

01-1547-CD
LARRY R. REED -vs- SHIRLEY N. LEWIS et al

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

LARRY R. REED,

Plaintiff

vs.

SHIRLEY N. LEWIS and
ROBERT T. DUTTRY,

Defendants

EJECTMENT

No. ²⁰⁰¹⁻1547 - C.D.

Type of Pleading: Complaint
in Ejectment

Filed on behalf of: Larry R. Reed

Counsel of Record for this party:

DAVID J. HOPKINS, ESQUIRE
Attorney at Law

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

(814) 375-0300

FILED

SEP 17 2001

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William A. Shaw 80
Prothonotary 80-
2 CC TO SUPP
1 CC TO ATT

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

LARRY R. REED,	:		
Plaintiff	:	EJECTMENT	
	:		
vs.	:	No.	C.D.
	:		
SHIRLEY N. LEWIS and	:		
ROBERT T. DUTTRY,	:		
Defendants	:		

NOTICE

TO DEFENDANTS:

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

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

Office of the Court Administrator
Clearfield County Courthouse
1 North Second Street
Clearfield, PA 15801
(814) 765-2641 ext. 5982

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

LARRY R. REED,	:		
Plaintiff	:	EJECTMENT	
	:		
vs.	:	No.	C.D.
	:		
SHIRLEY N. LEWIS and	:		
ROBERT T. DUTTRY,	:		
Defendants	:		

COMPLAINT IN EJECTMENT

COUNT I

NOW COMES, Plaintiff, Larry R. Reed, by and through his attorneys, The Hopkins Law Firm, and avers as follows:

1. Plaintiff is an adult individual whose resides at R.D. #2, Box 71, DuBois, Pennsylvania 15801.

2. Defendant Shirley N. Lewis is an adult individual whose resides at R.D. #2, Box 284, DuBois, Pennsylvania 15801.

3. Defendant Robert T. Duttry is an adult individual whose resides at R.D. #2, Box 284, DuBois, Pennsylvania 15801.

4. The property at issue is set forth on Exhibit "A" and Exhibit "B" and is owned by the Plaintiff. The property is further known as Clearfield County Tax Map No. 128-E04-000-5 (Exhibit "A") and 128-E04-000-36.1 (Exhibit "B").

5. The Defendants are the owners of contiguous property known as Clearfield County Tax Map No. 128-E04-000-32.

6. The abstract for Plaintiff's property, Tax Map No. 128-E04-000-5, (Exhibit "A") is set forth on Exhibit "C".

7. The abstract for Plaintiff's property, Tax Map No. 128-E04-000-36.1, (Exhibit "B") is set forth on Exhibit "D".

8. The abstract for Defendant's property, Tax Map No. 128-E04-000-32, is set forth on Exhibit "E".

9. The common source of Plaintiff and Defendant's title is Fred E. Weber and Effie R. Weber.

10. Defendant Shirley N. Lewis and Defendant Robert T. Duttry, their successors, assigns, renters and/or guests, are occupying the property owned by Plaintiff without right or title.

WHEREFORE, Plaintiff prays this Honorable Court enter a Decree ejecting Defendant Shirley N. Lewis and Defendant Robert T. Duttry, their successors, assigns, renters and/or guests, from the real property described on Exhibit "A" and Exhibit "B".

Respectfully submitted,

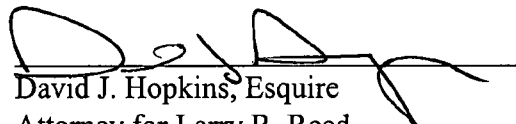

David J. Hopkins, Esquire
Attorney for Larry R. Reed

EXHIBIT "A"

ALL those certain pieces or parcels of land, situate, in Sandy Township, Clearfield County, Pennsylvania, bounded and described as follows to wit:

THE FIRST THEREOF: BEGINNING in the middle of Township Road Southeast corner of land surveyed to Joseph Uren; thence North 4° 55' East along said Joseph Uren's line 8.5 chains; thence South 85° 23' East, 12.56 chains; thence South 4° 30' West, 19.116 chains to corner in line of land surveyed to Lewis Duttry; thence North 85° 23' West 9.84 chains to middle of Township road southeast corner of District School property; thence along said School property in said road, North 33° 22' West, 1.5 chains; thence North 26° 05' West, 1.245 chains; thence North 17° 30' West, 1.575 chains; thence North 0° 40' West 5.445 chains; thence North 1° East, 1.545 chains to place of beginning. CONTAINING 23-35/100 acres more or less.

THE SECOND THEREOF: BEGINNING at a post Northeast corner of land owned by John Uren; thence along said Uren line South 40° 30' West 19.116 chains to a corner post in lands owned now or formerly by Joseph Uren and Mr. Clinton; thence along said Clinton line South 85° 23' East, 9.735 chains to a corner in Middle of Township Road; thence by said road North 19° 25' East 2.506 chains; thence North 6° 05' West, 1.74 chains; thence North 8° 50' West, 1.56 chains; thence North 24° 08' West 3.415 chains; thence North 5° 05' West, 1 chain; thence North 29° 25' East, 1.95 chains; thence North 50° East .953 chains; thence North 65° East 1.10 chains; thence North 71° 51' East 3.15 chains; thence from center of said road North 22° West, 5.81 chains to a corner post; thence North 85° 20' West, 10.96 chains to the place of beginning. CONTAINING 20 acres more or less.

EXCEPTING AND RESERVING therefrom however, all coal, oil, gas and other minerals beneath the surface; and further excepting therefrom all conveyances from and out of said described premises as heretofore made and as recorded in the Recorder's office at Clearfield, Pennsylvania.

THE THIRD THEREOF: BEGINNING at a point in the center of Township Road; thence along lands now or formerly of Thomas Bailey; thence South 83° 12' East 1469.3 feet to a 8 od spike; thence by lands now or formerly of W. H. Bundy, South 82° 52'-1/2' East, 408 feet to an iron pin at the corner of lands now or formerly of W. H. Bundy and M. M. Shaney; thence along lands of M. M. Shaney, South 1° 55' East, 820.3 feet to an iron pin at the corner of lands of M. M. Shaney and Fred E. Weber; thence by lands of Fred E. Weber North 83° 39' West 831.8 feet to a point at the corner of lands now or formerly of Mrs. Elmer Burnes; thence along lands of Elmer Burns, and following the center line of Township Road, South 7° 59' West 558.6 feet to an 8 od spike in the center of Township Road; thence along lines

now or formerly of Mrs. Martha Shrauger following the center of said Township Road North 83° 20' West 451.8 feet to an 8 od spike in the center of the road; thence along lands of J. F. and C. D. Shrauger, North 44° 29' East, 496.4 feet to an 8 od spike in the center of the road; thence following the center of the said Township Road, North 24° 21' West, 600 feet to a spike in the center of the road; thence by same North 29° 21' West 400 feet to a spike in the center of road; thence by same North 39° 53' West, 410 feet to a spike in the center of the road; thence North 19° 19' West, 361 feet to the place of beginning. CONTAINING 61.5 acres more or less according to the survey prepared by O.P. Hess, Reg. Engineer on March 26, 1939, of Du Bois, Pennsylvania.

EXCEPTING AND RESERVING therefrom to the said John E. Du Bois and Willie G. his wife, their heirs and assigns, forever, all the coal, oils, gas, fire-clay and other minerals beneath the surface of the said lands, together with the unobstructed right to mine, dig and carry away the same without being liable for any damages caused to the surface or the buildings thereon, in procuring or removing said coal, oils, gas, fire-clay and other minerals, by operations carried beneath the surface of the said lands, as appears of record in former deeds.

FURTHER EXCEPTING AND RESERVING therefrom and thereout, 1/2 acre to Sandy Township School District, deed dated 1/8/1900 and recorded in Deed Book No. 108 page 37, 1 acre to Sandy Township School District by deed dated 2/26/1901 and recorded in Deed Book No. 174 page 210, 2.165 acres to Elizabeth Burnes by deed dated 7/20/1922 and recorded in Deed Book No. 276, page 15, 4 acres more or less to George and Ethel Uren by deed dated 7/25/1952 and recorded in Deed Book 268 page 21, 4 acres to Andrew, Reuben and Hillard A. Duttry, by deed dated 7/10/1937 and recorded in Deed Book 318, page 555, 3.997 acres to James and Edith Place by deed dated 7/19/1937 and recorded in Deed Book No. 318, page 556. Quit-claim Deed to James and Edith Place for 3.997 acres, dated 9/10/1947 and recorded in Deed Book 385, page 506, Quit-claim deed to Hillard A. Duttry and Ida Duttry, his wife, dated 9/22/1947 and recorded in Deed Book No. 387, page 218, Quit-claim deed to Margaret Duttry, widow, dated 9/22/1947 and recorded in Deed Book No. 387, page 219. Also excepting and reserving the deed dated August 6, 1952 and recorded in Deed Book No. 421, page 73 for 13,948 square feet. Also excepting and reserving the deed dated August 15, 1960 to Howard G. Moriarty and Eva Moriarty, recorded in Deed Book No. 485, page 54.

FURTHER EXCEPTING from all parcels outstanding minerals of record and outstanding mineral leases of record.

ALL of the foregoing being the same premises which became vested in Grantors herein, MARY KATHRYN KEISTER, MARTHA PARUOLO, and MARY ELIZABETH VOLPE, by deed of UNION BANKING AND TRUST COMPANY, of Du Bois, Pennsylvania, Executor of the Estate of GEORGE MONROE BROWN, dated December 30, 1975, and recorded in Clearfield County Deed Book 702 page 343. ✓

EXHIBIT "B"

described real estate, together with the buildings and improvements erected thereon, situate in Sandy Township, Clearfield County and Commonwealth of Pennsylvania; to wit:

BEGINNING at a stake on the Westerly line of Public Road, Route #255, said stake being the Northeast corner of property now or formerly of Edith Place, former Grantor; thence along said line South 6° 00' West 106 feet to a stake; thence South 17° 15' East 80 feet to a stake; thence South 72° 45' West 294.03 feet to a stake at Easterly boundary of lands now or formerly of Fred Weber; thence along said line, North 2° 05' East 162.9 feet to a stake; thence North 67° 57' East 283 feet to a stake and place of beginning. Containing 1.05 acres, more or less.

TOGETHER with the free right and privilege to the reasonable use of water from the spring now situate upon other lands now or formerly of Fred E. Weber and Effie R. Weber as contained in the deed of Fred E. Weber and Effie R. Weber to James Place and Edith Place dated July 19, 1937 and recorded at Clearfield County, Pennsylvania in Deed Book No. 318, Page 556 and in deed between the same parties dated September 10, 1947 and recorded in Clearfield, Pennsylvania, in Deed Book No. 385, Page 506.

BEING the same premises which were conveyed to Sharon Marie Lingenfelter et vir., by deed of Susan M. Hicks, et vir., dated March 24, 1994, recorded on April 28, 1994 in Record Book Volume 1601, Page 169.

EXHIBIT "C"

TAX PARCEL NUMBER 128-0-E04-000-5

Mary Kathryn Keister to Larry R. Reed and Patty L. Reed
736 @ 557
March 30, 1977

Union Bank & Trust, Executor of the Estate of George Monroe Brown to Mary Kathryn Keister
708 @ 343
September 30, 1975

Effie Weber, widow to George Monroe Brown & Viola Brown
455 @ 4
November 10, 1956

County Commissioners to Fred E. Weber
346 @ 398
May 29, 1943

Treasurer of Clearfield County to County Commissioners
346 @ 397
July 8, 1940

Annie E. Liddle to Fred E. Weber & Effie R. Weber
271 @ 255
March 26, 1925

John Uren to Annie E. Liddle
258 @ 358
August 1, 1922

John E. DuBois to John Uren
108 @ 36
January 8, 1909

EXHIBIT "D"

TAX PARCEL NUMBER 128-0-E04-000-36.1

Larry Reed from United States Marshall

Susan M. Hicks to Sharon Marie Lingenfelter
1601 @ 169
March 24, 1994

Larry R. Reed and Patty L. Reed to Quentin Hicks and Susan M. Hicks
732 @ 348
January 16, 1980

Lewis Bundy to Larry Reed
771 @ 377
August 15, 1978

Edith Place, widow to Lewis Bundy
515 @ 377
June 15, 1965

Fred E. Weber to James Place & Edith Place
385 @ 506
September 10, 1947

Fred E. Weber to James Place & Edith Place
318 @ 556
July 19, 1937

EXHIBIT "E"

TAX PARCEL NUMBER 128-0-E04-000-32

Estate of Ida May Duttry to Shirley N. Lewis & Robert T. Duttry
1218 @ 182
April 21, 1988

Andrew ReuBen Duttry to Hillard A. Duttry & Ida Duttry
347 @ 600
October 8, 1942

Fred E. Weber to Andrew Reuben Duttry
318 @ 555
July 19, 1937

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket #

11523

REED, LARRY R.

01-1547-CD

VS.

LEWIS, SHIRLEY N. and DUTTRY, ROBERT T.

COMPLAINT IN EJECTMENT

SHERIFF RETURNS

NOW SEPTEMBER 18, 2001 AT 5:40 PM DST SERVED THE WITHIN COMPLAINT
IN EJECTMENT ON ROBERT T. DUTTRY, DEFENDANT AT RESIDENCE, RD# 2,
BOX 284, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO
ROBERT T. DUTTRY A TRUE AND ATTESTED COPY OF THE ORIGINAL
COMPLAINT IN EJECTMENT AND MADE KNOWN TO HIM THE CONTENTS
THEREOF.

SERVED BY: SNYDER

NOW OCTOBER 6, 2001 AT 9:50 AM DST SERVED THE WITHIN COMPLAINT IN
EJECTMENT ON SHIRLEY N. LEWIS, DEFENDANT AT RESIDENCE, 25 NORTH 6TH.,
DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO SHIRLEY LEWIS
A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN EJECTMENT AND
MADE KNOWN TO HER THE CONTENTS THEREOF.

SERVED BY: SNYDER

Return Costs

Cost	Description
49.04	SHFF. HAWKINS PAID BY: ATTY:
20.00	SURCHARGE PAID BY: ATTY.

FILED

OCT 15 2001

01325am
William A. Shaw
Prothonotary

Sworn to Before Me This

15th Day Of October 2001

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

So Answers,

Chester A. Hawkins
Chester A. Hawkins
Sheriff

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

LARRY R. REED,

PLAINTIFF

VS.

SHIRLEY N. LEWIS and
ROBERT T. DUTTRY,

DEFENDANTS

: NO. 01 - 1547 - C.D.

:
: TYPE OF CASE: CIVIL

:
: TYPE OF PLEADING: PRAECIPE FOR
: ENTRY OF APPEARANCE

:
: FILED ON BEHALF OF: DEFENDANTS

:
: COUNSEL OF RECORD:
: CHRISTOPHER E. MOHNEY, ESQUIRE

:
: SUPREME COURT NO.: 63494

:
: BLAKLEY, JONES & MOHNEY
: 90 BEAVER DRIVE, BOX 6
: DU BOIS, PA 15801
: (814) 371-2730

FILED
NOV 13 2001

William A. Shaw
Clerk

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

LARRY R. REED,	:	NO. 01 - 1547 - C.D.
	:	
PLAINTIFF	:	
	:	
VS.	:	
	:	
SHIRLEY N. LEWIS and	:	
ROBERT T. DUTTRY,	:	
	:	
DEFENDANTS	:	

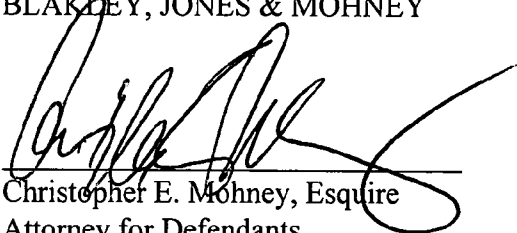
PRAECIPE FOR ENTRY OF APPEARANCE

TO WILLIAM SHAW, PROTHONOTARY:

Please enter my appearance on behalf of Defendants **SHIRLEY N. LEWIS and ROBERT
T. DUTTRY**, in the above-captioned case.

BLAKLEY, JONES & MOHNEY

BY:



Christopher E. Mohnney, Esquire
Attorney for Defendants
90 Beaver Drive, Box 6
Du Bois, PA 15801
(814) 371-2730

DATE: 11-9-01

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

LARRY R. REED,

PLAINTIFF

VS.

SHIRLEY N. LEWIS and
ROBERT T. DUTTRY,

DEFENDANTS

NO. 01 - 1547 - C.D.

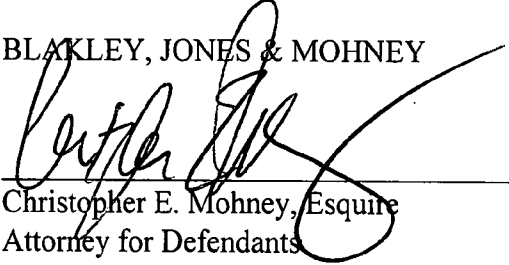
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Praecept for Entry of Appearance has been served upon the following individual by regular United States mail, postage prepaid, on this ^{9th} ~~8th~~ day of November, 2001:

David J. Hopkins, Esquire
The Hopkins Law Firm
900 Beaver Drive
Du Bois, PA 15801
Attorney for Plaintiff

BLAKLEY, JONES & MOHNEY

BY:



Christopher E. Mohnney, Esquire
Attorney for Defendants
90 Beaver Drive, Box 6
Du Bois, PA 15801
(814) 371-2730

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION
NO. 01 - 1547 - C.D.

LARRY R. REED,

PLAINTIFF

VS.

SHIRLEY N. LEWIS and
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DEFENDANTS

PRECEIPT FOR
ENTRY OF APPEARANCE

LAW OFFICES
BLAKLEY, JONES & MOHNEY
90 BEAVER DRIVE - BOX 6
DUBOIS, PA 15801

NOV 13 2001
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A. Ste
11/13/01

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

LARRY R. REED,

PLAINTIFF

VS.

SHIRLEY N. LEWIS and
ROBERT T. DUTTRY,

DEFENDANTS

: NO. 01 - 1547 - C.D.

:
: TYPE OF CASE: CIVIL

:
: TYPE OF PLEADING: PRELIMINARY
: OBJECTIONS

:
: FILED ON BEHALF OF: DEFENDANTS

:
: COUNSEL OF RECORD:
: CHRISTOPHER E. MOHNEY, ESQUIRE

:
: SUPREME COURT NO.: 63494

:
: BLAKLEY, JONES & MOHNEY
: 90 BEAVER DRIVE, BOX 6
: DU BOIS, PA 15801
: (814) 371-2730

FILED

NOV 13 2001

William A. Shaw
Clerk

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

LARRY R. REED,	:	NO. 01 - 1547 - C.D.
	:	
PLAINTIFF	:	
	:	
VS.	:	
	:	
SHIRLEY N. LEWIS and	:	
ROBERT T. DUTTRY,	:	
	:	
DEFENDANTS	:	

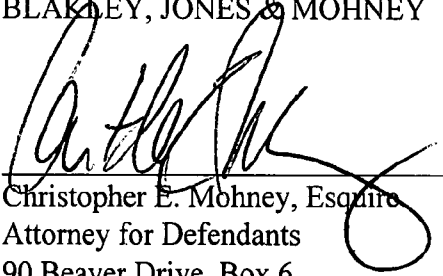
NOTICE TO PLEAD

TO PLAINTIFF:

In accordance with Rules 1026 and 1361 of the Pennsylvania Rules of Civil Procedure, you are notified to file a written response to the within PRELIMINARY OBJECTIONS within twenty (20) days from service hereof or a default judgment may be entered against you.

BLAKLEY, JONES & MOHNEY

BY:



Christopher E. Mohney, Esquire
Attorney for Defendants
90 Beaver Drive, Box 6
Du Bois, PA 15801
(814) 371-2730

DATE: 11-9-01

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

LARRY R. REED,	:	NO. 01 - 1547 - C.D.
	:	
PLAINTIFF	:	
	:	
VS.	:	
	:	
SHIRLEY N. LEWIS and	:	
ROBERT T. DUTTRY,	:	
	:	
DEFENDANTS	:	

PRELIMINARY OBJECTIONS

AND NOW, come Defendants **SHIRLEY N. LEWIS** and **ROBERT T. DUTTRY**, by their attorneys, **BLAKLEY, JONES & MOHNEY, ESQUIRES**, who file the following Preliminary Objections to Plaintiff's Complaint:

INTRODUCTION

1. Defendant **ROBERT T. DUTTRY** was served by Deputy Sheriff on September 17, 2001, with a certified copy of the Complaint filed on behalf of Plaintiff **LARRY R. REED**.
2. Defendant **SHIRLEY N. LEWIS** was served by Deputy Sheriff on October 6, 2001, with a certified copy of the Complaint filed on behalf of Plaintiff **LARRY R. REED**.
3. Plaintiff **LARRY R. REED'S** Complaint is in Ejectment.

**COUNT I - PRELIMINARY OBJECTION PURSUANT TO
PA R.C.P. 1028(a)(3) - INSUFFICIENT SPECIFICITY**

4. Paragraphs 1 through 3 above are incorporated herein and as if set forth at length.
5. Paragraph 10 of Plaintiff's Complaint alleges that Defendant **SHIRLEY N. LEWIS** and

Defendant **ROBERT T. DUTTRY**, their successors, assigns, renters and/or guests, are occupying the property owned by Plaintiff without right or title.

6. The aforementioned paragraph 10 fails to identify in any respect the land in dispute and to which Plaintiff alleges he is out of possession but for which he maintains he has paramount title.

7. Paragraph 6 and 7 of Plaintiff's Complaint set forth the abstract for Plaintiff's property, which consists of four (4) separate parcels and a 2-page legal description.

8. Plaintiff **LARRY R. REED** fails to in any way identify what portions of lands he alleges ownership is being improperly occupied by Defendants, much less how his alleged improper occupation by Defendants is occurring!

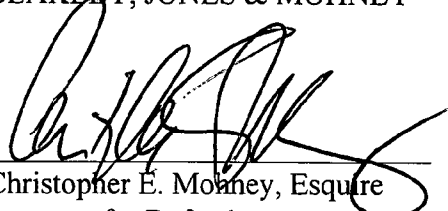
9. Without more specificity as to the specific lands being allegedly improperly occupied by Defendants, Defendants cannot adequately prepare a defense, and more so since Plaintiff fails to attach any survey to his Complaint.

WHEREFORE, Defendants respectfully request that this Court order Plaintiff to more specifically plead the averments of paragraph 10 of his Complaint.

Respectfully submitted,

BLAKLEY, JONES & MOHNEY

BY:


Christopher E. Mohnney, Esquire
Attorney for Defendants

Date: 11-9-01

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

LARRY R. REED,	:	NO. 01 - 1547 - C.D.
	:	
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	:	
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ROBERT T. DUTTRY,	:	
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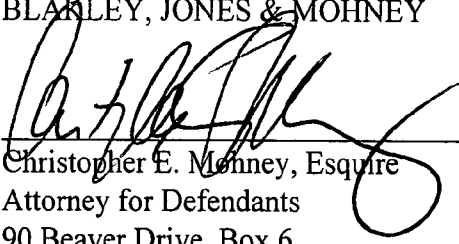
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Preliminary Objections has been served upon the following individual by regular United States mail, postage prepaid, on this 9 day of November, 2001:

David J. Hopkins, Esquire
The Hopkins Law Firm
900 Beaver Drive
Du Bois, PA 15801
Attorney for Plaintiff

BLANKLEY, JONES & MOHNEY

BY:



Christopher E. Mohney, Esquire
Attorney for Defendants
90 Beaver Drive, Box 6
Du Bois, PA 15801
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PRELIMINARY OBJECTIONS

LAW OFFICES
BLAKLEY, JONES & MOHNEY
90 BEAVER DRIVE - BOX 6
DUBOIS, PA 15801

FILED
NOV 13 2001
cc
KEA

William A. Shaw
2001/11/13

1

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
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Plaintiff

vs.

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EJECTMENT

No. 01-1547 C.D.

Type of Pleading: Amended Complaint
in Ejectment

Filed on behalf of: Larry R. Reed

Counsel of Record for this party:

DAVID J. HOPKINS, ESQUIRE
Attorney at Law

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

(814) 375-0300

FILED

FEB 08 2002

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
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	:	
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
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Plaintiff	:	EJECTMENT
	:	
vs.	:	No. 01-1547 C.D.
	:	
SHIRLEY N. LEWIS and	:	
ROBERT T. DUTTRY,	:	
Defendants	:	

AMENDED COMPLAINT IN EJECTMENT

COUNT I

NOW COMES, Plaintiff, Larry R. Reed, by and through his attorneys, The Hopkins Law Firm, and amends his Complaint as follows:

1. Plaintiff is an adult individual whose resides at R.D. #2, Box 71, DuBois, Pennsylvania 15801.

2. Defendant Shirley N. Lewis is an adult individual whose resides at R.D. #2, Box 284, DuBois, Pennsylvania 15801.

3. Defendant Robert T. Duttry is an adult individual whose resides at R.D. #2, Box 284, DuBois, Pennsylvania 15801.

4. The property at issue is set forth on Exhibit "A" and Exhibit "B" of Plaintiff's original Complaint and Exhibit "F" attached hereto, and is owned by the Plaintiff. The property is further known as Clearfield County Tax Map No. 128-E04-000-5 (Exhibit "A") and 128-E04-000-36.1 (Exhibit "B").

5. The Defendants are the owners of contiguous property known as Clearfield County Tax Map No. 128-E04-000-32.

6. The abstract for Plaintiff's property, Tax Map No. 128-E04-000-5, (Exhibit "A") is set forth on Exhibit "C".

7. The abstract for Plaintiff's property, Tax Map No. 128-E04-000-36.1, (Exhibit "B") is set forth on Exhibit "D".

8. The abstract for Defendants' property, Tax Map No. 128-E04-000-32, is set forth on Exhibit "E".

9. The common source of Plaintiff and Defendants' title is Fred E. Weber and Effie R. Weber.

10. Plaintiff constructed a roadway traveling along the northern boundary line of Plaintiff's property.

11. Defendants have placed a fence within lands of the Plaintiff and have cut off a roadway used by Plaintiff along the Plaintiff's northern property line.

12. Defendant Shirley N. Lewis and Defendant Robert T. Duttry, their successors, assigns, renters and/or guests, are occupying the property owned by Plaintiff along the Plaintiff's northern property line without right or title.

WHEREFORE, Plaintiff demands judgment against Defendants, Shirley N. Lewis and Robert T. Duttry, jointly and severally for the following:

a. Ejecting Defendants from real property of Plaintiff as defined by the northern boundary line of Exhibit "F" attached hereto;

b. Requiring Plaintiff to compensate Defendant for the repair and replacement of the roadway Plaintiff had constructed and Defendants covered over which

roadway Plaintiff was constructed along the northern boundary line of Plaintiff's property;

- c. Cost of suit;
- d. Such other and further relief as the Court deems fair, just and equitable.

COUNT II

13. Plaintiff repeats each of the allegations set forth in Count I as if set forth at length herein.

14. Defendants filed a trespass action against Plaintiff in the District Magistrate's Office. In said action, Plaintiff produced representatives of Lee Simpson Associates, Inc., an engineering and land surveying company who testified under oath that the northern boundary line as set forth on Exhibit "F" was the correct boundary between Plaintiff and Defendants' property.

15. As a result of said testimony, the District Magistrate dismissed the trespass complaint filed by Defendants against Plaintiff.

16. Notwithstanding said action by the District Magistrate and notwithstanding the testimony under oath by representatives of Lee Simpson Associates, Inc., Defendants have nevertheless, without notice to Plaintiff or any authorization from any court of competent jurisdiction, destroyed Plaintiff's roadway and fenced the northern area of Plaintiff's land thereby denying Plaintiff access to the roadway and the pump house for which the roadway was constructed.

17. The actions of the Defendants constitute trespass and are arbitrary, capricious and outrageous entitling Plaintiff to an award of compensatory damages, punitive damages and counsel fees.

WHEREFORE, Plaintiff, Larry R. Reed, respectfully requests this Honorable Court enter judgment for the Plaintiff and against the Defendants, Shirley N. Lewis and Robert T. Duttry, jointly and severally for an award of compensatory damages, punitive damages, counsel fees and cost of suit as determined by the Court.

COUNT III

18. Plaintiff repeats each of the allegations set forth in Count I and Count II as if set forth at length herein.

19. Plaintiff has used a portion of a 12 foot driveway to access the northern boundary of Plaintiff's property including access to a roadway Plaintiff constructed across the northern boundary line of Plaintiff's property to a pump station on other lands of Plaintiff.

20. Plaintiff is the owner of at least one half of said 12 foot private drive. Plaintiff has attempted to blockade Plaintiff's access to the property by placing no trespassing signs upon the roadway.

21. Defendants, their successors and assigns, renters and or guests, are occupying the drive owned by Plaintiff without right or title and their attempt to exclude Plaintiff's use of the roadway is without authority.

WHEREFORE, Plaintiff demands judgment against Defendants, Shirley N. Lewis and Robert T. Duttry, for an Order authorizing Plaintiff to use said twelve foot roadway to access Plaintiff's property .

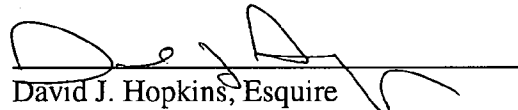
COUNT IV

22. Plaintiff repeats each of the allegations set forth in Count I, Count II and Count III as if set forth at length herein.

23. Plaintiff and Plaintiff's predecessors in title has used and possessed the real property between the eastern boundary line of Plaintiff's property as set forth on Exhibit "F" to Old State Route 255 now Township Road 854 continuously, notoriously, openly, hostilely to the Defendant and all other individuals and entities, for over twenty one (21) years.

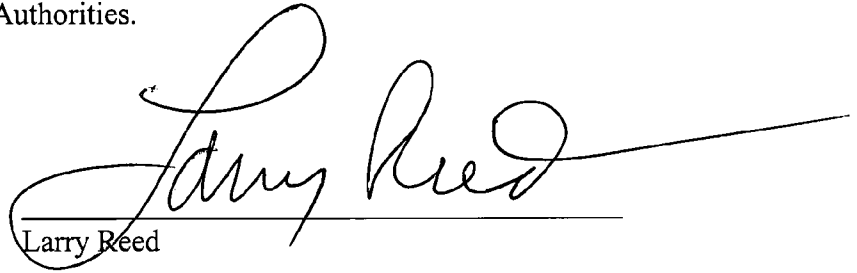
WHEREFORE, Plaintiff respectfully requests this Court enter an Order granting Plaintiff the lands east of Plaintiff's property to State Route 255 as set forth on Exhibit "F" of Plaintiff's Amended Complaint to the exclusion of Defendant's.

Respectfully submitted,

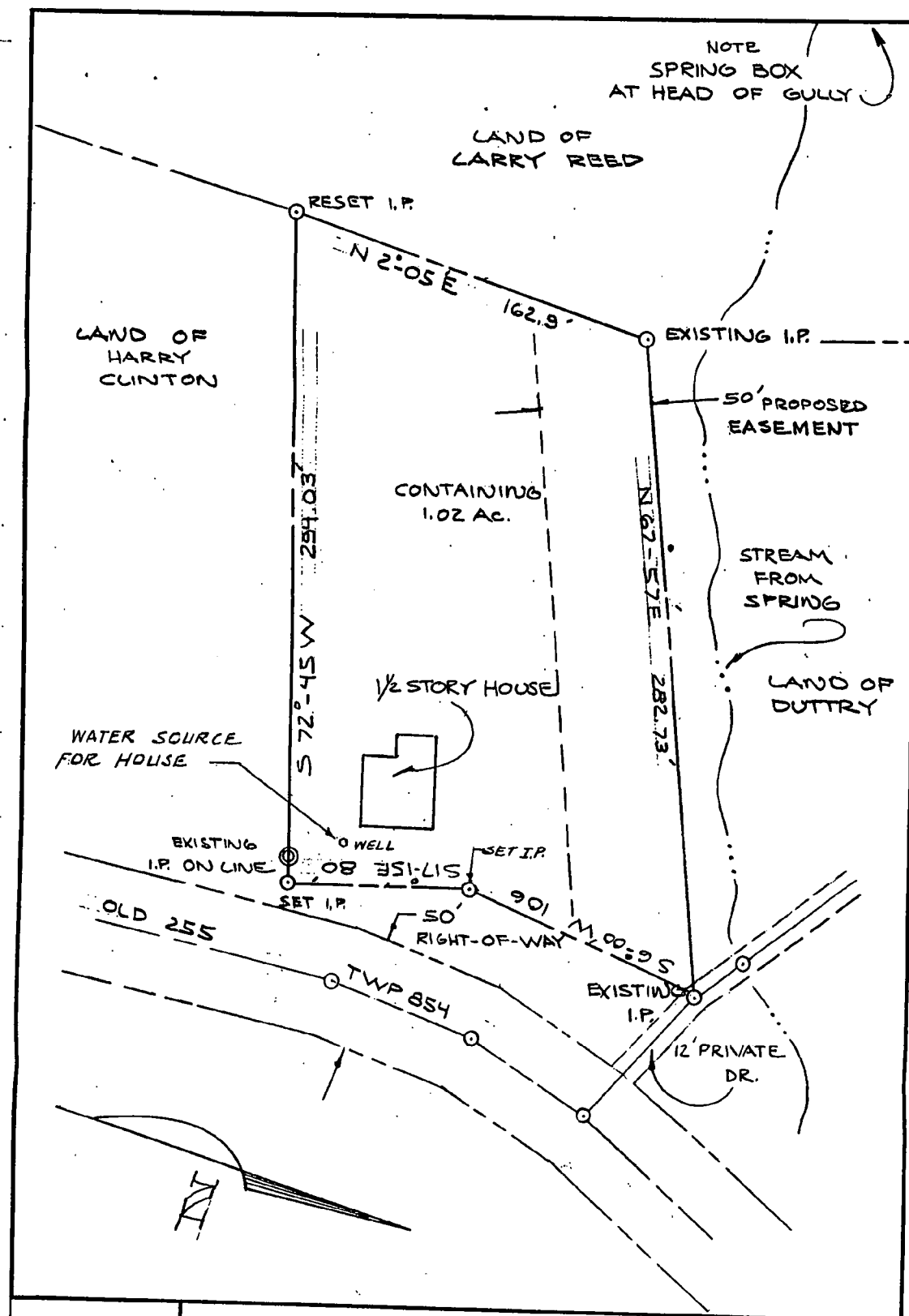

David J. Hopkins, Esquire
Attorney for Larry R. Reed

VERIFICATION

I hereby verify that the statements made in this pleading are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. Section 4904, relating to Unsworn Falsification to Authorities.

A handwritten signature in cursive script, reading "Larry Reed", is written over a horizontal line. The signature is fluid and extends to the right of the line.

Larry Reed



LEE - SIMPSON ASSOCIATES, INC.
ENGINEERS AND PLANNERS
DEPOSIT NATIONAL BANK BUILDING, DUBOIS, PENNSYLVANIA 15801

814-371-7750

LARRY REED TO QUENTIN HICKS

DRAWN BY: **R.C. SIMPSON**

DATE: **12-19-79**

CHECKED BY: *[Signature]*

SCALE **1" = 50'**

FILE NO. **L-2/52**

10 ROAD ALBANY, A. & B. SMITH CO., PENN., PA. PR 9974-1278

EXHIBIT "F"

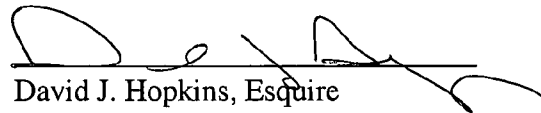
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

LARRY R. REED,	:	
Plaintiff	:	EJECTMENT
	:	
vs.	:	No. 01-1547 C.D.
	:	
SHIRLEY N. LEWIS and	:	
ROBERT T. DUTTRY,	:	
Defendants	:	

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the Amended Complaint in Ejectment, filed on behalf of Plaintiff, Larry R. Reed, was forwarded on the 8th day of February, 2002, by U.S. Mail, postage prepaid, addressed as follows:

Christopher E. Mohney, Esquire
Blakley, Jones & Mohney
90 Beaver Drive, Box 6
DuBois, PA 15801



David J. Hopkins, Esquire
Attorney for Plaintiff
Supreme Court No. 42519

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

LARRY R. REED,

PLAINTIFF

VS.

SHIRLEY N. LEWIS and
ROBERT T. DUTTRY,

DEFENDANTS

: NO. 01 - 1547 - C.D.

:
: TYPE OF CASE: CIVIL

:
: TYPE OF PLEADING: PRELIMINARY
: OBJECTIONS TO AMENDED
: COMPLAINT IN EJECTMENT

:
: FILED ON BEHALF OF: DEFENDANTS

:
: COUNSEL OF RECORD:
: CHRISTOPHER E. MOHNEY, ESQUIRE

:
: SUPREME COURT NO.: 63494

:
: BLAKLEY, JONES & MOHNEY
: 90 BEAVER DRIVE, BOX 6
: DU BOIS, PA 15801
: (814) 371-2730

FILED

MAR 18 2002

W.A. Shaw
m/131ncc
William A. Shaw
Prothonotary

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

LARRY R. REED,

PLAINTIFF

VS.

SHIRLEY N. LEWIS and
ROBERT T. DUTTRY,

DEFENDANTS

NO. 01 - 1547 - C.D.

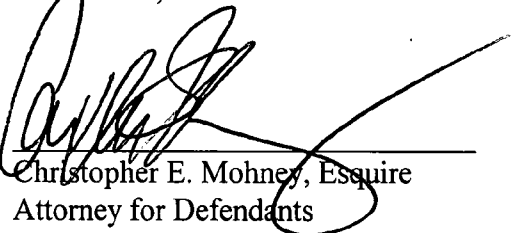
NOTICE TO PLEAD

TO PLAINTIFF:

In accordance with Rules 1026 and 1361 of the Pennsylvania Rules of Civil Procedure, you are notified to file a written response to the within PRELIMINARY OBJECTIONS within twenty (20) days from service hereof or a default judgment may be entered against you.

BLAKLEY, JONES & MOHNEY

BY:



Christopher E. Mohnhey, Esquire
Attorney for Defendants
90 Beaver Drive, Box 6
Du Bois, PA 15801
(814) 371-2730

DATE: 3/15/02

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

LARRY R. REED,	:	NO. 01 - 1547 - C.D.
	:	
PLAINTIFF	:	
	:	
VS.	:	
	:	
SHIRLEY N. LEWIS and	:	
ROBERT T. DUTTRY,	:	
	:	
DEFENDANTS	:	

PRELIMINARY OBJECTIONS TO AMENDED COMPLAINT
IN EJECTMENT

AND NOW, come Defendants **SHIRLEY N. LEWIS** and **ROBERT T. DUTTRY**, by their attorneys, **BLAKLEY, JONES & MOHNEY, ESQUIRES**, who file the following Preliminary Objections to Plaintiff's Amended Complaint in Ejectment:

COUNT I - PRELIMINARY OBJECTION PURSUANT TO

PA R.C.P. 1028(a)(3) - INSUFFICIENT SPECIFICITY

1. Pennsylvania Rule of Civil Procedure Number 1019 (f) requires that averments of time, place and items of special damage be specifically stated.
2. In Count II of Plaintiff's Amended Complaint, which Count was not present in the original Complaint to which Defendants filed Preliminary Objections, Plaintiff in his Addendum Clause makes claim against Defendants, jointly and severely "... for an award of compensatory damages, punitive damages, counsel fees, and costs of suit is determined by the Court."
3. Plaintiff's claims for damages are unsupported by facts which contribute to any

computation.

4. Without a more specific pleading as to allegations of specific damages or computation for those specific damages, Defendants are prevented from preparing a damages defense or assessing a liability defense as to whether Plaintiff can properly seek recovery and punitive damages.

5. Under Pennsylvania Law, a suit for punitive damages cannot stand on its own, and in fact, punitive damages must arise out of liability on a cause of action because they are an element of damages flowing therefore. Laniecki v. Polish Army Veterans Association of Lucyan Chwalkowsky, 480 A2d 1101 (Pa. Super 1984); Schecter v. Watkins, 577 A2d 585 (Pa. Super 1990), Appeal denied 584 A2d 320.

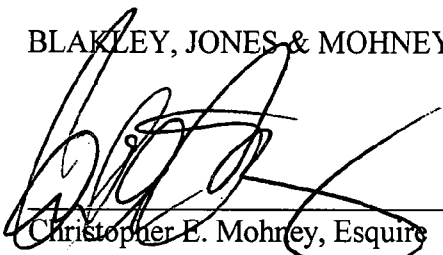
6. Without a more specific pleading as to computation for an compensatory damages alleged by Plaintiff, Defendants are prevented from preparing a damages defense or assessing as to whether Plaintiff can properly seek punitive damages, counsel fees and costs of suit.

WHEREFORE, Defendants **SHIRLEY N. LEWIS** and **ROBERT T. DUTTRY** respectfully move that Count II of Plaintiff's Amended Complaint be stricken, or in the alternative, respectfully request this Honorable Court enter an Order requiring the Plaintiff to more specifically plead the facts upon which claims for damage allegations are based.

Respectfully submitted,

BLAKLEY, JONES & MOHNEY

BY:


Christopher E. Mohney, Esquire
Attorney for Defendants

Date: 3/15/02

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

LARRY R. REED,

PLAINTIFF

VS.

SHIRLEY N. LEWIS and
ROBERT T. DUTTRY,

DEFENDANTS

NO. 01 - 1547 - C.D.

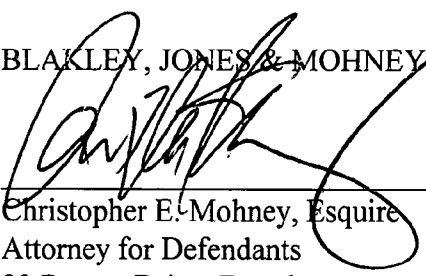
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Preliminary Objections to Plaintiff's Amended Complaint in Ejectment has been served upon the following individual by regular United States mail, postage prepaid, on this 15 day of March, 2002:

David J. Hopkins, Esquire
The Hopkins Law Firm
900 Beaver Drive
Du Bois, PA 15801
Attorney for Plaintiff

BLAKLEY, JONES & MOHNEY

BY:



Christopher E. Mohney, Esquire
Attorney for Defendants
90 Beaver Drive, Box 6
Du Bois, PA 15801
(814) 371-2730

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY,
PENNSYLVANIA
No. 01-1547-C.D.

LARRY R. REED,

Plaintiff

vs.

SHIRLEY N. LEWIS and
ROBERT T. DUTTRY,

Defendants

PRELIMINARY OBJECTIONS
TO AMENDED COMPLAINT
IN EJECTMENT

LAW OFFICES
BLAKLEY, JONES & MOHNEY
90 BEAVER DRIVE - BOX 6
DUBOIS, PA 15801

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

LARRY R. REED,

Plaintiff

vs.

SHIRLEY N. LEWIS and
ROBERT T. DUTTRY,

Defendants

EJECTMENT

No. 2001-01547 C.D.

Type of Pleading: Answer to Preliminary
Objections to Amended Complaint in
Ejectment

Filed on behalf of: Larry R. Reed

Counsel of Record for this party:

DAVID J. HOPKINS, ESQUIRE
Attorney at Law

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

(814) 375-0300

FILED

APR 08 2002

0/2:35/1
William A. Shaw
Prothonotary

2 cert to App

[Handwritten signature]

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

LARRY R. REED,	:	
Plaintiff	:	EJECTMENT
	:	
vs.	:	No. 2001-01547 C.D.
	:	
SHIRLEY N. LEWIS and	:	
ROBERT T. DUTTRY,	:	
Defendants	:	

**ANSWER TO PRELIMINARY OBJECTIONS
TO AMENDED COMPLAINT IN EJECTMENT**

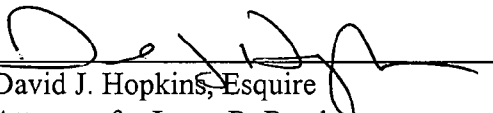
NOW COMES, Plaintiff, Larry R. Reed, by and through his attorneys, The Hopkins Law Firm, and answers the Preliminary Objections of Defendants as follows:

1. Admitted.
2. Admitted.
3. Denied. Count II of Plaintiff's Complaint sets forth that Defendants "destroyed Plaintiff's roadway and fenced the northern area of Plaintiff's land thereby denying Plaintiff access to the roadway and the pump house for which the roadway was constructed." Said language supports a cause of action based in trespass.
4. Denied. The Plaintiffs have alleged sufficient facts allowing Defendants to prepare a defense.
5. Admitted.
6. Denied. Plaintiffs have alleged sufficient facts to prepare a defense to the trespass action and a defense to Plaintiff's request for punitive damages, counsel fees and costs of suit.

Plaintiff need only to show nominal trespass damages for an award of punitive damages.

WHEREFORE, Defendants Preliminary Objection to Count II of Plaintiff's Amended Complaint should be dismissed with prejudice.

Respectfully submitted,


David J. Hopkins, Esquire
Attorney for Larry R. Reed

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

LARRY R. REED,

Plaintiff

vs.

SHIRLEY N. LEWIS and

ROBERT T. DUTTRY,

Defendants

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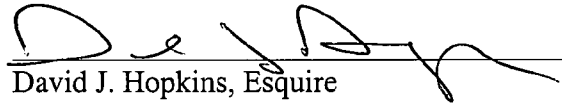
EJECTMENT

No. 2001-01547 C.D.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of Answer to Preliminary Objections to Amended Complaint in Ejectment, filed on behalf of Larry R. Reed, Plaintiff, was delivered on the 8th day of April, 2002, by regular mail, postage prepaid, to all counsel of record, addressed as follows:

Christopher Mohny, Esquire
Blakley, Jones & Mohny
90 Beaver Drive
DuBois, PA 15801


David J. Hopkins, Esquire
Attorney for Plaintiff

FILED

APR 08 2002

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION

LARRY R. REED

:

-vs-

:

No. 01 - 1547 - CD

SHIRLEY N. LEWIS and

:

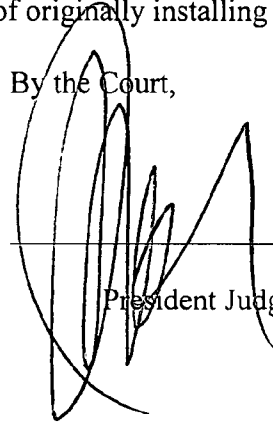
ROBERT T. DUTTRY

:

ORDER

NOW, this 20th day of June, 2002, upon consideration of Preliminary Objections filed on behalf of Defendants above-named to Plaintiff's Amended Complaint, it is the ORDER of this Court that said Objections be and are hereby sustained to the extent that Plaintiff shall file, within 20 days from date hereof, a statement of the specific amount claimed as damages to his property together with proof of the cost of originally installing the subject road.

By the Court,



President Judge

FILED

JUN 20 2002

0111:2111 cc atty Hopkins
William A. Shaw
Prothonotary cc atty Mohney



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

LARRY R. REED,

Plaintiff

vs.

SHIRLEY N. LEWIS and
ROBERT T. DUTTRY,

Defendants

EJECTMENT

No. 01-1547 C.D.

Type of Pleading: Statement of
Damages

Filed on behalf of: Larry R. Reed

Counsel of Record for this party:

DAVID J. HOPKINS, ESQUIRE
Attorney at Law

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

(814) 375-0300

FILED

AUG 05 2002

0111081 ICC atty Hopkins
William A. Shaw
Prothonotary

EO
SEP

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

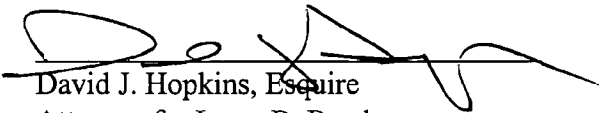
LARRY R. REED,	:	
Plaintiff	:	EJECTMENT
	:	
vs.	:	No. 01-1547 C.D.
	:	
SHIRLEY N. LEWIS and	:	
ROBERT T. DUTTRY,	:	
Defendants	:	

STATEMENT OF DAMAGES

NOW COMES, Plaintiff, Larry R. Reed, by and through his attorneys, The Hopkins Law Firm, and files the within Statement of Damages pursuant to Order of Court dated June 20, 2002:

1. Costs to construct roadway:
 - Calliari Service - \$415.00 – See Exhibit “A”;
 - Leland F. Schaffer - \$980.00 - See Exhibit “B”;
2. Costs to repair roadway:
 - Calliari Service - \$2,340.00 - See Exhibit “C”.

Respectfully submitted,


David J. Hopkins, Esquire
Attorney for Larry R. Reed

35306

STATEMENT

DATE

10-16-00

TERMS

TO

ADDRESS

IN ACCOUNT WITH

Country Club Hotel, Ct.

802 DuBois Ave. Pd

11-13-00

Rental

Callan Service

CK # 1160

Building road for
pump house entranceC1
\$41510-13 Labor & operating digger
backhoe digging shale
ditching holding pipe
15 hrs hours total
Lump Rental

Total \$415.00

Shred mill bill for
dugout for track & digger
which will be \$980.No charge for shale
Total due mill

\$415.00

Adams DC5812

Exhibit "A"

LEAD F. SCHAFER

1. General Information

SECRET

SECRET

$$\frac{\dot{O}}{Z}$$

DATE _____

YOUR

ORDER NO.

SHIPPED TO

SOLD TO: LARRY REED

Exhibit "B"

OUR ORDER NO.		SALESMAN		TERMS		F.O.B.		DATE SHIPPED		SHIPPED VIA		
QUANTITY ORDERED	QUANTITY SHIPPED	STOCK NUMBER/DESCRIPTION						UNIT PRICE	UNIT	AMOUNT		
Road building AT Bmp house												
<i>all paid</i> <i>Per 1-00</i> <i>11-11-</i> <i>980</i> <i>110</i> <i>U*</i> <i>(CD)</i>	10/13	Dozer Time 4hr 40						360	00			
		TRUCK 6hr 40						240	00			
		4hr 15						60	00			
		LAHOR 5hr 40						200	00			
			TRUCK 30hr 40						120	00		
	10/15	DOZER										
Total Amount Due												\$980

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© 1961 • PRINTED IN U.S.A.

TRIPPLICATE

GrayLine FORM 44-411 3-PARTS

081860

Estimate
STATEMENT

DATE

7-6-02

TERMS

TO

ADDRESS

IN ACCOUNT WITH

Larry Reed			
RD2 Dubois Pa.			
15801			
Columbus Service			
RD2 Dubois Pa.			
15801			
Estimate to reconstruct			
roadway to Well house.			
Digger, Loader & Truck removing			
top soil 5 hrs @ \$110.00		\$550.00	
Material for roadbase to be			
hailed to site			
8 Loads sandstone @ \$150.00		\$1200.00	
184 tons total		\$1240.00	
Depth leveling material			
8 hrs @ \$55.00		\$440.00	
total		\$2340.00	

Adams DC5812

Exhibit "C"


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

LARRY R. REED,	:	
Plaintiff	:	EJECTMENT
	:	
vs.	:	No. 01-1547 C.D.
	:	
SHIRLEY N. LEWIS and	:	
ROBERT T. DUTTRY,	:	
Defendants	:	

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the Statement of Damages, filed on behalf of Plaintiff, Larry R. Reed, was forwarded on the 5th day of August, 2002, by U.S. Mail, postage prepaid, addressed as follows:

Christopher E. Mohny, Esquire
Blakley, Jones & Mohny
90 Beaver Drive, Box 6
DuBois, PA 15801


David J. Hopkins, Esquire
Attorney for Plaintiff
Supreme Court No. 42519

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

LARRY R. REED,

PLAINTIFF

VS.

SHIRLEY N. LEWIS and
ROBERT T. DUTTRY,

DEFENDANTS

NO. 01 - 1547 - C.D.

TYPE OF CASE: CIVIL

TYPE OF PLEADING: ANSWER
TO AMENDED COMPLAINT
IN EJECTMENT

FILED ON BEHALF OF: DEFENDANTS

COUNSEL OF RECORD:
CHRISTOPHER E. MOHNEY, ESQUIRE

SUPREME COURT NO.: 63494

BLAKLEY, JONES & MOHNEY
90 BEAVER DRIVE, BOX 6
DU BOIS, PA 15801
(814) 371-2730

FILED

AUG 13 2002

01/2002/ceatty
William A. Shaw
Prothonotary

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

LARRY R. REED,	:	NO. 01 - 1547 - C.D.
	:	
PLAINTIFF	:	
	:	
VS.	:	
	:	
SHIRLEY N. LEWIS and	:	
ROBERT T. DUTTRY,	:	
	:	
DEFENDANTS	:	

ANSWER TO AMENDED COMPLAINT
IN EJECTMENT

AND NOW, come Defendants **SHIRLEY N. LEWIS** and **ROBERT T. DUTTRY**, by their attorneys, **BLAKLEY, JONES & MOHNEY, ESQUIRES**, who file the following Answer to Amended Complaint in Ejectment:

COUNT I

1. Denied. After reasonable investigation, Defendants are without sufficient knowledge or information to form a belief as to the truth of the averments in paragraph 1 of Plaintiff's Complaint, the same being deemed denied and strict proof thereof being demanded at Trial.

2. Denied. To the contrary, **SHIRLEY N. LEWIS** is an adult individual residing at 25 North Sixth Street, Du Bois, PA 15801.

3. Admitted.

4. Denied. After reasonable investigation, Defendants are without sufficient knowledge or

information to form a belief as to the truth of the averments in paragraph 4 of Plaintiff's Complaint, specifically that "the property at issue is set forth on Exhibit "A" and Exhibit "B" of Plaintiff's original Complaint and Exhibit "F" attached to the Amended Complaint", the same being deemed denied, and strict proof thereof being demanded at Trial. By way of further response, it is categorically denied that Plaintiff owns any land that is currently in the possession of, or being used by Defendants, to the extent Plaintiff is alleging that any portion of the properties described in Exhibits "A" and "B" of his original Complaint and set forth on the survey attached as Exhibit "F" to his Amended Complaint purport to assert as such. Moreover, Defendants believe, and therefore aver, that the survey attached as Exhibit "F" to Plaintiff's Amended Complaint is inaccurate in terms of where it establishes the boundaries of Plaintiff's land.

5. Admitted.

6. Admitted in part, denied in part. It is admitted that Exhibit "C" to Plaintiff's original Complaint purports to be a chain of title to the referenced tax parcel number. After reasonable investigation, Defendants are without sufficient information or knowledge to form a belief as to whether the chain of title set forth by Plaintiff is accurate, the same therefore being denied, and strict proof thereof being demanded at Trial.

7. Admitted in part, denied in part. It is admitted that Exhibit "D" to Plaintiff's original Complaint purports to be a chain of title to the referenced tax parcel number. After reasonable investigation, Defendants are without sufficient information or knowledge to form a belief as to whether the chain of title set forth by Plaintiff is accurate, the same therefore being denied, and strict proof thereof being demanded at Trial.

8. Admitted.

9. Admitted in part, denied in part. Paragraphs 6 and 7 of this Answer are incorporated herein by reference, and as if set forth at length, and should the chains of title for Plaintiff's property be accurate, the common source of title of the parties' land appears to be Fred E. Weber.

10. Denied. To the contrary, Plaintiff constructed his roadway on property owned by Defendants, not along the northern boundary line of Plaintiff's property.

11. Denied. To the contrary, Defendants have erected a fence on their own land, and have not cut off any roadway that Plaintiff is entitled to utilize.

12. Denied. To the contrary, previously Plaintiff trespassed on lands of Defendant when constructing his roadway, without permission of the Defendants. By way of further response, Defendants are merely enjoying the property defined by their deed.

WHEREFORE, Defendants **SHIRLEY N. LEWIS** and **ROBERT T. DUTTRY** pray this Honorable Court for judgment in their favor and against Plaintiff **LARRY R. REED**, and further pray that all costs be taxed to Plaintiff.

COUNT II

13. Paragraphs 1 through 13 of this Answer are incorporated herein by reference and as if set forth at length.

14. Admitted. By way of further response and clarification, however, Defendants deny that the location of the northern boundary line of Plaintiff's land is correctly depicted by the survey of Lee-Simpson Associates, Inc.. The averments contained in paragraph 15 of this Answer are also incorporated herein by reference, and as if set forth at length.

15. Denied. To the contrary, Plaintiff distorts the outcome of the District Magistrate Hearing

on the Trespass Complaint filed by Defendants against Plaintiff. By way of further response, the trespass charges filed against Plaintiff by Defendant were dismissed by the Magistrate because the location of the property line was disputed, and the Magistrate did not feel that either side had presented sufficient evidence to prove which party is correct. Consequently, in dismissing the Trespass Complaint of Defendants filed against Plaintiff, the Magistrate was not holding that Plaintiff was correct in the location of the boundary line, only that the Magistrate did not want to be responsible for determining where the line was correct, hence this litigation.

16. Denied. By way of further response, the answer to paragraphs 14 and 15 of this Answer are incorporated herein by reference and as if set forth at length. By way of further response, Plaintiff was notified by Defendants, by certified letter, that the road he had previously built was believed to be on Defendant's property, to which Plaintiff ignored the letter and continued to utilize the trespassing roadway; furthermore, Plaintiff's roadway was removed and Defendants incurred the expense of doing the same, and re-seeding the land and building a fence on property they own pursuant to the metes and bounds of their deed calls, together a performed survey. It is denied that Defendants have acted in any manner to destroy any property of Plaintiff, or otherwise deny Plaintiff access to any roadway to which he has right of usage.

17. Denied. Paragraph 17 of Plaintiff's Complaint are conclusions of law to which no response is necessary, the same being deemed denied and strict proof thereof being demanded at Trial.

WHEREFORE, Defendants **SHIRLEY N. LEWIS** and **ROBERT T. DUTTRY** pray this Honorable Court to dismiss Count II of Plaintiff's Complaint, with prejudice, and also to tax all costs to Plaintiff.

COUNT III

18. Paragraphs 1 through 17 of this Answer are incorporated herein by reference and as if set forth at length.

19. Admitted. By way of further response, however, Defendants deny that Plaintiff utilized a portion of their 12-foot driveway with their permission, and to the contrary, Plaintiff was advised, in writing, via certified mail, return receipt requested, to desist trespassing on Defendants' driveway, to which request Plaintiff continued to ignore.

20. Denied. To the contrary, Plaintiff has absolutely no right of usage of at least one-half (1/2) of Defendants' 12-foot private drive, and, in fact, Plaintiff provides no documentation or averments as to his claim of right of usage and even his own survey, attached as Exhibit "F" to his Complaint, does not reflect any right of usage of this roadway.

21. Denied. The averments contained in paragraph 20 of this Complaint are incorporated herein by reference and as if set forth at length. By way of further response, as with Counts I and II of this Complaint, Defendants are occupying no property to which they do not own fee title.

WHEREFORE, Defendants **SHIRLEY N. LEWIS** and **ROBERT T. DUTTRY** pray this Honorable Court to dismiss Count III of Plaintiff's Complaint, with prejudice, and to tax all costs to Plaintiff.

COUNT IV

22. Paragraphs 1 through 21 of this Complaint are incorporated herein by reference and as if set forth at length.

23. Paragraph 23 of Plaintiff's Complaint contains conclusions of law to which no response

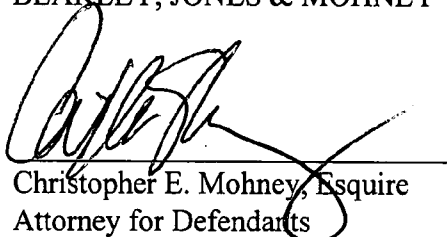
is required, the same being deemed denied and strict proof thereof being demanded at Trial. To the extent an answer is necessary, the property referenced by Plaintiff in paragraph 23 of his Complaint does not appear to be lands owned, or claimed to be owned by Defendants and in that regard, Plaintiff has failed to join necessary parties to obtain relief requested; by way of further answer, Defendants deny that Plaintiff has satisfied all elements necessary to claim title to the subject property by adverse possession.

WHEREFORE, Defendants **SHIRLEY N. LEWIS** and **ROBERT T. DUTTRY** pray this Honorable Court to dismiss Count IV of Plaintiff's Complaint, with prejudice, and to tax all costs to Plaintiff.

Respectfully submitted,

BLAKLEY, JONES & MOHNEY

BY:



Christopher E. Mohnhey, Esquire
Attorney for Defendants

Date: 8-13-02

VERIFICATION

I, **SHIRLEY N. LEWIS**, being duly authorized to make this verification, have read the foregoing Answer to Amended Complaint in Ejectment. The statements therein are correct to the best of my personal knowledge or information and belief.

This statement and verification is made subject to the penalties of 18 Pa. C. S. Section 4904 relating to unsworn fabrication to authorities, which provides that if I make knowingly false averments we may be subject to criminal penalties.

Date:

8-12-02

Shirley N. Lewis
SHIRLEY N. LEWIS

VERIFICATION

I, **ROBERT T. DUTTRY**, being duly authorized to make this verification, have read the foregoing Answer to Amended Complaint in Ejectment. The statements therein are correct to the best of my personal knowledge or information and belief.

This statement and verification is made subject to the penalties of 18 Pa. C. S. Section 4904 relating to unsworn fabrication to authorities, which provides that if I make knowingly false averments we may be subject to criminal penalties.

Date:

8-12-02


ROBERT T. DUTTRY

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

LARRY R. REED,

PLAINTIFF

VS.

SHIRLEY N. LEWIS and
ROBERT T. DUTTRY,

DEFENDANTS

NO. 01 - 1547 - C.D.

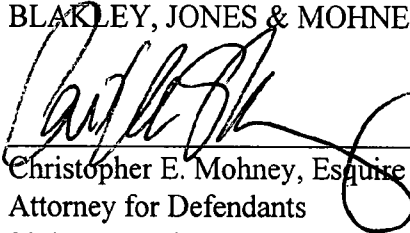
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendants' Answer to Amended Complaint in Ejectment has been served upon the following individual by regular United States mail, postage prepaid, on this 13 day of August, 2002:

David J. Hopkins, Esquire
The Hopkins Law Firm
900 Beaver Drive
Du Bois, PA 15801
Attorney for Plaintiff

BLAKLEY, JONES & MOHNEY

BY:


Christopher E. Mohney, Esquire
Attorney for Defendants
90 Beaver Drive, Box 6
Du Bois, PA 15801
(814) 371-2730

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION
NO. 01 - 1547 - C.D.

LARRY R. REED,

PLAINTIFF

VS.

SHIRLEY N. LEWIS and
ROBERT T. DUTTRY,

DEFENDANTS

ANSWER TO AMENDED
COMPLAINT IN EJECTMENT

LAW OFFICES
BLAKLEY, JONES & MOHNEY
90 BEAVER DRIVE - BOX 6
DUBOIS, PA 15801

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

LARRY R. REED,

PLAINTIFF

VS.

SHIRLEY N. LEWIS and
ROBERT T. DUTTRY,

DEFENDANTS

: NO. 01 - 1547 - C.D.

: TYPE OF CASE: CIVIL

: TYPE OF PLEADING: ANSWER
: TO STATEMENT OF DAMAGES

: FILED ON BEHALF OF: DEFENDANTS

: COUNSEL OF RECORD:
: CHRISTOPHER E. MOHNEY, ESQUIRE

: SUPREME COURT NO.: 63494

: BLAKLEY, JONES & MOHNEY
: 90 BEAVER DRIVE, BOX 6
: DU BOIS, PA 15801
: (814) 371-2730

FILED

AUG 13 2002

01/12/00/2cc atty
William A. Brown
Prothonotary

KSJ

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

LARRY R. REED,	:	NO. 01 - 1547 - C.D.
	:	
PLAINTIFF	:	
	:	
VS.	:	
	:	
SHIRLEY N. LEWIS and	:	
ROBERT T. DUTTRY,	:	
	:	
DEFENDANTS	:	

ANSWER TO STATEMENT OF DAMAGES

AND NOW, come Defendants **SHIRLEY N. LEWIS** and **ROBERT T. DUTTRY**, by their attorneys, **BLAKLEY, JONES & MOHNEY, ESQUIRES**, who file the following Answer to Statement of Damages:

1. After reasonable investigation, Defendants are without sufficient information or knowledge to form a belief as to the truth of the averments of paragraph 1 of Plaintiff's Statement of Damages, the same being deemed denied and strict proof thereof being demanded at Trial.


2. After reasonable investigation, Defendants are without sufficient information or knowledge to form a belief as to the truth of the averments of paragraph 2 of Plaintiff's Statement of Damages, the same being deemed denied and strict proof thereof being demanded at Trial. By way of further response, the figures on the estimate statement for repair of the road are inaccurate in that five (5) hours at \$110.00 per hour to remove topsoil, which cost is not admitted by Defendants, is \$550.00 (not \$660.00, as reflected on the estimate); moreover, the eight (8) loads of sandstone indicated on the estimate, which item also is not admitted by Defendants, would total

\$1,200.00 (not \$1,240.00).

Respectfully submitted,

BLAKLEY, JONES & MOHNEY

BY:



Christopher E. Mohney, Esquire
Attorney for Defendants

Date: 8-13-02

VERIFICATION

I, **SHIRLEY N. LEWIS**, being duly authorized to make this verification, have read the foregoing Answer to Statement of Damages. The statements therein are correct to the best of my personal knowledge or information and belief.

This statement and verification is made subject to the penalties of 18 Pa. C. S. Section 4904 relating to unsworn fabrication to authorities, which provides that if I make knowingly false averments we may be subject to criminal penalties.

Date: 8-12-02


SHIRLEY N. LEWIS

VERIFICATION

I, **ROBERT T. DUTTRY**, being duly authorized to make this verification, have read the foregoing Answer to Statement of Damages. The statements therein are correct to the best of my personal knowledge or information and belief.

This statement and verification is made subject to the penalties of 18 Pa. C. S. Section 4904 relating to unsworn fabrication to authorities, which provides that if I make knowingly false averments we may be subject to criminal penalties.

Date: 8-12-02


ROBERT T. DUTTRY

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

LARRY R. REED,

PLAINTIFF

VS.

SHIRLEY N. LEWIS and
ROBERT T. DUTTRY,

DEFENDANTS

NO. 01 - 1547 - C.D.

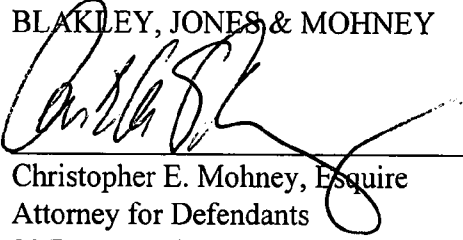
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendants' Answer to Statement of Damages
has been served upon the following individual by regular United States mail, postage prepaid, on this
13 day of August, 2002:

David J. Hopkins, Esquire
The Hopkins Law Firm
900 Beaver Drive
Du Bois, PA 15801
Attorney for Plaintiff

BLAKLEY, JONES & MOHNEY

BY:


Christopher E. Mohney, Esquire
Attorney for Defendants
90 Beaver Drive, Box 6
Du Bois, PA 15801
(814) 371-2730

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION
NO. 01 - 1547 - C.D.

LARRY R. REED,

PLAINTIFF

VS.

SHIRLEY N. LEWIS and
ROBERT T. DUTTRY,

DEFENDANTS

ANSWER TO STATEMENT OF DAMAGES

LAW OFFICES
BLAKLEY, JONES & MOHNEY
90 BEAVER DRIVE - BOX 6
DUBOIS, PA 15801

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

LARRY R. REED,

PLAINTIFF

VS.

SHIRLEY N. LEWIS and
ROBERT T. DUTTRY,

DEFENDANTS

: NO. 01 - 1547 - C.D.
:

: TYPE OF CASE: CIVIL
:

: TYPE OF PLEADING: STIPULATION
: TO AMEND PLEADING
:

: FILED ON BEHALF OF: DEFENDANTS
:

: COUNSEL OF RECORD:
: CHRISTOPHER E. MOHNEY, ESQUIRE
:

: SUPREME COURT NO.: 63494
:

: BLAKLEY, JONES & MOHNEY
: 90 BEAVER DRIVE, BOX 6
: DU BOIS, PA 15801
: (814) 371-2730

FILED

DEC 18 2002

William A. Shaw
Prothonotary/Clerk of Courts

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

LARRY R. REED,

PLAINTIFF

VS.

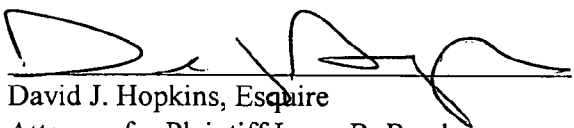
SHIRLEY N. LEWIS and
ROBERT T. DUTTRY,

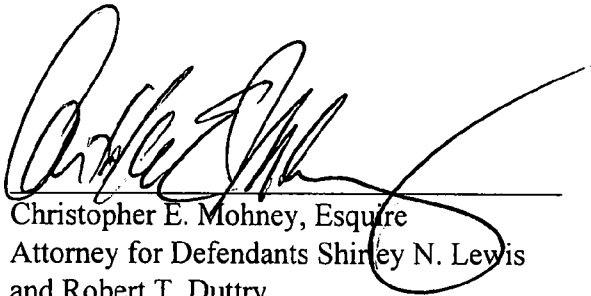
DEFENDANTS

NO. 01 - 1547 - C.D.

STIPULATION

It is hereby stipulated by and between the parties herein, through their undersigned counsel, that Defendants be allowed to file within twenty (20) days hereof, an Amended Answer, New Matter and Counterclaim to Amended Complaint in Ejectment and Counterclaim as set forth in the attached Exhibit "A".


David J. Hopkins, Esquire
Attorney for Plaintiff Larry R. Reed


Christopher E. Mohnhey, Esquire
Attorney for Defendants Shirley N. Lewis
and Robert T. Duttry

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

LARRY R. REED,	:	NO. 01 - 1547 - C.D.
	:	
PLAINTIFF	:	TYPE OF CASE: CIVIL
	:	
VS.	:	TYPE OF PLEADING: AMENDED
	:	ANSWER, NEW MATTER AND
SHIRLEY N. LEWIS and	:	COUNTERCLAIM TO AMENDED
ROBERT T. DUTTRY,	:	COMPLAINT IN EJECTMENT
	:	
DEFENDANTS	:	FILED ON BEHALF OF: DEFENDANTS
	:	
	:	COUNSEL OF RECORD:
	:	CHRISTOPHER E. MOHNEY, ESQUIRE
	:	
	:	SUPREME COURT NO.: 63494
	:	
	:	BLAKLEY, JONES & MOHNEY
	:	90 BEAVER DRIVE, BOX 6
	:	DU BOIS, PA 15801
	:	(814) 371-2730

EXHIBIT "A"

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

LARRY R. REED,	:	NO. 01 - 1547 - C.D.
	:	
PLAINTIFF	:	
	:	
VS.	:	
	:	
SHIRLEY N. LEWIS and	:	
ROBERT T. DUTTRY,	:	
	:	
DEFENDANTS	:	

**AMENDED ANSWER, NEW MATTER AND COUNTERCLAIM
TO AMENDED COMPLAINT IN EJECTMENT**

AND NOW, come Defendants **SHIRLEY N. LEWIS** and **ROBERT T. DUTTRY**, by their attorneys, **BLAKLEY, JONES & MOHNEY, ESQUIRES**, who file the following Amended Answer, New Matter and Counterclaim to Amended Complaint in Ejectment:

COUNT I

1. Denied. After reasonable investigation, Defendants are without sufficient knowledge or information to form a belief as to the truth of the averments in paragraph 1 of Plaintiff's Complaint, the same being deemed denied and strict proof thereof being demanded at Trial.

2. Denied. To the contrary, **SHIRLEY N. LEWIS** is an adult individual residing at 25 North Sixth Street, Du Bois, PA 15801.

3. Admitted.

4. Denied. After reasonable investigation, Defendants are without sufficient knowledge or

information to form a belief as to the truth of the averments in paragraph 4 of Plaintiff's Complaint, specifically that "the property at issue is set forth on Exhibit "A" and Exhibit "B" of Plaintiff's original Complaint and Exhibit "F" attached to the Amended Complaint", the same being deemed denied, and strict proof thereof being demanded at Trial. By way of further response, it is categorically denied that Plaintiff owns any land that is currently in the possession of, or being used by Defendants, to the extent Plaintiff is alleging that any portion of the properties described in Exhibits "A" and "B" of his original Complaint and set forth on the survey attached as Exhibit "F" to his Amended Complaint purport to assert as such. Moreover, Defendants believe, and therefore aver, that the survey attached as Exhibit "F" to Plaintiff's Amended Complaint is inaccurate in terms of where it establishes the boundaries of Plaintiff's land.

5. Admitted.

6. Admitted in part, denied in part. It is admitted that Exhibit "C" to Plaintiff's original Complaint purports to be a chain of title to the referenced tax parcel number. After reasonable investigation, Defendants are without sufficient information or knowledge to form a belief as to whether the chain of title set forth by Plaintiff is accurate, the same therefore being denied, and strict proof thereof being demanded at Trial.

7. Admitted in part, denied in part. It is admitted that Exhibit "D" to Plaintiff's original Complaint purports to be a chain of title to the referenced tax parcel number. After reasonable investigation, Defendants are without sufficient information or knowledge to form a belief as to whether the chain of title set forth by Plaintiff is accurate, the same therefore being denied, and strict proof thereof being demanded at Trial.

8. Admitted.

9. Admitted in part, denied in part. Paragraphs 6 and 7 of this Answer are incorporated herein by reference, and as if set forth at length, and should the chains of title for Plaintiff's property be accurate, the common source of title of the parties' land appears to be Fred E. Weber.

10. Denied. To the contrary, Plaintiff constructed his roadway on property owned by Defendants, not along the northern boundary line of Plaintiff's property.

11. Denied. To the contrary, Defendants have erected a fence on their own land, and have not cut off any roadway that Plaintiff is entitled to utilize.

12. Denied. To the contrary, previously Plaintiff trespassed on lands of Defendant when constructing his roadway, without permission of the Defendants. By way of further response, Defendants are merely enjoying the property defined by their deed.

WHEREFORE, Defendants **SHIRLEY N. LEWIS** and **ROBERT T. DUTTRY** pray this Honorable Court for judgment in their favor and against Plaintiff **LARRY R. REED**, and further pray that all costs be taxed to Plaintiff.

COUNT II

13. Paragraphs 1 through 13 of this Answer are incorporated herein by reference and as if set forth at length.

14. Admitted. By way of further response and clarification, however, Defendants deny that the location of the northern boundary line of Plaintiff's land is correctly depicted by the survey of Lee-Simpson Associates, Inc.. The averments contained in paragraph 15 of this Answer are also incorporated herein by reference, and as if set forth at length.

15. Denied. To the contrary, Plaintiff distorts the outcome of the District Magistrate Hearing

on the Trespass Complaint filed by Defendants against Plaintiff. By way of further response, the trespass charges filed against Plaintiff by Defendant were dismissed by the Magistrate because the location of the property line was disputed, and the Magistrate did not feel that either side had presented sufficient evidence to prove which party is correct. Consequently, in dismissing the Trespass Complaint of Defendants filed against Plaintiff, the Magistrate was not holding that Plaintiff was correct in the location of the boundary line, only that the Magistrate did not want to be responsible for determining where the line was correct, hence this litigation.

16. Denied. By way of further response, the answer to paragraphs 14 and 15 of this Answer are incorporated herein by reference and as if set forth at length. By way of further response, Plaintiff was notified by Defendants, by certified letter, that the road he had previously built was believed to be on Defendant's property, to which Plaintiff ignored the letter and continued to utilize the trespassing roadway; furthermore, Plaintiff's roadway was removed and Defendants incurred the expense of doing the same, and re-seeding the land and building a fence on property they own pursuant to the metes and bounds of their deed calls, together a performed survey. It is denied that Defendants have acted in any manner to destroy any property of Plaintiff, or otherwise deny Plaintiff access to any roadway to which he has right of usage.

17. Denied. Paragraph 17 of Plaintiff's Complaint are conclusions of law to which no response is necessary, the same being deemed denied and strict proof thereof being demanded at Trial.

WHEREFORE, Defendants **SHIRLEY N. LEWIS** and **ROBERT T. DUTTRY** pray this Honorable Court to dismiss Count II of Plaintiff's Complaint, with prejudice, and also to tax all costs to Plaintiff.

COUNT III

18. Paragraphs 1 through 17 of this Answer are incorporated herein by reference and as if set forth at length.

19. Admitted. By way of further response, however, Defendants deny that Plaintiff utilized a portion of their 12-foot driveway with their permission, and to the contrary, Plaintiff was advised, in writing, via certified mail, return receipt requested, to desist trespassing on Defendants' driveway, to which request Plaintiff continued to ignore.

20. Denied. To the contrary, Plaintiff has absolutely no right of usage of at least one-half (1/2) of Defendants' 12-foot private drive, and, in fact, Plaintiff provides no documentation or averments as to his claim of right of usage and even his own survey, attached as Exhibit "F" to his Complaint, does not reflect any right of usage of this roadway.

21. Denied. The averments contained in paragraph 20 of this Complaint are incorporated herein by reference and as if set forth at length. By way of further response, as with Counts I and II of this Complaint, Defendants are occupying no property to which they do not own fee title.

WHEREFORE, Defendants **SHIRLEY N. LEWIS** and **ROBERT T. DUTTRY** pray this Honorable Court to dismiss Count III of Plaintiff's Complaint, with prejudice, and to tax all costs to Plaintiff.

COUNT IV

22. Paragraphs 1 through 21 of this Complaint are incorporated herein by reference and as if set forth at length.

23. Paragraph 23 of Plaintiff's Complaint contains conclusions of law to which no response

is required, the same being deemed denied and strict proof thereof being demanded at Trial. To the extent an answer is necessary, the property referenced by Plaintiff in paragraph 23 of his Complaint does not appear to be lands owned, or claimed to be owned by Defendants and in that regard, Plaintiff has failed to join necessary parties to obtain relief requested; by way of further answer, Defendants deny that Plaintiff has satisfied all elements necessary to claim title to the subject property by adverse possession.

WHEREFORE, Defendants **SHIRLEY N. LEWIS** and **ROBERT T. DUTTRY** pray this Honorable Court to dismiss Count IV of Plaintiff's Complaint, with prejudice, and to tax all costs to Plaintiff.

NEW MATTER

24. Plaintiffs claims are barred by reason of the applicable Pennsylvania statute of limitations as follows:

(a) the applicable Pennsylvania statute of limitations, 42 Pa. C.S. Section 5530 requires that suit on an action for the possession of real property must be commenced within twenty-one (21) years from the time the action accrued.

(b) Defendants, and Defendants' predecessors in interest, have utilized the disputed property greater than twenty-one (21) years, which results in Plaintiff's suit being beyond the applicable statutory period of limitation.

(c) Plaintiff's action is accordingly barred by the applicable statute of limitation.

WHEREFORE, Defendants **SHIRLEY N. LEWIS** and **ROBERT T. DUTTRY** demand that judgment be entered in their favor and against Plaintiff, and that Plaintiff's claims be dismissed

with prejudice and that Defendants be awarded their costs in this matter, along with such other relief as this Court deems proper.

COUNTERCLAIM

Defendants incorporate paragraphs 1 through 24 of their Amended Answer as if fully set forth at length herein.

25. Attached hereto and marked Exhibit "A" is copy of survey of Ernest W. Carns of lands of Defendants.

26. Defendants obtained ownership of their parcel of land neighboring Plaintiff's by deed dated April 21, 1998, and recorded in Clearfield County Courthouse, Volume 1218, page 182.

27. Exhibit "A" attached hereto confirms dimensions of Defendants' property verifying that, as set forth in Defendant's Amended Answer to allegations of Plaintiff, that Defendants are in no manner trespassing or otherwise occupying any of the neighboring land of **REED**.

28. In the alternative, should a Court of law determine the survey of Plaintiff, as attached to his Complaint, to be correct, Defendants, and Defendants' predecessors in title, have used and possessed the real property between the eastern boundary of their land as defined by Defendants' surveyor Carns and the eastern boundary of their land as defined by Plaintiff's surveyor Lee-Simpson, continuously, notoriously, openly, hostilely to the Plaintiff and all other individuals and entities for over twenty-one (21) years.

WHEREFORE, Defendants **SHIRLEY N. LEWIS** and **ROBERT T. DUTTRY** pray this Honorable Court:

(a) declare that Defendants have title to the disputed real property; and

(b) enter an Order barring Plaintiff, his executors, administrators and assigns and all other person, persons, firms, partnerships or corporate entities in interest or their legal representatives be forever barred from asserting any title, right, lien or interest in the land in question that is inconsistent with the interest of the Defendants as set forth herein to the said premises or impeaching, denying or in any way attacking the Defendants' title to the said premises; and

(c) that this Honorable Court order any other proper relief as it deems necessary to equitably and legally recognize and preserve Defendants' rights in this matter.

Respectfully submitted,

BLAKLEY, JONES & MOHNEY

BY: _____
Christopher E. Mohny, Esquire
Attorney for Defendants

Date: _____

VERIFICATION

I, **SHIRLEY N. LEWIS**, being duly authorized to make this verification, have read the foregoing Amended Answer, New Matter and Counterclaim to Amended Complaint in Ejectment. The statements therein are correct to the best of my personal knowledge or information and belief.

This statement and verification is made subject to the penalties of 18 Pa. C. S. Section 4904 relating to unsworn fabrication to authorities, which provides that if I make knowingly false averments we may be subject to criminal penalties.

Date: _____

SHIRLEY N. LEWIS

VERIFICATION

I, **ROBERT T. DUTTRY**, being duly authorized to make this verification, have read the foregoing Amended Answer, New Matter and Counterclaim to Amended Complaint in Ejectment. The statements therein are correct to the best of my personal knowledge or information and belief.

This statement and verification is made subject to the penalties of 18 Pa. C. S. Section 4904 relating to unsworn fabrication to authorities, which provides that if I make knowingly false averments we may be subject to criminal penalties.

Date: _____

ROBERT T. DUTTRY

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

LARRY R. REED,	:	NO. 01 - 1547 - C.D.
	:	
PLAINTIFF	:	
	:	
VS.	:	
	:	
SHIRLEY N. LEWIS and	:	
ROBERT T. DUTTRY,	:	
	:	
DEFENDANTS	:	

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendants' Amended Answer, New Matter and Counterclaim to Amended Complaint in Ejectment has been served upon the following individual by regular United States mail, postage prepaid, on this ____ day of _____, 2002:

David J. Hopkins, Esquire
The Hopkins Law Firm
900 Beaver Drive
Du Bois, PA 15801
Attorney for Plaintiff

BLAKLEY, JONES & MOHNEY

BY: _____
Christopher E. Mohney, Esquire
Attorney for Defendants
90 Beaver Drive, Box 6
Du Bois, PA 15801
(814) 371-2730

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

LARRY R. REED,

PLAINTIFF

VS.

SHIRLEY N. LEWIS and
ROBERT T. DUTTRY,

DEFENDANTS

: NO. 01 - 1547 - C.D.

: TYPE OF CASE: CIVIL

: TYPE OF PLEADING: AMENDED
: ANSWER, NEW MATTER AND
: COUNTERCLAIM TO AMENDED
: COMPLAINT IN EJECTMENT

: FILED ON BEHALF OF: DEFENDANTS

: COUNSEL OF RECORD:
: CHRISTOPHER E. MOHNEY, ESQUIRE

: SUPREME COURT NO.: 63494

: BLAKLEY, JONES & MOHNEY
: 90 BEAVER DRIVE, BOX 6
: DU BOIS, PA 15801
: (814) 371-2730

FILED

DEC 27 2002

William A. Shaw
Prothonotary

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

LARRY R. REED,	:	NO. 01 - 1547 - C.D.
	:	
PLAINTIFF	:	
	:	
VS.	:	
	:	
SHIRLEY N. LEWIS and	:	
ROBERT T. DUTTRY,	:	
	:	
DEFENDANTS	:	

**AMENDED ANSWER, NEW MATTER AND COUNTERCLAIM
TO AMENDED COMPLAINT IN EJECTMENT**

AND NOW, come Defendants **SHIRLEY N. LEWIS** and **ROBERT T. DUTTRY**, by their attorneys, **BLAKLEY, JONES & MOHNEY, ESQUIRES**, who file the following Amended Answer, New Matter and Counterclaim to Amended Complaint in Ejectment:

COUNT I

1. Denied. After reasonable investigation, Defendants are without sufficient knowledge or information to form a belief as to the truth of the averments in paragraph 1 of Plaintiff's Complaint, the same being deemed denied and strict proof thereof being demanded at Trial.

2. Denied. To the contrary, **SHIRLEY N. LEWIS** is an adult individual residing at 25 North Sixth Street, Du Bois, PA 15801.

3. Admitted.

4. Denied. After reasonable investigation, Defendants are without sufficient knowledge or

information to form a belief as to the truth of the averments in paragraph 4 of Plaintiff's Complaint, specifically that "the property at issue is set forth on Exhibit "A" and Exhibit "B" of Plaintiff's original Complaint and Exhibit "F" attached to the Amended Complaint", the same being deemed denied, and strict proof thereof being demanded at Trial. By way of further response, it is categorically denied that Plaintiff owns any land that is currently in the possession of, or being used by Defendants, to the extent Plaintiff is alleging that any portion of the properties described in Exhibits "A" and "B" of his original Complaint and set forth on the survey attached as Exhibit "F" to his Amended Complaint purport to assert as such. Moreover, Defendants believe, and therefore aver, that the survey attached as Exhibit "F" to Plaintiff's Amended Complaint is inaccurate in terms of where it establishes the boundaries of Plaintiff's land.

5. Admitted.

6. Admitted in part, denied in part. It is admitted that Exhibit "C" to Plaintiff's original Complaint purports to be a chain of title to the referenced tax parcel number. After reasonable investigation, Defendants are without sufficient information or knowledge to form a belief as to whether the chain of title set forth by Plaintiff is accurate, the same therefore being denied, and strict proof thereof being demanded at Trial.

7. Admitted in part, denied in part. It is admitted that Exhibit "D" to Plaintiff's original Complaint purports to be a chain of title to the referenced tax parcel number. After reasonable investigation, Defendants are without sufficient information or knowledge to form a belief as to whether the chain of title set forth by Plaintiff is accurate, the same therefore being denied, and strict proof thereof being demanded at Trial.

8. Admitted.

9. Admitted in part, denied in part. Paragraphs 6 and 7 of this Answer are incorporated herein by reference, and as if set forth at length, and should the chains of title for Plaintiff's property be accurate, the common source of title of the parties' land appears to be Fred E. Weber.

10. Denied. To the contrary, Plaintiff constructed his roadway on property owned by Defendants, not along the northern boundary line of Plaintiff's property.

11. Denied. To the contrary, Defendants have erected a fence on their own land, and have not cut off any roadway that Plaintiff is entitled to utilize.

12. Denied. To the contrary, previously Plaintiff trespassed on lands of Defendant when constructing his roadway, without permission of the Defendants. By way of further response, Defendants are merely enjoying the property defined by their deed.

WHEREFORE, Defendants **SHIRLEY N. LEWIS** and **ROBERT T. DUTTRY** pray this Honorable Court for judgment in their favor and against Plaintiff **LARRY R. REED**, and further pray that all costs be taxed to Plaintiff.

COUNT II

13. Paragraphs 1 through 13 of this Answer are incorporated herein by reference and as if set forth at length.

14. Admitted. By way of further response and clarification, however, Defendants deny that the location of the northern boundary line of Plaintiff's land is correctly depicted by the survey of Lee-Simpson Associates, Inc.. The averments contained in paragraph 15 of this Answer are also incorporated herein by reference, and as if set forth at length.

15. Denied. To the contrary, Plaintiff distorts the outcome of the District Magistrate Hearing

on the Trespass Complaint filed by Defendants against Plaintiff. By way of further response, the trespass charges filed against Plaintiff by Defendant were dismissed by the Magistrate because the location of the property line was disputed, and the Magistrate did not feel that either side had presented sufficient evidence to prove which party is correct. Consequently, in dismissing the Trespass Complaint of Defendants filed against Plaintiff, the Magistrate was not holding that Plaintiff was correct in the location of the boundary line, only that the Magistrate did not want to be responsible for determining where the line was correct, hence this litigation.

16. Denied. By way of further response, the answer to paragraphs 14 and 15 of this Answer are incorporated herein by reference and as if set forth at length. By way of further response, Plaintiff was notified by Defendants, by certified letter, that the road he had previously built was believed to be on Defendant's property, to which Plaintiff ignored the letter and continued to utilize the trespassing roadway; furthermore, Plaintiff's roadway was removed and Defendants incurred the expense of doing the same, and re-seeding the land and building a fence on property they own pursuant to the metes and bounds of their deed calls, together a performed survey. It is denied that Defendants have acted in any manner to destroy any property of Plaintiff, or otherwise deny Plaintiff access to any roadway to which he has right of usage.

17. Denied. Paragraph 17 of Plaintiff's Complaint are conclusions of law to which no response is necessary, the same being deemed denied and strict proof thereof being demanded at Trial.

WHEREFORE, Defendants **SHIRLEY N. LEWIS** and **ROBERT T. DUTTRY** pray this Honorable Court to dismiss Count II of Plaintiff's Complaint, with prejudice, and also to tax all costs to Plaintiff.

COUNT III

18. Paragraphs 1 through 17 of this Answer are incorporated herein by reference and as if set forth at length.

19. Admitted. By way of further response, however, Defendants deny that Plaintiff utilized a portion of their 12-foot driveway with their permission, and to the contrary, Plaintiff was advised, in writing, via certified mail, return receipt requested, to desist trespassing on Defendants' driveway, to which request Plaintiff continued to ignore.

20. Denied. To the contrary, Plaintiff has absolutely no right of usage of at least one-half (1/2) of Defendants' 12-foot private drive, and, in fact, Plaintiff provides no documentation or averments as to his claim of right of usage and even his own survey, attached as Exhibit "F" to his Complaint, does not reflect any right of usage of this roadway.

21. Denied. The averments contained in paragraph 20 of this Complaint are incorporated herein by reference and as if set forth at length. By way of further response, as with Counts I and II of this Complaint, Defendants are occupying no property to which they do not own fee title.

WHEREFORE, Defendants **SHIRLEY N. LEWIS** and **ROBERT T. DUTTRY** pray this Honorable Court to dismiss Count III of Plaintiff's Complaint, with prejudice, and to tax all costs to Plaintiff.

COUNT IV

22. Paragraphs 1 through 21 of this Complaint are incorporated herein by reference and as if set forth at length.

23. Paragraph 23 of Plaintiff's Complaint contains conclusions of law to which no response

is required, the same being deemed denied and strict proof thereof being demanded at Trial. To the extent an answer is necessary, the property referenced by Plaintiff in paragraph 23 of his Complaint does not appear to be lands owned, or claimed to be owned by Defendants and in that regard, Plaintiff has failed to join necessary parties to obtain relief requested; by way of further answer, Defendants deny that Plaintiff has satisfied all elements necessary to claim title to the subject property by adverse possession.

WHEREFORE, Defendants **SHIRLEY N. LEWIS** and **ROBERT T. DUTTRY** pray this Honorable Court to dismiss Count IV of Plaintiff's Complaint, with prejudice, and to tax all costs to Plaintiff.

NEW MATTER

24. Plaintiffs claims are barred by reason of the applicable Pennsylvania statute of limitations as follows:

(a) the applicable Pennsylvania statute of limitations, 42 Pa. C.S. Section 5530 requires that suit on an action for the possession of real property must be commenced within twenty-one (21) years from the time the action accrued.

(b) Defendants, and Defendants' predecessors in interest, have utilized the disputed property greater than twenty-one (21) years, which results in Plaintiff's suit being beyond the applicable statutory period of limitation.

(c) Plaintiff's action is accordingly barred by the applicable statute of limitation.

WHEREFORE, Defendants **SHIRLEY N. LEWIS** and **ROBERT T. DUTTRY** demand that judgment be entered in their favor and against Plaintiff, and that Plaintiff's claims be dismissed

with prejudice and that Defendants be awarded their costs in this matter, along with such other relief as this Court deems proper.

COUNTERCLAIM

Defendants incorporate paragraphs 1 through 24 of their Amended Answer as if fully set forth at length herein.

25. Attached hereto and marked Exhibit "A" is copy of survey of Ernest W. Carns of lands of Defendants.

26. Defendants obtained ownership of their parcel of land neighboring Plaintiff's by deed dated April 21, 1998, and recorded in Clearfield County Courthouse, Volume 1218, page 182.

27. Exhibit "A" attached hereto confirms dimensions of Defendants' property verifying that, as set forth in Defendant's Amended Answer to allegations of Plaintiff, that Defendants are in no manner trespassing or otherwise occupying any of the neighboring land of **REED**.

28. In the alternative, should a Court of law determine the survey of Plaintiff, as attached to his Complaint, to be correct, Defendants, and Defendants' predecessors in title, have used and possessed the real property between the eastern boundary of their land as defined by Defendants' surveyor Carns and the eastern boundary of their land as defined by Plaintiff's surveyor Lee-Simpson, continuously, notoriously, openly, hostilely to the Plaintiff and all other individuals and entities for over twenty-one (21) years.

WHEREFORE, Defendants **SHIRLEY N. LEWIS** and **ROBERT T. DUTTRY** pray this Honorable Court:

(a) declare that Defendants have title to the disputed real property; and

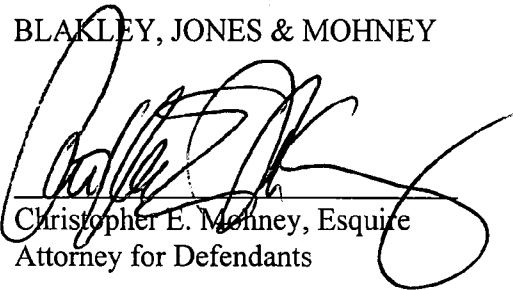
(b) enter an Order barring Plaintiff, his executors, administrators and assigns and all other person, persons, firms, partnerships or corporate entities in interest or their legal representatives be forever barred from asserting any title, right, lien or interest in the land in question that is inconsistent with the interest of the Defendants as set forth herein to the said premises or impeaching, denying or in any way attacking the Defendants' title to the said premises; and

(c) that this Honorable Court order any other proper relief as it deems necessary to equitably and legally recognize and preserve Defendants' rights in this matter.

Respectfully submitted,

BLAKLEY, JONES & MOHNEY

BY:



Christopher E. Mohney, Esquire
Attorney for Defendants

Date: 12-23-02

VERIFICATION

I, **SHIRLEY N. LEWIS**, being duly authorized to make this verification, have read the foregoing Amended Answer, New Matter and Counterclaim to Amended Complaint in Ejectment. The statements therein are correct to the best of my personal knowledge or information and belief.

This statement and verification is made subject to the penalties of 18 Pa. C. S. Section 4904 relating to unsworn fabrication to authorities, which provides that if I make knowingly false averments we may be subject to criminal penalties.

Date: 12-20-02


SHIRLEY N. LEWIS

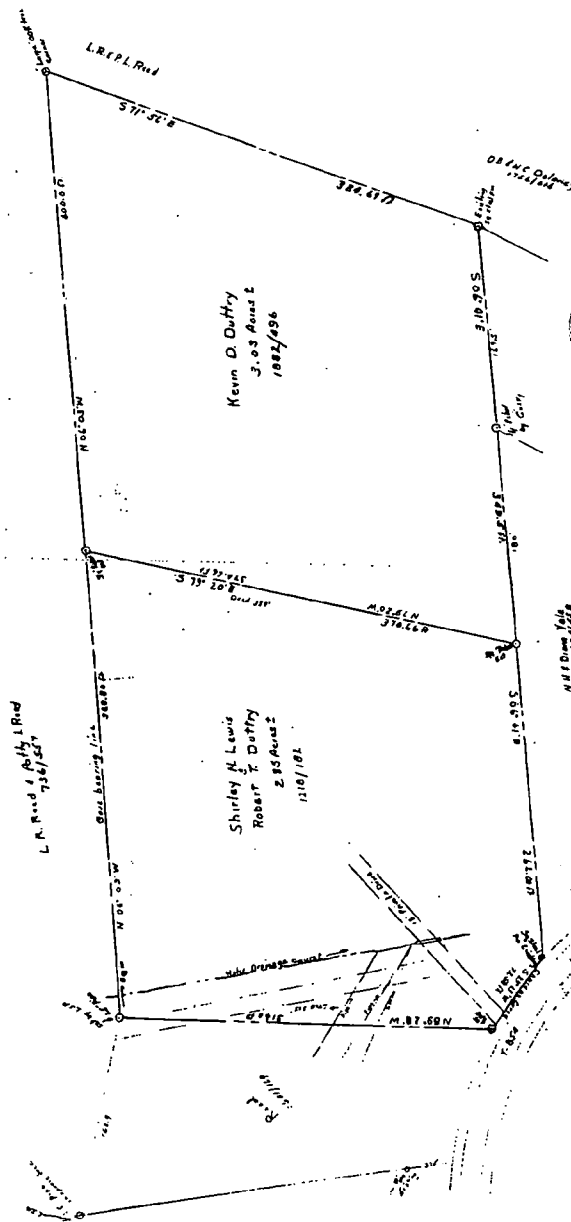
VERIFICATION

I, **ROBERT T. DUTTRY**, being duly authorized to make this verification, have read the foregoing Amended Answer, New Matter and Counterclaim to Amended Complaint in Ejectment. The statements therein are correct to the best of my personal knowledge or information and belief.

This statement and verification is made subject to the penalties of 18 Pa. C. S. Section 4904 relating to unsworn fabrication to authorities, which provides that if I make knowingly false averments we may be subject to criminal penalties.

Date: 12-20-02


ROBERT T. DUTTRY

[illegible]

Map of Land for

Shirley N. Lewis &

Robert T. Duttry

ndy Twp. Clearfield Co. Pa.
Scale 1 inch = 50 feet

Scale 1 inch = 50 feet

Surveyed	April
Maped	April

Approved: April

*Note: In Bond Out Confirmation
Drawings dated Jan 20, 1922
and May 5, 1929 for work of
Right-of-way, curve data and
Topography.
As Right-of-way confirmed May 18, 1929
by Bond Order No 3 page 141.
File Case No 2 Obed 394-A-1*

EXHIBIT "A"

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION
NO. 01 - 1547 - C.D.

LARRY R. REED,

PLAINTIFF

VS.

SHIRLEY N. LEWIS, and
ROBERT T. DUTTRY,

DEFENDANTS

AMENDED ANSWER, NEW MATTER AND
COUNTERCLAIM TO AMENDED
COMPLAINT IN EJECTMENT

FILED

DEC 27 2002

01 10:05

William A. Shaw
Prothonotary

2 cc to *actg*

WAS

LAW OFFICES
BLAKLEY, JONES & MOHNEY
90 BEAVER DRIVE - BOX 6
DUBOIS, PA 15801

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

LARRY R. REED,

PLAINTIFF

VS.

SHIRLEY N. LEWIS and
ROBERT T. DUTTRY,

DEFENDANTS

: NO. 01-1547 C.D.
: TYPE OF CASE: CIVIL
:
: TYPE OF PLEADING: CERTIFICATE
: OF SERVICE
:
: FILED ON BEHALF OF: DEFENDANTS
:
: COUNSEL OF RECORD:
: CHRISTOPHER E. MOHNEY, ESQUIRE
:
: SUPREME COURT NO.: 63494
:
: CHRISTOPHER E. MOHNEY, ESQUIRE
: 90 BEAVER DRIVE, SUITE 201A
: DUBOIS, PA 15801
: (814) 375-1044

FILED

JAN 09 2003

William A. Shaw
Prothonotary

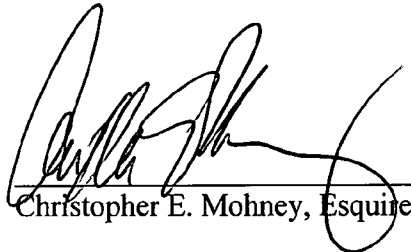
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL DIVISION

LARRY R. REED,	:	NO. 01-1547 C.D.
	:	TYPE OF CASE: CIVIL
PLAINTIFF	:	
	:	TYPE OF PLEADING: CERTIFICATE
	:	OF SERVICE
VS.	:	
	:	FILED ON BEHALF OF: DEFENDANTS
SHIRLEY N. LEWIS and	:	
ROBERT T. DUTTRY,	:	
	:	
DEFENDANTS	:	

CERTIFICATE OF SERVICE

I, Christopher E. Mohney, Esquire, do hereby certify that on this 8 day of January, 2003, I caused to be served by First Class United States Mail, postage prepaid, Amended Answer, New Matter and Counterclaim to Amended Complaint in Ejectment on the following:

David J. Hopkins, Esquire
The Hopkins Law Firm
900 Beaver Drive
DuBois, PA 15801
Attorney for Plaintiff



Christopher E. Mohney, Esquire

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

LARRY R. REED,

Plaintiff

vs.

SHIRLEY N. LEWIS and
ROBERT T. DUTTRY,

Defendants

EJECTMENT

No. 01-1547 C.D.

Type of Pleading: Answer to Counterclaim
to Amend Complaint in Ejectment and
New Matter

Filed on behalf of: Larry R. Reed

Counsel of Record for this party:

DAVID J. HOPKINS, ESQUIRE
Attorney at Law

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

(814) 375-0300

NOTICE TO PLEAD

You are hereby notified to plead
to the within pleading within
twenty (20) days of service thereof
or default judgment may be entered
against you.


David J. Hopkins, Esquire

FILED

FEB 04 2003

William A. Shaw
Prothonotary

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

LARRY R. REED,	:	
Plaintiff	:	EJECTMENT
	:	
vs.	:	No. 01-1547 C.D.
	:	
SHIRLEY N. LEWIS and	:	
ROBERT T. DUTTRY,	:	
Defendants	:	

**ANSWER TO NEW MATTER AND COUNTERCLAIM TO AMEND
COMPLAINT IN EJECTMENT AND NEW MATTER**

AND NOW, comes Plaintiff, Larry R. Reed, by and through his attorneys, The Hopkins Law Firm, and answers the New Matter and Counterclaim to Amend Complaint in Ejectment of Defendants, Shirley N. Lewis and Robert T. Duttry as follows:

ANSWER TO NEW MATTER

24. (a) Denied. Plaintiff commenced an action for the possession of real property immediately after Defendants constructed a fence over Plaintiff's land.

(b) Denied. Defendants have not utilized the disputed property for a period of time greater than twenty-one (21) years.

(c) Denied. Plaintiff's cause of action is not barred by the applicable statutes of limitations in that Plaintiff has commenced this action shortly after Defendants' constructed a fence over Plaintiff's property.

WHEREFORE, Plaintiff respectfully requests Defendants' New Matter be dismissed with prejudice.

ANSWER TO COUNTERCLAIM

AND NOW, comes Plaintiff, by and through his attorney, The Hopkins Law Firm, and answers the Counterclaim of Defendants as follows:

25. Admitted.

26. Admitted in part and denied in part. Plaintiff admits Defendants obtained title to the property continuous to Plaintiff by Deed dated April 21, 1998 and recorded in the Clearfield County Courthouse in Volume 1218 at page 182. To the extent said allegation attempts to confirm ownership over lands of Plaintiff, same are specifically denied.

27. Denied. Plaintiff has heretofore produced its survey showing the property line of Plaintiff to be in an area where Defendants have constructed a fence thereby necessitating this litigation.

28. Denied. Defendants have not possessed the property continuously, notoriously, openly, hostilely to the Plaintiff for twenty-one (21) years. To the contrary, Plaintiff and Plaintiff's predecessors have utilized the lands in question for a period of time in excess of twenty-one (21) years.

WHEREFORE, Defendants' Counterclaim should be dismissed with prejudice.


NEW MATTER

29. Defendants Shirley N. Lewis and Robert T. Duttry's claims are barred inasmuch as Plaintiff and Plaintiff's predecessor have used the lands in question as their own continuously, notoriously, openly and hostilely to the Defendants and all other individuals and entities for over twenty-one (21) years.

30. Plaintiff sets forth each and every allegation set forth in his Complaint as New Matter.

WHEREFORE, Defendants Shirley N. Lewis and Robert T. Duttry's claims should be dismissed with prejudice.

Respectfully submitted,



David J. Hopkins, Esquire
Attorney for Larry R. Reed

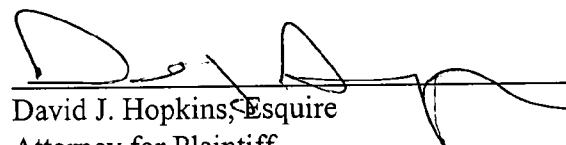
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

LARRY R. REED,	:	
Plaintiff	:	EJECTMENT
	:	
vs.	:	No. 01-1547 C.D.
	:	
SHIRLEY N. LEWIS and	:	
ROBERT T. DUTTRY,	:	
Defendants	:	

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of Answer to New Matter and Counterclaim to Amend Complaint in Ejectment and New Matter, filed on behalf of Larry R. Reed, Plaintiff, was delivered on the 3rd day of February, 2003, by regular mail, postage prepaid, to all counsel of record, addressed as follows:

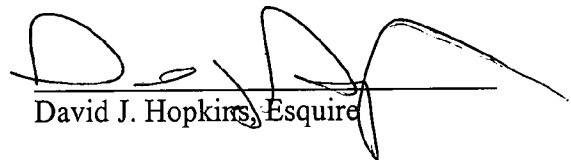
Christopher Mohny, Esquire
90 Beaver Drive, Box 5
DuBois, PA 15801



David J. Hopkins, Esquire
Attorney for Plaintiff

VERIFICATION

I, David J. Hopkins, Esquire, do hereby state that I am the attorney for the Plaintiff, Larry R. Reed, that I am authorized to make this Verification on behalf of the Plaintiff, and the facts set forth in the foregoing Answer to Counterclaim to Amend Complaint in Ejectment are true and correct, not at my own knowledge, but from information supplied to me from the Plaintiff and that the purpose of this Verification is to expedite the litigation, and that the Verification of the Plaintiff, Larry R. Reed, will be supplied, if demanded, also, subject to the penalties of 18 Pa.C.S.A. §4904, relating to unsworn falsification to authorities.


David J. Hopkins, Esquire

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

LARRY R. REED,

PLAINTIFF

VS.

SHIRLEY N. LEWIS and
ROBERT T. DUTTRY,

DEFENDANTS

: NO. 01-1547 C.D.

: TYPE OF CASE: CIVIL

:
: TYPE OF PLEADING: REPLY TO
: NEW MATTER

: FILED ON BEHALF OF: DEFENDANTS

:
: COUNSEL OF RECORD:
: CHRISTOPHER E. MOHNEY, ESQUIRE

: SUPREME COURT NO.: 63494

:
: CHRISTOPHER E. MOHNEY, ESQUIRE
: 90 BEAVER DRIVE, SUITE 201A
: DUBOIS, PA 15801
: (814) 375-1044

FILED

APR 04 2003

William A. Shaw
Prothonotary

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

LARRY R. REED,	:	NO. 01-1547 C.D.
	:	TYPE OF CASE: CIVIL
PLAINTIFF	:	
	:	
VS.	:	
	:	
SHIRLEY N. LEWIS and	:	
ROBERT T. DUTTRY,	:	
	:	
DEFENDANTS	:	

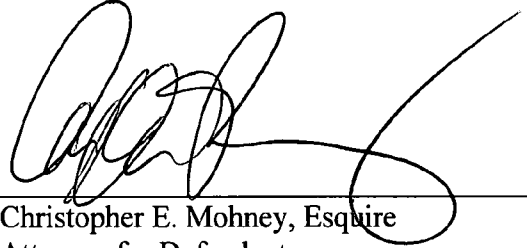
REPLY TO NEW MATTER

AND NOW, comes Defendants **SHIRLEY N. LEWIS and ROBERT T. DUTTRY**, by their attorney, **CHRISTOPHER E. MOHNEY, ESQUIRE**, and replies to New Matter of Plaintiff **LARRY R. REED**, averring as follows:

29. The averments of paragraph 29 of Plaintiff's New Matter state conclusions of law to which no response is necessary, the same being deemed denied and strict proof thereof being demanded at trial.

30. No response necessary, but to the extent an answer is deemed necessary, Defendants incorporate by reference, and as if set forth at length herein, the content of their answer to Plaintiff's Complaint and/or Amended Complaint, New Matter and Counterclaim.

WHEREFORE, Defendants **SHIRLEY N. LEWIS and ROBERT T. DUTTRY**
pray this honorable court to dismiss, with prejudice, Plaintiff **LARRY R. REED'S** New
Matter.

A handwritten signature in black ink, appearing to read 'C. Mohny', is written over a horizontal line.

Christopher E. Mohny, Esquire
Attorney for Defendants

VERIFICATION

I, SHIRLEY N. LEWIS, one of the Defendants in this action, being duly authorized to make this verification, have read the foregoing Reply to New Matter. The statements therein are correct to the best of my personal knowledge or information and belief.

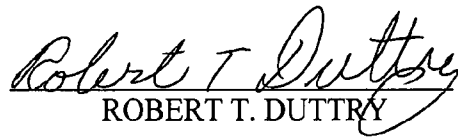
This statement and verification is made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn fabrication to authorities, which provides that if I make knowingly false averments I may be subject to criminal penalties.


SHIRLEY N. LEWIS

VERIFICATION

I, ROBERT T. DUTTRY, one of the Defendants in this action, being duly authorized to make this verification, have read the foregoing Reply to New Matter. The statements therein are correct to the best of my personal knowledge or information and belief.

This statement and verification is made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn fabrication to authorities, which provides that if I make knowingly false averments I may be subject to criminal penalties.


ROBERT T. DUTTRY

FILED

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APR 04 2003

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Att. McNary

William A. Shaw
Prothonotary

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

LARRY R. REED,

PLAINTIFF

VS.

SHIRLEY N. LEWIS and
ROBERT T. DUTTRY,

DEFENDANTS

: NO. 01-1547 C.D.

: TYPE OF CASE: CIVIL

: TYPE OF PLEADING: CERTIFICATE
: OF READINESS FOR TRIAL

: FILED ON BEHALF OF: DEFENDANTS

: COUNSEL OF RECORD:
: CHRISTOPHER E. MOHNEY, ESQUIRE

: SUPREME COURT NO.: 63494

: CHRISTOPHER E. MOHNEY, ESQUIRE
: 90 BEAVER DRIVE, SUITE 201A
: DUBOIS, PA 15801
: (814) 375-1044

FILED
01/13 BA NO 11
APR 09 2003

William A. Shaw
Prothonotary

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

LARRY R. REED, :
 :
 PLAINTIFF :
 :
 VS. :
 :
 SHIRLEY N. LEWIS and :
 ROBERT T. DUTTRY, :
 :
 DEFENDANTS :

CERTIFICATE OF READINESS

TO: WILLIAM A. SHAW, PROTHONOTARY

Pursuant to local Rule 212.2, I hereby certify that:

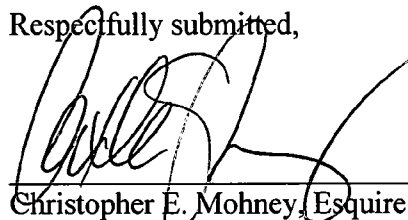
1. The pleadings are closed;
2. All discovery will be completed by the date the Civil Trial List closes,
which is July 18, 2003, including discovery of expert witnesses;
3. There are no outstanding Motions;
4. \$3,735.00, along with a property line dispute;
5. This action does not appear on any trial or argument list;
6. Counsel who will actually try this case are:

(a) For the Plaintiff, David J. Hopkins, Esquire, 900 Beaver Drive,
DuBois, PA 15801; Telephone No. 814-375-0300;

(b) For Defendants, Christopher E. Mohny, Esquire, 90 Beaver
Drive, Suite 201A, DuBois, PA 15801; Telephone No. 814-
375-1044.

7. Kindly place this case on the non-jury trial list;
8. Time estimated for trial: 1 day; and
9. A copy of this Certificate has been served on all interested counsel.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Chris Mohny', is written over a horizontal line.

Christopher E. Mohny, Esquire
Attorney for Defendants

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

LARRY R. REED,

PLAINTIFF

VS.

SHIRLEY N. LEWIS and
ROBERT T. DUTTRY,

DEFENDANTS

: NO. 01-1547 C.D.

: TYPE OF CASE: CIVIL

: TYPE OF PLEADING: CERTIFICATE
: OF SERVICE

: FILED ON BEHALF OF: DEFENDANTS

: COUNSEL OF RECORD:
: CHRISTOPHER E. MOHNEY, ESQUIRE

: SUPREME COURT NO.: 63494

: CHRISTOPHER E. MOHNEY, ESQUIRE
: 90 BEAVER DRIVE, SUITE 201A
: DUBOIS, PA 15801
: (814) 375-1044

FILED

01/11/03 12:11 PM NO EC

APR 09 2003

William A. Shaw
Prothonotary

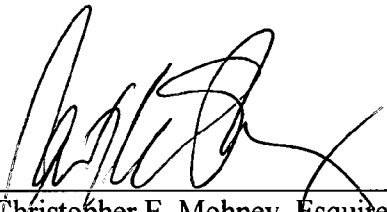
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL DIVISION

LARRY R. REED,	:	NO. 01-1547 C.D.
	:	TYPE OF CASE: CIVIL
PLAINTIFF	:	
	:	TYPE OF PLEADING: CERTIFICATE
VS.	:	OF SERVICE
	:	
	:	FILED ON BEHALF OF: DEFENDANTS
SHIRLEY N. LEWIS and	:	
ROBERT T. DUTTRY,	:	
	:	
DEFENDANTS	:	

CERTIFICATE OF SERVICE

I, Christopher E. Mohney, Esquire, do hereby certify that on this 9th day of April, 2003, I caused to be served by First Class United States Mail, postage prepaid, Certificate of Readiness on the following:

David J. Hopkins, Esquire
The Hopkins Law Firm
900 Beaver Drive
DuBois, PA 15801
Attorney for Plaintiff



Christopher E. Mohney, Esquire

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

LARRY R. REED,

PLAINTIFF

VS.

SHIRLEY N. LEWIS and
ROBERT T. DUTTRY,

DEFENDANTS

NO. 01-1547 C.D.

TYPE OF CASE: CIVIL

TYPE OF PLEADING: MOTION TO
COMPEL DISCOVERY RESPONSES

FILED ON BEHALF OF:
CHRISTOPHER E. MOHNEY, ESQUIRE
ATTORNEY FOR DEFENDANTS

COUNSEL OF RECORD:
CHRISTOPHER E. MOHNEY, ESQUIRE

SUPREME COURT NO.: 63494

CHRISTOPHER E. MOHNEY, ESQUIRE
90 BEAVER DRIVE, SUITE 201A
DUBOIS, PA 15801
(814) 375-1044

FILED

JUN 12 2003

William A. Shaw
Prothonotary

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

LARRY R. REED,

PLAINTIFF

VS.

SHIRLEY N. LEWIS and
ROBERT T. DUTTRY,

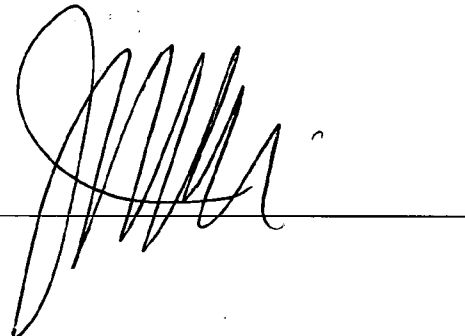
DEFENDANTS

: NO. 01-1547 C.D.
: TYPE OF CASE: CIVIL
:
:
:
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:
:

ORDER OF COURT

AND NOW, this 18th day of June, 2003, upon consideration of
the foregoing Motion, it is hereby ordered, judged and decreed, that Plaintiff is directed
to respond to Discovery served by Defendant's within thirty (30) days of the date of this
Order or suffer such further sanctions as the Court may impose.

By the Court,



FILED

JUN 18 003

William A. Shaw
Prothonotary

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

LARRY R. REED,	:	NO. 01-1547 C.D.
	:	TYPE OF CASE: CIVIL
PLAINTIFF	:	
	:	
VS.	:	
	:	
SHIRLEY N. LEWIS and	:	
ROBERT T. DUTTRY,	:	
	:	
DEFENDANTS	:	

MOTION TO COMPEL DISCOVERY RESPONSES

AND NOW, comes Defendants **SHIRLEY N. LEWIS and ROBERT T. DUTTRY**, by their attorney, **CHRISTOPHER E. MOHNEY, ESQUIRE**, make the following Motion to Compel Discovery responses:

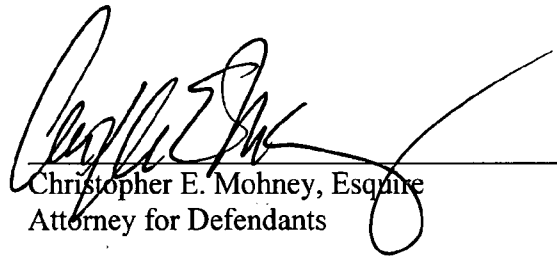
1. The above-captioned action arises out of a Complaint in Ejectment filed by Plaintiff in August or September, 2001.
2. On April 8, 2003, the Defendant served Interrogatories on counsel for the Plaintiff.
3. On May 19, 2003, counsel for Defendants wrote to counsel for Plaintiff asking when it could be expected to receive Answers to Interrogatories, further

suggesting that if Answers were not served by the end of May, 2003, a Motion to Compel would be filed.

4. To date, counsel for defendants has not received response to Defendant's discovery request.

WHEREFORE, Defendants **SHIRLEY N. LEWIS and ROBERT T. DUTTRY** request this honorable court enter an Order directing Plaintiff to respond to Discovery within thirty (30) days or suffer such further sanctions as the Court may impose.

Respectfully submitted,



Christopher E. Mohnhey, Esquire
Attorney for Defendants

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

LARRY R. REED,

PLAINTIFF

VS.

SHIRLEY N. LEWIS and
ROBERT T. DUTTRY,

DEFENDANTS

: NO. 01-1547 C.D.

: TYPE OF CASE: CIVIL

: TYPE OF PLEADING:

: CERTIFICATE OF SERVICE

: FILED ON BEHALF OF:

: CHRISTOPHER E. MOHNEY, ESQUIRE
: ATTORNEY FOR DEFENDANTS

: COUNSEL OF RECORD:

: CHRISTOPHER E. MOHNEY, ESQUIRE

: SUPREME COURT NO.: 63494

: CHRISTOPHER E. MOHNEY, ESQUIRE
: 90 BEAVER DRIVE, SUITE 201A
: DUBOIS, PA 15801
: (814) 375-1044

FILED

JUN 12 2003

William A. Shaw
Prothonotary

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

LARRY R. REED,
PLAINTIFF

VS.

SHIRLEY N. LEWIS and
ROBERT T. DUTTRY,
DEFENDANTS

: NO. 01-1547 C.D.
: TYPE OF CASE: CIVIL
:
:
:
:
:
:
:
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion to Compel
Discovery Responses has been served upon the following counsel of record on this //
day of June, 2003, by United States Postal Service, first class mail, postage pre-paid:

David J. Hopkins, Esquire
900 Beaver Drive
DuBois, PA 15801

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

LARRY R. REED,

PLAINTIFF

VS.

SHIRLEY N. LEWIS and
ROBERT T. DUTTRY,

DEFENDANTS

: NO. 01-1547 C.D.

: TYPE OF CASE: CIVIL

: TYPE OF PLEADING:

: MOTION FOR SANCTIONS TO

: PRECLUDE EXPERT WITNESS

: FILED ON BEHALF OF:

: DEFENDANTS

: COUNSEL OF RECORD:

: CHRISTOPHER E. MOHNEY, ESQUIRE

: SUPREME COURT NO.: 63494

: 90 BEAVER DRIVE, SUITE 201A

: DUBOIS, PA 15801

: (814) 375-1044

FILED

JUL 25 2003

William A. Shaw
Prothonotary/Clerk of Courts

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

LARRY R. REED,	:	NO. 01-1547 C.D.
	:	TYPE OF CASE: CIVIL
PLAINTIFF	:	
	:	
VS.	:	
	:	
SHIRLEY N. LEWIS and	:	
ROBERT T. DUTTRY,	:	
	:	
DEFENDANTS	:	

MOTION FOR SANCTIONS TO PRECLUDE
EXPERT WITNESS

AND NOW, comes Defendants **SHIRLEY N. LEWIS and ROBERT T. DUTTRY**, by their undersigned attorney, **CHRISTOPHER E. MOHNEY, ESQUIRE**, hereby moves this Honorable Court for an Order pursuant to Pennsylvania Rule of Civil Procedure 4003.5(b) and 4019(c)(2), precluding Plaintiff from offering expert witness testimony at trial, and in support thereof, avers as follows:

1. This lawsuit was initiated by Plaintiff and is an action in ejectment.
2. On April 8, 2003, undersigned counsel served Interrogatories on counsel for Plaintiff.
3. On May 19, 2003, undersigned counsel wrote counsel for Plaintiff inquiring as to when Answers to Interrogatories could be expected.

4. On or about June 11, 2003, undersigned counsel filed and served Plaintiff's counsel Motion to Compel Discovery Responses.

5. On June 18, 2003, this Honorable Court entered an Order directing Plaintiff to respond to discovery of Defendants within thirty days of date of Order, or suffer such further sanctions as the Court may impose.

6. Plaintiff has violated the Court's Order of June 18, 2003, in that he has not responded to the expert witness interrogatory to date, or submitted report of any expert witness who will testify on his behalf.

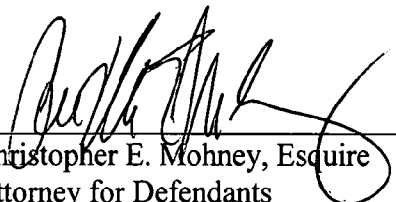
7. The discovery sought by the Defendants is essential to the Defendants in formulating its defense to the action, and the Defendants have been, and will be further prejudiced by reason of Plaintiff's failure to provide proper and timely discovery.

8. Pennsylvania Rule of Civil Procedure No. 4003.5(b) requires that the Court preclude a disobedient party from presenting testimony of an expert witness, whose identity and opinion has not been provided in discovery.

9. This case is listed for Civil Call on July 31, 2003.

WHEREFORE, Defendants, SHIRLEY N. LEWIS and ROBERT T. DUTTRY, respectfully request that this Honorable Court enter an Order precluding Plaintiff Larry R. Reed from introducing any expert testimony at the trial of this matter.

Respectfully submitted,



Christopher E. Mohnhey, Esquire
Attorney for Defendants

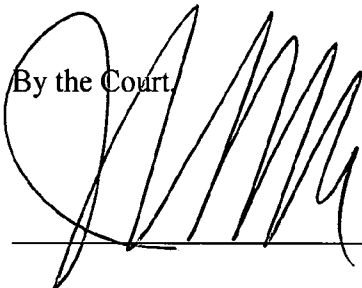
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL DIVISION

LARRY R. REED,	:	NO. 01-1547 C.D.
	:	TYPE OF CASE: CIVIL
PLAINTIFF	:	
	:	
VS.	:	
	:	
SHIRLEY N. LEWIS and	:	
ROBERT T. DUTTRY,	:	
	:	
DEFENDANTS	:	

ORDER OF COURT

AND NOW, this 28th day of July, 2003, upon consideration of Defendants SHIRLEY N. LEWIS and ROBERT T. DUTTRY Motion for Sanction, and it appearing that the Plaintiff Larry R. Reed has failed to comply with the Order of this Court of June 18, 2003, directing that he respond to Defendants' discovery or suffer sanctions, it is hereby ORDERED AND DECREED that said Motion is granted and Plaintiff LARRY R. REED is precluded from offering at the trial of this case any expert testimony.

By the Court



FILED

JUL 28 2003

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON
PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

LARRY R. REED,

Plaintiff

VS.

SHIRLEY N. LEWIS and
ROBERT T. DUTTRY

NO. 01-1547 CD
MOTION FOR SANCTIONS TO
PRECLUDE EXPERT WITNESS

FILED

JUL 25 2003

William A. Shaw
Prothonotary/Clerk of Courts

LAW OFFICES
CHRISTOPHER E. MOHNEY
90 BEAVER DRIVE - SUITE 201A
DUBOIS, PA 15801

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2003
Mohney

6A

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

LARRY R. REED

:

-vs-

:

No. 01 – 1547 – CD

SHIRLEY N. LEWIS and

:

ROBERT T. DUTTRY

:

PRE-TRIAL ORDER

NOW, this 14th day of August, 2003, following pre-trial conference in the above-captioned matter, and upon oral motion of David Hopkins, Esquire, counsel for Plaintiff, the Court being satisfied that no prejudice to Defendants will occur, it is the ORDER of this Court that Order dated July 28, 2003, shall be and is hereby rescinded.

By the Court,

President Judge

FILED

AUG 14 2003

William A. Shaw
Prothonotary/Clerk of Courts

CA

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

LARRY R. REED

vs.

SHIRLEY N. LEWIS and
ROBERT T. DUTTRY

:
:
: No. 01-1547-CD
:
:
:

ORDER

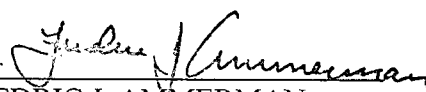
AND NOW, this 21st day of January, 2004, it is the ORDER of the
Court that a status conference in the above matter has been scheduled for **Friday,**
February 6, 2004 at 10:30 A.M., in Courtroom No. 1, Clearfield County Courthouse,
Clearfield, PA.

FILED

JAN 21 2004

William A. Shaw
Prothonotary/Clerk of Courts

BY THE COURT:


FREDRIC J. AMMERMAN
President Judge

FILED

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Amy Hopkins, Mohney

8/12:30 ~~854~~
JAN 21 2004

~~854~~

William A. Shaw
Prothonotary/Clerk of Courts

CP

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

LARRY R. REED,
Plaintiff

vs.

SHIRLEY N. LEWIS and
ROBERT T. DUTTRY,
Defendants

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*

NO. 2001-1547-C.D.

ORDER

NOW, this 5th day of February, 2004, the Court noting that a Status Conference is scheduled for Friday, February 6, 2004; the Court being in receipt of letters from counsel for both parties advising the Court that the case is ready to be listed for a one day non-jury trial, therefore, it is the ORDER of this Court that said Status Conference be and is hereby cancelled. The Court Administrator is hereby directed to place the above captioned case on the trial list for a one (1) day non-jury trial.

By the Court,



FREDRIC J. AMMERMAN
PRESIDENT JUDGE

FILED

FEB 06 2004

William A. Shaw
Prothonotary/Clerk of Courts

FILED

01/10:58 201
FEB 06 2004 E/KP

William A. Shaw
Prothonotary/Clerk of Courts

2 certified copies to David J. Hopkins, Esquire
2 certified copies to Christopher E. Mohny, Esquire
1 copy to Judge Ammerman
1 copy to Court Administrator



CHRISTOPHER E. MOHNEY

ATTORNEY AT LAW

90 Beaver Drive • Suite 201A • DuBois, PA 15801

Telephone: (814) 375-1044

Facsimile: (814) 375-1088

February 2, 2004

SENT VIA FIRST CLASS MAIL AND FACSIMILE TO: 765-7649

The Honorable Fredric J. Ammerman
President Judge
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

**RE: Larry R. Reed v. Shirley N. Lewis and Robert T. Duttry
No. 01-1547 C.D.**

Dear Judge Ammerman:

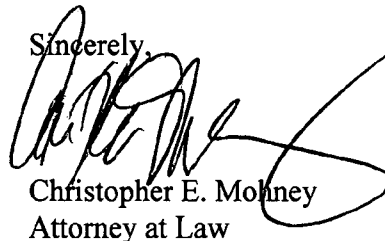
Pursuant to the request of Judy last week, this case is ready to be listed for a one (1) day non-jury trial. Previously, I certified readiness for the case. It was on Judge Reilly's call list last fall. I cannot remember why a trial was not scheduled before his retirement, although my early recollection is that neither Attorney Hopkins nor myself got together with the Court Administrator to find a date.

I do not think that the case needs to be placed back on the call list unless the Court would like to have another Pre-Trial Conference to familiarize itself with the case.

In light of the above, it is my understanding that the Status Conference scheduled for Friday, February 6, 2004, at 10:30 a.m. in Courtroom No. 1 is not necessary. I will, thus, plan to attend the Preliminary Hearing I have scheduled before District Justice Ford on a Court appointment.

Thank you.

Sincerely,



Christopher E. Mohney
Attorney at Law

CEM:laf

Cc: David J. Hopkins, Esquire

HOPKINS HELTZEL LLP

900 Beaver Drive • DuBois, PA 15801

David J. Hopkins

Licensed in PA & NJ
Masters in Taxation

Lea Ann Heltzel

Licensed in PA

• Voice: (814) 375 - 0300

• Fax: (814) 375 - 5035

• Email: hopkinslaw@adelphia.net

February 3, 2004

Honorable Fredric J. Ammerman
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

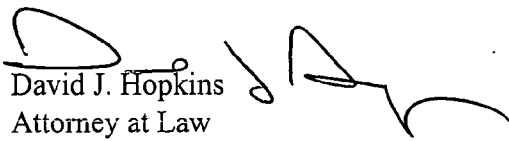
Re: Larry R. Reed vs. Shirley N. Lewis and Robert T. Duttry

Dear Judge Ammerman:

I have reviewed Attorney Mohney's correspondence to the Court dated January 27, 2004. This letter is to advise the Court I have no objection to canceling the status conference currently scheduled for February 6, 2004 and moving this case forward to trial.

I thank you for your consideration of this matter.

Respectfully submitted,


David J. Hopkins
Attorney at Law

DJH/bjt

cc: Christopher E. Mohney, Esquire

CR

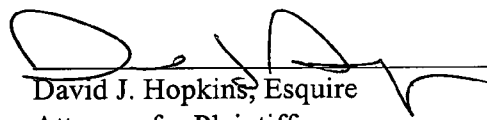
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

LARRY R. REED,	:	
Plaintiff	:	EJECTMENT
	:	
vs.	:	No. 01-1547 C.D.
	:	
SHIRLEY N. LEWIS and	:	
ROBERT T. DUTTRY,	:	
Defendants	:	

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the Second Pre-Trial Memorandum, filed on behalf of Plaintiff, Larry R. Reed, was forwarded on the 8th day of, by facsimile and United States Mail, First Class, postage prepaid, addressed as follows:

Christopher E. Mohny, Esquire
900 Beaver Drive, Suite 111B
DuBois, PA 15801


David J. Hopkins, Esquire
Attorney for Plaintiff
Supreme Court No. 42519

FILED 10
012:40 Bm CC
APR 12 2004 E
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William A. Shaw
Prothonotary/Clerk of Courts

GA

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

LARRY R. REED

NO. 01-1547-CD

V.

SHIRLEY N. LEWIS

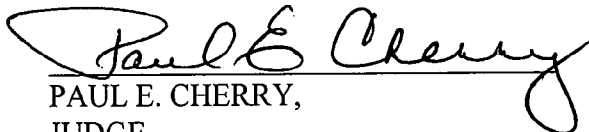
ORDER

AND NOW, this 16th day of April, 2004, following Pre-Trial Conference, it is
the ORDER of this Court:

1. The deadline for providing any and all outstanding discovery shall be by and no later than thirty (30) days prior to the commencement of trial.
2. Trial in this matter is scheduled for May 25, 26, 2004 at 9:00 A.M. in Courtroom No. 2 of the Clearfield County Courthouse, Clearfield, Pennsylvania.
3. Trial briefs shall be submitted to the Court by and no later than fourteen (14) days prior to the commencement of trial.
4. The parties shall mark all exhibits for trial prior to trial to speed introduction of exhibits.

It is the further ORDER of this Court that the View will occur on May 25, 2004,
at 9:00 o'clock A.M. in Sabula, Pennsylvania.

BY THE COURT,


PAUL E. CHERRY,
JUDGE

FILED

APR 21 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

LARRY R. REED

V.

NO. 01-1547-CD

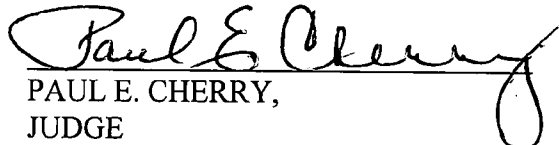
SHIRLEY N. LEWIS and
ROBERT T. DUTTRY

ORDER

AND NOW, this 25th day of May, 2004, the Court having been advised by David Hopkins, Esquire, attorney for plaintiffs, that a settlement has been reached with regard to the above captioned matter, it is the ORDER of this Court that trial scheduled for May 25 and 26, 2004 at the Clearfield County Courthouse be and is hereby cancelled.

It is the further ORDER of the Court that the parties shall supply to the Court a Settlement Agreement or a Discontinuance of this case within sixty (60) days of the date of this Order.

BY THE COURT,


PAUL E. CHERRY,
JUDGE

FILED
MAY 25 2004
William A. Shaw
Prothonotary/Clerk of Courts

CP

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

LARRY R. REED

NO. 2001-1547-CD

v.

SHIRLEY N. LEWIS and
ROBERT T. DUTTRY

FILED

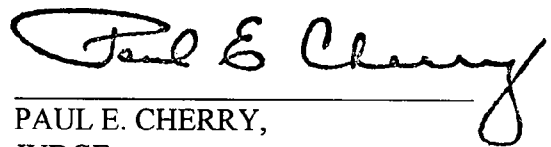
AUG 06 2004

William A. Shaw
Prothonotary/Clerk of Courts

ORDER

NOW, this 6th day of August, 2004, the Court being advised that the parties have failed to comply with this Court's Order of May 25, 2004, it is the ORDER of this Court that a hearing to show cause why the parties shall not be held in contempt of Court for failure to comply with said Order is scheduled for the 31 day of August, 2004, at 1:30 o'clock P m. in Courtroom No. 2 of the Clearfield County Courthouse, Clearfield, Pennsylvania at which time the parties and their counsel must be present or a Bench Warrant may be issued for their arrest.

BY THE COURT,



PAUL E. CHERRY,
JUDGE

FILED

10C

03:53 PM
AUG 06 2004

William A. Shaw

Prothonotary/Clerk of Courts

Atty: Hopkins, Mahoney

1-203-154

CPX

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

LARRY R. REED

:

-VS-

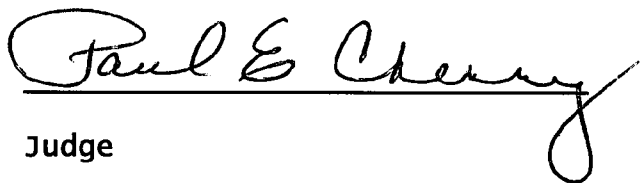
: No. 01-1547-CD

SHIRLEY N. LEWIS, et al. :

O R D E R

NOW, this 31st day of August, 2004, following Court inquiry concerning the status of the settlement of the above-captioned matter, it is the ORDER of this Court that the parties shall file an executed settlement agreement or Praecipe to Discontinue this matter within no more than fifteen (15) days from this date or suffer appropriate sanctions.

BY THE COURT,


Judge

FILED^{EGK}
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SEP 01 2004
Angus Hopkins, Mohrney

William A. Shaw
Prothonotary/Clerk of Courts

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

LARRY R. REED,

Plaintiff

vs.

SHIRLEY N. LEWIS and

ROBERT T. DUTTRY,

Defendants

EJECTMENT

No. 01-1547 C.D.

Type of Pleading: Praecipe to Discontinue

Filed on behalf of: Larry R. Reed, Plaintiff

Counsel of Record for this party:

DAVID J. HOPKINS, ESQUIRE

Attorney at Law

Supreme Court No. 42519

900 Beaver Drive

DuBois, Pennsylvania 15801

(814) 375-0300

FILED No cc
0130081 cert. of Disc.
SEP 09 2004 to Atty
William A. Shaw copy to CIA
Prothonotary/Clerk of Courts

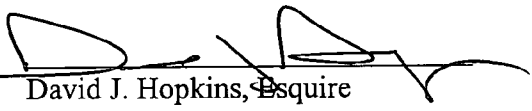
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

LARRY R. REED,	:	
Plaintiff	:	EJECTMENT
	:	
vs.	:	No. 01-1547 C.D.
	:	
SHIRLEY N. LEWIS and	:	
ROBERT T. DUTTRY,	:	
Defendants	:	

PRAECIPE TO DISCONTINUE

TO THE PROTHONOTARY:

Kindly mark the above captioned civil action settled and discontinued.


David J. Hopkins, Esquire
Attorney for Plaintiff

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

LARRY R. REED,

Plaintiff

vs.

SHIRLEY N. LEWIS and

ROBERT T. DUTTRY,

Defendants

:
:
:
:
:
:
:


EJECTMENT

No. 01-1547 C.D.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the Praecipe to Discontinue filed on behalf of Plaintiff, Larry R. Reed, was forwarded on the 9th day of September, 2004, United States Mail, First Class, postage prepaid, addressed as follows:

Christopher E. Mohney, Esquire
900 Beaver Drive, Suite 111B
DuBois, PA 15801


David J. Hopkifs, Esquire
Attorney for Plaintiff
Supreme Court No. 42519

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

CIVIL DIVISION

COPY

Larry R. Reed

Vs.

No. 2001-01547-CD

Shirley N. Lewis

Robert T. Duttry

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on September 9, 2004, marked:

Settled and Discontinued

Record costs in the sum of \$80.00 have been paid in full by David J. Hopkins, Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 9th day of September A.D. 2004.

William A. Shaw, Prothonotary