

00-680-CD  
COOPER TOWNSHIP MUNICIPAL AUTHORITY -vs- RONALD LYNCHA etux

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-C2

**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:

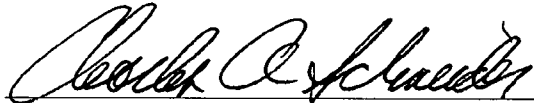
1. The Condemnor is the Cooper Township Municipal Authority, whose address is P.O. Box 446, Winburne, Clearfield County, Pennsylvania.
2. The condemnation is authorized by 26 P.S. 1-101 et seq.
3. Pursuant to Resolution approved February 8, 2000, the Cooper Township Municipal Authority hereby appropriates and condemns real estate designated in the Resolution, a copy of which is attached as Exhibit "A". The Condemnees are Ronald Lyncha and Stephanie Lyncha, 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.

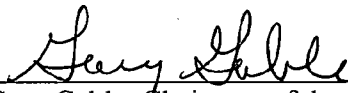
**WHEREFORE**, the Cooper Township Municipal Authority declares the within premises condemned and appropriated for the public purpose mentioned.

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

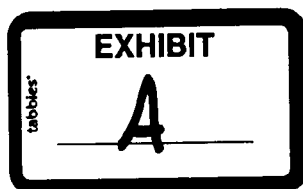
### **A RESOLUTION OF THE COOPER TOWNSHIP MUNICIPAL AUTHORITY FOR THE CONDEMNATION OF THE FOLLOWING PROPERTIES IN COOPER TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA FOR THE WASTEWATER TREATMENT SYSTEM.**

**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 Lyncha* 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 Lyncha* conditioned for the payment to the said *Ronald and Stephanie Lyncha* 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.




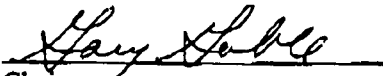
**BE IT RESOLVED**, that the solicitor be authorized to bring condemnation proceedings against *Donald Carlson and Theresa Carlson*, his wife, for certain property located in Cooper Township, Clearfield County, Pennsylvania, more particularly described in Clearfield County Record Book 419, page 256 for 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

  
Secretary

  
Chairman

SEAL

BURNE

"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, LAWN, 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.

RONALD LYNCHA and STEPHANIE LYNCHA,

Condemnees

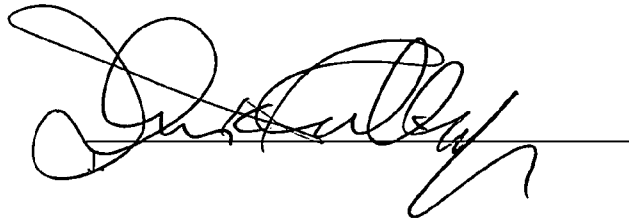
:  
:  
:  
:  
:  
:  
:  
:  
:  
:

No.

**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. J. Sullivan", is written over a horizontal line.



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

COOPER TOWNSHIP MUNICIPAL AUTHORITY,

Condemnor

vs.

RONALD LYNCHA and STEPHANIE LYNCHA,

Condemnees

:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:

No.

**BOND**

**KNOW ALL MEN BY THESE PRESENTS**, that the Declaration of Taking having been filed the 27th 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

Roger Larson  
Secretary

By: Gary Shible  
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**

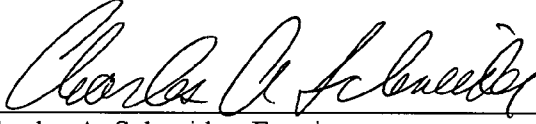
In accordance with Section 405 of the Eminent Domain Code of 1964, 26 P.S. § 1-405,  
Cooper Township Municipal Authority notifies you that:

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: 6/7/00

  
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.

RONALD LYNCHA and STEPHANIE LYNCHA,

Condemnees

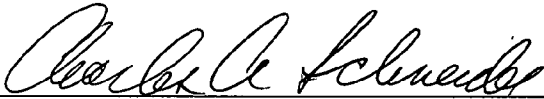
No. 00-680-C2

**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 Ronald Lyncha and Stephanie Lyncha,  
husband and wife, described in Record Book No. 717, Page No. 163.

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.

RONALD LYNCHA and STEPHANIE LYNCHA,

Condemnees

No. 00-680-CD

**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**

012104521  
JUN 23 2000

William A. Sh...  
Prothonotary

E/KLB

MARK S. WEAVER

(3)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

COOPER TOWNSHIP MUNICIPAL

00-680-CD

VS

LYNCHA, RONALD & STEPHANIE

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

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

SO ANSWERS,

Chester A. Hawkins  
by Marlynn Harris

CHESTER A. HAWKINS  
SHERIFF

FILED

AUG 10 2000  
01:11 am  
William A. Shaw  
Prothonotary