

02-428-CD
DREW A. BORSUK et al "vs" CORDELIA LIPZ et al

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

**DREW A. BORSUK, and
DENISE B. BORSUK**

Plaintiffs

No. 2002-428 -CD

vs.

**CORDELIA LUTZ, MAGGIE LUTZ,
IDA SMEAL, HARRY LUTZ, CHARLES
LUTZ, ALFRED LUTZ, CORA LUTZ,
ORNETTA LUTZ, all believed to be
deceased and their cumulative
heirs, devisees, successors,
administrators, executors and
assigns, and all other persons
or entities in interest, known
or unknown, claiming by,
through or under them, and ANN MARIE
NADZAM**

Defendants

Type of Pleading:
QUIET TITLE ACTION

Filed on behalf of Plaintiffs:

**DREW A. BORSUK, and
DENISE B. BORSUK**

Counsel of Record for this party:

TIMOTHY E. DURANT, ESQ.
Pa. I.D. No. 21352
201 North Second Street
Clearfield, PA 16830
(814) 765-1711

FILED
MAR 21 2002
013-551 City Court
William A. Shaw
Prothonotary pd \$90.00
3cc atty

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

**DREW A. BORSUK, and
DENISE B. BORSUK**

Plaintiffs

No. 2002-

-CD

vs.

**CORDELIA LUTZ, MAGGIE LUTZ,
IDA SMEAL, HARRY LUTZ, CHARLES
LUTZ, ALFRED LUTZ, CORA LUTZ,
ORNETTA LUTZ, all believed to be
deceased and their cumulative
heirs, devisees, successors,
administrators, executors and
assigns, and all other persons
or entities in interest, known
or unknown, claiming by,
through or under them and ANN MARIE
NADZAM**

Defendants

NOTICE TO DEFEND

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 and for any other claims 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
North Second Street
Clearfield, PA 16830
(814) 765-2641

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

**DREW A. BORSUK, and
DENISE B. BORSUK**

Plaintiffs : No. 2002- -CD

vs. :

**CORDELIA LUTZ, MAGGIE LUTZ,
IDA SMEAL, HARRY LUTZ, CHARLES
LUTZ, ALFRED LUTZ, CORA LUTZ,
ORNETTA LUTZ, all believed to be
deceased and their cumulative
heirs, devisees, successors,
administrators, executors and
assigns, and all other persons
or entities in interest, known
or unknown, claiming by,
through or under them, and ANN MARIE
NADZAM**

Defendants :

COMPLAINT

1. Plaintiffs, **DREW A. BORSUK** and **DENISE B. BORSUK**, are competent adult individuals and husband and wife both of whom reside at 280 Echo Road, Carlisle, Pennsylvania 17013.

2. Defendants, **CORDELIA LUTZ, MAGGIE LUTZ, IDA SMEAL, HARRY LUTZ, CHARLES LUTZ, ALFRED LUTZ, CORA LUTZ, and ORNETTA LUTZ**, were the children of the late Martha Lutz and all are currently believed to be deceased. **ANN MARIE NADZAM** is an adult individual who resides in Clearfield County with a current mailing address of P.O. Box 111, Grassflat, PA 16839.

3. The following five parcels of ground are the subject of this complaint:

a. Parcel "a" identified by county assessment map #110-R7-22 described as

follows in the Clearfield County Recorder's Office in Deed dated November 16, 1999 filed as Instrument No. 1999-20149:

THE FIRST THEREOF: ALL that certain lot or piece of ground situate in Cooper Township, Clearfield County, Pennsylvania, bounded and described as follows: 4½ acres as property of Mrs. Albert Heffler, as vested in Thomas W. Lakin and Myrtle R. Lakin by deed from the County Commissioners of Clearfield County dated August 23, 1943 and recorded in the Clearfield County Recorder's Office in Deed Book Volume 352 at page 293 on October 15, 1943. and

b. Parcel "b" identified by county assessment map #110-R7-23 described in the Clearfield County Recorder's Office in Deed dated November 16, 1999 filed as Instrument No. 1999-20149:

THE SECOND THEREOF: ALL that lot or piece of ground located in Cooper Township, Clearfield County, Pennsylvania, consisting of four acres, more or less, and fronting on the township road leading from Kylertown to Rolling Stone; bounded on the North by lot of Reese Swanson and on the South by lot of Thomas W. Lakin and Myrtle R. Lakin. and

c. Parcel "C" identified by county assessment map #110-R7-20 described in the Clearfield County Recorder's Office in Deed dated November 16, 1999 filed as Instrument No. 1999-20149:

THE THIRD THEREOF: ALL that piece of property consisting of two and one-fourth (2¼) acres situated in Cooper Township; Clearfield County, Pennsylvania, bounded on the East by land of Mike Pillar, on the South by land of Reese R. Swanson and wife Helen Swanson, on the West by land of Reese R. Swanson and on the North by the Township road, it being one half of a tract of four and a half (4½) acres owned by the grantor (Reese R. Swanson) and recorded in County Deed Book No. 409, page 344, October 26, 1950. and

d. Parcel "d" identified by county assessment map #110-R7-21 described in the Clearfield County Recorder's Office in Deeds and Records Book 1887 at page 70 in deed dated November 7, 1997 as:

COOPER TOWNSHIP Map #110.-R07-000-00021 17 A.

The chain of title for these four parcels is attached hereto as Exhibit "A" (4 pages) and incorporated herein by reference as if set out in full. and

e. Parcel "E" identified by county assessment map #110-R7-44 described in the Clearfield County Recorder's Office in Deeds and Records Book Volume 1409 at page 270 by deed dated July 19, 1991 into Robert E. Slanker and Yvonne A. Slanker as:

ALL that lot or piece of ground located in Cooper Township, Clearfield County, Pennsylvania, consisting of four acres, more or less, fronting on the Township Road leading from Kylertown to Rolling Stone, bounded on the north by lot of Al Lutz and on the south by lot of Thomas L. Lakin and Myrtle R. Lakin.

The chain of title for this parcel is attached hereto as Exhibit "B" and incorporated herein by reference as if set out in full.

4. Plaintiffs are the owners those four certain parcels of ground in Cooper Township, Clearfield County, Pennsylvania identified in paragraph 3. above as sub-paragraphs, a., b., c., & d.

5. Plaintiffs are the assignees for purposes of pursuing this quiet title action of that one certain parcel of ground in Cooper Township, Clearfield County, Pennsylvania identified in paragraph 3. above as sub-paragraph, e.

6. A copy of the assignment for the property described in ¶3 e. above is set out as Exhibit "C" and is incorporated herein by reference as if set out in full. Robert E. Slanker has, since the date of the assignment, obtained title to the premises solely in his own name and now resides at 11 Haverford Circle, Manchester, PA 17345.

7. The first eight Defendants were the undivided owners of a certain 32 acre parcel of ground in Cooper Township, Clearfield County, Pennsylvania described as "Purpart 1" of the George Hoover Estate, which vested in them as grandchildren of George Hoover and the surviving children of his then deceased daughter Martha Lutz by deed dated June 7, 1894 from Alexander Hoover, et al. as described in Clearfield County Deed Book 86 at page 115, recorded on November 13, 1894.

8. The George Hoover Estate is filed to Clearfield County Estate No. 3284 and contains a map of the subject premises. Said estate is incorporated herein by reference as if set out in full.

9. The ninth Defendant, Ann Marie Nadzom, obtained title to her real estate by deed from the Executor of the estate of Reese R. Swanson a/k/a Reece R. Swanson dated 06/04/98 and recorded in the Clearfield County Recorder's Office in Deeds and Records Book Volume 1939 at page 530.

10. Plaintiff and defendants' common source of title is from the deed described in ¶7 above.

11. Defendants never actually divided their interests and each one only owned undivided one eighth interests in the whole 32 acres.

12. It is the purpose of this Quiet Title Action to extinguish any and all claims which CORDELIA LUTZ, MAGGIE LUTZ, IDA SMEAL, HARRY LUTZ, CHARLES LUTZ, ALFRED LUTZ, CORA LUTZ, ORNETTA LUTZ, and their cumulative heirs, devisees, successors, administrators, executors and assigns and all other persons known or unknown, claiming by through or under them may have against the subject premises as a result of the conveyance of their interests in the parcels described in paragraph 3 above by the tax sales referred to in this complaint, supra. and to extinguish the claims which any of the above persons and ANN MARIE NADZOM, may have by virtue of the fact that the original defendants owned undivided interests in the whole 32 acres.

WHEREFORE, Plaintiffs in this Action to Quiet Title ask the Court to decree as follows:

(a) That the Plaintiffs, Drew A. Borsuk and Denise B. Borsuk are seized of an indefeasible title to the premises described in paragraph 3 of this Complaint, situate in the Township of Cooper, County of Clearfield and Commonwealth of Pennsylvania.

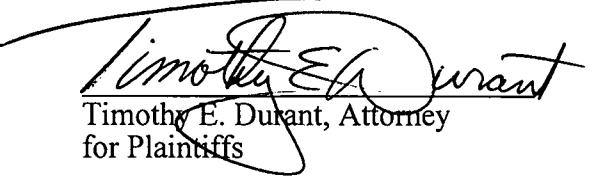
(b) That the Court enter a judgment forever barring any of the Defendants, or those claiming by through or under them, or any of them, from asserting any title unless they institute an action of ejectment against the Plaintiffs within 30 days from the receipt of the Complaint and failing which they, their heirs, executors, administrators, successors and assigns shall be forever barred from

asserting any right, lien, title, claim or interest in or to the subject premises inconsistent with the interest and title of Plaintiffs as obtained through the tax sale for the premises situate in Cooper Township, County of Clearfield and State of Pennsylvania.

(c) Such other and further relief as to the Court deems necessary and proper.

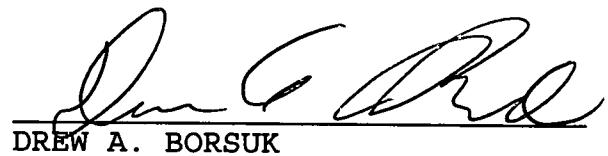
Respectfully submitted,

Dated: *March 21, 2002*


Timothy E. Durant, Attorney
for Plaintiffs

VERIFICATION

We, DREW A. BORSUK, and DENISE B. BORSUK, do verify that the statements made in this Quiet Title Action are true and correct to the best of our knowledge, information and belief. We understand that false statements herein are made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.



DREW A. BORSUK



DENISE B. BORSUK

DATED: March 20, 2002

CHAIN OF TITLE FOR DREW AND DENISE BORSUK

Parcel "a"

Map No. 110-R7-22

	<u>Date of Deed</u>	<u>Grantor</u>	<u>Grantee</u>	<u>Book & Page</u>
1.	06/07/1894	Alexander Hoover et al	Cordelia Lutz et al (8 grantees) each to own an undivided 1/8th interest of 32 acres	86/115
2.	03/03/38	Clfd County Treasurer	Clfd County Commissioners as prop. of Mrs. Albert Heffler who was shown by County assessment records of 1909 to have purchased the Alfred Lutz share	352/292
3.	08/23/43	Clfd County Commissioners	Thomas W. Lakin, et al	352/293
4.	11/16/99	Thomas W. Lakin et al	Drew A. Borsuk Denise B. Borsuk	199920149

CHAIN OF TITLE FOR DREW AND DENISE BORSUK

Parcel "b"

Map No. 110-R7-23

	<u>Date of Deed</u>	<u>Grantor</u>	<u>Grantee</u>	<u>Book & Page</u>
1.	06/07/1894	Alexander Hoover et al	Cordelia Lutz et al (8 grantees) each to own an undivided 1/8th interest of 32 acres	86/115
2.	07/16/1900	Cora Lutz	William H. Lucas 1/8th interest as the share of Cora Lutz	112/198
3.	09/22/02	Wm. H. Lucas	George Lucas 1/8th interest	127/72
4.	02/23/46	George Lucas & Mary Lucas	Reece Swanson 4 acres m/l as the share of Cora Lutz	373/533
5.	01/04/47	Reese Swanson	Thomas W. Lakin, et al	381/99
6.	11/16/99	Thomas W. Lakin et al	Drew A. Borsuk Denise B. Borsuk	199920149

CHAIN OF TITLE FOR DREW AND DENISE BORSUK

Parcel "C"

Map No. 110-R7-20

	<u>Date of Deed</u>	<u>Grantor</u>	<u>Grantee</u>	<u>Book & Page</u>
1.	06/07/1894	Alexander Hoover et al	Cordelia Lutz et al (8 grantees) each to own an undivided 1/8th interest of 32 acres	86/115
2.	07/08/40	Clfd County Treasurer	Clfd County Commissioners as prop. of Harry Lutz Est.	361/514
3.	05/09/42	Clfd County Commissioners	Alfred Lutz 4½ A. formerly assessed in the name of Harry Lutz Estate	361/515
4.	04/04/50	Alfred Lutz et al	Reese R. Swanson 4½ A.	409/344
5.	05/01/50	Reese R. Swanson	Thomas W. Lakin et al 2¼ acres, (½ of DB 409/344)	411/214
6.	11/16/99	Thomas W. Lakin et al	Drew A. Borsuk Denise B. Borsuk	199920149

CHAIN OF TITLE FOR DREW AND DENISE BORSUK

Parcel "d"

Map No. 110-R7-21

	<u>Date of Deed</u>	<u>Grantor</u>	<u>Grantee</u>	<u>Book & Page</u>
1.	06/07/1894	Alexander Hoover et al	Cordelia Lutz et al (8 grantees) each to own an undivided 1/8th interest of 32 acres	86/115
2.	11/07/97	Tax Claim Bureau of Clfd County	Drew A. Borsuk Denise B. Borsuk 17 A. (as prop. of Unknown) believed to have been the un-conveyed interests of the following heirs: Cordelia Lutz, Ida Smeal, Charles Lutz, and Ornetta Lutz	1887/70

CHAIN OF TITLE FOR DREW AND DENISE BORSUK

Parcel "E"

Map No. 110-R7-44

	<u>Date of Deed</u>	<u>Grantor</u>	<u>Grantee</u>	<u>Book & Page</u>
1.	06/07/1894	Alexander Hoover et al	Cordelia Lutz et al (8 grantees) each to own an undivided 1/8th interest of 32 acres	86/115
2.	02/03/02	Maggie Lutz	George Lucas 1/8th interest as the interest of Maggie Lutz	123/120
3.	02/23/46	George Lucas & Mary Lucas	Reece Swanson 4 acres m/l as the share of Maggie Lutz	373/533
4.	01/04/47	Reese R. Swanson	Reese R. Swanson & Helen Swanson 4 acres m/l as the share of Maggie Lutz (being the northerly lot of the two lots described in DB 373/533)	381/360
5.	02/21/84	Helen Swanson, widow	John L. Ferguson & Gloria Ferguson 4 A. m/l being the northerly of the two lots described in DB 373/533	937/380
6.	07/24/86	Gloria J. Ferguson	John L. Ferguson	1096/375
7.	07/19/91	John L. Ferguson	Robert E. Slanker et al	1409/270
8.	5/22/2001	Robert E. Slanker & Yvonne A. Slanker	Robert E. Slanker	2001-08259

EXHIBIT "B"

ASSIGNMENT OF INTEREST FOR PURPOSES OF SUIT

NOW this 23 day of MARCH, 2001 we, Robert E. Slanker and Yvonne A. Slanker (jointly known as Assignor) of 355 Locust Point Road, York, PA 17402 do acknowledge and agree that we are assigning all of our right, title and interest in our real estate described in the Clearfield County Recorder's Office in Deeds and Records Book Volume 1409 at page 270 to Drew A. Borsuk and his wife Denise B. Borsuk (jointly known as Assignee) of 280 Echo Road, Carlisle, PA 17013 for the purpose of permitting them to clear the cloud on the title to this real estate at the same time as they clear the cloud on the title to their real estate. Both the real estate of the Borsuks and the real estate which is the subject of this assignment has a common grantor.

It is understood that Assignee will be filing a Quiet Title Action and that upon successful completion of such action Assignee will convey to us or to those we may designate by Quit Claim deed such rights as they have acquired through the action in so far as such rights pertain to the parcel of ground described in Deeds and Records Book Volume 1409 at page 270. As compensation to the Assignees we have agreed to pay either a certain fixed dollar amount or a percentage of the total legal fees and expenses paid by Assignees (for pursuing the Quiet Title Action and preparing the title clearing deeds), and will convey by Quit Claim deed when presented to us all of our interest in the premises claimed by Assignees and our signature affixed hereto affirms such arrangement. Regardless of the outcome of the Quiet Title Action intended to be filed by Assignees this Assignment shall cease and end and be of no further effect upon the completion of the Quiet Title Action and this Assignment shall have no other purpose but to permit the Assignees to attempt to correct the cloud on the title of the subject parcel. Assignees make no guarantee as to the success of the Quiet Title Action which they intend to file.

Intending to be legally bound, the parties do hereby set their hands and seals the day and date first set out above.

WITNESS:

Robert E. Slanker

Yvonne A. Slanker

EXHIBIT "C"

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

DREW A. BORSUK, and
DENISE B. BORSUK

Plaintiffs : No. 2002-428 -CD

VS.

CORDELIA LUTZ, MAGGIE LUTZ,
IDA SMEAL, HARRY LUTZ, CHARLES
LUTZ, ALFRED LUTZ, CORA LUTZ,
ORNETTA LUTZ, all believed to be
deceased and their cumulative
heirs, devisees, successors,
administrators, executors and
assigns, and all other persons
or entities in interest, known
or unknown, claiming by,
through or under them, and ANN MARIE
NADZAM

Defendants

FILED

MAR 21 2002
014.001/2000
William A. SHAW
Præfænærvy

**AFFIDAVIT EXPLAINING WHY PERSONAL SERVICE CANNOT BE MADE AND NATURE
AND EXTENT OF INVESTIGATION UTILIZED**

DREW A. BORSUK and DENISE B. BORSUK by and through their Attorney, Timothy E. Durant, Esquire hereby aver to the best of their knowledge, information and belief that the following Defendants and possibly other Defendants in the above captioned case are deceased or their whereabouts are unknown and that the heirs and assigns of the said Defendants are unknown: **CORDELIA LUTZ, MAGGIE LUTZ, IDA SMEAL, HARRY LUTZ, CHARLES LUTZ, ALFRED LUTZ, CORA LUTZ and CORNETTA LUTZ** . The defendant who is living and whose whereabouts is known will be served by the sheriff as required by the Pennsylvania Rules of Civil Procedure.

All public records in the Clearfield County Courthouse and local

telephone books have been checked prior to reaching this conclusion. There were no estates raised for any of these Defendants' in Clearfield County and there is no record indicating where else one should look.

This statement is made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

Dated: March 21, 2002

Timothy E. Durant
Timothy E. Durant, Esquire
Attorney for Plaintiffs'

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

DREW A. BORSUK, and
DENISE B. BORSUK

Plaintiffs

vs.

CORDELIA LUTZ, MAGGIE LUTZ,
IDA SMEAL, HARRY LUTZ, CHARLES
LUTZ, ALFRED LUTZ, CORA LUTZ,
ORNETTA LUTZ, all believed to be
deceased and their cumulative
heirs, devisees, successors,
administrators, executors and
assigns, and all other persons
or entities in interest, known
or unknown, claiming by,
through or under them, and ANN MARIE
NADZAM

Defendants

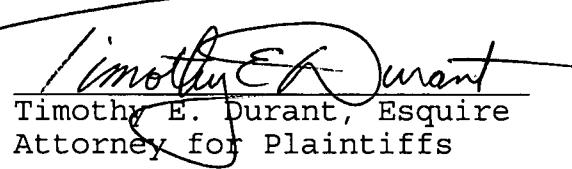
No. 2002- 428 -CD

FILED

MAR 21 2002
014:00/nc
William A. Shaw
Prothonotary

MOTION FOR PUBLICATION

AND NOW this 21st day of March, 2002, an Affidavit
Explaining Why Personal Service Cannot Be Made And Nature And
Extent Of Investigation Utilized having been executed and filed on
behalf of the Plaintiffs that the whereabouts of certain of the
Defendants, their heirs and assigns are unknown, the Plaintiffs by
their attorney, TIMOTHY E. DURANT, ESQUIRE, move the Court for
leave to serve by publication in such manner as the Court shall
direct, as provided by Pennsylvania Rule of Civil Procedure No.
410.


Timothy E. Durant, Esquire
Attorney for Plaintiffs

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

DREW A. BORSUK, and
DENISE B. BORSUK

Plaintiffs

vs.

CORDELIA LUTZ, MAGGIE LUTZ,
IDA SMEAL, HARRY LUTZ, CHARLES
LUTZ, ALFRED LUTZ, CORA LUTZ,
ORNETTA LUTZ, all believed to be
deceased and their cumulative
heirs, devisees, successors,
administrators, executors and
assigns, and all other persons
or entities in interest, known
or unknown, claiming by,
through or under them, and ANN MARIE
NADZAM

Defendants

No. 2002-428 -CD

FILED

MAR 22 2002

0132211cc atty
William A. Shaw
Prothonotary *Devant*
162

ORDER FOR PUBLICATION

AND NOW this 22nd day of March, 2002, upon consider-
ation of the foregoing motion, the Plaintiffs are granted leave to make
service of the Complaint on the Defendants, their heirs, successors and
assigns, by publication once in a newspaper of general circulation in the
County of Clearfield and by publication once in the Clearfield County
Legal Journal; the publications to appear not less than thirty (30) days
prior to May 3, 2002, the date set for
hearing of said Complaint in the Clearfield County Courthouse in
Courtroom No. 1 at 1:30 P.M., the defendants to file an
Answer within twenty (20) days of the date of the publication.

BY THE COURT:

J.

TIMOTHY E. DURANT
ATTORNEY AT LAW
201 NORTH SECOND STREET
CLEARFIELD, PENNSYLVANIA 16830
(814) 765-1711

[REDACTED]

GD

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

DREW A. BORSUK, and
DENISE B. BORSUK :
Plaintiffs :
vs. :
CORDELIA LUTZ, MAGGIE LUTZ, :
IDA SMEAL, HARRY LUTZ, CHARLES :
LUTZ, ALFRED LUTZ, CORA LUTZ, :
ORNETTA LUTZ, all believed to be :
deceased and their cumulative :
heirs, devisees, successors, :
administrators, executors and :
assigns, and all other persons :
or entities in interest, known :
or unknown, claiming by, :
through or under them, and ANN MARIE :
NADZAM :
Defendants :
No. 2002- 428-CD

AMENDED ORDER FOR PUBLICATION

AND NOW this 28th day of March, 2002, upon consider-
ation of the foregoing motion, the Plaintiffs are granted leave to make
service of the Complaint on the Defendants, their heirs, successors and
assigns, by publication once in a newspaper of general circulation in the
County of Clearfield and by publication once in the Clearfield County
Legal Journal; the publications to appear not less than thirty (30) days
prior to June 7, 2002, the date set for
hearing of said Complaint in the Clearfield County Courthouse in
Courtroom No. 1 at 1 : 30 P.M., the defendants to file an
Answer within twenty (20) days of the date of the publication.

FILED

BY THE COURT:

MAR 28 2002
S/25014cc atty
William A. Shaw
Prothonotary

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 12292

BORSUK, DREW A. & DENISE B.

02-428-CD

VS.

LUTZ, CORDELLA al

COMPLAINT ACTION TO QUIET TITLE

SHERIFF RETURNS

**NOW APRIL 1, 2002 AT 10:58 AM EST SERVED THE WITHIN COMPLAINT ACTION
TO QUIET TITLE ON ANN MARIE NADZAM, DEFENDANT AT RESIDENCE,
CLEARFIELD ST., PO BOX 111, GRASSFLAT, CLEARFIELD COUNTY,
PENNSYLVANIA BY HANDING TO ANN MARIE NADZAM A TRUE AND ATTESTED
COPY OF THE ORIGINAL COMPLAINT ACTION TO QUIET TITLE AND MADE KNOWN
TO HER THE CONTENTS THEREOF.**

SERVED BY: NEVLING

Return Costs

Cost	Description
32.64	SHFF. HAWKINS PAID BY: ATTY.
10.00	SURCHARGE PAID BY; ATTY.

Sworn to Before Me This

9th Day Of May 2002
William A. Shaw

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

So Answers,

Chester A. Hawkins
by Marilyn Haskin
Chester A. Hawkins
Sheriff

FILED
01/21/2
MAY 09 2002
6/21

William A. Shaw
Prothonotary

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

**DREW A. BORSUK, and
DENISE B. BORSUK**

Plaintiffs : No. 2002- 428-CD

vs.

**CORDELIA LUTZ, MAGGIE LUTZ,
IDA SMEAL, HARRY LUTZ, CHARLES
LUTZ, ALFRED LUTZ, CORA LUTZ,
ORNETTA LUTZ, all believed to be
deceased and their cumulative
heirs, devisees, successors,
administrators, executors and
assigns, and all other persons
or entities in interest, known
or unknown, claiming by,
through or under them, and ANN MARIE
NADZAM**

Defendants :

FILED

JUN 18 2002

William A. Shaw
Prothonotary

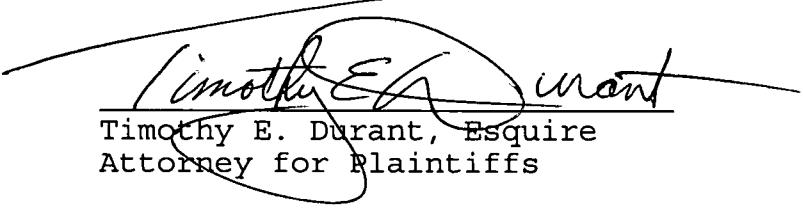
AFFIDAVIT AND PROOF OF PUBLICATION

Timothy E. Durant, Esquire, verifies that he is the attorney for the Plaintiffs, and being authorized to do so makes this Affidavit on behalf of the Plaintiffs; that the Complaint with Notice to Plead has been filed and that service by publication was made upon **CORDELIA LUTZ, MAGGIE LUTZ, IDA SMEAL, HARRY LUTZ, CHARLES LUTZ, ALFRED LUTZ, CORA LUTZ, and ORNETTA LUTZ, all believed to be deceased and their cumulative heirs, devisees, successors, administrators, executors and assigns, and all other persons or entities in interest, known or unknown, claiming by, through or under them** proof of which is annexed hereto, incorporated herewith and marked as Exhibits "A" and "B"; and that the said **CORDELIA LUTZ, MAGGIE LUTZ, IDA SMEAL, HARRY LUTZ, CHARLES**

LUTZ, ALFRED LUTZ, CORA LUTZ, and ORNETTA LUTZ, all believed to be deceased and their cumulative heirs, devisees, successors, administrators, executors and assigns, and all other persons or entities in interest, known or unknown, claiming by, through or under them or their heirs and assigns, except for Ann Marie Nadzam, have not filed an Answer thereto, although the time in which to do so has expired.

I understand that false statements herein are made subject to the penalties of 18 Pa. C. S. §4904, relating to unsworn falsification to authorities.

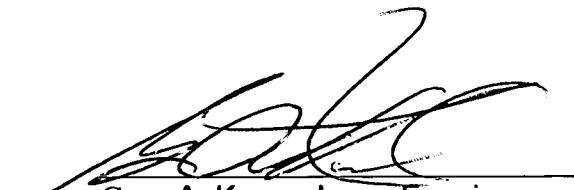
Date: June 17, 2002


Timothy E. Durant, Esquire
Attorney for Plaintiffs

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :
:
COUNTY OF CLEARFIELD :

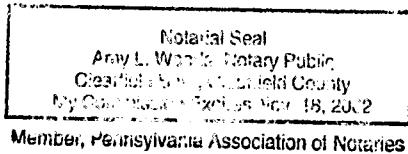
On this 15th day of April AD 2002, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Gary A. Knaresboro editor of the Clearfield County Legal Journal of the Courts of Clearfield County, and that the annexed is a true copy of the notice or advertisement published in said publication in the regular issues of Week of April 12, 2002, Vol. 14 No.15. 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.

Caryl Wood
Notary Public
My Commission Expires



Timothy E. Durant
201 North Second Street
Clearfield PA 16830

EXHIBIT "A" Pg. 1 of 1

THE FIRST THEREOF: ALL that certain lot or piece of ground situate in Cooper Township, Clearfield County, Pennsylvania, bounded and described as follows: 4 1/2 acres as property of Mrs. Albert Heffler, as vested in Thomas W. Lakin and Myrtle R. Lakin by deed from the County Commissioners of Clearfield County dated August 23, 1943 and recorded in the Clearfield County Recorder's Office in Deed Book Volume 352 at page 293 on October 15, 1943. and

Parcel "B" identified by county assessment map #110-R7-23 described in the Clearfield County Recorder's Office in Deed dated November 16, 1999 filed as Instrument No. 1999-20149;

THE SECOND THEREOF: ALL that lot or piece of ground located in Cooper Township, Clearfield County, Pennsylvania, consisting of four acres, more or less, and fronting on the township road leading from Kylertown to Rolling Stone; bounded on the North by lot of Reese Swanson and on the South by lot of Thomas W. Lakin and Myrtle R. Lakin. And

Parcel "C" identified by county assessment map #110-R7-20 described in the Clearfield County Recorder's Office in Deed dated November 16, 1999 filed as Instrument No. 1999-20149;

THE THIRD THEREOF: ALL that piece of property consisting of two and one-fourth (2 1/4) acres situated in Cooper Township; Clearfield County, Pennsylvania, bounded on the East by land of Mike Pillar, on the South by land of Reese R. Swanson and wife Helen Swanson, on the West by land of Reese R. Swanson and on the North by the Township road, it being one half of tract of four and a half (4 1/2) acres owned by the grantor (Reese R. Swanson) and recorded in County Deed Book No. 409, page 344, October 26, 1950. and

Parcel "D" identified by county assessment map #110-R7-21 described in the Clearfield County Recorder's Office in Deeds and Records Book 1887 at page 70 in deed dated November 7, 1997 as: COOPER TOWNSHIP MAP #110-R07-000-00021 17 A. and

Parcel "E" identified by county assessment map #110-R7-44 described in the Clearfield County Recorder's Office in Deeds and Records Book Volume 1409 at page 270 by deed dated July 19, 1991 into Robert E. Slanker and Yvonne A. Slanker as:

ALL that lot or piece or ground located in Cooper Township, Clearfield County, Pennsylvania, consisting of four acres, more or less, fronting on the Township Road leading from Kylertown to Rolling Stone, bounded on the north by lot of Al Lutz and on the south by lot of Thomas L. Lakin and Myrtle R. Lakin.

The purpose of this Complaint is to extinguish any equity or claims which you or your legal representatives may have in the premises described above.

WHEREUPON, said Court ordered that Notice of said facts be served by the Plaintiffs on said CORDELIA LUTZ, et al, their cumulative heirs, etc. by advertisement requiring them to answer said Complaint within twenty (20) days from the date of this publication.

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the Court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the Plaintiffs. You may lose money or property or other rights important to you.

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's Office Clearfield County Courthouse, Second and Market Streets, Clearfield, PA 16830 (814) 765-2641, Ext. 5982.

TIMOTHY E. DURANT, 201 North Second Street, Clearfield, PA 16830 Attorney for the Plaintiffs.

without you and a judgment may be entered against you 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.

DAVID S. MEHOLICK, COURT ADMINISTRATOR, CLEARFIELD COUNTY COURTHOUSE, CLEARFIELD, PA 16830. 814-765-2641

TERRENCE J. McCABE, ESQUIRE, First Union Building, 123 South Broad Street, Suite 2080, Philadelphia, Pennsylvania 19109 (215) 790-1010.

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

NO. 02-428-CD

DREW A. BORSUK and DENISE B. BORSUK, his wife, Plaintiffs vs. CORDELIA LUTZ, MAGGIE LUTZ, IDA SMEAL, HARRY LUTZ, CHARLES LUTZ, ALFRED LUTZ, CORA LUTZ, ORNETTA LUTZ, all believed to be deceased and their cumulative heirs, devisees, successors, administrators, executors and assigns, and all other persons or entities in interest, known or unknown, claiming by, through or under them, and ANN MARIE NADZAM.

ACTION TO QUIET TITLE

TO: CORDELIA LUTZ, MAGGIE LUTZ, IDA SMEAL, HARRY LUTZ, CHARLES LUTZ, ALFRED LUTZ, CORA LUTZ, ORNETTA LUTZ, or their legal representatives.

TAKE NOTICE that a Complaint has been filed to Quiet Title to premises described as follows:

Parcel "A" identified by county assessment map #110-R7-22 described as follows in the Clearfield County Recorder's Office in Deed dated November 16, 1999 filed as Instrument No. 1999-20149:

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN pursuant to the provisions of the Act of Assembly No. 295, approved December 16, 1982, P.L. 1309, 54 Pa. C.S.A. Section 301, et seq. of the filing in the Office of the Secretary of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on the 26th day of September, 2001 of a Fictitious Name Registration for the conduct of a business in Pennsylvania, under the assumed or fictitious name, style or designation of C & S RECOVERY, with principal place of business at R.D. #2, Box 422, DuBois, PA 15801. CHRISTOPHER J. BALLIET is the owner and only entity interested in said business.

BLAISE J. FERRARACCIO, Esquire,
Ferraraccio & Noble, 301 East Pine Street,
Clearfield, PA, Solicitor for Applicant.

NOTICE OF NAME CHANGE

NOTICE is hereby given that DANIEL R. McBRIDE, on behalf of BRANDON MICHAEL PELTON, has filed a Petition for Change of Name to BRANDON MICHAEL McBRIDE. The Court has scheduled hearing of this Petition for June 20, 2002 at

IN THE COURT
OF COMMON PLEAS
OF CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL ACTION
NO. 02-428-CD
DREW A. BORSUK and DENISE
B. BORSUK, his wife, Plaintiffs
vs.
CORDELIA LUTZ, MAGGIE
LUTZ, IDA SMEAL, HARRY LUTZ,
CHARLES LUTZ, ALFRED LUTZ,
CORA LUTZ, ORNETTA LUTZ, all
believed to be deceased and their
cumulative heirs, devisees, suc-
cessors, administrators, executors
and assigns, and all other persons
or entities in interest, known or un-
known, claiming by, through or
under them, and ANN MARIE NAD-
ZAM.

ACTION TO
QUIET TITLE

TO: CORDELIA LUTZ, MAGGIE
LUTZ, IDA SMEAL, HARRY LUTZ,
CHARLES LUTZ, ALFRED LUTZ,
CORA LUTZ, ORNETTA LUTZ or
their legal representatives.

TAKE NOTICE that a Complaint
has been filed to Quiet Title to prem-
ises described as follows:

Parcel "a" identified by county as-
sessment map #110-R7-22 de-
scribed as follows in the Clearfield
County Recorder's Office in Deed
dated November 11, 1999 filed as
Instrument No. 1999-20149:

THE FIRST THEREOF: ALL that
certain lot or piece of ground situated
in Cooper Township, Clearfield
County, Pennsylvania, bounded
and described as follows: 4½ acres
as property of Mrs. Albert Heffler,
as vested in Thomas W. Lakin and
Myrtle R. Lakin by deed from the
County Commissioners of Clear-
field County dated August 23,
1943 and recorded in the Clear-
field County Recorder's Office in
Deed Book Volume 352 at page
293 on October 15, 1943, and

Parcel "b" identified by county as-
sessment map #110-R7-23 de-
scribed in the Clearfield County
Recorder's Office in Deed dated
November 16, 1999 filed as Instru-
ment No. 1999-20149:

THE SECOND THEREOF: ALL that
lot or piece of ground located in
Cooper Township, Clearfield
County, Pennsylvania, consisting
of four acres, more or less, and
fronting on the township road lead-
ing from Kylertown to Rolling
Stone; bounded on the North by lot
of Reese Swanson and on the
South by lot of Thomas W. Lakin
and Myrtle R. Lakin, and

Parcel "c" identified by county as-
sessment map #110-R7-20 de-
scribed in the Clearfield County
Recorder's Office in Deed dated
November 16, 1999 filed as Instru-
ment No. 1999-20149:

THE THIRD THEREOF: ALL that
piece of property consisting of two
and one-fourth (2½) acres, situated
in Cooper Township, Clear-
field County, Pennsylvania,
bounded on the East by land of
Mike Pillar, on the South by land of
Reese R. Swanson and wife Helen
Swanson, on the West by land of
Reese R. Swanson and on the
North by the Township road, it
being one half of a tract of four and a
half (4½) acres owned by the gran-
tor Reese R. Swanson and re-

corded in County Deed Book No.
409, page 344, October 26,
1950, and
D.

Parcel "d" identified by county as-
sessment map #110-R7-21 de-
scribed in the Clearfield County
Recorder's Office in Deeds and Re-
cords Book 1887 at page 70 in
deed dated November 7, 1997 as:
COOPER TOWNSHIP Map
#110-R07-000-0002117A, and
Parcel "e" identified by county as-
sessment map #110-R7-44 de-
scribed in the Clearfield County
Recorder's Office in Deeds and Re-
cords Book Volume 1409 at page
270 by deed dated July 19, 1991
into Robert E. Slanker and Yvonne
A. Slanker:

ALL that lot or piece of ground located
in Cooper Township, Clearfield
County, Pennsylvania, con-
sisting of four acres, more or less,
fronting on the Township Road
leading from Kylertown to Rolling
Stone, bounded on the north by lot
of Al Lutz and on the south by lot of
Thomas L. Lakin and Myrtle R. Lakin.

The purpose of this Complaint is to
extinguish any equity or claims
which you or your legal representa-
tives may have in the premises de-
scribed above.

WHEREUPON, said Court or-
dered that Notice of said facts be
served by the Plaintiffs on said
CORDELIA LUTZ, et al., their cum-
ulative heirs, etc., by advertise-
ment requiring them to answer said
Complaint within twenty (20) days
from the date of this publication.

If you wish to defend, you must
enter a written appearance personally
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 Plaintiffs. You may
lose money or property or other
rights important to you.

YOU SHOULD TAKE THIS NO-
TICE 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's Office,
Clearfield County Courthouse,
Second and Market Streets, Clear-
field, PA 16830, (814)
765-765-2641, Ext. 5982.

TIMOTHY E. DURANT,
Attorney at Law
201 North Second Street
Clearfield, PA 16830
Attorney for the Plaintiffs

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :
COUNTY OF CLEARFIELD : SS:

On this 22nd day of April, A.D. 2002, 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 April 1, 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.

ublication are true.
Margaret C. Trebs
scribed to before me the day and year aforesaid.

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

Ann K. Lane
Notary Public Clearfield, Pa.

My Commission Expires
September 16, 2004

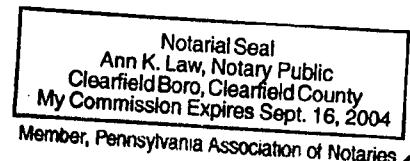


EXHIBIT "B" Pg. 1 of 1

FILED

019-19-00000
3 CC
JUN 18 2002

W.A. Shaw
Amy Durant

William A. Shaw
Prothonotary

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

DREW A. BORSUK, and :
DENISE B. BORSUK :
Plaintiffs : No. 2002- 428-CD
vs. :
CORDELIA LUTZ, MAGGIE LUTZ, :
IDA SMEAL, HARRY LUTZ, CHARLES :
LUTZ, ALFRED LUTZ, CORA LUTZ, :
ORNETTA LUTZ, all believed to be :
deceased and their cumulative :
heirs, devisees, successors, :
administrators, executors and :
assigns, and all other persons :
or entities in interest, known :
or unknown, claiming by, :
through or under them, and ANN MARIE :
NADZAM :
Defendants :

MOTION FOR JUDGMENT

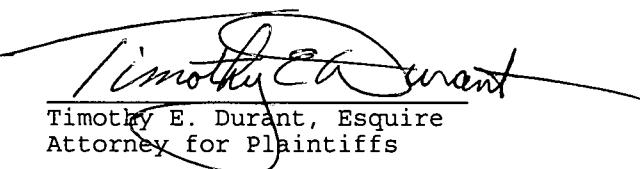
AND NOW, this 19th day of June, 2002, an Affidavit having been executed and filed on behalf of the Plaintiffs that the Complaint with Notice to Defend had been served by publication in the Clearfield Progress on April 1, 2002 and the Clearfield county Legal Journal during the week of April 12, 2002 upon CORDELIA LUTZ, MAGGIE LUTZ, IDA SMEAL, HARRY LUTZ, CHARLES LUTZ, ALFRED LUTZ, CORA LUTZ, and ORNETTA LUTZ, all believed to be deceased and their cumulative heirs, devisees, successors, administrators, executors and assigns, and all other persons or entities in interest, known or unknown, claiming by, through or under them and the except for Preliminary Objections filed by ANN MARIE NADZAM said Defendants have not answered; the Plaintiffs, by their attorney, TIMOTHY E. DURANT, ESQUIRE, move this Court to enter judgement in favor of the Plaintiffs and against all the said Defendants except ANN MARIE NADZAM and to grant the Plaintiffs the relief prayed for in accordance with Pennsylvania Rules of Civil Procedure 1066.

FILED

JUN 19 2002

019:0213ccatty Durant

William A. Shaw
Prothonotary


Timothy E. Durant, Esquire
Attorney for Plaintiffs

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

DREW A. BORSUK, and	:	
DENISE B. BORSUK	:	
	Plaintiffs	No. 2002- 428-CD
	:	
	vs.	:
	:	
	CORDELIA LUTZ, MAGGIE LUTZ,	:
	IDA SMEAL, HARRY LUTZ, CHARLES	:
	LUTZ, ALFRED LUTZ, CORA LUTZ,	:
	ORNETTA LUTZ, all believed to be deceased	:
	and their cumulative heirs, devisees, successors,	:
	administrators, executors and assigns, and all	:
	other persons or entities in interest, known or	:
	unknown, claiming by, through or under them	:
	and ANN MARIE NADZAM	:
	Defendants	:

FILED

JUN 20 2002
0113513 cc. atty. Quant
William A. Shaw
Prothonotary

ORDER

AND NOW, this 1st Day of June, 2002, an affidavit of service of the Complaint with Notice to Defend having been filed and no answer having been made by **CORDELIA LUTZ, MAGGIE LUTZ, IDA SMEAL, HARRY LUTZ, CHARLES LUTZ, ALFRED LUTZ, CORA LUTZ, and ORNETTA LUTZ**, and/or their cumulative heirs, devisees, successors, administrators, executors and assigns, and all other persons or entities in interest, known or unknown, claiming by, through or under them and except for Preliminary Objections filed by **ANN MARIE NADZAM** said Defendants have not answered; the Court, upon motion of **TIMOTHY E. DURANT, ESQUIRE**, attorney for Plaintiffs hereby orders that unless they, **CORDELIA LUTZ, MAGGIE LUTZ, IDA SMEAL, HARRY LUTZ, CHARLES LUTZ, ALFRED LUTZ, CORA LUTZ, and ORNETTA LUTZ**, and/or their cumulative heirs, devisees, successors, administrators, executors and assigns, (except for **ANN MARIE NADZAM**) and all other persons or entities in interest, known or unknown, claiming by, through or under them and their legal representatives or their heirs and assigns or any of them shall within ten (10) days from the date of this Order, institute an Action Of

Ejectment against the plaintiffs, they, the said defendants (except for ANN MARIE NADZAM), shall be forever barred and enjoined from impeaching denying or in any way attacking plaintiffs' title to said premises or from encumbering, mortgaging or conveying these parcels or any part thereof, or from asserting in any manner any right, lien, title claim or interest inconsistent with the interest inconsistent with the interest or claim of the plaintiffs as set forth in their Complaint.

The property is described as all those five (5) parcels of ground situate in Cooper Township, Clearfield County, Pennsylvania, bounded and described as follows:

a. Parcel "a" identified by county assessment map #110-R7-22 described as follows in the Clearfield County Recorder's Office in Deed dated November 16, 1999 filed as Instrument No. 1999-20149 as:

THE FIRST THEREOF: ALL that certain lot or piece of ground situate in Cooper Township, Clearfield County, Pennsylvania, bounded and described as follows: 4½ acres as property of Mrs. Albert Heffler, as vested in Thomas W. Lakin and Myrtle R. Lakin by deed from the County Commissioners of Clearfield County dated August 23, 1943 and recorded in the Clearfield County Recorder's Office in Deed Book Volume 352 at page 293 on October 15, 1943.
and

b. Parcel "b" identified by county assessment map #110-R7-23 described in the Clearfield County Recorder's Office in Deed dated November 16, 1999 filed as Instrument No. 1999-20149 as:

THE SECOND THEREOF: ALL that lot or piece of ground located in Cooper Township, Clearfield County, Pennsylvania, consisting of four acres, more or less, and fronting on the township road leading from Kylertown to Rolling Stone; bounded on the North by lot of Reese Swanson and on the South by lot of Thomas W. Lakin and Myrtle R. Lakin.
and

c. Parcel "C" identified by county assessment map #110-R7-20 described in the Clearfield County Recorder's Office in Deed dated November 16, 1999 filed as Instrument No. 1999-20149 as:

THE THIRD THEREOF: ALL that piece of property consisting of two and one-fourth (2 $\frac{1}{4}$) acres situated in Cooper Township; Clearfield County, Pennsylvania, bounded on the East by land of Mike Pillar, on the South by land of Reese R. Swanson and wife Helen Swanson, on the West by land of Reese R. Swanson and on the North by the Township road, it being one half of a tract of four and a half (4 $\frac{1}{2}$) acres owned by the grantor (Reese R. Swanson) and recorded in County Deed Book No. 409, page 344, October 26, 1950.

and

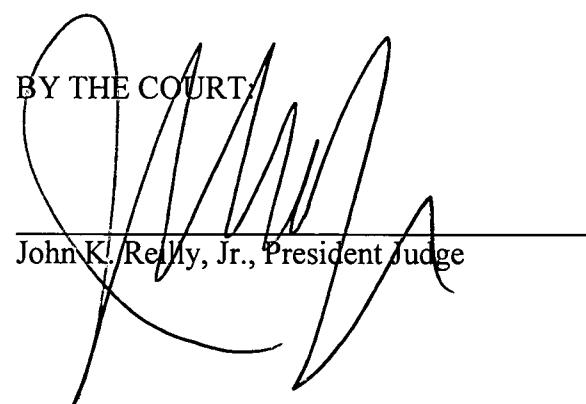
d. Parcel "d" identified by county assessment map #110-R7-21 described in the Clearfield County Recorder's Office in Deeds and Records Book 1887 at page 70 in deed dated November 7, 1997 as:

COOPER TOWNSHIP Map #110.-R07-000-00021 17 A.
and

e. Parcel "e" identified by county assessment map #110-R7-44 described in the Clearfield County Recorder's Office in Deeds and Records Book Volume 1409 at page 270 by deed dated July 19, 1991 into Robert E. Slanker and Yvonne A. Slanker thence from them by deed filed as Instrument No. 2001-08259 dated May 22, 2001 to Robert E. Slanker as:

ALL that lot or piece of ground located in Cooper Township, Clearfield County, Pennsylvania, consisting of four acres, more or less, fronting on the Township Road leading from Kylertown to Rolling Stone, bounded on the north by lot of Al Lutz and on the south by lot of Thomas L. Lakin and Myrtle R. Lakin.

BY THE COURT
John K. Reilly, Jr., President Judge



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

DREW A. BORSUK and
DENISE B. BORSUK

-vs-

No. 02-428-CD

CORDELIA LUTZ, MAGGIE LUTZ, :
IDA SMEAL, HARRY LUTZ, CHARLES :
LUTZ, ALFRED LUTZ, CORA LUTZ, :
ORNETTA LUTZ, all believed to be :
deceased and their cumulative heirs, :
devisees, successors, administrators, :
executors and assigns, and all other persons :
or entities in interest, known or unknown, :
claiming by, through or under them, and :
ANN MARIE NADZAM :
:

ORDER

NOW, this 6th day of September, 2002, following argument and briefs into
Preliminary Objections filed on behalf of Defendant Ann Marie Nadzam, it is the ORDER of
this Court that said Objections be and are hereby dismissed and said Defendant directed to file
an Answer to Plaintiffs' Complaint within 20 days from date hereof.

By the Court,

President Judge

FILED

SEP 06 2002
0300 Accatty Durst
William A. Shaw
Prothonotary Accatty Belin

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

DREW A. BORSUK, and
DENISE B. BORSUK,

Plaintiffs

vs.

No. 2002-428-CD

CORDELIA LUTZ, MAGGIE LUTZ,
IDA SMEAL, HARRY LUTZ, CHARLES
LUTZ, ALFRED LUTZ, CORA LUTZ,
ORNETTA LUTZ, all believed to be
deceased and their cumulative
heirs, devisees, successors,
administrators, executors and
assigns, and all other persons
or entities in interest, known
or unknown, claiming by,
through or under them, and ANN MARIE
NADZAM,

Defendants

ANSWER TO COMPLAINT IN
QUIET TITLE

File on behalf of

Ann Marie Nadzom

Counsel of Record for
this Party:

Kimberly M. Kubista
Attorney-At-Law
Pa. I.D. 52782

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

FILED

SEP 26 2002

William A. Shaw
Prothonotary

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

DREW A. BORSUK, and
DENISE B. BORSUK,

Plaintiffs

vs.

No. 2002-428-CD

CORDELIA LUTZ, MAGGIE LUTZ,
IDA SMEAL, HARRY LUTZ, CHARLES
LUTZ, ALFRED LUTZ, CORA LUTZ,
ORNETTA LUTZ, all believed to be
deceased and their cumulative
heirs, devisees, successors,
administrators, executors and
assigns, and all other persons
or entities in interest, known
or unknown, claiming by,
through or under them, and ANN MARIE
NADZAM,

Defendants

ANSWER TO COMPLAINT IN QUIET TITLE

NOW COMES the Defendant, ANN MARIE NADZOM, by and through her attorneys, Belin & Kubista, and sets forth the following Answer to Complaint in Quiet Title, and in support thereof would aver as follows:

1. Paragraph 1 is admitted.
2. Paragraph 2 as to Defendants, Cordelia Lutz, Maggie Lutz, Ida Smeal, Harry Lutz, Charles Lutz, Alfred Lutz, Cora Lutz, and Ornetta Lutz is neither admitted nor denied in that after reasonable investigation, Defendant is without sufficient knowledge or information to form a belief to this averment. Paragraph 2 in reference to Ann Marie Nadzom is admitted.

3. Paragraph 3 is neither admitted nor denied in that after reasonable investigation, Defendant is without sufficient knowledge or information to form a belief to this averment.

4. Paragraph 4 is neither admitted nor denied in that after reasonable investigation, Defendant is without sufficient knowledge or information to form a belief to this averment.

5. Paragraph 5 is neither admitted nor denied in that after reasonable investigation, Defendant is without sufficient knowledge or information to form a belief to this averment.

6. Paragraph 6 is admitted in part and denied in part. It is admitted that a copy of an assignment of property described in paragraph 3e is set out on Exhibit "C". It is neither admitted nor denied that Robert E. Slanker has, since the date of the assignment, obtained title to the premises solely in his own name and now resides at 11 Haverford Circle, Manchester, PA 17345.

7. Paragraph 7 is neither admitted nor denied in that after reasonable investigation, Defendant is without sufficient knowledge or information to form a belief to this averment.

8. Paragraph 8 is neither admitted nor denied in that after reasonable investigation, Defendant is without sufficient knowledge or information to form a belief to this averment.

9. Paragraph 9 is admitted.

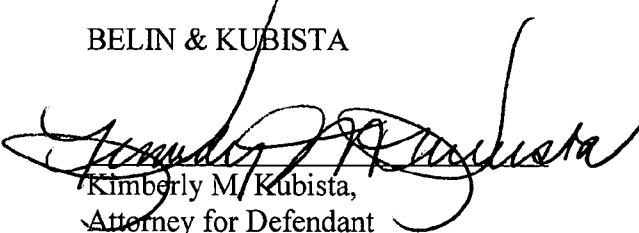
10. Paragraph 10 is admitted.

11. Paragraph 11 is neither admitted nor denied in that after reasonable investigation, Defendant is without sufficient knowledge or information to form a belief to this averment.

12. Paragraph 12 is neither admitted nor denied in that after reasonable investigation, Defendant is without sufficient knowledge or information to form a belief to this averment.

WHEREFORE, Defendant requests Your Honorable Court to dismiss the law suit against her and enter judgment in her favor against the Plaintiffs set forth herein and such other relief as the Court deems appropriate.

BELIN & KUBISTA


Kimberly M. Kubista,
Attorney for Defendant

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

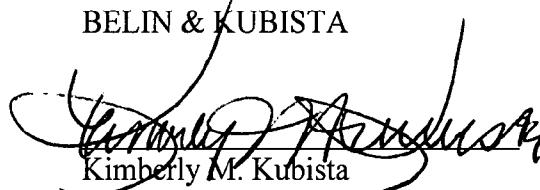
DREW A. BORSUK, and :
DENISE B. BORSUK, :
Plaintiffs :
vs. : No. 2002-428-CD
CORDELIA LUTZ, MAGGIE LUTZ, :
IDA SMEAL, HARRY LUTZ, CHARLES :
LUTZ, ALFRED LUTZ, CORA LUTZ, :
ORNETTA LUTZ, all believed to be :
deceased and their cumulative :
heirs, devisees, successors, :
administrators, executors and :
assigns, and all other persons :
or entities in interest, known :
or unknown, claiming by, :
through or under them, and ANN MARIE :
NADZAM, :
Defendants :

CERTIFICATE OF SERVICE

This is to certify that I have served a true and correct copy of Answer to
Complaint in Quiet Title in the above captioned matter on the following party by first-class,
postage prepaid mail on the 26th day of September, 2002:

Timothy Durant
201 North Second Street
Clearfield, PA 16830

BELIN & KUBISTA


Kimberly M. Kubista
Attorney for Ann Marie Nadzom

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

FILED

01/23/2004
SLIP 202002
cc
KES

William A. Shaw
Prothonotary

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

DREW A. BORSUK and

DREW A. BORSUK and
DENISE B. BORSUK,

Plaintiffs,

v.

Plaintiffs,

v.

CORDELIA LUTZ, MAGGIE LUTZ,

CORDELIA LUTZ, MAGGIE LUTZ, LES

IDA SMEAL, HARRY LUTZ, CHARLES

LUTZ, ALFRED LUTZ, CORA LUTZ, —

ORNETTA LUTZ, all believed to be deceased,

and their cumulative heirs, devisees, successors,

administrators, executors and assigns, and all other

persons or entities in interest, known or unknown,

claiming by, through or under them, and

ANN MARIE NADZAM,

Defendants.

Defendants.

No. 2002-428-CD

No. 2002-428-CD

PRELIMINARY OBJECTIONS

NOW COMES Defendant/Movant A PRELIMINARY OBJECTIONS by
attorneys and states the following:

1. That a complaint in quiet title was filed on behalf of Plaintiff.
Defendant Ann Marie Nadzam
2. That Defendant/Movant herein is Ann Marie Nadzam.
3. That the quiet title filed in the action lacks specificity in that:

Counsel of Record for this Party:

(a) it indicates that Defendant Ann Marie Nadzam has an interest in certain
property identified in the complaint in paragraphs (a) through (e). Said property is located in the
Township of Cooper, **FILED** Pennsylvania.
Kimberly M. Kubista
PA ID #52782

(b) ~~on May 01, 2002, specific allegations~~ to what if any
interest Ann Marie Nadzam has in the estate to which Plaintiff ~~is~~ entitled to quiet title.
William A. Shaw
Prothonotary
(814) 765-8972

3 cent to print

E
Kubista

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

DREW A. BORSUK and :
DENISE B. BORSUK, :
Plaintiffs, :
v. : No. 2002-428-CD
CORDELIA LUTZ, MAGGIE LUTZ, :
IDA SMEAL, HARRY LUTZ, CHARLES :
LUTZ, ALFRED LUTZ, CORA LUTZ, :
ORNETTA LUTZ, all believed to be deceased :
and their cumulative heirs, devisees, successors, :
administrators, executors and assigns, and all other :
persons or entities in interest, known or unknown, :
claiming by, through or under them, and :
ANN MARIE NADZAM, :
Defendants. :

CERTIFICATE OF SERVICE

I hereby certify that a certified copy of the foregoing Preliminary Objections was sent by first-class mail, postage prepaid this 15th day of May, 2002, to the following:

Timothy E. Durant, Esquire
201 North Second Street
Clearfield, PA 16830

BELIN & KUBISTA

By:

Kimberly M. Kubista

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

(A)

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

Drew A. Borsuk &
Denise B. Borsuk Plaintiff

Vs.

Cordelia Letz, et al
Defendant

*
*
*
*
*
*
*

Case No. 02-0428- CD

Praecipe to Discontinue

To the Prothonotary:

Please mark the above-referenced case ~~settled~~ Discontinued, ~~and sealed~~

6/28/07
Date

Timothy E. Durant
Filed by Timothy E. Durant
attorney for Plaintiff

FILED No CC
01312031
JUN 29 2007
Cst. of
William A. Shaw
Prothonotary/Clerk of Courts
Atty

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

Drew A. Borsuk
Denise B. Borsuk

Vs. **No. 2002-00428-CD**
Cordelia Lutz, et al

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on June 29, 2007, marked:

Discontinued

Record costs in the sum of \$90.00 have been paid in full by Timothy E. Durant, Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 29th day of June A.D. 2007.



William A. Shaw, Prothonotary