

02-1436-CD
In Re; Lawrence Twp Stanley B Owens

02

02-1436-CD
IN RE: LAWRENCE TOWNSHIP, STANLEY B. OWENS

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

IN RE: CONDEMNATION BY
LAWRENCE TOWNSHIP OF AN
EASEMENT ON PROPERTY OWNED
BY STANLEY B. OWENS, KNOWN AS
CLEARFIELD COUNTY ASSESSMENT
MAP NUMBER 123-L8-39

*
*
* No. 02 - 1436 - CD

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*
* Type of Pleading:

*
*
* **DECLARATION OF TAKING**

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*
* Filed on behalf of:
* Lawrence Township

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* Counsel of Record for
* this party:

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*
* James A. Naddeo, Esq.
* Pa I.D. 06820

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*
* 211 1/2 E. Locust Street
* P.O. Box 552
* Clearfield, PA 16830
* (814) 765-1601

FILED

SEP 16 2002

013121 Atty Naddeo
William A. Shaw pd 80.00
Pretherotary
B6
9/16
noce

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

IN RE: CONDEMNATION BY *
LAWRENCE TOWNSHIP OF AN *
EASEMENT ON PROPERTY OWNED * No. 02 - - CD
BY STANLEY B. OWENS, KNOWN AS *
CLEARFIELD COUNTY ASSESSMENT *
MAP NUMBER 123-L8-39 *

DECLARATION OF TAKING

NOW COMES, Lawrence Township, Clearfield County, Pennsylvania, and files the following Declaration of Taking:

1. The Condemnor is Lawrence Township, a second class township with its offices at P.O. Box 508, George Street, Clearfield, Pennsylvania 16830.

2. This condemnation is authorized by Section 3401-3407 of the Second Class Township Code, 53 P.S. 68401-68407, as amended and supplemented.

3. This Declaration of Taking was authorized by resolution duly passed by Lawrence Township at a regular meeting held on September 3, 2002. The record thereof, including a copy of the Resolution, may be examined at the office of the Township at P.O. Box 508, George Street, Clearfield, Pennsylvania, 16830, during regular business hours.

4. The purpose of this condemnation is to acquire an easement for the purposes of the Township's rehabilitation and extension of its sewer system and related facilities.

5. The property condemned are shown on plats thereof annexed to this Declaration of Taking as a part hereof, which property is identified by the following plat number, assessment number and owner(s) as known to the Township.

<u>Plat Number</u>	<u>Map Number</u>	<u>Owner(s)</u>
8HREC14 & 8HREC14A	123-L8-39	Stanley B. Owens

Copies of the Plats annexed hereto are also being lodged for record concurrent with the filing herewith in the Office of the Recorder of Deeds of Clearfield County in accordance with Section 404 of the Eminent Domain Code, Act of June 22, 1964, Sp. Sess., P.L. 84, Art I Section 404, as amended, Act of December 5, 1969, P.L. 316, Section 1 and Act of December 29, 1971, P.L. 636, No. 169 Section 2, 26 P.S. Section 1-404.

6. The nature of the title acquired in and to property described in Paragraph 5 hereof is a permanent, exclusive and sufficient easement, right-of-way, rights, and privileges for the purpose of placing, constructing, operating, repairing, maintaining, rebuilding, replacing, relocating and removing sewage facilities over, under, across, upon and through the easement area as shown on the Plat, with the temporary right during construction to use an additional area of the surface of the property also shown on the Plat to construct and install within the permanent easement area the facilities to be

constructed with rights to do all things necessary, convenient and required to carry out the construction within the permanent easement area.

7. The construction plans of the Township showing the facilities to be constructed and installed as well as the condemned property may be inspected at the office of the Township at P.O. Box 508, George Street, Clearfield, PA 16830, during regular business hours.

8. Just compensation for this condemnation is secured by the Bond of the Township, without surety, in accordance with Section 403 of the Eminent Domain Code, 26 P.S. Section 1-403(a) which is being filed contemporaneously herewith.

ATTEST:

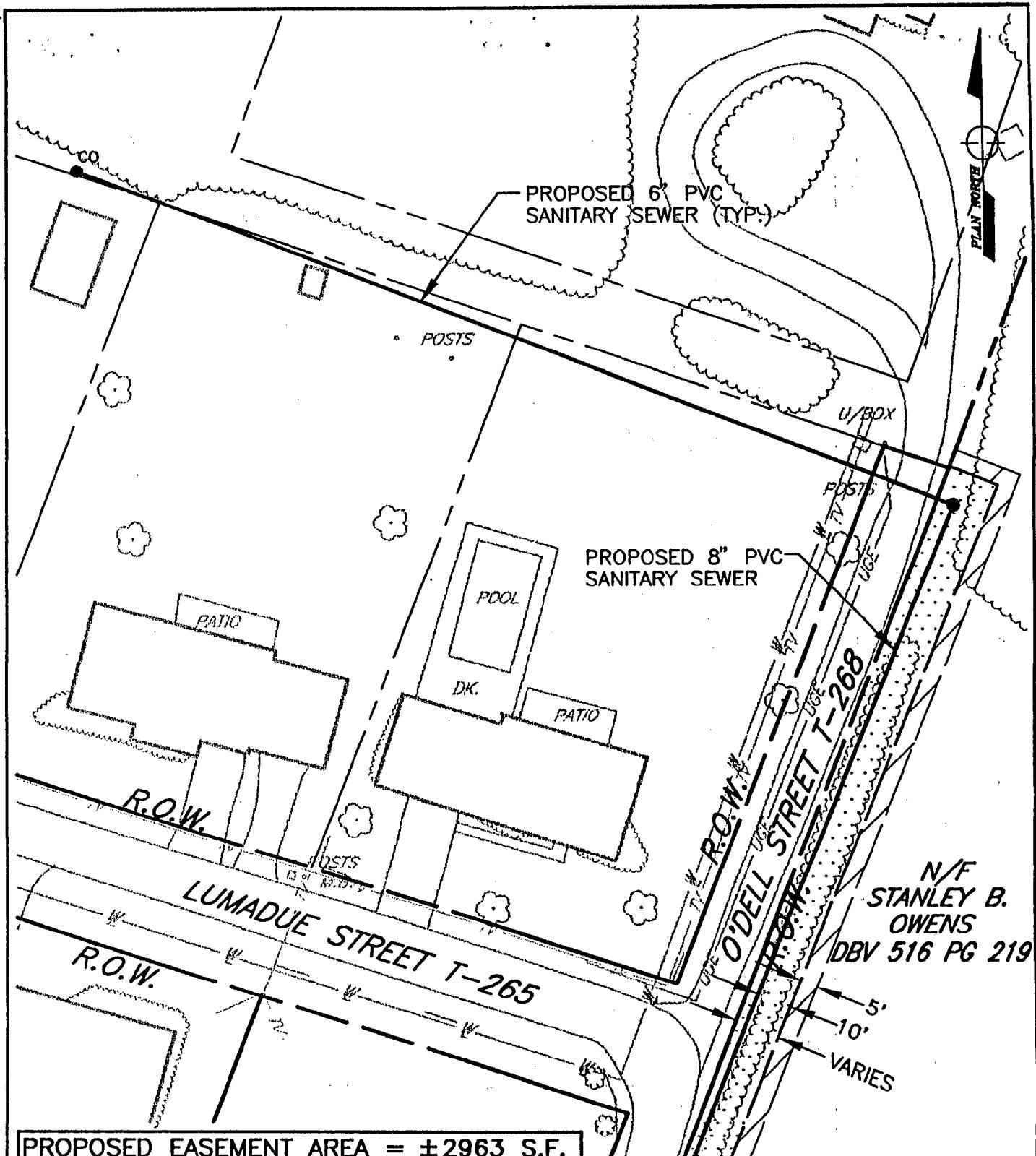
Barbara Shaffner
Barbara Shaffner, Secretary

LAWRENCE TOWNSHIP

By:

William D. Lawhead
William D. Lawhead, Chairman

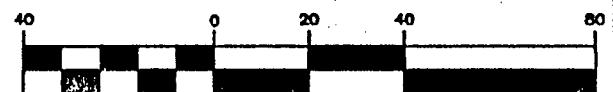
"Seal"



PROPOSED EASEMENT AREA = ± 2963 S.F.
 TEMPORARY EASEMENT AREA = ± 1153 S.F.
 EASEMENT LENGTH = ± 215 L.F.

MATCH TO PLAT 8HREC14A

GRAPHIC SCALE



LEGEND

- TEMPORARY EASEMENT
- UTILITY EASEMENT
- PROPOSED SANITARY SEWER AND MANHOLE
- PROPERTY LINE
- RIGHT-OF-WAY LINE

NOTES:

1. PROPERTY LINE LOCATIONS WERE COMPILED FROM DEEDS AND DO NOT REPRESENT AN ACTUAL FIELD SURVEY.
2. PERMANENT SANITARY SEWER EASEMENT TO BE 20'-0" WIDE UNLESS OTHERWISE NOTED.
3. TEMPORARY CONSTRUCTION EASEMENT TO BE 5'-0" WIDE UNLESS OTHERWISE NOTED.

STIFFLER, McGRAW & ASSOCIATES, INC.

Consulting Engineers & Surveyors

19 North Juniata Street
 P.O. Box 462
 Hollidaysburg, PA 16848
 (814) 696-6280

DRAFT SHOWING
 SANITARY SEWER EASEMENT
 TO BE ACQUIRED BY
 LAWRENCE TOWNSHIP SUPERVISORS
 FROM
 STANLEY B. OWENS
 SITUATE
 LAWRENCE TOWNSHIP
 CLEARFIELD COUNTY, PENNSYLVANIA

SCALE:

1"=40'

DATE:

6/25/02

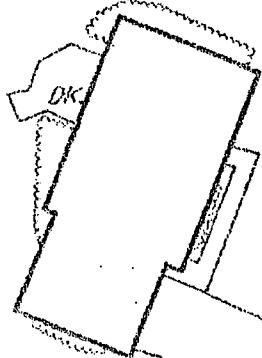
PLAT NO.

8HREC14

MATCH TO PLAT 8HREC14



POSTS



O'DELL ST. T-268

5'
10'
VARIES

PROPOSED 8" PVC
SANITARY SEWER (TYP.)

R.O.W.

5'
10'
VARIES

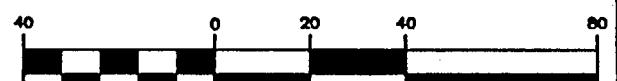
N/F
STANLEY B. OWENS
DBV 516 PG 219

LUMADUE ST.
T-265

PROPOSED EASEMENT AREA = ± 2267 S.F.
TEMPORARY EASEMENT AREA = ± 1292 S.F.
EASEMENT LENGTH = ± 239 L.F.

TOTAL PROPOSED EASEMENT AREA = ± 5230 S.F.
TOTAL TEMPORARY EASEMENT AREA = ± 2445 S.F.
TOTAL EASEMENT LENGTH = ± 454 L.F.

GRAPHIC SCALE



(IN FEET)
1 inch = 40 ft.

LEGEND

-  TEMPORARY EASEMENT
-  UTILITY EASEMENT
-  PROPOSED SANITARY
SEWER AND MANHOLE
-  PROPERTY LINE
-  RIGHT-OF-WAY LINE

NOTES:

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AND DO NOT REPRESENT AN
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OTHERWISE NOTED.
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UNLESS OTHERWISE NOTED.

**STIFFLER, McGRAW
& ASSOCIATES, INC.**

*Consulting Engineers
& Surveyors*

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SANITARY SEWER EASEMENT
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FROM
STANLEY B. OWENS
SITUATE
LAWRENCE TOWNSHIP
CLEARFIELD COUNTY, PENNSYLVANIA

SCALE:

1"=40'

DATE:

6/25/02

PLAT NO.

8HREC14A

CLIFFFIELD, PENNSYLVANIA 16830
P.O. BOX 552
211 1/2 EAST LOCUST STREET
ATTORNEY AT LAW
JAMES A. NADDEO

Lap over margin

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

IN RE: CONDEMNATION BY
LAWRENCE TOWNSHIP OF AN
EASEMENT ON PROPERTY OWNED
BY STANLEY B. OWENS, KNOWN AS
CLEARFIELD COUNTY ASSESSMENT
MAP NUMBER 123-L8-39

* * * * * No. 02 - 1436 - CD

FILED

NOTICE

SEP 16 2002

TO: Stanley B. Owens
P.O. Box 239
DuBois, PA 15801

William A. Shaw
Prothonotary

You are hereby notified in accordance with Section 405 of the Pennsylvania Eminent Domain Code, 26 P.S. Section 1-405 that a Declaration of Taking was filed in the Office of the Prothonotary of the Court of Common Pleas of Clearfield County, Pennsylvania on September 16, 2002, to Docket No. 02-1436 -CD by Lawrence Township, P.O. Box 508, George Street, Clearfield, PA 16830, by which property to which you are the owner(s) as known to the Authority has been condemned.

A true copy of the Declaration of Taking as filed is annexed hereto as Exhibit "A".

The property condemned is shown on a plat thereof annexed hereto as Exhibit "B".

You are further notified that if you wish to challenge the power or the right of Lawrence Township to appropriate the condemned property, the sufficiency of the security, the procedure followed by Lawrence Township or the Declaration of Taking, you are required to file preliminary objections within thirty (30) days after service of this Notice.

FILED

James A. Naddeo

James A. Naddeo, Esquire
Counsel to Lawrence Township

SEP 16 2002

*09/16/02
cc: William A. Shaw
Prothonotary
PACCC atty*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
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3. This Declaration of Taking was authorized by resolution duly passed by Lawrence Township at a regular meeting held on September 3, 2002. The record thereof, including a copy of the Resolution, may be examined at the office of the Township at P.O. Box 508, George Street, Clearfield, Pennsylvania, 16830, during regular business hours.
4. The purpose of this condemnation is to acquire an easement for the purposes of the Township's rehabilitation and extension of its sewer system and related facilities.

EXHIBIT #

5. The property condemned are shown on plats thereof annexed to this Declaration of Taking as a part hereof, which property is identified by the following plat number, assessment number and owner(s) as known to the Township.

<u>Plat Number</u>	<u>Map Number</u>	<u>Owner(s)</u>
8HREC14 & 8HREC14A	123-L8-39	Stanley B. Owens

Copies of the Plats annexed hereto are also being lodged for record concurrent with the filing herewith in the Office of the Recorder of Deeds of Clearfield County in accordance with Section 404 of the Eminent Domain Code, Act of June 22, 1964, Sp. Sess., P.L. 84, Art I Section 404, as amended, Act of December 5, 1969, P.L. 316, Section 1 and Act of December 29, 1971, P.L. 636, No. 169 Section 2, 26 P.S. Section 1-404.

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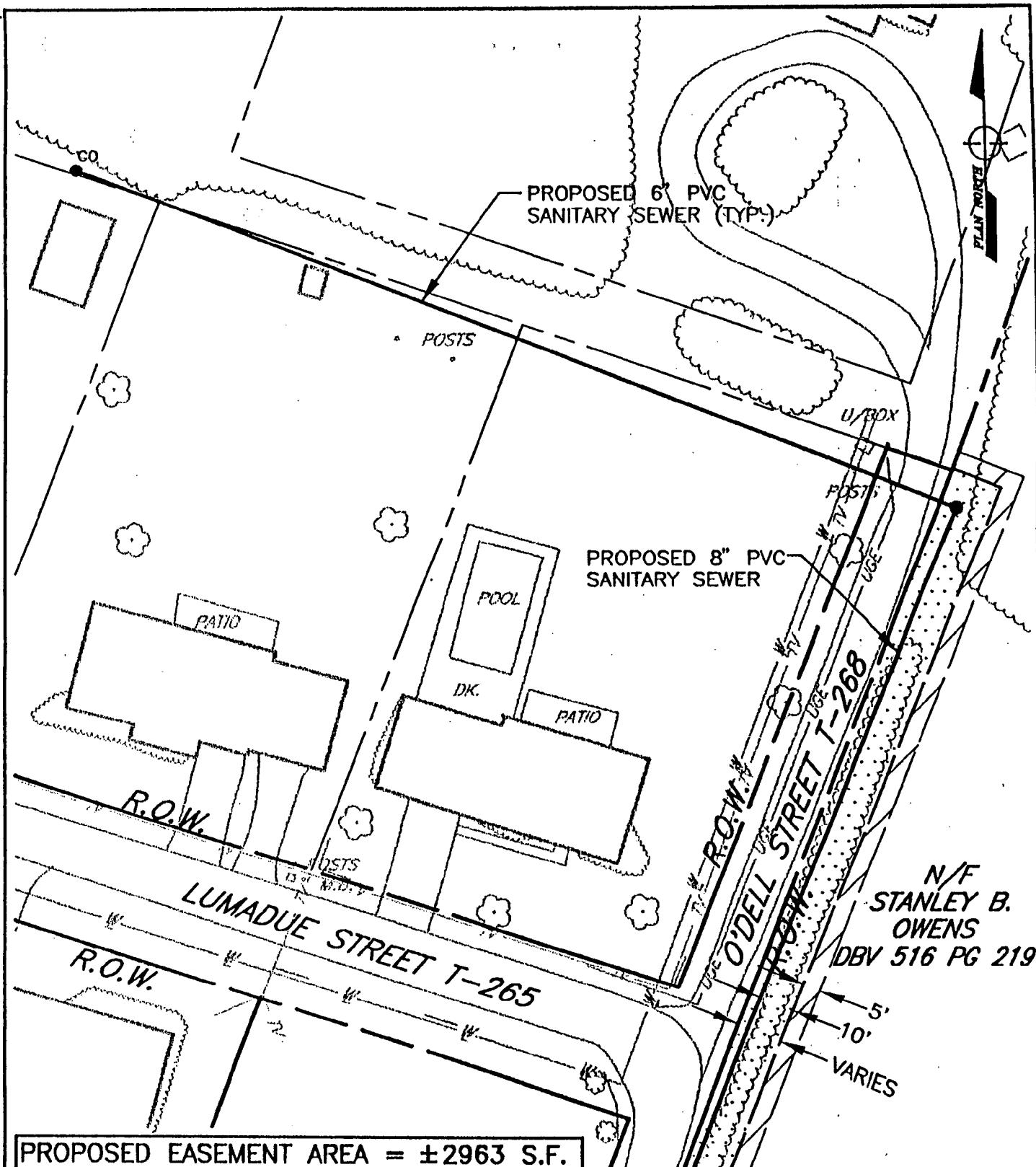
Barbara Shaffner
Barbara Shaffner, Secretary

LAWRENCE TOWNSHIP

By:

William D. Lawhead
William D. Lawhead, Chairman

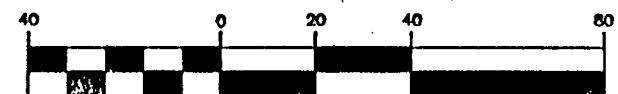
"Seal"



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 EASEMENT LENGTH = ± 215 L.F.

MATCH TO PLAT 8HREC14A
 GRAPHIC SCALE

TOTAL PROPOSED EASEMENT AREA = ± 5230 S.F.
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LEGEND

- TEMPORARY EASEMENT
- UTILITY EASEMENT
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STIFFLER, McGRAW & ASSOCIATES, INC.

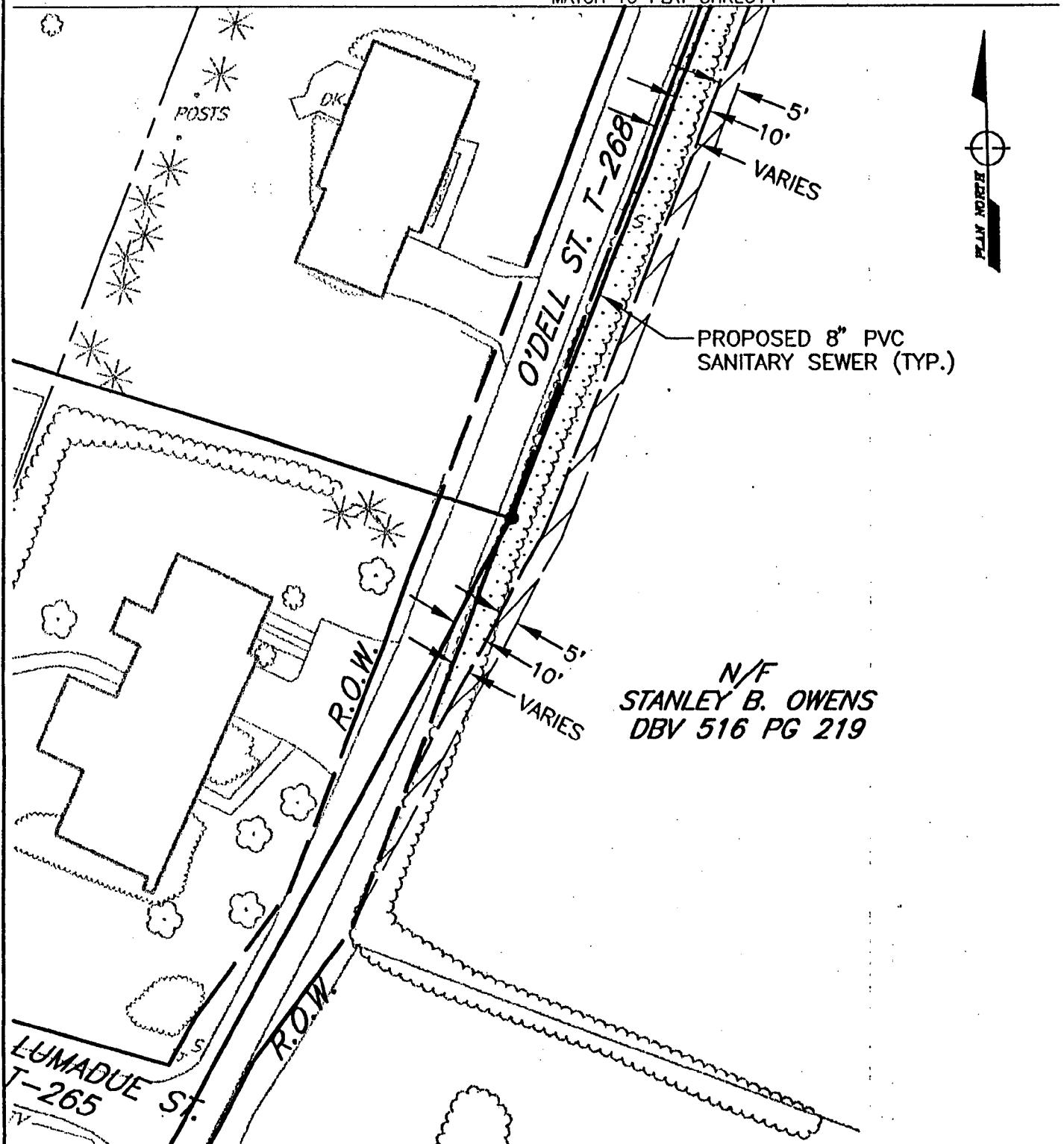
Consulting Engineers & Surveyors

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 Hollidaysburg, PA 16648
 (814) 696-6280

DRAFT SHOWING
 SANITARY SEWER EASEMENT
 TO BE ACQUIRED BY
 LAWRENCE TOWNSHIP SUPERVISORS
 FROM
 STANLEY B. OWENS
 SITUATE
 LAWRENCE TOWNSHIP
 CLEARFIELD COUNTY, PENNSYLVANIA
 EXHIBIT "B"

SCALE:	1"=40'
DATE:	6/25/02
PLAT NO.	8HREC14

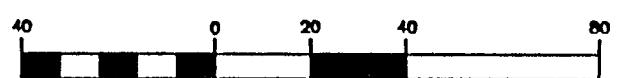
MATCH TO PLAT 8HREC14



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GRAPHIC SCALE



(IN FEET)

1 inch = 40 ft.

LEGEND

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STIFFLER, McGRAW & ASSOCIATES, INC.

Consulting Engineers & Surveyors

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(814) 696-6280

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SANITARY SEWER EASEMENT
TO BE ACQUIRED BY
LAWRENCE TOWNSHIP SUPERVISORS
FROM
STANLEY B. OWENS
SITUATE
LAWRENCE TOWNSHIP
CLEARFIELD COUNTY, PENNSYLVANIA

SCALE:

1"=40'

DATE:

6/25/02

PLAT NO.

8HREC14A

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
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IN RE: CONDEMNATION BY *
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EASEMENT ON PROPERTY OWNED * No. 02 - 1436 - CD
BY STANLEY B. OWENS, KNOWN AS *
CLEARFIELD COUNTY ASSESSMENT *
MAP NUMBER 123-L8-39 *

BOND

KNOW ALL MEN BY THESE PRESENTS, THAT LAWRENCE TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA, a Second Class Township, with its office at P.O. Box 508, George Street, Clearfield, Pennsylvania 16830, hereafter called "OBLIGOR" is held and firmly bound unto the Commonwealth of Pennsylvania, hereinafter called "OBLIGEE" for the use and benefit of the owner or owners of the property interests condemned, the condition of which shall be that the OBLIGOR shall pay such damages as shall be determined by law.

WHEREAS, Lawrence Township, the OBLIGOR herein, shall pay or cause to be paid such amount of damages as the said owner(s) of the property interest shall be entitled to by reason of such condemnation, after the same shall have been agreed upon or assessed in the manner provided by law, then this obligation shall be void; otherwise, to remain in full force and effect.

FILED

SEP 16 2002

03/12/2002

William A. Shaw
Prothonotary

ATTEST:

Barbara Shaffner
Barbara Shaffner, Secretary

LAWRENCE TOWNSHIP

By:

William D. Lawhead
William D. Lawhead, Chairman

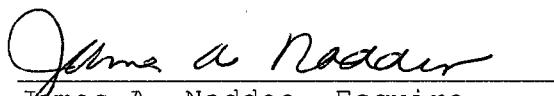
"Seal"

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
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LAWRENCE TOWNSHIP OF AN *
EASEMENT ON PROPERTY OWNED * No. 02 - 1436 - CD
BY STANLEY B. OWENS, KNOWN AS *
CLEARFIELD COUNTY ASSESSMENT *
MAP NUMBER 123-L8-39 *

MEMORANDUM OF RECORDING
NOTICE OF CONDEMNATION

In accordance with Section 404 of the Eminent Domain Code, 26 P.S. Section 1-404, now comes Lawrence Township, by its counsel, James A. Naddeo, Esquire, and files this Memorandum that on the 16th day of September, 2002, a Notice of this condemnation was recorded with the Recorder of Deeds of Clearfield County and is of the record as Instrument Number 2002 14800.



James A. Naddeo, Esquire
Counsel to Lawrence Township

FILED

SEP 16 2002
013081 no cc
William A. Shaw
Prothonotary

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

IN RE: CONDEMNATION BY
LAWRENCE TOWNSHIP OF AN
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BY STANLEY B. OWENS, KNOWN AS
CLEARFIELD COUNTY ASSESSMENT
MAP NUMBER 123-L8-39

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No. 02 - 1436 - CD

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* Type of Pleading:

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*
AFFIDAVIT

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* Filed on behalf of:
* Lawrence Township

*
* Counsel of Record for
* this party:

*
* James A. Naddeo, Esq.
* Pa I.D. 06820

*
* 211 1/2 E. Locust Street
* P.O. Box 552
* Clearfield, PA 16830
* (814) 765-1601

FILED

OCT 17 2002

William A. Shaw
Prothonotary

AFFIDAVIT OF PROCESS SERVER

(NAME OF COURT)

VS.

PLAINTIFF/PETITIONER

DEFENDANT/RESPONDENT

CASE #

I declare that I am a citizen of the United States, over the age of eighteen and not a party to this action. And that within the boundaries of the state where service was effected, I was authorized by law to perform said service.

Service: I served Stanley B Gower

with the (documents)

by serving

NAME	RELATIONSHIP
at <input checked="" type="checkbox"/> Home <u>126 1/2 Evergreen St Dubois Pa. 15801</u>	
<input type="checkbox"/> Business	
on <u>10-10-02</u>	at <u>5:30 PM</u>

Thereafter copies of the documents were mailed by prepaid, first class mail on _____
from _____ CITY _____ STATE _____ DATE _____

Manner of Service: By personally delivering copies to the person/authorized agent of entity being served.
 By leaving, during office hours, copies at the office of the person/entity being served, leaving same with the person apparently in charge thereof.
 By leaving copies at the dwelling house or usual place of abode of the person being served with a member of the household 18 or older and explaining the general nature of the papers.
 By posting copies in a conspicuous manner to the address of the person/entity being served.

Non-Service: After due search, careful inquiry and diligent attempts at the address(es) listed above, I have been unable to effect process upon the person/entity being served because of the following reason(s).

Unknown at Address Evading Moved, Left no Forwarding Other
 Address Does Not Exist Service Cancelled by Litigant Unable to Service in a Timely Fashion

Service Attempts: Service was attempted on () _____ DATE _____ TIME _____ () _____ DATE _____ TIME _____
(X) 10-8-02 11:30 AM () _____ DATE _____ TIME _____ () _____ DATE _____ TIME _____
DATE TIME DATE TIME

Description:

Age 60 Sex M Race W Hgt. 5'10 Wgt. 180 Hair Gray Glasses X

I declare under penalty of perjury that the information contained herein is true and correct and this affidavit was executed on _____
at _____ CITY _____ STATE _____ DATE _____

State of PA
County of CLEARFIELD

Sworn to and subscribed before me this
day of October, 2002

RICHARD A. IRELAND
District Justice, State of Pennsylvania
No. 46-3-02, Clearfield County
Term Expires Jan. 3, 2006

SIGNATURE OF PROCESS SERVER

NOTARY PUBLIC

CLERAFFIELD, PENNSYLVANIA 16830
P.O. BOX 552
211½ EAST LOCUST STREET
ATTORNEY AT LAW
JAMES A. NADDEO

____ Lap over margin ____

FILED
0110:48 AM
OCT 17 2002
NO CC

William A. Shaw
Prothonotary

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

IN RE: CONDEMNATION BY
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No. 02 - 1436 - CD

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* Type of Pleading:

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* **PRAECIPE TO SETTLE
AND DISCONTINUE**
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* Filed on behalf of:
* Lawrence Township
*
*

* Counsel of Record for
* this party:
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* James A. Naddeo, Esq.
* Pa I.D. 06820
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*

* 211 1/2 E. Locust Street
* P.O. Box 552
* Clearfield, PA 16830
* (814) 765-1601

FILED

MAR 11 2003

William A. Shaw
Prothonotary

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

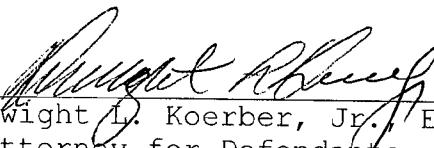
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PRAECIPE TO SETTLE AND DISCONTINUE

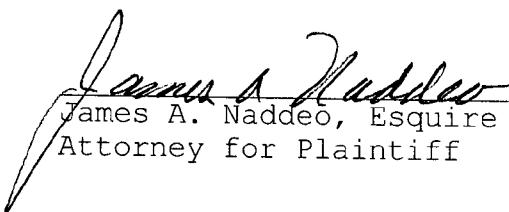
TO THE PROTHONOTARY:

Dear Sir:

Please mark the above-captioned case settled and discontinued.



Dwight L. Koerber, Jr.
Esquire
Attorney for Defendants



James A. Naddeo
Esquire
Attorney for Plaintiff

CLIFFFIELD, PENNSYLVANIA 16830
P.O. BOX 552
211 1/2 EAST LOGUST STREET
ATTORNEY AT LAW
JAMES A. NADDEO

MAR 10 2003

Lap over margin

FILED
O 11/15/03
MAR 11 2003
William A. Shaw
Prothonotary
No
cc
2 Disc. to Amy Naddeo
Copy of Disc. to CLA
(initials)

COPY

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

CIVIL DIVISION

**In Re: Condemnation by
Lawrence Township of an
easement on property owned
by Stanley B. Owens, known as
Clearfield County Assessment
Map Number 123-L8-39**

No. 2002-01436-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 March 11, 2003, marked:

Settled and Discontinued

Record costs in the sum of \$80.00 have been paid in full by James A. Naddeo, Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 11th day of March A.D. 2003.

William A. Shaw, Prothonotary