

02-1265-CD  
LINDA SCANISH, etal. -vs- GLAYDON LUCORE, etal.

Date: 03/30/2006

Time: 02:05 PM

Page 1 of 1

Clearfield County Court of Common Pleas

ROA Report

Case: 2002-01265-CD

Current Judge: Fredric Joseph Ammerman

User: LBENDER

Civil Other

| Date       |   | Judge                   |
|------------|---|-------------------------|
| 08/14/2002 | X Filing: Quiet Title Action (Property located in Huston Twp.) Paid by: Colavecchi, Joseph (attorney for Scanish, Linda) Receipt number: 1847081 Dated: 08/14/2002 Amount: \$90.00 (Check)  | No Judge                |
| 09/06/2002 | X Petition to Withdraw as Counsel under Local Rule 182 (b) by Atty. Colavecchi. 4 CC to Atty.   | John K. Reilly Jr.      |
| 09/19/2002 | X Defendants' Preliminary Objections to Plaintiffs' Complaint filed by Atty. Cherry. Two cc to Atty.  | John K. Reilly Jr.      |
|            | X ORDER directing Complaint to be served by advertisement on certain Defendants, AND NOW, this 19th day of September, 2002, it is ordered and Decreed that substitute service by publication be made in The Progress and Clfd. Co. Legal Journal one time. s/JKR, Jr. Two cc to Atty. Colavecchi. | John K. Reilly Jr.      |
| 09/20/2002 | X Sheriff Return of Service filed.<br>Now August 21, 2002, served complaint on Defendants   | John K. Reilly Jr.      |
| 09/23/2002 | X Rule: AND NOW, this 23 day of Sept., 2002, Plaintiffs to appear and show cause why Petition for Leave to Withdraw as Counsel should not be granted. Returnable by Oct. 8, 2002. s/JKR. 4 CC to Atty. Colavecchi   | John K. Reilly Jr.      |
| 10/08/2002 | X ORDER: AND NOW: this 8th day of October, 2002, counsel permitted to withdraw. s/JKR 1 CC to Atty. Colavecchi.   | John K. Reilly Jr.      |
|            | X Filing: Affidavit of Service filed by Atty. Colavecchi. No cc.  | John K. Reilly Jr.      |
| 11/10/2005 | X Notice of Proposed Termination of Court Case, mailed to parties (see Original), filed.  | John K. Reilly Jr.      |
| 01/04/2006 | X Entry of Appearance, filed. Pleas enter my appearance on behalf of the Plaintiffs, Linda Scanish, Bobbie Mullaney and Arnold W. Burkett, in the above-captioned matter, filed by s/ R. Denning Gearhart Esq. No CC., copy to C/A.   | John K. Reilly Jr.      |
| 01/11/2006 | X Praeipce To Withdraw as Counsel for Plffs., as per Order of Court dated Oct. 8, 2002. Filed by s/ Joseph Colavecchi, Esquire. No cc, copy to C/A  | John K. Reilly Jr.      |
| 02/14/2006 | X Plaintiff's Answer to Defendants' Preliminary Objections, filed by s/ R. Denning Gearhart, Esquire. 3CC to Atty   | John K. Reilly Jr.      |
| 02/21/2006 | X Order, NOW, this 17th day of Feb., 2006, argument on Preliminary Objections shall be held on the 4th day of April, 2006, at 2:00 p.m. in Courtroom 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 3CC Atty. Gearhart  | Fredric Joseph Ammerman |
| 02/22/2006 | X Certificate of Service, filed. Served a copy of Plaintiffs' Answer to Defendant's Preliminary Objections filed in the above-captioned matter on Defendants, Glaydon Lucore and Katherine L. Lucore, through their attorney, Toni M. Cherry Esq., filed by s/ R. Denning Gearhart Esq. No CC.    | Fredric Joseph Ammerman |

04-07-06 X order, dated 4-4-06

04-26-06 Cert of Service

Date: 9/21/2004

Time: 11:22 AM

Page 1 of 67

**Clearfield County Court of Common Pleas**

Cases by Judge and Status

CT COMMON PLEAS, Prothonotary CT Location Only

Case Type: CD Case Subtype: DJ

150 Days Since Status Changed

All Judges

All Cases

User: BILLSHAW

Judge: Fredric Joseph Ammerman

**Status: Settled and/or Disc. and Ended**

Scheduled Events

**County National Bank vs. Arlyn Strano**

Status Date: 2/19/2004 2002-00893-CD

Parties:

County National Bank, Plaintiff

Attorneys: Taylor, Kerith

Defense

04/01/2003 10:00 AM Civil Call

Disc. BY APPELLANT

**William E. Esser vs. Bigler Boyz**

Status Date: 3/29/2004 2003-00074-CD

Parties:

Esser, William E., Plaintiff

Attorneys: Bell, F. Cortez III

Defense

11/13/2003 01:30 PM Arbitration

Total 2: 2

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LINDA SCANISH, BOBBIE MULLANEY,  
and ARNOLD W. BURKETT,  
Plaintiffs

vs.

GLAYDON LUCORE and KATHERINE L.  
LUCORE, his wife; SAMUEL LEE,  
Deceased; LOUIS H. LEE, Deceased;  
DALE CRAWFORD, Deceased and  
PENFIELD PRESBYTERIAN CHURCH,  
and any heirs or persons claiming  
or who might claim title under  
them, and any other person,  
person, persons, firms,  
partnerships, or corporate  
entities who might claim any  
title to the premises herein  
described,

Defendants

CIVIL ACTION

No. 02 - 1265 - CD

COMPLAINT

Filed on behalf of:

Plaintiffs, LINDA SCANISH,  
BOBBIE MULLANEY, and  
ARNOLD BURKETT

Counsel of Record for  
Said Party:

JOSEPH COLAVECCHI, ESQUIRE  
PA I.D. 06810

COLAVECCHI RYAN & COLAVECCHI  
221 East Market Street  
P.O. Box 131  
Clearfield, PA 16830

814/765-1566

LAW OFFICES OF  
COLAVECCHI  
RYAN & COLAVECCHI  
221 E. MARKET ST.  
(ACROSS FROM  
COURTHOUSE)  
P. O. BOX 131  
CLEARFIELD, PA

FILED

AUG 14 2002  
013401 atty Colavecchi  
William A. Shaw pd 90.00  
Prothonotary  
3cc atty

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

LINDA SCANISH, BOBBIE MULLANEY, :  
and ARNOLD W. BURKETT, :  
Plaintiffs :  
vs. : No. 02 - - CD  
GLAYDON LUCORE and KATHERINE L. :  
LUCORE, his wife; SAMUEL LEE, : ACTION TO QUIET TITLE  
Deceased; LOUIS H. LEE, Deceased; :  
DALE CRAWFORD, Deceased, and :  
PENFIELD PRESBYTERIAN CHURCH, and :  
any heirs or persons claiming or :  
who might claim title under them, :  
and any other person, persons, :  
firms, partnerships, or corporate :  
entities who might claim any title :  
to the premises herein described :  
Defendants :

N O T I C E

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the 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 YOU CAN GET LEGAL HELP.

COURT ADMINISTRATOR  
CLEARFIELD COUNTY COURTHOUSE  
Second and Market Streets  
Clearfield, PA 16830

Phone 814/765-2641 Ex. 5982

LAW OFFICES OF  
COLAVECCHI  
RYAN & COLAVECCHI  
221 E. MARKET ST.  
(ACROSS FROM  
COURTHOUSE)  
P. O. BOX 131  
CLEARFIELD, PA

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

LINDA SCANISH, BOBBIE MULLANEY, :  
and ARNOLD W. BURKETT, :  
Plaintiffs :  
vs. : No. 02 - - CD  
GLAYDON LUCORE and KATHERINE L. :  
LUCORE, his wife; SAMUEL LEE, : ACTION TO QUIET TITLE  
Deceased; LOUIS H. LEE, Deceased; :  
DALE CRAWFORD, Deceased; and :  
PENFIELD PRESBYTERIAN CHURCH, and :  
any heirs or persons claiming or :  
who might claim title under them, :  
and any other person, persons, :  
firms, partnerships, or corporate :  
entities who might claim any title :  
to the premises herein described :  
Defendants :

C O M P L A I N T

1. Plaintiffs are as follows:

- a. Linda Scanish of R.D. 1, Box 72A, Penfield, Pennsylvania, 15849.
- b. Bobbie Mullaney of 148 Maurus Street, St. Marys, Pennsylvania, 15857.
- c. Arnold W. Burkett of R.D. #1, Box 94-A, Penfield, Pennsylvania, 15849.

2. Defendants are:

- a. Glade Lucore and Katherine L. Lucore, his wife, whose mailing address is P.O. Box 33, Penfield, Pennsylvania, 15849.

- b. Samuel Lee, Deceased, having passed away in 1929.
- c. Louis H. Lee, Deceased, having passed away in 1936.
- d. Dale Crawford formerly resided at R.D. 1, Box 93C, Penfield, Pennsylvania, 15849, and is now deceased.
- e. Penfield Presbyterian Church, Presbyterian Historical Society, 425 Lomard Street, Philadelphia, Pennsylvania, 19147-1516, and any heirs or persons claiming or who might claim title under them, and any other person, persons, firms, partnerships, or corporate entities who might claim any title to the premises herein described.

3. That the property involved in this action is described as follows:

ALL those certain pieces or parcels of land known as the Burkett Family Burial Lots situate in Huston Township, Clearfield County, Pennsylvania, bounded and described as follows:

Parcel Number 1:

BEGINNING at the northwestern corner of the parcel herein described; thence by land of the Mount Pleasant Cemetery, also known as Lee Cemetery, the following courses and distances: South eighty-one (81) degrees fifty-seven (57) minutes fifty-six (56) seconds East, ten and forty-seven one-hundredths (10.47) feet to a point; South seven (7) degrees thirty-six (36) minutes four (04) seconds West, three and sixty-four hundredths (3.64) feet to a point; North eighty-one (81) degrees fifty-seven (57) minutes

fifty-six (56) seconds West, ten and forty-seven hundredths (10.47) feet to a point and North seven (7) degrees thirty-six (36) minutes four (04) seconds East, three and sixty-four hundredths (3.64) feet to a point and place of beginning.

Containing 38.082 square feet. The above being the description of the grave site of the infant Clarence Burkett.

PARCEL NUMBER 2:

BEGINNING at a marker set at the northwestern corner of the parcel herein described; said marker being adjacent to the northern wood fence line of the Mount Pleasant Cemetery, also known as Lee Cemetery; thence along said wood fence and land of Claydon and Katherine L. Lucore, South eighty-two (82) degrees eighteen (18) minutes fifty-three (53) seconds East, sixty and forty-one one-hundredths (60.41) feet to a point at the northeastern corner of said wood fence; thence along the eastern wood fence line and land of Glaydon and Katherine L. Lucore South five (05) degrees thirty (30) minutes twenty (20) seconds West, forty-seven and thirty-two one-hundredths (47.32) feet to a point adjacent to the eastern wood fence line; thence by land of the Mount Pleasant Cemetery, also known as Lee Cemetery, the following courses and distances: North eighty-six (86) degrees six (06) minutes two (02) seconds West nineteen and five one-hundredths (19.05) feet to a marker; North three (03) degrees twenty-two (22) minutes fifty-eight (58) seconds East, seventeen and thirty-six one-hundredths

(17.36) feet to a marker; North eighty-two (82) degrees fifty-three (53) minutes zero (00) seconds West, twenty-seven and fourteen one-hundredths (27.14) feet to a marker; North eighty-three (83) degrees eighteen (18) minutes fifty-seven (57) seconds West, thirteen and eighty-six one-hundredths (13.86) feet to a marker and North six (06) degrees three (03) minutes thirty-one (31) seconds East, thirty-one and seventy-five one-hundredths (31.75) feet to a marker set adjacent to the northern wood fence line of the Mount Pleasant Cemetery, also known as Lee Cemetery, and place of beginning.

Containing 2,223.698 square feet. The above being the description of the Burkett Family Burial Lots.

Being shown in more detail on the survey map, being the plot of plan of the Burkett Family Burial Lots, attached to this Complaint marked Exhibit "A". Said survey map having been prepared by Samuel B. Yost, Registered Surveyor, dated July 9, 2002. The above is part of the Mount Pleasant Cemetery, also known as Lee Cemetery, for which there is no recorded deed and has Clearfield County Assessment Map Number 119-G1-32.

4. Plaintiffs have acquired title to the above-described premises by more than twenty-one (21) years adverse possession of said property and through their predecessors in title. Said possession having been open, notorious, continuous and adverse to

all interests which the Defendants enumerated herein may have in the premises.

5. Plaintiffs, through their predecessors in title, made adverse entry on the above-described property commencing in October, 1904 when Clarence Burkett, infant son of Samuel Reuben Burkett, was buried, 1911 when Peter Burkett was buried in a burial plot forming part of this land, in 1919 when Charles P. Burkett was buried in a burial plot on this land; in 1955 when Anthony "Tucker" Burkett was buried in a burial plot on this land; in 1956 when Ella Moshier Burkett was buried in a burial plot on this land; in 1957 when Joseph C. Burkett was buried in a burial plot on this land, when Samuel Reuben "Pap" Burkett was buried in a burial plot on this land in 1960; in 1962 when Arnold G. Fleming was placed in a burial plot on this land; in 1968 when William Jake Burkett was buried in a burial plot on this land; and in 1977 when Helen Burkett Williamson was buried in a burial plot on this land.

6. Plaintiffs and through their predecessors in title, have maintained this whole area by keeping it mowed and fenced since the first burial on this land and have maintained it as the Burkett Family Cemetery Plot. There are stones showing the burial of the above-named persons.

Said adverse possession has continued up to the present time.

7. Plaintiffs adverse possession of this property and through their predecessors in title, has been open, continuous, exclusive and notorious in character and has continued for more than the statutory period of twenty-one (21) years, it having been adverse to all interest which the Defendants' enumerated herein may have in the premises.

8. That this Action to Quiet Title is necessary in order to firmly vest title in the Plaintiffs by adverse possession, and also to clear up any possible defects in title which may be raised by any of the Defendants. It is intended that any defects in title which may be present can be brought up at this time. It is the purpose of this action to give all parties the opportunity to present any claim they might have to the property.


WHEREFORE, Plaintiffs bring this Action to Quiet Title and ask the Court to decree as follows:

a. That the Plaintiffs are seized of an indefeasible title as acquired by adverse possession to the premises described herein in Paragraph 3 and as shown on the survey map being on Exhibit "A";

b. Enter such judgment or other relief which may be necessary in establishing an indefeasible title in the Plaintiffs;

c. Such other and further relief as the Court may deem proper.

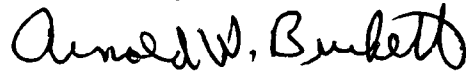
LAW OFFICES OF  
COLAVECCHI  
RYAN & COLAVECCHI  
221 E. MARKET ST.  
(ACROSS FROM  
COURTHOUSE)  
P. O. BOX 131  
CLEARFIELD, PA

  
JOSEPH COLAVECCHI, ESQUIRE  
Attorney for Plaintiffs

VERIFICATION

I verify that the statements made in this Complaint 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.

  
LINDA SCANISH

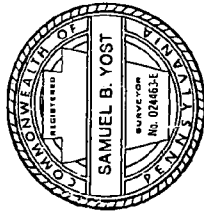




REGISTERED SURVEYOR'S CERTIFICATION:

I, SAMUEL B. YOST, A REGISTERED PROFESSIONAL SURVEYOR OF THE STATE OF PENNSYLVANIA, DO HEREBY CERTIFY THAT THIS PLAN CORRECTLY REPRESENTS THE LOTS, LANDS, STREET, ALLEYS, AND HIGHWAYS SURVEYED AND MAPPED BY ME FOR THE DEVELOPER.

# SU-024463-E



*Samuel B. Yost*

CLAYDON & KATHERINE L.  
LUCURE  
119-G1-32  
948/554

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CD # 2

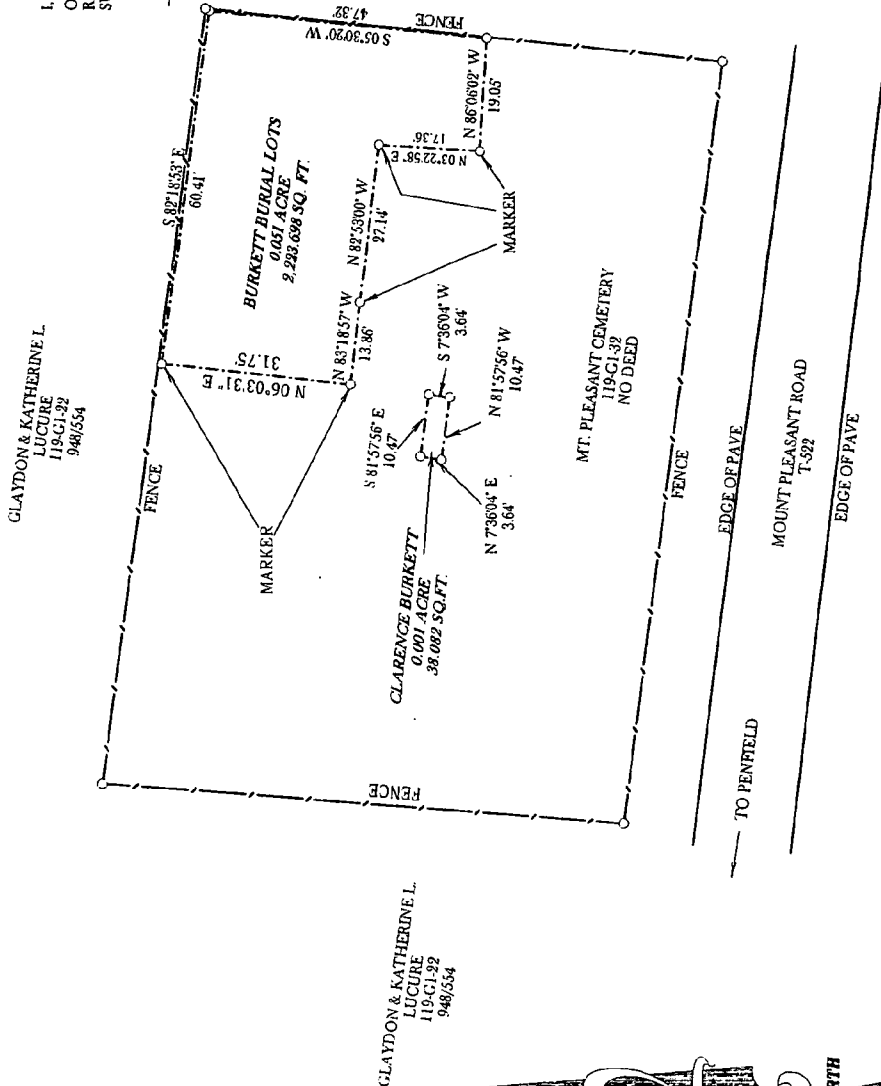
DRAWN BY: WRY

PLOT PLAN  
BURKETT FAMILY  
BURIAL LOTS

HUSTON TOWNSHIP  
CLEARFIELD COUNTY, PA.  
SCALE 1 INCH= 20 FEET  
JULY 9, 2002

YOST SURVEYING  
CLEARFIELD, PA

SURVEY MADE TO CONFORM TO THE EXISTING  
FENCE & BURIAL LOTS



Exhibit

"A"

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION  
No. 02 - - CD

LINDA SCANISH, BOBBIE MULLANEY,  
and ARNOLD W. BURKETT,

Plaintiffs

vs.

GLAYDON LUCORE and KATHERINE L.  
LUCORE, his wife; SAMUEL LEE,  
Deceased; LOUIS H. LEE, Deceased;  
DALE CRAWFORD, Deceased; and  
PENFIELD PRESBYTERIAN CHURCH,  
and any heirs or persons claiming  
or who might claim title under  
them, and any other person,  
persons, firms, partnerships, or  
corporate entitties who might  
claim any title to the premises  
herein described,

Defendants

C O M P L A I N T

NOTICE TO DEFENDANTS:

YOU are hereby notified that  
you are required to file an  
Answer to the within Complaint  
within twenty (20) days after  
service upon you or judgment may  
be entered against you.

*Joseph Colavecchi*  
JOSEPH COLAVECCHI, ESQUIRE  
ATTORNEY FOR PLAINTIFFS

COLAVECCHI  
RYAN & COLAVECCHI  
ATTORNEYS AT LAW  
221 EAST MARKET STREET  
(ACROSS FROM COURTHOUSE)  
P. O. BOX 131  
CLEARFIELD, PA 16830

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LINDA SCANISH, BOBBIE MULLANEY,  
and ARNOLD BURKETT,  
Plaintiffs

vs.

GLAYDON LUCORE and KATHERINE L.  
LUCORE, his wife; SAMUEL LEE,  
Deceased; LOUIS H. LEE, Deceased;  
DALE CRAWFORD, and PENFIELD  
PRESBYTERIAN CHURCH, and any  
heirs or persons claiming or who  
might claim title under them, and  
any other person, persons, firms,  
partnerships, or corporate  
entities who might claim any  
title to the premises herein  
described,

Defendants

CIVIL ACTION

No. 02 - 1265 - CD

PETITION TO WITHDRAW AS  
COUNSEL UNDER LOCAL RULE  
182(b)

Filed on behalf of:

Plaintiffs, LINDA SCANISH,  
BOBBIE MULLANEY, and  
ARNOLD BURKETT

Counsel of Record for  
Said Party:

JOSEPH COLAVECCHI, ESQUIRE  
PA I.D. 06810

COLAVECCHI RYAN & COLAVECCHI  
221 East Market Street  
P.O. Box 131  
Clearfield, PA 16830

814/765-1566

LAW OFFICES OF  
COLAVECCHI  
RYAN & COLAVECCHI  
221 E. MARKET ST.  
(ACROSS FROM  
COURTHOUSE)  
P. O. BOX 131  
CLEARFIELD, PA

**FILED**

SEP 06 2002  
0151214cc atty Colavecchi  
William A. Shaw  
Prothonotary

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

LINDA SCANISH, BOBBIE MULLANEY, :  
and ARNOLD W. BURKETT, :  
Plaintiffs :  
vs. : No. 02 - 1265 - CD  
GLAYDON LUCORE and KATHERINE L. :  
LUCORE, his wife; SAMUEL LEE, :  
Deceased; LOUIS H. LEE, Deceased; :  
DALE CRAWFORD, Deceased; and :  
PENFIELD PRESBYTERIAN CHURCH, and :  
any heirs or persons claiming or :  
who might claim title under them, :  
and any other person, persons, :  
firms, partnerships, or corporate :  
entities who might claim any title :  
to the premises herein described :  
Defendants :

PETITION FOR LEAVE TO WITHDRAW AS COUNSEL  
UNDER LOCAL RULE 182(b)

NOW COMES, Joseph Colavecchi, Esquire, Attorney for Linda Scanish, Bobbie Mullaney and Arnold W. Burkett, Plaintiffs above named, and moves the Honorable Court as follows:

1. Joseph Colavecchi, Esquire was retained by Linda Scanish, Bobbie Mullaney and Arnold Burkett to represent them with respect to a dispute as to ownership of certain cemetery lots located at Mt. Pleasant Cemetery, Huston Township, Clearfield County, Pennsylvania.

2. A Complaint in an Action to Quiet Title was filed on behalf of the Plaintiffs with the Court of Common Pleas of Clearfield County, Pennsylvania on August 14, 2002 to Docket Number 02-1265-CD.

3. Defendants Lucore were served with said Complaint on August 21, 2002.

4. On or about August 19, 2002, Alice Burkett, mother of Plaintiffs, passed away.

5. Paula M. Cherry, Esquire, Attorney for Defendants Lucore, proposed an indemnification agreement between the parties for the burial of Alice Burkett pending the resolution of the ownership of said cemetery lots.

6. After various negotiations and an earlier document, on August 23, 2002, an indemnification agreement was agreed upon by Joseph Colavecchi, Esquire, on behalf of Plaintiffs, and Toni M. Cherry, Esquire, on behalf of Defendants Lucore, allowing the burial of Alice Burkett to proceed after delivery of a fully executed copy of said agreement to Bennett & Houser Funeral Home. A copy of the agreement worked out between Toni M. Cherry, Esquire and Joseph Colavecchi, Esquire had been faxed to Bennett & Houser Funeral Home.

7. Alice Burkett was buried at Mt. Pleasant Cemetery under what was believed to be under the terms and conditions of the indemnification agreement worked out between Joseph Colavecchi,

Esquire on behalf of Plaintiffs and Toni M. Cherry, Esquire on behalf of Defendants, Lucore.

8. After the burial of Alice Burkett, Joseph Colavecchi, Esquire, Counsel for Plaintiffs, received a letter from Toni M. Cherry dated August 27, 2002, a copy of which is attached hereto marked Exhibit "A", advising that a substituted document was given to Bennett & Houser Funeral Home prior to the burial of Alice Burkett.

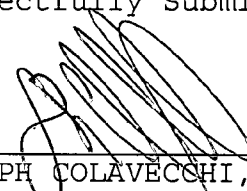
9. Petitioner has met with clients and asked them to execute the agreement which he had worked out with Toni M. Cherry on August 23, 2002.

10. Linda Scanish, Bobbie Mullaney and Arnold W. Burkett have told Petitioner that he had no authority to enter into this agreement with Toni M. Cherry, Attorney for Lucore.

11. Counsel cannot continue to represent Plaintiffs in good faith under these circumstances.

WHEREFORE, Joseph Colavecchi, Esquire, respectfully requests leave of court to withdraw as Counsel for Linda Scanish, Bobbie Mullaney, and Arnold W. Burkett, Plaintiffs above named.

Respectfully Submitted:



JOSEPH COLAVECCHI, ESQUIRE

**LAW OFFICES**  
**GLEASON, CHERRY AND CHERRY, L.L.P.**  
**P. O. Box 505**  
**DuBois, PENNSYLVANIA 15801-0505**  
**ONE NORTH FRANKLIN STREET**

**TONI M. CHERRY**  
**PAULA M. CHERRY**  
**EDWARD V. CHERRY**  
**1950-1990**  
**JAMES A. GLEASON**  
**1946-1975**

**AREA CODE 814**  
**371-8800**  
**FAX NUMBER**  
**(814) 371-0936**

August 27, 2002

**Via: Facsimile Transmission Only**  
**Facsimile No. 814-765-4570**

Joseph Colavecchi, Esq.  
Colavecchi, Ryan & Colavecchi  
Attorneys at Law  
P.O. Box 131  
Clearfield, PA 16830

**RE: SCANISH, MULLANEY & BURKETT vs. LUCORE, et al.**  
**No. 02-1265 C.D.**

Dear Mr. Colavecchi:

We have received correspondence from the Funeral Director enclosing the document signed by your clients purporting to be the release that they were to have signed prior to the burial of their mother. Unfortunately, the document that was delivered to us was not the same document as the one you sent and the one that we agreed to accept. Despite our having specifically agreed that only the release containing the language of our letter would be acceptable; and despite your having presented us with a document containing that same language and assuring us that it would be signed, it was not.

We were specific that the consideration for allowing Alice Burkett to be buried in the Mt. Pleasant Cemetery was the receipt of the document you last prepared and presented to us with your letter dated August 23, 2002, duly signed by your clients. You accepted those terms on behalf of your clients and we provided a copy of the document to the Bennett & Houser Funeral Home so that the Funeral Director might know the exact terms of the agreement and would understand what would have to be signed prior to burial.

We are concerned that burial took place without that agreement being signed and with another document having been substituted without our prior knowledge. We now respectfully demand the immediate signing by your clients of the document they agreed to sign and the receipt of that signed document in our offices within five days from the date of this letter. If we do not receive the same within that time period or if the language in what you send to us is not identical to that

**Exhibit**

**"A"**

Joseph Colavecchi, Esq.  
Colavecchi, Ryan & Colavecchi  
Page 2  
August 27, 2002

previously agreed upon, we will proceed immediately to take all actions available to our clients in this matter against any and all parties against whom they now may have claims.

Very truly yours,

GLEASON, CHERRY AND CHERRY, L.L.P.

By   
Toni M. Cherry

TMC:baz

cc: Bennett & Houser Funeral Home

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION  
No. 02-1265-CD

LINDA SCANISH, BOBBIE MULLANEY,  
and ARNOLD BURKETT,  
Plaintiffs

vs.

GLAYDON LUCORE and KATHERINE L.  
LUCORE, his wife; SAMUEL LEE,  
Deceased; LOUIS H. LEE, Deceased;  
DALE CRAWFORD, and PENFIELD  
PRESBYTERIAN CHURCH, and any  
heirs or persons claiming or who  
might claim title under them, and  
any other person, persons, firms,  
partnerships, or corporate  
entities who might claim any

title to the premises herein  
described,

Defendants

PETITION TO WITHDRAW AS  
COUNSEL UNDER LOCAL RULE  
182(b)

COLAVECCHI  
RYAN & COLAVECCHI

ATTORNEYS AT LAW  
221 EAST MARKET STREET  
(ACROSS FROM COURTHOUSE)  
P. O. BOX 131  
CLEARFIELD, PA 16830

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LINDA SCANISH, BOBBIE MULLANEY : CIVIL ACTION

and ARNOLD W. BURKETT,

Plaintiffs

: No. 02 - 1265 C.D.

vs.

: Type of Case: ACTION TO QUIET TITLE

GLAYDON LUCORE and KATHERINE L.

LUCORE, his wife; SAMUEL LEE,

Deceased; LOUIS H. LEE, Deceased;

DALE CRAWFORD, Deceased and

PENFIELD PRESBYTERIAN CHURCH,

and any heirs or persons claiming

or who might claim title under

them, and any other person,

person, persons, firms,

partnerships, or corporate

entities who might claim any

title to the premises herein

described,

Defendants

: Type of Pleading: DEFENDANTS'

: PRELIMINARY OBJECTIONS TO

: PLAINTIFFS' COMPLAINT

: Filed on Behalf of: Defendants, GLAYDON

: LUCORE and KATHERINE L. LUCORE

: Counsel of Record for these Parties:

: TONI M. CHERRY, ESQ.

: Supreme Court No.: 30205

: GLEASON, CHERRY AND

: CHERRY, L.L.P.

: Attorneys at Law

: P. O. Box 505

: One North Franklin Street

: DuBois, PA 15801

: (814) 371-5800

**FILED**

SEP 19 2002

William A. Shaw  
Prothonotary

2 cert to App

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LINDA SCANISH, BOBBIE MULLANEY : CIVIL ACTION  
and ARNOLD W. BURKETT, :

Plaintiffs :

vs. :

No. 02 - 1265 C.D.

GLAYDON LUCORE and KATHERINE L. :

LUCORE, his wife; SAMUEL LEE, : ACTION TO QUIET TITLE

Deceased; LOUIS H. LEE, Deceased; :

DALE CRAWFORD, Deceased and :

PENFIELD PRESBYTERIAN CHURCH, :

and any heirs or persons claiming :

or who might claim title under :

them, and any other person, :

person, persons, firms, :

partnerships, or corporate :

entities who might claim any :

title to the premises herein :

described, :

Defendants :

**DEFENDANTS' PRELIMINARY OBJECTIONS**  
**TO PLAINTIFFS' COMPLAINT**

Defendants, GLAYDON LUCORE and KATHERINE L. LUCORE, husband and wife,  
by and through their attorneys, GLEASON, CHERRY AND CHERRY, L.L.P., hereby submit  
the following Preliminary Objections to Plaintiffs' Complaint pursuant to Pa.R.C.P.

1028(a) and in support thereof aver the following:

**Preliminary Objections Raising Legal Insufficiency of  
Plaintiffs' Complaint (Demurrer) Under Pa.R.C.P. 1028(a)(4)**

1. Plaintiffs commenced the above-captioned Action to Quiet Title on August 14, 2002.

A copy of the Complaint is attached hereto as Exhibit "A".

2. In the Complaint, Plaintiffs allege that they have title to burial plots in a dedicated cemetery by adverse possession.

3. Pennsylvania law is clear that title by adverse possession may not be acquired as to property in a dedicated cemetery so long as there remain any intern bodies and graves marked by tombstone or otherwise. See Kincaid's Appeal, 66 Pa. 411, (1870); Waid v. Blooming Valley Cemetery Ass'n, 18 Dist. 989, 35 Pa.C.C. 515 (1908).

4. That Pennsylvania law is also clear that the purchase of burial lots in a cemetery does not result in the conveyance of a fee or interest in the soil itself, but merely a license or privilege to make interments in the lots purchased exclusive of others. See Walter v. Baldwin, 126 Pa.Super. 589 (1937). Thus, those claiming burial plots cannot maintain either an action in ejectment, an action to quiet title through adverse possession or any other action that involves a claim to ownership of the burial ground in fee.

5. In the instant case, Plaintiffs have stated a claim against Defendants for possession in fee of burial lots by adverse possession.

6. Since it is clear that Pennsylvania law prohibits such actions, Plaintiffs' Complaint fails to state a cause of action against Defendants and must be stricken with prejudice.

WHEREFORE, Defendants respectfully request that your Honorable Court grant their Preliminary Objections by way of Demurrer and dismiss Plaintiffs' Complaint with prejudice.

**Preliminary Objection Raising Insufficient Specificity  
of Plaintiffs' Complaint Under Pa.R.C.P. 1028(a)(3)**

7. Defendants incorporate herein by reference the averments contained in Paragraphs 1 through 6 inclusive of these Preliminary Objections as if the same were set forth at length again herein.

8. Pa.R.C.P. 1019(f) requires that "averments of time, place and items of special damage shall be specifically stated."

9. Plaintiffs' Complaint fails to state in any respect the times when Plaintiffs exercised continuous ownership over the subject lots.

10. The aforementioned Complaint fails to set forth the specific lots claimed by Plaintiffs.

11. Pa.R.C.P. 1019(a) requires that the material facts on which a cause of action is based shall be stated in concise and summary form.

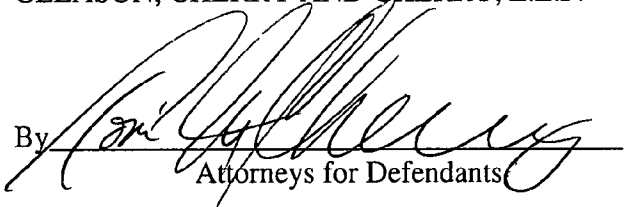
12. Plaintiffs' Complaint fails to set forth with sufficient specificity the claims of each of the named Defendants and fails to set forth with specificity the method by which Plaintiffs have come to claim unmarked graves in a dedicated cemetery.

13. Plaintiffs' Complaint lacks sufficient specificity to apprise Defendants of the issues to be litigated, to allow them to adequately prepare and assert defenses to Plaintiffs' allegations and/or to identify and join any potentially responsible parties as additional defendants.

WHEREFORE, Defendants respectfully request that your Honorable Court order Plaintiffs to more specifically plead their Complaint.

Respectfully submitted,

GLEASON, CHERRY AND CHERRY, L.L.P.

By  Attorneys for Defendants

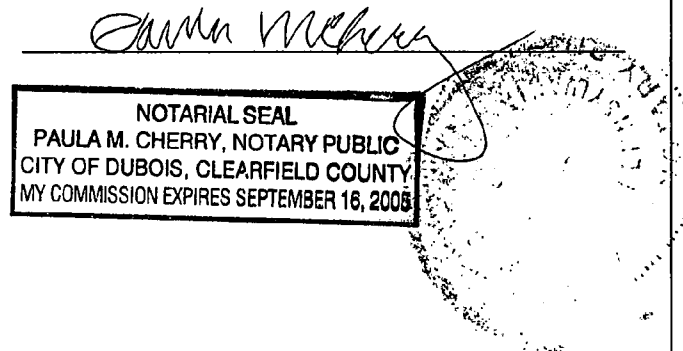
COMMONWEALTH OF PENNSYLVANIA :  
: SS.  
COUNTY OF CLEARFIELD :

Personally appeared before me, a Notary Public in and for the County and State  
aforesaid, GLAYDON LUCORE and KATHERINE L. LUCORE, who, being duly sworn  
according to law, depose and say that the facts set forth in the foregoing Preliminary Objections  
are true and correct to the best of their knowledge, information and belief.

Glendon Lucore  
Glendon Lucore

Katherine L. Lucore  
Katherine L. Lucore

Sworn to and subscribed before me this 17<sup>th</sup> day of September, 2002.



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LINDA SCANISH, BOBBIE MULLANEY,  
and ARNOLD W. BURKETT,  
Plaintiffs

vs.

GLAYDON LUCORE and KATHERINE L.  
LUCORE, his wife; SAMUEL LEE,  
Deceased; LOUIS H. LEE, Deceased;  
DALE CRAWFORD, Deceased and  
PENFIELD PRESBYTERIAN CHURCH,  
and any heirs or persons claiming  
or who might claim title under  
them, and any other person,  
person, persons, firms,  
partnerships, or corporate  
entities who might claim any  
title to the premises herein  
described,

Defendants

CIVIL ACTION

No. 02 - 1265 - CD

COMPLAINT

Filed on behalf of:

Plaintiffs, LINDA SCANISH,  
BOBBIE MULLANEY, and  
ARNOLD BURKETT

Counsel of Record for  
Said Party:

JOSEPH COLAVECCHI, ESQUIRE  
PA I.D. 06810

COLAVECCHI RYAN & COLAVECCHI  
221 East Market Street  
P.O. Box 131  
Clearfield, PA 16830

814/765-1566

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

AUG 14 2002

Attest.

*Joseph Colavecchi*  
Prothonotary/  
Clerk of Courts

LAW OFFICES OF  
COLAVECCHI  
RYAN & COLAVECCHI  
221 E. MARKET ST.  
(ACROSS FROM  
COURTHOUSE)  
P. O. BOX 131  
CLEARFIELD, PA

EXHIBIT "A"

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

LINDA SCANISH, BOBBIE MULLANEY,  
and ARNOLD W. BURKETT,  
Plaintiffs

vs.

No. 02 - - CD

GLAYDON LUCORE and KATHERINE L.  
LUCORE, his wife; SAMUEL LEE,  
Deceased; LOUIS H. LEE, Deceased;  
DALE CRAWFORD, Deceased, and  
PENFIELD PRESBYTERIAN CHURCH, and  
any heirs or persons claiming or  
who might claim title under them,  
and any other person, persons,  
firms, partnerships, or corporate  
entities who might claim any title  
to the premises herein described  
Defendants

ACTION TO QUIET TITLE

N O T I C E

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the 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 YOU CAN GET LEGAL HELP.

COURT ADMINISTRATOR  
CLEARFIELD COUNTY COURTHOUSE  
Second and Market Streets  
Clearfield, PA 16830

Phone 814/765-2641 Ex. 5982

LAW OFFICES OF  
COLAVECCHI  
RYAN & COLAVECCHI  
221 E. MARKET ST.  
(ACROSS FROM  
COURTHOUSE)  
P. O. BOX 131  
CLEARFIELD, PA

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

LINDA SCANISH, BOBBIE MULLANEY, :  
and ARNOLD W. BURKETT, :  
Plaintiffs :  
vs. : No. 02 - - CD  
GLAYDON LUCORE and KATHERINE L. :  
LUCORE, his wife; SAMUEL LEE, : ACTION TO QUIET TITLE  
Deceased; LOUIS H. LEE, Deceased; :  
DALE CRAWFORD, Deceased; and :  
PENFIELD PRESBYTERIAN CHURCH, and :  
any heirs or persons claiming or :  
who might claim title under them, :  
and any other person, persons, :  
firms, partnerships, or corporate :  
entities who might claim any title :  
to the premises herein described :  
Defendants :

C O M P L A I N T

1. Plaintiffs are as follows:

- a. Linda Scanish of R.D. 1, Box 72A, Penfield, Pennsylvania, 15849.
- b. Bobbie Mullaney of 148 Maurus Street, St. Marys, Pennsylvania, 15857.
- c. Arnold W. Burkett of R.D. #1, Box 94-A, Penfield, Pennsylvania, 15849.

2. Defendants are:

- a. Glade Lucore and Katherine L. Lucore, his wife, whose mailing address is P.O. Box 33, Penfield, Pennsylvania, 15849.

b. Samuel Lee, Deceased, having passed away in 1929.  
c. Louis H. Lee, Deceased, having passed away in 1936.  
d. Dale Crawford formerly resided at R.D. 1, Box 93C, Penfield, Pennsylvania, 15849, and is now deceased.

e. Penfield Presbyterian Church, Presbyterian Historical Society, 425 Lomard Street, Philadelphia, Pennsylvania, 19147-1516, and any heirs or persons claiming or who might claim title under them, and any other person, persons, firms, partnerships, or corporate entities who might claim any title to the premises herein described.

3. That the property involved in this action is described as follows:

ALL those certain pieces or parcels of land known as the Burkett Family Burial Lots situate in Huston Township, Clearfield County, Pennsylvania, bounded and described as follows:

Parcel Number 1:

BEGINNING at the northwestern corner of the parcel herein described; thence by land of the Mount Pleasant Cemetery, also known as Lee Cemetery, the following courses and distances: South eighty-one (81) degrees fifty-seven (57) minutes fifty-six (56) seconds East, ten and forty-seven one-hundredths (10.47) feet to a point; South seven (7) degrees thirty-six (36) minutes four (04) seconds West, three and sixty-four hundredths (3.64) feet to a point; North eighty-one (81) degrees fifty-seven (57) minutes

fifty-six (56) seconds West, ten and forty-seven hundredths (10.47) feet to a point and North seven (7) degrees thirty-six (36) minutes four (04) seconds East, three and sixty-four hundredths (3.64) feet to a point and place of beginning.

Containing 38.082 square feet. The above being the description of the grave site of the infant Clarence Burkett.

PARCEL NUMBER 2:

BEGINNING at a marker set at the northwestern corner of the parcel herein described; said marker being adjacent to the northern wood fence line of the Mount Pleasant Cemetery, also known as Lee Cemetery; thence along said wood fence and land of Claydon and Katherine L. Lucore, South eighty-two (82) degrees eighteen (18) minutes fifty-three (53) seconds East, sixty and forty-one one-hundredths (60.41) feet to a point at the northeastern corner of said wood fence; thence along the eastern wood fence line and land of Glaydon and Katherine L. Lucore South five (05) degrees thirty (30) minutes twenty (20) seconds West, forty-seven and thirty-two one-hundredths (47.32) feet to a point adjacent to the eastern wood fence line; thence by land of the Mount Pleasant Cemetery, also known as Lee Cemetery, the following courses and distances: North eighty-six (86) degrees six (06) minutes two (02) seconds West nineteen and five one-hundredths (19.05) feet to a marker; North three (03) degrees twenty-two (22) minutes fifty-eight (58) seconds East, seventeen and thirty-six one-hundredths

(17.36) feet to a marker; North eighty-two (82) degrees fifty-three (53) minutes zero (00) seconds West, twenty-seven and fourteen one-hundredths (27.14) feet to a marker; North eighty-three (83) degrees eighteen (18) minutes fifty-seven (57) seconds West, thirteen and eighty-six one-hundredths (13.86) feet to a marker and North six (06) degrees three (03) minutes thirty-one (31) seconds East, thirty-one and seventy-five one-hundredths (31.75) feet to a marker set adjacent to the northern wood fence line of the Mount Pleasant Cemetery, also known as Lee Cemetery, and place of beginning.

Containing 2,223.698 square feet. The above being the description of the Burkett Family Burial Lots.

Being shown in more detail on the survey map, being the plot of plan of the Burkett Family Burial Lots, attached to this Complaint marked Exhibit "A". Said survey map having been prepared by Samuel B. Yost, Registered Surveyor, dated July 9, 2002. The above is part of the Mount Pleasant Cemetery, also known as Lee Cemetery, for which there is no recorded deed and has Clearfield County Assessment Map Number 119-G1-32.

4. Plaintiffs have acquired title to the above-described premises by more than twenty-one (21) years adverse possession of said property and through their predecessors in title. Said possession having been open, notorious, continuous and adverse to

all interests which the Defendants enumerated herein may have in the premises.

5. Plaintiffs, through their predecessors in title, made adverse entry on the above-described property commencing in October, 1904 when Clarence Burkett, infant son of Samuel Reuben Burkett, was buried, 1911 when Peter Burkett was buried in a burial plot forming part of this land, in 1919 when Charles P. Burkett was buried in a burial plot on this land; in 1955 when Anthony "Tucker" Burkett was buried in a burial plot on this land; in 1956 when Ella Moshier Burkett was buried in a burial plot on this land; in 1957 when Joseph C. Burkett was buried in a burial plot on this land, when Samuel Reuben "Pap" Burkett was buried in a burial plot on this land in 1960; in 1962 when Arnold G. Fleming was placed in a burial plot on this land; in 1968 when William Jake Burkett was buried in a burial plot on this land; and in 1977 when Helen Burkett Williamson was buried in a burial plot on this land.

6. Plaintiffs and through their predecessors in title, have maintained this whole area by keeping it mowed and fenced since the first burial on this land and have maintained it as the Burkett Family Cemetery Plot. There are stones showing the burial of the above-named persons.

Said adverse possession has continued up to the present time.

7. Plaintiffs adverse possession of this property and through their predecessors in title, has been open, continuous, exclusive and notorious in character and has continued for more than the statutory period of twenty-one (21) years, it having been adverse to all interest which the Defendants' enumerated herein may have in the premises.

8. That this Action to Quiet Title is necessary in order to firmly vest title in the Plaintiffs by adverse possession, and also to clear up any possible defects in title which may be raised by any of the Defendants. It is intended that any defects in title which may be present can be brought up at this time. It is the purpose of this action to give all parties the opportunity to present any claim they might have to the property.

WHEREFORE, Plaintiffs bring this Action to Quiet Title and ask the Court to decree as follows:

- a. That the Plaintiffs are seized of an indefeasible title as acquired by adverse possession to the premises described herein in Paragraph 3 and as shown on the survey map being on Exhibit "A";
- b. Enter such judgment or other relief which may be necessary in establishing an indefeasible title in the Plaintiffs;
- c. Such other and further relief as the Court may deem proper.

VERIFICATION

I verify that the statements made in this Complaint 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.

*Linda Scanish*  
LINDA SCANISH

*Arnold W. Berbato*

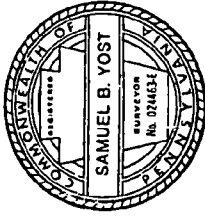
*Bobbie Mulloney*

REGISTERED SURVEYOR'S CERTIFICATION:

I, SAMUEL B. YOST, A REGISTERED PROFESSIONAL SURVEYOR OF THE STATE OF PENNSYLVANIA, DO HEREBY CERTIFY THAT THIS PLAN CORRECTLY REPRESENTS THE LOTS, LANDS, STREET, ALLEYS, AND HIGHWAYS SURVEYED AND MAPPED BY ME FOR THE DEVELOPER.

# SU-094463-E

*Samuel B. Yost*



CLAYDON & KATHERINE L.  
LUCURE  
119-G1-32  
948/554

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CD # 2

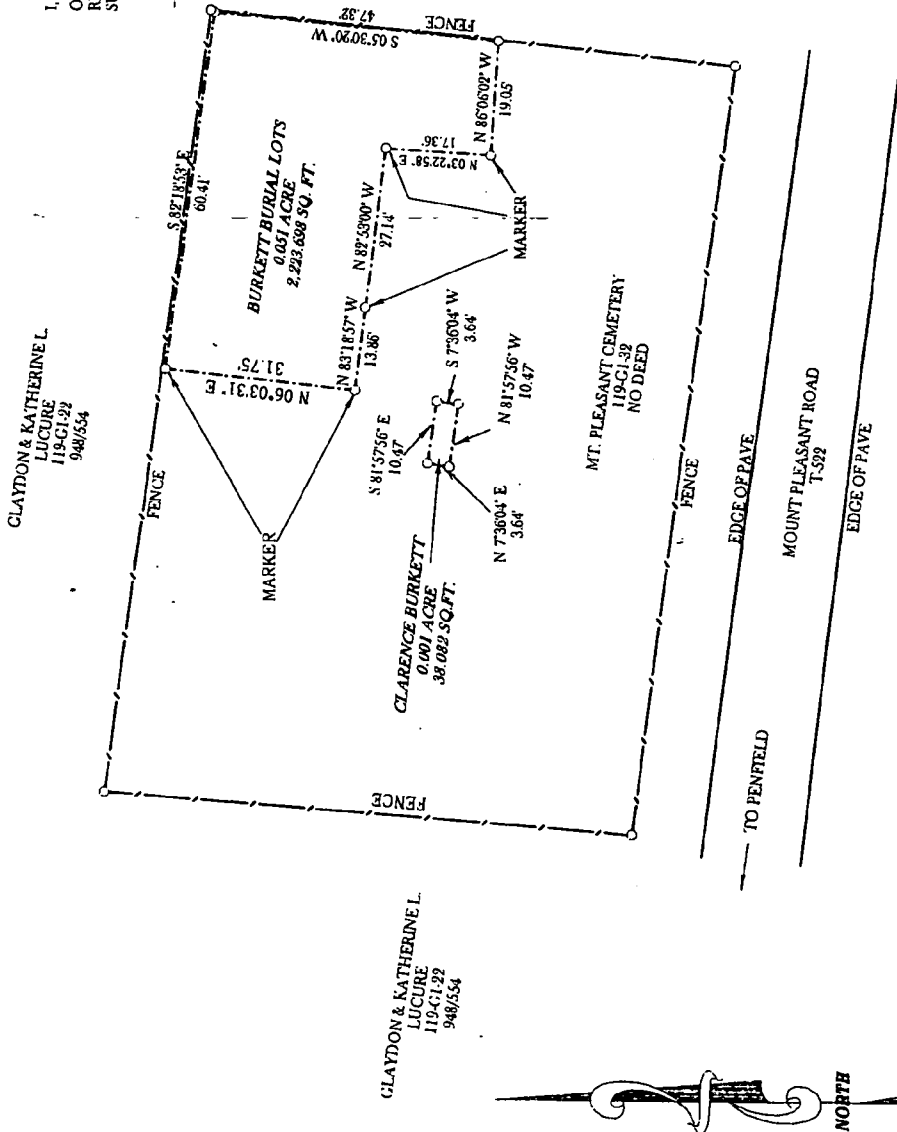
**DRAWN BY: WRY**

**PLOT PLAN  
BURKETT FAMILY  
BURIAL LOTS**

HUSTON TOWNSHIP  
CLEARFIELD COUNTY, PA.  
SCALE 1 INCH = 30 FEET  
JULY 9, 2002

**YOST SURVEYING  
CLEARFIELD, PA.**

SURVEY MADE TO CONFORM TO THE EXISTING  
FENCE & BURIAL LOTS.



Exhibit

"A"

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LINDA SCANISH, BOBBIE MULLANEY,  
and ARNOLD W. BURKETT,  
Plaintiffs

vs.

GLAYDON LUCORE and KATHERINE L.  
LUCORE, his wife; SAMUEL LEE,  
Deceased; LOUIS H. LEE, Deceased;  
DALE CRAWFORD, Deceased and  
PENFIELD PRESBYTERIAN CHURCH,  
and any heirs or persons claiming  
or who might claim title under  
them, and any other person,  
person, persons, firms,  
partnerships, or corporate  
entities who might claim any  
title to the premises herein  
described,

Defendants

CIVIL ACTION

No. 02 - 1265 - CD

ORDER DIRECTING COMPLAINT TO  
BE SERVED BY ADVERTISEMENT  
ON CERTAIN DEFENDANTS

Filed on behalf of:

Plaintiffs, LINDA SCANISH,  
BOBBIE MULLANEY, and  
ARNOLD BURKETT

Counsel of Record for  
Said Party:

JOSEPH COLAVECCHI, ESQUIRE  
PA I.D. 06810

COLAVECCHI RYAN & COLAVECCHI  
221 East Market Street  
P.O. Box 131  
Clearfield, PA 16830

814/765-1566

LAW OFFICES OF  
COLAVECCHI  
RYAN & COLAVECCHI  
221 E. MARKET ST.  
(ACROSS FROM  
COURTHOUSE)  
P. O. BOX 131  
CLEARFIELD, PA

FILED

SEP 19 2002

William A. Shaw  
Prothonotary

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

LINDA SCANISH, BOBBIE MULLANEY, :  
and ARNOLD W. BURKETT, :  
Plaintiffs :  
vs. : No. 02 - 1265 - CD  
GLAYDON LUCORE and KATHERINE L. :  
LUCORE, his wife; SAMUEL LEE, : ACTION TO QUIET TITLE  
Deceased; LOUIS H. LEE, Deceased; :  
DALE CRAWFORD, Deceased; and :  
PENFIELD PRESBYTERIAN CHURCH, and :  
any heirs or persons claiming or :  
who might claim title under them, :  
and any other person, persons, :  
firms, partnerships, or corporate :  
entities who might claim any title :  
to the premises herein described :  
Defendants :

ORDER DIRECTING COMPLAINT TO BE  
SERVED BY ADVERTISEMENT ON CERTAIN DEFENDANTS

AND NOW, this 19th day of September, 2002,  
the within action being an Action to Quiet Title and the Plaintiffs  
having stated and made an Affidavit about the addresses of all  
known Defendants, and have further stated that they cannot locate  
all of the named Defendants who may or may not be alive, and  
wherein there may be parties who have an interest in this property  
who are presently not of record and cannot be determined.

After due investigation of the available records, their  
whereabout are likewise unknown.

Therefore, upon Motion of Joseph Colavecchi, Esquire, Attorney for Plaintiff, it is ORDERED and DECREED that substitute service by publication be made by giving notice in the Clearfield Progress Newspaper one time and in the Clearfield County Legal Journal one time so that this will be notice at large to any Defendants of whom the Plaintiff may not have knowledge or who cannot be located. This notice shall appear one time stating that the said action has been filed and shall contain a description of the premises involved in the Action to Quiet Title and a statement therein that if an Answer is not filed on or before a day certain which shall be at least twenty (20) days from the date of the last publication, judgment will be entered against the above-named Defendants granting relief requested in the Prayer of the Complaint and which shall be set forth in full in the advertisement of said action.

If this Complaint is not pleaded to within twenty (20) days after the date of the last publication, the Plaintiff may obtain a Preliminary Order directed to the Defendants and if no exceptions are filed to the Preliminary Order within thirty (30) days, Final Judgment in this action to Quiet Title may be entered by the Plaintiffs against the Defendants. The above provision for service by publication shall apply to all Defendants with the exception of Glaydon Lucore and Katherine L. Lucore, his wife, who have been served personally.

BY THE COURT:

JUDGE

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION  
No. 02 - - CD

LINDA SCANISH, BOBBIE MULLANEY,  
and ARNOLD W. BURKETT,  
Plaintiffs

vs.

CLAYDON LUCORE and KATHERINE L.  
LUCORE, his wife; SAMUEL LEE,  
Deceased; LOUIS H. LEE, Deceased;  
DALE CRAWFORD, Deceased; and  
PENFIELD PRESBYTERIAN CHURCH,  
and any heirs or persons claiming  
or who might claim title under  
them, and any other person,  
persons, firms, partnerships, or  
corporate entities who might  
claim any title to the premises  
herein described,

Defendants

ORDER DIRECTING COMPLAINT  
TO BE SERVED BY ADVERTISEMENT  
ON CERTAIN DEFENDANTS

FILED

10/21/53  
10/19/2002

FILED

COLAVECCHI  
RYAN & COLAVECCHI

ATTORNEYS AT LAW  
221 EAST MARKET STREET  
(ACROSS FROM COURTHOUSE)  
P. O. BOX 131  
CLEARFIELD, PA 16830

Lap over margin

2cc  
Atty J. Colavecchi

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

Sheriff Docket # 12935

SCANISH, LINDA, al

02-1265-CD

VS.

LUCORE, GLAYDON & KATHERINE L.

COMPLAINT

**SHERIFF RETURNS**

NOW AUGUST 21, 2002 AT 2:30 PM DST SERVED THE WITHIN COMPLAINT  
ON GLAYDON LUCORE, DEFENDANT AT RESIDENCE, PO BOX 33, PENFIELD, ,  
CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO GLAYDON LUCORE  
A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE  
KNOWN TO HIM THE CONTENTS THEREOF.  
SERVED BY: COUDRIET/Ryen

NOW AUGUST 21, 2002 AT 2:30 PM DST SERVED THE WITHIN COMPLAINT  
ON KATHERNIE L. LUCORE, DEFENDANT AT RESIDENCE, PO BOX 33,  
PENFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO KATHERINE  
L. LUCORE A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND  
MADE KNOWN TO HER THE CONTENTS THEREOF.  
SERVED BY: COUDRIET/Ryen

**Return Costs**

| Cost  | Description                  |
|-------|------------------------------|
| 34.77 | SHFF. HAWKINS PAID BY: ATTY. |
| 20.00 | SURCHARGE PAID BY; ATTY.     |

Sworn to Before Me This


20 Day Of Sept 2002  


**FILED**

SEP 20 2002

2140  
William A. Shaw  
Prothonotary

So Answers,

  
Chester A. Hawkins  
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LINDA SCANISH, BOBBIE MULLANEY,  
and ARNOLD BURKETT,  
Plaintiffs

vs.

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Deceased; LOUIS H. LEE, Deceased;  
DALE CRAWFORD, and PENFIELD  
PRESBYTERIAN CHURCH, and any  
heirs or persons claiming or who  
might claim title under them, and  
any other person, persons, firms,  
partnerships, or corporate  
entities who might claim any  
title to the premises herein  
described,

Defendants

CIVIL ACTION

No. 02 - 1265 - CD

RULE

Filed on behalf of:

Plaintiffs, LINDA SCANISH,  
BOBBIE MULLANEY, and  
ARNOLD BURKETT

Counsel of Record for  
Said Party:

JOSEPH COLAVECCHI, ESQUIRE  
PA I.D. 06810

COLAVECCHI RYAN & COLAVECCHI  
221 East Market Street  
P.O. Box 131  
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814/765-1566

LAW OFFICES OF  
COLAVECCHI  
RYAN & COLAVECCHI  
221 E. MARKET ST.  
(ACROSS FROM  
COURTHOUSE)  
P. O. BOX 131  
CLEARFIELD, PA

**FILED**

SEP 23 2002

William A. Shaw  
Prothonotary

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

LINDA SCANISH, BOBBIE MULLANEY,  
and ARNOLD W. BURKETT,  
Plaintiffs

vs.

:  
:  
:  
:  
: No. 02 - 1265 - CD

GLAYDON LUCORE and KATHERINE L.  
LUCORE, his wife; SAMUEL LEE,  
Deceased; LOUIS H. LEE, Deceased;  
DALE CRAWFORD, Deceased; and  
PENFIELD PRESBYTERIAN CHURCH, and  
any heirs or persons claiming or  
who might claim title under them,  
and any other person, persons,  
firms, partnerships, or corporate  
entities who might claim any title  
to the premises herein described  
Defendants

R U L E

AND NOW, this 23<sup>rd</sup> day of September, 2002, upon  
consideration of the foregoing Petition for Leave to Withdraw as  
Counsel Under Local Rule 182(b), a Rule is issued upon the  
Plaintiffs to appear and show cause why the Petition should not be  
granted.

Rule Returnable the 8<sup>th</sup> day of October, 2002, at  
9:30 o'clock A.M. at the Clearfield County Courthouse,  
Courtroom Number 1.

LAW OFFICES OF  
COLAVECCHI  
RYAN & COLAVECCHI  
221 E. MARKET ST.  
(ACROSS FROM  
COURTHOUSE)  
P. O. BOX 131  
CLEARFIELD, PA

BY THE COURT:

  
JUDGE

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION  
No. 02-1265-CD

LINDA SCANISH, BOBBIE MULLANEY,  
and ARNOLD BURKETT,  
Plaintiffs  
vs.

CLAYDON LUCORE and KATHERINE L.  
LUCORE, his wife; SAMUEL LEE,  
Deceased; LOUIS H. LEE, Deceased;  
DALE CRAWFORD, and PENFIELD  
PRESBYTERIAN CHURCH, and any  
heirs or persons claiming or who  
might claim title under them, and  
any other person, persons, firms,  
partnerships, or corporate  
entities who might claim any

title to the premises herein  
described,  
Defendants

R U L E

**FILED**  
01/31/33  
SEP 23 2002  
11cc  
Atty Colavecchi

William A. Shaw  
Prothonotary

COLAVECCHI  
RYAN & COLAVECCHI  
ATTORNEYS AT LAW  
221 EAST MARKET STREET  
(ACROSS FROM COURTHOUSE)  
P. O. BOX 131  
CLEARFIELD, PA 16830

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

LINDA SCANISH, BOBBIE MULLANEY, :  
and ARNOLD W. BURKETT, :  
Plaintiffs : No. 02 - 1265 - CD

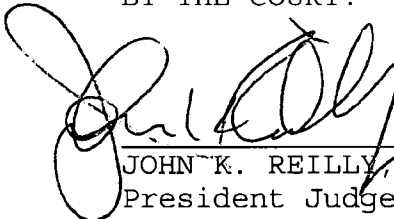
vs. :

GLAYDON LUCORE and KATHERINE L. :  
LUCORE, his wife; SAMUEL LEE, :  
Deceased; LOUIS H. LEE, Deceased; :  
DALE CRAWFORD, Deceased; and :  
PENFIELD PRESBYTERIAN CHURCH, and :  
any heirs or persons claiming or :  
who might claim title under them, :  
and any other person, persons, :  
firms, partnerships, or corporate :  
entities who might claim any title :  
to the premises herein described :  
Defendants :

ORDER

AND NOW, this 8<sup>th</sup> day of October 2002, Joseph Colavecchi is  
permitted to withdraw as counsel for Plaintiffs.

BY THE COURT:

  
JOHN K. REILLY, JR.  
President Judge

**FILED**

OCT 08 2002  
O 10:22 AM  
1100 to add Colavecchi  
William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LINDA SCANISH, BOBBIE  
MULLANEY and ARNOLD W.  
BURKETT,

Plaintiffs

Vs.

GLAYDON LUCORE and KATHERINE L.  
LUCORE, his wife; SAMUEL LEE,  
Deceased; LOUIS H. LEE,  
Deceased; DALE CRAWFORD,  
Deceased and PENFIELD  
PRESBYTERIAN CHURCH, and any  
heirs or person claiming  
or who might claim title under  
them, and any other person,  
person, persons, firms,  
partnerships or corporate  
entities who might claim any  
title to the premises herein  
described,

Defendants

CIVIL DIVISION

No. 02 - 1265 - CD

AFFIDAVIT OF SERVICE

Filed on Behalf of:

Plaintiffs, LINDA SCANISH,  
BOBBIE MULLANEY and ARNOLD W.  
BURKETT

Counsel of Record for This  
Party:

JOSEPH COLAVECCHI, ESQUIRE  
Pa. I.D. #06810

COLAVECCHI RYAN & COLAVECCHI  
221 East Market Street  
P.O. Box 131  
Clearfield, PA 16830

814/765-1566

LAW OFFICES OF  
COLAVECCHI  
RYAN & COLAVECCHI  
221 E. MARKET ST.  
(ACROSS FROM  
COURTHOUSE)  
P. O. BOX 131  
CLEARFIELD, PA

FILED

070502

William A. Shaw  
Prothonotary

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

LINDA SCANISH, BOBBIE MULLANEY :  
and ARNOLD W. BURKETT, : No. 02 - 1265 - CD  
Plaintiffs: :  
Vs. :  
GLAYDON LUCORE and KATHERINE L. :  
LUCORE, his wife; SAMUEL LEE, :  
Deceased; LOUIS H. LEE, Deceased; :  
DALE CRAWFORD, Deceased and :  
PENFIELD PRESBYTERIAN CHURCH, :  
and any heirs or person claiming :  
or who might claim title under :  
them, and any other person, :  
person, persons, firms, :  
partnerships or corporate :  
entities who might claim any :  
title to the premises herein :  
described, :  
Defendants:

AFFIDAVIT OF SERVICE


COMMONWEALTH OF PENNSYLVANIA :  
COUNTY OF CLEARFIELD : ss.  
:

Personally appeared before me, Notary Public, in and for the  
County and State aforesaid, JOSEPH COLAVECCHI, ESQUIRE, Attorney  
for LINDA SCANISH, BOBBI MULLANEY and ARNOLD BURKETT, Plaintiffs,  
who, being duly sworn according to law, deposes and says that  
service of the foregoing Complaint to Quiet Title in the above-  
captioned Action, together with endorsed Notice to Plead within

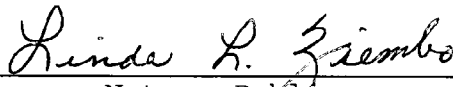
twenty (20) days, was made personally, where possible, and by publication as follows:

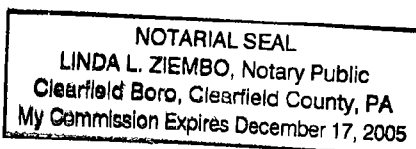
1. Service by publication was made in The Progress, a daily newspaper published at Clearfield, Pennsylvania, on September 26, 2002. This service is attested to by a Proof of Publication attached to this Affidavit and made a part hereof.

2. That service has been made on the above-named Defendants, both personally, where possible, and by publication, and the above-named Defendants, and their heirs, devisees, administrators, executors, and assigns, and all other person, persons, firms, partnerships, or corporate entities in interest have not filed any Answer to the Complaint.

  
JOSEPH COLAVECCHI, ESQUIRE  
Attorney for Plaintiffs

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

  
\_\_\_\_\_  
Notary Public



LAW OFFICES OF  
COLAVECCHI  
RYAN & COLAVECCHI  
221 E. MARKET ST.  
(ACROSS FROM  
COURTHOUSE)  
P. O. BOX 131  
CLEARFIELD, PA

IN THE COURT  
OF COMMON PLEAS  
OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
CIVIL ACTION  
No. 02-1265-CD  
ACTION TO  
QUIET TITLE

LINDA SCANISH, BOBBIE MUL-  
LANEY, and ARNOLD W. BUR-  
KETT, Plaintiffs

vs.

GLAYDON LUCORE and KA-  
THERINE L. LUCORE, his wife; SA-  
MUEL LEE, Deceased; LOUIS H.  
LEE, Deceased; DALE CRAW-  
FORD, Deceased; and PENFIELD  
PRESBYTERIAN CHURCH, and  
any heirs or persons claiming or  
who might claim title under them,  
and any other person, persons,  
firms, partnerships, or corporate

entities who might claim any title to  
the premises herein described, De-  
fendants

TO: THE ABOVE-NAMED DE-  
FENDANTS:

TAKE NOTICE THAT ON August  
14, 2002, the above-named Plain-  
tiffs filed their Complaint averring  
that they are the owners of all those  
certain pieces or parcels of land  
known as the Burkett Family Burial  
Lots situate in Huston Township,  
Clearfield County, Pennsylvania,  
bounded and described as follows:

Parcel Number 1:  
BEGINNING at the northwestern  
corner of the parcel herein de-  
scribed; thence by land of the  
Mount Pleasant Cemetery, also  
known as Lee Cemetery, the fol-  
lowing courses and distances:  
South eighty-one (81) degrees  
fifty-seven (57) minutes fifty-six  
(56) seconds East, ten and forty-  
seven one-hundredths (10.47)  
feet to a point; South seven (7) de-  
grees thirty-six (36) minutes four  
(04) seconds West, three and  
sixty-four hundredths (3.64) feet to  
a point; North eighty-one (81) de-  
grees fifty-seven (57) minutes fifty-  
six (56) seconds West, ten and  
forty-seven hundredths (10.47)  
feet to a point and North seven (7)  
degrees thirty-six (36) minutes four  
(04) seconds East, three and sixty-  
four hundredths (3.64) feet to a  
point and place of beginning.

Containing 38.082 square feet.  
The above being the description of  
the grave site of the infant Clarence  
Burkett.

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :  
COUNTY OF CLEARFIELD : SS:

On this 1st day of October, A.D. 2002,  
before me, the subscriber, a Notary Public in and for said County and  
State, personally appeared Margaret E. Krebs, who being duly sworn  
according to law, deposes and says that she is the President of The  
Progressive Publishing Company, Inc., and Associate Publisher of The  
Progress, a daily newspaper published at Clearfield, in the County of  
Clearfield and State of Pennsylvania, and established April 5, 1913, and  
that the annexed is a true copy of a notice or advertisement published in  
said publication in

the regular issues of September 26, 2002.

And that the affiant is not interested in the subject matter of the notice or  
advertising, and that all of the allegations of this statement as to the time,  
place, and character of publication are true.

*Margaret E. Krebs*

Sworn and subscribed to before me the day and year aforesaid.

*Ann K. Law*

Notary Public

Clearfield, Pa.

My Commission Expires  
September 16, 2004

Notarial Seal  
Ann K. Law, Notary Public  
Clearfield Boro, Clearfield County  
My Commission Expires Sept. 16, 2004

Member, Pennsylvania Association of Notaries

LAW OFFICES OF  
COLAVECCHI  
RYAN & COLAVECCHI  
221 E. MARKET ST.  
(ACROSS FROM  
COURTHOUSE)  
P. O. BOX 131  
CLEARFIELD, PA

PARCEL NUMBER 2:

BEGINNING at a marker set at the northwestern corner of the parcel herein described; said marker being adjacent to the northern wood fence line of the Mount Pleasant Cemetery, also known as Lee Cemetery; thence along said wood fence and land of Glaydon and Katherine L. Lucore, South eighty-two (82) degrees eighteen (18) minutes fifty-three (53) seconds East, sixty and forty-one one-hundredths (60.41) feet to a point at the northeastern corner of said wood fence; thence along the eastern wood fence line and land of Glaydon and Katherine L. Lucore South five (05) degrees thirty (30) minutes twenty (20) seconds West, forty-seven and thirty-two one-hundredths (47.32) feet to a point adjacent to the eastern wood fence line; thence by land of the Mount Pleasant Cemetery, also known as Lee Cemetery, the following courses and distances: North eighty-six (86) degrees six (06) minutes two (02) seconds West nineteen and five one-hundredths (19.05) feet to a marker; North three (03) degrees twenty-two (22) minutes fifty-eight (58) seconds East, seventeen and thirty-six one-hundredths (17.36) feet to a marker; North eighty-two (82) degrees fifty-three (53) minutes zero (00) seconds West, twenty-seven and fourteen one-hundredths (27.14) feet to a marker; North eighty-three (83) degrees eighteen (18) minutes fifty-seven (57) seconds West, thirteen and eighty-six one-hundredths (13.86) feet to a marker and North six (06) degrees three (03) minutes thirty-one (31) seconds East, thirty-one and seventy-five one-hundredths (31.75) feet to a marker set adjacent to the northern wood fence line of the Mount Pleasant Cemetery, also known as Lee Cemetery, and place of beginning.

Containing 2,223.698 square

feet. The above being the description of the Burkett Family Burial Lots.

Being shown in more detail on the survey map, being the plot of plan of the Burkett Family Burial Lots, said survey map having been prepared by Samuel B. Yost, Registered Surveyor, dated July 9, 2002. The above is part of the Mount Pleasant Cemetery, also known as Lee Cemetery.

WHEREUPON, said Court ordered that notice of the above facts be served by the Plaintiff on the Defendants, personally where known, and by advertisement where they cannot be located, or their identity cannot be ascertained, requiring them to answer said Complaint within twenty (20) days after the date of the last publication. The last date of publication of this notice is September 26, 2002. An Answer must be filed to the Complaint in this Action by not later than October 16, 2002. Failure to file an Answer by October 16, 2002, will result in default judgment being taken against the Defendants. Further, that title will be confirmed in the Plaintiff free of any claims by Defendants.

NOTICE

You have been sued in Court. If you wish to defend against the claims set forth as above, you must take action within twenty (20) days after the Complaint has been filed and this Notice has been posted in the newspaper, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to all the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER OR A COPY OF THIS NOTICE 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 COURT-  
HOUSE

2nd & Market Streets  
Clearfield, PA 16830  
Phone (814) 765-2641  
Ext. 50-51  
COLAVECCHI RYAN  
& COLAVECCHI  
Attorneys for Plaintiffs  
221 East Market Street  
P.O. Box 131  
Clearfield, PA 16830

9:26-1d-b

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNA.  
CIVIL DIVISION  
No. 02 - 1265 - CD

LINDA SCANISH, BOBBIE MULLANEY  
and ARNOLD W. BURKETT,  
Plaintiffs

vs.

GLAYDON LUCORE, et al,  
Defendants

AFFIDAVIT OF SERVICE

FILED  
JAN 01 3 35 PM '02  
CLERK OF COURT

WILLIAM A. Shaw  
Fictionnotary

COLAVECCHI  
RYAN & COLAVECCHI  
ATTORNEYS AT LAW  
221 EAST MARKET STREET  
(ACROSS FROM COURTHOUSE)  
P. O. BOX 131  
CLEARFIELD, PA 16830




OFFICE OF COURT ADMINISTRATOR  
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

CLEARFIELD COUNTY COURTHOUSE  
SUITE 228, 230 EAST MARKET STREET  
CLEARFIELD, PENNSYLVANIA 16830

DAVID S. MEHOLICK  
COURT ADMINISTRATOR

PHONE: (814) 765-2641  
FAX: 1-814-765-7649

MARCY KELLEY  
DEPUTY COURT ADMINISTRATOR

 COPY

**Notice of Proposed Termination of Court Case**

November 10, 2005

FILED  
LNU

NOV 10 2005

William A. Shaw  
Prothonotary/Clerk of Courts

RE: 02-1265-CD

Linda Scanish, Bobbie Mullaney, and Arnold W. Burkett

Vs.

Glendon Lucore and Katherine L. Lucore; Samuel Lee (Deceased), Louis H. Lee (Deceased), Dale Crawford (Deceased), and Penfield Presbyterian Church

Dear Plaintiff/Defendant:

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, 230 East Market Street, Clearfield, Pennsylvania 16830. The Statement of Intention to Proceed must be filed on or before January 17, 2005.

**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,



David S. Meholic  
Court Administrator



OFFICE OF COURT ADMINISTRATOR  
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

CLEARFIELD COUNTY COURTHOUSE  
SUITE 228, 230 EAST MARKET STREET  
CLEARFIELD, PENNSYLVANIA 16830

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FAX: 1-814-765-7649

MARCY KELLEY  
DEPUTY COURT ADMINISTRATOR

**Notice of Proposed Termination of Court Case**

November 10, 2005

RE: 02-1265-CD

Linda Scanish, Bobbie Mullaney, and Arnold W. Burkett

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By the Court,

A handwritten signature in black ink, appearing to read "David S. Meholic".

David S. Meholic  
Court Administrator



OFFICE OF COURT ADMINISTRATOR  
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

CLEARFIELD COUNTY COURTHOUSE  
SUITE 228, 230 EAST MARKET STREET  
CLEARFIELD, PENNSYLVANIA 16830

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MARCY KELLEY  
DEPUTY COURT ADMINISTRATOR

**Notice of Proposed Termination of Court Case**

November 10, 2005

RE: 02-1265-CD

Linda Scanish, Bobbie Mullaney, and Arnold W. Burkett

Vs.

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By the Court,

A handwritten signature in black ink, appearing to read "David S. Meholick".

David S. Meholick  
Court Administrator



OFFICE OF COURT ADMINISTRATOR  
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

CLEARFIELD COUNTY COURTHOUSE  
SUITE 228, 230 EAST MARKET STREET  
CLEARFIELD, PENNSYLVANIA 16830

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MARCY KELLEY  
DEPUTY COURT ADMINISTRATOR

**Notice of Proposed Termination of Court Case**

November 10, 2005

RE: 02-1265-CD

Linda Scanish, Bobbie Mullaney, and Arnold W. Burkett

Vs.

Glaydon Lucore and Katherine L. Lucore; Samuel Lee (Deceased), Louis H. Lee (Deceased), Dale Crawford (Deceased), and Penfield Presbyterian Church

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By the Court,

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David S. Meholick  
Court Administrator



OFFICE OF COURT ADMINISTRATOR  
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

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DEPUTY COURT ADMINISTRATOR

**Notice of Proposed Termination of Court Case**

November 10, 2005

RE: 02-1265-CD

Linda Scanish, Bobbie Mullaney, and Arnold W. Burkett

Vs.

Glendon Lucore and Katherine L. Lucore; Samuel Lee (Deceased), Louis H. Lee (Deceased), Dale Crawford (Deceased), and Penfield Presbyterian Church

Dear Plaintiff/Defendant:

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By the Court,

A handwritten signature in black ink, appearing to read "David S. Meholic".

David S. Meholic  
Court Administrator



OFFICE OF COURT ADMINISTRATOR  
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

CLEARFIELD COUNTY COURTHOUSE  
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**Notice of Proposed Termination of Court Case**

November 10, 2005

RE: 02-1265-CD

Linda Scanish, Bobbie Mullaney, and Arnold W. Burkett

Vs.

Glendon Lucore and Katherine L. Lucore; Samuel Lee (Deceased), Louis H. Lee (Deceased), Dale Crawford (Deceased), and Penfield Presbyterian Church

Dear Plaintiff/Defendant:

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By the Court,

A handwritten signature in black ink, appearing to read "David S. Meholic".

David S. Meholic  
Court Administrator

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

LINDA SCANISH, BOBBIE MULLANEY  
and ARNOLD W. BURKETT,  
Plaintiffs,

v.

No. 02-1265-CD

GLAYDON LUCORE and KATHERINE L. LUCORE,  
his wife; SAMUEL LEE, Deceased; LOUIS H. LEE,  
Deceased; DALE CRAWFORD, Deceased and  
PENFIELD PRESBYTERIAN CHURCH,  
and any heirs or persons claiming or who might  
claim title under them, and any other person, person,  
persons, firms, partnerships, or corporate entities  
who might claim any title to the premises herein  
described,

Defendants.

**FILED** *NO cc*  
*013:52/4*  
**JAN 04 2006** *copy to CIA*  
William A. Shaw  
Prothonotary/Clerk of Courts

CASE NUMBER: 02-1265-CD

TYPE OF PLEADING: ENTRY OF APPEARANCE

FILED ON BEHALF OF: Plaintiffs

COUNSEL FOR RECORD FOR THIS PARTY: R. Denning Gearhart, Esquire  
Supreme Court ID#: 26540  
207 East Market Street  
Clearfield, PA 16830  
814-765-1581

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

LINDA SCANISH, BOBBIE MULLANEY  
and ARNOLD W. BURKETT,  
Plaintiffs,

v.

No. 02-1265-CD


GLAYDON LUCORE and KATHERINE L. LUCORE,  
his wife; SAMUEL LEE, Deceased; LOUIS H. LEE,  
Deceased; DALE CRAWFORD, Deceased and  
PENFIELD PRESBYTERIAN CHURCH,  
and any heirs or persons claiming or who might  
claim title under them, and any other person, person,  
persons, firms, partnerships, or corporate entities  
who might claim any title to the premises herein  
described,  
Defendants.

**ENTRY OF APPEARANCE**

TO THE PROTHONOTARY:

Please enter my appearance on behalf of the Plaintiffs, Linda Scanish,  
Bobbie Mullaney and Arnold W. Burkett, in the above-captioned matter.

**Date: January 4, 2006**

  
R. Denning Gearhart  
Attorney for Plaintiffs

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

LINDA SCANISH, BOBBIE MULLANEY  
and ARNOLD W. BURKETT,  
Plaintiffs,

v.

No. 02-1265-CD

GLAYDON LUCORE and KATHERINE L. LUCORE,  
his wife; SAMUEL LEE, Deceased; LOUIS H. LEE,  
Deceased; DALE CRAWFORD, Deceased and  
PENFIELD PRESBYTERIAN CHURCH,  
and any heirs or persons claiming or who might  
claim title under them, and any other person, person,  
persons, firms, partnerships, or corporate entities  
who might claim any title to the premises herein  
described,  
Defendants.

**CERTIFICATE OF SERVICE**

This is to certify that the undersigned has on this date served a copy of the  
Entry of Appearance filed in the above-captioned matter on the Defendants, Glaydon  
Lucore and Katherine L. Lucore, by depositing such documents in the United States  
Mail, postage pre-paid and addressed as follows:

Toni M. Cherry, Esquire  
Gleason, Cherry & Cherry  
PO Box 505  
One North Franklin Street  
DuBois, PA 15801

Date: January 4, 2006

  
R. Dehning Gearhart, Esquire

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

LINDA SCARISH, BOBBIE MULLANEY  
and ARNOLD W. BURKETT,  
Plaintiffs,  
v.  
GLAYDON LUCORE and KATHERINE L. LUCORE,  
his wife, SAMUEL LEE, Deceased; LOUIS H. LEE,  
Deceased; DALE CRAWFORD, Deceased and  
PENFIELD PRESBYTERIAN CHURCH,  
and any heirs or persons claiming or who might  
claim title under them, and any other person, person,  
persons, firms, partnerships, or corporate entities  
who might claim any title to the premises herein  
described,  
Defendants.

No. 02-1286-CD

CERTIFICATE OF SERVICE

This is to certify that the undersigned has on this date served a copy of the  
Entry of Appearance filed in the above-captioned matter on the Defendants, Glaydon  
Lucore and Katherine L. Lucore, by depositing such documents in the United States  
mail, postage pre-paid and addressed as follows:

Toni M. Cherry, Esquire  
Gleason, Cherry & Cherry  
PO Box 808  
One North Franklin Street  
Dubois, PA 15801

Date: January 4, 2006

*[Signature]*  
William A. Shaw  
Prothonotary/Clerk of Courts  
FILED  
JAN 04 2006

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LINDA SCANISH, BOBBIE MULLANEY,  
and ARNOLD W. BURKETT,  
Plaintiffs

vs.

GLAYDON LUCORE and KATHERINE L.  
LUCORE, his wife; SAMUEL LEE,  
Deceased; LOUIS H. LEE, Deceased;  
DALE CRAWFORD, Deceased; and  
PENFIELD PRESBYTERIAN CHURCH, and  
any heirs or persons claiming or  
who might claim title under them,  
and any other person, persons,  
firms, partnerships, or corporate  
entities who might claim any title  
to the premises herein described  
Defendants

CIVIL ACTION

No. 02 - 1265 - CD

PRAECIPE TO WITHDRAW AS  
COUNSEL

Filed on Behalf of:

Plaintiffs, LINDA SCANISH,  
BOBBIE MULLANEY and ARNOLD  
W. BURKETT

Counsel of Record for Said  
Party:

JOSEPH COLAVECCHI, ESQUIRE  
I.D. 06810

COLAVECCHI & COLAVECCHI  
221 East Market Street  
P.O. Box 131  
Clearfield, PA 16830  
(814) 765-1566

LAW OFFICES OF  
COLAVECCHI  
& COLAVECCHI  
221 E. MARKET ST.  
(ACROSS FROM  
COURTHOUSE)  
P. O. BOX 131  
CLEARFIELD, PA

FILED

JAN 11 2006

01/11/2006

William A. Shaw  
Prothonotary/Clerk of Courts  
No C/L

6894 4 C/A

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

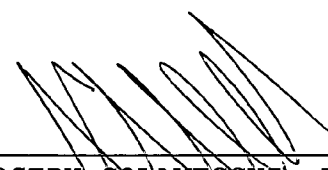
LINDA SCANISH, BOBBIE MULLANEY, :  
and ARNOLD W. BURKETT, :  
Plaintiffs :  
vs. : No. 02 - 1265 - CD  
GLAYDON LUCORE and KATHERINE L. :  
LUCORE, his wife; SAMUEL LEE, :  
Deceased; LOUIS H. LEE, Deceased; :  
DALE CRAWFORD, Deceased; and :  
PENFIELD PRESBYTERIAN CHURCH, and :  
any heirs or persons claiming or :  
who might claim title under them, :  
and any other person, persons, :  
firms, partnerships, or corporate :  
entities who might claim any title :  
to the premises herein described :  
Defendants :

PRAECIPE TO WITHDRAW AS COUNSEL

TO: WILLIAM SHAW, PROTHONOTARY

Please withdraw my appearance as Counsel for the Plaintiffs  
as per Order of Court dated October 8, 2002.

1/11/06  
\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
JOSEPH COLAVECCHI, ESQUIRE  
221 East Market Street  
Clearfield, PA 16830  
(814) 765-1566

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

LINDA SCANISH, BOBBIE MULLANEY, :  
and ARNOLD W. BURKETT, :  
Plaintiffs : No. 02 - 1265 - CD

vs. :

GLAYDON LUCORE and KATHERINE L. :  
LUCORE, his wife; SAMUEL LEE, :  
Deceased; LOUIS H. LEE, Deceased; :  
DALE CRAWFORD, Deceased; and :  
PENFIELD PRESBYTERIAN CHURCH, and :  
any heirs or persons claiming or :  
who might claim title under them, :  
and any other person, persons, :  
firms, partnerships, or corporate :  
entities who might claim any title :  
to the premises herein described :  
Defendants :

ORDER

AND NOW, this 8<sup>th</sup> day of October 2002, Joseph Colavecchi is  
permitted to withdraw as counsel for Plaintiffs.

BY THE COURT:

/s/JOHN K. REILLY, JR.

JOHN K. REILLY, JR.  
President Judge

every county and  
nd attested copy of the origin  
statement filed in this case.

Oct 8 2002

test.

William L. Moore  
Prothonotary

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

LINDA SCANISH, BOBBIE MULLANEY  
and ARNOLD W. BURKETT,  
Plaintiffs

v.

No. 02-1265-CD

GLAYDON LUCORE and KATHERINE L. LUCORE,  
his wife; SAMUEL LEE, Deceased; LOUIS H. LEE,  
Deceased; DALE CRAWFORD, Deceased, and  
PENFIELD PRESBYTERIAN CHURCH,  
and any heirs or persons claiming or who might  
claim title under them, and any other person, persons,  
firms, partnerships, or corporate entities who might  
claim any title to the premises herein described,  
Defendant

CASE NUMBER: No. 02-1265-CD

TYPE OF CASE: Civil

TYPE OF PLEADING: PLAINTIFF'S ANSWER TO DEFENDANTS'  
PRELIMINARY OBJECTIONS

FILED ON BEHALF OF: Plaintiffs

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

**FILED**

0 3:41 p.m. GK 3cc to Amy  
FEB 14 2006

William A. Shaw  
Prothonotary/Clerk of Courts

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

LINDA SCANISH, BOBBIE MULLANEY  
and ARNOLD W. BURKETT,  
Plaintiffs,

v.

No. 02-1265-CD

GLAYDON LUCORE and KATHERINE L. LUCORE,  
his wife; SAMUEL LEE, Deceased; LOUIS H. LEE,  
Deceased; DALE CRAWFORD, Deceased and  
PENFIELD PRESBYTERIAN CHURCH,  
and any heirs or persons claiming or who might  
claim title under them, and any other person, person,  
persons, firms, partnerships, or corporate entities  
who might claim any title to the premises herein  
described,  
Defendants.

**PLAINTIFFS' ANSWER TO DEFENDANTS'**  
**PRELIMINARY OBJECTIONS**

AND NOW COMES, R. Denning Gearhart, Esquire, attorney for the Plaintiffs who  
answers Defendants' Preliminary Objections, and in support thereof avers as follows:

**Defendants' Preliminary Objections Raising Legal Insufficiency of  
Plaintiffs' Complaint (Demurrer) Under Pa.R.C.P. 1028 (a) (4)  
Should be Denied**

1. Admitted.
2. Admitted.
3. Defendants' citation of Pennsylvania Law is misleading as is evidenced by the  
Complaint. The interned bodies and graves marked by tombstone or  
otherwise are those of the relatives and ancestors of the Plaintiffs.  
Defendants' recitation implies that the Plaintiffs seek to acquire possession of

a cemetery containing bodies of people related to the Defendants and/or unrelated to the Plaintiffs.

4. Calls for a conclusion of law, therefore no answer is required.
5. Admitted.
6. Calls for a conclusion of law, therefore, no answer is required.

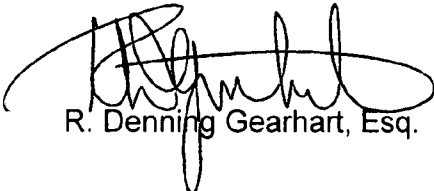
**Defendants' Preliminary Objection Raising Insufficient Specificity of  
Plaintiffs' Complaint Under Pa.R.C.P. 1028 (a) (3)  
Should be Denied**

7. No answer is required.
8. Calls for a conclusion of law, therefore, no answer is required.
9. Denied. A reading of Paragraphs 5-7 of the Complaint clearly states the time that Plaintiffs began to exercise ownership over the location of the specific lots and the manner in which adverse possession was maintained.
10. Denied for reasons set forth in Paragraph 9.
11. Calls for a conclusion of law, therefore, no answer is required.
12. Denied for reasons set forth in Paragraph 9.

WHEREFORE, Plaintiffs pray your Honorable Court to deny Defendants'

Preliminary Objections.

Respectfully Submitted,

  
R. Denning Gearhart, Esq.

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

LINDA SCANISH, BOBBIE MULLANEY  
and ARNOLD W. BURKETT,  
Plaintiffs,

v.

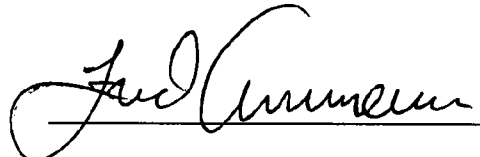
No. 02-1265-CD

GLAYDON LUCORE and KATHERINE L. LUCORE,  
his wife; SAMUEL LEE, Deceased; LOUIS H. LEE,  
Deceased; DALE CRAWFORD, Deceased and  
PENFIELD PRESBYTERIAN CHURCH,  
and any heirs or persons claiming or who might  
claim title under them, and any other person, person,  
persons, firms, partnerships, or corporate entities  
who might claim any title to the premises herein  
described,  
Defendants.

ORDER

AND NOW, this 17 day of February, 2006, upon receipt of  
Defendants' Preliminary Objections to the above-captioned matter together with an  
Answer to the same, it is the ORDER of this Court that argument on those Preliminary  
Objections shall be held on the 4<sup>th</sup> day of April, 2006, at 2:00 PM.  
o'clock in Courtroom # 1, of the Clearfield County Courthouse, Clearfield, PA.

BY THE COURT

  
J.

FILED 3cc  
01/30/06  
FEB 21 2006  
Atty Gearhart  
William A. Shaw  
otary/Clerk of Courts

**FILED**  
**FEB 14 2006**  
**William A. Shaw**  
**Prothonotary/Clerk of Courts**

**FILED**  
**FEB 21 2006**

**William A. Shaw**  
**Prothonotary/Clerk of Courts**

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION No. 02-1265-CD

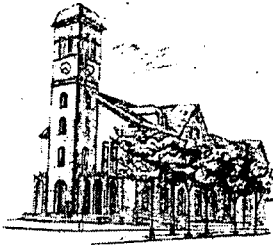
LINDA SCANISH, BOBBIE MULLANEY  
and ARNOLD W. BURKETT, Plaintiffs

vs.

CLAYDON LUCORE and KATHERINE L.  
LUCORE, his wife, et. al.,  
Defendants

PLAINTIFF'S ANSWER TO  
DEFENDANTS' PRELIMINARY OBJECTIONS

R. DENNING GEARHART  
ATTORNEY AT LAW  
CLEARFIELD, PA. 16830



## Clearfield County Office of the Prothonotary and Clerk of Courts

**William A. Shaw**  
Prothonotary/Clerk of Courts

**David S. Ammerman**  
Solicitor

**Jacki Kendrick**  
Deputy Prothonotary

**Bonnie Hudson**  
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

It has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw  
Prothonotary

DATE: 2/21/06

X You are responsible for serving all appropriate parties.

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

       Plaintiff(s)/Attorney(s)

       Defendant(s)/Attorney(s)

       Other

       Special Instructions:

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

LINDA SCANISH, BOBBIE MULLANEY  
and ARNOLD W. BURKETT,  
Plaintiffs

v.

No. 02-1265-CD

GLAYDON LUCORE and KATHERINE L. LUCORE,  
his wife; SAMUEL LEE, Deceased; LOUIS H. LEE,  
Deceased; DALE CRAWFORD, Deceased, and  
PENFIELD PRESBYTERIAN CHURCH,  
and any heirs or persons claiming or who might  
claim title under them, and any other person, persons,  
firms, partnerships, or corporate entities who might  
claim any title to the premises herein described,  
Defendant

CASE NUMBER: No. 02-1265-CD

TYPE OF CASE: Civil

TYPE OF PLEADING: CERTIFICATE OF SERVICE

FILED ON BEHALF OF: Plaintiffs

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

FILED <sup>NO</sup> <sup>CC</sup>  
01/31/04  
FEB 22 2005

William A. Shaw  
Prothonotary/Clerk of Courts

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

LINDA SCANISH, BOBBIE MULLANEY  
and ARNOLD W. BURKETT,  
Plaintiffs,

v.

No. 02-1265-CD

GLAYDON LUCORE and KATHERINE L. LUCORE,  
his wife; SAMUEL LEE, Deceased; LOUIS H. LEE,  
Deceased; DALE CRAWFORD, Deceased and  
PENFIELD PRESBYTERIAN CHURCH,  
and any heirs or persons claiming or who might  
claim title under them, and any other person, person,  
persons, firms, partnerships, or corporate entities  
who might claim any title to the premises herein  
described,

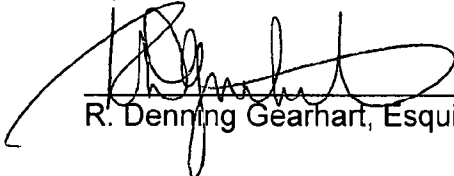
Defendants.

**CERTIFICATE OF SERVICE**

This is to certify that the undersigned has on this date served a copy of  
Plaintiffs' Answer to Defendant's Preliminary Objections filed in the above-captioned  
matter on the Defendants, Glaydon Lucore and Katherine L. Lucore, through their  
attorney, Toni M. Cherry, Esq., by depositing such documents in the United States Mail,  
postage pre-paid and addressed as follows:

Toni M. Cherry, Esquire  
Gleason, Cherry & Cherry  
PO Box 505  
One North Franklin Street  
DuBois, PA 15801

Date: **February** 22 , 2006

  
R. Denning Gearhart, Esquire

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

LINDA SCANISH, BOBBIE MULLANEY :  
and ARNOLD W. BURKETT :  
VS. : NO. 02-1265-CD  
GLAYDON LUCORE and KATHERINE L. :  
LUCORE, his wife; SAMUEL LEE, :  
Dec'd; LOUIS H. LEE, Dec'd; DALE :  
CRAWFORD, Dec'd. and PENFIELD :  
PRESBYTERIAN CHURCH, et al :

O R D E R

AND NOW, this 4th day of April, 2006, following  
argument on Plaintiff's Motion for Judgment of the Pleadings, it  
is the ORDER of this Court that counsel provide the Court with  
letter brief within no more than twenty (20) days from today's  
date.

BY THE COURT,



President Judge

**FILED**  
9/10:00 PM  
APR 07 2006  
Copies - see reverse  
Geastman

William A. Shaw  
Prothonotary/Clerk of Courts

CK

FILED <sup>rec Amy</sup> Garthast

APR 07 2006 <sup>rec</sup> Gordon Lucore

PO Box 33

William A. Shaw Penfield, PA 15849

Prothonotary/Clerk of Courts

<sup>rec</sup> Dale Crawford Katherine Lucore

RD1, Box 932C

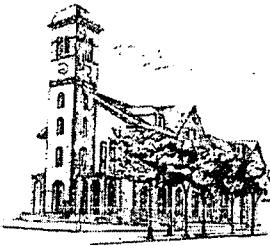
Penfield, PA 15849

<sup>rec</sup> Penfield Presbyterian Church

Presb. Ministry Society

435 Leonard St., Philadelphia, PA 19147

435 Leonard St., Philadelphia, PA 19147



## Clearfield County Office of the Prothonotary and Clerk of Courts

**William A. Shaw**  
Prothonotary/Clerk of Courts

**David S. Ammerman**  
Solicitor

**Jacki Kendrick**  
Deputy Prothonotary

**Bonnie Hudson**  
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

It has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw  
Prothonotary

DATE: 4/7/06

           You are responsible for serving all appropriate parties.

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

  X   Plaintiff(s)/Attorney(s)

  X   Defendant(s)/Attorney(s)

           Other

           Special Instructions:

CP

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

LINDA SCANISH, BOBBIE MULLANEY,  
and ARNOLD W. BURKETT,  
Plaintiffs

vs.

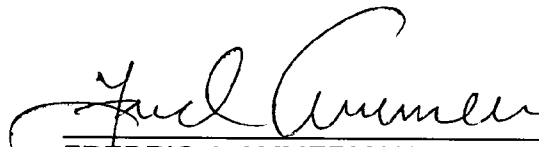
NO. 02-1265-CD

GLAYDON LUCORE and KATHERINE L.  
LUCORE, his wife; SAMUEL LEE, Deceased;  
LOUIS H. LEE, Deceased; DALE CRAWFORD,  
Deceased and PENFIELD PRESBYTERIAN  
CHURCH, and any heirs or persons claiming  
or who might claim title under them, an any  
other person, person, persons, firms,  
partnerships or corporate entities who might  
claim any title to the premises herein described,  
Defendants

**ORDER**

NOW, this 28<sup>th</sup> day of April, 2006, following receipt of the parties briefs and  
Plaintiffs' attorney conceding that the doctrine of adverse possession is not applicable  
to cemeteries, it is the ORDER of this Court that the Defendants' Preliminary Objection  
in the nature of a demurrer be and is hereby GRANTED. The Plaintiffs' Complaint is  
hereby DISMISSED.

BY THE COURT,

  
FREDRIC J. AMMERMAN  
President Judge

**FILED**

APR 28 2006

07:40/wn (CR)

William A. Shaw  
Prothonotary/Clerk of Courts

Cons. to

R. GERHART  
T. CHENY  
C. LUCORE  
K. LUCORE

D. Crawford  
PENFIELD  
PRESBY CHURCH

FILED  
APR 28 2006  
William A. Shaw  
Prothonotary/Clerk of Courts

WILLIAM A. SHAW  
PROTHONOTARY  
and CLERK of COURTS  
P.O. BOX 549  
CLEARFIELD, PENNSYLVANIA 16830

FILED

MAY - 4 2006 <sup>LM</sup>  
m/11:08 am No further address in file  
William A. Shaw  
Prothonotary

NSN

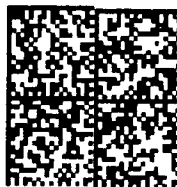
Dale Crawford  
RD 1, Box 93C

☐ A ☐ INSUFFICIENT ADDRESS  
☒ C ☐ ATTEMPTED NOT KNOWN ☐ OTHER  
☐ S ☐ NO SUCH NUMBER/STREET  
- UNABLE TO FORWARD AS ADDRESSED

**RTS**  
RETURN TO SENDER

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15830/0349



Hasler

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05/01/2006  
Mailed From 16830  
US POSTAGE

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

LINDA SCANISH, BOBBIE MULLANEY,  
and ARNOLD W. BURKETT,  
Plaintiffs

vs.

NO. 02-1265-CD

GLAYDON LUCORE and KATHERINE L.  
LUCORE, his wife; SAMUEL LEE, Deceased;  
LOUIS H. LEE, Deceased; DALE CRAWFORD,  
Deceased and PENFIELD PRESBYTERIAN  
CHURCH, and any heirs or persons claiming  
or who might claim title under them, an any  
other person, person, persons, firms,  
partnerships or corporate entities who might  
claim any title to the premises herein described,  
Defendants

**ORDER**

NOW, this 28<sup>th</sup> day of April, 2006, following receipt of the parties briefs and Plaintiffs' attorney conceding that the doctrine of adverse possession is not applicable to cemeteries, it is the ORDER of this Court that the Defendants' Preliminary Objection in the nature of a demurrer be and is hereby GRANTED. The Plaintiffs' Complaint is hereby DISMISSED.

BY THE COURT,

/s/ Fredric J. Ammerman

FREDRIC J. AMMERMAN  
President Judge

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

APR 28 2006

Attest.

*William B. Allen*  
Prothonotary/  
Clerk of Courts

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

LINDA SCANISH, BOBBIE MULLANEY  
and ARNOLD W. BURKETT,  
Plaintiffs,

v.

No. 02-1265-CD

GLAYDON LUCORE and KATHERINE L. LUCORE,  
his wife; SAMUEL LEE, Deceased; LOUIS H. LEE,  
Deceased; DALE CRAWFORD, Deceased and  
PENFIELD PRESBYTERIAN CHURCH,  
and any heirs or persons claiming or who might  
claim title under them, and any other person, person,  
persons, firms, partnerships, or corporate entities  
who might claim any title to the premises herein  
described,

Defendants.

CASE NUMBER: 02-1265-CD

TYPE OF PLEADING: CERTIFICATE OF SERVICE

FILED ON BEHALF OF: Plaintiffs

COUNSEL FOR RECORD FOR THIS PARTY: R. Denning Gearhart, Esquire  
Supreme Court ID#: 26540  
207 East Market Street  
Clearfield, PA 16830  
814-765-1581

**FILED**

APR 27 2006

William A. Shaw  
Prothonotary/Clerk of Courts

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

LINDA SCANISH, BOBBIE MULLANEY  
and ARNOLD W. BURKETT,  
Plaintiffs,

v.

No. 02-1265-CD

GLAYDON LUCORE and KATHERINE L. LUCORE,  
his wife; SAMUEL LEE, Deceased; LOUIS H. LEE,  
Deceased; DALE CRAWFORD, Deceased and  
PENFIELD PRESBYTERIAN CHURCH,  
and any heirs or persons claiming or who might  
claim title under them, and any other person, person,  
persons, firms, partnerships, or corporate entities  
who might claim any title to the premises herein  
described,  
Defendants.

**CERTIFICATE OF SERVICE**

This is to certify that the undersigned has on this date served a copy of the  
Letter Brief filed in the above-captioned matter on the Defendants, Glaydon Lucore and  
Katherine L. Lucore, by depositing such documents in the United States Mail, postage  
pre-paid and addressed as follows:

Toni M. Cherry, Esquire  
Gleason, Cherry & Cherry  
PO Box 505  
One North Franklin Street  
DuBois, PA 15801

Date: April 26, 2006

  
R. Denning Gearhart, Esquire  
Attorney for Plaintiffs

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

LINDA SCAMISH, BOBBIE MULLANEY  
and ARNOLD A. BURKETT,  
Plaintiffs,  
v.  
GLAYDON LUCORE and KATHERINE L. LUCORE,  
his wife, SAMUEL LEE, Deceased, LOUIS H. LEE,  
Deceased, DALE CRAWFORD, Deceased and  
CLEARFIELD PRESBYTERIAN CHURCH,  
and any heirs or persons claiming or who might  
claim title under them, and any other person, person,  
partners, firms, partnerships, or corporate entities  
who might claim any title to the premises herein  
described,  
Defendants.

No. 03-1282-CD

CERTIFICATE OF SERVICE

This is to certify that the undersigned has on this date served a copy of the  
Letter Brief filed in the above-captioned matter on the Defendants, Glaydon Lucore and  
Katherine L. Lucore, by depositing such documents in the United States Mail, postage  
pre paid and addressed as follows:

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FILED  
APR 27 2006  
William A. Shaw  
Prothonotary/Clerk of Courts

Date: April 26, 2006