



00-10-2-01  
ROBERT H. ZIEGLER, et al -vs- DUBOIS LAND COMPANY a/k/a DUBOIS  
LAND AND IMPROVEMENT COMPANY

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

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

vs.

(116) 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.  
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DUBOIS LAND COMPANY, a/k/a DUBOIS  
LAND AND IMPROVEMENT COMPANY,  
their successors and assigns,  
Defendants

No.

ACTION TO QUIET TITLE

**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  
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No.

ACTION TO QUIET TITLE

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 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.

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.

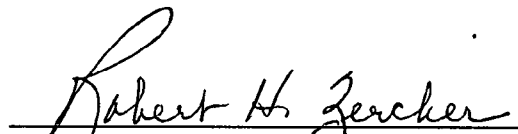
WHEREFORE, Plaintiffs pray your Honorable Court to enter an Order declaring that unnamed 16 ft. wide alleys, Fourth Street and Spackman Avenue, and the 14 ft. wide to 37 ft. wide, more or less, gap between Guy Avenue and Plaintiffs' lands, as streets, alleys or rights-of-ways have been abandoned and 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.

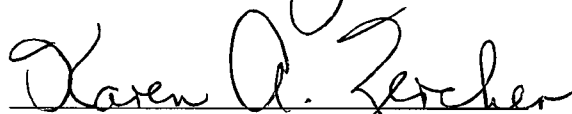
A handwritten signature in dark ink, appearing to read "Robert M. Hanak", is written over a horizontal line.

Robert M. Hanak  
Attorney for Plaintiffs

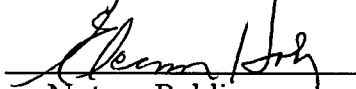
STATE OF PENNSYLVANIA :  
: SS.  
COUNTY OF CLEARFIELD :

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 18<sup>th</sup> day  
of August, 2000.

  
Notary Public

Notarial Seal  
Eleanor Haky, Notary Public  
DuBois, Clearfield County  
My Commission Expires Mar. 24, 2004  
Member, Pennsylvania Association of Notaries

STATE OF PENNSYLVANIA :  
COUNTY OF CLEARFIELD : SS.

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  
Jeffrey S. Pfaff

Sworn to and subscribed  
before me this 18<sup>th</sup> 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

~~By~~ AUG 24 2000  
09:30/att'y Harek  
William A. Shaw  
Prothonotary

PD \$90.00

1cc att'y Harek

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

ROBERT H. ZERCHER, KAREN A.  
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Plaintiffs

vs.

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:  
:  
: MOTION FOR SPECIAL  
: ORDER DIRECTING SERVICE  
: 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

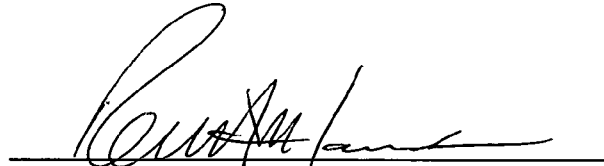
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ZERCHER, and JEFFREY S. PFAFF,	:	
Plaintiffs	:	
	:	No.
vs.	:	
	:	ACTION TO QUIET TITLE
DUBOIS LAND COMPANY, a/k/a DUBOIS	:	
LAND AND IMPROVEMENT COMPANY,	:	
their successors and assigns,	:	
Defendants	:	

**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).

A handwritten signature in black ink, appearing to read 'Robert M. Hanak', is written over a horizontal line.

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 18<sup>th</sup> day  
of August, 2000.

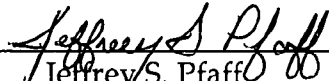
Eleanor Haky  
Notary Public

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

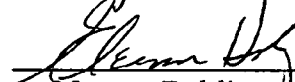
Member, Pennsylvania Association of Notaries

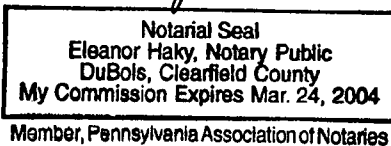
STATE OF PENNSYLVANIA :  
: SS.  
COUNTY OF CLEARFIELD :

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

Sworn to and subscribed  
before me this 18<sup>th</sup> day  
of August, 2000.

  
Notary Public



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Defendants

No.

ACTION TO QUIET TITLE

**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.

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**MOTION FOR SPECIAL ORDER**

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

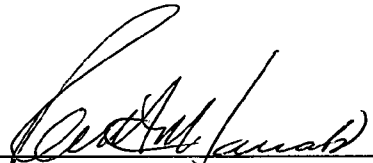
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above action.

2. At my direction, an investigation was conducted as to the  
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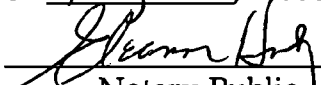
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Commonwealth of Pennsylvania, with its principal office in the City of DuBois,  
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Defendants, DUBOIS LAND COMPANY, a/k/a DUBOIS LAND AND  
IMPROVEMENT COMPANY, is/are inactive corporation(s), and 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 18<sup>th</sup> day  
of August, 2000.

  
\_\_\_\_\_  
Notary Public

Notarial Seal  
Eleanor Haky, Notary Public  
DuBois, Clearfield County  
My Commission Expires Mar. 24, 2004  
Member, Pennsylvania Association of Notaries

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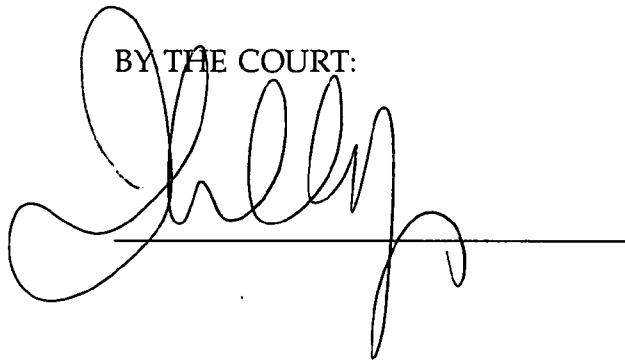
No.

ACTION TO QUIET TITLE

**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

AUG 24 2000

019:3011cc atty Henak

William A. Shaw  
Prothonotary



IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

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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

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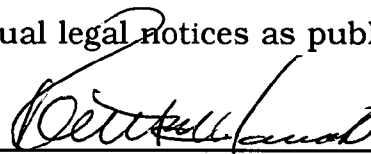
No. 00-1043-CD

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 22<sup>nd</sup> day of  
September, 2000.

  
Notary Public

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

Member, Pennsylvania Association of Notaries

# PROOF OF PUBLICATION OF NOTICE APPEARING IN THE

~~COURIER-EXPRESS~~ **ESS/TRI-COUNTY SUNDAY**

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

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

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 said, which was established in the year 1879, since weekly publication, has been regularly issued in said 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 weekly newspaper, to verify the foregoing statement under rested in the subject matter of the aforesaid notice of egoing statement as to time, place and character of

**McLEAN PUBLISHING COMPANY** Publisher of  
**ESS/TRI-COUNTY SUNDAY**

*Linda Smith*

31st day of August, 2000

*De Grecco*  
Notary Public

nt 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

the notice or advertisement	
above stated dates.....	\$ 172.80
	\$ 4.00
	\$ 176.80

**Receipt for Advertising Costs**  
r, and/or **Tri-County Sunday**, a weekly newspaper, said advertising and publication costs, and certifies ne have been fully paid.  
d 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

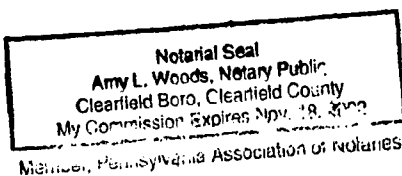
STATE OF PENNSYLVANIA :  
:  
COUNTY OF CLEARFIELD :

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.

  
\_\_\_\_\_  
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 IMPROVE-  
MENT 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

0182711100 CC  
William A. Shaw

Prothonotary

CR  
KTB

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.

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

No. 00-1043-CD

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.

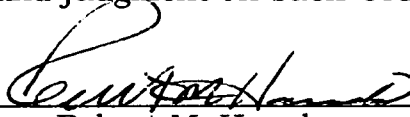
2. By Court Order dated August 24, 2000, your Honorable Court  
ordered service of process by newspaper publication in the Courier Express,  
a newspaper published in Clearfield County, Pennsylvania, and the Clearfield  
County Legal Journal.

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 04 2000

William A. Shaw  
Prothonotary

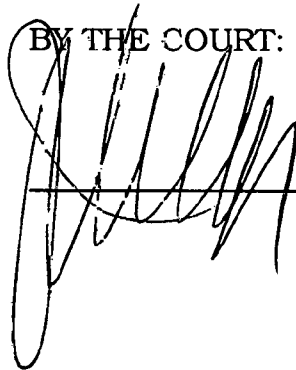
ORDER OF COURT

AND NOW, this 4<sup>th</sup> 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:



---

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

SEP 04 2000

Attest.

*William D. Hume*  
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 case.

OCT 04 2000

Attest:

*William A. Shaw*  
Prothonotary

FILED

OCT 04 2000

*William A. Shaw*  
Prothonotary

*W. A. Shaw*  
*Prothonotary*