

01-1876-CD
PERRY J. WINKLER et al -vs- DORIS FELDMAN PEARCE et al

THE HOPKINS LAW FIRM

900 Beaver Drive, DuBois, Pennsylvania 15801
VOICE: (814) 375-0300 FAX: (814) 375-5035

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

PERRY J. WINKLER and
BRIAN S. MUSSER,
Plaintiffs

vs.

No. 01- 1876-CO

DORIS FELDMAN PEARCE,
JOHN M. PEARCE, SR. and
GERALD FELDMAN, their heirs,
personal representatives and assigns
and any persons claiming, or who might
claim title under the aforesaid defendant
and any other person, persons, firms,
partnerships, or corporate entities who
might claim title to the premises
herein described,

Defendants

ACTION TO QUIET TITLE

ORDER FOR PUBLICATION

AND NOW, this 19 day of November, 2001, upon consideration of the foregoing Motion, the Plaintiffs are granted leave to make service of the Complaint on the above mentioned Defendants, their heirs, devisees, administrators, executors, assigns, and all other person, persons, firms, partnerships, or corporate entities in interest, or their legal representatives, by publication one time in the Courier Express and in the Clearfield County Legal Journal.

BY THE COURT

JUDGE

FILED

NOV 19 2001

6/10/2001
William A. Shaw
Prothonotary

1 CERT TO ATTY

THE HOPKINS LAW FIRM

900 Beaver Drive, DuBois, Pennsylvania 15801
VOICE: (814) 375-0300 FAX: (814) 375-5035

CX

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

PERRY J. WINKLER and
BRIAN S. MUSSER,

Plaintiffs

vs.

No. 01- 1876 CD

DORIS FELDMAN PEARCE,
JOHN M. PEARCE, SR. and
GERALD FELDMAN, their heirs,
personal representatives and assigns
and any persons claiming, or who might
claim title under the aforesaid defendant
and any other person, persons, firms,
partnerships, or corporate entities who
might claim title to the premises
herein described,

Defendants

ACTION TO QUIET TITLE

Type of Pleading: Complaint

Filed on behalf of: Perry J. Winkler and
Brian S. Musser, Plaintiffs.

Counsel of Record for this party:

DAVID J. HOPKINS, ESQUIRE
Attorney at Law

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

(814) 375-0300

FILED

NOV 16 2001

William A. Shaw
Prothonotary

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

PERRY J. WINKLER and :
BRIAN S. MUSSER, :
Plaintiffs :
vs. : No. 01-
: :
DORIS FELDMAN PEARCE, :
JOHN M. PEARCE, SR. and :
GERALD FELDMAN, their heirs, :
personal representatives and assigns : ACTION TO QUIET TITLE
and any persons claiming, or who might :
claim title under the aforesaid defendant :
and any other person, persons, firms, :
partnerships, or corporate entities who :
might claim title to the premises :
herein described, :
Defendants :
:

NOTICE

TO DEFENDANTS:

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

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

Office of the Court Administrator
Clearfield County Courthouse
One North Second Street
Clearfield, PA 16830
(814) 765-2641 ext. 5982

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

PERRY J. WINKLER and	:	
BRIAN S. MUSSER,	:	
Plaintiffs	:	
	:	
vs.	:	No. 01-
	:	
DORIS FELDMAN PEARCE,	:	
JOHN M. PEARCE, SR. and	:	
GERALD FELDMAN, their heirs,	:	
personal representatives and assigns	:	ACTION TO QUIET TITLE
and any persons claiming, or who might	:	
claim title under the aforesaid defendant	:	
and any other person, persons, firms,	:	
partnerships, or corporate entities who	:	
might claim title to the premises	:	
herein described,	:	
Defendants	:	

COMPLAINT

NOW COMES, Plaintiffs, Perry J. Winkler and Brian S. Musser, by and through their attorneys, The Hopkins Law Firm, and avers as follows:

1. Plaintiffs, Perry J. Winkler and Brian S. Musser are adult individuals who reside at R.D. #1, Box 73-A, Penfield, Pennsylvania 15849.

2. Defendants are individuals all whom are believed to be deceased without living heirs.

3. The Plaintiffs are the owners of certain real property situate in Huston Township, Clearfield County, Pennsylvania bounded and described as follows:

BEGINNING at a point being in the center line of Route 153 being the northwest corner of the property described herein;

THENCE North 70 degrees 00 minutes 00 seconds East 141.91 feet along lines of property owned by Perry J. Winkler to an iron pin;

THENCE South 34 degrees 39 minutes 30 seconds East along lines now or formerly of Norman Shaffer 56.18 feet to a point;

THENCE South 22 degrees, 37 minutes 31 seconds East along lands now or formerly of Norman Shaffer 80.78 feet to an iron pin;

THENCE South 59 degrees 32 minutes 48 seconds West along lands now or formerly of Frank and Margaret Segalla 91.28 feet to the center line of Route 153;

THENCE North 44 degrees 48 minutes 00 seconds West along the center line of Route 153 167.01 feet as described in a Map of Retracement Survey completed by David J. Thorpe, PLS No. SU-37822E dated September 18, 1998.

4. By deed of March 16, 1908, Rufus H. Lucore and Sarah Lucore conveyed all of their interest in the above described property to Frederick L. Feltman a/k/a Frederick L. Feldman by deed dated March 16, 1908 and recorded in Deed Book 261, at page 232.

5. Doris Feldman Pearce obtained title to the property from the estate of her father, Frederick Louis Feldman a/k/a Frederick Louis Feldman, as contained in the inventory of said estate as recorded in the Register of Wills of Clearfield County, Docket 88, at page 81.

6. By deed dated August 25, 1977 and recorded in the Office of the Recorder of Deeds in Book 745, at page 560, Doris Feldman Pearce and her husband, John M. Pearce, Sr. conveyed the property to Doris Feldman Pearce.

7. To the best knowledge, information and belief of Plaintiffs, the said John M. Pearce, Sr. died in or about 1978 having been interred at the Pifer Funeral Home, Reynoldsville, Pennsylvania.

8. To the best knowledge, information and belief of Plaintiffs, Doris Feldman Pearce died in 1985 interred by the Geer Funeral Home of Penfield, Pennsylvania.

9. To the best knowledge, information and belief of Plaintiffs, Doris Feldman Pearce was survived by one child, Gerald Pearce who is also believed to have died.

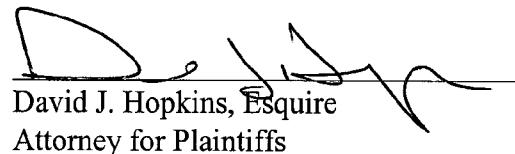
10. The property described herein was returned for unpaid taxes and sold by the Tax Claim Bureau of Clearfield County, Pennsylvania to Leo Nedza and Gail Nedza by deed dated July 17, 2000 and recorded in the Office of the Recorder of Deeds of Clearfield County as Instrument No. 2000-10327.

11. Plaintiffs purchased the property from Leo Nedza and Gail Nedza, husband and wife, by deed dated June 18, 2001 and recorded in the Office of the Recorder of Deeds of Clearfield County as Instrument No. 2001-09664.

12. The purpose of this quiet title action is to extinguish any claims the Defendants, John M. Pearce, Doris Feldman Pearce and/or Gerald Pearce, their heir, successors and assigns, may possess in the property described herein.

WHEREFORE, the Plaintiffs request the Court to decree that title to the premises described herein be granted unto Plaintiffs in fee simple and absolutely and that the Defendants or their legal representatives be forever barred from asserting any right, lien, or interest inconsistent with the interest or claim of the Plaintiffs as set forth herein, in and to the property described in paragraph three (3).

Respectfully submitted,



David J. Hopkins, Esquire
Attorney for Plaintiffs

VERIFICATION

With full understanding that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities, I verify that the statements made in this pleading are true and correct.

Perry J. Winkler
Perry J. Winkler

Brian S. Musser
Brian S. Musser

FILED

NOV 16 2001
6/10:30/01 Acty Hepkins pd
William A. Shaw
Prothonotary
\$10.00

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SAC

THE HOPKINS LAW FIRM

900 Beaver Drive, DuBois, Pennsylvania 15801
VOICE: (814) 375-0300 FAX: (814) 375-5035

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

PERRY J. WINKLER and
BRIAN S. MUSSER,
Plaintiffs

vs.

DORIS FELDMAN PEARCE,
JOHN M. PEARCE, SR. and
GERALD FELDMAN, their heirs,
personal representatives and assigns
and any persons claiming, or who might
claim title under the aforesaid defendant
and any other person, persons, firms,
partnerships, or corporate entities who
might claim title to the premises
herein described,

Defendants

No. 01- 1876 CO

ACTION TO QUIET TITLE

FILED

NOV 16 2001

*William A. Shaw
Prothonotary*

AFFIDAVIT OF UNKNOWN WHEREABOUTS

The undersigned, Perry J. Winkler and Brian S. Musser, being duly sworn according to law, hereby certifies that they have made a search of the greater Penfield area, have searched the courthouse records of Clearfield County, including the office of the Prothonotary, the office of the Register of Wills and the office of the Recorder of Deeds and have been unable to ascertain an estate or other evidence of a location for the Defendants, John M. Pearce, Sr., Doris Feldman Pearce and Gerald Pearce.

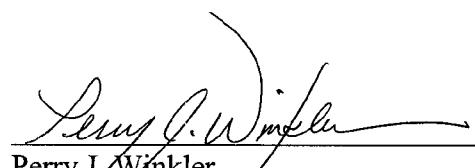
Your affiants have had conversations with Leo Nedza who is a funeral director in the Penfield area.

Your affiants believe that John M. Pearce, Sr. died in 1978 interred at the Pifer Funeral Home in Punxsutawney, Pennsylvania.

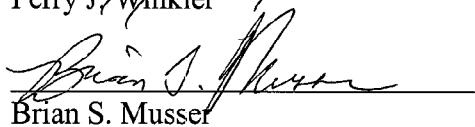
Your affiants further learned that Doris Feldman Pearce died in 1985 interred at the Geer Funeral Home in Penfield, Pennsylvania.

Your affiants have further determined that Gerald Pearce was the only living son of Doris Feldman Pearce who is believed to have died in or about 1990.

Your affiants have been unable to located the named Defendants in this action or their heirs, devisees, executors, administrators or assigns

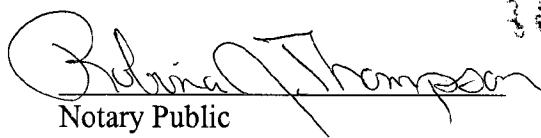


Perry J. Winkler

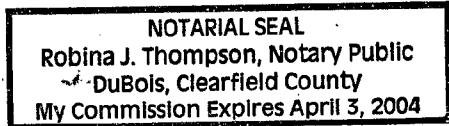


Brian S. Musser

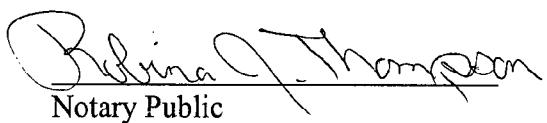
Sworn to and subscribed before
me by Perry J. Winkler this 14th day of
November, 2001.



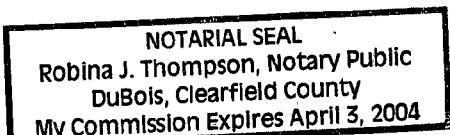
Robina J. Thompson
Notary Public



Sworn to and subscribed before
me by Brian S. Musser this 14th day of
November, 2001.



Robina J. Thompson
Notary Public



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

PERRY J. WINKLER and :
BRIAN S. MUSSER, :
Plaintiffs :
vs. :
No. 01- 1876 CO
DORIS FELDMAN PEARCE, :
JOHN M. PEARCE, SR. and :
GERALD FELDMAN, their heirs, :
personal representatives and assigns :
and any persons claiming, or who might :
claim title under the aforesaid defendant :
and any other person, persons, firms, :
partnerships, or corporate entities who :
might claim title to the premises :
herein described, :
Defendants :
ACTION TO QUIET TITLE

FILED

NOV 16 2001

*William A. Shaw
Prothonotary*

MOTION FOR PUBLICATION

AND NOW, this 16th day of November, 2001, an Affidavit having been executed and filed on behalf of Perry J. Winkler and Brian S. Musser and that the whereabouts of Doris Feldman Pearce, John M. Pearce, Sr. and Gerald Feldman, their accumulative heirs, devisees, administrators, executors, assigns, and all other person, persons, firms, partnerships, or corporate entities in interest, are unknown.

The Plaintiffs, by their counsel, David J. Hopkins, Esquire, requests the Court for leave to serve the Complaint on the above mentioned Defendants, their heirs, devisees, administrators, executors, assigns, and all other person, persons, firms, partnerships, or corporate entity in

interest, or their legal representatives, generally, by publication in such manner as the Court shall direct and as provided by the Pa. R.C.P. Rule 410, and Pa.R.C.P. Rule 430.

Respectfully submitted,



David J. Hopkins, Esquire

FILED

NOV 16 2001
10:30 AM
William A. Shaw
Prothonotary

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

PERRY J. WINKLER and :
BRIAN S. MUSSER, :
Plaintiffs :
vs. : No. 01-1876 C.D.
:
DORIS FELDMAN PEARCE, :
JOHN M. PEARCE, SR. and :
GERALD FELDMAN, their heirs, :
personal representatives and assigns :
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claim title under the aforesaid defendant :
and any other person, persons, firms, :
partnerships, or corporate entities who :
might claim title to the premises :
herein described, :
Defendants :

ACTION TO QUIET TITLE

AFFIDAVIT

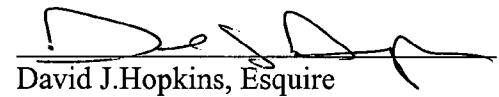
COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :

Personally appeared before me, the undersigned officer, David J. Hopkins, Attorney for Perry J. Winkler and Brian S. Musser, who, being duly sworn according to law, deposes and says that the service of the foregoing Complaint to Quiet Title, endorsed with Notice to Plead, has been served upon Defendants, Doris Feldman Pearce, John M. Pearce, Sr. and Gerald Feldman, and their heirs, devisees, administrators, executors and assigns, by publication, and than twenty (20)

FILED

JAN 07 2002
01255165
William A. Shaw
Prothonotary
no c/c


days have elapsed since said service and Defendants have not filed an appearance or any answer to the Complaint, although the time in which to do so has expired.

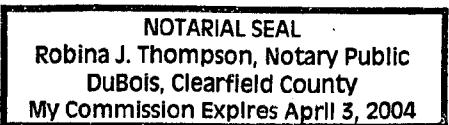


David J. Hopkins, Esquire

Sworn to and subscribed before me this
4th day of January, 2002.



Robina J. Thompson
Notary Public



FILED

JAN 07 2002

William A. Shaw
Prothonotary

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

PERRY J. WINKLER and :
BRIAN S. MUSSER, :
Plaintiffs :
vs. : No. 01-1876 C.D.
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DORIS FELDMAN PEARCE, :
JOHN M. PEARCE, SR. and :
GERALD FELDMAN, their heirs, :
personal representatives and assigns :
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and any other person, persons, firms, :
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herein described, :
Defendants :

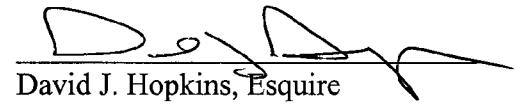
ACTION TO QUIET TITLE

MOTION FOR JUDGMENT

AND NOW, this 14 day of January, 2002, an Affidavit having been filed by David J. Hopkins, Esquire, Attorney for Plaintiffs, Perry J. Winkler and Brian S. Musser; that the Complaint with Notice to Plead was served on all of the Defendants by publication and the Defendants have not answered. The Plaintiffs, Perry J. Winkler and Brian S. Musser, by and through their attorney, move the Court to enter judgment in favor of the Plaintiffs and against the Defendants in the above named case and to grant to the Plaintiffs the relief prayed for in accordance with Rules of Civil Procedure 1066. Plaintiffs further requests that the Honorable Court modify in accordance with Rules of Civil Procedure, Rule 248, the

thirty (30) day period provided Defendants by Rules of Civil Procedure, Rule 1066(b) to assert any right, lien, title or interest in the land inconsistent with the interest or claim Plaintiffs set forth in their Complaint.

Respectfully submitted,

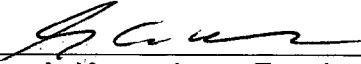


David J. Hopkins, Esquire

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :
:
COUNTY OF CLEARFIELD :

On this 12th day of December 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 December 7, 2001, Vol. 13 No. 49. And that all of the allegations of this statement as to the time, place, and character of the publication are true.

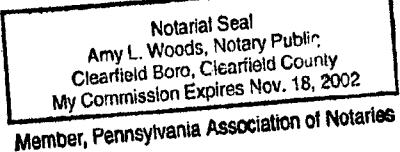


Gary A. Knaresboro, Esquire
Editor

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



Amy L. Woods
Notary Public
My Commission Expires



David J. Hopkins
900 Beaver Drive
DuBois, PA 15801

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

PERRY J. WINKLER and BRIAN S. MUSSER, Plaintiffs vs. DORIS FELDMAN PEARCE, JOHN M. PEARCE, SR. and GERALD FELDMAN, their heirs, personal representatives and assigns and any persons claiming, or who might claim title under the aforesaid defendant and any other person, persons, firms, partnerships, or corporate entities who might claim title to the premises herein described, Defendants.

No. 2001-1876-CD

ACTION TO QUIET TITLE NOTICE

TO: DORIS FELDMAN PEARCE, JOHN M. PEARCE, SR. and GERALD FELDMAN, their heirs, devisees, administrators, executors and assigns and all other person, persons, firms, partnerships or corporate entities in interest.

You are hereby notified that an action to quiet title to the premises situate, lying and being in Huston Township, Clearfield County, Pennsylvania, has been filed against you. Said premises are described as follows:

BEGINNING at a point being in the center line of Route 153 being the northwest corner of the property described herein;

THENCE North 70 degrees 00 minutes 00 seconds East 141.91 feet along lines of property owned by Perry J. Winkler to an iron pin;

THENCE South 34 degrees 39 minutes 30 seconds East along lines now or formerly of Norman Shaffer 56.18 feet to a point;

THENCE South 22 degrees, 37 minutes 31 seconds East along lands now or formerly of Norman Shaffer 80.78 feet to an iron pin;

THENCE South 59 degrees 32 minutes 48 seconds West along lands now or formerly of Frank and Margaret Segalla 91.28 feet to the center line of Route 153;

THENCE North 44 degrees 48 minutes 00 seconds West along the center line of Route 153 167.01 feet as described in a Map of Retracement Survey completed by David J. Thorpe, PLS No. SU-37822E dated September 18, 1998.

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 have in the property as described above. The Plaintiffs in this action, after a diligent search, has been unable to locate the Defendants or their devisees or heirs.

Whereupon the Court Ordered that notice of said action be served on the Defendants, and their heirs.

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, 230 East Market Street, Clearfield, PA 16830 (814) 765-2641

David J. Hopkins, Attorney for Plaintiff, 900 Beaver Drive, DuBois, PA 15801. (814) 375-0300

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

PERRY J. WINKLER and BRIAN S. MUSSER,
Plaintiffs

VS.

DORIS FELDMAN PEARCE, JOHN M. PEARCE, SR. and GERALD
FELDMAN, their heirs, personal representatives and assigns and
any persons claiming, or who might claim title under the aforesaid
defendant and any other person, persons, firms, partnerships, or cor-
porate entities who might claim title to the premises herein described,
Defendants

No.01-1876 C.D.

ACTION TO QUIET TITLE

QUIET TITLE ACTION NOTICE

TO: Doris Feldman Pearce, John M. Pearce, Sr., and Gerald Feld-
man, their heirs, devisees, administrators, executors and assigns
and all other person, persons, firms or partnerships or corporate en-
tities in interest.

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Retracement Survey completed by David J. Thorpe, PLS No. SU-
374822E dated September 18, 1998.

You have been sued in Court. The purpose of this quiet title action
to extinguish any right or equity which the Defendants above named
and their heirs, administrators, executors and assigns may have in
the property described above. The Plaintiff in this action, after a dili-
gent search, has been unable to locate the Defendants or their
devisees or heirs.

Whereupon the Court Ordered that notice of said action be served
on the Defendants, and their heirs.

**IF YOU WISH TO DEFEND, YOU MUST ENTER A WRITTEN AP-
PEARANCE 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 JUDGEMENT 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.**

Court Administrator
Clearfield County Courthouse
230 E. Market Street
Clearfield, Pennsylvania 16830
(814) 765-2641

David J. Hopkins
Attorney for Plaintiff
900 Beaver Drive
DuBois, PA 15801
(814) 375-6300

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

3rd day of December A.D., 2001

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 _____ day of _____,

**THIS IS
NOT A
BILL**

Notary Public
Statement of Advertising Cost
McLEAN PUBLISHING COMPANY
Publisher of
COURIER-EXPRESS/TRI-COUNTY SUNDAY/
JEFFERSONIAN DEMOCRAT
DuBois, PA

TO David Hopkins - quiet title action
For publishing the notice or advertisement
attached hereto on the above stated dates.....\$ 230.40
Probating same.....\$ 4.25
Total.....\$ 234.65

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
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JAN 07 2002

William A. Shaw
Prothonotary

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

PERRY J. WINKLER and :
BRIAN S. MUSSER, :
Plaintiffs :
vs. :
: No. 01-1876 C.D.
:
DORIS FELDMAN PEARCE, :
JOHN M. PEARCE, SR. and :
GERALD FELDMAN, their heirs, :
personal representatives and assigns : ACTION TO QUIET TITLE
and any persons claiming, or who might :
claim title under the aforesaid defendant :
and any other person, persons, firms, :
partnerships, or corporate entities who :
might claim title to the premises :
herein described, :
Defendants :
:

FILED

JAN 08 2002

*William A. Shaw
Prothonotary*

ORDER

AND NOW, this 7th day of January, 2002, it appearing that service of the
Complaint to Quiet Title in the above stated action was served upon Defendants, Doris Feldman
Pearce, John M. Pearce, Sr. and Gerald Feldman, pursuant to the Rules of Civil Procedure; and
by Affidavit of David J. Hopkins, Attorney for Plaintiffs, that no answer or appearance has been
filed to said action, and on Motion of David J. Hopkins, Esquire, it is hereby ORDERED and
DECREED:

1. That the Defendants, Doris Feldman Pearce, John M. Pearce, Sr. and Gerald
Feldman, their heirs, devisees, administrators, executors and assigns and all other person,
persons, firms, partnerships, or corporate entities in interest, are forever barred from
asserting any right, title, lien or interest inconsistent with the interest or claim of the

Plaintiffs as set forth in their Complaint in and to:

All that certain tract of land situate in Huston Township, Clearfield County, Pennsylvania bounded and described as follows:

BEGINNING at a point being in the center line of Route 153 being the northwest corner of the property described herein;

THENCE North 70 degrees 00 minutes 00 seconds East 141.91 feet along lines of property owned by Perry J. Winkler to an iron pin;

THENCE South 34 degrees 39 minutes 30 seconds East along lines now or formerly of Norman Shaffer 56.18 feet to a point;

THENCE South 22 degrees, 37 minutes 31 seconds East along lands now or formerly of Norman Shaffer 80.78 feet to an iron pin;

THENCE South 59 degrees 32 minutes 48 seconds West along lands now or formerly of Frank and Margaret Segalla 91.28 feet to the center line of Route 153;

THENCE North 44 degrees 48 minutes 00 seconds West along the center line of Route 153 167.01 feet as described in a Map of Retracement Survey completed by David J. Thorpe, PLS No. SU-37822E dated September 18, 1998.

2. That title to said property is now vested in Perry J. Winkler and Brian S. Musser, as prayed.

3. That the rights of the Plaintiffs are superior to the rights of the Defendants, Doris Feldman Pearce, John M. Pearce, Sr. and Gerald Feldman, and any heirs, persons claiming, or who might claim title under the aforesaid Defendant; and any other person, persons, firms, partnerships, or corporate entities who might claim title to the premises herein described.

4. That the Plaintiffs have title in fee simple to said premises as described in the Complaint as against the Defendants, Doris Feldman Pearce, John M. Pearce, Sr. and Gerald Feldman, and their heirs, devisees, administrators, executors, and assigns.

5. That the Defendants, Doris Feldman Pearce, John M. Pearce, Sr. and Gerald Feldman, and their heirs, devisees, administrators, executors and assigns are forever barred from asserting

any right, title or interest in or to the premises described which are inconsistent with the interest or claims of the Plaintiffs as set forth in their Complaint and from setting up any title to the premises and from impeaching, denying or in any way attacking the title of the Plaintiffs to the premises.

6. That the thirty (30) days provisions of Pennsylvania Rules of Civil Procedure 1066(b)(i) be modified as to eliminate the said thirty (30) day Rule of Pennsylvania Rules of Civil Procedure from this case. Said modification is in accordance with the authority vested in this Court by virtue of Pennsylvania Rules of Civil Procedure 248 to eliminate any time period prescribed by Pennsylvania Rules of Civil Procedure upon Order of Court.

7. That these proceedings or any authenticated copy thereof, shall at all times hereinafter be taken as evidence of the facts declared and established thereby.

8. That a certified copy of this Order shall be recorded in the Office of the Recorder of Deed of Clearfield County, Pennsylvania.

BY THE COURT,

JUDGE

FILED

JAN 08 2002

013-07-01
William A. Shaw
Prothonotary

1cc to atty

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