

02-1782-CD

Verna Himes vs S T Joint Venture 1981 B

02

02-1782-CD
VERNA R. HIME, et al. vs. S T JOINT VENTURE 1981 B

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

VERNA R. HIMES, Attorney-in-Fact :
for MARK J. HIMES, :
Plaintiff :
: :
vs. : No. 02- 1782 -CD
: :
S T JOINT VENTURE 1981 B, :
Defendant :
:

CASE NUMBER: No. 02- -CD

TYPE OF CASE: Civil

TYPE OF PLEADING: COMPLAINT IN EJECTMENT

FILED ON BEHALF OF: Plaintiff

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

FILED

NOV 15 2002

William A. Shaw
Prothonotary

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

VERNA R. HIMES, Attorney-in-Fact :
for MARK J. HIMES, :
Plaintiff :
: :
vs. : No. 02- -CD
: :
S T JOINT VENTURE 1981 B, :
Defendant :
:

NOTICE TO DEFEND

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

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

VERNA R. HIMES, Attorney-in-Fact :
for MARK J. HIMES, :
Plaintiff :
: :
vs. : No. 02- -CD
: :
S T JOINT VENTURE 1981 B, :
Defendant :
:

COMPLAINT IN EJECTMENT

AND NOW, comes the Plaintiff, Verna R. Himes, Attorney-in-Fact for Mark J. Himes, by and through her attorney, R. Denning Gearhart, Esq., who avers as follows:

1. The Plaintiff, Mark J. Himes, is presently residing at L-18 4-14-31 Chibana, Okinawa City, Okinawa, Japan 904-2143, with his permanent mailing address being 1440 Kings Road, New Millport, PA 16861. That he has appointed his mother, Verna R. Himes, as his Attorney-in-Fact. attached hereto as Exhibit 'B'.

2. The Defendant, S T Joint Venture 1981 B, is a business corporation doing business in Clearfield County, Pennsylvania, but its principle office has the address of 5956 Sherry Lane, Suite 505, Dallas, Texas.

3. That Plaintiff is the owner of a certain parcel of real estate located in Knox Township, Clearfield County, Pennsylvania, more particularly described as follows:

BEGINNING at a post in center of Township Road No. T-430 on line of land formerly of the Grier Bell Estate, now of Wendell Bell; thence along the Bell line, which is also the Ferguson Township line South thirty-four (34) degrees forty-five (45) minutes East fifty-one and six tenths (51.6) perches to a post; thence along land formerly of Willard and Abbie Hunter, now or formerly of Ralph Henderson, South sixty-eight (68) degrees East sixty-seven (67) perches to stone and Township Road No. T-428; thence along the same North twenty-six and eight tenths (26.8) perches; North twenty-two (22) degrees thirty (30) minutes East forty and five tenths (40.5) perches to the intersection of road leading to Bell lands; thence

along said road North sixty-four (64) degrees West forty-five (45) perches; South seventy-six (76) degrees West thirty-four and seven tenths (34.7) perches; South seventy (70) degrees West thirty-six and eight tenths (36.8) perches to post and the place of beginning. Containing thirty-eight (38) acres and fifty-four (54) perches.

BEING the same premises conveyed to Mark James Himes by deed dated June 30, 1988, and recorded in Clearfield County Recorder of Deeds Office in Deed and Record Book Volume 1241, Page 300. The said Mark James Himes having executed a Power of Attorney to Verna R. Himes, which Power of Attorney is recorded in the Clearfield County Recorder of Deeds Office in Book 1377, Page 60.

4. That on or about February 8, 1991, Plaintiff and Defendant entered into an Agreement for right-of-way for a gas line, a copy of that agreement is attached hereto as Exhibit "A".

5. That the Agreement provided that the Defendant would pay to the Plaintiff the sum of Six Thousand Five Hundred (\$6,500.00) Dollars for the right to maintain a gas line over the property of the Plaintiff for a period of eighteen (18) months.

6. That the Defendant did pay to the Plaintiff the sum of Six Thousand Five Hundred (\$6,500.00) Dollars and did lay the gas line across the property of the Plaintiff.

7. However, at the end of the eighteen (18) month period, the Defendant failed to remove the pipe line which continues to rest across the property of the Plaintiff.

8. That it has been in excess of ten (10) years since the deadline has passed.

9. That the pipe line creates an inconvenience for the Plaintiff and obstructs him from the full enjoyment of his property.

WHEREFORE, Plaintiff prays your Honorable Court to Order the Defendant to remove said pipe line from his property.

COUNT II

UNPAID RENTS

10. That Paragraphs 1 through 9 of this Complaint in Ejectment are incorporated herein as though set forth in full.

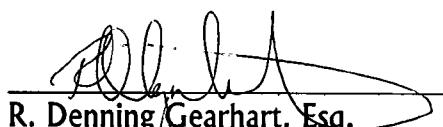
11. That as stated, Defendant was paying to the Plaintiff the sum of Six Thousand Five Hundred (\$6,500.00) Dollars for an eighteen (18) month period.

12. That since that initial eighteen (18) month period, five and one-half other eighteen month periods have passed.

13. That the Plaintiff is entitled to compensation in the amount of Thirty-five Thousand Seven Hundred Fifty (\$35,750.00) Dollars.

WHEREFORE, Plaintiff prays your Honorable Court to enter Judgment for him and against the Defendant and award to Plaintiff the sum of Thirty-five Thousand Seven Hundred Fifty (\$35,750.00) Dollars.

Respectfully submitted,


R. Denning Gearhart, Esq.
Attorney for Plaintiff

COMMONWEALTH OF PENNSYLVANIA : :

: SS.

COUNTY OF CLEARFIELD : :

Before me, the undersigned officer, a Notary Public in and for the above named State and County, personally appeared VERNA R. HIMES, 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 belief.

Verna R. Himes
VERNA R. HIMES, as Attorney-in-Fact
For Mark J. Himes

Sworn to and subscribed

before me, this 13th
day of November, 2002.

Jennifer A. Michaels
Notary Public



RIGHT OF WAY FOR GAS LINE

In consideration of the sum of Six Thousand Five Hundred (\$6,500.00) Dollars, the receipt of which is hereby acknowledged, I, the undersigned landowner, do hereby grant to S T Joint Venture 1981 B, 5956 Sherry Lane, Suite 505, Dallas, Texas, its heirs, successors and assigns, the right to maintain, repair, replace, and remove the gas line currently on landowner's property as of the date of this agreement with all necessary or conventional appliances for controlling and handling gas, with the right of ingress and egress for maintaining said line and appliances and for reading meters and gauges on my property located in Knox Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a post in center of Township Road No. T-430 on line of land formerly of the Grier Bell Estate, now of Wendell Bell; thence along the Bell line, which is also the Ferguson Township line South thirty-four (34) degrees forty-five (45') minutes East fifty-one and six-tenths (51.6) perches to a post; thence along land formerly of Willard and Abbie Hunter, now or formerly of Ralph Henderson, South sixty-eight (68) degrees East sixty-seven (67) perches to stone and Township Road No. T-428; thence along the same North twenty-six and eight-tenths (26.8) perches; North twenty-two (22) degrees thirty (30') minutes East forty and five-tenths (40.5) perches to the intersection of road leading to Bell lands; thence along said road North sixty-four (64) degrees West forty-five (45) perches; South seventy-six (76) degrees West thirty-four and seven-tenths (34.7) perches; South seventy (70) degrees West thirty-six and eight-tenths (36.8) perches to post and the place of beginning. Containing thirty-eight (38) acres and fifty-four (54) perches.

BEING the same premises conveyed to Mark James Himes by deed dated June 30, 1988, and recorded in Clearfield County Recorder of Deeds Office in Deed and Record Book Volume 1241, page 300. The said Mark James Himes having executed a Power of Attorney to Verna R. Himes, which Power of Attorney is recorded

This right-of-way shall have a width of 20 feet with 10 feet on either side of the existing gas line as it is presently located or in the event it is buried, in the area where it is buried.

THIS RIGHT-OF-WAY IS FURTHER GIVEN ON THE BASIS THAT S T JOINT VENTURE 1981 B WILL EITHER REMOVE THE GAS LINE ON THE PREMISES TO WHICH THIS RIGHT-OF-WAY EXTENDS OR WILL BURY SAID LINE NOT LESS THAN TWENTY-FOUR (24) INCHES BELOW THE SURFACE WITHIN EIGHTEEN (18) MONTHS FROM THE DATE HEREOF. IN THE EVENT, S T JOINT VENTURE 1981 B IS UNABLE TO BURY A GAS LINE IN A PARTICULAR AREA DUE TO PHYSICAL CONDITIONS IN THAT PARTICULAR AREA, S T JOINT VENTURE 1981 B HEREBY AGREES THAT IT WILL CONSULT WITH MARK J. HIMES TO SECURE HIS CONSENT TO MOVE THE GAS LINE IN A PARTICULAR AREA SO THAT SAID GAS LINE CAN BE BURIED AND MARK J. HIMES AGREES THAT HE WILL NOT UNREASONABLY WITHHOLD HIS CONSENT TO MOVE SAID GAS LINE.

S T Joint Venture 1981 B hereby agrees it will deliver a sketch of the location of the gas line to Mark J. Himes following the execution of this Right of Way for Gas Line.

S T Joint Venture 1981 B hereby agrees that it will pay Mark J. Himes, his attorney-in-fact or his heirs, executors, administrators and assigns for any damages which may arise to buildings, crops or improvements in maintaining, repairing, replacing, burying or removing the said pipeline.

S T. Joint Venture 1981 B further agrees that it will indemnify Mark J. Himes, his attorney-in-fact or his heirs, executors, administrators and assigns from any damages, claims or suits

from third parties for any injury or damage occurring from the operation of maintenance of the pipeline.

Witness our hands and seals this 4th day of

February, 1991.

WITNESS:

Mark J. Himes

Verna R. Himes (SEAL)

Verna R. Himes
Attorney-in-Fact for
Mark J. Himes

WITNESS:

Laura Brooks 2-491

S T JOINT VENTURE 1981 B

By

Alan S. Bernstein

COMMONWEALTH OF PENNSYLVANIA)

ss

COUNTY OF CLEARFIELD)

On this 8th day of February, 1991, before me, a notary public, the undersigned officer, personally appeared VERA R. HIMES, who, being duly sworn according to law, deposes and says that she is the Attorney-in-Fact for MARK J. HIMES, and that as such, she is authorized to execute this Affidavit and further that the facts set forth in the foregoing Right of Way for Gas Line are true and correct to the best of her knowledge, information and belief.

Verna R. Himes

Verna R. Himes
Attorney-in-Fact for
Mark J. Himes

SWORN AND SUBSCRIBED before me this 8th day of

February, 1991.

Janice E. Deliman

Notarial Seal
Janice E. Deliman, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires Dec. 19, 1994

STATE OF TEXAS

)

COUNTY OF

SS

)

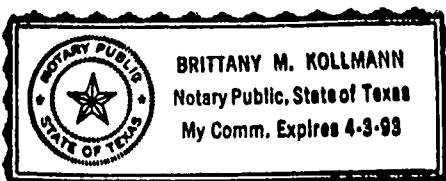
Before me, the undersigned officer, personally appeared ALAN S. BERNSTEIN, who, being duly sworn according to law, deposes and says that he is the Partner of S T JOINT VENTURE 1981 B, and that as such officer he is authorized to execute this Affidavit and further that the facts set forth in the foregoing Right of Way for Gas Line are true and correct to the best of his knowledge, information and belief.



Alan S. Bernstein

SWORN AND SUBSCRIBED before me this 4th day of
February, 1991.

Brittany M. Kollmann
April 3, 1993



SPECIAL POWER OF ATTORNEY

PREAMBLE: THIS IS A POWER OF ATTORNEY PREPARED AND EXECUTED PURSUANT TO TITLE 10, U.S.C., SECTION 1044B, BY A PERSON AUTHORIZED TO RECEIVE LEGAL ASSISTANCE FROM THE MILITARY SERVICES. FEDERAL LAW EXEMPTS THIS POWER OF ATTORNEY FROM ANY REQUIREMENTS OF FORM, SUBSTANCE, FORMALITY, OR RECORDING THAT IS PRESCRIBED FOR POWERS OF ATTORNEY BY THE LAWS OF ANY STATE, COMMONWEALTH, TERRITORY, DISTRICT, OR POSSESSION OF THE UNITED STATES. FEDERAL LAW SPECIFIES THAT THIS POWER OF ATTORNEY SHALL BE GIVEN THE SAME LEGAL EFFECT AS A POWER OF ATTORNEY PREPARED AND EXECUTED IN ACCORDANCE WITH THE LAWS OF THE JURISDICTION WHERE IT IS PRESENTED.

KNOW ALL MEN BY THESE PRESENTS: THAT I, MARK JAMES HIMES, have this day appointed VERNA R. HIMES to serve as my true and lawful attorney-in-fact, GIVING AND GRANTING unto my said attorney (s) full power to:

HANDLE ALL AFFAIRS IN REGARDS TO REAL ESTATE
OWNED BY ME IN KNOX TOWNSHIP, CLEARFIELD COUNTY
PENNSYLVANIA 11

and to execute all necessary documents, instruments or papers and perform all acts necessary to accomplish the foregoing. *Paul*

FURTHER, I do authorize my attorney (s) to perform all necessary acts in the execution of the aforesaid authorization with the same validity as I could effect if personally present. I further declare that any act or thing lawfully done hereunder by my said attorney(s) shall be binding on myself and my heirs; legal and personal representatives, and assigns whether the same shall have been done either before or after my death, or other revocation of this instrument, unless and until reliable intelligence or notice thereof shall have been received by my said attorney (s).

PROVIDED, however, that all actions taken hereunder for me or for my account shall be transacted in my name, and that all endorsements and instruments executed by my said attorney(s) for the purpose of carrying out the foregoing powers shall contain my name, followed by that of my said attorney(s) for the purpose of carrying out the foregoing powers shall contain my name, followed by that of my said attorney(s) and the designation "attorney-in-fact."

FURTHER, I declare that this power shall remain in effect even though I am reported or listed, officially or otherwise, as "missing", "missing in action" or "prisoner of war" it being my intention that the designation of such status shall not bar my said attorney(s) from fully and completely exercising and continuing to exercise any and all powers and rights herein granted until this power is revoked by my death or as otherwise provided herein.

FURTHER, this power shall not be affected should I subsequently become disabled or incapacitated.

FURTHER, unless sooner revoked or terminated by me, this Special Power of Attorney shall become NULL AND VOID from and after the 13th of AUGUST, 2007.

Notwithstanding my insertion of a specific expiration date herein, if on the above specified expiration date, or if at any time within thirty (30) days immediately preceding that date, I should be, or have been, carried in a military status as "missing", "missing in action" or "prisoner of war", then this power shall automatically continue to remain valid and in full effect until sixty (60) days after I have returned to United States military control following termination of such status.

IN WITNESS WHEREOF I have hereunto set my hand this 14th day of AUGUST, 2002.



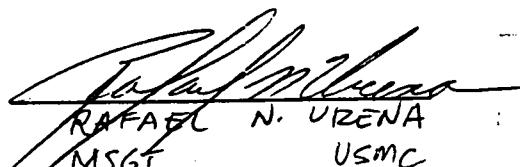
ACKNOWLEDGMENT

WITH THE ARMED FORCES OF THE)
)
UNITED STATES ON OKINAWA, JAPAN)

 RAFAEL N. URENA, the undersigned (staff non-commissioned) (commissioned) officer, do hereby certify that on this 14th day of AUGUST, 2002, before me personally appeared MARK J. HIMES, who is known to me to be the identical person who is described in whose name is subscribed to, and who signed and executed the forgoing instrument. Further, after first having made known to him/her the contents thereof, he/she personally acknowledged to me that he/she personally acknowledged to me that he/she signed and sealed the same as his/her true, free and voluntary act and deed for the uses, purposes and considerations therein set forth.

AUTHORIZED AND DESIGNATED TO ACT AS A NOTARY
PUBLIC BY CG, 3D FSSG, OKINAWA, JAPAN, UNDER
10 U.S.C. SECS 936 AND 1044A, AND MCO P5800.8
PARA. 1005.

NOTARY'S SIGNATURE
PRINTED NAME
RANK
SERVICE COMPONENT/TITLE



RAFAEL N. URENA
MSGF USMC
LEGAL CHIEF

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

VERNA R. HIMES, Attorney-in-
Fact for MARK J. HIMES,
Plaintiff

vs.

S T JOINT VENTURE 1981 B,
Defendant

COMPLAINT IN EJECTMENT

FILED

BB
0104785
NOV 15 2002

William A. Shaw
Prothonotary

Atty pd.
0104785-cc
2 cc Atty
J

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

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

VERNA R. HIMES, Attorney-in-Fact :
for MARK J. HIMES, :
Plaintiff :
VS. : NO.02-1782-CD
S T JOINT VENTURE 1981 E :
Defendant :

CASE NUMBER: 02-1782-CD

TYPE OF CASE: Civil

TYPE OF PLEADING: **MOTION FOR PUBLICATION**

FILED ON BEHALF OF: Plaintiff

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

FILED

DEC 18 2002

William A. Shaw
Prothonotary

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

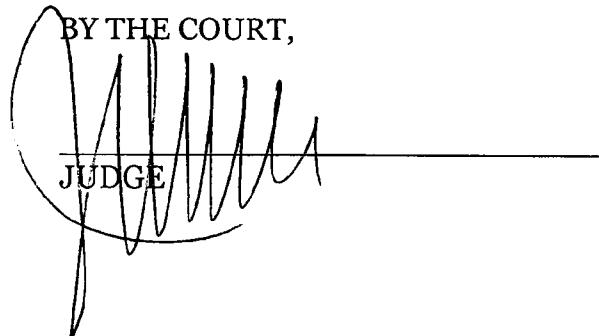
VERNA R. HIMES, Attorney-in-Fact :
for MARK J. HIMES, :
Plaintiff :
VS. : NO.02-1782-CD
: :
S T JOINT VENTURE 1981 B :
Defendant :
:

O R D E R

AND NOW, to wit, this 17th day of December, 2002, upon
consideration of the foregoing Motion, the Plaintiff is granted leave to make service of the
Complaint on the Defendant, its heirs, successors and assigns, by publication once in The
Dallas Morning News, Dallas, Texas 75265-5237 and the Clearfield County Legal Journal,
Clearfield, Pennsylvania.

BY THE COURT,

JUDGE



FILED

DEC 17 2002

William A. Shaw
Prothonotary

FILED

01352842cc
DEC 17 2002
Amy Gearhart

William A. Shaw
Prothonotary

cc

FILED

2CC
Of 9:40 AM
DEC 16 2002

Atty Gashast

William A. Shaw
Prothonotary

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

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

VERNA R. HIMES, Attorney-in-Fact :
for MARK J. HIMES, :
Plaintiff :
vs. : No. 02-1782 -CD
S T JOINT VENTURE 1981 B, :
Defendant :
:

CASE NUMBER: No. 02-1782 -CD

TYPE OF CASE: Civil

TYPE OF PLEADING: AFFIDAVIT OF PUBLICATION

FILED ON BEHALF OF: Plaintiff

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

FILED

MAY 20 2003

William A. Shaw
Prothonotary

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

VERNA R. HIMES, Attorney-in-Fact :
for MARK J. HIMES, :
Plaintiff :
vs. : No. 02-1782-CD
S T JOINT VENTURE 1981 B, :
Defendant :
:

AFFIDAVIT

The undersigned hereby certifies that he did cause to have published in the The Dallas Morning News and the Clearfield County Legal Journal the Notice to Defend with regard to the Complaint in Ejectment filed to the above on the Defendant, evidenced by Exhibit 'A' and 'B' attached hereto.



R. Denning Gearhart, Esquire
Attorney for Plaintiff

Sworn to and subscribed
before me this 15 day
of May, 2003.

Kathleen A. Ricotta
Notary Public

NOTARIAL SEAL
KATHLEEN A. RICOTTA, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires June 7, 2005

AFFIDAVIT OF PUBLICATION

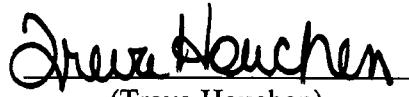
STATE OF TEXAS

COUNTY OF DALLAS

Before me, a Notary Public in and for Dallas County, this day personally appeared Treva Houchen, Inside Classified Sales Supervisor for the DALLAS MORNING NEWS being duly sworn by oath, states the attached advertisement of:

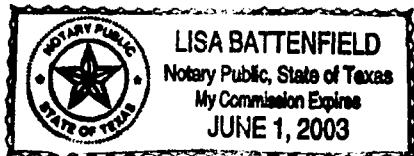
R. DENNING GEARHART

as published in THE DALLAS MORNING NEWS on: December 31, 2002


(Treva Houchen)

Sworn to and subscribed before me this

January 16, 2003, A.D




(Lisa Battenfield)

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY,
PENNSYLVANIA, CIVIL
DIVISION
No. 02-1782-CD
VERA R. HIMES,
Attorney-in-Fact,
for MARK J. HIMES,
Plaintiff
vs.
S.T. JOINT VENTURE
781 B.
Defendant
NOTICE TO DEFENDANT
You have been sued in
Court. If you wish to defend
against the claims set
forth in the following page
you must take action
within twenty (20) days
offer this complaint and
police are served by en-
tering a written appear-
ance personally or by at-
torney and filing in writing
with the Court your de-
fense 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 or any money
claimed in the complaint
or for any other claim
unless you file a written
appearance or otherwise
money or property or other
rights you may have by
law. THIS PAPER TO YOU
DO NOT HAVE A
LAWYER OR ONE FOTOOR
AFFORD ONE FOTOOR
TELEPHONE THE OFFICE
LOW TO FIND OUT
WHERE YOU CAN GET
LEGAL HELP
Court Administrator's
Court Adminstrator
Clerk of the Court
Clerk of the Court
Clearfield County
Courthouse
(814) 765-2641

EXHIBIT "A"

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :
:
COUNTY OF CLEARFIELD :

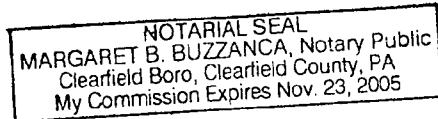
On this 30th day of December AD 2002, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Gary A. Knaresboro editor of the Clearfield County Legal Journal of the Courts of Clearfield County, and that the annexed is a true copy of the notice or advertisement published in said publication in the regular issues of Week of December 27, 2002, Vol. 14 No. 52. And that all of the allegations of this statement as to the time, place, and character of the publication are true.



Gary A. Knaresboro, Esquire
Editor

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

Margaret B. Buzzanca
Notary Public
My Commission Expires



R Denning Gearhart
215 E Locust St
Clearfield PA 16830

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

VERNA R. HIMES, Attorney-in-Fact for
MARK J. HIMES, Plaintiff vs. S T JOINT
VENTRUE 1981 B, Defendant.

No. 2002-1782-CD
NOTICE TO DEFEND

TO THE ABOVE NAMED DEFENDANTS their heirs, successors and assigns:

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 claim set forth against you. You are warned that if you fail to do so, the case may proceed 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 GET LEGAL HELP.

COURT ADMINISTRATORS OFFICE,
Clearfield County Courthouse, Clearfield,
PA 16830. (814) 765-2641.

R. DENNING GEARHART, ESQUIRE,
215 East Locust Street, Clearfield, PA
16830. (814) 765-1581.

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

VERNA R. HIMES, Attorney-in-Fact :
for MARK J. HIMES, :
Plaintiff :
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vs. : No. 02-1782 -CD
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S T JOINT VENTURE 1981 B, :
Defendant :
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CASE NUMBER: No. 02-1782 -CD
TYPE OF CASE: Civil
TYPE OF PLEADING: MOTION FOR ENTRY OF ORDER
FILED ON BEHALF OF: Plaintiff

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

FILED

MAY 21 2003

William A. Shaw
Prothonotary

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

VERNA R. HIMES, Attorney-in-Fact :
for MARK J. HIMES, :
Plaintiff :
VS. : No. 02-1782-CD
S T JOINT VENTURE 1981 B, :
Defendant :
:

MOTION FOR ENTRY OF ORDER

AND NOW, comes the Plaintiff, Verna R. Himes, Attorney-in-Fact for Mark J. Himes, by and through her attorney, R. Denning Gearhart, Esq., who avers as follows:

1. That the Petitioner filed an Action in Ejectment seeking to have certain property of the Respondent removed from his premises.
2. Attempts to serve the Respondent personally were unsuccessful as the Respondent has no office in the area. Indeed, it appears that the Respondent corporation may have ceased business and existence.
3. Nevertheless, Petitioner asked your Honorable Court for Leave to serve by Publication in a newspaper of general circulation in the area where Respondent last had an address. That area was Dallas, Texas, which has at its principle newspaper of circulation "The Dallas Morning News". Your Honorable Court granted that leave and the advertisement was completed as evidenced by the Affidavit from "The Dallas Morning News", a copy of which is attached hereto as Exhibit "A". There has been no response.

WHEREFORE, Petitioner prays your Honorable Court to permit him to remove said pipeline from his property as mentioned in the Complaint and to enter Judgment for him and against the Respondent.

Respectfully submitted,



R. Denning Gearhart, Esq.
Attorney for Plaintiff

FILED
0 10:44 AM
MAY 21 2003

cc to ccap

William A. Shaw
Prothonotary

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

VERNA R. HIMES, Attorney-in-Fact :
for MARK J. HIMES, :
Plaintiff :
vs. : No. 02-1782-CD
S T JOINT VENTURE 1981 B :
Defendant :
:

O R D E R

AND NOW, this 30th Day of May, 2003, the Court finds and
ORDERS as follows:

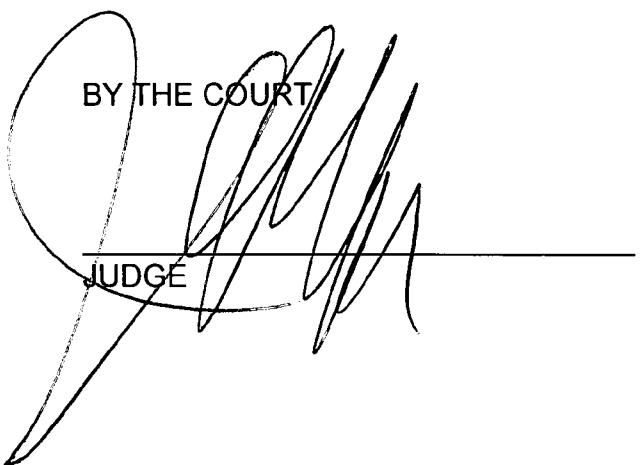
1. That the Action in Ejectment filed by the Petitioner has not been answered nor objected to by the Respondent.
2. That Respondent's whereabouts are unknown and counsel for Petitioner averred to this Court that efforts were made to locate the Respondent but all indications are that it is out of business and that it's last address was at "5956 Sherry Lane, Suite 505, Dallas, Texas 75221".
3. That Petitioner was granted leave to serve the Complaint on the Respondent in "The Dallas Morning News", and the Petitioner has done so in accordance with the Court's Order.
4. That because of the failure to file an Answer or object, the Petitioner is entitled to Judgment by default.

FILED

MAY 21 2003

William A. Shaw
Prothonotary

WHEREFORE, it is the ORDER of this Court that Petitioner is hereby permitted to remove the pipeline from his property and Judgment is entered for Petitioner and against Respondent.

BY THE COURT

JUDGE

FILED
O 10:44 AM 2003
MAY 21 2003

William A. Shaw
Prothonotary

AFFIDAVIT OF PUBLICATION

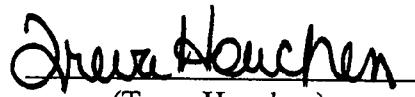
STATE OF TEXAS

COUNTY OF DALLAS

Before me, a Notary Public in and for Dallas County, this day personally appeared Treva Houchen, Inside Classified Sales Supervisor for the DALLAS MORNING NEWS being duly sworn by oath, states the attached advertisement of:

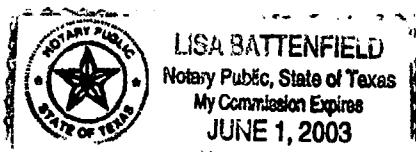
R. DENNING GEARHART

as published in THE DALLAS MORNING NEWS on: December 31, 2002


(Treva Houchen)

Sworn to and subscribed before me this

January 16, 2003, A.D




(Lisa Battenfield)

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY
DIVISION
No. 02-1782-CD
V. ERNA R. HIMES,
Attorney for Plaintiff
vs.
S.T. JOINT VENTURE
1901 B.
Defendant
NOTICE TO DEFENDANT
You have been sued in
Court. If you wish to defend against the claims set
forth in the following paragraphs, you must take action
within twenty (20) days
of the day this complaint and
notice are served, by en-
tering a written appear-
ance personally or by at-
torney and filing in writing
with the Court your de-
fense or objections to the
claims set forth in the
complaint. 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 to you. Many
claims in the complaint
are for attorney's fees and
restitution. You may lose
money or property or other
things important to you.
THIS PAPER TO YOUR
LAWYER AT ONE IF
YOU DO NOT HAVE A
LAWYER OR CANNOT
AFFORD ONE. FOTO OR
TELEPHONE THE OF-
FICE SET FORTH BE-
LOW TO FIND OUT
WHERE YOU CAN GET
LEGAL HELP.
Court Administrator's
Office
Clearfield County
Courthouse
(814) 765-2641

CA

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION No. 02-1782-CD

VERNA R. HIMES, Attorney-in-Fact
for MARK J. HIMES,
Plaintiff

vs.

S T JOINT VENTURE 1981 B,
Defendant

MOTION FOR ENTRY OF ORDER
AND ORDER

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