

00-1605-CB
GEORGE J. ROSENBERG etal -vs- GEORGE BERGER etal

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

GEORGE J. ROSENBERG and
GENEVIEVE M. ROSENBERG, his
wife,
Plaintiffs

vs.

GEORGE BERGER, a/k/a GEORGE
BERGER, JR, and ELIZABETH
BERGER, his wife;

JOEL BERGER and MARIE
BERGER, his wife;

GEORGE W. BERGER;

JACOB BERGER and ROSE
BERGER, his wife;

GROVER C. BERGER;

ELLA AUSTIN and VANCE
AUSTIN, her husband;

ROY BERGER;

W. ALBERT RAMEY and AUDREY
H. RAMEY, his wife;

NANCY KLOAP;

JOANNE STEELE;

HELEN SMART;

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

Defendants

: No.: 00- 1605-CD
:
: Type of Case: Quiet
: Title Action
: Type of Pleading:
: Complaint
: Filed on behalf of:
: Plaintiffs
: Counsel of Record For
: This Party:
: Girard Kasubick, Esq.
: Supreme Court #30109
: LEHMAN & KASUBICK
: 611 Brisbin Street
: Houtzdale, PA 16651

FILED

DEC 29 2000

William A. Shaw
Prothonotary

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and AUDREY H. RAMEY, his wife;
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QUIET TITLE ACTION

NOTICE

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing

with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiffs. You may lose money or property or other rights important to you.

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

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

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QUIET TITLE ACTION

COMPLAINT

AND NOW comes, George J. Rosenberg and Genevieve M. Rosenberg, his wife, by and through their attorney, Girard Kasubick, Esq., and files the following Complaint:

1. The Plaintiffs are George J. Rosenberg and Genevieve M. Rosenberg, his wife, of R.R. 1, Box 41, Houtzdale, PA 16651.

2. The Defendants, George Berger, a/k/a George Berger, Jr., and Elizabeth Berger, his wife; Joel Berger and Marie Berger, his wife; George W. Berger, Jacob Berger and Rose Berger, his wife; Grover C. Berger; Ella Austin and Vance Austin, her husband; Roy Berger; W. Albert Ramey and Audrey H. Ramey, his wife; Nancy Kloap, Joanne Steele, Helen Smart; and their heirs, executors, administrators, successors, trustees and assigns, known or unknown, and any other person who may claim title under them, and who are deceased or their whereabouts are unknown.

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

BEGINNING at a post corner on Lynnwood Street and Clearfield Creek; thence running along line of Clearfield Creek in a Southerly direction one hundred fifty (150) feet to corner of Lot No. 29; thence along line of Lot No. 29 in an Easterly direction one hundred seventy-six (176) feet to post on alley; thence North along line of said alley one hundred fifty (150) feet to post on Lynnwood Street; thence West along line of Lynnwood Street two hundred (200) feet to post and place of beginning. Containing four lots, Nos. 15, 16, 17 and 18 as marked and numbered on plan of lots of the Davis piece.

The property described herein shall be hereinafter referred to as "Premises".

4. The deeds and method by which George J. Rosenberg and Genevieve M. Rosenberg obtained title to the real

property described in Paragraph 3 of this Complaint is as follows:

a). The Premises subject of this action was conveyed to George J. Rosenberg and Genevieve M. Rosenberg by deed from Willmena Rosenberg, widow, dated May 21, 1997 and recorded in Clearfield County Deeds and Records Book 1844, page 40. The Premises subject of this action being the Second Thereof in said deed.

b). The Premises subject of this action was conveyed to Paul M. Rosenberg and Willmena Rosenberg, his wife, by deed from J. W. Laing and Chrissie M. Laing, his wife, dated March 6, 1947 and recorded in Clearfield County Deed Book 382, page 67. This transfer completed the terms of an Article of Agreement between the parties recorded in Clearfield County Miscellaneous Book 66, page 350.

c). Paul M. Rosenberg died on March 6, 1986, thereby vesting title to the Premises in his wife, Willmena Rosenberg.

d). The Premises subject of this action was conveyed to J. W. Laing by deed from the Clearfield County Commissioners in the name of George Berger, Jr., dated May 25, 1943 and recorded in Clearfield County Deed Book 346, page 321. The Premises described in this deed did not contain a bounders description, but described the property as Shanty House and Lot Nos. 15, 16, 17, and 18 in Beccaria

Township assessed in the name of George Berger, Jr. It is averred that this is the same property subject of this action.

e). The Premises subject of this action was conveyed to the Clearfield County Commissioners by deed from H. F. Bigler, Jr., Treasurer of Clearfield County assessed in the name of George Berger, Jr., by deed dated December 31, 1937 and recorded in Clearfield County Deed Book 346, page 320. The property was sold for unpaid 1933 and 1935 taxes and is described as property in Beccaria Township being Shanty House and Lots 15, 16, 17, and 18.

f). The sale of the Shanty House and Lots 15, 16, 17, and 18 in Beccaria Township assessed in the name of George Berger, Jr., from the County Commissioners to J. W. Laing was approved at a private tax sale to Prothonotary File No. 395, May Term, 1943 and by Order of Court dated May 17, 1943.

g). Lands sold to County Book 6, page 199 shows the Shanty House and Lots 15, 16, 17, and 18 in Beccaria Township assessed in the name of George Berger, Jr., sold to the County on November 12, 1937. The remarks state this property was sold at a private sale to File No. 395, May Term, 1943 to W. Albert Ramey.

h). The remarks in Lands Sold to County Book 6, page 199, erroneously states the property was sold at

private sale to W. Albert Ramey in File No. 395, May Term, 1943, because the Order issued in said file number on May 17, 1943 state the property was sold to J. W. Laing as stated in Subparagraph 4.f). above.

i). There was no recorded deed of record in the Clearfield County Records Office from W. Albert Ramey to J. W. Laing or from the County Commissioners to W. Albert Ramey on the Shanty House and Lots 15, 16, 17, and 18 in Beccaria Township and the assessment records of Beccaria Township shows J. W. Laing assessed with the Shanty House and Lots 15, 16, 17, and 18 in 1944.

j). W. Albert Ramey died on February 20, 1968 as shown in Clearfield County Estate File No. 27460. His Estate shows his wife was Audrey H. Ramey and that he had three married daughters, all of age, but no names or addresses are stated in the Estate.

k). Audrey H. Ramey died on January 10, 1989 as shown in Clearfield County Estate File No. 1994-527, but the only thing in the Estate File is a transfer of Inheritance Tax form on property in Union Township and no heirs are listed.

l). As stated in the Affidavit filed with this Complaint, which is incorporated herein, Plaintiffs have learned that the three daughters of W. Albert Ramey and Audrey H. Ramey are Nancy Kloap, Joanne Steele, and Helen

Smart, but it is unknown if they are living and of their whereabouts.

m). The Assessment Records of Beccaria Township shows George Berger, Jr., assessed with Shanty and Lots 15, 16, 17, and 18 from 1933 to 1938 when it notes it was sold to the County.

n). Chrissie Laing, a/k/a Christine Laing was assessed with Lots 15, 16, 17, and 18 from 1932 to 1933 and in 1933 it notes these lots were transferred to George Berger.

o). George Berger was assessed with Lots 15, 16, 17, and 18 from 1924 to 1932 when it states these lots were transferred from George Berger and Roy Berger.

p). After diligent search of the records of the Recorder of Deeds Office of Clearfield County, no recorded deed could be found from Chrissie or Christine Laing to George Berger, a/k/a George Berger, Jr., or to Roy Berger; nor any deed from George Berger, a/k/a George Berger, Jr., or Roy Berger to Chrissie Laing or Christine Laing.

q). The Premises subject of this action being Lots 15, 16, 17, and 18 was part of the property conveyed to Chrissie Laing by deed from Edgar Shaw, J. Boynton Nevling, and Clara Shaw, Executors of A. B. Shaw Estate dated May 8, 1922 and recorded in Clearfield County Deed Book 257, page 209.

r). From deed to other property recorded in Clearfield County Deed Book 333, Page 332, and from the Estate of record in Clearfield County Estate File No. 9317 it shows that George Berger died on December 4, 1922 and that the heirs of George Berger were his wife, Elizabeth Berger and five (5) children, namely; Joel Berger, his wife is Marie Berger; George W. Berger; Jacob Berger and his wife is Rose Berger; Grover C. Berger; and Ella Austin and her husband is Vance Austin. No estates could be found of record on any of the heirs of George Berger.

s). After diligent search of the records of Clearfield County Register of Wills Office, any other named Defendants herein are deceased or their whereabouts are unknown as are any of their heirs.

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

6. This Quiet Title Action is necessary to establish a proper chain of title out of which the real property subject of this action comes, because of irregularities in the chain of title, including tax sale deeds, variances in the descriptions, unidentifiable descriptions, failure to

file estates for deceased parties establishing a proper chain of title, deeds recorded out of order, and unrecorded deeds, all of which raise a question as to the chain of title to the property and create a cloud on title.

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

8. All of the named Defendants to this Action are deceased or their whereabouts are unknown and Plaintiffs have made a diligent and reasonable search to locate the whereabouts of the Defendants, George Berger, a/k/a George Berger, Jr., and Elizabeth Berger, his wife; Joel Berger and Marie Berger, his wife; George W. Berger, Jacob Berger and Rose Berger, his wife; Grover C. Berger; Ella Austin and Vance Austin, her husband; Roy Berger; W. Albert Ramey and Audrey H. Ramey, his wife; Nancy Kloap, Joanne Steele, and Helen Smart, but they are deceased or their whereabouts are unknown.


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

a). That the Plaintiffs, their heirs, executors, personal representatives and assigns are seized of an indefeasible title to the property situated in

Beccaria Township, Clearfield County, Pennsylvania, described herein and that an Order and Decree be entered adjudicating that each of the Defendants and any of their heirs, successors, trustees, personal representatives, or assigns be forever barred from asserting any right, title, lien or interest in the within described parcel of land.

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

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



Girard Kasubick, Esq.
Attorney for Plaintiffs

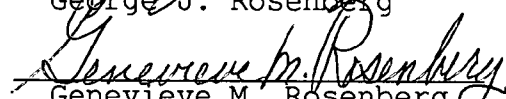
COMMONWEALTH OF PENNSYLVANIA :

§:

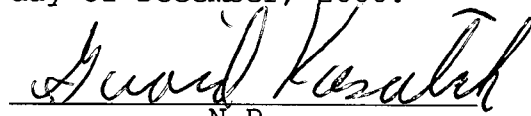
COUNTY OF CLEARFIELD :

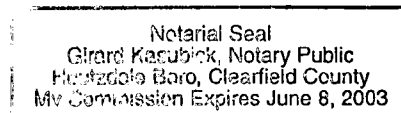
On this, the 27th day of December, 2000, before me, the undersigned officer, personally appeared GEORGE J. ROSENBERG and GENEVIEVE M. ROSENBERG, his wife, who being duly sworn according to law, deposes and says that the facts set forth in the foregoing Complaint are true and correct to the best of their knowledge, information and belief.


George J. Rosenberg


Genevieve M. Rosenberg

Sworn to and subscribed
before me this 27th
day of December, 2000.


N.P.



FILED

DEC 29 2000

William A. Shaw

Prothonotary

no
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Att. pd.
60.00

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

GEORGE J. ROSENBERG and
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BERGER, his wife; GROVER C.
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QUIET TITLE ACTION

FILED

DEC 29 2000

William A. Shaw
Prothonotary

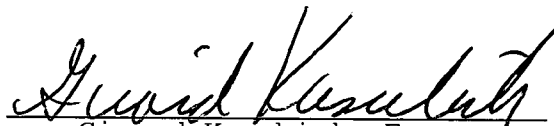
MOTION FOR SERVICE BY PUBLICATION

1. Your Petitioners are George J. Rosenberg and Genevieve M. Rosenberg, his wife, Plaintiffs in the above captioned matter.

2. Petitioners, by attached affidavit incorporated herein by reference thereto, believe that certain of the

named Defendants are deceased or their whereabouts are unknown after investigation as stated in said Affidavit.

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


Girard Kasubick, Esq.
Attorney for Plaintiffs

1
NO
cc
FILED
DEC 8:54 AM
DEC 29 2000
by William A. Shaw
Prothonotary

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QUIET TITLE ACTION

AFFIDAVIT

FILED

DEC 29 2000

William A. Shaw
Prothonotary

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF CLEARFIELD

§:

Before me, the undersigned officer, personally
appeared George J. Rosenberg and Genevieve M. Rosenberg,
his wife, who being duly sworn according to law, deposes

and says that the names of the Defendants, George Berger, a/k/a George Berger, Jr., and Elizabeth Berger, his wife; Joel Berger and Marie Berger, his wife; George W. Berger, Jacob Berger and Rose Berger, his wife; Grover C. Berger; Ella Austin and Vance Austin, her husband; Roy Berger; W. Albert Ramey and Audrey H. Ramey, his wife; Nancy Kloap, Joanne Steele; Helen Smart, and their heirs, executors, administrators, successors, trustees, assigns and successors, known or unknown, are all deceased or their whereabouts are unknown to the Plaintiffs.

Plaintiffs and their attorney have made an investigation to locate the aforesaid Defendants that are unknown, by checking the records of Clearfield County, by doing the following:

a). Review of the telephone directories in the area, including the Philipsburg, Clearfield, and Coalport directories and nothing was found.

b). Contacting the Election Office of Clearfield County for Voter Registration Records on the named Defendants, and nothing was found.

c). Contacting the Bureau of Motor Vehicle of Pennsylvania for records for driving and licenses records on the named Defendants, and nothing was found.

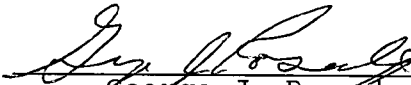
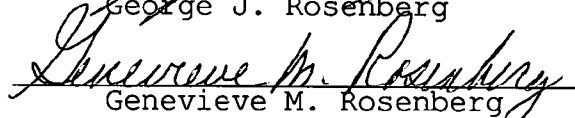
d). Researching the Clearfield County local real estate tax records on the named Defendants, and nothing was found.

e). Researching the Clearfield County records in the Recorder of Deeds Office and Register of Wills Office of Clearfield County, Pennsylvania, however nothing was found on the named Defendants, unless set forth in Paragraph 4 of the Complaint and with any such information on a named Defendant nothing was found to locate a named Defendant.

f). W. Albert Ramey was a practicing attorney in Clearfield County and Plaintiffs contacted Thomas Morgan, Esq., a local attorney who at one time practiced with W. Albert Ramey. Thomas Morgan's office did not know where the children of W. Albert Ramey resided or their names, but his office did provided a phone number for a family friend named Mrs. Edward (Jeanne) Shirey and a former secretary of Mr. Ramey, namely; Viola Evans. Plaintiffs have contacted Jeanne Shirey and Viola Evans by telephone. Jeanne Shirey did not have any information as to the names or addresses of the three children. Viola Evans did know the names of the three children as Nancy Kloap, Joanne Steele, and Helen Smart, and she believed that they lived in various places in the Mid-west, but she did not know where and she

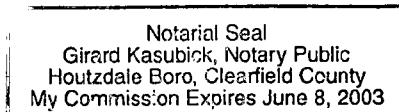
believed that one of them may be deceased. Viola Evans could not provide any specific information to locate Nancy Kloap, Joanne Steele, and Helen Smart.

Therefore, none of the above Defendants can be located or found or they may be deceased, and the Plaintiffs make this Affidavit in conjunction with the Motion for Service by Publication, because Plaintiffs have no information on these named Defendants after diligent search of the records as set forth above.


George J. Rosenberg

Genevieve M. Rosenberg

Sworn to and subscribed
before me this 27th
day of December, 2000.


N.P.



FILED

018:54/84
DEC 29 2000

WILLIAM A. SHAW
Prothonotary

no
cc

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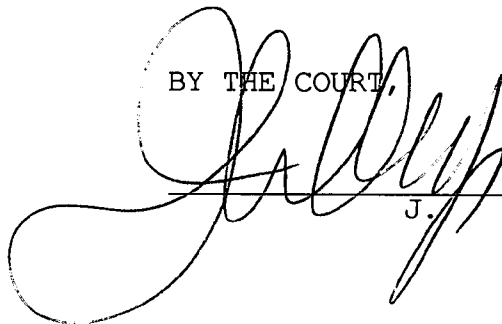
William A. Shaw
Prothonotary

ORDER DIRECTING COMPLAINT TO BE SERVED
BY ADVERTISEMENT ON DEFENDANTS

NOW, this 29th day of December, 2000, the within
Action being an Action to Quiet Title and the Plaintiffs
having made affidavit and completed an investigation to
locate said Defendants as stated in said Affidavit and that
the addresses of certain Defendants are unknown or they may

be deceased and cannot be ascertained, and therefore upon motion of Girard Kasubick, Esq., Attorney for Plaintiffs, it is Ordered and Decreed that substitute service by publication be made upon the Defendants whose addresses are unknown, or may be deceased, by giving notice in the Progress, a newspaper of general circulation published in the Clearfield County area, and in the Clearfield County Legal Journal, to the above named Defendants whose addresses are unknown, or may be deceased; such publication to be one (1) time only stating that this action has been filed, and that this Complaint must be pleaded to within twenty (20) days after publication of notice; otherwise judgment will be taken against all of the Defendants by default.

BY THE COURT,


J.

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FILED

FEB 16 2001

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William A. Shaw
Prothonotary

1 CHAT TO HAY

[Handwritten signature]

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No.: 00-1605-CD

QUIET TITLE ACTION

ORDER OF COURT

NOW, this 16th day of February, 2001, an
Affidavit having been made that service was made by
publication on unknown Defendants in the Clearfield
Progress on January 6, 2001, and in the Clearfield County
Legal Journal the week of January 19, 2001, and it
appearing that it was impossible to serve any other
Defendant by any other means,

IT IS ORDERED AND DECREED that Defendants file suit in ejectment or otherwise enter a proceeding to contest the case within thirty (30) days, or this Order of Court shall become final upon praecipe by Plaintiffs, which hereby Orders and Decrees that title to the land subject of this action is vested absolutely in the Plaintiffs, their heirs and assigns, free and clear of any and all claims of any nature by any of the named Defendants, their heirs, executors, administrators, trustees, successors and assigns or by anyone claiming by, through or under them or any of them, and that the Plaintiffs are seized of an indefeasible title to that tract or parcel of land located in Blain City, Beccaria Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a post corner on Lynnwood Street and Clearfield Creek; thence running along line of Clearfield Creek in a Southerly direction one hundred fifty (150) feet to corner of Lot No. 29; thence along line of Lot No. 29 in an Easterly direction one hundred seventy-six (176) feet to post on alley; thence North along line of said alley one hundred fifty (150) feet to post on Lynnwood Street; thence West along line of Lynnwood Street two hundred (200) feet to post and place of beginning. Containing four lots, Nos. 15, 16, 17 and 18 as marked and numbered on plan of lots of the Davis piece.

BY THE COURT



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GEORGE W. BERGER;

JACOB BERGER and ROSE
BERGER, his wife;

GROVER C. BERGER;

ELLA AUSTIN and VANCE
AUSTIN, her husband;

ROY BERGER;

W. ALBERT RAMEY and AUDREY
H. RAMEY, his wife;

NANCY KLOAP;

JOANNE STEELE;

HELEN SMART;

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

Defendants

: No.: 00-1605-CD
:
: Type of Case: Quiet
: Title Action
: Type of Pleading:
: Motion for Judgment
: Filed on behalf of:
: Plaintiffs
: Counsel of Record for
: This Party:
: Girard Kasubick, Esq.
: Supreme Court #30109
: LEHMAN & KASUBICK
: 611 Brisbin Street
: Houtzdale, PA 16651

FILED

FEB 14 2001


h/1:07/47

William A. Shaw
Prothonotary

no c/c

Journal, and further that all the named Defendants who are deceased or their whereabouts are unknown were not served in any other manner, and no Defendants served by publication having entered an appearance or filed an Answer or having expressed any purpose of intent to be heard or desire to assert title to said property, and twenty (20) days having elapsed since the last publication, and it appearing that it was impossible to serve any of the Defendants by any other means.


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


Girard Kasubick, Esq.
Attorney for Plaintiffs

No C/C

2001, as appears by sworn proof hereto attached, and that all the named Defendants who are deceased or their whereabouts are unknown, were served by publication and not by any other manner. No appearance having been entered on behalf of any of the Defendants served by publication, nor any answer filed by any of them after service of a Complaint containing a notice to defend. Plaintiffs have caused this Affidavit to be made for the purpose of obtaining a decree or Order of Court under Pa. R.C.P. 1066.

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


Girard Kasubick, Esq.
Attorney for Plaintiffs

Sworn to and subscribed
before me this 14th
day of February, 2001.


N.P.

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

LEGAL NOTICE
IN THE COURT
OF COMMON PLEAS
OF CLEARFIELD COUNTY, PA
CIVIL DIVISION
No.: 03-1605-CD
QUIET TITLE ACTION

GEORGE J. ROSENBERG and
GENEVIEVE M. ROSENBERG, his
wife, Plaintiffs

vs.

GEORGE BERGER, a/k/a
GEORGE BERGER, JR. and ELIZ-
ABETH BERGER, his wife; JOEL
BERGER and MARIE BERGER, his
wife; GEORGE W. BERGER; JA-
COB BERGER and ROSE
BERGER, his wife; GROVER C.
BERGER; ELLA AUSTIN and
VANCE AUSTIN, her husband;
ROY BERGER; W. ALBERT RA-
MEY and AUDREY H. RAMEY, his
wife; NANCY KLOAP; JOANNE
STEELE; HELEN SMART; and their
heirs, executors, administrators,
successors, trustees and assigns,
known or unknown, and any other
person who may claim title or an in-
terest in the property subject to this
action, Defendants

ACTION TO
QUIET TITLE
NOTICE

TO: GEORGE BERGER, a/k/a
GEORGE BERGER, JR., and ELIZ-
ABETH BERGER, his wife; JOEL
BERGER and MARIE BERGER, his
wife; GEORGE W. BERGER, JA-
COB BERGER and ROSE
BERGER, his wife; GROVER C.
BERGER; ELLA AUSTIN and
VANCE AUSTIN, her husband;
ROY BERGER; W. ALBERT RA-
MEY and AUDREY H. RAMEY, his
wife; NANCY KLOAP, JOANNE
STEELE, HELEN SMART, and their
heirs, executors, administrators,
successors, trustees, successors

and assigns, known or unknown.

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

BEGINNING at a post corner on
Lynnwood Street and Clearfield
Creek; thence running along line of
Clearfield Creek in a Southerly di-
rection one hundred fifty (150) feet
to corner of Lot No. 29; thence
along line of Lot No. 29 in an East-
erly direction one hundred seventy-
six (175) feet to post on alley;
thence North along line of said alley
one hundred fifty (150) feet to post
on Lynnwood Street; thence West
along line of Lynnwood Street two
hundred (200) feet to post and
place of beginning. Containing four
lots, Nos. 15, 16, 17 and 18 as
marked and numbered on plan of
lots of the Davis piece.

You are further notified to appear
and answer the Complaint in said
Action within twenty (20) days from
the date of this publication, other-
wise judgment will be entered
against you barring you from all
claims, rights and interest inconsis-
tent with the Plaintiffs' claim of title
asset forth in the Complaint.

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :
: SS:
COUNTY OF CLEARFIELD :

On this 10th day of January, A.D. 20 01,
before me, the subscriber, a Notary Public in and for said County and
State, personally appeared Margaret E. Krebs, who being duly sworn
according to law, deposes and says that she is the President of The
Progressive Publishing Company, Inc., and Associate Publisher of The
Progress, a daily newspaper published at Clearfield, in the County of
Clearfield and State of Pennsylvania, and established April 5, 1913, and
that the annexed is a true copy of a notice or advertisement published in
said publication in

the regular issues of January 6, 2001.
And that the affiant is not interested in the subject matter of the notice or
advertising, and that all of the allegations of this statement as to the time,
place, and character of publication are true.

Margaret E. Krebs

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

Ann K. Law

Notary Public Clearfield, Pa.

My Commission Expires
September 16, 2004

NOTICE

TO: GEORGE BERGER, a/k/a
GEORGE BERGER, JR., and ELIZ-
ABETH BERGER, his wife; JOEL
BERGER and MARIE BERGER, his
wife; GEORGE W. BERGER, JA-
COB BERGER and ROSE
BERGER, his wife; GROVER C.
BERGER; ELLA AUSTIN and
VANCE AUSTIN, her husband;
ROY BERGER; W. ALBERT RA-
MEY and AUDREY H. RAMEY, his
wife; NANCY KLOAP, JOANNE
STEELE, HELEN SMART, and their
heirs, executors, administrators,
successors, trustees and assigns,
known or unknown.

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

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

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

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

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

PROOF OF PUBLICATON

STATE OF PENNSYLVANIA :

:

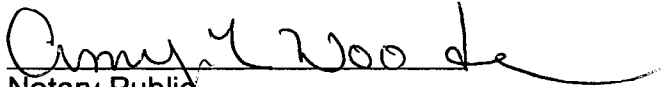
COUNTY OF CLEARFIELD :

On this 5th day of February AD 2001, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Ronald L. Collins who has been appointed as acting editor of the Clearfield County Legal Journal of the Courts of Clearfield County by the editor thereof, Gary A. Knaresboro, during the time of the absence of the said editor for illness, and that the annexed is a true copy of the notice or advertisement published in said publication in the regular issues of Week of January 19, 2001, Vol. 13, No. 3. And that all of the allegations of this statement as to the time, place, and character of the publication are true.

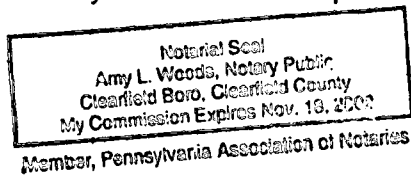


Ronald L. Collins, Esquire
Acting Editor

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



Notary Public
My Commission Expires



Lehman & Kasubick
611 Brisbin Street
Houtzdale, PA 16651

PROOF OF PUBLICATION
Clearfield County Legal Journal

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

GEORGE J. ROSENBERG and GENEVIEVE M. ROSENBERG, his wife, Plaintiffs vs. GEORGE BERGER, a/k/a GEORGE BERGER, JR., and ELIZABETH BERGER, his wife; JOEL BERGER and MARIE BERGER, his wife; GEORGE W. BERGER; JACOB BERGER and ROSE BERGER, his wife; GROVER C. BERGER; ELLA AUSTIN and VANCE AUSTIN, her husband; ROY BERGER; W. ALBERT RAMEY and AUDREY H. RAMEY, his wife; NANCY KLOAP; JOANNE STEELE; HELEN SMART; and their heirs, executors, administrators, successors, trustees and assigns, known or unknown, and any other person who may claim title or an interest in the property subject of this action, Defendants.

ACTION TO QUIET TITLE
NOTICE

No. 00-1605-CD

TO: GEORGE BERGER, a/k/a GEORGE BERGER, JR., and ELIZABETH BERGER, his wife; JOEL BERGER and MARIE BERGER, his wife; GEORGE W. BERGER; JACOB BERGER and ROSE BERGER, his wife; GROVER C. BERGER; ELLA AUSTIN and VANCE AUSTIN, her husband; ROY BERGER; W. ALBERT RAMEY and AUDREY H. RAMEY, his wife; NANCY KLOAP; JOANNE STEELE; HELEN SMART; and their heirs, executors, administrators, successors, trustees and assigns, known or unknown:

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

BEGINNING at a post corner on Lynnwood Street and Clearfield Creek; thence running along line of Clearfield Creek in a Southerly direction one hundred fifty (150) feet to corner of Lot No. 29; thence along line of Lot No. 29 in an

Easterly direction one hundred seventy-six (176) feet to post on alley; thence North along line of said alley one hundred fifty (150) feet to post on Lynnwood Street; thence West along line of Lynnwood Street two hundred (200) feet to post and place of beginning. Containing four lots, Nos. 15, 16, 17 and 18 as marked and numbered on plan of lots of the Davis piece.

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

NOTICE

TO: GEORGE BERGER, a/k/a GEORGE BERGER, JR., and ELIZABETH BERGER, his wife; JOEL BERGER and MARIE BERGER, his wife; GEORGE W. BERGER; JACOB BERGER and ROSE BERGER, his wife; GROVER C. BERGER; ELLA AUSTIN and VANCE AUSTIN, her husband; ROY BERGER; W. ALBERT RAMEY and AUDREY H. RAMEY, his wife; NANCY KLOAP; JOANNE STEELE; HELEN SMART; and their heirs, executors, administrators, successors, trustees and assigns, known or unknown:

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

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

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

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

MAR 20 2001
0/8:42/WR
William A. Shaw
Prothonotary

FILED

MAR 20 2001

o/s. 421 my

William A. Shaw
Prothonotary

NO C/L

ES
KSD