

00-1112-6D
COOPER TOWNSHIP MUNICIPAL AUTHORITY -vs- ROBERT PEARCE

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

(114) COOPER TOWNSHIP MUNICIPAL AUTHORITY,

Condemnor

vs.

(84) ROBERT PEARCE and BETH PEARCE,

Condemnees

No. 00-1142-0

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:

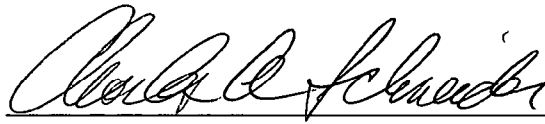
1. The Condemnor is the Cooper Township Municipal Authority, whose address is P.O. Box 446, Winburne, Clearfield County, Pennsylvania.
2. The condemnation is authorized by 26 P.S. 1-101 et seq.
3. Pursuant to Resolution approved August 8, 2000, the Cooper Township Municipal Authority hereby appropriates and condemns real estate designated in the Resolution, a copy of which is attached as Exhibit "A". The Condemnees are Robert Pearce and Beth Pearce, 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. 1858, Page No. 324, 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.

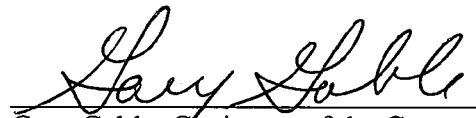
Date: 8/31/00



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.

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

Gary Gable, Chairman of the Cooper
Township Municipal Authority

RESOLUTION

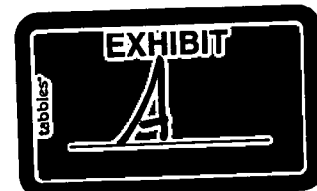
A RESOLUTION OF THE COOPER TOWNSHIP MUNICIPAL AUTHORITY FOR THE CONDEMNATION OF THE FOLLOWING PROPERTIES IN COOPER TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA FOR THE WASTEWATER TREATMENT SYSTEM.

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.

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.

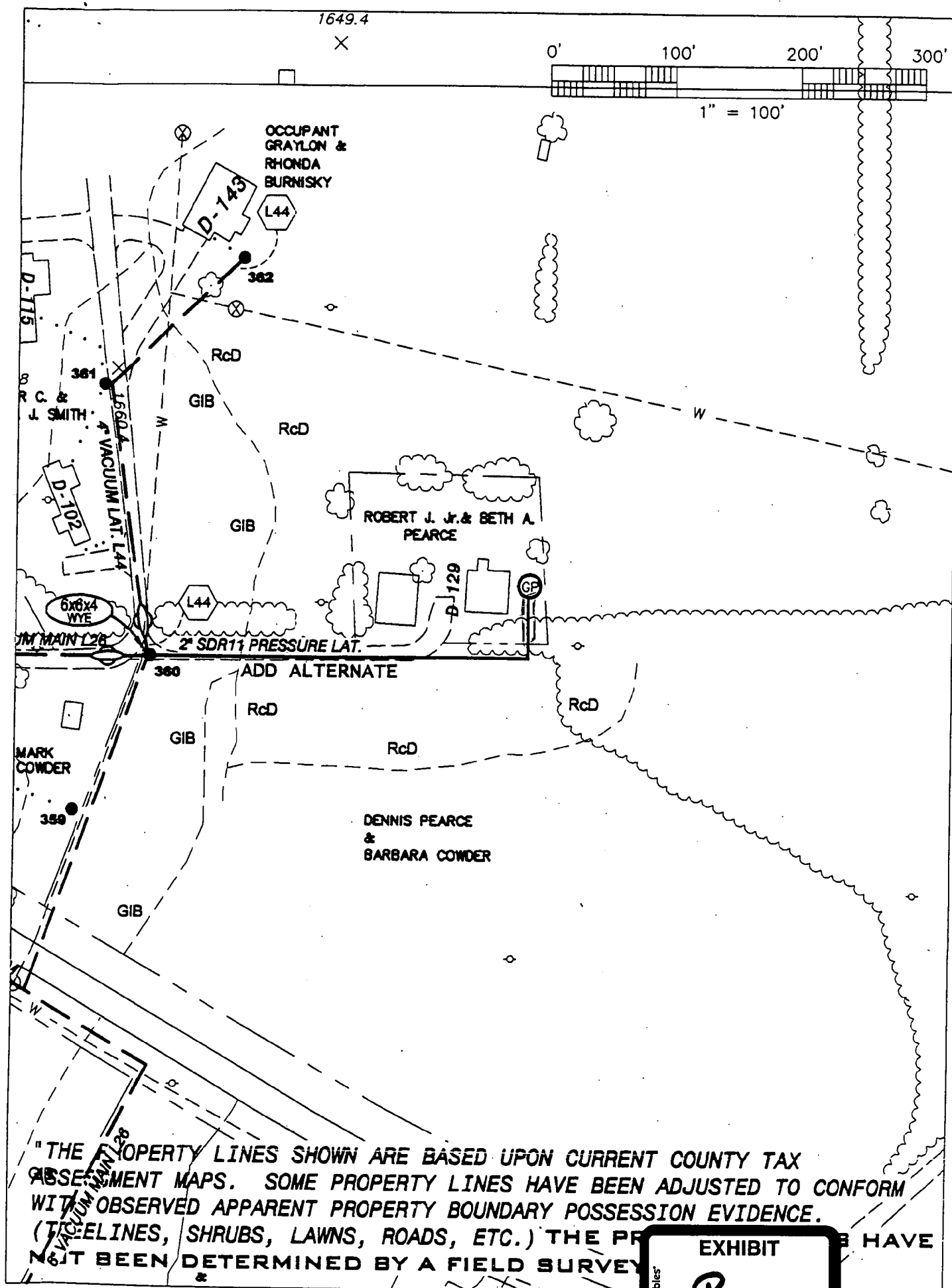
ATTEST:

Rogel Lohm
SECRETARY

COOPER TOWNSHIP MUNICIPAL AUTHORITY

By: *Gary Lable*
CHAIRMAN





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

COOPER TOWNSHIP MUNICIPAL AUTHORITY,

Condemnor

vs.

ROBERT PEARCHE and BETH PEARCE,

Condemnees

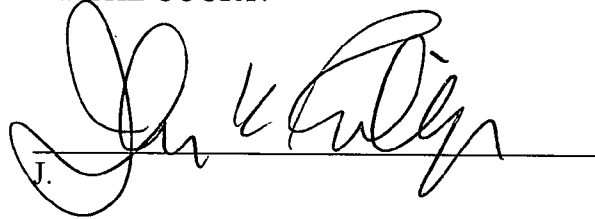
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No.

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:


J.

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY,

Condemnor

vs.

ROBERT PEARCHE and BETH PEARCE,

Condemnees

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No.

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.

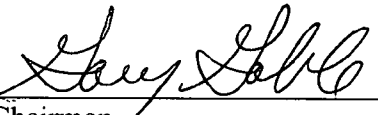
SEALED with the corporate seal and duly executed this 1st day of Sept -, 2000.

Attest:

Cooper Township Municipal Authority



Secretary

By: 

Chairman

FILED
SEP 13 2000
William A. Shaw
Prothonotary
1 cc
Atty
Atty
80.00

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY,

Condemnor

vs.

ROBERT PEARCHE and BETH PEARCE,

Condemnees

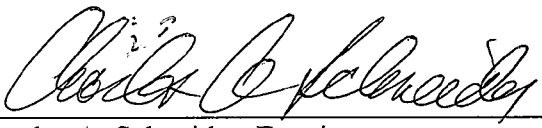
No. 00-1142-CO

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 Robert Pearce and Beth Pearce, husband
and wife, described in Record Book No. 1858, Page No. 324.

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
SEP 13 2000
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.

ROBERT PEARCHE and BETH PEARCE,

Condemnees

No. 00-1142-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:

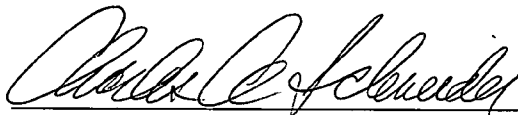
1. A declaration of taking, a copy of which is attached as Exhibit "A," was filed on September 13, 2000, in the Court of Common Pleas of Clearfield County at the above-named term and number.
2. Your property has been condemned for waste water treatment system purposes. Identification of your property 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: 10/12/00

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
CIVIL ACTION

COOPER TOWNSHIP MUNICIPAL AUTHORITY,

Condemnor

vs.

No. 00-1142-CO

ROBERT PEARCHE and BETH PEARCE,

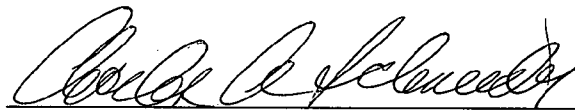
Condemnees

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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 Robert Pearce and Beth Pearce, husband and wife, described in Record Book No. 1858, Page No. 324.

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

200013575

RECORDED ON

SEP 13, 2000

2:24:00 PM

RECORDING FEES - \$13.00

RECORDER

COUNTY IMPROVEMENT \$1.00

FUND

RECORDER IMPROVEMENT FUND \$1.00

STATE WRIT TAX \$0.50

TOTAL \$15.50



I hereby certify this to be a true and attested copy of the original as the same is on file in this case.

SEP 13 2000

Notary Public

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY,

Condemnor

vs.

ROBERT PEARCHE and BETH PEARCE,

Condemnees

No. 00-1142-CQ

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

SEP 13 2000

Attest:

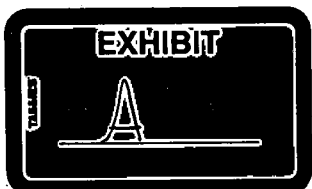
William L. Shaw
Prothonotary

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 Condemnees are
Robert Pearce and Beth Pearce, 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

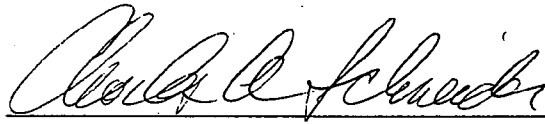


Record Book No. 1858, Page No. 324, more particularly shown in the description attached as Exhibit "B".

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.

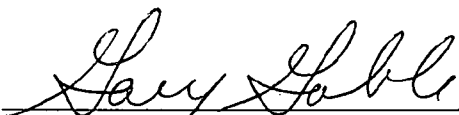
Date: 8/31/00



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

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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.

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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



1649.4

0' 100' 200' 300'

1" = 100'

OCCUPANT
GRAYLON &
RHONDA
BURNISKY.

D-143

L44

362

RcD

GIB

RcD

GIB

ROBERT J. JR. & BETH A.
PEARCE

L44

D-129

GP

2" SDR11 PRESSURE LAT.

ADD ALTERNATE

RcD

RcD

RcD

DENNIS PEARCE
&
BARBARA COWDER

GIB

GIB

MARK
COWDER

359

D-115

C. &
J. SMITH

D-102

6x6x4
WYE

MAIN L28

360

"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.
(TIE LINES, SHRUBS, LAWNS, ROADS, ETC.) THE PROPERTY LINES 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.

No.

ROBERT PEARCHE and BETH PEARCE,

Condemnees

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:

151 John F. Reilly Jr
J.

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY,

Condemnor

vs.

ROBERT PEARCHE and BETH PEARCE,

Condemnees

No.

BOND

KNOW ALL MEN BY THESE PRESENTS, that the Declaration of Taking having been filed the 3rd 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:

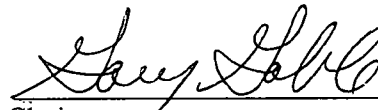
NOW THE CONDITION of this bond is such that if the obligor shall pay or cause to be paid such amount of damages as the said owner of the property and other parties in interest shall be entitled to receive by reason of such condemnation, after the same shall have been agreed upon or assessed in the manner 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 1st 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.

ROBERT PEARCHE and BETH PEARCE,

Condemnees

No. 00-1142-CD

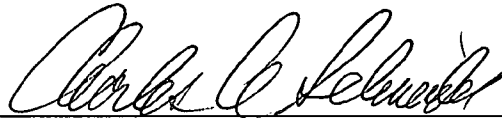
MEMORANDUM OF FILING OF NOTICE

To the Prothonotary:

Notice of the above-captioned condemnation is recorded in the Department of Records of
Clearfield County at Instrument Number 200013575.

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.

ROBERT PEARCHE and BETH PEARCE,

Condemnees

No. 00-1142-GD

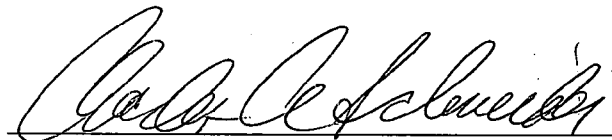
CERTIFICATE OF SERVICE

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:

Robert Pearce and Beth Pearce
RD 2 Box 366
Morrisdale, PA 16858

Date: 10/18/00



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

FILED
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.

ROBERT PEARCE and BETH PEARCE,
Condemnees

No. 00-1142-CD

ORDER

AND NOW, this 8th day of November, 2000, upon the Petition of Robert Pearce and Beth Pearce, 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

013-2811ccatty Schneider
William A. Shaw
Prothonotary

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY,

Condemnor

vs.

ROBERT PEARCE and BETH PEARCE,
Condemnees

:
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:
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:

No. 00-1142-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 Condemnees known by Condemnor to have an interest in the condemned property is:

Robert Pearce and Beth Pearce, R.D. 2 Box 266, Morrisdale, PA 16858
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

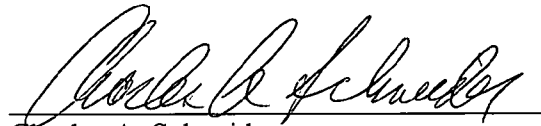
William A. Shaw
Prothonotary

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



Charles A. Schneider

Attorney ID #06780

Mazza, Schneider, Arbuckle & Bascom

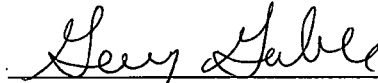
1315 South Allen Street, Suite 302

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.

ROBERT PEARCE and BETH PEARCE,
Condemnees

No. 00-1142-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:

Robert Pearce and Beth Pearce
R.D. 2 Box 266
Morrisdale, PA 16858

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.

No. 00-1142-CD

ROBERT PEARCHE and BETH PEARCE,

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:

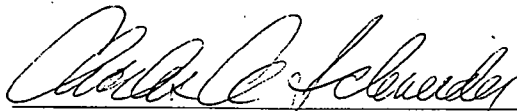
1. A declaration of taking, a copy of which is attached as Exhibit "A," was filed on
September 13, 2000, in the Court of Common Pleas of Clearfield County at the above-named
term and number.

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

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY,

Condemnor

vs.

No. 00-1142-CO

ROBERT PEARCHE and BETH PEARCE,

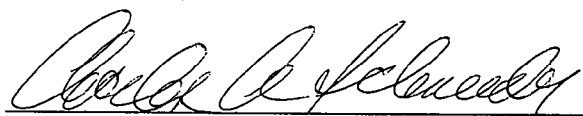
Condemnees

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 Robert Pearce and Beth Pearce, husband
and wife, described in Record Book No. 1858, Page No. 324.

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

200013575

RECORDED ON

Sep 13 2000

2:24:00 PM

RECORDING FEES - \$13.00

RECORDER

COUNTY IMPROVEMENT \$1.00

FUND

RECORDER \$1.00

IMPROVEMENT FUND

STATE UNIT TAX \$0.50

TOTAL

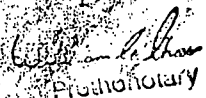
\$15.50



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

SEP 13 2000

Attest:


Notary Public

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY,

Condemnor

vs.

ROBERT PEARCHE and BETH PEARCE,

Condemnees

No. 00-1142-02

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 Condemnees are
Robert Pearce and Beth Pearce, 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

EXHIBIT

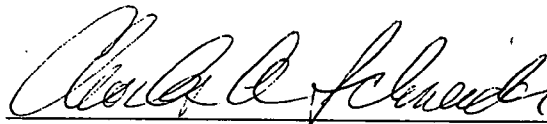
A

Record Book No. 1858, Page No. 324, 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.

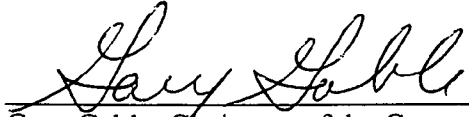
Date: 8/31/00



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

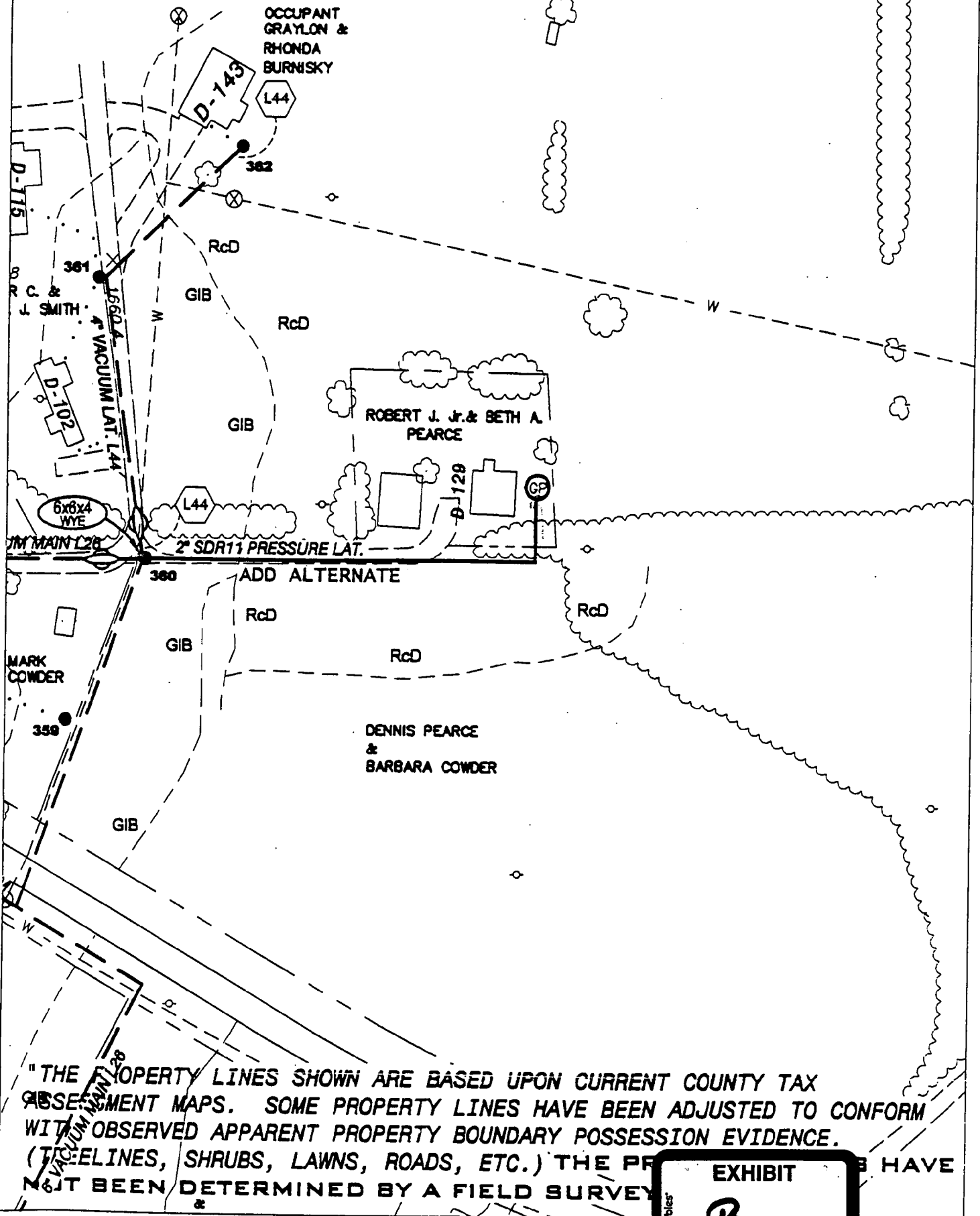
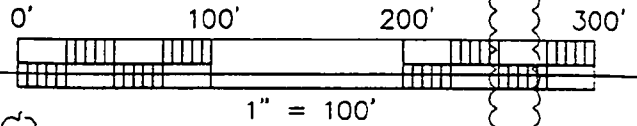
COOPER TOWNSHIP MUNICIPAL AUTHORITY

By: 

CHAIRMAN



1649.4



EXHIBIT

B

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY,

Condemnor

vs.

No.

ROBERT PEARCHE and BETH PEARCE,

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.

No.

ROBERT PEARCHE and BETH PEARCE,

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.

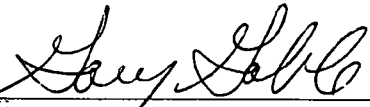
SEALED with the corporate seal and duly executed this 1st day of Sept -, 2000.

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.

ROBERT PEARCHE and BETH PEARCE,

Condemnees

No. 00-1142-CD

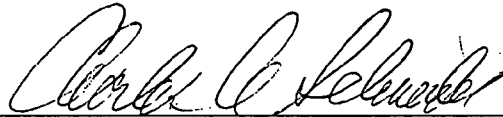
MEMORANDUM OF FILING OF NOTICE

To the Prothonotary:

Notice of the above-captioned condemnation is recorded in the Department of Records of
Clearfield County at Instrument Number 200013575.

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. 00-1142-CD

ROBERT PEARCHE and BETH PEARCE,

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:

Robert Pearce and Beth Pearce
RD 2 Box 366
Morrisdale, PA 16858

Date: 10/18/00



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

FILED
01/10/24
NOV 10 2000
cc
Atty

William A. Shaw
Prothonotary

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

COOPER TOWNSHIP
MUNICIPAL AUTHORITY,

Condemnor

vs.

No. 00-1142-CD

ROBERT and BETH PEARCE,

Condemnee

REPORT OF VIEWERS

TO: THE HONORABLE JOHN K. REILLY, JR.
PRESIDENT JUDGE OF SAID COURT

FILED

JAN 26 2001

William A. Shaw
Prothonotary

The undersigned Board of Viewers respectfully reports:

1. A Declaration of Taking by Petition of Cooper Township Municipal Authority, whose address is P. O. Box 446, Winburne, Clearfield County, Pa., was filed on June 1, 2000.
2. The purpose of the Condemnation is to secure land for a wastewater treatment system as more fully described in the Act 537 Plan approved March 31, 1997, as prepared by Hess & Fisher Engineers, Inc.
3. Said Declaration of Taking was authorized by Resolution of the Cooper Township Municipal Authority, approved April 11, 2000.
4. The Condemnation is authorized by 26 P.S. §1-101 et seq.
5. The Condemnee(s) are: **Robert & Beth Pearce, RD 2, Box 266, Morrisdale, PA 16858.**

6. The property condemned is a portion of that tract of land situate in Cooper Township, Clearfield County, Pennsylvania, as more fully described in the Declaration of Taking and as shown in the map attached hereto designated as Exhibit "2".
7. The nature of the title acquired is a permanent easement of 10' in width and a 20' in width construction easement.
8. By Order of your Honorable Court dated August 21, 2000, J. Richard Mattern, II, Esquire, Samuel B. Yost and Evo G. Facchine, were appointed Viewers to perform the duties in accordance with the law and Act of Assembly and, basically, to assess damages to which the Condemnee(s) are entitled, and to assess benefits, if any, arising from the above mentioned Condemnation.
9. That the View was scheduled for December 15, 2000, and the Board of View Hearing was scheduled for December 20, 2000.
10. Notice of the View and Hearing was served on the Condemnee(s) by United States Mail, First Class, mailed November 22, 2000.
11. The Board of Viewers conducted their View and Hearing at the aforesaid date and place.
12. That the following Exhibits were presented to the Board and accepted as exhibits and evidence by the Board, to aid in their decision in the matter, copies of which are attached hereto:
 - a. Board Exhibit "1" - John E. West, CPE, CREA, Appraisal;

b. Board Exhibit "2" – Map of premises prepared by Hess & Fisher Engineers, Inc.

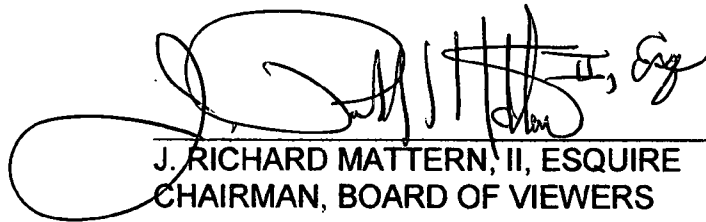
13. That after the View and Hearing, the Board of Viewers has determined that the wastewater system lines, pumps, grinders, manhole covers and all facets are consistent with prudent and necessary requirements and comprise the best locations with minimal impact on the property owner(s).
14. That after View and Hearing in this matter and in consideration of all testimony and evidence, the Board has determined that before condemnation the subject property described on Exhibit 2 had a value of \$5,000.00. As there has been no change in value, and therefore, no damages after condemnation, the property has a value of \$5,000.00. Therefore, no damages are awarded by the Board to the Condemnee(s).
15. That attached to this Report are the following:
 1. Notice of Board of View as to date of View and Hearing, dated November 22, 2000 - Exhibit "A";
 2. Notice of Intention to File Report – Exhibit "B";
 3. Board of Viewers' Schedule of Costs to be filed separately.

16. That a copy of this Report with Notice of Intention to File Report as required by 26 P.S. §1-513 is being forwarded to:


Attorney for Condemnor – Cooper Township Municipal Authority
Charles A. Schneider, Esq.
Mazza, Schneider, Arbuckle & Bascom
1315 South Allen Street, Suite 302
State College, Pa., 16801

Condemnee(s) or Condemnee(s) Attorney:
Robert & Beth Pearce
RD 2, Box 266
Morrisdale, PA 16858

All of which is Respectfully Submitted,


J. RICHARD MATTERN, II, ESQUIRE
CHAIRMAN, BOARD OF VIEWERS


Samuel B. Yost – Board of Viewers


Evo G. Facchine - Board of Viewers

Date: 1/23/01

APPRAISAL OF

0.25 Acre +/- Developed Land Prior to Taking 500 Sq. Ft.+/- & Grinder Pump Easement

LOCATED AT:

R.R. #2, Box 366
Morrisdale, Pa., 16858

FOR:

Cooper Township Municipal Authority
Forest Road P.O. Box 446
Winburne, Pa 16879

BORROWER:

Owner: Robert J. Jr. & Beth A. Pearce

AS OF:

November 6, 2000

BY:

John E. West CPE, CREA, RL-000292-L

November 6, 2000

Gary Gable

Cooper Township Municipal Authority
Forest Road P.O. Box 446
Winburne, Pa 16879

File Number: Pearce1

Dear Mr. Gable,

In accordance with your request, I have personally inspected and appraised the real property at:

R.R. #2, Box 366
Morrisdale, Pa., 16858


The purpose of this appraisal is to estimate the market value of the subject property, as vacant.
The property rights appraised are the fee simple interest in the site.

In my opinion, the estimated market value of the property as of November 6, 2000 is:

\$5,000
Five Thousand Dollars

The attached report contains the description, analysis and supportive data for the conclusions,
final estimate of value, descriptive photographs, limiting conditions and appropriate certifications.

Sincerely Yours,



John E. West CPE, CREA, RL-000292-L

Residential Appraiser

jew

ADDENDUM

Borrower: Owner: Robert Pearce

File No.: Pearce1

Property Address: R.R. #2, Box 366

Case No.: CTMA

City: Morrisdale

State: Pa.

Zip: 16858

Lender: Cooper Township Municipal Authority

ADDENDUM FOR EASEMENT DAMAGE VALUE ESTIMATE

As per instructions I have determined the land value of the subject property in order to estimate the overall damage incurred by placing a sewer line easement over part of the property. The subject property would require a grinder pump along the eastern property line and a 10' easement along this same line about 50' long. This is a relatively small piece of equipment with all of the pump under ground. There is, however the manhole in the yard and the fact that there is mechanical equipment that may need repairs from time to time. This is not a one-time inconvenience, but an ongoing condition that could cause disruption at anytime, but since the easement is located along the property boundary line and there is a required building setback of 10' on side borders I feel that there should be no damage consideration to the present owners. I would conclude that there would be no damage to future resale value on this property due to the grinder pump in the yard. The CTMA will place the sewer line and restore the property to original condition, except that there will be a pump in the yard, but not in a location that should cause actual physical damage to the subject property.

It is my opinion that there is no change in value to the subject property because of this grinder pump location easement and subsequently no monetary damages to the property, from the sewer easement.

TOTAL DAMAGE TO PROPERTY IS: \$0.00.

SUMMARY REPORT
LAND APPRAISAL REPORT

CTMA:

File No. Pearce1

SUBJECT	Property Address R.R. #2, Box 366		Census Tract 3306		LENDER DISCRETIONARY USE					
	City Morrisdale		County Clearfield	State Pa.	Zip Code 16858	Sale Price \$				
	Legal Description Deed Book 1858 Page 324					Date				
	Owner/Occupant Robert Jr. & Beth A. Pearce		Map Reference 110-S8-48.1		Mortgage Amount \$					
	Sale Price \$ N/A		Date of Sale N/A		Mortgage Type					
NEIGHBORHOOD	Loan charges/concessions to be paid by seller \$ N/A		Property Rights Appraised		Discount Points and Other Concessions					
	R.E. Taxes \$ 552.05		Tax Year 2000	HOA \$/Mo. None	Paid by Seller \$					
	Lender/Client Cooper Township Municipal Authority		<input checked="" type="checkbox"/> Fee Simple		Source					
	Forest Road P.O. Box 446, Winburne, Pa 16879		<input type="checkbox"/> Leasehold							
			<input type="checkbox"/> Condominium (HUD/VA)							
LOCATION	<input type="checkbox"/> Urban		<input checked="" type="checkbox"/> Suburban		<input type="checkbox"/> Rural					
	<input type="checkbox"/> Over 75%		<input checked="" type="checkbox"/> 25-75%		<input type="checkbox"/> Under 25%					
	<input type="checkbox"/> Rapid		<input checked="" type="checkbox"/> Stable		<input type="checkbox"/> Slow					
	<input type="checkbox"/> Increasing		<input checked="" type="checkbox"/> Stable		<input type="checkbox"/> Declining					
	<input type="checkbox"/> Shortage		<input checked="" type="checkbox"/> In Balance		<input type="checkbox"/> Over Supply					
MARKETING TIME	<input type="checkbox"/> Under 3 Mos.		<input checked="" type="checkbox"/> 3-6 Mos.		<input type="checkbox"/> Over 6 Mos.					
	PRESENT LAND USE %		LAND USE CHANGE		PREDOMINANT OCCUPANCY					
	Single Family 60%		Not Likely <input checked="" type="checkbox"/>		Owner <input checked="" type="checkbox"/>					
	2-4 Family		Likely <input type="checkbox"/>		Tenant <input type="checkbox"/>					
	Multi-Family		In process <input type="checkbox"/>		Vacant (0-5%) <input checked="" type="checkbox"/>					
SINGLE FAMILY HOUSING	Commercial		To:		Vacant (over 5%) <input type="checkbox"/>					
	Industrial				PRICE AGE					
	Vacant 40%				\$(000) (yrs)					
					35 Low 10					
					150 High 100					
NEIGHBORHOOD ANALYSIS					Predominant					
					55 - 50					
					Appeal to Market					
Note: Race or the racial composition of the neighborhood are not considered reliable appraisal factors. COMMENTS: The neighborhood is consistent with that of Cooper Township. The area is serviced by public water and the public sewer system is in the planning stages at this time.										
SITE	Dimensions See site area.		Topography		Level					
	Site Area 0.25 Acre+/-		Size		Typical					
	Zoning Classification None		Shape		Rectangular					
	HIGHEST & BEST USE: Present Use Yes		Drainage		Appears adequate					
	Other Use None		View		Typical					
UTILITIES	Public Other		SITE IMPROVEMENTS Type		Public Private					
	Electricity <input checked="" type="checkbox"/>		Street Dirt		<input type="checkbox"/> <input checked="" type="checkbox"/>					
	Gas <input type="checkbox"/> LP		Curb/Gutter None		<input type="checkbox"/> <input type="checkbox"/>					
	Water <input checked="" type="checkbox"/>		Sidewalk None		<input type="checkbox"/> <input type="checkbox"/>					
	Sanitary Sewer <input type="checkbox"/> Private		Street Lights None		<input type="checkbox"/> <input type="checkbox"/>					
Comments	Storm Sewer <input type="checkbox"/> Open Ditch		Alley None		<input type="checkbox"/> <input type="checkbox"/>					
The undersigned has recited three recent sales of properties most similar and proximate to subject and has considered these in the market analysis. The description includes a dollar adjustment, reflecting market reaction to those items of significant variation between the subject and comparable properties. If a significant item in the comparable property is superior to, or more favorable than, the subject property, a minus (-) adjustment is made, thus reducing the indicated value of subject; if a significant item in the comparable is inferior to, or less favorable than, the subject property, a plus (+) adjustment is made, thus increasing the indicated value of the subject.										
SALES COMPARISON ANALYSIS	ITEM		SUBJECT		COMPARABLE NO. 1		COMPARABLE NO. 2		COMPARABLE NO. 3	
	Address		R.R. #2, Box 366 Morrisdale		110-S9-539-60 Cooper Township		110-S9-540-13 Cooper Township		110-S8 Cooper Township	
	Proximity to Subject									
	Sales Price		\$ N/A		\$ 3,000		\$ 5,500		\$ 7,000	
	Price/		\$ 3000/1		\$ 5500/1		\$ 7000/1			
VALUE ADJUSTMENTS	Data Source		Inspection		Public Record		Public Record		Public Record	
	DESCRIPTION		DESCRIPTION		+(-)\$ Adjustment		DESCRIPTION		+(-)\$ Adjustment	
	Sales or Financing		None				None			
	Concessions		None				None			
	Date of Sale/Time		Appr. 10/4/00		12-29-99		7/13/00		1/99	
Final Reconciliation	Location		Suburban		Equal		Equal		Equal	
	Site/View		0.25 Acres+/-		0.7422 Acre -1,200		0.46 Acre -500		2.003 Acres -4,400	
	Utilities		Water, Elect.		Water, Elect.		Equal		Water, Elect.	
	Homesite		Yes		None +4,000		None +4,000		None +4,000	
	Public Road		No		Yes -750		Yes -1,375		Yes -1,750	
RECONCILIATION	Net Adj. (total)		<input checked="" type="checkbox"/> + <input type="checkbox"/> - \$ 2,050		<input checked="" type="checkbox"/> + <input type="checkbox"/> - \$ 2,125		<input type="checkbox"/> + <input checked="" type="checkbox"/> - \$ 2,150			
	Indicated Value of Subject		Gross: 198.3 Net: 68.3 \$ 5,050		Gross: 106.8 Net: 38.6 \$ 7,625		Gross: 145.0 Net: -30.7 \$ 4,850			
	Comments of Sales Comparison:		See Attached Addendum.							
	Comments and Conditions of Appraisal:		See Attached Addendum.							
	Final Reconciliation: The Market Approach to Value, which best reflects the actions of the buyers and sellers in the marketplace, has been given the most emphasis. The Cost and Income Approaches are not applicable in this type of assignment.									
I (WE) ESTIMATE THE MARKET VALUE, AS DEFINED, OF THE SUBJECT PROPERTY AS OF November 6, 2000 to be \$ 5,000										
I (We) certify: that to the best of my (our) knowledge and belief, the facts and data used herein are true and correct; that I (we) personally inspected the subject property and inspected all comparable sales cited in this report; and that I (we) have no undisclosed interest, present or prospective therein.										
Appraiser(s) John E. West CPE, CREA, RL-000292-L		Review Appraiser (if applicable)				<input type="checkbox"/> Did <input type="checkbox"/> Did Not Inspect Property				

ADDENDUM

Borrower: Owner: Robert Pearce		File No.: Pearce1
Property Address: R.R. #2, Box 366		Case No.: CTMA
City: Morrisdale	State: Pa.	Zip: 16858
Lender: Cooper Township Municipal Authority		

Comments on Sales Comparison

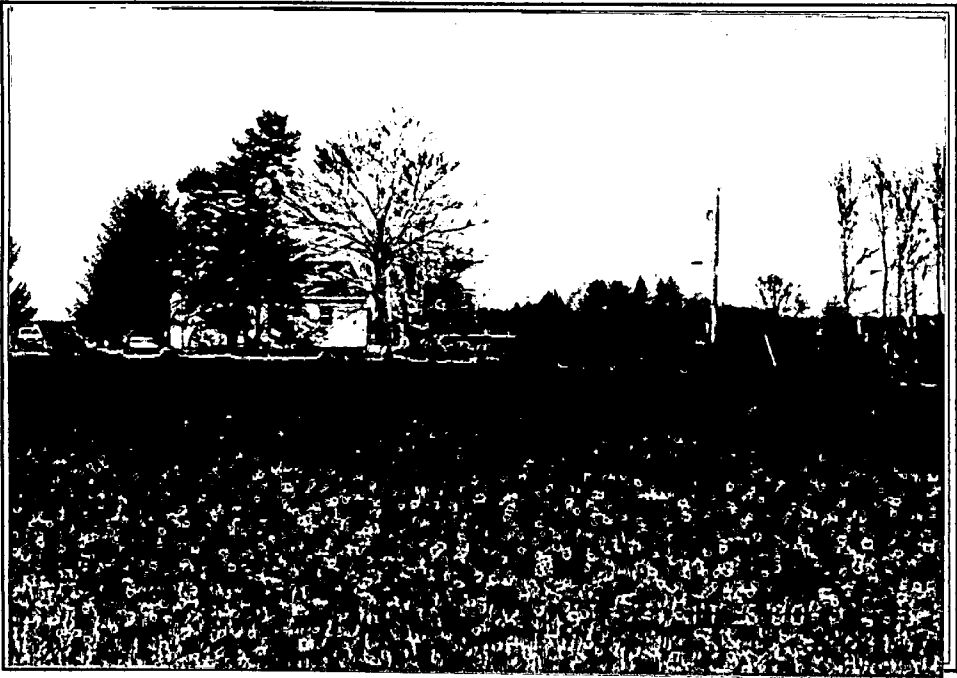
A search of the Clearfield-Jefferson MLS, public records and broker files indicated that these sales are the most recent, closest, similar, closed sales available as of the date of the appraisal. The comparables chosen are considered to be good indicators of value. After variation adjustments, a value range of \$4,850 to \$7,625 is indicated. The Subject property has been developed over the years as a homesite and all of the comparable land sales have been adjusted for the homesite value. The indicated land value for the subject in it's present condition, in my opinion, would be \$5,000.00. or \$.46 per Sq. Ft.

Condition of Appraisal Comments

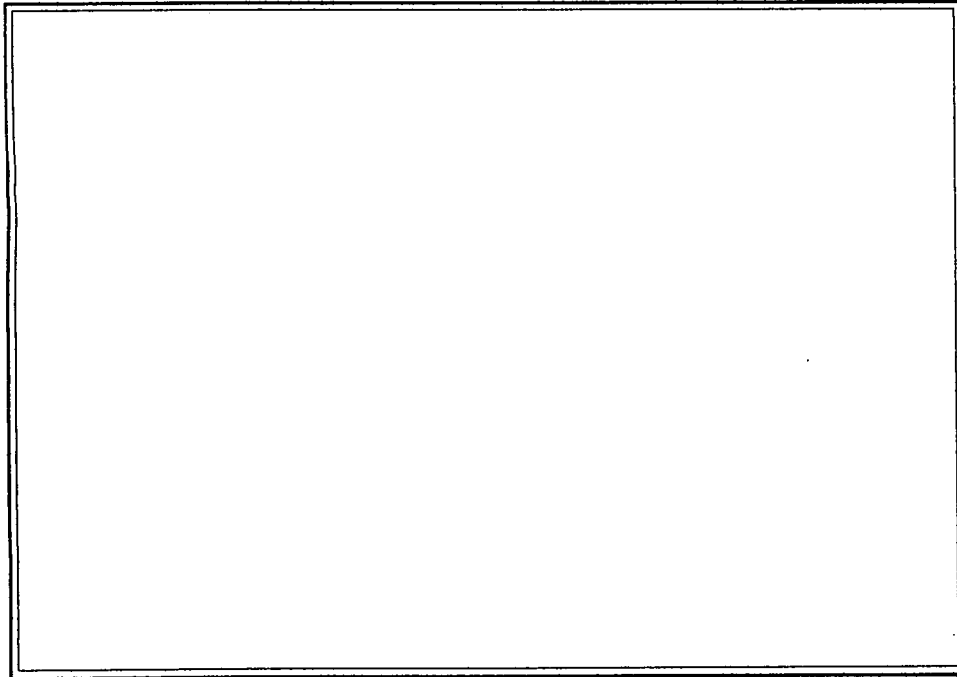
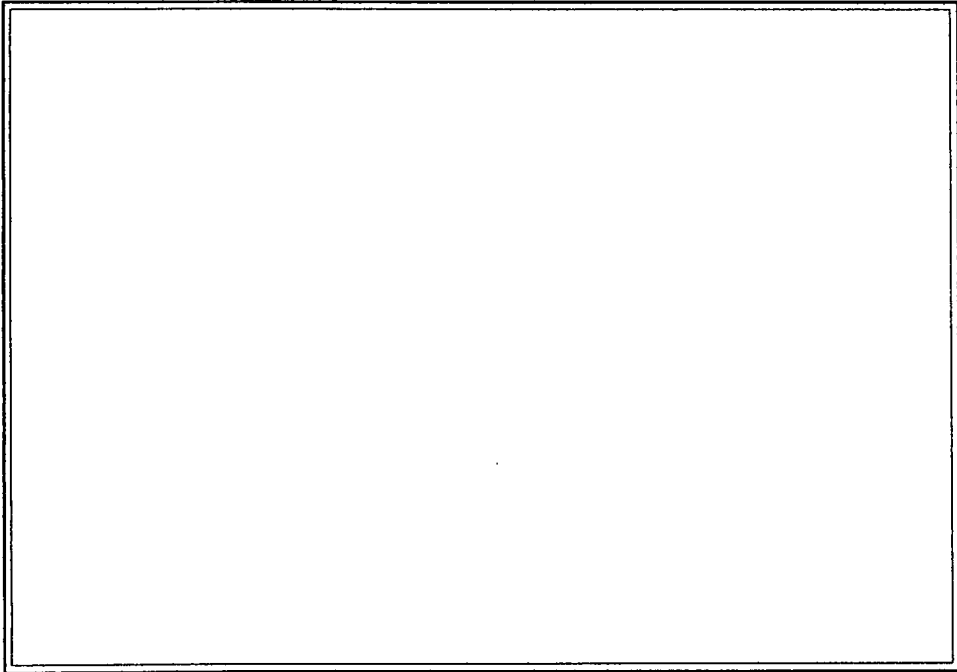
This appraisal assumes competent, professional marketing with a reasonable time to sell. No value is assigned to the buildings in this appraisal because the purpose is to determine the overall damage from an easement for a sewer line. The land value is being considered with full knowledge that there is a house on the property, but the right-of-way has no effect on the value of the home or any other buildings on the property.

SUBJECT PHOTO

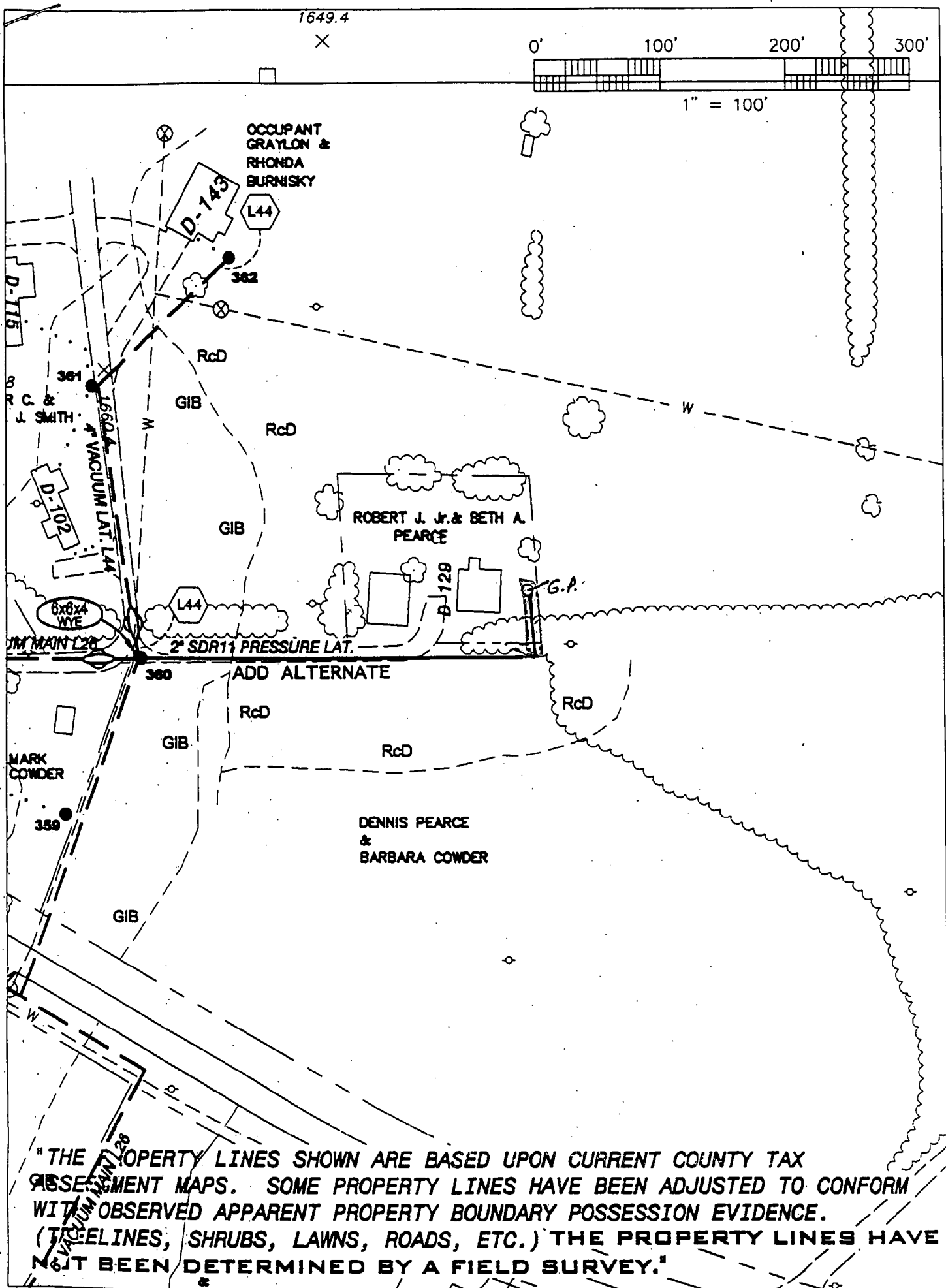
Borrower: Owner: Robert Pearce		File No.: Pearce1
Property Address: R.R. #2, Box 366		Case No.: CTMA
City: Morrisdale	State: Pa.	Zip: 16858
Lender: Cooper Township Municipal Authority		



SUBJECT PHOTO



11.12



DEFINITION OF MARKET VALUE: The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: (1) buyer and seller are typically motivated; (2) both parties are well informed or well advised, and each acting in what he considers his own best interest; (3) a reasonable time is allowed for exposure in the open market; (4) payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions* granted by anyone associated with the sale.

*Adjustments to the comparables must be made for special or creative financing or sales concessions. No adjustments are necessary for those costs which are normally paid by sellers as a result of tradition or law in a market area; these costs are readily identifiable since the seller pays these costs in virtually all sales transactions. Special or creative financing adjustments can be made to the comparable property by comparisons to financing terms offered by a third party institutional lender that is not already involved in the property or transaction. Any adjustment should not be calculated on a mechanical dollar for dollar cost of the financing or concession but the dollar amount of any adjustment should approximate the market's reaction to the financing or concessions based on the Appraiser's judgment.

STATEMENT OF LIMITING CONDITIONS AND APPRAISER'S CERTIFICATION

CONTINGENT AND LIMITING CONDITIONS: The appraiser's certification that appears in the appraisal report is subject to the following conditions:

1. The appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it. The appraiser assumes that the title is good and marketable and, therefore, will not render any opinions about the title. The property is appraised on the basis of it being under responsible ownership.
2. The appraiser has provided a sketch in the appraisal report to show approximate dimensions of the improvements and the sketch is included only to assist the reader of the report in visualizing the property and understanding the appraiser's determination of its size.
3. The appraiser has examined the available flood maps that are provided by the Federal Emergency Management Agency (or other data sources) and has noted in the appraisal report whether the subject site is located in an identified Special Flood Hazard Area. Because the appraiser is not a surveyor, he or she makes no guarantees, express or implied, regarding this determination.
4. The appraiser will not give testimony or appear in court because he or she made an appraisal of the property in question, unless specific arrangements to do so have been made beforehand.
5. The appraiser has estimated the value of the land in the cost approach at its highest and best use and the improvements at their contributory value. These separate valuations of the land and improvements must not be used in conjunction with any other appraisal and are invalid if they are so used.
6. The appraiser has noted in the appraisal report any adverse conditions (such as, needed repairs, depreciation, the presence of hazardous wastes, toxic substances, etc.) observed during the inspection of the subject property or that he or she became aware of during the normal research involved in performing the appraisal. Unless otherwise stated in the appraisal report, the appraiser has no knowledge of any hidden or unapparent conditions of the property or adverse environmental conditions (including the presence of hazardous wastes, toxic substances, etc.) that would make the property more or less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties, express or implied, regarding the condition of the property. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because the appraiser is not an expert in the field of environmental hazards, the appraisal report must not be considered as an environmental assessment of the property.
7. The appraiser obtained the information, estimates, and opinions that were expressed in the appraisal report from sources that he or she considers to be reliable and believes them to be true and correct. The appraiser does not assume responsibility for the accuracy of such items that were furnished by other parties.
8. The appraiser will not disclose the contents of the appraisal report except as provided for in the Uniform Standards of Professional Appraisal Practice.
9. The appraiser has based his or her appraisal report and valuation conclusion for an appraisal that is subject to satisfactory completion, repairs, or alterations on the assumption that completion of the improvements will be performed in a workmanlike manner.
10. The appraiser must provide his or her prior written consent before the lender/client specified in the appraisal report can distribute the appraisal report (including conclusions about the property value, the appraiser's identity and professional designations, and references to any professional appraisal organizations or the firm with which the appraiser is associated) to anyone other than the borrower; the mortgagee or its successors and assigns; the mortgage insurer; consultants; professional appraisal organizations; any state or federally approved financial institution; or any department, agency, or instrumentality of the United States or any state or the District of Columbia; except that the lender/client may distribute the property description section of the report only to data collection or reporting service(s) without having to obtain the appraiser's prior written consent. The appraiser's written consent and approval must also be obtained before the appraisal can be conveyed by anyone to the public through advertising, public relations, news, sales, or other media.


APPRAISERS CERTIFICATION: The Appraiser certifies and agrees that:

1. I have researched the subject market area and have selected a minimum of three recent sales of properties most similar and proximate to the subject property for consideration in the sales comparison analysis and have made a dollar adjustment when appropriate to reflect the market reaction to those items of significant variation. If a significant item in a comparable property is superior to, or more favorable than, the subject property, I have made a negative adjustment to reduce the adjusted sales price of the comparable and, if a significant item in a comparable property is inferior to, or less favorable than the subject property, I have made a positive adjustment to increase the adjusted sales price of the comparable.
2. I have taken into consideration the factors that have an impact on value in my development of the estimate of market value in the appraisal report. I have not knowingly withheld any significant information from the appraisal report and I believe, to the best of my knowledge, that all statements and information in the appraisal report are true and correct.
3. I stated in the appraisal report only my own personal, unbiased, and professional analysis, opinions, and conclusions, which are subject only to the contingent and Limiting Conditions specified in this form.
4. I have no present or prospective interest in the property that is the subject to this report, and I have no present or prospective personal interest or bias with respect to the participants in the transaction. I did not base, either partially or completely, my analysis and/or the estimate of market value in the appraisal report on the race, color, religion, sex, handicap, familial status, or national origin of either the prospective owners or occupants of the subject property or of the present owners or occupants of the properties in the vicinity of the subject property.
5. I have no present or contemplated future interest in the subject property, and neither my current or future employment nor my compensation for performing this appraisal is contingent on the appraised value of the property.
6. I was not required to report a predetermined value or direction in value that favors the cause of the client or any related party, the amount of the value estimate, the attainment of a specific result, or the occurrence of a subsequent event in order to receive my compensation and/or employment for performing the appraisal. I did not base the appraisal report on a requested minimum valuation, a specific valuation, or the need to approve a specific mortgage loan.
7. I performed this appraisal in conformity with the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place as of the effective date of this appraisal, with the exception of the departure provision of those Standards, which does not apply. I acknowledge that an estimate of a reasonable time for exposure in the open market is a condition in the definition of market value and the estimate I developed is consistent with the marketing time noted in the neighborhood section of this report, unless I have otherwise stated in the reconciliation section.
8. I have personally inspected the subject property and the exterior of all properties listed as comparables in the appraisal report. I further certify that I have noted any apparent or known adverse conditions in the subject improvements, on the subject site, or on any site within the immediate vicinity of the subject property of which I am aware and have made adjustments for these adverse conditions in my analysis of the property value to the extent that I had market evidence to support them. I have also commented about the effect of the adverse conditions on the marketability of the subject property.
9. I personally prepared all conclusions and opinions about the real estate that were set forth in the appraisal report. If I relied on significant professional assistance from any individual or individuals in the performance of the appraisal or the preparation of the appraisal report, I have named such individual(s) and disclosed the specific tasks performed by them in the reconciliation section of this appraisal report. I certify that any individual so named is qualified to perform the tasks. I have not authorized anyone to make a change to any item in the report; therefore, if an unauthorized change is made to the appraisal report, I will take no responsibility for it.

SUPERVISORY APPRAISER'S CERTIFICATION: If a supervisory appraiser signed the appraisal report, he or she certifies and agrees that: I directly supervise the appraiser who prepared the appraisal report, have reviewed the appraisal report, agree with the statements and conclusions of the appraiser, agree to be bound by the appraiser's certifications numbered 4 through 7 above, and am taking full responsibility for the appraisal and the appraisal report.

ADDRESS OF PROPERTY APPRAISED: R.R. #2, Box 366, Morrisdale, Pa., 16858

APPRAISER:

Signature: 
Name: John E. West CPE, CREA, RL-000292-L
Date Signed: November 8, 2000
State Certification #: RL-000292-L
or State License #: _____
State: PA
Expiration Date of Certification or License: June 30, 2001

SUPERVISORY APPRAISER (only if required)

Signature: _____
Name: _____
Date Signed: _____
State Certification #: _____
or State License #: _____
State: _____
Expiration Date of Certification or License: _____

☐ Did ☐ Did Not Inspect Property

34 Robert-Beth Pearce

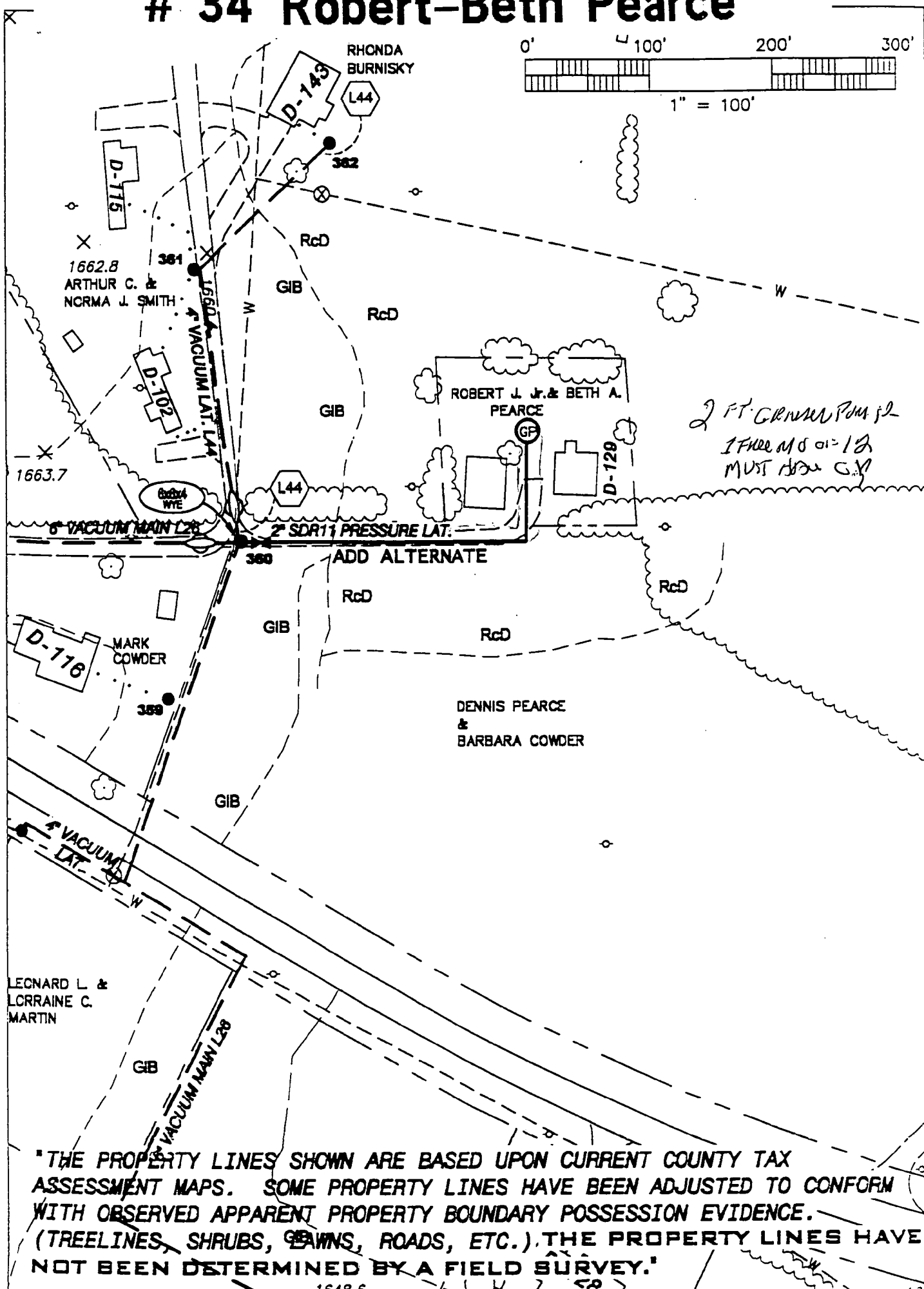


Exhibit 2

IN THE COURT OF COMMON PLEAS OF CLEARFIELD
CIVIL DIVISION

COOPER TOWNSHIP
MUNCIPAL AUTHORITY,

Condemnor

vs.

No. 00-11

ROBERT PEARCE and
BETH PEARCE,

Condemnees

NOTICE OF VIEW AND HEAR

You are hereby notified that J. Richard Matt

Yost and Evo Facchine, Board of Viewers in the above captioned matter, will hold a view on Friday, December 15, 2000, at or about 10:00 A.M. at the subject premises located in Cooper Township, Clearfield County, Pennsylvania.

You are further notified that there will be a hearing in this matter at the Cooper Township Municipal Authority Building in Winburne, Pennsylvania, 16879, on Wednesday, December 20, 2000, commencing at approximately 10:00 A.M.

J. RICHARD MATTERN, II, ESQUIRE
Attorney ID# 06817
CHAIRMAN, BOARD OF VIEWERS
211 East Pine Street
Clearfield, Pa., 16830
(814) 765-6416

Date: November 22, 2000

Exhibit A

Affix fee here in stamps
or meter postage and
post mark. Inquire of
Postmaster for current
fee.



U.S. POSTAL SERVICE MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER	CERTIFICATE OF MAILING
Rick Mattern Attorney at Law 211 East Pine Street Clearfield, Pa., 16830	
One piece of ordinary mail addressed to: Robert & Beth Pearce	
RD 2, Box 266	
Morrisdale, PA 16858	

PS Form 3817, Mar. 1989

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COOPER TOWNSHIP
MUNCIPAL AUTHORITY,

Condemnor

vs.

No. 00-1142-CD

ROBERT and BETH PEARCE,

Condemnee

TO: Attorney for Condemnor – Cooper Township Municipal Authority
Charles A. Schneider, Esq.
Mazza, Schneider, Arbuckle & Bascom
1315 South Allen Street, Suite 302
State College, Pa., 16801

Condemnee(s) or Condemnee(s) Attorney:
Robert & Beth Pearce
RD 2, Box 266
Morrisdale, PA 16858

NOTICE OF INTENTION TO FILE REPORT

The Board of Viewers in the above captioned matter shall file their Report on January 26, 2001.

A copy of said Report is being served on counsel for the Cooper Township Municipal Authority, and a copy is being served on you as Condemnee(s) or as Condemnee(s) attorney to the proceeding in accordance with P.S. §1-513.

You are hereby notified that the Report of Viewers in this matter shall become final unless an appeal is filed within thirty (30) days from the date the Report is filed.

BOARD OF VIEWERS

BY

J. Richard Mattern, II, Chairman

Ex B

FILED

010:46:84
JAN 26 2001

William A. Shaw
Prothonotary

no cc

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00-1142-CD

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

IN RE:

COOPER TOWNSHIP
MUNICIPAL AUTHORITY,
Condemnee
36 CONDEMNATION CASES
CASE LIST ATTACHED -
EXHIBIT A

*
*
*
*

Misc: 11 page 475
No. 2001-CD

ORDER

AND NOW, this 26 day of January, 2001, the Court acknowledges the filing of 36 Reports by the Board of Viewers, together with the attached Board of Viewers Schedule of Costs and Orders that the Cooper Township Municipal Authority of Winburne, Pa., pay for the services rendered and costs incurred in the above cases the sum of One Thousand Nine Dollars and Fifty-Six Cents (\$1,009.56) to Samuel B. Yost, the sum of One Thousand One Hundred Eighty-Five Dollars (\$1,185.00) to Evo G. Facchine and the sum of Three Thousand Ninety-Nine Dollars and Ninety Cents (\$3,099.90) to J. Richard Mattern II, Esq., directly to the Board of Viewers at the addresses noted.

BY THE COURT,

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

JAN 26 2001

Attest:

William K. Le...
Prothonotary

/s/JOHN K. REILLY, JR.

JOHN K. REILLY, JR.
PRESIDENT JUDGE

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