

DOCKET NO. 174

NUMBER TERM YEAR

57 September 1961

Arthur L. Jones, Jr.

VERSUS

Amay R. Bird, Emery E. Bird and

Marion S. Nixon, heirs at law of

Carrie Passmore, deceased

Arthur L. Jones, Jr
Plaintiff

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PA.

VERSUS

Amzy R. Bird, Emery E.
Bird and Marion Dixon
heirs at law of Carrie Fazmore
Decedent defendant
To Oppn T. Harely

No. 57 Term September 1961

Prothonotary.

Sir: Enter ~~appearance for~~ final judgment
in favor of Plaintiff and against Defendant
who has failed to file any exceptions within
30 days of the date of the Order entered
by the court on Oct 23, 1961
in above case.

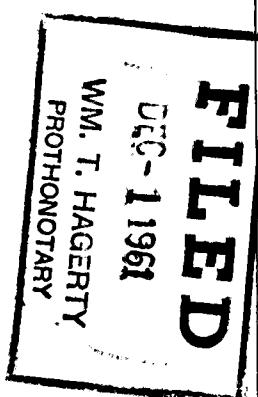
Emery Cleary & Cleary
by Edward C. Cleary
Attorney for ~~Plaintiff~~ Plaintiff

No. _____ Term _____ 19 _____

vs.

APPEARANCE

For _____



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ARTHUR L. JONES, JR.,

Plaintiff,

-vs-

AMZY R. BIRD, EMERY E.
BIRD, and MARION S. NIXON,
heirs at law of CARRIE
PASSMORE, deceased,

Defendants.

No. 57, SEPTEMBER TERM, 1961

ACTION TO QUIET TITLE

(RETURN)

Now comes, Basil W. Knapp, Bailiff of the Mansfield, Ohio Municipal
Court ~~XXXX~~ and on Sept. 14/61, _____, 1961, at 3

10 M., E.S.T., served EMERY E. BIRD, at his residence, 633
McPherson Street, Mansfield, Richland County, Ohio, with a true
and attested copy of the within Complaint in Action to Quiet
Title, No. 57, September Term, 1961, by handing the same to and
leaving with him, personally, ~~XXXXXXXXXXXXXXXXXXXX~~
~~XXXXXXXXXXXX~~

So Answers,

of the

Basil W. Knapp
Basil W. Knapp, Bailiff
Mansfield, Ohio Municipal Court

Sworn to and subscribed before me this 15 day of
September, 1961.



Wm. T. Hagerty
Notary Public

Judge Mansfield
Municipal Court

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ARTHUR L. JONES, JR.,

Plaintiff,

-vs-

AMZY R. BIRD, EMERY E.
BIRD, and MARION S. NIXON,
heirs at law of CARRIE
PASSMORE, deceased,

Defendants.

No. 57, SEPTEMBER TERM, 1961

ACTION TO QUIET TITLE

Now comes Basil W. Knapp, ^(RETURN) Bailiff of the Mansfield, O. Municipal Court
and says that on Sept. 14, 1961, 1961, at 4:20 M.,
E.S.T., served MARION S. NIXON, at his residence, 465 Marion
Avenue, Mansfield, Richland County, Ohio, with a true and attested
copy of the within Complaint in Action to Quiet Title, No. 57,
September Term, 1961, by handing the same to and leaving with
him personally, ~~and marking the same to be served~~.

So Answers,

Basil W. Knapp
XMAS EXPENSES Bailiff of the
Mansfield, Ohio Municipal Court.

Sworn to and subscribed before me this 15 day of
September, 1961.

Wm. T. Hagerty
Notary Public

Judge Mansfield
Municipal Court



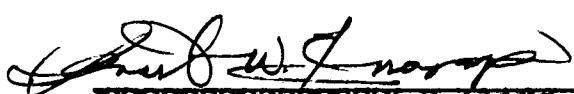
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ARTHUR L. JONES, JR., :
Plaintiff, :
-vs- : No. 57, SEPTEMBER TERM, 1961
AMZY R. BIRD, EMERY E. : ACTION TO QUIET TITLE
BIRD, and MARION S. :
NIXON, heirs at law of :
CARRIE PASSMORE, deceased, :
Defendants. :
:

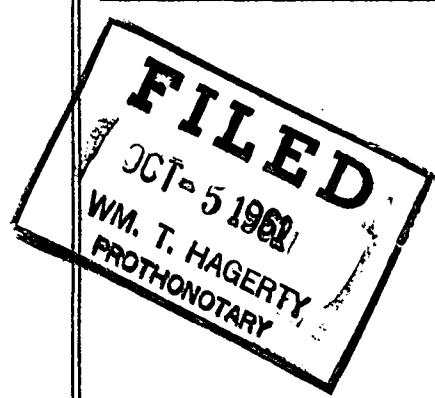
RETURN

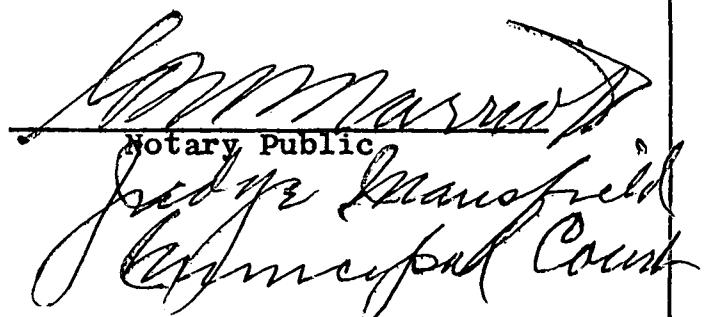
Basil W. Knapp, Bailiff of the Mansfield, O. Municipal
Court ~~XXXX~~, on Sept. 14th, 1961, at 2 P M.,
E.S.T., served AMZY R. BIRD, at his residence, 124 Crouse Street,
Mansfield, Richland County, Ohio, with a true and attested copy
of the within Complaint in Action to Quiet Title, No. 57, Septem-
ber Term, 1961, by handing the same to and leaving with him, per-
sonally, ~~and marking x know x do x see x read x understand x agree x~~.

So Answers,


Basil W. Knapp
Bailiff of the
Mansfield, Ohio Municipal Court
Mansfield, Ohio.

Sworn to and subscribed before me this 15 day of
September, 1961.




Wm. T. Hagerty
Notary Public
Judge Mansfield
Commonwealth
Commonwealth Court

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ARTHUR L. JONES, JR.,

Plaintiff

No. 57, Sept. TERM,

1961

-vs-

AMZY R. BIRD, EMERY E.
BIRD and MARION S. NIXON,
heirs at law of CARRIE
PASSMORE, deceased,

ACTION TO QUIET TITLE

Defendants

COMPLAINT

AND NOW, comes ARTHUR L. JONES, JR., Plaintiff abovenamed, and by his Attorneys, Gleason, Cherry & Cherry, brings this Action to Quiet Title for the purpose of barring the Defendants, their heirs, devisees, administrators, and assigns, and any other person, persons, firms, partnerships, or corporate entities in interest from asserting any right, title, interest or lien in and to all that certain piece or parcel of land situate in Brady Township, Clearfield County, Pennsylvania, and described in Exhibit "A" hereunto attached.

1. The Plaintiff, ARTHUR L. JONES, JR., is an individual who resides at 2473 N. "E", San Bernardino, California.

2. The Defendant, AMZY R. BIRD, is an individual who resides at 124 Crouse Street, Mansfield, Richland County, Ohio and is a nephew of CARRIE PASSMORE, deceased.

3. The Defendant, EMERY E. BIRD, is an individual who resides at 633 McPherson Street, Mansfield, Richland County, Ohio and is a nephew of CARRIE PASSMORE, deceased.

4. The Defendant, MARION S. NIXON, is an individual who resides at 465 Marion Avenue, Mansfield, Richland County, Ohio, and is a nephew of CARRIE PASSMORE, deceased.

5. That W. H. PASSMORE became the record owner of said premises described in Exhibit "A" by deed of Anna B. Hamilton et al. dated March 26, 1907, and recorded at Clearfield, Pennsylvania in Deed Book No 166, page 40.

6. That said W. H. PASSMORE died intestate on June 24, 1942 and left to survive him as his sole heir at law, his wife, CARRIE PASSMORE.

7. That said CARRIE PASSMORE died intestate on May 13, 1947 and left to survive her as her sole heirs at law, Defendants, AMZY R. BIRD, EMERY E. BIRD and MARION S. NIXON.

8. That by deed of Ralph J. Smith, Treasurer of Clearfield County, dated April 24, 1950 and recorded at Clearfield, Pennsylvania, in Deed Book No. 417, page 114, said premises described in Exhibit "A", were conveyed to C. W. Beam for nonpayment of 1947 taxes.

9. That Chester A. Beam, Administrator of the Estate of C. W. Beam conveyed said premises unto Evelyn M. Jones, now Evelyn M. Donough, by deed dated April 22, 1952 and recorded at Clearfield, Pennsylvania in Deed Book No. 438, page 278.

10. That said Plaintiff, ARTHUR L. JONES, JR., became the record owner of said premises described in Exhibit "A" by deed of said Evelyn M. Jones, now Evelyn M. Donough, dated May 3, 1956 and recorded at Clearfield, Pennsylvania, in Deed Book No. 450, page 26, as per abstract of title hereunto attached and marked Exhibit "B".

11. That said ARTHUR L. JONES and his predecessors in title, as per said abstract of title, have been in actual, open, and exclusive possession of said premises as owners thereof in fee simple absolute since April 24, 1950.

WHEREFORE, Plaintiff requests the Court to (a) determine that his rights are superior to the rights of the Defendants, their heirs, devisees, administrators and assigns, and all other person, persons, firms, partnerships, or corporate entities in interest; (b) determine that the Plaintiff has title in fee simple as against the Defendants, their heirs and assigns; (c) enjoin said Defendants, their heirs and assigns; (d) grant and decree whatever further relief as may appear equitable and proper.

GLEASON, CHERRY & CHERRY

By Anthony J. Shink
Attorneys for Plaintiff

STATE OF CALIFORNIA :
COUNTY OF *Santa Barbara* : SS.

Personally appeared before the undersigned, a Notary Public, in and for the County and State aforesaid, ARTHUR L. JONES, JR., who being duly sworn according to law, deposes and says that the facts set forth in the foregoing Complaint are true and correct to the best of his knowledge, information and belief.

Arthur L. Jones Jr.

Sworn to and subscribed before me this 5th day of
September, 1961.

Arthur L. Jones Jr.
Notary Public

MY COMMISSION EXPIRES JULY 24, 1962

EXHIBIT "A"

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

BEGINNING at a post in Punxsutawney road and land, now or formerly, of Jacob Harmick; thence along said land now or formerly of Jacob Harmick, North $12^{\circ} 34'$ West a distance of 645 Feet to a stone; thence North $0^{\circ} 12'$ West a distance of 67 Feet to a post; thence by land now or formerly of the Goodlander Estate North $80^{\circ} 18'$ East a distance of 741 Feet to a post; thence by land now or formerly of Anna B. Hamilton South $9^{\circ} 42'$ East a distance of 471 Feet to a post in Punxsutawney road; thence South $61^{\circ} 56'$ West by said Punxsutawney road 759.2 Feet to a post and place of beginning. Containing ten acres.

EXHIBIT "B"

ABSTRACT OF TITLE

I.

Evelyn M. Jones, now Evelyn M. Donough	:	DEED
to	:	Dated May 3, 1956
	:	Recorded May 14, 1956
	:	Deed Book No. 450, page 260
Arthur L. Jones, Jr.	:	
10 Acres	:	

II.

Chester A. Beam, Administra- tor of the Estate of C. W. Beam, deceased	:	DEED
to	:	Dated April 22, 1952
	:	Recorded October 11, 1954
	:	Deed Book No. 438, page 278
Evelyn M. Jones	:	
10 Acres	:	

III.

Ralph J. Smith, Treasurer of Clearfield County	:	DEED
to	:	Dated April 24, 1950
	:	Recorded November 19, 1951
	:	Deed Book No. 417, page 114
C. W. Beam	:	
10 Acres	:	

IV.

Amzy R. Bird	:	
Emery E. Bird	:	
Marion S. Nixon	:	
heirs at law of	:	
Carrie Passmore, deceased.	:	
10 Acres	:	

V.

Carrie Passmore, sole heir	:	
at law of W. H. Passmore, dec- ceased.	:	
10 Acres	:	

VI.

Anna B. Hamilton and A. W. Hamilton	:	Deed
to	:	Dated March 26, 1907
W. H. Passmore	:	Recorded June 12, 1907
10 Acres	:	Deed Book No. 166, page 40

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
No. 57 TERM, 1961
ACTION TO QUIET TITLE

ARTHUR L. JONES, JR.,
Plaintiff,

14 ✓ 34 ✓
AMZY R. BIRD, EMERY E. BIRD
and MARION S. NIXON, ³heirs at
law of CARRIE PASSMORE, de-
ceased, 22

Defendants.

COMPLAINT

TO WITHIN NAMED DEFENDANTS:

You are hereby notified to
plead to the enclosed Complaint
twenty (20) days from the ser-
vice hereof.

GLEASON, CHERRY & CHERRY
Attorneys for Plaintiff

By

FILED Sept 11 1961

WM. F. HAGERTY
LAW OFFICES
GLEASON, CHERRY & CHERRY

7-10 DAMUS BUILDING
DU BOIS, PENNSYLVANIA
109 N. BRADY STREET

5-22 By Atty

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ARTHUR L. JONES, JR.,

Plaintiff

: No. 57, SEPTEMBER TERM, 1961

-vs-

AMZY R. BIRD, EMERY E.
BIRD and MARION S. NIXON,
heirs at law of CARRIE
PASSMORE, deceased,

Defendants.

: ACTION TO QUIET TITLE

O R D E R

NOW, this 23 day of Sept, 1961, it appears
ing that service of the Complaint to Quiet Title in the above
action was served personally upon the abovenamed Defendants by
Basil W. Knapp, Bailiff of the Mansfield, Ohio Municipal Court,
and no answer or appearance has been filed by the said Defendants
to the said action and more than twenty (20) days have elapsed
since service on the Defendants and on motion of Gleason, Cherry
& Cherry, Attorneys for Arthur L. Jones, Jr., it is hereby ORDER-
ED AND DECREED.

1. That the said Defendants, their heirs, devisees,
administrators and assigns are forever barred from asserting any
right, lien, title or interest in the land inconsistent with the
interest or claim of the Plaintiff set forth in his Complaint,
said Order to be final and absolute unless said Defendants shall
file exceptions thereto within thirty (30) days;

2. That if said Defendants have not filed said exceptions
within the said thirty (30) day period, the Prothonotary shall

enter final judgment upon praecipe of the Plaintiff;

3. That the rights of said Plaintiff are superior to the rights of the Defendants, their heirs, devisees, administrators and assigns, and all other person, persons, firms, partnerships or corporate entities in interest;

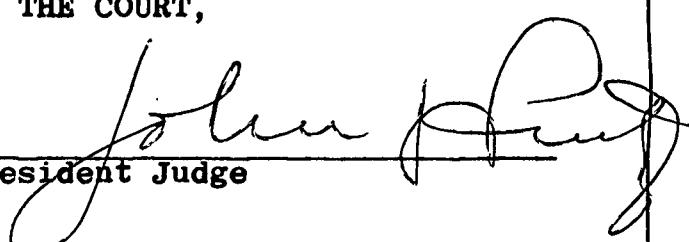
4. That the said Plaintiff has title in fee simple as against the Defendants, their heirs, devisees, administrators and assigns, and all other person, persons, firms, partnerships or corporate entities in interest;

5. That the Defendants, their heirs, devisees, administrators and assigns and any other person, persons, firms, partnerships or corporate entities in interest are enjoined from setting up any title to the land described in the said deed in said Complaint, from impeaching, denying or in any way attacking the title of the Plaintiff;

6. That these proceedings or authentic copies thereof, shall at all times hereafter be taken as evidence of the facts taken and established thereby; and

7. That a certified order is to be recorded in the office of the Recorder of Deeds of Clearfield County, Pennsylvania.

BY THE COURT,


President Judge

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
NO. 57, SEPTEMBER TERM, 1961
ACTION TO QUIET TITLE

ARTHUR L. JONES, JR.,

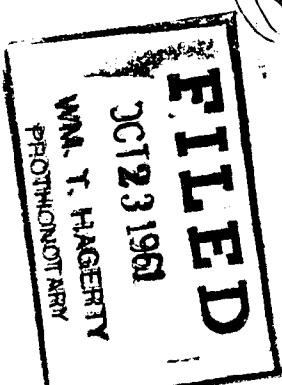
Plaintiff,

-vs-

AMZY R. BIRD, EMERY E. BIRD
and MARION S. NIXON, heirs
at law of CARRIE PASSMORE,
deceased,

Defendants.

ORDER



LAW OFFICES
GLEASON, CHERRY & CHERRY
7-10 DAMUS BUILDING
DU BOIS, PENNSYLVANIA
109 N. BRADY STREET