

02-30-CD
DANIEL L. SMITH " VS " BESSIE L. COOK

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

DANIEL L. SMITH,
Plaintiff

-vs-

BESSIE L. COOK,
Defendant

*

*

*

*

Docket No. 02-30 -CD

ACTION TO QUIET TITLE

Type of pleading:
COMPLAINT TO QUIET
TITLE

Filed on behalf of:
PLAINTIFF, Daniel L.
Smith

FILED

JAN 08 2002

William A. Shaw
Prothonotary

Counsel of record for
this party:

Dwight L. Koerber, Jr.,
Esquire
PA I.D. No. 16332

110 North Second Street
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611

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

*

DANIEL L. SMITH,
Plaintiff

*

-vs-

*

Docket No. 02- -CD

BESSIE L. COOK,
Defendant

*

ACTION TO QUIET TITLE

*

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 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 within twenty (20) days. 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 relief claimed in the complaint by the plaintiffs.

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
Second and Market Streets
Clearfield, PA 16830
(814) 765-2641, Ext. 5982

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

*
DANIEL L. SMITH,
Plaintiff *

-vs- * Docket No. 02- -CD

BESSIE L. COOK,
Defendant * ACTION TO QUIET TITLE
*
*

COMPLAINT TO QUIET TITLE

COMES NOW, Plaintiff Daniel L. Smith, by and through his attorney, Dwight L. Koerber, Jr., Esquire, and files the within Complaint to Quiet Title against Defendant Bessie L. Cook. In support thereof, plaintiff avers and shows as follows:

1. Plaintiff is Daniel L. Smith, an individual, of 1010 South Ocean Boulevard, Suite PH2, Pompano Beach, FL 33062.
2. Defendant is Bessie L. Cook, an individual, with a mailing address of P. O. Box 390 (Clearcreek Area), Emporium, Cameron County, PA 15834.
3. Through this proceeding, plaintiff seeks to remove the "cloud on title" associated with the fact that he acquired ownership of Lot No. 66, Section 5, Martinique, of property situate in Treasure Lake, Township of Sandy, Clearfield County, through a tax sale process, whereby Defendant Bessie L. Cook was divested of her ownership rights to the property.

4. It is plaintiff's position that the Tax Claim Bureau followed all lawful and proper procedures for divesting Defendant Bessie L. Cook of her prior ownership in Lot No. 66, Section 5 Martinique of Treasure Lake, Sandy Township, Clearfield County, and that ownership of said property was properly and lawfully transferred to him, so as to give him full legal and equitable ownership of the property.

5. Attached hereto as Appendix A is a true and correct copy of plaintiff's deed to Treasure Lake Lot No. 66, Section 5 Martinique, Sandy Township, Clearfield County.

6. Said Treasure Lake Lot No. 66 was purchased by Defendant Bessie L. Cook by Deed of Treasure Lake, Inc., dated August 5, 1971, and recorded at Clearfield County Deed Book Volume 633, page 145.

7. Prior to the time that plaintiff purchased Lot No. 66, Section 5 Martinique, it was owned by defendant, with the chain of title to the property being of record in Clearfield County, and being clear and undisputed.

8. On September 14, 2001, the Clearfield County Tax Claim Bureau sold Lot No. 66, Section 5 Martinique, of Treasure Lake, Sandy Township, Clearfield County, under the laws of the Commonwealth of Pennsylvania, for unpaid taxes on the said property, with plaintiff purchasing the said lot at that time.

9. Prior to the sale of Lot 66, Section 5 Martinique,

Treasure Lake, Sandy Township, Clearfield County, on September 14, 2001, the Clearfield County Tax Claim Bureau followed all lawful requirements, including notice to the defendant, both constructive and direct in person, so as to have the proper lawful authority to sell the said real estate for the unpaid taxes that were due.

10. No exceptions were filed to the sale by the Clearfield County Tax Claim Bureau of Treasure Lake Lot No. 66.

11. A deed was issued to plaintiff by the Clearfield County Tax Claim Bureau, vesting interest in the said lot in plaintiff by virtue of the September 14, 2001 tax claim sale, with such deed being recorded at Clearfield County Instrument No. 2001-18706.

12. In purchasing Treasure Lake Lot No. 66, plaintiff paid the sum of \$1,258.32 to the Clearfield County Tax Claim Bureau, as well as the sum of \$1,041.76 owed on past due assessments to the Treasure Lake Property Owners' Association and the sum of \$214.76 owed as past due charges to the T.E.S. for Treasure Lake water/sewage service, for a total payment of \$2,591.34.

13. In conjunction with his ownership of Lot No. 66, Section 5 Martinique, Treasure Lake, Sandy Township, Clearfield County, plaintiff caused to be prepared a survey of this real estate, such survey being prepared by Alexander & Associates, Inc., dated October 1, 2001.

14. Attached hereto as Appendix B is a copy of the suggested deed description for Treasure Lake Lot No. 66, and a copy of the survey prepared by Alexander & Associates, Inc., dated November 9, 2001.

15. Through this proceeding, plaintiff seeks to require defendant to come forward if she has a claim, and adjudicate the lawfulness of the procedures by which plaintiff acquired ownership of Lot No. 66, Section 5 Martinique, Treasure Lake, Sandy Township, Clearfield County, and, with the understanding that in failing to do so, defendant shall be forever barred from making a claim of ownership to said property.

WHEREFORE, plaintiff prays your Honorable Court to grant the following relief:

(A) That the procedures followed whereby plaintiff acquired ownership of Lot No. 66, Section 5, Martinique, Treasure Lake, of Sandy Township, Clearfield County, Pennsylvania, were in full conformity with all pertinent legal requirements governing such matters.

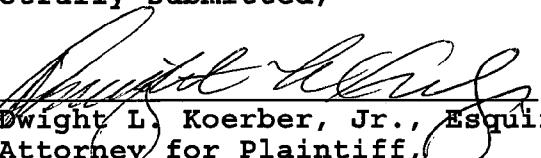
(B) That defendant be barred forever from asserting any right, title, lien or interest in Lot No. 66, Section 5, Martinique, Treasure Lake, of Sandy Township, Clearfield County, Pennsylvania, inconsistent with the ownership of plaintiff.

(C) That plaintiff be declared as the sole and lawful owner and be entitled to exclusive possession of the said Treasure Lake

Lot No. 66, Section 5, Martinique, Treasure Lake, Sandy Township,
Clearfield County.

(D) That this Court make such further orders and
declarations as may be necessary to establish the title of
plaintiff to the said real estate and to grant him appropriate
relief.

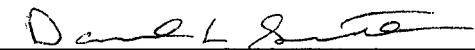
Respectfully submitted,

By: 

Dwight L. Koerber, Jr., Esquire
Attorney for Plaintiff,
DANIEL L. SMITH

VERIFICATION

I verify that the statements made in this document are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.



Daniel L. Smith
DATE: 2/26/2021

APPENDIX A

Attached hereto is a copy of the deed by which defendant acquired the subject property.

This Indenture

Vol. 633 PAGE 145

Made the **FIFTH** day of **AUGUST** in the year of our Lord
one thousand nine hundred and **SEVENTY ONE**

Between **TREASURE LAKE, INC.**, a Pennsylvania corporation (hereinafter called "Grantor"), and
BESSIE L. COOK OF EMPORIUM, CAMERON COUNTY, PENNSYLVANIA

(hereinafter called "Grantee"):

Witnesseth, That the Grantor, for and in consideration of the sum of **\$6995.00**
SIX THOUSAND NINE HUNDRED NINETY-FIVE AND NO/100 ~~Dollars~~,
receipt of which is hereby acknowledged, does grant, bargain, sell, release, convey and confirm, unto the
Grantee, his heirs and assigns, forever,

All that certain tract of land designated as Lot No. **66**, Section No. **5 MARTINIQUE** in the
Treasure Lake Subdivision in Sandy Township, Clearfield County, Pennsylvania recorded in the Recorder
of Deeds office in ~~Clearfield, Pennsylvania~~ ^{Misc. Docket Map No. 25}. Excepting and reserving therefrom and subject to:

1. All easements, rights of way, reservations, restrictions and limitations shown or contained in prior instruments of record and in the aforesaid recorded plan.
2. The Declaration of Restrictions, Treasure Lake, Inc. recorded in Misc. Book Vol. 146, p. 476; all of
said restrictions being covenants which run with the land.
3. All minerals and mining rights of every kind and nature.
4. A lien for all unpaid charges or assessments as may be made by Grantor or Treasure Lake Property
Owners Association, Inc.; which lien shall run with the land and be an encumbrance against it.

This conveyance is also made upon the express conditions and covenant that Grantee
will make all of the payments as provided in the Agreement of Sale and if Grantee
fails to do so, then the title and interest in and to the premises hereby conveyed
shall be and become wholly void and the premises and all interests therein shall
revert to and become reinvested in Grantor.

NOTICE

The promissory note evidencing the amount
to be paid to the Grantor is furnished in
the amount of \$6,995.00, which amount
is payable in monthly installments of \$583.33,
all of which amount, when paid in full, shall
be paid to the Grantor, Newburgh,
Pennsylvania, and the amount of \$583.33
is payable in monthly installments of \$583.33,
beginning the first day of October, 1971, and
continuing monthly until the purchase
price is paid in full, and the purchase
price is paid in full, shall terminate the aforesaid
said right of reversion.

Y.C.

To have and to hold the premises hereby conveyed to the Grantee's own use.

The Grantor warrants generally the property hereby conveyed to the Grantee, his heirs, executors and administrators.

NOTICE — THIS DOCUMENT DOES NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT. [This notice is set forth in the manner provided in Section 1 of the Act of July 17, 1957, P. L. 934, as amended.]

NOTICE THE UNDERSIGNED, AS EVIDENCED BY THE SIGNATURE (S) TO THIS NOTICE AND THE ACCEPTANCE AND RECORDING OF THIS DEED, (IS, ARE) FULLY COGNIZANT OF THE FACT THAT THE UNDERSIGNED MAY NOT BE OBTAINING THE RIGHT OF PROTECTION AGAINST SUBSIDENCE, AS TO THE PROPERTY HEREIN CONVEYED, RESULTING FROM COAL MINING OPERATIONS AND THAT THE PURCHASED PROPERTY, HEREIN CONVEYED, MAY BE PROTECTED FROM DAMAGE DUE TO MINE SUBSIDENCE BY A PRIVATE CONTRACT WITH THE OWNERS OF THE ECONOMIC INTEREST IN THE COAL. THIS NOTICE IS INSERTED HEREIN TO COMPLY WITH THE BITUMINOUS MINE SUBSIDENCE AND LAND CONSERVATION ACT OF 1966.

WITNESS:

James D. Dimer

Bessie L. Cook

This Deed is made under and by virtue of a Resolution of the Board of Directors of the Grantor duly passed at a regular meeting thereof, held on the 23rd day of May, A.D. 1968, a full quorum being present, authorizing and directing the same to be done.

(CORPORATE SEAL)

In witness whereof, The said Corporation, Grantor, has caused its common and corporate seal to be affixed to these presents by the hand of its ~~President~~ President, and the same to be duly attested by its Secretary. Dated the day and year first above written.

Attest:

Gen A Hauck
Assistant Secretary

TREASURE LAKE, INC.

By *[Signature]*
President

Commonwealth of Pennsylvania,
County of Allegheny

On this, the 5th day of August, 1971, before me, a notary public, the undersigned officer, personally appeared Frank Cercaise, who acknowledged himself to be the ~~President~~ President of Treasure Lake, Inc., a corporation, and that he as such ~~President~~ President, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as ~~President~~ President.

In witness whereof, I hereunto set my hand and official seal.

MONSANTO COMPANY
PENNSYLVANIA AREA SCHOOL DISTRICT
PENNSYLVANIA TAX

AMOUNT \$ 69.95

PAID 4-26-73 *Cecil A. Burns*
Date Agent

JEAN A. HAUCK, NOTARY PUBLIC
PENN HILLS TWP., ALLEGHENY COUNTY
MY COMMISSION EXPIRES MAY 14, 1973
Member, Pennsylvania Association of Notaries

Gen A Hauck
Notary Public

Certificate of Residence

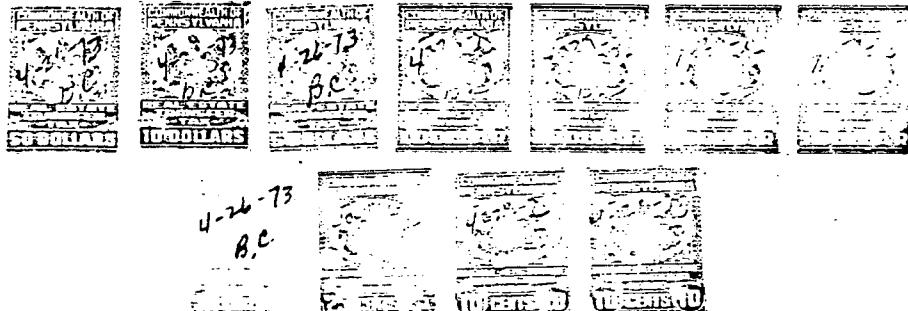
Vol. 633 PAGE 147

I hereby certify that the precise residence of the grantee herein is

347 E. 5th St. Ext.
Emporium, Pa. 15834

Bessie L. Cook
For Grantee

For Grantee



Entered of Record 4/26/73 8:30 A.M. Recorder

Date first
Deed rec'd. 69.95
69.95

Recorded
Number

App

Vol. Page

TREASURE LAKE, INC.

To

BESSIE L. COOK

Fees \$

CLERK'S OFFICE CO. 55
ENTITLED RECORD
Time 5:30 4/26/73
By William W. Smith
Fee \$6.00
Cecil A. Burn, Recorder

Mall To: TREASURE LAKE, INC.
18 DUFF ROAD
PITTSBURGH, PA. 15233

Commonwealth of Pennsylvania
County of

Recorded on this A. D. 19 day of
Vol. in the Recorder's Office of the said County in Deed Book,
page

Given under my hand and the seal of the said office the day and year
aforesaid.

Recorder.

APPENDIX B

Attached hereto is a copy of the deed description and survey map of Treasure Lake Lot No. 66 prepared by Alexander & Associates, Inc.

Alexander & Associates Inc.

(Land & GPS Surveying Services)
112 CHURCH STREET
P.O. BOX 378
FALLS CREEK, PA 15840
(814) 371-5578
e-mail alexander@key-net.net

Date:
November 9, 2001

Prepared
for:
Dan Smith

Surveyor: Lional Alexander, P. L. S.

Suggested Deed Description:

Being all that certain piece, parcel, or tract of land, lying and being situate in Sandy Township, Clearfield County, Pennsylvania, and further being Lot Number 66 situate in Section 5 (Martinique) of the Treasure Lake Plan of Lots.

Beginning at an existing iron pin, said iron pin being the northeast corner of lot number 67 and the northwest corner of the herein described parcel,

THENCE; along the southern right-of-way for Treasure Lake Road (50' R/W) by a curve to the right, said curve having a radius of 510.00 feet and an arc length of 80.86 feet, said arc having a chord bearing of S 48 degrees 37 minutes 20 seconds E a chord distance of 80.78 feet to a rebar set by this survey,

THENCE; along the northern right-of-way for Rip Tide Road (50' R/W) by a curve to the right, said curve having a radius of 25 feet and an arc length of 41.85 feet, said arc having a chord bearing of S 03 degrees 52 minutes 44 seconds W a chord distance of 37.13 feet to a rebar set by this survey,

THENCE; S 51 degrees 50 minutes 15 seconds W along the northern right-of-way for Rip Tide Road (50' R/W) a distance of 154.27 feet to a rebar set by this survey, said rebar being the common corner of Lot Number 75 and the herein described parcel,

FROM : ALEXANDER ASSOC INC

PHONE NO. : 8143715578

Nov. 12 2001 04:03AM P3

Parcel Desc. (JN226801)

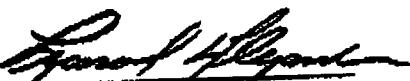
Alexander & Associates Inc 10-01-2001 Page No. 2

THENCE; N 38 degrees 09 minutes 45 seconds W along Lot number 75 a distance of 62.94 feet to an existing rebar, said rebar being the common corner of Lot Number 67 and the herein described parcel,

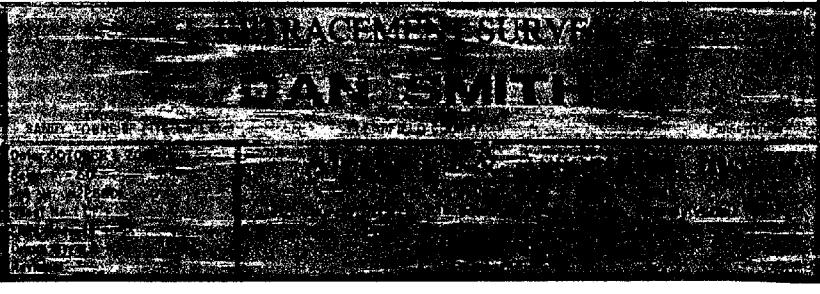
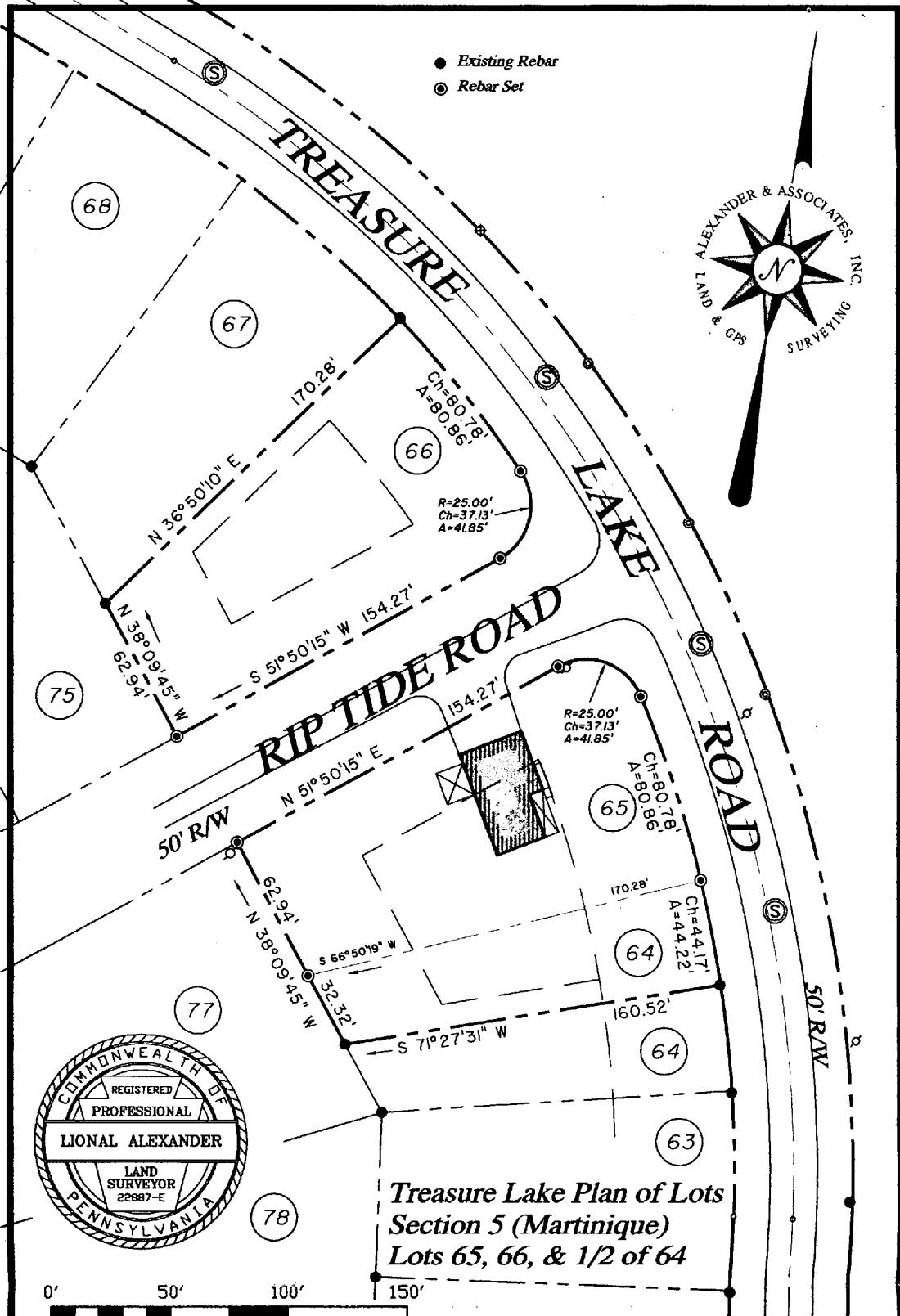
THENCE; N 36 degrees 50 minutes 10 seconds E along the southern line of Lot Number 67 a distance of 170.28 feet to an iron pin, the plance of beginning.

Containing 14,919.59 square feet or 0.34 Ac.

BEING the same premises as surveyed and drawn by ALEXANDER & ASSOCIATES INC., Falls Creek, PA 15840. Said survey plat is under the date of October 1, 2001, is referenced as JN226801, and is intended to be recorded in the Clearfield County Courthouse for a more particular description.



Lional Alexander
Professional Land Surveyor
SU-22887-E



IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
Docket No. 02 - CD

DANIEL L. SMITH,
Plaintiff

-vs-

BESSIE L. COOK,
Defendant

COMPLAINT TO QUIET TITLE

REED

JAN 08 2002
01/27/04
William C. Reed
Pr. of C. Reed
300 Court

Law Office

DWIGHT L. KOERBER, JR.
ATTORNEY - AT - LAW
110 NORTH SECOND STREET
P. O. BOX 1320
CLEARFIELD, PENNSYLVANIA 16830

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

DANIEL L. SMITH,
Plaintiff

-vs-

BESSIE L. COOK,
Defendant

* Docket No. 02-30-CD
ACTION TO QUIET TITLE

Type of pleading:
AFFIDAVIT OF DEFAULT

Filed on behalf of:
PLAINTIFF, Daniel L.
Smith

Counsel of record for
this party:

Dwight L. Koerber, Jr.,
Esquire
PA I.D. No. 16332

110 North Second Street
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611

FILED

MAR 08 2002
017581-ccat
William A. Shaw, Koerber
Prothonotary
KWD

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

DANIEL L. SMITH,
Plaintiff

-vs-

BESSIE L. COOK,
Defendant

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Docket No. 02-30-CD
ACTION TO QUIET TITLE

AFFIDAVIT OF DEFAULT

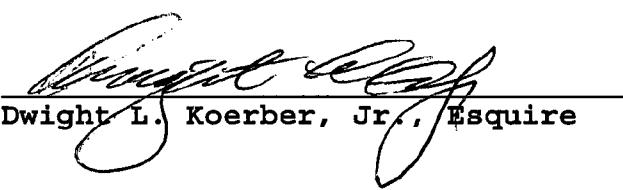
COMMONWEALTH OF PENNSYLVANIA:

:SS:

COUNTY OF CLEARFIELD

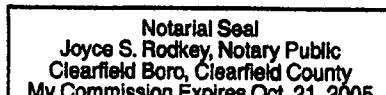
:

DWIGHT L. KOERBER, JR., ESQUIRE, being duly sworn according to law, deposes and states that he is counsel for plaintiff in the above-captioned matter; that a Complaint in this action to quiet title containing a Notice to Defend within twenty (20) days of service was duly served on Defendant Bessie L. Cook by Sheriff service on the 28th day of January, 2002; and that to date Defendant Bessie L. Cook has not filed an answer to the said Complaint.


Dwight L. Koerber, Jr., Esquire

Sworn to and subscribed
before me this 11th
day of March, 2002.

Joyce S. Rodkey
Notary Public



Member, Pennsylvania Association of Notaries

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
Docket No. 02-30-CD
ACTION TO QUIET TITLE

DANIEL L. SMITH,
Plaintiff

-vs-

BESSIE L. COOK,
Defendant

AFFIDAVIT OF DEFAULT

Law Office

DWIGHT L. KOERBER, JR.
ATTORNEY • AT • LAW
110 NORTH SECOND STREET
P. O. Box 1320
CLEARFIELD, PENNSYLVANIA 16830

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

DANIEL L. SMITH,
Plaintiff

-vs-

BESSIE L. COOK,
Defendant

*

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Docket No. 02-30-CD
ACTION TO QUIET TITLE

Type of pleading:
MOTION FOR DEFAULT
JUDGMENT

Filed on behalf of:
PLAINTIFF, Daniel L.
Smith

Counsel of record for
this party:

Dwight L. Koerber, Jr.,
Esquire
PA I.D. No. 16332

110 North Second Street
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611

FILED

MAR 08 2002

William A. Shaw
Prothonotary

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

DANIEL L. SMITH,
Plaintiff

-vs-

BESSIE L. COOK,
Defendant

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Docket No. 02-30-CD
ACTION TO QUIET TITLE

O R D E R

AND NOW, this 11th day of March, 2002, an Affidavit of Service of the Complaint, with Notice to Plead, having been filed, and no answer having been made by defendant, upon motion of plaintiff pursuant to Pa.R.C.P. No. 1066(a), IT IS THE ORDER AND DECREE of this Court that a judgment by default be entered against defendant directing as follows:

(A) Defendant Bessie L. Cook and any person claiming under defendant are permanently enjoined and restrained from asserting any lien, title, claim or interest in or to the following real property or any part thereof:

ALL that certain piece, parcel or tract of land lying and being situate in Sandy Township, Clearfield County, Pennsylvania, and further being Lot No. 66 situate in Section 5 (Martinique) of the Treasure Lake Plan of Lots.

BEGINNING at an existing iron pin, said iron pin being the northeast corner of Lot No. 67 and the northwest corner of the herein described parcel; thence along the

FILED

MAR 12 2002

William A. Shaw
Prothonotary

southern right-of-way for Treasure Lake Road (50' R/W) by a curve to the right, said curve having a radius of 510.00 feet and arc length of 80.86 feet, said arc having a chord bearing of S 48 degrees, 37 minutes, 20 seconds E a chord distance of 80.78 feet to a rebar set by survey of Alexander & Associates, Inc., dated October 1, 2001; thence along the northern right-of-way for Rip Tide Road (50' R/W) by a curve to the right, said curve having a radius of 25 feet and an arc length of 41.85 feet, said arc having a chord bearing of S 03 degrees, 52 minutes, 44 seconds W a chord distance of 37.13 feet to a rebar set by survey of Alexander & Associates, Inc. dated October 1, 2001; thence S 51 degrees, 50 minutes, 15 seconds W along the northern right-of-way for Rip Tide Road (50' R/W) a distance of 154.27 feet to a rebar set by survey of Alexander & Associates, Inc. dated October 1, 2001, said rebar being the common corner of Lot No. 75 and the herein described parcel; thence N 38 degrees 09 minutes 45 seconds W along Lot No. 75 a distance of 62.94 feet to an existing rebar, said rebar being the common corner of Lot No. 67 and the herein described parcel; thence N 36 degrees, 50 minutes, 10 seconds E along the southern line of Lot No. 67 a distance of 170.28 feet to an iron pin, the place of beginning.

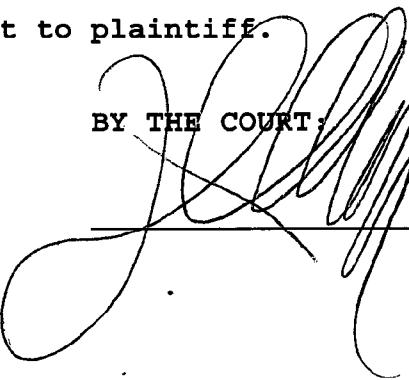
BEING the same premises as were granted and conveyed unto Daniel L. Smith by Deed of the Clearfield County Tax Claim Bureau dated November 19, 2001, and recorded at Affidavit No. 34865, Map #128. C02-005-00066-00-21, Lot No. 66, Section 5 Martinique. And being the same premises as were surveyed by Alexander & Associates, Inc. on October 1, 2001, referenced as JN226801, such survey intended to be recorded herein.

The relief requested in the Complaint filed herein shall be granted to Plaintiff Daniel L. Smith unless Defendant Bessie L. Cook files a written Answer to the Complaint within thirty days of the date of this Order, setting forth her defenses to the Complaint, pursuant to Pa.R.C.P. 1066(b)(1).

IT IS THE FURTHER ORDER AND DECREE of this Court that if no

such action is taken by defendant within the thirty day time period specified herein, the Prothonotary, upon Praecept of the plaintiff, shall enter final judgment awarding the relief requested in the Complaint to plaintiff.

BY THE COURT:



FILED

Konkan
MAR 12 2002
O/A 3013CC-AH1000000
William A. Shaw
Prestonary
Episc

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

DANIEL L. SMITH,
Plaintiff *

-vs-* * Docket No. 02-30-CD
BESSIE L. COOK,
Defendant * ACTION TO QUIET TITLE *

MOTION FOR DEFAULT JUDGMENT

COMES NOW, Movant Daniel L. Smith, plaintiff in the above-captioned matter, by and through his attorney, Dwight L. Koerber, Jr., Esquire, and files the within motion pursuant to Pa.R.C.P. 1066.

1. A Complaint to Quiet Title was filed in this matter on January 8, 2002, requesting that respondent/defendant, and any person claiming under respondent/defendant, be permanently enjoined and restrained from asserting any claim or interest in or to real property described in plaintiff's Complaint, a copy of which is attached hereto as Appendix A.

2. The said Complaint was filed in order to remove a cloud on title to certain property which was purchased by plaintiff on September 14, 2001 through sale of the Clearfield County Tax Claim Bureau.

3. The property which plaintiff seeks to remove the cloud

on title is Treasure Lake Lot No. 66, Section 5 Martinique, Sandy Township, Clearfield County, Pennsylvania, as more fully described in the Complaint attached hereto as Appendix A.

4. The said property was previously owned by Bessie L. Cook, respondent/defendant in this action, prior to the sale to plaintiff on September 14, 2001.

5. Service of a certified copy of the said Complaint, with Notice to Defend, was made upon respondent by the Sheriff of Cameron County on January 28, 2002, as shown by the Affidavit of Service filed in this matter.

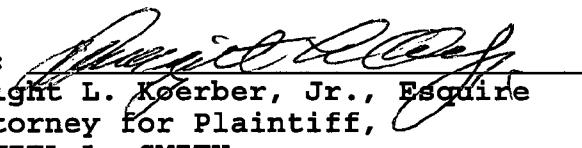
6. Thirty days have elapsed since the date of service upon respondent.

7. No answer has been made by the respondent to the Complaint filed herein.

8. Pa.R.C.P. 1066(a) specifies that this Honorable Court shall grant appropriate relief upon affidavit that a complaint containing a notice to defend has been served and that the defendant has not filed an answer.

WHEREFORE, movant/plaintiff requests this Honorable Court to enter an Order of default judgment in the form attached against Respondent/Defendant Bessie L. Cook, pursuant to Pa.R.C.P. No. 1066(a).

Respectfully submitted,

By: 
Dwight L. Koerber, Jr., Esquire
Attorney for Plaintiff,
DANIEL L. SMITH

DATE: 3/8/02

APPENDIX A

Attached hereto is a copy of the Complaint filed in this matter.

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

DANIEL L. SMITH,
Plaintiff

-vs-

BESSIE L. COOK,
Defendant

*

*

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Docket No. 02-30 -CD

*

ACTION TO QUIET TITLE

*

Type of pleading:
COMPLAINT TO QUIET
TITLE

Filed on behalf of:
PLAINTIFF, Daniel L.
Smith

Counsel of record for
this party:

Dwight L. Koerber, Jr.,
Esquire
PA I.D. No. 16332

110 North Second Street
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

JAN 08 2002

Attest.

W.L.R.
Prothonotary/
Clerk of Courts

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

DANIEL L. SMITH,
Plaintiff

-vs-

BESSIE L. COOK,
Defendant

*

*

*

Docket No. 02- -CD

*

ACTION TO QUIET TITLE

*

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 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 within twenty (20) days. 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 relief claimed in the complaint by the plaintiffs.

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
Second and Market Streets
Clearfield, PA 16830
(814) 765-2641, Ext. 5982

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

DANIEL L. SMITH,
Plaintiff *
*
-vs- * Docket No. 02- -CD
BESSIE L. COOK,
Defendant * ACTION TO QUIET TITLE
*
*

COMPLAINT TO QUIET TITLE

COMES NOW, Plaintiff Daniel L. Smith, by and through his attorney, Dwight L. Koerber, Jr., Esquire, and files the within Complaint to Quiet Title against Defendant Bessie L. Cook. In support thereof, plaintiff avers and shows as follows:

1. Plaintiff is Daniel L. Smith, an individual, of 1010 South Ocean Boulevard, Suite PH2, Pompano Beach, FL 33062.
2. Defendant is Bessie L. Cook, an individual, with a mailing address of P. O. Box 390 (Clearcreek Area), Emporium, Cameron County, PA 15834.
3. Through this proceeding, plaintiff seeks to remove the "cloud on title" associated with the fact that he acquired ownership of Lot No. 66, Section 5, Martinique, of property situate in Treasure Lake, Township of Sandy, Clearfield County, through a tax sale process, whereby Defendant Bessie L. Cook was divested of her ownership rights to the property.

4. It is plaintiff's position that the Tax Claim Bureau followed all lawful and proper procedures for divesting Defendant Bessie L. Cook of her prior ownership in Lot No. 66, Section 5 Martinique of Treasure Lake, Sandy Township, Clearfield County, and that ownership of said property was properly and lawfully transferred to him, so as to give him full legal and equitable ownership of the property.

5. Attached hereto as Appendix A is a true and correct copy of plaintiff's deed to Treasure Lake Lot No. 66, Section 5 Martinique, Sandy Township, Clearfield County.

6. Said Treasure Lake Lot No. 66 was purchased by Defendant Bessie L. Cook by Deed of Treasure Lake, Inc., dated August 5, 1971, and recorded at Clearfield County Deed Book Volume 633, page 145.

7. Prior to the time that plaintiff purchased Lot No. 66, Section 5 Martinique, it was owned by defendant, with the chain of title to the property being of record in Clearfield County, and being clear and undisputed.

8. On September 14, 2001, the Clearfield County Tax Claim Bureau sold Lot No. 66, Section 5 Martinique, of Treasure Lake, Sandy Township, Clearfield County, under the laws of the Commonwealth of Pennsylvania, for unpaid taxes on the said property, with plaintiff purchasing the said lot at that time.

9. Prior to the sale of Lot 66, Section 5 Martinique,

Treasure Lake, Sandy Township, Clearfield County, on September 14, 2001, the Clearfield County Tax Claim Bureau followed all lawful requirements, including notice to the defendant, both constructive and direct in person, so as to have the proper lawful authority to sell the said real estate for the unpaid taxes that were due.

10. No exceptions were filed to the sale by the Clearfield County Tax Claim Bureau of Treasure Lake Lot No. 66.

11. A deed was issued to plaintiff by the Clearfield County Tax Claim Bureau, vesting interest in the said lot in plaintiff by virtue of the September 14, 2001 tax claim sale, with such deed being recorded at Clearfield County Instrument No. 2001-18706.

12. In purchasing Treasure Lake Lot No. 66, plaintiff paid the sum of \$1,258.32 to the Clearfield County Tax Claim Bureau, as well as the sum of \$1,041.76 owed on past due assessments to the Treasure Lake Property Owners' Association and the sum of \$214.76 owed as past due charges to the T.E.S. for Treasure Lake water/sewage service, for a total payment of \$2,591.34.

13. In conjunction with his ownership of Lot No. 66, Section 5 Martinique, Treasure Lake, Sandy Township, Clearfield County, plaintiff caused to be prepared a survey of this real estate, such survey being prepared by Alexander & Associates, Inc., dated October 1, 2001.

14. Attached hereto as Appendix B is a copy of the suggested deed description for Treasure Lake Lot No. 66, and a copy of the survey prepared by Alexander & Associates, Inc., dated November 9, 2001.

15. Through this proceeding, plaintiff seeks to require defendant to come forward if she has a claim, and adjudicate the lawfulness of the procedures by which plaintiff acquired ownership of Lot No. 66, Section 5 Martinique, Treasure Lake, Sandy Township, Clearfield County, and, with the understanding that in failing to do so, defendant shall be forever barred from making a claim of ownership to said property.

WHEREFORE, plaintiff prays your Honorable Court to grant the following relief:

(A) That the procedures followed whereby plaintiff acquired ownership of Lot No. 66, Section 5, Martinique, Treasure Lake, of Sandy Township, Clearfield County, Pennsylvania, were in full conformity with all pertinent legal requirements governing such matters.

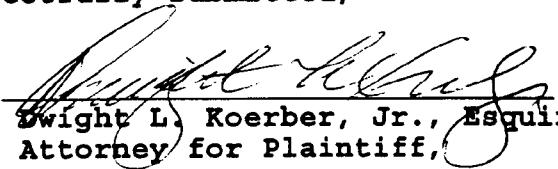
(B) That defendant be barred forever from asserting any right, title, lien or interest in Lot No. 66, Section 5, Martinique, Treasure Lake, of Sandy Township, Clearfield County, Pennsylvania, inconsistent with the ownership of plaintiff.

(C) That plaintiff be declared as the sole and lawful owner and be entitled to exclusive possession of the said Treasure Lake

Lot No. 66, Section 5, Martinique, Treasure Lake, Sandy Township,
Clearfield County.

(D) That this Court make such further orders and declarations as may be necessary to establish the title of plaintiff to the said real estate and to grant him appropriate relief.

Respectfully submitted,

By: 

Dwight L. Koerber, Jr., Esquire
Attorney for Plaintiff,
DANIEL L. SMITH

VERIFICATION

I verify that the statements made in this document are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

Daniel L. Smith
Daniel L. Smith
DATE: 2/26/2021

APPENDIX A

Attached hereto is a copy of the deed by which defendant acquired the subject property.

This Indenture

633 PAGE 145

Made the **FIFTH** day of **AUGUST** in the year of our Lord
one thousand nine hundred and **SEVENTY ONE**

Between TREASURE LAKE, INC., a Pennsylvania corporation (hereinafter called "Creator"), and
BESSIE L. COOK OF EMPORIUM, CAMERON COUNTY, PENNSYLVANIA

(hereinafter called "Greater");

Witnesseth, That the Grantor, for and in consideration of the sum of \$6995.00
SIX THOUSAND NINE HUNDRED NINETY-FIVE AND NO/100 Dollars,
receipt of which is hereby acknowledged, does grant, bargain, sell, release, convey and confirm, unto the
Grantee, his heirs and assigns, forever,

All that certain tract of land designated as Lot No. 66 . Section No. 5 MARTINIQUE in the Treasure Lake Subdivision in Sandy Township, Clearfield County, Pennsylvania recorded in the Recorder of Deeds office in ~~Clearfield, Pa.~~ on the 25th day of ~~March~~ 1925 . Excepting and reserving therefrom and subject to:

1. All easements, rights of way, reservations, restrictions and limitations shown or contained in prior instruments of record and in the aforesaid recorded plan.
2. The Declaration of Restrictions, Treasure Lake, Inc. recorded in Misc. Book Vol. 146, p. 476; all of said restrictions being covenants which run with the land.
3. All minerals and mining rights of every kind and nature.
4. A lien for all unpaid charges or assessments as may be made by Creator or Treasure Lake Property Owners Association, Inc.; which lien shall run with the land and be an encumbrance against it.

This conveyance is also made upon the express conditions and covenant that Grantee will make all of the payments as provided in the Agreement of Sale and if Grantee fails to do so, then the title and interest in and to the premises hereby conveyed shall be and become wholly void and the premises and all interests therein shall revert to and become repossessed by Grantor.

NOTICE

W.C.

633 pg 146

To have and to hold the premises hereby conveyed to the Grantor's own use.

The Grantor warrants generally the property hereby conveyed to the Grantor, his heirs, executors and administrators.

NOTICE - THIS DOCUMENT DOES NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT. [This notice is set forth in the manner provided in Section 1 of the Act of July 17, 1957, P. L. 904, as amended.]

NOTICE THE UNDERSIGNED, AS EVIDENCED BY THE SIGNATURE (S) TO THIS NOTICE AND THE ACCEPTANCE AND RECORDING OF THIS DEED, (IS, ARE) FULLY COGNIZANT OF THE FACT THAT THE UNDERSIGNED MAY NOT BE OBTAINING THE RIGHT OF PROTECTION AGAINST SUBSIDENCE AS TO THE PROPERTY HEREIN CONVEYED, RESULTING FROM COAL MINING OPERATIONS AND THAT THE PURCHASED PROPERTY, HEREIN CONVEYED, MAY BE PROTECTED FROM DAMAGE DUE TO MINE SUBSIDENCE BY A PRIVATE CONTRACT WITH THE OWNERS OF THE ECONOMIC INTEREST IN THE COAL. THIS NOTICE IS INSERTED HEREIN TO COMPLY WITH THE BITUMINOUS MINE SUBSIDENCE AND LAND CONSERVATION ACT OF 1966.

WITNESS:

This Deed is made under and by virtue of a Resolution of the Board of Directors of the Grantor duly passed at a regular meeting thereof, held on the 23rd day of May, A.D. 1968, a full quorum being present, authorizing and directing the same to be done.

(CORPORATE SEAL)

In witness whereof, The said Corporation, Grantor, has caused its common and corporate seal to be affixed to these presents by the hand of its ~~President~~ President, and the same to be duly attested by its Secretary. Dated the day and year first above written.

Attest:

John A. Hauck
Assistant Secretary

TREASURE LAKE, INC.

By *[Signature]*
President

Commonwealth of Pennsylvania
County of Allegheny

On this, the 5th day of August, 1971, before me, a notary public, the undersigned officer, personally appeared Frank Cercaise, who acknowledged himself to be the ~~President~~ President of Treasure Lake, Inc., a corporation, and that he as such ~~President~~ President, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as ~~President~~ President.

In witness whereof, I hereunto set my hand and official seal.

EDDIE AREA AREA SCHOOL DISTRICT
EDDIE AREA AREA SCHOOL DISTRICT

AMOUNT \$ 69.95

PAID 4-26-73 *Cecil Adams*
Date Agent

JOHN A. HAUCK, NOTARY PUBLIC
PEWEEVILLE TWP., ALLEGHENY COUNTY
MY COMMISSION EXPIRES MAY 14, 1973
Member, Pennsylvania Association of Notaries

John A. Hauck
Notary Public

Certificate of Residence

633 pg 147

I hereby certify that the precise residence of the grantee herein is

347 E. 5th St. Bpt.
Emporium, Pa. 15834

Bessie L. Cook
For Grantee

For Grantee



U-26-73
B.C.

Entered of Record

16, 26 1973, 8:30 AM, Bureau Recorder

State Tax del. in \$1.00

Recorded

Number

Vol.

Page

1000

TREASURE LAKE, INC.

To

BESSIE L. COOK

Fees, 1

CITY OF COAL CITY
ENTITLED, F. F. CO.
Time 8:30 AM 26-73
By William Smith
Fee \$6.00
Cecil A. Burns, Recorder

Mall To: TREASURE LAKE, INC.
15 DUFF ROAD
PITTSBURGH, PA. 15295

Commonwealth of Pennsylvania
County of

Recorded on this 16 day of September

A. D. 1973, in the Recorder's Office of the said County in Deed Book
Vol. 1000, page 1

Given under my hand and the seal of the said office the day and year
aforementioned.

Recorder.

APPENDIX B

Attached hereto is a copy of the deed description and survey map of Treasure Lake Lot No. 66 prepared by Alexander & Associates, Inc.

Alexander & Associates Inc.

(Land & GPS Surveying Services)
112 CHURCH STREET
P.O. BOX 378
FALLS CREEK, PA 15840
(814) 371-5578
e-mail alexander@key-net.net

Date:
November 9, 2001

Prepared
for:
Dan Smith

Surveyor: Lionel Alexander, P. L. S.

Suggested Deed Description:

Being all that certain piece, parcel, or tract of land, lying and being situate in Sandy Township, Clearfield County, Pennsylvania, and further being Lot Number 66 situate in Section 5 (Martinique) of the Treasure Lake Plan of Lots.

Beginning at an existing iron pin, said iron pin being the northeast corner of lot number 67 and the northwest corner of the herein described parcel,

THENCE; along the southern right-of-way for Treasure Lake Road (50' R/W) by a curve to the right, said curve having a radius of 510.00 feet and an arc length of 80.86 feet, said arc having a chord bearing of S 48 degrees 37 minutes 20 seconds E a chord distance of 80.78 feet to a rebar set by this survey,

THENCE; along the northern right-of-way for Rip Tide Road (50' R/W) by a curve to the right, said curve having a radius of 25 feet and an arc length of 41.85 feet, said arc having a chord bearing of S 03 degrees 52 minutes 44 seconds W a chord distance of 37.13 feet to a rebar set by this survey,

THENCE; S 51 degrees 50 minutes 15 seconds W along the northern right-of-way for Rip Tide Road (50' R/W) a distance of 154.27 feet to a rebar set by this survey, said rebar being the common corner of Lot Number 75 and the herein described parcel,

FROM : ALEXANDER ASSOC INC

PHONE NO. : 8143715578

Nov. 12 2001 04:03AM P3

Parcel Desc. (JN226801)

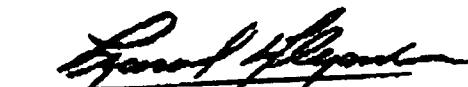
Alexander & Associates Inc 10-01-2001 Page No. 2

THENCE; N 38 degrees 09 minutes 45 seconds W along Lot number 75 a distance of 62.94 feet to an existing rebar, said rebar being the common corner of Lot Number 67 and the herein described parcel,

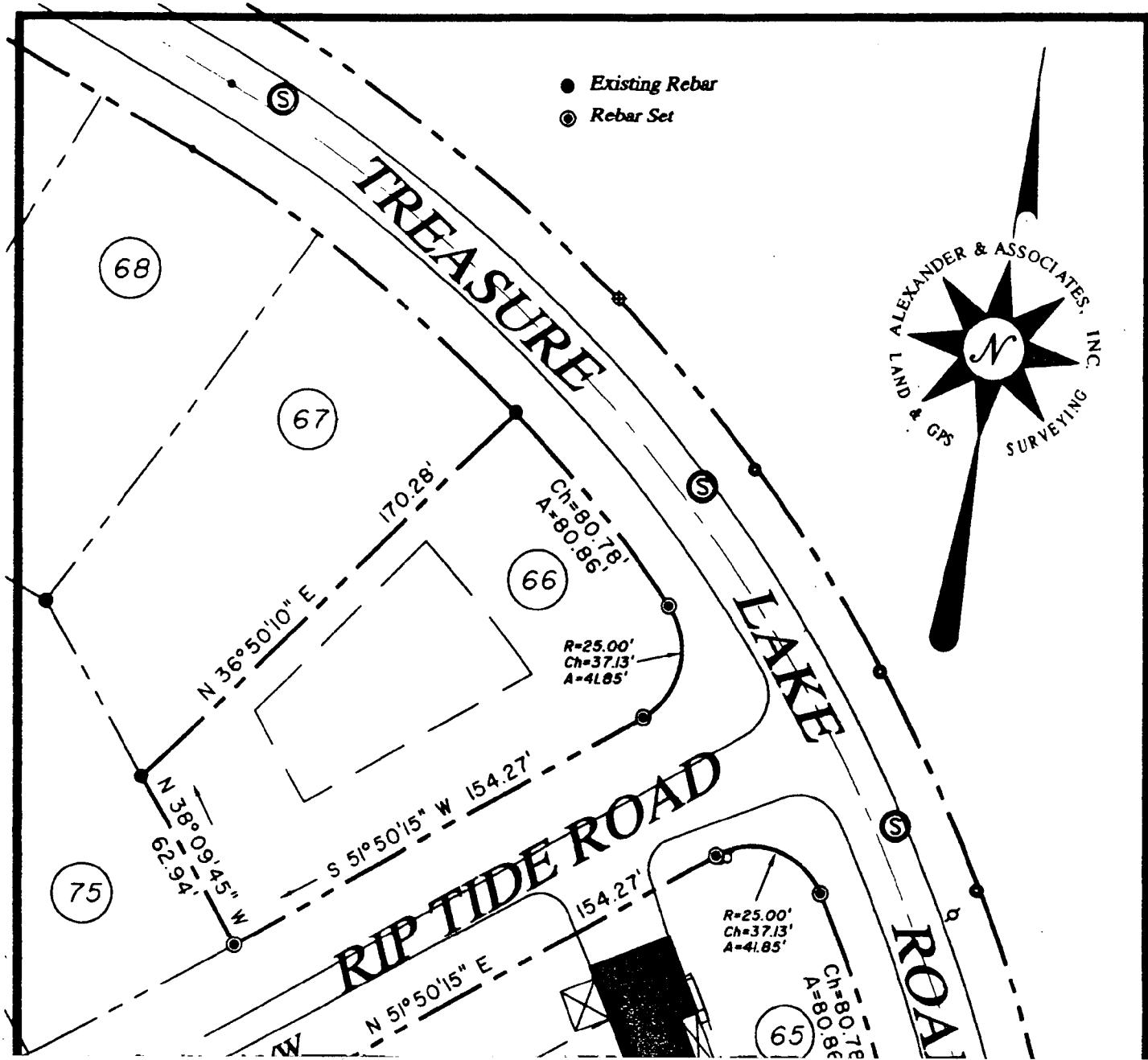
THENCE; N 36 degrees 50 minutes 10 seconds E along the southern line of Lot Number 67 a distance of 170.28 feet to an iron pin, the place of beginning.

Containing 14,919.59 square feet or 0.34 Ac.

BEING the same premises as surveyed and drawn by ALEXANDER & ASSOCIATES INC., Falls Creek, PA 15840. Said survey plat is under the date of October 1, 2001, is referenced as JN226801, and is intended to be recorded in the Clearfield County Courthouse for a more particular description.



Lionel Alexander
Professional Land Surveyor
SU-22887-E



IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
Docket No. 02-30-CD
ACTION TO QUIET TITLE

DANIEL L. SMITH,
Plaintiff

-vs-

BESSIE L. COOK,
Defendant

MOTION FOR
DEFAULT JUDGMENT

FILED

MAR 08 2002
012-0135-C-Cathy Konber
William A. Shaw
Prothonotary *AS*

Law Office

DWIGHT L. KOERBER, JR.
ATTORNEY - AT - LAW
110 NORTH SECOND STREET
P. O. Box 1320
CLEARFIELD, PENNSYLVANIA 16830

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

*
DANIEL L. SMITH,
Plaintiff

*-vs-

BESSIE L. COOK,
Defendant

*

Docket No. 02-30-CD
ACTION TO QUIET TITLE

Type of pleading:
CERTIFICATE OF SERVICE

Filed on behalf of:
PLAINTIFF, Daniel L.
Smith

Counsel of record for
this party:

Dwight L. Koerber, Jr.,
Esquire
PA I.D. No. 16332

110 North Second Street
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611

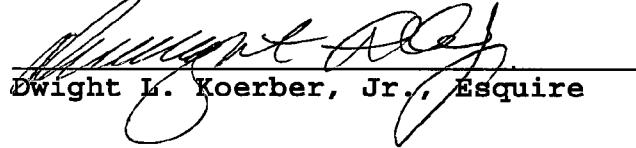
FILED

MAR 13 2002
02:33pmcc
William A. Shaw
Prothonotary

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of March, 2002,
a copy of the Motion for Default Judgment and a copy of the
Affidavit of Default were served upon Defendant Bessie L. Cook by
United States First Class Mail at the following address:

Ms. Bessie L. Cook
P. O. Box 390
Emporium, PA 15834


Dwight L. Koerber, Jr., Esquire

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
ACTION TO QUIET TITLE
Docket No. 02-30-CD

DANIEL L. SMITH,
Plaintiff

-vs-

BESSIE L. COOK,
Defendant

CERTIFICATE OF SERVICE

Law Office

DWIGHT L. KOERBER, JR.
ATTORNEY - AT - LAW
110 NORTH SECOND STREET
P. O. Box 13320
CLEARFIELD, PENNSYLVANIA 16830

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 11953

SMITH, DANIEL L.

02-30-CD

VS.

COOK, BESSIE L.

COMPLAINT ACTION TO QUIET TITLE

SHERIFF RETURNS

**NOW JANUARY 9, 2002, MICHAEL E. CHMELAR, SHERIFF OF CAMERON COUNTY
WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY
TO SERVE THE WITHIN COMPLAINT ACTION TO QUIET TITLE ON BESSIE L.
COOK, DEFENDANT.**

**NOW JANUARY 28, 2002 SERVED THE WITHIN COMPLAINT ACTION TO QUIET
TITLE ON BESSIE L. COOK, DEFENDANT BY DEPUTIZING THE SHERIFF OF
CAMERON COUNTY. THE RETURN OF SHERIFF CHMELAR IS HERETO ATTACHED
AND MADE A PART OF THIS RETURN.**

Return Costs

Cost	Description
28.14	SHFF. HAWKINS PAID BY: ATTY.
39.10	SHFF. CHMELAR PAID BY: ATTY.
10.00	SURCHARGE PAID BY: ATTY.

FILED

MAR 25 2002
01030 am
William A. Shaw
Prothonotary

Sworn to Before Me This

So Answers,

25th Day Of March 2002
Jacqueline Kendrick
Deputy Prothonotary
My Commission Expires
1st Monday in Jan. 2006
Clearfield Co., Clearfield, PA

Chester Hawkins
by Marilyn Harr
Chester A. Hawkins
Sheriff

1/953

AFFIDAVIT OF SERVICE

Daniel L. Smith
VS
Bessie L. Cook

}

No. 2002-30

Complaint to Quiet Title

Returnable within _____ days
from date of service hereof.

Now January 28th, 2002, at 10:45 O'clock AM

Served the within Complaint to Quiet Title On Bessie L. Cook

At her place of residence, RR#1 Box 405A, Clear Creek Road, Emporium, PA 15834

By personally handing to and leaving with

A true and attested copy of the original Complaint to Quiet Title and made known to
Her the contents thereof.

Sworn to before me this 30th

So answers

Day of January A.D. 2002

Mary Grace Day
PROTHONOTARY
My Commission Expires
1st Monday, Jan. 2006

Prothonotary.

David B. Fraser
Deputy Sheriff.



CAMERON COUNTY COURTHOUSE
20 EAST FIFTH STREET
EMPORIUM, PENNSYLVANIA 15834

OFFICE: 814 / 486-3338
FAX: 814 / 486-0464

Sheriff's Department

MICHAEL E. CHMELAR
SHERIFF

Cameron County, Pennsylvania
Office of:

PAUL J. MALIZIA
SOLICITOR

ACKNOWLEDGMENT OF SERVICES

DATE RECEIVED: 01/11/02
NO 2002-30

DATE OF SERVICE: 01/28/02

Daniel L. Smith

TYPE OF ACTION
Complaint to Quiet Title

vs

Bessie L. Cook

Dwight L. Koerber, Jr.
PLAINTIFF'S ATTORNEY

X SERVICE WAS MADE UPON Bessie L. Cook FOR THE
ABOVE CAPTIONED CASE
 RETURNED NON EST INVENIUS (PERSON TO BE SERVED CANNOT BE
FOUND WITHIN JURISDICTION)

REFUND/BALANCE DUE

AMOUNT OF ADVANCE PAID	<u>\$ 75.00</u>	CHECK #	<u>2999</u>
SHERIFF'S COSTS	<u>\$ 39.10</u>		
REFUND DUE	<u>\$ 35.90</u>		

MICHAEL E. CHMELAR
SHERIFF-CAMERON COUNTY

D. Janer
ISSUING AUTHORITY

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

DANIEL L. SMITH,
Plaintiff

-vs-

BESSIE L. COOK,
Defendant

*

*

*

*

Docket No. 02-30-CD
ACTION TO QUIET TITLE

Type of pleading:
PRAECIPE

Filed on behalf of:
PLAINTIFF, Daniel L.
Smith

Counsel of record for
this party:

Dwight L. Koerber, Jr.,
Esquire
PA I.D. No. 16332

110 North Second Street
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611

FILED

APR 15 2002
012145/2002-04-15
William A. Shaw, Prothonotary
[Signature]

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

DANIEL L. SMITH,
Plaintiff

-vs-

BESSIE L. COOK,
Defendant

*

*

*

Docket No. 02-30-CD
ACTION TO QUIET TITLE

*

PRAECIPE

TO THE PROTHONOTARY:

Kindly enter judgment to quiet title in favor of Plaintiff Daniel L. Smith and against Defendant Bessie L. Cook in accordance with the Order of Court dated March 11, 2002, a true and correct copy of which is attached.

Respectfully submitted,

By: Dwight L. Koerber, Jr.
Dwight L. Koerber, Jr., Esquire
Attorney for Plaintiff,
DANIEL L. SMITH
DATE: 4/15/02

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

DANIEL L. SMITH,
Plaintiff

-vs-

BESSIE L. COOK,
Defendant

* Docket No. 02-30-CD
ACTION TO QUIET TITLE

O R D E R

AND NOW, this 11th day of March, 2002, an Affidavit of Service of the Complaint, with Notice to Plead, having been filed, and no answer having been made by defendant, upon motion of plaintiff pursuant to Pa.R.C.P. No. 1066(a), IT IS THE ORDER AND DECREE of this Court that a judgment by default be entered against defendant directing as follows:

(A) Defendant Bessie L. Cook and any person claiming under defendant are permanently enjoined and restrained from asserting any lien, title, claim or interest in or to the following real property or any part thereof:

ALL that certain piece, parcel or tract of land lying and being situate in Sandy Township, Clearfield County, Pennsylvania, and further being Lot No. 66 situate in Section 5 (Martinique) of the Treasure Lake Plan of Lots.

BEGINNING at an existing iron pin, said iron pin being the northeast corner of Lot No. 67 and the northwest corner of the herein described parcel; thence along the

southern right-of-way for Treasure Lake Road (50' R/W) by a curve to the right, said curve having a radius of 510.00 feet and arc length of 80.86 feet, said arc having a chord bearing of S 48 degrees, 37 minutes, 20 seconds E a chord distance of 80.78 feet to a rebar set by survey of Alexander & Associates, Inc., dated October 1, 2001; thence along the northern right-of-way for Rip Tide Road (50' R/W) by a curve to the right, said curve having a radius of 25 feet and an arc length of 41.85 feet, said arc having a chord bearing of S 03 degrees, 52 minutes, 44 seconds W a chord distance of 37.13 feet to a rebar set by survey of Alexander & Associates, Inc. dated October 1, 2001; thence S 51 degrees, 50 minutes, 15 seconds W along the northern right-of-way for Rip Tide Road (50' R/W) a distance of 154.27 feet to a rebar set by survey of Alexander & Associates, Inc. dated October 1, 2001, said rebar being the common corner of Lot No. 75 and the herein described parcel; thence N 38 degrees 09 minutes 45 seconds W along Lot No. 75 a distance of 62.94 feet to an existing rebar, said rebar being the common corner of Lot No. 67 and the herein described parcel; thence N 36 degrees, 50 minutes, 10 seconds E along the southern line of Lot No. 67 a distance of 170.28 feet to an iron pin, the place of beginning.

BEING the same premises as were granted and conveyed unto Daniel L. Smith by Deed of the Clearfield County Tax Claim Bureau dated November 19, 2001, and recorded at Affidavit No. 34865, Map #128. C02-005-00066-00-21, Lot No. 66, Section 5 Martinique. And being the same premises as were surveyed by Alexander & Associates, Inc. on October 1, 2001, referenced as JN226801, such survey intended to be recorded herein.

The relief requested in the Complaint filed herein shall be granted to Plaintiff Daniel L. Smith unless Defendant Bessie L. Cook files a written Answer to the Complaint within thirty days of the date of this Order, setting forth her defenses to the Complaint, pursuant to Pa.R.C.P. 1066(b)(1).

IT IS THE FURTHER ORDER AND DECREE of this Court that if no

such action is taken by defendant within the thirty day time period specified herein, the Prothonotary, upon Praecept of the plaintiff, shall enter final judgment awarding the relief requested in the Complaint to plaintiff.

BY THE COURT:

/s/ JOHN K. REILLY, JR.

I hereby certify this to be a true and attested copy of the original statement filed in this case.

MAR 12 2002

Attest.

John K. Reilly
Prothonotary/
Clerk of Courts

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
ACTION TO QUIET TITLE
Docket No. 02-30-GD

DANIEL L. SMITH,
Plaintiff

-vs-

BESSIE L. COOK,
Defendant

PRAECIPE

Law Office

DWIGHT L. KOERBER, JR.
ATTORNEY - AT - LAW
110 NORTH SECOND STREET
P. O. Box 1320
CLEARFIELD, PENNSYLVANIA 16830