

02-895-CD
EDWIN R. ECKERBERG et ux -vs- EARL L. IRACA et ux

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

CA

FILED

05/20/02 3 CC
JUN 05 2002
Amy Berlin

RECEIVED
William A. Shaw
Prothonotary

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

EDWIN R. ECKBERG and SONJA J. :
ECKBERG, husband and wife, :
Petitioners, :
vs. : No. 02 - 845 - C.D.
EARL L. IRACA and MELANIE L. HIGGINS, :
husband and wife, :
Respondents :
:

PETITION TO OPEN
PRIVATE ROAD

Filed on behalf of
Petitioners

Counsel of Record for
this party:

Carl A. Belin, Jr.
PA ID #06805

BELIN & KUBISTA
15 North Front Street
Clearfield, PA 16830

(814) 765-8972

FILED

JUN 05 2002

William A. Shaw
Prothonotary

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

EDWIN R. ECKBERG and SONJA J. :
ECKBERG, husband and wife, :
Petitioners, :
vs. : No. 02 - 845 - C.D.
EARL L. IRACA and MELANIE L. HIGGINS, :
husband and wife, :
Respondents :
:

ORDER

AND NOW, this 5 day of June, 2002, upon
reading and considering the foregoing Petition, a rule is
hereby issued to show cause why a Board of View should not be
appointed in the above-captioned action to determine the
necessity of the road.

Rule returnable July 1, 2002, and hearing to
be held if necessary on the 3rd day of July,
2002, at 10:00 o'clock A.M. in Courtroom No. 1 of the
Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT,

FILED

JUN 05 2002

Judge

William A. Shaw
Prothonotary

FILED

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JUN 9 2002

AM 05 2002

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William A. Shaw
Prothonotary

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

EDWIN R. ECKBERG and SONJA J. :
ECKBERG, husband and wife, :
Petitioners, :
: No. 02 - - C.D.
vs. :
EARL L. IRACA and MELANIE L. HIGGINS, :
husband and wife, :
Respondents :
:

PETITION TO OPEN A PRIVATE ROAD

NOW COME, the Petitioners, and by and through their attorneys, Belin & Kubista, file the following petition to open a private road, and in support thereof aver as follows:

1. That the Plaintiffs are Edwin R. Eckberg and Sonya J. Eckberg, husband and wife, of R.D. #3, Box 294, Tyrone, Pennsylvania.
2. The Respondents are Earl L. Iraca and Melanie L. Higgins, husband and wife, whose last known address is R.R. 1, Box 361, Houtzdale, Pennsylvania.
3. That the Petitioners are the owners of a tract of land consisting of 57 acres which is further identified in the Clearfield County Tax Maps as Parcel Number 130-L11-51, which is located in Woodward Township, Clearfield County, Clearfield

Pennsylvania, more particularly bounded and described as follows:

ALL that certain piece or parcel of land situate, lying and being in Woodward Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a post corner of land now or formerly owned by Henry Faunce and Charles Louden; thence South along the line of lands now or formerly owned by Richard Whitehead and Charles Louden, One Hundred and Three (103) perches to a post corner of land now or formerly owned by Austin Kline; thence West along the line of land now or formerly owned by the said Austin Kline One Hundred Seventy-Nine (179) perches to a post on said line; thence North ten (10°) degrees East One Hundred and Five (105) perches to a post on line of land now or formerly owned by Henry Faunce; thence East along said line One Hundred and Six (106) perches to the place of beginning. The same containing One Hundred and Nine (109) acres, more or less.

EXCEPTING from this conveyance, real estate containing approximately fifty (50) acres, which was conveyed by Mary E. Kline and Albert Kline, her husband to David Hallman, by deed dated May, 1921, recorded in Clearfield County Deed Book Volume 254, page 517.

The above-described premises are also described in accordance with a survey prepared by Lex W. Curry, Registered Surveyor, dated December 23, 1986, as follows:

BEGINNING at an iron pin set on line of land now or formerly of Earl Kline; thence South nine (9°) degrees ten (10') minutes twenty (20") seconds West sixteen hundred and ninety-nine and fifty hundredths (1,699.50) feet to an iron pin set; thence North eighty (80°) degrees forty-nine (49') minutes forty (40") seconds West fifteen hundred ninety-four and fifty-six hundredths (1,594.56) feet along line of land now or formerly of Roland G. Tiracorda to an iron pin set; thence North eighteen (18°) degrees four

(4') minutes forty (40") seconds East seventeen hundred and twenty and twenty-five hundredths (1,720.25) feet along line of land now or formerly of John Goss, et al., to an iron pin set; thence South eighty (80°) degrees forty-nine (49') minutes forty (40") seconds East thirteen hundred twenty-eight and seventeen hundredths (1,328.17) feet along line of land now or formerly of Earl Kline to an iron pin set at the place of beginning. CONTAINING 57.015 acres.

BEING designated as Clearfield County Tax Map Parcel No. 130-L11-51.

4. Respondents are the owners of a tract of land consisting of 50 acres which is further identified in the Clearfield County Tax Maps as Parcel Number 130-L11-10.

5. That Petitioners' tract of land is landlocked as there is no public road leading to the property.

6. That an existing dirt road traverses the northern edge of Respondents' property and leads from Legislative Route T-580 to Petitioners' property.

7. That Petitioners request that the Court appoint a Board of View and direct a view to be held at the place where the road is requested in accordance with Act of 13 June 1836, June 13, P.L. 551, §11, as amended 36 P.S. §2731, et seq.

WHEREFORE, Petitioners request Your Honorable Court to appoint a Board of View to view the property and determine whether said road is necessary to access the property of Petitioners.

Respectfully submitted,

BELIN & KUBISTA

By

Carl A. Belin, Jr.

COMMONWEALTH OF PENNSYLVANIA)
) SS.
COUNTY OF CLEARFIELD)

We, EDWIN R. ECKBERG and SONYA J. ECKBERG, hereby acknowledge that the facts set forth in the foregoing Petition to Open Private Road are true and correct to the best of our knowledge, information and belief.

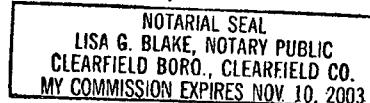
Edwin R. Eckberg
EDWIN R. ECKBERG

Sonya J. Eckberg
SONYA J. ECKBERG

Subscribed and sworn before me this 24th day of
May, 2002.

Lisa G. Blake

notary public



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION - LAW

EDWIN R. ECKBERG and SONJA J.
ECKBERG, husband and wife,

Petitioners,

* No. 02-895-C.D.

vs.

EARL L. IRACA and MELANIE L.
HIGGINS, husband and wife,

Respondents

* TYPE OF PLEADING:
* PRAECIPE FOR ENTRY
* OF APPEARANCE

* FILED ON BEHALF OF:
* Respondents

* ATTORNEY FOR DEFENDANT:
* David C. Mason, Esquire
* Supreme Court ID #39180
* DAVID C. MASON LAW OFFICE
* P.O. Box 28
* Philipsburg, PA 16866
* (814) 342-2240

FILED

JUN 28 2002
013.0412ccatty Mason
William A. Shaw
Prothonotary
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION - LAW

EDWIN R. ECKBERG and SONJA J.
ECKBERG, husband and wife,

*

*

*

Petitioners,

*

*

*

No. 02-895-C.D.

vs.

*

*

*

EARL L. IRACA and MELANIE L.
HIGGINS, husband and wife,

*

*

*

Respondents

*

PRAECIPE FOR ENTRY OF APPEARANCE

TO THE PROTHONOTARY OF SAID COURT:

Kindly enter my appearance on the behalf of the above named
Respondents.

DAVID C. MASON LAW OFFICE

DATED: 6/27/02

By: DCM
David C. Mason, Esquire,
Attorney for Respondents

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 12611

ECKBERG, EDWIN R. & SONJA J.

02-895-CD

VS.

IRACA, EARL L. & MELANIE L. HIGGINS

PETITION TO OPEN PRIVATE ROAD

SHERIFF RETURNS

NOW JUNE 24, 2002 AT 9:21 AM DST SERVED THE WITHIN PETITION TO OPEN PRIVATE ROAD ON MELANIE L. HIGGINS, DEFENDANT AT RESIDENCE, ELM ST., MADERA, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO MELANIE L. HIGGINS A TRUE AND ATTESTED COPY OF THE ORIGINAL PETITION TO OPEN PRIVATE ROAD AND MADE KNOWN TO HER THE CONTENTS THEREOF.

SERVED BY: NEVLNG.

NOW JUNE 24, 2002 AT 9:21 AM DST SERVED THE WITHIN PETITION TO OPEN PRIVATE ROAD ON EARL L. IRACA, DEFENDANT AT RESIDENCE, ELM ST., MADERA, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO MELANIE L. HIGGINS, ADULT AT RESIDENCE A TRUE AND ATTESTED COPY OF THE ORIGINAL PETITION TO OPEN PRIVATE ROAD AND MADE KNOWN TO HER THE CONTENTS THEREOF.

SERVED BY: NEVLING.

Return Costs

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

FILED

AUG 12 2002

01400

William A. Shaw
Prothonotary

Sworn to Before Me This

12th Day Of August 2002
William A. Shaw

So Answers,

Chester A. Hawkins
by Marilyn Hamm
Chester A. Hawkins
Sheriff

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

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

EDWIN R. ECKBERG and SONJA J. :
ECKBERG, husband and wife, :
Petitioners :
:
vs. : NO. 02 - 895 - C.D.
:
EARL L. IRACA and MELANIE L. :
HIGGINS, husband and wife, :
Respondents :

ORDER

AND NOW, this 27th day of August, 2002, upon reading and
considering the foregoing Petition it is the ORDER of the Court
that J. Richard Nathan III, Samuel Post, and Evo Faccine,
are hereby appointed Viewers to consider the location of a
private road as requested in said Petition and to determine the
damages therefor.

BY THE COURT,

FILED

AUG 29 2002

William A. Shaw
Prothonotary

FILED

200 Atty Belin
1157th
AUG 29 2002
2cc Atty D Mason

100 Mather, Yost, Fraehne

William A. Shaw
Prothonotary

RICK MATTERN

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
NO. 02- 895-CD
PETITION TO OPEN A PRIVATE ROAD

EDWIN R. ECKBERG and
SONYA J. ECKBERG,
Husband and Wife,
Plaintiffs

VS.

EARL L. IRACA and
MELANIE L. HIGGINS,
Husband and Wife,
Defendants

REPORT OF BOARD OF VIEWERS,
SCHEDULE OF FEES and COSTS,
COURT ORDER FOR PAYMENT

J. RICHARD MATTERN II, ESQUIRE
CHAIRMAN, BOARD OF VIEWERS

DATE: JUNE 2, 2003

cc
Rick Mattern

RICK MATTERN
ATTORNEY AT LAW
211 EAST PINE STREET
CLEARFIELD, PENNSYLVANIA 16830

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

EDWIN R. ECKBERG and
SONYA J. ECKBERG,
Husband and Wife,

Plaintiffs

VS.

EARL L. IRACA and
MELANIE L. HIGGINS,
Husband and Wife,

Defendants

: NO. 02-895-CD
:
:
: Type of Case: PETITION TO
: OPEN PRIVATE ROAD
:
: Type of Pleadings: REPORT OF
: BOARD OF VIEWERS, SCHEDULE OF
: FEES & COSTS, and ORDER FOR
: PAYMENT
:
:
:
: Filed on Behalf of:
: BOARD OF VIEWERS
:
:
:
:
: Counsel of Record for this Party:
: J. Richard Mattern II
: Attorney ID# 06817
: CHAIRMAN, BOARD OF VIEWERS
: 211 East Pine Street
: Clearfield, PA 16830
: (814) 765-6416

FILED

JUN 04 2003

William A. Shaw
Prothonotary

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

EDWIN R. ECKBERG and : NO. 02-895-CD
SONYA J. ECKBERG, :
Husband and Wife, :
Plaintiffs :
VS. :
EARL L. IRACA and :
MELANIE L. HIGGINS, :
Husband and Wife :
Defendants :
:
:

REPORT OF VIEWERS

TO: THE HONORABLE JOHN K. REILLY, JR.
PRESIDENT JUDGE OF SAID COURT

J. Richard Mattern II, Esq., Chairman of the Board of Viewers
respectfully represents:

1. A Petition to Open a Private Road was filed by Edwin R. Eckberg and Sonya J. Eckberg, Husband and Wife, of R.D.# 3, Box 294, Tyrone, Pennsylvania, on June 5th., 2002.
2. The Respondents are Earl L. Iraca and Melanie L. Higgins, Husband and Wife, whose last known address is R.R. 1, Box 361, Houtzdale, Pennsylvania.
3. David C. Mason, Esquire, filed a Praecepice for Entry of Appearance on behalf of the Respondents on June 28th., 2002.
4. By Order of Your Honorable Court dated August 29th., 2002, pursuant to Petition of Counsel for the Petitioners, J. Richard Mattern II, Esq., Samuel B. Yost and Eva G. Facchine were appointed Viewers to consider the Location of a Private Road as requested in said Petition and to determine the damages therefore. See Exhibits "A", attached hereto.
5. Pursuant to that Order Chairman Mattern contacted the Attorneys for the respective parties and members of the Board to determine a date to schedule the View and Hearing.

6. That on September 24th., 2002 Chairman Mattern did prepare a Notice of View, scheduling such for November 8th., 2002 at 10:00 A.M. and indicated in said Notice that prior to the View there would be a short Pretrial Conference at the site, at which time a date would be set for a Hearing by the Board of Viewers.
7. Said Notice of View was mailed to all parties by U.S. Mail, First Class. A copy of said Notice is attached hereto, marked Exhibit "B".
8. That on November 8th., 2002, the Board of Viewers did review all papers filed in the Action, and , subsequently met at the office of Carl A. Belin, Esq., to review a map of the premises, whereafter the Board traveled to the property site.
9. The Board met at the site at 10:00 A.M. with all parties and their respective Counsel, and after a short orientation briefing did take and extensive walk through forested property to view the terraine and property lines in a effort to determine possible locations for a private road, all of which took approximately and hour and a half.
10. Subsequent to the View a conference was held at the site with the parties and respective Counsel to discuss issues to be briefed, a briefing deadline and a subsequent Survey, if necessary.
11. By Letter from Attorney Belin dated May 22nd., 2003, Chairman Mattern was informed that the Action was Discontinued and the Board was discharged from any further duties. A copy of the Motion and Order to Dismiss is attached hereto marked Exhibit "C".
12. Chairman Mattern was advised by Attorney Belin to Prepare and file his Report , provide the Court with a Schedule of Fees and Costs, and that the Court would accordingly Order such paid by Clearfield County, Pa.
13. That despite the Discountinuance of the case, the Board of Viewers have incurred Fees and Costs in the preparation for View, scheduling of the View, attending the View and in the preparation and filing of this Report for the Court.
14. Your Petitioner, Board of Viewers Chairman Mattern hereby submits for the Court's approval a Schedule of Fees and Costs and an Order

for Clearfield County, Pennsylvania to pay said Fees and Costs.

Respectfully submitted,



J. RICHARD MATTERN II, ESQUIRE
Attorney I.D. # 06817
CHAIRMAN, BOARD OF VIEWERS

Date: June 2nd 2003.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

EDWIN R. ECKBERG and : NO. 02-895-CD
SONYA J. ECKBERG, :
Husband and Wife, :
Plaintiffs :
: -VS. :
: ;
EARL L. IRACA and :
MELANIE L. HIGGINS, :
Husband and Wife, :
Defendants :
: :

O R D E R

AND NOW, this 3rd day of June, 2003, the Court acknowledges the filing of the Report of Viewers, together with the attached Schedule of Fees and Costs, and ORDERS that CLEARFIELD COUNTY, PA. pay for the services rendered and costs incurred in the above captioned case the sum of Two Hundred and Eight-Seven and Twenty Cents (\$287.20) to Samuel B. Yost, the sum of Three Hundred Thirty Dollars and Eighty-Four Cents (\$330.84) to Eva G. Facchine, and the sum of Eight Hundred Seventy-Eight Dollars and Ninety-Eight Cents (\$878.98) to J. Richard Mattern II, Esquire, directly to the Board of Viewers at the addresses noted in the Schedule.

BY THE COURT:

JOHN K. REILLY, JR., PRESIDENT JUDGE

FILED

JUN 04 2003

William A. Shaw
Prothonotary

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JUL 04 2003
Amy Mankin

William A. Shaw
Prothonotary

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

EDWIN R. ECKBERG and : NO. 02-895-CD
SONYA J. ECKBERG, :
Husband and Wife, :
Plaintiffs :
VS. :
EARL L. IRACA and :
MELANIE L. HIGGINS, :
Husband and Wife, :
Defendants :
:

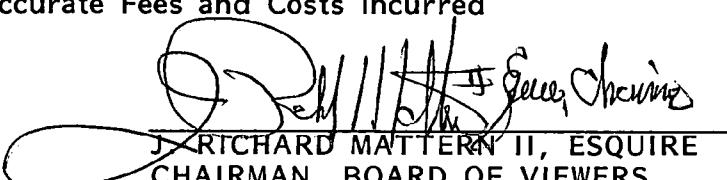
BOARD OF VIEWERS
SCHEDULE OF FEES AND COSTS
TO BE PAID BY
CLEARFIELD COUNTY, PA.

Payable to:	SAMUEL B. YOST R.D.# 2, Box 111 Clearfield, Pa. 16830	
	Four (4) hours @ \$70.00 per hour:	\$280.00
	Twenty (20) miles @ .36¢ per mile:	<u>7.20</u>
	Due and payable to Samuel B. Yost:	\$287.20
Payable to:	EVO G. FACCHINE 407 Patterson Avenue DuBois, Pa. 15801	
	Four & One-Half (4½) Hours @ \$70.00 per hour:	\$315.00
	Forty-Four (44) Miles @ .36¢ per mile:	<u>15.84</u>
	Due and payable to Evo G. Facchine	\$330.84
Payable to:	J. RICHARD MATTERN II, CHAIRMAN 211 East Pine Street Clearfield, Pa. 16830	
	Eleven & One-Half (11½) Hrs. @ \$70.00 per hour	\$787.50
	Postage: 4 x .37¢	1.48
	Stenographic Service	<u>90.00</u>
		\$878.98

Please mail all checks directly to the Board of Viewers at
their respective addresses.

I Certify the above to be the accurate Fees and Costs incurred
by the Board of Viewers.

Date: June 2nd 2003


J. RICHARD MATTERN II, ESQUIRE
CHAIRMAN, BOARD OF VIEWERS

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

EDWIN R. ECKBERG and SONJA J. :
ECKBERG, husband and wife, :
Petitioners :
:
vs. : NO. 02 - 895 - C.D.
:
EARL L. IRACA and MELANIE L. :
HIGGINS, husband and wife, :
Respondents :
:

ORDER

AND NOW, this 29th day of August, 2002, upon reading and
considering the foregoing Petition it is the ORDER of the Court
that J. Richard Mattern II, Samuel Yost, and Evo Faccine,
are hereby appointed Viewers to consider the location of a
private road as requested in said Petition and to determine the
damages therefor.

BY THE COURT,

/s/ JOHN K. REILLY, JR.

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

AUG 29 2002

EXHIBIT "A"

Attest: Willie E. Faccine
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

EDWIN R. ECKBERG and
SONYA J. ECKBERG,
Husband and wife,
Petitioners

vs.

No. 02-895-CD

EARL L. IRACA and MELANIE L.
HIGGINS, Husband and wife,
Respondents

NOTICE OF VIEW

To: **Samuel B. Yost**
Evo G. Facchine
Carl A. Belin, Jr., Esq.
David C. Mason, Esq.

You are hereby notified that J. Richard Mattern, II, Esquire, Samuel B. Yost and Evo G. Facchine, Board of Viewers in the above captioned matter, will conduct a View on **November 8, 2002 at 10:00 AM** with regard to the above captioned action at the subject premises to consider the location of a private road.

Prior to the actual View, there will be a short Pretrial Conference at the site, and a date will be set at that time for Hearing by the Board of Viewers in this matter.

Date: September 24, 2002

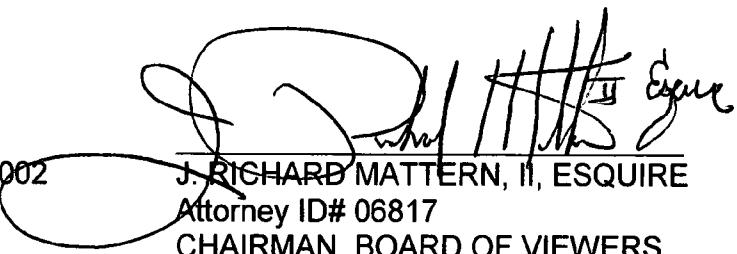

J. RICHARD MATTERN, II, ESQUIRE
Attorney ID# 06817
CHAIRMAN, BOARD OF VIEWERS
211 East Pine Street
Clearfield, Pa., 16830

EXHIBIT B

CARL A. BELIN, JR.
KIMBERLY M. KUBISTA
JOHN R. RYAN

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

CARL A. BELIN
1901-1997
AREA CODE 814
TELEPHONE 765-8972
FAX (814) 765-9893

May 22, 2003

J. Richard Mattern, II, Esquire
211 East Pine Street
Clearfield, PA 16830

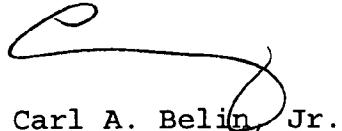
In re: Edwin R. Eckberg and Sonya J. Eckberg, Husband and
Wife v. Earl L. Iraca and Melanie L. Higgins
No. 02-895-CD

Dear Rick:

Enclosed find certified copy of Motion and Order to Dismiss and copy of Certificate of Service in the above-captioned action. I would suggest you file your report for the Board of View for costs and present it to Judge Reilly. He will enter an Order as to the appropriate party to pay the costs.

Very truly yours,

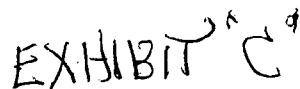
BELIN & KUBISTA


Carl A. Belin, Jr.

CABjr:smh

Enclosures

cc: David C. Mason, Esquire
w/enclosures
Mr. and Mrs. Edwin Eckberg
w/enclosures



ATTORNEYS AT LAW
BEILIN & KUBISTA

CLEARFIELD, PENNSYLVANIA 16830

P. O. BOX 1

15 NORTH FRONT STREET

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

EDWIN R. ECKBERG and SONYA J. :
ECKBERG, Husband and Wife, :
Plaintiffs :
: NO. 02-895-CD
vs. :
: :
EARL L. IRACA and MELANIE L. : MOTION and ORDER
HIGGINS, Husband and Wife, : TO DISMISS
Defendants :
:

Filed on Behalf of:
Plaintiffs

Counsel of Record for
This Party:

Carl A. Belin, Jr., Esquire
PA I.D. #06805

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

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

MAY 22 2003

Attest.

Lucy A. B.
Prothonotary/
Clerk of Courts

EXHIBIT C

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

EDWIN R. ECKBERG and SONYA J. :
ECKBERG, Husband and Wife, :
Plaintiffs :
vs. : NO. 02-895-CD
EARL L. IRACA and MELANIE L. :
HIGGINS, Husband and Wife, :
Defendants :

ORDER

AND NOW, this 22 day of May, 2003, upon
reading and considering the foregoing Motion it is the ORDER of
this Court that:

1. The above-captioned action be and it is hereby discontinued; and
2. the Board of Viewers appointed by this Court on August 29, 2002, be and is hereby discharged from any further duty.

BY THE COURT,

/s/ JOHN K. REILLY, JR.

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

MAY 22 2003

Attest.

John K. Reilly
Prothonotary/
Clerk of Courts

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

EDWIN R. ECKBERG and SONYA J. :
ECKBERG, Husband and Wife, :
Plaintiffs :
vs. : NO. 02-895-CD
EARL L. IRACA and MELANIE L. :
HIGGINS, Husband and Wife, :
Defendants :

PLAINTIFFS' MOTION TO DISMISS

AND NOW comes Plaintiffs Edwin R. Eckberg and Sonya J. Eckberg, by and through their attorneys, Belin & Kubista, and files the following Motion to Dismiss, and in support thereof avers as follows:

1. That Plaintiffs have secured an easement from an adjoining landowner and as a result have no further need for the private road set forth in the above-captioned matter.
2. That the Plaintiffs hereby request Your Honorable Court to dismiss the proceedings and discharge the Board of View appointed by Your Honorable Court on August 29, 2002.
3. That counsel for the Defendant has received a copy of this motion and has no objection to this motion

WHEREFORE, Petitioners hereby request Your Honorable Court grant this motion dismiss and order the following:

a. that the proceedings at Clearfield County Court of
Common Pleas No. 02-895-CD are dismissed; and

b. the Board of View appointed by this Court on
August 29, 2002, be discharged;

BELIN & KUBISTA

By 
Carl A. Belin, Jr. Esquire

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

FILED

3cc

03/24/01
MAY 2 2003
Att'y Belin
Belin

William A. Shaw
Prothonotary

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

EDWIN R. ECKBERG and SONYA J. :
ECKBERG, Husband and Wife, :
Plaintiffs :
: NO. 02-895-CD
vs. :
: :
EARL L. IRACA and MELANIE L. : MOTION and ORDER
HIGGINS, Husband and Wife, : TO DISMISS
Defendants :
:

Filed on Behalf of:
Plaintiffs

Counsel of Record for
This Party:

Carl A. Belin, Jr., Esquire
PA I.D. #06805

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

FILED

MAY 22 2003

William A. Shaw
Prethonotary

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

EDWIN R. ECKBERG and SONYA J. :
ECKBERG, Husband and Wife, :
Plaintiffs :
vs. : NO. 02-895-CD
: :
EARL L. IRACA and MELANIE L. :
HIGGINS, Husband and Wife, :
Defendants :
:

ORDER

AND NOW, this 22 day of May, 2003, upon
reading and considering the foregoing Motion it is the ORDER of
this Court that:

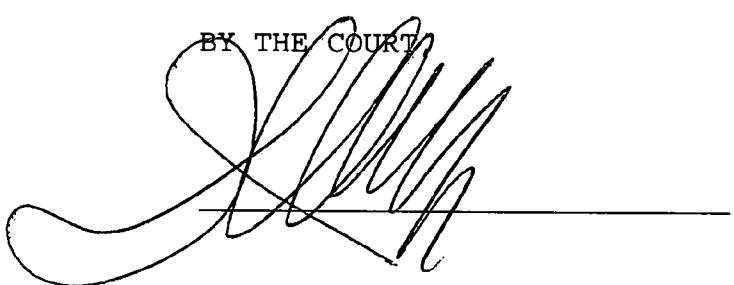
1. The above-captioned action be and it is hereby discontinued; and
2. the Board of Viewers appointed by this Court on August 29, 2002, be and is hereby discharged from any further duty.

FILED

MAY 22 2003

William A. Shaw
Prothonotary

BY THE COURT



FILED

013:24784
MAY 22 2003

3 cc
Attn: Belin
GKA

William A. Shaw
Prothonotary

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

EDWIN R. ECKBERG and SONYA J.	:	
ECKBERG, Husband and Wife,	:	
Plaintiffs	:	
vs.	:	NO. 02-895-CD
EARL L. IRACA and MELANIE L.	:	
HIGGINS, Husband and Wife,	:	
Defendants	:	

PLAINTIFFS' MOTION TO DISMISS

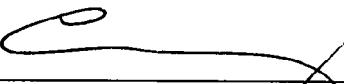
AND NOW comes Plaintiffs Edwin R. Eckberg and Sonya J. Eckberg, by and through their attorneys, Belin & Kubista, and files the following Motion to Dismiss, and in support thereof avers as follows:

1. That Plaintiffs have secured an easement from an adjoining landowner and as a result have no further need for the private road set forth in the above-captioned matter.
2. That the Plaintiffs hereby request Your Honorable Court to dismiss the proceedings and discharge the Board of View appointed by Your Honorable Court on August 29, 2002.
3. That counsel for the Defendant has received a copy of this motion and has no objection to this motion

WHEREFORE, Petitioners hereby request Your Honorable Court
grant this motion dismiss and order the following:

a. that the proceedings at Clearfield County Court of
Common Pleas No. 02-895-CD are dismissed; and
b. the Board of View appointed by this Court on
August 29, 2002, be discharged;

BELIN & KUBISTA

By 
Carl A. Belin, Jr. Esquire

10:38 AM
MAY 2 2003
EST

William A. Shaw
Prothonotary

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

EDWIN R. ECKBERG and SONYA J. :
ECKBERG, Husband and Wife, :
Plaintiffs :
: NO. 02-895-CD
vs. :
: CERTIFICATE OF SERVICE
EARL L. IRACA and MELANIE L. :
HIGGINS, Husband and Wife, :
Defendants :

Filed on Behalf of:
Plaintiffs

Counsel of Record for
This Party:

Carl A. Belin, Jr., Esquire
PA I.D. #06805

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

FILED

MAY 29 2003

William A. Shaw
Prothonotary

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

EDWIN R. ECKBERG and SONYA J.	:	
ECKBERG, Husband and Wife,	:	
Plaintiffs	:	
vs.	:	NO. 02-895-CD
EARL L. IRACA and MELANIE L.	:	
HIGGINS, Husband and Wife,	:	
Defendants	:	

CERTIFICATE OF SERVICE

This is to certify that the undersigned has sent a certified copy of Plaintiffs' Motion to Dismiss in the above-captioned matter to the following party by postage prepaid United States first class mail on the 22nd day of May, 2003:

David C. Mason, Esquire
P.O. Box 28
Philipsburg, PA 16866

J. Richard Mattern, II, Esquire
Chairman, Board of Viewers
211 East Pine Street
Clearfield, PA 16830

BELIN & KUBISTA

02-896-CD

ALLEMANNSVILLE UNITED METHODIST CHURCH -vs- BLATRON BUILDING
CO., INC.

STIPULATIONS AGAINST LIENS

02.896-60

ALLEMANSVILLE UNITED METHODIST CHURCH)
Owner)
)
BLAIRCON BUILDING CO., INC.)
Contractor)

In the Court of Common Pleas,
County of Clearfield, Pennsylvania
Number _____ Term, 2002

WHEREAS, ALLEMANSVILLE UNITED METHODIST CHURCH, of Gulich Township, Clearfield County, Pennsylvania, is about to execute contemporaneously herewith a contract, with BLAIRCON BUILDING CO., INC., 1117 – 21st Avenue, Suite 200, Altoona, Pennsylvania, for the erection of an ADDITION AND ALTERATIONS TO AN EXISTING CHURCH BUILDING upon a lot of land situate along Legislative Route 17043, Gulich Township, Fallentimber, Pennsylvania.

NOW, May 28, 2002, at the time of and immediately before the execution of the principal contract, and before any authority has been give by the said Owner to the said Contractor to commence work on the said building, or purchase materials for the same in consideration of the making of the said contract with said owner and the further consideration of One Dollar, to said Contractor paid by said Owner, it is agreed that no lien shall be filed against the building by the contractor, or any subcontractor, nor by any of the material men or workmen or any other person for any labor, or materials purchased, or extra labor or materials purchased for the erection of said building, the right to file such liens being expressly waived.

WITNESS, our hands and seals the day and year aforesaid.

BLAIRCON BUILDING CO., INC.

By:

Robert Alan Frederick, President

Authorized Officer: Robert Alan Frederick, President

ALLEMANSVILLE UNITED METHODIST CHURCH

By:

George A. Cree

Authorized Officer: George A Cree, Board Chairperson

Signed and Sealed in the Presence Of:

James W. Mitchell)
)
Wayne S. Fox)

FILED

JUN 05 2002

010201 Allemansville
William A. Shaw Pd \$20.00
Prothonotary Acc Allemansville