

00-1342-CD  
WILLIAM H. MOYER et ux -vs- IRENE BEATTY et al

LEHMAN & KASUBICK  
611 BRISBIN STREET  
HOUTZDALE, PA 16651  
(814) 378-7840

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

WILLIAM H. MOYER and :  
PAMELA J. MOYER, his wife, : No.: 00-1342-CD  
Plaintiffs :  
vs. : Type of Case: Quiet  
IRENE BEATTY; : Title Action  
JAMES B. BEATTY, a/k/a : Type of Pleading:  
JAMES B. BEATTIE; : Complaint  
ANNA BEATTY; : Filed on behalf of:  
THOMAS Q. BEATTY, : Plaintiffs  
and their heirs, executors, : Counsel of Record For  
administrators, successors, : This Party:  
trustees and assigns, known : Girard Kasubick, Esq.  
or unknown, and any other : Supreme Court #30109  
person who may claim title : LEHMAN & KASUBICK  
or an interest in the : 611 Brisbin Street  
property subject to this : Houtzdale, PA 16651  
action,  
Defendants :

LED

NOV 01 2000

William A. Shaw  
Prothonotary

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

WILLIAM H. MOYER and	:	
PAMELA J. MOYER, his wife,	:	No.: 00- -CD
Plaintiffs	:	
	:	QUIET TITLE ACTION
vs.	:	
	:	
IRENE BEATTY; JAMES B.	:	
BEATTY, a/k/a JAMES B.	:	
BEATTIE; ANNA BEATTY;	:	
THOMAS Q. BEATTY; and	:	
their heirs, executors,	:	
administrators, successors,	:	
trustees and assigns, known	:	
or unknown, and any other	:	
person who may claim title	:	
or an interest in the	:	
property subject to this	:	
action,	:	
Defendants	:	

NOTICE

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

claim or relief requested by the 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.**

David Meholick  
Court Administrator's Office  
Clearfield County Courthouse  
Clearfield, PA 16830  
(814) 765-2641

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

WILLIAM H. MOYER and :  
PAMELA J. MOYER, his wife, : No.: 00- -CD  
Plaintiffs :  
vs. : QUIET TITLE ACTION  
IRENE BEATTY; JAMES B. :  
BEATTY, a/k/a JAMES B. :  
BEATTIE; ANNA BEATTY; :  
THOMAS Q. BEATTY; and :  
their heirs, executors, :  
administrators, successors, :  
trustees and assigns, known :  
or unknown, and any other :  
person who may claim title :  
or an interest in the :  
property subject to this :  
action, :  
Defendants :

COMPLAINT

AND NOW comes, William H. Moyer and Pamela J. Moyer, his wife, by and through their attorney, Girard Kasubick, Esq., and files the following Complaint:

1. The Plaintiffs are William H. Moyer and Pamela J. Moyer, his wife, of 719 Sue Street, Houtzdale, PA 16651.

2. The Defendants are Irene Beatty; James B. Beatty, a/k/a James B. Beattie; Anna Beatty; Thomas Q. Beatty, and their heirs, executors, administrators, successors, trustees and assigns, known or unknown, and any other person who may claim title under them, and who are deceased or their whereabouts are unknown.

3. The real property involved in and subject of this action is all that certain tract or parcel of land located in Woodward Township, Clearfield County, Pennsylvania, bounded and described as follows:

**BEING** each fifty (50') feet on Township Road in the Village of Loraine, and running South one hundred and fifty (S 150') feet to an alley; bounded on the East by lot sold to George Campbell, on the West by a street; being Lots Nos. 142 and 143 in the Town of Loraine, on the Israel Wheelin tract of land in Woodward Township.

The property described above having been surveyed by George A. Cree, Registered Surveyor, as shown on the map attached hereto and marked Exhibit "A" and bounded and described as follows:

**BEGINNING** at an iron pin at the Northeast corner of the intersection of State Route 53 and Fifth Street; thence South eighty-four (84) degrees thirty-seven (37) minutes zero (00) seconds East along the South side of State Route 53 one hundred (100.00) feet to an iron pin; thence South five (5) degrees fifty-four (54) minutes zero (00) seconds West along the line of land of Anthony J. Flango one hundred fifty (150.00) feet to an iron pin; thence North eighty-four (84) degrees thirty-seven (37) minutes zero (00) seconds West a distance of one hundred (100.00) feet

to an iron pin; thence North five (5) degrees fifty-four (54) minutes zero (00) seconds East along the East side of Fifth Street one hundred fifty (150.00) feet to an iron pin and the place of beginning. Containing 0.3443 acres, more or less, and shown as Lot #142 and #143 on the attached map.

The above described property is known by Clearfield County Tax Map No. 130-M14-410-19 and it is hereinafter referred to as "Premises".

4. The deeds and method by which William H. Moyer and Pamela J. Moyer, his wife, obtained title to the real property described in Paragraph 3 of this Complaint is as follows:

a). The Premises was conveyed to William H. Moyer and Pamela J. Moyer, his wife, by deed from Kenneth E. Kitko and Clementine K. Kitko, his wife, and Robert F. Kitko and Carol L. A. Kitko, his wife, dated March 6, 1997 and recorded in Clearfield County Deeds and Records Book 1825, Page 273.

b). The Premises was conveyed to Kenneth E. Kitko and Clementine K. Kitko, his wife, and Robert F. Kitko and Carol L. A. Kitko, his wife, by deed from Andrew C. Kitko, single, dated February 21, 1983 and recorded in Clearfield County Deeds and Records Book 875, Page 489.

c). The Premises was conveyed to Andrew C. Kitko by deed from Myma B. Gareis, single, dated January 6, 1982 and recorded in Clearfield County Deed Book 874, Page 323.

d). A one-half (1/2) interest in the Premises was intended to be conveyed to Myma B. Gareis by deed from Victoria Vipond, single; Earl Beatty and Marie Beatty, his wife; and Terrance Beatty, single, dated December 12, 1978 and recorded in Clearfield County Deed Book 779, Page 420.

e). It is believed and averred that the deed in Deed Book 779, Page 420 intended to convey the one-half (1/2) interest in the Premises of Irene Beatty, but the records of Clearfield County do not show if Irene Beatty was deceased and if so, who her heirs were.

f). The Premises was conveyed to Irene Beatty and Mima B. Gareis by deed from James B. Beatty, a/k/a James B. Beattie dated August 22, 1945 and recorded in Clearfield County Deed book 366, Page 211. It is averred Mima B. Gareis is also known as Myma B. Gareis.

g). The Premises was conveyed to James B. Beattie by deed from John Mills, Administrator of the Estate of Eliza Mills dated February 27, 1915 and recorded in Clearfield County Deed Book 208, Page 30.

h). The said James B. Beatty, a/k/a James B. Beattie, died intestate on December 17, 1946 and his Estate is filed to Clearfield County Estate File No. 19463. This Estate lists as his heirs his seven (7) children; namely, Mima F. Gareis, Irene Beatty, Earl F. Beatty, Anna Beatty, Victoria Vipond, Thomas Q. Beatty, and Terrance Beatty.

i). After diligent search of the Register of Wills Office of Clearfield County no estate could be found on Irene Beatty.

j.). If the deed under Subparagraphs 4.d). and 4.e). above in Deed Book 779, Page 420 intended to convey the one-half (1/2) interest of Irene Beatty, the Grantors in that deed were two brothers, Earl Beatty and Terrence Beatty, and one sister, Victoria Vipond, of Irene Beatty. As can be determined from the Estate of James B. Beatty, their father.

k). Their was another brother, Thomas Q. Beatty and another sister, Anna Beatty, of Irene Beatty, who did not join in the conveyance of the one-half (1/2) interest of Irene Beatty in Deed Book 779, Page 420, and the Grantee in said deed Myma F. Gareis was another sister.

l). After diligent search of the Register of Wills Office of Clearfield County no estate could be found on Anna Beatty or Thomas Q. Beatty.

5. The Plaintiffs and their predecessors in title have been in open, continuous, notorious, actual, exclusive, visible, distinct and hostile possession of the property described in Paragraph 3 of this Complaint in excess of twenty-one (21) years immediately preceding the filing of this Action, and thereby claim title by adverse possession.

6. This Quiet Title Action is necessary to establish a proper chain of title out of which the real property subject of this action comes, because of irregularities in the chain of title including whether all proper parties have executed deeds in the chain of title and what interests were conveyed, and because of failure to file estates for deceased persons to establish a proper chain of title, all of which raise a question as to the chain of title to the Premises subject of this action and creates a cloud on title.

7. It is finally averred that this Quiet Title Action is necessary to determine the validity or discharge of any document, obligation, assessment or deed affecting any right, title and interest in the property subject of this action, which may affect the rights of the Defendants.

8. All of the named Defendants to this action are deceased or their whereabouts are unknown and Plaintiffs

have made a diligent and reasonable search to locate the whereabouts of the Defendants, Irene Beatty; James B. Beatty, a/k/a James Beattie; Anna Beatty; Thomas Q. Beatty, but they are deceased or their whereabouts are unknown.

WHEREFORE, Plaintiffs bring this action and respectfully requests the Court to decree as follows:

a). That the Plaintiffs, their heirs, executors, personal representatives and assigns are seized of an indefeasible title to the property situated in Woodward Township, Clearfield County, Pennsylvania, described herein and that an Order and Decree be entered adjudicating that each Defendant and any of their heirs, successors, trustees, personal representatives, or assigns be forever barred from asserting any right, title, lien or interest in the within described parcel of land.

b). That such other relief be granted as may be necessary in establishing Plaintiffs' title, including determinations on the validity or discharge of any documents, obligations or deeds affecting right, title and interest in the property described herein.

c). Such other and further relief as the Court deems proper.

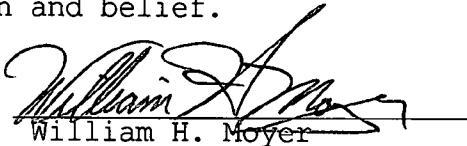
  
\_\_\_\_\_  
Girard Kasubick, Esq.  
Attorney for Plaintiffs

COMMONWEALTH OF PENNSYLVANIA :

§:

COUNTY OF CLEARFIELD :

On this, the 30<sup>th</sup> day of October, 2000, before me,  
the undersigned officer, personally appeared WILLIAM H.  
MOYER and PAMELA J. MOYER, his wife, who being duly sworn  
according to law, deposes and says that the facts set forth  
in the foregoing Complaint are true and correct to the best  
of their knowledge, information and belief.



William H. Moyer



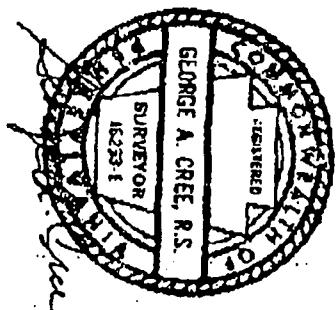
Pamela J. Moyer

Sworn to and subscribed  
before me this 30<sup>th</sup>  
day of October, 2000.



N.P.

<p>Notarial Seal Girard Kasubick, Notary Public Houtzdale Boro, Clearfield County My Commission Expires June 8, 2003</p>
--



ANTHONY J.  
FLANGO

A .0005  
A .00,48 N

LOT#143 | LOT#142  
IP 50.00' IP 50.00' IP  
W 0.3443 AC.+/-  
S 05.54'00" 150.00' W  
N 05.54'00" 150.00' N  
IP IP

ANTHONY J.  
FLANGO



FIFTH STREET

TO  
MADERA

SR 53

TO  
HOUTZDALE

Survey of Property			
for			
William Moyer			
Situate:	Woodward Township Clearfield Co., Pennsylvania	Scale:	1" = 50'
Prepared by:	GEORGE A. CREE, REGISTERED SURVEYOR 2417 SKYLINE DRIVE, FALLEN TIMBER, PA 16639		
Date:	2/28/97		
Drawing Number: AD21097			

EXHIBIT "A"

FILED

NOV 01 2000  
9:08 AM  
WILLIAM A. SHAW  
PROSECUTOR  
CITY KASBACK PD

\$90.00

LEGAL NOTICE

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

WILLIAM H. MOYER and	:	
PAMELA J. MOYER, his wife,	:	No.: 00-1342-CD
Plaintiffs	:	
	:	QUIET TITLE ACTION
vs.	:	
IRENE BEATTY; JAMES B.	:	
BEATTY, a/k/a JAMES B.	:	
BEATTIE; ANNA BEATTY;	:	
THOMAS Q. BEATTY; and	:	
their heirs, executors,	:	
administrators, successors,	:	
trustees and assigns, known	:	
or unknown, and any other	:	
person who may claim title	:	
or an interest in the	:	
property subject to this	:	
action,	:	
Defendants	:	

FILED

NOV 01 2000

William A. Shaw  
Prothonotary

ACTION TO QUIET TITLE

NOTICE

TO: IRENE BEATTY; JAMES B. BEATTY, a/k/a JAMES B. BEATTIE; ANNA BEATTY; THOMAS Q. BEATTY, their heirs, executors, administrators, successors, trustees, successors and assigns, known or unknown:

You have been sued in Court. You are hereby notified that an Action to Quiet Title subject to that tract or parcel of land located in Woodward Township, Clearfield County, Pennsylvania, has been filed against you. Said land is bounded and described as follows:

BEING each fifty (50') feet on Township Road in the Village of Loraine, and running South one hundred and fifty (S 150') feet to an alley; bounded on the East by lot sold to

George Campbell, on the West by a street; being Lots Nos. 142 and 143 in the Town of Loraine, on the Israel Wheelin tract of land in Woodward Township.

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You are further notified to appear and answer the Complaint in said Action within twenty (20) days of this Notice, otherwise judgment will be entered against you

barring you from all claims, rights and interest inconsistent with the Plaintiffs' claim of title as set forth in the Complaint.

N O T I C E

TO: IRENE BEATTY; JAMES B. BEATTY, a/k/a JAMES B. BEATTIE; ANNA BEATTY; THOMAS Q. BEATTY; their heirs, executors, administrators, successors, trustees and assigns, known or unknown.

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the Court. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the 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.**

Court Administrator's Office  
Clearfield County Court House  
Clearfield, PA 16830  
(814) 765-2641

LEHMAN & KASUBICK  
611 Brisbin Street  
Houtzdale, PA 16651

LEHMAN & KASUBICK  
611 BRISBIN STREET  
HOUTZDALE, PA 16651  
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA  
CIVIL DIVISION

WILLIAM H. MOYER and :  
PAMELA J. MOYER, his wife, : No.: 00-1342-CD  
Plaintiffs :  
vs. : QUIET TITLE ACTION  
IRENE BEATTY; JAMES B. :  
BEATTY, a/k/a JAMES B. :  
BEATTIE; ANNA BEATTY; :  
THOMAS Q. BEATTY; and :  
their heirs, executors, :  
administrators, successors, :  
trustees and assigns, known :  
or unknown, and any other :  
person who may claim title :  
or an interest in the :  
property subject to this :  
action, :  
Defendants :  
: **FILED**  
: NOV 01 2000  
: William A. Shaw  
: Prothonotary

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA :  
COUNTY OF CLEARFIELD : \$:

Before me, the undersigned officer, personally appeared WILLIAM H. MOYER and PAMELA J. MOYER, his wife, who being duly sworn according to law, deposes and says that the names of the Defendants, Irene Beatty; James B. Beatty, a/k/a James B. Beattie; Anna Beatty; Thomas Q. Beatty, their heirs, executors, administrators, successors, trustees, and assigns, known or unknown, are all deceased or their whereabouts are unknown to the Plaintiffs.

Plaintiffs and their attorney have made an investigation to locate the aforesaid Defendants that are unknown, by checking the records of Clearfield County and by review of the telephone directories in the area, however none of the above were found because they are deceased or their whereabouts are unknown.

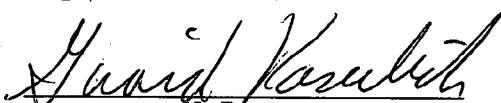


William H. Moyer



Pamela J. Moyer

Sworn to and subscribed  
before me this 30<sup>th</sup>  
day of October, 2000.



Girard Kasubick  
N.P.

<p>Notarial Seal Girard Kasubick, Notary Public Houtzdale Boro, Clearfield County My Commission Expires June 8, 2003</p>
--

LEHMAN & KASSUBICK  
611 BRISBIN STREET  
HOUTZDALE, PA 16651  
(814) 378-7840

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

WILLIAM H. MOYER and :  
PAMELA J. MOYER, his wife, : No.: 00-1342-CD  
Plaintiffs :  
vs. : QUIET TITLE ACTION  
: :  
IRENE BEATTY; JAMES B. :  
BEATTY, a/k/a JAMES B. :  
BEATTIE; ANNA BEATTY; :  
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or an interest in the :  
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action, :  
Defendants :  
:

**FILED**

NOV 01 2000

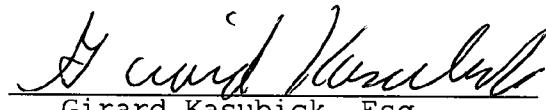
William A. Shaw  
Prothonotary

MOTION FOR SERVICE BY PUBLICATION

1. Your Petitioners are William H. Moyer and Pamela J. Moyer, his wife, Plaintiffs in the above-captioned matter.

2. Petitioner, by attached affidavit incorporated herein by reference thereto, believes that certain of the named Defendants are deceased or their whereabouts are unknown.

WHEREFORE, Petitioner, by their attorney, Girard Kasubick, Esq., requests that your Honorable Court issue an order that certain of the herein named Defendants be served by publication as required by law.

  
Girard Kasubick, Esq.  
Attorney for Plaintiffs

1001  
NOV 01 2000  
409.01/10CC  
W.M.A. Show  
Prothonotary

LEHMAN & KASUBICK  
611 BRISBIN STREET  
HOUTZDALE, PA 16651  
(R1A) 272-7810

10

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

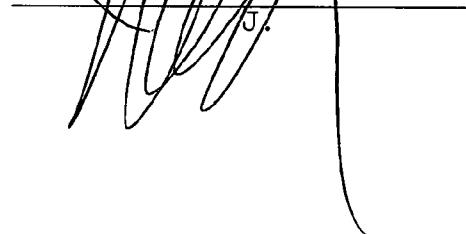
WILLIAM H. MOYER and :  
PAMELA J. MOYER, his wife, : No.: 00-1342 -CD  
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IRENE BEATTY; JAMES B. :  
BEATTY, a/k/a JAMES B. :  
BEATTIE; ANNA BEATTY; :  
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or unknown, and any other :  
person who may claim title :  
or an interest in the :  
property subject to this :  
action, :  
Defendants :  
: **FILED**  
10/22/00/w  
William A. Shaw  
Prothonotary  
1 cent to Party

ORDER DIRECTING COMPLAINT TO BE SERVED  
BY ADVERTISEMENT ON DEFENDANTS

NOW, this 2<sup>nd</sup> day of November, 2000, the within  
Action being an Action to Quiet Title and the Plaintiffs  
having made affidavit that the addresses of certain  
Defendants are unknown and cannot be ascertained, and  
therefore upon motion of Girard Kasubick, Esq., Attorney  
for Plaintiffs, it is Ordered and Decreed that substitute  
service by publication be made upon the Defendants whose  
addresses are unknown, or may be deceased, by giving notice  
in the Progress, a newspaper of general circulation  
published in the Clearfield County area, and in the

Clearfield County Legal Journal, to the above named Defendants whose addresses are unknown, or may be deceased; such publication to be one (1) time only stating that this action has been filed, and that this Complaint must be pleaded to within twenty (20) days after publication of notice; otherwise judgment will be taken against all of the Defendants by default.

BY THE COURT,

A handwritten signature in black ink, appearing to read "J. J.", is written over a horizontal line. The signature is fluid and cursive, with a large, stylized initial 'J' on the left and a smaller 'J' on the right.

LEHMAN & KASUBICK  
611 BRISBIN STREET  
HOUTZDALE, PA 16651  
(814) 378-7840

of

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

WILLIAM H. MOYER and	:	
PAMELA J. MOYER, his wife,	:	No.: 00-1342-CD
Plaintiffs	:	
vs.	:	Type of Case: Quiet Title Action
IRENE BEATTY;	:	Type of Pleading: Motion for Judgment
JAMES B. BEATTY, a/k/a	:	Filed on behalf of: Plaintiffs
JAMES B. BEATTIE;	:	Counsel of Record For This Party: Girard Kasubick, Esq.
ANNA BEATTY;	:	Supreme Court #30109 LEHMAN & KASUBICK 611 Brisbin Street Houtzdale, PA 16651
THOMAS Q. BEATTY,	:	
and their heirs, executors,	:	
administrators, successors,	:	
trustees and assigns, known	:	
or unknown, and any other	:	
person who may claim title	:	
or an interest in the	:	
property subject to this	:	
action,	:	
Defendants	:	

**FILED**

DEC 11 2000

William A. Shaw  
Prothonotary

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

WILLIAM H. MOYER and :  
PAMELA J. MOYER, his wife, : No.: 00-1342-CD  
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IRENE BEATTY; JAMES B. :  
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or an interest in the :  
property subject to this :  
action, :  
Defendants :

MOTION FOR JUDGMENT

NOW, this 11th day of December, 2000, an Affidavit having been executed and presented herewith on behalf of the Plaintiffs showing that the Complaint was served by publication on all of the Defendants, one time only, to wit: November 10, 2000 in the Clearfield Progress and the week of November 17, 2000 in the Clearfield County Legal Journal, and further that all the named Defendants who are deceased or their whereabouts are unknown were not served in any other manner, and no Defendants served by publication having entered an appearance or filed an Answer or having expressed any purpose of intent to be heard or

desire to assert title to said property, and twenty (20) days having elapsed since the last publication, and it appearing that it was impossible to serve any of the Defendants by any other means.

WHEREFORE, Girard Kasubick, Esq., prays your Honorable Court, as attorney for the Plaintiffs, that judgment be entered in favor of the Plaintiffs and against the Defendants, their heirs and assigns, with direction that they file suit in ejectment or otherwise enter proceedings to contest the case within thirty (30) days, or judgment may be entered against them forever barring them from asserting any title or claim to the real estate in this action.



Girard Kasubick  
Girard Kasubick, Esq.  
Attorney for Plaintiffs

**FILED**

DEC 11 2000

O.O. D.C.C.  
William A. Shaw  
Prothonotary  
SAC

LEHMAN & KASUBICK  
611 BRISBIN STREET  
HOOTZDALE, PA 16651  
(814) 378-7840

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

WILLIAM H. MOYER and	:	
PAMELA J. MOYER, his wife,	:	No.: 00-1342-CD
Plaintiffs	:	
vs.	:	Type of Case: Quiet Title Action
IRENE BEATTY;	:	Type of Pleading: Order of Court
JAMES B. BEATTY, a/k/a	:	Filed on behalf of: Plaintiffs
JAMES B. BEATTIE;	:	Counsel of Record For This Party:
ANNA BEATTY;	:	Girard Kasubick, Esq. Supreme Court #30109
THOMAS Q. BEATTY,	:	LEHMAN & KASUBICK 611 Brisbin Street Houtzdale, PA 16651
and their heirs, executors,	:	
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or unknown, and any other	:	
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property subject to this	:	
action,	:	
Defendants	:	

**FILED**

DEF 12 2000

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA  
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BEATTY, a/k/a JAMES B. :  
BEATTIE; ANNA BEATTY; :  
THOMAS Q. BEATTY; and :  
their heirs, executors, :  
administrators, successors, :  
trustees and assigns, known :  
or unknown, and any other :  
person who may claim title :  
or an interest in the :  
property subject to this :  
action, :  
Defendants :

ORDER OF COURT

NOW, this 11<sup>th</sup> day of December, 2000, an Affidavit having been made that service was made by publication on unknown Defendants in the Clearfield Progress on November 10, 2000, and in the Clearfield County Legal Journal the week of November 17, 2000, and it appearing that it was impossible to serve any other Defendant by any other means,

IT IS ORDERED AND DECREED that Defendants file suit in ejectment or otherwise enter a proceeding to contest the case within thirty (30) days, or this Order of Court shall become final upon praecipe by Plaintiffs, which hereby

Orders and Decrees that title to the land subject of this action is vested absolutely in the Plaintiffs, their heirs and assigns, free and clear of any and all claims of any nature by any of the named Defendants, their heirs, executors, administrators, trustees, successors and assigns or by anyone claiming by, through or under them or any of them, and that the Plaintiffs are seized of an indefeasible title to that certain piece or parcel of land located in Woodward Township, Clearfield County, Pennsylvania, bounded and described as follows:

**BEING** each fifty (50') feet on Township Road in the Village of Loraine, and running South one hundred and fifty (S 150') feet to an alley; bounded on the East by lot sold to George Campbell, on the West by a street; being Lots Nos. 142 and 143 in the Town of Loraine, on the Israel Wheelin tract of land in Woodward Township.

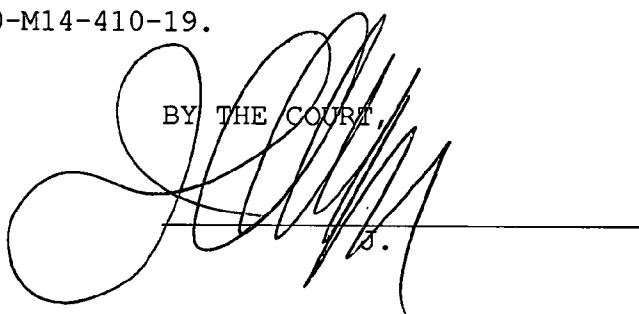
The property described above having been surveyed by George A. Cree, Registered Surveyor, as shown on the map attached and marked Exhibit "A" in the Complaint and bounded and described as follows:

**BEGINNING** at an iron pin at the Northeast corner of the intersection of State Route 53 and Fifth Street; thence South eighty-four (84) degrees thirty-seven (37) minutes zero (00) seconds East along the South side of State Route

53 one hundred (100.00) feet to an iron pin; thence South five (5) degrees fifty-four (54) minutes zero (00) seconds West along the line of land of Anthony J. Flango one hundred fifty (150.00) feet to an iron pin; thence North eighty-four (84) degrees thirty-seven (37) minutes zero (00) seconds West a distance of one hundred (100.00) feet to an iron pin; thence North five (5) degrees fifty-four (54) minutes zero (00) seconds East along the East side of Fifth Street one hundred fifty (150.00) feet to an iron pin and the place of beginning. Containing 0.3443 acres, more or less, and shown as Lot #142 and #143 on the attached map.

The above described property is known by Clearfield County Tax Map No. 130-M14-410-19.

BY THE COURT,

A large, handwritten signature in black ink, appearing to be a stylized 'J' or 'M'. To the left of the signature, the words 'BY THE COURT,' are written in a smaller, printed font.

FILED

RECEIVED  
OCTOBER 2 2000  
PROSECUTOR  
Kaufback  
Stern

LEHMAN & KASUBICK  
611 BRISBIN STREET  
HOUTZDALE, PA 16651  
(814) 378-7840

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

WILLIAM H. MOYER and	:	
PAMELA J. MOYER, his wife,	:	No.: 00-1342-CD
Plaintiffs	:	
vs.	:	Type of Case: Quiet Title Action
IRENE BEATTY;	:	Type of Pleading: Affidavit of Service
JAMES B. BEATTY, a/k/a	:	Filed on behalf of:
JAMES B. BEATTIE;	:	Plaintiffs
ANNA BEATTY;	:	Counsel of Record For
THOMAS Q. BEATTY,	:	This Party:
and their heirs, executors,	:	Girard Kasubick, Esq.
administrators, successors,	:	Supreme Court #30109
trustees and assigns, known	:	LEHMAN & KASUBICK
or unknown, and any other	:	611 Brisbin Street
person who may claim title	:	Houtzdale, PA 16651
or an interest in the	:	
property subject to this	:	
action,	:	
Defendants	:	

**FILED**

DEC 11 2000

William A. Shaw  
Prothonotary

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

WILLIAM H. MOYER and :  
PAMELA J. MOYER, his wife, : No.: 00-1342-CD  
Plaintiffs :  
vs. : QUIET TITLE ACTION  
IRENE BEATTY; JAMES B. :  
BEATTY, a/k/a JAMES B. :  
BEATTIE; ANNA BEATTY; :  
THOMAS Q. BEATTY; and :  
their heirs, executors, :  
administrators, successors, :  
trustees and assigns, known :  
or unknown, and any other :  
person who may claim title :  
or an interest in the :  
property subject to this :  
action, :  
Defendants :

AFFIDAVIT OF SERVICE

Before me, William A. Shaw, Prothonotary, personally appeared Girard Kasubick, Esq., who being duly sworn according to law, deposes and says that service was made in this case by publication in the Clearfield Progress one time only on November 10, 2000 and in the Clearfield County Legal Journal one time only for the week of November 17, 2000, as appears by sworn proof hereto attached, and that all the named Defendants who are deceased or their whereabouts are unknown, were served by publication and not by any other manner. No appearance having been entered on behalf of any of the Defendants served by publication, nor

any answer filed by any of them after service of a Complaint containing a notice to defend. Plaintiffs have caused this Affidavit to be made for the purpose of obtaining a decree or Order of Court under Pa. R.C.P. 1066.

WHEREFORE, this Affidavit of Service made by the manner aforesaid is made for the purpose of obtaining a Decree of Court.

Girard Kasubick  
Girard Kasubick, Esq.  
Attorney for Plaintiffs

Sworn to and subscribed  
before me this 11th  
day of December, 2000.

William A. Shaw

N.P.

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

NOTICE  
IN THE COURT OF COMMON  
PLEAS OF CLEARFIELD  
COUNTY, PA  
CIVIL DIVISION  
NO.: 00-1342-CD  
QUIET TITLE ACTION  
WILLIAM H. MOYER and PAME-  
LA J. MOYER, his wife, Plaintiffs  
vs.

IRENE BEATTY; JAMES B. BEATTY, a/k/a JAMES B. BEATTIE; ANNA BEATTY; THOMAS Q. BEATTY; and their heirs, executors, administrators, successors, trustees and assigns, known or unknown, and any other person who may claim title or an interest in the property subject to this action, Defendants

**ACTION TO QUIET TITLE  
NOTICE**

TO: IRENE BEATTY; JAMES B. BEATTY, a/ka JAMES B. BEATTIE; ANNA BEATTY; THOMAS Q. BEATTY, their heirs, executors, administrators, successors, trustees, successors and assigns, known or unknown:

You have been sued in Court. You are hereby notified that an Action to Quiet Title subject to that tract or parcel of land located in Woodward Township, Clearfield County, Pennsylvania, has been filed against you. Said land is bounded and described as follows:

BEING each fifty (50') feet on Township Road in the Village of Loraine, and running South one hundred and fifty (S 150') feet to an alley; bounded on the East by lot sold to George Campbell, on the West by a street; being Lots Nos. 142 and 143 in the Town of Loraine, on the Israel Wheelin tract of land in Woodward Township.

The property described above having been surveyed by George A. Cree, Registered Surveyor, as shown on the map attached to the Complaint and marked Exhibit "A" and bounded and described as follows:

BEGINNING at an iron pin at the Northeast corner of the intersection of State Route 53 and Fifth Street; thence South eighty-four (84) degrees thirty-seven (37) minutes zero (00) seconds East along the South side of State Route 53 one hundred (100.00) feet to an iron pin; thence South five (5) degrees fifty-four (54) minutes zero (00) seconds West along the line of land of Anthony J. Flango one hundred fifty (150.00) feet to an iron pin; thence North eighty-four (84) degrees thirty-seven (37) minutes zero (00) seconds West a distance of one hundred (100.00) feet to an iron pin; thence North five (5) degrees fifty-four (54) minutes zero (00) seconds East along the East side of Fifth Street one hundred fifty (150.00) feet to an iron pin and the place of beginning. Containing 0.3443 acres, more or less, and shown as Lot #142 and #143 on the attached map.

## PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :  
COUNTY OF CLEARFIELD : SS:

On this 14th day of November, A.D. 2000, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Margaret E. Krebs, who being duly sworn according to law, deposes and says that she is the President of The Progressive Publishing Company, Inc., and Associate Publisher of The Progress, a daily newspaper published at Clearfield, in the County of Clearfield and State of Pennsylvania, and established April 5, 1913, and that the annexed is a true copy of a notice or advertisement published in said publication in

the regular issues of November 10, 2000.  
And that the affiant is not interested in the subject matter of the notice or advertising, and that all of the allegations of this statement as to the time, place, and character of publication are true.

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

Notary Public Clearfield, Pa

My Commission Expires  
September 16, 2004

### field. Pa

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

You are further notified to appear and answer the Complaint in said Action within twenty (20) days of this Notice, otherwise judgment will be entered against you barring you from all claims, rights and interest inconsistent with the Plaintiffs' claim of title as set forth in the Complaint.

NOTICE  
TO: IRENE BEATTY; JAMES B.  
BEATTY, a/k/a JAMES B. BEAT-  
TIE; ANNA BEATTY; THOMAS Q.  
BEATTY; \*their heirs, executors,  
administrators, successors, trust-  
ees and assigns, known or un-  
known /

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the Court. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the Plaintiffs. You may lose money or property or other rights important to you.

important to you.

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

Court Administrator's Office,  
Clearfield County Courthouse,  
Clearfield, PA 16830, (814)  
765-2641

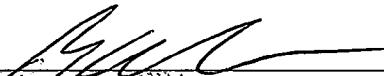
LEHMAN & KASUBICK, 611 Bris-  
bin Street, Houtzdale, PA 16651

## PROOF OF PUBLICATION

**STATE OF PENNSYLVANIA**

**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 17, 2000, Vol. 12, No. 46. 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  
Clearfield County Legal Journal

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



Amy L. Woods  
Notary Public  
My Commission Expires

Notarial Seal
Amy L. Woods, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires Nov. 18, 2002

Member, Pennsylvania Association of Notaries

Lehman & Kasubick

611 Brisbin Street

Houtzdale, PA 16651

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

WILLIAM H. MOYER and PAMELA J. MOYER, his wife, Plaintiffs vs. IRENE BEATTY; JAMES B. BEATTY, a/k/a JAMES B. BEATTIE; ANNA BEATTY; THOMAS Q. BEATTY; and their heirs, executors, administrators, successors, trustees and assigns, known or unknown, and any other person who may claim title or an interest in the property subject of this action, Defendants.

ACTION TO QUIET TITLE

NOTICE

TO: IRENE BEATTY; JAMES B. BEATTY, a/k/a JAMES B. BEATTIE; ANNA BEATTY; THOMAS Q. BEATTY; their heirs, executors, administrators, successors, trustees successors and assigns, known or unknown:

You have been sued in Court. You are hereby notified that an Action to Quiet Title subject to that tract or parcel of land located in Woodward Township, Clearfield County, Pennsylvania, has been filed against you. Said land is bounded and described as follows:

BEING each fifty (50') feet on Township Road in the Village of Loraine, and running South one hundred and fifty (S 150') feet to an alley; bounded on the East by lot sold to George Campbell, on the West by a street; being Lots Nos. 142 and 143 in the town of Loraine, on the Israel Wheelin tract of land in Woodward Township.

The property described above having been surveyed by George A. Cree, Registered Surveyor, as shown on the map attached to the Complaint and marked Exhibit "A" and bounded and described as follows:

BEGINNING at an iron pin at the Northeast corner of the intersection of State Route 53 and Fifth Street; thence South eighty-four (84) degrees thirty-seven (37) minutes zero (00) seconds East along the South side of State Route 53 one hundred (100.00) feet to an iron pin; thence South five (5) degrees fifty-four (54) minutes zero (00) seconds West along the line of land of Anthony J. Flango one hundred fifty (150.00) feet to an iron pin; thence North eighty-four (84) degrees thirty-seven (37) minutes zero (00) seconds West a distance

of one hundred (100.00) feet to an iron pin; thence North five (5) degrees fifty-four (54) minutes zero (00) seconds East along the East side of Fifth Street one hundred fifty (150.00) feet to an iron pin and the place of beginning. Containing 0.3443 acres, more or less, and shown as Lot #142 and #143 on the attached map.

You are further notified to appear and answer the Complaint in said Action within twenty (20) days of this Notice, otherwise judgment will be entered against you barring you from all claims, rights and interest inconsistent with the Plaintiff's claim of title as set forth in the Complaint.

NOTICE

TO: IRENE BEATTY; JAMES B. BEATTY, a/k/a JAMES B. BEATTIE; ANNA BEATTY; THOMAS Q. BEATTY; their heirs, executors, administrators, successors, trustees successors and assigns, known or unknown.

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so, the case may proceed without you and a judgments may be entered against you without further notice for the relief requested by the Plaintiff. You may lose money or property or other rights important to you.

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

Court Administrator's Office, Clearfield County Court House, Clearfield, PA 16830 (814) 765-2641.

LEHMAN & KASUBICK, 611 Brisbin Street, Houtzdale, PA 16651.

LEHMAN & KASUBICK  
611 BRISBIN STREET  
HOUTZDALE, PA 16651  
(814) 378-7840

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

WILLIAM H. MOYER and :  
PAMELA J. MOYER, his wife, : No.: 00-1342-CD  
Plaintiffs :  
vs. : Type of Case: Quiet  
IRENE BEATTY; : Title Action  
JAMES B. BEATTY, a/k/a : Type of Pleading:  
JAMES B. BEATTIE; : Final Praecept  
ANNA BEATTY; : Filed on behalf of:  
THOMAS Q. BEATTY, : Plaintiffs  
and their heirs, executors, : Counsel of Record For  
administrators, successors, : This Party:  
trustees and assigns, known : Girard Kasubick, Esq.  
or unknown, and any other : Supreme Court #30109  
person who may claim title : LEHMAN & KASUBICK  
or an interest in the : 611 Brisbin Street  
property subject to this : Houtzdale, PA 16651  
action,  
Defendants :

**FILED**

**JAN 15 2001**

William A. Shaw  
Prothonotary

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

WILLIAM H. MOYER and :  
PAMELA J. MOYER, his wife, : No.: 00-1342-CD  
Plaintiffs :  
vs. : QUIET TITLE ACTION  
IRENE BEATTY; JAMES B. :  
BEATTY, a/k/a JAMES B. :  
BEATTIE; ANNA BEATTY; :  
THOMAS Q. BEATTY; and :  
their heirs, executors, :  
administrators, successors, :  
trustees and assigns, known :  
or unknown, and any other :  
person who may claim title :  
or an interest in the :  
property subject to this :  
action, :  
Defendants :

FINAL PRAECIPE

TO: William A. Shaw, Prothonotary:

Please enter judgment in the above-captioned matter in  
favor of the Plaintiffs.

  
\_\_\_\_\_  
Girard Kasubick, Esq.  
Attorney for Plaintiffs

Dated: January 15, 2001

**FILED**

m/11/01  
JAN 15 2001 No CCS  
Ally Girard Kasubick.

William A. Shaw  
Prothonotary

EKL