

00-1137-CD
Cooper Twp. Vs Paul Bunyak

00

00-1137-CD
COOPER TOWNSHIP MUNICIPAL AUTHORITY -vs- PAUL BUNYAK

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

(14) COOPER TOWNSHIP MUNICIPAL AUTHORITY,

Condemnor

vs.

(73) PAUL BUNYAK,

Condemnee

No. 00-1137 CO

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 Condemnee is Paul Bunyak.
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.

FILED

SEP 13 2000

William A. Shaw
Prothonotary

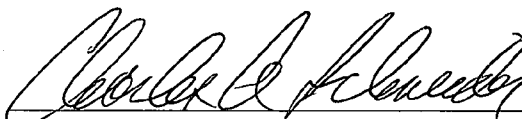
The property condemned is a portion of that tract of land situate in Cooper Township, Clearfield County, Pennsylvania, described in Clearfield County

Record Book No. 1504, Page No. 115, 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

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.

BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against Leroy Weitosh for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book 1070, page 015, 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 Leroy Weitosh, conditioned for the payment to the said Leroy Weitosh, of damages for taking when damages have been ascertained.

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.



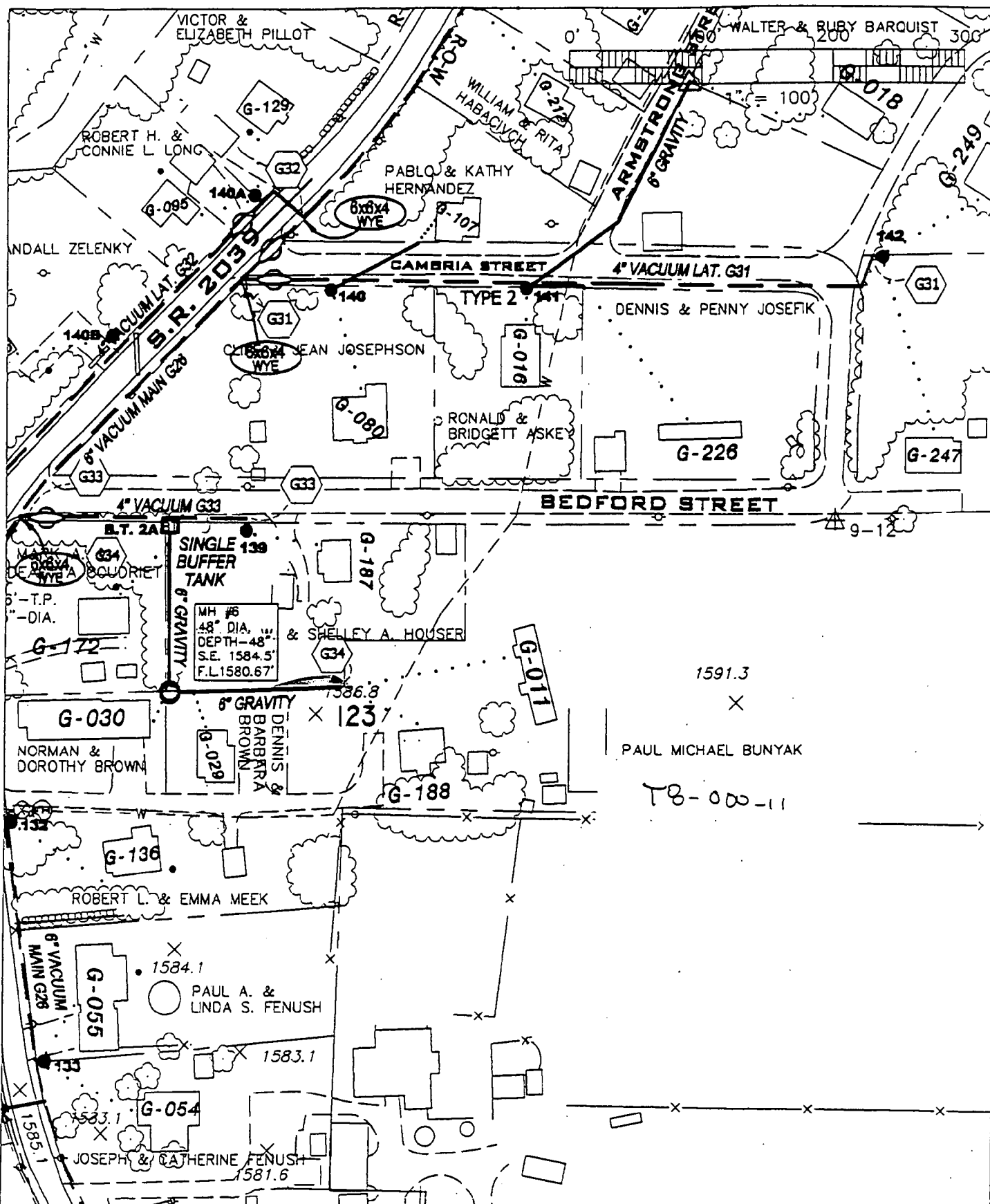
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BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against William Jones and Shelly Jones, his wife, for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book 1563, page 431 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 William Jones and Shelly Jones, his wife, conditioned for the payment to the said William Jones and Shelly Jones, 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 Don Johnson and Joan Koestner, for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book 1338, page 504, 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 Don Johnson and Joan Koestner conditioned for the payment to the said Don Johnson and Joan Koestner, of damages for taking when damages have been ascertained.

BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against David Ferguson and Emma Ferguson, his wife, for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book 1414, page 431 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 David Ferguson and Emma Ferguson, his wife, conditioned for the payment to the said David Ferguson and Emma Ferguson, 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 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.



"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 POSSESSIONS (TREELINES, SHRUBS, LAWNS, ROADS, ETC.) THE PROPERTIES HAVE NOT BEEN DETERMINED BY A FIELD SURVEY."

EXHIBIT

B

HAVE

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY,

Condemnor

vs.

PAUL BUNYAK,

Condemnee

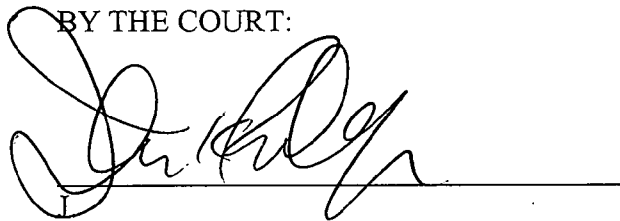
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No.

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 be 'J. R. [unclear]', is written over a horizontal line.

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY,

Condemnor

vs.

PAUL BUNYAK,

Condemnee

No. 00-1137-CO

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:

FILED

SEP 13 2000

~~SEP 12 2000~~ 12:07 PM Katty Schneider pd \$80.00

William A. Shaw
Prothonotary

Katty Schneider

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY,

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vs.

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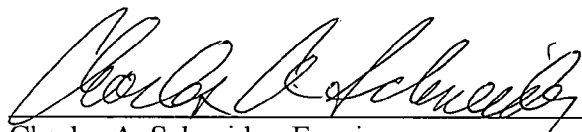
No. 00-1137-CD

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 Paul Bunyak, described in Record Book
No. 1504, Page No. 115.

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

SEP 13 2000

for *07208/attly Schnuder*
for William A. Shaw
Prothonotary

~~*for* *07208/attly Schnuder*~~

1cc attly Schnuder

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY,

Condemnor

vs.

PAUL BUNYAK,

Condemnee

No. 00-1137-CD

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:

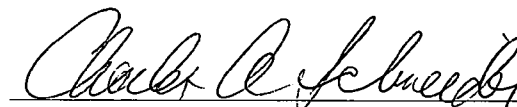
1. A declaration of taking, a copy of which is attached as Exhibit "A," was filed on September 13, 2000, in the Court of Common Pleas of Clearfield County at the above-named term and number.
2. Your property has been condemned for waste water treatment system purposes. Identification of your property 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: 10/17/00

FILED

OCT 18 2000

William A. Shaw
Prothonotary



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
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COOPER TOWNSHIP MUNICIPAL AUTHORITY,

Condemnor

vs.

No. 00-1137-CO

PAUL BUNYAK,

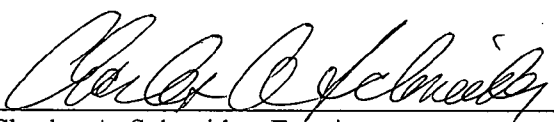
Condemnee

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
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part for a waste water treatment system on the land of Paul Bunyak, described in Record Book
No. 1504, Page No. 115.

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

KAREN L. STARCK
REGISTER AND RECORDER
CLEARFIELD COUNTY
Pennsylvania

INSTRUMENT NUMBER

200013570

RECORDED ON

Sep 13, 2000

2:23:55 PM

RECORDING FEES - \$13.00

RECORDER

COUNTY IMPROVEMENT \$1.00

FUND

RECORDER \$1.00

IMPROVEMENT FUND

STATE WRIT TAX \$0.50

TOTAL

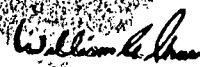
\$15.50



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

SEP 13 2000

Attest:


Prothonotary

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY,

Condemnor

vs.

PAUL BUNYAK,

Condemnee

No. 00-1137-CD

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

SEP 13 2000

Attest:

William L. 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 Condemnee is Paul
Bunyak.
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

EXHIBIT

A

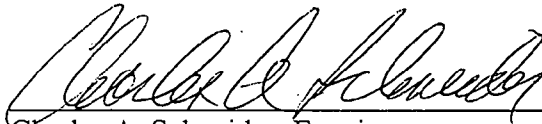
tabbles

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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.

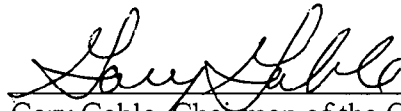
Date: 8/31/00



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.

A handwritten signature in cursive script, appearing to read "Gary Gable", written over a horizontal line.

Gary Gable, Chairman of the Cooper
Township Municipal Authority

RESOLUTION

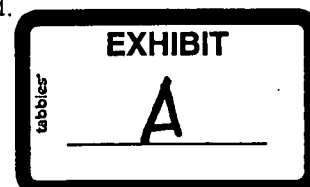
A RESOLUTION OF THE COOPER TOWNSHIP MUNICIPAL AUTHORITY FOR THE CONDEMNATION OF THE FOLLOWING PROPERTIES IN COOPER TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA FOR THE WASTEWATER TREATMENT SYSTEM.

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.

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BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against Leroy Weitosh for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book 1070, page 015, 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 Leroy Weitosh, conditioned for the payment to the said Leroy Weitosh, of damages for taking when damages have been ascertained.

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.

BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against William Jones and Shelly Jones, his wife, for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book 1563, page 431 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 William Jones and Shelly Jones, his wife, conditioned for the payment to the said William Jones and Shelly Jones, 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 Don Johnson and Joan Koestner, for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book 1338, page 504, 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 Don Johnson and Joan Koestner conditioned for the payment to the said Don Johnson and Joan Koestner, of damages for taking when damages have been ascertained.

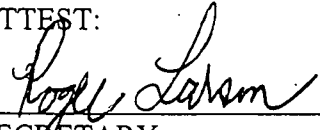
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BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against Russell Witherite and Sharon Witherite, his wife, for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described 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.

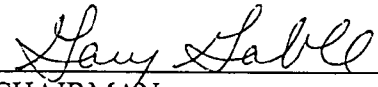
RESOLVED this 8th day of August, 2000, by the board of the Cooper Township Municipal Authority in lawful session assembled.

ATTEST:



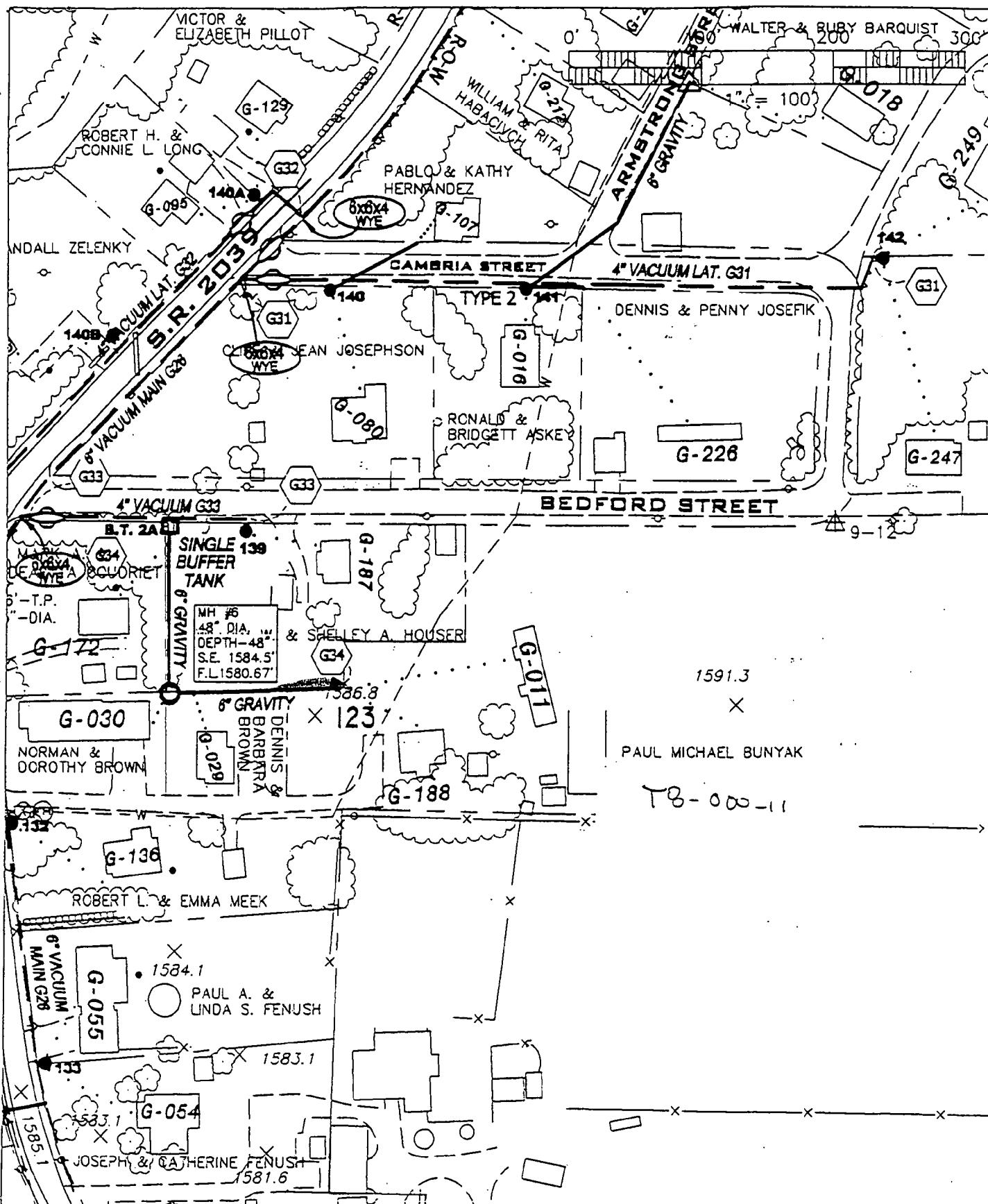
SECRETARY

COOPER TOWNSHIP MUNICIPAL AUTHORITY

By: 

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 POSSESSIONS (TREELINES, SHRUBS, LAWNS, ROADS, ETC.) THE PROPERTIES HAVE NOT BEEN DETERMINED BY A FIELD SURVEY.

EXHIBIT
B

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY,

Condemnor

vs.

PAUL BUNYAK,

Condemnee

No.

ORDER

AND NOW this 13th day of September, 2000, upon review of the
Plaintiff's Petition and Bond, the said Bond is hereby approved.

BY THE COURT:

/s/ John K. Reilly Jr.
J.

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY,

Condemnor

vs.

PAUL BUNYAK,

Condemnee

No. 00-1137-00

BOND

KNOW ALL MEN BY THESE PRESENTS, that the Declaration of Taking having been filed the 13~~th~~ 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:

Cooper Township Municipal Authority

Roger Loken
Secretary

By: Gary Loble
Chairman

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY,

Condemnor

vs.

PAUL BUNYAK,

Condemnee

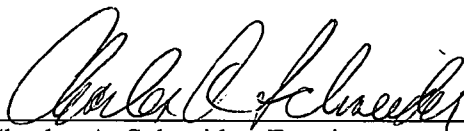
No. 00-1137-CD

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 200013570.

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
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PAUL BUNYAK,

Condemnee

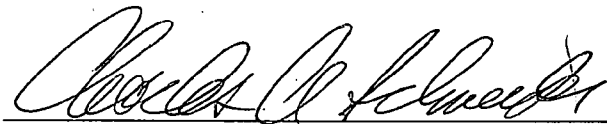
CERTIFICATE OF SERVICE

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:

Paul Bunyak
1023 Spruce Road
Clarence, PA 16829

Date: 10/18/00



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

FILED
NOV 18 2000
OCT 18 2000
William A. Shaw
Prothonotary

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY,

Condemnor

vs.

No. 00-1137-CD

PAUL BUNYAK,

Condemnee

ORDER

AND NOW, this 8th day of November, 2000, upon the Petition of Paul Bunyak, the Court appoints J. Richard Mattern, II, Esq., Samuel Yost, and Evo Facchine as viewers on the foregoing Petition and further Orders that the viewers perform their duties in accordance with the law and Act of Assembly in such case made and provided.

BY THE COURT:

John K. Reilly, Jr.
JUDGE

FILED

NOV 08 2000

013:2811cc atty Schneider

William A. Shaw

Prothonotary

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY,

Condemnor

vs.

PAUL BUNYAK,

Condemnee

No. 00-1137-CD

PETITION FOR THE APPOINTMENT OF A BOARD OF VIEWERS

The Petition of **Cooper Township Municipal Authority** ("Condemnor"), by its undersigned counsel, respectfully represents:

1. The Condemnor is Cooper Township Municipal Authority, whose address is Box 446, Winburne, Pennsylvania.
2. On September 13, 2000, Condemnor filed a declaration of taking in this proceeding. A copy of the declaration of taking is attached as Exhibit "A." No preliminary objections to the declaration of taking have been filed.
3. The name and address of the Condemnee known by Condemnor to have an interest in the condemned property is:

Paul Bunyak, 1023 Spruce Road, Clarence, PA 16829
4. A description of the condemned property is fully set forth in the Resolution, approved on August 8, 2000, a copy of which is included in the declaration of taking.

FILED

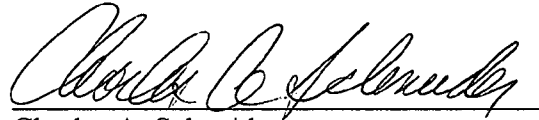
NOV 08 2000

William A. Shaw
Prothonotary

WHEREFORE, Condemnor Cooper Township Municipal Authority respectfully requests that your Honorable Court appoint three viewers to assess the damages to which the condemnees are entitled, and to assess the benefits, if any, arising from the above-mentioned condemnation.

Respectfully submitted,

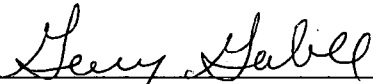
Date: 10/31/00

A handwritten signature in cursive script, appearing to read "Charles A. Schneider", written over a horizontal line.

Charles A. Schneider
Attorney ID #06780
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

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY,

Condemnor

vs.

PAUL BUNYAK,

Condemnee

No. 00-1137-CD

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:

Paul Bunyak
1023 Spruce Road
Clarence, PA 16829

Date: _____

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

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY,

Condemnor

vs.

PAUL BUNYAK,

Condemnee

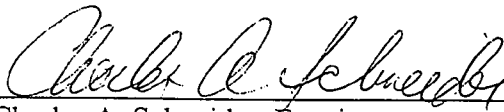
No. 00-1137-CD

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: 10/17/00


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. 00-1137-CO

PAUL BUNYAK,

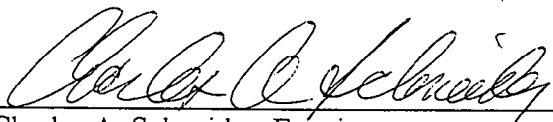
Condemnee

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 Paul Bunyak, described in Record Book
No. 1504, Page No. 115.

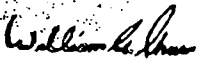
Date: 9/13/00


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:


Prothonotary

KAREN L. STARCK
REGISTER AND RECORDER
CLEARFIELD COUNTY
Pennsylvania

INSTRUMENT NUMBER

200013570

RECORDED ON

SEP 13, 2000

2:23:55 PM

RECORDING FEES - \$13.00

RECORDER

COUNTY IMPROVEMENT FUND \$1.00

RECORDER IMPROVEMENT FUND \$1.00

STATE WRIT TAX \$0.50

TOTAL \$15.50



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

COOPER TOWNSHIP MUNICIPAL AUTHORITY,

Condemnor

vs.

PAUL BUNYAK,

Condemnee

No. 00-1137-CD

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

SEP 13 2000

Attest:

William L. 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 Condemnee is Paul
Bunyak.
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

EXHIBIT

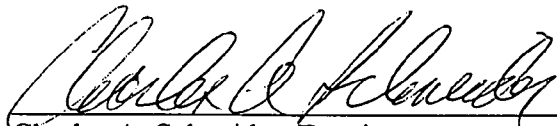
A

Record Book No. 1504, Page No. 115, 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.

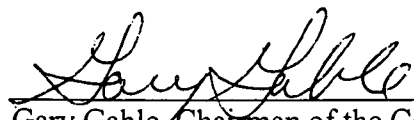
Date: 8/31/00



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

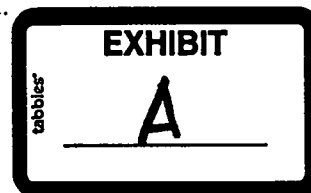
A RESOLUTION OF THE COOPER TOWNSHIP MUNICIPAL AUTHORITY FOR THE CONDEMNATION OF THE FOLLOWING PROPERTIES IN COOPER TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA FOR THE WASTEWATER TREATMENT SYSTEM.

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.

BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against Leroy Weitosh for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book 1070, page 015, 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 Leroy Weitosh, conditioned for the payment to the said Leroy Weitosh, of damages for taking when damages have been ascertained.

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.

BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against William Jones and Shelly Jones, his wife, for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book 1563, page 431 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 William Jones and Shelly Jones, his wife, conditioned for the payment to the said William Jones and Shelly Jones, 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 Don Johnson and Joan Koestner, for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book 1338, page 504, 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 Don Johnson and Joan Koestner conditioned for the payment to the said Don Johnson and Joan Koestner, of damages for taking when damages have been ascertained.

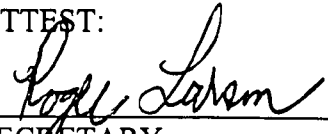
BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against David Ferguson and Emma Ferguson, his wife, for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book 1414, page 431 for purposes 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 David Ferguson and Emma Ferguson, his wife, conditioned for the payment to the said David Ferguson and Emma Ferguson, 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 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.

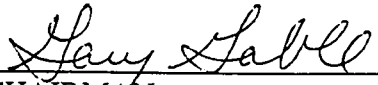
RESOLVED this 8th day of August, 2000, by the board of the Cooper Township Municipal Authority in lawful session assembled.

ATTEST:



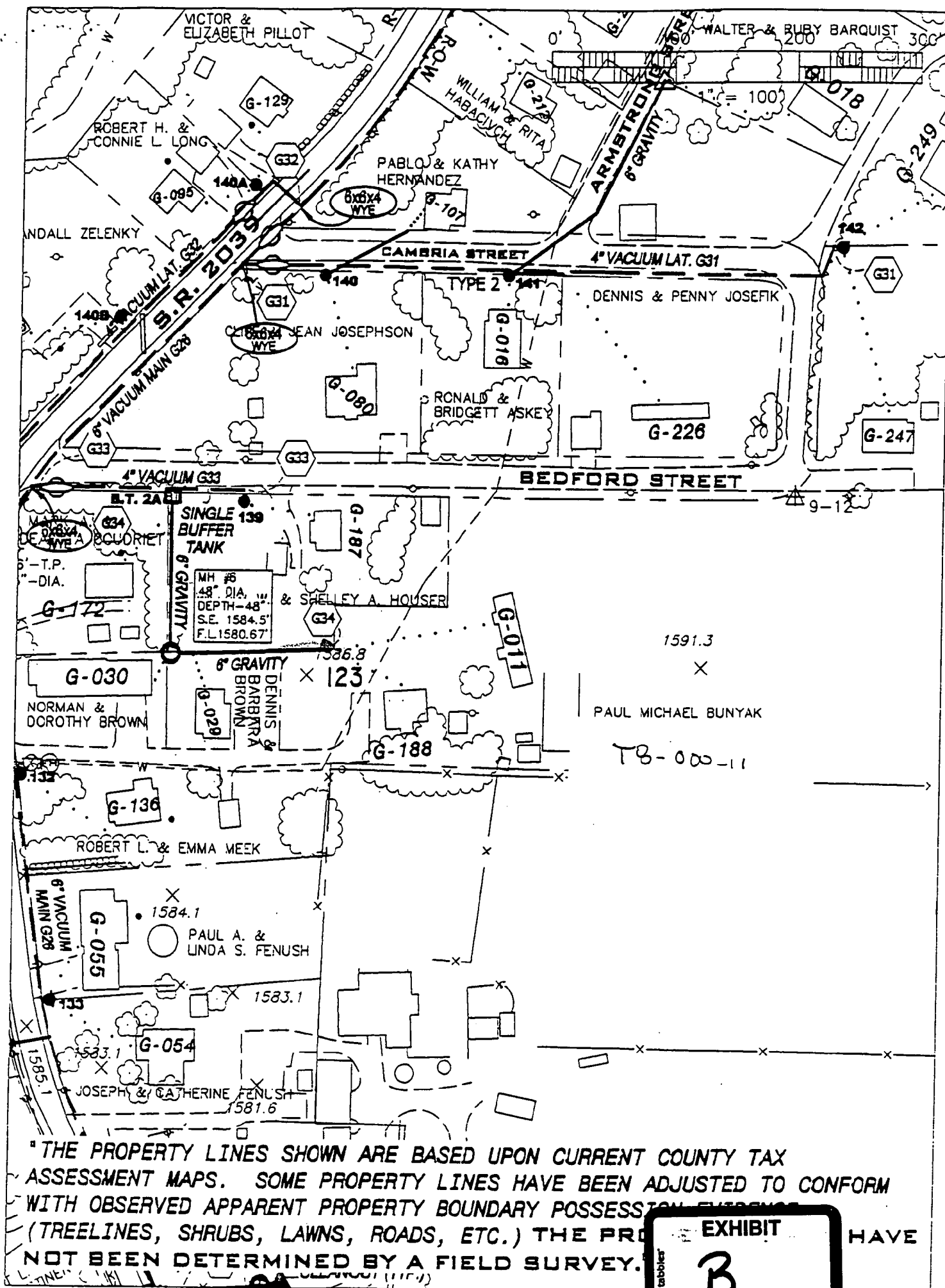
SECRETARY

COOPER TOWNSHIP MUNICIPAL AUTHORITY

By: 

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:

/s/JOHN K. REILLY, JR.

PRESIDENT JUDGE

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY,

Condemnor

vs.

PAUL BUNYAK,

Condemnee

No. 00-1137-CO

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.

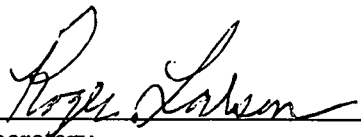
WHEREAS, the obligor has condemned the said property and cannot agree with the owner of said land upon the just compensation to be paid for the damages sustained by said owner as a result of the condemnation:

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.

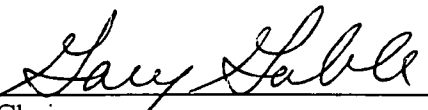
SEALED with the corporate seal and duly executed this 15th day of Sept., 2000.

Attest:

Cooper Township Municipal Authority



Secretary

By: 

Chairman

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY,

Condemnor

vs.

PAUL BUNYAK,

Condemnee

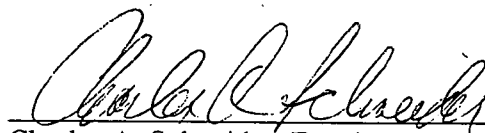
No. 00-1137-CD

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 200013570.

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. CO-1137-CD

PAUL BUNYAK,

Condemnee

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:

Paul Bunyak
1023 Spruce Road
Clarence, PA 16829

Date:

10/18/00



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

FILED

NOV 24 2000

William A. Shaw
Prothonotary

cc
Atty

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

114
COOPER TOWNSHIP MUNICIPAL AUTHORITY,

Condemnor

vs.

73
PAUL BUNYAK,

Condemnee

No. 00-1137-CD

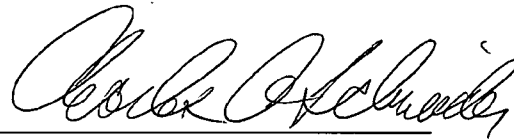
PRAECIPE FOR DISCONTINUANCE

TO THE PROTHONOTARY:

Please mark the above case settled and discontinued.

Date:

11/17/00



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 21 2000

William A. Shaw
Prothonotary