

01-582-CD
BILLY J. LUMADUE -vs- WILLIAM S. ALBERT

Date: 11/21/2005

Clearfield County Court of Common Pleas

User: LBENDER

Time: 12:02 PM

ROA Report

Page 1 of 2

Case: 2001-00582-CD

Current Judge: John K. Reilly Jr.

Billy J. Lumadue vs. William S. Albert

Civil Other

Date	Selected Items	Judge
05/27/2004	X Appeal Docket Sheet Docket Number: 870 WDA 2004 filed no cc	John K. Reilly Jr.
06/21/2004	X Superior Court of Pennsylvania, Certified from the Record: June 17, 2004, Praecipe for Discontinuance Filed. No CC	John K. Reilly Jr.
07/14/2004	X Order, AND NOW, this 14 day of July, 2004, Order that Civil Non-Jury Trial has been scheduled for Wednesday, September 15, 2004, at 9:00 a.m. before the Honorable John K. Reilly, Jr., Senior Judge, Specially Presiding. BY THE COURT: /s/John K. Reilly, Jr., Senior Judge One CC Attys: Naddeo, Bowers	John K. Reilly Jr.
10/15/2004	X Opinion And Order: (See Original For Details of Opinion). Order: NOW, this 14th day of October, 2004, following hearing into the above-captioned matter, the Court finds in favor of the Plaintiff and against the Defendant as set forth in the foregoing Opinion. BY THE COURT: /s/ John K. Reilly, Jr. Senior Judge Specially Presiding. 2 CC Atty Naddeo, 1CC Atty Bowers.	John K. Reilly Jr.
10/21/2004	X Praecipe for Final Judgment filed by Atty. Naddeo. No cc.	John K. Reilly Jr.
10/26/2004	X Defendant's Post-Trial Motions, filed by s/S. Casey Bowers, Esq. Three CC Attorney Bowers	John K. Reilly Jr.
	X Motion for Leave to Withdraw, filed by s/S. Casey Bowers, Esq. Three CC Attorney Bowers	John K. Reilly Jr.
10/29/2004	X Order, AND NOW, this 29th day of October, 2004, upon consideration of the within motion for Leave to withdraw, a Rule is hereby entered upon Defendant, to show cause why the Motion for Leave to Withdraw should not be granted, IT IS ORDERED that a hearing be held on the 8th day of Nov., 2004, at 2:00 p.m. in Courtroom No. 2, of the Clfd. Co. Courthouse with Judge Reilly. BY THE COURT: /s/ Fredric J. Ammerman, President Judge. 3 CC Atty. Bowers	Fredric Joseph Ammerman
	X Order, AND NOW, this 29th day of October, 2004, upon consideration of the within defendant's Post-Trial motions, a Rule is hereby entered upon Defendant, to show cause why the Post-Trial Motions should not be granted. IT IS HEREBY ORDERED that a hearing be held on the 8th of Nov., 2004, at 2:00 p.m. in Courtroom No. 2, of the Clfd. co. Courthouse, with Judge Reilly. BY THE COURT:/s/ Fredric J. Ammerman, President Judge. 3 CC Atty Bowers.	John K. Reilly Jr.
11/12/2004	X Praecipe For Withdrawal and Precipe for Entry of Appearance, filed on behalf of Defendant. Please withdraw S. Casey Bowers, Esquire, and enter David C. Mason, Esquire. No CC	John K. Reilly Jr.
05/10/2005	X Order, AND NOW, this 9th day of May, 2005, it is the ORDER of the Court that a status conference has been scheduled for Friday, July 1, 2005 at 3:00 P.M. 1CC Attys. Mason, Naddeo	John K. Reilly Jr.
07/22/2005	Transcript of Proceedings, filed. Held on Sept. 15, 2004 at 9:00 a.m. before the Honorable John K. Reilly, Jr., Senior Judge.	John K. Reilly Jr.
08/08/2005	X Petition for Rule to Show Cause why Defendant's Post-Trial Motions should not be Dismissed, filed by s/James A. Naddeo, Esq. One CC Attorney Naddeo	John K. Reilly Jr.

November 2005**Divorce Decree**

Brandy K. Witherite vs. Shawn M. Witherite (3301-d)	05-1098-CD	11-01-05
Timothy A. Archer vs. Karen L. Archer (3301-c)	05-0797-CD	11-03-05
Edna J. Hubler vs. Randall E. Hubler (3301-c)	02-1713-CD	11-04-05
Joseph D. Shick vs. Corinne E. Shick (3301-c)	00-0278-CD	11-07-05
William E. Helton vs. Lorri J. Helton (3301-c)	05-0754-CD	11-07-05
Robert M. Harford vs. Jennifer M. Harford (3301-c)	04-1226-CD	11-09-05

Date: 11/21/2005
Time: 12:02 PM
Page 2 of 2

Clearfield County Court of Common Pleas
ROA Report
Case: 2001-00582-CD
Current Judge: John K. Reilly Jr.

User: LBENDER

Billy J. Lumadue vs. William S. Albert

Civil Other

Date	Selected Items	Judge
11/07/2005	<input checked="" type="checkbox"/> Order AND NOW, this 7th day of November 2005, upon consideration of Defendant's Post-Trial Motions filed in the above matter, a Rule is hereby issued upon Plaintiff to Appear and Show Cause why the Motion should not be granted. Argument is scheduled the 21st day of November 2005, at 10:00 a.m. in Courtroom No. 2. BY THE COURT: /s/ John K. Reilly, Jr. S.J. 4CC Atty Naddeo.	John K. Reilly Jr.
	<input checked="" type="checkbox"/> Order AND NOW, this 7th day of November 2005, upon consideration of the forgoing Petition, it is hereby issued upon Respondent, William S. Albert, to Show Cause Why the Petitioner, Billy J. Lumadue, is not entitled to the relief requested; 2. the respondent shall file an answer to the Petition within twenty (20) days of service upon the Respondent; 3. the petition shall be decided under Pa. R. C. P. No. 206.7; 4. notice of the entry of this order shall be provided to all partes by the Petitioner. BY THE COURT: /s/ John K. Reilly, Jr., S. J. 1CC Atty Naddeo.	John K. Reilly Jr.
11/21/2005	<input checked="" type="checkbox"/> Order NOW, this 21st November, 2005, being date set for hearing upon the Plaintiff's Rule to Show cause why Defendant's Post-Trial Motions should not be dismissed, it is the ORDER of this Court that Defendant's Post-Trial Motion be and are hereby dismissed and denied. It is the further ORDER of this Court that the Prothonotary enter judgment for the Plaintiff and against the Defendant for the premises described in the survey map attached to this ORDER. BY THE COURT: /s/ John K. Reilly Jr, SJSP. 1CC Atty Naddeo.	John K. Reilly Jr.

11-21-2005 Certificate of Service
11-22-2005 Praecipe for Final Judgment

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

BILLY J. LUMADUE,
an individual,
Plaintiff,

v.

WILLIAM S. ALBERT,
an individual,
Defendant.

No. 01 - 582 - CD

Type of Pleading:

Complaint

Filed on behalf of:
Plaintiff

Counsel of Record for
this party:

James A. Naddeo, Esq.
Pa I.D. 06820

211 1/2 E. Locust Street
P.O. Box 552
Clearfield, PA 16830
(814) 765-1601

FILED

APR 23 2001

William A. Shaw
Prothonotary

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

BILLY J. LUMADUE,
an individual,
Plaintiff,

v.

WILLIAM S. ALBERT,
an individual,
Defendant.

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No. 01 - - CD

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 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
CLEARFIELD COUNTY COURTHOUSE
230 East Market Street
Clearfield, PA 16830

(814) 765-2641

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

BILLY J. LUMADUE,
an individual,
 Plaintiff,

v.

WILLIAM S. ALBERT,
an individual,
 Defendant.

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* No. 01 - - CD
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COMPLAINT

NOW COMES the Plaintiff, Billy J. Lumadue, and by his attorney, James A. Naddeo, Esquire, sets forth the following:

1. That the Plaintiff is Billy J. Lumadue, an individual, who resides at R. D. 1, Box 214A, West Decatur, Pennsylvania 16878.
2. That the Defendant is William S. Albert, an individual, who resides at R. R. 1, Box 219CC, West Decatur, Pennsylvania 16878.
3. That the Plaintiff, Billy J. Lumadue, is the record owner of certain property located in Boggs Township, Clearfield County, Pennsylvania, by virtue of a deed from The Tax Claim Bureau of Clearfield County, Pennsylvania, dated December 10, 1993 and recorded in Clearfield County Deed and Record Book 1579, page 515. A copy of the deed is attached

hereto as Exhibit "A". The premises are more particularly bounded and described as follows:

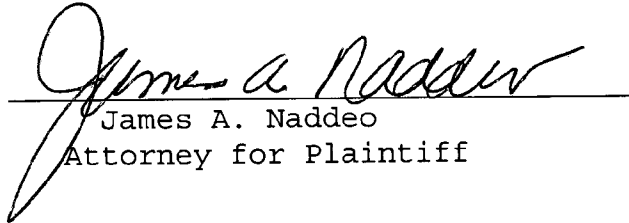
BEGINNING at an existing 1" iron pin, said pin being the southwesterly corner of other lands of Lumadue (Deed Book 1195 Page 108) and also the northeast corner of the Drinker warrant; Thence, N 82°10'39" W along the north line of the aforesaid warrant and Simler (Deed Book 1944 Page 112), a distance of 1473.81' to a set 5/8" rebar w/cap, said point also being the southeasterly corner of Albert (Inst.#199907870); Thence, N 10°22'19" E along the east line of said Albert and along an existing stone wall, a distance of 386.85' to a set 5/8" rebar w/cap at the corner of said wall; Thence, S 89°20'23" E along the southerly line of said Albert and still along said stone wall, a distance of 1137.71' to a set 5/8" rebar w/cap, said point lying on the westerly line of other lands of Lumadue; Thence, S 23°59'33" E along said westerly line of Lumadue, a distance of 621.73' to a point and the Place of Beginning.

CONTAINING 13.9172 acres according to the survey prepared by Land & Mapping Services dated July 28, 2000.

4. That the Defendant, William S. Albert, challenges Plaintiff's possession of the parcel of land to the extent that Defendant has received a Deed from Daniel K. Stoltzfus, et al dated May 15, 1999 and recorded in the Office of the Register and Recorder for Clearfield County as Instrument No. 199907870 which purports to contain the property of the Plaintiff. A copy of said deed is attached hereto as Exhibit "B".

WHEREFORE, Plaintiff requests that this court order Defendant to bring an action in ejectment within thirty days

from entry of the order pursuant to Pa. R.C.P. No. 1066(b)(1),
or be forever barred from asserting a claim to said parcel.


James A. Naddeo
Attorney for Plaintiff

MADE the Tenth day December, in the year of our Lord, 1993,

BETWEEN THE TAX CLAIM BUREAU OF CLEARFIELD COUNTY, PENNSYLVANIA, Trustee,
under the provisions of the Act of July 7, 1947, P.L. 1368, and amendments
thereto, hereinafter called the GRANTOR,

AND

BILLY J. LUMADUE

hereinafter referred to as "GRANTEE".

WHEREAS, the hereinafter described premises were assessed in the name
of UNKNOWN, and taxes levied which have not been paid and which are
delinquent; and

WHEREAS, the said delinquent taxes against the said property were filed
in the Tax Claim Bureau of Clearfield County, Pennsylvania; and

WHEREAS, after proceeding under the provisions of the Act aforesaid, the
Tax Claim Bureau did expose the said premises to public sale on the
fourteenth day of September, 1993; and

WHEREAS, the said premises were sold at said public sale to, BILLY J.
LUMADUE, the sum of Three Thousand Dollars, (\$3,000.00), as is more
particularly shown in the report and return of said sale by the Tax Claim
Bureau, and at the subsequent confirmation thereof by the Court of Common
Pleas of Clearfield County, Pennsylvania, at Miscellaneous Docket 10, Page 35.

NOW THIS INDENTURE WITNESSETH, that for and in consideration of the sum
of Three Thousand Dollars, (\$3,000.00), the receipt thereof is hereby
acknowledged, Grantor does hereby grant and convey unto the said Grantees,
their heirs, successors or assigns the following described property to-wit:.

BOGGS TOWNSHIP
MAP# 105-M10-000-00001
14 A

BEING the same property offered for sale for delinquent taxes in
accordance with the provisions of the Act of Assembly hereinbefore recited
under Tax Claim No. 88-2377 as the property of UNKNOWN.

This deed is executed and acknowledged by MARY ANNE WESDOCK, who was duly appointed Director of the Tax Claim Bureau by Resolution of the County Commissioners of Clearfield County, Pennsylvania, dated August 15, 1989.

IN WITNESS WHEREOF, the Grantor has caused this deed to be executed in its name and its official seal to be affixed hereto the day and year first above written.

TAX CLAIM BUREAU OF CLEARFIELD
COUNTY, PENNA.

Witness:

James E. Bice

By Mary Anne Wesdock
Mary Anne Wesdock Director

COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF CLEARFIELD) SS:

On this 20 day of December, A. D., 1993, before me, the subscriber personally appeared MARY ANNE WESDOCK, Director of the Tax Claim Bureau of Clearfield County, Pennsylvania, who in due form of law acknowledged the foregoing Indenture to be her act and deed and desired that the same might be recorded as such.

WITNESS my hand and official seal the day and year aforesaid:

Allen D. Birtz (SEAL)
Prothonotary.

My commission expires the first Monday of January, 19

PROTHONOTARY
My Commission Expires
1st Monday in Jan. 1994

I CERTIFY that the precise residence address of the grantee in this indenture is

R R 1 BOX 214
WEST DECATUR, PA.
16878

VOL 1579 PAGE 517

046321 COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF REVENUE
REALTY
TRANSFER TAX JAN-3-94
PB.11.552



31.12

CLEARFIELD COUNTY
ENTERED OF RECORD
TIME 10:09 AM 1-3-94
BY [Signature]
FEES 13.50
Karen L. Starck, Recorder

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



[Signature]

Karen L. Starck
Recorder of Deeds

PHILIP BURGESS EDUCATION SCHOOL DISTRICT
1% REALTY TRANSFER TAX

AMOUNT \$ 31.12

PAID 1-3-94 KAREN L. STARCK
Date Agent

Entered of Record Jan 3 1994 10:09 AM Karen L. Starck, Recorder

NOT SEARCHED - NOT CERTIFIED

This Deed

Made the 15th day of May
Nineteen hundred and ninety-nine (1999)

Between DANIEL K. STOLTZFUS and LIZZIE K. STOLTZFUS, his wife and AMOS K. STOLTZFUS and RACHEL S. STOLTZFUS, husband and wife, of the Township of Leacock, County of Lancaster and Commonwealth of Pennsylvania, Parties of the First Part (Hereinafter called the "Grantors"),

A N D WILLIAM S. ALBERT, of Drifting, Commonwealth of Pennsylvania, Party of the Second Part (Hereinafter called the "Grantee"),

Witnesseth, That in consideration of Thirty Five Thousand (\$35,000.00) Dollars, in hand paid, the receipt whereof is hereby acknowledged, the said grantors do hereby grant and convey to the said grantee, his heirs and assigns, the following premises:

ALL THAT CERTAIN tract of land located in the Township of Boggs, County of Clearfield, Commonwealth of Pennsylvania, designated as Lot No. 2 on the Daniel K. Stoltzfus and Amos K. Stoltzfus Plan of Subdivision prepared by Lex W. Curry, P.L.S., dated February 21, 1991 and recorded in Book 27, Page 1, revised February 1, 1992, bounded and described as follows:

BEGINNING at a 1 inch pin (found) at the common corner of lands of Billy J. Lumadue, William Butler and lands of the Wendell Bailey Trustees, said pin being the southeast corner of land of the Grantor as described in Deed Book 1375, Page 483, said place of beginning being the southeast corner of the parcel herein conveyed and running:

1. Thence along the northern line of lands of Wendell Bailey Trustees and along the northern line of Lot Number 3 North 82 degrees 10 minutes 36 seconds West, a distance of 4,051.78 feet to a ¾ inch rebar (set) on the eastern right-of-way line of Pennsylvania State Route SR-0153;
2. Thence along the eastern right-of-way line of Pennsylvania State Route SR-0153, the following courses and distances:

Along an arc or a circle 976.81 feet in radius curving to the right an arc distance of 240.94 feet, the chord of said arc running North 53 degrees 19 minutes 55 seconds East, a distance of 240.33 feet to a point;

North 60 degrees 23 minutes 54 seconds East a distance of 93.64 feet to a ½ inch rebar (found);

North 29 degrees 04 minutes 07 seconds West a distance of 50.00 feet to a ½ inch rebar (found);

North 60 degrees 23 minutes 54 seconds East a distance of 632.99 feet to a point;

Along an arc or a circle 1,267.12 feet in radius curving to the left an arc distance of 73.95 feet, the chord of said arc running North 58 degrees 43 minutes 35 seconds East a distance of 73.94 feet to a ½ inch rebar found;

North 32 degrees 56 minutes 44 seconds West a distance of 30.00 feet to a ½ inch rebar (found);

Along an arc or a circle 1,237.12 feet in radius curving to the left an arc distance of 525.43 feet, the chord of said arc running North 44 degrees 53 minutes 13 seconds East, a distance of 521.49 feet to a ½ inch rebar set, said rebar being the southwest corner of the Lot Number 1;

3. Thence through lands of the Grantor for a new subdivision line and along the southern line of Lot Number 1 South 74 degrees 06 minutes 17 seconds East, a distance of 2,521.39 feet to a ¾ inch rebar (set) said rebar being on the western line of lands of the aforementioned Billy J.

Lumadue;

4. Thence along the western line of lands of Billy J. Lumadue South 23 degrees 59 minutes 33 seconds East a distance of 919.61 feet to a 1 inch pin (found) and place of beginning.

CONTAINING 72.122 acres including an area of questionable title as shown on map prepared by Lex W. Curry dated February 21, 1991 and revised on February 1, 1992. Bearing based on the northern line of lands of the Pennsylvania State Game Lands as described in Deed Book 1375, Page 483, which in turn is based on survey map prepared for the Burton Merritt Heirs by Lex W. Curry, dated October 26, 1976.

THIS description also includes an area located at the southeast corner of the above-described lands that is being claimed by Billy J. Lumadue by title obtained at a Clearfield County Tax Sale, in which Clearfield County sold lands that were shown on the tax assessment map as UNKNOWNNS.

BEING A PORTION OF THE SAME PREMISES conveyed unto the Grantors herein, by deed recorded in the Clearfield County Recorder of Deeds Office in Record Book 1375, Page 483.

FOR that portion of the premises of questionable title formerly of Billy J. Lumadue, Seller shall provide no guaranty or warranty of title, nor is there any guaranty or warranty regarding the location on the premises of that portion thereof formerly of Billy J. Lumadue.

And the said Grantors do hereby warrant specially the premises herein conveyed.

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

Signed, Sealed and Delivered
In the Presence of

)
) Daniel K. Stoltzfus (SEAL)
) Daniel K. Stoltzfus
)
) Lizzie K. Stoltzfus (SEAL)
) Lizzie K. Stoltzfus
) Amos K. Stoltzfus (SEAL)
) Amos K. Stoltzfus
) Rachel S. Stoltzfus (SEAL)
) Rachel S. Stoltzfus

COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF Clearfield) SS:

On this 17th day of May, 1999, before me, a Notary Public, the undersigned officer, personally appeared Daniel K. Stoltzfus and Lizzie K. Stoltzfus, husband and wife and known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same in the capacity therein stated for the purposes therein contained.

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

Margaret B. Buzzanca
Notary Public

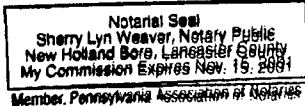
NOTARIAL SEAL
MARGARET B. BUZZANCA, Notary Public
Clearfield Boro, Clearfield County, PA
My Commission Expires Nov. 23, 2001



COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF LANCASTER)

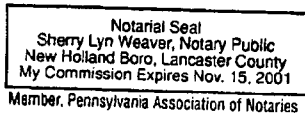
On this 15th day of May, 1999, before me, a Notary Public, the undersigned officer, personally appeared Amos K. Stoltzfus and Rachel S. Stoltzfus, husband and wife, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same in the capacity therein stated for the purposes therein contained.

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



Sherry Lyn Weaver
Notary Public

I Hereby Certify, that the precise address of the grantees herein is
R. R. #1, Box 219CC, West Decatur, PA 16878



BY: Barbara J. Hugney-Shope
Esquire

KAREN L. STARCK
REGISTER AND RECORDER
CLEARFIELD COUNTY, PA
Pennsylvania

INSTRUMENT NUMBER
199907870
RECORDED ON
May 17, 1999
3:19:44 PM

RECORDING FEES - \$13.50
RECORDER
COUNTY IMPROVEMENT \$1.00
FUND
RECORDER \$1.00
IMPROVEMENT FUND
STATE TRANSFER \$350.00
TAX
STATE WRIT TAX \$0.50
BOGGS TOWNSHIP \$175.00
PHILIPSBURG-OSCED \$175.00
SCHOOLS
TOTAL: \$716.00

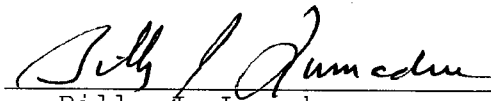
B. Hugney-Shope

COMMONWEALTH OF PENNSYLVANIA)

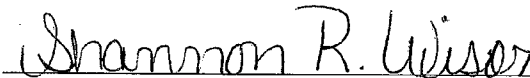
ss.

COUNTY OF CLEARFIELD)

Before me, the undersigned officer, personally appeared BILLY J. LUMADUE, who being duly sworn according to law, deposes and states that the facts set forth in the foregoing Complaint are true and correct to the best of his knowledge, information and belief.


Billy J. Lumadue

SWORN and SUBSCRIBED before me this 5th day of April, 2001.



Notarial Seal
Shannon R. Wisor, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires Aug. 25, 2003

JAMES A. NADDEO
ATTORNEY AT LAW
211 1/2 EAST LOCUST STREET
P.O. BOX 552
CLEARFIELD, PENNSYLVANIA 16830

FILED

~~APR 23 2001~~
O B 401 at Maddux
William A. Shaw
Prothonotary

Pa \$10.00
Dec 2001

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 10935

LUMADUE, BILLY J.

01-582-CD

VS.

ALBERT, WILLIAM S.

COMPLAINT

SHERIFF RETURNS

NOW APRIL 25, 2001 AT 10:23 AM DST SERVED THE WITHIN COMPLAINT ON
WILLIAM S. ALBERT, DEFENDANT AT RESIDENCE, RR 1, BOX 219CC, WEST
DECATUR, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO WILLIAM S.
ALBERT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE
KNOWN TO HIM THE CONTENTS THEREOF.
SERVED BY: COUDRIET

Return Costs

Cost	Description
24.06	SHFF. HAWKINS PAID BY: ATTY.
10.00	SURCHARGE PAID BY: ATTY.

Sworn to Before Me This

27th Day Of April, 2001
William A. Shaw

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

So Answers,

Chester A. Hawkins
Cy Marlye Hamp
Chester A. Hawkins
Sheriff

FILED
013:2761
APR 27 2001

William A. Shaw
Prothonotary

112

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

BILLY J. LUMADUE,
an individual,
Plaintiff,

v.

WILLIAM S. ALBERT,
an individual,
Defendant.

No. 01 - 582 - CD

Type of Pleading:

Certificate of Service

Filed on behalf of:
Plaintiff

Counsel of Record for
this party:

James A. Naddeo, Esq.
Pa I.D. 06820

211 1/2 E. Locust Street
P.O. Box 552
Clearfield, PA 16830
(814) 765-1601

FILED

MAY 18 2001

William A. Shaw
Prothonotary

#3

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

BILLY J. LUMADUE,
an individual,
Plaintiff,

v.

WILLIAM S. ALBERT,
an individual,
Defendant.

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No. 01 - 582 - CD

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a
certified copy of Notice of Default filed in the above-captioned
action was served on the following persons and in the following
manner on the 18th day of May, 2001:

First-Class Mail, Postage Prepaid

William S. Albert
RR1 Box 219CC
West Decatur, PA 16878


James A. Naddeo
Attorney for Plaintiff

JAMES A. NADDEO
ATTORNEY AT LAW
211½ EAST LOCUST STREET
P.O. BOX 552
CLEARFIELD, PENNSYLVANIA 16830

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

BILLY J. LUMADUE,
an individual,

Plaintiff,

vs.

WILLIAM S. ALBERT,
an individual,

Defendant.

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* **NO. 01-582-CD**

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* **Type of Case: CIVIL MATTER**

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* **Type of Pleading: ANSWER TO COMPLAINT**

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* **Filed on behalf of: DEFENDANT**

* **WILLIAM S. ALBERT**

*

*

* **Counsel of record for Defendant:**

*

* **BARBARA J. HUGNEY-SHOPE, ESQUIRE**

*

* **Supreme Court I. D. No. 26274**

* **23 North Second Street**

* **Clearfield, PA 16830**

* **(814) 765-5155**

FILED

MAY 29 2001

William A. Shaw
Prothonotary

#4

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

BILLY J. LUMADUE,
an individual,
Plaintiff,

vs.

WILLIAM S. ALBERT,
an individual,
Defendant.

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* NO. 01-582-CD
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ANSWER

AND NOW, comes the Defendant, WILLIAM S. ALBERT, who by and through his attorney, Barbara J. Hugney-Shope, Esquire, files the following Answer in this matter and in support thereof avers as follows:

1. Admitted.
2. Admitted.
3. Denied in part. It is denied that the premises owned by Plaintiff, Billy J. Lumadue, are as bounded and described in his Complaint. On the contrary, Defendant believes and therefore avers that the premises obtained from the Tax Claim Bureau of Clearfield County by Billy J. Lumadue are the same 14 acres acquired in 1881 by Christiana Merritt and Nelson Merritt and children as set forth in a deed recorded in

Clearfield County Deed Book 18 page 341 and more fully described below and a copy of said deed is attached as Plaintiff's Exhibit "1:"

ALL that tract or piece of land lying and situate in the Township of Boggs in the County of Clearfield, State of Pennsylvania, bounded and described as follows:

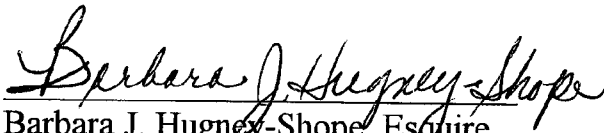
BEGINNING at a post corner of land of John Bush Esquire on old tract line; thence South (3) degrees West eighty-six (86) perches to a post new by white pine stump; thence North (3) degrees East twenty-one perches to a corner; thence North (81) eighty-one degrees West (68) sixty-eight perches to a corner; thence South by lands of John Bush Esquire South (27) twenty-seven degrees East (36) thirty-six perches more or less to a post and beginning and containing fourteen acres be the same more or less.

BEING part of a larger tract of land originally surveyed in name of Henry Drinker which by sundry conveyances and assurances in the law is now vested in fee in the present grantors reference being made to the record of Clearfield County will more fully and at large appear to the said Christiana Merritt and the heirs of her body by her husband, Nelson Merritt begotten with the remainder and reversion to her children aforesaid as tenants in common share and share alike.

4. Admitted.

WHEREFORE, Defendant requests that the Plaintiff's Complaint be dismissed.

Respectfully submitted,


Barbara J. Hugney-Shope, Esquire
Attorney for Defendant

DEED.

This Indenture,

Henry & Jacob Goss et al.
To

Made the Twentieth day of September in the year of our

Lord one thousand eight hundred and Eighty One Between

Christiana Merrett and Jacob Goss Farmer & Hannah Mary his wife Henry Goss
Nelson Merrett & Children his wife all of the Township of Boggs Clearfield County Pa.

of the first part, and Christiana Merrett wife of Nelson Merrett of the Township County
and State aforesaid Nelson Merrett Eugene Merrett Mary Merrett Lillie Merrett their children
of the second part; **Witnesseth**, that the said party of the first part

for and in consideration of the sum of Eight Dollars

lawful money of the United States

of America,

well and truly paid by the said party of the second part to the said party

of the first part

at and before the sealing and delivery of these presents, the receipt

whereof is hereby acknowledged, have granted, bargained, sold, aliened, enfeoffed, released, conveyed and confirmed, and by

these presents do grant, bargain, sell, alien, enfeoff, release, convey and confirm, unto the said party of the

heirs and assigns, all that tract

or piece of land lying and situate in the Township of Boggs in the County of Clearfield
State of Pennsylvania Bounded and described as follows Beginning at a post corner
of land of John Bush Esquire on old tract line Thence South (3) degrees West Eighty
six and six tenths to a post now by white Oak stump Thence North (3) degrees East Twenty
one perches to a corner Thence North (81) Eighty one degrees West (68) sixty eight
perches to a corner Thence South by lands of John Bush Esquire South (2) degrees
seven degrees East (36) Thirty six perches more or less to a post and beginning
and containing Fourteen Acres be the same more or less Being part of a
larger tract of land originally surveyed in name of Henry Brinker which by
many conveyances and assurances in the law is now vested in fee in the
present grantors reference being made to the records of Clearfield County

VERIFICATION

I verify that the statements made in the foregoing Answer are true and correct.

I understand that false statements herein made are subject to the penalties of 18 Pa.

C.S. §4904, relating to unsworn falsification to authorities.

William S. Albert

William S. Albert

Dated: 5-29, 2001

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

BILLY J. LUMADUE,
an individual,
Plaintiff,

vs.

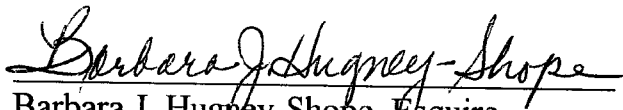
WILLIAM S. ALBERT,
an individual,
Defendant.

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* NO. 01-582-CD
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CERTIFICATE OF SERVICE

AND NOW, this 29th day of May, 2001, I, Barbara J. Hugney-Shope, Esquire, do hereby certify that I served a certified copy of the **ANSWER TO COMPLAINT** on James A. Naddeo, Esquire, attorney for Billy J. Lumadue, Plaintiff in the above-captioned matter, by hand delivery of the same, on the 29th day of May, 2001, and addressed as follows:

James A. Naddeo, Esquire
JAMES A. NADDEO & ASSOCIATES
211 1/2 East Locust Street
Clearfield, PA 16830


Barbara J. Hugney-Shope, Esquire
Attorney for Defendant

BARBARA J. HUGNEY-SHOPE

Attorney-at-Law

23 N. Second Street
Clearfield, PA 16830

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

NO. 01-582-CD

BILLY J. LUMADUE,
Plaintiff,

vs.

WILLIAM S. ALBERT,
Defendant.

A N S W E R

FILED

MAY 29 2001

0122512cc atty Dnp
William A. Shaw
Prothonotary

BARBARA J. HUGNEY-SHOPE

Attorney-at-Law

23 N. Second Street
Clearfield, PA 16830

(814) 765-5155
FAX (814) 765-2957

5

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

BILLY J. LUMADUE,
an individual,
Plaintiff,

v.

WILLIAM S. ALBERT,
an individual,
Defendant.

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No. 01 - 582 - CD


PRAECIPE TO LIST FOR TRIAL

TO THE PROTHONOTARY:

Please place the above-captioned matter on the next
list for trial. In support thereof I certify the following:

1. There are no Motions outstanding.
2. Discovery has been completed and the case is ready
for trial.
3. The case is to be heard non-jury.
4. Notice of the Praecipe has been given to opposing
counsel.
5. The time for trial is estimated at one (1) day.

Date: 2/7/03


James A. Naddeo, Esquire
Attorney for Plaintiff

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

BILLY J. LUMADUE,
an individual,
Plaintiff,

v.

WILLIAM S. ALBERT,
an individual,
Defendant.

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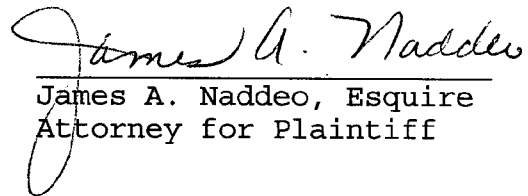
No. 01 - 582 - CD

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a true and correct copy of Praecept to List for Trial filed in the above-captioned action was served on the following person and in the following manner on the 7th day of February, 2003:

First-Class Mail, Postage Prepaid

Barbara J. Hugney-Shope, Esquire
23 North Second Street
Clearfield, PA 16830


James A. Naddeo, Esquire
Attorney for Plaintiff

JAMES A. NADDEO
ATTORNEY AT LAW
211 1/2 EAST LOCUST STREET
P.O. BOX 552
CLEARFIELD, PENNSYLVANIA 16830

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

BILLY J. LUMADUE,
an individual

-vs-

WILLIAM S. ALBERT,
an individual

No. 01 - 582 - CD

PRE-TRIAL ORDER

NOW, this 9th day of April, 2003, following pre-trial conference in the above-captioned matter, upon agreement of the parties, it is the ORDER of this Court that Defendant shall submit to counsel for Plaintiff on or before April 30, 2003, the report and map of the surveyor to be called by said Defendant at trial.

It is the further ORDER of this Court that trial without a jury shall be had Wednesday, July 9, 2003, commencing at 9:00 a.m.

By the Court,

President Judge

FILED

APR 09 2003

William A. Shaw
Prothonotary

sent to atty Naddan

Atty Hughey-Shope

#10

FILED

APR 09 2003

William A. Shaw
Prothonotary

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

BILLY J. LUMADUE,
an individual,
Plaintiff,

v.

WILLIAM S. ALBERT,
an individual,
Defendant.

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No. 01 - 582 - CD

PETITION TO ENFORCE SETTLEMENT

NOW COMES the Petitioner, Billy J. Lumadue, and by his attorney, James A. Naddeo, sets forth the follows:

1. That Petitioner filed a Complaint to rule Respondent to file an action in ejectment to the above-captioned term and number on April 23, 2001.
2. That an Answer was filed to Petitioner's Complaint by Respondent on or about May 29, 201.
3. That this case was listed for trial on February 7, 2003.
4. That Pre-Trial Conference was held on April 9, 2003.
5. That the Court issued a Pre-Trial Order on April 9, 2003, directing counsel for Respondent to provide a report and map to counsel for Petitioner on or before April 30, 2003, and setting date for trial on Wednesday, July 9, 2003. A copy of said Order is attached hereto as Exhibit "A".

6. That on July 2, 2003, counsel reached a settlement agreement whereby the parties were to exchange Quit-Claim Deeds conveying certain tracts of land to the other. A copy of said letter confirming settlement is attached hereto as Exhibit "B".

7. That counsel for Petitioner notified the Court by letter dated July 2, 2003, that the case was settled. A copy of said letter is attached hereto as Exhibit "C".

8. That counsel for Petitioner failed to receive a Quit-Claim Deed from Respondent which prompted letter to Respondent's counsel dated August 14, 2003. A copy of said letter is attached hereto as Exhibit "D".

9. That in response to the letter of Petitioner's counsel dated August 14, 2003, counsel for Respondent directed a letter to Petitioner's counsel dated August 20, 2003. A copy of said letter is attached hereto as Exhibit "E".

10. That the parties eventually obtained survey descriptions of the parcels of land to be exchanged.

11. That Deeds were prepared by respective counsel for the parties for the purpose of concluding the settlement agreement reached between counsel.

12. That Petitioner by letter dated November 11, 2003, demanded delivery of the Deed for purposes of concluding settlement. A copy of said letter is attached hereto as Exhibit "F".

13. That in accordance with letter of Petitioner's counsel dated November 11, 2003, a Deed properly executed by Petitioner was delivered to the office of Respondent's counsel on November 14, 2003. A copy of said Deed is attached hereto as Exhibit "G".

14. That Respondent failed to deliver a Deed to Petitioner as demanded in the letter attached hereto as Exhibit "F".

15. That to the date of this Petition, Respondent has continued to refuse and/or fail to deliver to Petitioner the Deed to the premises prepared by Respondent's counsel.

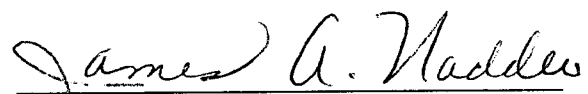
16. That your Petitioner has been required to employ counsel at the rate of \$150.00 per hour to seek enforcement of the settlement agreement.

WHEREFORE, Petitioner respectfully request your Honorable Court to issue a Rule upon Respondent to show cause why:

A. Respondent should not be ordered to sign a Deed to premises to be conveyed to Petitioner; and

B. Respondent should not be ordered to pay counsel fees incurred by Petitioner incident to this application for relief.

Respectfully submitted,


James A. Naddeo, Esquire
Attorney for Petitioner

APR 09 2003

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

BILLY J. LUMADUE,
an individual

-vs-

WILLIAM S. ALBERT,
an individual

No. 01 - 582 - CD

PRE-TRIAL ORDER

NOW, this 9th day of April, 2003, following pre-trial conference in the above-captioned matter, upon agreement of the parties, it is the ORDER of this Court that Defendant shall submit to counsel for Plaintiff on or before April 30, 2003, the report and map of the surveyor to be called by said Defendant at trial.

It is the further ORDER of this Court that trial without a jury shall be had Wednesday, July 9, 2003, commencing at 9:00 a.m.

By the Court.

/s/ JOHN K. REILLY, JR.

President Judge

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

APR 09 2003

Attest.

William L. Shaw
Prothonotary/
Clerk of Courts

JAMES A. NADDEO

ATTORNEY AT LAW
211½ EAST LOCUST STREET
MARINO BUILDING
P.O. BOX 552

CLEARFIELD, PENNSYLVANIA 16830

TELEPHONE
(814) 765-1601

TELECOPIER
(814) 765-8142

ASSOCIATE
LINDA C. LEWIS

July 2, 2003

Barbara J. Hugney-Shope, Esquire
23 North Second Street
Clearfield, PA 16830

Re: Lumadue vs. Albert

Dear Barb:

I would like to confirm the telephone discussion we had on today's date. We have agreed to resolve the land dispute between our clients by exchanging Quit-Claim Deeds. You are to have Thorps prepare a description for the property to be conveyed to my client. You are also to have Thorps provide a description for the remaining disputed area. You will prepare a Quit-Claim Deed from Albert to Lumadue for the larger of the parcels. I will prepare a Quit-Claim Deed from Lumadue to Albert for the remainder of the disputed area.

I will notify the Court that this case has been settled.

Sincerely,

James A. Naddeo

JAN/jlr

cc: Billy Lumadue

JAMES A. NADDEO
ATTORNEY AT LAW
211½ EAST LOCUST STREET
MARINO BUILDING
P.O. BOX 552
CLEARFIELD, PENNSYLVANIA 16830

TELEPHONE
(814) 765-1601
TELECOPIER
(814) 765-8142

ASSOCIATE
LINDA C. LEWIS

July 2, 2003

Honorable John K. Reilly, Jr.
President Judge
Clearfield County Courthouse
Clearfield, PA 16830

Re: Billy J. Lumadue vs. William S. Albert
No. 01-582-CD

Dear Judge Reilly:

The parties have been able to settle this case. It is currently scheduled for trial on Wednesday, July 9, 2003. Enclosed is a copy of my letter to defense counsel. This letter embodies the terms of settlement.

Sincerely,

James A. Naddeo

JAN/jlr

cc: Barbara J. Hugney-Shope, Esquire

JAMES A. NADDEO
ATTORNEY AT LAW
211½ EAST LOCUST STREET
MARINO BUILDING
P.O. BOX 552
CLEARFIELD, PENNSYLVANIA 16830

TELEPHONE
(814) 765-1601
TELECOPIER
(814) 765-8142

ASSOCIATE
LINDA C. LEWIS

August 14, 2003

Barbara J. Hugney-Shope, Esquire
23 North Second Street
Clearfield, PA 16830

Re: Lumadue vs. Albert

Dear Barb:

We reached a settlement agreement pertaining to the above-captioned case on or about July 2, 2003. In reliance upon that agreement, I informed the Court by letter of July 2, 2003, that the case was settled. The letter to Judge Reilly included a copy of my letter to you also dated July 2, 2003, outlining the terms of settlement.

As part of our settlement agreement you were to prepare a Quit-Claim Deed from Mr. Albert to my client with the description to be supplied by Mr. Albert's surveyor. I directed a letter to you dated August 6, 2003, inquiring as to the status of our settlement. I have not received a response.

I expect to have a Deed delivered to my office as required by our settlement by close of business on August 25, 2003. If I do not have a Deed by that date, I will file a petition with the Court to enforce settlement. That petition will include a demand that your client pay my attorney's fees.

Sincerely,

James A. Naddeo

JAN/jlr

cc: Mr. Billy Lumadue

Barbara J. Hugney-Shope

ATTORNEY AT LAW

23 North Second Street
Clearfield, PA 16830

August 20, 2003

AUG 20 2003
814-765-5155
FAX 814-765-2957

James A. Naddeo, Esquire
JAMES A. NADDEO & ASSOCIATES
211½ East Locust Street
Clearfield, PA 16830

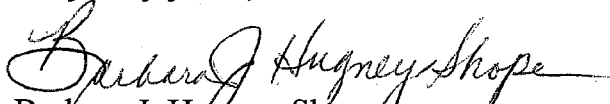
RE: Lumadue vs. Albert

Dear Mr. Naddeo:

This is in response to your inquiry as to the deed for the property to go to your client. I had been more or less hounding Gary Thorp at Curry & Associates for the description. He finally provided me with the description for the 1.27 acre that is to go to my client. Since a survey was done for Mr. Lumadue, he suggested that the surveyor for Mr. Lumadue prepare the description for that parcel.

I have forwarded a copy of your most recent letter to Mr. Albert. Obviously, without a description for the property going to your client, it will not be possible to have a deed prepared by the deadline in your letter.

Very truly yours,


Barbara J. Hugney-Shope

BJHS/tmb

cc: William S. Albert

EXHIBIT "E"

JAMES A. NADDEO
ATTORNEY AT LAW
211½ EAST LOCUST STREET
MARINO BUILDING
P.O. BOX 552
CLEARFIELD, PENNSYLVANIA 16830

TELEPHONE
(814) 765-1601
TELECOPIER
(814) 765-8142

ASSOCIATE
LINDA C. LEWIS

November 11, 2003

Barbara J. Hugney-Shope, Esquire
23 North Second Street
Clearfield, PA 16830

Re: Lumadue vs. Albert

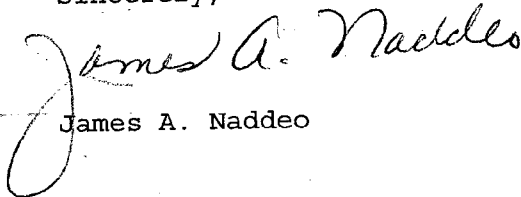
Dear Barb:

Some time ago we agreed to an exchange of deeds as a method of resolving the dispute between our clients. Each of us approved description, form of deed, etc. I have in my possession a deed signed by Billy J. and Annette S. Lumadue. I am enclosing a copy of that deed for your consideration. This deed was prepared in the form and manner approved by you on behalf of Mr. Albert.

I understand that Mr. Albert had some misfortune involving the loss of his home. Be this as it may, I can think of no good reason why the deed that was to be delivered to my client has not been received.

I must insist that the deeds be exchanged immediately. I will deliver the deed from Lumadue to your office by close of business on Friday, November 14th. Delivery of the deed will be made to you in escrow pending similar delivery to me of the deed intended for Lumadue. If I do not receive a signed deed from Mr. Albert by close of business on Friday, November 14th, I will retrieve the deed from Lumadue to Albert from your office on Monday, November 17th. I will file a petition to enforce our settlement no later than close of business on November 17th.

Sincerely,


James A. Naddeo

JAN/jlr
Enclosure
cc: Mr. Billy Lumadue

VIA FAX 765-2957

THIS INDENTURE,

MADE the 10th day of November, 2003 BETWEEN BILLY J. LUMADUE and ANNETTE S. LUMADUE, husband and wife, of RR1 Box 214A, West Decatur, Pennsylvania, Party of the First Part, hereinafter referred to as "GRANTORS";

A N D

WILLIAM S. ALBERT, a single adult individual, of Box 219CC, West Decatur, Pennsylvania, Party of the Second Part, hereinafter referred to as "GRANTEE".

WITNESSETH, that the said party of the first part in consideration of the sum of One (\$1.00) DOLLAR, receipt whereof is hereby acknowledged, the said Grantors do hereby release and quit claim to the said Grantee, his heirs and assigns,

All that certain piece, parcel or tract of land situate in Township of Boggs, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at an existing 5/8" rebar on the northern line of lands of Gary J. and Jennifer Simler as described in Deed Book 1699 page 490, said rebar being North 82 Degrees 10 Minutes 39 Seconds West a distance of 1473.80 feet from a 1" pin (found) at the intersection of the northwest corner of lands of Raymond B. and Alice E. Fargo and the northeast corner of lands of Gary J. and Jennifer Simler, said point of beginning being the southwest corner of the parcel herein conveyed and

EXHIBIT "G"

running; thence along the line established by Land Map Services North 10 Degrees 22 Minutes 19 Seconds East a distance of 386.85 feet to an existing 5/8" rebar; thence still along the line established by Land Map Services South 89 Degrees 20 Minutes 23 Seconds East a distance of 1137.71 feet to an existing 5/8" rebar, said rebar being on the western line of lands of Billy J. and Annette S. Lumadue as described in Deed Book 1195 Page 108; thence along the western line of lands of Billy J. and Annette S. Lumadue South 23 Degrees 59 Minutes 21 Seconds East a distance of 27.73 feet to a point; thence South 89 Degrees 42 Minutes 44 Seconds West a distance of 1121.98 feet to a point; thence South 07 Degrees 00 Minutes 42 Seconds West a distance of 346.50 feet to a point on the northern line of lands of the aforementioned Gary J. and Jennifer Simler; thence along the northern line of lands of Gary J. and Jennifer Simler North 82 Degrees 10 Minutes 39 Seconds West a distance of 54.80 feet to an existing 5/8" rebar and place of beginning. Containing 1.27 Acres as shown on map prepared by Curry & Associates dated May 14, 2003.

BEING a portion of a disputed area of ground lying to the southeast corner of premises conveyed to William S. Albert by Deed of Daniel K. Stoltzfus, et al., dated May 15, 1999, and recorded in the Recorder's Office of Clearfield County as Instrument No. 199907878. The disputed area consisting of 13.9172 acres was claimed by the Grantors as having been acquired at a Clearfield County Tax Sale and is subject of a Complaint filed by the Grantor, Billy S. Lumadue, against the Grantee in the Court of Common Pleas, Clearfield County, Pennsylvania, to No. 01-582-CD. This Deed is given as a result of a compromise whereby Grantors and Grantee have agreed to a division of the disputed area to the extent that Grantors quit claim to Grantee the parcel of land described herein consisting of 1.27 acres and intend said property to be the sole property of Grantee representing the residue of the disputed area consisting of 13.9172 acres.

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

SEALED AND DELIVERED IN THE PRESENCE OF:

Haci L. Shirley
Haci L. Shirley

Billy J. Lumadue (SEAL)
Billy J. Lumadue
Annette S. Lumadue (SEAL)
Annette S. Lumadue

CERTIFICATE OF RESIDENCE

I, hereby certify that the correct address and place of residence of the Grantee herein as follows:

Box 219CC
West Decatur, PA 16878.

Attorney for Grantee

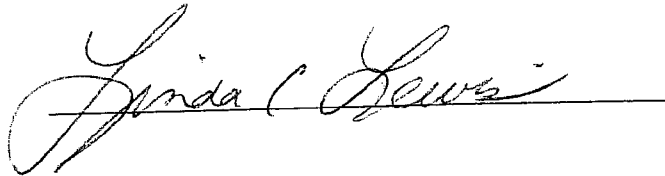
COMMONWEALTH OF PENNSYLVANIA :

SS:

COUNTY OF CLEARFIELD :

On this, the 10th day of November, 2003, before me a Notary Public, the undersigned officer, personally appeared BILLY J. LUMADUE and ANNETTE S. LUMADUE, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledge that they executed the same for the purpose therein contained.

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



COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
Linda C. Lewis, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires July 25, 2007

COUNTY OF CLEARFIELD)

Before me, the undersigned officer, personally appeared BILLY J. LUMADUE, who being duly sworn according to law, deposes and states that the facts set forth in the foregoing Petition are true and correct to the best of his knowledge, information and belief.

Billy J. Luma due

SWORN and SUBSCRIBED before me this 4th day of December, 2003.

Jennifer L. Royer

**Notarial Seal
Jennifer L. Royer, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires May 17, 2007**

JAMES A. NADDEO
ATTORNEY AT LAW
211½ EAST LOCUST STREET
P.O. BOX 552
CLEARFIELD, PENNSYLVANIA 16830

GA

Prothonotary/Clerk of Courts

William A. Shaw

DEC 04 2003

FILED

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Amg Madder

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

BILLY J. LUMADUE,
an individual,

Plaintiff,

vs.

WILLIAM S. ALBERT,
an individual,

Defendant.

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* NO. 01-582-CD

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RULE

AND NOW, this 16th day of December, 2003, upon consideration of the attached Motion to Withdraw as Counsel filed by Barbara J. Hugney-Shope, Esquire, a Rule is hereby issued upon WILLIAM S. ALBERT to show cause why the Motion should not be granted.

Rule Returnable for a hearing thereon the 30 day of December, 2003, in Courtroom No. 1 of the Clearfield County Courthouse. at 3:00 P.M.

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

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

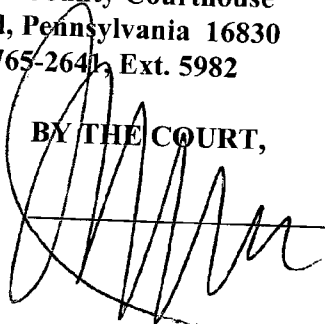
Court Administrator
Clearfield County Courthouse
Clearfield, Pennsylvania 16830
(814) 765-2641, Ext. 5982

FILED

DEC 10, 2003

W. William A. Shaw
Pr. Prothonotary

BY THE COURT,


Judge

FILED

0 3:41 PM 3006 AM 10/10/03
DEC 10 2003

William A. Shaw
Prothonotary

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

BILLY J. LUMADUE,
an individual,
Plaintiff,

vs.

WILLIAM S. ALBERT,
an individual,
Defendant.

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* NO. 01-582-CD

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* Type of Case: CIVIL MATTER

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* Type of Pleading: MOTION TO
WITHDRAW AS COUNSEL

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* Counsel of record for Defendant:

*

* **BARBARA J. HUGNEY-SHOPE, ESQUIRE**

*

* Supreme Court I. D. No. 26274

* 23 North Second Street

* Clearfield, PA 16830

* (814) 765-5155

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

BILLY J. LUMADUE,
an individual,

Plaintiff,

vs.

WILLIAM S. ALBERT,
an individual,

Defendant.

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NO. 01-582-CD

MOTION TO WITHDRAW AS COUNSEL

AND NOW, comes the Movant, Barbara J. Hugney-Shope, Esquire, attorney of record for the Defendant, WILLIAM S. ALBERT, in the above-captioned matter, and in support of the foregoing Motion to Withdraw as Counsel, avers as follows:

1. Movant and WILLIAM S. ALBERT entered into an agreement whereby Movant was to represent Respondent in the above proceeding.
2. The scope of Movant's representation of the Respondent was limited to resolving a land dispute.
3. Movant filed the appropriate Answer to the Complaint in this matter as well as representing Respondent at a Pre-Trial Conference and in negotiations to attempt a settlement.
4. Movant understood that the Respondent was in agreement to a division of the disputed land as recommended by his surveyor.

5. As a result, Movant communicated this to Plaintiff's counsel who then advised the Court that the Non-Jury Trial could be canceled.

6. Attempts to contact the Defendant, WILLIAM S. ALBERT, by telephone calls and letter to obtain his signature on the relevant documents necessary to effectuate the settlement negotiated in this matter or to withdraw as counsel have been unsuccessful.

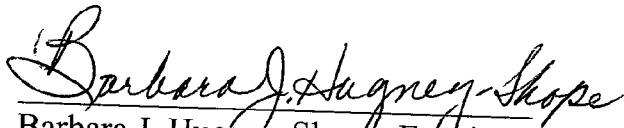
7. Defendant advised Movant that after the trial was canceled that he intended to obtain different counsel.

8. Since Respondent has indicated his dissatisfaction with the settlement negotiated by Respondent and indicated that he intends to obtain different counsel, Movant requests to be removed as attorney of record in the above-captioned matter.

9. The Respondent, WILLIAM S. ALBERT, will suffer no prejudice from your Movant's withdrawal.

WHEREFORE, Movant respectfully requests this Honorable Court to issue an Order permitting Movant to withdraw as attorney of record for WILLIAM S. ALBERT in the above-captioned matter.

Respectfully submitted,


Barbara J. Hughey-Shope, Esquire

BARBARA J. HUGNEY-SHOPE

Attorney at Law

23 N. Second Street

Clearfield, PA 16830

CPX

RECEIVED
JAN 11 1994
CLEARFIELD COUNTY
CLERK OF COURT
CLEARFIELD, PA

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

NO. 01-582-CD

BILLY J. LUMADUE,
Plaintiff,

vs.

WILLIAM S. ALBERT,
Defendant.

MOTION TO WITHDRAW AS COUNSEL
AND RULE

BARBARA J. HUGNEY-SHOPE
Attorney-at-Law
23 N. Second Street
Clearfield, PA 16830
(814) 765-5155
FAX (814) 765-2957

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

BILLY J. LUMADUE,
an individual,

Plaintiff,

vs.

WILLIAM S. ALBERT,
an individual,

Defendant.

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* NO. 01-582-CD

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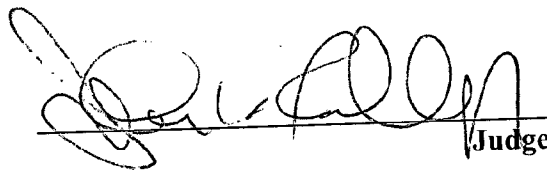
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*

ORDER

AND NOW, this 30th day of December, 2003, upon consideration of the Motion to Withdraw as Counsel filed by BARBARA J. HUGNEY-SHOPE, ESQUIRE, it is hereby ORDERED that said Motion is granted and that Petitioner, BARBARA J. HUGNEY-SHOPE, ESQUIRE, be permitted to withdraw her appearance of record for the Defendant, William S. Albert, in the above matter.

BY THE COURT,


Judge

FILED

DEC 30 2003

William A. Shaw
Prothonotary/Clerk of Courts

FILED

3cc

DEC 30 2003

Att'y Shope

William A. Shaw

Prothonotary, Clerk of Courts

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

BILLY J. LUMADUE,
Plaintiff,

vs.

WILLIAM S. ALBERT,
Defendant.

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* No. 01-582-CD
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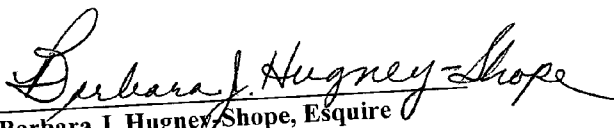
FILED

DEC 30 2003

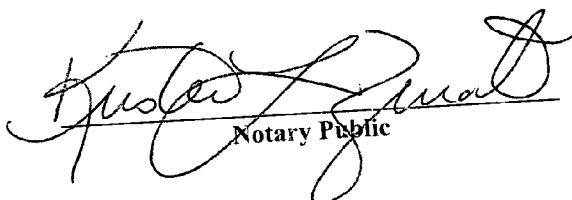
William A. Shaw
Prothonotary/Clerk of Courts

AFFIDAVIT OF SERVICE

AND NOW, this 30th day of December, 2003, I, Barbara J. Hugney-Shope, Esquire, who, being duly sworn according to law, deposes and says that I served a certified copy of the MOTION TO WITHDRAW AS COUNSEL filed in the above-captioned matter, upon WILLIAM S. ALBERT, Defendant in the above-captioned matter, by depositing the same with the United States Postal Service, postage prepaid, Certified Mail No. 7000 1670 0002 4682 4216, return receipt requested, restricted delivery, addressed to WILLIAM S. ALBERT at his last known address, to wit: Box 219CC, West Decatur, PA 16878, however, on December 30, 2003, the date of the hearing, the envelope was returned from the Postal Service indicating that it was "unclaimed" as evidenced by the Certified Mail receipt which is attached hereto.


Barbara J. Hugney-Shope, Esquire
23 North Second Street
Clearfield, PA 16830
(814) 765-5155

SWORN to and subscribed
before me this 30th day
of December, 2003.


Notary Public

NOTARIAL SEAL
KRISTEN L. ZURAT, NOTARY PUBLIC
CLEARFIELD CO., PA
MY COMMISSION EXPIRES MAY 7, 2005

10

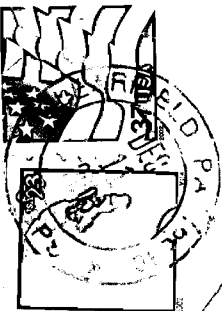
Barbara J. Hugney-Shope, Esquire
23 North Second Street
Clearfield, PA 16830

CERTIFIED MAIL



7000 1670 0002 4682 4216

DEC 30 2003



12/12
12/19
12/27 0000

William S. Albert

Box 219CC

West Decatur, PA 16878

U.S. POSTAGE
PAID
CLEARFIELD, PA
DEC 1 1983
AMOUNT \$4.05

000858-3E

CERTIFIED MAIL NO. 7000 1670 0002 4682 4216
RETURN RECEIPT REQUESTED

A ☐ INSUFFICIENT ADDRESS
C ☐ ATTEMPTED NOT KNOWN
S ☐ NO SUCH NUMBER/ STREET
☐ NOT DELIVERABLE AS ADDRESSED
- UNABLE TO FORWARD

OTHER

RTS
RETURN TO SENDER

16830/2434

Wm. S. Albert

INSTRUCTIONS: NO POSTAGE
NECESSARY IF MAILED IN THE
UNITED STATES

SENDER: COMPLETE THIS SECTION

- ☐ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- ☐ Print your name and address on the reverse so that we can return the card to you.
- ☐ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

William S. Albert
Box 219CC
West Decatur, PA 16878

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☒

- ☐ Agent
- ☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?

If YES, enter delivery address below:

- ☐ Yes
- ☐ No

3. Service Type

- ☒ Certified Mail
- ☐ Registered
- ☐ Insured Mail
- ☐ Express Mail
- ☐ Return Receipt for Merchandise
- ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

- ☐ Yes

2. Article Number
(Transfer from service label)

7000 1670 0002 4682 4216

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540



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

OFFICIAL USE

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



Sent To
William S. Albert
 Street, Apt. No., or PO Box No.
Box 219CC
 City, State, ZIP+4
West Decatur, PA 16878

PS Form 3800, May 2008

See Reverse for Instructions

7000 1670 0002 4682 4216

FILED

1 cc

012:49:34
DEC 30 2003

William A. Shaw

Prothonotary/Clerk of Courts

Atty. Shupe

CA

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

BILLY J. LUMADUE

vs.

WILLIAM S. ALBERT

:
:
: No. 01-582-CD
:
:

ORDER

AND NOW, this 7th day of January, 2004, it is the ORDER of the Court that argument on Plaintiff's Petition to Enforce Settlement scheduled in the above matter for January 14, 2004 has been CONTINUED. You will be notified by separate Order when this matter has been rescheduled.

BY THE COURT:



FREDRIC J. AMMERMAN
President Judge

FILED

JAN 07 2004

William A. Shaw
Prothonotary

#11

FILED

① 3:44 PM

JAN 07 2004

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821

William A. Shaw
Prothonotary

CA

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

BILLY J. LUMADUE

vs.

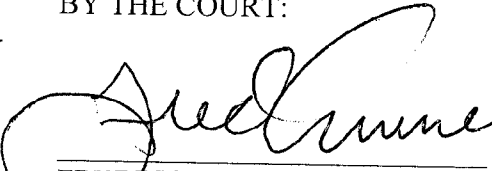
WILLIAM S. ALBERT

:
:
: No. 01-582-CD
:
:

ORDER

AND NOW, this 19th day of January, 2004, it is the ORDER of the Court that argument on Plaintiff's Petition to Enforce Settlement in the above matter has been scheduled for **Wednesday, February 25, 2004 at 2:30 P.M.** before the Honorable John K. Reilly, Senior Judge, Specially Presiding, in Courtroom No. 2, Clearfield County Courthouse, Clearfield, PA.

BY THE COURT:


FREDRIC J. AMMERMAN
President Judge

FILED

JAN 20 2004

William A. Shaw
Prothonotary/Clerk of Courts



FILED

Lee Allyn Naddo

019:308H
JAN 20 2004

Lee Def.

Box 21900

Prothonotary/Clerk of Courts

William A. Shaw



West Chester, PA 19380

#13

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

BILLY J. LUMADUE,
an individual,
Plaintiff,

v.

WILLIAM S. ALBERT,
an individual,
Defendant.

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No. 01 - 582 - CD

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a true and certified copy of Petition to Enforce Settlement and the Court's Order dated January 19, 2004, filed in the above-captioned action were served on the following person and in the following manner on the 20th day of January, 2004:

First-Class Mail, Postage Prepaid

Mr. William S. Albert
Box 219CC
West Decatur, PA 16878


James A. Naddeo, Esquire
Attorney for Plaintiff

JAMES A. NADDEO
ATTORNEY AT LAW
P.O. BOX 552
CLEARFIELD, PENNSYLVANIA 16830

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

BILLY J. LUMADUE,
Plaintiff

vs.

WILLIAM S. ALBERT,
Defendant

No. 01-582-C.D.

Type of Pleading:

ENTRY OF APPEARANCE

Filed on behalf of:
Defendant

Counsel of Record for
This Party:

S. Casey Bowers, Esq.
Supreme Court No. 89032
Hanak, Guido and Taladay
498 Jeffers Street
PO Box 487
DuBois, PA 15801

814-371-7768

FILED

FEB 19 2004

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

BILLY J. LUMADUE,
Plaintiff

vs.

WILLIAM S. ALBERT,
Defendant

No. 01-582-CD

PRAECIPE FOR ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Please enter my appearance on behalf of the Defendant in the
above captioned matter.

HANAK, GUIDO AND TALADAY, by:



S. Casey Bowers, Esq.

CERTIFICATE OF SERVICE

I do hereby certify that on the 19th day of February, 2004, I mailed a copy of the within Entry of Appearance, by first class mail, postage prepaid, to the following:

James A. Naddeo, Esq.
211-1/2 East Locust Street
P. O. Box 552
Clearfield, PA 16830



S. Casey Bowers

William A. Shaw
Prothonotary/Clerk of Courts

FILED REC
2/10/04 ~~FILED~~ C
FEB 19 2004 ~~FILED~~ *Atty Bowers*

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

BILLY J. LUMADUE,
Plaintiff

vs.

WILLIAM S. ALBERT,
Defendant

No. 01-582-C.D.

Type of Pleading:

**ANSWER TO PLAINTIFF'S
PETITION TO ENFORCE
SETTLEMENT AND NEW
MATTER**

Filed on behalf of:
Defendant

Counsel of Record for
This Party:

S. Casey Bowers, Esq.
Supreme Court No. 89032
Hanak, Guido and Taladay
498 Jeffers Street
PO Box 487
DuBois, PA 15801

814-371-7768

You are hereby notified to plead
to the within pleading within
twenty (20) days hereof or a
default judgment may be entered
against you.



FILED

FEB 19 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

BILLY J. LUMADUE,
an individual,

Plaintiff

No. 01-582-C.D.

vs.

WILLIAM S. ALBERT,
an individual,

Defendant

**ANSWER TO PLAINTIFF'S PETITION
TO ENFORCE SETTLEMENT**

AND NOW, comes the Defendant, WILLIAM S. ALBERT, by and through his attorneys, HANAK, GUIDO AND TALADAY, and hereby Answers Plaintiff's Petition to Enforce Settlement averring as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.

6. Admitted in part and denied in part. It is admitted that counsel for Plaintiff and then counsel for Defendant, Attorney Barbara J. Hugney-Shope reached a settlement agreement whereby the parties were to exchange quitclaim deeds. It is specifically denied, however, that Attorney Shope had authority from Defendant to enter into such a settlement agreement.

7. Admitted in part and denied in part. It is admitted that counsel for Plaintiff so notified the Court. For reasons set forth in Paragraph 6 herein, it is specifically denied that the case was settled.

8. Admitted.

9. Admitted.

10. Admitted.

11. Admitted in part and denied in part. It is admitted that counsel prepared said deeds. However, for reasons set forth in Paragraph 6, it is specifically denied that Attorney Shope had authority to enter into any such settlement agreement. As such, any actions by Attorney Shope in furtherance of this alleged settlement agreement were executed without Respondent's authority to do so.

12. Admitted.

13. Admitted.

14. Admitted.

15. Admitted.

16. Admitted.

WHEREFORE, Defendant respectfully requests your Honorable Court to deny the relief sought in Plaintiff's Petition.

NEW MATTER

17. Defendant incorporates Paragraphs 1 through 16 herein as if said averments were set forth at length.

18. Then counsel for Defendant did not have authority to enter into the settlement referred to in Paragraph 6 of Plaintiff's Petition.

19. Plaintiff's claim set forth in his Petition is barred by the Statute of Frauds.

WHEREFORE, Defendant, WILLIAM S. ALBERT, respectfully requests this Honorable Court to deny the relief sought in Plaintiff's Petition to Enforce Judgment.



S. Casey Bowers
Attorney for Defendant

CERTIFICATE OF SERVICE

I do hereby certify that on the 19th day of February, 2004, I mailed a copy of the within Answer to Plaintiff's Petition to Enforce Settlement and New Matter, by first class mail, postage prepaid, to the following:

James A. Naddeo, Esq.
211-1/2 East Locust Street
P. O. Box 552
Clearfield, PA 16830



S. Casey Bowers

FILED

2CC

of 10:04 AM
FEB 19 2004

Att. Brouess

William A. Shaw

Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

BILLY J. LUMADUE

:

-VS-

: No. 01-582-CD

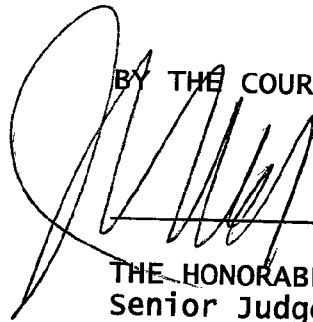
WILLIAM S. ALBERT

:

O R D E R

NOW, this 25th day of February, 2004, following the taking of testimony into Plaintiff's Petition to Enforce Settlement Agreement, it is the ORDER of this Court that counsel for Defendant have no more than thirty (30) days from date hereof in which to supply the Court with appropriate brief. Counsel for Plaintiff, upon receipt of Defendant's brief, shall supply the Court with a reply brief as soon as possible.

BY THE COURT,



THE HONORABLE JOHN K. REILLY, JR.
Senior Judge, Specially Presiding

FILED

FEB 26 2004

William A. Shaw
Prothonotary/Clerk of Courts

#16

FILED

013:05:01
FEB 26 2004

William A. Shaw
Prothonotary/Clerk of Courts

2 cc. Atty. Naddeo, Bowers
ES

FILED

APR 20 2004

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

BILLIE J. LUMADUE

:

VS.

: NO. 01-582-CD

WILLIAM S. ALBERT

:

OPINION AND ORDER

This matter comes before the Court on Plaintiff's Petition to Enforce Settlement Agreement. This Court finds as a fact from the hearing thereon that Defendant's attorney, Barbara Hugney-Shope, Esquire, advised Defendant that the agreed-upon settlement would proceed unless she heard from him to the contrary by July 3, 2003. Defendant argues that since Ms. Shope proceeded with the settlement on July 2nd, at which time she had no authority to do so, the settlement should not be approved. This Court finds, however, that, based on the testimony, the Defendant did not advise Ms. Shope that he objected to the settlement either before or on July 3, 2003, and, therefore, while Ms. Shope may not have had the authority to settle the matter on July 2nd, such authority did ripen on July 3rd when the Defendant failed to contact her and, therefore, this Court does grant the Plaintiff's Petition to Enforce the Settlement and enters the following

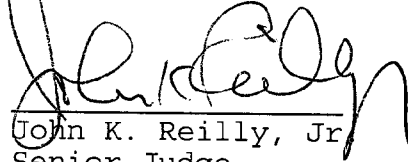
O R D E R

NOW this 20th day of April, 2004, following hearing and briefs into Plaintiff's Petition to Enforce Settlement in

#17

the above-captioned matter, it is the ORDER of this Court that said Petition be and is hereby granted and Defendant ordered to sign the subject deed conveying the premises to the Petitioner forthwith.

BY THE COURT,

A handwritten signature in dark ink, appearing to read "John K. Reilly, Jr.", written over a horizontal line.

John K. Reilly, Jr.
Senior Judge
Specially Presiding

FILED

2cc ~~Attys~~ Moddeo

01/15/2004

2cc ~~Attys~~ Bowers

APR 20 2004

William A. Shaw

~~Att~~ Copy to D. Mikasell

Prothonotary/Clerk of Courts

CA

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

BILLY J. LUMADUE,
Plaintiff

vs.

WILLIAM S. ALBERT,
Defendant

No. 01-582-C.D.

Type of Pleading:

**DEFENDANT'S MOTION
FOR RECONSIDERATION**

Filed on behalf of:
Defendant

Counsel of Record for
This Party:

S. Casey Bowers, Esq.
Supreme Court No. 89032
Hanak, Guido and Taladay
498 Jeffers Street
PO Box 487
DuBois, PA 15801

814-371-7768

FILED

APR 30 2004

William A. Shaw
Prothonotary/Clerk of Courts

#18

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

BILLY J. LUMADUE,
an individual,

Plaintiff

No. 01-582-C.D.

vs.

WILLIAM S. ALBERT,
an individual,

Defendant

DEFENDANT'S MOTION FOR RECONSIDERATION

AND NOW, comes the Defendant, WILLIAM S. ALBERT, by his attorneys, HANAK, GUIDO AND TALADAY, and hereby moves this Court to reconsider its decision as set forth in its Opinion and Order dated April 20, 2004, averring as follows:

1. On or about April 23, 2001, Plaintiff, BILLY J. LUMADUE, commenced this action to rule Defendant, WILLIAM S. ALBERT, to file an action in ejectment relative to a 14 acre tract of real property situated in Boggs Township, Clearfield County, that Plaintiff allegedly purchased at tax sale.
2. Defendant retained Attorney Barbara Hugney-Shope to represent him in the above matter.
3. Shortly after the pre-trial conference, Attorney Shope proposed a settlement in this case under the terms of which the parties would convey certain portions of the disputed property to each other and WILLIAM S. ALBERT would enjoy an easement over Plaintiff's portion of the disputed property.

4. On or about July 2, 2003, which was 5 days before this matter was scheduled for trial, Plaintiff submitted a counter-offer whereby the parties would exchange quit-claim deeds but Defendant would not enjoy an easement over Plaintiff's portion of the disputed property.

5. Attorney Shope agreed to such a settlement on July 2, 2003.

6. This Court found that Attorney Shope gave WILLIAM S. ALBERT instructions to contact her office by July 3, 2003, if he did not want to accept Plaintiff's counter-offer.

7. This Court further found that WILLIAM S. ALBERT did not object to such a settlement.


8. The Court made the above findings in spite of WILLIAM S. ALBERT'S testimony that he expressly objected to settlement on terms proposed by Plaintiff.

9. This Court went on to find that WILLIAM S. ALBERT'S alleged failure to object to the settlement retroactively gave Attorney Shope authority to settle this matter on terms proposed by Plaintiff.

10. WILLIAM S. ALBERT intends to appeal this Court's decision and has instructed your undersigned counsel to file timely notice of appeal.

WHEREFORE, Defendant, WILLIAM S. ALBERT, respectfully requests this Honorable Court to reconsider its decision that is set forth in its Opinion and Order dated April 20, 2004, and to issue an Order denying Plaintiff's Petition to Enforce Settlement.

Respectfully submitted,



S. Casey Bowers
Attorney for Defendant

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

BILLY J. LUMADUE,
an individual,

Plaintiff

No. 01-582-C.D.

vs.

WILLIAM S. ALBERT,
an individual,

Defendant

ORDER OF COURT

AND NOW, this ____ day of _____, 2004, upon
consideration of the within Defendant's Motion for Reconsideration,

IT IS HEREBY ORDERED AND DECREED that the within Motion
is hereby granted.

BY THE COURT:

CERTIFICATE OF SERVICE

I do hereby certify that on the 29th day of April, 2004, I mailed a copy of the within Defendant's Motion for Reconsideration, by first class mail, postage prepaid, to the following:

James A. Naddeo, Esq.
211-1/2 East Locust Street
P. O. Box 552
Clearfield, PA 16830

A handwritten signature in black ink, appearing to read 'S. Casey Bowers', is written over a horizontal line.

S. Casey Bowers

FILED ^{ICC}
MAY 11 2004
APR 30 2004
William A. Shaw
Prothonotary/Clerk of Courts

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

BILLY J. LUMADUE

vs.

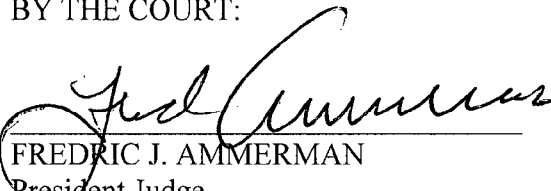
WILLIAM S. ALBERT

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: No. 01-582-CD
:
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ORDER

AND NOW, this 5 day of May, 2004, it is the ORDER of the Court that argument on Defendant's Motion for Reconsideration in the above matter has been scheduled for **Friday, July 16, 2004 at 9:30 A.M.** before the Honorable John K. Reilly, Jr., Senior Judge, Specially Presiding, in the Clearfield County Courthouse, Clearfield, PA. Please report to the Court Administrator's Office. You will be directed from there where this Motion will be heard.

BY THE COURT:


FREDRIC J. AMMERMAN
President Judge

FILED

MAY 05 2004

William A. Shaw
Prothonotary/Clerk of Courts

19

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Att'y Bowers/Maddox
MAY 05 2004
William A. Shaw
Prothonotary/Clerk of Courts

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

BILLY J. LUMADUE,
Plaintiff

vs.

WILLIAM S. ALBERT,
Defendant

No. 01-582-C.D.

Type of Pleading:

NOTICE OF APPEAL

Filed on behalf of:
Defendant

Counsel of Record for
This Party:

S. Casey Bowers, Esq.
Supreme Court No. 89032
Hanak, Guido and Taladay
498 Jeffers Street
PO Box 487
DuBois, PA 15801

814-371-7768

FILED

MAY 19 2004

William A. Shaw
Prothonotary/Clerk of Courts

#20

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

BILLY J. LUMADUE,
an individual,

Plaintiff

No. 01-582-C.D.

vs.

WILLIAM S. ALBERT,
an individual,

Defendant

NOTICE OF APPEAL

Notice is hereby given that WILLIAM S. ALBERT, Defendant in the above captioned matter, hereby appeals to the Superior Court of Pennsylvania, from the Order entered in this matter on the 20th day of April, 2004. This Order has been entered in the docket as evidenced by the attached copy of the docket entry.



S. Casey Bowers
Attorney for Defendant
Supreme Court No. 89032
Hanak, Guido and Taladay
498 Jeffers St., P. O. Box 487
DuBois, PA 15801
814-371-7768

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

BILLY J. LUMADUE,
an individual,

Plaintiff

vs.

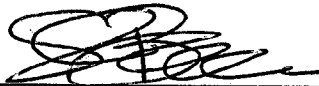
WILLIAM S. ALBERT,
an individual,

Defendant

No. 01-582-C.D.

REQUEST FOR TRANSCRIPT

A notice of appeal having been filed in this matter, the official court reporter is hereby ordered to produce, certify and file the transcript in this matter in conformity with Rule 1922 of the Pennsylvania Rules of Appellate Procedure.



S. Casey Bowers
Attorney for Defendant
Supreme Court No. 89032
Hanak, Guido and Taladay
498 Jeffers St., P. O. Box 487
DuBois, PA 15801
814-371-7768

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

BILLY J. LUMADUE,
an individual,

Plaintiff

No. 01-582-C.D.

vs.

WILLIAM S. ALBERT,
an individual,

Defendant

CERTIFICATE OF SERVICE


I do hereby certify that on the 19th day of May, 2004, a true and correct copy of the Notice of Appeal was served by first class mail, postage prepaid, on the following:

Court Administrator
Clearfield County Courthouse
One North Second Street
Clearfield, PA 16830

Court Reporter
Clearfield County Courthouse
One North Second Street
Clearfield, PA 16830

Hon. John K. Reilly, Jr.
Clearfield County Courthouse
One North Second Street
Clearfield, PA 16830

James A. Naddeo, Esq.
211-12 E. Locust Street
P. O. Box 552
Clearfield, PA 16830


S. Casey Bowers
Attorney for Defendant

Date: 05/12/2004

field County Court of Common Pleas

User: BANDERSON

Time: 09:18 AM

ROA Report

Page 1 of 2

Case: 2001-00582-CD

Current Judge: John K. Reilly Jr.

Billy J. Lumadue vs. William S. Albert

Civil Other

Date		Judge
04/23/2001	Filing: Civil Complaint Paid by: Naddeo, James A (attorney for Lumadue, Billy J.) Receipt number: 1823999 Dated: 04/23/2001 Amount: \$80.00 (Check) Two CC Sheriff	No Judge
04/27/2001	Sheriff Return, Papers served on Defendant(s). So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm	No Judge
05/18/2001	Certificate of Service, Notice of Default, upon William S. Albert. filed by s/James A. Naddeo, Esq. 1 cc atty	No Judge
05/29/2001	Answer To Complaint. Filed by s/Barbara J. Hugney-Shope, Esq. Verification, s/William S. Albert Cert. of Svc. 2 cc atty Shope	No Judge
02/07/2003	Praecipe To List For Trial. Filed by s/James A. Naddeo, Esq. Cert. of Service no cc Copy to CA	No Judge
04/09/2003	PRE-TRIAL ORDER, NOW, this 9th day of April, 2003, re: Defendant shall submit to counsel for Plaintiff on or before April 30, 2003, the report and map of the surveyor to be called by said Defendant at trial. It is the further ORDER of this Court that trial w/o a jury shall be had Wednesday, July 9, 2003, commencing at 9:00 a.m. by the Court, s/JKR,JR.,P.J. cc to: Atty Naddeo and Hugney-Shope	John K. Reilly Jr.
12/04/2003	Petition To Enforce Settlement. filed by, s/JamesA. Naddeo, Esquire cc Atty Naddeo	1 John K. Reilly Jr.
12/10/2003	Motion to Withdraw As Counsel. filed by, s/Barbara J. Hugney-Shope, Esq. RULE, AND NOW, this 10th day of December, 2003, issued upon William S. Albert. Rule Returnable fora Hearing thereon the 30th day of December,2003, at 3:00 p.m. by the Court, s/JKR,JR.,P.J. 3 cc to Atty Shope	John K. Reilly Jr.
12/30/2003	ORDER, AND NOW, this 30th day of December, 2003, upon consideration of the Motion to Withdraw as Counsel filed by BARBARA J. HUGNEY-SHOPE, ESQUIRE, it is hereby ORDERED that said Motion is GRANTED and that Petitioner, BARBARA J. HUGNEY-SHOPE, ESQUIRE be permitted to withdraw her appearance of record for the Defendant, William S. Albert, in the above matter. by the Court, s/JKR,JR.,P.J. 3 cc Atty Shope	John K. Reilly Jr.
	Certified Copy of Motion To Withdraw As Counsel sent to WILLIAM S. ALBERT by Certified Mail returned by USPS "UNCLAIMED" filed. cc Atty Shope	1 John K. Reilly Jr.
01/07/2004	ORDER, AND NOW, this 7th day of January, 2004, re: Argument on Plaintiff's Petition to Enforce Settlement scheduled in the above matter for February 14, 2004, has been CONTINUED. by the Court, s/FJA, P.J.	John K. Reilly Jr.
01/20/2004	ORDER, AND NOW, this 19th day of January, 2004, Argument on Plaintiff's Petition to Enforce Settlement has been scheduled for Wednesday, Feb. 25, 2004, at 2:30 p.m. before the Honorable John K. Reilly, Senior Judge, Specially Presiding, in Courtroom No. 2. by the Court, s/FJA,P.J. 1 cc Atty Naddeo, 1 cc to Defendant	John K. Reilly Jr.
	Certificate of Service, Petition To Enforce Settlement and Court Order dated January 19, 2004, upon: Mr. William S. Albert. filed by, s/James A. Naddeo, Esquire no cc	John K. Reilly Jr.
02/19/2004	Entry of Appearance, On Behalf of Defendant, William S. Albert. filed by, s/S. Casey Bowers, Esquire Certificate of Service 2 cc Atty Bowers	John K. Reilly Jr.

Date: 05/12/2004

Time: 09:18 AM

Page 2 of 2



User: BANDERSON

ROA Report

Case: 2001-00582-CD

Current Judge: John K. Reilly Jr.

Billy J. Lumadue vs. William S. Albert

Civil Other

Date		Judge
02/19/2004	Answer To Plaintiff's Petition to Enforce Settlement and New Matter. filed by, s/S. Casey Bowers, Esq. C ertificate of Service 2 cc Atty Bowers	John K. Reilly Jr.
02/26/2004	ORDER, NOW, this 25th day of February, 2004, re: Counsel for Defendant to have no more than 30 days fromdate hereof in which to supply the Court with appropriate Brief. Counsel for Plaintiff, upon receipt of Defendant's Brief, shall supply the Court with a Reply Brief as soon as possible. by the Court, s/JKR,JR.,S.J., Specially Presiding 2 cc Atty Naddeo,Bowers	John K. Reilly Jr.
04/20/2004	OPINION AND ORDER, NOW, this 20th day of April, 2004, re: Plaintiff's Petition to Enforce Settlement is hereby GRANTED and Defendant ORDERED to sign the subject deed conveying the premises to the Petitioner forthwith. by the Court, s/JKR, S.J., Specially Presiding 2 cc Attys Naddeo, Bowers, copy to D. Mikesell	John K. Reilly Jr.
04/30/2004	Defendant's Motion for Reconsideration, filed by s/S. Casey Bowers, Esq. One CC Attorney Bowers	John K. Reilly Jr.
05/05/2004	ORDER, AND NOW, this 5th day of May, 2004, re: Argument on Defendant's Motion for Reconsideration scheduled for Friday, July 16, 2004, at 9:30 a.m., before the Honorable John K. Reilly, Jr., Senior Judge, Specially Presiding. by the Court, s/FJA, P.J. 1 cc Attys Bowers, Naddeo	John K. Reilly Jr.

FILED

AMY BOWERS

10-57-801 pd. 45.00
MAY 19 2004

William A. Shaw
Prothonotary/Clerk of Courts

cc check #13390 for \$600.00
to Superior Court

5 cc AMY BOWERS

3:55 P.M.

Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 870 WDA 2004

Page 1 of 3

May 25, 2004



Billy J. Lumadue

v.

William S. Albert, Appellant

01-582-05

Initiating Document: Notice of Appeal

Case Status: Active

Case Processing Status: May 19, 2004

Awaiting Original Record

Journal Number:

Case Category: Civil

CaseType: Equity

Consolidated Docket Nos.:

Related Docket Nos.:

SCHEDULED EVENT

Next Event Type: Docketing Statement Received

Next Event Due Date: June 8, 2004

Next Event Type: Original Record Received

Next Event Due Date: June 28, 2004

FILED
m112:5201
MAY 27 2004

William A. Shaw
Prothonotary/Clerk of Courts

Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 870 WDA 2004**Page 2 of 3****May 25, 2004****COUNSEL INFORMATION**

Appellant Albert, William S
Pro Se: Appoint Counsel Status:
IFP Status: No

Appellant Attorney Information:

Attorney: Bowers, Stephen Casey
Bar No.: 89032 **Law Firm:**
Address: 498 Jeffers Street
 PO Box 487
 DuBois, PA 15801
Phone No.: (814)371-7768 **Fax No.:**
Receive Mail: Yes
E-Mail Address:
Receive E-Mail: No

Appellee Lumadue, Billy J
Pro Se: Appoint Counsel Status:
IFP Status: No

Appellee Attorney Information:

Attorney: Naddeo, James A.
Bar No.: 6820 **Law Firm:** Naddeo, James A., Law Office of
Address: 211 1/2 E Locust St
 PO Box 552
 Clearfield, PA 16830
Phone No.: (814)765-1601 **Fax No.:** (814)765-8142
Receive Mail: Yes
E-Mail Address:
Receive E-Mail: No

FEE INFORMATION

Fee Date	Fee Name	Fee Amt	Paid Amount	Receipt Number
5/25/04	Notice of Appeal	60.00	60.00	2004SPRWD000670

TRIAL COURT/AGENCY INFORMATION**Court Below:** Clearfield County Court of Common Pleas**County:** Clearfield**Division:** Civil**Date of Order Appealed From:** April 20, 2004**Judicial District:** 46**Date Documents Received:** May 25, 2004**Date Notice of Appeal Filed:** May 19, 2004**Order Type:** Order**OTN:**

Judge: Reilly, Jr., John K.
 Senior Judge

Lower Court Docket No.: 01-582-C.D.**ORIGINAL RECORD CONTENTS**

3:55 P.M.

Appeal Docket Sheet

Docket Number: 870 WDA 2004

Page 3 of 3

May 25, 2004

Superior Court of Pennsylvania



Original Record Item

Filed Date

Content/Description

Date of Remand of Record:

BRIEFS

DOCKET ENTRIES

Filed Date	Docket Entry/Document Name	Party Type	Filed By
May 19, 2004	Notice of Appeal Filed	Appellant	Albert, William S
May 25, 2004	Docketing Statement Exited (Civil)		Western District Filing Office

COMMONWEALTH OF PENNSYLVANIA



Superior Court of Pennsylvania

David A. Szewczak, Esq.
Prothonotary
Eleanor R. Valecko
Deputy Prothonotary

Western District

May 25, 2004

310 Grant Street, Suite 600
Pittsburgh, PA 15219-2297
412-565-7592
www.superior.court.state.pa.us

Mr. William A. Shaw
Prothonotary
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

Re: 870 WDA 2004
Billy J. Lumadue
v.
William S. Albert, Appellant

Dear Mr. Shaw:

Enclosed please find a copy of the docket for the above appeal that was recently filed in the Superior Court. Kindly review the information on this docket and notify this office in writing if you believe any corrections are required.

Appellant's counsel is also being sent a Docketing Statement, pursuant to Pa.R.A.P. 3517, for completion and filing. Please note that Superior Court Dockets are available on the Internet at the Web site address printed at the top of this page. Thank you.

Very truly yours,

Eleanor R. Valecko
Deputy Prothonotary

BBC

In the Superior Court of
Pennsylvania
Sitting at Pittsburgh

No. 870 WDA 2004

BILLIE J. LUMADUE : APPEAL FROM THE ORDER OF
VS : APRIL 20, 2004, BY THE
WILLIAM S. ALBERT, APPELLANT : HONORABLE JOHN K. REILLY, JR.,
: COURT OF COMMON PLEAS-CIVIL
: DIVISION
: CLEARFIELD COUNTY

NO. 01-582-C.D.

Certified from the Record

JUNE 17, 2004 PRAECIPE FOR DISCONTINUANCE FILED:

In Testimony Whereof, I have hereunto set my hand and the seal of said Court at
Pittsburgh,

Pa. this 17TH Day of JUNE 2004

Eleanor R. Valecho
Deputy Prothonotary

FILED

m/1:33:01
JUN 21 2004

WAS
William A. Shaw
Prothonotary/Clerk of Courts



Superior Court of Pennsylvania

Western District

June 17, 2004

David A. Szewczak, Esq.
Prothonotary

Eleanor R. Valecko
Deputy Prothonotary

310 Grant Street, Suite 600
Pittsburgh, PA 15219-2297
412-565-7592
www.superior.court.state.pa.us

Notice of Discontinuance of Action

RE: LUMADUE, B. V. ALBERT, W.
Appeal of: William S Albert
Type of Action: Notice of Appeal
No. 870 WDA 2004
Clearfield County Court of Common Pleas
Agency Docket Number: 01-582-C.D.

The above-captioned matter has been marked "Discontinued" with this court.
Certification is being sent to the lower court.

Attorney Name	Party Name	Party Type
Stephen Casey Bowers, Esq.	William S Albert	Appellant
James A. Naddeo, Esq.	Billy J Lumadue	Appellee

COMMONWEALTH OF PENNSYLVANIA



Superior Court of Pennsylvania

Western District

June 17, 2004

David A. Szewczak, Esq.
Prothonotary

Eleanor R. Valecko
Deputy Prothonotary

310 Grant Street, Suite 600
Pittsburgh, PA 15219-2297
412-565-7592
www.superior.court.state.pa.us

Mr. William A. Shaw
Prothonotary
Clearfield County
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

RE: LUMADUE, B. V. ALBERT, W.
No. 870 WDA 2004

6/21/04, received from the Superior Court of Pennsylvania, Western District Office, the certificate of discontinuance of the court, in the above entitled case.

Contents of Original Record:

Original Record Item

Description

☐

Return to:

Superior Court of Pennsylvania
Office of the Prothonotary
310 Grant Street, Suite 600
Pittsburgh, PA 15219-2297
412-565-7592

Trial Court Docket Number(s)
01-582-C.D.

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

BILLY J. LUMADUE

vs.

WILLIAM S. ALBERT

:
:
: No. 01-582-CD
:
:

ORDER

AND NOW, this 14 day of July, 2004, it is the ORDER of the Court that Civil Non-Jury Trial in the above matter has been scheduled for **Wednesday, September 15, 2004 at 9:00 A.M.** before the Honorable John K. Reilly, Jr., Senior Judge, Specially Presiding, in the Clearfield County Courthouse, Clearfield, PA. Please report to the Court Administrator's Office. You will be directed from there where this trial will be held. One (1) day has been allotted for this matter.

BY THE COURT:


JOHN K. REILLY, JR.
Senior Judge

FILED

JUL 14 2004

William A. Shaw
Prothonotary/Clerk of Courts

FILED

REL 4:00 PM
JUL 14 2004

1cc
Atty: Nadeau, Bouers



William A. Shaw
Notary Public/Clerk of Courts

FILED

08:59 AM 2004
1 cc atty Bowers

OCT 15 2004

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

BILLY J. LUMADUE

:

VS.

: NO. 01-582-CD

WILLIAM S. ALBERT

:

O P I N I O N

Plaintiff above-named has filed his complaint seeking to require the Defendant to bring an action in ejectment to determine the true ownership and acreage of the subject premises located in Boggs Township, Clearfield County, Pennsylvania. Following various pretrial proceedings, the parties have agreed to submit the matter to this Court on the issues of description and acreage of the subject premises. Hearing thereon was held September 15, 2004, at which time Plaintiff presented one James Pahel, professional surveyor, who determined the boundaries of the premises in accordance with the map he prepared and which was admitted into evidence as Plaintiff's Exhibit No. 4. Mr. Pahel acknowledged that the survey does not follow exactly the courses and distances contained in the earlier deed in the chain of title dated September 1881 and, in fact, stated that the description contained in said deed does not properly close. He notes, however, in his testimony, that that deed was not prepared by a professional.

He further testified that he located a row of very

old blazed and marked trees on the eastern boundary, as well as the southern boundary, and located a stone wall on the western boundary and one-half of the northern boundary.

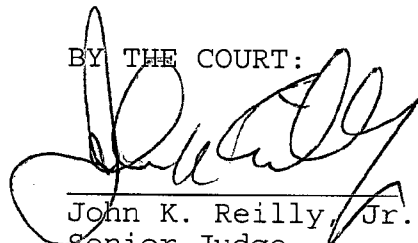
Defendant presented no expert testimony with regards to the description of the premises, although he did submit a map prepared by a surveyor who did not appear in person and was not subject to cross-examination.

This Court is impressed by the testimony of Mr. Pahel and the survey map that he prepared and, therefore, based on his testimony, does find in favor of Plaintiff and against the Defendant and finds that the description of the subject premises is as contained in Plaintiff's Exhibit 4 and contains 13.9172 acres. Wherefore, the Court enters the following

O R D E R

NOW, this 14th day of October, 2004, following hearing into the above-captioned matter, the Court finds in favor of the Plaintiff and against the Defendant as set forth in the foregoing Opinion.

BY THE COURT:



John K. Reilly, Jr.
Senior Judge
Specially Presiding

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

BILLY J. LUMADUE,
an individual,
Plaintiff,

v.

WILLIAM S. ALBERT,
an individual,
Defendant.

No. 01 - 582 - CD

Type of Pleading:

**PRAECIPE FOR FINAL
JUDGMENT**

Filed on behalf of:
Plaintiff

Counsel of Record for
this party:

James A. Naddeo, Esq.
Pa I.D. 06820

207 E. Market Street
P.O. Box 552
Clearfield, PA 16830
(814) 765-1601

FILED

O 3:27 PM NOCC

OCT 21 2004

William A. Shaw
Prothonotary

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

BILLY J. LUMADUE,
an individual,
Plaintiff,

v.

WILLIAM S. ALBERT,
an individual,
Defendant.

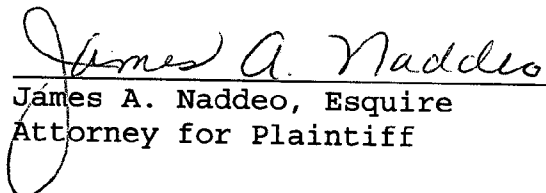
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No. 01 - 582 - CD

PRAECIPE FOR FINAL JUDGMENT

To the Prothonotary:

Please enter judgment for Plaintiff and against Defendant for the parcel of land described on the map attached hereto pursuant to the Order of Court dated October 14, 2004, rendered incident to non-jury trial held on September 15, 2004.


James A. Naddeo, Esquire
Attorney for Plaintiff

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

BILLY J. LUMADUE,
an individual,
Plaintiff,

v.

WILLIAM S. ALBERT,
an individual,
Defendant.

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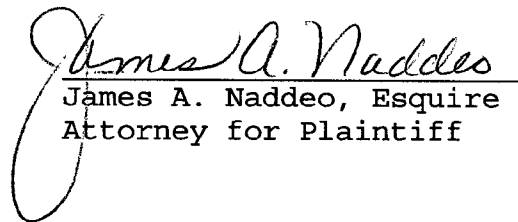
No. 01 - 582 - CD

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a true and correct copy of Praecipe for Final Judgment filed in the above-captioned action was served on the following person and in the following manner on the 21st day of October, 2004:

First-Class Mail, Postage Prepaid

S. Casey Bowers, Esquire
HANAK, GUIDO and TALADAY
498 Jeffers Street
P.O. Box 487
DuBois, PA 15801


James A. Naddeo, Esquire
Attorney for Plaintiff

ting Stone Fence

Ex. 1 1/4" Iron Pipe

S 89°20'23" E 1137.71' (M) 1122' (DEED)

Lands of

Billie J. Lumadue

Deed Book 1579 Page 515

13.9172 acres (14 acres by deed)

N 10°22'19" E
386.85' (M)
346.5' (DEED)

N 82°10'39" W 1473.81' (M) 1419' (DEED)

S 25°59'33" E

S 25°59'33" E
920.29' (M)
596' (DEED)

919.61' (M)
621.73' (DEED)

Ex an

Henry S. Drinker W. Jos. D. Drinker

JAMES A. NADDEO
ATTORNEY AT LAW
P.O. BOX 552
CLEARFIELD, PENNSYLVANIA 16830

CA

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

BILLY J. LUMADUE,
Plaintiff

vs.

WILLIAM S. ALBERT,
Defendant

No. 01-582-C.D.

Type of Pleading:

**DEFENDANT'S POST-TRIAL
MOTIONS**

Filed on behalf of:
Defendant

Counsel of Record for
This Party:

S. Casey Bowers, Esq.
Supreme Court No. 89032
Hanak, Guido and Taladay
498 Jeffers Street
PO Box 487
DuBois, PA 15801

814-371-7768

FILED

3cc

10/26/04
OCT 26 2004

Atty Bowers

[Signature]

William A. Shaw
Prothonotary, Clerk of Courts

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

BILLY J. LUMADUE,
an individual,

Plaintiff

No. 01-582-C.D.

vs.

WILLIAM S. ALBERT,
an individual,

Defendant

DEFENDANT'S POST-TRIAL MOTIONS

Defendant files the following Post-Trial Motions in response to the Court's Opinion and Order dated October 14, 2004, and filed October 15, 2004, averring as follows:

Motion for New Trial:

1. The Court erred in finding that the description of the subject premises is contained in Plaintiff's Exhibit 4 and contains 13.9172 acres when Plaintiff's expert witness testified that said description does not follow the original deed.
2. Defendant reserves the right to expand or modify his objections to the trial court's Opinion and Order upon receipt and review of the trial transcript.
3. For purposes of these post-trial motions, the entire trial transcript should be prepared.

WHEREFORE, Defendant respectfully requests that the Court grant this Post-Trial Motion and issue an Order rescinding the Order of October 14, 2004, and setting the case for a new trial.

Respectfully submitted,

HANAK, GUIDO AND TALADAY, by:

A handwritten signature in black ink, appearing to read 'S. Casey Bowers', written over a horizontal line.

S. Casey Bowers, Esq.

CERTIFICATE OF SERVICE

I do hereby certify that on the 24 day of Oct.,
2004, I mailed a copy of the within Defendant's Post-Trial Motions, by
first class mail, postage prepaid, to the following:

James A. Naddeo, Esq.
211-1/2 East Locust Street
P. O. Box 552
Clearfield, PA 16830



S. Casey Bowers

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

BILLY J. LUMADUE,
an individual,

Plaintiff

No. 01-582-C.D.

vs.

WILLIAM S. ALBERT,
an individual,

Defendant

ORDER OF COURT

AND NOW, this ____ day of _____, 2004, upon consideration of the within Defendant's Post-Trial Motions, a Rule is hereby entered upon Defendant, to show cause why the Post-Trial Motions should not be granted,

IT IS HEREBY ORDERED AND DECREED that a hearing be held on the 8 day of November, 2004, at 2:00 o'clock P m., in Courtroom No. 2, of the Clearfield County Courthouse, Clearfield, Pennsylvania, 16830. with Judge Reilly.

BY THE COURT:

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

BILLY J. LUMADUE,
an individual,

Plaintiff

No. 01-582-C.D.

vs.

WILLIAM S. ALBERT,
an individual,

Defendant

ORDER OF COURT

AND NOW, this ____ day of _____, 2004, upon
consideration of the within Defendant's Post-Trial Motions, a Rule is
hereby entered upon Defendant, to show cause why the Post-Trial
Motions should not be granted,

IT IS HEREBY ORDERED AND DECREED that a hearing be held
on the 8 day of November, 2004, at 2:00 o'clock P
m., in Courtroom No. 2, of the Clearfield County Courthouse,
Clearfield, Pennsylvania, 16830. with Judge Reilly.

BY THE COURT:

CP

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

BILLY J. LUMADUE,
an individual,

Plaintiff

No. 01-582-C.D.

vs.

WILLIAM S. ALBERT,
an individual,

Defendant

ORDER OF COURT

AND NOW, this 29th day of October, 2004, upon consideration of the within Defendant's Post-Trial Motions, a Rule is hereby entered upon Defendant, to show cause why the Post-Trial Motions should not be granted,

IT IS HEREBY ORDERED AND DECREED that a hearing be held on the 3 day of November, 2004, at 2:00 o'clock Pm., in Courtroom No. 2, of the Clearfield County Courthouse, Clearfield, Pennsylvania, 16830. with Judge Reilly.

BY THE COURT:

Frederick J. Zimmerman

FILED ^{EGK}
O 2:31 3cc atty Bowers

OCT 29 2004

William A. Shaw
Prothonotary

CP

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

BILLY J. LUMADUE,
an individual,

Plaintiff

No. 01-582-C.D.

vs.

WILLIAM S. ALBERT,
an individual,

Defendant

ORDER OF COURT

AND NOW, this 29th day of October, 2004, upon consideration of the within Motion for Leave to Withdraw, a Rule is hereby entered upon Defendant, to show cause why the Motion for Leave to Withdraw should not be granted,

IT IS HEREBY ORDERED AND DECREED that a hearing be held on the 8 day of November, 2004, at 2:00 o'clock P m., in Courtroom No. 2, of the Clearfield County Courthouse, Clearfield, Pennsylvania, 16830. with Judge Reilly.

BY THE COURT:

Frederick J. Zimmerman

FILED ²⁶¹²
O 2:31 PM 300 atty Bowers

OCT 29 2004

William A. Shaw
Prothonotary

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

BILLY J. LUMADUE,
an individual,

Plaintiff

No. 01-582-C.D.

vs.

WILLIAM S. ALBERT,
an individual,

Defendant

ORDER OF COURT

AND NOW, this ____ day of _____, 2004, upon
consideration of Attorney S. Casey Bowers' Motion for Leave to
Withdraw, said Motion is hereby granted.

BY THE COURT:

GA

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

BILLY J. LUMADUE,
Plaintiff

vs.

WILLIAM S. ALBERT,
Defendant

No. 01-582-C.D.

Type of Pleading:

**MOTION FOR LEAVE TO
WITHDRAW**

Filed on behalf of:
Defendant

Counsel of Record for
This Party:

S. Casey Bowers, Esq.
Supreme Court No. 89032
Hanak, Guido and Taladay
498 Jeffers Street
PO Box 487
DuBois, PA 15801

814-371-7768

FILED
012:42/30C
OCT 26 2004

W.A. Shaw
Notary Public, Clerk of Courts

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

BILLY J. LUMADUE,
an individual,

Plaintiff

No. 01-582-C.D.

vs.

WILLIAM S. ALBERT,
an individual,

Defendant

**MOTION FOR LEAVE TO
WITHDRAW**

The undersigned counsel hereby moves this Honorable Court for leave to withdraw as counsel for Defendant averring as follows:

1. This Court entered judgment in favor of Plaintiff and against Defendant on October 15, 2004.


2. On October 25, 2004, Defendant notified the undersigned that he wished to proceed with other counsel. Defendant also directed the undersigned to withdraw as counsel for Defendant.

3. The undersigned immediately filed post-trial motions in an effort to preserve Defendant's appellate rights.

WHEREFORE, the undersigned counsel respectfully requests this Court's leave to withdraw as counsel for Defendant.

Respectfully submitted,

HANAK, GUIDO AND TALADAY, by:



S. Casey Bowers, Esq.

CERTIFICATE OF SERVICE

I do hereby certify that on the 26 day of oct.,
2004, I mailed a copy of the within Motion for Leave to Withdraw, by
first class mail, postage prepaid, to the following:

James A. Naddeo, Esq.
211-1/2 East Locust Street
P. O. Box 552
Clearfield, PA 16830



S. Casey Bowers

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

BILLY J. LUMADUE,
an individual,

Plaintiff

No. 01-582-C.D.

vs.

WILLIAM S. ALBERT,
an individual,

Defendant

ORDER OF COURT

AND NOW, this ____ day of _____, 2004, upon consideration of the within Motion for Leave to Withdraw, a Rule is hereby entered upon Defendant, to show cause why the Motion for Leave to Withdraw should not be granted,

IT IS HEREBY ORDERED AND DECREED that a hearing be held on the 8 day of November, 2004, at 2:00 o'clock P m., in Courtroom No. 2, of the Clearfield County Courthouse, Clearfield, Pennsylvania, 16830. with Judge Reilly.

BY THE COURT:

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

BILLY J. LUMADUE,
an individual,

Plaintiff

No. 01-582-C.D.

vs.

WILLIAM S. ALBERT,
an individual,

Defendant

ORDER OF COURT

AND NOW, this ____ day of _____, 2004, upon
consideration of the within Motion for Leave to Withdraw, a Rule is
hereby entered upon Defendant, to show cause why the Motion for
Leave to Withdraw should not be granted,

IT IS HEREBY ORDERED AND DECREED that a hearing be held
on the 8 day of November, 2004, at 2:00 o'clock P
m., in Courtroom No. 2, of the Clearfield County Courthouse,
Clearfield, Pennsylvania, 16830. with Judge Reilly.

BY THE COURT:

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

CIVIL ACTION - LAW

BILLY J. LUMADUE,
an individual,

Plaintiff

vs.

WILLIAM S. ALBERT,
an individual,

Defendant

*
* No. 01-582-CD
*

*
* TYPE OF PLEADING:
* PRAECIPE FOR WITHDRAWAL
* OF APPEARANCE
* PRAECIPE FOR ENTRY OF
* APPEARANCE
*

*
* FILED ON BEHALF OF:
* Defendant
*

*
* ATTORNEY FOR DEFENDANT:
* David C. Mason, Esquire
* Supreme Court ID #39180
* MASON LAW OFFICE
* P.O. Box 28
* Philipsburg, PA 16866
* (814) 342-2240
*
*
*

FILED
Ebk
NOV 12 2004
2/10:20-10
William A. Shaw
Prothonotary/Clerk of Courts
no c/c

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

CIVIL ACTION - LAW

BILLY J. LUMADUE,
an individual,

Plaintiff

vs.

WILLIAM S. ALBERT,
an individual,

Defendant

*
* No. 01-582-CD
*

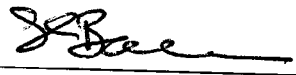
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PRAECIPE TO WITHDRAW

TO THE PROTHONOTARY OF SAID COURT:

Kindly withdraw my appearance on behalf of the above-named Defendant.

HANAK, GUIDO & TALADAY

By: 
S. Casey Bowers, Esquire

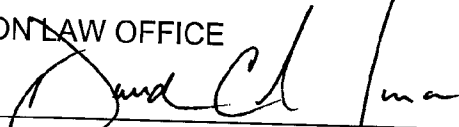
DATED: Nov 9, 2004

PRAECIPE FOR ENTRY OF APPEARANCE

TO THE PROTHONOTARY OF SAID COURT:

Kindly enter my appearance on the behalf of the above-named Defendant.

MASON LAW OFFICE

By: 
David C. Mason, Esquire,
Attorney for Defendant

DATED: Nov 5, 2004

11-12-04
11-12-04
11-12-04
11-12-04
11-12-04
11-12-04

FILED

NOV 12 2004

William A. Shaw
Prothonotary/Clerk of Courts

CA

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

BILLY J. LUMADUE

vs.

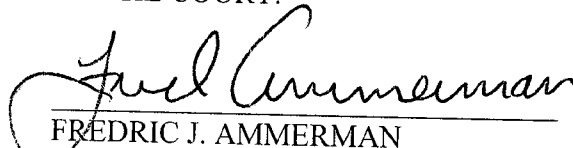
WILLIAM S. ALBERT

:
:
: No. 01-582-CD
:
:

ORDER

AND NOW, this 9th day of May, 2005, it is the ORDER of the Court that a status conference in the above matter has been scheduled for **Friday, July 1, 2005 at 3:00 P.M.**, before the Honorable John K. Reilly, Jr., Senior Judge, Specially Presiding, in the Clearfield County Courthouse, Clearfield, PA. Please report to the Court Administrator's Office. You will be directed from there where this conference will be held.

BY THE COURT:


FREDRIC J. AMMERMAN
President Judge

FILED ⁶² _{dec}
013:00301 Amy Mason
MAY 10 2005 f No. 100

William A. Shaw
Prothonotary/Clerk of Courts

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

BILLY J. LUMADUE,
an individual,
Plaintiff,

v.

WILLIAM S. ALBERT,
an individual,
Defendant.

No. 01 - 582 - CD

Type of Pleading:

RULE TO SHOW CAUSE
WHY DEFENDANT'S POST-
TRIAL MOTIONS SHOULD
NOT BE DISMISSED

Filed on behalf of:
Plaintiff

Counsel of Record for
this party:

James A. Naddeo, Esq.
Pa I.D. 06820

207 E. Market Street
P.O. Box 552
Clearfield, PA 16830
(814) 765-1601

FILED ¹⁰CS
013:03BH
NOV 07 2005
J. A. Naddeo

William A. Shaw
Prothonotary/Clerk of Courts

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

BILLY J. LUMADUE,
an individual,
Plaintiff/Petitioner,

v.

WILLIAM S. ALBERT,
an individual,
Defendant.
Defendant/Respondent.

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No. 01 - 582 - CD

ORDER

AND NOW, this 7th day of ~~August~~ ^{November}, 2005, upon consideration
of the forgoing Petition, it is hereby ordered that:

(1) a rule is hereby issued upon Respondent, William S. Albert, to Show Cause why the Petitioner, Billy J. Lumadue, is not entitled to the relief requested;

(2) the Respondent shall file an answer to the petition within twenty (20) days of service upon the Respondent;

(3) the petition shall be decided under Pa. R.C.P. No. 206.7;

(4) notice of the entry of this order shall be provided to all parties by the Petitioner.

NOTICE

A PETITION HAS BEEN FILED AGAINST YOU IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PETITION, YOU MUST TAKE ACTION BY ENTERING A WRITTEN APPEARANCE

PERSONALLY OR BY ATTORNEY AND FILE AN ANSWER IN WRITING WITH THE PROTHONOTARY SETTING FORTH YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH AGAINST YOU AND SERVE A COPY ON THE ATTORNEY FOR PERSON FILING THE PETITION. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND AN ORDER MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR THE RELIEF REQUESTED BY THE PETITIONER. YOU MAY LOSE RIGHTS IMPORTANT TO YOU.

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

COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
Second & Market Street
CLEARFIELD, PA 16830
(814) 765-2641, Ext. 50-51

BY THE COURT,

Judge



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

BILLY J. LUMADUE,
an individual,
Plaintiff,

v.

WILLIAM S. ALBERT,
an individual,
Defendant.

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No. 01 - 582 - CD Prothonotary/Clerk of Courts
William A. Shaw
ICC Amy Naddeo

FILED

01/11/23/00
AUG 08 2005

RULE TO SHOW CAUSE WHY DEFENDANT'S
POST-TRIAL MOTIONS SHOULD NOT BE DISMISSED

NOW comes your Petitioner, Billy J. Lumadue, and by his attorney, James A. Naddeo, Esquire, sets forth the following:

1. Non-jury trial of this case was held before Senior Judge John K. Reilly, Jr. on September 15, 2004.

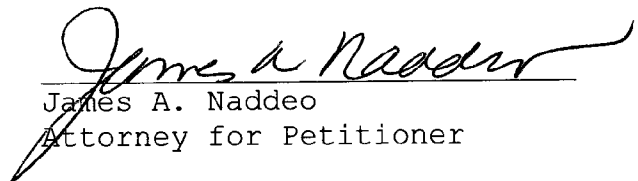
2. That by Order of Court dated October 14, 2004 and filed on October 15, 2004, the Court ruled in favor of Plaintiff. A copy of the Court's Opinion and Order dated October 14, 2004 is attached hereto as Exhibit "A".

3. That defense counsel filed Post-Trial Motions on October 26, 2004 which Motions were filed more than ten (10) days from the filing of the Court's Opinion and Order of October 14, 2004 and were therefore untimely and in violation of Pa. R.C.P. 227.1(c).

4. That irrespective of the untimely filing of Defendant's Post-Trial Motions no order has been entered by the

Court disposing of Defendant's Motions as required by Pa. R.C.P.
227.4(b).

WHEREFORE, Petitioner respectfully requests that a
rule be entered upon Defendant to show cause why defendant's
post-trial motions should not be dismissed.


James A. Naddeo
Attorney for Petitioner

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

OCT 15 2004

Attest.

William L. H.
Prothonotary,
Clearfield County
Pennsylvania

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

BILLY J. LUMADUE

:

VS.

:

NO. 01-582-CD

WILLIAM S. ALBERT

:

OCT 15 2004

O P I N I O N

Plaintiff above-named has filed his complaint seeking to require the Defendant to bring an action in ejectment to determine the true ownership and acreage of the subject premises located in Boggs Township, Clearfield County, Pennsylvania. Following various pretrial proceedings, the parties have agreed to submit the matter to this Court on the issues of description and acreage of the subject premises. Hearing thereon was held September 15, 2004, at which time Plaintiff presented one James Pahel, professional surveyor, who determined the boundaries of the premises in accordance with the map he prepared and which was admitted into evidence as Plaintiff's Exhibit No. 4. Mr. Pahel acknowledged that the survey does not follow exactly the courses and distances contained in the earlier deed in the chain of title dated September 1881 and, in fact, stated that the description contained in said deed does not properly close. He notes, however, in his testimony, that that deed was not prepared by a professional.

He further testified that he located a row of very

old blazed and marked trees on the eastern boundary, as well as the southern boundary, and located a stone wall on the western boundary and one-half of the northern boundary.

Defendant presented no expert testimony with regards to the description of the premises, although he did submit a map prepared by a surveyor who did not appear in person and was not subject to cross-examination.

This Court is impressed by the testimony of Mr. Pahel and the survey map that he prepared and, therefore, based on his testimony, does find in favor of Plaintiff and against the Defendant and finds that the description of the subject premises is as contained in Plaintiff's Exhibit 4 and contains 13.9172 acres. Wherefore, the Court enters the following

O R D E R

NOW, this 14th day of October, 2004, following hearing into the above-captioned matter, the Court finds in favor of the Plaintiff and against the Defendant as set forth in the foregoing Opinion.

BY THE COURT:

/s/ JOHN K. REILLY, JR.

John K. Reilly, Jr.
Senior Judge
Specially Presiding

COMMONWEALTH OF PENNSYLVANIA)

SS.

COUNTY OF CLEARFIELD)

Before me, the undersigned officer, personally appeared JAMES A. NADDEO, ATTORNEY FOR BILLY J. LUMADUE, who being duly sworn according to law, depose and state that the facts set forth in the foregoing Petition are true and correct to the best of his knowledge, information and belief.

James A. Naddeo

SWORN and SUBSCRIBED before me this 4th day of August, 2005.

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Linda C. Leary, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires July 25, 2007

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

BILLY J. LUMADUE,
an individual,
vs.

No. 01-582-CD

WILLIAM S. ALBERT,
an individual,

ORDER

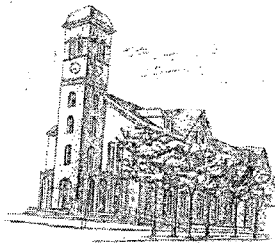
AND NOW, this 7th day of November, 2005, upon consideration of Defendant's Post-Trial Motions filed in the above matter, a Rule is hereby issued upon Plaintiff to Appear and Show Cause why the Motion should not be granted. Argument is scheduled the 21st day of November, 2005, at 10:00 A.M. in Courtroom No. 2, Clearfield County Courthouse, Clearfield, PA.

BY THE COURT:

John K. Reilly, Jr.
JOHN K. REILLY, JR.
Senior Judge

FILED ^{4cc}
01310461 Any Maddeo
NOV 07 2005

Clara A. Shaw
Prothonotary, Clerk of Courts



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

David S. Ammerman
Solicitor

Jacki Kendrick
Deputy Prothonotary

Bonnie Hudson
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

Date: September 19, 2005

Over the past several weeks, it has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw
Prothonotary

X You are responsible for serving all appropriate parties.

_____ The Prothonotary's office has provided service to the following parties:

_____ Plaintiff(s)/Attorney(s)

_____ Defendant(s)/Attorney(s)

_____ Other

_____ Special Instructions:

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

BILLY J. LUMADUE,
an individual,
Plaintiff,

v.

WILLIAM S. ALBERT,
an individual,
Defendant.

No. 01 - 582 - CD

Type of Pleading:

ORDER

Filed on behalf of:
Plaintiff

Counsel of Record for
this party:

James A. Naddeo, Esq.
Pa I.D. 06820

207 E. Market Street
P.O. Box 552
Clearfield, PA 16830
(814) 765-1601

FILED ^{icc}
01/10/27/01
NOV 21 2001

William A. Shaw
Prothonotary/Clerk of Courts

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

BILLY J. LUMADUE,
an individual,
Plaintiff,

v.

WILLIAM S. ALBERT,
an individual,
Defendant.

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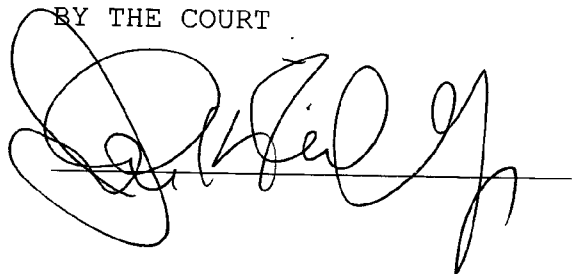
No. 01 - 582 - CD

ORDER

NOW this 21st day of November, 2005, being date set for hearing upon the Plaintiff's Rule to Show Cause Why Defendant's Post-Trial Motions should not be dismissed, it is the ORDER of this Court that Defendant's Post-Trial Motions be and are hereby dismissed and denied.

It is the further ORDER of this Court that the Prothonotary enter judgment for the Plaintiff and against the Defendant for the premises described in the survey map attached to this Order.

BY THE COURT

A handwritten signature in black ink, appearing to be "D. Wilg", is written over a horizontal line. The signature is stylized and cursive.

ing Stone Fence

Ex. 1 1/4" Iron Pipe

S 89°20'23" E 1137.71' (M) 1122' (DEED)

Lands of

Billie J. Lumadue

Deed Book 1579 Page 515

13.9172 acres (14 acres by deed)

N 10°22'19" E
386.85' (M)
346.5' (DEED)

N 82°10'39" W 1473.81' (M) 1419' (DEED)

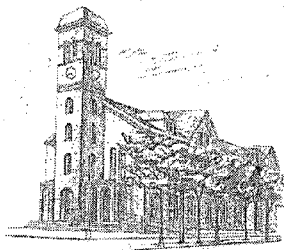
S 23°59'33" E

S 23°59'33" E
920.29' (M)
696' (DEED)

919.61' (M)
621.73' (DEED)

Ex an

Henry S. Drinker W. Jos. D. Drinker



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

David S. Ammerman
Solicitor

Jacki Kendrick
Deputy Prothonotary

Bonnie Hudson
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

Date: September 19, 2005

Over the past several weeks, it has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw
Prothonotary

X You are responsible for serving all appropriate parties.

_____ The Prothonotary's office has provided service to the following parties:

_____ Plaintiff(s)/Attorney(s)

_____ Defendant(s)/Attorney(s)

_____ Other

_____ Special Instructions:

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

BILLY J. LUMADUE,
an individual,
Plaintiff,

v.

WILLIAM S. ALBERT,
an individual,
Defendant.

No. 01 - 582 - CD

Type of Pleading:

CERTIFICATE OF SERVICE

Filed on behalf of:
Plaintiff

Counsel of Record for
this party:

James A. Naddeo, Esq.
Pa I.D. 06820

207 E. Market Street
P.O. Box 552
Clearfield, PA 16830
(814) 765-1601

FILED

013:38/01
NOV 21 2005

NOCC

William A. Shaw
Prothonotary/Clerk of Courts

ICC
Atty's:
Naddeo
Mason
courts (6K)

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

BILLY J. LUMADUE,
an individual,
Plaintiff,

v.

WILLIAM S. ALBERT,
an individual,
Defendant.

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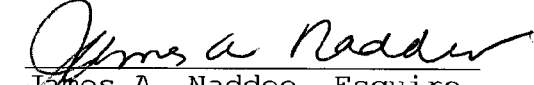
No. 01 - 582 - CD

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a true and correct copy of Order dated November 21, 2005 filed in the above-captioned action was served on the following person and in the following manner on the 21st day of November, 2005:

First-Class Mail, Postage Prepaid

David C. Mason, Esquire
409 North Front Street
PO Box 28
Philipsburg, PA 16866


James A. Naddeo, Esquire
Attorney for Plaintiff

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

BILLY J. LUMADUE,
an individual,
Plaintiff,

v.

WILLIAM S. ALBERT,
an individual,
Defendant.

No. 01 - 582 - CD

Type of Pleading:

PRAECIPE FOR FINAL
JUDGMENT

Filed on behalf of:
Plaintiff

Counsel of Record for
this party:

James A. Naddeo, Esq.
Pa I.D. 06820

207 E. Market Street
P.O. Box 552
Clearfield, PA 16830
(814) 765-1601

FILED

01/10/51/21
NOV 22 2005

William A. Shaw
Prothonotary/Clerk of Courts

icc
Atty's:
Naddeo
Mason
CW

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

BILLY J. LUMADUE,
an individual,
Plaintiff,

v.

WILLIAM S. ALBERT,
an individual,
Defendant.

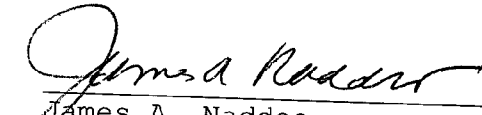
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No. 01 - 582 - CD

PRAECIPE FOR FINAL JUDGMENT

TO THE PROTHONOTARY:

Please enter judgment for Plaintiff and against the Defendant for the parcel of land described on the map attached hereto pursuant to the Order of Court dated November 21, 2005.


James A. Naddeo
Attorney for Plaintiff

Stone Fence

Ex. 1 1/4" Iron Pipe

S 89°20'23" E 1137.71' (M) 1122' (DEED)

Lands of

Billie J. Lumadue

Deed Book 1579 Page 515

13.9172 acres (14 acres by deed)

N 10°22'19" E
386.85' (M)
346.5' (DEED)

N 82°10'39" W 1473.81' (M) 1419' (DEED)

S 23°59'33" E
920.29' (M)
596' (DEED)
S 23°59'33" E 621.17' (M)
919.61' (DEED)

Ex an

Henry S. Drinker W. D. Drinker

pler

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

BILLY J. LUMADUE,
an individual,
Plaintiff,

v.

WILLIAM S. ALBERT,
an individual,
Defendant.

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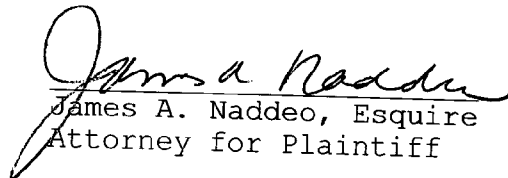
No. 01 - 582 - CD

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a true and correct copy of Praecept for Final Judgment filed in the above-captioned action was served on the following person and in the following manner on the 22nd day of November, 2005:

First-Class Mail, Postage Prepaid

David C. Mason, Esquire
409 North Front Street
PO Box 28
Philipsburg, PA 16866


James A. Naddeo, Esquire
Attorney for Plaintiff

COMMONWEALTH OF PENNSYLVANIA



Superior Court of Pennsylvania

Western District

May 25, 2004

David A. Szewczak, Esq.
Prothonotary
Eleanor R. Valecko
Deputy Prothonotary

310 Grant Street, Suite 600
Pittsburgh, PA 15219-2297
412-565-7592
www.superior.court.state.pa.us

The Honorable John K. Reilly, Jr.
Senior Judge
Court of Common Pleas of Clearfield County
Clearfield County Courthouse, 230 East Market Street
Clearfield, PA 16830

Re: 870 WDA 2004
Billy J. Lumadue
v.
William S. Albert, Appellant

Dear Judge Reilly:

Enclosed please find a copy of the docket for the above appeal that was recently filed in the Superior Court. Kindly review the information on this docket and notify this office in writing if you believe any corrections are required.

Appellant's counsel is also being sent a Docketing Statement, pursuant to Pa.R.A.P. 3517, for completion and filing. Please note that Superior Court Dockets are available on the Internet at the Web site address printed at the top of this page. Thank you.

Very truly yours,

Eleanor R. Valecko
Deputy Prothonotary

BBC

*Reconsideration
scheduled for
July 16
at 3:30*

3:55 P.M.

Appeal Docket Sheet

Docket Number: 870 WDA 2004

Superior Court of Pennsylvania

Page 1 of 3

May 25, 2004



Billy J. Lumadue

v.

William S. Albert, Appellant

Initiating Document: Notice of Appeal

Case Status: Active

Case Processing Status: May 19, 2004

Awaiting Original Record

Journal Number:

Case Category: Civil

CaseType: Equity

Consolidated Docket Nos.:

Related Docket Nos.:

SCHEDULED EVENT

Next Event Type: Docketing Statement Received

Next Event Due Date: June 8, 2004

Next Event Type: Original Record Received

Next Event Due Date: June 28, 2004

3:55 P.M.

Appeal Docket Sheet

Docket Number: 870 WDA 2004

Superior Court of Pennsylvania

Page 2 of 3

May 25, 2004



COUNSEL INFORMATION

Appellant Albert, William S
Pro Se: Appoint Counsel Status:
IFP Status: No

Appellant Attorney Information:

Attorney: Bowers, Stephen Casey
Bar No.: 89032 **Law Firm:**
Address: 498 Jeffers Street
PO Box 487
DuBois, PA 15801
Phone No.: (814)371-7768 **Fax No.:**
Receive Mail: Yes
E-Mail Address:
Receive E-Mail: No

Appellee Lumadue, Billy J
Pro Se: Appoint Counsel Status:
IFP Status: No

Appellee Attorney Information:

Attorney: Naddeo, James A.
Bar No.: 6820 **Law Firm:** Naddeo, James A., Law Office of
Address: 211 1/2 E Locust St
PO Box 552
Clearfield, PA 16830
Phone No.: (814)765-1601 **Fax No.:** (814)765-8142
Receive Mail: Yes
E-Mail Address:
Receive E-Mail: No

FEE INFORMATION

Fee Date	Fee Name	Fee Amt	Paid Amount	Receipt Number
5/25/04	Notice of Appeal	60.00	60.00	2004SPRWD000670

TRIAL COURT/AGENCY INFORMATION

Court Below: Clearfield County Court of Common Pleas

County: Clearfield

Date of Order Appealed From: April 20, 2004

Date Documents Received: May 25, 2004

Order Type: Order

Judge: Reilly, Jr., John K.
Senior Judge

Division: Civil

Judicial District: 46

Date Notice of Appeal Filed: May 19, 2004

OTN:

Lower Court Docket No.: 01-582-C.D.

ORIGINAL RECORD CONTENTS

5/25/2004

3023

3:55 P.M.

Appeal Docket Sheet

Docket Number: 870 WDA 2004

Page 3 of 3

May 25, 2004

Superior Court of Pennsylvania



Original Record Item

Filed Date

Content/Description

Date of Remand of Record:

BRIEFS

DOCKET ENTRIES

Filed Date

Docket Entry/Document Name

Party Type

Filed By

May 19, 2004

Notice of Appeal Filed

Appellant

Albert, William S

May 25, 2004

Docketing Statement Exited (Civil)

Western District Filing Office

HANAK, GUIDO and TALADAY
Attorneys at Law

Robert M. Hanak
Anthony S. Guido
Matthew B. Taladay

Telephone: (814) 371-7768
Fax: (814) 371-1974

498 Jeffers Street
P.O. Box 487
DuBois, PA 15801

Nicole Hanak Bankovich
S. Casey Bowers

May 19, 2004

James A. Naddeo, Esq.
211-1/2 East Locust Street
P. O. Box 552
Clearfield, PA 16830

Re: Lumadue v. Albert
No. 01-582-CD

Dear Jim:

Enclosed please find a copy of a Notice of Appeal that I have filed
in the above captioned matter.

If you should have any questions, please contact me.

Sincerely,



S. Casey Bowers

SCB/bab
Enc.

cc: Hon. John K. Reilly, Jr. (w/enc.)
Court Administrator (w/enc.)
Court Reporter (w/enc.)

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

BILLY J. LUMADUE,
Plaintiff

vs.

WILLIAM S. ALBERT,
Defendant

No. 01-582-C.D.

Type of Pleading:

NOTICE OF APPEAL

Filed on behalf of:
Defendant

Counsel of Record for
This Party:

S. Casey Bowers, Esq.
Supreme Court No. 89032
Hanak, Guido and Taladay
498 Jeffers Street
PO Box 487
DuBois, PA 15801

814-371-7768

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

MAY 19 2004

Attest.

William S. Albert
Prothonotary/
Clerk of Courts

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

BILLY J. LUMADUE,
an individual,

Plaintiff

No. 01-582-C.D.


vs.

WILLIAM S. ALBERT,
an individual,

Defendant

NOTICE OF APPEAL

Notice is hereby given that WILLIAM S. ALBERT, Defendant in the above captioned matter, hereby appeals to the Superior Court of Pennsylvania, from the Order entered in this matter on the 20th day of April, 2004. This Order has been entered in the docket as evidenced by the attached copy of the docket entry.



S. Casey Bowers
Attorney for Defendant
Supreme Court No. 89032
Hanak, Guido and Taladay
498 Jeffers St., P. O. Box 487
DuBois, PA 15801
814-371-7768

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

BILLY J. LUMADUE,
an individual,

Plaintiff

No. 01-582-C.D.

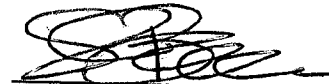
vs.

WILLIAM S. ALBERT,
an individual,

Defendant

REQUEST FOR TRANSCRIPT

A notice of appeal having been filed in this matter, the official court reporter is hereby ordered to produce, certify and file the transcript in this matter in conformity with Rule 1922 of the Pennsylvania Rules of Appellate Procedure.



S. Casey Bowers
Attorney for Defendant
Supreme Court No. 89032
Hanak, Guido and Taladay
498 Jeffers St., P. O. Box 487
DuBois, PA 15801
814-371-7768

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

BILLY J. LUMADUE,
an individual,

Plaintiff

No. 01-582-C.D.

vs.

WILLIAM S. ALBERT,
an individual,

Defendant

CERTIFICATE OF SERVICE

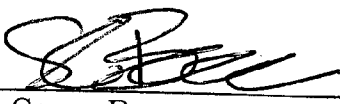
I do hereby certify that on the 19th day of May, 2004, a true and correct copy of the Notice of Appeal was served by first class mail, postage prepaid, on the following:

Court Administrator
Clearfield County Courthouse
One North Second Street
Clearfield, PA 16830

Court Reporter
Clearfield County Courthouse
One North Second Street
Clearfield, PA 16830

Hon. John K. Reilly, Jr.
Clearfield County Courthouse
One North Second Street
Clearfield, PA 16830

James A. Naddeo, Esq.
211-12 E. Locust Street
P. O. Box 552
Clearfield, PA 16830



S. Casey Bowers
Attorney for Defendant

Date: 05/12/2004

Clearfield County Court of Common Pleas

User: BANDERSON

Time: 09:18 AM

ROA Report

Page 1 of 2

Case: 2001-00582-CD

Current Judge: John K. Reilly Jr.

Billy J. Lumadue vs. William S. Albert

Civil Other

Date		Judge
04/23/2001	Filing: Civil Complaint Paid by: Naddeo, James A (attorney for Lumadue, Billy J.) Receipt number: 1823999 Dated: 04/23/2001 Amount: \$80.00 (Check) Two CC Sheriff	No Judge
04/27/2001	Sheriff Return, Papers served on Defendant(s). So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm	No Judge
05/18/2001	Certificate of Service, Notice of Default, upon William S. Albert. filed by s/James A. Naddeo, Esq. 1 cc atty	No Judge
05/29/2001	Answer To Complaint. Filed by s/Barbara J. Hugney-Shope, Esq. Verification, s/William S. Albert Cert. of Svc. 2 cc atty Shope	No Judge
02/07/2003	Praecipe To List For Trial. Filed by s/James A. Naddeo, Esq. Cert. of Service no cc Copy to CA	No Judge
04/09/2003	PRE-TRIAL ORDER, NOW, this 9th day of April, 2003, re: Defendant shall submit to counsel for Plaintiff on or before April 30, 2003, the report and map of the surveyor to be called by said Defendant at trial. It is the further ORDER of this Court that trial w/o a jury shall be had Wednesday, July 9, 2003, commencing at 9:00 a.m. by the Court, s/JKR,JR.,P.J. cc to: Atty Naddeo and Hugney-Shope	John K. Reilly Jr.
12/04/2003	Petition To Enforce Settlement. filed by, s/JamesA. Naddeo, Esquire 1 cc Atty Naddeo	John K. Reilly Jr.
12/10/2003	Motion to Withdraw As Counsel. filed by, s/Barbara J. Hugney-Shope, Esq. RULE, AND NOW, this 10th day of December, 2003, issued upon William S. Albert. Rule Returnable fora Hearing thereon the 30th day of December,2003, at 3:00 p.m. by the Court, s/JKR,JR.,P.J. 3 cc to Atty Shope	John K. Reilly Jr.
12/30/2003	ORDER, AND NOW, this 30th day of December, 2003, upon consideration of the Motion to Withdraw as Counsel filed by BARBARA J. HUGNEY-SHOPE, ESQUIRE, it is hereby ORDERED that said Motion is GRANTED and that Petitioner, BARBARA J. HUGNEY-SHOPE, ESQUIRE be permitted to withdraw her appearance of record for the Defendant, William S. Albert, in the above matter. by the Court, s/JKR,JR.,P.J. 3 cc Atty Shope	John K. Reilly Jr.
	Certified Copy of Motion To Withdraw As Counsel sent to WILLIAM S. ALBERT by Certified Mail returned by USPS "UNCLAIMED" filed. 1 cc Atty Shope	John K. Reilly Jr.
01/07/2004	ORDER, AND NOW, this 7th day of January, 2004, re: Argument on Plaintiff's Petition to Enforce Settlement scheduled in the above matter for February 14, 2004, has been CONTINUED. by the Court, s/FJA, P.J.	John K. Reilly Jr.
01/20/2004	ORDER, AND NOW, this 19th day of January, 2004, Argument on Plaintiff's Petition to Enforce Settlement has been scheduled for Wednesday, Feb. 25, 2004, at 2:30 p.m. before the Honorable John K. Reilly, Senior Judge, Specially Presiding, in Courtroom No. 2. by the Court, s/FJA,P.J. 1 cc Atty Naddeo, 1 cc to Defendant	John K. Reilly Jr.
	Certificate of Service, Petition To Enforce Settlement and Court Order dated January 19, 2004, upon: Mr. William S. Albert. filed by, s/James A. Naddeo, Esquire no cc	John K. Reilly Jr.
02/19/2004	Entry of Appearance, On Behalf of Defendant, William S. Albert. filed by, s/S. Casey Bowers, Esquire Certificate of Service 2 cc Atty Bowers	John K. Reilly Jr.

Date: 05/12/2004

Clearfield County Court of Common Pleas

User: BANDERSON

Time: 09:18 AM

ROA Report

Page 2 of 2

Case: 2001-00582-CD

Current Judge: John K. Reilly Jr.

Billy J. Lumadue vs. William S. Albert

Civil Other

Date		Judge
02/19/2004	Answer To Plaintiff's Petition to Enforce Settlement and New Matter. filed by, s/S. Casey Bowers, Esq. C ertificate of Service 2 cc Atty Bowers	John K. Reilly Jr.
02/26/2004	ORDER, NOW, this 25th day of February, 2004, re: Counsel for Defendant to have no more than 30 days fromdate hereof in which to supply the Court with appropriate Brief. Counsel for Plaintiff, upon receipt of Defendant's Brief, shall supply the Court with a Reply Brief as soon as possible. by the Court, s/JKR,JR.,S.J., Specially Presiding 2 cc Atty Naddeo,Bowers	John K. Reilly Jr.
04/20/2004	OPINION AND ORDER, NOW, this 20th day of April, 2004, re: Plaintiff's Petition to Enforce Settlement is hereby GRANTED and Defendant ORDERED to sign the subject deed conveying the premises to the Petitioner forthwith. by the Court, s/JKR, S.J., Specially Presiding 2 cc Attys Naddeo, Bowers, copy to D. Mikesell	John K. Reilly Jr.
04/30/2004	Defendant's Motion for Reconsideration, filed by s/S. Casey Bowers, Esq. One CC Attorney Bowers	John K. Reilly Jr.
05/05/2004	ORDER, AND NOW, this 5th day of May, 2004, re: Argument on Defendant's Motion for Reconsideration scheduled for Friday, July 16, 2004, at 9:30 a.m., before the Honorable John K. Reilly, Jr., Senior Judge, Specially Presiding. by the Court, s/FJA, P.J. 1 cc Attys Bowers, Naddeo	John K. Reilly Jr.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

No. 01-582-CD

Billy J. Lumadue

VS.

William S. Albert

ITEM NO.	DATE OF FILING	NAME OF DOCUMENT	NO. OF PAGES
01	04/23/01	Civil Complaint	
02	04/27/01	Sheriff Return	12
03	05/18/01	Certificate of Service, Notice of Default	01
04	05/29/01	Answer to Complaint	02
05	02/07/03	Praecipe to List for Trial	07
06	04/09/03	Pre-Trial Order, Re: report of surveyor and trial without a jury	03
07	12/04/03	Petition to Enforce Settlement	01
08	12/10/03	Motion to Withdraw as Counsel and Rule	15
09	12/30/03	Order, Re: Motion to Withdraw as Counsel granted	04
10	12/30/03	Certified Copy of Motion to Withdraw as Counsel sent to William S. Albert by Certified Mail returned by USPS "Unclaimed"	01
11	01/07/04	Order, Re: Argument on Plaintiff's Petition to Enforce Settlement continued	02
12	01/20/04	Order, Re: Argument on Plaintiff's Petition to Enforce Settlement scheduled	01
13	01/20/04	Certificate of Service, Petition to Enforce Settlement and Court Order dated January 19, 2004	01
14	02/19/04	Entry of Appearance on behalf of Defendant William S. Albert	02
15	02/19/04	Answer to Plaintiff's Petition to Enforce Settlement and New Matter	03
16	02/26/04	Order, Re: submission of brief and reply brief	05
17	04/20/04	Opinion and Order, Re: Plaintiff's Petition to Enforce Settlement Granted	01
18	04/30/04	Defendant's Motion for Reconsideration	02
19	05/05/04	Order, Re: Argument on Defendant's Motion for Reconsideration scheduled	05
20	05/19/04	Notice of Appeal	01
			06

Date: 05/20/2004

Time: 10:57 AM

Page 1 of 2

Clearfield County Court of Common Pleas

User: BHUDSON

ROA Report

Case: 2001-00582-CD

Current Judge: John K. Reilly Jr.

Billy J. Lumadue vs. William S. Albert

Civil Other

Date	Judge
04/23/2001	No Judge
① Filing: Civil Complaint Paid by: Naddeo, James A (attorney for Lumadue, Billy J.) Receipt number: 1823999 Dated: 04/23/2001 Amount: \$80.00 (Check) Two CC Sheriff 12	
04/27/2001	No Judge
② Sheriff Return, Papers served on Defendant(s). So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm 1	
05/18/2001	No Judge
③ Certificate of Service, Notice of Default, upon William S. Albert. filed by s/James A. Naddeo, Esq. 1 cc atty 2	
05/29/2001	No Judge
④ Answer To Complaint. Filed by s/Barbara J. Hugney-Shope, Esq. Verification, s/William S. Albert Cert. of Svc. 2 cc atty Shope 7	
02/07/2003	No Judge
⑤ Praecipe To List For Trial. Filed by s/James A. Naddeo, Esq. Cert. of Service no cc Copy to CA 3	
04/09/2003	John K. Reilly Jr.
⑥ PRE-TRIAL ORDER, NOW, this 9th day of April, 2003, re: Defendant shall submit to counsel for Plaintiff on or before April 30, 2003, the report and map of the surveyor to be called by said Defendant at trial. It is the further ORDER of this Court that trial w/o a jury shall be had Wednesday, July 9, 2003, commencing at 9:00 a.m. by the Court, s/JKR,JR.,P.J. cc to: Atty Naddeo and Hugney-Shope 1	
12/04/2003	John K. Reilly Jr.
⑦ Petition To Enforce Settlement. filed by, s/JamesA. Naddeo, Esquire cc Atty Naddeo 1 5	
12/10/2003	John K. Reilly Jr.
⑧ Motion to Withdraw As Counsel. filed by, s/Barbara J. Hugney-Shope, Esq. RULE, AND NOW, this 10th day of December, 2003, issued upon William S. Albert. Rule Returnable fora Hearing thereon the 30th day of December,2003, at 3:00 p.m. by the Court, s/JKR,JR.,P.J. 3 cc to Atty Shope 4	
12/30/2003	John K. Reilly Jr.
⑨ ORDER, AND NOW, this 30th day of December, 2003, upon consideration of the Motion to Withdraw as Counsel filed by BARBARA J. HUGNEY-SHOPE, ESQUIRE, it is hereby ORDERED that said Motion is GRANTED and that Petitioner, BARBARA J. HUGNEY-SHOPE, ESQUIRE be permitted to withdraw her appearance of record for the Defendant, William S. Albert, in the above matter. by the Court, s/JKR,JR.,P.J. 3 cc Atty Shope 1	
	John K. Reilly Jr.
⑩ Certified Copy of Motion To Withdraw As Counsel sent to WILLIAM S. ALBERT by Certified Mail returned by USPS "UNCLAIMED" filed. cc Atty Shope 1 2	
01/07/2004	John K. Reilly Jr.
⑪ ORDER, AND NOW, this 7th day of January, 2004, re: Argument on Plaintiff's Petition to Enforce Settlement scheduled in the above matter for February 14, 2004, has been CONTINUED. by the Court, s/FJA, P.J. 1	
01/20/2004	John K. Reilly Jr.
⑫ ORDER, AND NOW, this 19th day of January, 2004, Argument on Plaintiff's Petition to Enforce Settlement has been scheduled for Wednesday, Feb. 25, 2004, at 2:30 p.m. before the Honorable John K. Reilly, Senior Judge, Specially Presiding, in Courtroom No. 2. by the Court, s/FJA,P.J. 1 cc Atty Naddeo, 1 cc to Defendant 1	
	John K. Reilly Jr.
⑬ Certificate of Service, Petition To Enforce Settlement and Court Order dated January 19, 2004, upon: Mr. William S. Albert. filed by, s/James A. Naddeo, Esquire no cc 2	
02/19/2004	John K. Reilly Jr.
⑭ Entry of Appearance, On Behalf of Defendant, William S. Albert. filed by, s/S. Casey Bowers, Esquire Certificate of Service 2 cc Atty Bowers 3	
	John K. Reilly Jr.
⑮ Answer To Plaintiff's Petition to Enforce Settlement and New Matter. filed by, s/S. Casey Bowers, Esq. C ertificate of Service 2 cc Atty Bowers 5	
02/26/2004	John K. Reilly Jr.
⑯ ORDER, NOW, this 25th day of February, 2004, re: Counsel for Defendant to have no more than 30 days from date hereof in which to supply the Court with appropriate Brief. Counsel for Plaintiff, upon receipt of Defendant's Brief, shall supply the Court with a Reply Brief as soon as possible. by the Court, s/JKR,JR.,S.J., Specially Presiding 2 cc Atty Naddeo,Bowers 1	

Date: 05/20/2004

Time: 10:57 AM

Page 2 of 2

Clearfield County Court of Common Pleas

ROA Report

Case: 2001-00582-CD

Current Judge: John K. Reilly Jr.

User: BHUDSON

Billy J. Lumadue vs. William S. Albert

Civil Other

Date		Judge
04/20/2004	OPINION AND ORDER, NOW, this 20th day of April, 2004, re: Plaintiff's Petition to Enforce Settlement is hereby GRANTED and Defendant ORDERED to sign the subject deed conveying the premises to the Petitioner forthwith. by the Court, s/JKR, S.J., Specially Presiding Attys Naddeo, Bowers, copy to D. Mikesell 2 cc	John K. Reilly Jr.
04/30/2004	Defendant's Motion for Reconsideration, filed by s/S. Casey Bowers, Esq. One CC Attorney Bowers	John K. Reilly Jr.
05/05/2004	ORDER, AND NOW, this 5th day of May, 2004, re: Argument on Defendant's Motion for Reconsideration scheduled for Friday, July 16, 2004, at 9:30 a.m., before the Honorable John K. Reilly, Jr., Senior Judge, Specially Presiding. by the Court, s/FJA, P.J. 1 cc Attys Bowers, Naddeo	John K. Reilly Jr.
05/19/2004	Filing: Appeal to High Court Paid by: Bowers, S. Casey (attorney for Albert, William S.) Receipt number: 1879343 Dated: 05/19/2004 Amount: \$45.00 (Check) Notice of Appeal. filed by, s/S. Casey Bowers, Esquire Request For Transcript Certificate of Service 1 cc & Check to Superior Court 5 cc to Atty Bowers	John K. Reilly Jr.