

00-839-CD
RONALD J. BIERLAIR -vs- JAMES LOWMYER

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

84 RONALD J. BIERLAIR,
Plaintiff

vs.

52 JAMES LOWTHER, and any heirs,
persons claiming, or who might claim
title under the aforesaid defendant
and any other person, persons,
firms, partnerships, or corporate entities
who might claim title to the premises
herein described,

Defendant

No. 00-839-C.D.

ACTION TO QUIET TITLE

Type of Pleading: Complaint

Filed on behalf of: Ronald Bierlair,
Plaintiff

Counsel of Record for this party:

DAVID J. HOPKINS, ESQUIRE
Attorney at Law

Supreme Court No. 42519
900 Beaver Drive
DuBois, Pennsylvania 15801

(814) 375-0300

FILED

JUL 19 2000

William A. Shaw
Prothonotary

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

RONALD J. BIERLAIR,	:	
Plaintiff	:	
vs.	:	No. C.D.
JAMES LOWTHER, and any heirs,	:	ACTION TO QUIET TITLE
persons claiming, or who might claim	:	
title under the aforesaid defendant	:	
and any other person, persons,	:	
firms, partnerships, or corporate entities	:	
who might claim title to the premises	:	
herein described,	:	
Defendant	:	

NOTICE

TO DEFENDANT:

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.

Office of the Court Administrator
Clearfield County Courthouse
One North Second Street
Clearfield, PA 16830

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

RONALD J. BIERLAIR,	:	
Plaintiff	:	
vs.	:	No. C.D.
JAMES LOWTHER, and any heirs,	:	ACTION TO QUIET TITLE
persons claiming, or who might claim	:	
title under the aforesaid defendant	:	
and any other person, persons,	:	
firms, partnerships, or corporate entities	:	
who might claim title to the premises	:	
herein described,	:	
Defendant	:	

COMPLAINT

NOW COMES, Plaintiff, Ronald Bierlair, by and through his attorneys, The Hopkins Law Firm, and avers as follows:

1. Plaintiff is an individual who resides at 10 Houtz Lane, Port Matilda, Pennsylvania 16870.

2. The property to be quieted is described as follows:

All that certain lot or piece of ground situated in the town of Whiteside and known as lot 253 in the general plan of said town fronting 102 ½ feet on the east side of Third Street now a township road and extending back 425 feet to lot number 243. Said lot being assessed as Tax Map No. 130-M14-403-13.

3. The Defendant is James Lowther and any heirs, persons claiming, or who might claim title under the aforesaid Defendant and any other person, persons, firms, partnerships, or corporate entities who might claim title to the premises herein described.

4. The whereabouts of the Defendant is unknown.

5. By deed dated December 18, 1872 and recorded in the Office of the Recorder of Deeds of Clearfield County in Deed Book 4, at page 18, Thomas McCouley conveyed a one half undivided interest in 200 acres situated in Woodland Township, a portion of which is at issue, unto Defendant, James Lowther.

6. By deed dated April 4, 1876 and recorded in the Office of the Recorder of Deeds of Clearfield County in Deed Book 9, at page 185, Thomas McCouley conveyed the other one half undivided interest of the said 200 acres situated in Woodland Township, a portion of which is at issue, unto Defendant, James Lowther.

7. Sometime prior to August 23, 1943, Cecil Gardner entered into possession of Lot No. 253, a portion of the 200 acres vested in James Lowther, by deed dated January 3, 1876 and recorded in Deed Book 9, at page 185. Ms. Gardner held actual, adverse, continuous, visible, notorious, distinct and hostile possession thereof until succeeded therein by John Shaffer and Dorothy Shaffer, husband and wife, on or about November 3, 1943.

8. John Shaffer and Dorothy Shaffer were succeeded in possession of the said lot by Dorothy Shaffer, also known as Dorothy Shaffer Owczarzak, upon death of John Shaffer on June 30, 1944.

9. The said Dorothy Shaffer Owczarzak continued in possession until succeeded by George J. Lobb and Madeline Lobb, husband and wife, on or about May 5, 1949.

10. George J. Lobb and Madeline Lobb continued in possession until December 30, 1961 when succeeded in possession by Clell W. Ammerman and Rebecca E. Ammerman, husband and wife, under authority from the aforesaid George J. Lobb and Madeline Lobb and upon the death of George J. Lobb on November 24, 1963, Madeline Lobb, the surviving wife,

remained the owner of the rights previously held by the entireties, being in all a period in excess of twenty three (23) years so that a perfect and indefeasible title in fee simple to the said premises vested by virtue of the statutes of limitations of the Commonwealth of Pennsylvania.

11. By deed dated August 15, 1967 and recorded in the Office of the Recorder of Deeds of Clearfield County in Deed Book 531, page 541, Madeline Lobb, widow, conveyed the premises at issue unto Clell W. Ammerman and Rebecca E. Ammerman, husband and wife.

12. The said Rebecca E. Ammerman died on April 3, 1986 and the said premises became solely vested in the surviving spouse, Clell W. Ammerman.

13. Clell W. Ammerman died testate on August 18, 1998 and the Register of Wills of Clearfield County, Pennsylvania admitted to probate the Last Will and Testament of said decedent on August 21, 1998 and in accordance with the Last Will and Testament filed, qualified John A. Ammerman as Executor of the Estate of Clell W. Ammerman.

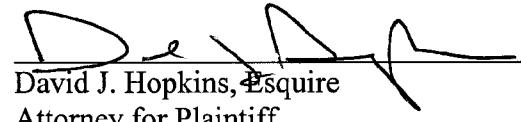
14. By deed dated June 12, 2000 and recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania by Instrument No. 31141, John A. Ammerman, Executor of the Estate of Clell W. Ammerman conveyed the said property to Ronald J. Bierliar.

14. This action is brought to name any claims James Lowther has in the property resulting from his loss of the said property by adverse possession.

WHEREFORE, the Plaintiff requests the Court to decree that title to the premises described herein be granted unto Plaintiff in fee simple and absolutely; and that the Defendant, his heirs, devisees, executors, administrators, and assigns, and all other person, persons, firms, partnerships, or corporate entities in interests, or their legal representatives be forever barred

from asserting any right, lien, or interest inconsistent with the interest or claim of the Plaintiff as set forth herein, in and to the property described in paragraph two (2).

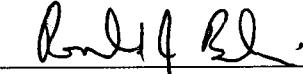
Respectfully submitted,



David J. Hopkins, Esquire
Attorney for Plaintiff

VERIFICATION

With full understanding that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities, I verify that the statements made in this pleading are true and correct.



Ronald J. Bierlair

Date: July 13, 2000

FILED

Recd
JUL 1 2000
0/3:30/00
William A. Shaw
Prothonotary *pp*
90.00
1 cent to *Att*,

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

RONALD J. BIERLAIR, :
Plaintiff :
vs. : No. 00-639 C.D.
JAMES LOWTHER, and any heirs, : ACTION TO QUIET TITLE
persons claiming, or who might claim :
title under the aforesaid defendant :
and any other person, persons, :
firms, partnerships, or corporate entities :
who might claim title to the premises :
herein described, :
Defendant :
:

MOTION FOR PUBLICATION

AND NOW, this 18 day of July, 2000, an Affidavit having been executed and filed on behalf of Ronald J. Bierlair, and that the whereabouts of James Lowther, his accumulative heirs, devisees, administrators, executors, assigns, and all other person, persons, firms, partnerships, or corporate entities in interest, are unknown.

The Plaintiff, by his counsel, David J. Hopkins, Esquire, requests the Court for leave to serve the Complaint on the above mentioned Defendant, his heirs, devisees, administrators, executors, assigns, and all other person, persons, firms, partnerships, or corporate entity in interest, or their legal representatives, generally, by publication in such manner as the Court shall direct and as provided by the Pa. R.C.P. Rule 410, and Pa.R.C.P. Rule 430.

Respectfully submitted,


David J. Hopkins, Esquire

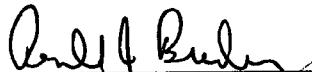
FILED

SL JUL 19 2000
10/3:30 AM
William A. Shaw
Prothonotary
I came to AM

RONALD J. BIERLAIR, :
Plaintiff :
vs. :
No. 00-834 - C.D.
JAMES LOWTHER, and any heirs, :
persons claiming, or who might claim :
title under the aforesaid defendant :
and any other person, persons, :
firms, partnerships, or corporate entities :
who might claim title to the premises :
herein described, :
Defendant :
ACTION TO QUIET TITLE

AFFIDAVIT OF UNKNOWN WHEREABOUTS

Ronald J. Bierlair, being duly sworn according to law, hereby certify that they have made a search of the records of Clearfield County Courthouse and the greater Woodside Township area, and have been unable to locate the named Defendant in this action or his heirs, devisees, executors, administrators or assigns.


Ronald J. Bierlair

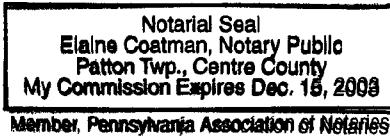
Date: July 13, 2000

Sworn to and subscribed
before me, this 13 day
of July, 2000.

Elaine Coatman
Notary Public

FILED

Shaw JUL 19 2000
013:301 ws
William A. Shaw
Prothonotary
I CERT TO ATTN



Member, Pennsylvania Association of Notaries

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

RONALD J. BIERLAIR,
Plaintiff

vs.

JAMES LOWTHER, and any heirs,
persons claiming, or who might claim
title under the aforesaid defendant
and any other person, persons,
firms, partnerships, or corporate entities
who might claim title to the premises
herein described,

Defendant

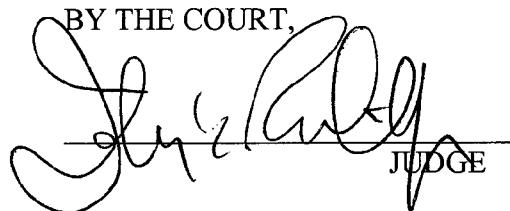
No. 00-839-C.D.

ACTION TO QUIET TITLE

ORDER FOR PUBLICATION

AND NOW, this 24th day of July, 2000, upon the consideration of the foregoing Motion, the Plaintiff is granted leave to make service of the Complaint on the above mentioned Defendant, his heirs, devisees, administrators, executors, assigns, and all other person, persons, firms, partnerships, or corporate entities in interest, or their legal representatives, by publication one time in The Progress, a newspaper published in the Borough of Clearfield, in general circulation of the County of Clearfield, Commonwealth of Pennsylvania, and in The Clearfield County Legal Journal.

BY THE COURT,



JUDGE

FILED

JUL 24 2000

William A. Shaw
Prothonotary

FILED

124 2000
11/15/2000
William A. Shaw
Prothonotary

Atty Hopkins
cc

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

RONALD J. BIERLAIR, :
Plaintiff :
: :
vs. : No. 00-839 C.D.
: :
JAMES LOWTHER, and any heirs, : ACTION TO QUIET TITLE
persons claiming, or who might claim :
title under the aforesaid defendant :
and any other person, persons, :
firms, partnerships, or corporate entities :
who might claim title to the premises :
herein described, :
Defendant :
: :
: Type of Pleading: Motion for Judgment
: :
: Filed on behalf of: Ronald J. Bierlair
: :
: Counsel of Record for this party:
: :
: DAVID J. HOPKINS, ESQUIRE
: Attorney at Law
: :
: Supreme Court No. 42519
: 900 Beaver Drive
: DuBois, Pennsylvania 15801
: :
: (814) 375-0300

FILED
Oct 2 30pm
OCT - 4 2000

W. A. Shaw
Prothonotary
1C fo att GDS

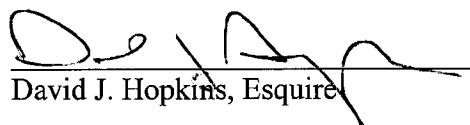
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

RONALD J. BIERLAIR,	:	
Plaintiff	:	
	:	
	:	
vs.	:	No. 00-839 C.D.
	:	
JAMES LOWTHER, and any heirs,	:	ACTION TO QUIET TITLE
persons claiming, or who might claim	:	
title under the aforesaid defendant	:	
and any other person, persons,	:	
firms, partnerships, or corporate entities	:	
who might claim title to the premises	:	
herein described,	:	
Defendant	:	

MOTION FOR JUDGMENT

AND NOW, this 4th day of October, 2000, an Affidavit having been filed by David J. Hopkins, Esquire, Attorney for Plaintiff, Ronald J. Bierlair and the Complaint with Notice to Plead was served on the Defendant by publication and the Defendant has not answered. The Plaintiff, by and through his attorney, move the Court to enter judgment in favor of the Plaintiff and against the Defendant in the above named case and to grant to the Plaintiff the relief prayed for in accordance with Rules of Civil Procedure 1066. Plaintiff further requests that the Honorable Court modify in accordance with Rules of Civil Procedure, Rule 248, the thirty (30) day period provided Defendant by Rules of Civil Procedure, Rule 1066(b) to assert any right, lien, title or interest in the land inconsistent with the interest or claim Plaintiff set forth in his Complaint.

Respectfully submitted,



David J. Hopkins, Esquire

IN THE COURT
OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENN-
SYLVANIA
(CIVIL DIVISION)
No. 00-839 C.D.

ACTION TO QUIET TITLE
RONALD J. BIERLAIR, Plaintiff
vs.

JAMES LOWTHER, and any
heirs, persons claiming, or who
might claim title under the aforesaid
defendant and any other person,
persons, firms, partnerships, or
corporate entities who might claim
title to the premises herein de-
scribed, Defendant

QUIET TITLE
ACTION NOTICE

TO: JAMES LOWTHER and any
heirs, devisees, administrators,
executors and assigns and all other
persons, persons, firms, partner-
ships or corporate entities in inter-
est.

You are hereby notified that an ac-
tion to quiet title to the premises sit-
uate, lying and being in the town of
Whiteside, Clearfield County, Pennsyl-
vania, has been filed
against you. Said premises are de-
scribed as follows:

All that certain lot or piece of
ground situate in the town of White-
side and known as lot 253 in the
general plan of said town fronting
102 $\frac{1}{2}$ feet on the east side of Third
Street now a township road and ex-
tending back 425 feet to lot number
243. Said lot being assessed as
Tax Map No. 130-M14-403-13.

You have been sued in Court. The
purpose of this quiet title action is to
extinguish any right or equity which
the Defendant above named and
his heirs, administrators, executors
and assigns may have in the proper-
ty as described above. The Plaintiff
in this action, after a diligent search,
has been unable to locate the De-
fendant or his devisees or heirs.

Whereupon the Court Ordered
that notice of said action be served
on the Defendant, and his heirs.

IF YOU WISH TO DEFEND, YOU
MUST ENTER A WRITTEN AP-
PEARANCE PERSONALLY OR BY
ATTORNEY TO FILE YOUR DE-
FENSE OR OBJECTIONS IN WRIT-
ING WITH THE COURT. YOU ARE
WARNED THAT IF YOU FAIL TO
DO SO THE CASE MAY PROCEED
WITHOUT YOU AND A JUDG-
MENT MAY BE ENTERED
AGAINST YOU WITHOUT FUR-
THER NOTICE FOR THE RELIEF
REQUESTED 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 Courthouse, 1 North Sec-
ond Street, Clearfield, Pennsyl-
vania 16830, (814) 765-2641 ext.
5982

David J. Hopkins, Attorney for
Plaintiff, 900 Beaver Drive, Du-
Bois, PA 15801, (814) 375-0300

8.5-1d-b

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :
: SS:
COUNTY OF CLEARFIELD :

On this 7th 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 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

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

RONALD J. BIERLAIR, Plaintiff vs.
JAMES LOWTHER, and any heirs,
persons claiming, or who might claim title
under the aforesaid defendant and any
other person, persons, firms, partnerships,
or corporate entities who might claim title to
the premises herein described, Defendant.

No. 00-839-CD

ACTION TO QUIET TITLE

TO: JAMES LOWTHER and any heirs,
devisees, administrators, executors and
assigns and all other person, persons,
firms, partnerships or corporate entities in
interest.

You are hereby notified that an action to
quiet title to the premises situate, lying and
being in the town of Whiteside, Clearfield
County, Pennsylvania, has been filed
against you. Said premises are described
as follows:

All that certain lot or piece of ground
situated in the town of Whiteside and
known as lot 253 in the general plan of said
town fronting 102 1/2 feet on the eastside of
Third Street now a township road and
extending back 425 feet to lot number 243.
Said lot being assessed as Tax Map No.
130-M14-403-13.

You have been sued in Court. The
purpose of this quiet title action is to
extinguish any right or equity which the
Defendant above named and his heirs,
administrators, executors and assigns may
have in the property as described above.
The Plaintiff in this action, after a diligent
search, has been unable to locate the
Defendant of his devisees or heirs.

Whereupon the court ordered that
notice of said action be served on the
Defendant, and his heirs.

IF YOU WISH TO DEFEND, YOU
MUST ENTER A WRITTEN
APPEARANCE PERSONALLY OR BY
ATTORNEY TO FILE YOUR DEFENSE
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 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, 1 North Second Street,
Clearfield, PA 16830 (814) 765-2641, ext.
5982.

David J. Hopkins, Attorney for Plaintiff,
900 Beaver Drive, DuBois, PA 15801 (814)
375-0300.

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 executors,

applied to any deficiency in the price at which the property is resold. Notice is hereby given that a Schedule of Distribution will be filed by me on the thirtieth day after the date of sale, and that distribution will be made in accordance with the Schedule unless exceptions are filed thereto within ten (10) days thereafter. Purchaser must furnish State Realty Transfer Tax Stamps, and stamps required by the local taxing authority. Marshal's costs, fees and commissions are to be borne by seller. Frank Policaro, Jr., United States Marshal. For information call Gary Reed at (570) 520-2126 Ext. 126.

726-3196, Ext. 126.
McGrath & Associates, P.C., 1500
Union Bank Building, 306 Fourth Avenue,
Pittsburgh, PA 15222-2102

Pittsburgh, PA 15222-2102
ADV: August 11, 18, 25 & September
1, 2000.

MARSHAL'S SALE

By virtue of a Writ of Execution issued out of the U.S. Court for the W. D. of PA at suit of the USA at Mis. No. 00-14J, I shall expose the following real property of Sharon M. Llingenfelter and Donald R. Black to public sale on the premises of said property located at RD #2, Box 285, DuBois, PA 15801, being all that land, together with improvements, situate in the County of Clearfield, Sandy Township, as described in Deed Book Volume 1601, Page 169. Map No. 128-E4-36.1. Sale to be held at 3:30 p.m. on September 8, 2000.

p.m. on September 1, 1988.

TERMS OF SALE: Successful bidder will pay ten percent (10%) by certified check and the remainder of the bid within thirty (30) days from the date of the sale and in the event bidder cannot pay the remainder, the property will be resold and all monies paid in at the original sale will be applied to any deficiency in the price at which the property is resold. Notice is hereby given that a Schedule of Distribution will be filed by me on the thirtieth day after the date of sale, and that distribution will be made in accordance with the Schedule unless exceptions are filed thereto within ten (10) days thereafter. Purchaser must furnish State Realty Transfer Tax Stamps, and stamps required by the local taxing authority. Marshal's costs, fees and commissions are to be borne by seller. Frank Polcaro, Jr., United States Marshal. For information call Gary Reed at (570) 726-3196, Ext. 126. B.C. 1500

726-3196, Ext. 120.
McGrath & Associates, P.C., 1500
Union Bank Building, 306 Fourth Avenue,
Pittsburgh, PA 15222-2102
A.M. August 11, 18, 25 & September

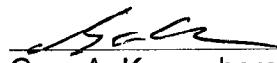
ADV: August 11, 18, 25 & September
1, 2000.

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA

COUNTY OF CLEARFIELD

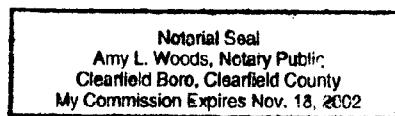
On this 29th day of August AD 2000, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Gary A. Knaresboro, who being duly sworn according to law, proposes and says that he is the editor of the Clearfield County Legal Journal of the Courts of Clearfield County, 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

David J. Hopkins
900 Beaver Drive
DuBois, PA 15801

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

RONALD J. BIERLAIR,
Plaintiff

vs. : No. 00-839 C.D.

JAMES LOWTHER, and any heirs,
persons claiming, or who might claim
title under the aforesaid defendant
and any other person, persons,
firms, partnerships, or corporate entities
who might claim title to the premises
herein described,

: ACTION TO QUIET TITLE

Defendant

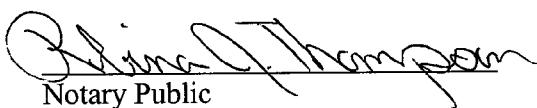
AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :
:

Personally appeared before me, the undersigned officer, David J. Hopkins, Attorney for Ronald J. Bierlair, who, being duly sworn according to law, deposes and says that the service of the aforesaid Complaint to Quiet Title, endorsed with Notice to Plead, has been served upon Defendant, James Lowther, and his heirs, devisees, administrators, executors and assigns, by publication, and more than twenty (20) days have elapsed since said service, and that the said Defendant has not filed an appearance or any answer to the Complaint, although the time in which to do so has expired.


David J. Hopkins, Esquire

Sworn to and subscribed before me this
2nd day of October, 2000.


Notary Public

NOTARIAL SEAL
Robina J. Thompson, Notary Public
DuBois, Clearfield County
My Commission Expires April 3, 2004

FILED
12:35PM
OCT - 4 2000

William A. Shaw
Prothonotary
Oct 4 2000

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

RONALD J. BIERLAIR, :
Plaintiff :
:
:
:
vs. : No. 00-839 C.D.
:
JAMES LOWTHER, and any heirs, : ACTION TO QUIET TITLE
persons claiming, or who might claim :
title under the aforesaid defendant :
and any other person, persons, :
firms, partnerships, or corporate entities :
who might claim title to the premises :
herein described, :
Defendant :
:

FILED

OCT 05 2000

William A. Shaw
Prothonotary

ORDER

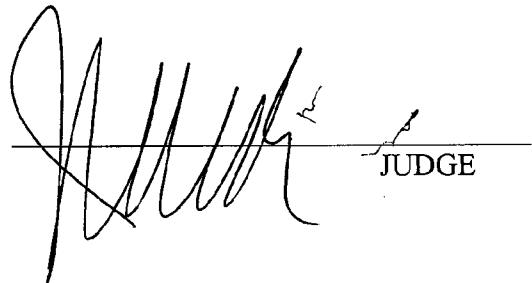
AND NOW, this 5th day of October, 2000, it appearing that service
of the Complaint to Quiet Title in the above stated action was served upon Defendant by
publication, and by Affidavit of David J. Hopkins, Attorney for Plaintiff, that no answer or
appearance has been filed to said action, and on Motion of David J. Hopkins, Esquire, it is
hereby ORDERED and DECREED:

1. That the Defendant, James Lowther, and his heirs, devisees, persons, firms,
partnerships, or corporate entities in interest, are forever barred from asserting any right, title,
lien or interest inconsistent with the interest or claim of the Plaintiff as set forth in his Complaint
in and to:
2. The property in this quiet title action is identified as follows:

All that certain lot or piece of ground situated in the town of Whiteside and known as lot
253 in the general plan of said town fronting 102 ½ feet on the east side of Third Street
now a township road and extending back 425 feet to a lot number 243. Said lot being
assessed as Tax Map No. 130-M14-403-13.

3. That title to said property is now vested in Ronald J. Beirlair as prayed.
4. That the rights of the Plaintiff are superior to the rights of the Defendant, James Lowther, and any heirs, persons claiming, or who might claim title under the aforesaid Defendant; and any other person, persons, firms, partnerships, or corporate entities who might claim title to the premises herein described.
5. That the Plaintiff has title in fee simple to said premises as described in the Complaint as against the Defendant, James Lowther, and his heirs, devisees, administrators, executors, and assigns.
6. That the Defendant, James Lowther, and his heirs, devisees, administrators, executors and assigns are enjoined and forever barred from asserting any right, title or interest in or to the premises described which are inconsistent with the interest or claims of the Plaintiff as set forth in his Complaint and from setting up any title to the premises and from impeaching, denying or in any way attacking the title of the Plaintiff to the premises.
7. That the thirty (30) days provisions of Pennsylvania Rules of Civil Procedure 1066(b)(i) be modified as to eliminate the said thirty (30) day Rule of Pennsylvania Rules of Civil Procedure from this case. Said modification is in accordance with the authority vested in this Court by virtue of Pennsylvania Rules of Civil Procedure 248 to eliminate any time period prescribed by Pennsylvania Rules of Civil Procedure upon Order of Court.
8. That these proceedings or any authenticated copy thereof, shall at all times hereinafter be taken as evidence of the facts declared and established thereby.

9. That a certified copy of this Order shall be recorded in the Office of the Recorder of
Deed of Clearfield County, Pennsylvania.



A handwritten signature in black ink, appearing to be a stylized 'J' or 'W' shape, is written over a horizontal line. To the right of the signature, the word 'JUDGE' is printed in a standard sans-serif font.

FILED

OCT 05 2000

0731911
William A. Shaw
Prothonotary
cc: *Cathy Hopkins*

cc: