

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

FILED

JUN 17 2009

0/4:00 (W)

William A. Shaw
Prothonotary/Clerk of Courts

Cent to App Kins
& County Treas

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

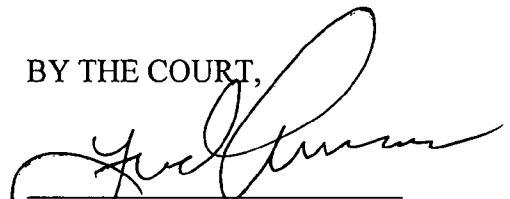
No. 2001-01364-CD

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

REMITTER: CLFD BANK & TRUST CO

6/17/09

PAY TO THE
ORDER OF

CLEARFIELD CO PROTHONOTARY

EXACTLY *534 AND 09/100 DOLLARS

\$ 534.09

CASHIER'S CHECK

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.

AUTHORIZED SIGNATURE

Donnie Lakbery

⑈0000173619⑈ ⑆031306294⑆ 19000027⑈

CLEARFIELD COUNTY PROTHONOTARY 7-83
~~WILLIAM A. SEAL~~ William A. Seal
ESCROW ACCOUNT
P.O. BOX 549
CLEARFIELD, PA 16830

1252

PAY
TO THE
ORDER OF CLEARFIELD COUNTY TREASURER

JUNE 17, 2009

60-629/313

\$ 534.09

FIVE HUNDRED ~~THIRTY~~ THIRTY-FOUR AND 09/100 DOLLARS



Main Office
11 North 2nd Street
Clearfield, PA 16830

IMMA

FOR 01-1364-CO RE: ~~HARRY BUTLER~~ HARRY BUTLER

⑆03⑆306294⑆ 1 2 26577 2⑈ 1252

Date: 6/12/2007

Time: 09:20 AM

Page 1 of 1

Clearfield County Court of Common Pleas

ROA Report

User: BILLSHAW

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
EMLENTON, PA 16373
TELEPHONE (724) 867-5921 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-CO

FILED

By United Electric Cooperative, Inc

AUG 21 2001

DECLARATION OF TAKING

Sam A. Shaw
Notary

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 14th 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.

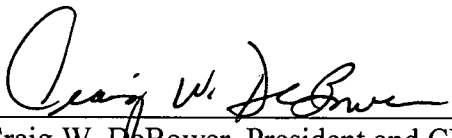
6. The nature of the title to be acquired is a permanent and uninterrupted right-of-way easement with the terms and conditions specified in the Right-of-Way Easement attached hereto, marked Exhibit "A", and incorporated herein.

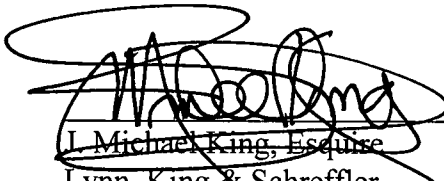
7. A plot plan in the form of a Staking Sheet is attached hereto, marked Exhibit "B", and

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, President and CEO


J. 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____.

Signed, Sealed and Delivered

in the Presence of

Land Owner's Signature(s)

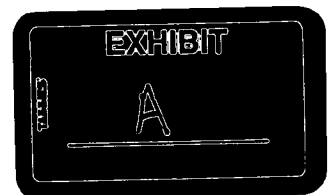
_____ [L.S.]

_____ [L.S.]

_____ [L.S.]

_____ [L.S.]

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



Pennsylvania 28, United

COUNTY CLEARFIELD TWP. BOGGSMAP REFERENCE 117-15

MAPS

POLE CARDS

MATERIAL

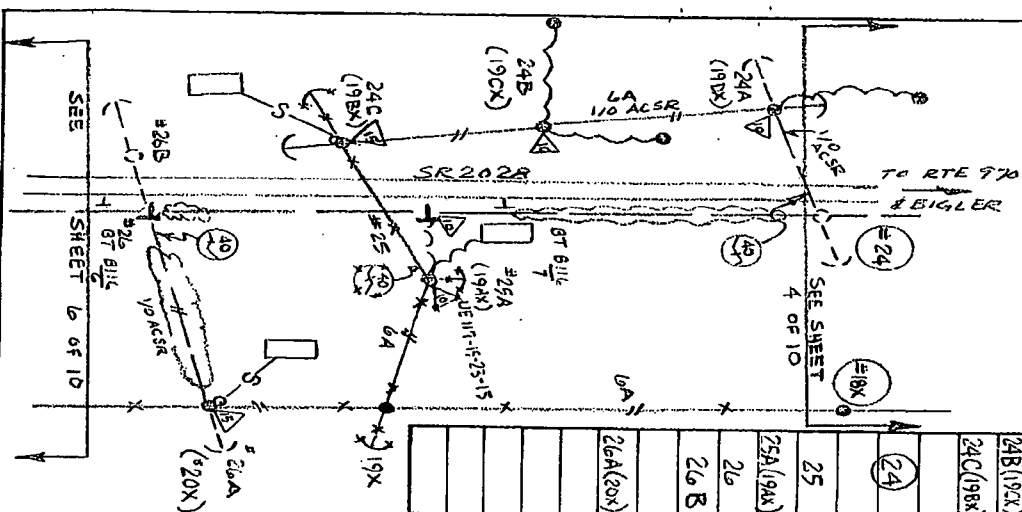
BUDGET CODE
740C REF.

740C REF

Work Order No. 00-004
Sheet No. 5 of 10
Line _____ Lead _____

Sheet No. 7 of 10
Line _____ Lead _____

Date 02-20-01 Engr. LSA-FSH/MJR

[illegible]

**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 :

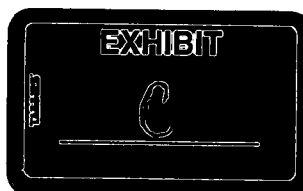
By United Electric Cooperative, Inc

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 23rd 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 :

RECEIVED

OCT 26 2001

By United Electric Cooperative, Inc

**COURT ADMINISTRATOR'S
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

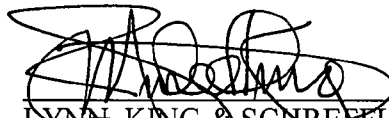
• • • • •

William A. Shaw
Prothonotary

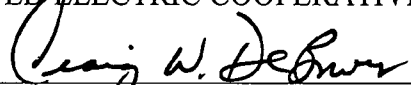
of this condemnation, who owns the majority undivided interest of 68.35% and has granted the Condemnor an easement in his interest over the subject property on August 28, 2001, as evidenced by the letter, certified mail receipt, and return receipt, attached hereto, marked Exhibit "D", and incorporated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

:
:
:
:

2001-1364-CD

By United Electric Cooperative, Inc

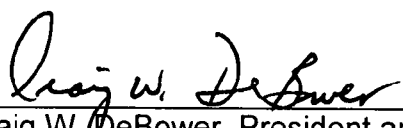
Verification

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 Town-
ship, Clearfield County, Pennsylva-
nia

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, Pennsyl-
vania, at the above term and num-
ber on the 21st day of August,
2001, against yourselves, as con-
demnees.

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,
1998, P.L. 834 § 102 (15 Pa.
C.S.A. § 7321 (a)(5) and by resolu-
tion of the Board of the Condemnor
on May 14, 2001, which may be
examined at the office of the Con-
demnor.

The purpose of the Condemna-
tion is to acquire a right of way ease-
ment fifty (50) feet in width for con-
struction and operation of an elec-
tric distribution or transmission line
or system, and to permit joint use or
occupancy thereof for telephone,
communication and T.V. cable pur-
poses, which right of way ease-
ment runs through real property sit-
uate in Boggs Township, Clearfield
County, Pennsylvania, along SR
2028, more particularly described
in Clearfield County Deed Book
1809, Page 247, and being tax as-
sessment map parcel numbers
105-M09-000-00014 and
105-M09-00015, a plot plan de-
picting 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 Con-
demnees 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 SE-
CURITY, THE PROCEDURE FOL-
LOWED BY THE CONDEMNOR,
OR THE DECLARATION OF TAK-
ING, YOU MUST FILE PRELIMIN-
ARY OBJECTIONS WITHIN
THIRTY (30) DAYS AFTER PUBLI-
CATION OF THIS NOTICE.

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

8:27-1d-b

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :
: SS:
COUNTY OF CLEARFIELD :

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.

Margaret E. Krebs

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

Ann K. Law

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 :

:

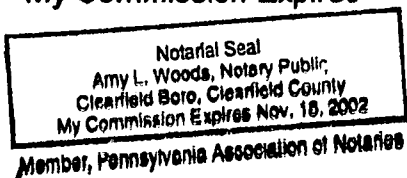
COUNTY OF CLEARFIELD :

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.


Notary Public
My Commission Expires



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



**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.
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 :

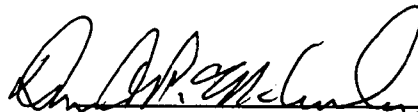
By United Electric Cooperative, Inc

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 7th 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.

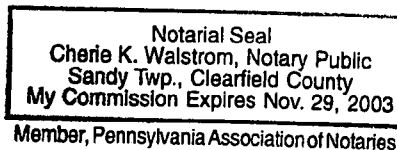
IN WITNESS WHEREOF, I have affixed my hand and seal this 7th day of September, 2001.

 (SEAL)

Sworn and subscribed before me
this 7th day of September, 2001.

Cherie K. Walstrom (SEAL)
Notary Public

My commission expires:



**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-CP**
Township, Clearfield County, :
Pennsylvania :

By United Electric Cooperative, Inc

NOTICE TO CONDEMNEE

TO: The Heirs of Harry Butler

AND NOW, this 21ST 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:

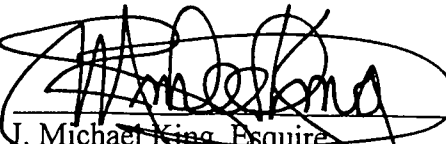
Attached hereto is a true and correct copy of the Declaration of Taking, the original of which was filed in the Office of the Prothonotary in and for Clearfield County, Pennsylvania, at the above term and number on the 21ST day of AUGUST, 2001, against yourselves, as condemnees.

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

I 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

AUG 21 2001

Attest.

William L. Shaw
Prothonotary

By United Electric Cooperative, Inc

DECLARATION OF TAKING

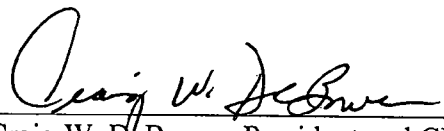
United Electric Cooperative, Inc., an electric cooperative corporation, does hereby respectfully declare that:

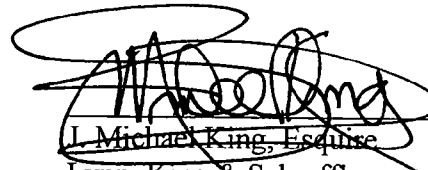
1. The Condemnor is United Electric Cooperative, Inc., an electric cooperative corporation, with its principal office located at PA Route 255 and I-80, Dubois, Clearfield County, Pennsylvania, with a mailing address of P.O. Box 688, Dubois, PA 15801-0688.
2. This condemnation is authorized by Act No. 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 14th 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, 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____.

Signed, Sealed and Delivered

in the Presence of

Land Owner's Signature(s)

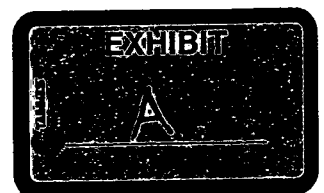
_____ [L.S.]

_____ [L.S.]

_____ [L.S.]

_____ [L.S.]

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



STAKING SHEET

Pennsylvania 28, United

COUNTY CLEARFIELD TWP. BOGGSMAP REFERENCE 117MAPS ☐POLE CARDS ☐MATERIAL ☐

REVIEWED _____

APPROVED _____

BUDGET CODE _____

740C REF. _____

Work Order No. 00-004Sheet No. 3 of 10

Line _____ Lead _____

Date 02-28-01 Engr. ISA-RJH/mjf

SEE

SHEET 2 OF 10

TO RTE 97A
#BIGLER

(11)

(12)

(13)

(14)

(15)

(16)

(17)

(18)

(19)

(20)

(21)

(22)

(23)

(24)

(25)

(26)

(27)

(28)

(29)

(30)

(31)

(32)

(33)

(34)

(35)

(36)

(37)

(38)

(39)

(40)

(41)

(42)

(43)

(44)

(45)

(46)

(47)

(48)

(49)

(50)

(51)

(52)

(53)

(54)

(55)

(56)

(57)

(58)

(59)

(60)

(61)

(62)

(63)

(64)

(65)

(66)

(67)

(68)

(69)

(70)

(71)

(72)

(73)

(74)

(75)

(76)

(77)

(78)

(79)

(80)

(81)

(82)

(83)

(84)

(85)

(86)

(87)

(88)

(89)

(90)

(91)

(92)

(93)

(94)

(95)

(96)

(97)

(98)

(99)

(100)

(101)

(102)

(103)

(104)

(105)

(106)

(107)

(108)

(109)

(110)

(111)

(112)

(113)

(114)

(115)

(116)

(117)

(118)

(119)

(120)

(121)

(122)

(123)

(124)

(125)

(126)

(127)

(128)

(129)

(130)

(131)

(132)

(133)

(134)

(135)

(136)

(137)

(138)

(139)

(140)

(141)

(142)

(143)

(144)

(145)

(146)

(147)

(148)

(149)

(150)

(151)

(152)

(153)

(154)

(155)

(156)

(157)

(158)

(159)

(160)

(161)

(162)

(163)

(164)

(165)

(166)

(167)

(168)

(169)

(170)

(171)

(172)

(173)

(174)

(175)

(176)

(177)

(178)

(179)

(180)

(181)

(182)

(183)

(184)

(185)

(186)

(187)

(188)

(189)

(190)

(191)

(192)

(193)

(194)

(195)

(196)

(197)

(198)

(199)

(200)

(201)

(202)

(203)

(204)

(205)

(206)

(207)

(208)

(209)

(210)

(211)

(212)

(213)

(214)

(215)

(216)

(217)

(218)

(219)

(220)

(221)

(222)

(223)

(224)

(225)

(226)

(227)

(228)

(229)

(230)

(231)

(232)

(233)

(234)

(235)

(236)

(237)

(238)

(239)

(240)

(241)

(242)

(243)

(244)

(245)

(246)

(247)

(248)

(249)

(250)

(251)

(252)

(253)

(254)

(255)

(256)

(257)

(258)

(259)

(260)

(261)

(262)

(263)

(264)

(265)

(266)

(267)

(268)

(269)

(270)

(271)

(272)

(273)

(274)

(275)

(276)

(277)

(278)

(279)

(280)

(281)

(282)

(283)

(284)

(285)

(286)

(287)

(288)

(289)

(290)

(291)

(292)

(293)

(294)

(295)

(296)

(297)

(298)

(299)

(300)

(301)

(302)

(303)

(304)

(305)

(306)

(307)

(308)

(309)

(310)

(311)

(312)

(313)

(314)

(315)

(316)

(317)

(318)

(319)

(320)

(321)

(322)

(323)

(324)

(325)

(326)

(327)

(328)

(329)

(330)

(331)

(332)

(333)

(334)

(335)

(336)

(337)

(338)

(339)

(340)

(341)

(342)

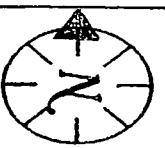
(343)

(344)

(345)

(346)

(347)



STANDARD SHEET
Pennsylvania 28, United

COUNTY CLAREFIELD TWP. BOGGS
MAP REFERENCE 117
MAPS ☐ POLE CARDS ☐ MATERIAL ☐

REVIEWED _____
APPROVED _____

BUDGET CODE _____
7400 REF. _____

Work Order No. 00-004
Sheet No. 4 of 10
Line _____ Lead _____
Date 02-19-01 Engr. USA-RSH/mje

POLE NO.	PRI. (BACK) SPAN	POLES H & C	PRI. UNIT	R-W CLEAR- ING	LINE ANGLE	TRANS. "G"	GR. "M2"	GUY			ANCHOR "P"	SECONDARY		SERVICE		SEC. OR WIRE SIZE	METER	MISC. & REMARKS
								UNIT	LEAD	FEET		SPAN	UNIT	SPAN	UNIT			
17																		
18	250	45-3	C1-1	R1-50			1	2-3	40									MS-6
19	250	35-5	A5-2	100			1	3-10	15	1-35								MS-9-40
19STUB																		BT TO PLACE NEW POLE WITH 45-3
20	250	BT45-3	C1	R1-50			1	1-3	25	BT								BT TO REPLACE 5-11/2-10 WITH 45-3
21	250	BT45-3	C2	R1-50	7°		1	3-10	25	BT								BT TO PLACE NEW POLE WITH 45-3
22	263	BT45-3	C1	R1-50			1	1-3	30	BT								BT TO REPLACE P BILG-9 WITH 45-3
23	263	BT45-3	C3	R1-50	3°		1	3-10	25	BT								BT TO REPLACE P BILG-9 WITH 45-3
24	223	BT45-3	C1	R1-50			1	1-3	30	BT								BT TO REPLACE P BILG-9 WITH 45-3
19A	100	35-6 (15)	A5-1				2	1-3	20	1-35								DEADEND EXISTING 6A
19B	344	35-6 (15)	A5-1				2	1-3	20	1-35								DEADEND EXISTING 6A
19C	316	45-4 (25)	A5				2	1-3	20	1-35								DEADEND EXISTING 6A
19D	383	40-4 (25)	A1-A				2	1-3	20	1-35								DEADEND EXISTING 6A
19E	347	40-4 (25)	A5				2	1-3	20	1-35								DEADEND EXISTING 6A
35' & UNDER																		
40' & 45'																		
RIGHT/WAY																		
INSUL. STRING																		
CROSSARM																		
ANCHOR GUY																		
M.V. LIGHT																		
H.P.S. LIGHT																		
COMPLETED																		
CHIEF																		
DATE																		
NO. OF MEMBERS																		

51705

•

REVIEWED _____

APPROVED _____

POLE CARDS

MATERIAL

Line _____ Lead _____
Date 02-20-01 Engr. LSA-RSH/mjn

Sheet No. 7 of 10

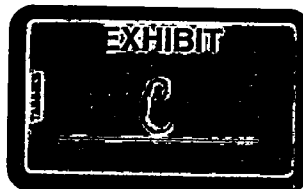
1

Line _____ Lead _____

End

Date 02-20-01 Engr. LSA-FSH/MAR

[illegible]



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:

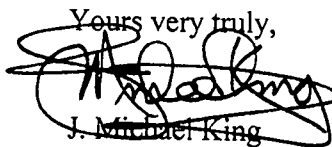
As we have previously discussed, United Electric Cooperative, Inc. ("United"), is required to condemn the fractional share of the Harry Butler property belonging to the heirs. Because you are listed on the tax assessment records as the recipient of the taxes, not only for the majority percentage which 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



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

Article Sent To:

Postage 16373
 Certified Fee 100
 Return Receipt Fee (Endorsement Required) 240
 Restricted Delivery Fee (Endorsement Required) 320
 Total Postage & Fees \$2180

Postmark
 Here

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

Mr. Richard Butler
 Street, Apt. No. or PO Box No.
 721 Quarry Avenue
 City, State, ZIP+4
 Clearfield PA 16830

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

☒ Certified Mail

☐ Express Mail

☐ Registered

☒ Return Receipt for Merchandise

☐ Insured Mail

☐ 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**

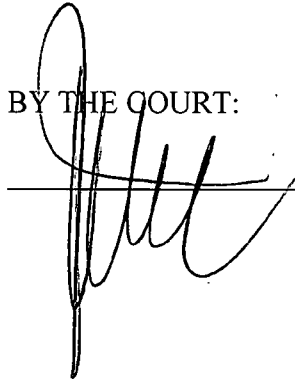
IN RE: Condemnation of Lands of :
Harry Butler Heirs, in Boggs :
Township, Clearfield County, : **2001-1364-CD**
Pennsylvania :

By United Electric Cooperative, Inc

ORDER OF COURT

AND NOW, this 1st day of ~~October~~^{November}, 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	
<div>FILED</div> <div>OCT 26 2001</div> <div>M B. King William A. Shaw Prothonotary</div> <div>166 a 111 King</div> <div>166 a 111 King</div> <div>LYNN, KING & SCHREFFLER ATTORNEYS AT LAW P.O. BOX 99 606 MAIN STREET EMLENTON, PA 16373</div>	

LYNN, KING & SCHREFFLER
ATTORNEYS AT LAW
P.O. BOX 99
606 MAIN STREET
EMLENTON, PA 16373

Date: 11/09/2001

Clearfield County Court of Common Pleas

NO. 1834078

Time: 01:12 PM

Receipt

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

Five Hundred and 00/100 Dollars

Check: 09657

Payment Method: Check

Amount Tendered: 500.00

William A. Shaw, Prothonotary/Clerk of Courts

By: _____
Deputy Clerk

Clerk: BILLSHAW

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.