

00-1076-CD  
Gary Springer vs Walter Welch

00

00-1076-CD  
GARY A. SPRINGER, JR. -vs- WALTER WELCH

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

GARY A. SPRINGER, JR., an  
individual

Plaintiffs

vs.

WALTER WELCH, HIS HEIRS,  
SUCCESSORS, ADMINISTRATORS  
EXECUTORS AND ASSIGNS,

No. 00- 1076-00

Type of Case: Action  
to Quiet Title

TYPE OF PLEADING:  
Motion for Service by Publication

Filed on Behalf of:

Plaintiff

Counsel of Record for this Party:

David R. Thompson, Esquire  
PO Box 587  
308 Walton Street, St. 4  
Philipsburg, PA 16866  
I.D. No. 73053  
814-342-4100

**FILED**

AUG 31 2000

William A. Shaw  
Prothonotary

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

GARY A. SPRINGER, JR., an individual,

Plaintiff

vs.

WALTER WELCH, HIS HEIRS, SUCCESSORS,  
ADMINISTRATORS EXECUTORS AND ASSIGNS,

Defendant

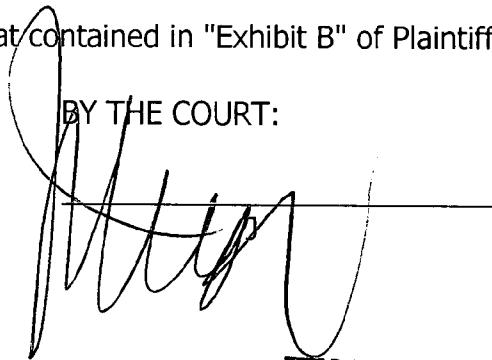
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**ORDER OF COURT**

AND NOW, this 1<sup>st</sup> day of September, 2000, upon consideration of Plaintiffs' Motion for Service by Publication, including Exhibits and Affidavits attached hereto, Plaintiffs are ordered and directed to serve Notice of the Action to Quiet Title by publication in The Progress and The Clearfield County Legal Journal, one time only, of notice of this action, in a form similar to that contained in "Exhibit B" of Plaintiffs' Motion for Publication.

BY THE COURT:



**FILED**

SEP 01 2000  
014:00 (us)  
William A. Shaw  
Prothonotary

1 cent TO ATT  
KEB

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

GARY A. SPRINGER, JR., an individual,	*	
	*	00-
Plaintiff	*	
	*	
vs.	*	
	*	
WALTER WELCH, HIS HEIRS, SUCCESSORS,	*	
ADMINISTRATORS EXECUTORS AND ASSIGNS,	*	
	*	
Defendant	*	

**MOTION FOR SERVICE BY PUBLICATION**

AND NOW appears the Plaintiff, Gary A. Springer, Jr., by and through his attorney, David R. Thompson, who represents as follows:

1. That he is the attorney for the Plaintiffs in the above captioned action to Quiet Title.
2. That he is unable to ascertain the whereabouts of the named Defendant.
3. That the Plaintiff's Attorney, David R. Thompson, has executed an Affidavit stating that after diligent search they have been unable to ascertain the whereabouts of the Defendant or his heirs, devisees, administrators, successors, executors, or assigns, said Affidavit being attached hereto as "Exhibit A".
4. That counsel for Plaintiff believes that the best means of service is by publication in a newspaper of general circulation in Clearfield County, in a form as shown in "Exhibit B".
5. That the Plaintiff has exhausted all reasonable means of attempting to locate the Defendant mentioned in the affidavit attached as Exhibit "A", or his heirs, including

inquiries of relatives, neighbors and friends, and local postal authorities and telephone books of the area.

WHEREFORE, Plaintiff requests your Honorable Court to permit the service of the original Complaint in this Action to Quiet Title by publishing a Notice similar in form to that of "Exhibit B" in The Progress and Clearfield County Legal Journal one time only, pursuant to Pa. R.C.P. 430 b(1).

A handwritten signature in black ink, appearing to read 'D. R. Thompson', is written over a horizontal line.

David R. Thompson, Esquire  
Attorney for Plaintiff

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

GARY A. SPRINGER, JR., an individual,	*	
	*	00-
Plaintiff	*	
	*	
VS.	*	
	*	
WALTER WELCH, HIS HEIRS, SUCCESSORS,	*	
ADMINISTRATORS EXECUTORS AND ASSIGNS,	*	
	*	
Defendant	*	

COMMONWEALTH OF PENNSYLVANIA

:SS:

COUNTY OF CLEARFIELD

**AFFIDAVIT**

Before me, a Notary Public, in and for the above named State and County, personally appeared DAVID R. THOMPSON, ESQUIRE, who being duly sworn according to law deposes and states that after diligent search he has been unable to locate or find the whereabouts of the Defendant, WALTER WELCH, his heirs, successors, administrators, executors and assigns; and further states as follows:

1. David R. Thompson, Esquire, is the attorney for the Plaintiff in the above captioned Action to Quiet Title, licensed to practice in the Commonwealth of Pennsylvania.

2. As such, he has undertaken an investigation of the whereabouts of WALTER WELCH, his heirs, successors, administrators, executors and assigns, the one time purported owner of a tract of land which is the subject matter of this Action to Quiet Title.

3. The information contained in this Affidavit was obtained from the Office of the Register of Wills and Recorder of Deeds and Office of Voter Registration of Clearfield

County, Pennsylvania; the telephone directory for the Clearfield/Philipsburg Area.

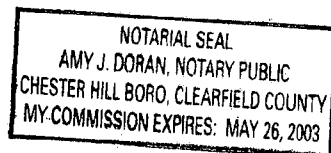
4. Unless specifically named herein, the Defendant has no estate filed or telephone listing or voter registration.

5. Additionally, it is averred that the said Defendant has been listed as a Defendant in other Quiet Title Actions, and that said Defendant was not found and was served by publication.

  
\_\_\_\_\_  
David R. Thompson, Esquire

SWORN to and subscribed before me  
this 21 day of August, 2000.

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





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

GARY A. SPRINGER, JR., an individual,	*	
	*	00-
Plaintiff	*	
	*	
vs.	*	
	*	
WALTER WELCH, HIS HEIRS, SUCCESSORS,	*	
ADMINISTRATORS EXECUTORS AND ASSIGNS,	*	
	*	
Defendant	*	

TO: WALTER WELCH, HIS HEIRS, SUCCESSORS, ADMINISTRATORS, EXECUTORS  
AND ASSIGNS,

You are hereby notified that an Action to Quiet Title to premises situate in Lawrence Township, Clearfield County, Pennsylvania, has been filed against you. Said lands are bounded and described as follows:

**ALL** those two certain pieces or parcels of land located in the Township of Lawrence, Clearfield County, Pennsylvania and being known as Lots No. 15 and 16 in Block B of the Kerr, Short and Welch Addition of the Borough of Clearfield, Clearfield County, Pennsylvania. Said plot being recorded in Clearfield County in Miscellaneous Book 17, at Page 562. Being eighty (80) feet front on the Pennsylvania State Highway, Route 17098, formerly Washington Avenue and one hundred twenty (120) feet deep to an alley.

FURTHER IDENTIFIED AS TAX PARCEL ID# 123-J09-268-105

**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 an attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiffs. You may lose money or property or other rights important to you.

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

Court Administrator  
Clearfield County Courthouse  
Clearfield PA 16830  
814-765-2641

You are hereby further notified to appear and answer the Complaint in said Action within twenty (20) days of this Notice, otherwise Judgment will be entered against you, barring you from all claims, rights and interests inconsistent with Plaintiffs' claim of title, as set forth in the Complaint.

David R. Thompson, Esquire  
P.O. Box 587  
Philipsburg, PA 16866  
ATTORNEYS FOR PLAINTIFFS

FILED

AUG 31 2000

*Shaw*  
William A. Shaw  
Prothonotary  
*McCally Thompson*

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

GARY A. SPRINGER, JR., an  
individual

Plaintiffs

vs.

WALTER WELCH, HIS HEIRS,  
SUCCESSORS, ADMINISTRATORS  
EXECUTORS AND ASSIGNS,

No. 00- 1076 'CD

Type of Case: Action  
to Quiet Title

TYPE OF PLEADING:  
Motion for Judgment

Filed on Behalf of:

Plaintiff

Counsel of Record for this Party:

David R. Thompson, Esquire  
PO Box 587  
308 Walton Street, St. 4  
Philipsburg, PA 16866  
I.D. No. 73053  
814-342-4100

FILED

OCT 27 2000

William A. Shaw  
Prothonotary

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

GARY A. SPRINGER, JR.

Plaintiff

vs.

WALTER WELCH, HIS HEIRS,  
SUCCESSORS, ADMINISTRATORS,  
EXECUTORS AND ASSIGNS,

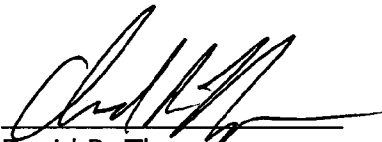
Defendant

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No. 00-1076-CD

**MOTION FOR JUDGMENT**

AND NOW this 24 day of October, 2000, an Affidavit having been executed and filed on behalf of Plaintiff that the Complaint endorsed with Notice to Plead had been served on the Defendant as stated in the Affidavit; and more than twenty (20) days have expired since the date of service and the Defendant not having answered, the Plaintiff, by their attorney, David R. Thompson, Esquire, moves the Court to enter judgment in favor of the Plaintiff and against the Defendant and to grant Plaintiff the relief prayed for in the Complaint in accordance with Pennsylvania Rules of Civil Procedure No. 1066.

  
David R. Thompson  
Attorney for Plaintiff

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

GARY A. SPRINGER, JR.

Plaintiff

vs.

WALTER WELCH, HIS HEIRS,  
SUCCESSORS, ADMINISTRATORS,  
EXECUTORS AND ASSIGNS,

Defendant

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No. 00-1076-CD

**AFFIDAVIT**

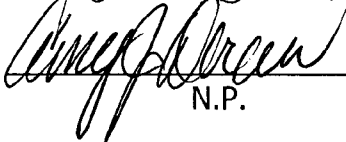
COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

:ss:

Before me, the undersigned officer, in and for the above named State and County, personally appeared DAVID R. THOMPSON, ESQUIRE, who being duly sworn according to law deposes and says that a Notice of the Filing endorsed with a Notice to Plead, was duly served on the above named Defendant by publication in the Clearfield Progress on September 9, 2000, and The Clearfield County Legal Journal on September 15, 2000, with proof of publication attached hereto.

  
David R. Thompson, Esquire

SWORN to and subscribed  
before me this 24 day  
of October, 2000.

  
N.P.

NOTARIAL SEAL  
AMY J. DORAN, NOTARY PUBLIC  
CHESTER HILL BORO, CLEARFIELD COUNTY  
MY COMMISSION EXPIRES: MAY 26, 2003

## PROOF OF PUBLICATON

**STATE OF PENNSYLVANIA**

:

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**COUNTY OF CLEARFIELD**

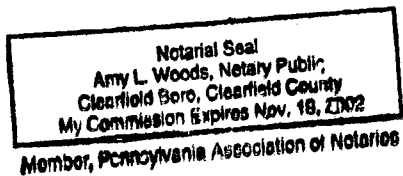
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On this 15th day of September AD 2000, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Gary A. Knaresboro, who being duly sworn according to law, proposes and says that he is the editor of the Clearfield County Legal Journal 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 15, 2000, Vol. 12, No. 37. 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



David R. Thompson  
P.O. Box 587  
Philipsburg, PA 16866

NOTICE  
IN THE COURT OF COMMON  
PLEAS OF CLEARFIELD  
COUNTY, PA  
CIVIL ACTION - LAW  
00-

GARY A. SPRINGER, JR., an indi-  
vidual, Plaintiff

vs.

WALTER WELCH, his Heirs, Suc-  
cessors, Administrators, Execu-  
tors and Assigns, Defendant

TO: WALTER WELCH, HIS  
HEIRS, SUCCESSORS, ADMINIS-  
TRATORS, EXECUTORS AND AS-  
SIGNS,

You are hereby notified that an  
Action to Quiet title to premises sit-  
uate in Lawrence Township, Clear-  
field County, Pennsylvania, has  
been filed against you. Said lands  
are bounded and described as fol-  
lows:

ALL those two certain pieces or  
parcels of land located in the Town-  
ship of Lawrence, Clearfield  
County, Pennsylvania and being  
known as Lots No. 15 and 16 in  
Block B of the Kerr, Short and  
Welch Addition of the borough of  
Clearfield, Clearfield County,  
Pennsylvania. Said plot being re-  
corded in Clearfield County in Mis-  
cellaneous Book 17, at page 562.  
Being eighty (80) feet front on the  
Pennsylvania State Highway,  
Route 17098, formerly Washing-  
ton Avenue and one hundred  
twenty (120) feet deep to alley.

Further identified as Tax Parcel  
D# 123-J09-268-105

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 Com-  
plaint and Notice are served, by en-  
tering a written appearance per-  
sonally or by an attorney and filing in  
writing with the Court your de-  
fenses or objections to the claims  
set forth against you. You are  
warned that if you fail to do so the  
case may proceed without you and  
a judgment may be entered against  
you by the Court without further no-  
tice 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 PA-  
PER TO YOUR LAWYER AT  
ONCE. IF YOU DO NOT HAVE A  
LAWYER OR CANNOT AFFORD  
ONE, GO TO OR TELEPHONE  
THE OFFICE SET FORTH BELOW  
TO FIND OUT WHERE YOU CAN  
GET LEGAL HELP.

Court Administrator, Clearfield  
County Courthouse, Clearfield, PA  
16830, 814-765-2641.

You are hereby further notified to  
appear and answer the Complaint in  
said Action within twenty (20) days  
of this Notice, otherwise judgment  
will be entered against you, barring  
you from all claims, rights and inter-  
ests inconsistent with the Plaintiff's  
claim of title, as set forth in the com-  
plaint.

David R. Thompson, Esquire,  
P.O. BOX 587, Philipsburg, PA  
16866, ATTORNEY FOR THE  
PLAINTIFF

9:9-1d-b

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :

COUNTY OF CLEARFIELD :

SS: **RECEIVED SEP 18 2000**

On this 15th day of September, A.D. 2000,  
before me, the subscriber, a Notary Public in and for said County and  
State, personally appeared Margaret E. Krebs, who being duly sworn  
according to law, deposes and says that she is the President of The  
Progressive Publishing Company, Inc., and Associate Publisher of The  
Progress, a daily newspaper published at Clearfield, in the County of  
Clearfield and State of Pennsylvania, and established April 5, 1913, and  
that the annexed is a true copy of a notice or advertisement published in  
said publication in

the regular issues of September 9, 2000

And that the affiant is not interested in the subject matter of the notice or  
advertising, and that all of the allegations of this statement as to the time,  
place, and character of publication are true.

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

Notary Public

Clearfield, Pa:

My Commission Expires  
September 16, 2004

Notarial Seal  
Ann K. Law, Notary Public  
Clearfield Boro, Clearfield County  
My Commission Expires Sept. 16, 2004  
Member, Pennsylvania Association of Notaries

claim set forth against you. You are warned  
that if you fail to do so the case may  
proceed without you and a judgment may be  
entered against you by the Court without  
further notice for any money claimed in the  
Complaint or for any other claim or relief  
requested by the Plaintiff. You may lose  
money or property or other rights important  
to you.

YOU SHOULD TAKE THIS PAPER  
TO YOUR LAWYER AT ONCE. IF YOU  
DO NOT HAVE A LAWYER OR CANNOT  
FIND ONE, GO TO OR TELEPHONE  
THE OFFICE SET FORTH BELOW TO  
FIND OUT WHERE YOU CAN GET  
LEGAL HELP. COURT ADMINIS-  
TRATOR, CLEARFIELD COUNTY  
COURTHOUSE, Clearfield, PA 16830  
(814) 765-2641.

You are hereby further notified to  
appear and answer the Complaint in said  
Action within twenty (20) days of this  
Notice, otherwise judgment will be entered  
against you, barring you from all claims,  
rights and interests inconsistent with  
Plaintiffs' claim of title, as set forth in the  
Complaint.

DAVID R. THOMPSON, ESQUIRE,  
P.O. Box 587, Philipsburg, PA 16866  
ATTORNEYS FOR PLAINTIFFS.

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

GARY A. SPRINGER, JR., an  
individual, Plaintiff vs. WALTER WELCH,  
HIS HEIRS, SUCCESSORS, ADMINIS-  
TRATORS EXECUTORS AND ASSIGNS,  
Defendant.

TO: WALTER WELCH, HIS HEIRS,  
SUCCESSORS, ADMINISTRATORS  
EXECUTORS AND ASSIGNS.

You are hereby notified that an Action  
to Quiet Title to premises situate in  
Lawrence Township, Clearfield County,  
Pennsylvania, has been filed against you.  
Said lands are bounded and described as  
follows:

ALL those two certain pieces or parcels  
of land located in the Township of  
Lawrence, Clearfield County, Pennsylvania  
and being known as Lots No. 15 and 16 in  
Block B of the Kerr, Shot and Welch  
Addition of the Borough of Clearfield,  
Clearfield County, Pennsylvania. Said plot  
being recorded in Clearfield County in  
Miscellaneous Book 17, at Page 562.  
Being eighty (80) feet front on the  
Pennsylvania State Highway, route 17098,  
formerly Washington Avenue and one  
hundred twenty (120) feet deep to an alley.

FURTHER IDENTIFIED AS TAX  
PARCEL ID# 123-J09-268-105.

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 defenses or objections to the



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

GARY A. SPRINGER, JR.

Plaintiff

VS.

WALTER WELCH, HIS HEIRS,  
SUCCESSORS, ADMINISTRATORS,  
EXECUTORS AND ASSIGNS,

Defendants

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No. 00-1076-CD

FILED

OCT 31 2000

William A. Shaw  
Prothonotary

**ORDER**

AND, NOW this 31<sup>st</sup> day of October, 2000, it appearing that a

Complaint to Quiet Title in the above stated action was served by publication on the Defendants, WALTER WELCH, HIS HEIRS, SUCCESSORS, ADMINISTRATORS, EXECUTORS AND ASSIGNS, of each and all other person, persons, firms, partnerships or corporate entities in interest and by Affidavit of David R. Thompson, Esquire, Attorney for Plaintiff, no Answer has been filed in said Action on behalf of the said Defendant, and on motion of David R. Thompson, Esquire, Attorney for Plaintiff, it is hereby ORDERED AND DECREED:

1. That the said Defendants, WALTER WELCH, HIS HEIRS, SUCCESSORS, ADMINISTRATORS, EXECUTORS AND ASSIGNS, and all other persons, firms, partnerships or corporate entities in interest are forever barred from asserting any right, title, lien or interest inconsistent with the interest or claim of the Plaintiff as set forth in its Complaint in and to ALL that certain piece or parcel of land situate in Lawrence Township, Clearfield County, Pennsylvania, and more particularly set forth in Exhibit "A", attached hereto and

made a part hereof.

Said ORDER to be final and absolute unless the Defendants, WALTER WELCH, HIS HEIRS, SUCCESSORS, ADMINISTRATORS, EXECUTORS AND ASSIGNS, and all other persons, firms, partnerships or corporate entities in interest shall file exceptions thereto within thirty (30) days.

2. That if the said Defendants, WALTER WELCH, HIS HEIRS, SUCCESSORS, ADMINISTRATORS, EXECUTORS AND ASSIGNS, and all other persons, firms, partnerships or corporate entities in interest have not filed said exceptions within thirty (30) days, the Prothonotary shall enter Final Judgment upon Praecipe of the Plaintiff.

3. That the rights of the Plaintiff are superior to the rights of the Defendant, WALTER WELCH, HIS HEIRS, SUCCESSORS, ADMINISTRATORS, EXECUTORS AND ASSIGNS, and ALL OTHER PERSONS, firms, partnerships or corporate entities in interest.

4. That the said Plaintiff has title fee simple to the premises as described in the Complaint as against the WALTER WELCH, HIS HEIRS, SUCCESSORS, ADMINISTRATORS, EXECUTORS AND ASSIGNS, and ALL OTHER PERSONS, firms, partnerships or corporate entities in interest.

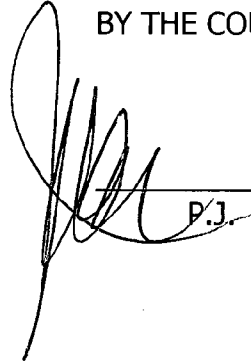
5. That the Defendants, WALTER WELCH, HIS HEIRS, SUCCESSORS, ADMINISTRATORS, EXECUTORS AND ASSIGNS, and ALL OTHER PERSONS, firms, partnerships or corporate entities in interest are enjoined from setting up title to the premises of the Plaintiffs, described in said Complaint and from impeaching, denying or in any way attacking the title of the Plaintiff to said premises.

6. That these proceedings or an authenticated copy thereof, shall at all times

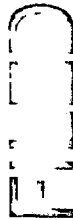
hereafter be taken as evidence of the facts declared and established hereby.

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

BY THE COURT:



P.J.



OCT 31 2000

014002SCA Thompson

William A. Shaw  
Prothonotary

*WAS*

**EXHIBIT "A"**

**ALL** those two certain pieces or parcels of land located in the Township of Lawrence, Clearfield County, Pennsylvania and being known as Lots No. 15 and 16 in Block B of the Kerr, Short and Welch Addition of the Borough of Clearfield, Clearfield County, Pennsylvania. Said plot being recorded in Clearfield County in Miscellaneous Book 17, at Page 562. Being eighty (80) feet front on the Pennsylvania State Highway, Route 17098, formerly Washington Avenue and one hundred twenty (120) feet deep to an alley.

FURTHER IDENTIFIED AS TAX PARCEL ID# 123-J09-268-105

FILED

OCT 27 2000

01358/3cc atty Thompson  
William A. Shaw  
Prothonotary *WAS*

## CIVIL ACTION - LAW

**William A. Shaw**  
**Prothonotary**

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**COUNSEL OF RECORD FOR  
THIS PARTY:**  
David R. Thompson, Esquire  
Attorney at Law  
Supreme Court I.D. 73053  
P.O. Box 587  
308 Walton Street, Suite 4  
Philipsburg PA 16866  
(814) 342-4100

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL ACTION - LAW

GARY A. SPRINGER, JR., an individual,	*	No. 00-1076
	*	
Plaintiff	*	
	*	
vs.	*	
	*	
WALTER WELCH, HIS HEIRS,	*	
SUCCESSORS, ADMINISTRATORS,	*	
EXECUTORS AND ASSIGNS,	*	
	*	
Defendants	*	

**PRAECIPE FOR FINAL JUDGMENT**

TO THE PROTHONOTARY:

A Decree in the above action having been made on the 31<sup>st</sup> day of October, 2000, and thirty (30) days having elapsed since entry thereof, you are directed to enter Final Judgment in favor of the Plaintiffs in the above-captioned action, pursuant to the Pennsylvania Rules of Civil Procedure.

  
David R. Thompson, Esquire  
Attorney for Plaintiff



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

GARY A. SPRINGER, JR.

Plaintiff

vs.

WALTER WELCH, HIS HEIRS,  
SUCCESSORS, ADMINISTRATORS,  
EXECUTORS AND ASSIGNS,

Defendants

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No. 00-1076-CD

**ORDER**

AND, NOW this 31st day of October, 2000, it appearing that a Complaint to Quiet Title in the above stated action was served by publication on the Defendants, WALTER WELCH, HIS HEIRS, SUCCESSORS, ADMINISTRATORS, EXECUTORS AND ASSIGNS, of each and all other person, persons, firms, partnerships or corporate entities in interest and by Affidavit of David R. Thompson, Esquire, Attorney for Plaintiff, no Answer has been filed in said Action on behalf of the said Defendant, and on motion of David R. Thompson, Esquire, Attorney for Plaintiff, it is hereby ORDERED AND DECREED:

1. That the said Defendants, WALTER WELCH, HIS HEIRS, SUCCESSORS, ADMINISTRATORS, EXECUTORS AND ASSIGNS, and all other persons, firms, partnerships or corporate entities in interest are forever barred from asserting any right, title, lien or interest inconsistent with the interest or claim of the Plaintiff as set forth in its Complaint in and to ALL that certain piece or parcel of land situate in Lawrence Township, Clearfield County, Pennsylvania, and more particularly set forth in Exhibit "A", attached hereto and

made a part hereof.

Said ORDER to be final and absolute unless the Defendants, WALTER WELCH, HIS HEIRS, SUCCESSORS, ADMINISTRATORS, EXECUTORS AND ASSIGNS, and all other persons, firms, partnerships or corporate entities in interest shall file exceptions thereto within thirty (30) days.

2. That if the said Defendants, WALTER WELCH, HIS HEIRS, SUCCESSORS, ADMINISTRATORS, EXECUTORS AND ASSIGNS, and all other persons, firms, partnerships or corporate entities in interest have not filed said exceptions within thirty (30) days, the Prothonotary shall enter Final Judgment upon Praecipe of the Plaintiff.

3. That the rights of the Plaintiff are superior to the rights of the Defendant, WALTER WELCH, HIS HEIRS, SUCCESSORS, ADMINISTRATORS, EXECUTORS AND ASSIGNS, and ALL OTHER PERSONS, firms, partnerships or corporate entities in interest.

4. That the said Plaintiff has title fee simple to the premises as described in the Complaint as against the WALTER WELCH, HIS HEIRS, SUCCESSORS, ADMINISTRATORS, EXECUTORS AND ASSIGNS, and ALL OTHER PERSONS, firms, partnerships or corporate entities in interest.

5. That the Defendants, WALTER WELCH, HIS HEIRS, SUCCESSORS, ADMINISTRATORS, EXECUTORS AND ASSIGNS, and ALL OTHER PERSONS, firms, partnerships or corporate entities in interest are enjoined from setting up title to the premises of the Plaintiffs, described in said Complaint and from impeaching, denying or in any way attacking the title of the Plaintiff to said premises.

6. That these proceedings or an authenticated copy thereof, shall at all times

hereafter be taken as evidence of the facts declared and established hereby.

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

BY THE COURT:

/s/JOHN K. REILLY, JR.

P.J.

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

**OCT 31 2000**

Attest.

  
Prothonotary

**EXHIBIT "A"**


**ALL** those two certain pieces or parcels of land located in the Township of Lawrence, Clearfield County, Pennsylvania and being known as Lots No. 15 and 16 in Block B of the Kerr, Short and Welch Addition of the Borough of Clearfield, Clearfield County, Pennsylvania. Said plot being recorded in Clearfield County in Miscellaneous Book 17, at Page 562. Being eighty (80) feet front on the Pennsylvania State Highway, Route 17098, formerly Washington Avenue and one hundred twenty (120) feet deep to an alley.

FURTHER IDENTIFIED AS TAX PARCEL ID# 123-J09-268-105

FILED

DEC 08 2000

07/15/2000  
William A. Shaw  
Prothonotary

Thompson  


CP

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[illegible]

David R. Thompson, Esquire  
PO Box 587  
308 Walton Street, St. 4  
Philipsburg, PA 16866  
I.D. No. 73053  
814-342-4100

101

**William A. Shaw**  
**Prothonotary**

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

GARY A. SPRINGER, JR., an individual,

Plaintiff

vs.

WALTER WELCH, HIS HEIRS, SUCCESSORS,  
ADMINISTRATORS EXECUTORS AND ASSIGNS,

Defendant

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**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 an attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiffs. You may lose money or property or other rights important to you.

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

Court Administrator  
Clearfield County Courthouse  
Clearfield PA 16830  
(814) 765-2641

  
\_\_\_\_\_  
David R. Thompson, Esquire

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

GARY A. SPRINGER, JR., an individual,	*	
	*	00-
Plaintiff	*	
	*	
vs.	*	
	*	
WALTER WELCH, HIS HEIRS, SUCCESSORS,	*	
ADMINISTRATORS EXECUTORS AND ASSIGNS,	*	
	*	
Defendant	*	

**COMPLAINT**

AND NOW, comes the Plaintiff, GARY A. SPRINGER, JR., by and through his attorney, DAVID R. THOMPSON, ESQUIRE, and set forth a claim against the Defendant named herein and represent as follows:

1. Plaintiff is GARY A. SPRINGER, JR., an individual, with a residential address of RR, Box 216B, West Decatur, Clearfield County, Pennsylvania.

2. Defendant, Walter Welch, his heirs, successors, administrators, executors, and assigns, are believed to be deceased, however, Plaintiff is unable to obtain their whereabouts or the date of their death.

3. The subject matter of this Action to Quiet Title is land which comprises all those certain parcels or pieces of land situate in the Township of Lawrence, County of Clearfield, Pennsylvania, bounded and described as follows, to wit:

**ALL** those two certain pieces or parcels of land located in the Township of Lawrence, Clearfield County, Pennsylvania and being known as Lots No. 15 and 16 in Block B of the Kerr, Short and Welch Addition of the Borough of Clearfield, Clearfield County, Pennsylvania. Said plot being recorded in Clearfield County in Miscellaneous Book 17, at Page 562. Being eighty (80) feet front on the Pennsylvania State Highway, Route 17098, formerly Washington Avenue and one hundred twenty (120) feet deep to an alley.



FURTHER IDENTIFIED AS TAX PARCEL ID# 123-J09-268-105

4. This property was conveyed unto the Plaintiff herein by Deed of Margaret E. Cushard, a widow, by and through her Agent, Peggy Jo Connor, dated August 1, 2000, and recorded to Clearfield County Instrument Number 200011113. Margaret E. Cushard executed a Power of Attorney dated March 24, 2000, appointing Peggy Jo Connor her agent, which Power of Attorney is recorded in the Recorder's Office of Clearfield County to Instrument No. 200007876.

5. By virtue of a deed dated May 14, 1957, and recorded in Clearfield County Recorder of Deeds Office on June 5, 1957, in Deed Book 459 at Page 225, Frank W. Short and Anna R. Short, his wife, Frederick B. Kerr and Emily B. Kerr, his wife, and Frederick B. Kerr, Trustee, conveyed their interest in the property to Henry H. Cushard and Margaret E. Cushard, his wife. Henry H. Cushard died the 15<sup>th</sup> day of March, 2000, thereby vesting title unto his wife, Margaret E. Cushard as surviving tenant by the entirety.

6. By virtue of a deed dated September 6, 1904, and recorded in Clearfield County Recorder of Deeds Office on February 14, 1905, in Deed Book Volume 145 Page 280 George M. and Annella Bilger, his wife, conveyed a one-half undivided interest in 18 acres to Fred B. Kerr, Trustee. By way of further pleading, the premises described in Paragraph Three (3) herein is a part of the 18-acre parcel.

7. By virtue of a deed dated January 1, 1915, and recorded in Clearfield County Recorder of Deeds Office on January 1, 1915, in Deed Book Volume 207 Page 84, R. G. and Mary Bilger, his wife, conveyed the remaining one-half undivided interest in the 18 acres to Walter Welch and John F. Short. By way of pleading the premises described in

Paragraph Three (3) herein is a part of the 18-acre parcel.

8. John F. Short died the 28<sup>th</sup> day of December 1932, his estate being probated in Clearfield County on January 6, 1933 to Estate #14936. Frank W. Short being his only heir at law acquired a one-fourth (1/4) interest the 18-acre parcel of property, of which the subject premises is a part.

9. The said Frederick B. Kerr, Trustee purchased a one-fourth (1/4) interest in the parcel, described in paragraph three (3) herein, from the Clearfield County Commissioners at a tax sale by virtue of an unrecorded deed dated January 24, 1944. It is believed that this tax sale was the result of unpaid taxes of Walter Welch on his one-fourth interest the 18-acre parcel, of which the subject premises is a part. Said interest would have last been assessed as property of Walter Welch, as he never conveyed his interest in the premises.

14. By virtue of a deed dated January 13, 1902, and recorded in Clearfield County Recorder of Deeds Office on April 12, 1902, in Deed Book Volume 122 at Page 409, William M. and Rebecca M. Cathcart, his wife and Martha J. Gulich, not married single, conveyed an 18-acre parcel, to George M. Bilger, individually and as Trustee for R. G. Bilger..

15. The Plaintiff and his predecessors in title have exercised dominion, possession and control of the subject premises for a period in excess of twenty-one (21) years, and that said possession has been continuous, open, exclusive and adverse.

16. This Quiet Title action is necessary because of the unrecorded conveyance, the same being a tax sale, and other irregularities in the chain of title of the property, subject of this action, including the unrecorded deeds and/or assignments and other documents, incomplete estate records of deceased persons showing a complete chain of title, and

possible adverse interest of named Defendant, his heirs, successors, and assigns, all of which create clouds in the title.

17. It is further averred that the Quiet Title Action is necessary because of irregularities in the chain of title of the property which may affect the rights of the Plaintiff named, and to cure any defects as a result of the herein described tax sale and unrecorded deed.

18. It is finally averred that a Quiet Title Action is necessary to determine the validity or discharge of any document, obligation or deed affecting any right, title, and interest in the property.

19. At no time has the named Defendant or anyone claiming title by, through, or under him, attempted to secure possession of the said estate, contest the title of the Plaintiff and/or his predecessors in title or assert any interest, adverse to that of the Plaintiff or his predecessors in title by any legal action or by formal acknowledgment thereof.

20. The premises herein described in Paragraph Three (3) are the same premises, that Plaintiff and his predecessors in title have been in open, continuous, notorious, hostile and uninterrupted possession for a period in excess of twenty-one (21) years, possession of the said premises having been acquired by the Plaintiff and his predecessors in title as hereinabove set forth.

21. It is believed and therefore averred that the said Plaintiffs and their predecessors' title have throughout their occupancy on the said premises maintained the said premises and have further continued in actual uninterrupted exclusive, visible,

notorious, distinct and hostile possession of these premises secured by their respective deeds and hereinbefore set forth.

22. The said Plaintiff, together with the predecessors in title have, commencing with the year 1944, and continuing up to the present time, made valuable improvements to the said premises, have maintained the same premises, paid all current real estate taxes, and have evidenced a settled intent of excluding all individuals from the use, actual occupation or constructive possession of the premises.

23. At no time has the herein named Defendant attempted to secure possession of the said premises, contest the title of the Plaintiffs or their predecessors in title or assist in the maintenance, repair or improvement of those premises hereinbefore described nor has any asserted any interest adverse to the Plaintiff by any legal action.

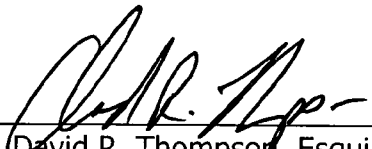
WHEREFORE, Plaintiff files this action and respectfully request the following:

(a) That the Defendant, his heirs, administrators, executors, successors and assigns and all other persons having claim to the premises herein described be forever barred from asserting any right, title or interest in the land described herein inconsistent with the interest or title of Plaintiff unless the Defendant, his heirs, administrators, executors, successors or assigns, or those persons asserting any right, title or interest in said premises being an action of ejectment or other legal or equitable action to establish their claim to the premises described herein or any portion of the same, within the time set by the Court.

(b) That an Order of Court be made declaring the Plaintiff to be the sole owner and to have exclusive possession of the premises described herein by virtue of their open, uninterrupted and hostile possession of the premises for a period in excess of twenty-one

years.

c) Such further Order as may be necessary for the granting of further relief.

By:   
David R. Thompson, Esquire  
Attorney for Plaintiffs

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

GARY A. SPRINGER, JR., an individual,

Plaintiff

vs.

WALTER WELCH, HIS HEIRS, SUCCESSORS,  
ADMINISTRATORS EXECUTORS AND ASSIGNS,

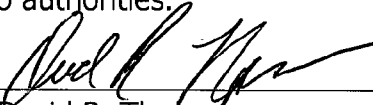
Defendant

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**VERIFICATION**

I, **DAVID R. THOMPSON**, Attorney for the Plaintiffs, do verify that the statements made in this Complaint are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.

  
\_\_\_\_\_  
David R. Thompson

FILED

AUG 31 2000

0/2231 atty Thompson

William A. Shaw

Prothonotary

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