

2003-302-CD
WILLIAM L. KURTZ ETAL

VS

TREASURE LAKE OF PA., INC.
ETAL

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 file - TO-CH
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FILED

MAR 04 2003

William A. Shaw
Prothonotary

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

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the Plaintiffs. 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 OUR WHERE YOU CAN GET LEGAL HELP.

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

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

WILLIAM L. KURTZ and	:	No. 03 -	- C.D.
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	:		

COMPLAINT

AND NOW, comes the Plaintiffs, WILLIAM L. KURTZ and JOANNE C. KURTZ, by and through their attorneys, CHERRY & CHERRY, who files a Complaint to Quiet Title upon a cause of action of which the following is a statement;

1. Plaintiff, WILLIAM L. KURTZ, is an adult individual who resides at 1045 Treasure Lake, DuBois, Clearfield County, Pennsylvania 15801.
2. Plaintiff, JOANNE C. KURTZ, is an adult individual, intermarried with Plaintiff, WILLIAM L. KURTZ, who resides at 1045 Treasure Lake, DuBois, Clearfield County, Pennsylvania 15801.
3. Defendant, TREASURE LAKE OF PENNSYLVANIA, INC., was a Pennsylvania Corporation, who is believed to have dissolved and whose last known address is unknown.

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.

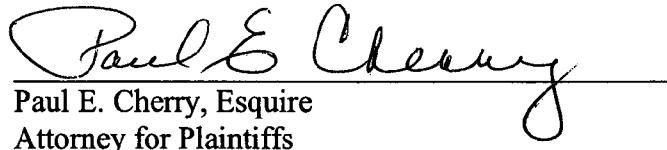
13. On November 28, 1979, the premises were conveyed to Defendant, RECREATION LAND CORPORATION, by deed of Defendant, TREASURE LAKE OF PENNSYLVANIA, INC., and recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania in Deed Book Volume 790, page 450.

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,

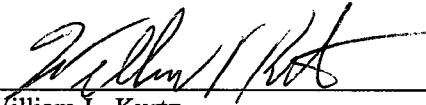
CHERRY & CHERRY



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

O/11.07/01
MAR 04 2003

temp
Amy Cherry
P.O. 9500

William A. Shaw
Prothonotary

I.C.C. Amy Cherry

Cherry & Cherry
23 EAST PARK AVENUE
DUBOIS, PENNSYLVANIA 15801

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

WILLIAM L. KURTZ and
JOANNE C. KURTZ,
Plaintiff

vs.

TREASURE LAKE OF
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CORPORATION and
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: No. 03 - 302 - C.D.
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: Counsel of Record for this Party:
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: Supreme Court No.42945
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: 23 East Park Avenue
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FILED

APR 10 2003

William A. Shaw
Prothonotary

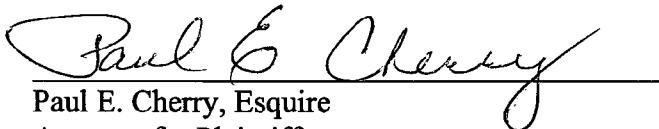
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

WILLIAM L. KURTZ and	:	No. 03 - 302 - C.D.
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	:	

MOTION

AND NOW, this 10th day of April, 2003, an Affidavit having been filed by Paul E. Cherry, Esquire, Attorney for the Plaintiffs, with this Motion and Order, that the Complaint with Notice to Plead was served on the Defendants and the Defendants have not answered, the Plaintiffs, by their attorney, Paul E. Cherry, Esquire, move the Court to enter judgment in favor of the Plaintiffs and against the Defendants in the above-captioned case and to grant to the Plaintiffs the relief prayed for in accordance with Pennsylvania Rules of Civil Procedure 1066. Plaintiffs further request that this Honorable Court modify in accordance with Pennsylvania Rules of Civil Procedure, Rule 248, the Thirty (30) day period provided Defendants by Pennsylvania Rules of Civil Procedure, Rule 1066(b) to assert any right, lien, title or interest in the land inconsistent with the interest or claim Plaintiffs set forth in their Complaint.

CHERRY & CHERRY

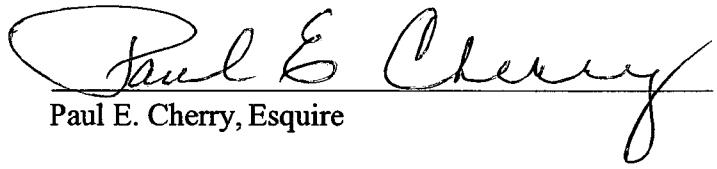

Paul E. Cherry, Esquire
Attorney for Plaintiffs

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

WILLIAM L. KURTZ and	:	No. 03 - 302 - C.D.
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	:	

AFFIDAVIT

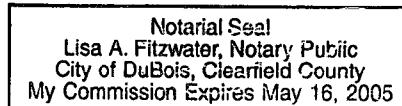
PAUL E. CHERRY, ESQUIRE, being duly sworn according to law, deposes and says that the Complaint with the Notice to Plead was filed to the above-captioned action, that said Complaint and Notice was served on the Defendants, their heirs, successors and assigns, by publication once in the Clearfield County Legal Journal and once in the Courier Express the week of March 16, 2003, and that Defendants have not answered.


Paul E. Cherry, Esquire

Sworn to and subscribed before me

this 10th day of April, 2003.


Lisa A. Fitzwater
Notary Public



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

WILLIAM L. KURTZ and	:	No. 03 - 302 - C.D.
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	:	

FILED

APR 16 2003

William A. Shaw
Prothonotary

ORDER

AND NOW, this 16th day of April, 2003, it appearing that service of the Complaint to Quiet Title Action in the above action was served on all of the Defendants and by Affidavit of Paul E Cherry, Esquire, Attorney for Plaintiffs, no Answer or Appearance has been filed to said action, and on Motion of Cherry & Cherry, Attorney for Plaintiffs, it is hereby

ORDERED AND DECREED:

1 That 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 forever barred from asserting any right, title, lien or interest inconsistent with the interest or claim of the Plaintiffs as set forth in their Complaint in and to the following parcel of land situate as follows:

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.

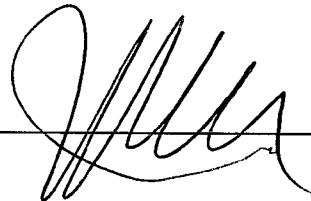
4. That the Defendants, TREASURE LAKE OF PENNSYLVANIA, INC., RECREATION LAND CORPORATION and JENARO MARTINEZ FLORES, their heirs, devisees, administrators, executors and assigns, and all other persons, firms, partnerships or corporate entities in interest, are enjoined and forever barred from asserting 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,

A handwritten signature in black ink, appearing to read "Miller", is written over a horizontal line.

J.

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APR 10 2003

Mr. Paul Chesen

William A. Shaw
Prothonotary

Cherry & Cherry
23 EAST PARK AVENUE
DUBOIS, PENNSYLVANIA 15801

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

WILLIAM L. KURTZ and
JOANNE C. KURTZ,
Plaintiffs

vs.

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and all other persons claiming any
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: 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

FILED

MAR 04 2003

William A. Shaw
Prothonotary

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

WILLIAM L. KURTZ and	:	No. 03 -	- C.D.
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	:		

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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Atty Paul Cherry

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William A. Shaw
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WILLIAM A. SHAW
PROTHROSTAY

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

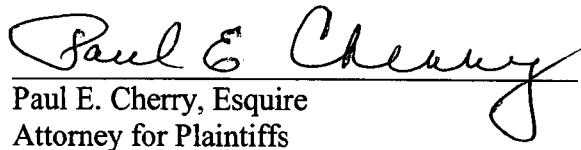
WILLIAM L. KURTZ and	:	No. 03 -	- C.D.
JOANNE C. KURTZ,	:		
Plaintiffs	:		
	:		
vs.	:		
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RECREATION LAND	:		
CORPORATION and	:		
JENARO MARTINEZ FLORES,	:		
their heirs, successors and assigns	:		
and all other persons claiming any	:		
interest in the described property,	:		
Defendants	:		

MOTION FOR SERVICE BY PUBLICATION

AND NOW, to wit, this 28th day of February, 2003, an Affidavit having been executed by the Attorney for the Plaintiffs that the identity and whereabouts of the various heirs, successors and assigns of the Defendants are unknown, and Plaintiffs, by and through their attorneys, CHERRY & CHERRY, move the Court for leave to serve the Complaint on the above-named Defendants, their heirs, successors and assigns by publication in such manner as the Court shall direct as provided by Pennsylvania Rules of Civil procedure 410 and 430.

Respectfully submitted,

CHERRY & CHERRY

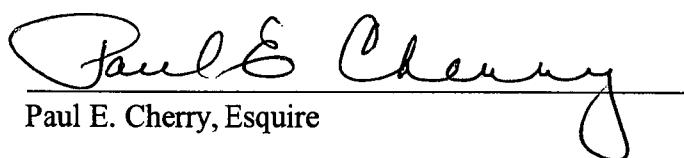

Paul E. Cherry, Esquire
Attorney for Plaintiffs

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

WILLIAM L. KURTZ and	:	No. 03 -	- C.D.
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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	:		

AFFIDAVIT

PAUL E. CHERRY, ESQUIRE, being duly sworn according to law, deposes and says that he is the attorney for the Plaintiffs in the foregoing Quiet Title action and that he has been unable to discover the whereabouts and identity of the heirs, successors and assigns of the Defendants.



Paul E. Cherry, Esquire

Sworn to and subscribed before me
this 28 day of February 2003.

Notary Public

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

WILLIAM L. KURTZ and	:	No. 03 -	- C.D.
JOANNE C. KURTZ,	:		
Plaintiffs	:		
	:		
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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	:		

ACTION TO QUIET TITLE
NOTICE

TO: 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:

You are hereby notified that the Plaintiffs have filed an Action to Quiet Title to 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.

BEING the same premises conveyed to William L. Kurtz and Joanne C. Kurtz by deed of Recreation Land Corporation, dated September 13, 1993, and recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania in Deed Book 1563, Page 250.

You have been sued in court. The Court has ordered that notice of this be served on the Defendants, their heirs, successors and assigns and all other persons claiming any interest in the described property by advertisement.

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

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

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FILED

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MAR 04 2003

William A. Shaw
Prothonotary

1CC *AGC*
AG Cherry

Cherry & Cherry
23 EAST PARK AVENUE
DUBOIS, PENNSYLVANIA 15801

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

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FILED

APR 23 2003

William A. Shaw
Prothonotary

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

PRAECIPE FOR JUDGMENT

To: WILLIAM SHAW, PROTHONOTARY

Please enter judgment in favor of the Plaintiffs and against the Defendants herein as per
Order of Court dated the 16th day of April, 2003, in the above quiet title action.

CHERRY & CHERRY



Paul E. Cherry, Esquire
Attorney for Plaintiffs

FILED

APR 23 2003

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William A. Shaw
Prothonotary

Mr. & Mrs.
Cherry & Cherry

23 EAST PARK AVENUE
DUBOIS, PENNSYLVANIA 15801