

2003-209-CD  
ANDREW J. GARDNER ET AL VS ESTATE OF MICHAEL  
LEGENY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANDREW J. GARDNER and ELIZABETH C.	:	
GARDNER, of 445 South 80 <sup>th</sup> Place,	:	
Mesa, Arizona 85208	:	
Plaintiffs		
Vs.	:	GN 2003
Estate of MICHAEL LENGENY, a/k/a MICHAEL		
LEGAN, deceased and Estate of MICHAEL	:	
LEGENY, JR., a/k/a MICHAEL LEGAN,	:	
deceased,	:	
Their heirs, legal representatives,	:	
successors and assigns, and all or	:	
every other person or persons	:	
having or claiming to have any	:	
right, title or interest in the premises	:	
described in the Complaint,	:	
Defendants		

EDWARD S. NEWLIN, ESQUIRE

**FILED**

FEB 18 2003

William A. Shaw  
Prothonotary

BY:

Edward J. Newlan

P.O. Box 86  
Tyrone, PA 16686  
(814) 684-4421  
I.D. No. 07322

TYPE OF PLEADING: COMPLAINT

Person represented by counsel: Andrew J. Gardner and  
Elizabeth C. Gardner

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANDREW J. GARDNER and ELIZABETH C. :  
GARDNER, of 445 South 80<sup>th</sup> Place, :  
Mesa, Arizona 85208 :  
Plaintiffs :  
Vs. : GN 2003  
Estate of MICHAEL LENGENY, a/k/a MICHAEL :  
LEGAN, deceased and Estate of MICHAEL :  
LEGENY, JR., a/k/a MICHAEL LEGAN, :  
deceased, :  
Their heirs, legal representatives, :  
successors and assigns, and all or :  
every other person or persons :  
having or claiming to have any :  
right, title or interest in the premises :  
described in the Complaint, :  
Defendants :  
ACTION TO QUIET TITLE

**NOTICE**

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A  
LAWYER OR CANNOT 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, Extension 50-5

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANDREW J. GARDNER and ELIZABETH C. :  
GARDNER, of 445 South 80<sup>th</sup> Place, :  
Mesa, Arizona 85208 :  
Plaintiffs :  
Vs. : GN 2003 :  
Estate of MICHAEL LENGENY, a/k/à MICHAEL :  
LEGAN, deceased and Estate of MICHAEL :  
LENGENY, JR., a/k/a MICHAEL LEGAN, :  
deceased, :  
Their heirs, legal representatives, :  
successors and assigns, and all or :  
every other person or persons :  
having or claiming to have any :  
right, title or interest in the premises :  
described in the Complaint, :  
Defendants :  
ACTION TO QUIET TITLE

## COMPLAINT

AND NOW, this 18<sup>th</sup> day of February, 2003, comes the Plaintiffs,  
Andrew J. Gardner and Elizabeth C. Gardner, by and through their attorney,  
Edward S. Newlin, Esquire, and files this Complaint alleging the following:

1.

The Plaintiffs, Andrew J. Gardner and Elizabeth C. Gardner, are husband and wife, or individuals with address of 445 S. 80<sup>th</sup> Place, Mesa, Arizona 85208.

2.

The Defendants, Michael Legan, Jr. and his wife, Elizabeth Legan, are individuals whose present whereabouts are unknown and are believed to be deceased.

3.

The Plaintiffs, Andrew J. Gardner and Elizabeth C. Gardner, are the owners of all that parcel of real estate herein described by virtue of deed from Marjorie Caber, single, dated May 6, 1996 and recorded September 26,

1996 in Clearfield County Record Book Vol. 1755, , Page 600, described as follows:

BEGINNING at a stake in the Northerly side of Evergreen Avenue bearing, South 52° 51' West, One Hundred Twenty-seven and Five tenths (127.5) feet from the Northwesterly corner of Evergreen Avenue and Kittanning Street; thence by said Evergreen Avenue, South 52° 51' West, Two Hundred (200) feet to a stake; thence by Lot No. 380, North 37° 09' West, Two Hundred Thirty-eight (238) feet to a 20 foot wide alley; thence, North 52° 51' East, Two Hundred (200) feet to Lot No. 377; and thence thereby, South 37° 09' East, Two Hundred Thirty-eight (238) feet to the place of beginning.

EXCEPTING AND RESERVING mineral rights as in previous deeds.

BEING Tax Parcel No. L15-618-00014

BEING the same premises title to which became vested in Andrew J. Gardner and Elizabeth C. Gardner, husband and wife, by deed of Marjorie Caber, single, dated May 6, 1996 and recorded in September 26, 1996 in Clearfield County Record Book Volume 1755, Page 600.

4.

The parcel of real estate was obtained by Marjorie Caber, single, through deeds of  $\frac{1}{2}$  interest from Melvin McDonald, single to Marjorie Caber, by deed dated October 4, 1978 and recorded October 10, 1978 in Clearfield County Deed Book Vol. 770, Page 252 and by  $\frac{1}{2}$  interest by , Ann Ross and Howard G. Ross, her husband, Elizabeth Brett, widow and Margaret Marsalek, widow, Mary Romanak and Joseph C. Romanak, her husband, Andrew Legan, widow, Joseph Legan and Patricia Legan, his wife, Elizabeth Legan, widow, and George Legan and Donna Legan, his wife, to Marjorie Caber, widow and Melvin McDonald, widower, joint tenants with right of survivorship, by deed dated May 8, 1975 and recorded July 16, 1975 in Clearfield County Deed Book Vol. 703, Page 372.

5..

An abstract of Title is attached hereto and marked Exhibit "A" and is to be incorporated in this complaint as if plead in full.

6..

Marjorie Caber and the current owner, the Plaintiffs, Andrew J. Gardner and Elizabeth C. Gardner, have held the property, openly and adversely, against the original owners, or the fractional interest owner Michael Legan Jr. and his heirs, his wife Elizabeth Legan and any children that he may have had who would be unknownst to the plaintiffs, since May 8, 1975.

7..

It is believed and therefore averred that the original owner, Michael Lengeny died August 26, 1951 leaving to survive him his widow, Anna Legan, and his children Ann Ross, Elizabeth Brett, Margaret Marsalek, Mary Romanak, Andrew Legan, Joseph C. Legan, George Legan and Michael Legan, Jr.

8..

Subsequently thereafter, date unknown, Michael Legan, Jr. died, leaving to survive him a wife, Elizabeth Legan.

9..

In the chain of title the recital of the deed from the heirs of Michael Lengeny to Marjorie Caber indicates that Michael Legan Jr. died and that he was survived by a wife, Elizabeth Legan who joined in the conveyance to Marjorie Caber; however, the records do not indicate that Elizabeth Legan was the sole survivor of Michael Legan Jr. and that there may have been issue to Michael Legan, Jr.

10.

No record of Michael Legan, Jr.'s death is on record at the Clearfield County Courthouse and there isn't any documents to indicate his natural heirs of record other than his wife.

11.

There is a cloud on the Plaintiff's title to the above described real estate inasmuch as the deed into the Plaintiffs and their predecessors of title, as recorded in Clearfield County Deed Book Volume 703, Page 372, is a Deed, that reflects the heirs of Michael Legan, Jr. have not joined in the conveyance of their interest to the predecessors in title.

12.

That none of the Defendants have paid any of the taxes on the subject premises during the period of possession of the Plaintiffs, and Plaintiffs has been in open, adverse, hostile and exclusive possession of the subject premises since 1975.

WHEREFORE, in accordance with the Rules of Civil Procedures relating to Actions to Quiet Title (Pa. R.C.P. 1061 et seq.) Plaintiffs requests that this Honorable Court enter an appropriate Order, judgment or decree as follows:

- a) The Defendants and each of them individually take such action as the Court may direct to assert any claim which they, or any one of them individually, may have to any right, title or interest in said parcels of land or any part thereof, and
- b) Upon failure to take such action as ordered and decreed by the Court, that they, and each one of them, and their successors and assigns, be forever barred from asserting any right, title or interest of the Plaintiff's in said parcels of land, and from setting up any title thereto or in any manner impeaching, attacking or denying the title of the Plaintiff thereto.
- c) Declare the Plaintiff as the legal owner of the real estate as described in Clearfield County Deed Book Volume 1755, Page 600,

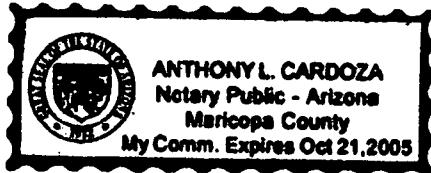
and that these proceedings shall at all times hereafter be taken as evidence of the facts decreed and established thereby.

d) Grant such further relief as may be just and equitable.

Edward S. Newlin

Edward S. Newlin, Esquire  
Attorney for Plaintiff  
Pa. I.D. No. 07322  
1009 Pennsylvania Avenue  
P.O. Box 86  
Tyrone, PA 16686  
(814) 684-4421

We, ANDREW J. GARDNER AND ELIZABETH C. GARDNER, verify that the statements contained in the foregoing document are true and correct to the best of my knowledge, information and belief. I understand that false statements are made subject to the penalties of 18 P.A.C.S. ss4904, relating to unsworn falsification to authorities.



*Andrew J. Gardner*

Andrew J. Gardner

*Elizabeth C. Gardner*

Elizabeth C. Gardner

Notary Public *[Signature]*

ABSTRACT OF TITLE

#1 Quit-Claim Deed

Dated: September 1, 1981

Charles B. Mills and  
Roberta J. Mills

Recorded: September 24, 1981

To

Clearfield County Deed Book  
Volume 1069, Page 680

Andrew J. Gardner and Elizabeth C. Gardner and  
Donald H. Gardner

Consideration: \$500.00

#2 Deed

Dated: December 19, 1980  
Recorded: January 6, 1981

Tax Claim Bureau  
Albert and Fannie Butler

To

Charles B. Mills

Clearfield County Deed Book  
Volume 1060, Page 346

Consideration: \$410.43

#3 Deed

Dated: October 28, 1944  
Recorded: March 1, 1956

Bertha C. Metcalfe, widow

To

Albert Butler and  
Fannie L. Butler

Clearfield County Deed Book  
Volume 717, Page 124

Consideration: \$825.00

#4 Deed

Dated: June 29, 1937  
Recorded: July 12, 1937

Emma M. Kurtz, single  
John and Selma Kurtz  
Cyrus Smeitzen

Clearfield County Deed Book  
Volume 436, Page 384

To

William D. Metcalfe  
Metcalfe,

Consideration : \$775.00

Date of Death: August 27, 1944  
Vesting title in Bertha C.

Widow

**EXHIBIT "A"**

FILED

3cc Att'y

04/11/00

05/04

FEB 18 2003

Any pd. 95 00

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANDREW J. GARDNER and ELIZABETH C.	:	
GARDNER, of 445 South 80 <sup>th</sup> Place,	:	
Mesa, Arizona 85208	:	
Plaintiffs	:	
Vs.	:	GN 2003
:		
Estate of MICHAEL LENGENY, a/k/a MICHAEL	:	03-209-CD
LEGAN, deceased and Estate of MICHAEL	:	
LENGENY, JR., a/k/a MICHAEL LEGAN,	:	
deceased,	:	
Their heirs, legal representatives,	:	
successors and assigns, and all or	:	
every other person or persons	:	ACTION TO QUIET TITLE
having or claiming to have any	:	
right, title or interest in the premises	:	
described in the Complaint,	:	
Defendants	:	

EDWARD S. NEWLIN, ESQUIRE

BY:

Edward S. Newlin  
P.O. Box 86  
Tyrone, PA 16686  
(814) 684-4421  
I.D. No. 07322

TYPE OF PLEADING: NOTICE

Person represented by counsel: ANDREW J. GARDNER and  
ELIZABETH C. GARDNER

FILED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FEB 18 2003

ANDREW J. GARDNER and ELIZABETH C. :  
GARDNER, of 445 South 80<sup>th</sup> Place, :  
Mesa, Arizona 85208 :  
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described in the Complaint, :  
Defendants :

William A. Shaw  
Prothonotary

GN 2003

03-209-CD

ACTION TO QUIET TITLE

AFFIDAVIT

EDWARD S. NEWLIN, Esquire, being duly sworn according to law, deposes and says that he is the Attorney for the Plaintiffs, Andrew J. Gardner and Elizabeth C. Gardner his wife, in this Action to Quiet Title, and that he has been unable to locate any information as to the whereabouts of the Defendants, their heirs, administrators, executors and assigns, and each and every person having a claim to or interest in the property described in the Complaint, and have checked the following records.

1. Local records of the Clearfield County, Clearfield Borough.
2. Property tax rolls.
3. Indices and records of the Clearfield County Courthouse for those individuals.
4. Records of Clearfield County acquired through the Internet with a locator to determine addresses and identities of

the individuals Andrew Legan and Michael Legan and Elizabeth Legan.

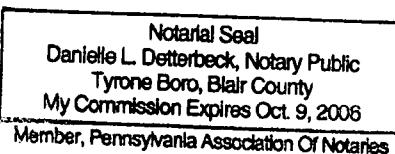
5. Telephone directories for Clearfield County.
6. Individual residents of Clearfield County who have the name of Legan or Lengeny and or Ross or other relatives of the Michael Legan or Lengeny.

Edward S. Newlin  
Edward S. Newlin

Sworn to and subscribed before me

This 31 day of January, 2003

Danielle L. Detterbeck  
Notary Public  
My Commission Expires:



**FILED**

11/11/11 3:02 PM  
FEB 18 2013  
ATH  
J

William A. Shaw  
Prothonotary

# FILED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA ~~18~~ 2003

ANDREW J. GARDNER and ELIZABETH C.	:	
GARDNER, of 445 South 80 <sup>th</sup> Place,	:	William A. Shaw
Mesa, Arizona 85208	:	Prothonotary
Plaintiffs	:	
Vs.	:	GN 2003
	:	
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LEGAN, deceased and Estate of MICHAEL	:	
LENGENY, JR., a/k/a MICHAEL LEGAN,	:	
deceased,	:	
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successors and assigns, and all or	:	
every other person or persons	:	
having or claiming to have any	:	
right, title or interest in the premises	:	
described in the Complaint,	:	
Defendants	:	

ACTION TO QUIET TITLE

## PETITION FOR LEAVE TO OBTAIN SERVICE BY PUBLICATION

TO THE HONORABLE JUDGES OF SAID COURT:

The Petition of ANDREW J. GARDNER and ELIZABETH C. GARDNER, the Plaintiffs in the above captioned matter, by and through their attorney, Edward S. Newlin, Esquire, respectfully represents:

1. On the 18<sup>th</sup> day of February, 2003, the Petitioner filed with the Prothonotary of Clearfield County, Pennsylvania, an Action to Quiet Title wherein your Petitioner pray that the above Defendants, their respective heirs, executors, administrators or assigns, institute action to establish the validity of their alleged or purported claim or title against the premises described in said Complaint.

2. The Plaintiffs/Petitioners avers that after having made diligent search and inquiry of the records of Clearfield County through their attorney, they have been unable to ascertain the present whereabouts of certain of the Defendants named in the above proceeding

or whether they are living or dead, and if deceased, who their legal representatives or their heirs or assigns are. The attached affidavit of Edward S. Newlin, Esquire, attests to the efforts which were made to locate said Defendants.

WHEREFORE, the Plaintiffs/Petitioners asks Leave of Court to obtain service upon said Defendants or their legal representatives, heirs or assigns, generally by publication by the Sheriff of Clearfield County of the facts set forth in said action together with Notice to Plead according to law; that said publication shall be by public notice in one newspaper of general circulation published in the County of Clearfield and in the Clearfield County Legal Journal; and that if no appearance or answer be made within twenty (20) days of said publication date, judgment by default may be taken against the said Defendants and their respective heirs and assigns and generally according to law.

BY:

Edward S. Newlin

Edward S. Newlin, Esquire  
Attorney for Petitioner  
Pa. I.D. No. 07322  
1009 Pennsylvania Avenue  
P.O. Box 86  
Tyrone, PA 16686  
(814) 684-4421

FILED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FEB 18 2003

ANDREW J. GARDNER and ELIZABETH C. :  
GARDNER, of 445 South 80<sup>th</sup> Place, :  
Mesa, Arizona 85208 :  
Plaintiffs :  
Vs. :  
: :  
Estate of MICHAEL LENGENY, a/k/a MICHAEL :  
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LENGENY, JR., a/k/a MICHAEL LEGAN, :  
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Their heirs, legal representatives, :  
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every other person or persons :  
having or claiming to have any :  
right, title or interest in the premises :  
described in the Complaint, :  
Defendants :

GN 2003

William A. Shaw  
Prothonotary

03-209-C

ACTION TO QUIET TITLE

0

NOTICE

TO THE ABOVE-DESIGNATED DEFENDANTS, MICHAEL LENGENY, a/k/a MICHAEL LEGAN, DECEASED, AND ESTATE OF MICHAEL LENGENY, JR., a/k/a MICHAEL LEGAN, THEIR RESPECTIVE HEIRS, ADMINISTRATORS, EXECUTORS AND ASSIGNS

You are hereby notified that on the 18<sup>th</sup> day of February, 2003, the above named Plaintiff filed a Complaint endorsed with a Notice to Plead against you in an Action to Quiet Title to premises situate in the Township of Gulich, Clearfield County, Pennsylvania, which premises are more particularly bounded and described as follows:

ALL that certain parcel of land situate in the Township of Gulich, County of Clearfield and State of Pennsylvania, particularly described as follows:

BEGINNING at a stake in the Northerly side of Evergreen Avenue bearing, South 52° 51' West, One Hundred Twenty-seven and Five tenths (127.5) feet from the Northwesterly corner of Evergreen Avenue and Kittanning Street; thence by said Evergreen Avenue, South 52° 51' West, Two Hundred (200) feet to a stake; thence by Lot No. 380, North 37° 09' West, Two Hundred Thirty-eight (238) feet to a 20 foot wide alley; thence, North 52° 51' East, Two Hundred (200) feet to Lot No. 377; and thence thereby, South 37° 09' East, Two Hundred Thirty-eight (238) feet to the place of beginning.

EXCEPTING AND RESERVING mineral rights as in previous deeds.

BEING Tax Parcel No. L15-618-00014

The Plaintiff avers that the title of said premises is vested in them.

By Order of the Court of Common Pleas of Clearfield County, Pennsylvania, entered February 18, 2003, you are hereby required to plead to said Complaint within twenty (20) days of the publication of this notice. For failure to do so, a judgment by default may be entered against you.

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you.

You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

You should contact a 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, Extension 50-51

Chester Hawkins, Sheriff

Serve all papers on:  
Edward S. Newlin, Esquire  
1009 Pennsylvania Avenue  
P.O. Box 86  
Tyrone, PA 16686  
(814) 684-4421

FILED

01/11/04  
FEB 18 2003  
Shff

2cc  
FAC

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANDREW J. GARDNER and ELIZABETH C.	:	
GARDNER, of 445 South 80 <sup>th</sup> Place,	:	
Mesa, Arizona 85208	:	
Plaintiffs	:	
Vs.	:	GN 2003
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LENGENY, JR., a/k/a MICHAEL LEGAN,	:	
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successors and assigns, and all or	:	
every other person or persons	:	ACTION TO QUIET TITLE
having or claiming to have any	:	
right, title or interest in the premises	:	
described in the Complaint,	:	
Defendants	:	

**FILED**

FEB 25 2003

William A. Shaw  
Presbyterian

EDWARD S. NEWLIN, ESQUIRE

BY: Edward S. Newlin  
P.O. Box 86  
Tyrone, PA 16686  
(814) 684-4421  
I.D. No. 07322

TYPE OF PLEADING: NOTICE

Person represented by counsel: ANDREW J. GARDNER and  
ELIZABETH C. GARDNER

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANDREW J. GARDNER and ELIZABETH C.	:	
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Mesa, Arizona 85208	:	
Plaintiffs	:	
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every other person or persons	:	ACTION TO QUIET TITLE
having or claiming to have any	:	
right, title or interest in the premises	:	
described in the Complaint,	:	
Defendants	:	

DECREE OF COURT

Now, to wit, this 25<sup>th</sup> day of February, 2003, upon consideration of the foregoing Petition and upon Motion of Edward S. Newlin, Esquire, and it appearing that an affidavit has been attached hereto wherein it is verified that after diligent search and investigation, he has been unable to ascertain the present whereabouts of certain of the Defendants/and or their respective heirs, executors, administrators or assigns, generally,

IT IS ORDERED, DIRECTED AND DECREED, that service of the Action to Quiet title to the premises herein concerned, to wit:

ALL that parcel of real estate located in Gulich Township, Clearfield County, Pennsylvania, herein described by virtue of deed from Marjorie Caber, single, dated May 6, 1996 and recorded September 26, 1996 in Clearfield County Record Book Vol. 1755, Page 600, described as follows:

BEGINNING at a stake in the Northerly side of Evergreen Avenue bearing, South 52° 51' West, One Hundred Twenty-seven and Five tenths (127.5) feet from the Northwesterly corner of

Evergreen Avenue and Kittanning Street; thence by said Evergreen Avenue, South 52° 51' West, Two Hundred (200) feet to a stake; thence by Lot No. 380, North 37° 09' West, Two Hundred Thirty-eight (238) feet to a 20 foot wide alley; thence, North 52° 51' East, Two Hundred (200) feet to Lot No. 377; and thence thereby, South 37° 09' East, Two Hundred Thirty-eight (238) feet to the place of beginning.

EXCEPTING AND RESERVING mineral rights as in previous deeds.

BEING Tax Parcel No. L15-618-00014

BEING the same premises title to which became vested in Andrew J. Gardner and Elizabeth C. Gardner, husband and wife, by deed of Marjorie Caber, single, dated May 6, 1996 and recorded in September 26, 1996 in Clearfield County Record Book Volume 1755, Page 600.

Be had upon the Defendants herein named, and their respective heirs and assigns, generally by publication by the Sheriff of Clearfield County of the facts set forth in said action together with Notice to Plead according to law, by public notice in one newspaper of general circulation published within the County of Clearfield and in the Clearfield County Legal Journal, which public notice shall be published once in each publication, and that if no appearance or answer be made by the Defendants within twenty (20) days of said publication date, judgment by default may be taken against said Defendants, their respective heirs, executors, administrators and assigns, generally, according to law.

BY THE COURT:

J.

**FILED**

3cc

012:06-81  
FEB 25 2003

Atty Newlin

*W.A.S.*

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANDREW J. GARDNER and ELIZABETH C.	:	
GARDNER, of 445 South 80 <sup>th</sup> Place,	:	
Mesa, Arizona 85208	:	
Plaintiffs	:	NO: 03-209-CD
Vs.	:	GN 2003
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Estate of MICHAEL LENGENY, a/k/a MICHAEL	:	
LEGAN, deceased and Estate of MICHAEL	:	
LEGENY, JR., a/k/a MICHAEL LEGAN,	:	
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Their heirs, legal representatives,	:	
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every other person or persons	:	ACTION TO QUIET TITLE
having or claiming to have any	:	
right, title or interest in the premises	:	
described in the Complaint,	:	
Defendants	:	

**AFFIDAVIT OF RETURN OF SERVICE BY PUBLICATION**

I hereby certify that service of the Complaint in the above Action to Quiet Title was made on March 7, 2003, to the Defendants by Publication in the Clearfield Progress and the Clearfield County Legal Journal, according to the Order of Court, dated February 25, 2003; a copy of the Proof of Publications attached hereto and incorporated by reference.

I make these statements pursuant to 18 Pa. Cons. Stat. Ann ss4904, relating to unsworn falsification to authorities and understand that false statements may subject me to criminal penalties under that statute.

**FILED**

APR 08 2003

William A. Shaw  
Prothonotary

Edward S. Newlin  
Edward S. Newlin  
Attorney for Plaintiff  
ID No. 07322

## PROOF OF PUBLICATION

STATE OF PENNSYLVANIA : :

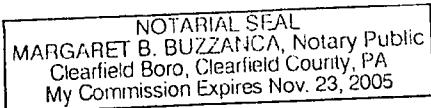
COUNTY OF CLEARFIELD : :

On this 12th day of March AD 2003, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Gary A. Knaresboro editor of the Clearfield County Legal Journal of the Courts of Clearfield County, and that the annexed is a true copy of the notice or advertisement published in said publication in the regular issues of Week of March 7, 2003, Vol. 15 No. 10. And that all of the allegations of this statement as to the time, place, and character of the publication are true.

  
\_\_\_\_\_  
Gary A. Knaresboro, Esquire  
Editor

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

Margaret B. Buzzanca  
Notary Public  
My Commission Expires



Edward S Newlin  
1009 Pennsylvania Avenue  
PO Box 86  
Tyrone PA 16686

an agreement between the DuBois Area School District and David J. Stern for the exchange of two parcels of land of equal size and value containing .64 acres, more or less to benefit the DuBois Area School District for the purpose of constructing a recreational field.

All interested persons are welcome to attend.

William R. Strong, Esquire, Solicitor for DuBois Area School District, PO Box 7, 616 Main Street, Clarion, PA 16214. (814) 226-4171.

ADV: February 28th, 2003, March 7th & 14th, 2003.

---

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY,  
PENNSYLVANIA

ANDREW J. GARDNER and ELIZABETH C. GARDNER, of 445 South 80th Place, Mesa, Arizona 85208, Plaintiffs vs. Estate of MICHAEL LEGENY, a/k/a MICHAEL LEGAN, deceased and Estate of MICHAEL LENGENY, JR., a/k/a MICHAEL LEGAN, deceased, Their heirs, legal representatives, successors and assigns, and all or every other person or persons having or claiming to have any right, title or interest in the premises described in the Complaint, Defendants.

No. 03-209-CD

ACTION TO QUIET TITLE  
NOTICE

TO THE ABOVE-DESIGNATED DEFENDANTS, MICHAEL LENGENY, a/k/a MICHAEL LEGAN, DECEASED, AND ESTATE OF MICHAEL LENGENY, JR., a/k/a MICHAEL LEGAN, THEIR RESPECTIVE HEIRS, ADMINISTRATORS, EXECUTORS AND ASSIGNS.

You are hereby notified that on the 18th day of February, 2003, the above named Plaintiff filed a Complaint endorsed with a Notice to Plead against you in an Action to Quiet Title to premises situate in the Township of Gulich, Clearfield County, Pennsylvania, which premises are more particularly bounded and described as follows:

ALL that certain parcel of land situate in the Township of Gulich, County of Clearfield and State of Pennsylvania, particularly described as follows:

BEGINNING at a stake in the Northerly side of Evergreen Avenue bearing, South 52 degrees 51' West, One Hundred Twenty-seven and Five tenths (127.5) feet from the Northwesterly corner of Evergreen Avenue and Kittanning Street; thence by side

---

IN THE COURT  
OF COMMON PLEAS  
OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
03-209-CD  
ACTION TO  
QUIET TITLE  
ANDREW J. GARDNER and ELIZ-  
ABETH C. GARDNER, of 445  
South 80th Place, Mesa, Arizona  
85208,  
Plaintiffs  
Vs.  
Estate of MICHAEL LENGENY,  
a/k/a MICHAEL LEGAN, deceased  
and Estate of MICHAEL LENGENY,  
JR., a/k/a MICHAEL LEGAN, deceased

Their heirs, legal representatives,  
successors and assigns, and all or  
every other person or persons having  
or claiming to have any right, title  
or interest in the premises de-  
scribed in the Complaint,  
Defendants

NOTICE

TO THE ABOVE-DESIGNATED  
DEFENDANTS, MICHAEL LEN-  
GENY, a/k/a MICHAEL LEGAN,  
DECEASED, AND ESTATE OF MI-  
CHAEL LENGENY, JR., a/k/a MI-  
CHAEL LEGAN, THEIR RESPEC-  
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EXECUTORS AND ASSIGNS

You are hereby notified that on the  
18th day of February, 2003, the  
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County of Clearfield and State of  
Pennsylvania, particularly de-  
scribed as follows:

BEGINNING at a stake in the  
Northerly side of Evergreen Avenue  
bearing, South 52° 51' West,  
One Hundred Twenty-seven and  
Five tenths (127.5) feet from the  
Northwesterly corner of Evergreen  
Avenue and Kittanning Street;  
thence by said Evergreen Avenue,  
South 52° 51' West, Two Hundred  
(200) feet to a stake; thence by Lot  
No. 380, North 37° 09' West, Two  
Hundred Thirty-eight (238) feet to a  
20 foot wide alley; thence, North  
52° 51' East, Two Hundred (200)  
feet to Lot No. 377; and thence  
thereby, South 37° 09' East, Two  
Hundred Thirty-eight (238) feet to  
the place of beginning.

EXCEPTING AND RESERVING  
mineral rights as in previous deeds.

BEING Tax Parcel No.  
L15-618-00014

The Plaintiff avers that the title of  
said premises is vested in them.

By Order of the Court of Common  
Pleas of Clearfield County, Penn-  
sylvania, entered February 25,  
2003, you are hereby required to  
plead to the said Complaint within  
twenty (20) days of the publication  
of this notice. For failure to do so, a  
judgment by default may be en-  
tered against you.

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :  
COUNTY OF CLEARFIELD :  
SS:

On this 7th day of March, A.D. 2003,  
before me, the subscriber, a Notary Public in and for said County and  
State, personally appeared Margaret E. Krebs, who being duly sworn  
according to law, deposes and says that she is the President of The  
Progressive Publishing Company, Inc., and Associate Publisher of The  
Progress, a daily newspaper published at Clearfield, in the County of  
Clearfield and State of Pennsylvania, and established April 5, 1913, and  
that the annexed is a true copy of a notice or advertisement published in  
said publication in

the regular issues of March 3, 2003.  
And that the affiant is not interested in the subject matter of the notice or  
advertising, and that all of the allegations of this statement as to the time,  
place, and character of publication are true.

*Margaret E. Krebs*

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

*Ann K. Law*

Notary Public

Clearfield, Pa.

My Commission Expires  
September 16, 2004

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

NOTICE TO DEFEND  
You have been sued in Court. If  
you wish to defend against the  
claims set forth in the following pa-  
ges, you must take action within  
twenty (20) days after this Com-  
plaint and Notice are served, by en-  
tering a written appearance per-  
sonally or by attorney and filing in  
writing with the Court your de-  
fenses 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 fur-  
ther notice for any money claimed  
in the complaint or for any other  
claim or relief requested by the  
Plaintiff. You may lose money or  
property or other rights important to  
you.

YOU SHOULD CONTACT A  
LAWYER AT ONCE. IF YOU DO  
NOT HAVE A LAWYER OR CAN-  
NOT 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, Extension  
50-51

Chester Hawkins, Sheriff  
Serve all papers on:  
Edward S. Newlin, Esquire  
1009 Pennsylvania Avenue  
P.O. Box 86  
Tyrone, PA 16686  
(814) 684-4421

FILED

1CC  
APR 08 2003  
M110:44-08484-  
Erg  
APR 08 2003

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANDREW J. GARDNER and ELIZABETH C. :  
GARDNER, of 445 South 80<sup>th</sup> Place, :  
Mesa, Arizona 85208 :  
Plaintiffs :  
Vs. : 03-209-CD :  
: :  
Estate of MICHAEL LENGENY, a/k/a MICHAEL :  
LEGAN, deceased and Estate of MICHAEL :  
LEGENY, JR., a/k/a MICHAEL LEGAN, :  
deceased, :  
Their heirs, legal representatives, :  
successors and assigns, and all or :  
every other person or persons :  
having or claiming to have any :  
right, title or interest in the premises :  
described in the Complaint, :  
Defendants :  
: ACTION TO QUIET TITLE

Filed on Behalf of:  
Plaintiffs, Andrew J. Gardner  
and Elizabeth C. Gardner

Counsel of Record for this Party:  
Edward S. Newlin, Esquire  
PA ID # 07322

**FILED**

1009 Pennsylvania Avenue  
P.O. Box 86  
Tyrone, PA 16686

APR 08 2003

(814) 684-4421

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANDREW J. GARDNER and ELIZABETH C.	:
GARDNER, of 445 South 80 <sup>th</sup> Place,	:
Mesa, Arizona 85208	:
Plaintiffs	:
Vs.	03-209-CD
:	
Estate of MICHAEL LENGENY, a/k/a MICHAEL	:
LEGAN, deceased and Estate of MICHAEL	:
LEGENY, JR., a/k/a MICHAEL LEGAN,	:
deceased,	:
Their heirs, legal representatives,	:
successors and assigns, and all or	:
every other person or persons	:
having or claiming to have any	:
right, title or interest in the premises	:
described in the Complaint,	:
Defendants	:

DECREE OF COURT

AND NOW, this 14<sup>th</sup> day of April, 2003, upon consideration of the foregoing Petition and upon motion of Edward S. Newlin, Esquire, Attorney for Plaintiff, and appearing that the proper service by publication was made and had upon the Defendants named in the above proceedings as appears by the Affidavits of Service; and that further appearing that after such service, the above named Defendants, have neither made an Answer nor filed an appearance in this matter, after having been notified to so plead:

NOW, THEREFORE, IT IS HEREBY ORDERED AND DECREED that the title of the Plaintiff in and to the following described said premises, to wit:

ALL that certain parcel of land situate in the Township of Gulich, County of Clearfield and State of Pennsylvania, particularly described as follows:

BEGINNING at a stake in the Northerly side of Evergreen Avenue bearing, South 52° 51' West, One Hundred Twenty-seven and Five tenths (127.5) feet from the Northwesterly corner of Evergreen Avenue and Kittanning Street; thence by said Evergreen Avenue, South 52° 51' West, Two Hundred (200) feet to a stake; thence by Lot No. 380, North 37° 09' West, Two Hundred Thirty-eight (238) feet to a 20 foot wide alley; thence, North 52° 51' East, Two Hundred (200) feet to Lot No. 377; and thence thereby, South 37° 09' East, Two Hundred Thirty-eight (238) feet to the place of beginning.

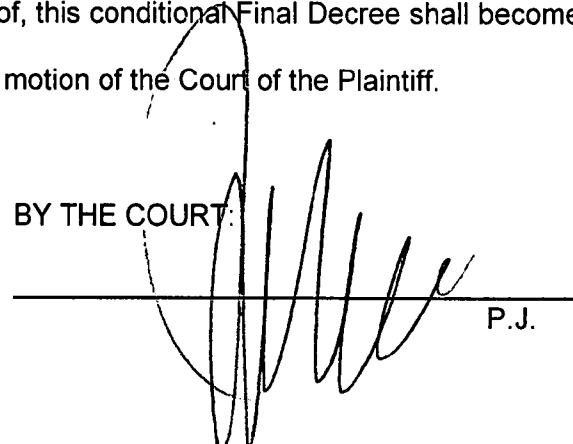
EXCEPTING AND RESERVING mineral rights as in previous deeds.

BEING Tax Parcel No. L15-618-00014

It is hereby adjudicated and decreed valid and indefeasible as against all right, lien, title and interest in the land, inconsistent with the interest or claim that the Plaintiff has set forth in the Complaint.

IT IS FURTHER ORDERED, DIRECTED AND DECREED, the above named Defendants are forever barred from asserting lien, right, title, interest or claims of the Plaintiff as set forth in the Complaint; that the mere filing and signing of this Decree alone and its entry in the Office of the Prothonotary of Clearfield County, Pennsylvania, shall be sufficient legal notice to them of the privilege of filing exceptions thereto within thirty (30) days from the date hereof, and that no further notice to the above named Defendants are required; and if no exceptions are filed within said thirty (30) days from the date hereof, this conditional Final Decree shall become and be deemed absolute without any further act or motion of the Court of the Plaintiff.

BY THE COURT:

  
P.J.

**FILED**

04:57 PM, *cc to atty*

APR 14 2003

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANDREW J. GARDNER and ELIZABETH C.	:	
GARDNER, of 445 South 80 <sup>th</sup> Place,	:	
Mesa, Arizona 85208	:	
Plaintiffs	:	
Vs.	:	03-209-CD
:		
Estate of MICHAEL LENGENY, a/k/a MICHAEL	:	
LEGAN, deceased and Estate of MICHAEL	:	
LEGENY, JR., a/k/a MICHAEL LEGAN,	:	
deceased,	:	
Their heirs, legal representatives,	:	
successors and assigns, and all or	:	
every other person or persons	:	ACTION TO QUIET TITLE
having or claiming to have any	:	
right, title or interest in the premises	:	
described in the Complaint,	:	
Defendants	:	

PETITION FOR FINAL DECREE OF COURT

TO THE HONORABLE JUDGES OF SAID COURT:

The Motion of the Plaintiff in the above captioned matter, by and through his attorney, Edward S. Newlin, respectfully represents:

1.

The Plaintiff on the 18<sup>th</sup> day of February, 2003, filed with the Prothonotary of Clearfield County an Action of Quiet Title, wherein the Plaintiff prayed that the above named Defendants or the respective heirs, executors, administrators and assigns should institute an action in ejectment or other legal proceedings to establish the legal title or an alleged claim of title against the premises described in said Complaint.

2.

By Decree of Court of the Common Pleas of Clearfield County, entered on February 25, 2003, leave of Court was given to the Plaintiff to obtain service upon the Defendants, by publication. In accordance with the said Decree of Court, notice to said Defendants to plead in this

Action to Quiet Title was duly published in the Progress and in the Clearfield County Legal Bulletin as attached hereto. The Notice to Plead was incorporated in the service of publication.

3.

More than twenty (20) days has elapsed from the date of service of said Complaint upon the within named Defendants. Said date of Service being with the Progress on March 3, 2003 and with the Clearfield County Legal Bulletin on March 7, 2003.

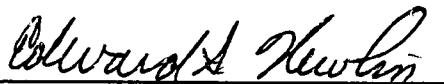
4.

The Defendants have not filed any appearances nor has any attorney appeared for them; and they have failed to make any Answer to said Complaint.

WHEREFORE, your Plaintiff prays for an Order of your Honorable Court directing and decreeing that the above named Defendants be forever barred from asserting any right, lien, title or interest in the land described in said Complaint in the future, inconsistent with the interest or claim of the Plaintiff as set forth in said Complaint, unless exceptions shall be filed by them within thirty (30) days from the entry of said Decree. The same to be binding upon them, their successors and assigns, and that the mere filing of this Decree and its entry in the Office of the Prothonotary of Clearfield County, Pennsylvania, shall be sufficient legal notice to them of their privilege of filing exceptions thereto within thirty (30) days from the date thereof, and that no further notice shall be required of the Plaintiff.

AND your Plaintiff will ever pray.

Respectfully submitted:



Edward S. Newlin, Esquire  
Attorney for Plaintiff  
ID #07322  
1009 Pennsylvania Avenue  
Tyrone, PA 16686  
(814) 684-4421

Dated: April 7, 2003

## PROOF OF PUBLICATION

STATE OF PENNSYLVANIA : :

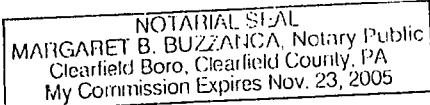
COUNTY OF CLEARFIELD : :

On this 12th day of March AD 2003, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Gary A. Knaresboro editor of the Clearfield County Legal Journal of the Courts of Clearfield County, and that the annexed is a true copy of the notice or advertisement published in said publication in the regular issues of Week of March 7, 2003, Vol. 15 No. 10. And that all of the allegations of this statement as to the time, place, and character of the publication are true.

  
\_\_\_\_\_  
Gary A. Knaresboro, Esquire  
Editor

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

Margaret B. Buzzanca  
Notary Public  
My Commission Expires



Edward S Newlin  
1009 Pennsylvania Avenue  
PO Box 86  
Tyrone PA 16686

an agreement between the DuBois Area School District and David J. Stern for the exchange of two parcels of land of equal size and value containing .64 acres, more or less to benefit the DuBois Area School District for the purpose of constructing a recreational field.

All interested persons are welcome to attend.

William R. Strong, Esquire, Solicitor for DuBois Area School District, PO Box 7, 616 Main Street, Clarion, PA 16214. (814) 226-4171.

ADV: February 28th, 2003, March 7th & 14th, 2003.

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IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY,  
PENNSYLVANIA

ANDREW J. GARDNER and ELIZABETH C. GARDNER, of 445 South 80th Place, Mesa, Arizona 85208, Plaintiffs vs. Estate of MICHAEL LEGENY, a/k/a MICHAEL LEGAN, deceased and Estate of MICHAEL LENGENY, JR., a/k/a MICHAEL LEGAN, deceased, Their heirs, legal representatives, successors and assigns, and all or every other person or persons having or claiming to have any right, title or interest in the premises described in the Complaint, Defendants.

No. 03-209-CD  
ACTION TO QUIET TITLE  
NOTICE

TO THE ABOVE-DESIGNATED DEFENDANTS, MICHAEL LENGENY, a/k/a MICHAEL LEGAN, DECEASED, AND ESTATE OF MICHAEL LENGENY, JR., a/k/a MICHAEL LEGAN, THEIR RESPECTIVE HEIRS, ADMINISTRATORS, EXECUTORS AND ASSIGNS.

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IN THE COURT  
OF COMMON PLEAS  
OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
03-209-CD  
ACTION TO  
QUIET TITLE  
ANDREW J. GARDNER and ELIZ-  
ABETH C. GARDNER, of 445  
South 80th Place, Mesa, Arizona  
85208,  
Plaintiffs  
Vs.  
Estate of MICHAEL LENGENY,  
a/k/a MICHAEL LEGAN, deceased  
and Estate of MICHAEL LENGENY,  
JR., a/k/a MICHAEL LEGAN, deceased.

Their heirs, legal representatives,  
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Defendants

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EXCEPTING AND RESERVING  
mineral rights as in previous deeds.

BEING Tax Parcel No.  
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Pleas of Clearfield County, Penn-  
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tered against you.

## PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :  
: SS:  
COUNTY OF CLEARFIELD :

On this 7th day of March, A.D. 2003,  
before me, the subscriber, a Notary Public in and for said County and  
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according to law, deposes and says that she is the President of The  
Progressive Publishing Company, Inc., and Associate Publisher of The  
Progress, a daily newspaper published at Clearfield, in the County of  
Clearfield and State of Pennsylvania, and established April 5, 1913, and  
that the annexed is a true copy of a notice or advertisement published in  
said publication in

the regular issues of March 3, 2003

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

Margaret E. Krebs

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

Ann K. Law

Notary Public Clearfield, Pa.

My Commission Expires  
September 16, 2004

Notarial Seal  
Ann K. Law, Notary Public  
Clearfield Boro, Clearfield County  
My Commission Expires Sept. 16, 2004

Member, Pennsylvania Association of Notaries

### NOTICE TO DEFEND

You have been sued in Court. If  
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You are warned that if you fail to do  
so the case may proceed without  
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HELP:

Court Administrator  
Clearfield County Courthouse  
Second and Market Streets  
Clearfield, PA 16830  
(814) 765-2641, Extension  
50-51

Chester Hawkins, Sheriff  
Serve all papers on:  
Edward S. Newlin, Esquire  
1009 Pennsylvania Avenue  
P.O. Box 86  
Tyrone, PA 16686  
(814) 684-4421

**FILED**

100-11045-81  
APR 08 2003  
KBD

cc  
Amy Newlin

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANDREW J. GARDNER and ELIZABETH C.	:	
GARDNER, of 445 South 80 <sup>th</sup> Place,	:	
Mesa, Arizona 85208	:	
Plaintiffs	:	
Vs.	:	03-209-CD
:		
Estate of MICHAEL LENGENY, a/k/a MICHAEL	:	
LEGAN, deceased and Estate of MICHAEL	:	
LEGENY, JR., a/k/a MICHAEL LEGAN,	:	
deceased,	:	
Their heirs, legal representatives,	:	
successors and assigns, and all or	:	
every other person or persons	:	
having or claiming to have any	:	
right, title or interest in the premises	:	
described in the Complaint,	:	
Defendants	:	

Filed on Behalf of:  
Plaintiffs, Andrew J. Gardner  
and Elizabeth C. Gardner

Counsel of Record for this Party:  
Edward S. Newlin, Esquire  
PA ID # 07322

1009 Pennsylvania Avenue  
P.O. Box 86  
Tyrone, PA 16686

(814) 684-4421

**FILED**

JUN 12 2003

William A. Shaw  
Prothonotary

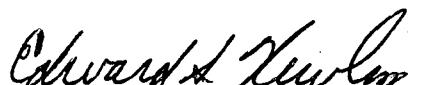
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Plaintiffs	:	
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having or claiming to have any	:	
right, title or interest in the premises	:	
described in the Complaint,	:	
Defendants	:	

PRAECIPE TO ENTER JUDGMENT

TO THE PROTHONOTARY:

Please enter judgment for the Plaintiffs and against the Defendants in the above captioned matter for failure to file exceptions to the Order of Court, dated April 14, 2003.



Edward S. Newlin  
Edward S. Newlin, Esquire  
Attorney for Plaintiffs  
ID #07322  
1009 Pennsylvania Avenue  
Tyrone, PA 16686  
(814) 684-4421

Dated: May 15, 2003

**FILED**

O 3:53 AM 10 CT 0000  
JUN 12 2003

William A. Shaw  
Prothonotary