

02-140-CD
MARY L. VITARELLI et al -vs- O. H. BARLOW

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

MARY L. VITARELLI, Administratrix : No. 02-140 C.D.
of the Estate of LEWIS DESANDER, :
deceased; and THOMAS R. HIBBERT, JR., : TYPE OF CASE:
and WENDY L. HIBBERT, husband and : ACTION TO QUIET TITLE
wife,
Plaintiffs, : TYPE OF PLEADING: COMPLAINT
vs. :
O.H. BARLOW, and his heirs, devisees, : FILED ON BEHALF OF:
administrators, executors and assigns, and : MARY L. VITARELLI, Administratrix
all other person, persons, firms, partnerships : of the Estate of LEWIS DESANDER,
or corporate entities in interest, : deceased; and THOMAS R. HIBBERT, JR.,
Defendants. : and WENDY L. HIBBERT, husband and
wife Plaintiffs
: COUNSEL OF RECORD FOR THIS PARTY:
: PAULA M. CHERRY, ESQ.
: Supreme Court No. 36023
: GLEASON, CHERRY AND CHERRY, L.L.P.
: Attorneys at Law
: One North Franklin Street
: P.O. Box 505
: DuBois, PA 15801-0505
: (814) 371-5800
:
:

FILED

JAN 28 2002

01/09/02 by Cherry pd
William A. Shaw
Prothonotary 90.00

no cc

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

MARY L. VITARELLI, Administratrix :
of the Estate of LEWIS DESANDER, :
deceased; and THOMAS R. HIBBERT, JR., :
and WENDY L. HIBBERT, husband and :
wife, : No. 02 - _____ C.D.
Plaintiffs, : ACTION TO QUIET TITLE
vs. :
O.H. BARLOW, and his heirs, devisees, :
administrators, executors and assigns, and :
all other person, persons, firms, partnerships :
or corporate entities in interest, :
Defendants. :

NOTICE

TO: O.H. BARLOW, and his 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 IN THE SECOND WARD OF THE CITY OF DuBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, HAS BEEN FILED AGAINST YOU. Said premises are described as follows:

On the Northeast by West Washington Avenue; on the Southeast by line of land now or formerly of Henry and Jennie Anderson; on the Southwest by an unnamed alley; and on the Northwest by other property now or formerly of Lewis Desander; and being 40.5 feet, more or less, on West Washington Avenue, 113 feet, more or less, on line of land now or formerly of Henry and Jennie Anderson, 47.2 feet, more or less, on the unnamed alley, and 112 feet, more or less, on other property now or formerly of Lewis Desander.

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within Twenty (20) days after this Complaint and Notice

are served by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiffs. You may lose money or property or other rights important to you.

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

COURT ADMINISTRATOR
Clearfield County Courthouse
2nd & Market Streets
Clearfield, PA 16830
(814) 765-2461

GLEASON, CHERRY AND CHERRY, L.L.P.
Attorneys at Law
One North Franklin Street
P.O. Box 505
DuBois, PA 15801-0505
(814) 371-5800
Attorneys for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

MARY L. VITARELLI, Administratrix :
of the Estate of LEWIS DESANDER, :
deceased; and THOMAS R. HIBBERT, JR., :
and WENDY L. HIBBERT, husband and :
wife, : No. 02 - _____ C.D.
Plaintiffs, : ACTION TO QUIET TITLE
vs. :
O.H. BARLOW, and his heirs, devisees, :
administrators, executors and assigns, and :
all other person, persons, firms, partnerships :
or corporate entities in interest, :
Defendants. :

C O M P L A I N T

The Plaintiffs in the above-entitled matter, MARY L. VITARELLI, Administratrix of the Estate of LEWIS DESANDER, deceased; and THOMAS R. HIBBERT, JR., and WENDY L. HIBBERT, husband and wife, bring this Action to Quiet Title for the purpose of barring the Defendant, O.H. BARLOW, and his heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest, entitled Defendants, from asserting any right, title and interest or lien in and to the premises described in Exhibit "A", which is situate in the City of DuBois, Clearfield County, Pennsylvania, and aver the following cause of action:

1. The Plaintiff, MARY L. VITARELLI, is the duly appointed Administratrix of the Estate of LEWIS DESANDER, deceased, late of DuBois, Clearfield County, Pennsylvania,

having been appointed as Administratrix of said estate by the Court of Common Pleas of Clearfield County, Pennsylvania, Orphans' Court Division, on February 20, 2001.

2. The Plaintiffs, THOMAS R. HIBBERT, JR., and WENDY L. HIBBERT, are husband and wife, who reside at 1103 Treasure Lake, DuBois, Clearfield County, Pennsylvania 15801.

3. After diligent search, the Plaintiffs are unable to discover the whereabouts or identity of the Defendant, O.H. BARLOW, and his heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest.

4. The premises more particularly described in Exhibit "A", which is situate in the City of DuBois, Clearfield County, Pennsylvania, was conveyed to O.H. BARLOW by various and sundry deeds of conveyance.

5. The premises more particularly described in Exhibit "A", attached hereto and made a part hereof, was sold by the Treasurer of Clearfield County, Pennsylvania, to the Clearfield County Commissioners for unpaid taxes by Deed dated December 31, 1937.

6. The Clearfield County Commissioners, by Deed dated August 23, 1943, conveyed the premises more particularly described in Exhibit "A", which is attached hereto and made a part hereof, to J.S. Reitz and A.H. Reitz.

7. The premises which is described in Exhibit "A", attached hereto and made a part hereof, was also sold by D.R. Vasbinder, Treasurer of the City of DuBois, for unpaid City taxes by Deed dated December 6, 1937, and recorded in the Prothonotary's Office in Docket 133, Page 54. The said City of DuBois, by an Assignment dated February 15, 1944, attached to the aforesaid Deed, did assign all of its right, title and interest in the subject premises more

particularly described in Exhibit "A" attached hereto and made a part hereof, to J.S. Reitz and A.H. Reitz.

8. The said J.S. Reitz and A.H. Reitz conveyed the premises which is more particularly described in Exhibit "A", attached hereto and made a part hereof, to LEWIS DESANDER by Deed dated March 15, 1944, and recorded in the Office of the Register and Recorder of Deeds in and for Clearfield County, Pennsylvania, in Deed Book Vol. 357, Page 310, on March 17, 1944.

9. The said LEWIS DESANDER died testate on February 12, 2001, and Letters of Administration C.T.A. in his estate were issued to MARY L. VITARELLI by the Register of Wills of Clearfield County, Pennsylvania, on February 20, 2001.

10. By Deed dated October 1, 2001, and recorded in the Office of the Register and Recorder of Deeds in and for Clearfield County, Pennsylvania, as Instrument No.

200115897, the said MARY L. VITARELLI, Administratrix C.T.A. of the Estate of LEWIS DESANDER, conveyed a portion of the premises more particularly described in Exhibit "A" to THOMAS R. HIBBERT, JR., and WENDY L. HIBBERT, and they join in this Action as Plaintiffs.

11. Plaintiffs, MARY L. VITARELLI, Administratrix of the Estate of LEWIS DESANDER; and THOMAS R. HIBBERT, JR., and WENDY L. HIBBERT, husband and wife, and their predecessors in title, have been in actual, open, notorious, visible, hostile and continuous possession of the premises more particularly described in Exhibit "A", which is attached hereto and made a part hereof, for a period of Twenty-one (21) years and upward.

12. That one of the purposes of this Action is to quiet the title as to any interest that the said O.H. BARLOW, and his heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest, may have in said premises described in Exhibit "A" attached hereto and made a part hereof, because of any defect that may exist in the title because of any defect that may exist or may have existed in the said tax sales conducted by the Treasurer of Clearfield County or Clearfield County Commissioners or the Treasurer of the City of DuBois, because of the premises being improperly assessed, not properly described, no proper notice of said tax sales to the record owners, or that said premises were sold as the property of one other than the record owners or legal heirs or assigns of the record owners, or because the legal heirs or assigns of the record owners may not have received notice of said sales or because of the premises being incorrectly described, or because no deed of conveyance was placed of record in the Clearfield County Courthouse conveying the premises to any rightful owners, or because of any other defect or for any other reason or reasons that may raise some question as to the validity of the title. Further, the Plaintiffs, MARY L. VITARELLI, Administratrix of the Estate of LEWIS DESANDER, deceased; and THOMAS R. HIBBERT, JR., and WENDY L. HIBBERT, husband and wife, claim title in fee to their respective portions of the premises more particularly described in Exhibit "A" by adverse possession because they and their predecessors in title, have been in actual, open, notorious, visible, hostile and continuous possession of the premises for a period of Twenty-one (21) years and upward. Another purpose of this Action is to make the title to the premises described in Exhibit "A" marketable

so that the same can be certified.

WHEREFORE, Plaintiffs request the Court to:

- (a) Determine that their rights are superior to the rights of the Defendant, O.H. BARLOW, and his heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest;
- (b) Determine that the Plaintiffs have fee simple title to their respective portions of the premises described in Exhibit "A" as against the Defendant, O.H. BARLOW, and his heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest;
- (c) Enjoin the Defendant, O.H. BARLOW, and his heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest, from setting up any title to the premises described in Exhibit "A" and from impeaching, denying or in any way attacking the title of the Plaintiffs to the premises described in Exhibit "A"; and
- (d) Grant and decree whatever relief may seem equitable and proper.

AND they will ever pray.

GLEASON, CHERRY AND CHERRY, L.L.P.

By Sandra W. McRae
Attorneys for Plaintiffs

STATE OF RHODE ISLAND :
COUNTY OF Providence : SS.

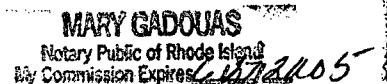
Personally appeared before me, a Notary Public in and for the county and state aforesaid, MARY L. VITARELLI, Administratrix of the Estate of LEWIS DESANDER, deceased, who, being duly sworn accordingly to law, deposes and says that the facts set forth in the foregoing Complaint are true and correct to the best of her knowledge, information and belief.

LEWIS DESANDER ESTATE:

By Mary L. Vitarelli
Mary L. Vitarelli, Administratrix

Sworn to and subscribed before me, this 19th day of November, 2001.

Mary Gadozas
Notary Public
My commission expires: _____



COMMONWEALTH OF PENNSYLVANIA

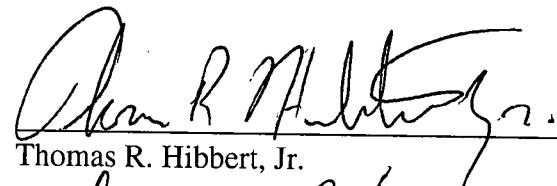
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COUNTY OF Clearfield

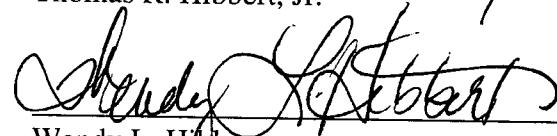
: SS.

:

Personally appeared before me, a Notary Public in and for the county and state aforesaid, THOMAS R. HIBBERT, JR., and WENDY L. HIBBERT, husband and wife, who, being duly sworn accordingly to law, depose and say that the facts set forth in the foregoing Complaint are true and correct to the best of their knowledge, information and belief.

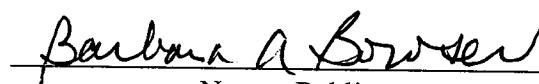


Thomas R. Hibbert, Jr.



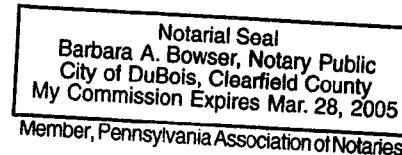
Wendy L. Hibbert

Sworn to and subscribed before me, this 21st day of January, 2002.



Notary Public

My commission expires: _____



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

MARY L. VITARELLI, Administratrix :
of the Estate of LEWIS DESANDER, :
deceased; and THOMAS R. HIBBERT, JR., :
and WENDY L. HIBBERT, husband and :
wife, : No. 102 - _____ C.D.
Plaintiffs, : ACTION TO QUIET TITLE
vs. :
O.H. BARLOW, and his heirs, devisees, :
administrators, executors and assigns, and :
all other person, persons, firms, partnerships :
or corporate entities in interest, :
Defendants. :

AFFIDAVIT

STATE OF RHODE ISLAND :
COUNTY OF Providence : SS.

Personally appeared before me, the undersigned officer, MARY L. VITARELLI,
Administratrix of the Estate of LEWIS DESANDER, deceased, who, being duly sworn
according to law, deposes and says that after diligent search, including a search of the
Clearfield County Courthouse records, telephone book, and post office, she is unable to find
Defendant, O.H. BARLOW, and his heirs, devisees, administrators, executors and assigns,

and all other person, persons, firms, partnerships or corporate entities in interest.

Further Deponent saith not.

LEWIS DESANDER ESTATE:

By Mary L. Vitarelli
(Mary L. Vitarelli, Administratrix)

Sworn to and subscribed before me, this 19th day of December 2001.

Mary Gadozas
Notary Public
My commission expires: _____

MARY GADOZAS
Notary Public of Rhode Island
My Commission Expires 12/14/2005

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

MARY L. VITARELLI, Administratrix	:	
of the Estate of LEWIS DESANDER,	:	
deceased; and THOMAS R. HIBBERT, JR.,	:	No. 02-_____ C.D.
and WENDY L. HIBBERT, husband and	:	
wife,	:	ACTION TO QUIET TITLE
Plaintiffs,	:	
vs.	:	
O.H. BARLOW, and his heirs, devisees,	:	
administrators, executors and assigns, and	:	
all other person, persons, firms, partnerships	:	
or corporate entities in interest,	:	
Defendants.	:	

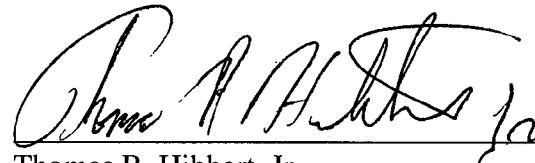
AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA	:	
COUNTY OF <u>Clearfield</u>	:	SS.
	:	

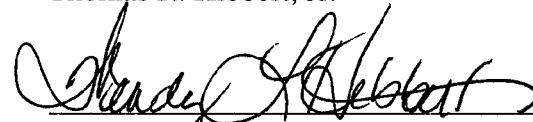
Personally appeared before me, the undersigned officer, THOMAS R. HIBBERT, JR., and WENDY L. HIBBERT, husband and wife, who, being duly sworn according to law, depose and say that after diligent search, including a search of the Clearfield County Courthouse records, telephone book, and post office, they are unable to find Defendant, O.H. BARLOW, and his heirs, devisees, administrators, executors and assigns, and all other person,

persons, firms, partnerships or corporate entities in interest.

Further Deponents saith not.

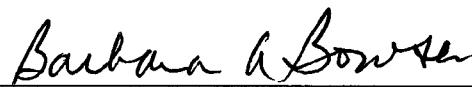


Thomas R. Hibbert, Jr.



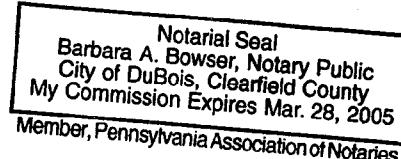
Wendy L. Hibbert

Sworn to and subscribed before me, this 21st day of January, 2001.



Notary Public

My commission expires: _____



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

MARY L. VITARELLI, Administratrix :
of the Estate of LEWIS DESANDER, :
deceased; and THOMAS R. HIBBERT, JR., :
and WENDY L. HIBBERT, husband and :
wife, :
Plaintiffs, :
vs. :
O.H. BARLOW, and his heirs, devisees, :
administrators, executors and assigns, and :
all other person, persons, firms, partnerships :
or corporate entities in interest, :
Defendants. :

No. 02-140 C.D.
ACTION TO QUIET TITLE

FILED

Feb 05 2002
09:40 AM Atty Cherry
william A. Shaw
Prothonotary

ORDER

NOW, this 5th day of February, 2002, it appearing that an Action to Quiet Title has been filed in the above-entitled case and the identity and whereabouts of Defendant, O.H. BARLOW, and his heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest, are unknown, the Defendants shall be served with a copy of the Complaint by advertising the same one (1) time in the Courier-Express newspaper and one (1) time in the Clearfield County Legal Journal in accordance with the Notice attached to and made a part of the Complaint.

BY THE COURT,

Judge

Exhibit "A"

ALL that certain piece, parcel or tract of land situate, lying and being in the Second Ward of the City of DuBois, Clearfield County, Pennsylvania, being bounded and described as follows, to wit:

On the Northeast by West Washington Avenue; on the Southeast by line of land now or formerly of Henry and Jennie Anderson; on the Southwest by an unnamed alley; and on the Northwest by other property now or formerly of Lewis Desander; and being 40.5 feet, more or less, on West Washington Avenue, 113 feet, more or less, on line of land now or formerly of Henry and Jennie Anderson, 47.2 feet, more or less, on the unnamed alley, and 112 feet, more or less, on other property now or formerly of Lewis Desander.

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

MARY L. VITARELLI, Administratrix
of the Estate of LEWIS DESANDER,
deceased; and THOMAS R. HIBBERT,
JR., and WENDY L. HIBBERT,
husband and wife, Plaintiffs,
vs.

O.H. BARILOW, and his heirs,
devisees, administrators,
executors and assigns, and all
other persons, persons, firms,
partnerships or corporate entities
in interest, Defendants.

No. 02 - _____ Action to
Quiet Title

C O M P L A I N T

To the Within Defendants:

YOU ARE HEREBY NOTIFIED TO PLEAD
TO THE WITHIN COMPLAIN WITHIN
TWENTY (20) DAYS FROM THE DATE OF
SERVICE HEREOF.

GLEASON, CHERRY AND CHERRY, L.L.P.

By _____ Attorneys for Plaintiffs

LAW OFFICES
GLEASON, CHERRY & CHERRY, L.L.P.
P. O. Box 505
DuBois, PENNSYLVANIA 15801-0505

ONE NORTH FRANKLIN STREET

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

MARY L. VITARELLI, Administratrix :
of the Estate of LEWIS DESANDER, :
deceased; and THOMAS R. HIBBERT, JR., :
and WENDY L. HIBBERT, husband and :
wife, :
Plaintiffs, :
vs. :
O.H. BARLOW, and his heirs, devisees, :
administrators, executors and assigns, and :
all other person, persons, firms, partnerships :
or corporate entities in interest, :
Defendants. :

No. 2002-00140 C.D.

ACTION TO QUIET TITLE

FILED

*MAR 15 2002
SAC 013291 noce
William A. Shaw
Prothonotary*

AND NOW, this 15th day of March, 2002, an Affidavit having been filed by Plaintiff, MARY L. VITARELLI, Administratrix of the Estate of LEWIS DESANDER, deceased; and THOMAS R. HIBBERT, JR., and WENDY L. HIBBERT, husband and wife, by their attorney, PAULA M. CHERRY, that the Complaint with Notice to Plead was served on all of the Defendants and the Defendants have not answered, the Plaintiffs, by their attorney, PAULA M. CHERRY, 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 Pennsylvania Rules of Civil Procedure 1066. Plaintiffs further requests that the Honorable Court modify in accordance with Pennsylvania Rules of Civil Procedure, Rule 248, the Thirty (30) day period provided Defendants by Pennsylvania 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.

GLEASON, CHERRY AND CHERRY, L.L.P.

By Raven M. Cherry
Attorneys for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

MARY L. VITARELLI, Administratrix :
of the Estate of LEWIS DESANDER, :
deceased; and THOMAS R. HIBBERT, JR., :
and WENDY L. HIBBERT, husband and :
wife, :
Plaintiffs, :
vs. :
O.H. BARLOW, and his heirs, devisees, :
administrators, executors and assigns, and :
all other person, persons, firms, partnerships :
or corporate entities in interest, :
Defendants. :

No. 2002-00140 C.D.

ACTION TO QUIET TITLE

FILED

MAR 15 2002

01329 no cc

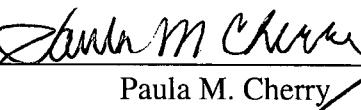
William A. Shaw
Prothonotary

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :

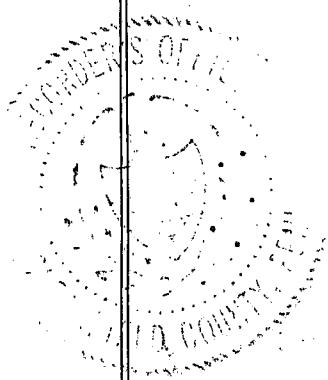
Personally appeared before me, the undersigned officer, PAULA M. CHERRY,
Attorney for MARY L. VITARELLI, Administratrix of the Estate of LEWIS DESANDER,
deceased; and THOMAS R. HIBBERT, JR., and WENDY L. HIBBERT, husband and wife,
Plaintiffs, who, being duly sworn according to law, deposes and says that service of the
foregoing Complaint to Quiet Title, endorsed with Notice to Plead within Twenty (20) days
from the date of publication was made on all of the Defendants by publication on February 5,
2002, in the Courier-Express newspaper, and the week of February 8, 2002, in the Clearfield
County Legal Journal, proof of the same is hereto attached, in accordance with the Order of

Court, and more than Twenty (20) days have elapsed since said publications and that said Defendants have not filed an Appearance or any Answer to the Complaint, although the time in which to do so has expired.


Paula M. Cherry

Sworn to and subscribed before me this 15th day of March, 2002.


Karen L. Starch
RECORDER OF DEEDS
My Commission Expires
First Monday in January, 2004



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

5th. day of February A.D., 2002

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

Dory Ferra

Sworn and subscribed to before me this 12 day of February, 2002

Ryan T. Wells

**THIS IS
NOT A
BILL**

Notary Public
Statement of Advertising Costs
McLEAN PUBLISHING COMPANY

NOTARIAL SEAL
Ryan T. Wells, Notary Public
City of New Bethlehem, County of Clarion
My Commission Expires Mar. 29, 2004

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

TO Gleason, Cherry & Cherry-Quiet Title-Vitarelli/Barlow
For publishing the notice or advertisement
attached hereto on the above stated dates..... \$ 197.28
Probating same..... \$ 4.25
Total..... \$ 201.53

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

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

MARY L. VITARELLI, Administratrix
of the Estate of LEWIS DESANDER, deceased; and THOMAS R.
HIBBERT, JR., and WENDY L. HIBBERT, husband and wife,
Plaintiffs

vs.

O.H. BARLOW, and his heirs, devisees, administrators, executors
and assigns, and all other person, persons, firms, partnerships or
corporate entities in interest,
Defendants.

No. 2002-00140 C.D.

ACTION TO QUIET TITLE

NOTICE

TO: O.H. BARLOW, and his 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 IN THE SECOND WARD OF
THE CITY OF DuBOIS, CLEARFIELD COUNTY, PENNSYLVANIA,
HAS BEEN FILED AGAINST YOU. Said premises are described as
follows:

On the Northeast by West Washington Avenue; on the South-
east by line of land now or formerly of Henry and Jennie Ander-
son; on the Southwest by an unnamed alley; and on the North-
west by other property now or formerly of Lewis Desander; and
being 40.5 feet, more or less, on West Washington Avenue, 113
feet, more or less, on line of land now or formerly of Henry and
Jennie Anderson, 47.2 feet, more or less, on the unnamed alley,
and 112 feet, more or less, on other property now or formerly of
Lewis Desander.

You have been sued in Court. If you wish to defend against the
claims set forth in the Complaint, you must take action within Twenty
(20) days from the date of publication of this Notice, to wit; on or be-
fore February 25, 2002, 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 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
2nd & Market Streets
Clearfield, PA 16830
(814) 765-2641

GLEASON, CHERRY & CHERRY, L.L.P.
Attorneys at Law
One North Franklin Street
P.O. Box 505
DuBois, PA 15801
(814) 371-5800
Attorneys for Plaintiffs

then play high

by Phillip Alder

king. After winning and seeing West play a club to king, finesse your draw East's last

Were you tempted to start with dummy's heart queen? Here, that works fine, but it loses when East holds a singleton king. In that situation, West's nine-fourth would win a trick.

sified ads, 371-4200 or 849-6737

A Crossword Puzzle

38 Fast sled
39 Wall Street deg.
40 Expression
42 Thick carpet
44 Pier
47 Defense-system inits.
49 Grumble
51 Key's partner
54 Conceal
56 Ice skater
Babylonia
57 Boors
58 Livy's bear
59 Tentacle
60 Internet addr.
61 Unassuming
62 MD assistants

DOWN

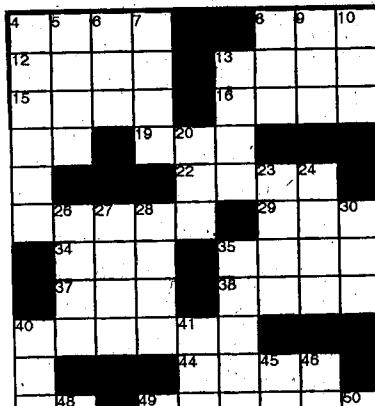
1 Fall softly
2 Baseball's Yogi
3 Bar seat
4 Whiskey measure

Answer to Previous Puzzle



5 Poets' twilight
6 Family room
7 Uh-huh (2 wds.)
8 Ghost's hello
9 Wall climber

10 Earth, in combos
13 Deli breads
18 Super
20 Farm structure
23 Llama country
24 Garland
26 Surprised cry
27 Autocrat
28 Zeus' wife
30 Summer, in Quebec
31 Actrees Dawber
32 Regal symbols
33 Provo's state
35 Alaskan language
40 Links org.
41 Oil target
43 Solicits
45 Flower oil
46 Pine for
48 Buddy
49 Consumer gds.
50 Teacup parts



PROOF OF PUBLICATION

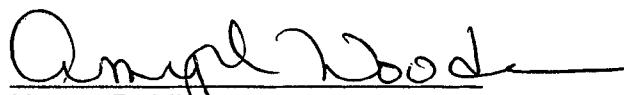
STATE OF PENNSYLVANIA :
:
COUNTY OF CLEARFIELD :

On this 6th day of February AD 2002, 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 February 8, 2002, Vol. 14 No. 6. And that all of the allegations of this statement as to the time, place, and character of the publication are true.

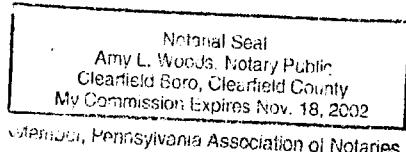


Gary A. Knaresboro, Esquire
Editor

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



Amy L. Woods, Notary Public
My Commission Expires



Gleason Cherry & Cherry
PO Box 505
DuBois PA 15801

Courthouse, 2nd & Market Streets,
Clearfield, PA 16830 (814) 765-2641.

GLEASON, CHERRY & CHERRY,
L.L.P., Attorneys at Law, One North
Franklin Street, PO Box 505, DuBois, PA
15801-0505. (814) 371-5800. Attorneys
for Plaintiffs.

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

SCOTT KRISE and NATALIE KRISE,
Plaintiffs vs. RICHARD HERR, JEAN M.
HERR, CARL F. HEITMEYER and
WANDA K. HEITMEYER, and any heirs,
persons claiming, or who might claim title
under the aforesaid defendants; and any
other person, persons, firms, partnerships,
or corporate entities who might claim title to
the premises herein described, Defendants.

No. 2002-120-CD

ACTION TO QUIET TITLE NOTICE

TO: Richard Herr, Jean M. Herr, Carl
F. Heitmeyer and Wanda K. Heitmeyer,
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 Sandy Township, Clearfield County,
Pennsylvania, has been filed
against you. Said premises are described
as follows:

All those certain parcels of land situate
in Sandy Township, Clearfield County,
Pennsylvania described as follows:

Parcel #1: Treasure Lake Lot 103,
Section 15, identified as Clearfield County
Assessment Map #128-D3-15-103-21;

Parcel #2: Treasure Lake Lot 104,
Section #15, identified as Clearfield County
Assessment Map #128-C02-15-104-21.

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, have 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.

Phone 814-765-2641, Ext. 5982.
JOHN R. RYAN, ESQUIRE, Attorney
for Petitioners, 221 East Market Street,
Clearfield, PA 16830. 814-765-1566.

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

MARY L. VITARELLI, Administratrix of
the Estate of LEWIS DESANDER,
BIRBERT,

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

MARY L. VITARELLI, Administratrix
of the Estate of LEWIS DESANDER,
deceased; and THOMAS R. HIBBERT, JR.,
and WENDY L. HIBBERT, husband and
wife,

Plaintiffs,

vs.

O.H. BARLOW, and his heirs, devisees,
administrators, executors and assigns, and
all other person, persons, firms, partnerships
or corporate entities in interest,

Defendants.

No. 2002-00140 C.D.

ACTION TO QUIET TITLE

FILED

MAR 18 2002

013551/catty
William A. Shaw
Prothonotary

ORDER

AND NOW, this 18th day of March, 2002, it appearing that service of the Complaint
to Quiet Title in the above Action was made on all of the Defendants and by Affidavit of
PAULA M. CHERRY, Attorney for Plaintiffs, no Answer or Appearance has been filed to said
Action, and on Motion of PAULA M. CHERRY, Attorney for Plaintiffs, it is hereby
ORDERED AND DECREED:

1. That the Defendants, O.H. BARLOW, and his 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 piece, parcel or tract of land situate, lying and being in the Second Ward of the City of DuBois, Clearfield County, Pennsylvania, being bounded and described as follows, to wit:

On the Northeast by West Washington Avenue; on the Southeast by line of land now or formerly of Henry and Jennie Anderson; on the Southwest by an unnamed alley; and on the Northwest by other property now or formerly of Lewis Desander; and being 40.5 feet, more or less, on West Washington Avenue, 113 feet, more or less, on line of land now or formerly of Henry and Jennie Anderson, 47.2 feet, more or less, on the unnamed alley, and 112 feet, more or less, on other property now or formerly of Lewis Desander.

and that title to their respective portions of said property is now vested in MARY L. VITARELLI, Administratrix of the Estate of LEWIS DESANDER, deceased; and THOMAS R. HIBBERT, JR., and WENDY L. HIBBERT, husband and wife, Plaintiffs, as prayed.

2. That the rights of the Plaintiffs are superior to the rights of the Defendants, O.H. BARLOW, and his heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest.

3. That the Plaintiffs have title in fee simple to their respective portions of said premises as described in the Complaint as against the Defendants, O.H. BARLOW, and his heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest.

4. That the Defendants, O.H. BARLOW, and his heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest, are enjoined and forever barred from asserting any right, title or interest in and to the premises described which are inconsistent with the interest or claims of the Plaintiffs as set

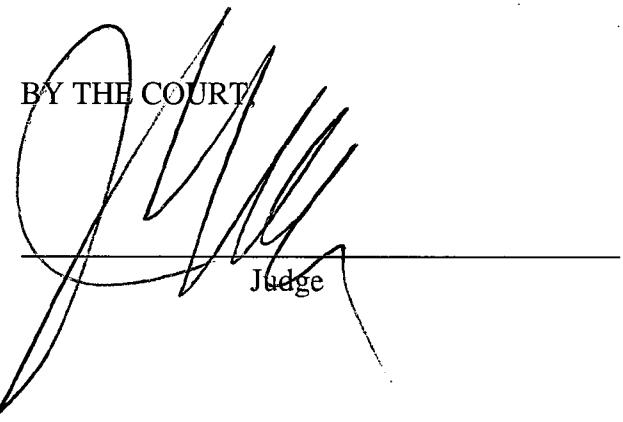
forth in their Complaint and from setting up any title to the premises and from impeaching, denying or in any way attacking the title of the Plaintiffs to the premises.

5. That the Thirty (30) day provision 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 the Pennsylvania Rules of Civil Procedure No. 248, to eliminate any time period prescribed by Pennsylvania Rules of Civil Procedure upon Order of Court.

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

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

BY THE COURT



Judge

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

MARY L. VITARELLI, Administratrix :
of the Estate of LEWIS DESANDER, :
deceased; and THOMAS R. HIBBERT, JR., :
and WENDY L. HIBBERT, husband and :
wife, : No. 2002-00140 C.D.
Plaintiffs, : ACTION TO QUIET TITLE
vs. :
O.H. BARLOW, and his heirs, devisees, :
administrators, executors and assigns, and :
all other person, persons, firms, partnerships :
or corporate entities in interest, :
Defendants. :

P R A E C I P E

TO THE PROTHONOTARY OF CLEARFIELD COUNTY:

Dear Sir:

Please enter final judgment in favor of the above-named Plaintiffs and against the
Defendants in accordance with Order of Court dated March 18, 2002.

GLEASON, CHERRY AND CHERRY, L.L.P.

By Samuel M. Cherry
Attorneys for Plaintiffs

FILED

MAR 18 2002

01350100cc
William A. Shaw
Prothonotary