

2003-241-CE
IN RE: ROUTE 53, SECTION A04, COOPER TOWNSHIP

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF
TRANSPORTATION, OF THE RIGHT-
OF-WAY FOR STATE ROUTE 0053,
SECTION A04, IN THE TOWNSHIP
OF COOPER

NO. *2003-241-CD* TERM, 2003

EMINENT DOMAIN PROCEEDING
IN REM

MEMORANDUM TO PROTHONOTARY

You are hereby informed that notice of the condemnation effected by the Declaration of Taking filed to the above term and number on *February 21, 2003*, was recorded in the office of the Recorder of Deeds of the above county in *Inst. # 200302570*, Page(s) .

The condemnation book and page number, file number, or microfilm number of any property plat filed or microfilmed separately from the said Notice of Condemnation is shown on the list of property condemned which is attached hereto.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

BY *Michael J. Durr*
District Right of Way Administrator
Engineering District No. 2-0

FILED

FEB 25 2003

0/10:05/14
William A. Shaw
Prothonotary

2 CENS TO PENNDOT

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

FEB 25 2003

Attest.

William A. Shaw
Prothonotary/
Clerk of Courts

2/28

RW437 (10/99)

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
SCHEDULE OF PROPERTY CONDEMNED
 (Declaration of Taking)



REMIS Proj. No.	020077
County	Clearfield
Fed. Proj. No.	Q10-0111-071
Municipality	Cooper Township
Route-Sec.	SR 0053-A04

***TYPE OF DESCRIPTION**

- D- Deed Description
 P- Plan lodged for recording with Notice of Condemnation
 R- Plan now recorded in Recorder's Office

Parcel No.	Claim Number	Name, Mailing Address, Property Interest of Condemnees, and Location of Condemned Property	Attached Exhibit Number (if any)	*Type of Description	Plan (if any) Recorded in
1	17001770000	E.M. Brown, Incorporated, A Pennsylvania Corporation Robert E. Brown, Chief Executive Officer P.O. Box 767 329 Mount Joy Road Clearfield, PA 16830 LOCATION OF PROPERTY: Clearfield County Deed Book 745, Page 131		R	Clearfield County Instrument Number 200300048, Sheet Nos. 6 & 8 & 12.

PENNDOT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION, OF
THE RIGHT-OF-WAY FOR E.M. BROWN, INC.

NO. 2003-241-CD

EMINENT DOMAIN PROCEEDING IN REM

PROOF OF SERVICE

COMMONWEALTH OF PENNSYLVANIA:

:ss

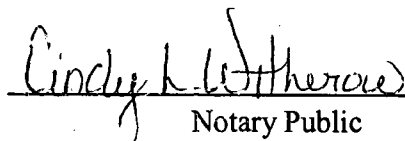
COUNTY OF CLEARFIELD :

Michael Hnat, being duly sworn accordance to law, deposes and says that he is District Right-of-Way Administrator of District 2-0, Department of Transportation, Commonwealth of Pennsylvania, and that on or before February 27, 2003, notice of the filing of the Declaration of Taking in the above matter was served on the condemnees affected thereby in compliance with Article IV, Section 405, of the Eminent Domain Code, Act of June 22, 1964, P.L. 84, as amended. A schedule of the condemnees so notified is attached hereto and made a part hereof.

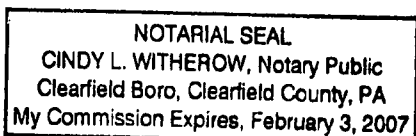


District Right-of-Way Administrator

Sworn to and subscribed before me


Notary Public

My Commission Expires: February 3, 2007



FILED

MAR 03 2003

0/11/15/16
William A. Shaw
Prothonotary

2 copy to Hnat

A. Registered Delivery (Cost Fee) <input type="checkbox"/> Yes <input type="checkbox"/> No B. Restricted Delivery (Cost Fee) <input type="checkbox"/> Yes <input type="checkbox"/> No C. Date of Delivery		D. Attach this card to the back of the envelope, or on the front if space permits. E. Print your name and address on the reverse so that we can return the card to you. F. Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
G. Delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No H. Delivery address below:		I. Addressed to:
J. Delivery type: <input type="checkbox"/> Registered Mail <input type="checkbox"/> Registered Mail for Merchandise <input type="checkbox"/> C.O.D. <input type="checkbox"/> Insured Mail <input type="checkbox"/> Registered Mail <input type="checkbox"/> Express Mail		K. M. Brown, Inc. P.O. Box 167 334 MI. Rd. Road Clearfield, PA 16830
L. POSTNET barcode: 7007 5210 0003 0225 2007		M. Form 3811, August 2007

Post-Office Mail
 Postage & Fees Paid
 USPS
 Permit No. 3-10



UNITED STATES POSTAL SERVICE

• Sender: Please print your name, address, and ZIP+4 in this box •

PA DEPT OF TRANSPORTATION
 1924-30 DAISY STREET
 P.O. BOX 305
 CLEARFIELD, PA 16830
 16830-0305

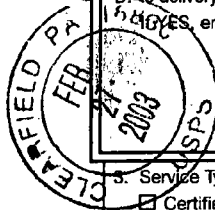


SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

E.M. Brown, Inc.
P.O. Box 767
329 Mt. Joy Road
Clearfield, PA 16830



COMPLETE THIS SECTION ON DELIVERY

A. Signature

[Signature]

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☐ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

7001 2510 0003 0262 4236

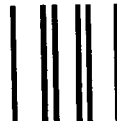
5.R.0053A-04 CLW

PS Form 3811, August 2001

Domestic Return Receipt

102595-01-M-2509

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

PA DEPT OF TRANSPORTATION
1924-30 DAISY STREET
P.O. BOX 342
CLEARFIELD, PA 16830

District 2-0
Clearfield, PA 16830

RECEIVED
Penna. Dept. of Transportation
FEB 28 2003



RW437 (10/99)

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
SCHEDULE OF PROPERTY CONDEMNED
(Declaration of Taking)



REMIS Proj. No.	020077
County	Clearfield
Fed. Proj. No.	Q10-0111-071
Municipality	Cooper Township
Route-Sec.	SR 0053-A04

<u>TYPE OF DESCRIPTION</u>	
D-	Deed Description
P-	Plan lodged for recording with Notice of Condemnation
R-	Plan now recorded in Recorder's Office

Parcel No.	Claim Number	Name, Mailing Address, Property Interest of Condemnees, and Location of Condemned Property	Attached Exhibit Number (if any)	Type of Description	Plan (if any) Recorded in
1	17001770000	E.M. Brown, Incorporated, A Pennsylvania Corporation Robert E. Brown, Chief Executive Officer P.O. Box 767 329 Mount Joy Road Clearfield, PA 16830 LOCATION OF PROPERTY: Clearfield County Deed Book 745, Page 131		R	Clearfield County Instrument Number 200300048. Sheet Nos. 6 & 8 & 12.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT
OF TRANSPORTATION, OF THE
RIGHT-OF-WAY FOR STATE
ROUTE 0053, SECTION A04,
IN THE TOWNSHIP OF COOPER

NO. 2003-241-CO

EMINENT DOMAIN PROCEEDING
IN REM

DECLARATION OF TAKING

TO THE HONORABLE, THE JUDGES OF THE SAID COURT:

This Declaration of Taking, based on the provisions of Article IV, Section 402, of the Eminent Domain Code, Act of June 22, 1964, P. L. 84, 26 P. S. 1-402, as amended, respectfully represents that:

1. The Condemnor is the Commonwealth of Pennsylvania, Department of Transportation, acting through the Secretary of Transportation.

2. The address of the Condemnor is:

Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel
P.O. Box 8212
Harrisburg, PA 17105-8212

3. The Department of Transportation is authorized by the provisions of Section 2003(e) of the Administrative Code of 1929, P. L. 177, 71 P. S. 513(e), as amended, to acquire by gift, purchase, condemnation or otherwise, land in fee simple or such other estate or interest as it shall determine, in the name of the Commonwealth for all transportation purposes.

FILED

FEB 21 2003

0/10:30/12

William A. Shaw
Prothonotary

2 SENT TO ATT

4. The within condemnation has been authorized by a plan signed by the Secretary of Transportation on October 2, 2002, titled "Drawings Authorizing Acquisition of Right-of-Way for State Route 0053, Section A04 R/W in Clearfield County", a copy of which plan was filed in the County Recorder's Office in Instrument #200300048 on January 2, 2003.

5. The purpose of the within condemnation is to acquire property for transportation purposes.

6. A Schedule of Property Condemned identifying and specifying the location of the property hereby condemned is attached hereto and made a part hereof.

7. Plans showing the property hereby condemned may be inspected in the Recorder's Office of the aforesaid County at the places indicated on the attached Schedule of Property Condemned or, if not shown thereon, on the day of the filing of this document being lodged for record or filed in said Recorder's Offices, where they may be inspected.

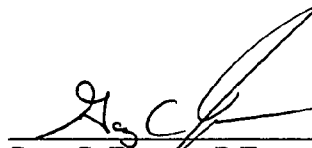
8. The nature of the title hereby condemned is fee simple .

9. In the event there are recoverable minerals (including gas and oil) within the areas, if any, hereby condemned in fee simple, the mineral rights (including rights to gas and oil) in those areas are hereby excepted and reserved from this condemnation, provided however, that the right of support of the areas condemned is included within the scope of this condemnation, and no access from the surface of such areas for removal purposes will be allowed without permission from the Commonwealth.

10. The payment of just compensation in this matter is secured by the Commonwealth's power of taxation.

11. I, Gary C. Fawver, P.E., Chief, Utilities and Right-of-Way Section, of the Department of Transportation, do hereby depose, swear and affirm that I am authorized by and do hereby execute this Declaration of Taking on behalf of the Commonwealth of Pennsylvania, Department of Transportation, and that the averments contained and set forth herein are true and correct to the best of my knowledge, information and belief, and are made subject to penalties provided in 18 Pa. C. S. §4904, relating to false swearing to authorities.

WHEREFORE, fee simple title is hereby condemned from the property identified on the attached Schedule of Property Condemned, as indicated on the plans referenced in paragraph 7 above.



Gary C. Fawver, P.E.,
Chief, Utilities and Right-of-Way Section

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

NO.

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
OF RIGHT OF WAY FOR STATE
ROUTE 0053, SECTION A04,
IN THE TOWNSHIP OF COOPER

DECLARATION OF TAKING

Stuart A. Liner
Assistant Counsel
ID No. 15290

Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel
P.O. Box 8212
Harrisburg, PA 17105-8212

RW437 (10/99)

COMMONWEALTH OF PENNSYLVANIA

DEPARTMENT OF TRANSPORTATION

SCHEDULE OF PROPERTY CONDEMNED

(Declaration of Taking)



REMIS Proj. No.	020077
County	Clearfield
Fed. Proj. No.	Q10-0111-071
Municipality	Cooper Township
Route-Sec.	SR 0053-A04

***TYPE OF DESCRIPTION**

- D- Deed Description
- P- Plan lodged for recording with Notice of Condemnation
- R- Plan now recorded in Recorder's Office

Parcel No.	Claim Number	Name, Mailing Address, Property Interest of Condemnees, and Location of Condemned Property	Attached Exhibit Number (if any)	*Type of Description	Plan (if any) Recorded in
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF
TRANSPORTATION, OF THE RIGHT-
OF-WAY FOR STATE ROUTE 0053,
SECTION A04, IN THE
TOWNSHIP OF COOPER

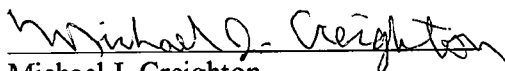
NO. 2003-241-CD

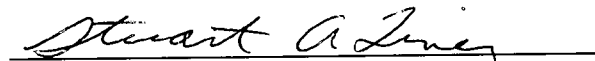
EMINENT DOMAIN PROCEEDING
IN REM

PRAECIPE TO ENTER APPEARANCE

TO THE PROTHONOTARY OF SAID COURT:

Please enter the appearance of Michael J. Creighton, Assistant Counsel In Charge, 1209
State Office Building, 300 Liberty Avenue, Pittsburgh, Pennsylvania and Stuart A. Liner,
Assistant Counsel, Office of Chief Counsel, Department of Transportation, P.O. Box 8212,
Harrisburg, PA 17105-8212, as attorneys for the Commonwealth of Pennsylvania, Department of
Transportation, Condemnor in the above-captioned proceedings.


Michael J. Creighton
Assistant Counsel In Charge


Stuart A. Liner
Assistant Counsel

Dated: February 10, 2003

FILED

FEB 21 2003
061030/w
William A. [unclear]
Prothonotary
2 sent to [unclear]

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

NO.

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
OF RIGHT OF WAY FOR STATE ROUTE
0053, SECTION A04,

IN THE
TOWNSHIP OF COOPER

PRAECIPE TO ENTER APPEARANCE

Filed, _____, 20

____ A.M. ____ P.M.

Commonwealth of Pennsylvania
Department of Transportation

Office of Chief Counsel
P.O. Box 8212
Harrisburg, Pennsylvania 17105-8212
Telephone No. (717) 787-3128

FILED

FEB 21 2003

William A. Brown
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
COMMONWEALTH OF PENNSYLVANIA

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION, OF
RIGHT OF WAY FOR STATE ROUTE 0053,
SECTION A04, IN THE TOWNSHIP OF
COOPER

CLAIM NO. 17001770000

No. 2003-241-CD

EMINENT DOMAIN
PROCEEDINGS—IN REM

FILED

JUL 30 2003

William A. Shaw
Prothonotary/Clerk of Courts

PETITION TO DEPOSIT
ESTIMATED JUST COMPENSATION

TO THE HONORABLE, THE JUDGES OF THE SAID COURT:

1. The Department of Transportation is an administrative agency of the Commonwealth of Pennsylvania, with offices at P.O. Box 8212, Harrisburg, Pennsylvania, 17105-8212.

2. On February 21, 2003, a Declaration of Taking was filed to the above-captioned court term and number by the Secretary of Transportation.

3. Although the condemnee(s) listed on the attached *Proposed Schedule of Distribution* was offered the full amount of the Commonwealth's estimated just compensation as payment *pro tanto* of their right of way damage claim, without prejudice to their right to proceed to a final determination of their just compensation, the Commonwealth has been unable to make payment because claimants have not made application for the same and have otherwise refused to accept estimated just compensation.

4. A draft in the total amount of just compensation due the condemnee(s), as estimated by the Commonwealth, and the Commonwealth's pro-rata share of taxes on the subject property made payable to the Prothonotary of this Court is attached hereto.

5. I, Christopher J. Clements, Assistant Counsel in-Charge, do hereby depose, swear, and affirm that I am authorized by and do hereby execute this Petition to Deposit Estimated Just Compensation on behalf of the Commonwealth of Pennsylvania, Department of Transportation, and that the averments contained and set forth herein are true and correct to the best of my knowledge, information and belief, and are made subject to the penalties provided in 18 Pa. C.S. §4904, relating to false swearing to authorities.

WHEREFORE, in order to assure possession of the condemned property, if required, by your Petitioner to which it is entitled under Section 1-407, of the Eminent Domain Code of 1964, *as amended*, 26 P.S. §1-407, your Petitioner prays that your Honorable Court direct payment of the aforesaid estimated just compensation and the Commonwealth's pro-rata share of the taxes on the subject property into Court, to be held until further Order of Court directing payment of said amount, or any part thereof, to the said condemnee(s) and/or interested parties entitled thereto pursuant to Sections 1-407, 1-521 and/or 1-522, of the said Code, 26 P.S. §§1-407, 1-521 and/or 1-522, as applicable.

Respectfully Submitted,

OFFICE OF CHIEF COUNSEL

By: 

Christopher J. Clements
Assistant Counsel in-Charge
Supreme Court ID No. 44699
Commonwealth of Pennsylvania
Department of Transportation
P.O. Box 8212
Harrisburg, PA 17105-8212

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
PROPOSED SCHEDULE OF DISTRIBUTION

PENNDOT

PROPOSED SCHEDULE OF DISTRIBUTION										
COUNTY		Clearfield								
S.R.-SEC.		0053-A04								
Name(s) and Address(es) of Condemnee(s) and Location(s) of Property(ies)		Estimated Just Compensation						Net Due To Condemnee(s)		
			Type	Date of Record	Place of Record	Name of Lienor	Record Amount Due			Actual Amount Due
E. M. Brown Incorporated, A Pennsylvania Corporation Robert E. Brown, President P. O. Box 767 Mount Joy Road Clearfield, PA 16830		3,700.00					Subject to possible unliened, unpaid municipal claims and taxes	\$0.00	\$0.00	\$0.00
Claim No. 177001770000 Parcel No. 1										
Location DB 745 PG 131										
Prorated Taxes		55.50						\$0.00	\$0.00	\$0.00
								\$0.00	\$0.00	\$0.00
								\$0.00	\$0.00	\$0.00
								\$0.00	\$0.00	\$0.00
								\$0.00	\$0.00	\$0.00
								\$0.00	\$0.00	\$0.00
								\$0.00	\$0.00	\$0.00
								\$0.00	\$0.00	\$0.00
Total Amount		3755.50						\$0.00	\$0.00	\$0.00

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
COMMONWEALTH OF PENNSYLVANIA

IN RE: CONDEMNATION BY THE	:	No. 2003-241-CD
COMMONWEALTH OF PENNSYLVANIA,	:	
DEPARTMENT OF TRANSPORTATION, OF	:	
RIGHT OF WAY FOR STATE ROUTE 0053,	:	
SECTION A04, IN THE TOWNSHIP OF	:	
COOPER	:	
	:	EMINENT DOMAIN
CLAIM NO. 17001770000	:	PROCEEDINGS—IN REM

SWORN STATEMENT AS TO NOTICE OF
PRESENTATION OF PETITION TO DEPOSIT
ESTIMATED JUST COMPENSATION

I, Christopher J. Clements, Assistant Counsel in-Charge, Right of Way Section, do hereby depose, swear, and affirm that I am authorized by and do hereby execute this sworn statement on behalf of the Commonwealth of Pennsylvania, Department of Transportation, and that the statements contained and set forth herein are true and correct to the best of my knowledge, information and belief, and are made subject to the penalties provided by 18 Pa. C.S. §4909 relating to false swearing to authorities.

The parties in interest known to the condemnor, including the condemnee, received notice that a Petition to Deposit Estimated Just Compensation in the above-captioned matter would be presented to the Court of Common Pleas of the above county twenty (20) days after said receipt in compliance with Section 1-522 of the Eminent Domain Code of 1964, as amended, 26 P.S. §1-522. The said parties were furnished with a copy of the said Petition, Order and Proposed Schedule of Distribution pertaining to the particular compensation in which each was interested.

The names and addresses of the parties so notified, and the date and manner in which notice was furnished to them, are noted on the said attached *Schedule of Interested Parties Notified*. This petition is being filed a minimum of twenty (20) days from the latest date of notice on the attached *Schedule*.

Respectfully Submitted,

OFFICE OF CHIEF COUNSEL

By: 

Christopher J. Clements
Assistant Counsel in-Charge
Supreme Court ID No. 44699
Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel
P.O. Box 8212
Harrisburg, PA 17105-8212

CERTIFIED MAIL

COUNTY – Clearfield
S.R. 0053, Section A04
CLAIM NO. 17001770000
FILED TO: NO. 2003-241-CD

SCHEDULE OF INTERESTED
PARTIES NOTIFIED

NAMES AND ADDRESSES

E. M. Brown Incorporated
Robert E. Brown, President
P.O. Box 767
Mount Joy Road
Clearfield, PA 16830

DATE INTERESTED PARTIES RECEIVED CERTIFIED MAIL

7000 0600 0022 0313 0860
6/19/03

FILED *acc*
~~FILED~~ *acc*
JUL 30 2003 *Aug Creighton*

William A. Shaw
Prothonotary/Clerk of Courts

CP

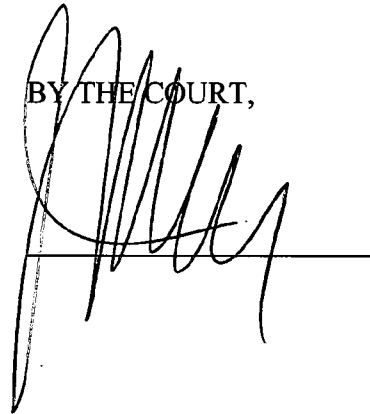
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
COMMONWEALTH OF PENNSYLVANIA

IN RE: CONDEMNATION BY THE	:	No. 2003-241-CD
COMMONWEALTH OF PENNSYLVANIA,	:	
DEPARTMENT OF TRANSPORTATION, OF	:	
RIGHT OF WAY FOR STATE ROUTE 0053,	:	
SECTION A04, IN THE TOWNSHIP OF	:	
COOPER	:	
	:	EMINENT DOMAIN
CLAIM NO. 17001770000	:	PROCEEDINGS—IN REM

ORDER

AND NOW, this 1st day of August, 2003,
upon presentation of the within Petition, it is hereby ordered and directed that the sum of
\$3,755.50, representing the amount of just compensation estimated by the Commonwealth
of Pennsylvania, Department of Transportation, and the Commonwealth's *pro rata* share
of real estate taxes, to be due the condemnee(s) and/or interested parties on the subject
property shown on the attached *Proposed Schedule of Distribution*, be paid into Court in
an interest bearing account, to be held until further Order of Court directing payment of
said amount, or any part thereof, to the said condemnee(s) and/or interested parties entitled
thereto pursuant to Sections 1-407, 1-521 and 1-522 of the Eminent Domain Code of 1964,
as amended, 26 P.S. §§1-407, 1-521, 1-522, as applicable.

BY THE COURT,



FILED

AUG 01 2003

William A. Shaw
Prothonotary/Clerk of Courts

FILED

acc

AUG 01 2003

Atty Clements

William A. Shaw

Prothonotary/Clerk of Courts

Check #11372044

\$3,755.50 dep

in escrow

~~for~~

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION, OF
RIGHT OF WAY FOR STATE ROUTE 0053,
SECTION A04, IN THE TOWNSHIP OF
COOPER

CLAIM NO. 1700177000

: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PA
:
: EMINENT DOMAIN PROCEEDING
: IN REM
:
:

: NO. 2003-241-CD

FILED
013:5130
JUN 24 2008

William A. Shaw
Notary Public/Clerk of Courts

**PETITION TO PAY CLAIMANTS UNDISTRIBUTED ESTIMATED JUST
COMPENSATION PREVIOUSLY DEPOSITED INTO COURT**

icc Amy Rapach

TO THE HONORABLE JUDGE OF SAID COURT:

Petitioner, the Department of Transportation of the Commonwealth of Pennsylvania, respectfully represents that:

1. The Department of Transportation ("Commonwealth") is a Department of the Commonwealth of Pennsylvania with offices at P.O. Box 8212, Harrisburg, Pennsylvania 17105-8212.

2. On February 21, 2003, the Commonwealth filed a Declaration of Taking, condemning, *inter alia*, certain real property owned by E.M. Brown, Inc. ("claimant").

3. On August 1, 2003, upon Petition of the Commonwealth, this Honorable Court ordered and directed that the sum of \$3,755.50, representing the amount of just compensation estimated by the Commonwealth due to claimant for damages sustained resulting from the condemnation of its property, be deposited into Court.

4. At the time of the filing of the Declaration of Taking, there were no liens and/or encumbrances still owing against the property of the claimant, as shown on the attached Proposed Schedule of Distribution.

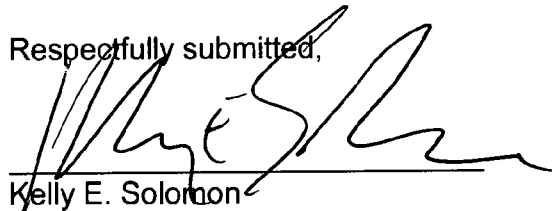
5. The sum of \$3,755.50 that was deposited into Court in accordance with this Court's Order remains deposited, as no party in interest has filed a petition.

6. Subsequent to the estimated just compensation being deposited into Court, the claimant entered into a post-condemnation settlement with the Commonwealth and the Commonwealth agreed to present this Petition.

7. I, Kelly E. Solomon, Assistant Counsel, affirm that I am authorized to execute this Petition to Pay Claimant on behalf of the Commonwealth, that all statements are true and correct to the best of my knowledge, information and belief, and that all statements are made subject to the penalties provided in 18 Pa.C.S.A. §4904, relating to unsworn falsification to authorities.

WHEREFORE, Petitioner respectfully requests that this Honorable Court order and direct that the sum of \$3,755.50, representing the amount deposited into Court as just compensation due claimant, plus any accrued interest, be paid to E.M. Brown, Inc. , as provided in Section 522 of the Eminent Domain Code, 26 Pa.C.S. § 522, as amended.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kelly E. Solomon', is written over a horizontal line.

Kelly E. Solomon

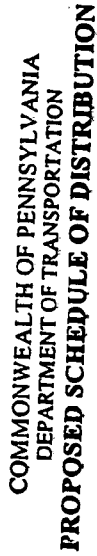
I.D. No. 85714

Pennsylvania Department of Transportation

Office of Chief Counsel

P.O. Box 8212

Harrisburg, Pennsylvania 17105-8212



COUNTY	Clearfield
S.R.-SEC.	0053-A04

[illegible]

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION, OF
RIGHT OF WAY FOR STATE ROUTE 0053,
SECTION A04, IN THE TOWNSHIP OF
COOPER

CLAIM NO. 1700177000

: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PA
:
: EMINENT DOMAIN PROCEEDING
: IN REM
:
:
: NO. 2003-241-CD

ORDER

AND NOW, June 24, 2008, upon presentation of the
Petition to Pay Claimant, it is **ORDERED** and **DIRECTED** that the sum of \$3,755.50,
representing the amount deposited into Court as estimated just compensation due to
claimant, plus any accrued interest, shall be paid to E.M. Brown, Inc.

It is further **ORDERED** that the Prothonotary make a check payable to
E.M. Brown, Inc. for \$3,755.50, plus any accrued interest, deliver it
to Ryan J. Kammerer, Office of Chief Counsel, Pennsylvania
Department of Transportation, and mark the record accordingly.

BY THE COURT:

Frederick J. Kammerer J.

FILED 
9/3/5/30
JUN 24 2008

William A. Shaw
Prothonotary/Clerk of Courts

1cc Amy Rapach
(will serve)

w/ CHAM

1228

3931.94

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION, OF
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BY THE COURT:

Frederick J. Kammerer J.

WITHDRAWAL **SAVINGS**

DEPOSIT		60-629/313	
CASH	CURRENCY		
	COIN		
TOTAL FROM OTHER SIDE			
TOTAL			
LESS CASH RECEIVED			
NET DEPOSIT			

DATE 7-1-08 \$ 3,731.94
AMOUNT WITHDRAWN
DOLLARS
SIGN HERE _____
SIGNATURE OF ACCOUNT OWNER



Main Office
11 North 2nd Street
Clearfield, PA 16830

1700177

CERTIFICATE T28

+10313062941 811518211

ALL ITEMS ARE ACCEPTED SUBJECT TO OUR RULES AND REGULATIONS APPLICABLE TO THIS ACCOUNT.

FILED
013:51302
JUN 24 2008

William A. Shaw
Prothonotary/Clerk of Courts

icc Amy Rapach
(will serve)



CLEARFIELD BANK
&
TRUST COMPANY

168586

REMITTER: CLFD BANK & TRUST CO

7/01/08

PAY TO THE
ORDER OF

CLEARFIELD CO PROTHONOTARY

EXACTLY **3,931 AND 94/100 DOLLARS

\$ 3,931.94

CASHIER'S CHECK

THE PURCHASE OF AN INDEMNITY BOND WILL BE REQUIRED BEFORE ANY
CASHIER'S CHECK OF THIS BANK WILL BE REPLACED OR REFUNDED IN THE
EVENT IT IS LOST, MISPLACED OR STOLEN.

AUTHORIZED SIGNATURE

Bonnie Kelly

⑈0000168586⑈ ⑆031306294⑆ 19000027⑈



CLEARFIELD BANK
&
TRUST COMPANY

168586

REMITTER: CLFD BANK & TRUST CO

DATE 7/01/08

CLEARFIELD CO PROTHONOTARY

EXACTLY **3,931 AND 94/100 DOLLARS

\$ 3,931.94

CUSTOMER - FILE COPY

CASHIER'S CHECK

AUTHORIZED SIGNATURE

NOT NEGOTIABLE

Be

Clearfield County Court of Common Pleas

NO. 0020339

DISBURSEMENT

Wednesday, July 02, 2008

Paid to: E.M. Brown, Inc.
329 Mt. Joy Road

\$3931.94

Clearfield PA 16830

Three Thousand Nine Hundred Thirty-One and 94/100 Dollars

Case: 2003-00241-CD

ject: IN RE: Cooper Township, Rt. 53, Sec A04, etal.

For: Trust

3931.94 William A. Shaw, Prothonotary/Clerk of Courts

By: _____

Deputy Clerk

Clerk: BILLSHAW

NOT NEGOTIABLE