

00-1342-CD
WILLIAM H. MOYER etux -vs- IRENE BEATTY etal

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	:	
	:	Type of Case: Quiet
vs.	:	Title Action
	:	Type of Pleading:
IRENE BEATTY;	:	Complaint
	:	Filed on behalf of:
JAMES B. BEATTY, a/k/a	:	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
and their heirs, executors,	:	Houtzdale, PA 16651
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

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	:	
	:	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	:	

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

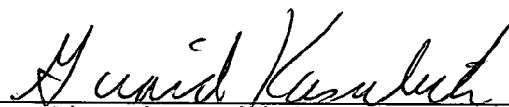
have made a diligent and reasonable search to locate the whereabouts of the Defendants, Irene Beatty; James B. Beatty, a/k/a James Beattie; Anna Beatty; Thomas Q. Beatty, but they are deceased or their whereabouts are unknown.

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.

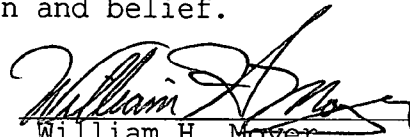

Girard Kasubick, Esq.
Attorney for Plaintiffs

COMMONWEALTH OF PENNSYLVANIA :

COUNTY OF CLEARFIELD :


S:

On this, the 30th 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.

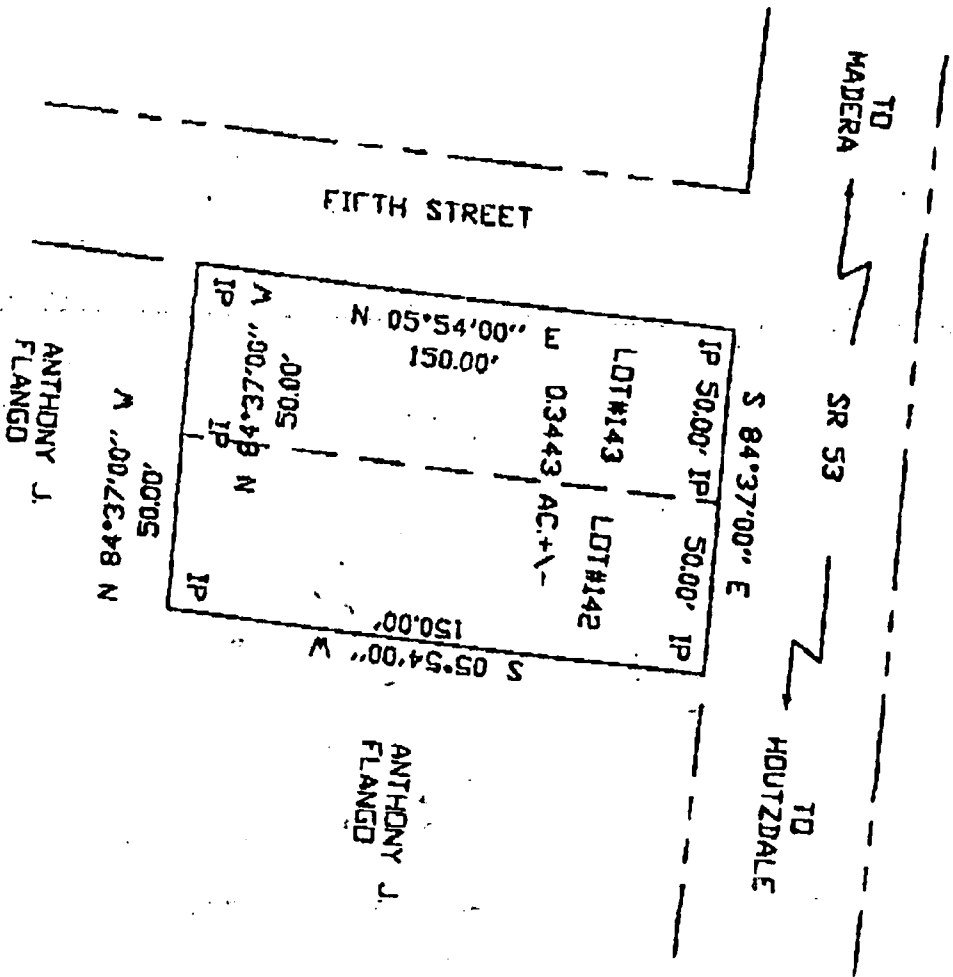

William H. Moyer


Pamela J. Moyer

Sworn to and subscribed
before me this 30th
day of October, 2000.

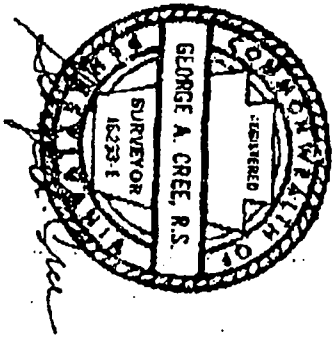

N.P.

Notarial Seal
Girard Kasubick, Notary Public
Houtzdale Boro, Clearfield County
My Commission Expires June 8, 2003



ANTHONY J.
FLANGO

ANTHONY J.
FLANGO



Survey of Property for William Moyer			
Situate:	Woodward Township Clearfield Co, Pennsylvania	SCALE 1" = 50'	DEALER TO CCH FB #216
Prepared by:	GEORGE A. CREE, REGISTERED SURVEYOR 2417 SKYLINE DRIVE, FALLEN TIMBER, PA 16639		
DATE 2/28/97	DRAWING NUMBER A021097		

FILED

SP

NOV 01 2000
WILLIAM A. SHAW
Prothonotary

09:08 AM '00

City Keaukua, HI

\$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.

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 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
(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; :
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 30th
day of October, 2000.


N.P.

Notarial Seal
Girard Kasubick, Notary Public
Houtzdale Boro, Clearfield County
My Commission Expires June 8, 2003

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. : 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

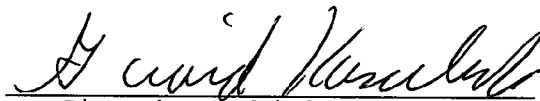
William A. Shaw
Prothonotary

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

NOV 01 2000
H09.08/110CC
William A. Shaw
Prothonotary

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

8

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

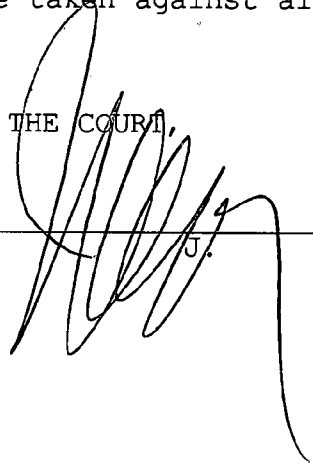
NOV 02 2000
10/26/00
William A. Shaw
Prothonotary
1 CENT TO ENTRY

ORDER DIRECTING COMPLAINT TO BE SERVED
BY ADVERTISEMENT ON DEFENDANTS

NOW, this 2nd 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, consisting of several loops and a long trailing stroke, is written over a horizontal line. The signature appears to be the name of the court clerk.

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

Q

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:
JAMES B. BEATTIE;	:	Plaintiffs
	:	Counsel of Record For
ANNA BEATTY;	:	This Party:
	:	Girard Kasubick, Esq.
THOMAS Q. BEATTY,	:	Supreme Court #30109
	:	LEHMAN & KASUBICK
	:	611 Brisbin Street
and their heirs, executors,	:	Houtzdale, PA 16651
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
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	:	

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.

A handwritten signature in cursive script, reading "Girard Kasubick", written over a horizontal line.

Girard Kasubick, Esq.
Attorney for Plaintiffs

FILED

DEC 11 2000

DEC 11 10:11 AM
William A. Shaw
Prothonotary

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:
	:	Order of Court
JAMES B. BEATTY, a/k/a	:	Filed on behalf of:
JAMES B. BEATTIE;	:	Plaintiffs
	:	Counsel of Record For
ANNA BEATTY;	:	This Party:
	:	Girard Kasubick, Esq.
THOMAS Q. BEATTY,	:	Supreme Court #30109
	:	LEHMAN & KASUBICK
and their heirs, executors,	:	611 Brisbin Street
administrators, successors,	:	Houtzdale, PA 16651
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. 12 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 :
 : 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 :

ORDER OF COURT

NOW, this 11th 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,



FILED

DEC 12 2000

OPROGUS-ally
WILLIAM A. SHAW
Fiduciary

Kaiback

[Signature]

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	:	
	:	Type of Case: Quiet
vs.	:	Title Action
	:	Type of Pleading:
IRENE BEATTY;	:	Affidavit of Service
	:	Filed on behalf of:
JAMES B. BEATTY, a/k/a	:	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
and their heirs, executors,	:	Houtzdale, PA 16651
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
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	:	

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, Esq.
Attorney for Plaintiffs

Sworn to and subscribed
before me this 14th
day of December, 2000.



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. BEAT-
TIE; ANNA BEATTY; THOMAS Q.
BEATTY; and their heirs, execu-
tors, administrators, successors,
trustees and assigns, known or un-
known, and any other person who
may claim title or an interest in the
property subject to this action, De-
fendants

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, trust-
ees, 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 Lor-
aine, and running South one hun-
dred and fifty (S 150') feet to an al-
ley; 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 fol-
lows:

BEGINNING at an iron pin at the
Northeast corner of the intersec-
tion of State Route 53 and Fifth
Street; thence South eighty-four
(84) degrees thirty-seven (37) min-
utes 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) de-
grees fifty-four (54) minutes zero
(00) seconds West along the line of
land of Anthony J. Flango one hun-
dred 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) de-
grees 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

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.

Margaret E. Krebs

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

Ann K. Law
Notary Public Clearfield, Pa.

My Commission Expires
September 16, 2004

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 Com-
plaint.

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 person-
ally or by attorney and file your de-
fenses or objections in writing with
the Court. You are warned that if
you fail to do so, the case may pro-
ceed without you and a judgment
may be entered against you without
further notice for the relief re-
quested by the Plaintiffs. You may
lose money or property or other
rights important to you.

YOU SHOULD TAKE THIS PA-
PER 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
11:10-1d-b

PROOF OF PUBLICATON

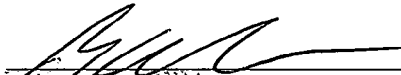
STATE OF PENNSYLVANIA :

:

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.

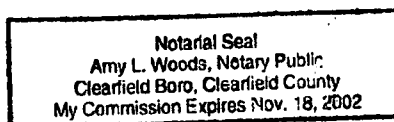


Gary A. Knaresboro, Esquire
Editor

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



Notary Public
My Commission Expires



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 Isreal 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	:	
	:	Type of Case: Quiet
vs.	:	Title Action
	:	Type of Pleading:
IRENE BEATTY;	:	Final Praecipe
	:	Filed on behalf of:
JAMES B. BEATTY, a/k/a	:	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
and their heirs, executors,	:	Houtzdale, PA 16651
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

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/1:10}
JAN 15 2001

William A. Shaw
Prothonotary

No CCS
Ally Girard Kasubick.

EKRL