

U-176-CD
CITY OF DUBOIS -vs- JOHN H. GRANT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

CITY OF DuBOIS, :
vs. Plaintiff :
: No. 02 - 156 C.D.
JOHN H. GRANT, a/k/a JOHN GRANT, : ACTION TO QUIET TITLE
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

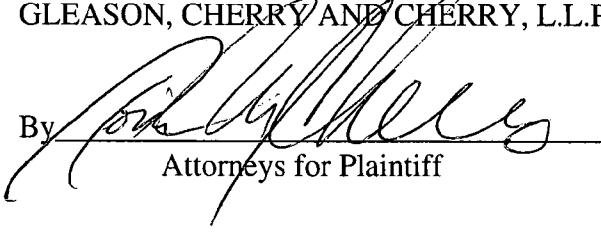
TO THE PROTHONOTARY OF CLEARFIELD COUNTY:

Dear Sir:

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

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

By


Attorneys for Plaintiff

FILED

MAR 18 2002

01345/nc

William A. Shaw
Prothonotary

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

CITY OF DuBOIS, :
vs. Plaintiff, :
JOHN H. GRANT, a/k/a JOHN GRANT, :
and his heirs, devisees, administrators, :
executors and assigns, and all other :
person, persons, firms, partnerships or :
corporate entities in interest, :
Defendants. :

No. 02 - 156 C.D.

ACTION TO QUIET TITLE

FILED

MAR 18 2002

O R D E R

William A. Shaw
Prothonotary

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 TONI M. CHERRY, Attorney for Plaintiff, no Answer or Appearance has been filed to said Action, and on Motion of TONI M. CHERRY, Attorney for Plaintiff, it is hereby ORDERED AND DECREED:

1. That the Defendants, JOHN H. GRANT, a/k/a JOHN GRANT, 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 Plaintiff as set forth in its

Complaint in and to:

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

BEGINNING at corner of Lot No. 4 at McCullough Street; thence South along Lot No. 4 150 feet to an alley; thence East along said alley 100 feet to Lot No. 1; thence North along Lot No. 1 150 feet to lands now or formerly of Thomas Johnson; thence West along lands of said Thomas Johnson 100 feet to Lot No. 4 and place of beginning, and BEING Lots Nos. 2 and 3 as per H. McCullough's Addition to the Borough (now City) of DuBois.

EXCEPTING AND RESERVING to former grantor, his heirs and assigns, all coal and other minerals in, upon, and under said described land with the right of ingress, egress and regress at any and all times to enter upon said land to dig, mine or shaft said coal and other minerals and to carry the same away.

and that title to said property is now vested in the CITY OF DuBOIS, Plaintiff, as prayed.

2. That the rights of the Plaintiff are superior to the rights of the Defendants, JOHN H. GRANT, a/k/a JOHN GRANT, and his heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest.

3. That the Plaintiff has title in fee simple to said premises as described in the Complaint as against the Defendants, JOHN H. GRANT, a/k/a JOHN GRANT, and his heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest.

4. That the Defendants, JOHN H. GRANT, a/k/a JOHN GRANT, 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 Plaintiff as set forth in its Complaint and from setting up any title to the premises and from impeaching, denying or in any way attacking the title of the Plaintiff 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

FILED

MAR 18 2002

1350 Kc Attn:
William A. Shaw
Prothonotary

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

CITY OF DuBOIS, :
vs. Plaintiff, :
JOHN H. GRANT, a/k/a JOHN GRANT, :
and his heirs, devisees, administrators, :
executors and assigns, and all other :
person, persons, firms, partnerships or :
corporate entities in interest, :
Defendants. :
: No. 02 - 156 C.D.
: ACTION TO QUIET T
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MAR 15 2002
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William A. Shaw
Prothonotary

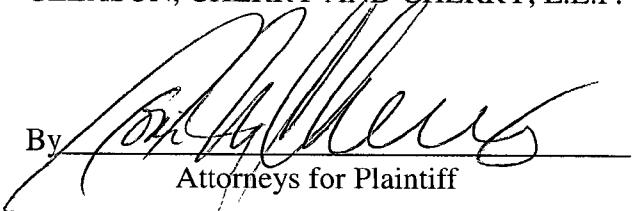
MOTION FOR JUDGMENT

AND NOW, this 15 day of March, 2002, an Affidavit having been filed by Plaintiff, CITY OF DuBOIS, by its attorney, TONI M. CHERRY, that the Complaint with Notice to Plead was served on all of the Defendants and the Defendants have not answered, the Plaintiff, by its attorney, TONI M. CHERRY, moves the Court to enter judgment in favor of the Plaintiff and against the Defendants in the above-named case and to grant to the Plaintiff the relief prayed for in accordance with Pennsylvania Rules of Civil Procedure 1066. Plaintiff 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 Plaintiff set forth in its Complaint.

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

By


John A. Gleason
Attorneys for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

CITY OF DuBOIS,

Plaintiff :

vs.

No. 02 - 156 C.D.

JOHN H. GRANT, a/k/a JOHN GRANT,
and his heirs, devisees, administrators,
executors and assigns, and all other
person, persons, firms, partnerships or
corporate entities in interest,

ACTION TO QUIET TITLE

Defendants :

FILED

MAR 15 2002

013-29110 CC
William A. Shaw
Prothonotary

A F F I D A V I T

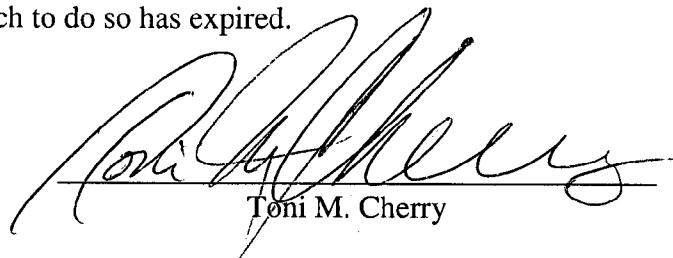
COMMONWEALTH OF PENNSYLVANIA :

: SS.

COUNTY OF CLEARFIELD :

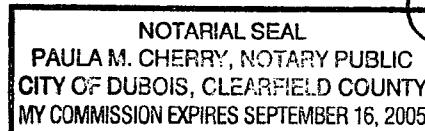
Personally appeared before me, the undersigned Notary Public, TONI M. CHERRY,
ESQ., Attorney for the CITY OF DuBOIS, Plaintiff, who, being duly sworn according to law,
deposes and says that service of the foregoing Complaint to Quiet Title, endorsed with Notice
to Plead within Twenty (20) days from the date of publication was made on all of the
Defendants by publication on February 8, 2002, in the Courier-Express newspaper, and the
week of February 15, 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.



Toni M. Cherry

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



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

CITY OF DUBOIS,
Plaintiff,

vs.

JOHN H. GRANT, a/k/a JOHN GRANT, and his heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest,
Defendants.

No. 02-156 C.D.

ACTION TO QUIET TITLE

NOTICE

TO: JOHN H. GRANT, a/k/a JOHN GRANT, 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 FIRST WARD OF THE CITY OF DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, HAS BEEN FILED AGAINST YOU. Said premises are described as follows:

BEGINNING at corner of Lot No. 4 at McCullough Street; thence South along Lot No. 4 150 feet to an alley; thence East along said alley 100 feet to Lot No. 1; thence North along Lot No. 1 150 feet to lands now or formerly of Thomas Johnson; thence West along lands of said Thomas Johnson 100 feet to Lot No. 4 and place of beginning, and BEING Lots Nos. 2 and 3 as per H. McCullough's Addition to the Borough (now City) of DuBois.

EXCEPTING AND RESERVING to former grantors, his heirs and assigns, all coal and other minerals in, upon, and under said described land with the right of ingress, egress and regress at any and all times to enter upon said land to dig, mine or shaft said coal and other minerals and to carry the same away.

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 before February 28, 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 Ext 5982

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



**Courier-Express/
Tri-County Sunday**
is bringing
World Wide Advertising
To Your Fingertips

◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆

Simply run an ad in the Courier-Express or
Tri-County Sunday Classified Section
and your ad will be
available on the Internet at
www.thecourierexpress.com

◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆

*Search our classifieds plus
thousands more!*

www.thecourierexpress.com

**For More information
about this service call the
classified department at**

814-371-4200 Ext. 111
or
814-849-5339 Ext. 24



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

8th

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 Linda Smith

Sworn and subscribed to before me this

12

day of

February, 2002

Ryan Wells

Notary Public

Statement of Advertising Cost
McLEAN PUBLISHING COMPANY

Publisher of

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

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

THIS IS
NOT A
BILL

TO Gleason, Cherry & Cherry - quiet title, city/Grant
For publishing the notice or advertisement
attached hereto on the above stated dates..... \$ 203.45
Probating same..... \$ 4.25
Total..... \$ 207.70

Publisher's Receipt for Advertising Costs

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

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

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

By _____

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

ATTORNEY FOR

PROOF OF PUBLICATION

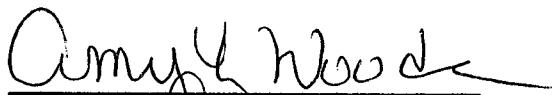
STATE OF PENNSYLVANIA :
:
COUNTY OF CLEARFIELD :

On this 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 15, 2002, Vol. 14 No. 7. And that all of the allegations of this statement as to the time, place, and character of the publication are true.

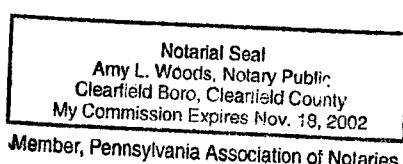


Gary A. Knaresboro, Esquire
Editor

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

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

CITY OF DUBOIS, Plaintiff vs. JOHN H. GRANT, a/k/a JOHN GRANT, and his heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest, Defendants.

ACTION TO QUIET TITLE

NOTICE

No. 2002-156-CD

TO: JOHN H. GRANT, a/k/a JOHN GRANT, and his heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest:

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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 this publication 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 the relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS NOTICE 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, PO Box 505, DuBois, PA 15801-0505. (814) 371-5800. Attorneys for Plaintiff.

publication 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 the relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS NOTICE

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

CITY OF DuBOIS,

Plaintiff,

vs.

JOHN H. GRANT, a/k/a JOHN GRANT,
and his heirs, devisees, administrators,
executors and assigns, and all other
person, persons, firms, partnerships or
corporate entities in interest,

Defendants.

: No. 02 - 156 C.D.

: TYPE OF CASE:

: ACTION TO QUIET TITLE

: TYPE OF PLEADING: COMPLAINT

: FILED ON BEHALF OF:

: CITY OF DuBOIS, Plaintiff

: COUNSEL OF RECORD FOR THIS PARTY:

: TONI M. CHERRY, ESQ.

: Supreme Court No. 30205

: 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

FEB 01 2002

**William A. Shaw
Prothonotary**

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

CITY OF DuBOIS,	:	
	Plaintiff,	:
vs.		No. 02 - _____ C.D.
JOHN H. GRANT, a/k/a JOHN GRANT, and his heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest,	:	ACTION TO QUIET TITLE
	Defendants.	:

NOTICE

TO: JOHN H. GRANT, a/k/a JOHN GRANT, and his heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest:

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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 Plaintiff. You may lose money or property or other rights important to you.

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

COURT ADMINISTRATOR
Clearfield County Courthouse
2nd & Market Streets
Clearfield, PA 16830
(814) 765-2641 Ext. 5982

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 Plaintiff

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

CITY OF DuBOIS, :
Plaintiff, :
vs. : No. 02 - _____ C.D.
: :
JOHN H. GRANT, a/k/a JOHN GRANT, : ACTION TO QUIET TITLE
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 Plaintiff in the above-entitled matter, CITY OF DuBOIS, brings this Action to Quiet Title for the purpose of barring the Defendant, JOHN H. GRANT, a/k/a JOHN GRANT, 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 First Ward of the City of DuBois, Clearfield County, Pennsylvania, and assessed on the Clearfield County Assessment Map as No. 7.1-20-6520, and aver the following cause of action:

1. The Plaintiff in the above-entitled matter, CITY OF DuBOIS, is a municipal corporation of the Third Class in the County of Clearfield, Commonwealth of Pennsylvania, with its principal office located at 16 West Scribner Avenue, DuBois, Pennsylvania 15801.

2. After diligent search, the Plaintiff is unable to discover the whereabouts or the identity of the Defendant, JOHN H. GRANT, a/k/a JOHN GRANT, and his heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest.

3. The premises more particularly described in Exhibit "A", which is situate in the City of DuBois, Clearfield County, Pennsylvania, was conveyed to JOHN H. GRANT, the Defendant herein, by deed of Hugh McCullough, a/k/a H. M'Cullough, dated April 11, 1904, and recorded in the Office of the Register and Recorder of Deeds of Clearfield County, Pennsylvania, in Deed Book Vol. 140, Page 253, on May 5, 1904.

4. It is believed and therefore averred that the said JOHN H. GRANT, a/k/a JOHN GRANT, conveyed premises more particularly described in Exhibit "A", which is attached hereto and made a part hereof and is the subject of this Action to Quiet Title, to the CITY OF DuBOIS, by deed dated December 6, 1937, as evidenced by the City of DuBois, Pennsylvania, Property Registration record for the subject premises, a copy of which is attached hereto and made a part hereof as Exhibit "B".

5. A search of the records in the Clearfield County Courthouse fails to show that the above-set forth deed was recorded in the county courthouse and it is believed and therefore averred that although such deed was prepared and registered with the City of DuBois, the deed conveying the subject premises to the CITY OF DuBOIS was either lost, misplaced, destroyed or inadvertently not properly recorded in the Office of the Register and Recorder of Deeds in and for Clearfield County.

6. The premises located in the City of DuBois, Clearfield County, Pennsylvania, more particularly described in Exhibit "A" which is attached hereto and made a part hereof, is assessed in the Office of the Assessment Records in and for Clearfield County as being owned by the CITY OF DuBOIS and is assessed as Map No. 7.1-20-6520, in both the City of DuBois records and the assessment records in and for Clearfield County.

7. The CITY OF DuBOIS has 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.

8. That one of the purposes of this Action is to quiet the title as to any interest that the said JOHN H. GRANT, a/k/a JOHN GRANT, 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 due to any defects that may exist or may have existed in past sales of the subject premises including any tax sales conducted by the City of DuBois, the Treasurer of Clearfield County or the Clearfield County Commissioners, or because of the premises being improperly assessed, not properly described, no proper notice of sales to the record owners, or that the premises were sold as the property of one other than the record owners or legal heirs or assigns of the record owners, or because no deed of conveyance was placed of record in the Clearfield County Courthouse conveying the premises to the CITY OF DuBOIS or because of any other defect or any other reason or reasons that may raise some question as to the validity of the title. Further, the Plaintiff, CITY OF DuBOIS, claims title in fee to the premises more particularly described in Exhibit "A" by

adverse possession because it has 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, Plaintiff requests the Court to:

- (a) Determine that its rights are superior to the rights of the Defendant, JOHN H. GRANT, a/k/a JOHN GRANT, and his heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest;
- (b) Determine that the Plaintiff has fee simple title to the premises described in Exhibit "A" as against the Defendant, JOHN H. GRANT, a/k/a JOHN GRANT, and his heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest;
- (c) Enjoin the Defendant, JOHN H. GRANT, a/k/a JOHN GRANT, 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 Plaintiff to the premises described in Exhibit "A"; and
- (d) Grant and decree whatever relief may seem equitable and proper.

AND it will ever pray.

CITY OF DuBOIS:

By

Solicitor for the City of DuBois

COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :
:

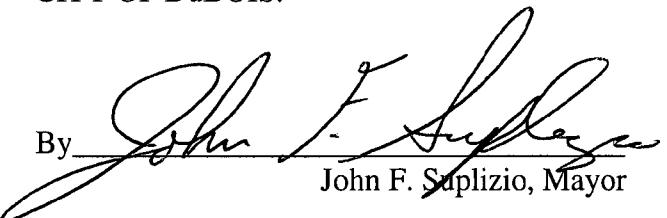
Personally appeared before me, the undersigned officer, JOHN F. SUPLIZIO, who acknowledged himself to be the Mayor of the CITY OF DuBOIS, a municipal corporation, and that he, as such Mayor, being authorized to do so by the municipality, and being duly sworn according to law, deposes and says that the facts set forth in the foregoing Complaint are true and correct to the best of his knowledge, information and belief, and that he executed the foregoing instrument for the purposes therein contained by signing his name thereon as such and be virtue and in pursuance of the authority therein confirmed upon him as Mayor of the CITY OF DuBOIS, acknowledged the same to be the act and deed of said municipality.

ATTEST:



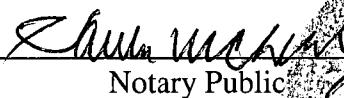
Ronald J. Tyra
City Manager

CITY OF DuBOIS:

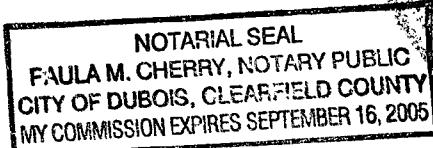
By 

John F. Suplizio, Mayor

Sworn to and subscribed before me, this 28th day of January, 2002.



Faula M. Cherry
Notary Public



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

CITY OF DuBOIS, :
Plaintiff, :
vs. : No. 02 - _____ C.D.
: :
JOHN H. GRANT, a/k/a JOHN GRANT, : ACTION TO QUIET TITLE
and his heirs, devisees, administrators, :
executors and assigns, and all other :
person, persons, firms, partnerships or :
corporate entities in interest, :
Defendants. :

A F F I D A V I T

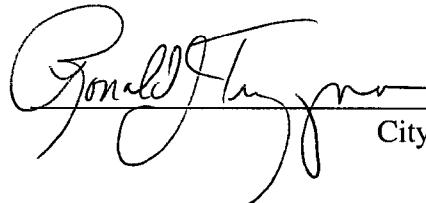
COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :

Personally appeared before me, the undersigned officer, JOHN F. SUPLIZIO, Mayor of the CITY OF DuBOIS, 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 by its Solicitor, he is unable to find Defendant, JOHN H. GRANT, a/k/a JOHN GRANT, and his heirs, devisees, administrators, executors and assigns, and all

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

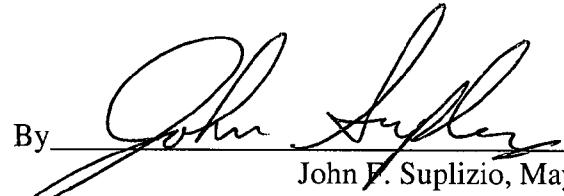
Further Deponent saith not.

ATTEST:



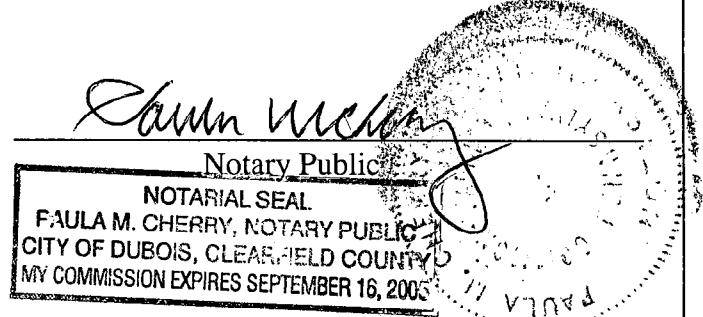
Ronald Flynn
City Manager

CITY OF DuBOIS:

By 

John F. Suplizio, Mayor

Sworn to and subscribed before me, this 28th day of January, 2002.



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

CITY OF DuBOIS, :
vs. Plaintiff :
vs. : No. 02 - _____ C.D.
JOHN H. GRANT, a/k/a JOHN GRANT, : ACTION TO QUIET TITLE
and his heirs, devisees, administrators, :
executors and assigns, and all other :
person, persons, firms, partnerships or :
corporate entities in interest, :
Defendants. :

O R D E R

NOW, this _____ day of _____, 2002, it appearing that an Action to Quiet Title has been filed in the above-entitled case and the identity and whereabouts of Defendant, JOHN H. GRANT, a/k/a JOHN GRANT, 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

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

BEGINNING at corner of Lot No. 4 at McCullough Street; thence South along Lot No. 4 150 feet to an alley; thence East along said alley 100 feet to Lot No. 1; thence North along Lot No. 1 150 feet to lands now or formerly of Thomas Johnson; thence West along lands of said Thomas Johnson 100 feet to Lot No. 4 and place of beginning, and BEING Lots Nos. 2 and 3 as per H. McCullough's Addition to the Borough (now City) of DuBois.

EXCEPTING AND RESERVING to former grantor, his heirs and assigns, all coal and other minerals in, upon, and under said described land with the right of ingress, egress and regress at any and all times to enter upon said land to dig, mine or shaft said coal and other minerals and to carry the same away.

City of DuBois, Penna.

PROPERTY REGISTRATION

6520
20

Number

Section

20

6520

PRESENT OWNER

FORMER OWNER

DATE OF DEED

City of DuBois

John Grant.

December 6, 1937

city bldg.

Address of Owner 16 W. Scribner Ave.

233-235
 Location of Property End. Mc. Callough St. Consideration \$39.26 Taxes & Costs
 (GIVE STREET NUMBER)

DESCRIPTION OF PROPERTY

**Bring Deed with this, that it may be Registered, which must be
 an exact copy in wording of the deed.**

All of that lot or piece of ground situate in the 1st ward, City of DuBois, Penna., being lot No. _____

in _____ Addition, bounded and described as follows, to wit:

BEGINNING:

On the North by land of DuBois National Bank
 On the East by Stone Alley
 On the South by land of Annabelle Barrett
 On the West by land of DuBois National Bank

Signature of Agent or Owner _____

BLANK SHOULD BE FILLED IN WITH TYPEWRITER

Exhibit "B"

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

CITY OF DUBOIS,

Plaintiff,
vs.

JOHN H. GRANT, a/k/a JOHN GRANT,
and his heirs, devisees, administrators,
executors and assigns,
and all other person, persons,
firms, partnerships or corporate
entities in interest,

Defendants.

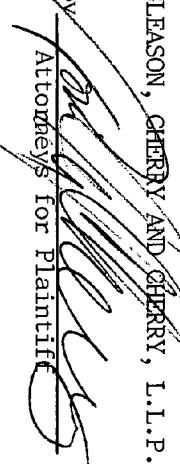
No. 02- C.D. Quiet Title

C O M P L A I N T

To the Within Defendants:

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

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

By 
Attorneys for Plaintiff

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

FILED

FF 01 2002
11/13/02 City Cherry
William A. Shaw
Prothonotary
p.s. \$ 0.00

cc.