

00-680-CD
COOPER TOWNSHIP MUNICIPAL AUTHORITY -vs- RONALD LYNCHA et al

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

114 COOPER TOWNSHIP MUNICIPAL AUTHORITY,

Condemnor

vs.

83 RONALD LYNCHA and STEPHANIE LYNCHA,

Condemnees

No. 00-680-CJ

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 Ronald Lynch and Stephanie Lynch, 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. 717, Page No. 163, 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.

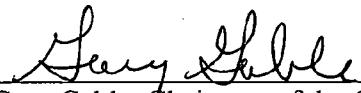
Date: 5/31/00



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.

EXHIBIT

A

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.

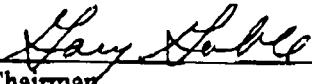
RESOLVED this 8th day of February, 2000, by the board of the Cooper Township Municipal Authority in lawful session assembled.

ATTEST:



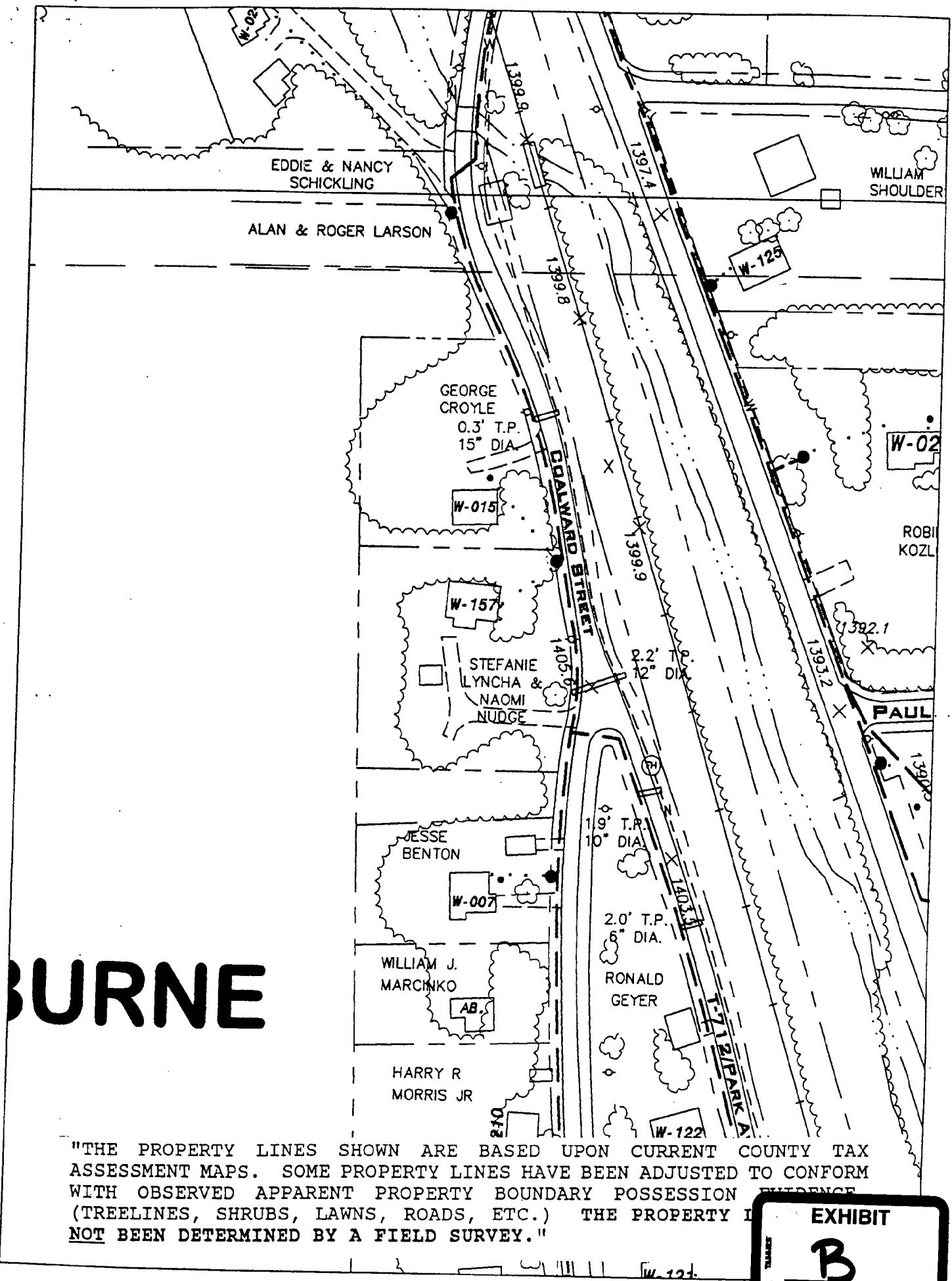
Secretary

Cooper Township Municipal Authority



Chairman

SEAL



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

COOPER TOWNSHIP MUNICIPAL AUTHORITY, :

Condemnor :

vs. :

No. :

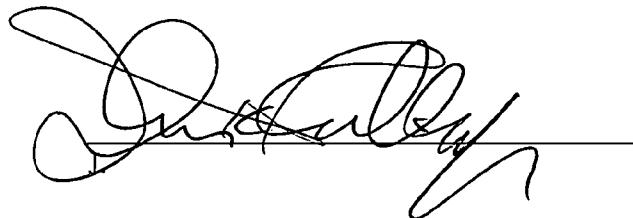
RONALD LYNCHA and STEPHANIE LYNCHA, :

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:



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

COOPER TOWNSHIP MUNICIPAL AUTHORITY,

Condemnor

vs.

No.

RONALD LYNCHA and STEPHANIE LYNCHA,

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 2nd day of June, 2000.

Attest:

Roger Larson
Secretary

Cooper Township Municipal Authority

By: Henry Schable
Chairman

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY,

Condemnor

vs.

No.

RONALD LYNCHA and STEPHANIE LYNCHA,

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: 6/2/00



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Attorney for Cooper Township Municipal Authority
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1315 South Allen Street, Suite 302
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(814) 237-6255

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CIVIL ACTION

COOPER TOWNSHIP MUNICIPAL AUTHORITY, :
Condemnor :
vs. : No. 00-680-CJ
RONALD LYNCHA and STEPHANIE LYNCHA, :
Condemnees :
:

NOTICE OF FILING OF DECLARATION OF TAKING

The Cooper Township Municipal Authority states that:

A Declaration of Taking was filed this 21st 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 Ronald Lynch and Stephanie Lynch,
husband and wife, described in Record Book No. 717, Page No. 163.

Date: 6/21/00



Charles A. Schneider, Esquire
Attorney for Cooper Township Municipal Authority
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

COOPER TOWNSHIP MUNICIPAL AUTHORITY,

Condemnor

vs.

No. 00-680-CD

RONALD LYNCHA and STEPHANIE LYNCHA,

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 200007974.

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

07/21/04 4:52 PM
JUN 23 2000

William A. Sh...
Prothonotary

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KAB

(3)

MARK S. WEAVER

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

COOPER TOWNSHIP MUNICIPAL
VS
LYNCHA, RONALD & STEPHANIE

00-680-CD

NOTICE OF CONDEMNATION
SHERIFF RETURNS

NOW JULY 27, 2000 AT 11:37 AM DST SERVED THE WITHIN NOTICE OF CONDEMNATION ON RONALD & STEPHANIE LYNCHA, DEFENDANTS AT RESIDENCE P.O. BOX 18, DRIFTING, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO STEPHANIE LYNCHA A TRUE AND ATTESTED COPY OF THE ORIGINAL NOTICE OF CONDEMNATION AND MADE KNOWN TO HER THE CONTENTS THEREOF.

SERVED BY: DAVIS/MORGILLO

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

SWORN TO BEFORE ME THIS

10th DAY OF August 2000

William A. Shaw

SO ANSWERS,

Chester A. Hawkins
by Marilyn Harr

CHESTER A. HAWKINS
SHERIFF

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

FILED

AUG 10 2000
01111 am.
William A. Shaw
Prothonotary