

02-1104-60

LENA M. HUMMER -vs- JANETTE D. RAINNEY

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

LENA M. HUMMEL,  
Plaintiff

vs.

JANELLE D. BAINEY,  
Defendant

No. 02-1404-00

**COMPLAINT IN EQUITY**

Filed on behalf of

Plaintiff

Counsel of Record for  
this Party:

Carl A. Belin, Jr.  
Attorney-At-Law

Pa. I.D. 06805

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

**FILED**

SEP 10 2002

01/25/02 atty Belin pd \$80.00  
William A. Shaw  
Prothonotary  
cc atty  
cc Sherry

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

LENA M. HUMMEL, :  
Plaintiff :  
: :  
vs. : : No.  
: :  
JANELLE D. BAINES, :  
Defendant :  
:

NOTICE

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Pleading 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 Pleading or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Court Administrator's Office  
Clearfield County Courthouse  
Clearfield, PA 16830  
(814) 765-2641, Ext. 1300

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

LENA M. HUMMEL,  
Plaintiff

vs. : No.

JANELLE D. BAINEY,  
Defendant

**COMPLAINT IN EQUITY – PARTITION**

NOW COMES the Plaintiff, LENA M. HUMMEL, by and through her attorneys, Belin & Kubista and sets forth the following Complaint in Equity and in support thereof would aver as follows:

1. That the Plaintiff, Lena M. Hummel, is an adult individual currently residing at 162 Lexington Drive, Cranberry Township, Pennsylvania 16066.
2. That the Defendant is Janelle D. Bainey, an adult individual currently residing at 63 Centre Hill Road, Morrisdale, Clearfield County, Pennsylvania 16858.
3. Plaintiff and Defendant are the owners of certain real estate in Clearfield County as described below, and all the interests of the parties in the property are held as tenants in common and are undivided.
4. That the parties acquired title to a one-half (1/2) interest each in the property by Sheriff's Deed dated April 28, 2000, recorded in the Office of the Register and Recorder of Clearfield County by instrument number 200005739, which property is more particularly described as follows:

**Parcel #1**

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

On the West by Graham Township Route 682; on the East by lands now of the Grantees; and on the South by lands of the Summit Hill Evangelical United Brethren Church.

EXCEPTING AND RESERVING all coal and other minerals as set forth in previous deeds in the chain of title.

BEING the same premises conveyed to Edward Hummel and Debra Hummel by deed of Barry J. Butler and Susan J. Butler dated July 26, 1985, recorded at Clearfield in Deed Book 1028, Page 275. This premises has Clearfield County Tax Map No. 116-P9-16.

Parcel #2

ALL that certain lot or piece of ground situate in the Township of Graham, County of Clearfield and State of Pennsylvania, bounded and described as follows:

BEGINNING at an iron pin located on the North side of a private lane leading from Township Road #682 to the home of Grantees. Said starting point is further described as being South eighty-one degrees, seven minutes West (S 81° 07' W) two hundred fifty-four feet (254.0) from an iron pin located on the West side of Township Road #682 and the Northeast corner of Summit Hill Cemetery Association and South eighty-two degrees, twenty-three minutes, thirty-five seconds West (82° 23' 35" W) four hundred twenty-seven and ninety-eight hundredths feet (427.98) to an iron pin and place of beginning; thence along other lands now or formerly of Grantors, South fifteen degrees, fifty minutes, thirty seconds East (S 15° 50' 30" E) one hundred seventy-five and eight tenths feet (175.8) to an iron pipe; thence still along other lands now or formerly of Grantors, South seventy degrees, fifty-three minutes, thirty seconds West (S 70° 53' 30" W) three hundred ninety-six and fifty-four hundredths feet (396.54) to an iron pipe; thence still along other lands now or formerly of Grantors, North fifteen degrees, fifty minutes, thirty seconds West (N 15° 50' 30" W) two hundred sixty-eight and twenty-two hundredths feet (268.22) to an iron pipe; thence still along other lands now or formerly of Grantors, North seventy degrees, fifty-three minutes, thirty seconds East (N 70° 53' 30" E) three hundred ninety-six and fifty-four hundredths feet (396.54) to an iron pipe; thence still along other lands now or formerly of Grantors, South fifteen degrees, fifty minutes, thirty seconds East (S 15° 50' 30" E) ninety-two and forty-two hundredths feet (92.42) to an iron pin and place of beginning.

CONTAINING 2.438 acres and being part of the same premises that were conveyed to Edward V. Hummel and Debra J. Hummel, his wife, by deed of Russell G. and Pauline A. Hummel dated August 24, 1987, recorded in Clearfield County Deed Book 1178, Page 318.

EXCEPTING AND RESERVING all exceptions and reservations as contained in prior deeds.

ALSO EXCEPTING AND RESERVING for the Grantees, their heirs, assigns and successors, the right to use the existing road from Township Road #682 to the home of Grantees.

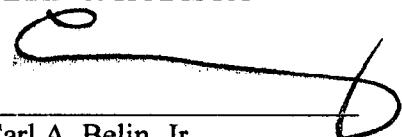
5. That no person other than the parties to this suit has any interest in the property, which is presently in the possession of the Defendant.
6. That Defendant has occupied the premises since September 1, 2001.
7. That no partition or division of the above-described property has ever been made although Plaintiff has requested the Defendant to join with her in making one.
8. Pursuant to Pa. R.C.P. No. 1574, costs and counsel fees may be awarded as the Court shall deem equitable.

WHEREFORE, Plaintiff demands that:

- a) the Court decree partition of the real estate;
- b) the share or shares to which the respective parties are entitled be set out to them in severalty and that all proper and necessary conveyances and assurances be executed for carrying such partition into effect; and that, if the real estate cannot be divided without prejudice to or spoiling the whole, such proper and necessary sale or sales of the same may be made by such persons and in such manner as the Court may direct;
- c) that the Court award rent for the period during the exclusive possession of the Defendant;
- d) and that the Court award such other and further relief as the Court deems just and proper, including, but not limited to, costs and counsel fees.

Respectfully submitted,

BELIN & KUBISTA

  
Carl A. Belin, Jr.,  
Attorney for Plaintiff

COMMONWEALTH OF PENNSYLVANIA

: ss

COUNTY OF CLEARFIELD

Before me, the undersigned Officer, personally appeared Lena M. Hummel, who being duly sworn according to law, deposes and says that the facts set forth in the foregoing Complaint are true and correct to the best of her knowledge, information and behalf.

Lena M. Hummel  
Lena M. Hummel

SWORN and SUBSCRIBED before me this 3rd day of September, 2002.

Beth A. Kennedy  
Notary Public

Notarial Seal  
Beth A. Kennedy, Notary Public  
Cranberry Twp., Butler County  
My Commission Expires Oct. 1, 2005

Member, Pennsylvania Association of Notaries

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

Sheriff Docket # 13031

HUMMEL, LENA M.

02-1404-CD

VS.

BAINEY, JANELLE D.

**COMPLAINT IN EQUITY**

**SHERIFF RETURNS**

NOW SEPTEMBER 23, 2002 AT 11:13 AM DST SERVED THE WITHIN COMPLAINT  
IN EQUITY ON JANELLE D. BAINEY, DEFENDANT AT SHERIFF'S OFFICE,  
MARKET ST., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY  
HANDING TO JANELLE D. BAINEY A TRUE AND ATTESTED COPY OF THE  
ORIGINAL COMPLAINT IN EQUITY AND MADE KNOWN TO HER THE CONTENTS  
THEREOF.

SERVED BY: SHFF. HAWKINS

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**Return Costs**

Cost	Description
27.82	SHFF. HAWKINS PAID BY; ATTY.
10.00	SURCHARGE PAID BY: ATTY.

Sworn to Before Me This

24<sup>th</sup> Day Of October 2002  
William A. Shaw

Deputy Prothonotary  
My Commission Expires  
1st Monday in Jan. 2006  
Clearfield Co., Clearfield, PA

So Answers,

Chester A. Hawkins  
by Marilyn Harris

Chester A. Hawkins  
Sheriff

**FILED**

013:53  
OCT 24 2002 

William A. Shaw  
Prothonotary

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

LENA M. HUMMEL, :  
Plaintiff :  
: No. 02 - 1404 - CD  
vs. :  
: :  
JANELLE D. BAINY, : PRAECIPE  
Defendant :  
:

FILED ON BEHALF OF:  
Plaintiff

Counsel of Record for  
This Party:

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

BELIN & KUBISTA  
15 North Front Street  
P.O. Box 1  
Clearfield, PA 16830

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**FILED**

MAY 19 2003

William A. Shaw  
Prothonotary

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

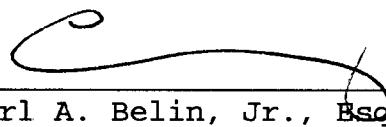
LENA M. HUMMEL, :  
Plaintiff :  
: No. 02 - 1404 - CD  
vs. :  
: :  
JANELLE D. BAINY, :  
Defendant :  
:

PRAECIPE

TO THE PROTHONOTARY:

Please mark the above matter settled, discontinued and  
ended.

BELIN & KUBISTA

  
Carl A. Belin, Jr., Esquire

CLERK OF COURT, PENNSYLVANIA 16230  
O 601  
LAW OFFICES OF THE  
ATTORNEYS AT LAW  
BENJAMIN G. KUBISTA

FILED  
OCT 10 2003  
SHERIFF'S OFFICE  
MAY 19 2003

William  
Proffitt, Esq.  
Proffitt Law

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

Lena M. Hummel

Vs.  
Janelle D. Bainey

No. 2002-01404-CD

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA  
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on May 19, 2003, marked:

Discontinued, settled and ended

Record costs in the sum of \$117.82 have been paid in full by Attorney.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 19th day of May A.D. 2003.

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William A. Shaw, Prothonotary