

02-450-CD.  
STEPHEN C. PRESTON etal -vs- EDWARD KILGUS etal

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

STEPHEN C. and SANDRA S. PRESTON,  
husband and wife,  
D. SCOTT LYLE a/k/a DAVID S. LYLE and  
BETTY A. LYLE, husband and wife,  
REX T. BULLERS and CARLA M. BULLERS,  
husband and wife,  
LAKESHORE COMMUNITY SERVICES,  
INC., a non-profit corporation,  
Plaintiffs

VS.

EDWARD KILGUS and  
BROCKWAY CLAY COMPANY  
Defendants

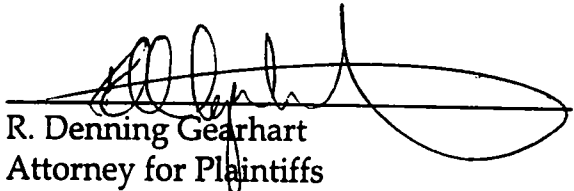
IN EQUITY

NO. 02 -450-CD

PRAECIPE TO TRANSFER THE RECORD

TO THE PROTHONOTARY OF SAID COURT:

Please transfer the record of the above referenced action to the Prothonotary  
of Jefferson County.


  
R. Denning Gearhart  
Attorney for Plaintiffs

Dated: April 7, 2002

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

APR 08 2002

Attest:



Date: 04/08/2002

Clearfield County Court of Common Pleas

User: BHUDSON

Time: 03:12 PM

ROA Report

Page 1 of 1

Case: 2002-00450-CD

Current Judge: No Judge

Civil Other

COPY

Date

Judge

03/25/2002

Filing: Civil Complaint in Equity Paid by: Gearhart, R. Denning Receipt  
number: 1840104 Dated: 03/25/2002 Amount: \$80.00 (Check) Three CC  
Attorney Gearhart

No Judge

COPY

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

Stephen C. and Sandra S. Preston,  
husband and wife, D. Scott Lyle a/k/a  
David S. Lyle and Betty A. Lyle, husband  
and wife, Rex T. Bullers and Carla M.  
Bullers, husband and wife, Lakeshore  
Community Services, Inc., a non-profit  
corporation

Vs.

CASE #2002-00450-CD

Edward Kilgus and  
Brockway Clay Company

CERTIFICATION OF DOCKET ENTRIES \_

I, William A. Shaw, Prothonotary of the Court of Common Pleas of Clearfield County, Pennsylvania, do hereby certify that the attached is a certified and full copy of the docket entries in the above captioned case.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the Court, on the 8th day of April, 2002.

William A. Shaw \_  
Prothonotary

BY: \_\_\_\_\_  
Deputy

Date: 03/28/2002

Clearfield County Court of Common Pleas

User: BHUDSON

Time: 03:12 PM

ROA Report

Page 1 of 1

Case: 2002-00450-CD

Current Judge: No Judge

Civil Other

COPY

Date

Judge

03/25/2002

Filing: Civil Complaint in Equity Paid by: Gearhart, R. Denning Receipt  
number: 1840104 Dated: 03/25/2002 Amount: \$80.00 (Check) Three CC  
Attorney Gearhart

No Judge

COPY

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

Stephen C. and Sandra S. Preston,  
husband and wife, D. Scott Lyle a/k/a  
David S. Lyle and Betty A. Lyle, husband  
and wife, Rex T. Bullers and Carla M.  
Bullers, husband and wife, Lakeshore  
Community Services, Inc., a non-profit  
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Vs.

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William A. Shaw \_  
Prothonotary

BY: \_\_\_\_\_  
Deputy

Date: 04/10/2002

Clearfield County Court of Common Pleas

User: BILLSHAW

Time: 08:25 AM

ROA Report

Page 1 of 1

Case: 2002-00450-CD

Current Judge: No Judge

Civil Other

Date		Judge
03/25/2002	Filing: Civil Complaint in Equity Paid by: Gearhart, R. Denning Receipt number: 1840104 Dated: 03/25/2002 Amount: \$80.00 (Check) Three CC Attorney Gearhart	No Judge
04/08/2002	Praecipe To Transfer The Record. filed by s/,R. Denning Gearhart, Esq. 1 cc Jeff. Co.	No Judge

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

APR 08 2002

Attest.

  
Prothonotary/  
Clerk of Courts

**WILLIAM A. SHAW**

**PROTHONOTARY  
AND  
CLERK OF COURT**

**CLEARFIELD COUNTY**



**DAVID S. AMMERMAN**

**SOLICITOR**

**JACQUELINE KENDRICK**

**DEPUTY PROTHONOTARY**

**P.O. Box 549  
CLEARFIELD, PENNSYLVANIA 16830  
(814) 765-2641 Ext. 1330  
FAX(814)-765-7659**

April 8, 2002

Jefferson County Prothonotary  
200 Main Street  
Brookville, PA 15825

Re: Stephen C. Preston et al vs. Edward Kilgus et al  
Clearfield Co. # 02-450-CD

Dea: Prothonotary:

Enclosed, please find Certification of Docket Entries, Certified Docket Sheet and the complaint filed in the above-captioned action.

Also enclosed, please find Attorney R. Denning Gearhart's checks payable to you for your filing fee along with copies for your certification.

Thank you for your assistance in this matter.

Sincerely,

William A. Shaw  
Prothonotary

Cc: R. Denning Gearhart, Esq.

**In The Court of Common Pleas of Clearfield County, Pennsylvania**

Sheriff Docket # 12298

PRESTON, STEPHEN C. & SANDRA S.

02-450-CD

VS.

KILGUS, EDWARD & BROCKWAY CLAY COMPANY

COMPLAINT IN EQUITY

**SHERIFF RETURNS**

NOW APRIL 10, 2002 RETURN THE WITHIN COMPLAINT IN EQUITY "NOT SERVED  
AT DIRECTION OF ATTORNEY".

**Return Costs**

Cost	Description
29.91	SHFF. HAWKINS PAID BY: ATTY.
20.00	SURCHARGE PAID BY: ATTY.

**FILED**

APR 11 2002  
01/11/28/lan  
William A. Shaw  
Prothonotary

Sworn to Before Me This

11th Day Of April 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 Mark H. Hays*  
Chester A. Hawkins  
Sheriff



# 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

STEPHEN C. & SANDRA S. PRESTON

TERM & NO. 02-450-CD

VS

EDWARD KILGUS &  
BROCKWAY CLAY COMPANY

**SERVE BY:** 4/24/02

4/1/02

**DOCUMENT TO BE SERVED:**  
COMPLAINT IN EQUITY

**MAKE REFUND PAYABLE TO:** R. DENNING GEARHART, Attorney

**SERVE:** EDWARD KILGUS and BROCKWAY CLAY COMPANY

**ADDRESS:** Kilgus--1000 Main St., Brockway, Pa. 268-4755  
Brockway--PO Box C, Clay Planta Road, Brockway, Pa.

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 JEFFERSON COUNTY Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this 26th Day of MARCH 2002.

Respectfully,

CHESTER A. HAWKINS,  
SHERIFF OF CLEARFIELD COUNTY

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

STEPHEN C. and SANDRA S. PRESTON, :  
husband and wife, :  
D. SCOTT LYLE a/k/a DAVID S. LYLE and :  
BETTY A. LYLE, husband and wife, :  
REX T. BULLERS and CARLA M. BULLERS, :  
husband and wife, :  
LAKESHORE COMMUNITY SERVICES, :  
INC., a non-profit corporation, :  
Plaintiffs :

VS. :

EDWARD KILGUS and :  
BROCKWAY CLAY COMPANY :  
Defendants :

IN EQUITY

NO. 02-450 -CD

CASE NUMBER: 02- -CD

TYPE OF CASE: Civil

TYPE OF PLEADING: COMPLAINT

FILED ON BEHALF OF: Plaintiffs

COUNSEL OF RECORD FOR THIS PARTY: R. DENNING GEARHART, ESQUIRE  
Supreme Court I.D. #26540  
215 East Locust Street  
Clearfield, PA 16830  
(814) 765-1581

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

MAR 25 2002

Attest.

  
Prothonotary/  
Clerk of Courts

**IN THE COURT OF COMMON PLEAS, JEFFERSON COUNTY, PENNSYLVANIA  
CIVIL DIVISION**

<b>STEPHEN C. and SANDRA S. PRESTON,</b>	:	
<b>husband and wife,</b>	:	
<b>D. SCOTT LYLE a/k/a DAVID S. LYLE and</b>	:	
<b>BETTY A. LYLE, husband and wife,</b>	:	
<b>REX T. BULLERS and CARLA M. BULLERS,</b>	:	<b>IN EQUITY</b>
<b>husband and wife,</b>	:	
<b>LAKESHORE COMMUNITY SERVICES,</b>	:	
<b>INC., a non-profit corporation,</b>	:	
<b>Plaintiffs</b>	:	
<b>VS.</b>	:	<b>NO. 02 - -CD</b>
	:	
<b>EDWARD KILGUS and</b>	:	
<b>BROCKWAY CLAY COMPANY</b>	:	
<b>Defendants</b>	:	

**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 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's Office  
Clearfield County Courthouse  
Clearfield, PA 16830  
814-765-2641 Ext. 50-51

**IN THE COURT OF COMMON PLEAS, JEFFERSON COUNTY, PENNSYLVANIA  
CIVIL DIVISION**

<b>STEPHEN C. and SANDRA S. PRESTON,</b>	:	
<b>husband and wife,</b>	:	
<b>D. SCOTT LYLE a/k/a DAVID S. LYLE and</b>	:	
<b>BETTY A. LYLE, husband and wife,</b>	:	
<b>REX T. BULLERS and CARLA M. BULLERS,</b>	:	<b>IN EQUITY</b>
<b>husband and wife,</b>	:	
<b>LAKESHORE COMMUNITY SERVICES,</b>	:	
<b>INC., a non-profit corporation,</b>	:	
<b>Plaintiffs</b>	:	
<b>VS.</b>	:	<b>NO. 02 - -CD</b>
	:	
<b>EDWARD KILGUS and</b>	:	
<b>BROCKWAY CLAY COMPANY</b>	:	
<b>Defendants</b>	:	

**COMPLAINT**

AND NOW COME the Plaintiffs, by and through their attorney, R. Denning Gearhart, who pray Your Honorable Court for relief and in support thereof aver as follows:

- 1a. Plaintiffs Stephen C. Preston and Sandy S. Preston, husband and wife, are adult individuals residing at 10 Edmar Lane, Brockway, Pennsylvania 15824.
- b. Plaintiffs D. Scott Lyle a/k/a David S. Lyle and Betty A. Lyle, husband and wife, are adult individuals who live at 8 Edmar Lane, Brockway, Pennsylvania 15824.
- c. Plaintiffs Rex T. Bullers and Carla M. Bullers, husband and wife, are adult individuals who live at 9 Edmar Lane, Brockway, Pennsylvania 15824.
- d. Plaintiff Lakeshore Community Services, Inc., a non-profit corporation, of Erie, Pennsylvania, operates a group home for developmentally disabled persons at 6 Edmar Lane, Brockway, Pennsylvania 15824.

3a. That defendant Edward Kilgus is an adult individual who has a residence or principal place of business at P.O. Box C, Clay Plant Road, Brockway, Pennsylvania 15824.

b. That defendant Brockway Clay Company is a business corporation, incorporated in the Commonwealth of Pennsylvania, is totally owned by Edward Kilgus and has as its business address of P.O. Box C, Clay Plant Road, Brockway, Pennsylvania 15824.

4. That on November 29, 1999, the Preston's did purchase from the Defendants a parcel of real estate subdivided by the Defendants in Snyder Township, Jefferson County, Pennsylvania, the purpose of that lot to build a home.

5. That on August 23, 1996, the Lyle's did purchase from the Defendants a parcel of real estate subdivided by the Defendants in Snyder Township, Jefferson County, Pennsylvania, the purpose of that lot to build a home.

6. That on May 27, 1997, the Buller's did purchase from the Defendants a lot of real estate located a parcel of real estate subdivided by the Defendants in Snyder Township, Jefferson County, Pennsylvania, the purpose of that lot to build a home.

7. That on April 8, 1999, Lakeshore Community Services, Inc., a non-profit corporation, did purchase from the Defendants a lot of real estate located a parcel of real estate subdivided by the Defendants in Snyder Township, Jefferson County, Pennsylvania, the purpose of that lot to build a group home for persons with developmental disabilities.

8. That prior to purchasing these lots from the Defendants, some promises were made to the Plaintiffs by the Defendants, either through advertising or in direct promises. Those promises include, but are not limited to:

a. The construction and maintenance of a 50 foot wide right-of-way for the use of all of the residents as a roadway in the subdivision being created by the Defendants.

b. The use of a publicly maintained water and sewage system and other utilities.

9. That upon purchase of the lots in question, Plaintiffs found that such conditions do not exist.

10. Specifically, the road has not been constructed, maintained and paved and creates difficulty in accessing the Plaintiffs' home. Its condition also causes debris to be washed down and fall upon the property of Plaintiffs.

11. That the road is not constructed properly or maintained by the Developer/ Defendants or by Snyder Township. The Township will not maintain the road because of its improper construction.

12. That the Plaintiffs are denied access to public sewer and water because of the defendant developers' failure to comply with local and state laws, regulations and ordinances.

13. That the failure of the defendants to comply with their agreement denies the Plaintiffs the use of their property as anticipated when purchased. That no remedy of law currently exists.

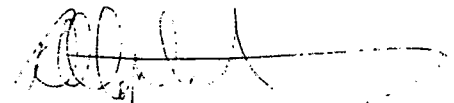
**WHEREFORE**, plaintiff prays Your Honorable Court to find judgment against them and for the defendants and order the following:

A. That Defendants take the steps necessary to improve and construct the right-of-ways throughout the development such that they will be maintained by the Snyder Township Authorities.

B. That the Defendants take steps necessary to cause the Borough of Brockway to lawfully provide sewage services, and Brockway Borough Municipal Authority to provide water services for the Plaintiffs, according to its rules and regulations.

C. That the Defendants be ordered to post bond in the amount of \$100,00.00 to assure that the same is completed within six (6) months; said bond to compensate the Plaintiffs for the expense of complete said contracted improvements, or to compensate them for the loss of value to their property.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read 'R. Denning Gearhart', written over a horizontal line.

R. Denning Gearhart, Esq.  
Attorney for Plaintiffs

COMMONWEALTH OF PENNSYLVANIA :  
 : SS:  
COUNTY OF JEFFERSON :

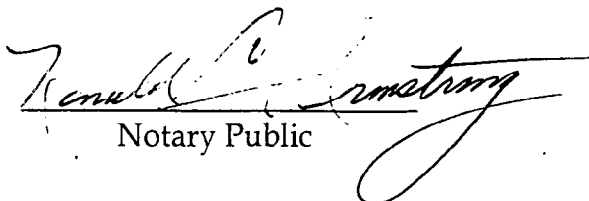
**AFFIDAVIT**

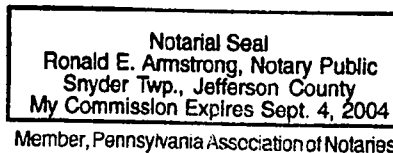
Before me, the undersigned officer, personally appeared, STEPHEN C. PRESTON and SANDRA S. PRESTON who being duly sworn according to law deposes and says that the facts set forth in the foregoing Complaint are true and correct to the best of their knowledge, information, and belief.

  
STEPHEN C. PRESTON

  
SANDRA S. PRESTON

Sworn to and subscribed  
before me this 5th day  
of February, 2002.

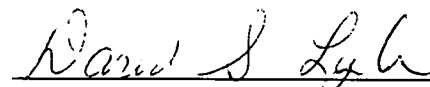
  
Notary Public



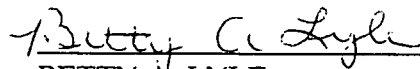
COMMONWEALTH OF PENNSYLVANIA :  
: SS:  
COUNTY OF JEFFERSON :

**AFFIDAVIT**

Before me, the undersigned officer, personally appeared, D. SCOTT LYLE  
a/k/a DAVID S. LYLE and BETTY A. LYLE who being duly sworn according to law  
deposes and says that the facts set forth in the foregoing Complaint are true and correct  
to the best of their knowledge, information, and belief.

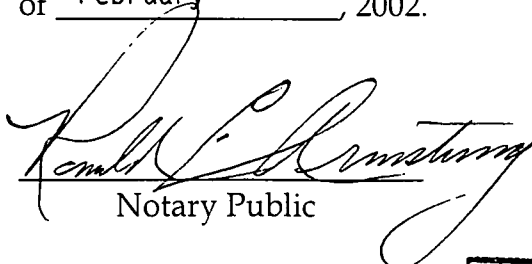


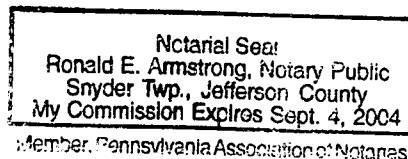
D. SCOTT LYLE a/k/a  
DAVID S. LYLE



BETTY A. LYLE

Sworn to and subscribed  
before me this 14<sup>th</sup> day  
of February, 2002.


  
Notary Public



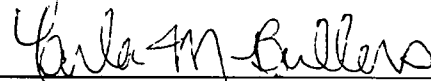
COMMONWEALTH OF PENNSYLVANIA :  
: SS:  
COUNTY OF JEFFERSON :

**AFFIDAVIT**

Before me, the undersigned officer, personally appeared, REX T. BULLERS and CARLA M. BULLERS who being duly sworn according to law deposes and says that the facts set forth in the foregoing Complaint are true and correct to the best of their knowledge, information, and belief.

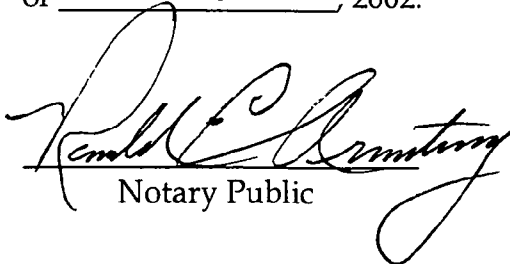
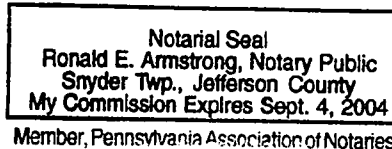


\_\_\_\_\_  
REX T. BULLERS



\_\_\_\_\_  
CARLA M. BULLERS

Sworn to and subscribed  
before me this 13th day  
of February, 2002.

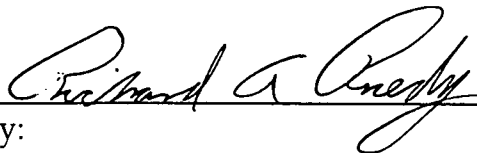
  
Notary Public

COMMONWEALTH OF PENNSYLVANIA :  
: SS:  
COUNTY OF :

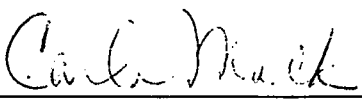
**AFFIDAVIT**

Before me, the undersigned officer, personally appeared, Richard A. Ruedy, Executive Director of Lakeshore Community Services, Inc., who being duly authorized and sworn according to law deposes and says that the facts set forth in the foregoing Complaint are true and correct to the best of his/her knowledge, information, and belief.

LAKESHORE COMMUNITY SERVICES, INC.

By: 

Sworn to and subscribed  
before me this 4th day  
of February, 2002.

  
Notary Public

NOTARIAL SEAL  
CARLA MACK, NOTARY PUBLIC  
ERIE, ERIE COUNTY, PENNSYLVANIA  
MY COMMISSION EXPIRES SEPT. 26, 2005

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

STEPHEN C. and SANDRA S. PRESTON, :  
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BETTY A. LYLE, husband and wife, :  
REX T. BULLERS and CARLA M. BULLERS, :  
husband and wife, :  
LAKESHORE COMMUNITY SERVICES, :  
INC., a non-profit corporation, :

Plaintiffs

VS.

EDWARD KILGUS and :  
BROCKWAY CLAY COMPANY :

Defendants

IN EQUITY

NO. 02 - 450 -CD

CASE NUMBER: 02- -CD

TYPE OF CASE: Civil

TYPE OF PLEADING: COMPLAINT

FILED ON BEHALF OF: Plaintiffs

COUNSEL OF RECORD FOR THIS PARTY: R. DENNING GEARHART, ESQUIRE  
Supreme Court I.D. #26540  
215 East Locust Street  
Clearfield, PA 16830  
(814) 765-1581

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

MAR 25 2002

Attest.

*William H. H.*  
Prothonotary/  
Clerk of Courts

**IN THE COURT OF COMMON PLEAS, JEFFERSON COUNTY, PENNSYLVANIA  
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<b>BETTY A. LYLE, husband and wife,</b>	:	
<b>REX T. BULLERS and CARLA M. BULLERS,</b>	:	<b>IN EQUITY</b>
<b>husband and wife,</b>	:	
<b>LAKESHORE COMMUNITY SERVICES,</b>	:	
<b>INC., a non-profit corporation,</b>	:	
<b>Plaintiffs</b>	:	
<b>VS.</b>	:	<b>NO. 02 - -CD</b>
	:	
<b>EDWARD KILGUS and</b>	:	
<b>BROCKWAY CLAY COMPANY</b>	:	
<b>Defendants</b>	:	

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Court Administrator's Office  
Clearfield County Courthouse  
Clearfield, PA 16830  
814-765-2641 Ext. 50-51

**IN THE COURT OF COMMON PLEAS, JEFFERSON COUNTY, PENNSYLVANIA  
CIVIL DIVISION**

<b>STEPHEN C. and SANDRA S. PRESTON,</b>	:	
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<b>D. SCOTT LYLE a/k/a DAVID S. LYLE and</b>	:	
<b>BETTY A. LYLE, husband and wife,</b>	:	
<b>REX T. BULLERS and CARLA M. BULLERS,</b>	:	<b>IN EQUITY</b>
<b>husband and wife,</b>	:	
<b>LAKESHORE COMMUNITY SERVICES,</b>	:	
<b>INC., a non-profit corporation,</b>	:	
<b>Plaintiffs</b>	:	
<b>VS.</b>	:	<b>NO.   02 -                 -CD</b>
	:	
<b>EDWARD KILGUS and</b>	:	
<b>BROCKWAY CLAY COMPANY</b>	:	
<b>Defendants</b>	:	

## COMPLAINT

AND NOW COME the Plaintiffs, by and through their attorney, R. Denning Gearhart, who pray Your Honorable Court for relief and in support thereof aver as follows:

1a. Plaintiffs Stephen C. Preston and Sandy S. Preston, husband and wife, are adult individuals residing at 10 Edmar Lane, Brockway, Pennsylvania 15824.

b. Plaintiffs D. Scott Lyle a/k/a David S. Lyle and Betty A. Lyle, husband and wife, are adult individuals who live at 8 Edmar Lane, Brockway, Pennsylvania 15824.

c. Plaintiffs Rex T. Bullers and Carla M. Bullers, husband and wife, are adult individuals who live at 9 Edmar Lane, Brockway, Pennsylvania 15824.

d. Plaintiff Lakeshore Community Services, Inc., a non-profit corporation, of Erie, Pennsylvania, operates a group home for developmentally disabled persons at 6 Edmar Lane, Brockway, Pennsylvania 15824.

3a. That defendant Edward Kilgus is an adult individual who has a residence or principal place of business at P.O. Box C, Clay Plant Road, Brockway, Pennsylvania 15824.

b. That defendant Brockway Clay Company is a business corporation, incorporated in the Commonwealth of Pennsylvania, is totally owned by Edward Kilgus and has as its business address of P.O. Box C, Clay Plant Road, Brockway, Pennsylvania 15824.

4. That on November 29, 1999, the Preston's did purchase from the Defendants a parcel of real estate subdivided by the Defendants in Snyder Township, Jefferson County, Pennsylvania, the purpose of that lot to build a home.

5. That on August 23, 1996, the Lyle's did purchase from the Defendants a parcel of real estate subdivided by the Defendants in Snyder Township, Jefferson County, Pennsylvania, the purpose of that lot to build a home.

6. That on May 27, 1997, the Buller's did purchase from the Defendants a lot of real estate located a parcel of real estate subdivided by the Defendants in Snyder Township, Jefferson County, Pennsylvania, the purpose of that lot to build a home.

7. That on April 8, 1999, Lakeshore Community Services, Inc., a non-profit corporation, did purchase from the Defendants a lot of real estate located a parcel of real estate subdivided by the Defendants in Snyder Township, Jefferson County, Pennsylvania, the purpose of that lot to build a group home for persons with developmental disabilities.

8. That prior to purchasing these lots from the Defendants, some promises were made to the Plaintiffs by the Defendants, either through advertising or in direct promises. Those promises include, but are not limited to:

a. The construction and maintenance of a 50 foot wide right-of-way for the use of all of the residents as a roadway in the subdivision being created by the Defendants.

b. The use of a publicly maintained water and sewage system and other utilities.

9. That upon purchase of the lots in question, Plaintiffs found that such conditions do not exist.

10. Specifically, the road has not been constructed, maintained and paved and creates difficulty in accessing the Plaintiffs' home. Its condition also causes debris to be washed down and fall upon the property of Plaintiffs.

11. That the road is not constructed properly or maintained by the Developer/ Defendants or by Snyder Township. The Township will not maintain the road because of its improper construction.

12. That the Plaintiffs are denied access to public sewer and water because of the defendant developers' failure to comply with local and state laws, regulations and ordinances.

13. That the failure of the defendants to comply with their agreement denies the Plaintiffs the use of their property as anticipated when purchased. That no remedy of law currently exists.

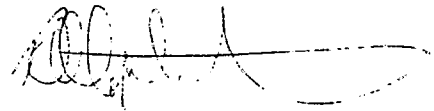
**WHEREFORE**, plaintiff prays Your Honorable Court to find judgment against them and for the defendants and order the following:

A. That Defendants take the steps necessary to improve and construct the right-of-ways throughout the development such that they will be maintained by the Snyder Township Authorities.

B. That the Defendants take steps necessary to cause the Borough of Brockway to lawfully provide sewage services, and Brockway Borough Municipal Authority to provide water services for the Plaintiffs, according to its rules and regulations.

C. That the Defendants be ordered to post bond in the amount of \$100,00.00 to assure that the same is completed within six (6) months; said bond to compensate the Plaintiffs for the expense of complete said contracted improvements, or to compensate them for the loss of value to their property.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read 'R. Denning Gearhart', with a long horizontal flourish extending to the right.

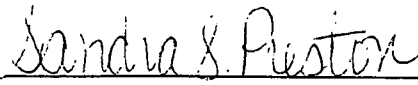
R. Denning Gearhart, Esq.  
Attorney for Plaintiffs

COMMONWEALTH OF PENNSYLVANIA :  
: SS:  
COUNTY OF JEFFERSON :

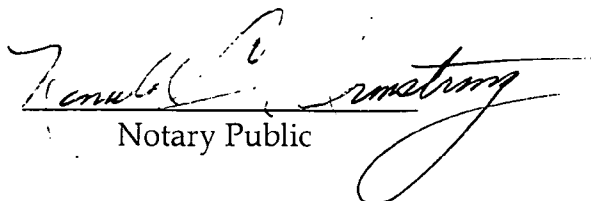
**AFFIDAVIT**

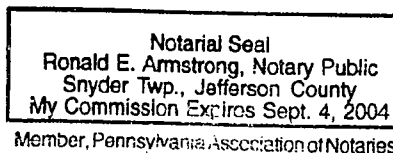
Before me, the undersigned officer, personally appeared, STEPHEN C. PRESTON and SANDRA S. PRESTON who being duly sworn according to law deposes and says that the facts set forth in the foregoing Complaint are true and correct to the best of their knowledge, information, and belief.

  
STEPHEN C. PRESTON

  
SANDRA S. PRESTON

Sworn to and subscribed  
before me this 5th day  
of February, 2002.

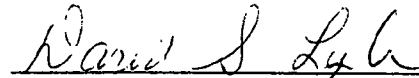
  
Notary Public



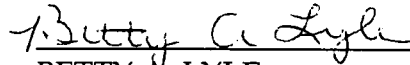
COMMONWEALTH OF PENNSYLVANIA :  
: SS:  
COUNTY OF JEFFERSON :

**AFFIDAVIT**

Before me, the undersigned officer, personally appeared, D. SCOTT LYLE  
a/k/a DAVID S. LYLE and BETTY A. LYLE who being duly sworn according to law  
deposes and says that the facts set forth in the foregoing Complaint are true and correct  
to the best of their knowledge, information, and belief.

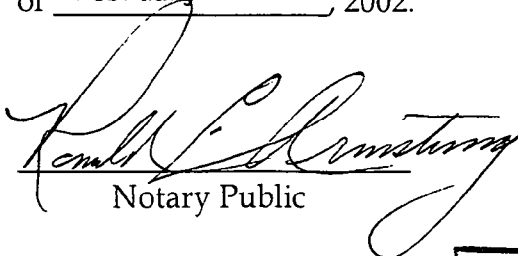


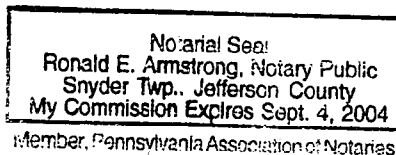
D. SCOTT LYLE a/k/a  
DAVID S. LYLE



BETTY A. LYLE

Sworn to and subscribed  
before me this 14<sup>th</sup> day  
of February, 2002.

  
Notary Public



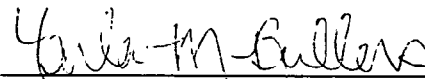
COMMONWEALTH OF PENNSYLVANIA :  
: SS:  
COUNTY OF JEFFERSON :

**AFFIDAVIT**

Before me, the undersigned officer, personally appeared, REX T. BULLERS and CARLA M. BULLERS who being duly sworn according to law deposes and says that the facts set forth in the foregoing Complaint are true and correct to the best of their knowledge, information, and belief.

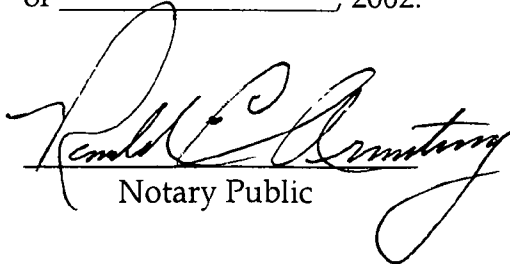


\_\_\_\_\_  
REX T. BULLERS



\_\_\_\_\_  
CARLA M. BULLERS

Sworn to and subscribed  
before me this 13th day  
of February, 2002.

  
Notary Public

Notarial Seal  
Ronald E. Armstrong, Notary Public  
Snyder Twp., Jefferson County  
My Commission Expires Sept. 4, 2004  
Member, Pennsylvania Association of Notaries

COMMONWEALTH OF PENNSYLVANIA :  
: SS:  
COUNTY OF :

**AFFIDAVIT**

Before me, the undersigned officer, personally appeared, Richard A. Ruedy, Executive Director of Lakeshore Community Services, Inc., who being duly authorized and sworn according to law deposes and says that the facts set forth in the foregoing Complaint are true and correct to the best of his/her knowledge, information, and belief.

LAKESHORE COMMUNITY SERVICES, INC.

By: *Richard A. Ruedy*

Sworn to and subscribed

before me this 4th day

of February, 2002.

*Carla Mack*  
Notary Public

NOTARIAL SEAL  
CARLA MACK, NOTARY PUBLIC  
ERIE, ERIE COUNTY, PENNSYLVANIA  
MY COMMISSION EXPIRES SEPT. 26, 2005

02. 450 - 00

7099 3400 0016 7880 9100 0046 6607 5713

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Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$
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200 Main Street	
City, State, ZIP+4	
Brookville, PA 15825	

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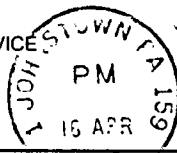
APR 12 2002

E/24

William A. Shaw  
Prothonotary

02-450-CD

UNITED STATES POSTAL SERVICE



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William A. Shaw  
Office of the Prothonotary  
PO Box 549  
Clearfield, PA 16830

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05



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APR 17 2002

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William A. Shaw  
Prothonotary