

01-863-CD  
GEORGE L. MOSCO etux -vs- RALPH N. KELLEY etal

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

GEORGE L. MOSCO and  
JOANN MOSCO, husband and wife  
Plaintiffs

vs.

RALPH N. KELLEY and  
INA M. KELLEY,  
Defendants

No. 01-863-CD

ACTION TO QUIET TITLE

Type of Pleading: Complaint

Filed on behalf of: George L. Mosco  
and Joann Mosco

Counsel of Record for this party:

DAVID J. HOPKINS, ESQUIRE  
Attorney at Law

Supreme Court No. 42519  
900 Beaver Drive  
DuBois, Pennsylvania 15801

(814) 375-0300

**FILED**

JUN 05 2001

William A. Shaw  
Prothonotary

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

GEORGE L. MOSCO and  
JOANN MOSCO, husband and wife  
Plaintiffs

vs.

No.

RALPH N. KELLEY and  
INA M. KELLEY and any heirs, persons  
persons claiming, or who might claim  
title under the aforesaid defendants;  
and any other person, persons, firms,  
partnerships, or corporate entities  
who might claim title to the premises  
herein described,  
Defendants

ACTION TO QUIET TITLE

NOTICE

TO DEFENDANTS:

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 judgement 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.

Office of the Court Administrator  
Clearfield County Courthouse  
One North Second Street  
Clearfield, PA 16830  
(814) 765-2641 ext. 5982

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

GEORGE L. MOSCO and	:	
JOANN MOSCO, husband and wife	:	
Plaintiffs	:	
	:	
vs.	:	No.
	:	
RALPH N. KELLEY and	:	
INA M. KELLEY,	:	
Defendants	:	

**COMPLAINT**

NOW COMES, Plaintiffs, George L. Mosco and Joann Mosco, husband and wife, by and through their attorneys, The Hopkins Law Firm, and avers as follows:

1. Plaintiffs, George L. Mosco and Joann Mosco, reside at 4915 Friendship Avenue, Pittsburgh, Pennsylvania 15224.

2. The Defendants are Ralph N. Kelley and Ina M. Kelley who reside at 1 Cherokee Trial, Ormond Beach, Florida.

3. The Plaintiffs are the owners of certain premises situate and described as follows:

All that certain tract of land designated as Section 7C, Lot 231 in the Treasure Lake Subdivision in Sandy Township, Clearfield County, Pennsylvania.

4. By deed dated June 20, 1970, and recorded in the Office of the Recorder of Deeds in Deed Book 591, at page 280, Treasure Lake, Inc., Pennsylvania corporation, conveyed the premises at issue unto the Defendants, Ralph N. Kelley and Ina M. Kelley, husband and wife, then of North Olmsted, Cuyahoga County, Ohio.

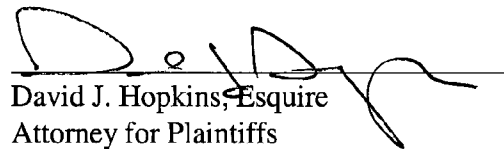
6. The Defendants, Ralph N. Kelley and Ina M. Kelley later relocated to the State of Florida and lost the aforesaid property to the Tax Claim Bureau for delinquent taxes in 1998.

7. By Deed dated December 14, 1990 and recorded in the Office of the Recorder of Deeds in Clearfield County in Deed Book 1379, at page 43, the Tax Claim Bureau of Clearfield County conveyed the said premises unto Plaintiffs, George L. Mosco and Joann Mosco.

8. The action is brought to extinguish any claims the Defendants, Ralph N. Kelley and/or Ina M. Kelley, have in the property as a result of its loss in the aforesaid tax sale.

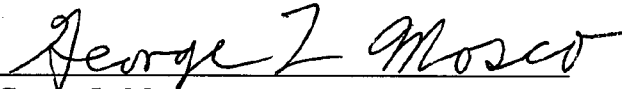
WHEREFORE, the Plaintiffs request the Court to decree that title to the premises described herein be granted unto Plaintiffs in fee simple and absolutely and that the Defendants or their legal representatives be forever barred from asserting any right, lien, or interest inconsistent with the interest or claim of the Plaintiffs as set forth herein, in and to the property described in paragraph three (3).


Respectfully submitted,

  
David J. Hopkins, Esquire  
Attorney for Plaintiffs

VERIFICATION

With full understanding that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities, I verify that the statements made in this pleading are true and correct.

  
George L. Mosco

  
Joann Mosco

FILED

JUN 05 2001  
01:17  
William A. Shaw  
Prothonotary  
cc atty Hopkins

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

GEORGE L. MOSCO and  
JOANN MOSCO, husband and wife  
Plaintiffs

vs.

RALPH N. KELLEY and  
INA M. KELLEY,  
Defendants

:  
:  
:  
:  
:  
:  
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:

No. 01-863 C.D.

ACTION TO QUIET TITLE

**AFFIDAVIT OF UNKNOWN WHEREABOUTS**

David J. Hopkins, Esquire, being duly sworn according to law, hereby certifies  
that the last known address of Ralph N. Kelley and Ina M. Kelley was 36165 W. Sunset  
Trade Circle, #21-B, Palm City, Florida 34990.

Your affiant has made the following search for the Defendants:

- a. The phonebook of Palm City, Florida has been searched and fails to reveal  
a listing for Ralph N. Kelley and Ina M. Kelley;
- b. An internet search has been completed for Ralph N. Kelley.
- c. An internet search has been completed which revealed one Ina M. Kelley  
but she denied ever owning property in Pennsylvania.
- d. The assessment records of Martin County have been searched and said  
records fail to reveal any property owned by Ralph N. Kelley and Ina M. Kelley.
- e. The Probate Division of the County of Martin has been searched and fails  
to reveal any estates for Ralph N. Kelley and Ina M. Kelley since 1997.

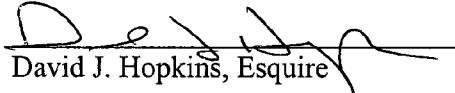
**FILED**

JUL 13 2001

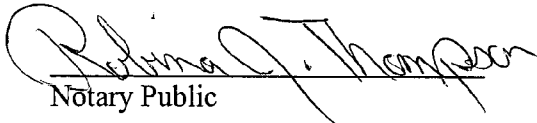
William A. Shaw  
Prothonotary

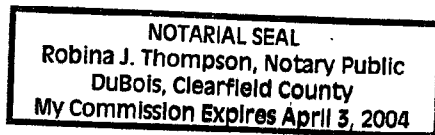


Your affiant has been unable to locate the named Defendants in this action or their heirs, devisees, executors, administrators, or assigns.

  
David J. Hopkins, Esquire

Sworn to and subscribed before  
me this 12<sup>th</sup> day of  
July, 2001.

  
Notary Public



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

GEORGE L. MOSCO and  
JOANN MOSCO, husband and wife  
Plaintiffs

vs.

RALPH N. KELLEY and  
INA M. KELLEY,  
Defendants

No. 01-863 C.D.

ACTION TO QUIET TITLE

MOTION FOR PUBLICATION

AND NOW, this 13<sup>th</sup> day of July, 2001, an Affidavit having been executed and filed on behalf of George L. Mosco and Joann Mosco and that the whereabouts of Ralph N. Kelley and Ina M. Kelley their accumulative heirs, devisees, administrators, executors, assigns, and all other person, persons, firms, partnerships, or corporate entities in interest, are unknown.


The Plaintiffs, by their counsel, David J. Hopkins, Esquire, request the Court for leave to serve the Complaint on the above mentioned Defendants, their heirs, devisees, administrators, executors, assigns, and all other person, persons, firms, partnerships, or corporate entity in interest, or their legal representatives, generally, by publication in such manner as the Court shall direct and as provided by the Pa. R.C.P. Rule 410, and Pa.R.C.P. Rule 430.

Respectfully submitted,

**FILED**

JUL 13 2001

William A. Shaw  
Prothonotary

  
David J. Hopkins, Esquire

FILED

JUN 13 2001

*W*  
William A. Shaw  
Prothonotary

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

GEORGE L. MOSCO and  
JOANN MOSCO, husband and wife  
Plaintiffs

vs.

RALPH N. KELLEY and  
INA M. KELLEY,  
Defendants

No. 01-863 C.D.

ACTION TO QUIET TITLE

**ORDER FOR PUBLICATION**

AND NOW, this 16<sup>th</sup> day of July, 2001, upon the consideration of the foregoing Motion, the Plaintiffs are granted leave to make service of the Complaint on the above mentioned Defendants, their heirs, devisees, administrators, executors, assigns, and all other person, persons, firms, partnerships, or corporate entities in interest, or their legal representatives, by publication one time in The Stuart News in general circulation of the County of Martin, State of Florida.

BY THE COURT,

JUDGE

**FILED**

JUL 1 2001

William A. Shaw  
Prothonotary

FILED

JUL 1 6 2001  
8/3/24/ cc aty  
William A. Shaw  
Prothonotary

179000  
9/25

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

GEORGE L. MOSCO and  
JOANN MOSCO, husband and wife  
Plaintiffs

vs.

RALPH N. KELLEY and  
INA M. KELLEY,  
Defendants

No. 01-863 C.D.

ACTION TO QUIET TITLE

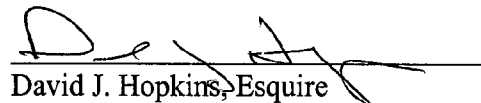
**AFFIDAVIT**

COMMONWEALTH OF PENNSYLVANIA :

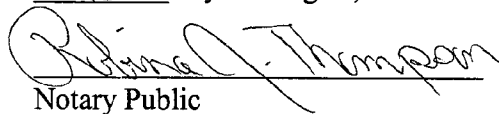
: SS.

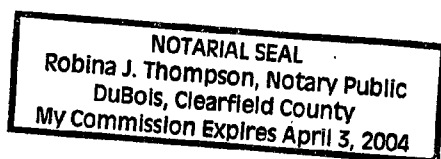
COUNTY OF CLEARFIELD :

Personally appeared before me, the undersigned officer, David J. Hopkins, Attorney for George L. Mosco and Joann Mosco, who, being duly sworn according to law, deposes and says that the service of the foregoing Complaint to Quiet Title, endorsed with Notice to Plead, has been served upon all Defendants, Ralph N. Kelley and Ina M. Kelley, by publication, and more than twenty (20) days have elapsed since said service, and that the said Defendants have not filed an appearance or any answer to the Complaint, although the time in which to do so has expired.

  
David J. Hopkins, Esquire

Sworn to and subscribed before me this  
20<sup>th</sup> day of August, 2001.

  
Notary Public



**FILED**

AUG 21 2001

William A. Shaw  
Prothonotary

**FILED**

AUG 21 2001

William A. Shaw  
Prothonotary

*[Handwritten signature]*

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

GEORGE L. MOSCO and  
JOANN MOSCO, husband and wife  
Plaintiffs

vs.

RALPH N. KELLEY and  
INA M. KELLEY,  
Defendants

No. 01-863 C.D.

ACTION TO QUIET TITLE

Type of Pleading: Motion for Judgment

Filed on behalf of: George L. Mosco and  
Joann Mosco, Plaintiffs

Counsel of Record for this party:

DAVID J. HOPKINS, ESQUIRE  
Attorney at Law

Supreme Court No. 42519  
900 Beaver Drive  
DuBois, Pennsylvania 15801

(814) 375-0300

**FILED**

AUG 21 2001

V. CHAS.  
Prothonotary



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

GEORGE L. MOSCO and  
JOANN MOSCO, husband and wife  
Plaintiffs

vs.

RALPH N. KELLEY and  
INA M. KELLEY,  
Defendants

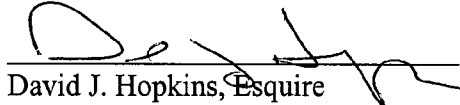
No. 01-863 C.D.

ACTION TO QUIET TITLE

**MOTION FOR JUDGMENT**

AND NOW, this 21st day of August, 2001, an Affidavit having been filed by David J. Hopkins, Esquire, Attorney for Plaintiffs, George L. Mosco and Joann Mosco, that the Complaint with Notice to Plead was served on all of the Defendants by publication and the Defendants have not answered. The Plaintiffs, by and through their attorney, moves the Court to enter judgment in favor of the Plaintiffs and against the Defendants in the above named case and to grant to the Plaintiffs the relief prayed for in accordance with Rules of Civil Procedure 1066. Plaintiffs further requests that the Honorable Court modify in accordance with Rules of Civil Procedure, Rule 248, the thirty (30) day period provided Defendants by Rules of Civil Procedure, Rule 1066(b) to assert any right, lien, title or interest in the land inconsistent with the interest or claim Plaintiffs set forth in their Complaint.

Respectfully submitted,

  
David J. Hopkins, Esquire



# SCRIPPS TREASURE COAST PUBLISHING COMPANY

The Stuart News / The Port St. Lucie News  
1939 S. Federal Highway, Stuart, FL 34994

## AFFIDAVIT OF PUBLICATION

STATE OF FLORIDA

COUNTY OF MARTIN; COUNTY OF ST. LUCIE

Before the undersigned authority personally appeared, Mary T. Byrne, who on oath says that she is Classified Legal Advertising Representative of the Stuart News and the Port St. Lucie News, a daily newspaper published at Stuart in Martin County, Florida: that the attached copy of advertisement was published in the Stuart/Port St. Lucie News in the following issues below. Affiant further says that the said Stuart/Port St. Lucie News is a newspaper published in Stuart in said Martin County, Florida, with offices and paid circulation in Martin County and St. Lucie County, Florida, and that said newspapers have heretofore been continuously published in said Martin County, Florida, daily and distributed in Martin and St. Lucie County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the securing this advertisement for publication in the said newspaper. The Stuart News has been entered as second class matter at the Post Offices in Stuart, Martin County, Florida and Ft. Pierce, St. Lucie County, Florida and has been for a period of one year next preceding the first publication of the attached copy of advertisement.

Ad #	Date	Copyline	PO #
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Subscribed and sworn to me before this date:

07/25/2001

*Mary T. Byrne*

*Catherine Hudson*

Notary Public  
CATHERINE HUDSON

Notary Public, State of Florida  
My comm. exp. Apr. 19, 2004  
Comm. No. CC927458

SEAL

IN THE COURT OF  
COMMON PLEAS OF  
CLEARFIELD COUNTY,  
PENNSYLVANIA  
CIVIL DIVISION  
No.: 01-863 C.D.

GEORGE L. MOSCO and  
JOANN MOSCO, hus-  
band and wife  
Plaintiffs

vs.  
RALPH N. KELLEY and INA  
M. KELLEY,  
Defendants.

ACTION TO QUIET TITLE  
TO: Ralph N. Kelley and Ina  
M. Kelley, their heirs, devi-  
sees, administrators, execu-  
tors and assigns and all  
other person, persons,  
firms, partnerships or cor-  
porate entities in interest.

You are hereby notified that  
an action to quiet title to  
the premises situate, lying  
and being in Sandy Town-  
ship, Clearfield County,  
Pennsylvania, has been  
filed against you. Said pre-  
mises are described as  
follows:

All that certain tract of  
land designated as Section  
7C, Lot 231 in the Treasure  
Lake Subdivision in Sandy  
Township, Clearfield Coun-  
ty, Pennsylvania.

You have been sued in Court.  
The purpose of this quiet  
title action is to extinguish  
any right or equity which  
the Defendants above  
named and their heirs,  
administrators, executors  
and assigns may have in  
the property as described  
above. The Plaintiffs in this  
action, after a diligent  
search, have been unable  
to locate the Defendants or  
their devisees or heirs.

Whereupon, the Court  
ordered that notice of said  
action served on the Defen-  
dants, and their heirs.

If you wish to defend, you  
must enter a written  
appearance personally or  
by attorney to file your  
defense or objections in  
writing with the court. You  
are warned that if you fail  
to do so the case may pro-  
ceed without you and a  
judgment may be entered  
against you without further  
notice for the relief  
requested by the plaintiffs.  
You may lose money or  
property or other rights  
important to you.

You should take this paper to  
your lawyer at once. If you  
do not have a lawyer or  
cannot afford one, go to or  
telephone the office set  
forth below to find out  
where you can get legal  
help.

Court Administrator, Clear-  
field County Courthouse, 1  
North Second Street,  
Clearfield, Pennsylvania  
16830. (814) 765-2641  
ext. 5982

Attorney for Plaintiffs  
David J. Hopkins  
900 Beaver Drive  
DuBois, PA 15801  
(814) 375-0300  
Pub.: July 25, 2001

FILED

AUG 21 2001

0128/15 ath  
Wm. S. Shaw  
Prothonotary

Hopkins  
E. J. [unclear]

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

GEORGE L. MOSCO and  
JOANN MOSCO, husband and wife  
Plaintiffs

vs.

RALPH N. KELLEY and  
INA M. KELLEY,  
Defendants

No. 01-863 C.D.

ACTION TO QUIET TITLE

**FILED**

**AUG 23 2001**

**William A. Shaw**  
Notary

**ORDER**

AND NOW, this 23<sup>rd</sup> day of August, 2001, it appearing that service of the Complaint to Quiet Title in the above stated action was served upon all Defendants by publication, and by Affidavit of David J. Hopkins, Attorney for Plaintiffs, that no answer or appearance has been filed to said action, and on Motion of David J. Hopkins, Esquire, it is hereby ORDERED and DECREED:

1. That the Defendants, Ralph N. Kelley and Ina M. Kelley are forever barred from asserting any right, title, lien or interest inconsistent with the interest or claim of the Plaintiffs as set forth in their Complaint in and to:

2. The property to be quieted is described as follows:

All that certain tract of land designated as Section 7C, Lot 231 in the Treasure Lake Subdivision in Sandy Township, Clearfield County, Pennsylvania.

3. That title to said property is now vested in George L. Mosco and Joann Mosco as prayed.

4. That the rights of the Plaintiffs are superior to the rights of the Defendants, Ralph N. Kelley and Ina M. Kelley and any heirs, persons claiming, or who might claim title under the

aforesaid Defendants; and any other person, persons, firms, partnerships, or corporate entities who might claim title to the premises herein described.

5. That the Plaintiffs have title in fee simple to said premises as described in the Complaint as against the Defendants, Ralph N. Kelley and Ina M. Kelley and any heirs, devisees, administrators, executors, and assigns.

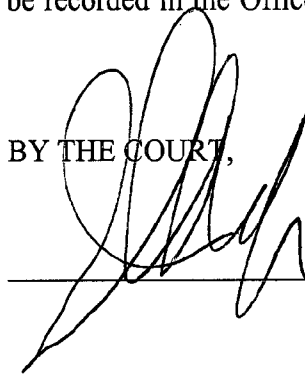
6. That the Defendants, Ralph N. Kelley and Ina M. Kelley and any heirs, devisees, administrators, executors and assigns are enjoined and forever barred from asserting any right, title or interest in or to the premises described which are inconsistent with the interest or claims of the Plaintiffs as set forth in their Complaint and from setting up any title to the premises and from impeaching, denying or in any way attacking the title of the Plaintiffs to the premises.

7. That the thirty (30) days provisions of Pennsylvania Rules of Civil Procedure 1066(b)(i) be modified as to eliminate the said thirty (30) day Rule of Pennsylvania Rules of Civil Procedure from this case. Said modification is in accordance with the authority vested in this Court by virtue of Pennsylvania Rules of Civil Procedure 248 to eliminate any time period prescribed by Pennsylvania Rules of Civil Procedure upon Order of Court.

8. That these proceedings or any authenticated copy thereof, shall at all times hereinafter be taken as evidence of the facts declared and established thereby.

9. That a certified copy of this Order shall be recorded in the Office of the Recorder of Deed of Clearfield County, Pennsylvania.

BY THE COURT,

A handwritten signature in black ink, appearing to be 'J. H. ...', is written over a horizontal line.

JUDGE

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FILED

AUG 23 2001  
01103111C at H. H. H. H.  
William A. Shaw  
Prothonotary