

00-1508-CD
JOHN L. BUHLER et al -vs- CSX TRANSPORTATION, INC. et al

NOV 24 2000

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

JOHN L. BUHLER and
MARGARET BUHLER,
Plaintiffs,

v.

CSX TRANSPORTATION,
INC., a Virginia corporation,
and BUFFALO & PITTSBURGH
RAILROAD, INC., a Delaware
Corporation,
Defendants.

A. D. No. _____ 00-1508-CD

Type of Case:
CIVIL

Type of Pleading:
COMPLAINT

Filed on Behalf of:
PLAINTIFFS

Counsel of Record for This Party:
JOSEPH E. BUCKLEY, JR.
100 Main Street
Brookville, PA 15825-1213
(814) 849-2828
I. D. No: 49827
PAUL A. BARKUS, ESQUIRE
I. D. No: 81798

FILED

DEC 04 2000

William A. Shaw
Prothonotary

M

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**JOHN L. BUHLER and
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A PETITION HAS BEEN FILED AGAINST YOU IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PETITION, YOU MUST TAKE ACTION BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND AN ORDER MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR RELIEF REQUESTED BY THE PETITIONER OR MOVANT. YOU MAY LOSE RIGHTS IMPORTANT TO YOU.

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

*David S. Meholick, Court Administrator
Clearfield County Courthouse
Clearfield, Pennsylvania 16830
(814) 765-2641 EXT 32*

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COMPLAINT

AND NOW, comes John L. Buhler and Margaret Buhler, by and through their Attorney, Paul A. Barkus, and set forth this Action to Quiet Title and this Action in Ejectment and other relief, by and through the following averments of fact:

COUNT I

Action to Quiet Title

1. Plaintiffs, John L. Buhler and Margaret Buhler, are adult individuals who at all relevant times have maintained residence at 201 Fairview Hill, Ridgway, PA.
2. Defendant, CSX Corporation, exists as a Virginia corporation, with a mailing address of 500 Water Street, Jacksonville, Florida 32202; Defendant Buffalo and Pittsburgh Railroad, Inc., exists as a Delaware Corporation, with a mailing address of 201 North Penn Street, Punxsutawney, Pennsylvania 15767.
3. The Plaintiffs are titled in fee simple as to the following described property:

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

BEGINNING at a point in the center of Route 255 on the West line of tract of which this is a part; thence along center of Route 255 North 60 Degrees 00 minutes East 1914.0 feet; thence South 11 degrees 50 minutes East 296.5 feet to creed; thence along old creed bed the following South 46 degrees 35 minutes West 924.0 feet; South 71 degrees 40 minutes West 428.0 feet, and South 46 degrees 50 minutes West 710.0 feet; thence North 11 degrees 50 minutes West 599.0 feet, to the place of beginning;

4. The Plaintiffs are in sole and exclusive possession of the following described property, the character of which is an abandoned railroad grade, and which shall be the subject of this Action to Quiet Title:

A strip of land four rods in width extending through the center of the above-described parcel and being an area containing 2.9 acres previously conveyed to the Susquehanna and Southern Railroad from Mary E. Wilson and Richard Wilson by their deed dated July 3, 1903, and recorded in Clearfield County Deed Book 135, page 96.

5. The "above-described parcel" identified in the property description contained within Paragraph 4, is that property owned by the Plaintiffs in fee simple and more fully described in Paragraph 3.
6. Plaintiffs hereby claim title to the subject property above-described as consisting of a strip of land four rods in width, containing an area 2.9 acres, previously conveyed to the Susquehanna and Southern Railroad and as more fully described in Paragraph 4 and as if set forth herein and in its entirety, which consists of an abandoned railroad grade which passes through the Plaintiffs' property, by virtue of Plaintiffs and their predecessors in title having open, continuous, uninterrupted, distinct, visible, hostile, notorious, and exclusive possession of the this property as against the Defendants and their predecessors in title since 1954 and for a period in excess of twenty-one (21) years.
7. The Plaintiffs have made improvements to the subject property, herein described in Paragraph 4, in an amount in excess of \$70,000 and have

maintained these improvements to the present.

8. A true and correct copy of the Deed describing and transferring the real property of Plaintiffs and which excepts and reserves that property herein described in Paragraph 4 and upon which the abandoned railroad grade is situate, is heretofore attached and incorporated as Plaintiffs' Exhibit A.
9. Defendant, CSX Transportation, Inc., as successor through merger, derived title to the subject property, herein described in Paragraph 4, from their predecessor in title, Susquehanna and Southern Railroad Co. which was conveyed subject property from Mary E. Wilson and Richard Wilson by deed dated July 3, 1903, and recorded in Clearfield County Deed Book 135, page 96, heretofore attached and incorporated as Plaintiffs' Exhibit B.
10. Defendant, Buffalo & Pittsburgh Railroad, Inc, derived title to the subject Property, herein described in Paragraph 4, from their predecessor in title, CSX Transportation, Inc., by deed dated October 7, 1991, and recorded in Clearfield County Deed Book 1432, page 285, heretofore attached and incorporated as Plaintiffs' Exhibit C.
11. Defendant, CSX Transportation, Inc., as Defendant's, Buffalo & Pittsburgh Railroad, Inc., predecessor in title to the subject property, did reserve for the benefit of CSX an easement along and/or through the subject property, herein described in Paragraph 4.
12. Defendants have claimed ownership of the subject property, herein described in Paragraph 4.
13. This Action to Quiet Title is brought by the Plaintiffs, John L. Buhler and Margaret Buhler, to validate their interest in the subject property, herein described in Paragraph 4.

14. Upon diligent inquiry, Plaintiffs believe that no other defendants exist who have a claim to have any right title or interest in or against the subject property, herein described in Paragraph 4.
15. This Action to Quiet Title is brought pursuant to the terms and provisions of the Pennsylvania Rules of Civil Procedure 1061 through 1067 inclusive.

WHEREFORE, Plaintiffs pray as follows:

- a. That Defendants and all persons claiming under them be required to set forth the nature of their claims to the subject property herein described in Paragraph 4;
- b. For a decree of this court determining all adverse claims of Defendants and all persons who may claim under them;
- c. For said decree to declare and adjudge that Plaintiffs own absolutely and are entitled to quiet and peaceful possession of the subject property, herein described in Paragraph 4, as against all persons claiming under them, that Defendants and all persons claiming under them have no estate, right, lien, or interest in or to said property or any part thereof, and that title to said property be quieted in Plaintiffs and against all claims of Defendants and all persons claiming under them;
- d. For said decree to permanently enjoin Defendants and all persons who may claim under them from asserting any estate, right, title, lien or interest in or to said property or any part thereof adverse to Plaintiffs;
- e. Cost of this suit; and
- f. Such other and further relief as the Court deems just and proper.

COUNT II

Action to Compel Filing of Ejectment Action

16. Paragraphs 1 through 13 of the within Complaint are hereby incorporated by reference as though set forth more fully at length herein.
17. Defendants have challenged Plaintiffs' possession of the subject property, herein described in Paragraph 4.

WHEREFORE, Plaintiffs request that this Court order Defendants to bring an action in ejectment.

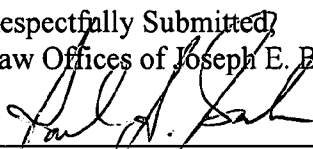
COUNT III

Ejectment

18. Paragraphs 1 through 12 of the within Complaint are hereby incorporated by reference as though set forth more fully at length herein.

WHEREFORE, Plaintiffs request that this Court enter Judgment in favor of Plaintiffs and against Defendants for exclusive possession of the entirety of the subject property, herein described in Paragraph 4.

Respectfully Submitted,
Law Offices of Joseph E. Buckley, Jr.



Paul A. Barkus, Esquire
Attorney for Plaintiffs

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VERIFICATION

We, John L. Buhler and Margaret Buhler, Plaintiffs in the above-captioned action, do verify that the statements made in the within Complaint are true and correct to the best of our information, knowledge and belief. We understand that false statements made herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 11-22-00

John Buhler
John L. Buhler

Date: 11-22-00

Margaret Buhler
Margaret Buhler

Document
Registered/Assigned to Sheriff/Attorney
for Service

County Prothonotary

Notarized and
Recorded

Notarized and
Recorded
Notarized and
Recorded

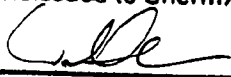
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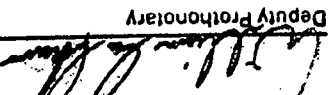
DEC 04 2000
m 1830 / att Buckley
William A. Shaw
Prothonotary

acc att Buckley

NOV 24 2000

Dec. 29, 2006 Document
Reinstated/Reissued to Sheriff/Attorney
for service.


Deputy Prothonotary

2-26-01 Document
Reinstated/Reissued to Sheriff/Attorney
for service.
Deputy Prothonotary


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No: 00-1508-CD

**Type of Case:
CIVIL**

**Type of Pleading:
CERTIFICATE OF SERVICE**

**Filed on Behalf of:
Plaintiffs**

**Counsel of Record for This Party:
JOSEPH E. BUCKLEY, JR.
100 Main Street
Brookville, PA 15825-1213
(814) 849-2828
I. D. No: 49827
PAUL A. BARKUS, ESQUIRE
I. D. No: 81798**

FILED

DEC 08 2000

William A. Shaw
Prothonotary

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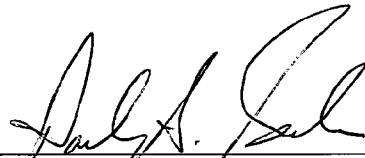
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Complaint filed in the above-entitled action with the Prothonotary was served on the following via First-Class, United States Mail, postage prepaid, on the date set forth below unless otherwise indicated:

CSX Corporation
500 Water Street
Jacksonville, Florida 32202

Buffalo and Pittsburgh Railroad, Inc.
201 North Penn Street
Punxsutawney, PA 15767

Dated: 12-6-00


Paul A. Barkus, Esquire

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PRAECIPE TO REINSTATE
COMPLAINT

Filed on Behalf of:
Plaintiffs

Counsel of Record for This Party:
JOSEPH E. BUCKLEY, JR.
100 Main Street
Brookville, PA 15825-1213
(814) 849-2828
I. D. No: 49827
PAUL A. BARKUS, ESQUIRE
I. D. No: 81798

FILED

DEC 29 2000

M/12:50/100

William A. Shaw P.D.
Prothonotary

(2)

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1 CHRG TO ATTY

2 REINSTATE
COMPLAINT TO
SHAW

1 REINSTATE TO ATTY

IN THE COURT OF COMMON PLEAS
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	:	
Defendant.	:	

PRAECIPE TO REINSTATE COMPLAINT

TO THE PROTHONOTARY:

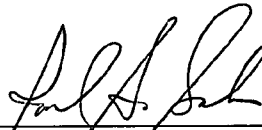
Kindly reinstate the above-captioned Civil Complaint.

Respectfully Submitted,
Law Offices of Joseph E. Buckley, Jr.

Date:

12/28/2000

By:



Paul A. Barkus

Attorney for Plaintiffs

DEC 26 2000

NOV 24 2000

DEC 06 2000

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: PLAINTIFFS
:
: Counsel of Record for This Party:
: JOSEPH E. BUCKLEY, JR.
: 100 Main Street
: Brookville, PA 15825-1213
: (814) 849-2828
: I. D. No: 49827
: PAUL A. BARKUS, ESQUIRE
: I. D. No: 81798

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

DEC 04 2000

Attest.

William L. Baker
Prothonotary

Dec 29, 2000 Document
Reinstated/Reissued to Sheriff/Attorney
for service.

W. L. Baker
Deputy Prothonotary

COPIES

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11. Defendant, CSX Transportation, Inc., as Defendant's, Buffalo & Pittsburgh Railroad, Inc., predecessor in title to the subject property, did reserve for the benefit of CSX an easement along and/or through the subject property, herein described in Paragraph 4.
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WHEREFORE, Plaintiffs pray as follows:

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- e. Cost of this suit; and
- f. Such other and further relief as the Court deems just and proper.

COUNT II

Action to Compel Filing of Ejectment Action

16. Paragraphs 1 through 13 of the within Complaint are hereby incorporated by reference as though set forth more fully at length herein.

17. Defendants have challenged Plaintiffs' possession of the subject property, herein described in Paragraph 4.

WHEREFORE, Plaintiffs request that this Court order Defendants to bring an action in ejectment.

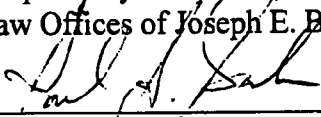
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Ejectment

18. Paragraphs 1 through 12 of the within Complaint are hereby incorporated by reference as though set forth more fully at length herein.

WHEREFORE, Plaintiffs request that this Court enter Judgment in favor of Plaintiffs and against Defendants for exclusive possession of the entirety of the subject property, herein described in Paragraph 4.

Respectfully Submitted,
Law Offices of Joseph E. Buckley, Jr.



Paul A. Barkus, Esquire
Attorney for Plaintiffs

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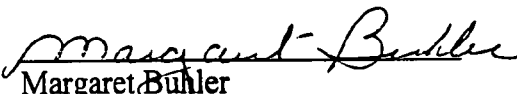
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Date: 11-22-00


John L. Buhler

Date: 11-22-00


Margaret Buhler

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**Type of Pleading:
MOTION FOR LEAVE OF
COURT TO AMEND
COMPLAINT**

**Filed on Behalf of:
Plaintiffs**

**Counsel of Record for This Party:
JOSEPH E. BUCKLEY, JR.
100 Main Street
Brookville, PA 15825-1213
(814) 849-2828
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FILED

JAN 22 2001

**William A. Shaw
Prothonotary**

P.J.

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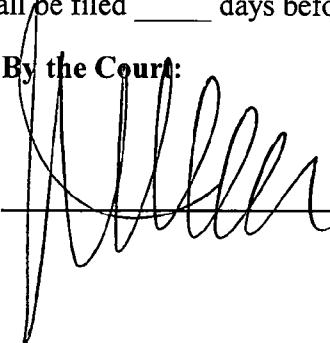
ORDER

AND NOW, this 25th day of January, 2001, upon consideration of
Plaintiffs' Motion for Leave of Court to Amend Complaint and for good cause having
been shown, it is hereby

ORDERED that Hearing on the issue of Plaintiffs' Motion shall be held at the
Clearfield County Courthouse, Clearfield, Pennsylvania on the 2nd day of
June, 2001 at 2:30 o'clock P.M., in Court Room 1.

Briefs in the instant matter shall be filed _____ days before the Hearing.

By the Court:



P.J.

FILED

JAN 25 2001

8:40 AM / 11:00 AM
William A. Shaw
Prothonotary

g Buckley
REB

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

**JOHN L. BUHLER and
MARGARET BUHLER,
Plaintiffs,**

vs.

**CSX TRANSPORTATION,
INC., a Virginia corporation,
and BUFFALO & PITTSBURGH
RAILROAD, INC., a Delaware
Corporation,
Defendant.**

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No: 00-1508-CD

**Type of Case:
CIVIL**

NOTICE TO DEFEND

TO: CSX Transportation, Inc., a Virginia Corporation and Buffalo & Pittsburgh Railroad, Inc., a Delaware Corporation:

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

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

*David S. Meholick, Court Administrator
Clearfield County Courthouse
Clearfield, Pennsylvania 16830
(814) 765-2641 EXT 32*

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

JOHN L. BUHLER and	:	
MARGARET BUHLER,	:	
Plaintiffs,	:	
	:	No: 00-1508-CD
vs.	:	
	:	
CSX TRANSPORTATION,	:	Type of Case:
INC., a Virginia corporation,	:	CIVIL
and BUFFALO & PITTSBURGH	:	
RAILROAD, INC., a Delaware	:	
Corporation,	:	
Defendant.	:	

**MOTION FOR LEAVE OF COURT
TO AMEND COMPLAINT**

AND NOW, come the Plaintiffs, John L. Buhler and Margaret Buhler, by and through their Attorneys, the Law Offices of Joseph E. Buckley, Jr. and Paul A. Barkus, and files the following Motion for Leave of Court to Amend their Complaint pursuant to Pa.R.C.P. 1033:

1. The Petitioners, John L. Buhler and Margaret Buhler are the Plaintiffs in the above-captioned action.
2. The Respondent, CSX Transportation, Inc. and Buffalo & Pittsburgh Railroad, Inc. are the Defendants in the above-captioned action.
3. Due to the corporation name change of the Defendant, CSX Transportation, Inc., a Virginia Corporation to CSX Intermodal, Inc., a Delaware Corporation, the Philadelphia office will not accept service unless the corporation name reflects said change.
4. In order for service to be made in this matter, Petitioners need to amend their Complaint to reflect the corporation name change of CSX Transportation, Inc., a

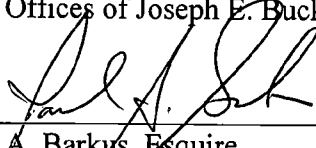
Virginia Corporation. A copy of the Amended Complaint is attached hereto, incorporated herein by reference and labeled Exhibit "A".

WHEREFORE, Petitioners pray for an order from this Honorable Court granting leave of Court to amend their Complaint.

Respectfully Yours,
Law Offices of Joseph E. Buckley, Jr.

Date:

1/15/2001



Paul A. Barkus, Esquire
Law Offices of Joseph E. Buckley, Jr.
Counsel for Plaintiffs

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

JOHN L. BUHLER and
MARGARET BUHLER,
Plaintiffs,

vs.

CSX INTERMODAL, INC.,
a Delaware Corporation,
and BUFFALO & PITTSBURGH
RAILROAD, INC., a Delaware
Corporation,
Defendant.

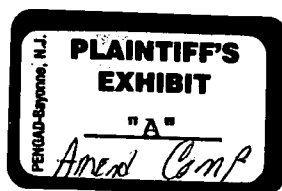
No: 00-1508-CD

Type of Case:
CIVIL

Type of Pleading:
AMENDED COMPLAINT

Filed on Behalf of:
Plaintiffs

Counsel of Record for This Party:
JOSEPH E. BUCKLEY, JR.
100 Main Street
Brookville, PA 15825-1213
(814) 849-2828
I. D. No: 49827
PAUL A. BARKUS, ESQUIRE
I. D. No: 81798



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

**JOHN L. BUHLER and
MARGARET BUHLER,
Plaintiffs,**

v.

**CSX INTERMODAL, INC.,
a Delaware Corporation,
and BUFFALO & PITTSBURGH
RAILROAD, INC., a Delaware
Corporation,
Defendants.**

No: 00-1508-CD

**Type of Case:
CIVIL**

NOTICE TO DEFEND

A PETITION HAS BEEN FILED AGAINST YOU IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PETITION, YOU MUST TAKE ACTION BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND AN ORDER MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FUTHER NOTICE FOR RELIEF REQUESTED BY THE PETITIONER OR MOVANT. YOU MAY LOSE RIGHTS IMPORTANT TO YOU.

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

*David S. Meholick, Court Administrator
Clearfield County Courthouse
Clearfield, Pennsylvania 16830
(814) 765-2641 EXT 32*

BY THE COURT

P.J.

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

JOHN L. BUHLER and	:	
MARGARET BUHLER,	:	
Plaintiffs,	:	
	:	No: 00-1508-CD
vs.	:	
	:	
CSX INTERMODAL, INC.,	:	
a Delaware Corporation,	:	
and BUFFALO & PITTSBURGH	:	
RAILROAD, INC., a Delaware	:	
Corporation,	:	
Defendant.	:	

AMENDED COMPLAINT

AND NOW, comes John L. Buhler and Margaret Buhler, by and through their Attorney, the Law Offices of Joseph E. Buckley, Jr. and Paul A. Barkus, Esquire, and files this Amended Complaint setting forth this Action to Quiet Title and this Action in Ejectment and other relief, by and through the following averments of fact:

COUNT I

Action to Quiet Title

1. Plaintiffs, John L. Buhler and Margaret Buhler, are adult individuals who at all relevant times have maintained residence at 201 Fairview Hill, Ridgway, Elk County, Pennsylvania 15853.
2. Defendant, CSX Intermodal, Inc. (formerly CSX Transportation, Inc.), exists as a Delaware corporation, with a mailing address of 500 Water Street, Jacksonville, Florida 32202 and has an office in Philadelphia that accepts service of civil litigation against said Defendant under the name of CT Corporation Systems, 1515 Market Street, Suite 1210, Philadelphia, Pennsylvania 19102; Defendant Buffalo and Pittsburgh Railroad, Inc., exists

as a Delaware Corporation, with a mailing address of 201 North Penn Street,
Punxsutawney, Pennsylvania 15767.

3. The Plaintiffs are titled in fee simple as to the following described property:

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

BEGINNING at a point in the center of Route 255 on the West line of
tract of which this is a part; thence along center of Route 255 North 60
Degrees 00 minutes East 1914.0 feet; thence South 11 degrees 50 minutes
East 296.5 feet to creed; thence along old creed bed the following South
46 degrees 35 minutes West 924.0 feet; South 71 degrees 40 minutes West
428.0 feet, and South 46 degrees 50 minutes West 710.0 feet; thence
North 11 degrees 50 minutes West 599.0 feet, to the place of beginning;

4. The Plaintiffs are in sole and exclusive possession of the following described
property, the character of which is an abandoned railroad grade, and which
shall be the subject of this Action to Quiet Title:

A strip of land four rods in width extending through the center of the
above-described parcel and being an area containing 2.9 acres previously
conveyed to the Susquehanna and Southern Railroad from Mary E. Wilson
and Richard Wilson by their deed dated July 3, 1903, and recorded in
Clearfield County Deed Book 135, page 96.

5. The "above-described parcel" identified in the property description contained
within Paragraph 4, is that property owned by the Plaintiffs in fee simple and
more fully described in Paragraph 3.
6. Plaintiffs hereby claim title to the subject property above-described as
consisting of a strip of land four rods in width, containing an area 2.9 acres,
previously conveyed to the Susquehanna and Southern Railroad and as more
fully described in Paragraph 4 and as if set forth herein and in its entirety,
which consists of an abandoned railroad grade which passes through the
Plaintiffs' property, by virtue of Plaintiffs and their predecessors in title

having open, continuous, uninterrupted, distinct, visible, hostile, notorious, and exclusive possession of the this property as against the Defendants and their predecessors in title since 1954 and for a period in excess of twenty-one (21) years.

7. The Plaintiffs have made improvements to the subject property, herein described in Paragraph 4, in an amount in excess of \$70,000 and have maintained these improvements to the present.
8. A true and correct copy of the Deed describing and transferring the real property of Plaintiffs and which excepts and reserves that property herein described in Paragraph 4 and upon which the abandoned railroad grade is situate, is heretofore attached and incorporated as Plaintiffs' Exhibit "A".
9. Defendant, CSX Intermodal, Inc., as successor through merger, derived title to the subject property, herein described in Paragraph 4, from their predecessor in title, Susquehanna and Southern Railroad Co. which was conveyed subject property from Mary E. Wilson and Richard Wilson by Deed dated July 3, 1903, and recorded in Clearfield County Deed Book 135, page 96, heretofore attached and incorporated as Plaintiffs' Exhibit "B".
10. Defendant, Buffalo & Pittsburgh Railroad, Inc., derived title to the subject Property, herein described in Paragraph 4, from their predecessor in title, CSX Intermodal, Inc., by deed dated October 7, 1991, and recorded in Clearfield County Deed Book 1432, page 285, heretofore attached and incorporated as Plaintiffs' Exhibit "C".
11. Defendant, CSX Intermodal, Inc., as Defendant's, Buffalo & Pittsburgh Railroad, Inc., predecessor in title to the subject property, did reserve for the benefit of CSX an easement along and/or through the subject property, herein described in Paragraph 4.
12. Defendants have claimed ownership of the subject property, herein described

in Paragraph 4.

13. This Action to Quiet Title is brought by the Plaintiffs, John L. Buhler and Margaret Buhler, to validate their interest in the subject property, herein described in Paragraph 4.

14. Upon diligent inquiry, Plaintiffs believe that no other defendants exist whom have a claim to have any right title or interest in or against the subject property, herein described in Paragraph 4.

15. This Action to Quiet Title is brought pursuant to the terms and provisions of the Pennsylvania Rules of Civil Procedure 1061 through 1067 inclusive.

WHEREFORE, Plaintiffs pray as follows:

- a. That Defendants and all persons claiming under them be required to set forth the nature of their claims to the subject property herein described in Paragraph 4;
- b. For a decree of this court determining all adverse claims of Defendants and all persons who may claim under them;
- c. For said decree to declare and adjudge that Plaintiffs own absolutely and are entitled to quiet and peaceful possession of the subject property, herein described in Paragraph 4, as against all persons claiming under them, that Defendants and all persons claiming under them have no estate, right, lien, or interest in or to said property or any part thereof, and that title to said property be quieted in Plaintiffs and against all claims of Defendants and all persons claiming under them;
- d. For said decree to permanently enjoin Defendants and all persons who may claim under them from asserting any estate, right, title, lien or interest in or to said property or any part thereof adverse to Plaintiffs;
- e. Cost of this suit; and
- f. Such other and further relief as the Court deems just and proper.

COUNT II

Action to Compel Filing of Ejectment Action

16. Paragraphs 1 through 15 of the within Complaint are hereby incorporated by reference as though set forth more fully at length herein.
17. Defendants have challenged Plaintiffs' possession of the subject property, herein described in Paragraph 4.

WHEREFORE, Plaintiffs request that this Court order Defendants to bring an action in ejectment.

COUNT III

Ejectment

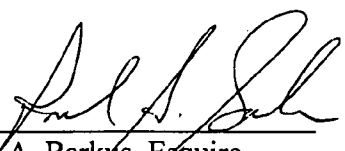
18. Paragraphs 1 through 17 of the within Complaint are hereby incorporated by reference as though set forth more fully at length herein.

WHEREFORE, Plaintiffs request that this Court enter Judgment in favor of Plaintiffs and against Defendants for exclusive possession of the entirety of the subject property, herein described in Paragraph 4.

Respectfully Submitted,
Law Offices of Joseph E. Buckley, Jr.

Date:

1/15/2021


Paul A. Barkus, Esquire
Attorney for Plaintiffs

This Deed,

MADE THE 28th day of December in the year
hundred and eighty-seven (1987)

Between CARL A. CALLIARI, of DuBois, Clearfield County, Pennsylvania, and
BRADLEY CALLIARI, of Indiana, Pennsylvania,

GRANTORS, and JOHN L. BUHLER and MARGARET A. BUHLER, husband and wife, as
tenants by the entireties, with the right of survivorship, the survivor of them,
his or her heirs and assigns, of Ridgway Township, Elk County, Pennsylvania,

GRANTEES ;

Witnesseth, That in consideration of the sum of ELEVEN THOUSAND and 00/100-----
dollars (\$11,000.00) in hand paid the receipt whereof is hereby acknowledged, the said grantors
do hereby grant and convey to the said grantees ALL that certain piece,
parcel or lot of land situate, lying and being in Huston Township,
Clearfield County, Pennsylvania, bounded and described as follows,
to-wit:

BEGINNING at a point in the center of Route 255 on West
line of tract of which this is a part; thence along center of
Route 255 North 60 degrees 00 minutes East 1914.0 feet; thence
South 11 degrees 50 minutes East 296.5 feet to creek; thence
along old creek bed the following South 46 degrees 35 minutes
West 924.0 feet; South 71 degrees 40 minutes West 428.0 feet,
and South 46 degrees 50 minutes West 710.0 feet; thence North
11 degrees 50 minutes West 599.0 feet, to the place of be-
ginning.

EXCEPTING AND RESERVING a strip of land four rods in
width extending through the center of the above-described
parcel and being an area containing 2.9 acres previously
conveyed to the Susquehanna and Southern Railroad Company from
Mary E. Wilson and Richard Wilson by their deed dated July 3,
1903, and recorded in Clearfield County Deed Book 135, Page
96.

ALSO EXCEPTING AND RESERVING all of the oil, gas, coal or
other minerals together with the full and free right to enter
upon said land for the purpose of obtaining such oil, gas,
minerals or coal.

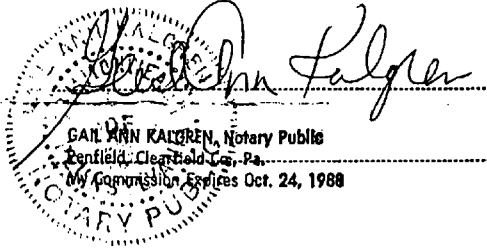
BEING the same premises as conveyed by deed of Helen
Williams Thompson, et al., to Carl A. Calliari and Bradley
Calliari, by deed dated July 5, 1984, and recorded in the
Clearfield County Courthouse on July 27, 1984, in Deed Book
962, at page 79.



And the said grantors will Specially Warrant the property hereby conveyed.

In Witness Whereof, said grantors have hereunto set their hands and seals the day and year first above written.

Signed and Delivered
in the Presence of



Carl A. Calliari (Seal)
Carl A. Calliari (Seal)
Bradley Calliari (Seal)

I hereby certify the precise residence of the within named Grantees to be:

201 Fairview Road, Ridgway, PA 15853

Raymond Mitchell
Agent Attorney for Grantee

COMMONWEALTH OF PENNSYLVANIA,
COUNTY OF JEFFERSON

ss:

On this the 9th day of January, 1988,
before me, the undersigned officer, personally appeared CARL A. CALLIARI

known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained.

In Witness Whereof I hereunto set my hand and official seal.

Gail Ann Kalgren
GAIL ANN KALGREN, Notary Public
Penfield, Clearfield Co., Pa.
My Commission Expires Oct. 24, 1988

STATE OF PENNSYLVANIA
COUNTY OF CL

ss:

On this the 9th day of January, 1988,
before me, the undersigned officer, personally appeared BRADLEY CALLIARI

known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained.

In Witness Whereof I hereunto set my hand and official seal.

Gail Ann Kalgren
GAIL ANN KALGREN, Notary Public
Penfield, Clearfield Co., Pa.
My Commission Expires Oct. 24, 1988

DUBOIS AREA SCHOOL DISTRICT
1% REALTY TRANSFER TAX

AMOUNT \$ 110.00
PAID 7/20/93 KAREN L. STARCK
Date Agent

CLEARFIELD COUNTY 7/20/93
ENTERED OF RECORD
TIME 2:25 PM
BY Fairview Coal Co.
FEES 13.50
Karen L. Starck, Recorder

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

Huston trap 55-00
De Ben Sch. 55-00

Warranty Deed

from

CARL A. CALLIARI and BRADLEY
CALLIARI

to

JOHN L. BUHLER and MARGARET
A. BUHLER, husband and wife

Dated December 28, 1987

For

Filed for Record in Jefferson County

18

Tax and Fee

Recorder

135/96

Witness

R. E. Watrous.

State of Pennsylvania, County of Tioga, SS:

Personally appeared before the subscriber, R. E. Watrous, who being duly sworn did depose and say that he was personally present and saw F. R. Cooker & H. A. Cooker sign, seal and deliver the attached instrument and deponent then immediately affixed his signature as subscribing witness thereto and the signature of said parties and the signature of deponent as affixed to and appearing on the aforesaid instrument are genuine and in the proper handwriting of the persons whose names so appear.

Sworn to and subscribed

before me this 19th day of June, 1903.

Witness my hand and official seal.

F. E. Watrous.

U. W. Bodine Dep, Clk.

(Off. seal)

Entered of record Jul. 27th., 1903.

Recorded and compared by

Recorder,

per. E. M. J.

Deed.

#

KNOW ALL MEN BY THESE PRESENTS, That Mary E. Wilson and

Mary E. Wilson, et al

#

Wilson her husband, parties of the first part, for and in consideration

To

#

tion of the sum of twelve hundred dollars lawful money of the United

Susquehanna and Southern

#

States, duly paid by the railroad company hereinbefore mentioned, to

railroad Company

#

us, receipt of which is hereby acknowledged, have granted, sold, released and conveyed unto the Susquehanna and Southern Railroad Company, a corporation

organized under the laws of Pennsylvania, its successors and assigns, a strip of land four rods in width, and through cuts and fills such additional widths as may be needed for a one-half thereof on either side of the center line as now located, of the Susquehanna and Southern Railroad, leading from Sinnemahoning, Pennsylvania, to DuBois, Sykesville, etc., through lands of the parties above mentioned, situate in Huston Township, Clearfield County, Pennsylvania.

Together with the right to enter upon the said land and lay out, construct, maintain and operate a railroad over and across the lands belonging to the parties above mentioned, taking and using such earth, stones and gravel, as may be needed for grading and filling, such road, and hereby fully releasing said railroad company, its successors and assigns, from all liability by reason of the location, construction and prudent operation of the said railroad.

No earth, stones or gravel to be taken outside said four rod strip and no trespassing outside said four rod strip.

A good farm crossing shall be built and maintained by said Comp.

In witness whereof, the parties first above named hereunto set their hands and seals the Second day of June, 1903.

Mary E. Wilson (seal)

Richard Wilson (seal)

State of Pennsylvania

County of Clearfield

Personally appeared before the subscriber, a Justice of the Peace the above named Mary E. Wilson and Richard Wilson her husband who in due form of law acknowledged the foregoing

case to be their act and deed and desired the same might be recorded as such,

Witness my hand and official seal this third day of July 1903

W.W.Hoover, J.P. (J.P. Seal)

My Commission expires the
first Monday in May, 1904

Entered of record July 27, 1903.

Recorded and compared by

Recorder,

per.

Deed #
Know All Men By These Presents, That Mary E. Emery of Philadelphia Pa
parties of the first part, for and in consideration of the sum of four
hundred and fifty Dollars, lawful money of the United States, duly
paid by the railroad company hereinafter mentioned, to us, receipt of
which is hereby acknowledged, have granted, bargained, sold, released

and conveyed unto the Susquehanna and Southern Railroad Company, a corporation organized under
the laws of Pennsylvania, its successors and assigns, a strip of land four rods in width, and
through cuts and fills such additional widths as may be needed for slopes, one-half thereof
on either side of center line as now located, of the SUSQUEHANNA AND SOUTHERN RAILROAD, lead-
ing from Sinnemahoning, Pennsylvania, to DuBois, Sykesville, &c., through lands of the parties
above mentioned, situate in Huston Township, Clearfield County, Pennsylvania.

Together with the right to enter upon the said land and to lay out, construct, maintain and
operate a railroad over and across the lands belonging to the parties above mentioned, taking
and using such earth, stones and gravel, as may be needed for grading and filling such road,
hereby fully releasing said railroad company, its successors and assigns, from all liability by
reason of location, construction and operation of the said railroad.

Together with the right to change the course of the stream known as the Bennetts Branch so
as to cause the same to flow down and along the south side of the railroad as now staked out and
located through said Mary E. Emery farm, which farm is lying between the lands of J. Z. Thompson
and lands of Rose E. Cassidy and David Horning.

Excepting and reserving therefrom all the coal oil, and minerals in and under said lands with
right to remove the same (but in no way to injure or disturb the railroad in so doing) unto
the party of the first part her heirs and assigns. Said Company shall build and maintain a
good farm crossing on said farm, for use of first party her heirs and assigns.

In WITNESS WHEREOF, the parties first above named hereunto set their hands and seals the
nineteenth day of June 1903

Mary E. Emery (SEAL)

STATE OF PENNSYLVANIA

COUNTY OF Philadelphia

PLAINTIFF'S
EXHIBIT

"B"

AMHDVIT No. 19294

Clearfield AA #11
VOL 1432 PAGE 285

This instrument prepared by
or under the direction of:

3BPINEN

This Document executed
in four (4) original
counterparts, for simul-
taneous recording in
four (4) counties.

Counterpart No. 1 of 4

Douglas R. Maxwell
Assistant General Counsel

Attorney for Grantors
Business Address:
500 Water Street
Jacksonville, Florida 32202

THIS QUITCLAIM DEED, made as of the 7th day of October, 1991, between CSX TRANSPORTATION, INC., a Virginia corporation, successor by Articles of Merger to The Chesapeake and Ohio Railway Company, effective September 2, 1987, in turn successor by merger, effective April 30, 1987 to The Baltimore and Ohio Railroad Company, and the BUFFALO, ROCHESTER AND PITTSBURGH RAILWAY COMPANY, a corporation of the State of New York and Commonwealth of Pennsylvania, as the respective interests of each may appear, hereinafter collectively called "Grantors," and whose collective mailing address is 500 Water Street, Jacksonville, Florida 32202, and BUFFALO & PITTSBURGH RAILROAD, INC., a Delaware corporation, whose mailing address is 201 North Penn Street, Punksutawney, Pennsylvania 15767, hereinafter called "Grantee"; WITNESSETH:

WHEREAS, Grantors have agreed to sell and Grantee has agreed to purchase Grantors' main line of railroad, branch lines and various spurs, and other associated real property, as more particularly described herein, between Buffalo, New York, and Punksutawney, Pennsylvania, and

WHEREAS, in Interstate Commerce Commission ("ICC") Finance Docket No. 31116, Grantee filed a Notice of Exemption, under Title 49 U. S. Code, Section 10901 and 49 CFR, Part 1150, to acquire from Grantors, and to operate, certain lines of railroad in the States of New York and Pennsylvania, and to use certain connecting tracks under trackage rights, and said Notice was effective September 29, 1987; and

WHEREAS, in ICC Finance Docket No. 31117, Grantee, among others, filed a Petition for Exemption under Title 49 U. S. Code, Section 10505, for authorization of continuation of control by Grantee of the Clearfield and Mahoning Railway Company (C&M) and the Allegheny and Western Railway Company (A&W) and to operate over perpetual leased lines from C&M and A&W, and the Exemption was authorized by order dated December 21, 1987; and

WHEREAS, this Deed effects the agreement of Grantors and Grantee and compliance with such ICC decisions and orders; and

WHEREAS, in order to allow for simultaneous recordings in the Counties of McKean, Elk, Jefferson, and Clearfield, all in the Commonwealth of Pennsylvania, this Quitclaim Deed is prepared in multiple counterparts, each conveying that portion of Grantors' property and line of railroad in the counties hereinafter described; and

WHEREAS, certain of the parcels to be conveyed are owned in fee simple absolute, others in lesser freeholds, and it is the intent of Grantors to bargain, sell, convey, grant, assign, quitclaim and/or release to Grantee all right, title and interest of Grantors in said lines of railroad and lands, whether in fee or lesser estate, other than as expressly excepted and reserved herein;

PLEASE RETURN TO:
STATE TITLE SERVICES, INC.
1023 LINCOLN MAIL
P.O. BOX 8335
LINCOLN NEBRASKA 68501

37 PGS



[illegible]

NOW, THEREFORE, Grantors, for and in consideration of the sum of TEN DOLLARS AND NO/100 U.S. DOLLARS (\$10.00), cash in hand paid, and other valuable consideration, the receipt of which is hereby acknowledged, do each hereby RELEASE, REMISE and forever QUITCLAIM unto Grantee all right, title and interest of each Grantor in and to all of the railroad right-of-way and property, including any and all spurs connected thereto, and including any and all land constituting Grantors' line(s) of railroad situate, lying and being between the State Line between Cattaraugus County, New York, and McKean County, Pennsylvania, and a point at or near Punxsutawney, Pennsylvania, ALL as generally shown on Exhibit A, Rail Line Designation Map, and on Grantors' Valuation Section Map Indices, Exhibits A-1 and A-2, attached hereto, and as shown in detail on Grantor's Railroad Valuation Map(s) V-8, V-21, V-8a and V-9, as herein provided, all of which are incorporated herein by reference, copies of which are available at the offices of Grantors and Grantee if not otherwise recorded in the Plat Records of the herein described counties, and as described on Exhibit B, attached hereto and incorporated herein; BEGINNING at Grantor's Rail Valuation Station 6304+83.9, more or less, Valuation Section Map V-8, Sheet 1, as shown on Exhibit B-1, attached hereto and incorporated herein, and running THENCE through the Counties of McKean, Elk, Jefferson, and Clearfield, Pennsylvania, to the END POINT, at Grantors' Rail Valuation Station 11651+47.7, Valuation Section Map V-9, Sheet 54, as shown on Exhibit B-9, attached hereto and incorporated herein; and CONTAINING 1,679.14 acres, more or less, in total, (105.17 miles), of which 419.00 acres (35.58 miles) are in McKean County, 322.37 acres (33.41 miles) are in Elk County, 685.85 acres (19.90 miles) are in Jefferson County, and 251.92 acres (16.28 miles) are in Clearfield County.

INCLUDING all Grantors' right, title and interest, in the B&S Branch, consisting of 92.12 acres (7.02 miles), more or less, in Clearfield County, as described on Exhibit B and as shown on Grantors' Valuation Section Map V-1, Sheets 9 through 11, the BEGINNING and END POINTS both shown on Exhibit A-7, also attached hereto and incorporated herein; and

INCLUDING all interest of Grantors under lease dated January 3, 1893 from Clearfield and Mahoning Railway Company.

BUT EXCLUDING all Grantors' right, title and/or interest in and to the following Branches (or Former Branches): (A) Eleanora Branch (T-R 220<1>) (connecting at Grantors' Rail Valuation Station 11446+04.2, Valuation Section Map V-12, Sheet 1, and connecting at Grantors' Rail Valuation Station 11568+47, Valuation Section Map V-12, Sheet 2); (B) Helvetia Branch (connecting at Grantors' Rail Valuation Station 11080+00, Valuation Section Map V-21, Sheet 1); (C) Beach Tree Branch (connecting at Grantors' Rail Valuation Station 10331+20, Valuation Section Map V-11, Sheet 1); ALL as shown generally on Exhibits D-1 through D-3.

ALL SAID lands, rights, interests, rights-of-way, etc., being more particularly described in Exhibit "B", attached hereto and incorporated herein, and hereinafter designated "the Premises,"

TOGETHER WITH all buildings, structures, improvements and fixtures thereon, and all and singular the rights, alleys, ways, waters, privileges, hereditaments and appurtenances to said Premises belonging or in anyway incident or appertaining (other than Excluded, Excepted or Reserved herein), including bridge or trestle rights, access rights and easements, and all strips or gores in, between, through or adjoining said Premises, and any and all agreements creating rights in, on or for the Premises, whether recorded or unrecorded, and any and all rights acquired by the Grantors by adverse possession.

It is the intention of the Grantors to convey an aggregate area of 1,771.26 acres, or 112.19 miles, more or less, of which 419.00 acres, or 35.58 miles, more or less, are in McKean County, 322.37 acres, or 33.41 miles, more or less, are in Elk County, 685.85 acres, or 19.90 miles, more or less, are in Jefferson County, and 344.04 acres, or

23.30 miles, more or less, are in Clearfield County, to the Grantee, by this Quitclaim Deed, including all of its right-of-way and real property between the BEGINNING POINTS and ENDING POINTS described above.

EXCEPTING, however, unto Grantors, as the interest of each may appear, fourteen (14) parcels of land situated in the Counties of McKean, Elk, Clearfield, and Jefferson, Pennsylvania, and being shown within the black-lined areas on Exhibits C-1 through C-12, attached hereto and incorporated herein.

FURTHER EXCEPTING unto Grantors all ores and minerals of every kind and nature, including, but not limited to oil, natural gas, sulfur, coal and lignite, whether on or underlying the surface of the Premises, and the constituents of each; and RESERVING the full right, privilege and license, either by Grantors or by their designated contractors, and the agents and employees of either, at any time to explore, or drill for and to protect, conserve, mine, take, extract, remove and market the same; PROVIDED, that the exercise of such rights shall be in accordance with the terms of that separate Mineral Rights Agreement between Grantors and Grantee, even dated herewith, incorporated herein by reference, and does not unreasonably interfere with the safe and efficient use of the Premises, or any improvements thereon, by Grantee, for railroad purposes, nor deprive Grantee of the right to surface and subjacent support.

RESERVING also unto Grantors a Nonexclusive Perpetual Easement along and/or through the entire Premises, to construct, maintain, operate, use, replace, relocate, renew and remove fiber optic communication cables, lines or facilities, beneath the surface of the Premises, and all ancillary equipment or facilities (both underground and surface), including the right to attach the same to existing bridges or poles on the Premises, and such surface rights necessary to accomplish the same; TOGETHER WITH the further right(s) to assign said reserved Nonexclusive Perpetual Easement, and rights, and facilities therein, in whole or in part, and to lease, license or permit third parties to use said reserved Nonexclusive Perpetual Easement, rights and facilities; PROVIDED that the exercise of such rights shall be in accordance with the terms of that "Basic Fiber Optic Operating Agreement," between Grantors and Grantee, even dated herewith, incorporated herein by reference, and does not unreasonably interfere with the safe and efficient use of the Premises, or any improvements thereon, by Grantee, for railroad purposes.

TO HAVE AND TO HOLD the Premises, and all the estate, right, title, lien, interest and claim whatsoever of Grantors therein, either in law or equity, (other than Excluded, Excepted or Reserved herein), unto the proper use, benefit and enjoyment of Grantee, Grantee's successors and assigns, forever.

SUBJECT TO all reservations, exceptions and restrictions of record, any and all encroachments which might be revealed from an inspection of the Premises, and any and all existing ways and servitudes, public utility easements occupancies and rights-of-way howsoever created for crossings, roads, streets and highways.

NOTICE: This document does 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 has 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 in the manner provided in Section 1 of the Act of July 17, 1957, P.L. 984, as amended (Title 52, Section 1551, P.S.A.), and is not intended as notice of unrecorded instruments, if any.

FURTHER, for consideration above, Grantors GRANT unto Grantee, its successors and assigns, a Nonexclusive Revertible Track Easement for the

location, maintenance, use of and conduct of railroad operations on and over the existing railroad tracks on the Excepted parcels shown on Exhibits C-1, C-6, C-7, C-8, and C-9. Grantee, for itself, its successors and assigns, hereby covenants and agrees that each said Track Easement shall cease and terminate upon cessation of railroad operations over any of said track(s) or parcel(s) for a continuous period of one (1) year.

IN WITNESS WHEREOF, CSX TRANSPORTATION, INC., and the BUFFALO, ROCHESTER AND PITTSBURGH RAILWAY COMPANY, pursuant to due corporate authority, have each caused their names to be signed hereto by their officers hereunto duly authorized and their corporate seals, duly attested, to be hereunto affixed.

I hereby certify that the correct address of the within-named Grantee is 201 North Penn Street, PUNXSUTAWNEY, Pennsylvania 15767.

On Behalf of the Grantee *R. DAVID HUNTER*

Signed, sealed and delivered in the presence of:

John M. Gibson, Jr.
JOHN M. GIBSON, JR.

Regina B. Smith
REGINA B. SMITH

Signed, sealed and delivered in the presence of:

John M. Gibson, Jr.
JOHN M. GIBSON, JR.

Regina B. Smith
REGINA B. SMITH

CSX TRANSPORTATION, INC.:

By *Gerald L. Nichols*
Gerald L. Nichols
Sr. Vice President-Administration, INC.

Attest *R. Lyle Key, Jr.*
Assistant Secretary

BUFFALO, ROCHESTER AND PITTSBURGH RAILWAY COMPANY:

By *Gerald L. Nichols*
Gerald L. Nichols
Sr. Vice President

Attest *Lynne B. Klopff*
Assistant Secretary

FURTHER, in witness whereof, this instrument is executed by CSX Transportation, Inc. (as successor by mergers, effective September 2, 1987 and April 30, 1987, to The Baltimore and Ohio Railroad Company), owner and operator of the Buffalo, Rochester and Pittsburgh Railway Company, under Agreement of December 15, 1931, with the intention of releasing, remising and quitclaiming all of the interest of said CSX Transportation, Inc., successor to The Baltimore and Ohio Railroad Company, in and to the above-described Premises existing under said Agreement.

Signed, sealed and delivered in the presence of:

Thomas N. Whitelaw
THOMAS N. WHITELAW
Lynne B. Klopff
Lynne B. Klopff
Assistant Secretary

CSX TRANSPORTATION, INC.:

By *Gerald L. Nichols*
Gerald L. Nichols
Sr. Vice President-Administration

Ad. to
L. 101 form

Vol 1432 Page 290

STATE OF FLORIDA }
COUNTY OF DUVAL } SS.

I, Wendell R. Brumley, a Notary Public of the State of Florida and the County of Duval, do certify that, on the date below, before me in said County personally came Gerald L. Nichols, to me known, and known to me to be the person whose name is subscribed to the above instrument, who, being by me first duly sworn, did depose, acknowledge and say that: he resides in Jacksonville, Duval County, Florida; he is Sr. Vice President-Administration of CSX Transportation, Inc., the corporation described in and which executed said instrument; he is fully informed of the contents of the instrument; he knows the seal of said corporation; the seal affixed to said instrument is such seal; it was so affixed by authority of the Board of Directors of said corporation; he signed his name thereto for said corporation pursuant to such authority; and instrument is the free act and deed of said corporation; and the conveyance herein is not part of a transaction, sale, lease, exchange or other transfer or conveyance of all or substantially all of the property and/or assets of the Grantor.

IN WITNESS WHEREOF, I hereunto set my hand and official seal, this
Dec day of October, 1981.

My commission expires on:

NOTARY PUBLIC, STATE OF FLORIDA
My commission expires Jan. 13, 1985
Signed this 10th day of October, 1981

Wendell R. Brumley
Notary Public



STATE OF FLORIDA }
COUNTY OF DUVAL } SS.

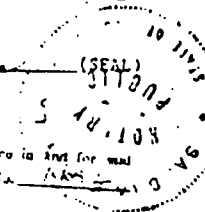
I, Wendell R. Brumley, a Notary Public of the State of Florida and the County of Duval, do certify that, on the date below, before me in said County personally came Gerald L. Nichols, to me known, and known to me to be the person whose name is subscribed to the above instrument, who, being by me first duly sworn, did depose, acknowledge and say that: he resides in Jacksonville, Duval County, Florida; he is Sr. Vice President of Buffalo, Rochester and Pittsburgh Railway Company, the corporation described in and which executed said instrument; he is fully informed of the contents of the instrument; he knows the seal of said corporation; the seal affixed to said instrument is such seal; it was so affixed by authority of the Board of Directors of said corporation; he signed his name thereto for said corporation pursuant to such authority; and instrument is the free act and deed of said corporation; and the conveyance herein is not part of a transaction, sale, lease, exchange or other transfer or conveyance of all or substantially all of the property and/or assets of the Grantor.

IN WITNESS WHEREOF, I hereunto set my hand and official seal, this
Dec day of October, 1981.

My commission expires on:

NOTARY PUBLIC, STATE OF FLORIDA
My commission expires Jan. 13, 1985
Signed this 10th day of October, 1981

Wendell R. Brumley
Notary Public



CLEARFIELD COUNTY
ENTERED OF RECORD
TIME 10:41 AM 10/10/81
BY Wendell R. Brumley
10/10/81
Wendell R. Brumley

My Commission Expires - 5
Michael R. Lytle
Notary Public

Vol. 1432 PLAT 291

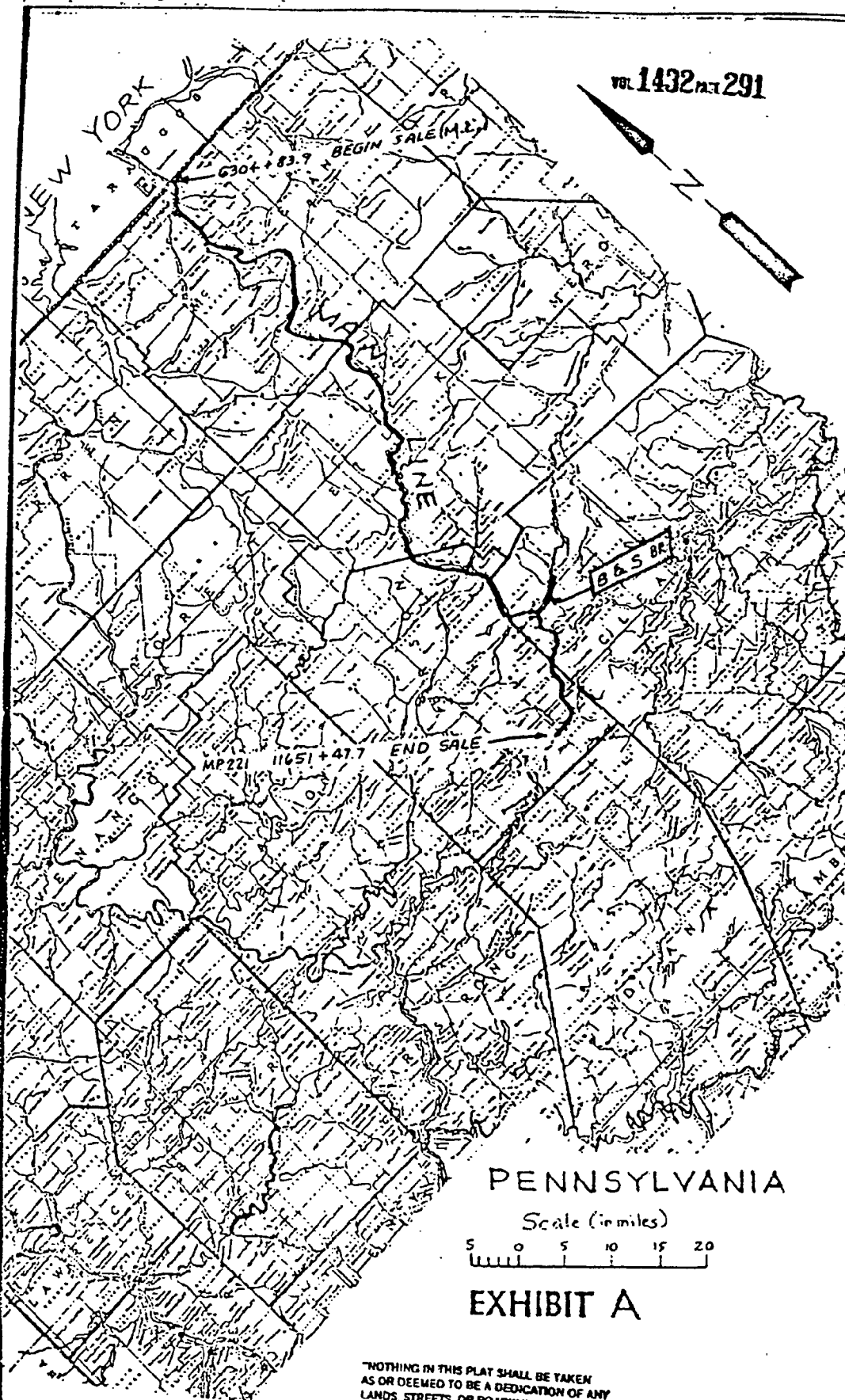
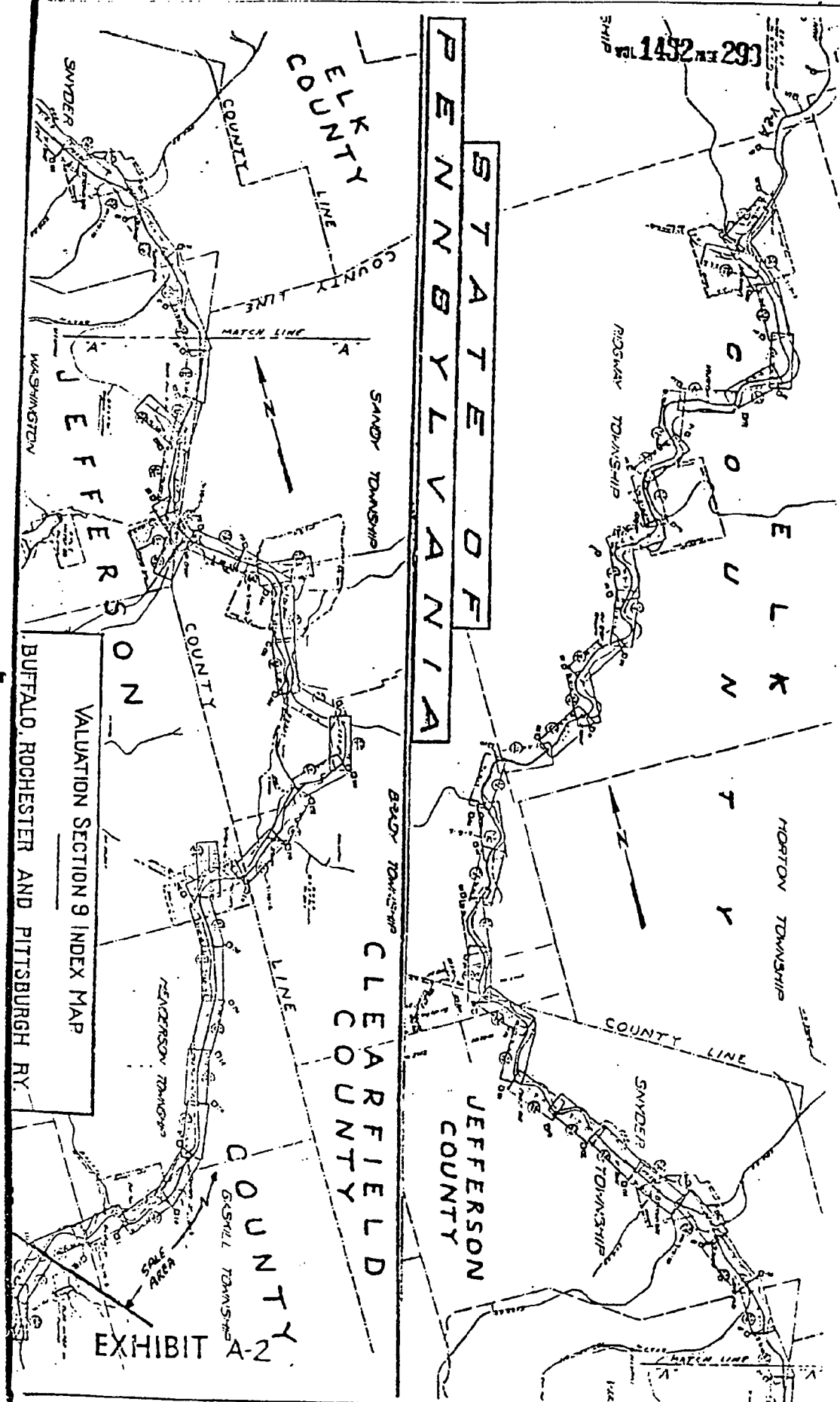


EXHIBIT A

"NOTHING IN THIS PLAT SHALL BE TAKEN
AS OR DEEMED TO BE A DEDICATION OF ANY
LANDS, STREETS, OR ROADWAYS, OR THE
USE THEREOF, TO THE GENERAL PUBLIC."

1452 293

STATE OF PENNSYLVANIA



VALUATION SECTION 9 INDEX MAP
BUFFALO, ROCHESTER AND PITTSBURGH RY.

EXHIBIT A-2

[illegible]

B & S R.R.
Valuation Sections
1" = 3 Mi. (±)

Exhibit B

McKean County (Main Line)

All that certain land BEGINNING at Grantors' Rail Valuation Station 6304+83.9, being the State Line between the States of New York and Pennsylvania, such BEGINNING POINT being indicated on fragment print of Grantors' Valuation Section Map V-8(1), marked Exhibit B-1, attached hereto; THENCE extending generally in a southerly direction through the Townships of Foster, Bradford, Lafayette, Keating and Hamlin, a distance of 27.05 miles, more or less, to the end of Grantors' Valuation Section V-8 at Rail Valuation Station 7732+98.1, at or near the Borough of Mt. Jewett, being the beginning of Grantors' Valuation Section V-8A at Rail Valuation Station 1680+20, as indicated on fragment print of Grantors' Valuation Section Map V-8(28), marked Exhibit B-2, attached hereto; THENCE continuing generally in a southerly direction through the Borough of Mt. Jewett and Towns of Hamlin and Sergeant, a distance of 8.53 miles, more or less, to Grantors' Rail Valuation Station 2130+58, more or less, being the County Line between the Counties of McKean and Elk, such ENDING POINT being indicated on fragment print of Grantors' Valuation Section Map V-8A(10), marked Exhibit B-3, attached hereto;

ALL as shown in detail on Grantors' Valuation Section Map V-8, Sheets 1 through 23, inclusive, and Map V-8A, Sheets 1 through 10, inclusive, incorporated herein by reference.

Elk County (Main Line)

All that certain land BEGINNING at Grantors' Rail Valuation Station 2130+58, more or less, being the County Line between the Counties of McKean and Elk, such BEGINNING POINT being indicated on aforesaid Exhibit B-3; THENCE extending generally in a southerly direction through the Townships of Jones, Benzinger and Ridgway, a distance of 11.94 miles, more or less, to the end of Grantors' Valuation Section V-8A at Rail Valuation Station 2761+27, being the beginning of Grantors' Valuation Section V-9 at Rail Valuation Station 8811+31, at or near Johnsonburg, as indicated on fragment print of Grantors' Valuation Section Map V-8A(22), marked Exhibit B-4, attached hereto; THENCE continuing generally in a southerly direction through the Borough of Johnsonburg and Townships of Ridgway and Spring Creek, a distance of 20.62 miles, more or less, to Grantors' Rail Valuation Station 9902+12.2, being the County Line between the Counties of Elk and Jefferson, such ENDING POINT being indicated on fragment print of Grantors' Valuation Section Map V-9(21), marked Exhibit B-5, attached hereto;

INCLUDING all that certain land BEGINNING at aforementioned Rail Valuation Station 2761+27, as indicated on Exhibit B-4, and extending generally in a southerly direction through the Borough of Johnsonburg, a distance of 0.85 miles, more or less, to Grantors' Rail Valuation Station 2806+20, being 225 feet, more or less, north of the north line of Bridge Street, such ENDING POINT being indicated on fragment print of Grantors' Valuation Section Map V-8A(23), marked Exhibit B-6, attached hereto;

ALL as shown in detail on Grantors' Valuation Map V-8A, Sheets 10 through 23, inclusive, and Map V-9, Sheets 1 through 21, inclusive, incorporated herein by reference.

Jefferson County (Main Line)

All that certain land BEGINNING at Grantors' Rail Valuation Station 9902+12.2, being the County Line between the Counties of Elk and Jefferson, such BEGINNING POINT being indicated on aforesaid Exhibit B-5; THENCE extending generally in a southerly direction through the Townships of Snyder and Washington, a distance of 13.77 miles, more or less, to Grantors' Rail Valuation Station 10629+28.2, being the County Line between the Counties of Jefferson and Clearfield, such ENDING POINT being indicated on reduced fragment print of Grantors' Valuation Map V-9(35), marked Exhibit B-7, attached hereto;

ALL as shown in detail on Grantors' Valuation Map V-9, Sheets 21 through 35, inclusive, incorporated herein by reference.

Further all that certain land BEGINNING at Grantors' Rail Valuation Station 11118+30.6, being the County Line between the Counties of Clearfield and Jefferson, such BEGINNING POINT being indicated on fragment print of Grantors' Valuation Map V-9(44), marked Exhibit B-8, attached hereto; THENCE extending generally in a southerly direction through the Borough of Sykesville and Townships of Winslow, Henderson, Gaskill and Bell, a distance of 6.13 miles, more or less, to Grantors' Rail Valuation Station 11651+47.7, at or near Punxsutawney, Pennsylvania, such ENDING POINT being indicated on fragment print of Grantors' Valuation Map V-9(54), marked Exhibit B-9, attached hereto;

ALL as shown in detail on Grantors' Valuation Map V-9, Sheets 44 through 54, inclusive, incorporated herein by reference.

Clearfield County (Main Line)

All that certain land BEGINNING at Grantors' Rail Valuation Station 10629+28.2 at or near Falls Creek, being the County Line between the Counties of Jefferson and Clearfield, such BEGINNING POINT being indicated on afore described Exhibit B-7; THENCE extending generally in a southerly direction through the Township of Sandy, the City of DuBois and Township of Brady, a distance of 9.26 miles, more or less, to Grantors' Rail Valuation Station 11118+30.6 at or near the Borough of Sykesville, being the County Line between the Counties of Clearfield and Jefferson, such ENDING POINT being indicated on afore described Exhibit B-8, attached hereto;

ALL as shown in detail on Grantors' Valuation Section Map V-9, Sheets 35 through 44, inclusive, and Map V-21, Sheet 80, incorporated herein by reference.

Clearfield County (B&S Branch)

All that certain land BEGINNING at a junction with Grantors' Main Line at Grantors' Rail Valuation Station 2189+70.71 at or near DuBois, being 2,561.29 feet southwest of the center line of Maloney Road, such BEGINNING POINT being indicated on fragment print of Grantors' Valuation Section Map V-1(ST-9A), marked Exhibit B-17, attached hereto, THENCE generally in a northeasterly direction through the City of DuBois and Township of Sandy, a distance of 7.02 miles, more or less, to Grantors' end of track at Rail Valuation Station 2580+50 at or near Sabula, being 548 feet northeast of the west line of property acquired from John E. DuBois, et ux, by deed dated May 18, 1904, recorded in Clearfield County in Deed Book 144, Page 85, such ENDING POINT being indicated on fragment print of Grantors' Valuation Section Map V-1(11), marked Exhibit B-18, attached hereto;

ALL as shown in detail on Grantors' Valuation Section Map V-1 B&S, Sheets 9 through 11, inclusive, incorporated herein by reference.

FILED

JAN 22 2001

William A. Shaw
Prothonotary

McCath Dickey
WAS

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

JOHN L. BUHLER and
MARGARET BUHLER,
Plaintiffs,

vs.

CSX TRANSPORTATION,
INC., a Virginia corporation,
and BUFFALO & PITTSBURGH
RAILROAD, INC., a Delaware
Corporation,
Defendant.

No: 00-1508-CD

Type of Case:
CIVIL

Type of Pleading:
JUDGMENT QUIETING TITLE

Filed on Behalf of:
Plaintiffs

Counsel of Record for This Party:
JOSEPH E. BUCKLEY, JR.
100 Main Street
Brookville, PA 15825-1213
(814) 849-2828
I. D. No: 49827
PAUL A. BARKUS, ESQUIRE
I. D. No: 81798

FILED

SEP 25 2001

William A. Shaw
Prothonotary

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

**JOHN L. BUHLER and
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vs.

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and BUFFALO & PITTSBURGH
RAILROAD, INC., a Delaware
Corporation,
Defendant.**

No: 00-1508-CD

**Type of Case:
CIVIL**

FILED

SEP 25 2001

ORDER

**William A. Shaw
Prothonotary**

WHEREAS, it appears and the Court finds:

That a Complaint in the above-entitled action was duly served on the Defendant, Buffalo & Pittsburgh Railroad, Inc. on January 17, 2001, as evidenced by the attached Sheriff's Return, attached hereto, incorporated herein by reference and labeled Exhibit "A", and CSX Transportation, Inc. as evidenced by the attached March 15, 2001 letter, attached hereto, incorporated herein by reference and labeled Exhibit "B" and the Affidavit of Plaintiff's Counsel, attached hereto, incorporated herein by reference and labeled Exhibit "C".

That the time within which said Defendants were required to appear and plead herein has expired; that they have not appeared herein; that no answer, preliminary objection, or other pleading has been served or filed herein; and that the default of said Defendants have been duly and regularly noticed; and

On Motion of Attorney for Plaintiffs, it is

ORDERED, ADJUDGED, AND DECREED:

1. That Plaintiffs own in fee simple and is entitled to the quiet and peaceful possession of that certain parcel of land situated in the County of Clearfield, Commonwealth of Pennsylvania, and described as

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

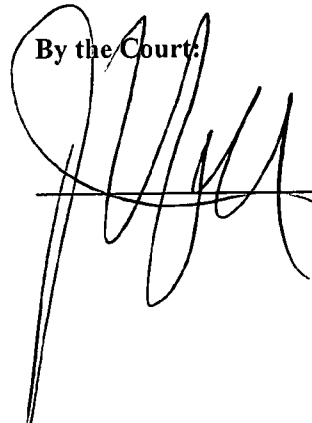
BEGINNING at a point in the center of Route 255 on the West line of tract of which this is a part; thence along center of Route 255 North 60 Degrees 00 minutes East 1914.0 feet; thence South 11 degrees 50 minutes East 296.5 feet to creed; thence along old creed bed the following South 46 degrees 35 minutes West 924.0 feet; South 71 degrees 40 minutes West 428.0 feet, and South 46 degrees 50 minutes West 710.0 feet; thence North 11 degrees 50 minutes West 599.0 feet, to the place of beginning;

A strip of land four rods in width extending through the center of the above-described parcel and being an area containing 2.9 acres previously conveyed to the Susquehanna and Southern Railroad from Mary E. Wilson and Richard Wilson by their deed dated July 3, 1903, and recorded in Clearfield County Deed Book 135, page 96.

2. That Plaintiffs' title to said real property is hereby forever quieted against any and all claims or demands of Defendants, CSX Transportation, Inc. and Buffalo & Pittsburgh Railroad, Inc., and any person claiming under Defendants to any estate, right, title, lien or interest in said real property;

3. That Defendants, CSX Transportation, Inc. and Buffalo & Pittsburgh Railroad, Inc., and any person claiming under Defendants are permanently enjoined and restrained from asserting any claim or interest in or to said real property or any part thereof; and

By the Court:



P.J.

9-25-01

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket #

10559

BUHLER, JOHN L. & MARGARET

00-1508-CD

VS.

CSX TRANSPORTATION, INC. AI

COMPLAINT ACTION TO QUIET TITLE

SHERIFF RETURNS

NOW JANUARY 10, 2001, THOMAS DEMKO, SHERIFF OF JEFFERSON COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ACTION TO QUIET TITLE ON BUFFALO & PITTSBURGH RAILROAD, INC., DEFENDANT.

NOW JANUARY 17, 2001 SERVED THE WITHIN COMPLAINT ACTION TO QUIET TITLE ON BUFFALO & PITTSBURGH RAILROAD INC., DEFENDANT BY DEPUTIZING THE SHERIFF OF JEFFERSON COUNTY. THE RETURN OF SHERIFF DEMKO IS HERETO ATTACHED AND MADE A PART OF THIS RETURN STATING THAT HE SERVED KEVIN BOWSER, DIRECTOR.

Return Costs

Cost	Description
28.10	SHFF. HAWKINS PAID BY: ATTY.
33.64	SHFF. DEMKO PAID BY: ATTY!
10.00	SURCHARGE PAID BY: ATTY.

Sworn to Before Me This

____ Day Of _____ 2001

So Answers,



Chester A. Hawkins
Sheriff



COPY

FEB 07 2001

No. 00-1508-CD

Personally appeared before me, Carl J. Gotwald, Sr., Deputy for Thomas A. Demko, Sheriff of Jefferson County, Pennsylvania, who according to law deposes and says that on January 17, 2001 at 3:50 o'clock P.M. served the Reinstated Notice to Defend and Complaint in Action to Quiet Title upon BUFFALO & PITTSBURGH RAILROAD, INC., a Delaware Corporation, Defendant, at place of business, 201 North Penn Street, Borough of Punxsutawney, County of Jefferson, State of Pennsylvania by handing to Kevin Bowser, Director and adult person in charge at time of service, a true and attested copy of the Notice and Complaint, and by making known to him the contents thereof.

Advance Costs Received:	\$125.00
My Costs:	\$ 31.64 Paid
Prothy:	\$ 2.00
Total Costs:	\$ 33.64
Refunded:	\$ 91.36

Sworn and subscribed

to before me this 18th
day of January 2001
By Thomas A. Demko

**PROTHONOTARY
CLERK OF COURTS**

My Commission Expires
1st Monday of January 2002.
Jefferson County, PA

So Answers,

Carl J. Gotwald, Sr.
Deputy
Thomas A. Demko
Sheriff
JEFFERSON COUNTY, PENNSYLVANIA

CSX
REAL PROPERTY
Betty D. Jones
Director

301 West Bay Street
Suite 800, S/C J915
Jacksonville, FL 32202-5184
(904) 633-4517
Telefax (904) 633-4581

VIA FACSIMILE/ 215-972-1818
and U. S. MAIL

March 15, 2001

John J. Barrett Jr.
Saul Ewing LLP
Attorneys at Law
Centre Square West
1500 Market Street, 38th Floor
Philadelphia, PA 19102-2186

*Ron:
File*

RE: John L. Buhler & Margaret Buhler v. CSX Transportation, Inc.
Case No. 00-1508-CD

Dear Mr. Barrett:

This refers to the above-captioned quiet title action. CSX Transportation, Inc., has reviewed its land records and does not claim any portion of the land involved in the quiet title action. Accordingly, the retention of local counsel to file an Answer or other responsive pleading is not cost-justified. The purpose of this letter is to advise you that CSX Transportation, Inc., will not be involved in the proceeding.

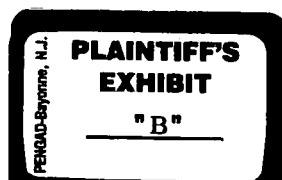
If I can be of further service, please advise; otherwise, our records on this action are being closed.

Sincerely,

Betty D. Jones
Betty D. Jones

cc: W. C. Basney, Esq.

5:PM P442P4932033-MISC UCHN L BUHLER V CSXT NIL JOC



** TOTAL PAGE.02 **

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

JOHN L. BUHLER and
MARGARET BUHLER,

Plaintiffs,

vs.

CSX TRANSPORTATION,
INC., a Virginia corporation,
and BUFFALO & PITTSBURGH
RAILROAD, INC., a Delaware
Corporation,

Defendant.

No: 00-1508-CD

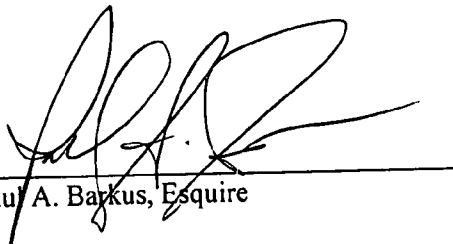
Type of Case:
CIVIL

AFFIDAVIT

I, Paul A. Barkus, Esquire, who being duly sworn according to law, acknowledge that I am the legal representative of the above-named Plaintiffs, John L. and Margaret Buhler and acknowledge all facts and averments thereof contained within the Motion to Quiet Title to be true and correct to the best of my knowledge, information and belief, and that I have executed this acknowledgment for the purposes contained herein. I further state that the above-named Defendants have been served the Complaint with a Notice to Plead and that the Defendants have not answered said Complaint.

Date:

8-14-01


Paul A. Barkus, Esquire



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

JOHN L. BUHLER and
MARGARET BUHLER,

Plaintiffs,

vs.

CSX TRANSPORTATION,
INC., a Virginia corporation,
and BUFFALO & PITTSBURGH
RAILROAD, INC., a Delaware
Corporation,

Defendant.

No: 00-1508-CD

Type of Case:
CIVIL

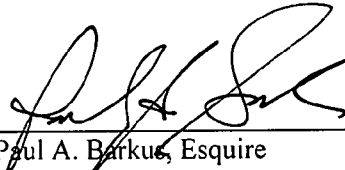
CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of Plaintiffs' Judgment Quieting Title submitted to the Clearfield County Court Administrator in the above-entitled action was served on the following via First-Class, United States Mail, Postage Prepaid, United States Mail, postage prepaid:

CSX Transportation, Inc.
c/o John J. Barrett, Esquire
3800 Center Square West
Philadelphia, Pennsylvania 19102
Buffalo & Pittsburgh Railroad, Inc.
201 North Penn Street
Punxsutawney, Pennsylvania 15767

Date:

9-24-01


Paul A. Barkus, Esquire

FILED

SEP 25 2001

03:49 PM
William A. Shaw
Prothonotary

cc
Cathy Buckley

[Signature]

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 10550

BUHLER, JOHN L. & MARGARET

00-1508-CD

VS.

CSX TRANSPORTATION, INC. AI

COMPLAINT ACTION TO QUIET TITLE

SHERIFF RETURNS

NOW JANUARY 10, 2001, THOMAS DEMKO, SHERIFF OF JEFFERSON COUNTY
WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY
TO SERVE THE WITHIN COMPLAINT ACTION TO QUIET TITLE ON BUFFALO &
PITTSBURGH RAILROAD, INC., DEFENDANT.

NOW JANUARY 17, 2001 SERVED THE WITHIN COMPLAINT ACTION TO QUIET TITLE
ON BUFFALO & PITTSBURGH RAILROAD INC., DEFENDANT BY DEPUTIZING THE
SHERIFF OF JEFFERSON COUNTY. THE RETURN OF SHERIFF DEMKO IS HERETO
ATTACHED AND MADE A PART OF THIS RETURN STATING THAT HE SERVED
KEVIN BOWSER, DIRECTOR.

Return Costs

Cost	Description
28.10	SHFF. HAWKINS PAID BY: ATTY.
33.64	SHFF. DEMKO PAID BY: ATTY.
10.00	SURCHARGE PAID BY: ATTY.

FILED

FEB 08 2001
01:10:45am
William A. Shaw
Prothonotary

Sworn to Before Me This

8th Day Of February 2001
William A. Shaw

So Answers,

Chester A. Hawkins
by Marilyn Harris
Chester A. Hawkins
Sheriff

JAN 22 2001

No. 00-1508-CD

Personally appeared before me, Carl J. Gotwald, Sr., Deputy for Thomas A. Demko, Sheriff of Jefferson County, Pennsylvania, who according to law deposes and says that on January 17, 2001 at 3:50 o'clock P.M. served the Reinstated Notice to Defend and Complaint in Action to Quiet Title upon BUFFALO & PITTSBURGH RAILROAD, INC., a Delaware Corporation, Defendant, at place of business, 201 North Penn Street, Borough of Punxsutawney, County of Jefferson, State of Pennsylvania by handing to Kevin Bowser, Director and adult person in charge at time of service, a true and attested copy of the Notice and Complaint, and by making known to him the contents thereof.

Advance Costs Received: \$125.00
My Costs: \$ 31.64 Paid
Prothy: \$ 2.00
Total Costs: \$ 33.64
Refunded: \$ 91.36

Sworn and subscribed

to before me this 18th
day of January 2001
By Harry Demko

**PROTHONOTARY
CLERK OF COURTS**

My Commission Expires
1st Monday of January 2002.
Jefferson County, PA

So Answers,

Carl J. Gotwald, Sr.
Deputy
Thomas A. Demko
Sheriff
JEFFERSON COUNTY, PENNSYLVANIA

DEC 26 2000

COPY

NOV 24 2000

DEC 06 2000

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

JOHN L. BUHLER and
MARGARET BUHLER,
Plaintiffs,

v.

CSX TRANSPORTATION,
INC., a Virginia corporation,
and BUFFALO & PITTSBURGH
RAILROAD, INC., a Delaware
Corporation,
Defendants.

A. D. No. 00-1508-00

Type of Case:
CIVIL

Type of Pleading:
COMPLAINT

Filed on Behalf of:
PLAINTIFFS

Counsel of Record for This Party:
JOSEPH E. BUCKLEY, JR.
100 Main Street
Brookville, PA 15825-1213
(814) 849-2828
I. D. No: 49827
PAUL A. BARKUS, ESQUIRE
I. D. No: 81798

COPY

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

DEC 04 2000

Attest.

William L. Baker
Prothonotary

Dec. 29, 2000 Document
Reinstated/Reissued to Sheriff/Attorney
for service.

William L. Baker
Deputy Prothonotary

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

**JOHN L. BUHLER and
MARGARET BUHLER,
Plaintiffs,**

v.

**CSX TRANSPORTATION,
INC., a Virginia corporation,
and BUFFALO & PITTSBURGH
RAILROAD, INC., a Delaware
Corporation,
Defendants.**

A. D. No. _____

**Type of Case:
CIVIL**

NOTICE TO DEFEND

A PETITION HAS BEEN FILED AGAINST YOU IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PETITION, YOU MUST TAKE ACTION BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND AN ORDER MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR RELIEF REQUESTED BY THE PETITIONER OR MOVANT. YOU MAY LOSE RIGHTS IMPORTANT TO YOU.

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

*David S. Meholick, Court Administrator
Clearfield County Courthouse
Clearfield, Pennsylvania 16830
(814) 765-2641 EXT 32*

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

**JOHN L. BUHLER and
MARGARET BUHLER,
Plaintiffs,**

v.

**CSX TRANSPORTATION,
INC., a Virginia corporation,
and BUFFALO & PITTSBURGH
RAILROAD, INC., a Delaware
Corporation,
Defendants.**

A. D. No. _____

**Type of Case:
CIVIL**

COMPLAINT

AND NOW, comes John L. Buhler and Margaret Buhler, by and through their Attorney, Paul A. Barkus, and set forth this Action to Quiet Title and this Action in Ejectment and other relief, by and through the following averments of fact:

COUNT I

Action to Quiet Title

1. Plaintiffs, John L. Buhler and Margaret Buhler, are adult individuals who at all relevant times have maintained residence at 201 Fairview Hill, Ridgway, PA.
2. Defendant, CSX Corporation, exists as a Virginia corporation, with a mailing address of 500 Water Street, Jacksonville, Florida 32202; Defendant Buffalo and Pittsburgh Railroad, Inc., exists as a Delaware Corporation, with a mailing address of 201 North Penn Street, Punxsutawney, Pennsylvania 15767.
3. The Plaintiffs are titled in fee simple as to the following described property:

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

BEGINNING at a point in the center of Route 255 on the West line of tract of which this is a part; thence along center of Route 255 North 60 Degrees 00 minutes East 1914.0 feet; thence South 11 degrees 50 minutes East 296.5 feet to creed; thence along old creed bed the following South 46 degrees 35 minutes West 924.0 feet; South 71 degrees 40 minutes West 428.0 feet, and South 46 degrees 50 minutes West 710.0 feet; thence North 11 degrees 50 minutes West 599.0 feet, to the place of beginning;

4. The Plaintiffs are in sole and exclusive possession of the following described property, the character of which is an abandoned railroad grade, and which shall be the subject of this Action to Quiet Title:

A strip of land four rods in width extending through the center of the above-described parcel and being an area containing 2.9 acres previously conveyed to the Susquehanna and Southern Railroad from Mary E. Wilson and Richard Wilson by their deed dated July 3, 1903, and recorded in Clearfield County Deed Book 135, page 96.

5. The "above-described parcel" identified in the property description contained within Paragraph 4, is that property owned by the Plaintiffs in fee simple and more fully described in Paragraph 3.
6. Plaintiffs hereby claim title to the subject property above-described as consisting of a strip of land four rods in width, containing an area 2.9 acres, previously conveyed to the Susquehanna and Southern Railroad and as more fully described in Paragraph 4 and as if set forth herein and in its entirety, which consists of an abandoned railroad grade which passes through the Plaintiffs' property, by virtue of Plaintiffs and their predecessors in title having open, continuous, uninterrupted, distinct, visible, hostile, notorious, and exclusive possession of the this property as against the Defendants and their predecessors in title since 1954 and for a period in excess of twenty-one (21) years.
7. The Plaintiffs have made improvements to the subject property, herein described in Paragraph 4, in an amount in excess of \$70,000 and have

maintained these improvements to the present.

8. A true and correct copy of the Deed describing and transferring the real property of Plaintiffs and which excepts and reserves that property herein described in Paragraph 4 and upon which the abandoned railroad grade is situate, is heretofore attached and incorporated as Plaintiffs' Exhibit A.
9. Defendant, CSX Transportation, Inc., as successor through merger, derived title to the subject property, herein described in Paragraph 4, from their predecessor in title, Susquehanna and Southern Railroad Co. which was conveyed subject property from Mary E. Wilson and Richard Wilson by deed dated July 3, 1903, and recorded in Clearfield County Deed Book 135, page 96, heretofore attached and incorporated as Plaintiffs' Exhibit B.
10. Defendant, Buffalo & Pittsburgh Railroad, Inc, derived title to the subject Property, herein described in Paragraph 4, from their predecessor in title, CSX Transportation, Inc., by deed dated October 7, 1991, and recorded in Clearfield County Deed Book 1432, page 285, heretofore attached and incorporated as Plaintiffs' Exhibit C.
11. Defendant, CSX Transportation, Inc., as Defendant's, Buffalo & Pittsburgh Railroad, Inc., predecessor in title to the subject property, did reserve for the benefit of CSX an easement along and/or through the subject property, herein described in Paragraph 4.
12. Defendants have claimed ownership of the subject property, herein described in Paragraph 4.
13. This Action to Quiet Title is brought by the Plaintiffs, John L. Buhler and Margaret Buhler, to validate their interest in the subject property, herein described in Paragraph 4.

14. Upon diligent inquiry, Plaintiffs believe that no other defendants exist who have a claim to have any right title or interest in or against the subject property, herein described in Paragraph 4.
15. This Action to Quiet Title is brought pursuant to the terms and provisions of the Pennsylvania Rules of Civil Procedure 1061 through 1067 inclusive.

WHEREFORE, Plaintiffs pray as follows:

- a. That Defendants and all persons claiming under them be required to set forth the nature of their claims to the subject property herein described in Paragraph 4;
- b. For a decree of this court determining all adverse claims of Defendants and all persons who may claim under them;
- c. For said decree to declare and adjudge that Plaintiffs own absolutely and are entitled to quiet and peaceful possession of the subject property, herein described in Paragraph 4, as against all persons claiming under them, that Defendants and all persons claiming under them have no estate, right, lien, or interest in or to said property or any part thereof, and that title to said property be quieted in Plaintiffs and against all claims of Defendants and all persons claiming under them;
- d. For said decree to permanently enjoin Defendants and all persons who may claim under them from asserting any estate, right, title, lien or interest in or to said property or any part thereof adverse to Plaintiffs;
- e. Cost of this suit; and
- f. Such other and further relief as the Court deems just and proper.

COUNT II

Action to Compel Filing of Ejectment Action

16. Paragraphs 1 through 13 of the within Complaint are hereby incorporated by reference as though set forth more fully at length herein.

17. Defendants have challenged Plaintiffs' possession of the subject property, herein described in Paragraph 4.

WHEREFORE, Plaintiffs request that this Court order Defendants to bring an action in ejectment.

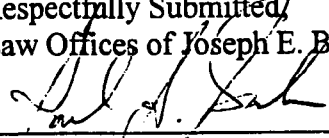
COUNT III

Ejectment

18. Paragraphs 1 through 12 of the within Complaint are hereby incorporated by reference as though set forth more fully at length herein.

WHEREFORE, Plaintiffs request that this Court enter Judgment in favor of Plaintiffs and against Defendants for exclusive possession of the entirety of the subject property, herein described in Paragraph 4.

Respectfully Submitted,
Law Offices of Joseph E. Buckley, Jr.



Paul A. Barkus, Esquire
Attorney for Plaintiffs

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

**JOHN L. BUHLER and
MARGARET BUHLER,
Plaintiffs,**

v.


**CSX TRANSPORTATION,
INC., a Virginia corporation,
and BUFFALO & PITTSBURGH
RAILROAD, INC., a Delaware
Corporation,
Defendants.**

A. D. No. _____
Type of Case:
CIVIL

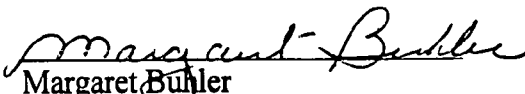
VERIFICATION

We, John L. Buhler and Margaret Buhler, Plaintiffs in the above-captioned action, do verify that the statements made in the within Complaint are true and correct to the best of our information, knowledge and belief. We understand that false statements made herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 11-22-00


John L. Buhler

Date: 11-22-00


Margaret Buhler

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

JOHN L. BUHLER and
MARGARET BUHLER,
Plaintiffs,

vs.

CSX TRANSPORTATION,
INC., a Virginia corporation,
and BUFFALO & PITTSBURGH
RAILROAD, INC., a Delaware
Corporation,
Defendant.

No: 00-1508-CD

Type of Case:
CIVIL

Type of Pleading:
PLAINTIFFS' VERIFICATION
TO AMENDED COMPLAINT

Filed on Behalf of:
Plaintiffs

Counsel of Record for This Party:
JOSEPH E. BUCKLEY, JR.
100 Main Street
Brookville, PA 15825-1213
(814) 849-2828
I. D. No: 49827
PAUL A. BARKUS, ESQUIRE
I. D. No: 81798

FILED

FEB 08 2001

William A. Shaw
Prothonotary

FEB 05 2001

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

JOHN L. BUHLER and
MARGARET BUHLER,
Plaintiffs,

vs.

CSX TRANSPORTATION,
INC., a Virginia corporation,
and BUFFALO & PITTSBURGH
RAILROAD, INC., a Delaware
Corporation,
Defendant.

No: 00-1508-CD

Type of Case:
CIVIL

VERIFICATION

We, John L. Buhler and Margaret Buhler, in the above-captioned action, do verify that the statements made in the within Amended Complaint are true and correct to the best of our knowledge, information and belief. We understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.

DATED:

2-2-01

John L. Buhler
John L. Buhler

DATED:

2-2-01

Margaret Buhler
Margaret Buhler

FILED

FFR 08 2001

m1154/m0cc

William A. Shaw

Prothonotary

WAS

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

JOHN L. BUHLER and
MARGARET BUHLER,
Plaintiffs,

vs.

CSX TRANSPORTATION,
INC., a Virginia corporation,
and BUFFALO & PITTSBURGH
RAILROAD, INC., a Delaware
Corporation,
Defendant.

No: 00-1508-CD

Type of Case:
CIVIL

Type of Pleading:
MOTION TO WITHDRAW
PLAINTIFF'S MOTION FOR
LEAVE OF COURT TO AMEND
COMPLAINT

Filed on Behalf of:
Plaintiffs

Counsel of Record for This Party:
JOSEPH E. BUCKLEY, JR.
100 Main Street
Brookville, PA 15825-1213
(814) 849-2828
I. D. No: 49827
PAUL A. BARKUS, ESQUIRE
I. D. No: 81798

FILED

FEB 20 2001

William A. Shaw
Prothonotary

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

**JOHN L. BUHLER and
MARGARET BUHLER,
Plaintiffs,**

vs.

**CSX TRANSPORTATION,
INC., a Virginia corporation,
and BUFFALO & PITTSBURGH
RAILROAD, INC., a Delaware
Corporation,
Defendant.**

No: 00-1508-CD

**Type of Case:
CIVIL**

ORDER

AND NOW, this 23rd day of February, 2001, upon consideration of Plaintiffs' Motion to Withdraw Motion for Leave of Court to Amend Plaintiffs' Complaint, it is hereby

ORDERED that Plaintiffs Motion is hereby granted and that the Hearing scheduled for March 2, 2001 at 2:30 PM is hereby canceled.

By the Court:

P.J.

FILED

FEB 23 2001

William A. Shaw
Prothonotary

FILED
FEB 23 1981
013:39
1 CC
Atty Buckley
William A. Shaw
Prothonotary

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

**JOHN L. BUHLER and
MARGARET BUHLER,
Plaintiffs,**

vs.

**CSX TRANSPORTATION,
INC., a Virginia corporation,
and BUFFALO & PITTSBURGH
RAILROAD, INC., a Delaware
Corporation,
Defendant.**

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No: 00-1508-CD

**Type of Case:
CIVIL**

**MOTION TO WITHDRAW
PLAINTIFFS' MOTION FOR LEAVE TO AMEND COMPLAINT**

AND NOW, come the Plaintiffs, John L. Buhler and Margaret Buhler, by and through their Attorneys, the Law Office of Joseph E. Buckley, Jr. and Paul A. Barkus, Esq., and files the following Motion to Withdraw Plaintiffs' Motion for Leave of Court to Amend their Complaint:

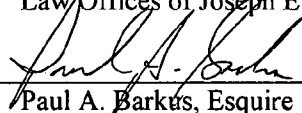
1. The Petitioners, John L. Buhler and Margaret Buhler are the Plaintiffs in the above-captioned action.
2. The Respondent, CSX Transportation, Inc. and Buffalo & Pittsburgh Railroad, Inc. are the Defendants in the above-captioned action.
3. Due to an error in the information obtained from CT Corporation of Philadelphia, Pennsylvania, the corporation name change of the Defendant, CSX Transportation, Inc., a Virginia Corporation, remains unchanged in its Complaint.
4. In order for service to be made properly in this matter and to the property Defendant, Petitioners must refile the original Complaint reflecting the correct corporation name of CSX Transportation, Inc., a Virginia Corporation.

5. Plaintiffs respectfully request that the Hearing on Plaintiffs' Motion for Leave of Court to Amend Complaint scheduled in this matter be canceled.

WHEREFORE, Petitioners pray for an order from this Honorable Court canceling the Hearing on its Motion for Leave of Court to Amend Complaint scheduled for March 2, 2001 at 2:30 PM and respectfully requests that Plaintiff's be permitted to refile their Complaint for service upon the correct Defendant.

Date: 3-16-01

Respectfully Yours,
Law Offices of Joseph E. Buckley, Jr.



Paul A. Barkus, Esquire
Law Office of Joseph E. Buckley, Jr.
Counsel for Plaintiffs

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

**JOHN L. BUHLER and
MARGARET BUHLER,
Plaintiffs,**

vs.

**CSX TRANSPORTATION,
INC., a Virginia corporation,
and BUFFALO & PITTSBURGH
RAILROAD, INC., a Delaware
Corporation,
Defendant.**

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No: 00-1508-CD

**Type of Case:
CIVIL**

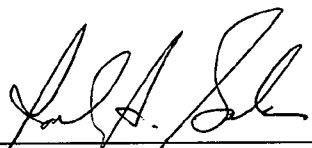
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Plaintiffs' Motion to Withdraw Motion for Leave of Court to Amend Complaint filed with the Prothonotary in the above-entitled action was served on the following via First-Class, United States Mail, postage prepaid, on the date set forth below unless otherwise indicated:

CT Corporation Systems
1515 Market Street, Suite 1210
Philadelphia, PA 19102

Buffalo & Pittsburgh Railroad, Inc.
201 North Penn Street
Punxsutawney, PA 15767

DATED: 2-16-01



Paul A. Barkus, Esquire
Law Offices of Joseph E. Buckley, Jr.

FILED

FEB 20 2001

012261155-CH
William A. Shaw
Prothonotary

ctg

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

JOHN L. BUHLER and
MARGARET BUHLER,
Plaintiffs,

vs.

CSX TRANSPORTATION,
INC., a Virginia corporation,
and BUFFALO & PITTSBURGH
RAILROAD, INC., a Delaware
Corporation,
Defendant.

No: 00-1508-CD

Type of Case:
CIVIL

Type of Pleading:
PRAECIPE TO REINSTATE
COMPLAINT

Filed on Behalf of:
Plaintiffs

Counsel of Record for This Party:
JOSEPH E. BUCKLEY, JR.
100 Main Street
Brookville, PA 15825-1213
(814) 849-2828
I. D. No: 49827
PAUL A. BARKUS, ESQUIRE
I. D. No: 81798

FILED

FEB 26 2001

William A. Shaw
Prothonotary

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

JOHN L. BUHLER and
MARGARET BUHLER,
Plaintiffs,

vs.

CSX TRANSPORTATION,
INC., a Virginia corporation,
and BUFFALO & PITTSBURGH
RAILROAD, INC., a Delaware
Corporation,
Defendant.

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: No: 00-1508-CD
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: Type of Case:
: CIVIL
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PRAECIPE TO REINSTATE COMPLAINT

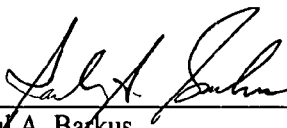
TO THE PROTHONOTARY:

Kindly reinstate the above-captioned Civil Complaint.

Respectfully Submitted,
Law Offices of Joseph E. Buckley, Jr.

Date: 2-16-01

By:



Paul A. Barkus
Attorney for Plaintiffs

FILED

FEB 26 2001
10:25 AM
William A. Shaw
Prothonotary
Pd. \$7.00
Buckley

2-26-01 Document
Reinstated / Reissued to Sheriff's Office
for service.

William A. Shaw
Deputy Prothonotary

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

**JOHN L. BUHLER and
MARGARET BUHLER,
Plaintiffs,**

vs.

**CSX TRANSPORTATION,
INC., a Virginia corporation,
and BUFFALO & PITTSBURGH
RAILROAD, INC., a Delaware
Corporation,
Defendant.**

No: 00-1508-CD

**Type of Case:
CIVIL**

**Type of Pleading:
CERTIFICATE OF SERVICE**

**Filed on Behalf of:
Plaintiffs**

**Counsel of Record for This Party:
JOSEPH E. BUCKLEY, JR.
100 Main Street
Brookville, PA 15825-1213
(814) 849-2828
I. D. No: 49827
PAUL A. BARKUS, ESQUIRE
I. D. No: 81798**

FILED

MAR 05 2001

**William A. Shaw
Prothonotary**

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

**JOHN L. BUHLER and
MARGARET BUHLER,
Plaintiffs,**

v.

**CSX TRANSPORTATION, INC.,
a Virginia Corporation,
and BUFFALO & PITTSBURGH
RAILROAD, INC., a Delaware
Corporation,
Defendants.**

No: 00-1508-CD
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Type of Case:
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CIVIL
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CERTIFICATE OF SERVICE

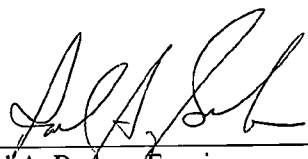
I hereby certify that a true and correct copy of the Complaint filed in the above-entitled action with the Prothonotary was served on the following via Certified, United States Mail, postage prepaid, on the date set forth below unless otherwise indicated:

Buffalo and Pittsburgh Railroad, Inc.
201 North Penn Street
Punxsutawney, PA 15767
(Served by Sheriff of Jefferson County, PA. on January 17, 2001)

CSX Transportation, Inc.
c/o John J. Barrett, Esquire
3800 Center Square West
Philadelphia, PA 19102

Dated: _____

3-1-01



Paul A. Barkus, Esquire

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

JOHN L. BUHLER and
MARGARET BUHLER,
Plaintiffs,

vs.

CSX TRANSPORTATION,
INC., a Virginia corporation,
and BUFFALO & PITTSBURGH
RAILROAD, INC., a Delaware
Corporation,
Defendant.

No: 00-1508-CD

Type of Case:
CIVIL

Type of Pleading:
NOTICE OF INTENT TO
ENTER DEFAULT JUDGMENT


Filed on Behalf of:
Plaintiffs

Counsel of Record for This Party:
JOSEPH E. BUCKLEY, JR.
100 Main Street
Brookville, PA 15825-1213
(814) 849-2828
I. D. No: 49827
PAUL A. BARKUS, ESQUIRE
I. D. No: 81798

FILED

MAR 29 2001

William A. Shaw
Prothonotary


Paul A. Barkus, Attorney for Plaintiffs

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

**JOHN L. BUHLER and
MARGARET BUHLER,
Plaintiffs,**

vs.

**CSX TRANSPORTATION,
INC., a Virginia corporation,
and BUFFALO & PITTSBURGH
RAILROAD, INC., a Delaware
Corporation,
Defendant.**

No: 00-1508-CD

**Type of Case:
CIVIL**

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of Notice of Intent to Enter Default Judgment in the above-entitled action was served on the following via First-Class, United States Mail, Postage Prepaid and also Certified/Return Receipt, United States Mail, postage prepaid:

CSX Transportation, Inc.
C/o John J. Barrett, Esquire
3800 Center Square West
Philadelphia, Pennsylvania 19102

Buffalo & Pittsburgh Railroad, Inc.
201 North Penn Street
Punxsutawney, Pennsylvania 15767

Date: 3-28-01


Paul A. Barkus, Esquire

FILED

MAR 29 2001

William A. Shaw
Prothonotary

11cc
G1
Buckley

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

JOHN L. BUHLER and
MARGARET BUHLER,
Plaintiffs,

vs.

CSX TRANSPORTATION,
INC., a Virginia corporation,
and BUFFALO & PITTSBURGH
RAILROAD, INC., a Delaware
Corporation,
Defendant.

No: 00-1508-CD

Type of Case:
CIVIL

Type of Pleading:
MOTION TO QUIET TITLE
AFFIDAVIT OF SERVICE

Filed on Behalf of:
Plaintiffs

Counsel of Record for This Party:
JOSEPH E. BUCKLEY, JR.
100 Main Street
Brookville, PA 15825-1213
(814) 849-2828
I. D. No: 49827
PAUL A. BARKUS, ESQUIRE
I. D. No: 81798

FILED

AUG 15 2001

William A. Shaw
Prothonotary

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

**JOHN L. BUHLER and
MARGARET BUHLER,
Plaintiffs,**

vs.

**CSX TRANSPORTATION,
INC., a Virginia corporation,
and BUFFALO & PITTSBURGH
RAILROAD, INC., a Delaware
Corporation,
Defendant.**

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No: 00-1508-CD

**Type of Case:
CIVIL**

**MOTION TO QUIET TITLE PURSUANT TO Pa.R.C.P. 1066
and AFFIDAVIT OF SERVICE**

AND NOW, this 8th day of August, 2001, come the Plaintiffs, John L. Buhler and Margaret Buhler, by and through their Attorney, the Law Offices of Joseph E. Buckley, and Paul A. Barkus, Esq., filing this Petition to Quiet Title, pursuant to Pa.R.C.P. 1066, setting forth the following herein support:

1. At the above-captioned Docket Number, Complaint to quiet title to property situate in Huston Township, Clearfield County was filed on December 4, 2000, as against Defendants CSX Transportation, Inc., and Buffalo & Pittsburgh Railroad, Inc.
2. Said Complaint was reinstated on December 29, 2000.
3. The reinstated Complaint was served on Buffalo & Pittsburgh Railroad, Inc. by the Sheriff of Jefferson County on January 17, 2001.
4. Due to incorrect information provided Plaintiffs' Counsel by the Pennsylvania Department of Corporation Bureau with respect to the identity of the registered agent of CSX Transportation, Inc., and the resultant delay in determining the

correct registered agent, it became necessary to again reinstate the Complaint, which Complaint was reinstated on February 26, 2001.

5. The reinstated Complaint was served on the registered agent of Defendant, CSX Transportation, Inc., John L. Barrett, Jr., Esq., by USPS Certified Mail, return receipt requested, on March 3, 2001, a copy of the receipt of said mailing is attached at Plaintiffs' Exhibit "A".
6. The USPS delivered process and returned to Plaintiffs' Counsel the return receipt of service to CSX's registered agent, which return receipt was returned without the signature of the registered agent.
7. Said unsigned return receipt was returned to the USPS to be properly executed by the registered agent of CSX, which return receipt was then lost by the USPS.
8. A copy of the filing with the USPS of non-receipt is attached as Plaintiffs' Exhibit "B" and the USPS response is attached as Plaintiffs' Exhibit "C".
9. The Defendants have failed to answer or otherwise plea to the Complaint filed in this matter.
10. Defendant, Buffalo & Pittsburgh Railroad, Inc., denies an ownership interest in the subject property.
11. Defendant, CSX Transportation, Inc., through its legal counsel, has stated to Plaintiffs' Counsel that it does not intend to take any action of any nature in response to the Complaint filed.
12. A copy of a facsimile from CSX Transportation's legal counsel states that it is CSX's decision not to answer or otherwise plead to the action to quiet title filed by Plaintiffs and is attached as Plaintiffs' Exhibit "D".
13. An affidavit stating that the Defendants have been served the Complaint with a Notice to Defend and that the Defendants have not filed an answer is attached as Plaintiffs' Exhibit "E".

14. A copy of this Motion to Quiet Title Pursuant to Pa.R.C.P. 1066, has been mailed by First Class Mail to Defendants on August 10, 2001.
15. Pursuant to Pa.R.C.P. 1066, Plaintiffs are entitled to judgment in their favor and as against the Defendants.

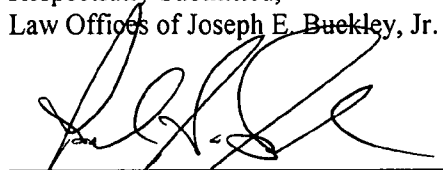
WHEREFORE, and on the basis of the foregoing, Plaintiffs respectfully request an Order of this Honorable Court that the Defendants are forever barred from asserting any right, lien, title, or interest in the real property subject to this action to quiet title, which is inconsistent with the interest and/or claim that Plaintiffs set forth in their Complaint and such other relief as this Honorable Court deems just.

Respectfully Submitted,
Law Offices of Joseph E. Buckley, Jr.

Date:

8-14-01

By:



Paul A. Barkus, Esquire

QBwhter

7099 3400 0001 4804 3792

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

Article Sent To: _____

C/O John Barrett, Esq., 3800 Center Sq. W., Philadelphia, PA 19102

Postage	\$	1.18
Certified Fee		1.40
Return Receipt Fee (Endorsement Required)		1.25
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	3.83

Name (Please Print Clearly) (to be completed by mailer)

Street, Apt. No., or PO Box No.

Joseph D. Buckley, Esquire, 100 Main St., Brookville, PA 15825-1213

PS Form 3800, July 1999 See Reverse for Instructions

03 MAR 2001

PLAINTIFF'S
EXHIBIT
"A"



UNITED STATES
POSTAL SERVICE®

Consumer Service Card

1. PRINT FIRMLY 2. REMOVE TOP COPY FOR CUSTOMER RECORD 3. COMPLETE THE ADDRESS ON 4. MAIL
(Do not separate remaining copies.) BACK OF THIS CARD (Postage Paid By USPS)

Name Law Offices of Joseph E. Buckley, Jr.		Date (Month, Day, Year) 5-29-01		No. G18 734 930	
Mailing Address (No. and Street, Apt. or Box No.) 100 Main Street		City or Town Brookville	State PA	ZIP Code 15825-1213	Customer Phone (8 a.m. - 5 p.m.) (814) 849-2828
Is This <input type="checkbox"/> Information Request <input type="checkbox"/> Suggestion <input checked="" type="checkbox"/> Problem <input type="checkbox"/> Compliment					
Did It Involve <input type="checkbox"/> Delay <input checked="" type="checkbox"/> Nonreceipt (Prepare 1510) <input type="checkbox"/> Damage <input type="checkbox"/> Misdelivery <input type="checkbox"/> Improperly Returned <input type="checkbox"/> Change of Address <input type="checkbox"/> Vending Equipment <input type="checkbox"/> Window Services <input type="checkbox"/> Personnel <input type="checkbox"/> Other		Was It <input checked="" type="checkbox"/> Letter <input type="checkbox"/> Flat / Large Envelope <input type="checkbox"/> Package <input type="checkbox"/> Newspaper / Magazine <input type="checkbox"/> Advertisement		Was Mailing <input checked="" type="checkbox"/> First-Class <input type="checkbox"/> Priority Mail <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input type="checkbox"/> Express Mail <input checked="" type="checkbox"/> Other	
If This Is A Problem With A Specific Mailing, Please Complete The Following:		USPS USE ONLY			
		Recording Employee Name			
		Date Customer Contacted	Customer Contacted By		
		Describe USPS Action			

Please Give Essential Facts (If change of address problem, please include previous address.)

On 3-3-01, we sent a Certified letter, first-class, return receipt requested to Attorney John Barrett, 3800 Center Sq. W., Philadelphia, PA 19102, Receipt Number 7099 3400 0001 4804 3792. We contacted the Brookville Post Office on several occasions and on two of those occasions, provided the Return Receipt No. to locate the green card. The first time we received the green card, it was not sign. We returned it to the postal carrier from the Brookville P.O. and contacted the postmaster, who has not located the green card.

PS Form 4314-C, January 1995

THANK YOU. You will be contacted soon by your Post Office.

CUSTOMER COPY - 1



Buhler



06 JUN 2001

June 4, 2001

Attorney Joseph E. Buckely, Jr.
100 Main Street
Brookville, PA 15825-1213

Dear Attorney Buckely:

This is in response to your recent consumer service card. Please accept our apologies for our failure to provide the certified mail service that you paid for. I researched your certified number in our electronic delivery record database. Regrettably, there is no record of this certified letter. Since manual records are no longer kept, there is no other search for a signature that can be done.

If this is something that can be resent at our expense, your local post office would be happy to do that for you. If you want a refund for the fees paid, please present your mailing receipt to the post office.

Again, we apologize for the inconvenience and disappointment this service failure has caused.

Sincerely,

Barbara Gerenser

Barbara A. Gerenser
Manager, Consumer Affairs & Claims

cc: Postmaster, Brookville

Reference: G18734930



CSX
REAL PROPERTY
Betty D. Jones
Director

301 West Bay Street
Suite 800, S/C J915
Jacksonville, FL 32202-5184
(904) 633-4517
Telefax (904) 633-4581

VIA FACSIMILE/ 215-972-1818
and U. S. MAIL

March 15, 2001

John J. Barrett Jr.
Saul Ewing LLP
Attorneys at Law
Centre Square West
1500 Market Street, 38th Floor
Philadelphia, PA 19102-2186

*Ron:
File*

RE: John L. Buhler & Margaret Buhler v. CSX Transportation, Inc.
Case No. 00-1508-CD

Dear Mr. Barrett:

This refers to the above-captioned quiet title action. CSX Transportation, Inc., has reviewed its land records and does not claim any portion of the land involved in the quiet title action. Accordingly, the retention of local counsel to file an Answer or other responsive pleading is not cost-justified. The purpose of this letter is to advise you that CSX Transportation, Inc., will not be involved in the proceeding.

If I can be of further service, please advise; otherwise, our records on this action are being closed.

Sincerely,

Betty D. Jones

Betty D. Jones

cc. W. C. Basney, Esq.

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** TOTAL PAGE.02 **

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No: 00-1508-CD

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AFFIDAVIT

I, Paul A. Barkus, Esquire, who being duly sworn according to law, acknowledge that I am the legal representative of the above-named Plaintiffs, John L. and Margaret Buhler and acknowledge all facts and averments thereof contained within the Motion to Quiet Title to be true and correct to the best of my knowledge, information and belief, and that I have executed this acknowledgment for the purposes contained herein. I further state that the above-named Defendants have been served the Complaint with a Notice to Plead and that the Defendants have not answered said Complaint.

Date:

8-14-01


Paul A. Barkus, Esquire



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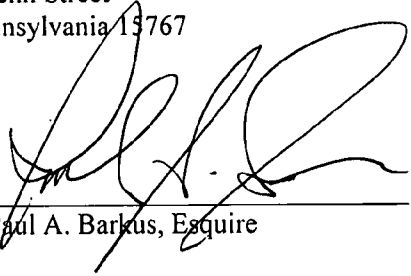
CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of Plaintiffs' Motion to Quiet Title submitted to the Prothonotary in the above-entitled action was served on the following via First-Class, United States Mail, Postage Prepaid and also Certified/Return Receipt, United States Mail, postage prepaid:

CSX Transportation, Inc.
C/o John J. Barrett, Esquire
3800 Center Square West
Philadelphia, Pennsylvania 19102

Buffalo & Pittsburgh Railroad, Inc.
201 North Penn Street
Punxsutawney, Pennsylvania 15767

Date: 8-14-01


Paul A. Barkus, Esquire

FILED

m/ 1.10/2p
AUG 15 2001

cc-
Sty J. Buckley Jr.

Ed


William A. Shaw
Prothonotary