

01-863-CD
GEORGE L. MOSCO et al. vs. RALPH N. KELLEY et al.

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. :
:
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 :
:

No.
:
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
George L. Mosco

Joann Mosco
Joann Mosco

FILED

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William A. Shaw
Prothonotary
1cc - 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. : No. 01-863 C.D.
:
RALPH N. KELLEY and :
INA M. KELLEY, : ACTION TO QUIET TITLE
Defendants :
:

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:

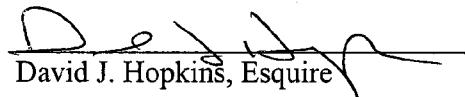
- a. The phonebook of Palm City, Florida has been searched and fails to reveal a listing for Ralph N. Kelley and Ina M. Kelley;
- b. An internet search has been completed for Ralph N. Kelley.
- c. An internet search has been completed which revealed one Ina M. Kelley but she denied ever owning property 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.

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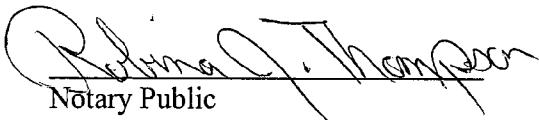
William A. Shaw
Prothonotary

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 12th day of
July, 2001.



Robina J. Thompson
Notary Public

NOTARIAL SEAL Robina J. Thompson, Notary Public DUBois, Clearfield County My Commission Expires April 3, 2004

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

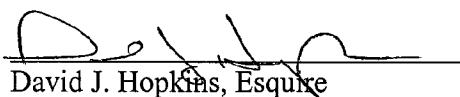
GEORGE L. MOSCO and
JOANN MOSCO, husband and wife :
Plaintiffs :
vs. : No. 01-863 C.D.
: :
RALPH N. KELLEY and :
INA M. KELLEY, : ACTION TO QUIET TITLE
Defendants :
:

MOTION FOR PUBLICATION

AND NOW, this 13th 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,



David J. Hopkins, Esquire

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William A. Shaw
Prothonotary

FILED

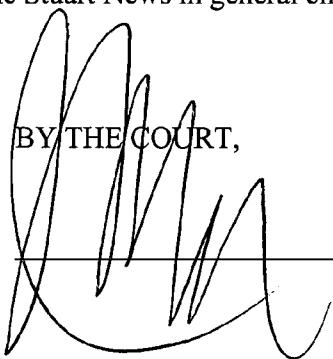
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SAC
William A. Shaw
Prothonotary

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

GEORGE L. MOSCO and
JOANN MOSCO, husband and wife :
Plaintiffs :
vs. :
No. 01-863 C.D.
RALPH N. KELLEY and
INA M. KELLEY, :
Defendants : ACTION TO QUIET TITLE

ORDER FOR PUBLICATION

AND NOW, this 16th 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 2001
3/3/01 SCOTT
William A. Shaw
Prothonotary

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

GEORGE L. MOSCO and
JOANN MOSCO, husband and wife :
Plaintiffs :
vs. : No. 01-863 C.D.

RALPH N. KELLEY and
INA M. KELLEY, : ACTION TO QUIET TITLE
Defendants :
:

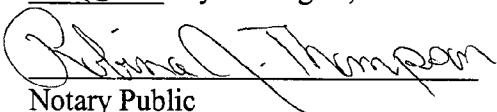
AFFIDAVIT

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
20th day of August, 2001.


Robina J. Thompson
Notary Public

NOTARIAL SEAL
Robina J. Thompson, Notary Public
DuBois, Clearfield County
My Commission Expires April 3, 2004

FILED

AUG 21 2001

William A. Shaw
Prothonotary

FILED

AUG 21 2001

01:28:11
Cathy Hopkins
William A. Shaw
Prothonotary

cc
cc

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

GEORGE L. MOSCO and
JOANN MOSCO, husband and wife :
Plaintiffs :
vs. : No. 01-863 C.D.
: :
RALPH N. KELLEY and :
INA M. KELLEY, : ACTION TO QUIET TITLE
Defendants :
: 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

W. *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. 01-863 C.D.

RALPH N. KELLEY and
INA M. KELLEY, : ACTION TO QUIET TITLE
Defendants :
:

MOTION FOR JUDGMENT

AND NOW, this 25 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 #
2197594	07/25/2001	01-863CD/MOSCOvKELLE	

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 County,
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 27 2001

Clay Shaw
Wm. R. Shaw
Prothonotary

Handy
Hicks
Hicks
Hicks

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

GEORGE L. MOSCO and
JOANN MOSCO, husband and wife :
Plaintiffs :
vs. :
: No. 01-863 C.D.
RALPH N. KELLEY and :
INA M. KELLEY, : ACTION TO QUIET TITLE
Defendants :
William A. Shaw
Prothonotary

FILED

AUG 23 2001

ORDER

AND NOW, this 23rd 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,

JUDGE

FILED

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01/103/11/Cath, Hopkins
William A. Shaw
Prothonotary