

2003-302-CD
WILLIAM L. KURTZ ETAL

VS

ETAL
TREASURE LAKE OF PA., INC.

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

WILLIAM L. KURTZ and
JOANNE C. KURTZ,
Plaintiffs

vs.

TREASURE LAKE OF
PENNSYLVANIA, INC.,
RECREATION LAND
CORPORATION and
JENARO MARTINEZ FLORES,
their heirs, successors and assigns
and all other persons claiming any
interest in the described property,
Defendants

: No. 03 - 302 - C.D.
:
: Type of Case: ACTION TO QUIET TITLE
:
: Type of Pleading: MOTION AND ORDER
: FOR SERVICE BY PUBLICATION
:
: Filed on Behalf of Plaintiffs
:
: Counsel of Record for this Party:
:
: PAUL E. CHERRY, ESQ.
: Supreme Court No. 42945
:
: CHERRY & CHERRY
: 23 East Park Avenue
: DuBois, PA 15801
: (814) 371-3288

*On Motion to - CA
w/ common*

FILED

MAR 04 2003

William A. Shaw
Prothonotary

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interest in the described property,
Defendants

: No. 03 -302 - C.D.
:
: Type of Case: ACTION TO QUIET TITLE
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: Type of Pleading: COMPLAINT
:
: Filed on Behalf of Plaintiff
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: Counsel of Record for this Party:
:
: PAUL E. CHERRY, ESQ.
: Supreme Court No.42945
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: CHERRY & CHERRY
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Prothonotary

David S. Meholick, Court Administrator
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-2641 Ext. 5982

4. Defendant, RECREATION LAND CORPORATION, was a Pennsylvania Corporation, who is believed to have dissolved and whose last known address is unknown.

5. Defendant, JENARO MARTINEZ FLORES, was an adult individual, whose last known address was Zacatecas 701, Col. Guadalupe, Monclova, Coahuila, Mexico.

6. The premises which are the subject to this quiet title action:

ALL that certain tract of land designated as Lot No. 295, Section No. 15 in the Treasure Lake Subdivision in Sandy Township, Clearfield County, Pennsylvania.

7. On January 20, 1976, the premises were conveyed to Defendant, JENARO MARTINEZ FLORES, by deed of Defendant, TREASURE LAKE OF PENNSYLVANIA, INC., and recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania in Deed Book Volume 716, page 194.

8. On January 20, 1976, Defendant, JENARO MARTINEZ FLORES, entered into a Mortgage with Defendant, TREASURE LAKE OF PENNSYLVANIA, INC., for the sum of \$32,628.52 which was recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania in Deed Book Volume 319, page 027.

9. On May 13, 1977, an Action in Mortgage Foreclosure was filed against Defendant, JENARO MARTINEZ FLORES, by Defendant, TREASURE LAKE OF PENNSYLVANIA, INC., to No. 77-1307-CD.

10. On September 14, 1977, Default Judgement was entered against Defendant, JENARO MARTINEZ FLORES, and in favor of Defendant, TREASURE LAKE OF PENNSYLVANIA, INC.

11. The premises were seized, taken in execution and sold as the property as Defendant, JENARO MARTINEZ FLORES, at the suit of Defendant, TREASURE LAKE OF PENNSYLVANIA, INC. to No. 77-111-EX.

12. On January 12, 1977, a Deed was recorded in the Office of the Recorder of Clearfield County Pennsylvania in Deed Book Vol. 753, Page 226 which conveyed the property from the Sheriff of Clearfield County to Defendant, TREASURE LAKE OF PENNSYLVANIA, INC.

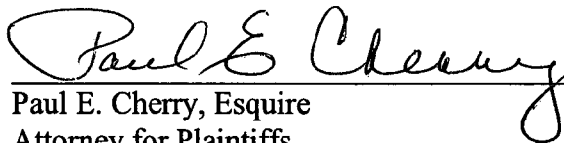
13. On November 28, 1979, the premises were conveyed to Defendant, RECREATION LAND CORPORATION, by deed of Defendant, TREASURE LAKE OF PENNSYLVANIA, INC., and recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania in Deed Book Volume 790, page 450.

14. On September 13, 1993, the premises were conveyed to Plaintiffs by deed of Defendant, RECREATION LAND CORPORATION, and recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania in Deed Book Volume 1563, page 250.

WHEREFORE, Plaintiff, WILLIAM L. KURTZ AND JOANNE C. KURTZ, requests this Honorable Court enter an Order declaring that title to the premises which is the subject of this Complaint be vested in Plaintiffs free and clear of any claim or right of the Defendants herein, their heirs, successors and assigns.

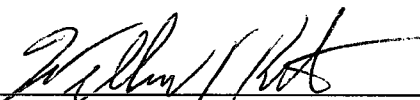
Respectfully submitted,

CHERRY & CHERRY



Paul E. Cherry, Esquire
Attorney for Plaintiffs

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

Date: 2/25/03


William L. Kurtz

Date: 2/25/03


Joanne C. Kurtz

FILED

0111: 07:00
MAR 04 2003

William A. Shaw
Prothonotary

Atty Cherry
Pd. 95.00
1 cc Atty Cherry

Cherry & Cherry
23 EAST PARK AVENUE
DUBOIS, PENNSYLVANIA 15801

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
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vs.


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interest in the described property,
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: Filed on Behalf of: PLAINTIFFS
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: Counsel of Record for this Party:
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: PAUL E. CHERRY, ESQ.
: Supreme Court No.42945
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: CHERRY & CHERRY
: 23 East Park Avenue
: DuBois, PA 15801
: (814) 371-3288

FILED

APR 10 2003

William A. Shaw
Prothonotary


Paul E. Cherry, Esquire
Attorney for Plaintiffs

ALL that certain tract of land designated as Lot No. 295, Section No. 15 in the Treasure Lake Subdivision in Sandy Township, Clearfield County, Pennsylvania.

2. That the right of the Plaintiffs is superior to the rights of the Defendants, TREASURE LAKE OF PENNSYLVANIA, INC., RECREATION LAND CORPORATION and JENARO MARTINEZ FLORES, their heirs, devisees, administrators, executors and assigns, and all other persons, firms, partnerships or corporate entities in interest.

3. That the Plaintiffs have title in fee simple to said premises as described in the Complaint as against the Defendants, TREASURE LAKE OF PENNSYLVANIA, INC., RECREATION LAND CORPORATION and JENARO MARTINEZ FLORES, their heirs, devisees, administrators, executors and assigns, and all other persons, firms, partnerships or corporate entities in interest.

4. That the Defendants, TREASURE LAKE OF PENNSYLVANIA, INC., RECREATION LAND CORPORATION and JENARO MARTINEZ FLORES, their heirs, devisees, administrators, executors and assigns, and all other persons, firms, partnerships or corporate entities in interest, are enjoined and forever barred from asserting any right, title or interest in and to the premises described which are inconsistent with the interest or claims of the Plaintiff as set forth in his Complaint and from setting up any title to the premises and from impeaching, denying or in any way attacking the title to the Plaintiffs to the premises.

5. That the Thirty (30) day provision of Pennsylvania Rules of Civil Procedure 1066(b)(i) be modified as to eliminate the said Thirty (30) day Rule of Pennsylvania Rules of Civil Procedure from this case. Said modification is in accordance with the authority vested in this Court by virtue of the Pennsylvania Rules of Civil Procedure No. 248, to eliminate any time period prescribed by Pennsylvania Rules of Civil Procedure upon Order of Court.

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

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

BY THE COURT,


_____ J.

FILED
APR 10 2003

William A. Shaw
Proprietary

Cherry & Cherry
23 EAST PARK AVENUE
DUBOIS, PENNSYLVANIA 15801

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
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FILED

MAR 04 2003

William A. Shaw
Prothonotary

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ORDER

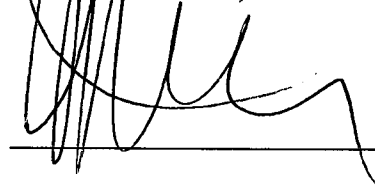
AND NOW, this 5th day of March, 2003, upon consideration of Plaintiffs' Motion for Service by Publication, the Plaintiffs are granted leave to make service of the Complaint on the Defendants, their heirs, successors and assigns, by publication, once in the Clearfield County Legal Journal and once in the Courier Express, a newspaper of general circulation in the City of DuBois, Clearfield County, Pennsylvania, according to the notice attached hereto.

FILED

MAR 05 2003

William A. Shaw
Prothonotary

BY THE COURT,



J.

FILED

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MAR 05 2003

William A. Shaw
Prothonotary

Atty Real Cherry
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FILED

MAR 7 11 5003

WILLIAM A. SHAW
Prothonotary

Notary Public

If you wish to defend, you must take action within twenty (20) days from 'the date of this publication 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 in the Complaint. 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 the relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

David S. Meholick, Court Administrator
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-2541, Ext. 5982

Paul E. Cherry, Esquire
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23 East Park Avenue
DuBois, PA 15801

CA

FILED

Q/11:13-861
MAR 04 2003

William A. Shaw
Prothonotary

Cherry & Cherry
23 EAST PARK AVENUE
DUBOIS, PENNSYLVANIA 15801

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: Filed on Behalf of Plaintiff
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: Counsel of Record for this Party:
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: PAUL E. CHERRY, ESQ.
: Supreme Court No.42945
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: CHERRY & CHERRY
: 23 East Park Avenue
: DuBois, PA 15801
: (814) 371-3288

FILED

APR 23 2003

William A. Shaw
Prothonotary


Paul E. Cherry, Esquire
Attorney for Plaintiffs

FILED

APR 23 2003

0/12:47 P.M.

William A. Shaw
Prothonotary

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Sherry & Sherry
23 EAST PARK AVENUE
DUBOIS, PENNSYLVANIA 15801