

00-1134-CD
COOPER TOWNSHIP MUNICIPAL AUTHORITY -vs- DAVID FERGUSON et ux

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY,

Condemnor

vs.

No. 00-1134-CD

DAVID FERGUSON and EMMA FERGUSON,

Condemnees

PRAECIPE FOR DISCONTINUANCE

TO THE PROTHONOTARY:

Please mark the above case settled and discontinued.

Date:

10/20/00


Charles A. Schneider, Esquire
Attorney for Plaintiffs
Attorney ID #06780
1315 South Allen Street, Suite 302
State College, PA 16801
(814) 237-6255

FILED

NOV 07 2000

William A. Shaw
Prothonotary

FILED

NOV 07 2000
11/521 Cert. Re.
William A. Shaw
Prothonotary to atty general
Copy CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL DIVISION

COPY

COOPER TOWNSHIP MUNICIPAL AUTHORITY
Condemnor(s)

Vs.

No. 00-1134-CD

DAVID FERGUSON and EMMA FERGUSON
Condemnee(s)

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was this day, the 7th of November A.D. 2000, marked:

Settled and Discontinued.

Record costs in the sum of \$80.00 have been paid in full by Charles A. Schneider, Esquire.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 7th day of November A.D. 2000.

Prothonotary

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

14
COOPER TOWNSHIP MUNICIPAL AUTHORITY,

Condemnor

vs.

No. 00-1134-CO

24
DAVID FERGUSON and EMMA FERGUSON,

Condemnees

FILED

SEP 13 2000

William A. Shaw
Prothonotary

DECLARATION OF TAKING

The Cooper Township Municipal Authority, pursuant to the Eminent Domain Code 26

P.S. 1-101 et seq. ("Code"), hereby declares:

1. The Condemnor is the Cooper Township Municipal Authority, whose address is P.O. Box 446, Winburne, Clearfield County, Pennsylvania.
2. The condemnation is authorized by 26 P.S. 1-101 et seq.
3. Pursuant to Resolution approved August 8, 2000, the Cooper Township Municipal Authority hereby appropriates and condemns real estate designated in the Resolution, a copy of which is attached as Exhibit "A". The Condemnees are David Ferguson and Emma Ferguson, husband and wife.
4. The purpose of the condemnation is to secure land for a waste water treatment system as described more fully in the Act 537 Plan approved March 31, 1997, prepared by Hess and Fisher and intended to be recorded.
5. The property condemned is a portion of that tract of land situate in Cooper Township, Clearfield County, Pennsylvania, described in Clearfield County

Record Book No. 1414, Page No. 431, more particularly shown in the description attached as Exhibit "B".

6. The nature of title acquired is a permanent easement.
7. The plan showing the condemned property may be inspected at the Office of the Condemnor.
8. Pursuant to 26 P.S. 1-403, the Condemnor files its bond herewith, conditioned for the payment to the Condemnees of damages for taking when the same shall have been ascertained.
9. A conformed copy of this declaration of taking, together with the information and notice will be served upon the condemnees in this proceeding. Proof of such service will be filed.

WHEREFORE, the Cooper Township Municipal Authority declares the within premises condemned and appropriated for the public purpose mentioned.

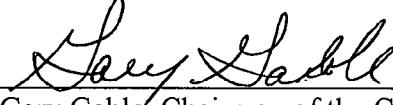
Date: 8/31/00



Charles A. Schneider, Esquire
Attorney for Cooper Township Municipal Authority
Mazza, Schneider, Arbuckle & Bascom
1315 South Allen Street, Suite 302
State College, PA 16801
(814) 237-6255

VERIFICATION

I hereby verify that the facts set forth in this pleading are true and correct to the best of my knowledge, information and belief. I understand that any false statements herein are made subject to the penalties of 18 P.S. Section 4904, relating to unsworn falsification to authorities.


Gary Gable
Gary Gable, Chairman of the Cooper
Township Municipal Authority

RESOLUTION

A RESOLUTION OF THE COOPER TOWNSHIP MUNICIPAL AUTHORITY FOR THE CONDEMNATION OF THE FOLLOWING PROPERTIES IN COOPER TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA FOR THE WASTEWATER TREATMENT SYSTEM.

BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against James Michaels and Shelva Michaels, his wife, for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book 1887, page 177 for purposes of constructing a wastewater treatment system. **BE IT FURTHER RESOLVED**, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of James Michaels and Shelva Michaels, his wife, conditioned for the payment to the said James Michaels and Shelva Michaels, his wife, of damages for taking when damages have been ascertained.

BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against Henry Force and Alma Force, his wife, for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book 618, page 067 for purposes of constructing a wastewater treatment system. **BE IT FURTHER RESOLVED**, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of Henry Force and Alma Force, his wife, conditioned for the payment to the said Henry Force and Alma Force, his wife, of damages for taking when damages have been ascertained.

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BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against Paul Bunyak for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book 1504, page 115, for purposes of constructing a wastewater treatment system. **BE IT FURTHER RESOLVED**, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of Paul Bunyak conditioned for the payment to the said Paul Bunyak of damages for taking when damages have been ascertained.



BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against Robert Pearce and Beth Pearce, his wife, for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book 1858, page 324, for purposes of constructing a wastewater treatment system. **BE IT**

FURTHER RESOLVED, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of Robert Pearce and Beth Pearce, his wife, conditioned for the payment to the said Robert Pearce and Beth Pearce, his wife, of damages for taking when damages have been ascertained.

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BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against Russell Witherite and Sharon Witherite, his wife, for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book 1623, page 284 for purposes of constructing a wastewater treatment system. **BE IT FURTHER RESOLVED**, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of Russell Witherite and Sharon Witherite, his wife, conditioned for the payment to the said Russell Witherite and Sharon Witherite, his wife, of damages for taking when damages have been ascertained.

BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against Arthur Franek, Jr. and Crystal Hubler for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book 1756, page 055 for purposes of constructing a wastewater treatment system. **BE IT FURTHER RESOLVED**, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of Arthur Franek, Jr. and Crystal Hubler, conditioned for the payment to the said Arthur Franek, Jr. and Crystal Hubler, of damages for taking when damages have been ascertained.

RESOLVED this 8th day of August, 2000, by the board of the Cooper Township Municipal Authority in lawful session assembled.

ATTEST:

John L. Larson

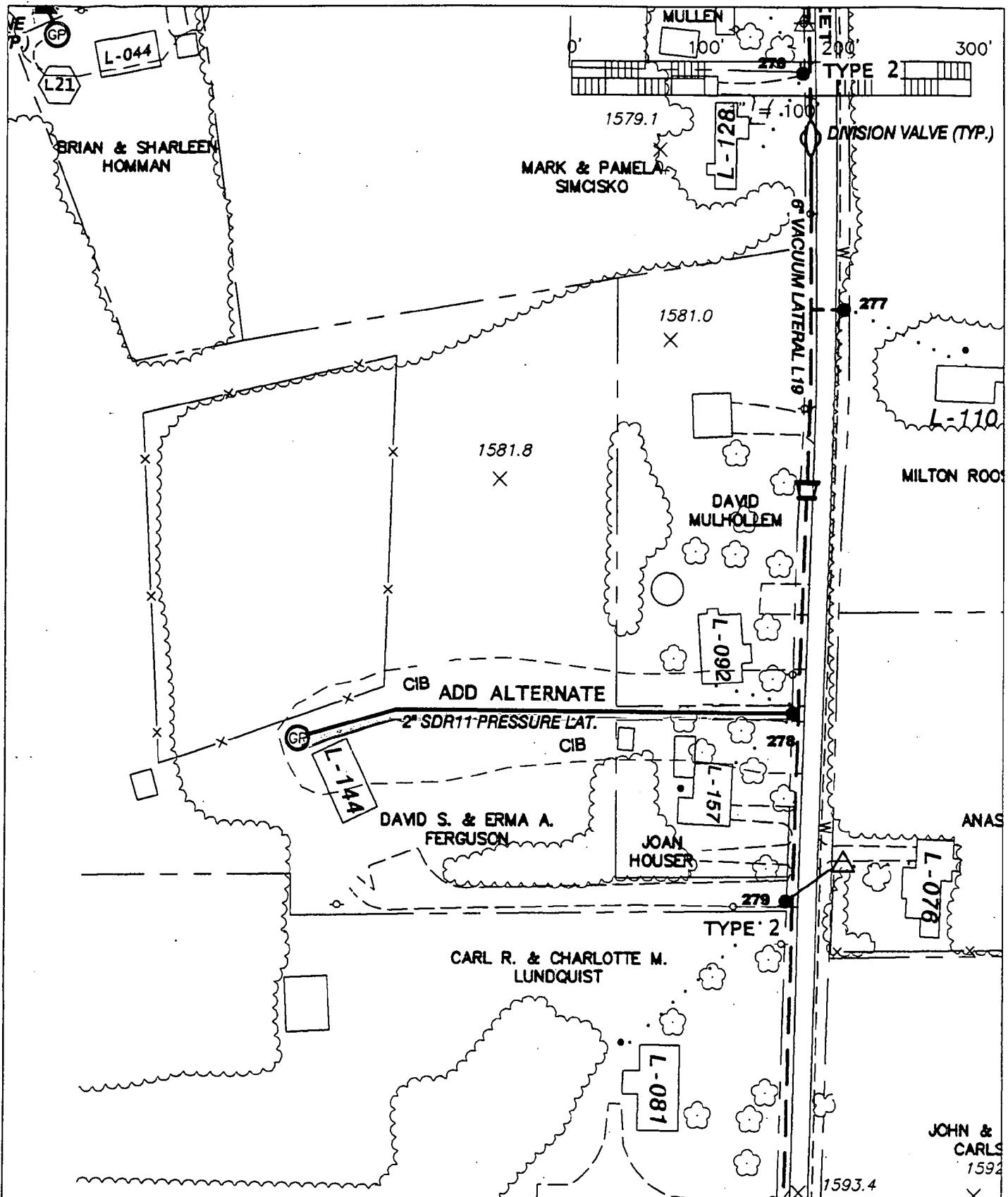
SECRETARY

COOPER TOWNSHIP MUNICIPAL AUTHORITY

By: Gary Sabo

CHAIRMAN





THE PROPERTY LINES SHOWN ARE BASED UPON CURRENT COUNTY TAX ASSESSMENT MAPS. SOME PROPERTY LINES HAVE BEEN ADJUSTED TO CONFORM WITH OBSERVED APPARENT PROPERTY BOUNDARY POSSESSION EVIDENCE. (TREELINES, SHRUBS, LAWNS, ROADS, ETC.) THE PROPERTY LINES HAVE NOT BEEN DETERMINED BY A FIELD SURVEY
1588.7 1592.4 X

EXHIBIT
3

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY,

Condemnor

vs.

No.

DAVID FERGUSON and EMMA FERGUSON,

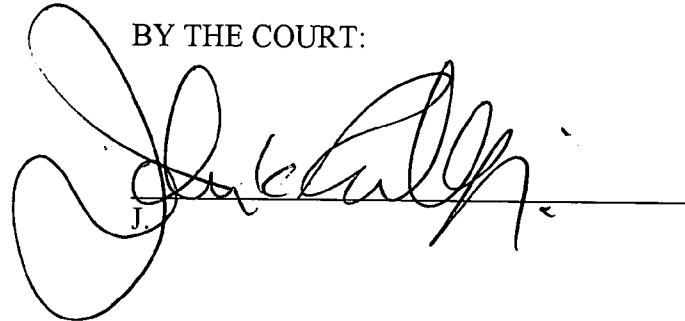
Condemnees

ORDER

AND NOW this 13 day of Sept, 2000, upon review of the

Plaintiff's Petition and Bond, the said Bond is hereby approved.

BY THE COURT:

A handwritten signature in black ink, appearing to read "John C. Culley", is written over a horizontal line. The signature is fluid and cursive, with a large, stylized 'J' at the beginning.

NOW THE CONDITION of this bond is such that if the obligor shall pay or cause to be paid such amount of damages as the said owner of the property and other parties in interest shall be entitled to receive by reason of such condemnation, after the same shall have been agreed upon or assessed in the manner provided by law, then this obligation shall be void; otherwise, to be and remain in full force and effect.

SEALED with the corporate seal and duly executed this 15th day of Sept., 2000.

Attest:

Royce Lohm
Secretary

Cooper Township Municipal Authority

By: Say Lohm
Chairman

FILED

100
SEP 13 2000

1cc
Attn:
Amy P. d
80-00

William A. Shaw
Prothonotary

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY,

Condemnor

vs.

No. 00-1134-CD

DAVID FERGUSON and EMMA FERGUSON,

Condemnees

NOTICE OF FILING OF DECLARATION OF TAKING

The Cooper Township Municipal Authority states that:

A Declaration of Taking was filed this 13th day of September, 2000, at the above Court term and number, by which the following property was condemned in whole or in part for a waste water treatment system on the land of David Ferguson and Emma Ferguson, husband and wife, described in Record Book No. 1414, Page No. 431.

Date: 9/13/00


Charles A. Schneider, Esquire
Attorney for Cooper Township Municipal Authority
Mazza, Schneider, Arbuckle & Bascom
1315 South Allen Street, Suite 302
State College, PA 16801
(814) 237-6255

FILED

SEP 13 2000

William A. Shaw
Prothonotary

FILED
1cc Atty
013:00
SEP 13 2000
William A. Shaw
Prothonotary

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY,

Condemnor

vs.

No. 00-1134-CD

DAVID FERGUSON and EMMA FERGUSON,

Condemnees

NOTICE OF CONDEMNATION

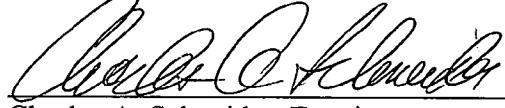
In accordance with Section 405 of the Eminent Domain Code of 1964, 26 P.S. § 1-405,

Cooper Township Municipal Authority notifies you that:

1. A declaration of taking, a copy of which is attached as Exhibit "A," was filed on September 13, 2000, in the Court of Common Pleas of Clearfield County at the above-named term and number.
2. Your property has been condemned for waste water treatment system purposes. Identification of your property appears on Exhibit "B" of the declaration of taking.
3. If you wish to challenge the power or right of Cooper Township Municipal Authority to appropriate the condemned property, the sufficiency of the security, the procedure followed by the Condemnor, or the declaration of taking, you are required to file preliminary objections within 30 days after being served with this notice.

Date:

10/12/00



Charles A. Schneider, Esquire
Attorney for Cooper Township Municipal Authority
Mazza, Schneider, Arbuckle & Bascom
1315 South Allen Street, Suite 302
State College, PA 16801
(814) 237-6255

FILED
OCT 18 2000
William A. Shaw
Prothonotary

FILED

01:37-08118
Oct 18 2000

cc
William C. Shaw
Prothonotary

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY,

Condemnor

vs.

No. 00-1134-CO

DAVID FERGUSON and EMMA FERGUSON,

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Date: 9/13/00


Charles A. Schneider, Esquire
Attorney for Cooper Township Municipal Authority
Mazza, Schneider, Arbuckle & Bascom
1315 South Allen Street, Suite 302
State College, PA 16801
(814) 237-6255

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

SEP 13 2000

Attest:

Charles A. Schneider
Prothonotary

KAREN L. STARCK
REGISTER AND RECORDER
CLEARFIELD COUNTY
Pennsylvania

INSTRUMENT NUMBER
200013567
RECORDED ON
Sep 13, 2000
2:23:52 PM
RECORDING FEES - \$13.00
RECORDER COUNTY IMPROVEMENT FUND \$1.00
IMPROVEMENT FUND \$1.00
STATE WRIT TAX \$0.50
TOTAL \$15.50

C. Schneider

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY,

Condemnor

vs.

No. 00-1134-00

DAVID FERGUSON and EMMA FERGUSON,

Condemnees

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

SEP 13 2000

DECLARATION OF TAKING

Attest:

William C. Lohman
Prothonotary

The Cooper Township Municipal Authority, pursuant to the Eminent Domain Code 26

P.S. 1-101 et seq. ("Code"), hereby declares:

1. The Condemnor is the Cooper Township Municipal Authority, whose address is P.O. Box 446, Winburne, Clearfield County, Pennsylvania.
2. The condemnation is authorized by 26 P.S. 1-101 et seq.
3. Pursuant to Resolution approved August 8, 2000, the Cooper Township Municipal Authority hereby appropriates and condemns real estate designated in the Resolution, a copy of which is attached as Exhibit "A". The Condemnees are David Ferguson and Emma Ferguson, husband and wife.
4. The purpose of the condemnation is to secure land for a waste water treatment system as described more fully in the Act 537 Plan approved March 31, 1997, prepared by Hess and Fisher and intended to be recorded.
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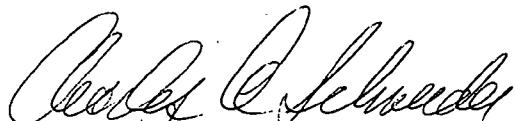
EXHIBIT

Record Book No. 1414, Page No. 431, more particularly shown in the description attached as Exhibit "B".

6. The nature of title acquired is a permanent easement.
7. The plan showing the condemned property may be inspected at the Office of the Condemnor.
8. Pursuant to 26 P.S. 1-403, the Condemnor files its bond herewith, conditioned for the payment to the Condemnees of damages for taking when the same shall have been ascertained.
9. A conformed copy of this declaration of taking, together with the information and notice will be served upon the condemnees in this proceeding. Proof of such service will be filed.

WHEREFORE, the Cooper Township Municipal Authority declares the within premises condemned and appropriated for the public purpose mentioned.

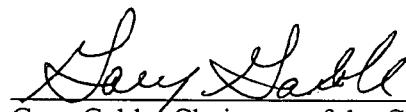
Date: 8/31/00



Charles A. Schneider, Esquire
Attorney for Cooper Township Municipal Authority
Mazza, Schneider, Arbuckle & Bascom
1315 South Allen Street, Suite 302
State College, PA 16801
(814) 237-6255

VERIFICATION

I hereby verify that the facts set forth in this pleading are true and correct to the best of my knowledge, information and belief. I understand that any false statements herein are made subject to the penalties of 18 P.S. Section 4904, relating to unsworn falsification to authorities.



Gary Gable, Chairman of the Cooper
Township Municipal Authority

RESOLUTION

A RESOLUTION OF THE COOPER TOWNSHIP MUNICIPAL AUTHORITY FOR THE CONDEMNATION OF THE FOLLOWING PROPERTIES IN COOPER TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA FOR THE WASTEWATER TREATMENT SYSTEM.

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BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against Paul Bunyak for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book 1504, page 115, for purposes of constructing a wastewater treatment system. **BE IT FURTHER RESOLVED**, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of Paul Bunyak conditioned for the payment to the said Paul Bunyak of damages for taking when damages have been ascertained.



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FURTHER RESOLVED, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of Robert Pearce and Beth Pearce, his wife, conditioned for the payment to the said Robert Pearce and Beth Pearce, his wife, of damages for taking when damages have been ascertained.

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BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against Russell Witherite and Sharon Witherite, his wife, for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book 1623, page 284 for purposes of constructing a wastewater treatment system. **BE IT FURTHER RESOLVED**, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of Russell Witherite and Sharon Witherite, his wife, conditioned for the payment to the said Russell Witherite and Sharon Witherite, his wife, of damages for taking when damages have been ascertained.

BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against Arthur Franek, Jr. and Crystal Hubler for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book 1756, page 055 for purposes of constructing a wastewater treatment system. **BE IT FURTHER RESOLVED**, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of Arthur Franek, Jr. and Crystal Hubler, conditioned for the payment to the said Arthur Franek, Jr. and Crystal Hubler, of damages for taking when damages have been ascertained.

RESOLVED this 8th day of August, 2000, by the board of the Cooper Township Municipal Authority in lawful session assembled.

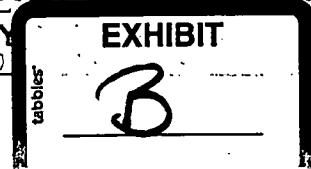
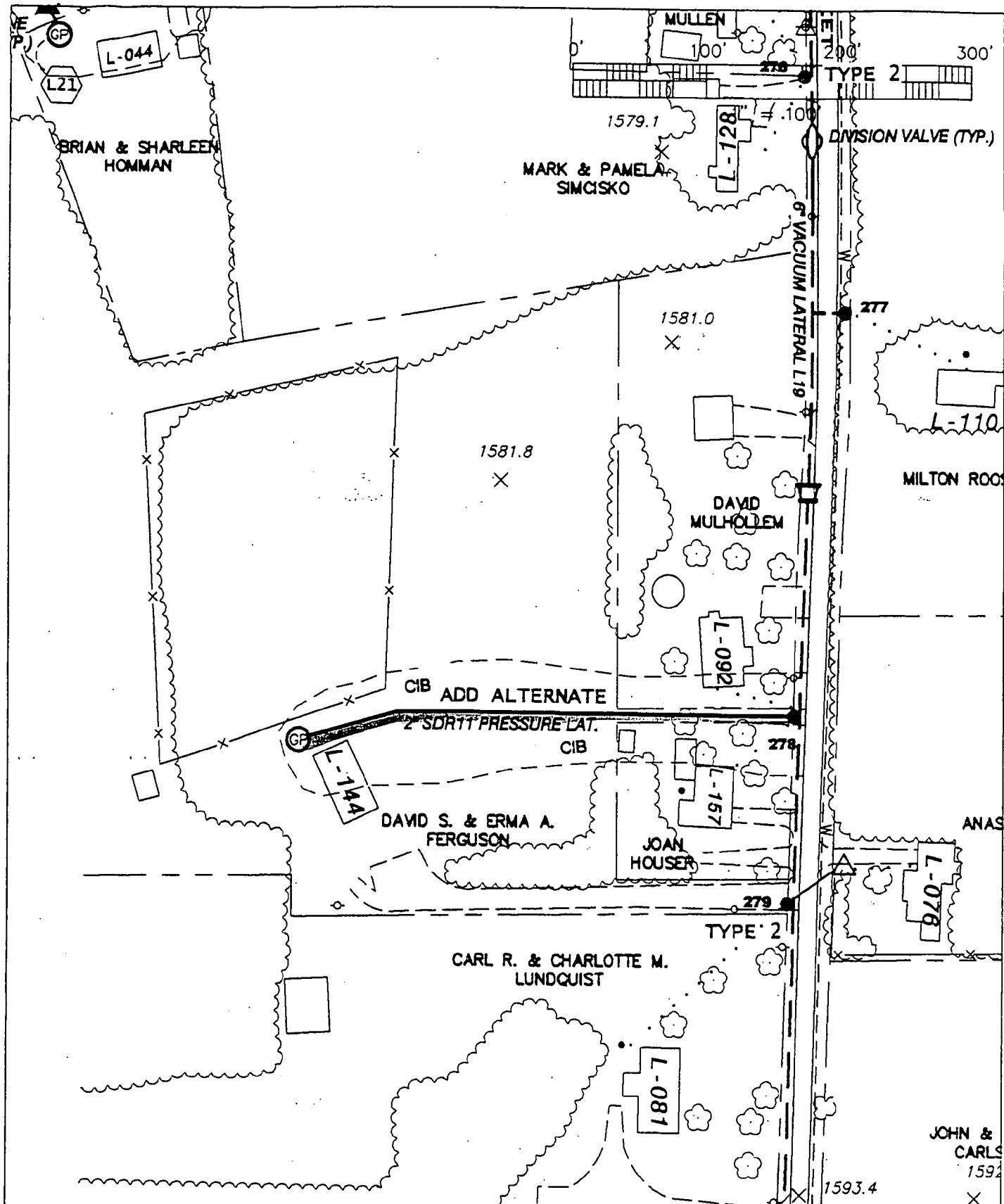
ATTEST:

Lode, Lashm
SECRETARY



COOPER TOWNSHIP MUNICIPAL AUTHORITY

By: Gay Sabo
CHAIRMAN



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

COOPER TOWNSHIP MUNICIPAL AUTHORITY,

Condemnor

vs.

No.

DAVID FERGUSON and EMMA FERGUSON,

Condemnees

ORDER

AND NOW this 13 day of Sept, 2000, upon review of the

Plaintiff's Petition and Bond, the said Bond is hereby approved.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J. S. Delle". The signature is fluid and cursive, with a horizontal line extending from the end of the signature to the right.

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY, :

Condemnor :

vs. :

No. :

DAVID FERGUSON and EMMA FERGUSON, :

Condemnees :

BOND

KNOW ALL MEN BY THESE PRESENTS, that the Declaration of Taking having been filed the 13th day of September, 2000, by the Cooper Township Municipal Authority, ("obligor") a body politic and corporate organized and existing under the laws of the Commonwealth of Pennsylvania ("obligee") for the use and benefit of the owners of the property condemned as hereinafter noted, and other proper parties in interest, for such amount of damage as the owner of the property and other parties in interest shall be entitled to receive after the same shall have been agreed upon or assessed in the manner prescribed by law, by reason of the condemnation by obligor of certain land located in Cooper Township, Clearfield County, Pennsylvania, and described as follows: [PROPERTY SHOWN IN THE ATTACHED PLAN,] to which payment well and truly to be made, the obligor does bind itself and its successors, and assigns, firmly by these presents.

WHEREAS, the obligor has condemned the said property and cannot agree with the owner of said land upon the just compensation to be paid for the damages sustained by said owner as a result of the condemnation:

NOW THE CONDITION of this bond is such that if the obligor shall pay or cause to be paid such amount of damages as the said owner of the property and other parties in interest shall be entitled to receive by reason of such condemnation, after the same shall have been agreed upon or assessed in the manner provided by law, then this obligation shall be void; otherwise, to be and remain in full force and effect.

SEALED with the corporate seal and duly executed this 15th day of Sept., 2000.

Attest:

Roger Lohm
Secretary

Cooper Township Municipal Authority

By: Gary Lohm
Chairman

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY, :
Condemnor :
vs. : No. 00-1134-CD
DAVID FERGUSON and EMMA FERGUSON, :
Condemnees :
:

MEMORANDUM OF FILING OF NOTICE

To the Prothonotary:

Notice of the above-captioned condemnation is recorded in the Department of Records of Clearfield County at Instrument Number 200013567.

Date: 10/12/00



Charles A. Schneider, Esquire
Attorney for Cooper Township Municipal Authority
Mazza, Schneider, Arbuckle & Bascom
1315 South Allen Street, Suite 302
State College, PA 16801
(814) 237-6255

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY,

Condemnor

vs.

No. 00-1134-CD

DAVID FERGUSON and EMMA FERGUSON,

Condemnees

CERTIFICATE OF SERVICE

I hereby certify that on this day, I am serving the foregoing document upon the person and in the manner indicated below, which service satisfied the requirements of Pa. R.C.P. 440.

SERVICE BY CERTIFIED MAIL ADDRESSED AS FOLLOWS:

David Ferguson and Emma Ferguson
PO Box 21
Lans, PA 16849

Date: 10/18/00



Charles A. Schneider, Esquire
Attorney for Cooper Township Municipal Authority