

01-373-CD
PATRICIA A. VARGER - vs - MARTIN F. CAREY et al

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

CIVIL ACTION - LAW

PATRICIA A. YARGER

No. 01-373-CD

Plaintiff

vs.

MARTIN F. CAREY, and his heirs,
successors, administrators, executors,
and assigns, as well as ANY
OTHER PERSON, PARTY, or ENTITY,

Type of Case: ACTION
TO QUIET TITLE

Defendant

Type of Pleading: COMPLAINT

Filed on Behalf of: PLAINTIFF

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

MAR 15 2001

William A. Shaw
Prothonotary

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

CIVIL ACTION - LAW

PATRICIA A. YARGER

* No.

Plaintiff

* *

vs.

* Type of Case: ACTION
* TO QUIET TITLE

MARTIN F. CAREY, and his heirs,
successors, administrators, executors,
and assigns, as well as ANY
OTHER PERSON, PARTY, or ENTITY,

* Type of Pleading: COMPLAINT

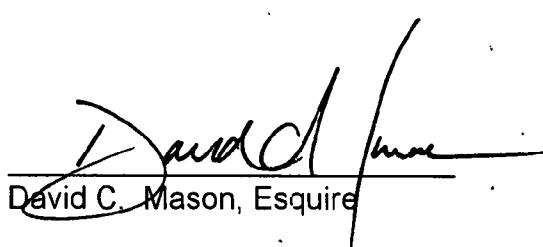
Defendant

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

PATRICIA A. YARGER

*

No.

Plaintiff

*

vs.

*

MARTIN F. CAREY, and his heirs,
successors, administrators, executors,
and assigns, as well as ANY
OTHER PERSON, PARTY, or ENTITY,

*

Type of Case: ACTION
TO QUIET TITLE

*

Type of Pleading: COMPLAINT

*

Defendant

*

COMPLAINT IN ACTION TO QUIET TITLE

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

AND NOW, comes the Plaintiff, PATRICIA A. YARGER, by and through her attorney, DAVID C. MASON, ESQUIRE, and sets forth a claim against the Defendants named herein and represents as follows:

1. Plaintiff is Patricia A. Yarger, with a principal mailing address of Box 475, R. D. #3, Philipsburg, Pennsylvania, 16866.
2. Martin F. Carey is presumed to be deceased, however no estate records have been filed in Clearfield County, Pennsylvania.
3. The subject matter of this Action to Quiet Title consists of a parcel of land situate in the Borough of Brisbin, Clearfield County, Pennsylvania, bounded and described as follows:

ALL that certain piece or parcel of land situate in the Borough of Brisbin, Clearfield County, Pennsylvania, bounded and described as follows:

"1 Acre" bounded on the North by James Beatty; on the South by Spruce Alley; on the East by Erin Avenue; on the West by Albion Avenue. Assessment Map No. M14-330-13.

4. The Plaintiff acquired title to the subject tract by virtue of a Deed of conveyance from John E. Gallagher and Patricia A. Yarger, as Co-Executors of the Estate of Almeda Gallagher, deceased, dated September 13, 1990, and recorded in Clearfield County in Deed Book Volume 1366 at Page 584.

5. Almeda Gallagher acquired title to the above described parcel by virtue of the right of survivorship by a Deed of conveyance from Martin F. Carey, et al., to Edward D. Gallagher and Almeda Gallagher, his wife. Edward D. Gallagher died January 27, 1973, survived by Almeda Gallagher, his wife, said Deed dated September 27, 1948, and recorded in Clearfield County in Deed Book Volume 393 at Page 553, and being Parcel No. 3.

6. Martin F. Carey, et al., acquired title to the subject premises by virtue of the Last Will and Testament of John Carey (Paragraph I) wherein he did will and devise all of his real estate unto his children.

7. John Carey acquired title to the subject premises by Deed of conveyance of H. F. Bigler, Jr., Treasurer of Clearfield County by Deed dated April 10, 1936, and recorded in Deed Book Volume 332 at Page 570, being sold as the premises of Martin F. Carey for nonpayment of real estate taxes for the year 1931 and being described as 1 A, situate in the Borough of Brisbin purporting to be owned and assessed in the name of Martin Carey, Sr.

8. Plaintiff avers that it is the purpose of this Action to Quiet Title to extinguish any of the Defendant's interest as a result of any improprieties in the assessment or sale for nonpayment of real estate taxes of the subject premises.

9. That the Plaintiff and her 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, notorious and adverse.

10. That it is believed and therefore averred that the said Defendant was fully apprised of the tax sale effecting his 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 Defendant named herein failed and neglected to take any action in order to protect his respective interests in the said premises, he being fully apprised of the same and fully knowledgeable as to the sale of said premises to your Plaintiff herein or her predecessors in title.

11. That at no time did the herein named Defendant attempt to secure possession of the said estate, contest the title of the Plaintiff and/or her predecessors in title or assert any interest adverse to that of Plaintiff or her predecessors in title by any legal action or by formal acknowledgment thereof.

12. That the premises herein described in Paragraph 3 is the same premises that Plaintiff and her predecessors in title have been in open, exclusive, 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 Plaintiff and her predecessors in title as hereinabove set forth.

13. That the said Plaintiff together with her predecessors in title have, commencing with the year 1948, and continuing up to the present time, made valuable improvements to the said premises, maintained the same premises, paid all current real estate taxes, and evidenced a settled intent of excluding all individuals from the use, actual occupation or constructive possession of the premises.

14. That at no time did the herein named Defendant attempt to secure possession of the said premises, contest the title of the Plaintiff or her 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 Plaintiff by any legal action.

WHEREFORE, Plaintiff files this action and respectfully requests the following:

(a) That the Defendant, his 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 Plaintiff unless the Defendant, his 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 his claim to the premises described herein or any portion of the same, within the time set by the Court.

(b) That an Order of Court be made declaring the Plaintiff to be the sole owner and to have exclusive possession of the premises described herein by virtue of her open,

notorious, exclusive, uninterrupted and hostile possession of the premises for a period in excess of twenty-one (21) 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 Plaintiff and her predecessors in title 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 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 Plaintiff

VERIFICATION

I, DAVID C. MASON, Attorney for the Plaintiff, 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.

MASON LAW OFFICE



David C. Mason, Esquire
Attorney for Plaintiff

VERIFICATION

I, PATRICIA A. YARGER, an individual, 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.



Patricia A. Yarger

FILED

REC'D MAR 15 2001
10:00 AM CATHY MASON
SAC
William A. Shaw
Prothonotary
DO 590.00

CATHY MASON

8

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

CIVIL ACTION - LAW

PATRICIA A. YARGER

* No. 01-393-CD

Plaintiff

vs.

MARTIN F. CAREY, and his heirs,
successors, administrators, executors,
and assigns, as well as ANY
OTHER PERSON, PARTY, or ENTITY,

* Type of Case: ACTION
* TO QUIET TITLE

Defendant

ORDER

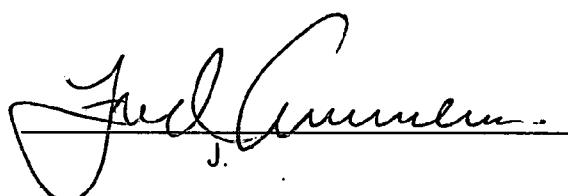
AND NOW, this 15 day of March, 2001, upon consideration
of Plaintiff's Motion for Service by Publication, including Exhibits and Affidavit attached
hereto, Plaintiff is ordered and directed to serve Notice of the Action to Quiet Title by
publication in the Clearfield Progress and the Clearfield County 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.

BY THE COURT:

FILED

MAR 15 2001

William A. Shaw
Prothonotary



FILED

MAR 15 2001
0105312ccatty Moon
William A. Shaw
Prothonotary
E2

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

CIVIL ACTION - LAW

PATRICIA YARGER

* No. 01-373-CD

Plaintiff

vs.

MARTIN F. CAREY, and his heirs,
successors, administrators, executors,
and assigns, as well as ANY
OTHER PERSON, PARTY, or ENTITY,

* Type of Case: ACTION
* TO QUIET TITLE

Defendant

FILED

MAR 15 2001

William A. Shaw
Prothonotary

MOTION FOR SERVICE BY PUBLICATION

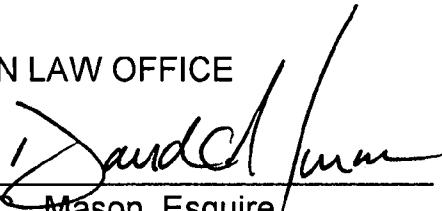
AND NOW appears the Plaintiff, PATRICIA A. YARGER, by and through her attorney, David C. Mason, who represents as follows:

1. That he is the attorney for the Plaintiff in the above captioned action to Quiet Title.
2. That he is unable to ascertain the whereabouts of the named Defendant.
3. That the Plaintiff, Patricia A. Yarger, has executed an Affidavit stating that after diligent search she has been unable to ascertain the whereabouts of the Defendant, or his heirs, devisees, administrators, executors, or assigns, said Affidavit being attached hereto as Exhibit "A".
4. That counsel for Plaintiff believes that the best means of service of notice upon the Defendant of the filing of this Complaint and the pendency of this action is by publication in a newspaper of general circulation in the Clearfield Progress and Clearfield County Legal Journal, in a form as shown in "Exhibit B".

5. That the Plaintiff and her counsel have exhausted all reasonable means of attempting to locate the Defendant, or his heirs, including inquiries of relatives, neighbors and friends, local postal authorities and telephone directories.

WHEREFORE, Plaintiff requests your Honorable Court to permit the service of the original 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 Plaintiff

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

CIVIL ACTION - LAW

PATRICIA A. YARGER

* No.

Plaintiff

* *

vs.

Type of Case: ACTION
TO QUIET TITLE

MARTIN F. CAREY, and his heirs,
successors, administrators, executors,
and assigns, as well as ANY
OTHER PERSON, PARTY, or ENTITY,

*
*
*
*
*
*

Defendant

* *

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 Plaintiff, PATRICIA A. YARGER, who being duly sworn according to law, deposes and states that after diligent search she has been unable to locate or find the whereabouts of the heirs, devisees, administrators, executors and assigns of Martin F. Carey, and further 1) has searched the phone directory and has been unable to locate the above-named Defendant; 2) has contacted the United States Post Office in Clearfield County and has been advised that they are not familiar with said Defendant; 3) has contacted the banks in said area and has been advised that they are not familiar with the above-named Defendant.

FURTHER Deponent saith not.

Patricia A. Yarger
Patricia A. Yarger

SWORN to and subscribed
before me this 14th day of
MARCH, 2001.

Barbara L. Bainey

NOTARIAL SEAL
BARBARA L. BAINY, NOTARY PUBLIC
PHILIPSBURG BORO., CENTRE CO., PA.
MY COMMISSION EXPIRES APRIL 28, 2002

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

CIVIL ACTION - LAW

PATRICIA A. YARGER

* No.

Plaintiff

* *

* Type of Case: ACTION
vs. * TO QUIET TITLE

MARTIN F. CAREY, and his heirs,
successors, administrators, executors,
and assigns, as well as ANY
OTHER PERSON, PARTY, or ENTITY,

* *

Defendant

* *

TO: Martin F. Carey, and his heirs, successors, administrators, executors and assigns,
as well as ANY OTHER PERSON, PARTY, or ENTITY:

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

ALL that certain piece or parcel of land situate in the Borough of Brisbin, Clearfield
County, Pennsylvania, bounded and described as follows:

"1 Acre" bounded on the North by James Beatty; on the South
by Spruce Alley; on the East by Erin Avenue; on the West by
Albion Avenue. Assessment Map No. M14-330-13.

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 PLAINTIFF**

C:\Office\QTA\YargerLobb.wpd\blb

FILED

MAR 15 2001
10:30 AM
William A. Shaw
Prothonotary

att Mem

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

CIVIL ACTION - LAW

PATRICIA A. YARGER

* No. 01-373-CD

Plaintiff

*

*

Type of Case: ACTION
TO QUIET TITLE

vs.

MARTIN F. CAREY, and his heirs,
successors, administrators, executors,
and assigns, as well as ANY
OTHER PERSON, PARTY, or ENTITY,

*

*

*

Type of Pleading: MOTION FOR
JUDGMENT

*

*

Defendant

*

*

Filed on Behalf of: PLAINTIFF

*

*

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

MAY 07 2001

William A. Shaw
Prothonotary



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

CIVIL ACTION - LAW

PATRICIA A. YARGER

* No. 01-373-CD

Plaintiff

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

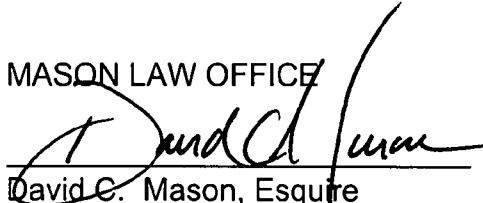
*

*

MOTION FOR JUDGMENT

AND NOW this 7th day of May, 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.

MASON LAW OFFICE


David C. Mason, Esquire

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

CIVIL ACTION - LAW

PATRICIA A. YARGER

* No. 01-373-CD

Plaintiff

*
*
*
*
*
*
*
*

vs.

MARTIN F. CAREY, and his heirs,
successors, administrators, executors,
and assigns, as well as ANY
OTHER PERSON, PARTY, or ENTITY,

Defendant

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA

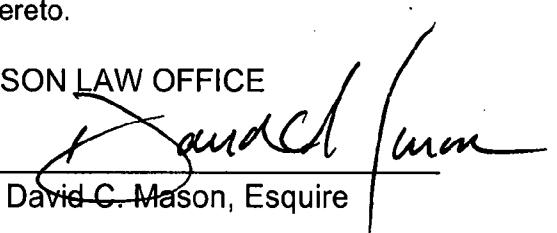
:ss:

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 March 19, 2001, and in the Clearfield County Legal Journal on March 23, 2001, which proofs of publication are attached hereto.

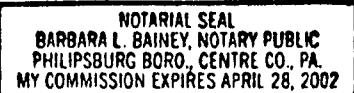
MASON LAW OFFICE

By:


David C. Mason, Esquire

SWORN to and subscribed before
me this 7th day of May
2001.

Barbara L. Bainey
N.P.



IN THE COURT
OF COMMON PLEAS
OF CLEARFIELD COUNTY, PA
CIVIL ACTION-LAW
ACTION TO
QUIET TITLE
PATRICIA A. YARGER, Plaintiff
vs.

MARTIN F. CAREY, and his heirs,
successors, administrators, executors,
and assigns, as well as ANY
OTHER PERSON, PARTY or EN-
TITY, Defendant

TO: Martin F. Carey, and his heirs,
successors, administrators, executors
and assigns, as well as ANY
OTHER PERSON, PARTY, or EN-
TITY:

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

ALL that certain piece or parcel of
land situate in the Borough of Brisbin,
Clearfield County, Pennsylvania,
bounded and described as follows:

"1 Acre" bounded on the
North by James Beatty; on the
South by Spruce Alley; on the East
by Erin Avenue; on the West by Al-
bion Avenue. Assessment Map No.
M14-330-13.

NOTICE
If you wish to defend, you must
enter a written appearance personally
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 and a judgment may
be entered against you without fur-
ther 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 CAN-
NOT 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
Complaint.

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

3:19-1d-b

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :
: SS:
COUNTY OF CLEARFIELD :

On this 23rd 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 March 19, 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

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

50% COTTON CONTENT

RECYCLED



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

PATRICIA A. YARGER, Plaintiff vs.
MARTIN F. CAREY, and his heirs,
successors, administrators, executors, and
assigns, as well as ANY OTHER
PERSON, PARTY, OR ENTITY,
Defendant.

ACTION TO QUIET TITLE

TO: MARTIN F. CAREY, and his heirs,
successors, administrators, executors, and
assigns, as well as ANY OTHER
PERSON, PARTY, OR ENTITY:

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

ALL that certain piece or parcel of land
situate in the Borough of Brisbin, Clearfield
County, Pennsylvania, bounded and
described as follows:

"1 Acre" bounded on the North by
James Beatty; on the South by Spruce
Alley; on the East by Erin Avenue; on the
West by Albion Avenue. Assessment Map
NO. M14-330-13.

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
Plaintiff. 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,

6

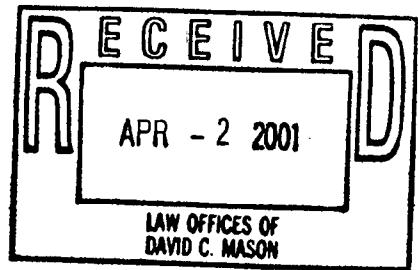
Clearfield, PA 16830 (814) 765-2641.

You are hereby 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.

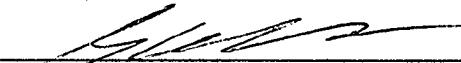
DAVID C. MASON, Esquire, P.O. Box
28, Philipsburg, PA 16866.

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :
: :
COUNTY OF CLEARFIELD :

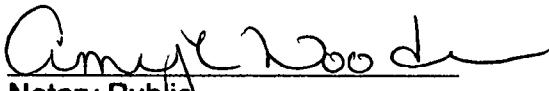


On this 26th day of March AD 2001, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Gary A. Knaresboro editor of the Clearfield County Legal Journal of the Courts of Clearfield County, and that the annexed is a true copy of the notice or advertisement published in said publication in the regular issues of Week of March 23, 2001, Vol. 13, No. 12. And that all of the allegations of this statement as to the time, place, and character of the publication are true.

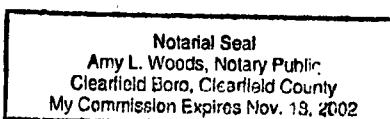


Gary A. Knaresboro, Esquire
Editor

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

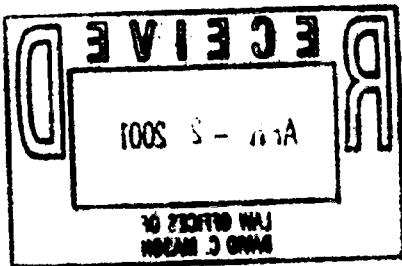


Amy L. Woods
Notary Public
My Commission Expires



Member, Pennsylvania Association of Notaries

David C. Mason
PO Box 28
Philipsburg PA 16866



PROOF OF PUBLICATION

АИААНДЫЛЫК ПЕНЗЕРДО ЗАСТАВА

COUNTY OF CLARKSBURG

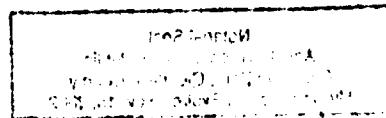
as to the time, place, and character of the application of the
March 23, 2004, Vol. 13, No. 15. And that is to the legislature of this state that
absenteeism and the number of days in which it occurs in the regular session of the
General Assembly, and that edit is the copy of this letter to the Governor of the
Cessileia County, and that edit is the copy of this letter to the Governor of the
Kosciusko County, and that edit is the copy of this letter to the Governor of the
Pulaski County, and that edit is the copy of this letter to the Governor of the
On this 26th day of March AD 2004, please me, the subscriber, is Mervin

MAY 07 2001
10:40 AM
William A. Shaw
Prothonotary
Master of Appeals
Esquires
FILED

Was the verb erit sem enoted or beshoedue bnis now?

My Commission Expenses

David C. Mason
P.O. Box 258
Milpitas, CA 95035



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

CIVIL ACTION - LAW

PATRICIA A. YARGER

* No. 01-373-CD

Plaintiff

vs.

MARTIN F. CAREY, and his heirs,
successors, administrators, executors,
and assigns, as well as ANY
OTHER PERSON, PARTY, or ENTITY,

Defendant

FILED

MAY 09 2001

William A. Shaw
Prothonotary

ORDER

AND, NOW this 8 day of May, 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 THE Borough of Brisbin, Clearfield County, Pennsylvania, bounded and described as follows:

"1 Acre" bounded on the North by James Beatty; on the South by Spruce Alley; on the East by Erin Avenue; on the West by Albion Avenue. Assessment Map No. M14-330-13.

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 Praecept 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:



J.

FILED

MAY 09 2001

O 23911ce atty Macon
William A. Shaw
Prothonotary

REC

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

CIVIL ACTION - LAW

PATRICIA A. YARGER * No. 01-373-CD

Plaintiff *

vs. *

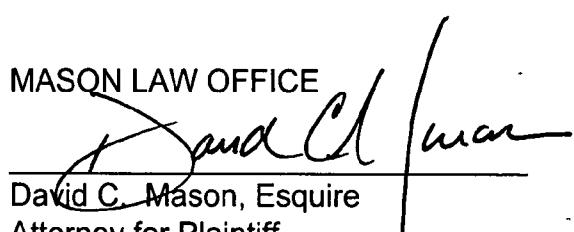
MARTIN F. CAREY, and his heirs,
successors, administrators, executors,
and assigns, as well as ANY
OTHER PERSON, PARTY, or ENTITY, *

Defendant *

PRAECIPE FOR FINAL JUDGMENT

TO THE PROTHONOTARY:

A Decree in the above action having been made on the 8th day of May, 2001, and thirty (30) days having elapsed since entry thereof, you are directed to enter Final Judgment in favor of the Plaintiff in the above-captioned action, pursuant to the Pennsylvania Rules of Civil Procedure.

MASON LAW OFFICE


David C. Mason, Esquire
Attorney for Plaintiff

DATED: *June 11, 2001*

FILED

JUN 11 2001

William A. Shaw
Prothonotary

FILED
cc.
OT, S. A.
Atty
JUN 11 2001
William A. Shaw
Prostestant