

00-1043-CD
Robert Zercher al vs DuBois Land Co.

00

00-10-2-31
ROBERT H. ZERCHES, et al -vs- DURCOS LAND COMPANY a/k/a DUBOIS
LAND AND IMPROVEMENT COMPANY

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - AT LAW

84 (b) ROBERT H. ZERCHER, KAREN A.
ZERCHER, and (b) JEFFREY S. PFAFF,
Plaintiffs

vs.

(b) DUBOIS LAND COMPANY, a/k/a DUBOIS
LAND AND IMPROVEMENT COMPANY,
their successors and assigns,
Defendants

ACTION TO QUIET TITLE

No. 00-1043-CO

Type of pleading:

COMPLAINT

Filed on behalf of:

PLAINTIFFS

Counsel of Record for this Party:

Robert M. Hanak
Supreme Court No. 05911
P. O. Box 487
498 Jeffers Street
DuBois, PA 15801
(814) 371-7768

FILED

AUG 24 2000

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - AT LAW

ROBERT H. ZERCHER, KAREN A. :
ZERCHER, and JEFFREY S. PFAFF, :
Plaintiffs :
: No.
vs. :
: ACTION TO QUIET TITLE
DUBOIS LAND COMPANY, a/k/a DUBOIS :
LAND AND IMPROVEMENT COMPANY, :
their successors and assigns, :
Defendants :
:

NOTICE

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defense or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

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

Court Administrator
Clearfield County Courthouse
Second Floor
Clearfield, PA 16830
(814) 765-2641, Ext 1300 or 1303

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - AT LAW

ROBERT H. ZERCHER, KAREN A. :
ZERCHER, and JEFFREY S. PFAFF :
Plaintiffs :
: No.
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: ACTION TO QUIET TITLE
DUBOIS LAND COMPANY, a/k/a DUBOIS :
LAND AND IMPROVEMENT COMPANY, :
their successors and assigns, :
Defendants :
:

COMPLAINT

AND NOW, come the Plaintiffs, by their Attorneys, HANAK, GUIDO AND TALADAY, and aver a cause of action for quieting title as follows:

1. Plaintiffs are ROBERT H. ZERCHER, an individual, of Guy Avenue, DuBois, Pennsylvania, KAREN A. ZERCHER, an individual, of 321 Cherry Street, Columbia, Pennsylvania, and JEFFREY S. PFAFF, an individual, of Sandy Township, Clearfield County, Pennsylvania.

2. The Defendants are the DUBOIS LAND COMPANY, a/k/a DUBOIS LAND AND IMPROVEMENT COMPANY, their respective successors and assigns. It is believed that neither the DUBOIS LAND COMPANY, nor the DUBOIS LAND AND IMPROVEMENT COMPANY are active or existing enterprises, have no current address and have no current registries, either at the County or State level.

3. Plaintiffs, ROBERT H. ZERCHER and KAREN A. ZERCHER, own Lots 10 and 11 of the DuBois Land Company Plan of Lots per deed to the Plaintiffs of William S. Caswell dated March 31, 1988, and own Lots No. 2, 3, 9, 20, 21, 22 and 23 of the DuBois Land Company Plan of Lots as deeded to them by deed of John C. Amick, as Trustee, et al, by deed dated June 13, 2000, and recorded as Instrument No.

200009127. Plaintiffs Zercher also own a part of Lot No. 1 of the said DuBois Land Company Plan of Lots as conveyed to them by Donald and Marlene Godak by deed dated June 13, 2000, and recorded as Instrument No. 200009126.

4. Plaintiff, JEFFREY S. PFAFF, owns Lots No. 7 and 8 of the said DuBois Land Company Plan of Lots as conveyed to him by deed of Mildred Smerick Peleski, by deed dated November 10, 1999, and recorded as Clearfield County Instrument No. 199919200. Plaintiff, JEFFREY S. PFAFF, also owns Lot No. 6 of the DuBois Land Company Plan of Lots as quit-claimed to him by Quit Claim Deed of Gary Pfaff, his father, dated June 13, 2000 (see Instrument No. 200009110), and by John C. Amick, et al, by deed dated June 13, 2000, and recorded as Instrument No. 200009120. Plaintiff, JEFFREY S. PFAFF, also owns a portion of Lot No. 1 of the DuBois Land Company Plan of Lots as conveyed to him by Donald and Marlene Godak by deed dated June 13, 2000, and recorded as Instrument No. 200009115.

5. In the DuBois Land Company Plan of Lots, Fourth Street is a 60 ft. wide plotted right-of-way and Spackman Avenue is a 50 ft. wide plotted right-of-way. Both of such streets rights-of-ways abut the properties of the Plaintiffs per the above averred deeds of record. The Spackman Avenue right-of-way, and the Fourth Avenue right-of-way, as it abuts Plaintiffs' lots referred to above, have never been dedicated to the public, have never been opened from the time of the original subdivision map of the DuBois Land Company in the year 1892 through the present time, and such rights-of-ways are not subject to any use, access, ingress, egress, or regress by any parties who own lots in the DuBois Land Company Subdivision, or by the general public in any manner.

6. Because of an obvious disparity in mapping from the time of the original subdivision survey map of 1892 of the DuBois Land Company Plan of Lots, and the present location of Guy Avenue, being a 33 ft. wide right-of-way as maintained by Sandy Township, there exists a gap area between the recognized

right-of-way of Guy Avenue, and lands of the Plaintiffs. This gap area parallels the southern and western right-of-way extreme of Guy Avenue and lands of Lots No. 9, No. 10 and No. 11 owned by Plaintiffs Zercher, and Lot No. 1 owned in part by Plaintiffs Zercher and Plaintiff Pfaff. This gap area is 14 ft., more or less, at Lot No. 1, and widens to about 37 feet at Lot No. 9, and runs along Lots No. 9, No. 10, No. 11 and No. 1 of the original plan of lots.

(a) The gap area is not claimed by Sandy Township as verified by affirmations of such Township as to the location of their right-of-way.

(b) Such gap area along Guy Avenue by operation of law would accrete to the neighboring property owners, i.e. the Plaintiffs herein, as the gap area abuts Lcts No. 9, No. 10, No. 11 and No. 1 owned by such parties.

7. The said former rights-of-ways are used by the Plaintiffs as such rights-of-ways abut their property as lawn area and cultivated area, and, in fact, there are buildings located on portions of such rights-of-ways.

8. Because of the non-usage for a period in excess of 100 years of such rights-of-ways, by operation of law the Plaintiffs have obtained title to the rights-of-ways as the rights-of-ways abut their lots. In those cases where lots of the Plaintiffs abut the former Spackman Avenue or Fourth Street on one side, Plaintiffs have acquired title of one-half of the former right-of-way as it adjoins the frontage of their lots. In those cases where Plaintiffs own on both sides of the said Spackman Avenue or Fourth Street, Plaintiffs own the entire width of the right-of-way because of the operation of Pennsylvania law.

9. Other than the usage of the Plaintiffs, there is no current or past use of any of the streets or alleys referenced herein, i.e. Spackman Avenue and Fourth Street as they abut the lots of the Plaintiffs.

right-of-way of Guy Avenue, and lands of the Plaintiffs. This gap area parallels the southern and western right-of-way extreme of Guy Avenue and lands of Lots No. 9, No. 10 and No. 11 owned by Plaintiffs Zercher, and Lot No. 1 owned in part by Plaintiffs Zercher and Plaintiff Pfaff. This gap area is 14 ft., more or less, at Lot No. 1, and widens to about 37 feet at Lot No. 9, and runs along Lots No. 9, No. 10, No. 11 and No. 1 of the original plan of lots.

(a) The gap area is not claimed by Sandy Township as verified by affirmations of such Township as to the location of their right-of-way.

(b) Such gap area along Guy Avenue by operation of law would accrete to the neighboring property owners, i.e. the Plaintiffs herein, as the gap area abuts Lots No. 9, No. 10, No. 11 and No. 1 owned by such parties.

7. The said former rights-of-ways are used by the Plaintiffs as such rights-of-ways abut their property as lawn area and cultivated area, and, in fact, there are buildings located on portions of such rights-of-ways.

8. Because of the non-usage for a period in excess of 100 years of such rights-of-ways, by operation of law the Plaintiffs have obtained title to the rights-of-ways as the rights-of-ways abut their lots. In those cases where lots of the Plaintiffs abut the former Spackman Avenue or Fourth Street on one side, Plaintiffs have acquired title of one-half of the former right-of-way as it adjoins the frontage of their lots. In those cases where Plaintiffs own on both sides of the said Spackman Avenue or Fourth Street, Plaintiffs own the entire width of the right-of-way because of the operation of Pennsylvania law.

9. Other than the usage of the Plaintiffs, there is no current or past use of any of the streets or alleys referenced herein, i.e. Spackman Avenue and Fourth Street as they abut the lots of the Plaintiffs.

10. There are no third parties or assigns of the Defendants who have any further interest, either privately or publicly, in the streets or alleys as described herein.

11. There are unnamed 16 ft. wide alleys that abut Lots 4, 5, 6, 7 and 8 owned by Plaintiff, Jeffrey S. Pfaff, and also an unnamed 16 ft. wide alley that divides Lots 7 and 8 of the ownership of Jeffrey S. Pfaff.

12. The fact that Plaintiffs' lands have been mapped showing streets, alleys and parks, it is now necessary to have an Order of Court declaring such streets and alleys have been vacated, abandoned and are no longer subject to any private or public rights which may arise because of the original Subdivision Map.

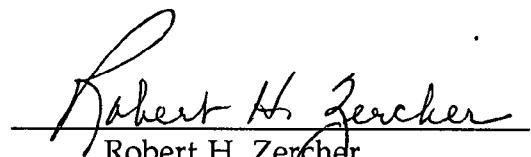
WHEREFORE, Plaintiffs pray your Honorable Court to enter an Order declaring that unnamed 16 ft. wide alleys, Fourth Street and Spackman Avenue, and the 14 ft. wide to 37 ft. wide, more or less, gap between Guy Avenue and Plaintiffs' lands, as streets, alleys or rights-of-ways have been abandoned and vacated and are no longer subject to any private or public right which may arise because of the 1892 Subdivision Map of Defendant, as such streets or alleys abut Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11, and Lots 20, 21, 22 and 23 of the said DuBois Land Company plot.

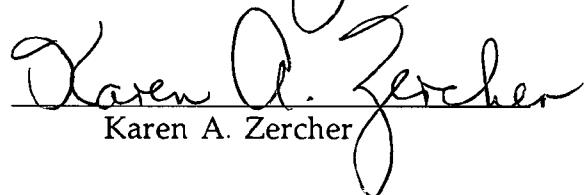


Robert M. Hanak
Attorney for Plaintiffs

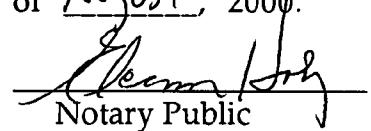
STATE OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :

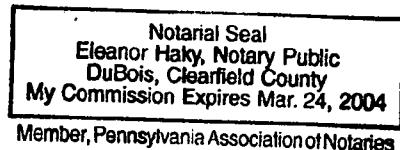
ROBERT H. ZERCHER and KAREN A. ZERCHER, being duly sworn according to law, depose and say that the facts set forth in the foregoing COMPLAINT are true and correct to the best of their knowledge, information and belief.


Robert H. Zercher


Karen A. Zercher

Sworn to and subscribed
before me this 18th day
of August, 2000.


Notary Public



Member, Pennsylvania Association of Notaries

STATE OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :

JEFFREY S. PFAFF, being duly sworn according to law, deposes and says that the facts set forth in the foregoing COMPLAINT are true and correct to the best of his knowledge, information and belief.

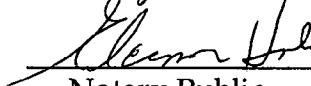


Jeffrey S. Pfaff

Sworn to and subscribed

before me this 18th day

of August, 2000.



Eleanor Haky

Notary Public

Notarial Seal
Eleanor Haky, Notary Public
DuBois, Clearfield County
My Commission Expires Mar. 24, 2004

Member, Pennsylvania Association of Notaries

HANAK, GUIDO and TALADAY
LAW OFFICES
498 Jeffers Street, P.O. Box 487
DuBois, Pennsylvania 15801

FILED

RECD
AUG 24 2000
8/29/00 ATT/H Hanek
William A. Shaw
Prothonotary
PA \$90.00

cc atty thnak

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - AT LAW

ROBERT H. ZERCHER, KAREN A. : ACTION TO QUIET TITLE
ZERCHER, and JEFFREY S. PFAFF, :
Plaintiffs : No. 00-1043-CO
vs. : Type of pleading:
DUBOIS LAND COMPANY, a/k/a DUBOIS :
LAND AND IMPROVEMENT COMPANY, : MOTION FOR SPECIAL
their successors and assigns, : ORDER DIRECTING SERVICE
Defendants : BY PUBLICATION AND
: ORDER
: Filed on behalf of:
: PLAINTIFFS
: Counsel of Record for this Party:
: Robert M. Hanak
: Supreme Court No. 05911
: P. O. Box 487
: 498 Jeffers Street
: DuBois, PA 15801
: (814) 371-7768

FILED

AUG 24 2000

William A. Shaw
Prothonotary

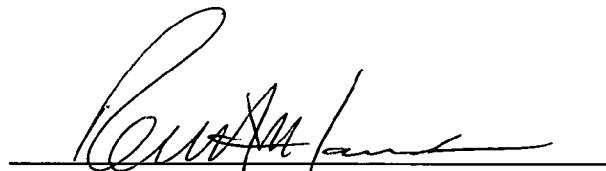
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CIVIL ACTION - AT LAW

ROBERT H. ZERCHER, KAREN A. :
ZERCHER, and JEFFREY S. PFAFF, :
Plaintiffs :
: No.
vs. :
: ACTION TO QUIET TITLE
DUBOIS LAND COMPANY, a/k/a DUBOIS :
LAND AND IMPROVEMENT COMPANY, :
their successors and assigns, :
Defendants :
:

MOTION FOR SPECIAL ORDER
DIRECTING SERVICE BY PUBLICATION

AND NOW, this ____ day of August, 2000, the Plaintiffs, ROBERT H. ZERCHER, KAREN A. ZERCHER and JEFFREY S. PFAFF, by their undersigned attorney and pursuant to Pa.R.C.P. No. 430, motion this Court for a Special Order permitting service of the Complaint to Quiet Title in this action by publication. Plaintiffs' Affidavit having been executed and filed states that they are without knowledge or information as to the continued existence and whereabouts of the named Defendants; that they are without knowledge or information regarding the identity or whereabouts of the heirs, administrators, executors, successors and assigns of the Defendants; that they are without knowledge or information regarding the identity of any other person, persons, firms, partnerships, or corporate entities who should be defendants in the above action; that, therefore, the Plaintiffs by their attorney, Robert M. Hanak, move the Court for leave to serve the Complaint on the Defendants generally by publication in such manner as the Court shall direct, as provided by Pennsylvania Rules of Civil Procedure 430(b)(1).

WHEREFORE, the Plaintiffs request the Court to enter a Special Order directing service of the Complaint to Quiet Title on Defendants, DUBOIS LAND COMPANY, a/k/a DUBOIS LAND AND IMPROVEMENT COMPANY, by publication pursuant to Pa.R.C.P. No. 430(b)(1).



Robert M. Hanak
Attorney for Plaintiffs

STATE OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :

ROBERT H. ZERCHER and KAREN A. ZERCHER, being duly sworn according to law, depose and say that the facts set forth in the foregoing MOTION FOR SPECIAL ORDER DIRECTING SERVICE BY PUBLICATION are true and correct to the best of their knowledge, information and belief.

Robert H. Zercher
Robert H. Zercher

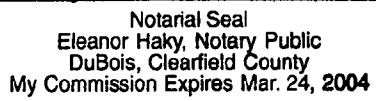
Karen A. Zercher
Karen A. Zercher

Sworn to and subscribed
before me this 18th day

of August, 2000.

Eleanor Haky

Notary Public



Member, Pennsylvania Association of Notaries

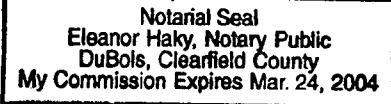
STATE OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :

JEFFREY S. PFAFF, being duly sworn according to law, deposes and says that the facts set forth in the foregoing MOTION FOR SPECIAL ORDER DIRECTING SERVICE BY PUBLICATION are true and correct to the best of his knowledge, information and belief.

Jeffrey S. Pfaff
Jeffrey S. Pfaff

Sworn to and subscribed
before me this 18th day
of August, 2000.

Eleanor Haky
Notary Public



Member, Pennsylvania Association of Notaries

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - AT LAW

ROBERT H. ZERCHER, KAREN A. :
ZERCHER, and JEFFREY S. PFAFF, :
Plaintiffs :
: No.
vs. :
: ACTION TO QUIET TITLE
DUBOIS LAND COMPANY, a/k/a DUBOIS :
LAND AND IMPROVEMENT COMPANY, :
their successors and assigns, :
Defendants :
:

AFFIDAVIT IN SUPPORT OF PLAINTIFFS'
MOTION FOR SPECIAL ORDER

ROBERT M. HANAK, being duly sworn according to law, deposes and says the following:

1. I, ROBERT M. HANAK, am the Attorney for the Plaintiffs in the above action.
2. At my direction, an investigation was conducted as to the whereabouts of the Defendants. The efforts to locate the Defendants included inquiry to the Pennsylvania Corporation Bureau, a search of the DuBois Telephone Directory, and a search of the Tax and Assessment Records of Clearfield County.
3. I have been unable to locate any address for the Defendants other than the last known address being a corporation under the laws of the Commonwealth of Pennsylvania, with its principal office in the City of DuBois, County of Clearfield, State of Pennsylvania.
4. To the best of my knowledge, information and belief, the Defendants, DUBOIS LAND COMPANY, a/k/a DUBOIS LAND AND IMPROVEMENT COMPANY, is/are inactive corporation(s), and remained inactive for at least fifty (50) years.

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - AT LAW

ROBERT H. ZERCHER, KAREN A.	:	
ZERCHER, and JEFFREY S. PFAFF,	:	
Plaintiffs	:	
	:	No.
vs.	:	
	:	ACTION TO QUIET TITLE
DUBOIS LAND COMPANY, a/k/a DUBOIS	:	
LAND AND IMPROVEMENT COMPANY,	:	
their successors and assigns,	:	
Defendants	:	

AFFIDAVIT IN SUPPORT OF PLAINTIFFS'
MOTION FOR SPECIAL ORDER

ROBERT M. HANAK, being duly sworn according to law, deposes and says the following:

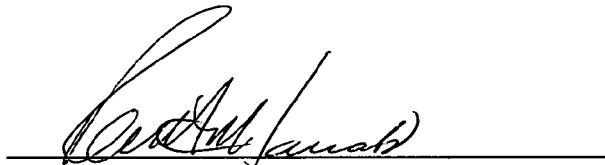
1. I, ROBERT M. HANAK, am the Attorney for the Plaintiffs in the above action.

2. At my direction, an investigation was conducted as to the whereabouts of the Defendants. The efforts to locate the Defendants included inquiry to the Pennsylvania Corporation Bureau, a search of the DuBois Telephone Directory, and a search of the Tax and Assessment Records of Clearfield County.

3. I have been unable to locate any address for the Defendants other than the last known address being a corporation under the laws of the Commonwealth of Pennsylvania, with its principal office in the City of DuBois, County of Clearfield, State of Pennsylvania.

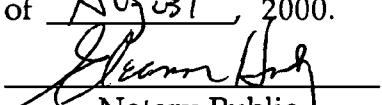
4. To the best of my knowledge, information and belief, the Defendants, DUBOIS LAND COMPANY, a/k/a DUBOIS LAND AND IMPROVEMENT COMPANY, is/are inactive corporation(s), and remained inactive for at least fifty (50) years.

5. The allegations in the foregoing Motion for Special Order and the attached Exhibits are true and correct to the best of my personal knowledge, information and belief.

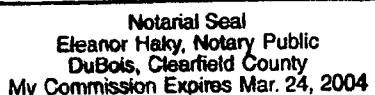


Robert M. Hanak
Attorney for Plaintiffs

Sworn to and subscribed
before me this 18th day
of August, 2000.



Notary Public



Member, Pennsylvania Association of Notaries

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - AT LAW

ROBERT H. ZERCHER, KAREN A. :
ZERCHER, and JEFFREY S. PFAFF, :
Plaintiffs :
vs. : No.
DUBOIS LAND COMPANY, a/k/a DUBOIS :
LAND AND IMPROVEMENT COMPANY, :
their successors and assigns, :
Defendants :

ORDER

AND NOW, this 24th day of August, 2000, upon consideration of the foregoing Motion, the Plaintiffs are granted leave to make service of the Complaint on the above named Defendants, their heirs, administrators, executors, successors and assigns, and all other persons, firms, partnerships, corporate entities in interest, or their legal representatives, by publication once in the *Courier Express*, a newspaper published in Clearfield County, Pennsylvania, and once in the *Clearfield County Legal Journal*.

BY THE COURT:

FILED

AUG 24 2000

William A. Shaw
Prothonotary

HANAK, GUIDO and TALADAY

LAW OFFICES

498 Jeffers Street, P.O. Box 487

DuBois, Pennsylvania 15801

FILED

REC AUG 24 2000

1019:30 AM '00
cc atty Hnok

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ROBERT H. ZERCHER, KAREN A.
ZERCHER, and JEFFREY S. PFAFF,
Plaintiffs

vs.

DUBOIS LAND COMPANY, a/k/a DUBOIS
LAND AND IMPROVEMENT COMPANY,
their successors and assigns,
Defendants

CIVIL ACTION - AT LAW
ACTION TO QUIET TITLE

No. 00-1043-CD

Type of pleading:

**RETURN OF SERVICE
AND AFFIDAVIT OF
SERVICE OF PROCESS**

Filed on behalf of:

PLAINTIFFS

Counsel of record for this
party:

Robert M. Hanak
Supreme Court No. 05911
Hanak, Guido and Taladay
498 Jeffers Street
P. O. Box 487
DuBois, PA 15801

(814) 371-7768

FILED

SEP 25 2000

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - AT LAW

ROBERT H. ZERCHER, KAREN A.
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No. 00-1043-CD

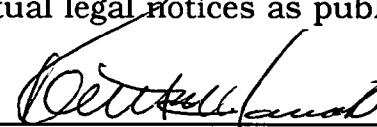
ACTION TO QUIET TITLE

RETURN OF SERVICE AND
AFFIDAVIT OF SERVICE OF PROCESS

AND NOW, come the Plaintiffs and by their Attorney,

Robert M. Hanak, files this affidavit and return of service of process
pursuant to Pa. R.C.P. No. 405:

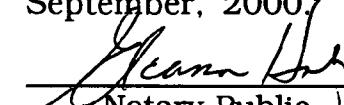
Robert M. Hanak, being duly sworn according to law,
deposes and says that pursuant to the Order of Court of August 24,
2000, directing service of process by publication, the undersigned
attorney has caused publication to occur in the Courier Express on
August 30, 2000, and the Clearfield County Legal Journal regular issue
of week of September 1, 2000. The originals of the proofs of
publication are attached hereto verifying the dates of publication.
Appended to such proofs are the actual legal notices as published.



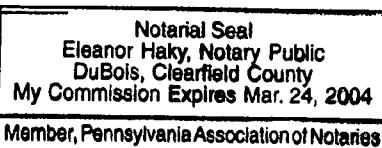
Robert M. Hanak

Sworn to and subscribed
before me this 22nd day of

September, 2000.



Notary Public



Member, Pennsylvania Association of Notaries

PROOF OF PUBLICATION OF NOTICE APPEARING IN THE

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - AT LAW

ROBERT H. ZERCHER, KAREN A. ZERCHER
and JEFFREY S. PFAFF,
Plaintiffs

vs.

DUBOIS LAND COMPANY, a/k/a DUBOIS LAND
AND IMPROVEMENT COMPANY,
their successors and assigns,
Defendants

No. 00-1043-CD
ACTION TO QUIET TITLE

NOTICE

TO: The above named Defendants, and their successors and assigns, and all other person, persons, firms, partnerships or corporation entities in interest, claiming any right, title or interest in the premises described herein.

Plaintiffs have brought an action claiming that they are the owners of ALL that certain piece or parcel of real estate located the DuBois Land Company Subdivision, Sandy Township, Clearfield County, Pennsylvania, more full bounded and described as follows:

That portion of Fourth Street and Spackman Avenue and alleys that directly abut lands of the Plaintiffs, Jeffrey S. Pfaff, Robert H. Zercher and Karen A. Zercher only, and that strip of land 14 ft. wide minimum to 37 ft. wide maximum, more or less, which abuts Guy Avenue and lies between plotted lots owned by the said Plaintiffs, all of which right-of-ways, alleys or land areas are undedicated, not used privately or publicly by anyone other than the Plaintiffs, and which are only used exclusively by the Plaintiffs. Such streets, alleys and areas abut Lots 1,2,3,4,5,6,7,8,9,10,11,20,21,22 and 23 of the DuBois Land Company plot, which lots are owned by the said Plaintiffs.

Plaintiffs are seeking an Order of Court discharging any right, title or interest that the Defendants may have to the above real estate.

You have been sued in Court. If you wish to defend against the claims set forth, you must take action within twenty (20) days by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you do not file an answer or enter an appearance, the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the Plaintiff. You may lose money or property or other rights important to you.

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

Court Administrator
Clearfield County Courthouse
Second Floor
Clearfield, PA 16830
(814) 765-2641, Ext 1300 or 1303

Robert M. Hanak
Attorney for Plaintiffs
Hanak, Guido and Taladay
498 Jeffers Street, P.O. Box 487
DuBois, PA 15801
8/30/00

COURIER-EXPRESS/TRI-COUNTY SUNDAY
McLEAN PUBLISHING COMPANY,
CLEARFIELD COUNTY, PENNSYLVANIA

Approved May 16, 1929, P.L. 1784

Courier-Express/Tri-County Sunday, of the County and
says that the Courier-Express, a daily newspaper and
published by McLean Publishing Company at 500 Jeffers
esaid, which was established in the year 1879, since
weekly publication, has been regularly issued in said
e of publication is attached hereto exactly as the same
ons of the paper on the following dates, viz: the

____ day of ____ August ____ A.D., 2000
duly authorized by the Courier-Express, a daily
eekly newspaper, to verify the foregoing statement under
rested in the subject matter of the aforesaid notice of
e going statement as to time, place and character of

PUBLISHING COMPANY Publisher of
ESS/TRI-COUNTY SUNDAY

Guido and Taladay

31st day of *August, 2000*

DeGreco
Notary Public
ent of Advertising Cost
PUBLISHING COMPANY
Publisher of
ESS/TRI-COUNTY SUNDAY
DuBois, PA

Notarial Seal
Joseph A. Grecco, Notary Public
DuBois, Clearfield County
My Commission Expires July 18, 2002
Member, Pennsylvania Association of Notaries

Taladay-Civil Action-Zercher
he notice or advertisement
above stated dates.....\$ 172.80
.....\$ 4.00
.....\$ 176.80

Receipt for Advertising Costs

Courier- and/or Tri-County Sunday, a weekly newspaper,
esaid advertising and publication costs, and certifies
he have been fully paid.

100 Beaver Drive, DuBois, PA 15801
79, Phone 814-371-4200

PUBLISHING COMPANY
Publisher of
ESS/TRI-COUNTY SUNDAY

I hereby certify that the foregoing is the original Proof of Publication and receipt for the
Advertising costs in the subject matter of said notice.

ATTORNEY FOR

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :
:
COUNTY OF CLEARFIELD :

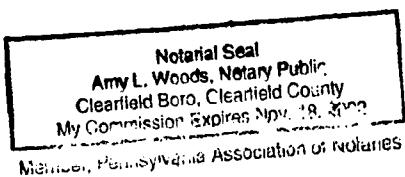
On this 5th day of September, AD 2000, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Gary A. Knaresboro, who being duly sworn according to law, proposes and says that he is the editor of the Clearfield County Legal Journal, the official Legal Journal of the Courts of Clearfield County, and that the annexed is a true copy of the notice or advertisement published in said publication in the regular issues of Week of September 1, 2000, Vol. 12, No. 35. And that all of the allegations of this statement as to the time, place, and character of the publication are true.



Gary A. Knaresboro, Esquire
Editor

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

Amy L. Woods
Notary Public
My Commission Expires



Robert M. Hanak
P.o. Box 487
DuBois, PA 15801

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

ROBERT H. ZERCHER, KAREN A. ZERCHER, and JEFFREY S. PFAFF, Plaintiffs vs. DUBOIS LAND COMPANY, a/k/a DUBOIS LAND AND IMPROVEMENT COMPANY, their successors and assigns, Defendants.

No. 00-1043-CD
ACTION TO QUIET TITLE
NOTICE

TO: The above named Defendants, and their successors and assigns, and all other person, persons, firms, partnerships or corporation entities in interest, claiming any right, title or interest in the premises described herein.

Plaintiffs have brought an action claiming that they are the owners of ALL that certain piece or parcel of real estate located in the DuBois Land Company Subdivision, Sandy Township, Clearfield County, Pennsylvania, more fully bounded and described as follows:

That portion of Fourth Street and Spackman Avenue and alleys that directly abut lands of the Plaintiffs, Jeffrey S. Pfaff, Robert H. Zercher and Karen A. Zercher only, and that strip of land 14 ft. wide minimum to 37 ft. wide maximum, more or less, which abuts Guy Avenue and lies between plotted lots owned by the said Plaintiffs, all of which rights-of-way, alleys or land areas are undedicated, not used privately or publicly by anyone other than the Plaintiffs, and which are only used exclusively by the Plaintiffs. Such streets, alleys and areas abut Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 20, 21, 22 and 23 of the DuBois Land Company plot, which lots are owned by the said Plaintiffs.

Plaintiffs are seeking an Order of Court discharging any right, title or interest that the Defendants may have to the above real estate.

You have been sued in Court. If you wish to defend against the claims set forth, you must take action within twenty (20) days by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you do not file an answer or enter an appearance, the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO

FIND OUT WHERE YOU CAN GET
LEGAL HELP.

Court Administrator, Clearfield County Courthouse, Second Floor, Clearfield, PA 16830 (814) 765-2641, Ext 1300 or 1303.

Robert M. Hanak, Attorney for Plaintiffs, Hanak, Guido & Taladay, 498 Jeffers Street, P.O. Box 487, DuBois, PA 15801.

FILED

SEP 25 2000
0184711000
William A. Shaw
Prothonotary
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IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ROBERT H. ZERCHER, KAREN A.
ZERCHER, and JEFFREY S. PFAFF,
Plaintiffs

vs.

DUBOIS LAND COMPANY, a/k/a DUBOIS
LAND AND IMPROVEMENT COMPANY,
their successors and assigns,
Defendants

CIVIL ACTION - AT LAW
ACTION TO QUIET TITLE

No. 00-1043-CD

Type of pleading:

**MOTION AND ORDER
FOR JUDGMENT**

Filed on behalf of:

PLAINTIFFS

Counsel of record for this
party:

Robert M. Hanak
Supreme Court No. 05911
Hanak, Guido and Taladay
498 Jeffers Street
P. O. Box 487
DuBois, PA 15801

(814) 371-7768

FILED

OCT 04 2000

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - AT LAW

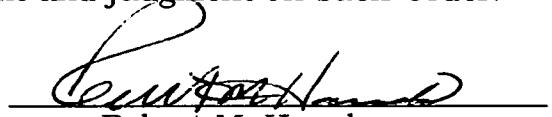
ROBERT H. ZERCHER, KAREN A. :
ZERCHER, and JEFFREY S. PFAFF, :
Plaintiffs :
vs. : No. 00-1043-CD
DUBOIS LAND COMPANY, a/k/a DUBOIS :
LAND AND IMPROVEMENT COMPANY, :
their successors and assigns, :
Defendants : ACTION TO QUIET TITLE

MOTION FOR JUDGMENT

AND NOW, come the Plaintiffs, and by their attorney, Robert M. Hanak, motion your Honorable Court for judgment as follows:

1. Plaintiffs have filed a Complaint for quieting title at the above captioned number.
2. By Court Order dated August 24, 2000, your Honorable Court ordered service of process by newspaper publication in the Courier Express, a newspaper published in Clearfield County, Pennsylvania, and the Clearfield County Legal Journal.
3. Plaintiff has filed an affidavit indicating compliance with the Court Order of Publication. This matter was published in the Courier Express on August 30, 2000, and in the Clearfield County Legal Journal regular issue of week of September 1, 2000, and proofs of publication are now docketed at the above number.
4. To date, there have been no entries of appearance by any attorney on behalf of any Defendant, and there have been no responsive pleadings, or generally any pleadings, filed to the above docket.

WHEREFORE, Plaintiffs pray your Honorable Court to enter an Order as prayed for in the Complaint and judgment on such Order.



Robert M. Hanak
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - AT LAW

ROBERT H. ZERCHER, KAREN A.
ZERCHER, and JEFFREY S. PFAFF,
Plaintiffs

vs.

DUBOIS LAND COMPANY, a/k/a DUBOIS
LAND AND IMPROVEMENT COMPANY,
their successors and assigns,
Defendants

No. 00-1043-CD

ACTION TO QUIET TITLE

FILED

OCT 6 4 2000

William A. Shaw
Prothonotary

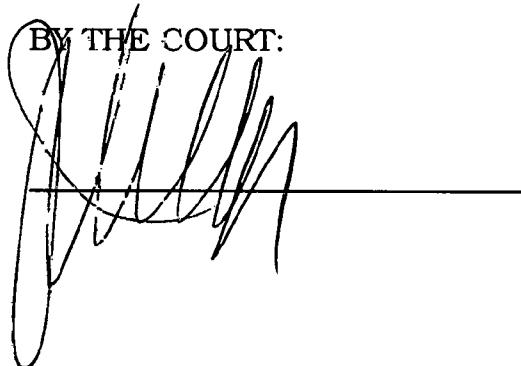
ORDER OF COURT

AND NOW, this 4th day of October, 2000, upon Motion
duly made, and it being determined that service of process has been
effected through court ordered publication, and that no responsive answers,
appearances, or generally any pleadings having been filed to such Complaint
within the time allowed for pleadings,

IT IS HEREBY ORDERED AND DECREED that Plaintiffs own
good and marketable title to streets and alleys and the real estate abutting
their respective properties, and that the unnamed 16 ft. wide alleys, Fourth
Street and Spackman Avenue, and the 14 ft. wide to 37 ft. wide, more or
less, gap between Guy Avenue and Plaintiffs' lands, as streets, alleys or
rights-of-ways have been abandoned and vacated and are no longer subject to
any private or public right which may arise because of the 1892 Subdivision
Map of Defendant, as such streets or alleys abut Lots 1, 2, 3, 4, 5, 6, 7, 8, 9,
10 and 11, and Lots 20, 21, 22 and 23 of the said DuBois Land Company plot
in Sandy Township, Clearfield County, Pennsylvania.

IT IS FURTHER ORDERED that pursuant to Pa.R.C.P. No. 248,
this Order shall be effective immediately and judgment shall be entered by
the Prothonotary of Clearfield County.

BY THE COURT:

A handwritten signature in black ink, appearing to be a stylized 'J' or 'L', is written over a horizontal line. The text 'BY THE COURT:' is printed in capital letters above the signature.

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

REC'D 04 2000

Attest.

William J. Brown
Prothonotary

HANAK, GUIDO and TALADAY

LAW OFFICES

498 Jeffers Street, P.O. Box 487

DuBois, Pennsylvania 15801

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

William A. Shaw
Prothonotary

Attest:

1001042800

FILED

OCT 04 2000
William A. Shaw
Prothonotary

cc: C.R. O'Donnell