

10-141-100  
TREASURE LAKE PROPERTY OWNERS - CLEAFIELD COUNTY BOARD OF  
ASSOCIATION, INC. - ASSESSMENT APPEALS



1-801-230

OFFICE OF COURT ADMINISTRATOR  
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

CLEARFIELD COUNTY COURTHOUSE  
230 EAST MARKET STREET, SUITE 228  
CLEARFIELD, PENNSYLVANIA 16830

DAVID S. MEHOLICK  
COURT ADMINISTRATOR

PHONE: (814) 765-2641  
FAX: 1-814-765-6689 7649

MARCY KELLEY  
DEPUTY COURT ADMINISTRATOR

December 7, 2000

Michael P. Yeager, Esquire  
Attorney at Law  
Post Office Box 752  
Clearfield, PA 16830

Kim C. Kesner, Esquire  
Attorney at Law  
23 North Second Street  
Clearfield, PA 16830

RE: TREASURE LAKE PROPERTY  
OWNERS ASSOCIATION, INC.  
vs.  
CLEARFIELD COUNTY BOARD  
OF ASSESSMENT APPEALS  
No. 00-1468-CD

Dear Counsel:

With regard to the above matter, please be advised that hearing on Plaintiff's Petition for Appeal has been rescheduled from January 3, 2001 to Monday, January 8, 2001 at 2:30 P.M. in Courtroom No. 1, Second Floor, Clearfield County Courthouse. One (1) hour has been allotted for this matter.

Very truly yours,  
*Marcy Kelley*  
Marcy Kelley  
Deputy Court Administrator

cc: Honorable John K. Reilly, Jr.



(P) 1-3-01-230

OFFICE OF COURT ADMINISTRATOR  
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

CLEARFIELD COUNTY COURTHOUSE  
230 EAST MARKET STREET  
CLEARFIELD, PENNSYLVANIA 16830

DAVID S. MEHOLICK  
COURT ADMINISTRATOR

PHONE: (814) 765-2641  
FAX: 1-814-765-~~6009~~ 7449

MARCY KELLEY  
DEPUTY COURT ADMINISTRATOR

November 28, 2000

Michael P. Yeager, Esquire  
Attorney at Law  
Post Office Box 752  
Clearfield, PA 16830

Kim C. Kesner, Esquire  
Attorney at Law  
23 North Second Street  
Clearfield, PA 16830

RE: TREASURE LAKE PROPERTY  
OWNERS ASSOCIATION, INC.  
vs.  
CLEARFIELD COUNTY BOARD  
OF ASSESSMENT APPEALS  
No. 00-1468-CD

Dear Counsel:

With regard to the above matter, please be advised that hearing on Plaintiff's Petition for Appeal has been scheduled for Wednesday, January 3, 2001 at 2:30 P.M. in Courtroom No. 1, Second Floor, Clearfield County Courthouse. One (1) hour has been allotted for this matter.

Very truly yours,  
*Marcy Kelley*  
Marcy Kelley  
Deputy Court Administrator

cc: Honorable John K. Reilly, Jr.

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

APPEAL OF TREASURE LAKE PROPERTY: NO. 00-1468-CD  
OWNERS ASSOCIATION, INC.

Petitioner : Type of Case: Real Estate Tax  
Assessment Appeal

vs

CLEARFIELD COUNTY BOARD OF ASSESSMENT APPEALS,  
Respondent : Type of Pleading: Petition for Appeal

File on Behalf of: Treasure Lake Property Owners Association, Inc.

Counsel of Record for this Party:  
Michael P. Yeager, Esq.  
Supreme Court No.: 15587

P.O. Box 752  
110 North Second Street  
Clearfield, PA 16830

(814) 765-9611

Tr Lake v.  
Cifd Co Asst

Wenger 11/21/2020

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

APPEAL OF TREASURE LAKE PROPERTY:

OWNERS ASSOCIATION, INC.,	:	
Petitioner	:	No. 00 - - CD
:	:	
VS	:	
:	:	
CLEARFIELD COUNTY BOARD OF	:	
ASSESSMENT APPEALS,	:	
Respondent	:	

**PETITION FOR APPEAL FROM  
CLEARFIELD COUNTY BOARD OF ASSESSMENT APPEAL'S  
ORDER OR NOTICE DATED NOVEMBER 2, 2000**

COMES NOW, the Petitioner, TREASURE LAKE PROPERTY OWNERS ASSOCIATION, INC., by and through its attorney, MICHAEL P. YEAGER, ESQUIRE, and files the within Petition for Appeal from the Order or Notice of the Clearfield County Board of Assessment Appeals dated November 2, 2000 alleging as follows:

1. The Petitioner, Treasure Lake Property Owners Association, Inc., is a Pennsylvania corporation with a principal place of business being located at 13 Treasure Lake, DuBois, PA 15801.

2. By deeds dated and recorded as set forth in "Exhibit A-1 and A-2" attached hereto, made part hereof and incorporated herein, Treasure Lake Property Owners Association, Inc. secured various parcels of land located within Sandy Township, Clearfield County, Pennsylvania. Copies of said deeds are also attached hereto, made part hereof and incorporated herein as "Exhibits B-1

through B-3".

3. The above premises, consisting of a number of properties, are located within the boundaries of Clearfield County, Sandy Township and the DuBois Area School District. Copies of the within Petition shall be served forthwith upon said municipalities and school district.

4. The Respondent, Clearfield County Board of Assessment Appeals, a "Board for the assessment and revision of taxes" within the meaning of the General County Assessment Law (72 P.S. §5020-102) and a "Board of Assessment Appeals" within the meaning of the Fourth to Eighth Class County Assessment Law (72 P.S. §5453.102), levied real estate tax assessments for 2000 as against the aforementioned properties as set forth on Exhibit A.

5. Within the times allotted by law for the taking of appeals before the Respondent, Clearfield County Board of Assessment Appeals, the Petitioner did appeal the 2001 real estate tax assessments on the properties as aforesaid on August 28, 2000 requesting an exemption. A copy of the Declarations of Intention to Appeal are attached hereto, made part hereof and incorporated as "Exhibit C-1 and C-2".

6. As a result of the aforesaid appeal, a hearing was held before the Respondent, Clearfield County Board of Assessment Appeals, on October 26, 2000.

7. At the hearing as aforesaid, Petitioner presented evidence in the form of the Declaration of Restrictions for Treasure Lake, deed information and the provisions of the Uniform

Planned Community Act (68 Pa. C.S.A. §5101, et seq. and particularly §5105(b)(1) thereof) which provides in part that: "no separate assessed value shall be attributed to and no tax shall be imposed against common facilities...".

8. Despite presentation of the aforesaid evidence and statutory pronouncements, the Respondent, Clearfield County Board of Assessment Appeals, entered an Order or Notice which is dated November 2, 2000 denying the Petitioner's appeal and maintaining the values for the properties when the same should be exempted entirely as reflected in the evidence and statute.

9. A copy of the Order or Notice dated November 2, 2000 is attached hereto, made part hereof and incorporated herein as "Exhibit D".

10. Petitioner believes and therefore avers that the assessments as aforesaid continue to remain entirely inappropriate, improper and unlawful for one or more of the following reasons:

(a) The assessments are illegal as "separate" assessments imposed on or against "common facilities" within the Treasure Lake Subdivision, Sandy Township, Clearfield County, PA; and

(b) The assessments are otherwise illegal, unconstitutional, non-uniform, arbitrary and unreasonable.

11. As the property owner and a party aggrieved by the said assessments, Petitioner has the right to appeal the Order or Notice dated November 2, 2000 (as aforesaid, pursuant to

applicable provisions of the General County Assessment Law and the Fourth to Eighth Class County Assessment Law applicable to Clearfield County.

WHEREFORE, the Petitioner requests Your Honorable Court to hear this appeal, overturn the aforesaid assessments, and to order the return of any and all monies paid for real estate taxation under protest and as derived therefrom; or otherwise enter such Order as it deems proper under applicable Pennsylvania Law.

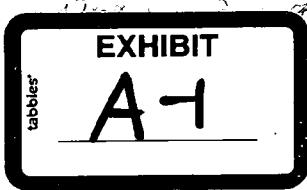


Michael P. Yeager, Esquire  
Attorney for Petitioner  
Attorney ID No. 15587  
P.O. Box 752  
Clearfield, PA 16830  
(814) 765-9611

## EXHIBIT A-1

<u>Property Identification</u>	<u>Assessment #</u>	<u>Acreage</u>	<u>No. of Building</u>	<u>Deed Bk. Page No.</u>	<u>Comments</u>
Administration Bldg., Fire Station, Const. Bldg.	D3-83	Unknown* (4.08)	3	1739/411	Common use administration bldg. & fire station
Rte. 255 Gate Guardhouse	D3-83	Unknown* (3.55)	1	"	Common use/Rte 255 Gatehouse
Entrance Area	D3-133	Unknown*	0	"	Entrance & pond
Bay Road/Dubois Gate Guardhouse	C2-27	Unknown* (4.95)	1	"	Bay Road Gatehouse
Maintenance Bldg./Area	C2-26	9.49	1	"	Maintenance bldg./area for TLPOA
Cayman Campground Clubhouse (Major Amenity Area)	D1-191312.00	6.45	1	"	Entire parcel is amenity
Cayman Campground Center (Buckle Cut Road)	D1-191312.1	.95	1	"	"
Cayman Campground Center (Cargill Road)	D1-191312.2	.95	1	"	"
Cayman Campground Center (Dolphin Head/Lynyard)	D1-191312.3	.81	1	"	"
Cayman Campground Center (Sandbank Road)	D1-191312.4	.92	1	"	"
Cayman Campground Center (Lansing Road)	D1-191312.5	.753	1	"	"
Cayman Campground Center (Undeveloped)	D1-191312.6	1.07	1	"	"
Cayman Campground Center (Dolphin Head/ Crane Neck)	D1-191312.7	.87	1	"	"
Athletic Fields	C2-3.1	Unknown* (7.22)	0	"	Current common use

\* The appealed property consists of only a portion of the assessed area. The estimated acreage totals for the individual appealed parcels are contained in ( )



## EXHIBIT A-2

Property Identification	Assessment # All 128-	Acreage	No. of Buildings	Deed Bk. Page No.	Comments
<b>Country Club Complex</b>					
Clubhouse	C2-11	unknown*	1	1739/411	Main country club complex
Buildings		(30.24)**	1	"	"
Boathouse/marina			1	"	"
Pools			2	"	"
Tennis Courts			6	"	Country club amenities
<b>Ski Lodge Complex</b>					
Ski Lodge Building	C2-3	Unknown	1	1739/411	
Campground bathhouse/pool - Not owned by (Maintenance bldg. & Pro shop - Golf with Gold Golf Course below)	C2-61	Unknown*	1		
	TLPOA	(6.38)			
Ski Lodge Parking Lot	C2-61				
<b>Gold Golf Course</b>					
Pro shop/Restaurant	D2-21, C3-35 & C2-3	Unknown*	1	1739/411	Gold Golf course with related bldgs.
Maintenance Bldg	C2-3	(158.74)	1		
Cart barn	C2-3		1		
Lots (3)	15/4A, 15/3 13/51		2	1739/432 1921/126 1739/432	Cart path 14/15 Cart path 14/15 Access road 12/13
<b>Silver Golf Course</b>					
Pro shop, Restaurant Maintenance building	C1-1, C2-19	Unknown*	1	1739/411	Silver Golf Course with related bldgs.
Cart barn Pavillion	Maybe C2-3 NEW 17/79	(181.17)	1		
Lot (1)			1	1739/432	Access road 13/14

\* The appealed property consists of only a portion of the assessed area. The estimated acreage totals for the individual appealed parcels are contained in ( )

\*\* The Country club property assessed as 30.24 acres includes a portion of the land surrounding Treasure Lake and the Marina which should be exempt as portions of Treasure Lake

EXHIBIT  
A-2  
sqare

**DEED**

THIS DEED made this 1 day of February, 1996, between  
**RECREATION LAND CORPORATION**, a Pennsylvania business corporation,  
(hereinafter referred to as "Grantor")

A  
N  
D

**TREASURE LAKE PROPERTY OWNERS ASSOCIATION, INC.**, a Pennsylvania  
non-profit corporation, (hereinafter referred to as "Grantee")  
**WITNESSETH THAT** in consideration of (\$2,261,160.00)--- Two Million Two  
Hundred Sixty One Thousand One Hundred Sixty and 00/100----- Dollars

in hand paid, receipt of which is hereby acknowledged, the said  
Grantor does hereby grant and convey to the said Grantee, its  
successors and assigns,

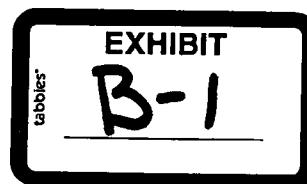
**ALL THAT REAL PROPERTY** situate in Sandy Township, Clearfield  
County, Pennsylvania, of every kind and character and interest  
conveyed to Grantor by Treasure Lake of Pennsylvania, Inc. under  
paragraph number one commencing on the first page of deed dated  
November 28, 1979 and recorded in the office of the Recorder of  
Deeds of Clearfield County, Pennsylvania in Deed Book 790, page  
450.

**EXCEPTING AND RESERVING** unto the Grantor, its successors and  
assigns, out of the property conveyed herein the following:

1. All that property described on Exhibits A, B and C.

attached hereto and made a part hereof.

**CLEARFIELD COUNTY**  
ENTERED OF RECORD  
TIME 3:45 pm 2-28-96  
BY J. L. Starck  
FEES \$7.50  
Karen L Starck, Recorder



Amount Of Pa. Realty Transfer Tax Paid

22,611.60

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*Karen L. Starck* 2-28-96

2. All subdivided lots designated on Section Numbers 1, 1A, 2, 3, 4, 5, 6, 6A, 7, 7A, 7B, 7C, 7E, 8, 8A, 9, 10, 11, 12, 13, 13A, 14, 14A, 14B, 14C, 15, 16, 17, 18, 19, 23 and 25 in the Treasure Lake Subdivisions recorded in the Recorder of Deeds office of Clearfield County in Misc. Map Docket File Numbers 24 and 25.

3. That tract designated as "Beach Area" between lots designated 154 and 155 on the plat of Section 1 in the Treasure Lake Subdivision recorded in the office of the Recorder of Deeds of Clearfield County on November 21, 1969 at Misc. Map Docket File No. 25, Square 61.

4. All subdivided lots designated in Section Number 19 in the Treasure Lake Subdivision recorded in the Recorder of Deeds office in Misc. Docket Map File Number 143, Square 94 (now Volume 3, Aperture Card 739).

5. All subdivided lots designated in Section Number 21, Abaco I and Abaco II, in the Treasure Lake Subdivision recorded in the Recorder of Deeds office in Misc. Map Docket File No. 147, Square 98 (now Volume 3, Aperture Card Numbers 741 and 741A).

6. An irrevocable license to the Grantor and Wolf Run Manor Corp., their successors and assigns, and their respective officers, agents and employees, guests and invitees, for access, egress and ingress to, from, and over the road system as shown on the plats of

DUBOIS AREA SCHOOL DISTRICT

1% REALTY TRANSFER TAX

AMOUNT \$ 22,611.60

-2-

PAID 2-28-96 KAREN L. STARCK  
Date Agent

the Treasure Lake Subdivision recorded in the office of the Recorder of Deeds of Clearfield County in accordance with reasonable rules and regulations as may be established by the Grantee for its members, so long as Grantor and/or Wolf Run Manor Corp., its successors and assigns, are record owners of subdivided lots or interval ownership units in the Treasure Lake Subdivision.

7. An irrevocable license to the Grantor and Wolf Run Manor Corp., their successors and assigns, and their respective officers, agents and employees, guests and invitees, for use of the recreational facilities and other amenities within the Treasure Lake Subdivision in accordance with reasonable rules and regulations as may be established by the Grantee for its members, so long as Grantor and/or Wolf Run Manor Corp., its successors and assigns, are record owners of subdivided lots or interval ownership units in the Treasure Lake Subdivision.

8. A covenant by the Grantee which shall be considered a covenant running with the land not to impose any rule or regulation governing the access, ingress or egress to, over, and from the road system shown on the plat of the Treasure Lake Subdivision recorded in the office of the Recorder of Deeds of Clearfield County which would impede the Development of a marketing program by the Grantor or Wolf Run Manor Corp., or their successors and assigns.

9. A perpetual easement to the grantor, its successors and/or assigns, for the installation, use and maintenance of utility lines, wells, and other necessary utility facilities over, under and across Tarpum Bay Road, Palmetto Road and Holes 10 and 18 of the Silver Golf Course for the providing of sewer and water service to the Silverwoods Addition to the Treasure Lake Subdivision recorded in Misc. Map Docket File 159, square 110 in the office of the Recorder of Deeds of Clearfield County.

**EXCEPTING** out of the property herein conveyed and subject to the following:

1. The Declaration of Restrictions, Treasure Lake, Inc., recorded in Clearfield County Misc. Book 146, page 476 and all amendments thereto of record.

2. The Declaration of Restrictions of the Cayman Subdivision recorded in the office of the Recorder of Deeds of Clearfield County in Misc. Book 237, page 431, and amendments and supplementation to those Restrictions recorded in Misc. Book 239, page 468; Deed and Records Book 893, page 254; Deed and Records Book 968, page 600; Deed and Records Book 1201, page 473; and Deed and Records Book 1216, page 420 in the office of the Recorder of Deeds of Clearfield County.

3. The Declarations of Restrictions of Recreation Land Corporation to Abaco Section recorded in the office of the Recorder

of Deeds of Clearfield County in Misc. Book 237, page 416, and amendment thereto recorded in Misc. Book 239, page 471 in the office of the Recorder of Deeds of Clearfield County.

4. Declaration of Interval Ownership of Wolf Run Manor Corporation recorded in Clearfield County Misc. Book 239, page 331 and Deed Book 927, page 273 and any amendments thereto of record.

5. Timber Agreements with Buehler Lumber Company and its associated companies.

6. All coal, minerals, oil and gas, and mining, drilling and exploration rights of every kind and nature as previously conveyed or reserved of record in the office of the Recorder of Deeds of Clearfield County.

7. All rights and privileges given to all owners of interest in the Cayman Addition Campground, owners of interest in the Silverwoods and Wolf Run Timeshare Unit Developments and NACO Resort Club members.

8. All rights or claims of parties in possession, or parties now or in the future claiming title by adverse possession.

9. Discrepancies or conflicts in boundary lines, easements, encroachments, or area content as would be revealed by an actual field survey.

10. An Assignment of certain water rights to Johnson Properties, Inc..

11. Approximately 8.322 acres conveyed by the Grantor to Alfonso Banal, Jr., et al. by deed dated October 9, 1981 recorded in Clearfield County Deed Book 825, page 49.

12. All parcels, easements, rights-of-way and rights of usage previously conveyed to Riviera Utilities Sewer Company of Pennsylvania and Riviera Utilities Water Company of Pennsylvania of record in the office of the Recorder of Deeds of Clearfield County.

13. Approximately 8.99 acres conveyed to Wolf Run Manor Corp. by deed dated August 7, 1981 and recorded in Clearfield County Deed Book 817, page 182.

14. Approximately 25.02 acres conveyed to Wolf Run Manor Corporation by deed dated November 15, 1983 and recorded in Clearfield County Deed Book 917, page 149.

15. Three parcels conveyed to Wolf Run Manor Association by deed dated July 22, 1993 and recorded in Clearfield County Deed and Records Book 1548, page 386.

16. Parcel consisting of approximately 35,038 square feet conveyed to The Union Banking & Trust Company by deed dated January 11, 1985 and recorded in Clearfield County Deed Book 1000, page 427.

17. Approximately 121.88 acres conveyed to J. W. Rice Construction, Inc. by deed dated January 237, 1995 and recorded in Clearfield County Deed and Records Book 1672, page 220.

18. Approximately 14.87 acres conveyed to J. W. Rice Construction, Inc. by deed dated May 22, 1995 and recorded in Clearfield County Deed and Records Book 1695, page 473.

19. Approximately 1.38 acres conveyed to The Kohlhepp Corporation by deed dated May 26, 1995 and recorded in Clearfield County Deed and Records Book 1693, page 433.

20. Approximately 9.11 acres conveyed to William W. Schoening, Jr., et al. by deed dated May 26, 1995 and recorded in Clearfield County Deed and Records Book 1693, page 428.

21. Approximately 5.15 acres conveyed to Bly Development Corporation by deed dated November 16, 1994 and recorded in Clearfield County Deed and Records Book 1649, page 501.

22. Deed of Easement dated July 30, 1982 between Recreation Land Corporation and Satterlee Leasing, Inc. recorded in Clearfield County Deed and Records Book 847, page 540.

23. Excepting and reserving all parcels, easements and rights-of-way previously conveyed to the Grantee herein.

24. Subject to all existing easements and rights-of-way previously recorded in the office of the Recorder of Deeds of Clearfield County, Pennsylvania.

BEING a portion of the same premises which became vested in the Grantor by deed of Treasure Lake of Pennsylvania, Inc. dated November 28, 1979 and recorded in Clearfield County Deed Book 790, page 450.

**NOTICE** THE UNDERSIGNED, AS EVIDENCED BY THE SIGNATURE(S) TO THIS NOTICE AND THE ACCEPTANCE AND RECORDING OF THIS DEED, (IS, ARE) FULLY COGNIZANT OF THE FACT THAT THE UNDERSIGNED MAY NOT BE OBTAINING THE RIGHT OF PROTECTION AGAINST SUBSIDENCE, AS TO THE PROPERTY HEREIN CONVEYED, RESULTING FROM COAL MINING OPERATIONS AND THAT THE PURCHASED PROPERTY, HEREIN CONVEYED, MAY BE PROTECTED FROM DAMAGE DUE TO MINE SUBSIDENCE BY A PRIVATE CONTRACT WITH THE OWNERS OF THE ECONOMIC INTEREST IN THE COAL. THIS NOTICE IS INSERTED HEREIN TO COMPLY WITH THE BITUMINOUS MINE SUBSIDENCE AND LAND CONSERVATION ACT OF 1966, AS AMENDED 1980, OCT. 10, P.L. 874, NO. 156 § 1.

WITNESS:

TREASURE LAKE PROPERTY OWNERS ASSOCIATION, INC.

BY: *Russell D. Scott, President*

THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT. (This Notice is set forth pursuant to Act No. 255, approved September 10, 1965, as amended.)

AND the Grantor will GENERALLY WARRANT AND FOREVER DEFEND the property herein conveyed.

IN WITNESS WHEREOF, the Grantor has caused this deed to be signed by its President or a Vice President, and also by its Secretary, or by an Assistant Secretary, and its Corporate Seal attached and hereto affixed the day and year first written above.

ATTEST:

Jammy A. DeGrande  
Asst. Secretary

(CORPORATE SEAL)

RECREATION LAND CORPORATION

BY: W. G.  
Vice President

**CERTIFICATE OF RESIDENCE**

I hereby certify the precise residence herein is as follows:

13 Treasure Lake  
DuBois, PA 15801

Michael Hagan  
Attorney or Agent for Grantee

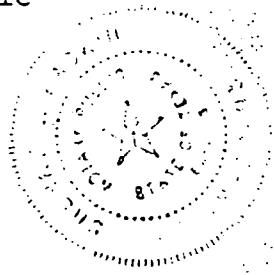
STATE OF Texas : : SS.  
COUNTY OF Dallas : :

On this, the 9th day of February, 1996, before me, the undersigned officer, personally appeared Kenneth E. Hendryck, who acknowledged himself to be the Vice President of Recreation Land Corporation, the foregoing corporation, and that as such, he, being authorized by such corporation to do so, executed the foregoing deed for the purpose therein contained by signing his name thereon as such.

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

Sperry L. Haskin  
Notary Public

My Commission Expires: 9-27-98



**SUBJECT: HOUSEKEEPING AREA, LOCATED WITHIN TREASURE LAKE RESORT**

**GRANTOR: RECREATION LAND CORPORATION**

**GRANTEE:**

**ALL** that certain piece, parcel, or tract of land lying and being situate in Sandy Township, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

**BEGINNING** at an iron pipe or iron pin, said pipe or pin being the northwest corner of lands now or formerly of Jeffrey W. Rice, the northeast corner of Lot Number 465 and the southeast corner of Lot Number 466, both in Section Number 16-Part 4 (Aruba) of the Treasure Lake Plan, and the southwest corner of the herein described parcel, further being shown as Corner Number 1 on the hereto attached plat;

**THENCE**, N 14 Degrees 00 Minutes 00 Seconds E along Lot Number 466 in Section Number 16-Part 4 (Aruba) of the Treasure Lake Plan a distance of 100.00 feet to an iron pipe or iron pin, said pipe or pin being the northeast corner of said Lot Number 466 and the southeast corner of Lot Number 467 in said Plan, further being shown as Corner Number 2 on the hereto attached plat;

**THENCE**, N 17 Degrees 36 Minutes 38 Seconds E along Lots Number 467 and 468 in Section Number 16-Part 4 (Aruba) of the Treasure Lake Plan a distance of 142.18 feet to an iron pipe or iron pin, said pipe or pin being the northeast corner of said Lot Number 468, the southern-most corner of Lot Number 469 in said Plan, and the northwest corner of the herein described parcel, further being shown as Corner Number 3 on the hereto attached plat;

**THENCE**, S 58 Degrees 51 Minutes 41 Seconds E through the lands of Recreation Land Corporation, of which this is a part, a distance of 334.97 feet to an iron pipe or iron pin, said pipe or pin being along the western right-of-way for Ski Lodge Drive (50-foot r/w) and also being the northeast corner of the herein described parcel, further being shown as Corner Number 4 on the hereto attached plat;

**THENCE**, S 22 Degrees 56 Minutes 00 Seconds W along the western right-of-way for Ski Lodge Drive (50-foot r/w) a distance of 142.06 feet to an iron pipe or iron pin, said pipe or pin being the PC of a curve to the left, further being shown as Corner Number 5 on the hereto attached plat;

**THENCE**, along the western right-of-way for Ski Lodge Drive (50 foot r/w) by a curve to the left, said curve having a radius of 274.90 feet and an arc length of 63.23 feet, said arc having a chord bearing of S 16 Degrees 20 Minutes 38 Seconds W and a chord distance of 63.09 feet, to an iron pipe or iron pin, said pipe or pin being the southeast corner of the herein described parcel, further being shown as Corner Number 6 on the hereto attached plat.:

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THENCE, N 64 Degrees 48 Minutes 55 Seconds W along lands now or formerly of Jeffrey W. Rice a distance of 310.30 feet to an iron pipe or iron pin, the point of beginning.

CONTAINING 70,708 square feet or 1.62 acres together with a dwelling.

BEING subject to any utility easements which may be of record.

SAID description being in accordance with a survey and subdivision by Alexander & Associates, Inc. which was approved by a duly convened regular meeting of the Sandy Township Board of Supervisors on July 5, 1995 as will more fully appear on the copy of the subdivision recorded in Map Index of the office of the Recorder of Deeds of Clearfield County, Pennsylvania.

ALL that certain piece, parcel, or tract of land lying and being situate in Sandy Township, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

**BEGINNING** at an iron pipe or iron pin, said pipe or pin being located at the following coordinate values (N 372.757.05; E 1.736.141.25) and also being the northern-most corner of the herein described parcel, further being shown as Corner Number 1 on the hereto attached plat;

**THENCE**, through the lands of Recreation Land Corporation, of which this is a part, by a curve to the left, said curve having a radius of 100.00 feet and an arc length of 75.80 feet, said arc having a chord bearing of S 04 Degrees 43 Minutes 08 Seconds W and a chord distance of 74.00 feet, to an iron pipe or iron pin, said pipe or pin being the PT of said curve;

**THENCE**, S 16 Degrees 59 Minutes 43 Seconds E through the lands of Recreation Land Corporation, of which this is a part, a distance of 93.88 feet to an iron pipe or iron pin, said pipe or pin being the PC of a curve to the right;

**THENCE**, through the lands of Recreation Land Corporation, of which this is a part, by a curve to the right, said curve having a radius of 125.00 feet and an arc length of 35.22 feet, said arc having a chord bearing of S 08 Degrees 55 Minutes 22 Seconds E and a chord distance of 35.11 feet, to an iron pipe or iron pin, said pipe or pin being the PT of said curve;

**THENCE**, S 00 Degrees 51 Minutes 01 Seconds E through the lands of Recreation Land Corporation, of which this is a part, a distance of 270.26 feet to an iron pipe or iron pin, said pipe or pin being the PC of a curve to the right;

**THENCE**, through the lands of Recreation Land Corporation, of which this is a part, by a curve to the right, said curve having a radius of 245.00 feet and an arc length of 79.84 feet, said arc having a chord bearing of S 08 Degrees 29 Minutes 05 Seconds W and a chord distance of 79.48 feet to an iron pipe or iron pin, said pipe or pin being the PC of said curve;

**THENCE**, S 17 Degrees 49 Minutes 12 Seconds W through the lands of Recreation Land Corporation, of which this is a part, a distance of 58.76 feet to an iron pipe or iron pin, said pipe or pin being the PC of a curve to the left;

**THENCE**, through the lands of Recreation Land Corporation, of which this is a part, by a curve to the left, said curve having a radius of 175.00 feet and an arc length of 123.64 feet, said arc having a chord bearing of S 02 Degrees 25 Minutes 13 Seconds E and a chord distance of 121.08 feet, to an iron pipe or iron pin, said pipe or pin being the PT of said curve;

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THENCE, S 22 Degrees 39 Minutes 37 Seconds E through the lands of Recreation Land Corporation, of which this is a part, a distance of 104.33 feet to an iron pipe or iron pin, said pipe or pin being the PC of a curve to the right:

THENCE, through the lands of Recreation Land Corporation, of which this is a part, by a curve to the right, said curve having a radius of 140.00 feet and an arc length of 96.98 feet, said arc having a chord bearing of S 02 Degrees 49 Minutes 00 Seconds E and a chord distance of 95.05 feet, to an iron pipe or iron pin, said pipe or pin being the PT of said curve;

THENCE, S 17 Degrees 01 Minutes 38 Seconds W through the lands of Recreation Land Corporation, of which this is a part, a distance of 45.29 feet to an iron pipe or iron pin;

THENCE, S 43 Degrees 30 Minutes 00 Seconds E through the lands of Recreation Land Corporation, of which this is a part, a distance of 536.09 feet to an iron pipe or iron pin, said pipe or pin being the eastern-most corner of the herein described parcel;

THENCE, S 46 Degrees 30 Minutes 00 Seconds W through the lands of Recreation Land Corporation, of which this is a part, a distance of 368.20 feet to an iron pipe or iron pin, said pipe or pin being the southern-most corner of the herein described parcel;

THENCE, N 43 Degrees 30 Minutes 00 Seconds W through the lands of Recreation Land Corporation, of which this is a part, a distance of 493.71 feet to an iron pipe or iron pin;

THENCE, N 23 Degrees 30 Minutes 00 Seconds E through the lands of Recreation Land Corporation, of which this is a part, a distance of 400.00 feet to an iron pipe or iron pin;

THENCE, S 43 Degrees 30 Minutes 00 Seconds E through the lands of Recreation Land Corporation, of which this is a part, a distance of 56.47 feet to an iron pipe or iron pin;

THENCE, N 17 Degrees 01 Minutes 38 Seconds E through the lands of Recreation Land Corporation, of which this is a part, a distance of 17.03 feet to an iron pipe or iron pin, said pipe or pin being the PC of a curve to the left:

THENCE, through the lands of Recreation Land Corporation, of which this is a part, by a curve to the left, said curve having a radius of 90.00 feet and an arc length of 62.34 feet, said arc having a chord bearing of N 02 Degrees 49 Minutes 00 Seconds W and a chord distance of 61.10 feet to an iron pipe or iron pin, said pipe or pin being the PT of said curve:

THENCE, N 22 Degrees 39 Minutes 37 Seconds W through the lands of Recreation Land Corporation, of which this is a part, a distance of 104.33 feet to an iron pipe or iron pin, said pipe or pin being the PC of a curve to the right:

THENCE, through the lands of Recreation Land Corporation, of which this is a part, by a curve to the right, said curve having a radius of 225.00 feet and an arc length of 158.97 feet, said arc having a chord bearing of N 02 Degrees 25 Minutes 13 Seconds W and a chord distance of 155.68 feet, to an iron pipe or iron pin, said pipe or pin being the PT of said curve:

THENCE, N 17 Degrees 49 Minutes 12 Seconds E through the lands of Recreation Land Corporation, of which this is a part, a distance of 58.76 feet to an iron pipe or iron pin, said pipe or pin being the PC of a curve to the left:

THENCE, through the lands of Recreation Land Corporation, of which this is a part, by a curve to the left, said curve having a radius of 195.00 feet and an arc length of 63.54 feet, said arc having a chord bearing of N 08 Degrees 29 Minutes 05 Seconds E and a chord distance of 63.26 feet to an iron pipe or iron pin, said pipe or pin being the PT of said curve:

THENCE, N 00 Degrees 51 Minutes 01 Seconds W through the lands of Recreation Land Corporation, of which this is a part, a distance of 12.09 feet to an iron pipe or iron pin, said pipe or pin being the PC of a curve to the left:

THENCE, through the lands of Recreation Land Corporation, of which this is a part, by a curve to the left, said curve having a radius of 70.00 feet and an arc length of 140.52 feet, said arc having a chord bearing of N 58 Degrees 21 Minutes 35 Seconds W and a chord distance of 118.09 feet, to an iron pipe or iron pin, said pipe or pin being the PT of said curve:

THENCE, S 64 Degrees 07 Minutes 52 Seconds W through the lands of Recreation Land Corporation, of which this is a part, a distance of 40.86 feet to an iron pipe or iron pin, said pipe or pin being the PC of a curve to the left:

THENCE, through the lands of Recreation Land Corporation, of which this is a part, by a curve to the left, said curve having a radius of 100.00 feet and an arc length of 70.91 feet, said arc having a chord bearing of S 43 Degrees 48 Minutes 56 Seconds and a chord distance of 69.44 feet, to an iron pipe or iron pin, said pipe or pin being the PT of said curve and also being along the eastern right-of-way for Bay Road:

THENCE, N 23 Degrees 30 Minutes 00 Seconds E along the eastern right-of-way for Bay Road a distance of 385.03 feet to an iron pipe or iron pin, said pipe or pin being the PC of a curve to the right:

THENCE, along the eastern right-of-way for Bay Road by a curve to the right, said curve having a radius of 2,370.00 feet and an arc length of 121.32 feet, said arc having a chord bearing of N 24 Degrees 58 Minutes 00 Seconds E and a chord distance of 121.31 feet, to an iron pipe or iron pin, the point of beginning.

CONTAINING 281.767 square feet or 6.47 acres together with a building (maintenance shed) and an access road.

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BEING subject to any utility easements which may be of record.

SAID description being in accordance with a survey and subdivision by Alexander & Associates, Inc. which was approved by a duly convened regular meeting of the Sandy Township Board of Supervisors on July 5, 1995 as will more fully appear on the copy of the Subdivision recorded in Map Index of the office of the Recorder of Deeds of Clearfield County, Pennsylvania.

ALL that certain piece, parcel, or tract of land lying and being situate in Sandy Township, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point, said point being in the centerline for S.R.0255 and also being the southeast corner of the Treasure Lake Plan and the southeast corner of the herein described parcel, further being shown as Corner Number 1 on the hereto attached plat;

THENCE, along the centerline for S.R.0255 by a curve to the left, said curve having a radius of 5,779.32 feet and an arc length of 286.16 feet, said arc having a chord bearing of S 56 Degrees 23 Minutes 14 Seconds W and a chord distance of 286.13 feet, to a point, said point being at the intersection of the centerline of S.R.0255 and the center of Narrows Creek, and also being the southwest corner of the herein described parcel, further being shown as Corner Number 2 on the hereto attached plat;

THENCE, N 21 Degrees 57 Minutes 59 Seconds W along the center of Narrows Creek and through the northern right-of-way for S.R.0255 a distance of 30.79 feet to a point, said point being along the northern right-of-way for said S.R.0255, further being shown as Corner Number 3 on the hereto attached plat;

THENCE, along the center of Narrows Creek the following courses and distances:

N 49 Degrees 44 Minutes 52 Seconds W a distance of 33.92 feet to a point, further being shown as Corner Number 4 on the hereto attached plat;

N 54 Degrees 46 Minutes 01 Seconds W a distance of 9.55 feet to a point, further being shown as Corner Number 5 on the hereto attached plat;

N 35 Degrees 23 Minutes 43 Seconds W a distance of 8.04 feet to a point, further being shown as Corner Number 6 on the hereto attached plat;

N 14 Degrees 14 Minutes 55 Seconds W a distance of 18.33 feet to a point, further being shown as Corner Number 7 on the hereto attached plat;

N 02 Degrees 20 Minutes 58 Seconds E a distance of 15.30 feet to a point, further being shown as Corner Number 8 on the hereto attached plat;

N 12 Degrees 03 Minutes 05 Seconds E a distance of 15.26 feet to a point, further being shown as Corner Number 9 on the hereto attached plat;

N 16 Degrees 36 Minutes 42 Seconds E a distance of 17.90 feet to a point, further being shown as Corner Number 10 on the hereto attached plat;

N 43 Degrees 51 Minutes 16 Seconds E a distance of 25.76 feet to a point, further being shown as Corner Number 11 on the hereto attached plat;

N 37 Degrees 22 Minutes 45 Seconds E a distance of 27.17 feet to a point, further being shown as Corner Number 12 on the hereto attached plat;

N 16 Degrees 14 Minutes 45 Seconds E a distance of 18.53 feet to a point, further being shown as Corner Number 13 on the hereto attached plat;

N 11 Degrees 03 Minutes 14 Seconds E a distance of 28.42 feet to a point, further being shown as Corner Number 14 on the hereto attached plat;

N 25 Degrees 44 Minutes 16 Seconds E a distance of 14.07 feet to a point, further being shown as Corner Number 15 on the hereto attached plat;

N 58 Degrees 22 Minutes 16 Seconds E a distance of 20.17 feet to a point, further being shown as Corner Number 16 on the hereto attached plat;

N 41 Degrees 49 Minutes 41 Seconds E a distance of 9.87 feet to a point, further being shown as Corner Number 17 on the hereto attached plat;

N 11 Degrees 15 Minutes 44 Seconds W a distance of 18.62 feet to a point, further being shown as Corner Number 18 on the hereto attached plat;

N 30 Degrees 54 Minutes 44 Seconds W a distance of 17.57 feet to a point, further being shown as Corner Number 19 on the hereto attached plat;

N 33 Degrees 16 Minutes 10 Seconds W a distance of 26.04 feet to a point, further being shown as Corner Number 20 on the hereto attached plat;

THENCE, S 66 Degrees 00 Minutes 01 Seconds W through the lands of Recreation Land Corporation, of which this is a part, a distance of 14.86 feet to a point, further being shown as Corner Number 21 on the hereto attached plat;

THENCE, S 87 Degrees 06 Minutes 46 Seconds W through the lands of Recreation Land Corporation, of which this is a part, a distance of 14.33 feet to a point, further being shown as Corner Number 22 on the hereto attached plat;

THENCE, N 85 Degrees 19 Minutes 36 Seconds W through the lands of Recreation Land Corporation, of which this is a part, a distance of 16.39 feet to a point, further being shown as Corner Number 23 on the hereto attached plat;

THENCE. S 82 Degrees 37 Minutes 58 Seconds W through the lands of Recreation Land Corporation, of which this is a part, a distance of 18.26 feet to a point, further being shown as Corner Number 24 on the hereto attached plat;

THENCE, N 89 Degrees 55 Minutes 34 Seconds W through the lands of Recreation Land Corporation, of which this is a part, a distance of 14.28 feet to a point, further being shown as Corner Number 25 on the hereto attached plat;

THENCE. S 88 Degrees 36 Minutes 52 Seconds W through the lands of Recreation Land Corporation, of which this is a part, a distance of 26.06 feet to a point, further being shown as Corner Number 26 on the hereto attached plat;

THENCE, N 87 Degrees 13 Minutes 58 Seconds W through the lands of Recreation Land Corporation, of which this is a part, a distance of 11.34 feet to a point, further being shown as Corner Number 27 on the hereto attached plat;

THENCE. S 88 Degrees 59 Minutes 16 Seconds W through the lands of Recreation Land Corporation, of which this is a part, a distance of 35.13 feet to a point, further being shown as Corner Number 28 on the hereto attached plat;

THENCE, N 84 Degrees 40 Minutes 58 Seconds W through the lands of Recreation Land Corporation, of which this is a part, a distance of 16.74 feet to a point, further being shown as Corner Number 29 on the hereto attached plat;

THENCE, N 89 Degrees 38 Minutes 00 Seconds W through the lands of Recreation Land Corporation, of which this is a part, a distance of 15.05 feet to a point, further being shown as Corner Number 30 on the hereto attached plat;

THENCE, S 84 Degrees 24 Minutes 32 Seconds W through the lands of Recreation Land Corporation, of which this is a part, a distance of 21.72 feet to a point, further being shown as Corner Number 31 on the hereto attached plat;

THENCE, N 88 Degrees 18 Minutes 07 Seconds W through the lands of Recreation Land Corporation, of which this is a part, a distance of 16.32 feet to a point, further being shown as Corner Number 32 on the hereto attached plat;

THENCE, S 89 Degrees 09 Minutes 59 Seconds W through the lands of Recreation Land Corporation, of which this is a part, a distance of 19.92 feet to a point, further being shown as Corner Number 33 on the hereto attached plat;

THENCE, S 87 Degrees 11 Minutes 48 Seconds W through the lands of Recreation Land Corporation, of which this is a part, a distance of 33.87 feet to a point, further being shown as Corner Number 34 on the hereto attached plat;

THENCE, N 89 Degrees 44 Minutes 43 Seconds W through the lands of Recreation Land Corporation, of which this is a part, a distance of 34.23 feet to a point, further being shown as Corner Number 35 on the hereto attached plat;

THENCE, N 88 Degrees 36 Minutes 05 Seconds W through the lands of Recreation Land Corporation, of which this is a part, a distance of 50.72 feet to a point, further being shown as Corner Number 36 on the hereto attached plat;

THENCE, N 86 Degrees 31 Minutes 23 Seconds W through the lands of Recreation Land Corporation, of which this is a part, a distance of 32.82 feet to a point, further being shown as Corner Number 37 on the hereto attached plat;

THENCE, S 81 Degrees 11 Minutes 50 Seconds W through the lands of Recreation Land Corporation, of which this is a part, a distance of 37.80 feet to a point, further being shown as Corner Number 38 on the hereto attached plat;

THENCE, N 83 Degrees 52 Minutes 03 Seconds W through the lands of Recreation Land Corporation, of which this is a part, and through the southern right-of-way for Township Road T-854 ("Old 255") a distance of 45.48 feet to a point, said point being in the centerline for said T-854, further being shown as Corner Number 39 on the hereto attached plat;

THENCE, N 34 Degrees 48 Minutes 20 Seconds E along the centerline for Township Road T-854 ("Old 255") a distance of 228.86 feet to a point, said point being the PC of a curve to the right, further being shown as Corner Number 40 on the hereto attached plat;

THENCE, along the centerline for Township Road T-854 ("Old 255") by a curve to the right, said curve having a radius of 394.56 feet and an arc length of 422.68 feet, said arc having a chord bearing of N 65 Degrees 29 Minutes 42 Seconds E and a chord distance of 402.76 feet, to a point, said point being the PT of said curve, further being shown as Corner Number 41 on the hereto attached plat:

THENCE, S 83 Degrees 48 Minutes 56 Seconds E along the centerline for Township Road T-854 ("Old 255") and through Narrows Creek a distance of 222.48 feet to a point, said point being along the western line of lands now or formerly of Howard Hess et ux. and also being the northeast corner of the herein described parcel, further being shown as Corner Number 42 on the hereto attached plat;

THENCE, S 01 Degrees 11 Minutes 39 Seconds W along lands now or formerly of Howard Hess et ux. and through the northern right-of-way for S.R.0255 a distance of 464.00 feet to a point, the point of beginning.

CONTAINING 256,734 square feet or 5.89 acres together with a building and parking lot.

BEING subject to any utility easements which may be of record.

SAID description being in accordance with a survey and subdivision by Alexander & Associates, Inc. which was approved by a duly convened regular meeting of the Sandy Township Board of Supervisors on August 2, 1995 as will more fully appear on the copy of the subdivision recorded in Map Index of the office of the Recorder of Deeds of Clearfield County, Pennsylvania.

I, Karen L. Starck, do hereby CERTIFY that this document  
is recorded in the Recorder's Office of  
Clearfield County, Pennsylvania.



*Karen L. Starck*  
Karen L. Starck  
Recorder of Deeds

Dec 28. 96 3:45pm

**NO-WARRANTY DEED**

THIS INDENTURE made this 9 day of February, 1996, by and between **RECREATION LAND CORPORATION**, a Pennsylvania business corporation, (hereinafter referred to as "Grantor")

A  
N  
D

**TREASURE LAKE PROPERTY OWNERS ASSOCIATION, INC.**, a Pennsylvania non-profit corporation, (hereinafter referred to as "Grantee")

**WITNESSETH THAT** in consideration of the sum of --- (\$255,080.00) Two Hundred Fifty Five Thousand Eighty and 00/100--Dollars, receipt whereof is hereby acknowledged, the Grantor does hereby release, grant and convey unto the Grantee all of Grantor's right, title and interest in the following parcels of land located in Sandy Township, Clearfield County, Pennsylvania:

1. All right, title and interest acquired by the Grantor to that parcel designated as Parcel No. 2 in deed from Treasure Lake of Pennsylvania, Inc. to the Grantor recorded in Clearfield County Deed Book 790, page 450, title to which was acquired by Treasure Lake of Pennsylvania, Inc. by deed from The Land Development Co.

CLEARFIELD COUNTY  
ENTERED OF RECORD  
TIME 3:46 pm 2-28-96  
BY John D. Hite  
FEES 15.50

Karen L. Streck, Recorder



dated September 26, 1978 and recorded in Clearfield County Deed Book 771, page 403.

2. All that tract of land designated as Lot 4A, Section 15 in the Treasure Lake Subdivision in Sandy Township, Clearfield County, Pennsylvania, recorded in the Recorder of Deeds Miscellaneous Map Docket File #25.

3. All that tract of land designated as Lot 79, Section 17 in the Treasure Lake Subdivision in Sandy Township, Clearfield County, Pennsylvania, recorded in the Recorder of Deeds Miscellaneous Map Docket File #25. Excepting and reserving unto the Grantor, its heirs and assigns, an easement for the use, maintenance and drawing of water from the existing well water facility located among golf holes 12, 13 and 14 on the Silverwoods Golf Course of the Treasure Lake Subdivision.

4. All those certain tracts of land designated as Lots 86 through 126, inclusive, and 126A, 126B and 231 in Section 23 and Lots 391, 456 through 477, inclusive, in Section 25, in the Treasure Lake Subdivision in Sandy Township, Clearfield County, Pennsylvania recorded in the Recorder of Deeds office in Miscellaneous Map Docket File #25.

DUBOIS AREA SCHOOL DISTRICT  
1% REALTY TR. NSFER TAX  
AMOUNT \$ 2550.80  
PAID 2-28-96 KAREN L. STARCK  
Date Agent

5. All subdivided lots designated in Section No. 19 in the Treasure Lake Subdivision recorded in the office of the Recorder of Deeds of Clearfield County in Miscellaneous Map Docket File #25 and Miscellaneous Map Docket File #143, Square 94 (now Volume 3, Aperture Card 739).

6. All that tract of land designated as Exhibit "A" in deed from Treasure Lake of Pennsylvania, Inc. to Recreation Land Corporation dated September 8, 1983 and recorded in Clearfield County Deed Book 913, page 364.

7. All that tract of land designated as Lot 51, Section 13, in the Treasure Lake Subdivision in Sandy Township, Clearfield County, Pennsylvania, recorded in the Recorder of Deeds office in Misc. Map Docket File No. 25.

NO WARRANTIES OF TITLE, EITHER SPECIAL OR GENERAL, ARE MADE BY THE GRANTOR REGARDING TITLE TO THE PROPERTY HEREIN CONVEYED.

**NOTICE** THE UNDERSIGNED, AS EVIDENCED BY THE SIGNATURE(S) TO THIS NOTICE AND THE ACCEPTANCE AND RECORDING OF THIS DEED, (IS, ARE) FULLY COGNIZANT OF THE FACT THAT THE UNDERSIGNED MAY NOT BE OBTAINING THE RIGHT OF PROTECTION AGAINST SUBSIDENCE, AS TO THE PROPERTY HEREIN CONVEYED, RESULTING FROM COAL MINING OPERATIONS AND THAT THE PURCHASED PROPERTY, HEREIN CONVEYED, MAY BE PROTECTED FROM DAMAGE DUE TO MINE SUBSIDENCE BY A PRIVATE CONTRACT WITH THE OWNERS OF THE ECONOMIC INTEREST IN THE COAL. THIS NOTICE IS INSERTED HEREIN TO COMPLY WITH THE BITUMINOUS MINE SUBSIDENCE AND LAND CONSERVATION ACT OF 1966, AS AMENDED 1980, OCT. 10, P.L. 874, NO. 156 § 1.

WITNESS:

TREASURE LAKE PROPERTY OWNERS ASSOCIATION, INC.

BY: *Paul C. Scott, President*

IN WITNESS WHEREOF, the Grantor has caused this deed to be signed by its President or a Vice President, and also by its Secretary, or by an Assistant Secretary, and its Corporate Seal attached and hereto affixed the day and year first written above.

ATTEST:

RECREATION LAND CORPORATION

Jammy A DeGrande  
Asst. Secretary

BY:

John R. Lhota  
Vice - President



(CORPORATE SEAL)

**CERTIFICATE OF RESIDENCE**

I hereby certify the precise residence herein is as follows:

13 Treasure Lake  
DuBois, PA 15801

John R. Lhota, Attorney or Agent for Grantee

STATE OF Texas : : SS.  
COUNTY OF Dallas : :

On this, the 9th day of February, 1996, before me, the undersigned officer, personally appeared Kenneth E. Hendryx who acknowledged himself to be the vice president of Recreation Land Corporation, the foregoing corporation, and that as such, he, being authorized by such corporation to do so, executed the foregoing deed for the purpose therein contained by signing his name thereon as such.

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

Sherry L. Starck  
Notary Public

My Commission Expires: 9-27-98



I hereby CERTIFY that this document is recorded in the Recorder's Office of Clearfield County, Pennsylvania.



Karen L. Starck  
Recorder of Deeds

**NO-WARRANTY DEED**

THIS INDENTURE made this 9 day of February, 1996, by and between **RECREATION LAND CORPORATION**, a Pennsylvania business corporation, (hereinafter referred to as "Grantor")

A  
N  
D.

**TREASURE LAKE PROPERTY OWNERS ASSOCIATION, INC.**, a Pennsylvania non-profit corporation, (hereinafter referred to as "Grantee")

WITNESSETH THAT in consideration of the sum of ---(\$255,080.00) Two Hundred Fifty Five Thousand Eighty and 00/100--Dollars, receipt whereof is hereby acknowledged, the Grantor does hereby release, grant and convey unto the Grantee all of Grantor's right, title and interest in the following parcels of land located in Sandy Township, Clearfield County, Pennsylvania:

1. All right, title and interest acquired by the Grantor to that parcel designated as Parcel No. 2 in deed from Treasure Lake of Pennsylvania, Inc. to the Grantor recorded in Clearfield County Deed Book 790, page 450, title to which was acquired by Treasure Lake of Pennsylvania, Inc. by deed from The Land Development Co.

CLEARFIELD COUNTY  
ENTERED OF RECORD  
TIME 3:46 PM 2-28-96  
BY Jean White  
FEES 15.50

Karen L. Stark, Recorder

vol 1739 PAGE 433

dated September 26, 1978 and recorded in Clearfield County Deed  
Book 771, page 403.

2. All that tract of land designated as Lot 4A, Section 15  
the Treasure Lake Subdivision in Sandy Township, Clearfield  
County, Pennsylvania, recorded in the Recorder of Deeds  
Miscellaneous Map Docket File #25.

3. All that tract of land designated as Lot 79, Section 17  
the Treasure Lake Subdivision in Sandy Township, Clearfield  
County, Pennsylvania, recorded in the Recorder of Deeds  
Bureau Map Docket File #25. Excepting and reserving unto  
Grantor, its heirs and assigns, an easement for the use,  
maintenance and drawing of water from the existing well water  
facility located among golf holes 12, 13 and 14 on the Silverwoods  
Course of the Treasure Lake Subdivision.

4. All those certain tracts of land designated as Lots 86 through 126, inclusive, and 126A, 126B and 231 in Section 23 and 391, 456 through 477, inclusive, in Section 25, in the Treasure Lake Subdivision in Sandy Township, Clearfield County, Pennsylvania recorded in the Recorder of Deeds office in Miscellaneous Map Docket File #25.

DUBOIS AREA SCHOOL DISTRICT  
1% REALTY TRANSFER TAX

AMOUNT \$ 2550.80  
PAID 2-28-96 KAREN L. STARCK  
Date Agent

5. All subdivided lots designated in Section No. 19 in the Treasure Lake Subdivision recorded in the office of the Recorder of Deeds of Clearfield County in Miscellaneous Map Docket File #25 and Miscellaneous Map Docket File #143, Square 94 (now Volume 3, Aperture Card 739).

6. All that tract of land designated as Exhibit "A" in deed from Treasure Lake of Pennsylvania, Inc. to Recreation Land Corporation dated September 8, 1983 and recorded in Clearfield County Deed Book 913, page 364.

7. All that tract of land designated as Lot 51, Section 13, in the Treasure Lake Subdivision in Sandy Township, Clearfield County, Pennsylvania, recorded in the Recorder of Deeds office in Misc. Map Docket File No. 25.

NO WARRANTIES OF TITLE, EITHER SPECIAL OR GENERAL, ARE MADE BY THE GRANTOR REGARDING TITLE TO THE PROPERTY HEREIN CONVEYED.

**NOTICE** THE UNDERSIGNED, AS EVIDENCED BY THE SIGNATURE(S) TO THIS NOTICE AND THE ACCEPTANCE AND RECORDING OF THIS DEED, (IS, ARE) FULLY COGNIZANT OF THE FACT THAT THE UNDERSIGNED MAY NOT BE OBTAINING THE RIGHT OF PROTECTION AGAINST SUBSIDENCE, AS TO THE PROPERTY HEREIN CONVEYED, RESULTING FROM COAL MINING OPERATIONS AND THAT THE PURCHASED PROPERTY, HEREIN CONVEYED, MAY BE PROTECTED FROM DAMAGE DUE TO MINE SUBSIDENCE BY A PRIVATE CONTRACT WITH THE OWNERS OF THE ECONOMIC INTEREST IN THE COAL. THIS NOTICE IS INSERTED HEREIN TO COMPLY WITH THE BITUMINOUS MINE SUBSIDENCE AND LAND CONSERVATION ACT OF 1966, AS AMENDED 1980, OCT. 10, P.L. 874, NO. 156 § 1.

TREASURE LAKE PROPERTY OWNERS ASSOCIATION, INC.  
BY: *Paul C. Sauer President*

IN WITNESS WHEREOF, the Grantor has caused this deed to be signed by its President or a Vice President, and also by its Secretary, or by an Assistant Secretary, and its Corporate Seal attached and hereto affixed the day and year first written above.

ATTEST:

RECREATION LAND CORPORATION

Tammy A. DeGrande  
Asst. Secretary

BY:

John R. Lhota  
Vice - President



(CORPORATE SEAL)

**CERTIFICATE OF RESIDENCE**

I hereby certify the precise residence herein is as follows:

13 Treasure Lake  
DuBois, PA 15801

John R. Lhota, Attorney or Agent for Grantee

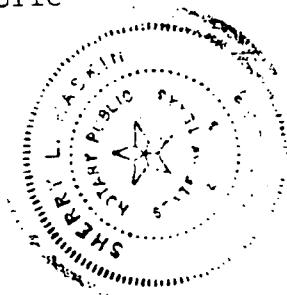
STATE OF Texas : ss.  
COUNTY OF Dallas :

On this, the 9th day of February, 1996, before me, the undersigned officer, personally appeared Kenneth E. Hendry, who acknowledged himself to be the vice president of Recreation Land Corporation, the foregoing corporation, and that as such, he, being authorized by such corporation to do so, executed the foregoing deed for the purpose therein contained by signing his name thereon as such.

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

Sherry K. Haskin  
Notary Public

My Commission Expires: 9-27-98



I hereby CERTIFY that this document is recorded in the Recorder's Office of Clearfield County, Pennsylvania.



Karen L. Starck  
Karen L. Starck  
Recorder of Deeds

-5-

Entered of Record 3/28/96, 3:46pm Karen L. Starck, Recorder

FILE COPY

AFFIDAVIT No. 24743

VOL 1921 PAGE 123

D E E D

THIS DEED, made the 3rd day of April, in the year of our Lord nineteen hundred and ninety-eight (1998) between WILLIAM B. HOOKER and ROSEMARY D. HOOKER, his wife, of 2626 Gasser Boulevard, Rocky River, OH 44116, parties of the first part, hereinafter referred to as "Grantors"

A  
B  
C  
D

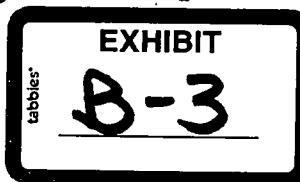
TREASURE LAKE PROPERTY OWNERS ASSOCIATION, INC., a Pennsylvania corporation, with its principal place of business located at 13 Treasure Lake, Dubois, Clearfield County, Pennsylvania, party of the second part, hereinafter referred to as "Grantee".

W I T N E S S E T H :

That for and in consideration of the sum of One (\$1.00) Dollar, in hand paid, the receipt whereof is hereby acknowledged, the said Grantors do hereby grant and convey to the said Grantee: ALL that certain tract of land designated as Lot No. 3, Section No. 15 "Bimini", in the Treasure Lake Subdivision of Sandy Township, Clearfield County, Pennsylvania recorded in the Recorder of Deeds Office in Misc. Docket Map File #25, together with any right, title and interest secured by the within Grantors as a result of that Indenture dated September 20, 1973 from Treasure Lake of Pennsylvania, Inc. to the within Grantors and recorded as aforesaid in Deed Book Vol. 660 at page 238.

EXCEPTING AND RESERVING THEREFROM AND SUBJECT TO:

1. All easements, rights of way, reservations, restrictions and



limitations shown or contained in prior instruments of record and in the aforesaid recorded plan.

2. The Declaration of Restrictions, Treasure Lake, Inc., recorded in Misc. Book Vol. 146, page 476; all of said restrictions being covenants which run with the land.
3. All minerals and mining rights of every kind and nature.
4. A lien for all unpaid charges or assessments as may be made by Developer or Treasure Lake Property Owners Association, Inc.; which lien shall run with the land and be an encumbrance against it.

BEING the same premises which Treasure Lake, Inc. granted and conveyed to the within Grantors by its deed dated August 31, 1970 and recorded in the Clearfield County Recorder of Deeds Office in Deed Book 568 at page 473.

TOGETHER WITH any right, title and interest secured by the within Grantors as a result of that Indenture dated September 20, 1973 from Treasure Lake of Pennsylvania, Inc. to the within Grantors and recorded as aforesaid in Deed Book Vol. 1660 at page 238.

## NOTICE

In accordance with the provisions of "The Bituminous Mine Subsidence and Land Conservation Act of 1966", I/we, the undersigned grantees, hereby certify that I/we know and understand that I/we may not be obtaining the right of protection against subsidence resulting from coal mining operations and that the purchased property may be protected from damage due to mine subsidence by a private contract with the owners of the economic interest in the coal. I/we further certify that this certification is in a color contrasting with that in the deed proper and is printed in twelve point type preceded by the word "notice" printed in twenty-four point type.

Witness:



This 6th day of April, 1998

For the purpose of complying with the Act of July 17, 1957, P.L. 984; 52 P.S. Supp. 1551, as amended, of the General Assembly of Pennsylvania, and for no other purpose, there is incorporated herein the following notice:

THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND THE RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT.

AND the said Grantors will SPECIALLY WARRANT AND FOREVER DEFEND the property hereby conveyed.

IN WITNESS WHEREOF, said Grantors have set their hands and seals the day and year first above written.

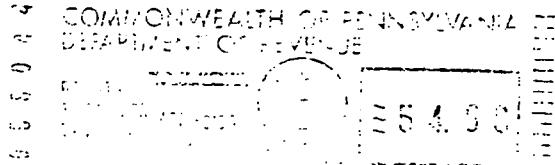
WITNESSES:

Susan Plain  
Susan Plain

William B. Hooker (SEAL)  
William B. Hooker

Rosemary D. Hooker (SEAL)  
Rosemary D. Hooker

VOL 1921 PAGE 126



STATE OF OHIO

SS:

COUNTY OF CUYAHOGA

On this, the 3rd day of April, 1998, before me, a notary public the undersigned officer, personally appeared WILLIAM B. HOOKER and ROSEMARY D. HOOKER, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purpose therein contained.

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

4-6-98

CLEARFIELD COUNTY  
ENTERED OF RECORD  
TIME 3:28 pm  
BY Michael J. Keay  
FEES 15.50

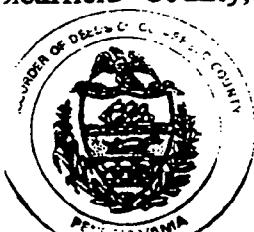
Karen L. Starck, Recorder

CERTIFICATE OF RESIDENCE

I certify that the precise residence of the Grantees herein is as follows: 13 Treasure Lake, Dubois, PA 15801.

Michael J. Keay

I hereby CERTIFY that this document is recorded in the Recorder's Office of Clearfield County, Pennsylvania.



Karen L. Starck

Karen L. Starck  
Recorder of Deeds

DUBOIS AREA SCHOOL DISTRICT

1% REALTY TRANSFER TAX

AMOUNT \$ 54.68  
PAID 4/6/98 KAREN L STARCK  
Date 4/6/98

Entered of Record 4-6 1998, 3:28 pm Karen L Starck, Recorder

All Questions Must  
Be Answered To  
Qualify For Hearing

# DECLARATION OF INTENTION TO APPEAL

ASSESSMENT APPEAL

Clearfield County Board of Assessment Appeals

230 E Market St Suite 117 Clearfield PA 16830

FOR 2000

Under the provisions of law, any person\* aggrieved by any assessment desiring to appeal shall file a statement, in writing, with the Board of Assessment Appeals. Such statement shall designate the assessment appealed from and the address to which the Board shall mail notice of when and where to appear for a hearing. NO APPEAL SHALL BE HEARD BY THE BOARD UNLESS APPELLANT SHALL FIRST HAVE FILED THE APPEAL AND REQUIRED DOCUMENTS AS SET FORTH BY LAW.

(\* ) Includes taxing districts

Phone (814) 765-2641 Ext 5997

RECORD OWNER(S) NAME: TREASURE LAKE PROPERTY OWNERS ASSOCIATION, INC. FORM 1

MAILING ADDRESS: 13 Treasure Lake

Dubois, PA 15801

PROPERTY SUBJECT OF APPEAL: See Exhibit A attached hereto  
Number Street

Borough/Township

DISTRICT	MAP	SUB-MAP	PARCEL	SUB PCL I	SUB PCL II	CONTROL NUMBER
ASSESSOR'S TAX MAP IDENTIFICATION	SEE EXHIBIT A		ATTACHED HERETO			
-----	---	---	-----	---	---	-----

ASSESSMENT APPEALED See Exhibit A OPINION OF VALUE OF THIS PROPERTY Irrelevant

DATE PURCHASED 2/9/96 PURCHASE PRICE portion AMOUNT OF FIRE INSURANCE Unknown (portion)

STATE REASONS FOR FILING THIS APPEAL: All, or portions of the parcels described are "common" facilities or properties benefitting the Treasure Lake property owners and are not proper subjects of separate taxation as described in the Pennsylvania Uniform Planned Community Act 68 PA C.S.A. §5101 et seq.

CURRENT USE OF PROPERTY: Common facilities or amenities for Treasure Lake owners

TOTAL ACREAGE: See Exhibit A TOTAL ACRES OF TILLABLE LAND: None

TOTAL ACRES OF WOODLAND: Unknown TOTAL ACRES OF WASTELAND: Unknown

#1 RESIDENCE: Number of Stories Total Rooms Bedrooms Family Room Full Baths  
Half Baths Basement Garage(Cars) Carport Fireplace Central Air

#2 RESIDENCE: Number of Stories Total Rooms Bedrooms Family Room Full Baths  
Half Baths Basement Garage(Cars) Carport Fireplace Central Air

OUT BUILDINGS: DESCRIPTION/USE SIZE

#1 Administration Building, fire station, construction building

#2 Route 255 Gate Guardhouse (Front)

#3 Bay Road/Dubois Gate Guardhouse (Back)

#4 Maintenance building

#5 Cayman Campground Lodge/Clubhouse

#6 (6) Cayman comfort centers

#7 (1) (Proposed Well Site/Comfort Center)

OTHER:

## CERTIFICATE OF APPEAL

I/We hereby declare my/our intention to appeal from the assessed valuation of the property described above and do hereby verify that the statements made in this appeal are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. CS Section 4904, relating to unsworn falsification to authorities.

SIGNED: Michael P. Yeager

DATE: 8/28/00

TREASURE LAKE PROPERTY OWNERS  
Owner(s) of Record  
ASSOCIATION, INC.

PHONE No.: (Home) \_\_\_\_\_

(Day/Office) (814) 371-0711

ALL NOTICE OF PROCEEDINGS WILL BE MAILED TO THE OWNER(S) OF RECORD AND SUCH OTHER AS IDENTIFIED BELOW:

NAME: Michael P. Yeager, Esquire

ADDRESS: P.O. Box 752

Clearfield, PA 16830

EXHIBIT

C-1

## FORM 1 - EXHIBIT A

<u>Property Identification</u>	<u>Assessment # All 128-</u>	<u>Acreage</u>	<u>No. of Building</u>	<u>Comments</u>
Administration Bldg., Fire Station, Const. Bldg.	D3-83	Unknown	3	Common use administration bldg. & fire station
Rte. 255 Gate Guardhouse	D3-83	Unknown	1	Common use/Rte 255 Gatehouse
Entrance Area	D3-133	Unknown	0	Entrance & pond
Bay Road/DuBois Gate Guardhouse	C2-27	Unknown	1	Bay Road Gatehouse
Maintenance Bldg./Area	C2-26	9.49	1	Maintenance bldg./area for TLPOA
Cayman Campground Clubhouse (Major Amenity Area)	D1-191312.00	6.45	1	Entire parcel is amenity
Cayman Campground Center (Buckle Cut Road)	D1-191312.1	.95	1	" " "
Cayman Campground Center (Cargill Road)	D1-191312.2	.95	1	" " "
Cayman Campground Center (Dolphin Head/Lynyard)	D1-191312.3	.81	1	" " "
Cayman Campground Center (Sandbank Road)	D1-191312.4	.92	1	" " "
Cayman Campground Center (Lansing Road)	D1-191312.5	.753	1	" " "
Cayman Campground Center (Undeveloped)	D1-191312.6	1.07	1	" " "
Cayman Campground Center (Dolphin Head/Crane Neck)	D1-191312.7	.87	1	" " "
Athletic Fields	C2-3.1	Unknown	0	Current common use

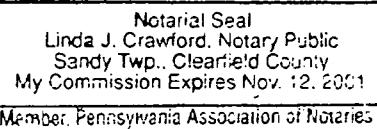
**AUTHORIZATION**

MATTHEW BEGLEY, General Manager of TREASURE LAKE PROPERTY OWNERS ASSOCIATION, INC., has been authorized by the Board of Directors to execute and sign the foregoing Declaration of Intention to Appeal.

TREASURE LAKE PROPERTY OWNERS ASSOCIATION, INC. BOARD OF DIRECTORS

By: George H. Tufts  
President TLPoa

Sworn to and subscribed before me this 28th day of August, 2000.



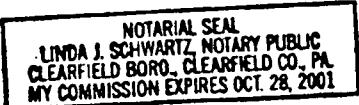
**VERIFICATION**

I, MATTHEW BEGLEY, General Manager of TREASURE LAKE PROPERTY OWNERS ASSOCIATION, INC., being duly authorized to make this Verification, have read the foregoing Declaration of Intention to Appeal. The statements therein are true and correct to the best of my personal knowledge, information and belief.

This statement and verification is made subject to the penalties of 18 Pa. C.S.A., Section 4904 relating to unsworn fabrication to authorities, which provides that if I make knowingly false averments, I may be subject to criminal penalties.

Matthew S. Begley  
Matthew Begley, General Manager  
Treasure Lake Property Owners  
Association, Inc.

Sworn to and subscribed before me this 28th day of August, 2000.



Linda J. Schwartz

All Questions Must  
Be Answered To  
Qualify For Hearing

Clearfield County Board of Assessment Appeals  
230 E Market St Suite 117 Clearfield PA 16830

FOR 2000

Under the provisions of law, any person aggrieved by any assessment desiring to appeal shall file a statement, in writing, with the Board of Assessment Appeals. Such statement shall designate the assessment appealed from and the address to which the Board shall mail notice of when and where to appear for a hearing. NO APPEAL SHALL BE HEARD BY THE BOARD UNLESS APPELLANT SHALL FIRST HAVE FILED THE APPEAL AND REQUIRED DOCUMENTS AS SET FORTH BY LAW.  
(\*) Includes taxing districts

Phone (814) 765-2641 Ext 5997

RECORD OWNER(S) NAME: TREASURE LAKE PROPERTY OWNERS ASSOCIATION, INC. FORM 2

MAILING ADDRESS: 13 Treasure Lake  
DuBois, PA 15801

PROPERTY SUBJECT OF APPEAL: See Exhibit A attached hereto  
Number Street Borough/Township

DISTRICT	MAP	SUB-MAP	PARCEL	SUB PCL I	SUB PCL II	CONTROL NUMBER
-----	SEE	EXHIBIT A	ATTACHED HERETO	-----	-----	-----

ASSESSMENT APPEALED See Exhibit A OPINION OF VALUE OF THIS PROPERTY Irrelevant

DATE PURCHASED 2/9/96 PURCHASE PRICE Portion AMOUNT OF FIRE INSURANCE Unknown (portion)

STATE REASONS FOR FILING THIS APPEAL: All, or portions of the parcels described are "common" facilities or properties benefitting the Treasure Lake property owners and are not proper subjects of separate taxation as described in the Pennsylvania Uniform Planned Community Act 68 PA C.S.A. §5001 et seq.

CURRENT USE OF PROPERTY: Common facilities or amenities for Treasure Lake owners

TOTAL ACREAGE: See Exhibit A TOTAL ACRES OF TILLABLE LAND: None

TOTAL ACRES OF WOODLAND: Unknown TOTAL ACRES OF WASTELAND: Unknown

#1 RESIDENCE: Number of Stories Total Rooms Bedrooms Family Room Full Baths  
Half Baths Basement Garage(Cars) Carport Fireplace Central Air

#2 RESIDENCE: Number of Stories Total Rooms Bedrooms Family Room Full Baths  
Half Baths Basement Garage(Cars) Carport Fireplace Central Air

OUT BUILDINGS: DESCRIPTION/USE SIZE

#1 Country Clubhouse buildings

#2 Boathouse/marina

#3 Pools

#4 Tennis Courts

#5 Ski Lodge

#6 (2) Golf pro shops/restaurants

#7 (2) Golf maintenance buildings

OTHER: #8 Cart barns, pavillion

CERTIFICATE OF APPEAL

I/We hereby declare my/our intention to appeal from the assessed valuation of the property described above and do hereby verify that the statements made in this appeal are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. CS Section 4904, relating to unsworn falsification to authorities.

SIGNED: Mark Deyo

DATE: 8/28/00

TREASURE LAKE PROPERTY OWNERS  
Owner(s) of Record  
ASSOCIATION, INC.

PHONE No.: (Home) \_\_\_\_\_

(Day/Office) 814-370-0711

ALL NOTICE OF PROCEEDINGS WILL BE MAILED TO THE OWNER(S) OF RECORD AND SUCH OTHER AS IDENTIFIED BELOW:

NAME: Michael P. Yeager, Esquire

ADDRESS: P.O. Box 752

Clearfield, PA 16830

EXHIBIT

C-2

## FORM 2 - EXHIBIT A

<u>Property Identification</u>	<u>Assessment #</u>	<u>All 128-</u>	<u>Acreage</u>	<u>No. of Buildings</u>	<u>Comments</u>
<b>Country Club Complex</b>					
Clubhouse	C2-11			1	Main Country Club complex
Buildings				1	" "
Boathouse/marina				1	Marina
Pools				2	Country Club amenities
Tennis courts				6	
<b>Ski Lodge Complex</b>					
Ski Lodge Building	C2-3				
Campground bathhouse/pool	C2-61			1	
(Maintenance bldg. &					
Pro shop - Golf with Gold					
Golf Course below)					
Ski Lodge Parking Lot	C2-61				
<b>Gold Golf Course</b>					
Pro shop/Restaurant	D2-21, C3-35				Gold Golf course w/ related bldgs.
Maintenance Bldg	& C2-3				
Cart barn	C2-3			1	
Lots (3)	C2-3			1	
	15/4A, 15/3				
	13/51				
<b>Silver Golf Course</b>					
Pro shop, Restaurant	C1-1, C2-19			1	
Maintenance building				1	
Cart barn				1	
Pavillion	Maybe C2-3			1	
Lot (1)	NEW			1	
	17/79				
					Access road xx13/14

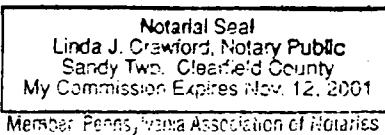
AUTHORIZATION

MATTHEW BEGLEY, General Manager of TREASURE LAKE PROPERTY OWNERS ASSOCIATION, INC., has been authorized by the Board of Directors to execute and sign the foregoing Declaration of Intention to Appeal.

TREASURE LAKE PROPERTY OWNERS ASSOCIATION, INC. BOARD OF DIRECTORS

By: George H. Tuttle  
President TLPoA

Sworn to and subscribed before me this 28th day of August, 2000.

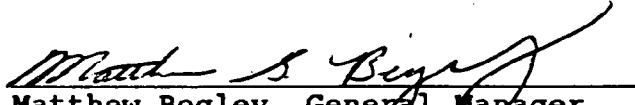


VERIFICATION



I, MATTHEW BEGLEY, General Manager of TREASURE LAKE PROPERTY OWNERS ASSOCIATION, INC., being duly authorized to make this Verification, have read the foregoing Declaration of Intention to Appeal. The statements therein are true and correct to the best of my personal knowledge, information and belief.

This statement and verification is made subject to the penalties of 18 Pa. C.S.A., Section 4904 relating to unsworn fabrication to authorities, which provides that if I make knowingly false averments, I may be subject to criminal penalties.



Matthew Begley, General Manager  
Treasure Lake Property Owners  
Association, Inc.

Sworn to and subscribed before me this 28th day of August, 2000.



CLEARFIELD COUNTY BOARD OF ASSESSMENT APPEALS  
230 East Market Street  
Clearfield, Pennsylvania 16830

Treasure Lake Property Owners  
Association, Inc.  
13 Treasure Lake

DuBois PA 15801

NOTICE OF BOARD ACTION ON APPEAL  
FROM 2001 REAL ESTATE ASSESSMENT

Appellant's Name	:	Treasure Lake Property Owners Assoc.
Person appearing	:	Michael P. Yeager, Esq.
Location	:	Sandy Township - Treasure Lake
Map Number	:	See Forms 1 & 2 Exhibit A
Property Identification	:	See Forms 1 & 2 Exhibit A
Original 2001 market value	:	Same
Original 2001 assessed valuation	:	Same
Date of appeal hearing	:	October 26, 2000

Dear Property Owner:

The Clearfield County Board of Assessment Appeals, having considered your appeal, has made an Order with reference to your 2001 real estate assessment as follows:

"Original 2001 Market Value affirmed, without change."  
"Original 2001 Assessment Value affirmed, without change."

Dated: November 2, 2000

Very truly yours,

Clearfield County Board of  
Assessment Appeals

William C. Yeager

Butch D. Bon

John P. Platt



FORM 1 - EXHIBIT A

<u>Property Identification</u>	<u>Assessment:</u> <u># All 128-</u>	<u>Acreage</u>	<u>No. of</u> <u>Building</u>	<u>Comments</u>
Administration Bldg., Const. Bldg. Fire Station, Const. Bldg.	D3-83	Unknown	3	Common use administration bldg. & fire station
Rte. 255 Gate Guardhouse	D3-83	Unknown	1	Common use/Rte 255 Gatehouse
Entrance Area	D3-133	Unknown	0	Entrance & pond
Bay Road/Dubois Gate Guardhouse	C2-27	Unknown	1	Bay Road Gatehouse
Maintenance Bldg./Area	C2-26	.9 .49	1	Maintenance bldg./area for TIPOA
Cayman Campground Clubhouse (Major Amenity Area)	D1-191312.00	6 .45	1	Entire parcel is amenity
Cayman Campground Center (Buckle Cut Road)	D1-191312.1	.95	1	"
Cayman Campground Center (Cargill Road)	D1-191312.2	.95	1	"
Cayman Campground Center (Dolphin Head/Lynyard)	D1-191312.3	.81	1	"
Cayman Campground Center (sandbank Road)	D1-191312.4	.92	1	"
Cayman Campground Center (Lansing Road)	D1-191312.5	.753	1	"
Cayman Campground Center (Undeveloped)	D1-191312.6	1.07	1	"
Cayman Campground Center (Dolphin Head/Crane Neck)	D1-191312.7	.87	1	"
Athletic Fields	C2-3.1	Unknown	0	Current common use

*Copy*

## FORM 2 - EXHIBIT A

<u>Property Identification</u>	<u>Assessment</u>	<u>Acreage</u>	<u>No. of Buildings</u>	<u>Comments</u>
<b>Country Club Complex</b>	<b># ALL 128-</b>			
Clubhouse	C2-11		1	Main country club complex
Buildings			1	”
Boathouse/marina			1	”
Pools			2	Marina
Tennis Courts			6	Country club amenities
<b>Ski Lodge Complex</b>				
Ski Lodge Building	C2-3			
Campground bathhouse/pool - Not owned by TILPOA	C2-61	1	1	
(Maintenance bldg. & Pro shop - Golf with Gold			1	
Golf Course below)			2	
Ski Lodge Parking Lot	C2-61		6	
<b>Gold Golf Course</b>				
Pro shop/Restaurant	D2-21, C3-35			
Maintenance Bldg	& C2-3			
Cart barn	C2-3	1	1	
Cart barn	C2-3	1	1	
Lots (3)	15/4A, 15/3	2	2	
	13/51			
				Cart path 14/15
				Access road 12/13
<b>Silver Golf Course</b>				
Pro shop, Restaurant	C1-1, C2-19			
Maintenance building				
Cart barn		1	1	
Pavillion	Maybe C2-3		1	
Lot (1)	NEW 17/79	1	1	
				Access road xx13/14

COPY

COMMONWEALTH OF PENNSYLVANIA : : SS:  
COUNTY OF CLEARFIELD : :

George H. Tutor, Sr., President of

TREASURE LAKE PROPERTY OWNERS ASSOCIATION, INC., being duly sworn according to law, deposes and says that he, as such officer, being authorized to do so, has executed the foregoing Appeal on behalf of the Petitioner and that the facts set forth therein are true and correct to the best of his knowledge, information and belief.

George H. Tutor, Sr.  
Treasure Lake Property Owners  
Association, Inc.

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

Linda J. Crawford

Notarial Seal  
Linda J. Crawford, Notary Public  
Sandy Twp., Clearfield County  
My Commission Expires Nov. 12, 2001

Member, Pennsylvania Association of Notaries

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

APPEAL OF TREASURE LAKE PROPERTY: NO. 00 - 1468 - CD  
OWNERS ASSOCIATION, INC. :  
Petitioner : Type of Case: Real Estate Tax  
vs : Assessment Appeal  
CLEARFIELD COUNTY BOARD OF :  
ASSESSMENT APPEALS, : Type of Pleading: Affidavit of  
Respondent : Service  
: Filed on Behalf of: Treasure  
: Lake Property Owners  
: Association, Inc.  
: Counsel of Record for this  
: Party:  
: Michael P. Yeager, Esq.  
: Supreme Court No.: 15587  
: P.O. Box 752  
: 110 North Second Street  
: Clearfield, PA 16830  
: (814) 765-9611

**FILED**

DEC 18 2000

William A. Shaw  
Prothonotary

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

APPEAL OF TREASURE LAKE PROPERTY:

OWNERS ASSOCIATION, INC., :  
Petitioner : No. 00 - 1468 - CD  
: :  
vs :  
: :  
CLEARFIELD COUNTY BOARD OF :  
ASSESSMENT APPEALS, :  
Respondent : :

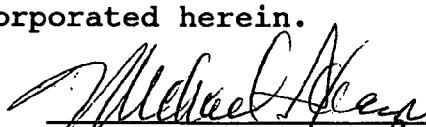
**AFFIDAVIT OF SERVICE**

I, MICHAEL P. YEAGER, attorney for the Petitioner, depose and say that on November 22, 2000, I caused two certified copies of the Petition for Appeal in the above-captioned matter to be hand delivered to Kim C. Kesner, Esq., at his address at 23 North Second Street, Clearfield, PA 16830 on behalf of the Clearfield County Board of Assessment Appeals as well as Clearfield County as evidenced by the attached Acceptance of Service.

Additionally, I forwarded a certified copy of the Petition for Appeal in the above-captioned matter by certified mail, return receipt requested to the following:

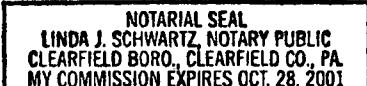
Sandy Township R.D. 3 DuBois, PA 15801	DuBois Area School District 500 Liberty Boulevard DuBois, PA 15801
--	--

Copies of the receipts and return receipt cards are attached hereto, made part hereof and incorporated herein.

  
Michael P. Yeager, Esquire

Attorney for Petitioner

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



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

APPEAL OF TREASURE LAKE PROPERTY:

OWNERS ASSOCIATION, INC.,	:
Petitioner	: No. 00 - 1468 - CD
vs	:
CLEARFIELD COUNTY BOARD OF	:
ASSESSMENT APPEALS,	:
Respondent	:

ACCEPTANCE OF SERVICE

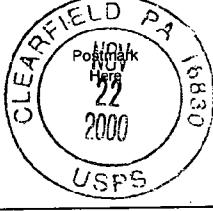
I, KIM C. KESNER, ESQUIRE, attorney for CLEARFIELD COUNTY BOARD OF ASSESSMENT APPEALS, the above-named Respondent, AND CLEARFIELD COUNTY, hereby accept service of the Petition for Appeal in the above-captioned matter on behalf of said Respondent and Clearfield County as above-captioned.



Kim C. Kesner, Esquire  
Attorney for Clearfield County  
Board of Assessment Appeal and  
Clearfield County

Dated: November 20, 2000

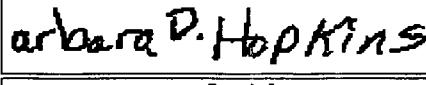
**U.S. Postal Service  
CERTIFIED MAIL RECEIPT**  
*(Domestic Mail Only; No Insurance Coverage Provided)*

Article Sent To:		
Sandy Township		
6401 1886  6044  0023  0000  0600  7000 0600	Postage \$ Certified Fee Return Receipt Fee (Endorsement Required) Restricted Delivery Fee (Endorsement Required)	
	\$ 4.74	
		
	Name (Please Print Clearly) (to be completed by mailer)	
	Sandy Township Street, Apt. No., or PO Box No. R.D. 3	
City, State, ZIP+4 DuBois, PA 15801		
PS Form 3800, July 1999		
See Reverse for Instructions		



Track/Confirm - Intranet Item Inquiry  
Item Number: 7000 0600 0023 6401 1886

This item was delivered on 11/27/2000 at 11:10.

Delivery Section	
Signature:	 
Address:	

**U.S. Postal Service**  
**CERTIFIED MAIL RECEIPT**  
*(Domestic Mail Only; No Insurance Coverage Provided)*

Article Sent To:  
**DuBois Area School District**

Postage	\$	
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	<b>4.74</b>

Name (Please Print Clearly) (to be completed by mailer)  
**DuBois Area School District**  
 Street, Apt. No.; or P.O. Box No.  
**500 Liberty Boulevard**  
 City, State, ZIP+4  
**DuBois, PA 15801**

See Reverse for Instructions

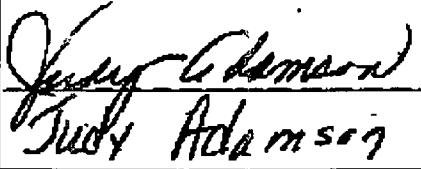
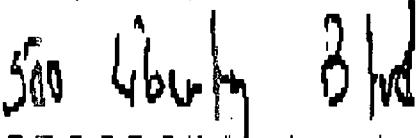
PS Form 3800, July 1999

CLEARFIELD PA  
 NOV 22 2000  
 Postmark  
 Here  
 03881  
 USPS



**Track/Confirm - Intranet Item Inquiry**  
 Item Number: 7000 0600 0023 6401 1862

This item was delivered on 11/28/2000 at 09:16.

Signature:	Delivery Section
	
Address:	

FILED

DEC 18 2000  
REC'D NOCC  
William A. Shaw  
Prothonotary  
EAS

## FORM 1 - EXHIBIT A

<u>Property Identification</u>	<u>Assessment #</u>	<u>Acreage</u>	<u>No. of Building</u>	<u>Deed Bk. Page No.</u>	<u>Comments</u>
Administration Bldg., Fire station, const. Bldg.	D3-83	Unknown* (4.08)	3	1739/411	Common use administration bldg. & fire station
Rte. 255 Gate Guardhouse	D3-83	Unknown* (3.55)	1	"	Common use/Rte 255 Gatehouse
Entrance Area	D3-133	Unknown*	0	"	Entrance & pond
Bay Road/Dubois Gate Guardhouse	C2-27	Unknown* (4.95)	1	"	Bay Road Gatehouse
Maintenance Bldg./Area	C2-26	9.49	1	"	Maintenance bldg./area for TPOA
Cayman Campground clubhouse (Major Amenity Area)	D1-191312.00	6.45	1	"	Entire parcel is amenity
Cayman Campground center (Buckle Cut Road)	D1-191312.1	.95	1	"	"
Cayman Campground center (Cargill Road)	D1-191312.2	.95	1	"	"
Cayman Campground center (Dolphin Head/Lynyard)	D1-191312.3	.81	1	"	"
Cayman Campground center (Sandbank Road)	D1-191312.4	.92	1	"	"
Cayman Campground center (Lansing Road)	D1-191312.5	.753	1	"	"
Cayman Campground center (undeveloped)	D1-191312.6	1.07	1	"	"
Cayman Campground center (Dolphin Head/Crane Neck)	D1-191312.7	.87	1	"	"
Athletic Fields	C2-3.1	Unknown* (7.22)	0	"	Current common use

\* The appealed property consists of only a portion of the assessed area of the estimated acreage totals for the individual appealed parcels are contained in ( )

FORM 2 - EXHIBIT A

<b>Property Identification</b>		<b>Assessment #</b>	<b>Acreage</b>	<b>No. of Buildings</b>	<b>Comments</b>
<b>Country Club Complex</b>		<b>All 128-</b>			
Clubhouse	C2-11			1	Main Country Club complex
Buildings				1	" " " "
Boathouse/marina				1	Marina
Pools				2	Country club amenities
Tennis Courts				6	
<b>Ski Lodge Complex</b>					
Ski Lodge Building	C2-3			1	
Campground bathhouse/pool - Maintenance bldg. & Pro Shop - Golf with Gold	C2-61			1	
(Maintenance bldg. & Pro Shop - Golf with Gold Golf Course below) Ski Lodge Parking Lot				1	Not owned by TIPOA
<b>Gold Golf Course</b>					
Pro shop/Restaurant	D2-21, C3-35 & C2-3			1	
Maintenance Bldg	C2-3			1	
Cart barn	C2-3			1	
Lots (3)	C2-3 15/4A, 15/3 13/51			2	
<b>Silver Golf Course</b>					
Pro shop, Restaurant	C1-1, C2-19			1	
Maintenance building				1	
Cart barn	Maybe C2-3			1	
Pavillion	NEW			1	
Lot (1)	17/79			1	
Access road	xx13/14				

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

APPEAL OF TREASURE LAKE PROPERTY: NO. 00 - 1468 - CD  
OWNERS ASSOCIATION, INC. :  
Petitioner : Type of Case: Real Estate Tax  
vs : Assessment Appeal  
: Type of Pleading: Proposed  
: Findings of Fact, Questions  
: Presented & Discussion  
: Filed on Behalf of: Treasure  
: Lake Property Owners  
: Association, Inc.  
: Counsel of Record for this  
: Party:  
: Michael P. Yeager, Esq.  
: Supreme Court No.: 15587  
: P.O. Box 752  
: 110 North Second Street  
: Clearfield, PA 16830  
: (814) 765-9611

CLEARFIELD COUNTY BOARD OF  
ASSESSMENT APPEALS,  
Respondent

**FILED**

APR 11 2001

William A. Shaw  
Prothonotary

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

APPEAL OF TREASURE LAKE PROPERTY:  
OWNERS ASSOCIATION, INC., :  
Petitioner :  
: :  
vs :  
: :  
CLEARFIELD COUNTY BOARD OF :  
ASSESSMENT APPEALS, :  
Respondent :  
: :  
No. 00 - 1468 - CD

**PROPOSED FINDINGS OF FACT, QUESTIONS PRESENTED AND DISCUSSION**

**I. BACKGROUND**

Treasure Lake is a private recreational and residential community located in Sandy Township, Clearfield County, Pennsylvania ("Community"). In creating this Community, the then Developer recorded in the Office of Recorder of Deeds of Clearfield County, a Declaration of Restrictions dated May 28, 1968 ("1968 Restrictions") which were said to be applicable to the vast majority of single-family residential lots sold within the Community. This Developer incorporated and amended a previous set of Stipulations and Conditions dated August 8, 1968 with these Restrictions. The succeeding Developer then expanded the Treasure Lake Community and in each such expansion imposed additional and separate covenants governing the rights, privileges and responsibilities relative to ownership of these expanded real estate areas.

A Declaration of Restrictions dated May 29, 1981 was created

to govern the Abaco Section. On May 29, 1981, a Declaration of Restrictions for the Cayman Subdivision was created giving rise to the recreational vehicle development within the Treasure Lake Community. Subsequently on June 20, 1983, the Developer interposed the timeshare concept in the Cayman Section with Supplemental Restrictions for undivided interest camping ownership. Timeshare townhouses were also created and on September 18, 1981, a Declaration of Interval Ownership was utilized to create the Wolf Run Townhouse Complex; while a nearly identical Declaration of Interval Ownership dated January 16, 1984 ultimately created the Silverwoods Townhouses.

All of the various covenants affecting the diverse real estate opportunities within the Treasure Lake Community outline and describe various properties within the Community that all lot owners, interval ownership owners and undivided interest owners have the right to utilize including the real estate parcels at issue in this Appeal.

Additionally, the original Treasure Lake Developer contemplated an organization to oversee the rights and responsibilities of the various lot owners. The 1968 Restrictions make mention of the Treasure Lake Property Owners Association, Inc. ("TLPOA"); and those Developers incorporated the TLPOA ultimately on August 9, 1968. All of the various other covenants described above affecting real estate within the Treasure Lake Community make mention of the TLPOA as well.

By various Deeds of conveyance, the TLPOA became the owner

of a variety of parcels of real estate located within the Treasure Lake Subdivision or Community as aforesaid. For purposes of this Appeal, the parcels at issue include the Property Identifications listed on Exhibit A to Forms 1 and 2 of the Declaration of Intention to Appeal and Exhibits A-1 and A-2 of the Petition for Appeal filed in this matter. All of these parcels were acquired by the TLPOA by three (3) deeds dated February 9, 1996 and another Deed dated April 3, 1998.

On December 19, 1996, the Pennsylvania Legislature enacted Act 180 of 1996 (68 P.S. §5101, et seq.) (the "Act"). This Act, known as the "Uniform Planned Community Act" ultimately became effective forty-five days thereafter or on February 2, 1997.

Although the Act was said to generally apply to planned communities created within Pennsylvania after that effective date, specific sections of the Act were specifically noted as being applicable retroactively to all planned communities created within Pennsylvania before the effective date, assuming the same apply with respect of events and circumstances occurring after the effective date (68 P.S. §5102(b)).

Within the times allotted by law for the taking of Appeals before the Clearfield County Board of Assessment Appeals, the Petitioner did Appeal the 2001 real estate tax assessments on the properties described above and as noted in those Appeals on August 28, 2000. Essentially, the Petitioner requested an exemption of the various properties based upon one of the retroactive provisions of the Act which provides in part that:

"no separate assessed value shall be attributed and no tax shall be imposed against common facilities or controlled facilities." (68 Pa. C.S.A. §5105(b)(1)). A hearing on those Appeals was held before the Respondent on October 26, 2000. Ultimately, the Respondent entered an Order or Notice which is dated November 2, 2000 denying the Petitioner's Appeals for exemptions and maintaining the values of the properties.

The Petitioner then filed the within Appeal in the form of a Petition for Appeal in the above-captioned matter on November 22, 2000. Service of the Petition has been accepted and the affected taxing bodies have been notified. The matter now rests before this Court for a determination as to whether the real estate parcels in question or portions thereof are exempt from separate assessment and taxation as is provided by the Act.

## **II. PROPOSED FINDINGS OF FACT**

1. The Petitioner, TLPOA, is a Pennsylvania nonprofit corporation with its principal place of business located at 13 Treasure Lake, DuBois, Clearfield County, PA.

2. The Respondent, Clearfield County Board of Assessment Appeals is a "Board for the Assessment and revision of taxes" within the meaning of the General County Assessment Law (72 P.S. §5020-102) and a "Board of Assessment Appeals" within the meaning of the Fourth to Eighth Class County Assessment Law (72 P.S. §5453.101).

3. The Developer at Treasure Lake imposed the initial development scheme for the vast majority of the single-family residential lots within the Treasure Lake Community in the 1968 Restrictions. This document was recorded on May 31, 1968 in Clearfield County Misc. 146, page 476. Pertinent portions of the 1968 Restrictions are quoted in later paragraphs hereof.

4. That Developer also utilized those 1968 Restrictions to amend and incorporate a previous developer's Stipulations and Conditions dated August 8, 1968 and recorded in Misc. Book 130, page 407. Quotations from those Stipulations and Conditions and the Amendment are also contained in later paragraphs.

5. A succeeding Developer in creating the Abaco Section implemented a Declaration of Restrictions dated May 29, 1981. This document is recorded in Clearfield Misc. Vol. 237, page 416 ("Abaco Restrictions").

6. Cayman Section campground lots were created by a

Declaration of Restrictions dated May 29, 1981 and recorded in Clearfield County Misc. Vol. 237, page 431 ("Cayman Restrictions").

7. On June 20, 1983, the Developer set off a portion of the campground for undivided interest camping with Supplemental Restrictions recorded in Clearfield County D & R Vol. 893, page 254 ("Undivided Interest/UDI Restrictions").

8. The timeshare townhouses were initiated by the Developer on September 18, 1981 with the Declaration of Interval Ownership for the Wolf Run Townhouses. This document is recorded in Clearfield County Misc. Vol. 239, page 331. A companion development known as the "Silverwoods Townhouses" was created by a nearly identical Declaration of Interval Ownership dated January 16, 1984 and recorded in Clearfield County D & R Vol. 927, page 274 ("Interval Ownership/Timeshare Restrictions").

9. The TLPOA was incorporated as a nonprofit corporation on August 9, 1968. This same TLPOA is prominently mentioned in all of the above covenants affecting real estate ownership and use within the Treasure Lake Community.

10. By Deeds dated and recorded as set forth in Exhibit A to the Petition for Appeal, the TLPOA secured various parcels of land located within the Treasure Lake Community of Sandy Township, Clearfield County, PA. Although those deeds also describe real estate other than those parcels affected by this lawsuit, the parcels involved in this Appeal are described generally.

11. All deeds to the various real estate options within the Treasure Lake Community contain language indicating that said conveyances are otherwise subject to their respective Declaration or Restrictions. They further generally indicate that all of the various documents described constitute covenants which run with the land.

12. Paragraph 11.A. of the 1968 Restrictions (and the nearly identical Abaco Section Restrictions) provides as follows:

"A. Each of the streets in the Subdivisions now or hereafter designated on any plat is a private street, and every park, recreational facility, and other amenity within the Subdivisions is a private park, facility, or amenity and neither Declarant's execution nor recording of the plat nor any other act of Declarant with respect to the Property is, or is intended to be, or shall be construed as a dedication to the public of any of said streets, parks, recreational facilities and amenities other than as reflected therein. An easement for the use and enjoyment of each of said streets and areas designated as parks is reserved to Declarant, its successor and assigns; to the persons who are, from time to time, members or associate members of the Treasure Lake Property Owners Association, Inc.; to the members and owners of any recreational facility; to the residents, tenants, and occupants of any multi-family residential buildings, guest house, inn or hotel facilities, and all other kinds of residential structures that may be erected with the boundaries of the Property and to the invitees of all the aforementioned persons; the use of which shall be subject to such rules and regulations as may be prescribed by Declarant or the Association, if the Association is the owner of the facility or property involved."

13. Paragraph 11.B. of the 1968 and Abaco Restrictions provides as follows:

"B. The ownership of the recreational amenities within the property which may include but shall not be limited to lakes, dams, marinas, beaches, lake access tracts, golf courses, tennis courts, swimming pools, clubhouses and adjacent clubhouse grounds, and campgrounds shall be in Declarant or its successors or assigns and the use and enjoyment thereof shall be on such terms and conditions as Declarant, its successors or assigns, shall from time to time license; provided, however, that any or all of such amenities may be conveyed to the Association, which conveyance shall be accepted by it, provided the same is free and clear of all financial encumbrances."

14. Paragraph 1 of the Stipulations and Conditions which were incorporated in the Restrictions provides as follows:

"(1). All persons who are the owners of lots as set forth in the aforementioned Lot Block Plan, and their invitees, shall have the privilege of using the lands surrounding Lake Rene owned by the Owners of Lake Rene, for the purpose of boating, swimming, fishing, hunting and other recreational activities including the 150 foot wide strip of land surrounding Lake Rene as owned, and will be retained by the Owners, said usage being conditioned upon the following conditions and regulations:"

15. Paragraph 4 of the Stipulations and Conditions provides as follows:

"(4). Pathways will be established, and maintained across this 150 foot wide strip to the Lake for the use of all lots owners. No lot owner shall establish any other pathways other than those provided."

16. Paragraph 12 of the 1968 and Abaco Restrictions integrates the Petitioner, TLPOA, into the development scheme at Treasure Lake by outlining its purpose, various responsibilities and powers; and describes the assessment mechanism whereby the

TLPOA secures fees from Treasure Lake Community owners to fund its operations. Particularly, the TLPOA is responsible for maintenance, repair and upkeep of the private streets and parks owned by it; and enforces regulations necessary for the use and enjoyment of such streets and parks and such other properties as it may from time to time own (12.C).

17. Paragraph 12.E. of the 1968 and Abaco Restrictions notes what funds accumulated by the TLPOA may be used for with the following language:

"The fund accumulated as the result of the charges levied by the Association shall be used exclusively to promote the recreational facilities of, and the health, safety and welfare of the members of the Association and in particular for the improvement and maintenance of the streets, those areas designated as parks, and other property within the Subdivisions which have been conveyed to or acquired by the Association."

18. Paragraphs 19, 20 and 22 of the Cayman Restrictions provide as follows:

"19. A yearly assessment or such other assessments levied by the Board of Directors of the Treasure Lake Property Owners Association shall be levied against each lot for the maintenance of the road system and such other services as may be from, time to time, required..."

"20. Every record owner of a lot including contract purchasers, but excluding persons holding title merely as security for performance of an obligation, will automatically become and be a member of the Treasure Lake Property Owners Association, and is and shall be subject to the Bylaws, Rules and Regulations of the Treasure Lake Property Owners Association..."

"22. Neither the Association nor its members

shall have any legal right to common properties unless the developer grants such legal rights. The ownership of the recreational amenities within the property which may include, but shall not be limited to lakes, dams, marinas, beaches, lake access tracts, golf course, tennis courts, swimming pools, clubhouses and adjacent clubhouse grounds, shall be vested in Recreation Land Corporation or its successors or assigns and the use and enjoyment thereof shall be on such terms and conditions as Recreation Land Corporation, its successors or assigns shall from time to time license; provided, however, that any or all such amenities may be conveyed to the Association, which conveyances shall be accepted by it, provided the same is free and clear of all financial encumbrances."

19. Paragraph VI of the Undivided Interest/UDI Restrictions provides as follows:

"VI. USE OF RECREATIONAL FACILITIES AND AMENITIES

Owners of undivided interests may use the recreational facilities and amenities within the Treasure Lake Subdivision only during such time as they are in residence at the Development."

20. Paragraph XIX.Q. of the Interval Ownership (Timeshare Restrictions) provides as follows:

"Q. An Interval Owner shall have access to the amenities controlled by Treasure Lake Property Owners Association and Recreation Land provided said Interval Owner is current in his maintenance fees to Silverwoods Association as provided in Article XIII. An Interval Owner is automatically a member of Treasure Lake Property Owners Association and this is subject to the rules, regulations and By-Laws of said Property Owners Association."

21. As the property owner of the real estate parcels previously referenced with its various rights and

responsibilities as described in Paragraph 12 of the 1968 Restrictions and generally vested in Pennsylvania nonprofit corporations, and as a party aggrieved by the assessments on the real estate parcels in question; the TLPOA has the right to Appeal the assessments and the Order or Notice of the Respondent dated November 2, 2000.

22. By virtue of Deeds dated February 9, 1996 and recorded in Clearfield County Deeds Vol. 1739, page 411 and Vol. 1739, page 432, and by deed dated April 3, 1998 and recorded in Vol. 192, page 123, the TLPOA also became the owner of the parcels described in this Appeal within the Treasure Lake Community.

23. As the owner of the land, amenities and facilities described above, the TLPOA also determines the Rules and Regulations regarding use of that land, those amenities and facilities described above and included in this appeal.

24. Subsequent to conveyance of the roads or streets and the parks or parklets, beaches and boat access areas to the TLPOA, the TLPOA duly filed Appeals to the real estate tax assessments imposed upon those parcels; and ultimately appealed the actions of the then duly constituted Respondent, Clearfield County Board of Assessment Appeals with said Appeal having been filed to No. 80-2143-CD.

25. The Appeal to No. 80-2143-CD of Clearfield County as aforesaid was ultimately resolved by an Agreement dated July 8, 1983 and a Stipulation of the parties and an Order dated November 15, 1983.

26. The roads or streets never were taxed and are currently not being taxed as separate real estate parcels.

27. The lakes, parklets, beaches and boat access areas were assessed and taxed after resolution of the Appeal to No. 80-2143-CD in 1983 until the TLPOA again appealed these assessments for the 1999 taxes. That appeal to No. 99-173-CD was resolved by an Order of Court dated December 5, 2000, a copy of which is attached hereto, made part hereof and incorporated herein as "Exhibit A".

28. The Pennsylvania State Legislature enacted Act No. 180 of 1996 on December 19, 1996; to be effective 45 days thereafter or on February 2, 1997.

29. The Treasure Lake Community is a planned private recreational and residential community located in Sandy Township, Clearfield County, Pennsylvania which was created prior to 1970. All of the parcels of real estate that are subjects of this Appeal are located behind Security Gates that control access to the Treasure Lake Community.

30. Nearly all owners of Treasure Lake real estate or interests in such real estate are assessed an annual assessment charge or fee by the TLPOA, which then in turn utilizes a portion of these funds so collected for maintenance of the parcels of real estate that are the subjects of this Appeal.

31. The real estate parcels involved in this Appeal are generally available to owners of Treasure Lake real estate or interests therein and their guests and invitees and are

considered and treated as "common" property within the Treasure Lake Subdivision. These parcels are more specifically utilized as follows:

(a) Administration Building and Fire Station (128-D3-83). All activities of the TLPOA are initiated from the Administration Building. It houses the TLPOA administrative offices, and as such, benefits the entire community; but also serves various other community functions. There are a number of meeting rooms within the structure that are exclusively available to various Treasure Lake civic and recreational groups.

The Fire Station building is the home of the Treasure Lake Fire Company, a duly chartered Sandy Township Volunteer Fire Department. The Fire Station, due to its location, primarily serves the Treasure Lake Community; but on occasion is available to serve Sandy Township areas outside the Treasure Lake Community.

Current tax records reflect the location of a Construction Building on this parcel; but in actuality, this building is located on land owned by Bly Development Group, Inc. and should be assessed to parcel no. 128-D3-144. This has been addressed by correspondence to the Clearfield County Chief Assessor.

(b) Route 255 Gate Guardhouse (128-D3-83). This building, located in the middle of the Treasure Lake entrance road, houses the Treasure Lake security detail that

controls access to this private community; and as such benefits the entire community.

(c) Entrance area (128-D3-133). This area abutting Pennsylvania Route 255 contains the Treasure Lake entrance road with signage. It also contains extensive decorative landscaping that enhances this entrance to the Treasure Lake Community.

(d) Bay Road/DuBois Gate Guardhouse (128-C2-27). The TLPOA also maintains a building at what is known as the "Back Gate" for the Treasure Lake Community and is similar to the gate guardhouse described in Subparagraph (b) above. This building houses the Treasure Lake security detail that controls access to this private community from this DuBois gate and also benefits the entire Community.

(e) Maintenance Building/Area (128-C2-26). This building and the area involved constitutes the location of the facilities of the Treasure Lake Maintenance Department. All of the Treasure Lake private roads are maintained with equipment housed and maintained at this site and all of the other maintenance that takes place within the Treasure Lake Community on behalf of the TLPOA of all of the other "common properties" originates at this location.

(f) Cayman Campground Clubhouse and Comfort Centers (128-D1-191312.00-.7). The Cayman Landing Section of Treasure Lake encompasses the campground and travel trailer facility within the Treasure Lake Community. This area has

its own clubhouse that operates as a major amenity for this particular portion of the development. The remaining comfort centers are essentially "bathhouses" located throughout the Cayman Landing Campground area. All of these facilities both developed and undeveloped are utilized in common within the campground area.

(g) Athletic fields (128-C2-3.1). These athletic fields, although not necessarily an official described amenity within Treasure Lake, have existed as baseball, football and soccer fields for many years; and as such, are viewed by the Treasure Lake community as a commonly available amenity within Treasure Lake. They are currently utilized as common recreational space within Treasure Lake.

32. The parcels described in Paragraph 31 above and involved in this Appeal do not otherwise generate fees for use thereof by the Treasure Lake Community owners and their guests.

33. Although portions of the Treasure Lake campground (Cayman Landing) have been made available to public use for individuals outside the Treasure Lake Community, that use, to date, has been minimal. This use is at the discretion of the TLPOA and only within Rules and Regulations established by the TLPOA.

34. The remaining real estate parcels involved in this Appeal, although generally available to owners of Treasure Lake real estate or interests therein and their guests and invitees, are also available on a somewhat limited basis to non-Treasure

Lake Community members; but only at the discretion of the TLPOA and only within Rules and Regulations established by the TLPOA. These parcels are more specifically described and utilized as follows:

(a) Treasure Lake Country Club Complex (128-C2-11).

For assessment purposes, this complex includes what is commonly known as the Treasure Lake Country Club, which essentially operates as a restaurant, bar and banquet facility for approximately eight (8) months each year. This facility does not and never has generated a profit even though members of the public from outside the Treasure Lake Community can gain access to the bar and can also reserve the building for wedding receptions and like functions.

This complex contains swimming pools and a number of tennis courts which are available almost exclusively to Treasure Lake members and their guests. A very limited number of tennis memberships are available for one of the tennis courts.

Finally, this complex includes a beach area abutting Treasure Lake and a full service marina, both of which are available exclusively for Treasure Lake members and their guests. The marina also never has and does not generate a profit.

(b) Ski-Lodge Complex (128-C2-3 & 128-C2-61. This complex primarily includes the ski-lodge building which operates as a secondary restaurant and bar facility and is

open twelve (12) months a year. Even though this facility is also available to members of the public outside the Treasure Lake Community, this facility has never and does not generate a profit.

Although this complex does and should include a parking lot (on Parcel 128-C2-61), this particular parcel should not include any maintenance facilities or a golf pro shop which should be assessed with the gold golf course described below.

This complex also contains a sledding hill/bunny slope with 3.88 acres that is available exclusively to Treasure Lake members and their guests.

(c) Gold Golf Course (128-D2-21, 128-C3-35 & 128-C2-3)

Although the Gold Golf Course has been separated as between three (3) assessments numbers as above-described, it essentially operates as a full-service 18 hole golf course facility with its own pro-shop/restaurant, bar, maintenance facility and a cart barn. Additionally, three (3) lots (Section 15, Lots 3 and 4A and Section 13, Lot 51 are used entirely as either cart paths or an access road for maintenance purposes for this golf course and are not currently available for single-family residential purposes.

Utilizing current accounting practices, it is anticipated that the Gold and Silver Golf Courses will return a modest profit. However, current accounting practices do not apportion any of the debt service generated

from the TLPOA mortgage on all of the properties it owns within the Treasure Lake Community to the Golf Courses. It is anticipated that should debt service be apportioned to the Golf Courses, they would, at best, return a modest profit.

Finally, even though both Golf Courses are available for play by members of the public outside the Treasure Lake Community, it is estimated that approximately 40% of all revenue from the Golf Courses are attributable to sources from outside the Treasure Lake Community. More specific data in this regard is currently unavailable, although the TLPOA intends to begin collecting such data.

(d) Silver Golf Course (128-C1-1 & 128-C2-19).

Although the Silver Golf Course has been separated as between two (2) assessments numbers as above-described, it essentially operates as a full-service 18 hole golf course and driving range facility with its own pro-shop/restaurant, bar, maintenance facility, a cart barn and a pavilion. Additionally, one lot Section 17, Lot 79 serves as a cart path or an access road for maintenance purposes for this golf course and is not currently available for single-family residential purposes.

Utilizing current accounting practices, it is anticipated that the Silver and Gold Golf Courses will return a modest profit. However, current accounting practices do not apportion any of the debt service generated

from the TLPOA mortgage on all of the properties it owns within the Treasure Lake Community to the Golf Courses. It is anticipated that should debt service be apportioned to the Golf Courses, they would, at best, return a modest profit.

Finally, even though both Golf Courses are available for play by members of the public outside the Treasure Lake Community, it is estimated that approximately 40% of all revenue from the Golf Courses is attributable to sources from outside the Treasure Lake Community. More specific data in this regard is currently unavailable, although the TLPOA intends to begin collecting such data.

35. The parcels described in Paragraph 34 above and involved in this Appeal generate fees for use from both Treasure Lake Community owners, their guests and members of the public outside the Treasure Lake Community. However, in total, the parcels do not generate an overall profit.

36. The TLPOA maintains all of the parcels involved in this Appeal.

(a) All buildings. The TLPOA maintains all of its various buildings.

(b) Golf Courses and Amenities. The golf courses and any other amenity, whether in the campground or not, are regularly maintained by the TLPOA.

(c) Entrance area and athletic fields. These areas are also maintained by the TLPOA to the extent needed.

37. The TLPOA regulates the use of all of the parcels involved in this Appeal. This includes, but is not necessarily limited to, the decisions to the continuing availability of the Campground, Country Club, Ski Lodge and Golf Courses to use by members of the public outside of the Treasure Lake Community.

38. The TLPOA provides casualty and liability insurance on all of the parcels involved in this Appeal.

39. All of the parcels involved in this Appeal appear on various recorded plats within the Treasure Lake Subdivision although the same may appear combined with others or separate as the case may be. Furthermore, some of the parcels are clearly larger in area than needed to support the building or facility in question and should not be considered as common facilities but rather as undeveloped real estate that is not necessarily dedicated as "common" property. The TLPOA estimates that the following buildings or facilities should require approximate acreage as described below to be carved from the acreage with which they are currently assessed.

<u>Parcel</u>	<u>Current Assessed Acreage</u>	<u>Approximate Common Acreage Needed</u>
Administration Bldg.	352.27 acres	5 acres
Route 255 Gate Guardhouse	with above	4 acres
Entrance area	7.11 acres	7.11 acres
Bay Road, DuBois Gate	4.194 acres	4.94 acres
Maintenance Bldg.	9.49 acres	9.49 acres
Cayman Campground Clubhouse	6.45 acres	6.45 acres
Cayman Campground Center (Buckle Court Road)	.95 acres	.95 acres
Cayman Campground Center (Cargill Road)	.95 acres	.95 acres
Cayman Campground Center (Dolphinhead/Lynyrd)	.81 acres	.81 acres

Cayman Campground Center (Sand bank road)	.92 acres	.92 acres
Cayman Campground Center (Lancing Road)	.753 acres	.753 acres
Cayman Campground Center (Undeveloped)	1.07 acres	1.07 acres
Cayman Campground Center (Dolphinhead/Craneneck)	.87 acres	.87 acres
Athletic fields	67.09 acres	5 acres
Country Clubhouse	30.24 acres	5 acres
Ski Lodge Complex	193.02 acres	7 acres
Gold Golf Course	244.98 acres	158.74 &
" " "	313.28 acres &	
	3 lots	3 lots
Silver Golf Course	599.62 acres &	181.17 &
	73 acres & 1 lot	1 lot

40. Whenever any of the Developers at Treasure Lake advertised and sold lots or real estate interests within Treasure Lake; they disclosed and filed various reports with the U.S. Department of Housing and Urban Development Authorities (HUD). All of the various HUD Reports make reference to most of the parcels involved in this Appeal explicitly and to the others by implication as being available to prospective purchasers for common use within the Treasure Lake Subdivision. Copies of applicable sections of various HUD Reports relative to the planned and available amenities within the Treasure Lake Subdivision are attached hereto, made part hereof and incorporated herein as "Exhibit B".

41. All of the parcels involved in this Appeal, are available to members of the TLPOA and owners of real estate interests within the Treasure Lake Community in good standing without the payment of additional fees beyond the annual assessment charges other than "use" fees. All of the said parcels are currently available for use by such members and

owners in common with each other together with their various guests and invitees. The Campground, Golf Courses, Country Club, with one tennis court and Ski Lodge are available as described above to members of the public from outside the Treasure Lake Community.

42. By virtue of the deeds described in Paragraph 10 above, the TLPOA became the owner of all of the real estate within the entire Treasure Lake Subdivision or Community other than the following:

- (a) All of the lots, interests (or "units") sold to individual owners/members of the TLPOA;
- (b) The common areas incorporated with the Wolf Run and Silverwoods (Timeshare) townhouses;
- (c) The mini-mall;
- (d) The bank;
- (e) The stables;
- (f) The maintenance area formally utilized by the Developer;

43. The Country Club, Ski Lodge and the two (2) Golf Course restaurants each operate with Pennsylvania Public Liquor Licenses, so as to permit use of those facilities by people other than members of the TLPOA.

**III. QUESTIONS PRESENTED**

**A. IS THE UNIFORM PLANNED COMMUNITY ACT APPLICABLE TO THE TREASURE LAKE COMMUNITY?**

**B. ARE THE PARCELS OF REAL ESTATE IN QUESTION EITHER COMMON FACILITIES OR CONTROLLED FACILITIES WITHIN THE MEANINGS OF THE ACT SO AS TO EXEMPT THEM FROM SEPARATE ASSESSMENT AND TAXATION?**

#### IV. DISCUSSION

##### **A. IS THE UNIFORM PLANNED COMMUNITY ACT APPLICABLE TO THE TREASURE LAKE COMMUNITY?**

The Pennsylvania State Legislature enacted Act No. 180 of 1996 on December 18, 1996; to be effective 45 days thereafter or on February 2, 1997. Obviously, the TLPOA and the Treasure Lake Planned Community were clearly created prior to that date.

However, although the Act generally applies to all planned communities created within Pennsylvania after the effective date (68 Pa. C.S. §5102(a)); certain selected sections of the Act do apply retroactively to communities created prior to the effective date of the Act, including the definitions described in the Act (68 Pa. C.S. §5102(b)).

Clearly, Treasure Lake is a planned community as defined within the Act. The Act defines "planned community" as effectively any real estate with respect to which a person, by virtue of ownership of the real estate, is or may be obligated by covenant imposed on the owners' interest to pay any amount for real property taxes, insurance, maintenance, repair, improvement, management, administration or regulation of another part of the real estate outside the actual interest owned by the person (68 Pa. C.S. §5103). As noted previously in the facts, nearly all real estate parcels owned by individuals or entities outside of the TLPOA itself are bound by covenant to pay assessments, charges or maintenance fees to the TLPOA for various common use amenities and roads within the Treasure Lake Community. The only

exceptions to that rule are parcels sold by the Developer originally to other entities that were not made subject to any covenant relative to payment of an assessment or charge. These include parcels of land devoted to the mini mall, bank, stables and the common areas affiliated with the interval ownership timeshare developments. Accordingly, the vast majority of real estate owners within Treasure Lake are obligated by covenant to pay fees to the TLPOA relative to various common properties within the Treasure Lake Community.

As noted above, the Act dictates that only certain sections are applicable to planned communities created prior to the effective date. One of those enumerated retroactive sections deals with title and taxation within all planned communities, even those created prior to the effective date of the Act. The Act dictates that interests created by declaration, including the rights to any common facilities, constitutes a separate parcel of real estate and a conveyance of a lot or parcel of real estate must include all such interests and rights to the common facilities (68 Pa. C.S. §5105(a)). Nonresidential campground communities are also specifically included.

Additionally, the Act notes that each unit or lot must be separately taxes and assessed and its value must include the value of the unit's or lot's interest in the common facilities (68 Pa. C.S. §5205(b)).

Finally, for purposes of this Appeal, the Act notes that "[N]o separate assessed value shall be attributed to and no

separate tax shall be imposed against common facilities or controlled facilities" 68 Pa. C.S. §5205(b)(1).

Therefore, there can be little doubt that the Act is applicable to the Treasure Lake Community, at least as to the enumerated retroactive sections, and that Section 5205(b)(1) is also applicable in the event the real estate parcels in question are "common facilities" or "controlled facilities".

**B. ARE THE PARCELS OF REAL ESTATE IN QUESTION EITHER COMMON FACILITIES OR CONTROLLED FACILITIES WITHIN THE MEANINGS OF THE ACT SO AS TO EXEMPT THEM FROM SEPARATE ASSESSMENT AND TAXATION.**

As noted above, the definitions section of the Act is all applicable to planned communities created prior to the effective date of the Act.

The Act defines common facilities as follows:

"Any real estate within a planned community which is owned by the Association or leased to the Association. The term does not include a unit." (68 Pa. C.S. §5103)

The Act then defines controlled facilities as follows:

"Any real estate within a planned community, whether or not a part of a unit, that is not a common facility but is maintained, improved, repaired, replaced, regulated, managed, insured or controlled by the Association." (68 Pa. C.S. §5103)

Applying these definitions to the real estate parcels in question brings the inescapable conclusion that all of the parcels, as owned, maintained, improved, repaired, regulated, managed, insured and controlled by the TLPOA as noted in the facts set forth above are probably "Common Facilities" as defined

by the Act by virtue of their ownership alone; but are also at worst "Controlled Facilities" as defined by the Act as well due to the use of the same.

Although the TLPOA does impose regulations relative to use of all of the parcels in question, the same are considered by the TLPOA and used by members and owners within the Treasure Lake Community as common facilities available to all who remain in good standing relative to the payment of their assessments or charges for maintenance of those common areas.

Fortunately, we can now refer to a very recent Pennsylvania case that deals with these issues (ELCA Development Corporation, et al. v. Lackawanna County Board of Assessment Appeals, 2000 W.L. 679750 (Pa. Cmwlth.) (Eagle Lake)). This case from Lackawanna County involved the Eagle Lake Development and the Eagle Lake Community Association who appealed separate assessment and taxation for various parcels located within that community.

The Court initially reviewed the Act and its applicability even to Eagle Lake, a planned community created prior to the effective date of the Act. It then compared the parcels of real estate involved in that Appeal with the definitions of "Common Facilities" and "Controlled Facilities" as contained in the Act.

That case involved five parcels owned by the Eagle Lake Community Association and essentially used as common areas within that Development and one other parcel not owned by the Association but by a development corporation but also used as a common area. The Court had no difficulty finding that all of the

parcels owned by the Association and used as common facilities were "Common Facilities" as defined by the Act and accordingly should not have been separately assessed and taxed.

However, it is most significant to note that the Court, in finding that the last parcel not owned by the Association but retained by the development corporation was still to be exempt from separate assessment and taxation because the same was utilized as a common area. It essentially concluded that this last parcel currently used as a "Common Facility" and could also be a "Controlled Facility" because it is real estate other than a common facility that is maintained, improved, repaired, regulated, managed, insured, and controlled by the Association and therefore still exempt from separate assessment and taxation. Please remember though that this last parcel was essentially undeveloped and had even been previously considered for subdivision; but is now used as a "Common Facility".

The Administration Building, Fire Station, the two gate guardhouses, the maintenance building and the athletic fields are identified within the Treasure Lake Community and used as common-use facilities for the exclusive benefit of the TLPOA and its membership. Furthermore, the swimming pools and tennis courts as well as the shoreline/beach and boathouse/marina at the Country Club complex, and the sledding/bunny slope at the Ski Lodge are also identified and used as common-use facilities for the exclusive benefit of the TLPOA and its membership. In view of the minimal use at one tennis court at the Country Club and at the

campground from individuals from outside the Treasure Lake community, that tennis court, the Cayman Campground Clubhouse and comfort centers are also essentially used by the Treasure Lake community as common-use amenities. As such, they should be exempt from separate assessment and taxation.

The Country Club building with parking areas, the Ski Lodge with parking area and the two Golf Course facilities while currently used primarily as common use amenities are also available on a limited basis to members of the public outside the Treasure Lake Community. However, this outside use by non-TLPOA members does not generate sufficient funds so as to enable these facilities to generate profits. Furthermore, regardless of profit potential, these facilities may be "Controlled Facilities" as described in the Act because, while the same might be real estate that in part is characterized as other than a pure "Common Facility", it nevertheless, remains as real estate that is maintained, improved, repaired, regulated, managed, insured and controlled by the TLPOA. Therefore, the same as provided by the Act, may also be exempt from separate assessment and taxation.

However, it should be remembered that real estate owned by exempt state and municipal entities can be taxable to the extent that that real estate is made available for profit motives and not necessarily related to the relevant governmental or charitable purposes. Appeal of Shadyside Hospital, 218 A.2d 355 (Pa. Super. 1966); Appeal of Winchester Group, 687 A.2d 52 (Pa. Cmwlth. 1996).

Although decided prior to the effective date of the Act, two cases might be enlightening with regard to common areas in a planned community experiencing use from outside the planned community. The Commonwealth Court in Timber Trails Community Association v. Monroe County, 614 A.2d 342 (1992) felt that a golf course that exists within a private community might still be partly taxable due to the availability of that golf course to the public. Unfortunately, no mechanism for determining that taxable portion was discussed (and the parties apparently settled on remand); so that we must, to some extent, guess at what factors would ultimately affect taxability and the amount thereof. For example, would the number of public users as opposed to the total number of users be determinative? Would overall profit from operations considering public users be important as well? See also Monroe County v. Pinecrest Development Corporation, 98 Pa. Cmwlth. 200, 510 A.2d 1274 (1986).

Clearly though, our determination in this matter does not necessarily have to be "cast-in-stone" for the future. Of course, the TLPOA has the ability to file annual appeals. However, even in Eagle Lake, the Commonwealth Court noted that should the Association ever determine to make a change; that change could result in the characterization of the land as being of another classification and therefore assessable and taxable.

The Court concluded:

"In our view, the classifications of convertible and withdrawable real estate cannot apply to real estate that has been converted to common area by conveyance to the

Community Association or to real estate owned by the Development Corporation, but maintained, improved and insured by the Community Association and made available for the common use of the members. Having reviewed the record in this case and the applicable law, we must conclude that the parcels subject to this Appeal are excluded from separate assessment and taxation. Applying §§5102 and 5105 of the Act, which apply to pre-existing planned communities, and referring to the specific provisions contained in existing provisions of the community's declaration and bylaws, which the Act did not invalidate, we conclude that all of the parcels in question are either common areas or controlled areas and not separately assessable or taxable." (2000 WL679750, 3 (Pa. Cmwlth.))

In the unlikely event that any of the parcels involved in this Appeal are to somehow be made available in the future for private development; then the Court also noted that change to assessability and taxability could then later be made. The Court in Eagle Lake concluded:

"If in the future any parcel is sold or developed with additional units and/or limited common or controlled facilities, the Court may at that time separately assess and tax it." (2000 WL679750, 3 (Pa. Cmwlth.))

**V. SUMMARY**

In view of their use and character as basically "Common" or "Controlled" properties as described in the Act, the real estate parcels described in Exhibit A (limited approximately as described in Paragraph 39 of these Findings) should not bear separate assessments for the purpose of real estate taxation.

A Stipulation therefor should be developed by the County and the TLPOA to address the exemptions from separate taxation for the buildings and partial acreage totals of the full parcel amounts for those parcels described in the relevant tax assessments listed or depicted on Exhibit A attached hereto, made part hereof and incorporated herein by reference. It should be noted however that the TLPOA does retain its right to reconsider its position annually as to taxation of those remaining acreage totals from the Exhibit A parcels as well as its various other undeveloped land holdings within the Treasure Lake Subdivision.

Furthermore, the real estate parcels described in Exhibit B also constitute "Common" properties or "Controlled" properties within the meaning of the Act. However, in view of the availability of these parcels not only to TLPOA members and guests but also on a limited basis from time to time to members of the public outside the Treasure Lake Community, that Stipulation should provide for separate real estate taxation for the real estate parcels described in Exhibit B at a level equal to 50% of current real estate assessment and taxation levels.

Unfortunately, at the present time, the TLPOA can only

estimate the usage of the properties described in Exhibit B as aforesaid by members of the public from outside the Treasure Lake Community which gives rise to the belief that a 50% split at this time would be fair. Furthermore, at this time, the parties hereto do not wish to further litigate the applicability of the Act with its attendant real estate tax exemptions on these parcels which experience use by members of the public outside the Treasure Lake Community.

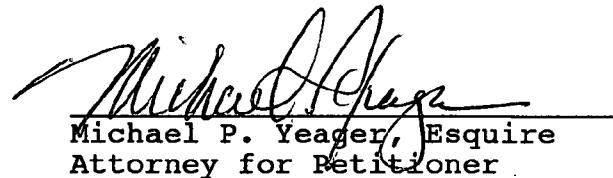
Therefore, in the spirit of compromise and only on a year-to-year basis as hereinbefore described, it should be assumed that the use of the properties described in Exhibit B by members of the public outside the Treasure Lake Community represents 50% of the total usage by such members of the public together with the members of the TLPOA.

It should be specifically acknowledged that the TLPOA will continue to monitor usage at the properties described in Exhibit B and specifically reserves the right to request an adjustment in the percentage use described above in the event such a change in percentage use is otherwise demonstrable from the information and data then available. It is also anticipated that the TLPOA will continue to monitor usage by individuals from outside the Treasure Lake Community at the Cayman Campground facilities as well so as to make available updated information and data concerning that use.

Accordingly, the real estate parcels described in this Appeal should be amended as set forth in Exhibits A and B

attached hereto, made part hereof and incorporated herein by reference. In doing so, it is understood that some of the acreage totals are approximations only. Specific acreage amounts should be determined by continuing cooperation as between the TLPOA and the Clearfield County Assessment Office.

Respectfully submitted:



Michael P. Yeager, Esquire  
Attorney for Petitioner

**EXHIBIT A - FULLY EXEMPT**

<u>Property Identification</u>	<u>Former Assessment # All 128-</u>	<u>New Assessment # All 128-</u>	<u>Exempt Bldgs &amp; acreage Information</u>	<u>Remainder Information</u>
Administration Bldg., Fire Station, Const. Bldg.	D3-83	C2-98	Administration bldg., fire station & 4.08 acres	282.53 acres at C2-100
Rte. 255 Gate Guardhouse and Entrance Area	D3-83 & 133	C2-102	Rte 255 Gatehouse & 355 acres	4.17 acres at C2-101
Bay Road/DuBois Gate Guardhouse	C2-27	C2-27	Bay Road Gatehouse & 4.95 acres	None
Maintenance Bldg./Area	C2-26	C2-26	Maintenance bldg. & 9.49 acres	None
cayman Campground Clubhouse (Major Amenity Area)	D1-191312.00	same	Entire parcel is amenity	"
cayman Campground Center (Buckle Cut Road)	D1-191312.1	"	" " "	"
cayman Campground Center (Cargill Road)	D1-191312.2	"	" " "	"
cayman Campground Center (Dolphin Head/Lynyard)	D1-191312.3	"	" " "	"
cayman Campground Center (Sandbank Road)	D1-191312.4	"	" " "	"
cayman Campground Center (Lansing Road)	D1-191312.5	"	" " "	"
cayman Campground Center (Undeveloped)	D1-191312.6	"	" " "	"
cayman Campground Center (Dolphin Head/Crane Neck)	D1-191312.7	"	" " "	"
Athletic Fields	C2-3.1	C2-115	7.78 acres	Combined with 393 acres at C2-18
* Pools, tennis courts, beach/shoreline, & boathouse/marina	C2-11	C2-111	Pools, tennis courts beach/shoreline, boathouse/ marina & 6.71 acres	None
** sledding/bunny slope	C2-3	C2-108	Sledding/bunny slope & 3.88 acres	"

**EXHIBIT B - PARTIALLY EXEMPT**

<u>Property Identification</u>	<u>Former Assessment</u> # All 128-	<u>New Assessment</u> # All 128-	<u>Partially Exempt Bldgs &amp; Acreage</u>	<u>Remainder Information</u>
<b>Country Club Complex</b>				
Clubhouse	C2-11	C2-11	Building & 5.11 acres	3.5 acres at C2-110
Buildings				
Boathouse/marina				
Pools				
Tennis Courts		C2-111		
				Pools, tennis courts, beach/shoreline, boathouse/marina & 6.71 acres
				exempt Exhibit A *
<b>Ski Lodge Complex</b>	C2-3 & 61	C-61	Building, parking lot & 2 acres	3.88 acres sledding/bunny slope to fully exempt Exhibit A **
Ski Lodge Building				
Campground bathhouse/pool				
(Maintenance bldg. & Pro Shop - Golf with Gold				
Golf Course below)				
Ski Lodge Parking Lot		C2-108		
<b>Gold Golf Course</b>	C2-3 C3-35 D-21	C2-109	158.74 acres/18 hole golf course, pro shop, restaurant maintenance bldg., cart barn	4.4 acres at C2-103 3.9 acres at C2-104 6.6 acres at C2-105 2.2 acres at C2-106 0.7 acres at C2-107
Pro Shop/Restaurant				
Maintenance Bldg				
Cart barn				
Lots (3)	15/4A 15/3 13/51			Lots continue to be identified as single-family residential lots but assessment reduced due to use as cart paths
<b>Silver Golf Course</b>	C1-1, C2-19	C2-112	181.74 acres/18 hole golf course, driving range, Pro shop, restaurant, maintenance bldg., cart barn, pavillion	
Pro Shop, Restaurant				
Maintenance building				
Cart barn				
Pavillion				
Lot (1)	17/79			Lots continue to be identified as single-family residential lots but assessment reduced due to use as cart paths

\* See Exhibit A  
\*\* See Exhibit A

**FILED**

APR 11 2001

014:00 (w)

William A. Shaw  
Prothonotary

2 copies to ATT

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

APPEAL OF TREASURE LAKE PROPERTY:

OWNERS ASSOCIATION, INC., :  
Petitioner : No. 00 - 1468 - CD  
VS :  
CLEARFIELD COUNTY BOARD OF :  
ASSESSMENT APPEALS, :  
Respondent :  
:

FILED

APR 11 2001

6/4/01 my  
William A. Shaw  
Prothonotary

2 LENT TO ATTORNEY

ORDER OF COURT

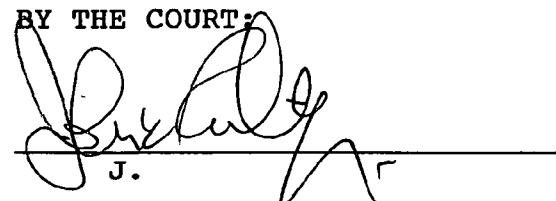
AND NOW, this 11 day of April, 2001, after review  
and consideration of the Proposed Findings of Fact, Questions  
Presented and Discussion submitted by counsel for the Petitioner;  
review of the recent Commonwealth Court Decision in E.L.C.A.  
Development Corporation v. Lackawanna County Board of Assessment  
Appeals, 2000 W.L. 679750 (Pa. Cmwlth.) (Eagle Lake); by the  
further indication on the part of counsel for both the Petitioner  
as well as the Respondent, that the decision in Eagle Lake is  
determinative with regard to this Appeal; and with the  
understanding that this Order is being entered with the assent on  
the part of counsel for both the Petitioner as well as the  
Respondent,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the decision  
in Eagle Lake is clearly determinative with regard to this matter  
and that the Petition for Appeal filed by the Petitioner is  
hereby granted as hereinafter set forth and that the Decision of  
the Clearfield County Board of Assessment Appeals dated November  
2, 2000 is hereby reversed.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the real estate assessments for the real estate parcels described in this Appeal shall be amended as otherwise set forth in "Exhibits A and B" attached hereto, made part hereof and incorporated herein by reference. Real estate assessment and taxation within Pennsylvania are appealable on an annual basis and errors may be corrected at any time; so that the TLPOA reserves the right to monitor use by members of the public at the Exhibit B properties and to reappeal in the future. It is also understood that some of the acreage totals are approximations only. Specific acreage amounts shall be determined by continuing cooperation as between the TLPOA and the Clearfield County Assessment Office.

IT IS FINALLY ORDERED, ADJUDGED AND DECREED that the Clearfield County Assessment Office and its Chief Assessor are to make appropriate changes in the assessments for the real estate parcels described in the within Appeal exempting those described in "Exhibit A" from separate assessment and taxation as required by Act 180 of 1996 (68 P.S. §5101, et seq. (otherwise known as the "Uniform Planned Community Act")), and to reduce assessment and taxation levels on the real estate parcels described in "Exhibit B" to assessments and taxations equal to 50% of their current levels.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J. B. Kelly". The signature is fluid and cursive, with a large, stylized 'J' at the beginning. A horizontal line is drawn under the signature, and the initials 'J.' are written at the end of the line.

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Clubhouse	C2-11	C2-11	Building & 5.11 acres	
Buildings				
Boathouse/marina				
Pools				
Tennis Courts		C2-111		
<b>Ski Lodge Complex</b>	C2-3 & 61	C-61	Building, parking lot & 2 acres	39.26 acres ski lodge at C2-3
Ski Lodge Building				
Campground bathhouse/pool				
(Maintenance bldg. &				
Pro shop - Golf with Gold				
Golf course below)				
Ski Lodge Parking Lot		C2-108		
<b>Gold Golf Course</b>	C2-3 C3-35 D-21	C2-109	158.74 acres/18 hole golf course, pro shop, restaurant maintenance bldg., cart barn	4.4 acres at C2-103 3.9 acres at C2-104 6.6 acres at C2-105 2.2 acres at C2-106 0.7 acres at C2-107
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Pro Shop, Restaurant				
Maintenance building				
Cart barn				
Pavillion				
Lot (1)	17/79			

\* See Exhibit A  
\*\* See Exhibit A