

00-1099-CD

Wayne Cherry vs George Pearce al

00

00-1099-CD
WAYNE CHERRY -vs- GEORGE W. PEARCE et al

CLEARFIELD, PENNSYLVANIA 16830
P. O. BOX 1
15 NORTH FRONT STREET
ATTORNEYS AT LAW
BELLIN & KUBISTA

FILED

SEP 07 2009
11:34 AM
William A. Shaw
Prothonotary
Bellin
PA \$90.00

cc atty
cc Shaw

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

104
WAYNE CHERRY,

Plaintiff

00-

No. 1099 - CD

vs.

ACTION TO QUIET TITLE

104
GEORGE W. PEARCE, GEORGE W.
PIERCE, FANNIE B. GRAHAM, JAMES B.
GRAHAM, JOHN B. GRAHAM, WILLIAM J.
GRAHAM, GWENDOLYN GRAHAM,
a/k/a GWENDOLYN DRAPER, ELIZABETH
BOCK, and COUNTY NATIONAL BANK,
TRUSTEE UNDER THE LAST WILL AND
TESTAMENT OF FANNIE B. GRAHAM,
their heirs, executors,
administrators, and assigns,
Defendants

COMPLAINT

Filed on behalf of
Plaintiff

Counsel of Record for
this Party:

Carl A. Belin, Jr.
Attorney-at-Law
Pa. I.D. 06805

Belin & Kubista
15 North Front Street
P.O. Box 1
Clearfield, PA 16830

(814) 765-8972

FILED

SEP 07 2000

William A. Shaw
Prothonotary

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

WAYNE CHERRY,	:	
	Plaintiff	:
vs.		No.
GEORGE W. PEARCE, GEORGE W.	:	
PIERCE, FANNIE B. GRAHAM, JAMES B.	:	
GRAHAM, JOHN B. GRAHAM, WILLIAM J.	:	
GRAHAM, GWENDOLYN GRAHAM,	:	
a/k/a GWENDOLYN DRAPER, ELIZABETH	:	
BOCK, and COUNTY NATIONAL BANK,	:	
TRUSTEE UNDER THE LAST WILL AND	:	
TESTAMENT OF FANNIE B. GRAHAM,	:	
their heirs, executors,	:	
administrators, 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 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 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
1 North Second Street
Clearfield, PA 16830
(814) 765-2641 Ex 5982

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

WAYNE CHERRY,	:	
	Plaintiff	:
		No.
vs.	:	
		ACTION TO QUIET TITLE
GEORGE W. PEARCE, GEORGE W.	:	
PIERCE, FANNIE B. GRAHAM, JAMES B.	:	
GRAHAM, JOHN B. GRAHAM, WILLIAM J.	:	
GRAHAM, GWENDOLYN GRAHAM,	:	
a/k/a GWENDOLYN DRAPER, ELIZABETH	:	
BOCK, and COUNTY NATIONAL BANK,	:	
TRUSTEE UNDER THE LAST WILL AND	:	
TESTAMENT OF FANNIE B. GRAHAM,	:	
their heirs, executors,	:	
administrators, and assigns,	:	
Defendants	:	

COMPLAINT

NOW COMES, the Plaintiff, WAYNE CHERRY, and by and through his attorneys Belin & Kubista, brings the following action in quiet title, and in support thereof, allege as follows:

1. That the Plaintiff is Wayne Cherry, an individual who resides at 4670 Peru Center road, Monroeville, Ohio 44847 ("Cherry").

2. That the Defendants are: George W. Pierce, an individual whose last known address was Graham Township; George W. Pearce, an individual whose last known address was the Village of Utahville, Beccaria Township; Fannie B. Graham,

an individual whose last known address was Wallaceton, Pennsylvania; James B. Graham, an individual whose last known address was Wallaceton, Pennsylvania; John B. Graham, an individual whose last known address was 325 West Locust Street, Clearfield, Pennsylvania; William J. Graham, an individual whose last known address was North East, Pennsylvania; Gwendolyn Graham, also believed to be known as Gwendolyn Draper, an individual whose last known address was San Jose, California; Elizabeth Bock, an individual whose last known address was R.D. Morrisdale, Pennsylvania; and County National Bank, Trustee under the Last Will and Testament of Fannie B. Graham, a Pennsylvania banking institution with an office located at One South Second Street, Clearfield, Pennsylvania.

3. That Cherry has exercised ownership and domain under the hereinafter described tract of land situate in Graham Township, Clearfield County, Pennsylvania, more particularly bounded and described as follows, to wit:

BEGINNING at a point on the line of the William Bell warrant, which is situate in Bradford Township and which is the land of Wayne Cherry; thence by lands of Deer Creek Forest, Inc. South eighty-six (86°) degrees one (01') minute fifty-nine (59") seconds East five hundred four and ninety-eight hundredths (504.98) feet; thence by the same North zero (00°) degrees twenty-seven (27') minutes thirteen (13") seconds East four hundred sixty and fifty-nine

hundredths (460.59) feet; thence by same North fourteen (14°) degrees eleven (11') minutes fifty-four (54") seconds West one thousand one hundred sixty-one and sixty-four hundredths (1161.64) feet to the stone corner which is the common corner of this land, the lands of Deer Creek Forest Inc. and Blaine G. Hubler, and which abuts the land of Earl Maines; thence by lands of Earl Maines and Wayne Cherry South eight (8°) degrees seventeen (17') minutes twenty-four (24") seconds West one thousand five hundred sixty-nine and forty-nine hundredths (1,569.49) feet to point and place of beginning. **BEING** a tract of land containing approximately 10.616 acres.

AND BEING the parcel identified in Clearfield County Tax Maps as 116-P8-42.

4. That said tract of land was originally a part of a tract of land that was conveyed to William A. Wallace by a deed from James Mahaffey, Sheriff, as the lands and tenements of James B. Graham which tract of land was described as the James Hawthorne warrant and which consisted of 414 Acres, and was recorded in the office of the Recorder of Deeds of Clearfield County in Deed Book 15, page 594.

5. That William A. Wallace conveyed the premises to Curtin M. Graham and Sarah Wright by deed dated June 18, 1880 and which was recorded in the office of the Recorder of Deeds of Clearfield County in Deed Book 17, page 49; and which was assigned by Curtin M. Graham and Sarah Wright to Thomas H.

Forcey which assignment was recorded in the office of the Recorder of Deeds of Clearfield County in Deed Book 17, page 50.

6. That the premises were thereafter conveyed by H. B. Powell and H. L. Forcey, Executors of the Last Will and Testament of Thomas H. Forcey to John W. Allen and John Coleman by deed dated October 12, 1906, and recorded in the office of the Recorder of Deeds of Clearfield County in Deed Book 161, page 82.

7. That John W. Allen and John Coleman conveyed the premises to James B. Graham, of Clearfield County, and James B. Graham of Williamsport, Pennsylvania, by deed dated October 23, 1913, and recorded in the Office of the Recorder of Deeds of Clearfield County in Deed Book 194, page 471.

8. That James B. Graham, of Clearfield County, conveyed his interest, which was a one-third interest, to Maxwell W. Forcey by deed dated August 24, 1922, and recorded in the office of the Recorder of Deeds of Clearfield County in Deed Book 258, page 253.

9. That the Trustee in Bankruptcy of the estate of James B. Graham of Williamsport, conveyed in the premises to John C. Youngman by Trustees Deed dated August 23, 1934, and recorded in the office of the Recorder of Deeds of Clearfield

County in Deed Book 308, page 588, which was a two-third's interest in the premises.

10. That John C. Youngman conveyed the premises to James B. Graham, of Williamsport, by deed dated October 9, 1934, and recorded in the office of the Recorder of Deeds of Clearfield County in Deed Book 308, page 591, which was for a two-thirds (2/3rds) interest.

11. That James B. Graham conveyed the premises to Fannie B. Graham by deed dated January 14, 1941, and recorded in the office of the Recorder of Deeds of Clearfield County in Deed Book 335, page 94.

12. That by virtue of said deeds Fannie B. Graham became vested with a complete interest to the James Hawthorne warrant consisting of 414 acres, of which the tract in question was a part.

13. That Fannie B. Graham died on May 27, 1946, and by virtue of her Last Will and Testament granted and devised her interest in the premises to County National Bank in trust for James B. Graham, John B. Graham, William J. Graham, Gwendolyn Graham, and Elizabeth Bock.

14. That in a deed dated December 15, 1947, the County National Bank conveyed the James Hawthorne warrant to Glenn Shearer and Herman Shearer and in said conveyance

excepted a tract of land as being the land of "George W. Pearce" by a description in said deed, which is the same tract of land described in Paragraph 3 hereof.

15. That it is believed and averred that Fannie B. Graham or her predecessors in title conveyed the premises hereinbefore described in Paragraph 3 to George W. Pierce, of Graham Township, but said deed was never recorded and is believed to have been lost.

16. That the records of Clearfield County establish that a George W. Pierce lived and owned land in Graham Township. At the same time a George W. Pearce lived in Utahville, Beccaria Township and owned property in Beccaria Township area. It is believed and averred that the reference in the deed by the Executors of Fannie Graham misspelled the name as Pearce but were referring to George W. Pierce, who lived in Graham Township.

17. That in the records of Clearfield County George W. Pierce never conveyed the premises to any third party, nor is there any reference as to ownership of the tract in any document relating to the said George W. Pierce.

18. That George W. Pearce, who lived in Utahville, Beccaria Township never owned any land in Graham Township, nor is there any reference in the records of Clearfield County that

is related to land in Graham Township or to the tract of land in question in the name of George W. Pearce.

19. That Cherry is the owner of adjoining property which is situate in Bradford Township and has exercised possession and domain of the premises as a part of his property.

20. That Wayne Cherry has exercised open, actual, adverse, visible, hostile, exclusive and continuous possession of the premises for a period in excess of twenty-one (21) years.

21. That Plaintiff and Defendants are the only persons who have a possible interest in and to the premises.

WHEREFORE, Plaintiffs request:

(a) That by decree of Your Honorable Court it may be declared that the Plaintiffs have acquired an easement by prescription set forth in Paragraph 3 and that he shall be allowed to enjoy said property in peace;

(b) That the Defendants within twenty (20) days from the receipt of the Complaint, institute an action of ejectment against the Plaintiffs and that otherwise the Defendants be perpetually enjoined from setting up any title to said property, from impeaching, denying or in any way attacking the

Plaintiff's title to said property, from issuing or maintaining
an ejectment of said property or any part thereof; and

(c) Such other relief as the court deems proper.

Respectfully Submitted,

BELIN & KUBISTA

By

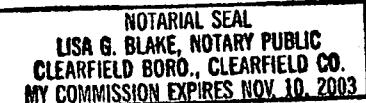
Carl A. Belin, Jr., Esq.

COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :
:

Before me the undersigned officer, personally appeared WAYNE CHERRY, who 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.

Wayne E. Cherry
Wayne Cherry

Sworn and subscribed before me this 31st day of
August, 2000.



Lisa G. Blake
Notary Public

CLEARFIELD, PENNSYLVANIA 16830
P. O. BOX 1
15 NORTH FRONT STREET
ATTORNEYS AT LAW
BELIN & KUBISTA

FILED

SFP 07 2000
OCT 10 2000
WILLIAM A. SHAW
PFC, U.S. AIR FORCE
RECORDED

ATTORNEY AT LAW
15 NORTH FRONT STREET
P.O. BOX 1
CLEARFIELD, PENNSYLVANIA 16830

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

WAYNE CHERRY

Plaintiff : OO.
vs. : No. 1099 - CD
GEORGE W. PEARCE, GEORGE W. : ACTION TO QUIET TITLE
PLERGE, FANNIE B. GRAHAM, JAMES B. : COMPLAINT
GRAHAM, JOHN B. GRAHAM, WILLIAM J. :
GRAHAM, GWENDOLYN GRAHAM :
a/k/a GWENDOLYN DRAPER, ELIZABETH :
BOCK, and COUNTY NATIONAL BANK :
TRUSTEE UNDER THE LAST WILL AND :
TESTAMENT OF FANNIE B. GRAHAM, :
their heirs, executors, :
administrators, and assigns, :
Defendants :
:

Filed on behalf of
Plaintiff

Counsel of Record for
this Party:

Carl A. Belin, Jr.
Attorney-at-Law
Pa. I.D. 06805

Belin & Kubista
15 North Front Street
P.O. Box 1
Clearfield, PA 16830

(814) 765-8972

FILED

SEP 07 2000

William A. Shaw
Fiduciary

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

WAYNE CHERRY, :
Plaintiff :
: No. 00-1099-CD
vs. :
: ACTION TO QUIET TITLE
GEORGE W. PEARCE, GEORGE W. :
PIERCE, FANNIE B. GRAHAM, JAMES B. : AFFIDAVIT
GRAHAM, JOHN B. GRAHAM, WILLIAM J. :
GRAHAM, GWENDOLYN GRAHAM, :
a/k/a GWENDOLYN DRAPER, ELIZABETH :
BOCK, and COUNTY NATIONAL BANK, :
TRUSTEE UNDER THE LAST WILL AND :
TESTAMENT OF FANNIE B. GRAHAM, :
their heirs, executors, :
administrators, and assigns, :
:

Filed on behalf of
Plaintiff

Counsel of Record for
this Party:

Carl A. Belin, Jr., Esq.
Pa. I.D. #08605

BELIN & KUBISTA
15 North Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED

SEP 07 2000

William A. Shaw
Prothonotary

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

WAYNE CHERRY, :
Plaintiff :
: No.
vs. :
: ACTION TO QUIET TITLE
GEORGE W. PEARCE, GEORGE W. :
PIERCE, FANNIE B. GRAHAM, JAMES B. :
GRAHAM, JOHN B. GRAHAM, WILLIAM J. :
GRAHAM, GWENDOLYN GRAHAM, :
a/k/a GWENDOLYN DRAPER, ELIZABETH :
BOCK, and COUNTY NATIONAL BANK, :
TRUSTEE UNDER THE LAST WILL AND :
TESTAMENT OF FANNIE B. GRAHAM, :
their heirs, executors, :
administrators, and assigns, :
Defendants :
:

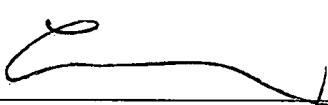
AFFIDAVIT

Carl A. Belin, Jr., Esquire, being duly sworn according to law, deposes and states that he is the attorney for the Plaintiff and that he attempted to ascertain the identity, whereabouts, and addresses of Defendants George W. Pearce, George W. Pierce, Fannie B. Graham, James B. Graham, John B. Graham, William J. Graham, Gwendolyn Graham, a/k/a Gwendolyn Draper, and Elizabeth Bock, their heirs, successors, administrators and assigns.

He further avers that he caused an abstractor to search the real estate and estate records of Clearfield County and that no

listings in the name of Defendants George W. Pearce, George W. Pierce, Fannie B. Graham, James B. Graham, John B. Graham, William J. Graham, Gwendolyn Graham, a/k/a Gwendolyn Draper, and Elizabeth Bock, their heirs, successors, administrators and assigns were found; that phone directories were consulted in Wallaceton, Utahville, and Clearfield, and no listings were found for George W. Pearce, George W. Pierce, Fannie B. Graham, James B. Graham, John B. Graham, William J. Graham, Gwendolyn Graham, a/k/a Gwendolyn Draper, and Elizabeth Bock, their heirs, successors, administrators and assigns; that the city directories, the tax records, or the indices in the Clearfield County Recorder of Deeds Office were searched and no addresses or recent transactions in the name of George W. Pearce, George W. Pierce, Fannie B. Graham, James B. Graham, John B. Graham, William J. Graham, Gwendolyn Graham, a/k/a Gwendolyn Draper, and Elizabeth Bock, their heirs, successors, administrators and assigns were found.

Based upon the foregoing search, personal service cannot be made upon and it is necessary that service be made by publication.



Carl A. Belin, Jr., Esquire
Attorney for Plaintiff

Sworn and subscribed before me this 7th day of
September, 2000.

Susan M. Hartzfeld
Notary Public

NOTARIAL SEAL
SUSAN M. HARTZFELD, NOTARY PUBLIC
CLEARFIELD BORO, CLEARFIELD CO., PA.
MY COMMISSION EXPIRES AUG. 16, 2001

CLEARFIELD, PENNSYLVANIA 16830

P. O. BOX 1

15 NORTH FRONT STREET

ATTORNEYS AT LAW

BELIN & KUBISTA

FILED

SEP 07 2000
Mildred N. O.
William A. Show
Prothonotary

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

WAYNE CHERRY, :
Plaintiff :
: No. 00-1089-cd
vs. :
: ACTION TO QUIET TITLE
:
GEORGE W. PEARCE, GEORGE W. : MOTION FOR PUBLICATION
PIERCE, FANNIE B. GRAHAM, JAMES B. :
GRAHAM, JOHN B. GRAHAM, WILLIAM J. :
GRAHAM, GWENDOLYN GRAHAM, :
a/k/a GWENDOLYN DRAPER, ELIZABETH :
BOCK, and COUNTY NATIONAL BANK, :
TRUSTEE UNDER THE LAST WILL AND :
TESTAMENT OF FANNIE B. GRAHAM, :
their heirs, executors, :
administrators, and assigns, :
Defendants :
:

Filed on behalf of
Plaintiff

Counsel of Record for
This Party:
Carl A. Belin, Jr., Esq.
Pa. I.D. #06805

FILED

SEP 07 2000

William A. Shaw
Prothonotary

BELIN & KUBISTA
15 North Front Street
P.O. Box 1
Clearfield, PA 16830

(814) 765-8972

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

WAYNE CHERRY, :
Plaintiff :
: No.
vs. :
: ACTION TO QUIET TITLE
GEORGE W. PEARCE, GEORGE W. :
PIERCE, FANNIE B. GRAHAM, JAMES B. :
GRAHAM, JOHN B. GRAHAM, WILLIAM J. :
GRAHAM, GWENDOLYN GRAHAM, :
a/k/a GWENDOLYN DRAPER, ELIZABETH :
BOCK, and COUNTY NATIONAL BANK, :
TRUSTEE UNDER THE LAST WILL AND :
TESTAMENT OF FANNIE B. GRAHAM, :
their heirs, executors, :
administrators, and assigns, :
Defendants :
:

MOTION FOR PUBLICATION

AND NOW, to wit: Sept 7, 2000, an affidavit
having been executed and filed on behalf of the Plaintiff that the
Defendants George W. Pearce, George W. Pierce, Fannie B. Graham,
James B. Graham, John B. Graham, William J. Graham, Gwendolyn
Graham, a/k/a Gwendolyn Draper, and Elizabeth Bock's present
whereabouts are unknown, that Plaintiff, by his attorneys, Belin
& Kubista, move the Court for leave to serve the complaint on
George W. Pearce, Fannie B. Graham, James B. Graham, John B.
Graham, William J. Graham, Gwendolyn Graham, a/k/a Gwendolyn

Draper, and Elizabeth Bock, their heirs, successors, administrators and assigns, by publication in *The Progress* and the *Clearfield County Legal Journal*, Clearfield, Pennsylvania one (1) time.

BELIN & KUBISTA


Carl A. Belin, Jr. Esquire

CLIFFFIELD, PENNSYLVANIA 16830
P. O. BOX 1
15 NORTH FRONT STREET
ATTORNEYS AT LAW
BELIN & KUBISTA

RECEIVED
0000 7 0 SEP 1972
MAGAZINE
LAW LIBRARY
UNIVERSITY OF PENNSYLVANIA

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

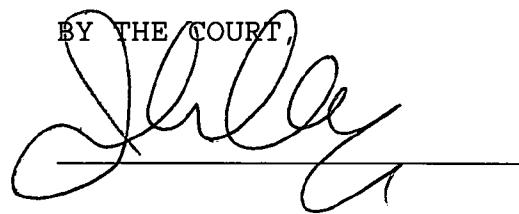
WAYNE CHERRY, Plaintiff : : 00-1099-CD
vs. : : No. ~~1099~~
: : ACTION TO QUIET TITLE
GEORGE W. PEARCE, GEORGE W. :
PIERCE, FANNIE B. GRAHAM, JAMES B. :
GRAHAM, JOHN B. GRAHAM, WILLIAM J. :
GRAHAM, GWENDOLYN GRAHAM, :
a/k/a GWENDOLYN DRAPER, ELIZABETH :
BOCK, and COUNTY NATIONAL BANK, :
TRUSTEE UNDER THE LAST WILL AND :
TESTAMENT OF FANNIE B. GRAHAM, :
their heirs, executors, :
administrators, and assigns, :
Defendants :
: : **FILED**
: : SEP 07 2000
: : William A. Shaw
: : Prothonotary

ORDER

AND NOW, to wit: this 7th day of September, 2000,
upon consideration of the foregoing Motion, the Plaintiff is
granted leave to make service of the Complaint on the Defendants,
George W. Pearce, George W. Pierce, Fannie B. Graham, James B.
Graham, John B. Graham, William J. Graham, Gwendolyn Graham, a/k/a
Gwendolyn Draper, and Elizabeth Bock, their heirs, successors,
administrators and assigns by general publication one time in The
Progress and the Clearfield County Legal Journal, Clearfield,
Pennsylvania not less than thirty (30) days prior to Oct. 24, 2000,

the date set for hearing of said Complaint in the Courtroom at
Clearfield, Pennsylvania at 1:30 o'clock P.m.

BY THE COURT,

A handwritten signature in black ink, appearing to read "Shelly", is written over a horizontal line. Above the signature, the text "BY THE COURT," is printed in a smaller, sans-serif font.

CARL A. BELIN JR.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CHERRY, WAYNE

VS

PEARCE, GEORGE W.

00-1099-CD

COMPLAINT ACTION TO QUIET TITLE
SHERIFF RETURNS

NOW SEPTEMBER 11, 2000 AT 9:39 AM DST SERVED THE WITHIN
COMPLAINT ACTION TO QUIET TITLE ON COUNTY NATIONAL BANK,
TRUSTEE UNDER THE LAST WILL & TESTAMENT OF FANNIE B. GRAHAM,
DEFENDANT AT EMPLOYMENT, 1 S. 2ND ST., CLEARFIELD,
CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO DWAYNE SHIFTER
P.I.C. A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT
ACTION TO QUIET TITLE AND MADE KNOWN TO HIM THE CONTENTS
THEREOF. SERVED BY: McCLEARY/NEVLING

19.33 SHFF. HAWKINS PAID BY: ATTY.

10.00 SURCHARGE PAID BY: ATTY.

SWORN TO BEFORE ME THIS

25th DAY OF September 2000

William A. Shaw

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

SO ANSWERS,

Chester A. Hawkins
by Marilyn Hams

CHESTER A. HAWKINS
SHERIFF

FILED

SEP 25 2000

W.A. Shaw
William A. Shaw
Prothonotary

CLEARFIELD, PENNSYLVANIA 16830
P. O. BOX 1
15 NORTH FRONT STREET
ATTORNEYS AT LAW
BELIN & KUBISTA

FILED

OCT 12 2000
G. O. 441100
William A. Shaffer
Prothonotary

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

WAYNE CHERRY, :
Plaintiff :
No. 00 - 1099 - C.D.
vs. :
: ACTION TO QUIET TITLE
GEORGE W. PEARCE, GEORGE W. :
PIERCE, FANNIE B. GRAHAM, JAMES B. :
GRAHAM, JOHN B. GRAHAM, WILLIAM J. :
GRAHAM, GWENDOLYN GRAHAM, :
a/k/a GWENDOLYN DRAPER, ELIZABETH :
BOCK, and COUNTY NATIONAL BANK, :
TRUSTEE UNDER THE LAST WILL AND :
TESTAMENT OF FANNIE B. GRAHAM, :
their heirs, executors, :
administrators, and assigns, :
Defendants :
AFFIDAVIT OF SERVICE

Filed on behalf of
Plaintiff

Counsel of Record for
this Party:

Carl A. Belin, Jr.
Attorney-at-Law
Pa. I.D. 06805

Belin & Kubista
15 North Front Street
P.O. Box 1
Clearfield, PA 16830

(814) 765-8972

FILED

OCT 12 2000

William A. Shaw
Prothonotary

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

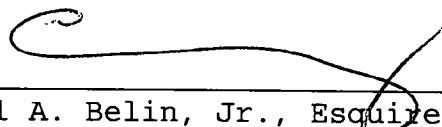
WAYNE CHERRY, :
Plaintiff :
: No. 00 - 1099 - CD
vs. :
: GEORGE W. PEARCE, GEORGE W. : ACTION TO QUIET TITLE
PIERCE, FANNIE B. GRAHAM, JAMES B. :
GRAHAM, JOHN B. GRAHAM, WILLIAM J. :
GRAHAM, GWENDOLYN GRAHAM, :
a/k/a GWENDOLYN DRAPER, ELIZABETH :
BOCK, and COUNTY NATIONAL BANK, :
TRUSTEE UNDER THE LAST WILL AND :
TESTAMENT OF FANNIE B. GRAHAM, :
their heirs, executors, :
administrators, and assigns, :
Defendants :
:

AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :
:

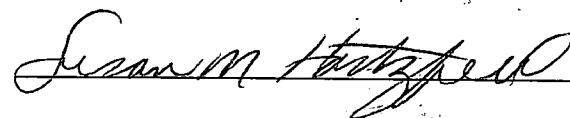
CARL A. BELIN, JR., attorney for the above named Plaintiff,
being duly sworn according to law, deposes and states that Notice
of the Quiet Title Action was served upon Defendants, George W.
Pearce, George W. Pierce, Fannie B. Graham, James B. Graham, John
B. Graham, William J. Graham, Gwendolyn Graham, a/k/a Gwendolyn
Draper, and Elizabeth Bock, their heirs, successors, administrators

and assigns by publication in *The Progress* a newspaper on September 12, 2000, as evidenced by the Proof of Publication dated October 10, 2000, attached hereto AND by publication in the *Clearfield County Legal Journal*, Clearfield, on September 15, 2000, as evidenced by the Proof of Publication dated September 15, 2000, attached hereto.



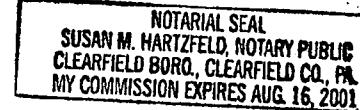
Carl A. Belin, Jr., Esquire

SWORN AND SUBSCRIBED before me this 10th day of
October, 2000.



Susan M. Hartzfeld

Notary Public



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

STATE OF PENNSYLVANIA
COUNTY OF CLEARFIELD
SS:

On this 10th day of October, 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 12, 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,

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

Joseph F. Steele

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

September 12, 2000.

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

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

Joseph F. Steele

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

September 12, 2000.

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

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

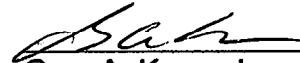
A rectangular notary seal with a decorative border. The text inside reads: "Notary Seal", "Ann K. Law, Notary Public", "Clearfield Borough, Clearfield County", and "My Commission Expires Sept. 16, 2004".

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA

COUNTY OF CLEARFIELD

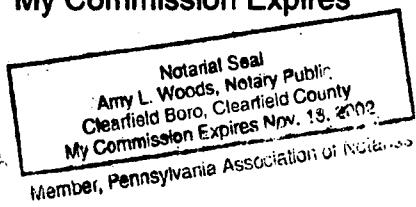
On this 15th day of September AD 2000, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Gary A. Knaresboro, who being duly sworn according to law, proposes and says that he is the editor of the Clearfield County Legal Journal of the Courts of Clearfield 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.

Amy L. Woods
Notary Public
My Commission Expires



Belin & Kubista
P.O. Box 1
Clearfield, PA 16830

claim or interest which Defendants GEORGE W. PEARCE, GEORGE W. PIERCE, FANNIE B. GRAHAM, JAMES B. GRAHAM, JOHN B. GRAHAM, WILLIAM J. GRAHAM, GWENDOLYN GRAHAM, a/k/a GWENDOLYN DRAPER, ELIZABETH BOCK, and COUNTY NATIONAL BANK, TRUSTEE UNDER THE LAST WILL AND TESTAMENT OF FANNIE B. GRAHAM may have in the premises by virtue of unrecorded deeds or instruments of any nature.

WHEREUPON, the Court Ordered that Notice of said action and the facts therein be served on the above named Defendants GEORGE W. PIERCE, FANNIE B. GRAHAM, JAMES B. GRAHAM, JOHN B. GRAHAM, WILLIAM J. GRAHAM, GWENDOLYN GRAHAM, a/k/a GWENDOLYN DRAPER, ELIZABETH BOCK, and COUNTY NATIONAL BANK, TRUSTEE UNDER THE LAST WILL AND TESTAMENT OF FANNIE B. GRAHAM their heirs, successors, administrators and assigns, by the Plaintiff by advertisement requiring Defendants above named, their heirs, successors, administrators and assigns, to answer the said Complaint within twenty (20) days from the date of this publication. For failure to comply, a judgment will be taken by application of Plaintiff before the Court at a hearing to be held on October 24, 2000, at 1:30 P.M., at the Clearfield County Courthouse, Clearfield, Pennsylvania.

BELIN & KUBISTA, Attorneys at Law,
15 North Front Street, Clearfield, PA 16830.

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

RESCO PRODUCTS, INC., Plaintiff
vs. ESTATE OF JOHN H. SEYLER,
SARAH F. SEYLER, AUSTIN SEYLER,
LYDIA J. SEYLER and LULU E. SEYLER,
their heirs, executors, administrators,
successors and assigns, and all other
persons or entities in interest, known or
unknown, claiming by and through or under
them, who may claim title or an interest in
the property subject of this action.

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

ALL that certain parcel of land situated
in Brady Township, Clearfield County,
Pennsylvania, bounded and described as
follows:

BEGINNING at a post in North East
corner of J. H. Seyler Estate tract; thence

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA

COUNTY OF CLEARFIELD

On this 15th day of September AD 2000, before me,
Notary Public in and for said County and State, personally
known to me being duly sworn according to law, that
is the editor to the Clearfield County Daily Journal of the
County, and that the above-entitled publication
appeared in said paper at the time and place of the publication
of this Notice
2000, Vol. 12, No. 3
time, place, and cir-

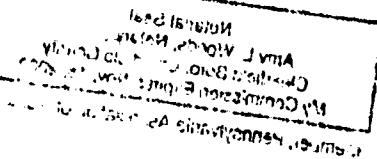
complaint within twenty (20) days from the
last publication of this Notice, or enter an
appearance, either in person or through an
attorney, at the time the Court has set for
hearing on the 18th day of October, 2000,
at 9:00 o'clock A.M., in Court Room No. 1 in
the Clearfield County Courthouse,
Clearfield, Pennsylvania, or fail to take such
action within thirty (30) days after default
judgment as the Court may direct, the
Defendants, their heirs and assigns, and
any other person or persons claiming or
who might claim title under them, and all
other persons claiming any right, title or
interest in the above described land, except
the Plaintiff, will be forever barred from
asserting any interest, lien, right or title to
the said land inconsistent with the Plaintiff,
its successors and assigns.

The purpose of this quiet title action is
to extinguish any right or equity which the
Defendants above named, their heirs,
executors, administrators, successors and
assigns may have in the property as
described above.

NOTICE-You have been sued in Court.
If you wish to defend, you must enter a
written appearance personally or by attorney
and file your defenses or objections in
writing with the court. You are warned that
if you fail to do so, 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

shown and superseded

My Commission Exp'd
Notary Public



Belin & Kupista
P.O. Box 1
Clearfield, PA 16830

CLEARFIELD, PENNSYLVANIA 16830
P. O. BOX 1
15 NORTH FRONT STREET
ATTORNEYS, AT LAW
BELIN & KUBISTA

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

WAYNE CHERRY, :
Plaintiff :
: No. 00 - 1099 - C.D.
vs. :
: ACTION TO QUIET TITLE
GEORGE W. PEARCE, GEORGE W. :
PIERCE, FANNIE B. GRAHAM, JAMES B. :
GRAHAM, JOHN B. GRAHAM, WILLIAM J. :
GRAHAM, GWENDOLYN GRAHAM, :
a/k/a GWENDOLYN DRAPER, ELIZABETH :
BOCK, and COUNTY NATIONAL BANK, :
TRUSTEE UNDER THE LAST WILL AND :
TESTAMENT OF FANNIE B. GRAHAM, :
their heirs, executors, :
administrators, and assigns, :
Defendants :
: **FILED**
OCT 24 2000

William A. Shaw
Prothonotary
J. C. C. att. C
EOT

ORDER

AND NOW, this 24th day of October, 2000, an Affidavit of Service of the Complaint with Notice to Defend having been filed stating that the complaint and notice was served on all Defendants by publication, and no responsive pleading having been filed by said Defendants, and this being the day and time set forth for a hearing in the above-captioned matter, the Defendants having not appeared in person or by attorney upon motion of Carl A. Belin, Jr., Attorney for Plaintiff, it is the ORDER of this Court that title to said premises is in the Plaintiff and that he be allowed to enjoy said property in

peace. Said property is situate in Graham Township, Clearfield County, Pennsylvania, more particularly bounded and described as follows, to wit:

BEGINNING at a point on the line of the William Bell warrant, which is situate in Bradford Township and which is the land of Wayne Cherry; thence by lands of Deer Creek Forest, Inc. South eighty-six (86°) degrees one (01') minute fifty-nine (59") seconds East five hundred four and ninety-eight hundredths (504.98) feet; thence by the same North zero (00°) degrees twenty-seven (27') minutes thirteen (13") seconds East four hundred sixty and fifty-nine hundredths (460.59) feet; thence by same North fourteen (14°) degrees eleven (11') minutes fifty-four (54") seconds West one thousand one hundred sixty-one and sixty-four hundredths (1161.64) feet to the stone corner which is the common corner of this land, the lands of Deer Creek Forest Inc. and Blaine G. Hubler, and which abuts the land of Earl Maines; thence by lands of Earl Maines and Wayne Cherry South eight (8°) degrees seventeen (17') minutes twenty-four (24") seconds West one thousand five hundred sixty-nine and forty-nine hundredths (1,569.49) feet to point and place of beginning. **BEING** a tract of land containing approximately 10.616 acres.

AND BEING the parcel identified in Clearfield County Tax Maps as 116-P8-42.

It is the FURTHER ORDER of this Court that unless the Defendants file a responsive pleading to the complaint or institute an action in ejectment within thirty (30) days of the

date hereof, the Defendants shall be forever barred from asserting any right, lien, title or interest in the land inconsistent with the interest of the claim of the Plaintiff set forth in his Complaint. If Defendants fail to take such action within the thirty (30) day period, the Prothonotary on Praecept of the Plaintiff shall enter final judgment.

BY THE COURT,

BY THE COURT,

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

WAYNE CHERRY, :
Plaintiff :
vs. : No.
: ACTION TO QUIET TITLE
: MOTION FOR PUBLICATION
GEORGE W. PEARCE, GEORGE W. :
PIERCE, FANNIE B. GRAHAM, JAMES B. :
GRAHAM, JOHN B. GRAHAM, WILLIAM J. :
GRAHAM, GWENDOLYN GRAHAM, :
a/k/a GWENDOLYN DRAPER, ELIZABETH :
BOCK, and COUNTY NATIONAL BANK, :
TRUSTEE UNDER THE LAST WILL AND :
TESTAMENT OF FANNIE B. GRAHAM, :
their heirs, executors, :
administrators, and assigns, :
Defendants :
:

Filed on behalf of
Plaintiff

Counsel of Record for
This Party:
Carl A. Belin, Jr., Esq.
Pa. I.D. #06805

BELIN & KUBISTA
15 North Front Street
P.O. Box 1
Clearfield, PA 16830

(814) 765-8972

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

WAYNE CHERRY, :
Plaintiff :
: No.
vs. :
: ACTION TO QUIET TITLE
GEORGE W. PEARCE, GEORGE W. :
PIERCE, FANNIE B. GRAHAM, JAMES B. :
GRAHAM, JOHN B. GRAHAM, WILLIAM J. :
GRAHAM, GWENDOLYN GRAHAM, :
a/k/a GWENDOLYN DRAPER, ELIZABETH :
BOCK, and COUNTY NATIONAL BANK, :
TRUSTEE UNDER THE LAST WILL AND :
TESTAMENT OF FANNIE B. GRAHAM, :
their heirs, executors, :
administrators, and assigns, :
Defendants :

MOTION FOR PUBLICATION

AND NOW, to wit: _____, 2000, an affidavit
having been executed and filed on behalf of the Plaintiff that the
Defendants George W. Pearce, George W. Pierce, Fannie B. Graham,
James B. Graham, John B. Graham, William J. Graham, Gwendolyn
Graham, a/k/a Gwendolyn Draper, and Elizabeth Bock's present
whereabouts are unknown, that Plaintiff, by his attorneys, Belin
& Kubista, move the Court for leave to serve the complaint on
George W. Pearce, Fannie B. Graham, James B. Graham, John B.
Graham, William J. Graham, Gwendolyn Graham, a/k/a Gwendolyn

Draper, and Elizabeth Bock, their heirs, successors, administrators and assigns, by publication in *The Progress* and the *Clearfield County Legal Journal*, Clearfield, Pennsylvania one (1) time.

BELIN & KUBISTA

Carl A. Belin, Jr., Esquire

CIVIL ACTION

DOCKET 282

Carl A. Belin, Jr., Esq.	WAYNE CHERRY	<p><u>SEPTEMBER 7, 2000, COMPLAINT//</u> <u>A. Belin, Jr., Esq., Attorney</u> <u>Two Certified Copies to Attorney</u> <u>One Certified Copy to Sheriff</u></p> <p>(Property is located in Pennsylvania)</p> <p><u>SEPTEMBER 7, 2000, AFFIDAVIT,</u> <u>Esq. NO Certified Copies</u></p> <p><u>SEPTEMBER 7, 2000, MOTION FOR</u> <u>No Certified Copies</u></p> <p><u>SEPTEMBER 7, 2000, ORDER, filed</u> <u>AND NOW, this 7th day of</u> <u>leave to make service on Defendant</u> <u>publication, hearing set for</u> <u>/s/John K. Reilly, Jr., P.J.</u> <u>One Certified Copy to Attorney</u></p> <p><u>SEPTEMBER 25, 2000, SHERIFF RETURN COMPLAINT</u> <u>TRUSTEE UNDER THE LAST WILL & TESTAMENT OF FANNIE B. GRAHAM, Served</u> <u>ANSWERS CHESTER A. HAWKINS, SHERIFF by s/Marilyn Hamm</u></p> <p><u>OCT. 12, 2000, AFFIDAVIT OF SERVICE, filed by Atty. Belin</u> <u>Served by Publication s/C. Belin No Cert. copies.</u></p> <p><u>OCT. 24, 2000, ORDER, BY THE COURT, s/JOHN K. REILLY, JR., P.J.</u></p>
	00-1099-CD	
GEORGE W. PEARCE,		
GEORGE W. PIERCE,		
FANNIE B. GRAHAM,		
JAMES B. GRAHAM,		
JOHN B. GRAHAM,		
WILLIAM J. GRAHAM,		
GWENDOLYN GRAHAM, a/k/a		
GWENDOLYN DRAPER,		
ELIZABETH BOCK, and		
COUNTY NATIONAL BANK, Trustee		
under the last will and		
testament of FANNIE B.		
GRAHAM, their heirs, executors		
administrators, and assigns		
Pro BY ATTY 90.00		
Shff by Atty 29.33		

Prothonotary

Original Filing

in 185 we

10-31-00 ?

Rebuttal BY
Belin's Office

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

WAYNE CHERRY, :
Plaintiff :
No. 00 - 1099 - C.D.
vs. :
: ACTION TO QUIET TITLE
GEORGE W. PEARCE, GEORGE W. :
PIERCE, FANNIE B. GRAHAM, JAMES B. :
GRAHAM, JOHN B. GRAHAM, WILLIAM J. :
GRAHAM, GWENDOLYN GRAHAM, :
a/k/a GWENDOLYN DRAPER, ELIZABETH :
BOCK, and COUNTY NATIONAL BANK, :
TRUSTEE UNDER THE LAST WILL AND :
TESTAMENT OF FANNIE B. GRAHAM, :
their heirs, executors, :
administrators, and assigns, :
Defendants :

ORDER

AND NOW, this 24th day of October, 2000, an Affidavit of Service of the Complaint with Notice to Defend having been filed stating that the complaint and notice was served on all Defendants by publication, and no responsive pleading having been filed by said Defendants, and this being the day and time set forth for a hearing in the above-captioned matter, the Defendants having not appeared in person or by attorney upon motion of Carl A. Belin, Jr., Attorney for Plaintiff, it is the ORDER of this Court that title to said premises is in the Plaintiff and that he be allowed to enjoy said property in

peace. Said property is situate in Graham Township, Clearfield County, Pennsylvania, more particularly bounded and described as follows, to wit:

BEGINNING at a point on the line of the William Bell warrant, which is situate in Bradford Township and which is the land of Wayne Cherry; thence by lands of Deer Creek Forest, Inc. South eighty-six (86°) degrees one (01') minute fifty-nine (59") seconds East five hundred four and ninety-eight hundredths (504.98) feet; thence by the same North zero (00 $^{\circ}$) degrees twenty-seven (27') minutes thirteen (13") seconds East four hundred sixty and fifty-nine hundredths (460.59) feet; thence by same North fourteen (14°) degrees eleven (11') minutes fifty-four (54") seconds West one thousand one hundred sixty-one and sixty-four hundredths (1161.64) feet to the stone corner which is the common corner of this land, the lands of Deer Creek Forest Inc. and Blaine G. Hubler, and which abuts the land of Earl Maines; thence by lands of Earl Maines and Wayne Cherry South eight (8°) degrees seventeen (17') minutes twenty-four (24") seconds West one thousand five hundred sixty-nine and forty-nine hundredths (1,569.49) feet to point and place of beginning. **BEING** a tract of land containing approximately 10.616 acres.

AND BEING the parcel identified in Clearfield County Tax Maps as 116-P8-42.

It is the FURTHER ORDER of this Court that unless the Defendants file a responsive pleading to the complaint or institute an action in ejectment within thirty (30) days of the

date hereof, the Defendants shall be forever barred from asserting any right, lien, title or interest in the land inconsistent with the interest of the claim of the Plaintiff set forth in his Complaint. If Defendants fail to take such action within the thirty (30) day period, the Prothonotary on Praecept of the Plaintiff shall enter final judgment.

BY THE COURT,

/s/ JOHN K. REILLY, J.

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

OCT 24 2000

Attest.


William R. Reilly
Prothonotary

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

WAYNE CHERRY, :
Plaintiff :
No. 00 - 1099 - C.D.
vs. :
: ACTION TO QUIET TITLE
GEORGE W. PEARCE, GEORGE W. :
PIERCE, FANNIE B. GRAHAM, JAMES B. :
GRAHAM, JOHN B. GRAHAM, WILLIAM J. : AFFIDAVIT OF SERVICE
GRAHAM, GWENDOLYN GRAHAM, :
a/k/a GWENDOLYN DRAPER, ELIZABETH :
BOCK, and COUNTY NATIONAL BANK, :
TRUSTEE UNDER THE LAST WILL AND :
TESTAMENT OF FANNIE B. GRAHAM, :
their heirs, executors, :
administrators, and assigns, :
Defendants :
:

Filed on behalf of
Plaintiff

Counsel of Record for
this Party:

Carl A. Belin, Jr.
Attorney-at-Law
Pa. I.D. 06805

Belin & Kubista
15 North Front Street
P.O. Box 1
Clearfield, PA 16830

(814) 765-8972

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

WAYNE CHERRY, :
Plaintiff :
vs. : No. 00 - 1099 - CD
: :
GEORGE W. PEARCE, GEORGE W. : ACTION TO QUIET TITLE
PIERCE, FANNIE B. GRAHAM, JAMES B. :
GRAHAM, JOHN B. GRAHAM, WILLIAM J. :
GRAHAM, GWENDOLYN GRAHAM, :
a/k/a GWENDOLYN DRAPER, ELIZABETH :
BOCK, and COUNTY NATIONAL BANK, :
TRUSTEE UNDER THE LAST WILL AND :
TESTAMENT OF FANNIE B. GRAHAM, :
their heirs, executors, :
administrators, and assigns, :
Defendants :
: :
:

AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :

CARL A. BELIN, JR., attorney for the above named Plaintiff,
being duly sworn according to law, deposes and states that Notice
of the Quiet Title Action was served upon Defendants, George W.
Pearce, George W. Pierce, Fannie B. Graham, James B. Graham, John
B. Graham, William J. Graham, Gwendolyn Graham, a/k/a Gwendolyn
Draper, and Elizabeth Bock, their heirs, successors, administrators

and assigns by publication in *The Progress* a newspaper on September 12, 2000, as evidenced by the Proof of Publication dated October 10, 2000, attached hereto AND by publication in the *Clearfield County Legal Journal*, Clearfield, on September 15, 2000, as evidenced by the Proof of Publication dated September 15, 2000, attached hereto.

Carl A. Belin, Jr., Esquire

SWORN AND SUBSCRIBED before me this 13th day of

October , 2000.

Susan M Hartfield

Notary Public



PROOF OF PUBLICATION

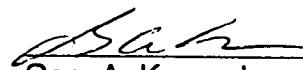
STATE OF PENNSYLVANIA :

:
:

COUNTY OF CLEARFIELD :

:

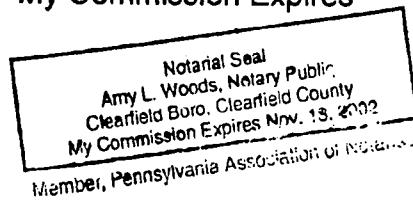
On this 15th day of September AD 2000, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Gary A. Knaresboro, who being duly sworn according to law, proposes and says that he is the editor of the Clearfield County Legal Journal of the Courts of Clearfield 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.

Amy L. Woods
Notary Public
My Commission Expires



Belin & Kubista
P.O. Box 1
Clearfield, PA 16830

objections in writing with the court. You are warned that if you fail to do so 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. 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 ADMINISTRATOR, CLEARFIELD COUNTY COURTHOUSE, 1 North Second Street, Clearfield, PA 16830 (814) 765-2641, ext. 5982.

You are hereby notified that an Action to Quiet Title to the following premises situate in the Township of Graham, County of Clearfield, Commonwealth of Pennsylvania, more particularly bounded and described as follow, to wit:

BEGINNING at a point on the line of the William Bell warrant, which is situate in Bradford Township and which is the land of Wayne Cherry; thence by lands of Deer Creek Forest, Inc. South eighty-six (86) degrees one (01') minute fifty-nine (59") seconds East five hundred four and ninety-eight hundredths (504.98) feet; thence by the same North zero (00) degrees twenty-seven (27) minutes thirteen (13") seconds East four hundred sixty and fifty-nine hundredths (460.59) feet; thence by same North fourteen (14) degrees eleven (11') minutes fifty-four (54") seconds west one thousand one hundred sixty-one and sixty-four hundredths (1161.64) feet to the stone corner which is the common corner of this land, the lands of Deer Creek Forest Inc. and Blaine G. Hubler, and which abuts the land of Earl Maines; thence by lands of Earl Maines and Wayne Cherry South eight (8) degrees seventeen (17) minutes twenty-four (24") seconds West one thousand five hundred sixty-nine and forty-nine hundredths (1,569.49) feet to point and place of beginning. BEING a tract of land containing approximately 10.616 acres. AND BEING the parcel identified in Clearfield County tax Maps as 116-P8-42.

That the purpose of this Quiet Title Action is to extinguish any claim or interest which Defendants GEORGE W. PEARCE, GEORGE W. PIERCE, FANNIE B. GRAHAM, JAMES B. GRAHAM, JOHN B. GRAHAM, WILLIAM J. GRAHAM, GWENDOLYN GRAHAM, a/k/a GWENDOLYN DRAPER, ELIZABETH BOCK, and COUNTY NATIONAL BANK, TRUSTEE UNDER THE LAST WILL AND TESTAMENT OF ANNIE B. GRAHAM, THEIR HEIRS, EXECUTORS, ADMINISTRATORS, AND ASSIGNS:

NOTICE - If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or

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

WAYNE CHERRY, Plaintiff vs.
GEORGE W. PEARCE, GEORGE W.
PIERCE, FANNIE B. GRAHAM, JAMES B.
GRAHAM, JOHN B. GRAHAM, WILLIAM
J. GRAHAM, GWENDOLYN GRAHAM,
a/k/a GWENDOLYN DRAPER,
ELIZABETH BOCK, and COUNTY
NATIONAL BANK, TRUSTEE UNDER
THE LAST WILL AND TESTAMENT OF
FANNIE B. GRAHAM, their heirs,
executors, administrators, and assigns,
Defendants.

ACTION TO QUIET TITLE
No. 00-1099-CD

TO: GEORGE W. PEARCE,
GEORGE W. PIERCE, FANNIE B.
GRAHAM, JAMES B. GRAHAM, JOHN B.
GRAHAM, WILLIAM J. GRAHAM,
GWENDOLYN GRAHAM, a/k/a
GWENDOLYN DRAPER, ELIZABETH
BOCK, and COUNTY NATIONAL BANK,
TRUSTEE UNDER THE LAST WILL AND
TESTAMENT OF FANNIE B. GRAHAM,
THEIR HEIRS, EXECUTORS, ADMINIS-
TRATORS, AND ASSIGNS:

claim or interest which Defendants GEORGE W. PEARCE, GEORGE W. PIERCE, FANNIE B. GRAHAM, JAMES B. GRAHAM, JOHN B. GRAHAM, WILLIAM J. GRAHAM, GWENDOLYN GRAHAM, a/k/a GWENDOLYN DRAPER, ELIZABETH BOCK, and COUNTY NATIONAL BANK, TRUSTEE UNDER THE LAST WILL AND TESTAMENT OF FANNIE B. GRAHAM may have in the premises by virtue of unrecorded deeds or instruments of any nature.

WHEREUPON, the Court Ordered that Notice of said action and the facts therein be served on the above named Defendants GEORGE W. PIERCE, FANNIE B. GRAHAM, JAMES B. GRAHAM, JOHN B. GRAHAM, WILLIAM J. GRAHAM, GWENDOLYN GRAHAM, a/k/a GWENDOLYN DRAPER, ELIZABETH BOCK, and COUNTY NATIONAL BANK, TRUSTEE UNDER THE LAST WILL AND TESTAMENT OF FANNIE B. GRAHAM their heirs, successors, administrators and assigns, by the Plaintiff by advertisement requiring Defendants above named, their heirs, successors, administrators and assigns, to answer the said Complaint within twenty (20) days from the date of this publication. For failure to comply, a judgment will be taken by application of Plaintiff before the Court at a hearing to be held on October 24, 2000, at 1:30 P.M., at the Clearfield County Courthouse, Clearfield, Pennsylvania.

BELIN & KUBISTA, Attorneys at Law,
15 North Front Street, Clearfield, PA 16830.

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

RESCO PRODUCTS, INC., Plaintiff
vs. ESTATE OF JOHN H. SEYLER,
SARAH F. SEYLER, AUSTIN SEYLER,
LYDIA J. SEYLER and LULU E. SEYLER,
their heirs, executors, administrators,
successors and assigns, and all other
persons or entities in interest, known or
unknown, claiming by and through or under
them, who may claim title or an interest in
the property subject of this action.

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

ALL that certain parcel of land situated
in Brady Township, Clearfield County,
Pennsylvania, bounded and described as
follows:

BEGINNING at a post in North East
corner of J. H. Seyler Estate tract; thence

to answer the Plaintiff's
complaint within twenty (20) days from the
last publication of this Notice, or enter an
appearance, either in person or through an
attorney, at the time the Court has set for
hearing on the 18th day of October, 2000,
at 9:00 o'clock A.M. in Court Room No. 1 in
the Clearfield County Courthouse,
Clearfield, Pennsylvania, or fail to take such
action within thirty (30) days after default
judgment as the Court may direct, the
Defendants, their heirs and assigns, and
any other person or persons claiming or
who might claim title under them, and all
other persons claiming any right, title or
interest in the above described land, except
the Plaintiff, will be forever barred from
asserting any interest, lien, right or title to
the said land inconsistent with the Plaintiff,
its successors and assigns.

The purpose of this quiet title action is
to extinguish any right or equity which the
Defendants above named, their heirs,
executors, administrators, successors and
assigns may have in the property as
described above.

NOTICE-You have been sued in Court.
If you wish to defend, you must enter a
written appearance personally or by attorney
and file your defenses or objections in
writing with the court. You are warned that
if you fail to do so, 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

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

vs.
GEORGE W. PEARCE, GEORGE
W. PIERCE, FANNIE B. GRAHAM,
JAMES B. GRAHAM, JOHN B.
GRAHAM, WILLIAM J. GRAHAM,
GWENDOLYN GRAHAM, a/k/a
GWENDOLYN DRAPER, ELIZA-
BETH BOCK, and COUNTY NA-
TIONAL BANK, TRUSTEE UNDER
THE LAST WILL AND TESTAMENT
OF FANNIE B. GRAHAM, their
heirs, successors, administrators
and assigns, Defendants

NO. 00-1099-CD
ACTION TO QUIET TITLE
TO: GEORGE W. PEARCE, FANNIE B.
GRAHAM, JAMES B. GRAHAM,
JOHN B. GRAHAM, WILLIAM J.
GRAHAM, GWENDOLYN GRA-
HAM, a/k/a GWENDOLYN DRA-
PER, ELIZABETH BOCK, and
COUNTY NATIONAL BANK,
TRUSTEE UNDER THE LAST WILL
AND TESTAMENT OF FANNIE B.
GRAHAM, their heirs, successors,
administrators and assigns:

NOTICE - If you wish to defend,
you must enter a written appear-
ance personally or by attorney and
file your defenses or objections in
writing with the Court. You are
warned that if you fail to do so, the
case may proceed without you and
a judgment may be entered against
you without further notice for the re-
lief requested by the Plaintiff. You
may lose money or property or
other rights important to you. 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, 1 North Sec-
ond Street, Clearfield, Pennsylva-
nia 16830 (814) 765-2641 Ext.
5982.

You are hereby notified that an
Action to Quiet Title to the following
premises situate in the Township of
Graham, County of Clearfield,
Commonwealth of Pennsylvania,
more particularly bounded and de-
scribed as follows, to wit:

BEGINNING at a point on the line
of the William Bell warrant, which is
situate in Bradford Township and
which is the land of Wayne Cherry;
thence by lands of Deer Creek For-
est, Inc. South eighty-six (86°) de-
grees one (01') minute fifty-nine
(59") seconds East five hundred
four and ninety-eight hundredths
(594.98) feet; thence by the same
North zero (00°) degrees twenty-
seven (27') minutes thirteen (13")
seconds East four hundred sixty
and fifty-nine hundredths (460.59)
feet; thence by same North four-
teen (14') degrees eleven (11')
minutes fifty-four (54") seconds
West one thousand one hundred
sixty-one and sixty-four hun-
dredths (1161.64) feet to the
stone corner which is the common
corner of this land, the lands of Deer
Creek Forest Inc. and Blaine G. Hu-
blier, and which abuts the land of

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :
COUNTY OF CLEARFIELD : SS:

On this 10th day of October, 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 12, 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.

Margaret E. Krebs

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

Ann K. Law
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

CARL A. BELIN JR.

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

CHERRY, WAYNE
VS
PEARCE, GEORGE W.

00-1099-CD

COMPLAINT ACTION TO QUIET TITLE
SHERIFF RETURNS

NOW SEPTEMBER 11, 2000 AT 9:39 AM DST SERVED THE WITHIN
COMPLAINT ACTION TO QUIET TITLE ON COUNTY NATIONAL BANK,
TRUSTEE UNDER THE LAST WILL & TESTAMENT OF FANNIE B. GRAHAM,
DEFENDANT AT EMPLOYMENT, 1 S. 2ND ST., CLEARFIELD,
CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO DWAYNE SHIFTER
P.I.C. A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT
ACTION TO QUIET TITLE AND MADE KNOWN TO HIM THE CONTENTS
THEREOF. SERVED BY: McCLEARY/NEVLING

19.33 SHFF. HAWKINS PAID BY: ATTY.
10.00 SURCHARGE PAID BY: ATTY.

SWORN TO BEFORE ME THIS

SO ANSWERS,

DAY OF _____ 2000

CHESTER A. HAWKINS
SHERIFF

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

WAYNE CHERRY,

Plaintiff

No. 00-1099-CD

vs.

ACTION TO QUIET TITLE

GEORGE W. PEARCE, GEORGE W.

PIERCE, FANNIE B. GRAHAM, JAMES B.

GRAHAM, JOHN B. GRAHAM, WILLIAM J.

GRAHAM, GWENDOLYN GRAHAM,

a/k/a GWENDOLYN DRAPER, ELIZABETH

BOCK, and COUNTY NATIONAL BANK,

TRUSTEE UNDER THE LAST WILL AND

TESTAMENT OF FANNIE B. GRAHAM,

their heirs, executors,

administrators, and assigns,

Defendants

ORDER

AND NOW, to wit: this 7th day of September, 2000,

upon consideration of the foregoing Motion, the Plaintiff is

granted leave to make service of the Complaint on the Defendants,

George W. Pearce, George W. Pierce, Fannie B. Graham, James B.

Graham, John B. Graham, William J. Graham, Gwendolyn Graham, a/k/a

Gwendolyn Draper, and Elizabeth Bock, their heirs, successors,

administrators and assigns by general publication one time in The

Progress and the Clearfield County Legal Journal, Clearfield,

Pennsylvania not less than thirty (30) days prior to Oct 24, 2000,

the date set for hearing of said Complaint in the Courtroom at
Clearfield, Pennsylvania at 1:30 o'clock p.m.

BY THE COURT,

/s/JOHN K. REILLY, JR.

This to be a true
copy of the original
document
RECEIVED
MAY 07 2000

John K. Reilly
Prothonotary

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

WAYNE CHERRY, :
Plaintiff :
No. :
vs. :
: ACTION TO QUIET TITLE
GEORGE W. PEARCE, GEORGE W. :
PIERCE, FANNIE B. GRAHAM, JAMES B. : AFFIDAVIT
GRAHAM, JOHN B. GRAHAM, WILLIAM J. :
GRAHAM, GWENDOLYN GRAHAM, :
a/k/a GWENDOLYN DRAPER, ELIZABETH :
BOCK, and COUNTY NATIONAL BANK, :
TRUSTEE UNDER THE LAST WILL AND :
TESTAMENT OF FANNIE B. GRAHAM, :
their heirs, executors, :
administrators, and assigns, :
:

Filed on behalf of
Plaintiff

Counsel of Record for
this Party:

Carl A. Belin, Jr., Esq.
Pa. I.D. #08605

BELIN & KUBISTA
15 North Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

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

WAYNE CHERRY, :
Plaintiff :
vs. : No.
: ACTION TO QUIET TITLE
GEORGE W. PEARCE, GEORGE W. :
PIERCE, FANNIE B. GRAHAM, JAMES B. :
GRAHAM, JOHN B. GRAHAM, WILLIAM J. :
GRAHAM, GWENDOLYN GRAHAM, :
a/k/a GWENDOLYN DRAPER, ELIZABETH :
BOCK, and COUNTY NATIONAL BANK, :
TRUSTEE UNDER THE LAST WILL AND :
TESTAMENT OF FANNIE B. GRAHAM, :
their heirs, executors, :
administrators, and assigns, :
Defendants :
:

AFFIDAVIT

Carl A. Belin, Jr., Esquire, being duly sworn according to law, deposes and states that he is the attorney for the Plaintiff and that he attempted to ascertain the identity, whereabouts, and addresses of Defendants George W. Pearce, George W. Pierce, Fannie B. Graham, James B. Graham, John B. Graham, William J. Graham, Gwendolyn Graham, a/k/a Gwendolyn Draper, and Elizabeth Bock, their heirs, successors, administrators and assigns.

He further avers that he caused an abstractor to search the real estate and estate records of Clearfield County and that no

listings in the name of Defendants George W. Pearce, George W. Pierce, Fannie B. Graham, James B. Graham, John B. Graham, William J. Graham, Gwendolyn Graham, a/k/a Gwendolyn Draper, and Elizabeth Bock, their heirs, successors, administrators and assigns were found; that phone directories were consulted in Wallaceton, Utahville, and Clearfield, and no listings were found for George W. Pearce, George W. Pierce, Fannie B. Graham, James B. Graham, John B. Graham, William J. Graham, Gwendolyn Graham, a/k/a Gwendolyn Draper, and Elizabeth Bock, their heirs, successors, administrators and assigns; that the city directories, the tax records, or the indices in the Clearfield County Recorder of Deeds Office were searched and no addresses or recent transactions in the name of George W. Pearce, George W. Pierce, Fannie B. Graham, James B. Graham, John B. Graham, William J. Graham, Gwendolyn Graham, a/k/a Gwendolyn Draper, and Elizabeth Bock, their heirs, successors, administrators and assigns were found.

Based upon the foregoing search, personal service cannot be made upon and it is necessary that service be made by publication.



Carl A. Belin, Jr., Esquire
Attorney for Plaintiff

Sworn and subscribed before me this _____ day of
_____, 2000.

Notary Public

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

WAYNE CHERRY,

Plaintiff

No. 00-1099-CO

vs.

ACTION TO QUIET TITLE

GEORGE W. PEARCE, GEORGE W.
PIERCE, FANNIE B. GRAHAM, JAMES B.
GRAHAM, JOHN B. GRAHAM, WILLIAM J.
GRAHAM, GWENDOLYN GRAHAM,
a/k/a GWENDOLYN DRAPER, ELIZABETH
BOCK, and COUNTY NATIONAL BANK,
TRUSTEE UNDER THE LAST WILL AND
TESTAMENT OF FANNIE B. GRAHAM,
their heirs, executors,
administrators, and assigns,
Defendants

COMPLAINT

Filed on behalf of
Plaintiff

Counsel of Record for
this Party:

Carl A. Belin, Jr.
Attorney-at-Law
Pa. I.D. 06805

Belin & Kubista
15 North Front Street
P.O. Box 1
Clearfield, PA 16830

(814) 765-8972

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

SEP 07 2000

Attest:

William L. Belin
Prothonotary

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

WAYNE CHERRY, :
Plaintiff :
: No.
vs. :
: ACTION TO QUIET TITLE
GEORGE W. PEARCE, GEORGE W. :
PIERCE, FANNIE B. GRAHAM, JAMES B. :
GRAHAM, JOHN B. GRAHAM, WILLIAM J. :
GRAHAM, GWENDOLYN GRAHAM, :
a/k/a GWENDOLYN DRAPER, ELIZABETH :
BOCK, and COUNTY NATIONAL BANK, :
TRUSTEE UNDER THE LAST WILL AND :
TESTAMENT OF FANNIE B. GRAHAM, :
their heirs, executors, :
administrators, 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 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 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
1 North Second Street
Clearfield, PA 16830
(814) 765-2641 Ex 5982

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

WAYNE CHERRY,

Plaintiff

No.

vs.

ACTION TO QUIET TITLE

GEORGE W. PEARCE, GEORGE W.

PIERCE, FANNIE B. GRAHAM, JAMES B.

GRAHAM, JOHN B. GRAHAM, WILLIAM J.

GRAHAM, GWENDOLYN GRAHAM,

a/k/a GWENDOLYN DRAPER, ELIZABETH

BOCK, and COUNTY NATIONAL BANK,

TRUSTEE UNDER THE LAST WILL AND

TESTAMENT OF FANNIE B. GRAHAM,

their heirs, executors,

administrators, and assigns,

Defendants

COMPLAINT

NOW COMES, the Plaintiff, WAYNE CHERRY, and by and through his attorneys Belin & Kubista, brings the following action in quiet title, and in support thereof, allege as follows:

1. That the Plaintiff is Wayne Cherry, an individual who resides at 4670 Peru Center road, Monroeville, Ohio 44847 ("Cherry").

2. That the Defendants are: George W. Pierce, an individual whose last known address was Graham Township; George W. Pearce, an individual whose last known address was the Village of Utahville, Beccaria Township; Fannie B. Graham,

an individual whose last known address was Wallacetown, Pennsylvania; James B. Graham, an individual whose last known address was Wallacetown, Pennsylvania; John B. Graham, an individual whose last known address was 325 West Locust Street, Clearfield, Pennsylvania; William J. Graham, an individual whose last known address was North East, Pennsylvania; Gwendolyn Graham, also believed to be known as Gwendolyn Draper, an individual whose last known address was San Jose, California; Elizabeth Bock, an individual whose last known address was R.D. Morrisdale, Pennsylvania; and County National Bank, Trustee under the Last Will and Testament of Fannie B. Graham, a Pennsylvania banking institution with an office located at One South Second Street, Clearfield, Pennsylvania.

3. That Cherry has exercised ownership and domain under the hereinafter described tract of land situate in Graham Township, Clearfield County, Pennsylvania, more particularly bounded and described as follows, to wit:

BEGINNING at a point on the line of the William Bell warrant, which is situate in Bradford Township and which is the land of Wayne Cherry; thence by lands of Deer Creek Forest, Inc. South eighty-six (86°) degrees one (01') minute fifty-nine (59") seconds East five hundred four and ninety-eight hundredths (504.98) feet; thence by the same North zero (00 $^\circ$) degrees twenty-seven (27') minutes thirteen (13") seconds East four hundred sixty and fifty-nine

hundredths (460.59) feet; thence by same North fourteen (14°) degrees eleven (11') minutes fifty-four (54") seconds West one thousand one hundred sixty-one and sixty-four hundredths (1161.64) feet to the stone corner which is the common corner of this land, the lands of Deer Creek Forest Inc. and Blaine G. Hubler, and which abuts the land of Earl Maines; thence by lands of Earl Maines and Wayne Cherry South eight (8°) degrees seventeen (17') minutes twenty-four (24") seconds West one thousand five hundred sixty-nine and forty-nine hundredths (1,569.49) feet to point and place of beginning. **BEING** a tract of land containing approximately 10.616 acres.

AND BEING the parcel identified in Clearfield County Tax Maps as 116-P8-42.

4. That said tract of land was originally a part of a tract of land that was conveyed to William A. Wallace by a deed from James Mahaffey, Sheriff, as the lands and tenements of James B. Graham which tract of land was described as the James Hawthorne warrant and which consisted of 414 Acres, and was recorded in the office of the Recorder of Deeds of Clearfield County in Deed Book 15, page 594.

5. That William A. Wallace conveyed the premises to Curtin M. Graham and Sarah Wright by deed dated June 18, 1880 and which was recorded in the office of the Recorder of Deeds of Clearfield County in Deed Book 17, page 49; and which was assigned by Curtin M. Graham and Sarah Wright to Thomas H.

Forcey which assignment was recorded in the office of the Recorder of Deeds of Clearfield County in Deed Book 17, page 50.

6. That the premises were thereafter conveyed by H. B. Powell and H. L. Forcey, Executors of the Last Will and Testament of Thomas H. Forcey to John W. Allen and John Coleman by deed dated October 12, 1906, and recorded in the office of the Recorder of Deeds of Clearfield County in Deed Book 161, page 82.

7. That John W. Allen and John Coleman conveyed the premises to James B. Graham, of Clearfield County, and James B. Graham of Williamsport, Pennsylvania, by deed dated October 23, 1913, and recorded in the Office of the Recorder of Deeds of Clearfield County in Deed Book 194, page 471.

8. That James B. Graham, of Clearfield County, conveyed his interest, which was a one-third interest, to Maxwell W. Forcey by deed dated August 24, 1922, and recorded in the office of the Recorder of Deeds of Clearfield County in Deed Book 258, page 253.

9. That the Trustee in Bankruptcy of the estate of James B. Graham of Williamsport, conveyed in the premises to John C. Youngman by Trustees Deed dated August 23, 1934, and recorded in the office of the Recorder of Deeds of Clearfield

County in Deed Book 308, page 588, which was a two-third's interest in the premises.

10. That John C. Youngman conveyed the premises to James B. Graham, of Williamsport, by deed dated October 9, 1934, and recorded in the office of the Recorder of Deeds of Clearfield County in Deed Book 308, page 591, which was for a two-thirds (2/3rds) interest.

11. That James B. Graham conveyed the premises to Fannie B. Graham by deed dated January 14, 1941, and recorded in the office of the Recorder of Deeds of Clearfield County in Deed Book 335, page 94.

12. That by virtue of said deeds Fannie B. Graham became vested with a complete interest to the James Hawthorne warrant consisting of 414 acres, of which the tract in question was a part.

13. That Fannie B. Graham died on May 27, 1946, and by virtue of her Last Will and Testament granted and devised her interest in the premises to County National Bank in trust for James B. Graham, John B. Graham, William J. Graham, Gwendolyn Graham, and Elizabeth Bock.

14. That in a deed dated December 15, 1947, the County National Bank conveyed the James Hawthorne warrant to Glenn Shearer and Herman Shearer and in said conveyance

excepted a tract of land as being the land of "George W. Pearce" by a description in said deed, which is the same tract of land described in Paragraph 3 hereof.

15. That it is believed and averred that Fannie B. Graham or her predecessors in title conveyed the premises hereinbefore described in Paragraph 3 to George W. Pierce, of Graham Township, but said deed was never recorded and is believed to have been lost.

16. That the records of Clearfield County establish that a George W. Pierce lived and owned land in Graham Township. At the same time a George W. Pearce lived in Utahville, Beccaria Township and owned property in Beccaria Township area. It is believed and averred that the reference in the deed by the Executors of Fannie Graham misspelled the name as Pearce but were referring to George W. Pierce, who lived in Graham Township.

17. That in the records of Clearfield County George W. Pierce never conveyed the premises to any third party, nor is there any reference as to ownership of the tract in any document relating to the said George W. Pierce.

18. That George W. Pearce, who lived in Utahville, Beccaria Township never owned any land in Graham Township, nor is there any reference in the records of Clearfield County that

is related to land in Graham Township or to the tract of land in question in the name of George W. Pearce.

19. That Cherry is the owner of adjoining property which is situate in Bradford Township and has exercised possession and domain of the premises as a part of his property.

20. That Wayne Cherry has exercised open, actual, adverse, visible, hostile, exclusive and continuous possession of the premises for a period in excess of twenty-one (21) years.

21. That Plaintiff and Defendants are the only persons who have a possible interest in and to the premises.

WHEREFORE, Plaintiffs request:

(a) That by decree of Your Honorable Court it may be declared that the Plaintiffs have acquired an easement by prescription set forth in Paragraph 3 and that he shall be allowed to enjoy said property in peace;

(b) That the Defendants within twenty (20) days from the receipt of the Complaint, institute an action of ejectment against the Plaintiffs and that otherwise the Defendants be perpetually enjoined from setting up any title to said property, from impeaching, denying or in any way attacking the

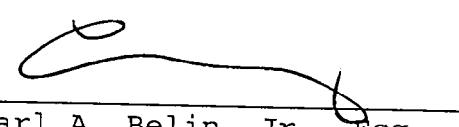
Plaintiff's title to said property, from issuing or maintaining
an ejectment of said property or any part thereof; and

(c) Such other relief as the court deems proper.

Respectfully Submitted,

BELIN & KUBISTA

By


Carl A. Belin, Jr., Esq.

COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :

Before me the undersigned officer, personally appeared WAYNE CHERRY, who 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.

Wayne E. Cherry
Wayne Cherry

Sworn and subscribed before me this 31st day of

August, 2000.

NOTARIAL SEAL
LISA G. BLAKE, NOTARY PUBLIC
CLEARFIELD BORO., CLEARFIELD CO.
MY COMMISSION EXPIRES NOV. 10, 2003

Lisa G. Blake
Notary Public

CLARFIELD, PENNSYLVANIA 16830
P. O. BOX 1
15 NORTH FRONT STREET
ATTORNEYS AT LAW
BELLIN & KUBISTA

FILE
B.C. NOV 29
3:00 PM
William A. Shaw
Prothonotary
No C/C

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

WAYNE CHERRY, :
Plaintiff :
No. 00 - 1099 - C.D.
vs. :
: ACTION TO QUIET TITLE
GEORGE W. PEARCE, GEORGE W. :
PIERCE, FANNIE B. GRAHAM, JAMES B. :
GRAHAM, JOHN B. GRAHAM, WILLIAM J. :
GRAHAM, GWENDOLYN GRAHAM, :
a/k/a GWENDOLYN DRAPER, ELIZABETH :
BOCK, and COUNTY NATIONAL BANK, :
TRUSTEE UNDER THE LAST WILL AND :
TESTAMENT OF FANNIE B. GRAHAM, :
their heirs, executors, :
administrators, and assigns, :
Defendants :

Filed on behalf of
Plaintiff

Counsel of Record for
this Party:

Carl A. Belin, Jr.
Attorney-at-Law
Pa. I.D. 06805

Belin & Kubista
15 North Front Street
P.O. Box 1
Clearfield, PA 16830

(814) 765-8972

FILED

NOV 29 2000

William A. Shaw
Prothonotary

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

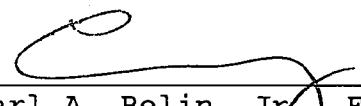
WAYNE CHERRY, :
Plaintiff :
: No. 00 - 1099 - C.D.
vs. :
: ACTION TO QUIET TITLE
GEORGE W. PEARCE, GEORGE W. :
PIERCE, FANNIE B. GRAHAM, JAMES B. :
GRAHAM, JOHN B. GRAHAM, WILLIAM J. :
GRAHAM, GWENDOLYN GRAHAM, :
a/k/a GWENDOLYN DRAPER, ELIZABETH :
BOCK, and COUNTY NATIONAL BANK, :
TRUSTEE UNDER THE LAST WILL AND :
TESTAMENT OF FANNIE B. GRAHAM, :
their heirs, executors, :
administrators, and assigns, :
Defendants :

PRAECIPE FOR FINAL JUDGMENT

TO THE PROTHONOTARY:

Please enter final judgment against the Defendants in the above-captioned case for failure to comply with the Order of Court directing Defendants to file objections within thirty (30) days from the entry of Order of judgment in favor of Plaintiff.

BELIN & KUBISTA


Carl A. Belin, Jr., Esq.
Attorney for Plaintiff