

00-887-CD-
BEUTZDALE MUNICIPAL AUTHORITY -vs- JEREMY YODER et al

154803



CLEARFIELD BANK
&
TRUST COMPANY

REMITTER: CLEARFIELD BANK & TRUST CO DATE 4/13/06

CLEARFIELD CO PROTHONOTARY
EXACTLY **131 AND 04/100 DOLLARS \$ 131.04

Handwritten signature in a circle

CUSTOMER - FILE COPY

00-887-00

Be

CASHIER'S CHECK

AUTHORIZED SIGNATURE
NOT NEGOTIABLE

7
1

CLEARFIELD COUNTY PROTHONOTARY 7-83
~~ALLEN B. SMITH~~ William Shaw
ESCROW ACCOUNT
P.O. BOX 549
CLEARFIELD, PA 16830

1195

PAY
TO THE
ORDER OF COUNTY TREASURER

APRIL 13 ~~18~~ 2006

60-629/313

\$ 307.24

THREE HUNDRED SEVEN AND 24/100

DOLLARS

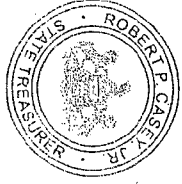


Main Office
11 North 2nd Street
Clearfield, PA 16830

FOR ESCHEATING CASES 00-886,887 + 888-CD

IMMA

⑈03⑆306294⑆ 1 2 26577 2⑈ 1195



COMMONWEALTH OF PENNSYLVANIA
TREASURY DEPARTMENT
BUREAU OF UNCLAIMED PROPERTY

REPORT OF ABANDONED AND UNCLAIMED PROPERTY

FILE THIS COPY ON OR BEFORE APRIL 15

HOLDER NAME

田之社

REPORTING YEAR

Property Description	Estimated Value
Temporary Escrow Account	

[illegible]

Please complete the checklist below by indicating with an "X" all types of property you are reporting. Each description marked must correspond with individual property descriptions you list on Form AP-2.

- | | |
|---|---|
| <input type="checkbox"/> Accounts Payable Check | <input type="checkbox"/> Liquidated Stock - Undeliverable |
| <input type="checkbox"/> Accrued Dividends | <input type="checkbox"/> Liquidated Stock - Underlying |
| <input type="checkbox"/> Accrued Interest on Bond | <input type="checkbox"/> Liquidated Stock - Unexchanged |
| <input type="checkbox"/> Bail Bond Deposit | <input type="checkbox"/> Liquidated Stock Distribution |
| <input type="checkbox"/> Bank Draft | <input type="checkbox"/> Liquidated Stock Dividend |
| <input type="checkbox"/> Bearer Bond/Principal | <input type="checkbox"/> Liquidated Stock Split |
| <input type="checkbox"/> Bond Interest/Coupon Money | <input type="checkbox"/> Liquidated Warrants |
| <input type="checkbox"/> Bond Redemption | <input type="checkbox"/> Liquid Cash Distribution |
| <input type="checkbox"/> Cash Distribution | <input type="checkbox"/> Master Fees |
| <input type="checkbox"/> Cash Exchange | <input type="checkbox"/> Matured Life Policy |
| <input type="checkbox"/> Cashier's Checks | <input type="checkbox"/> Membership Fees |
| <input type="checkbox"/> CD Interest Check | <input type="checkbox"/> Mineral & Royalty Proceeds |
| <input type="checkbox"/> Certificate of Deposit/Savings Certificate | <input type="checkbox"/> Misc. Papers - Safe Deposit Box |
| <input type="checkbox"/> Certified Check | <input type="checkbox"/> Miscellaneous Equipment |
| <input type="checkbox"/> Checking Account | <input type="checkbox"/> Money Order |
| <input type="checkbox"/> Checks Written Off Into Income | <input type="checkbox"/> Nontransferable Security |
| <input type="checkbox"/> Christmas Club Account | <input type="checkbox"/> Passbook Savings |
| <input type="checkbox"/> Claims Payment Check | <input type="checkbox"/> Patient Accounts |
| <input type="checkbox"/> Coins - Safe Deposit Box | <input type="checkbox"/> Paying Agent Accounts |
| <input type="checkbox"/> Collectable - Safe Deposit Box | <input type="checkbox"/> Pension & Profit Sharings |
| <input type="checkbox"/> Commissions | <input type="checkbox"/> Premium Refunds |
| <input type="checkbox"/> Condemnation Awards | <input type="checkbox"/> Property Sales |
| <input type="checkbox"/> Confiscated Funds | <input type="checkbox"/> Redemption |
| <input type="checkbox"/> Credit Balances | <input type="checkbox"/> Refund/Rebates |
| <input type="checkbox"/> Currency - Safe Deposit Box | <input type="checkbox"/> Registered Bond Proceeds |
| <input type="checkbox"/> Customer Deposit | <input type="checkbox"/> Registered Checks |
| <input type="checkbox"/> Death Benefit Check | <input type="checkbox"/> Restitution Award |
| <input type="checkbox"/> Debenture Interest | <input type="checkbox"/> Rights Redemption/Lease Rental |
| <input type="checkbox"/> Dividends | <input type="checkbox"/> Safekeeping - Miscellaneous |
| <input type="checkbox"/> Endowment Funds | <input type="checkbox"/> Safety Deposit Boxes |
| <input checked="" type="checkbox"/> Escrow Account | <input type="checkbox"/> Security Deposit |
| <input type="checkbox"/> Estate Funds | <input type="checkbox"/> Share Deposit |
| <input type="checkbox"/> Expense Check | <input type="checkbox"/> Statement Savings |
| <input type="checkbox"/> Fiduciary Funds | <input type="checkbox"/> Stock - Cash-in-Lieu |
| <input type="checkbox"/> Foreign Exchange Check | <input type="checkbox"/> Support Payments |
| <input type="checkbox"/> General Obligation Bonds | <input type="checkbox"/> Suspense Accounts |
| <input type="checkbox"/> Gift Certificate | <input type="checkbox"/> Tax Sales Excess |
| <input type="checkbox"/> Health & Welfare Funds | <input type="checkbox"/> Travelers Checks |
| <input type="checkbox"/> Inmate Accounts | <input type="checkbox"/> Treasurer's Checks |
| <input type="checkbox"/> IRA Account | <input type="checkbox"/> Trust Accounts |
| <input type="checkbox"/> Jewelry - Safe Deposit Box | <input type="checkbox"/> U.S. Government Securities |
| <input type="checkbox"/> Keough Account | <input type="checkbox"/> Uncashed Checks |
| <input type="checkbox"/> Layaway | <input type="checkbox"/> Unclaimed Check/Official Check |
| <input type="checkbox"/> Liquidated Debenture | <input type="checkbox"/> Utility Refund/Deposit |
| <input type="checkbox"/> Liquidated Dividend Reinvestment | <input type="checkbox"/> Vacation Club Account |
| <input type="checkbox"/> Liquidated DRP Termination/Shares | <input type="checkbox"/> Wages, Payroll Unclaimed |
| <input type="checkbox"/> Liquidated Stock Distribution | <input type="checkbox"/> Witness Fees |
| <input type="checkbox"/> Liquidated Mutual Funds | <input type="checkbox"/> Written Instrument |
| <input type="checkbox"/> Liquidated Rights | |

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THE CONDEMNATION OF A RIGHT OF WAY AND/OR
EASEMENT OVER, ACROSS, UPON AND THROUGH THAT
CERTAIN PROPERTY, SITUATE IN GULICH TOWNSHIP,
CLEARFIELD COUNTY, PENNSYLVANIA, BY THE
HOUTZDALE MUNICIPAL AUTHORITY, CONDEMNOR FOR
PURPOSES OF EXPANDING ITS EXISTING GROUND WATER
TRANSMISSION CAPABILITIES AND FOR OTHER
PURPOSES INVOLVED IN THE UPGRADE AND RENOVATION
OF ITS WATER COLLECTION, WATER DISTRIBUTION AND
WATER TREATMENT SYSTEMS:

:
:
: NO. 2000-
00-887-CJ

FILED

CONDEMNEE: (H) JEREMY YODER and (H) ANGELA YODER

AUG 01 2000
10/2:35 / ms
William A. Shaw PD
Prothonotary
3 Cont to Atty
BY ATTY

DECLARATION OF TAKING

The Houtzdale Municipal Authority does hereby respectfully declare that:

1. The condemnor is the Houtzdale Municipal Authority a non-profit corporation duly organized under the authority of the Municipal Authorities Act of 1945, as amended, 53 P.S. §301 et seq.

2. The interest in the property hereinafter described is hereby condemned as a right-of-way and/or easement for purposes of expansion, enlargement and improvement of the water collection, water transport, water treatment and water distribution systems pursuant to the Municipal Authorities Act of 1945, as amended, 53 P.S. §301 et seq. and as authorized by Resolution adopted the 11th, day of July, 2000, by the said condemnor. A copy of said resolution is attached hereto and made a part hereof as Exhibit A. The original may be examined at the address of the condemnor.

3. The purpose of the condemnation is to expand the ground water and/or surface water transmission capability of the Authority and to enlarge, upgrade and renovate the said system of

distribution now operated and/or to be operated by the Condemnor in the future.

The further purpose of the Condemnation is to acquire a right of way in, over, across and through the subject property with the further right to construct, repair, and maintain facilities within the said right of way and/or easement and the further purposes of ingress, egress, and regress to and from Condemnors pipeline and other facilities maintained by the Condemnor; and with the further right to construct, lay, maintain, and service the main transmission pipeline and other support facilities so as to permit the efficient collection and transmittal of water from the watershed and throughout the system of distribution. These rights shall include but shall not be limited to:

(a) A right-of-way for ingress to and egress from the premises; a right-of-way for establishing and maintaining a pole line or pole lines for extending electric power, and telecommunications facilities to the premises; and rights-of-way for subsurface power, communication, water and sewer lines to the premises; all rights-of-way to be over the said lands and adjoining lands of the Condemnor, and unless herein described by metes and bounds, to be by routes reasonably determined to be the most convenient to the Condemnor.

(b) The right of grading, conditioning, and installing drainage facilities, and seeding the soil of the premises, and the removal of all obstructions from the premises which may constitute a hindrance to the establishment and maintenance of Condemnor's facilities.

(c) The right to make alterations, attach fixtures, and erect additions, structures, or signs, in or upon the premises hereby condemned, which alterations, fixtures, additions, structures or signs so placed in or upon, or attached to the said premises shall be and remain the property of the Condemnor, and may be removed upon the date of expiration or termination of this use, or within ninety (90) days thereafter, by or on behalf of the Condemnor, or its grantees, or purchasers of said alterations, fixtures, additions, structures, or signs.

4. A description of the property condemned sufficient for its identification is set forth in the attached Exhibit B. On the same day as this declaration of taking is being filed with the prothonotary, plans showing the property condemned are being lodged for record in the office of the Recorder of Deeds of Clearfield County, Pennsylvania, in accordance with Section 404 of the Eminent Domain Code, 26 P. S. §1-404.

5. The nature of the title acquired in and to the property is a right-of-way and/or an easement over, across, upon and through that property described in Exhibit B and the roadway constructed therein.

6. A plan showing the condemned property may be inspected at the office of the condemnor which is located at Houtzdale, Pennsylvania.

7. The condemnor files with this declaration of taking an open ended bond without surety pursuant to Section 403(a) of the Eminent Domain Code 26 P.S. §1-403(a). Just compensation is made or secured by the filing of said bond. A copy of the bond is

attached hereto as Exhibit C.

HOUTZDALE MUNICIPAL AUTHORITY

OR

BY

Donald O'Keefe

ATTEST:

my Merle D. Hayward

VERIFICATION

I hereby verify that the statements made in this instrument are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

Michael Hayward

Dated: 7-27-00

Donald W. Rupp

R E S O L U T I O N

AUTHORIZING THE SELECTION AND APPROPRIATION OF ANY AND ALL TEMPORARY AND/OR PEREMANENT RIGHT OF WAYS AT VARIOUS WIDTHS AND LENGTHS OVER, ACROSS, UPON AND THROUGH LANDS OF CONDEMNES IN GULICH TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA, AND AUTHORIZING ANY AND ALL NECESSARY ACTION INCLUDING THE FILING OF A DECLARATION OF TAKING AND ALL OTHER NECESSARY DOCUMENTS FOR THE ACQUISITION THEREOF TO COMPLETE THE DEVELOPMENT OF THE PROJECT KNOWN AS THE JANESVILLE PROJECT.

WHEREAS, the Houtzdale Municipal Authority is about to proceed with the enlargement, upgrading, and renovation of the water distribution system and of its facilities located throughout the Moshannon Valley; and

WHEREAS, in order to carry out the proposed purposes, it is necessary for the Houtzdale Municipal Authority to acquire rights of way and/or easements to certain land and properties for the purpose of laying, constructing, repairing and maintaining a water transmission line; and

WHEREAS, the Houtzdale Municipal Authority has been unable to agree with the owner or owners of the property to be acquired on the price or damages to be paid; and

WHEREAS, in accordance with Section 314 of the Municipal Authorities Act of 1945, (53 P.S. §314) as amended, the Authority is authorized to acquire an interest in property through Eminent Domain proceedings;

NOW THEREFORE BE IT RESOLVED, That the Houtzdale Municipal Authority, in accordance with the authority conferred by law, selects and appropriates for the purposes hereinabove set forth certain property consisting of a ten (10) foot construction easement and a ten (10) foot permanent easement in varying lengths over, across, upon and through lands of the owner and/or owners as designated and which lands are located in Gulich Township, Clearfield County, Pennsylvania.

RESOLVED, All title and private rights or easements of whatever nature of property owners in the hereinabove described property are hereby selected and appropriated for the purposes set forth herein in accordance with law.

RESOLVED, The title to be acquired shall be a right-of-way and/or easement in the subject property.

RESOLVED, Counsel for the Houtzdale Municipal Authority and its proper officers are hereby authorized to file a declaration of taking and such other proceedings, including the entry of such bond as may be necessary or desirable to carry out the purpose of this resolution.

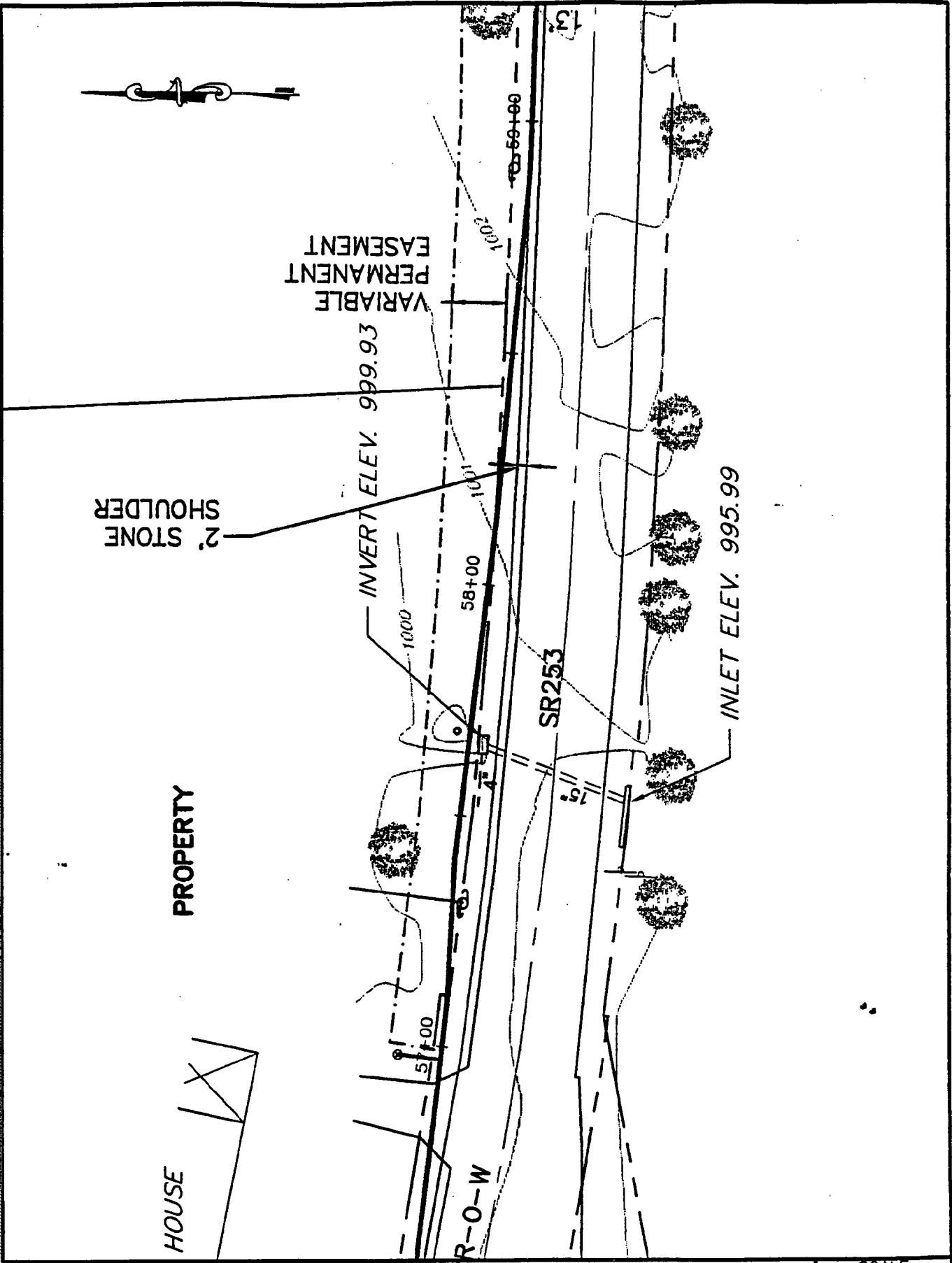
RESOLVED, That the institution of such proceedings, and any damages which may be agreed upon or awarded to any party in interest, including the owner or owners of said properties located within the area, shall be paid out of the funds of the Houtzdale Municipal Authority.

HOUTZDALE MUNICIPAL AUTHORITY

DR
By Donald Koss

ATTEST:

MH Merle D. Hayward
Secretary



UNI-TEC
CONSULTING
ENGINEERS, INC.

2007 CATO AVENUE STATE COLLEGE, PA. 16801 814-238-0223

PROPERTY
STA 56+98 TO 58+43

Exhibit B

SCALE
1"=30'

DRAWING NO.

1810403000

SHEET NO.

1 OF 1

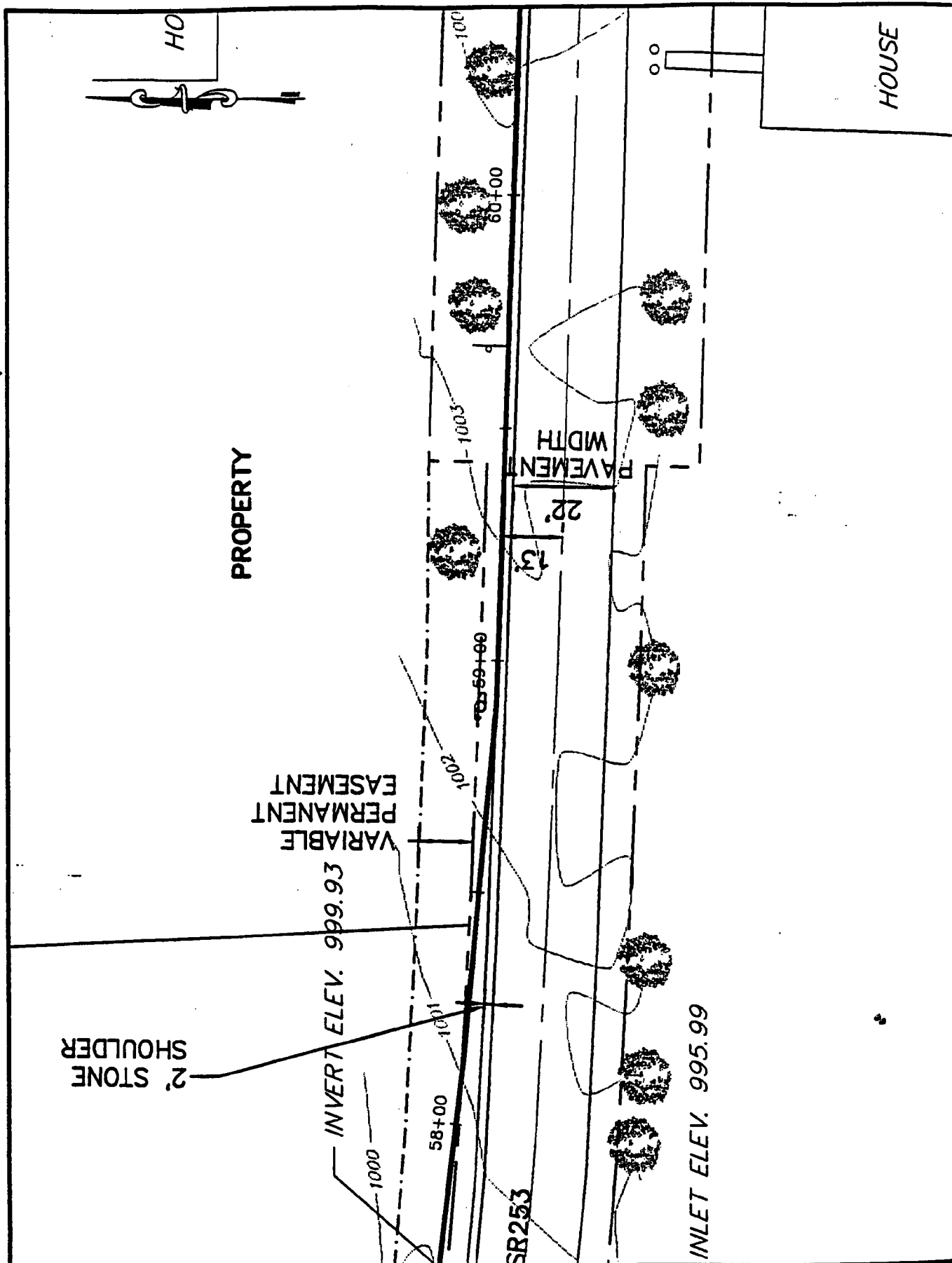


**UNI-TEC
CONSULTING
ENGINEERS, INC.**

2007 CATO AVENUE STATE COLLEGE, PA. 16801 814-238-5223

PROPERTY
STA 56+98 TO 58+43

SCALE
1"=30'
DRAWING NO.
1810403000
SHEET NO.
1 OF 1

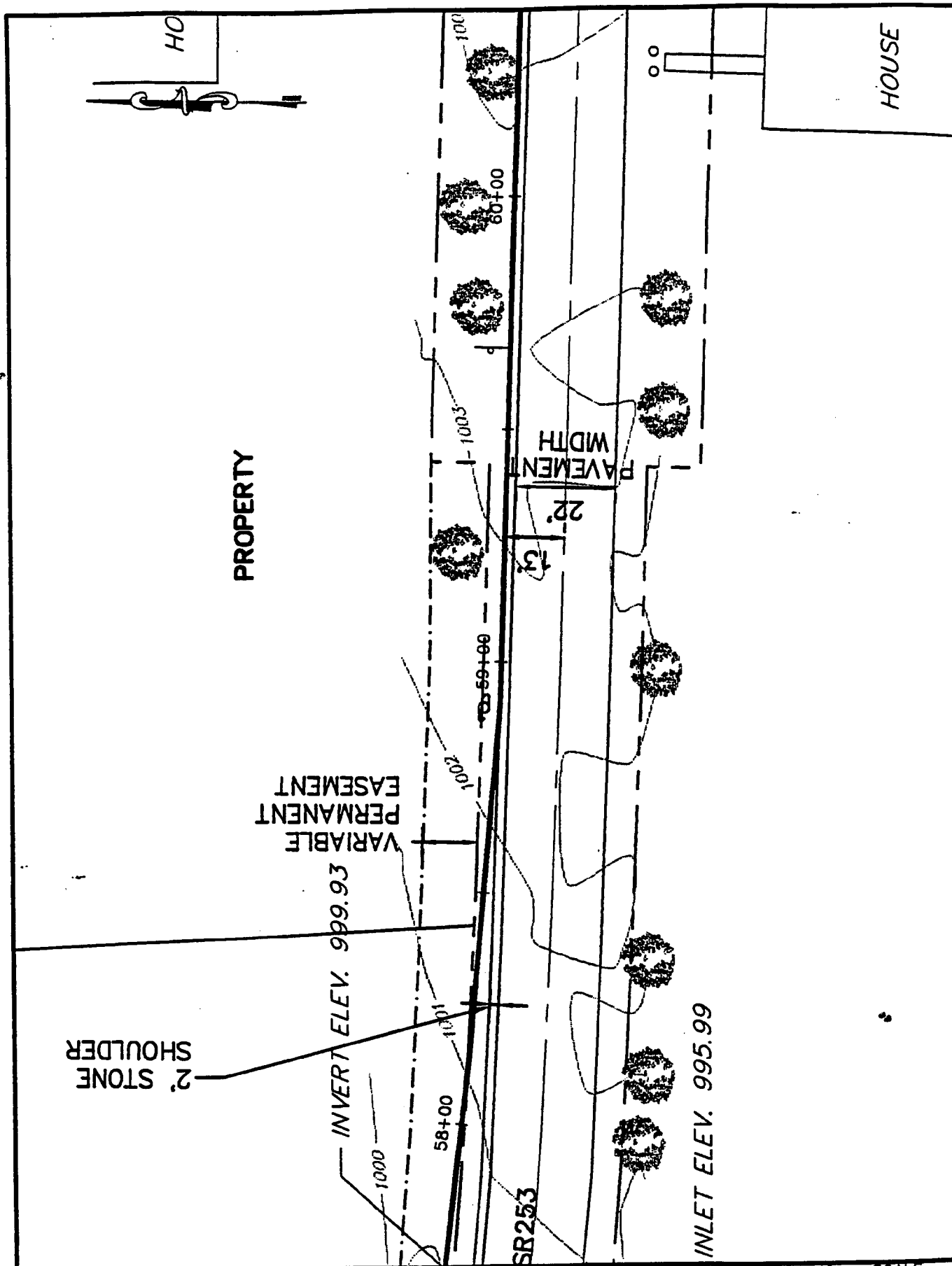


UNI-TEC
CONSULTING
ENGINEERS, INC.

2007 CATO AVENUE STATE COLLEGE, PA. 16801 814-238-8223

PROPERTY
STA 58+43 TO 59+43

SCALE
1"=30'
DRAWING NO.
1810403000
SHEET NO.
1 OF 1



UNI-TEC
CONSULTING
ENGINEERS, INC.

2007 CATO AVENUE STATE COLLEGE, PA. 16801 814-238-8223

PROPERTY
STA 58+43 TO 59+43

SCALE
1"=30'
DRAWING NO.
1810403000
SHEET NO.
1 OF 1

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THE CONDEMNATION OF A RIGHT OF WAY AND/OR :
EASEMENT OVER, ACROSS, UPON AND THROUGH THAT :
CERTAIN PROPERTY, SITUATE IN GULICH TOWNSHIP, :
CLEARFIELD COUNTY, PENNSYLVANIA, BY THE : NO. 2000-
HOUTZDALE MUNICIPAL AUTHORITY, CONDEMNOR FOR :
PURPOSES OF EXPANDING ITS EXISTING GROUND WATER :
TRANSMISSION CAPABILITIES AND FOR OTHER :
PURPOSES INVOLVED IN THE UPGRADE AND RENOVATION :
OF ITS WATER COLLECTION, WATER DISTRIBUTION AND :
WATER TREATMENT SYSTEMS: :

CONDEMNEE: JEREMY YODER and ANGELA YODER

BOND

KNOW ALL MEN BY THESE PRESENTS, that a declaration of taking having been filed the 1st day of August, 2000, by the Houtzdale Municipal Authority, (Obligor), a non-profit corporation organized and existing under the laws of the Commonwealth of Pennsylvania, being held and firmly bound unto the Commonwealth of Pennsylvania ("obligee") for the use and benefit of the owner or owners of the prpoerty condemned as hereinafter noted, and other proper parties in interest, for such amount of damages as the owner or owners of the property and other parties in interest shall be entitled to receive after the same shall have been agreed upon or assessed in the manner prescribed by law, by reason of the condemnation by obligor of certain land and improvements located in Gulich Township, Clearfield County, Pennsylvania, and described as follows:

BEGINNING at an iron pin on the northerly right of way of State Route No. S.R. 0253, and being in the center of a farm lane leading to lands formerly of Luke Millward now Bungo, and being eight (8) feet east of lands now or formerly of Anna Seckinger; thence along said 8 foot wide strip of land N 04° 18' 00" E a distance of 427.02 feet to an iron pin on the east side of said 8

foot wide strip of land, and being a corner also of Bungo; thence along said lands of Bungo S 73° 22' 45" E a distance of 789.85 feet to an iron pin on line of lands now or formerly of Dolores and Earl Lender; thence along said lands of Lender S 19° 22' 02" W a distance of 462.77 feet to an iron pin on the northerly right of way line of S.R. 0253; thence along said right of way line N 69° 34' 11" W a distance of 678.05 feet to an iron pin in the center of said farm lane and marking the place of beginning. Containing 7.383 acres as shown on a plan prepared by Stephen W. Norfolk, P.L.S., titled "Lot Survey for William D. and Shelley V. Cunningham, Showing Millward Farm Lane", and dated May 14, 1996, said plan appears of record in Clearfield County Recorder's Office in Map File No. 1188.

BEING the same premises granted and conveyed unto the Condemnee by deed of William D. Cunningham et. ux. dated June 14, 2000, and entered for record in the office of the Recorder of deeds of Clearfield County, Pennsylvania as Instrument No. 200008349.

to which payment well and truly to be made, the obligor does bind itself and its successors, and assigns, firmly by these presents.

WHEREAS, the obligor has condemned the said property and cannot agree with the owner or owners of said land upon the just compensation to be paid for the damages sustained by the said owner or owners as a result of the condemnation:

NOW THE CONDITION of this bond is such that if the obligor shall pay or cause to be paid such amount of damages as the said owner or owners of the property and other parties in interest shall be entitled to receive by reason of such condemnation, after the same shall have been agreed upon or assessed in the manner provided by law, then this obligation shall be void; otherwise, to be and remain in full force and effect.

SEALED with the corporate seal and duly executed this 1st
day of August , 2000.

HOUTZDALE MUNICIPAL AUTHORITY

OR

By

Donald Marsh

ATTEST:

mH

Melinda Hayward

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

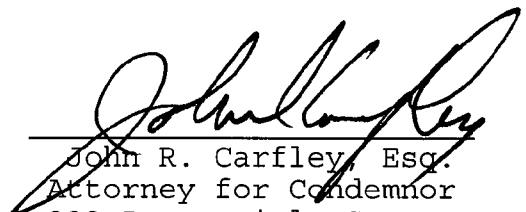
THE CONDEMNATION OF A RIGHT OF WAY AND/OR :
EASEMENT OVER, ACROSS, UPON AND THROUGH THAT :
CERTAIN PROPERTY, SITUATE IN GULICH TOWNSHIP, :
CLEARFIELD COUNTY, PENNSYLVANIA, BY THE : NO. 2000-887-CD
HOUTZDALE MUNICIPAL AUTHORITY, CONDEMNOR FOR :
PURPOSES OF EXPANDING ITS EXISTING GROUND WATER :
TRANSMISSION CAPABILITIES AND FOR OTHER :
PURPOSES INVOLVED IN THE UPGRADE AND RENOVATION :
OF ITS WATER COLLECTION, WATER DISTRIBUTION AND :
WATER TREATMENT SYSTEMS: :

CONDEMNEE: JEREMY YODER and ANGELA YODER

MEMORANDUM OF FILING OF NOTICE

TO THE PROTHONOTARY:


Notice of the above-captioned condemnation is recorded in the
Office of the Recorder of Deeds of Clearfield County, Pennsylvania,
as Instrument No. 200011213


John R. Carfley, Esq.
Attorney for Condemnor
222 Presqueisle Street
Philipsburg, Pa., 16866
(814) 342-5581
ID# 17621

FILED

01:23:30 PM
AUG - 4 2000

William A. Shaw
Prothonotary

Adcc to att


IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THE CONDEMNATION OF A RIGHT OF WAY AND/OR
EASEMENT OVER, ACROSS, UPON AND THROUGH THAT
CERTAIN PROPERTY, SITUATE IN GULICH TOWNSHIP,
CLEARFIELD COUNTY, PENNSYLVANIA, BY THE
HOUTZDALE MUNICIPAL AUTHORITY, CONDEMNOR FOR
PURPOSES OF EXPANDING ITS EXISTING GROUND WATER
TRANSMISSION CAPABILITIES AND FOR OTHER
PURPOSES INVOLVED IN THE UPGRADE AND RENOVATION
OF ITS WATER COLLECTION, WATER DISTRIBUTION AND
WATER TREATMENT SYSTEMS:

:

:

:

:

NO. 2000-887-CO

COPY

CONDEMNEE: JEREMY YODER and ANGELA YODER

N O T I C E

TO: Jeremy Yoder and Angela Yoder
CONDEMNEE
HC1, Box 103
Smithmill, Pa., 16680

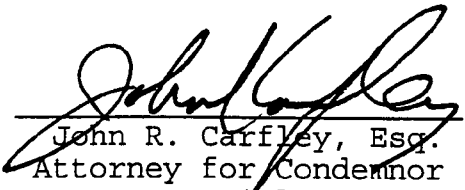
In accordance with Section 405 of the Eminent Domain Code of
1964, 26 P. S. §1-405, Houtzdale Municipal Authority notifies you
that:

1. A declaration of taking, a copy of which is attached as
Exhibit "A", was filed on August 1, 2000, in the Court of Common
Pleas of Clearfield County, Pennsylvania to the above term and
number.

2. Your property has been condemned for purposes of acquiring
a ten (10) foot construction easement and a ten (10) foot permanent
right of way, 245 feet more or less in length which right of way
will be utilized in the upgrade and renovation of Condemnor's water
distribution system and system of treatment. Plans of the property
condemned are filed of record in the Office of the Recorder of
Deeds of Clearfield County, Pennsylvania, and may be further
examined at the offices of the Condemnor located in Houtzdale,

Clearfield County, Pennsylvania.

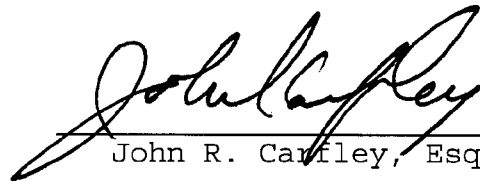
3. If you wish to challenge the power or right of Houtzdale Municipal Authority to appropriate the condemned property, the sufficiency of the security, the procedure followed by the condemnor, or the declaration of taking, you are required to file preliminary objections within 30 days after being served with this notice.



John R. Carfley, Esq.
Attorney for Condemnor
222 Presqueisle Street
Philipsburg, Pa., 16866
(814) 342-5581
ID# 17621

CERTIFICATE OF SERVICE

I do hereby certify that I have forwarded a copy of the foregoing instrument to Jeremy Yoder and Angela Yoder, HC1, Box 103, Smithmill, Pennsylvania, 16680, by placing the same in the United States Mail, postage prepaid, this 3rd day of August, 2000.


John R. Carfiley, Esq.

3
CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THE CONDEMNATION OF A RIGHT OF WAY AND/OR
EASEMENT OVER, ACROSS, UPON AND THROUGH
CERTAIN PROPERTY, SITUATE IN GULICH
TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA,
BY THE HOUTZDALE MUNICIPAL AUTHORITY FOR
PURPOSES OF EXPANDING ITS EXISTING GROUND
WATER TRANSMISSION CAPABILITIES AND FOR OTHER
PURPOSES INVOLVED IN THE THE UPGRADE AND
RENOVATION OF ITS WATER COLLECTION, WATER
DISTRIBUTION AND WATER TREATMENT SYSTEMS

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: No. 00-886-CD
: ~~No. 00-887-CD~~
: No. 00-888-CD
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:

FILED

CONDEMNNEES: (1) Ryan Neal Acey (No. 00-886-CD)
(2) Jeremy & Angela Yoder (No. 00-887-CD)
(3) Jack Soupart (00-888-CD)

OCT 06 2000

William A. Shaw
Prothonotary

PETITION

TO THE HONORABLE JOHN K. REILLY, PRESIDENT JUDGE OF SAID COURT:

The Petition of Houtzdale Municipal Authority respectfully
represents:

1. Petitioner is a body politic organized as a general
municipal authority by the Houtzdale Borough Council, Clearfield
County, Pennsylvania, pursuant to the laws of the Commonwealth of
Pennsylvania, more particularly described under the Municipal
Authorities Act of May 2, 1945, as amended.

2. Your Petitioner is authorized by the Municipal Authorities
Act to exercise the right of eminent domain and as a result thereof
on July 11, 2000, by resolution duly passed and adopted at a
regular meeting of the said body at which a quorum was present,
condemned and appropriated certain premises in or near Gulich
Township, Clearfield County, Pennsylvania.

3. The Condemnees are Ryan Neal Acey, Jeremy and Angela Yoder
and Jack Soupart and are those individuals and/or business entities
named in condemnation actions filed to the above terms and numbers.

4. As part of its corporate municipal mandate HMA has undertaken to extend certain waterlines located within its service area and in particular has engaged in activities relative to the Janesville Waterline Extension Project.

5. Pursuant to its municipal mandate HMA saw fit to file certain condemnations to the above terms and numbers in order to secure easements and/or rights of way over, across, through and under the properties of the condemnees named herein which rights of way are imperative to the extension of the waterline and the ability of HMA to fulfill its duty to its customers by finalizing the construction and dedication of this waterline.

6. On the 3rd day of August, 2000, declarations of taking were filed against these condemnees and on September 6, 2000, correspondence was directed to all of the above named condemnees offering the payment of the estimated just compensation for the condemnation of their respective ownership rights.

7. Thirty (30) days have elapsed since the filing of the Declarations of Taking as against each of these named condemnees and no preliminary objections have been filed in these proceedings.

8. The Eminent Domain Code provides that upon the expiration of thirty (30) days from the date of the filing of the Declaration of Taking Condemnor may gain right of entry and/or possession of the condemned premises provided that an offer of payment of estimated just compensation for the rights condemned has been tendered.

9. The said offers have been extended as aforesaid but to date none of the condemnees listed above have availed themselves of

the opportunity to accept the estimated just compensation pursuant to the procedure established by the condemnor.

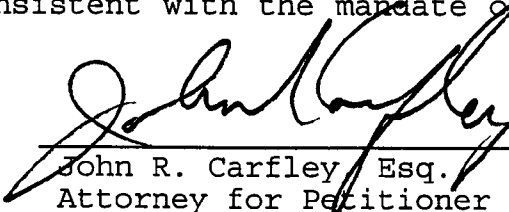
10. The estimated just compensation offered to each of these condemnees is as follows:

A. Ryan Neal Acey	\$ 58.00
B. Jeremy & Angela Yoder	122.50
C. Jack Soupart	110.50

11. Condemnor now requests this Honorable Court to grant permission to the Condemnor to escrow the above stated amounts with the Prothonotary of Clearfield County, pending application for release of said sums by the respective condemnees.

12. Condemnor further requests that said estimated just compensation be filed to the respective terms and numbers associated with the condemnation proceeding instituted as against each of the herein named condemnees.

WHEREFORE, Petitioner requests this Honorable Court to enter an order in the form attached hereto permitting Condemnor to deposit the estimated just compensation as herein stated with the Prothonotary of Clearfield County so as to insure the right of entry to the Condemnor without further action and to further order the issuance of a writ of possession where necessary to guarantee entry on the subject premises consistent with the mandate of the Eminent Domain Code.


John R. Carfley, Esq.
Attorney for Petitioner
P. O. Box 249
Philipsburg, Pa., 16866
ID# 17621

Dated: October 2, 2000

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THE CONDEMNATION OF A RIGHT OF WAY AND/OR
EASEMENT OVER, ACROSS, UPON AND THROUGH
CERTAIN PROPERTY, SITUATE IN GULICH
TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA,
BY THE HOUTZDALE MUNICIPAL AUTHORITY FOR
PURPOSES OF EXPANDING ITS EXISTING GROUND
WATER TRANSMISSION CAPABILITIES AND FOR OTHER
PURPOSES INVOLVED IN THE THE UPGRADE AND
RENOVATION OF ITS WATER COLLECTION, WATER
DISTRIBUTION AND WATER TREATMENT SYSTEMS

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: No. 00-886-CD
: ~~No. 00-887-CD~~
: No. 00-888-CD
:
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FILED

- CONDEMNNEES: (1) Ryan Neal Acey (No. 00-886-CD)
(2) Jeremy & Angela Yoder (No. 00-887-CD)
(3) Jack Soupart (00-888-CD)

OCT 10 2000

William A. Shaw
Prothonotary

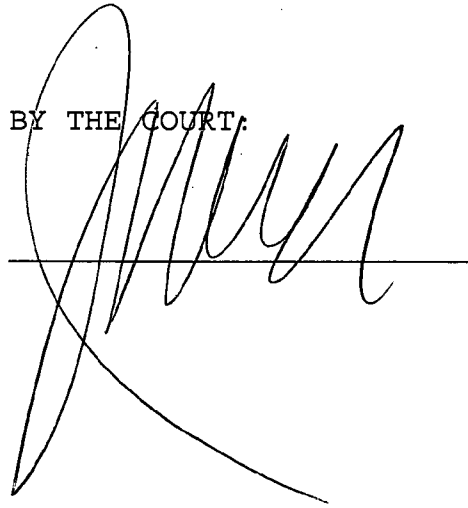
ORDER OF COURT

AND NOW, This 9th day of October, 2000, upon consideration of the foregoing Petition, IT IS THE ORDER OF THIS COURT That the Condemnor, Houtzdale Municipal Authority, be and is hereby authorized to deposit with the Prothonotary of Clearfield County, estimated just compensation as outlined in its petition consistent with the provisions of the Eminent Domain Code. The estimated just compensation to be filed shall be in those amounts specified in Houtzdale Municipal Authority's Petition and shall be deposited with the Prothonotary and held as part of the proceedings docketed to the terms and numbers of the respective condemnation proceedings filed against the herein named condemnees.

Houtzdale Municipal Authority is further granted the right of entry to the said premises upon payment of these sums with a Writ of Possession to issue forthwith upon application of the Houtzdale Municipal Authority and without further court proceeding should said writ be necessary in order to insure possession of the

premises at such time, place and in such manner as the Authority shall require.

BY THE COURT:

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, is written over a horizontal line.

(5)

JOHN R. CARFLEY
ATTORNEY AT LAW
222 PRESQUEISLE STREET
P. O. BOX 249
PHILIPSBURG, PENNSYLVANIA 16866

AREA CODE 814
TELEPHONE 342-5581
FAX 342-1127

October 18, 2000

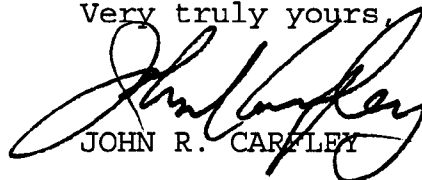
William Shaw,
Prothonotary
Court House
Clearfield, Pa., 16830

RE: Houtzdale Municipal Authority
vs. Jeremy & Angela Yoder
No. 00-887-CD

Dear Mr. Shaw:

Please find enclosed a check from the Houtzdale Municipal Authority in the amount of \$122.50 relative to the above captioned matter to be placed in your escrow account as per Judge Reilly's Order of October 9, 2000.

Very truly yours,



JOHN R. CARFLEY

JRC:sm

Encls.

CC: HMA

FILED

OCT 20 2000

01:12:50 p.m.

William A. Shaw
Prothonotary

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