

02-1816-CD
MARK L. IRWIN vs. ROSS LAMBERT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARK L. IRWIN, an Individual,
and THOMAS M. IRWIN, an
Individual,

Plaintiffs

vs.

ROSS LAMBERT, his heirs,
successors, executors,
administrators and assigns,
as well as any person, persons
firms, partnerships, or
corporate entities claiming
title under him,

Defendant

CIVIL ACTION

No. 02 - 1816 - CD

COMPLAINT

Filed on behalf of:

Plaintiffs, MARK L. IRWIN
and THOMAS M. IRWIN

Counsel of Record for
Said Party:

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

814/765-1566

FILED

NOV 20 2002

013:20 ()
William A. Shaw P.O. #5

Prothonotary/Clerk of Courts

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

MARK L. IRWIN, an Individual, :
and THOMAS M. IRWIN, an :
Individual, :
Plaintiffs :
:
vs. : No. 02 - - CD
:
ROSS LAMBERT, his heirs, :
successors, executors, :
administrators, and assigns, : ACTION TO QUIET TITLE
as well as any person, persons, :
firms, partnerships, or :
corporate entities claiming :
title under him, :
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

MARK L. IRWIN, an Individual, :
and THOMAS M. IRWIN, an :
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as well as any person, persons, :
firms, partnerships, or :
corporate entities claiming :
title under him, :
Defendants :

C O M P L A I N T

NOW COMES, the Plaintiffs, and by their Attorney, John R. Ryan, Esquire, and sets forth a claim against the Defendants named herein as follows:

1. Plaintiff are:

a. Mark L. Irwin, an individual, residing at R.R. 1, Box 211A, West Decatur, Pennsylvania, 16878.

b. Thomas M. Irwin, an individual, residing at 903 Arbor Street, Philipsburg, Pennsylvania, 16866.

2. The Defendant is Ross Lambert, an individual who is believed to be deceased, his heirs, successors, executors, administrators, and assigns, as well as any other person, persons,

firms, partnerships, or corporate entities who might claim any title to the premises herein described.

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

ALL that certain piece or parcel of ground located in Boggs Township, Clearfield County, Pennsylvania, consisting of approximately three hundred (300) acres, being Assessment Map Numbers 105-L9-45.

4. The premises which are the subject of this Action to Quiet Title became vested in Ross Lambert by virtue of two deeds:

a. Deed from D.R. Fullerton, Clerk of the Orphans' Court in and for Clearfield County, dated December 18, 1892, and recorded on July 14, 1894 in Deed Book Volume 83, Page 398.

b. Deed from Jane Ralston and Thomas Ralston, her husband dated March 5, 1890 and recorded on March 14, 1892, in Clearfield County Deed Book Volume 69, Page 91.

5. The said premises were exposed at Treasurers' Sale as property of Ross Lambert on November 9, 1937 for nonpayment of real estate taxes for the years 1932, 1933, and 1935. The Treasurer of Clearfield County sold seated land identified as property of Ross Lambert to the Clearfield County Commissioners by virtue of a deed dated December 31, 1937 and recorded on February 18, 1944 in Clearfield County Deed Book Volume 352, Page 533.

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6. By virtue of a Commissioners' Tax Sale held on April 23, 1943, the Clearfield County Commissioners sold and conveyed the same premises to A.R. Chase, John Haney, Mildred D. Shaw, and Walter M. Swoope by deed dated August 23, 1943 and recorded on February 18, 1944 in Clearfield County Deed Book Volume 352, Page 535.

7. Plaintiffs acquired title to the above-described premises by virtue of two deeds:

a. Deed dated April 27, 2001 from F. Cortez Bell, Jr., Attorney in Fact for Miriam C. Chew, David Mosely Welch, Daniel Chase Welch, John C. Harvey, Anne H. Mustienes, Jane Severin, Elizabeth N. Sweetow, formerly known as Elizabeth N. McDougall, Walter M. Swoope, Jr., Hester H. Lippert, Arnold B. Shaw, III, and Sandra Ann Shaw DeCasper, formerly Sandra Ann Shaw; and County National Bank as Executor for the Marie Mitchell Estate; and Anna E. Dougherty, Trustee of the Anna E. Dougherty Trust, recorded at Clearfield County Instrument Number 200109404.

b. Deed dated August 22, 2001 from Suzanne C. Love and Jesse E. Love, her husband, and Michael W. Chew and Marisa Chew, his wife, recorded at Clearfield County Instrument Number 200115642.

8. The above-referenced Grantors are the heirs, devisees, and assigns of the said A.R. Chase, John Haney, Mildred D. Shaw, and

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Walter M. Swoope who purchased the subject premises at Commissioners' Tax Sale as set forth in Paragraph 6 herein above.

9. Plaintiffs, through their predecessors in title, have acquired title to the above described premises through the above-mentioned deeds and also by more than twenty-one (21) years adverse possession of said property. Said possession having been open, notorious and adverse to all interests which the Defendant may have had in the premises.

10. Plaintiffs, through their predecessors in title, made adverse entry on the above-described property commencing in 1944, approximately fifty-eight (58) years ago, and said adverse possession has continued until the present time. Plaintiffs adverse possession of the property 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 interests which the Defendant herein may have in the premises.

11. This Action to Quiet Title is necessary in order to firmly vest title in the Plaintiffs through the chain of deeds and by adverse possession, and also to clear any defects in title which may have arisen through the tax sale. There are often unknown defects at tax sales which are not clearly apparent on the record. 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

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221 E. MARKET ST.
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P. O. BOX 131
CLEARFIELD, PA

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 through the deeds recited herein above and also by adverse possession to the premises situated in Boggs Township, Clearfield County, Pennsylvania;

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.

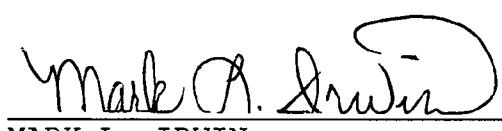


JOHN R. RYAN, ESQUIRE
Attorney for Plaintiffs

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

VERIFICATION

We verify that the statements made in this Complaint are true and correct. We understand that false statements herein are made subject to the penalties of 18 Pa. C.S. 4904, relating to unsworn falsification to authorities.



MARK L. IRWIN



THOMAS M. IRWIN

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- -CD

MARK L. IRWIN, an Individual,
and THOMAS M. IRWIN, an
Individual,

Plaintiffs

vs.

ROSS LAMBERT, his heirs,
successors, executors, administrators
and assigns, as well as any
person, persons, firms, partnerships
or corporate entities
claiming title under him,

Defendant

C O M P L A I N T

NOTICE TO DEFENDANT:

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.

John R. Ryan

JOHN R. RYAN, 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

MARK L. IRWIN, an Individual,
and THOMAS M. IRWIN, an
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Plaintiffs

vs.

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Defendant

CIVIL ACTION

No. 02 - 1816 - CD

ORDER

Filed on behalf of:

Plaintiffs, MARK L. IRWIN
and THOMAS M. IRWIN

Counsel of Record for
Said Party:

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

814/765-1566

FILED

DEC 27 2002

William A. Shaw
Prothonotary

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

MARK L. IRWIN, an Individual, :
and THOMAS M. IRWIN, an :
Individual, :
Plaintiffs :
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title under him, :
Defendants :

O R D E R

AND NOW, this 27th day of December, 2002, it appearing
that service of the Complaint in Action to Quiet Title in the above
stated action was served on the Defendant, and any heirs or persons
claiming under him, and any other person, persons, firms,
partnerships or corporate entities who might claim any type of
title to the premises described in the original Complaint and also
described in this Order, and service having been made by
advertisement and proven by notice in the record and by affidavit
of John R. Ryan, Esquire, Attorney for Plaintiffs. No Answer has
been filed in said action, and on notice of John R. Ryan, Esquire,
Attorney for Plaintiffs, it is hereby ORDERED and DECREED:

1. That the above-named Defendant and any heirs or persons claiming under him, and any other person, persons, firms, partnerships or corporate entities who might claim any title to the premises, are forever barred from asserting right, lien or interest, inconsistent with the interest or claim of the Plaintiffs as set forth in their Complaint in and to all that certain piece or parcel of land, together with the improvements thereon, situated in Boggs Township, Clearfield County, Pennsylvania, consisting of approximately three hundred (300) acres, being Assessment Map Numbers 105-L9-45.

Said Order to be final and absolute unless the Defendants named above file Exceptions thereto within thirty (30) days from the date of this Order.

2. That if the above-named Defendants have not filed Exceptions within said thirty (30) day period, the Prothonotary shall enter final Judgment upon Praeclipe of the Plaintiffs.

3. That the rights of the Plaintiffs to the respective premises are superior to the rights of the Defendants named in Paragraph 1 and any other heirs or persons claiming under them and any persons claiming title or who might claim any title to the above-described premises.

4. That the Plaintiffs have an indefeasible title to the property which has Assessment Map Number 105-L9-45. Title to be indefeasible as against all of the above described premises.

5. That the Defendants above named, and any heirs or persons claiming under them or any persons claiming title or who might claim any title to the premises above-described, are enjoined from setting up any title to the above-described premises of the Plaintiffs described in said Complaint, and also described in this Order, from impeaching, denying or in any way attacking the title of the Plaintiffs to the said described premises.

6. That these proceedings or an authenticated copy thereof shall at all times thereafter be taken as evidence of the facts declared and established thereby.

7. That a certified copy of this Order shall be recorded in the office of the Recorder of Deeds for Clearfield County, Pennsylvania.

BY THE COURT:

JOHN K. REILLY, JR.
President Judge

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

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IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION
No. 02 - 1816 - CD

MARK L. IRWIN, an Individual,
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Plaintiffs

vs.

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title under him,
Defendants

O R D E R

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William A. Shaw
Notary

*3rd & 4th
Colavecchi*

RYAN & COLAVECCHI
ATTORNEYS AT LAW
221 EAST MARKET STREET
(ACROSS FROM COURTHOUSE)
P. O. BOX 131
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARK L. IRWIN, an individual
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title under him,

Defendant

CIVIL DIVISION

NO. 02 - 1816 - CD

AFFIDAVIT OF SERVICE

Filed on Behalf of:

Plaintiffs, MARK L. IRWIN and
THOMAS M. IRWIN

Counsel of Record for This
Party:

JOHN R. RYAN, ESQUIRE
Pa. I.D. #38739

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

814/765-1566

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DEC 09 2002

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

MARK L. IRWIN, an individual :
and THOMAS M. IRWIN, an individual, : No. 02 - 1816 - CD
Plaintiffs:
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Vs. :
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ROSS LAMBERT, his heirs, :
successors, executors, :
administrators and assigns, as :
well as any person, persons, :
firms, partnerships or corporate :
entities claiming title under him, :
Defendant :

AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA :
: ss.
COUNTY OF CLEARFIELD :

Personally appeared before me, Notary Public, in and for the County and State aforesaid, JOHN R. RYAN, ESQUIRE, Attorney for Mark L. Irwin and Thomas M. Irwin, 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 Clearfield County Legal Journal, a weekly newspaper published at Clearfield, Pennsylvania, on November 29, 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 Defendant, both personally, where possible, and by publication, and the above-named Defendant, and his 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.



JOHN R. RYAN, ESQUIRE
Attorney for Plaintiffs

Sworn to and subscribed before me
this 6 day of December, 2002.



Notary Public

NOTARIAL SEAL
LINDA L. ZIEMBO Notary Public
Clearfield Boro, Clearfield County, PA
My Commission Expires December 17, 2005

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :

:

COUNTY OF CLEARFIELD :

:

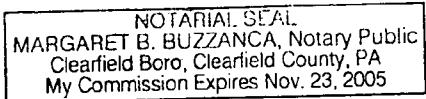
On this 29th day of November AD 2002, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Gary A. Knaresboro editor of the Clearfield County Legal Journal of the Courts of Clearfield County, and that the annexed is a true copy of the notice or advertisement published in said publication in the regular issues of Week of November 29, 2002, Vol. 14 No. 48. 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



Colavecchi Ryan & Colavecchi
221 East Market Street
Clearfield PA 16830

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

MARK L IRWIN, an Individual, and
THOMAS M. IRWIN, an Individual,
Plaintiffs vs. ROSS LAMBERT, his heirs,
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claiming title under him, Defendants.

No. 02-1816-CD

ACTION TO QUIET TITLE

TO: THE ABOVE-NAMED
DEFENDANTS: TAKE NOTICE THAT
On November, 21, 2002, the above-named
Plaintiffs filed their Complaint averring that
Mark L. Irwin and Thomas M. Irwin are the
owners of all that certain parcel of land
situated in the Boggs Township, County of
Clearfield, and State of Pennsylvania,
having Clearfield County Assessment Map
Number 105-L9-45, consisting of
approximately three hundred (300) acres.

WHEREUPON, said Court ordered
that notice of the above facts be served by
the Plaintiffs 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
November 29, 2002. An Answer must be
filed to the Complaint in this Action by no
later than December 19, 2002. Failure to
file an Answer by December 19, 2002, will
result in default judgment being taken
against the Defendants. Further, that title
will be confirmed in the Plaintiffs 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
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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
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rights important to you.

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OUT WHERE YOU CAN GET LEGAL
HELP.

Court Administrator, Clearfield County
Court House, Second and Market Streets,
Clearfield, PA 16830 (814) 765-2641, Ext.
50-51.

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

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
CIVIL DIVISION

No. 02 - 1816 - CD

MARK L. IRWIN, an individual
and THOMAS M. IRWIN, an
individual,

Plaintiffs

vs.

ROBB LAMBERT, his heirs,
successors, executors,
administrators and assigns, as
well as any person, persons,
firms, partnerships or corporate
entities claiming title under
him,

Defendant

AFFIDAVIT OF SERVICE

DEC 09 2002
01 3:50 P.M.

cc

cc

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

MARK L. IRWIN, an individual
and THOMAS M. IRWIN, an
individual,

Plaintiffs

vs.

ROSS LAMBERT, his heirs,
successors, executors,
administrators and assigns,
as well as any person, persons
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title under him,

Defendant

CIVIL DIVISION

No. 02 - 1816 - CD

AFFIDAVIT OF SERVICE

Filed on Behalf of:

Plaintiffs, MARK L. IRWIN and
THOMAS M. IRWIN

Counsel of Record for This
Party:

JOHN R. RYAN, ESQUIRE
Pa. I.D. #38739

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

814/765-1566

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

MARK L. IRWIN, an individual :
and THOMAS M. IRWIN, an individual, : No. 02 - 1816 - CD
Plaintiffs:

:
Vs. :

ROSS LAMBERT, his heirs, :
successors, executors, :
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well as any person, persons, :
firms, partnerships or corporate :
entities claiming title under him, :
Defendant :

AFFIDAVIT OF SERVICE

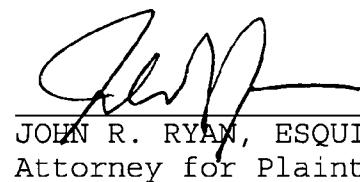
COMMONWEALTH OF PENNSYLVANIA :
: ss.
COUNTY OF CLEARFIELD :

Personally appeared before me, Notary Public, in and for the County and State aforesaid, JOHN R. RYAN, ESQUIRE, Attorney for Mark L. Irwin and Thomas M. Irwin, 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 November 27, 2002. This service is attested to by a Proof of Publication

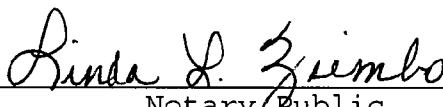
attached to this Affidavit and made a part hereof.

2. That service has been made on the above-named Defendant, both personally, where possible, and by publication, and the above-named Defendant, and his 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.

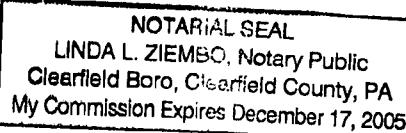


JOHN R. RYAN, ESQUIRE
Attorney for Plaintiffs

Sworn to and subscribed before me
this 5 day of December, 2002.



Linda L. Ziembo
Notary Public



IN THE COURT OF COMMON
PLEAS OF CLEARFIELD
COUNTY, PENNSYLVANIA, CIVIL
ACTION.
MARK L. IRWIN, an individual,
and THOMAS M. IRWIN, an individual, Plaintiffs
vs.

ROSS LAMBERT, his heirs, successors, executors, administrators, and assigns, as well as any person, persons, firms, partnerships, or corporate entities claiming title under him, Defendants.

No. 02-1816-CD

ACTION TO QUIET TITLE
TO: THE ABOVE-NAMED DEFENDANTS:

TAKE NOTICE THAT ON November 21, 2002, the above-named Plaintiffs filed their Complaint averring that Mark L. Irwin and Thomas M. Irwin are the owners of all that certain parcel of land situated in the Boggs Township, County of Clearfield, and State of Pennsylvania, having Clearfield County Assessment Map Number 105-L9-45, consisting of approximately three hundred (300) acres.

WHEREUPON, said Court ordered that notice of the above facts be served by the Plaintiffs 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 Nov. 27, 2002. An Answer must be filed to the complaint in this Action by no later than December 17, 2002. Failure to file an Answer by December 17, 2002, will result in default judgment being taken against the Defendants. Further, that title will be confirmed in the Plaintiffs 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 Plaintiffs. 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 Ex. 50-51.

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

11:27-1d-b

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :
COUNTY OF CLEARFIELD :

: SS:

On this 2nd day of December, 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 November 27, 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.

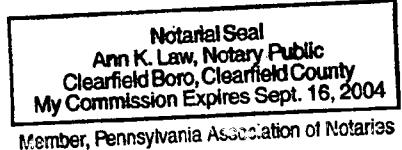
Margaret E. Krebs

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

Ann K. Law

Notary Public Clearfield, Pa.

My Commission Expires
September 16, 2004



—Lap over margin—

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

CIVIL DIVISION

No. 02 - 1816 - CD

MARK L. IRWIN, an individual,
and THOMAS M. IRWIN, an
individual,

Plaintiffs

vs.

ROSS LAMBERT, his heirs,
successors, executors,
administrators and assigns,
as well as any person, persons,
firms, partnerships, or
corporate entities claiming
title under him,
Defendant

AFFIDAVIT OF SERVICE

01/24/88
E. H.

1/20
cc

E. H.

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

MARK L. IRWIN, an Individual,
and THOMAS M. IRWIN, an
Individual,

Plaintiffs

vs.

ROSS LAMBERT, his heirs,
successors, executors,
administrators and assigns,
as well as any person, persons
firms, partnerships, or
corporate entities claiming
title under him,

Defendants

CIVIL ACTION

No. 02 - 1816 - CD

MOTION FOR SERVICE BY
PUBLICATION

Filed on behalf of:

Plaintiffs, MARK L. IRWIN
and THOMAS M. IRWIN

Counsel of Record for
Said Party:

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

814/765-1566

FILED

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William A. Shaw

Prothonotary/Clerk of Courts

3 CENTS TO REPLY

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

MARK L. IRWIN, an Individual, :
and THOMAS M. IRWIN, an :
Individual, :
Plaintiffs :
vs. : No. 02 - - CD
ROSS LAMBERT, his heirs, :
successors, executors, :
administrators, and assigns, : ACTION TO QUIET TITLE
as well as any person, persons, :
firms, partnerships, or :
corporate entities claiming :
title under him, :
Defendants :

MOTION FOR SERVICE BY PUBLICATION

NOW COMES, Mark L. Irwin and Thomas M. Irwin, Plaintiffs above named, and by their Attorney, John R. Ryan, Esquire, move the Honorable Court as follows:

1. Movants are the Plaintiffs in the above-captioned Action to Quiet Title filed against the above-named defendant.
2. Attached hereto is the Affidavit of John R. Ryan, Esquire, Counsel for Plaintiffs, indicating the efforts made to locate the Defendant, his heirs, successors, executors, administrators and assigns, said Affidavit having been made in accordance with the Rules of Civil Procedure.

3. Movants believe and therefore aver that the only means of accomplishing service of said Complaint will be by Publication.

WHEREFORE, Movants requests that the Court permit service of the Complaint in this action to be made by Publication in accordance with the Rules of Civil Procedure.

Respectfully submitted:



JOHN R. RYAN, ESQUIRE
Attorney for Plaintiffs

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

MARK L. IRWIN, an Individual, :
and THOMAS M. IRWIN, an :
Individual, :
Plaintiffs :
:
vs. : No. 02 - - CD
:
ROSS LAMBERT, his heirs, :
successors, executors, :
administrators, and assigns, : ACTION TO QUIET TITLE
as well as any person, persons, :
firms, partnerships, or :
corporate entities claiming :
title under him, :
Defendants :

AFFIDAVIT UNDER PENNSYLVANIA RULE OF
CIVIL PROCEDURE 430 CONCERNING LOCATION OF DEFENDANTS

COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF CLEARFIELD :

Before me, the undersigned, personally appeared Affiant, who,
being duly sworn according to law, deposes and says that he has
made the following attempts in an effort to determine the potential
defendants and their location.

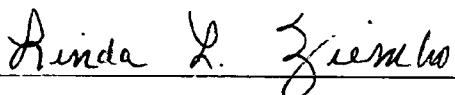
1. A search of all the deed book indexes of Clearfield County
that would appear to have any relevance to this action.
2. A check of all the tax assessment records of Clearfield
County that would appear to have any relevance to this action.

3. A check of the Sheriff's deed book and all estate records that would appear to have any relevance to this action.
4. A check of the voter's registration list.
5. Telephone calls to various individuals who could be located asking them about their knowledge of other parties and whether they knew their address.
6. A check of the telephone books in Clearfield County to see if any of the parties are listed.
7. A check with postal authorities to inquire as to whether there was a listing of potential defendants.
8. Checking the motor vehicle records where applicable.
9. All of the above has been done in accordance with Pennsylvania Rule of Civil Procedure 430 which covers service pursuant to special order of court.
10. All of the above efforts were made in good faith and a real attempt has been made to uncover any defendants who may have an interest in the above-described Action to Quiet Title.



JOHN R. RYAN, ESQUIRE

Sworn to and subscribed before me
this 19 day of November, 2002.



NOTARIAL SEAL
LINDA L. ZIEMBO, Notary Public
Clearfield Boro, Clearfield County, PA
My Commission Expires December 17, 2005

—Lap over margin—

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

No. 02 - - CD

MARK L. IRWIN, an Individual,
and THOMAS M. IRWIN, an
Individual, Plaintiffs

vs.

ROSS LAMBERT, his heirs,
successors, executors, administrators,
and assigns, as well as
any person, persons, firms,
partnerships, or corporate
entities claiming title under
him, Defendants

MOTION FOR
SERVICE BY PUBLICATION

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARK L. IRWIN, an Individual,
and THOMAS M. IRWIN, an
Individual,

Plaintiffs

vs.

ROSS LAMBERT, his heirs,
successors, executors,
administrators and assigns,
as well as any person, persons
firms, partnerships, or
corporate entities claiming
title under him,

Defendants

CIVIL ACTION

No. 02 - 1816 - CD

ORDER

Filed on behalf of:

Plaintiffs, MARK L. IRWIN
and THOMAS M. IRWIN

Counsel of Record for
Said Party:

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

814/765-1566

FILED

NOV 21 2002
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3cc

William A. Shaw
Prothonotary

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

MARK L. IRWIN, an Individual, :
and THOMAS M. IRWIN, an :
Individual, :
Plaintiffs :
:
vs. : No. 02 - - CD
:
ROSS LAMBERT, his heirs, :
successors, executors, :
administrators, and assigns, : ACTION TO QUIET TITLE
as well as any person, persons, :
firms, partnerships, or :
corporate entities claiming :
title under him, :
Defendants :

ORDER DIRECTING COMPLAINT TO BE
SERVED BY ADVERTISEMENT ON CERTAIN DEFENDANTS

AND NOW, this 2nd day of November, 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 their 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 John R. Ryan, 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 Plaintiffs 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.

BY THE COURT:

JUDGE

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- -CD

MARK L. IRWIN, an Individual,
and THOMAS M. IRWIN, an
Individual, Plaintiffs

vs.

ROSS LAMBERT, his heirs,
successors, executors, administrators
and assigns, as well as
any person, persons, firms,
partnerships, or corporate
entities claiming title under
him,

Defendant

O R D E R

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 Division

MARK. L. IRWIN, an individual and
THOMAS M. IRWIN, an individual,
Plaintiffs,

*
*
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*
*

v.

* No. 2002-1816-CD
* CIVIL ACTION

ROSS LAMBERT, his heirs, successors, executors,
administrators and assigns, as well as any person, persons,
firms, partnerships, or corporate entities claiming
title under him,

*
*
*
*
*
*

Defendants.

*

PRAECIPE FOR
FINAL JUDGMENT

Filed on behalf of
Plaintiffs

Counsel of Record for
this Party:

John R. Ryan

Pa. I.D. 38739
BELIN & KUBISTA
15 North Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED

JAN 20 2003

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
Civil Division

MARK. L. IRWIN, an individual and
THOMAS M. IRWIN, an individual,
Plaintiffs,

* * *

No. 2002-1816-CD
CIVIL ACTION

ROSS LAMBERT, his heirs, successors, executors, administrators and assigns, as well as any person, persons, firms, partnerships, or corporate entities claiming title under him,

* * *

Defendants.

2

PRAECLPICE FOR ENTRY OF FINAL JUDGMENT

TO: WILLIAM A. SHAW, PROTHONOTARY

An Order in the above-captioned action having been entered on the 27th day of December, 2002, and thirty (30) days having elapsed since entry thereof, you are directed to enter final judgment in favor of the Plaintiffs in the above captioned action pursuant to Rule 1066 of the Pennsylvania Rules of Civil Procedure.

BELIN & KUBISTA

14

John R. Ryan
Attorney for Plaintiffs

CLEARFIELD, PENNSYLVANIA 16830
P. O. BOX 1
15 NORTH FRONT STREET
ATTORNEYS AT LAW
BELIN & KUBISTA

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Amy Ryan
S. E. G.
William A. Shaw
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