

01-235-CD  
JOHN R. HELLMANN et ux -vs- JOHN S. COWEN et al

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

## CIVIL ACTION - LAW

JOHN R. HELLMANN, \*  
KATHLEEN L. HELLMANN, his wife \* : No. 01-235-CO

Plaintiffs : \*  
\*  
\*  
\* Type of Case: Action  
vs. \* to Quiet Title

JOHN S. COWEN, MARY E. COWEN, \* Type of Pleading: Complaint  
MATTHEW COWEN, their heirs, \*  
executors, administrators, successors \* Filed on Behalf of: Plaintiffs  
and assigrs, AND ALL OTHER \*  
PERSONS, known or unknown, who \*  
may claim interest in the property \*  
described below, \*

Defendants

\*  
\*  
\* Counsel of Record for this Party:  
\*  
\*  
\* David C. Mason, Esquire  
\* 409 North Front Street  
\* P.O. Box 28  
\* Philipsburg, PA 16866  
\* 814-342-2240  
\* Supreme Court ID NO. 39180

FILED

FFB 202001

W.M. Shaw  
Library

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

JOHN R. HELLMANN,  
KATHLEEN L. HELLMANN, his wife

Plaintiffs

vs.

JOHN S. COWEN, MARY E. COWEN,  
MATTHEW COWEN, their heirs,  
executors, administrators, successors  
and assigns, AND ALL OTHER  
PERSONS, known or unknown, who  
may claim interest in the property  
described below,

Defendants

No.

Type of Case: Action  
to Quiet Title

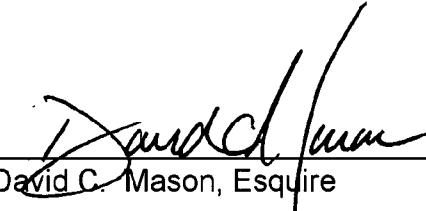
Filed on Behalf of: Plaintiffs

**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 an 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 CAN GET LEGAL HELP.

Court Administrator  
Clearfield County Courthouse  
Clearfield, PA 16830  
(814) 765-2641

  
\_\_\_\_\_  
David C. Mason, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL ACTION - LAW

JOHN R. HELLMANN,	*
KATHLEEN L. HELLMANN, his wife	*
	*
	No.
Plaintiffs	*
	*
	*
	*
	*
vs.	*
	*
	*
	*
JOHN S. COWEN, MARY E. COWEN,	*
MATTHEW COWEN, their heirs,	*
executors, administrators, successors	*
and assigns, AND ALL OTHER	*
PERSONS, known or unknown, who	*
may claim interest in the property	*
described below,	*
Defendants	*
	*

**COMPLAINT IN ACTION TO QUIET TITLE**

**PURSUANT TO PA. R.C.P. §1061(b)(1) and (b) (2)**

AND NOW, comes the Plaintiffs, JOHN R. HELLMANN and KATHLEEN L. HELLMANN, his wife, by and through their attorney, DAVID C. MASON, ESQUIRE, and sets forth a claim against the Defendants named herein and represents as follows:

1. Plaintiffs are JOHN R. HELLMANN and KATHLEEN L. HELLMANN, his wife, with a current mailing address of 2419 Chatham Court, State College, Pennsylvania, 16803-2400.
2. Defendants John S. Cowen, Mary E. Cowen and Matthew Cowen, are individuals whose present whereabouts are unknown, and who are presumed deceased.
3. Matthew Cowen died on March 4, 1901.

4. Commencing in the year 1901, the subject premises were assessed to John S. Cowen.

5. For years 1932, 1933, 1934, and 1935, real estate taxes were returned to the County as being unpaid.

6. On November 12, 1937, the county Treasurer sold the premises to the county Commissioners for nonpayment of real estate taxes, sold as the property of John S. Cowen Estate.

7. There are no estates for John S. Cowen or his wife Mary E. Cowen in the office of Register of Wills of Clearfield County.

8. On April 21, 1943, pursuant to the Deed recorded on April 20, 1970, in Deed Book Volume 560, at page 71, the Commissioners of Clearfield County sold the subject premises to Ed Greinadier.

9. On July 13, 1972, pursuant to the Deed recorded on July 13, 1972, in Deed Book Volume 600, at page 223, Mr. and Mrs. Ed Greinadier sold the subject premises to George D. and Annie Tay or, his wife.

10. On December 5, 1975, pursuant to the Deed recorded on December 5, 1975, in Deed Book Volume 710, at page 482, George D. Taylor and Annie Taylor, his wife sold the subject premises to GRC Coal Company.

11. GRC Coal Company merged into E.P. Bender Coal Company.

12. On May 14, 1999, pursuant to the Quit-Claim Deed that was recorded on May 17, 1999, at Instrument Number 199907801, E.P. Bender Coal Company, Inc. sold the subject premises to John R. Hellmann and Kathleen L. Hellmann, his wife.

**ALL** that certain tract of land situate, lying and being located and situate in Beccaria Township, Clearfield County, Pennsylvania, bounded and described as follows:

**BEGINNING** at a post on line of land of William Noel and corner of land of Whitmer Land and Coal Company; thence North 30 degrees West 8 perches to a stone; thence by Timber Road North 14 degrees East 53 perches to a stone; thence South 70 degrees East 58 perches to a Hemlock thence South 53 1/2 degrees West 65 perches to a post and place of beginning. **CONTAINING** Ten (10) acres.

**BEING** the same premises title to which became vested in the Grantor herein by deed of C & K Coal Company, dated May 17, 1993, and recorded in May 19, 1993, in Clearfield County Record Book Volume 1531, Page 158.

13. Plaintiffs aver that it is the purpose of this Action to Quiet Title to extinguish any of the Defendants' interests as a result of any improprieties in the assessment or sale for nonpayment of real estate taxes of the subject premises.

13. That the Plaintiffs and their predecessors in title have exercised dominion, possession and control of the subject premises for a period in excess of twenty one (21) years, and that said possession has been continuous, open, exclusive and adverse.

14. That it is believed and therefore averred that the said Defendants were fully apprised of the tax sale effecting their interest in the said real estate as hereinbefore described, had due notice thereof, through advertisement in a newspaper of general circulation, through posting of the said premises, by actual notice as provided by registered mail, and that the said Defendants named herein failed and neglected to take any action in order to protect their respective interests in the said premises, they being fully apprised of the same and fully knowledgeable as to the sale of said premises to your Plaintiffs herein or therein predecessors in title.

15. That at no time have any of the herein named Defendants attempted to secure possession of the said estate, contest the title of the Plaintiffs and/or their predecessors

in title or assert any interest, adverse to that of Plaintiffs or their predecessors in title by any legal action or by formal acknowledgment thereof.

16. That the premises herein described in Paragraph 11 is the same premises that Plaintiffs and their predecessors in title have been open, continuous, notorious, hostile and uninterrupted possession for a period in excess of twenty one (21) years, possession of the said premises having been acquired by the Plaintiffs and their predecessors in title as hereinabove set forth.

17. That it is believed and therefore averred that the said Plaintiffs and their predecessors title have throughout their occupancy on the said premises and have further continued in actual uninterrupted exclusive, visible, notorious, distinct and hostile possession of those premises secured by their respective deeds are hereinbefore set forth.

18. That the said Plaintiffs, together with their predecessors in title have, commencing with the year 1937, and continuing up to the present time, made valuable improvements to the said premises, have maintained the same premises, paid all current real estate taxes, and have evidenced a settled intent of excluding all individuals from the use, actual occupation or constructive possession of the premises.

19. That at no time have any of the herein named Defendants attempted to secure possession of the said premises, contest the title of the Plaintiffs or their predecessors in title or assist in the maintenance, repair or improvements of those premises hereinbefore described nor has any asserted any interest adverse to the Plaintiffs by any legal action.

**WHEREFORE**, Plaintiffs file this action and respectfully request the following:

(a) That the Defendants, their heirs, administrators, executors, successors and assigns and all other persons having claim to the premises herein described be forever barred from asserting any right, title or interest in the land described herein inconsistent with the interest or title of Plaintiffs unless the Defendants, their heirs, administrators,

executors, successors and assigns, or those person asserting any right, title or interest in said premises, bring an action of ejectment or other legal or equitable action to establish their claim to the premises described herein or any portion of the same, within the time set be the Court.

(b) That an Order of Court be made declaring the Plaintiffs to be the sole owners and to have exclusive possession of the premises described herein by virtue of their open, uninterrupted and hostile possession of the premises for a period in excess of sixty (60) years.

(c) That an Order be made setting aside any defect which may have resulted from lack of notice of the said tax claim, and/or tax sale, or any other defect or irregularity occurring in the proceedings leading up to and resulting in the tax sale wherein the Plaintiffs secured title, and further confirming all actions of the tax office with respect to the notice requirements and further confirming all other actions undertaken by the tax office preparatory to or in consummation of the subsequent sale, all of which is as provided under the applicable sections of the Pennsylvania Real Estate Transfer Tax Sale Law.

(d) Such further Order as may be necessary for the granting of further relief.

MASON LAW OFFICE

By:

  
\_\_\_\_\_  
David C. Mason  
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL ACTION - LAW

JOHN R. HELLMANN and \*  
KATHLEEN L. HELLMANN, his wife \* No.

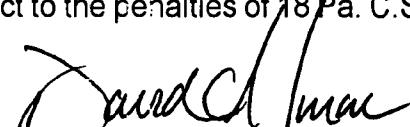
Plaintiffs \*  
vs. \* Type of Case: Action  
\* to Quiet Title

JOHN S. COWEN, MARY E. COWEN, \*  
MATTHEW COWEN, their heirs, \*  
executors, administrators, successors \*  
and assigns, AND ALL OTHER \*  
PERSONS, known or unknown, who \*  
may claim interest in the property \*  
described below,

Defendants \*

VERIFICATION

I, DAVID C. MASON, Attorney for the Plaintiffs, do verify that the statements made in this Complaint are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.

  
\_\_\_\_\_  
David C. Mason

FILED

FEB 20 2001

100-01945 Atty Macon  
William A. Shaw  
Prothonotary pd. #9000

2cc Atty Macon

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL ACTION - LAW

JOHN R. HELLMANN and  
KATHLEEN L. HELLMANN, his wife

\* No. 2001-0235-CD

Plaintiffs

\* Type of Case: Action  
to Quiet Title

vs.

JOHN S. COWEN, MARY E. COWEN,  
MATTHEW COWEN, their heirs,  
executors, administrators, successors  
and assigns, AND ALL OTHER  
PERSONS, known or unknown, who  
may claim interest in the property  
described below,

Defendants \*

ORDER OF COURT

AND NOW, this 26<sup>th</sup> day of February, 2001, upon consideration of Plaintiff's Motion for Service by Publication, including Exhibits and Affidavits attached hereto, Plaintiffs are ordered and directed to serve Notice of the Action to Quiet Title by publication in the Clearfield Progress and the Clearfield County Legal Journal, one time only, of notice of this action, in a form similar to that contained in "Exhibit B" of Plaintiff's Motion for Publication.

FILED

FEB 20 2001

6/4000/calltly

William A. Shaw

Prothonotary

maam

KBD

BY THE COURT:



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL ACTION - LAW

JOHN R. HELLMANN, \*  
KATHLEEN L. HELLMANN, his wife \* No. 01-235-CJ  
\*  
\* Plaintiffs \*  
\*  
\* Type of Case: Action  
vs. \* to Quiet Title  
\*  
\* Type of Pleading: Complaint  
JOHN S. COWEN, MARY E. COWEN, \*  
MATTHEW COWEN, their heirs, \*  
executors, administrators, successors \*  
and assigns, AND ALL OTHER \*  
PERSONS, known or unknown, who \*  
may claim interest in the property \*  
described below, \*  
Defendants \*

**FILED**

FEB 20 2001

William A. Shaw  
Prothonotary

**MOTION FOR SERVICE BY PUBLICATION**

AND NOW appears the Plaintiffs, JOHN R. HELLMANN and KATHLEEN L. HELLMANN, his wife, by and through their attorney, David C. Mason, who represents as follows:

1. That he is the attorney for the Plaintiffs in the above captioned action to Quiet Title.
2. That he is unable to ascertain the whereabouts of any of the named Defendants.
3. That the Plaintiffs, JOHN R. HELLMANN and KATHLEEN L. HELLMANN, his wife, have executed an Affidavit stating that after diligent search they have been unable to ascertain the whereabouts of the Defendants or their heirs, devisees, administrators, executors, or assigns, said Affidavit being attached hereto as "Exhibit A".
4. That counsel for Plaintiffs believes that the best means of service is by publication in a newspaper of general circulation in Clearfield County, in a form as shown in "Exhibit B".

5. That the Plaintiffs have exhausted all reasonable means of attempting to locate the Defendants, or their heirs, including inquiries of relatives, neighbors and friends, and local postal authorities and telephone books of the area.

**WHEREFORE**, Plaintiffs request your Honorable Court to permit the service of the Complaint in this Action to Quiet Title by publishing a Notice similar in form to that of "Exhibit B" in the Clearfield Progress and the Clearfield County Legal Journal, one time only, pursuant to Pa.R.C.P. 430 b(1).

MASON LAW OFFICE

  
\_\_\_\_\_  
David C. Mason, Esquire  
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL ACTION - LAW

JOHN R. HELLMANN,  
KATHLEEN L. HELLMANN, his wife

\*  
\* No.  
\*

Plaintiffs

\*

vs.

\* Type of Case: Action  
\* to Quiet Title

JOHN S. COWEN, MARY E. COWEN,  
MATTHEW COWEN, their heirs,  
executors, administrators, successors  
and assigns, AND ALL OTHER  
PERSONS, known or unknown, who  
may claim interest in the property  
described below,

\* Type of Pleading: Complaint

Defendants

\*

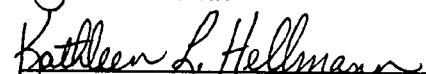
AFFIDAVIT

STATE OF PENNSYLVANIA  
COUNTY OF CENTRE :ss:

Before me, a Notary Public, in and for the above named State and County, personally appeared the Plaintiffs, JOHN R. HELLMANN and KATHLEEN L. HELLMANN, his wife, who being duly sworn according to law, depose and state that after diligent search, they have been unable to locate or find the whereabouts of the heirs, devisees, administrators, executors and assigns of John S. Cowen, Mary E. Cowen, and Matthew Cowen, and any and ALL OTHER PERSON, persons, firms, partnerships, or corporate entities in interest, and further 1) have searched the phone directory and have been unable to locate any of the above-named Defendants; 2) have contacted the United States Post Office in Clearfield County and have been advised that they are not familiar with said Defendants; 3) have contacted the banks in said area and have been advised that they are not familiar with the Defendants.

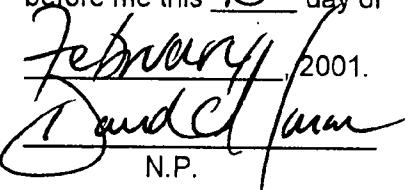
FURTHER Deponents saith not.

  
John R. Hellmann

  
Kathleen L. Hellmann

SWORN TO and subscribed

before me this 18<sup>th</sup> day of

February, 2001.  
  
N.P.

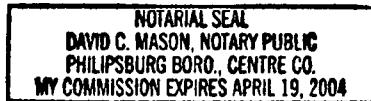


Exhibit "A"

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL ACTION - LAW

JOHN R. HELLMANN and	*	
KATHLEEN L. HELLMANN, his wife	*	No.
	*	
Plaintiffs	*	
	*	
vs.	*	Type of Case: Action
	*	to Quiet Title
JOHN S. COWEN, MARY E. COWEN,	*	
MATTHEW COWEN, their heirs,	*	
executors, administrators, successors	*	
and assigns, AND ALL OTHER	*	
PERSONS, known or unknown, who	*	
may claim interest in the property	*	
described below,	*	
	*	
Defendants	*	

TO: JOHN S. COWEN, MARY E. COWEN, and MATTHEW COWEN, their heirs, executors, administrators, successors and assigns, and ALL OTHER PERSON, persons, firms, partnerships or corporate entities in interest, known or unknown, who may claim an interest in the property described below:

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

**ALL** those certain premises located and situate in the Township of Beccaria, Clearfield County, Pennsylvania, bounded as follows:

**BEGINNING** at a post on line of land of William Noel and corner of land of Whitmer Land and Coal Company; thence North 30 degrees West 8 perches to a stone; thence by Timber Road North 14 degrees East 53 perches to a stone; thence South 70 degrees East 58 perches to a Hemlock thence South 53 1/2 degrees West 65 perches to a post and place of beginning. **CONTAINING** Ten (10) acres.

**BEING** the same premises title to which became vested in the Grantor herein by deed of C & K Coal Company, dated May 17, 1993, and recorded in May 19, 1993, in Clearfield County Record Book Volume 1531, Page 158.

**NOTICE**

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail

to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the plaintiffs. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS NOTICE 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  
Clearfield County Courthouse  
Clearfield, PA 16830  
814-765-2641

You are hereby 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 interests inconsistent with Plaintiff's claim of title, as set forth in the Complaint.

David C. Mason, Esquire  
P.O. Box 28  
Philipsburg, PA 16866  
ATTORNEY FOR PLAINTIFFS

FILED

FEB 20 2001  
SAC/DOJ 9:45/2cc atty/mam  
William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL ACTION - LAW

JOHN R. HELLMANN and \*  
KATHLEEN L. HELLMANN, his wife \* No. 2001-0235-CD  
\*  
Plaintiffs \*  
\* Type of Case: Action  
vs. \* to Quiet Title  
JOHN S. COWEN, MARY E. COWEN, \*  
MATTHEW COWEN, their heirs, \*  
executors, administrators, successors \*  
and assigns, AND ALL OTHER \*  
PERSONS, known or unknown, who \*  
may claim interest in the property \*  
described below, \*  
\*  
Defendants \*

FILED

APR 05 2001

William A. Shaw  
Prothonotary

ORDER

AND, NOW this 5<sup>th</sup> day of April, 2001, it appearing that a Complaint to Quiet Title in the above stated action was served on the Defendants, their heirs, administrators and/or assigns of each and all other person, persons, firms, partnerships or corporate entities in interest and by Affidavit of David C. Mason, Esquire, Attorney for Plaintiff, no Answer has been filed in said Action on behalf of the said Defendants, and on motion of David C. Mason, Esquire, Attorney for Plaintiffs, it is hereby ORDERED AND DECREED:

1. That the said Defendants, their heirs, executors, successors and/or assigns, and all other persons, firms, partnerships or corporate entities in interest are forever barred from asserting any right, title, lien or interest inconsistent with the interest or claim of the Plaintiffs as set forth in their Complaint in and to ALL that certain tract situate in Beccaria Township, Clearfield County, Pennsylvania, and more particularly described as follows:

**ALL** that certain tract located and situate in Beccaria Township, Clearfield County, Pennsylvania, bounded and described as follows:

**BEGINNING** at a post on line of land of William Noel and corner of land of Whitmer Land and Coal Company; thence North 30 degrees West 8 perches to a stone; thence by Timber Road North 14 degrees East 53 perches to a stone; thence South 70 degrees East 58 perches to a Hemlock thence South 53 1/2 degrees West 65 perches to a post and place of beginning. **CONTAINING** Ten (10) acres.

Said ORDER to be final and absolute unless the Defendants, their heirs, administrators, successors and assigns, and all other persons, firms, partnerships or corporate entities in interest shall file exceptions thereto within thirty (30) days.

2. That if the said Defendants, their heirs administrators, and/or assigns, and all other persons, firms, partnerships or corporate entities in interest have not filed said exceptions within thirty (30) days, the Prothonotary shall enter Final Judgment upon Praeclipe of the Plaintiffs.

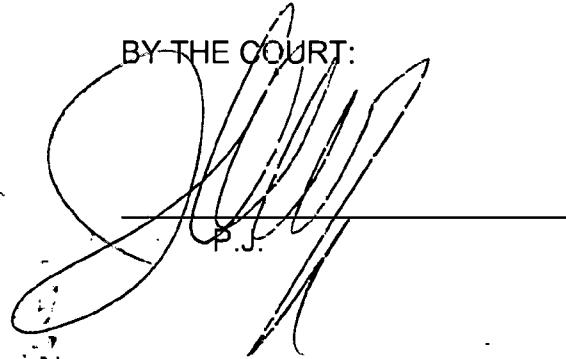
3. That the rights of the Plaintiffs are superior to the rights of the Defendants, their heirs, administrators and/or assigns, and ALL OTHER PERSONS, firms, partnerships or corporate entities in interest.

4. That the said Plaintiffs have title fee simple to the premises as described in the Complaint as against the Defendants, their heirs, executors, successors and/or assigns, and ALL OTHER PERSONS, firms, partnerships or corporate entities in interest.

5. That the Defendants, their heirs, administrators and/or assigns, and ALL OTHER PERSONS, firms, partnerships or corporate entities in interest are enjoined from setting up title to the premises of the Plaintiffs, described in said Complaint and from impeaching, denying or in any way attacking the title of the Plaintiffs to said premises.

6. That these proceedings or an authenticated copy thereof, shall at all times hereafter be taken as evidence of the facts declared and established hereby.
7. That a certified copy of this Order shall be recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania.

BY THE COURT:

A handwritten signature in black ink, appearing to be a stylized 'J' or 'S' shape, is written over a horizontal line.

**FILED**

APR 05 2001

William A. Shaw  
Prothonotary

FILED

E-File

APR 05 2001  
5/11/01 3212 cc atty mason  
William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL ACTION - LAW

JOHN R. HELLMANN and \*  
KATHLEEN L. HELLMANN, his wife \* No. 2001-0235-CD  
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Plaintiffs \*  
\* Type of Case: Action  
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MATTHEW COWEN, their heirs, \*  
executors, administrators, successors \*  
and assigns, AND ALL OTHER \*  
PERSONS, known or unknown, who \*  
may claim interest in the property \*  
described below, \*  
\*  
Defendants \*

MOTION FOR JUDGMENT

AND NOW this 28<sup>th</sup> day of April, 2001, an Affidavit having  
been executed and filed on behalf of Plaintiffs that the Complaint endorsed with Notice to  
Plead has been served on the Defendants as stated in the Affidavit; and more than twenty  
(20) days have expired since the date of service and the Defendants not having answered,  
the Plaintiffs, by their attorney, David C. Mason, Esquire, moves the Court to enter  
judgment in favor of the Plaintiffs and against the Defendants and to grant Plaintiffs the  
relief prayed for in the Complaint in accordance with Pennsylvania Rules of Civil Procedure  
No. 1066.

**FILED**

APR 03 2001  
0111:09 AM  
William A. Shaw  
Prothonotary

MASON LAW OFFICE

David C. Mason, Esquire

2001-0235

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL ACTION - LAW

JOHN R. HELLMANN and \*  
KATHLEEN L. HELLMANN, his wife \* No. 2001-0235-CD  
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\* Type of Case: Action  
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described below, \*  
\*  
Defendants \*

AFFIDAVIT

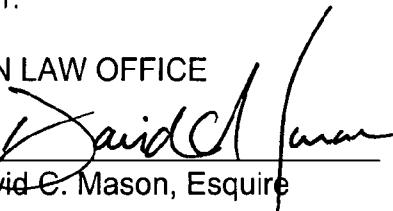
COMMONWEALTH OF PENNSYLVANIA

:ss:

COUNTY OF CENTRE

Before me, the undersigned officer, in and for the above named State and County, personally appeared DAVID C. MASON, Esquire, who being duly sworn according to law deposes and says that a Notice of Filing, endorsed with a Notice to Plead, was duly served on the above named Defendants by publication in the Clearfield Progress on February 28, 2001, which proof of publication is attached hereto, and in the Clearfield County Legal Journal on March 2, 2001.

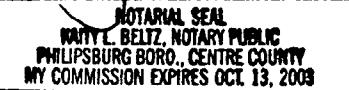
MASON LAW OFFICE

By: 

David C. Mason, Esquire

SWORN to and subscribed before  
me this 28<sup>th</sup> day of March,  
2001.

Kathy L. Beltz  
N.P.



## PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :  
COUNTY OF CLEARFIELD : SS:

On this 26th day of March, A.D. 2001, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Margaret E. Krebs, who being duly sworn according to law, deposes and says that she is the President of The Progressive Publishing Company, Inc., and Associate Publisher of The Progress, a daily newspaper published at Clearfield, in the County of Clearfield and State of Pennsylvania, and established April 5, 1913, and that the annexed is a true copy of a notice or advertisement published in said publication in

the regular issues of February 28, 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.

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

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

IN THE COURT  
OF COMMON PLEAS  
OF CLEARFIELD COUNTY,  
PA  
CIVIL ACTION-LAW  
No.

Type of Case: Action to Quiet Title  
JOHN R. HELLMANN and KATH-  
LEEN L. HELLMANN, his wife,  
Plaintiffs

vs.

JOHN S. COWEN, MARY E.  
COWEN, MATTHEW COWEN,  
their heirs, executors, administrators,  
successors and assigns, AND  
ALL OTHER PERSONS, known or  
unknown, who may claim interest in  
the property described below, De-  
fendants

TO: JOHN S. COWEN, MARY E.  
COWEN, and MATTHEW COWEN,  
their heirs, executors, administrators,  
successors and assigns, and  
ALL OTHER PERSON, persons,  
firms, partnerships or corporate enti-  
ties in interest, known or un-  
known, who may claim an interest in  
the property described below:

You are hereby notified that an  
Action to Quiet Title to premises sit-  
uate in the Township of Beccaria,  
Clearfield County, Pennsylvania  
has been filed against you. Said  
lands are bounded and described  
as follows:

ALL those certain premises lo-  
cated and situate in the Township of  
Beccaria, Clearfield County, Penn-  
sylvania, bounded as follows:

BEGINNING at a post on line of  
land of William Noel and corner of  
land of Whitmer Land and Coal  
Company; thence North 30. de-  
grees West 8 perches to a stone;  
thence by Timber Road North 14  
degrees East 53 perches to a  
stone; thence South 70 degrees  
East 58 perches to a Hemlock  
thence South 53 degrees West  
65 perches to a post and place of  
beginning. CONTAINING Ten (10)  
acres.

BEING the same premises title to  
which became vested in the Gran-  
tor herein by deed of C & K Coal  
Company, dated May 17, 1993,  
and recorded in May 19, 1993, in  
Clearfield County Record Book  
Volume 1531, Page 158.

NOTICE

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 NO-  
TICE 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, Clearfield  
County Courthouse, Clearfield, PA  
16830, 814-765-2641

You are hereby 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 inter-  
ests inconsistent with Plaintiff's  
claim of title, as set forth in the Com-  
plaint.

David C. Mason, Esquire, P.O.  
Box 28, Philipsburg, PA 16866,  
ATTORNEY FOR PLAINTIFFS

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL ACTION - LAW

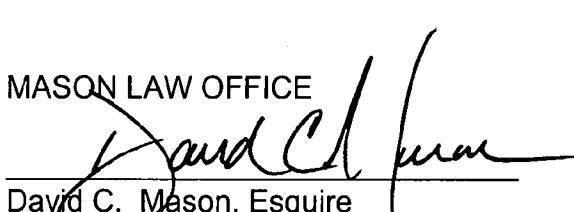
JOHN R. HELLMANN and \*  
KATHLEEN L. HELLMANN, his wife \* No. 2001-0235-CD  
\*  
Plaintiffs \*  
\* Type of Case: Action  
vs. \* to Quiet Title  
\*  
JOHN S. COWEN, MARY E. COWEN, \*  
MATTHEW COWEN, their heirs, \*  
executors, administrators, successors \*  
and assigns, AND ALL OTHER \*  
PERSONS, known or unknown, who \*  
may claim interest in the property \*  
described below, \*  
\*  
Defendants \*

PRAECIPE FOR FINAL JUDGMENT

TO THE PROTHONOTARY:

A Decree in the above action having been made on the 5<sup>th</sup> day of APRIL  
2001, and thirty (30) days having elapsed since entry thereof, you are directed to enter Final  
Judgment in favor of the Plaintiffs in the above-captioned action, pursuant to the  
Pennsylvania Rules of Civil Procedure.

MASON LAW OFFICE

  
\_\_\_\_\_  
David C. Mason, Esquire  
Attorney for Plaintiffs

DATED: 5-14-01

**FILED**

MAY 14 2001

*0/25/01*  
William A. Shaw  
Prothonotary  
*EJRS*