

01-1696-CD  
SHIRLEY J. DEPALMA et al -vs- DANIEL BOOTH et al

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

SHIRLEY J. DePALMA, :  
BARBARA J. BURNS, and :  
SANDRA L. ZAPSKY, :  
Plaintiffs :  
vs. :  
DANIEL BOOTH, CHARLES D. LORRAINE, :  
WILLIAM FRANK, AMELIA DAWSON, LEWIS :  
BEYER, AMELIA CRAGO and JAMES CRAGO, :  
HENRY CRAGO and BESSIE CRAGO, MATILDA :  
NEWCOMER and JOHN NEWCOMER, SAMUEL :  
CAUSER and ANN CAUSER, TONY POSKANKA :  
and MARY POSKANKA, and FRANK KAWA, :  
their heirs, executors, administrators, :  
trustees and/or assigns, known or :  
unknown, and any other person or :  
persons, firms, partnerships, :  
associations or corporate entities in :  
interest, :  
Defendants :  
: No. 2001 - 1696 - CD  
: Type of Case: Quiet Title Action  
: Type of Pleading: Complaint  
: Filed on Behalf of Plaintiffs  
: Counsel of Record for this  
: Party: Ronald E. Archer, Esq.  
: Supreme Court ID No. 19655  
: 711 Hannah Street  
: Houtzdale, PA 16651  
: 814/378-7641  
:

FILED

OCT 11 2001

William A. Shaw  
Prothonotary

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

SHIRLEY J. DePALMA, :  
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SANDRA L. ZAPSKY, :  
Plaintiffs : No. 2001 - \_\_\_\_\_-CD  
vs. : Type of Case: Quiet Title Action  
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their heirs, executors, administrators, :  
trustees and/or assigns, known or :  
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interest, :  
Defendants :

## NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the 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 Plaintiffs. 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's Office  
Clearfield County Court House  
Clearfield, PA. 16830  
Telephone: 814-765-2641, Ext. 5982

COMPLAINT

AND NOW comes SHIRLEY J. DePALMA, BARBARA J. BURNS, and SANDRA L. ZAPSKY, by their attorney, Ronald E. Archer, Esq., and files the following Complaint:

1. The Plaintiffs are Shirley J. DePalma, of RR1 Box 153, Philipsburg, Pennsylvania 16866, Barbara J. Burns, of RR1 Box 396, Philipsburg, Pennsylvania 16866, and Sandra L. Zapsky, of PO Box 432, Madera, Pennsylvania 16661.

2. The Defendants are Daniel Booth, Charles D. Lorraine, William Frank, Amelia Dawson, Lewis Beyer, Amelia Crago and James Crago, Henry Crago and Bessie Crago, Matilda Newcomer and John Newcomer, Samuel Causer and Ann Causer, Tony Poskanka and Mary Poskanka, and Frank Kawa, their heirs, executors, administrators, trustees and/or assigns, and any other person, persons, firms, partnerships, associations or corporate entities or successors who may claim under them, and who are deceased, or no longer in existence and whose whereabouts are unknown.

3. The real property involved in and subject of this action is ALL that certain piece or parcel of land situated in the Township of Woodward, Clearfield County, Pennsylvania, bounded and described as follows:

**BEGINNING** at a post at the northwest corner of premises being herein described; said post being situate on the southern side of an unnamed street; thence N 83° 25' E a distance of 225 feet to a post; thence S 6° 35' E a distance of 300 feet to a post; thence S 83° 25' W a distance of 225 feet to a post; thence N 6° 35' W a distance of 300 feet to a point and place of beginning. **Being** further identified by Clearfield County Assessment Map No. 130-M14-409-50, and also being identified as part of Lot No. 78 in West Houtzdale.

4. The herein described premises described in Paragraph 3 were conveyed to Shirley J. DePalma, Barbara J. Burns and Sandra L. Zapsky by deed of Shirley J. DePalma, Barbara J. Burns and Sandra L. Zapsky, as Co-Administrators of the Estate of Chester I. Johnson, by deed dated September 5, 2001, and entered for record in Clearfield County Instrument File No. 200114119 on September 6, 2001.

5. Chester I. Johnson died intestate on January 18, 2001, survived by Shirley J. DePalma, Barbara J. Burns and Sandra L. Zapsky, his sole intestate heirs, who were duly appointed as Co-Administrators of his estate by the Register of Wills of Clearfield County, Pennsylvania, on January 30, 2001, Estate File Number 17-2001-61.

6. The herein described premises were conveyed to Chester Johnson and Margaret Jean Johnson, his wife, as tenants by the entireties, by deed of Bertha I. Mears and Reginald N. Mears, her husband, dated May 23, 1970, and entered for record on May 26, 1970, in Clearfield County Deed Book Volume 560, Page 686, in which the herein described premises were described as a house and one acre. The said Margaret Jean Johnson died on March 13, 1984, as evidenced by Clearfield County, Pennsylvania Estate File No. 17-84-0132, vesting the premises in Chester Johnson, as surviving tenant by the entireties.

7. The herein described premises were conveyed to Bertha I. Mears, a married woman, by deed of J. Edward Rowland, dated December 1, 1954, and entered for record in Clearfield County Deed Book Volume 440, Page 547, on February 25, 1955, in which the premises were described as a house and one (1) acre in Woodward Township, assessed in the name of Frank Kawa.

8. The herein described premises were conveyed to J. Edward Rowland by Quit Claim deed of John Scollins, single, dated January 28, 1954, and entered for record in Clearfield County Deed Book Volume 440, Page 545, on February 25, 1955, in which the premises were described as a house and one (1) acre in Woodward Township, assessed in the name of Frank Kawa.

9. The herein described premises were conveyed to John Scollins by deed of the Clearfield County Commissioners dated June 3, 1947, and entered for record in Clearfield County Deed Book Volume 440, Page 544, on February 25, 1955, in which the premises were described as a house and one (1) acre in Woodward Township, assessed in the name of Frank Kawa, which was sold at public sale on March 19, 1947.

10. The herein described premises were conveyed to the Clearfield County Commissioners by deed of the Clearfield County Treasurer dated February 10, 1945, and entered for record in Clearfield County Deed Book Volume 446, Page 542, on February 25, 1955, in which the premises were described as a house and one (1) acre in Woodward Township, which was sold at public sale on December 4, 1944, for unpaid 1942 real estate taxes.

11. The herein described premises were conveyed to Frank Kawa by deed of the Clearfield County Commissioners dated May 25, 1942, and entered for record in Deed Book Volume 353, Page 299, on April 19, 1945, in which the premises were described as a house and one (1) acre in Woodward Township, and assessed in the name of Tony Poskanka, and sold at public sale on January 24, 1942.

12. The herein described premises were conveyed to the Clearfield County Commissioners by deed of the Clearfield County Treasurer dated April 10, 1936, and entered for record in Clearfield County Deed Book Volume 353,

Page 298, on April 19, 1945, in which the premises were described as a house and one (1) acre in Woodward Township, assessed in the name of Tony Poskanka, which was sold at public sale on August 6, 1936, for unpaid 1931 real estate taxes.

13. The premises described as the East 1/2 of the West 1/2 of Lot #78 in West Houtzdale, Pennsylvania, were conveyed by Samuel Causer, Sr. widower, to Tony Poskanka and Mary Poskanka by deed dated April 13, 1921, and entered for record in Clearfield County Deed Book Volume 251, Page 100, on May 21, 1921.

14. The premises described as the East 1/2 of the West 1/2 of Lot #78 in West Houtzdale were conveyed by Matilda Newcombe to Samuel Causer and Ann Causer by deed dated November 29, 1913, and entered for record in Clearfield County Deed Book Volume 209, Page 19, on December 24, 1914.

15. The premises described as the East 1/2 of the West 1/2 of Lot #78 in West Houtzdale were covneyed by Henry Crago and Bessie Crago to Matilda Newcombe by deed of Henry Crago and Bessie Crago dated October 10, 1908, and entered for record in Clearfield County Deed Book Volume 243, Page 153, on September 13, 1920.

16. The premises described as the East 1/2 of the West 1/2 of Lot #78 in West Houtzdale were conveyed by Amelia Crago, formerly Amelia Dawson and James Crago to Henry Crago by deed dated April 18, 1891, and entered for record in Clearfield County Deed Book Volume 250, Page 119, on May 21, 1924. Clearfield County Assessment records indicate that the premises described above were conveyed by William Frank to Amelia Dawson. A diligent search among the deed indices of Clearfield County did not locate a deed from William Frank to Amelia Dawson for the East 1/2 of the West 1/2 of Lot #78 in West Houtzdale.

17. Daniel Booth, by deed dated April 23, 1883, and entered for record in Clearfield County Deed Book Volume 23, Page 382, on April 26, 1883, conveyed part of Lot #78 to William Frank. Said premises were described as being bounded on the North by a street, bounded on the East by the eastern 1/2 of Lot #78, on the South by Lot #93, and on the West by Lot #77, measuring 150 feet from East to West and 300 feet from North to South. A diligent search among the deed indices of Clearfield County did not locate any deeds from William Frank that conveyed any portion or all of the premises that were conveyed to William Frank by Deed Book Volume 23, Page 382, as set forth in this paragraph.

18. By deed dated January 20, 1891, and entered for record in Clearfield County Deed Book Volume 62, Page 277, on April 4, 1891, Daniel Booth conveyed the eastern 1/4 of Lot #78 to John Noble. Said parcel was shown as being 75 feet by 300 feet. A diligent search among the deed indices of Clearfield County did not locate any deeds from John Noble that conveyed any portion or all of the premises that were conveyed to John Noble by Deed Book Volume 62, Page 277, as set forth in this paragraph.

19. The premises described in Paragraph 3, herein, are a combination of the premises as set forth in Paragraph 17 and Paragraph 18, herein, and comprise the eastern 3/4 of Lot #78 in West Houtzdale.

20. The whole of Lot #78 in West Houtzdale was conveyed to Daniel Booth by deed of J. Oscar Lorraine, attorney-in-fact for L. Lorraine and Francie M. Lorraine, by deed dated August 14, 1881, and entered for record in Clearfield County Deed Book Volume 18, Page 399, in which Lot #78 was described as 300 feet by 300 feet and bounded on the North by a street, on

the East by Lot #79, on the South by Lot #93, and on the West by Lot #77. The deed indices of Clearfield County indicate that no other property was owned by Daniel Booth except Lot #78 as set forth herein.

21. The remaining portion of Lot #78, that being the western 1/4 of Lot #78, was conveyed by Daniel Booth to Lewis Beyer by deed dated February 24, 1898, and entered for record in Clearfield County Deed Book Volume 99, Page 289, on February 28, 1898, in which the premises were described as beginning at a post on Lot #78, thence along a street in a western direction 75 feet to corner of Lot #77, thence South 300 feet to Lot #93, thence East along Lot #93 75 feet, thence North 300 feet to post and place of beginning. The parcel described herein is not subject of this Quiet Title Action, but is shown to show that by February of 1898, Daniel Booth had conveyed out in three separate deeds the whole of Lot #78 as set forth in Paragraph 17, Paragraph 18 and this Paragraph.

22. By deed dated June 28, 1900 and entered for record in Clearfield County Deed Book Volume 159, Page 484, on November 30, 1906, the Clearfield County Treasurer conveyed to the Clearfield County Commissioners a House and Lot assessed in Woodward Township, assessed in the name of Daniel Booth for unpaid 1898 real estate taxes. This was done after Daniel Booth had conveyed all of Lot #78, the only property that he owned, and that he was assessed with in Woodward Township, Clearfield County, Pennsylvania.

23. By deed dated November 20, 1906, and entered for record in Clearfield County Deed Book Volume 159, Page 495, on November 30, 1906, the Clearfield County Commissioners conveyed a house and Lot in Woodward Township, assessed in the name of Daniel Booth to Charles D. Lorraine. Said premises were sold at public sale on October 10, 1906. A diligent search

among the deed indices of Clearfield County did not locate any deeds from Charles D. Lorraine that conveyed any portion or all of the premises that were conveyed to Charles D. Lorraine by Deed Book Volume 159, Page 495, as set forth herein.

24. The premises described in Paragraph 3 have been continuously assessed to Chester Johnson and Margaret Jean Johnson, his wife, predecessors in title, prior to the Plaintiffs, from 1971 to the present.

25. The Plaintiffs and all their predecessors in title have been in open, continuous, notorious, actual, exclusive, visible, distinct and hostile possession of the property described in Paragraph 3 of this Complaint in excess of seventy (70) years immediately preceding the filing of this Action and thereby claim title by adverse possession.

26. This Quiet Title Action is necessary in order to extinguish any right, title, claim or interest of the above named Defendants, their heirs, executors, administrators, trustees, and assigns, known or unknown, and any other person or persons, firms, partnerships, associations or corporate entities in interest as a result of any incorrect assessments or missing deeds affecting the rights of said parties, or any person or party claiming therefrom or claiming any right, title or interest in said premises described in Paragraph 3 herein.

27. This Quiet Title Action is necessary to establish a proper chain of title out of which the real property subject of this action comes, because of irregularities in the chain of title, including possible unrecorded deeds, variances in the descriptions, tax sale deeds, unclear tax assessments and quit-claim deeds, all of which raise a question as to the chain of title to the property and create a cloud on the title.

28. It is finally averred that this Quiet Title Action is necessary to determine the validity or discharge of any document, obligation or deed affecting any right, title and interest in the property subject of this action, which may affect the rights of the Defendants.

WHEREFORE, Plaintiffs bring this Action and respectfully request the Court to decree as follows:

a. That the Plaintiffs, their heirs, executors, personal representatives and assigns are seized of an absolute and indefeasible title to the property situated in the Township of Woodward, Clearfield County, Pennsylvania, described herein, and that an Order and Decree be entered adjudicating that each Defendant and any of their heirs, successors, executors, administrators, trustees, or assigns, known or unknown, or any other person or persons, firms, partnerships, associations, or corporate entities in interest be forever barred from asserting any right, title, lien or interest in the herein described parcel of land.

b. That such other relief be granted as may be necessary in establishing Plaintiffs' title, including determinations on the validity, or discharge of any documents, obligations, or deeds affecting right, title and interest in the property described herein.

c. Such other and further relief as the Court deems proper.

  
Ronald E. Archer  
Ronald E. Archer, Esq.  
Attorney for Plaintiffs

COMMONWEALTH OF PENNSYLVANIA:

: §

COUNTY OF CLEARFIELD

:

Before me, the undersigned officer, a Notary Public in and for the above named State and County, personally appeared SHIRLEY J. DePALMA, BARBARA J. BURNS, and SANDRA L. ZAPSKY, 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.

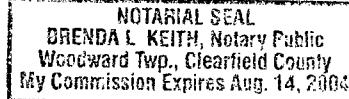
Shirley J. DePalma  
Shirley J. DePalma

Barbara J. Burns  
Barbara J. Burns

Sandra L. Zapsky  
Sandra L. Zapsky

Sworn to and subscribed  
before me this 9<sup>th</sup>  
day of October,  
2001.

Brenda L. Keith  
Notary Public



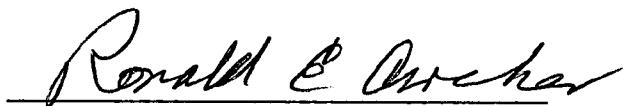
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW

SHIRLEY J. DePALMA, :  
BARBARA J. BURNS, and :  
SANDRA L. ZAPSKY, : No. 2001 - \_\_\_\_\_-CD  
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vs. : Type of Case: Quiet Title Action  
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interest, :  
Defendants :  
:

MOTION FOR SERVICE BY PUBLICATION

1. Your Petitioners are SHIRLEY J. DePALMA, BARBARA J. BURNS, and SANDRA L. ZAPSKY, Plaintiffs in the above captioned matter.
2. Petitioners, by attached Affidavit incorporated herein by reference thereto, believe that the named Defendants are deceased, or that their whereabouts are unknown.

WHEREFORE, Petitioners, by their attorney, Ronald E. Archer, Esquire, request that your Honorable Court grant and order the therein named Defendants be served by publication as required by law.

  
\_\_\_\_\_  
Ronald E. Archer, Esq.  
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
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Defendants :  
:

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA:

: §  
COUNTY OF CLEARFIELD :  
:

Before me, the undersigned officer, a Notary Public in and for the above named State and County, personally appeared SHIRLEY J. DePALMA, BARBARA J. BURNS, and SANDRA L. ZAPSKY, who, being duly sworn according to law, depose and say that the names of the Defendants, DANIEL BOOTH, CHARLES D. LORRAINE, WILLIAM FRANK, AMELIA DAWSON, LEWIS BEYER, AMELIA CRAGO and JAMES CRAGO, HENRY CRAGO and BESSIE CRAGO, MATILDA NEWCOMER and JOHN NEWCOMER, SAMUEL CAUSER and ANN CAUSER, TONY POSKANKA and MARY POSKANKA, and FRANK KAWA, their heirs, successors, executors, administrators, trustees and/or assigns, known or unknown, and any other person or persons, firms,

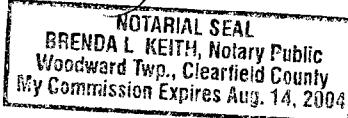
partnerships, associations or corporate entities in interest, are no longer in existence and their whereabouts are unknown to the Plaintiffs.

Plaintiffs and their attorney have made an investigation to locate the aforesaid Defendants that are unknown, by checking the records of Clearfield County which included deed indices, Orphan's Court records, assessment records, voter's registration records, and miscellaneous indices in the Clearfield County Prothonotary Office. Telephone directories in the area of the Defendants' last known address were checked, and local postal authorities in the area of the Defendants' last known addresses were contacted. The Defendants were not found because they are no longer in existence and their whereabouts are unknown.

Shirley J. DePalma  
Shirley J. DePalma  
Barbara J. Burns  
Barbara J. Burns  
Sandra L. Zapsky  
Sandra L. Zapsky

Sworn to and subscribed  
before me this 9th  
day of October,  
2001.

Brenda L. Keith  
Notary Public



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

OCT 15 2001  
BPA 01111 no cc  
William A. Shaw  
Prothonotary

**ORDER DIRECTING COMPLAINT TO BE SERVED  
BY ADVERTISEMENT ON DEFENDANTS**

AND NOW, this 15<sup>th</sup> day of October, 2001, the within Action  
being an Action to Quiet Title and the Plaintiffs having made affidavit that  
the address of the Defendant is unknown and cannot be ascertained, and  
therefore upon Motion of Ronald E. Archer, Esq., Attorney for Plaintiffs, it  
is Ordered and Decreed that substitute service by publication be made upon  
the Defendants whose addresses are unknown, or who may no longer be in  
existence, by giving notice in The Progress, a newspaper of general  
circulation published in the Clearfield County area, and in the Clearfield  
County Legal Journal, to all of the above named Defendants, such publication

to be one (1) time only, stating that this action has been filed, and that this Complaint must be pleaded to within twenty (20) days after publication of notice; otherwise judgment will be taken against all of the Defendants by default.

BY THE COURT

J.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
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Defendants :

## **ACTION TO QUIET TITLE**

## NOTICE

TO: DANIEL BOOTH, CHARLES D. LORRAINE, WILLIAM FRANK, AMELIA DAWSON, LEWIS BEYER, AMELIA CRAGO and JAMES CRAGO, HENRY CRAGO and BESSIE CRAGO, MATILDA NEWCOMER and JOHN NEWCOMER, SAMUEL CAUSER and ANN CAUSER, TONY POSKANKA and MARY POSKANKA, and FRANK KAWA, their heirs, executors, administrators, trustees and/or assigns, known or unknown, and any other person or persons, firms, partnerships, associations or corporate entities, in interest, Defendants.

You have been sued in Court. You are hereby notified that an Action to Quiet Title to the premises in the Township of Woodward, Clearfield County, Pennsylvania, has been filed against you. Said lands are bounded and described as follows:

**BEGINNING** at a post at the northwest corner of premises being herein described; said post being situate on the southern side of an unnamed street; thence N 83° 25' E a distance of 225 feet to a post; thence S 6° 35' E a distance of 300 feet to a post; thence S 83° 25' W a distance of 225 feet to a post; thence N 6° 35' W a distance of 300 feet to a point and place of beginning. **Being** further identified by Clearfield County Assessment Map No. 130-M14-409-50, and also being identified as part of Lot No. 78 in West Houtzdale.

**TAKE NOTICE** that the Plaintiffs are the owners of the land described hereinabove and that they have requested in their Complaint which is on file in the Office of the Prothonotary of the Court of Common Pleas of Clearfield County, that the Court decree that the title to the same is in them, free and clear of the claims of the persons or entity claiming or who might claim title under them, and all other persons or entities claiming any right, title or interest in the land described, or anyone claiming by, through or under them.

Should the above named Defendants, their heirs, and/or assigns, or any other person, persons or entity claiming or who might claim title under them, or all persons or entities claiming any right, title or interest in the land described fail to plead to the Plaintiffs' complaint within twenty (20) days from the last publication of this Notice, or fail to take such action within thirty (30) days after default judgment as the Court may direct, the Defendants, their successors, trustees and assigns, and any other person, persons or entity claiming or who might claim title under them, or all other persons or entities claiming any right, title or interest in the land described, except the Plaintiffs, will be forever barred from asserting any interest, lien, right or title to the said land, inconsistent with the Plaintiffs, their successors or assigns.

**NOTICE**

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses 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.

**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 GET LEGAL HELP.**

**Court Administrator  
Clearfield County Courthouse  
Clearfield, PA 16830  
814/765-2641**

RONALD E. ARCHER, ESQ.  
711 Hannah Street  
Houtzdale, PA. 16651

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:

**AFFIDAVIT OF SERVICE**

Before me, William A. Shaw, Prothonotary, personally appeared Ronald E. Archer, Esq., who, being duly sworn according to law, deposes and says that service was made in this case by publication in The Clearfield Progress one time only on October 19, 2001, and the Clearfield County Legal Journal one time only for the week of October 26, 2001, as appears by sworn proof hereto attached. And further that all the named Defendants are deceased or their whereabouts are unknown and were not served in any other manner. No appearance having been entered on behalf of any of the Defendants nor any answer filed by any of them, Plaintiffs have caused this Affidavit to be made for the purpose of obtaining a Decree of Court under Pa. R.C.P. 1066.

**FILED**

NOV 16 2001

*BS* 0/21/2001 was  
by William A. Shaw  
Prothonotary  
no court copies

WHEREFORE, this Affidavit of Service made by the manner aforesaid is  
made for the purpose of obtaining a Decree of Court.

  
Ronald E. Archer, Esq.  
Attorney for Plaintiffs

Sworn to and subscribed  
before me this 16<sup>th</sup>,  
day of November,  
2001.

  
\_\_\_\_\_  
Prothonotary

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

IN THE COURT :  
OF COMMON PLEAS  
OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
CIVIL ACTION-LAW  
No. 2001-1696-CD

Type of Case:

Quiet Title Action

SHIRLEY J. DePALMA, BARBARA J. BURNS, and SANDRA L. ZAPSKY, Plaintiffs

vs.

DANIEL BOOTH, CHARLES D. LORRAINE, WILLIAM FRANK, AMELIA DAWSON, LEWIS BEYER, AMELIA CRAGO and JAMES CRAGO, HENRY CRAGO and BESSIE CRAGO, MATILDA NEWCOMER and JOHN NEWCOMER, SAMUEL CAUSER and ANN CAUSER, TONY POSKANKA and MARY POSKANKA, and FRANK KAWA, their heirs, executors, administrators, trustees and/or assigns, known or unknown and any other person or persons, firms, partnerships, associations or corporate entities in interest, Defendants

ACTION TO  
QUIET TITLE

NOTICE

TO: DANIEL BOOTH, CHARLES D. LORRAINE, WILLIAM FRANK, AMELIA DAWSON, LEWIS BEYER, AMELIA CRAGO and JAMES CRAGO, HENRY CRAGO and BESSIE CRAGO, MATILDA NEWCOMER and JOHN NEWCOMER, SAMUEL CAUSER and ANN CAUSER, TONY POSKANKA and MARY POSKANKA, and FRANK KAWA, their heirs, executors, administrators, trustees and/or assigns, known or unknown, and any other person or persons, firms, partnerships, associations or corporate entities, in interest, Defendants.

You have been sued in Court. You are hereby notified that an Action to Quiet Title to the premises in the Township of Woodward, Clearfield County, Pennsylvania, has been filed against you. Said lands are bounded and described as follows:

BEGINNING at a post at the northwest corner of premises being herein described; said post being situate on the southern side of an unnamed street; thence N 83° 25' E a distance of 225 feet to a post; thence S 6° 35' E a distance of 300 feet to a post; thence S 83° 25' W a distance of 225 to a post; thence N 6° 35' W a distance of 300 feet to a point and place of beginning. Being further identified by Clearfield County Assessment Map No. 130-M14-409-50, and also being identified as part of Lot No. 78 in West Houtzdale.

TAKE NOTICE that the Plaintiffs are the owners of the land described hereinabove and that they have requested in their Complaint which is on file in the Office of the Prothonotary of the Court of Common Pleas of Clearfield County, that the Court decree that the title to the same is in them, free and clear of the claims of the persons or entity claiming or who might claim title under them, and all other persons or entities claiming any right, title or interest in the land described, or anyone claiming by, through or under them.

## PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :

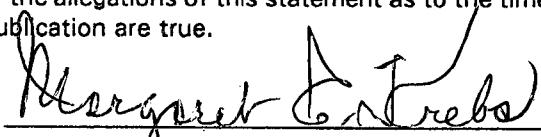
: SS:

COUNTY OF CLEARFIELD :

On this 25th day of October, 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 19, 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.



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



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

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## PROOF OF PUBLICATION

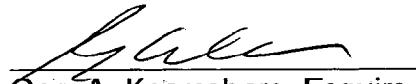
STATE OF PENNSYLVANIA :

:

COUNTY OF CLEARFIELD :

:

On this 9th 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 26, 2001, Vol. 13 No. 43. And that all of the allegations of this statement as to the time, place, and character of the publication are true.

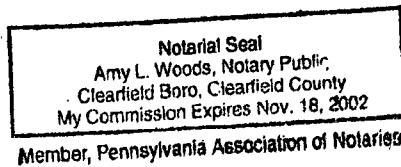


Gary A. Knaresboro, Esquire  
Editor

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



\_\_\_\_\_  
Amy L. Woods  
Notary Public  
My Commission Expires



Ronald E. Archer  
711 Hannah Street  
Houtzdale PA 16651

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

SHIRLEY J. DEPALMA, BARBARA J. BURNS, and SANDRA L. ZAPSKY, Plaintiffs vs. DANIEL BOOTH, CHARLES D. LORRAINE, WILLIAM FRANK, AMELIA DAWSON, LEWIS BEYER, AMELIA CRAGO and JAMES CRAGO, HENRY CRAGO and BESSIE CRAGO, MATILDA NEWCOMER and JOHN NEWCOMER, SAMUEL CAUSER and ANN CAUSER, TONY POSKANKA, and MARY POSKANKA, and FRANK KAWA, their heirs, executors, administrators, trustees and/or assigns, known or unknown, and any other person or persons, firms, partnerships, associations or corporate entities in interest, Defendants.

ACTION TO QUIET TITLE NOTICE  
No. 2001-1696-CD

TO: DANIEL BOOTH, CHARLES D. LORRAINE, WILLIAM FRANK, AMELIA DAWSON, LEWIS BEYER, AMELIA CRAGO and JAMES CRAGO, HENRY CRAGO and BESSIE CRAGO, MATILDA NEWCOMER and JOHN NEWCOMER, SAMUEL CAUSER and ANN CAUSER, TONY POSKANKA, and MARY POSKANKA, and FRANK KAWA, their heirs, executors, administrators, trustees and/or assigns, known or unknown, and any other person or persons, firms, partnerships, associations or corporate entities in interest, Defendants.

You have been sued in Court. You are hereby notified that an Action to Quiet Title to the premises in the Township of Woodward, Clearfield County, Pennsylvania, has been filed against you. Said lands are bounded and described as follows:

BEGINNING at a post at the northwest corner of premises being herein described; said post being situate on the southern side of an unnamed street; thence N 83 degrees 25' E a distance of 225 feet to a post; thence S 6 degrees 35' E a distance of 300 feet to a post; thence S 83 degrees 25' W a distance of 225 feet to a post; thence N 6 degrees 35' W a distance of 225 feet to a post; thence N 6 degrees 35' W a distance of 300 feet to a point and place of beginning. Being further identified by Clearfield County Assessment Map No. 130-M14-409-50, and also being identified as part of Lot No. 78 in Houtzdale.

TAKE NOTICE that the plaintiffs are the owners of the land described hereinabove and that they have requested in their Complaint which is on file in the Office of the Prothonotary of the Court of Common Pleas of Clearfield County, that the Court decree that the title to the same is in them, free and clear of the claims of the persons

or entity claiming or who might claim title under them, and all other persons or entities claiming any right, title or interest in the land described, or anyone claiming by, through or under them.

Should the above named Defendants, their heirs, and/or assigns, or any other person, persons or entity claiming or who might claim title under them, or all persons or entities claiming any right, title or interest in the land described fail to plead to the Plaintiffs' complaint within twenty (20) days from the last publication of this Notice, or fail to take such action within (30) days after default judgment as the Court may direct, the Defendants, their successors, trustees and assigns, and any other person, persons or entity claiming or who might claim title under them, or all other persons or entities claiming any right, title or interest in the lands described, except the Plaintiffs, will be forever barred from asserting any interest, lien, right or title to the said land, inconsistent with the Plaintiffs, their successors or assigns.

NOTICE

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses 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.

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 GET LEGAL HELP.

Court Administrator, Clearfield County Courthouse, Clearfield, PA 16830.  
RONALD E. ARCHER, ESQUIRE,  
711 Hannah Street, Houtzdale, PA 16651.

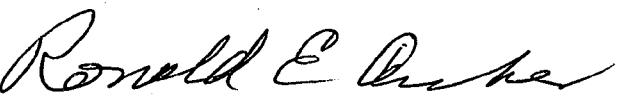
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW

SHIRLEY J. DePALMA, :  
BARBARA J. BURNS, and :  
SANDRA L. ZAPSKY, : No. 2001 - 1696 -CD  
Plaintiffs :  
vs. : Type of Case: Quiet Title Action  
: :  
DANIEL BOOTH, CHARLES D. LORRAINE, :  
WILLIAM FRANK, AMELIA DAWSON, LEWIS :  
BEYER, AMELIA CRAGO and JAMES CRAGO, :  
HENRY CRAGO and BESSIE CRAGO, MATILDA :  
NEWCOMER and JOHN NEWCOMER, SAMUEL :  
CAUSER and ANN CAUSER, TONY POSKANKA :  
and MARY POSKANKA, and FRANK KAWA, :  
their heirs, executors, administrators, :  
trustees and/or assigns, known or :  
unknown and any other person or :  
persons, firms, partnerships, :  
associations or corporate entities in :  
interest, :  
Defendants :  
:

**MOTION FOR JUDGMENT**

NOW, November 16, 2001 2001, an Affidavit having been  
executed and presented herewith on behalf of the Plaintiffs showing that the  
Complaint was served by publication on all of the Defendants, in The  
Clearfield Progress on October 19, 2001, and in the Clearfield County  
Legal Journal during the week of October 26, 2001, and further that all  
the named Defendants are deceased or their whereabouts are unknown and were  
not served in any other manner, and no Defendant having entered an  
appearance or filed an Answer or having expressed any purpose or intent to  
be heard or desire to assert title to said property, and twenty (20) days  
having elapsed since the last publication and it appearing that it was  
impossible to serve any other Defendant by any other means.

WHEREFORE, Ronald E. Archer, Esq., prays Your Honorable Court, as attorney for the Plaintiffs, that judgment be entered in favor of the Plaintiffs and against the Defendants, their successors, trustees and assigns, known or unknown, and that any other person or persons, firms, partnerships, associations, or corporate entities in interest, with direction that they file suit in ejectment or otherwise enter proceedings to contest the case within thirty (30) days, or judgment may be entered against them from asserting any title or claim to the real estate in this action.

  
Ronald E. Archer

Attorney for Plaintiffs

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

SHIRLEY J. DePALMA, :  
BARBARA J. BURNS, and :  
SANDRA L. ZAPSKY, :  
Plaintiffs :  
vs. :  
DANIEL BOOTH, CHARLES D. LORRAINE, :  
WILLIAM FRANK, AMELIA DAWSON, LEWIS :  
BEYER, AMELIA CRAGO and JAMES CRAGO, :  
HENRY CRAGO and BESSIE CRAGO, MATILDA :  
NEWCOMER and JOHN NEWCOMER, SAMUEL :  
CAUSER and ANN CAUSER, TONY POSKANKA :  
and MARY POSKANKA, and FRANK KAWA, :  
their heirs, executors, administrators, :  
trustees and/or assigns, known or :  
unknown, and any other person or :  
persons, firms, partnerships, :  
associations or corporate entities in :  
interest, :  
Defendants :  
: No. 2001 - 1696 - CD  
: Type of Case: Quiet Title Action  
: Type of Pleading: Complaint  
: Filed on Behalf of Plaintiffs  
: Counsel of Record for this  
: Party: Ronald E. Archer, Esq.  
: Supreme Court ID No. 19655  
: 711 Hannah Street  
: Houtzdale, PA 16651  
: 814/378-7641

**FILED**

NOV 1 6 2001

William A. Shaw  
Prothonotary

ORDER OF COURT

NOW, NOV 16, 2001, an Affidavit having been made that service was made by publication in The Clearfield Progress on October 19, 2001, and the Clearfield County Legal Journal during the week of October 26, 2001, and it appearing that it was impossible to serve any other Defendants by any other means,

**IT IS ORDERED AND DECREED** that Defendants file suit in ejectment or otherwise enter a proceeding to contest the case within thirty (30) days, or this Order of Court shall become final upon Praeclipe by Plaintiffs, which hereby Orders and Decrees that title to the land subject of this action is vested absolutely in the Plaintiffs, their heirs and assigns, free and clear

of any and all claims of any nature by any of the named Defendants, their heirs, executors, administrators, trustees, successors and assigns, known or unknown, and any other persons, firms, partnerships, associations or corporate entities in interest, or by anyone claiming by, through or under them or any of them, and that the Plaintiffs are seized of an indefeasible title to the premises situated in Woodward Township, Clearfield County, Pennsylvania, bounded and described as follows:

**BEGINNING** at a post at the northwest corner of premises being herein described; said post being situate on the southern side of an unnamed street; thence N 83° 25' E a distance of 225 feet to a post; thence S 6° 35' E a distance of 300 feet to a post; thence S 83° 25' W a distance of 225 feet to a post; thence N 6° 35' W a distance of 300 feet to a point and place of beginning. **Being** further identified by Clearfield County Assessment Map No. 130-M14-409-50, and also being identified as part of Lot No. 78 in West Houtzdale.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Fred L. Cunneen". The signature is fluid and cursive, with "Fred" and "L." being smaller initials above the more prominent "Cunneen".

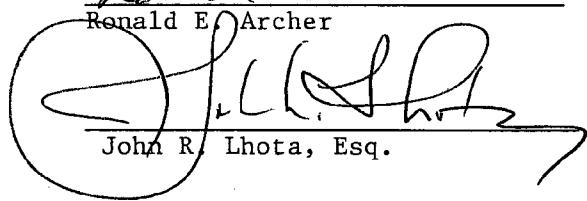
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION

SHIRLEY J. DePALMA, :  
BARBARA J. BURNS, and :  
SANDRA L. ZAPSKY, :  
Plaintiffs :  
vs. : No. 2001-1696 -CD  
: Type of Case: Quiet Title  
DANIEL BOOTH, CHARLES D. LORRAINE, : Action  
WILLIAM FRANK, AMELIA DAWSON, LEWIS :  
BEYER, AMELIA CRAGO and JAMES CRAGO, :  
HENRY CRAGO and BESSIE CRAGO, MATILDA :  
NEWCOMER and JOHN NEWCOMER, SAMUEL :  
CAUSER and ANN CAUSER, TONY POSANKA :  
and MARY POSANKA, and FRANK KAWA, :  
their heirs, executors, administrators, :  
trustees and/or assigns, known or :  
unknown and any other person or :  
persons, firms, partnerships, :  
associations or corporate entities in :  
interest, :  
Defendant :  
:

**PRAECIPE**

TO THE PROTHONOTARY OF SAID COURT:

Please withdraw my entry of appearance on behalf of the Plaintiff in the above captioned matter, and enter the appearance of John R. Lhota, Esq., as Counsel for Plaintiff in the above captioned matter.

*Ronald E. Archer*  
Ronald E. Archer  
  
John R. Lhota, Esq.

**FILED**

NOV 20 2001

012:30/ln

John A. Shaw

Prothonotary

1 Cent To Atty

Archer

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

SHIRLEY J. DePALMA, :  
BARBARA J. BURNS, and :  
SANDRA L. ZAPSKY, :  
Plaintiffs :  
vs. :  
DANIEL BOOTH, CHARLES D. LORRAINE, :  
WILLIAM FRANK, AMELIA DAWSON, LEWIS :  
BEYER, AMELIA CRAGO and JAMES CRAGO, :  
HENRY CRAGO and BESSIE CRAGO, MATILDA :  
NEWCOMER and JOHN NEWCOMER, SAMUEL :  
CAUSER and ANN CAUSER, TONY POSKANKA :  
and MARY POSKANKA, and FRANK KAWA, :  
their heirs, executors, administrators, :  
trustees and/or assigns, known or :  
unknown and any other person or :  
persons, firms, partnerships, :  
associations or corporate entities in :  
interest, :  
Defendants :  
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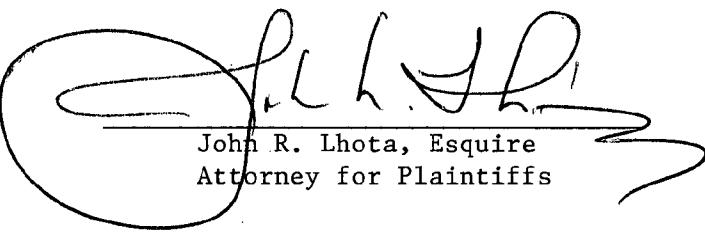
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JAN 03 2002  
013031 no cc  
William A. Shaw  
Prothonotary

FINAL PRAECIPE

TO: William A. Shaw, Prothonotary of Said Court:

The Defendant above named having failed to institute an action in ejectment or legal or equitable action to establish any claim they have to the premises subject of this action within thirty (30) days as directed by Order of Court dated the 15th day of October, 2001, you are hereby directed to enter judgment prohibiting the Defendants, their heirs, administrators, executors and assigns, from forever setting up any title to the premises subject of this action or in any way attacking the Plaintiffs' title to the said property, or making claim against the same.

  
John R. Lhota, Esquire  
Attorney for Plaintiffs

Dated: January 3, 2002