

00-1370-CD  
ROBERT C. LUDWIG et al -vs- MARY J. BARRETT et al

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW  
NO. 00- -CD

ROBERT C. LUDWIG and ELEANOR W.  
LUDWIG,  
Plaintiffs

vs.

MARY J. BARRETT, ANNA P. DUELL,  
et al.,  
Defendants

COMPLAINT IN ACTION TO  
QUIET TITLE

RECEIVED  
MAY 15 1970  
CITY OF CLEARFIELD  
PROBATE DIVISION  
\$10.00

cc City Clerk

KIM C. KESNER  
ATTORNEY AT LAW  
23 North Second Street  
CLEARFIELD, PA 16830  
(814) 765-1706

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

ROBERT C. LUDWIG and ELEANOR W.  
LUDWIG,  
Plaintiffs

.vs.

MARY J. BARRETT, ANNA P. DUELL,  
and their respective heirs, executors,  
administrators, successors, trustees and assigns,  
known or unknown, and any other party or  
person claiming title or an interest in the property  
subject to this action,

## Defendants

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\* No.: 00-1370 -CD  
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\* Type of Case: Civil  
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\* Type of Pleading: Complaint in Action to  
\* Quiet Title  
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\* Filed on Behalf of: Plaintiffs  
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\*  
\* Counsel of Record for this Party:  
\*  
\* Kim C. Kesner, Esquire  
\* Supreme Court I.D. #28307  
\* 23 North Second Street  
\* Clearfield, PA 16830  
\* Phone: (814) 765-1706  
\* Fax: (814) 765-7006  
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\* Other Counsel of Record:  
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FILED

NOV 06 2000

William A. Shaw  
President

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

ROBERT C. LUDWIG and ELEANOR W.

LUDWIG,

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vs.

\* No.: 00- -CD

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**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 process 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 AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET HELP.**

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\* No.: 00- -CD

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\* Type of Case: Civil

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**COMPLAINT IN ACTION TO QUIET TITLE**

TO: THE HONORABLE JUDGES OF SAID COURT:

AND NOW, come the Plaintiffs, Robert C. Ludwig and Eleanor W. Ludwig by their counsel, Kim C. Kesner, Esquire who in accordance with Pa. R. Civ. P. Rule 1061 file their Complaint to commence this Action to Quiet Title averring:

1. Plaintiffs are Robert C. Ludwig and Eleanor W. Ludwig, adult individuals who are husband and wife who reside at R.D., Box 703, LaJose, Ferguson Township, Clearfield County, Pennsylvania, 15753.
2. Defendants are Mary J. Barrett and Anna P. Duell, both of whom Plaintiffs believe were adult individuals, formerly of Ferguson Township, Clearfield County, Pennsylvania, now deceased, and each and both of their respective heirs, executors, administrators, successors, trustees and assigns, known or unknown, and any other party or person claiming title or an interest in the property subject to this action.

3. Plaintiffs are seized in fee and are in possession of that certain piece or parcel of land situate in Ferguson Township, Clearfield County, Pennsylvania, bounded and described in accordance with a survey dated July 15, 1993 by George A. Cree, Registered Surveyor No. 16233-E as follows:

**BEGINNING** at an existing axle at the Northwest corner of this parcel and the common corner with the land of Gilbert Kitchen, and the common corner of land of Chetwin Merrill and Vera S. Hurd; thence North fifty-nine (59) degrees twenty-two (22) minutes forty-five (45) seconds East along the line of land of Chetwin Merrill and Vera S. Hurd two thousand six hundred thirty-seven and sixty-four one-hundredths (s,637.64) feet to an existing iron rail; thence South thirty-three (33) degrees twenty-nine (29) minutes forty-five (45) seconds East along the line of land of Stephen Banks three thousand one hundred seventy-six and ninety-one one-hundredths (3176.91) feet to an iron pin; thence South fifty-nine (59) degrees thirty (30) minutes thirty (30) seconds West along the line of land of Herbert and Anna M. Snyder two thousand six hundred forty and ninety-five one-hundredths (2640.95) feet to an iron pin; thence North thirty-three (33) degrees twenty-six (26) minutes thirty (30) seconds West along the line of land of Gilbert Kitchen three thousand one hundred seventy and ninety one-hundredths (3170.90) feet to an existing axle and place of beginning, containing 192.06 acres, more or less.

BEING the same premises described in that deed to the Plaintiffs dated January 16, 1993, appearing of record in the Office of the Recorder of Deeds of Clearfield County in Deed Book 1655, page 108 and being referred to hereinafter as the "Premises".

4. A portion of the Premises was owned by Defendant, Mary J. Barrett, ("Subject Property"), who derived title by and under the following two (2) Deeds:

- a. Deed from Sarah Baker, et ux. to Mary J. Barrett, then Mary J. Baker, dated July 22, 1878, appearing of record in the Office of the Recorder of Deeds of Clearfield County in Deed Book Volume 11, page 240;
- b. Deed from Sara Baker, et ux., to Mary J. Barrett, dated August 8, 1887, appearing of record in the Office of the Recorder of Deeds of Clearfield County in Deed Book Volume 43, page 400.

5. The Subject Property was assessed to Defendant Mary J. Barrett in 1927. Unpaid taxes for the year 1927 were returned and on August 10, 1931, A. D. Cowdrick, Treasurer of Clearfield County, sold the Subject Property to the Clearfield County Commissioners on the tax claim by deed dated

February 9, 1932, appearing of record in the Office of the Recorder of Deeds at Deed Book Volume 340, page 564. The Subject Property was described in the aforesaid Treasurer's Deed as "a certain piece of seated land consisting of 28 & 12 A. situate in the Township of Ferguson purported to be owned and assessed in the name of Mary J. Barrett."

6. By deed dated March 5, 1927, recorded in the Office of the Recorder of Deeds of Clearfield County on March 9, 1927, at Deed Book Volume 282, page 303, Mary J. Barrett conveyed the subject property to Anna P. Duell.

7. The subject property was first assessed to Anna P. Duell in 1928.

8. Plaintiffs' title derives through the following chain of conveyances and devises:

- a. Deed of A. D. Cowdrick, Treasurer of Clearfield County to Clearfield County Commissioners, dated February 9, 1932, at Clearfield County Deed Book Volume 340, page 564.
- b. Deed from Clearfield County Commissioners to Levi B. Hamer, dated December 30, 1936 at Clearfield County Deed Book Volume 340, page 566.
- c. Levi B. Hamer died testate on May 17, 1951 and under the first paragraph of his last Will and Testament, dated March 19, 1945, probated and appearing of record in the Office of the Register of Wills of Clearfield County at Will Book Y, page 213 and Estate File No. 21063, he devised the Subject Property to William M. Hamer and Pearl Hamer Williams.
- d. Deed of William M. Hamer and Pearl Hamer Williams, et ux to Pearl Hamer Williams and Blair Williams, dated March 13, 1952 at Deed Book Volume 423, page 101.

- e. Deed of Pearl Hamer Williams, Widow to Robert C. Ludwig Eleanor W. Ludwig and, dated February 23, 1976, at Deed Book Volume 715, page 011 as recited therein, Blair Williams died on November 21, 1975, vesting the Subject Property in his Widow, Pearl Hamer Williams.
- f. Deed of Robert C. Ludwig and Eleanor W. Ludwig to themselves recording a survey of the subject property by George A. Cree, Registered Surveyor, dated January 16, 1993 at Deed and Record Book Volume 1655, page 108.

9. The purpose of this action is to quiet Plaintiffs' title against any and all right, title, claim, or interest of Mary J. Barrett and/or Anna P. Duell, as last record owner(s) of the subject property prior to the tax sale for delinquent taxes for the year 1927 or otherwise, as well as each and both of their respective heirs, executors, administrators, successors, trustees and assigns, known or unknown, and any other party or person claiming title or an interest in the Subject Property.

10. Plaintiffs aver that the tax sale was valid, effective and accompanied by due and proper notice and that their title deriving therefrom may and should be judicially confirmed.

11. Plaintiffs also aver that they and their predecessors in title have been an open, continuous, notorious, hostile, and uninterrupted possession for a period in excess of twenty-one (21) years.

12. Plaintiffs are without sufficient knowledge or information to form a belief as to the present whereabouts of Mary J. Barrett and/or Anna P. Duell, her executors, administrators, successors, trustees and assigns, known or unknown, and any other party or person claiming title or an interest in the property subject to this action.

13. No estate is filed nor does any evidence of death appear of record in Clearfield County for Mary J. (Baker) Barrett, or Anna P. Duell.

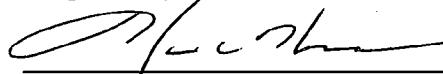
14. There is nothing of record in Clearfield County from which the present identities of any heirs, executors, administrators, successors, trustees or assigns can be reasonably ascertained for Mary J. Barrett and/or Anna P. Duell.

15. There is no record of any purported alienation of the Subject Property by Mary J. Barrett and/or Anna P. Duell, after February 9, 1932.

**WHEREFORE**, Plaintiffs respectfully request your Honorable Court to find and order as follows:

1. That Plaintiffs are seized in fee of the Premises free and clear of any right, title, claim, or interest of the Defendants.
2. That Defendants be forever barred from asserting any right, lien, title, or interest in or to the Subject Property inconsistent with the interest or claim of the Plaintiffs as set forth in this Complaint.
3. Such other relief as is just and proper.

Respectfully submitted,



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Kim C. Kesner, Esquire  
Attorney for Plaintiffs

Commonwealth Of Pennsylvania

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County Of Clearfield

On this the 5TH day of SEPTEMBER, 2000, before me the undersigned authority personally appeared, ELEANOR W. LUDWIG, who acknowledged himself and according to law deposes and says that the facts and averments set forth in the foregoing Complaint are true and correct to the best of his knowledge, information, and belief.

IN WITNESS WHEREOF, I have hereunto subscribed my hand and official seal.

Eleanor W. Ludwig  
Eleanor W. Ludwig

Sworn to and subscribed before me this 5TH day of SEPTEMBER, 2000.

✓  
Notary Public

My Commission Expires:

NOTARIAL SEAL  
KIM C. KESNER, Notary Public  
Lawrence Twp., Clearfield County, Pa.  
My Commission Expires Aug. 29, 2002

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION  
NO. 00-1370-CD

ROBERT C. LUDWIG and ELEANOR W.  
LUDWIG,  
Plaintiffs

vs.

MARY J. BARRETT, ANNA P. DUELL,  
et al.,  
Defendants

PRÆCIPÉ FOR FINAL  
JUDGMENT

FILED  
1cc  
JUL 2 2001  
William A. Shaw  
Prothonotary

KIM C. KESNER  
ATTORNEY AT LAW  
23 North Second Street  
CLEARFIELD, PA. 16830  
(814) 765-1706

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

ROBERT C. LUDWIG and ELEANOR W.  
LUDWIG,  
Plaintiffs

vs.

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and their respective heirs, executors,  
administrators, successors, trustees and assigns,  
known or unknown, and any other party or  
person claiming title or an interest in the property  
subject to this action,

## Defendants

FILED

JUN 12 2001

William A. Shaw  
Prothonotary

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

ROBERT C. LUDWIG and ELEANOR W.  
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vs.

\* No.: 00-1370-CD

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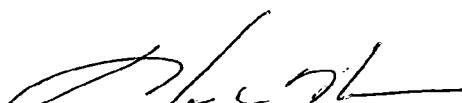
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**PRAECIPE FOR FINAL JUDGMENT**

TO: WILLIAM A. SHAW, PROTHONOTARY

No Defendant having taken the action prescribed by the Order of the Honorable John K. Reilly, Jr.,  
President Judge dated May 10, 2001(copy attached) within thirty (30) days from said Order, in accordance  
with Pa.R.Civ.P. Rule 1066, please enter final judgment in this action for the Plaintiffs against all  
Defendants. All costs have been paid by Plaintiffs.

Respectfully submitted,



Kim C. Kesner, Esquire  
Attorney for Plaintiffs

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

ROBERT C. LUDWIG and ELEANOR W.  
LUDWIG,

Plaintiffs

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known or unknown, and any other party or  
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subject to this action,

Defendants

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ORDER

AND NOW, this 10<sup>th</sup> day of May, 2001, upon consideration of

Plaintiffs Motion For Relief Upon Affidavit of the Plaintiffs in Accordance with Pa.R.Civ.P. Rule 1066, this Court finds as follows:

1. Notice of the pendency of this Action was published by Plaintiff in compliance with this Court's Order of December 28, 2000 and Pa.R.Civ.P. Rule 430(b)(1), which constituted service of the Complaint upon each and all of the Defendants to this action.
2. No Defendant has filed an Answer or other responsive pleading and no attorney has entered an appearance on behalf of any Defendant.
3. The Complaint having been properly served and no Defendant having filed any answer or other responsive pleading, this Court, in accordance with Pa.R.Civ.P. Rule 1066, shall grant appropriate relief to Plaintiffs.

NOW, THEREFORE, it is hereby ORDERED, ADJUDGED and DECREED that Defendants shall be forever barred from asserting any right, lien, title or interest inconsistent with the interest or claim of the Plaintiffs set forth in their Complaint in or to the property subject to this action, more fully described as follows:

All that certain piece or parcel of land situate in Ferguson Township, Clearfield County, Pennsylvania, bounded and described in accordance with a survey dated July 15, 1993 by George A. Cree, Registered Surveyor No. 16233-E as follows:

**BEGINNING** at an existing axle at the Northwest corner of this parcel and the common corner with the land of Gilbert Kitchen, and the common corner of land of Chetwin Merrill and Vera S. Hurd; thence North fifty-nine (59) degrees twenty-two (22) minutes forty-five (45) seconds East along the line of land of Chetwin Merrill and Vera S. Hurd two thousand six hundred thirty-seven and sixty-four one-hundredths (s,637.64) feet to an existing iron rail; thence South thirty-three (33) degrees twenty-nine (29) minutes forty-five (45) seconds East along the line of land of Stephen Banks three thousand one hundred seventy-six and ninety-one one-hundredths (3176.91) feet to an iron pin; thence South fifty-nine (59) degrees thirty (30) minutes thirty (30) seconds West along the line of land of Herbert and Anna M. Snyder two thousand six hundred forty and ninety-five one-hundredths (2640.95) feet to an iron pin; thence North thirty-three (33) degrees twenty-six (26) minutes thirty (30) seconds West along the line of land of Gilbert Kitchen three thousand one hundred seventy and ninety one-hundredths (3170.90) feet to an existing axle and place of beginning, containing 192.06 acres, more or less.

BEING the same premises described in that deed to the Plaintiffs dated January 16, 1993, appearing of record in the Office of the Recorder of Deeds of Clearfield County in Deed Book 1655, page 108.

unless such Defendants or any of them commence an action in ejectment within thirty (30) days from the date of this Order. If such action is not taken on or before the thirtieth (30<sup>th</sup>) day from the date of this Order, the Prothonotary, upon Praeclipe of the Plaintiffs shall enter final judgment.

BY THE COURT:

/S/ JOHN K. KELLY, JR.

---

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

MAY 11 2001

Attest.

*William J. Kelly*  
Prothonotary

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 10371

LUDWIG, ROBERT C. & ELEANOR W.

00-1370-CD

VS.

BARRETT, MARY J. AI

COMPLAINT ACTION TO QUIET TITLE

**SHERIFF RETURNS**

NOW DECEMBER 8, 2000 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURN  
THE WITHIN COMPLAINT ACTION TO QUIET TITLE "NOT FOUND" AS TO MARY J.  
BARRETT AND ANNA P. DUELL, DEFENDANTS. POST OFFICE NEVER HEARD OF  
DEFENDANTS.

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Return Costs

Cost	Description
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22.45	SHFF. HAWKINS PAID BY: ATTY.
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20.00	SURCHARGE PAID BY: ATTY.
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**FILED**

DEC 08 2000  
01342 pm  
William A. Shaw  
Prothonotary

So Answers,

*Chester A. Hawkins  
by Marylyn H. Shaw*  
Chester A. Hawkins  
Sheriff

81 Day Of December 2000  
Chester A. Hawkins  
WILLIAM A. SHAW  
Prothonotary  
My Commission Expires  
1st Monday in Jan. 2002  
Clearfield Co. Clearfield, PA.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
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\* No.: 00-1370-CD

\* Type of Case: Civil

\* \* \* \*

- \* Type of Pleading: Complaint in Action to
- \* Quiet Title

\* Filed on Behalf of: Plaintiffs

\* Counsel of Record for this Party:

- \* Kim C. Kesner, Esquire
- \* Supreme Court I.D. #28307
- \* 23 North Second Street
- \* Clearfield, PA 16830
- \* Phone: (814) 765-1706
- \* Fax: (814) 765-7006

\* Other Counsel of Record:

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

NOV 06 2000

Attest:

William Johnson  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
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ROBERT C. LUDWIG and ELEANOR W.

LUDWIG,

Plaintiffs

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\* No.: 00- -CD

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\* Type of Case: Civil

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**COMPLAINT IN ACTION TO QUIET TITLE**

TO: THE HONORABLE JUDGES OF SAID COURT:

AND NOW, come the Plaintiffs, Robert C. Ludwig and Eleanor W. Ludwig by their counsel, Kim C. Kesner, Esquire who in accordance with Pa. R. Civ. P. Rule 1061 file their Complaint to commence this Action to Quiet Title averring:

1. Plaintiffs are Robert C. Ludwig and Eleanor W. Ludwig, adult individuals who are husband and wife who reside at R.D., Box 703, LaJose, Ferguson Township, Clearfield County, Pennsylvania, 15753.

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4. A portion of the Premises was owned by Defendant, Mary J. Barrett, ("Subject Property"), who derived title by and under the following two (2) Deeds:

- a. Deed from Sarah Baker, et ux. to Mary J. Barrett, then Mary J. Baker, dated July 22, 1878, appearing of record in the Office of the Recorder of Deeds of Clearfield County in Deed Book Volume 11, page 240;
- b. Deed from Sara Baker, et ux., to Mary J. Barrett, dated August 8, 1887, appearing of record in the Office of the Recorder of Deeds of Clearfield County in Deed Book Volume 43, page 400.

5. The Subject Property was assessed to Defendant Mary J. Barrett in 1927. Unpaid taxes for the year 1927 were returned and on August 10, 1931, A. D. Cowdrick, Treasurer of Clearfield County, sold the Subject Property to the Clearfield County Commissioners on the tax claim by deed dated

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- f. Deed of Robert C. Ludwig and Eleanor W. Ludwig to themselves recording a survey of the subject property by George A. Cree, Registered Surveyor, dated January 16, 1993 at Deed and Record Book Volume 1655, page 108.

9. The purpose of this action is to quiet Plaintiffs' title against any and all right, title, claim, or interest of Mary J. Barrett and/or Anna P. Duell, as last record owner(s) of the subject property prior to the tax sale for delinquent taxes for the year 1927 or otherwise, as well as each and both of their respective heirs, executors, administrators, successors, trustees and assigns, known or unknown, and any other party or person claiming title or an interest in the Subject Property.

10. Plaintiffs aver that the tax sale was valid, effective and accompanied by due and proper notice and that their title deriving therefrom may and should be judicially confirmed.

11. Plaintiffs also aver that they and their predecessors in title have been an open, continuous, notorious, hostile, and uninterrupted possession for a period in excess of twenty-one (21) years.

12. Plaintiffs are without sufficient knowledge or information to form a belief as to the present whereabouts of Mary J. Barrett and/or Anna P. Duell, her executors, administrators, successors, trustees and assigns, known or unknown, and any other party or person claiming title or an interest in the property subject to this action.

13. No estate is filed nor does any evidence of death appear of record in Clearfield County for Mary J. (Baker) Barrett, or Anna P. Duell.

14. There is nothing of record in Clearfield County from which the present identities of any heirs, executors, administrators, successors, trustees or assigns can be reasonably ascertained for Mary J. Barrett and/or Anna P. Duell.

15. There is no record of any purported alienation of the Subject Property by Mary J. Barrett and/or Anna P. Duell, after February 9, 1932.

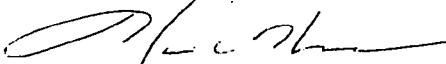
**WHEREFORE**, Plaintiffs respectfully request your Honorable Court to find and order as follows:

1. That Plaintiffs are seized in fee of the Premises free and clear of any right, title, claim, or interest of the Defendants.

2. That Defendants be forever barred from asserting any right, lien, title, or interest in or to the Subject Property inconsistent with the interest or claim of the Plaintiffs as set forth in this Complaint.

3. Such other relief as is just and proper.

Respectfully submitted,



---

Kim C. Kesner, Esquire  
Attorney for Plaintiffs

Commonwealth Of Pennsylvania

:

: \$S.

County Of Clearfield

:

On this the 5TH day of SEPTEMBER, 2000, before me the undersigned authority personally appeared, ELEANOR W. LUDWIG, who acknowledged himself and according to law deposes and says that the facts and averments set forth in the foregoing Complaint are true and correct to the best of his knowledge, information, and belief.

IN WITNESS WHEREOF, I have hereunto subscribed my hand and official seal.

Eleanor W. Ludwig  
Eleanor W. Ludwig

Sworn to and subscribed before me this 5TH day of SEPTEMBER, 2000.

Notary Public

My Commission Expires:

NOTARIAL SEAL  
KIM C. KESNER, Notary Public  
Lawrence Twp., Clearfield County, Pa.  
My Commission Expires Aug. 29, 2002

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

ROBERT C. LUDWIG and ELEANOR W.  
LUDWIG,

**Plaintiffs**

VS.

MARY J. BARRETT, ANNA P. DUELL,  
and their respective heirs, executors,  
administrators, successors, trustees and assigns,  
known or unknown, and any other party or  
person claiming title or an interest in the property  
subject to this action.

## Defendants

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\* No.: 00-1370 -CD  
\*  
\* Type of Case: Civil  
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\*  
\* Type of Pleading: Complaint in Action to  
\* Quiet Title  
\*  
\*  
\* Filed on Behalf of: Plaintiffs  
\*  
\*  
\* Counsel of Record for this Party:  
\*  
\* Kim C. Kesner, Esquire  
\* Supreme Court I.D. #28307  
\* 23 North Second Street  
\* Clearfield, PA 16830  
\* Phone: (814) 765-1706  
\* Fax: (814) 765-7006  
\*  
\*  
\* Other Counsel of Record:  
\*  
\*  
\*

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

NOV 06 2000

Attest:

William L. Brown  
Prothonotary

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

ROBERT C. LUDWIG and ELEANOR W.  
LUDWIG,

Plaintiffs

vs.

MARY J. BARRETT, ANNA P. DUELL,  
and their respective heirs, executors,  
administrators, successors, trustees and assigns,  
known or unknown, and any other party or  
person claiming title or an interest in the property  
subject to this action,

Defendants

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\* No.: 00- -CD  
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**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 process 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 AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET HELP.**

Court Administrator's Office  
Clearfield County Courthouse  
1 North Second Street  
Clearfield, PA 16830  
Telephone: (814) 765-2941

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

ROBERT C. LUDWIG and ELEANOR W. LUDWIG, Plaintiffs \*  
vs. \*  
MARY J. BARRETT, ANNA P. DUELL, \*  
and their respective heirs, executors, \*  
administrators, successors, trustees and assigns, \*  
known or unknown, and any other party or \*  
person claiming title or an interest in the property \*  
subject to this action, Defendants \*  
\* No.: 00- CD  
\* Type of Case: Civil  
\*  
\*  
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\*  
\*

**COMPLAINT IN ACTION TO QUIET TITLE**

TO: THE HONORABLE JUDGES OF SAID COURT:

AND NOW, come the Plaintiffs, Robert C. Ludwig and Eleanor W. Ludwig by their counsel, Kim C. Kesner, Esquire who in accordance with Pa. R. Civ. P. Rule 1061 file their Complaint to commence this Action to Quiet Title averring:

1. Plaintiffs are Robert C. Ludwig and Eleanor W. Ludwig, adult individuals who are husband and wife who reside at R.D., Box 703, LaJose, Ferguson Township, Clearfield County, Pennsylvania, 15753.
2. Defendants are Mary J. Barrett and Anna P. Duell, both of whom Plaintiffs believe were adult individuals, formerly of Ferguson Township, Clearfield County, Pennsylvania, now deceased, and each and both of their respective heirs, executors, administrators, successors, trustees and assigns, known or unknown, and any other party or person claiming title or an interest in the property subject to this action.

3. Plaintiffs are seized in fee and are in possession of that certain piece or parcel of land situate in Ferguson Township, Clearfield County, Pennsylvania, bounded and described in accordance with a survey dated July 15, 1993 by George A. Cree, Registered Surveyor No. 16233-E as follows:

**BEGINNING** at an existing axle at the Northwest corner of this parcel and the common corner with the land of Gilbert Kitchen, and the common corner of land of Chetwin Merrill and Vera S. Hurd; thence North fifty-nine (59) degrees twenty-two (22) minutes forty-five (45) seconds East along the line of land of Chetwin Merrill and Vera S. Hurd two thousand six hundred thirty-seven and sixty-four one-hundredths (s,637.64) feet to an existing iron rail; thence South thirty-three (33) degrees twenty-nine (29) minutes forty-five (45) seconds East along the line of land of Stephen Banks three thousand one hundred seventy-six and ninety-one one-hundredths (3176.91) feet to an iron pin; thence South fifty-nine (59) degrees thirty (30) minutes thirty (30) seconds West along the line of land of Herbert and Anna M. Snyder two thousand six hundred forty and ninety-five one-hundredths (2640.95) feet to an iron pin; thence North thirty-three (33) degrees twenty-six (26) minutes thirty (30) seconds West along the line of land of Gilbert Kitchen three thousand one hundred seventy and ninety one-hundredths (3170.90) feet to an existing axle and place of beginning, containing 192.06 acres, more or less.

BEING the same premises described in that deed to the Plaintiffs dated January 16, 1993, appearing of record in the Office of the Recorder of Deeds of Clearfield County in Deed Book 1655, page 108 and being referred to hereinafter as the "Premises".

4. A portion of the Premises was owned by Defendant, Mary J. Barrett, ("Subject Property"), who derived title by and under the following two (2) Deeds:

- a. Deed from Sarah Baker, et ux. to Mary J. Barrett, then Mary J. Baker, dated July 22, 1878, appearing of record in the Office of the Recorder of Deeds of Clearfield County in Deed Book Volume 11, page 240;
- b. Deed from Sara Baker, et ux., to Mary J. Barrett, dated August 8, 1887, appearing of record in the Office of the Recorder of Deeds of Clearfield County in Deed Book Volume 43, page 400.

5. The Subject Property was assessed to Defendant Mary J. Barrett in 1927. Unpaid taxes for the year 1927 were returned and on August 10, 1931, A. D. Cowdrick, Treasurer of Clearfield County, sold the Subject Property to the Clearfield County Commissioners on the tax claim by deed dated

February 9, 1932, appearing of record in the Office of the Recorder of Deeds at Deed Book Volume 340, page 564. The Subject Property was described in the aforesaid Treasurer's Deed as "a certain piece of seated land consisting of 28 & 12 A. situate in the Township of Ferguson purported to be owned and assessed in the name of Mary J. Barrett."

6. By deed dated March 5, 1927, recorded in the Office of the Recorder of Deeds of Clearfield County on March 9, 1927, at Deed Book Volume 282, page 303, Mary J. Barrett conveyed the subject property to Anna P. Duell.

7. The subject property was first assessed to Anna P. Duell in 1928.

8. Plaintiffs' title derives through the following chain of conveyances and devises:

- a. Deed of A. D. Cowdrick, Treasurer of Clearfield County to Clearfield County Commissioners, dated February 9, 1932, at Clearfield County Deed Book Volume 340, page 564.
- b. Deed from Clearfield County Commissioners to Levi B. Hamer, dated December 30, 1936 at Clearfield County Deed Book Volume 340, page 566.
- c. Levi B. Hamer died testate on May 17, 1951 and under the first paragraph of his last Will and Testament, dated March 19, 1945, probated and appearing of record in the Office of the Register of Wills of Clearfield County at Will Book Y, page 213 and Estate File No. 21063, he devised the Subject Property to William M. Hamer and Pearl Hamer Williams.
- d. Deed of William M. Hamer and Pearl Hamer Williams, et ux to Pearl Hamer Williams and Blair Williams, dated March 13, 1952 at Deed Book Volume 423, page 101.

- e. Deed of Pearl Hamer Williams, Widow to Robert C. Ludwig Eleanor W. Ludwig and, dated February 23, 1976, at Deed Book Volume 715, page 011 as recited therein, Blair Williams died on November 21, 1975, vesting the Subject Property in his Widow, Pearl Hamer Williams.
- f. Deed of Robert C. Ludwig and Eleanor W. Ludwig to themselves recording a survey of the subject property by George A. Cree, Registered Surveyor, dated January 16, 1993 at Deed and Record Book Volume 1655, page 108.

9. The purpose of this action is to quiet Plaintiffs' title against any and all right, title, claim, or interest of Mary J. Barrett and/or Anna P. Duell, as last record owner(s) of the subject property prior to the tax sale for delinquent taxes for the year 1927 or otherwise, as well as each and both of their respective heirs, executors, administrators, successors, trustees and assigns, known or unknown, and any other party or person claiming title or an interest in the Subject Property.

10. Plaintiffs aver that the tax sale was valid, effective and accompanied by due and proper notice and that their title deriving therefrom may and should be judicially confirmed.

11. Plaintiffs also aver that they and their predecessors in title have been an open, continuous, notorious, hostile, and uninterrupted possession for a period in excess of twenty-one (21) years.

12. Plaintiffs are without sufficient knowledge or information to form a belief as to the present whereabouts of Mary J. Barrett and/or Anna P. Duell, her executors, administrators, successors, trustees and assigns, known or unknown, and any other party or person claiming title or an interest in the property subject to this action.

13. No estate is filed nor does any evidence of death appear of record in Clearfield County for Mary J. (Baker) Barrett, or Anna P. Duell.

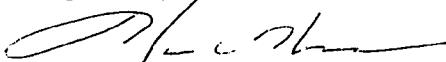
14. There is nothing of record in Clearfield County from which the present identities of any heirs, executors, administrators, successors, trustees or assigns can be reasonably ascertained for Mary J. Barrett and/or Anna P. Duell.

15. There is no record of any purported alienation of the Subject Property by Mary J. Barrett and/or Anna P. Duell, after February 9, 1932.

**WHEREFORE**, Plaintiffs respectfully request your Honorable Court to find and order as follows:

1. That Plaintiffs are seized in fee of the Premises free and clear of any right, title, claim, or interest of the Defendants.
2. That Defendants be forever barred from asserting any right, lien, title, or interest in or to the Subject Property inconsistent with the interest or claim of the Plaintiffs as set forth in this Complaint.
3. Such other relief as is just and proper.

Respectfully submitted,



\_\_\_\_\_  
Kim C. Kesner, Esquire  
Attorney for Plaintiffs

Commonwealth Of Pennsylvania

:

: **SS.**

County Of Clearfield

:

On this the 5TH day of SEPTEMBER, 2000, before me the undersigned authority personally appeared, ELEANOR W. LUDWIG, who acknowledged himself and according to law deposes and says that the facts and averments set forth in the foregoing Complaint are true and correct to the best of his knowledge, information, and belief.

IN WITNESS WHEREOF, I have hereunto subscribed my hand and official seal.

Eleanor W. Ludwig  
Eleanor W. Ludwig

Sworn to and subscribed before me this 5TH day of SEPTEMBER, 2000.

Notary Public

My Commission Expires:

NOTARIAL SEAL  
KIM C. KESNER, Notary Public  
Lawrence Twp., Clearfield County, Pa.  
My Commission Expires Aug. 29, 2002

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION  
NO. 00-1370-CD

ROBERT C. LUDWIG and ELEANOR W.  
LUDWIG,

Plaintiffs

vs.

MARY J. BARRETT, ANNA P. DUELL, and  
their respective heirs, executors,  
administrators, successors,  
trustees and assigns, known or  
unknown, and any other party or  
person claiming title or an  
interest in the property subject  
to this action.

Defendants

ORDER

FILED  
10/3/00  
5861 Atty Kesner  
DEC 28 2000

William A. Shaw,  
Prothonotary

KIM C. KESNER  
ATTORNEY AT LAW  
23 North Second Street  
CLEARFIELD, PA 16830  
(814) 765-1706

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

ROBERT C. LUDWIG and ELEANOR W.

LUDWIG,

Plaintiffs

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vs.

\* No.: 00-1370-CD

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MARY J. BARRETT, ANNA P. DUELL,  
and their respective heirs, executors,  
administrators, successors, trustees and assigns,  
known or unknown, and any other party or  
person claiming title or an interest in the property  
subject to this action,

Defendants

\*

\*

**FILED**

DEC 28 2000

*William A. Shaw  
Prothonotary*

**ORDER**

AND NOW, this 28<sup>th</sup> day of December, 2000, upon consideration of Plaintiffs Motion for Service Pursuant to Special Order of Court under Pa.R.Civ.P. Rule 430, the Court makes the following findings:

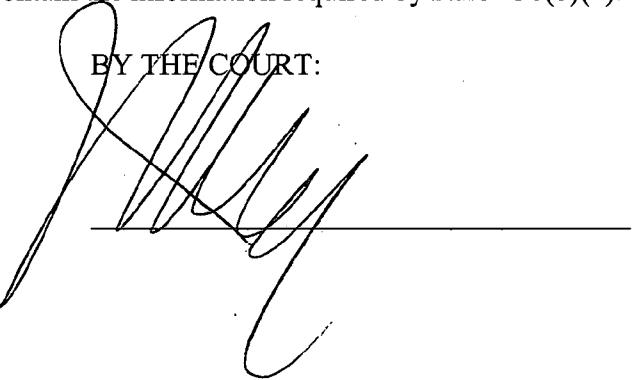
1. The Plaintiffs and the Clearfield County Sheriff have made a reasonable investigation and a good faith effort to discover the existence and whereabouts of the Defendants Mary J. Barrett, Anna P. Duell and their respective heirs, executors, administrator, successors, trustees and assigns, known or unknown and any other party or person claiming title or an interest in the property subject to this action.
2. Despite such investigation and efforts, no information is available or has been discovered as to the existence or the whereabouts of any of the Defendants and in particular, Mary J. Barrett and Anna P. Duell.
3. It is probable that Mary J. Barrett and Anna P. Duell are deceased.
4. It is improbable that any further investigation or effort to discover the existence or whereabouts of any heirs, executors, administrators, successors, trustees or assigns of Mary J. Barrett or Anna P. Duell would be successful.

5. Service of Process by publication is the only method available which can reasonably provide notice to the unknown heirs, executors, administrators, successors, trustees or assigns or any other party or person claiming title or an interest in the subject property.

NOW, THEREFORE, it is hereby ORDERED and DECREED that:

- a. Plaintiffs be and are hereby authorized by authority of Pa.R.Civ.P. Rule 430 to serve their Complaint in Action to Quiet Title upon each and all the Defendants by publication.
- b. Publication shall be by advertising a notice of the action once in the *Clearfield County Legal Journal* and once in *The Progress*, a newspaper of general circulation within Ferguson Township in Clearfield County. The publication shall contain the information required by Rule 430(b)(1).

BY THE COURT:

A large, handwritten signature is written over the signature line. The signature is fluid and cursive, appearing to read "J. H. HARRIS". It is written in black ink on a white background.

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW  
NO. 00-1370-CD

ROBERT C. LUDWIG and ELEANOR W.  
LUDWIG,  
Plaintiffs

MARY J. BARRETT, ANNA P. DUELL,  
et al.,  
Defendants

vs.

ORDER

FILED 3 CC  
MAY 11 2001  
Kesner  
Shaw  
Prothonotary

William A. Shaw  
Prothonotary

KIM C. KESNER  
ATTORNEY AT LAW  
23 North Second Street  
CLEARFIELD, PA 16830  
(814) 765-1706

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

ROBERT C. LUDWIG and ELEANOR W.  
LUDWIG,

Plaintiffs

vs.

MARY J. BARRETT, ANNA P. DUELL,  
and their respective heirs, executors,  
administrators, successors, trustees and assigns,  
known or unknown, and any other party or  
person claiming title or an interest in the property  
subject to this action,

Defendants

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\* No.: 00-1370-CD  
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**ORDER**

AND NOW, this 10<sup>th</sup> day of May, 2001, upon consideration of  
Plaintiffs Motion For Relief Upon Affidavit of the Plaintiffs in Accordance with Pa.R.Civ.P. Rule  
1066, this Court finds as follows:

1. Notice of the pendency of this Action was published by Plaintiff in compliance with this Court's Order of December 28, 2000 and Pa.R.Civ.P. Rule 430(b)(1), which constituted service of the Complaint upon each and all of the Defendants to this action.
2. No Defendant has filed an Answer or other responsive pleading and no attorney has entered an appearance on behalf of any Defendant.
3. The Complaint having been properly served and no Defendant having filed any answer or other responsive pleading, this Court, in accordance with Pa.R.Civ.P. Rule 1066, shall grant appropriate relief to Plaintiffs.

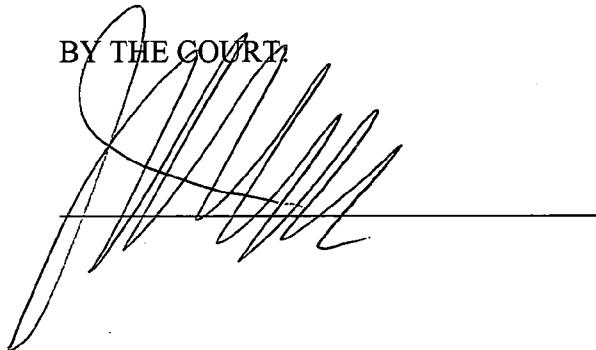
**FILED**

MAY 11 2001

William A. Shaw  
Prothonotary

unless such Defendants or any of them commence an action in ejectment within thirty (30) days from the date of this Order. If such action is not taken on or before the thirtieth (30<sup>th</sup>) day from the date of this Order, the Prothonotary, upon Praecept of the Plaintiffs shall enter final judgment.

BY THE COURT:

A handwritten signature in black ink, appearing to read "THE COURT", is written over a series of overlapping, slanted lines that resemble a stylized "J". A horizontal line extends from the end of the signature to the right.

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION  
NO. 00-1370-CI

ROBERT C. LUDWIG and ELEANOR W.  
LUDWIG,  
Plaintiffs

vs.

MARY J. BARRETT, ANNA P. DUELL,  
and their respective heirs,  
executors, administrators,  
successors, trustees and assigns,  
known or unknown, and any other  
party or person claiming title or  
an interest in the property subject  
to this action

Defendants

MOTION FOR SERVICE PURSUANT  
TO SPECIAL ORDER OF COURT

**FILED** 2000  
OCT 5 2000 Atty  
DEC 27 2000  
SAC

William A. Shaw  
Prothonotary

KIM C. KESNER  
ATTORNEY AT LAW  
23 North Second Street  
CLEARFIELD, PA. 16830  
(814) 765-1706

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

ROBERT C. LUDWIG and ELEANOR W.  
LUDWIG.

## Plaintiffs

VS.

MARY J. BARRETT, ANNA P. DUELL,  
and their respective heirs, executors,  
administrators, successors, trustees and assigns,  
known or unknown, and any other party or  
person claiming title or an interest in the property  
subject to this action.

## Defendants

FILED

DEC 27 2000

William A. Shaw  
Prothonotary

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

ROBERT C. LUDWIG and ELEANOR W.  
LUDWIG,

Plaintiffs

vs.

\*  
\*  
\*  
\*

\* No.: 00-1370-CD

MARY J. BARRETT, ANNA P. DUELL,  
and their respective heirs, executors,  
administrators, successors, trustees and assigns,  
known or unknown, and any other party or  
person claiming title or an interest in the property  
subject to this action,

Defendants

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**MOTION FOR SERVICE PURSUANT TO**  
**SPECIAL ORDER OF COURT**

AND NOW, comes the Plaintiffs, Robert C. and Eleanor W. Ludwig, by their counsel, Kim C. Kesner, Esquire, who, in accordance with Pa.R.Civ.P. Rule 430, moves your Honorable Court for Special Order directing service of the Complaint in this Action to Quiet Title and in support hereof avers:

1. This is an Action to Quiet Title concerning realty in Ferguson Township, Clearfield County, Pennsylvania, described in Paragraph 3 of Plaintiff's Complaint ("Subject Property").
2. As averred in Plaintiff's Complaint, the subject property was assessed to Defendant Mary J. Barrett in 1927 and sold for unpaid taxes for that year by the Treasurer of Clearfield County on August 10, 1931. The Treasurer's Deed described the Subject Property as "a certain piece of seated land consisting of 28 & 12 a. situate in the Township of Ferguson, purported to be owned and assessed in the name of Mary J. Barrett."
3. However, the records maintained in the Office of the Recorder of Deeds of Clearfield County also reflect that by a Deed dated March 5, 1927, Mary J. Barrett purported to convey the subject property to Anna P. Duell.

4. Plaintiffs are without sufficient knowledge or information to form a belief as to the existence of present whereabouts of Mary J. Barrett and/or Anna P. Duell, although given the lapse of time from their ownership of the property, Plaintiffs would expect that both are deceased.

5. No estate is filed nor does any evidence of death appear of record in Clearfield County for Mary J. Barrett or Anna P. Duell.

6. Plaintiffs have made inquiry in Ferguson Township, but have been unable to discover any information as to the deaths of Mary J. Barrett and/or Anna P. Duell and/or their executors, administrators, successors, trustees and assigns.

7. Plaintiffs have no knowledge as to any other party or person claiming title or an interest in the subject property.

8. On December 8, 2000, the Sheriff made a Return of the Complaint marked "not found" as to Mary J. Barrett, Anna P. Duell and/or any of the other named Defendants.

9. The Sheriff's Return evidenced that the Sheriff made an inquiry of postal authorities which failed to disclose any information on the existence or whereabouts of any of the Defendants.

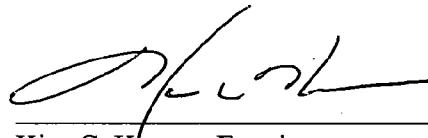
10. Plaintiffs made inquiries of the Clearfield County Voter Registration Office and Assessment Office which failed to disclose any information as to the existence or whereabouts of any of the Defendants.

11. Plaintiffs aver that the Clearfield County Sheriff and Plaintiffs have made a good faith effort to discover the existence or whereabouts of the Defendants.

12. Plaintiffs aver that service of process by publication would be reasonably calculated to give any party or person claiming title or an interest in the subject property, notice of the pendency of this action.

WHEREFORE, Plaintiffs respectfully request your Honorable Court to enter a Special Order by authority of Pa.R.Civ.P. Rule 430, authorizing Plaintiffs to serve their Complaint in Action to Quiet Title upon Mary J. Barrett, Anna P. Duell and their respective heirs, executors, administrator, successors, trustees and assigns, known or unknown and any other party or person claiming title or an interest in the property subject to this action, by publication once in the *Clearfield County Legal Journal* and in *The Progress*, which is a newspaper of general circulation within Clearfield County and Ferguson Township.

Respectfully submitted,



---

Kim C. Kesner, Esquire  
Attorney for Plaintiffs

**AFFIDAVIT**

**Commonwealth Of Pennsylvania**

**:**

**: S. S.**

**County Of Clearfield**

**:**

On this the 26<sup>th</sup> day of December, 2000, before me the undersigned authority personally appeared, ELEANOR W. LUDWIG, who acknowledged herself and according to law deposes and says that the facts and averments set forth in the foregoing Motion are true and correct to the best of her knowledge, information, and belief.

IN WITNESS WHEREOF, I have hereunto subscribed my hand and official seal.

*Eleanor W. Ludwig*  
Eleanor W. Ludwig

Sworn to and subscribed before me this 26<sup>th</sup> day of December, 2000.

*Kristen L. Zurat*  
Notary Public

My Commission Expires:



IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW  
No. 00-1370-CD

ROBERT C. LUDWIG and ELEANOR W.  
LUDWIG,  
Plaintiffs

vs.

MARY J. BARRETT, ANNA P. DUELL,  
et al.,  
Defendants

MOTION FOR RELIEF UPON  
AFFIDAVIT OF THE PLAINTIFFS  
IN ACCORDANCE WITH Pa.R.Civ.P.  
RULE 1066

FILED

MAY 08 2001  
161 C.C. Actn  
William A. Shaw  
Prothonotary  
Kesner  
Kesner

KIM C. KESNER  
ATTORNEY AT LAW  
23 North Second Street  
CLEARFIELD, PA 16830  
(814) 765-1706

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

ROBERT C. LUDWIG and ELEANOR W.  
LUDWIG,  
Plaintiffs

vs.

MARY J. BARRETT, ANNA P. DUELL,  
and their respective heirs, executors,  
administrators, successors, trustees and assigns,  
known or unknown, and any other party or  
person claiming title or an interest in the property  
subject to this action.

## Defendants

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\*  
\*  
\* No.: 00-1370-CD  
\*  
\* Type of Case: Civil  
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\*  
\* Type of Pleading: Motion for Relief Upon  
\* Affidavit of the Plaintiffs in Accordance with  
\* Pa.R.Civ.P. Rule 1066  
\*  
\*  
\* Filed on Behalf of: Plaintiffs  
\*  
\*  
\* Counsel of Record for this Party:  
\*  
\* Kim C. Kesner, Esquire  
\* Supreme Court I.D. #28307  
\* 23 North Second Street  
\* Clearfield, PA 16830  
\* Phone: (814) 765-1706  
\* Fax: (814) 765-7006  
\*  
\*  
\* Other Counsel of Record:  
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**FILED**

MAY 08 2001

William A. Shaw  
Prothonotary

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

ROBERT C. LUDWIG and ELEANOR W.  
LUDWIG, \*  
Plaintiffs \*  
\*  
vs. \* No.: 00-1370-CD  
\*  
MARY J. BARRETT, ANNA P. DUELL, \*  
and their respective heirs, executors, \*  
administrators, successors, trustees and assigns, \*  
known or unknown, and any other party or \*  
person claiming title or an interest in the property \*  
subject to this action, \*  
Defendants \*

**MOTION FOR RELIEF UPON AFFIDAVIT OF**  
**THE PLAINTIFFS IN ACCORDANCE WITH PA.R.CIV.P. RULE 1066**

AND NOW, comes the Plaintiffs, Robert C. and Eleanor W. Ludwig, by their counsel, Kim C. Kesner, Esquire, who, in accordance with Pa.R.Civ.P. Rule 1066, moves your Honorable Court for an Order granting Plaintiffs relief and in support hereof avers:

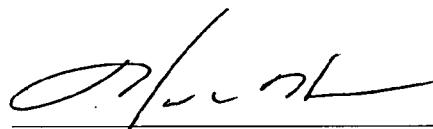
1. This is an Action to Quiet Title concerning realty in Ferguson Township, Clearfield County, Pennsylvania described in Paragraph 3 of Plaintiffs' Complaint ("Subject Property").
2. This Court entered a previous Order dated December 28, 2000, upon Plaintiff's Motion for Service Pursuant to Special Order of Court under Pa.R.Civ.P. Rule 430 authorizing and directing Plaintiffs to serve their Complaint in Action to Quiet Title upon each and all of the Defendants by publication. Upon the Affidavit of Plaintiff Eleanor W. Ludwig, annexed hereto and incorporated herein by reference, Plaintiffs hereby confirm as follows:
  - a. Notice of this action was published by Plaintiffs in accordance with this Court's Order of December 28, 2000, containing the information required by Pa.R.Civ.P. Rule 430 in the

*Clearfield County Legal Journal* on January 12, 2001 and in *The Progress* on January 2, 2001. Annexed hereto are copies of the Notice(s) and Proof(s) of Publication.

b. To date, no defendant has filed an answer or other responsive pleading to the Complaint, nor has any attorney entered an appearance for any defendant.

WHEREFORE, Plaintiffs respectfully request your Honorable Court, in accordance with Pa.R.Civ.P. Rule 1066, to Order that the Defendants be forever barred from asserting any right, lien, title or interest in the property being the subject matter of this Action, inconsistent with the interest or claim of the Plaintiffs set forth in the Complaint, unless such Defendants commence an action in ejectment in this Court within thirty (30) days.

Respectfully submitted,



---

Kim C. Kesner, Esquire  
Attorney for Plaintiffs

## PROOF OF PUBLICATION

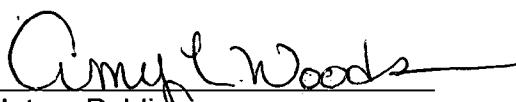
**STATE OF PENNSYLVANIA**

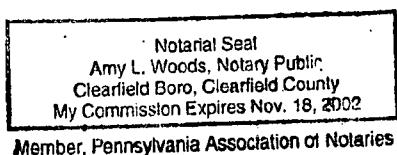
**COUNTY OF CLEARFIELD**

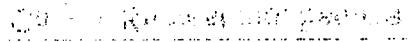
On this 18th day of January AD 2001, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Gary A. Knaresboro, who being duly sworn according to law, proposes and says that he is the editor of the Clearfield County Legal Journal of the Courts of Clearfield County, and that the annexed is a true copy of the notice or advertisement published in said publication in the regular issues of Week of January 12, 2001, Vol. 13, No. 2. 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  
300 Main Street, Suite 100  
Clearfield, PA 16830

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

  
\_\_\_\_\_  
Amy L. Woods  
Notary Public  
My Commission Expires



Kim C. Kesner  
23 North 2<sup>nd</sup> Street  
Clearfield, PA 16830  


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

ROBERT C. LUDWIG and ELEANOR  
W. LUDWIG, Plaintiffs vs. MARY J.  
BARRETT, ANNA P. DUELL, and their  
respective heirs, executors, administrators,  
successors, trustees and assigns, known  
or unknown, and any other party or person  
claiming title or an interest in the property  
subject to this action, Defendants.

ACTION TO QUIET TITLE  
NOTICE

No. 00-1370-CD

TO: MARY J. BARRETT, ANNA P.  
DUELL, and their respective heirs,  
executors, administrators, successors,  
trustees and assigns, known or unknown,  
and any other party or person claiming title  
or an interest in the property subject to this  
action.

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, these may  
process 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  
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.

Kitchen, and the common corner of land of Chetwin Merrill and Vera S. Hurd; thence North fifty-nine <sup>0</sup>(59) degrees twenty-two (22) minutes forty-five (45) seconds East along the line of land of Chetwin Merrill, and Vera S. Hurd two thousand six hundred thirty-seven and sixty-four one-hundredths (2,637.64) feet to an existing iron rail; thence South thirty-three (33) degrees twenty-nine (29) minutes forty-five (45) seconds East along the line of lands of Stephen Banks three thousand one hundred seventy-six and ninety-one hundredths (3176.91) feet to an iron pin; thence South fifty-nine (59) degrees thirty (30) minutes thirty (30) seconds West along the line of land of Herbert and Anna M. Snyder two thousand six hundred forty and ninety-five one-hundredths (2640.95) feet to an iron pin; thence North thirty-three (33) degrees twenty-six (26) minutes thirty (30) seconds West along the line of land of Gilbert Kitchen three thousand one hundred seventy and ninety one-hundredths (3170.90) feet to an existing axle and place of beginning, containing 192.06 acres, more or less.

Further, the Court of Common Pleas of Clearfield County, Pennsylvania, did by Order executed the 28th day of December 2000, direct that notice of this action be served upon you by advertisement in The Progress, and that if you do not appear or otherwise defend such action within thirty (30) days from the date of advertisement, you shall be, by appropriate order, forever barred from asserting any right, lien title or interest or claim adverse to the interests of Plaintiffs as set forth in their Complaint.

KIM C. KESNER, ESQUIRE, 23 North Second Street, Clearfield, PA 16830, (814) 765-1706.

You are hereby notified that an Action to Quiet Title to the following premises situate in the Ferguson Township, Clearfield County, Pennsylvania, has been filed against you. Said premises are more particularly bounded and described as follows:

ALL that certain piece or parcel of land situate in Ferguson Township, Clearfield County, Pennsylvania, bounded and described in accordance with a survey dated July 15, 1993 by George A. Cree, Registered Surveyor No. 16233-E as follows:

BEGINNING at an existing axle at the Northeast corner of this parcel and the common corner with the land of Gilbert Kitchen, and the common corner of land of Chetwin Merrill and Vera S. Hurd; thence North fifty-nine (59) degrees twenty-two (22) minutes forty-five (45) seconds East along the line of land of Chetwin Merrill and Vera S. Hurd two thousand six hundred thirty-seven and sixty-four one-hundredths (2,637.64) feet to an existing iron rail; thence South thirty-three (33) degrees twenty-nine (29) minutes forty-five (45) seconds East along the line of lands of Stephen Banks three thousand one hundred seventy-six and ninety-one hundredths (3176.91) feet to an iron pin; thence South fifty-nine (59) degrees thirty (30) minutes thirty (30) seconds West along the line of land of Herbert and Anna M. Snyder two thousand six hundred forty and ninety-five one-hundredths (2640.95) feet to an iron pin; thence North thirty-three (33) degrees twenty-six (26) minutes thirty (30) seconds West along the line of land of Gilbert Kitchen three thousand one hundred seventy and ninety one-hundredths (3170.90) feet to an existing axle and place of beginning, containing 192.06 acres, more or less.

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KIM C. KESNER, ESQUIRE, 23 North Second Street, Clearfield, PA 16830, (814) 765-1706.

## ARTICLES OF INCORPORATION

NOTICE IS HEREBY GIVEN THAT Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA.

The name of the proposed corporation is MILLER-LYKENS QUALITY CLEANING INC.

The Corporation has been incorporated under the Pennsylvania Business Corporation Law of 1988.

CHRIS A. PENTZ, Esquire, 211½ East Locust Street, Clearfield, PA 16830.

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

ROBERT C. LUDWIG and ELEANOR W. LUDWIG, Plaintiffs vs. MARY J. BARRETT, ANNA P. DUELL, and their respective heirs, executors, administrators, successors, trustees and assigns, known or unknown, and any other party or person claiming title or an interest in the property subject to this action, Defendants.

### ACTION TO QUIET TITLE

#### NOTICE

No. 00-1370-CD

TO: MARY J. BARRETT, ANNA P. DUELL, and their respective heirs, executors, administrators, successors, trustees and assigns, known or unknown, and any other party or person claiming title or an interest in the property subject to this action.

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, these 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 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.

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :

SS:

COUNTY OF CLEARFIELD :

On this 10th day of January, A.D. 2001, 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

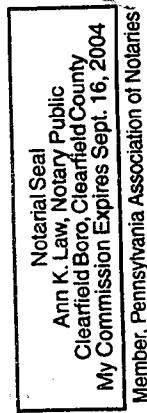
the regular issues of January 2, 2001. And that the affiant is not interested in the subject matter of the notice or advertising, and that all of the allegations of this statement as to the time, place, and character of publication are true.

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



FULL-TIME and part-time LPN's and CNA's. Ridgeview Elder Care and Rehabilitation Center is currently accepting applications. Salary commensurate with experience, earned benefit time, health insurance paid 100% by employer for full-time employees. Full-time employees receive five sets of uniforms per year. Part-time employees receive three sets per year. 131 bed skilled nursing facility. Interested applicants should send a resume to: Ridgeview Elder Care Rehabilitation Center, RR3, Box 299A, Curwensville, PA 16833, Attention: Mary Ann Nardozza, Don or Kathleen Gillespie, NHA or apply in person at the facility.

HEALTH RIDE PLUS, a medical transportation company, is accepting applications for van drivers for Clearfield County. Health care background/ EMT's preferred. Must be flexible for hours and days of work. Call 88-661-7587 for more information.

#### For Rent

### LEGAL ROAD PROPERTY

ely for Rent.  
0 sq. ft. building  
oors

house

appointment to view.  
venings 857-7862)

AFFS you will be actively involved with the training and supervising of the dietary evening shift. To be considered candidates must have long term care dietary experience. Salary will be commensurate with experience. We have excellent benefits. To apply come in and complete our application for employment. The Presbyterian Home of Moshannon Valley, 200 Medical Center Drive, Philipsburg, PA 16666. EOE.

BABY-SITTER needed for infant approximately 35 hours per week. Working environment References required. Philipsburg 342-1598.

EQUIPMENT OPERATOR - experienced in all phases of excavating, dozer, loader, excavator. Please send resume to Box "2055", c/o The Progress, P.O. Box 291, Clearfield, PA 16830.

FREE SIGNUP WITH Avon. Extended until January 7th. Call Jean, Philipsburg 342-3643.

**AFFIDAVIT**

**Commonwealth Of Pennsylvania**

**:**

**: S. S.**

**County Of Clearfield**

**:**

On this the 7<sup>th</sup> day of May, 2001, before me the undersigned authority personally appeared, ELEANOR W. LUDWIG, who acknowledged herself and according to law deposes and says in accordance with Pa.R.Civ.P. Rule 1066, that the facts set forth in the foregoing Motion are true and correct to the best of her knowledge, information, and belief.

IN WITNESS WHEREOF, I have hereunto subscribed my hand and official seal.

Eleanor W. Ludwig  
Eleanor W. Ludwig

Sworn to and subscribed before me this 7<sup>th</sup> day of May, 2001.

Kristen L. Zurat  
Notary Public

My Commission Expires:



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

ROBERT C. LUDWIG and ELEANOR W.  
LUDWIG,

Plaintiffs

vs.

MARY J. BARRETT, ANNA P. DUELL,  
and their respective heirs, executors,  
administrators, successors, trustees and assigns,  
known or unknown, and any other party or  
person claiming title or an interest in the property  
subject to this action,

Defendants

\*  
\*  
\*  
\*  
\* No.: 00-1370-CD  
\*  
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\*  
\*

**CERTIFICATION OF ENTRY OF FINAL JUDGMENT**

No Defendant having taken the action prescribed by the Order of the Honorable John K. Reilly, Jr.,  
President Judge dated May 10, 2001 within thirty (30) days from said Order, in accordance with  
Pa.R.Civ.P. Rule 1066, I hereby certify that final judgment has been entered in this action for the  
Plaintiffs against all Defendants.



William A. Shaw, Prothonotary

Dated: June 12, 2001

FILED

JUN 12 2001

William A. Shaw  
Prothonotary

FILED  
Clerk  
JUN 11 2001  
William A. Shaw  
Prothonotary