

01-963-CD
ANGELO J. FERRARACCIO et al -vs- STEVEN M. PETRINI

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

ANGELO J. FERRARACCIO and
JEANNE M. FERRARACCIO,
Plaintiffs

vs.

STEVEN M. PETRINI, and/or Any
Person or Entity Whatsoever Claiming
Title in and to the herein Described
Premises ,
Defendants

* * NO. 01-963-CD
* *
* *
* * TYPE OF CASE:
* * ACTION IN QUIET TITLE
* *
* * TYPE OF PLEADING:
* * COMPLAINT
* *
* * FILED ON BEHALF OF:
* * Plaintiffs
* *
* * COUNSEL OF RECORD:
* *
* * Richard A. Ireland,
* * Attorney at Law
* * P.O. Box 924
* * Clearfield, PA 16830
* * (814) 765-5605
* * Supreme Court No.: 42556
* *
* *
* *
* *
* *

FILED

JUN 19 2001

William A. Shaw
Prothonotary

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

ANGELO J. FERRARACCIO and
JEANNE M. FERRARACCIO,
Plaintiffs

VS.

STEVEN M. PETRINI, and/or
Any Person or Entity Whatsoever
Claiming Title in and to the herein
Described Premises,
Defendants

NOTICE

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claim set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

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

Court Administrator's Office
Clearfield County Courthouse
Corner of Market & N. Second Streets
Clearfield, PA 16830
(814) 765-2641

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

ANGELO J. FERRARACCIO and
JEANNE M. FERRARACCIO,
Plaintiffs

vs.

STEVEN M. PETRINI, and/or
Any Person or Entity Whatsoever
Claiming Title in and to the herein
Described Premises,
Defendants

* NO. 01- -CD

* ACTION IN QUIET TITLE

COMPLAINT

AND NOW, comes the Plaintiffs, by and through their Attorney, Richard A. Ireland, who brings this Action in Quiet Title against the above captioned Defendants, upon a cause of action, a statement of which is as follows:

1. That the Plaintiffs are Angelo J. Ferraraccio and Jeanne M. Ferraraccio, who reside at R.D. 2, DuBois, Clearfield County, Pennsylvania. Jeanne M. Johnson being the maiden name of Jeanne M. Ferraraccio.
2. That the Defendant is Steven M. Petrini an adult individual who resides at R.R. #1, Box 279, Weedville, Elk County, Pennsylvania.
3. The property which is the subject of this Action to Quiet Title is owned by the Plaintiffs by Deed dated February 16, 1989 which is filed of record in the office of the Recorder of Deeds in and for Clearfield County at Deed Book Volume 1270, Page 132.
4. Harold L. Bundy and April D. Bundy granted and conveyed the Subject Premises to the Plaintiffs herein under a deed dated February 16, 1989 which was filed of record in the Office of the Recorder of Deeds in and for Clearfield County, Pennsylvania at Deed Book Volume 1270, Page 132.
5. Elvin Wayne Fiedor granted and conveyed the Subject Premises to Harold L. Bundy and April D. Bundy under a Deed dated January 24, 1984 which was recorded in the Office of the recorder of Deeds in and for Clearfield County, Pennsylvania in Deed Book 929/328.

6. The Subject Premises was granted and conveyed by Chester William Stiteler, Sr. and Anna Jane Stiteler to Elvin Wayne Fiedor by a Deed dated July 20, 1978 and recorded in the Office of the Recorder of Deeds in and for Clearfield County, Pennsylvania in Deed Book 765, Page 493.

7. The Subject Premises was granted and conveyed to Chester William Stiteler, Sr. and Anna Jane Stiteler by a Deed of Katherine E. Stiteler dated November 7, 1966 and recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania in Deed Book 526, Page 105.

8. The Subject Premises was granted and conveyed to Katherine G. Stiteler by Katherine Stiteler and James E. Stiteler and Mary Stiteler by a deed dated November 7, 1966 and recorded in the Office of the Recorder of Deeds of Clearfield County in Deed Book 526, Page 103.

9. Being a part of a parcel granted and conveyed to Katherine E. Stiteler and James E. Stiteler by Mildred H. Mulgrew and Arthur B. Mulgrew by Deed November 7, 1960 and recorded in the Office of the Recorder of Deeds in and for Clearfield County, Pennsylvania at Deed Book 486, Page 273.

10. That the description used in these conveyances to describe the subject parcel contains a conflict between the courses and distances and calls for adjoiners.

11. That the correct description of said parcel pursuant to a recent survey by Lee Simpson Associates, Inc. is as follows:

ALL that certain piece, parcel or tract of land situated, lying and being in the Township of Sandy, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

Beginning at a point on the road leading from Gelnett to Narrows Creek, also known as SR 4015 and being the Northwest corner of the herein described tract or parcel of land, thence by the lands Of now or formerly Sikora North 89 Degrees 53 Minutes 35 Seconds East, 809.15 feet to a $\frac{1}{4}$ " iron pin, passing over an iron pin at 26.38 Feet; thence by the land of now or formerly Christian and Buhle South 89 Degrees 3 Minutes 59 Seconds East 803.13 Feet to an iron pipe, passing over an iron pipe at 753.68 Feet; thence by the land of Petrosky (formerly Jesse B. Warren Jr.,) South 00 Degrees 08 Minutes 43 Seconds West 420.00 feet to a set 5/8" rebar; thence by the land of now or formerly Petrini North 89 Degrees 48 Minutes 41 Seconds West 1581.58 Feet to a point in the aforesaid road passing over an iron pin at 1563.48 Feet; thence by the aforesaid road North 04 Degrees 02 Minutes 06 Seconds West 420.87 Feet to the point and place of beginning.

Containing 15.47 acres more or less.

Being the same tract or parcel which became vested to Angelo J. Ferraraccio and Jeanne M. Johnson by Deed from Harold C. Bundy and April D. Bundy dated February 16, 1989 and Recorded in Clearfield County in Deed Book 1270, Page 132.

12. That the purpose of this action is to correct the record description of said parcel and to extinguish that portion of a deed which the Defendant has conveyed to himself which claims ownership of approximately five (5) acres of Plaintiffs property and to extinguish any claim or intent to the subject premises by the Defendant or any other person or entity.

13. Plaintiffs represent and aver that they own the subject premises as described in Paragraph 11 above and that the Defendant is without any right, estate, title or interest in or to said premises.

WHEREFORE, Plaintiff respectfully requests:

a. that by decree of your Honorable Court, it may be declared that the correct description of the Subject Premises owned by Plaintiffs herein and subject of this action be as follows:

ALL that certain piece, parcel or tract of land situated, lying and being in the Township of Sandy, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

Beginning at a point on the road leading from Gelnett to Narrows Creek, also known as SR 4015 and being the Northwest corner of the herein described tract or parcel of land, thence by the lands Of now or formerly Sikora North 89 Degrees 53 Minutes 35 Seconds East, 809.15 feet to a $\frac{1}{4}$ " iron pin, passing over an iron pin at 26.38 Feet; thence by the land of now or formerly Christian and Buhle South 89 Degrees 3 Minutes 59 Seconds East 803.13 Feet to an iron pipe, passing over an iron pipe at 753.68 Feet; thence by the land of Petrosky (formerly Jesse B. Warren Jr.,) South 00 Degrees 08 Minutes 43 Seconds West 420.00 feet to a set 5/8" rebar; thence by the land of now or formerly Petrini North 89 Degrees 48 Minutes 41 Seconds West 1581.58 Feet to a point in the aforesaid road passing over an iron pin at 1563.48 Feet; thence by the aforesaid road North 04 Degrees 02 Minutes 06 Seconds West 420.87 Feet to the point and place of beginning.

Containing 15.47 acres more or less.

Being the same tract or parcel which became vested to Angelo J. Ferraraccio and Jeanne M. Johnson by Deed from Harold C. Bundy and April D. Bundy dated February 16, 1989 and Recorded in Clearfield County in Deed Book 1270, Page 132.

b. that by decree of your Honorable Court it may be declared that Plaintiffs own the Subject Premises in fee simple and that they are entitled to the quiet and peaceful possession of the Subject Premises; and

c. that by decree of your Honorable court it may be declared that the Defendants and their heirs, executors administrators, nominees, grantees, successors and/or assigns, and each of them and all persons and/or entities claiming under them, have no estate, right, title lien or interest in or to the Subject Premises or any portion thereof; and

d. that said Decree permanently enjoin Defendants and their heirs, executors, administrators, nominees, grantees, successors and/or assigns, and each of them, and all persons or entities claiming under them, from asserting any claim adverse to Plaintiffs' title in and to Subject Premises; and

e. for such other and further relief that your Honorable Court deem just and proper.

Respectfully Submitted:



Richard A. Ireland
Attorney for Plaintiffs

Dated: June 8 , 2001

COMMONWEALTH OF PENNSYLVANIA *
* SS
COUNTY OF CLEARFIELD *

ANGELO J. FERRARACCIO and JEANNE M. FERRARACCIO, Plaintiffs named in the attached and/or foregoing, being duly sworn according to law, do hereby depose and say that the facts set forth in the attached and/or foregoing are true and correct to the best of their knowledge, information and belief.

Angelo J. Ferraraccio
Angelo J. Ferraraccio

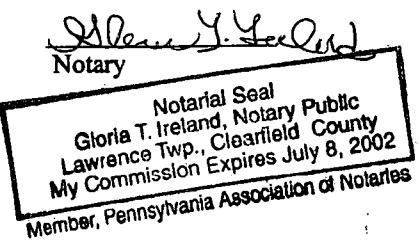
Jeanne M. Ferraraccio
Jeanne M. Ferraraccio

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF CLEARFIELD

On this the 8th day of June, 2001, before me a notary, the undersigned officer personally appeared Angelo J. Ferraraccio and Jeanne M. Ferraraccio, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and who acknowledged that they executed the same for the purpose therein contained.

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



FILED

REC'D JUN 19 2001
0157 AM
William A. Shaw
Prothonotary

3cc atty Tieland

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 11136

FERRARACCIO, ANGELO J. & JEANNE M.

01-963-CD

VS.

PETRINI, STEVEN M. and/or any person or entity

COMPLAINT ACTION TO QUIET TITLE

SHERIFF RETURNS

NOW JUNE 22, 2001, THOMAS KONTES, SHERIFF OF ELK COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ACTION TO QUIET TITLE ON STEVEN M. PETRINI, DEFENDANT.

NOW JUNE 28, 2001 SERVED THE WITHIN COMPLAINT ACTION TO QUIET TITLE ON STEVEN M. PETRINI,, DEFENDANT BY DEPUTIZING THE SHERIFF OF ELK COUNTY. THE RETURN OF SHERIFF KONTES IS HERETO ATTACHED AND MADE A PART OF THIS RETURN.

Return Costs

Cost	Description
27.89	SHFF. HAWKINS PAID BY: ATTY.
21.00	SHFF. KONTES PAID BY: ATTY.
10.00	SURCHARGE PAID BY: ATTY.

FILED

*100 JUL 05 2001
100/3251 no cc*
William A. Shaw
Prothonotary

Sworn to Before Me This

6th Day of July 2001

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

So Answers,

*Chester A. Hawkins
by Marilyn Harry*
Chester A. Hawkins
Sheriff

Affidavit of Service

Angelo J. Ferraraccio and
Jeanne M. Ferraraccio
vs.
Steve M. Petrini, and/or any person
or entity whatsoever claiming title
in and to the herein described premises

No. 963 Term, 20 01

Returnable within _____ days
from date of service hereof.

NOW June 28, 2001 at 5:30 o'clock P.M.

served the within Action to Quiet Title on Steve M. Petrini

at RR1 Box 279, Weedville, Elk County, PA, which is actually located on Cleveland St./

Gardner Hill, Byrnedale, Elk County, PA

by handing to him

a true and attested copy of the original Action to Quiet Title and made

known to him the contents thereof. Sheriff's Costs - \$21.00 PAID

Sworn to before me this 28th

day of June A.D. 20 01

Carlae J. Foy
My Commission Expires

Prothonotary

January 5, 2004

118.11-010

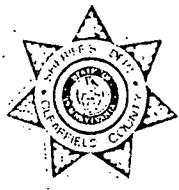
So answers,

Thomas C. Korte

Sheriff

Theresa L. Nicklas

Deputy



Sheriff's Office Clearfield County

OFFICE (814) 765-2641
AFTER 4:00 P.M. (814) 765-1533
CLEARFIELD COUNTY FAX
(814) 765-5915

CHESTER A. HAWKINS
SHERIFF

COURTHOUSE
1 NORTH SECOND STREET, SUITE 116
CLEARFIELD, PENNSYLVANIA 16830

DARLENE SHULTZ
CHIEF DEPUTY

MARILYN HAMM
DEPT. CLERK

MARGARET PUTT
OFFICE MANAGER

PETER F. SMITH
SOLICITOR

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANGELO J. & JEANNE M. FERRARACCIO

SERVE BY: 7/19/01

VS:

or
HEARING DATE:

STEVEN M. PETRINI

TERM & NO.: 01-963-CD

DOCUMENT TO BE SERVED:

COMPLAINT ACTION TO QUITE TITLE

SERVE: STEVEN M. PETRINI

ADDRESS: RR#1 Box 279, Weedville, Pa.

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF of CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF of ELK County Pennsylvania to execute this writ.

This Deputation being made at the request and risk of the Plaintiff this 22nd day of JUNE 2001.

MAKE REFUND PAYABLE TO: RICHARD A. IRELAND

Respectfully,

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY

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

ANGELO J. FERRARACCIO and :
JEANNE M. FERRARACIO, :
Plaintiffs :
: No. 01-963-CD
vs. :
: Type of Case:
STEVEN M. PETRINI, and/or Any :
Person or Entity Whatsoever Claiming :
Title in and to the herein Described :
Premises, :
Defendants : Type of Pleading:
: ANSWER
: Filed on Behalf of:
: DEFENDANT
: Attorney for this party:
: Peter F. Smith, Esquire
: Supreme Court No. 34291
: 30 South Second Street
: P.O. Box 130
: Clearfield, PA 16830
: (814) 765-5595

FILED

JUL 18 2001

William A. Shaw
Prothonotary

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

ANGELO J. FERRARACCIO and :
JEANNE M. FERRARACCIO, :
Plaintiffs :
vs. : No. 01-963-CD
: :
STEVEN M. PETRINI, and/or Any :
Person or Entity Whatsoever Claiming :
Title in and to the herein Described :
Premises, :
Defendants : :

ANSWER

COMES NOW, the Defendant, by his attorney, Peter F. Smith, who answers the Complaint as follows:

1. Admitted.
2. Admitted.
3. Denied. The property subject to this action consists of five (5) acres, more or less, to which the Defendant took title by deed dated January 9, 2001 and recorded on January 16, 2001 at Clearfield County Instrument Number 200100552. A true and correct copy of said deed is attached hereto and incorporated herein by reference as Defendant's Exhibit "1". A survey map is attached hereto and incorporated herein by reference as Defendant's Exhibit "2". The premises subject to this action comprise the northeastern corner of the Defendant's property depicted on this map.
4. Denied for the reason set forth in Defendant's answer number three.
5. Denied for the reason set forth in Defendant's answer number three.
6. Denied for the reason set forth in Defendant's answer number three.

7. Denied. The subject premises were conveyed to Chester William Stiteler, Sr., Anna Jane Stiteler, James E. Stiteler and Mary Stiteler by deed in Clearfield County deed book 600 page 191 and deed book 572 page 363.

8. Denied for the reason set forth in Defendant's answer number seven.

9. Admitted.

10. Neither admitted nor denied because the Plaintiffs have failed to plead with sufficient particularity necessary to enable the Defendant to evaluate this averment. Therefore, Defendant demands strict proof at trial.

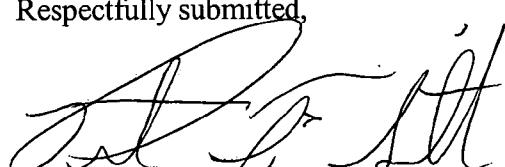
11. Denied for the reason set forth in Defendant's answer number three above.

12. Denied because if this averment were true then the Plaintiffs would have joined Chester William Stiteler, Sr., Anna Jane Stiteler, James E. Stiteler and Mary Stiteler as additional Defendant's.

13. Denied for the reason set forth in paragraphs three and eight of this answer.

WHEREFORE, respectfully prays this Honorable Court to deny Plaintiffs' prayer for relief and decree that the Defendant is the true and lawful owner of the disputed five (5) acres.

Respectfully submitted,



Peter F. Smith, Esquire

Dated: July 18, 2001

AFFIDAVIT

STATE OF PENNSYLVANIA

: SS

COUNTY OF CLEARFIELD

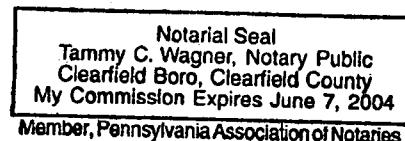
STEVE PETRINI being duly sworn according to law, deposes and says that he is duly authorized to make this Affidavit, and further, that the facts set forth in the foregoing Answer are true and correct to the best of his knowledge, information and belief.



Steve Petrini

SWORN TO AND SUBSCRIBED
before me this 18th day of July, 2001.

Tammy C. Wagner
Notary Public



Member, Pennsylvania Association of Notaries

County Parcel No. _____

This Deed, AFFIDAVIT No: 33615

MADE the ninth day of January
in the year 2001.

BETWEEN STEVEN M. PETRINI, of R. R. #1, Box 279, Weedville,
Elk County, Pennsylvania, hereinafter called the GRANTOR,

A N D

STEVEN M. PETRINI, of R. R. #1, Box 279, Weedville, Elk County,
Pennsylvania, hereinafter called the GRANTEE.

WITNESSETH, That in consideration of One (\$1.00)-----

----- Dollars,
in hand paid, the receipt whereof is hereby acknowledged, the said grantor do es hereby grant
and convey to the said grantee ,

ALL that certain lot or piece of ground situate in the Township of
Sandy, Clearfield County, Pennsylvania, bounded and described as
follows:

BEGINNING at a found 3/4" iron pipe, said corner being the northeast
corner of the property described herein; thence along land of, now
or formerly, Richard A. & Janice J. Petrosky, S 01° 03' 10" E, a
distance of 779.52 feet to a found 1½" iron rebar; thence along land
of, now or formerly, Judith A. Dreese, S 01° 01' 50" E, a distance
of 780.82 feet to a found 1½" iron rebar; thence along land of, now
or formerly Chagrin Land Limited Partnership, and that of, now or
formerly, Margaret Dudurich and that of, now or formerly, William &
Dawn Fairman, S 88° 58' 35" W, a distance of 2005.47 feet to a point;
thence along land of, now or formerly, Richard Mitchell & Linda
Crandell, N 01° 02' 25" W, a distance of 467.45 feet to a point;
thence along land of, now or formerly, Richard Mitchell & Linda
Crandell, S 88° 58' 35" W, a distance of 467.45 feet to a point;
thence along land of, now or formerly, Chagrin Land Limited
Partnership, N 01° 02' 25" W, a distance of 1091.59 feet to a point;
thence along land of, now or formerly, Betty J. Russell & Donald D.
Russell, N 88° 56' 24" E, a distance of 860.77 feet to a found
monument spike in the centerline of State Route 4015; thence along
the centerline of State Route 4015, S 05° 05' 33" E, a distance of
50.12 feet to a found monument spike in the centerline of State Route
4015; thence across State Route 4015 and along Parcel "A", owned by
Steven M. Petrini, S 88° 57' 27" W, a distance of 641.60 feet to a point;
thence along Parcel "A", S 05° 05' 33" E, a distance of 100.25 feet

to a point; thence along parcel "A", N 88° 57' 27" E, a distance of 80.20 feet to a point; thence along parcels "A", "B", and "C", all owned by Steven M. Petrini, S 05° 05' 33" E, a distance of 893.98 feet to a point; thence along Parcel "C", N 88° 59' 27" E, a distance of 577.92 feet to a point; thence along land of, now or formerly, Keith J. & Tina J. Newell, S 04° 15' 06" E, a distance of 125.45 feet to a found 1½" iron pipe; thence along land of, now or formerly, Keith J. & Tina J. Newell, N 84° 49' 29" E, a distance of 207.87 feet to a point; thence along land of, now or formerly, Keith J. & Tina J. Newell, N 05° 04' 15" W, a distance of 207.56 feet to a found 1½" iron pipe; thence along land of, now or formerly, Keith J. & Tina J. Newell, S 84° 55' 45" W, a distance of 207.87 feet to a found 1½" iron pipe; thence along the right-of-way line of State Route 4015, these following courses and distances: N 04° 54' 40" W, a distance of 458.81 feet to a point; N 03° 04' 29" W, a distance of 83.26 feet to a found 3/4" iron pipe; thence along land of, now or formerly, Angelo J. Ferraraccio & Jeanne M. Johnson, N 88° 44' 22" E, a distance of 1025.06 feet to a found 1" iron pipe; thence along land of, now or formerly, Angelo J. Ferraraccio & Jeanne M. Johnson, N 04° 34" 46" W, a distance of 417.00 feet to a found 1" iron pipe; thence along land of, now or formerly, Blair Daniel Christian and then, now or formerly, John L. & Margaret A. Buhler N 89° 03' 15" E, a distance of 563.99 feet, to a found 3/4" iron pipe, the place of beginning.

CONTAINING 58.93 acres as shown on the recorded map (Map File #2223) prepared by Hess & Fisher Engineers, Inc. dated December 17, 2000 titled "Plat of Land of Steven M. Petrini, Sandy Township, Clearfield County".

The purpose of this deed is to correct the description as set forth in the deed from Chester William Stiteler, Sr., and others to Steven M. Petrini, dated March 26, 1998, recorded in Deed Book 1942, page 548.

KAREN L. STARCK
REGISTER AND RECORDER
CLEARFIELD COUNTY
Pennsylvania

INSTRUMENT NUMBER

200100552

RECORDED ON

Jan 16, 2001
11:30:04 AM

RECORDING FEES - \$13.00

RECORDER

COUNTY IMPROVEMENT \$1.00

FUND

RECORDER \$1.00

IMPROVEMENT FUND

STATE WRIT TAX \$0.50

TOTAL \$15.50

CUSTOMER

HESS & FISHER

AND the said grantor will SPECIALLY WARRANT AND FOREVER DEFEND the property hereby conveyed.

IN WITNESS WHEREOF, said grantor has hereunto set his hand and seal, the day and year first above-written.

Sealed and delivered in the presence of

Carol J. Romanski



Steven M. Petrini

[Seal]

[Seal]

[Seal]

[Seal]

[Seal]

CERTIFICATE OF RESIDENCE

I hereby certify, that the precise residence of the grantee herein is as follows: R. R. #1,
Box 279, Weedville, PA 15868.

Wilma Federly, Jr.

Attorney for Grantee

Commonwealth of Pennsylvania

County of CLEARFIELD

} ss.

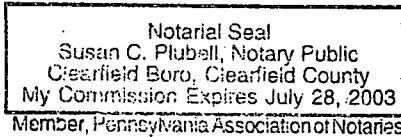
On this, the 9th day of January, 2001, before me the undersigned officer, personally appeared STEVEN M. PETRINI, known to me (or satisfactorily proven) to be the person instrument, and acknowledged that he has whose name is subscribed to the within executed the same for the purpose therein contained.

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

My Commission Expires

OF

Susan C. Plubell



State of }
County of } ss.

IN WITNESS WHEREOF, I have hereunto set my hand and

seal.

My Commission Expires

Commonwealth of Pennsylvania

County of

88

RECORDED in the Office for Recording of Deeds, etc., in and for the said County, in Deed Book No. Page

WITNESS my hand and official seal this _____ day of _____

Recorder of Deeds

Peed
OF CORRECTION
WARRANTY DEED
the Plankenhorn Co., Williamsport, Pa.

STEVEN M. PETRINI,
Grantor TO
STEVEN M. PETRINI,
Grantee

Dated January 9, 2001

For . . .

Consideration: \$1.00

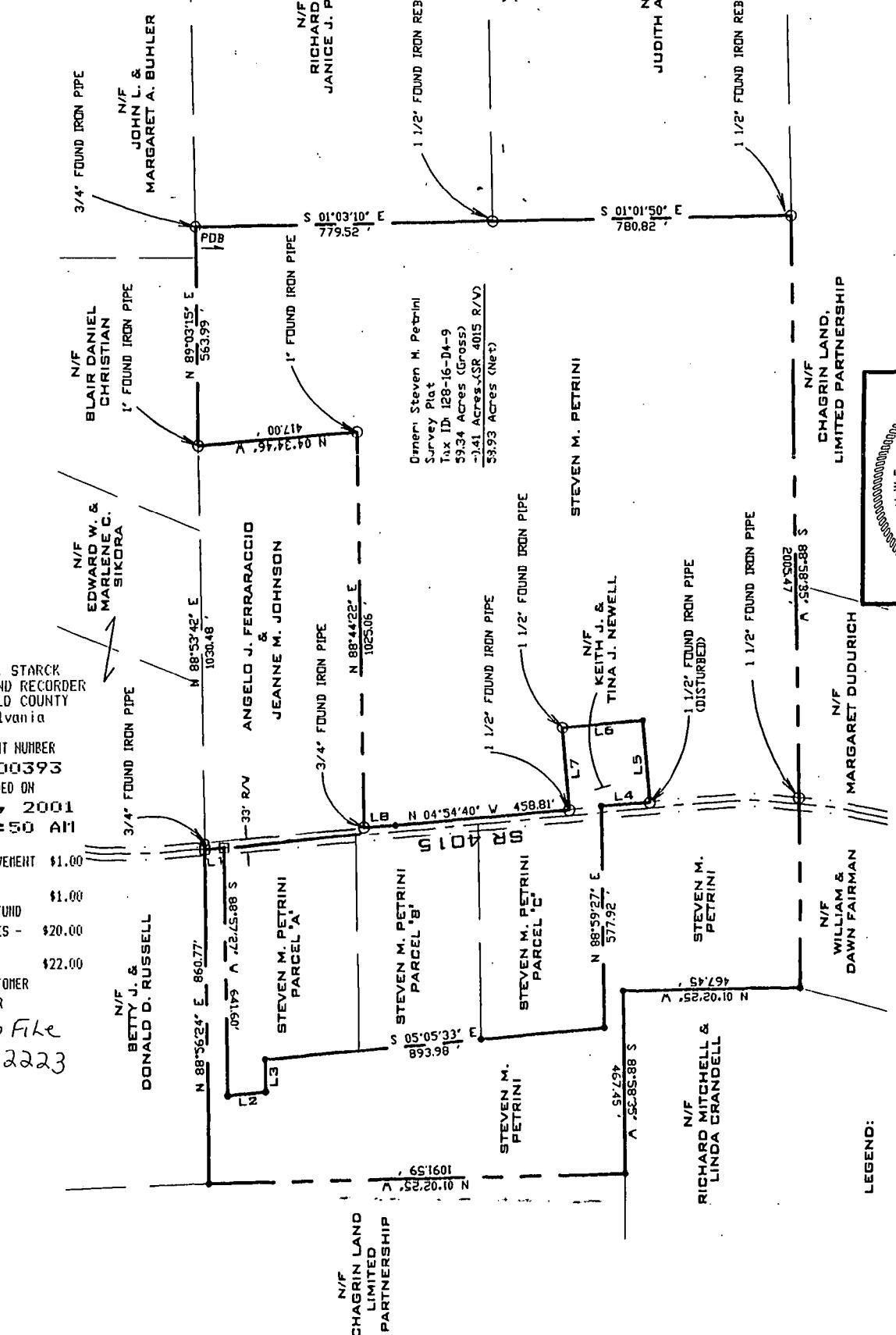
Recorded ...

Entered for Record in the Recorder's
Office of
County, the day of Tax. \$
19..... Fees, \$

Standards

NUMBER	DIRECTION	DISTANCE
L1	S 05°05'33" E	50.12'
L2	S 05°05'33" E	100.25'
L3	S 88°37'27" E	80.20'
L4	S 04°15'06" E	125.45'
L5	N 84°49'29" E	207.87'
L6	N 05°04'15" W	207.56'
L7	S 84°35'45" W	207.87'
L8	N 03°04'29" W	83.26'

TAKEEN DCTDBER. 6, 2000
BEGANTIC NORTH
BEARING BASE



FILED

JUL 18 2001 3cc
Dra. 391 Atty. Smith
William A. Shaw
Prothonotary
EAT

PETER F. SMITH
ATTORNEY
30 SOUTH SECOND STREET
P.O. BOX 130
CLEARFIELD, PA. 16830

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

ANGELO J. FERRARACCIO and :
JEANNE M. FERRARACCIO, :
Plaintiffs :
vs. : No. 01-963-CD
STEVEN M. PETRINI, and/or Any :
Person or Entity Whatsoever Claiming :
Title in and to the herein Described :
Premises, :
Defendants :
:

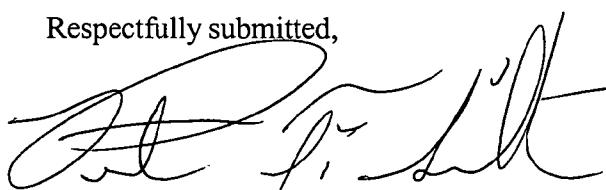
CERTIFICATE OF SERVICE

I, Peter F. Smith, attorney for Defendant, Steven M. Petrini in the above captioned matter, hereby certify that I sent by U.S. Certified Mail a certified copy of the Answer filed in this matter on Attorney Richard A. Ireland on July 18, 2001, at the following address:

Richard A. Ireland, Esquire
P.O. Box 924
Clearfield, PA 16830

Date: July 18, 2001

Respectfully submitted,


Peter F. Smith, Attorney for Plaintiff

FILED

JUL 19 2001

William A. Shaw
Prothonotary

FILED

NO CC
OCT 19 2001

JUL 1 1 2001

William A. Shaw
Prothonotary

1000
FRED

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

ANGELO J. FERRARACCIO and
JEANNE M. FERRARACCIO,
Plaintiffs

vs.

STEVEN M. PETRINI, and/or Any
Person or Entity Whatsoever Claiming
Title in and to the herein Described
Premises,
Defendants

* NO. 01-963-CD
*
*
* TYPE OF CASE:
* ACTION IN QUIET TITLE
*
* TYPE OF PLEADING:
* PRAECIPE
*
* FILED ON BEHALF OF:
* Plaintiffs
*
* COUNSEL OF RECORD:
*
* Richard A. Ireland,
* Attorney at Law
* P.O. Box 924
* Clearfield, PA 16830
* (814) 765-5605
* Supreme Court No.: 42556
*
*
*
*
*
*

FILED

DEC 12 2002

William A. Shaw
Prothonotary

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

ANGELO J. FERRARACCIO and
JEANNE M. FERRARACCIO,
Plaintiffs

vs.

STEVEN M. PETRINI, and/or
Any Person or Entity Whatsoever
Claiming Title in and to the herein
Described Premises,
Defendants

• NO. 01-963-CD

•

•

•

•

• ACTION IN QUIET TITLE

•

•

•

•

PRAECIPE

TO THE PROTHONOTARY:

PLEASE LIST THE ABOVE CAPTIONED MATTER FOR TRIAL. (non-jury)

By: 

Richard A. Ireland, Esquire
Attorney for Plaintiff
PA Supreme Court # 42556
P.O. Box 924
Clearfield, PA 16830

RECEIVED
MAY 22 2001
CLEARFIELD COUNTY
PROTHONOTARY'S OFFICE

FILED

Q 12/24/02
DEC 12 2002
cc Atty Ireland
Efiled
Court of
Appeals

William A. Shaw
Prothonotary

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

ANGELO J. FERRARACCIO and
JEANNE M. FERRARACCIO,
Plaintiffs

vs.

STEVEN M. PETRINI, and/or
Any Person or Entity Whatsoever
Claiming Title in and to the herein
Described Premises,
Defendants

* NO. 01-963-CD

* ACTION IN QUIET TITLE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE SERVED A TRUE AND CORRECT COPY OF THE
FOREGOING Praeclipe on all parties to this matter this 12th day of DECEMBER, 2002, by
depositing same with the United States Postal Service, first-class postage prepaid, addressed as follows:

(Attorney for Defendant)
Peter F. Smith
30 South Second Street
P.O. Box 130
Clearfield, PA 16830

By: 
Richard A. Ireland, Esquire
Attorney for Plaintiff
PA Supreme Court # 42556
P.O. Box 924
Clearfield, PA 16830

FILED

DEC 12 2002

William A. Shaw
Prothonotary

FILED

DEC 12 2002

NO
cc

William A. Shaw
Prothonotary

FILED

DEC 12 2002

William A. Shaw
Prothonotary

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

ANGELO J. FERRARACCIO and
JEANNE M. FERRARACCIO

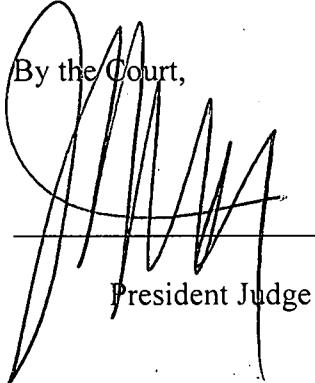
-vs-

No. 01 - 963 - CD

STEVEN M. PETRINI, and/or Any
Person or Entity Whatsoever Claiming
Title in and to the herein Described
Premises

PRE-TRIAL ORDER

NOW, this 17th day of January, 2003, following pre-trial conference in the
above-captioned matter, it is the ORDER of this Court that trial in the above-captioned matter
shall be held on Friday, March 28, 2003, commencing at 9:00 a.m., by this Court sitting
without a jury.

By the Court,

President Judge

FILED

JAN 17 2003

William A. Shaw
Prothonotary

FILED

JAN 17 2003

013:30 C

William A. Shaw
Prothonotary

CFM: TO: Anne Smith

*E
RGS* +
Inman

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

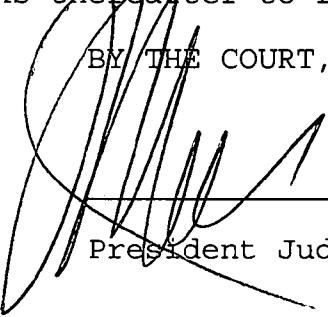
CIVIL DIVISION

ANGELO J. FERRARACCIO and :
JEANNE M. FERRARACCIO :
VS. : NO. 01-963-CD
STEVEN M. PETRINI, and/or any :
person or entity whatsoever :
claiming title in and to the :
herein described premises :
:

O R D E R

NOW, this 28th day of March, 2003, following
conclusion of non-jury trial in the above-captioned matter, it
is the ORDER of this Court that counsel for Plaintiff file a
brief with this Court within two (2) weeks from this date, and
Defendant given two (2) weeks thereafter to respond in kind.

BY THE COURT,


President Judge

FILED

MAR 28 2003

William A. Shaw
Prothonotary

FILED

(initials)
MAR 28 2003

013:30 (u)

William A. Shaw
Prothonotary

2 crms to Inman

2 crms to Smyth

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

ANGELO J. FERRARACCIO and
JEANNE M. FERRARACCIO

-vs-

No. 01 - 963 - CD

STEVEN M. PETRINI, and/or any
person or entity whatsoever claiming
title in and to the herein described premises

FILED

MAY 29 2003

OPINION AND ORDER

William A. Shaw
Prothonotary

The above-captioned action in Quiet Title involves a tract of land of approximately five acres located between property owned by the Plaintiffs and property owned by Defendant. The original parcel purchased by Plaintiffs contains the following description:

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

BEGINNING at a point along the Legislative Road leading from Gelnet to Narrows Creek, said point being the northwest corner of the tract herein described, and being the dividing line between the lands herein conveyed and the lands of Edward Sikora; thence in an easterly direction along land of said Edward Sikora and along land of Ned Christian, 1050 feet, more or less to a point at the lands of Jesse B. Warren; thence in a southerly direction along the line of lands of Jesse B. Warren, 420 feet, more or less, to an iron pipe; thence in a westerly direction in a line at all times parallel with the northerly line of said tract a distance of 1050 feet, more or less, to the Legislative Road leading from Gelnet to Narrows Creek; thence in a northerly direction along said Legislative Road 420 feet, more or less to the place of beginning.

The eastern boundary as can be seen is described as coinciding with the line of lands of one Jesse B. Warren, for a distance of 420 feet, more or less. The problem arises in that the distance given from the starting points of the northern and southern boundaries of the conveyed

premises is 1,050 feet, which measurement falls short of the line of lands of Jesse B. Warren, by approximately 536 feet. It is this area which contains the disputed five acres.

Plaintiffs, of course, argue that the calls for adjoinder specifying the lands of Jesse B. Warren should control over the courses and distances called for in the deed and cite Merlino v. Eannotti, 177 Pa. Super, 307, 110 A.2d 783 (1955); Port Authority of Allegheny County v. Flaherty, 6 Pa. Cmwlth. 135, 293 A.2d 152 (1972) and Will v. Piper, 184 Pa. Super. 313, 134 A.2d 41 (1957). Further, argues Plaintiff, it was clearly the intent of the original grantors to run to the Jesse B. Warren line and indeed specifically called for its continuance along the line of lands of Jesse B. Warren. Moreover, the Warren line formed the eastern boundary of the larger parcel owned by Plaintiffs' predecessor in title. Further, the original assessment for Plaintiffs' parcel is 15.3 acres, which would be based on the eastern boundary of Plaintiffs' property being located along the line of Jesse B. Warren. It was only when a predecessor in title to Plaintiff measured the 1050 feet called for in the deed and noticed that it came up short of the Warren line, that he requested a change in the assessment to 10 acres. Although iron pins exist at the location of the 1050 foot measurement, Plaintiffs' predecessor in title who requested the change in the assessment from 15 to 10 acres, one Harold Bundy, testified that he placed the pins at that location and found no previously existing markers there.

Moreover, in the deed into the Defendant (Plaintiffs' Exhibit 2) the premises owned by Plaintiffs are specifically excepted and reserved, and, in the deed into the Defendant, the boundary line of Plaintiffs is stated at 1,593.82 feet, which would be required to constitute a 15 acre tract conveyed to Plaintiffs.

Defendant argues that because iron pins were found near the 1050 foot distance called for in the deed, these should take precedence over the calls to the adjoinder on the Jesse

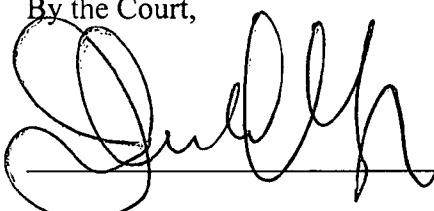
B. Warren property. However, as noted above, Harold Bundy, Plaintiffs' predecessor in title, testified that he placed the pins at that location following his measurement of the 1050 foot distance and that there were no previous pins found at that spot. This Court finds Bundy's testimony to be persuasive and that under these circumstances, the calls to the adjoining lands must take precedence. As the Superior Court held in Goodman v. Petroleum Engineering Corporation, 101 Pa. Super. 591:

It is well settled that when the courses and distances given in a return of survey differ from the natural and artificial boundaries on the ground, the latter shall govern. Where there are no such monuments on the ground and there is a discrepancy between the courses and distances given and the adjoining lands called for, the latter will prevail.

Based on the above, this Court is satisfied that the deed calls to the adjoining land of Peter B. Warren must control and therefore enters the following:

ORDER

NOW, this 29th day of May, 2003, following hearing and briefs into the above-captioned action to Quiet Title, it is the ORDER of this Court that judgment shall be and is hereby entered in favor of Plaintiffs above-named and against the Defendants in accordance with the foregoing Opinion.

By the Court,

President Judge

FILED ICC Richard Ireland
012:43 811 ICC Atty Peter Smith
MAY 2 9 2003 ICC D. Mikesell
E24
William A. Shaw
Prothonotary