

03-137-CD  
MELFORD R. WOODS et al -vs- MINNIE VIOLA GOSS et al

Date: 3/27/2013  
Time: 10:36 AM  
Page 1 of 2

**Clearfield County Court of Common Pleas**  
**ROA Report**  
**Case: 2003-00137-CD**

User: LMILLER

Current Judge: Fredric Joseph Ammerman

Milford R. Woods, et alvs. Minnie Viola Goss, et al

**CIVIL ACTION**

| Date      | Judge  |   |
|-----------|--|---|
| 2/3/2003  | ✓ Filing: Complaint in Partition Paid by: Durant, Timothy E. (attorney for Woods, Milford R.) Receipt number: 1854976 Dated: 02/03/2003 Amount: \$85.00 (Check) 17 CC Attorney Durant<br>Case Filed.   | No Judge  |
| 2/14/2003 | ✓ Affidavit of Service, Complaint In Partition upon DENNIS CLAIR GOSS. filed by s/R. Stuart Auber, Constable no cc<br>✓ Affidavit of Service, Complaint In Partition upon CHESTER WARREN RUSSELL. filed by s/R. Stuart Auber, Constable no cc<br>✓ Affidavit of Service, Complaint In Partition upon DENNIS VICARY. filed by s/R. Stuart Auber, Constable no cc  | Fredric Joseph Ammerman<br>No Judge<br>No Judge |
| 4/21/2003 | ✓ Affidavit of Service, Important Notice upon: CHESTER WARREN RUSSELL, DENNIS VICARY, and DENNIS CLAIR GOSS. filed by s/Timothy E. Durant, Esquire 1 cc Atty Durant  | No Judge  |
| 4/29/2003 | Filing: Judgment Paid by: Durant, Timothy E. (attorney for Woods, Milford R.) Receipt number: 1859367 Dated: 04/29/2003 Amount: \$20.00 (Check)<br>✓ Praeclipe For Entry of Judgment of Default In Favor of The Plaintiffs and Against Defendants, DENNIS CLAIR GOSS and DENNIS VICARY. filed by s/Timothy E. Durant, Esquire Notice to Dennis Goss and Dennis Vicary No CC  | No Judge  |
| 7/16/2007 | ✓ Notice of Intent to Proceed, filed. Please be advised that I indent to proceed with this matter on behalf of the Plaintiffs, filed by s/ Timothy E. Durant Esq. No CC.   | No Judge  |
| 5/12/2008 | ✓ First Amended Complaint in Partition, filed by s/ Timothy E. Durant, Esquire. 8CC Atty. Durant   | No Judge  |
| 5/19/2008 | ✓ Answer, filed by s/ Marjorie P. Vaughn- Tubbs- Knepp, No CC  | No Judge  |
| 6/18/2008 | ✓ Affidavit of Service filed. R. Stuart Auber, Constable, served a copy of a Complaint in Partition upon Marjorie P. Knepp on May 15, 2008. Delivered to Marjorie P. Knepp. Filed by s/ Timothy E. Durant, Esquire. No CC<br>✓ Affidavit of Service filed. R. Stuart Auber, Constable, served a copy of a Complaint in Partition upon Brenda Marie Holman on May 15, 2008. Delivered to Nicole Holman. Filed by s/ Timothy E. Durant, Esquire. No CC | No Judge  |
|           | ✓ Affidavit of Service filed. R. Stuart Auber, Constable, served a copy of a Complaint in Partition upon Harold R. Vaughn on May 17, 2008. Delivered to Patty Vaughn. Filed by s/ Timothy E. Durant, Esquire. No CC  | No Judge  |
|           | ✓ R. Stuart Auber, Constable, on the 15th day of May, 2008, served a copy of a Complaint in Partition upon Harold Vaughn. Delivered to Harold Elsworth Vaughn. Filed by s/ Timothy E. Durant, Esquire. No CC   | No Judge  |
| 6/23/2008 | ✓ Praeclipe to Amend Caption, add the name of Harold Elsworth Vaughn as a Defendant. Filed by s/ Timothy E. Durant, Esquire. No CC   | No Judge  |
| 6/24/2008 | ✓ Response to First Amended Complaint in Partition, filed by s/ Harold Elsworth Vaughn, Defendant. no CC   | No Judge  |
| 6/26/2008 | ✓ Response, filed by s/ Harold R. Vaughn, Defendant. No CC   | No Judge  |
| 7/10/2008 | ✓ Response, filed by s/ Brenda Marie Vaughn Hohman. 1CC deft-Hohman.<br>✓ Response, filed by s/ Donna Joyce Vaughn Schwartz-deft. 1CC deft-Schwartz.   | No Judge  |

Current Judge: Fredric Joseph Ammerman  
Milford R. Woods, et alvs. Minnie Viola Goss, et al

CIVIL ACTION

| Date       | Judge   |
|------------|---|
| 10/30/2009 | ✓ Second Amended Complaint in Partition, filed by s/Timothy E. Durant, Esq. Seven CC Attorney Durant No Judge   |
| 11/2/2009  | ✓ Affidavit of Service, Second Amended Complaint in Partition, filed by s/Timothey E. Durant, Esq. One CC Attorney Durant No Judge  |
| 11/20/2009 | ✓ Preliminary Objections, filed by s/ Girard Kasubick, Esquire. 2CC Atty. Kasubick No Judge   |
|            | ✓ Entry of Appearance, on behalf of Marjorie Pearl Vaughn Tubbs Knepp; Harold Randall Vaughn; Brenda Marie Vaughn Hohman; Donna Joyce Vaughn Schwartz; and Timothy Mark Vaughn, enter appearance of Girard Kasubick, Esquire. Filed by s/ Girard Kasubick, Esquire. 2CC Atty. Kasubick No Judge   |
| 11/24/2009 | ✓ Certificate of Service, filed. Served a certified copy of the Praeclipe for Entry of Appearance and the Preliminary Objections by regular United States Mail on November 20, 2009 to Timothy E. Durant Esq., filed by s/ Girard Kasubick Esq. 1CC Atty Kasubick No Judge  |
| 12/15/2009 | ✓ Order this 15th day of December 2009 upon consideration of Defendant's Preliminary Objections, it is the Order of the Court that argument shall be and is hereby scheduled for the 15th day of January 2010 at 2:30 pm in courtroom no. 1. BY THE COURT: /s/ Fredric J. Ammerman, P. Judge. 3CC Atty Kasubick Fredric Joseph Ammerman         |
| 12/29/2009 | ✓ Answer to Preliminary Objections, filed by s/ Timothy E. Durant, Esquire. 3CC Atty. Durant Fredric Joseph Ammerman  |
| 12/31/2009 | ✓ Motion for Continuance, filed by Atty. Durant, 2 Cert. to Atty. Fredric Joseph Ammerman   |
| 1/5/2010   | ✓ Order, this 4th of Jan., 2010, it is Ordered that the arguments scheduled for Jan. 15 are rescheduled to Feb. 4, 2010 at 1:30 p.m. in Courtroom 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty. Durant Fredric Joseph Ammerman   |
| 1/21/2010  | ✓ Praeclipe for Withdrawal of Preliminary Objections, filed by s/ Girard Kasubick, Esquire. 3CC Atty. Kasubick Fredric Joseph Ammerman  |
|            | ✓ Answer to Second Amended Complaint in Partition and Counterclaim, filed by s/ Girard Kasubick, Esquire. 2CC Atty. Kasubick Fredric Joseph Ammerman  |
| 1/26/2010  | ✓ Certificate of Service, a copy of the Praeclipe for Withdrawal of Preliminary Objections and Answer to Second Amended Complaint in Partition and Counterclaim was served by regular mail, postage prepaid, on Jan. 21, 2010 upon Timothy E. Durant, Esquire. Filed by s/ Girard Kasubick, Esquire. 1CC Atty. Kasubick Fredric Joseph Ammerman |
| 2/8/2010   | ✓ Reply to Counterclaim to Partition Action, filed by Atty. Durant, 3 Cert. to Atty. Fredric Joseph Ammerman  |
| 3/5/2013   | ✓ Order, filed Cert. to Durant and Kasubick NOW, this 1st day of March, 2013 RE: Status Conf. scheduled for the 26th day of March Fredric Joseph Ammerman   |

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

MILFORD R. WOODS and  
TSHANA J. WOODS

Plaintiffs

vs.

NO. 03- 137 -CD

MINNIE VIOLA GOSS, a/k/a MINNIE  
VIOLA RUSSELL, ROBERT LEMOINE  
RUSSELL, CLAIR ALFRED (ABE) RUSSELL,  
THELMA ADALEE RUSSELL, a/k/a THELMA  
ADALEE GOSS, LLOYD ROBERT GOSS,  
JUDITH KATHLEEN GOSS a/k/a JUDITH  
KATHLEEN VICARY, ISABELL MAYE RUSSELL  
WADOSKY, JAMES FRANCIS RUSSELL, SR.,  
LORNA LUCILLE RUSSELL, a/k/a LORNA  
LUCILLE STONEBRAKER, all believed to  
be deceased and their cumulative heirs,  
devisees, successors, administra-  
tors, executors and assigns, and  
all other persons or entities in  
interest, known or unknown, claiming  
by, through or under them, and  
CLAIRE LEMOINE RUSSELL, DONALD  
STACEY RUSSELL, TRACY SCOTT  
RUSSELL, TIMOTHY ALFRED RUSSELL,  
JANICE LOUISE RUSSELL, a/k/a  
JANICE LOUISE AUSTIC, NANCY LYNNE  
RUSSELL, a/k/a NANCY LYNNE SINATRA,  
TERRI SUE RUSSELL, a/k/a TERRI SUE  
GRANIERI, DORIS MARY GOSS, a/k/a  
DORIS MARY BORROR, DENNIS VICARY,  
THOMAS LLOYD GOSS, DENNIS CLAIR GOSS,  
a/k/a DENNIE GOSS, ANTHONY JOSEPH  
WADOSKY, ANDREW JOSEPH WADOSKY, EILEEN  
MARIE WADOSKY a/k/a EILEEN MARIE CORSE,  
JOHN ANTHONY WADOSKY, KAREN ANN WADOSKY,  
a/k/a KAREN ANN RUSH, KENNETH PAUL  
WADOSKY, DEBRA SUE WADOSKY a/k/a DEBRA  
SUE PORTERA, CHESTER WARREN RUSSELL,  
WENDALL L. STONEBRAKER, KENNETH W.  
STONEBRAKER, JULIE ANN RUSSELL, JAMES  
FRANCIS RUSSELL, Jr. and  
JACKLYN RUSSELL

COMPLAINT IN PARTITION

Defendants

Filed on behalf of Plaintiffs:  
MILFORD R. WOODS and TSHANA J. WOODS

Counsel of Record for this  
party:

TIMOTHY E. DURANT, ESQUIRE  
Pa. I. D. No. 21352  
201 North Second Street  
Clearfield, PA 16830  
(814) 765-1711

FILED

FEB 03 2003

0/2:16 p.m.

William A. Shaw  
Prothonotary

17cc to atty

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

MILFORD R. WOODS and  
TSHANA J. WOODS

Plaintiffs

vs.

NO. 03- -CD

MINNIE VIOLA GOSS, a/k/a MINNIE  
VIOLA RUSSELL, ROBERT LEMOINE  
RUSSELL, CLAIR ALFRED (ABE) RUSSELL,  
THELMA ADALEE RUSSELL, a/k/a THELMA  
ADALEE GOSS, LLOYD ROBERT GOSS,  
JUDITH KATHLEEN GOSS a/k/a JUDITH  
KATHLEEN VICARY, ISABELL MAYE RUSSELL  
WADOSKY, JAMES FRANCIS RUSSELL, SR.,  
LORNA LUCILLE RUSSELL, a/k/a LORNA  
LUCILLE STONEBRAKER, all believed to be  
deceased and their cumulative heirs,  
devisees, successors, administrators,  
executors and assigns, and all other  
persons or entities in interest, known  
or unknown, claiming by, through or  
under them, and CLAIRE LEMOINE RUSSELL,  
DONALD STACEY RUSSELL, TRACY SCOTT  
RUSSELL, TIMOTHY ALFRED RUSSELL,  
JANICE LOUISE RUSSELL, a/k/a JANICE  
LOUISE AUSTIC, NANCY LYNNE RUSSELL,  
a/k/a NANCY LYNNE SINATRA, TERRI SUE  
RUSSELL, a/k/a TERRI SUE GRANIERI,  
DORIS MARY GOSS, a/k/a DORIS MARY BORROR,  
DENNIS VICARY, THOMAS LLOYD GOSS, DENNIS  
CLAIR GOSS, a/k/a DENNIE GOSS, ANTHONY  
JOSEPH WADOSKY, ANDREW JOSEPH WADOSKY,  
EILEEN MARIE WADOSKY a/k/a EILEEN MARIE  
CORSE, JOHN ANTHONY WADOSKY, KAREN ANN  
WADOSKY a/k/a KAREN ANN RUSH, KENNETH  
PAUL WADOSKY, DEBRA SUE WADOSKY a/k/a  
DEBRA SUE PORTERA, CHESTER WARREN  
RUSSELL, WENDALL L. STONEBRAKER, KENNETH  
W. STONEBRAKER, JULIE ANN RUSSELL, JAMES  
FRANCIS RUSSELL, Jr. and JACKLYN RUSSELL

Defendants

TO: EACH AND EVERY DEFENDANT NAMED HEREIN.

**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 and 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 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  
(814) 765-2641, Ext. 5982

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

MILFORD R. WOODS and  
TSHANA J. WOODS

Plaintiffs

vs.

NO. 03-

-CD

MINNIE VIOLA GOSS, a/k/a MINNIE  
VIOLA RUSSELL, ROBERT LEMOINE  
RUSSELL, CLAIR ALFRED (ABE) RUSSELL,  
THELMA ADALEE RUSSELL, a/k/a THELMA  
ADALEE GOSS, LLOYD ROBERT GOSS,  
JUDITH KATHLEEN GOSS a/k/a JUDITH  
KATHLEEN VICARY, ISABELL MAYE RUSSELL  
WADOSKY, JAMES FRANCIS RUSSELL, SR.,  
LORNA LUCILLE RUSSELL, a/k/a LORNA  
LUCILLE STONEBRAKER, all believed to be  
deceased and their cumulative heirs,  
devisees, successors, administrators,  
executors and assigns, and all other  
persons or entities in interest, known  
or unknown, claiming by, through or  
under them, and CLAIRE LEMOINE RUSSELL,  
DONALD STACEY RUSSELL, TRACY SCOTT  
RUSSELL, TIMOTHY ALFRED RUSSELL,  
JANICE LOUISE RUSSELL, a/k/a JANICE  
LOUISE AUSTIC, NANCY LYNNE RUSSELL,  
a/k/a NANCY LYNNE SINATRA, TERRI SUE  
RUSSELL, a/k/a TERRI SUE GRANIERI,  
DORIS MARY GOSS, a/k/a DORIS MARY BORROR,  
DENNIS VICARY, THOMAS LLOYD GOSS, DENNIS  
CLAIR GOSS, a/k/a DENNIE GOSS, ANTHONY  
JOSEPH WADOSKY, ANDREW JOSEPH WADOSKY,  
EILEEN MARIE WADOSKY a/k/a EILEEN MARIE  
CORSE, JOHN ANTHONY WADOSKY, KAREN ANN  
WADOSKY a/k/a KAREN ANN RUSH, KENNETH  
PAUL WADOSKY, DEBRA SUE WADOSKY a/k/a  
DEBRA SUE PORTERA, CHESTER WARREN RUSSELL,  
WENDALL L. STONEBRAKER, KENNETH W.  
STONEBRAKER, JULIE ANN RUSSELL, JAMES  
FRANCIS RUSSELL, Jr. and JACKLYN RUSSELL

Defendants

\*

COMPLAINT IN PARTITION

1. Plaintiffs are **MILFORD R. WOODS** and **TSHANA J. WOODS**,  
husband and wife, competent adult individuals who reside at, 129  
Iris Lane, West Decatur, Clearfield County, Pennsylvania 16878.

2. The following Defendants are all believed to be deceased

on the dates set out in parentheses following their names and unless otherwise stated to have died intestate, MINNIE VIOLA GOSS, a/k/a MINNIE VIOLA RUSSELL (April 11, 1973), ROBERT LEMOINE RUSSELL (July 14, 1980), CLAIR ALFRED (ABE) RUSSELL (March 18, 1991), THELMA ADALEE RUSSELL, a/k/a THELMA ADALEE GOSS (May 23, 1989), LLOYD ROBERT GOSS husband of THELMA ADALEE GOSS (July 11, 1989), JUDITH KATHLEEN GOSS a/k/a JUDITH KATHLEEN VICARY (December 30, 1996), ISABELL MAYE RUSSELL WADOSKY (April 11, 2000), LORNA LUCILLE RUSSELL, a/k/a LORNA LUCILLE STONEBRAKER (June 27, 1995), and JAMES FRANCIS RUSSELL, SR. (February 15, 1964).

3. All the defendants in this partition action are named and have standing as intestate heirs of MINNIE VIOLA (GOSS) RUSSELL who inherited an undivided 1/35<sup>th</sup> share in the subject parcel by virtue of being one of the seven children of JAMES M. GOSS who had inherited an undivided 1/5<sup>th</sup> share in the subject premises by virtue of being one of the 5 siblings of DANIEL GOSS.

4. MINNIE VIOLA GOSS a/k/a MINNIE VIOLA RUSSELL died on April 11, 1973 a widow, intestate, survived by 7 children and the 2 children of an 8<sup>th</sup> child who predeceased her. The 7 children who survived her were, ROBERT LEMOINE RUSSELL, ALBERT THEODORE RUSSELL, CLAIR ALFRED RUSSELL, THELMA ADALEE (RUSSELL) GOSS, ISABELL MAYE (RUSSELL) WADOSKY, CHESTER WARREN RUSSELL, and LORNA LUCILLE (RUSSELL) STONEBRAKER. The child who predeceased her was JAMES FRANCIS RUSSELL and he was survived by a wife and two children. No estate was ever raised for Minnie Viola Goss/Russell.

5. ROBERT LEMOINE RUSSELL died on July 14, 1980 a resident of

West Decatur, Clearfield County, PA a widower, intestate, without issue, and survived only by his siblings as his heirs at law. No estate was ever raised for him.

6. ALBERT THEODORE RUSSELL died a resident of Niagara Falls, NY on January 23, 1994 survived by his spouse and three children each of whom conveyed their interest in the subject premises to plaintiffs by deed dated January 28, 2002 recorded in the Clearfield County Recorder's Office as Instrument No. 2002-03001.

7. CLAIR ALFRED RUSSELL died a resident of Niagara Falls, NY on March 18, 1991 a widower, intestate, survived by the following seven children: CLAIRE LEMOINE RUSSELL, DONALD STACEY RUSSELL, TRACY SCOTT RUSSELL, TIMOTHY ALFRED RUSSELL, JANICE LOUISE RUSSELL, a/k/a JANICE LOUISE AUSTIC, NANCY LYNNE RUSSELL, a/k/a NANCY LYNNE SINATRA, TERRI SUE RUSSELL, a/k/a TERRI SUE GRANIERI.

A. CLAIRE LEMOINE RUSSELL a competent adult individual believed to reside at 421 5th Street, Niagara Falls, NY 14301.

B. DONALD STACEY RUSSELL, TRACY SCOTT RUSSELL, TIMOTHY ALFRED RUSSELL, JANICE LOUISE RUSSELL, a/k/a JANICE LOUISE AUSTIC, NANCY LYNNE RUSSELL, a/k/a NANCY LYNNE SINATRA, TERRI SUE RUSSELL, a/k/a TERRI SUE GRANIERI are all competent adult individuals believed to reside in the Niagara Falls, NY area. Plaintiffs have been in contact with CLAIRE LEMOINE RUSSELL by telephone and although he refused to disclose the addresses of his siblings he did state that they resided in the Niagara Falls area.

8. THELMA ADALEE RUSSELL, a/k/a THELMA ADALEE GOSS died on May 23, 1989 a resident of Pennsylvania, intestate, survived by her

spouse LLOYD ROBERT GOSS and the following four children: DORIS MARY GOSS, a/k/a DORIS MARY BORROR, JUDITH KATHLEEN GOSS, a/k/a JUDITH KATHLEEN VICARY, THOMAS LLOYD GOSS, DENNIS CLAIR GOSS, a/k/a DENNIE GOSS.

9. LLOYD ROBERT GOSS died on July 11, 1991 a resident of Curwensville, Pennsylvania, a widower, testate, by his will he left his entire estate to his four children named hereafter, i.e. DORIS MARY GOSS, a/k/a DORIS MARY BORROR, JUDITH KATHLEEN GOSS, a/k/a JUDITH KATHLEEN VICARY, THOMAS LLOYD GOSS, DENNIS CLAIR GOSS, a/k/a DENNIE GOSS.

A. DORIS MARY GOSS, a/k/a DORIS MARY BORROR, is a competent adult individual whose last known address was in Inwood, West Virginia.

B. THOMAS LLOYD GOSS, is a competent adult individual whose last known address was in Collinsville, Virginia.

C. DENNIS CLAIR GOSS, a/k/a DENNIE GOSS is a competent adult individual who resides at RR #1, Box 200A, Olanta, PA 16863.

D. JUDITH KATHLEEN GOSS, a/k/a JUDITH KATHLEEN VICARY died on December 30, 1996 a resident of Clearfield County, intestate, survived by her son DENNIS VICARY.

1. DENNIS VICARY is a competent adult individual who resides at RR #3, Box 584, Curwensville, PA 16833.

10. ISABELL MAYE RUSSELL WADOSKY died on April 11, 2000 a resident of N. Tonawanda, NY, intestate, survived by her spouse ANTHONY JOSEPH WADOSKY, and the following six children: ANDREW JOSEPH WADOSKY, EILEEN MARIE WADOSKY a/k/a EILEEN MARIE CORSE, JOHN

ANTHONY WADOSKY, KAREN ANN WADOSKY a/k/a KAREN ANN RUSH, KENNETH PAUL WADOSKY, DEBRA SUE WADOSKY a/k/a DEBRA SUE PORTERA.

A. ANTHONY JOSEPH WADOSKY is a competent adult individual who resides at 1191 Sherwood Avenue, North Tonawanda, NY 14120.

B. ANDREW JOSEPH WADOSKY is a competent adult individual who resides at 66 Joseph Drive, Tonawanda, NY 14150

C. EILEEN MARIE WADOSKY a/k/a EILEEN MARIE CORSE is a competent adult individual who resides at 4321 Sweet Gum Lane, Jacksonville, FL 32210.

D. JOHN ANTHONY WADOSKY is a competent adult individual who resides at 77305 Akron Road, Lockport, NY 14094.

E. KAREN ANN WADOSKY, a/k/a KAREN ANN RUSH is a competent adult individual who resides at 1575 Parker Boulevard, Tonawanda, NY 14150.

F. KENNETH PAUL WADOSKY is a competent adult individual who resides at 39 Brittany East Amburst, NY 14228.

G. DEBRA SUE WADOSKY a/k/a DEBRA SUE PORTERA is a competent adult individual who resides at 90 Pennarrow, Tonawanda, NY 14150.

11. CHESTER WARREN RUSSELL, is a competent adult individual who resides at RR #1, Box 584, Philipsburg, PA 16866.

12. LORNA LUCILLE RUSSELL, a/k/a LORNA LUCILLE STONEBRAKER died a resident of Niagara Falls, NY on June 27, 1995 a widow, intestate and survived by the following two children: WENDALL L. STONEBRAKER, and KENNETH W. STONEBRAKER.

A. WENDALL L. STONEBRAKER is a competent adult individ-

ual who resides at 623 9<sup>th</sup> Street, Niagara Falls, NY 14301.

B. KENNETH W. STONEBRAKER is a competent adult individual who resides at 1089 98<sup>th</sup> Street, Niagara Falls, NY 14301.

13. JAMES FRANCIS RUSSELL, SR. died on February 15, 1964 a resident of Pennsylvania, intestate survived by his spouse JULIA ANN RUSSELL and the following two children: JAMES FRANCIS RUSSELL and JACKLYN RUSSELL.

A. JULIA ANN RUSSELL is a competent adult individual whose present residence and whereabouts is unknown.

B. JAMES FRANCIS RUSSELL is a competent adult individual whose present residence and whereabouts is unknown.

C. JACKLYN RUSSELL is a competent adult individual who whose present residence and whereabouts is unknown.

14. The said DANIEL GOSS died intestate on or about October 13, 1927 as more fully and at large appears in Clearfield County Estate #10783. At death said DANIEL GOSS was unmarried and without issue and his heirs at law therefore were his 3 surviving siblings i.e., WILLIAM GOSS, MARY ANN GOSS HOOVER, WALTER GOSS (each of whom then resided in Clearfield County, PA); and the 7 children of a deceased brother JAMES GOSS i.e., Minnie Russell, Albert Goss, Raymond Goss, Annie Goss, Clifford Goss, Bertha Goss, Russell Goss (each of whom then resided in Clearfield County, PA); and the 3 children of his other deceased brother, JOHN W. GOSS i.e., Winifred Miller, Thornton Goss, Kenneth Goss (each of whom then resided in the State of Oregon).

15. By deed dated July, 1889 and recorded in the Clearfield

County Recorder of Deed's Office in Deed Book Volume 53 at page 100 the subject premises vested in Daniel Goss. The said premises were described as:

All that certain tract or piece of land situate in Decatur Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at an ash corner of Jonathan Kephart's land; thence by lands of Moses Owens North one hundred and ninety-eight (198) perches to black oak grub by stones; thence by residence of Jacob Goss farm east one hundred and twenty-eight (128) perches to stones; thence by line of said farm South one hundred and ninety-eight (198) perches to post on line of Jonathan Kephart; thence by land of Jonathan Kephart West one hundred and twenty-eight (128) perches to ash and place of beginning. Containing, by the survey of Mr. Fulton, one hundred and forty-nine acres, seventy-three perches in allowance.

EXCEPTING AND RESERVING out of and from the above described premises, nevertheless, the fifty acres, more or less, sold to Hesser and Hileman out of the South end of the above described premises.

ALSO EXCEPTING AND RESERVING a part thereof bounded and described as follows: Beginning at a stake on the line of Hugh Kline and Daniel Goss lands, and being 430.4 feet east of the Northwest corner of the Daniel Goss tract; thence east along line of Hugh Kline 599.2 feet to a stake on said line; thence South 436.2 feet along lands of Daniel Goss to a stake; thence West 599.2 feet along lands of Daniel Goss to stake; thence North 436.2 feet along lands of Daniel Goss to stake and place of beginning. Containing six acres, conveyed to Wilbur F. Hoover and Mary A. Hoover.

BEING the same premises conveyed by Abram B. Goss and his wife Elizabeth Goss to Daniel Goss by virtue of a deed dated July, 1889 and recorded in the Clearfield County Recorder of Deed's Office in Deed Book Volume 53 at page 100.

This property is described as 94 acres and is identified in the County Assessment records as Map No.112-N11-5. A copy of said deed is attached hereto as Exhibit "A".

16. In July 2002 the Plaintiffs contacted John E. West and requested an appraisal of the property described in ¶15 above.

17. The estimated appraised value for the real estate was \$33,000.00 as of July 8, 2002 as evidenced by the July 8, 2002 Appraisal Report prepared by John E. West, CPE, CREA, a copy of which is attached hereto and marked as Exhibit "B".

18. Plaintiff paid \$250.00 for the appraisal by John E. West.

19. At all times Plaintiffs have been ready willing and able to purchase the interest of the Defendants for a sum equal to each of the said defendants' pro-rata share of a total purchase price of \$35,000.00.

20. Defendants are all persons whose whereabouts are unknown or if their whereabouts are known they have refused to sell their interest to the Plaintiffs.

21. As of the date of the filing of this Complaint there are no liens upon this property.

22. Plaintiffs own an undivided 9555/9800<sup>ths</sup> interest in the whole and Defendants herein collectively own an undivided 245/9800<sup>ths</sup> interest in the whole as tenants in common of the premises described in ¶15 above.

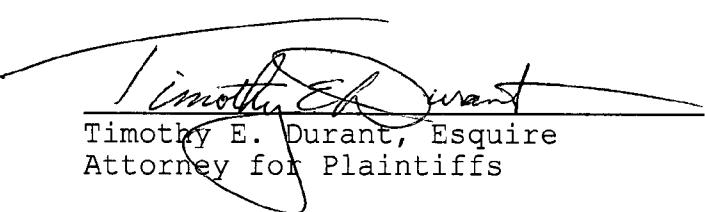
WHEREFORE, the Plaintiffs pray:

- a) the Court decree partition of the above real estate;
- b) the share or shares to which the respective parties are entitled be set out to them in severalty and that all proper and necessary conveyances and assurances be executed for carrying such partition into effect; and that, if the real estate cannot be divided without prejudice to or spoiling the whole, such proper and

necessary sale or sales of the same may be made by such persons and in such manner as the Court may direct;

- c) That the Court appoint a trustee to make a public sale of said property;
- d) That the net proceeds of the sale be divided between the Plaintiffs and Defendants in accordance with their proportion of ownership;
- e) Order that one party sell his interest to the other; or
- f) Such other and further relief as may be deemed necessary and proper.

Date: January 30, 2003

  
\_\_\_\_\_  
Timothy E. Durant, Esquire  
Attorney for Plaintiffs

VERIFICATION

We verify that the statements made in this Pleading 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.

Milford R. Woods  
Milford R. Woods

Tshana J. Woods  
Tshana J. Woods

# This Indenture, Made the

day of July in the year of our  
Lord one thousand eight hundred and eighty-nine  
Between Abraham B. Luss of Decatur Township,  
Clearfield County and State of Pennsylvania,  
and Elizabeth, his wife, of the first part, and  
Daniel Luss of the same place

of the second part: **Witnesseth**, That the said party of the first part, for and in  
consideration of the sum of four hundred, eighty-six and

36 Dollars

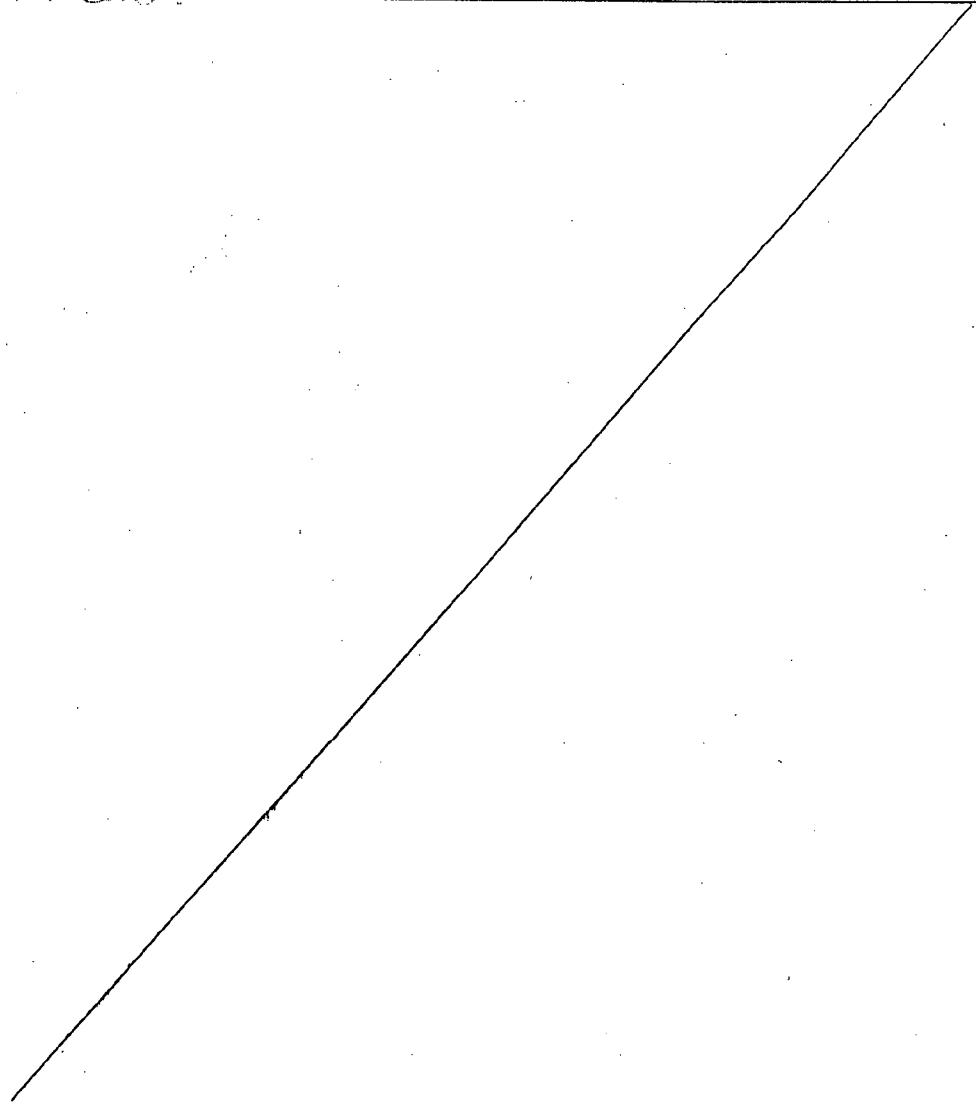
lawful money of the United States of America, well and truly paid by the said party of  
the second part to the said party of the first part, at and before the sealing and  
delivery of these presents, the receipt whereof is hereby acknowledged, have granted,  
bargained, sold, aliened, enfeoffed, released, conveyed, and confirmed, and by these presents  
do grant, bargain, sell, alien, enfeoff, release, convey, and confirm, unto the said  
party of the second part, his heirs and assigns, all that certain

tract or piece of land situated in Decatur Township, Clearfield County, and State of Pennsylvania bounded and described as follows: Beginning at an ash corner of Jonathan Kephart's land, thence by lands of Abraham Luss severis north  
one hundred and ninety-eight perches to black  
oak grub by stones, thence by residue of the Jacob Luss farm east one hundred and twenty-eight  
perches to stones, thence by line of said farm,  
south, one hundred and ninety-eight perches  
to post on line of Jonathan Kephart. thence,  
by land of Jonathan Kephart west, one hun-  
dred and twenty-eight perches to ash and  
place of beginning and containing, by the  
Survey of Mr. Hulsey, one hundred and forty-  
nine acres, seventy-three perches, and allow-  
ances.

It being a part of the same tract or piece  
of land which Jacob Luss, late of the Town-  
ship of Decatur, and county aforesaid, farmer,  
deceased in and by his last will and testa-  
ment, in writing, bearing date the eighteenth  
day of November A.D. one thousand eight  
EXHIBIT A pg. 1 of 4

hundred and fifty-nine, did give and devise  
unto the said Abram B. Gross (party hereto)  
in fee simple and by the said recited will (since  
his decease duly proved, and remaining in  
the Register's Office at Clearfield, Pennsylvania,  
recorded in Will book "B," pages one hun-  
dred sixty-one, and one hundred and  
sixty-two, no course being taken to have  
more fully and at large appear).

Exempting and reserving out of and  
from the above described premises, never-  
the less, the fifty acres more or less, sold  
by the party of the first part to Peter and  
William out of the south end of the  
above described premises, so that this  
deed conveys one hundred acres, more  
or less.



Together with all and singular, the buildings, improvements, woods, ways, rights, liberties, privileges, hereditaments, and appurtenances, to the same belonging, or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof, and of every part and parcel thereof: And also, all the estate, right, title, interest, ~~excepting & reserving the said 50 acre~~ property, possession, claim, and demand whatsoever, both in law and equity, of the said part ~~of the first part, of, in, and to the said premises, with the appurtenances:~~

~~Excepting and reserving out of and from the above described premises~~  
Nevertheless the fifty acres, more or less sold by the party of the first part to the  
gentleman out of the south end of the above described premises, so that this deed conveys 100 acres more or less.

To have and to hold the said premises, with all and singular the appurtenances, ~~excepting & reserving as above~~ unto the said party ~~of the second part, his~~ heirs and assigns, to the only proper use, benefit, and behoof of the said party ~~of the second part, his~~ heirs and assigns forever.

~~Excepting and reserving as above~~

And the said Abram B. Luss & Elizabeth, for themselves, their heirs, executors, and administrators, do — by these presents covenant, grant, and agree to and with the said party ~~of the second part, his~~ heirs and assigns forever, that they the said Abram B. Luss, and Elizabeth Luss & their heirs, all and singular the hereditaments and premises herein above described and granted, or mentioned and intended to be so, with the appurtenances, unto the said party ~~of the second part, his~~ heirs and assigns, against them the said Abram B. Luss and Elizabeth Luss & their heirs, and against all and every other person or persons, whomsoever lawfully claiming or to claim the same or any part thereof, by, from or under him her, them, or any of them shall and will by these presents

Warrant and forever Defend.

In Witness Whereof, the said party ~~of the first part to these presents have~~ hereunto set their hand and seal, Dated the day and year first above written.

Signed, Sealed and Delivered }  
IN THE PRESENCE OF }

Abram Luss

ABRAHAM L. LUS



Elizabeth L. Luss  
Mark



Received, the day of the date of the above Indenture, of the above-named Daniel B. Gross  
the sum of four hundred eighty six ~~or~~ <sup>86</sup> dollars  
purchase money in full on written Deed —

State of Pennsylvania }  
County of Clearfield } ss.

1889

On the Twenty-ninth day of July — Anno Domini 1889 before me,  
David Mease a Justice of the Peace  
in and for said County  
personally appeared the above-named Abram B. Gross and Elizabeth  
his wife

and in due form of law acknowledged the above Indenture to be their and each of their act and deed, and  
desired the same might be recorded as such; and the said Elizabeth being

of full age, and separate and apart from her said husband  
by me thereon privately examined, and the full contents of the above Deed being by me first made known unto  
her did thereupon declare and say that she did voluntarily and  
of her own free will and accord, sign, seal, and as her act and  
deed, deliver the above-written Indenture, Deed, or Conveyance, without any  
coercion or compulsion of her said husband

Witness my hand and My seal the day and year  
aforesaid.

David Mease J.P.

REC'D.

Abram B. Gross &  
Elizabeth his wife  
to  
Daniel B. Gross

No. 650 John C. Clark & Sons, Stationers, 200 Dock St., Philadelphia.

Ex. 1889  
by Abram Gross  
Tax of \$100

— Amt. due.

Recorded in the Office for Recording of Deeds in and for Clearfield  
County in Deed Book 1 No. 53  
page 101 &c.

Witness my hand and seal of Office this 3<sup>rd</sup>  
day of Aug Anno Domini 1889

D. R. Fullerton  
Recorder  
of Deeds  
of Clearfield Co.

**APPRAISAL OF**



94 Acres - Vacant Land

**LOCATED AT:**

Decatur Township, Route 970 & 2007  
West Decatur, PA, 16878

**FOR:**

Milford & Tshana Woods  
RR #1, Box 165A  
West Decatur, Pa 16878

**BORROWER:**

Milford & Tshana Woods

**AS OF:**

July 8, 2002

**APPRAISED VALUE:**

33,000

**BY:**

John E. West CPE, CREA, RL-000292-L

July 8, 2002

Tshana  
Milford & Tshana Woods  
RR #1, Box 165A  
West Decatur, Pa 16878

File Number: Woods

Dear Tshana,

In accordance with your request, I have personally inspected and appraised the real property at:

Decatur Township, Route 970 & 2007  
West Decatur, PA, 16878

The purpose of this appraisal is to estimate the market value of the subject property, as vacant.  
The property rights appraised are the fee simple interest in the site.

In my opinion, the estimated market value of the property as of July 8, 2002 is:

\$33,000  
Thirty-Three Thousand Dollars

The attached report contains the description, analysis and supportive data for the conclusions,  
final estimate of value, descriptive photographs, limiting conditions and appropriate certifications.

Sincerely Yours,



John E. West CPE, CREA, RL-000292-L

Residential Appraiser

jw

## LAND APPRAISAL REPORT

File No. Woods

|  |  |                         |                   |                      |                          |
|--|--|-------------------------|-------------------|----------------------|--------------------------|
| Property Address Decatur Township, Route 970 & 2007  |  |                         | Census Tract 3309 |                      | LENDER DISCRETIONARY USE |
| City West Decatur                                    |  | County Clearfield       | State PA          | Zip Code 16878       |                          |
| Legal Description Deed Book 2001 06723               |  |                         |                   |                      |                          |
| Owner/Occupant Milford & Tshana Woods                |  |                         |                   |                      |                          |
| Sale Price \$ N/A                                    |  | Date of Sale N/A        |                   |                      |                          |
| Loan charges/concessions to be paid by seller \$ N/A |  | Map Reference 112-N11-5 |                   |                      |                          |
| R.E. Taxes \$ 142.71                                 |  | Tax Year 2002           |                   | Fee Simple           |                          |
| Lender/Client Milford & Tshana Woods                 |  | HOA \$/Mo. None         |                   | Leashold             |                          |
| RR #1, Box 165A, West Decatur, Pa 16878              |  |                         |                   | Condominium (HUD/VA) |                          |
|  |  |                         |                   | PUD                  |                          |
|  |  |                         |                   |                      | Source                   |

|                    |                                       |  |   |                       |           |  |  |  |  |  |
|--------------------|---------------------------------------|--|---|-----------------------|-----------|--|--|--|--|--|
| LOCATION           | <input type="checkbox"/> Urban        | <input type="checkbox"/> Suburban              | <input checked="" type="checkbox"/> Rural       | NEIGHBORHOOD ANALYSIS |           |  |  |  |  |  |
| BUILT UP           | <input type="checkbox"/> Over 75%     | <input type="checkbox"/> 25-75%                | <input checked="" type="checkbox"/> Under 25%   |                       |           |  |  |  |  |  |
| GROWTH RATE        | <input type="checkbox"/> Rapid        | <input checked="" type="checkbox"/> Stable     | <input type="checkbox"/> Slow                   |                       |           |  |  |  |  |  |
| PROPERTY VALUES    | <input type="checkbox"/> Increasing   | <input checked="" type="checkbox"/> Stable     | <input type="checkbox"/> Declining              |                       |           |  |  |  |  |  |
| DEMAND/SUPPLY      | <input type="checkbox"/> Shortage     | <input checked="" type="checkbox"/> In Balance | <input type="checkbox"/> Over Supply            |                       |           |  |  |  |  |  |
| MARKETING TIME     | <input type="checkbox"/> Under 3 Mos. | <input type="checkbox"/> 3-6 Mos.              | <input checked="" type="checkbox"/> Over 6 Mos. |                       |           |  |  |  |  |  |
| PRESENT LAND USE % | LAND USE CHANGE                       |  | PREDOMINANT OCCUPANCY                           | SINGLE FAMILY HOUSING |           |  |  |  |  |  |
| Single Family      | 25%                                   | Not Likely                                     | <input checked="" type="checkbox"/> Owner       | PRICE (\$000)         | AGE (yrs) |  |  |  |  |  |
| 2-4 Family         |                                       | Likely   | <input type="checkbox"/> Tenant                 | 35 Low                | 10        |  |  |  |  |  |
| Multi-Family       |                                       | In process                                     | <input type="checkbox"/> Vacant (0-5%)          | 150 High              | 100       |  |  |  |  |  |
| Commercial         |                                       | To:  | <input type="checkbox"/> Vacant (over 5%)       | Predominant           |           |  |  |  |  |  |
| Industrial         |                                       |  |   | 65-                   | 50        |  |  |  |  |  |
| Vacant             | 75%                                   |  |   | Appeal to Market      |           |  |  |  |  |  |

Note: Race or the racial composition of the neighborhood are not considered reliable appraisal factors. COMMENTS: The neighborhood is consistent with that of Decatur Township. The Subject property is located off State highway route 970 and route 2007 runs through the property that provides lots of road frontage. There are some old dirt roads on the property that appear to have been used for timbering and strip mines.

|  |                |                                     |       |                   |            |                                     |                          |
|--|----------------|-------------------------------------|-------|-------------------|------------|-------------------------------------|--------------------------|
| Dimensions See site area.  |                |                                     |       |                   | Topography | Steep with some old mine activity   |                          |
| Site Area 94 Acres   |                |                                     |       |                   | Size       | Large for the area                  |                          |
| Zoning Classification None   |                |                                     |       |                   | Shape      | Rectangular                         |                          |
| HIGHEST & BEST USE: Present Use Yes  |                |                                     |       |                   | Drainage   | Some swampy areas                   |                          |
| SITE   | UTILITIES      | Public                              | Other | SITE IMPROVEMENTS | Type       | Public                              | Private                  |
|  | Electricity    | <input checked="" type="checkbox"/> |       | Street            | Paved      | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|  | Gas            | <input type="checkbox"/>            | None  | Curb/Gutter       | None       | <input type="checkbox"/>            | <input type="checkbox"/> |
|  | Water          | <input type="checkbox"/>            | None  | Sidewalk          | None       | <input type="checkbox"/>            | <input type="checkbox"/> |
|  | Sanitary Sewer | <input type="checkbox"/>            | None  | Street Lights     | None       | <input type="checkbox"/>            | <input type="checkbox"/> |
|  | Storm Sewer    | <input type="checkbox"/>            | None  | Alley             | None       | <input type="checkbox"/>            | <input type="checkbox"/> |
| Comments (Apparent adverse easements, encroachments, special assessments, slide areas, etc.): There has been a timbering operation and a strip mine on the property. I have no knowledge of how long ago, but it is grown up at the time of the inspection. There are still some rough areas with high walls and places where there is dumping of trash as well as some four wheeler activity. |                |                                     |       |                   |            |                                     |                          |

The undersigned has recited three recent sales of properties most similar and proximate to subject and has considered these in the market analysis. The description includes a dollar adjustment, reflecting market reaction to those items of significant variation between the subject and comparable properties. If a significant item in the comparable property is superior to, or more favorable than, the subject property, a minus (-) adjustment is made, thus reducing the indicated value of subject; if a significant item in the comparable is inferior to, or less favorable than, the subject property, a plus (+) adjustment is made, thus increasing the indicated value of the subject.

| ITEM                           | SUBJECT                          | COMPARABLE NO. 1   |                  | COMPARABLE NO. 2   |                  | COMPARABLE NO. 3   |                  |
|--------------------------------|----------------------------------|--|------------------|--|------------------|--|------------------|
| Address                        | Decatur Township<br>West Decatur | Graham Township<br>116-R7-2  |                  | Bradford Township<br>106-O7-30 & 66  |                  | Jordan Township<br>120-I14   |                  |
| Proximity to Subject           |                                  |  |                  |  |                  |  |                  |
| Sales Price                    | \$ N/A                           | \$ 50,500  |                  | \$ 94,000  |                  | \$ 56,000  |                  |
| Price/                         | \$ N/A                           | \$ 50,500  |                  | \$ 94,000  |                  | \$ 56,000  |                  |
| Data Source                    | Inspection                       | Public Record  |                  | MLS/Public Record  |                  | Public Record/Broker   |                  |
| VALUE ADJUSTMENTS              | DESCRIPTION                      | DESCRIPTION  | \$(+) Adjustment | DESCRIPTION  | \$(+) Adjustment | DESCRIPTION  | \$(+) Adjustment |
| Sales or Financing Concessions |                                  | None   |                  | None   |                  | Cash   |                  |
| Date of Sale/Time              | N/A                              | 9/99   | 2,525            | 12/19/00   |                  | 10/16/01   |                  |
| Location                       | Rural                            | Rural  |                  | Rural  |                  | Rural  |                  |
| Site/View                      | 94 Acres                         | 101.79 Acres   | -2,000           | 126.17 Acres   | -8,000           | 200 Acres  | -26,500          |
| Utilities                      | Elect.                           | Elect.   |                  | Elect.   |                  | Elect.   |                  |
| Strip mined                    | Yes                              | No   | -25,250          | No   | -47,000          | All Stripped   | 11,200           |
| Public Road                    | Lots of Frontage                 | Inferior   | 7,575            | Inferior   | 14,100           | Inferior   | -8,400           |
| Timbered                       | Yes                              | Yes  |                  | Partial  | -9,400           | Yes  |                  |
| Net Adj. (total)               |                                  | <input type="checkbox"/> + <input checked="" type="checkbox"/> - \$ 17,150 |                  | <input type="checkbox"/> + <input checked="" type="checkbox"/> - \$ 50,300 |                  | <input type="checkbox"/> + <input checked="" type="checkbox"/> - \$ 23,700 |                  |
| Indicated Value of Subject     |                                  | Gross: 74.0  |                  | Gross: 83.5  |                  | Gross: 82.3  |                  |
|                                |                                  | Net: -34.0 \$ 33,350   |                  | Net: -53.5 \$ 43,700   |                  | Net: -42.3 \$ 32,300   |                  |

Comments of Sales Comparison: See Attached Addendum.

|   |  |  |  |  |
|---|--|--|--|--|
| Comments and Conditions of Appraisal: This appraisal assumes that this parcel could be sold free and clear with a good marketable title.  |  |  |  |  |
| Final Reconciliation: The Market Approach to Value, which best reflects the actions of the buyers and sellers in the marketplace, has been given the most emphasis. The Cost and Income Approaches are not applicable in this type of assignment. |  |  |  |  |

I (WE) ESTIMATE THE MARKET VALUE, AS DEFINED, OF THE SUBJECT PROPERTY AS OF July 8, 2002 to be \$ 33,000  
I (We) certify: that to the best of my (our) knowledge and belief, the facts and data used herein are true and correct; that I (we) personally inspected the subject property and inspected all comparable sales cited in this report; and that I (we) have no undisclosed interest, present or prospective therein.

Appraiser(s)

John E. West CPE, CREA, RL-000292-L

Review Appraiser

(if applicable)

Did  Did Not  
Inspect Properly

**ADDENDUM**

|  |                                  |
|--|----------------------------------|
| Borrower: Milford & Tshana Woods                     | File No.: Woods                  |
| Property Address: Decatur Township, Route 970 & 2007 | Case No.: Milford & Tshana Woods |
| City: West Decatur                                   | State: PA                        |
| Lender: Milford & Tshana Woods                       | Zip: 16878                       |

**Comments on Sales Comparison**

A search of the Clearfield-Jefferson MLS, public records and broker files indicated that these sales are the most recent, closest, similar, closed sales available as of the date of the appraisal. The comparables chosen are considered to be good indicators of value. After variation adjustments, a value range of \$32,300 to \$43,700 is indicated. The indicated land value for the subject in it's present condition, in my opinion, would be \$33,000.00 or \$351 per Acre.

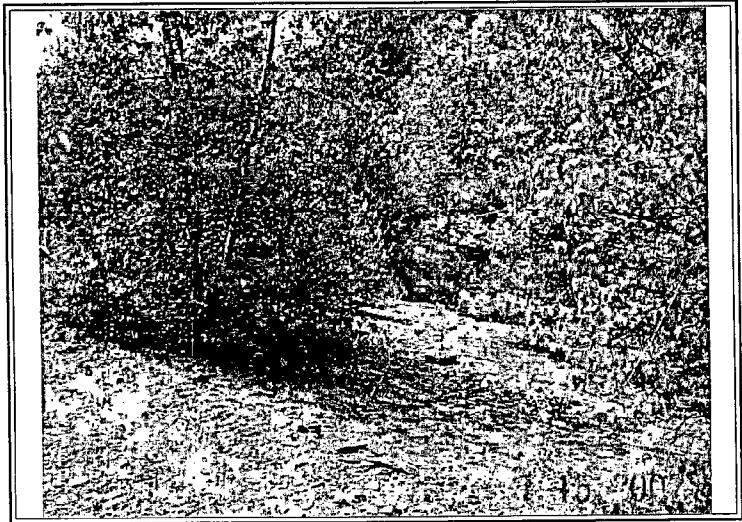
Borrower: Milford & Tshana Woods  
Property Address: Decatur Township, Route 970 & 2007  
City: West Decatur  
Lender: Milford & Tshana Woods

File No.: Woods  
Case No.: Milford & Tshana Woods  
State: PA  
Zip: 16878

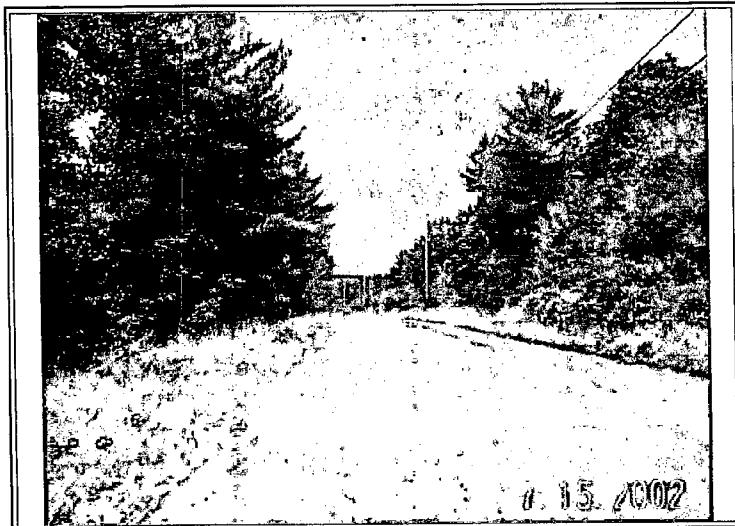


**FRONT VIEW OF  
SUBJECT PROPERTY**

Appraised Date: July 8, 2002  
Appraised Value: \$ 33,000



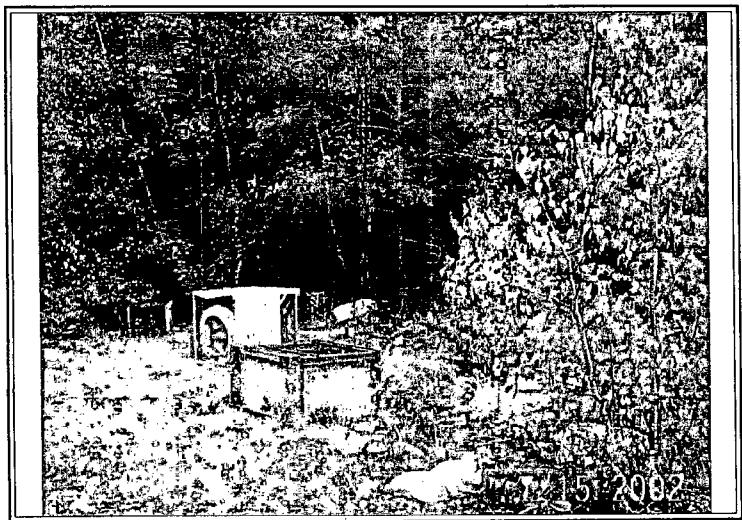
**REAR VIEW OF  
SUBJECT PROPERTY**



**STREET SCENE**

Borrower: Milford & Tshana Woods  
Property Address: Decatur Township, Route 970 & 2007  
City: West Decatur  
Lender: Milford & Tshana Woods

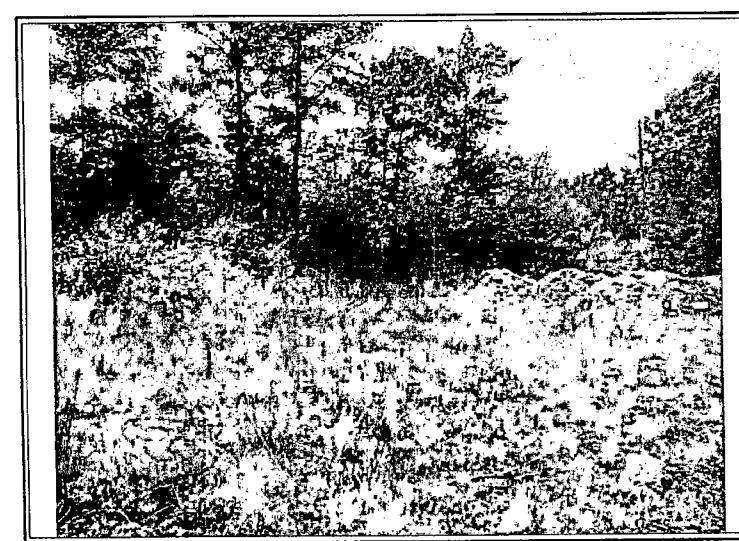
File No.: Woods  
Case No.: Milford & Tshana Woods  
State: PA  
Zip: 16878



SUBJECT PHOTO



SUBJECT PHOTO



SUBJECT PHOTO

PLAT MAP

Borrower: Milford & Tshana Woods

File No.: Woods

Property Address: Decatur Township, Route 970 & 2007

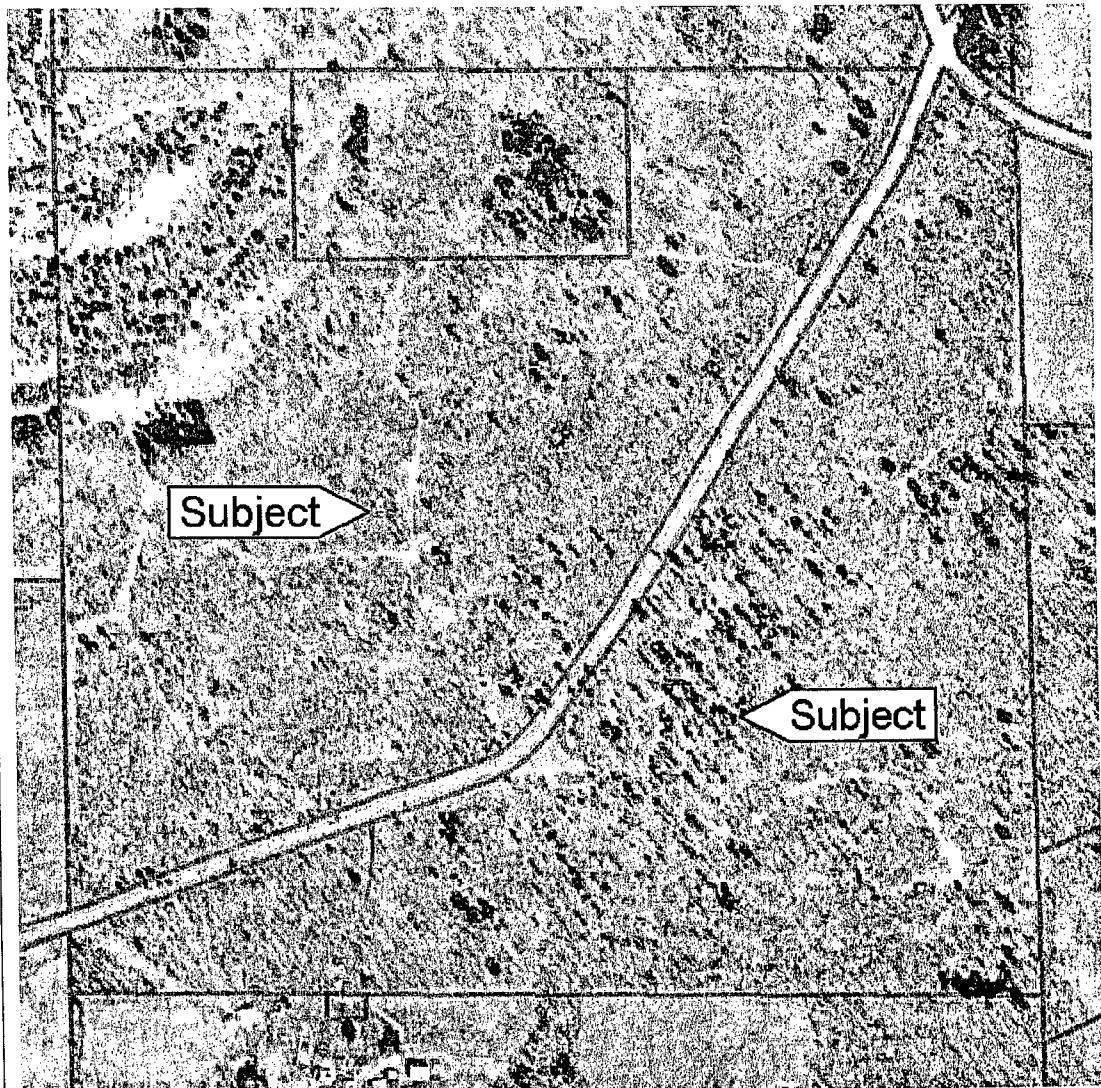
Case No.: Milford & Tshana Woods

City: West Decatur

State: PA

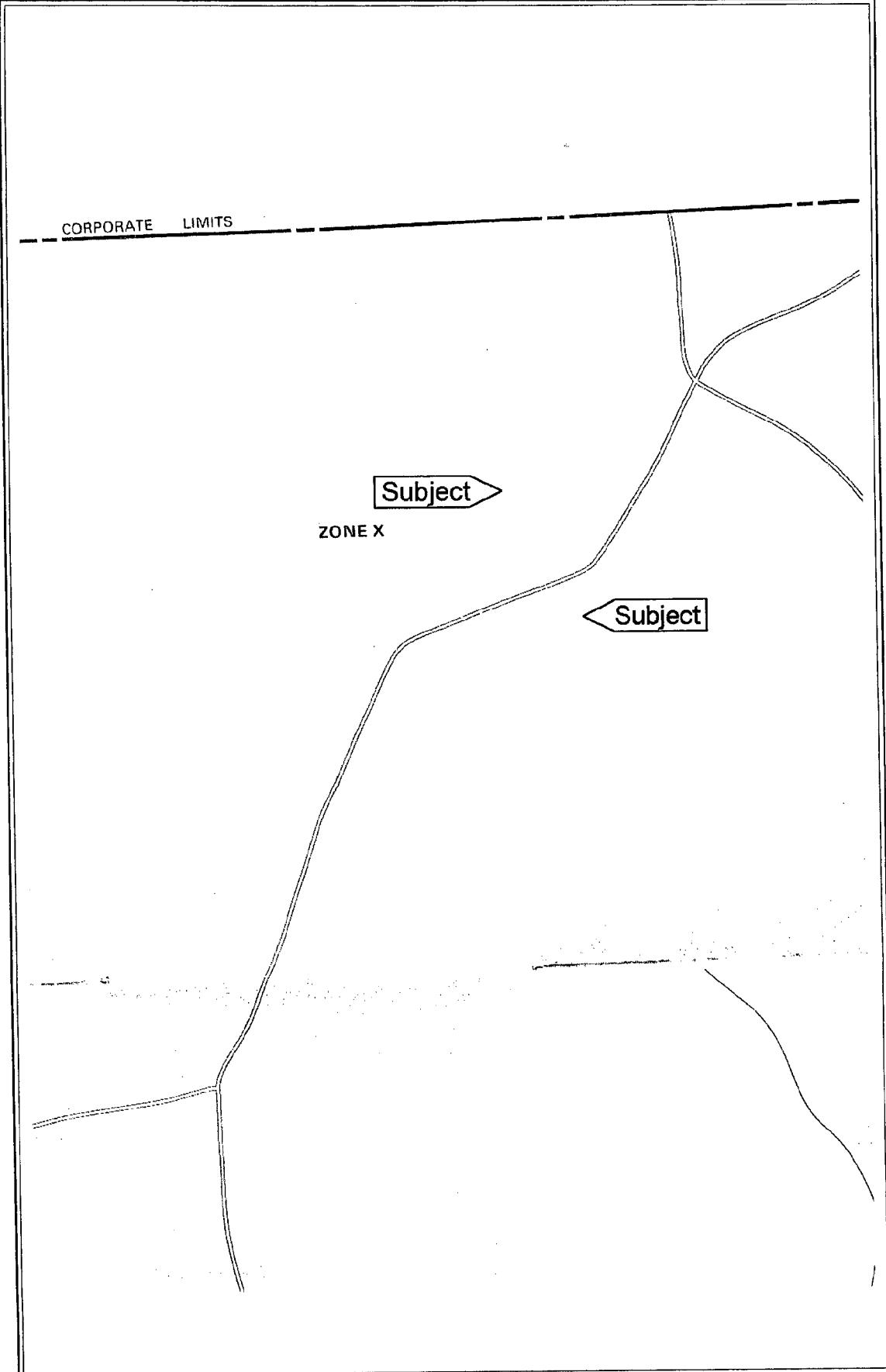
Zip: 16878

Lender: Milford & Tshana Woods



Borrower: Milford & Tshana Woods  
Property Address: Decatur Township, Route 970 & 2007  
City: West Decatur  
Lender: Milford & Tshana Woods

File No.: Woods  
Case No.: Milford & Tshana Woods  
State: PA  
Zip: 16878



**DEFINITION OF MARKET VALUE:** The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: (1) buyer and seller are typically motivated; (2) both parties are well informed or well advised, and each acting in what he considers his own best interest; (3) a reasonable time is allowed for exposure in the open market; (4) payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions\* granted by anyone associated with the sale.

\*Adjustments to the comparables must be made for special or creative financing or sales concessions. No adjustments are necessary for those costs which are normally paid by sellers as a result of tradition or law in a market area; these costs are readily identifiable since the seller pays these costs in virtually all sales transactions. Special or creative financing adjustments can be made to the comparable property by comparisons to financing terms offered by a third party institutional lender that is not already involved in the property or transaction. Any adjustment should not be calculated on a mechanical dollar for dollar cost of the financing or concession but the dollar amount of any adjustment should approximate the market's reaction to the financing or concessions based on the Appraiser's judgment.

### STATEMENT OF LIMITING CONDITIONS AND APPRAISER'S CERTIFICATION

**CONTINGENT AND LIMITING CONDITIONS:** The appraiser's certification that appears in the appraisal report is subject to the following conditions:

1. The appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it. The appraiser assumes that the title is good and marketable and, therefore, will not render any opinions about the title. The property is appraised on the basis of it being under responsible ownership.
2. The appraiser has provided a sketch in the appraisal report to show approximate dimensions of the improvements and the sketch is included only to assist the reader of the report in visualizing the property and understanding the appraiser's determination of its size.
3. The appraiser has examined the available flood maps that are provided by the Federal Emergency Management Agency (or other data sources) and has noted in the appraisal report whether the subject site is located in an identified Special Flood Hazard Area. Because the appraiser is not a surveyor, he or she makes no guarantees, express or implied, regarding this determination.
4. The appraiser will not give testimony or appear in court because he or she made an appraisal of the property in question, unless specific arrangements to do so have been made beforehand.
5. The appraiser has estimated the value of the land in the cost approach at its highest and best use and the improvements at their contributory value. These separate valuations of the land and improvements must not be used in conjunction with any other appraisal and are invalid if they are so used.
6. The appraiser has noted in the appraisal report any adverse conditions (such as, needed repairs, depreciation, the presence of hazardous wastes, toxic substances, etc.) observed during the inspection of the subject property or that he or she became aware of during the normal research involved in performing the appraisal. Unless otherwise stated in the appraisal report, the appraiser has no knowledge of any hidden or unapparent conditions of the property or adverse environmental conditions (including the presence of hazardous wastes, toxic substances, etc.) that would make the property more or less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties, express or implied, regarding the condition of the property. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because the appraiser is not an expert in the field of environmental hazards, the appraisal report must not be considered as an environmental assessment of the property.
7. The appraiser obtained the information, estimates, and opinions that were expressed in the appraisal report from sources that he or she considers to be reliable and believes them to be true and correct. The appraiser does not assume responsibility for the accuracy of such items that were furnished by other parties.
8. The appraiser will not disclose the contents of the appraisal report except as provided for in the Uniform Standards of Professional Appraisal Practice.
9. The appraiser has based his or her appraisal report and valuation conclusion for an appraisal that is subject to satisfactory completion, repairs, or alterations on the assumption that completion of the improvements will be performed in a workmanlike manner.
10. The appraiser must provide his or her prior written consent before the lender/client specified in the appraisal report can distribute the appraisal report (including conclusions about the property value, the appraiser's identity and professional designations, and references to any professional appraisal organizations or the firm with which the appraiser is associated) to anyone other than the borrower, the mortgagee or its successors and assigns; the mortgage insurer; consultants; professional appraisal organizations; any state or federally approved financial institution; or any department, agency, or instrumentality of the United States or any state or the District of Columbia; except that the lender/client may distribute the property description section of the report only to data collection or reporting service(s) without having to obtain the appraiser's prior written consent. The appraiser's written consent and approval must also be obtained before the appraisal can be conveyed by anyone to the public through advertising, public relations, news, sales, or other media.

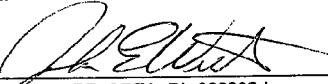
**APPRAISERS CERTIFICATION:** The Appraiser certifies and agrees that:

1. I have researched the subject market area and have selected a minimum of three recent sales of properties most similar and proximate to the subject property for consideration in the sales comparison analysis and have made a dollar adjustment when appropriate to reflect the market reaction to those items of significant variation. If a significant item in a comparable property is superior to, or more favorable than, the subject property, I have made a negative adjustment to reduce the adjusted sales price of the comparable and, if a significant item in a comparable property is inferior to, or less favorable than the subject property, I have made a positive adjustment to increase the adjusted sales price of the comparable.
2. I have taken into consideration the factors that have an impact on value in my development of the estimate of market value in the appraisal report. I have not knowingly withheld any significant information from the appraisal report and I believe, to the best of my knowledge, that all statements and information in the appraisal report are true and correct.
3. I stated in the appraisal report only my own personal, unbiased, and professional analysis, opinions, and conclusions, which are subject only to the contingent and Limiting Conditions specified in this form.
4. I have no present or prospective interest in the property that is the subject to this report, and I have no present or prospective personal interest or bias with respect to the participants in the transaction. I did not base, either partially or completely, my analysis and/or the estimate of market value in the appraisal report on the race, color, religion, sex, handicap, familial status, or national origin of either the prospective owners or occupants of the subject property or of the present owners or occupants of the properties in the vicinity of the subject property.
5. I have no present or contemplated future interest in the subject property, and neither my current or future employment nor my compensation for performing this appraisal is contingent on the appraised value of the property.
6. I was not required to report a predetermined value or direction in value that favors the cause of the client or any related party, the amount of the value estimate, the attainment of a specific result, or the occurrence of a subsequent event in order to receive my compensation and/or employment for performing the appraisal. I did not base the appraisal report on a requested minimum valuation, a specific valuation, or the need to approve a specific mortgage loan.
7. I performed this appraisal in conformity with the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place as of the effective date of this appraisal, with the exception of the departure provision of those Standards, which does not apply. I acknowledge that an estimate of a reasonable time for exposure in the open market is a condition in the definition of market value and the estimate I developed is consistent with the marketing time noted in the neighborhood section of this report, unless I have otherwise stated in the reconciliation section.
8. I have personally inspected the subject property and the exterior of all properties listed as comparables in the appraisal report. I further certify that I have noted any apparent or known adverse conditions in the subject improvements, on the subject site, or on any site within the immediate vicinity of the subject property of which I am aware and have made adjustments for these adverse conditions in my analysis of the property value to the extent that I had market evidence to support them. I have also commented about the effect of the adverse conditions on the marketability of the subject property.
9. I personally prepared all conclusions and opinions about the real estate that were set forth in the appraisal report. If I relied on significant professional assistance from any individual or individuals in the performance of the appraisal or the preparation of the appraisal report, I have named such individual(s) and disclosed the specific tasks performed by them in the reconciliation section of this appraisal report. I certify that any individual so named is qualified to perform the tasks. I have not authorized anyone to make a change to any item in the report; therefore, if an unauthorized change is made to the appraisal report, I will take no responsibility for it.

**SUPERVISORY APPRAISER'S CERTIFICATION:** If a supervisory appraiser signed the appraisal report, he or she certifies and agrees that: I directly supervise the appraiser who prepared the appraisal report, have reviewed the appraisal report, agree with the statements and conclusions of the appraiser, agree to be bound by the appraiser's certifications numbered 4 through 7 above, and am taking full responsibility for the appraisal and the appraisal report.

**ADDRESS OF PROPERTY APPRAISED:** Decatur Township, Route 970 & 2007, West Decatur, PA, 16878

**APPRAISER:**

Signature:   
Name: John E. West CPE, CREA, RL-000292-L  
Date Signed: July 22, 2002  
State Certification #: RL-000292-L  
or State License #:   
State: PA  
Expiration Date of Certification or License: June 30, 2003

**SUPERVISORY APPRAISER (only if required)**

Signature: \_\_\_\_\_  
Name: \_\_\_\_\_  
Date Signed: \_\_\_\_\_  
State Certification #: \_\_\_\_\_  
or State License #: \_\_\_\_\_  
State: \_\_\_\_\_  
Expiration Date of Certification or License: \_\_\_\_\_

Did  Did Not Inspect Property

\*\*\*\*\* INVOICE \*\*\*\*\*

File Number: Woods

July 8, 2002

Milford & Tshana Woods  
RR #1, Box 165A  
West Decatur, Pa 16878

Borrower : Milford & Tshana Woods  
Reference/Case # :

Vacant Land

Decatur Township, Route 970 & 2007  
West Decatur, PA, 16878

|                  |              |
|------------------|--------------|
| Appraisal Report | \$ 250.00    |
| Invoice Total    | \$ 250.00    |
| Deposit          | (\$ 250.00 ) |
| Amount Due       | \$ 0.00      |

Terms:

Please Make Check Payable To:

Jack West Appraisal Services  
214 East Cherry Street  
Clearfield, Pa. 16830

Fed. I.D. #: 25-1215719

THANK YOU FOR USING MY SERVICES!  
*A Division of Heimbold & Stewart, Inc.*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD, PENNSYLVANIA

MILFORD R. WOODS and  
SSHANA J. WOODS

PLAINTIFF  
VS.  
DEFENDANT  
DENNIS CLAIR GOSS, ET AL.

\*  
\*  
\*  
\* NO. 03-0137-CD  
\*  
\*  
\*  
\*

AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA:

SS:

COUNTY OF CLEARFIELD

I, R. STUART AUBER, BEING FIRST DULY SWORN AND ACCORDING TO  
LAW, DEPOSES AND SAYS:

1. THAT HE IS A CONSTABLE FOR THE COUNTY OF CLEARFIELD  
AND THE STATE OF PENNSYLVANIA, AND NOT A PARTY TO THE  
WITHIN ACTION.

2. THAT ON THE 12 DAY OF FEB, 2003, HE SERVED A  
TRUE AND CORRECT COPY OF A COMPLAINT IN PARTITION UPON  
DENNIS CLAIR GOSS, AT RR1 BOX 235,  
IN THE CITY, BORO, VILLAGE OF OLANTA, TOWNSHIP OF  
CLEARFIELD, COUNTY OF CLEARFIELD, PENNSYLVANIA,  
THE DEFENDENT NAMED IN SAID DOCUMENT, BY THEN AND THERE  
AT THE PLACE AND AND ON THE DATE NOTED ABOVE, DELIVERED TO  
JULIE GOSS (DAUGHTER) A TRUE AND CORRECT COPY OF THE  
SAID STATED DOCUMENTS. TIME OF THIS SERVICE WAS AT 1950  
HOURS.

R. Stuart Auber  
R. STUART AUBER, CONSTABLE  
215 1/2 STATE STREET  
CURWENSVILLE, PA 16833  
(814) 236-1407

FILED

FEB 14 2003

William A. Shaw  
Prothonotary

FILED

FEB 14 2003

01/11/2003  
William A. Shaw

Prothonotary

cc  
Kirk

IN THE COURT OF COMMON PLEAS OF CLEARFIELD, PENNSYLVANIA

MILFORD R. WOODS and  
TSHANA J. WOODS

PLAINTIFF  
VS  
DEFENDANT

CHESTER WARREN RUSSELL ET EL.

\* NO. 03-0137CD

AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA:

SS:

COUNTY OF CLEARFIELD

I, R. STUART AUBER, BEING FIRST DULY SWORN AND ACCORDING TO  
LAW, DEPOSES AND SAYS:

1. THAT HE IS A CONSTABLE FOR THE COUNTY OF CLEARFIELD  
AND THE STATE OF PENNSYLVANIA, AND NOT A PARTY TO THE  
WITHIN ACTION.

2. THAT ON THE 12 DAY OF FEB 2003, HE SERVED A  
TRUE AND CORRECT COPY OF A COMPLAINT IN PARTITION UPON  
CHESTER WARREN RUSSELL, AT 300 SCOTT ROAD,  
IN THE CITY, BORO, VILLAGE OF HUDSON, TOWNSHIP OF  
DECATUR, COUNTY OF CLEARFIELD, PENNSYLVANIA,  
THE DEFENDENT NAMED IN SAID DOCUMENT, BY THEN AND THERE  
AT THE PLACE AND AND ON THE DATE NOTED ABOVE, DELIVERED TO  
CHESTER WARREN RUSSELL A TRUE AND CORRECT COPY OF THE  
SAID STATED DOCUMENTS. TIME OF THIS SERVICE WAS AT 1840  
HOURS.

R. Stuart Auber

R. STUART AUBER, CONSTABLE  
215 1/2 STATE STREET  
CURWENSVILLE, PA 16833  
(814) 236-1407

**FILED**

FEB 14 2003

William A. Shaw  
Prothonotary

FILED

FEB 14 2003

2003-2-14

William A. Shaw  
Prothonotary

no cc *Get*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD, PENNSYLVANIA

MILFORD R. WOODS AND  
TSHANA J. WOODS

\*  
\*  
\*  
\*  
\*  
\*

PLAINTIFF  
VS  
DEFENDANT

\* NO. 03-0137-CD

DENNIS VICARY, ET AL.

\*

AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA:

SS:

COUNTY OF CLEARFIELD

I, R. STUART AUBER, BEING FIRST DULY SWORN AND ACCORDING TO  
LAW, DEPOSES AND SAYS:

1. THAT HE IS A CONSTABLE FOR THE COUNTY OF CLEARFIELD  
AND THE STATE OF PENNSYLVANIA, AND NOT A PARTY TO THE  
WITHIN ACTION.

2. THAT ON THE 12 DAY OF FEB, 2003, HE SERVED A  
TRUE AND CORRECT COPY OF A COMPLAINT IN PARTITION UPON  
DENNIS VICARY, AT LARSON ROAD,  
IN THE CITY, BORO, VILLAGE OF PIKE, TOWNSHIP OF PIKE,  
COUNTY OF CLEARFIELD, PENNSYLVANIA,  
THE DEFENDANT NAMED IN SAID DOCUMENT, BY THEN AND THERE  
AT THE PLACE AND AND ON THE DATE NOTED ABOVE, DELIVERED TO  
DENNIS VICARY A TRUE AND CORRECT COPY OF THE  
SAID STATED DOCUMENTS. TIME OF THIS SERVICE WAS AT 1910  
HOURS.

  
R. STUART AUBER, CONSTABLE  
215 1/2 STATE STREET  
CURWENSVILLE, PA 16833  
(814) 236-1407

FILED

FEB 14 2003

William A. Shaw  
Prothonotary

FILED

FEB 14 2003

0/117 a.m.  
William A. Shaw  
Prothonotary

no cc

REED

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

MILFORD R. WOODS and  
TSHANA J. WOODS

Plaintiffs

vs.

NO. 03-137-CD

MINNIE VIOLA GOSS, a/k/a MINNIE  
VIOLA RUSSELL, ROBERT LEMOINE  
RUSSELL, CLAIR ALFRED (ABE) RUSSELL,  
THELMA ADALEE RUSSELL, a/k/a THELMA  
ADALEE GOSS, LLOYD ROBERT GOSS,  
JUDITH KATHLEEN GOSS a/k/a JUDITH  
KATHLEEN VICARY, ISABELL MAYE RUSSELL  
WADOSKY, JAMES FRANCIS RUSSELL, SR.,  
LORNA LUCILLE RUSSELL, a/k/a LORNA  
LUCILLE STONEBRAKER, all believed to  
be deceased and their cumulative heirs,  
devisees, successors, administra-  
tors, executors and assigns, and  
all other persons or entities in  
interest, known or unknown, claiming  
by, through or under them, and  
CLAIREE LEMOINE RUSSELL, DONALD  
STACEY RUSSELL, TRACY SCOTT  
RUSSELL, TIMOTHY ALFRED RUSSELL,  
JANICE LOUISE RUSSELL, a/k/a  
JANICE LOUISE AUSTIC, NANCY LYNNE  
RUSSELL, a/k/a NANCY LYNNE SINATRA,  
TERRI SUE RUSSELL, a/k/a TERRI SUE  
GRANIERI, DORIS MARY GOSS, a/k/a  
DORIS MARY BORROR, DENNIS VICARY,  
THOMAS LLOYD GOSS, DENNIS CLAIR GOSS,  
a/k/a DENNIE GOSS, ANTHONY JOSEPH  
WADOSKY, ANDREW JOSEPH WADOSKY, EILEEN  
MARIE WADOSKY a/k/a EILEEN MARIE CORSE,  
JOHN ANTHONY WADOSKY, KAREN ANN WADOSKY,  
a/k/a KAREN ANN RUSH, KENNETH PAUL  
WADOSKY, DEBRA SUE WADOSKY a/k/a DEBRA  
SUE PORTERA, CHESTER WARREN RUSSELL,  
WENDALL L. STONEBRAKER, KENNETH W.  
STONEBRAKER, JULIE ANN RUSSELL, JAMES  
FRANCIS RUSSELL, Jr. and  
JACKLYN RUSSELL

FILED

APR 21 2003

William A. Shaw  
Prothonotary

Defendants

**AFFIDAVIT OF SERVICE**

I, TIMOTHY E. DURANT, ESQUIRE, verify that on April  
17, 2003, I did deposit in the United States First Class Mail an  
Important Notice (10 Day Notice of Default). The said Important  
Notice was sent to Defendants as follows:

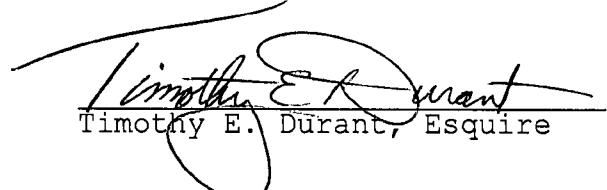
CHESTER WARREN RUSSELL  
300 Scott Road  
Philipsburg, PA 16866

DENNIS VICARY  
RR #3, Box 584  
Curwensville, PA 16833

DENNIS CLAIR GOSS  
RR #1, Box 200 A  
Olanta, PA 16863

A copy of the said Important Notice is attached hereto.

I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.



Timothy E. Durant

Timothy E. Durant, Esquire

Dated: April 17, 2003

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

MILFORD R. WOODS and  
TSHANA J. WOODS

Plaintiffs

vs.

NO. 03-137-CD

MINNIE VIOLA GOSS, a/k/a MINNIE  
VIOLA RUSSELL, ROBERT LEMOINE  
RUSSELL, CLAIR ALFRED (ABE) RUSSELL,  
THELMA ADALEE RUSSELL, a/k/a THELMA  
ADALEE GOSS, LLOYD ROBERT GOSS,  
JUDITH KATHLEEN GOSS a/k/a JUDITH  
KATHLEEN VICARY, ISABELL MAYE RUSSELL  
WADOSKY, JAMES FRANCIS RUSSELL, SR.,  
LORNA LUCILLE RUSSELL, a/k/a LORNA  
LUCILLE STONEBRAKER, all believed to  
be deceased and their cumulative heirs,  
devisees, successors, administra-  
tors, executors and assigns, and  
all other persons or entities in  
interest, known or unknown, claiming  
by, through or under them, and  
CLAIRE LEMOINE RUSSELL, DONALD  
STACEY RUSSELL, TRACY SCOTT  
RUSSELL, TIMOTHY ALFRED RUSSELL,  
JANICE LOUISE RUSSELL, a/k/a  
JANICE LOUISE AUSTIC, NANCY LYNNE  
RUSSELL, a/k/a NANCY LYNNE SINATRA,  
TERRI SUE RUSSELL, a/k/a TERRI SUE  
GRANIERI, DORIS MARY GOSS, a/k/a  
DORIS MARY BORROR, DENNIS VICARY,  
THOMAS LLOYD GOSS, DENNIS CLAIR GOSS,  
a/k/a DENNIE GOSS, ANTHONY JOSEPH  
WADOSKY, ANDREW JOSEPH WADOSKY, EILEEN  
MARIE WADOSKY a/k/a EILEEN MARIE CORSE,  
JOHN ANTHONY WADOSKY, KAREN ANN WADOSKY,  
a/k/a KAREN ANN RUSH, KENNETH PAUL  
WADOSKY, DEBRA SUE WADOSKY a/k/a DEBRA  
SUE PORTERA, CHESTER WARREN RUSSELL,  
WENDALL L. STONEBRAKER, KENNETH W.  
STONEBRAKER, JULIE ANN RUSSELL, JAMES  
FRANCIS RUSSELL, Jr. and  
JACKLYN RUSSELL

Defendants

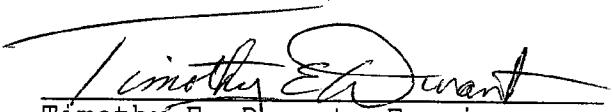
TO: CHESTER WARREN RUSSELL  
300 Scott Road  
Philipsburg, PA 16866

DATE OF NOTICE: April 17, 2003

**IMPORTANT NOTICE**

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO TAKE ACTION REQUIRED OF YOU IN THIS CASE. UNLESS YOU ACT WITHIN TEN (10) DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD TAKE THIS NOTICE TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Court Administrator  
Clearfield County Courthouse  
Second and Market Streets  
Clearfield, PA 16830  
(814) 765-2641, Ext. 5982

  
\_\_\_\_\_  
Timothy E. Durant, Esquire  
201 North Second Street  
Clearfield, PA 16830

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

MILFORD R. WOODS and  
TSHANA J. WOODS

Plaintiffs

vs.

NO. 03-137-CD

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RUSSELL, CLAIR ALFRED (ABE) RUSSELL,  
THELMA ADALEE RUSSELL, a/k/a THELMA  
ADALEE GOSS, LLOYD ROBERT GOSS,  
JUDITH KATHLEEN GOSS a/k/a JUDITH  
KATHLEEN VICARY, ISABELL MAYE RUSSELL  
WADOSKY, JAMES FRANCIS RUSSELL, SR.,  
LORNA LUCILLE RUSSELL, a/k/a LORNA  
LUCILLE STONEBRAKER, all believed to  
be deceased and their cumulative heirs,  
devisees, successors, administra-  
tors, executors and assigns, and  
all other persons or entities in  
interest, known or unknown, claiming  
by, through or under them, and  
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STACEY RUSSELL, TRACY SCOTT  
RUSSELL, TIMOTHY ALFRED RUSSELL,  
JANICE LOUISE RUSSELL, a/k/a  
JANICE LOUISE AUSTIC, NANCY LYNNE  
RUSSELL, a/k/a NANCY LYNNE SINATRA,  
TERRI SUE RUSSELL, a/k/a TERRI SUE  
GRANIERI, DORIS MARY GOSS, a/k/a  
DORIS MARY BORROR, DENNIS VICARY,  
THOMAS LLOYD GOSS, DENNIS CLAIR GOSS,  
a/k/a DENNIE GOSS, ANTHONY JOSEPH  
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JOHN ANTHONY WADOSKY, KAREN ANN WADOSKY,  
a/k/a KAREN ANN RUSH, KENNETH PAUL  
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SUE PORTERA, CHESTER WARREN RUSSELL,  
WENDALL L. STONEBRAKER, KENNETH W.  
STONEBRAKER, JULIE ANN RUSSELL, JAMES  
FRANCIS RUSSELL, Jr. and  
JACKLYN RUSSELL

Defendants

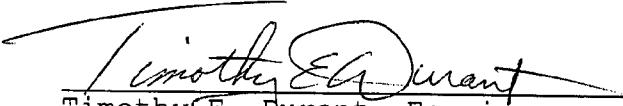
TO: DENNIS CLAIR GOSS  
RR #1, Box 200 A  
Olanta, PA 16863

DATE OF NOTICE: April 17, 2003

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YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO TAKE ACTION REQUIRED OF YOU IN THIS CASE. UNLESS YOU ACT WITHIN TEN (10) DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD TAKE THIS NOTICE TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Court Administrator  
Clearfield County Courthouse  
Second and Market Streets  
Clearfield, PA 16830  
(814) 765-2641, Ext. 5982

  
Timothy E. Durant, Esquire  
201 North Second Street  
Clearfield, PA 16830

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

MILFORD R. WOODS and  
TSHANA J. WOODS

Plaintiffs

vs.

NO. 03-137-CD

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RUSSELL, CLAIR ALFRED (ABE) RUSSELL,  
THELMA ADALEE RUSSELL, a/k/a THELMA  
ADALEE GOSS, LLOYD ROBERT GOSS,  
JUDITH KATHLEEN GOSS a/k/a JUDITH  
KATHLEEN VICARY, ISABELL MAYE RUSSELL  
WADOSKY, JAMES FRANCIS RUSSELL, SR.,  
LORNA LUCILLE RUSSELL, a/k/a LORNA  
LUCILLE STONEBRAKER, all believed to  
be deceased and their cumulative heirs,  
devisees, successors, administra-  
tors, executors and assigns, and  
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interest, known or unknown, claiming  
by, through or under them, and  
CLAIREE LEMOINE RUSSELL, DONALD  
STACEY RUSSELL, TRACY SCOTT  
RUSSELL, TIMOTHY ALFRED RUSSELL,  
JANICE LOUISE RUSSELL, a/k/a  
JANICE LOUISE AUSTIC, NANCY LYNNE  
RUSSELL, a/k/a NANCY LYNNE SINATRA,  
TERRI SUE RUSSELL, a/k/a TERRI SUE  
GRANIERI, DORIS MARY GOSS, a/k/a  
DORIS MARY BORROR, DENNIS VICARY,  
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a/k/a DENNIE GOSS, ANTHONY JOSEPH  
WADOSKY, ANDREW JOSEPH WADOSKY, EILEEN  
MARIE WADOSKY a/k/a EILEEN MARIE CORSE,  
JOHN ANTHONY WADOSKY, KAREN ANN WADOSKY,  
a/k/a KAREN ANN RUSH, KENNETH PAUL  
WADOSKY, DEBRA SUE WADOSKY a/k/a DEBRA  
SUE PORTERA, CHESTER WARREN RUSSELL,  
WENDALL L. STONEBRAKER, KENNETH W.  
STONEBRAKER, JULIE ANN RUSSELL, JAMES  
FRANCIS RUSSELL, Jr. and  
JACKLYN RUSSELL

Defendants

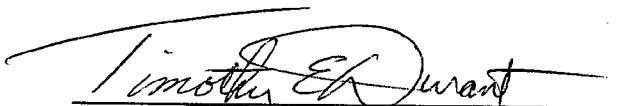
TO: DENNIS VICARY  
RR #3, Box 584  
Curwensville, PA 16833

DATE OF NOTICE: April 17, 2003

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YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO TAKE ACTION REQUIRED OF YOU IN THIS CASE. UNLESS YOU ACT WITHIN TEN (10) DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD TAKE THIS NOTICE TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Court Administrator  
Clearfield County Courthouse  
Second and Market Streets  
Clearfield, PA 16830  
(814) 765-2641, Ext. 5982

  
\_\_\_\_\_  
Timothy E. Durant, Esquire  
201 North Second Street  
Clearfield, PA 16830

FILED

1cc

O/10-24/03  
APR 21 2003  
FBI - Any Answer

William A. Shaw  
Prothonotary

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

MILFORD R. WOODS and  
TSHANA J. WOODS

Plaintiffs

vs.

NO. 03-137-CD

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VIOLA RUSSELL, ROBERT LEMOINE  
RUSSELL, CLAIR ALFRED (ABE) RUSSELL,  
THELMA ADALEE RUSSELL, a/k/a THELMA  
ADALEE GOSS, LLOYD ROBERT GOSS,  
JUDITH KATHLEEN GOSS a/k/a JUDITH  
KATHLEEN VICARY, ISABELL MAYE RUSSELL  
WADOSKY, JAMES FRANCIS RUSSELL, SR.,  
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RUSSELL, TIMOTHY ALFRED RUSSELL,  
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TERRI SUE RUSSELL, a/k/a TERRI SUE  
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THOMAS LLOYD GOSS, DENNIS CLAIR GOSS,  
a/k/a DENNIE GOSS, ANTHONY JOSEPH  
WADOSKY, ANDREW JOSEPH WADOSKY, EILEEN  
MARIE WADOSKY a/k/a EILEEN MARIE CORSE,  
JOHN ANTHONY WADOSKY, KAREN ANN WADOSKY,  
a/k/a KAREN ANN RUSH, KENNETH PAUL  
WADOSKY, DEBRA SUE WADOSKY a/k/a DEBRA  
SUE PORTERA, CHESTER WARREN RUSSELL,  
WENDALL L. STONEBRAKER, KENNETH W.  
STONEBRAKER, JULIE ANN RUSSELL, JAMES  
FRANCIS RUSSELL, Jr. and  
JACKLYN RUSSELL

Defendants

FILED

APR 29 2003

William A. Shaw  
Prothonotary

PRAECIPE FOR ENTRY OF JUDGMENT OF DEFAULT

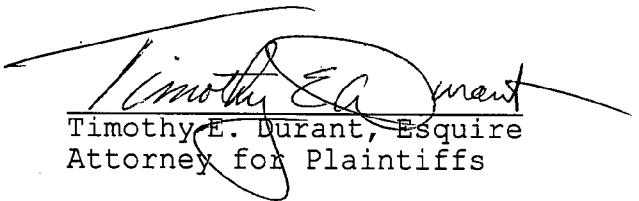
TO WILLIAM A. SHAW, PROTHONOTARY:

Enter judgment in favor of the plaintiff and against the  
defendants Dennis Clair Goss and Dennis Vicary in the above

captioned matter for failure to file an Answer to Plaintiff's Complaint in this action within the required time. The complaint contains a notice to defend within twenty days from the date of service thereof. Defendants Dennis Clair Goss and Dennis Vicary were served with the complaint on February 12, 2003 and their answer was due to be filed on or before March 4, 2003.

It is certified that a written notice of intention to file this praecipe was mailed to the defendants against whom judgment is to be entered and to their attorney of record, if any, after the default occurred and at least 10 days prior to the date of the filing of this praecipe.

Date: 4/29/03

  
\_\_\_\_\_  
Timothy E. Durant, Esquire  
Attorney for Plaintiffs

FILED

Notice to Dennis Goss

013:46654  
APR 20 2003

Notice to Dennis Vicary

No CC

William A. Shaw Atty Durant pd. 20.00  
Prothonotary

Ques

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

MILFORD R. WOODS and  
TSHANA J. WOODS

Plaintiffs

vs.

NO. 03-137-CD

CCPY

MINNIE VIOLA GOSS, a/k/a MINNIE  
VIOLA RUSSELL, ROBERT LEMOINE  
RUSSELL, CLAIR ALFRED (ABE) RUSSELL,  
THELMA ADALEE RUSSELL, a/k/a THELMA  
ADALEE GOSS, LLOYD ROBERT GOSS,  
JUDITH KATHLEEN GOSS a/k/a JUDITH  
KATHLEEN VICARY, ISABELL MAYE RUSSELL  
WADOSKY, JAMES FRANCIS RUSSELL, SR.,  
LORNA LUCILLE RUSSELL, a/k/a LORNA  
LUCILLE STONEBRAKER, all believed to  
be deceased and their cumulative heirs,  
devisees, successors, administra-  
tors, executors and assigns, and  
all other persons or entities in  
interest, known or unknown, claiming  
by, through or under them, and  
CLAIRE LEMOINE RUSSELL, DONALD  
STACEY RUSSELL, TRACY SCOTT  
RUSSELL, TIMOTHY ALFRED RUSSELL,  
JANICE LOUISE RUSSELL, a/k/a  
JANICE LOUISE AUSTIC, NANCY LYNNE  
RUSSELL, a/k/a NANCY LYNNE SINATRA,  
TERRI SUE RUSSELL, a/k/a TERRI SUE  
GRANIERI, DORIS MARY GOSS, a/k/a  
DORIS MARY BORROR, DENNIS VICARY,  
THOMAS LLOYD GOSS, DENNIS CLAIR GOSS,  
a/k/a DENNIE GOSS, ANTHONY JOSEPH  
WADOSKY, ANDREW JOSEPH WADOSKY, EILEEN  
MARIE WADOSKY a/k/a EILEEN MARIE CORSE,  
JOHN ANTHONY WADOSKY, KAREN ANN WADOSKY,  
a/k/a KAREN ANN RUSH, KENNETH PAUL  
WADOSKY, DEBRA SUE WADOSKY a/k/a DEBRA  
SUE PORTERA, CHESTER WARREN RUSSELL,  
WENDALL L. STONEBRAKER, KENNETH W.  
STONEBRAKER, JULIE ANN RUSSELL, JAMES  
FRANCIS RUSSELL, Jr. and  
JACKLYN RUSSELL

Defendants

TO: **DENNIS CLAIR GOSS**  
RR #1, Box 200 A  
Olanta, PA 16863

**NOTICE OF ENTRY OF DEFAULT JUDGMENT**

Pursuant to Pa. Rule of Civil Procedure 236, you are hereby notified  
that a JUDGEMENT BY DEFAULT has been entered against you in the above  
proceeding.

Prothonotary

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

MILFORD R. WOODS and  
TSHANA J. WOODS

Plaintiffs

vs.

NO. 03-137-CD

MINNIE VIOLA GOSS, a/k/a MINNIE  
VIOLA RUSSELL, ROBERT LEMOINE  
RUSSELL, CLAIR ALFRED (ABE) RUSSELL,  
THELMA ADALEE RUSSELL, a/k/a THELMA  
ADALEE GOSS, LLOYD ROBERT GOSS,  
JUDITH KATHLEEN GOSS a/k/a JUDITH  
KATHLEEN VICARY, ISABELL MAYE RUSSELL  
WADOSKY, JAMES FRANCIS RUSSELL, SR.,  
LORNA LUCILLE RUSSELL, a/k/a LORNA  
LUCILLE STONEBRAKER, all believed to  
be deceased and their cumulative heirs,  
devisees, successors, administra-  
tors, executors and assigns, and  
all other persons or entities in  
interest, known or unknown, claiming  
by, through or under them, and  
CLAIRE LEMOINE RUSSELL, DONALD  
STACEY RUSSELL, TRACY SCOTT  
RUSSELL, TIMOTHY ALFRED RUSSELL,  
JANICE LOUISE RUSSELL, a/k/a  
JANICE LOUISE AUSTIC, NANCY LYNNE  
RUSSELL, a/k/a NANCY LYNNE SINATRA,  
TERRI SUE RUSSELL, a/k/a TERRI SUE  
GRANIERI, DORIS MARY GOSS, a/k/a  
DORIS MARY BORROR, DENNIS VICARY,  
THOMAS LLOYD GOSS, DENNIS CLAIR GOSS,  
a/k/a DENNIE GOSS, ANTHONY JOSEPH  
WADOSKY, ANDREW JOSEPH WADOSKY, EILEEN  
MARIE WADOSKY a/k/a EILEEN MARIE CORSE,  
JOHN ANTHONY WADOSKY, KAREN ANN WADOSKY,  
a/k/a KAREN ANN RUSH, KENNETH PAUL  
WADOSKY, DEBRA SUE WADOSKY a/k/a DEBRA  
SUE PORTERA, CHESTER WARREN RUSSELL,  
WENDALL L. STONEBRAKER, KENNETH W.  
STONEBRAKER, JULIE ANN RUSSELL, JAMES  
FRANCIS RUSSELL, Jr. and  
JACKLYN RUSSELL

Defendants

TO: **DENNIS VICARY**  
RR #3, Box 584  
Curwensville, PA 16833

**NOTICE OF ENTRY OF DEFAULT JUDGMENT**

Pursuant to Pa. Rule of Civil Procedure 236, you are hereby notified  
that a JUDGEMENT BY DEFAULT has been entered against you in the above  
proceeding.

\_\_\_\_\_  
Prothonotary

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

MILFORD R. WOODS and  
TSHANA J. WOODS

Plaintiffs  
vs.

NO. 03- 137 -CD

**MINNIE VIOLA GOSS** a/k/a **MINNIE VIOLA RUSSELL**, ROBERT LEMOINE RUSSELL, CLAIR ALFRED (ABE) RUSSELL, THELMA ADALEE RUSSELL, a/k/a **THELMA ADALEE GOSS**, LLOYD ROBERT GOSS, JUDITH KATHLEEN GOSS a/k/a **JUDITH KATHLEEN VICARY**, ISABELL MAYE RUSSELL WADOSKY, JAMES FRANCIS RUSSELL, SR., LORNA LUCILLE RUSSELL, a/k/a **LORNA LUCILLE STONEBRAKER**, all believed to be deceased and their cumulative heirs, devisees, successors, administrators, executors and assigns, and all other persons or entities in interest, known or unknown, claiming by, through or under them, and **CLAIRE LEMOINE RUSSELL**, **DONALD STACEY RUSSELL**, **TRACY SCOTT RUSSELL**, **TIMOTHY ALFRED RUSSELL**, **JANICE LOUISE RUSSELL**, a/k/a **JANICE LOUISE AUSTIC**, **NANCY LYNNE RUSSELL**, a/k/a **NANCY LYNNE SINATRA**, **TERRI SUE RUSSELL**, a/k/a **TERRI SUE GRANIERI**, **DORIS MARY GOSS**, a/k/a **DORIS MARY BORROR**, **DENNIS VICARY**, **THOMAS LLOYD GOSS**, **DENNIS CLAIR GOSS**, a/k/a **DENNIE GOSS**, **ANTHONY JOSEPH WADOSKY**, **ANDREW JOSEPH WADOSKY**, **EILEEN MARIE WADOSKY** a/k/a **EILEEN MARIE CORSE**, **JOHN ANTHONY WADOSKY**, **KAREN ANN WADOSKY**, a/k/a **KAREN ANN RUSH**, a/k/a **KAREN A. ROLAND**, **KENNETH PAUL WADOSKY**, **DEBRA SUE WADOSKY** a/k/a **DEBRA SUE PORTERA**, **CHESTER WARREN RUSSELL**, **WENDALL L. STONEBRAKER**, **KENNETH W. STONEBRAKER**, **JULIE ANN RUSSELL**, **JAMES FRANCIS RUSSELL**, Jr. and **JACKLYN RUSSELL**: **ALBERT GOSS** a/k/a **ALBERT W. "JUMMY" GOSS**, **WILLIAM C. GOSS**, and **JENNIE M. (GOSS) VAUGHN** the four persons named immediately previous hereto are all believed to be deceased and their cumulative heirs, devisees, successors, administrators, executors and assigns, and all other persons or entities in interest, known or unknown, claiming by, through or under them, and **MARJORIE PEARL VAUGHN TUBBS KNEPP**, **HAROLD RANDALL VAUGHN**, **BRENDA MARIE VAUGHN HOHMAM**, **DONNA JOYCE VAUGHN SCHWARTZ**, and **TIMOTHY MARK VAUGHN**

## Defendants

**FILED**

JUL 16 2007

0110-3614  
William A. Shaw  
Notary/Clerk of Courts

no cent (or n)

**NOTICE OF INTENT TO PROCEED**

To the Prothonotary:

Please be advised that I intend to proceed with this matter on behalf of the Plaintiffs.

Dated: July 16, 2007

Timothy E. Durant, Esquire  
Attorney for Plaintiffs'

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

MILFORD R. WOODS and  
TSHANA J. WOODS

Plaintiffs

vs.

NO. 03- 137 -CD

MINNIE VIOLA GOSS, a/k/a MINNIE  
VIOLA RUSSELL, ROBERT LEMOINE  
RUSSELL, CLAIR ALFRED (ABE) RUSSELL,  
THELMA ADALEE RUSSELL, a/k/a THELMA  
ADALEE GOSS, LLOYD ROBERT GOSS, p  
JUDITH KATHLEEN GOSS a/k/a JUDITH  
KATHLEEN VICARY, ISABELL MAYE RUSSELL  
WADOSKY, JAMES FRANCIS RUSSELL, SR.,  
LORNA LUCILLE RUSSELL, a/k/a LORNA  
LUCILLE STONEBRAKER, all believed to be  
deceased and their cumulative heirs,  
devisees, successors, administrators,  
executors and assigns, and  
all other persons or entities in  
interest, known or unknown, claiming  
by, through or under them, and  
CLAIRE LEMOINE RUSSELL, DONALD  
STACEY RUSSELL, TRACY SCOTT  
RUSSELL, TIMOTHY ALFRED RUSSELL,  
JANICE LOUISE RUSSELL, a/k/a  
JANICE LOUISE AUSTIC, NANCY LYNNE  
RUSSELL, a/k/a NANCY LYNNE SINATRA,  
TERRI SUE RUSSELL, a/k/a TERRI SUE  
GRANIERI, DORIS MARY GOSS, a/k/a  
DORIS MARY BORROR, DENNIS VICARY,  
THOMAS LLOYD GOSS, DENNIS CLAIR GOSS,  
a/k/a DENNIE GOSS, ANTHONY JOSEPH  
WADOSKY, ANDREW JOSEPH WADOSKY, EILEEN  
MARIE WADOSKY a/k/a EILEEN MARIE CORSE,  
JOHN ANTHONY WADOSKY, KAREN ANN WADOSKY,  
a/k/a KAREN ANN RUSH, a/k/a KAREN A.  
ROLAND, KENNETH PAUL WADOSKY, DEBRA SUE  
WADOSKY a/k/a DEBRA SUE PORTERA, CHESTER  
WARREN RUSSELL, WENDALL L. STONEBRAKER,  
KENNETH W. STONEBRAKER, JULIE ANN RUSSELL,  
JAMES FRANCIS RUSSELL, Jr. and JACKLYN  
RUSSELL: ALBERT GOSS a/k/a ALBERT W.  
"JUMMY" GOSS, WILLIAM C. GOSS, JENNIE M.  
(GOSS) VAUGHN the four persons named  
immediately previous hereto are all believed  
to be deceased and their cumulative heirs,  
devisees, successors, administrators,  
executors and assigns, and all other persons  
or entities in interest, known or unknown,  
claiming by, through or under them, and  
MARJORIE PEARL VAUGHN TUBBS KNEPP, HAROLD  
RANDALL VAUGHN, BRENDA MARIE VAUGHN HOHMAM,  
DONNA JOYCE VAUGHN SCHWARTZ, and TIMOTHY  
MARK VAUGHN

FIRST AMENDED  
COMPLAINT IN PARTITION

Defendants

Filed on behalf of Plaintiffs:  
MILFORD R. WOODS and TSHANA J. WOODS  
Counsel of Record for them:

TIMOTHY E. DURANT, ESQUIRE  
Pa. I. D. No. 21352  
201 North Second Street  
Clearfield, PA 16830  
(814) 765-1711

FILED 8cc  
01/10/08 GJ  
MAY 12 2008 Atty Durant

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

MILFORD R. WOODS and  
TSHANA J. WOODS

Plaintiffs

vs.

NO. 03- 137 -CD

MINNIE VIOLA GOSS a/k/a MINNIE VIOLA RUSSELL,  
ROBERT LEMOINE RUSSELL, CLAIR ALFRED (ABE)  
RUSSELL, THELMA ADALEE RUSSELL, a/k/a THELMA  
ADALEE GOSS, LLOYD ROBERT GOSS, JUDITH  
KATHLEEN GOSS a/k/a JUDITH KATHLEEN VICARY,  
ISABELL MAYE RUSSELL WADOSKY, JAMES FRANCIS  
RUSSELL, SR., LORNA LUCILLE RUSSELL, a/k/a  
LORNA LUCILLE STONEBRAKER, all believed to be  
deceased and their cumulative heirs, devisees  
, successors, administrators, executors and  
assigns, and all other persons or entities  
in interest, known or unknown, claiming by,  
through or under them, and CLAIRE LEMOINE  
RUSSELL, DONALD STACEY RUSSELL, TRACY SCOTT  
RUSSELL, TIMOTHY ALFRED RUSSELL, JANICE LOUISE  
RUSSELL, a/k/a JANICE LOUISE AUSTIC, NANCY  
LYNNE RUSSELL, a/k/a NANCY LYNNE SINATRA,  
TERRI SUE RUSSELL, a/k/a TERRI SUE GRANIERI,  
DORIS MARY GOSS, a/k/a DORIS MARY BORROR,  
DENNIS VICARY, THOMAS LLOYD GOSS, DENNIS  
CLAIR GOSS, a/k/a DENNIE GOSS, ANTHONY JOSEPH  
WADOSKY, ANDREW JOSEPH WADOSKY, EILEEN MARIE  
WADOSKY a/k/a EILEEN MARIE CORSE, JOHN  
ANTHONY WADOSKY, KAREN ANN WADOSKY, a/k/a  
KAREN ANN RUSH, a/k/a KAREN A. ROLAND,  
KENNETH PAUL WADOSKY, DEBRA SUE WADOSKY a/k/a  
DEBRA SUE PORTERA, CHESTER WARREN RUSSELL,  
WENDALL L. STONEBRAKER, KENNETH W. STONEBRAKER  
, JULIE ANN RUSSELL, JAMES FRANCIS RUSSELL,  
Jr. and JACKLYN RUSSELL: **ALBERT GOSS** a/k/a  
**ALBERT W. "JUMMY" GOSS**, WILLIAM C. GOSS, and  
JENNIE M. (GOSS) VAUGHN the four persons  
named immediately previous hereto are all  
believed to be deceased and their cumulative  
heirs, devisees, successors, administrators,  
executors and assigns, and all other persons  
or entities in interest, known or unknown,  
claiming by, through or under them, and  
MARJORIE PEARL VAUGHN TUBBS KNEPP, HAROLD  
RANDALL VAUGHN, BRENDA MARIE VAUGHN HOHMAN,  
DONNA JOYCE VAUGHN SCHWARTZ, and TIMOTHY MARK  
VAUGHN

**FIRST AMENDED  
COMPLAINT IN PARTITION**

Defendants

TO: EACH AND EVERY DEFENDANT NAMED HEREIN.

**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

filng 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 and 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 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  
(814) 765-2641, Ext. 5982

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

MILFORD R. WOODS and  
TSHANA J. WOODS

Plaintiffs

vs.

NO. 03- 137 -CD

MINNIE VIOLA GOSS a/k/a MINNIE VIOLA RUSSELL, \*  
ROBERT LEMOINE RUSSELL, CLAIR ALFRED (ABE) \*  
RUSSELL, THELMA ADALEE RUSSELL, a/k/a THELMA \*  
ADALEE GOSS, LLOYD ROBERT GOSS, JUDITH \*  
KATHLEEN GOSS a/k/a JUDITH KATHLEEN VICARY, \*  
ISABELL MAYE RUSSELL WADOSKY, JAMES FRANCIS \*  
RUSSELL, SR., LORNA LUCILLE RUSSELL, a/k/a \*  
LORNA LUCILLE STONEBRAKER, all believed to be \*  
deceased and their cumulative heirs, devisees, \*  
successors, administrators, executors and \*  
assigns, and all other persons or entities \*  
in interest, known or unknown, claiming by, \*  
through or under them, and CLAIRE LEMOINE \*  
RUSSELL, DONALD STACEY RUSSELL, TRACY SCOTT \*  
RUSSELL, TIMOTHY ALFRED RUSSELL, JANICE LOUISE \*  
RUSSELL, a/k/a JANICE LOUISE AUSTIC, NANCY \*  
LYNNE RUSSELL, a/k/a NANCY LYNNE SINATRA, \*  
TERRI SUE RUSSELL, a/k/a TERRI SUE GRANIERI, \*  
DORIS MARY GOSS, a/k/a DORIS MARY BORROR, \*  
DENNIS VICARY, THOMAS LLOYD GOSS, DENNIS \*  
CLAIR GOSS, a/k/a DENNIE GOSS, ANTHONY JOSEPH \*  
WADOSKY, ANDREW JOSEPH WADOSKY, EILEEN MARIE \*  
WADOSKY a/k/a EILEEN MARIE CORSE, JOHN \*  
ANTHONY WADOSKY, KAREN ANN WADOSKY, a/k/a \*  
KAREN ANN RUSH, a/k/a KAREN A. ROLAND, \*  
KENNETH PAUL WADOSKY, DEBRA SUE WADOSKY a/k/a \*  
DEBRA SUE PORTERA, CHESTER WARREN RUSSELL, \*  
WENDALL L. STONEBRAKER, KENNETH W. STONEBRAKER, \*  
JULIE ANN RUSSELL, JAMES FRANCIS RUSSELL, \*  
Jr. and JACKLYN RUSSELL: ALBERT GOSS a/k/a \*  
ALBERT W. "JUMMY" GOSS, WILLIAM C. GOSS, and \*  
JENNIE M. (GOSS) VAUGHN the four persons \*  
named immediately previous hereto are all \*  
believed to be deceased and their cumulative \*  
heirs, devisees, successors, administrators, \*  
executors and assigns, and all other persons \*  
or entities in interest, known or unknown, \*  
claiming by, through or under them, and \*  
MARJORIE PEARL VAUGHN TUBBS KNEPP, HAROLD \*  
RANDALL VAUGHN, BRENDA MARIE VAUGHN HOHMAM, \*  
DONNA JOYCE VAUGHN SCHWARTZ, and TIMOTHY MARK \*  
VAUGHN \*

Defendants

FIRST AMENDED COMPLAINT IN PARTITION

This Amended Complaint is filed for the purpose of adding additional parties and updating information about the defendants as has become available to Plaintiffs since the initial complaint was filed with this court on February 3, 2003.

1. Plaintiffs are **MILFORD R. WOODS** and **TSHANA J. WOODS**, husband and wife, competent adult individuals who presently reside at, 3228 Morgan Run Road, West Decatur, Clearfield County, Pennsylvania 16878.

2. The following Defendants are all believed to be deceased on the dates set out in parentheses following their names and unless otherwise stated they are believed to have died intestate: MINNIE VIOLA GOSS, a/k/a MINNIE VIOLA RUSSELL (April 11, 1973), ROBERT LEMOINE RUSSELL (July 14, 1980), CLAIR ALFRED (ABE) RUSSELL (March 18, 1991), THELMA ADALEE RUSSELL, a/k/a THELMA ADALEE GOSS (May 23, 1989), LLOYD ROBERT GOSS husband of THELMA ADALEE GOSS (July 11, 1989), JUDITH KATHLEEN GOSS a/k/a JUDITH KATHLEEN VICARY (December 30, 1996), ISABELL MAYE RUSSELL WADOSKY (April 11, 2000), LORNA LUCILLE RUSSELL, a/k/a LORNA LUCILLE STONEBRAKER (June 27, 1995), JAMES FRANCIS RUSSELL, SR. (February 15, 1964); ALBERT GOSS a/k/a ALBERT W. "JUMMY" GOSS (July 6, 1958), WILLIAM C. GOSS (March 13, 1998), and JENNIE M. (GOSS) VAUGHN (January 21, 2003).

3. All the defendants in this partition action are named and have standing as intestate heirs either of, MINNIE VIOLA (GOSS) RUSSELL or ALBERT GOSS a/k/a ALBERT W. "JUMMY" GOSS. MINNIE and ALBERT each inherited an undivided 1/35<sup>th</sup> share in the subject parcel by virtue of being one of the seven children of JAMES GOSS who in turn had inherited an undivided 1/5<sup>th</sup> share in the subject premises by virtue of being one of the 5 siblings of DANIEL GOSS as set out hereafter.

4. MINNIE VIOLA GOSS a/k/a MINNIE VIOLA RUSSELL died on April

11, 1973 a widow, intestate, survived by 7 children and the 2 children of an 8<sup>th</sup> child who predeceased her. The 7 children who survived her were, ROBERT LEMOINE RUSSELL, ALBERT THEODORE RUSSELL, CLAIR ALFRED RUSSELL, THELMA ADALEE (RUSSELL) GOSS, ISABELL MAYE (RUSSELL) WADOSKY, CHESTER WARREN RUSSELL, and LORNA LUCILLE (RUSSELL) STONEBRAKER. The child who predeceased her was JAMES FRANCIS RUSSELL and he was survived by a wife and two children. No estate was ever raised for Minnie Viola Goss/Russell.

5. ROBERT LEMOINE RUSSELL died on July 14, 1980 a resident of West Decatur, Clearfield County, PA a widower, intestate, without issue, and survived only by his siblings as his heirs at law. No estate was ever raised for him.

6. ALBERT THEODORE RUSSELL died a resident of Niagara Falls, NY on January 23, 1994 survived by his spouse and three children each of whom conveyed their interest in the subject premises to plaintiffs by deed dated January 28, 2002 recorded in the Clearfield County Recorder's Office as Instrument No. 2002-03001.

7. CLAIR ALFRED RUSSELL died a resident of Niagara Falls, NY on March 18, 1991 a widower, intestate, survived by the following seven children: CLAIRE LEMOINE RUSSELL, DONALD STACEY RUSSELL, TRACY SCOTT RUSSELL, TIMOTHY ALFRED RUSSELL, JANICE LOUISE RUSSELL, a/k/a JANICE LOUISE AUSTIC, NANCY LYNNE RUSSELL, a/k/a NANCY LYNNE SINATRA, TERRI SUE RUSSELL, a/k/a TERRI SUE GRANIERI.

A. CLAIRE LEMOINE RUSSELL is a competent adult individual believed to reside at 421 5th Street, Niagara Falls, NY 14301. Plaintiffs have been in contact with CLAIRE LEMOINE RUSSELL by

telephone and although he refused to disclose the addresses of his siblings he did state that they resided in the Niagara Falls area.

B. JANICE LOUISE RUSSELL, a/k/a JANICE LOUISE AUSTIC is a competent adult individual believed to reside at 4448 E. Bates Road, Trumansburg, NY 14886.

C. DONALD STACEY RUSSELL is a competent adult individual believed to reside at 19 D Street, Niagara Falls, NY 14303.

D. TRACY SCOTT RUSSELL, is a competent adult individual believed to reside in the Niagara Falls, NY area.

E. TIMOTHY ALFRED RUSSELL, is a competent adult individual believed to reside in the Niagara Falls, NY area.

F. NANCY LYNNE RUSSELL, a/k/a NANCY LYNNE SINATRA, is a competent adult individual believed to reside in the Niagara Falls, NY area.

G. TERRI SUE RUSSELL, a/k/a TERRI SUE GRANIERI is a competent adult individual believed to reside in the Niagara Falls, NY area.

8. THELMA ADALEE RUSSELL, a/k/a THELMA ADALEE GOSS died on May 23, 1989 a resident of Pennsylvania, intestate, survived by her spouse LLOYD ROBERT GOSS and the following four children: DORIS MARY GOSS, a/k/a DORIS MARY BORROR, JUDITH KATHLEEN GOSS, a/k/a JUDITH KATHLEEN VICARY, THOMAS LLOYD GOSS, DENNIS CLAIR GOSS, a/k/a DENNIE GOSS.

9. LLOYD ROBERT GOSS died on July 11, 1991 a resident of Curwensville, Pennsylvania, a widower, testate, by his will he left his entire estate to his four children named hereafter, i.e. DORIS

MARY GOSS, a/k/a DORIS MARY BORROR, JUDITH KATHLEEN GOSS, a/k/a JUDITH KATHLEEN VICARY, THOMAS LLOYD GOSS, DENNIS CLAIR GOSS, a/k/a DENNIE GOSS.

A. DORIS MARY GOSS, a/k/a DORIS MARY BORROR, is a competent adult individual whose last known address as of 1991 was in Inwood, West Virginia.

B. THOMAS LLOYD GOSS, is a competent adult individual whose last known address as of 1991 was in Collinsville, Virginia.

C. DENNIS CLAIR GOSS, a/k/a DENNIE GOSS is a competent adult individual who resides at RR #1, Box 200A, Olanta, PA 16863.

D. JUDITH KATHLEEN GOSS, a/k/a JUDITH KATHLEEN VICARY died on December 30, 1996 a resident of Clearfield County, intestate, survived by her son DENNIS VICARY who is her sole heir at law.

D-a.) DENNIS VICARY is a competent adult individual who resides at RR #3, Box 584, Curwensville, PA 16833.

10. ISABELL MAYE RUSSELL WADOSKY died on April 11, 2000 a resident of N. Tonawanda, NY, intestate, survived by her spouse ANTHONY JOSEPH WADOSKY, and the following six children: ANDREW JOSEPH WADOSKY, EILEEN MARIE WADOSKY a/k/a EILEEN MARIE CORSE, JOHN ANTHONY WADOSKY, KAREN ANN WADOSKY a/k/a KAREN ANN RUSH, KENNETH PAUL WADOSKY, DEBRA SUE WADOSKY a/k/a DEBRA SUE PORTERA.

A. ANTHONY JOSEPH WADOSKY is a competent adult individual who resides at 1191 Sherwood Avenue, North Tonawanda, NY 14120.

B. ANDREW JOSEPH WADOSKY is a competent adult individual who resides at 166 Joseph Drive, Tonawanda, NY 14150

C. EILEEN MARIE WADOSKY a/k/a EILEEN MARIE CORSE is a competent adult individual who resides at 4321 Sweet Gum Lane, Jacksonville, FL 32210.

D. JOHN ANTHONY WADOSKY is a competent adult individual who resides at 77305 Akron Road, Lockport, NY 14094.

E. KAREN ANN WADOSKY, a/k/a KAREN ANN RUSH a/k/a KAREN A. ROLAND is a competent adult individual who resides at either 1575 Parker Boulevard, Tonawanda, NY 14150 or 50 Pinewoods Avenue, Tonawanda, NY 14150.

F. KENNETH PAUL WADOSKY is a competent adult individual who resides at 39 Brittany Drive, Amherst, NY 14228.

G. DEBRA SUE WADOSKY a/k/a DEBRA SUE PORTERA is a competent adult individual who resides at 90 Pennarrow, Tonawanda, NY 14150.

11. CHESTER WARREN RUSSELL, is a competent adult individual who resides at 300 Scott Lane, Philipsburg, Clearfield County, PA 16866.

12. LORNA LUCILLE RUSSELL, a/k/a LORNA LUCILLE STONEBRAKER died a resident of Niagara Falls, NY on June 27, 1995 a widow, intestate and survived by the following two children: WENDALL L. STONEBRAKER, and KENNETH W. STONEBRAKER.

A. WENDALL L. STONEBRAKER is a competent adult individual who resides at 623 9<sup>th</sup> Street, Niagara Falls, NY 14301.

B. KENNETH W. STONEBRAKER is a competent adult individual who resides at 1089 98<sup>th</sup> Street, Niagara Falls, NY 14304-2865.

13. JAMES FRANCIS RUSSELL, SR. died on February 15, 1964 a

resident of Pennsylvania, intestate survived by his spouse JULIA ANN RUSSELL and the following two children: JAMES FRANCIS RUSSELL and JACKLYN RUSSELL.

A. JULIA ANN RUSSELL is a competent adult individual whose present residence and whereabouts is unknown.

B. JAMES FRANCIS RUSSELL is a competent adult individual whose present residence and whereabouts is unknown.

C. JACKLYN RUSSELL is a competent adult individual who whose present residence and whereabouts is unknown.

14. The said DANIEL GOSS died intestate on or about October 13, 1927 as more fully and at large appears in Clearfield County Estate #10783. At death said DANIEL GOSS was unmarried and without issue and his heirs at law therefore were his 3 surviving siblings i.e., WILLIAM GOSS, MARY ANN GOSS HOOVER, WALTER GOSS (each of whom then resided in Clearfield County, PA); and the 7 children of a deceased brother JAMES GOSS i.e., Minnie Russell, Albert Goss, a/k/a Albert W. "Jummy" Goss, Raymond Goss, Annie Goss, Clifford Goss, Bertha Goss, Russell Goss (each of whom then resided in Clearfield County, PA); and the 3 children of his other deceased brother, JOHN W. GOSS i.e., Winifred Miller, Thornton Goss, Kenneth Goss (each of whom then resided in the State of Oregon).

15. By deed dated July, 1889 and recorded in the Clearfield County Recorder of Deed's Office in Deed Book Volume 53 at page 100 the subject premises vested in Daniel Goss. The said premises were described as:

All that certain tract or piece of land situate in Decatur

Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at an ash corner of Jonathan Kephart's land; thence by lands of Moses Owens North one hundred and ninety-eight (198) perches to black oak grub by stones; thence by residence of Jacob Goss farm east one hundred and twenty-eight (128) perches to stones; thence by line of said farm South one hundred and ninety-eight (198) perches to post on line of Jonathan Kephart; thence by land of Jonathan Kephart West one hundred and twenty-eight (128) perches to ash and place of beginning. Containing, by the survey of Mr. Fulton, one hundred and forty-nine acres, seventy-three perches in allowance.

EXCEPTING AND RESERVING out of and from the above described premises, nevertheless, the fifty acres, more or less, sold to Hesser and Hileman out of the South end of the above described premises.

ALSO EXCEPTING AND RESERVING a part thereof bounded and described as follows: Beginning at a stake on the line of Hugh Kline and Daniel Goss lands, and being 430.4 feet east of the Northwest corner of the Daniel Goss tract; thence east along line of Hugh Kline 599.2 feet to a stake on said line; thence South 436.2 feet along lands of Daniel Goss to a stake; thence West 599.2 feet along lands of Daniel Goss to stake; thence North 436.2 feet along lands of Daniel Goss to stake and place of beginning. Containing six acres, conveyed to Wilbur F. Hoover and Mary A. Hoover.

BEING the same premises conveyed by Abram B. Goss and his wife Elizabeth Goss to Daniel Goss by virtue of a deed dated July, 1889 and recorded in the Clearfield County Recorder of Deed's Office in Deed Book Volume 53 at page 100.

This property is described as 94 acres and is identified in the County Assessment records as Map No.112-N11-5. A copy of said deed is attached hereto as Exhibit "A".

16. MARY ANN GOSS HOOVER died testate on August 16, 1954 a resident of Decatur Township, Clearfield County, Pennsylvania. An estate was raised for her and filed as Clearfield County Estate No. 23021. Pursuant to her will all of her interest in the parcel described in ¶15 herein was bequeathed to her daughter Wilda Pearl

Hoover. Wilda Pearl Hoover died unmarried, without children, predeceased by both parents and all of her siblings. Said Wilda Pearl Hoover died intestate on September 15, 1977, a resident of State College, Centre County, Pennsylvania with her sole heirs at law being:

- a. The three surviving children of her brother, Lesley Roy Hoover, (deceased) - viz. Ruth Hoover Kline, Dolly Hoover Weaver, Richard W. Hoover and Theo M. Dettinger. Ruth Hoover Kline conveyed her interests by her Attorney-in-fact Kenneth L. Goss to Plaintiffs herein by deed dated May 24, 2001 recorded in Clearfield County Recorder's Office as Instrument No. 2001-08723. Dolly I. (Hoover) Weaver, Richard W. Hoover and Theo M. (Hoover) Dettinger, conveyed their interests to Plaintiffs herein by deed dated June 28, 2004 recorded in Clearfield County Recorder's Office as Instrument No. 2004-14807; and
- b. The two surviving grandchildren of her brother, Lesley Roy Hoover, (deceased) by his deceased son, Wilbur I. Hoover, viz. Dennis Ray Hoover, Denise Rae Hoover Saunders. Dennis Ray Hoover, Denise Rae Hoover Saunders conveyed their interests to Plaintiffs herein by deed dated June 28, 2004 recorded in Clearfield County Recorder's Office as Instrument No. 2004-14807.

17. Bertha (Goss) Stone a/k/a Bertha I. Stone (one of the seven children of JAMES GOSS) died testate on February 23, 1985 a resident of the Village of Hawk Run, Morris Township, Clearfield County, Pennsylvania. An estate was raised for her and filed as Clearfield County Estate No. 85-76. Pursuant to her will all of her interest in the parcel described in ¶15 herein was bequeathed to her three children, viz. Alvin G. Stone, Dolly L. (Stone) Mann and Shirley L. (Stone) Quick. Alvin G. Stone was named as executor of Bertha I. Stone's estate and conveyed his interests individually and as executor to Plaintiffs herein by those two certain deeds noted hereafter, i.e. the first was through his Attorney-in-fact Kenneth L. Goss by deed dated May 24, 2001 recorded in Clearfield County Recorder's Office as Instrument No. 2001-08723 and the second was by deed dated April 30, 2004 recorded in Clearfield County Recorder's Office as Instrument No. 2004-06924.

18. JOHN W. GOSS died in August 1880 and was survived by three children as his sole heirs at law, viz. Winifred Miller, Thornton Goss, and Kenneth Goss, each of whom was living on October 13, 1927 and apparently residing in the state of Oregon when the aforesaid DANIEL GOSS died but each of whom are now deceased but their interests were conveyed to Plaintiffs by deed dated May 24, 2001 from Kenneth L. Goss as agent for Marion T. Goss, Julie M. McQuiston, Linda Munch and Michael E. Wintermute, et al. recorded as Clearfield County Instrument No. 2001-08723 on June 8, 2001.

19. JAMES GOSS's son, Clifford Goss a/k/a Clifford C. Goss

died intestate on June 12, 1936. No estate was ever raised for Clifford C. Goss. Clifford C. Goss was survived by two daughters, Thressa (Therese?) Della (Reesie) Goss, and Carolyn (Cardie) Goss both of whom are now deceased but their interests were conveyed to Plaintiffs by deed dated May 24, 2001 from Kenneth L. Goss as agent for Howard G. Corey and Sueanne Fewkes, et al. recorded as Clearfield County Instrument No. 2001-08723 on June 8, 2001.

20. JAMES GOSS's son, Albert Goss, a/k/a Albert W. "Jummy" Goss died on July 6, 1958 unmarried, intestate, survived by two children, i.e. Jennie M. (Goss) Vaughn and William C. Goss. No estate was ever raised for Albert Goss.

21. William C. Goss died on March 13, 1998 unmarried, a resident of Hollidaysburg, Blair County, Pennsylvania, without issue, and survived only by his sibling Jennie M. (Goss) Vaughn as his sole heir at law. No estate was ever raised for William C. Goss.

22. Jennie M. (Goss) Vaughn died intestate on January 21, 2003 a resident of Philipsburg, Centre County, Pennsylvania, survived by her spouse, Harold Ellsworth Vaughn and her five (5) children; viz. Marjorie Pearl Vaughn Knepp, Harold Randall Vaughn, Brenda Marie Vaughn Hohmam, Donna Joyce Vaughn Schwartz and Timothy Mark Vaughn. No estate was ever raised for Jennie M. (Goss) Vaughn.

A. Harold Ellsworth Vaughn is a competent adult individual who resides at 210 North Tenth Street, Philipsburg, Centre County, Pennsylvania 16866.

B. Marjorie Pearl Vaughn Tubbs Knepp is a competent adult individual who resides at 319 North Fifth Street, Philipsburg, Centre County, Pennsylvania 16866.

C. Harold Randall Vaughn is a competent adult individual who resides at 18116 Route 36, Punxsutawney, Jefferson County, Pennsylvania 15767.

D. Brenda Marie Vaughn Hohman is a competent adult individual who resides at 1132 Decatur Street, Philipsburg, Centre County, Pennsylvania 16866.

E. Donna Joyce Vaughn Schwartz is a competent adult individual who resides at 871 Kennard Road, State College, Centre County, Pennsylvania 16801.

F. Timothy Mark Vaughn is a competent adult individual who resides at 445 Sportsman Drive, Salisbury, NC 28146.

23. In July 2002 the Plaintiffs contacted John E. West and requested an appraisal of the property described in ¶15 above.

24. The estimated appraised value for the real estate was \$33,000.00 as of July 8, 2002 as evidenced by the July 8, 2002 Appraisal Report prepared by John E. West, CPE, CREA, a copy of which is attached to the original complaint and marked therein as Exhibit "B".

25. Plaintiff paid \$250.00 for the appraisal by John E. West.

26. At all times Plaintiffs have been ready willing and able to purchase the interest of the Defendants for a sum equal to each of the said defendants' pro-rata share of a total purchase price of \$35,000.00.

27. Defendants are all persons whose whereabouts are unknown or if their whereabouts are known they have been contacted and they have refused to sell their interest to the Plaintiffs.

28. As of the date of the filing of this Complaint there are no liens upon this property.

29. Beginning with the year 2001 up through the filing of this First Amended Complaint, Plaintiffs have paid all the real estate taxes imposed on the premises described in ¶15 above.

30. Plaintiffs believe and therefore aver, that the real estate described in ¶15 above cannot be divided without prejudice to or spoiling the whole and without inordinate expense and depletion of the estate.

31. Plaintiffs presently own an undivided 265/280<sup>ths</sup> interest in the whole as tenants in common of the premises described in ¶15 above. Said 265/280<sup>ths</sup> equals 94.64285% interest in the whole.

32. Defendants claiming by through and under **MINNIE VIOLA GOSS**, a/k/a **MINNIE VIOLA RUSSELL** collectively own an undivided 7/280<sup>ths</sup> interest in the whole as tenants in common of the premises described in ¶15 above. Said 7/280<sup>ths</sup> equals 2.5% interest in the whole.

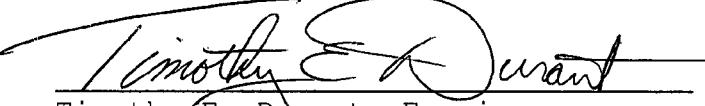
33. Defendants claiming by through and under **ALBERT "JUMMY" GOSS** collectively own an undivided 1/35<sup>th</sup> or 8/280<sup>ths</sup> interest in the whole as tenants in common of the premises described in ¶15 above. Said 8/280<sup>ths</sup> equals 2.85715% interest in the whole.

WHEREFORE, the Plaintiffs pray:

a) the Court decree partition of the above real estate;

- b) the share or shares to which the respective parties are entitled be set out to them in severalty and that all proper and necessary conveyances and assurances be executed for carrying such partition into effect; and that, if the real estate cannot be divided without prejudice to or spoiling the whole, such proper and necessary sale or sales of the same may be made by such persons and in such manner as the Court may direct;
- c) That the Court appoint a trustee to make a public sale of said property;
- d) That the net proceeds of the sale be divided between the Plaintiffs and Defendants in accordance with their proportion of ownership;
- e) Order that one party sell his interest to the other; or
- f) Such other and further relief as may be deemed necessary and proper.

Date: May 12, 2008

  
\_\_\_\_\_  
Timothy E. Durant, Esquire  
Attorney for Plaintiffs

VERIFICATION

We verify that the statements made in this Pleading 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.

Milford R. Woods

Milford R. Woods

Tshana J. Woods

Tshana J. Woods

# This Indenture, Made the

day of November in the year of our  
Lord one thousand eight hundred and eighty-nine  
Between Alvans B. Gross of Secator Township,  
Clearfield County and State of Pennsylvania,  
and Elizabethe his wife, of the first part, and  
Daniel Gross of the same place.

of the second part: **Witnesseth**, That the said part ~~is~~ of the first part, for and in  
consideration of the sum of four hundred eighty-six and

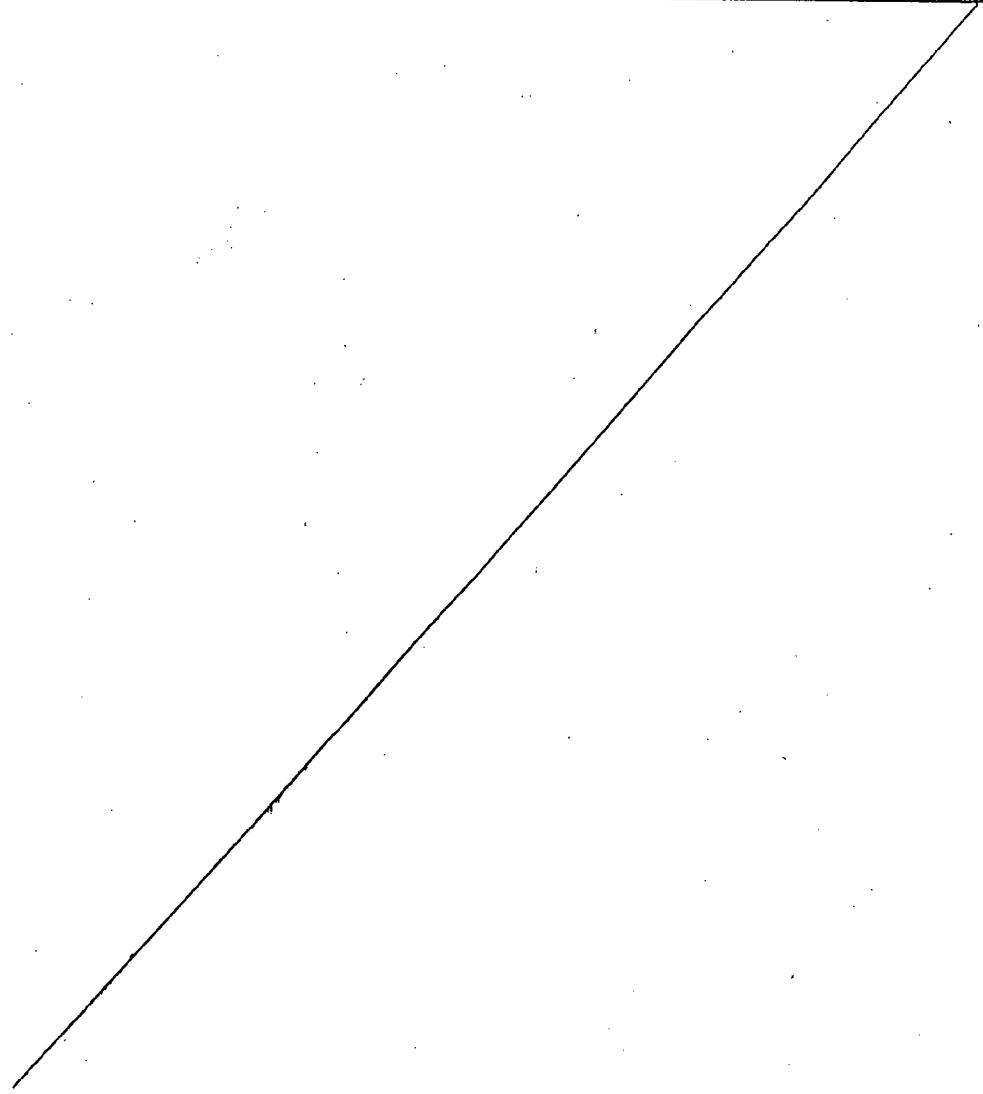
36 dollars ~~36 dollars~~  
lawful money of the United States of America, well and truly paid by the said part ~~is~~ of  
the second part to the said part ~~is~~ of the first part, at and before the sealing and  
delivery of these presents, the receipt whereof is hereby acknowledged, do grant, bargain,  
bargained, sold, aliened, enfeoffed, released, conveyed, and confirmed, and by these presents  
do grant, bargain, sell, alien, enfeoff, release, convey, and confirm, unto the said  
part ~~is~~ of the second part, his heirs and assigns, "all that certain

tract or piece of land situated in Secator Township, Clearfield County, and State of Pennsylvania bounded and described as follows: Beginning at an ash corner of Jonathan Kephart's land; thence by lands of Moses Clowers north one hundred and ninety-eight perches to black oak grub by stones; thence by residue of the Jacob Gross farm east one hundred and twenty-eight perches to stones; thence by line of said farm south one hundred and ninety-eight perches to post on line of Jonathan Kephart; thence by land of Jonathan Kephart west one hundred and twenty-eight perches to a due and place of beginning and containing, by the survey of Mr. Fulton, one hundred and forty-nine acres, seventy-five perches, and allowance.

It being a part of the same tract or piece of land which Jacob Gross, late of the Township of Secator, and county aforesaid, farmer, deceased, in and by his last will and testament, in writing bearing date the eighteenth day of November A.D. one thousand eight

hundred and fifty-nine, did give and devise unto the said John B. Loso (party hereto) in fee as in and by the said recited will (since his decease duly proved, and remaining in the Register's Office at Lehighfield, Pennsylvania, recorded in Will book "B," pages one hundred and sixty-one and one hundred and sixty-two, in course being the extent had, more fully and at large appears—

Exempting and reserving out of and from the above described premises, nevertheless, the fifty acres more or less, sold by the party of the first part to Peter and Stillman out of the south end of the above described premises, so that this deed conveys one hundred acres, more or less."



Together with all and singular, the buildings, improvements, woods, ways, rights, liberties, privileges, hereditaments, and appurtenances, to the same belonging, or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof, and of every part and parcel thereof: And also, all the estate, right, title, interest, ~~and power~~ of the ~~owner~~ of the said 50 acre property, possession, claim, and demand whatsoever, both in law and equity, of the said part ~~of the first part~~ of, in, and to the said premises, with the appurtenances:—

Excepting and reserving out of and  
from the above described premises  
Never the less the fifty acres, more or less,  
Total by the party of the first part lotter-  
er to the man out of the south end of  
the above described premises, so that this  
deed conveys 100 acres more or less.

To have and to hold the said premises, with all and singular the appurtenances, excepting & reserving as above unto the said part of the second part, his heirs and assigns, to the only proper use, benefit, and behoof of the said part of the second part, his heirs and assigns forever.

Exempting and reserving as above.

And the said Abram B. Lewis & Elizabeth, for themselves, their heirs, executors, and administrators, do— by these presents covenant, grant, and agree to and with the said part of the second part, his heirs and assigns forever, that they the said Abram B. Lewis and Elizabeth Lewis & their heirs, all and singular the hereditaments and premises herein above described and granted, or mentioned and intended to be so, with the appurtenances, unto the said part of the second part, his heirs and assigns, against them the said Abram B. Lewis and Elizabeth Lewis & their heirs, and against all and every other person or persons, whomsoever lawfully claiming or to claim the same or any part thereof, by, from or under him, her, them, or any of them Shall and Will— by these presents

—Warrant and forever Defend;

In Witness Whereof, the said party of the first part to these presents hereunto set his hand and seal. Dated the day and year first above written.

Signed, Sealed and Delivered }  
IN THE PRESENCE OF }

Spurio Meas.

Alexander Galt

Elizabeth ~~for~~ <sup>11</sup> Coates  
Mark

Received, the day of the date of the above Indenture, of the above-named Daniel Gross  
the sum of four hundred, eighty six ~~or~~ <sup>one</sup> dollars  
purchase money in full on written Deed —

State of Pennsylvania }  
County of Clearfield } 88.

et hanc loq

On the Twenty-fifth day of July — Anno Domini 1889 before me,  
David Mease, a Justice of the Peace  
in and for said County  
personally appeared the above-named Abram B. Lewis and Elizabeth  
his wife

and in due form of law acknowledged the above Indenture to be their and each of their act and deed, and  
desired the same might be recorded as such; and the said Elizabeth Lewis

being of full age, and separate and apart from her said husband  
by me thereon privately examined, and the full contents of the above Deed being by me first made known unto  
her did thereupon declare and say that she did voluntarily and  
of her own free will and accord, sign, seal, and as her act and  
deed, deliver the above-written Indenture, Deed, or Conveyance, without any  
coercion or compulsion of her said husband

**Witness** my hand and Aug seal the day and year  
aforesaid.

David Mease J. P.

|    |        |  |           |                     |   |                         |
|----|--------|--|-----------|---------------------|---|-------------------------|
| 59 | REC'D. | <u>Abram B. Lewis &amp;</u><br><u>Elizabeth his wife</u> | <u>to</u> | <u>Daniel Gross</u> | <u>Ex. Aug 1. 1889</u><br><u>by Abram 500</u><br><u>tax of 100 2.00</u> | <u>Wm. A. Fullerton</u> |
|----|--------|--|-----------|---------------------|---|-------------------------|

Recorded in the Office for Recording of Deeds in and for Clearfield  
County in Deed Book } No. 53  
page 100 &c.

**Witness** my hand and seal of Office this 3  
day of Aug Anno Domini 1889

D. R. Fullerton  
Recorder  
for Clearfield Co

**APPRAISAL OF**



94 Acres - Vacant Land

**LOCATED AT:**

Decatur Township, Route 970 & 2007  
West Decatur, PA, 16878

**FOR:**

Milford & Tshana Woods  
RR #1, Box 165A  
West Decatur, Pa 16878

**BORROWER:**

Milford & Tshana Woods

**AS OF:**

July 8, 2002

**APPRAISED VALUE:**

33,000

**BY:**

John E. West CPE, CREA, RL-000292-L

July 8, 2002

Tshana  
Milford & Tshana Woods  
RR #1, Box 165A  
West Decatur, Pa 16878

File Number: Woods

Dear Tshana,

In accordance with your request, I have personally inspected and appraised the real property at:

Decatur Township, Route 970 & 2007  
West Decatur, PA, 16878

The purpose of this appraisal is to estimate the market value of the subject property, as vacant.  
The property rights appraised are the fee simple interest in the site.

In my opinion, the estimated market value of the property as of July 8, 2002 is:

\$33,000  
Thirty-Three Thousand Dollars

The attached report contains the description, analysis and supportive data for the conclusions,  
final estimate of value, descriptive photographs, limiting conditions and appropriate certifications.

Sincerely Yours,



John E. West CPE, CREA, RL-000292-L

Residential Appraiser

jw

## Milford &amp; Tshana Woods

## LAND APPRAISAL REPORT

File No. Woods

|  |  |                   |  |  |  |                                       |  |
|--|--|-------------------|--|--|--|---------------------------------------|--|
| Property Address Decatur Township, Route 970 & 2007  |  |                   |  | Census Tract 3309                              |  | LENDER DISCRETIONARY USE              |  |
| City West Decatur                                    |  | County Clearfield |  | State PA Zip Code 16878                        |  | Sale Price \$                         |  |
| Legal Description Deed Book 2001 08723               |  |                   |  |  |  |                                       |  |
| Owner/Occupant Milford & Tshana Woods                |  |                   |  | Map Reference 112-N11-5                        |  | Date                                  |  |
| Sale Price \$ N/A                                    |  | Date of Sale N/A  |  | Property Rights Appraised                      |  | Mortgage Amount \$                    |  |
| Loan charges/concessions to be paid by seller \$ N/A |  |                   |  | <input checked="" type="checkbox"/> Fee Simple |  | Mortgage Type                         |  |
| R.E. Taxes \$ 142.71                                 |  | Tax Year 2002     |  | <input type="checkbox"/> Leasehold             |  | Discount Points and Other Concessions |  |
| Lender/Client Milford & Tshana Woods                 |  | HOA \$/Mo. None   |  | <input type="checkbox"/> Condominium (HUD/VA)  |  | Paid by Seller \$                     |  |
| RR #1, Box 165A, West Decatur, Pa 16878              |  |                   |  |  |  |                                       |  |
| PUD  |  |                   |  |  |  |                                       |  |
| Source   |  |                   |  |  |  |                                       |  |

|                    |                                       |  |   |   |           |                  |  |
|--------------------|---------------------------------------|--|---|---|-----------|------------------|--|
| LOCATION           | <input type="checkbox"/> Urban        | <input type="checkbox"/> Suburban              | <input checked="" type="checkbox"/> Rural       | NEIGHBORHOOD ANALYSIS   |           |                  |  |
| BUILT UP           | <input type="checkbox"/> Over 75%     | <input type="checkbox"/> 25-75%                | <input checked="" type="checkbox"/> Under 25%   | Good <input type="checkbox"/> Avg. <input checked="" type="checkbox"/> Fair <input type="checkbox"/> Poor |           |                  |  |
| GROWTH RATE        | <input type="checkbox"/> Rapid        | <input checked="" type="checkbox"/> Stable     | <input type="checkbox"/> Slow                   |   |           |                  |  |
| PROPERTY VALUES    | <input type="checkbox"/> Increasing   | <input checked="" type="checkbox"/> Stable     | <input type="checkbox"/> Declining              |   |           |                  |  |
| DEMAND/SUPPLY      | <input type="checkbox"/> Shortage     | <input checked="" type="checkbox"/> In Balance | <input type="checkbox"/> Over Supply            |   |           |                  |  |
| MARKETING TIME     | <input type="checkbox"/> Under 3 Mos. | <input type="checkbox"/> 3-6 Mos.              | <input checked="" type="checkbox"/> Over 6 Mos. |   |           |                  |  |
| PRESENT LAND USE % | LAND USE CHANGE                       |  | PREDOMINANT OCCUPANCY                           | SINGLE FAMILY HOUSING   |           |                  |  |
| Single Family      | 25%                                   | Not Likely                                     | <input checked="" type="checkbox"/> Owner       | PRICE \$ (000)  | AGE (yrs) |                  |  |
| 2-4 Family         | Likely                                |  | <input type="checkbox"/> Tenant                 | 35  | Low 10    |                  |  |
| Multi-Family       |                                       | In process                                     | <input type="checkbox"/> Vacant (0-5%)          | 150   | High 100  |                  |  |
| Commercial         |                                       | To:  | <input type="checkbox"/> Vacant (over 5%)       | Predominant   |           |                  |  |
| Industrial         |                                       |  |   | 65-   | 50        | Appeal to Market |  |
| Vacant             | 75%                                   |  |   |   |           |                  |  |

Note: Race or the racial composition of the neighborhood are not considered reliable appraisal factors. COMMENTS: The neighborhood is consistent with that of Decatur Township. The Subject property is located off State highway route 970 and route 2007 runs through the property that provides lots of road frontage. There are some old dirt roads on the property that appear to have been used for timbering and strip mines.

|   |   |                               |                        |                                     |                          |                                   |  |
|---|---|-------------------------------|------------------------|-------------------------------------|--------------------------|-----------------------------------|--|
| Dimensions See site area.   |   |                               |                        |                                     |                          |                                   |  |
| Site Area 94 Acres  |   |                               |                        | Corner Lot No                       |                          |                                   |  |
| Zoning Classification None  |   |                               |                        | Zoning Compliance N/A               |                          |                                   |  |
| HIGHEST & BEST USE: Present Use Yes Other Use Limited Residential   |   |                               |                        |                                     |                          |                                   |  |
| SITE UTILITIES  | Public  | Other                         | SITE IMPROVEMENTS Type | Public                              | Private                  | Topography                        |  |
|   | <input checked="" type="checkbox"/> Electricity |                               | Street Paved           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Steep with some old mine activity |  |
|   | <input type="checkbox"/> Gas                    | <input type="checkbox"/> None | Curb/Gutter None       | <input type="checkbox"/>            | <input type="checkbox"/> | Large for the area                |  |
|   | <input type="checkbox"/> Water                  | <input type="checkbox"/> None | Sidewalk None          | <input type="checkbox"/>            | <input type="checkbox"/> | Rectangular                       |  |
|   | <input type="checkbox"/> Sanitary Sewer         | <input type="checkbox"/> None | Street Lights None     | <input type="checkbox"/>            | <input type="checkbox"/> | Some swampy areas                 |  |
|   | <input type="checkbox"/> Storm Sewer            | <input type="checkbox"/> None | Alley None             | <input type="checkbox"/>            | <input type="checkbox"/> |                                   |  |
| Comments (Apparent adverse easements, encroachments, special assessments, slide areas, etc.) There has been a timbering operation and a strip mine on the property. I have no knowledge of how long ago, but it is grown up at the time of the inspection. There are still some rough areas with high walls and places where there is dumping of trash as well as some four wheeler activity. |   |                               |                        |                                     |                          |                                   |  |

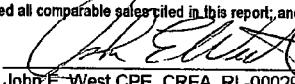
The undersigned has recited three recent sales of properties most similar and proximate to subject and has considered those in the market analysis. The description includes a dollar adjustment, reflecting market reaction to those items of significant variation between the subject and comparable properties. If a significant item in the comparable property is superior to, or more favorable than, the subject property, a minus (-) adjustment is made, thus reducing the indicated value of subject; if a significant item in the comparable is inferior to, or less favorable than, the subject property, a plus (+) adjustment is made, thus increasing the indicated value of the subject.

| ITEM                           | SUBJECT  | COMPARABLE NO. 1   | COMPARABLE NO. 2   | COMPARABLE NO. 3           |
|--------------------------------|--|--|--|----------------------------|
| Address                        | Decatur Township<br>West Decatur   | Graham Township<br>116-R7-2  | Bradford Township<br>106-O7-30 & 66  | Jordan Township<br>120-I14 |
| Proximity to Subject           |  |  |  |                            |
| Sales Price                    | \$ N/A   | \$ 50,500  | \$ 94,000  | \$ 56,000                  |
| Price/                         | \$ N/A   | \$ 50,500  | \$ 94,000  | \$ 56,000                  |
| Data Source                    | Inspection   | Public Record  | MLS/Public Record  | Public Record/Broker       |
| VALUE ADJUSTMENTS              | DESCRIPTION  | DESCRIPTION  | DESCRIPTION  | DESCRIPTION                |
| Sales or Financing Concessions |  | None   | None   | Cash                       |
| Date of Sale/Time              | N/A  | 9/99   | 2,525  | 12/19/00                   |
| Location                       | Rural  | Rural  | Rural  | Rural                      |
| Site/View                      | 94 Acres   | 101.79 Acres   | -2,000   | 126.17 Acres               |
| Utilities                      | Elect.   | Elect.   | Elect.   | Elect.                     |
| Strip mined                    | Yes  | No   | -25,250  | No                         |
| Public Road                    | Lots of Frontage   | Inferior   | 7,575  | Inferior                   |
| Timbered                       | Yes  | Yes  | Partial  | -9,400                     |
| Net Adj. (total)               | <input type="checkbox"/> + <input checked="" type="checkbox"/> - \$ 17,150 | <input type="checkbox"/> + <input checked="" type="checkbox"/> - \$ 50,300 | <input type="checkbox"/> + <input checked="" type="checkbox"/> - \$ 23,700 |                            |
| Indicated Value of Subject     | Gross: 74.0  | Gross: 83.5  | Gross: 82.3  |                            |
|                                | Net: -34.0   | Net: -53.5   | Net: -42.3   |                            |
|                                | \$ 33,350  | \$ 43,700  | \$ 32,300  |                            |

Comments of Sales Comparison: See Attached Addendum.

|   |  |  |  |  |  |  |  |
|---|--|--|--|--|--|--|--|
| Comments and Conditions of Appraisal: This appraisal assumes that this parcel could be sold free and clear with a good marketable title.  |  |  |  |  |  |  |  |
| Final Reconciliation: The Market Approach to Value, which best reflects the actions of the buyers and sellers in the marketplace, has been given the most emphasis. The Cost and Income Approaches are not applicable in this type of assignment. |  |  |  |  |  |  |  |

I (WE) ESTIMATE THE MARKET VALUE, AS DEFINED, OF THE SUBJECT PROPERTY AS OF July 8, 2002 to be \$ 33,000  
 I (We) certify: that to the best of my (our) knowledge and belief, the facts and data used herein are true and correct; that I (we) personally inspected the subject property and inspected all comparable sales cited in this report; and that I (we) have no undisclosed interest, present or prospective therein.

Appraiser(s)  Review Appraiser \_\_\_\_\_  Did  Did Not Inspect Property

**ADDENDUM**

|  |                                  |
|--|----------------------------------|
| Borrower: Milford & Tshana Woods                     | File No.: Woods                  |
| Property Address: Decatur Township, Route 970 & 2007 | Case No.: Milford & Tshana Woods |
| City: West Decatur                                   | State: PA                        |
| Lender: Milford & Tshana Woods                       | Zip: 16878                       |

**Comments on Sales Comparison**

A search of the Clearfield-Jefferson MLS, public records and broker files indicated that these sales are the most recent, closest, similar, closed sales available as of the date of the appraisal. The comparables chosen are considered to be good indicators of value. After variation adjustments, a value range of \$32,300 to \$43,700 is indicated. The indicated land value for the subject in its present condition, in my opinion, would be \$33,000.00 or \$351 per Acre.

Borrower: Milford & Tshana Woods  
Property Address: Decatur Township, Route 970 & 2007  
City: West Decatur  
Lender: Milford & Tshana Woods

File No.: Woods  
Case No.: Milford & Tshana Woods  
State: PA  
Zip: 16878

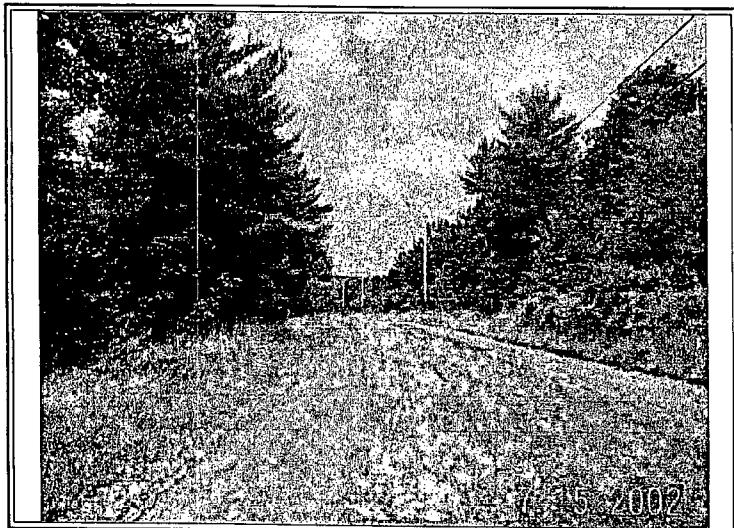


**FRONT VIEW OF  
SUBJECT PROPERTY**

Appraised Date: July 8, 2002  
Appraised Value: \$ 33,000



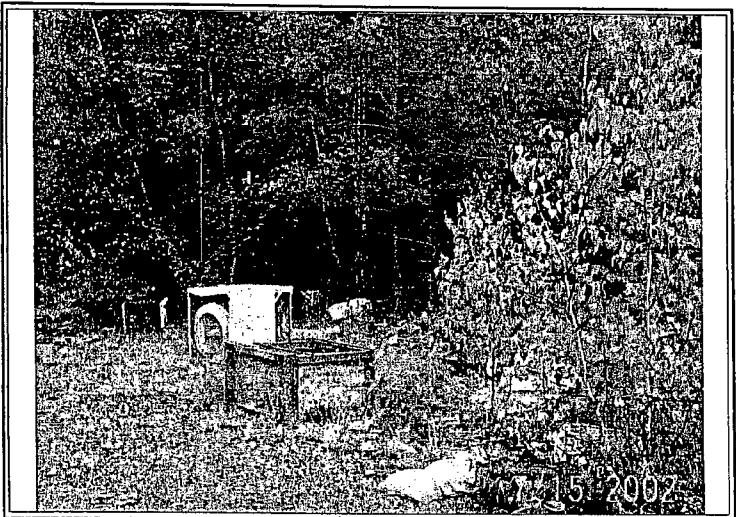
**REAR VIEW OF  
SUBJECT PROPERTY**



**STREET SCENE**

Borrower: Milford & Tshana Woods  
Property Address: Decatur Township, Route 970 & 2007  
City: West Decatur  
Lender: Milford & Tshana Woods

File No.: Woods  
Case No.: Milford & Tshana Woods  
State: PA  
Zip: 16878



SUBJECT PHOTO



SUBJECT PHOTO



SUBJECT PHOTO

PLAT MAP

Borrower: Milford & Tshana Woods

File No.: Woods

Property Address: Decatur Township, Route 970 & 2007

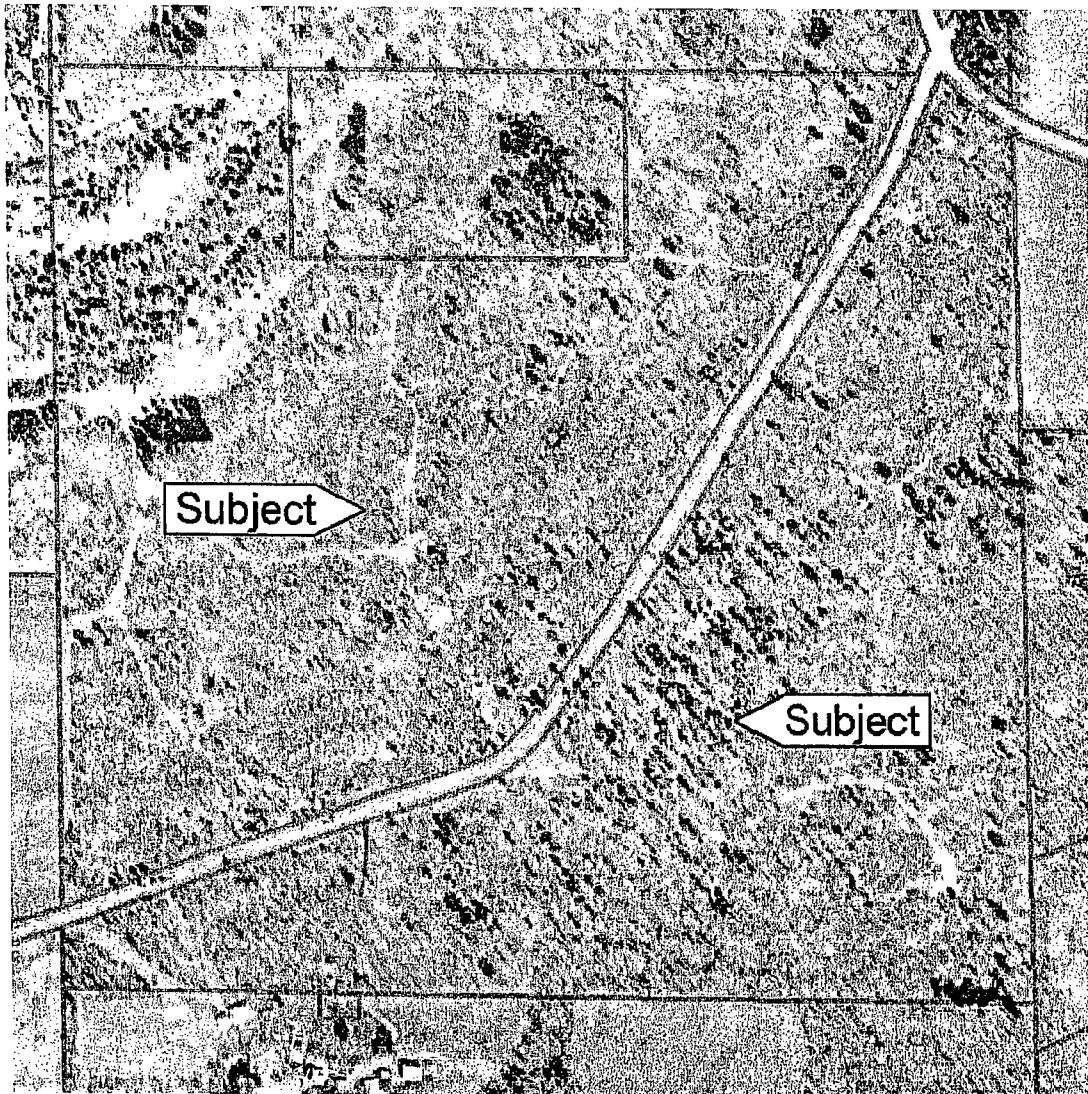
Case No.: Milford & Tshana Woods

City: West Decatur

State: PA

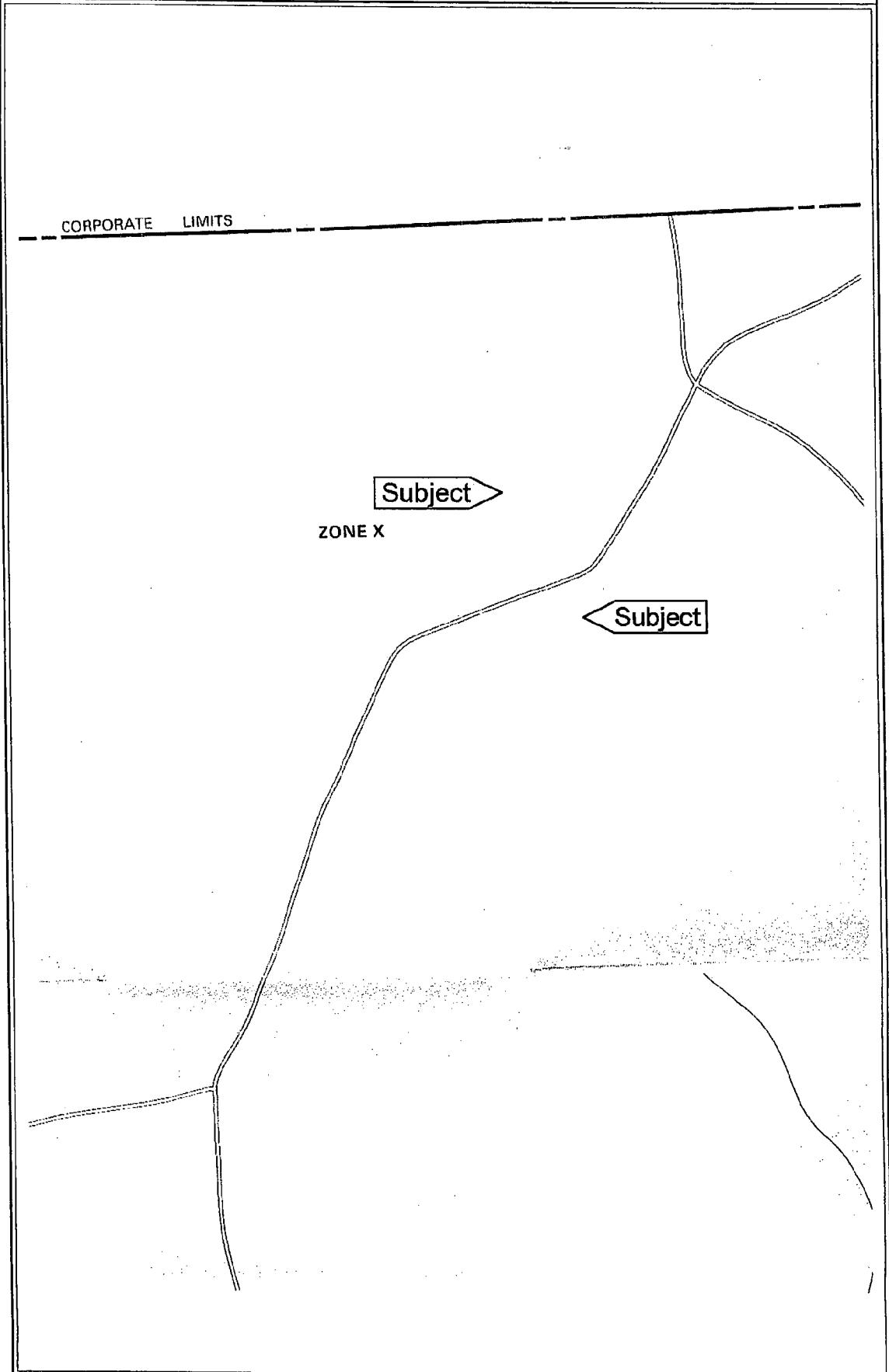
Zip: 16878

Lender: Milford & Tshana Woods



Borrower: Milford & Tshana Woods  
Property Address: Decatur Township, Route 970 & 2007  
City: West Decatur  
Lender: Milford & Tshana Woods

File No.: Woods  
Case No.: Milford & Tshana Woods  
State: PA  
Zip: 16878



**DEFINITION OF MARKET VALUE:** The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: (1) buyer and seller are typically motivated; (2) both parties are well informed or well advised, and each acting in what he considers his own best interest; (3) a reasonable time is allowed for exposure in the open market; (4) payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions\* granted by anyone associated with the sale.

\*Adjustments to the comparables must be made for special or creative financing or sales concessions. No adjustments are necessary for those costs which are normally paid by sellers as a result of tradition or law in a market area; these costs are readily identifiable since the seller pays these costs in virtually all sales transactions. Special or creative financing adjustments can be made to the comparable property by comparisons to financing terms offered by a third party institutional lender that is not already involved in the property or transaction. Any adjustment should not be calculated on a mechanical dollar for dollar cost of the financing or concession but the dollar amount of any adjustment should approximate the market's reaction to the financing or concessions based on the Appraiser's judgment.

### STATEMENT OF LIMITING CONDITIONS AND APPRAISER'S CERTIFICATION

**CONTINGENT AND LIMITING CONDITIONS:** The appraiser's certification that appears in the appraisal report is subject to the following conditions:

1. The appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it. The appraiser assumes that the title is good and marketable and, therefore, will not render any opinions about the title. The property is appraised on the basis of it being under responsible ownership.
2. The appraiser has provided a sketch in the appraisal report to show approximate dimensions of the improvements and the sketch is included only to assist the reader of the report in visualizing the property and understanding the appraiser's determination of its size.
3. The appraiser has examined the available flood maps that are provided by the Federal Emergency Management Agency (or other data sources) and has noted in the appraisal report whether the subject site is located in an identified Special Flood Hazard Area. Because the appraiser is not a surveyor, he or she makes no guarantees, express or implied, regarding this determination.
4. The appraiser will not give testimony or appear in court because he or she made an appraisal of the property in question, unless specific arrangements to do so have been made beforehand.
5. The appraiser has estimated the value of the land in the cost approach at its highest and best use and the improvements at their contributory value. These separate valuations of the land and improvements must not be used in conjunction with any other appraisal and are invalid if they are so used.
6. The appraiser has noted in the appraisal report any adverse conditions (such as, needed repairs, depreciation, the presence of hazardous wastes, toxic substances, etc.) observed during the inspection of the subject property or that he or she became aware of during the normal research involved in performing the appraisal. Unless otherwise stated in the appraisal report, the appraiser has no knowledge of any hidden or unapparent conditions of the property or adverse environmental conditions (including the presence of hazardous wastes, toxic substances, etc.) that would make the property more or less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties, express or implied, regarding the condition of the property. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because the appraiser is not an expert in the field of environmental hazards, the appraisal report must not be considered as an environmental assessment of the property.
7. The appraiser obtained the information, estimates, and opinions that were expressed in the appraisal report from sources that he or she considers to be reliable and believes them to be true and correct. The appraiser does not assume responsibility for the accuracy of such items that were furnished by other parties.
8. The appraiser will not disclose the contents of the appraisal report except as provided for in the Uniform Standards of Professional Appraisal Practice.
9. The appraiser has based his or her appraisal report and valuation conclusion for an appraisal that is subject to satisfactory completion, repairs, or alterations on the assumption that completion of the improvements will be performed in a workmanlike manner.
10. The appraiser must provide his or her prior written consent before the lender/client specified in the appraisal report can distribute the appraisal report (including conclusions about the property value, the appraiser's identity and professional designations, and references to any professional appraisal organizations or the firm with which the appraiser is associated) to anyone other than the borrower; the mortgagee or its successors and assigns; the mortgage insurer; consultants; professional appraisal organizations; any state or federally approved financial institution; or any department, agency, or instrumentality of the United States or any state or the District of Columbia; except that the lender/client may distribute the property description section of the report only to data collection or reporting service(s) without having to obtain the appraiser's prior written consent. The appraiser's written consent and approval must also be obtained before the appraisal can be conveyed by anyone to the public through advertising, public relations, news, sales, or other media.

**APPRAISERS CERTIFICATION:** The Appraiser certifies and agrees that:

1. I have researched the subject market area and have selected a minimum of three recent sales of properties most similar and proximate to the subject property for consideration in the sales comparison analysis and have made a dollar adjustment when appropriate to reflect the market reaction to those items of significant variation. If a significant item in a comparable property is superior to, or more favorable than, the subject property, I have made a negative adjustment to reduce the adjusted sales price of the comparable and, if a significant item in a comparable property is inferior to, or less favorable than the subject property, I have made a positive adjustment to increase the adjusted sales price of the comparable.
2. I have taken into consideration the factors that have an impact on value in my development of the estimate of market value in the appraisal report. I have not knowingly withheld any significant information from the appraisal report and I believe, to the best of my knowledge, that all statements and information in the appraisal report are true and correct.
3. I stated in the appraisal report only my own personal, unbiased, and professional analysis, opinions, and conclusions, which are subject only to the contingent and Limiting Conditions specified in this form.
4. I have no present or prospective interest in the property that is the subject to this report, and I have no present or prospective personal interest or bias with respect to the participants in the transaction. I did not base, either partially or completely, my analysis and/or the estimate of market value in the appraisal report on the race, color, religion, sex, handicap, familial status, or national origin of either the prospective owners or occupants of the subject property or of the present owners or occupants of the properties in the vicinity of the subject property.
5. I have no present or contemplated future interest in the subject property, and neither my current or future employment nor my compensation for performing this appraisal is contingent on the appraised value of the property.
6. I was not required to report a predetermined value or direction in value that favors the cause of the client or any related party, the amount of the value estimate, the attainment of a specific result, or the occurrence of a subsequent event in order to receive my compensation and/or employment for performing the appraisal. I did not base the appraisal report on a requested minimum valuation, a specific valuation, or the need to approve a specific mortgage loan.
7. I performed this appraisal in conformity with the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place as of the effective date of this appraisal, with the exception of the departure provision of those Standards, which does not apply. I acknowledge that an estimate of a reasonable time for exposure in the open market is a condition in the definition of market value and the estimate I developed is consistent with the marketing time noted in the neighborhood section of this report, unless I have otherwise stated in the reconciliation section.
8. I have personally inspected the subject property and the exterior of all properties listed as comparables in the appraisal report. I further certify that I have noted any apparent or known adverse conditions in the subject improvements, on the subject site, or on any site within the immediate vicinity of the subject property of which I am aware and have made adjustments for these adverse conditions in my analysis of the property value to the extent that I had market evidence to support them. I have also commented about the effect of the adverse conditions on the marketability of the subject property.
9. I personally prepared all conclusions and opinions about the real estate that were set forth in the appraisal report. If I relied on significant professional assistance from any individual or individuals in the performance of the appraisal or the preparation of the appraisal report, I have named such individual(s) and disclosed the specific tasks performed by them in the reconciliation section of this appraisal report. I certify that any individual so named is qualified to perform the tasks. I have not authorized anyone to make a change to any item in the report; therefore, if an unauthorized change is made to the appraisal report, I will take no responsibility for it.

**SUPERVISORY APPRAISER'S CERTIFICATION:** If a supervisory appraiser signed the appraisal report, he or she certifies and agrees that: I directly supervise the appraiser who prepared the appraisal report, have reviewed the appraisal report, agree with the statements and conclusions of the appraiser, agree to be bound by the appraiser's certifications numbered 4 through 7 above, and am taking full responsibility for the appraisal and the appraisal report.

**ADDRESS OF PROPERTY APPRAISED:** Decatur Township, Route 970 & 2007, West Decatur, PA, 16878

**APPRAISER:**

Signature:   
Name: John E. West CPE, CREA, RL-000292-L  
Date Signed: July 22, 2002  
State Certification #: RL-000292-L  
or State License #: \_\_\_\_\_  
State: PA  
Expiration Date of Certification or License: June 30, 2003

**SUPERVISORY APPRAISER (only if required)**

Signature: \_\_\_\_\_  
Name: \_\_\_\_\_  
Date Signed: \_\_\_\_\_  
State Certification #: \_\_\_\_\_  
or State License #: \_\_\_\_\_  
State: \_\_\_\_\_  
Expiration Date of Certification or License: \_\_\_\_\_

Did  Did Not Inspect Property

\*\*\*\*\* INVOICE \*\*\*\*\*

File Number: Woods

July 8, 2002

Milford & Tshana Woods  
RR #1, Box 165A  
West Decatur, Pa 16878

Borrower : Milford & Tshana Woods  
Reference/Case # :

Vacant Land

Decatur Township, Route 970 & 2007  
West Decatur, PA, 16878

|                  |              |
|------------------|--------------|
| Appraisal Report | \$ 250.00    |
| Invoice Total    | \$ 250.00    |
| Deposit          | (\$ 250.00 ) |
| Amount Due       | \$ 0.00      |

Terms:

Please Make Check Payable To:

Jack West Appraisal Services  
214 East Cherry Street  
Clearfield, Pa. 16830

Fed. I.D. #: 25-1215719

THANK YOU FOR USING MY SERVICES!  
*A Division of Helmbold & Stewart, Inc.*

Response to FIRST AMENDED COMPLAINT IN PARTITION, FILED IN THE COURT OF  
COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA, CIVIL DIVISION NO.

03- 137 -CD,

MILFORD R. WOODS and TSHANA J. WOODS,

Plaintiffs

vs.

MARJORIE PEARL VAUGHN TUBBS KNEPP, HAROLD RANDALL VAUGHN, BRENDA  
MARIE VAUGHN HOHMAN, DONNA JOYCE VAUGHN SCHWARTZ, and TIMOTHY  
MARK VAUGHN

FILED NO. C.  
0/12/10 LM  
MAY 19 2008 CP

William A. Shaw

Prothonotary/Clerk of Courts

1. THE INITIAL COMPLAINT BY THE PLAINTIFFS WAS NEVER RECEIVED

DATED FEBRUARY 3, 2003.

2. RESPONDENTS RESPONDING IN THIS WRITING ARE RESPONDING TO  
THE PARTITION COMPLAINT DATED MAY 12, 2008 AND ARE; MARJORIE PEARL  
VAUGHN TUBBS KNEPP (ADMINISTRATOR FOR JENNIE MAE (GOSS) VAUGHN)  
ESTATE NUMBER 14-04-0459, FILED IN THE CENTRE COUNTY COURTHOUSE),  
HAROLD RANDALL VAUGHN, BRENDA MARIE VAUGHN HOHMAN, DONNA JOYCE  
VAUGHN SCHWARTZ, and TIMOTHY MARK VAUGHN.

3. OUR INTERESTS ARE TO KEEP OUR INTEREST IN THE DEEDED  
PROPERTY (INSTRUMENT NUMBER 200619770, FILED IN THE CLEARFIELD COURT  
HOUSE) AND/OR TO HAVE OUR SHARE DIVIDED INTO OUR SHARE OF  
1/35th OR 2.85715% ACRES OR/AND EVEN 3 ACRES, BEING THAT MILFORD R.  
WOODS AND TSHANNA J. WOODS HAVE DAMAGED, CONSISTENTLY CROSSED  
THE PROPERTY WITH VEHICLES, DESTROYING ANY GROWTH OF SELLABLE  
TREES, PUT LIME STONES DOWN TO DESTROY THE GROWTH OF NEW SELLABLE  
TREES AND ALTERED THE LEVERAGE OF THE PROPERTY (SEE ATTACHED  
PICTURES) WITH DRILLING FOR OIL, SOLD TREES, PUT ELECTRIC POLES  
ACROSS THE PROPERTY (INSTRUMENT NUMBER 200503937) MILFORD R.  
WOODS AND TSHANNA J. WOODS SIGNED A DOCUMENT THAT THEY WERE  
SOLE OWNERS TO PENNELEC AND DISREGARDED OTHER OWNERS  
AND ARE PRESENTLY TRYING TO PUT WATER PIPES ACROSS THE PROPERTY  
WITHOUT CONSENT OR REGARD TO OTHER OWNERS OR OFFER RENT TO

COMPENSATE FOR OTHERS INTERESTS IN THE PROPERTY.

OTHER PARTIES INVOLVED, MILFORD R. WOODS AND TSHANNA J. WOODS, ARE THE ONES SPOILING THE PROPERTY AND ORGINAL PURPOSE.

4. THE PROPERTY WAS SUPPOSED TO BE OWNED ONLY BY HEIRS.

5. HAROLD ELLSWORTH VAUGHN AND JENNIE MAE (GOSS) VAUGHN

WERE DIVORCED ON SEPTEMBER 11TH, 2000, FILED IN CENTRE COUNTY NUMBER 81-1944.

6. I, MARJORIE P. VAUGHN TUBBS KNEPP AND HAROLD RANDALL VAUGHN, BRENDA MERIE VAUGHN HOHMAN, DONNA JOYCE VAUHN SCHWARTZ AND TIMOTHY MARK VAUGHN PAY OUR OWN TAXES AS SOON AS THE ACCESSION TAX OFFICE RECOGNIZED THAT WE HAD BECOME HEIRS.

7. ORIGINALLY THE TAX ACCESSION OFFICE DID NOT KNOW ALL OF THE HEIRS AND THEIR ADDRESSES TO SEND OUT TAXES SO THE TAXES COULD GET PAID AND MILFORD R. WOODS AND TSHANNA WOODS TOOK ADVANTAGE OF THIS.

8. MILFORD R. WOODS AND TSHANNA WOODS RECEIVED A LETTER OF INTENT DATED 11 MAY 2006 (SEE ATTACHED).

SIGNED:  
*Marjorie P. Vaughn-Tubbs-Knepp*

MARJORIE P. VAUGHN TUBBS KNEPP  
ADMINISTRATOR FOR JENNIE MAE GOSS VAUGHN  
319 NORTH FIFTH STREET  
PHILIPSBURG, PA 16866

HAROLD RANDALL VAUGHN  
18116 ROUTE 36  
PUNXSUTAWNEY, PA 15767

BRENDA MERIE VAUGHN HOHMAN  
1132 DECATUR STREET, PHILIPSBURG, PA 16866

DONNA JOYCE VAUGHN SCHWARTZ  
1700 SOUTH ATHERTON STREET  
STATE COLLEGE, PA 16801

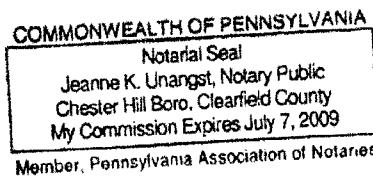
TIMOTHY MARK VAUGHN  
2403 SUMMERPLACE DR.  
SUPPLY, NC 28462

To MILFORD R. WOODS and TSHANA J. WOODS, and persons acting on their behalf, be it known that Albert Goss's grandchildren, Marjorie P. Vaughn-Knepp, (Administrator of Jennie Mae Goss-Vaughn's estate, Albert Goss's daughter), Harold Randall Vaughn, Brenda Merie Vaughn-Hohman, Donna Joyce Vaughn-Swartz, and Timothy Mark Vaughn, want 3 (three) acres of property and all mineral rights to the 3 (three) acres of property of the 94 acres that Milford and Tshanna J. Woods have and interest in, of the Daniel Goss estate. If it is given in a signed and dated deed with these specifics, it will be considered to give them a clear deed of which our grandfather is on the title. Also, be it known that we would like a specific 3 (three) acres of land as noted on the attached map. Also, staking and surveying done at Milford and Tshanna J. Woods expense for our clear deed.

*Marjorie P. Knepp, 11 May 2006.*

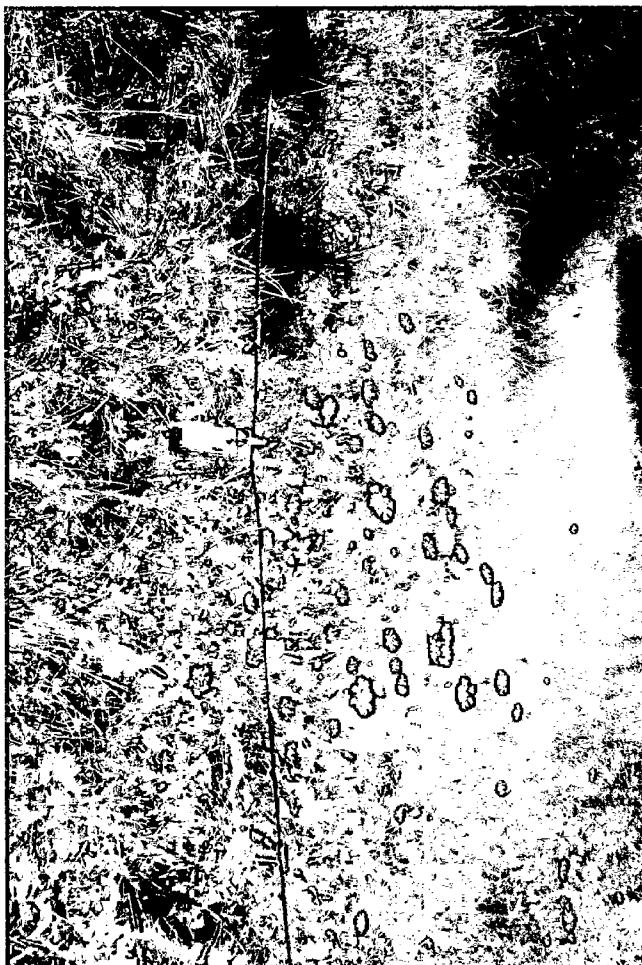
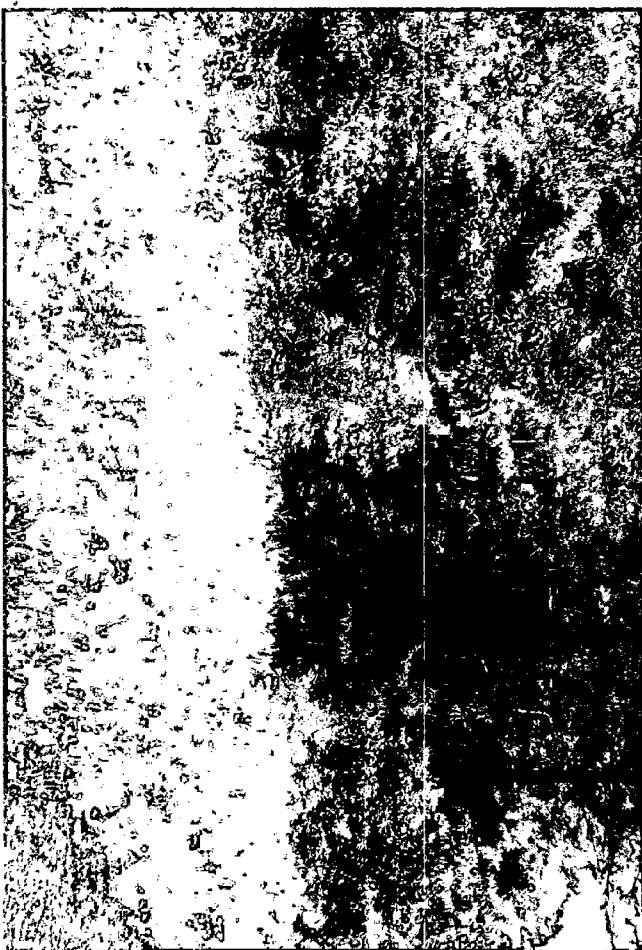
Marjorie P. Knepp, Administrator

Attachment: Short Certificate









IN THE COURT OF COMMON PLEAS OF CLEARFIELD, PENNSYLVANIA

MILFORD R. @TSHANA J.  
WOODS  
VS  
MAJORIE P. KNEPP ET. AL.

\* NO. 03137-CD

\*  
\*  
\*

FILED

O 10:56 a.m. 6/18  
JUN 18 2008 NO CC

William A. Shaw  
Prothonotary/Clerk of Courts

6/18

AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA:

SS:

COUNTY OF CLEARFIELD

I R. STUART AUBER, BEING FIRST DULLY SWORN AND ACCORDING TO LAW, DEPOSES AND SAYS:

1. THAT HE IS A CONSTABLE FOR THE COUNTY OF CLEARFIELD AND THE STATE OF PENNSYLVANIA, AND NOT A PARTY TO THE WITHIN ACTION.

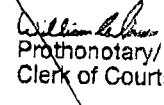
2. THAT ON THE 15 DAY OF MAY, 2008, HE SERVED A TRU AND CORRECT COPY OF A COMPLAINT IN PARTITION UPON MARJORIE P. KNEPP, AT 319 N. FIFTH ST., IN THE CITY, BORO, VILLAGE OF PHILIPSBURG, TOWNSHIP OF  , COUNTY OF CENTRE PENNSYLVANIA, BY THEN AND THERE AT THE PLACE AND TIME NOTED ABOVE, DELIVERED TO MARJORIE P. KNEPP A TRUE AND CORRECT COPY OF THE STATED DOCUMENTS. TIME OF THIS SERVICE WAS AT 1710 HOURS.

I hereby certify this to be a true and attested copy of the original statement filed in this case.

JUN 18 2008

  
R. STUART AUBER, CONSTABLE  
CERTIFICATION B000802

Attest.

  
William A. Shaw  
Prothonotary/  
Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD, PENNSYLVANIA

MILFORD R. @TSHANA J.  
WOODS  
VS

BRENDA MARIE HOLMAN

\* NO. 03-137-CD

\*  
\*  
\*  
\*

FILED  
O 10:36 am 6/18/08  
JUN 18 2008 NO CC

William A. Shaw  
Prothonotary/Clerk of Courts

60

AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA:

SS:

COUNTY OF CLEARFIELD

I R. STUART AUBER, BEING FIRST DULLY SWORN AND ACCORDING TO LAW, DEPOSES AND SAYS:

1. THAT HE IS A CONSTABLE FOR THE COUNTY OF CLEARFIELD AND THE STATE OF PENNSYLVANIA, AND NOT A PARTY TO THE WITHIN ACTION.

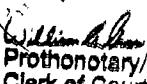
2. THAT ON THE 15 DAY OF MAY, 2008, HE SERVED A TRU AND CORRECT COPY OF A COMPLAINT IN PARTITION UPON BRENDA MARIE HOLMAN, AT 1132 DECATUR ST., IN THE CITY, BORO, VILLAGE OF PHILIPSBURG, TOWNSHIP OF   , COUNTY OF CENTRE PENNSYLVANIA, BY THEN AND THERE AT THE PLACE AND TIME NOTED ABOVE, DELIVERED TO NICOLE HOLMAN A TRUE AND CORRECT COPY OF THE STATED DOCUMENTS. TIME OF THIS SERVICE WAS AT 1835 HOURS.

~~I hereby certify this to be a true and attested copy of the original statement filed in this case.~~

  
R. STUART AUBER, CONSTABLE  
CERTIFICATION B000802

JUN 18 2008

Attest.

  
William A. Shaw  
Prothonotary/  
Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD, PENNSYLVANIA

MILFORD R. @TSHANA J.  
WOODS  
VS  
HAROLD RANDALL VAUGHN

\* NO. 03-137-CD

FILED NO CC  
O 10:56 am 3EE TO ATTY  
JUN 18 2008 DURANT

William A. Shaw  
Prothonotary/Clerk of Courts

60

AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA:

SS:

COUNTY OF CLEARFIELD

I R. STUART AUBER, BEING FIRST DULLY SWORN AND ACCORDING TO LAW, DEPOSES AND SAYS:

1. THAT HE IS A CONSTABLE FOR THE COUNTY OF CLEARFIELD AND THE STATE OF PENNSYLVANIA, AND NOT A PARTY TO THE WITHIN ACTION.

2. THAT ON THE 17 DAY OF MAY, 2008, HE SERVED A TRU AND CORRECT COPY OF A COMPLAINT IS PARTITION UPON HAROLD R. VAUGHN, AT 18116 RTE. 36, IN THE CITY, BORO, VILLAGE OF PUNXSUTAWNEY, TOWNSHIP OF   , COUNTY OF JEFFERSON PENNSYLVANIA, BY THEN AND THERE AT THE PLACE AND TIME NOTED ABOVE, DELIVERED TO PATTY VAIGHN A TRUE AND CORRECT COPY OF THE STATED DOCUMENTS. TIME OF THIS SERVICE WAS AT 1525 HOURS.

R. STUART AUBER  
R. STUART AUBER, CONSTABLE  
CERTIFICATION B000802

IN THE COURT OF COMMON PLEAS OF CLEARFIELD, PENNSYLVANIA

MILFORD R. @ TSHANA J.  
WOODS  
VS  
HAROLD E. VAUGHN, ET AL

\* NO. 03-137-CD

\*  
\*  
\*  
\*

FILED

O 10:56am 6/18/08 NO CC  
JUN 18 2008

William A. Shaw  
Prothonotary/Clerk of Courts

(610)

AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA:

SS:

COUNTY OF CLEARFIELD

I, R. STUART AUBER, BEING FIRST DULLY SWORN AND ACCORDING TO LAW, DEPOSES AND SAYS:

1. THAT HE IS A CONSTABLE FOR THE COUNTY OF CLEARFIELD AND THE STATE OF PENNSYLVANIA, AND NOT A PARTY TO THE WITHIN ACTION.

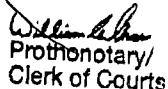
2. THAT ON THE 15 DAY OF MAY, 2008, HE SERVED A TRU AND CORRECT COPY OF A COMPLAINT IN PARTITION UPON HAROLD VAUGHN, AT 210 N. TENTH ST, IN THE CITY, BORO, VILLAGE OF PHILIPSBURG, TOWNSHIP OF  , COUNTY OF CENTRE PENNSYLVANIA, BY THEN AND THERE AT THE PLACE AND TIME NOTED ABOVE, DELIVERED TO HAROLD VAUGHN A TRUE AND CORRECT COPY OF THE STATED DOCUMENTS. TIME OF THIS SERVICE WAS AT 2245 HOURS.

I hereby certify this to be a true and attested copy of the original statement filed in this case.

JUN 18 2008

  
R. STUART AUBER, CONSTABLE  
CERTIFICATION B000802

Attest.

  
William A. Shaw  
Prothonotary/  
Clerk of Courts

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

MILFORD R. WOODS and  
TSHANA J. WOODS

Plaintiffs  
vs.

NO. 03- 137 -CD

FILED

JUN 23 2008

012307C

William A. Shaw  
Prothonotary/Clerk of Courts

nc C/L (GD)

MINNIE VIOLA GOSS, a/k/a MINNIE  
VIOLA RUSSELL, ROBERT LEMOINE  
RUSSELL, CLAIR ALFRED (ABE) RUSSELL,  
THELMA ADALEE RUSSELL, a/k/a THELMA  
ADALEE GOSS, LLOYD ROBERT GOSS, p  
JUDITH KATHLEEN GOSS a/k/a JUDITH  
KATHLEEN VICARY, ISABELL MAYE RUSSELL  
WADOSKY, JAMES FRANCIS RUSSELL, SR.,  
LORNA LUCILLE RUSSELL, a/k/a LORNA  
LUCILLE STONEBRAKER, all believed to be  
deceased and their cumulative heirs,  
devisees, successors, administrators,  
executors and assigns, and  
all other persons or entities in  
interest, known or unknown, claiming  
by, through or under them, and  
CLAIREE LEMOINE RUSSELL, DONALD  
STACEY RUSSELL, TRACY SCOTT  
RUSSELL, TIMOTHY ALFRED RUSSELL,  
JANICE LOUISE RUSSELL, a/k/a  
JANICE LOUISE AUSTIC, NANCY LYNNE  
RUSSELL, a/k/a NANCY LYNNE SINATRA,  
TERRI SUE RUSSELL, a/k/a TERRI SUE  
GRANIERI, DORIS MARY GOSS, a/k/a  
DORIS MARY BORROR, DENNIS VICARY,  
THOMAS LLOYD GOSS, DENNIS CLAIR GOSS,  
a/k/a DENNIE GOSS, ANTHONY JOSEPH  
WADOSKY, ANDREW JOSEPH WADOSKY, EILEEN  
MARIE WADOSKY a/k/a EILEEN MARIE CORSE,  
JOHN ANTHONY WADOSKY, KAREN ANN WADOSKY,  
a/k/a KAREN ANN RUSH, a/k/a KAREN A.  
ROLAND, KENNETH PAUL WADOSKY, DEBRA SUE  
WADOSKY a/k/a DEBRA SUE PORTERA, CHESTER  
WARREN RUSSELL, WENDALL L. STONEBRAKER,  
KENNETH W. STONEBRAKER, JULIE ANN RUSSELL,  
JAMES FRANCIS RUSSELL, Jr. and JACKLYN  
RUSSELL: ALBERT GOSS a/k/a ALBERT W.  
"JUMMY" GOSS, WILLIAM C. GOSS, JENNIE M.  
(GOSS) VAUGHN the four persons named  
immediately previous hereto are all believed  
to be deceased and their cumulative heirs,  
devisees, successors, administrators,  
executors and assigns, and all other persons  
or entities in interest, known or unknown,  
claiming by, through or under them, and  
MARJORIE PEARL VAUGHN TUBBS KNEPP, HAROLD  
RANDALL VAUGHN, HAROLD ELSWORTH VAUGHN,  
BRENDA MARIE VAUGHN HOHMAM, DONNA JOYCE VAUGHN SCHWARTZ,  
and TIMOTHY MARK VAUGHN

PRAECIPE TO AMEND CAPTION

Defendants

Filed on behalf of Plaintiffs:  
MILFORD R. WOODS and TSHANA J. WOODS  
Counsel of Record for them:

TIMOTHY E. DURANT, ESQUIRE  
Pa. I. D. No. 21352  
201 North Second Street  
Clearfield, PA 16830  
(814) 765-1711

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

MILFORD R. WOODS and  
TSHANA J. WOODS

Plaintiffs  
vs. NO. 03- 137 -CD

MINNIE VIOLA GOSS, a/k/a MINNIE  
VIOLA RUSSELL, ROBERT LEMOINE  
RUSSELL, CLAIR ALFRED (ABE) RUSSELL,  
THELMA ADALEE RUSSELL, a/k/a THELMA  
ADALEE GOSS, LLOYD ROBERT GOSS, p  
JUDITH KATHLEEN GOSS a/k/a JUDITH  
KATHLEEN VICARY, ISABELL MAYE RUSSELL  
WADOSKY, JAMES FRANCIS RUSSELL, SR.,  
LORNA LUCILLE RUSSELL, a/k/a LORNA  
LUCILLE STONEBRAKER, all believed to be  
deceased and their cumulative heirs,  
devisees, successors, administrators,  
executors and assigns, and  
all other persons or entities in  
interest, known or unknown, claiming  
by, through or under them, and  
CLAIRE LEMOINE RUSSELL, DONALD  
STACEY RUSSELL, TRACY SCOTT  
RUSSELL, TIMOTHY ALFRED RUSSELL,  
JANICE LOUISE RUSSELL, a/k/a  
JANICE LOUISE AUSTIC, NANCY LYNNE  
RUSSELL, a/k/a NANCY LYNNE SINATRA,  
TERRI SUE RUSSELL, a/k/a TERRI SUE  
GRANIERI, DORIS MARY GOSS, a/k/a  
DORIS MARY BORROR, DENNIS VICARY,  
THOMAS LLOYD GOSS, DENNIS CLAIR GOSS,  
a/k/a DENNIE GOSS, ANTHONY JOSEPH  
WADOSKY, ANDREW JOSEPH WADOSKY, EILEEN  
MARIE WADOSKY a/k/a EILEEN MARIE CCRSE,  
JOHN ANTHONY WADOSKY, KAREN ANN WADOSKY,  
a/k/a KAREN ANN RUSH, a/k/a KAREN A.  
ROLAND, KENNETH PAUL WADOSKY, DEBRA SUE  
WADOSKY a/k/a DEBRA SUE PORTERA, CHESTER  
WARREN RUSSELL, WENDALL L. STONEBRAKER,  
KENNETH W. STONEBRAKER, JULIE ANN RUSSELL,  
JAMES FRANCIS RUSSELL, Jr. and JACKLYN  
RUSSELL: ALBERT GOSS a/k/a ALBERT W.  
"JUMMY" GOSS, WILLIAM C. GOSS, JENNIE M.  
(GOSS) VAUGHN the four persons named  
immediately previous hereto are all believed  
to be deceased and their cumulative heirs,  
devisees, successors, administrators,  
executors and assigns, and all other persons  
or entities in interest, known or unknown,  
claiming by, through or under them, and  
MARJORIE PEARL VAUGHN TUBBS KNEPP, HAROLD  
RANDALL VAUGHN, HAROLD ELSWORTH VAUGHN,  
BRENDA MARIE VAUGHN HOHMAM, DONNA JOYCE VAUGHN SCHWARTZ,  
and TIMOTHY MARK VAUGHN

Defendants

TO THE PROTHONOTARY:

PRAECIPE TO AMEND CAPTION

Petitioner requests that the caption of this action be amended to add the name of **HAROLD ELSWORTH VAUGHN** as a Defendant. His name was inadvertently left out of the caption of the Amended Complaint filed on May 12, 2008 but he was a named Defendant in paragraph "22 A." of the body of the pleading itself and he was served with the Amended Complaint on May 15, 2008.

Dated: *June 23, 2008*

  
\_\_\_\_\_  
Timothy E. Durant,  
Attorney for Plaintiffs

Response to FIRST AMENDED COMPLAINT IN PARTITION, FILED IN THE COURT OF  
COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA, CIVIL DIVISION, NO.

03- 137 -CD,

MILFORD R. WOODS and TSHANA J. WOODS,

Plaintiffs

vs.

HAROLD ELLSWORTH VAUGHN

**FILED**

M 11:08 a.m. GK

JUN 24 2008

NO CC

William A. Shaw  
Prothonotary/Clerk of Courts

GK

1. THE INITIAL COMPLAINT BY THE PLAINTIFFS, MILFORD R. WOODS AND  
TSHANA J. WOODS WAS NEVER RECEIVED, DATED, FEBRUARY 3, 2003.

2. RESPONDENT RESPONDING IN THIS WRITING ARE RESPONDING TO  
THE PARTITION COMPLAINT DATED, MAY 12, 2008, AND ARE; HAROLD  
ELLSWORTH VAUGHN.

3. MILFORD R. WOODS AND TSHANNA J. WOODS HAVE DAMAGED,  
CONSISTENTLY CROSSED THE 94 ACRE PROPERTY WITH VEHICLES,  
DESTROYING ANY GROWTH OF SELLABLE TREES, PUT LIME STONES DOWN TO  
DESTROY THE GROWTH OF NEW SELLABLE TREES AND ALTERED THE  
LEVERAGE OF THE PROPERTY (SEE ATTACHED PICTURES) WITH DRILLING FOR  
OIL, SOLD TREES, WITHOUT OBTAINING CONSENT OR OFFERING RENT FROM  
SUCH THINGS.

4. MILFORD R. WOODS AND TSHANNA J. WOODS HAVE HAD A KENNETH  
GOSS DO A POWER OF ATTORNEY AND KENNETH GOSS OWES ME ROYALTIES  
FROM SAID PROPERTY AND WAS NOT IN THE POSITION TO SELL ANY PART OR  
SHARES TO MILFORD R. WOODS AND TSHANA J. WOODS WITHOUT SETTLEING  
HIS OUTSTANDING DEBT TO PREVIOUS OWNERS.

5. MILFORD R. WOODS AND TSHANNA J. WOODS HAVE DISREGARDED  
OTHER OWNERS AND ARE DOING THINGS ON THE PROPERTY WITHOUT  
OTHERS CONSENT OR PROPER PROCEDURE.

6. MILFORD R. WOODS AND TSHANNA J. WOODS ARE THE ONES  
SPOILING THE PROPERTY AND ORGINAL PURPOSE.

7. I RESERVE MY RIGHTS TO THE INTERESTS IN THE 94 ACRE

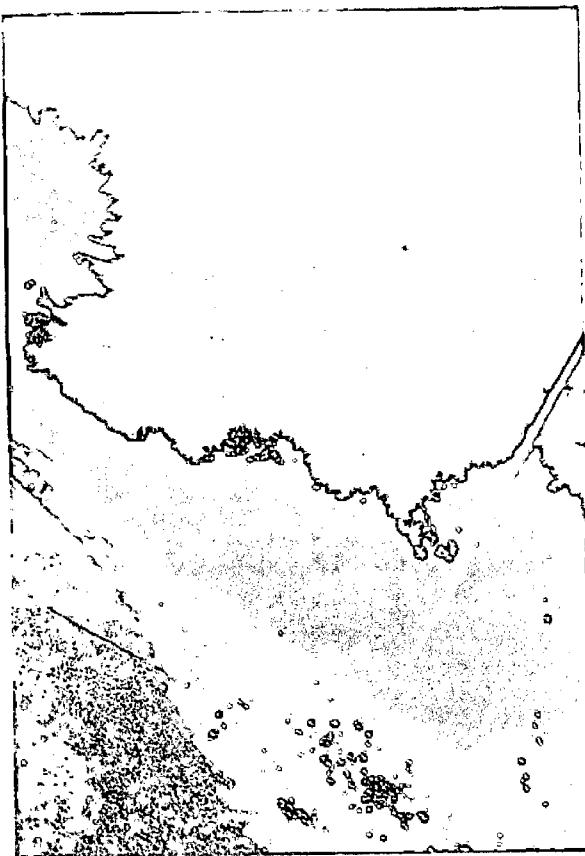
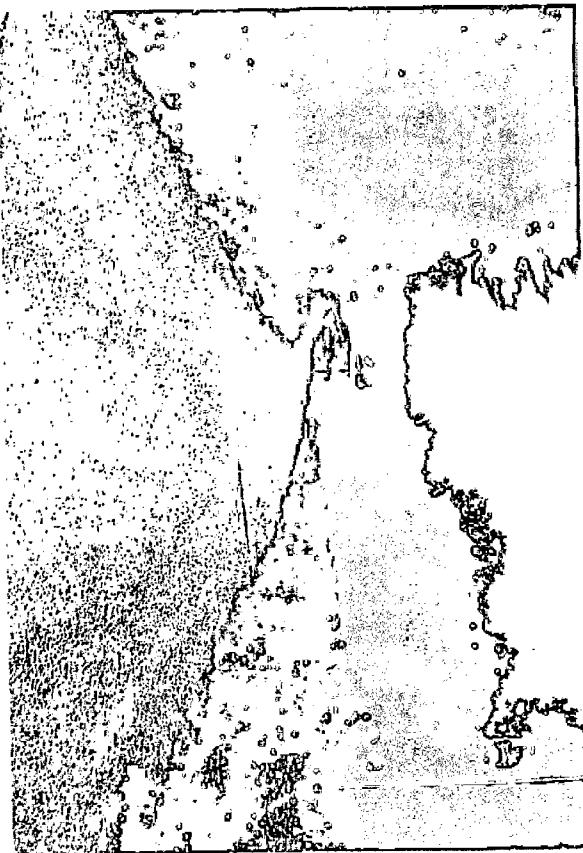
ROYALTIES UNTIL MY DIVORCE ON SEPTEMBER 11TH, 2000, AT THAT TIME WAS  
REVERTED TO JENNIE MAE GOSS-VAUGHN SOLELY AND THEN TO JENNIE MAE  
GOSS-VAUGHN AND HAROLD ELLSWORTH VAUGHN'S CHILDREN; MARJORIE  
PEARL VAUGHN-TUBBS-KNEPP, HAROLD RANDALL VAUGHN, BRENDA MERIE  
VAUGHN-HOHMAN, DONNA JOYCE VAUGHN-SWARTZ.

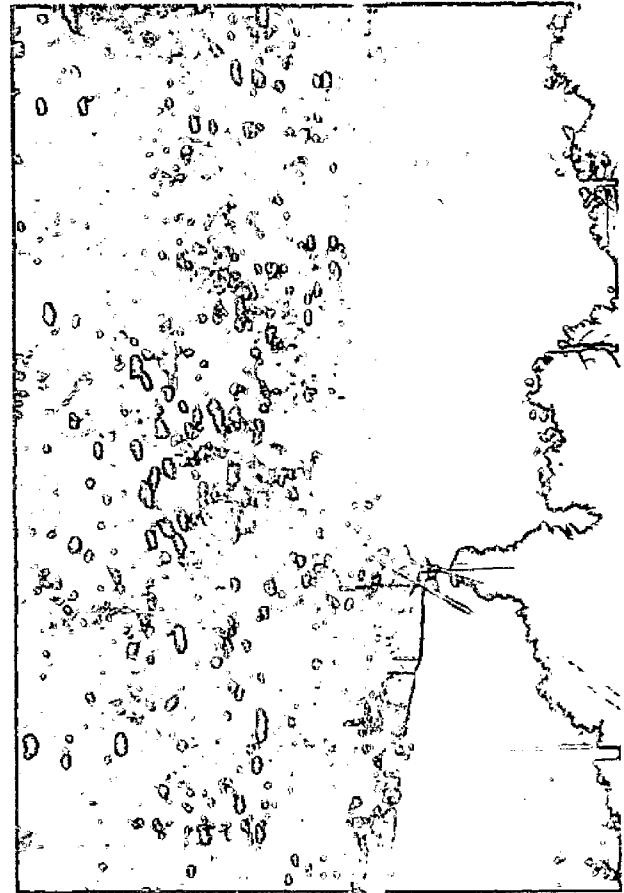
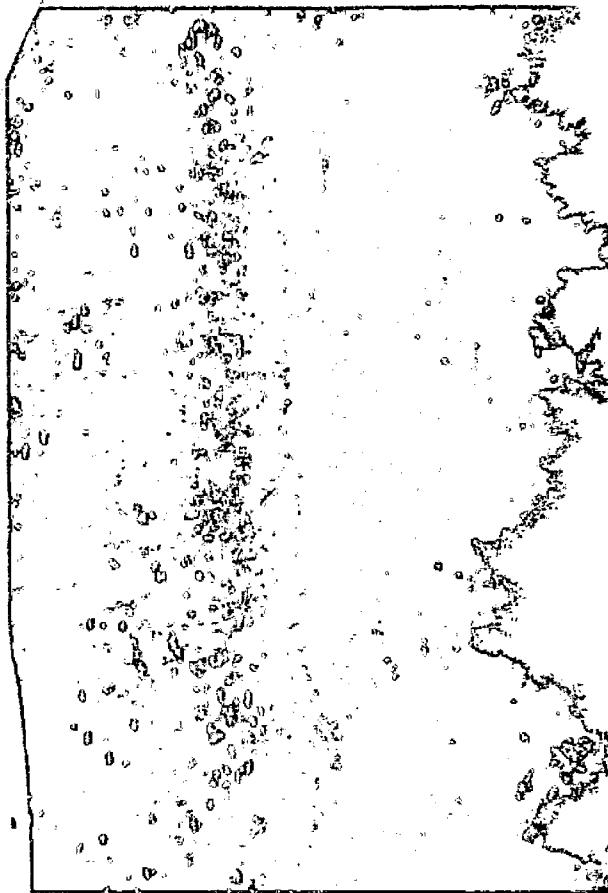
SIGNED: *Harold E Vaughn*

HAROLD ELLSWORTH VAUGHN  
210 10TH STREET  
PHILIPSBURG, PA 16866

cc: Prothonotary

cc: TIMOTHY E. DURANT, ESQUIRE  
Pa. I. D. No. 21352  
201 North Second Street  
Clearfield, PA 16830





FILED

JUN 24 2008

William A. Shaw  
Prothonotary/Clerk of Courts

03-137-CD

6/24/2008

This document is in response to Timothy E. Durant, Esquire 201 North Second Street Clearfield, PA 16830 Concerning the Civil Action Filed in The Court of Common Pleas of Clearfield County PA NO. 03-137-CD. My response is the same as Marjorie Knepp regarding to the three acres of land with all mineral rights given to all five heirs of Albert Goss. All cost of surveying, filing or any other cost of separating the three acres from the original acreage for a clear deed to us heirs will be at Plaintiffs expense. The three acres will not be just any acreage that is given by Plaintiffs but acreage that is okay with all five heirs. Otherwise (I) we will retain our interest in the estate.

Harold R Vaughn  
18116 Rte. 36  
Punxsutawney PA 15767

938-9671  
952-9658

FILED  
0110:34:674 NOCC  
JUN 26 2008 (6)

William A. Shaw  
Prothonotary/Clerk of Courts

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

MILFORD R. WOODS and  
TSHANA J. WOODS

Plaintiffs  
vs.  
NO. 03- 137 -CD

MINNIE VIOLA GOSS, a/k/a MINNIE  
VIOLA RUSSELL, ROBERT LEMOINE  
RUSSELL, CLAIR ALFRED (ABE) RUSSELL,  
THELMA ADALEE RUSSELL, a/k/a THELMA  
ADALEE GOSS, LLOYD ROBERT GOSS, p.  
JUDITH KATHLEEN GOSS a/k/a JUDITH  
KATHLEEN VICARY, ISABELL MAYE RUSSELL  
WADOSKY, JAMES FRANCIS RUSSELL, SR.,  
LORNA LUCILLE RUSSELL, a/k/a LORNA  
LUCILLE STONEBRAKER, all believed to be  
deceased and their cumulative heirs,  
devisees, successors, administrators,  
executors and assigns, and  
all other persons or entities in  
interest, known or unknown, claiming  
by, through or under them, and  
CLAIREE LEMOINE RUSSELL, DONALD  
STACEY RUSSELL, TRACY SCOTT  
RUSSELL, TIMOTHY ALFRED RUSSELL,  
JANICE LOUISE RUSSELL, a/k/a  
JANICE LOUISE AUSTIC, NANCY LYNNE  
RUSSELL, a/k/a NANCY LYNNE SINATRA,  
TERRI SUE RUSSELL, a/k/a TERRI SUE  
GRANIERI, DORIS MARY GOSS, a/k/a  
DORIS MARY BORROR, DENNIS VICARY,  
THOMAS LLOYD GOSS, DENNIS CLAIR GOSS,  
a/k/a DENNIE GOSS, ANTHONY JOSEPH  
WADOSKY, ANDREW JOSEPH WADOSKY, EILEEN  
MARIE WADOSKY a/k/a EILEEN MARIE CORSE,  
JOHN ANTHONY WADOSKY, KAREN ANN WADOSKY,  
a/k/a KAREN ANN RUSH, a/k/a KAREN A.  
ROLAND, KENNETH PAUL WADOSKY, DEBRA SUE  
WADOSKY a/k/a DEBRA SUE PORTERA, CHESTER  
WARREN RUSSELL, WENDALL L. STONEBRAKER,  
KENNETH W. STONEBRAKER, JULIE ANN RUSSELL,  
JAMES FRANCIS RUSSELL, Jr. and JACKLYN  
RUSSELL: ALBERT GOSS a/k/a ALBERT W.  
"JUMMY" GOSS, WILLIAM C. GOSS, JENNIE M.  
(GOSS) VAUGHN the four persons named  
immediately previous hereto are all believed  
to be deceased and their cumulative heirs,  
devisees, successors, administrators,  
executors and assigns, and all other persons  
or entities in interest, known or unknown,  
claiming by, through or under them, and  
MARJORIE PEARL VAUGHN TUBBS KNEPP, HAROLD  
RANDALL VAUGHN, BRENDA MARIE VAUGHN HOHMAM,  
DONNA JOYCE VAUGHN SCHWARTZ, and TIMOTHY  
MARK VAUGHN

Defendants

TO: HAROLD RANDALL VAUGHN  
18116 Rte. 36  
Punxsutawney, PA 15767

DATE OF NOTICE: June 18, 2008

**IMPORTANT NOTICE**

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO TAKE ACTION REQUIRED OF YOU IN THIS CASE. UNLESS YOU ACT WITHIN TEN (10) DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD TAKE THIS NOTICE TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Court Administrator  
Clearfield County Courthouse  
Second and Market Streets  
Clearfield, PA 16830  
(814) 765-2641, Ext. 5982

*Timothy E. Durant*  
Timothy E. Durant, Esquire  
201 North Second Street  
Clearfield, PA 16830  
(814) 765-1711

Response to FIRST AMENDED COMPLAINT IN PARTITION, FILED IN THE COURT OF  
COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA, CIVIL DIVISION, NO.  
03- 137 -CD,

MILFORD R. WOODS and TSHANA J. WOODS,  
Plaintiffs  
vs.

MARJORIE PEARL VAUGHN TUBBS KNEPP, HAROLD RANDALL VAUGHN, BRENDA  
MARIE VAUGHN HOHMAN, DONNA JOYCE VAUGHN SCHWARTZ, and TIMOTHY  
MARK VAUGHN

1. THE INITIAL COMPLAINT BY THE PLAINTIFFS WAS NEVER RECEIVED  
DATED FEBRUARY 3, 2003.

2. RESPONDENTS RESPONDING IN THIS WRITING ARE RESPONDING TO  
THE PARTITION COMPLAINT DATED MAY 12, 2008 AND ARE; MARJORIE PEARL  
VAUGHN TUBBS KNEPP (ADMINISTRATOR FOR JENNIE MAE (GOSS) VAUGHN)  
ESTATE NUMBER 14-04-0459, FILED IN THE CENTRE COUNTY COURTHOUSE),  
HAROLD RANDALL VAUGHN, BRENDA MARIE VAUGHN HOHMAN, DONNA JOYCE  
VAUGHN SCHWARTZ, and TIMOTHY MARK VAUGHN.

3. OUR INTERESTS ARE TO KEEP OUR INTEREST IN THE DEEDED  
PROPERTY (INSTRUMENT NUMBER 200619770, FILED IN THE CLEARFIELD COURT  
HOUSE) AND/OR TO HAVE OUR SHARE DIVIDED INTO OUR SHARE OF  
1/35th OR 2.85715% ACRES OR/AND EVEN 3 ACRES, BEING THAT MILFORD R.  
WOODS AND TSHANNA J. WOODS HAVE DAMAGED, CONSISTENTLY CROSSED  
THE PROPERTY WITH VEHICLES, DESTROYING ANY GROWTH OF SELLABLE  
TREES, PUT LIME STONES DOWN TO DESTROY THE GROWTH OF NEW SELLABLE  
TREES AND ALTERED THE LEVERAGE OF THE PROPERTY (SEE ATTACHED  
PICTURES) WITH DRILLING FOR OIL, SOLD TREES, PUT ELECTRIC POLES  
ACROSS THE PROPERTY (INSTRUMENT NUMBER 200503937) MILFORD R.  
WOODS AND TSHANNA J. WOODS SIGNED A DOCUMENT THAT THEY WERE  
SOLE OWNERS TO PENNELEC AND DISREGARDED OTHER OWNERS  
AND ARE PRESENTLY TRYING TO PUT WATER PIPES ACROSS THE PROPERTY  
WITHOUT CONSENT OR REGARD TO OTHER OWNERS OR OFFER RENT TO

COMPENSATE FOR OTHERS INTERESTS IN THE PROPERTY.

OTHER PARTIES INVOLVED, MILFORD R. WOODS AND TSHANNA J. WOODS, ARE THE ONES SPOILING THE PROPERTY AND ORGINAL PURPOSE.

4. THE PROPERTY WAS SUPPOSED TO BE OWNED ONLY BY HEIRS.

5. HAROLD ELLSWORTH VAUGHN AND JENNIE MAE (GOSS) VAUGHN WERE DIVORCED ON SEPTEMBER 11TH, 2000, FILED IN CENTRE COUNTY NUMBER 81-1944.

6. I, MARJORIE P. VAUGHN TUBBS KNEPP AND HAROLD RANDALL VAUGHN, BRENDA MERIE VAUGHN HOHMAN, DONNA JOYCE VAUHN SCHWARTZ AND TIMOTHY MARK VAUGHN PAY OUR OWN TAXES AS SOON AS THE ACCESSMENT TAX OFFICE RECOGNIZED THAT WE HAD BECOME HEIRS.

7. ORIGINALLY THE TAX ACCESSMENT OFFICE DID NOT KNOW ALL OF THE HEIRS AND THEIR ADDRESSES TO SEND OUT TAXES SO THE TAXES COULD GET PAID AND MILFORD R. WOODS AND TSHANNA WOODS TOOK ADVANTAGE OF THIS.

8. MILFORD R. WOODS AND TSHANNA WOODS RECEIVED A LETTER OF INTENT DATED 11 MAY 2006 (SEE ATTACHED).

SIGNED: *Marjorie P. Vaughn Tubbs Knepp*  
MARJORIE P. VAUGHN TUBBS KNEPP  
ADMINISTRATOR FOR JENNIE MAE GOSS VAUGHN  
319 NORTH FIFTH STREET  
PHILIPSBURG, PA 16866  
*Harold R. Vaughn*  
HAROLD RANDALL VAUGHN  
18116 ROUTE 36  
PUNXSUTAWNEY, PA 15767

BRENDA MERIE VAUGHN HOHMAN  
1132 DECATUR STREET, PHILIPSBURG, PA 16866

DONNA JOYCE VAUGHN SCHWARTZ  
1700 SOUTH ATHERTON STREET  
STATE COLLEGE, PA 16801

TIMOTHY MARK VAUGHN  
2403 SUMMERPLACE DR.  
SUPPLY, NC 28462

cc: Prothonotary

To MILFORD R. WOODS and TSHANA J. WOODS, and persons acting on their behalf, be it known that Albert Goss's grandchildren, Marjorie P. Vaughn-Knepp, (Administrator of Jennie Mae Goss-Vaughn's estate, Albert Goss's daughter), Harold Randall Vaughn, Brenda Merie Vaughn-Hohman, Donna Joyce Vaughn-Swartz, and Timothy Mark Vaughn, want 3 (three) acres of property and all mineral rights to the 3 (three) acres of property of the 94 acres that Milford and Tshanna J. Woods have and interest in, of the Daniel Goss estate. If it is given in a signed and dated deed with these specifics, it will be considered to give them a clear deed of which our grandfather is on the title. Also, be it known that we would like a specific 3 (three) acres of land as noted on the attached map. Also, staking and surveying done at Milford and Tshanna J. Woods expense for our clear deed.

Marjorie P. Knepp, 11 May 2006

Marjorie P. Knepp, Administrator

Attachment: Short Certificate

Harold R. Vaughn  
6-24-08

**FILED**

**JUN 26 2008**

**William A. Shaw,  
Prothonotary/Clerk of Courts**

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

MILFORD R. WOODS and  
TSHANA J. WOODS  
Plaintiffs

NO. 03- 137 -CD

Vs.

MINNIE VIOLA GOSS... (Et. al, as per above referenced document) ...

...MARJORIE PEARL VAUGHN TUBBS KNEPP, HAROLD RANDALL VAUGHN, BRENDA MARIE HOHMAN, DONNA JOYCE VAUGHN SCHWARTZ, AND TIMOTHY MARK VAUGHN.

SPECIFICALLY: BRENDA MARIE VAUGHN HOHMAN (WE, US, OUR)

IN RESPONSE TO: "IMPORTANT NOTICE" OF "DEFAULT" DATED JUNE 18, 2008.

WHEREAS: WE ARE IN RECEIPT OF THE ABOVE MENTIONED DOCUMENT.

AND

WHEREAS: WE ARE IN AGREEMENT WITH THE RESPONSE DATED 11 MAY 2008 SIGNED BY MARJORIE PEARL VAUGHN TUBBS KNEPP AS ESTATE EXECUTOR AND INTENDED TO BE THE RESPONSE FOR ALL.

AND

WHEREAS: WE WISH TO MAINTAIN OUR CLAIM TO THE THEREIN REFERENCED LAND AND ALL ACCOMPANYING MINERAL RIGHTS AND WILL ASSUME RESPONSIBILITY FOR CLAIM ON THE PORTIONS OF OTHER VAUGHN FAMILY MEMBERS SHOULD THEY FAIL TO RESPOND SO AS TO KEEP THE CLAIM INTACT FOR THE VAUGHN PORTION(S) OF THIS INHERITANCE.

AND

WHEREAS: THIS LAND IS A SIZEABLE PARCEL OF 1/35<sup>TH</sup> OR 2.85715% OF THE ENTIRE ACREAGE OF THE DANIEL GOSS ESTATE OF 94 ACRES WHICH IS APPROXIMATELY 2.6857142 ACRES (A PORTION EQUIVALENT TO A SQUARE PARCEL 342.0374 FEET ON A SIDE). WHEN DIVIDED AMONG THE 5 "VAUGHN" HEIRS THIS WOULD APPORTION TO SQUARE LOTS OF 152.96 FEET ON A SIDE FOR EACH HEIR.

AND

WHEREAS: THIS WOULD BE AN APPRECIABLY SIZED BUILDING LOT IN ANY ESTIMATION, WE WOULD THEREFORE WISH TO CONTINUE OUR CLAIM ON SUCH PROPERTY AND SEE FAIR AND EQUITABLE DIVISION AND DISTRIBUTION OF SAME AS IS DUE TO US.

FILED *ICC deft*  
*Off 11/15/08* B. Hohman  
JUL 10 2008  
*m*  
William A. Shaw  
Prothonotary/Clerk of Courts

ALSO

WHEREAS: THE PLAINTIFFS HAVE MADE USE OF THIS PROPERTY AS IF THEY WERE SOLE FREE AND CLEAR OWNERS AND MADE STATEMENTS AND SWORN AFFIDAVITS TO THAT EFFECT IN ORDER TO EFFECT AND ADVANCE THEIR PROFIT FROM AND CONTROL OF SUCH PROPERTY AS DETAILED IN MARJORIE'S DOCUMENT DATED 11 MAY 2008 AND ENUMERATED BELOW.

THEREFORE: WE SEEK FURTHER RESTITUTION FOR SUCH DAMAGES, TAKING OF VALUE AND POSSIBLE DECREASE IN PROPERTY VALUE AS MAY HAVE BEEN CAUSED OR EFFECTED BY SUCH ACTIONS.

HEREIN IS A PARTIAL LISTING OF DAMAGES AND COMPLAINTS AS TO THE BEST OF OUR KNOWLEDGE.

1. MILFORD AND TSHANA WOODS HAVE REPEATEDLY AND CONSISTENTLY CROSSED SAID PROPERTY WITH VEHICLES, POSSIBLY DESTROYING MUCH POTENTIAL GROWTH OF NEW SELLABLE TIMBER.
2. THEY HAVE ALSO SET IN PLACE A STONE ROAD ACROSS THE PROPERTY BEFORE AND WITHOUT OBTAINING CLEAR TITLE TO SUCH LAND AND WITHOUT THE APPROVAL OF OTHER HEIRS TO THE PROPERTY. SUCH ROAD WAS UNNEEDED FOR ACCESS SINCE THEY HAD SUCH ACCESS FROM THE PROPERTY OF RELATIVES OF THE FOSTER FAMILY WHO HAD ADJOINING PROPERTY. THIS ROAD WAS FOR THEIR SOLE CONVENIENCE AND BENEFIT WITHOUT REGARD TO OR CONSENT FROM OTHER HEIRS.
3. THE WOODS HAVE SOLD TREES FROM SAID PROPERTY WITHOUT CONSENT FROM OR COMPENSATION TO THE OTHER HEIRS.
4. THE WOODS HAVE DRILLED (APPARENTLY FOR OIL OR GAS) ON THE PROPERTY WITHOUT APPROPRIATE CONSENT OR COMPENSATION.
5. THE WOODS HAVE PUT ELECTRIC POLES ACROSS THE PROPERTY WITHOUT CONSENT OR COMPENSATION AND HAVE FALSIFIED LEGAL DOCUMENTS TO THE ELECTRIC COMPANY CLAIMING SOLE OWNERSHIP OF SAID PROPERTY WHICH HAS NOT YET BEEN LEGALLY APPORTIONED FOR CLEAR TITLE.  
(INSTRUMENT NUMBER 200503937.)
6. THE PLAINTIFFS ARE PRESENTLY TRYING TO PUT WATER LINES ACROSS THE PROPERTY; AGAIN WITHOUT CONSULTATION WITH OR AGREEMENT FROM THE OTHER OWNERS.
7. THESE ACTIONS HAVE BEEN UNDERTAKEN SURREPTITIOUSLY AND WITHOUT CONSULTATION WITH, CONSENT FROM OR EVEN THE OFFER OF RENT OR COMPENSATION PAID TO THE OTHER OWNERS.
8. THE CURRENT ACTIONS AND LITIGATIONS SEEM TO BE AN ATTEMPT TO SEIZE SUCH PROPERTY WITHOUT COMPENSATION AND TO PREVENT THE DISCOVERY OF THE PREVIOUS VIOLATIONS AND DISREGARDS.
9. SINCE MINERAL RIGHTS ARE GRANTED IN THIS PROPERTY IT ALSO APPEARS TO BE AN ATTEMPT TO AVOID THE EQUITABLE SHARING OF PROFITS WHICH MIGHT BE REALIZED FROM THE DISCOVERY OF OIL, NATURAL GAS OR OTHER VALUABLE RESOURCES BENEATH THIS PROPERTY.
10. MUCH OF THIS USE, MISUSE, TAKING, AND PROFITEERING HAS BEEN DONE IN A SECRETIVE MANNER WITHOUT NOTIFICATION TO OTHER KNOWN HEIRS OF THIS PROPERTY. MUCH OF THIS ACTION IS A MATTER OF RECORD WHICH CAN BE RESEARCHED AND YET NO OFFER HAS EVER BEEN MADE TO EQUITABLE DISTRIBUTE PROFITS FROM THESE ACTIONS.

IN CONCLUSION:

WE WOULD LIKE TO RESTATE THAT WE ARE INTERESTED SINGLY AND/OR SEVERALLY IN MAINTAINING OUR INTEREST IN SAID PROPERTY. WE WOULD ALSO LIKE TO ADD THAT, DUE TO THE INDISCRETIONS OF MILFORD AND TSHANA WOODS IN THEIR USE, ABUSE, POSSIBLE DESTRUCTION OR DEVALUATION, SALE OF RESOURCES, AND THE LIKE, WE WOULD EXPECT THEM TO PAY ANY AND ALL COSTS ENTAILED IN APPORTIONMENT OF SAID PROPERTY AS WELL AS JUST COMPENSATION FOR RESOURCES ALREADY SOLD.

ALSO

WE WOULD EXPECT A FAIR AND JUST CHOICE IN THE PORTIONS OF SAID PROPERTY APPORTIONED TO US. TAXES ON SAID PROPERTY WILL BE PAID AS DUE. PREVIOUS TAXES PAID BY MILFORD AND TSHANA WOODS SHOULD BE CONSIDERED AS PART OF DUE RESTITUTION DUE TO FAILURE TO NOTIFY OTHERS OF THEIR RIGHTFUL CLAIM OF SUCH PROPERTY. THE WOODS TOOK ADVANTAGE OF THE SITUATION TO THEIR BENEFIT WITHOUT ANY ATTEMPT TO NOTIFY OTHER OWNERS AS IT IS OBVIOUS THEY HAVE ACCESS TO CONTACT INFORMATION OF OTHER OWNERS AS EVIDENCED BY THE ENCLOSED AND OTHER DOCUMENTS WHICH LIST THESE PARTIES. THIS IS ALSO EVIDENCED BY THEIR "PURCHASE" OF PROPERTY RIGHTS FROM OTHER HEIRS LISTED WHO MAY NOT HAVE BEEN AWARE OF THE VALUE OF THEIR CLAIM.

IN WITNESS WHEREOF I HEREBY AFFIX MY SIGNATURE AS SEAL THIS

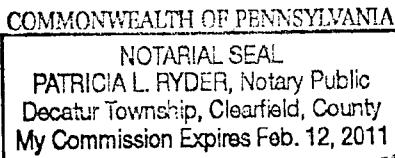
28<sup>th</sup> DAY OF JUNE 2008

Brenda Marie Vaughn Hohman  
BRENDA MARIE VAUGHN HOHMAN

SWORN, THIS 28<sup>th</sup> DAY OF JUNE 2008,

BEFORE:

Patricia L. Ryder  
NOTARY PUBLIC



**FILED**

**JUL 10 2008**

William A. Shaw  
Prothonotary/Clerk of Courts

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

MILFORD R. WOODS and  
TSHANA J. WOODS  
Plaintiffs

NO. 03- 137 -CD

Vs.

MINNIE VIOLA GOSS... (Et. al, as per above referenced document) ...

...MARJORIE PEARL VAUGHN TUBBS KNEPP, HAROLD RANDALL VAUGHN, BRENDA MARIE HOHMAN, DONNA JOYCE VAUGHN SCHWARTZ, AND TIMOTHY MARK VAUGHN.

SPECIFICALLY: DONNA JOYCE VAUGHN SCHWARTZ (WE, US, OUR)

IN RESPONSE TO: "IMPORTANT NOTICE" OF "DEFAULT" DATED JUNE 18, 2008.

WHEREAS: WE ARE IN RECEIPT OF THE ABOVE MENTIONED DOCUMENT.

AND

WHEREAS: WE ARE IN AGREEMENT WITH THE RESPONSE DATED 11 MAY 2008 SIGNED BY MARJORIE PEARL VAUGHN TUBBS KNEPP AS ESTATE EXECUTOR AND INTENDED TO BE THE RESPONSE FOR ALL.

AND

WHEREAS: WE WISH TO MAINTAIN OUR CLAIM TO THE THEREIN REFERENCED LAND AND ALL ACCOMPANYING MINERAL RIGHTS AND WILL ASSUME RESPONSIBILITY FOR CLAIM ON THE PORTIONS OF OTHER VAUGHN FAMILY MEMBERS SHOULD THEY FAIL TO RESPOND SO AS TO KEEP THE CLAIM INTACT FOR THE VAUGHN PORTION(S) OF THIS INHERITANCE.

AND

WHEREAS: THIS LAND IS A SIZEABLE PARCEL OF 1/35<sup>TH</sup> OR 2.85715% OF THE ENTIRE ACREAGE OF THE DANIEL GOSS ESTATE OF 94 ACRES WHICH IS APPROXIMATELY 2.6857142 ACRES (A PORTION EQUIVALENT TO A SQUARE PARCEL 342.0374 FEET ON A SIDE). WHEN DIVIDED AMONG THE 5 "VAUGHN" HEIRS THIS WOULD APPORTION TO SQUARE LOTS OF 152.96 FEET ON A SIDE FOR EACH HEIR.

AND

WHEREAS: THIS WOULD BE AN APPRECIABLY SIZED BUILDING LOT IN ANY ESTIMATION, WE WOULD THEREFORE WISH TO CONTINUE OUR CLAIM ON SUCH PROPERTY AND SEE FAIR AND EQUITABLE DIVISION AND DISTRIBUTION OF SAME AS IS DUE TO US.

FILED  
07/11/08 CM  
JUL 10 2008 D. Schwartz  
William A. Shaw  
Prothonotary/Clerk of Courts

*Response*

ALSO

WHEREAS: THE PLAINTIFFS HAVE MADE USE OF THIS PROPERTY AS IF THEY WERE SOLE FREE AND CLEAR OWNERS AND MADE STATEMENTS AND SWORN AFFIDAVITS TO THAT EFFECT IN ORDER TO EFFECT AND ADVANCE THEIR PROFIT FROM AND CONTROL OF SUCH PROPERTY AS DETAILED IN MARJORIE'S DOCUMENT DATED 11 MAY 2008 AND ENUMERATED BELOW.

THEREFORE: WE SEEK FURTHER RESTITUTION FOR SUCH DAMAGES, TAKING OF VALUE AND POSSIBLE DECREASE IN PROPERTY VALUE AS MAY HAVE BEEN CAUSED OR EFFECTED BY SUCH ACTIONS.

HEREIN IS A PARTIAL LISTING OF DAMAGES AND COMPLAINTS AS TO THE BEST OF OUR KNOWLEDGE.

1. MILFORD AND TSHANA WOODS HAVE REPEATEDLY AND CONSISTENTLY CROSSED SAID PROPERTY WITH VEHICLES, POSSIBLY DESTROYING MUCH POTENTIAL GROWTH OF NEW SELLABLE TIMBER.
2. THEY HAVE ALSO SET IN PLACE A STONE ROAD ACROSS THE PROPERTY BEFORE AND WITHOUT OBTAINING CLEAR TITLE TO SUCH LAND AND WITHOUT THE APPROVAL OF OTHER HEIRS TO THE PROPERTY. SUCH ROAD WAS UNNEEDED FOR ACCESS SINCE THEY HAD SUCH ACCESS FROM THE PROPERTY OF RELATIVES OF THE FOSTER FAMILY WHO HAD ADJOINING PROPERTY. THIS ROAD WAS FOR THEIR SOLE CONVENIENCE AND BENEFIT WITHOUT REGARD TO OR CONSENT FROM OTHER HEIRS.
3. THE WOODS HAVE SOLD TREES FROM SAID PROPERTY WITHOUT CONSENT FROM OR COMPENSATION TO THE OTHER HEIRS.
4. THE WOODS HAVE DRILLED (APPARENTLY FOR OIL OR GAS) ON THE PROPERTY WITHOUT APPROPRIATE CONSENT OR COMPENSATION.
5. THE WOODS HAVE PUT ELECTRIC POLES ACROSS THE PROPERTY WITHOUT CONSENT OR COMPENSATION AND HAVE FALSIFIED LEGAL DOCUMENTS TO THE ELECTRIC COMPANY CLAIMING SOLE OWNERSHIP OF SAID PROPERTY WHICH HAS NOT YET BEEN LEGALLY APPORTIONED FOR CLEAR TITLE. (INSTRUMENT NUMBER 200503937.)
6. THE PLAINTIFFS ARE PRESENTLY TRYING TO PUT WATER LINES ACROSS THE PROPERTY; AGAIN WITHOUT CONSULTATION WITH OR AGREEMENT FROM THE OTHER OWNERS.
7. THESE ACTIONS HAVE BEEN UNDERTAKEN SURREPTITIOUSLY AND WITHOUT CONSULTATION WITH, CONSENT FROM OR EVEN THE OFFER OF RENT OR COMPENSATION PAID TO THE OTHER OWNERS.
8. THE CURRENT ACTIONS AND LITIGATIONS SEEM TO BE AN ATTEMPT TO SEIZE SUCH PROPERTY WITHOUT COMPENSATION AND TO PREVENT THE DISCOVERY OF THE PREVIOUS VIOLATIONS AND DISREGARDS.
9. SINCE MINERAL RIGHTS ARE GRANTED IN THIS PROPERTY IT ALSO APPEARS TO BE AN ATTEMPT TO AVOID THE EQUITABLE SHARING OF PROFITS WHICH MIGHT BE REALIZED FROM THE DISCOVERY OF OIL, NATURAL GAS OR OTHER VALUABLE RESOURCES BENEATH THIS PROPERTY.
10. MUCH OF THIS USE, MISUSE, TAKING, AND PROFITEERING HAS BEEN DONE IN A SECRETIVE MANNER WITHOUT NOTIFICATION TO OTHER KNOWN HEIRS OF THIS PROPERTY. MUCH OF THIS ACTION IS A MATTER OF RECORD WHICH CAN BE RESEARCHED AND YET NO OFFER HAS EVER BEEN MADE TO EQUITABLE DISTRIBUTE PROFITS FROM THESE ACTIONS.

IN CONCLUSION:

WE WOULD LIKE TO RESTATE THAT WE ARE INTERESTED SINGLY AND/OR SEVERALLY IN MAINTAINING OUR INTEREST IN SAID PROPERTY. WE WOULD ALSO LIKE TO ADD THAT, DUE TO THE INDISCRETIONS OF MILFORD AND TSHANA WOODS IN THEIR USE, ABUSE, POSSIBLE DESTRUCTION OR DEVALUATION, SALE OF RESOURCES, AND THE LIKE, WE WOULD EXPECT THEM TO PAY ANY AND ALL COSTS ENTAILED IN APPORTIONMENT OF SAID PROPERTY AS WELL AS JUST COMPENSATION FOR RESOURCES ALREADY SOLD.

ALSO

WE WOULD EXPECT A FAIR AND JUST CHOICE IN THE PORTIONS OF SAID PROPERTY APPORTIONED TO US. TAXES ON SAID PROPERTY WILL BE PAID AS DUE. PREVIOUS TAXES PAID BY MILFORD AND TSHANA WOODS SHOULD BE CONSIDERED AS PART OF DUE RESTITUTION DUE TO FAILURE TO NOTIFY OTHERS OF THEIR RIGHTFUL CLAIM OF SUCH PROPERTY. THE WOODS TOOK ADVANTAGE OF THE SITUATION TO THEIR BENEFIT WITHOUT ANY ATTEMPT TO NOTIFY OTHER OWNERS AS IT IS OBVIOUS THEY HAVE ACCESS TO CONTACT INFORMATION OF OTHER OWNERS AS EVIDENCED BY THE ENCLOSED AND OTHER DOCUMENTS WHICH LIST THESE PARTIES. THIS IS ALSO EVIDENCED BY THEIR "PURCHASE" OF PROPERTY RIGHTS FROM OTHER HEIRS LISTED WHO MAY NOT HAVE BEEN AWARE OF THE VALUE OF THEIR CLAIM.

IN WITNESS WHEREOF I HEREBY AFFIX MY SIGNATURE AS SEAL THIS

30<sup>th</sup> DAY OF JUNE 2008

DONNA JOYCE VAUGHN SCHWARTZ

SWORN, THIS 30<sup>th</sup> DAY OF JUNE 2008,

BEFORE:

Patricia Chase

NOTARY PUBLIC

*Patricia Chase*

NOTARY PUBLIC  
Commission Expires:  
July 15, 2009  
Athens-Clarke County, Georgia

**FILED**

**JUL 10 2008**

William A. Shaw  
Prothonotary/Clerk of Courts

RECEIVED  
CLERK'S OFFICE  
COURT OF COMMON PLEAS  
JULY 10 2008  
BY [unclear]

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

MILFORD R. WOODS and  
TSHANA J. WOODS

Plaintiffs  
vs.

**ALBERT GOSS** a/k/a **ALBERT W.**  
"JUMMY" GOSS; WILLIAM C. GOSS;  
and JENNIE M. (GOSS) VAUGHN; the  
three persons named immediately  
previous hereto are all believed  
to be deceased and their  
cumulative heirs, devisees,  
successors, administrators,  
executors and assigns, and  
all other persons or entities in  
interest, known or unknown,  
claiming by, through or under  
them, and HAROLD ELLSWORTH VAUGHN;  
MARJORIE PEARL VAUGHN TUBBS KNEPP;  
HAROLD RANDALL VAUGHN; BRENDA  
MARIE VAUGHN HOHMAM; DONNA JOYCE  
VAUGHN SCHWARTZ; and TIMOTHY MARK  
VAUGHN

Defendants

NO. 03 - 137 - CD

SECOND AMENDED COMPLAINT  
IN PARTITION

Filed on behalf of Plaintiffs:  
MILFORD R. WOODS and  
TSHANA J. WOODS

Counsel of Record for them:

TIMOTHY E. DURANT, ESQUIRE  
Pa. I. D. No. 21352  
201 North Second Street  
Clearfield, PA 16830  
(814) 765-1711

5  
FILED 7cc  
B65 01/15/2009 Amy Durant  
Oct 30 2009

William A. Shaw  
Prothonotary/Clerk of Courts

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

MILFORD R. WOODS and  
TSHANA J. WOODS

Plaintiffs  
vs.

NO. 03- 137 -CD

ALBERT GOSS a/k/a \*ALBERT W. "JUMMY" GOSS; WILLIAM C. GOSS; and JENNIE M. (GOSS) VAUGHN; the three persons named immediately previous hereto are all believed to be deceased and their cumulative heirs, devisees, successors, administrators, executors and assigns, and all other persons or entities in interest, known or unknown, claiming by, through or under them, and HAROLD ELLSWORTH VAUGHN; MARJORIE PEARL VAUGHN TUBBS KNEPP; HAROLD RANDALL VAUGHN; BRENDA MARIE VAUGHN HOHMAM; DONNA JOYCE VAUGHN SCHWARTZ; and TIMOTHY MARK VAUGHN

**SECOND AMENDED COMPLAINT  
IN PARTITION**

### Defendants

**NOTICE TO DEFEND**

TO: EACH AND EVERY DEFENDANT NAMED HEREIN.

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 and 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 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  
(814) 765-2641, Ext. 5982

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

MILFORD R. WOODS and  
TSHANA J. WOODS

Plaintiffs  
vs.

NO. 03- 137 -CD

**ALBERT GOSS** a/k/a **"JUMMY" GOSS**;  
WILLIAM C. GOSS; and JENNIE M. (GOSS) VAUGHN;  
the three persons named immediately previous  
hereto are all believed to be deceased and  
their cumulative heirs, devisees, successors,  
administrators, executors and assigns, and  
all other persons or entities in interest,  
known or unknown, claiming by, through or  
under them, and HAROLD ELLSWORTH VAUGHN;  
MARJORIE PEARL VAUGHN TUBBS KNEPP; HAROLD  
RANDALL VAUGHN; BRENDA MARIE VAUGHN HOHMAM;  
DONNA JOYCE VAUGHN SCHWARTZ; and TIMOTHY  
MARK VAUGHN

Defendants

**SECOND AMENDED COMPLAINT IN PARTITION**

This Amended Complaint is filed for the purpose of adding additional parties, deleting unnecessary parties and updating information about the defendants as has become available to Plaintiffs since the initial complaint was filed with this court on February 3, 2003 and the 1<sup>st</sup> Amended Complaint was filed on May 12, 2008.

1. Plaintiffs are **MILFORD R. WOODS** and **TSHANA J. WOODS**, husband and wife, competent adult individuals who presently reside at, 3228 Morgan Run Road, West Decatur, Clearfield County, Pennsylvania 16878.

2. The following Defendants are all believed to be deceased on the dates set out in parentheses following their names and, unless otherwise stated in their relevant paragraphs, are believed to have died intestate: **ALBERT GOSS** a/k/a **ALBERT W. "JUMMY" GOSS** (July 6, 1958), **WILLIAM C. GOSS** (March 13, 1998), and **JENNIE M. (GOSS) VAUGHN** (January 21, 2003).

3. All the defendants in this partition action are believed to

have standing as heirs of ALBERT GOSS a/k/a ALBERT W. "JUMMY" GOSS. ALBERT GOSS inherited an undivided 1/35<sup>th</sup> share in the subject parcel by virtue of being one of the seven children of JAMES GOSS who in turn had inherited an undivided 1/5<sup>th</sup> share in the subject premises by virtue of being one of the 5 siblings of DANIEL GOSS as set out hereafter.

4. The said DANIEL GOSS died intestate on or about October 13, 1927 as more fully and at large appears in Clearfield County Estate #10783. At death said DANIEL GOSS was unmarried and without issue and his heirs at law therefore were his 3 surviving siblings i.e., WILLIAM GOSS, MARY ANN GOSS HOOVER, WALTER GOSS (each of whom then resided in Clearfield County, PA); and the 7 children of a deceased brother JAMES GOSS i.e., Minnie Russell, Albert Goss, a/k/a Albert W. "Jummy" Goss, Raymond Goss, Annie Goss, Clifford Goss, Bertha Goss, Russell Goss (each of whom then resided in Clearfield County, PA); and the 3 children of his other deceased brother, JOHN W. GOSS i.e., Winifred Miller, Thornton Goss, Kenneth Goss (each of whom then resided in the State of Oregon).

5. By deed dated July, 1889 and recorded in the Clearfield County Recorder of Deed's Office in Deed Book Volume 53 at page 100 the subject premises vested in Daniel Goss. The said premises were described as:

All that certain tract or piece of land situate in Decatur Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at an ash corner of Jonathan Kephart's land; thence by lands of Moses Owens North one hundred and ninety-eight (198) perches to black oak grub by stones; thence by resi-

dence of Jacob Goss farm east one hundred and twenty-eight (128) perches to stones; thence by line of said farm South one hundred and ninety-eight (198) perches to post on line of Jonathan Kephart; thence by land of Jonathan Kephart West one hundred and twenty-eight (128) perches to ash and place of beginning. Containing, by the survey of Mr. Fulton, one hundred and forty-nine acres, seventy-three perches in allowance.

EXCEPTING AND RESERVING out of and from the above described premises, nevertheless, the fifty acres, more or less, sold to Hesser and Hileman out of the South end of the above described premises.

ALSO EXCEPTING AND RESERVING a part thereof bounded and described as follows: Beginning at a stake on the line of Hugh Kline and Daniel Goss lands, and being 430.4 feet east of the Northwest corner of the Daniel Goss tract; thence east along line of Hugh Kline 599.2 feet to a stake on said line; thence South 436.2 feet along lands of Daniel Goss to a stake; thence West 599.2 feet along lands of Daniel Goss to stake; thence North 436.2 feet along lands of Daniel Goss to stake and place of beginning. Containing six acres, conveyed to Wilbur F. Hoover and Mary A. Hoover.

BEING the same premises conveyed by Abram B. Goss and his wife Elizabeth Goss to Daniel Goss by virtue of a deed dated July, 1889 and recorded in the Clearfield County Recorder of Deed's Office in Deed Book Volume 53 at page 100.

This property is described as 94 acres and is identified in the County Assessment records as Map No.112-N11-5. A copy of said deed is attached hereto as Exhibit "A".

6. MARY ANN GOSS HOCVER died testate on August 16, 1954 a resident of Decatur Township, Clearfield County, Pennsylvania. An estate was raised for her and filed as Clearfield County Estate No. 23021. Pursuant to her will all of her interest in the parcel described in ¶5 herein was bequeathed to her daughter Wilda Pearl Hoover. Wilda Pearl Hoover died unmarried, without children, predeceased by both parents and all of her siblings. Said Wilda Pearl Hoover died intestate on September 15, 1977, a resident of State College, Centre County, Pennsylvania with her sole heirs at law being:

a. The three surviving children of her brother, Lesley Roy

Hoover, (deceased) - viz. Ruth Hoover Kline, Dolly Hoover Weaver, Richard W. Hoover and Theo M. Dettinger. Ruth Hoover Kline conveyed her interests by her Attorney-in-fact Kenneth L. Goss to Plaintiffs herein by deed dated May 24, 2001 recorded in Clearfield County Recorder's Office as Instrument No. 2001-08723. Dolly I. (Hoover) Weaver, Richard W. Hoover and Theo M. (Hoover) Dettinger, conveyed their interests to Plaintiffs herein by deed dated June 28, 2004 recorded in Clearfield County Recorder's Office as Instrument No. 2004-14807; and

b. The two surviving grandchildren of her brother, Lesley Roy Hoover, (deceased) by his deceased son, Wilbur I. Hoover, viz. Dennis Ray Hoover, Denise Rae Hoover Saunders. Dennis Ray Hoover, Denise Rae Hoover Saunders conveyed their interests to Plaintiffs herein by deed dated June 28, 2004 recorded in Clearfield County Recorder's Office as Instrument No. 2004-14807.

7. Bertha (Goss) Stone a/k/a Bertha I. Stone (one of the seven children of JAMES GOSS) died testate on February 23, 1985 a resident of the Village of Hawk Run, Morris Township, Clearfield County, Pennsylvania. An estate was raised for her and filed as Clearfield County Estate No. 85-76. Pursuant to her will all of her interest in the parcel described in ¶5 herein was bequeathed to her three children, viz. Alvin G. Stone, Dolly L. (Stone) Mann and Shirley L. (Stone) Quick. Alvin G. Stone was named as executor of Bertha I. Stone's

estate and conveyed his interests individually and as executor to Plaintiffs herein by those two certain deeds noted hereafter, i.e. the first was through his Attorney-in-fact Kenneth L. Goss by deed dated May 24, 2001 recorded in Clearfield County Recorder's Office as Instrument No. 2001-08723 and the second was by deed dated April 30, 2004 recorded in Clearfield County Recorder's Office as Instrument No. 2004-06924.

8. JOHN W. GOSS died in August 1880 and was survived by three children as his sole heirs at law, viz. Winifred Miller, Thornton Goss, and Kenneth Goss, each of whom was living on October 13, 1927 and apparently residing in the state of Oregon when the aforesaid DANIEL GOSS died but each of whom are now deceased but their interests were conveyed to Plaintiffs by deed dated May 24, 2001 from Kenneth L. Goss as agent for Marion T. Goss, Julie M. McQuiston, Linda Munch and Michael E. Wintermute, et al. recorded as Clearfield County Instrument No. 2001-08723 on June 8, 2001.

9. JAMES GOSS's son, Clifford Goss a/k/a Clifford C. Goss died intestate on June 12, 1936. No estate was ever raised for Clifford C. Goss. Clifford C. Goss was survived by two daughters, Thressa (a/k/a Therese or Reesie) Della Goss, and Carolyn (Cardie) Goss both of whom are now deceased but their interests were conveyed to Plaintiffs by deed dated May 24, 2001 from Kenneth L. Goss as agent for Howard G. Corey and Sueanne Fewkes, et al. recorded as Clearfield County Instrument No. 2001-08723 on June 8, 2001.

10. JAMES GOSS'S daughter, Minnie Viola Goss a/k/a Minnie Viola Russell died intestate on April 11, 1973 a widow, survived by 7

children and the 2 children of an 8<sup>th</sup> child who predeceased her. No estate was ever raised for Minnie Viola Goss/Russell. The 7 children who survived her were, Robert Lemoine Russsell, Albert Theodore Russell, Clair Alfred Russell, Thelma Adalee (Russell) Goss, Isabell Maye (Russell) Wadosky, Chester Warren Russell, and Lorna Lucille (Russell) Stonebraker. The child who predeceased her was James Francis Russell, Sr. who died intestate on February 15, 1964, survived by a wife and two children.

11. Albert Theodore Russell died a resident of Niagara Falls, NY on January 23, 1994 survived by his spouse and three children each of whom conveyed their interest in the subject premises to plaintiffs by deed dated January 28, 2002 recorded in the Clearfield County Recorder's Office as Instrument No. 2002-03001.

12. The remaining heirs of Minnie Viola Goss a/k/a Minnie Viola Russell all conveyed their interest in the subject premises to plaintiffs by deed dated August 10, 2009 recorded in the Clearfield County Recorder's Office as Instrument No. 2009-12015.

13. JAMES GOSS's son, Albert Goss, a/k/a Albert W. "Jummy" Goss died on July 6, 1958 unmarried, intestate, survived by two children, i.e. Jennie M. (Goss) Vaughn and William C. Goss. No estate was ever raised for Albert Goss.

14. William C. Goss died on March 13, 1998 unmarried, a resident of Hollidaysburg, Blair County, Pennsylvania, without issue, and survived only by his sibling Jennie M. (Goss) Vaughn as his sole heir at law. No estate was ever raised for William C. Goss.

15. Jennie M. (Goss) Vaughn died intestate on January 21, 2003 a

resident of Philipsburg, Centre County, Pennsylvania. It is believed and therefore averred (due to documents filed in response to the First Amended Complaint in this action on 6/26/08 by her ex-husband and on 07/10/08 by several of her children) that on or about September 11, 2000 she was divorced from Harold Elsworth Vaughn by a Divorce Decree filed to Centre County No. 81-1944 (sic) and therefore her only heirs at law were her five (5) children; viz. Marjorie Pearl Vaughn Knepp, Harold Randall Vaughn, Brenda Marie Vaughn Hohmam, Donna Joyce Vaughn Schwartz and Timothy Mark Vaughn. An estate was raised in Centre County for Jennie M. (Goss) Vaughn filed to No. 14-04-0459.

- a. Harold Elsworth Vaughn is a competent adult individual believed to reside at 210 North Tenth Street, Philipsburg, Centre County, Pennsylvania 16866. It is also believed that he was actually divorced from Jennie M. (Goss) Vaughn prior to her death and is therefore not an heir.
- b. Marjorie Pearl Vaughn Tubbs Knepp is a competent adult individual believed to reside at 319 North Fifth Street, Philipsburg, Centre County, Pennsylvania 16866.
- c. Harold Randall Vaughn is a competent adult individual believed to reside at 18116 Route 36, Punxsutawney, Jefferson County, Pennsylvania 15767.
- d. Brenda Marie Vaughn Hohman is a competent adult individual believed to reside at 1132 Decatur

Street, Philipsburg, Centre County, Pennsylvania  
16866.

- e. Donna Joyce Vaughn Schwartz is a competent adult individual believed to reside at 255 Shady Grove Dr., Athens, GA 30605.
- f. Timothy Mark Vaughn is a competent adult individual believed to reside at 2403 Summer Place Dr., Supply, NC 28462.

16. In July 2002 the Plaintiffs contacted John E. West and requested an appraisal of the property described in ¶5 above.

17. The estimated appraised value for the real estate was \$33,000.00 as of July 8, 2002 as evidenced by the July 8, 2002 Appraisal Report prepared by John E. West, CPE, CREA, a copy of which is attached to the original complaint and marked therein as Exhibit "B".

18. Plaintiff paid \$250.00 for the appraisal by John E. West.

19. At all times Plaintiffs have been ready willing and able to purchase the interest of the Defendants for a sum equal to each of the said defendants' pro-rata share of a total purchase price of \$35,000.

20. Defendants are all persons whose whereabouts are unknown or if their whereabouts are known they have been contacted and they have refused to sell their interest to the Plaintiffs.

21. As of the date of the filing of this Complaint there are no liens upon this property.

22. Beginning with the year 2001 up through the filing of this Second Amended Complaint, Plaintiffs have paid all the real estate

taxes imposed on the premises described in ¶5 above.

23. Plaintiffs believe and therefore aver, that the real estate described in ¶5 above cannot be divided without prejudice to or spoiling the whole and without inordinate expense and depletion of the estate.

24. Plaintiffs presently own an undivided 272/280<sup>ths</sup> interest in the whole as tenants in common of the premises described in ¶5 above. Said 272/280<sup>ths</sup> equals 97.14285% interest in the whole.

25. Defendants claiming by through and under **ALBERT "JUMMY" GOSS** collectively own an undivided 1/35<sup>th</sup> or 8/280<sup>ths</sup> interest in the whole as tenants in common of the premises described in ¶5 above. Said 8/280<sup>ths</sup> equals 2.85715% interest in the whole.

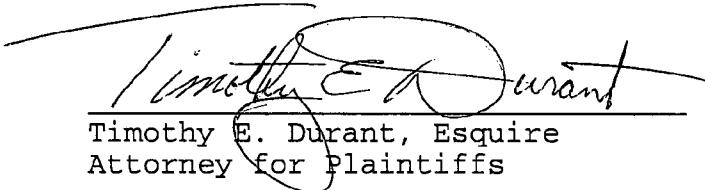
WHEREFORE, the Plaintiffs pray:

- a) the Court decree partition of the above real estate;
- b) the share or shares to which the respective parties are entitled be set out to them in severalty and that all proper and necessary conveyances and assurances be executed for carrying such partition into effect; and that, if the real estate cannot be divided without prejudice to or spoiling the whole, such proper and necessary sale or sales of the same may be made by such persons and in such manner as the Court may direct;
- c) That the Court appoint a trustee to make a public sale of said property;
- d) That the net proceeds of the sale be divided between the Plaintiffs and Defendants in accordance with their proportion

of ownership;

- e) Order that one party sell his interest to the other; or
- f) Such other and further relief as may be deemed necessary and proper.

Date: October 29, 2009

  
\_\_\_\_\_  
Timothy E. Durant, Esquire  
Attorney for Plaintiffs

VERIFICATION

We verify that the statements made in this Pleading 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.

Milford R. Woods  
Milford R. Woods

Tshana J. Woods  
Tshana J. Woods

# This Indenture, Made the

day of November in the year of our  
Lord one thousand eight hundred and eighteen  
Between Abram B. Ross of Clearfield Township,  
Clearfield County and State of Pennsylvania,  
and wife, his wife, of the first part, and  
Daniel Ross of the same place

of the second part: **Witnesseth**, That the said party of the first part, for and in  
consideration of the sum of four hundred, eighty-six and

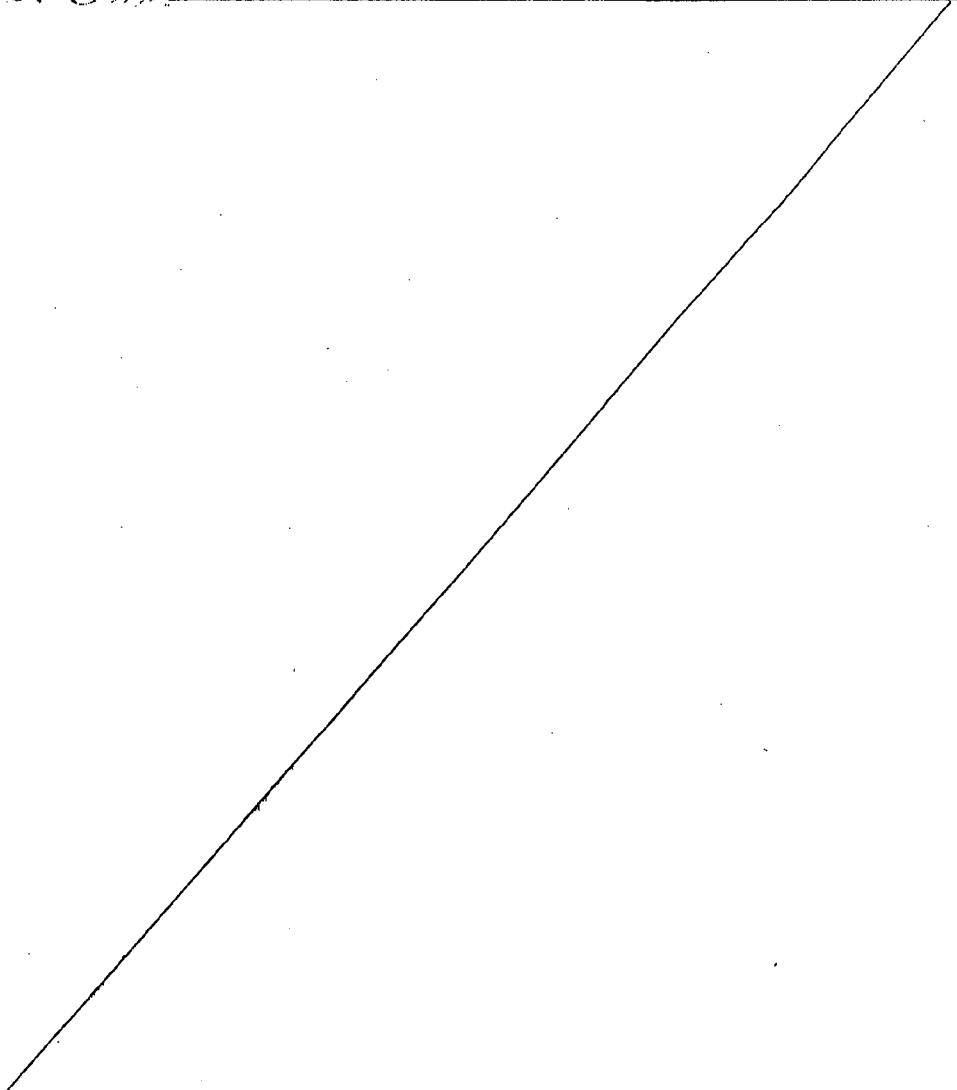
36/100  
lawful money of the United States of America, well and truly paid by the said party of  
the second part to the said party of the first part, at and before the sealing and  
delivery of these presents, the receipt whereof is hereby acknowledged, do grant, bargain,  
sold, aliened, enfeoffed, released, conveyed, and confirmed, and by these presents  
do grant, bargain, sell, alien, enfeoff, release, convey, and confirm, unto the said  
party of the second part, his heirs and assigns, all that certain

tract or piece of land situated in Clearfield Township, Clearfield County, and State of Pennsylvania bounded and described as follows: Beginning at an ash corner of Jonathan Kephart's  
land; thence by lands of Moses Clegg north  
one hundred and ninety-eight perches to black  
oak grub by stones; thence by residue of the Jacob  
Ross farm east one hundred and twenty-eight  
perches to stones; thence by line of said farm  
south one hundred and ninety-eight perches  
to post on line of Jonathan Kephart; thence  
by land of Jonathan Kephart west one hun-  
dred and twenty-eight perches to ash and  
place of beginning and containing, by the  
survey of Mr. Fulton, one hundred and forty-  
nine acres, seventy-three perches, and allow-  
ances.

It being a part of the same tract or piece  
of land which Jacob Ross, late of the Town-  
ship of Clearfield, and county aforesaid, farmer,  
deceased, in and by his last will and testa-  
ment, in writing bearing date the eighteenth  
day of November A.D. one thousand eight

hundred and fifty-nine, did give and devise unto the said John B. Loses (party hereto) in fee simple and by the said recited will (since his decease duly proved, and remaining in the Register's Office at Clearfield, Pennsylvania, recorded in Will book "B" pages one hundred and sixty-one, and one hundred and sixty-two, no course being the events had, more fully and at large appears.

Excepting and reserving out of and from the above described premises, nevertheless, the fifty acres more or less, sold by the party of the first part to Heseler and Stilerman out of the south end of the above described premises, so that this deed conveys one hundred acres, more or less.



Together with all and singular, the buildings, improvements, woods, ways, rights, liberties, privileges, hereditaments, and appurtenances, to the same belonging, or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof, and of every part and parcel thereof: And also, all the estate, right, title, interest, ~~excepting & reserving the said 50 acres~~ property, possession, claim, and demand whatsoever, both in law and equity, of the said part ~~of the first part, of, in, and to the said premises, with the appurtenances:~~

Excepting and reserving out of and from the above described premises, Nevertheless the fifty acres, more or less, sold by the party of the first part to the ~~entitled~~ ~~owner~~ of the above described premises, so that this deed conveys 100 acres more or less.

To have and to hold the said premises, with all and singular the appurtenances, ~~excepting & reserving as above~~ unto the said party ~~of the second part, his~~ heirs and assigns, to the only proper use, benefit, and behoof of the said party ~~of the second part, his~~ heirs and assigns forever.

Excepting and reserving as above

And the said Abram B. Liss & Elizabeth, for themselves, their heirs, executors, and administrators, do — by these presents covenant, grant, and agree to and with the said party ~~of the second part, his~~ heirs and assigns forever, that they the said Abram B. Liss, and Elizabeth Liss their ~~heirs~~ heirs, all and singular the hereditaments and premises herein above described and granted, or mentioned and intended to be so, with the appurtenances, unto the said party ~~of the second part, his~~ heirs and assigns, against them the said Abram B. Liss and Elizabeth Liss their ~~heirs~~ heirs, and against all and every other person or persons, whomsoever lawfully claiming or to claim the same or any part thereof, by, from or under him her, them, or any of them

Shall and Will — by these presents

Warrant and forever Defend.

In Witness Whereof, the said party ~~of the first part to these presents~~ have hereunto set ~~their~~ hand and seal: Dated the day and year first above written.

Signed, Sealed and Delivered }  
IN THE PRESENCE OF

*John Meiss*

*John Meiss*



*Elizabeth B. Liss*



Received, the day of the date of the above Indenture, of the above-named Daniel Losen  
the sum of four hundred, eighty six ~~186~~ dollars  
purchase money in full on written ~~for~~ Deed.

Chancery of Pa.

State of Pennsylvania  
County of Clearfield } ss.

On the Twenty Ninth day of November Anno Domini 18 89 before me,  
David Mease a Justice of the Peace  
in and for said County  
personally appeared the above-named Alvarez B. Losen and Elizabeth  
his wife

and in due form of law acknowledged the above **Indenture** to be their and each of their act and deed, and  
desired the same might be recorded as such; and the said Elizabeth Losen  
being of full age, and separate and apart from her said husband  
by me thereon privately examined, and the full contents of the above **Deed** being by me first made known unto  
her did thereupon declare and say that she did voluntarily and  
of her own free will and accord, sign, seal, and as her act and  
deed, deliver the above-written **Indenture**, **Deed**, or **Conveyance**, without any  
coercion or compulsion of her said husband

**Witness** my hand and My seal the day and year  
aforesaid.

David Mease J. P.

Deed

Alvarez B. Losen &

Elizabeth his wife

to

Daniel Losen

No. 650. John C. Clark & Sons, Stationers, 250 Dock St., Philadelphia.

Ent. Dec. 1. 1889  
by Alvarez \$300  
Tax office Office 2.00

— Alvarez

Recorded in the Office for Recording of Deeds in and for Clearfield  
County in Deed Book No. 53

page 100 &c.

**Witness** my hand and seal of Office this 3<sup>rd</sup>  
day of Dec Anno Domini 18 89

D. R. Fullerton

Recorder

Alvarez Losen

**APPRAISAL OF**



94 Acres - Vacant Land

**LOCATED AT:**

Decatur Township, Route 970 & 2007  
West Decatur, PA, 16878

**FOR:**

Milford & Tshana Woods  
RR #1, Box 165A  
West Decatur, Pa. 16878

**BORROWER:**

Milford & Tshana Woods

**AS OF:**

July 8, 2002

**APPRAISED VALUE:**

33,000

**BY:**

John E. West CPE, CREA, RL-000292-L

July 8, 2002

Tshana  
Milford & Tshana Woods  
RR #1, Box 165A  
West Decatur, Pa 16878

File Number: Woods

Dear Tshana,

In accordance with your request, I have personally inspected and appraised the real property at:

Decatur Township, Route 970 & 2007  
West Decatur, PA, 16878

The purpose of this appraisal is to estimate the market value of the subject property, as vacant.  
The property rights appraised are the fee simple interest in the site.

In my opinion, the estimated market value of the property as of July 8, 2002 is:

\$33,000  
Thirty-Three Thousand Dollars

The attached report contains the description, analysis and supportive data for the conclusions,  
final estimate of value, descriptive photographs, limiting conditions and appropriate certifications.

Sincerely Yours,



John E. West CPE, CREA, RL-000292-L

Residential Appraiser

jw

**SUMMARY REPORT  
LAND APPRAISAL REPORT**

Milford & Tshana Woods

File No. Woods

|  |  |                   |          |                           |                                     |
|--|--|-------------------|----------|---------------------------|-------------------------------------|
| Property Address Decatur Township, Route 970 & 2007  |  | Census Tract 3309 |          | LENDER DISCRETIONARY USE  |                                     |
| City West Decatur                                    |  | County Clearfield | State PA | Zip Code 16878            | Sale Price \$                       |
| Legal Description Deed Book 2001 08723               |  |                   |          |                           |                                     |
| Owner/Occupant Milford & Tshana Woods                |  |                   |          |                           |                                     |
| Sale Price \$ N/A                                    |  | Date of Sale N/A  |          | Map Reference 112-N11-5   |                                     |
| Loan charges/concessions to be paid by seller \$ N/A |  |                   |          | Property Rights Appraised |                                     |
| R.E. Taxes \$ 142.71                                 |  | Tax Year 2002     |          | Fee Simple                | <input checked="" type="checkbox"/> |
| Lender/Client Milford & Tshana Woods                 |  | HOA \$/Mo. None   |          | Leashold                  | <input type="checkbox"/>            |
| RR #1, Box 165A, West Decatur, Pa 16878              |  |                   |          | Condominium (HUD/VA)      | <input type="checkbox"/>            |
|  |  |                   |          | PUD                       | <input type="checkbox"/>            |
| Source   |  |                   |          |                           |                                     |

|  |                                       |  |   |                       |                                     |
|--|---------------------------------------|--|---|-----------------------|-------------------------------------|
| LOCATION   | <input type="checkbox"/> Urban        | <input type="checkbox"/> Suburban              | <input checked="" type="checkbox"/> Rural       | NEIGHBORHOOD ANALYSIS |                                     |
| BUILT UP   | <input type="checkbox"/> Over 75%     | <input type="checkbox"/> 25-75%                | <input checked="" type="checkbox"/> Under 25%   | Good                  | <input checked="" type="checkbox"/> |
| GROWTH RATE  | <input type="checkbox"/> Rapid        | <input checked="" type="checkbox"/> Stable     | <input type="checkbox"/> Slow                   | Avg.                  | <input type="checkbox"/>            |
| PROPERTY VALUES  | <input type="checkbox"/> Increasing   | <input checked="" type="checkbox"/> Stable     | <input type="checkbox"/> Declining              | Fair                  | <input type="checkbox"/>            |
| DEMAND/SUPPLY  | <input type="checkbox"/> Shortage     | <input checked="" type="checkbox"/> In Balance | <input type="checkbox"/> Over Supply            | Poor                  | <input type="checkbox"/>            |
| MARKETING TIME   | <input type="checkbox"/> Under 3 Mos. | <input type="checkbox"/> 3-6 Mos.              | <input checked="" type="checkbox"/> Over 6 Mos. |                       |                                     |
| PRESENT LAND USE %   | LAND USE CHANGE                       |  | PREDOMINANT OCCUPANCY                           | SINGLE FAMILY HOUSING |                                     |
| Single Family  | 25%                                   | Not Likely                                     | <input checked="" type="checkbox"/> Owner       | PRICE (\$/000)        | AGE (yrs)                           |
| 2-4 Family   |                                       | Likely   | <input type="checkbox"/> Tenant                 | 35 Low                | 10                                  |
| Multi-Family   |                                       | In process                                     | <input type="checkbox"/> Vacant (0-5%)          | 150 High              | 100                                 |
| Commercial   |                                       | To: _____                                      | <input type="checkbox"/> Vacant (over 5%)       | Predominant           |                                     |
| Industrial   |                                       |  |   | 65-                   | 50                                  |
| Vacant   | 75%                                   |  |   |                       |                                     |
| Note: Race or the racial composition of the neighborhood are not considered reliable appraisal factors.  |                                       |  |   |                       |                                     |
| COMMENTS: The neighborhood is consistent with that of Decatur Township. The Subject property is located off State highway route 970 and route 2007 runs through the property that provides lots of road frontage. There are some old dirt roads on the property that appear to have been used for timbering and strip mines. |                                       |  |   |                       |                                     |

|  |   |  |                        |                                     |                          |  |
|--|---|--|------------------------|-------------------------------------|--------------------------|--|
| Dimensions See site area.  | Corner Lot No                                   | Topography Steep with some old mine activity |                        |                                     |                          |  |
| Site Area 94 Acres   | Zoning Compliance N/A                           | Size Large for the area                      |                        |                                     |                          |  |
| Zoning Classification None   | Other Use Limited Residential                   | Shape Rectangular                            |                        |                                     |                          |  |
| HIGHEST & BEST USE: Present Use Yes  |   | Drainage Some swampy areas                   |                        |                                     |                          |  |
| SITE UTILITIES   | Public  | Other  | SITE IMPROVEMENTS Type | Public                              | Private                  | View Typical   |
|  | <input checked="" type="checkbox"/> Electricity |  | Street Paved           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Landscaping None                                     |
|  | <input type="checkbox"/> Gas                    | <input type="checkbox"/> None                | Curb/Gutter None       | <input type="checkbox"/>            | <input type="checkbox"/> | Driveway None  |
|  | <input type="checkbox"/> Water                  | <input type="checkbox"/> None                | Sidewalk None          | <input type="checkbox"/>            | <input type="checkbox"/> | Apparent Easements Utilities/Road & old railroad bed |
|  | <input type="checkbox"/> Sanitary Sewer         | <input type="checkbox"/> None                | Street Lights None     | <input type="checkbox"/>            | <input type="checkbox"/> | FEMA Flood Hazard Yes* _____ No X                    |
|  | <input type="checkbox"/> Storm Sewer            | <input type="checkbox"/> None                | Alley None             | <input type="checkbox"/>            | <input type="checkbox"/> | FEMA* Map/Zone 421189 Page 5B 11/16/90               |
| Comments (Apparent adverse easements, encroachments, special assessments, slide areas, etc.): There has been a timbering operation and a strip mine on the property. I have no knowledge of how long ago, but it is grown up at the time of the inspection. There are still some rough areas with high walls and places where there is dumping of trash as well as some four wheeler activity. |   |  |                        |                                     |                          |  |

The undersigned has recited three recent sales of properties most similar and proximate to subject and has considered these in the market analysis. The description includes a dollar adjustment, reflecting market reaction to those items of significant variation between the subject and comparable properties. If a significant item in the comparable property is superior to, or more favorable than, the subject property, a minus (-) adjustment is made, thus reducing the indicated value of subject; if a significant item in the comparable is inferior to, or less favorable than, the subject property, a plus (+) adjustment is made, thus increasing the indicated value of the subject.

| ITEM                       | SUBJECT                       | COMPARABLE NO. 1             |                | COMPARABLE NO. 2                 |                | COMPARABLE NO. 3             |                |
|----------------------------|-------------------------------|------------------------------|----------------|----------------------------------|----------------|------------------------------|----------------|
| Address                    | Decatur Township West Decatur | Graham Township 116-R7-2     |                | Bradford Township 106-O7-30 & 66 |                | Jordan Township 120-I14      |                |
| Proximity to Subject       |                               |                              |                |                                  |                |                              |                |
| Sales Price                | \$ N/A                        | \$ 50,500                    |                | \$ 94,000                        |                | \$ 56,000                    |                |
| Price/                     | \$ N/A                        | \$ 50,500                    |                | \$ 94,000                        |                | \$ 56,000                    |                |
| Data Source                | Inspection                    | Public Record                |                | MLS/Public Record                |                | Public Record/Broker         |                |
| VALUE ADJUSTMENTS          | DESCRIPTION                   | DESCRIPTION                  | +/- Adjustment | DESCRIPTION                      | +/- Adjustment | DESCRIPTION                  | +/- Adjustment |
| Sales or Financing         |                               | None                         |                | None                             |                | Cash                         |                |
| Concessions                |                               | None                         |                | None                             |                | None                         |                |
| Date of Sale/Time          | N/A                           | 9/99                         |                | 2,525                            | 12/19/00       |                              |                |
| Location                   | Rural                         | Rural                        |                | Rural                            |                | Rural                        |                |
| Site/View                  | 94 Acres                      | 101.79 Acres                 |                | -2,000                           | 126.17 Acres   | -8,000                       | 200 Acres      |
| Utilities                  | Elect.                        | Elect.                       |                | Elect.                           |                | Elect.                       |                |
| Strip mined                | Yes                           | No                           |                | -25,250                          | No             | -47,000                      | All Stripped   |
| Public Road                | Lots of Frontage              | Inferior                     |                | 7,575                            | Inferior       | 14,100                       | Inferior       |
| Timbered                   | Yes                           | Yes                          |                | Partial                          |                | -9,400                       | Yes            |
| Net Adj. (Total)           |                               | \$ 17,150                    |                | \$ 50,300                        |                | \$ 23,700                    |                |
| Indicated Value of Subject |                               | Gross: 74.0<br>Net: -34.0 \$ |                | Gross: 83.5<br>Net: -53.5 \$     |                | Gross: 82.3<br>Net: -42.3 \$ |                |
|                            |                               | \$ 33,350                    |                | \$ 43,700                        |                | \$ 32,300                    |                |

|   |
|---|
| Comments of Sales Comparison: See Attached Addendum.  |
| Comments and Conditions of Appraisal: This appraisal assumes that this parcel could be sold free and clear with a good marketable title.  |
| Final Reconciliation: The Market Approach to Value, which best reflects the actions of the buyers and sellers in the marketplace, has been given the most emphasis. The Cost and Income Approaches are not applicable in this type of assignment. |

I (WE) ESTIMATE THE MARKET VALUE, AS DEFINED, OF THE SUBJECT PROPERTY AS OF July 8, 2002 to be \$ 33,000  
I (We) certify: that to the best of my (our) knowledge and belief, the facts and data used herein are true and correct; that I (we) personally inspected the subject property and inspected all comparable sales cited in this report; and that I (we) have no undisclosed interest, present or prospective therein.

Appraiser(s)

John P. E. West CPE, CREA, RL-000292-L

Review Appraiser  
(if applicable)

Did  Did Not  
Inspect Property

**ADDENDUM**

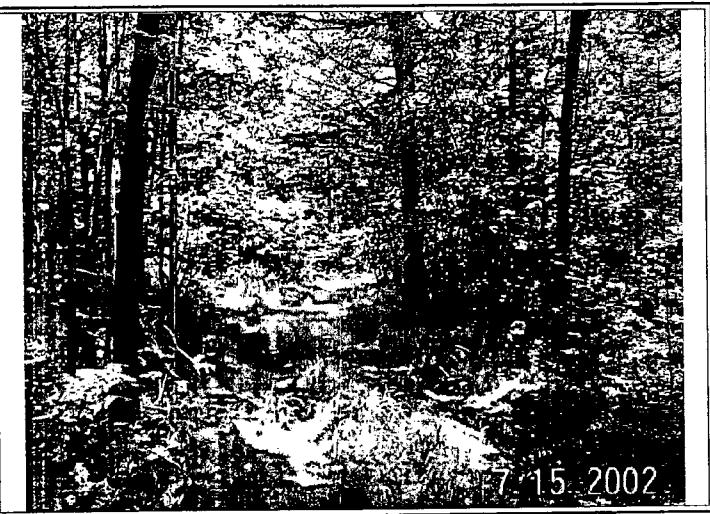
|  |                                  |
|--|----------------------------------|
| Borrower: Milford & Tshana Woods                     | File No.: Woods                  |
| Property Address: Decatur Township, Route 970 & 2007 | Case No.: Milford & Tshana Woods |
| City: West Decatur                                   | State: PA                        |
| Lender: Milford & Tshana Woods                       | Zip: 16878                       |

**Comments on Sales Comparison**

A search of the Clearfield-Jefferson MLS, public records and broker files indicated that these sales are the most recent, closest, similar, closed sales available as of the date of the appraisal. The comparables chosen are considered to be good indicators of value. After variation adjustments, a value range of \$32,300 to \$43,700 is indicated. The indicated land value for the subject in it's present condition, in my opinion, would be \$33,000.00 or \$351 per Acre.

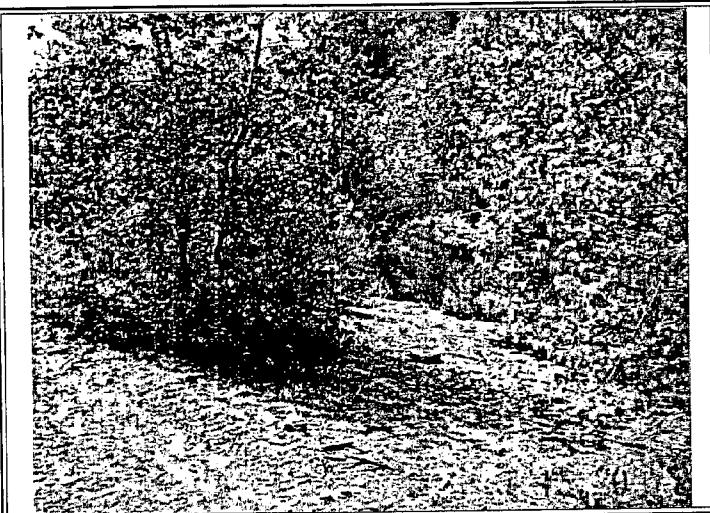
**SUBJECT PROPERTY PHOTO ADDENDUM**

|  |                                  |
|--|----------------------------------|
| Borrower: Milford & Tshana Woods                     | File No.: Woods                  |
| Property Address: Decatur Township, Route 970 & 2007 | Case No.: Milford & Tshana Woods |
| City: West Decatur                                   | State: PA                        |
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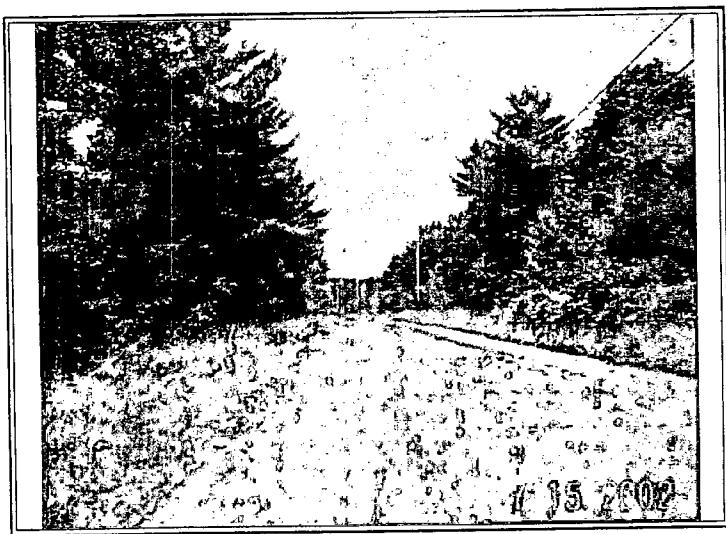


**FRONT VIEW OF  
SUBJECT PROPERTY**

Appraised Date: July 8, 2002  
Appraised Value: \$33,000



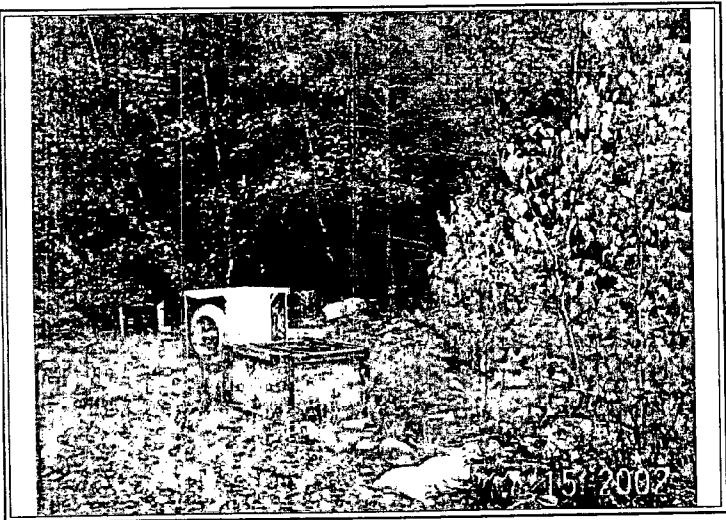
**REAR VIEW OF  
SUBJECT PROPERTY**



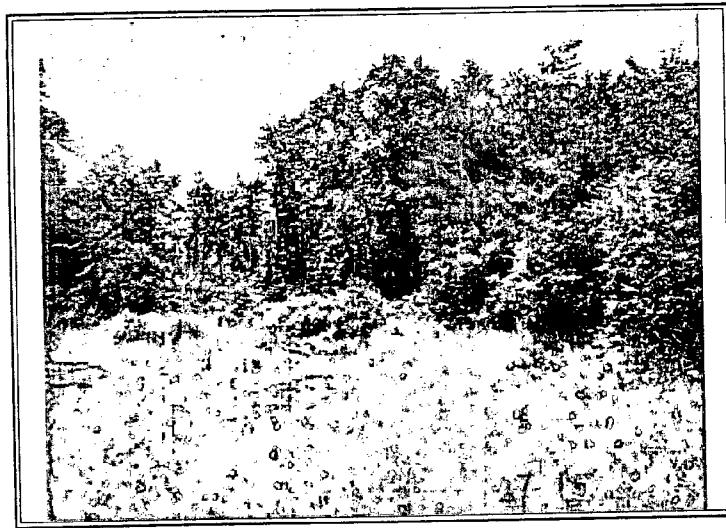
**STREET SCENE**

Borrower: Milford & Tshana Woods  
Property Address: Decatur Township, Route 970 & 2007  
City: West Decatur  
Lender: Milford & Tshana Woods

File No.: Woods  
Case No.: Milford & Tshana Woods  
State: PA  
Zip: 16878



SUBJECT PHOTO



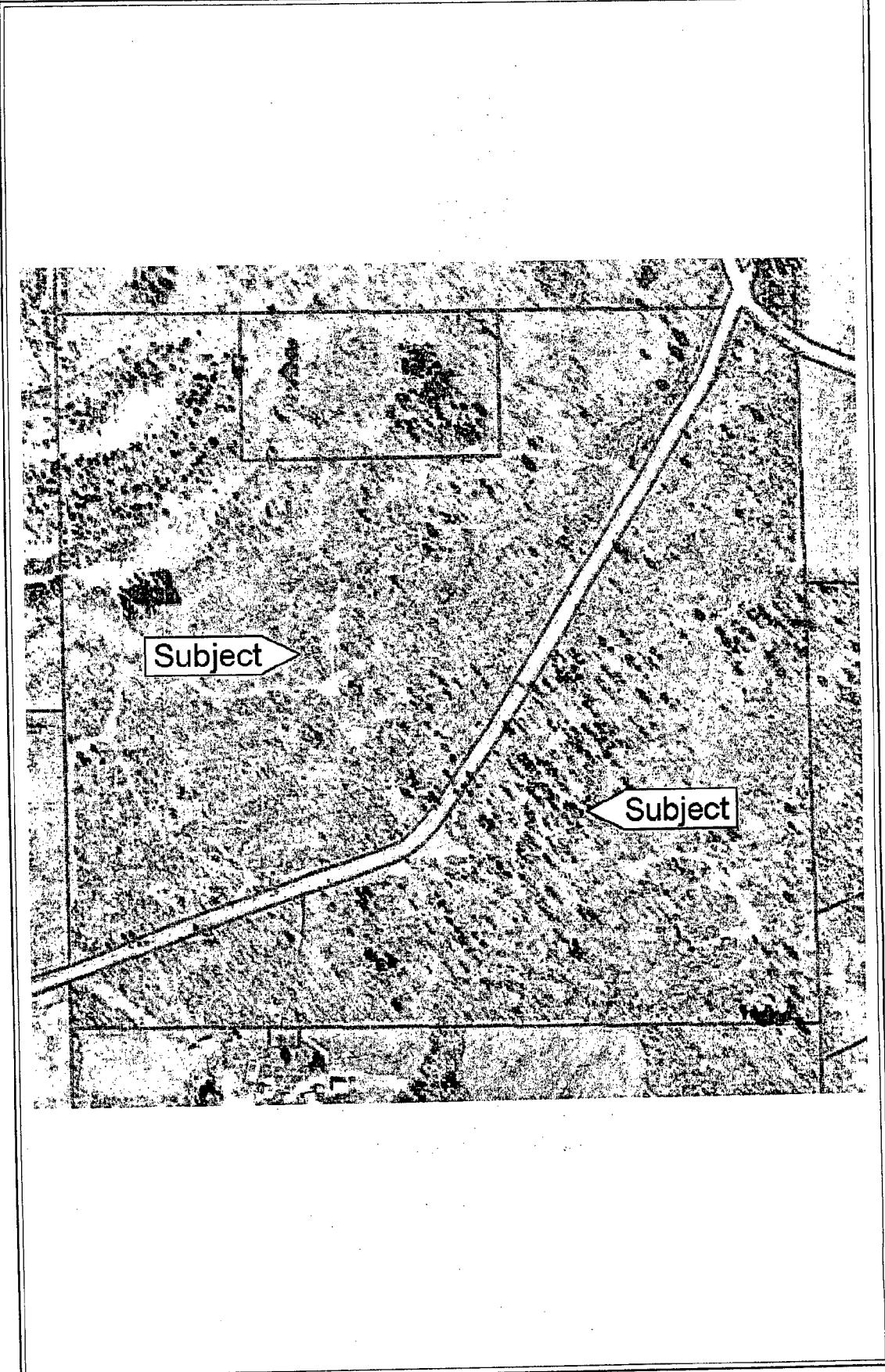
SUBJECT PHOTO



SUBJECT PHOTO

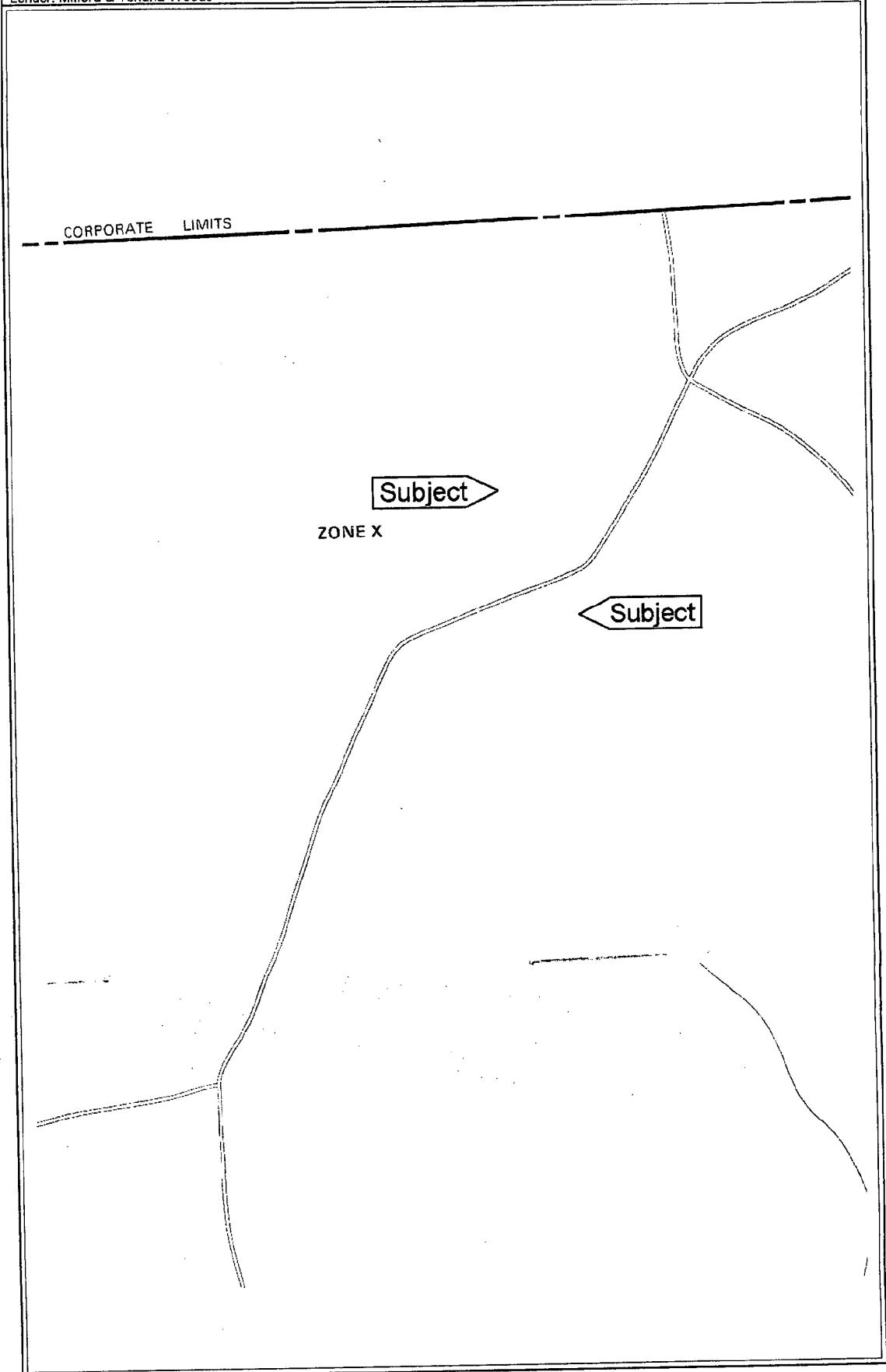
PLAT MAP

|  |                                  |
|--|----------------------------------|
| Borrower: Milford & Tshana Woods                     | File No.: Woods                  |
| Property Address: Decatur Township, Route 970 & 2007 | Case No.: Milford & Tshana Woods |
| City: West Decatur                                   | State: PA                        |
| Lender: Milford & Tshana Woods                       | Zip: 16878                       |



Borrower: Milford & Tshana Woods  
Property Address: Decatur Township, Route 970 & 2007  
City: West Decatur  
Lender: Milford & Tshana Woods

File No.: Woods  
Case No.: Milford & Tshana Woods  
State: PA  
Zip: 16878



**DEFINITION OF MARKET VALUE:** The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: (1) buyer and seller are typically motivated; (2) both parties are well informed or well advised, and each acting in what he considers his own best interest; (3) a reasonable time is allowed for exposure in the open market; (4) payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions\* granted by anyone associated with the sale.

\*Adjustments to the comparables must be made for special or creative financing or sales concessions. No adjustments are necessary for those costs which are normally paid by sellers as a result of tradition or law in a market area; these costs are readily identifiable since the seller pays these costs in virtually all sales transactions. Special or creative financing adjustments can be made to the comparable property by comparisons to financing terms offered by a third party institutional lender that is not already involved in the property or transaction. Any adjustment should not be calculated on a mechanical dollar for dollar cost of the financing or concession but the dollar amount of any adjustment should approximate the market's reaction to the financing or concessions based on the Appraiser's judgment.

#### STATEMENT OF LIMITING CONDITIONS AND APPRAISER'S CERTIFICATION

**CONTINGENT AND LIMITING CONDITIONS:** The appraiser's certification that appears in the appraisal report is subject to the following conditions:

1. The appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it. The appraiser assumes that the title is good and marketable and, therefore, will not render any opinions about the title. The property is appraised on the basis of it being under responsible ownership.
2. The appraiser has provided a sketch in the appraisal report to show approximate dimensions of the improvements and the sketch is included only to assist the reader of the report in visualizing the property and understanding the appraiser's determination of its size.
3. The appraiser has examined the available flood maps that are provided by the Federal Emergency Management Agency (or other data sources) and has noted in the appraisal report whether the subject site is located in an identified Special Flood Hazard Area. Because the appraiser is not a surveyor, he or she makes no guarantees, express or implied, regarding this determination.
4. The appraiser will not give testimony or appear in court because he or she made an appraisal of the property in question, unless specific arrangements to do so have been made beforehand.
5. The appraiser has estimated the value of the land in the cost approach at its highest and best use and the improvements at their contributory value. These separate valuations of the land and improvements must not be used in conjunction with any other appraisal and are invalid if they are so used.
6. The appraiser has noted in the appraisal report any adverse conditions (such as, needed repairs, depreciation, the presence of hazardous wastes, toxic substances, etc. ) observed during the inspection of the subject property or that he or she became aware of during the normal research involved in performing the appraisal. Unless otherwise stated in the appraisal report, the appraiser has no knowledge of any hidden or unapparent conditions of the property or adverse environmental conditions (including the presence of hazardous wastes, toxic substances, etc. ) that would make the property more or less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties, express or implied, regarding the condition of the property. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because the appraiser is not an expert in the field of environmental hazards, the appraisal report must not be considered as an environmental assessment of the property.
7. The appraiser obtained the information, estimates, and opinions that were expressed in the appraisal report from sources that he or she considers to be reliable and believes them to be true and correct. The appraiser does not assume responsibility for the accuracy of such items that were furnished by other parties.
8. The appraiser will not disclose the contents of the appraisal report except as provided for in the Uniform Standards of Professional Appraisal Practice.
9. The appraiser has based his or her appraisal report and valuation conclusion for an appraisal that is subject to satisfactory completion, repairs, or alterations on the assumption that completion of the improvements will be performed in a workmanlike manner.
10. The appraiser must provide his or her prior written consent before the lender/client specified in the appraisal report can distribute the appraisal report (including conclusions about the property value, the appraiser's identity and professional designations, and references to any professional appraisal organizations or the firm with which the appraiser is associated ) to anyone other than the borrower; the any mortgagee or its successors and assigns; the mortgage insurer; consultants; professional appraisal organizations; any state or federally approved financial institution; or any department, agency, or instrumentality of the United States or any state or the District of Columbia; except that the lender/client may distribute the property description section of the report only to data collection or reporting service(s) without having to obtain the appraiser's prior written consent. The appraiser's written consent and approval must also be obtained before the appraisal can be conveyed by anyone to the public through advertising, public relations, news, sales, or other media.

**APPRAISERS CERTIFICATION:** The Appraiser certifies and agrees that:

1. I have researched the subject market area and have selected a minimum of three recent sales of properties most similar and proximate to the subject property for consideration in the sales comparison analysis and have made a dollar adjustment when appropriate to reflect the market reaction to those items of significant variation. If a significant item in a comparable property is superior to, or more favorable than, the subject property, I have made a negative adjustment to reduce the adjusted sales price of the comparable and, if a significant item in a comparable property is inferior to, or less favorable than the subject property, I have made a positive adjustment to increase the adjusted sales price of the comparable.
2. I have taken into consideration the factors that have an impact on value in my development of the estimate of market value in the appraisal report. I have not knowingly withheld any significant information from the appraisal report and I believe, to the best of my knowledge, that all statements and information in the appraisal report are true and correct.
3. I stated in the appraisal report only my own personal, unbiased, and professional analysis, opinions, and conclusions, which are subject only to the contingent and Limiting Conditions specified in this form.
4. I have no present or prospective interest in the property that is the subject to this report, and I have no present or prospective personal interest or bias with respect to the participants in the transaction. I did not base, either partially or completely, my analysis and/or the estimate of market value in the appraisal report on the race, color, religion, sex, handicap, familial status, or national origin of either the prospective owners or occupants of the subject property or of the present owners or occupants of the properties in the vicinity of the subject property.
5. I have no present or contemplated future interest in the subject property, and neither my current or future employment nor my compensation for performing this appraisal is contingent on the appraised value of the property.
6. I was not required to report a predetermined value or direction in value that favors the cause of the client or any related party, the amount of the value estimate, the attainment of a specific result, or the occurrence of a subsequent event in order to receive my compensation and/or employment for performing the appraisal. I did not base the appraisal report on a requested minimum valuation, a specific valuation, or the need to approve a specific mortgage loan.
7. I performed this appraisal in conformity with the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place as of the effective date of this appraisal, with the exception of the departure provision of those Standards, which does not apply. I acknowledge that an estimate of a reasonable time for exposure in the open market is a condition in the definition of market value and the estimate I developed is consistent with the marketing time noted in the neighborhood section of this report, unless I have otherwise stated in the reconciliation section.
8. I have personally inspected the subject property and the exterior of all properties listed as comparables in the appraisal report. I further certify that I have noted any apparent or known adverse conditions in the subject improvements, on the subject site, or on any site within the immediate vicinity of the subject property of which I am aware and have made adjustments for these adverse conditions in my analysis of the property value to the extent that I had market evidence to support them. I have also commented about the effect of the adverse conditions on the marketability of the subject property.
9. I personally prepared all conclusions and opinions about the real estate that were set forth in the appraisal report. If I relied on significant professional assistance from any individual or individuals in the performance of the appraisal or the preparation of the appraisal report, I have named such individual(s) and disclosed the specific tasks performed by them in the reconciliation section of this appraisal report. I certify that any individual so named is qualified to perform the tasks. I have not authorized anyone to make a change to any item in the report; therefore, if an unauthorized change is made to the appraisal report, I will take no responsibility for it.

**SUPERVISORY APPRAISER'S CERTIFICATION:** If a supervisory appraiser signed the appraisal report, he or she certifies and agrees that: I directly supervise the appraiser who prepared the appraisal report, have reviewed the appraisal report, agree with the statements and conclusions of the appraiser, agree to be bound by the appraiser's certifications numbered 4 through 7 above, and am taking full responsibility for the appraisal and the appraisal report.

**ADDRESS OF PROPERTY APPRAISED:** Decatur Township, Route 970 & 2007, West Decatur, PA, 16878

**APPRAISER:**

Signature:   
Name: John E. West CPE, CREA, RL-000292-L  
Date Signed: July 22, 2002  
State Certification #: RL-000292-L  
or State License #: \_\_\_\_\_  
State: PA  
Expiration Date of Certification or License: June 30, 2003

**SUPERVISORY APPRAISER (only if required)**

Signature: \_\_\_\_\_  
Name: \_\_\_\_\_  
Date Signed: \_\_\_\_\_  
State Certification #: \_\_\_\_\_  
or State License #: \_\_\_\_\_  
State: \_\_\_\_\_  
Expiration Date of Certification or License: \_\_\_\_\_

Did  Did Not Inspect Property

\*\*\*\*\* INVOICE \*\*\*\*\*

File Number: Woods

July 8, 2002

Milford & Tshana Woods  
RR #1, Box 165A  
West Decatur, Pa 16878

Borrower : Milford & Tshana Woods  
Reference/Case # :

Vacant Land

Decatur Township, Route 970 & 2007  
West Decatur, PA, 16878

|                  |              |
|------------------|--------------|
| Appraisal Report | \$ 250.00    |
| Invoice Total    | \$ 250.00    |
| Deposit          | (\$ 250.00 ) |
| Amount Due       | \$ 0.00      |

Terms:

Please Make Check Payable To:

Jack West Appraisal Services  
214 East Cherry Street  
Clearfield, Pa. 16830

Fed. I.D. #: 25-1215719

THANK YOU FOR USING MY SERVICES!  
*A Division of Heimbold & Stewart, Inc.*

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

MILFORD R. WOODS and  
TSHANA J. WOODS

Plaintiffs

vs.

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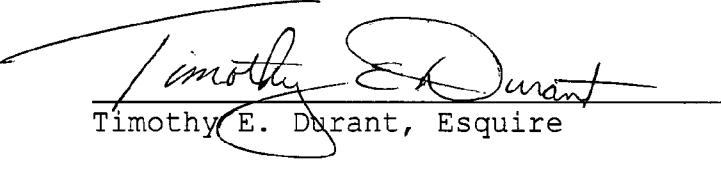
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\*</p

3. Harold Randall Vaughn, 18116 Route 36, Punxsutawney, Jefferson County, Pennsylvania 15767.
4. Brenda Marie Vaughn Hohman, 1132 Decatur Street, Philipsburg, Centre County, Pennsylvania 16866.
5. Donna Joyce Vaughn Schwartz, 255 Shady Grove Dr., Athens, GA 30605.
6. Timothy Mark Vaughn, 2403 Summer Place Dr., Supply, NC 28462.

Affiant understands that false statements herein are made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.



Timothy E. Durant

Timothy E. Durant, Esquire

Dated: October 30, 2009

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

MILFORD R. WOODS and : No.: 03-137-CD  
TSHANA J. WOODS, : Type of Case:  
Plaintiffs : Civil  
vs. : Type of Pleading:  
ALBERT GOSS a/k/a ALBERT W. : Preliminary Objections  
"JUMMY" GOSS; WILLIAM C. GOSS; : Filed on behalf of:  
and JENNIE M. (GOSS) VAUGHN; : Defendants named herein  
the three persons named : Counsel of Record for  
immediately previous hereto : This Party:  
are all believed to be : Girard Kasubick, Esq.  
deceased and their cumulative : Supreme Court #30109  
heirs, devisees, successors, : LEHMAN & KASUBICK  
administrators, executors : 611 Brisbin Street  
and assigns, and all other : Houtzdale, PA 16651  
persons or entities in : (814) 378-7840  
interest, known or unknown, :  
claiming by, through or under :  
them, and HAROLD ELLSWORTH :  
VAUGHN; MARJORIE PEARL VAUGHN :  
TUBBS KNEPP; HAROLD RANDALL :  
VAUGHN; BRENDA MARIE VAUGHN :  
HOHMAN; DONNA JOYCE VAUGHN :  
SCHWARTZ; and TIMOTHY MARK :  
VAUGHN, :  
Defendants :  
:

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S. William A. Shaw  
Prothonotary/Clerk of Courts  
61  
Amy Kasubick

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

MILFORD R. WOODS and :  
TSHANA J. WOODS, :  
Plaintiffs :  
vs. : No. : 03-137-CD  
vs. :  
: :  
ALBERT GOSS a/k/a ALBERT W. :  
"JUMMY" GOSS; WILLIAM C. GOSS; :  
and JENNIE M. (GOSS) VAUGHN; :  
the three persons named :  
immediately previous hereto :  
are all believed to be :  
deceased and their cumulative :  
heirs, devisees, successors, :  
administrators, executors :  
and assigns, and all other :  
persons or entities in :  
interest, known or unknown, :  
claiming by, through or under :  
them, and HAROLD ELLSWORTH :  
VAUGHN; MARJORIE PEARL VAUGHN :  
TUBBS KNEPP; HAROLD RANDALL :  
VAUGHN; BRENDA MARIE VAUGHN :  
HOHMAN; DONNA JOYCE VAUGHN :  
SCHWARTZ; and TIMOTHY MARK :  
VAUGHN, :  
Defendants :  
:

## PRELIMINARY OBJECTIONS

AND NOW COMES, the Defendants, Marjorie Pearl Vaughn  
Tubbs Knepp; Harold Randall Vaughn; Brenda Marie Vaughn  
Hohman; Donna Joyce Vaughn Schwartz; and Timothy Mark

Vaughn, by and through their attorney, Girard Kasubick, Esq., and files Preliminary Objections to Plaintiffs Second Amended Complaint in Partition as follows:

**I. Nonjoinder of a Necessary Party under Pa. R.C.P. Rule 1028(a)(5).**

1. The Plaintiffs filed a Second Amended Complaint in this action on October 30, 2009, a copy of which is attached hereto and marked Exhibit "A".

2. In paragraph 24 of said Complaint, Plaintiffs aver they own a 272/280<sup>th</sup> or 97.14285% interest in the property subject of the Partition Action being a 94 acre tract in Decatur Township, Clearfield County, Pennsylvania known by Tax Map No. 112-N11-5 hereinafter referred to as "Subject Property".

3. In paragraphs 4 and 5 of said Complaint, Plaintiffs aver the Subject Property was wholly owned by Daniel Goss and in paragraph 5 it states that he became the owner by Deed recorded in Clearfield County Deed 53, Page 100.

4. In paragraph 4 of said Complaint, Plaintiffs aver DANIEL GOSS died October 13, 1927 unmarried and without issue and that the heirs of his estate were three

(3) living siblings, WILLIAM GOSS, MARY ANN GOSS HOOVER and WALTER GOSS, and the seven (7) children of deceased brother, JAMES GOSS, and the three (3) children of deceased brother, JOHN W. GOSS. At the time of the death of Daniel Goss, WILLIAM GOSS, MARY ANN GOSS HOOVER and WALTER GOSS, each owned a one-fifth (1/5<sup>th</sup>) interest in the Subject Property. The seven (7) children of JAMES GOSS owned a one-thirty-fifth (1/35<sup>th</sup>) interest in the Subject Property. The three (3) children of JOHN W. GOSS owned a one-fifteenth (1/15<sup>th</sup>) interest in the Subject Property.

5. In paragraphs 6 through 12 of said Complaint, it sets forth how Plaintiffs have acquired their interest in the Subject Property.

6. In paragraph 6 of said Complaint, the Plaintiffs aver how they acquired the one-fifth (1/5<sup>th</sup>) interest of Mary Ann Goss Hoover.

7. In paragraph 7 of said Complaint, the Plaintiffs aver how they acquired the one-thirty-fifth (1/35<sup>th</sup>) interest of Bertha Goss Stone one of the seven (7) children of James Goss.

8. In paragraph 8 of said Complaint, the Plaintiffs aver how they acquired the one-fifth (1/5<sup>th</sup>) interest of John W. Goss.

9. In paragraph 9 of said Complaint, the Plaintiffs aver how they acquired the one-thirty-fifth (1/35<sup>th</sup>) interest of Clifford Goss, one of the seven (7) children of James Goss.

10. In paragraphs 10, 11 and 12 of said Complaint, the Plaintiffs aver how they acquired the one-thirty-fifth (1/35<sup>th</sup>) interest of Minnie Viola Goss a/k/a Minnie Viola Russell, one of the seven (7) children of James Goss.

11. In paragraphs 13, 14 and 15 of said Complaint, the Plaintiffs aver how the Defendants have acquired their interest in the Subject Property from Albert W. "Jummy" Goss, one of the seven (7) children of James Goss.

12. Nowhere in the Complaint do the Plaintiffs aver where the one-fifth (1/5<sup>th</sup>) interest of William Goss and the one-fifth (1/5<sup>th</sup>) interest of Walter Goss was acquired by Plaintiffs nor do they name William Goss or Walter Goss or their heirs, successors or assigns as Defendants. See paragraph 4 of the Complaint.

13. No where in the Complaint do the Plaintiffs aver where the one-thirty-fifth (1/35<sup>th</sup>) interest of Raymond Goss, one-thirty-fifth (1/35<sup>th</sup>) interest of Annie Goss, and the one-thirty-fifth (1/35<sup>th</sup>) interest of Russell Goss, children of James Goss was acquired by Plaintiffs nor do they name Raymond Goss, Annie Goss or Russell Goss or their heirs, successors or assigns as Defendants. See paragraph 4 of the Complaint.

14. The Plaintiffs Complaint sets forth facts in paragraphs 6 through 12 of the Complaint showing they acquired a seventeen-thirty-fifths (17/35ths) or 48.5714% interest in the Subject Property and not the interest they alleged in paragraph 24 of the Complaint.

15. William Goss, Walter Goss, Raymond Goss, Annie Goss, and Russell Goss and their heirs, successors or assigns are indispensable parties owning an interest in the Subject Property and they are not named as Defendants.

16. Harold Ellsworth Vaughn, a named Defendant, was married to Jennie M. (Goss) Vaughn; however, they were divorced on September 11, 2000 by Centre County Decree in Divorce to No. 81-1944, and Harold Ellsworth Vaughn,

father of the Defendants herein, has no claim under Jennie M. (Goss) Vaughn who then died on January 21, 2003.

WHEREFORE, Defendants herein request that your Honorable Court dismiss the Second Amended Complaint and/or have the Complaint amended for failure to join necessary parties to the action and for Plaintiffs to file a new or third amended Complaint to include all necessary parties who have an interest in the Subject Property.

**II. Failure to sufficiently specify the pleadings to show the interest of each party under Pa. R.C.P. 1028(a) (3) .**

1. Defendants herein incorporate paragraphs 1 through 16 under Objection I. above as though set forth in full herein.

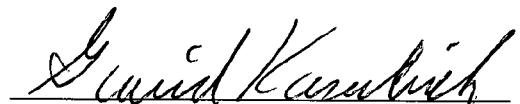
2. The Plaintiffs Second Amended Complaint attached hereto and marked Exhibit "A" does not clearly show the interest in the Subject Property of each and every party having a claim thereto.

3. The Plaintiffs Second Amended Complaint does not clearly show how the Plaintiffs have acquired a 272/280ths or 97.14285% interest in the Subject Property as averred in paragraph 24 of said Complaint.

WHEREFORE, Defendants herein request that your Honorable Court dismiss the Second Amended Complaint and/or have the said Complaint amended for failure to sufficiently specify in the said Complaint how the Plaintiffs have acquired their interest under paragraph 24 of said Complaint and what the Plaintiffs and Defendants interest is in the Subject Property.

RESPECTFULLY SUBMITTED:

Dated: 11/19/2009

  
Girard Kasubick  
Girard Kasubick, Esq.,  
Attorney for Defendants  
Marjorie Pearl Vaughn Tubbs  
Knepp; Harold Randall  
Vaughn; Brenda Marie Vaughn  
Hohman; Donna Joyce Vaughn  
Schwartz; and Timothy Mark  
Vaughn

VERIFICATION

I, the undersigned, verify that the statements made in the foregoing Preliminary Objections are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. 4904 relating to unsworn falsification to authorities.

  
Marjorie Pearl Knepp  
Marjorie Pearl Knepp

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

MILFORD R. WOODS and  
TSHANA J. WOODS

Plaintiffs

vs.

NO. 03- 137 -CD

ALBERT GOSS a/k/a \*ALBERT W. "JUMMY" GOSS;  
WILLIAM C. GOSS; and JENNIE M. (GOSS) VAUGHN;  
the three persons named immediately previous  
hereto are all believed to be deceased and  
their cumulative heirs, devisees, successors,  
administrators, executors and assigns, and  
all other persons or entities in interest,  
known or unknown, claiming by, through or  
under them, and HAROLD ELLSWORTH VAUGHN;  
MARJORIE PEARL VAUGHN TUBBS KNEPP; HAROLD  
RANDALL VAUGHN; BRENDA MARIE VAUGHN HOHMAM;  
DONNA JOYCE VAUGHN SCHWARTZ; and TIMOTHY  
MARK VAUGHN

Defendants

SECOND AMENDED COMPLAINT IN PARTITION

This Amended Complaint is filed for the purpose of adding additional parties, deleting unnecessary parties and updating information about the defendants as has become available to Plaintiffs since the initial complaint was filed with this court on February 3, 2003 and the 1<sup>st</sup> Amended Complaint was filed on May 12, 2008.

1. Plaintiffs are **MILFORD R. WOODS** and **TSHANA J. WOODS**, husband and wife, competent adult individuals who presently reside at, 3228 Morgan Run Road, West Decatur, Clearfield County, Pennsylvania 16878.

2. The following Defendants are all believed to be deceased on the dates set out in parentheses following their names and, unless otherwise stated in their relevant paragraphs, are believed to have died intestate: ALBERT GOSS a/k/a ALBERT W. "JUMMY" GOSS (July 6, 1958), WILLIAM C. GOSS (March 13, 1998), and JENNIE M. (GOSS) VAUGHN (January 21, 2003).

3. All the defendants in this partition action are believed to

have standing as heirs of ALBERT GOSS a/k/a ALBERT W. "JUMMY" GOSS. ALBERT GOSS inherited an undivided 1/35<sup>th</sup> share in the subject parcel by virtue of being one of the seven children of JAMES GOSS who in turn had inherited an undivided 1/5<sup>th</sup> share in the subject premises by virtue of being one of the 5 siblings of DANIEL GOSS as set out hereafter.

4. The said DANIEL GOSS died intestate on or about October 13, 1927 as more fully and at large appears in Clearfield County Estate #10783. At death said DANIEL GOSS was unmarried and without issue and his heirs at law therefore were his 3 surviving siblings i.e., WILLIAM GOSS, MARY ANN GOSS HOOVER, WALTER GOSS (each of whom then resided in Clearfield County, PA); and the 7 children of a deceased brother JAMES GOSS i.e., Minnie Russell, Albert Goss, a/k/a Albert W. "Jummy" Goss, Raymond Goss, Annie Goss, Clifford Goss, Bertha Goss, Russell Goss (each of whom then resided in Clearfield County, PA); and the 3 children of his other deceased brother, JOHN W. GOSS i.e., Winifred Miller, Thornton Goss, Kenneth Goss (each of whom then resided in the State of Oregon).

5. By deed dated July, 1889 and recorded in the Clearfield County Recorder of Deed's Office in Deed Book Volume 53 at page 100 the subject premises vested in Daniel Goss. The said premises were described as:

All that certain tract or piece of land situate in Decatur Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at an ash corner of Jonathan Kephart's land; thence by lands of Moses Owens North one hundred and ninety-eight (198) perches to black oak grub by stones; thence by resi-

dence of Jacob Goss farm east one hundred and twenty-eight (128) perches to stones; thence by line of said farm South one hundred and ninety-eight (198) perches to post on line of Jonathan Kephart; thence by land of Jonathan Kephart West one hundred and twenty-eight (128) perches to ash and place of beginning. Containing, by the survey of Mr. Fulton, one hundred and forty-nine acres, seventy-three perches in allowance.

EXCEPTING AND RESERVING out of and from the above described premises, nevertheless, the fifty acres, more or less, sold to Hesser and Hileman out of the South end of the above described premises.

ALSO EXCEPTING AND RESERVING a part thereof bounded and described as follows: Beginning at a stake on the line of Hugh Kline and Daniel Goss lands, and being 430.4 feet east of the Northwest corner of the Daniel Goss tract; thence east along line of Hugh Kline 599.2 feet to a stake on said line; thence South 436.2 feet along lands of Daniel Goss to a stake; thence West 599.2 feet along lands of Daniel Goss to stake; thence North 436.2 feet along lands of Daniel Goss to stake and place of beginning. Containing six acres, conveyed to Wilbur F. Hoover and Mary A. Hoover.

BEING the same premises conveyed by Abram B. Goss and his wife Elizabeth Goss to Daniel Goss by virtue of a deed dated July, 1889 and recorded in the Clearfield County Recorder of Deed's Office in Deed Book Volume 53 at page 100.

This property is described as 94 acres and is identified in the County Assessment records as Map No.112-N11-5. A copy of said deed is attached hereto as Exhibit "A".

6. MARY ANN GOSS HOOVER died testate on August 16, 1954 a resident of Decatur Township, Clearfield County, Pennsylvania. An estate was raised for her and filed as Clearfield County Estate No. 23021. Pursuant to her will all of her interest in the parcel described in ¶5 herein was bequeathed to her daughter Wilda Pearl Hoover. Wilda Pearl Hoover died unmarried, without children, predeceased by both parents and all of her siblings. Said Wilda Pearl Hoover died intestate on September 15, 1977, a resident of State College, Centre County, Pennsylvania with her sole heirs at law being:

a. The three surviving children of her brother, Lesley Roy

Hoover, (deceased) - viz. Ruth Hoover Kline, Dolly Hoover Weaver, Richard W. Hoover and Theo M. Dettinger. Ruth Hoover Kline conveyed her interests by her Attorney-in-fact Kenneth L. Goss to Plaintiffs herein by deed dated May 24, 2001 recorded in Clearfield County Recorder's Office as Instrument No. 2001-08723. Dolly I. (Hoover) Weaver, Richard W. Hoover and Theo M. (Hoover) Dettinger, conveyed their interests to Plaintiffs herein by deed dated June 28, 2004 recorded in Clearfield County Recorder's Office as Instrument No. 2004-14807; and

b. The two surviving grandchildren of her brother, Lesley Roy Hoover, (deceased) by his deceased son, Wilbur I. Hoover, viz. Dennis Ray Hoover, Denise Rae Hoover Saunders. Dennis Ray Hoover, Denise Rae Hoover Saunders conveyed their interests to Plaintiffs herein by deed dated June 28, 2004 recorded in Clearfield County Recorder's Office as Instrument No. 2004-14807.

7. Bertha (Goss) Stone a/k/a Bertha I. Stone (one of the seven children of JAMES GOSS) died testate on February 23, 1985 a resident of the Village of Hawk Run, Morris Township, Clearfield County, Pennsylvania. An estate was raised for her and filed as Clearfield County Estate No. 85-76. Pursuant to her will all of her interest in the parcel described in ¶5 herein was bequeathed to her three children, viz. Alvin G. Stone, Dolly L. (Stone) Mann and Shirley L. (Stone) Quick. Alvin G. Stone was named as executor of Bertha I. Stone's

estate and conveyed his interests individually and as executor to Plaintiffs herein by those two certain deeds noted hereafter, i.e. the first was through his Attorney-in-fact Kenneth L. Goss by deed dated May 24, 2001 recorded in Clearfield County Recorder's Office as Instrument No. 2001-08723 and the second was by deed dated April 30, 2004 recorded in Clearfield County Recorder's Office as Instrument No. 2004-06924.

8. JOHN W. GOSS died in August 1880 and was survived by three children as his sole heirs at law, viz. Winifred Miller, Thornton Goss, and Kenneth Goss, each of whom was living on October 13, 1927 and apparently residing in the state of Oregon when the aforesaid DANIEL GOSS died but each of whom are now deceased but their interests were conveyed to Plaintiffs by deed dated May 24, 2001 from Kenneth L. Goss as agent for Marion T. Goss, Julie M. McQuiston, Linda Munch and Michael E. Wintermute, et al. recorded as Clearfield County Instrument No. 2001-08723 on June 8, 2001.

9. JAMES GOSS's son, Clifford Goss a/k/a Clifford C. Goss died intestate on June 12, 1936. No estate was ever raised for Clifford C. Goss. Clifford C. Goss was survived by two daughters, Thressa (a/k/a Therese or Reesie) Della Goss, and Carolyn (Cardie) Goss both of whom are now deceased but their interests were conveyed to Plaintiffs by deed dated May 24, 2001 from Kenneth L. Goss as agent for Howard G. Corey and Sueanne Fewkes, et al. recorded as Clearfield County Instrument No. 2001-08723 on June 8, 2001.

10. JAMES GOSS'S daughter, Minnie Viola Goss a/k/a Minnie Viola Russell died intestate on April 11, 1973 a widow, survived by 7

children and the 2 children of an 8<sup>th</sup> child who predeceased her. No estate was ever raised for Minnie Viola Goss/Russell. The 7 children who survived her were, Robert Lemoine Russsell, Albert Theodore Russell, Clair Alfred Russell, Thelma Adalee (Russell) Goss, Isabell Maye (Russell) Wadosky, Chester Warren Russell, and Lorna Lucille (Russell) Stonebraker. The child who predeceased her was James Francis Russell, Sr. who died intestate on February 15, 1964, survived by a wife and two children.

11. Albert Theodore Russell died a resident of Niagara Falls, NY on January 23, 1994 survived by his spouse and three children each of whom conveyed their interest in the subject premises to plaintiffs by deed dated January 28, 2002 recorded in the Clearfield County Recorder's Office as Instrument No. 2002-03001.

12. The remaining heirs of Minnie Viola Goss a/k/a Minnie Viola Russell all conveyed their interest in the subject premises to plaintiffs by deed dated August 10, 2009 recorded in the Clearfield County Recorder's Office as Instrument No. 2009-12015.

13. JAMES GOSS's son, Albert Goss, a/k/a Albert W. "Jummy" Goss died on July 6, 1958 unmarried, intestate, survived by two children, i.e. Jennie M. (Goss) Vaughn and William C. Goss. No estate was ever raised for Albert Goss.

14. William C. Goss died on March 13, 1998 unmarried, a resident of Hollidaysburg, Blair County, Pennsylvania, without issue, and survived only by his sibling Jennie M. (Goss) Vaughn as his sole heir at law. No estate was ever raised for William C. Goss.

15. Jennie M. (Goss) Vaughn died intestate on January 21, 2003 a

residence of Phillipsburg, Centre County, Pennsylvania. It is believed and therefore averred (due to documents filed in response to the First Amended Complaint in this action on 6/26/08 by her ex-husband and on 8/7/08 by several of her children) that on or about September 11, 2003 she was divorced from Harold Elsworth Vaughn by a Divorce Decree filed to Centre County No. 81-1944 (sic) and therefore her only heirs at law were her five (5) children; viz. Marjorie Pearl Vaughn Knepp, Harold Randall Vaughn, Brenda Marie Vaughn Hohman, Donna Joyce Vaughn Schwartz and Timothy Mark Vaughn. An estate was raised in Centre County for Jennie M. (Goss) Vaughn filed to No. 14-04-0456.

- a. Harold Elsworth Vaughn is a competent adult individual believed to reside at 210 North Tenth Street, Philipsburg, Centre County, Pennsylvania 16866. It is also believed that he was actually divorced from Jennie M. (Goss) Vaughn prior to her death and is therefore not an heir.
- b. Marjorie Pearl Vaughn Knepp is a competent adult individual believed to reside at 343 North Main Street, Philipsburg, Centre County, Pennsylvania.
- c. Harold Randall Vaughn is a competent adult individual believed to reside at 18116 Route 36, Punxsutawney, Jefferson County, Pennsylvania 15767.
- d. Brenda Marie Vaughn Hohman is a competent adult individual believed to reside at 1132 Decatur

Street, Philipsburg, Centre County, Pennsylvania  
16866.

- e. Donna Joyce Vaughn Schwartz is a competent adult individual believed to reside at 255 Shady Grove Dr., Athens, GA 30605.
- f. Timothy Mark Vaughn is a competent adult individual believed to reside at 2403 Summer Place Dr., Supply, NC 28462.

16. In July 2002 the Plaintiffs contacted John E. West and requested an appraisal of the property described in ¶5 above.

17. The estimated appraised value for the real estate was \$33,000.00 as of July 8, 2002 as evidenced by the July 8, 2002 Appraisal Report prepared by John E. West, CPE, CREA, a copy of which is attached to the original complaint and marked therein as Exhibit "B".

18. Plaintiff paid \$250.00 for the appraisal by John E. West.

19. At all times Plaintiffs have been ready willing and able to purchase the interest of the Defendants for a sum equal to each of the said defendants' pro-rata share of a total purchase price of \$35,000.

20. Defendants are all persons whose whereabouts are unknown or if their whereabouts are known they have been contacted and they have refused to sell their interest to the Plaintiffs.

21. As of the date of the filing of this Complaint there are no liens upon this property.

22. Beginning with the year 2001 up through the filing of this Second Amended Complaint, Plaintiffs have paid all the real estate

taxes imposed on the premises described in ¶5 above.

23. Plaintiffs believe and therefore aver, that the real estate described in ¶5 above cannot be divided without prejudice to or spoiling the whole and without inordinate expense and depletion of the estate.

24. Plaintiffs presently own an undivided 272/280<sup>ths</sup> interest in the whole as tenants in common of the premises described in ¶5 above. Said 272/280<sup>ths</sup> equals 97.14285% interest in the whole.

25. Defendants claiming by through and under **ALBERT "JUMMY" GOSS** collectively own an undivided 1/35<sup>th</sup> or 8/280<sup>ths</sup> interest in the whole as tenants in common of the premises described in ¶5 above. Said 8/280<sup>ths</sup> equals 2.85715% interest in the whole.

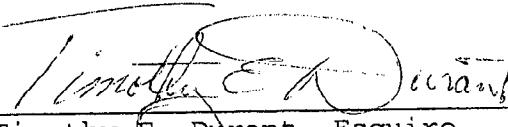
WHEREFORE, the Plaintiffs pray:

- a) the Court decree partition of the above real estate;
- b) the share or shares to which the respective parties are entitled be set out to them in severalty and that all proper and necessary conveyances and assurances be executed for carrying such partition into effect; and that, if the real estate cannot be divided without prejudice to or spoiling the whole, such proper and necessary sale or sales of the same may be made by such persons and in such manner as the Court may direct;
- c) That the Court appoint a trustee to make a public sale of said property;
- d) That the net proceeds of the sale be divided between the Plaintiffs and Defendants in accordance with their proportion

of ownership;

- e) Order that one party sell his interest to the other; or
- f) Such other and further relief as may be deemed necessary and proper.

Date: October 29, 2009

  
\_\_\_\_\_  
Timothy E. Durant, Esquire  
Attorney for Plaintiffs

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

MILFORD R. WOODS and : No.: 03-137-CD  
TSHANA J. WOODS, : Type of Case:  
Plaintiffs : Civil  
vs. : Type of Pleading:  
ALBERT GOSS a/k/a ALBERT W. : Praeclipe for Entry  
"JUMMY" GOSS; WILLIAM C. GOSS; : of Appearance  
and JENNIE M. (GOSS) VAUGHN; : Filed on behalf of:  
the three persons named : Defendants noted herein  
immediately previous hereto : Counsel of Record for  
are all believed to be : This Party:  
deceased and their cumulative : Girard Kasubick, Esq.  
heirs, devisees, successors, : Supreme Court #30109  
administrators, executors : LEHMAN & KASUBICK  
and assigns, and all other : 611 Brisbin Street  
persons or entities in : Houtzdale, PA 16651  
interest, known or unknown, : (814) 378-7840  
claiming by, through or under :  
them, and HAROLD ELLSWORTH :  
VAUGHN; MARJORIE PEARL VAUGHN :  
TUBBS KNEPP; HAROLD RANDALL :  
VAUGHN; BRENDA MARIE VAUGHN :  
HOHMAN; DONNA JOYCE VAUGHN :  
SCHWARTZ; and TIMOTHY MARK :  
VAUGHN, :  
Defendants :  
:

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NJV 20 2009 Atty  
S William A. Shaw  
Prothonotary/Clerk of Courts  
Kasubick  
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA  
CIVIL DIVISION

MILFORD R. WOODS and :  
TSHANA J. WOODS, :  
Plaintiffs :  
vs. : No.: 03-137-CD  
: :  
: :  
ALBERT GOSS a/k/a ALBERT W. :  
"JUMMY" GOSS; WILLIAM C. GOSS; :  
and JENNIE M. (GOSS) VAUGHN; :  
the three persons named :  
immediately previous hereto :  
are all believed to be :  
deceased and their cumulative :  
heirs, devisees, successors, :  
administrators, executors :  
and assigns, and all other :  
persons or entities in :  
interest, known or unknown, :  
claiming by, through or under :  
them, and HAROLD ELLSWORTH :  
VAUGHN; MARJORIE PEARL VAUGHN :  
TUBBS KNEPP; HAROLD RANDALL :  
VAUGHN; BRENDA MARIE VAUGHN :  
HOHMAN; DONNA JOYCE VAUGHN :  
SCHWARTZ; and TIMOTHY MARK :  
VAUGHN, :  
Defendants :  
:

**PRAECIPE FOR ENTRY OF APPEARANCE**

TO: William A. Shaw, Prothonotary:

Please enter my appearance on behalf of the following  
five (5) Defendants, Marjorie Pearl Vaughn Tubbs Knepp;  
Harold Randall Vaughn; Brenda Marie Vaughn Hohman; Donna

Joyce Vaughn Schwartz; and Timothy Mark Vaughn, in the above-captioned matter. Papers may be served at the address set forth below.

Girard Kasubick, Esq.  
LEHMAN & KASUBICK  
611 Brisbin Street  
Houtzdale, PA 16651  
Phone #: (814) 378-7840  
Fax #: (814) 378-6231

Dated:

11/19/2009

Girard Kasubick  
Girard Kasubick, Esq.,  
Attorney for above named  
Defendants

FILED

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William A. Shaw  
Prothonotary/Clerk of Courts

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

MILFORD R. WOODS and : No.: 03-137-CD  
TSHANA J. WOODS, : Type of Case:  
Plaintiffs : Civil  
vs. : Type of Pleading:  
ALBERT GOSS a/k/a ALBERT W. : Certificate of Service  
"JUMMY" GOSS; WILLIAM C. GOSS; : Filed on behalf of:  
and JENNIE M. (GOSS) VAUGHN; : Defendants named herein  
the three persons named : Counsel of Record for  
immediately previous hereto : This Party:  
are all believed to be : Girard Kasubick, Esq.  
deceased and their cumulative : Supreme Court #30109  
heirs, devisees, successors, : LEHMAN & KASUBICK  
administrators, executors : 611 Brisbin Street  
and assigns, and all other : Houtzdale, PA 16651  
persons or entities in : (814) 378-7840  
interest, known or unknown, :  
claiming by, through or under :  
them, and HAROLD ELLSWORTH :  
VAUGHN; MARJORIE PEARL VAUGHN :  
TUBBS KNEPP; HAROLD RANDALL :  
VAUGHN; BRENDA MARIE VAUGHN :  
HOHMAN; DONNA JOYCE VAUGHN :  
SCHWARTZ; and TIMOTHY MARK :  
VAUGHN, :  
Defendants :  
:

FILED  
01/8/58 3:00 PM  
JAN 24 2008  
S, Atty Kasubick  
William A. Shaw  
Prothonotary/Clerk of Courts

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

|                                |                  |
|--------------------------------|------------------|
| MILFORD R. WOODS and           | :                |
| TSHANA J. WOODS,               | :                |
| Plaintiffs                     | :                |
|                                | : No.: 03-137-CD |
| vs.                            | :                |
|                                | :                |
| ALBERT GOSS a/k/a ALBERT W.    | :                |
| "JUMMY" GOSS; WILLIAM C. GOSS; | :                |
| and JENNIE M. (GOSS) VAUGHN;   | :                |
| the three persons named        | :                |
| immediately previous hereto    | :                |
| are all believed to be         | :                |
| deceased and their cumulative  | :                |
| heirs, devisees, successors,   | :                |
| administrators, executors      | :                |
| and assigns, and all other     | :                |
| persons or entities in         | :                |
| interest, known or unknown,    | :                |
| claiming by, through or under  | :                |
| them, and HAROLD ELLSWORTH     | :                |
| VAUGHN; MARJORIE PEARL VAUGHN  | :                |
| TUBBS KNEPP; HAROLD RANDALL    | :                |
| VAUGHN; BRENDA MARIE VAUGHN    | :                |
| HOHMAN; DONNA JOYCE VAUGHN     | :                |
| SCHWARTZ; and TIMOTHY MARK     | :                |
| VAUGHN,                        | :                |
| Defendants                     | :                |

**CERTIFICATE OF SERVICE**

I hereby certify that I, Girard Kasubick, Esq., served a certified copy of the Praeclipe for Entry of Appearance and the Preliminary Objections by regular

United States mail, postage pre-paid, mailed on November 20, 2009 upon the attorney for the Plaintiffs at the following address:

Timothy E. Durant, Esq.  
201 North Second Street  
Clearfield, PA 16830

Date: November 20, 2009



Girard Kasubick, Esquire,  
Attorney for Defendants,  
Marjorie Pearl Vaughn Tubbs  
Knepp; Harold Randall  
Vaughn; Brenda Marie Vaughn  
Hohman; Donna Joyce Vaughn  
Schwartz; and Timothy Mark  
Vaughn

(CA)

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

MILFORD R. WOODS and :  
TSHANA J. WOODS : No.: 03-137-CD  
:  
vs. :  
:  
ALBERT GOSS a/k/a ALBERT W. :  
JUMMY GOSS; et al :  
:

**O R D E R**

AND NOW this 15<sup>th</sup> day of December 2009, upon consideration  
of Defendant's Preliminary Objections in the above matter, it is the Order of the  
Court that argument shall be and is hereby scheduled for the 15<sup>th</sup> day of  
January, 2010 at 2:30 ~~A.M.~~<sup>P.M.</sup>, in Courtroom No. 1, Clearfield  
County Courthouse, Clearfield, PA.

It is the responsibility of the moving parties Counsel to serve certified  
copy of said scheduling Order on opposing parties Counsel.

BY THE COURT:

  
\_\_\_\_\_  
Judge J. Krummeyer

Judge

5/2/2013k FILED 3CC  
DEC 15 2009 Atty Kasubick  
William A. Shaw  
Prothonotary/Clerk of Courts

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

MILFORD R. WOODS and  
TSHANA J. WOODS

Plaintiffs  
vs.

NO. 03 - 137 - CD

ALBERT GOSS a/k/a ALBERT W.  
"JUMMY" GOSS; WILLIAM C. GOSS;  
and JENNIE M. (GOSS) VAUGHN; the  
three persons named immediately  
previous hereto are all believed  
to be deceased and their  
cumulative heirs, devisees,  
successors, administrators,  
executors and assigns, and  
all other persons or entities in  
interest, known or unknown,  
claiming by, through or under  
them, and HAROLD ELLSWORTH VAUGHN;  
MARJORIE PEARL VAUGHN TUBBS KNEPP;  
HAROLD RANDALL VAUGHN; BRENDA  
MARIE VAUGHN HOHMAM; DONNA JOYCE  
VAUGHN SCHWARTZ; and TIMOTHY MARK  
VAUGHN

## Defendants

ANSWER TO PRELIMINARY  
OBJECTIONS

Filed on behalf of Plaintiffs:  
MILFORD R. WOODS and  
TSHANA J. WOODS

Counsel of Record for them:

TIMOTHY E. DURANT, ESQUIRE  
Pa. I.D. No. 21352  
201 North Second Street  
Clearfield, PA 16830  
(814) 765-1711

Opposing Counsel:

GIRARD KASUBICK ESQUIRE  
Lehman & Kasubick  
611 Brisbin Street  
Pa I.D. No. 30109  
Houtzdale, PA 16651  
(814) 378-7840

FILED 302  
01/31/2011 Atty Durant  
DEC 2 9 2009

William A. Shaw  
Prothonotary/Clerk of Courts

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

MILFORD R. WOODS and  
TSHANA J. WOODS

Plaintiffs  
vs.

NO. 03- 137 -CD

ALBERT GOSS a/k/a \*ALBERT W. "JUMMY" GOSS;  
WILLIAM C. GOSS; and JENNIE M. (GOSS) VAUGHN;  
the three persons named immediately previous  
hereto are all believed to be deceased and  
their cumulative heirs, devisees, successors,  
administrators, executors and assigns, and  
all other persons or entities in interest,  
known or unknown, claiming by, through or  
under them, and HAROLD ELLSWORTH VAUGHN;  
MARJORIE PEARL VAUGHN TUBBS KNEPP; HAROLD  
RANDALL VAUGHN; BRENDA MARIE VAUGHN HOHMAM;  
DONNA JOYCE VAUGHN SCHWARTZ; and TIMOTHY  
MARK VAUGHN

Defendants

**ANSWER TO DEFENDANTS' PRELIMINARY OBJECTIONS TO PARTITION ACTION**

NOW come the plaintiffs and file this answer to the preliminary  
objections filed on November 20, 2009.

**I. Non Joinder of a Necessary Party under Pa. R.C.P. Rule 1028(a)(5).**

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted.
7. Admitted.
8. Admitted.
9. Admitted.
10. Admitted.

11. Admitted.

12. Admitted.

13. Admitted.

14. Denied as stated. On the contrary, while the complaint does only list the deeds for 17/35<sup>ths</sup> interest as noted by defendants, there is no requirement in the PA Rules for partition actions (Rules 1551-1574) that require a plaintiff to list all means by which they obtained all their interests. The only requirements relevant to these objections are that they join all other co-tenants [Rule 1553] and that they state the nature and extent of the interest of each party in the property [Rule 1554(b)]. Plaintiffs have complied with the relevant requirements for a partition action by naming all the co-tenants as parties in the complaint (the only co-tenants are the plaintiffs and the defendants) and by stating the interest of each party in their complaint (i.e. see ¶24 for Plaintiffs 272/280<sup>ths</sup> or 34/35<sup>ths</sup> or 97.14285% interest and see ¶25 for defendants joint 1/35<sup>th</sup> interest). The only shares of the property which is the subject of this action which remain outstanding and not owned by the Plaintiffs are the 1/35<sup>th</sup> interest owned by the five defendants represented by Girard Kasubick, Esquire (who avers the sixth defendant Harold Ellsworth Vaughn was not married to Jennie M. Goss Vaughn at her death on January 21, 2003).

In fact the plaintiffs have obtained their 192/210<sup>ths</sup> interests which came from shares of William Goss a/k/a as William P. Goss (sold to Walter A. Goss, et ux by deed recorded in DB 290/20) and Walter Goss a/k/a Walter A. Goss and the Raymond Goss heirs (sold to Walter A. Goss et ux by deed recorded in DB 449/581) and the John Goss heirs by those

certain deeds from Kenneth L. Goss, et. al. filed in the Clearfield County Recorder's Office as Instrument Nos. 2001-08723 and 2001-14655 as will more fully and at large appear by reference to those documents and a search of the records of Clearfield County. Plaintiffs have obtained their 1/35<sup>th</sup> interest which came from the heirs of Annie Goss a/k/a Annie Goss Jarrett by deed from Walter L. Jarrett, et. al. filed in the Clearfield County Recorder's Office as Instrument No. 2001-12392. Plaintiffs have obtained their 1/35<sup>th</sup> interest which came from the heirs of Russell Goss a/k/a Russell R. Goss by deed from Terry Lynn Dixon, et. ux filed in the Clearfield County Recorder's Office as Instrument No. 2000-15596.

15. Denied. On the contrary, for all the reasons set out above in ¶14. of Plaintiffs' Answer William Goss, Walter Goss, Raymond Goss, Annie Goss and Russell Goss, their heirs, etc are not indispensable parties as they no longer own any interest in the parcel which is the subject of this partition action and their interests are owned by Plaintiffs.

16. Admitted.

WHEREFORE Plaintiffs request that the Preliminary objections filed by Defendants be dismissed as without foundation and they be required to file a responsive pleading in this matter so it can go forward.

**II. Failure to sufficiently specify the pleadings to show the interest of each party under Pa. R.C.P. 1028(a)(3).**

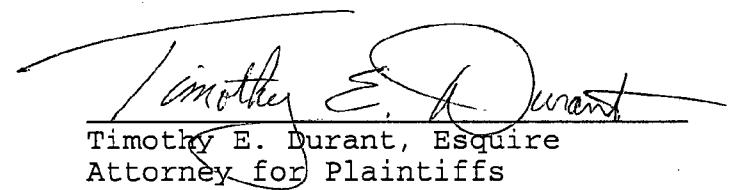
1. Plaintiffs herein incorporate ¶¶'s 1-16 under their Answer to the Preliminary Objections as though set forth in full herein.

2. Denied. On the contrary, for the reasons and as set out above in ¶14 the only parties to this action are those who are named and all shares have been accounted for and the interests owned by each have been recited in the complaint and in the deeds filed of record in Clearfield County, PA.

3. Denied. On the contrary, as set out above the plaintiffs' interests and how they acquired them are contained herein, in the Complaint and in the official recorded documents of Clearfield County, PA.

WHEREFORE Plaintiffs request that the Preliminary objections filed by Defendants be dismissed as without foundation and they be required to file a responsive pleading in this matter so it can go forward.

Date: December 29, 2009

  
\_\_\_\_\_  
Timothy E. Durant, Esquire  
Attorney for Plaintiffs

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

MILFORD R. WOODS and  
TSHANA J. WOODS

vs.

**ALBERT GOSS a/k/a ALBERT W.  
"JUMMY" GOSS; et al**

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NO. 03 - 137 - CD

**MOTION FOR CONTINUANCE**

FILED

DEC 31 2004

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William A. Shaw  
Prothonotary/Clerk of Courts

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Filed on behalf of Plaintiffs:  
MILFORD R. WOODS and  
TSHANA J. WOODS

Counsel of Record for them:

TIMOTHY E. DURANT, ESQUIRE  
Pa. I.D. No. 21352  
201 North Second Street  
Clearfield, PA 16830  
(814) 765-1711

Opposing Counsel:

GIRARD KASUBICK ESQUIRE  
Lehman & Kasubick  
611 Brisbin Street  
Pa I.D. No. 30109  
Houtzdale, PA 16651  
(814) 378-7840

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

**MILFORD R. WOODS and  
TSHANA J. WOODS**

vs.

\*  
\*  
\*  
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\*  
\*  
\*

NO. 03 - 137 - CD

**ALBERT GOSS a/k/a ALBERT W.  
"JUMMY" GOSS; et al**

**MOTION FOR CONTINUANCE**

**AND NOW,** comes Plaintiffs' counsel, Timothy E. Durant, Esquire and asks this Court to grant a continuance of the scheduled oral argument in this matter for the following reason:

1. Preliminary Objections were filed in this matter on November 20, 2009 by defendants.
2. Plaintiff was notified of the oral argument by letter of December 16, 2009.
3. An Answer To Defendant's Preliminary Objections was filed on December 29, 2009 and copied to counsel for Defendant early on December 30, 2009.
4. Oral argument upon this matter is presently scheduled for 2:30 PM in Court Room No. 1, on Friday, January 15, 2010.
5. Counsel for Plaintiffs believes that the Answer filed on December 29, 2009 is self explanatory and dispositive of the issues raised in the Preliminary Objections.
6. Counsel for Plaintiffs is required to be in Great Britain from January 5<sup>th</sup> - 17<sup>th</sup>, 2010 to attend the wedding of his youngest son.
7. Airplane tickets and lodging arrangements were purchased

before the scheduling of the oral argument.

8. Defendant's counsel has been notified of this request for continuance through a letter provided via facsimile and U.S. Mail early on December 30, 2009. Defendant's counsel is not opposed to the continuance.

9. In the alternative, Plaintiffs' counsel believes that his oral argument would add nothing to the pleadings filed in this case and is willing to have the Court determine the matter upon the Objections and the Answers filed by each side.

**WHEREFORE**, Plaintiff's Counsel, respectfully requests a continuance of the oral argument until on or after January 18, 2009; or in the alternative a decision by the court based upon pleadings filed.

Respectfully submitted,

December 31, 2009

  
\_\_\_\_\_  
Timothy E. Durant  
Supreme Court ID #21352  
Counsel for Plaintiffs  
201 North Second Street  
Clearfield, PA 16830

**FILED**  
DEC 31 2009  
William A. Shaw  
Prothonotary/Clerk of Courts

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

MILFORD R. WOODS and  
TSHANA J. WOODS

vs.

ALBERT GOSS a/k/a ALBERT W.  
"JUMMY" GOSS; et al

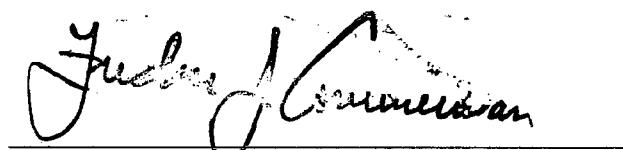
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NO. 03 - 137 - CD

O R D E R

AND NOW, this 4<sup>th</sup> day of JANUARY, 2010, upon  
consideration of Counsel's request for a continuance in the above  
captioned matter, it is the Order of this Court that the arguments  
scheduled for January 15, 2010 at 2:30 P.M. are hereby rescheduled to  
February 4, 2010 at 1:30 A.M./P.M. in Courtroom No.  
1.

BY THE COURT:

  
\_\_\_\_\_  
Judge

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01/05/2010 Atty Durant  
JAN 05 2010  
S William A. Shaw  
Prothonotary/Clerk of Courts  
(60)

**FILED**

**JAN 05 2010**

**William A. Shaw  
Prothonotary/Clerk of Courts**

DATE: 1/5/10

You are responsible for serving all appropriate parties.  
 The Prothonotary's office has provided service to the following parties:  
 Plaintiff(s)  Plaintiff(s) Attorney  Other  
 Defendant(s)  Defendant(s) Attorney  
 Special Instructions:

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

MILFORD R. WOODS and : No.: 03-137-CD  
TSHANA J. WOODS, : Type of Case:  
Plaintiffs : Civil  
vs. : Type of Pleading:  
ALBERT GOSS a/k/a ALBERT W. : Praeclipe for Withdrawal  
"JUMMY" GOSS; WILLIAM C. GOSS; : of Preliminary  
and JENNIE M. (GOSS) VAUGHN; : Objections  
the three persons named : Filed on behalf of:  
immediately previous hereto : Defendants named herein  
are all believed to be : Counsel of Record for  
deceased and their cumulative : This Party:  
heirs, devisees, successors, : Girard Kasubick, Esq.  
administrators, executors : Supreme Court #30109  
and assigns, and all other : LEHMAN & KASUBICK  
persons or entities in : 611 Brisbin Street  
interest, known or unknown, : Houtzdale, PA 16651  
claiming by, through or under : (814) 378-7840  
them, and HAROLD ELLSWORTH :  
VAUGHN; MARJORIE PEARL VAUGHN :  
TUBBS KNEPP; HAROLD RANDALL :  
VAUGHN; BRENDA MARIE VAUGHN :  
HOHMAN; DONNA JOYCE VAUGHN :  
SCHWARTZ; and TIMOTHY MARK :  
VAUGHN, :  
Defendants :  
:

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Kasubick  
S  
William A. Shaw  
Prothonotary/Clerk of Courts  
61

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

MILFORD R. WOODS and :  
TSHANA J. WOODS, :  
Plaintiffs :  
vs. : No.: 03-137-CD  
: :  
ALBERT GOSS a/k/a ALBERT W. :  
"JUMMY" GOSS; WILLIAM C. GOSS; :  
and JENNIE M. (GOSS) VAUGHN; :  
the three persons named :  
immediately previous hereto :  
are all believed to be :  
deceased and their cumulative :  
heirs, devisees, successors, :  
administrators, executors :  
and assigns, and all other :  
persons or entities in :  
interest, known or unknown, :  
claiming by, through or under :  
them, and HAROLD ELLSWORTH :  
VAUGHN; MARJORIE PEARL VAUGHN :  
TUBBS KNEPP; HAROLD RANDALL :  
VAUGHN; BRENDA MARIE VAUGHN :  
HOHMAN; DONNA JOYCE VAUGHN :  
SCHWARTZ; and TIMOTHY MARK :  
VAUGHN, :  
Defendants :  
:

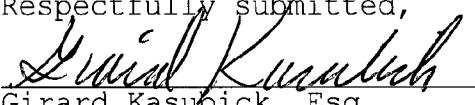
**PRAECIPE FOR WITHDRAWAL OF PRELIMINARY OBJECTIONS**

TO: William A. Shaw, Prothonotary:

Please withdraw the Preliminary Objections filed on November 20, 2009 on behalf of Marjorie Pearl Vaughn Knepp, Harold Randall Vaughn, Brenda Marie Vaughn Hohman, Donna Joyce Vaughn Schwartz, and Timothy Mark Vaughn, Defendants named herein, in the above captioned matter. The Answer to Preliminary Objections and other information provided by Plaintiffs verifies their interest as a 272/280ths or 34/35ths interest.

Dated: January 21<sup>st</sup>, 2010

Respectfully submitted,

  
Girard Kasubick, Esq.  
Attorney for above named  
Defendants

**FILED**

JAN 21 2010

William A. Shaw  
Prothonotary/Clerk of Courts

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

MILFORD R. WOODS and : No.: 03-137-CD  
TSHANA J. WOODS, : Type of Case:  
Plaintiffs : Civil  
vs. : Type of Pleading:  
ALBERT GOSS a/k/a ALBERT W. : Answer to Second Amended  
"JUMMY" GOSS; WILLIAM C. GOSS; : Complaint in Partition  
and JENNIE M. (GOSS) VAUGHN; : and Counterclaim  
the three persons named : Filed on behalf of:  
immediately previous hereto : Defendants named herein  
are all believed to be : Counsel of Record for  
deceased and their cumulative : This Party:  
heirs, devisees, successors, : Girard Kasubick, Esq.  
administrators, executors : Supreme Court #30109  
and assigns, and all other : LEHMAN & KASUBICK  
persons or entities in : 611 Brisbin Street  
interest, known or unknown, : Houtzdale, PA 16651  
claiming by, through or under : (814) 378-7840  
them, and HAROLD ELLSWORTH :  
VAUGHN; MARJORIE PEARL VAUGHN :  
TUBBS KNEPP; HAROLD RANDALL :  
VAUGHN; BRENDA MARIE VAUGHN :  
HOHMAN; DONNA JOYCE VAUGHN :  
SCHWARTZ; and TIMOTHY MARK :  
VAUGHN, :  
Defendants :  
:

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JAN 21 2010 Atty  
Kasubick  
William A. Shaw  
Prothonotary/Clerk of Courts

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

MILFORD R. WOODS and :  
TSHANA J. WOODS, :  
Plaintiffs :  
vs. : No.: 03-137-CD  
: :  
: :  
ALBERT GOSS a/k/a ALBERT W. :  
"JUMMY" GOSS; WILLIAM C. GOSS; :  
and JENNIE M. (GOSS) VAUGHN; :  
the three persons named :  
immediately previous hereto :  
are all believed to be :  
deceased and their cumulative :  
heirs, devisees, successors, :  
administrators, executors :  
and assigns, and all other :  
persons or entities in :  
interest, known or unknown, :  
claiming by, through or under :  
them, and HAROLD ELLSWORTH :  
VAUGHN; MARJORIE PEARL VAUGHN :  
TUBBS KNEPP; HAROLD RANDALL :  
VAUGHN; BRENDA MARIE VAUGHN :  
HOHMAN; DONNA JOYCE VAUGHN :  
SCHWARTZ; and TIMOTHY MARK :  
VAUGHN, :  
Defendants :  
:

**NOTICE TO PLEAD**

To: Milford R. Woods and Tshana J. Woods

You are hereby notified to file a written response to  
the enclosed Counterclaim within twenty (20) days from  
service hereof or a judgment may be entered against you.

  
\_\_\_\_\_  
Girard Kasubick, Esq.  
Attorney for Defendants  
named herein

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

MILFORD R. WOODS and :  
TSHANA J. WOODS, :  
Plaintiffs :  
vs. : No.: 03-137-CD  
: :  
: :  
ALBERT GOSS a/k/a ALBERT W. :  
"JUMMY" GOSS; WILLIAM C. GOSS; :  
and JENNIE M. (GOSS) VAUGHN; :  
the three persons named :  
immediately previous hereto :  
are all believed to be :  
deceased and their cumulative :  
heirs, devisees, successors, :  
administrators, executors :  
and assigns, and all other :  
persons or entities in :  
interest, known or unknown, :  
claiming by, through or under :  
them, and HAROLD ELLSWORTH :  
VAUGHN; MARJORIE PEARL VAUGHN :  
TUBBS KNEPP; HAROLD RANDALL :  
VAUGHN; BRENDA MARIE VAUGHN :  
HOHMAN; DONNA JOYCE VAUGHN :  
SCHWARTZ; and TIMOTHY MARK :  
VAUGHN, :  
Defendants :  
:

ANSWER TO SECOND AMENDED COMPLAINT IN PARTITION

AND NOW COMES, the Defendants, Marjorie Pearl Vaughn  
Tubbs Knepp; Harold Randall Vaughn; Brenda Marie Vaughn  
Hohman; Donna Joyce Vaughn Schwartz; and Timothy Mark  
Vaughn, by and through their attorney, Girard Kasubick,  
Esq., and files the following Answer to the Second Amended  
Complaint:

1. Admitted.
2. Admitted, and William L. Goss and Jennie M. (Goss) Vaughn being the only children of Albert W. "Jummy" Goss.
3. Admitted in part and Denied in part. It is admitted that Marjorie Pearl Vaughn Tubbs Knepp; Harold Randall Vaughn; Brenda Marie Vaughn Hohman; Donna Joyce Vaughn Schwartz; and Timothy Mark Vaughn are the living heirs of Albert W. "Jummy" Goss. William L. Goss, one of the two (2) children of Albert W. "Jummy" Goss died intestate, not married and without children, leaving his interest to his sister, Jenny M. (Goss) Vaughn. Jenny M. (Goss) Vaughn, when she died, left as heirs the five (5) children set forth above in this paragraph. Therefore, it is admitted those five (5) children are the current heirs of Albert W. "Jummy" Goss, who owned a 1/35<sup>th</sup> interest in the subject property.

It is denied that Harold Ellsworth Vaughn is an heir of Albert W. "Jummy" Goss. Harold Ellsworth Vaughn was the husband of Jenny M. (Goss) Vaughn, but Harold and Jennie were divorced on September 11, 2000 in Centre County, Pennsylvania in Divorce file No. 81-1944. As a result of the divorce, Harold Ellsworth Vaughn has no claim as an heir of Albert W. "Jummy" Goss.

4. Admitted.

5. Admitted.

6. Admitted.

7. Admitted.

8. Admitted.

9. Admitted.

10. Admitted.

11. Admitted.

12. Admitted.

13. Admitted.

14. Admitted.

15. Admitted in part and Denied in part. It is admitted as to Jennie M. (Goss) Vaughn's death and Estate and her divorce with Harold Ellsworth Vaughn and that the heirs of Jennie M. (Goss) Vaughn were her five (5) children. By way of further answer, the answer set forth in paragraph 3. above is further incorporated herein by reference thereof. It is admitted as to the address of Marjorie Pearl Vaughn Tubbs Knepp; Harold Randall Vaughn; Brenda Marie Vaughn Hohman; Donna Joyce Vaughn Schwartz and Harold Ellsworth Vaughn. It is denied as to the address of Timothy Mark Vaughn who resides at 2864 Aster Lane, Supply, NC 28462.

16. Admitted.

17. Denied. This is a conclusion of law or fact for which no responsive pleading is required. This is further denied since the appraisal is 7½ years old and value of the property may have substantially changed in that time period.

18. Denied. Defendants herein after reasonable investigation are without knowledge or information to form a belief as to this averment and proof thereof is demanded.

19. Denied. This is a conclusion of law or fact for which no responsive pleading is required.

20. Admitted in part and Denied in part. It is admitted that the five (5) Defendants filing this Answer are the only Defendants other than Plaintiffs having an interest in this property and that they have refused to sell. It is denied that any other named Defendants have an interest in this property as set forth in paragraphs 3. and 15. of this Answer which are incorporated herein by reference thereto.

21. Denied. This is a conclusion of law or fact for which no responsive pleading is required.

22. Denied. In 2008, the taxes were assessed by ownership interests and the Defendants herein are

receiving the taxes and paying them since the change in the assessment. It is further denied that Defendants herein after reasonable investigation are without knowledge or information to form a belief as to who paid prior taxes and proof thereof is demanded.

23. Denied. This is a conclusion of law or fact for which no responsive pleading is required. As further response a tract of land assessed as 94 acres as in this Partition Action can be subdivided without any depletion of the estate.

24. Admitted, and this reduces to a 34/35ths interest.

25. Admitted that the five (5) Defendants filing this Answer own the remaining interest which reduces to a 1/35<sup>th</sup> interest.

WHEREFORE, Defendants herein agree to a Partition of the real property and requests your Honorable Court to proceed to a Preliminary Conference and Hearing to determine whether the real property is capable of subdivision or not and to determine the appropriate manner of Partition.

**COUNTERCLAIM**

26. Paragraphs 1 through 25 of this Answer are incorporated herein by reference thereto.

27. It is believed and averred that the Plaintiffs have permitted or entered into contracts to have timber removed from the real property subject of this Partition Action.

28. The Plaintiffs entered into an Oil & Gas Lease dated August 19, 2004 with Virginia Energy Consultants, LLC and recorded October 29, 2004 in Clearfield County Instrument No. 200417583 on the real property subject of this Partition Action. The said Lease was assigned by Virginia Energy Consultants, LLC to T & F Exploration, LP by Assignment dated September 15, 2004 and recorded October 19, 2004 in Clearfield County Instrument No. 200417061.

29. The Plaintiffs have granted a right of way for access to themselves across the property subject of this Partition Action to have access to other property owned by the Plaintiffs known by Tax Map No. 112-N11-35 assessed as a house, building and 2 acres. The right of way was granted to the Plaintiffs in a Deed recorded in Clearfield County Instrument No. 200411656.

30. The Defendants herein have received no monies from Plaintiffs for timber royalties, oil and gas royalties, or for any other revenue received by Plaintiffs on the property subject of this Partition Action.

31. Defendants herein desire an accounting of rents, royalties and revenues received by Plaintiffs for removal of timber, oil and gas rights, and grants of right of ways and for any other use of the property subject of this Partition Action, with any credit for proper expenditures by Plaintiffs.

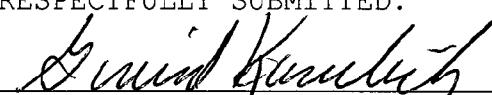
32. Defendants herein are entitled to 1/35<sup>th</sup> of the final accounting amount as determined by the Court.

33. Defendants herein intend to survey a portion of the property for subdivision of their share or interest and hereby aver that the costs for survey be shared by the parties as determined by the Court.

WHEREFORE, Defendants herein requests your Honorable Court to Order an accounting of the rents, royalties and revenue received by Plaintiffs with deductions for proper expenses and further requests your Honorable Court to find the Defendants herein entitled to a 1/35<sup>th</sup> of said accounting amount.

RESPECTFULLY SUBMITTED:

Dated: JAN, 21, 2010

  
Girard Kasubick, Esq.,  
Attorney for Defendants  
Marjorie Pearl Vaughn Tubbs  
Knepp; Harold Randall  
Vaughn; Brenda Marie Vaughn  
Hohman; Donna Joyce Vaughn  
Schwartz; and Timothy Mark  
Vaughn

VERIFICATION

I, the undersigned, verify that the statements made in the foregoing Answer to Second Amended Complaint and Counterclaim are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. 4904 relating to unsworn falsification to authorities.

Marjorie Pearl Knepp  
Marjorie Pearl Knepp

VERIFICATION

I, the undersigned, verify that the statements made in the foregoing Answer to Second Amended Complaint and Counterclaim are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. 4904 relating to unsworn falsification to authorities.

Brenda Marie Hohman  
Brenda Marie Hohman

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

MILFORD R. WOODS and : No.: 03-137-CD  
TSHANA J. WOODS, : Type of Case:  
Plaintiffs : Civil  
vs. : Type of Pleading:  
ALBERT GOSS a/k/a ALBERT W. : Certificate of  
"JUMMY" GOSS; WILLIAM C. GOSS; : Service  
and JENNIE M. (GOSS) VAUGHN; : Filed on behalf of:  
the three persons named : Defendants  
immediately previous hereto : Counsel of Record for  
are all believed to be : This Party:  
deceased and their cumulative : Girard Kasubick, Esq.  
heirs, devisees, successors, : Supreme Court #30109  
administrators, executors : LEHMAN & KASUBICK  
and assigns, and all other : 611 Brisbin Street  
persons or entities in : Houtzdale, PA 16651  
interest, known or unknown, : (814) 378-7840  
claiming by, through or under :  
them, and HAROLD ELLSWORTH :  
VAUGHN; MARJORIE PEARL VAUGHN :  
TUEBS KNEPP; HAROLD RANDALL :  
VAUGHN; BRENDA MARIE VAUGHN :  
HOHMAN; DONNA JOYCE VAUGHN :  
SCHWARTZ; and TIMOTHY MARK :  
VAUGHN, :  
Defendants :  
:

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William A. Shaw  
Prothonotary/Clerk of Courts  
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA  
CIVIL DIVISION

MILFORD R. WOODS and :  
TSHANA J. WOODS, :  
Plaintiffs :  
vs. : No.: 03-137-CD  
: :  
: :  
ALBERT GOSS a/k/a ALBERT W. :  
"JUMMY" GOSS; WILLIAM C. GOSS; :  
and JENNIE M. (GOSS) VAUGHN; :  
the three persons named :  
immediately previous hereto :  
are all believed to be :  
deceased and their cumulative :  
heirs, devisees, successors, :  
administrators, executors :  
and assigns, and all other :  
persons or entities in :  
interest, known or unknown, :  
claiming by, through or under :  
them, and HAROLD ELLSWORTH :  
VAUGHN; MARJORIE PEARL VAUGHN :  
TUBBS KNEPP; HAROLD RANDALL :  
VAUGHN; BRENDA MARIE VAUGHN :  
HOHMAN; DONNA JOYCE VAUGHN :  
SCHWARTZ; and TIMOTHY MARK :  
VAUGHN, :  
Defendants :  
:

CERTIFICATE OF SERVICE

I hereby certify that I, Girard Kasubick, Esq.,  
served a copy of the Praeclipe for Withdrawal of  
Preliminary Objections and Answer to Second Amended  
Complaint in Partition and Counterclaim by regular United

States mail, postage pre-paid, mailed on January 21, 2010  
upon the attorney for the Plaintiff's at the following  
address:

Timothy E. Durant, Esq.  
201 North Second Street  
Clearfield, PA 16830

Date: January 21, 2010



Girard Kasubick, Esquire,  
Attorney for Defendants

FILED

JAN 26 2010

William A. Sherry  
Prothonotary/Clerk of Courts

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

MILFORD R. WOODS and  
TSHANA J. WOODS

Plaintiffs  
vs.

ALBERT GOSS a/k/a ALBERT W.  
"JUMMY" GOSS; WILLIAM C. GOSS;  
and JENNIE M. (GOSS) VAUGHN; the  
three persons named immediately  
previous hereto are all believed  
to be deceased and their  
cumulative heirs, devisees,  
successors, administrators,  
executors and assigns, and  
all other persons or entities in  
interest, known or unknown,  
claiming by, through or under  
them, and HAROLD ELLSWORTH VAUGHN;  
MARJORIE PEARL VAUGHN TUBBS KNEPP;  
HAROLD RANDALL VAUGHN; BRENDA  
MARIE VAUGHN HOHMAM; DONNA JOYCE  
VAUGHN SCHWARTZ; and TIMOTHY MARK  
VAUGHN

Defendants

\* NO. 03 - 137 - CD

\* REPLY TO COUNTERCLAIM  
\* TO PARTITION ACTION

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William A. Shaw  
Prothonotary/Clerk of Courts

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MHR

Filed on behalf of Plaintiffs:  
MILFORD R. WOODS and  
TSHANA J. WOODS

Counsel of Record for them:

TIMOTHY E. DURANT, ESQUIRE  
Pa. I.D. No. 21352  
201 North Second Street  
Clearfield, PA 16830  
(814) 765-1711

Opposing Counsel:

GIRARD KASUBICK ESQUIRE  
Lehman & Kasubick  
611 Brisbin Street  
Pa I.D. No. 30109  
Houtzdale, PA 16651  
(814) 378-7840

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

MILFORD R. WOODS and  
TSHANA J. WOODS

Plaintiffs

vs.

NO. 03- 137 -CD

ALBERT GOSS a/k/a \*ALBERT W. "JUMMY" GOSS;  
WILLIAM C. GOSS; and JENNIE M. (GOSS) VAUGHN;  
the three persons named immediately previous  
hereto are all believed to be deceased and  
their cumulative heirs, devisees, successors,  
administrators, executors and assigns, and  
all other persons or entities in interest,  
known or unknown, claiming by, through or  
under them, and HAROLD ELLSWORTH VAUGHN;  
MARJORIE PEARL VAUGHN TUBBS KNEPP; HAROLD  
RANDALL VAUGHN; BRENDA MARIE VAUGHN HOHMAM;  
DONNA JOYCE VAUGHN SCHWARTZ; and TIMOTHY  
MARK VAUGHN

Defendants

**REPLY TO COUNTERCLAIM TO PARTITION ACTION**

NOW come Plaintiffs by their counsel and file the following in  
Reply to the Counterclaim raised in this action by the last five of the  
above named defendants:

26. No answer is required as these paragraphs are merely  
responses to the Plaintiffs complaint.

27. Denied. On the contrary, the defendants have not permitted  
or entered into contracts to have the timber removed from the real  
property which is the subject of this Partition Action.

28. Admitted. In further answer hereto it is stated that the  
lease was a five year lease which expired by its terms on August 19,  
2009 and was a lease for the interest then owned by the plaintiffs  
after this partition action was filed and of record.

29. Admitted.

30. Admitted.

31. No answer is required as this paragraph contains no factual

averments and the words are merely requests for relief and/or merely contain implied conclusions of law.

32. Admitted, but in further answer hereto it is averred and claimed that defendants will be required to pay or reimburse to plaintiffs such share as the court directs of the plaintiffs' counsel fees, costs, expert witness fees and real estate taxes, services rendered or other liabilities incurred by plaintiffs.

33. Admitted that defendants have stated their intention. Denied that defendants are entitled to a subdivision, or that the parcel should be subdivided, or that defendants should be entitled to survey the property, or that plaintiffs should have to pay any part of any survey. For a more complete answer, it is averred that subdividing a unitary 94 acre parcel does not make any physical or economic sense for 5 party defendants who jointly own a undivided 1/35<sup>th</sup> (2.8571428%) interest [or in other words each party defendant actually only owns an undivided 1/175<sup>th</sup> interest in the whole]. Surveying, obtaining subdivision approval from Decatur Township and obtaining and passing sewage percolation tests, laying out and installing road and utility access and installing sewage would entail expenses far in excess of the value of the parcels and for this reason are not a viable option.

WHEREFORE, the Plaintiffs pray:

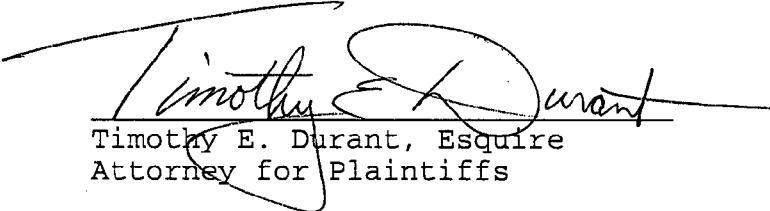
- a) the Court decree partition of the above real estate; and
- b) find that the estate cannot be divided without prejudice to or spoiling the whole;
- c) Order a preliminary conference in accordance with Rule 1558 and schedule a private sale between the parties or failing

that, Order a public sale; or

d) Such other and further relief as may be deemed necessary and proper.

Respectfully Submitted:

Date: January 28, 2010

  
\_\_\_\_\_  
Timothy E. Durant, Esquire  
Attorney for Plaintiffs

VERIFICATION

We verify that the statements made in this Pleading 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.

Milford R. Woods  
Milford R. Woods

Tshana J. Woods  
Tshana J. Woods

**FILED**

EB 08 2010

William A. Shaw  
Prothonotary/Clerk of Courts

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

MILFORD R. WOODS and TSHANA J. WOODS, \* NO. 2003-137-CD  
Plaintiffs \*

vs.

MINNIE VIOLA GOSS, ROBERT LEMOINE RUSSELL, \*  
CLAIR ALFRED RUSSELL, THELMA ADALEE RUSSELL, \*  
LLOYD ROBERT GOSS, JUDITH KATHLEEN GOSS, \*  
ISABELL MAYE RUSSELL WADOSKY, JAMES FRANCIS \*  
RUSSELL, SR., LORNA LUCILLE RUSSELL, CLAIRE \*  
LEMOINE RUSSELL, DONALD STACEY RUSSELL, TRACY \*  
SCOTT RUSSELL, TIMOTHY ALFRED RUSSELL, JANICE \*  
LOUISE RUSSELL, NANCY LYNNE RUSSELL, TERRI SUE \*  
RUSSELL, DORIS MARY GOSS, DENNIS VICARY, \*  
THOMAS LLOYD GOSS, DENNIS CLAIR GOSS, ANTHONY \*  
JOSEPH WADOSKY, ANDREW JOSEPH WADOSKY, \*  
EILEEN MARIE WADOSKY, JOHN ANTHONY WADOSKY, \*  
KAREN ANN WADOSKY, KENNETH PAUL WADOSKY, \*  
DEBRA SUE WADOSKY, CHESTER WARREN RUSSELL, \*  
WENDALL L. STONEBRAKER, JULIE ANN RUSSELL, \*  
KENNETH W. STONEBRAKER, JAMES FRANCIS \*  
RUSSELL, JR., JACKLYN RUSSELL, ALBERT GOSS, \*  
WILLIAM C. GOSS, JENNIE VAUGHN, MARJORIE \*  
PEARL VAUGHN TUBBS, HAROLD RANDALL VAUGHN, \*  
BRENDA MARIE VAUGHN HOHMAN, DONNA JOYCE \*  
VAUGHN SCHWARTZ, TIMOTHY MARK VAUGHN, \*  
HAROLD ELSWORTH VAUGHN, \*

Defendants \*

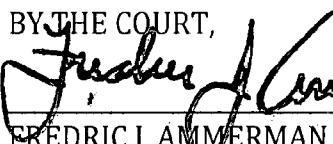
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William A. Shaw  
Prothonotary/Clerk of Courts

*Dunne*  
*Kosinski*

**ORDER**

NOW, this 1<sup>st</sup> day of March, 2013, it is the ORDER of this Court that a status conference in the above-captioned case be and is hereby scheduled for the 26<sup>th</sup> day of March, 2013 at 10:00 am in Chambers, Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT,  
  
FREDRIC J. AMMERMAN  
President Judge

**FILED**

MAR 05 2013

William A. Shaw  
Prothonotary/Clerk of Courts



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

MILFORD R. WOODS and :  
TSHANA J. WOODS :  
Plaintiffs, : NO. 2003-0137-C.D.  
vs. :  
ALBERT GOSS a/k/a ALBERT W. 'JUMMY' :  
GOSS; WILLIAM C. GOSS; and JENNIE M. :  
(GOSS) VAUGHN; the three persons named :  
immediately previous hereto are all believed to be :  
deceased and their cumulative heirs, devisees, :  
successors, administrators, executors and assigns, and all :  
other persons or entities in interest, known or unknown, :  
claiming by, through or under them, and HAROLD :  
ELLSWORTH VAUGHN; MARJORIE PEARL :  
VAUGHN TUBBS KNEPP; HAROLD RANDALL :  
VAUGHN; BRENDA MARIE VAUGHN :  
HOHMAM; DONNA JOYCE VAUGHN :  
SCHWARTZ; and TIMOTHY MARK VAUGHN :  
Defendants, :

**ORDER**

AND NOW, this 26th day of March, 2013, after Status Conference this date in the above captioned case, it is the ORDER of this court that hearing shall be and is hereby scheduled for Thursday, August 1, 2013, at 9:00 AM in Courtroom #1, Clearfield County Courthouse, Clearfield, Pennsylvania.

Two hours have been reserved for this proceeding.

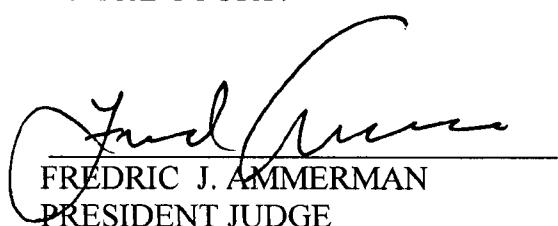
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014.002m  
MAR 28 2013

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S  
William A. Shaw  
Prothonotary/Clerk of Courts

xc A/H/s:  
Durant  
Kasabick

68

BY THE COURT:

  
FREDRIC J. AMMERMAN  
PRESIDENT JUDGE

**FILED**

**MAR 28 2013**

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 3-28-13

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s)  Plaintiff(s) Attorney  Other

Defendant(s)  Defendant(s) Attorney

Special Instructions:

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

MILFORD R. WOODS and  
TSHANA J. WOODS

Plaintiffs  
vs.

NO. 03 - 137 - CD

**ALBERT GOSS** a/k/a **ALBERT W.**  
**"JUMMY" GOSS**; **WILLIAM C. GOSS**;  
and **JENNIE M. (GOSS) VAUGHN**; the  
three persons named immediately  
previous hereto are all believed  
to be deceased and their cumulative  
heirs, devisees, successors,  
administrators, executors and  
assigns, and all other persons or  
entities in interest, known or  
unknown, claiming by, through or  
under them, and **HAROLD ELLSWORTH**  
**VAUGHN**; **MARJORIE PEARL VAUGHN TUBBS**  
**KNEPP**; **HAROLD RANDALL VAUGHN**;  
**BRENDA MARIE VAUGHN HOHMAM**; **DONNA**  
**JOYCE VAUGHN SCHWARTZ**; and **TIMOTHY**  
**MARK VAUGHN**

### Defendants

Motion for Order Directing  
Partition of Real Property

FILED  
8:59cm  
APR 01 2013  
NoCC

William A. Shaw  
Prothonotary/Clerk of Courts

William A. Shaw  
Prothonotary/Clerk of Courts

Filed on behalf of Plaintiffs:  
MILFORD R. WOODS and  
TSHANA J. WOODS

Counsel of Record for them:

TIMOTHY E. DURANT, ESQUIRE  
Pa. I.D. No. 21352  
201 North Second Street  
Clearfield, PA 16830  
(814) 765-1711

Opposing Counsel:

GIRARD KASUBICK ESQUIRE  
Lehman & Kasubick  
611 Brisbin Street  
Pa I.D. No. 30109  
Houtzdale, PA 16651  
(814) 378-7840

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

**MILFORD R. WOODS and  
TSHANA J. WOODS**

Plaintiffs  
vs.

NO. 03 - 137 - CD

**ALBERT GOSS** a/k/a **ALBERT W.**  
**"JUMMY" GOSS**; **WILLIAM C. GOSS**;  
and **JENNIE M. (GOSS) VAUGHN**; the  
three persons named immediately  
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entities in interest, known or  
unknown, claiming by, through or  
under them, and **HAROLD ELLSWORTH**  
**VAUGHN**; **MARJORIE PEARL VAUGHN TUBBS**  
**KNEPP**; **HAROLD RANDALL VAUGHN**;  
**BRENDA MARIE VAUGHN HOHMAM**; **DONNA**  
**JOYCE VAUGHN SCHWARTZ**; and **TIMOTHY**  
**MARK VAUGHN**

### Defendants

**MOTION FOR ORDER DIRECTING PARTITION OF REAL PROPERTY**

1. Plaintiffs, Milford R. Woods and Tashana J. Woods, by their undersigned counsel, move the Court pursuant to Pa. R.C.P. No. 1557 for the entry of an order directing partition of the real property described in plaintiff's Second Amended Complaint according to the interests of the named parties as alleged in the complaint, a copy of which is attached as Exhibit "A."

2. The basis for plaintiff's motion is that each defendant has filed an answer admitting the allegations of the complaint and the relief herein requested.

3. Defendant Harold Ellsworth Vaughn further admits that he was divorced from Jennie M. (Goss) Vaughn on September 11, 2000 and therefore he has no ownership share in her portion of the premises which are the subject of this Partition Action. A copy of his answer is attached hereto as Exhibit "B".

4. Jennie M. (Goss) Vaughn's 1/35<sup>th</sup> interest in the premises, which are the subject of this Partition Action, devolved to her five children as heirs at law of her estate.

5. A Copy of the Answer of defendants, Marjorie Peal Vaughn Tubbs Knepp, Harold Randall Vaughn, Brenda Marie Vaughn Hohman, Donna Joyce Vaughn Schwartz, and Timothy Mark Vaughn filed by Girard Kasubick, Esquire on January 21, 2010 is attached hereto as Exhibit "C".

6. Pursuant to the filings attached hereto and consistent with the pleadings in this matter the subject property in Decatur Township should be partitioned as follows:

- a. To MILFORD R. WOODS and TSHANA J. WOODS: a thirty four thirty fifths (34/35ths) share;
- b. To MARJORIE PEARL VAUGHN TUBBS KNEPP: a one-one hundred seventy-fifth (1/175th) share;
- c. To HAROLD RANDALL VAUGHN, a one-one hundred seventy-fifth (1/175th) share;
- d. To BRENDA MARIE VAUGHN HOHMAN, a one-one hundred seventy-fifth (1/175th) share;
- e. To DONNA JOYCE VAUGHN SCHWARTZ, a one-one hundred seventy-fifth (1/175th) share;

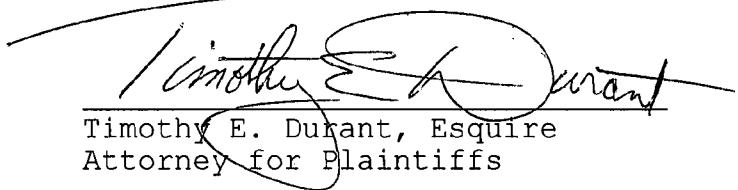
f. To TIMOTHY MARK VAUGHN, a one-one hundred seventy-fifth  
(1/175th) share;

g. To HAROLD ELLSWORTH VAUGHN, no share.

WHEREFORE, plaintiffs request that the property at issue be partitioned as aforesaid.

Respectfully Submitted:

Date: April 1, 2013

  
Timothy E. Durant, Esquire  
Attorney for Plaintiffs

filed 10/30/09

# FILE COPY

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

MILFORD R. WOODS and  
TSHANA J. WOODS

Plaintiffs  
vs.

NO. 03 - 137 - CD

ALBERT GOSS a/k/a ALBERT W.  
"JUMMY" GOSS; WILLIAM C. GOSS;  
and JENNIE M. (GOSS) VAUGHN; the  
three persons named immediately  
previous hereto are all believed  
to be deceased and their  
cumulative heirs, devisees,  
successors, administrators,  
executors and assigns, and  
all other persons or entities in  
interest, known or unknown,  
claiming by, through or under  
them, and HAROLD ELLSWORTH VAUGHN;  
MARJORIE PEARL VAUGHN TUBBS KNEPP;  
HAROLD RANDALL VAUGHN; BRENDA  
MARIE VAUGHN HOHMAM; DONNA JOYCE  
VAUGHN SCHWARTZ; and TIMOTHY MARK  
VAUGHN

### Defendants

SECOND AMENDED COMPLAINT  
IN PARTITION

Filed on behalf of Plaintiffs:  
MILFORD R. WOODS and  
TSHANA J. WOODS

Counsel of Record for them:

TIMOTHY E. DURANT, ESQUIRE  
Pa. I. D. No. 21352  
201 North Second Street  
Clearfield, PA 16830  
(814) 765-1711

I hereby certify this to be a true and attested copy of the original statement made in this case.

Attest,

**Prothonotary/  
Clerk of Courts**

## Exhibit "A" to motion

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

MILFORD R. WOODS and  
TSHANA J. WOODS

Plaintiffs  
vs.

NO. 03- 137 -CD

ALBERT GOSS a/k/a \*ALBERT W. "JUMMY" GOSS; WILLIAM C. GOSS; and JENNIE M. (GOSS) VAUGHN; the three persons named immediately previous hereto are all believed to be deceased and their cumulative heirs, devisees, successors, administrators, executors and assigns, and all other persons or entities in interest, known or unknown, claiming by, through or under them, and HAROLD ELLSWORTH VAUGHN; MARJORIE PEARL VAUGHN TUBBS KNEPP; HAROLD RANDALL VAUGHN; BRENDA MARIE VAUGHN HOHMAM; DONNA JOYCE VAUGHN SCHWARTZ; and TIMOTHY MARK VAUGHN

SECOND AMENDED COMPLAINT  
IN PARTITION

**Defendants**

**NOTICE TO DEFEND**

TO: EACH AND EVERY DEFENDANT NAMED HEREIN

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 and 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 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  
(814) 765-2641, Ext. 5982

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

MILFORD R. WOODS and  
TSHANA J. WOODS

Plaintiffs  
vs.

NO. 03- 137 -CD

ALBERT GOSS a/k/a \*ALBERT W. "JUMMY" GOSS;  
WILLIAM C. GOSS; and JENNIE M. (GOSS) VAUGHN;  
the three persons named immediately previous  
hereto are all believed to be deceased and  
their cumulative heirs, devisees, successors,  
administrators, executors and assigns, and  
all other persons or entities in interest,  
known or unknown, claiming by, through or  
under them, and HAROLD ELLSWORTH VAUGHN;  
MARJORIE PEARL VAUGHN TUBBS KNEPP; HAROLD  
RANDALL VAUGHN; BRENDA MARIE VAUGHN HOHMAM;  
DONNA JOYCE VAUGHN SCHWARTZ; and TIMOTHY  
MARK VAUGHN

Defendants

SECOND AMENDED COMPLAINT IN PARTITION

This Amended Complaint is filed for the purpose of adding additional parties, deleting unnecessary parties and updating information about the defendants as has become available to Plaintiffs since the initial complaint was filed with this court on February 3, 2003 and the 1<sup>st</sup> Amended Complaint was filed on May 12, 2008.

1. Plaintiffs are **MILFORD R. WOODS** and **TSHANA J. WOODS**, husband and wife, competent adult individuals who presently reside at, 3228 Morgan Run Road, West Decatur, Clearfield County, Pennsylvania 16878.

2. The following Defendants are all believed to be deceased on the dates set out in parentheses following their names and, unless otherwise stated in their relevant paragraphs, are believed to have died intestate: ALBERT GOSS a/k/a ALBERT W. "JUMMY" GOSS (July 6, 1958), WILLIAM C. GOSS (March 13, 1998), and JENNIE M. (GOSS) VAUGHN (January 21, 2003).

3. All the defendants in this partition action are believed to

have standing as heirs of ALBERT GOSS a/k/a ALBERT W. "JUMMY" GOSS. ALBERT GOSS inherited an undivided 1/35<sup>th</sup> share in the subject parcel by virtue of being one of the seven children of JAMES GOSS who in turn had inherited an undivided 1/5<sup>th</sup> share in the subject premises by virtue of being one of the 5 siblings of DANIEL GOSS as set out hereafter.

4. The said DANIEL GOSS died intestate on or about October 13, 1927 as more fully and at large appears in Clearfield County Estate #10783. At death said DANIEL GOSS was unmarried and without issue and his heirs at law therefore were his 3 surviving siblings i.e., WILLIAM GOSS, MARY ANN GOSS HOOVER, WALTER GOSS (each of whom then resided in Clearfield County, PA); and the 7 children of a deceased brother JAMES GOSS i.e., Minnie Russell, Albert Goss, a/k/a Albert W. "Jummy" Goss, Raymond Goss, Annie Goss, Clifford Goss, Bertha Goss, Russell Goss (each of whom then resided in Clearfield County, PA); and the 3 children of his other deceased brother, JOHN W. GOSS i.e., Winifred Miller, Thornton Goss, Kenneth Goss (each of whom then resided in the State of Oregon).

5. By deed dated July, 1889 and recorded in the Clearfield County Recorder of Deed's Office in Deed Book Volume 53 at page 100 the subject premises vested in Daniel Goss. The said premises were described as:

All that certain tract or piece of land situate in Decatur Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at an ash corner of Jonathan Kephart's land; thence by lands of Moses Owens North one hundred and ninety-eight (198) perches to black oak grub by stones; thence by resi-

dence of Jacob Goss farm east one hundred and twenty-eight (128) perches to stones; thence by line of said farm South one hundred and ninety-eight (198) perches to post on line of Jonathan Kephart; thence by land of Jonathan Kephart West one hundred and twenty-eight (128) perches to ash and place of beginning. Containing, by the survey of Mr. Fulton, one hundred and forty-nine acres, seventy-three perches in allowance.

EXCEPTING AND RESERVING out of and from the above described premises, nevertheless, the fifty acres, more or less, sold to Hesser and Hileman out of the South end of the above described premises.

ALSO EXCEPTING AND RESERVING a part thereof bounded and described as follows: Beginning at a stake on the line of Hugh Kline and Daniel Goss lands, and being 430.4 feet east of the Northwest corner of the Daniel Goss tract; thence east along line of Hugh Kline 599.2 feet to a stake on said line; thence South 436.2 feet along lands of Daniel Goss to a stake; thence West 599.2 feet along lands of Daniel Goss to stake; thence North 436.2 feet along lands of Daniel Goss to stake and place of beginning. Containing six acres, conveyed to Wilbur F. Hoover and Mary A. Hoover.

BEING the same premises conveyed by Abram B. Goss and his wife Elizabeth Goss to Daniel Goss by virtue of a deed dated July, 1889 and recorded in the Clearfield County Recorder of Deed's Office in Deed Book Volume 53 at page 100.

This property is described as 94 acres and is identified in the County Assessment records as Map No.112-N11-5. A copy of said deed is attached hereto as Exhibit "A".

6. MARY ANN GOSS HOOVER died testate on August 16, 1954 a resident of Decatur Township, Clearfield County, Pennsylvania. An estate was raised for her and filed as Clearfield County Estate No. 23021. Pursuant to her will all of her interest in the parcel described in ¶5 herein was bequeathed to her daughter Wilda Pearl Hoover. Wilda Pearl Hoover died unmarried, without children, predeceased by both parents and all of her siblings. Said Wilda Pearl Hoover died intestate on September 15, 1977, a resident of State College, Centre County, Pennsylvania with her sole heirs at law being:

a. The three surviving children of her brother, Lesley Roy

Hoover, (deceased) - viz. Ruth Hoover Kline, Dolly Hoover Weaver, Richard W. Hoover and Theo M. Dettinger.

Ruth Hoover Kline conveyed her interests by her Attorney-in-fact Kenneth L. Goss to Plaintiffs herein by deed dated May 24, 2001 recorded in Clearfield County Recorder's Office as Instrument No. 2001-08723. Dolly I. (Hoover) Weaver, Richard W. Hoover and Theo M. (Hoover) Dettinger, conveyed their interests to Plaintiffs herein by deed dated June 28, 2004 recorded in Clearfield County Recorder's Office as Instrument No. 2004-14807; and

b. The two surviving grandchildren of her brother, Lesley Roy Hoover, (deceased) by his deceased son, Wilbur I. Hoover, viz. Dennis Ray Hoover, Denise Rae Hoover Saunders. Dennis Ray Hoover, Denise Rae Hoover Saunders conveyed their interests to Plaintiffs herein by deed dated June 28, 2004 recorded in Clearfield County Recorder's Office as Instrument No. 2004-14807.

7. Bertha (Goss) Stone a/k/a Bertha I. Stone (one of the seven children of JAMES GOSS) died testate on February 23, 1985 a resident of the Village of Hawk Run, Morris Township, Clearfield County, Pennsylvania. An estate was raised for her and filed as Clearfield County Estate No. 85-76. Pursuant to her will all of her interest in the parcel described in ¶5 herein was bequeathed to her three children, viz. Alvin G. Stone, Dolly L. (Stone) Mann and Shirley L. (Stone) Quick. Alvin G. Stone was named as executor of Bertha I. Stone's

estate and conveyed his interests individually and as executor to Plaintiffs herein by those two certain deeds noted hereafter, i.e. the first was through his Attorney-in-fact Kenneth L. Goss by deed dated May 24, 2001 recorded in Clearfield County Recorder's Office as Instrument No. 2001-08723 and the second was by deed dated April 30, 2004 recorded in Clearfield County Recorder's Office as Instrument No. 2004-06924.

8. JOHN W. GOSS died in August 1880 and was survived by three children as his sole heirs at law, viz. Winifred Miller, Thornton Goss, and Kenneth Goss, each of whom was living on October 13, 1927 and apparently residing in the state of Oregon when the aforesaid DANIEL GOSS died but each of whom are now deceased but their interests were conveyed to Plaintiffs by deed dated May 24, 2001 from Kenneth L. Goss as agent for Marion T. Goss, Julie M. McQuiston, Linda Munch and Michael E. Winternute, et al. recorded as Clearfield County Instrument No. 2001-08723 on June 8, 2001.

9. JAMES GOSS's son, Clifford Goss a/k/a Clifford C. Goss died intestate on June 12, 1936. No estate was ever raised for Clifford C. Goss. Clifford C. Goss was survived by two daughters, Thressa (a/k/a Therese or Reesie) Della Goss, and Carolyn (Cardie) Goss both of whom are now deceased but their interests were conveyed to Plaintiffs by deed dated May 24, 2001 from Kenneth L. Goss as agent for Howard G. Corey and Sueanne Fewkes, et al. recorded as Clearfield County Instrument No. 2001-08723 on June 8, 2001.

10. JAMES GOSS'S daughter, Minnie Viola Goss a/k/a Minnie Viola Russell died intestate on April 11, 1973 a widow, survived by 7

children and the 2 children of an 8<sup>th</sup> child who predeceased her. No estate was ever raised for Minnie Viola Goss/Russell. The 7 children who survived her were, Robert Lemoine Russsell, Albert Theodore Russell, Clair Alfred Russell, Thelma Adalee (Russell) Goss, Isabell Maye (Russell) Wadosky, Chester Warren Russell, and Lorna Lucille (Russell) Stonebraker. The child who predeceased her was James Francis Russell, Sr. who died intestate on February 15, 1964, survived by a wife and two children.

11. Albert Theodore Russell died a resident of Niagara Falls, NY on January 23, 1994 survived by his spouse and three children each of whom conveyed their interest in the subject premises to plaintiffs by deed dated January 28, 2002 recorded in the Clearfield County Recorder's Office as Instrument No. 2002-03001.

12. The remaining heirs of Minnie Viola Goss a/k/a Minnie Viola Russell all conveyed their interest in the subject premises to plaintiffs by deed dated August 10, 2009 recorded in the Clearfield County Recorder's Office as Instrument No. 2009-12015.

13. JAMES GOSS's son, Albert Goss, a/k/a Albert W. "Jummy" Goss died on July 6, 1958 unmarried, intestate, survived by two children, i.e. Jennie M. (Goss) Vaughn and William C. Goss. No estate was ever raised for Albert Goss.

14. William C. Goss died on March 13, 1998 unmarried, a resident of Hollidaysburg, Blair County, Pennsylvania, without issue, and survived only by his sibling Jennie M. (Goss) Vaughn as his sole heir at law. No estate was ever raised for William C. Goss.

15. Jennie M. (Goss) Vaughn died intestate on January 21, 2003 a

resident of Philipsburg, Centre County, Pennsylvania. It is believed and therefore averred (due to documents filed in response to the First Amended Complaint in this action on 6/26/08 by her ex-husband and on 07/10/08 by several of her children) that on or about September 11, 2000 she was divorced from Harold Elsworth Vaughn by a Divorce Decree filed to Centre County No. 81-1944 (sic) and therefore her only heirs at law were her five (5) children; viz. Marjorie Pearl Vaughn Knepp, Harold Randall Vaughn, Brenda Marie Vaughn Hohmam, Donna Joyce Vaughn Schwartz and Timothy Mark Vaughn. An estate was raised in Centre County for Jennie M. (Goss) Vaughn filed to No. 14-04-0459.

- a. Harold Elsworth Vaughn is a competent adult individual believed to reside at 210 North Tenth Street, Philipsburg, Centre County, Pennsylvania 16866. It is also believed that he was actually divorced from Jennie M. (Goss) Vaughn prior to her death and is therefore not an heir.
- b. Marjorie Pearl Vaughn Tubbs Knepp is a competent adult individual believed to reside at 319 North Fifth Street, Philipsburg, Centre County, Pennsylvania 16866.
- c. Harold Randall Vaughn is a competent adult individual believed to reside at 18116 Route 36, Punxsutawney, Jefferson County, Pennsylvania 15767.
- d. Brenda Marie Vaughn Hohman is a competent adult individual believed to reside at 1132 Decatur

Street, Philipsburg, Centre County, Pennsylvania  
16866.

- e. Donna Joyce Vaughn Schwartz is a competent adult individual believed to reside at 255 Shady Grove Dr., Athens, GA 30605.
- f. Timothy Mark Vaughn is a competent adult individual believed to reside at 2403 Summer Place Dr., Supply, NC 28462.

16. In July 2002 the Plaintiffs contacted John E. West and requested an appraisal of the property described in ¶5 above.

17. The estimated appraised value for the real estate was \$33,000.00 as of July 8, 2002 as evidenced by the July 8, 2002 Appraisal Report prepared by John E. West, CPE, CREA, a copy of which is attached to the original complaint and marked therein as Exhibit "B".

18. Plaintiff paid \$250.00 for the appraisal by John E. West.

19. At all times Plaintiffs have been ready willing and able to purchase the interest of the Defendants for a sum equal to each of the said defendants' pro-rata share of a total purchase price of \$35,000.

20. Defendants are all persons whose whereabouts are unknown or if their whereabouts are known they have been contacted and they have refused to sell their interest to the Plaintiffs.

21. As of the date of the filing of this Complaint there are no liens upon this property.

22. Beginning with the year 2001 up through the filing of this Second Amended Complaint, Plaintiffs have paid all the real estate

taxes imposed on the premises described in ¶5 above.

23. Plaintiffs believe and therefore aver, that the real estate described in ¶5 above cannot be divided without prejudice to or spoiling the whole and without inordinate expense and depletion of the estate.

24. Plaintiffs presently own an undivided 272/280<sup>ths</sup> interest in the whole as tenants in common of the premises described in ¶5 above. Said 272/280<sup>ths</sup> equals 97.14285% interest in the whole.

25. Defendants claiming by through and under **ALBERT "JUMMY" GOSS** collectively own an undivided 1/35<sup>th</sup> or 8/280<sup>ths</sup> interest in the whole as tenants in common of the premises described in ¶5 above. Said 8/280<sup>ths</sup> equals 2.85715% interest in the whole.

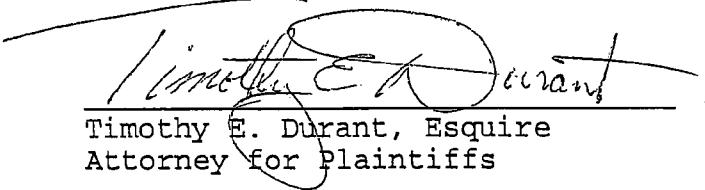
WHEREFORE, the Plaintiffs pray:

- a) the Court decree partition of the above real estate;
- b) the share or shares to which the respective parties are entitled be set out to them in severalty and that all proper and necessary conveyances and assurances be executed for carrying such partition into effect; and that, if the real estate cannot be divided without prejudice to or spoiling the whole, such proper and necessary sale or sales of the same may be made by such persons and in such manner as the Court may direct;
- c) That the Court appoint a trustee to make a public sale of said property;
- d) That the net prcceeds of the sale be divided between the Plaintiffs and Defendants in accordance with their proportion

of ownership;

- e) Order that one party sell his interest to the other; or
- f) Such other and further relief as may be deemed necessary and proper.

Date: October 29, 2009

  
\_\_\_\_\_  
Timothy E. Durant  
Attorney for Plaintiffs

VERIFICATION

We verify that the statements made in this Pleading 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.

Milford R. Woods  
Milford R. Woods

Tshana J. Woods  
Tshana J. Woods

# This Indenture, Made the

day of July in the year of our  
Lord one thousand eight hundred and eighteen  
Between Abraham B. Ross of Eccatur Township,  
Clearfield County and State of Pennsylvania,  
and Elizabeth his wife, of the first part, and  
Daniel Ross of the same place.

of the second part: **Witnesseth**, That the said party of the first part, for and in  
consideration of the sum of four hundred and eighty-six and

36 stot cents

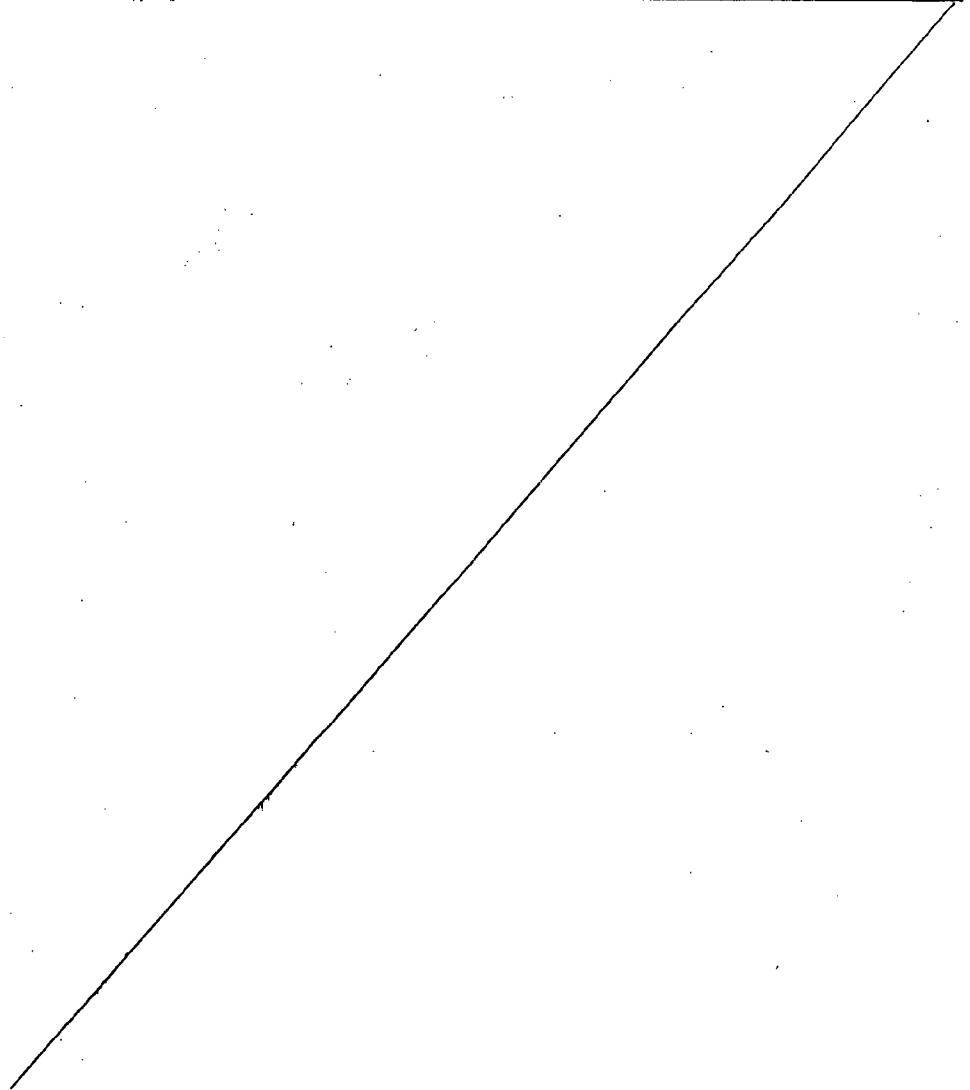
lawful money of the United States of America, well and truly paid by the said party of  
the second part to the said party of the first part, at and before the sealing and  
delivery of these presents, the receipt whereof is hereby acknowledged, do grant, bargained,  
sold, aliened, enfeoffed, released, conveyed, and confirmed, and by these presents  
do grant, bargain, sell, alien, enfeoff, release, convey, and confirm, unto the said  
party of the second part, his heirs and assigns, all that certain

tract or piece of land situated in Eccatur Township, Clearfield County, and State of Pennsylvania bounded and described as follows: Beginning at an ash corner of Jonathan Kephart's land; thence by lands of James Evans north  
one hundred and ninety-eight perches to black  
oak grub by stones; thence by residue of the Jacob  
Ross farm east one hundred and twenty-eight  
perches to stones; thence by line of said farm,  
south, one hundred and ninety-eight perches  
to post on line of Jonathan Kephart; thence  
by land of Jonathan Kephart west, one hun-  
dred and twenty-eight perches to ash and  
place of beginning and containing, by the  
Survey of Mr. Fulton, one hundred and forty-  
nine acres, seventy-three perches, and allow-  
ance.

It being a part of the same tract or piece  
of land which Jacob Ross, late of the Town-  
ship of Eccatur, and county aforesaid, farmer,  
deceased, in and by his last will and testa-  
ment, in writing, bearing date the eighteenth  
day of November 1802, one thousand eight

hundred and fifty-nine, did give and devise  
unto the said Abram B. Loso (party hereto)  
in fee simple and by the said recited will (since  
his decease duly proved, and remaining in  
the Register's Office at Lelearfield, Pennsylvania,  
recorded in Will book "B" pages one hun-  
dred, sixty-one and one hundred and  
sixty-two, no course being the executors had  
more fully and at large appears.

Excluding and reserving out of and  
from the above described premises, never-  
the less, the fifty acres more or less, sold  
by the party of the first part to Tesser and  
Hilman out of the south end of the  
above described premises, so that this  
deed conveys one hundred acres, more  
or less.



Together with all and singular, the buildings, improvements, woods, ways, rights, liberties, privileges, hereditaments, and appurtenances, to the same belonging, or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof, and of every part and parcel thereof: And also, all the estate, right, title, interest, excepting and reserving the said 50 acre property, possession, claim, and demand whatsoever, both in law and equity, of the said part, of the first part, of, in, and to the said premises, with the appurtenances:

Excepting and reserving out of and from the above described premises, nevertheless the fifty acres, more or less, sold by the party of the first part hitherto, every tenant out of the south end of the above described premises, so that this deed conveys 100 acres more or less.

To have and to hold the said premises, with all and singular the appurtenances, excepting and reserving as above, unto the said party of the second part, his heirs and assigns, to the only proper use, benefit, and behoof of the said party of the second part, his heirs and assigns forever.

Excepting and reserving as above

And the said Abram B. Bass and Elizabeth, father and mother, their heirs, executors, and administrators, do by these presents covenant, grant, and agree to and with the said party of the second part, his heirs and assigns forever, that they the said Abram B. Bass and Elizabeth Bass their heirs, all and singular the hereditaments and premises herein above described and granted, or mentioned and intended to be so, with the appurtenances, unto the said party of the second part, his heirs and assigns, against them the said Abram B. Bass and Elizabeth Bass their heirs, and against all and every other person or persons, whomsoever lawfully claiming or to claim the same or any part thereof, by, from or under him her, them or any of them shall and will by these presents

Warrant and forever defend.

In Witness Whereof, the said party of the first part to these presents hereunto set their hands and seal, Dated the day and year first above written.

Signed, Sealed and Delivered }  
IN THE PRESENCE OF }

*Abram Bass*

*Abraham Bass*



*Elizabeth Bass*



Received, the day of the date of the above Indenture, of the above-named Daniel Gross  
the sum of four hundred eighty six ~~or~~ <sup>one</sup> dollars  
purchase money in full on written Deed.

State of Pennsylvania }  
County of Clearfield } ss.

Clearfield

On the Twenty-Ninth day of July Anno Domini 1889 before me,  
David Mease a Justice of the Peace  
in and for said County personally appeared the above-named Abram B. Gross and Elizabeth  
his wife

and in due form of law acknowledged the above Indenture to be their and each of their act and deed, and  
desired the same might be recorded as such; and the said Elizabeth Gross  
being of full age, and separate and apart from her said husband  
by me thereon privately examined, and the full contents of the above Deed being by me first made known unto  
her did thereupon declare and say that she did voluntarily and  
of her own free will and accord, sign, seal, and as her act and  
deed, deliver the above-written Indenture, Deed, or Conveyance, without any  
coercion or compulsion of her said husband

Witness my hand and My seal the day and year  
aforesaid.

David Mease J.P.

REC'D.

Abram B. Gross &  
Elizabeth his wife

the  
Daniel Gross

No. 650. John C. Clark & Sons, Stationers, 200 Dock St., Philadelphia.

Ent. Aug 3 1889  
by Abram Gross  
Tax of the Office 2.00

W.M. Mease

Recorded in the Office for Recording of Deeds in and for Clearfield  
County in Deed Book No. 53

page 100 &c.

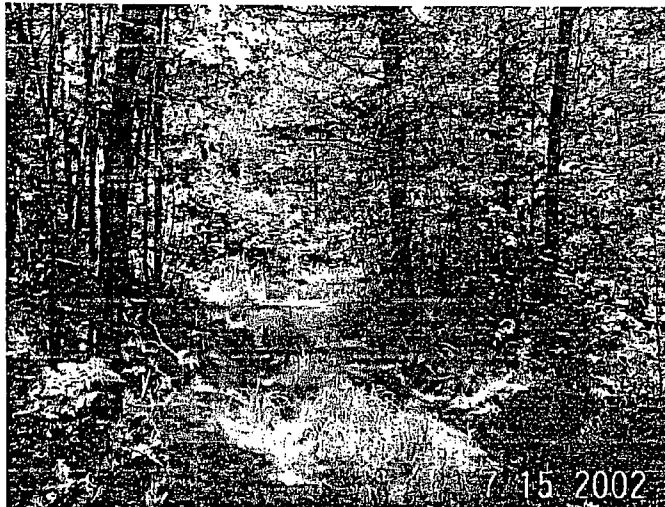
Witness my hand and seal of Office this 3  
day of Aug Anno Domini 1889

D. R. Fullerton

Recorder

for the Commonwealth of Pa

**APPRAISAL OF**



94 Acres - Vacant Land

**LOCATED AT:**

Decatur Township, Route 970 & 2007  
West Decatur, PA, 16878

**FOR:**

Milford & Tshana Woods  
RR #1, Box 165A  
West Decatur, Pa 16878

**BORROWER:**

Milford & Tshana Woods

**AS OF:**

July 8, 2002

**APPRAISED VALUE:**

33,000

**BY:**

John E. West CPE, CREA, RL-000292-L

July 8, 2002

Tshana  
Milford & Tshana Woods  
RR #1, Box 165A  
West Decatur, Pa 16878

File Number: Woods

Dear Tshana,

In accordance with your request, I have personally inspected and appraised the real property at:

Decatur Township, Route 970 & 2007  
West Decatur, PA, 16878

The purpose of this appraisal is to estimate the market value of the subject property, as vacant.  
The property rights appraised are the fee simple interest in the site.

In my opinion, the estimated market value of the property as of July 8, 2002 is:

\$33,000  
Thirty-Three Thousand Dollars

The attached report contains the description, analysis and supportive data for the conclusions, final estimate of value, descriptive photographs, limiting conditions and appropriate certifications.

Sincerely Yours,



John E. West CPE, CREA, RL-000292-L

Residential Appraiser

jw

|  |  |                   |  |  |                |
|--|--|-------------------|--|--|----------------|
| Property Address Decatur Township, Route 970 & 2007  |  |                   |  | Census Tract 3309                              |                |
| City West Decatur                                    |  | County Clearfield |  | State PA                                       | Zip Code 16878 |
| Legal Description Deed Book 2001 08723               |  |                   |  |  |                |
| Owner/Occupant Milford & Tshana Woods                |  |                   |  | Map Reference 112-N11-5                        |                |
| Sale Price \$ N/A                                    |  | Date of Sale N/A  |  | Property Rights Appraised                      |                |
| Loan charges/concessions to be paid by seller \$ N/A |  |                   |  | <input checked="" type="checkbox"/> Fee Simple |                |
| R.E. Taxes \$ 142.71                                 |  | Tax Year 2002     |  | <input type="checkbox"/> Leasehold             |                |
| Lender/Client Milford & Tshana Woods                 |  |                   |  | <input type="checkbox"/> Condominium (HUD/VA)  |                |
| RR #1, Box 165A, West Decatur, Pa 16878              |  |                   |  | <input type="checkbox"/> PUD                   |                |
|  |  |                   |  | Source   |                |

|                    |                                       |  |   |                          |                                     |
|--------------------|---------------------------------------|--|---|--------------------------|-------------------------------------|
| LOCATION           | <input type="checkbox"/> Urban        | <input type="checkbox"/> Suburban              | <input checked="" type="checkbox"/> Rural       | NEIGHBORHOOD ANALYSIS    |                                     |
| BUILT UP           | <input type="checkbox"/> Over 75%     | <input type="checkbox"/> 25-75%                | <input checked="" type="checkbox"/> Under 25%   | Good                     | Avg.                                |
| GROWTH RATE        | <input type="checkbox"/> Rapid        | <input checked="" type="checkbox"/> Stable     | <input type="checkbox"/> Slow                   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| PROPERTY VALUES    | <input type="checkbox"/> Increasing   | <input checked="" type="checkbox"/> Stable     | <input type="checkbox"/> Declining              | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| DEMAND/SUPPLY      | <input type="checkbox"/> Shortage     | <input checked="" type="checkbox"/> In Balance | <input type="checkbox"/> Over Supply            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| MARKETING TIME     | <input type="checkbox"/> Under 3 Mos. | <input type="checkbox"/> 3-6 Mos.              | <input checked="" type="checkbox"/> Over 6 Mos. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| PRESENT LAND USE % | LAND USE CHANGE                       |  | PREDOMINANT OCCUPANCY                           | SINGLE FAMILY HOUSING    |                                     |
| Single Family      | 25%                                   | Not Likely                                     | <input checked="" type="checkbox"/> Owner       | PRICE (\$000)            | AGE (yrs)                           |
| 2-4 Family         |                                       | Likely   | <input type="checkbox"/> Tenant                 | 35 Low                   | 10                                  |
| Multi-Family       |                                       | In process                                     | <input type="checkbox"/> Vacant (0-5%)          | 150 High                 | 100                                 |
| Commercial         |                                       | To:  | <input type="checkbox"/> Vacant (over 5%)       | Predominant              |                                     |
| Industrial         |                                       |  |   | 65 -                     | 50                                  |
| Vacant             | 75%                                   |  |   |                          |                                     |

Note: Race or the racial composition of the neighborhood are not considered reliable appraisal factors. COMMENTS: The neighborhood is consistent with that of Decatur Township. The Subject property is located off State highway route 970 and route 2007 runs through the property that provides lots of road frontage. There are some old dirt roads on the property that appear to have been used for timbering and strip mines.

|                                     |                                     |       |                               |       |                                     |
|-------------------------------------|-------------------------------------|-------|-------------------------------|-------|-------------------------------------|
| Dimensions See site area.           |                                     |       |                               |       |                                     |
| Site Area 94 Acres                  |                                     |       | Corner Lot No                 |       |                                     |
| Zoning Classification None          |                                     |       | Zoning Compliance N/A         |       |                                     |
| HIGHEST & BEST USE: Present Use Yes |                                     |       | Other Use Limited Residential |       |                                     |
| UTILITIES                           | Public                              | Other | SITE IMPROVEMENTS             | Type  | Public Private                      |
| Electricity                         | <input checked="" type="checkbox"/> |       | Street                        | Paved | <input checked="" type="checkbox"/> |
| Gas                                 | <input type="checkbox"/>            | None  | Curb/Gutter                   | None  | <input type="checkbox"/>            |
| Water                               | <input type="checkbox"/>            | None  | Sidewalk                      | None  | <input type="checkbox"/>            |
| Sanitary Sewer                      | <input type="checkbox"/>            | None  | Street Lights                 | None  | <input type="checkbox"/>            |
| Storm Sewer                         | <input type="checkbox"/>            | None  | Alley                         | None  | <input type="checkbox"/>            |

Comments (Apparent adverse easements, encroachments, special assessments, slide areas, etc.): There has been a timbering operation and a strip mine on the property. I have no knowledge of how long ago, but it is grown up at the time of the inspection. There are still some rough areas with high walls and places where there is dumping of trash as well as some four wheeler activity.

The undersigned has recited three recent sales of properties most similar and proximate to subject and has considered these in the market analysis. The description includes a dollar adjustment, reflecting market reaction to those items of significant variation between the subject and comparable properties. If a significant item in the comparable property is superior to, or more favorable than, the subject property, a minus (-) adjustment is made, thus reducing the indicated value of subject; if a significant item in the comparable is inferior to, or less favorable than, the subject property, a plus (+) adjustment is made, thus increasing the indicated value of the subject.

| ITEM                       | SUBJECT                          | COMPARABLE NO. 1   |                | COMPARABLE NO. 2   |                | COMPARABLE NO. 3   |                |
|----------------------------|----------------------------------|--|----------------|--|----------------|--|----------------|
| Address                    | Decatur Township<br>West Decatur | Graham Township<br>116-R7-2  |                | Bradford Township<br>106-O7-30 & 66  |                | Jordan Township<br>120-I14   |                |
| Proximity to Subject       |                                  |  |                |  |                |  |                |
| Sales Price                | \$ N/A                           | \$ 50,500  |                | \$ 94,000  |                | \$ 56,000  |                |
| Price/                     | \$ N/A <input type="checkbox"/>  | \$ 50,500 <input type="checkbox"/>   |                | \$ 94,000 <input type="checkbox"/>   |                | \$ 56,000 <input type="checkbox"/>   |                |
| Data Source                | Inspection                       | Public Record  |                | MLS/Public Record  |                | Public Record/Broker   |                |
| VALUE ADJUSTMENTS          | DESCRIPTION                      | DESCRIPTION  | +/- Adjustment | DESCRIPTION  | +/- Adjustment | DESCRIPTION  | +/- Adjustment |
| Sales or Financing         |                                  | None   |                | None   |                | Cash   |                |
| Concessions                |                                  | None   |                | None   |                | None   |                |
| Date of Sale/Time          | N/A                              | 9/99   | 2,525          | 12/19/00   |                | 10/16/01   |                |
| Location                   | Rural                            | Rural  |                | Rural  |                | Rural  |                |
| Site/View                  | 94 Acres                         | 101.79 Acres   | -2,000         | 126.17 Acres   | -8,000         | 200 Acres  | -26,500        |
| Utilities                  | Elect.                           | Elect.   |                | Elect.   |                | Elect.   |                |
| Strip mined                | Yes                              | No   | -25,250        | No   | -47,000        | All Stripped   | 11,200         |
| Public Road                | Lots of Frontage                 | Inferior   | 7,575          | Inferior   | 14,100         | Inferior   | -8,400         |
| Timbered                   | Yes                              | Yes  |                | Partial  | -9,400         | Yes  |                |
| Net Adj. (total)           |                                  | <input type="checkbox"/> + <input checked="" type="checkbox"/> - \$ 17,150 |                | <input type="checkbox"/> + <input checked="" type="checkbox"/> - \$ 50,300 |                | <input type="checkbox"/> + <input checked="" type="checkbox"/> - \$ 23,700 |                |
| Indicated Value of Subject |                                  | Gross: \$ 74.0   |                | Gross: \$ 83.5   |                | Gross: \$ 82.3   |                |
|                            |                                  | Net: \$ 34.0   | \$ 33,350      | Net: \$ -53.5  | \$ 43,700      | Net: \$ -42.3  | \$ 32,300      |

Comments of Sales Comparison: See Attached Addendum.

|   |  |  |  |  |  |
|---|--|--|--|--|--|
| Comments and Conditions of Appraisal: This appraisal assumes that this parcel could be sold free and clear with a good marketable title.  |  |  |  |  |  |
| Final Reconciliation: The Market Approach to Value, which best reflects the actions of the buyers and sellers in the marketplace, has been given the most emphasis. The Cost and Income Approaches are not applicable in this type of assignment. |  |  |  |  |  |

I (WE) ESTIMATE THE MARKET VALUE, AS DEFINED, OF THE SUBJECT PROPERTY AS OF July 8, 2002 to be \$ 33,000  
 I (We) certify: that to the best of my (our) knowledge and belief, the facts and data used herein are true and correct; that I (we) personally inspected the subject property and inspected all comparable sales cited in this report; and that I (we) have no undisclosed interest, present or prospective therein.

Appraiser(s)   
John E. West CPE, CREA, RL-000292-L

Review Appraiser  
(if applicable)

Did  Did Not  
Inspect Property

**ADDENDUM**

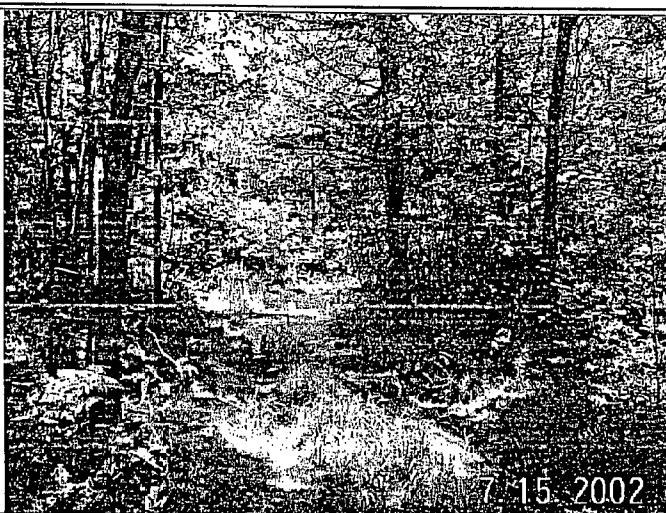
|  |                                  |
|--|----------------------------------|
| Borrower: Milford & Tshana Woods                     | File No.: Woods                  |
| Property Address: Decatur Township, Route 970 & 2007 | Case No.: Milford & Tshana Woods |
| City: West Decatur                                   | State: PA                        |
| Lender: Milford & Tshana Woods                       | Zip: 16878                       |

**Comments on Sales Comparison**

A search of the Clearfield-Jefferson MLS, public records and broker files indicated that these sales are the most recent, closest, similar, closed sales available as of the date of the appraisal. The comparables chosen are considered to be good indicators of value. After variation adjustments, a value range of \$32,300 to \$43,700 is indicated. The indicated land value for the subject in it's present condition, in my opinion, would be \$33,000.00 or \$351 per Acre.

Borrower: Milford & Tshana Woods  
Property Address: Decatur Township, Route 970 & 2007  
City: West Decatur  
Lender: Milford & Tshana Woods

File No.: Woods  
Case No.: Milford & Tshana Woods  
State: PA Zip: 16878

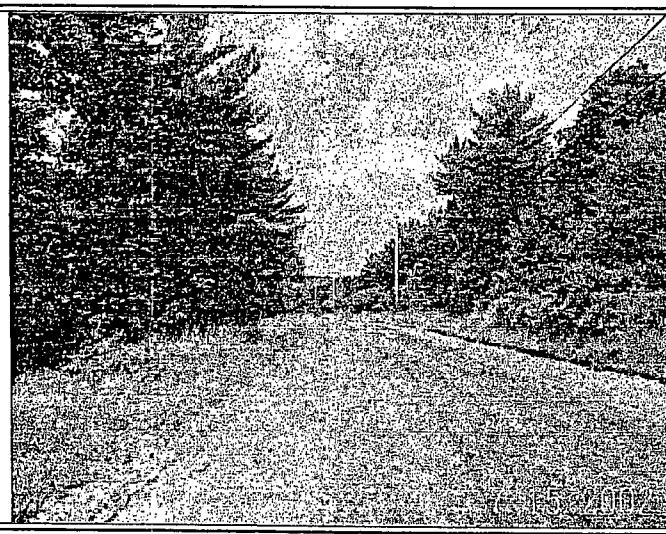


**FRONT VIEW OF  
SUBJECT PROPERTY**

Appraised Date: July 8, 2002  
Appraised Value: \$ 33,000



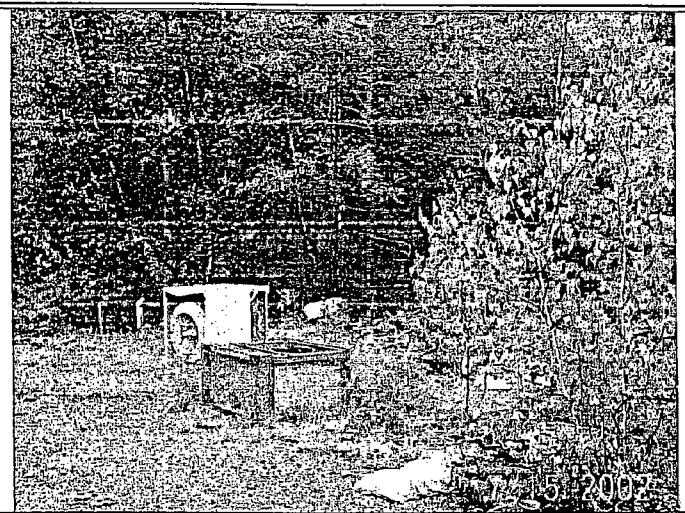
**REAR VIEW OF  
SUBJECT PROPERTY**



**STREET SCENE**

Borrower: Milford & Tshana Woods  
Property Address: Decatur Township, Route 970 & 2007  
City: West Decatur  
Lender: Milford & Tshana Woods

File No.: Woods  
Case No.: Milford & Tshana Woods  
State: PA  
Zip: 16878



SUBJECT PHOTO



SUBJECT PHOTO



SUBJECT PHOTO

PLAT MAP

Borrower: Milford & Tshana Woods

File No.: Woods

Property Address: Decatur Township, Route 970 & 2007

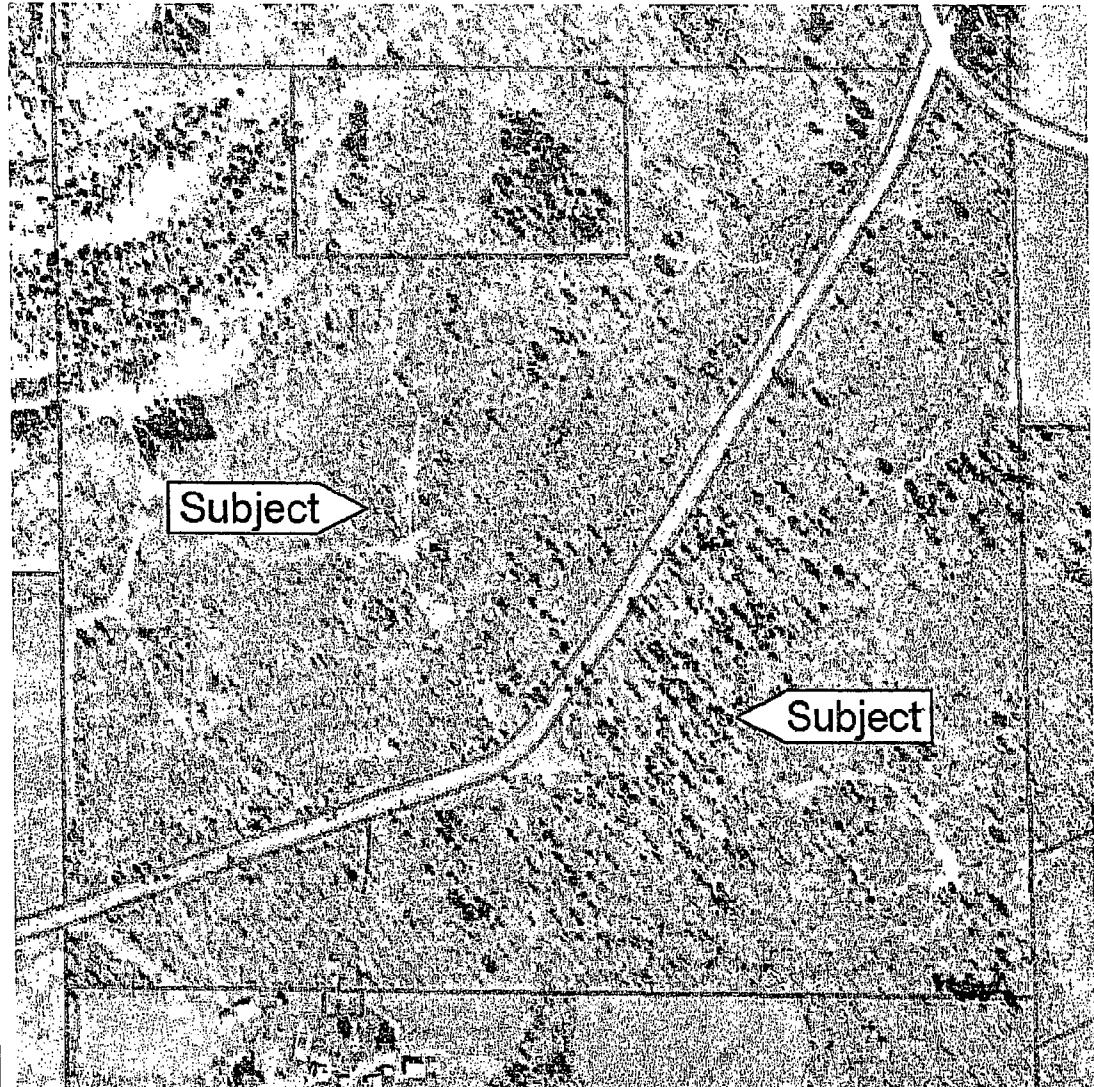
Case No.: Milford & Tshana Woods

City: West Decatur

State: PA

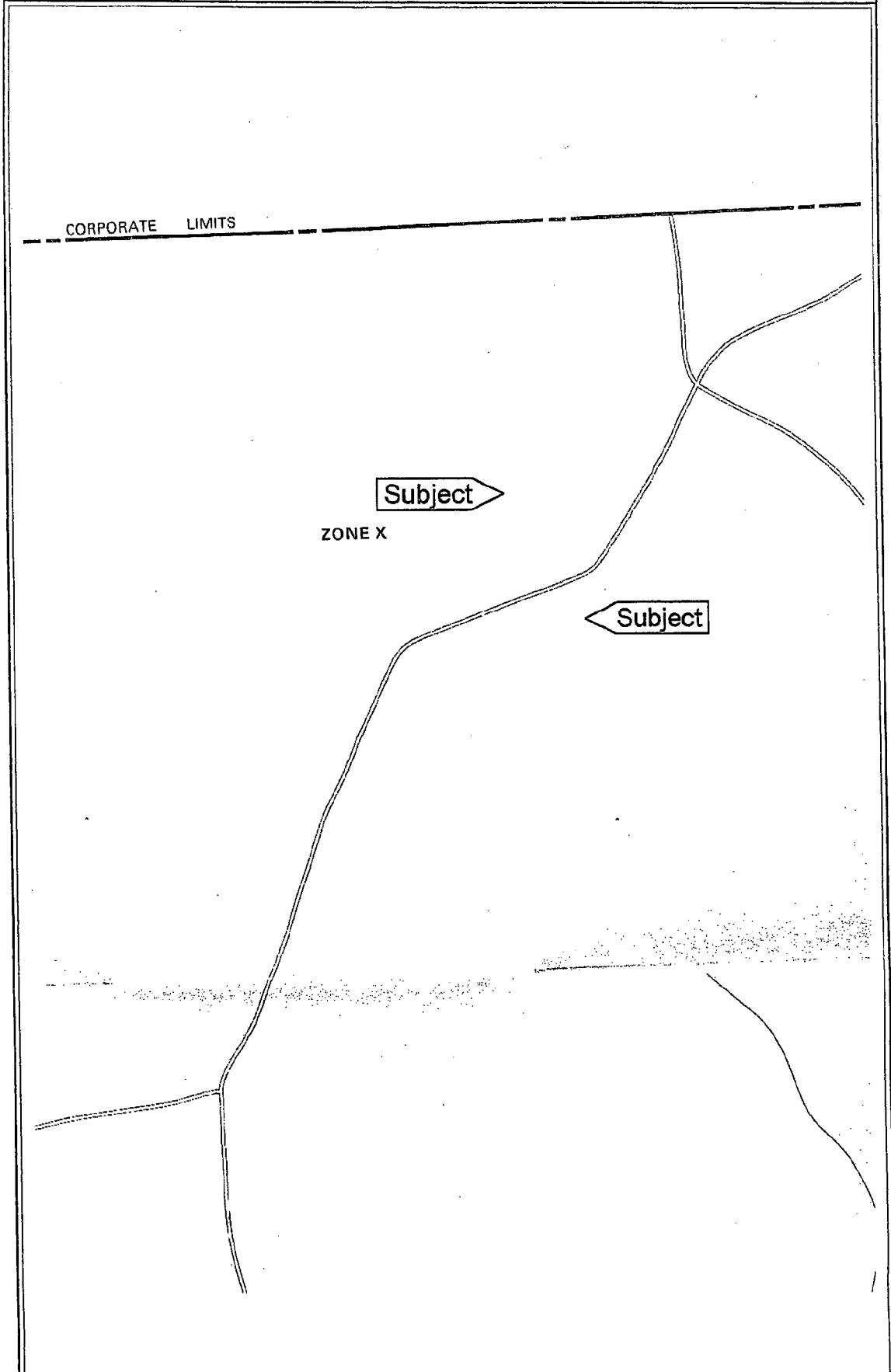
Zip: 16878

Lender: Milford & Tshana Woods



Borrower: Milford & Tshana Woods  
Property Address: Decatur Township, Route 970 & 2007  
City: West Decatur  
Lender: Milford & Tshana Woods

File No.: Woods  
Case No.: Milford & Tshana Woods  
State: PA  
Zip: 16878



**DEFINITION OF MARKET VALUE:** The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: (1) buyer and seller are typically motivated; (2) both parties are well informed or well advised, and each acting in what he considers his own best interest; (3) a reasonable time is allowed for exposure in the open market; (4) payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions\* granted by anyone associated with the sale.

\*Adjustments to the comparables must be made for special or creative financing or sales concessions. No adjustments are necessary for those costs which are normally paid by sellers as a result of tradition or law in a market area; these costs are readily identifiable since the seller pays these costs in virtually all sales transactions. Special or creative financing adjustments can be made to the comparable property by comparisons to financing terms offered by a third party institutional lender that is not already involved in the property or transaction. Any adjustment should not be calculated on a mechanical dollar for dollar cost of the financing or concession but the dollar amount of any adjustment should approximate the market's reaction to the financing or concessions based on the Appraiser's judgment.

#### STATEMENT OF LIMITING CONDITIONS AND APPRAISER'S CERTIFICATION

**CONTINGENT AND LIMITING CONDITIONS:** The appraiser's certification that appears in the appraisal report is subject to the following conditions:

1. The appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it. The appraiser assumes that the title is good and marketable and, therefore, will not render any opinions about the title. The property is appraised on the basis of it being under responsible ownership.
2. The appraiser has provided a sketch in the appraisal report to show approximate dimensions of the improvements and the sketch is included only to assist the reader of the report in visualizing the property and understanding the appraiser's determination of its size.
3. The appraiser has examined the available flood maps that are provided by the Federal Emergency Management Agency (or other data sources) and has noted in the appraisal report whether the subject site is located in an identified Special Flood Hazard Area. Because the appraiser is not a surveyor, he or she makes no guarantees, express or implied, regarding this determination.
4. The appraiser will not give testimony or appear in court because he or she made an appraisal of the property in question, unless specific arrangements to do so have been made beforehand.
5. The appraiser has estimated the value of the land in the cost approach at its highest and best use and the improvements at their contributory value. These separate valuations of the land and improvements must not be used in conjunction with any other appraisal and are invalid if they are so used.
6. The appraiser has noted in the appraisal report any adverse conditions (such as, needed repairs, depreciation, the presence of hazardous wastes, toxic substances, etc.) observed during the inspection of the subject property or that he or she became aware of during the normal research involved in performing the appraisal. Unless otherwise stated in the appraisal report, the appraiser has no knowledge of any hidden or unapparent conditions of the property or adverse environmental conditions (including the presence of hazardous wastes, toxic substances, etc.) that would make the property more or less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties, express or implied, regarding the condition of the property. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because the appraiser is not an expert in the field of environmental hazards, the appraisal report must not be considered as an environmental assessment of the property.
7. The appraiser obtained the information, estimates, and opinions that were expressed in the appraisal report from sources that he or she considers to be reliable and believes them to be true and correct. The appraiser does not assume responsibility for the accuracy of such items that were furnished by other parties.
8. The appraiser will not disclose the contents of the appraisal report except as provided for in the Uniform Standards of Professional Appraisal Practice.
9. The appraiser has based his or her appraisal report and valuation conclusion for an appraisal that is subject to satisfactory completion, repairs, or alterations on the assumption that completion of the improvements will be performed in a workmanlike manner.
10. The appraiser must provide his or her prior written consent before the lender/client specified in the appraisal report can distribute the appraisal report (including conclusions about the property value, the appraiser's identity and professional designations, and references to any professional appraisal organizations or the firm with which the appraiser is associated) to anyone other than the borrower; the mortgagee or its successors and assigns; the mortgage insurer; consultants; professional appraisal organizations; any state or federally approved financial institution; or any department, agency, or instrumentality of the United States or any state or the District of Columbia; except that the lender/client may distribute the property description section of the report only to data collection or reporting service(s) without having to obtain the appraiser's prior written consent. The appraiser's written consent and approval must also be obtained before the appraisal can be conveyed by anyone to the public through advertising, public relations, news, sales, or other media.

**APPRAISERS CERTIFICATION:** The Appraiser certifies and agrees that:

1. I have researched the subject market area and have selected a minimum of three recent sales of properties most similar and proximate to the subject property for consideration in the sales comparison analysis and have made a dollar adjustment when appropriate to reflect the market reaction to those items of significant variation. If a significant item in a comparable property is superior to, or more favorable than, the subject property, I have made a negative adjustment to reduce the adjusted sales price of the comparable and, if a significant item in a comparable property is inferior to, or less favorable than the subject property, I have made a positive adjustment to increase the adjusted sales price of the comparable.
2. I have taken into consideration the factors that have an impact on value in my development of the estimate of market value in the appraisal report. I have not knowingly withheld any significant information from the appraisal report and I believe, to the best of my knowledge, that all statements and information in the appraisal report are true and correct.
3. I stated in the appraisal report only my own personal, unbiased, and professional analysis, opinions, and conclusions, which are subject only to the contingent and Limiting Conditions specified in this form.
4. I have no present or prospective interest in the property that is the subject to this report, and I have no present or prospective personal interest or bias with respect to the participants in the transaction. I did not base, either partially or completely, my analysis and/or the estimate of market value in the appraisal report on the race, color, religion, sex, handicap, familial status, or national origin of either the prospective owners or occupants of the subject property or of the present owners or occupants of the properties in the vicinity of the subject property.
5. I have no present or contemplated future interest in the subject property, and neither my current or future employment nor my compensation for performing this appraisal is contingent on the appraised value of the property.
6. I was not required to report a predetermined value or direction in value that favors the cause of the client or any related party, the amount of the value estimate, the attainment of a specific result, or the occurrence of a subsequent event in order to receive my compensation and/or employment for performing the appraisal. I did not base the appraisal report on a requested minimum valuation, a specific valuation, or the need to approve a specific mortgage loan.
7. I performed this appraisal in conformity with the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place as of the effective date of this appraisal, with the exception of the departure provision of those Standards, which does not apply. I acknowledge that an estimate of a reasonable time for exposure in the open market is a condition in the definition of market value and the estimate I developed is consistent with the marketing time noted in the neighborhood section of this report, unless I have otherwise stated in the reconciliation section.
8. I have personally inspected the subject property and the exterior of all properties listed as comparables in the appraisal report. I further certify that I have noted any apparent or known adverse conditions in the subject improvements, on the subject site, or on any site within the immediate vicinity of the subject property of which I am aware and have made adjustments for these adverse conditions in my analysis of the property value to the extent that I had market evidence to support them. I have also commented about the effect of the adverse conditions on the marketability of the subject property.
9. I personally prepared all conclusions and opinions about the real estate that were set forth in the appraisal report. If I relied on significant professional assistance from any individual or individuals in the performance of the appraisal or the preparation of the appraisal report, I have named such individual(s) and disclosed the specific tasks performed by them in the reconciliation section of this appraisal report. I certify that any individual so named is qualified to perform the tasks. I have not authorized anyone to make a change to any item in the report; therefore, if an unauthorized change is made to the appraisal report, I will take no responsibility for it.

**SUPERVISORY APPRAISER'S CERTIFICATION:** If a supervisory appraiser signed the appraisal report, he or she certifies and agrees that: I directly supervise the appraiser who prepared the appraisal report, have reviewed the appraisal report, agree with the statements and conclusions of the appraiser, agree to be bound by the appraiser's certifications numbered 4 through 7 above, and am taking full responsibility for the appraisal and the appraisal report.

**ADDRESS OF PROPERTY APPRAISED:** Decatur Township, Route 970 & 2007, West Decatur, PA, 16878

**APPRAISER:**

Signature:   
Name: John E. West CPE, CREA, RL-000292-L  
Date Signed: July 22, 2002  
State Certification #: RL-000292-L  
or State License #: \_\_\_\_\_  
State: PA  
Expiration Date of Certification or License: June 30, 2003

**SUPERVISORY APPRAISER (only if required)**

Signature: \_\_\_\_\_  
Name: \_\_\_\_\_  
Date Signed: \_\_\_\_\_  
State Certification #: \_\_\_\_\_  
or State License #: \_\_\_\_\_  
State: \_\_\_\_\_  
Expiration Date of Certification or License: \_\_\_\_\_

Did  Did Not Inspect Property

\*\*\*\*\* INVOICE \*\*\*\*\*

File Number: Woods

July 8, 2002

Milford & Tshana Woods  
RR #1, Box 165A  
West Decatur, Pa 16878

Borrower : Milford & Tshana Woods  
Reference/Case # :

Vacant Land

Decatur Township, Route 970 & 2007  
West Decatur, PA, 16878

|                  |              |
|------------------|--------------|
| Appraisal Report | \$ 250.00    |
| Invoice Total    | \$ 250.00    |
| Deposit          | (\$ 250.00 ) |
| Amount Due       | \$ 0.00      |

Terms:

Please Make Check Payable To:

Jack West Appraisal Services  
214 East Cherry Street  
Clearfield, Pa. 16830

Fed. I.D. #: 25-1215719

THANK YOU FOR USING MY SERVICES!  
*A Division of Heimbold & Stewart, Inc.*

RECEIVED

JUN 24 2008

T.E. DURANT, ATTY

Response to FIRST AMENDED COMPLAINT IN PARTITION, FILED IN THE COURT OF  
COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA, CIVIL DIVISION, NO.

03- 137 -CD,

MILFORD R. WOODS and TSHANA J. WOODS,

Plaintiffs

vs.

HAROLD ELLSWORTH VAUGHN

1. THE INITIAL COMPLAINT BY THE PLAINTIFFS, MILFORD R. WOODS AND  
TSHANA J. WOODS WAS NEVER RECEIVED, DATED, FEBRUARY 3, 2003.

2. RESPONDENT RESPONDING IN THIS WRITING ARE RESPONDING TO  
THE PARTITION COMPLAINT DATED, MAY 12, 2008, AND ARE; HAROLD  
ELLSWORTH VAUGHN.

3. MILFORD R. WOODS AND TSHANNA J. WOODS HAVE DAMAGED,  
CONSISTENTLY CROSSED THE 94 ACRE PROPERTY WITH VEHICLES,  
DESTROYING ANY GROWTH OF SELLABLE TREES, PUT LIME STONES DOWN TO  
DESTROY THE GROWTH OF NEW SELLABLE TREES AND ALTERED THE  
LEVERAGE OF THE PROPERTY (SEE ATTACHED PICTURES) WITH DRILLING FOR  
OIL, SOLD TREES, WITHOUT OBTAINING CONSENT OR OFFERING RENT FROM  
SUCH THINGS.

4. MILFORD R. WOODS AND TSHANNA J. WOODS HAVE HAD A KENNETH  
GOSS DO A POWER OF ATTORNEY AND KENNETH GOSS OWES ME ROYALTIES  
FROM SAID PROPERTY AND WAS NOT IN THE POSITION TO SELL ANY PART OR  
SHARES TO MILFORD R. WOODS AND TSHANNA J. WOODS WITHOUT SETTLEING  
HIS OUTSTANDING DEBT TO PREVIOUS OWNERS.

5. MILFORD R. WOODS AND TSHANNA J. WOODS HAVE DISREGARDED  
OTHER OWNERS AND ARE DOING THINGS ON THE PROPERTY WITHOUT  
OTHERS CONSENT OR PROPER PROCEDURE.

6. MILFORD R. WOODS AND TSHANNA J. WOODS ARE THE ONES  
SPOILING THE PROPERTY AND ORGINAL PURPOSE.

7. I RESERVE MY RIGHTS TO THE INTERESTS IN THE 94 ACRE

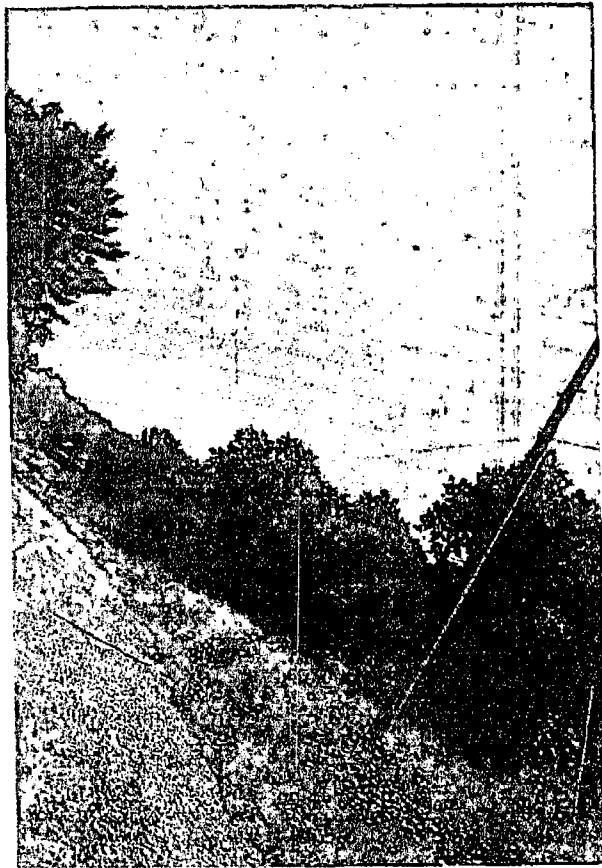
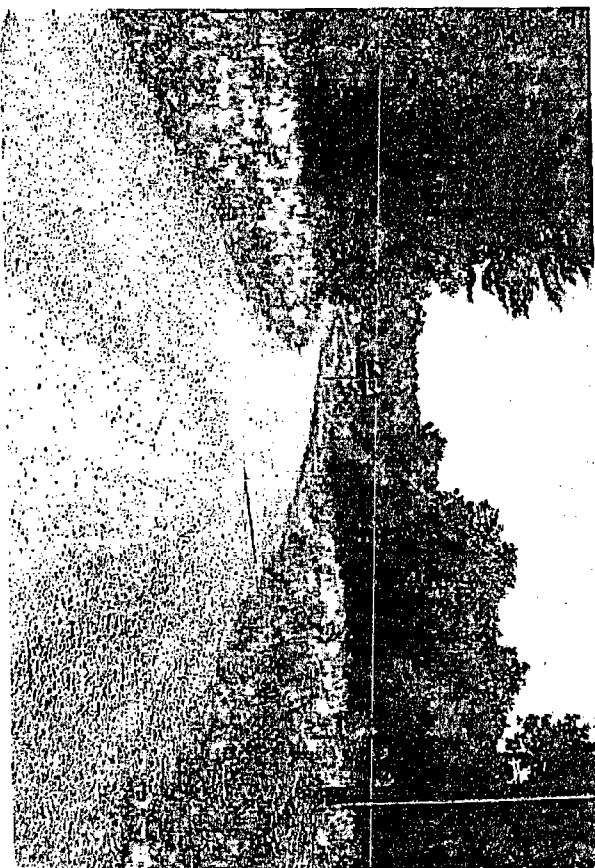
*Exhibit "B" to Motion*

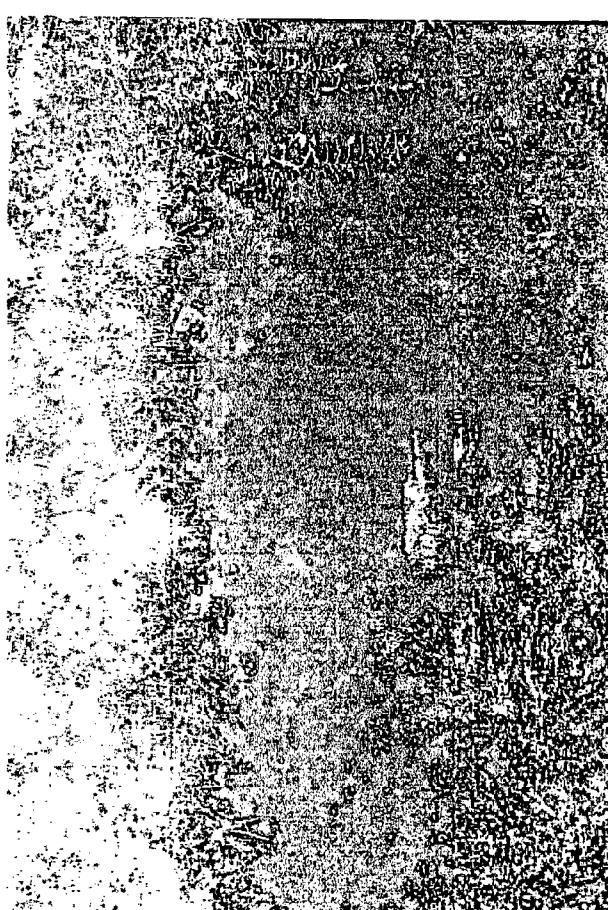
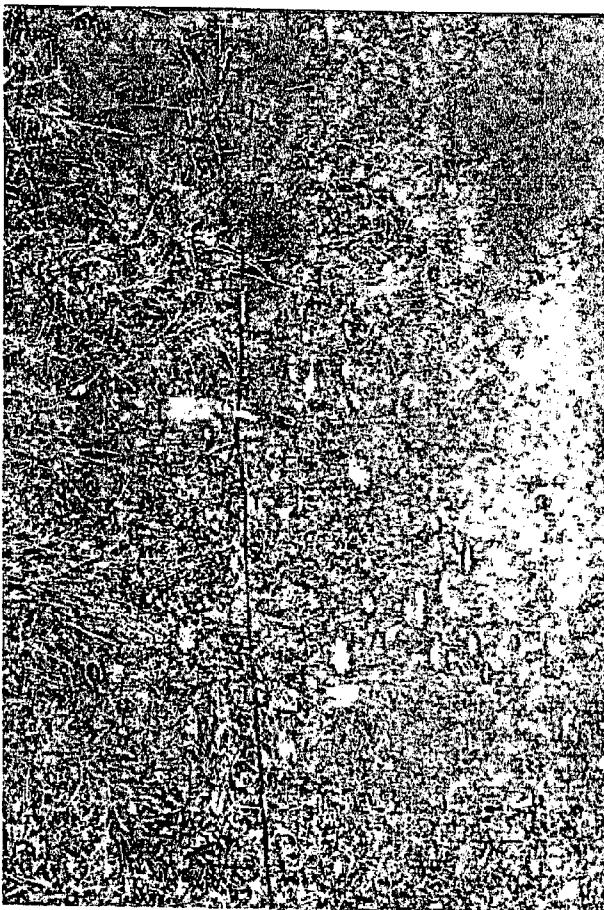
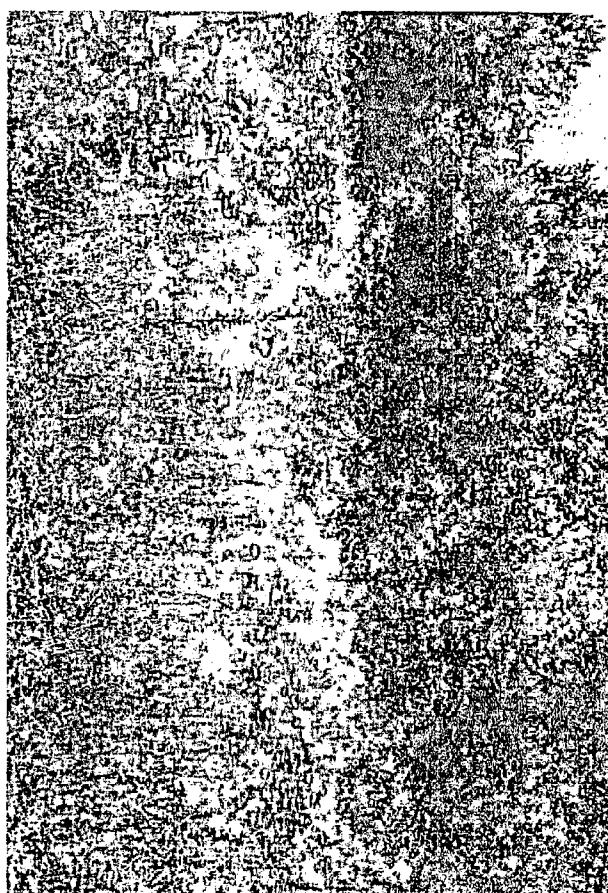
ROYALTIES UNTIL MY DIVORCE ON SEPTEMBER 11TH, 2000, AT THAT TIME WAS  
REVERTED TO JENNIE MAE GOSS-VAUGHN SOLELY AND THEN TO JENNIE MAE  
GOSS-VAUGHN AND HAROLD ELLSWORTH VAUGHN'S CHILDREN; MARJORIE  
PEARL VAUGHN-TUBBS-KNEPP, HAROLD RANDALL VAUGHN, BRENDA MERIE  
VAUGHN-HOHMAN, DONNA JOYCE VAUGHN-SWARTZ.

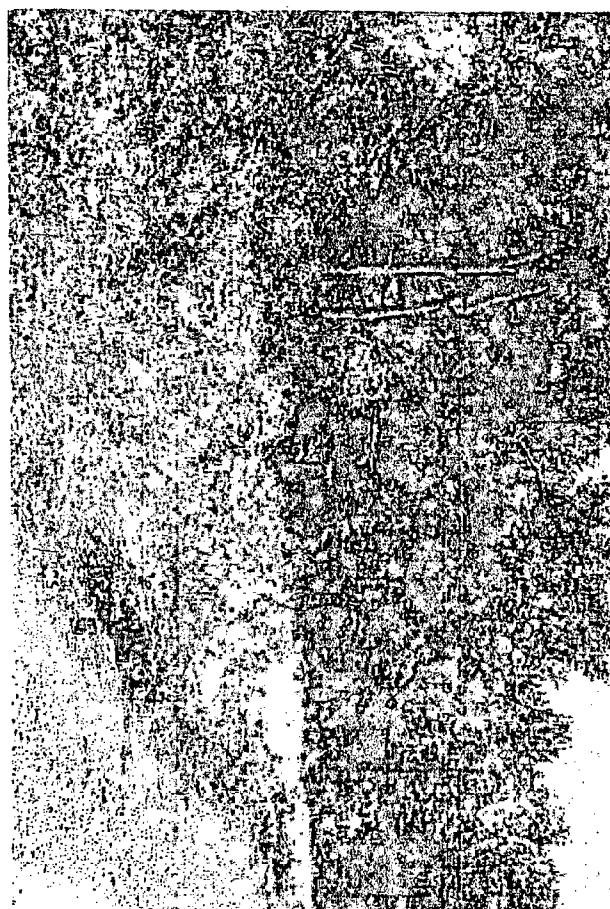
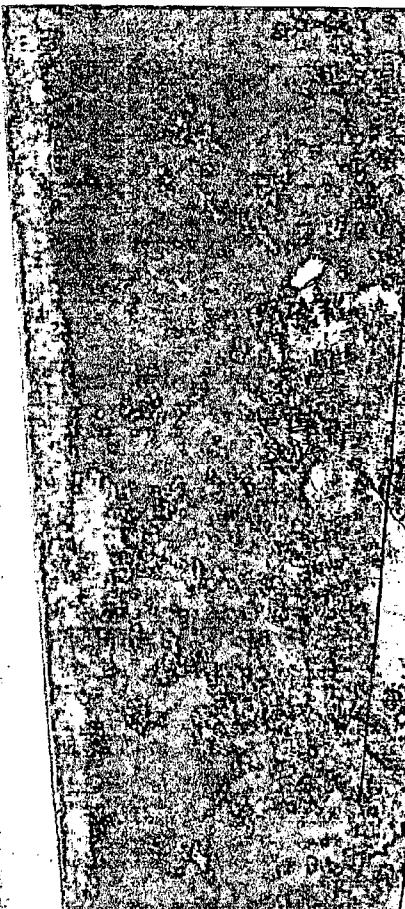
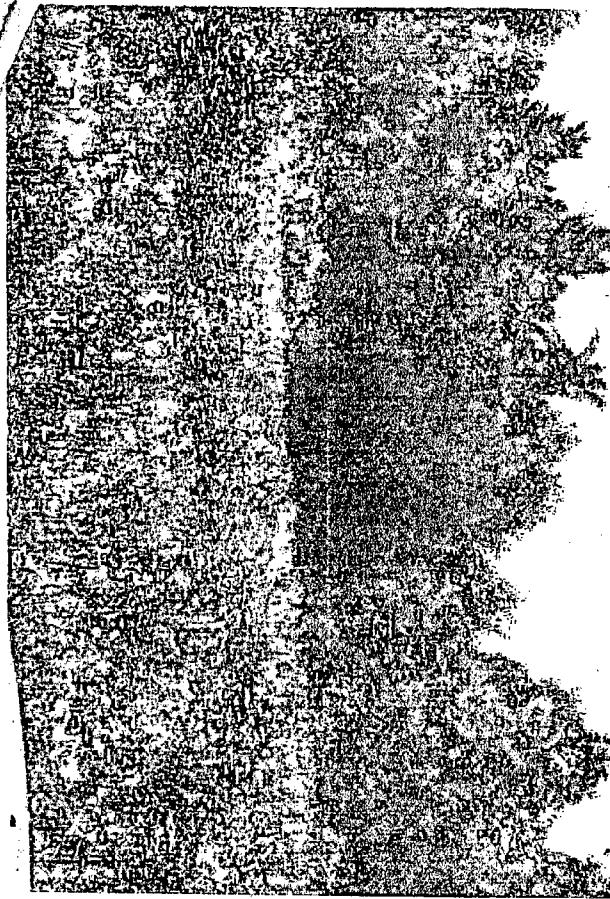
SIGNED: *Harold E Vaughn*  
HAROLD ELLSWORTH VAUGHN  
210 10TH STREET  
PHILIPSBURG, PA 16866

cc: Prothonotary

cc: TIMOTHY E. DURANT, ESQUIRE  
Pa. I. D. No. 21352  
201 North Second Street  
Clearfield, PA 16830







IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA  
CIVIL DIVISION RECEIVED

RECEIVED

JAN 22 2010

MILFORD R. WOODS and  
TSHANA J. WOODS,  
Plaintiffs

vs.

ALBERT GOSS a/k/a ALBERT W.  
"JUMMY" GOSS; WILLIAM C. GOSS,  
and JENNIE M. (GOSS) VAUGHN;  
the three persons named  
immediately previous hereto  
are all believed to be  
deceased and their cumulative  
heirs, devisees, successors,  
administrators, executors  
and assigns, and all other  
persons or entities in  
interest, known or unknown,  
claiming by, through or under  
them, and HAROLD ELLSWORTH  
VAUGHN; MARJORIE PEARL VAUGHN  
TUBBS KNEPP; HAROLD RANDALL  
VAUGHN; BRENDA MARIE VAUGHN  
HOHMAN; DONNA JOYCE VAUGHN  
SCHWARTZ; and TIMOTHY MARK  
VAUGHN.

### Defendants

No.: 03-137-CD  
Type of Case: **T.E. DURANT, ATTY**  
Civil  
Type of Pleading:  
Answer to Second Amended  
Complaint in Partition  
and Counterclaim  
Filed on behalf of:  
Defendants named herein  
Counsel of Record for  
This Party:  
Girard Kasubick, Esq.  
Supreme Court #30109  
LEHMAN & KASUBICK  
611 Brisbin Street  
Houtzdale, PA 16651  
(814) 378-7840

I hereby certify this to be a true and attested copy of the original statement filed in this case.

JAN 21 2010

Attest:

William L. Hause  
Prothonotary/  
Chancery Clerk

Exhibit "C" To Motion

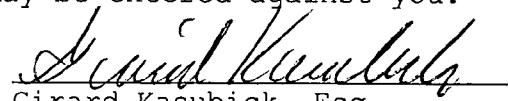
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA  
CIVIL DIVISION

MILFORD R. WOODS and :  
TSHANA J. WOODS, :  
Plaintiffs :  
vs. : No.: 03-137-CD  
vs. :  
: ALBERT GOSS a/k/a ALBERT W. :  
"JUMMY" GOSS; WILLIAM C. GOSS; :  
and JENNIE M. (GOSS) VAUGHN; :  
the three persons named :  
immediately previous hereto :  
are all believed to be :  
deceased and their cumulative :  
heirs, devisees, successors, :  
administrators, executors :  
and assigns, and all other :  
persons or entities in :  
interest, known or unknown, :  
claiming by, through or under :  
them, and HAROLD ELLSWORTH :  
VAUGHN; MARJORIE PEARL VAUGHN :  
TUBBS KNEPP; HAROLD RANDALL :  
VAUGHN; BRENDA MARIE VAUGHN :  
HOHMAN; DONNA JOYCE VAUGHN :  
SCHWARTZ; and TIMOTHY MARK :  
VAUGHN,  
Defendants :  
:

**NOTICE TO PLEAD**

To: Milford R. Woods and Tshana J. Woods

You are hereby notified to file a written response to  
the enclosed Counterclaim within twenty (20) days from  
service hereof or a judgment may be entered against you.

  
Girard Kasubick, Esq.  
Attorney for Defendants  
named herein

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

MILFORD R. WOODS and :  
TSHANA J. WOODS, :  
Plaintiffs :  
vs. : No.: 03-137-CD  
: :  
: :  
ALBERT GOSS a/k/a ALBERT W. :  
"JUMMY" GOSS; WILLIAM C. GOSS; :  
and JENNIE M. (GOSS) VAUGHN; :  
the three persons named :  
immediately previous hereto :  
are all believed to be :  
deceased and their cumulative :  
heirs, devisees, successors, :  
administrators, executors :  
and assigns, and all other :  
persons or entities in :  
interest, known or unknown, :  
claiming by, through or under :  
them, and HAROLD ELLSWORTH :  
VAUGHN; MARJORIE PEARL VAUGHN :  
TUBBS KNEPP; HAROLD RANDALL :  
VAUGHN; BRENDA MARIE VAUGHN :  
HOHMAN; DONNA JOYCE VAUGHN :  
SCHWARTZ; and TIMOTHY MARK :  
VAUGHN,  
Defendants :

ANSWER TO SECOND AMENDED COMPLAINT IN PARTITION

AND NOW COMES, the Defendants, Marjorie Pearl Vaughn  
Tubbs Knepp; Harold Randall Vaughn; Brenda Marie Vaughn  
Hohman; Donna Joyce Vaughn Schwartz; and Timothy Mark  
Vaughn, by and through their attorney, Girard Kasubick,  
Esq., and files the following Answer to the Second Amended  
Complaint:

1. Admitted.
2. Admitted, and William L. Goss and Jennie M. (Goss) Vaughn being the only children of Albert W. "Jummy" Goss.
3. Admitted in part and Denied in part. It is admitted that Marjorie Pearl Vaughn Tubbs Knepp; Harold Randall Vaughn; Brenda Marie Vaughn Hohman; Donna Joyce Vaughn Schwartz; and Timothy Mark Vaughn are the living heirs of Albert W. "Jummy" Goss. William L. Goss, one of the two (2) children of Albert W. "Jummy" Goss died intestate, not married and without children, leaving his interest to his sister, Jenny M. (Goss) Vaughn. Jenny M. (Goss) Vaughn, when she died, left as heirs the five (5) children set forth above in this paragraph. Therefore, it is admitted those five (5) children are the current heirs of Albert W. "Jummy" Goss, who owned a 1/35<sup>th</sup> interest in the subject property.

It is denied that Harold Ellsworth Vaughn is an heir of Albert W. "Jummy" Goss. Harold Ellsworth Vaughn was the husband of Jenny M. (Goss) Vaughn, but Harold and Jennie were divorced on September 11, 2000 in Centre County, Pennsylvania in Divorce file No. 81-1944. As a result of the divorce, Harold Ellsworth Vaughn has no claim as an heir of Albert W. "Jummy" Goss.

4. Admitted.

5. Admitted.

6. Admitted.

7. Admitted.

8. Admitted.

9. Admitted.

10. Admitted.

11. Admitted.

12. Admitted.

13. Admitted.

14. Admitted.

15. Admitted in part and Denied in part. It is admitted as to Jennie M. (Goss) Vaughn's death and Estate and her divorce with Harold Ellsworth Vaughn and that the heirs of Jennie M. (Goss) Vaughn were her five (5) children. By way of further answer, the answer set forth in paragraph 3. above is further incorporated herein by reference thereof. It is admitted as to the address of Marjorie Pearl Vaughn Tubbs Knepp; Harold Randall Vaughn; Brenda Marie Vaughn Hohman; Donna Joyce Vaughn Schwartz and Harold Ellsworth Vaughn. It is denied as to the address of Timothy Mark Vaughn who resides at 2864 Aster Lane, Supply, NC 28462.

16. Admitted.

17. Denied. This is a conclusion of law or fact for which no responsive pleading is required. This is further denied since the appraisal is 7½ years old and value of the property may have substantially changed in that time period.

18. Denied. Defendants herein after reasonable investigation are without knowledge or information to form a belief as to this averment and proof thereof is demanded.

19. Denied. This is a conclusion of law or fact for which no responsive pleading is required.

20. Admitted in part and Denied in part. It is admitted that the five (5) Defendants filing this Answer are the only Defendants other than Plaintiffs having an interest in this property and that they have refused to sell. It is denied that any other named Defendants have an interest in this property as set forth in paragraphs 3. and 15. of this Answer which are incorporated herein by reference thereto.

21. Denied. This is a conclusion of law or fact for which no responsive pleading is required.

22. Denied. In 2008, the taxes were assessed by ownership interests and the Defendants herein are

receiving the taxes and paying them since the change in the assessment. It is further denied that Defendants herein after reasonable investigation are without knowledge or information to form a belief as to who paid prior taxes and proof thereof is demanded.

23. Denied. This is a conclusion of law or fact for which no responsive pleading is required. As further response a tract of land assessed as 94 acres as in this Partition Action can be subdivided without any depletion of the estate.

24. Admitted, and this reduces to a 34/35ths interest.

25. Admitted that the five (5) Defendants filing this Answer own the remaining interest which reduces to a 1/35<sup>th</sup> interest.

WHEREFORE, Defendants herein agree to a Partition of the real property and requests your Honorable Court to proceed to a Preliminary Conference and Hearing to determine whether the real property is capable of subdivision or not and to determine the appropriate manner of Partition.

COUNTERCLAIM

26. Paragraphs 1 through 25 of this Answer are incorporated herein by reference thereto.

27. It is believed and averred that the Plaintiffs have permitted or entered into contracts to have timber removed from the real property subject of this Partition Action.

28. The Plaintiffs entered into an Oil & Gas Lease dated August 19, 2004 with Virginia Energy Consultants, LLC and recorded October 29, 2004 in Clearfield County Instrument No. 200417583 on the real property subject of this Partition Action. The said Lease was assigned by Virginia Energy Consultants, LLC to T & F Exploration, LP by Assignment dated September 15, 2004 and recorded October 19, 2004 in Clearfield County Instrument No. 200417061.

29. The Plaintiffs have granted a right of way for access to themselves across the property subject of this Partition Action to have access to other property owned by the Plaintiffs known by Tax Map No. 112-N11-35 assessed as a house, building and 2 acres. The right of way was granted to the Plaintiffs in a Deed recorded in Clearfield County Instrument No. 200411656.

30. The Defendants herein have received no monies from Plaintiffs for timber royalties, oil and gas royalties, or for any other revenue received by Plaintiffs on the property subject of this Partition Action.

31. Defendants herein desire an accounting of rents, royalties and revenues received by Plaintiffs for removal of timber, oil and gas rights, and grants of right of ways and for any other use of the property subject of this Partition Action, with any credit for proper expenditures by Plaintiffs.

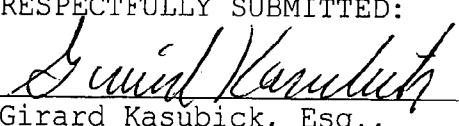
32. Defendants herein are entitled to 1/35<sup>th</sup> of the final accounting amount as determined by the Court.

33. Defendants herein intend to survey a portion of the property for subdivision of their share or interest and hereby aver that the costs for survey be shared by the parties as determined by the Court.

WHEREFORE, Defendants herein requests your Honorable Court to Order an accounting of the rents, royalties and revenue received by Plaintiffs with deductions for proper expenses and further requests your Honorable Court to find the Defendants herein entitled to a 1/35<sup>th</sup> of said accounting amount.

RESPECTFULLY SUBMITTED:

Dated: January 21, 2010

  
\_\_\_\_\_  
Girard Kasubick, Esq.,  
Attorney for Defendants  
Marjorie Pearl Vaughn Tubbs  
Knepp; Harold Randall  
Vaughn; Brenda Marie Vaughn  
Hohman; Donna Joyce Vaughn  
Schwartz; and Timothy Mark  
Vaughn

VERIFICATION

I, the undersigned, verify that the statements made in the foregoing Answer to Second Amended Complaint and Counterclaim are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. 4904 relating to unsworn falsification to authorities.

Marjorie Pearl Knepp  
Marjorie Pearl Knepp

VERIFICATION

I, the undersigned, verify that the statements made in the foregoing Answer to Second Amended Complaint and Counterclaim are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. 4904 relating to unsworn falsification to authorities.

Brenda M. Hohman  
Brenda Marjorie Hohman

FILED

APR 01 2013

William A. Shaw  
Prothonotary/Clerk of Courts

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

(4)

**MILFORD R. WOODS** and  
**TSHANA J. WOODS**

Plaintiffs  
vs.

**ALBERT GOSS** a/k/a **ALBERT W.**  
**"JUMMY" GOSS**; **WILLIAM C. GOSS**;  
and **JENNIE M. (GOSS) VAUGHN**; the  
three persons named immediately  
previous hereto are all believed  
to be deceased and their cumulative  
heirs, devisees, successors,  
administrators, executors and  
assigns, and all other persons or  
entities in interest, known or  
unknown, claiming by, through or  
under them, and **HAROLD ELLSWORTH**  
**VAUGHN**; **MARJORIE PEARL VAUGHN TUBBS**\*  
**KNEPP**; **HAROLD RANDALL VAUGHN**;  
**BRENDA MARIE VAUGHN HOHMAM**; **DONNA**  
**JOYCE VAUGHN SCHWARTZ**; and **TIMOTHY**  
**MARK VAUGHN**

Defendants

\* \* \* \* \*

NO. 03 - 137 - CD

\* \* \* \* \*  
Amended Motion for Order  
Directing Partition of  
Real Property

FILED 3CC Attn:  
of 1520m Durant  
APR 02 2013  
William A. Shaw  
Prothonotary/Clerk of Courts  
60K

Filed on behalf of Plaintiffs:  
**MILFORD R. WOODS** and  
**TSHANA J. WOODS**

Counsel of Record for them:

**TIMOTHY E. DURANT, ESQUIRE**  
Pa. I.D. No. 21352  
201 North Second Street  
Clearfield, PA 16830  
(814) 765-1711

Opposing Counsel:

**GIRARD KASUBICK ESQUIRE**  
Lehman & Kasubick  
611 Brisbin Street  
Pa I.D. No. 30109  
Houtzdale, PA 16651  
(814) 378-7840

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

MILFORD R. WOODS and \*  
TSHANA J. WOODS \*  
Plaintiffs \*  
vs. \* NO. 03 - 137 - CD  
\*  
\*  
**ALBERT GOSS** a/k/a **ALBERT W.** \*  
"JUMMY" GOSS; WILLIAM C. GOSS; \*  
and JENNIE M. (GOSS) VAUGHN; the \*  
three persons named immediately \*  
previous hereto are all believed \*  
to be deceased and their cumulative \*  
heirs, devisees, successors, \*  
administrators, executors and \*  
assigns, and all other persons or \*  
entities in interest, known or \*  
unknown, claiming by, through or \*  
under them, and HAROLD ELLSWORTH \*  
VAUGHN; MARJORIE PEARL VAUGHN TUBBS\*  
KNEPP; HAROLD RANDALL VAUGHN; \*  
BRENDA MARIE VAUGHN HOHMAM; DONNA \*  
JOYCE VAUGHN SCHWARTZ; and TIMOTHY \*  
MARK VAUGHN \*  
Defendants \*

AMENDED MOTION FOR ORDER DIRECTING PARTITION OF REAL PROPERTY

1. Plaintiffs, Milford R. Woods and Tashana J. Woods having on April 1, 2013 filed a, "Motion For Order Directing Partition Of Real Property" and it now appearing that one of the defendants has transferred their 1/175<sup>th</sup> interest to another of the defendants and for this reason the said Motion must be amended, the plaintiffs do hereby file their Amended Motion for the reasons and based upon the facts as hereafter provided.

2. Plaintiffs, by their undersigned counsel, file this Amended Motion and do move the Court pursuant to Pa. R.C.P. No. 1557 for the

entry of an order directing partition of the real property described in plaintiff's Second Amended Complaint according to the interests of the named parties as alleged in the complaint, a copy of which is attached as Exhibit "A" to the original "Motion For Order Directing Partition Of Real Property".

3. The basis for plaintiff's motion is that each defendant has filed an answer admitting the allegations of the complaint and the relief herein requested.

4. Defendant Harold Ellsworth Vaughn further admits in his Answer that he was divorced from Jennie M. (Goss) Vaughn on September 11, 2000 and therefore he has no ownership share in her portion of the premises which are the subject of this Partition Action. A copy of his Answer is attached as Exhibit "B" to the original "Motion For Order Directing Partition Of Real Property".

5. Jennie M. (Goss) Vaughn's 1/35<sup>th</sup> interest in the premises, which are the subject of this Partition Action, devolved to her five children as heirs at law of her estate.

6. A Copy of the Answer of the five children of Jennie M. (Goss) Vaughn, i.e. the defendants, Marjorie Peal Vaughn Tubbs Knepp; Harold Randall Vaughn; Brenda Marie Vaughn Hohman; Donna Joyce Vaughn Schwartz and Timothy Mark Vaughn filed by Girard Kasubick, Esquire on January 21, 2010 is attached as Exhibit "C" to the original "Motion For Order Directing Partition Of Real Property".

7. By Quit Claim Deed of Marjorie Pearl Knepp as Administratrix of the Estate of Jennie Mae Vaughn, a/k/a Jennie Mae Goss dated November 20, 2006, recorded on November 27, 2006 as Clearfield County

Instrument No. 200619770, the interest of said estate was transferred to the following five individuals as heirs: Marjorie P. Knepp; Brenda M. Hohman; Donna J. Schwartz; Harold Randall Vaughn and Timothy M. Vaughn. The aforesaid deed is incorporated herein by reference as if it were set out in full hereafter.

8. By deed of Donna J. Schwartz, a/k/a Donna Joyce Vaughn Schwartz dated May 13, 2011, recorded on March 27, 2013 as Clearfield County Instrument No. 201303755, the 1/175<sup>th</sup> interest of said grantor was transferred to her sister Brenda M. Hohman, the grantee. The aforesaid deed is incorporated herein by reference as if it were set out in full hereafter.

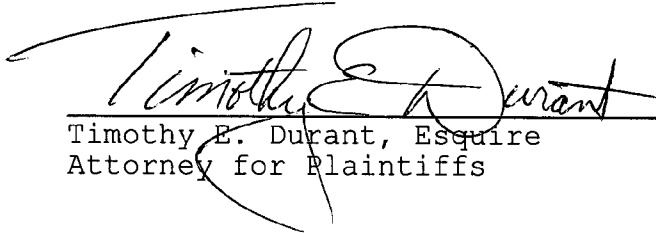
9. Pursuant to the filings attached hereto, incorporated herewith and consistent with the pleadings in this matter, the subject property in Decatur Township should be partitioned as follows:

- a. To MILFORD R. WOODS and TSHANA J. WOODS: a thirty four thirty fifths (34/35<sup>ths</sup>) share;
- b. To MARJORIE PEARL VAUGHN TUBBS KNEPP: a one-one hundred seventy-fifth (1/175<sup>th</sup>) share;
- c. To HAROLD RANDALL VAUGHN, a one-one hundred seventy-fifth (1/175<sup>th</sup>) share;
- d. To BRENDA MARIE VAUGHN HOHMAN, a two-one hundred seventy-fifths (2/175<sup>ths</sup>) share;
- e. To TIMOTHY MARK VAUGHN, a one-one hundred seventy-fifth (1/175<sup>th</sup>) share;
- f. To HAROLD ELLSWORTH VAUGHN, no share.

WHEREFORE, plaintiffs request that the property at issue be partitioned as aforesaid.

Respectfully Submitted:

Date: April 2, 2013

  
\_\_\_\_\_  
Timothy E. Durant, Esquire  
Attorney for Plaintiffs

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

**MILFORD R. WOODS** and  
**TSHANA J. WOODS**

Plaintiffs  
vs.

\* NO. 03 - 137 - CD

**ALBERT GOSS** a/k/a **ALBERT W.**  
**"JUMMY" GOSS**; **WILLIAM C. GOSS**;  
and **JENNIE M. (GOSS) VAUGHN**; the  
three persons named immediately  
previous hereto are all believed  
to be deceased and their cumulative  
heirs, devisees, successors,  
administrators, executors and  
assigns, and all other persons or  
entities in interest, known or  
unknown, claiming by, through or  
under them, and **HAROLD ELLSWORTH**  
**VAUGHN**; **MARJORIE PEARL VAUGHN TUBBS**  
**KNEPP**; **HAROLD RANDALL VAUGHN**;  
**BRENDA MARIE VAUGHN HOHMAM**; **DONNA**  
**JOYCE VAUGHN SCHWARTZ**; and **TIMOTHY**  
**MARK VAUGHN**

Defendants

FILED 3CC A/H  
07/12/2013 Durant  
APR 03 2013 6K

William A. Shaw  
Prothonotary/Clerk of Courts

**ORDER**

AND NOW this 2<sup>nd</sup> day of April, 2013, following the status conference of March 26, 2013 at which time matters set forth in PA Rule of Civil Procedure 1558 were determined and upon consideration of plaintiff's, "Amended Motion For Order Directing Partition of Real Property" and it appearing that the complaint has been duly served, that defendants have admitted the averments of the complaint and the relief requested in his answer, it is hereby ORDERED that partition be made of the lands mentioned and described in the complaint among the named parties in proportion to their respective interests, as follows:

To **MILFORD R. WOODS** and **TSHANA J. WOODS**: a thirty four thirty fifths (34/35<sup>th</sup>s) share;

To MARJORIE PEARL VAUGHN TUBBS KNEPP: a one-one hundred seventy-fifth (1/175<sup>th</sup>) share;

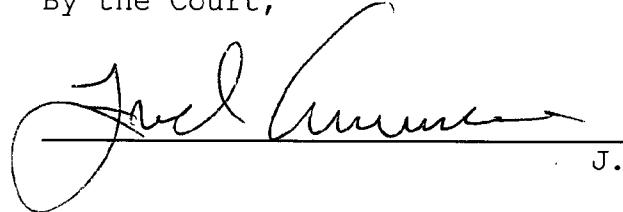
To HAROLD RANDALL VAUGHN, a one-one hundred seventy-fifth (1/175<sup>th</sup>) share;

To BRENDA MARIE VAUGHN HOHMAN, a two-one hundred seventy-fifths (2/175<sup>ths</sup>) share;

To TIMOTHY MARK VAUGHN, a one-one hundred seventy-fifth (1/175<sup>th</sup>) share;

To HAROLD ELLSWORTH VAUGHN, no share.

By the Court,



J. L. Knepp

DATE: 4-3-13

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s)  Plaintiff(s) Attorney  Other

Defendant(s)  Defendant(s) Attorney

Special Instructions:

FILED  
APR 03 2013  
William A. Shaw  
Prothonotary/Clerk of Courts

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

MILFORD R. WOODS and TSHANA J. WOODS, \* NO. 2003-137-CD  
Plaintiffs \*  
\*  
vs. \*  
\*  
MINNIE VIOLA GOSS, ROBERT LEMOINE RUSSELL, \*  
CLAIR ALFRED RUSSELL, THELMA ADALEE RUSSELL, \*  
LLOYD ROBERT GOSS, JUDITH KATHLEEN GOSS, \*  
ISABELL MAYE RUSSELL WADOSKY, JAMES FRANCIS \*  
RUSSELL, SR., LORNA LUCILLE RUSSELL, CLAIRE \*  
LEMOINE RUSSELL, DONALD STACEY RUSSELL, TRACY \*  
SCOTT RUSSELL, TIMOTHY ALFRED RUSSELL, JANICE \*  
LOUISE RUSSELL, NANCY LYNNE RUSSELL, TERRI SUE \*  
RUSSELL, DORIS MARY GOSS, DENNIS VICARY, \*  
THOMAS LLOYD GOSS, DENNIS CLAIR GOSS, ANTHONY \*  
JOSEPH WADOSKY, ANDREW JOSEPH WADOSKY, \*  
EILEEN MARIE WADOSKY, JOHN ANTHONY WADOSKY, \*  
KAREN ANN WADOSKY, KENNETH PAUL WADOSKY, \*  
DEBRA SUE WADOSKY, CHESTER WARREN RUSSELL, \*  
WENDALL L. STONEBRAKER, JULIE ANN RUSSELL, \*  
KENNETH W. STONEBRAKER, JAMES FRANCIS \*  
RUSSELL, JR., JACKLYN RUSSELL, ALBERT GOSS, \*  
WILLIAM C. GOSS, JENNIE VAUGHN, MARJORIE \*  
PEARL VAUGHN TUBBS, HAROLD RANDALL VAUGHN, \*  
BRENDA MARIE VAUGHN HOHMAN, DONNA JOYCE \*  
VAUGHN SCHWARTZ, TIMOTHY MARK VAUGHN, \*  
HAROLD ELSWORTH VAUGHN, \*  
\*  
Defendants \*

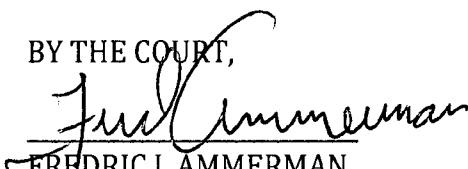
FILED 1cc A/H/s  
of 3:08pm APR 03 2013 Durant  
APR 03 2013 Kasabick  
William A. Shaw  
Prothonotary/Clerk of Courts 611

ORDER

NOW, this 2<sup>nd</sup> day of April, 2013, following status conference among counsel and the Court on March 26, 2013; it is the ORDER of this Court that a Non-Jury trial in the above-captioned case be and is hereby scheduled for the 1<sup>st</sup> day of August, 2013 at commencing at 9:00 a.m. in Courtroom No. 1, Clearfield County Courthouse, Clearfield, Pennsylvania.

Two hours has been reserved for this proceeding.

BY THE COURT,

  
FREDRIC J. AMMERMAN  
President Judge

**FILED**

**APR 03 2013**

**William A. Shaw  
Prothonotary/Clerk of Courts**

DATE: 4-3-13

       You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

       Plaintiff(s)  Plaintiff(s) Attorney        Other

       Defendant(s)  Defendant(s) Attorney

       Special Instructions:

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

MILFORD R. WOODS and TSHANA J. WOODS, \* NO. 2003-137-CD  
Plaintiffs \*

vs. \*

MINNIE VIOLA GOSS, ROBERT LEMOINE RUSSELL, \*  
CLAIR ALFRED RUSSELL, THELMA ADALEE RUSSELL, \*  
LLOYD ROBERT GOSS, JUDITH KATHLEEN GOSS, \*  
ISABELL MAYE RUSSELL WADOSKY, JAMES FRANCIS \*  
RUSSELL, SR., LORNA LUCILLE RUSSELL, CLAIRE \*  
LEMOINE RUSSELL, DONALD STACEY RUSSELL, TRACY\*  
SCOTT RUSSELL, TIMOTHY ALFRED RUSSELL, \*  
JANICE LOUISE RUSSELL, NANCY LYNNE RUSSELL, \*  
TERRI SUE RUSSELL, DORIS MARY GOSS, DENNIS \*  
VICARY, THOMAS LLOYD GOSS, DENNIS CLAIR \*  
GOSS, ANTHONY JOSEPH WADOSKY, ANDREW \*  
JOSEPH WADOSKY, EILEEN MARIE WADOSKY, \*  
JOHN ANTHONY WADOSKY, KAREN ANN WADOSKY, \*  
KENNETH PAUL WADOSKY, DEBRA SUE WADOSKY, \*  
CHESTER WARREN RUSSELL, WENDALL L. \*  
STONEBRAKER, JULIE ANN RUSSELL, \*  
KENNETH W. STONEBRAKER, JAMES FRANCIS \*  
RUSSELL, JR, JACKLYN RUSSELL, ALBERT GOSS, \*  
WILLIAM C. GOSS, JENNIE VAUGHN, MARJORIE \*  
PEARL VAUGHN TUBBS, HAROLD RANDALL VAUGHN, \*  
BRENDA MARIE VAUGHN HOHMAN, DONNA JOYCE \*  
VAUGHN SCHWARTZ, TIMOTHY MARK VAUGHN, \*  
HAROLD ELSWORTH VAUGHN, \*

Defendants \*

✓ FILED 2CC Atts:  
of 9/31/13 Durant  
AUG 01 2013 Kasubick  
William A. Shaw  
Prothonotary/Clerk of Courts

ORDER AND DECREE

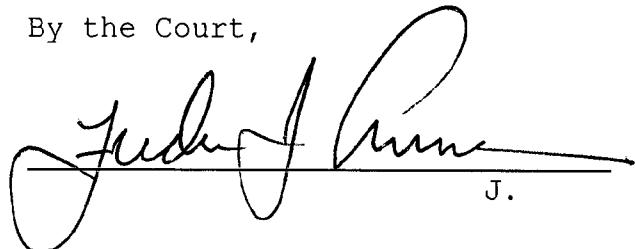
AND NOW this 1<sup>st</sup> day of August, 2013, this being the day and time set for a non-jury trial and hearing in the above captioned Partition Action, all parties, individually and/or by their respective Counsel, have agreed to resolve this action and this Court directs resolution as follows:

The only remaining interest or share of the certain 94 acres situate in Decatur Township, formerly owned by Daniel Goss and now identified by Clearfield County Tax Map No. 112-N11-5 as "94 A Surf &

Min (Ints)", not yet vested in plaintiffs, is that undivided 1/35<sup>th</sup> interest in the aforesaid premises, as vested in defendants Marjorie Pearl Vaughn Tubbs Knepp (1/175<sup>th</sup>), Brenda Marie Vaughn Hohman (2/175<sup>ths</sup>), Timothy Mark Vaughn (1/175<sup>th</sup>) and the late Harold Randall Vaughn (1/175<sup>th</sup>). Harold Randall Vaughn died intestate a resident of Jefferson County, Pennsylvania on October 21, 2012 survived by his wife Patricia Vaughn and his only child Eric Vaughn both of whom are sui generis and his sole heirs at law.

The plaintiffs and defendants have agreed that defendants shall renounce, convey and concede all of their interests in the premises to the plaintiffs except they shall retain their respective undivided interests in the proportions set forth above in and to all the mineral rights and the oil and gas rights in the premises. The conveyance and reservations shall be set out in a special warranty deed signed by the defendants named herein. The full consideration for the deed shall be \$500.00 and in addition plaintiffs shall pay \$1,923.57 for litigation expenses incurred by the defendants. Payment by plaintiffs shall total \$2,423.57 payable to Girard Kasubick, as Attorney for defendants and he shall then be responsible for appropriate distribution to defendants. Delivery of the executed deed to plaintiffs shall be binding evidence of the receipt of full payment by Counsel for Defendants. The cost of recording the deed shall be born solely by plaintiffs.

By the Court,



J.