

02-1876-CD  
JENNIFER WEITZMAN vs. HOMER SOUTHPARD, et al

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

JENNIFER WEITOISH :  
Plaintiff :  
vs. : No. 02-1876-C1  
HOMER SOUTHARD and BESSIE :  
J. SOUTHARD, his wife, their :  
heirs, personal representa- :  
tives, successors and assigns, :  
THE CLEARFIELD COUNTY POOR :  
DISTRICT, a/k/a CLEAERFIELD ;  
COUNTY INSTITUTION DISTRICT ;  
its successors and assigns :  
and all other persons :  
claiming any right, title or :  
interest in the property :  
which is the subject of :  
this action :  
Defendants :

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 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 claims 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 FIND ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

COURT ADMINISTRATOR  
COURTHOUSE  
CLEARFIELD, PA.  
(814) 765-2641

**FILED**

DEC 02 2002

William A. Shaw  
Prothonotary

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

JENNIFER WEITOISH :  
Plaintiff :  
  
vs. : No.  
  
HOMER SOUTHARD and BESSIE :  
J. SOUTHARD, his wife, their :  
heirs, personal representa- :  
tives, successors and assigns, :  
THE CLEARFIELD COUNTY POOR :  
DISTRICT, a/k/a CLEAERFIELD ;  
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its successors and assigns :  
and all other persons :  
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interest in the property :  
which is the subject of :  
this action :  
Defendants :

COMPLAINT

AND NOW comes the plaintiff, JENNIFER WEITOISH, who by and through her attorney, John R. Carfley, Esquire, sets forth this action to quiet title, the following of which is a statement:

1. Plaintiff is Jennifer Weitoish, an adult individual, presently residing at at R. R. #4, Box 511, Philipsburg, Clearfield County, Pennsylvania.

2. The Defendants are Homer Southard and Bessie J. Southard, his wife, their heirs, personal representatives, successors and assigns, and the Clearfield County Poor District, a/k/a the Clearfield County Institution District, its successors and assigns, and all other persons, firms, associations, corporations or entities claiming any right, title or interest in the property which is the subject of this action.

3. It is believed and therefore averred that Homer Southard

and Bessie J. Southard were previously residents of the Borough of Osceola Mills, Clearfield County, Pennsylvania, and that they resided therein during the 1940's and 1950's.

4. Subsequent to those dates there is no record of any individuals bearing the same names or any heirs of these individuals residing in Osceola Mills or the Clearfield County area.

5. A diligent search of the records of Clearfield County fails to reveals any estates filed for these individuals so it is believed and therefore averred that their current status and whereabouts are unknown.

6. It is believed and therefore averred that the Clearfield County Poor District was also known as the Clearfield County Institution District. It is believed and therefore averred that the Clearfield County Commissioners were the directors of this entity and in that capacity both acquired and conveyed property executing the deeds of conveyance for and on behalf of said legal entity.

7. It is believed and therefore averred that said entities through the Clearfield County Commissioners were responsible for handling real estate for those who lived in the Clearfield County Home and that they acquired properties left in estates and from people in the County Home although there is no evidence of record verifying the existence of this legal entity for in excess of forty or more years.

8. The Plaintiff is the owner of that certain piece or parcel of land situate, lying and being in the Township of Morris,

Clearfield County, Pennsylvania, more particularly bounded and described as follows to wit:

The First Thereof:

BEING Lot No. 150 in the Plan of Morrisdale Road laid out by the Philipsburg Coal and Land Company.

BEGINNING at a stake on the southerly side of Howard Street; said stake being fifty (50) feet from the corner of Grant Street; thence along the southerly line of Howard Street north fifty-eight (58) degrees forty-five (45) minutes east, fifty (50) feet to a stake, corner of Lot No. 149; thence along said Lot No. 149 south thirty-one (31) degrees fifteen (15) minutes east one hundred fifty (150) feet to a stake corner of Lot No. 149; thence south fifty-eight (58) degrees forty-five (45) minutes west, fifty (50) feet to stake corner of Lot No. 151; thence along said Lot No. 151 north thirty-one (31) degrees fifteen (15) minutes west one hundred fifty (150) feet to the place of beginning.

The Second Thereof:

BEING that lot of ground adjacent to the First tract above and as vested in Joseph Coley and Mary Coley as recorded in Deed Vol. 423, Page 500. The lot of ground hereby conveyed being such area as is now defined on the ground.

BEING the same premises granted and conveyed unto the Plaintiff herein by deed of Leroy M. and Gladys I. Greslick dated the 14th day of November, 1995, and entered for record in the office of the Recorder of Deeds of Clearfield County, Pennsylvania, in Deeds & Records Volume 1717, Page 524.

The properties therein were referred to as property identified as Tax Map 124-Q11-43.

9. Leroy M. and Gladys I. Greslick acquired title to the said property by deed of Joseph Coley and Mary Coley dated the 6th day of July, 1962, and entered for record in the office of the Recorder of Deeds of Clearfield County, Pennsylvania, in Deed Book Volume 496, Page 511.

10. Joseph and Mary Coley acquired title to the said premises referred to as the Second Thereof by deed of John K. and Mildred B. Johnson recorded in Deed Book 423, Page 500 on September 10, 1952. The recital in this deed indicates that this deed was acquired at

Commissioner's sale in April, 1950, as the property of Homer Southard. Said property had been returned for nonpayment of taxes for the years 1943. This deed also acknowledges that the Commissioner's Deed and Treasurer's Deed referencing this conveyance are unrecorded. Those deeds remain unrecorded up to the present date.

11. The indices of the Recorder of Deeds office of Clearfield County, Pennsylvania, indicates that the property of Homer Southard was first assessed to Homer Southard in 1944 with a notation that the property was formerly the property of the Clearfield County Poor District and was sold at Commissioner's sale in 1943, however, there are no recorded deeds from the Clearfield County Poor District either individually or through Treasurers or Commissioners of Clearfield County to Homer Southard. There are also no deeds of record indicating the chain of title by which the Clearfield County Poor District acquired this title. Rather it is believed that this entity may have acquired this title at a Commissioner's sale in 1929 and 1931, however, no deeds of record are available to confirm the transfer of this property into the ownership of the Clearfield County Poor District. There is also no information available in the indices to establish the owners in the claim of title prior to the Clearfield County Poor District and it must be asserted that the identities and present whereabouts of these individuals are unknown and unascertainable.

12. Plaintiff has caused a diligent search and inquiry to be made of the various public records which are filed in those offices at or near the last known residence or corporate office of all

defendants and their heirs and, plaintiff is, therefore, prepared to attest that the heirs of the said defendants as stated herein cannot be further located and/or ascertained nor can any further information be gathered concerning these individuals.

13. The Plaintiff and her predecessors in title purchased and have held the subject premises in good faith for a period in excess of Twenty-one (21) years in open, hostile, continuous, notorious and adverse possession, and have expended valuable consideration in maintaining the same, so that the title of the Plaintiff to the premises is superior to any claim that the Defendants, their heirs, administrators, executors, successors, or assigns, or any other persons making any claim to the same may assert, all of which is more fully set forth herein.

14. The Plaintiff avers that the purpose of this Action to Quiet Title is to extinguish any interest in the subject premises which may have remained in any of the Defendants as a result of their acquisition of the property by the deeds aforesaid and/or by their use, possession, control and care of the subject premises.

15. The Plaintiff and/or her immediate predecessors in title have exercised dominion, possession and control of the subject premises for a period in excess of twenty one (21) years, which possession has been continuous, open, hostile, exclusive and adverse.

16. This Quiet Title action is necessary because the defendants cannot now be located nor can the identities of the heirs, personal representatives or assigns of these individuals be ascertained. The action is further necessitated because the

present whereabouts of these defendants, their heirs and assigns cannot be ascertained or determined although a good faith effort and investigation has been undertaken by the plaintiff, her counsel and/or other duly authorized agents.

17. The plaintiffs aver that the further purpose of this quiet title action is to extinguish any defects in the chain of title resulting from irregularities in the transference of title to the property by virtue of the tax sales as aforesaid including but not limited to: said irregularities which may have resulted from lack of notice to the defendants, failure to advertise and/or post the subject property, to join all indispensable parties to the sale or otherwise provide notice of the sale to the reputed owners and by the transference of property by the Treasurer and County Commissioners of Clearfield County pursuant to a tax sale which purportedly occurred as a result of the failure, inability and/or refusal of certain of the above named defendants to pay the property taxes as they accrued on the said tract.

18. It is finally averred that a Quiet Title Action is necessary to determine the validity or discharge of any document, obligation or deed affecting any right, title and interest in the said premises.

19. It is finally averred that the quiet title action herein set forth is necessary to eliminate those title defects including but not limited to the following:

A. Those deeds and instruments of conveyance which evidence the transfer of title from the Treasurer of Clearfield County to the County Commissioners of Clearfield County, Pennsylvania, to

Homer Southard evidencing the transfer of title to John K. and Mildred B. Johnson as the property of Homer Southard in April of 1950.

B. Those deeds and instruments of conveyance evidencing the transfer of title from the Clearfield County Poor District to Homer Southard by virtue of a Treasurer and Commissioner's Sale which was concluded at or about the year, 1943.

C. Those deeds and other instruments of conveyance which evidence transfer of title from the Treasurer and County Commissioners of Clearfield County, Pennsylvania, to the Clearfield County Poor District by virtue of sales which occurred in the years, 1929 through 1931.

D. Any and all other deeds and/or instruments of conveyance which fulfill and substantiate the chain of title for the above described premises into and throughout the history of said property through and including the present owner.

20. It is believed and therefore averred that the said plaintiff and/or her predecessors in title have been in continuous, open, uninterrupted, and hostile possession of the premises hereinabove described and have utilized the same for their own purposes for a period in excess of twenty-one years and that they have held themselves out to be the true and lawful owners of the premises as against all other parties including the defendants named herein.

WHEREFORE, Plaintiff files this action and respectfully requests the following:

(a) That the defendants, their heirs, administrators,

executors, successors and assigns and all other persons having claim to the premises described herein be forever barred from asserting any right, title or interest in the land described herein inconsistent with the interest or title of plaintiff, unless the defendants, their heirs, administrators, executors, successors and assigns, or those persons asserting any right, title or interest in said premises, bring an action of ejectment, or other legal or equitable action to establish their claim to the premises described herein or any portion of the same, within the time set by the court.

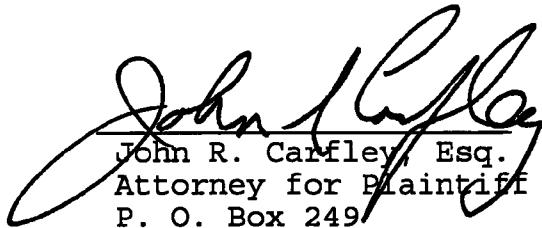
(b) That an Order of Court be made declaring the plaintiff to be the sole owner and to have exclusive possession of the premises described herein by virtue of her open, uninterrupted and hostile possession of the premises for a period in excess of twenty-one (21) years.

(c) That an Order be made directing any adverse party herein to file or record a document or deed reforming the description of the premises acquired by the plaintiff and her predecessors in title to reflect the actual premises over which those parties acquired possession and to further file or record any document or deed evidencing the transfer of title and record ownership to the premises to plaintiff's predecessor in title.

(d) Confirming the regularity of the tax sale by which plaintiff's predecessors in title acquired title to the property including but not limited to the notices of delinquent taxes sent, the notice of the sale and the confirmation of the sale and eliminating and discharging any irregularities and/or defects in

the notice and/or sale thus confirming the sale in its entirety.

(e) Such further order as may be necessary for the granting of additional relief.



John R. Carfley, Esq.  
Attorney for Plaintiff  
P. O. Box 249  
Philipsburg, Pa., 16866  
ID# 17621

Dated: November 25, 2002

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

:  
: SS:  
:

Notarial Seal  
Doreen F. Lugin, Notary Public  
Philipsburg Boro, Centre County, PA  
My Commission Expires Sept 30, 2003  
Member, Pennsylvania Association of Notaries

**AFFIDAVIT**

Before me, the undersigned officer, personally appeared, JENNIFER WEITOISH who being duly sworn according to law deposes and says that the facts set forth in the foregoing Pleading are true and correct to the best of her knowledge, information, and belief.

Jennifer M. Weitoish  
JENNIFER WEITOISH

Sworn to and subscribed  
before me this 20th day  
of November, 2002.

Doreen F. Lugin  
Notary Public

FILED  
D 12/20 8p DEC 02 2002 100 95-22  
William A. Shaw  
Prothonotary

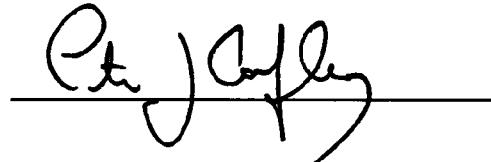
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW

JENNIFER WEITOISH :  
Plaintiff :  
vs. : No. 02-1876-cd  
HOMER SOUTHARD and BESSIE :  
J. SOUTHARD, his wife, their :  
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THE CLEARFIELD COUNTY POOR :  
DISTRICT, a/k/a CLEAERFIELD ;  
COUNTY INSTITUTION DISTRICT ;  
its successors and assigns :  
and all other persons :  
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interest in the property :  
which is the subject of :  
this action :  
Defendants :

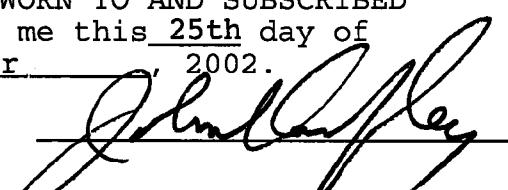
AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA :  
COUNTY OF CENTRE :

Before me, the undersigned officer, personally appeared Peter J. Carfley, Esquire, who being duly sworn according to law, deposes and says that he is the attorney in the above captioned action, that he makes this affidavit on behalf of the plaintiffs, and that all defendants, their heirs and assigns as known to the affiant are named in the complaint filed in this matter but additional heirs and assigns may exist whose identify and whereabouts are, after reasonable investigation, unknown to and unascertainable by the affiant.

  
\_\_\_\_\_  
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SWORN TO AND SUBSCRIBED  
before me this 25th day of  
November, 2002.

  
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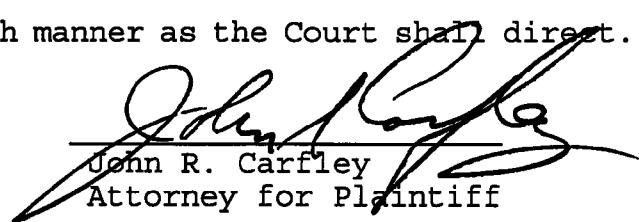
NOTARIAL SEAL
JOHN R. CARFLEY, NOTARY PUBLIC
PHILIPSBURG BORO., CENTRE COUNTY
MY COMMISSION EXPIRES APRIL 18, 2004

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

JENNIFER WEITOISH :  
Plaintiff :  
vs. : No. 02 1876-C  
HOMER SOUTHARD and BESSIE :  
J. SOUTHARD, his wife, their :  
heirs, personal representa- :  
tives, successors and assigns, :  
THE CLEARFIELD COUNTY POOR :  
DISTRICT, a/k/a CLEAERFIELD :  
COUNTY INSTITUTION DISTRICT :  
its successors and assigns :  
and all other persons :  
claiming any right, title or :  
interest in the property :  
which is the subject of :  
this action :  
Defendants :

MOTION FOR PUBLICATION

AND NOW this 25th day of November, 2002, an affidavit having been executed and filed by the plaintiff that the identity and whereabouts of the defendants, their heirs and assigns are unknown, the plaintiff, by her attorney, John R. Carfley, Esquire, moves the court for leave to serve the complaint upon all defendants by publication in such manner as the Court shall direct.

  
John R. Carfley  
Attorney for Plaintiff

**FILED**

12.20.02  
1000 AM  
DEC 02 2002

William A. Shaw  
Prothonotary

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

JENNIFER WEITOISH :  
Plaintiff :  
vs. : No. 02-1876-CD  
HOMER SOUTHARD and BESSIE :  
J. SOUTHARD, his wife, their :  
heirs, personal representa- :  
tives, successors and assigns, :  
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DISTRICT, a/k/a CLEAERFIELD :  
COUNTY INSTITUTION DISTRICT :  
its successors and assigns :  
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which is the subject of :  
this action :  
Defendants :

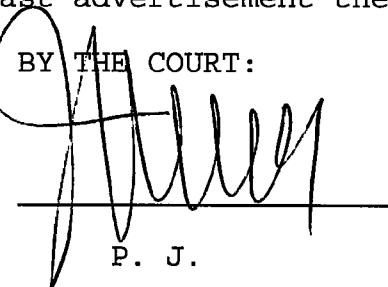
ORDER FOR PUBLICATION

AND NOW this 9 day of December, 2002, upon  
consideration of the foregoing motion, the plaintiff is granted  
leave to make service of the complaint upon all defendants, their  
heirs and assigns, by publication one time in a newspaper of  
general circulation in Clearfield County and in the Clearfield  
County Legal Journal, and proof of publication shall thereto be  
filed with the proceedings in said action, said advertisement shall  
state that the defendants be required to answer the complaint  
within twenty (20) days from the last advertisement thereof.

**FILED**  
02:13 AM ECR  
DEC 09 2002

William A. Shaw  
Prothonotary

BY THE COURT:



P. J.

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

JENNIFER WEITOISH :  
Plaintiff :  
  
vs. : No. 02-1876-CD  
  
HOMER SOUTHARD and BESSIE : Quiet Title Action  
J. SOUTHARD, his wife, their :  
heirs, personal representa- :  
tives, successors and assigns, :  
THE CLEARFIELD COUNTY POOR :  
DISTRICT, a/k/a CLEAERFIELD :  
COUNTY INSTITUTION DISTRICT :  
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Defendants :  
  
JAN 20 2003

W. J. Shaw  
Prothonotary

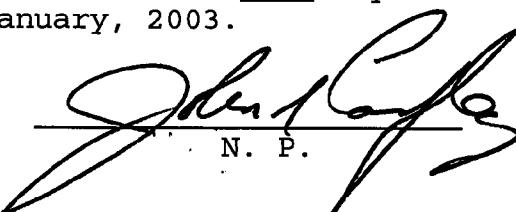
AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA :  
ss:  
COUNTY OF CENTRE :  
:

Before me, the undersigned officer, in and for the above named State and County, personally appeared Peter J. Carfley, Esquire, who being duly sworn according to law deposes and says that a copy of the Complaint in the above captioned matter endorsed with a Notice to Plead was duly served on defendants in The Progress on December 16, 2002, and in the Clearfield County Legal Journal the week of December 20, 2002, as appears by proof of publication filed with the papers in this action.

  
Peter J. Carfley, Esq.

SWORN TO AND SUBSCRIBED  
before me this 20 day of  
January, 2003.

  
N. P.

NOTARIAL SEAL  
JOHN R. CARFLEY, NOTARY PUBLIC  
PHILIPSBURG BORO., CENTRE COUNTY  
MY COMMISSION EXPIRES APRIL 18, 2004

## PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :  
:  
COUNTY OF CLEARFIELD :

On this 16th 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 20, 2002, Vol. 14 No. 51. 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

NOTARIAL SEAL  
MARGARET B. BUZZANCA, Notary Public  
Clearfield Boro, Clearfield County, PA  
My Commission Expires Nov. 23, 2005

John R Carfley  
PO Box 249  
Philipsburg PA 16866

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

JENNIFER WEITOISH, Plaintiff vs.  
HOMER SOUTHARD and BESSIE J.  
SOUTHARD, his wife, their heirs, personal  
representatives, successors and assigns,  
THE CLEARFIELD COUNTY POOR  
DISTRICT, a/k/a CLEARFIELD COUNTY  
INSTITUTION DISTRICT its successors  
and assigns and all other persons claiming  
any right, title or interest in the property  
which is all the subject of this action.  
Defendants.

No. 02-1876-CD

ACTION TO QUIET TITLE

TO: DEFENDANTS: HOMER  
SOUTHARD and BESSIE J. SOUTHARD,  
his wife, their heirs, personal represen-  
tatives, successors and assigns, THE  
CLEARFIELD COUNTY POOR DIS-  
TRICT, a/k/a CLEARFIELD COUNTY  
INSTITUTION DISTRICT its successors  
and assigns and all other persons claiming  
any right, title or interest in the property.

TAKE NOTICE that on the 27th day of November, 2002, the above named plaintiff filed her complaint averring that she is the owner of all that certain parcel of land situate, lying and being in the Morris Township, Clearfield County, Pennsylvania bounded and described as follows:

The First Thereof: BEING Lot No. 150 in the Plan of Morrisdale Road laid out by the Philipsburg Coal and Land Company.

BEGINNING at a stake on the southerly side of Howard Street; said stake being fifty (50) feet from the corner of Grant Street; thence along the southerly line of Howard Street north fifty-eight (58) degrees forty-five (45) minutes east, fifty (50) feet to a stake, corner of Lot No. 149; thence along said Lot No. 149 south thirty-one (31) degrees fifteen (15) minutes east one hundred fifty (150) feet to a stake corner of Lot No. 149; thence south fifty-eight (58) degrees forty-five (45) minutes west, fifty (50) feet to stake corner of Lot No. 151; thence along said Lot No. 151 North thirty-one (31) degrees fifteen (15) minutes west

one hundred fifty (150) feet to the place of beginning.

The Second Thereof: BEING THAT LOT OF GROUND ADJACENT TO THE First tract above and as vested in Joseph Coley and Mary Coley as recorded in Deed Vol. 423, Page 500. The lot of ground hereby conveyed being such area as is now defined on the ground.

BEING the same premises granted and conveyed unto the Plaintiff herein by deed of Leroy M. and Gladys I. Greslick dated the 14th day of November, 1995, and entered for record in the office of the Recorder of Deeds of Clearfield County, Pennsylvania, in Deeds and Records Volume 1717, Page 524.

The properties therein were referred to as property identified as Tax Map 124-Q11-43.

That the purpose of this quiet title is to cure and extinguish any defects which may have resulted in this chain of title as a result of certain tax sales by which the Plaintiffs or their predecessors in title secured title.

WHEREUPON, said Court ordered that notice of the above facts be served by the Plaintiffs by advertisement requiring them to answer said Complaint within twenty (20) days from the last advertisement thereof as per Order of Court dated the 9th day of December, 2002, default judgment shall be entered against them upon praecipe by the Plaintiffs herein and thereafter should the said defendants fail to take action within thirty (30) days after default judgment as the court may direct, the defendants, their heirs and assigns, and any other person or persons claiming or who might claim title under them, or all other persons claiming any right, title or interest in the land described except the Plaintiffs, will be forever barred from asserting any interest, lien, right or title to the said land, inconsistent with the Plaintiffs, their heirs and assigns.

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 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  
OR A COPY OF THIS NOTICE TO YOUR  
LAWYER AT ONCE. IF YOU DO NOT  
HAVE A LAWYER OR CANNOT AFFORD

IN THE COURT OF COMMON  
PLEAS OF CLEARFIELD  
COUNTY, PENNSYLVANIA  
CIVIL ACTION-LAW  
JENNIFER WEITOISH, Plaintiff  
vs.

HOMER SOUTHARD and BESSIE J. SOUTHARD, his wife, their heirs, personal representatives, successors and assigns, THE CLEARFIELD COUNTY POOR DISTRICT, a/k/a CLEARFIELD COUNTY INSTITUTION DISTRICT its successors and assigns and all other persons claiming any right, title or interest in the property which is the subject of this action, Defendants.

No. 02-1876-CD

TO: DEFENDANTS: HOMER SOUTHARD and BESSIE J. SOUTHARD, his wife their heirs, personal representatives, successors and assigns; THE CLEARFIELD COUNTY POOR DISTRICT a/k/a CLEARFIELD COUNTY INSTITUTION DISTRICT, its successors and assigns and all other persons claiming any right, title or interest in the property.

TAKE NOTICE that on the 27th day of November, 2002, the above named plaintiff filed her complaint averning that she is the owner of all that certain parcel of land situate, lying and being in Morris Township, Clearfield County, Pennsylvania, bounded and described as follows:

The First Thereof:  
BEING Lot No. 150 in the Plan of Morrisdale Road laid out by the Philipsburg Coal and Land Company.

BEGINNING at a stake on the southerly side of Howard Street; said stake being fifty (50) feet from the corner of Grant Street; thence along the southerly line of Howard Street north fifty-eight (58) degrees forty-five (45) minutes east, fifty (50) feet to a stake, corner of Lot No. 149; thence along said Lot No. 149 south thirty-one (31) degrees fifteen (15) minutes east one hundred fifty (150) feet to a stake corner of Lot No. 149; thence south fifty-eight (58) degrees forty-five (45) minutes west, fifty (50) feet to stake corner of Lot No. 151; thence along said Lot No. 151 north thirty-one (31) degrees fifteen (15) minutes west one hundred fifty (150) feet to the place of beginning.

The Second Thereof:  
BEING that lot of ground adjacent to the First tract above and as vested in Joseph Coley and Mary Coley as recorded in Deed vol. 4223, Page 500. The lot of ground hereby conveyed being such area as is now defined on the ground.

BEING the same premises granted and conveyed unto the Plaintiff herein by deed of Leroy M. and Gladys I. Graslick, dated the 14th day of November, 1995, and entered for record in the office of the Recorder of Deeds of Clearfield County, Pennsylvania, in Deeds & Records Volume 1717, Page 524.

The properties therein were referred to as property identified as Tax Map 124-Q11-43.

That the purpose of this quiet title is to cure and extinguish any defects which may have resulted in this chain of title as a result of certain tax sales by which the plaintiffs or their predecessors in title secured title.

WHEREUPON, the court ordered that notice of the above facts be served by the plaintiffs by advertisement requiring them to answer said complaint within twenty (20) days from the last advertisement thereof as per Order of Court dated the 9th day of December 2002, default judgment shall be entered against them upon praecipe by the plaintiffs herein and thereafter should the said defendants fail to take action within thirty (30) days after default judgment as the court may direct, the defendants, their heirs and assigns, and any other person or persons claiming or who might claim title under them, or all other persons claiming any right, title or interest in the land described except the plaintiffs, will be forever barred from asserting any interest, lien, right or title to the said land, inconsistent with the plaintiffs, their heirs and assigns.

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 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 claims 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 FIND ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

COURT ADMINISTRATOR,  
COURTHOUSE, CLEARFIELD,  
PA, (814) 765-2641.

John R. Carley, Esq., P.O. Box  
249, Philipsburg, PA 16866

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :  
: SS:  
COUNTY OF CLEARFIELD :

On this 27th 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 December 16, 2002. And that the affiant is not interested in the subject matter of the notice or advertising, and that all of the allegations of this statement as to the time, place, and character of publication are true.

*Margaret E. Krebs*

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

*Ann K. Law*

Notary Public Clearfield, Pa.  
My Commission Expires September 16, 2004  
Notarial Seal  
Ann K. Law, Notary Public  
Clearfield Boro, Clearfield County  
My Commission Expires Sept. 16, 2004  
Member, Pennsylvania Association of Notaries

9-7921 (814) Fax

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and Family Room  
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Also, shale, gravel, top-  
soil, coal, etc. Track

CR

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

JENNIFER WEITOISH :  
Plaintiff :  
  
vs. : No. 02-1876-CD  
  
HOMER SOUTHARD and BESSIE : Quiet Title Action  
J. SOUTHARD, his wife, their :  
heirs, personal representa- :  
tives, successors and assigns, :  
THE CLEARFIELD COUNTY POOR :  
DISTRICT, a/k/a CLEAERFIELD :  
COUNTY INSTITUTION DISTRICT :  
its successors and assigns :  
and all other persons :  
claiming any right, title or :  
interest in the property :  
which is the subject of :  
this action :  
Defendants :  
  
JAN 30 2003  
William A. Shaw  
Prothonotary

ORDER OF COURT

AND NOW this 30<sup>th</sup> day of January, 2003, upon consideration  
of the within affidavit and upon motion of John R. Carfley,  
Esquire, attorney for plaintiff, judgment is entered in favor of  
the plaintiff and against all defendants, their heirs, personal  
representatives, successors and assigns in the above captioned  
matter for failure to file an answer.

It is hereby ordered and decreed that:

(1) Defendants, their heirs, personal representatives,  
successors and assigns, having claim to the premises situate in  
Morris Township, Clearfield County, Pennsylvania, bounded and  
described as follows:

The First Thereof:

BEING Lot No. 150 in the Plan of Morrisdale Road laid out by the Philipsburg Coal and Land Company.

BEGINNING at a stake on the southerly side of Howard Street; said stake being fifty (50) feet from the corner of Grant Street; thence along the southerly line of Howard Street north fifty-eight (58) degrees forty-five (45) minutes east, fifty (50) feet to a stake, corner of Lot No. 149; thence along said Lot No. 149 south thirty-one (31) degrees fifteen (15) minutes east one hundred fifty (150) feet to a stake corner of Lot No. 149; thence south fifty-eight (58) degrees forty-five (45) minutes west, fifty (50) feet to stake corner of Lot No. 151; thence along said Lot No. 151 north thirty-one (31) degrees fifteen (15) minutes west one hundred fifty (150) feet to the place of beginning.

The Second Thereof:

BEING that lot of ground adjacent to the First tract above and as vested in Joseph Coley and Mary Coley as recorded in Deed Vol. 423, Page 500. The lot of ground hereby conveyed being such area as is now defined on the ground.

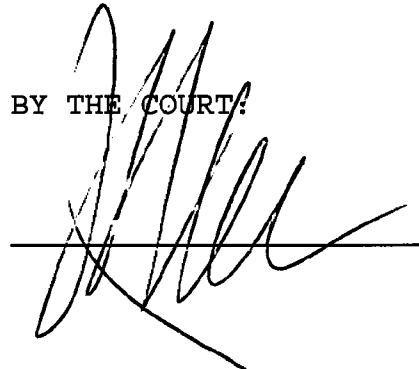
BEING the same premises granted and conveyed unto the Plaintiff herein by deed of Leroy M. and Gladys I. Greslick dated the 14th day of November, 1995, and entered for record in the office of the Recorder of Deeds of Clearfield County, Pennsylvania, in Deeds & Records Volume 1717, Page 524.

The properties therein were referred to as property identified as Tax Map 124-Q11-43.

be and forever barred from asserting any right, lien or interest in the land inconsistent with that of plaintiffs unless the defendants, their heirs, personal representatives, successors and assigns or other persons asserting any right, title or interest in said premises bring an action of ejectment or other legal or equitable action to establish their claim to the premises above described within thirty (30) days of the date of this Order. If such action is not taken within the said thirty (30) days, the Prothonotary, on Praecept of the plaintiffs, shall enter final judgment.

(2) Plaintiffs be and they are hereby directed to be the sole owners of the premises above described and shall have and enjoy exclusive possession thereof.

BY THE COURT:

A handwritten signature in black ink, appearing to read "THE COURT", is written over a horizontal line. The signature is fluid and cursive, with a large, stylized 'T' at the beginning.

100 Aug. 1950  
W. P. Castle  
S. C. Shaver  
S. C. Shaver  
S. C. Shaver

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

JENNIFER WEITOISH :  
Plaintiff :

vs. : No. 02-1876-CD

HOMER SOUTHARD and BESSIE : Quiet Title Action  
J. SOUTHARD, his wife, their :  
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tives, successors and assigns, :  
THE CLEARFIELD COUNTY POOR :  
DISTRICT, a/k/a CLEAERFIELD :  
COUNTY INSTITUTION DISTRICT :  
its successors and assigns :  
and all other persons :  
claiming any right, title or :  
interest in the property :  
which is the subject of :  
this action :  
Defendants :

**FILED**

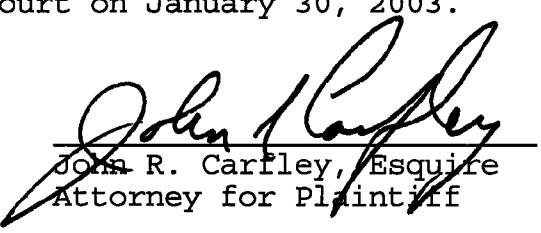
MAR 10 2003

William A. Shaw  
Prothonotary

PRAECIPE

TO THE PROTHONOTARY:

PLEASE enter final judgment against the defendants, their heirs, administrators, executors, successors and assigns, and all other persons having claim to the premises described in Plaintiffs' Complaint ordering that they be and are forever barred from asserting any right, lien or interest in the premises inconsistent with that of plaintiffs. Also enter judgment that plaintiffs are the sole owner of the premises described and shall have and enjoy exclusive possession thereof, the defendants not having complied with the Order entered by this Court on January 30, 2003.

  
John R. Carfley, Esquire  
Attorney for Plaintiff

Dated: March 3, 2003

FILED

NO CC  
PAC

19:25 AM  
MAR 10 2003

William A. Shaw  
Prothonotary