

01-1666-CD  
R. WESLEY SMITH et al -vs- ISAAC STRAW ESTATE et al

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

R. WESLEY SMITH and SAMANTHA L. :  
SMITH, his wife, RAYMOND A. SMITH :  
and SHIRLEY B. SMITH, his wife,  
Plaintiffs :  
vs. :  
ISAAC STRAW ESTATE, CLAYTON M. :  
STRAW, LYDIA STRAW, HARRIET S. :  
WILLIAMS, ORLANDO WILLIAMS, :  
MAHAFFEY FERGUSON, ALTA FERGUSON, :  
DR. R. E. PALMER, ROSE PALMER, :  
HARRY WILLIAMS, and JAMES :  
STEPHENSON ESTATE, their heirs,  
executors, administrators and  
assigns,  
Defendants :  
No. 01-1664-C

Filed on behalf of  
Plaintiffs

Counsel of Record for  
this Party:

Carl A. Belin, Jr.  
Attorney-at-Law  
Pa. I.D. 06805

Belin & Kubista  
15 North Front Street  
P.O. Box 1  
Clearfield, PA 16830

(814) 765-8972

**FILED**

OCT 08 2001

William A. Shaw  
Prothonotary

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

R. WESLEY SMITH and SAMANTHA L.	:	
SMITH, his wife, RAYMOND A. SMITH	:	
and SHIRLEY B. SMITH, his wife,	:	
Plaintiffs	:	
	:	No.
vs.	:	
	:	ACTION TO QUIET TITLE
ISAAC STRAW ESTATE, CLAYTON M.	:	
STRAW, LYDIA STRAW, HARRIET S.	:	
WILLIAMS, ORLANDO WILLIAMS,	:	
MAHAFFEY FERGUSON, ALTA FERGUSON,	:	
DR. R. E. PALMER, ROSE PALMER,	:	
HARRY WILLIAMS, and JAMES	:	
STEPHENSON ESTATE, their heirs,	:	
executors, administrators and	:	
assigns,	:	
Defendants	:	
	<u>NOTICE</u>	

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.

COURT ADMINISTRATOR  
Clearfield County Courthouse  
1 North Second Street  
Clearfield, PA 16830

(814) 765-2641 Ex 5982

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

R. WESLEY SMITH and SAMANTHA L.	:	
SMITH, his wife, RAYMOND A. SMITH	:	
and SHIRLEY B. SMITH, his wife,	:	
Plaintiffs	:	
vs.	:	<b>No.</b>
ISAAC STRAW ESTATE, CLAYTON M.	:	ACTION TO QUIET TITLE
STRAW, LYDIA STRAW, HARRIET S.	:	
WILLIAMS, ORLANDO WILLIAMS,	:	
MAHAFFEY FERGUSON, ALTA FERGUSON,	:	
DR. R. E. PALMER, ROSE PALMER,	:	
HARRY WILLIAMS, and JAMES	:	
STEPHENSON ESTATE, their heirs,	:	
executors, administrators and	:	
assigns,	:	
Defendants	:	

**COMPLAINT**

NOW COMES, the Plaintiffs, and by and through their attorneys Belin & Kubista, bring the following action in quiet title, and in support thereof, allege as follows:

1. That the Plaintiffs are R. Wesley Smith and Samantha L. Smith, his wife, and Raymond A. Smith and Shirley B. Smith, his wife, all of Winslow Township, Jefferson County, Pennsylvania, with a mailing address of P.O. Box 39, Reynoldsville, Pennsylvania 15851.

2. The Defendants are: Isaac Straw Estate, Lydia Straw, Harriet S. Williams, Orlando Williams, and James Stephenson Estate, whose last known address is Westover,

Clearfield County, Pennsylvania; Clayton M. Straw, whose last known address was Chicago, Illinois; Mahaffey Ferguson, Alta Ferguson, whose last known address is Clearfield, Clearfield County, Pennsylvania; Dr. R. E. Palmer and Rose Palmer, whose last known address is Monessen, Pennsylvania; and Harry Williams, whose last known address is Kerrmor, Pennsylvania.

PARCEL ONE

3. That the Plaintiffs are the owners of a tract of land identified in the Clearfield County Tax Maps as Parcel Number 109-D16-5, which is located in Chest Township, Clearfield County, Clearfield Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a common corner of lands of Dwayne Roland and Rose Palmer and the tract herein conveyed; thence South forty-eight (48°) degrees East eight hundred seventy-four and five tenths (874.5) feet to a point; thence South six (6°) degrees East five hundred (500) feet to a point; thence North sixty-five (65°) degrees West five hundred fifty-five (555) feet to a point; thence North forty-seven (47°) degrees West five hundred (500) feet to a point; thence North seventeen (17°) degrees West five hundred fifty (550) feet to a point on line of land of Dwayne Roland; thence by land of Dwayne Roland South eighty-seven (87°) degrees East to a point and place of beginning. Containing twelve and five tenths (12.5) acres, more or less. ("Parcel One").

4. That said Parcel One was conveyed to Plaintiffs by a deed dated March 10, 1994, and recorded in the Clearfield County Recorder of Deeds Office in Deeds and Record Book 1449, page 393.

5. That Parcel One was conveyed to Benjamin Coal Company by virtue of a deed dated June 1, 1965 and recorded in the Clearfield County Recorder of Deeds Office in Deed Book 518, page 517; said premises are described as Item 30 in said deed.

6. That Mary Neal and William Neal, her husband, conveyed Parcel One to Sol Benjamin, Anna Benjamin and David J. Benjamin, co-partners, trading and doing business as the Benjamin Coal Company by deed dated May 26, 1964, and recorded in the Clearfield County Recorder of Deeds Office in Deed Book 508, page 416.

7. That Mary Neal is the same as Mary Elizabeth Straw who was a daughter of Isaac Straw and who claimed ownership of the premises by virtue of her father, Isaac Straw, by his Last Will and Testament recorded in the Clearfield County Office of the Register of Wills in Will Book U, page 458.

8. That Isaac Straw became the owner of Parcel One by deed dated February 6, 1909, and recorded in the Clearfield County Recorder of Deeds Office in Deed Book 172, page 73.

9. That Isaac Straw died on January 5, 1944 and by virtue of his Last Will and Testament devised the premises known as "the Markel Farm" to Clayton M. Straw, his son, for the period of his natural lifetime.

10. That Clayton M. Straw, his heirs, executors, and assigns, are joined as a Defendant to extinguish any interest that he has in and to Parcel One by virtue of said Will as found in Article 3 §(a).

11. That all other legatees and devisees set forth in the Will of Isaac Straw are as follows: Lydia Straw, Harriet S. Williams, Orlando Williams, Mahaffey Ferguson, Alta Ferguson, Dr. R. E. Palmer, Rose Palmer, Harry Williams; and all legatees and devisees are joined in this quiet title action to extinguish any interest remaining in said estate or heirs following the conveyance of said Parcel One by Mary Elizabeth Straw Neal as hereinbefore referred to in Paragraph 6 to confirm title in the Plaintiffs.

PARCEL TWO

12. That the Plaintiffs are the owners of a tract of land consisting of 43 acres and identified in the Clearfield

County Tax Maps as Parcel Number 109-D16-6, which is located in Chest Township, Clearfield County, Clearfield Pennsylvania, more particularly bounded and described as follows:

ON the South by Route No. 17003 and Robert Owens, on the North by the land of Rose L. Palmer, on the East by State Highway Route No. 36, on the West by Isaac Straw Estate and Donald Meckley, the same containing 43 acres, more or less. ("Parcel Two")

13. That Benjamin Coal Company became the owner of Parcel Two by virtue of a deed dated June 1, 1965 and recorded in the Clearfield County Recorder of Deeds Office in Deed Book 518, page 517; said premises are described as Item 6 in said deed.

14. That Saul Benjamin, Anna Benjamin and David J. Benjamin, co-partners, trading and doing business as the Benjamin Coal Company became owners of Parcel Two by deed of R. H. Dunlap and Helen B. Dunlap dated March 23, 1964, and recorded in the Clearfield County Recorder of Deeds Office in Deed Book 507, page 167.

15. That R. H. Dunlap and Helen B. Dunlap became the owners of Parcel Two by virtue of a commissioners deed of premises described as 19 acres and as the property of James Stephenson Estate, said deed recorded in the Clearfield County Recorder of Deeds Office in Deed Book 352, page 539.

16. That the commissioners became the owners of Parcel Two by virtue of a treasurer's deed selling premises for unpaid taxes which was assessed as 19 acres and as the property of James Stephenson Estate, said deed recorded in the Clearfield County Recorder of Deeds Office in Deed Book 352, page 538.

17. That the assessment of 19 acres was of Parcel Two which is a parcel of forty-three (43) acres.

18. That one of the purposes of this quiet title action is to confirm the tax sale vesting title to Parcel Two in Plaintiffs notwithstanding the assessment was for 19 acres rather than the actual forty-three (43) acres as referred to in the tax deed.

19. That another of the purposes of this quiet title action is to extinguish any interest that the James Stephenson Estate, his heirs and assigns, may have had in and to Parcel Two due to any lack of notice or defect in the tax sale referred to in Paragraph 15 and 16 and to extinguish any interest the James Stephenson Estate, his heirs and assigns may have had in the Second Parcel following said tax sale.

20. That James Stephenson died on July 19, 1898 but the record in Clearfield County does not disclose who his heirs were and it is one of the purposes of this quiet title action

to extinguish any interest his heirs and assigns may have had in Parcel Two by virtue of the lack of any estate records.

21. That the only premises found in the Clearfield County Recorder of Deeds Office relating to this area were premises conveyed to James Stephenson by virtue of an assignment of the premises consisting of approximately 120 acres from Susan Roberts, George H. Roberts, Netta June Roberts, E. H. Plank and R.E. Plank. It is believed and averred that the 43 acres were a part of said premises.

22. That the Plaintiffs and their predecessors in title have exercised adverse, continuous, visible, notorious, exclusive and hostile possession over Parcel One and Parcel Two and have continued possession for a period in excess of 21 years.

23. That the Defendants and the Plaintiffs herein are the only persons known to the Plaintiffs who have any interest in the said premises.

WHEREFORE, Plaintiffs request:

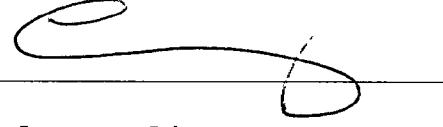
(a) That by decree of Your Honorable Court it may be declared that the Plaintiffs have acquired title to Parcel One and Parcel Two set forth in Paragraphs 3 and 12, and that they should be allowed to enjoy said properties in peace;

(b) That the Defendants within twenty (20) days from the receipt of the Complaint, institute an action of ejectment against the Plaintiffs and that otherwise the Defendants be perpetually enjoined from setting up any title to said premises; from impeaching, denying or in any way attacking the Plaintiffs' title to said premises, from issuing or maintaining an ejectment of said premises or any part thereof; and

(c) Such other relief as the court deems proper.

Respectfully Submitted,

BELIN & KUBISTA

By 

Carl A. Belin, Jr., Esq.

COMMONWEALTH OF PENNSYLVANIA :  
: SS.  
COUNTY OF CLEARFIELD :  
:

Before me the undersigned officer, personally appeared R. WESLEY SMITH and SAMANTHA L. SMITH, his wife, and RAYMOND A. SMITH and SHIRLEY B. SMITH, his wife, who being duly sworn according to law, depose and say that the facts set forth in the foregoing Complaint are true and correct to the best of their knowledge, information and belief.

R. Wesley Smith  
R. Wesley Smith

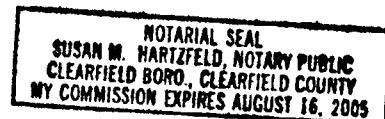
Samantha L. Smith  
Samantha L. Smith

Raymond A. Smith  
Raymond A. Smith

Shirley B. Smith  
Shirley B. Smith

Sworn and subscribed before me this 5th day of  
October, 2001.

Susan M. Hartzfeld  
Notary Public



CLERK'S OFFICE, PENNSYLVANIA 16830  
400 NORTH BROAD STREET  
ATTORNEYS AT LAW  
BELIN & KUBISTA

FILED

08/08/01  
357167  
John A. Shaw  
Prothonotary  
3cc, 6th, Belin

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

R. WESLEY SMITH and SAMANTHA L. :  
SMITH, his wife, RAYMOND A. SMITH :  
and SHIRLEY B. SMITH, his wife, :  
Plaintiffs :  
vs. : : No. 01-1446-CO  
: : ACTION TO QUIET TITLE  
ISAAC STRAW ESTATE, CLAYTON M. :  
STRAW, LYDIA STRAW, HARRIET S. :  
WILLIAMS, ORLANDO WILLIAMS, :  
MAHAFFEY FERGUSON, ALTA FERGUSON, :  
DR. R. E. PALMER, ROSE PALMER, :  
HARRY WILLIAMS, and JAMES :  
STEPHENSON ESTATE, their heirs, :  
executors, administrators and :  
assigns, :  
Defendants :  
:

Filed on behalf of  
Plaintiffs

Counsel of Record for  
This Party:  
Carl A. Belin, Jr., Esq.  
Pa. I.D. #06805

BELIN & KUBISTA  
15 North Front Street  
P.O. Box 1  
Clearfield, PA 16830

(814) 765-8972

FILED  
OCT 08 2001

William A. Shaw  
Prothonotary

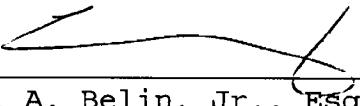
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

## AFFIDAVIT

Carl A. Belin, Jr., Esquire, being duly sworn according to law, deposes and states that he is the attorney for the Plaintiff and that he attempted to ascertain the identity, whereabouts, and addresses of Defendants Isaac Straw Estate, Clayton M. Straw, Lydia Straw, Harriet S. Williams, Orlando Williams, Mahaffey Ferguson, Alta Ferguson, Dr. R. E. Palmer, Rose Palmer, Harry Williams, and James Stephenson Estate, their heirs, executors, administrators, and assigns.

He further avers that he caused an abstractor to search the real estate and estate records of Clearfield County and that no listings in the name of Defendants Isaac Straw Estate, Clayton M. Straw, Lydia Straw, Harriet S. Williams, Orlando Williams, Mahaffey Ferguson, Alta Ferguson, Dr. R. E. Palmer, Rose Palmer, Harry Williams, and James Stephenson Estate, their heirs, executors, administrators and assigns were found; that phone directories were consulted in Westover, Pennsylvania, Clearfield, Pennsylvania, Monessen, Pennsylvania and Chicago, Illinois, and no listings were found for Isaac Straw Estate, Clayton M. Straw, Lydia Straw, Harriet S. Williams, Orlando Williams, Mahaffey Ferguson, Alta Ferguson, Dr. R. E. Palmer, Rose Palmer, Harry Williams, and James Stephenson Estate, their heirs, executors, administrators and assigns; that the city directories, the tax records, or the indices in the Clearfield County Recorder of Deeds Office were searched and no addresses or recent transactions in the name of Isaac Straw Estate, Clayton M. Straw, Lydia Straw, Harriet S. Williams, Orlando Williams, Mahaffey Ferguson, Alta Ferguson, Dr. R. E. Palmer, Rose Palmer, Harry Williams, and James Stephenson Estate, their heirs, executors, administrators and assigns were found.

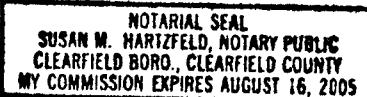
Based upon the foregoing search, personal service cannot be made upon and it is necessary that service be made by publication.

  
Carl A. Belin, Jr., Esquire  
Attorney for Plaintiffs

Sworn and subscribed before me this 8<sup>th</sup> day of

October, 2001.

  
Susan M. Hartzfeld  
Notary Public



BERLIN & KÖLN/STA  
ATTORNEYS AT LAW  
15 NORTH FAIRFAX STREET  
W. O. BROWN  
CLAWSON, PENN & LARSON 19390

FILED  
OCT 08 2001  
13-246170  
William A. Stewart  
pro bono

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

R. WESLEY SMITH and SAMANTHA L. :  
SMITH, his wife, RAYMOND A. SMITH :  
and SHIRLEY B. SMITH, his wife, :  
Plaintiffs :  
: : No. 01-1646-CO  
vs. : : ACTION TO QUIET TITLE  
ISAAC STRAW ESTATE, CLAYTON M. :  
STRAW, LYDIA STRAW, HARRIET S. : MOTION FOR PUBLICATION  
WILLIAMS, ORLANDO WILLIAMS, :  
MAHAFFEY FERGUSON, ALTA FERGUSON, :  
DR. R. E. PALMER, ROSE PALMER, :  
HARRY WILLIAMS, and JAMES :  
STEPHENSON ESTATE, their heirs, :  
executors, administrators and :  
assigns, :  
Defendants :  
:

Filed on behalf of  
Plaintiffs

Counsel of Record for  
this Party:

Carl A. Belin, Jr., Esq.  
Pa. I.D. #08605

BELIN & KUBISTA  
15 North Front Street  
P.O. Box 1  
Clearfield, PA 16830  
(814) 765-8972

**FILED**

OCT 08 2001

William A. Shaw  
Prothonotary

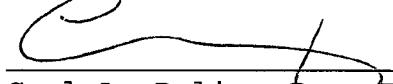
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

**MOTION FOR PUBLICATION**

AND NOW, to wit: October 8, 2001, an affidavit having been executed and filed on behalf of the Plaintiffs that the Defendants Isaac Straw Estate, Clayton M. Straw, Lydia Straw, Harriet S. Williams, Orlando Williams, Mahaffey Ferguson, Alta Ferguson, Dr. R. E. Palmer, Rose Palmer, Harry Williams, and James Stephenson Estate, their heirs, executors, administrators, and assigns, present whereabouts are unknown, that Plaintiffs, by their attorneys, Belin & Kubista, move the Court for leave to serve the complaint on Defendants Isaac Straw Estate, Clayton M. Straw, Lydia

Straw, Harriet S. Williams, Orlando Williams, Mahaffey Ferguson, Alta Ferguson, Dr. R. E. Palmer, Rose Palmer, Harry Williams, and James Stephenson Estate, their heirs, executors and assigns, by publication in *The Progress* and the *Clearfield County Legal Journal*, Clearfield, Pennsylvania one (1) time.

BELIN & KUBISTA



Carl A. Belin, Jr., Esquire

CLEARFIELD, PENNSYLVANIA 16830

ATTOURNEYS AT LAW  
BELLIN & KUBISTA

FILED

OCT 08 2001

334/100 C  
William A. Shaw  
Prothonotary

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

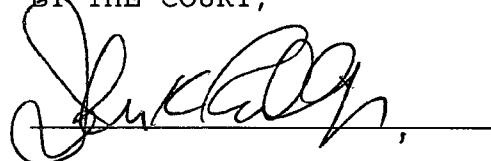
R. WESLEY SMITH and SAMANTHA L. :  
SMITH, his wife, RAYMOND A. SMITH :  
and SHIRLEY B. SMITH, his wife, :  
Plaintiffs :  
vs. : : No. 01-1666  
: : ACTION TO QUIET TITLE  
ISAAC STRAW ESTATE, CLAYTON M. :  
STRAW, LYDIA STRAW, HARRIET S. :  
WILLIAMS, ORLANDO WILLIAMS, :  
MAHAFFEY FERGUSON, ALTA FERGUSON, :  
DR. R. E. PALMER, ROSE PALMER, :  
HARRY WILLIAMS, and JAMES :  
STEPHENSON ESTATE, their heirs, :  
executors, administrators and :  
assigns, :  
Defendants :  
: : OCT 08 2001  
: : William A. Shaw  
: : Prothonotary

**FILED**

ORDER  
AND NOW, to wit: this 8 day of Oct, 2001,  
upon consideration of the foregoing Motion, the Plaintiffs are  
granted leave to make service of the Complaint on the Defendants,  
Isaac Straw Estate, Clayton M. Straw, Lydia Straw, Harriet S.  
Williams, Orlando Williams, Mahaffey Ferguson, Alta Ferguson, Dr.  
R. E. Palmer, Rose Palmer, Harry Williams, and James Stephenson  
Estate, their heirs, executors, administrators and assigns by  
general publication one time in *The Progress* and the *Clearfield*  
*County Legal Journal*, Clearfield, Pennsylvania not less than thirty

(30) days prior to November 19, 2001, the date set for hearing  
of said Complaint in the Courtroom at Clearfield, Pennsylvania at  
3:00 o'clock ~~P~~ .m.

BY THE COURT,

A handwritten signature in black ink, appearing to read "S. Michael Dwyer". The signature is fluid and cursive, with a horizontal line extending from the end of the signature.

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

R. WESLEY SMITH and SAMANTHA L. :  
SMITH, his wife, RAYMOND A. SMITH :  
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: : No. 01 - 1666 - CD  
vs. : :  
: : ACTION TO QUIET TITLE  
ISAAC STRAW ESTATE, CLAYTON M. :  
STRAW, LYDIA STRAW, HARRIET S. :  
WILLIAMS, ORLANDO WILLIAMS, :  
MAHAFFEY FERGUSON, ALTA FERGUSON, :  
DR. R. E. PALMER, ROSE PALMER, :  
HARRY WILLIAMS, and JAMES :  
STEPHENSON ESTATE, their heirs, :  
executors, administrators and :  
assigns, :  
Defendants :  
:

Filed on behalf of  
Plaintiffs

Counsel of Record for  
This Party:  
Carl A. Belin, Jr., Esq.  
Pa. I.D. #06805

BELIN & KUBISTA  
15 North Front Street  
P.O. Box 1  
Clearfield, PA 16830

(814) 765-8972

**FILED**

NOV 15 2001

William A. Shaw  
Prothonotary

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

R. WESLEY SMITH and SAMANTHA L. :  
SMITH, his wife, RAYMOND A. SMITH :  
and SHIRLEY B. SMITH, his wife, :  
Plaintiffs :  
: : No. 01 - 1666 - CD  
vs. : :  
: : ACTION TO QUIET TITLE  
ISAAC STRAW ESTATE, CLAYTON M. :  
STRAW, LYDIA STRAW, HARRIET S. :  
WILLIAMS, ORLANDO WILLIAMS, :  
MAHAFFEY FERGUSON, ALTA FERGUSON, :  
DR. R. E. PALMER, ROSE PALMER, :  
HARRY WILLIAMS, and JAMES :  
STEPHENSON ESTATE, their heirs, :  
executors, administrators and :  
assigns, :  
Defendants :  
:

AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA :  
: : SS.  
COUNTY OF CLEARFIELD :  
:

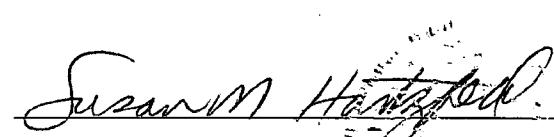
CARL A. BELIN, JR., attorney for the above named Plaintiffs,  
being duly sworn according to law, deposes and states that Notice  
of the Quiet Title Action was served upon Defendants, Isaac Straw  
Estate, Clayton M. Straw, Lydia Straw, Harriet S. Williams, Orlando  
Williams, Mahaffey Ferguson, Alta Ferguson, Dr. R. E. Palmer, Rose  
Palmer, Harry Williams, and James Stephenson Estate, their heirs,

executors, administrators, and assigns, by publication in *The Progress* a newspaper on October 11, 2001, as evidenced by the Proof of Publication dated November 12, 2001, attached hereto AND by publication in the *Clearfield County Legal Journal*, Clearfield, on October 19, 2001, as evidenced by the Proof of Publication dated October 24, 2001, attached hereto.

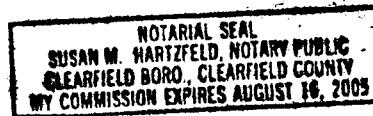


Carl A. Belin, Jr., Esquire

SWORN AND SUBSCRIBED before me this 15<sup>th</sup> day of  
November, 2001.



Notary Public



PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :

: SS:

COUNTY OF CLEARFIELD

On this 12th day of November, A.D. 2001, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Margaret E. Krebs, who being duly sworn according to law, deposes and says that she is the President of The Progressive Publishing Company, Inc., and Associate Publisher of The Progress, a daily newspaper published at Clearfield, in the County of Clearfield and State of Pennsylvania, and established April 5, 1913, and that the annexed is a true copy of a notice or advertisement published in said publication in

the regular issues of October 11, 2001

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

*Margaret E. Krebs*

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

*Ann K. Law*

Notary Public Clearfield, Pa.

My Commission Expires.  
September 16, 2004

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

IN THE COURT  
OF COMMON PLEAS  
OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
CIVIL DIVISION  
No. 01-1666-CO  
ACTION TO  
OUST TITLE  
R. WESLEY SMITH and ISAMAN-  
THA L. SMITH, his wife, RAY-  
MOND A. SMITH and SHIRLEY B.  
SMITH, his wife, Plaintiffs  
vs.  
ISAAC STRAW ESTATE, CLAY-  
TON M. STRAW, LYDIA STRAW,  
HARRIET S. WILLIAMS, ORIAN-  
DO WILLIAMS, MAHAFFEY FER-  
GUSON, ALTA FERGUSON, DR.  
R. E. PALMER, ROSE PALMER,  
HARRY WILLIAMS, and JAMES  
STEPHENSON ESTATE, their  
heirs, executors, administrators  
and assigns, Defendants

TO: ISAAC STRAW ESTATE,  
CLAYTON M. STRAW, LYDIA  
STRAW, HARRIET S. WILLIAMS,  
ORIANDO WILLIAMS, MAHAFFEE  
FERGUSON, ALTA FERGUSON, DR.  
R. E. PALMER, ROSE PALMER,  
HARRY WILLIAMS, and JAMES  
STEPHENSON ESTATE,  
THEIR HEIRS, SUCCESSORS,  
ADMINISTRATORS AND AS-  
SIGNS: NOTICE

If you wish to defend, you must  
enter written appearance personally  
or by attorney and file your de-  
fenses or objections in writing with  
this court. You are warned that if  
you fail to do so, the case may pro-  
ceed without you and a judgment  
may be rendered against you without  
written notice for the relief re-  
quested by the Plaintiff. You may  
lose money or property or other  
rights important to you. IF YOU DO  
NOT HAVE A LAWYER OR CAN  
NOT AFFORD ONE, GO TO OR  
PHONE THE CLERK'S OFFICE SET  
FORTH BELOW TO FIND OUT  
WHERE YOU CAN GET LEGAL  
HELP.

Court Administrator, Clearfield  
County Courthouse, 1 North Sec-  
ond Street, Clearfield, Pennsyl-  
ania 16830, (814) 765-2641, Ext.  
5902.

You are hereby notified that an  
Action to Quiet Title to the following  
premises situate in Chest Town-  
ship, Clearfield County, Pennsyl-  
vania, more particularly bounded and  
described as follows:

CLEARFIELD COUNTY TAX MAP  
PARCEL NUMBER 109-D16-6:  
BEGINNING at a common corner of  
lands of Dwayne Roland and Rose  
Palmer and the tract herein con-  
veyed; thence South forty-eight  
(48°) degrees East eight hundred  
feet (800') to a point; thence  
(874.5') feet to a point; thence  
South six (6°) degrees East five  
hundred (500') feet to a point;  
thence North sixty-five (65°) de-  
grees West five hundred fifty-five  
(555) feet to a point; thence North  
(555) feet to a point; thence South  
five hundred (500) feet to a point;  
thence North seventeen (17°) de-  
grees West five hundred fifty (550)  
feet to a point on line of land of  
Dwayne Roland; thence by land of  
Dwayne Roland, South eighty-sev-  
en (87°) degrees East to a point  
and place of beginning, containing  
two and one-half acres (12.5) acres,  
more or less. (" Parcel One" ).

CLEARFIELD COUNTY TAX MAP  
PARCEL NUMBER 109-D16-6:  
Parcels One and Two by Route No. 17003  
and Robert O'Neil, the North by  
the land of Rose L. Palmer, the  
East by State Highway Route No.  
36, on the West by Isaac Straw Es-  
tate and Donald Meckley, the same  
containing .43 acres, more or less.  
( " Parcels two" ).

In the interests of this Quiet Title  
Action include the following: to  
extinguish any interest Clayton M.  
Straw, his heirs, executors, and as-  
signs may have had in the premises  
by virtue of the Will of Isaac Straw as  
set forth in Paragraph 9 of the Com-  
plaint which is hereby incorporated  
by reference and made a part here-  
of; to extinguish any interest re-  
maining in the estate of Isaac Straw  
or heirs following the conveyance  
of Parcel One by Mary Elizabeth  
Straw Neals as set forth in Paragraph  
6 of the complaint which is hereby  
incorporated by reference and made  
a part thereof; to confirm the  
tax sale vesting title to Parcel Two in  
Plaintiffs notwithstanding the as-  
sessment was for 19 acres rather  
than the actual forty-three (43)  
acres as referred to in the tax deed;  
to extinguish any interest in the  
James Stephenson Estate, his  
heirs and assigns, may have had in  
and to Parcel Two due to any lack of  
notice or defect in the tax sale re-  
ferred to in Paragraph 15 and 16 of  
the complaint which are hereby in-  
corporated by reference and made  
a part hereof; and to extinguish any  
interest the James Stephenson Es-  
tate, his heirs and assigns may have  
had in the Second Parcel following  
said tax sale; to extinguish any in-  
terest the James Stephenson Estate,  
his heirs and assigns of James Stephenson  
may have had in Parcel Two by virtue of the lack of  
any estate records.

WHEREUPON said Court or-  
dered that notice of said action and  
the facts thereto be served on the  
Defendants, Isaac Straw Estate,  
Clayton M. Straw, Lydia Straw, Har-  
riet S. Williams, Orlando Williams,  
Mahaffey Ferguson, Alta Ferguson,  
Dr. R. E. Palmer, Rose Palmer,  
Harry Williams, and James Stephen-  
son Estate, their heirs, execu-  
tors, administrators and assigns, by  
the Plaintiff, and assessment re-  
quiring Defendants above named,  
their heirs, executors, adminis-  
trators and assigns, to answer the said  
complaint within twenty (20) days  
from the date of this publication. For  
failure to comply, a judgment will be  
taken in accordance with the terms  
before the Court at hearing to be held  
on November 19, 2001, at 3:00  
P.M. at the Clearfield County  
Courthouse, Clearfield, Pennsyl-  
vania.

BELIN & KUBISTA, Attorneys at  
Law, 15 North Front Street, Clear-  
field, Pennsylvania, Attorneys for:  
Plaintiff.

all tied up???

Need

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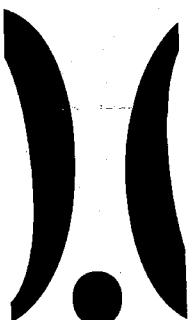
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## PROOF OF PUBLICATION

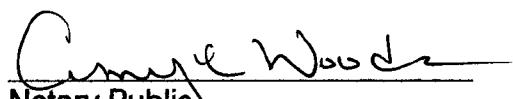
STATE OF PENNSYLVANIA :  
:  
COUNTY OF CLEARFIELD :

On this 24th day of October AD 2001, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Gary A. Knaresboro editor of the Clearfield County Legal Journal of the Courts of Clearfield County, and that the annexed is a true copy of the notice or advertisement published in said publication in the regular issues of Week of October 19, 2001, Vol. 13 No. 42. And that all of the allegations of this statement as to the time, place, and character of the publication are true.

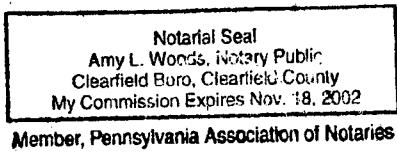


Gary A. Knaresboro, Esquire  
Editor

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



Notary Public  
My Commission Expires



Belin & Kubista  
PO Box 1  
Clearfield, PA 16830

premises by virtue of the Will of Isaac ~~Straw~~ as set forth in Paragraph 9 of the complaint which is hereby incorporated by reference and made a part hereof; to extinguish any interest remaining in the estate of Isaac Straw or heirs following the conveyance of Parcel One by Mary Elizabeth Straw Neal as set forth in Paragraph 6 of the complaint which is hereby incorporated by reference and made a part hereof; to confirm the tax sale vesting title to Parcel Two in Plaintiff notwithstanding the assessment was for 19 acres rather than the actual forty-three (43) acres as referred to in the tax deed; to extinguish any interest that the James Stephenson Estate, his heirs and assigns, may have had in and to Parcel Two due to any lack of notice or defect in the tax sale referred to in Paragraph 15 and 16 of the complaint which are hereby incorporated by reference and made a part hereof, and to extinguish any interest the James Stephenson Estate, his heirs and assigns may have had in the Second Parcel following said tax sale; to extinguish any interest the heirs and assigns of James Stephenson may have had in Parcel Two by virtue of the lack of any estate records.

WHEREUPON the Court ordered that notice of said action and the facts thereto be served on the Defendants ISAAC STRAW ESTATE, CLAYTON M. STRAW, LYDIA STRAW, HARRIET S. WILLIAMS, ORLANDO WILLIAMS, MAHAFFEY FERGUSON, ALTA FERGUSON, DR. R. E. PALMER, ROSE PALMER, HARRY WILLIAMS, and JAMES STEPHENSON ESTATE, their heirs, executors, administrators and assigns, by the Plaintiffs by advertisement requiring Defendants above named, their heirs, executors, administrators and assigns, to answer the said complaint within twenty (20) days from the date of this publication. For failure to comply, a judgment will be taken by application of Plaintiffs before the Court at a hearing to be held on November 19, 2001, at 3:00 p.m., at the Clearfield County Courthouse, Clearfield, Pennsylvania.

BELIN & KUBISTA, Attorneys at Law,  
15 North Front Street, Clearfield, PA 16830  
Attorneys for Plaintiff.

the land subject to the mortgage is:  
ALL THAT CERTAIN tract of land  
designated as Lot No. 745, Section No.  
14C in the Treasure Lake Subdivision in  
Sandy Township, Clearfield County, Penn-  
sylvania, recorded in the Recorder of Deeds  
Office in Misc. Docket Map File No. 25.

EXCEPTING AND RESERVING  
therefrom and subject to:

1. All easements, rights of way,  
reservations, restrictions and limitations  
show or contained in prior instruments of  
record and in the aforementioned recorded  
plan.
2. The Declaration of Restrictions for  
Treasure Lake of Pennsylvania, Inc., record-  
ed in misc. Book Volume 146, page 476.
3. All minerals and mining rights of  
every kind and nature.
4. The right of the owner and/or  
operator of any recreational facilities within  
said Treasure Lake Subdivision to assess  
fees and charges against Grantee, her  
heirs, administrators, executors,  
successors, and assigns for the use and/or  
maintenance of any such facilities which if  
unpaid, shall become a lien upon the land  
and be an encumbrance against it.

BEING the same premises title to  
which became vested in Deborah D.  
Ingham by deed of the Recreation Land  
Corporation, dated July 12, 1993, and  
recorded in the Recorder's Office of  
Clearfield County, Pennsylvania in Deed  
Book Volume 1565, page 354.

SEIZED, taken in execution to be sold  
as the property of DEBORAH D. INGHAM,  
at the suit of INDIANA FIRST SAVINGS  
BANK. JUDGMENT NO. 01-683-CD.

Chester A. Hawkins, Sheriff.

---

#### TAX SALE

Notice is hereby given of the proposed  
private sale by the Clearfield County Tax  
Claim Bureau on a parcel of land in  
BURNSIDE BOROUGH known as Map  
#002-A13-309-00065 and described as  
"LOT #40" and assessed to "UNKNOWN  
OWNER".

RECEIVED DECEMBER 12

HARRIET S. WILLIAMS,  
WILLIAMS, MAHAFFEY, FER  
ALTA FERGUSON, DR. R. E. PALMER,  
ROSE PALMER, HARRY WILLIAMS, and  
JAMES STEPHENSON ESTATE, their  
heirs, executors, administrators and  
assigns.

NOTICE

IF YOU WISH TO DEFEND, YOU  
MUST ENTER A WRITTEN  
APPEARANCE PERSONALLY OR BY  
ATTORNEY TO FILE YOUR DEFENSE  
OR OBJECTIONS IN WRITING WITH  
THE COURT. YOU ARE WARNED  
THAT IF YOU FAIL TO DO SO THE  
CASE MAY PROCEED WITHOUT YOU  
AND A JUDGMENT MAY BE ENTERED  
AGAINST YOU WITHOUT FURTHER  
NOTICE FOR THE RELIEF REQUESTED  
BY THE PLAINTIFFS. YOU MAY LOSE  
MONEY OR PROPERTY OR OTHER  
RIGHTS IMPORTANT TO YOU.

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

Court Administrator, Clearfield County  
Courthouse, 1 North Second Street, Clear-  
field, PA 16830 (814) 765-2641 ex. 5982.

You are hereby notified that an Action  
to Quiet Title to the following premises  
situate in Chest Township, Clearfield  
County, Pennsylvania, more particularly  
bounded and described as follows:

CLEARFIELD COUNTY TAX MAP  
PARCEL NUMBER 109-D16-5: BEGIN-  
NING at a common corner of lands of  
Dwayne Roland and Rose Palmer and the  
tract herein conveyed; thence South forty-  
eight (48) degrees East eight hundred  
seventy-four and five tenths (874.5) feet to  
a point; thence South six (6) degrees East  
five hundred (500) feet to a point; thence  
North sixty-five (65) degrees West five  
hundred fifty-five (555) feet to a point;  
thence North forty-seven (47) degrees  
West five hundred (500) feet to a point on  
line of land of Dwayne Roland; thence by  
land of Dwayne Roland South eighty-seven  
(87) degrees East to a point and place of  
beginning. Containing twelve and five  
tenths (12.5) acres, more or less. ("Parcel  
One").

CLEARFIELD COUNTY TAX MAP  
PARCEL NUMBER 109-D16-6: ON the  
South by Route No. 17003 and Robert  
Owens, on the North by the land of Rose L.  
Palmer, on the East by State Highway  
Route No. 36, on the West by Isaac Straw  
Estate and Donald Meckley, the same  
containing 43 acres, more or less. ("Parcel  
Two").

That the purposes of this Quiet Title  
Action include the following: to extinguish  
any interest Clayton M. Straw, his heirs,  
executors, and assigns may have had in the

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

R. WESLEY SMITH and SAMANTHA  
L. SMITH, his wife, RAYMOND A. SMITH  
and SHIRLEY B. SMITH, his wife, Plaintiffs  
vs. ISAAC STRAW ESTATE, CLAYTON  
M. STRAW, LYDIA STRAW, HARRIET S.  
WILLIAMS, ORLANDO WILLIAMS,  
MAHAFFEY FERGUSON, ALTA  
FERGUSON, DR. R. E. PALMER, ROSE  
PALMER, HARRY WILLIAMS, and  
JAMES STEPHENSON ESTATE, their  
heirs, executors, administrators and  
assigns, Defendants.

No. 2001-1666-CD  
ACTION TO QUIET TITLE NOTICE  
TO: ISAAC STRAW ESTATE,  
CLAYTON M. STRAW, LYDIA STRAW,

interested in said business are  
Lindholm, of R.D. #1, Box 291,  
Brockway, Pennsylvania 15824, and  
Kimberly J. Kohler, of P.O. Box 123, Falls  
Creek, Pennsylvania 15840.  
JAMIE C. STELLO, ESQUIRE, 103  
North Gilpin Street, Punxsutawney, PA  
15767.

---

#### ARTICLES OF INCORPORATION

NOTICE IS HEREBY GIVEN, that  
Articles of Incorporation were filed with the  
Department of State of the Commonwealth  
of Pennsylvania on the 13th day of  
September, 2001, for the purpose of  
obtaining a Certificate of Incorporation of a  
proposed business corporation to be  
organized under the Corporation Law of the  
Commonwealth of Pennsylvania of 1988.  
The name of the corporation is DOTT'S  
IMAGING CONSULTING INC. The  
purpose is to conduct mobile and fixed x-ray  
and imaging activity as well as to market  
and manage the same.  
SOBEL, COLLINS & KNARESBORO,  
Attorneys at Law, 218 South Second Street,  
Clearfield, Pennsylvania, 16830.

---

#### NOTICE OF NAME CHANGE

NOTICE IS HEREBY GIVEN that the  
Petition of MICHAEL ALAN BAKER, was  
filed in the Court of Common Pleas of  
Clearfield County, Pennsylvania, to No. 01-  
1640-CD praying for a decree to change his  
name to MICHAEL ALAN SHIPLEY.

The Court has fixed the 10th day of  
December, 2001 at 1:30 o'clock p.m. in  
Courtroom No. 1 of the Clearfield County  
Courthouse, Clearfield, Pennsylvania, as  
the time and place for hearing of the said  
Petition, when and where all persons  
interested may appear and show cause, if  
any they have, why the prayer of said  
Petition should not be granted.

R. DENNING GEARHART, 215 East  
Locust Street, Clearfield, PA 16830 (814)  
765-1581.

---

#### NOTICE OF NAME CHANGE

NOTICE IS HEREBY GIVEN that the  
Petition of SCOTT THOMAS BAKER, was  
filed in the Court of Common Pleas of  
Clearfield County, Pennsylvania, to No. 01-  
1641-CD praying for a decree to change his  
name to SCOTT THOMAS SHIPLEY.

The Court has fixed the 10th day of

Laurance and Willie Schinner,  
North by a section of the "old" Route 255  
(macadam) used as an access road to the  
property now, or formerly, of Louis and Mary  
Ann Cimino.

ALSO DESCRIBED AS BEGINNING  
at northeasterly corner of land now or  
formerly of Joseph Berry at corner of land  
and State Highway, thence along line of  
State Highway northerly direction 200 feet  
to a post, thence by lands of Younts, to a  
post at the right of way of Pennsylvania  
Railroad in an Easterly direction 150 feet;  
thence along line of right-of-way of  
Pennsylvania Railroad in a southerly  
direction 200 feet to a post, thence in a  
westerly direction along line of lands now or  
formerly of Joseph Berry 175 feet to a post  
at the place of beginning.

You have been sued in Court. The  
purpose of this quiet title action is to  
extinguish any right or equity which the  
Defendants above named and their heirs,  
administrators, executors and assigns may

CLEARFIELD PENNSYLVANIA 16830  
15 NORTH FRONT STREET  
ATTORNEYS AT LAW  
BELLIN & KUBISTA

**FILED**

NOV 15 2001  
C) 10/16/00 C  
William A. Shaw  
Prothonotary

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

R. WESLEY SMITH and SAMANTHA L.	:	
SMITH, his wife, RAYMOND A. SMITH	:	
and SHIRLEY B. SMITH, his wife,	:	
Plaintiffs	:	
	:	No. 01 - 1666 - CD
vs.	:	
	:	ACTION TO QUIET TITLE
ISAAC STRAW ESTATE, CLAYTON M.	:	
STRAW, LYDIA STRAW, HARRIET S.	:	
WILLIAMS, ORLANDO WILLIAMS,	:	
MAHAFFEY FERGUSON, ALTA FERGUSON,	:	
DR. R. E. PALMER, ROSE PALMER,	:	
HARRY WILLIAMS, and JAMES	:	
STEPHENSON ESTATE, their heirs,	:	
executors, administrators and	:	
assigns,	:	
Defendants	:	

FILED

NOV 19 2001

William A. Shaw  
Prothonotary

ORDER

AND NOW, this 19th day of November, 2001, an Affidavit of Service of the Complaint with Notice to Defend having been filed stating that the complaint and notice was served on all Defendants by publication, and no responsive pleading having been filed by said Defendants, the Defendants having not appeared in person or by attorney upon motion of Carl A. Belin, Jr., Attorney for Plaintiff, it is the **ORDER** of this Court that title to said premises is found to be vested in the Plaintiffs and that they be allowed to enjoy said property in peace. Said

property being situate in Chest Township, Clearfield County, Pennsylvania, being more particularly bounded and described as follows:

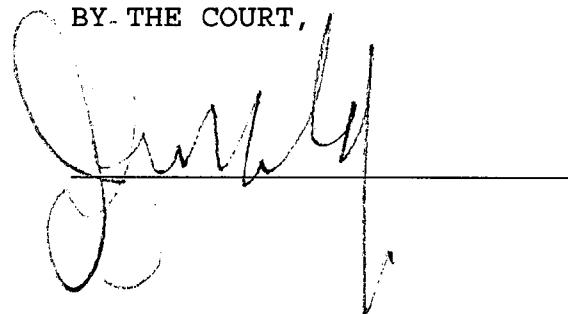
**CLEARFIELD COUNTY TAX MAP PARCEL NUMBER 109-D16-5:** BEGINNING at a common corner of lands of Dwayne Roland and Rose Palmer and the tract herein conveyed; thence South forty-eight (48°) degrees East eight hundred seventy-four and five tenths (874.5) feet to a point; thence South six (6°) degrees East five hundred (500) feet to a point; thence North sixty-five (65°) degrees West five hundred fifty-five (555) feet to a point; thence North forty-seven (47°) degrees West five hundred (500) feet to a point; thence North seventeen (17°) degrees West five hundred fifty (550) feet to a point on line of land of Dwayne Roland; thence by land of Dwayne Roland South eighty-seven (87°) degrees East to a point and place of beginning. Containing twelve and five tenths (12.5) acres, more or less. ("Parcel One").

**CLEARFIELD COUNTY TAX MAP PARCEL NUMBER 109-D16-6:** ON the South by Route No. 17003 and Robert Owens, on the North by the land of Rose L. Palmer, on the East by State Highway Route No. 36, on the West by Isaac Straw Estate and Donald Meckley, the same containing 43 acres, more or less. ("Parcel Two").

It is the FURTHER ORDER of this Court that unless the Defendants file a responsive pleading to the complaint or institute an action in ejectment within thirty (30) days of the

date hereof, the Defendants shall be forever barred from asserting any right, lien, title or interest in the land inconsistent with the interest of the claim of the Plaintiffs set forth in their Complaint. If Defendants fail to take such action within the thirty (30) day period, the Prothonotary on Praecept of the Plaintiffs shall enter final judgment against Defendants.

BY THE COURT,

A handwritten signature in black ink, appearing to read "John J. Coughlin", is written over a horizontal line. The signature is fluid and cursive, with a large, stylized 'J' at the beginning.