

02-163-CD
JON W. SWAN et al -vs- MARY ANN HOPPER et al

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

JON W. SWAN and WILLIAM B. SWAN,
Plaintiffs

vs.

MARY ANN HOPPER, BARBARA M. BUNDY,
And BLAIR KREIGER, their heirs,
executors, administrators and
assigns,
Defendants

No. 02-163-CD

ACTION TO QUIET TITLE

COMPLAINT

Filed on behalf of
Plaintiffs

Counsel of Record for
this Party:

Carl A. Belin, Jr.
Attorney-at-Law
Pa. I.D. 06805

Belin & Kubista
15 North Front Street
P.O. Box 1
Clearfield, PA 16830

(814) 765-8972

FILED

FEB 01 2002

William A. Shaw
Prothonotary

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

JON W. SWAN and WILLIAM B. SWAN,	:	
Plaintiffs	:	
	:	No.
vs.	:	
	:	ACTION TO QUIET TITLE
MARY ANN HOPPER, BARBARA M. BUNDY,	:	
And BLAIR KREIGER, their heirs,	:	
executors, administrators and	:	
assigns,	:	
Defendants	:	

NOTICE

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (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
1 North Second Street
Clearfield, PA 16830

(814) 765-2641 Ex 5982

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

JON W. SWAN and WILLIAM B. SWAN,	:	
Plaintiffs	:	
	:	No.
vs.	:	
	:	ACTION TO QUIET TITLE
MARY ANN HOPPER, BARBARA M. BUNDY,	:	
And BLAIR KREIGER, their heirs,	:	
executors, administrators and	:	
assigns,	:	
Defendants	:	

COMPLAINT

NOW COMES, the Plaintiffs, and by and through their attorneys Belin & Kubista, bring the following action in quiet title, and in support thereof, allege as follows:

1. That the Plaintiffs are Jon W. Swan, an individual who resides at 135 Beldin Hollow Road, Ashville, Pennsylvania 16613; and William B. Swan, an individual who resides at 122 Logan Boulevard, Hollidaysburg, Pennsylvania 16648.

2. The Defendant Mary Ann Hopper is an individual who resides at Pennsylvania Avenue, Hallstead, Pennsylvania 18822.

3. The Defendant Barbara M. Bundy is an individual who resides at 2110 Queenswood Drive, Tallahassee, Florida 32303.

4. That Blair Krieger is an individual whose last known address is Beccaria Township, Clearfield County, Pennsylvania.

5. That the Plaintiffs are the owners of a tract of land identified in the Clearfield County Tax Maps as Parcel Number 101-H17-127, which is located in Beccaria Township, Clearfield County, Clearfield Pennsylvania, more particularly bounded and described as follows:

ALL that certain piece and parcel of land lying and being in the Township of Beccaria, County of Clearfield and State of Pennsylvania, bounded and described as follows:

BEGINNING at a point, the northwest corner now or formerly of Weihe; thence South twenty-one (21°) degrees thirty (30') minutes West forty-five and two tenths (45.2) rods; and thence along line now or formerly of Kachelries South thirty-eight (38°) degrees thirty (30') minutes West thirty-nine and seven tenths (39.7) rods to a point; thence North fifty (50°) degrees West thirty-seven (37) rods to a point, on South Witmer Creek; thence in a Southerly direction along South Witmer Creek to a point; thence South sixty-nine and one half (69 1/2°) West one hundred eighty and six tenths (180.6) rods to the place of beginning. **CONTAINING** fifty (50) acres, more or less, and being part of larger tract known as the William Brady Tract.

RESERVING AND EXCEPTING, however, all of the coal, fire clay, limestone, iron ores and other minerals of whatever kind and nature, lying and being in, under and upon said piece of land with the right, liberty and privilege to enter and to dig, mine, take and carry the same away without any liability for injury which may happen to the buildings which are now erected or which may hereafter be erected thereon, or

which may happen by any diversion of the waters in, on, through or under said piece of land from their natural course. Owner of minerals to have no right to use the surface of said piece of land for building purposes without the consent of the party of the second part. Provided, however, that buildings and structures may be erected thereon necessary for mining and removing the coal, and other minerals reserved, such as tipples, chutes, dumps, blacksmith shop, mule barns, weigh scales and the like. Subject to reservation of exclusive privilege of hauling and removing all coal, fire clay, limestone, iron ores, and other minerals from other lands through the gangways, headings and openings, which it or they may make, drill or excavate in, under, over and through said piece of land.

ALSO EXCEPTING AND RESERVING all gas and oil underlying the herein described premises.

6. That said parcel was conveyed to Plaintiffs by a deed from Richard D. Cowfer and Laurie A. Cowfer, dated January 23, 2002, and recorded in the Clearfield County Recorder of Deeds Office to Instrument No. 200201254.

7. That said parcel was conveyed to Richard D. Cowfer and Laurie A. Cowfer by deed of Robert E. Hamilton, Anna M. Hamilton, James E. Hamilton, Jr. and Ethel M. Hamilton dated February 16, 2001, and recorded in the Clearfield County Recorder of Deeds Office to Instrument No. 200102661.

8. That said parcel was conveyed to Robert E. Hamilton, Anna M. Hamilton, James E. Hamilton, Jr. and Ethel M. Hamilton by deed of Arthur A. Rex and E. Elizabeth Rex dated

October 10, 1989, and recorded in the Office of the Recorder of Deeds in Deeds and Records Book 1307, page 294.

9. That said parcel was conveyed to Arthur Rex by deed of Harry L. Mowrey and Florence A. Mowrey dated September 12, 1967, and recorded in the Office of the Recorder of Deeds of Clearfield County in Deed Book 567, page 188, said premises being conveyed as The Second Thereof and being described as fifty (50) acres of surface in Beccaria Township.

10. That said parcel was conveyed by the Commissioners of Clearfield County to Harry L. Mowrey and Florence A. Mowrey as fifty (50) acres of surface and sold as the property of J. S. and A. H. Reitz, and recorded in the Office of the Recorder of Deeds of Clearfield County in Deed Book 527, page 135.

11. That said parcel was conveyed by the Clearfield County Treasurer to the Clearfield County Commissions by deed recorded in the Office of the Recorder of Deeds of Clearfield County in Deed Book 527, page 133 as fifty (50) acres of surface owned and assessed in the name of J. S. Reitz and A. H. Reitz for unpaid taxes for the year of 1949.

12. That one of the purposes of this quiet title action is to extinguish any interest that the J. S. Reitz and A. H. Reitz, their heirs and assigns, may have had in and to

said premises due to any lack of notice or any other defect in the tax sale referred to in Paragraphs 11 and 12, and to extinguish any interest or equity that J. S. Reitz and A. H. Reitz may have had in the premises following said tax sale.

13. That prior thereto, said premises were assessed to A. H. Reitz in 1938 as fifty (50) acres of surface and were sold by the Clearfield County Treasurer to the Clearfield County Commissioners on January 25, 1940 as the property of A. H. Reitz as found in Clearfield County Lands Sold to County Book 8, page 51.

14. That the said premises were sold by the Clearfield County Commissioners on April 22, 1943 to J. S. and A. H. Reitz. The Clearfield County Treasurer's deed and the Clearfield County Commissioner's deed were not recorded.

15. That another purpose of this quiet title action is to extinguish any interest that A. H. Reitz may have had due to any lack of notice or any other defect of the tax sale and to extinguish any interest A. H. Reitz may have had in the premises following said tax sale referred to in Paragraphs 13 and 14 of this Complaint. It is a further purpose of the quiet title action to extinguish any interest to the premises in A. H. Reitz as a result of the failure of J. S. Reitz and A. H. Reitz to record the treasurer's and the commissioner's deed.

16. That Joseph S. Reitz died October 13, 1950 and by his Last Will and Testament filed in Clearfield County Will Book Y, page 24, devised the residue of his estate to his wife, Anna H. Reitz, also known as A. H. Reitz.

17. That Anna H. Reitz, also known as A. H. Reitz, died on December 15, 1966, and by her Last Will and Testament filed in Clearfield County Will Book 11, page 687, devised all of her estate to Thomas E. H. Reitz.

18. That Thomas E. H. Reitz died on July 11, 1983 and by his last Will and Testament filed in Clearfield County Will Book 46, page 295, devised all of his estate to his wife, Marion B. Reitz.

19. That Marion Ellen Reitz, also known as Marion B. Reitz, died on July 21, 1989, and by her Last Will and Testament filed in Will Book 78, page 157, devised all of here estate to here daughters Mary Ann Hopper and Barbara Bundy.

20. That as a result of the foregoing Will, Mary Ann Hopper and Barbara Bundy are the heirs to the claims of J. S. Reitz and A. H. Reitz arising from the tax sales hereinbefore referred to in Paragraphs 10 and 11, and 13 and 14.

21. That the record in Clearfield County reflects that prior thereto that the fifty (50) acres of surface was assessed in the name of Blair Kreiger in Clearfield County and

was sold to the Clearfield County Treasurer as set forth in Clearfield County Lands Sold to County Book 4, page 15. Said book also sets forth that the property was sold at commissioner's sale on November 17, 1936 to A. H. Reitz. Neither the Clearfield County Treasurer's deed nor the Clearfield County Commissioner's deed was recorded.

22. That it is another purpose of the quiet title action to extinguish any interest Blair Kreiger may have had in the premises due to any lack of notice or any other defect of the tax sale and to extinguish any interest that Blair Kreiger may have had following the tax sale set forth in Paragraph 21. It is also another purpose of this quiet title to extinguish any interest Blair Kreiger may have had due to the failure of A. H. Reitz to record the treasurer's deed and the commissioner's deed for the premises.

23. That the premises were conveyed to Brian Kreiger by deed of Witmer Land & Coal Co. dated June 11, 1927, and recorded in the Office of the Recorder of Deeds of Clearfield County in Deed Book 287, page 45. Said premises are described as reflected in Paragraph 3 hereof.

24. That the Plaintiffs and their predecessors in title have exercised adverse, continuous, visible, notorious,

By Carl A. Ebelin, Jr.

COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :

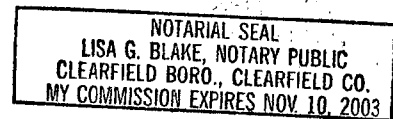
Before me the undersigned officer, personally appeared JON W. SWAN and WILLIAM B. SWAN, who depose and say that the facts set forth in the foregoing Complaint are true and correct to the best of their knowledge, information and belief.

Jon W Swan
Jon W. Swan

William B Swan
William B. Swan

Sworn and subscribed before me this 23rd day of January, 2002.

Lisa G Blake
Notary Public



CLEARFIELD, PENNSYLVANIA 16830
P. O. BOX 1
15 NORTH FRONT STREET
ATTORNEYS AT LAW
BELIN & KUBISTA

FILED

JP

013:2381
FEB 01 2002

Attg

pd. 90.00

1 cc SHF

William A. Shaw
Prothonotary

3 cc Attg

J

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

JON W. SWAN and WILLIAM B. SWAN,
Plaintiffs

vs.

MARY ANN HOPPER, BARBARA M. BUNDY,
and BLAIR KREIGER, their heirs,
executors, administrators and
assigns,
Defendants

No. 02 - 163 - C.D.

ACTION TO QUIET TITLE

AFFIDAVIT

AFFIDAVIT

Filed on behalf of
Plaintiffs

Kimberly M. Kubista, Esquire, being duly sworn,
deposes and states that she is the
Counsel of Record for
This Party:
Carl A. Belin, Jr., Esq.
Pa. I.D. #06805
Kimberly M. Kubista, Esq.
Pa. I.D. #52782

Further, she deposes and states that she has used
BELIN & KUBISTA
15 North Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

and that she has searched the records of Clearfield County
and has found no record of any deed or mortgage
conveyance or other instrument recorded in the
Clearfield County Records.

and that she has searched the records of Clearfield County
and has found no record of any deed or mortgage
conveyance or other instrument recorded in the
Clearfield County Records.

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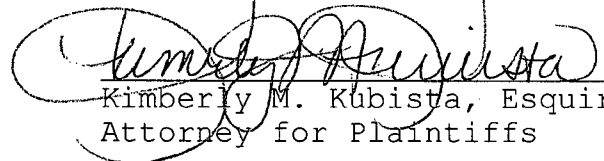
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FEB 20 2002

0110:42/nocc
William A. Shaw
Prothonotary

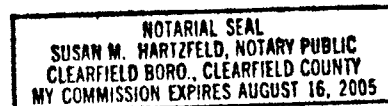
Mary Ann Hopper, Barbara M. Bundy and Blair Kreiger, their heirs, successors, administrators and assigns were found.

Based upon the foregoing search, personal service cannot be made upon Mary Ann Hopper, Barbara M. Bundy and Blair Kreiger, their heirs, successors, administrators and assigns, and it is necessary that service be made by publication.


Kimberly M. Kubista, Esquire
Attorney for Plaintiffs

Sworn and subscribed before me this 19th day of February, 2002.


Notary Public



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

JON W. SWAN and WILLIAM B. SWAN,
Plaintiffs

vs.

MARY ANN HOPPER, BARBARA M. BUNDY,
And BLAIR KREIGER, their heirs,
executors, administrators and
assigns,

Defendants

No. 02 - 163 - C.D.

ACTION TO QUIET TITLE

MOTION FOR PUBLICATION

Filed on behalf of
Plaintiffs

Counsel of Record for
this Party:

Carl A. Belin, Jr., Esq.
Pa. I.D. #08605

Kimberly M. Kubista, Esq.
Pa. I.D. #52782

BELIN & KUBISTA
15 North Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED

FEB 20 2002

William A. Shaw
Prothonotary

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

JON W. SWAN and WILLIAM B. SWAN, :
Plaintiffs :

vs. :

MARY ANN HOPPER, BARBARA M. BUNDY, :
And BLAIR KREIGER, their heirs, :
executors, administrators and :
assigns, :
Defendants :

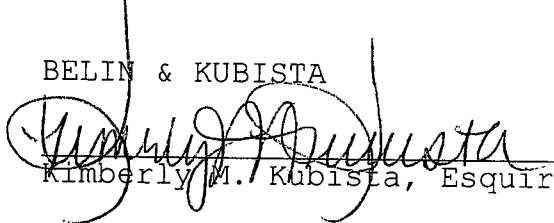
No. 02 - 163 - C.D.

ACTION TO QUIET TITLE

MOTION FOR PUBLICATION

AND NOW, to wit: _____, 2002, an affidavit having been executed and filed on behalf of the Plaintiffs that the Defendants Mary Ann Hopper, Barbara M. Bundy and Blair Kreiger's present whereabouts are unknown, that Plaintiffs, by their attorneys, Belin & Kubista, move the Court for leave to serve the complaint on Mary Ann Hopper, Barbara M. Bundy and Blair Kreiger, their heirs, successors, administrators and assigns, by publication in *The Progress* and the *Clearfield County Legal Journal*, Clearfield, Pennsylvania one (1) time.

BELIN & KUBISTA


Kimberly M. Kubista, Esquire

BELIN & KUBISTA
ATTORNEYS AT LAW
15 NORTH FRONT STREET
P. O. BOX 1
CLEARFIELD, PENNSYLVANIA 16830

FILED

FEB 20 2002

010:40125cc

William A. Shaw
Prothonotary



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

JON W. SWAN and WILLIAM B. SWAN,
Plaintiffs

vs.

MARY ANN HOPPER, BARBARA M. BUNDY,
And BLAIR KREIGER, their heirs,
executors, administrators and
assigns,
Defendants

No. 02 - 163 - C.D.

ACTION TO QUIET TITLE

ORDER

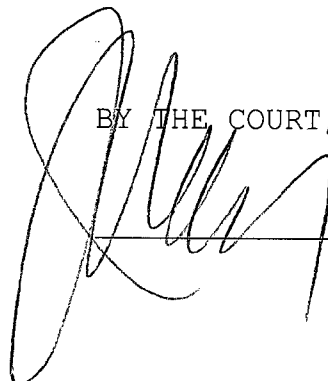
AND NOW, to wit: this 25th day of February, 2002,
upon consideration of the foregoing Motion, the Plaintiffs are
granted leave to make service of the Complaint on the Defendant,
Mary Ann Hopper, Barbara M. Bundy and Blair Kreiger, their heirs,
executors, administrators and assigns, by general publication one
time in *The Progress* and the *Clearfield County Legal Journal*,
Clearfield, Pennsylvania not less than thirty (30) days prior to
April 9, 2002, the date set for hearing of said
Complaint in the Courtroom at Clearfield, Pennsylvania at 1:30
o'clock P.m.

FILED

FEB 25 2002

William A. Shaw
Prothonotary

BY THE COURT,



FILED

013:58
FEB 25 2002

ICC

Atty Kubista

William A. Shaw
Prothonotary

WAS

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

JON W. SWAN and WILLIAM B. SWAN,
Plaintiffs

vs.

MARY ANN HOPPER, BARBARA M. BUNDY,
and BLAIR KREIGER, their heirs,
executors, administrators and
assigns,
Defendants

No. 02 - 163 - C.D.

ACTION TO QUIET TITLE

AFFIDAVIT OF SERVICE

Filed on behalf of
Plaintiffs

Counsel of Record for
This Party:
Carl A. Belin, Jr., Esq.
Pa. I.D. #06805

Kimberly M. Kubista, Esq.
Pa. I.D. #52782

BELIN & KUBISTA
15 North Front Street
P.O. Box 1
Clearfield, PA 16830

(814) 765-8972

FILED

MAR 25 2002

0110:47110 cc

William A. Shaw⁶
Prothonetary *KAL*

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

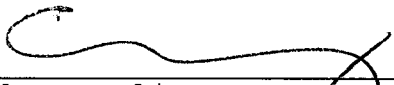
JON W. SWAN and WILLIAM B. SWAN, :
Plaintiffs :
vs. : **No. 02 - 163 - C.D.**
MARY ANN HOPPER, BARBARA M. BUNDY, :
And BLAIR KREIGER, their heirs, :
executors, administrators and :
assigns, :
Defendants :

ACTION TO QUIET TITLE

AFFIDAVIT OF SERVICE

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

CARL A. BELIN, JR., attorney for the above named Plaintiffs,
being duly sworn according to law, deposes and states that Notice
of the Quiet Title Action was served upon Defendants Mary Ann
Hopper, Barbara M. Bundy and Blair Kreiger's heirs, successors,
administrators and assigns by publication in *The Progress* a
newspaper on February 28, 2002, as evidenced by the Proof of
Publication dated March 18, 2002, attached hereto AND by
publication in the *Clearfield County Legal Journal*, Clearfield, on
March 8, 2002, as evidenced by the Proof of Publication dated March
11, 2002, attached hereto.

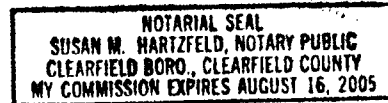


Carl A. Belin, Jr., Esquire

SWORN AND SUBSCRIBED before me this 25th day of
March, 2002.

Susan M. Hartzfeld

Notary Public



IN THE COURT
OF COMMON PLEAS
OF CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL DIVISION
No. 02-163-C.D.
ACTION TO
QUIET TITLE
JON W. SWAN and WILLIAM B.
SWAN, Plaintiffs
vs.
MARY ANN HOPPER, BARBARA
M. BUNDY and BLAIR KREIGER,
their heirs, executors, administra-
tors and assigns, Defendants
TO: MARY ANN HOPPER, BAR-
BARA M. BUNDY and BLAIR
KREIGER, THEIR HEIRS, SUC-
CESSORS, ADMINISTRATORS
AND ASSIGNS:

NOTICE
If you wish to defend, you must
enter a written appearance person-
ally or by attorney and file your de-
fenses or objections in writing with
the court. You are warned that if
you fail to do so, the case may pro-
ceed without you and a judgment
may be entered against you without
further notice for the relief re-
quested by the Plaintiff. You may
lose money or property or other
rights important to you. IF YOU DO
NOT HAVE A LAWYER OR CAN-
NOT 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, 1 North Sec-
ond Street, Clearfield, Pennsylva-
nia 16830 (814) 765-2641 Ext.
5982

You are hereby notified that an
Action to Quiet Title to the following
premises situate in the Township of
Beccaria, County of Clearfield and
State of Pennsylvania, bounded
and described as follows:

BEGINNING at a point, the north-
west corner now or formerly of
Wetzel; thence South twenty-one
(21) degrees thirty (30) minutes
West forty-five and two tenths
(45.2) rods; and thence along line
now or formerly of Kachelites
South thirty-eight (38) degrees
thirty (30) minutes West thirty-nine
and seven tenths (39.7) rods to a
point; thence North fifty (50) de-
grees West thirty-seven (37) rods
to a point on South Witmer Creek;
thence in a southerly direction
along South Witmer Creek to a
point; thence South sixty-nine and
one half (69.5) West one hundred
eighty and six tenths (180.6) rods
to the place of beginning. CON-
TAINING fifty (50) acres, more or
less, and being part of larger tract
known as the William Brady Tract.

RESERVING AND EXCEPTING,
however, all of the coal, fire clay,
limestone, iron ores and other min-
erals of whatever kind and nature,
lying and being in, under and upon
said piece of land with the right, li-
berty and privilege to enter and to
dig, mine, take and carry the same
away without any liability for injury
which may happen to the buildings
which are now erected or which
may hereafter be erected thereon,
or which may happen by an diver-
sion of the waters in, on, through or
under said piece of land from their
natural course. Owner of minerals
to have no right to use the surface of
said piece of land for building pur-
poses without the consent of the
party of the second part. Provided,
however, that buildings and struc-
tures may be erected thereon nec-
essary for mining and removing the
coal, and other minerals reserved,
such as tipies, chutes, dumps,
blacksmith shop, mule barns,
weigh scales and the like. Subject
to reservation of exclusive privilege
of hauling and removing all coal, fire
clay, limestone, iron ores, and
other minerals from other lands
through the gangways, headings
and openings, which it or they may
make, drill or excavate in, under,
over and through said piece of land.

EXCEPTING AND RESERVING all
gas and oil underlying the herein
described premises.

That the purpose of this Quiet Title
Action include the following: to ex-
tinguish any interest that J. S. Reitz
and A. H. Reitz may have had in and
to the premises due to any lack of
notice or any other defect of the
Treasurer's sale of August 6,
1951, and the Commissioner's
sale on October 5, 1964 referred
to in Paragraph 10 and 11 of the
Complaint which are hereby incor-
porated by reference and made a
part hereof, and to extinguish any
interest or equity that J. S. Reitz and
A. H. Reitz may have had in the
premises following said tax sale; to
extinguish any interest that A. H.
Reitz may have had in the premises
due to any lack of notice or any
other defect of the Treasurer's sale
of January 25, 1940 and the
Commissioner's sale on April 11,
1943 referred to in Paragraphs 13
and 14 of the Complaint which are
hereby incorporated by reference
and made a part hereof, and to ex-
tinguish any interest A. H. Reitz
may have had in the premises fol-
lowing said tax sale, and further to
extinguish any interest to the prem-
ises in A. H. Reitz as a result of the
failure of J. S. Reitz and A. H. Reitz
to record the treasurer's and the
commissioner's deed; to extin-
guish any interest Blair Kreiger may
have had in the premises due to any
lack of notice or any other defect of
the Treasurer's sale on August 10,
1931 or the Commissioner's sale
on November 7, 1936 and to extin-
guish any interest that Blair Kreiger
may have had following the tax sale
forth in Paragraph 21 of the Com-
plaint which is hereby incorporated
by reference and made part hereof,
and to extinguish any interest Blair
Kreiger may have had due to the
failure of A. H. Reitz to record the
treasurer's deed and the
commissioner's deed for the prem-
ises.

WHEREUPON said Court or-
dered that notice of said action and
the facts thereto be served on the
Defendants Mary Ann Hopper, Bar-
bara M. Bundy and Blair Kreiger,
their heirs, executors, administra-
tors and assigns, by the Plaintiffs by
advertisement requiring Defendant
Blair Kreiger, his heirs, executors,
administrators and assigns, to an-
swer the said Complaint within
twenty (20) days from the date of
this publication. For failure to com-
ply, a judgment will be taken by ap-
plication of Plaintiffs before the
Court in a hearing to be held on April
9, 2002, at 1:30 P.M., at the Clear-
field County Courthouse, Clear-
field, Pennsylvania.

2:28-10-b

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :
COUNTY OF CLEARFIELD : SS:

On this 18th day of March, A.D. 20 02,
before me, the subscriber, a Notary Public in and for said County and
State, personally appeared Margaret E. Krebs, who being duly sworn
according to law, deposes and says that she is the President of The
Progressive Publishing Company, Inc., and Associate Publisher of The
Progress, a daily newspaper published at Clearfield, in the County of
Clearfield and State of Pennsylvania, and established April 5, 1913, and
that the annexed is a true copy of a notice or advertisement published in
said publication in

the regular issues of February 28, 2002

And that the affiant is not interested in the subject matter of the notice or
advertising, and that all of the allegations of this statement as to the time,
place, and character of publication are true.

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

Notary Public Clearfield, Pa.

My Commission Expires
September-16, 2004

Notarial Seal
Ann K. Law, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires Sept. 16, 2004
Member, Pennsylvania Association of Notaries

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :

:

COUNTY OF CLEARFIELD :

On this 11th day of March 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 March 8, 2002, Vol. 14 No. 10. 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.



Notary Public
My Commission Expires

Notarial Seal
Amy L. Woods, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires Nov. 18, 2002

Member, Pennsylvania Association of Notaries

Belin & Kubista
PO Box 1
Clearfield PA 16830

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

JON W. SWAN and WILLIAM B.
SWAN, Plaintiffs vs. MARY ANN
HOPPER, BARBARA M. BUNDY, And
BLAIR KREIGER, their heirs, executors,
administrators and assigns, Defendants.

No. 02-163-CD

ACTION TO QUIET TITLE

TO: MARY ANN HOPPER, BARBARA
M. BUNDY AND BLAIR KREIGER, THEIR
HEIRS, SUCCESSORS, ADMINISTRA-
TORS AND ASSIGNS:

NOTICE

IF YOU WISH TO DEFEND, YOU
MUST ENTER A WRITTEN APPEAR-
ANCE PERSONALLY OR BY ATTORNEY
TO FILE YOUR DEFENSE OR OBJEC-
TIONS IN WRITING WITH THE COURT.
YOU ARE WARNED THAT IF YOU FAIL
TO DO SO THE CASE MAY PROCEED
WITHOUT YOU AND A JUDGMENT MAY
BE ENTERED AGAINST YOU WITHOUT
FURTHER NOTICE FOR THE RELIEF
REQUESTED BY THE PLAINTIFFS.
YOU MAY LOSE MONEY OR PROP-
ERTY OR OTHER RIGHTS IMPORTANT
TO YOU. IF YOU DO NOT HAVE A
LAWYER OR CANNOT AFFORD ONE,
GO TO OR TELEPHONE THE OFFICE
SET FORTH BELOW TO FIND OUT
WHERE YOU CAN GET LEGAL HELP.

Court Administrator, Clearfield County
Courthouse, 1 North Second Street, Clear-
field, PA 16830 (814) 765-2641 Ex. 5982.

You are hereby notified that an Action
to Quiet Title to the following premises
situate in the Township of Beccaria,
Clearfield County, Pennsylvania, bounded
and described as follows:

BEGINNING at a point, the northwest
corner now or formerly of Weihe; thence
South twenty-one (21) degrees thirty (30')

minutes West forty-five and two tenths
(45.2) rods; and thence along line now or
formerly of Kachelries South thirty-eight
(38) degrees thirty (30') minutes West
thirty-nine and seven tenths (39.7) rods to a
point; thence North fifty (50) degrees West
thirty-seven (37) rods to a point, on South
Witmer Creek; thence in a Southerly
direction along South Witmer Creek to a
point; thence South sixty-nine and one half
(69 1/2) degrees West one hundred eighty
and six tenths (180.6) rods to the place of
beginning. CONTAINING fifty (50) acres,
more or less, and being part of larger tract
known as the William Brady Tract.

RESERVING AND EXCEPTING,
however, all of the coal, fire clay, limestone,
iron ores and other minerals of whatever
kind and nature, lying and being in, under
and upon said piece of land with the right,
liberty and privilege to enter and to dig,
mine, take and carry the same away without
any liability for injury which may happen to
the buildings which are now erected or
which may hereafter been erected thereon,
or which may happen by any diversion of
the waters in, on, through or under said
piece of land from their natural course.
Owner of minerals to have no right to use
the surface of said piece of land for building
purposes without the consent of the party of
the second part. Provided, however, that
buildings and structures may be erected
thereon necessary for mining and removing
the coal, and other minerals reserved, such
as tipples, chutes, dumps, blacksmith,
shop, mule barns, weigh scales and the
like. Subject to reservation of exclusive
privilege of hauling and removing all coal,
fire clay, limestone, iron ores, and other
minerals from other lands through the
gangways, headings and openings, which
is or they may make, drill or excavate in,
under, over and through said piece of land.

EXCEPTING AND RESERVING all
gas and oil underlying the herein described
premises.

That the purposes of this Quiet Title
Action include the following: to extinguish
any interest that J. S. Reitz and A. H. Reitz
may have had in the premises due to any
lack of notice or any other defect of the
Treasurer's sale of August 6, 1951, and the
Commissioner's sale on October 5, 1964
referred to in Paragraphs 10 and 11 of the
Complaint which are hereby incorporated by
reference and made a part hereof, and to
extinguish any interest or equity that J. S.
Reitz and A. H. Reitz may have had in the
premises following said tax sale; to
extinguish any interest that A. H. Reitz may
have had in the premises due to any lack of
notice or any other defect of the Treasurer's
sale of January 25, 1940 and the
Commissioner's sale on April 11, 1943
referred to in Paragraphs 13 and 14 of the
Complaint which are hereby incorporated by

reference and made a part hereof, and to extinguish any interest A. H. Reitz may have had in the premises following said tax sale, and further to extinguish any interest to the premises in A. H. Reitz as a result of the failure of J.S. Reitz and A. H. Reitz to record the Treasurer's and the commissioner's deed; to extinguish any interest Blair Kreiger may have had in the premises due to any lack of notice or any other defect of the Treasurer's sale on August 10, 1931 or the Commissioner's sale on November 7, 1936 and to extinguish any interest that Blair Kreiger may have had following the tax sale set forth in Paragraph 21 of the Complaint which is hereby incorporated by reference and made a part hereof, and to extinguish any interest Blair Kreiger may have had due to the failure of A. H. Reitz to record the treasurer's deed and the commissioner's deed for the premises.

WHEREUPON the Court ordered that notice of said action and the facts thereto be served on the Defendants Mary Ann Hopper, Barbara M. Bundy and Blair Kreiger, their heirs, executors, administrators and assigns, by the Plaintiffs by advertisement requiring Defendant Blair Kreiger, his heirs, executors, administrators and assigns, to answer the said complaint within twenty (20) days from the date of this publication. For failure to comply, a judgment will be taken by application of Plaintiffs before the Court at a hearing to be held on April 9, 2002, at 1:30 P.M., at the Clearfield County Courthouse, Clearfield, Pennsylvania.

BELIN & KUBISTA, Attorneys at Law,
15 North Front Street, Clearfield, PA 16830
Attorneys for Plaintiff.

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

No. 2002-243-CD

GEORGE W. LONGS & SONS
LUMBER COMPANY, and DONALD R.
GARLOW and CAROL J. GARLOW, his
wife, Plaintiffs, vs. Vera A. Smith, also
known as Vera Smith, Clearfield Bank &
Trust, Executor of the Estate of Lois D.
McCorkle, Sylvia D. Turner, also known as
Sylvia Diehl Turner, also known as Delores
D. Turner, Donna Jean Diehl, also known
as Donna J. Diehl, Thomas Hazelton, Mary
Hazelton, Anna Hazelton Burns also known
as Anna R. Burns, Isabelle R. Hazelton also
known as Belle R. Hazelton, Jennie H.
Diehl also known as Jennie Diehl, Irvin J.
Hazelton also known as Irvin Hazelton,
John Thomas Diehl, Jr., Loraine Hazelton,
their respective heirs, executors, adminis-

tract and lot of land lying and being situate in the Township of Chest, County of Clearfield, Commonwealth of Pennsylvania being more particularly bounded and described as follows:

BEGINNING at an iron pin set in stones on the Westerly line of land now or formerly of Billy M. Morrison (Tax Parcel F17-17), being the Northeast corner of lands now or formerly of Thomas L. Hilliard (Tax Parcel F17-9), and being the Southeast corner of the herein described parcel (denominated as Lot 2 on the subdivision plan of the J. W. Hazelton Estate as recorded in Map Book 1773 on April 29, 1999 and Map Book 1800 on June 16, 1999); thence North 76 degrees 43' 18" West along the lands now or formerly of Thomas L. Hilliard for a distance of 760.42 feet to an iron pin in the centerline of SR 3014 (Black Elk Road) leading from SR 3003 to Irvona; thence by and with the centerline of said road the following four courses and distances:

1. by a curve to the right having a radius of 1730.26 feet and an arc length of 68.53 feet to a railroad spike;
2. North 46 degrees 21' 30" East for a distance of 185.41 feet to a railroad spike;
3. by a curve to the left having a radius of 293.05 feet an arc length of 361.18 feet to a railroad spike;
4. North 32 degrees 17' 58" East for a distance of 136.07 feet to an iron pin;

Thence South 57 degrees 44' 00" East along a line of lands now or formerly of Carl C. Brink (Tax Parcel F17-4) for a distance of 02' 36" West along the line of lands now or formerly of Billy M. Morrison (Tax Parcel F17-17) for a distance of 629.20 feet to the point and place of beginning, said to contain 11.771 acres of land as shown on a draft of the survey completed March 18, 1999 by Dennis E. Sheehan, PLS.

UNDER AND SUBJECT to the exceptions, reservations, restrictions and conditions contained in prior deeds of

reference and made a part hereof, and to extinguish any interest A. H. Reitz may have had in the premises following said tax sale, and further to extinguish any interest to the premises in A. H. Reitz as a result of the failure of J.S. Reitz and A. H. Reitz to record the Treasurer's and the commissioner's deed; to extinguish any interest Blair Kreiger may have had in the premises due to any lack of notice or any other defect of the Treasurer's sale on August 10, 1931 or the Commissioner's sale on November 7, 1936 and to extinguish any interest that Blair Kreiger may have had following the tax sale set forth in Paragraph 21 of the Complaint which is hereby incorporated by reference and made a part hereof, and to extinguish any interest Blair Kreiger may have had due to the failure of A. H. Reitz to record the treasurer's deed and the commissioner's deed for the premises.

WHEREUPON the Court ordered that notice of said action and the facts thereto be served on the Defendants Mary Ann Hopper, Barbara M. Bundy and Blair Kreiger, their heirs, executors, administrators and assigns, by the Plaintiffs by advertisement requiring Defendant Blair Kreiger, his heirs, executors, administrators and assigns, to answer the said complaint within twenty (20) days from the date of this publication. For failure to comply, a judgment will be taken by application of Plaintiffs before the Court at a hearing to be held on April 9, 2002, at 1:30 P.M., at the Clearfield County Courthouse, Clearfield, Pennsylvania.

BELIN & KUBISTA, Attorneys at Law,
15 North Front Street, Clearfield, PA 16830
Attorneys for Plaintiff.

minutes West, forty-five and two tenths (45.2) rods; and thence along line now or formerly of Kachelries South thirty-eight (38) degrees thirty (30) minutes West thirty-nine and seven tenths (39.7) rods to a point; thence North fifty (50) degrees West thirty-seven (37) rods to a point, on South Witmer Creek; thence in a Southerly direction along South Witmer Creek to a point; thence South sixty-nine and one half (69 1/2) degrees West one hundred eighty and six tenths (180.6) rods to the place of beginning. CONTAINING fifty (50) acres, more or less, and being part of larger tract known as the William Brady Tract.

RESERVING AND EXCEPTING, however, all of the coal, fire clay, limestone, iron ores and other minerals of whatever kind and nature, lying and being in, under and upon said piece of land with the right, liberty and privilege to enter and to dig, mine, take and carry the same away without any liability for injury which may happen to the buildings which are now erected or which may hereafter been erected thereon, or which may happen by any diversion of the waters in, on, through or under said piece of land from their natural course. Owner of minerals to have no right to use the surface of said piece of land for building purposes without the consent of the party of the second part. Provided, however, that buildings and structures may be erected thereon necessary for mining and removing the coal, and other minerals reserved, such as tipples, chutes, dumps, blacksmith, shop, mule barns, weigh scales and the like. Subject to reservation of exclusive privilege of hauling and removing all coal, fire clay, limestone, iron ores, and other minerals from other lands through the

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 12051

SWAN, JON W. & WILLIAM B.

02-163-CD

VS.

HOPPER, MARY ANN al

COMPLAINT ACTION TO QUIET TITLE

SHERIFF RETURNS


NOW FEBRUARY 4, 2002, LANCE M. BENEDICT, SHERIFF OF SUSQUEHANNA COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ACTION TO QUIET TITLE ON MARY ANN HOPPER, DEFENDANT.

NOW FEBRUARY 20, 2002 ATTEMPTED TO SERVE THE WITHIN COMPLAINT ACTION TO QUIET TITLE ON MARY ANN HOPPER, DEFENDANT BY DEPUTIZING THE SHERIFF OF SUSQUEHANNA COUNTY. THE RETURN OF SHERIFF BENEDICT IS HERETO ATTACHED AND MADE A PART OF THIS RETURN MARKED "NOT FOUND", NO SUCH ADDRESS.


Return Costs

Cost	Description
23.91	SHFF. HAWKINS PAID BY: ATTY.
24.88	SHFF. BENEDICT PAID BY: ATTY.
10.00	SURCHARGE PAID BY: ATTY.

Sworn to Before Me This

5th Day Of April 2002

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2006
Clearfield Co., Clearfield, PA

So Answers,

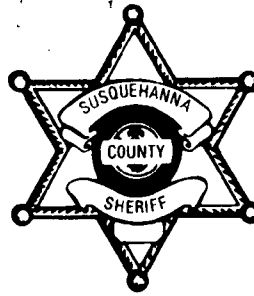

Chester A. Hawkins
Sheriff

FILED

APR 05 2002
01:22
William A. Shaw
Prothonotary
Page 1 of 1

LANCE M. BÉNEDICT
SHERIFF

ANDREW J. BOROWICZ
CHIEF DEPUTY



12051
BINA CAREY
REAL ESTATE CLERK

SHERIFF'S OFFICE

SUSQUEHANNA COUNTY
MONTROSE, PA 18801
OFFICE: 570/278-4600

COMMONWEALTH OF PENNSYLVANIA

ss:

COUNTY OF SUSQUEHANNA

: COUNTY OF CLEARFIELD
:
: DOCKET # 2002-163 CD
:
: JON & WILLIAM SWAN VS
: MARY ANN HOPPER, ETAL.

S H E R I F F ' S R E T U R N

I hereby certify and return that after due and diligent search, the within named Defendant, MARY ANN HOPPER, could not be found in this bailwick. The within Complaint in Action to Quiet Title is hereby being returned NOT FOUND. There is no such address as Pennsylvania Ave., Hallstead, PA.

SO ANSWERS Lance M Benedict SHERIFF

BY Donna L. Evans

Sworn and subscribed to before me

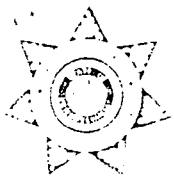
this 20 day of February, 2002.

Peggy Farrell
DEPUTY PROTHONOTARY

Receiving	9.00
travel	10.88
Proth.	5.00

TOTAL: 24.88 ATTY PD

Paid 02-19-02



Sheriff's Office
Clearfield County

OFFICE (814) 765-2641
AFTER 4:00 P.M. (814) 765-1533
CLEARFIELD COUNTY FAX
(814) 765-5915

CHESTER A. HAWKINS
SHERIFF

COURTHOUSE
1 NORTH SECOND STREET, SUITE 116
CLEARFIELD, PENNSYLVANIA 16830

DARLENE SHULTZ
CHIEF DEPUTY

MARGARET PUTT
OFFICE MANAGER

MARILYN HAMM
DEPT. CLERK

PETER F. SMITH
SOLICITOR

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JON W. SWAN & WILLIAM B. SWAN

TERM & NO. 02-163-CD

VS

SERVE BY: 3/3/02

MARY ANN HOPPER a1

DOCUMENT TO BE SERVED:

COMPLAINT ACTION TO QUIET TITLE

MAKE REFUND PAYABLE TO: BELIN & KUBISTA, Attorneys

SERVE: MARY ANN HOPPER

ADDRESS: Pennsylvania Ave., Hallstead, Pa. 18822

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF of CLEARFIELD COUNTY. State of Pennsylvania, do hereby deputize the SHERIFF OF SUSQUEHANNA COUNTY Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this 4th Day of FEBRUARY 2002.

Respectfully,


CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY

RECEIPT FOR DISTRIBUTION OF ADVANCE PAYMENTS HELD In ESCROW

Susquehanna County Pennsylvania
P O Box 218 County Courthouse
Montrose PA 18801

Receipt Date 02/19/2002
Receipt Time 09:41:56
Receipt No. 118645

JON W & WILLIAM B. SWAN (VS) MARY ANN HOPPER, ETAL

Case Number 2002-00163 T
Service Info
Remarks Escrow Transfer Out

Advance Payment Balance	75.00	BELIN CARL A, JR ESQ
Total Amount Distributed	75.00	

Balance RemaInIng	.00
-------------------	-----

Transaction Description	Amount	Payee
PROTHONOTARY FEE	5.00	SUSQUEHANNA CO PROTHONOTARY
RECEIVING	9.00	SUSQUEHANNA COUNTY TREASURER
REFUND TO ATTY/PLT	50.12	BELIN CARL A, JR ESQ
TRAVEL	10.88	SUSQUEHANNA COUNTY TREASURER
 Total Amount Distributed	 75.00	

----- Distribution Of Payment -----		
Transaction Description	Payment Amount	
ADVANCE PAYMENT	75.00	BELIN CARL A, JR ESQ
	<u>75.00</u>	

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

JON W. SWAN and WILLIAM B. SWAN, :
Plaintiffs :

vs. :

MARY ANN HOPPER, BARBARA M. BUNDY, :
And BLAIR KREIGER, their heirs, :
executors, administrators and :
assigns, :
Defendants :

No. 02-163-CD

ACTION TO QUIET TITLE
COMPLAINT

Filed on behalf of
Plaintiffs

Counsel of Record for
this Party:

Carl A. Belin, Jr.
Attorney-at-Law
Pa. I.D. 06805

Belin & Kubista
15 North Front Street
P.O. Box 1
Clearfield, PA 16830

(814) 765-8972

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

FEB 01 2002

Attest:

William L. Brown
Prothonotary

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

JON W. SWAN and WILLIAM B. SWAN, :
Plaintiffs :
 : No.
vs. :
 : ACTION TO QUIET TITLE
MARY ANN HOPPER, BARBARA M. BUNDY, :
And BLAIR KREIGER, their heirs, :
executors, administrators and :
assigns, :
Defendants :

NOTICE

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (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
1 North Second Street
Clearfield, PA 16830

(814) 765-2641 Ex 5982

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

JON W. SWAN and WILLIAM B. SWAN,	:	
Plaintiffs	:	
	:	No.
vs.	:	
	:	ACTION TO QUIET TITLE
MARY ANN HOPPER, BARBARA M. BUNDY,	:	
And BLAIR KREIGER, their heirs,	:	
executors, administrators and	:	
assigns,	:	
Defendants	:	

COMPLAINT

NOW COMES, the Plaintiffs, and by and through their attorneys Belin & Kubista, bring the following action in quiet title, and in support thereof, allege as follows:

1. That the Plaintiffs are Jon W. Swan, an individual who resides at 135 Beldin Hollow Road, Ashville, Pennsylvania 16613; and William B. Swan, an individual who resides at 122 Logan Boulevard, Hollidaysburg, Pennsylvania 16648.

2. The Defendant Mary Ann Hopper is an individual who resides at Pennsylvania Avenue, Hallstead, Pennsylvania 18822.

3. The Defendant Barbara M. Bundy is an individual who resides at 2110 Queenswood Drive, Tallahassee, Florida 32303.

4. That Blair Krieger is an individual whose last known address is Beccaria Township, Clearfield County, Pennsylvania.

5. That the Plaintiffs are the owners of a tract of land identified in the Clearfield County Tax Maps as Parcel Number 101-H17-127, which is located in Beccaria Township, Clearfield County, Clearfield Pennsylvania, more particularly bounded and described as follows:

ALL that certain piece and parcel of land lying and being in the Township of Beccaria, County of Clearfield and State of Pennsylvania, bounded and described as follows:

BEGINNING at a point, the northwest corner now or formerly of Weihe; thence South twenty-one (21°) degrees thirty (30') minutes West forty-five and two tenths (45.2) rods; and thence along line now or formerly of Kachelries South thirty-eight (38°) degrees thirty (30') minutes West thirty-nine and seven tenths (39.7) rods to a point; thence North fifty (50°) degrees West thirty-seven (37) rods to a point, on South Witmer Creek; thence in a Southerly direction along South Witmer Creek to a point; thence South sixty-nine and one half (69 1/2°) West one hundred eighty and six tenths (180.6) rods to the place of beginning. **CONTAINING** fifty (50) acres, more or less, and being part of larger tract known as the William Brady Tract.

RESERVING AND EXCEPTING, however, all of the coal, fire clay, limestone, iron ores and other minerals of whatever kind and nature, lying and being in, under and upon said piece of land with the right, liberty and privilege to enter and to dig, mine, take and carry the same away without any liability for injury which may happen to the buildings which are now erected or which may hereafter be erected thereon, or

which may happen by any diversion of the waters in, on, through or under said piece of land from their natural course. Owner of minerals to have no right to use the surface of said piece of land for building purposes without the consent of the party of the second part. Provided, however, that buildings and structures may be erected thereon necessary for mining and removing the coal, and other minerals reserved, such as tipples, chutes, dumps, blacksmith shop, mule barns, weigh scales and the like. Subject to reservation of exclusive privilege of hauling and removing all coal, fire clay, limestone, iron ores, and other minerals from other lands through the gangways, headings and openings, which it or they may make, drill or excavate in, under, over and through said piece of land.

ALSO EXCEPTING AND RESERVING all gas and oil underlying the herein described premises.

6. That said parcel was conveyed to Plaintiffs by a deed from Richard D. Cowfer and Laurie A. Cowfer, dated January 23, 2002, and recorded in the Clearfield County Recorder of Deeds Office to Instrument No. 200201254.

7. That said parcel was conveyed to Richard D. Cowfer and Laurie A. Cowfer by deed of Robert E. Hamilton, Anna M. Hamilton, James E. Hamilton, Jr. and Ethel M. Hamilton dated February 16, 2001, and recorded in the Clearfield County Recorder of Deeds Office to Instrument No. 200102661.

8. That said parcel was conveyed to Robert E. Hamilton, Anna M. Hamilton, James E. Hamilton, Jr. and Ethel M. Hamilton by deed of Arthur A. Rex and E. Elizabeth Rex dated

October 10, 1989, and recorded in the Office of the Recorder of Deeds in Deeds and Records Book 1307, page 294.

9. That said parcel was conveyed to Arthur Rex by deed of Harry L. Mowrey and Florence A. Mowrey dated September 12, 1967, and recorded in the Office of the Recorder of Deeds of Clearfield County in Deed Book 567, page 188, said premises being conveyed as The Second Thereof and being described as fifty (50) acres of surface in Beccaria Township.

10. That said parcel was conveyed by the Commissioners of Clearfield County to Harry L. Mowrey and Florence A. Mowrey as fifty (50) acres of surface and sold as the property of J. S. and A. H. Reitz, and recorded in the Office of the Recorder of Deeds of Clearfield County in Deed Book 527, page 135.

11. That said parcel was conveyed by the Clearfield County Treasurer to the Clearfield County Commissions by deed recorded in the Office of the Recorder of Deeds of Clearfield County in Deed Book 527, page 133 as fifty (50) acres of surface owned and assessed in the name of J. S. Reitz and A. H. Reitz for unpaid taxes for the year of 1949.

12. That one of the purposes of this quiet title action is to extinguish any interest that the J. S. Reitz and A. H. Reitz, their heirs and assigns, may have had in and to

said premises due to any lack of notice or any other defect in the tax sale referred to in Paragraphs 11 and 12, and to extinguish any interest or equity that J. S. Reitz and A. H. Reitz may have had in the premises following said tax sale.

13. That prior thereto, said premises were assessed to A. H. Reitz in 1938 as fifty (50) acres of surface and were sold by the Clearfield County Treasurer to the Clearfield County Commissioners on January 25, 1940 as the property of A. H. Reitz as found in Clearfield County Lands Sold to County Book 8, page 51.

14. That the said premises were sold by the Clearfield County Commissioners on April 22, 1943 to J. S. and A. H. Reitz. The Clearfield County Treasurer's deed and the Clearfield County Commissioner's deed were not recorded.

15. That another purpose of this quiet title action is to extinguish any interest that A. H. Reitz may have had due to any lack of notice or any other defect of the tax sale and to extinguish any interest A. H. Reitz may have had in the premises following said tax sale referred to in Paragraphs 13 and 14 of this Complaint. It is a further purpose of the quiet title action to extinguish any interest to the premises in A. H. Reitz as a result of the failure of J. S. Reitz and A. H. Reitz to record the treasurer's and the commissioner's deed.

16. That Joseph S. Reitz died October 13, 1950 and by his Last Will and Testament filed in Clearfield County Will Book Y, page 24, devised the residue of his estate to his wife, Anna H. Reitz, also known as A. H. Reitz.

17. That Anna H. Reitz, also known as A. H. Reitz, died on December 15, 1966, and by her Last Will and Testament filed in Clearfield County Will Book 11, page 687, devised all of her estate to Thomas E. H. Reitz.

18. That Thomas E. H. Reitz died on July 11, 1983 and by his last Will and Testament filed in Clearfield County Will Book 46, page 295, devised all of his estate to his wife, Marion B. Reitz.

19. That Marion Ellen Reitz, also known as Marion B. Reitz, died on July 21, 1989, and by her Last Will and Testament filed in Will Book 78, page 157, devised all of here estate to here daughters Mary Ann Hopper and Barbara Bundy.

20. That as a result of the foregoing Will, Mary Ann Hopper and Barbara Bundy are the heirs to the claims of J. S. Reitz and A. H. Reitz arising from the tax sales hereinbefore referred to in Paragraphs 10 and 11, and 13 and 14.

21. That the record in Clearfield County reflects that prior thereto that the fifty (50) acres of surface was assessed in the name of Blair Kreiger in Clearfield County and

was sold to the Clearfield County Treasurer as set forth in Clearfield County Lands Sold to County Book 4, page 15. Said book also sets forth that the property was sold at commissioner's sale on November 17, 1936 to A. H. Reitz. Neither the Clearfield County Treasurer's deed nor the Clearfield County Commissioner's deed was recorded.

22. That it is another purpose of the quiet title action to extinguish any interest Blair Kreiger may have had in the premises due to any lack of notice or any other defect of the tax sale and to extinguish any interest that Blair Kreiger may have had following the tax sale set forth in Paragraph 21. It is also another purpose of this quiet title to extinguish any interest Blair Kreiger may have had due to the failure of A. H. Reitz to record the treasurer's deed and the commissioner's deed for the premises.

23. That the premises were conveyed to Brian Kreiger by deed of Witmer Land & Coal Co. dated June 11, 1927, and recorded in the Office of the Recorder of Deeds of Clearfield County in Deed Book 287, page 45. Said premises are described as reflected in Paragraph 3 hereof.

24. That the Plaintiffs and their predecessors in title have exercised adverse, continuous, visible, notorious,

COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :

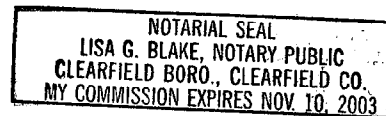
Before me the undersigned officer, personally appeared JON W. SWAN and WILLIAM B. SWAN, who depose and say that the facts set forth in the foregoing Complaint are true and correct to the best of their knowledge, information and belief.

Jon W. Swan
Jon W. Swan

William B. Swan
William B. Swan

Sworn and subscribed before me this 23rd day of January, 2002.

Lisa G. Blake
Notary Public



BEVIN & KUBISTA
ATTORNEYS AT LAW
15 NORTH FRONT STREET
P.O. BOX 1
CLEARFIELD, PENNSYLVANIA 16830



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

JON W. SWAN and WILLIAM B. SWAN, :
Plaintiffs :

vs. :

MARY ANN HOPPER, BARBARA M. BUNDY, :
And BLAIR KREIGER, their heirs, :
executors, administrators and :
assigns, :
Defendants :

No. 02 - 163 - C.D.

ACTION TO QUIET TITLE

FILED

APR 08 2002

ORDER

William A. Shaw
Prothonotary

AND NOW, this 9th day of April, 2002, an Affidavit of Service of the Complaint with Notice to Defend having been filed stating that the complaint and notice was served on all Defendants by publication, and no responsive pleading having been filed by said Defendants, the Defendants having not appeared in person or by attorney upon motion of Carl A. Belin, Jr., Attorney for Plaintiffs, it is the **ORDER** of this Court that title to said premises is found to be vested in the Plaintiffs and that they be allowed to enjoy said property in peace. Said property is identified in the Clearfield County Tax Maps as Parcel Number 101-H17-127, which is located in Beccaria Township, Clearfield County, Clearfield Pennsylvania, more particularly bounded and described

as follows:

ALL that certain piece and parcel of land lying and being in the Township of Beccaria, County of Clearfield and State of Pennsylvania, bounded and described as follows:

BEGINNING at a point, the northwest corner now or formerly of Weihe; thence South twenty-one (21°) degrees thirty (30') minutes West forty-five and two tenths (45.2) rods; and thence along line now or formerly of Kachelries South thirty-eight (38°) degrees thirty (30') minutes West thirty-nine and seven tenths (39.7) rods to a point; thence North fifty (50°) degrees West thirty-seven (37) rods to a point, on South Witmer Creek; thence in a Southerly direction along South Witmer Creek to a point; thence South sixty-nine and one half (69 1/2°) West one hundred eighty and six tenths (180.6) rods to the place of beginning. **CONTAINING** fifty (50) acres, more or less, and being part of larger tract known as the William Brady Tract.

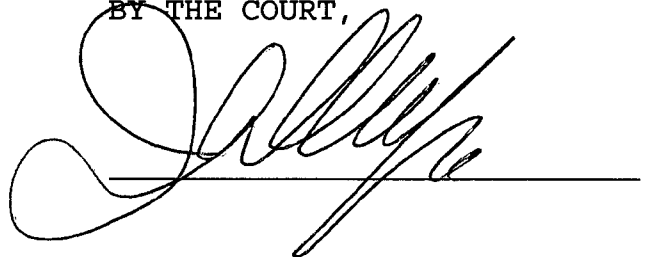
RESERVING AND EXCEPTING, however, all of the coal, fire clay, limestone, iron ores and other minerals of whatever kind and nature, lying and being in, under and upon said piece of land with the right, liberty and privilege to enter and to dig, mine, take and carry the same away without any liability for injury which may happen to the buildings which are now erected or which may hereafter be erected thereon, or which may happen by any diversion of the waters in, on, through or under said piece of land from their natural course. Owner of minerals to have no right to use the surface of said piece of land for building purposes without the consent of the party of the second part. Provided, however, that buildings and structures may be erected

thereon necessary for mining and removing the coal, and other minerals reserved, such as tipples, chutes, dumps, blacksmith shop, mule barns, weigh scales and the like. Subject to reservation of exclusive privilege of hauling and removing all coal, fire clay, limestone, iron ores, and other minerals from other lands through the gangways, headings and openings, which it or they may make, drill or excavate in, under, over and through said piece of land.

ALSO EXCEPTING AND RESERVING all gas and oil underlying the herein described premises.

It is the FURTHER ORDER of this Court that unless the Defendants file a responsive pleading to the complaint or institute an action in ejectment within thirty (30) days of the date hereof, the Defendants shall be forever barred from asserting any right, lien, title or interest in the land inconsistent with the interest of the claim of the Plaintiffs set forth in their Complaint. If Defendants fail to take such action within the thirty (30) day period, the Prothonotary on Praecipe of the Plaintiffs shall enter final judgment against Defendants.

BY THE COURT,

A handwritten signature in dark ink, appearing to be 'J. R. [unclear]', is written over a horizontal line. The signature is stylized and cursive.

FILED

APR 09 2002

01/30/3c Cathy Bolin
William A. Shaw
Proprietary
KES

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

JON W. SWAN and WILLIAM B. SWAN,
Plaintiffs:

vs.

MARY ANN HOPPER, BARBARA M. BUNDY,
And BLAIR KREIGER, their heirs,
executors, administrators and
assigns,

Defendants:

:
:
: No. 02 - 163 - C.D.
:
: ACTION TO QUIET TITLE
:
: PRAECIPE FOR FINAL
: JUDGMENT
:

Filed on behalf of
Plaintiffs

Counsel of Record for
this Party:

Carl A. Belin, Jr.
Attorney-at-Law
Pa. I.D. 06805

Belin & Kubista
15 North Front Street
P.O. Box 1
Clearfield, PA 16830

(814) 765-8972

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MAY 09 2002

William A. Shaw
Prothonotary

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

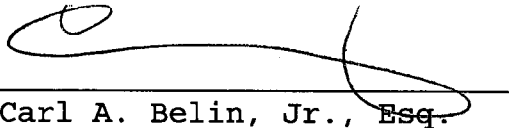
JON W. SWAN and WILLIAM B. SWAN, :
Plaintiffs :
vs. : No. 02 - 163 - C.D.
: ACTION TO QUIET TITLE
MARY ANN HOPPER, BARBARA M. BUNDY, :
And BLAIR KREIGER, their heirs, :
executors, administrators and :
assigns, :
Defendants :

PRAECIPE FOR FINAL JUDGMENT

TO THE PROTHONOTARY:

Please enter final judgment against the Defendants in the
above-captioned case for failure to comply with the Order of Court
directing Defendants to file objections within thirty (30) days
from the entry of Order of judgment in favor of Plaintiffs.

BELIN & KUBISTA



Carl A. Belin, Jr., Esq.
Attorney for Plaintiffs

FILED
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MAY 09 2002
402

William A. Shaw
Prothonotary

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ATTORNEYS AT LAW
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P. O. BOX 1
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