

01-1364-CD  
IN RE: UNITED ELECTRIC COOPERATIVE, INC.

UVA  
**FILED**

JUN 17 2009

0/4:00 (C)

William A. Shaw

Prothonotary/Clerk of Courts

CEnt TO Bette King

& County Treasurer

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

IN RE: Condemnation of Land of Harry  
Butler Heirs, Boggs Township,  
Clearfield County, PA

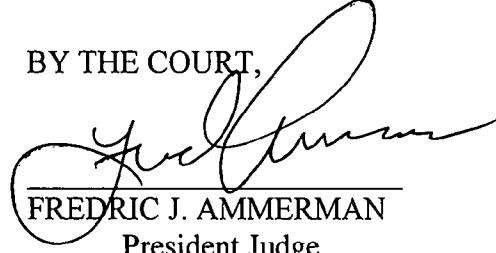
⋮ : No. 2001-01364-CD

**ORDER**

NOW, this 17 day of June, 2009, the Court notes on approximately **November 9, 2001**, **United Electric Cooperative, Inc.** deposited **Five Hundred Dollars (\$500.00)** with the Clearfield County Prothonotary pursuant to the Eminent Domain Code, 26 P.S. § 1-101, *et. seq.*

No Motions or Petitions have been filed relative the deposits by any parties in interest within the past five (5) years. Therefore, in compliance with 26 P.S. § 1-522, the Court hereby Orders the Prothonotary to distribute the deposited monies to the Commonwealth of Pennsylvania, without escheat.

BY THE COURT,



FREDRIC J. AMMERMAN  
President Judge

SECURITY WARNING: THE FACE OF THIS DOCUMENT FEATURES A COLORED BACKGROUND AND MICROPRINT BORDERS; THE REVERSE SIDE FEATURES ARTIFICIAL WATERMARKS

173619

CLEARFIELD BANK  
&  
TRUST COMPANY

6/17/09

REMITTER: CLFD BANK & TRUST CO

PAY TO THE  
ORDER OF

CLEARFIELD CO PROTHONOTARY

\$ 534.09

EXACTLY 534 AND 09/100 DOLLARS

CASHIER'S CHECK

AUTHORIZED SIGNATURE

*Bonnie Lakhery*

THE PURCHASE OF AN INDEMNITY BOND WILL BE REQUIRED BEFORE ANY  
CASHIER'S CHECK OF THIS BANK WILL BE REPLACED OR REFUNDED IN THE  
EVENT IT IS LOST, MISPLACED OR STOLEN!

0000173619 1031306294 19000027

1252

CLEARFIELD COUNTY PROTHONOTARY 7-83  
WILLIAM A. SAWYER  
ESCROW ACCOUNT  
P.O. BOX 549  
CLEARFIELD, PA 16830

60-629/313

June 17, 2004

PAY  
TO THE  
ORDER OF CLEARFIELD COUNTY TREASURER

\$ 534.09

Five Hundred ~~and~~ Thirty-four and <sup>89</sup>/<sub>100</sub> DOLLARS



Main Office  
11 North 2nd Street  
Clearfield, PA 16830

IMMA

FOR 01-1364-CO RE: Harry Butler

Harry

10313062941 1 2 26577 211 1252

Date: 6/12/2007

Time: 09:20 AM

Page 1 of 1

**Clearfield County Court of Common Pleas**

User: BILLSHAW

ROA Report

Case: 2001-01364-CD

Current Judge: John K. Reilly Jr.

IN RE: United Electric Cooperative, Inc., Harry Butler Heirs

Civil In RE

Date		Judge
8/21/2001	Filing: Declaration of Taking Paid by: King, J. Michael, Attorney Receipt number: 1830158 Dated: 08/21/2001 Amount: \$80.00 (Check) Three CC Attorney	No Judge
10/26/2001	Petition For Writ of Possession. Filed by s/J. Michael King, Esq. Verification. s/Craig W. DeBower 1 cc Atty King	No Judge
11/1/2001	ORDER OF COURT, AND NOW, this 1st day of Nov., 2001, re: Writ of Possession is issued for premises, etc. PROVIDED the Prothonotary first receive the sum of \$500, From United Electric Cooperative, Inc. Condemnor, etc. by the Court, s/JKR,JR.,P.J. 1 cc to Atty	John K. Reilly Jr.

**LYNN, KING & SCHREFFLER**  
**ATTORNEYS AT LAW**  
P.O. BOX 99  
606 MAIN STREET  
EMMELTON, PA 16373  
TELEPHONE (724) 867-5521 FAX (724) 867-5101

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

IN RE: Condemnation of Lands of :  
Harry Butler Heirs, in Boggs :  
Township, Clearfield County, :  
Pennsylvania :  
:

2001-1364-C0

FILED

By United Electric Cooperative, Inc

AUG 21 2001

John A. Shaw  
Notary

DECLARATION OF TAKING

United Electric Cooperative, Inc., an electric cooperative corporation, does hereby respectfully declare that:

1. The Condemnor is United Electric Cooperative, Inc., an electric cooperative corporation, with its principal office located at PA Route 255 and I-80, Dubois, Clearfield County, Pennsylvania, with a mailing address of P.O. Box 688, Dubois, PA 15801-0688.
2. This condemnation is authorized by Act No. 198 of December 21, 1988, P.L. 834, § 102 (15 Pa.C.S.A. § 7321[a][5]).
3. This condemnation was authorized by resolution of the Board of Directors of Condemnor on the 14<sup>th</sup> day of May, 2001 which resolution is on file and may be examined at the office of the Condemnor.
4. The purpose of the condemnation is to acquire a right-of-way easement for the construction, operation and maintenance of an electric transmission or distribution line or system.
5. The property condemned is a permanent and uninterrupted right-of-way easement running in an East-West direction generally along the SR 2028, fifty (50') feet in width and two thousand nine hundred eight-four (2,984') feet in length, on, over and through real property situated in Boggs Township, Clearfield County, Pennsylvania owned by the heirs of Harry Butler and depicted on the tax assessment maps of Clearfield County as parcels #105-M09-000-00015 and 105-M09-000-00014, and more particularly described in Clearfield County Deed Book 1809, Page 247.
6. The nature of the title to be acquired is a permanent and uninterrupted right-of-way easement with the terms and conditions specified in the Right-of-Way Easement attached hereto, marked Exhibit "A", and incorporated herein.
7. A plot plan in the form of a Staking Sheet is attached hereto, marked Exhibit "B", and

incorporated herein, which plot plan is also being filed in the Office of the Recorder of Deeds in and for Clearfield County, Pennsylvania, on the date of filing this Declaration of Taking.

8. The Condemnor files with this Declaration of Taking an Open End Bond without surety pursuant to Section 403 (a) of the Eminent Domain Code of 1964 (26 P.S. § 1-403), which Bond is attached hereto, marked Exhibit "C", and incorporated herein, and secures just compensation to the owners of the property condemned.

United Electric Cooperative, Inc.

By Craig W. DeBower  
Craig W. DeBower, President and CEO

~~L. Michael King, Esquire~~  
Lynn, King & Schreffler  
PO Box 99  
Emlenton, PA 16373  
Attorney for Condemnor

Location # \_\_\_\_\_ Map # \_\_\_\_\_ Route # \_\_\_\_\_ Township \_\_\_\_\_

## Right-of-Way Easement

KNOW ALL MEN BY THESE PRESENTS, That I the undersigned, \_\_\_\_\_

(unmarried) (husband and wife) for consideration, the receipt whereof is hereby acknowledged, I hereby grant unto United Electric Cooperative, Inc., a corporation, whose post office address is DuBois, Pennsylvania, and to its successors or assigns, the permanent and uninterrupted right to enter upon the lands of the undersigned situated in the County of \_\_\_\_\_, State of Pennsylvania, and more particularly described as follows:

NORTH -- \_\_\_\_\_

SOUTH -- \_\_\_\_\_

EAST -- \_\_\_\_\_

WEST -- \_\_\_\_\_

or DEED BOOK # \_\_\_\_\_

PAGE # \_\_\_\_\_

and to reconstruct, rephase, repair, operate and maintain on or under the surface of the above-described lands, and/or in or upon or under all streets, roads or highways abutting said lands, an electric transmission or distribution line or system, and to cut and trim trees and vegetation twenty-five feet on both sides of pole line on said property. Also, to cut down dead, weak, leaning or dangerous trees outside this corridor, which in the opinion of United Electric Cooperative, Inc., threatens the Cooperative's electric facilities when falling, and to dig for the installation, removal, repairing or replacement of wires, cable or appurtenances required for the distribution or transmission of electricity, and to license, permit or otherwise agree to the joint use or occupancy of the line or system or excavation by any other person or association or corporation for electrification, telephone, communication or T.V. cable purposes.

The undersigned agrees that all poles, wires and other facilities on, under the surface, or above the above-described lands shall remain the property of the cooperative and removable at the option of the cooperative.

The undersigned covenant that they are the owners of the above-described lands and that the said lands are free and clear of encumbrances and liens of whatsoever character except those held by the following persons:

IN WITNESS WHEREOF, the undersigned have set their hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Land Owner's Signature(s)

Signed, Sealed and Delivered

\_\_\_\_\_ [L.S.]

in the Presence of

\_\_\_\_\_ [L.S.]

\_\_\_\_\_ [L.S.]

\_\_\_\_\_ [L.S.]

Note: Notarized Acknowledgment(s) appears on back of this sheet

EXHIBIT

A

## STAKING SHEET

Reviewed \_\_\_\_\_

Budget Code \_\_\_\_\_

Work Order No. 00-004

Sheet No. 3 of 10

County CLEARFIELD Twp. BOOGS

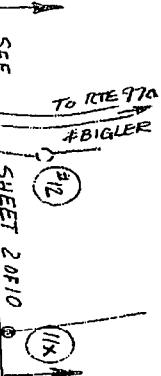
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TAC Ref. \_\_\_\_\_

Line \_\_\_\_\_ Lead \_\_\_\_\_

Map Reference 117

Date 02-28-01 Eng. LSA-RGW/HMF

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**STAKING SHEET**  
**Pennsylvania 28, Unit**

## REVIEWED

COUNTY CLEARFIELD TWP. SONGS

ENCE 119-15

APPROVED

BUDGET CODE

100

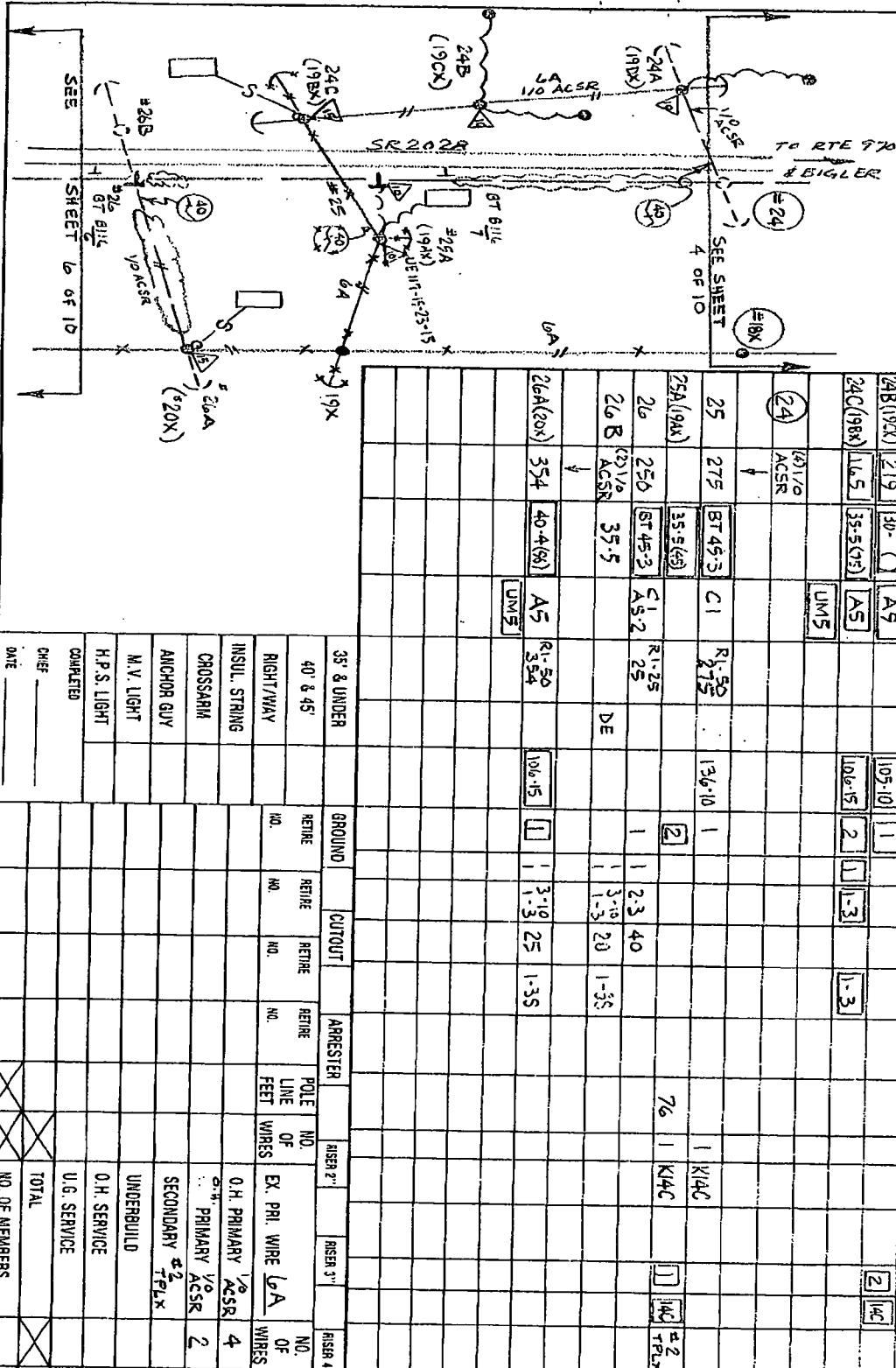
Sheet No. 7 of 10  
Line        Lead

21401

## — MATERIAL —

BUDGET CODE \_\_\_\_\_  
740C REF. \_\_\_\_\_

Work Order No. 00-00014  
 Sheet No. 5 of 10  
 Line                    Lead                     
 Date 02-20-01 Eng. LSA-RSH/MSK



SEE SHEET 4 OF 4

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

IN RE: Condemnation of Lands of :  
Harry Butler Heirs, in Boggs :  
Township, Clearfield County, :  
Pennsylvania :  
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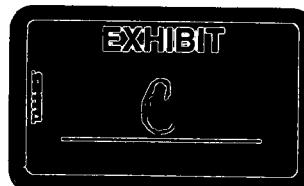
By United Electric Cooperative, Inc

**BOND WITHOUT SURETY**

KNOWN ALL MEN BY THESE PRESENTS, THAT United Electric Cooperative, Inc., an electric cooperative corporation organized and existing under and by virtue of the laws of the Commonwealth of Pennsylvania, hereinafter called "Obligor", is held and firmly bound unto the Commonwealth of Pennsylvania, hereinafter called "Obligee", for the use and benefit of the owner or owners of the property condemned as hereinafter noted, and other proper parties in interest, for such amount of damage as the said owner or owners of the said property and other parties in interest shall be entitled to receive after the same shall have been agreed upon or assessed in a manner prescribed by law, by reason of the condemnation by United Electric Cooperative, Inc. of certain real estate situate in Boggs Township, Clearfield County, Pennsylvania, more particularly described as follows: a right-of-way easement running in an East-West direction generally along SR 2028, fifty (50') feet in width and two thousand nine hundred eighty-four (2,984') feet in length on, over, and through real property of Harry Butler Heirs, situate in, Boggs Township, Clearfield County, Pennsylvania, Tax Map Parcels ## 105-M09-000-00014 and 105-M09-000-00015, Deed Book Volume 1809, Page 247, to which payment will and truly to be made, the Obligor does bind itself, and its successors and assigns, firmly by these presents.

Sealed with the corporate seal and duly executed this 23<sup>rd</sup> day of JULY, 2001.

WHEREAS, United Electric Cooperative, Inc. has condemned the said property and cannot agree with the owner or owners of said property upon the just compensation to be paid for the damages sustained by said owner or owners as a result of the condemnation;



NOW THE CONDITION OF THIS BOND is such that if United Electric Cooperative, Inc., the OBLIGOR herein, shall pay or cause to be paid such amount of damages as the said owner or owners of the said property and other parties in interest shall be entitled to receive by reason of such condemnation, after the same shall have been agreed upon or assessed in the manner provided by law, then this obligation shall be void; otherwise, to be and remain in full force and affect.

ATTEST:

Arden E. Owens  
Secretary  
(SEAL)

United Electric Cooperative, Inc.

By Craig W. DeBower  
Craig W. DeBower  
President and CEO

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

IN RE: Condemnation of Lands of :  
Harry Butler Heirs, in Boggs :  
Township, Clearfield County, : 2001-1364-CD  
Pennsylvania :  
:

By United Electric Cooperative, Inc

RECEIVED

OCT 26 2001

COURT ADMINISTRATORS  
OFFICE

**MEMORANDUM IN SUPPORT OF PETITION FOR WRIT OF POSSESSION**

What follows is a very brief Memorandum to clarify the current status of this matter. United Electric Cooperative, Inc., ("Condemnor") is exercising its power of eminent domain to acquire an Easement for the construction of an electric distribution line. The Condemnor had previously acquired an Easement from the majority 68.35% owner of the premises, which is a vacant tract of land containing approximately 70 acres and situate in Boggs Township. Since the identity and existence of the minority 31.65% owners in the premises is unknown, the Condemnor was unable to approach them to acquire an Easement. Therefore, this minority interest is being condemned and to date, the Condemnor has filed a Declaration of Taking and served same upon the Condemnees by publication and posting, as well as upon the majority owner, who pays the real estate taxes on the minority interest.

A period in excess of thirty (30) days has passed since notification of the Condemnation was given and none of the Condemnees have filed preliminary objections or come forward in any manner.

Section 407 of the Eminent Domain Code (26 P.S. § 1-407. [a]), provides a procedure whereby the Condemnor may obtain possession of the property by "payment of, or a written offer to pay to the Condemnee, the amount of compensation as estimated by the Condemnor". If the Condemnor is refused possession at that point, the Prothonotary may issue a rule, returnable in five (5) days after service, to show cause why possession should not be granted, and thereafter the Court may issue a Writ of Possession conditioned upon payment of just compensation into the Prothonotary.

In the instance case, the Condemnor has not made offer of payment, nor payment, to the Condemnees, since they are unknown to Condemnor. Likewise, having the Prothonotary issue a rule would not appear to be appropriate under this provision since service cannot be made upon unknown Condemnees.

In view of the foregoing, the Condemnor is filing the accompanying Petition for Possession since it believes that the Condemnee's interest is adequately protected by payment into the amount of estimated just compensation and the open end bond filed by Condemnor.

Thank you for your consideration of this matter.

Respectfully submitted,

J. Michael King, Esquire

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

IN RE: **Condemnation of Lands of** :  
**Harry Butler Heirs, in Boggs** :  
**Township, Clearfield County,** : **2001-1364-CD**  
**Pennsylvania** :

**By United Electric Cooperative, Inc**

**PETITION FOR WRIT OF POSSESSION**

TO: THE HONORABLE JUDGES OF SAID COURT:

The Petition of United Electric Cooperative, Inc., Condemnor, pursuant to Section 407(a) of the Eminent Domain Code (26 P.S. § 1-407 [a]), respectfully represents as follows:

1. A Declaration of Taking in the above captioned matter was filed on August 21, 2001, whereby an easement was condemned across the property of the Harry Butler Heirs, Condemnees, in Boggs Township, Clearfield County, Pennsylvania.
2. The Heirs of Harry Butler are unknown and unlocated and own an undivided interest of approximately 31.65% of the land condemned for an easement.
3. Notice of Condemnation was served upon the Condemnees as follows:
  - a. publication of Notice of Condemnation in the Progress on August 27, 2001, as evidenced by the Proof of Publication attached hereto, marked Exhibit "A", and incorporated herein;
  - b. publication of Notice of Condemnation in the Clearfield County Legal Journal of the Courts of Clearfield County on September 7, 2001, Vol. 13, No. 36, as evidenced by the Proof of Publication attached hereto, marked Exhibit "B", and incorporated herein;
  - c. posting a Notice to Condemnee on the real property subject of the condemnation on September 7, 2001, as evidenced by the Affidavit of Posting, attached hereto, marked Exhibit "C", and incorporated herein; and
  - d. serving a Notice of Condemnation on Richard D. Butler, the individual listed as paying the taxes on the undivided 31.65% of the property subject

**FILED**

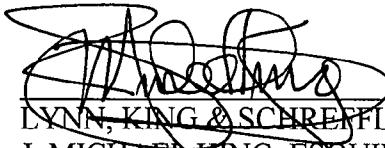
**OCT 26 2001**

William A. Shaw  
Prothonotary

of this condemnation, who owns the majority undivided interest of 68.35% and has granted the Condemnor an easement in his interest over the subject property on August 28, 2001, as evidenced by the letter, certified mail receipt, and return receipt, attached hereto, marked Exhibit "D", and incorporated herein.

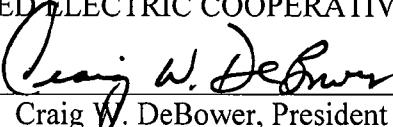
4. No Condemnees have filed preliminary objections to the Declaration of Taking or otherwise responded to same and the existence, identity and whereabouts of said Condemnees are unknown to Condemnor.
5. The Condemnor estimates the amount of just compensation due the Condemnees to be \$500 for the 31.65% interest in 3.425 acres.
6. The Condemnor requests the right of entry onto the property for the purpose of utilizing the easement, conditioned upon payment into the Office of the Prothonotary of \$500 for the use and benefit of Condemnees, as their interests may appear.
7. A rule to show cause why the Writ of Possession should not issue is not necessary or appropriate as the Condemnees are unknown and unlocated and their interests are protected by the payment of estimated just compensation into the Prothonotary and the open end bond of the Condemnor filed with the Declaration of Taking to assure payment of just compensation to the Condemnees.

WHEREFORE, this Petitioner respectfully prays that Your Honorable Court issue a Writ of Possession conditioned upon payment to the Prothonotary of \$500 for Condemnees, as their interests may appear.



LYNN, KING & SCHREFFLER  
J. MICHAEL KING, ESQUIRE  
606 Main Street, PO Box 99  
Emlenton, PA 16373  
(724) 867-5921  
Attorney for Condemnor  
Supreme Court ID #25222

UNITED ELECTRIC COOPERATIVE, INC.

By: 

Craig W. DeBower, President & CEO

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

IN RE: Condemnation of Lands of :  
Harry Butler Heirs, in Boggs :  
Township, Clearfield County, : 2001-1364-CD  
Pennsylvania :  
:

By United Electric Cooperative, Inc

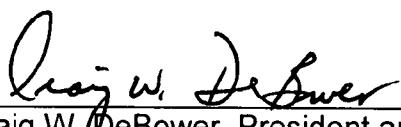
**Verification**

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

United Electric Cooperative, Inc.

Date

10/22/01

  
\_\_\_\_\_  
Craig W. DeBower, President and CEO

IN THE COURT  
OF COMMON PLEAS  
OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
CIVIL ACTION-LAW  
2001-1364-CD  
IN RE: Condemnation of Lands of  
Harry Butler Heirs in Boggs Township,  
Clearfield County, Pennsylvania  
By United Electric Cooperative  
Inc.

NOTICE OF CONDEMNATION  
TO: The Heirs of Harry Butler  
AND NOW, pursuant to Section  
405 of the Eminent Domain Code  
(26 P.S. § 7301, et seq.), you, as  
condemnees, are hereby notified  
as follows:

A Declaration of Taking was filed in the Office of the Prothonotary in and for Clearfield County, Pennsylvania, at the above term and number on the 21st day of August, 2001, against ourselves, as condemnees.

The Condemnor is United Electric Cooperative, Inc., P.A. Route 255 and I-80, P.O. Box 688, DuBois, PA 15801-0688.

The condemnation is authorized by Act No. 198 of December 21, 1998, P.L. 834 § 102 (15Pa.C.S.A. § 7321(a)(5) and by resolution of the Board of the Condemnor on May 14, 2001, which may be examined at the office of the Condemnor.

The purpose of the Condemnation is to acquire a right of way easement fifty (50) feet in width for construction and operation of an electric distribution or transmission line or system, and to permit joint use or occupancy thereof for telephone, communication and T.V. cable purposes, which right of way easement runs through real property situated in Boggs Township, Clearfield County, Pennsylvania, along SR 2028, more particularly described in Clearfield County Deed Book 1809, Page 247, and being tax assessment map parcel numbers 105-M09-000-00014 and 105-M09-00015, a plot plan depicting the right of way easement being attached to the Declaration of Taking which may be examined at the office of the Prothonotary.

Just compensation to the Condemnees has been secured by the Condemnor's Open End Bond filed with the Declaration of Taking.

IF YOU WISH TO CHALLENGE THE POWER OR RIGHT OF THE CONDEMNOR TO APPROPRIATE THE CONDEMNED PROPERTY, THE SUFFICIENCY OF THE SECURITY, THE PROCEDURE FOLLOWED BY THE CONDEMNOR, OR THE DECLARATION OF TAKING, YOU MUST FILE PRELIMINARY OBJECTIONS WITHIN THIRTY (30) DAYS AFTER PUBLICATION OF THIS NOTICE.

LYNN, KING & SCHREFFLER, J.  
MICHAEL KING, ESQUIRE, 606  
Main Street, P.O. Box 99, Elsmere,  
PA 16373, (724) 867-5921,  
Attorney for Condemnor

8-27-1d-1

## **PROOF OF PUBLICATION**

STATE OF PENNSYLVANIA :  
COUNTY OF CLEARFIELD : SS:

On this 21st day of September, A.D. 2001, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Margaret E. Krebs, who being duly sworn according to law, deposes and says that she is the President of The Progressive Publishing Company, Inc., and Associate Publisher of The Progress, a daily newspaper published at Clearfield, in the County of Clearfield and State of Pennsylvania, and established April 5, 1913, and that the annexed is a true copy of a notice or advertisement published in said publication in

the regular issues of August 27, 2001.  
And that the affiant is not interested in the subject matter of the notice or  
advertising, and that all of the allegations of this statement as to the time,  
place, and character of publication are true.

ublication are true.

Sworn and subscribed to before me the day and year aforesaid.

Notary Public Clearfield, Pa.

Notary Public Clearfield, Pa.

My Commission Expires  
September 16, 2004

Notarial Seal  
Ann K. Law, Notary Public  
Clearfield Boro, Clearfield County  
My Commission Expires Sept. 16, 2004  
Member, Pennsylvania Association of Notaries

**EXHIBIT**

"A"

**ALL-STATE INTERNATIONAL**

## PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :  
:  
COUNTY OF CLEARFIELD :

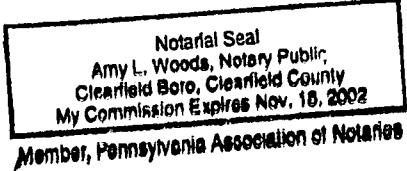
On this 7th day of September AD 2001, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Gary A. Knaresboro editor of the Clearfield County Legal Journal of the Courts of Clearfield County, and that the annexed is a true copy of the notice or advertisement published in said publication in the regular issues of Week of September 7, 2001, Vol. 13 No. 36. And that all of the allegations of this statement as to the time, place, and character of the publication are true.



Gary A. Knaresboro, Esquire  
Editor

Sworn and subscribed to before me the day and year aforesaid.

Amy L. Woods  
Notary Public  
My Commission Expires



J Michael King  
606 Main Street  
PO Box 99  
Emlenton PA 16373



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

IN RE: Condemnation of Lands of  
Harry Butler Heirs, in Boggs Township,  
Clearfield County, Pennsylvania.

No. 2001-1364-CD

TO: The Heirs of Harry Butler  
AND NOW, pursuant to Section 405 of  
the Eminent Domain Code (26 P.S. 7301,

et. seq), you, as ~~condemnees~~, are hereby  
notified as follows:

A Declaration of Taking was filed in the  
Office of the Prothonotary in and for  
Clearfield County, Pennsylvania, at the  
above term and number on the 21st day of  
(August 2001) against yourselves, as  
condemnees.

The Condemnor is United Electric  
Cooperative, Inc., PA Route 255 and I-80,  
P.O. Box 688, DuBois, PA 15801-0688.

The condemnation is authorized by Act  
No. 198 of December 21, 1988, P.L. 834  
102 (15Pa. C.S.A. 7321 (a) (5) and by  
resolution of the Board of Directors of the  
Condemnor on May 14, 2001, which may  
be examined at the office of the  
Condemnor.

The purpose of the Condemnation is to  
acquire a right of way easement fifty (50)  
feet in width for the construction and  
operation of an electric distribution or  
transmission line or system and to permit  
joint use or occupancy thereof for  
telephone, communication and T.V. cable  
purposes, which right of way easement  
runs through real property situate in Boggs  
Township, Clearfield County, Pennsylvania,  
along SR 2028, more particularly described  
in Clearfield County Deed Book 1809, Page  
247, and being tax assessment map parcel  
numbers 105-M09-000-00014 and 105-  
M09-00015, a plot plan depicting the right  
of way easement being attached to the  
Declaration of Taking which may be  
examined at the office of the Prothonotary.

Just compensation to the Condemnees  
has been secured by the Condemnor's  
Open End Bond filed with the Declaration of  
Taking.

IF YOU WISH TO CHALLENGE THE  
POWER OR RIGHT OF THE  
CONDEMNOR TO APPROPRIATE THE  
CONDEMNED PROPERTY, THE  
SUFFICIENCY OF THE SECURITY, THE  
PROCEDURE FOLLOWED BY THE  
CONDEMNOR, OR THE DECLARATION  
OF TAKING, YOU MUST FILE  
PRELIMINARY OBJECTIONS WITHIN  
THIRTY (30) DAYS AFTER  
PUBLICATION OF THIS NOTICE.

LYNN, KING & SCHREFFLER, J.  
MICHAEL KING, ESQUIRE, 606 Main  
Street, PO Box 99, Emlenton, PA 16373,  
(724) 867-5921. Attorney for Condemnor.

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

**IN RE: Condemnation of Lands of :  
Harry Butler Heirs, in Boggs : 2001-1364-CD  
Township, Clearfield County, :  
Pennsylvania :  
:**

**By United Electric Cooperative, Inc**

**AFFIDAVIT OF POSTING**

I, the undersigned, being duly sworn according to law, do hereby depose and state as follows:

1. My name is David R. McCracken, and I am an employee of United Electric Cooperative, Inc.

2. On the 7<sup>th</sup> day of September, 2001, I posted a true and correct copy of the attached Notice to Condemnee on real property situate in Boggs Township, Clearfield County, Pennsylvania, owned by the Heirs of Harry Butler and Richard D. Butler by attaching said Notice to the mailbox post next to the old house foundation in close proximity to State Route 2028.

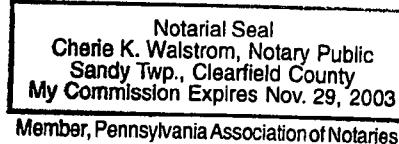
**IN WITNESS WHEREOF**, I have affixed my hand and seal this 7<sup>th</sup> day of September, 2001.

  
(SEAL)

Sworn and subscribed before me  
this 7<sup>th</sup> day of September, 2001.

Cherie K. Walstrom (SEAL)  
Notary Public

My commission expires:



**EXHIBIT**

"C"

ALL-STATE<sup>®</sup> INTERNATIONAL

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

IN RE: Condemnation of Lands of :  
Harry Butler Heirs, in Boggs : 2001-1364-CD  
Township, Clearfield County, :  
Pennsylvania :  
:

By United Electric Cooperative, Inc

NOTICE TO CONDEMNED

TO: The Heirs of Harry Butler

AND NOW, this 21<sup>ST</sup> day of AUGUST, 2001, pursuant to Section 405 of the Eminent Domain Code (26 P.S. § 7301, et. seq), you, as condemnees, are hereby notified as follows:

Attached hereto is a true and correct copy of the Declaration of Taking, the original of which was filed in the Office of the Prothonotary in and for Clearfield County, Pennsylvania, at the above term and number on the 21<sup>ST</sup> day of AUGUST, 2001, against yourselves, as condemnees.

You are advised that a portion of the property in which you have a claim or interest situate in Boggs Township, Clearfield County, Pennsylvania, Tax Assessment Map Parcels ## 105-M09-000-00014 and 105-M09-000-00015, has been condemned which consists of a right-of-way easement of fifty (50') feet in width for the purpose set forth in the Declaration of Taking and located as depicted in the plot plan attached thereto.

**IF YOU WISH TO CHALLENGE THE POWER OR RIGHT OF THE CONDEMNOR TO APPROPRIATE THE CONDEMNED PROPERTY, THE SUFFICIENCY OF THE SECURITY, THE PROCEDURE FOLLOWED BY THE CONDEMNOR OR THE DECLARATION OF TAKING, YOU MUST FILE PRELIMINARY OBJECTIONS WITHIN THIRTY (30) DAYS AFTER BEING SERVED WITH THIS NOTICE OF CONDEMNATION OR THE PUBLICATION HEREOF.**

Lynn, King and Schreffler

By

J. Michael King, Esquire

Attorney for Condemnor

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

hereby certify this to be a true and attested copy of the original statement filed in this case.

IN RE: Condemnation of Lands of :  
Harry Butler Heirs, in Boggs :  
Township, Clearfield County, :  
Pennsylvania : 2001-1364-CO

Attest.

*William L. Brown*  
Prothonotary

AUG 21 2001

By United Electric Cooperative, Inc

**DECLARATION OF TAKING**

United Electric Cooperative, Inc., an electric cooperative corporation, does hereby respectfully declare that:

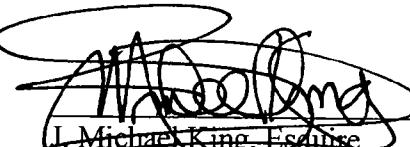
1. The Condemnor is United Electric Cooperative, Inc., an electric cooperative corporation, with its principal office located at PA Route 255 and I-80, Dubois, Clearfield County, Pennsylvania, with a mailing address of P.O. Box 688, Dubois, PA 15801-0688.
2. This condemnation is authorized by Act No. 198 of December 21, 1988, P.L. 834, § 102 (15 Pa.C.S.A. § 7321[a][5]).
3. This condemnation was authorized by resolution of the Board of Directors of Condemnor on the 14<sup>th</sup> day of May, 2001 which resolution is on file and may be examined at the office of the Condemnor.
4. The purpose of the condemnation is to acquire a right-of-way easement for the construction, operation and maintenance of an electric transmission or distribution line or system.
5. The property condemned is a permanent and uninterrupted right-of-way easement running in an East-West direction generally along the SR 2028, fifty (50') feet in width and two thousand nine hundred eight-four (2,984') feet in length, on, over and through real property situated in Boggs Township, Clearfield County, Pennsylvania owned by the heirs of Harry Butler and depicted on the tax assessment maps of Clearfield County as parcels ##105-M09-000-00015 and 105-M09-000-00014, and more particularly described in Clearfield County Deed Book 1809, Page 247.
6. The nature of the title to be acquired is a permanent and uninterrupted right-of-way easement with the terms and conditions specified in the Right-of-Way Easement attached hereto, marked Exhibit "A", and incorporated herein.
7. A plot plan in the form of a Staking Sheet is attached hereto, marked Exhibit "B", and

incorporated herein, which plot plan is also being filed in the Office of the Recorder of Deeds in and for Clearfield County, Pennsylvania, on the date of filing this Declaration of Taking.

8. The Condemnor files with this Declaration of Taking an Open End Bond without surety pursuant to Section 403 (a) of the Eminent Domain Code of 1964 (26 P.S. § 1-403), which Bond is attached hereto, marked Exhibit "C", and incorporated herein, and secures just compensation to the owners of the property condemned.

United Electric Cooperative, Inc.

By Craig W. DeBower  
Craig W. DeBower, President and CEO

  
L. Michael King, Esquire  
Lynn, King & Schreffler  
PO Box 99  
Emlenton, PA 16373  
Attorney for Condemnor

Location # \_\_\_\_\_ Map # \_\_\_\_\_ Route # \_\_\_\_\_ Township \_\_\_\_\_

## Right-of-Way Easement

KNOW ALL MEN BY THESE PRESENTS, That I, the undersigned, \_\_\_\_\_

(unmarried) (husband and wife) for consideration, the receipt whereof is hereby acknowledged, I hereby grant unto United Electric Cooperative, Inc., a corporation, whose post office address is DuBois, Pennsylvania, and to its successors or assigns, the permanent and uninterrupted right to enter upon the lands of the undersigned situated in the County of S, State of Pennsylvania, and more particularly described as follows:

NORTH -- \_\_\_\_\_

SOUTH -- \_\_\_\_\_

EAST -- \_\_\_\_\_

WEST -- \_\_\_\_\_

or DEED BOOK # \_\_\_\_\_

PAGE # \_\_\_\_\_

and to reconstruct, rephase, repair, operate and maintain on or under the surface of the above-described lands, and/or in or upon or under all streets, roads or highways abutting said lands, an electric transmission or distribution line or system, and to cut and trim trees and vegetation twenty-five feet on both sides of pole line on said property. Also, to cut down dead, weak, leaning or dangerous trees outside this corridor, which in the opinion of United Electric Cooperative, Inc., threatens the Cooperative's electric facilities when falling, and to dig for the installation, removal, repairing or replacement of wires, cable or appurtenances required for the distribution or transmission of electricity, and to license, permit or otherwise agree to the joint use or occupancy of the line or system or excavation by any other person or association or corporation for electrification, telephone, communication or T.V. cable purposes.

The undersigned agrees that all poles, wires and other facilities on, under the surface, or above the above-described lands shall remain the property of the cooperative and removable at the option of the cooperative.

The undersigned covenant that they are the owners of the above-described lands and that the said lands are free and clear of encumbrances and liens of whatsoever character except those held by the following persons:

IN WITNESS WHEREOF, the undersigned have set their hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.  
\_\_\_\_\_  
\_\_\_\_\_

Land Owner's Signature(s)

Signed, Sealed and Delivered

\_\_\_\_\_ [L.S.]

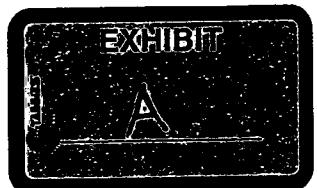
in the Presence of

\_\_\_\_\_ [L.S.]

\_\_\_\_\_ [L.S.]

\_\_\_\_\_ [L.S.]

Note: Notarized Acknowledgment(s) appears on back of this sheet



**STAKING SHEET**

COUNTY CLEARFIELD TWP. BOOGS

REVIEWED

## BUDGET C

Work Order No. 00-004

Line \_\_\_\_\_ lead \_\_\_\_\_

740C REF. —

740C REF. —

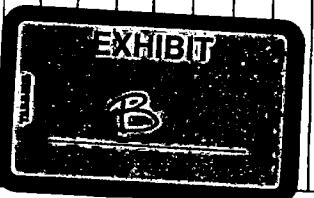
APPROVED \_\_\_\_\_

MAP REFERENCE 117

SEE SHEET 2

TO RTE 97A  
#BIGLER  
#12  
11X  
SHEET 2 OF 10

13	250	45-4	C1	R <sup>1:50</sup> 250	2
14	194	45-4	C1	R <sup>1:50</sup> 194	1
15	186	45-4	C1-1	R <sup>1:50</sup> 186	2
16	278	45-4	C1-1	R <sup>1:50</sup> 278	2
17	275	45-3	C2-1	R <sup>1:50</sup> 275	13°
				2	1
				1	1:3
				25	1:35



35' & UNDER	GROUND	CUTOUT	ARRESTER	RISER 2"	RISER 3"	RISER 4"	RISER SERVICE	TERM.
40 & 45'	RETIRE	RETIRE	RETIRE	RETIRE	POLE NO.	NO. OF FEET	POLE NO.	ADD NO.
RIGHT/WAY	NO.	NO.	NO.	NO.	LINE OF WIRE	EX. PRI. WIRE	ADD NO.	ADD NO.
INSUL. STRING						6 A	NO. OF WIRES	ADD NO.
CROSSARM						O.H. PRIMARY	1/2 CCSR	NO. OF FEET
ANCHOR GUY						U.G. PRIMARY	4	
M.V. LIGHT						SECONDARY		
H.P.S. LIGHT						UNDERBUILD		
COMPLETED						O.H. SERVICE		
CHIEF						U.G. SERVICE		
DATE						TOTAL		
						NO. OF MEMBERS		

## DRAWING SHEET

Pennsylvania 28, United

REVIEWED

BUDGET CODE

Work Order No. 00-004

Sheet No. 4 of 10

Line Lead

7400 REF.

Date 02-19-01 Eng. USA-RSH/MJE



COUNTY CLARKEFIELD TWP BOOGS

MAP REFERENCE 117

MAPS

POLE CARDS

MATERIAL

SEE SHEET 3 OF 10

(17)

(18)

OLD FOUNDATION

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

IN RE: **Condemnation of Lands of** :  
**Harry Butler Heirs, in Boggs** :  
**Township, Clearfield County,** :  
**Pennsylvania** :

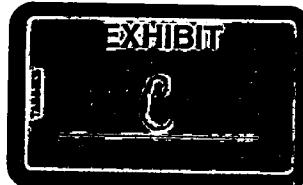
**By United Electric Cooperative, Inc**

**BOND WITHOUT SURETY**

KNOWN ALL MEN BY THESE PRESENTS, THAT United Electric Cooperative, Inc., an electric cooperative corporation organized and existing under and by virtue of the laws of the Commonwealth of Pennsylvania, hereinafter called "Obligor", is held and firmly bound unto the Commonwealth of Pennsylvania, hereinafter called "Obligee", for the use and benefit of the owner or owners of the property condemned as hereinafter noted, and other proper parties in interest, for such amount of damage as the said owner or owners of the said property and other parties in interest shall be entitled to receive after the same shall have been agreed upon or assessed in a manner prescribed by law, by reason of the condemnation by United Electric Cooperative, Inc. of certain real estate situate in Boggs Township, Clearfield County, Pennsylvania, more particularly described as follows: a right-of-way easement running in an East-West direction generally along SR 2028, fifty (50') feet in width and two thousand nine hundred eighty-four (2,984') feet in length on, over, and through real property of Harry Butler Heirs, situate in, Boggs Township, Clearfield County, Pennsylvania, Tax Map Parcels ## 105-M09-000-00014 and 105-M09-000-00015, Deed Book Volume 1809, Page 247, to which payment will and truly to be made, the Obligor does bind itself, and its successors and assigns, firmly by these presents.

Sealed with the corporate seal and duly executed this 23<sup>rd</sup> day of JULY, 2001.

WHEREAS, United Electric Cooperative, Inc. has condemned the said property and cannot agree with the owner or owners of said property upon the just compensation to be paid for the damages sustained by said owner or owners as a result of the condemnation;



NOW THE CONDITION OF THIS BOND is such that if United Electric Cooperative, Inc., the OBLIGOR herein, shall pay or cause to be paid such amount of damages as the said owner or owners of the said property and other parties in interest shall be entitled to receive by reason of such condemnation, after the same shall have been agreed upon or assessed in the manner provided by law, then this obligation shall be void; otherwise, to be and remain in full force and affect.

ATTEST:

Arden E. Owens

Secretary  
(SEAL)

United Electric Cooperative, Inc.

By

Craig W. DeBower

Craig W. DeBower  
President and CEO

**LYNN, KING & SCHREFFLER**  
**ATTORNEYS AT LAW**

606 MAIN STREET, P.O. BOX 99, EMLENTON, PA 16373  
TELEPHONE (724) 867-5921  
FAX (724) 867-5101  
EMAIL: lkslaw@csonline.net

J. MICHAEL KING  
SCOTT W. SCHREFFLER  
MICHAEL K. ENGLISH

MILES R. LYNN, JR.  
COUNSEL TO THE FIRM

August 24, 2001

Mr. Richard D. Butler  
721 Quarry Avenue  
Clearfield, PA 16830

In re: United Electric Cooperative, Inc. - Condemnation of Easement,  
Boggs Township, Clearfield County

Dear Mr. Butler:

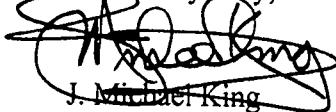
As we have previously discussed, United Electric Cooperative, Inc. ("United"), is required to condemn the fractional share of the Harry Butler property belonging to the heirs. Because you are listed on the tax assessment records as the recipient of the taxes, not only for the majority percentage which you own, but also for the minority percentage held by the heirs, I am sending you the Notice of Condemnation required by the Eminent Domain Code of Pennsylvania.

This notice sets forth the rights of the heirs relative to this condemnation proceeding, indicates the place of filing in the Clearfield County Prothonotary's Office and the Clearfield County Recorder of Deed's Office, and has attached thereto the actual Declaration of Taking which takes forth the details of the Condemnation.

As a precaution, I am also advertising a Notice of Condemnation in the Clearfield County Legal Journal and the Progress, copy enclosed.

Should you have any questions or concerns whatsoever, please feel free to contact this office. Thank you.

Yours very truly,



J. Michael King

JMK/jlj  
enc.  
Registered Mail # 7099 3400 0007 4909 6326

cc: Brenda Swartzlander, United

**EXHIBIT**

"D"

ALL-STATE® INTERNATIONAL

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

Article Sent To:

Postage **16373**  
 Certified Fee **2.50**  
 Return Receipt Fee  
 (Endorsement Required) **1.50**  
 Restricted Delivery Fee  
 (Endorsement Required) **3.00**  
 Total Postage & Fees **\$ 7.00**

Postmark  
Here

Name (Please Print Clearly) (to be completed by mailer)

Street, Apt. No. or PO Box No.

City, State, ZIP+4

PS Form 3800, July 1999

See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

- 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.

1. Article Addressed to:

Mr. Richard D. Butler  
 721 Quarry Avenue  
 Clearfield, PA 16830

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature

Richard D. Butler  Agent  Addressee

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type

<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input checked="" type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number (Copy from service label)

7099 3400 0007 4909 6326

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

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

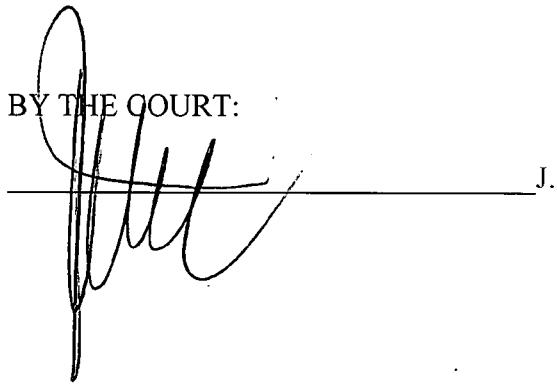
IN RE: Condemnation of Lands of :  
Harry Butler Heirs, in Boggs :  
Township, Clearfield County, : 2001-1364-CD  
Pennsylvania :  
:

By United Electric Cooperative, Inc

ORDER OF COURT

AND NOW, this 15 day of <sup>November</sup> ~~October~~, 2001, upon presentation of the within Petition, a Writ of Possession is issued for premises subject to the above captioned condemnation proceedings permitting Condemnor the right of entry onto the premises for the purpose of utilizing the condemned easement; provided, however, the Prothonotary first receive the sum of \$500, from United Electric Cooperative, Inc., Condemnor, for the use of the Heirs of Harry Butler, Condemnees, as their interests may appear, without any commissions or fees deductible therefrom.

BY THE COURT:



J.

**FILED**

NOV 01 2001

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: Condemnation of Lands of  
Harry Butler Heirs, in Boggs  
Township, Clearfield  
County, Pennsylvania

BY: United Electric Cooperative,  
Inc.

PETITION FOR WRIT OF POSSESSION

and

COURT ORDER

**FILED**

OCT 26 2001  
M B Lynn King  
William A. Shaw  
Prothonotary

1C-474 King  
SCHREFFLER

**LYNN, KING & SCHREFFLER**

**ATTORNEYS AT LAW**  
P.O. BOX 99  
606 MAIN STREET  
EMPLENTON, PA 16373

Date: 11/09/2001  
Time: 01:12 PM

**Clearfield County Court of Common Pleas**  
**Receipt**

NO. 1834078

Received of: Lynn, king & schreffler, \$ 500.00

Five Hundred and 00/100 Dollars

Check: 09657

Payment Method: Check

William A. Shaw, Prothonotary/Clerk of Courts

Amount Tendered: 500.00

By: \_\_\_\_\_

Clerk: BILLSHAW

Deputy Clerk

Duplicate

VARIABLE RATE CERTIFICATE OF DEPOSIT RECEIPT

CLEARFIELD BANK & TRUST COMPANY  
MAIN OFFICE  
11 N. SECOND ST, P O BOX 171  
CLEARFIELD, PA 16830

A Variable Rate Certificate of Deposit Account was issued in the following title:

CLEARFIELD COUNTY PROTHONOTARY  
WILLIAM A SHAW ESCROW AGENT  
BOGGS TWP 011364 CD H BOGGS & BUTLER  
PO BOX 549

CLEARFIELD PA 16830-0549

Social Security Number:

256001024

Variable Rate Certificate of Deposit Account Number:

81151489

Opening date of account:

11/09/01

Opening deposit amount:

\$500.00

The account evidenced by this receipt is subject to and further explained in the account disclosures provided to you with this new account.

THANK YOU FOR BANKING WITH CLEARFIELD BANK & TRUST COMPANY.