

00-765-CD  
RONALD D. THORPE et al. v. GEORGE HUMMEL et al

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

84 (4) RONALD D. THORPE, GARY L. THORPE, : No. 00-745-CO  
24 (4) DAVID J. THORPE and JOEL L. ALBERT, :  
Plaintiffs : Type of Case: Civil  
vs. : Type of Pleading: Complaint  
44 (4) GEORGE HUMMEL, his heirs, successors :  
and assigns, and all persons claiming by, : Filed on Behalf of: Plaintiffs  
under and through him, : Counsel of Record for this Party:  
Defendants : ALAN F. KIRK, ESQ.  
: Supreme Court No. 36893  
: 1375 Martin Street, Suite 204  
: State College, PA 16803  
: (814) 234-2048

**FILED**

JUN 28 2000

William A. Shaw  
Prothonotary

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

RONALD D. THORPE, GARY L. THORPE, DAVID J. THORPE and JOEL L. ALBERT	:	No.
Plaintiffs	:	
vs.	:	
GEORGE HUMMEL, his heirs, successors and assigns, and all persons claiming by, under and through him,	:	
Defendants	:	

**NOTICE TO DEFEND**

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 S. Meholick, Court Administrator  
Clearfield County Courthouse  
Clearfield, PA 16830  
(814) 765-2641, Ext. 5982

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

RONALD D. THORPE, GARY L. THORPE,	:	No.
DAVID J. THORPE and JOEL L. ALBERT	:	
Plaintiffs	:	
vs.	:	
GEORGE HUMMEL, his heirs, successors	:	
and assigns, and all persons claiming by,	:	
under and through him,	:	
Defendants	:	

**COMPLAINT**

NOW COMES, the Plaintiffs, by and through their attorney, Alan F. Kirk, Esq., and file the within Complaint whereof the following is a statement:

1. The Plaintiffs are Ronald D. Thorpe, Gary L. Thorpe and David J. Thorpe of 207 South 3<sup>rd</sup> Street, Clearfield, PA 16830; and Joel L. Albert of R.R. 1, Box 532, Morrisdale, PA 16858, all of whom reside in Clearfield County.
2. The Defendants are George Hummel, deceased, formerly of Graham Township, Clearfield County, Pennsylvania and his heirs, successors and assigns.
3. That by Deed of C. Alan Walker, et al, t/a Shannon Land and Mining, dated the 15th day of November 1999, at Clearfield County Docket No. 1999-18859, wherein the Defendants became seized of the following property:

ALL that certain parcel of land in Graham Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a post on corner of lands now or formerly of I. Smeal; Thence along said lands North eighty-six ( $86^{\circ}$ ) degrees West eighty-one (81) perches to post; Thence South thirty-five ( $35^{\circ}$ ) degrees West fifteen and nine-tenths (15.9) perches to post; Thence South four ( $4^{\circ}$ ) degrees West forty-six and six-tenths (46.6) perches to post; Thence South eighty-six ( $86^{\circ}$ ) degrees East eighty-nine and four-tenths (89.4) perches to post; Thence North three ( $3^{\circ}$ ) degrees and forty-two (42') minutes East fifty-four and two-tenths (54.2) perches to post and place of beginning. Containing twenty-nine (20) acres and one hundred and forty-one (141) perches, more or less.

EXCEPTING AND RESERVING unto the Grantors herein, their heirs, executors, administrators, successors and assigns, all the oil and gas rights in, under and upon the property hereby conveyed.

4. That the premises therein conveyed was the same as that conveyed to C.

Alan Walker, et al, t/a Shannon Land and Mining Company from Mildred Mease, et al,

July 7, 1986, recorded at Deed Book 1114 at Page 118 and Ada Hummel, et al, to C.

Alan Walker, et al, t/a Shannon Land and Mining Company, dated August 11, 1986, recorded in Deed Book 1114 at Page 100. As well as that of James C. Walker, et al, to Shannon Land and Mining Company by Deed dated June 30, 1987, recorded in Deed book 1170 at Page 298 being Parcel 120 thereof.

5. That the premises described in Paragraph 3 were the same as sold and conveyed to George Hummel by Deed of George W. Pearce and Annie Pearce, his wife, dated May 4, 1889, recorded at Clearfield County Deed Book 100, page 140.

6. That George Hummel being so seized, died intestate on March 5, 1939 leaving to survive him his widow, Myrtle Hummel and seven (7) children.

7. That the said Myrtle Hummel died testate December 26, 1964, her Will be duly probated in Clearfield County. Her interest in the subject property passed to her seven (7) children, share and share alike.

8. The children of George and Myrtle Hummel and the heirs of the deceased children of George and Myrtle Hummel conveyed their interests to Defendants' predecessor in title as described in the conveyances recited in Paragraph 4 herein.

9. It is believed and therefore averred that Plaintiffs have acquired Title from all the heirs and descendants of George Hummel. However, the purpose of this Quiet Title Action is to extinguish and cure any defects which may exist in the title to the subject property and to extinguish any claim or equity which any of the Defendants, and any and all persons claiming by, under, and through them, may have in the property of the Plaintiffs described herein.

WHEREFORE, the Plaintiffs pray that this Honorable Court grant the following relief:

a. That the Defendants be forever barred from asserting any right, title, lien or interest in the lands of the Plaintiffs inconsistent with the ownership of the Plaintiffs unless the Defendants bring an Action of Ejectment against the Plaintiffs for the recovery of lands within thirty (30) days after the entry of judgment of this court;

- b. That the Plaintiffs be decreed as the sole owners of the subject premises and be entitled to exclusive possession of the premises described in the foregoing complaint;
- c. That this court makes such further Orders as may be necessary to establish the legal and valid title of the Plaintiffs and to grant them any other relief deemed appropriate.

Respectfully submitted,

  
\_\_\_\_\_  
Alan F. Kirk  
Attorney for Plaintiffs  
I.D. #36893  
1375 Martin Street, Suite 204  
State College, PA 16803  
(814) 234.2048

Dated:

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

RONALD D. THORP , GARY L. THORP , : No.  
DAVID J. THORP and JOEL L. ALBERT :  
Plaintiffs :  
: :  
vs. :  
: :  
GEORGE HUMMEL, his heirs, successors :  
and assigns, and all persons claiming by, :  
under and through him, :  
Defendants :  
:

**VERIFICATION**

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

  
\_\_\_\_\_  
Gary L. Thorp, Plaintiff

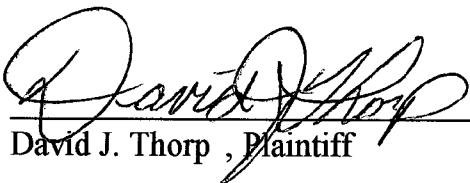
DATE: June 22, 2000

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

RONALD D. THORP , GARY L. THORP , : No.  
DAVID J. THORP and JOEL L. ALBERT :  
Plaintiffs :  
: vs.  
: GEORGE HUMMEL, his heirs, successors :  
and assigns, and all persons claiming by, :  
under and through him, :  
Defendants :  
:

**VERIFICATION**

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

  
\_\_\_\_\_  
David J. Thorp , Plaintiff

DATE: June 22, 2000

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

RONALD D. THORP , GARY L. THORP ,	:	No.
DAVID J. THORP and JOEL L. ALBERT	:	
Plaintiffs	:	
	:	
vs.	:	
	:	
GEORGE HUMMEL, his heirs, successors	:	
and assigns, and all persons claiming by,	:	
under and through him,	:	
Defendants	:	

**VERIFICATION**

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

  
\_\_\_\_\_  
Ronald D. Thorp , Plaintiff

DATE: June 22, 2000

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

RONALD D. THORP , GARY L. THORP ,	:	No.
DAVID J. THORP and JOEL L. ALBERT	:	
Plaintiffs	:	
	:	
vs.	:	
	:	
GEORGE HUMMEL, his heirs, successors	:	
and assigns, and all persons claiming by,	:	
under and through him,	:	
Defendants	:	

**VERIFICATION**

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

Joel L. Albert  
Joel L. Albert, Plaintiff

DATE: JUNE 9, 2000

**FILED**

JUN 12 2000  
10:36 AM  
Cathy Kunk  
William A. Shaw  
Prothonotary  
00-8800  
Cathy Kunk

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

RONALD D. THORPE, GARY L. THORPE,  
DAVID J. THORPE and JOEL L. ALBERT,  
Plaintiffs

vs.

GEORGE HUMMEL, his heirs, successors  
and assigns, and all persons claiming by,  
under and through him,  
Defendants

CF  
No. 00-765-CD

Type of Case: Action to Quiet Title

Type of Pleading: MOTION TO  
LEAVE TO SERVE BY  
PUBLICATION

Filed on Behalf of: Plaintiffs

Counsel of Record for this Party:  
ALAN F. KIRK, ESQ.  
Supreme Court No. 36893

1375 Martin Street, Suite 204  
State College, PA 16803  
(814) 234.2048

**FILED**

JUL 20 2000

William A. Shaw  
Prothonotary

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

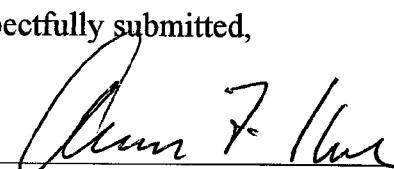
RONALD D. THORPE, GARY L. THORPE, : No. 00-765-CD
DAVID J. THORPE and JOEL L. ALBERT, : Plaintiffs : vs. : : Type of Case: Civil
vs. : : Type of Pleading: MOTION FOR : LEAVE TO SERVE BY : PUBLICATION
GEORGE HUMMEL, his heirs, successors : and assigns, and all persons claiming by, : Filed on Behalf of: Plaintiffs under and through him, : Defendants : :

MOTION FOR LEAVE TO SERVE BY PUBLICATION

NOW COMES, Alan F. Kirk, Attorney for the Plaintiffs in the above-captioned matter, and upon the basis of the Affidavit attached to this Motion and in conformity with Pennsylvania Rules of Civil Procedure, Moves For Leave To Serve the Complaint Filed in this Action by publication to the Defendants.

Respectfully submitted,

Dated: 7/18/00

  
\_\_\_\_\_  
Alan F. Kirk  
Attorney for Plaintiffs  
I.D. #36893  
1375 Martin Street, Suite 204  
State College, PA 16803  
(814) 234.2048

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

RONALD D. THORPE, GARY L. THORPE, : No. 00-765-CD  
DAVID J. THORPE and JOEL L. ALBERT, :  
Plaintiffs : Type of Case: Civil  
vs. :  
GEORGE HUMMEL, his heirs, successors : Type of Pleading: AFFIDAVIT  
and assigns, and all persons claiming by, :  
under and through him, : Filed on Behalf of: Plaintiffs  
Defendants :

AFFIDAVIT THAT THE DEFENDANTS ARE DEAD  
OR THEIR WHEREABOUTS ARE UNKNOWN

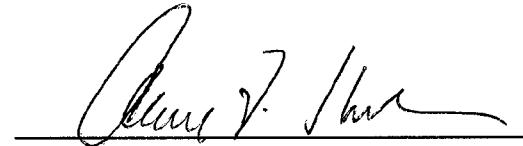
COMMONWEALTH OF PENNSYLVANIA :  
: SS:  
COUNTY OF CENTRE :

ALAN F. KIRK, ESQUIRE, being duly sworn according to law, deposes and says  
that he makes this Affidavit on behalf of the Plaintiffs, Ronald D. Thorpe, Gary L. Thorpe, David  
J. Thorpe and Joel L. Albert and being authorized to do so, declares that the following regarding  
the Defendants in this matter:

- a. The deponent has made a good faith effort to locate the whereabouts of George  
Hummel. It is known that Mr. Hummel is deceased since he died in testate March  
5, 1939, leaving to survive him his widow, Myrtle Hummel and their seven  
children. The said Myrtle Hummel died testate December 26, 1964, and her Will  
was duly probated in Clearfield County with her interest in the subject property  
passing to her seven children share and share alike. It is believed and therefore

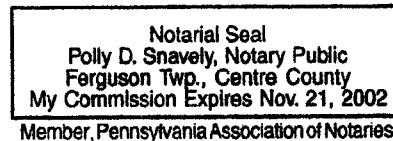
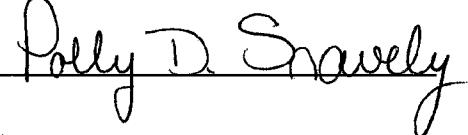
averred by the deponent that all of the known heirs of these seven children have previously transferred their interest in the subject property either by Special Warranty Deed or Quit Claim Deed to the Plaintiffs predecessor in title as described in the Complaint of the Plaintiffs in Paragraph 4. The deponent further states that there are no other known heirs or descendants of the said George Hummel and the deponent has been unable to locate the same after diligent inquiry and search. Based on the results of these inquiries, the deponent believes that the whereabouts of any other heir, successors and assigns of George Hummel are either dead or that there whereabouts are unknown.

Respectfully submitted,



Alan F. Kirk  
Attorney for Plaintiffs  
I.D. #36893  
1375 Martin Street, Suite 204  
State College, PA 16803  
(814) 234.2048

Subscribed and sworn to before me  
this 18<sup>th</sup> day of July,  
2000.



FILED

JUL 20 2000  
M 11/23/01 Cc Cathy Kink  
William A. Shaw  
Prothonotary  
S<sub>KBT</sub>

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

RONALD D. THORPE, GARY L. THORPE, : No. 00-765-CD  
DAVID J. THORPE and JOEL L. ALBERT, :  
Plaintiffs : Type of Case: Action to Quiet Title  
vs. :  
: Type of Pleading: Order  
GEORGE HUMMEL, his heirs, successors : Filed on Behalf of: Plaintiffs  
and assigns, and all persons claiming by, :  
under and through him, :  
Defendants :  
: ORDER

NOW, this 24<sup>th</sup> day of July, 2000, upon

consideration of the foregoing Motion of Alan F. Kirk, attorney for the Plaintiffs in the above entitled action, it is hereby ORDERED and DECREED that the Plaintiffs are granted leave to make service of a Complaint on the following Defendants, their heirs, successors, and assigns and any and all other persons claiming by, under and through him claiming any right, title or interest in the land described in the Complaint as follows:

1. By publication once in The Progress and the Clearfield County Legal Journal, the newspaper and legal journal of general circulation in Clearfield County, Pennsylvania; and proof of publication thereof shall be filed with the proceedings in the within action and the said advertisement shall state that the Defendants are required to answer the Complaint within twenty (20) days from the last advertisement thereof or Judgment may be entered against them.

BY THE COURT:

**FILED**

JUL 24 2000

William A. Shaw  
Prothonotary

FILED

JUL 24 2000

0115511ccathy Kirk

William A. Shaw

Prothonotary

cc

RE

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

RONALD D. THORPE, GARY L. THORPE, : No. 00-765-CD  
DAVID J. THORPE and JOEL L. ALBERT, :  
Plaintiffs : Type of Case: Civil  
: : Type of Pleading: MOTION FOR  
: ENTRY OF JUDGMENT  
: : Filed on Behalf of: Plaintiffs  
GEORGE HUMMEL, his heirs, successors :  
and assigns, and all persons claiming by, :  
under and through him, :  
Defendants : Counsel of Record for this Party:  
: ALAN F. KIRK, ESQ.  
: Supreme Court No. 36893  
: : 1375 Martin Street, Suite 204  
: State College, PA 16803  
: (814) 234-2048

**FILED**

OCT 03 2000

William A. Shaw  
Prothonotary

**MOTION FOR ENTRY OF JUDGMENT**

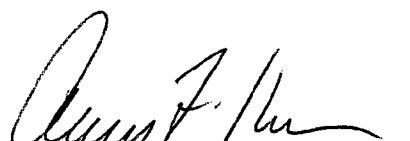
NOW COMES Plaintiffs, Ronald D. Thorpe, Gary L. Thorpe, David J. Thorpe and Joel L. Albert, by and through their attorney, Alan F. Kirk, Esquire, and move this Honorable Court for Entry of Judgment in this matter and in support thereof show as follows:

1. That on June 28, 2000, Plaintiffs filed an Action to Quiet Title, seeking to remove a cloud on title to a parcel of property situate in Graham Township, Clearfield County, Pennsylvania.
2. That on July 24, 2000, this Honorable Court entered an Order, decreeing that the Defendant, and his heirs, successors and assigns, and all other persons claiming by, under and through him, as Defendants, claiming any right, title, or interest in the subject property be served by publication.

3. That proper advertisement occurred in The Progress on August 5, 2000 and in the Clearfield County Legal Journal on August 11, 2000. True and correct copies of the Proofs of Publication are attached hereto and marked as Exhibit "A".
4. That no answer or response was received to the said Complaint and that thereafter a legal notice in compliance with Pa. R.C.P. 237.1 was published in The Progress on September 2, 2000 and in the Clearfield County Legal Journal on September 15, 2000. True and correct copies of the Proofs of Publication are attached hereto and marked as Exhibit "B".
5. That no answer or response has been received within the time period allowed and that therefore the Plaintiffs request that default judgment be entered in their favor, pursuant to the Order filed contemporaneously herewith.

WHEREFORE, the Plaintiffs pray that the Order filed herewith be entered, forever barring Defendants from bringing a cause of action so as to contest ownership of the subject real estate.

Respectfully submitted,



---

Alan F. Kirk, Esquire

1375 Martin Street, Suite 204  
State College, PA 16803  
(814) 234.2048

Date: October 2, 2000

## EXHIBIT

A

IN THE COURT  
OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENN-  
SYLVANIA  
CIVIL DIVISION  
No. 00765-CD  
RONALD D. THORPE, GARY L.  
THORPE, DAVID J. THORPE and  
JOELL ALBERT, Plaintiffs  
vs. ERIC GEORGE HUMMEL, his heirs,  
successors and assigns, and all  
persons claiming by, under and  
through him; Defendants

TO GEORGE HUMMEL, his heirs,  
successors and assigns, and all  
other persons claiming by, under  
and through him

You are hereby notified that the  
Plaintiffs listed above have filed a  
Complaint in an Action to Quiet title  
regarding a parcel of land in Graham  
Township, Clearfield County, Pennsylvania; said land being more  
particularly bounded and described as follows:

All that certain parcel of land in  
Graham Township, Clearfield  
County, Pennsylvania, bounded  
and described as follows:

BEGINNING at a post on corner of  
lands now or formerly of I. Smeal;  
Thence along said lands North  
eighty-six (86°) degrees West  
eighty-one (81°) perches to post;  
Thence South thirty-five (35°) de-  
grees West fifteen and nine-tenths  
(15.9°) perches to post; Thence  
South four (4°) degrees West  
forty-six and six-tenths (46.6°)  
perches to post; Thence South  
eighty-six (86°) degrees East  
eighty-nine and four-tenths (89.4°)  
perches to post; Thence North  
three (3°) degrees and forty-two  
(42°) minutes East fifty-four and  
two-tenths (54.2°) perches to post  
and place of beginning. Containing  
twenty-nine (29) acres and one  
hundred and forty-one (141)  
perches; more or less.

BEING the same premises which  
vested in the Plaintiffs by Deed of C.  
Alan Walker, et al. t/a Shannon Land  
and Mining, dated November 15,  
1999, and recorded at Clearfield  
County, instrument No.  
1999-18859.

TAKE NOTICE that the Plaintiffs  
are the owners of the land de-  
scribed hereinabove and that they  
have requested in their Complaint  
which is on file in the Office of the  
Prothonotary of the Court of Com-  
mon Pleas of Clearfield County,  
that the Court decree that the title to  
the same is in them, free and clear  
of the claims of the Defendants,  
their heirs and assigns, and any  
other person or persons claiming  
or who might claim title under them,  
and all other persons claiming any  
right, title or interest in the land de-  
scribed, or anyone claiming by,  
through or under them.

Should the above named Defendants,  
their heirs and assigns, or  
any other persons or persons claiming  
any right, title or interest in the land  
described fail to plead to the Plaintiffs' Complaint within twenty (20)  
days from the last publication of this  
Notice, or fail to take such action  
within thirty (30) days after default  
judgment as the Court may direct,  
the Defendants

## PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :  
: SS:  
COUNTY OF CLEARFIELD :

On this 18th day of August, 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 August 5, 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

The Defendants, their heirs and  
assigns, and any other person or per-  
sons claiming or who might claim  
title under them, or all other persons  
claiming any right, title or interest  
in the land described, except  
Plaintiff, will be forever barred from  
asserting any interest, lien, right  
title to the said land, inconsis-  
tent with the Plaintiffs, its successors  
and assigns.

If you wish to defend, you must  
enter a written appearance personally  
or by attorney and file your  
fences or objections in writing with  
the Court. You are warned that  
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 Plaintiffs. You may  
lose money or property or other  
rights important to you.

YOU SHOULD TAKE THIS PA-  
PER 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,  
CLEARFIELD COUNTY COURT-  
HOUSE, 230 E. Market Street,  
Clearfield, PA 16830, Telephone:  
(814) 765-2641

ALAN F. KIRK, ESQUIRE, 1375  
Martin Street, Suite 204, State Col-  
lege, PA 16803, Attorney for the

## PROOF OF PUBLICATION

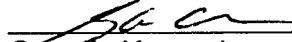
**STATE OF PENNSYLVANIA** :

:

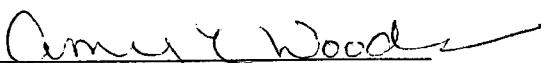
**COUNTY OF CLEARFIELD** :

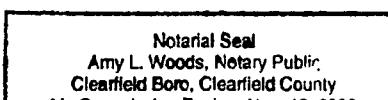
:

On this 29th day of August 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 August 11, 2000, Vol. 12, No. 32. 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.

  
\_\_\_\_\_  
Amy L. Woods  
Notary Public  
My Commission Expires



Member, Pennsylvania Association of Notaries

Alan F. Kirk  
1375 Martin Street, Suite 204  
State College, PA 16803

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

RONALD D. THORPE, GARY L. THORPE, DAVID J. THORPE and JOEL L. ALBERT, Plaintiffs vs. GEORGE HUMMEL, his heirs, successors and assigns, and all persons claiming by, under and through him, Defendants.

TO: GEORGE HUMMEL, his heirs, successors and assigns, and all other persons claiming by, under and through him.

You are hereby notified that the Plaintiffs listed above have filed a Complaint in an Action to Quiet Title regarding a parcel of land in Graham Township, Clearfield County, Pennsylvania, said land being more particularly bounded and described as follows:

ALL that certain parcel of land in Graham Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a post on corner of lands now or formerly of I. Smeal; Thence along said lands North eighty-six (86) degrees West Eighty-one (81) perches to post; thence south thirty-five (35) degrees West fifteen and nine-tenths (15.9) perches to post; Thence South four (4) degrees West forty-six and six-tenths (46.6) perches to post; Thence South eighty-six (86) degrees East eighty-nine and four-tenths (89.4) perches to post; Thence North three (3) degrees and forty-two (42') minutes East fifty-four and two-tenths (54.2) perches to post and place of beginning. Containing twenty-nine (29) acres and one hundred and forty-one (141) perches, more or less. BEING the same premises which vested in the Plaintiffs are the owners of the land described hereinabove and that they have requested in their Complaint which is on file in the Office of the Prothonotary of the Court of Common Pleas of Clearfield County, that the court decree that the title to the same is in them, free and clear of the claims of the Defendants, their heirs and assigns, and any other person or persons claiming or who might claim title under them, and all other persons claiming any right, title or interest in the land described or anyone claiming by, through or under them.

Should the above named Defendants, their heirs, and assigns, or any other

persons or person claiming or who might claim title under them, or all other persons claiming any right, title or interest in the land described fail to plead to the Plaintiffs' Complaint within twenty (20) days from the last publication of this Notice, or fail to take such action within thirty (30) days after default judgment as the Court may direct, the Defendants, their heirs and assigns, and any other person or persons claiming or who might claim title under them, or all other persons claiming any right, title or interest in the land described, except the Plaintiff, will be forever barred from asserting any interest, lien, right or title to the said land, inconsistent with the Plaintiffs, its successors or assigns.

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objection 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 Plaintiffs. 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, CLEARFIELD COUNTY COURTHOUSE, 230 E. Market Street, Clearfield, PA 16830, (814) 765-2641.

ALAN F. KIRK, ESQUIRE, 1375 Martin Street, Suite 204 State College, PA 16803 Attorney for the Plaintiffs.

Date	Month	Words
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**THE PROGRESS**

P. O. Box 291

CLEARFIELD, PA. 16830

814 - 765-5581

12815

August 3

~~xx~~2000

Alan F. Kirk, Attorney

1375 Martin Street Suite 204

State College, PA 16803

643	Words	@ .17	\$ 109	31
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Affidavit

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Thorpe, Albert Vs.

Hummel

Action to Quiet Title

**NOTE:**

**PROOF OF PUBLICATION**

**Will Be Forwarded**

**UPON PAYMENT**

**of this Advertisement**

EXHIBIT

B

NOTICE  
IN THE COURT OF COMMON  
PLEAS OF CLEARFIELD  
COUNTY, PENNSYLVANIA  
CIVIL DIVISION  
RONALD D. THORPE, GARY L.  
THORPE, DAVID J. THORPE and  
JOELL ALBERT, Plaintiffs  
GEORGE HUMMEL, his heirs,  
successors and assigns, and all  
persons claiming by, under and  
through him, Defendants  
No. 00-765-CD  
Type of Case: Civil  
Type of Pleading: Legal Notice  
Filed on Behalf of: Plaintiffs  
Counsel of Record for this Party:  
ALAN F. KIRK, ESQ., Supreme  
Court No: 36893, 1375 Martin  
Street, Suite 204, State College,  
PA 16803, (814) 234-2048  
LEGAL NOTICE  
You are in default because you  
have failed to take action required  
of you in this case. Unless you act  
within ten (10) days from the date of  
this notice, a judgment may be en-  
tered against you without a hearing  
and you may lose your property or  
other important rights. You should  
take this notice to a lawyer at once.  
If you do not have a lawyer or can-  
not afford one, go to or telephone  
the following office to find out  
where you can get legal help.  
PROTHONOTARY, CLEAR-  
FIELD COUNTY COURTHOUSE,  
230 E. Market Street, Clearfield,  
PA 16830, Telephone: (814)  
765-2641  
ALAN F. KIRK, ESQUIRE, Attor-  
ney for the Plaintiff, 1375 Martin  
Street, Suite 204, State College,  
PA 16803  
9 : 2 -11 'd - b

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :

-: SS:

COUNTY OF CLEARFIELD :

On this 13th day of September, 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 September 2, 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, 2004

Notarial Seal  
Ann K. Law, Notary Public  
Clearfield Boro, Clearfield County  
My Commission Expires Sept. 16, 2004  
Member, Pennsylvania Association of Notaries

## PROOF OF PUBLICATION

**STATE OF PENNSYLVANIA**

:  
:

**COUNTY OF CLEARFIELD**

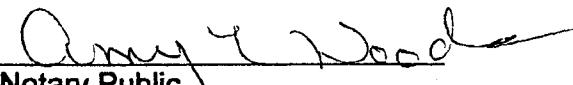
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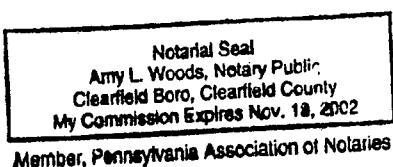
On this 15th day of September AD 2000, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Gary A. Knaresboro, who being duly sworn according to law, proposes and says that he is the editor of the Clearfield County Legal Journal of the Courts of Clearfield 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 September 15, 2000, Vol. 12, No. 37. 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.

  
Amy L. Woods  
Notary Public  
My Commission Expires



Alan F. Kirk  
1375 Martin Street, Suite 204  
State College, PA 16803

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

RONALD D. THORPE, GARY  
L. THORPE, DAVID J. THOPE and JOEL L.  
ALBERT, Plaintiffs vs. GEORGE  
HUMMEL, his heirs, successors and  
assigns, and all persons claiming by, under  
and through him, Defendants.

No. 00-765-CD  
LEGAL NOTICE  
YOU ARE IN DEFAULT BECAUSE  
YOU HAVE FAILED TO TAKE ACTION

REQUIRED OF YOU IN THIS CASE.  
UNLESS YOU ACT WITHIN TEN (10)  
DAYS FROM THE DATE OF THIS  
NOTICE, A JUDGMENT MAY BE  
ENTERED AGAINST YOU WITHOUT A  
HEARING AND YOU MAY LOSE YOUR  
PROPERTY OR OTHER IMPORTANT  
RIGHTS. YOU SHOULD TAKE THIS  
NOTICE TO A LAWYER AT ONCE. IF  
YOU DO NOT HAVE LAWYER OR  
CANNOT AFFORD ONE, GO TO OR  
TELEPHONE THE FOLLOWING OFFICE  
TO FIND OUT WHERE YOU CAN GET  
LEGAL HELP.

PROTHONOTARY, CLEARFIELD  
COUNTY COURTHOUSE, 230 East  
Market Street, Clearfield, PA 16830  
Telephone (814) 765-2641.

ALAN F. KIRK, ESQUIRE, Attorney for  
the Plaintiff, 1375 Martin Street, Suite 204,  
State College, PA 16803.

**Clearfield County Legal Journal  
P.O. Box 521  
Clearfield, PA 16830**

## אָמֵן וְאָמֵן

## Action to Quiet Title

**Ronald D. Thorpe vs. George Hummel** \$108.00

ALAN F. KIRK, ESQ.		1302
PROFESSIONAL CORPORATION		
TRUST ACCOUNT		
PH. 814-234-2048		
1375 MARTIN ST. SUITE 204		
STATE COLLEGE, PA 16803		
		60-1627/313
PAY TO THE ORDER OF		DATE <u>9/8/00</u>
<u>Clearfield County Legal Journal</u>		\$ <u>108.00</u>
One Hundred Eight and <u>00/100</u>		DOLLARS
 <b>OMEGA BANK</b> <small>An Affiliate of Omega Financial Corporation Member FDIC</small>		 <small>Security Features Includes: Watermark UV Ink Microprinting Dashed ink lines</small>
FOR <u>Thorpe v. Hummel (Advertising)</u>		<u>Alan F. Kirk</u>
		MP
		001302 031316271 010639969

FILED

OCT 03 2000

10/11/00 cc atty

William A. Shaw

Prothonotary

cc

Kirk

CP

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

RONALD D. THORPE, GARY L. THORPE, : No. 00-765-CD  
DAVID J. THORPE and JOEL L. ALBERT, :  
Plaintiffs : Type of Case: Civil  
: Type of Pleading: ORDER OF  
: COURT  
: Filed on Behalf of: Plaintiffs  
GEORGE HUMMEL, his heirs, successors :  
and assigns, and all persons claiming by, :  
under and through him, : Counsel of Record for this Party:  
Defendants : ALAN F. KIRK, ESQ.  
: Supreme Court No. 36893  
: 1375 Martin Street, Suite 204  
: State College, PA 16803  
: (814) 234-2048

**FILED**

**ORDER OF COURT**

OCT 05 2000

AND NOW, this 5<sup>th</sup> day of October, 2000, upon Motion for Entry of  
Judgment having been filed by the Plaintiffs herein and the Court being satisfied therewith, it is  
hereby ordered and decreed as follows:

William A. Shaw  
Prothonotary

1. That the Defendant, George Hummel, his heirs, successors and assigns, and all persons claiming by, under and through him, be forever barred from asserting any right, title, lien or interest in the Plaintiff's land inconsistent with the ownership of Plaintiffs, unless the said Defendant or Defendants bring an action in ejectment against Plaintiffs for the recovery of the land within thirty (30) days after the Entry of Judgment of this Court;

2. That Plaintiffs be decreed as the sole owners, entitled to exclusive possession of the premises located in Graham Township, Clearfield County, Pennsylvania and further described as follows:

BEGINNING at a post on corner of lands now or formerly of I. Smeal; Thence along said lands North eighty-six (86°) degrees West eighty-one (81) perches to post; Thence South thirty-five (35°) degrees West fifteen and nine-tenths (15.9) perches to post; Thence South four (4°) degrees West forty-six and six-tenths (46.6) perches to post; Thence South eighty-six (86°) degrees East eighty-nine and four-tenths (89.4) perches to post; Thence North three (3°) degrees and forty-two (42') minutes East fifty-four and two-tenths (54.2) perches to post and place of beginning. Containing twenty-nine (20) acres and one hundred and forty-one (141) perches, more or less.

EXCEPTING AND RESERVING unto the Grantors herein, their heirs, executors, administrators, successors and assigns, all the oil and gas rights in, under and upon the property hereby conveyed.

IT IS FURTHER ORDERED AND DECREED that if no action is taken by Defendant or Defendants within thirty (30) days of this Order, the Prothonotary is hereby directed to enter Final Judgment in this matter on behalf of Plaintiffs and against Defendants upon Praeclipe of Plaintiffs.

BY THE COURT:

John K. Reilly, Jr.  
President Judge

FILED

OCT 05 2000  
013-1711-Catty  
William A. Shaw  
Prothonotary

EE Kurt

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

RONALD D. THORPE, GARY L. THORPE,  
DAVID J. THORPE and JOEL L. ALBERT  
Plaintiffs : No. 00-765-CD  
GEORGE HUMMEL, his heirs, successors  
and assigns, and all persons claiming by,  
under and through him,  
Defendants : Type of Case: Civil  
: Type of Pleading: Praeclipe  
: Filed on Behalf of: Plaintiffs  
: Counsel of Record for this Party:  
: ALAN F. KIRK, ESQ.  
: Supreme Court No. 36893  
: 1375 Martin Street, Suite 204  
: State College, PA 16803  
: (814) 234-2048

**PRAECLYPE**

TO THE PROTHONOTARY:

Please enter final judgment in the above-captioned matter that grants the relief ordered  
and decreed in the Court Order dated October 5, 2000, a certified copy of which is attached  
hereto, inasmuch as Defendant has failed to take action under the terms of the said Order.

Respectfully submitted,

**FILED**

DEC 07 2000

William A. Shaw  
Prothonotary



\_\_\_\_\_  
Alan F. Kirk, Esquire

1375 Martin Street, Suite 204  
State College, PA 16803

(814) 234.2048

Dated: 12-06-00

# COPY

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

RONALD D. THORPE, GARY L. THORPE, : No. 00-765-CD  
DAVID J. THORPE and JOEL L. ALBERT, :  
Plaintiffs : Type of Case: Civil  
: Type of Pleading: ORDER OF  
: COURT  
: Filed on Behalf of: Plaintiffs  
GEORGE HUMMEL, his heirs, successors : Counsel of Record for this Party:  
and assigns, and all persons claiming by, : ALAN F. KIRK, ESQ.  
under and through him, : Supreme Court No. 36893  
Defendants :  
: 1375 Martin Street, Suite 204  
: State College, PA 16803  
: (814) 234-2048

**ORDER OF COURT**

AND NOW, this 5th day of October, 2000, upon Motion for Entry of  
Judgment having been filed by the Plaintiffs herein and the Court being satisfied therewith, it is  
hereby ordered and decreed as follows:

1. That the Defendant, George Hummel, his heirs, successors and assigns, and all  
persons claiming by, under and through him, be forever barred from asserting any  
right, title, lien or interest in the Plaintiff's land inconsistent with the ownership of  
Plaintiffs, unless the said Defendant or Defendants bring an action in ejectment  
against Plaintiffs for the recovery of the land within thirty (30) days after the Entry  
of Judgment of this Court;

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

OCT 05 2000

Attest.

*William L. Hause*  
Prothonotary

2. That Plaintiffs be decreed as the sole owners, entitled to exclusive possession of the premises located in Graham Township, Clearfield County, Pennsylvania and further described as follows:

BEGINNING at a post on corner of lands now or formerly of I. Smeal; Thence along said lands North eighty-six ( $86^{\circ}$ ) degrees West eighty-one (81) perches to post; Thence South thirty-five ( $35^{\circ}$ ) degrees West fifteen and nine-tenths (15.9) perches to post; Thence South four ( $4^{\circ}$ ) degrees West forty-six and six-tenths (46.6) perches to post; Thence South eighty-six ( $86^{\circ}$ ) degrees East eighty-nine and four-tenths (89.4) perches to post; Thence North three ( $3^{\circ}$ ) degrees and forty-two (42') minutes East fifty-four and two-tenths (54.2) perches to post and place of beginning. Containing twenty-nine (20) acres and one hundred and forty-one (141) perches, more or less.

EXCEPTING AND RESERVING unto the Grantors herein, their heirs, executors, administrators, successors and assigns, all the oil and gas rights in, under and upon the property hereby conveyed.

IT IS FURTHER ORDERED AND DECREED that if no action is taken by Defendant or Defendants within thirty (30) days of this Order, the Prothonotary is hereby directed to enter Final Judgment in this matter on behalf of Plaintiffs and against Defendants upon Praeclipe of Plaintiffs.

BY THE COURT:

*/s/ JOHN K. REILLY, JR.*

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John K. Reilly, Jr.  
President Judge

**FILED**

DEC 07 2000  
11:27 AM CC  
William A. Shaw  
Prothonotary  
*ew*