

00-724-CD
JOSEPH A. ROBISON -vs- HAROLD HILMAN et al

LEHMAN & KASUBICK
611 BRISBIN STREET
HOUTZDALE, PA 16651
(814) 378-7840

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

(53) JOSEPH A. ROBISON;
Plaintiff

vs.

(41) HAROLD HILEMAN, a/k/a
(43) HAROLD HILEMAN-RUNG;

(21) CLARK HILEMAN and MINERVA
HILEMAN; his wife;

(52) JOSEPH G. HIGGINS and
(13) MARY HIGGINS, his wife;

(103) WILLIAM LUTHER and HELEN
M. LUTHER, his wife;

and their heirs, executors,
administrators, successors,
trustees and assigns, known
or unknown, and any other
person who may claim title
or an interest in the
property subject to this
action,

Defendants

: No.: 00-724-CD
:
: Type of Case: Quiet
: Title Action
: Type of Pleading:
: Complaint
: Filed on behalf of:
: Plaintiff
: Counsel of Record For
: This Party:
: Girard Kasubick, Esq.
: Supreme Court #30109
: LEHMAN & KASUBICK
: 611 Brisbin Street
: Houtzdale, PA 16651

FILED

JUN 19 2000

William A. Shaw
Prothonotary

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to
CLA
6/20

Land in the Village of Madera, Bigler
Township, Clearfield County, PA

FILED

JUN 19 2000

Shaw
11/19/00
William A. Shaw
Prothonotary

Cathy Kaubick

PD \$90.00

NCC

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

JOSEPH A. ROBISON,
Plaintiff

: No.: 00-724 -CD
:
: QUIET TITLE ACTION

vs.

:
:
:
HAROLD HILEMAN, a/k/a
HAROLD HILEMAN RUNG;
CLARK HILEMAN and MINERVA
HILEMAN, his wife;
JOSEPH G. HIGGINS and
MARY HIGGINS, his wife;
WILLIAM LUTHER and HELEN
M. LUTHER, his wife;
and their heirs, executors,
administrators, successors,
trustees and assigns, known
or unknown, and any other
person who may claim title
or an interest in the
property subject to this
action,
Defendants

FILED

JUN 19 2000

William A. Shaw
Prothonotary

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA :

§:

COUNTY OF CLEARFIELD :

Before me, the undersigned officer, personally appeared JOSEPH A. ROBISON, who being duly sworn according to law, deposes and says that the names of the Defendants, Harold Hileman, a/k/a Harold Hileman Rung; Clark Hileman and Minerva Hileman, his wife; Joseph G. Higgins and Mary Higgins, his wife; William Luther and Helen M. Luther, his wife; their heirs, executors, administrators, successors,

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JUN 19 2000
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William A. Shaw
Prothonotary

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

JOSEPH A. ROBISON,
Plaintiff

: No.: 00-724 -CD
:
: QUIET TITLE ACTION

vs.

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HAROLD HILEMAN, a/k/a
HAROLD HILEMAN RUNG;
CLARK HILEMAN and MINERVA
HILEMAN, his wife;
JOSEPH G. HIGGINS and
MARY HIGGINS, his wife;
WILLIAM LUTHER and HELEN
M. LUTHER, his wife;
and their heirs, executors,
administrators, successors,
trustees and assigns, known
or unknown, and any other
person who may claim title
or an interest in the
property subject to this
action,
Defendants

FILED

JUN 19 2000


William A. Shaw
Prothonotary

MOTION FOR SERVICE BY PUBLICATION

1. Your Petitioners is Joseph A. Robison, Plaintiff
in the above-captioned matter.

2. Petitioner, by attached affidavit incorporated
herein by reference thereto, believes that certain of the
named Defendants are deceased or their whereabouts are
unknown.

WHEREFORE, Petitioner, by his attorney, Girard
Kasubick, Esq., requests that your Honorable Court issue an
order that certain of the herein named Defendants be served
by publication as required by law.


Girard Kasubick, Esq.
Attorney for Plaintiff

FILED

Shaw

JUN 19 2000

William A. Shaw
Prothonotary

William A. Shaw
Prothonotary

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

JOSEPH A. ROBISON,	:	No.: 00-	-CD
Plaintiff	:		
	:	Type of Case:	Quiet
vs.	:	Title Action	
	:	Type of Pleading:	
HAROLD HILEMAN, a/k/a	:	Complaint	
HAROLD HILEMAN RUNG;	:	Filed on behalf of:	
CLARK HILEMAN and MINERVA	:	Plaintiff	
HILEMAN, his wife;	:	Counsel of Record For	
JOSEPH G. HIGGINS and	:	This Party:	
MARY HIGGINS, his wife;	:	Girard Kasubick, Esq.	
WILLIAM LUTHER and HELEN	:	Supreme Court #30109	
M. LUTHER, his wife;	:	LEHMAN & KASUBICK	
and their heirs, executors,	:	611 Brisbin Street	
administrators, successors,	:	Houtzdale, PA 16651	
trustees and assigns, known	:		
or unknown, and any other	:		
person who may claim title	:		
or an interest in the	:		
property subject to this	:		
action,	:		
Defendants	:		

NOTICE

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the Court without further notice

for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

David Meholick
Court Administrator's Office
Clearfield County Court House
Clearfield, PA 16830
(814) 765-2641

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

JOSEPH A. ROBISON,	:	No.: 00-	-CD
Plaintiff	:		
	:	QUIET TITLE ACTION	
vs.	:		
	:		
HAROLD HILEMAN, a/k/a	:		
HAROLD HILEMAN RUNG;	:		
CLARK HILEMAN and MINERVA	:		
HILEMAN, his wife;	:		
JOSEPH G. HIGGINS and	:		
MARY HIGGINS, his wife;	:		
WILLIAM LUTHER and HELEN	:		
M. LUTHER, his wife;	:		
and their heirs, executors,	:		
administrators, successors,	:		
trustees and assigns, known	:		
or unknown, and any other	:		
person who may claim title	:		
or an interest in the	:		
property subject to this	:		
action,	:		
Defendants	:		

COMPLAINT

AND NOW comes, Joseph A. Robison, by and through his attorney, Girard Kasubick, Esq., and files the following Complaint:

1. The Plaintiff is Joseph A. Robison, who resides at R.R. 1, Box 322, Houtzdale, PA 16651.

2. The Defendants are Harold Hileman, a/k/a Harold Hileman Rung; Clark Hileman and Minerva Hileman, his wife; Joseph G. Higgins and Mary Higgins, his wife; William Luther and Helen M. Luther, his wife; and their heirs,

executors, administrators, successors, trustees and assigns, known or unknown, and any other person who may claim title under them, and who are deceased or their whereabouts are unknown.

3. The real property involved in and subject of this action is all that certain tract or parcel of land located in the Village of Madera, Bigler Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a corner of a stone wall on the easterly line of Pennsylvania State Highway Route No. 453, at the Southwest corner of land now or formerly of Bigler Township Supervisors; thence North 62 degrees 10 minutes East along land now or formerly of Bigler Township Supervisors a distance of two hundred sixty-eight and one-tenth (268.1) feet to an iron pin; thence North 40 degrees 11 minutes West along said land of Bigler Township Supervisors a distance of one hundred forty-three and twenty-five one-hundredths (143.25) feet to an iron pin on the southerly line of a street; thence along said street North 79 degrees 32 minutes East a distance of one hundred ninety-two (192) feet to an iron pin and corner of land now or formerly of Frank Montora; thence along said Montora land South 20 degrees East a distance of three hundred seven (307) feet to an iron pin; thence continuing along Montora land North 77 degrees East a distance of one hundred seventy-five (175) feet to an iron pin and corner of land now or formerly of the Roman Catholic Church; thence along said Church land South 16 degrees 15 minutes East a distance of ninety-seven (97) feet to an iron pin; thence continuing along said Church land North 74 degrees 5 minutes East a distance of one hundred twenty-three and two-tenths (123.2) feet to an iron pin; thence along said Church land North 16 degrees 15 minutes West a distance of eighteen (18) feet to an iron pin; thence along said Church land North 74 degrees 5 minutes East a distance of twenty-six and fifteen one-hundredths (26.15) feet to an iron pin and corner of land now or formerly of Matt Gleet; thence along said Gleet land South 16 degrees 15 minutes East a distance of one hundred thirteen and four-tenths (113.4) feet to an iron pin and corner on land now or formerly of Penn Public Service

Company; thence along Penn Public Service Company land South 74 degrees 5 minutes West a distance of forty-one (41) feet to an iron pin; thence continuing along Penn Public Service Company land South 16 degrees 15 minutes East a distance of one hundred thirty-two (132) feet to an iron pin and corner on land now or formerly of John Moore; thence along said Moore land South 74 degrees 5 minutes West a distance of one hundred twenty-two (122) feet to a point; thence continuing along Moore land South 15 degrees 36 minutes West a distance of four hundred sixty-nine and six-tenths (469.6) feet to point and land now or formerly of Rueben Hegarty; thence along an old fence line and said Hegarty land North 47 degrees 19 minutes West a distance of seven hundred forty-nine and one-tenth (749.1) feet to an iron pin on the easterly line of Pennsylvania State Highway Route No. 453; thence along said Highway Route North 2 degrees 22 minutes West a distance of two hundred forty-one and two-tenths (241.2) feet to an iron pin, the point and place of beginning. Containing 10.87 acres. A survey of the same was made by Lex W. Curry, Registered Surveyor, on October 3, 1969.

The above described property is known by Clearfield County Tax Map Numbers 103-K14-488-22 and 103-K14-28 and it is hereinafter referred to as "Premises".

4. The deeds and method by which Joseph A. Robison obtained title to the real property described in Paragraph 3 of this Complaint is as follows:

a). The Premises was conveyed to Joseph A. Robison by deed from Janice S. Gibson and Jamin M. Gibson, her husband, and John W. Stoker, Jr., single, dated March 17, 2000 and recorded in Clearfield County Instrument No. 200003973.

b). The Premises was conveyed to Janice S. Gibson and John W. Stoker by deed from Richard F. Washek

and James B. Stodart, Co-Executors of the Estate of Kathryn S. Walter, dated October 22, 1999 and recorded in Clearfield County Instrument No. 199918331.

c). Kathryn S. Walter died a resident of Mifflin County, Pennsylvania, on January 24, 1999. An Estate for Kathryn Walter is opened to Clearfield County Estate File No. 99-621 and her Will is exemplified from Mifflin County in Clearfield County Instrument No. 200003944.

d). The Will of Kathryn S. Walter in Instrument No. 200003944 refers to the Premises herein in Paragraph Second as 10 acres. The Premises are Willed to her brother, John W. Stoker. If her brother does not survive then the Premises is devised to her brother's wife, Elaine Stoker. If her brother's wife does not survive, the Premises is devised to John W. Stoker's and Elaine Stoker's issue per stirpes.

e). John W. Stoker died on February 20, 1999 less than one month after his sister, Kathryn S. Walter.

f). The Estate of John W. Stoker is filed in Blair County, Pennsylvania, wherein his wife, Elaine E. Stoker is duly appointed Executrix. Elaine E. Stoker as Executrix of the Estate of John W. Stoker and in her own right as an individual filed disclaimers of Inheritance in

the Estate of Kathryn S. Walter dated August 28, 1999 and September 18, 1999, respectively, to the 10 acres in Kathryn S. Walter's Estate being the Premises herein. These disclaimers are filed in Clearfield County Instrument No. 199918590 and 199918591.

g). John W. Stoker and Elaine E. Stoker, his wife, had three (3) children, namely; Janice S. Gibson, John W. Stoker, Jr., and Arthur Wesley Stoker. Arthur Wesley Stoker died January 8, 1977 having never married and without any children. Therefore, the heirs to the Premises under the Will of Kathryn S. Walter with the disclaimers filed were Janice S. Gibson and John W. Stoker, Jr.

h). The Premises was conveyed to Kathryn S. Walter and Earl R. Walter, her husband, by deed from John W. Stoker and Kathryn J. Walter, Executors of the Estate of Nellie S. Stoker dated December 24, 1969 and recorded in Clearfield County Deed Book 558, Page 77.

i). Earl R. Walter died on April 4, 1990, as set forth in the deed recorded in Clearfield County Instrument No. 199918331 in Subparagraph b). above, thereby vesting title in the Premises to Kathryn J. Walter, who was also known as Kathryn S. Walter.

j). The Premises subject of this action was a part of portion of three (3) deeds conveyed into Nellie

Stoker, a/k/a Nellie S. Stoker, and Arthur Stoker, a/k/a Arthur W. Stoker, her husband, being as follows:

I. Deed from Harold Hileman Rung, a/k/a Harold Hileman devisee under Will of Clark Hileman dated February 22, 1946 and recorded in Clearfield County Deed Book 373, Page 522. This deed describes four (4) parcels of land of which Premises may be a part of or inclusive within.

II. Deed from Harold Hileman Rung, a/k/a Harold Hileman, devisee under Will of Clark Hileman dated October 27, 1945 and recorded in Clearfield County Deed Book 373, page 520. This deed describes one (1) parcel of land which Premises may be a part of or inclusive within.

III. Deed from Sadie Washek, widow, dated March 30, 1934 and recorded in Clearfield County Deed Book 307, Page 351. This deed describes one (1) parcel of land which Premises may be a part of or inclusive within.

k). Arthur Stoker, a/k/a Arthur W. Stoker, died on November 27, 1955 and his Estate is found in the Clearfield County Register of Wills Office to File No. 22609. By his death the properties under Subparagraph j). above vested in his wife, Nellie Stoker, a/k/a Nellie S. Stoker.

l). Nellie Stoker, a/k/a Nellie S. Stoker, died on June 11, 1968 and her Estate is found in Clearfield County Register of Wills Office to File No. 27463. By her Will in Clearfield County Will Book 13, Page 470, she devised all her estate to her two (2) children, Kathryn Stoker Walter and John W. Stoker. The First and Final Account shows all the Bigler Township property in Madera is to be distributed to Kathryn J. Walter which accounting was confirmed absolute on October 10, 1969 and which resulted in the deed under Subparagraph h). above.

m). Clark Hileman died on February 22, 1944 and his estate is found in Clearfield County Register of Wills Office to File No. 18517. By his Will in Clearfield County Will Book U, Page 465, he devised in the remainder clause of his estate the Premises herein to Harold Hileman Rung and his estate inventory lists 10 acres in Bigler Township.

n). No status in life is given for Harold Hileman, a/k/a Harold Hileman Rung.

o). The four (4) parcels of land conveyed in Deed Book 373, Page 522 under Subparagraph j).I. above were conveyed to Clark Hileman and Joseph G. Higgins, as tenants in common, by deed from William Luther and Helen M. Luther, his wife, dated October 4, 1890, but not recorded until

February 23, 1946 in Clearfield County Deed Book 372, Page 8.

p). After diligent search of the Recorder of Deeds Office of Clearfield County, there is no recorded deed from Joseph G. Higgins or Mary Higgins, his wife, to Clark Hileman for the one-half (1/2) interest in the four (4) parcels under Deed Book 373, Page 522.

q). Joseph Higgins, a/k/a Joseph G. Higgins died on September 30, 1925 and his estate is found in Clearfield County Register of Wills File No. 10257 and by his Will his wife, Mary Higgins, is devised all his property under his Will found in Clearfield County Will Book N, Page 277.

r). The deeds on the four (4) parcels into William Luther and Helen M. Luther are tax sale deeds and unrecorded deeds and assignments which occurred prior to the 1890's.

s). The one (1) parcel conveyed in Deed Book 373, Page 520 under Subparagraph j).II. above was a part of the property conveyed to Clark Hileman and Joseph G. Higgins by Fred M. Carden, Sheriff of Clearfield County, as property of William Luther by deed dated February 9, 1893 and recorded in Clearfield County Sheriff's Deed Book 1, Page 249. There are four (4) tracts described in this deed,

but they are different descriptions than the four (4) tracts in Subparagraph j).I. above and appears to be different parcels.

t). Joseph G. Higgins and Mary Higgins, his wife, did convey their interest in the four (4) tracts in Sheriff's Deed Book 1, Page 249 to Clark Hileman by deed dated April 21, 1903 and recorded in Clearfield County Deed Book 212, Page 379.

u). The one (1) parcel conveyed in Deed Book 307, Page 351 under Subparagraph j).III. above vested in Sadie Washek by deed recorded in Clearfield County Deed Book 307, Page 342, but there is no problem in this chain of title back to 1934.

5. The Plaintiff and his predecessors and title have been in open, continuous, notorious, actual, exclusive, visible, distinct and hostile possession of the property described in Paragraph 3 of this Complaint in excess of twenty-one (21) years immediately preceding the filing of this Action, and thereby claim title by adverse possession.

6. This Quiet Title Action is also necessary to establish a proper chain of title out of which the real property subject of this action comes, because it is impossible to determine which tracts of land the Premises herein is derived from and because of irregularities in the

chain of title including unrecorded deeds, variances in the descriptions, failure to file estates for deceased parties establishing a proper chain of title, tax sales of record, deeds recorded wherein it is unclear what property they may be transferring, all of which raise a question as to the chain of title to the Premises subject of this action and create a cloud on title.

7. It is finally averred that this Quiet Title Action is necessary to determine the validity or discharge of any document, obligation, assessment or deed affecting any right, title and interest in the property subject of this action, which may affect the rights of the Defendants.

8. All of the named Defendants to this action are deceased or their whereabouts are unknown and Plaintiff has made a diligent and reasonable search to locate the whereabouts of the Defendants, Harold Hileman, a/k/a Harold Hileman Rung; Clark Hileman and Minerva Hileman, his wife; Joseph G. Higgins and Mary Higgins, his wife; William Luther and Helen M. Luther, his wife; but they are deceased or their whereabouts are unknown.

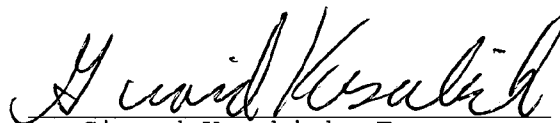
WHEREFORE, Plaintiff brings this action and respectfully requests the Court to decree as follows:

a). That the Plaintiff, his heirs, executors, personal representatives and assigns are seized of an

indefeasible title to the property situated in Bigler Township, Clearfield County, Pennsylvania, described herein and that an Order and Decree be entered adjudicating that each Defendant and any of their heirs, successors, trustees, personal representatives, or assigns be forever barred from asserting any right, title, lien or interest in the within described parcel of land.

b). That such other relief be granted as may be necessary in establishing Plaintiff's title, including determinations on the validity or discharge of any documents, obligations or deeds affecting right, title and interest in the property described herein.

c). Such other and further relief as the Court deems proper.


Girard Kasubick, Esq.
Attorney for Plaintiff

COMMONWEALTH OF PENNSYLVANIA :

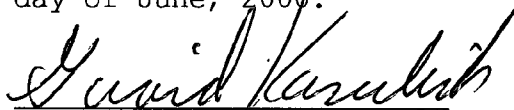
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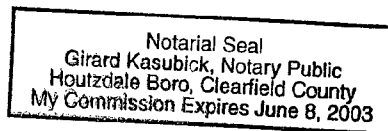
COUNTY OF CLEARFIELD :

On this, the 19th day of June, 2000, before me, the undersigned officer, personally appeared JOSEPH A. ROBISON, who being duly sworn according to law, deposes and says that the facts set forth in the foregoing Complaint are true and correct to the best of his knowledge, information and belief.


Joseph A. Robison

Sworn to and subscribed
before me this 19th
day of June, 2000.


N.P.



FILED

JUN 19 2000

William A. Shaw
Prothonotary

011191 Cathy Kaubrick
PD \$96.00
NCC

LEHMAN & KASUBICK
611 BRISBIN STREET
HOUTZDALE, PA 16651
(814) 378-7840

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

JOSEPH A. ROBISON,
Plaintiff

: No.: 00-724 -CD
:
: QUIET TITLE ACTION

vs.

:
:
:
HAROLD HILEMAN, a/k/a
HAROLD HILEMAN RUNG;
CLARK HILEMAN and MINERVA
HILEMAN, his wife;
JOSEPH G. HIGGINS and
MARY HIGGINS, his wife;
WILLIAM LUTHER and HELEN
M. LUTHER, his wife;
and their heirs, executors,
administrators, successors,
trustees and assigns, known
or unknown, and any other
person who may claim title
or an interest in the
property subject to this
action,
Defendants

FILED

JUN 19 2000

William A. Shaw
Prothonotary


AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF CLEARFIELD : S:

Before me, the undersigned officer, personally appeared JOSEPH A. ROBISON, who being duly sworn according to law, deposes and says that the names of the Defendants, Harold Hileman, a/k/a Harold Hileman Rung; Clark Hileman and Minerva Hileman, his wife; Joseph G. Higgins and Mary Higgins, his wife; William Luther and Helen M. Luther, his wife; their heirs, executors, administrators, successors,

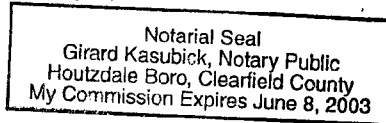
trustees, and assigns, known or unknown, are all deceased or their whereabouts are unknown to the Plaintiff.

Plaintiff and his attorney have made an investigation to locate the aforesaid Defendants that are unknown, by checking the records of Clearfield County and by review of the telephone directories in the area, however none of the above were found because they are deceased or their whereabouts are unknown.


Joseph A. Robison

Sworn to and subscribed
before me this 19th
day of June, 2000.


N.P.



FILED

JUN 19 2000
01127110cc
William A. Shaw
Prothonotary

LEHMAN & KASUBICK
611 BRISBIN STREET
HOUTZDALE, PA 16651
(814) 378-7840

Girard Kasubick, Esq.
Attorney for Plaintiff

FILED

JUN 19 2000

William A. Shaw
William A. Shaw
Prothonotary

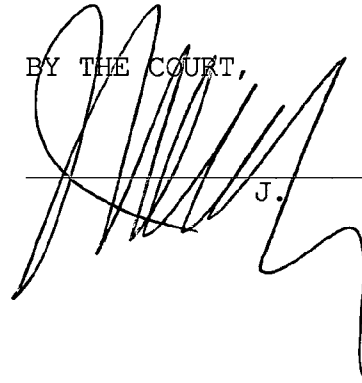
LEHMAN & KASUBICK
611 BRISBIN STREET
HOUTZDALE, PA 16651
(814) 378-7810

Q

NOW, this 20th day of June, 2000, the within Action being an Action to Quiet Title and the Plaintiff having made affidavit that the addresses of certain Defendants are unknown and cannot be ascertained, and therefore upon motion of Girard Kasubick, Esq., Attorney for Plaintiff, it is Ordered and Decreed that substitute service by publication be made upon the Defendants whose addresses are unknown, or may be deceased, by giving notice in the Progress, a newspaper of general circulation

published in the Clearfield County area, and in the Clearfield County Legal Journal, to the above named Defendants whose addresses are unknown, or may be deceased; such publication to be one (1) time only stating that this action has been filed, and that this Complaint must be pleaded to within twenty (20) days after publication of notice; otherwise judgment will be taken against all of the Defendants by default.

BY THE COURT,



J.

FILED

JUN 21 2000
O 18:43
William A. Shaw
Prothonotary
Cecily Kaubick
for

LEHMAN & KASUBICK
611 BRISBIN STREET
HOUTZDALE, PA 16651
(814) 378-7810

William A. Shaw
Prothonotary

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

JOSEPH A. ROBISON,	:	No.: 00-724-CD
Plaintiff	:	
	:	QUIET TITLE ACTION
vs.	:	
	:	
HAROLD HILEMAN, a/k/a	:	
HAROLD HILEMAN RUNG;	:	
CLARK HILEMAN and MINERVA	:	
HILEMAN, his wife;	:	
JOSEPH G. HIGGINS and	:	
MARY HIGGINS, his wife;	:	
WILLIAM LUTHER and HELEN	:	
M. LUTHER, his wife;	:	
and their heirs, executors,	:	
administrators, successors,	:	
trustees and assigns, known	:	
or unknown, and any other	:	
person who may claim title	:	
or an interest in the	:	
property subject to this	:	
action,	:	
Defendants	:	

AFFIDAVIT OF SERVICE

Before me, William A. Shaw, Prothonotary, personally appeared Girard Kasubick, Esq., who being duly sworn according to law, deposes and says that service was made in this case by publication in the Clearfield Progress one time only on June 28, 2000 and in the Clearfield County Legal Journal one time only for the week of June 30, 2000, as appears by sworn proof hereto attached, and that all the named Defendants who are deceased or their whereabouts are unknown, were served by publication and not by any other

manner. No appearance having been entered on behalf of any of the Defendants served by publication, nor any answer filed by any of them after service of a Complaint containing a notice to defend. Plaintiff has caused this Affidavit to be made for the purpose of obtaining a decree or Order of Court under Pa. R.C.P. 1066.

WHEREFORE, this Affidavit of Service made by the manner aforesaid is made for the purpose of obtaining a Decree of Court.



Girard Kasubick, Esq.
Attorney for Plaintiff

Sworn to and subscribed
before me this 26th
day of July, 2000.



N.P.

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

LEGAL NOTICE
IN THE COURT OF COMMON
PLEAS OF CLEARFIELD
COUNTY, PA, CIVIL DIVISION
No.: 00-724-CD, QUIET TITLE
ACTION

JOSEPHA. ROBISON, Plaintiff
vs.
HAROLD HILEMAN, a/k/a, HAR-
OLD HILEMAN RUNG; CLARK HI-
LEMAN and MINERVA HILEMAN,
his wife; JOSEPH G. HIGGINS and
MARY HIGGINS, his wife; WILLIAM
LUTHER and HELEN M. LUTHER,
his wife; and their heirs, executors,
administrators, successors, trust-
ees and assigns, known or un-
known, and any other person who
may claim title or an interest in the
property subject to this action, De-
fendants

ACTION TO QUIET TITLE
NOTICE

TO: HAROLD HILEMAN, a/k/a
HAROLD HILEMAN RUNG;
CLARK HILEMAN and MINERVA
HILEMAN, his wife; JOSEPH G.
HIGGINS and MARY HIGGINS, his
wife; WILLIAM LUTHER and HE-
LEN M. LUTHER, his wife; their
heirs, executors, administrators,
successors, trustees, successors
and assigns, known or unknown:

You have been sued in Court. You
are hereby notified that an Action to
Quiet Title subject to that tract or
parcel of land located in the Village
of Madera, Bigler Township, Clear-
field County, Pennsylvania, has
been filed against you. Said land is
bounded and described as follows:

BEGINNING at a corner of a stone
wall on the easterly line of Pennsylv-
ania State Highway Route No.
453, at the Southwest corner of
land now or formerly of Bigler
Township Supervisors; thence
North 62 degrees 10 minutes East
along land now or formerly of Bigler
Township Supervisors a distance
of two hundred sixty-eight and one-
tenth (268.1) feet to an iron pin;
thence North 40 degrees 11 min-
utes West along said land of Bigler
Township Supervisors a distance
of one hundred forty-three and
twenty-five one-hundredths
(143.25) feet to an iron pin on the
southerly line of a street; thence
along said street North 79 degrees
32 minutes East a distance of one
hundred ninety-two (192) feet to an
iron pin and corner of land now or
formerly of Frank Montora; thence
along said Montora land South 20
degrees East a distance of three
hundred seven (307) feet to an iron
pin; thence continuing along Mon-
tora land North 77 degrees East a
distance of one hundred seventy-
five (175) feet to an iron pin and
corner of land now or formerly of
the Roman Catholic Church;
thence along said Church land
South 16 degrees 15 minutes East
a distance of ninety-seven (97) feet
to an iron pin; thence continuing
along said Church land North 74
degrees 5 minutes East a distance
of one hundred twenty-three and
two-tenths (123.2) feet to an iron
pin; thence along said Church land
North 16 degrees 15 minutes West
a distance of eighteen (18) feet to
an iron pin; thence along said
Church land North 74 degrees 5
minutes East a distance of twenty-
six and fifteen one-hundredths
(26.15) feet to an iron pin and cor-
ner of land now or formerly of Matt
Gleet; thence along said Gleet land
South 16 degrees 15 minutes East

a distance of one hundred thirteen
and four-tenths (113.4) feet to an
iron pin and corner on land now or
formerly of Penn Public Service
Company; thence along Penn Pub-
lic Service Company land South 74
degrees 5 minutes West a distance
of forty-one (41) feet to an iron pin;
thence continuing along Penn Pub-
lic Service Company land South 16
degrees 15 minutes East a dis-
tance of one hundred thirty-two
(132) feet to an iron pin and corner
on land now or formerly of John
Moore; thence along said Moore
land South 74 degrees 5 minutes
West a distance of one hundred
twenty-two (122) feet to a point;
thence continuing along Moore
land South 15 degrees 36 minutes
West a distance of four hundred
sixty-nine and six-tenths (469.6)
feet to point and land now or for-
merly of Rueben Hegarty; thence
along an old fence line and said He-
garty land North 47 degrees 19
minutes West a distance of seven
hundred forty-nine and one-tenth
(749.1) feet to an iron pin on the
easterly line of Pennsylvania State
Highway Route No. 453; thence
along said Highway Route North 2
degrees 22 minutes West a dis-
tance of two hundred forty-one and
two-tenths (241.2) feet to an iron
pin, the point and place of begin-
ning. Containing 10.87 acres. A
survey of the same was made by
Lex W. Curry, Registered Sur-
veyor, on October 3, 1969.

You are further notified to appear
and answer the Complaint in said
Action within twenty (20) days of
this Notice, otherwise judgment will
be entered against you barring you
from all claims, rights and interest
inconsistent with the Plaintiff's
claim of title as set forth in the Com-
plaint.

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :
COUNTY OF CLEARFIELD : SS:

On this 10th day of July, A.D. 2000,
before me, the subscriber, a Notary Public in and for said County and
State, personally appeared Margaret E. Krebs, who being duly sworn
according to law, deposes and says that she is the President of The
Progressive Publishing Company, Inc., and Associate Publisher of The
Progress, a daily newspaper published at Clearfield, in the County of
Clearfield and State of Pennsylvania, and established April 5, 1913, and
that the annexed is a true copy of a notice or advertisement published in
said publication in

the regular issues of June 28, 2000

And that the affiant is not interested in the subject matter of the notice or
advertising, and that all of the allegations of this statement as to the time,
place, and character of publication are true.

Margaret E. Krebs

Sworn and subscribed to before me the day and year aforesaid.

Ann K. Law

Notary Public

Clearfield, Pa.

My Commission Expires
September 16, 2000

Notarial Seal
Ann K. Law, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires Sept. 16, 2000

NOTICE

TO: HAROLD HILEMAN, a/k/a
HAROLD HILEMAN RUNG;
CLARK HILEMAN and MINERVA
HILEMAN, his wife; JOSEPH G.
HIGGINS and MARY HIGGINS, his
wife; WILLIAM LUTHER and HE-
LEN M. LUTHER, his wife; their
heirs, executors, administrators,
successors, trustees and assigns,
known or unknown.

If you wish to defend, you must
enter a written appearance person-
ally or by attorney and file your de-
fenses or objections on writing with
the Court. You are warned that if
you fail to do so, the case may pro-
ceed without you and a judgment
may be entered against you without
further notice for the relief re-
quested by the Plaintiff. You may
lose money or property or other
rights important to you.

YOU SHOULD TAKE THIS PA-
PER TO YOUR LAWYER AT ONE.
IF YOU DO NOT HAVE A LAWYER
OR CANNOT AFFORD ONE, GO
TO OR TELEPHONE THE OFFICE
SET FORTH BELOW TO FIND OUT
WHERE YOU CAN GET LEGAL
HELP.

Court Administrator's Office,
Clearfield County Court House,
Clearfield, PA 16830, (814)
765-2641

LEHMAN & KASUBICK, 611 Bris-
bin Street, Houtzdale, Pa 16651
6/28/1d/b

PROOF OF PUBLICATON

STATE OF PENNSYLVANIA

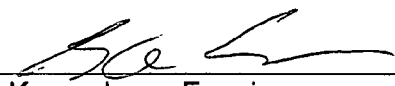
:

:

COUNTY OF CLEARFIELD

:

On this 11th day of July AD 2000, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Gary A. Knaresboro, who being duly sworn according to law, proposes and says that he is the editor of the Clearfield County Legal Journal of the Courts of Clearfield County, and that the annexed is a true copy of the notice or advertisement published in said publication in the regular issues of Week of June 30, 2000, Vol. 12, No. 26. And that all of the allegations of this statement as to the time, place, and character of the publication are true.



Gary A. Knaresboro, Esquire
Editor

Sworn and subscribed to before me the day and year aforesaid.



Notary Public
My Commission Expires

Notarial Seal
Theresa C. Knaresboro, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires June 10, 2002
Member, Pennsylvania Association of Notaries

Lehman & Kasubick
611 Brisbin Street
Houtzdale, PA 16651

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

JOSEPH A. ROBISON, Plaintiff vs.
HAROLD HILEMAN, a/k/a HAROLD
HILEMAN RUNG; CLARK HILEMAN and
MINERVA HILEMAN, his wife; JOSPEH
G. HIGGINS and MARY HIGGINS, his
wife; WILLIAM LUTHER and HELEN M.
LUTHER, his wife; and their heirs,
executors, administrators, successors,
trustees and assigns, known or unknown,
and any other person who may claim title or
an interest in the property subject of this
action, Defendants.

ACTION TO QUIET TITLE
NOTICE

TO: HAROLD HILEMAN, a/k/a
HAROLD HILEMAN RUNG; CLARK
HILEMAN and MINERVA HILEMAN, his
wife; JOSPEH G. HIGGINS and MARY
HIGGINS, his wife; WILLIAM LUTHER and
HELEN M. LUTHER, his wife; and their
heirs, executors, administrators, succes-
sors, trustees and assigns, known or
unknown:

You have been sued in Court. You are
hereby notified that an Action to Quiet Title
subject to that tract or parcel of land located
in the Village of Madera, Bigler Township,
Clearfield County, Pennsylvania, has been
filed against you. Said land is bounded and
described as follows:

BEGINNING at a corner of a stone wall
on the easterly line of Pennsylvania State
Highway Route No. 453, at the Southwest
corner of land now or formerly of Bigler
Township Supervisors; thence North 62
degrees 10 minutes East along land now or
formerly of Bigler Township Supervisors a
distance of two hundred sixty-eight and
one-tenth (268.1) feet to an iron pin; thence
North 40 degrees 11 minutes West along
said land of Bigler Township Supervisors a
distance of one hundred forty-three and
twenty-five one-hundredths (143.25) feet to
an iron pin on the Southerly line of a street;
thence along said street North 79 degrees
32 minutes East a distance of one hundred
ninety-two (192) feet to an iron pin and
corner of land now or formerly of Frank
Montora; thence along said Montora land
South 20 degrees East a distance of three
hundred seven (307) feet to an iron pin;
thence continuing along Montora land North
77 degrees East a distance of one hundred
seventy-five (175) feet to an iron pin and
corner of land now or formerly of the Roman
Catholic Church; thence along said Church
land South 16 degrees 15 minutes East a
distance of ninety-seven (97) feet to an iron
pin; thence continuing along said church
land North 74 degrees 5 minutes East a
distance of one hundred twenty-three and
two-tenths (123.2) feet to an iron pin;
thence long said Church land north 16

degrees 15 minutes West a distance of
eighteen (18) feet to an iron pin; thence
along side Church land North 74 degrees 5
minutes East a distance of twenty-six and
fifteen one-hundredths (26.15) feet to an
iron pin and corner of land now or formerly
of Matt Gleet; thence along said Gleet land
South 16 degrees 15 minutes East a
distance of one hundred thirteen and four-
tenths (113.4) feet to an iron pin and
corner on land now or formerly of Penn
Public Service Company; thence along
Penn Public Service Company land South
74 degrees 5 minutes West a distance of
forty-one (41) feet to an iron pin; thence
continuing along Penn Public Service
Company land South 16 degrees 15
minutes East a distance of one hundred
thirty-two (132) feet to an iron pin and
corner on land now or formerly of John
Moore; thence along said Moore land South
74 degrees 5 minutes West a distance of
one hundred twenty-two (122) feet to a
point; thence continuing along Moore land
South 15 degrees 36 minutes West a
distance of four hundred sixty-nine and six-
tenths (469.6) feet to point and land now or
formerly of Rueben Hegarty; thence along
an old fence line and said Hegarty land
North 47 degrees 19 minutes West a
distance of seven hundred forty-nine and
one-tenth (749.1) feet to an iron pin on the
easterly line of Pennsylvania State Highway
Route No. 453; thence along said Highway
Route North 2 degrees 22 minutes West a
distance of two hundred forty-one and two-
tenths (241.2) feet to an iron pin, the point
and place of beginning. Containing 10.87
acres. A survey of the same was made by
Lex W. Curry, Registered Surveyor, on
October 3, 1969.

You are further notified to appear and
answer the Complaint in said Action within
twenty (20) days of this Notice, otherwise
judgment will be entered against you barring
you from all claims, rights and interest
inconsistent with the Plaintiff's claim of title
as set forth in the Complaint.

NOTICE

TO: HAROLD HILEMAN, a/k/a
HAROLD HILEMAN RUNG; CLARK
HILEMAN and MINERVA HILEMAN, his
wife; JOSPEH G. HIGGINS and MARY
HIGGINS, his wife; WILLIAM LUTHER and
HELEN M. LUTHER, his wife; and their
heirs, executors, administrators, succes-
sors, trustees and assigns, known or
unknown:

If you wish to defend, you must enter a
written appearance personally or by attorney
and file your defenses or objections in
writing with the court. You are warned that if
you fail to do so, the case may proceed
without you and a judgment may be entered
against you without further notice for the
relief requested by the Plaintiff. You may
lose money or property or other rights

important to you.

YOU SHOULD TAKE THIS PAPER
TO YOUR LAWYER AT ONCE. IF YOU
DO NOT HAVE A LAWYER OR CANNOT
AFFORD ONE, GO TO OR TELEPHONE
THE OFFICE SET FORTH BELOW TO
FIND OUT WHERE YOU CAN GET
LEGAL HELP.

Court Administrator's Office, Clearfield
County Court House, Clearfield, PA 16830
(814) 765-2641.

LEHMAN & KASUBICK, 611 Brisbin
Street, Houtzdale, PA 16651.

FILED

JUL 26 2000

09:41/20 cc
William A. Shaw
Prothonotary

LEHMAN & KASUBICK
611 BRISBIN STREET
HOUTZDALE, PA 16651
(814) 378-7840

9

William A. Shaw
Prothonotary

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

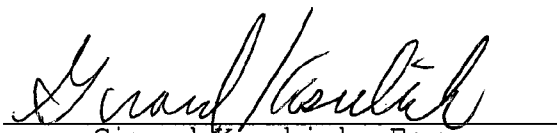
JOSEPH A. ROBISON,	:	No.: 00-724-CD
Plaintiff	:	
	:	QUIET TITLE ACTION
vs.	:	
	:	
HAROLD HILEMAN, a/k/a	:	
HAROLD HILEMAN RUNG;	:	
CLARK HILEMAN and MINERVA	:	
HILEMAN, his wife;	:	
JOSEPH G. HIGGINS and	:	
MARY HIGGINS, his wife;	:	
WILLIAM LUTHER and HELEN	:	
M. LUTHER, his wife;	:	
and their heirs, executors,	:	
administrators, successors,	:	
trustees and assigns, known	:	
or unknown, and any other	:	
person who may claim title	:	
or an interest in the	:	
property subject to this	:	
action,	:	
Defendants	:	

MOTION FOR JUDGMENT

NOW, this 26th day of July, 2000, an Affidavit having been executed and presented herewith on behalf of the Plaintiff showing that the Complaint was served by publication on all of the Defendants, one time only, to wit: June 28, 2000 in the Clearfield Progress and the week of June 30, 2000 in the Clearfield County Legal Journal, and further that all the named Defendants who are deceased or their whereabouts are unknown were not served in any other manner, and no Defendants served by publication

having entered an appearance or filed an Answer or having expressed any purpose of intent to be heard or desire to assert title to said property, and twenty (20) days having elapsed since the last publication, and it appearing that it was impossible to serve any of the Defendants by any other means.

WHEREFORE, Girard Kasubick, Esq., prays your Honorable Court, as attorney for the Plaintiff, that judgment be entered in favor of the Plaintiff and against the Defendants, their heirs and assigns, with direction that they file suit in ejectment or otherwise enter proceedings to contest the case within thirty (30) days, or judgment may be entered against them forever barring them from asserting any title or claim to the real estate in this action.


Girard Kasubick, Esq.
Attorney for Plaintiff

FILED

JUL 26 2000

07/24/00 cc

William A. Shaw
Prothonotary

ESB

LEHMÁN & KASUBICK
611 BRISBIN STREET
HOUTZDALE, PA 16651
(814) 378-7818

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

JOSEPH A. ROBISON,	:	No.: 00-724-CD
Plaintiff	:	
	:	Type of Case: Quiet
vs.	:	Title Action
	:	Type of Pleading:
HAROLD HILEMAN, a/k/a	:	Order of Court
HAROLD HILEMAN RUNG;	:	Filed on behalf of:
	:	Plaintiff
CLARK HILEMAN and MINERVA	:	Counsel of Record For
HILEMAN, his wife;	:	This Party:
	:	Girard Kasubick, Esq.
JOSEPH G. HIGGINS and	:	Supreme Court #30109
MARY HIGGINS, his wife;	:	LEHMAN & KASUBICK
	:	611 Brisbin Street
WILLIAM LUTHER and HELEN	:	Houtzdale, PA 16651
M. LUTHER, his wife;	:	
	:	
and their heirs, executors,	:	
administrators, successors,	:	
trustees and assigns, known	:	
or unknown, and any other	:	
person who may claim title	:	
or an interest in the	:	
property subject to this	:	
action,	:	
Defendants	:	

FILED

JUL 28 2000

William A. Shaw
Prothonotary

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

JOSEPH A. ROBISON, : No.: 00-724-CD
Plaintiff :
 : QUIET TITLE ACTION
vs. :
 :
HAROLD HILEMAN, a/k/a :
HAROLD HILEMAN RUNG; :
CLARK HILEMAN and MINERVA :
HILEMAN, his wife; :
JOSEPH G. HIGGINS and :
MARY HIGGINS, his wife; :
WILLIAM LUTHER and HELEN :
M. LUTHER, his wife; :
and their heirs, executors, :
administrators, successors, :
trustees and assigns, known :
or unknown, and any other :
person who may claim title :
or an interest in the :
property subject to this :
action, :
Defendants :

ORDER OF COURT

NOW, this 28th day of July, 2000, an
Affidavit having been made that service was made by
publication on unknown Defendants in the Clearfield
Progress on June 28, 2000, and in the Clearfield County
Legal Journal the week of June 30, 2000, and it appearing
that it was impossible to serve any other Defendant by any
other means,

IT IS ORDERED AND DECREED that Defendants file suit in
ejectment or otherwise enter a proceeding to contest the

case within thirty (30) days, or this Order of Court shall become final upon praecipe by Plaintiff, which hereby Orders and Decrees that title to the land subject of this action is vested absolutely in the Plaintiff, his heirs and assigns, free and clear of any and all claims of any nature by any of the named Defendants, their heirs, executors, administrators, trustees, successors and assigns or by anyone claiming by, through or under them or any of them, and that the Plaintiff is seized of an indefeasible title to that certain piece or parcel of land located in the Village of Madera, Bigler Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a corner of a stone wall on the easterly line of Pennsylvania State Highway Route No. 453, at the Southwest corner of land now or formerly of Bigler Township Supervisors; thence North 62 degrees 10 minutes East along land now or formerly of Bigler Township Supervisors a distance of two hundred sixty-eight and one-tenth (268.1) feet to an iron pin; thence North 40 degrees 11 minutes West along said land of Bigler Township Supervisors a distance of one hundred forty-three and twenty-five one-hundredths (143.25) feet to an iron pin on the southerly line of a street; thence along said street North 79 degrees 32 minutes East a distance of one hundred ninety-two (192) feet to an iron pin and corner of land now or formerly of Frank Montora; thence along said Montora land South 20 degrees East a distance of three hundred seven (307) feet to an iron pin; thence continuing along Montora land North 77 degrees East a distance of one hundred seventy-five (175) feet to an iron pin and corner of land now or formerly of the Roman Catholic Church; thence along said Church land South 16 degrees 15 minutes East a distance of ninety-seven (97) feet to an iron pin; thence continuing along said Church land North 74 degrees 5 minutes East a distance of one hundred twenty-three and two-tenths (123.2) feet to an iron pin; thence along said Church land North 16

degrees 15 minutes West a distance of eighteen (18) feet to an iron pin; thence along said Church land North 74 degrees 5 minutes East a distance of twenty-six and fifteen one-hundredths (26.15) feet to an iron pin and corner of land now or formerly of Matt Gleet; thence along said Gleet land South 16 degrees 15 minutes East a distance of one hundred thirteen and four-tenths (113.4) feet to an iron pin and corner on land now or formerly of Penn Public Service Company; thence along Penn Public Service Company land South 74 degrees 5 minutes West a distance of forty-one (41) feet to an iron pin; thence continuing along Penn Public Service Company land South 16 degrees 15 minutes East a distance of one hundred thirty-two (132) feet to an iron pin and corner on land now or formerly of John Moore; thence along said Moore land South 74 degrees 5 minutes West a distance of one hundred twenty-two (122) feet to a point; thence continuing along Moore land South 15 degrees 36 minutes West a distance of four hundred sixty-nine and six-tenths (469.6) feet to point and land now or formerly of Rueben Hegarty; thence along an old fence line and said Hegarty land North 47 degrees 19 minutes West a distance of seven hundred forty-nine and one-tenth (749.1) feet to an iron pin on the easterly line of Pennsylvania State Highway Route No. 453; thence along said Highway Route North 2 degrees 22 minutes West a distance of two hundred forty-one and two-tenths (241.2) feet to an iron pin, the point and place of beginning. Containing 10.87 acres. A survey of the same was made by Lex W. Curry, Registered Surveyor, on October 3, 1969.

The above described property is known by Clearfield County
Tax Map Numbers 103-K14-488-22 and 103-K14-28.

BY THE COURT,

J.

FILED

JUL 28 2000

013557 ICC atty

William A. Shaw

Prothonotary

WAS

Kaobick

LEHMAN & KASUBICK
611 BRISBIN STREET
HOUTZDALE, PA 16651
(814) 378-7810

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

33

JOSEPH A. ROBISON,
Plaintiff

No.: 00-724-CD

QUIET TITLE ACTION


vs.

HAROLD HILEMAN, a/k/a
HAROLD HILEMAN RUNG;
CLARK HILEMAN and MINERVA
HILEMAN, his wife;
JOSEPH G. HIGGINS and
MARY HIGGINS, his wife;
WILLIAM LUTHER and HELEN
M. LUTHER, his wife;
and their heirs, executors,
administrators, successors,
trustees and assigns, known
or unknown, and any other
person who may claim title
or an interest in the
property subject to this
action,
Defendants

FINAL PRAECIPE

TO: William A. Shaw, Prothonotary:

Please enter judgment in the above-captioned matter in
favor of the Plaintiffs.


Girard Kasubick, Esq.
Attorney for Plaintiffs

Dated: September 5, 2000

FILED

SEP 06 2000

William A. Shaw
Prothonotary

FILED

SEP 06 2000

01/18/00 CC

William A. Shaw

Prothonotary

[Signature]