

00-1316-CD
DANIEL W. ROBBINS etux -vs- HENRY RHOADS etal

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

(23) DANIEL W. ROBBINS and (53) JANET M. :
ROBBINS, husband and wife, : Civil Division
Plaintiffs :
: No. 2000-1316-C.D.

vs.

(412) HENRY RHOADS, (412) HENRY RHOADS : Type of Pleading: Complaint
ESTATE OF (412) SILAS EDWARD RHOADS, aka :
(412) S. E. RHOADS, (412) LAWRENCE FRANKLIN :
RHOADS, aka LAWRENCE F. RHOADS; : Filed on Behalf of: Plaintiffs
THE CHILDREN OF SILAS EDWARD :
RHOADS, aka S. E. RHOADS; THE : ACTION TO QUIET TITLE
CHILDREN OF LAWRENCE FRANKLIN :
RHOADS, aka LAWRENCE F. RHOADS; :
their heirs, administrators, :
assigns and all other persons, :
firms, partnerships, or corporate :
entities in interest, :
Defendants :
: Counsel of Record for
: Plaintiff:
: Querino R. Torretti, Esquire
: Supreme Court ID Number:
: 23996
: 600 E. Main St., PO Box 218
: Reynoldsville, PA 15851
: (814) 653-2243

FILED

OCT 25 2000

William A. Shaw
Prothonotary

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

DANIEL W. ROBBINS and JANET M.	:	
ROBBINS, husband and wife,	:	Civil Division
Plaintiffs	:	
	:	No. 2000- -C.D.
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vs.	:	
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HENRY RHOADS, HENRY RHOADS	:	
ESTATE; SILAS EDWARD RHOADS, aka	:	
S. E. RHOADS; LAWRENCE FRANKLIN	:	
RHOADS, aka LAWRENCE F. RHOADS;	:	
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their heirs, administrators,	:	
assigns and all other persons,	:	
firms, partnerships, or corporate	:	
entities in interest,	:	
Defendants	:	

NOTICE

You have been sued in court. If you wish to defend, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiffs. You may lose money or property or other rights important to you.

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

KEYSTONE LEGAL SERVICES, INC.
211 1-2 East Locust Street
Clearfield, PA 16830
(814) 765-9646

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OF CLEARFIELD COUNTY, PENNSYLVANIA
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entities in interest,	:	
Defendants	:	

COMPLAINT

AND NOW, come the Plaintiffs, Daniel W. Robbins and Janet M. Robbins, husband and wife, and by their attorney, Querino R. Torretti, Esq. aver the following cause of action:

1. The Plaintiff Daniel W. Robbins is a sui juris adult who resides at 216 Highland Street, DuBois, PA 15801.

2. The Plaintiff Janet M. Robbins is a sui juris adult who resides at 216 Highland Street, DuBois, PA 15801.

3. The real property interest which is the subject of this action to quiet title is a fee simple interest in that certain piece or parcel of realty situated, lying, and being in Huston Township, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at an iron pipe set by survey of Lionel Alexander, P.L.S., said iron pipe being the Southeast corner of land now or formerly of Helen Louise Rhoads and being the Southwest corner of

land now or formerly of Dwight Cole, and being West a distance of 41.93 feet from the center of a 20 foot private access road leading to the herein described parcel; thence East along the lands now or formerly of Dwight Cole a distance of 208.71 feet to an iron pipe set by Alexander survey, said iron pipe being the Southeast corner of lands now or formerly of Dwight Cole and being the Northeast corner of the herein described parcel; thence South along the lands now or formerly of Jack Lines a distance of 63.92 feet to an existing stake, said stake being the Southwest corner of lands now or formerly of Jack Lines, and the Northwest corner of lands now or formerly of McCullough, et al.; thence along the Westerly line of lands now or formerly of McCullough, et al. South 12° 56' East a distance of 92.81 feet to an iron pipe at the Northerly line of other lands of former Grantors; thence along the Northerly line of other lands of former Grantors, of which this is a part, West 303.91 feet to an iron pipe; thence North a distance of 125.05 feet to an iron pipe at the Southerly line of lands now or formerly of Helen Louise Rhoads, thence along the Southerly line of lands now or formerly of Helen Louise Rhoads, North 68° 29' East a distance of 80.00 feet to an iron pipe and place of beginning. CONTAINING 1 acre in accordance with survey prepared by Lional Alexander, P.L.S., dated December 7, 1981, and made a part of prior deed.

TOGETHER with a 20 foot right of way or private access road leading from T-527 through lands of Dwight Cole as set forth in survey attached to prior deed.

Said realty bearing Clearfield County Tax Assessment Map Parcel No. 119-I3-52.

4. The realty herein described was part of realty conveyed to Henry Rhoads by Deed of Thomas H. Murray and Jennie R. Murray, husband and wife, said Deed dated August 6, 1897 and recorded in Clearfield County Deed Book Volume 99 on page 248.

5. Said Henry Rhoads, a resident of Clearfield County, PA, died testate on March 14, 1975 devising his fifty (50) acre farm in Huston Township, Clearfield County PA, which included the subject realty to her son Silas Edward Rhoads aka S.E. Rhoads during his natural life and the remainder to the children of Silas Edward Rhoads. Henry Rhoads' Last Will and Testament is filed in the Office of the Register of Wills for Clearfield County at Estate Number 7285.

6. The only other testate or heir of Henry Rhoads was his son Lawrence Franklin Rhoads aka Lawrence F. Rhoads.

7. The Clearfield County Commissioners acquired the fifty acre parcel, including the subject realty at a Treasurer's Sale of seated lands for delinquent taxes, held on January 25, 1940, via a Deed recorded in Clearfield County Deed Book 352 on page 198. At the time of the sale said realty was assessed in the name of S. E. Rhoads.

8. The Clearfield County Commissioners conveyed the 50 acre parcel, including the subject realty to Homer George Rhoads by virtue of a Deed dated August 23, 1943 and recorded in Clearfield County Deed Book Volume 352 on page 199.

9. The said Homer George Rhoads, aka Homer G. Rhoads a resident of Elk County, PA. died testate on April 5, 1973 and by his Last Will and Testament devised said 50 acre tract of land, which this subject realty is a part of, to his surviving widow Anna M. Rhoads. There are Estate papers for Homer George Rhoads filed in the Office of the Register of Wills of Clearfield County at Estate Number 75-362.

10. By a Decree Awarding Real Estate dated November 13, 1975 and recorded in Clearfield County Deed Book Volume 711 on Page 213, said 50 acre parcel of land of which the subject realty is a part devolved to Anna M. Rhoads.

11. That Anna M. Rhoads, widow, conveyed the 50 acre parcel to Anna Parker, granddaughter of said Anna M. Rhoads, and herself, as joint tenants with the right of survivorship, via a

Deed dated August 5, 1976 and recorded in Clearfield County Deed Book Volume 723 on Page 484.

12. That Anna M. Rhoads and Anna Parker conveyed to William Tomblin and Sandra Tomblin, husband and wife, the realty the subject of this action by a Deed dated November 16, 1983 and recorded in Clearfield County Deed Book Volume 921 on page 401.

13. That William Tomblin and Sandra Tomblin, husband and wife, conveyed to Daniel T. Good and Cheryl M. Good, husband and wife, the subject realty by Deed dated September 2, 1998 and recorded in Clearfield County Deed Book Volume 1966 on page 409.

14. That Daniel T. Good and Cheryl M. Good, husband and wife, conveyed to Daniel W. Robbins and Janet M. Robbins, husband and wife, the subject realty by Deed dated August 29, 2000 and recorded in the Office of the Recorder of Deeds of Clearfield County as Instrument Number 200014912.

15. That the said Henry Rhoads, Henry Rhoads Estate; Silas Edward Rhoads aka S. E. Rhoads; Lawrence Franklin Rhoads aka Lawrence F. Rhoads; the children of Silas Edward Rhoads aka S. E. Rhoads; the children of Lawrence Franklin Rhoads aka Lawrence F. Rhoads; their heirs, administrators, assigns and all other persons, firms, partnerships, or corporate entities in interest, were legally divested of all of their right, title and interest in the subject premises by virtue of the tax sale conducted by the Treasurer's Office and the Clearfield County Commissioners of Clearfield County, Pennsylvania, and the conveyances herein alleged.

17. That said tax assessments were properly made, and

said tax sale for delinquent taxes was valid, and the Plaintiffs and their predecessors in title, obtained all of the right, title and interest in and to the subject premises.

18. The Plaintiffs, Daniel W. Robbins and Janet M. Robbins and their predecessors in title have been in actual, open, notorious, visible, hostile and continuous possession of the subject premises for a period of Twenty-one (21) years and upward.

19. After a diligent search, including the search of all records at the Clearfield County Courthouse, the Plaintiffs were unable to determine the continued existence or whereabouts of any of the named Defendants or the whereabouts, or continued existence, or identity of any other persons, firms, partnerships, corporate entities or heirs, administrators, executors, devisees, and assigns of the Defendants having an interest in the property which is the subject of this action.

20. That the Plaintiffs claim adversely to all the Defendants, and all their heirs, administrators, executors, devisees, and assigns, and all other persons, firms, partnerships, or corporate entities in interest.

21. That this action is brought to affirm Plaintiffs' title in fee to the subject premises as the result of adverse possession.

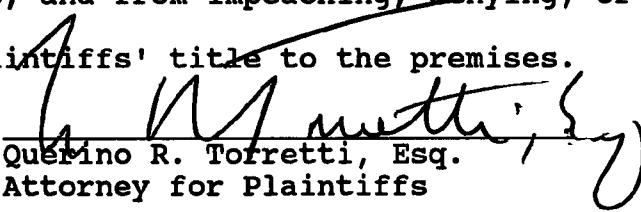
22. This action is brought to clear any and all clouds on the title to the ownership and interest to the property herein described, which the herein named Defendants, their heirs, devisees, executors, administrators, successors, and assigns and

all other persons, partnerships or corporate entities in interest or their legal representatives might claim, possess or assert pertaining to any alleged irregularities in the chain of title herein set forth.

23. That this suit to quiet title is brought in accordance with the Court's general power to quiet title pursuant to Pennsylvania Rules of Civil Procedure 1061 to 1066, inclusive.

24. The Defendants are all the parties known to the Plaintiffs who may have any record interest in said property by virtue of a search of the records of the Recorder of Deeds' Office of Clearfield County and all other offices at the Clearfield County Courthouse.

WHEREFORE, the Plaintiffs request the Court to decree that title to said property is in the Plaintiffs, Daniel W. Robbins and Janet M. Robins in fee simple and absolutely; and that the Defendants and their heirs, administrators, executors, devisees, and assigns, and all other persons, firms, partnerships, or corporate entities in interest be forever barred from asserting any title to the said premises, and from impeaching, ~~denying~~, or in any other way attacking Plaintiffs' title to the premises.

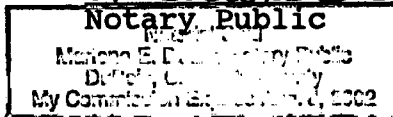

Querino R. Torretti, Esq.
Attorney for Plaintiffs

COMMONWEALTH OF PENNSYLVANIA:
SS
COUNTY OF CLEARFIELD :

Daniel W. Robbins, being duly sworn according to law,
deposes and says that the facts set forth in the foregoing
pleading are true and correct to the best of his knowledge,
information and belief.

Sworn to and subscribed
before me this 16th day
of October, 2000.

Marlene E. Dutty
Notary Public



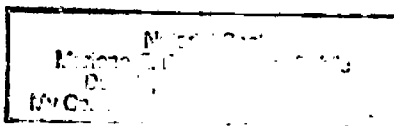
Daniel W. Robbins
Daniel W. Robbins

COMMONWEALTH OF PENNSYLVANIA:
SS
COUNTY OF CLEARFIELD :

Janet M. Robbins, being duly sworn according to law, deposes
and says that the facts set forth in the foregoing pleading are
true and correct to the best of his knowledge, information and
belief.

Sworn to and subscribed
before me this 16th day
of October, 2000.

Marlene E. Dutty
Notary Public



Janet M. Robbins
Janet M. Robbins

FILED

OCT 25 2000
for M/10-18/cty
William A. Shatt
Prothonotary

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

DANIEL W. ROBBINS and JANET M.
ROBBINS, husband and wife,
Plaintiffs

vs.

HENRY RHOADS, HENRY RHOADS
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S. E. RHOADS; LAWRENCE FRANKLIN
RHOADS, aka LAWRENCE F. RHOADS;
THE CHILDREN OF SILAS EDWARD
RHOADS, aka S. E. RHOADS; THE
CHILDREN OF LAWRENCE FRANKLIN
RHOADS, aka LAWRENCE F. RHOADS;
their heirs, administrators,
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entities in interest,
Defendants

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: Civil Division
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: No. ~~2000~~-1316-C.D.
:
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:
: Type of Pleading: Affidavit
: Re Defendants
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: Filed on Behalf of: Plaintiffs
:
: ACTION TO QUIET TITLE
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: Counsel of Record for
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: Querino R. Torretti, Esquire
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William A. Shaw
Prothonotary

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Defendants :

AFFIDAVIT RE DEFENDANTS

COMMONWEALTH OF PENNSYLVANIA :
SS
COUNTY OF CLEARFIELD :

Daniel W. Robbins, Plaintiff in the above-indicated matter being duly sworn according to law, deposes and says that he makes this Affidavit that the named Defendants, Henry Rhoads, Henry Rhoads Estate; Silas Edward Rhoads aka S. E. Rhoads; Lawrence Franklin Rhoads aka Lawrence F. Rhoads; the children of Silas Edward Rhoads aka S. E. Rhoads; the children of Lawrence Franklin Rhoads aka Lawrence F. Rhoads, are deceased, that the whereabouts or continued existence of any other Defendant is unknown, including any of the heirs, devisees, administrators, executors, and assigns of the named Defendants and furthermore that the name or whereabouts of any other persons, firms,

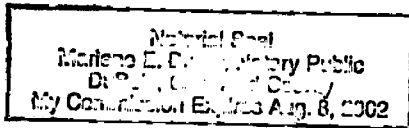
partnerships, or corporate entities who should be Defendants in the above action are unknown.

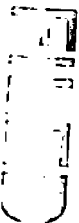
Daniel W. Robbins
Daniel W. Robbins

Sworn to and subscribed before me
this 16th day of October,

2000.

Charlene E. Dutting
Notary Public





OCT 25 2000

By *William A. Shea*
Prothonotary

Scotty Town

William A. Shaw
Prothonotary

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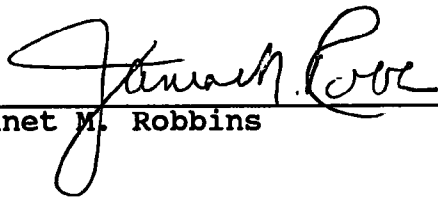
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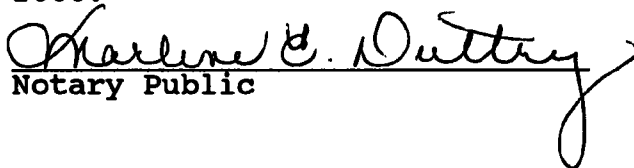
Janet M. Robbins, Plaintiff in the above-indicated matter being duly sworn according to law, deposes and says that she makes this Affidavit that the named Defendants, Henry Rhoads, Henry Rhoads Estate; Silas Edward Rhoads aka S. E. Rhoads; Lawrence Franklin Rhoads aka Lawrence F. Rhoads; the children of Silas Edward Rhoads aka S. E. Rhoads; the children of Lawrence Franklin Rhoads aka Lawrence F. Rhoads, are deceased, that the whereabouts or continued existence of any other Defendant is unknown, including any of the heirs, devisees, administrators, executors, and assigns of the named Defendants and furthermore that the name or whereabouts of any other persons, firms,

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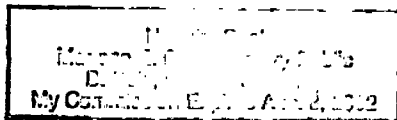


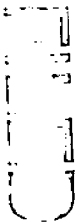
Janet M. Robbins

Sworn to and subscribed before me
this 16th day of October,
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Notary Public





SP OCT 25 2000
William A. Shatt
Prothonotary
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Plaintiffs :
: No. 2000-136-C.D.
: vs. :
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ESTATE; SILAS EDWARD RHOADS, aka : Publication
S. E. RHOADS; LAWRENCE FRANKLIN :
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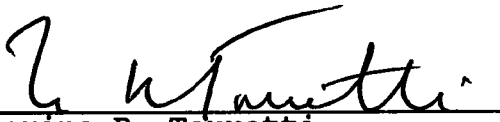
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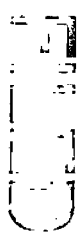
MOTION FOR PUBLICATION

AND NOW, Affidavits having been executed and filed on behalf of the Plaintiffs, that they are without knowledge or information as to the continued existence or whereabouts of any of the named Defendants, that they are without knowledge or information regarding the identity or whereabouts of the heirs, administrators, executors, devisees, and assigns of the Defendants; that they are without knowledge or information regarding the identity of any other persons, firms, partnerships, or corporate entities who should be Defendants in the above action; that therefore the Plaintiffs by their attorney, Querino R. Torretti, Esquire, move the Court for leave to serve the Complaint on all the Defendants generally by

publication in such manner as the Court shall direct, as provided
by Pennsylvania Rules of Civil Procedure 1064(c).


Querino R. Torretti,
Attorney for Plaintiffs

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OCT 25 2000

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William A. Shatz

Prothonotary

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entities in interest, :
Defendants :

ORDER FOR PUBLICATION

AND NOW, this 27th day of October, 2000 upon
consideration of the foregoing Motion, the Plaintiffs are granted
leave to make service of the Complaint on the named Defendants,
their heirs, administrators, executors, devisees, assigns, and
all other persons, firms, partnerships, corporate entities in
interest, or their legal representatives by publication one (1)
time in The Courier-Express, a newspaper published in DuBois,
Clearfield County, Commonwealth of Pennsylvania, and furthermore
by publication one (1) time in the Clearfield County Legal
Journal, Clearfield, Pennsylvania, by notice of the facts and
nature of the action, requiring the Defendants to answer the
Complaint within thirty (30) days of publication.

BY THE COURT:


P.J.



OCT 27 2000

014:0015
William A. Sica
Prothonotary

E. J. Fenech

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: Civil Division
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: No. 00-1316 -C.D.
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:
: Type of Pleading: Affidavit
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: Filed on Behalf of: Plaintiffs
:
: ACTION TO QUIET TITLE
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: Counsel of Record for
: Plaintiffs:
: Querino R. Torretti, Esquire
: Supreme Court ID Number:
: 23996
: 600 E. Main St., PO Box 218
: Reynoldsville, PA 15851
: (814) 653-2243

FILED

DEC 18 2000

William A. Shaw
Prothonotary

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

DANIEL W. ROBBINS and JANET M. :
ROBBINS, husband and wife, : Civil Division
Plaintiffs :
: No. DD-1316 -C.D.
: vs. :
HENRY RHOADS, HENRY RHOADS :
ESTATE; SILAS EDWARD RHOADS, aka :
S. E. RHOADS; LAWRENCE FRANKLIN : -
RHOADS, aka LAWRENCE F. RHOADS; :
THE CHILDREN OF SILAS EDWARD :
RHOADS, aka S. E. RHOADS; THE : ACTION TO QUIET TITLE
CHILDREN OF LAWRENCE FRANKLIN :
RHOADS, aka LAWRENCE F. RHOADS; :
their heirs, administrators, :
assigns and all other persons, :
firms, partnerships, or corporate :
entities in interest, :
Defendants :

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA:

SS

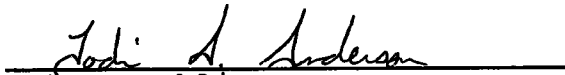
COUNTY OF JEFFERSON :

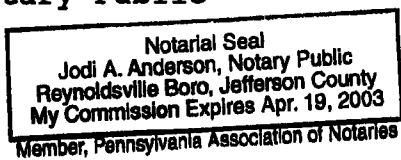
QUERINO R. TORRETTI, being duly sworn according to law
deposes and says that he is the attorney for the Plaintiffs in
the above-captioned action and makes this affidavit on their
behalf, being authorized to do so; that a Complaint in an Action
to Quiet Title endorsed with Notice to Plead Within Twenty (20)
Days from service thereof, was filed in the Office of the
Prothonotary of Clearfield County, Pennsylvania, on the
25th day of October, 2000, that on the 27th day
of October, 2000 said Court made an order that
service be made upon the named Defendants, their heirs, and
administrators, executors, devisees, and assigns, and all other

person, persons, firms, partnerships, or corporate entities in interest by publication; that said notice as ordered by said Court was published one (1) time in the Clearfield County Bar Journal the week of Nov. 10, 2000 and one (1) time in the Courier Express on November 3, 2000 as shown by Affidavits hereto attached; that the Complaint was served on the several Defendants by publication; that said Complaint contained a notice to plead within twenty (20) days from service thereof; that the notice itself gave the several Defendants thirty (30) days from the date of publication to file an Answer; that none of the Defendants served by publication have filed an Answer thereto, and the time to do so has elapsed.


Querino R. Torretti, Esq.
Attorney for Plaintiffs

Sworn to and subscribed before
me this 18th of December
2000.


Notary Public



PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :

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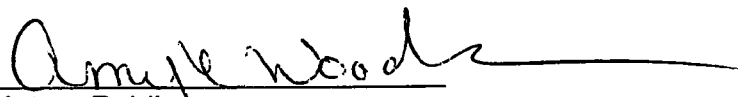
COUNTY OF CLEARFIELD :

On this 21st day of November AD 2000, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Gary A. Knaresboro, who being duly sworn according to law, proposes and says that he is the editor of the Clearfield County Legal Journal of the Courts of Clearfield County, and that the annexed is a true copy of the notice or advertisement published in said publication in the regular issues of Week of November 10, 2000, Vol. 12, No. 45. And that all of the allegations of this statement as to the time, place, and character of the publication are true.

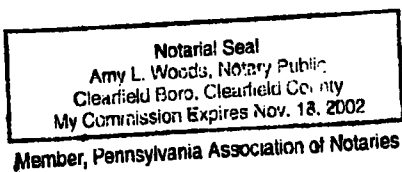


Gary A. Knaresboro, Esquire
Editor

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



Notary Public
My Commission Expires



Querino R. Torretti
600 East Main Street
P.O. Box 218
Reynoldsville, PA 15851

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

DANIEL W. ROBBINS and JANET M. ROBBINS, husband and wife, Plaintiffs vs. HENRY RHOADS, HENRY RHOADS ESTATE; SILAS EDWARD RHOADS, a/k/a S. E. RHOADS; LAWRENCE FRANKLIN RHOADS, a/k/a LAWRENCE F. RHOADS; THE CHILDREN OF SILAS EDWARD RHOADS, a/k/a S. E. RHOADS; THE CHILDREN OF LAWRENCE FRANKLIN RHOADS, a/k/a LAWRENCE F. RHOADS; their heirs, administrators, assigns and all other persons, firms, partnerships, or corporate entities in interest, Defendants.

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claim set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT FIND ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP. KEYSTONE LEGAL SERVICES, INC., 211 1-2 East Locust Street, Clearfield, PA 16830 (814) 765-9646.

TO: Henry Rhoads, Henry Rhoads Estate; Silas Edward Rhoads, a/k/a S. E. Rhoads; Lawrence Franklin Rhoads, a/k/a Lawrence F. Rhoads; the children of Silas Edward Rhoads, a/k/a S. E. Rhoads; then children of Lawrence Franklin Rhoads, a/k/a Lawrence F. Rhoads, Their heirs, administrators, assigns and all other persons, firms, partnerships, or corporate entities in interest, TAKE NOTICE that at No. 00-1316-CD, in the Court of Common Pleas of Clearfield County, Pennsylvania, the Plaintiffs filed this complaint against you averring that they are the owners in fee simple of all that certain piece or parcel of realty situated, lying, and being in Huston Township, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at an iron pipe set by the survey of Lional Alexander, P.L.S, said iron pipe being the Southeast corner of land now or formerly of Helen Louise Rhoads and being the Southwest corner of land now or formerly of Dwight Cole, and being West a distance of 41.93 feet from the center of a 20 foot private access road leading to the herein described parcel; thence East along the lands now or formerly of Dwight Cole a distance of 208.71 feet to an iron pipe set by Alexander survey, said iron pipe being the Southeast corner of lands now or formerly of Dwight Cole and being the Northeast corner of the herein described parcel thence South along the lands now or formerly of Jack Lines a distance of 63.92 feet to an existing stake, said stake being the Southwest corner of lands now or formerly of Jack Lines, and the Northwest corner of lands now or formerly of McCullough, et al; thence along the westerly line of lands now or formerly of McCullough, et al. South 12 degrees 56' East a distance of 92.81 feet to an iron pipe at the Northerly line of other lands of former Grantors; thence along the Northerly line of other lands of former Grantors, of which this is a part, West 303.91 feet to an iron pipe; thence North a distance of 125.05 feet to an iron pipe at the Southerly line of land now or formerly of Helen Louise Rhoads, thence along the Southerly line of lands now or formerly of Helen Louise Rhoads, North 68 degrees 29' East a distance of 80.00 feet to an iron pipe and place of beginning. CONTAINING 1 acre in accordance with survey prepared by Lional Alexander, P.L.S., dated December 7, 1981.

TOGETHER with a 20 foot right of way or private access road leading from T-527 through lands of Dwight Cole as set forth in survey.

Being the same premises granted and conveyed to the Plaintiffs by Daniel T. Good and Cheryl M. Good, husband and wife, via a Deed dated August 29, 2000 and recorded in the Office of the Recorder of Deeds of Clearfield County and Instrument Number 200014912.

Said premises being further identified on the Clearfield County Tax Assessment Map as Parcel No. 119-13-52.

That the plaintiffs are claiming absolute ownership of the subject premises above-described; that they have instituted suit in order to have their interest in said premises adjudicated and the Defendants above-named forever barred from asserting any right, lien, title or interest in said premises inconsistent with the interest of the Plaintiffs' claim of title as set forth in the Complaint.

WHEREUPON, the Court Ordered that Notice of said action and the facts therein be served on the above named Defendants by advertisement requiring them to answer said Complaint within thirty (30) days of this publication. You are, therefore, hereby notified to appear and answer the said Complaint in this action within thirty (30) days of this notice, otherwise judgment will be entered against you barring you from all claims, rights, and interests inconsistent therewith.

QUERINO R. TORRETTI, 600 East Main Street, P.O. Box 218, Reynoldsville, PA 15851.

**PROOF OF PUBLICATION OF NOTICE APPEARING IN THE
COURIER EXPRESS/TRI-COUNTY SUNDAY
PUBLISHED BY MCLEAN PUBLISHING COMPANY,
DUBOIS PENNSYLVANIA**

Under Act 587, Approved May 16, 1929, P.L. 1784

**STATE OF PENNSYLVANIA
COUNTY OF CLEARFIELD**

SS:

Linda Smith, Advertising Director of the **Courier-Express/Tri-County Sunday**, of the County and State aforesaid, being duly sworn, deposes and says that the **Courier-Express**, a daily newspaper and the **Tri-County Sunday**, a weekly newspaper published by McLean Publishing Company at 500 Jeffers Street, City of DuBois, County and State aforesaid, which was established in the year 1879, since which date said, the daily publication and the weekly publication, has been regularly issued in said County, and that a copy of the printed notice of publication is attached hereto exactly as the same was printed and published in the regular editions of the paper on the following

dates, viz: the 3rd. day of November, A.D., 2000

Affidavit further deposes that he is an officer duly authorized by the **Courier-Express**, a daily newspaper, and/or **Tri-County Sunday**, a weekly newspaper, to verify the foregoing statement under oath and also declared that affiant is not interested in the subject matter of the aforesaid notice or publication, and that all allegations in the foregoing statement as to time, place and character of publication are true.

**MCLEAN PUBLISHING COMPANY Publisher of
COURIER-EXPRESS/TRI-COUNTY SUNDAY**

By Linda Smith

Sworn and subscribed to before me this 13th day of November, 2000

**THIS IS
NOT A
BILL**

Joseph A. Grecco
Notary Public
Statement of Advertising Costs
MCLEAN PUBLISHING COMPANY

Notarial Seal
Joseph A. Grecco, Notary Public
DuBois, Clearfield County
My Commission Expires July 18, 2002
Member, Pennsylvania Association of Notaries

Publisher of
COURIER-EXPRESS/TRI-COUNTY SUNDAY
DuBois, PA

To Querino R. Torretti-Robbins vs. Rhoades

For publishing the notice or advertisement

attached hereto on the above stated dates.....\$ 259.20

Probating same.....\$ 4.00

Total.....\$ 263.20

Publisher's Receipt for Advertising Costs

The Courier-Express, a daily newspaper, and/or **Tri-County Sunday**, a weekly newspaper, hereby acknowledges receipt of the aforesaid advertising and publication costs, and certifies that the same have been fully paid.

Office: Jeffers Street and Beaver Drive, DuBois, PA 15801

Established 1879, Phone 814-371-4200

MCLEAN PUBLISHING COMPANY
Publisher of
COURIER-EXPRESS/TRI-COUNTY SUNDAY

By _____

I hereby certify that the foregoing is the original Proof of Publication and receipt for the Advertising costs in the subject matter of said notice.

ATTORNEY FOR

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

DANIEL W. ROBBINS and JANET M.
ROBBINS, husband and wife,

Plaintiffs

Civil Division

No. 00-1316-C.D.

vs.

HENRY RHOADS, HENRY RHOADS
ESTATE; SILAS EDWARD RHOADS, aka
S.E. RHOADS; LAWRENCE FRANKLIN
RHOADS, aka LAWRENCE F. RHOADS; THE
CHILDREN OF SILAS EDWARD
RHOADS, aka S.E. RHOADS; THE
CHILDREN OF LAWRENCE FRANKLIN
RHOADS, aka LAWRENCE F. RHOADS;
their heirs, administrators,
assigns and all other persons,
firms, partnerships, or corporate
entities in interest,
Defendants

ACTION TO QUIET TITLE

NOTICE

You have been sued in court. If you wish to defend against the claims set forth, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiffs. You may lose money or property or other rights important to you.

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

KEYSTONE LEGAL SERVICES, INC.
211 1-2 East Locust Street
Clearfield, PA 16830
(814) 765-9646

TO: Henry Rhoads, Henry Rhoads Estate; Silas Edward Rhoads, aka S.E. Rhoads; Lawrence Franklin Rhoads, aka Lawrence F. Rhoads; the children of Silas Edward Rhoads, aka S.E. Rhoads; the children of Lawrence Franklin Rhoads, aka Lawrence F. Rhoads, their heirs, administrators, assigns and all other persons, firms, partnerships, or corporate entities in interest, TAKE NOTICE that at No. 00-1316-C.D., in the Court of Common Pleas of Clearfield County, the Plaintiffs filed this complaint against you averring that they are the owners in fee simple of all that certain piece or parcel of realty situated, lying, and being in Huston Township, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at an iron pipe set by the survey of Lional Alexander, P.L.S., said iron pipe being the Southeast corner of land now or formerly of Helen Louise Rhoads and being the Southwest corner of land now or formerly of Dwight Cole, and being West a distance of 41.93 feet from the center of a 20 foot private access road leading to the herein described parcel; thence East along the lands now or formerly of Dwight Cole a distance of 208.71 feet to an iron pipe set by Alexander survey, said iron pipe being the Southeast corner of lands now or formerly of Dwight Cole and being the Northeast corner of the herein described parcel; thence South along the lands now or formerly of Jack Lines a distance of 63.92 feet to an existing stake, said stake being the Southwest corner of lands now or formerly of Jack Lines, and the Northwest corner of lands now or formerly of McCullough, et al.; thence along the Westerly line of lands now or formerly of McCullough, et al. South 12 degrees 56' East a distance of 92.81 feet to an iron pipe at the Northerly line of other lands of former Grantors; thence along the Northerly line of other lands of former Grantors, of which this is a part, West 303.91 feet to an iron pipe; thence North a distance of 125.05 feet to an iron pipe at the Southerly line of lands now or formerly of Helen Louise Rhoads, thence along the Southerly line of lands now or formerly of Helen Louise Rhoads, North 68 degrees 29' East a distance of 80.00 feet to an iron pipe and place of beginning, CONTAINING 1 acre in accordance with survey prepared by Lional Alexander, P.L.S., dated December 7, 1981.

TOGETHER with a 20 foot right of way or private access road leading from T-527 through lands of Dwight Cole as set forth in survey.

Being the premises granted and conveyed to the Plaintiffs by Daniel T. Good and Cheryl M. Good, husband and wife, via a Deed dated August 29, 2000 and recorded in the Office of the Recorder of Deeds of Clearfield County and Instrument Number 200014912.

Said premises being further identified on the Clearfield County Tax Assessment Map as Parcel No. 119-13-52.

That the Plaintiffs are claiming absolute ownership of the subject premises above-described; that they have institute suit in order to have their interest in said premises adjudicated and the Defendants above-named forever barred from asserting any right, lien, title or interest in said premises inconsistent with the interest of the Plaintiffs' claim of title as set forth in the complaint.

WHEREUPON, said Court ordered that notice of said facts be served by the Plaintiffs on the above-named Defendants by advertisement requiring them to answer said Complaint within thirty (30) days of this publication. You are, therefore, hereby notified to appear and answer the said Complaint in this action within thirty (30) days of this notice, otherwise judgment will be entered against you barring you from all claims, rights, and interests inconsistent therewith.


11/3/00

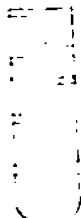
DEC 18 2000
6/10:40/11cc att 7 Brett
William A. Smith
Providence

(m)

William A. Shaw
Prothonotary

land inconsistent with the interests or claims the Plaintiffs set forth in their Complaint.


Querino R. Torretti, Esq.
Attorney for Plaintiffs



Ref

DEC 18 2000

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William A. Street

Proctor, N.Y.

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

✓ DANIEL W. ROBBINS and JANET M.
ROBBINS, husband and wife,
Plaintiffs

vs.

✓ HENRY RHOADS, HENRY RHOADS
ESTATE; ✓ SILAS EDWARD RHOADS, aka
S. E. RHOADS; ✓ LAWRENCE FRANKLIN
RHOADS, aka LAWRENCE F. RHOADS;
THE CHILDREN OF SILAS EDWARD
RHOADS, aka S. E. RHOADS; THE
CHILDREN OF LAWRENCE FRANKLIN
RHOADS, aka LAWRENCE F. RHOADS;
their heirs, administrators,
assigns and all other persons,
firms, partnerships, or corporate
entities in interest,
Defendants

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: Civil Division
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: No. 00-1316-C.D.
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: Type of Pleading: Order
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: Filed on Behalf of: Plaintiffs
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: ACTION TO QUIET TITLE
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: Counsel of Record for
: Plaintiffs:
: Querino R. Torretti, Esquire
: Supreme Court ID Number:
: 23996
: 600 E. Main St., PO Box 218
: Reynoldsville, PA 15851
: (814) 653-2243

FILED

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William A. C. W.
Prothonotary

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

DANIEL W. ROBBINS and JANET M. :
ROBBINS, husband and wife, : Civil Division
Plaintiffs :
: No. 00-1316-C.D.

vs.

HENRY RHOADS, HENRY RHOADS :
ESTATE; SILAS EDWARD RHOADS, aka :
S. E. RHOADS; LAWRENCE FRANKLIN :
RHOADS, aka LAWRENCE F. RHOADS; :
THE CHILDREN OF SILAS EDWARD :
RHOADS, aka S. E. RHOADS; THE : ACTION TO QUIET TITLE
CHILDREN OF LAWRENCE FRANKLIN :
RHOADS, aka LAWRENCE F. RHOADS; :
their heirs, administrators, :
assigns and all other persons, :
firms, partnerships, or corporate :
entities in interest, :
Defendants :

ORDER

AND NOW, December 21, 2000, an Affidavit Of
Service of the Complaint with Notice to Plead, having been filed,
and no answer having been made by the Defendants, the Court, upon
Motion of Querino R. Torretti, Esq., Attorney for Plaintiffs,
hereby

ORDERS AND DECREES:

a) that the title to the following parcel of realty
situated, lying, and being in Huston Township, Clearfield County,
Pennsylvania, bounded and described as follows, to wit:

BEGINNING at an iron pipe set by survey of Lionel Alexander,
P.L.S., said iron pipe being the Southeast corner of land now or
formerly of Helen Louise Rhoads and being the Southwest corner of
land now or formerly of Dwight Cole, and being West a distance of
41.93 feet from the center of a 20 foot private access road
leading to the herein described parcel; thence East along the
lands now or formerly of Dwight Cole a distance of 208.71 feet to
an iron pipe set by Alexander survey, said iron pipe being the

Southeast corner of lands now or formerly of Dwight Cole and being the Northeast corner of the herein described parcel; thence South along the lands now or formerly of Jack Lines a distance of 63.92 feet to an existing stake, said stake being the Southwest corner of lands now or formerly of Jack Lines, and the Northwest corner of lands now or formerly of McCullough, et al.; thence along the Westerly line of lands now or formerly of McCullough, et al. South 12° 56' East a distance of 92.81 feet to an iron pipe at the Northerly line of other lands of former Grantors; thence along the Northerly line of other lands of former Grantors, of which this is a part, West 303.91 feet to an iron pipe; thence North a distance of 125.05 feet to an iron pipe at the Southerly line of lands now or formerly of Helen Louise Rhoads, thence along the Southerly line of lands now or formerly of Helen Louise Rhoads, North 68° 29' East a distance of 80.00 feet to an iron pipe and place of beginning. CONTAINING 1 acre in accordance with survey prepared by Lionel Alexander, P.L.S., dated December 7, 1981, and made a part of prior deed.

TOGETHER with a 20 foot right of way or private access road leading from T-527 through lands of Dwight Cole as set forth in survey attached to prior deed.

Said realty bearing Clearfield County Tax Assessment Map Parcel No. 119-I3-52.

is vested in Daniel W. Robbins and Janet M. Robbins, husband and wife, as prayed.

b) That the named Defendants and the heirs, administrators, executors, devisees and assigns of Henry Rhoads, Henry Rhoads Estate; Silas Edward Rhoads, aka S. E. Rhoads; Lawrence Franklin Rhoads aka Lawrence F. Rhoads; the children of Silas Edward Rhoads, aka S. E. Rhoads; the children of Lawrence Franklin Rhoads, aka Lawrence F. Rhoads, and all other persons, firms, partnerships, or corporate entities in interest be and are hereby forever barred from asserting any right, title or interest in and to the above described premises inconsistent with the interest or claims of the Plaintiffs as set forth in their Complaint, from impeaching, denying, or in any other way attacking

Plaintiffs' title to said property; and from issuing or maintaining any action attacking the same.

c) That the thirty (30) day provision in Pennsylvania Rules of Civil Procedure 1066(b)(1) be modified so as to eliminate the said thirty (30) day rule of Pennsylvania Rule of Civil Procedure No. 248, to eliminate any time period prescribed by the Pennsylvania Rule of Civil Procedure upon Order of Court.

BY THE COURT:



P.J.