

02-952-CD

Robert Jones vs Ramey Borough

02

02-952-CD
ROBERT H. JONES erux -vs- RAMEY BOROUGH

Date: 7/29/2009

Clearfield County Court of Common Pleas

User: LMILLER

Time: 10:26 AM

ROA Report

Page 1 of 1

Case: 2002-00952-CD

Current Judge: Paul E. Cherry

Robert H. Jones, et al vs. Ramey Borough

Civil Other

Date		Judge
6/14/2002	X Filing: Complaint for Special Relief Paid by: Wendekier, Raymond Receipt number: 1843977 Dated: 06/14/2002 Amount: \$80.00 (Check) One CC to Attorney	No Judge
6/21/2002	X RULE TO SHOW CAUSE, AND NOW, this 20th day of June, 2002, issued upon Defendant to show cause on Sept. 4, 2002, at 1:30 p.m. Plaintiffs to cause copies of Rule and Complaint for Special Relief and Complaint at 97-1098-CD to be served upon all Defendants. s/JKR,JR.,P.J. 1 cc to Atty Wendekier	John K. Reilly Jr.
8/15/2002	X Answer To Complaint For Special Relief. filed by s/Girard Kasubick, Esq. Verification s/Arnold Glass 2 cc Atty Kasubick	John K. Reilly Jr.
9/4/2002	X ORDER, filed Cert. to Atty. Kasubick & Wendekier X NOW, this 4th day of September, 2002, ORDER of this Court that said Complaint be and is hereby granted to the extent that Ramey Borough, restrains from entering upon subject premises.	John K. Reilly Jr.
9/10/2002	X Petition For Consolidation filed by s/Raymond J. Wendekier, Esq. 1 cc Atty Wendekier X ORDER TO CONSOLIDATE AND NOW, this 10th day of September, 2002: Ordered and Decreed that the Civil Actions 97-1098-CD and 02952-CD are consolidated.s/JKR,Jr. One CC to Atty. Wendekier	John K. Reilly Jr.
10/18/2007	X Notice of Proposed Termination of Court Case, mailed to parties (see Original), filed.	John K. Reilly Jr.
12/13/2007	X Statement of Intention, filed by s/ Mark R. Wendekier Esq. No CC. (original filed to 97-1098-CD)	John K. Reilly Jr.
6/26/2008	Order, this 26th day of June, 2008, it is Ordered that hearing on the Merits shall be and is hereby scheduled for the 24th day of Sept., 2008, beginning at 9:00 a.m. in Courtroom 2. by The Court, /s/ Paul E. Cherry, Judge. 1CC Attys: Wendekier, Naddeo, Kasubick. Orig. to 97-1098-CD	Paul E. Cherry
9/24/2008	Order, this 24th day of Sept., 2008, following hearing on the merits, it is Ordered that counsel shall provide the Court with brief within no more than 3 days from receipt of transcript. By The Court, /s/ Paul E. Cherry, Judge. 1CC Attys; Wendekier, Naddeo, Kasubick Orig. to 97-1098-CD	Paul E. Cherry
11/26/2008	Transcript of Proceedings, filed. Hearing on the Merits, held before Paul E. Cherry, Judge, on Sept. 24, 2008. Note: Exhibits filed with 97-1098-CD. TRANSCRIPT LOCATED IN CASE # 97-1098-CD	Paul E. Cherry

not in file

CA

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

ROBERT H. JONES and MARTHA J. JONES,
his wife,

Plaintiffs,

VS

RAMEY BOROUGH,
a political Subdivision organized
under the laws of the State
of Pennsylvania,

Defendant.

CIVIL DIVISION - EQUITY

CIVIL ACTION NUMBER

2002-952-CD

FOR FILING: COMPLAINT
FOR SPECIAL RELIEF;
PROPOSED RULE TO SHOW
CAUSE

FOR JUDGE'S SIGNATURE:
RULE TO SHOW CAUSE

THE LAW OFFICE OF
RAYMOND J. WENDEKIER
BY: MARK R. WENDEKIER
ID #55284
306 MAGEE AVENUE
PATTON, PA 16668
(814)674-5991
FASCIMILE: (814)674-5992

FILED

JUN 14 2002
0/12:30/mr (E. W. W.)
William A. Shawpp
Prothonotary go.-
1 cent to Artn

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

ROBERT H. JONES and MARTHA J. JONES,
his wife,

Plaintiffs,

vs

RAMEY BOROUGH,
a political Subdivision organized
under the laws of the State
of Pennsylvania,

Defendant.

CIVIL DIVISION - EQUITY

CIVIL ACTION NUMBER

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 claim or relief requested by the Plaintiffs. 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 OR KNOW A LAWYER, OR YOU CANNOT AFFORD A LAWYER, THEN YOU SHOULD GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

DAVID MEHOILCK
COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PENNSYLVANIA 16830
Telephone: (814) 765-2641

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Clearfield County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the court.

THE LAW OFFICE OF RAYMOND J. WENDEKIER

By: 

Mark R. Wendekier, Esquire
306 Magee Avenue
Patton, Pennsylvania 16668
Supreme Court ID# 55284
(814) 674-5991

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

ROBERT H. JONES and MARTHA J. JONES,
his wife,

Plaintiffs,

vs

RAMEY BOROUGH,
a political Subdivision organized
under the laws of the State
of Pennsylvania,

Defendant.

CIVIL DIVISION - EQUITY

CIVIL ACTION NUMBER

RULE TO SHOW CAUSE

AND NOW, this 20th day of June, 2002, upon
consideration of the verified COMPLAINT, it is hereby ORDERED that:

1. Defendant show cause why special relief should not be issued which provides for the relief requested by Plaintiffs in their COMPLAINT FOR SPECIAL RELIEF before the Honorable Judge John K. Reilly, Jr., on Sept 4, 2002, at 1:30 o'clock PM in Courtroom

Clearfield at the Clearfield County, Pennsylvania Courthouse, in
Clearfield, Pennsylvania,; and

2. Plaintiffs cause copies of this Rule to Show Cause, together with copies of the COMPLAINT FOR SPECIAL RELIEF, and Complaint in the collateral Action at Clearfield County, Pennsylvania Civil Action Number 97-1098-CD, to be served upon all Defendants by ordinary mail, proven by a Certificate of Mailing, at least 20 days before the date of the hearing.

Judge

FILED

JUN 21 2002

William A. Shaw
Prothonotary

FILED 1 cc
019:08 by Atty Wendel Kies
JUN 21 2002

William A. Shaw
Prothonotary

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

ROBERT H. JONES and MARTHA J. JONES,
his wife,

Plaintiffs,

vs

RAMEY BOROUGH,
a political Subdivision organized
under the laws of the State
of Pennsylvania,

Defendant.

CIVIL DIVISION - EQUITY

CIVIL ACTION NUMBER

COMPLAINT FOR SPECIAL RELIEF

AND NOW COME THE PLAINTIFFS, by and through their attorneys, THE LAW OFFICE OF RAYMOND J. WENDEKIER, and RAYMOND J. WENDEKIER and MARK R. WENDEKIER, and file this Complaint against the DEFENDANT, in support of which they aver as follows:

1. The Plaintiffs, ROBERT H. JONES and MARTHA J. JONES, his wife, are adult individuals who reside at Box 284, Ramey, Pennsylvania 16671 (hereinafter referred to as "Jones").
2. The Defendant, RAMEY BOROUGH is a political subdivision of the State of Pennsylvania with offices in Ramey, Pennsylvania 16671 (hereinafter referred to as "Ramey").
3. Jones owns two contiguous pieces or parcels of land located in Ramey Borough, Clearfield County, Pennsylvania by deeds recorded in Clearfield County, Pennsylvania in Record Book Volume 1464, Page 538 and Record Book Volume 1157, Page 127.
4. At no place in the recorded plans for Ramey Borough, Clearfield County, Pennsylvania is there shown a street or an alley as being situated between the two parcels of land which are referred to in paragraph 4 above.

5. On Thursday, June 13, 2002, Defendant, by and through its elected officials, agents and/or employees entered onto the property of Plaintiff as referred to in Paragraph 4 above.
6. Upon entry onto the property of Plaintiff, Defendant, by and through its elected officials, agents and/or employees, used a backhoe and or high-lift remove brush and other vegetation on the Plaintiffs' property.
7. At the time of entry onto the Plaintiffs' property by Defendant, by and through its elected officials, agents and/or employees, Plaintiffs' property was clearly marked by Plaintiff as being private.
8. Defendant has no right to be upon and to damage the private property of the Plaintiffs.
9. The Honorable Court will determine the legal title to and ownership of the Plaintiffs' property in Clearfield County, Pennsylvania Civil Action Number 97-1098-CD.
10. Due to Clearfield County, Pennsylvania Civil Action Number 97-1098-CD, Defendant should not be permitted to enter upon Plaintiffs' property.
11. Defendant will not be harmed by being restrained from entering upon Plaintiffs' property.

WHEREFORE, Plaintiff requests the Honorable Court to restrain Defendant from entering upon Plaintiffs' property until the outcome of Clearfield County, Pennsylvania Civil Action Number 97-1098-CD is decided by the Honorable Court, at which time the Honorable Court can determine whether or not to make such restraint permanent.

THE LAW OFFICE OF RAYMOND J. WENDEKIER

BY: 

Mark R. Wendekier, Esquire
306 Magee Avenue
Patton, Pennsylvania 16668
(814) 674-5991
Attorneys ID# 55284

VERIFICATION

I, ROBERT H. JONES, on of the above named Plaintiffs, acknowledge that the statements made in this COMPLAINT are true and correct to the best of my knowledge, information and belief.

I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. Section 4904 relating to unsworn falsification to authorities, which provides that if I make knowingly false averments I may be subject to criminal penalties.

Robert H Jones

EXHIBIT "A"

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

ROBERT H. JONES and MARTHA
J. JONES, his wife,
Plaintiffs,

VS.

RICHARD BUNGO and KATHLEEN
BUNGO, his wife, and RAMEY
BOROUGH, a political subdivision
organized under the laws of the
State of Pennsylvania,
Defendants.

CIVIL ACTION -LAW

CIVIL ACTION NUMBER 97-1098-CD

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 an 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 Plaintiffs. 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 CAN GET LEGAL HELP.

David Meholic
Court Administrator
Clearfield County Courthouse
Clearfield, Pennsylvania 16830
(814) 765-2641

THE LAW OFFICE OF RAYMOND J. WENDEKIER

BY: 

MARK R. WENDEKIER
ATTORNEY ID #55284
306 MAGEE AVENUE
PATTON, PENNSYLVANIA 16668
TELEPHONE: (814) 674-5991
FACSIMILE NUMBER: (814) 674-5992

ROBERT H. JONES and MARTHA J. JONES, his wife, Plaintiffs,	CIVIL ACTION -LAW
VS.	CIVIL ACTION NUMBER 97-1098-CD
RICHARD BUNGO and KATHLEEN BUNGO, his wife, and RAMEY BOROUGH, a political subdivision organized under the laws of the State of Pennsylvania, Defendants.	

1. The Plaintiffs, ROBERT H. JONES and MARTHA J. JONES, his wife, are adult individuals, who reside at Box 284, Ramey, Pennsylvania, 16671 (hereinafter referred to as "Jones").

2. The Defendants, RICHARD BUNGO and KATHLEEN BUNGO, his wife, are adult individuals who reside at Ramey, Pennsylvania, 16671 (hereinafter referred to as “Bungo”).

3. The Defendant, RAMEY BOROUGH, is a political subdivision of the State of Pennsylvania, which has an office located in Ramey Borough, Pennsylvania, 16671 (hereinafter referred to as “Ramey”).

4. The Jones and Bungo are the owners of contiguous tracts of land situate, lying and being in the Borough of Ramey, Clearfield County, Pennsylvania.

5. Jones are the owners of two separately conveyed tracts of land, each being approximately four (4) acres, bounded and described as follows:

BEGINNING at an iron pin corner on the Eastern side of a twenty (20') foot alley (undeveloped) and the Westerly side of Durbin Street; thence South 35° 30' East 388.00 feet

through an iron pin to an iron pin on the corner of other lands now or formerly of Robert H. Jones, et ux.; thence leaving the said right-of-way of Durbin Street and along the common property line between the tract herein described and another tract now or formerly of Jones, South 54° 00' West a distance of 450 feet to an Iron pin set on the Easterly side of an undeveloped twenty (20') foot alley; thence along the Easterly side of the undeveloped twenty (20') alley North 35° 30' West through an iron pin a distance of 384.00 feet to an iron pin set on the Easterly side of an undeveloped twenty (20') foot alley; thence along the same and an existing stone now and through line North 53° 29' 30" East a distance of 450.05 feet to an iron pin corner being the point or place of beginning.

BEING the same premises granted and conveyed to Robert H. Jones and Martha J. Jones, his wife, by Deed of James B. Barto, recorded in Deed Book Volume 1464 at Page 538, and identified on the Tax Maps as Parcel #17-L15-35. This Parcel A contains approximately 3.8974 acres.

PARCEL B:

BEGINNING at an iron pin set on the Westerly side of the right-of-way line of Durbin Street and on the Northerly side of a twenty (20') foot alley; thence along the line of the said twenty (20') foot alley South 54° 00' West 450.00 feet to an iron pin on the Easterly line of an undeveloped twenty (20') foot alley; thence along the same North 35° 30' West a distance of 380.00 feet to an iron pin corner at the Southwesterly corner of other lands now or formerly of Robert H. Jones, et ux.; thence along the common boundary of the herein described tract and other lands now or formerly of Jones North 54° 00' East a distance of 450.00 feet to an iron pin corner, being the Southeast corner of other lands of Jones and being on the Westerly right-of-way line of Durbin Street; thence along the line of said Durbin Street South 35° 30' East a distance of 380.00 feet to an iron pin corner being the point or place of beginning.

BEING the same premises granted and conveyed unto Robert H. Jones and Martha J. Jones, his wife, by GRC Coal Company recorded in Deed Book Volume 1157 at Page 0127, and identified on the Tax Maps as Parcel #17-L15-55. This Parcel B contains approximately 3.9255 acres.

THESE TWO TRACTS APPEAR ON A PORTION OF THE SURVEY PERFORMED BY SHIROKEY SURVEYS, NICHOLAS SHIROKEY, PLS DATED APRIL 18,1997, (DRAWING 97-14), A PHOTOCOPY OF WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

5. The entire premises which are described in Paragraph 4, above are bounded on the East by Durbin Street, a dedicated Street, adopted by the Borough of Ramey in Ordinance #50 in 1987; on the South by a twenty (20') foot unopened alley; on the West by a twenty (20') foot undeveloped alley; and on the North by a twenty (20') foot undeveloped alley.

6. In the fall of 1995, Defendants Richard Bungo and Kathleen Bungo, his wife, individually, or through their agents, entered the premises described in Paragraph 4.

7. At the time of the entry on the Jones' property, Bungo knew or should have known that the premises were owned by the Jones.

8. The entry by Bungo and/or their agents destroyed standing timber, ornamental trees, plantings, and vegetation.
9. Jones believes and aver that the Bungo's entry on Jones' land was the excavation of a trench for the installation of a water line.
10. Jones believes and aver that Bungo did excavate the Jones' land and install a water line on the Jones' land.
11. The water line, although installed, has never been connected to a water source.
12. It is believed and therefore averred that the purpose of Bungo's entry on Jones' land was to harass, annoy, and alarm Jones.
13. It is further averred that Bungo had no legitimate intention of using the water line for which the excavation was done.
14. Based upon information set forth in Bungo's Preliminary Objections, Jones was informed that Ramey believes that it has some property or ownership interest in the area of Jones' land where Bungo excavated and installed a waterline.
15. Based upon information set forth in Bungo's Preliminary Objections, Jones was informed that Ramey believes that the ownership interest in the area of Jones' land where Bungo excavated and installed a waterline is alleged to be an alley.
16. At no place in the deed descriptions for the Jones land does it refer to an alley as bordering the Southerly boundary of Parcel A.
17. At no place in the deed descriptions for the Jones land does it refer to an alley as bordering or the Northerly boundary of Parcel B.
18. At no place in the deed descriptions for the Jones land does it refer to an alley as bisecting Parcel A and Parcel B.
19. At no place in the in the recorded plans for Ramey Borough is the Southerly boundary of Parcel A of the Jones land shown as bordering an alley.
20. At no place in the in the recorded plans for Ramey Borough is the Northerly boundary of Parcel B of the Jones land shown as bordering an alley.

COUNT I ACTION TO QUIET TITLE

21. Paragraphs 1 through and including 20 are incorporated herein by reference as though fully set forth at length.

22. Bungo is without any property interest or right whatsoever in the lands of Jones.

23. Ramey Borough is without any property interest or right or privilege whatsoever in the lands of Jones.

WHEREFORE, Jones requests that the Honorable Court enter of an Order directing that neither Bungo nor Ramey Borough have any property rights or interest whatsoever the lands of Jones as described in Paragraph 4 of this Amended Complaint.

COUNT II EJECTMENT

24. Paragraphs 1 through and including 23 are incorporated herein by reference as though fully set forth at length.

25. Bungo's water line, installed in the lands of Jones, was installed without any right or privilege.

26. Bungo is without any interest or right whatsoever in the lands of Jones to permit the maintenance of this water line.

27. Ramey Borough is without any property interest or right or privilege whatsoever in the lands of Jones to permit Bungo or anyone, including but not limited to Ramey Borough to enter upon lands of Jones for any reasons whatsoever.

WHEREFORE, Jones requests that the Honorable Court enter of an Order directing that Bungo and Ramey Borough have no rights or interest whatsoever the lands of Jones as described in Paragraph 4 of this Amended Complaint, and that they may not use or maintain the water line or for any purpose whatsoever, and that Plaintiffs may remove or destroy the such waterline.

COUNT III

28. Paragraphs 1 through and including 27 are incorporated herein by reference as though fully set forth at length.

29. Bungo's entry on the lands of Jones has caused monetary damages to the trees, vegetation, and foliage on lands of Jones.

30. The damages to the lands and vegetation of Jones totals \$17,385.11.

WHEREFORE, Jones requests that the Honorable Court enter of an Order in favor of Jones and against the Bungo in an amount not in excess of \$25,000.00.

COUNT IV
PUNITIVE DAMAGES -WILFUL TRESPASS

31. Paragraphs 1 through and including 30 are incorporated herein by reference as though fully set forth at length.

32. Bungo, either individually or by and through their agents and/or contractors entered land of Jones property without any right whatsoever, and for no legitimate purpose.

33. Bungo intentionally trespassed on lands of Jones, damaging and destroying vegetation with no legitimate purpose.

34. In addition to the property damage previously specified, Jones have incurred additional costs for appraisers, attorneys, and filing fees to redress the wrongs perpetrated upon them by the Bungo.

WHEREFORE, Jones requests that the Honorable Court enter of an Order for an award of damages in favor of Jones and against Bungo for the Bungo's intentional trespass, together with attorney's fees and costs.

RESPECTULLY SUBMITTED,
THE LAW OFFICE OF RAYMOND J. WENDEKIER

BY: 

MARK R. WENDEKIER
ATTORNEY ID #55284
306 MAGEE AVENUE
PATTON, PENNSYLVANIA 16668
TELEPHONE: (814) 674-5991
FACSIMILE NUMBER: (814) 674-5992

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

ROBERT H. JONES and MARTHA J.	:	No.: 2002-952-CD
JONES, his wife,	:	Type of Case: Civil
Plaintiffs	:	Type of Pleading:
	:	Answer to Complaint
vs.	:	for Special Relief
	:	Filed on behalf of:
RAMEY BOROUGH,	:	Defendant
A Political Subdivision	:	Counsel of Record For
Organized under the Laws of	:	This Party:
the State of Pennsylvania,	:	Girard Kasubick, Esq.
Defendant	:	Supreme Court No. 30109
	:	LEHMAN & KASUBICK
	:	611 Brisbin Street
	:	Houtzdale, PA 16651
	:	(814) 378-7840

FILED

AUG 15 2002

0110:45/222 Cath Kasubick
William A. Shaw
Prothonotary
Ket

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

ROBERT H. JONES and MARTHA J. :
JONES, his wife, :
Plaintiffs :
: No. 2002-952-CD
vs. :
: RAMEY BOROUGH, :
A Political Subdivision :
Organized under the Laws of :
the State of Pennsylvania, :
Defendant :

ANSWER TO COMPLAINT FOR SPECIAL RELIEF

AND NOW COMES, Ramey Borough, by and through its attorney, Girard Kasubick, Esq., and files the following Answer to Complaint for Special Relief.

1. Admitted.

2. Admitted.

3. Admitted in part and denied in part. It is admitted that the Jones are the owner of property in Ramey Borough by deeds recorded in Deeds and Records Book 1464, Page 538 and Deeds and Records Book 1157, Page 127. It is denied that the said tracts are contiguous, because this is a conclusion of law or fact for which no responsive pleading is required. Furthermore, the deed of Jones in Deeds and Records Book 1464, Page 538 and the

map attached to it shows an unopened alley between the two tracts of Jones.

4. Denied. If is not clear from the S.P. Cameron Plan of Ramey Borough recorded in Clearfield County Deed Book 96, Page 624 if the alley is shown on the Plan. The Clearfield County assessment maps do show an alley between the two parcels of land of the Jones. Furthermore, the survey attached to the Jones deed in Deeds and Records Book 1464, Page 538 shows an alley situated between the two parcels of Jones.

5. Admitted in part and denied in part. It is admitted that the Defendant's officials or agents entered upon the alley between the properties of Jones on June 13, 2002. It is denied that the Defendant or its agents entered onto the property of the Plaintiff.

6. Admitted in part and denied in part. It is admitted Defendant's officials or agents entered upon the alley with a backhoe or equipment to remove brush. It is denied that Defendant's officials entered upon Plaintiffs' property in such manner.

7. Denied. The Defendant entered onto the alley or street between the Plaintiffs' property and not on Plaintiffs' property. There was a ribbon across the

alley which Defendant removed, but it is unknown who placed the ribbon.


8. Denied. This is a conclusion of law or fact for which no responsive pleading is required.

9. Denied. This is a conclusion of law or fact for which no responsive pleading is required.

10. Denied. This is a conclusion of law or fact for which no responsive pleading is required.

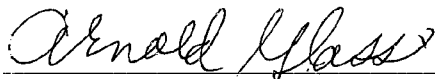
11. Denied. This is a conclusion of law or fact for which no responsive pleading is required.

WHEREFORE, Defendant requests Your Honorable Court to dismiss the Plaintiffs' Complaint for Special Relief and request for Restraining Order and find in favor of the Defendant.


Girard Kasubick, Esq.,
Attorney for Ramey Borough

VERIFICATION

I verify that the statements made in the foregoing Answer to Complaint for Special Relief are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. 4904 relating to unsworn falsification to authorities.



Arnold Glass, President
of Ramey Borough Council

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION

ROBERT H. JONES and MARTHA :

J. JONES, his wife :

-VS- :

No. 2002 - 952 - CD

RAMEY BOROUGH, a political :

subdivision organized under the laws of the :

State of Pennsylvania :

ORDER

NOW, this 4th day of September, 2002, following argument into Plaintiffs' Complaint for Special Relief, it is the ORDER of this Court that said Complaint be and is hereby granted to the extent that Ramey Borough, or its agents, shall be and are hereby restrained from entering upon the subject premises more fully described in Plaintiffs' Complaint, pending hearing on the merits.

By the Court,

President Judge

FILED

SEP 04 2002

William A. Shaw
Prothonotary

FILED

SEP 04 2002

William A. Shaw
Prothonotary

Court to Kasubick

+

WANDERER

CP

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

ROBERT H. JONES and MARTHA J. JONES,
his wife,

Plaintiffs,

vs

RICHARD BUNGO and KATHLEEN BUNGO,
his wife, and RAMEY BOROUGH,
a political Subdivision organized
under the laws of the State
of Pennsylvania,

Defendants.

CIVIL DIVISION -LAW
CIVIL ACTION NUMBER 97-1098-CD

AND

ROBERT H. JONES and MARTHA J. JONES,
his wife,

Plaintiffs,

vs

RAMEY BOROUGH,
a political Subdivision organized
under the laws of the State
of Pennsylvania,

Defendant.

CIVIL DIVISION-EQUITY
CIVIL ACTION NUMBER 2002-952-CD

FOR FILING: PETITION TO
CONSOLIDATION

FOR JUDGE'S
SIGNATURE: ORDER TO
CONSOLIDATION

THE LAW OFFICE OF
RAYMOND J. WENDEKIER
Mark R. Wendekier, Esquire
306 Magee Avenue
Patton, Pennsylvania 16668
(814) 674-5991
Attorney ID# 55284

FILED

SEP 10 2002
m/10:43/1cc atty Wendekier
William A. Shaw
Prothonotary ERS

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

ROBERT H. JONES and MARTHA J. JONES,
his wife,

Plaintiffs,

vs

RICHARD BUNGO and KATHLEEN BUNGO,
his wife, and RAMEY BOROUGH,
a political Subdivision organized
under the laws of the State
of Pennsylvania,

Defendants.

CIVIL DIVISION -LAW
CIVIL ACTION NUMBER 97-1098-CD

AND

ROBERT H. JONES and MARTHA J. JONES,
his wife,

Plaintiffs,

vs

RAMEY BOROUGH,
a political Subdivision organized
under the laws of the State
of Pennsylvania,

Defendant.

CIVIL DIVISION-EQUITY
CIVIL ACTION NUMBER 2002-952-CD

PETITION FOR CONSOLIDATION

AND NOW COME THE PLAINTIFFS in both of the above captioned actions, by and through their attorneys, THE LAW OFFICE OF RAYMOND J. WENDEKIER, and RAYMOND J. WENDEKIER and MARK R. WENDEKIER, and file this Petition For Consolidation of the two (2) above captioned pending actions, in support of which they aver as follows:

1. The pending action at Civil Action Number 97-1098-CD is an action between Robert H. Jones and Martha J. Jones (hereinafter referred to as "Jones"), and Richard Bungo and Kathleen Bungo, his wife, (hereinafter referred to as "Bungo") and Ramey Borough (hereinafter referred to as "Ramey").

2. Jones owns two (2) pieces or parcels of land located in Ramey Borough, Clearfield County, Pennsylvania by deeds recorded in Clearfield County, Pennsylvania in Record Book Volume 1157, Page 127 (hereinafter referred to as "Jones Property 1") and Record Book Volume 1464, Page 538 (hereinafter referred to as "Jones Property 2")

3. In the action at Civil Action Number 97-1098-CD, Jones believes and avers that Jones Property 1 and Jones Property 2 are contiguous.

4. In the action at Civil Action Number 97-1098-CD, Bungo and Ramey allege that Jones Property 1 and Jones Property 2 are not contiguous.

5. In the action at Civil Action Number 97-1098-CD, Jones believes that there is no alley which traverses between Jones Property 1 and Jones Property 2.

6. In the action at Civil Action Number 97-1098-CD, Bungo and Ramey allege that there is an alley which traverses between Jones Property 1 and Jones Property 2.

7. In the action at Civil Action Number 97-1098-CD, Jones believes and avers that neither Bungo nor Ramey have any privilege or right to traverse upon or use Jones Property 1 or Jones Property 2.

8. In the action at Civil Action Number 97-1098-CD, Bungo and Ramey believe that both Bungo and Ramey have a privilege or right to traverse upon or use Jones Property 1 or Jones Property 2.

9. In the action at Civil Action Number 97-1098-CD, Jones believes neither Bungo nor Ramey have any privilege to traverse upon or use the alley alleged by Bungo and Ramey to be existent between Jones Property 1 or Jones Property 2, even if it is determined by the Honorable Court that such an alley exists.

10. In the action at Civil Action Number 97-1098-CD, Jones believes and avers that Bungo caused damage to his Property in the area of the alleged alley without any privilege or right to do so.

11. In the action at Civil Action Number 2002-952-CD, Bungo is not a party.

12. In the action at Civil Action Number 2002-952-CD, Ramey went upon the area of the alleged alley.

13. In the action at Civil Action Number 2002-952-CD, Jones sought to temporarily restrain Ramey from going upon the area of the alleged alley until the Honorable Court decides the outcome of Civil Action 97-1098-CD.

14. In the action at Civil Action Number 2002-952-CD, Jones seeks to permanently restrain Ramey from going upon the area of the alleged alley once the Honorable Court decides the outcome of Civil Action 97-1098-CD.

15. The facts surrounding ownership and the right to traverse upon and use the area of the alleged alley is the most dominant and most determinative issue regarding the outcome of both actions.

16. The consolidation of both actions for trial would be the most economic use of resources and time for all parties and the Honorable Court.

WHEREFORE, Plaintiffs, Jones, respectfully request that the Honorable Court consolidate the above-captioned actions.

THE LAW OFFICE OF RAYMOND J. WENDEKIER

BY: 

Mark R. Wendekier, Esquire
306 Magee Avenue
Patton, Pennsylvania 16668
(814) 674-5991
Attorneys ID# 55284

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

ROBERT H. JONES and MARTHA J. JONES,
his wife,

Plaintiffs,

vs

RICHARD BUNGO and KATHLEEN BUNGO,
his wife, and RAMEY BOROUGH,
a political Subdivision organized
under the laws of the State
of Pennsylvania,

Defendants.

CIVIL DIVISION -LAW
CIVIL ACTION NUMBER 97-1098-CD

AND

ROBERT H. JONES and MARTHA J. JONES,
his wife,

Plaintiffs,

vs

RAMEY BOROUGH,
a political Subdivision organized
under the laws of the State
of Pennsylvania,

Defendant.

CIVIL DIVISION-EQUITY
CIVIL ACTION NUMBER 2002-952-CD

ORDER TO CONSOLIDATE

AND NOW, this 10th day of September, 2002, upon
consideration of the PETITION FOR CONSOLIDATION, it is hereby DIRECTED
ORDERED and DECREED that the Civil Actions at 97-1098-CD and 2002-952-CD are
consolidated.

Judge

FILED

SEP 10 2002

01230111 C. Atty Wendelken
William A. Shaw
Prothonotary

Notice of Proposed Termination of Court Case

October 18, 2007

RE: 2002-00952-CD

Robert H. Jones
Martha J. Jones

Vs.

Ramey Borough

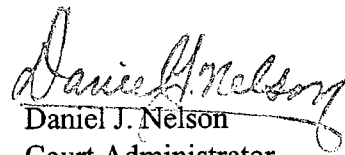
Dear Mark R. Wendekier, Esq:

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 **December 17, 2007**.

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,


Daniel J. Nelson
Court Administrator

FILED

 **OCT 18 2007**

William A. Shaw
Prothonotary/Clerk of Courts

Notice of Proposed Termination of Court Case

October 18, 2007

RE: 2002-00952-CD

Robert H. Jones
Martha J. Jones

Vs.

Ramey Borough

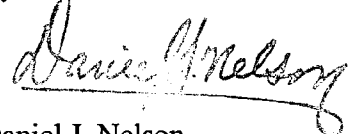
Dear Girard Kasubick, Esq:

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 **December 17, 2007**.

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,

A handwritten signature in cursive script, appearing to read "Daniel J. Nelson", written over a horizontal line.

Daniel J. Nelson
Court Administrator

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ROBERT H. JONES and MARTHA J.
JONES, his wife,

Plaintiffs,

vs

RICHARD BUNGO and KATHLEEN
BUNGO, his wife, and Ramey Borough,
a political subdivision organized under the
laws of the State of Pennsylvania,

Defendants.

CIVIL ACTION NUMBER

CIVIL ACTION NUMBER 97-1098-CD
and 2002-0952

STATEMENT OF INTENTION

THE LAW OFFICE
OF RAYMOND J. WENDEKIER:
Mark R. Wendekier, Esquire
306 Magee Avenue
Patton, Pennsylvania 16668
(814) 674-5991
Attorneys ID# 15131

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12/10:43/2007
DEC 13 2007
William A. Shaw
Prothonotary/Clerk of Courts
Orig. to 97-1098-CD

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ROBERT H. JONES and MARTHA J.
JONES, his wife,

Plaintiffs,

vs

RICHARD BUNGO and KATHLEEN
BUNGO, his wife, and Ramey Borough,
a political subdivision organized under the
laws of the State of Pennsylvania,

Defendants.

CIVIL ACTION NUMBER

CIVIL ACTION NUMBER 97-1098-CD
and 2002-0952

STATEMENT OF INTENTION TO PROCEED

Please accept this as our statement of intention to proceed with the above referenced cases.

Please note that we have been waiting a judge's decision for over 2 years regarding various motions in the the above captioned cases. Such decision will impact the manner in which we proceed with both cases.

RESPECTFULLY SUBMITTED BY:
THE LAW OFFICE OF RAYMOND J. WENDEKIER

BY: 

Mark R. Wendekier, Esquire
306 Magee Avenue
Patton, Pennsylvania 16668
(814) 674-5991
Attorneys ID# 15131

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

ROBERT H. JONES and MARTHA	:	NO. 97-1098-CD
J. JONES, his wife	:	02-952-CD
	:	
V.	:	
	:	
RICHARD BUNGO and KATHLEEN	:	
BUNGO, his wife, and Ramey Borough	:	
a political subdivision organized under	:	
the laws of the State of Pennsylvania	:	

ORDER

AND NOW, this 26th day of June, 2008, it is the ORDER of this Court that Hearing on the Merits shall be and is hereby scheduled for the 24th day of September, 2008, beginning at 9:00 (A.M.) in Courtroom No. 2 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT,

/s/ Paul E. Cherry

PAUL E. CHERRY,
JUDGE

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

JUN 26 2008

Attest.

William A. Shaw
Prothonotary/
Clerk of Courts

FILED
014:0061
JUN 26 2008

William A. Shaw
Prothonotary/Clerk of Courts

Wendekier
Naddeo
Kasubick

Orig. to 97-1098-CD

910

FILED

JUN 26 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 6/26/08

 You are responsible for serving all appropriate parties.

X The Prothonotary's office has provided service to the following parties:

 Plaintiff(s) X Plaintiff(s) Attorney Other

 Defendant(s) X Defendant(s) Attorney

 Special Instructions:

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

ROBERT JONES and MARTHA JONES
Plaintiffs

vs.

RAMEY BOROUGH,
Defendant

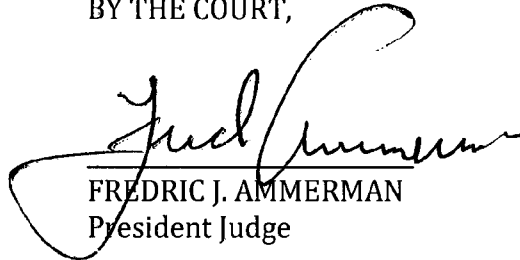
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*
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*
*

NO. 2002-952-CD

ORDER

NOW, this 11th day of April, 2013, upon review of the docket, the Court notes the case was consolidated by the Order of September 10, 2002 by Judge Paul E. Cherry with case number 1997-1098-CD; it is the ORDER of this Court that for disposition purposes the Prothonotary code the case in Full Court as Z-OTHA.

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

FILED No CC
01/2:38cm
APR 12 2013
William A. Shaw
Prothonotary/Clerk of Courts