

00-1038-CD

Michael Courson vs F. Johnson al



00-1038-CD
MICHAEL S. COURSON -vs- FRANCIS B. JOHNSON III etal

IN THE COURT OF COMMON PLEAS OF CLEARFIELD CO'
(CIVIL DIVISION)

① MICHAEL S. COURSON,
Plaintiff

vs.

② FRANCIS B. JOHNSON, III ③
③ FRANCIS B. JOHNSON and ROSE A.
JOHNSON, and any heirs, persons
title under the aforesaid defendant
and any other person, persons,
firms, partnerships, or corporate entities
who might claim title to the premises
herein described,
Defendants

00-1

No. 1

AC

THE HOPKINS LAW FIRM
900 Beaver Drive, DuBois, Pennsylvania 16801
VOICE: (814) 375-0300 FAX: (814) 375-6036

D

2000

William A. Shaw
Prothonotary
3 CENT TO ATT

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

MICHAEL S. COURSON,
Plaintiff

vs.

FRANCIS B. JOHNSON, III,
FRANCIS B. JOHNSON and ROSE A.
JOHNSON, and any heirs, persons
title under the aforesaid defendant
and any other person, persons,
firms, partnerships, or corporate entities
who might claim title to the premises
herein described,
Defendants

No. C.D.

ACTION TO QUIET TITLE

COMPLAINT

NOW COMES, Plaintiff, Michael S. Courson, by and through his attorneys, The Hopkins
Law Firm, and avers as follows:

1. Plaintiff is an individual who resides at R. D. #2, Box 165, DuBois, Pennsylvania
15801.

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

All that certain piece or parcel of land situate, lying and being in the Township of Huston,
Clearfield County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING in the center of Township Road No. 408, 202.5 feet more or less, from
Southeast corner of Kenneth Flanders land; thence along lot to be conveyed to Francis Johnson,
South 47 degrees 05' East 141.0 feet; thence by residue of Raymond Parrish land or C. E. Hoyt
Estate (now Defendant Johnson), South 40 degrees 20' West 157.0 feet; thence by residue of
Raymond Parrish land or C. E. Hoyt Estate (now Defendant Johnson), North 41 degrees 45'

West 155.0 feet; thence along center of Township Road No. 408, North 44 degrees 55' East 142.5 feet to the place of beginning. Containing 0.44 acre.

3. The Defendants are Francis B. Johnson, III, Francis B. Johnson and Rose A. Johnson and any heirs, persons claiming, or who might claim title under the aforesaid Defendants and any other person, persons, firms, partnerships, or corporate entities who might claim title to the premises herein described.

4. The Defendants reside at R. D. #2, DuBois, Clearfield County, Pennsylvania.

5. By deed dated June 24, 1987 and recorded in the Office of the Recorder of Deeds of Clearfield County in Deed Book 1174, at page 448, Raymond L. Parrish and Ardelia K. Parrish conveyed the said premise at issue unto Michael S. Courson and Anna M. Courson. Said deed excepted and reserved an easement to be used in common by the Grantors and the Grantees over an existing roadway located at the southwesterly side of the above described premises. The deed also stated "the Grantees, their heirs and assigns, shall have the right to relocated said roadway, at their expense, to location to be agreed upon by the Grantors and Grantees, their heirs and assigns."

6. Upon Plaintiff's purchase of the said property and with the consent of the Grantor, Ardelia K. Parrish, Plaintiff moved the road to follow the property line between Plaintiff's property and Ardelia K. Parrish's property.

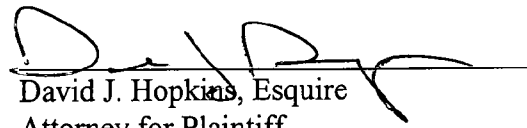
7. Subsequent to Michael Courson's moving of the said road, Francis B. Johnson III, Francis B. Johnson and Rose A. Johnson purchased the property adjacent to Michael S. Courson from Ardelia K. Parrish.

8. Since the Johnson's purchased the property subsequent to the road being moved, they have no claim to the road in its original location.

9. This action is brought to clear up any claims Francis B. Johnson, III, Francis B. Johnson and Rose A. Johnson feel they may have in the said property.

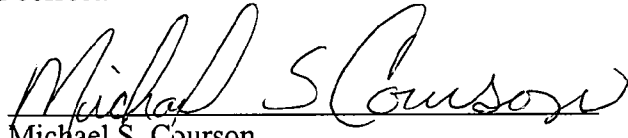
WHEREFORE, the Plaintiff requests the Court to decree that title to the premises described herein be granted unto Plaintiff in fee simple and absolutely; and that the Defendants, their heirs, devisees, executors, administrators, and assigns, and all other person, persons, firms, partnerships, or corporate 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.


Michael S. Courson

Date: August 17, 2000

DAVID J. HOPKINS

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

COURSON, MICHAEL S.

00-1038-CD

VS

JOHNSON, FRANCIS B. III

COMPLAINT ACTION TO QUIET TITLE
SHERIFF RETURNS

NOW SEPTEMBER 5, 2000 AT 1:15 PM DST SERVED THE WITHIN
COMPLAINT ON FRANCIS B. JOHNSON, DEFENDANT AT RESIDENCE
RD 2, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO
FRANCIS B. JOHNSON A TRUE AND ATTESTED COPY OF THE ORIGINAL
COMPLAINT AND MADE KNOWN TO HIM THE CONTENTS THEREOF.
SERVED BY: MCINTOSH/COUDRIET

NOW SEPTEMBER 5, 2000 AT 1:15 PM DST SERVED THE WITHIN
COMPLAINT ON ROSE A. JOHNSON, DEFENDANT AT RESIDENCE RD 2,
DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO ROSE
A. JOHNSON A TRUE AND ATTESTED COPY OF THE ORIGINAL
COMPLAINT AND MADE KNOWN TO HER THE CONTENTS THEREOF.
SERVED BY: MCINTOSH/COUDRIET

NOW SEPTEMBER 5, 2000 AT 1:20 PM DST SERVED THE WITHIN
COMPLAINT ON FRANCIS B. JOHNSON, III, DEFENDANT AT RESIDENCE
RD 2, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO
FRANCIS B. JOHNSON, III A TRUE AND ATTESTED COPY OF THE
ORIGINAL COMPLAINT AND MADE KNOWN TO HIM THE CONTENTS
THEREOF.
SERVED BY: MCINTOSH/COUDRIET

40.21 SHFF. HAWKINS PAID BY: ATTY.

30.00 SURCHARGE PAID BY: ATTY.

SWORN TO BEFORE ME THIS

18TH DAY OF SEP. 2000
William A. Shaw

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

SO ANSWERS,

Chester A. Hawkins
by Marilyn Harris
CHESTER A. HAWKINS
SHERIFF

FILED

SEP 18 2000

4:00 PM
William A. Shaw
Prothonotary

224

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

MICHAEL S. COURSON,
Plaintiffs,

Vs.

**FRANCIS B. JOHNSON, III,
FRANCIS B. JOHNSON and ROSE
A. JOHNSON, and any heirs, persons
title under the aforesaid Defendant and
any other person, persons, firms,
partnerships, or corporate entities who
might claim title to the premises herein
described,**

Defendants.

NO. 00-1038-CD

**Type of Pleading:
ENTRY OF APPEARANCE**

**Filed on behalf of Defendants,
Francis B. Johnson, III,
Francis B. Johnson and
Rose A. Johnson**

**Counsel of Record:
John H. Foradora, Esquire
PONTZER & FORADORA
220 Center Street
Ridgway, PA 15853
(814)773-3108
Atty. I.D. No. 63413**

PRAECIPE

TO THE PROTHONOTARY, WILLIAM SHAW:

Kindly enter my appearance on behalf of the Defendants, Francis B. Johnson, III, Francis B. Johnson and Rose A. Johnson, in the above captioned case, term and number.

Respectfully Submitted:

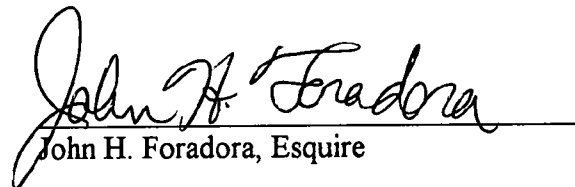
PONTZER & FORADORA

FILED

OCT 06 2000

William A. Shaw
Prothonotary

By:


John H. Foradora, Esquire

PONTZER & FORADORA
ATTORNEYS AT LAW
220 CENTER STREET
RIDGWAY, PENNSYLVANIA 15853
814-773-3108
FAX 814-773-3109

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

MICHAEL S. COURSON,
Plaintiffs,

Vs.

FRANCIS B. JOHNSON, III,
FRANCIS B. JOHNSON and ROSE
A. JOHNSON, and any heirs, persons
title under the aforesaid Defendant and
any other person, persons, firms,
partnerships, or corporate entities who
might claim title to the premises herein
described,

Defendants.

NO. 00-1038-CD

Filed on behalf of Defendants,
Francis B. Johnson, III,
Francis B. Johnson and
Rose A. Johnson

Counsel of Record:
John H. Foradora, Esquire
PONTZER & FORADORA
220 Center Street
Ridgway, PA 15853
(814)773-3108
Atty. I.D. No. 63413

FILED

OCT 06 2000

William A. Shaw
Prothonotary

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

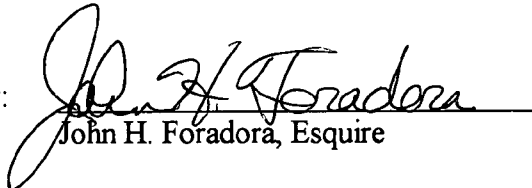
MICHAEL S. COURSON,	:	NO. 00-1038-CD
<i>Plaintiffs,</i>	:	
	:	
	:	NOTICE TO ANSWER
	:	
Vs.	:	
	:	
FRANCIS B. JOHNSON, III,	:	
FRANCIS B. JOHNSON and ROSE	:	
A. JOHNSON, and any heirs, persons	:	
title under the aforesaid Defendant and	:	
any other person, persons, firms,	:	
partnerships, or corporate entities who	:	
might claim title to the premises herein	:	
described,	:	
<i>Defendants.</i>	:	

NOTICE TO ANSWER

TO: David J. Hopkins, Attorney for the Plaintiff, Michael S. Courson

YOU are hereby notified that you are required to answer the **NEW MATTER and COUNTER-CLAIM** herein set forth within twenty (20) days and, if you fail to do so, the allegations therein contained will be taken as admitted and can be used as admissions at the trial of this case.

PONTZER & FORADORA

By: 
John H. Foradora, Esquire

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

MICHAEL S. COURSON,
Plaintiff,

Vs.

**FRANCIS B. JOHNSON, III,
FRANCIS B. JOHNSON and ROSE
A. JOHNSON, and any heirs, persons
title under the aforesaid Defendant and
any other person, persons, firms,
partnerships, or corporate entities
who might claim title to the premises
herein described,**
Defendants.

: NO. 00-1038-CD
:
:
:
: Type of Pleading:
: ANSWER & COUNTERCLAIM
:
: Filed on behalf of the Defendants
: Francis B. Johnson, III, Francis B.
: Johnson and Rose A. Johnson
:
: Counsel of Record:
: John H. Foradora, Esquire
: PONTZER & FORADORA
: 220 Center Street
: Ridgway, PA 15853
: (814)773-3108
: Atty. I.D. No. 63413

ANSWER

AND NOW, comes the Defendants, Francis B. Johnson, III, Francis B. Johnson and Rose A. Johnson, by and through their attorneys, Pontzer & Foradora, and makes the following averments:

1. Admitted.
2. Denied, and on the contrary it is averred that this parcel should not be quieted as the Defendants have a right to use this land for ingress and egress to their land. It is admitted that the description is correct.
3. Admitted.
4. Admitted.

5. Admitted in part, Denied in part. It is admitted that by Deed dated June 24, 1987, and recorded the Office of the Recorders of Deeds of Clearfield County at Deed Book 1174 at Page 448 that this land was conveyed to the Plaintiff and his then wife, with the noted exception. However, it is denied that this Deed was conveyed only by Raymond L. Parrish and Ardelia K. Parrish. On the contrary, it was also conveyed by Edward Hoyt Parrish, who would be a necessary party as a Grantor to agree to the relocation of the roadway.
6. After reasonable investigation the Defendants are without the ability to either admit or deny. Strict proof demanded at trial. To the extent a denial is deemed necessary, it is denied that Edward Hoyt Parrish, or his Grantees, the Defendants in this case, ever agreed to move the road to follow that alleged property line.
7. Denied, and on the contrary it is averred that the Defendants lived at and used the property in question for several months before the road was moved. The Defendants Agreement of Sale was dated May 21, 1998, a Deed conveying the property dated June 12, 1998 was recorded on July 15, 1998 in Deed Book 1951 at Page 81. This Deed is attached as Exhibit "A" and incorporated herein as though more fully set forth at length. The Deed contained the Defendants as Grantees, as long with Sheila Johnson and Anna M. Mackie, all as joint tenants with the right of survivorship. None of these Grantees, nor the Grantor, Edward Hoyt Parrish, nor his Attorney in Fact, Harry S. Ellenberger, ever consented to move the road. Specifically, these Defendants and other Grantees were told that the property to be quieted was their easement for

access to their property, and they used it for several months prior to the new road being built and barricades being placed on the property in question.

8. Denied, and on the contrary it is averred that the Defendants did not purchase the property subsequent to the road being moved. Further, their Deed specifically contains language showing the easement as it existed and their Grantor, Edward Hoyt Parrish, would have not to consent to move the road from its original location. This consent was never received, and as such, the Defendants have a right to title in the original location.
9. Denied, and on the contrary it is averred that the Claims of the Defendants cannot be cleared up by this action, due to the fact their claims are valid and legitimate.

WHEREFORE, Defendants respectfully requests this Honorable Court to enter an Order for the Defendants and against the Plaintiff, and dismiss their Action to Quiet Title.

NEW MATTER

10. Paragraphs 1 through 9 are incorporated herein as though more fully set forth at length.
11. Plaintiff, Michael S. Courson, moved the road without consent of Edward Hoyt Parrish, or his Attorney in Fact, Harry S. Ellenberger, or Francis B. Johnson, Rose A. Johnson, Sheila Johnson, Anna M. Mackie or Francis B. Johnson, III, who owned the property and used this easement prior to the attempts of the Plaintiff to move the road. Without their consent, Plaintiff cannot move this road.
12. The Deed of the Defendant, which has been attached as Exhibit "A" clearly lists that the property is subject to existing roadway and by this, Edward Hoyt Parrish

- (B) Deed from Raymond L. Parrish, Ardelia K. Parrish and Edward Hoyt Parrish to Michael Courson and Anna Courson at Clearfield County Deed Book 1174 at Page 448, dated June 24, 1987 and recorded August 5, 1987. (Attached hereto as Exhibit "C" and made a part herein as though more fully set forth at length.)
 - (C) Raymond L. Parrish and Edward Hoyt Parrish, who received their interest from the Estate of C.E. Hoyt, who died testate on May 10, 1954. Raymond L. Parrish and Edward Hoyt Parrish were his children, and Ardelia K. Parrish was the wife of Raymond L. Parrish.
18. The Defendants acquired their title in real estate from the following sources:
- (A) Deed from Edward Hoyt Parrish by his Attorney in Fact, Harry S. Ellenberger, dated June 12, 1998 and recorded July 15, 1998, at Clearfield County Deed Book 1951 at page 81. (Attached hereto as Exhibit "A" and made a part herein as though more fully set forth at length.)
 - (B) Deed from Ardelia K. Parrish and the Estate of Raymond L. Parrish and Edward Hoyt Parrish to Edward Hoyt Parrish, dated March 6, 1998 and recorded March 11, 1998, at Clearfield County Deed Book 914 at Page 217. (Attached hereto as Exhibit "D" and made a part herein as though more fully set forth at length.)
 - (C) Raymond L. Parrish and Edward Hoyt Parrish, who received their interest from the Estate of C.E. Hoyt, who died testate on May 10, 1954. Raymond L. Parrish and

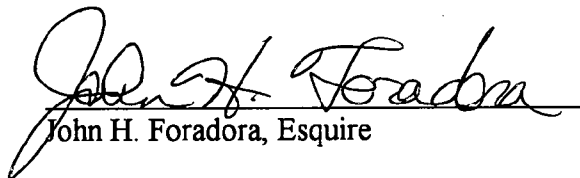
Edward Hoyt Parrish were his children, and Ardelia K. Parrish was the wife of Raymond L. Parrish.

19. All Deeds in the Defendants chain of title indicate that they are subject to a eight to ten foot wide road from the Township Road through the residual lands of the Hoyt Estate.
20. All deeds in the Plaintiffs chain of title indicate that they are subject to an existing road passing through that land to the residual lands of the Hoyt Estate.
21. Defendants are the Grantees of Edward Hoyt Parrish, who did not agree to the moving of this road.
22. Since late 1998 early 1999, Plaintiff, Michael S. Courson, has blocked this road, without having any right to block this road.
23. Defendants would ask this Honorable Court to enter an Order ejecting Plaintiff from barricading this road and allowing the access as titled in their deeds.

WHEREFORE, the Defendants respectfully requests this Honorable Court to issue an Order for the Defendants and against the Plaintiff, commanding that he remove any obstruction from the existing roadway referred to in his deed.

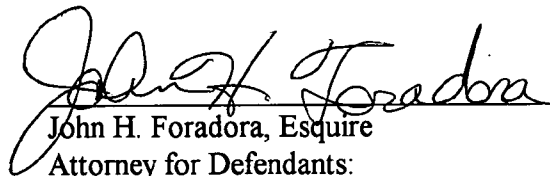
Respectfully Submitted:

PONTZER & FORADORA

By: 
John H. Foradora, Esquire

VERIFICATION

I, JOHN H. FORADORA, ESQ., do hereby state that I am the attorney for the Defendants, Francis B. Johnson, III., Francis B. Johnson and Rose A. Johnson that I am authorized to make this Verification on behalf of the Defendant, and the facts set forth in the foregoing **Answer, New Matter and Counter-Claim** are true and correct, not at my own knowledge, but from information supplied to me from the Defendants, and that the purpose of this Verification is to expedite the litigation, and that the Verification of the Defendants, Francis B. Johnson, III, Francis B. Johnson and Rose A. Johnson, will be supplied, if demanded, also, subject to the penalties of 18 Pa.C.S.A. §4904, relating to unsworn falsification to authorities.


John H. Foradora, Esquire
Attorney for Defendants:

Francis B. Johnson, III,
Francis B. Johnson and Rose A. Johnson

County Parcel No. _____

This Deed,

MADE the _____ 12th _____ day of _____ June _____

in the year nineteen hundred and ninety-eight, (1998),

BETWEEN EDWARD HOYT PARRISH, single, of DuBois, Clearfield County, Pennsylvania, by HARRY S. ELLENBERGER, of DuBois, Clearfield County, Pennsylvania, his attorney-in-fact, specially constituted by General Power of Attorney bearing date of the 16th day of April, 1991 and recorded with this deed, party of the first part, hereinafter referred to as the GRANTOR;

A
N
D

FRANCIS B. JOHNSON and ROSE A. JOHNSON, husband and wife, of DuBois, Clearfield County, Pennsylvania, SHEILA JOHNSON, of DuBois, Clearfield County, Pennsylvania, ANNA M. MACKIE, of Reynoldsville, Jefferson County, Pennsylvania, and FRANS B. JOHNSON, III, of DuBois, Clearfield County, Pennsylvania, as Joint Tenants with the Right of Survivorship, parties of the second part, hereinafter referred to as the GRANTEES.

WITNESSETH, That in consideration of Nine Thousand and 00/100-----

-----(\$9,000.00)----- Dollars,

in hand paid, the receipt whereof is hereby acknowledged, the said grantor does hereby grant and convey to the said grantees ,

ALL that certain piece, parcel or lot of land situated in Huston Township, Clearfield County, Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at a 1 inch iron pipe set with survey plug at a western corner of the land hereby conveyed, said iron pipe also being along the northeastern line of land now or formerly of Larry R. Reed, Parcel "BB", and said iron pipe also being South 42 degrees 21 minutes East, 349.5 feet from an existing 1 inch pipe found at the northern most corner of the aforementioned land now or formerly of Larry R. Reed and running:

THENCE, North 42 degrees 21 minutes West, 349.5 feet along the land now or formerly of Larry R. Reed to an existing one inch iron pipe set along the right of way of Route T-408;

THENCE, North 48 degrees 32 minutes East, 118.8 feet along the right of way of T-408 to an existing metal fence post set at the northwestern line of land now or formerly of Michael S. Courson;

THENCE, South 54 degrees 23 minutes East, 135.9 feet to an existing metal fence post set at the southerwestern corner of lands now or formerly of Michael S. Courson;

THENCE, North 39 degrees 28 minutes East 300.3 feet along the southern boundary line of land now or formerly of Michael S. Courson and land now or formerly of Thomas P. Farrell, Sr. to an existing metal fence post at the western line of land now or formerly of Ralph J. Serafini;

EXHIBIT "A"

THENCE, South 47 degrees 59 minutes East, 192.8 feet along the land now or formerly of Ralph J. Serafini, to a 1 inch pipe set;

THENCE, South 39 degrees 28 minutes West, 439.5 feet along land of which this was a part and intended to be conveyed to Steven J. Salada, to a 1 inch iron pipe found at the western corner of said Salada land and the northeastern line of land now or formerly of Larry Reed, and the point of beginning.

CONTAINING 2.29 acres as described in a Subdivision Map prepared by Tom Gusky, Professional Land Surveyor, License No. 32488-E, dated July 10, 1997, and intended to be recorded in the Office of the Recorder of Clearfield County, Pennsylvania.

SUBJECT to an existing earthen roadway (8-10 foot wide) right of way from Township Road T-408 over and through the residual land of the C.E. Hoyt Estate, of which this was a part, providing usage and access to the 2.29 acre parcel herein conveyed and the 8.28 acre parcel intended to be conveyed to Steven J. Salada.

ALSO SUBJECT TO all exceptions, reservations, conditions, restrictions, easements and rights-of-way as fully as the same are contained in all prior deeds, instruments or writings or in any other manner touching or affecting the premises hereby conveyed.

BEING the same premises which were conveyed to Edward Hoyt Parrish by deed of Ardelia K. Parrish, et al., dated March 6, 1998 and recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania, in Deed Book Vol. 1914, Page 217.

NOTICE

In accordance with the provisions of "The Bituminous Mine Subsidence and Land Conservation Act of 1966", I/we, the undersigned grantee/grantees, hereby certify that I/we know and understand that I/we may not be obtaining the right of protection against subsidence resulting from coal mining operations and that the purchased property may be protected from damage due to mine subsidence by a private contract with the owners of the economic interest in the coal. I/we further certify that this certification is in a color contrasting with that in the deed proper and is printed in twelve point type preceded by the word "notice" printed in twenty-four point type.

Witness:

[Signature]
Rose Johnson

This day of

THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT. (This Notice is set forth pursuant to Act No. 255, approved September 10, 1965, as amended.)

AND the said grantor will SPECIALLY WARRANT AND FOREVER DEFEND the property hereby conveyed.

IN WITNESS WHEREOF, said grantor has hereunto set his hand and seal, the day and year first above-written.

Sealed and delivered in the presence of

I hereby CERTIFY that this document
is recorded in the Recorder's Office of
Clearfield County, Pennsylvania.



Karen L. Starck
Karen L. Starck
Recorder of Deeds

CERTIFICATE OF RESIDENCE

I hereby certify, that the precise residence of the grantee herein is as follows:
R.D.#2, Box 162, DuBois, PA 15801.

Emm M. [Signature]
Attorney or Agent for Grantee

Commonwealth of Pennsylvania

County of Clearfield

ss.

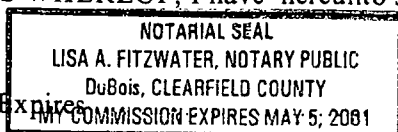
On this, the 12th day of June 19 98, before me Lisa A. Fitzwater

the undersigned officer, personally appeared Harry S. Ellenberger, Attorney in Fact for Edward Hoyt Parrish

known to me (or satisfactorily proven) to be the person whose name is subscribed to the within

instrument, and acknowledged that he executed the same for the purpose therein contained.

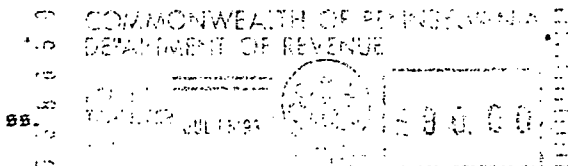
IN WITNESS WHEREOF, I have hereunto set my hand and



My Commission Expires

Lisa A. Fitzwater
Lisa A. Fitzwater

State of _____
County of _____



On this, the _____ day of _____, 19____, before me
the undersigned officer, personally appeared _____
known to me (or satisfactorily proven) to be the person _____ whose name _____ subscribed to the within
instrument, and acknowledged that _____ executed the same for the purpose therein
contained.

IN WITNESS WHEREOF, I have hereunto set my hand and _____ seal.

My Commission Expires _____

DEEDS AREA SCHOOL DISTRICT
1% REALTY TRANSFER TAX

90-00
7/15/98
PAID DEBIT STAMP

Commonwealth of Pennsylvania
County of _____ ss.

7-15-98

CLEARFIELD COUNTY
ENTERED OF RECORD
TIME 12:15 PM
BY Carin L. Starck
FEES 17.00

Karen L. Starck, Recorder

RECORDED in the Office for Recording of Deeds, etc., in and for the said
County, in Deed Book No. _____, Page _____

WITNESS my hand and official seal this _____ day of _____, 19____

Recorder of Deeds

Sub Tax 90.00
Debit 45.00
Debit 45.00
Deed

WARRANTY DEED

The Plankenhorn Co., Williamsport, Pa.

EDWARD HOYT PARRISH by his
attorney in fact, HARRY S. ELLENBERGER

— to —
FRANCIS B. JOHNSON, ROSE A.
JOHNSON, SHEILA JOHNSON, ANNA M.
MACKIE and FRANS B. JOHNSON, III

Dated _____
For _____
Consideration _____
Recorded _____
Entered for Record in the Recorder's
Office of _____
County, the _____ day of _____, 19____
Tax. \$ _____
Fees. \$ _____
Recorder

Entered of Record 7-15 1998 : 12:15 PM Karen L. Starck, Recorder

Cherry & Cherry

23 BEAVER DRIVE
BOX 15-16
DUBOIS, PENNSYLVANIA 15801

This Deed,

MADE the 29th day of July

in the year nineteen hundred and NINETY THREE (1993)

BETWEEN

/ MICHAEL S. COURSON and ANNA M. COURSON, of DuBois,
Clearfield County, Pennsylvania, hereinafter referred to as
"Parties of the First Part", GRANTORS

A
N
D

MICHAEL S. COURSON, of R. D. 2, Box 165, DuBois, Clearfield
County, Pennsylvania, hereinafter referred to as "Party of the
Second Part", GRANTEE

WITNESSETH, That in consideration of \$1.00

ONE -----Dollars,

in hand paid, the receipt whereof is hereby acknowledged, the said grantor S do hereby grant
and convey to the said grantee ,

ALL

that certain piece or parcel of land situate, lying and
being in the Township of Huston, Clearfield County,
Pennsylvania, bounded and described as follows, to wit:

BEGINNING in the center of Township Road No. 408, 202.5 feet more
or less, from Southeast corner of Kenneth Flanders land; thence
along lot to be conveyed to Francis Johnson, South 47 degrees
05' East 141.0 feet; thence by residue of Raymond Parrish land or
C. E. Hoyt Estate, South 40 degrees 20' West 157.0 feet, and
North 41 degrees 45' West 155.0 feet; thence along center of
Township Road No. 408, North 44 degrees 55' East 142.5 feet to
the place of beginning. Containing 0.44 acre.

EXCEPTING AND RESERVING an easement to be used in common by the
Grantors and Grantees, their heirs and assigns, over an existing
roadway located at the Southwesterly side of the above described
premises. The Grantees, their heirs and assigns, shall have the
right to relocate said roadway, at their expense, to a location
to be agreed upon by the Grantors and Grantees, their heirs and
assigns.

BEING the same premises conveyed to Mike Courson and Anna
Courson, Grantors herein, by Deed of Raymond L. Parrish and
Ardelia K. Parrish, dated June 24, 1987, and recorded in
Clearfield County Deed Book 1174, page 448.

This conveyance is exempt from taxation pursuant to the
Pennsylvania Realty Transfer Tax Act as it is a conveyance from
husband and wife to husband.

CLEARFIELD COUNTY
ENTERED OF RECORDTIME 3:26 PM 7-3-94
BY Karen L. Starck
FEES 15.50

Karen L. Starck, Recorder

I hereby CERTIFY that this document
is recorded in the Recorder's Office of
Clearfield County, Pennsylvania.*Karen L. Starck*
Karen L. Starck
Recorder of Deeds

NOTICE

In accordance with the provisions of "The Bituminous Mine Subsidence and Land Conservation Act of 1966", I/we, the undersigned grantee/grantees, hereby certify that I/we know and understand that I/we may not be obtaining the right of protection against subsidence resulting from coal mining operations and that the purchased property may be protected from damage due to mine subsidence by a private contract with the owners of the economic interest in the coal. I/we further certify that this certification is in a color contrasting with that in the deed proper and is printed in twelve point type preceded by the word "notice" printed in twenty-four point type.

Witness

*Plattig Mahoney**Michael S. Courson*
Michael S. Courson

This 3rd day of May, 1994

THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT. (This Notice is set forth pursuant to Act No. 253, approved September 10, 1965, as amended.)

AND the said grantor s will GENERALLY WARRANT AND FOREVER DEFEND the property hereby conveyed.

IN WITNESS WHEREOF, said grantor s have hereunto set their hands and seal s , the day and year first above-written.

Sealed and delivered in the presence of

Pattigall

Michael S. Courson
Michael S. Courson (SEAL)

Anna M. Courson
Anna M. Courson (SEAL)

CERTIFICATE OF RESIDENCE

I hereby certify, that the precise residence of the grantee herein is as follows:
R. D. 2, Box 165
DuBois, PA 15801

Paul E. Cherry
Attorney or Agent for Grantor

Commonwealth of Pennsylvania

County of Clearfield

SS:

On this, the 3rd day of May, 1993, before me a Notary Public the undersigned officer, personally appeared Michael S. Courson known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official

My Commission Expires

Commonwealth of Pennsylvania

County of JEFFERSON

SS:

On this, the 29th day of July 1993, before me a Notary Public the undersigned officer, personally appeared Anna M. Courson known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that she executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official

My Commission Expires

Notary Seal
Corrie L. Mink, Notary Public
Sylva, Jefferson County
My Commission Expires April 14, 1997

State of

County of

SS:

On this, the _____ day of _____, 19____, before me

the undersigned officer, personally appeared

known to me (or satisfactorily proven) to be the person _____ whose name _____ subscribed to the within instrument, and acknowledged that _____ executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and

seal.

My Commission Expires

State of

County of

SS:

On this, the _____ day of _____, 19____, before me

the undersigned officer, personally appeared

known to me (or satisfactorily proven) to be the person _____ whose name _____ subscribed to the within instrument, and acknowledged that _____ executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and

seal.

My Commission Expires

N. T. A.



WARRANTY DEED - Published and Sold by
The Plankenhorn Co., Williamsport, Pa. 1

Dated

For

Consideration

Recorded

Entered for Record in the Recorder's

Office of

County, the

day of

19____

Tax \$

Fees \$

Recorder

Commonwealth of Pennsylvania

County of

SS:

RECORDED in the Office for Recording of Deeds, etc., in and for said County, in Deed Book No. _____, Page _____

WITNESS my Hand and Official Seal this _____ day of _____, 19____

Recorder of Deeds

Entered of Record 5-3-94 3:26 pm Karen L. Starck, Recorder

Vol 1174-448
WARRANTY DEED

The Plunket Co.
Williamsport, Pa. 17701

This Deed,

MADE the 24th day of June
in the year nineteen hundred and eighty-seven (1987).

BETWEEN RAYMOND L. PARRISH and ARDELIA K. PARRISH, his wife; and
EDWARD HOYT PARRISH, of Huston Township, Clearfield County, Pennsylv-
ania, Grantors, parties of the first part;

A
N
D

MIKE COURSON and ANNA COURSON, husband and wife, of R. D. #2, Box 293
DuBois, Clearfield County, Pennsylvania, as tenants by the entireties,
Grantees, parties of the second part.

WITNESSETH, That in consideration of Fifteen Thousand (\$15,000.00)

Dollars,

in hand paid, the receipt whereof is hereby acknowledged, the said grantors do hereby grant
and convey to the said grantees,

ALL that certain piece or parcel of land situate, lying and being
in the Township of Huston, Clearfield County, Pennsylvania, bounded and
described as follows, to wit:

BEGINNING in the center of Township Road No. 408, 202.5 feet
more or less, from Southeast corner of Kenneth Planders land;
thence along lot to be conveyed to Francis Johnson, South 47°
05' East 141.0 feet; thence by residue of Raymond Parrish land
or C. E. Hoyt Estate, South 40° 20' West 157.0 feet, and North
41° 45' West 155.0 feet; thence along center of Township Road,
No. 408, North 44° 55' East 142.5 feet to the place of beginning.
Containing 0.44 acre.

BEING a portion of the same premises which were conveyed to C. E. Hoyt
by deed of John E. DuBois, et ux., from the Parcel in Huston Township bearing
Assessment No. E03-000-00029 of the Clearfield County Assessment Map No. 3E for Huston
Township. The said C. E. Hoyt died testate on May 10, 1954, and by his
Last Will and Testament duly probated in the Orphans' Court of
Clearfield County, Pennsylvania, devised the said premises to his wife,
Elizabeth Jane Hoyt. The said Elizabeth Jane Hoyt died testate on
November 30, 1958, and by her Last Will and Testament, duly probated in
the Orphans' Court of Clearfield County, Pennsylvania, did devise the
said premises to Raymond L. Parrish, Hoyt Parrish, a/k/a Edward Hoyt
Parrish, and Waneta Hoyt Parrish. The said Waneta Hoyt Parrish, a/k/a
Waneta Avis Parrish, having died on November 18, 1961, her interest in
said premises vested in her husband, Andrew R. Parrish, and her
children, the said Raymond L. Parrish and Hoyt Parrish, a/k/a Edward
Hoyt Parrish. The said Andrew R. Parrish having died, his interest in
said premises vested in his children, the said Raymond L. Parrish and
Hoyt Parrish, a/k/a Edward Hoyt Parrish.

NOTICE

To comply with the Act of July 17, 1957 (52 P.S. Supp. Section 1551-
1554) notice is hereby given as follows:

THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE
TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND

EXHIBIT "C"

DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL, AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND.

By deed bearing even date herewith, and intended to be recorded, the Grantors have conveyed an adjoining property to Francis B. and Rose A. Johnson. The properties in question were sold by the Grantors as a unit and pursuant to the agreement of sale the Grantors have agreed to drill and case a well on either the above described premises or on the premises of Johnson, with the right of both parties to obtain water from said well for domestic purposes, and with the right of both parties, their heirs and assigns, to install, maintain and replace pipe lines to and from said well for such purpose. The owners of the above described premises and Johnson, their heirs and assigns, will share the cost and expense of maintaining and operating said well.

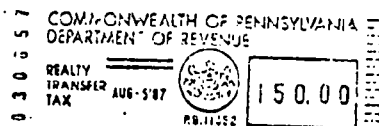
EXCEPTING AND RESERVING an easement to be used in common by the Grantors and Grantees, their heirs and assigns, over an existing roadway located at the Southwesterly side of the above described premises. The Grantees, their heirs and assigns, shall have the right to relocate said roadway, at their expense, to a location to be agreed upon by the Grantors and Grantees, their heirs and assigns.

DUCIS AREA SCHOOL DISTRICT

1% REALTY TRANSFER TAX

AMOUNT \$ 150.00

PAID 8-5-87 MICHAEL R. LYTT
Date Agent



662 B

NOTICE

In accordance with the provisions of "The Bituminous Mine Subsidence and Land Conservation Act of 1966", I/we, the undersigned grantee/grantees, hereby certify that I/we know and understand that I/we may not be obtaining the right of protection against subsidence resulting from coal mining operations and that the purchased property may be protected from damage due to mine subsidence by a private contract with the owners of the economic interest in the coal. I/we further certify that this certification is in a color contrasting with that in the deed proper and is printed in twelve point type preceded by the word "notice" printed in twenty-four point type.

Witness:

Michael R. Lytt
Anna M. Lytt

This day of

IN WITNESS WHEREOF, said Grantor has hereunto set his/her hand and seal, the day and year first above-written.

Robert J. Thompson
Robert J. Thompson
Robert J. Thompson

Ardelia K. Parrish (Seal)
 ARDELIA K. PARRISH, Administratrix
 of the Estate of RAYMOND L. PARRISH
Ardelia K. Parrish (Seal)
 ARDELIA K. PARRISH
HOYT Parrish (Seal)
 HOYT PARRISH, a/k/a EDWARD HOYT
 PARRISH

Commonwealth of Pennsylvania)
 County of Clearfield) :SS:

On this, the 4th day of March, 1998, before me, the undersigned officer, personally appeared ARDELIA K. PARRISH, Administratrix of the Estate of RAYMOND L. PARRISH, and ARDELIA K. PARRISH, widow, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Kathleen M. Myers, Notary Public
 DuBois, Clearfield County
 My Commission Expires April 24, 2000

My Commission Expires

Kathleen M. Myers
 Notary Public

Commonwealth of Pennsylvania)
 County of Clearfield) :SS:

On this, the 16th day of March, 1998, before me, the undersigned officer, personally appeared HOYT PARRISH, a/k/a EDWARD HOYT PARRISH, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

My Commission Expires: Notarial Seal
 Kathleen M. Myers, Notary Public
 DuBois, Clearfield County
 My Commission Expires Nov. 20, 2000
 Member, Pennsylvania Association of Notaries

Kathleen M. Myers
 Notary Public

NOTICE

VOL 1914 PAGE 221

In accordance with the provisions of "The Bituminous Mine Subsidence and Land Conservation Act of 1966", I/we, the undersigned grantee/grantees, hereby certify that I/we know and understand that I/we may not be obtaining the right of protection against subsidence resulting from coal mining operations and that the purchased property may be protected from damage due to mine subsidence by a private contract with the owners of the economic interest in the coal. I/we further certify that this certification is in a color contrasting with that in the deed proper and is printed in twelve point type preceded by the word "notice" printed in twenty-four point type.

Witness:

Garlene V. ...

E. H. Parrish
EDWARD HOYT PARRISH

This 6th day of March, 1998.

THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE OF THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT. (This Notice is set forth pursuant to Act No. 255, approved September 10, 1965, as amended.)

CERTIFICATE OF RESIDENCE

I/we hereby certify, that the precise residence for the Grantee herein is as follows:

R. D. 2, Box 163
DuBois, PA 15801

[Signature]
Attorney or Agent for Grantee

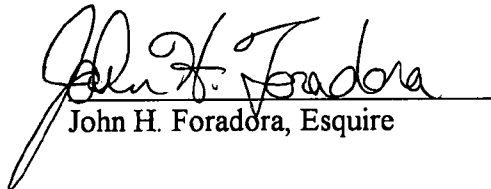
Entered of Record 3-11 1998 1:15p *Karen L. Storch, Rec'd*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Answer, New Matter and Counterclaim was served upon the following counsel and parties of record by United States Mail, first class, postage prepaid, this 5th day of October, 2000.

Addressed As Follows:

David J. Hopkins, Esquire
THE HOPKINS LAW FIRM
900 Beaver Drive
DuBois, PA 15801


John H. Foradora, Esquire

FILED

OCT 06 2000

W
William A. Shaw
Prothonotary

THE HOPKINS LAW FIRM

900 Beaver Drive, DuBois, Pennsylvania 15801
VOICE: (814) 375-0300 FAX: (814) 375-5035

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

MICHAEL S. COURSON,
Plaintiff

vs.

FRANCIS B. JOHNSON, III,
FRANCIS B. JOHNSON and ROSE A.
JOHNSON, and any heirs, persons
title under the aforesaid defendant
and any other person, persons,
firms, partnerships, or corporate entities
who might claim title to the premises
herein described,

Defendants

No. 00-1038 C.D.

ACTION TO QUIET TITLE

Type of Pleading: Answer to New Matter
and Counter-Claim and New Matter

Filed on behalf of: Michael S. Courson,
Plaintiff

Counsel of Record for this party:

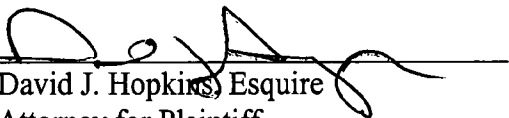
DAVID J. HOPKINS, ESQUIRE
Attorney at Law

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

(814) 375-0300

NOTICE TO PLEAD

You are hereby notified to plead
to the within pleading within
twenty (20) days of service thereof
or default judgment may be entered
against you.


David J. Hopkins, Esquire
Attorney for Plaintiff

FILED

OCT 25 2000

William A. Shaw
Prothonotary

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

MICHAEL S. COURSON,
Plaintiff

vs.

No. 00-1038 C.D.

FRANCIS B. JOHNSON, III,
FRANCIS B. JOHNSON and ROSE A.
JOHNSON, and any heirs, persons
title under the aforesaid defendant
and any other person, persons,
firms, partnerships, or corporate entities
who might claim title to the premises
herein described,
Defendants

ACTION TO QUIET TITLE

**ANSWER TO NEW MATTER AND COUNTER-CLAIM
AND NEW MATTER**

NOW COMES, Plaintiff, Michael S. Courson, by and through his attorneys, The Hopkins Law Firm, and answers the New Matter and Counter-Claim of Defendants, Francis B. Johnson, III, Francis B. Johnson and Rose A. Johnson, as follows:

10. No answer is required of this paragraph.
11. Denied. Defendant purchased the property knowing the road was to be moved.
12. Denied. The deed of Plaintiff authorizes relocation of the road.
13. Denied. The Statute of Frauds does not prohibit transaction which parties agree.
14. Denied. The Statute of Limitations has not expired.
15. Denied. Neither the statute for Frauds nor the Statute of Limitations bars

Plaintiff's action.

WHEREFORE, Plaintiff respectfully request Defendants' New Matter be dismissed with prejudice.

ANSWER TO COUNTERCLAIM
ACTION IN EJECTMENT

16. No answer is required of this paragraph.

17. (a) Admitted.

(b) Admitted.

(c) Admitted.

18. (a) Admitted.

(b) Admitted.

(c) Admitted.

19. Admitted in part and denied in part. It is admitted the deeds in Defendants

Johnsons' title state:

SUBJECT to an existing earthen road (8-10 foot wide) right-of-way from Township Road T-408 over and through the residual land of C. E. Hoyt Estate, of which this was a part, providing usage and access to the 8.28 acre parcel herein conveyed.

GRANTING ALSO unto the Grantee herein, his heirs, successors and assigns, a 25 foot right-of-way running from Township Road T-408 over and through the residual land of the C. E. Hoyt Estate to Pennsylvania State Route 255, shown in the above described Subdivision Map, providing usage and access to the 8.28 acre parcel herein conveyed to Steven J. Salada.

It is denied the restrictions are applicable in light of the deed provisions in Plaintiff's deed recorded in the Office of the Recorder of Deeds of Clearfield County in Book 1174, page 448, which states:

EXCEPTING AND RESERVING an easement to be used in common by the Grantors and Grantees, their heirs and assigns, over an existing roadway located at the southwesterly side of the above described premises. The Grantees, their heirs and assigns, shall have the right to relocate said roadway, at their expenses, to a location to be agreed upon by the Grantors and Grantees, their heirs and assigns.

Plaintiff and the predecessors to Defendants having agreed to move the roadway.

20. Admitted. Plaintiff admits his chain of title indicates it is subject to an existing roadway, however, Plaintiff possessed the right to move the roadway and did so with the consent

of the predecessors of Defendants.

21. Admitted in part and denied in part. Plaintiff admits Defendants are the grantees of Edward Hoyt Parrish. Plaintiff denies Defendants possess the right to veto the relocation of the roadway. When Plaintiff closed on the property, the roadway was in the process of being moved with the consent of the appropriate party.

22. Denied. Plaintiff has not blocked the roadway. Rather, the roadway was relocated with the consent of the appropriate parties.

23. No answer is required of this paragraph.

WHEREFORE, Plaintiff, Michael S. Courson, respectfully requests this Honorable Court dismiss Defendants' Counter-Claim with prejudice.

NEW MATTER

24. Plaintiff incorporates all of the allegations set forth in his Complaint together with his Answer to New Matter and Counterclaim and hereby avers as follows:

25. Plaintiff, Michael S. Courson, moved the roadway pursuant to the authority set forth in his deed which states:

Excepting and reserving an easement to be used in common by the grantors and grantees, their heirs and assigns, over an existing roadway located at the southwestern side of the above described premises. The grantees, their heirs and assigns, shall have the right to relocate said roadway, at their expenses, to a location to be agreed upon by the grantors and grantees, their heirs and assigns.

26. The claims of Defendants are barred under the theory of laches.

27. The claims of Defendants are barred under the applicable Statute of Limitations.

28. The claims of Defendants are barred under the Statute of Frauds.

29. The claims of Defendants are barred under the theory of accord and satisfaction.

30. The claims of Defendants are barred by consent.

31. The claims of Defendant are barred by their acquisition of property at a time when it was known the roadway at issue was being relocated.

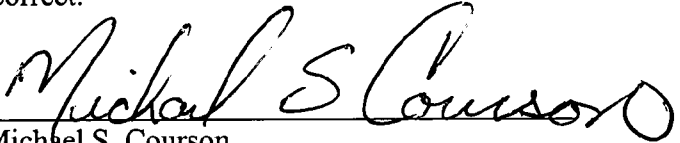
Respectfully submitted,



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.


Michael S. Courson

Date: 10/25/, 2000

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

MICHAEL S. COURSON,
Plaintiff

vs.

No. 00-1038 C.D.

FRANCIS B. JOHNSON, III,
FRANCIS B. JOHNSON and ROSE A.
JOHNSON, and any heirs, persons
title under the aforesaid defendant
and any other person, persons,
firms, partnerships, or corporate entities
who might claim title to the premises
herein described,
Defendants

ACTION TO QUIET TITLE

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of Answer to New Matter and Counter-Claim and New Matter, filed on behalf of Michael S. Courson, was forwarded on the 25th day of October, 2000, by U.S. Mail, postage prepaid, to all counsel of record, addressed as follows:

John H. Foradora, Esquire
Pontzer & Foradora
220 Center Street
Ridgway, PA 15853


David J. Hopkins, Esquire
Attorney for Plaintiff

FILED

OCT 23 2000

01240116-CHH
William A. Shaw
Prothonotary

CHH

PONTZER & FORADORA
ATTORNEYS AT LAW
9 SOUTH MILL STREET
RIDGWAY, PENNSYLVANIA 15853
814-773-3108 FAX 814-773-3109

8

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

MICHAEL S. COURSON,
Plaintiff,

Vs.

**FRANCIS B. JOHNSON, III,
FRANCIS B. JOHNSON and ROSE
A. JOHNSON, and any heirs, persons
title under the aforesaid Defendant and
any other person, persons, firms,
partnerships, or corporate entities
who might claim title to the premises
herein described,**
Defendants.

NO. 00-1038-CD

**Type of Pleading:
PRELIMINARY OBJECTIONS TO
NEW MATTER**

**Filed on behalf of the Defendants
Francis B. Johnson, III, Francis B.
Johnson and Rose A. Johnson**

**Counsel of Record:
John H. Foradora, Esquire
PONTZER & FORADORA
220 Center Street
Ridgway, PA 15853
(814)773-3108
Atty. I.D. No. 63413**

FILED

NOV 02 2000

**William A. Shaw
Prothonotary**

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

MICHAEL S. COURSON, <i>Plaintiff,</i>	:	NO. 00-1038-CD
	:	
	:	
	:	Type of Pleading:
Vs.	:	PRELIMINARY OBJECTIONS TO
	:	NEW MATTER
	:	
FRANCIS B. JOHNSON, III, FRANCIS B. JOHNSON and ROSE A. JOHNSON, and any heirs, persons title under the aforesaid Defendant and any other person, persons, firms, partnerships, or corporate entities who might claim title to the premises herein described,	:	Filed on behalf of the Defendants Francis B. Johnson, III, Francis B. Johnson and Rose A. Johnson
<i>Defendants.</i>	:	Counsel of Record: John H. Foradora, Esquire PONTZER & FORADORA 220 Center Street Ridgway, PA 15853 (814)773-3108 Atty. I.D. No. 63413

PRELIMINARY OBJECTIONS TO NEW MATTER

AND NOW, comes the Defendants, Francis B. Johnson, III, Francis B. Johnson and Rose A. Johnson, by and through their attorneys, Pontzer & Foradora, and makes the following averments:

1. Pursuant to Rule 1028, Preliminary Objections may be filed within twenty (20) days after service of a pleading.
2. Plaintiff has served an Answer to New Matter and Counter-Claim, along with New Matter.
3. Pursuant to Pennsylvania Rule of Civil Procedure 1019(a), material facts in which cause of action or defense is based shall be stated in concise and summary form.

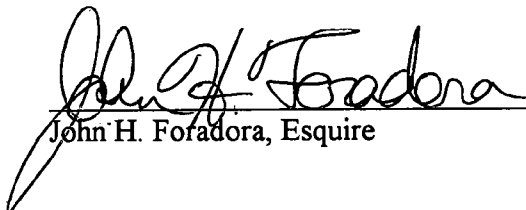
4. Pursuant to Rule 1030 "a party may set forth his new matter any other material facts which are not merely denials the averments in the pleading."
5. In the Plaintiff's New Matter, Plaintiff only makes legal averments without any factual basis being present. As such, the New Matter should be dismissed by the failure of the pleading to conform to law or rule of court, specifically, Pa. R.C.P. 1019 and 1030, requiring fact pleading.
6. Also, because of this, the Plaintiff's New Matter is insufficiently specific in its pleading.
7. The New Matter as stated is legally insufficient and a demur should be granted.

WHEREFORE, the Defendants respectfully requests this Honorable Court to enter an Order dismissing the Plaintiff's New Matter and ruling for the Defendants.

Respectfully Submitted:

PONTZER & FORADORA

By:


John H. Foradora, Esquire

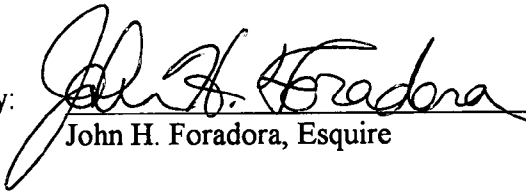
CERTIFICATION OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the Preliminary Objections to New Matter, filed on behalf of the Defendants, Francis B. Johnson, III, Francis B. Johnson and Rose A. Johnson, was forwarded on the 1st day of November, 2000, by U.S. Mail, postage prepaid, to all counsel of record, addressed as follows:

David J. Hopkins, Esquire
The Hopkins Law Firm
900 Beaver Drive
DuBois, PA 15801

PONTZER & FORADORA

By:


John H. Foradora, Esquire

FILED

NOV 02 2000

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION

MICHAEL S. COURSON

-vs-

No. 00 – 1038 – CD

FRANCIS B. JOHNSON, III, FRANCIS B. JOHNSON and ROSE A. JOHNSON, and any heirs, persons title under the aforesaid defendant and any other person, persons, firms, partnerships, or corporate entities who might claim title to the premises herein described

ORDER

NOW, this 23rd day of January, 2001, upon consideration of Defendants'

Preliminary Objections to New Matter, and argument and briefs thereon, it is the ORDER of this Court that said Objections be and are hereby sustained to the extent that Plaintiff shall file, within 20 days from date hereof, an Amended Answer to New Matter and Counterclaim, along with New Matter to specifically plead the factual bases for his allegations of laches, statute of limitations, statutes of frauds, accord and satisfaction and consent.

By the Court,

President Judge

FILED

JAN 23 2001

William A. Shaw
Prothonotary

FILED

JAN 23 2001

① 1/24/01
William A. Stein
Prothonotary

[Signature]

cc atty Hopkins
cc atty Foradon

THE HOPKINS LAW FIRM

900 Beaver Drive, DuBois, Pennsylvania 15801
VOICE: (814) 375-0300 FAX: (814) 375-5035

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

MICHAEL S. COURSON,
Plaintiff

vs.

FRANCIS B. JOHNSON, III,
FRANCIS B. JOHNSON and ROSE A.
JOHNSON, and any heirs, persons
title under the aforesaid defendant
and any other person, persons,
firms, partnerships, or corporate entities
who might claim title to the premises
herein described,

Defendants

No. 00-1038 C.D.

ACTION TO QUIET TITLE

Type of Pleading: Amended New Matter

Filed on behalf of: Michael S. Courson,
Plaintiff

Counsel of Record for this party:

DAVID J. HOPKINS, ESQUIRE
Attorney at Law

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

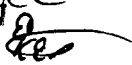
(814) 375-0300

NOTICE TO PLEAD

You are hereby notified to plead
to the within pleading within
twenty (20) days of service thereof
or default judgment may be entered
against you.


David J. Hopkins, Esquire
Attorney for Plaintiff

FILED

FEB 08 2001
m/2:05/10cc
William A. Shaw
Prothonotary 

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

MICHAEL S. COURSON,
Plaintiff

vs.

No. 00-1038 C.D.

FRANCIS B. JOHNSON, III,
FRANCIS B. JOHNSON and ROSE A.
JOHNSON, and any heirs, persons
title under the aforesaid defendant
and any other person, persons,
firms, partnerships, or corporate entities
who might claim title to the premises
herein described,
Defendants

ACTION TO QUIET TITLE

AMENDED NEW MATTER

AND NOW, COMES Plaintiff, Michael S. Courson, by and through his attorneys, The Hopkins Law Firm, and amends New Matter as follows:

24. Plaintiff incorporates all of the allegations set forth in his Complaint together with his Answer to New Matter and Counterclaim and hereby avers as follows:

25. Plaintiff, Michael S. Courson, moved the roadway pursuant to the authority set forth in his deed which states:

Excepting and reserving an easement to be used in common by the grantors and grantees, their heirs and assigns, over an existing roadway located at the southwestern side of the above described premises. The grantees, their heirs and assigns, shall have the right to relocate said roadway, at their expenses, to a location to be agreed upon by the grantors and grantees, their heirs and assigns.

26. The claims of Defendants are barred under the theory of laches inasmuch as Plaintiff had moved the roadway on or about June 12, 1998 and since said time, answering

Defendants have made no attempts to prohibit the movement of the roadway nor have Defendants voiced any objections to Plaintiff's movement of the roadway.

27. The claims of Defendants are barred under the applicable Statute of Limitations inasmuch as Plaintiff had moved the roadway on or about June 12, 1998 and since said time, answering Defendants have made no attempts to prohibit the movement of the roadway nor have Defendants voiced any objections to Plaintiff's movement of the roadway.

28. The claims of Defendants are barred under the Statute of Frauds inasmuch as Defendants purchased the property knowing Plaintiff had the right to relocate the roadway at issue and further was in the process of relocating the road with the consent of Plaintiff's grantor and also with the consent of Defendants. Defendants' attempt to assert some type of ownership interest in the property is not based upon a writing in the deed to Plaintiff or a writing in the deed to Defendants, and therefore, inasmuch as there is no writing concerning an interest giving Defendants access to Plaintiff's land, the Statute of Frauds prohibits their claim.


29. The claims of Defendants are barred under the theory of accord and satisfaction inasmuch as Plaintiff had moved the roadway on or about June 12, 1998 and since said time, answering Defendants have made no attempts to prohibit the movement of the roadway nor have Defendants voiced any objections to Plaintiff's movement of the roadway.

30. The claims of Defendants are barred by consent inasmuch as Plaintiff had moved the roadway on or about June 12, 1998 and since said time, answering Defendants have made no attempts to prohibit the movement of the roadway nor have Defendants voiced any objections to Plaintiff's movement of the roadway.

31. The claims of Defendants are barred by their acquisition of property at a time when it was known the roadway at issue was being relocated inasmuch as Plaintiff had moved the roadway on or about June 12, 1998 and since said time, answering Defendants have made no

attempts to prohibit the movement of the roadway nor have Defendants voiced any objections to Plaintiff's movement of the roadway.

Respectfully submitted,


David J. Hopkins, Esquire
Attorney for Plaintiff

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

MICHAEL S. COURSON,
Plaintiff

vs.

No. 00-1038 C.D.

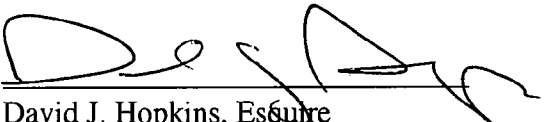
FRANCIS B. JOHNSON, III,
FRANCIS B. JOHNSON and ROSE A.
JOHNSON, and any heirs, persons
title under the aforesaid defendant
and any other person, persons,
firms, partnerships, or corporate entities
who might claim title to the premises
herein described,
Defendants

ACTION TO QUIET TITLE

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of Amended New Matter,
filed on behalf of Michael S. Courson, was forwarded on the 5th day of February, 2001 by
U.S. Mail, postage prepaid, to all counsel of record, addressed as follows:

John H. Foradora, Esquire
Pontzer & Foradora
220 Center Street
Ridgway, PA 15853


David J. Hopkins, Esquire
Attorney for Plaintiff

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

MICHAEL S. COUR

NO. 00-1038-CD

Type of Pleading:
ANSWER TO AMENDED
NEW MATTER

FRANCIS B. JOHI
FRANCIS B. JOHI
A. JOHNSON, and
title under the afo
any other person,
partnerships, or c
who might claim f
herein described

Filed on behalf of the Defendants
Francis B. Johnson, III, Francis B.
Johnson and Rose A. Johnson

Counsel of Record:
John H. Foradora, Esquire
PONTZER & FORADORA
220 Center Street
Ridgway, PA 15853
(814)773-3108
Atty. I.D. No. 63413

PONTZER & FORADORA
ATTORNEYS AT LAW
220 CENTER STREET
RIDGWAY, PENNSYLVANIA 15853
814-773-3108
FAX 814-773-3109

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

MICHAEL S. COURSON,
Plaintiff,

Vs.

FRANCIS B. JOHNSON, III,
FRANCIS B. JOHNSON and ROSE
A. JOHNSON, and any heirs, persons
title under the aforesaid Defendant and
any other person, persons, firms,
partnerships, or corporate entities
who might claim title to the premises
herein described,
Defendants.

NO. 00-1038-CD

Type of Pleading:
ANSWER TO AMENDED
NEW MATTER

ANSWER TO AMENDED NEW MATTER

AND NOW, comes the Defendants, by and through their attorneys, Pontzer & Foradora, and Answers
the Amended New Matter as follows:

24. Admitted and Denied as alleged or denied in prior Answer and New Matter.

25. Denied, and on the contrary it is averred that the Defendant's Grantor did not agree with the
movement of the road.

26. Legal conclusion to which no response is required. To the extent a response is required, this
allegation is denied, due to the fact that the Defendants have constantly made their objection known to the
movement of this roadway, and the closure of their access road. It is not believed that sufficient time has
passed to allow the Doctrine of Laches to apply.

27. Legal conclusion to which no response is required. To the extent a response is required, this
matter is denied, due to the fact that the Defendants have constantly made their objection known to the
movement of this roadway, and the closure of their access road. It is not believed that sufficient time has
passed to allow the Doctrine of Statute of Limitations to apply.

28. Legal conclusion to which no response is required. To the extent a response is required, this matter is denied, due to the fact that the Defendants have constantly made their objection known to the movement of this roadway, and the closure of their access road. The Defendants received their rights through the writing of their Deed, and this writing has never been rejected or refused by the Plaintiffs. The Statute of Frauds completely is in accord with the rights of the Defendant. The Plaintiff's Grantor is deceased, and any attempt to testify to his oral assertions or non-assertions would violate the Dead Mans Act.

29. Legal conclusion to which no response is required. However, to the extent a response is required it is denied. It is further stated, that no written document releasing or no agreement evidencing accord and satisfaction of all matters can be placed into evidence. Objections were continually made to movement of the roadway and closing of the earlier access.

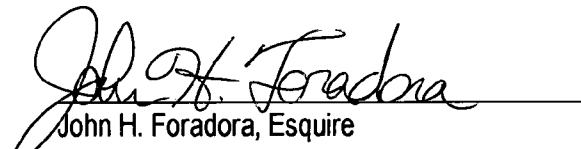
30. Legal conclusion to which no response is required. However, to the extent a response is required it is denied. It is further stated, that no written document releasing or no agreement evidencing accord and satisfaction of all matters can be placed into evidence. Objections were continually made to movement of the roadway and closing of the earlier access.

31. Legal conclusion to which no response is required. However, to the extent a response is required it is denied. It is further stated, that no written document releasing or no agreement evidencing accord and satisfaction of all matters can be placed into evidence. Objections were continually made to movement of the roadway and closing of the earlier access.

Respectfully Submitted:

PONTZER & FORADORA

By:


John H. Foradora, Esquire
Attorney for Defendants

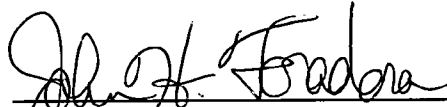
CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the Answer to Amended New Matter, filed on behalf of the Defendants, Francis B. Johnson, III, Francis B. Johnson and Rose A. Johnson, was forwarded on the 14th day of February, 2001, by U.S. Mail, Postage Prepaid, to all counsel of record, addressed as follows:

David J. Hopkins, Esquire
The Hopkins Law Firm
900 Beaver Drive
DuBois, PA 15801

Respectfully Submitted:
PONTZER & FORADORA

By:

A handwritten signature in cursive script, appearing to read "John H. Foradora", written over a horizontal line.

John H. Foradora, Esquire
Attorney for Defendants

FILED

FEB 21 2001

M117 / noc
William A. Shaw
Prothonotary

WAS

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

MICHAEL S. COURSON,
Plaintiff,

Vs.

FRANCIS B. JOHNSON, III,
FRANCIS B. JOHNSON and ROSE
A. JOHNSON, and any heirs, persons
title under the aforesaid Defendant
and any other person, persons, firms,
partnerships or corporate entities
who might claim title to the premises
herein described,
Defendants.

: NO. 00-1038-CD
:
: Civil Action - Law
:
: Type of Pleading:
: Notice of Deposition
:
: Filed on behalf of Defendants
:
: Counsel of Record:
: John H. Foradora, Esquire
: PONTZER & FORADORA
: 220 Center Street
: Ridgway, PA 15853
: (814)773-3108
: Atty. I.D. No. 63413

NOTICE OF DEPOSITION

TO: David J. Hopkins, Attorney for MICHAEL S. COURSON, Plaintiff

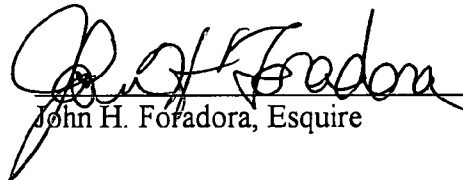
Please take notice that the Deposition of Michael S. Courson will take place at the office of The Hopkins Law Firm, 900 Beaver Drive, DuBois, Pennsylvania 15801, on **AUGUST 20, 2001**, AT 4:00 o'clock, p.m. and shall continue thereafter until completed.

The scope of the deposition shall be to inquire into matters surrounding a civil suit filed at the Clearfield County Courthouse, No. 00-10358-C.D., regarding property in Huston Township, Clearfield County, Pennsylvania.

The deposition will also inquire into any and all matters relevant and discoverable pursuant to Pennsylvania Rules of Civil Procedure.

PONTZER & FORADORA

By:


John H. Foradora, Esquire

FILED

AUG 03 2001

William A. Shaw
Prothonotary

CERTIFICATE OF SERVICE

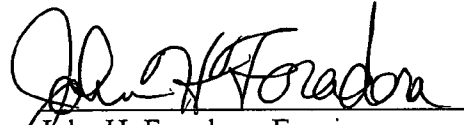
I hereby certify that I am this 1st day of August, 2001, serving the foregoing **NOTICE OF DEPOSITION**, upon the persons and in the manner indicated below which service satisfies the requirements of the Pennsylvania Rules of Civil Procedure:

Service by First Class Mail, Postage Prepaid,
Addressed as Follows:

David J. Hopkins, Esquire
The Hopkins Law Firm
900 Beaver Drive
DuBois, PA 15801

PONTZER & FORADORA

By:


John H. Foradora, Esquire
Attorney for Defendants

FILED

AUG 03 2001

11:44 AM
William A. Shaw
Prothonotary

98

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL TRIAL LISTING

CERTIFICATE OF READINESS

TO THE PROTHONOTARY

DATE PRESENTED 5-12-03

CASE NUMBER TYPE TRIAL REQUESTED ESTIMATED TRIAL TIME

Date Complaint () Jury (xx) Non-Jury
Filed: () Arbitration

2 days/hours

8-23-00

PLAINTIFF(S)

MICHAEL S. COURSON

()

Check block if a Minor
is a Party to the Case

DEFENDANT(S)

FRANCIS B. JOHNSON, III, FRANCIS B. JOHNSON
and ROSE A. JOHNSON

()

ADDITIONAL DEFENDANT(S)

()

William A. Shaw
Prothonotary

JURY DEMAND FILED BY:

DATE JURY DEMAND FILED:

N/A

N/A


AMOUNT AT ISSUE CONSOLIDATION DATE CONSOLIDATION ORDERED

More than
&

() yes (xx) no

PLEASE PLACE THE ABOVE CAPTIONED CASE ON THE TRIAL LIST.

I certify that all discovery in the case has been completed; all necessary parties and witnesses are available; serious settlement negotiations have been conducted; the case is ready in all respects for trial, and a copy of this Certificate has been served upon all counsel of record and upon all parties of record who are not represented by counsel:



FOR THE PLAINTIFF

TELEPHONE NUMBER

David J. Hopkins, Esquire

(814) 375-0300

FOR THE DEFENDANT

TELEPHONE NUMBER

David S. Pontzer, Esquire

(814) 773-3108

FOR ADDITIONAL DEFENDANT

TELEPHONE NUMBER

FILED

MAY 12 2003

William A. Shaw
Prothonotary

Prothonotary, Federal Court

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

MICHAEL S. COURSON,
Plaintiff

vs.

No. 00-1038 C.D.

FRANCIS B. JOHNSON, III,
FRANCIS B. JOHNSON and ROSE A.
JOHNSON, and any heirs, persons
title under the aforesaid defendant
and any other person, persons,
firms, partnerships, or corporate entities
who might claim title to the premises
herein described,
Defendants

ACTION TO QUIET TITLE

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of Certificate of Readiness,
filed on behalf of Michael S. Courson, was forwarded on the 9th day of May, 2003, by U.S.

Mail, postage prepaid, to all counsel of record, addressed as follows:

David S. Pontzer, Esquire
Pontzer & Pontzer
220 Center Street
Ridgway, PA 15853

Francis B. Johnson, III
Francis B. Johnson
R.D. #2, Box 162
DuBois, PA 15801

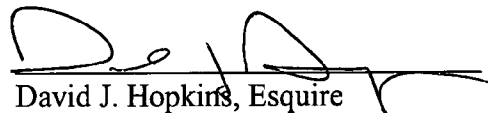
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MAY 12 2003

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K20

William A. Shaw
Prothonotary


David J. Hopkins, Esquire
Attorney for Plaintiff

THE HOPKINS LAW FIRM

900 Beaver Drive, DuBois, Pennsylvania 15801
VOICE: (814) 375-0300 FAX: (814) 375-5035

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

MICHAEL S. COURSON,
Plaintiff

vs.

FRANCIS B. JOHNSON, III,
FRANCIS B. JOHNSON and ROSE A.
JOHNSON, and any heirs, persons
title under the aforesaid defendant
and any other person, persons,
firms, partnerships, or corporate entities
who might claim title to the premises
herein described,
Defendants

No. 00-1038 C.D.

ACTION TO QUIET TITLE

Type of Pleading: Praeipe to Discontinue

Filed on behalf of: Michael S. Courson,
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

JUN 04 2003

William A. Shaw
Prothonotary

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

MICHAEL S. COURSON,
Plaintiff

vs.

No. 00-1038 C.D.

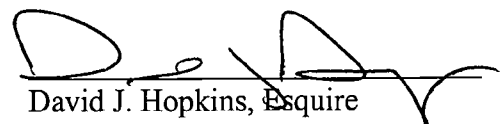
FRANCIS B. JOHNSON, III,
FRANCIS B. JOHNSON and ROSE A.
JOHNSON, and any heirs, persons
title under the aforesaid defendant
and any other person, persons,
firms, partnerships, or corporate entities
who might claim title to the premises
herein described,
Defendants

ACTION TO QUIET TITLE

PRAECIPE TO DISCONTINUE

TO THE PROTHONOTARY:

Kindly mark the above captioned civil action settled and discontinued.


David J. Hopkins, Esquire
Attorney for Plaintiff

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

MICHAEL S. COURSON,
Plaintiff

vs.

No. 00-1038 C.D.

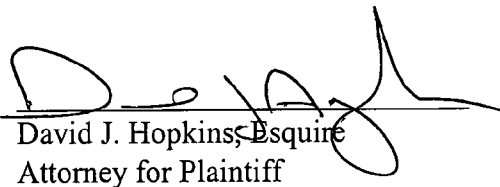
FRANCIS B. JOHNSON, III,
FRANCIS B. JOHNSON and ROSE A.
JOHNSON, and any heirs, persons
title under the aforesaid defendant
and any other person, persons,
firms, partnerships, or corporate entities
who might claim title to the premises
herein described,
Defendants

ACTION TO QUIET TITLE

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of Praeceptum to Discontinue,
filed on behalf of Michael S. Courson, was forwarding by first class mail, postage prepaid, on the
3rd day of June, 2003, to all counsel of record, addressed as follows:

David S. Pontzer, Esquire
Pontzer & Pontzer
220 Center Street
Ridgway, PA 15853-1203


David J. Hopkins, Esquire
Attorney for Plaintiff

FILED

BH
JUN 04 2003

1 cc a Disc.

to Atty Hopkins

~~Atty~~ copy to C/A

William A. Shaw
Prothonotary

**IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA**

CIVIL DIVISION

COPY

Michael S. Courson

Vs.

No. 2000-01038-CD

Francis B. Johnson III

Francis B. Johnson

Rose A. Johnson

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on June 4, 2003, marked:

Settled and Discontinued

Record costs in the sum of \$80.00 have been paid in full by Hopkins Law Firm.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 4th day of June A.D. 2003.

William A. Shaw, Prothonotary