

01-1851-CD  
BLAIR L. MICHAEL, JR. et ux -vs- WILLIAM T. DEMAS et al

In The Court of Common Pleas of  
Clearfield County, Pennsylvania  
Civil Action

BLAIR L. MICHAEL, JR., and  
KAREN L. MICHAEL, husband and  
wife, Plaintiffs

vs.

WILLIAM T. DeHAAS and  
VIRGINIA E. DeHAAS, his wife,  
their heirs, executors,  
administrators, nominees, grantees  
successors & assigns,  
Defendants

COMPLAINT

LAW OFFICES  
**ERVIN S. FENNELL, JR.**  
228 DEPOSIT BANK BUILDING  
POST OFFICE BOX 606  
DuBois, PENNSYLVANIA  
15801-0606

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
Civil Action

BLAIR L. MICHAEL, JR., and  
KAREN L. MICHAEL, husband and  
wife,  
Plaintiffs

vs.

WILLIAM T. DeHAAS,  
VIRGINIA E. DeHAAS, his wife,  
their heirs, executors, administrators,  
nominees, grantees, successors and  
assigns, and all other persons, firms,  
partnerships, corporations or other  
entities, in interest,  
Defendants

: No. 01 - 1851 - CD  
: CIVIL ACTION  
: ACTION TO QUIET-TITLE  
: COMPLAINT  
: Filed on behalf of: Plaintiff  
: Counsel of Record for Party:  
: ERVIN S. FENNELL, JR.  
: Supreme Ct. No. 05873  
: P.O. Box 606  
: DuBois, PA 15801  
: (814) 371-6900

**FILED**

NOV 08 2001

Offis of Atty Fennell 1 pd \$90.00

William A. Shaw

Prothonotary 2cc Atty Fennell

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

BLAIR L. MICHAEL, JR., and  
KAREN L. MICHAEL, husband and  
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Plaintiffs

vs.

WILLIAM T. DeHAAS,  
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Defendants

: No. 01 - \_\_\_\_\_ - CD  
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: CIVIL ACTION  
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: Filed on behalf of: Plaintiff  
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: ERVIN S. FENNELL, JR.  
: Supreme Ct. No. 05873  
: P.O. Box 606  
: DuBois, PA 15801  
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:  
:

**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 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.**

David S. Meholic, Court Administrator  
Clearfield County Courthouse, One North Second Street, Clearfield, Pennsylvania, 16830  
Telephone (814) 765-2641, Ext. 5982

  
Ervin S. Fennell, Jr.  
Attorney for Plaintiffs

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

BLAIR L. MICHAEL, JR., and  
KAREN L. MICHAEL, husband and  
wife,

## Plaintiffs

WILLIAM T. DeHAAS,  
VIRGINIA E. DeHAAS, his wife,  
their heirs, executors, administrators,  
nominees, grantees, successors and  
assigns, and all other persons, firms,  
partnerships, corporations or other  
entities, in interest.

## Defendants

## COMPLAINT

Plaintiffs, **BLAIR L. MICHAEL, JR., and KAREN L. MICHAEL**, husband and wife, bring this action to quiet title for the purposes of barring **WILLIAM T. DeHAAS and VIRGINIA E. DeHAAS**, their heirs, devisees, if any, administrators, executors and assigns, and all other persons, firms, partnerships, corporations or other entities, administrators, executors and assigns, from asserting any right, title or interest or lien in and to the premises situate in Union Township, Clearfield County, Pennsylvania, as described in Exhibit "A", attached hereto, and the Plaintiffs, in support thereof, aver the following cause of action.

1. Plaintiffs, **BLAIR L. MICHAEL, JR., and KAREN L. MICHAEL**, are individuals who are husband and wife and reside at R.D.#2, Box 23, Rockton, Pennsylvania, 15856.
2. Defendant, **VIRGINIA E. DeHAAS**, was an individual who was the wife of William T. DeHaas and she is believed to have predeceased her husband on April 16, 1933.
3. Defendant, **WILLIAM T. DeHAAS**, is an individual whose existence and

whereabouts are unknown to the Plaintiffs, diligent search having been made by Plaintiffs, and Plaintiffs being unable to discover the identify or whereabouts of the said Defendant, his heirs, devisees, if any, administrators, executors and assigns, nor any other persons, firms, partnerships, corporations or other entities, in interest, known by the Plaintiffs to have any interest whatsoever in the premises described in Exhibit "A" attached hereto. There is no estate of record in Clearfield County for William T. DeHaas.

4. Plaintiffs, **BLAIR L. MICHAEL, JR., and KAREN L. MICHAEL**, are the owners of a certain parcel or strip of land sixty feet in width and being a portion of the former railroad right-of-way of the Rock Run Branch of the Clearfield and Mahoning Railway Company, now abandoned, situated in Union Township, Clearfield County, Pennsylvania, as described on Exhibit "A" attached hereto and made a part hereof (the subject property).

5. The subject property consists of the former right-of-way of the Clearfield and Mahoning Railway Branch up Rock Run in Union Township, Clearfield County, created for the purpose of the laying of railroad tracks and the maintaining of a railroad right-of-way. The map was part of an agreement dated June 19, 1905, recorded in Miscellaneous Book X, page 43 whereby Samuel M. Bailey, et ux, agreed to convey the subject property to H.J. Patton by deed. There is no deed recorded from Bailey to Patton.

6. By assignment dated March 16, 1906, recorded in Miscellaneous Book X, page 44, H.J. Patton assigned the subject property to the Clearfield and Mahoning Railway Company.

7. By deed dated February 21, 1918, recorded in Deed Book 225, page 184, H.J. Patten, et ux, quit-claimed all of their right, title and interest in the subject property to W.T. DeHaas who

is believed to be the same person as the Defendant, William T. DeHaas.

8. By deed dated January 1, 1919, recorded in Deed Book 257, page 487, the Clearfield and Mahoning Railway Company quit-claimed all of their right, title and interest in the subject property to William DeHaas, who is believed to be the same person as the Defendant, William T. DeHaas.

9. By deed dated November 4, 1924, and recorded in Deed Book 273, page 487, William T. DeHaas and Virginia E. DeHaas, his wife, conveyed a parcel of 25 acres of which the subject right-of-way would be a part to Hayes Bailey and his wife, excepting and reserving the subject property.

10. There are no conveyances out of William T. DeHaas for the subject property.

11. By deed dated September 11, 1926, recorded in Deed Book 280, page 578, Hayes Bailey and Tressa Bailey, his wife, conveyed the 25 acres to Clair Shaffer and Carrie Shaffer, his wife, excepting and reserving the subject property.

12. By deed dated October 5, 1995, recorded November 22, 1995, in Deeds & Records Book 1719, page 525, Clair Shaffer, widower, by his attorneys-in-fact, Robert A. Shaffer and James C. Shaffer conveyed the 25 acres to Blair L. Michael, Jr., and Karen L. Michael, his wife, excepting and reserving the subject property.

13. The Plaintiffs, **Blair L. Michael, Jr., and Karen L. Michael**, and their predecessor in title, Clair Shaffer and Carrie Shaffer, have obtained title to the said premises by adverse possession for more than 21 years prior to the date of the filing of this Complaint by assuming actual, continuous, exclusive, visible, notorious, distinct and hostile possession of the said land as follows:

(a) used the right-of-way for pedestrian and vehicular traffic from Township Road 499 through the property for access to other areas of the property and other property owned by the Plaintiffs;

- (b) hauled wood over the right-of-way;
- (c) cut and mowed the grass;
- (d) blocked the road with felled trees and logs;
- (e) erected "no trespassing" sign; and
- (f) paid taxes on the 25 acres which included the property in question.

14. One of the purposes of this action to quiet title is to render the title to the premises described in Exhibit "A" herein marketable so that the same may be certified for the purposes of a mortgage or for sale to other persons. Another purpose of this action is to extinguish any interest which the Defendants, **WILLIAM T. DeHAAS and VIRGINIA E. DeHAAS**, their heirs, executors, administrators, assigns and successors in interest may have in the property which is set forth in this action.

WHEREFORE, Plaintiffs request this Honorable Court to:

(a) Determine that the rights of the Plaintiffs are superior to the rights of the Defendants, their heirs, devisees, if any, administrators, executors and assigns, and all other persons, firms, partnerships, corporations or other entities, in interest.

(b) Determine that the Plaintiffs have fee simple title to the premises described in Exhibit "A" herein as against the Defendants, their heirs, devisees, if any, administrators, executors and assigns, and all other persons, firms, partnerships, corporations or other entities, in interest.

(c) Order that the Defendants, their heirs, devisees, if any, administrators, executors and assigns, and all other persons, firms, partnerships, corporations or other entities, in interest, are forever barred from asserting any right, lien, title or interest in the subject property inconsistent with the claims of the Plaintiffs set forth in the Complaint and enjoin Defendants, their heirs, devisees, if any, administrators, executors and assigns, and all other persons, firms, partnerships, corporations or other entities, in interest, from setting up any title to the premises described in Exhibit "A" herein and from impeaching, denying or in any way attacking the title of the Plaintiffs to the premises described in Exhibit "A" herein, and

(d) Grant and decree such additional relief as may be equitable and proper.

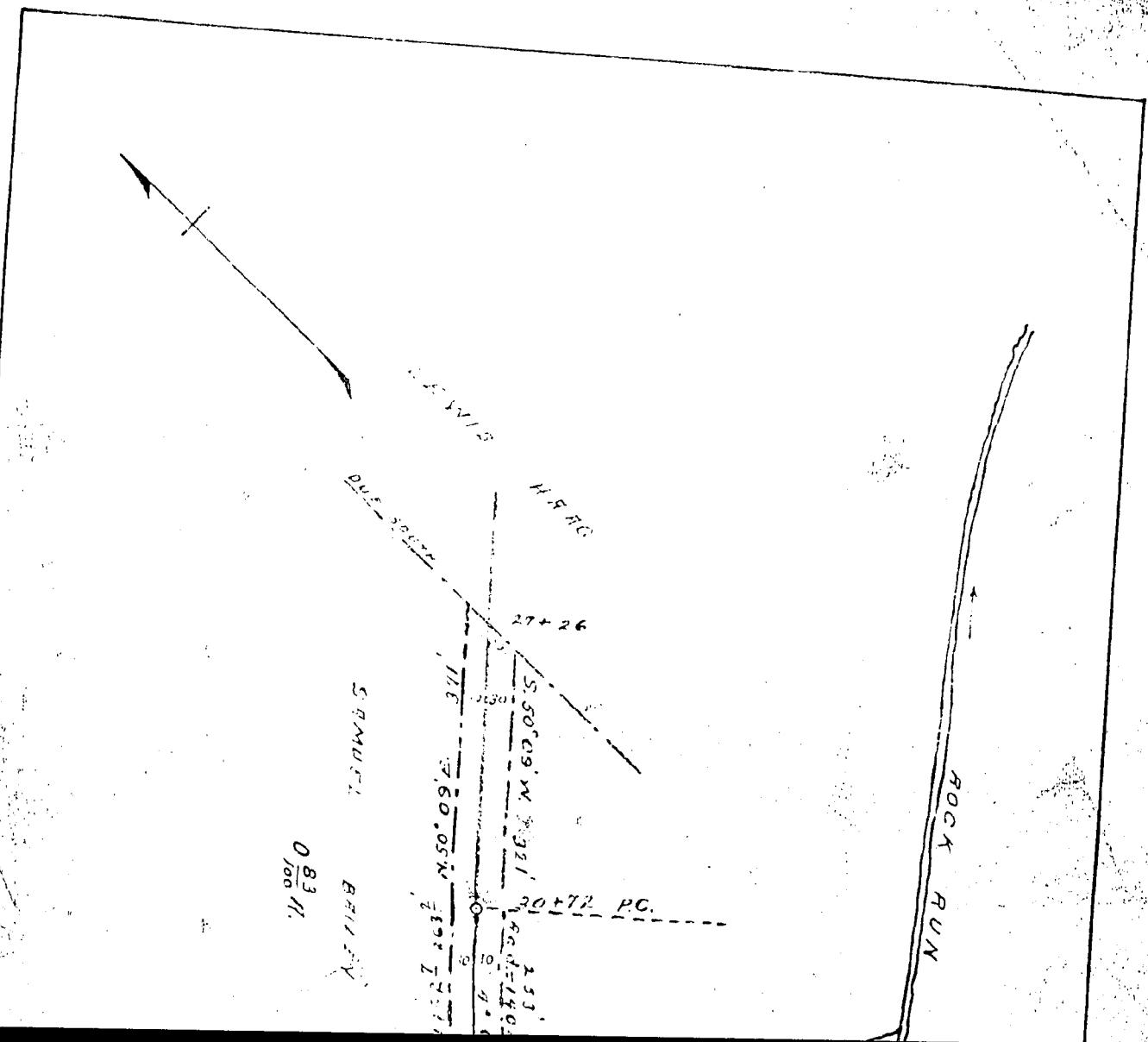
Ervin S. Fennell, Jr.  
Ervin S. Fennell, Jr.  
Attorney for Plaintiffs

EXHIBIT 'A'  
DESCRIPTION OF PREMISES

ALL that certain piece, parcel or tract of land situate in Union Township, Clearfield County, Pennsylvania, more particularly described as follows:

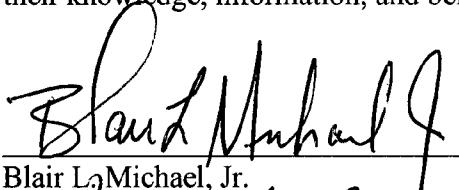
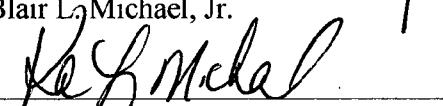
Bounded on the North by lands formerly of Samuel Bailey, now of the Plaintiffs; on the East by land formerly of Louis Haag and now of the Plaintiffs; on the South by land of the Plaintiffs; and on the West now or formerly of Hollopeter and now T-499, Rock Run Road.

The lands are more particularly described on the sketch or plat prepared for the Clearfield and Mahoning Railway Branch up Rock Run and being a former right-of-way containing 0.83 acres, more or less, as found of record in Clearfield County Miscellaneous Book X, page 43, a copy of which is attached to the Complaint.



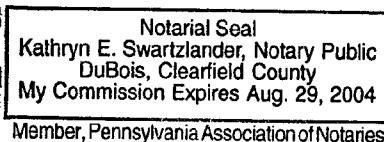
STATE OF PENNSYLVANIA :  
: SS  
COUNTY OF CLEARFIELD :

BLAIR L. MICHAEL, JR., and KAREN L. MICHAEL, Plaintiffs herein, being duly sworn according to law, depose and say that the facts set forth in the foregoing Complaint to Quiet Title are true and correct to the best of their knowledge, information, and belief.

  
Blair L. Michael, Jr.  
  
Karen L. Michael

Subscribed and sworn to before me  
this 2nd day of November, 2001.

  
Notary Public



In The Court of Common Pleas of  
Clearfield County, Pennsylvania  
Civil Division

BLAIR L. MICHAEL, JR., and  
KAREN L. MICHAEL, Plaintiffs

vs.

WILLIAM T. DEHAAS and  
VIRGINIA E. DeHaas, his wife,  
their heirs, executors,  
administrators, nominees, grantees  
successors & assigns,  
Defendants

MOTION FOR SERVICE BY  
PUBLICATION

**FILED**

NOV 08 2001

*ERVIN S. FENNELL  
Law Offices of  
Ervin S. Fennell*

LAW OFFICES  
ERVIN S. FENNELL, JR.  
228 DEPOSIT BANK BUILDING  
POST OFFICE BOX 606  
DUBOIS, PENNSYLVANIA  
15801-0606

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

BLAIR L. MICHAEL, JR., and  
KAREN L. MICHAEL, husband and  
wife,

Plaintiffs

vs.

WILLIAM T. DeHAAS,  
VIRGINIA E. DeHAAS, his wife,  
their heirs, executors, administrators,  
nominees, grantees, successors and  
assigns, and all other persons, firms,  
partnerships, corporations or other  
entities, in interest,

Defendants

: No. 01 - 1851 - CD  
: CIVIL ACTION  
: ACTION TO QUIET-TITLE  
: MOTION FOR SERVICE BY  
: PUBLICATION  
: Filed on behalf of: Plaintiff  
: Counsel of Record for Party:  
: ERVIN S. FENNELL, JR.  
: Supreme Ct. No. 05873  
: P.O. Box 606  
: DuBois, PA 15801  
: (814) 371-6900

**FILED**

**NOV 08 2001**

William A. Shaw  
Prothonotary

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

BLAIR L. MICHAEL, JR., and  
KAREN L. MICHAEL, husband and  
wife,  
Plaintiffs

VS.

WILLIAM T. DeHAAS,  
VIRGINIA E. DeHAAS, his wife,  
their heirs, executors, administrators,  
nominees, grantees, successors and  
assigns, and all other persons, firms,  
partnerships, corporations or other  
entities, in interest.

## Defendants

## **MOTION FOR SERVICE BY PUBLICATION**

TO: THE HONORABLE JOHN K. REILLY, PRESIDENT JUDGE OF SAID COURT

Blair L. Michael, Jr., and Karen L. Michael, by their attorney, Ervin S. Fennell, Jr., respectfully moves this Honorable Court as follows:

1. Plaintiffs have commenced an Action to Quiet Title against WILLIAM T. DeHAAS and VIRGINIA E. DeHAAS, in order to obtain clear title to the subject property by adverse possession.

2. Plaintiffs' affidavit, attached hereto, sets forth the efforts which have been made in order to determine the existence and whereabouts of the said Defendants. Plaintiffs have been unable to locate any such information and move this Court under Pa. R.C.P. 430 for a special order directing service by publication one time each in the Clearfield County Legal Journal and the DuBois Courier-Express.

3. The Plaintiffs are advised, believe, and therefore aver that without such order for service by publication, they will be unable to obtain service on the Defendants.

WHEREFORE, Ervin S. Fennell, Jr., attorney for the Plaintiffs, moves this Honorable court to direct service by publication.

Ervin S. Fennell, Jr.  
Ervin S. Fennell, Jr.  
Attorney for Plaintiffs

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

BLAIR L. MICHAEL, JR., and  
KAREN L. MICHAEL, husband and  
wife,  
Plaintiffs  
vs.

: No. 01 - \_\_\_\_\_ - CD  
:  
: CIVIL ACTION  
:  
: ACTION TO QUIET-TITLE

WILLIAM T. DeHAAS,  
VIRGINIA E. DeHAAS, his wife,  
their heirs, executors, administrators,  
nominees, grantees, successors and  
assigns, and all other persons, firms,  
partnerships, corporations or other  
entities, in interest.

## Defendants

## AFFIDAVIT OF WHEREABOUTS

STATE OF PENNSYLVANIA :  
: SS  
COUNTY OF CLEARFIELD :

BLAIR L. MICHAEL, JR., and KAREN L. MICHAEL, being duly sworn according to law, deposes and says that they, together with their attorney, Ervin S. Fennell, Jr., have caused the records of the Office of the Register and Recorder of Clearfield County, Pennsylvania, to be examined to ascertain whether any records exist therein as to the date of death of the Defendant, WILLIAM T. DeHAAS, all of which has failed to yield any additional information; and that after diligent search and pursuant to the above they are unable to find or locate Defendants, WILLIAM T. DeHAAS and VIRGINIA E. DeHAAS, their heirs, devisees, if any, administrators, and assigns, or any other persons, firms, partnerships, corporations or other entities who may have any interest in the premises which are the subject of this action to quiet title.

Blair L. Michael, Jr.

Karen J. Michael

Subscribed and sworn to before me  
this 10 day of November, 2007.

Kathryn E. Swartzlander Notarial Seal  
Kathryn E. Swartzlander, Notary Public  
DuBois, Clearfield County  
My Commission Expires Aug. 29, 2004

Notarial Seal  
Kathryn E. Swartzlander, Notary Public  
DuBois, Clearfield County  
My Commission Expires Aug. 29, 2004

Member, Pennsylvania Association of Notaries

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
Civil Action

BLAIR L. MICHAEL, JR., and : No. 01 - \_\_\_\_\_ - CD  
KAREN L. MICHAEL, husband and :  
wife, : CIVIL ACTION  
Plaintiffs :  
vs. : ACTION TO QUIET-TITLE  
: :  
WILLIAM T. DeHAAS, :  
VIRGINIA E. DeHAAS, his wife, :  
their heirs, executors, administrators, :  
nominees, grantees, successors and :  
assigns, and all other persons, firms, :  
partnerships, corporations or other :  
entities, in interest, :  
Defendants :  
:

ORDER FOR PUBLICATION

NOW, the 13<sup>th</sup> day of November, 2001, upon consideration of the Affidavit filed by Plaintiffs that they are unable to locate the above Defendants, WILLIAM T. DeHAAS and VIRGINIA E. DeHAAS, their heirs, executors, administrators, nominees, grantees, successors and assigns, or any other persons, firms, partnerships, corporations or other entities in interest, it is hereby **ORDERED AND DECREED** that in accordance with the Pennsylvania Rules of Civil Procedure, Plaintiffs shall serve said Defendants by publication, as follows:

Publication **one** time in THE COURIER-EXPRESS, a newspaper of general circulation in Clearfield County, Pennsylvania, and

Publication **one** time in THE CLEARFIELD COUNTY LEGAL JOURNAL, a newspaper of general circulation in Clearfield County, Pennsylvania.

By the Court,

P.J.

FILED  
072381 2cc  
NOV 13 2001 Amy Fennell

William A. Shaw  
Prothonotary

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

BLAIR L. MICHAEL, JR., and	:	No. 01 - _____ - CD
KAREN L. MICHAEL, husband and	:	
wife,	:	
	Plaintiffs	:
		CIVIL ACTION
		ACTION TO QUIET-TITLE
vs.	:	
WILLIAM T. DeHAAS,	:	
VIRGINIA E. DeHAAS, his wife,	:	
their heirs, executors, administrators,	:	
nominees, grantees, successors and	:	
assigns, and all other persons, firms,	:	
partnerships, corporations or other	:	
entities, in interest,	:	
	Defendants	:

**ACTION TO QUIET TITLE**  
**NOTICE**

NOTICE TO: **WILLIAM T. DeHAAS and VIRGINIA E. DeHAAS**, individuals, their heirs, executors, administrators, nominees, grantees, successors and assigns, or any other persons, firms, partnerships, corporations or other entities in interest.

You are hereby notified that an action to quiet title to a certain lot or piece of ground situated in Union Township, Clearfield County, Pennsylvania, has been filed against you. Said premises are described as follows

ALL that certain piece, parcel or tract of land situate in Union Township, Clearfield County, Pennsylvania, more particularly described as follows:

Bounded on the North by lands formerly of Samuel Bailey, now of the Plaintiffs; on the East by land formerly of Louis Haag and now of the Plaintiffs; on the South by land of the Plaintiffs; and on the West now or formerly of Hollopeter and now T-499, Rock Run Road.

The lands are more particularly described on the sketch or plat prepared for the Clearfield and Mahoning Railway Branch up Rock Run and being a former right-of-way containing 0.83 acres, more or less, as found of record in Clearfield County Miscellaneous Book X, page 43, a copy of which is attached to the Complaint.

The purpose of this action is to extinguish any interest which the Defendants,

**WILLIAM T. DeHAAS and VIRGINIA E. DeHAAS**, their heirs, executors, administrators, assigns and successors in interest may have in the property which is set forth in this action.

The Court has ordered that notice of this action is served on the Defendants, **WILLIAM T. DeHAAS and VIRGINIA E. DeHAAS**, their heirs, executors, administrators, assigns and successors in interest, to answer the said complaint within twenty (20) days from the date of this publication. For failure to comply, a judgment will be entered against you barring you from all claims, rights, and interest inconsistent with the Plaintiffs' claim of title as set forth in the Complaint.

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 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.

David S. Meholic, Court Administrator  
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Telephone (814) 765-2641, Ext. 5982

ERVIN S. FENNELL, JR.  
Attorney for Plaintiffs  
P.O. Box 606  
DuBois, PA 15801  
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In The Court of Common Pleas of  
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Plaintiffs

vs.

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their heirs, executors,  
administrators, nominees, grantees,  
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other persons, firms, partnerships,  
corporations or other  
entities, in interest  
Defendants

MOTION FOR DEFAULT JUDGMENT

**FILED**

JAN 09 2002

William A. Shaw  
Prothonotary

LAW OFFICES  
**ERVIN S. FENNELL, JR.**  
226 DEPOSIT BANK BUILDING  
POST OFFICE BOX 606  
DUBOIS, PENNSYLVANIA  
15801-0606

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

BLAIR L. MICHAEL, JR., and  
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wife,

Plaintiffs

vs.

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Defendants

: No. 2001 - 01851 - CD  
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: MOTION FOR DEFAULT JUDGMENT  
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: Counsel of Record for Party:  
: ERVIN S. FENNELL, JR.  
: Supreme Ct. No. 05873  
: P.O. Box 606  
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:

**FILED**

JAN 09 2002  
019:251 wj  
William A. Shaw  
Prothonotary

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

BLAIR L. MICHAEL, JR., and	:	No. 2001 - 01851- CD
KAREN L. MICHAEL, husband and	:	
wife,	:	CIVIL ACTION
	Plaintiffs	ACTION TO QUIET-TITLE
vs.	:	
WILLIAM T. DeHAAS,	:	
VIRGINIA E. DeHAAS, his wife,	:	
their heirs, executors, administrators,	:	
nominees, grantees, successors and	:	
assigns, and all other persons, firms,	:	
partnerships, corporations or other	:	
entities, in interest,	:	
	Defendants	:

**MOTION FOR DEFAULT JUDGMENT**

Plaintiffs, BLAIR L. MICHAEL, JR., AND KAREN L. MICHAEL, by their attorney, ERVIN S. FENNELL, JR., file this Motion for Default Judgment against the Defendants and in support thereof aver the following:

1. This is an action to quiet title in which the Plaintiffs request that the Defendants, WILLIAM E. DeHAAS and VIRGINIA E. DeHAAS, and any person claiming under Defendants be permanently enjoined and restrained from asserting any claim or interest in or to the real property described in Plaintiffs' Complaint and in particular to establish that the Plaintiffs and their predecessors in title have acquired title to the same through adverse possession for a period in excess of 21 years.
2. Attached as Exhibit "A" is an Affidavit stating that a Complaint containing a Notice to Defend was served upon Defendants and that Defendants have not filed an appearance or answer to the Complaint.
3. Pa.R.C.P. No. 1066(a) directs the Court to grant appropriate relief upon the Affidavit as set forth herein.
4. The relief sought by the Plaintiffs is an order to establish title in the Plaintiffs through adverse possession.

WHEREFORE, Plaintiffs respectfully request this Honorable Court to enter an order of default judgment against the Defendants, WILLIAM T. DeHAAS and VIRGINIA E. DeHAAS, pursuant to Pa.R.C.P. 1066(a).

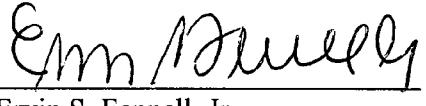
  
Ervin S. Fennell, Jr.  
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
Civil Action

BLAIR L. MICHAEL, JR., and : No. 2001 - 01851 - CD  
KAREN L. MICHAEL, husband and :  
wife, : CIVIL ACTION  
Plaintiffs : ACTION TO QUIET-TITLE  
vs. :  
WILLIAM T. DeHAAS, :  
VIRGINIA E. DeHAAS, his wife, :  
their heirs, executors, administrators, :  
nominees, grantees, successors and :  
assigns, and all other persons, firms, :  
partnerships, corporations or other :  
entities, in interest, :  
Defendants :  
:

**AFFIDAVIT**

ERVIN S. FENNELL, JR., being duly sworn according to law, deposes and says that he is the attorney for the Plaintiffs in this action and makes this Affidavit on behalf of the Plaintiffs; that a Complaint in this Action to Quiet Title containing Notice to Defend within 20 days was served upon the Defendants, **WILLIAM T. DeHAAS and VIRGINIA E. DeHAAS**, by publication one time each in the Clearfield County Legal Journal the Week of November 30, 2001, Vol. 13, No. 48, and in the DuBois Courier-Express on November 25, 2001, as evidenced by the attached proofs of publication; and that no appearance was entered nor responsive pleading filed by the Defendants to the present time.

  
Ervin S. Fennell, Jr.

Subscribed and sworn to  
before me this 4th day  
of January, 2002.

  
Kathryn E. Swartzlander  
Notary Public

Notarial Seal  
Kathryn E. Swartzlander, Notary Public  
DuBois, Clearfield County  
My Commission Expires Aug. 29, 2004

Member, Pennsylvania Association of Notaries

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
Civil Action

BLAIR L. MICHAEL, JR., and  
KAREN L. MICHAEL, husband and  
wife,

Plaintiffs

vs.

WILLIAM T. DeHAAS,  
VIRGINIA E. DeHAAS, his wife,  
their heirs, executors, administrators,  
nominees, grantees, successors and  
assigns, and all other persons, firms,  
partnerships, corporations or other  
entities, in interest,

Defendants

No. 01 CD  
CIVIL ACTION  
ACTION TO QUIET TITLE  
NOTICE

NOTICE TO: WILLIAM T. DeHAAS and VIRGINIA E. DeHAAS, individuals, their heirs, executors, administrators, nominees, grantees, successors and assigns, or any other persons, firms, partnerships, corporations or other entities in interest.

You are hereby notified that action to quiet title to a certain lot or piece of ground situated in Union Township, Clearfield County, Pennsylvania, has been filed against you. Said premises are described as follows

ALL that certain piece, parcel or tract of land situate in Union Township, Clearfield County, Pennsylvania, more particularly described as follows:

Bounded on the North by lands formerly of Samuel Bailey, now of the Plaintiffs; on the East by land formerly of Louis Haag and now of the Plaintiffs; on the South by land on the Plaintiffs; and on the West now or formerly of Hollopeter and now T-499, Rock Run Road.

The lands are more particularly described on the sketch or plat prepared for the Clearfield and Mahoning Railway Branch up Rock Run and being a former right-of-way containing 0.83 acres, more or less, as found of record in Clearfield County Miscellaneous Book X, page 43, a copy of which is attached to the Complaint.

The purpose of this action is to extinguish any interest with the Defendants, WILLIAM T. DeHAAS and VIRGINIA E. DeHAAS, their heirs, executors, administrators, assigns and successors in interest may have in the property which is set forth in this action.

The Court has ordered that notice of this action is served on the Defendants, WILLIAM T. DeHAAS and VIRGINIA E. DeHAAS, their heirs, executors, administrators, assigns and successors in interest, to answer the said complaint within twenty (20) days from the date of this publication. For failure to comply, a judgment will be entered against you barring you from all claims, rights, and interest inconsistent with the Plaintiffs' claim of title as set forth in the Complaint.

IF YOU WISH TO DEFEND, YOU MUST ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE YOUR DEFENSES OR OBJECTION 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 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.

David S. Meholick, Court Administrator  
Clearfield County Courthouse, One North Second Street, Clearfield,  
Pennsylvania 16830  
Telephone (814) 765-2641, Ext. 5982

ERVIN S. FENNELL, JR.  
Attorney for Plaintiffs  
P.O. Box 606  
DuBois, PA 15801  
(814) 371-6900

PROOF OF PUBLICATION OF NOTICE APPEARING IN THE  
COURIER EXPRESS/TRI-COUNTY SUNDAY/JEFFERSONIAN DEMOCRAT  
PUBLISHED BY McLEAN PUBLISHING COMPANY,  
DUBOIS PENNSYLVANIA

Under act 587, Approved May 16, 1929, P.L. 1784

STATE OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

SS:

Linda Smith, Advertising Director or Dory Ferra, Classified Advertising Supervisor of the **Courier-Express/Tri-County Sunday/Jeffersonian Democrat** of the County and State aforesaid, being duly sworn, deposes and says that the **Courier-Express**, a daily newspaper, the **Tri-County Sunday**, a weekly newspaper and **Jeffersonian Democrat**, a weekly newspaper published by McLean Publishing Company at 500 Jeffers Street, City of DuBois, County and State aforesaid, which was established in the year 1879, since which date said, the daily publication and the weekly publications, has been regularly issued in said County, and that a copy of the printed notice of publication is attached hereto exactly as the same was printed and published in the regular editions of the paper on the following dates, viz: the

25th.

November 2001

A.D.,

Affidavit further deposes that he is an officer duly authorized by the **Courier-Express**, a daily newspaper, **Tri-County Sunday**, a weekly newspaper, and/or **Jeffersonian Democrat**, a weekly newspaper to verify the foregoing statement under oath and also declared that affiant is not interested in the subject matter of the aforesaid notice of publication, and that all allegations in the foregoing statement as to time, place and character of publication are true.

McLEAN PUBLISHING COMPANY Publisher of  
COURIER-EXPRESS/TRI-COUNTY SUNDAY/JEFFERSONIAN DEMOCRAT

By \_\_\_\_\_

*Linda Smith*

Sworn and subscribed to before me this 27th day of November, 2001

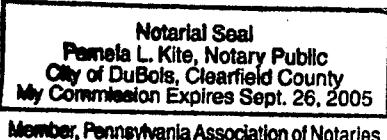
*Pamela L. Kite*

Notary Public

Statement of Advertising Cost  
McLEAN PUBLISHING COMPANY

Publisher of

COURIER-EXPRESS/TRI-COUNTY SUNDAY/  
JEFFERSONIAN DEMOCRAT  
DuBois, PA



THIS IS  
NOT A  
BILL

TO Ervin S. Fennell-Quiet Title-DeHaas

For publishing the notice or advertisement  
attached hereto on the above stated dates.....\$ 218.88  
Probating same.....\$ 4.25  
Total.....\$ 223.13

Publisher's Receipt for Advertising Costs

The **Courier-Express**, a daily newspaper, **Tri-County Sunday**, a weekly newspaper, and/or **Jeffersonian Democrat**, a weekly newspaper, hereby acknowledges receipt of the aforesaid advertising and publication costs, and certifies that the same have been fully paid.

Office: Jeffers Street and Beaver Drive, DuBois, PA 15801  
Established 1879, Phone 814-371-4200

McLEAN PUBLISHING COMPANY  
Publisher of  
COURIER-EXPRESS/TRI-COUNTY SUNDAY/JEFFERSONIAN DEMOCRAT

By \_\_\_\_\_

I hereby certify that the foregoing is the original Proof of Publication and receipt for the Advertising costs in the subject matter of said notice.

ATTORNEY FOR

## PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :  
:  
COUNTY OF CLEARFIELD :

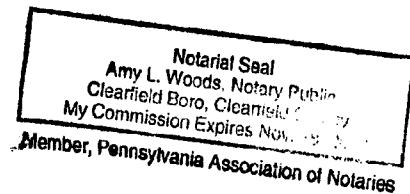
On this 30th day of November AD 2001, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Gary A. Knaresboro editor of the Clearfield County Legal Journal of the Courts of Clearfield County, and that the annexed is a true copy of the notice or advertisement published in said publication in the regular issues of Week of November 30, 2001, Vol. 13 No. 48. 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



Ervin S. Fennell Jr  
PO Box 606  
DuBois PA 15801

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

BLAIR L. MICHAEL JR., and KAREN L. MICHAEL, husband and wife, Plaintiffs vs. WILLIAM T. DeHAAS, VIRGINIA E. DeHAAS, his wife, their heirs, executors, administrators, nominees, grantees, successors and assigns, and all other persons, firms, partnerships, corporations or other entities, in interest, Defendants.

CIVIL ACTION

ACTION TO QUIET TITLE NOTICE

NOTICE TO: WILLIAM T. DeHAAS, VIRGINIA E. DeHAAS, individuals, their heirs, executors, administrators, nominees, grantees, successors and assigns, or any other persons, firms, partnerships, corporations or other entities, in interest.

You are hereby notified that an action to quiet title to a certain lot or piece of ground situated in Union Township, Clearfield County, Pennsylvania, has been filed against you. Said premises are described as follows:

ALL that certain piece, parcel or tract of land situate in Union Township, Clearfield County, Pennsylvania, more particularly described as follows:

Bounded on the North by lands formerly of Samuel Bailey, now of the Plaintiffs; on the East by land formerly of Louis Haag and now of the Plaintiffs; on the South by land of the Plaintiffs; and on the West now or formerly of Hollopeter and now T-499, Rock Run Road.

The lands are more particularly described on the sketch or plat prepared for the Clearfield and Mahoning Railway Branch up Rock Run and being a former right-of-way containing 0.83 acres, more or less, as found of record in Clearfield County Miscellaneous Book X, page 43 a copy of which is attached to the Complaint.

The purpose of this action is to extinguish any interest which the Defendants, WILLIAM T. DeHAAS and VIRGINIA E. DeHAAS, their heirs, executors, administrators, assigns and successors in interest may have in the property which is set forth in this action.

The Court has ordered that notice of this action is served on the Defendants, WILLIAM T. DeHAAS and VIRGINIA E. DeHAAS, their heirs, executors, administrators, assigns and successors in interest, to answer the said complaint within twenty (20) days from the date of this publication. For failure to comply, a judgment will be entered against you barring you from all claims, rights, and interest inconsistent with the Plaintiffs' claim of title as set forth in the Complaint.

IF YOU WISH TO DEFEND, YOU  
MUST ENTER A WRITTEN

**REPORT OF JUDGMENTS**  
**November 19, 2001**

Discover Bank vs. Christopher  
Wingate, 01-1669, \$2,532.59  
Bonnie J. Renner vs. James B.  
Shubert, 01-1884, \$2,616.24

**REPORT OF JUDGMENTS**  
**November 20, 2001**

Clearfield Bank & Trust Co. vs. Richard  
M. Swatsworth, Margaret A. Swatsworth,  
01-1485, \$68,337.05  
Kenneth Murray vs. Chad English, 01-  
1901, \$1,070.25  
Heimbold & Stewart Inc. vs. Mike  
Munchak, Munchak Heating, 01-1899,  
\$386.37  
Commonwealth of PA vs. Michael L.  
Mann, 01-1896, \$597.57

**REPORT OF JUDGMENTS**  
**November 21, 2001**

Joseph Colavecchi vs. Kevin Grape,  
01-1907, \$493.50  
Elizabeth Rusnak vs. Thomas Daily,  
Thom's Remodeling, 01-1394, \$3,636  
County National Bank vs. John T.  
Caldwell, 01-1375, \$15,092.72

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**ESTATE NOTICES**

Notice is hereby given that in the estates of the decedents set forth below the Register of Wills has granted letters testamentary or of administration to the persons named. All persons having claims or demands against said estates are requested to make payment without delay to the executors or administrators or their attorneys named below.

Third Publication

**GRAHAM, CHARLENE M., Dec'd**  
Late of Lawrence Township  
Executrix: **VERA A. BEARFIELD**  
Attorney: **MIKESELL & MIKESELL**  
115 East Locust Street  
Clearfield, PA 16830

**FEDERICI, DOMINIC P., Dec'd**  
Late of Sandy Township  
Co-Executors: **ANITA VAN SICE**  
**MARK FEDERICI**  
Attorney: **GLEASON, CHERRY**  
**& CHERRY**  
P.O. Box 505  
DuBois, PA 15801

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.

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.

David S. Meholick, Court Administrator,  
Clearfield County Courthouse, 1 North  
Second Street, Clearfield, PA 16830 (814)  
765-2641 Ex. 502

ERVIN S.

Plaintiff

In The Court of Common Pleas of  
Clearfield County, Pennsylvania  
Civil Action

BLAIR L. MICHAEL, JR., and  
KAREN L. MICHAEL, husband and  
wife,

Plaintiffs

vs.

WILLIAM T. DEHAAS and  
VIRGINIA E. DEHAAS, his wife,  
their heirs, executors,  
administrators, nominees, grantees  
successors and assigns,  
Defendants

PRAECIPE FOR FINAL JUDGMENT

LAW OFFICES  
**ERVIN S. FENNELL, JR.**  
228 DEPOSIT BANK BUILDING  
POST OFFICE BOX 606  
DUBOIS, PENNSYLVANIA  
15801-0606

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
Civil Action

BLAIR L. MICHAEL, JR., and  
KAREN L. MICHAEL, husband and  
wife,

Plaintiffs

vs.

WILLIAM T. DeHAAS,  
VIRGINIA E. DeHAAS, his wife,  
their heirs, executors, administrators,  
nominees, grantees, successors and  
assigns, and all other persons, firms,  
partnerships, corporations or other  
entities, in interest,

Defendants

: No. 2001 - 1851 - CD  
:  
: CIVIL ACTION  
:  
: ACTION TO QUIET-TITLE  
:  
:  
: PRAECIPE FOR FINAL JUDGMENT  
:  
: Filed on behalf of: Plaintiff  
:  
: Counsel of Record for Party:  
: ERVIN S. FENNELL, JR.  
: Supreme Ct. No. 05873  
: P.O. Box 606  
: DuBois, PA 15801  
: (814) 371-6900  
:  
:

FILED

JAN 15 2002  
01/15/02  
no cc  
William A. Shaw  
Prothonotary



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

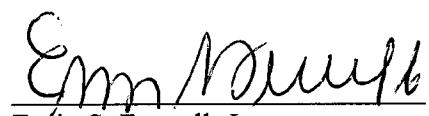
BLAIR L. MICHAEL, JR., and	:	No. 2001 - 1851 - CD
KAREN L. MICHAEL, husband and	:	
wife,	:	CIVIL ACTION
	:	
Plaintiffs	:	ACTION TO QUIET-TITLE
	:	
vs.	:	
	:	
WILLIAM T. DeHAAS,	:	
VIRGINIA E. DeHAAS, his wife,	:	
their heirs, executors, administrators,	:	
nominees, grantees, successors and	:	
assigns, and all other persons, firms,	:	
partnerships, corporations or other	:	
entities, in interest,	:	
Defendants	:	

**PRAECIPE FOR FINAL JUDGMENT**

To: William A. Shaw, Prothonotary

Sir:

Kindly enter Final Judgment in the above matter in favor of the Plaintiffs, **BLAIR L. MICHAEL, JR., and KAREN L. MICHAEL**, and against the Defendants, **WILLIAM T. DeHAAS and VIRGINIA E. DeHAAS**, for failure to file a responsive pleading and in accordance with the Order of Court dated the 14th day of January, 2002.

  
\_\_\_\_\_  
Ervin S. Fennell, Jr.  
Attorney for the Plaintiffs

In The Court of Common Pleas of  
Clearfield County, Pennsylvania  
Civil Action

BLAIR L. MICHAEL, JR., and  
KAREN L. MICHAEL, husband and  
wife,  
Plaintiffs

vs.

WILLIAM T. DeHAAS and  
VIRGINIA E. DeHAAS, his wife,  
their heirs, executors,  
administrators, nominees, grantees  
successors and assigns  
Defendants

FINAL ORDER

**FILED**

JAN 15 2002

Ervin S. Fennell  
William A. Shaw  
Prothonotary

LAW OFFICES

ERVIN S. FENNELL, JR.  
228 DEPOSIT BANK BUILDING  
POST OFFICE BOX 606  
DUBOIS, PENNSYLVANIA  
15801-0606

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

BLAIR L. MICHAEL, JR., and  
KAREN L. MICHAEL, husband and  
wife,

Plaintiffs

vs.

WILLIAM T. DeHAAS,  
VIRGINIA E. DeHAAS, his wife,  
their heirs, executors, administrators,  
nominees, grantees, successors and  
assigns, and all other persons, firms,  
partnerships, corporations or other  
entities, in interest,

Defendants

: No. 2001 - 1851 - CD  
:  
: CIVIL ACTION  
:  
: ACTION TO QUIET-TITLE  
:  
:  
: FINAL ORDER  
:  
: Filed on behalf of: Plaintiff  
:  
: Counsel of Record for Party:  
: ERVIN S. FENNELL, JR.  
: Supreme Ct. No. 05873  
: P.O. Box 606  
: DuBois, PA 15801  
: (814) 371-6900  
:  
:

**FILED**

**JAN 15 2002**

**William A. Shaw  
Prothonotary**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
Civil Action

BLAIR L. MICHAEL, JR., and	:	No. 2001 - 1851 - CD
KAREN L. MICHAEL, husband and	:	
wife,	:	CIVIL ACTION
Plaintiffs	:	
	:	ACTION TO QUIET-TITLE
vs.	:	
WILLIAM T. DeHAAS,	:	
VIRGINIA E. DeHAAS, his wife,	:	
their heirs, executors, administrators,	:	
nominees, grantees, successors and	:	
assigns, and all other persons, firms,	:	
partnerships, corporations or other	:	
entities, in interest,	:	
Defendants	:	

FINAL ORDER

AND NOW, this 14<sup>th</sup> day of January, 2002, it appearing that service of the Complaint with Notice to Plead having been made upon WILLIAM T. DeHAAS and VIRGINIA E. DeHAAS, their heirs, devisees, if any, executors, administrators and assigns, and all other persons, firms, partnerships, corporations or other entities in interest, and no answer has been filed to said action or appearance entered for any of said Defendants and a motion for judgment by default having been made by Ervin S. Fennell, Jr., it is hereby **ORDERED AND DECREED:**

1. The said Defendants, WILLIAM T. DeHAAS and VIRGINIA E. DeHAAS, their heirs, devisees, if any, executors, administrators and assigns, and all other persons, firms, partnerships, corporations or other entities in interest, are forever barred from asserting any right, lien, title or interest inconsistent with the interest or claim of the Plaintiffs as set forth in his Complaint, in and to

ALL that certain piece, parcel or tract of land situate in Union Township, Clearfield County, Pennsylvania, more particularly described as follows:

Bounded on the North by lands formerly of Samuel Bailey, now of the Plaintiffs; on the East by land formerly of Louis Haag and now of the Plaintiffs; on the South by land of the Plaintiffs; and on the West now or formerly of Hollopeter and now T-499, Rock Run Road.

The lands are more particularly described on the sketch or plat prepared for the Clearfield and Mahoning Railway Branch up Rock Run and being a former right-of-way containing 0.83 acres,

more or less, as found of record in Clearfield County Miscellaneous Book X, page 43, a copy of which is attached hereto as Exhibit "A".

2. In accordance with Pa.R.C.P. 248, the 30-day time period prescribed in Pa.R.C.P. 1066(b)(1) is hereby modified so that this Order shall take effect immediately.

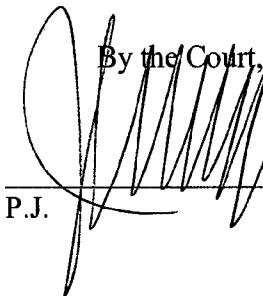
3. The rights of the Plaintiffs are superior to the rights of the Defendants, WILLIAM T. DeHAAS and VIRGINIA E. DeHAAS, their heirs, devisees, if any, executors, administrators and assigns, and all other persons, firms, partnerships, corporations or other entities in interest.

4. The Plaintiffs have title in fee simple to the said premises as described in the Complaint as against the Defendants, WILLIAM T. DeHAAS and VIRGINIA E. DeHAAS, their heirs, devisees, if any, executors, administrators and assigns, and all other persons, firms, partnerships, corporations or other entities in interest.

5. The said Defendants, WILLIAM T. DeHAAS and VIRGINIA E. DeHAAS, their heirs, devisees, if any, executors, administrators and assigns, and all other persons, firms, partnerships, corporations or other entities in interest, are enjoined from setting up any title to the premises of the Plaintiffs described in said Complaint, from impeaching, denying or in any way attacking the title of the Plaintiffs to the premises described in Exhibit "A" therein.

6. These proceedings or an authenticated copy thereof shall be at all times hereafter taken as evidence of the facts declared and established hereby.

7. A certified copy of this Order shall be recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania.

  
By the Court,  
P.J.



083/11