cut the property, but once in place does not restrict the use of the property except for building right on top of the sewer line. The property is large and if it were developed in the future I am quite certain that this could be done with this easement in place. It my opinion that there would be slight damage to the property in it's current condition because there may be required maintenance in the future and would be a disruption each time the line may require attention. I do not feel that there would be much of a problem for any 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.

It is my opinion that there is a slight change in value to the subject property because of this sewer easement and subsequently monetary damages to the property from the sewer easement to the extent of the value per acre.

Estimated damage: 0.23 Acre @ \$600.00 = \$138.00

Total Amount of the damage is: \$138.00.

**Note: This damage amount is the entire amount of damage to the property and NOT the amount for EACH interest.**

**SUMMARY REPORT  
LAND APPRAISAL REPORT**

File No. French5A

<p><b>SUBJECT</b></p> <p>Property Address c/o David &amp; Marjorie Dahlgren, P.O. Box 157      Census Tract 3306</p> <p>City Lanse      County Clearfield      State PA      Zip Code 16849</p> <p>Legal Description Deed Book 1728 Page 301, Sportsman Rd., Cooper Township</p> <p>Owner/Occupant French Bros. Lmtd. Partners      Map Reference 110-S9-160</p> <p>Sale Price \$ N/A      Date of Sale N/A      Property Rights Appraised  <input checked="" type="checkbox"/> Fee Simple  <input type="checkbox"/> Leasehold  <input type="checkbox"/> Condominium (HUD/VA)  <input type="checkbox"/> PUD</p> <p>Loan charges/concessions to be paid by seller \$ N/A</p> <p>R.E. Taxes \$ 380.10      Tax Year 2000      HOA \$/Mo. None</p> <p>Lender/Client Cooper Township Municipal Authority</p> <p>Forest Road P.O. Box 446, Winburne, Pa 16879</p>				<p>LENDER DISCRETIONARY USE</p> <p>Sale Price \$ _____</p> <p>Date _____</p> <p>Mortgage Amount \$ _____</p> <p>Mortgage Type _____</p> <p>Discount Points and Other Concessions _____</p> <p>Paid by Seller \$ _____</p> <p>Source _____</p>																																																																																																							
<p><b>NEIGHBORHOOD</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">LOCATION</td> <td><input type="checkbox"/> Urban</td> <td><input type="checkbox"/> Suburban</td> <td><input checked="" type="checkbox"/> Rural</td> <td colspan="4" style="width: 80%;"><b>NEIGHBORHOOD ANALYSIS</b></td> </tr> <tr> <td>BUILT UP</td> <td><input type="checkbox"/> Over 75%</td> <td><input type="checkbox"/> 25-75%</td> <td><input checked="" type="checkbox"/> Under 25%</td> <td colspan="4">Good      Avg.      Fair      Poor</td> </tr> <tr> <td>GROWTH RATE</td> <td><input type="checkbox"/> Rapid</td> <td><input checked="" type="checkbox"/> Stable</td> <td><input type="checkbox"/> Slow</td> <td colspan="4"></td> </tr> <tr> <td>PROPERTY VALUES</td> <td><input type="checkbox"/> Increasing</td> <td><input checked="" type="checkbox"/> Stable</td> <td><input type="checkbox"/> Declining</td> <td colspan="4"></td> </tr> <tr> <td>DEMAND/SUPPLY</td> <td><input type="checkbox"/> Shortage</td> <td><input checked="" type="checkbox"/> In Balance</td> <td><input type="checkbox"/> Over Supply</td> <td colspan="4"></td> </tr> <tr> <td>MARKETING TIME</td> <td><input type="checkbox"/> Under 3 Mos.</td> <td><input checked="" type="checkbox"/> 3-6 Mos.</td> <td><input type="checkbox"/> Over 6 Mos.</td> <td colspan="4"></td> </tr> <tr> <td>PRESENT LAND USE %</td> <td colspan="2" rowspan="2"><b>LAND USE CHANGE</b></td> <td rowspan="2"><b>PREDOMINANT OCCUPANCY</b></td> <td colspan="2" rowspan="2"><b>SINGLEFAMILY HOUSING</b></td> <td colspan="2" rowspan="2"></td> </tr> <tr> <td>Single Family</td> <td>25%</td> <td>Not Likely</td> <td><input checked="" type="checkbox"/> Owner</td> <td>PRICE (\$000)</td> <td>AGE (yrs)</td> </tr> <tr> <td>2-4 Family</td> <td></td> <td>Likely</td> <td><input type="checkbox"/> Tenant</td> <td>35 Low</td> <td>10</td> <td colspan="2"></td> </tr> <tr> <td>Multi-Family</td> <td></td> <td>In process</td> <td><input type="checkbox"/> Vacant (0-5%)</td> <td>150 High</td> <td>100</td> <td colspan="2"></td> </tr> <tr> <td>Commercial</td> <td></td> <td>To: _____</td> <td><input type="checkbox"/> Vacant (over 5%)</td> <td>Predominant</td> <td>55 - 50</td> <td colspan="2"></td> </tr> <tr> <td>Industrial</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td colspan="2"></td> </tr> <tr> <td>Vacant</td> <td>75%</td> <td></td> <td></td> <td></td> <td></td> <td colspan="2"></td> </tr> </table>				LOCATION	<input type="checkbox"/> Urban	<input type="checkbox"/> Suburban	<input checked="" type="checkbox"/> Rural	<b>NEIGHBORHOOD ANALYSIS</b>				BUILT UP	<input type="checkbox"/> Over 75%	<input type="checkbox"/> 25-75%	<input checked="" 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 %	<b>LAND USE CHANGE</b>		<b>PREDOMINANT OCCUPANCY</b>	<b>SINGLEFAMILY HOUSING</b>				Single Family	25%	Not Likely	<input checked="" type="checkbox"/> Owner	PRICE (\$000)	AGE (yrs)	2-4 Family		Likely	<input type="checkbox"/> Tenant	35 Low	10			Multi-Family		In process	<input type="checkbox"/> Vacant (0-5%)	150 High	100			Commercial		To: _____	<input type="checkbox"/> Vacant (over 5%)	Predominant	55 - 50			Industrial								Vacant	75%							<p>Note: Race or the racial composition of the neighborhood are not considered reliable appraisal factors.</p> <p>COMMENTS: The neighborhood is consistent with that of Cooper Township. The area is serviced by public water and the public sewer system is in the planning stages at this time.</p>	
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<p><b>SITE</b></p> <p>Dimensions See site area.</p> <p>Site Area 75.02 Acres +/-      Corner Lot No _____</p> <p>Zoning Classification None      Zoning Compliance N/A</p> <p>HIGHEST &amp; BEST USE: Present Use Yes      Other Use Residential</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td rowspan="6"><b>UTILITIES</b></td> <td>Public</td> <td>Other</td> <td rowspan="6"><b>SITE IMPROVEMENTS</b></td> <td>Type</td> <td>Public</td> <td>Private</td> <td rowspan="6"><b>Topography</b></td> <td>At Street Grade Rolling</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td></td> <td>Street</td> <td><input checked="" type="checkbox"/> Paved</td> <td><input checked="" type="checkbox"/></td> <td></td> <td>Size</td> <td>Large for the area</td> </tr> <tr> <td><input type="checkbox"/></td> <td>LP</td> <td>Curb/Gutter</td> <td><input type="checkbox"/> None</td> <td><input type="checkbox"/></td> <td></td> <td>Shape</td> <td>Irregular</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td></td> <td>Sidewalk</td> <td><input type="checkbox"/> None</td> <td><input type="checkbox"/></td> <td></td> <td>Drainage</td> <td>Appears adequate</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Private</td> <td>Street Lights</td> <td><input type="checkbox"/> None</td> <td><input type="checkbox"/></td> <td></td> <td>View</td> <td>Typical</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Open Ditch</td> <td>Alley</td> <td><input type="checkbox"/> None</td> <td><input type="checkbox"/></td> <td></td> <td>Landscaping</td> <td>None</td> </tr> </table>				<b>UTILITIES</b>	Public	Other	<b>SITE IMPROVEMENTS</b>	Type	Public	Private	<b>Topography</b>	At Street Grade Rolling	<input checked="" type="checkbox"/>		Street	<input checked="" type="checkbox"/> Paved	<input checked="" type="checkbox"/>		Size	Large for the area	<input type="checkbox"/>	LP	Curb/Gutter	<input type="checkbox"/> None	<input type="checkbox"/>		Shape	Irregular	<input checked="" type="checkbox"/>		Sidewalk	<input type="checkbox"/> None	<input type="checkbox"/>		Drainage	Appears adequate	<input type="checkbox"/>	Private	Street Lights	<input type="checkbox"/> None	<input type="checkbox"/>		View	Typical	<input type="checkbox"/>	Open Ditch	Alley	<input type="checkbox"/> None	<input type="checkbox"/>		Landscaping	None	<p>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.</p>																																																						
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<p>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.</p>																																																																																																											
<b>ITEM</b>		<b>SUBJECT</b>		<b>COMPARABLE NO. 1</b>		<b>COMPARABLE NO. 2</b>		<b>COMPARABLE NO. 3</b>																																																																																																			
Address		c/o David & Marjor Lanse		110-R9-57 Cooper Township		110-R9-54 Cooper Township		110-S7-37 Cooper Township																																																																																																			
Proximity to Subject																																																																																																											
Sales Price		\$ N/A		\$ 16,850		\$ 105,000		\$ 32,000																																																																																																			
Price/		\$		\$ 16850		\$ 105000		\$ 32000																																																																																																			
Data Source		Inspection		Public Record		Public Record		Public Record																																																																																																			
<b>VALUE ADJUSTMENTS</b>		<b>DESCRIPTION</b>		<b>DESCRIPTION</b>		<b>DESCRIPTION</b>		<b>DESCRIPTION</b>																																																																																																			
Sales or Financing Concessions		None		None		None		None																																																																																																			
Date of Sale/Time		Appr. 10/4/00		9/99		11/99		6/99																																																																																																			
Location		Rural		Inferior		Superior		Inferior																																																																																																			
Site/View		75.02 Acres +/-		33.70 Acres		21.80 Acres		80.0 Acres																																																																																																			
Utilities		Water, Elect.		Equal		Equal		Equal																																																																																																			
Strip mined		Partial		Equal		No		All Stripped																																																																																																			
Public Road		Paved		Yes		Yes		Yes																																																																																																			
Net Adj. (total)		<input checked="" type="checkbox"/> + <input type="checkbox"/> -		\$ 24,860		<input type="checkbox"/> + <input checked="" type="checkbox"/> -		\$ 36,390																																																																																																			
Indicated Value of Subject		Gross: 147.5		Gross: 85.3		Gross: 57.8		Gross: 42.2																																																																																																			
		Net: 147.5		\$ 41,710		Net: -34.7		\$ 45,500																																																																																																			
Comments of Sales Comparison: See Attached Addendum.																																																																																																											
Comments and Conditions of Appraisal: This appraisal assumes competent, professional marketing with a reasonable time to sell.																																																																																																											
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.																																																																																																											
<p>I (WE) ESTIMATE THE MARKET VALUE, AS DEFINED, OF THE SUBJECT PROPERTY AS OF October 4, 2000 to be \$ 45,000</p> <p>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.</p>																																																																																																											
Appraiser(s)		Review Appraiser						<input type="checkbox"/> Did	<input type="checkbox"/> Did Not																																																																																																		
								Inspect Property																																																																																																			

**ADDENDUM**

Borrower: Owner: French Brothers Limited Partnership	File No.: French5A
Property Address: c/o David & Marjorie Dahlgren, P.O. Box 157	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 \$41,710 to \$68,610 is indicated. The indicated land value for the subject in it's present condition, in my opinion, would be \$45,000.00. or \$600 per Acre

**SUBJECT PHOTO**

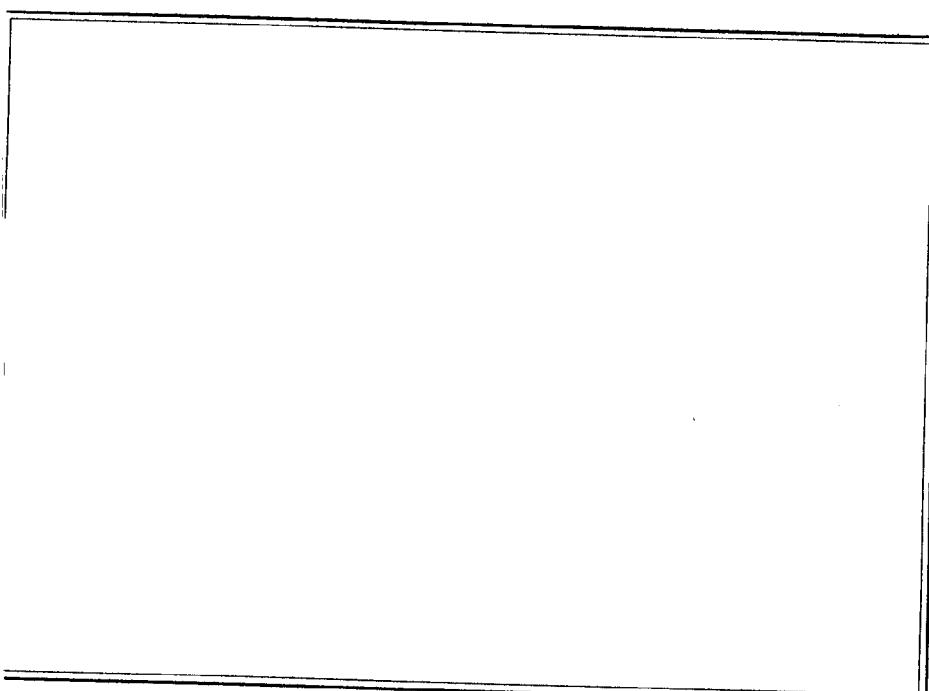
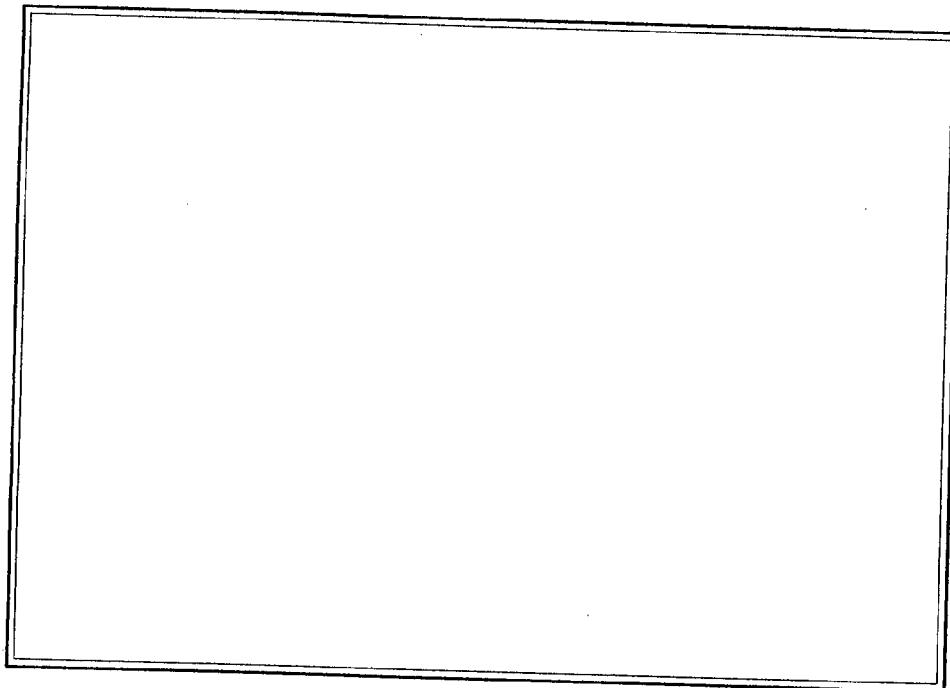
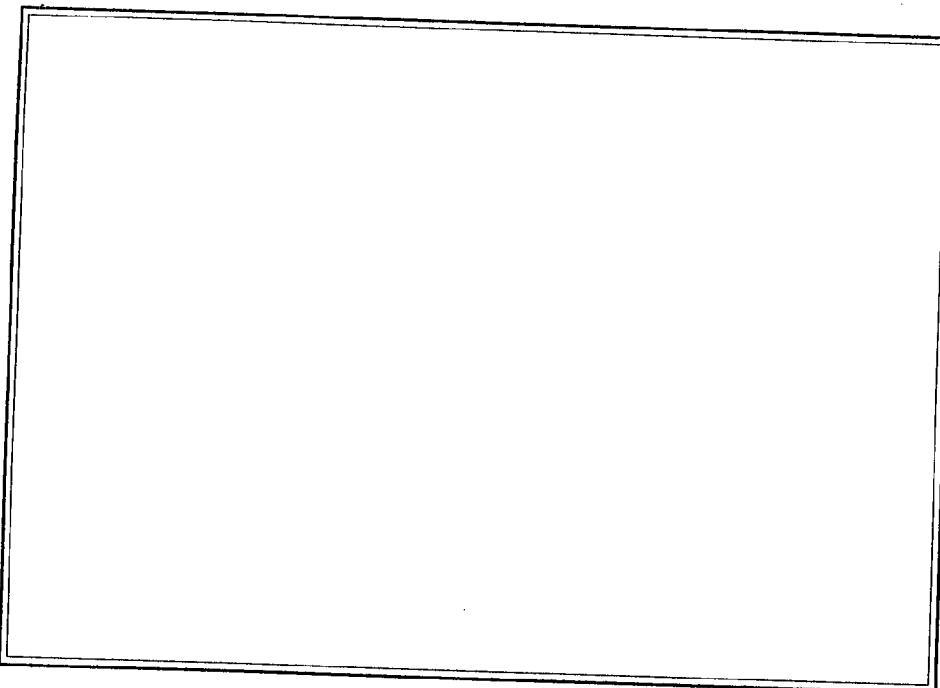
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City: Lanse  
Lender: Cooper Township Municipal Authority

File No.: French5A  
Case No.: CTMA

State: PA

Zip: 16849

SUBJECT PHOTOS



**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 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:** c/o David & Marjorie Dahlgren, P.O. Box 157, Lanse, PA, 16849

**APPRAISER:**

**SUPERVISORY APPRAISER (only if required)**

Signature:

Name: John E. West CPE, CREA, RL-000292-L

Date Signed: October 23, 2000

State Certification #: RL-000292-L

or State License #:

State: PA

Expiration Date of Certification or License: June 30, 2001

Signature:

Name: \_\_\_\_\_

Date Signed: \_\_\_\_\_

State Certification #: \_\_\_\_\_

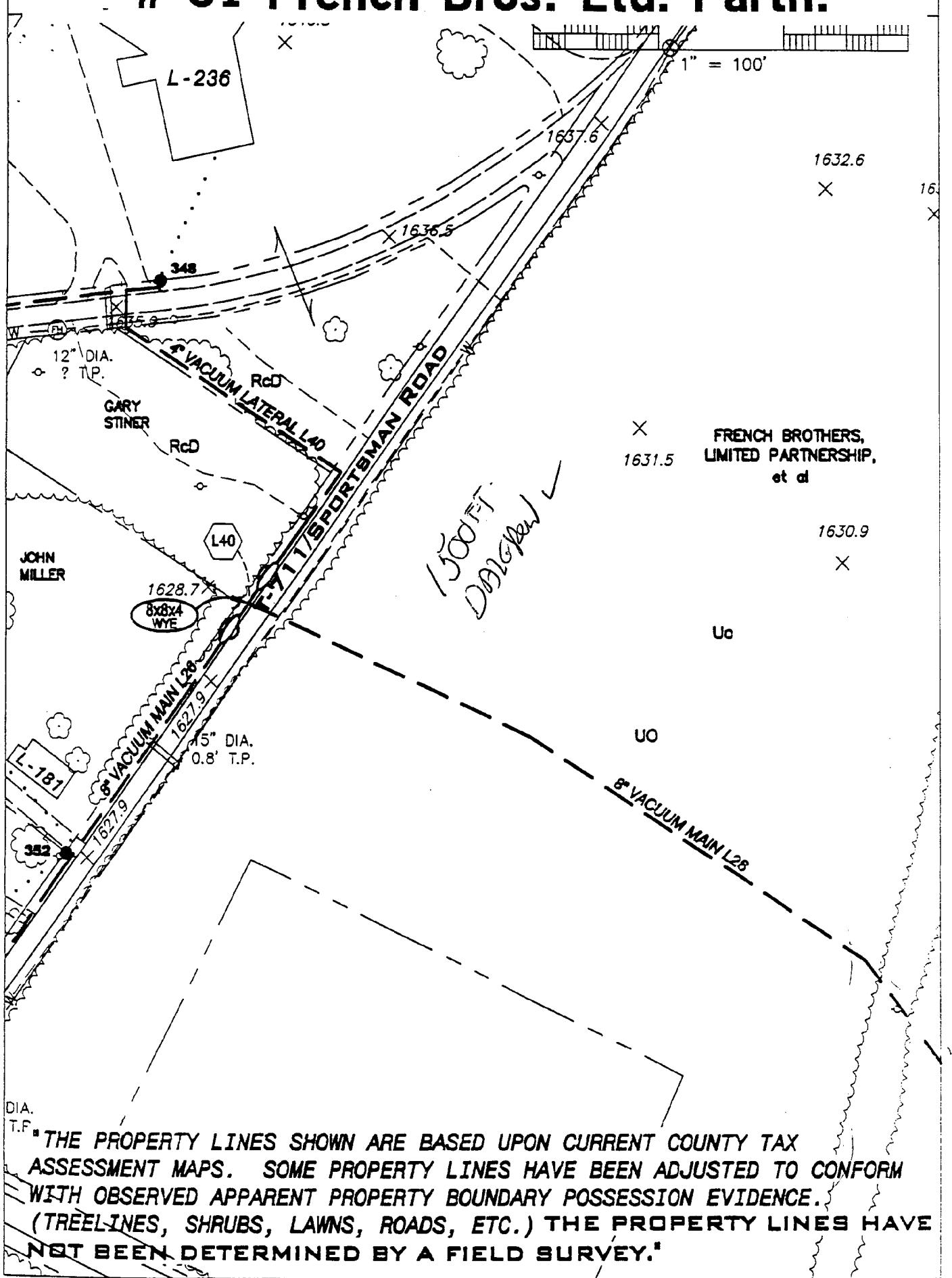
or State License #: \_\_\_\_\_

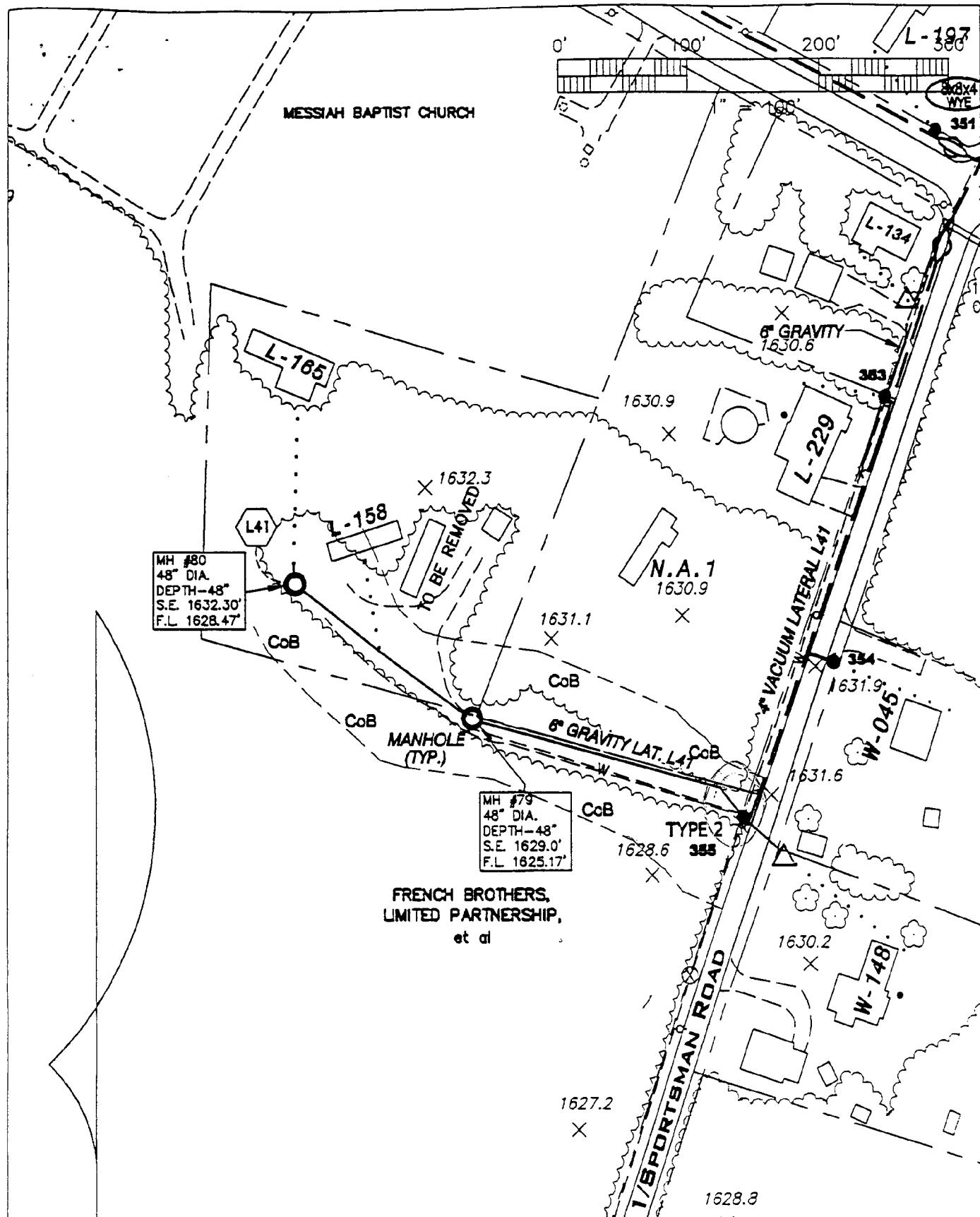
State: \_\_\_\_\_

Expiration Date of Certification or License: \_\_\_\_\_

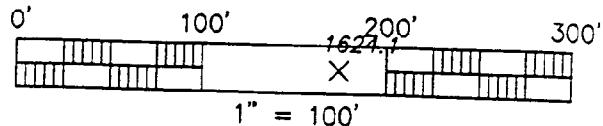
Did  Did Not Inspect Property

**Gilham  
# 31 French Bros. Ltd. Partn.**





**"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."**



CH BROTHERS,  
PARTNERSHIP,  
et al

1630.9

X

1631.8

X

1633.4

X

1624.1

X

1624.4

X

1624.7

X

1626.1

X

1626.2

X

FRENCH BROTHERS,  
LIMITED PARTNERSHIP,  
et al

DIVISION VALVE (TYP.)

SHEET 9

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

*The Contractor shall see to it that no topsoil is removed from the site and to prevent soil erosion at any time by the construction operations.*

Law Offices  
**BELL, SILBERBLATT & WOOD**  
318 East Locust Street  
P.O. Box 670  
Clearfield, PA 16830  
e-mail: bswlaw@penn.com  
Writer's direct e-mail: awood@penn.com

RICHARD A. BELL  
ANN B. WOOD  
F. CORTEZ BELL, III

(814) 765-5537  
FAX (814) 765-9730

PAUL SILBERBLATT 1954-1985  
F. CORTEZ BELL, JR. 1954-1995 (Ret.)

OF COUNSEL:  
DANIEL C. BELL

December 28, 2000

RE: Cooper Township Municipal  
Authority, Condemnor vs.  
James Gilham Estate,  
Condemnees No. 00-644-CD

J. Richard Mattern, II, Esquire  
211 East Pine Street  
Clearfield, PA 16830

Dear Rick:

As required at the hearing, we submitted our billing statement for reimbursement up to the statutory limit in relation to the above matter. We were asked to provide proof of payment and I am enclosing a photocopy of an Iolta Check which was issued with Schoonover Funds to pay our regular office billing.

Because there are a number of fractional property owners and they do not have a joint bank account, what we do is collect moneys from them and/or receive monies due them and our office places it in the Trust Account and then we make disbursements. Hence the fact that this payment is made from their funds, but the single check is issued from our Trust Account.

I believe this is the documentation which was required for qualification for reimbursement. If you need anything additional, please feel free to contact me.

Very truly yours,

BELL, SILBERBLATT & WOOD

*Ann B. Wood*

Ann B. Wood  
ABW/nms  
Enclosure  
cc: Charles A. Schneider, Esquire  
David K. Dahlgren  
Robert L. Gregerson

*Exhibit 3*

3970

NOTICE BOARD  
**BELL SILBERBLATT & WOOD**

318 E. LOCUST ST.  
P.O. BOX 670  
CLEARFIELD, PA 16830

60-629/313

PAY  
TO THE  
ORDER OF  
Bell, Silberblatt & Wood

DATE 12-28-00

\$ 629.87

DOLLARS 

PENNSYLVANIA  
STATE SEAL

  
CLEARFIELD  
BANK & TRUST  
COMPANY

Main Office  
11 North 2nd Street  
Clearfield, PA 16830

FOR Attorney Fees - Bo Schaefer Esq. trust funds  
Cooper 10034701 0313062941 1 2 3 1 5 2 1 4  
Huf Indemnification

John B. Wood MR

COOPY

<b>CERTIFICATE OF MAILING</b>	
U.S. POSTAL SERVICE	
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT	
PROVIDE FOR INSURANCE—POSTMASTER	
<p>Re <b>Rick Mattern</b>  <b>Attorney at Law</b>  <b>211 East Pine Street</b>  <b>Clearfield, Pa., 16830</b></p>	
<p>One piece of ordinary mail addressed to:  <b>James Gilham Estate</b></p>	
<p><u>c/o Ann Wood, Esq.</u>  <u>318 East Locust Street</u>  <u>Clearfield, PA 16830</u></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. 00-644-CD

JAMES GILHAM ESTATE,

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. 00-644-CD

FRENCH BROTHERS LIMITED  
PARTNERSHIP,

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:

French Bros. Limited Partnership  
c/o Ann B. Wood, Esquire  
318 East Locust Street  
Clearfield, Pa., 16830

**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

Ex B

FILED

No  
010-2784-CC

JAN 26 2001

William A. Shaw  
Prothonotary

21

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. 11 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:

  
Prothonotary

2