

01-669-CD
DAVID R. POMPA et ux -vs- H. E. CLARK et al

DAVID R. POMPA and LOUISE E. : IN THE COURT OF COMMON PLEAS OF
POMPA, husband and wife : CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiffs : CIVIL ACTION - LAW
vs. : NO: 2001-669-C
H.E. CLARK and J.O. CLARK, :
their respective heirs, :
successors, personal :
representatives and assigns, :
Defendants : TYPE OF DOCUMENT: ACTION TO QUIET
: TITLE
: COUNSEL OF RECORD FOR PLAINTIFF:
: J. DENNIS PREVITE, ESQUIRE
: P.O. BOX 785
: NORTHERN CAMBRIA, PA 15714-0785
: Telephone: (814) 948-4591
: Supreme Court I. D. #32794

FILE)

MAY 07 2001

William A. Shaw
Prothonotary

DAVID R. POMPA and LOUISE E.	:	IN THE COURT OF COMMON PLEAS OF
POMPA, husband and wife	:	CLEARFIELD COUNTY, PENNSYLVANIA
	:	CIVIL ACTION - LAW
Plaintiffs	:	
	:	
vs.	:	NO: 200 -
	:	
	:	
H.E. CLARK and J.O. CLARK,	:	
their respective heirs,	:	
successors, personal	:	
representatives and assigns,	:	
Defendants	:	
	:	

NOTICE TO DEFEND

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
Clearfield, PA 16830
Telephone: (814) 765-9141

DAVID R. POMPA and LOUISE E. : IN THE COURT OF COMMON PLEAS OF
POMPA, husband and wife : CLEARFIELD COUNTY, PENNSYLVANIA
: CIVIL ACTION - LAW
Plaintiffs :
: vs. : NO: 200 -
: :
H.E. CLARK and J.O. CLARK, :
their respective heirs, :
successors, personal :
representatives and assigns, :
: Defendants :
:

ACTION TO QUIET TITLE

1. The Plaintiffs are David R. Pompa and Louise E. Pompa, husband and wife, individuals residing at 307 Mellon Avenue, Patton Borough, Cambria County, Pennsylvania 16668.

2. The Defendant, H.E. Clark, an individual whose last known address as of 1926 was in City of Philadelphia, Philadelphia County, Pennsylvania. Defendant, H.E. Clark, died testate on May 22, 1934 with an exemplification of the record thereof filed in Indiana County on April 6, 1940 in Will Book Volume 30 at Page 16. Letters Testamentary were granted by the Register of Wills of Philadelphia County to Woodword D. Clark and S.L. Clark as Executors of the Estate of H.E. Clark, deceased. No estate proceedings in the name of H.E. Clark are filed of record in Clearfield County.

3. The Defendant, J.O. Clark, an individual whose last known address as of 1926 was in Glen Campbell Borough, Indiana County, Pennsylvania. Defendant, J.O. Clark, died testate on July 21, 1936 with record thereof on file in Indiana County Will Book Volume 27 at Page 448. Letters Testamentary were granted by the Register of Wills of Indiana County to Winifred P. Clark, Aaron P. Clark and Joseph O. Clark, Jr., as Executors of the Estate of J.O. Clark, deceased. No estate proceedings in the name of J.O. Clark are filed of record in Clearfield County.

4. Plaintiffs are the owners of certain premises situate, lying and being in Burnside Township, Clearfield County, Pennsylvania, as more fully described on Exhibit "A" attached hereto and forming a part hereof, having acquired title thereto by virtue of the Deed of Dorothy J. Gaston and Harold Don Gaston, dated May 22, 2000 and recorded May 23, 2000 in Clearfield County as Instrument No. 200007121.

5. The chain of title for the premises located in Burnside Township, Clearfield County, Pennsylvania which is described in Paragraph 4 above as set forth on Exhibit "A" attached hereto and forming a part hereof is as follows:

A. (1) The records on file in the Clearfield County Recorder of Deeds and Clearfield County Tax Assessment Offices reflect that title to the

larger tract of land from which the parcel described and referenced in Paragraph 4 herein was originally vested by an unrecorded Deed in D.B. McCullough.

(2) The said D.B. McCullough is believed and therefore averred to have transferred his interest in said property described in Paragraph 4 herein to H.E. Clark and J.O. Clark by an unrecorded Deed.

(3) With title so vested in the said H.E. Clark and J.O. Clark by an unrecorded instrument, the said H.E. Clark and J.O. Clark became assessed as the owners of a 50 acre surface parcel situate in Burnside Township, Clearfield County, Pennsylvania without a specific legal description associated therewith. The Tax Assessment Map/Parcel reference number in Burnside Township, Clearfield County, Pennsylvania being designated 108-A13-7.

(4) The Assessment history in Clearfield County carried reference to the aforesaid Tax Parcel Number in the name of D.B. McCullough describing same as 45 acres through 1905.

(5) In 1906, the assessment to D.B. McCullough was transferred to H.E. Clark and J.O. Clark. Beginning in 1906 H.E. Clark and J.O. Clark were referenced as the owners of a 50 acre surface having received title from D.B. McCullough.

(6) The Clearfield County Assessment records thereafter from 1906 through 1921 reference H.E. Clark and J.O. Clark as owners.

(7) The ownership interests of the said H.E. Clark and J.O. Clark so assessed were the subject of two (2) tax sales in Clearfield County.

B. (1) As a result of unpaid real estate taxes for tax year 1926 applicable to a one-half (1/2) interest in 50 acres surface assessed to Defendants H.E. Clark and J.O. Clark, the Treasurer of Clearfield County by a Deed dated

October 26, 1928 and recorded in Clearfield County Deed Book Volume 300 at Page 296 granted and conveyed the said one-half (1/2) interest in 50 acres surface assessed to Defendants H.E. Clark and J.O. Clark to the Commissioners of Clearfield County.

(2) By Deed dated September 1, 1931 and recorded in Clearfield County Deed Book Volume 300 at Page 297, the Commissioners of Clearfield County granted and conveyed title to the said undivided one-half (1/2) interest in 50 acres surface previously assessed to the said H.E. Clark and J.O. Clark to J.O. Clark.

(3) The said one-half (1/2) interest so conveyed to the said J.O. Clark was assessed by the Clearfield Township Tax Assessment authorities in the name of J.O. Clark from 1933 through 1955.

(4) The said one-half (1/2) interest in 50 acres surface so assessed to the said J.O. Clark was sold by the Treasurer of Clearfield County for unpaid real estate taxes of 1953 to the Commissioners of Clearfield County by Deed dated November 14, 1955 and recorded May 9, 1977 in Clearfield County Deed Book Volume 737 at Page 420.

(5) By Deed dated December 1, 1964 and recorded May 9, 1977 in Deed Book Volume 737 at Page 422 the said Commissioners of Clearfield County granted and conveyed title to the undivided one-half (1/2) interest in said 50 acres surface to George Bloom.

(6) George Bloom was assessed for Real Estate Tax purposes as the owner of an undivided one-half (1/2) interest in (50) acres surface for the period 1966 through 1988.

C. (1) The remaining one-half (1/2) interest in said property situate Burnside Township, Clearfield County, Pennsylvania which was originally assessed to H.E. Clark and J.O. Clark was the subject of a

Treasurer's Sale for unpaid taxes of 1928 and 1929 whereby the remaining one-half (1/2) interest in 50 acres surface situate as aforesaid was transferred by the Treasurer of Clearfield County to the Commissioners of Clearfield County by Deed dated February 9, 1932 recorded in Clearfield County Deed Book Volume 317 at Page 588.

(2) By Deed dated December 30, 1936 recorded in Clearfield County Deed Book Volume 317 at Page 590, the said remaining one-half (1/2) interest in said 50 acres surface previously assessed to the said H.E. Clark and J.O. Clark was granted and conveyed to W.D. Clark and Mary C. Patchin, Executors of H.E. Clark, deceased.

(3) By Deed dated August 21, 1952 recorded in Clearfield County Deed Book Volume 424 at Page 33 the said W.D. Clark and Mary C. Patchin, Executors of H.E. Clark, deceased, granted and conveyed title to the said remaining one-half (1/2) interest in 50 acres surface situate Burnside Township, Clearfield County to H.E. Clark Interests.

(4) As noted above, there was no specific legal description for said 50 acre parcel included in any of the foregoing referenced Deeds.

(5) The said H.E. Clark Interests were subsequently documented to have succeeded by corporate merger with Royal Oil & Gas Corporation effective January 1, 1969 said merger being documented in Clearfield County Miscellaneous Book Volume 154 at Page 58.

(6) By Deed dated September 27, 1979 and recorded in Clearfield County Deed Book Volume 798 at Page 417, the said Royal Oil & Gas Corporation as successor by Merger to the H.E. Clark Interests granted and conveyed various interests in said one-half (1/2) in 50 acres surface to CCW Interests, Inc., Wilmoth Interests, Inc. and Ream Interests, Inc., the end result of said transfer being that total assessed ownership of said

remaining one-half interest in 50 acres surface situate Burnside Township, Clearfield County, Pennsylvania was thereafter assessed to Royal Oil & Gas Corporation, CCW Interests, Inc., Wilmoth Interests, Inc. and Ream Interests, Inc.

(7) H.E. Clark Interests and/or Royal Oil & Gas Corporation, CCW Interests, Inc., Wilmoth Interests, Inc. and Ream Interests, Inc., were assessed for Real Estate Tax purposes as the owners of an undivided one-half (1/2) interest in fifty (50) acres surface for the period 1957 through 1988.

6. By Deed dated September 9, 1989 and recorded in Clearfield County Deed Book Volume 954 at Page 853, the premises described in Paragraph 4 and Exhibit "A" herein was conveyed by Leona C. Oakes, widow, to Dorothy J. Gaston, et vir. Upon recording of the above recited Deed, the Clearfield County Tax Assessment Office reassessed the premises described in Paragraph 4 herein designated Tax Parcel 108-A-13-7 as fifty (50) acres surface to Dorothy J. Gaston, et vir.

7. Since April 5, 1947, David R. Pompa and Louise E. Pompa, husband and wife, and their predecessors in interest have been in open and notorious possession of said premises, have been assessed with and paid taxes thereon and have been undisturbed by any claim or demand by Defendants, their heirs, successors, personal representatives and assigns.

8. The Treasurer's Sales recited in Paragraph 5 A-C above and the lack of proof of personal service thereof upon H.E. Clark

and J.O. Clark, their respective heirs, successors, personal representatives and assigns constitutes a cloud on Plaintiffs' title.

WHEREFORE, Plaintiffs do pray this Honorable Court to issue an Order confirming the validity of the Plaintiffs' title to the premises described herein as alleged above as well as the validity of the aforesaid Treasurer's Sales as to the interest of H.E. Clark and J.O. Clark, and further to enjoin the Defendants H.E. Clark and J.O. Clark, their respective heirs, successors, personal representatives and assigns, and all persons claiming by, from, through or under them and the entire world, from claiming any right, title or interest to the subject premises described in Paragraph 4 of the Complaint, adverse to that claim of the Plaintiff to wit, fee simple absolute.

RESPECTFULLY SUBMITTED,


J. DENNIS PREVITE, ESQUIRE,
Attorney for Plaintiffs

EXHIBIT "A"

ALL that certain lot or piece, parcel or tract of land situate partly in the Township of Burnside, County of Clearfield and State of Pennsylvania, and partly in the Township of Montgomery, County of Indiana and State of Pennsylvania, bounded and described as follows:

BEGINNING at a post along the Township Road leading from Magee School House to Ire Station; thence by lands of G.D. Kantz estate North 8° East 1607 feet to stones; thence by lands of H.E. Clark South 65° West 650 feet to a hemlock; thence by same South 48° West 628 feet to a hemlock; thence by same North 83° West 890 feet to stones; thence by same North 23° East 1440 feet to a hemlock; thence by lands of Wall Benzy North 77° West 1478 feet to a post in Rock Run; thence by lands of H.E. and J.O. Clark South 1138 feet to a post; thence by same in a southwesterly direction 500 feet to stones; thence by same in a northwesterly direction 1514 feet to stones; thence by lands of Christiana Billings and John E. McCullough South 20° East 114 perches to a black oak now fallen; thence by lands of Paris Lockard a northeasterly course a straight line 1036 feet to a post at the Township Road; thence by same North 65-1/2° East 1185 feet to a hemlock; thence by same a southeasterly course a straight line 1700 feet to a township road; thence along township road in an easterly direction 622 feet to the place of beginning. Containing 129 acres more or less and having thereon erected a two-story frame house, frame barn and other outbuildings.

Specifically included in this conveyance and part of the above-described tract is all that certain tract of land situate in Burnside Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a point on the Indiana/Clearfield County line which point is the southwest corner of the tract hereinafter described, said point being North 73° 14' East 240.63 feet from a R.R. spike on T-302; thence North 8° 40' 10" East 2,309.88 feet to an axle; thence South 58° 20' 30" East 1,477.88 feet to an iron pin; thence South 29° 52' 30" West 1,452.92 feet to a stake; thence North 37° 11' 15" West 18.29 feet to a point; thence South 73° 14' West 910.09 feet to the place of beginning. Containing 46.60 acres in accordance with a survey of George A. Cree dated October 26, 1990, and being Drawing Number 9-63-90, a copy of which is attached hereto and made a part hereof.

EXCEPTING AND RESERVING from the operation of this deed that parcel which was transferred to Samuel C. Lydic and Shirley A. Lydic, his wife, by deed dated May 7, 1980 and recorded in the Office of the Recorder of Deeds for Indiana County at Deed Book Volume 778, page 10, being bounded and described as follows:

ALL that certain tract of land situate in Montgomery Township, Indiana County, Pennsylvania, bounded and described as follows:

BEGINNING at stones in line of land now or formerly of David McCullough Heirs or Vada Stimach and Harold Yingling, said stones being also at a corner of land now or formerly of David McCullough Heirs and J.W. Clark or Roy Thomas Baker; thence in an easterly direction along said land now or formerly of David McCullough Heirs and J.W. Clark or Roy Thomas Baker a distance of 1,868 feet, more or less, to a point which is 30 feet, more or less, from the division line of Indiana and Clearfield Counties; thence through land of the within grantors, being residue hereof, in a southerly direction, 25 feet, more or less, to a point; thence through same land, in a westerly direction, a distance of 1,810 feet, more or less, to a point in said line of land now or formerly of David McCullough Heirs or Vada Stimach and Harold Yingling; thence along said line of last mentioned land North 20° West 1,420 feet, more or less, to stones at a place of beginning. Containing 17 acres, more or less.

EXCEPTING AND RESERVING, from this deed that parcel which was transferred to Cy B. Hilterman and Mary E. Hilterman, his wife, by deed dated July 13, 1998 and recorded in the Office of the Recorder of Deeds for Indiana County in Deed Book Volume 1132, page 386, being bounded and described as follows:

ALL that certain tract of land situate in Montgomery Township, Indiana County, Pennsylvania, bounded and described as follows:

BEGINNING at a railroad spike found in the center line of T-693, aka Kantz Hill Road, leading to SR 0219, said point being the northeast corner of the herein described parcel; thence South 51° 57' 02" West along land of Imogene States, et vir, for a distance of 415.22 feet to an iron pin; thence

South $51^{\circ} 14' 30''$ West along land of Frank S. Smith, et ux, for a distance of 938.49 feet to an iron pin; thence North $20^{\circ} 01' 06''$ West along land of Renee B. Stimach for a distance of 485.85 feet to an iron pin; thence North $37^{\circ} 50' 24''$ East along land of Barry L. Sheely for a distance of 951.82 feet to an iron pin in the center line of Kantz Hill Road; thence South $60^{\circ} 22' 04''$ East generally by the center line of said road for a distance of 737.69 feet to the point of beginning. Containing 15.080 gross acres and 14.800 net acres of land as shown on a draft of survey completed June 9, 1998 by Dennis E. Sheehan, PLS, a copy of which is attached hereto and made a part hereof, having endorsed thereon the approval of the Indiana County Planning Office dated June 30, 1998.

ALSO EXCEPTING AND RESERVING from the operation of this deed all that certain piece, parcel of tract of land bounded and described as follows:

BEGINNING at a post along the Township Road leading from Magee School House to Ire Station; thence by land of G.D. Kantz estate North 8° East 1607 feet to stones; thence by land of H.E. Clark South 65° West 625 feet to a hemlock; thence along the land from which this piece is taken in a southwesterly direction 1669 feet to a post; thence in an easterly direction along the township road 672 feet to the place of beginning, and containing about twenty (20) acres, more or less.

ALSO EXCEPTING AND RESERVING unto the Grantors herein, Dorothy J. Gaston and Harold Don Gaston, her husband, their heirs and assigns, all that certain piece, parcel or tract of land situate in the Township of Burnside, County of Clearfield, and Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at a point which is the southeast corner of the tract herein described. Said point is on the North line of T-315; thence along the North line of T-315 South $75^{\circ} 44'$ West 25.18 feet to an iron pin; thence North $37^{\circ} 11' 15''$ West 1,630.51 feet to a stake; thence South $75^{\circ} 56' East$ 890.27 feet to an existing stone; thence North $55^{\circ} 56' East$ 802.07 feet to an iron pin; thence North $74^{\circ} 59' 30'' East$ 25.09 feet to an iron pin; thence South $19^{\circ} 29' 27'' West$

1,625.29 feet to the place of beginning. Containing 20.09 acres in accordance with a survey of George A. Cree dated October 26, 1990, and being Drawing Number 9-63-90.

BEING the same premises title to which vested in David R. Pompa and Louise E. Pompa, husband and wife by Deed of Dorothy J. Gaston and Harold Don Gaston, husband and wife, dated May 22, 2000 and recorded May 23, 2000 in Clearfield County as Instrument No. 200007121.

DAVID R. POMPA and LOUISE E. : IN THE COURT OF COMMON PLEAS OF
POMPA, husband and wife : CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiffs : CIVIL ACTION - LAW
vs. : NO: 200 -
H.E. CLARK and J.O. CLARK, :
their respective heirs, :
successors, personal :
representatives and assigns, :
Defendants :

AFFIDAVIT

STATE OF PENNSYLVANIA: : SS
COUNTY OF CAMBRIA :

Before me, a Notary Public in and for said County and State, personally appeared DAVID R. POMPA and LOUISE E. POMPA, husband and wife, who being duly sworn according to law, depose and say that they are the Plaintiffs in the above named. That they are familiar with the facts set forth in the foregoing Complaint and that the facts set forth in the foregoing Complaint are true and correct to the best of their knowledge, information and belief.

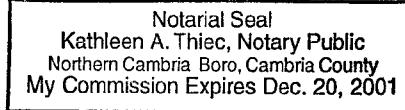
David R. Pompa
DAVID R. POMPA
Louise E. Pompa
LOUISE E. POMPA

Sworn to and subscribed before me

this 2nd day of May, 2001.

Kathleen A. Thie
NOTARY PUBLIC

NOTARY PUBLIC



NO:

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

DAVID R. POMPA and LOUISE E. POMPA,
husband and wife,

Plaintiffs

vs.

H.E. CLARK and J.O. CLARK, their
respective heirs, successors,
personal representatives and
assigns,

Defendants

TYPE OF DOCUMENT: ACTION TO
QUIET TITLE

4 C

013:4380
4th pd.
Att'y pd.
40.00

LAW OFFICE

J. DENNIS PREVITE
ATTORNEY AND COUNSELOR AT LAW
P.O. BOX 785, 2104 BIGLER AVENUE
SPANGLER, PENNSYLVANIA 15775
814-948-4591

DAVID R. POMPA and LOUISE E. : IN THE COURT OF COMMON PLEAS OF
POMPA, husband and wife : CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiffs : CIVIL ACTION - LAW
vs. : NO: 2001-669-CJ

H.E. CLARK and J.O. CLARK, :
their respective heirs, :
successors, personal :
representatives and assigns, :
Defendants :
TYPE OF DOCUMENT: MOTION FOR
SPECIAL ORDER FOR SERVICE
COUNSEL OF RECORD FOR PLAINTIFF:
J. DENNIS PREVITE, ESQUIRE
P.O. BOX 785
NORTHERN CAMBRIA, PA 15714-0785
Telephone: (814) 948-4591
Supreme Court I. D. #32794

FILED

MAY 7 2001

William A. Shaw
Prothonotary

DAVID R. POMPA and LOUISE E. : IN THE COURT OF COMMON PLEAS OF
POMPA, husband and wife : CLEARFIELD COUNTY, PENNSYLVANIA
: CIVIL ACTION - LAW

Plaintiffs :
vs. : NO: 200 -
:
:
H.E. CLARK and J.O. CLARK, :
their respective heirs, :
successors, personal :
representatives and assigns, :
:
Defendants :
:

ORDER OF COURT

AND NOW, this 7th day of May, ²⁰⁰¹,
upon consideration of the within Motion for Special Order for
Service, as authorized under Pa. R.C.P. 430, it is hereby
ORDERED, ADJUDGED, and DECREED that the Plaintiffs are hereby
authorized to serve the Complaint in the above-captioned Quiet
Title Action, by advertising notice of the action once in the
Clearfield County Legal Journal and once in the Star-Courier.

BY THE COURT:

Jed Lummus
J.

FILED

MAY 07 2001

W. Lummus

FILED
APR 15 1968
MAILED
William A. Shady
Professor

DAVID R. POMPA and LOUISE E. : IN THE COURT OF COMMON PLEAS OF
POMPA, husband and wife : CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

Plaintiffs :

vs. : NO: 200 -

H.E. CLARK and J.O. CLARK,
their respective heirs,
successors, personal
representatives and assigns,

Defendants :

MOTION FOR SPECIAL ORDER FOR SERVICE

NOW COMES, Plaintiffs above-named, and through their
counsel, J. Dennis Previte, Esquire, and do file this Motion for
Special Order for Service and in Support thereof, offer the
following:

1. The moving parties are the Plaintiffs in the above-

captioned Action to Quiet Title.

2. The Complaint in the above captioned Action to Quiet
Title is currently pending against the Defendants, H.E. Clark and
J.O. Clark, their respective heirs, successors, personal
representatives and assigns, under the above Term and Number.

3. The Plaintiffs have taken the following actions in an

attempt to locate the Defendants or any of their respective
heirs, successors, personal representatives or assigns.

(a) Reviewing telephone listings for the general area

and attempting to contact any persons with the same last name as that of the Defendants to determine whether or not there are any outstanding heirs of the Defendants;

(b) Examining the records contained in the Recorder of Deeds Office in and for the County of Clearfield and also the Tax Assessment Office in and for the County of Clearfield to determine if the Defendants, their respective heirs, successors, personal representatives and assigns own real property within said area; and

(c) Examining the records contained in the Register of Wills Offices in and for the County of Clearfield and the County of Clearfield to determine if an Estate was opened for the Defendants, their respective heirs, successors, personal representatives or assigns with said counties and whether or not any information disclosing the identify of any heirs, successors, personal representatives or assigns of the Defendants would be contained therein.

4. The Plaintiffs have exercised due diligence in attempting to locate the Defendants, H.E. Clark and J.O. Clark, and their respective heirs, successors, personal representatives and assigns, and have not been able to determine the current status and/or to locate the Defendants and/or their respective heirs, successors, personal representatives and assigns.

WHEREFORE, the Plaintiffs do pray this Honorable Court to authorize service of the Complaint in the above-captioned Quiet Title Action on the Defendants, H.E. Clark and J.O. Clark, their respective heirs, successors, personal representatives and assigns, by advertising notice of the action once in the Clearfield County Legal Journal and once in the Star-Courier Herald.

Respectfully submitted,


D. DENNIS PREVITE, ESQUIRE
Attorney for Plaintiffs

COMMONWEALTH OF PENNSYLVANIA:

: SS

COUNTY OF CAMBRIA

:

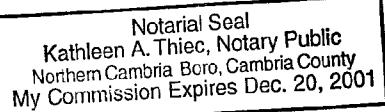
Personally appeared before me, the undersigned authority, a Notary Public in and for said County and State, **DAVID R. POMPA** and **LOUISE E. POMPA**, **husband and wife**, who being duly sworn according to law, depose and says that they are the Plaintiffs above named; that they are familiar with the facts set forth in the foregoing Motion and are duly authorized to make this Affidavit; that the facts set forth in the foregoing Motion are true and correct to the best of their knowledge, information and belief.

David R. Pompa
DAVID R. POMPA
Louise E. Pompa
LOUISE E. POMPA

Sworn to and subscribed before me

this 2nd day of May, 2001.

Kathleen A. Thiec
NOTARY PUBLIC



Member, Pennsylvania Association of Notaries

DAVID R. POMPA and LOUISE E. : IN THE COURT OF COMMON PLEAS OF
POMPA, husband and wife : CAMBRIA COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

Plaintiffs :
vs. : NO: 200 -

H.E. CLARK and J.O. CLARK, :
their respective heirs, :
successors, personal :
representatives and assigns, :
Defendants :

AFFIDAVIT

STATE OF PENNSYLVANIA: : SS
COUNTY OF CAMBRIA :

Before me, a Notary Public in and for said County and State,
personally appeared DAVID R. POMPA and LOUISE E. POMPA, husband
and wife, who being duly sworn according to law depose and say
that they are the Plaintiffs above named; that they are
authorized to make this Affidavit and that they and their agents
have made diligent efforts to locate or determine the present
status of H.E. Clark and J.O. Clark, their respective heirs,
successors, personal representatives and assigns, including but
not limited to reviewing telephone listing for the general area;
reviewing all records of the Recorder of Deeds and Tax Assessment
Offices in the County of Cambria, reflecting any current address

or location of the Defendant or any of their possible heirs, successors, personal representatives or assigns; reviewing records in the Register of Wills Offices for the County of Cambria reflecting address or location information pertaining to any possible heirs of the said Defendants. However, despite their best and most diligent efforts, including review of telephone listings, Plaintiff has been unable to locate or determine the present status of the Defendants, their heirs, successors, personal representatives and assigns.

David R Pompa
DAVID R. POMPA
Louise E Pompa
LOUISE E. POMPA

Sworn to and subscribed before me
this 2nd day of May, 2001.

Kathleen A. Thiec
NOTARY PUBLIC

Notarial Seal
Kathleen A. Thiec, Notary Public
Northern Cambria Boro, Cambria County
My Commission Expires Dec. 20, 2001

Member, Pennsylvania Association of Notaries

NO:

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

DAVID R. POMPA and LOUISE E. POMPA,
husband and wife,

Plaintiffs

vs.

H.E. CLARK and J.O. CLARK, their
respective heirs, successors,
personal representatives and
assigns,

Defendants

TYPE OF DOCUMENT: MOTION FOR
SPECIAL ORDER FOR SERVICE

LAW OFFICE
J. DENNIS PREVITE
ATTORNEY AND COUNSELOR AT LAW
P.O. BOX 785, 2104 BIGLER AVENUE
SPANGLER, PENNSYLVANIA 15775
814-948-4591

*SP 013-5086244CC
4/14/01*

NOTICE
IN THE COURT
OF COMMON PLEAS
OF CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL ACTION LAW
NO. 2001-669-CD
ACTIQNTO
QUIET TITLE
DAVID R. POMPA and LOUISE E.
POMPA, husband and wife, Plaintiffs

TO: H.E. CLARK and J.O.
CLARK, their respective heirs, successors, personal representatives and assigns, Defendants

You are hereby notified that the above action has been commenced against you to quiet title to the following described premises:

ALL that certain lot or piece, parcel or tract of land situate partly in the Township of Burnside, County of Clearfield and State of Pennsylvania, and partly in the Township of Montgomery, County of Indiana and State of Pennsylvania, bonded and described as follows:

BEGINNING at a post along the Township Road leading from Magee School House to Ire Station; thence by lands of G.D. Kantz estate North 8° East 1607 feet to stones; thence by lands of H.E. Clark South 65° West 650 feet to a hemlock; thence by same South 48° West 628 feet to a hemlock; thence by same North 83° West 890 feet to stones; thence by same North 23° East 1440 feet to a hemlock; thence by lands of Wall Benzy North 77° West 1478 feet to a post in Rock Run; thence by lands of H.E. and J.O. Clark South 1138 feet to a post; thence by same in a southwesterly direction 500 feet to stones; thence by same in a northwesterly direction by lands of Christina Billings and John E. McCullough South 20° East 114 perches to a black oak now fallen; thence by lands of Paris Lockard a northeasterly course a straight line 1036 feet to a post at the Township Road; thence by same North 65-1/2° East 1185 feet to a hemlock; thence by same a southeasterly course a straight line 1700 feet to a township road; thence along township road in an easterly direction 622 feet to the place of beginning.

Containing 129 acres more or less and having thereon erected a two-story frame house, frame barn and other outbuildings.

Specifically included in this conveyance and part of the above-described tract is all that certain tract of land situate in Burnside Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a point on the Indiana/ Clearfield County line which point is the southwest corner of the tract hereinafter described, said point being North 73° 14' East 240.63 feet from a R.R. spike on T-302; thence North 8° 40' 10" East 2,309.88 feet to an axle; thence South 58° 20' 30" East 1,477.88 feet to an iron pine; thence South 29° 52' 30" West 1,452.92 feet to a stake; thence North 37° 11' 15" West 18.29 feet to point; thence South 73° 14' West 910.09 feet to the place of beginning. Containing 46.60 acres in accordance with a survey of George A. Cree dated October 26, 1990, and being Drawing Number 9-63-90, a copy of which is attached hereto and made a part hereof.

EXCEPTING AND RESERVING from the operation of this deed that parcel which was transferred to Samuel C. Lydic and Shirley A. Lydic, his wife, by deed dated May 7, 1980 and recorded in the Office of the Recorder of Deeds for Indiana County at Deed Book Volume 778, page 10, being bounded and described as follows:

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :

COUNTY OF CLEARFIELD : SS:

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

the regular issues of May 16, 2001. And that the affiant is not interested in the subject matter of the notice or advertising, and that all of the allegations of this statement as to the time, place, and character of publication are true.

Margaret E. Krebs
Sworn and subscribed to before me the day and year aforesaid.

Ann K. Law

Notary Public

Clearfield, Pa.

My Commission Expires
September 16, 2004

Notarial Seal
Ann K. Law, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires Sept. 16, 2004

Member, Pennsylvania Association of Notaries

ALL that certain tract of land situate in Montgomery Township, Indiana County, Pennsylvania, bounded and described as follows: BEGINNING at stones in line of land now or formerly of David McCullough Heirs or Vada Stimach and Harold Yingling, said stones being also at a corner of land now or formerly of David McCullough Heirs and J.W. Clark or Roy Thomas Baker; thence in an easterly direction along said land now or formerly of David McCullough Heirs and J.W. Clark or Roy Thomas Baker a distance of 1,868 feet, more or less, to a point which is 30 feet, more or less, from the division line of Indiana and Clearfield Counties; thence through land of the within grantors, being residue hereof, in a southerly direction, 25 feet, more or less, to a point; thence through same land, in a westerly direction, a distance of 1,810 feet, more or less, to a point in said line of land now or formerly of David McCullough Heirs or Vada Stimach and Harold Yingling; thence along said line of last mentioned land North 20° West 1,420 feet, more or less, to stones at a place of beginning. Containing 17 acres, more or less.

EXCEPTING AND RESERVING, from this deed that parcel which was transferred to Cy B. Hiltzman and Mary E. Hiltzman, his wife, by deed dated July 13, 1998 and recorded in the Office of the Recorder of Deeds for Indiana County in Deed Book Volume 1132, page 386, being bounded and described as follows:

ALL that certain tract of land situate in Montgomery Township, Indiana County, Pennsylvania, bounded and described as follows:

BEGINNING at a railroad spike found in the center line of T-693, aka Kantz Hill Road, leading to SR 0219, said point being the northeast corner of the herein described parcel; thence South 51° 57' 02" West along land of Imogene States, et vir, for a distance of 415.22 feet to an iron pin; thence South 51° 14' 30" West along land of Frank S. Smith, et ux, for a distance of 938.49 feet to an iron pin; thence

North 20° 01' 06" West along land of Renee B. Stimach for a distance of 485.85 feet to an iron pin; thence North 37° 50' 24" East along land of Barry L. Sheely for a distance of 951.82 feet to an iron pin in the center line of Kantz Hill Road; thence South 60° 22' 04" East generally by the center line of said road for a distance of 737.69 feet to the point of beginning. Containing 15.080 gross acres and 14.800 net acres of land as shown on a draft of survey completed June 9, 1998 by Dennis E. Sheehan, PLS, a copy of which is attached hereto and made a part hereof, having endorsed thereon the approval of the Indiana County Planning Office dated June 30, 1998.

ALSO EXCEPTING AND RESERVING from the operation of this deed all that certain piece, parcel or tract of land bounded and described as follows:

BEGINNING at a post along the Township Road leading from Magee School House to Ire Station; thence by land of G.D. Kantz estate North 8° East 1607 feet to stones; thence by land of H.E. Clark South 65° West 625 feet to a hemlock; thence along the land from which this piece is taken in a southwesterly direction 1669 feet to a post; thence in an easterly direction along the township road 672 feet to the place of beginning, and containing about twenty (20) acres, more or less.

ALSO EXCEPTING AND RESERVING unto the Grantors herein, Dorothy J. Gaston and Harold Don Gaston, her husband, their heirs and assigns, all that certain piece, parcel or tract of land situate in the Township of Burnside, County of Clearfield, and Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at a point which is the southeast corner of the tract herein described. Said point is on the North line of T-315; thence along the North line of T-315 South 75° 44' West 25.18 feet to an iron pin; thence North 37° 11' 15" West 1,630.51 feet to a stake; thence South 75° 56' East 890.27 feet to an existing stone; thence North 55° 56' East 802.07 feet to an iron pin; thence North 74° 59' 30" East 25.09 feet to an iron pin; thence South 19° 29' 27" West 1,625.29 feet to the place of beginning. Containing 20.09 acres in accordance with a survey of George A. Cree dated October 26, 1990, and being Drawing Number 9-63-90.

Being the same premises title to which vested in David R. Pompa and Louise E. Pompa, husband and wife by Deed of Dorothy J. Gaston and Harold Don Gaston, husband and wife, dated May 22, 2000 and recorded May 23, 2000 in Clearfield County as Instrument No. 200007121.

You are further notified that you are required to answer to Complaint filed in said action within twenty (20) days from the date of this publication and in default of any Answer a Final Order will be entered against you whereby you will be forever barred from asserting any lien, right, title, interest or claim to the described premises inconsistent with the interest or claims of the Plaintiffs.

J. DENNIS PREVITE, ESQUIRE
Attorney for Plaintiffs, 2104 Bigler
Avenue, P. O. Box 785, Northern
Cambria, PA 15714-0785

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

DAVID R. POMPA and LOUISE E. POMPA,
husband and wife,

Plaintiffs,

vs.

H.E. CLARK and J.O. CLARK, their
respective heirs, successors,
personal representatives and assigns.

Defendants

TYPE OF DOCUMENT: PROOFS OF
PUBLICATION

FILED

LAW OFFICE

J. DENNIS PREVITE

ATTORNEY AND COUNSELOR AT LAW
P.O. BOX 785, 2104 BIGLER AVENUE

SPANGLER, PENNSYLVANIA 15775
814-946-4591

JUN 19 2001
1147 AM
William A. Shaw
Prothonotary
PA

Go
Not

LEGAL NOTICE

NOTICE

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION - LAW

NO: 2001-669-CD

ACTION TO QUIET TITLE

DAVID R. POMPA and LOUISE E. POMPA, husband and wife, Plaintiffs

TO: H.E. CLARK and J.O. CLARK, their respective heirs, successors, personal representatives and assigns, Defendants

You are hereby notified that the above action has been commenced against you to quiet title to the following described premises:

ALL that certain lot or piece, parcel or tract of land situate partly in the Township of Burnside, County of Clearfield and State of Pennsylvania, and partly in the Township of Montgomery, County of Indiana and State of Pennsylvania, bounded and described as follows:

BEGINNING at a post along the Township Road leading from Magee School House to Ice Station; thence by lands of G.D. Kantz estate North 8° East 1607 feet to stones; thence by lands of H.E. Clark South 65° West 650 feet to a hemlock; thence by same South 48° West 628 feet to a hemlock; thence by same North 83° West 890 feet to stones; thence by same North 23° to a hemlock; thence by same North 83° West 1478 feet to a post; thence by same East 1440 feet to a hemlock; thence by lands of Wall Benzly North 77° West 1478 feet to a post; thence by same in a southwesterly direction 500 feet to stones; thence by same in a northwesterly direction 1514 feet to stones; thence by lands of Christiana Billings and John E. McCullough South 20° East 114 perches to a black oak now fallen; thence by lands of Paris Lockard a northeasterly course a straight line 1036 feet to a post at the Township Road; thence by same North 65-1/2° East 1185 feet to a hemlock; thence by same a southeasterly course a straight line 1700 feet to a township road; thence along township road in an easterly direction 622 feet to the place of beginning. Containing 129 acres more or less and having thereon erected a two-story frame house, frame barn and other outbuildings.

Specifically included in this conveyance and part of the above described tract is all that certain tract of land situate in Burnside Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a point on the Indiana/Clearfield County line which point is the southwest corner of the tract hereinafter described, said point being North 73° 14' East 240.63 feet from a R.R. spike on T-302; thence North 8° 40' 10" East 2,309.88 feet to an axel; thence South 58° 20' 30" East 1,477.88 feet to an iron pin; thence South 29° 52' 30" West 1,452.92 feet to a stake; thence North 37° 11' 15" West 18.29 feet to a point; thence South 73° 14' West 910.09 feet to the place of beginning. Containing 46.60 acres in accordance with a survey of George A. Cree dated October 26, 1990, and being Drawing Number 9-63-90, a copy of which is attached here-to and made a part hereof.

EXCEPTING AND RESERVING from the operation of this deed that parcel which was transferred to Samuel C. Lydic and Shirley A. Lydic, his wife, by deed dated May 7, 1980 and recorded in the Office of the Recorder of Deeds for Indiana County at Deed Book Volume 778, page 10, being bounded and described as follows:

ALL that certain tract of land situate in Montgomery Township, Indiana County, Pennsylvania, bounded and described as follows:

BEGINNING at stones in line of land now or formerly of David McCullough Heirs or Vada Stimach and Harold Yingling, said stones being also at a corner of land now or formerly of David McCullough Heirs and J.W. Clark or Roy Thomas Baker; thence in an easterly direction along said land now or formerly of David McCullough Heirs and J.W. Clark or Roy Thomas Baker a distance of 1,868 feet, more or less, to a point which is 30 feet, more or less, from the division line of Indiana and Clearfield Counties; thence through land of the within grantors, being residue hereof, in a southerly direction, 25 feet, more or less, to a point; thence through same land, in a westerly direction, a distance of 1,810 feet, more or less, to a point in said line of land now or formerly of David McCullough Heirs or Vada Stimach and Harold Yingling; thence along said line of last mentioned land North 20° West 1,420 feet, more or less, to stones at a place of beginning. Containing 17 acres, more or less.

EXCEPTING AND RESERVING, from this deed that parcel which was transferred to Cy B. Hiltzman and Mary E. Hiltzman, his wife, by deed dated July 13, 1998 and recorded in the Office of the Recorder of Deeds for Indiana County in Deed Book Volume 1132, page 386, being bounded and described as follows:

ALL that certain tract of land situate in Montgomery Township, Indiana County, Pennsylvania, bounded and described as follows:

BEGINNING at a railroad spike found in the center line of T 693, aka Kantz Hill Road, leading to SR 0219, said point being the northeast corner of the herein described parcel; thence South 51° 57' 02" West along land of Imogene States, et vir, for a distance of 415.22 feet to an iron pin; thence South 51° 14' 30" West along land of Frank S. Smith, et ux, for a distance of 938.49 feet to an iron pin; thence North 20° 01' 06" West along land of Renee B. Stimach for a distance of 485.85 feet to an iron pin; thence North 37° 50' 24" East along land of Barry L. Sheely for a distance of 951.82 feet to an iron pin in the center line of Kantz Hill Road; thence South 60° 22' 04" East generally by the center line of said road for a distance of 737.69 feet to the point of beginning. Containing 15.080 gross acres and 14.800 net acres of land as shown on a draft of survey completed June 9, 1998 by Dennis E. Sheehan, PLS, a copy of which is attached hereto and made a part hereof, having endorsed thereon the approval of the Indiana County Planning Office dated June 30, 1998.

ALSO EXCEPTING AND RESERVING from the operation of this deed all that certain piece, parcel of tract of land bounded and described as follows:

BEGINNING at a post along the Township Road leading from Magee School House to Ice Station; thence by land of G.D. Kantz estate North 8° East 1607 feet to stones; thence by land of H.E. Clark South 65° West 625 feet to a hemlock; thence along the land from which this piece is taken in a southwesterly direction 1669 feet to a post; thence in an easterly direction along the township road 672 feet to the place of beginning, and containing about twenty (20) acres, more or less.

ALSO EXCEPTING AND RESERVING unto the Grantors herein, Dorothy J. Gaston and Harold Don Gaston, her husband, their heirs and assigns, all that certain piece, parcel or tract of land situate in the Township of Burnside, County of Clearfield, and Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at a point which is the southeast corner of the tract herein described. Said point is on the North line of T-315; thence along the North line of T-315 South 75° 44' West 25.18 feet to an iron pin; thence North 37° 11' 15" West 1,630.51 feet to a stake; thence South 75° 56' East 890.27 feet to an existing stone; thence North 55° 56' East 802.07 feet to an iron pin; thence North 74° 59' 30" East 25.09 feet to an iron pin; thence South 19° 29' 27" West 1,625.29 feet to the place of beginning. Containing 20.09 acres in accordance with a survey of George A. Cree dated October 26, 1990, and being Drawing Number 9-63-90.

BEING the same premises title to which vested in David R. Pompa and Louise E. Pompa, husband and wife by Deed of Dorothy J. Gaston and Harold Don Gaston, husband and wife, dated May 22, 2000 and recorded May 23, 2000 in Clearfield County as Instrument No. 200007121.

You are further notified that you are required to answer to Complaint filed in said action within twenty (20) days from the date of this publication and in default of any Answer a Final Order will be entered against you whereby you will be forever barred from asserting any lien, right, title, interest or claim to the described premises inconsistent with the interest or claims of the Plaintiffs.

J. DENNIS PREVITE, ESQUIRE

Attorney for Plaintiffs
2104 Bigler Avenue

P. O. Box 785

Northern Cambria, PA 15714-0785

5-16-01 1tc

PROOF OF PUBLICATION

Statement and Affidavit

State of Pennsylvania }
County of Cambria } ss.

Gene Stepp, president of Sedloff Publications, Inc., being duly sworn according to law, deposes and states that the STAR-COURIER is a weekly newspaper of general circulation, published at Northern Cambria, Cambria County, Pennsylvania; that the STAR-COURIER was established in 1893; that in its issues dated May 16, 2001, a printed notice of publication appeared, and exact copy of which is securely attached hereto.

That the affiant is Gene Stepp, president of Sedloff Publications, Inc., owner of The STAR-COURIER, and that he is not interested in the subject matter of the said notice or advertising, and that all allegations of this statement as to time, place and character of publication are true.



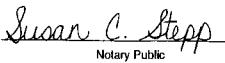
Owner and Publisher

SWORN TO AND SUBSCRIBED before me this 16 day of May A.D., 2001

FILED

JUN 19 2001

William A. Shaw
Prothonotary


Notary Public

Notarial Seal
Susan C. Stepp, Notary Public
Portage Twp., Cambria County
My Commission Expires April 1, 2002
Member, Pennsylvania Association of Notaries

DAVID R. POMPA and LOUISE E. : IN THE COURT OF COMMON PLEAS OF
POMPA, husband and wife : CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiffs : CIVIL ACTION - LAW
vs. : NO: 2001-669-CD
H.E. CLARK and J.O. CLARK, :
their respective heirs, :
successors, personal :
representatives and assigns, :
Defendants : TYPE OF DOCUMENT: PETITION FOR
: DEFAULT JUDGMENT AND DECREE NISI
: COUNSEL OF RECORD FOR PLAINTIFF:
: J. DENNIS PREVITE, ESQUIRE
: P.O. BOX 785
: NORTHERN CAMBRIA, PA 15714-0785
: Telephone: (814) 948-4591
: Supreme Court I. D. #32794

FILED

JUN 19 2001

William A. Shaw
Prothonotary

DAVID R. POMPA and LOUISE E.	:	IN THE COURT OF COMMON PLEAS OF
POMPA, husband and wife	:	CLEARFIELD COUNTY, PENNSYLVANIA
	:	CIVIL ACTION - LAW
Plaintiffs	:	
	:	
vs.	:	NO: 2001-669-CD
	:	
	:	
H.E. CLARK and J.O. CLARK,	:	
their respective heirs,	:	
successors, personal	:	
representatives and assigns,	:	
Defendants	:	
	:	

PETITION FOR DEFAULT JUDGMENT AND DECREE NISI

NOW COMES, the Plaintiffs above-named, by their Attorney, J. Dennis Previte, Esquire, and do file the within Petition for Default Judgment and Decree Nisi in the above matter, upon a cause whereof the following is a statement, to wit:

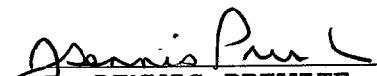
1. Your Petitioners, David R. Pompa and Louise E. Pompa, husband and wife, commenced the instant proceedings to Quiet Title, by filing with this Court, a Complaint in proper form on May 7, 2001.

2. Pursuant to Order of Court dated May 7, 2001, a Motion for Special Order for Service was granted by the Court wherein the Plaintiff was authorized to serve said Defendants by advertising notice once in the Clearfield County Legal Journal and once in the Star-Courier.

3. The service by Plaintiffs upon Defendants was completed by advertisement as evidenced by the proofs of publication as returned from the Clearfield County Legal Journal and the Star-Courier.

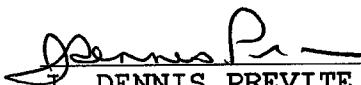
4. More than twenty (20) days have passed since service of the Complaint on the Defendants and Defendants nor any party on their behalf has filed an appearance, answer or other pleading in these proceedings.

WHEREFORE, your Petitioners do pray this Honorable Court to enter a Decree Nisi in favor of the Plaintiffs, the Petitioners herein, and against the Defendants above named, and further, to order the Prothonotary to make the aforesaid Judgment final upon the expiration of thirty (30) days from the date of the entry of this Order, should the aforesaid Defendants not appeal therefrom, and further, to authorize its attorney, J. Dennis Previte, Esquire, to execute the instant Petition on their behalf.


J. DENNIS PREVITE, ESQUIRE

COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF CAMBRIA :
:

Personally appeared before me, the undersigned authority, a Notary Public in and for said County and State, **J. DENNIS PREVITE, ESQUIRE**, Attorney for Petitioner, who being duly sworn according to law, deposes and says that he is Attorney for the Petitioner above named; that he is familiar with the facts set forth in the foregoing Petition and that the facts set forth in the foregoing Petition are true and correct to the best of his knowledge, information and belief.



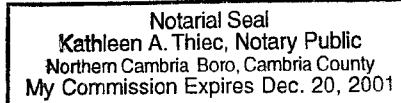
J. DENNIS PREVITE, ESQUIRE
Attorney for Petitioners

Sworn to and subscribed before me

this 18th day of June, 2001.



NOTARY PUBLIC



Member, Pennsylvania Association of Notaries

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

DAVID R. POMPA and LOUISE E. POMPA,
husband and wife,

Plaintiffs,

vs.

H.E. CLARK and J.O. CLARK, their
respective heirs, successors,
personal representatives and assigns.

Defendants

TYPE OF DOCUMENT: PETITION FOR
DEFAULT JUDGMENT AND DECREE nisi

FILED

JUN 19 2001
MILLER, PAUL
William A. Shaw
Prothonotary

LAW OFFICE
J. DENNIS PREVITE
ATTORNEY AND COUNSELOR AT LAW
P.O. BOX 785, 2104 BIGLER AVENUE
SPANGLER, PENNSYLVANIA 15775
814-946-4591

DAVID R. POMPA and LOUISE E. : IN THE COURT OF COMMON PLEAS OF
POMPA, husband and wife : CLEARFIELD COUNTY, PENNSYLVANIA
: CIVIL ACTION - LAW
Plaintiffs :
vs. : NO: 2001-669-CD
:
:
H.E. CLARK and J.O. CLARK, :
their respective heirs, :
successors, personal :
representatives and assigns, :
:
Defendants :
:

ORDER OF COURT AND DECREE NISI

AND NOW, to wit, this 21st day of June, 2001,
upon consideration of the within Petition, and after
consideration of the same, it is hereby ORDERED, ADJUDGED and
DECREED that judgment by default be entered, and the same is
hereby entered against the Defendants above named, their
respective heirs, successors, personal representatives and
assigns, and the whole world, confirming the validity of the
Plaintiffs' title to the premises described herein on Exhibit "A"
attached hereto and forming a part hereof, as alleged in the
Complaint as well as the validity of the Treasurer's Sale(s) as
to the interest of Defendants, H.E. Clark and J.O. Clark, their
respective heirs, successors, personal representatives and
assigns, and further enjoining the Defendants, H.E. Clark and

FILED

JUN 21 2001

William A. Shaw
Prothonotary

J.O. Clark, their respective heirs, successors, personal representatives and assigns, and all persons claiming by, from, through or under them and the entire world, from claiming any right, title or interest to the subject premises, adverse to that claim of the Plaintiffs to wit, fee simple absolute. Further, the Prothonotary is hereby ORDERED to enter a final judgment and DECREE in favor of Plaintiffs and against the Defendants aforesigned, upon praecipe by the Plaintiffs, upon the passing of thirty (30) days from this date, except as to any Defendant who shall appeal herefrom, as per rule of Court, during the thirty (30) day period.

BY THE COURT:

J.

EXHIBIT "A"

ALL that certain lot or piece, parcel or tract of land situate partly in the Township of Burnside, County of Clearfield and State of Pennsylvania, and partly in the Township of Montgomery, County of Indiana and State of Pennsylvania, bounded and described as follows:

BEGINNING at a post along the Township Road leading from Magee School House to Ire Station; thence by lands of G.D. Kantz estate North 8° East 1607 feet to stones; thence by lands of H.E. Clark South 65° West 650 feet to a hemlock; thence by same South 48° West 628 feet to a hemlock; thence by same North 83° West 890 feet to stones; thence by same North 23° East 1440 feet to a hemlock; thence by lands of Wall Benzy North 77° West 1478 feet to a post in Rock Run; thence by lands of H.E. and J.O. Clark South 1138 feet to a post; thence by same in a southwesterly direction 500 feet to stones; thence by same in a northwesterly direction 1514 feet to stones; thence by lands of Christiana Billings and John E. McCullough South 20° East 114 perches to a black oak now fallen; thence by lands of Paris Lockard a northeasterly course a straight line 1036 feet to a post at the Township Road; thence by same North 65-1/2° East 1185 feet to a hemlock; thence by same a southeasterly course a straight line 1700 feet to a township road; thence along township road in an easterly direction 622 feet to the place of beginning. Containing 129 acres more or less and having thereon erected a two-story frame house, frame barn and other outbuildings.

Specifically included in this conveyance and part of the above-described tract is all that certain tract of land situate in Burnside Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a point on the Indiana/Clearfield County line which point is the southwest corner of the tract hereinafter described, said point being North 73° 14' East 240.63 feet from a R.R. spike on T-302; thence North 8° 40' 10" East 2,309.88 feet to an axle; thence South 58° 20' 30" East 1,477.88 feet to an iron pin; thence South 29° 52' 30" West 1,452.92 feet to a stake; thence North 37° 11' 15" West 18.29 feet to a point; thence South 73° 14' West 910.09 feet to the place of beginning. Containing 46.60 acres in accordance with a survey of George A. Cree dated October 26, 1990, and being Drawing Number 9-63-90, a copy of which is attached hereto and made a part hereof.

EXCEPTING AND RESERVING from the operation of this deed that parcel which was transferred to Samuel C. Lydic and Shirley A. Lydic, his wife, by deed dated May 7, 1980 and recorded in the Office of the Recorder of Deeds for Indiana County at Deed Book Volume 778, page 10, being bounded and described as follows:

ALL that certain tract of land situate in Montgomery Township, Indiana County, Pennsylvania, bounded and described as follows:

BEGINNING at stones in line of land now or formerly of David McCullough Heirs or Vada Stimach and Harold Yingling, said stones being also at a corner of land now or formerly of David McCullough Heirs and J.W. Clark or Roy Thomas Baker; thence in an easterly direction along said land now or formerly of David McCullough Heirs and J.W. Clark or Roy Thomas Baker a distance of 1,868 feet, more or less, to a point which is 30 feet, more or less, from the division line of Indiana and Clearfield Counties; thence through land of the within grantors, being residue hereof, in a southerly direction, 25 feet, more or less, to a point; thence through same land, in a westerly direction, a distance of 1,810 feet, more or less, to a point in said line of land now or formerly of David McCullough Heirs or Vada Stimach and Harold Yingling; thence along said line of last mentioned land North 20° West 1,420 feet, more or less, to stones at a place of beginning. Containing 17 acres, more or less.

EXCEPTING AND RESERVING, from this deed that parcel which was transferred to Cy B. Hilterman and Mary E. Hilterman, his wife, by deed dated July 13, 1998 and recorded in the Office of the Recorder of Deeds for Indiana County in Deed Book Volume 1132, page 386, being bounded and described as follows:

ALL that certain tract of land situate in Montgomery Township, Indiana County, Pennsylvania, bounded and described as follows:

BEGINNING at a railroad spike found in the center line of T-693, aka Kantz Hill Road, leading to SR 0219, said point being the northeast corner of the herein described parcel; thence South 51° 57' 02" West along land of Imogene States, et vir, for a distance of 415.22 feet to an iron pin; thence

South $51^{\circ} 14' 30''$ West along land of Frank S. Smith, et ux, for a distance of 938.49 feet to an iron pin; thence North $20^{\circ} 01' 06''$ West along land of Renee B. Stimach for a distance of 485.85 feet to an iron pin; thence North $37^{\circ} 50' 24''$ East along land of Barry L. Sheely for a distance of 951.82 feet to an iron pin in the center line of Kantz Hill Road; thence South $60^{\circ} 22' 04''$ East generally by the center line of said road for a distance of 737.69 feet to the point of beginning. Containing 15.080 gross acres and 14.800 net acres of land as shown on a draft of survey completed June 9, 1998 by Dennis E. Sheehan, PLS, a copy of which is attached hereto and made a part hereof, having endorsed thereon the approval of the Indiana County Planning Office dated June 30, 1998.

ALSO EXCEPTING AND RESERVING from the operation of this deed all that certain piece, parcel of tract of land bounded and described as follows:

BEGINNING at a post along the Township Road leading from Magee School House to Ire Station; thence by land of G.D. Kantz estate North 8° East 1607 feet to stones; thence by land of H.E. Clark South 65° West 625 feet to a hemlock; thence along the land from which this piece is taken in a southwesterly direction 1669 feet to a post; thence in an easterly direction along the township road 672 feet to the place of beginning, and containing about twenty (20) acres, more or less.

ALSO EXCEPTING AND RESERVING unto the Grantors herein, Dorothy J. Gaston and Harold Don Gaston, her husband, their heirs and assigns, all that certain piece, parcel or tract of land situate in the Township of Burnside, County of Clearfield, and Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at a point which is the southeast corner of the tract herein described. Said point is on the North line of T-315; thence along the North line of T-315 South $75^{\circ} 44' 25.18$ feet to an iron pin; thence North $37^{\circ} 11' 15''$ West 1,630.51 feet to a stake; thence South $75^{\circ} 56' 890.27$ feet to an existing stone; thence North $55^{\circ} 56' 802.07$ feet to an iron pin; thence North $74^{\circ} 59' 30''$ East 25.09 feet to an iron pin; thence South $19^{\circ} 29' 27''$ West

1,625.29 feet to the place of beginning. Containing 20.09 acres in accordance with a survey of George A. Cree dated October 26, 1990, and being Drawing Number 9-63-90.

BEING the same premises title to which vested in David R. Pompa and Louise E. Pompa, husband and wife by Deed of Dorothy J. Gaston and Harold Don Gaston, husband and wife, dated May 22, 2000 and recorded May 23, 2000 in Clearfield County as Instrument No. 200007121.

FILED
JUN 21 2001
2001-3-5507
CSC
EX-1
William A. Shaw
Prothonotary

DAVID R. POMPA and LOUISE E. : IN THE COURT OF COMMON PLEAS OF
POMPA, husband and wife : CLEARFIELD COUNTY, PENNSYLVANIA
: CIVIL ACTION - LAW

Plaintiffs :
:
vs. : NO: 2001-669-CD
:
:
H.E. CLARK and J.O. CLARK, :
their respective heirs, :
successors, personal :
representatives and assigns, :
:
Defendants :
:

PRAECIPE FOR FINAL JUDGMENT AND DECREE

The Plaintiffs in the above Civil Action by Attorney, J. Dennis Previte, Esquire, hereby Praecipe Entry of Final Judgment and Decree in the above matter against the above named Defendants.

By Order of Court and Decree Nisi dated June 21, 2001 this Court ordered that after thirty (30) days from the date of the Order, the Defendants aforesigned, their heirs, successors and assigns and all of them in the entire world are forever barred from asserting any claim in or to the subject premises described on Exhibit "A" attached to said Decree adverse to that held by and claimed in the Plaintiffs.

Dated: August 29, 2001

J. Dennis Previte
J. DENNIS PREVITE,
Attorney for Plaintiffs

FILED

AUG 31 2001

William A. Shaw
Prothonotary

FILED

AUG 31 2001

AM/12:30/2001
William A. Shaw
Prothonotary

LETTER OPENED TO

R & R -

ED
ED