

01-839-CD
IN RE: SANDY TOWNSHIP

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

IN RE: CONDEMNATION BY THE :
COMMONWEALTH OF :
PENNSYLVANIA, DEPARTMENT OF :
TRANSPORTATION OF THE RIGHT :
OF WAY FOR STATE ROUTE 0219, : NO. 01-839 CD
SECTION A03, IN THE TOWNSHIP :
OF SANDY AND CITY OF DUBOIS :
J. B. GREEN, JR., t/d/b/a U STOR IT :

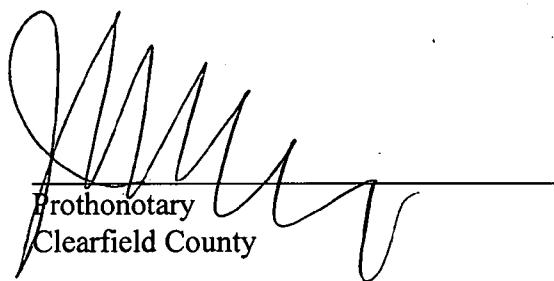
RULE RETURNABLE

TO BRIAN FEGLEY:

A Rule is issued, returnable in 5 days to Show Cause Why Possession Should Not be Granted to the Commonwealth of Pennsylvania, Department of Transportation of a storage unit located at U Stor It, 14 Smithfield Street, DuBois, PA 15801.

Should you wish to defend this Rule you must file an answer within five (5) days or the Rule will be made absolute. Rule issued this 10th day of

October, 2001.


Prothonotary
Clearfield County

FILED

OCT 11 2001

William A. Shaw
Prothonotary

41 CC A/H Creggerton
Professional
William A. Shaw C/H
01/13/01 P.M. *Refile*
OCT 11 2001

FILED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

IN RE: CONDEMNATION BY THE :
COMMONWEALTH OF :
PENNSYLVANIA, DEPARTMENT OF :
TRANSPORTATION OF THE RIGHT :
OF WAY FOR STATE ROUTE 0219, : NO. 01-839 CD
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OF SANDY AND CITY OF DUBOIS :
J. B. GREEN, JR., t/d/b/a U STOR IT :
:

ORDER

AND NOW, this _____ day of _____, 2001, it is
hereby ordered that the Prothonotary is directed to post this Rule to Show Cause on the
subject property of Brian Fegley located within the property of J. B. Green, Jr., t/d/b/a U
Stor It at 14 Smithfield Street, DuBois, PA 15801. It is further ordered that, after 5 days,
if the Rule is not returned, the property will be delivered to the Commonwealth of
Pennsylvania, Department of Transportation accompanied by officials of the Sheriff's
Department of Clearfield County, to be moved to a location of the Commonwealth of
Pennsylvania, Department of Transportation's choosing. Costs to be paid by the
Commonwealth of Pennsylvania, Department of Transportation.

BY THE COURT:

J.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

IN RE: CONDEMNATION BY THE :
COMMONWEALTH OF :
PENNSYLVANIA, DEPARTMENT OF :
TRANSPORTATION OF THE RIGHT :
OF WAY FOR STATE ROUTE 0219, : NO. 01-839 CD
SECTION A03, IN THE TOWNSHIP :
OF SANDY AND CITY OF DUBOIS :
J. B. GREEN, JR., t/d/b/a U STOR IT :

RULE TO SHOW CAUSE WHY WRIT OF POSSESSION
SHOULD NOT ISSUE

AND NOW, comes the Commonwealth of Pennsylvania, Department of Transportation by and through its attorney, Michael J. Creighton, and files the within rule and in support thereof avers the following:

1. On June 1, 2001 at 01-839 CD a declaration of taking was filed condemning the property of J. B. Green, Jr., t/d/b/a U Stor It, Record Owner, Sole Proprietor.
2. On or before June 4, 2001 a notice of the declaration of taking was served on the condemnee as evidenced by Proof of Service filed at the above number and term.
3. No preliminary objections were filed to the declaration of taking.
4. On or about June 11, 2001 payment of the estimate of just compensation in the amount of \$141,845.00 was paid to the named condemnee.
5. Located on the property are storage units rented by tenants from the condemnee which contain unknown materials within.

FILED

OCT 04 2001

William A. Shaw
Prothonotary

6. Brian Fegley, at the time of condemnation, rented a storage unit on the property. Fegley was in default of his rental agreement as evidenced by Magistrate Notice of Judgment attached as Exhibit "A".

7. Fegley, at his last known address, was delivered, a 90 day Notice to Vacate followed by a 30 day Notice to Vacate (Exhibit "B"). Said notices went unclaimed which then required the same to be posted on the property.

8. 26 P.S. 1-407 mandates the delivery of possession of the property after payment of the estimated just compensation following a declaration of taking.

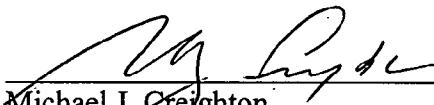
9. Fegley's whereabouts are unknown and the Commonwealth of Pennsylvania, Department of Transportation seeks the Court's permission to take possession of the goods stored in the storage unit and remove and store the same at a different location.

10. 26 P.S. 1-407 mandates the issuance of a rule returnable in 5 days for possession of the property after compliance by the Commonwealth of Pennsylvania, Department of Transportation with the requirements of paragraph 8, which has been done.

WHEREFORE, the Commonwealth of Pennsylvania, Department of Transportation respectfully requests of this Honorable Court, through the Prothonotary as required by 26 P.S. 1-407, to issue a rule returnable on Brian Fegley, to be posted on the subject property. Thereafter, the Commonwealth of Pennsylvania, Department of Transportation respectfully requests this Honorable Court to enter an order delivering possession to the Commonwealth of Pennsylvania, Department of Transportation of the subject property, as monitored by the Sheriff's Department of Clearfield County and to

remove said goods to a storage location off the premises. Costs to be paid by the Commonwealth of Pennsylvania, Department of Transportation.

Respectfully submitted,



Michael J. Creighton

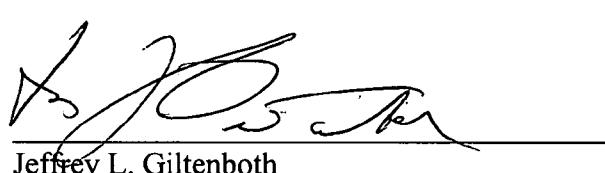
Attorney for
Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel
1209 State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222
(412) 565-7555

VERIFICATION

I verify that the statements made in the foregoing document are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

October 1, 2001

Date


Jeffrey L. Giltenboth

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: CLEARFIELD

Mag. Dist. No.:

46-3-01

DJ Name: Hon.

PATRICK N. FORD

Address: 109 NORTH BRADY STREET
P.O. BOX 452
DUBOIS, PA

Telephone: (814) 371-5321

15801

NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE

PLAINTIFF:

U STOR IT

NAME and ADDRESS

P.O. BOX 581

DUBOIS, PA 15801

DEFENDANT:

FEGLY, BRIAN

NAME and ADDRESS

203 MAIN STREET APT.# 3D
RIDGWAY, PA 15853

VS.

Docket No.: CV-0000552-00
Date Filed: 7/27/00



U STOR IT - JACK GREEN
P.O. BOX 581
DUBOIS, PA 15801

THIS IS TO NOTIFY YOU THAT:

Judgment:

DEFAULT JUDGMENT PLTF

Judgment was entered for: (Name) U STOR IT

Judgment was entered against: (Name) FEGLY, BRIAN

in the amount of \$ 1,050.50 on: (Date of Judgment) 10/24/00

Defendants are jointly and severally liable. (Date & Time) _____

Damages will be assessed on: _____

This case dismissed without prejudice. _____

Amount of Judgment Subject to Attachment/Act 5 of 1996 \$ _____

Levy is stayed for _____ days or generally stayed. _____

Objection to levy has been filed and hearing will be held: _____

Amount of Judgment	\$ 1,000.00
Judgment Costs	\$ 50.50
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 1,050.50
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
<hr/> Certified Judgment Total \$ _____	

Date:	Place:
Time:	

ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. YOU MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.

10-24-00 Date Re Sheld, District Justice

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.

Date _____, District Justice

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

County:	Clearfield / Township of Sandy
Route-Section:	0219-A03
State Project No.:	2-0219-06-A03-0220
Federal Project No.:	Q12-0049-127
Parcel No.:	68
Claim No.:	17000810150

AUG 01 2001

NOTICE TO VACATE

COPY

Brian Fegley
203 Main Street, Apt 3D
Ridgway, PA 15853

Dear Mr. Fegley:

On June 1, 2001 you were given an Advance Notice of Moving Date. This notice was the Department's assurance that you would not be required to vacate the referenced property and/or move your personal property for at least ninety days from the date of the notice.

The purpose of this letter is to advise you that the Department must now obtain actual possession of the property in order to clear the right-of-way. Accordingly, this is your NOTICE TO VACATE the referenced property no later than September 1, 2001. Any lease agreement between you and the Department will be terminated, and you will be required to vacate the property by this date. Please notify your Relocation Advisor, identified below, of your moving plans, and if applicable, make arrangements to turn over your keys to the property as soon as you have moved.

In the meantime, if you have any questions concerning this notice, the Department's project, or your relocation, please contact your Relocation Advisor at the telephone number indicated below.

Sincerely,

Michael Hnat
District Right-of-Way Administrator
Engineering District 2-0

Your Relocation Advisor is: Melissa Kate Gray of Interstate Acquisition Services

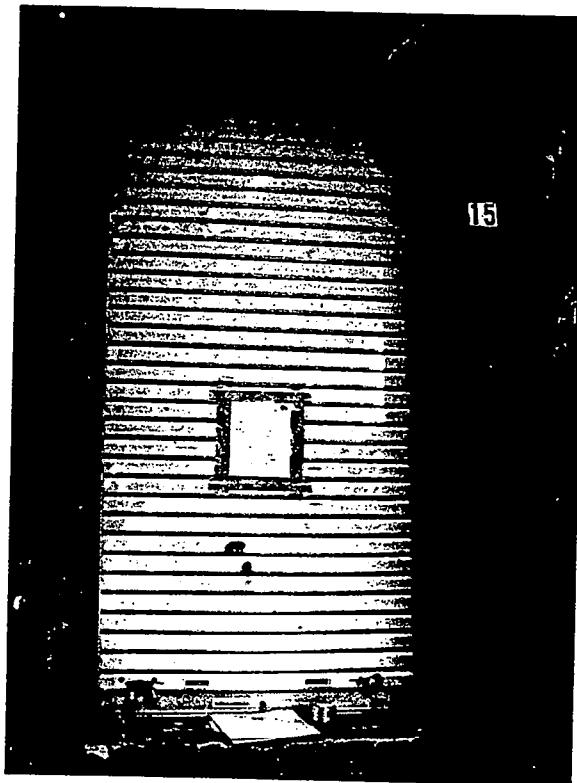
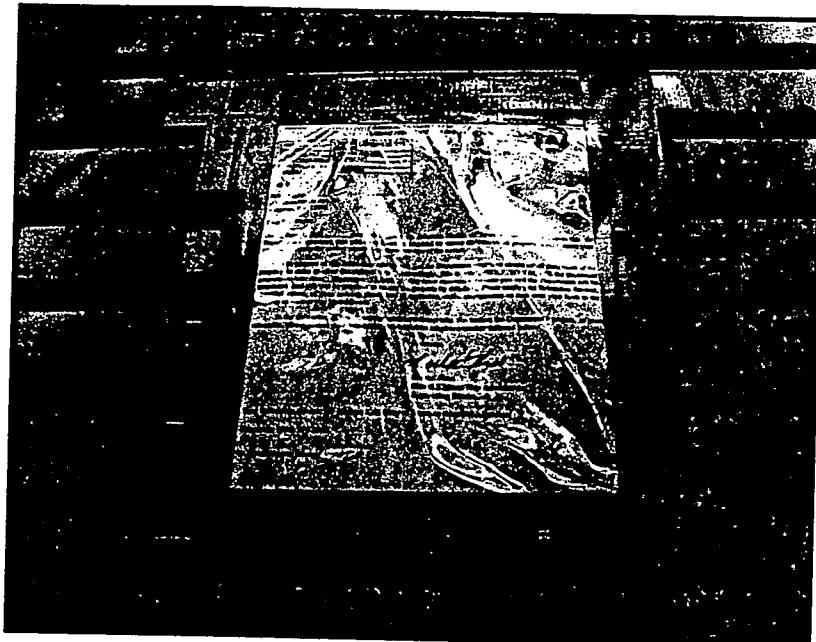
Telephone: (814) 371-1962

cc: District Property Manager

POSTING OF 30 DAY NOTICES

Claimant: Fegley, Brian
Claim No.: 17000810150
U-Stor-It

Date: August 1, 2001





404 2E74. 0000 0791 00007

RETURN RECEIPT
REQUESTED

U. S. POSTAGE
PAID
DUBOIS, PA
15801
JUN 13-01
AMOUNT

\$3.95

The logo for the United States Postal Service, featuring the words "UNITED STATES POSTAL SERVICE" in a serif font above a stylized eagle graphic.

000

Interstate Acquisition Services
North Brady Street, DuBois, PA 15801

215 North Brady Street, DuBois, PA 15801

Brian Fogley
203 Main Street, Apt 3D
Ridgway, PA 15853

ରତ୍ନମଳି

NAME: *John C. H. Lee*
ADDRESS: *6-1-3*
TAX: *6-1-3*

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

County:	Clearfield / Township of Sandy
Route-Section:	0219-A03
State Project No.:	2-0219-06-A03-0220
Federal Project No.:	Q12-0049-127
Parcel No.:	68
Claim No.:	17000810150

JUN 13 2001

Brian Fogley
203 Main Street, Apt 3D
Ridgway, PA 15853

Dear Mr. Fogley:

The Department of Transportation is acquiring the property which you occupy in connection with the referenced highway project. One of the most important concerns which you may have is when the Department will require possession of the property. At this time, we do not know the exact date when the property will be needed; however this notice is provided to you as the Department's assurance that you **WILL NOT** be required to vacate this property and/or move your personal property, in any event, for at least ninety (90) days from JUN 01 2001.

Additionally, when the time approaches, a representative of the Department will inform you of the date the property will be needed. At that time you will be given a written NOTICE TO VACATE which will indicate the date by which you must move. If you elect to move before you receive the final Thirty (30) - Day Notice to Vacate, please notify this office.

The Department of Transportation provides Relocation Advisory Assistance to help you find a suitable replacement property. The Relocation Advisor, whose name, address, and telephone number are listed below, will contact you with information to help you plan your relocation, including:

- Listings of residential or commercial properties available for purchase or lease.
- Names and addresses of moving companies, real estate agencies, financial institutions, and building contractors. You will have the option of selecting the firm(s) you wish to deal with; the Department makes no recommendations or referrals.
- Local mortgage requirements.
- Names and addresses of local or state social service agencies which may be able to assist you with specific problems.
- A review of your entitlements to certain relocation assistance payments.

In the meantime, if you need additional information concerning this notice or your relocation, feel free to contact your Relocation Advisor at the telephone number listed below.

Sincerely,

Michael Hnat
District Right-of-Way Administrator
Engineering District 2-0

Your Right-of-Way Representative is:

Melissa Kate Gray of Interstate Acquisition Services

Telephone: (814) 371-1962

cc: District Property Manager

U STOR IT
P.O. BOX 581
DUBOIS, PA 15801
371-7226

Tenant Information:

Name Brian Fesley

Address RR 4 - Box 193

City, State, Zip Dubois, PA 15801

Telephone Home 372-2385 Work -----

Rental Information:

Storage Building A Unit Number 15 (or #13) (63.60)

Type of Goods Stored Household Goods

Starting Date 3/6/00

Approximate Number of Months about 2-3 months

Rental Cost Data:

Rental Fee 4240 Month

Pro-rated Amount to First of ----- = \$ -----

Total Amount Now Due = \$ 4240

Payment Received \$ 4240 Cash Check

How did you find out about our facility?

Newspaper
 Friend

Yellow Pages
 Other

Tenant Brian Fesley

U STOR IT Jack Mu

1. It is understood and agreed that the monthly rental for each month is due and payable by the first day of each month at the following address:

U STOR IT
P.O. Box 581
DuBois, PA 15801

2. This agreement is made between the abovesigned Landlord and Tenant for the lease by Tenant of that storage space shown above. located within the U STOR IT storage facility in Sandy Township, Clearfield County, Pa.

FILED

OCT 04 2001
10:44 AM
William A. Shaw
Prothonotary
Dept. Trans.
EAS

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF
TRANSPORTATION, OF THE
RIGHT-OF-WAY FOR STATE
ROUTE 0219, SECTION A03, IN THE
TOWNSHIP OF SANDY AND CITY
OF DUBOIS

NO. 01-839-CD

EMINENT DOMAIN PROCEEDING
IN REM

DECLARATION OF TAKING

TO THE HONORABLE, THE JUDGES OF THE SAID COURT:

This Declaration of Taking, based on the provisions of Article IV, Section 402, of the Eminent Domain Code, Act of June 22, 1964, P. L. 84, 26 P. S. 1-402, as amended, respectfully represents that:

1. The Condemnor is the Commonwealth of Pennsylvania, Department of Transportation, acting through the Secretary of Transportation.

2. The address of the Condemnor is:

Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel
P.O. Box 8212
Harrisburg, PA 17105-8212

3. The Department of Transportation is authorized by the provisions of Section 2003(e) of the Administrative Code of 1929, P. L. 177, 71 P. S. 513(e), as amended, to acquire by gift, purchase, condemnation or otherwise, land in fee simple or such other estate or interest as it shall determine, in the name of the Commonwealth for all transportation purposes.

FILED

JUN 01 2001

William A. Sherry
Prothonotary

4. The within condemnation has been authorized by a plan signed by the Secretary of Transportation on May 1, 2001, entitled "Drawings Authorizing Acquisition of Right-of-Way for State Route 0219, Section 228 R/W in Clearfield County, also State Route 0219, Section N06, also State Route 0219, Section A03", a copy of which plan was filed in the County Recorder's Office in Map File No. 2309, Instrument No. 200107339 on May 16, 2001.

5. The purpose of the within condemnation is to acquire property for transportation purposes.

6. A Schedule of Property Condemned identifying and specifying the location of the property hereby condemned is attached hereto and made a part hereof.

7. Plans showing the property hereby condemned may be inspected in the Recorder's Office of the aforesaid County at the places indicated on the attached Schedule of Property Condemned or, if not shown thereon, on the day of the filing of this document being lodged for record or filed in said Recorder's Offices, where they may be inspected.

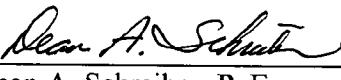
8. The nature of the title hereby condemned is fee simple, a channel easement and a temporary construction easement.

9. In the event there are recoverable minerals (including gas and oil) within the areas, if any, hereby condemned in fee simple, the mineral rights (including rights to gas and oil) in those areas are hereby excepted and reserved from this condemnation, provided however, that the right of support of the areas condemned is included within the scope of this condemnation, and no access from the surface of such areas for removal purposes will be allowed without permission from the Commonwealth.

10. The payment of just compensation in this matter is secured by the Commonwealth's power of taxation.

11. I, Dean A. Schreiber, P. E., Director of the Bureau of Design of the Department of Transportation, do hereby depose, swear and affirm that I am authorized by and do hereby execute this Declaration of Taking on behalf of the Commonwealth of Pennsylvania, Department of Transportation, and that the averments contained and set forth herein are true and correct to the best of my knowledge, information and belief, and are made subject to penalties provided in 18 Pa. C. S. §4904, relating to false swearing to authorities.

WHEREFORE, fee simple title, a channel easement and a temporary construction easement are hereby condemned from the property identified on the attached Schedule of Property Condemned, as indicated on the plans referenced in paragraph 7 above.



Dean A. Schreiber, P. E.
Director, Bureau of Design

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION



County:	Clearfield
Route-Section:	0219-A03
State Proj. No.:	2-0219-06-A03-0220
Federal Proj. No.:	Q12-0049-127

**SCHEDULE OF
PROPERTY CONDEMNED
(Declaration of Taking)**

Page 1 of 1

* TYPE OF DESCRIPTION

D - Deed Description

P - Plan lodged for recording with
Notice of Condemnation

R - Plan now recorded in
Recorder's Office

CLAIM NO.	PARCEL NO.	NAME, MAILING ADDRESS, AND PROPERTY INTEREST OF CONDEMNNEES, AND LOCATION OF CONDEMNED PROPERTY	ATTACHED EXHIBIT NO. (IF ANY)	TYPE OF DESCRIPTION	PLAN (IF ANY) RECORDED IN
17000810000	68	<p>J. B. Green, Jr., T/D/B/A U Stor It, Record Owner, Sole Proprietor P. O. Box 581 DuBois, PA 15801</p> <p>LOCATION OF CONDEMNED PROPERTY Deed Book 1036 Page 182</p>		R	<p>Clearfield County Instrument No. 200107339 Map File No. 2309 Sheet 40</p>

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

NO. 01-839-CD

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
OF RIGHT OF WAY FOR STATE
ROUTE 0219, SECTION A03,
IN THE TOWNSHIP OF SANDY AND CITY OF DUBOIS

DECLARATION OF TAKING

Stuart A. Liner
Assistant Counsel
ID No. 15290

Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel
P.O. Box 8212
Harrisburg, PA 17105-8212

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF
TRANSPORTATION, OF THE RIGHT-
OF-WAY FOR STATE ROUTE 0219,
SECTION A03, IN THE TOWNSHIP OF
SANDY AND CITY OF DUBOIS

NO. 01-839-CD

EMINENT DOMAIN PROCEEDING
IN REM

PRAECIPE TO ENTER APPEARANCE

TO THE PROTHONOTARY OF SAID COURT:

Please enter the appearance of Michael J. Creighton, Assistant Counsel In Charge, 1209 State Office Building, 300 Liberty Avenue, Pittsburgh, Pennsylvania and Stuart A. Liner, Assistant Counsel, Office of Chief Counsel, Department of Transportation, P.O. Box 8212, Harrisburg, PA 17105-8212, as attorneys for the Commonwealth of Pennsylvania, Department of Transportation, Condemnor in the above-captioned proceedings.

Michael J. Creighton
Michael J. Creighton
Assistant Counsel In Charge

Stuart A. Liner
Stuart A. Liner
Assistant Counsel

Dated: May 30, 2001

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

NO.

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
OF RIGHT OF WAY FOR STATE ROUTE
0219, SECTION A03,

IN THE
TOWNSHIP OF SANDY AND CITY OF DUBOIS

PRAECIPE TO ENTER APPEARANCE

Filed, _____, 20____

____ A.M. ____ P.M.

FILED
2cc
26 JUN 1 2001
PBF

William A. Shaw
Prothonotary
80.00

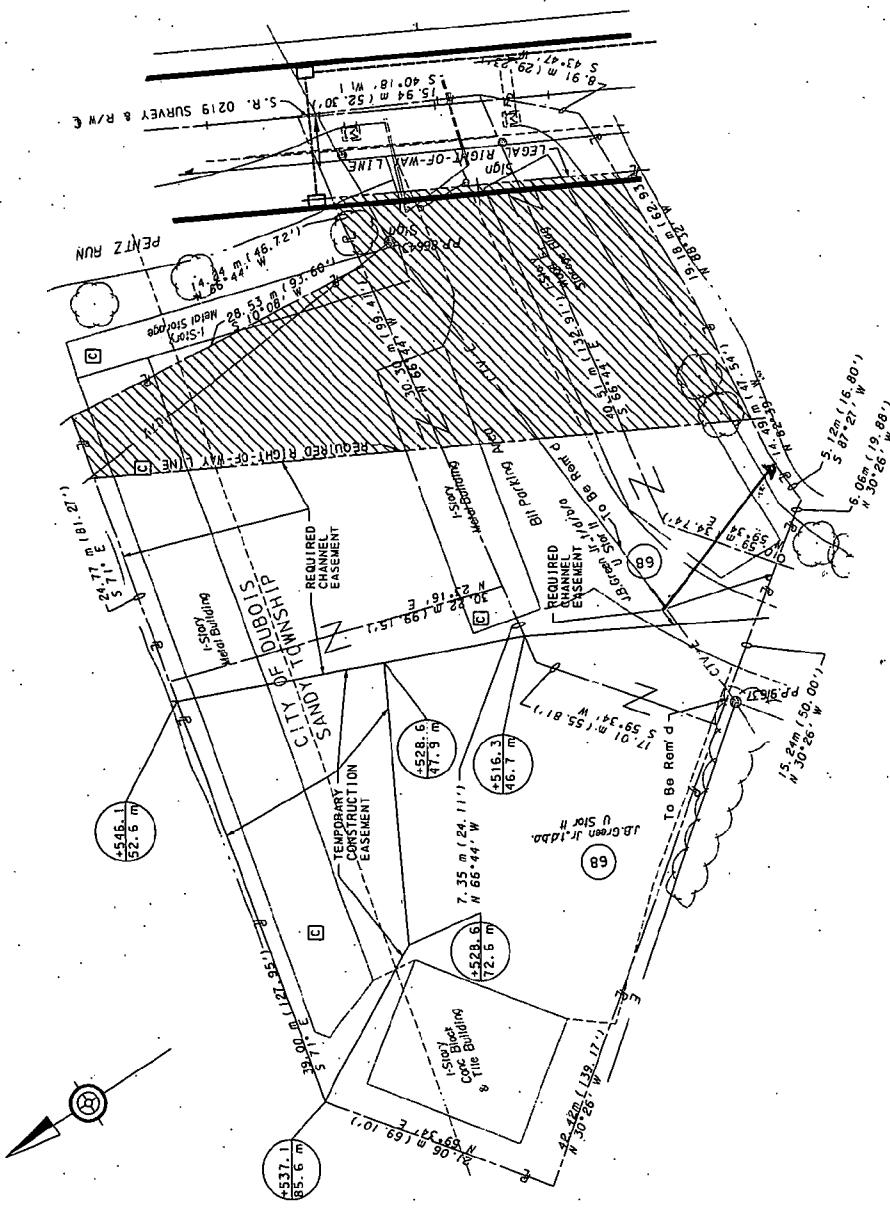
Commonwealth of Pennsylvania
Department of Transportation

Office of Chief Counsel

P.O. Box 8212

Harrisburg, Pennsylvania 17105-8212
Telephone No. (717) 787-3128

EXHIBIT - 1



RIGHT-OF-WAY CLAIM INFORMATION

OF PENNSYLVANIA - DEPARTMENT OF TRANSPORTATION
SEC. NO. AQ1 R/N CLEARFIELD COUNTY
SHEET NO. 19 CLAIM NO. 1
SHEET NO. 1 CLAIM NO. 1

OWNER'S NAME, ADDRESS, & PHONE NO. (LINES 1-5)		RECORDED DATE (LINES 1-5)	
J. J. HANFORD		9/14/58 (SF 101)	
RECORDED BY (LINES 6-10)		RIGHT OF WAY CHANNEL (LINES 11-13)	
RECORDED BY J. J. HANFORD		1034 (L11-13)	
RECORDED BY J. J. HANFORD		SLOPE OF DITCH (LINES 14-15)	
RECORDED BY J. J. HANFORD		SLOPE OF DITCH (LINES 14-15)	
RECORDED BY J. J. HANFORD		CONSTRUCTION (LINES 16-17)	
RECORDED BY J. J. HANFORD		44 (L16-17)	
RECORDED BY J. J. HANFORD		DRAFTED (LINES 18-19)	
RECORDED BY J. J. HANFORD		44 (L18-19)	
RECORDED BY J. J. HANFORD		DRAWN BY (LINES 20-21)	
RECORDED BY J. J. HANFORD		T.S.R. (L20-21)	
RECORDED BY J. J. HANFORD		VERIFICATION DATE (LINES 22-23)	
RECORDED BY J. J. HANFORD		9/22/58 (L22-23)	
RECORDED BY J. J. HANFORD		SCALE (LINES 24-25)	
RECORDED BY J. J. HANFORD		0	1
RECORDED BY J. J. HANFORD		2	4
RECORDED BY J. J. HANFORD		8	16

THIS PROPERTY PLAT IS NOT TO BE SUBSTITUTED FOR A BOUNDARY SURVEY.
THIS PROPERTY PLAT IS DETERMINED NECESSARY BY THE PROFESSIONAL LAND SURVEYOR RESPONSIBLE
FOR THE PROPERTY. PROPERTY LINES NOT ESTABLISHED BY FIELD SURVEY WERE PLOTTED
ON EXISTING TOPOGRAPHICAL FEATURES AND LIMITED FIELD DATA.

NOTES:

1. CHANNEL EASEMENT - AN AREA WHICH SHALL ALLOW THE DEPARTMENT TO ENTER THE AREA AS NECESSARY TO CONSTRUCT OR ALTER THE COURSE OF THE CHANNEL AND TO MAKE SUCH CHANGES IN THE CHANNEL AS MAY BE NECESSARY TO MAINTAIN OR RECOUP THE CHARGEABLE ORGANIC ESTATE OF THE PROPERTY. IT SHALL NOT REQUIRE THE PROPERTY OWNER TO REMOVE ANY LEGAL OBSTACLES WHICH MAY BE PRESENT IN THE CHANNEL, PROVIDED THAT THE NECESSARY FLOW OF WATER IS MAINTAINED.
2. BUILDING AND STRUCTURES MARKED **[C]** HAVE BEEN OR ARE TO BE REMOVED OR ALTERED BY THE DEPARTMENT OR OTHER AUTHORITY RESPONSIBLE FOR THE PAYMENT OF PROPERTY DAMAGES.

R

450056206-1345188; 15202015 1271

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF
TRANSPORTATION, OF THE RIGHT-
OF-WAY FOR STATE ROUTE 0219,
SECTION A03, IN THE TOWNSHIP
OF SANDY AND CITY OF DUBOIS

NO. 01-839-CD TERM, 2001

EMINENT DOMAIN PROCEEDING
IN REM

MEMORANDUM TO PROTHONOTARY

You are hereby informed that notice of the condemnation effected by the Declaration of
Taking filed to the above term and number on June 1, 2001, was recorded in the office of the
Recorder of Deeds of the above county ~~MS Inst. No 200108217~~ ^{Page(s)}

The condemnation book and page number, file number, or microfilm number of any property
plat filed or microfilmed separately from the said Notice of Condemnation is shown on the list of
property condemned which is attached hereto.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

BY


District Right of Way Administrator
Engineering District No. 2-0

FILED

JUN 01 2001

William A. Shaw
Prothonotary

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION



County:	Clearfield
Route-Section:	0219-A03
State Proj. No.:	2-0219-06-A03-0220
Federal Proj. No.:	Q12-0049-127

**COMPLETED SCHEDULE OF
PROPERTY CONDEMNED
(Declaration of Taking)**

Page 2 of 2

* TYPE OF DESCRIPTION

D - Deed Description

P - Plan lodged for recording with
Notice of Condemnation

R - Plan now recorded in
Recorder's Office

CLAIM NO.	PARCEL NO.	NAME, MAILING ADDRESS, AND PROPERTY INTEREST OF CONDEMNNEES, AND LOCATION OF CONDEMNED PROPERTY	ATTACHED EXHIBIT NO. (IF ANY)	TYPE OF DESCRIPTION	PLAN (IF ANY) RECORDED IN
17000810000	68	J. B. Green, Jr., T/D/B/A U Stor It, Record Owner, Sole Proprietor P. O. Box 581 DuBois, PA 15801 LOCATION OF CONDEMNED PROPERTY Deed Book 1036 Page 182		R	Clearfield County Instrument No. 200107339 Map File No. 2309 Sheets 46 & 19

FILED

JUN 01 2001
OBSERVE DEP'T.
William A. Shaw
Prothonotary
EAS



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

**IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION, OF
THE RIGHT-OF-WAY FOR STATE ROUTE
0219, SECTION A03, IN THE TOWNSHIP OF
SANDY AND CITY OF DUBOIS**

NO. 01-839-CD TERM, 2001

TERM, 2001

EMINENT DOMAIN PROCEEDING IN REM

PROOF OF SERVICE

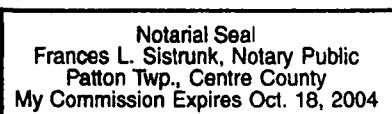
COMMONWEALTH OF PENNSYLVANIA:

ISS

COUNTY OF CLEARFIELD

2

Michael Hnat, being duly sworn accordance to law, deposes and says that he/she is District Right-of-Way Administrator of District 2-0, Department of Transportation, Commonwealth of Pennsylvania, and that on or before June 4, 2001, notice of the filing of the Declaration of Taking in the above matter was served on the condemnees affected thereby in compliance with Article IV, Section 405, of the Eminent Domain Code, Act of June 22, 1964, P.L. 84, as amended. A schedule of the condemnees so notified is attached hereto and made a part hereof.



Sworn to and subscribed before me

Sworn to and subscribed before me
James Schunk

Notary Public

My Commission Expires: 10/18/04

Gary J. Boylston
for District Right-of-Way Administrator

FILED

JUN 05 2001

William A. Shaw
Prothonotary

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION



County:	Clearfield
Route-Section:	0219-A03
State Proj. No.:	2-0219-06-A03-0220
Federal Proj. No.:	Q12-0049-127

**COMPLETED SCHEDULE OF
PROPERTY CONDEMNED
(Declaration of Taking)**

Page 1 of 1

* TYPE OF DESCRIPTION	D - Deed Description	P - Plan lodged for recording with Notice of Condemnation	R - Plan now recorded in Recorder's Office
-----------------------	----------------------	--	---

CLAIM NO.	PARCEL NO.	NAME, MAILING ADDRESS, AND PROPERTY INTEREST OF CONDEMNNEES, AND LOCATION OF CONDEMNED PROPERTY	ATTACHED EXHIBIT NO. (IF ANY)	TYPE OF DESCRIPTION	PLAN (IF ANY) RECORDED IN
17000810000	68	J. B. Green, Jr., T/D/B/A U Stor It, Record Owner, Sole Proprietor P. O. Box 581 DuBois, PA 15801 LOCATION OF CONDEMNED PROPERTY Deed Book 1036 Page 182		R	Clearfield County Instrument No. 200107339 Map File No. 2309 Sheets 46 & 19



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION, OF
THE RIGHT-OF-WAY FOR STATE ROUTE
0219, SECTION A03, IN THE TOWNSHIP OF
SANDY AND CITY OF DUBOIS

NO. 01-839-CD TERM, 2001

EMINENT DOMAIN PROCEEDING

AFFIDAVIT OF SERVICE OF
NOTICE OF FILING OF DECLARATION OF TAKING

COMMONWEALTH OF PENNSYLVANIA:

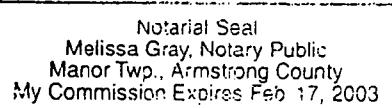
:ss

COUNTY OF CLEARFIELD

:

Glenn Helsel, being duly sworn according to law, deposes and says:

1. He/she is an employee/agent of the Commonwealth of Pennsylvania, Department of Transportation.
2. On June 1, 2001, Notice of Declaration of Taking filed to the above term and number, in compliance with Article IV, Section 405, of the Eminent Domain Code of 1964, as amended (26 P.S. 1-405).
3. On June 1, 2001, Notice of the said Declaration of Taking was served on the said condemnee(s) Attorney by handing a copy of said Notice to Attorney Anthony Guido.



Glenn E. Helsel
Affiant

Sworn to and subscribed before me

Notary Public

My Commission Expires: 2/17/03

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

REMISS Proj. No.:	020043
County:	Clearfield
Route-Section:	0219-A03
State Proj. No.:	2-0219-06-A03-0220
Federal Proj. No.:	Q12-0049-127
Claim No.:	17000810000

RE: Declaration of Taking filed on JUN 1 2001
to No. 01-839-CD Term, 2001
In the Court of Common Pleas
of Clearfield County

JUN - 4 2001

J.B. Green, Jr.
d/b/a U-Stor-It
P.O. Box 581
DuBois, PA 15801

Hanak, Guido and Taladay
Attorneys at Law
Attn: Anthony S. Guido
498 Jeffers Street
DuBois, PA 15801

Dear Mr. Green:

Because the Pennsylvania Department of Transportation has been unable to reach an agreement with you for the purchase of the right-of-way required from your property for the above improvement, the Department has acquired the necessary interest by filing a Declaration of Taking to the above Court and Term Number. A copy of the Declaration of Taking is attached hereto, together with a memorandum explaining your rights as a condemnee under the Eminent Domain Code.

One of the most important of these rights is your right to receive payment of \$141,845.00, the amount to which the Department estimates you are entitled as just compensation. This payment will be made to you without jeopardizing in any way your right to petition the court to appoint a Board of Viewers to determine the amount of damages to which you are entitled. Your Right-of-Way Representative will visit you shortly to help you apply for your payment on account. We urge you to sign the necessary papers so that we can process your payment without delay.

If you do not apply for your payment on account within 30 days, the money will be deposited into court, where it will be held for you without interest. The money thus deposited may then be withdrawn only by your application to court.

Even though we have had to file a Declaration of Taking – and even after payment to you or into court of your estimate of just compensation – we remain willing and anxious to discuss your claim with you. Of course, it is our primary aim to settle your claim; however, it is also our responsibility to see that you are fully advised of your rights and how to protect them.

Sincerely yours,

Michael Hnat
District Right-of-Way Administrator
Engineering District 2-0

Your Right-of-Way Representative is:

Glen Helsel of Interstate Acquisition Services
(814) 371-1962

ATTACHMENTS: (1) Declaration of Taking
(2) Memorandum (Form R/W-475M)

Anthony S. Guido
6/11/01

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF
TRANSPORTATION OF THE RIGHT
OF WAY FOR STATE ROUTE 0219,
SECTION A03, IN THE TOWNSHIP
OF SANDY AND CITY OF DUBOIS
NO. 01-839 CD
J. B. GREEN, JR., t/d/b/a U STOR IT

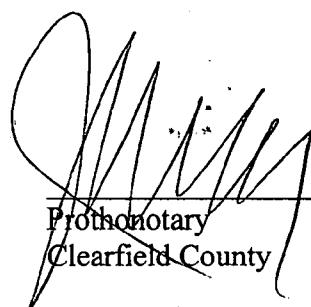
RULE RETURNABLE

TO BRIAN COWIE:

A Rule is issued, returnable in 5 days to Show Cause Why Possession Should Not be Granted to the Commonwealth of Pennsylvania, Department of Transportation of a storage unit located at U Stor It, 14 Smithfield Street, DuBois, PA 15801.

Should you wish to defend this Rule you must file an answer within five (5) days or the Rule will be made absolute. Rule issued this 10th day of

October, 2001.



Prothonotary
Clearfield County

FILED

OCT. 11 2001

William A. Shaw
Prothonotary

442 0774 0610
Prothonotary
William A. Shaw
0/13:36 pm
OCT 11 2001

FILED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

IN RE: CONDEMNATION BY THE :
COMMONWEALTH OF :
PENNSYLVANIA, DEPARTMENT OF :
TRANSPORTATION OF THE RIGHT :
OF WAY FOR STATE ROUTE 0219, : NO. 01-839 CD
SECTION A03, IN THE TOWNSHIP :
OF SANDY AND CITY OF DUBOIS :
J. B. GREEN, JR., t/d/b/a U STOR IT :

ORDER

AND NOW, this _____ day of _____, 2001, it is
hereby ordered that the Prothonotary is directed to post this Rule to Show Cause on the
subject property of Brian Cowie located within the property of J. B. Green, Jr., t/d/b/a U
Stor It at 14 Smithfield Street, DuBois, PA 15801. It is further ordered that, after 5 days,
if the Rule is not returned, the property will be delivered to the Commonwealth of
Pennsylvania, Department of Transportation accompanied by officials of the Sheriff's
Department of Clearfield County, to be moved to a location of the Commonwealth of
Pennsylvania, Department of Transportation's choosing. Costs to be paid by the
Commonwealth of Pennsylvania, Department of Transportation.

BY THE COURT:

J.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF
TRANSPORTATION OF THE RIGHT
OF WAY FOR STATE ROUTE 0219,
SECTION A03, IN THE TOWNSHIP
OF SANDY AND CITY OF DUBOIS
J. B. GREEN, JR., t/d/b/a U STOR IT

NO. 01-839 CD

FILED

OCT 04 2001

William A. Shaw
Prothonotary

**RULE TO SHOW CAUSE WHY WRIT OF POSSESSION
SHOULD NOT ISSUE**

AND NOW, comes the Commonwealth of Pennsylvania, Department of Transportation by and through its attorney, Michael J. Creighton, and files the within rule and in support thereof avers the following:

1. On June 1, 2001 at 01-839 CD a declaration of taking was filed condemning the property of J. B. Green, Jr., t/d/b/a U Stor It, Record Owner, Sole Proprietor.
2. On or before June 4, 2001 a notice of the declaration of taking was served on the condemnee as evidenced by Proof of Service filed at the above number and term.
3. No preliminary objections were filed to the declaration of taking.
4. On or about June 11, 2001 payment of the estimate of just compensation in the amount of \$141,845.00 was paid to the named condemnee.
5. Located on the property are storage units rented by tenants from the condemnee which contain unknown materials within.
6. Brian Cowie, at the time of condemnation, rented a storage unit on the property (Unit 12 Building A).

7. Cowie, at his last known address, was delivered, a 90 day Notice to Vacate followed by a 30 day Notice to Vacate (Exhibit "A"). Said notices went unclaimed which then required the same to be posted on the property.

8. 26 P.S. 1-407 mandates the delivery of possession of the property after payment of the estimated just compensation following a declaration of taking.

9. Cowie's whereabouts are unknown and the Commonwealth of Pennsylvania, Department of Transportation seeks the Court's permission to take possession of the goods stored in the storage unit and remove and store the same at a different location.

10. 26 P.S. 1-407 mandates the issuance of a rule returnable in 5 days for possession of the property after compliance by the Commonwealth of Pennsylvania, Department of Transportation with the requirements of paragraph 8, which has been done.

WHEREFORE, the Commonwealth of Pennsylvania, Department of Transportation respectfully requests of this Honorable Court, through the Prothonotary as required by 26 P.S. 1-407, to issue a rule returnable on Brian Cowie, to be posted on the subject property. Thereafter, the Commonwealth of Pennsylvania, Department of Transportation respectfully requests this Honorable Court to enter an order delivering possession to the Commonwealth of Pennsylvania, Department of Transportation of the subject property, as monitored by the Sheriff's Department of Clearfield County and to

remove said goods to a storage location off the premises. Costs to be paid by the Commonwealth of Pennsylvania, Department of Transportation.

Respectfully submitted,



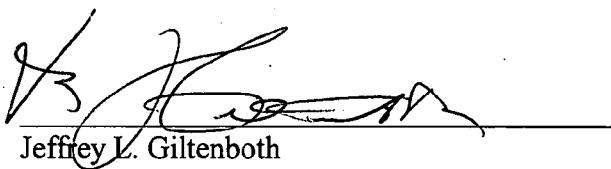
Michael J. Creighton
Attorney for
Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel
1209 State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222
(412) 565-7555

VERIFICATION

I verify that the statements made in the foregoing document are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

October 1, 2007

Date



A handwritten signature in black ink, appearing to read "JL Giltenboth".

Jeffrey L. Giltenboth

30 Day Notice

68-12

195E 2000 4732 3567

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

Cowie, Brian

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

Recipient's Name (Please Print Clearly) (to be completed by mailer)

Street, Apt. No., or PO Box No.
1025 S. Brady St.

City, State, ZIP+4
DuBois PA 15801

PS Form 3800, February 2000

28 2001

DUBOIS PA 15801
Postmark Date
USPS

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION:		COMPLETE THIS SECTION ON DELIVERY:	
<ul style="list-style-type: none"> ■ 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. 		<p>A. Received by (Please Print Clearly) <u>Phyllis Cowie</u> B. Date of Delivery <u>8/29/01</u></p> <p>C. Signature <u>Phyllis Cowie</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p>	
<p>1. Article Addressed to:</p> <p>Brian Cowie 1025 S. Brady St. DuBois PA 15801</p>		<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>2. Article Number (Copy from service label)</p> <p>7000 1670 0000 4732 3567</p>			

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

COPY

County:	Clearfield / Township of Sandy
Route-Section:	0219-A03
State Project No.:	2-0219-06-A03-0220
Federal Project No.:	Q12-0049-127
Parcel No.:	68
Claim No.:	17000810120

AUG 01 2001

Brian Cowie
116 South Brady Street, Apt D
DuBois, PA 15801

Dear Mr. Cowie:

On June 1, 2001 you were given an Advance Notice of Moving Date. This notice was the Department's assurance that you would not be required to vacate the referenced property and/or move your personal property for at least ninety days from the date of the notice.

The purpose of this letter is to advise you that the Department must now obtain actual possession of the property in order to clear the right-of-way. Accordingly, this is your NOTICE TO VACATE the referenced property no later than September 1, 2001. Any lease agreement between you and the Department will be terminated, and you will be required to vacate the property by this date. Please notify your Relocation Advisor, identified below, of your moving plans, and if applicable, make arrangements to turn over your keys to the property as soon as you have moved.

In the meantime, if you have any questions concerning this notice, the Department's project, or your relocation, please contact your Relocation Advisor at the telephone number indicated below.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael Hnat'.

Michael Hnat
District Right-of-Way Administrator
Engineering District 2-0

Your Relocation Advisor is: Melissa Kate Gray of Interstate Acquisition Services

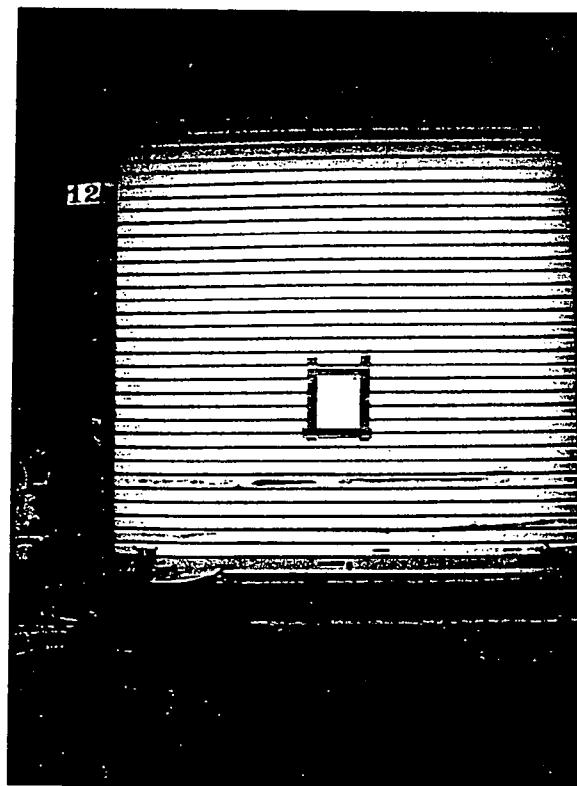
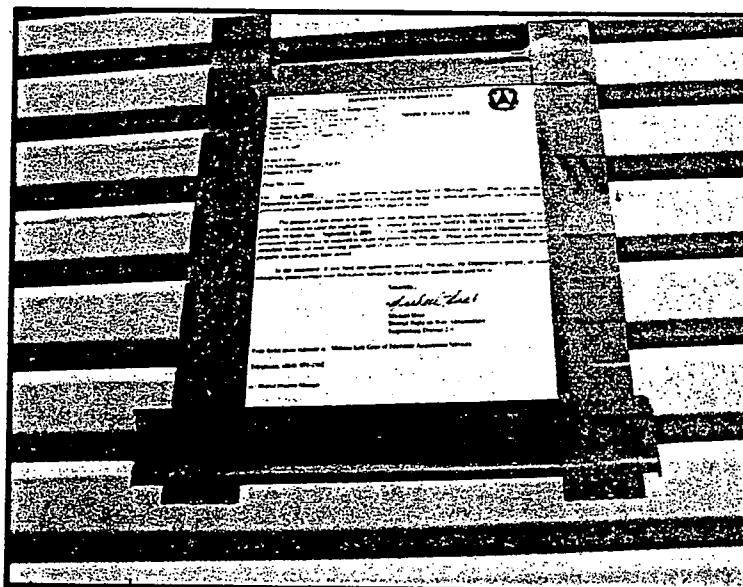
Telephone: (814) 371-1962

cc: District Property Manager

POSTING OF 30 DAY NOTICES

Claimant: Cowie, Brian
Claim No.: 17000810120
U-Stor-It

Date: August 1, 2001



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

County:	Clearfield / Township of Sandy
Route-Section:	0219-A03
State Project No.:	2-0219-06-A03-0220
Federal Project No.:	Q12-0049-127
Parcel No.:	68
Claim No.:	17000810120

ADVANCE NOTICE
OF
MOVING DATE

JUN 13 2001

Brian Cowie
116 South Brady Street, Apt D
DuBois, PA 15801

Dear Mr. Cowie:

The Department of Transportation is acquiring the property which you occupy in connection with the referenced highway project. One of the most important concerns which you may have is when the Department will require possession of the property. At this time, we do not know the exact date when the property will be needed; however this notice is provided to you as the Department's assurance that you **WILL NOT** be required to vacate this property and/or move your personal property, in any event, for at least ninety (90) days from JUN 01 2001.

Additionally, when the time approaches, a representative of the Department will inform you of the date the property will be needed. At that time you will be given a written NOTICE TO VACATE which will indicate the date by which you must move. If you elect to move before you receive the final Thirty (30) - Day Notice to Vacate, please notify this office.

The Department of Transportation provides Relocation Advisory Assistance to help you find a suitable replacement property. The Relocation Advisor, whose name, address, and telephone number are listed below, will contact you with information to help you plan your relocation, including:

- Listings of residential or commercial properties available for purchase or lease.
- Names and addresses of moving companies, real estate agencies, financial institutions, and building contractors. You will have the option of selecting the firm(s) you wish to deal with; the Department makes no recommendations or referrals.
- Local mortgage requirements.
- Names and addresses of local or state social service agencies which may be able to assist you with specific problems.
- A review of your entitlements to certain relocation assistance payments.

In the meantime, if you need additional information concerning this notice or your relocation, feel free to contact your Relocation Advisor at the telephone number listed below.

Sincerely,


 Michael Hnat
 District Right-of-Way Administrator
 Engineering District 2-0

Your Right-of-Way Representative is:

Melissa Kate Gray of Interstate Acquisition Services

Telephone: (814) 371-1962

cc: District Property Manager

U STOR IT
P.O. BOX 581
DUBOIS, PA 15801
371-7226

Tenant Information:

Name Brian Cowie
Address 116 S Brady St. Apt D
City, State, Zip DuBois, PA 15801
Telephone Home 375-6828 Work 375-6828

"Snow
Plowing"

Rental Information:

Storage Building A Unit Number 12
Type of Goods Stored Household Goods
Starting Date 10/28/99
Approximate Number of Months 03 monthly

Rental Cost Data:

Rental Fee 63.60 Month
Pro-rated Amount to First of Nov. = 6.36
Total Amount Now Due = 69.96
Payment Received 69.96 Cash Check

How did you find out about our facility?

Newspaper
 Friend

Yellow Pages
 Other

Tenant Brin Cowie

U STOR IT Jack Mu

1. It is understood and agreed that the monthly rental for each month is due and payable by the first day of each month at the following address:

U STOR IT
P.O. Box 581
DuBois, PA 15801

2. This agreement is made between the abovesigned Landlord and Tenant for the lease by Tenant of that storage space shown above, located within the U STOR IT storage facility in Sandy Township, Clearfield County, Pa.

FILED

OCT 04 2001

2001444cc Dp. Trans.

William A. Shaw
Prothonotary

10/21/01

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 11643

CONDEMNATION BY THE COMMONWEALTH OF PENNSYLVANIA,

01-839-CD

VS.

RULE RETURNABLE; RULE TO SHOW CAUSE WHY WRIT OF POSSESSION SHOULD NOT ISSUE

SHERIFF RETURNS

**NOW OCTOBER 17, 2001 AT 4:03 PM DST POSTED THE WITHIN RULE RETURNABLE;
RULE TO SHOW CAUSE WHY WRIT OF POSSESSION SHOULD NOT ISSUE ON THE
PROPERTY OF BRIAN COWIE, DEFENDANT AT U STOR IT, 14 SMITHFIELD ST.,
BLDG. A UNIT #12, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA.**

**NOW OCTOBER 17, 2001 AT 4:03 PM DST POSTED THE WITHIN RULE RETURNABLE;
RULE TO SHOW CAUSE WHY WRIT OF POSSESSION SHOULD NOT ISSUE ON THE
PROPERTY OF BRIAN FEGLY, DEFENDANT AT U STOR IT, 145 SMITHFIELD ST.,
BLDG. A UNIT #15, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA.**

Return Costs

Cost	Description
36.69	SHFF. HAWKINS PAID BY: PLFF.
20.00	SURCHARGE PAID BY: PLFF.

FILED

NOV 02 2001

019-23
William A. Shaw
Prothonotary
2001

Sworn to Before Me This

2nd Day Of November 2001


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

So Answers,


Chester A. Hawkins
Sheriff

CP

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

IN RE: CONDEMNATION BY THE :
COMMONWEALTH OF :
PENNSYLVANIA, DEPARTMENT OF :
TRANSPORTATION OF THE RIGHT :
OF WAY FOR STATE ROUTE 0219, : NO. 01-839 CD
SECTION A03, IN THE TOWNSHIP :
OF SANDY AND CITY OF DUBOIS :
J. B. GREEN, JR., t/d/b/a U STOR IT :

PETITION TO MAKE RULE ABSOLUTE

AND NOW, comes the Commonwealth of Pennsylvania, Department of Transportation by and through its attorney, Michael J. Creighton, and asks this Honorable Court to make the rule absolute and in support thereof avers the following:

1. A Rule to Show Cause Why Writ of Possession Should Not Issue was filed in the Court of Common Pleas of Clearfield County on October 4, 2001.
2. The Rule was issued by the Court on October 10, 2001 under the signature of the Honorable John K. Reilly, Jr.
3. Chester A. Hawkins, Sheriff of Clearfield County, posted the Rule returnable on the property of Brian Cowie, defendant, on October 17, 2001 (attached hereto). Said Rule was returnable within five (5) days or the same would be made absolute per Order of the Honorable John K. Reilly, Jr.
4. There has been no response to the Rule by the defendant and more than five (5) days having elapsed, it is prayed of this Honorable Court to enter an order delivering

FILED

NOV 13 2001

William A. Shaw
Prothonotary

possession of the property so described in the Rule to the Commonwealth of Pennsylvania, Department of Transportation.

WHEREFORE, the Commonwealth of Pennsylvania, Department of Transportation requests this Honorable Court to enter an Order delivering possession of the subject property (i.e. contents of a storage shed) of Brian Cowie at 14 Smithfield Street, DuBois, Pennsylvania 15801 to the Commonwealth of Pennsylvania, Department of Transportation.

Respectfully submitted,



Michael J. Creighton
Attorney for Plaintiff
Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel
1209 State Office Building
300 Liberty Avenue
Pittsburgh, Pennsylvania 15222
(412) 565-7555

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

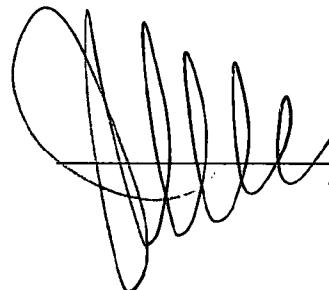
IN RE: CONDEMNATION BY THE :
COMMONWEALTH OF :
PENNSYLVANIA, DEPARTMENT OF :
TRANSPORTATION OF THE RIGHT :
OF WAY FOR STATE ROUTE 0219, : NO. 01-839 CD
SECTION A03, IN THE TOWNSHIP :
OF SANDY AND CITY OF DUBOIS :
J. B. GREEN, JR., t/d/b/a U STOR IT :
:

ORDER

AND NOW, this 15th day of November,

2001, it is hereby ORDERED, ADJUDGED and DECREED that the defendant being notified by rule posted on the property and more than five (5) days having elapsed and no answer thereto filed by the defendant, the property of Brian Cowie – to-wit – contents of a storage shed located at 14 Smithfield Street, DuBois, Pennsylvania 15801, be delivered to the Commonwealth of Pennsylvania, Department of Transportation.

BY THE COURT:



J.

FILED

NOV 15 2001

William A. Shaw
Prothonotary

2 Cents To Mail

904

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 11643

CONDEMNATION BY THE COMMONWEALTH OF PENNSYLVANIA,

01-839-CD

VS.

COP

RULE RETURNABLE; RULE TO SHOW CAUSE WHY WRIT OF POSSESSION SHOULD NOT ISSUE

SHERIFF RETURNS

**NOW OCTOBER 17, 2001 AT 4:03 PM DST POSTED THE WITHIN RULE RETURNABLE;
RULE TO SHOW CAUSE WHY WRIT OF POSSESSION SHOULD NOT ISSUE ON THE
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BLDG. A UNIT #12, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA.**

**NOW OCTOBER 17, 2001 AT 4:03 PM DST POSTED THE WITHIN RULE RETURNABLE;
RULE TO SHOW CAUSE WHY WRIT OF POSSESSION SHOULD NOT ISSUE ON THE
PROPERTY OF BRIAN FEGLEY, DEFENDANT AT U STOR IT, 145 SMITHFIELD ST.,
BLDG. A UNIT #15, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA.**

Return Costs

Cost Description

36.69 SHFF. HAWKINS PAID BY: PLFF.

20.00 SURCHARGE PAID BY: PLFF.

Sworn to Before Me This

So Answers,

Day Of 2001



**Chester A. Hawkins
Sheriff**

FILED 2cc
NOV 13 2001 Atty Creighton
William A. Shaw
Prothonotary

CX

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

IN RE: CONDEMNATION BY THE :
COMMONWEALTH OF :
PENNSYLVANIA, DEPARTMENT OF :
TRANSPORTATION OF THE RIGHT :
OF WAY FOR STATE ROUTE 0219, : NO. 01-839 CD
SECTION A03, IN THE TOWNSHIP :
OF SANDY AND CITY OF DUBOIS :
J. B. GREEN, JR., t/d/b/a U STOR IT :

FILED

NOV 13 2001

William A. Shaw
Prothonotary

PETITION TO MAKE RULE ABSOLUTE

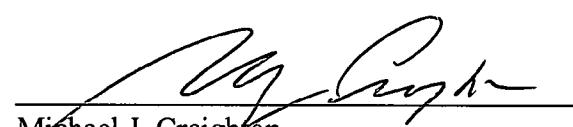
AND NOW, comes the Commonwealth of Pennsylvania, Department of Transportation by and through its attorney, Michael J. Creighton, and asks this Honorable Court to make the rule absolute and in support thereof avers the following:

1. A Rule to Show Cause Why Writ of Possession Should Not Issue was filed in the Court of Common Pleas of Clearfield County on October 4, 2001.
2. The Rule was issued by the Court on October 10, 2001 under the signature of the Honorable John K. Reilly, Jr.
3. Chester A. Hawkins, Sheriff of Clearfield County, posted the Rule returnable on the property of Brian Fegley, defendant, on October 17, 2001 (attached hereto). Said Rule was returnable within five (5) days or the same would be made absolute per Order of the Honorable John K. Reilly, Jr.
4. There has been no response to the Rule by the defendant and more than five (5) days having elapsed, it is prayed of this Honorable Court to enter an order delivering

possession of the property so described in the Rule to the Commonwealth of Pennsylvania, Department of Transportation.

WHEREFORE, the Commonwealth of Pennsylvania, Department of Transportation requests this Honorable Court to enter an Order delivering possession of the subject property (i.e. contents of a storage shed) of Brian Fegley at 14 Smithfield Street, DuBois, Pennsylvania 15801 to the Commonwealth of Pennsylvania, Department of Transportation.

Respectfully submitted,



Michael J. Creighton
Attorney for Plaintiff
Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel
1209 State Office Building
300 Liberty Avenue
Pittsburgh, Pennsylvania 15222
(412) 565-7555

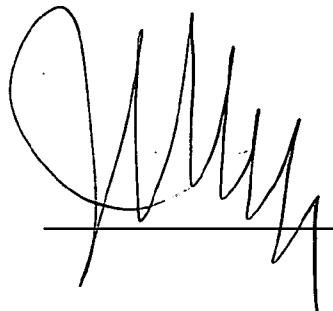
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

IN RE: CONDEMNATION BY THE :
COMMONWEALTH OF :
PENNSYLVANIA, DEPARTMENT OF :
TRANSPORTATION OF THE RIGHT :
OF WAY FOR STATE ROUTE 0219, : NO. 01-839 CD
SECTION A03, IN THE TOWNSHIP :
OF SANDY AND CITY OF DUBOIS :
J. B. GREEN, JR., t/d/b/a U STOR IT :

ORDER

AND NOW, this 15th day of November,
2001, it is hereby ORDERED, ADJUDGED and DECREED that the defendant being
notified by rule posted on the property and more than five (5) days having elapsed and
no answer thereto filed by the defendant, the property of Brian Fegley – to-wit – contents
of a storage shed located at 14 Smithfield Street, DuBois, Pennsylvania 15801, be
delivered to the Commonwealth of Pennsylvania, Department of Transportation.

BY THE COURT:



J.

FILED

NOV 15 2001
0/2/01
William A. Shaw
Prothonotary

2. CERT TO ATTL
SAY

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 11643

CONDEMNATION BY THE COMMONWEALTH OF PENNSYLVANIA,

01-839-CD

VS.

COPY

RULE RETURNABLE; RULE TO SHOW CAUSE WHY WRIT OF POSSESSION SHOULD NOT ISSUE

SHERIFF RETURNS

**NOW OCTOBER 17, 2001 AT 4:03 PM DST POSTED THE WITHIN RULE RETURNABLE;
RULE TO SHOW CAUSE WHY WRIT OF POSSESSION SHOULD NOT ISSUE ON THE
PROPERTY OF BRIAN COWIE, DEFENDANT AT U STOR IT, 14 SMITHFIELD ST.,
BLDG. A UNIT #12, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA.**

**NOW OCTOBER 17, 2001 AT 4:03 PM DST POSTED THE WITHIN RULE RETURNABLE;
RULE TO SHOW CAUSE WHY WRIT OF POSSESSION SHOULD NOT ISSUE ON THE
PROPERTY OF BRIAN FEGLEY, DEFENDANT AT U STOR IT, 145 SMITHFIELD ST.,
BLDG. A UNIT #15, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA.**

Return Costs

Cost Description

**36.69 SHFF. HAWKINS PAID BY: PLFF.
20.00 SURCHARGE PAID BY: PLFF.**

Sworn to Before Me This

So Answers,

____ Day Of _____ 2001

Chester A. Hawkins

**Chester A. Hawkins
Sheriff**

FILED 2CC
NOV 13 2001 *last*
Att'l. Ctr. of Cognit
2700

William A. Shaw
Prothonotary