

02-690-CD  
ROBERT A. GOODROW et ux -vs- JOHN GOODROW et al

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

ROBERT A. GOODROW and JOYCE  
D. GOODROW, His Wife,  
Plaintiffs

vs.

No. 2002-690-CD

JOHN GOODROW and  
MARGARET ANN HESS,  
Defendants

ANSWER TO PETITION FOR JUDGMENT OF NON-PROS

AND NOW come the Plaintiffs, Robert A. Goodrow and Joyce D. Goodrow, his wife, who by and through their attorney, John R. Carfley, Esquire, reply to Defendants' Petition for Judgment of Non-Pros:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.

6. It is admitted that there has been no formal activity to list the case for jury trial, since the matter is such that it involved only the use of a right of way which could be determined by a Board of Arbitration or by non-jury trial.

By way of further answer, it is averred that immediately upon receipt of the Defendants' Petition for Judgment of Non-Pros, said Petition was forwarded by counsel to the clients who responded to said inquiry on April 18, 2005 advising counsel of their intent to pursue this matter to culmination. Counsel offers by way of explanation for Plaintiffs' lack of activity that the matter involved the use of a roadway as well as other minor matters such as piping of runoff water which, to a certain extent, was recognized by the Defendants and corrected throughout the period of time that this litigation was pending. It is believed that these matters may now be reconciled by agreement, but the litigation should not be terminated without a status conference to determine the

**FILED**

APR 25 2005

*W.A. Shaw*  
m/12:30(✓)  
William A. Shaw  
Prothonotary  
1 CENT TO ATT

current posture of each of the parties since a dismissal of the action may result in a simple refile of the Complaint if the matters are not determined with some finality.

7. Denied for those reasons more fully set forth hereinabove in Paragraph 6, the averments of which are incorporated herein by reference as fully as though set forth at length.

8. It is admitted that the Defendants pled the Equitable Doctrine of Laches, however, Plaintiffs responded to the New Matter and denied the applicability of this Equitable Doctrine as a matter of law.

9. Admitted.

10. It is denied that there has been any lack of due diligence on the part of the Plaintiffs in that said matters are routinely scheduled for Call of the List and presented for non-jury trial pursuant to the authority of the Court Administrator's Office.

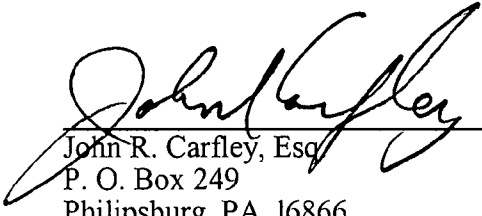
11. Denied for those reasons more fully set forth hereinabove.

12. a. It is denied that the Defendants have been prejudiced by any delay since the action involves only the Plaintiffs and Defendants and Defendants have failed to identify any key witnesses who may be deceased or otherwise unavailable.

b. The land and roadway are in substantially the same condition as at the time of filing of this action.

c. Evidence in the matter is likewise available and accessible by either party.

WHEREFORE, Plaintiffs respectfully request this Honorable Court to dismiss Defendants' Petition and to list the said matter for non-jury trial in the next term.

  
John R. Carfley, Esq.  
P. O. Box 249  
Philipsburg, PA 16866  
(814) 342-5581

Dated: April 20, 2005

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

ROBERT A. GOODROW and JOYCE  
D. GOODROW, His Wife,  
Plaintiffs

vs.

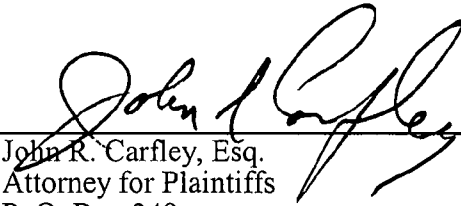
JOHN GOODROW and  
MARGARET ANN HESS,  
Defendants

:  
:  
:  
:  
: No. 2002-690-CD  
:  
:

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the within Answer to Petition for Judgment of Non-Pros by regular United States mail, postage prepaid on April 22, 2005, to the following counsel:

David Thompson, Esq.  
P. O. Box 587  
Philipsburg, PA 16866

  
\_\_\_\_\_  
John R. Carfley, Esq.  
Attorney for Plaintiffs  
P. O. Box 249  
Philipsburg, Pa., 16866  
(814) 342-5581

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

ROBERT A. GOODROW and JOYCE  
D. GOODROW, His Wife,  
Plaintiffs

:

:

vs.

:

No. 2002- 690-CO

JOHN GOODROW and  
MARGARET ANN HESS,  
Defendants

:

Document filed: Complaint

:

Filed on behalf of:  
Plaintiffs

:

Counsel for this Party:  
John R. Carfley, Esq.  
P. O. Box 249  
Philipsburg, Pa., 16866  
(814) 342-5581  
ID# 17621

**FILED**

MAY 01 2002

William A. Shaw  
Prothonotary

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

ROBERT A. GOODROW and JOYCE :  
D. GOODROW, His Wife, :  
Plaintiffs :  
vs. : No. 2002-  
JOHN GOODROW and :  
MARGARET ANN HESS, :  
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 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 FIND ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

COURT ADMINISTRATOR  
COURTHOUSE  
CLEARFIELD, PA., 16830  
(814) 765-2641

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

ROBERT A. GOODROW and JOYCE :  
D. GOODROW, His Wife, :  
Plaintiffs :  
vs. : No. 2002-  
JOHN GOODROW and :  
MARGARET ANN HESS, :  
Defendants :

COMPLAINT

AND NOW come the plaintiffs, Robert A. Goodrow and Joyce D. Goodrow, his wife, who by and through their attorney, John R. Carfley, Esquire, set forth a claim against the defendants, the following of which is a statement:

1. The plaintiffs are Robert A. Goodrow and Joyce D. Goodrow, Husband and Wife, adult individuals who presently reside at R. D. 1, Box 485, Woodland, Clearfield County, Pennsylvania.

2. Defendant is John Goodrow, an adult individual, who presently resides at R. D. 1, Box 486A, Woodland, Clearfield County, Pennsylvania.

3. Defendant is Margaret Ann Hess, an adult individual who presently resides at R. D. 1, Box 486A, Woodland, Clearfield County, Pennsylvania.

4. Plaintiffs are the owners of real estate more particularly described in that deed from Richard Goodrow, Administrator of the Estate of Donna Lucille Goodrow dated the 8th day of July, 1976, and entered for record in the office of the Recorder of Deeds of Clearfield County, Pennsylvania, in Deed Book Volume 722, Page 169. A copy of said deed is attached hereto as Exhibit A.

5. Defendant, John Goodrow is the owner of and is in possession of property lying adjacent to the plaintiffs which property the defendant acquired by deed of Ward O. Goodrow et. ux. dated the 6th day of August, 1999, and entered for record in the office of the Recorder of Deeds of Clearfield County as Instrument Number 199913115. A copy of said deed is attached as Exhibit B.

6. Defendant, Margaret Ann Hess currently resides in said real estate hereinabove described in Paragraph 5 and wa actively involved in the acts of trespass hereinafter specified jointly and severely witht he defendant, John Goodrow.

7. Defendants, during the latter half of year, 2000, began to cut and remove trees and vegetation from plaintiffs' property and regraded and caused an artificial condition whereby the natural runoff is not dissipating by passing over and through the property consisting of the roadway and into a natural storm system maintained by the Township but rather is uncontrolled near the defendants' property because of an unnatural mound created on the roadway providing access to the plaintiffs' property causing damages to the plaintiffs as hereinafter set forth.

8. Because of the defendants' grading and brush removal and other operations plaintiffs have experienced drainage problems on their tract of land and on the right of way previously providing unfettered access to their land which obstruction they did not previously experience in almost twenty-five (25) years of ownership.

9. Defendants did not have the approval and/or permitting from the Clearfield County Planning Commission and/or any other



state, county or local regulatory agency including the township to undertake the activities which were performed and which activities have resulted in the negative impact on the plaintiffs real estate and roadway.

10. Plaintiffs have sustained monetary damages resulting from defendant's actions.

11. As a result of the actions of defendants as aforesaid, plaintiffs have suffered and will continue to suffer water damage icing, and degroagation of the right of way, all of which will result in monetary damages in excess of Ten Thousand (\$10,000.00) Dollars.

12. Because of the continuing nature of the trespass and the threat of additional influx of water during any periods of melt off or percipitation, plaintiffs' claim future damages for removal of accumulations of dirt in the natural drainage area that heretofore provided an area of runoff from the upslope property of the plaintiffs past the subject property of defendants which obstructions and damming will continue.

13. These future damages are unliquidated in nature but are believed and therefore averred to be in excess of \$10,000.00.

14. The aforesaid incident and the damages resulting to the plaintiff occurred solely as a result of the negligence, carelessness and recklessness of the defendant, who was in exclusive control of his property at all times relevant hereto which negligence, carelessness and recklessness consisted of the following:

(a) Failure to obtain the necessary permits and approval to

begin construction activity such as he did;

(b) Knew or by the exercise of reasonable care should have known the condition which he was creating by his actions;

(c) Failed to recognize that his actions were creating a condition damaging to the plaintiffs

(d) Creating or allowing to exist for an unreasonable period of time a condition which was and is damaging to plaintiffs.

(e) Failing to exercise reasonable care in performing the removal of trees and grading of his property which care would have disclosed the condition and the unreasonable risk involved in the removal of trees and grading and/or in further failing to make application for and obtain proper permits and approval.

(f) Allowing a known dangerous condition to exist on or about property utilized by the plaintiffs knowing or having reason to know that said condition would result in damages to plaintiffs and their property.

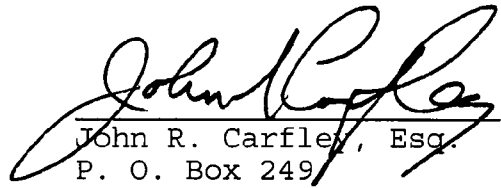
15. Defendant is liable to plaintiff under the principles set forth in the Restatement of Torts 2nd (§364 et. seq) which provides that a possessor of land is liable to others outside the land for physical harm caused by an artificial condition on the land where the possessor has created the condition since defendant in this instance created an artificial obstruction through his timbering and landscaping activities by disturbing the natural condition of the land and roadway.

16. Remedial efforts to restore the property to pre-disturbance status which will include a topographic survey, the grading of swales, seeding and mulching of the disturbed area all

of which have been estimated to exceed Twenty-five Thousand (\$25,000.00) Dollars.

17. The damages sustained by the Plaintiffs were the direct and causal result of the negligence of the Defendant, and were caused in no way by any act or failure to act on the part of the Plaintiffs.

WHEREFORE, Plaintiffs demand that judgment be entered in favor of the Plaintiffs and against the Defendant, in an amount in excess of \$25,000.00 together with interest thereon, delay damages, and costs of this proceeding.

  
John R. Carfley, Esq.  
P. O. Box 249  
Philipsburg, Pa., 16866  
(814) 342-5581

Dated: April 30, 2002

VERIFICATION

I hereby verify that the statements made in this instrument are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

Dated: April 22, 2002

Robert A. Groshen  
Jayne D. Groshen

THIS INDENTURE made this 8th day of July, 1976, by and between RICHARD GOODROW, Administrator of the Estate of DONNA LUCILLE GOODROW, a/k/a LUCILLE K. GOODROW, deceased, of Bradford Township, Clearfield County, Pennsylvania, of the one part, hereinafter referred to as "GRANTOR"

A  
N  
D

ROBERT GOODROW, of Route 1, Franklin Grove, Illinois, of the other part, hereinafter referred to as "GRANTEE".

WHEREAS, the said Donna Lucille Goodrow, a/k/a Lucille K. Goodrow, in her lifetime and at the time of her death was seized in fee of and in the premises hereinafter described, by virtue of a Deed of Indenture dated the 4th day of November, 1975 and recorded in Clearfield County Recorder of Deeds Office in Deed Book 710, page 001; and

WHEREAS, the said Donna Lucille Goodrow a/k/a Lucille K. Goodrow departed this life on December 29, 1975; and

WHEREAS, Letters of Administration upon the estate of Donna Lucille Goodrow a/k/a Lucille K. Goodrow were in due form of law issued to the said Richard Goodrow on April 2, 1976;

AND WHEREAS, the said Richard Goodrow has the authority to sell this property under the authority given him by the Fiduciaries Act of 1949, 541, as amended, 20 P.S. 320.541, as amended and contained in supplements thereto:

NOW THEREFORE, in consideration of One (\$1.00) Dollar in hand paid, the receipt whereof is hereby acknowledged, the said Grantor does hereby grant and convey unto the said Grantee, his heirs and assigns -

Exhibit A

ALL that certain piece or parcel of land situate in the Township of Bradford, County of Clearfield and Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at an iron pin along intersection of private road at intersection with Township Road T-611, thence South  $46^{\circ} 30'$  East along said private road a distance of Three hundred ten and fifty-five hundredths (310.55) feet to an iron pin; thence still along said private road South  $50^{\circ} 50'$  East fifty-three (53.0) feet to an iron pin; thence South  $46^{\circ} 30'$  West four hundred eighty-two (482) feet to an iron pin; thence along property of Ward Goodrow, North  $7^{\circ} 59'$  East five hundred eighty-six and forty-three hundredths (586.43) feet to iron pin and place of beginning.

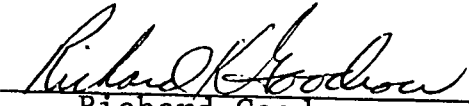
AND BEING a parcel of land containing two (2.0) acres and being set forth in a survey prepared by Lex W. Curry, registered surveyor, which map is hereto attached and made a part hereof.

AND BEING part of the same premises conveyed to Donna Lucille Goodrow a/k/a Lucille K. Goodrow, and Elmer G. Goodrow and Pearl A. Goodrow, husband and wife, by Deed dated the 4th day of November, 1975 and recorded in Deed Book 710, page 001. Said premises being conveyed by Elmer G. Goodrow and Pearl A. Goodrow to the Estate of Lucille K. Goodrow by Deed dated 5 April 1976 and recorded in Clearfield County Recorder of Deeds Office in Deed Book 717, page 022.

TOGETHER with all singular the buildings and improvements thereon erected. ways, waters, water courses, rights liberties, privileges

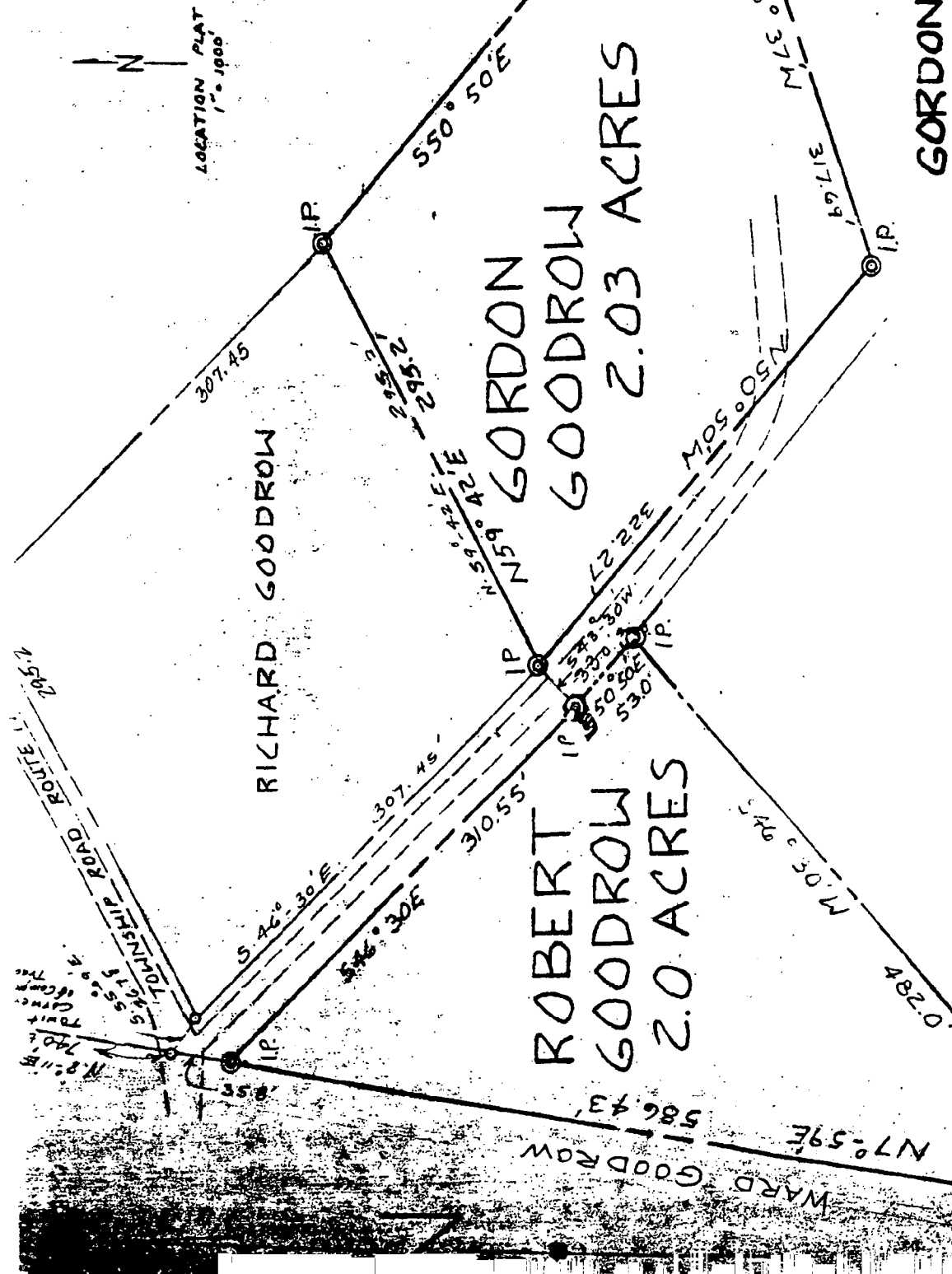
and his assigns does covenant, promise and agree to and with the said Grantee, his heirs, executors and assigns by these presents, that he, the said Grantor, has not heretofore done or committed any act, matter or thing whatsoever, whereby the premises hereby granted, or any part thereof, is are or shall or may be impeached charged or encumbered, in title, charge, estate or otherwise howsoever.

IN WITNESS WHEREOF, The Grantor hereunto sets his hand and seal the day and year first above written.

  
Richard Goodrow,  
Administrator (SEA)

COMMONWEALTH OF PENNSYLVANIA)  
COUNTY OF CLEARFIELD ) SS

On this 8th day of July, 1976, before me, the undersigned officer, personally appeared RICHARD GOODROW, known to me (or



WOODLAND, PA R.D.

# MAP OF LOTS

BRADFORD TWP. CLFD. CO., PA

SCALE: 1" = 100'

CLEARFIELD, PA  
LEX W CURR

MARCH 23 1976  
REG. SURVEY





County Parcel No. \_\_\_\_\_

## This Deed,

MADE the Sixth day of Aug  
in the year nineteen hundred and ninety-nine (1999)

BETWEEN WARD O. GOODROW and JOAN ANN GOODROW, husband and wife, of  
Woodland, Clearfield County, Pennsylvania, Grantors

AND

JOHN W. GOODROW, an adult single individual, <sup>SWG</sup> and ~~MARGARET ANN HESS, an  
adult single individual,~~ of Clearfield, Clearfield County,  
Pennsylvania, ~~as joint tenants with rights of survivorship, Grantees.~~

WITNESSETH, That in consideration of One and 00/100-----  
-----(\$1.00)-----Dollars,  
in hand paid, the receipt whereof is hereby acknowledged, the said grantor s do hereby grant  
and convey to the said grantees, their heirs and assigns, forever,

ALL that certain piece or parccel of land situate in Bradford  
Township, Clearfield County, Pennsylvania, bounded and described as  
follows:

BEGINNING at an iron pin located on the southerly right of way line of Bradford Township Road No. T-611, and marking the northeast corner of the herein described Lot No. 4, also marking a corner of lands now or formerly of Richard Goodrow (DB 1525/274; tax parcel #N7-000-59), and also marking a corner of lands now or formerly of Robert Goodrow (DB 722/169; tax parcel #N7-000-74); thence along said lands of Robert Goodrow, and other lands of Richard Goodrow, et al. (DB 717/022; tax parcel #N7-000-101), S 09 degrees 55' 00" W a distance of 1361.23 feet to an iron pin marking a corner of lands now or formerly of Terry K. and Kathryn L. English (DB 1417/069, tax parcel #N7-000-81); thence along said lands of English, S 88 degrees 09' 09" W a distance of 152.25 feet to an iron pin; thence along said lands of English, N 01 degree 59' 32" W a distance of 1415.42 feet to an iron pin marking a corner of said lands of English, and also being located on the southerly right of way line of said Township Road No. T-611; thence along said right of way line, S 63 degrees 30' 50" E a distance of 75.85 feet to a point; thence along said right of way line, S 82 degrees 38' 25" E a distance of 206.15 feet to a point; thence along said right of way line S 85 degrees 00' 40" E a distance of 123.23 feet to a point; thence along said right of way line N 86 degrees 55' 06" E a distance of 40.76 feet to an iron pin marking the place of beginning. Containing 9.213 acres and being Lot No. 4 as shown on a plan prepared by Stephen W. Norfolk, P.L.S., entitled "Ward O. and Joan Ann Goodrow Subdivision", dated June 14, 1999, and intended to be recorded in the Office of Recorder of Deeds in Clearfield County.

BEING a part of the "FIRST PARCEL" conveyed to the Grantors herein by Deed dated February 17, 1994, and recorded in the Recorder's Office of Clearfield County in Volume 1588 at Page 117.

THIS IS A CONVEYANCE FROM PARENT TO CHILD.

Exhibit B

## NOTICE

In accordance with the provisions of "The Bituminous Mine Subsidence and Land Conservation Act of 1966", I/we, the undersigned grantee/grantees, hereby certify that I/we know and understand that I/we may not be obtaining the right of protection against subsidence resulting from coal mining operations and that the purchased property may be protected from damage due to mine subsidence by a private contract with the owners of the economic interest in the coal. I/we further certify that this certification is in a color contrasting with that in the deed proper and is printed in twelve point type preceded by the word "notice" printed in twenty-four point type.

Witness:

*Ward O. Goodrow*

*John W. Goodrow*  
JOHN W. GOODROW

*Margaret Ann Hess*  
MARGARET ANN HESS

This *Sixth* day of *August* 19*99*

THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT. (This Notice is set forth pursuant to Act No. 253, approved September 10, 1965, as amended.)

AND the said grantors will specially WARRANT AND FOREVER DEFEND the property hereby conveyed.

IN WITNESS WHEREOF, said grantors have hereunto set their hands and seals, the day and year first above-written.

Sealed and delivered in the presence of

Linda M. Wooster  
as to both

Ward O. Goodrow [Seal]

WARD O. GOODROW

Joan Ann Goodrow [Seal]

JOAN ANN GOODROW

[Seal]

[Seal]

[Seal]

[Seal]

[Seal]

[Seal]

[Seal]

[Seal]

### CERTIFICATE OF RESIDENCE

I hereby certify, that the precise residence of the grantors herein is as follows: ~~219 W. 6th Ave.~~  
~~Clearfield, PA 16830.~~

RR1 Box 486A  
Woodland, PA 16881

Attorney or Agent for Grantee

Commonwealth of Pennsylvania

County of Clearfield

ss.

On this, the Sixth day of August 19 99, before me Linda M. Wooster  
the undersigned officer, personally appeared WARD O. and JOAN ANN GOODROW  
known to me (or satisfactorily proven) to be the persons whose names subscribed to the within  
instrument, and acknowledged that they executed the same for the purpose therein  
contained.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial

My Commission Expires Oct. 22, 2001

Linda M. Wooster

NOTARIAL SEAL  
LINDA M. WOOSTER, Notary Public  
Bradford Twp., Clearfield County, PA  
My Commission Expires Oct. 22, 2001

State of ..... } ss.  
County of .....

On this, the ..... day of ..... 19 ....., before me  
the undersigned officer, personally appeared  
known to me (or satisfactorily proven) to be the person ..... whose name ..... subscribed to the within  
instrument, and acknowledged that ..... executed the same for the purpose therein  
contained.

IN WITNESS WHEREOF, I have hereunto set my hand and ..... seal.

My Commission Expires .....

*John W. Goodrow*

KAREN L. STARK  
REGISTER AND RECORDER  
CLEARFIELD COUNTY, PA  
Pennsylvania  
INSTRUMENT NUMBER  
199913115  
RECORDED ON  
AUG 09, 1999  
12:45:15 PM  
RECORDING FEES - \$13.00  
RECORDER  
COUNTY IMPROVEMENT \$1.00  
FUND  
RECORDER  
IMPROVEMENT FUND \$1.00  
STATE UNIT TAX \$0.50  
TOTAL \$15.50

Commonwealth of Pennsylvania } ss.  
County of .....

RECORDED in the Office for Recording of Deeds, etc., in and for the said  
County, in Deed Book No. ...., Page  
WITNESS my hand and official seal this ..... day of ....., 19 .....

Recorder of Deeds

**Deed**

WARRANTY DEED  
The Plankenhorn Co., Williamsport, Pa.

FROM

WARD O. GOODROW, ET UX.

TO

JOHN W. GOODROW, ET AL.

Dated.....  
For .....  
.....  
.....  
Consideration .....  
Recorded .....

Entered for Record in the Recorder's  
Office of ..... day of Tax. \$  
County, the ..... 19 ..... Fees, \$  
Recorder

FILED

Rec'd  
\$80.00

MAY 01 2002

from ETS

0/12:31 p.m.

~~Dr.~~ William A. Shaw  
Proprietary

Two (2) cc to all

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

Sheriff Docket # 12473

GOODROW, ROBERT A. & JOYCE D.

02-690-CD

VS.

GOODROW, JOHN & MARGARET ANN HESS

**COMPLAINT**

**SHERIFF RETURNS**

NOW MAY 3, 2002 AT 2:24 PM DST SERVED THE WITHIN COMPLAINT ON  
MARGARET ANN HESS, DEFENDANT AT RESIDENCE, RD#1 BOX 486A,  
WOODLAND, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO  
MARGARET ANN HESS A TRUE AND ATTESTED COPY OF THE ORIGINAL  
COMPLAINT AND MADE KNOWN TO HER THE CONTENTS THEREOF.  
SERVED BY: NEVLING.

NOW MAY 3, 2002 AT 2:24 PM DST SERVED THE WITHIN COMPLAINT ON  
JOHN GOODROW, DEFENDANT AT RESIDENCE, RD#1 BOX 486A, WOODLAND,  
CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO MARGARET A. HESS  
A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN  
TO HER THE CONTENTS THEREOF.  
SERVED BY: NEVLING.

**Return Costs**

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

**FILED**

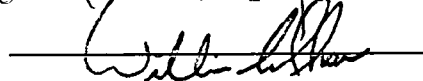
MAY 20 2002

Clas  
William A. Shaw  
Prothonotary




Sworn to Before Me This

20th Day Of May 2002



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

So Answers,

  
Chester A. Hawkins  
Sheriff

6-7-02

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

ROBERT A. GOODROW and JOYCE :  
D. GOODROW, His Wife, :  
Plaintiffs :

vs. : No. 2002-690-CD

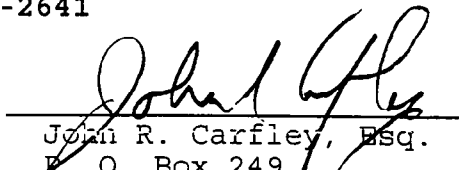
JOHN GOODROW and :  
MARGARET ANN HESS, :  
Defendants :

TO: John Goodrow  
Margaret Ann Hess  
R. D. 1, Box 486A  
Woodland, Pa., 16881

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO TAKE ACTION REQUIRED OF YOU IN THIS CASE. UNLESS YOU ACT WITHIN TEN (10) DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD TAKE THIS NOTICE TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

COURT ADMINISTRATOR'S OFFICE  
CLEARFIELD COUNTY COURTHOUSE  
CLEARFIELD, PA., 16830  
(814) 765-2641

  
John R. Carfley, Esq.  
P. O. Box 249  
Philipsburg, Pa., 16866  
Attorney for Plaintiffs

Dated: June 6, 2002

**FILED**

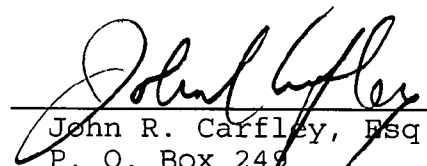
JUN 07 2002  
013301000  
William A. Shaw  
Prothonotary

CERTIFICATE OF SERVICE

I hereby verify that a true and correct copy of the within document was served upon the following party at the following address on June 6, 2002, by ordinary mail, first class, postage prepaid.

John Goodrow  
R. D. 1, Box 486A  
Woodland, Pa., 16881

Margaret Hess  
R. D. 1, Box 486A  
Woodland, Pa., 16881

  
\_\_\_\_\_  
John R. Carfley, Esq.  
P. O. Box 249  
Philipsburg, Pa., 16866  
Attorney for Plaintiffs



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

## CIVIL ACTION - LAW

ROBERT A. GOODROW and JOYCE D.  
GOODROW, his wife,

## Plaintiffs

**VS.**

JOHN GOODROW and MARGARET ANN HESS,

## Defendants

**No. 02-690-CD**

**TYPE OF PLEADING:**  
Answer Containing New Matter

**FILED ON BEHALF OF:**  
**Defendants**

**COUNSEL OF RECORD  
FOR THIS PARTY:  
David R. Thompson, Esquire  
Attorney at Law  
Supreme Court I.D. 73053  
308 Walton Street, Suite 4  
P.O. Box 587  
Philipsburg PA 16866  
(814) 342-4100**

**FILED**

JUN 13 2002

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL ACTION - LAW

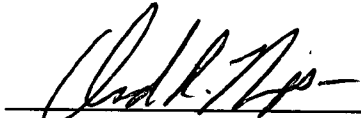
ROBERT A. GOODROW and JOYCE D.	*	
GOODROW, his wife,	*	No. 02-690-CD
Plaintiffs	*	
	*	
vs.	*	
	*	
JOHN GOODROW AND MARGARET	*	
ANN HESS,	*	
	*	
	*	
	*	
	*	
Defendants	*	

**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 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  
Clearfield PA 16830  
(814) 765-2641

  
\_\_\_\_\_  
David R. Thompson, Esquire  
Attorney for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL ACTION - LAW

ROBERT A. GOODROW and JOYCE	*	
D. GOODROW, his wife,	*	
	*	
	*	No. 02-690-CD
Plaintiffs	*	
	*	
vs.	*	
	*	
JOHN GOODROW and MARGARET	*	
ANN HESS,	*	
	*	
Defendants	*	

**ANSWER CONTAINING NEW MATTER**

AND NOW, comes the Defendants by and through their attorney, David R. Thompson, Esquire, and files the following Answer Containing New Matter to the Complaint filed by Plaintiffs:

1. Admitted.
2. Admitted.
3. Admitted.
4. After reasonable investigation, Defendant is without information sufficient to form a belief as to the truth or falsity of the averment. The same is therefore denied, and strict proof is demanded at the time of trial.
5. Admitted.
6. Admitted in part and denied in part. It is admitted that the Defendant Margaret

Ann Hess currently resides in the said real estate described in Paragraph five of Plaintiff's Complaint. It is specifically denied that she was actively involved in any acts of trespass either jointly or severally with the Defendant John Goodrow, as Defendants specifically deny said actions.

7. Admitted in part and denied in part. It is admitted that the Defendants removed some trees from their own property for the purpose of construction of a residence. It is specifically denied that trees and vegetation were removed from Plaintiffs' property. It is further denied that Defendants' clearing and construction occurred in the later half of 2000. By way of further pleading, Defendants performed excavation and construction in the spring of 1999, and actually began occupying the residence by September of 1999. All other allegations contained in Paragraph seven are specifically denied, and strict proof to the contrary is demanded at the time of trial.

8. Paragraph eight is specifically denied as more fully stated in New Matter herein.

Strict proof to the contrary is demanded at the time of trial.

9. Paragraph nine is specifically denied as more fully stated in New Matter herein.

Strict proof to the contrary is demanded at the time of trial.

10. After reasonable investigation, Defendant is without information sufficient to form a belief as to the truth or falsity of the averment. The same is therefore denied, and strict proof is demanded at the time of trial.

11. After reasonable investigation, Defendant is without information sufficient to form a belief as to the truth or falsity of the averment. The same is therefore denied, and strict proof is demanded at the time of trial.

12. After reasonable investigation, Defendant is without information sufficient to form a belief as to the truth or falsity of the averment. The same is therefore denied, and strict proof is demanded at the time of trial.

13. After reasonable investigation, Defendant is without information sufficient to form a belief as to the truth or falsity of the averment. The same is therefore denied, and strict proof is demanded at the time of trial.

14. Paragraph fourteen is a conclusion of law to which no response is necessary. To the extent a response is deemed necessary, paragraph fourteen "a" through "f" are specifically and strictly denied, and proof to the contrary is demanded at the time of trial.

15. Paragraph fifteen is a conclusion of law to which no response is necessary. To the extent a response is deemed necessary, paragraph fifteen is specifically and strictly denied, and proof to the contrary is demanded at the time of trial.

16. After reasonable investigation, Defendant is without information sufficient to form a belief as to the truth or falsity of the averment. The same is therefore denied, and strict proof is demanded at the time or trial.

17. Paragraph seventeen is a conclusion of law to which no response is necessary. To the extent a response is deemed necessary, paragraph seventeen is specifically and strictly denied, and proof to the contrary is demanded at the time of trial.

WHEREFORE, Defendants respectfully request this Honorable Court to enter judgement in their favor and against the Plaintiff's dismissing their Complaint with prejudice.

## **NEW MATTER**

Paragraphs 1 through 17 of Defendant's Answer are incorporated by reference as though the same were set forth at length herein.

18. Defendants performed no activity that would constitute a trespass, as all construction of the residence, and the landscaping of their real property occurred on real property of Defendant John Goodrow.

19. Prior to beginning excavation and construction of the residence, Defendants obtained all necessary permits, licenses and approval from all required agencies and municipalities.

20. Plaintiffs' alleged problems have occurred prior to Defendants' construction of their residence, and in fact continued for a period in excess of twenty-one years.

21. Plaintiffs' alleged problems are, have been, and continue to be caused by an improper reclamation project that occurred on real property above Plaintiffs' real property, currently owned by Plaintiffs' relatives.

22. No part of Plaintiffs' alleged problems occurred as a result of any activity of the Defendants regarding their real property.

23. No part of Plaintiffs' alleged problems occurred as a result of any activity of the Defendants regarding real property of Plaintiffs, though said activity is strictly denied.

24. The natural grade of the respective real properties alleged herein, as well as other real property owned by Plaintiff Robert Goodrow's relatives make Plaintiffs' allegations an impossibility.

25. Plaintiffs' alleged water problem has been addressed by the Bradford Township Supervisors prior to Defendants beginning any excavation upon their real property, as Plaintiffs were requested by the Township to resolve a water and icing problem that has occurred for a long period of time at the bottom of their access lane, where it meets the Township road.

26. Defendant's real property was surveyed in June of 1999, by Stephen Norfolk, prior to subdivision and beginning any excavation and construction. Defendants relied upon said survey in said construction. (A true and correct copy of said survey is attached hereto and marked as Defendants Exhibit "1").

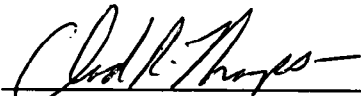
27. Plaintiffs claims are barred by the applicable Statute of Limitations.

28. Plaintiffs claims are barred by the Doctrine of Unclean Hands.

29. Plaintiffs claims are barred by the Doctrine of Laches.

Respectfully submitted,


DATED: 6-11-02

  
\_\_\_\_\_  
David R. Thompson, Esquire  
Attorney for Defendant

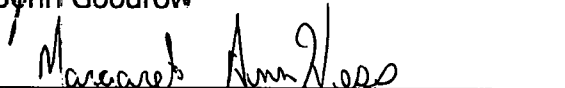
**VERIFICATION**

I certify that the facts set forth in the foregoing **ANSWER TO COMPLAINT CONTAINING NEW MATTER** are true and correct to the best of my knowledge, information and belief. This verification is made subject to the penalties of 18 Pa. C. S. § 4904, relating to unsworn falsification to authorities.

Dated: 6-10-02

  
\_\_\_\_\_  
John Goodrow

Dated: 6-10-02

  
\_\_\_\_\_  
Margaret Ann Hess



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL ACTION - LAW

ROBERT A. GOODROW and JOYCE D.  
GOODROW, his wife,

Plaintiffs

VS.

JOHN GOODROW AND MARGARET  
ANN HESS,

Defendants

\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

No. 02-690-CD

**CERTIFICATE OF SERVICE**

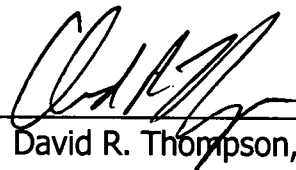
TO THE PROTHONOTARY:

I, DAVID R. THOMPSON, ESQUIRE, do hereby certify that I served a true and correct copy of **ANSWER CONTAINING NEW MATTER**, in the above captioned matter on the following by Prepaid, First Class, United States Mail:

John R. Carfley, Esquire  
222 Presqueisle Street  
Philipsburg, PA 16866

DATE: 6-11-02

BY:



David R. Thompson, Esquire

FILED

acc

012154

JUN 13 2002

Atty Thompson

William A. Shaw  
Prothonotary

W.A.S.  
KED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION LAW

ROBERT A. GOODROW and JOYCE D.  
GOODROW,

Plaintiffs

vs.

JOHN GOODROW AND MARGARET ANN HESS,

Defendants

No. 02-690-CD

TYPE OF CASE:  
Civil Division

TYPE OF PLEADING:  
Praecipe for Entry  
of Appearance

FILED ON BEHALF OF:  
John Goodrow and Margaret  
Ann Hess

COUNSEL OF RECORD FOR  
THIS PARTY:  
David R. Thompson, Esquire  
Supreme Court I.D. No. 73053  
Attorney at Law  
P.O. Box 587  
308 Walton Street, Suite 4  
Philipsburg PA 16866  
(814) 342-4100

FILED

JUN 13 2002

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL ACTION - LAW

ROBERT A. GOODROW and JOYCE D.  
GOODROW, his wife,

Plaintiffs

vs.

JOHN GOODROW and MARGARET  
ANN HESS,

Defendants

\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

No. 02-690-CD

**PRAECIPE FOR ENTRY OF APPEARANCE**

TO THE PROTHONOTARY:

Kindly enter my appearance in the above-captioned matter on behalf of the  
Defendants, **JOHN GOODROW AND MARGARET ANN HESS.**

Respectfully submitted,

  
\_\_\_\_\_  
David R. Thompson, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL ACTION - LAW

ROBERT A. GOODROW and JOYCE D.  
GOODROW, his wife,

Plaintiffs

VS.

JOHN GOODROW AND MARGARET  
ANN HESS,

Defendants

\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

No. 02-690-CD

**CERTIFICATE OF SERVICE**

TO THE PROTHONOTARY:

I, DAVID R. THOMPSON, ESQUIRE, do hereby certify that I served a true and correct copy of **PRAECIPE FOR ENTRY OF APPEARANCE**, in the above captioned matter on the following by Prepaid, First Class, United States Mail:

John R. Carfley, Esquire  
222 Presqueisle Street  
Philipsburg, PA 16866

DATE: 6-11-02

BY:   
David R. Thompson, Esquire

**FILED**

012:53484  
JUN 13 2002

2cc  
Atty Thompson  
E. K. B.

William A. Shaw  
Prothonotary

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

**FILED**

ROBERT A. GOODROW and JOYCE :  
D. GOODROW, His Wife, :  
Plaintiffs :

JUN 17 2002

vs. : No. 2002-690-CD

JOHN GOODROW and :  
MARGARET ANN HESS, :  
Defendants :

William A. Shaw  
Prothonotary

PLAINTIFFS' REPLY TO DEFENDANTS' NEW MATTER

AND NOW come the plaintiffs, Robert A. Goodrow and Joyce D. Goodrow, his wife, who by and through their attorney, John R. Carfley, Esquire, reply to Defendants' New Matter in the following manner:

18. Paragraph 18 of Defendants' New Matter states a conclusion of law as to which no response is required.

19. Denied. On the contrary it is averred that after reasonable investigation, plaintiffs are without knowledge sufficient to form a belief as to the truth of the averment set forth therein and insofar as relevant, proof thereof is demanded at time of trial.

20. Denied. On the contrary it is averred that after reasonable investigation, plaintiffs are without knowledge sufficient to form a belief as to the truth of the averment set forth therein and insofar as relevant, proof thereof is demanded at time of trial.

21. Denied. On the contrary it is averred that after reasonable investigation, plaintiffs are without knowledge sufficient to form a belief as to the truth of the averment set

forth therein and insofar as relevant, proof thereof is demanded at time of trial.

22. Denied. On the contrary it is averred that after reasonable investigation, plaintiffs are without knowledge sufficient to form a belief as to the truth of the averment set forth therein and insofar as relevant, proof thereof is demanded at time of trial.

23. Denied. On the contrary it is averred that after reasonable investigation, plaintiffs are without knowledge sufficient to form a belief as to the truth of the averment set forth therein and insofar as relevant, proof thereof is demanded at time of trial.

24. Denied. On the contrary it is averred that after reasonable investigation, plaintiffs are without knowledge sufficient to form a belief as to the truth of the averment set forth therein and insofar as relevant, proof thereof is demanded at time of trial.

25. Denied. On the contrary it is averred that after reasonable investigation, plaintiffs are without knowledge sufficient to form a belief as to the truth of the averment set forth therein and insofar as relevant, proof thereof is demanded at time of trial.

26. Denied. On the contrary it is averred that after reasonable investigation, plaintiffs are without knowledge sufficient to form a belief as to the truth of the averment set forth therein and insofar as relevant, proof thereof is demanded at time of trial.



VERIFICATION

I hereby verify that the statements made in this instrument are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

Dated: 6/13/02

Robert A. Gearhart  
Joyce D. Gearhart

FILED No cc

m 2:12-04  
JUN 17 2002

*[Handwritten signature]*

William A. Shaw  
Prothonotary

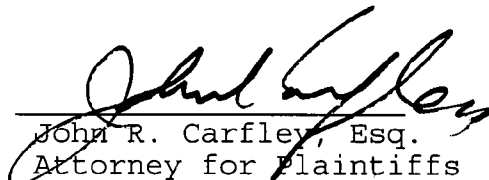
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

ROBERT A. GOODROW and JOYCE :  
D. GOODROW, His Wife, :  
Plaintiffs :  
vs. : No. 2002-690-CD  
JOHN GOODROW and :  
MARGARET ANN HESS, :  
Defendants :

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the within  
Plaintiffs' Reply to Defendant's New Matter by regular United  
States mail, postage prepaid on June 14, 2002, to the following  
counsel:

David Thompson, Esq.  
P. O. Box 587  
Philipsburg, Pa., 16866

  
John R. Carfley, Esq.  
Attorney for Plaintiffs  
P. O. Box 249  
Philipsburg, Pa., 16866  
(814) 342-5581

FILED

JUN 17 2002

William A. Shaw  
Prothonotary

**FILED**

no  
cc

M/D:12/2001

JUN 17 2002

William A. Shaw  
Prothonotary



CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION - LAW

ROBERT A. GOODROW AND JOYCE D.  
GOODROW,

Plaintiffs

VS.

JOHN GOODROW AND MARGARET  
ANN HESS,

Defendants

\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

No. 02-690-CD

**RULE RETURNABLE**

NOW, this 17<sup>th</sup> day of March, 2005, upon consideration of the Petition for

Judgment of Non-Pros, a Rule is hereby issued upon the Plaintiff to file a written response to the

Petition. Rule Returnable for written response on the 7 day of April, 2005.

**NOTICE**

A PETITION OR MOTION HAS BEEN FILED AGAINST YOU IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING MOTION FOR FINAL JUDGMENT BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND AN ORDER MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR RELIEF REQUESTED BY THE PETITIONER OR MOVANT. YOU MAY LOSE 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  
Clearfield PA 16830  
(814) 765-2641

**FILED**

MAR 18 2005

01:53:30 / W  
William A. Shaw

Prothonotary/Clerk of Courts

2 CENS TO ATT

BY THE COURT:

Judith J. Cusumano  
J.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION - LAW

ROBERT A. GOODROW AND JOYCE D.	*	
GOODROW,	*	No. 02-690-CD
	*	
Plaintiffs	*	
	*	
vs.	*	
	*	
JOHN GOODROW AND MARGARET	*	
ANN HESS,	*	
	*	
Defendants	*	

**ORDER**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 2005, upon consideration of the Petition for Judgement of Non-Pros, and written response having been filed, a hearing is hereby scheduled for the \_\_\_\_ day of \_\_\_\_\_, 2005, at \_\_\_\_ o'clock a.m./p.m. in Courtroom No. \_\_\_\_ of Clearfield County Courthouse.

BY THE COURT:

\_\_\_\_\_  
J.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION - LAW

ROBERT A. GOODROW AND JOYCE D.  
GOODROW,

Plaintiffs

vs.

JOHN GOODROW AND MARGARET  
ANN HESS,

Defendants

\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

No. 02-690-CD

**ORDER**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 2005, upon consideration of the Petition for Judgement of Non-Pros and Defendant having failed to file a written response within the time period given, it is hereby ORDERED AND DECREED that judgment is found in favor of Defendants and against the Plaintiff, Robert A. Goodrow and Joyce D. Goodrow, and the Complaint filed in the above-captioned matter is hereby dismissed with prejudice.

BY THE COURT:

\_\_\_\_\_  
J.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION - LAW

ROBERT A. GOODROW AND JOYCE D.  
GOODROW,

Plaintiffs

vs.

JOHN GOODROW AND MARGARET  
ANN HESS,

Defendants

No. 02-690-CD

TYPE OF CASE:  
Civil Division

TYPE OF PLEADING:  
Petition for Judgment of  
Non-Pros

FILED ON BEHALF OF:  
Defendants

COUNSEL OF RECORD  
FOR THIS PARTY:  
David R. Thompson, Esquire  
Attorney at Law  
Supreme Court I.D. 73053  
308 Walton Street, Suite 4  
P.O. Box 587  
Philipsburg PA 16866  
(814) 342-4100

FILED 2cc  
01/21/07/6H  
MAR 16 2005 (62) *Ally Thompson*

William A. Shaw  
Prothonotary, Clerk of Courts



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION - LAW

ROBERT A. GOODROW AND JOYCE D.	*	
GOODROW,	*	No. 02-690-CD
	*	
Plaintiffs	*	
	*	
vs.	*	
	*	
JOHN GOODROW AND MARGARET	*	
ANN HESS,	*	
	*	
Defendants	*	

**PETITION FOR JUDGMENT OF NON-PROS**

AND NOW, comes the Defendants, John Goodrow and Margaret Ann Hess, by and through their counsel David R. Thompson, Esquire, who file the following Petition for Judgment of Non-Pros:

1. Defendants are John Goodrow and Margaret Ann Hess, who have a residential address of RD 1 Box 486 A, Woodland, Clearfield County, Pennsylvania 16881.
2. Plaintiffs are Robert A. Goodrow and Joyce D. Goodrow, who have a residential address of RD 1 Box 485, Woodland, Clearfield County, Pennsylvania 16881.
3. On May 1, 2002, Plaintiffs filed a Complaint docketed to the above number against the Defendants.
4. On June 13 2002, Defendants' counsel filed a Praecipe for Entry of Appearance and an Answer Containing New Matter.

5. On or about June 18, 2002, Plaintiffs filed a Reply to New Matter.

6. Since June 18, 2002, there has been no court activity with regard to the case as shown on the docket. (A copy of the docket is attached hereto and marked as Exhibit "A").

7. Further, since June 18, 2002, Defendants have received no contact from Plaintiffs regarding this case.

8. In their New Matter, Defendants pleaded that Plaintiffs case should fail due to the Equitable Doctrine of Laches.

9. The Court of Common Pleas is vested with the inherent power to dismiss a case for inactivity pursuant to a Defendant's motion for non-pros.

10. There has been a lack of due diligence on the part of Plaintiffs in failing to proceed with reasonable promptitude.

11. Defendants allege that Plaintiffs have no compelling reason for the delay in prosecuting this action.

12. Defendants have been prejudiced by Plaintiffs' delay in the following manner:

- a. Key witnesses to the action are now deceased or otherwise unavailable;
- b. The action is based in lar d formations and the same have changed since the time the action was begun;
- c. Evidence in the matter has become otherwise stale.

WHEREFORE, Defendants respectfully request this Honorable Court to enter Judgment of Non-Pros in favor of the Defendants, dismissing Plaintiffs' complaint with prejudice.

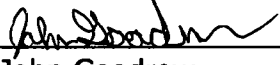
Respectfully submitted,

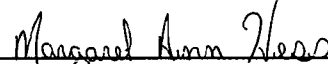
A handwritten signature in black ink, appearing to read "David R. Thompson", followed by a horizontal line.

David R. Thompson, Esquire  
Attorney for Defendants

**VERIFICATION**

Petitioners verify that the statements made in this **PETITION FOR JUDGMENT OF NON -PROS** are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

  
\_\_\_\_\_  
John Goodrow

  
\_\_\_\_\_  
Margaret Ann Hess

**FILED**

**MAR 16 2005**

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION - LAW

ROBERT A. GOODROW AND JOYCE D.,  
GOODROW,

Plaintiffs

vs.

JOHN GOODROW AND MARGARET,  
ANN HESS,

Defendants

No. 02-690-CD

TYPE OF CASE:  
Civil Action - Law

TYPE OF PLEADING:  
Certificate of Service

FILED ON BEHALF OF:  
Defendants

COUNSEL OF RECORD FOR  
THIS PARTY:  
David R. Thompson, Esquire  
Attorney at Law  
Supreme Court 73053  
P.O. Box 587  
308 Walton Street, Suite 4  
Philipsburg PA 16866  
(814) 342-4100

**FILED**  
0/2:20 *Bl*  
MAR 23 2005

*icc*  
*Atty Thompson*  
*(OK)*

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION - LAW

ROBERT A. GOODROW AND JOYCE D.,  
GOODROW,

Plaintiffs

vs.

JOHN GOODROW AND MARGARET,  
ANN HESS,

Defendants

\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

No. 02-690-CD

**CERTIFICATE OF SERVICE**

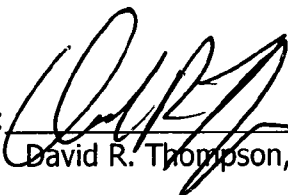
TO THE PROTHONOTARY:

I, DAVID R. THOMPSON, ESQUIRE, do hereby certify that I served a true and correct copy of the **PETITION FOR JUDGMENT OF NON-PROS and a RULE RETURNABLE** for written response on the 7th day of April, 2005 in the above captioned matter on the following by Prepaid, First Class, United States Mail:

JOHN R. CARFLEY, ESQUIRE  
P.O. Box 249  
Philipsburg, PA 16866

DATE: March 22, 2005

BY:

  
David R. Thompson, Esquire

## Notice of Proposed Termination of Court Case

February 1, 2012

RE: 2002-00690-CD

Robert A. Goodrow  
Joyce D. Goodrow

Vs.

John Goodrow  
Margaret Ann Hess

**FILED**  
FEB 01 2012  
William A. Shaw  
Prothonotary/Clerk of Courts

To All Parties and Counsel:

Please be advised that the Court intends to terminate the above captioned case without notice, because the Court records show no activity in the case for a period of at least two years.

You may stop the Court terminating the case by filing a Statement of Intention to Proceed. The Statement of Intention to Proceed must be filed with the **Prothonotary of Clearfield County, PO Box 549, Clearfield, Pennsylvania 16830**. The Statement of Intention to Proceed must be filed on or before **April 2, 2012**.

**If you fail to file the required statement of intention to proceed within the required time period, the case will be terminated.**

By the Court,

F. Cortez Bell, III, Esq.  
Court Administrator



Carfley  
Thompson

FILED

FEB 01 2012

William A. Shaw  
Prothonotary/Clerk of Court

Court of Common Pleas of Clearfield County, Pennsylvania  
Civil Division

Robert A. Goodrow  
Joyce D. Goodrow

FILED  
JUL 27 2012  
William A. Shaw  
Prothonotary Clearfield County  
6K

Vs.

2002-00690-CD

John Goodrow  
Margaret Ann Hess

**Termination of Inactive Case**

This case is hereby terminated with prejudice this July  
27, 2012, as per Rule 230.2



---

William A. Shaw  
Prothonotary