

00-677-CD  
COOPER TOWNSHIP MUNICIPAL AUTHORITY -vs- BRIAN HOMAN et ux

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY,

Condemnor

vs.

BRIAN HOMMAN and SHARLEEN HOMMAN,

Condemnees

No. 00-677-Q

**FILED**

JUN 07 2000

William A. Shaw  
Prothonotary

**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 February 8, 2000, the Cooper Township Municipal Authority hereby appropriates and condemns real estate designated in the Resolution, a copy of which is attached as Exhibit "A". The Condemnees are Brian Homman and Sharleen Homman, husband and wife.
4. The purpose of the condemnation is to secure land for a waste water treatment system as described more fully in the Act 537 Plan approved March 31, 1997, prepared by Hess and Fisher and intended to be recorded.
5. The property condemned is a portion of that tract of land situate in Cooper Township, Clearfield County, Pennsylvania, described in Clearfield County

Record Book No. 802, Page No. 345, 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.

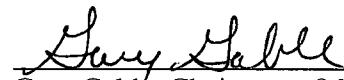
Date: 5/31/00



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

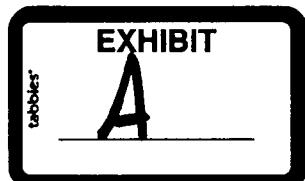
**A RESOLUTION OF THE COOPER TOWNSHIP MUNICIPAL AUTHORITY FOR THE CONDEMNATION OF THE FOLLOWING PROPERTIES IN COOPER TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA FOR THE WASTEWATER TREATMENT SYSTEM.**

**BE IT RESOLVED**, that the solicitor be authorized to bring condemnation proceedings against *George Kulbago* for certain property located in Cooper Township, Clearfield County, Pennsylvania, more particularly described in Clearfield County Record Book 522, page 707 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 Kulbago* conditioned for the payment to the said *George Kulbago* of damages for taking when damages have been ascertained.

**BE IT RESOLVED**, that the solicitor be authorized to bring condemnation proceedings against *Ronald and Stephanie Lynch* for certain property located in Cooper Township, Clearfield County, Pennsylvania, more particularly described in Clearfield County Record Book 717, page 163 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 *Ronald and Stephanie Lynch* conditioned for the payment to the said *Ronald and Stephanie Lynch* of damages for taking when damages have been ascertained.

**BE IT RESOLVED**, that the solicitor be authorized to bring condemnation proceedings against *Brian Homman and Sharleen Homman*, his wife, for certain property located in Cooper Township, Clearfield County, Pennsylvania, more particularly described in Clearfield County Record Book 802, page 345 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 *Brian Homman and Sharleen Homman*, his wife, conditioned for the payment to the said *Brian Homman and Sharleen Homman*, his wife, of damages for taking when damages have been ascertained.

**BE IT RESOLVED**, that the solicitor be authorized to bring condemnation proceedings against *Carl Martin and Denise Martin*, his wife, for certain property located in Cooper Township, Clearfield County, Pennsylvania, more particularly described in Clearfield County Record Book 1546, page 471 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 *Carl Martin and Denise Martin*, his wife, conditioned for the payment to the said *Carl Martin and Denise Martin*, his wife, of damages for taking when damages have been ascertained.



**BE IT RESOLVED**, that the solicitor be authorized to bring condemnation proceedings against *Donald Carlson and Theresa Carlson*, his wife, for certain property located in Cooper Township, Clearfield County, Pennsylvania, more particularly described in Clearfield County Record Book 419, page 256 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 *Donald Carlson and Theresa Carlson*, his wife, conditioned for the payment to the said *Donald Carlson and Theresa Carlson*, his wife, of damages for taking when damages have been ascertained.

RESOLVED this 8th day of February, 2000, by the board of the Cooper Township Municipal Authority in lawful session assembled.

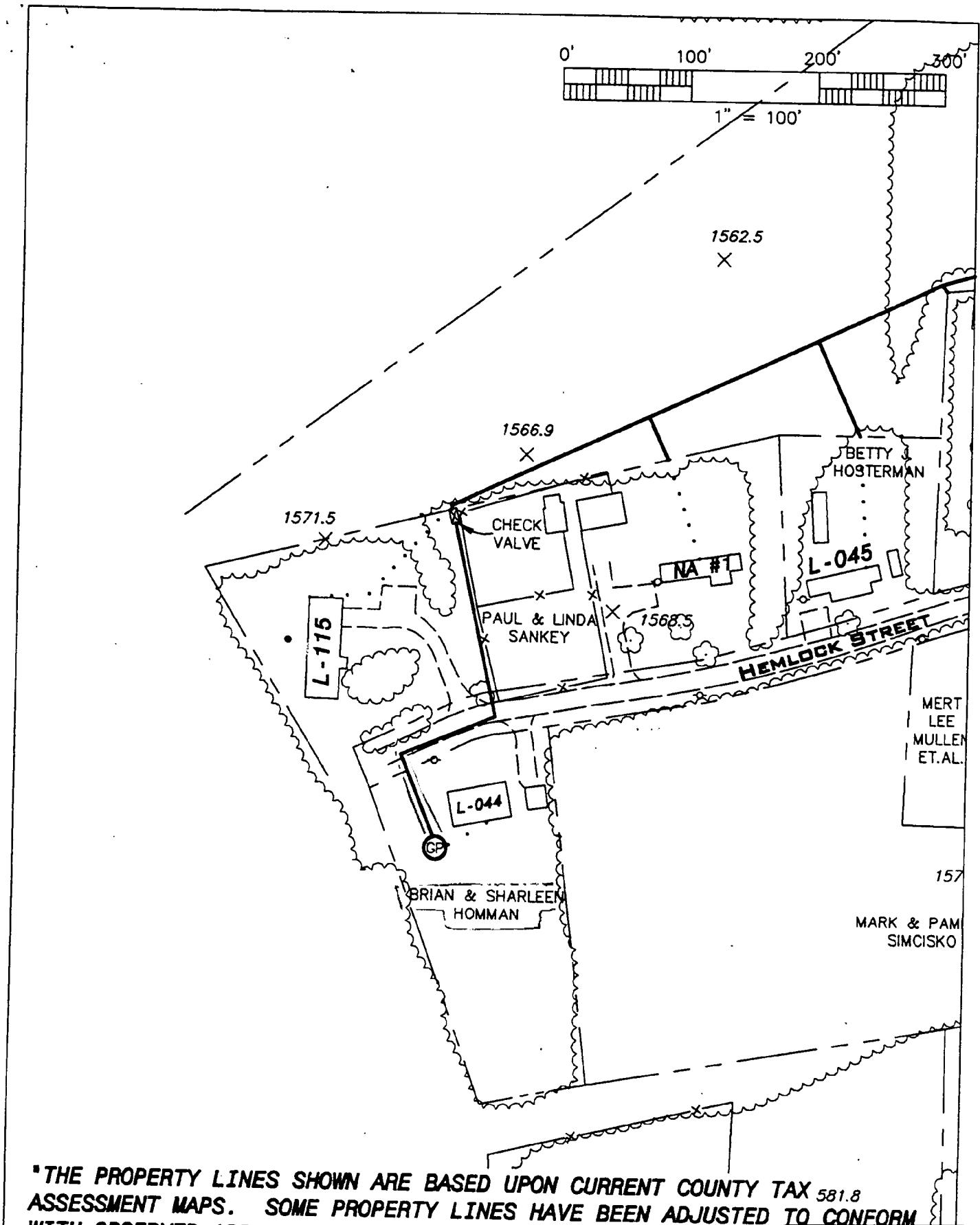
ATTEST:

Cooper Township Municipal Authority

*Ryan Larson*  
Secretary

*Gary Shable*  
Chairman

SEAL



"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."

EXHIBIT

B

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY, :

Condemnor :

vs. :

No. :

BRIAN HOMMAN and SHARLEEN HOMMAN, :

Condemnees :

ORDER

AND NOW this 7 day of June, 2000, upon review of the  
Plaintiff's Petition and Bond, the said Bond is hereby approved.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J. Michael Kelly", is written over a horizontal line. The signature is fluid and cursive, with a large, stylized "J" at the beginning.

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY, :

Condemnor :

vs. :

No. :

BRIAN HOMMAN and SHARLEEN HOMMAN, :

Condemnees :

**BOND**

**KNOW ALL MEN BY THESE PRESENTS**, that the Declaration of Taking having been filed the 7th 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 21<sup>st</sup> day of June, 2000.

Attest:

Cooper Township Municipal Authority

Roger Latsen  
Secretary

By: George Schell  
Chairman

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY, :

Condemnor :

vs. :

No. :

BRIAN HOMMAN and SHARLEEN HOMMAN, :

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

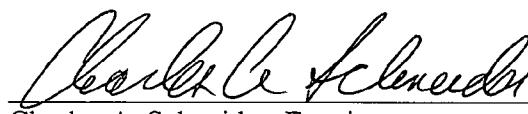
JUNE 7, 2000, in the Court of Common Pleas of Clearfield County at the above-named term and number.

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

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

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

Date: 6/1/00

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

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY,

Condemnor

vs.

No. 00-677-CJ

BRIAN HOMMAN and SHARLEEN HOMMAN,

Condemnees

**NOTICE OF FILING OF DECLARATION OF TAKING**

The Cooper Township Municipal Authority states that:

A Declaration of Taking was filed this 27th 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 Brian Homman and Sharleen Homman, husband and wife, described in Record Book No. 802, Page No. 345.

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. 00-677-CD
BRIAN HOMMAN and SHARLEEN HOMMAN,	:	
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 200007971.

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  
07/20/2001  
JUN 23 2000  
William A.  
Prokocim

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY, :

Condemnor :

vs. :

No. 00-677-CD

BRIAN HOMMAN and SHARLEEN HOMMAN, :  
Condemnees :

**ORDER**

AND NOW, this 5<sup>th</sup> day of October, 2000, upon the Petition of Brian Homman and Sharleen Homman, 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**

REC'D OCT 05 2000  
0131511/Cath Schneider  
William A. Shaw  
Prothonotary

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY, :  
: Condemnor :  
: :  
: vs. : No. 00-677-CD :  
: :  
BRIAN HOMMAN and SHARLEEN HOMMAN, :  
: 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 7, 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:

Brian Homman and Sharleen Homman, P.O. Box 132, Lanse, PA 16849

4. A description of the condemned property is fully set forth in the Resolution, approved on February 8, 2000, a copy of which is included in the declaration of taking.

**FILED**

*REC OCT 5 2000  
11:30 AM  
William A. Shaw  
Prothonotary  
wac*

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. 00-677-CD

BRIAN HOMMAN and SHARLEEN HOMMAN,

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 2, 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: 6/2/00

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

EXHIBIT

A

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY,

Condemnor

vs.

No. 00-677-CJ

BRIAN HOMMAN and SHARLEEN HOMMAN,

Condemnees

**NOTICE OF FILING OF DECLARATION OF TAKING**

The Cooper Township Municipal Authority states that:

A Declaration of Taking was filed this 7th 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 Brian Homman and Sharleen Homman, husband and wife, described in Record Book No. 802, Page No. 345.

Date: 6/7/00



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  
**2000007971**

RECORDED ON

**Jun 07, 2000**  
2:26:57 PM

RECORDING FEES -	\$13.00
RECORDER	
COUNTY IMPROVEMENT FUND	\$1.00
RECORDER	\$1.00
IMPROVEMENT FUND	
STATE WRIT TAX	\$0.50
TOTAL	\$15.50



I hereby certify this instrument is true  
and attested to by the original  
stamping of the recorder  
at the time of recording.

**JUN 07 2000**

Attest:

CHIEF RECORDER

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY,

Condemnor

vs.

No. 00-677-CD

BRIAN HOMMAN and SHARLEEN HOMMAN,

Condemnees

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

JUN 07 2000

DECLARATION OF TAKING

Attest:

  
William E.  
Prothonotary

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 February 8, 2000, the Cooper Township  
Municipal Authority hereby appropriates and condemns real estate designated in  
the Resolution, a copy of which is attached as Exhibit "A". The Condemnees are  
Brian Homman and Sharleen Homman, husband and wife.
4. The purpose of the condemnation is to secure land for a waste water treatment  
system as described more fully in the Act 537 Plan approved March 31, 1997,  
prepared by Hess and Fisher and intended to be recorded.
5. The property condemned is a portion of that tract of land situate in Cooper  
Township, Clearfield County, Pennsylvania, described in Clearfield County

EXHIBIT

Record Book No. 802, Page No. 345, 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:

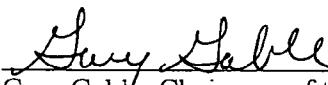
5/31/00



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**

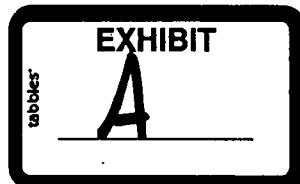
**A RESOLUTION OF THE COOPER TOWNSHIP MUNICIPAL AUTHORITY FOR THE CONDEMNATION OF THE FOLLOWING PROPERTIES IN COOPER TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA FOR THE WASTEWATER TREATMENT SYSTEM.**

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RESOLVED this 8th day of February, 2000, by the board of the Cooper Township Municipal Authority in lawful session assembled.

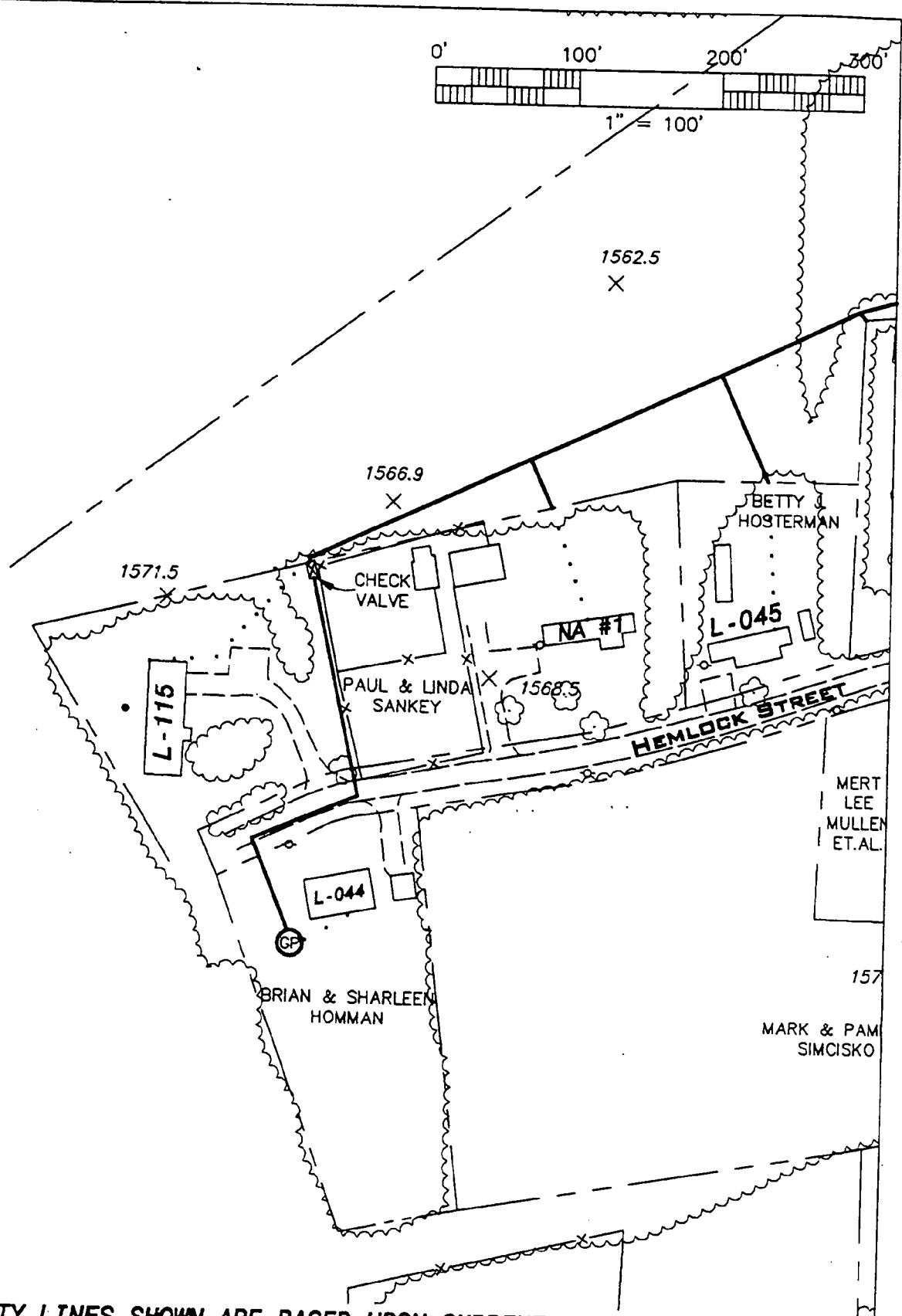
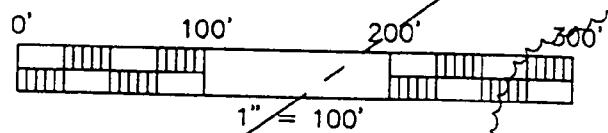
ATTEST:

Cooper Township Municipal Authority

Lyn Larson  
Secretary

Gary Hobble  
Chairman

SEAL



"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

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY,

Condemnor

vs.

No. 00-677-CD

BRIAN HOMMAN and SHARLEEN HOMMAN,

Condemnees

ORDER

AND NOW this 7th day of June, 2000, upon review of the Plaintiff's Petition and Bond, the said Bond is hereby approved.

BY THE COURT:

IS/ John K. Reilly Jr.

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY, :

Condemnor :

vs. :

No. 00-677-CD

BRIAN HOMMAN and SHARLEEN HOMMAN, :

Condemnees :

**BOND**

KNOW ALL MEN BY THESE PRESENTS, that the Declaration of Taking having been filed the 7th 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 2<sup>nd</sup> day of June, 2000.

Attest:

Cooper Township Municipal Authority

Ron Lakin  
Secretary

By: George Schle  
Chairman

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY, :  
Condemnor :  
vs. : No. 00-677-CD  
BRIAN HOMMAN and SHARLEEN HOMMAN, :  
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 200007971.

Date: 6/7/00

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. 00-677-CJ

BRIAN HOMMAN and SHARLEEN HOMMAN,

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:

Brian Homman and Sharleen Homman  
P.O. Box 132  
Lanse, PA 16849

Date: 6/19/00

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COOPER TOWNSHIP  
MUNICIPAL AUTHORITY,

Condemnor

vs.

No. 00-677-CD

BRIAN & SHARLEEN HOMMAN,

Condemnees

**FILED**

**REPORT OF VIEWERS**

JAN 26 2001

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

William A. Shaw  
Prothonotary

The undersigned Board of Viewers respectfully reports:

1. A Declaration of Taking by Petition of Cooper Township Municipal Authority, whose address is P. O. Box 446, Winburne, Clearfield County, Pa., was filed on June 1, 2000.
2. The purpose of the Condemnation is to secure land for a wastewater treatment system as more fully described in the Act 537 Plan approved March 31, 1997, as prepared by Hess & Fisher Engineers, Inc.
3. Said Declaration of Taking was authorized by Resolution of the Cooper Township Municipal Authority, approved April 11, 2000.
4. The Condemnation is authorized by 26 P.S. §1-101 et seq.
5. The Condemnee(s) are: **Brian & Sharleen Homman, P. O. Box 132, Lanse, Pa., 16849.**

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

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

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

14. That after View and Hearing in this matter and in consideration of all testimony and evidence, the Board has determined that before condemnation the subject property described on Exhibit 2 had a value of \$9,500.00. The Board finds as fact there will be a grinder pump in the yard; and therefore, could cause some actual physical damage to the subject property that should carry some compensation. Therefore, there is a change in value, and the property has a value after condemnation of \$9,412.00. The Board, therefore, awards Condemnees damages in the amount of \$88.00.

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:

**Brian & Sharleen Homman**  
**P. O. Box 132**  
**Lanse, PA 16849**

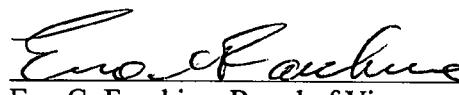
All of which is Respectfully Submitted,



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



Samuel B. Yost  
Samuel B. Yost, Board of Viewers



Evo G. Facchine  
Evo G. Facchine, Board of Viewers

Date: 1/23/01

**APPRAISAL OF**

1.00 Acre +/- Developed Land Prior to Taking 400 Sq. Ft. +/- Grinder Pump Easement

**LOCATED AT:**

Hemlock Street, P.O. Box 132  
Lanse, Pa., 16849

**FOR:**

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

**BORROWER:**

Owner: Brian & Sharleen Hommen

**AS OF:**

October 4, 2000

**BY:**

John E. West CPE,CREA

October 4, 2000

Gary Gable

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

File Number: Homman

Dear Mr. Gable,

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

Hemlock Street, P.O. Box 132  
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:

\$9,500  
Nine Thousand Five Hundred 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: Brian & Sharleen Homman	File No.: Homman
Property Address: Hemlock Street, P.O. Box 132	Case No.: CTMA
City: Lanes	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 grinder pump in the front corner of the property. This is a relatively small piece of equipment with all of the pump under ground. There is, however the manhole in the yard and the fact that there is mechanical equipment that may need repairs from time to time. This is not a one-time inconvenience, but an ongoing condition that could cause disruption at anytime. For this reason I feel that there should be a damage consideration to the present owners. Since there is a building set-back requirement in Cooper Township on the front of the property of 35' the grinder pump would not effect future construction. I would conclude that there would be some damage to future resale value on this property due to the grinder pump in the yard. The CTMA will place the sewer line and restore the property to original condition, except that there will be a pump in the yard and, therefore, would cause some actual physical damage to the subject property.

**It is my opinion that there is a change in value to the subject property because of this grinder pump location easement and subsequently monetary damages to the property, from the sewer easement, in the amount of the property value. Approximately 400 sq. ft. @ \$.22 per sq. ft. or \$88.00.**

**TOTAL DAMAGE TO PROPERTY IS: \$88.00.**

**SUMMARY REPORT  
LAND APPRAISAL REPORT**

SUBJECT		My Address Hemlock Street, P.O. Box 132				Census Tract 3306		File No. Homman	
		City Lanse		County Clearfield		State Pa. Zip Code 16849		LENDER DISCRETIONARY USE	
Legal Description Deed Book 802 Page 345		Owner/Occupant Brian & Sharleen Hommen		Map Reference 110-S9-350		Sale Price \$ _____			
Sale Price \$ N/A		Date of Sale N/A		Property Rights Appraised		Date _____			
Loan charges/concessions to be paid by seller \$ N/A				<input checked="" type="checkbox"/> Fee Simple		Mortgage Amount \$ _____			
R.E. Taxes \$ 716.76		Tax Year 2000		<input type="checkbox"/> Leashold		Mortgage Type _____			
Lender/Client Cooper Township Municipal Authority		HOA \$/Mo. None		<input type="checkbox"/> Condominium (HUD/VA)		Discount Points and Other Concessions _____			
Forest Road P.O. Box 446, Winburne, Pa 16879				<input type="checkbox"/> PUD		Paid by Seller \$ _____			
						Source _____			
LOCATION		Urban	<input checked="" type="checkbox"/> Suburban	Rural	NEIGHBORHOOD ANALYSIS				
BUILT UP		<input type="checkbox"/> Over 75%	<input checked="" type="checkbox"/> 25-75%	<input type="checkbox"/> Under 25%	Good <input type="checkbox"/> Avg. <input checked="" type="checkbox"/> Fair <input type="checkbox"/> Poor				
GROWTH RATE		<input type="checkbox"/> Rapid	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Slow	Employment Stability <input type="checkbox"/>				
PROPERTY VALUES		<input type="checkbox"/> Increasing	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Declining	Convenience to Employment <input type="checkbox"/>				
DEMAND/SUPPLY		<input type="checkbox"/> Shortage	<input checked="" type="checkbox"/> In Balance	<input type="checkbox"/> Over Supply	Convenience to Shopping <input type="checkbox"/>				
MARKETING TIME		<input type="checkbox"/> Under 3 Mos.	<input checked="" type="checkbox"/> 3-6 Mos.	<input type="checkbox"/> Over 6 Mos.	Convenience to Schools <input type="checkbox"/>				
PRESENT LAND USE %		LAND USE CHANGE		PREDOMINANT OCCUPANCY	SINGLE FAMILY HOUSING	Adequacy of Public Transportation <input type="checkbox"/>			
Single Family 60%		Not Likely <input checked="" type="checkbox"/>		Owner <input checked="" type="checkbox"/>	PRICE \$ (000) AGE (yrs)	Recreation Facilities <input type="checkbox"/>			
2-4 Family		Likely <input type="checkbox"/>		Tenant <input type="checkbox"/>	35 Low 10	Adequacy of Facilities <input type="checkbox"/>			
Multi-Family		In process <input type="checkbox"/>		To: <input type="checkbox"/>	150 High 100	Property Compatibility <input type="checkbox"/>			
Commercial				Vacant (0-5%) <input checked="" type="checkbox"/>	Predominant 55 - 50	Protection from Detrimental Cond. <input type="checkbox"/>			
Industrial				Vacant (over 5%) <input type="checkbox"/>	50	Police & Fire Protection <input type="checkbox"/>			
Vacant 40%						General Appearance of Properties <input type="checkbox"/>			
						Appeal to Market <input type="checkbox"/>			
Note: Race or the racial composition of the neighborhood are not considered reliable appraisal factors. COMMENTS: The neighborhood is consistent with that of Cooper Township and the village of Lanse. The area is serviced by public water and the public sewer system is in the planning stages at this time.									
Dimensions See site area.									
Site Area 1.00 Acre+/-		Corner Lot Dead end street		Topography		At Street Grade/Level			
Zoning Classification None		Zoning Compliance N/A		Size		Typical			
HIGHEST & BEST USE: Present Use Yes		Other Use None		Shape		Irregular			
SITE UTILITIES		Public	Other	SITE IMPROVEMENTS	Type	Public	Private	Appears adequate	
Electricity		<input checked="" type="checkbox"/>		Street	Paved <input checked="" type="checkbox"/>			Typical	
Gas		<input type="checkbox"/>	LP	Curb/Gutter	None <input type="checkbox"/>			Typical	
Water		<input checked="" type="checkbox"/>		Sidewalk	None <input type="checkbox"/>			Yes	
Sanitary Sewer		<input type="checkbox"/>	Private	Street Lights	None <input type="checkbox"/>			Utilities	
Storm Sewer		<input type="checkbox"/>	Open Ditch	Alley	None <input type="checkbox"/>			FEMA Flood Hazard Yes* <input type="checkbox"/> No X <input checked="" type="checkbox"/>	
						FEMA* Map/Zone 421520-12			
Comments (Apparent adverse easements, encroachments, special assessments, slide areas, etc): There are no apparent easements, encroachments, special assessments or slide areas observed by this appraiser at the time of the inspection.									
The undersigned has recited three recent sales of properties most similar and proximate to subject and has considered these in the market analysis. The description includes a dollar adjustment, reflecting market reaction to those items of significant variation between the subject and comparable properties. If a significant item in the comparable property is superior to, or more favorable than, the subject property, a minus (-) adjustment is made, thus reducing the indicated value of subject; if a significant item in the comparable is inferior to, or less favorable than, the subject property, a plus (+) adjustment is made, thus increasing the indicated value of the subject.									
SALES COMPARISON ANALYSIS									
ITEM		SUBJECT		COMPARABLE NO. 1		COMPARABLE NO. 2		COMPARABLE NO. 3	
Address		Hemlock Street Lanse		110-S9-539-60 Cooper Township		110-S9-540-13 Cooper Township		110-S8 Cooper Township	
Proximity to Subject									
Sales Price		\$ N/A		\$ 3,000		\$ 5,500		\$ 7,000	
Price/		\$ <input type="checkbox"/>	\$ 3000 <input type="checkbox"/>	\$ 5500 <input type="checkbox"/>		\$ 7000 <input type="checkbox"/>			
Data Source		Inspection		Public Record		Public Record		Public Record	
VALUE ADJUSTMENTS		DESCRIPTION		DESCRIPTION	+\$-\$ Adjustment	DESCRIPTION	+\$-\$ Adjustment	DESCRIPTION	+\$-\$ Adjustment
Sales or Financing		None		None		None		None	
Concessions		None		None		None		None	
Date of Sale/Time		Appr. 10/4/00	12-29-99		7/13/00			1/99	
Location		Suburban	Inferior	+300	Inferior	+550	Inferior	+700	
Site/View		1.00 Acres+/-	0.7422 Acre	+650	0.46 Acre	+1,400	2.003 Acres	-2,500	
Utilities		Water, Elect.	Water, Elect.	Equal			Water, Elect.		
Homesite		Yes	None	+4,000	None	+4,000	None	+4,000	
Public Road		Yes							
Net Adj. (total)		<input checked="" type="checkbox"/> + <input type="checkbox"/> - \$ 4,950	<input checked="" type="checkbox"/> + <input type="checkbox"/> - \$ 5,950	<input checked="" type="checkbox"/> + <input type="checkbox"/> - \$ 2,200					
Indicated Value of Subject		Gross: 165.0	Gross: 108.2	Gross: 102.9					
		Net: 165.0 \$ 7,950	Net: 108.2 \$ 11,450	Net: 31.4 \$ 9,200					
Comments of Sales Comparison: See Attached Addendum.									
Comments and Conditions of Appraisal: See Attached Addendum.									
Final Reconciliation: The Market Approach to Value, which best reflects the actions of the buyers and sellers in the marketplace, has been given the most emphasis. The Cost and Income Approaches are not applicable in this type of assignment.									
RECONCILIATION									
I (WE) ESTIMATE THE MARKET VALUE, AS DEFINED, OF THE SUBJECT PROPERTY AS OF October 4, 2000 to be \$ 9,500									
I (We) certify: that to the best of my (our) knowledge and belief, the facts and data used herein are true and correct; that I (we) personally inspected the subject property and inspected all comparable sales cited in this report; and that I (we) have no undisclosed interest, present or prospective therein.									
Appraiser(s)		Review Appraiser (if applicable)				<input type="checkbox"/> Did <input type="checkbox"/> Did Not Inspect Property			
Appraiser(s) John E. West CPE,CREA									

**ADDENDUM**

Borrower: Owner: Brian & Sharleen Hommen	File No.: Hommen
Property Address: Hemlock Street, P.O. Box 132	Case No.: CTMA
City: Lanes	State: Pa.
Lender: Cooper Township Municipal Authority	Zip: 16849

**Comments on Sales Comparison**

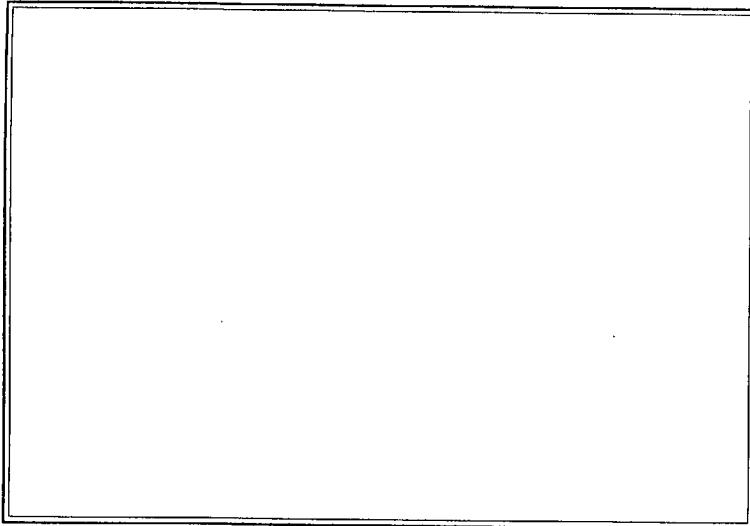
A search of the Clearfield-Jefferson MLS, public records and broker files indicated that these sales are the most recent, closest, similar, closed sales available as of the date of the appraisal. The comparables chosen are considered to be good indicators of value. After variation adjustments, a value range of \$7,950 to \$11,450 is indicated. The Subject property has been developed over the years as a homesite and all of the comparable land sales have been adjusted for the homesite value. The indicated land value for the subject in it's present condition, in my opinion, would be \$9,500.00. or \$.22 per Sq. Ft.

**Condition of Appraisal Comments**

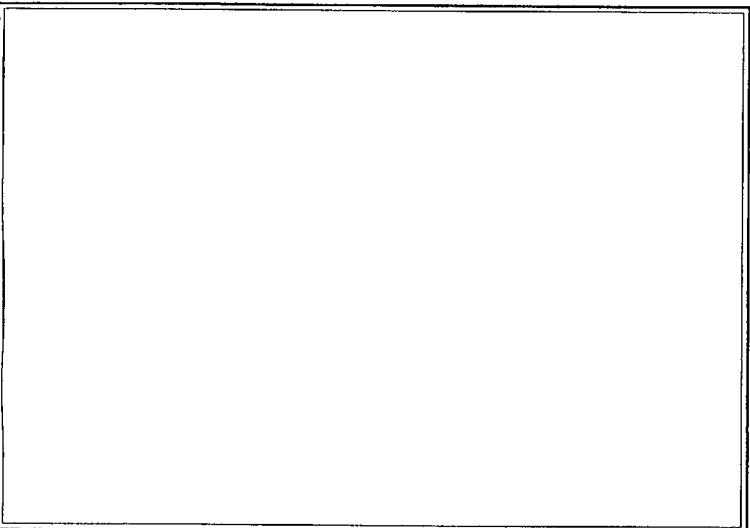
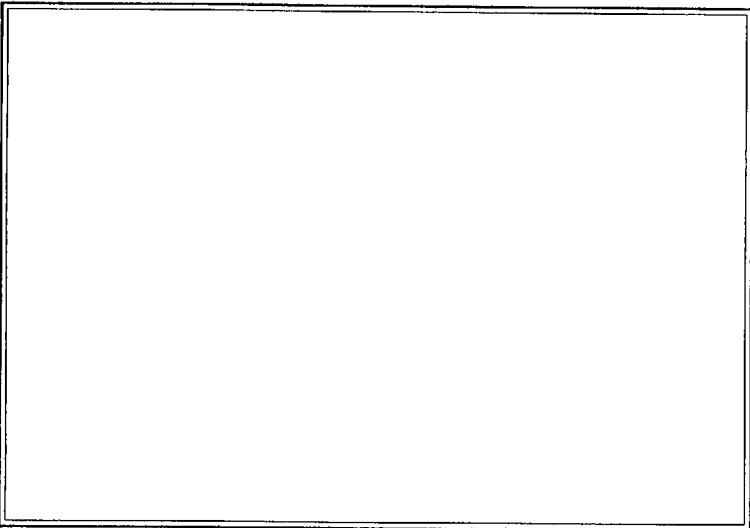
This appraisal assumes competent, professional marketing with a reasonable time to sell. No value is assigned to the buildings in this appraisal because the purpose is to determine the overall damage from an easement for a sewer line. The land value is being considered with full knowledge that there is a house on the property, but the right-of-way has no effect on the value of the home or any other buildings on the property.

**SUBJECT PHOTO**

Owner: Brian & Sharleen Hommen	File No.: Hommen
Party Address: Hemlock Street, P.O. Box 132	Case No.: CTMA
City: Lansc	State: Pa.
Lender: Cooper Township Municipal Authority	Zip: 16849



SUBJECT PHOTO



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

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

### STATEMENT OF LIMITING CONDITIONS AND APPRAISER'S CERTIFICATION

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

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

**APPRAISERS CERTIFICATION:** The Appraiser certifies and agrees that:

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

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

**ADDRESS OF PROPERTY APPRAISED:** Hemlock Street, P.O. Box 132, Lanse, Pa., 16849

**APPRAISER:**

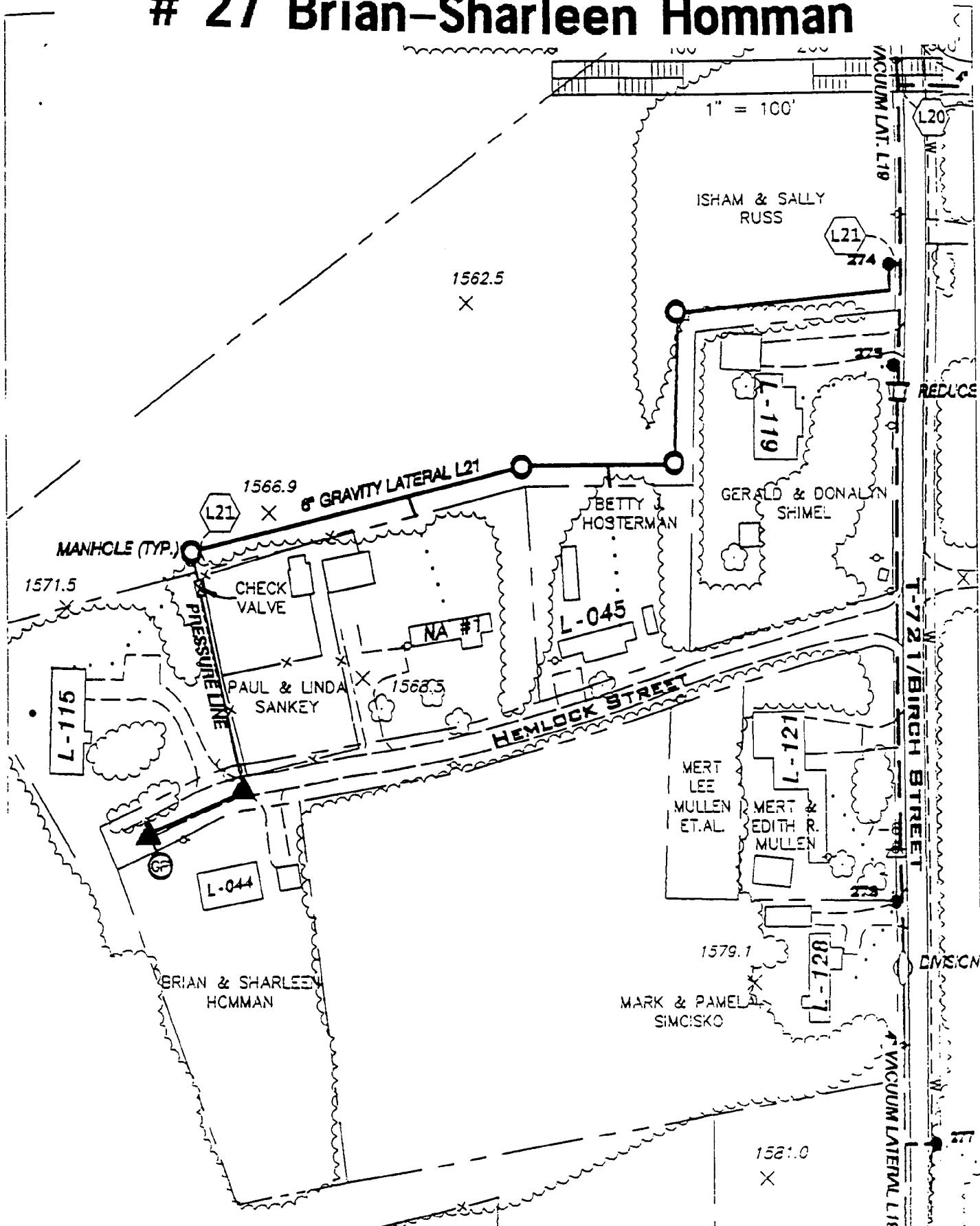
Signature: \_\_\_\_\_  
Name: John E. West CPE,CREA  
Date Signed: October 10, 2000  
State Certification #: RL-000292-L  
or State License #: \_\_\_\_\_  
State: PA  
Expiration Date of Certification or License: June 30, 2001

**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

# # 27 Brian-Sharleen Homman



"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."

UAVAU  
MULTICAM

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

**CERTIFICATE OF MAILING**

U.S. POSTAL SERVICE  
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT  
PROVIDE FOR INSURANCE. POSTMASTER

Re: Rick Mattern  
Attorney at Law  
211 East Pine Street  
Clearfield, Pa., 16830

One piece of ordinary mail addressed to:  
Brian & Sharleen Homman

P.O. Box 132  
Lansdale, PA 16849

PS Form 3817, Mar. 1989



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COOPER TOWNSHIP  
MUNICIPAL AUTHORITY,

Condemnor

vs. No. 00-677-CD

BRIAN HOMMAN and  
SHARLEEN HOMMAN,

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.

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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. 00-677-CD

BRIAN & SHARLEEN HOMMAN,

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:  
**Brian & Sharleen Homman**  
**P. O. Box 132**  
**Lanse, PA 16849**

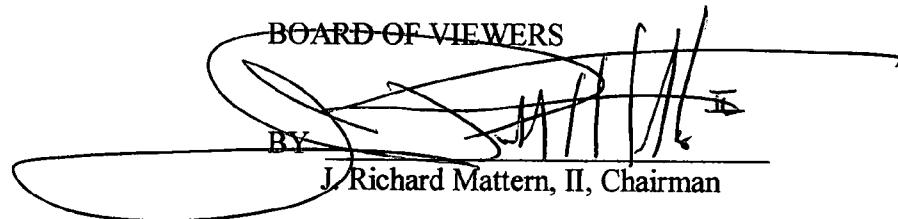
**NOTICE OF INTENTION TO FILE REPORT**

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

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

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

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



Ex-B

00-677-CJ

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

IN RE:

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

Misc. 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 cause.*

/s/ JOHN K. REILLY, JR.

JAN 26 2001

JOHN K. REILLY, JR.  
PRESIDENT JUDGE

Attest:

*William L. Hause*  
Prothonotary

22

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

STEPHEN VAUGHN QUAIRIERE, ) NO. 01 - 677 - C.D.  
Plaintiff, )  
vs. ) Type of Case: DIVORCE  
LISA MARIE QUAIRIERE, )  
Defendant ) Type of Pleading:  
 ) MOTION FOR CONTINUANCE  
 )  
 ) Filed on Behalf Of:  
 ) DEFENDANT  
 )  
 ) Counsel of Record:  
 ) BENJAMIN S. BLAKLEY, III, ESQ.  
 )  
 ) Supreme Court No. 26331  
 )  
 ) BLAKLEY & JONES  
 ) 90 BEAVER DRIVE, BOX 6  
 ) DU BOIS, PA 15801  
 ) (814) 371-2730

FILED 3cc  
m 11:32 AM  
JUN 01 2005 Atty Blakley  
(66)

William A. Shaw  
Prothonotary/Clerk of Courts

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

STEPHEN VAUGHN QUAIRIERE, ) NO. 01 - 677 - C.D.  
Plaintiff, )  
vs. )  
LISA MARIE QUAIRIERE, )  
Defendant )

## **ORDER**

AND NOW, this 6<sup>th</sup> day of June, 2005, upon consideration of the foregoing Motion for Continuance, it is the ORDER of this Court that said Motion is hereby granted and the hearing on Plaintiff's Petition for Bifurcation is hereby continued to the 25 day of July, 2005, at 1:30 o'clock P M. in Courtroom No. 2 of the Clearfield County Courthouse, Clearfield, Pennsylvania 16830.

By the Court,

Paul E Cherry

FILED 3cc  
014:00 BPL Atty Blakley  
JUN 06 2005 (w)

William A. Shaw  
Prothonotary/Clerk of Courts

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

STEPHEN VAUGHN QUAIRIERE, ) NO. 01 - 677 - C.D.  
Plaintiff, )  
vs. )  
LISA MARIE QUAIRIERE, )  
Defendant )

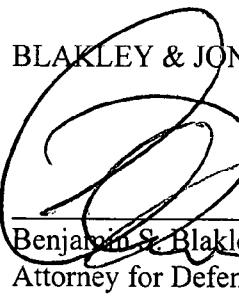
## **MOTION FOR CONTINUANCE**

AND NOW comes, Movant, **BENJAMIN S. BLAKLEY, III**, attorney for Defendant, **LISA MARIE QUAIRIERE**, and moves this Honorable Court for a continuance of the hearing on Plaintiff's Petition for Bifurcation scheduled for June 17, 2005, in the above captioned matter, and in support thereof the following is averred:

1. Plaintiff and Defendant are parties in the above-captioned divorce action.
2. A hearing on Plaintiff's Petition for Bifurcation has been scheduled for June 17, 2005, at 9:00 a.m.
3. Due to a scheduling conflict, counsel for the Defendant will be unable to be present at that date and time.

WHEREFORE, Movant respectfully requests that this Honorable Court grant his motion and reschedule the hearing on Plaintiff's Petition for Bifurcation for a later date.

BLAKLEY & JONES



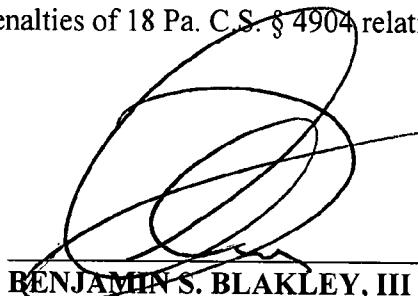
\_\_\_\_\_  
Benjamin S. Blakley, III  
Attorney for Defendant

## VERIFICATION

I, **BENJAMIN S. BLAKLEY, III**, hereby state that I am counsel for the Defendant in this action and verify that the statements made in the foregoing Motion for Continuance are true and correct to the best of my knowledge, information, and belief. I understand that the statements therein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

Dated:

5/31/05

  
**BENJAMIN S. BLAKLEY, III**