

03-641-CD
JOSEPH L. CUSICK, ETAL VS. WHITE DUGAN COAL COMPANY

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

JOSEPH L. CUSICK and JOAN
M. CUSICK,

Plaintiffs,

vs.

WHITE DUGAN COAL COMPANY,
its successors, administrators, assigns, and
all person, persons, firms, and partnerships
or corporate entity in interest or their legal
representatives,

Defendants.

No. 03 - 641 - C.D.

Type of Case: ACTION TO QUIET
TITLE

Type of Pleading:
COMPLAINT

Filed on Behalf of:
PLAINTIFFS

Counsel of Record for this Party:
BENJAMIN S. BLAKLEY, III

Supreme Court No. 26331

BLAKLEY & JONES
90 Beaver Drive, Box 6
Du Bois, PA 15801
(814) 371-2730

FILED

APR 28 2003

William A. Shaw
Prothonotary

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

JOSEPH L. CUSICK and JOAN
M. CUSICK,

Plaintiffs,

vs.

No. 03 - - C.D.

WHITE DUGAN COAL COMPANY,
its successors, administrators, assigns, and
all person, persons, firms, and partnerships
or corporate entities in interest or their legal
representatives,

Defendants.

NOTICE

TO: **WHITE DUGAN COAL COMPANY**, its heirs, devisees, executors, administrators, assigns and successors, and all person, persons, firms and partnerships or corporate entities in interest, or their legal representatives, Defendants

You are hereby notified that an action to quiet title to premises situate in Decatur Township, Clearfield County, Pennsylvania, has been filed against you. Said premises are described as follows:

ALL that certain piece or parcel situate in Decatur Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a set 3/4" iron rebar corner, said corner being the northwest corner of the property described herein; thence along land of now or formerly Thomas M. Pecosh, North 42 degrees 45 minutes 04 seconds East, a distance of 114.69 feet to a found set 1" iron pipe corner; thence along land of now or formerly Nearhoof Machine, Inc., South 32 degrees 14 minutes 35 seconds East a distance of 289.30 feet to a set 3/4" iron rebar corner; thence along land of now or formerly Charles F. and Deborah M. Nearhoof, South 32 degrees 14 minutes 45 seconds West, a distance of 431.44 feet to a set 3/4" iron rebar corner; thence along Lot 1, North 35 degrees 26 minutes 28 seconds West, a distance of 122.09 feet to a set 3/4" iron rebar corner;

thence along Lot 1, North 45 degrees 46 minutes 49 seconds East, a distance of 259.11 feet to a set 3/4" iron rebar corner; thence along Lot 1, North 25 degrees 43 minutes 15 seconds West, a distance of 56.24 feet to a set 3/4" iron rebar corner; thence along the residual lot, North 26 degrees 21 minutes 57 seconds East, a distance 98.24 feet to a set 3/4" iron rebar corner; thence along the residual lot, North 51 degrees 57 minutes 25 seconds West, a distance of 172.83 feet to a set 3/4" iron rebar corner, the place of beginning.

Containing 1.23 acres and being shown as Lot 2 on a plan titled "Preliminary/Final Subdivision Plan of Amelia L. Cimino, Decatur Township, Clearfield County", as prepared by Hess & Fisher Engineers, Inc., dated November 2, 2001, and said plan recorded in Clearfield County Instrument No. 200120083 to Map File No. 2463.

Along with Right-of-Way from State Route 53 to Lot 2, said Right-of-Way bounded and described as follows:

BEGINNING at a point, said point being in the southern right-of-way line of State Route 53; thence along the southern right-of-way line of State Route 53; North 58 degrees 15 minutes 36 seconds (N 58° 15' 36" E) East, a distance of 54.00 feet to a point; thence across land of now or formerly Nearhoof Machine, Inc. these following courses and distances: by a curve to the right with a radius of 86.07 feet, the chord of which is, South 16 degrees 33 minutes 54 seconds West (S 16° 33' 54" W), 30.62 feet to a point; South 28 degrees 34 minutes 12 seconds West (S 28° 34' 12" W), 201.18 feet to a point; by a curve which is to the left with a radius of 431.96 feet, the chord of which is, South 21 degrees 57 minutes 54 seconds West (S 21° 57' 54" W), 79.13 feet to a point; by a curve to the right with a radius of 46.28 feet, the chord of which is, South 33 degrees 02 minutes 06 seconds West (S 33° 02' 06" W), 37.96 feet to a point; by a curve to the right with a radius of 1971.71 feet, the chord of which is, South 48 degrees 45 minutes 32 seconds West (S 48° 45' 32" W), 98.47 feet to a point; thence across Lot 2 these following courses and distances: by a curve to the right with a radius of 1971.71 feet, the chord of which is, South 46 degrees 34 minutes 45 seconds West (S 46° 34' 45" W), 51.55 feet to a point; by a curve to the left with a radius of 44.61 feet, the chord of which is, South 08 degrees 06 minutes 36 seconds East (S 08° 06' 36" E), 30.41 feet to a point; South 34 degrees 18 minutes 00 seconds East (S 34° 18' 00" E), 40.38 feet to a point; by a curve to the right with a radius of 107.68 feet, the chord of which is, South 16 degrees 35 minutes 29 seconds East (S 16° 35' 29" E), 45.99 feet to a point; thence across land of now or formerly Charles F. and Deborah M. Nearhoof, Jr. these following courses and distances: by a curve to the right with a radius of 107.68 feet, the chord of which is, South 06 degrees 17 minutes 06 seconds West (S 06° 17' 06" W), 39.42 feet to a point; South 15 degrees 19 minutes 48 seconds West (S 15° 19' 48" W), 21.38 feet to a point; by a curve to the right with a radius of 1990.90 feet, the chord of which

is South 22 degrees 17 minutes 06 seconds West (S 22° 17' 06" W), 165.70 feet to a point; by a curve to the left with a radius of 789.05 feet, the chord of which is, South 21 degrees 03 minutes 49 seconds West (S 21° 03' 49" W), 70.66 feet to a point; South 61 degrees 38 minutes 16 seconds West (S 61° 38' 16" W), 47.20 feet to a point; by a curve to the right with a radius of 42.26 feet, the chord of which is, North 85 degrees 05 minutes 42 seconds West (N 85° 05' 42" W), 48.10 feet to a point; thence along Lot 2, North 32 degrees 19 minutes 47 seconds East (N 32° 19' 47" E), a distance of 34.36 feet to a point; thence across land of now or formerly Charles F. and Deborah M. Nearhoof, Jr. these following courses and distances: by a curve to the right with a radius of 9.26 feet, the chord of which is, South 71 degrees 06 minutes 32 seconds East (S 71° 06' 32" E), 13.91 feet to a point; North 61 degrees 37 minutes 32 seconds East (N 61° 37' 32" E), 35.13 feet to a point; by a curve to the left with a radius of 822.05 feet, the chord of which is, North 21 degrees 32 minutes 03 seconds East (N 21° 32' 03" E), 60.70 feet to a point; by a curve to the left with a radius of 1957.90 feet, the chord of which is, North 22 degrees 55 minutes 13 seconds East (N 22° 55' 13" E), 120.25 feet to a point; thence across Lot 2 these following courses and distances: by a curve to the left with a radius of 1957.90 feet, the chord of which is, North 20 degrees 32 minutes 43 seconds East (N 20° 32' 43" E), 42.05 feet to a point; North 15 degrees 19 minutes 48 seconds East (N 15° 19' 48" E), 20.53 feet to a point; by a curve to the right with a radius of 74.68 feet, the chord of which is, North 05 degrees 21 minutes 18 seconds West (N 05° 21' 18" W), 57.12 feet to a point; North 34 degrees 18 minutes 00 seconds West (N 34° 18' 00" W), 40.19 feet to a point; by a curve to the left with a radius of 77.16 feet, the chord of which is, North 19 degrees 32 minutes 42 seconds West (N 19° 32' 42" W), 27.26 feet to a point; thence across the residual lot, North 09 degrees 48 minutes 36 seconds East (N 09° 48' 36" E), 43.63 feet to a point; thence across Lot 2, by a curve to the right with a radius of 2004.71 feet, the chord of which is, North 46 degrees 36 minutes 46 seconds East (N 46° 36' 46" E), 61.77 feet to a point; thence across land of now or formerly Nearhoof Machine, Inc. these following courses and distances: by a curve to the right with a radius of 2004.71 feet, the chord of which is, North 48 degrees 52 minutes 40 seconds East (N 48° 52' 40" E), 96.72 feet to a point; by a curve to the right with a radius of 13.28 feet, the chord of which is, North 32 degrees 44 minutes 24 seconds East (N 32° 44' 24" E), 13.53 feet to a point; by a curve to the left with a radius of 464.96 feet, the chord of which is, North 21 degrees 48 minutes 00 seconds East (N 21° 48' 00" E), 88.64 feet to a point; North 28 degrees 34 minutes 12 seconds East (N 28° 34' 12" E), 184.46 feet to a point in the southern right-of-way line of State Route 53, the place of beginning.

The said right-of-way vested in the Grantor by Right-of-Way Easement dated January 4, 2002 and recorded in Clearfield County Instrument No. 200200212. It being the Third Thereof Easement in said Right-of-Way Easement.

EXCEPTING AND RESERVING from the above described real property a right-of-way with the rights and under the terms and conditions set forth in the Right-of-Way Easement for a water line dated January 4, 2002 from Amelia L. Cimino to Nicholas P. Cimino and Doris A. Cimino, recorded in Clearfield County Instrument No. 200200215. The Right-of-Way Easement is over a part of Lot 2 conveyed herein and the entire Right-of-Way is bounded and described as follows:

BEGINNING at a point said point being southwest of a found iron pipe corner, thence across Lot 2 these following courses and distances, South 32 degrees 14 minutes 35 seconds East, a distance of 213.09 feet to a point; by a curve to the right with a radius of 37.45 feet, the chord of which is, South 10 degrees 24 minutes 43 seconds West, 51.36 feet to a point; South 51 degrees 57 minutes 20 seconds West, 273.99 feet to a point; South 56 degrees 01 minute 58 seconds West, 127.65 feet to a point; thence along Lot 1, North 32 degrees 19 minutes 49 seconds West, 10.00 feet to a point; thence across Lot 1 these following courses and distances: North 56 degrees 01 minute 58 seconds East, 127.01 feet to a point; North 51 degrees 57 minutes 20 seconds East 273.80 feet to a point on Lot 2: thence across Lot 2 by a curve to the left with a radius of 27.45, the chord of which is North 10 degrees 30 minutes 19 seconds East, 37.78 feet to a point; North 32 degrees 14 minutes 35 seconds West, 210.46 feet to a point; North 42 degrees 45 minutes 04 seconds East, 10.35 feet to a point, the place of beginning.

This Right-of-Way runs from the northern part of Lot 2 in a southern direction and then curves to the southwest across the northern portion of Lot 1 to Parcel 74, however, the Right-of-Way is not specifically shown on the plan of Amelia L. Cimino, recorded in Clearfield County Instrument No. 200120083 to Map File No. 2463.

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

Court Administrator
Clearfield County Courthouse
Second & Market Streets
Clearfield, Pennsylvania 16830
(814) 765-2641 Ext. 50-51

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WHITE DUGAN COAL COMPANY,
its successors, administrators, assigns, and
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representatives,

Defendants.

COMPLAINT

AND NOW, come the Plaintiffs, **JOSEPH L. CUSICK** and **JOAN M. CUSICK**, by and through their attorneys, **BLAKLEY & JONES**, and brings this action to quiet title to the premises hereinafter described against the above named Defendants and support thereof the following is averred:

1. Plaintiffs are **JOSEPH L. CUSICK** and **JOAN M. CUSICK**, husband and wife, adult individuals, residing at P. O. Box 223 Erin Avenue, Brisbin, Clearfield County, Pennsylvania 16620.

2. The Defendant, **WHITE DUGAN COAL COMPANY**, a Pennsylvania Corporation having its last known address at Osceola Mills, Clearfield County, Pennsylvania.

3. After diligent search, Plaintiffs have been unable to ascertain who or where any parties or their successors in interest, or legal representatives may be found against them to bring suit other

than those parties listed as the Defendants and referenced in the caption to this Complaint, which is incorporated herein by reference.

4. The purpose of this action is to quiet title to the following described real estate:

ALL that certain piece or parcel situate in Decatur Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a set 3/4" iron rebar corner, said corner being the northwest corner of the property described herein; thence along land of now or formerly Thomas M. Pecosh, North 42 degrees 45 minutes 04 seconds East, a distance of 114.69 feet to a found set 1" iron pipe corner; thence along land of now or formerly Nearhoof Machine, Inc., South 32 degrees 14 minutes 35 seconds East a distance of 289.30 feet to a set 3/4" iron rebar corner; thence along land of now or formerly Charles F. and Deborah M. Nearhoof, South 32 degrees 14 minutes 45 seconds West, a distance of 431.44 feet to a set 3/4" iron rebar corner; thence along Lot 1, North 35 degrees 26 minutes 28 seconds West, a distance of 122.09 feet to a set 3/4" iron rebar corner; thence along Lot 1, North 45 degrees 46 minutes 49 seconds East, a distance of 259.11 feet to a set 3/4" iron rebar corner; thence along Lot 1, North 25 degrees 43 minutes 15 seconds West, a distance of 56.24 feet to a set 3/4" iron rebar corner; thence along the residual lot, North 26 degrees 21 minutes 57 seconds East, a distance 98.24 feet to a set 3/4" iron rebar corner; thence along the residual lot, North 51 degrees 57 minutes 25 seconds West, a distance of 172.83 feet to a set 3/4" iron rebar corner, the place of beginning.

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This Right-of-Way runs from the northern part of Lot 2 in a southern direction and then curves to the southwest across the northern portion of Lot 1 to Parcel 74,

however, the Right-of-Way is not specifically shown on the plan of Amelia L. Cimino, recorded in Clearfield County Instrument No. 200120083 to Map File No. 2463.

5. By Deed dated October 13, 1910, and recorded in Clearfield County Deed Book 182, page 507, George R. Meek and Ellen D. Meek, his wife, F. K. White and Sam White, his wife, Martin Dugan and Elizabeth Dugan, his wife, Joseph Dugan and Ellen Dugan, his wife; and James Dugan conveyed to the Defendants, White Dugan Coal Company, the property of which the subject property is a portion.

6. By Deed dated August 4, 1930, and recorded in Clearfield County Deed Book 284, page 223, Ira C. McClosky, High Sheriff of Clearfield County conveyed the property of which the subject property is a portion to First National Bank of Philipsburg as property formerly assessed to the White Dugan Coal Company.

7. By Deeds dated January 10, 1936, and recorded in Clearfield County Deed Book 344, pages 265, 267, and 275, W. B. Carr, Ira Jay, and J. O. Kessler, Commissioners of Clearfield County, Pennsylvania, did convey the property of which the subject property is a portion to The First National Bank of Philipsburg as property assessed in the name of White Dugan Coal Company for unpaid real estate taxes.

8. By Deed dated November 10, 1945, recorded in Clearfield County Deed Book 371, page 344, The First National Bank of Philipsburg conveyed the property of which the subject property is a parcel to Albert Jenesi.

9. By Deed date January 31, 1972, recorded in Clearfield County Deed Book 592, page 42, Albert Jenesi and Ann Jenesi, his wife, conveyed the property of which the subject property is a

portion to Harold K. Tish and Helene Tish, his wife, and Battista Cimino and Amelia L. Cimino, his wife.

10. By Deed date July 29, 1974, and recorded in Clearfield County Deed Book 690, page 141, Harold K. Tish, et. ux., and Battista Cimino, et. ux., conveyed the property of which the subject property is a parcel to Battista Cimino and Amelia L. Cinino, his wife.

11. The said Battista Cimino died November 11, 1992, thereby vesting title in the subject property in his wife, Amelia L. Cimino.

12. That by Deed, dated January 14, 2002, and recorded in the Office of the Recorder of Deeds, Clearfield County, to Instrument # 200200783 conveyed the subject property to the Plaintiffs Joseph L. Cusick and Joan M. Cusick.

13. No third party has ever made any claim of any kind to ownership of interest in or claim to or upon the property, except as set forth in this Complaint.

14. This action is brought to clear any and all clouds on the title to the ownership and interest to the property herein described, which the herein named Defendants, their heirs, devisees, executors, administrators, successors and assigns and all other person, persons, partnerships or corporate entities in interest or their legal representatives might claim, possess or assert pertaining to any alleged irregularities in the chain of title herein set forth.

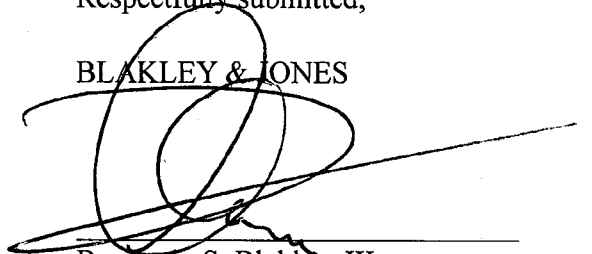
15. This suit to quiet title is instituted under the terms and provisions of the Pennsylvania Rules of Civil Procedure 1061 to 1067, inclusive, pertaining to the quieting of titles and other pertinent rules of local procedure.

WHEREFORE, your Plaintiffs request this Honorable Court to decree that title to the above-

described premises set forth in this Complaint is in the name of Plaintiffs, **JOSEPH L. CUSICK** and **JOAN M. CUSICK**, husband and wife, and that the Defendants, their executors, administrators and assigns and all other person, persons, firms, partnerships or corporate entities in interest or their legal representatives be forever barred from asserting any right, title, lien or interest in the land in question that is inconsistent with the interest of the Plaintiffs as set forth herein to the said premises or impeaching, denying or in any way attacking the Plaintiffs' title to the said premises; and that your Honorable Court make any other order necessary for the granting of proper relief as it deems necessary to equitably and legally recognize and preserve Plaintiffs' rights in this matter.

Respectfully submitted,

BLAKLEY & JONES



Benjamin S. Blakley, III
Attorney for Plaintiffs

VERIFICATION

WE, **JOSEPH L. CUSICK and JOAN M. CUSICK**, being duly authorized to make this verification, have read the foregoing Complaint. The statements therein are correct to the best of my personal knowledge or information and belief.

This statement and verification is made subject to the penalties of 18 Pa. C. S. Section 4904 relating to unsworn fabrication to authorities, which provides that if I make knowingly false averments I may be subject to criminal penalties.

DATED: 4-21-2003

Joseph L Cusick
JOSEPH L. CUSICK

DATED: 4/21/2003

Joan M. Cusick
JOAN M. CUSICK

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Type of Pleading: MOTION FOR SERVICE
OF COMPLAINT ON DEFENDANTS BY
PUBLICATION

Filed on Behalf of:
PLAINTIFFS

Counsel of Record for this Party:
BENJAMIN S. BLAKLEY, III

Supreme Court No. 26331

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90 Beaver Drive, Box 6
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MOTION FOR SERVICE OF COMPLAINT ON DEFENDANTS BY PUBLICATION

AND NOW, this _____ day of _____, 2003, an Affidavit having been executed and filed by the Plaintiffs through their attorneys that the identity and whereabouts of the Defendants, their heirs and assigns are unknown, Plaintiffs move the Court for leave to serve the Complaint on the above-mentioned Defendants, their heirs and assigns, by publication in such a manner as the Court shall direct, as provided by the Pennsylvania Rules of Civil Procedure No. 410 and 430(b).

BLAKLEY & JONES

Benjamin S. Blakley, III
Attorney for Plaintiffs

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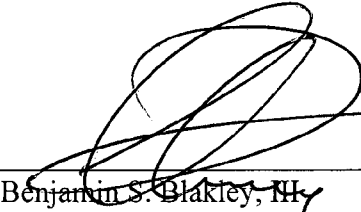
Defendants.

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :

BENJAMIN S. BLAKLEY, III, being duly sworn according to law, deposes and says that he is the attorney for the Plaintiffs in the above-captioned matter and he has been unable to discover the whereabouts and identity of the above-named Defendants, their heirs and assigns, and has caused the records in the Offices of the Register and Recorder of Clearfield County to be examined to ascertain the date of death of the Defendants, whether they died testate or intestate, the names and addresses of all of the Defendants' heirs, legatees or devisees, and whether or not there has been any

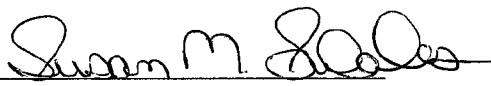
adverse conveyance of the real estate that is subject to suit and that he has made a good faith effort to locate the whereabouts of the Defendants.

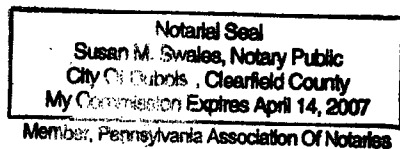

Benjamin S. Blakley, III
Attorney For Plaintiffs

Sworn to and subscribed

before me this 28th

day of April, 2003.


Notary Public



FILED

3:11 PM 1cc to atty

APR 28 2003

William A. Sherry
Prothonotary



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

JOSEPH L. CUSICK and JOAN M.
CUSICK,

Plaintiffs,

vs.

WHITE DUGAN COAL COMPANY, its
successors, administrators,
assigns, and all person, persons,
firms, and partnerships or
corporate entity in interest or
their legal representatives

Defendants.

ORDER

No. 03-641-C.D.

FILED

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013:25 PM
JUN 12 2003

William A. Shaw
Prothonotary

LAW OFFICES

BLAKLEY & JONES

90 BEAVER DRIVE - BOX 6
DUBOIS, PA 15801

Atty Blakley
Jes

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

JOSEPH L. CUSICK and JOAN
M. CUSICK,

Plaintiffs,

vs.

WHITE DUGAN COAL COMPANY,
its successors, administrators, assigns, and
all person, persons, firms, and partnerships
or corporate entity in interest or their legal
representatives,

Defendants.

No. 03 - 641 - C.D.

Type of Case: ACTION TO QUIET
TITLE

Type of Pleading:
ORDER

Filed on Behalf of:
PLAINTIFFS

Counsel of Record for this Party:
BENJAMIN S. BLAKLEY, III

Supreme Court No. 26331

BLAKLEY & JONES
90 Beaver Drive, Box 6
Du Bois, PA 15801
(814) 371-2730

FILED

MAY 01 2003

William A. Shaw
Prothonotary

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

JOSEPH L. CUSICK and JOAN
M. CUSICK,

Plaintiffs,

vs.

No. 03 - 64 - C.D.

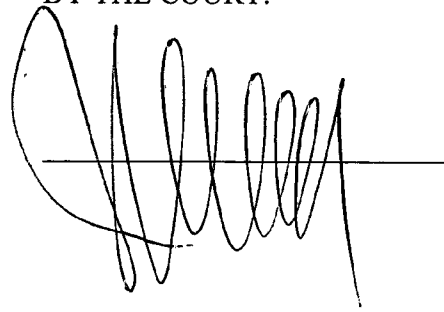
WHITE DUGAN COAL COMPANY,
its successors, administrators, assigns, and
all person, persons, firms, and partnerships
or corporate entity in interest or their legal
representatives,

Defendants.

ORDER

AND NOW, this 1st day of May, 2003, upon consideration of the foregoing
Plaintiffs' Motion for Service by Publication, the Plaintiffs are granted leave to make service of the
Complaint on the Defendants, their heirs and assigns, by publication once a week for one
consecutive week in the Clearfield Progress, newspapers of general circulation in Decatur Township,
Clearfield County, Pennsylvania, and one consecutive week in the Clearfield County Legal Journal
according to the notice hereto attached.

BY THE COURT:

A handwritten signature in black ink, appearing to be "J. L. Cusick", written over a horizontal line.

FILED

01 10:05-01
MAY 01 2003

icc
AngBakley
Ket

William A. Shaw
Prothonotary

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

JOSEPH L. CUSICK and JOAN
M. CUSICK,

Plaintiffs,

vs.

WHITE DUGAN COAL COMPANY,
its successors, administrators, assigns, and
all person, persons, firms, and partnerships
or corporate entity in interest or their legal
representatives,

Defendants.

No. 03 - 641 - C.D.

Type of Case: ACTION TO QUIET
TITLE

Type of Pleading:
MOTION FOR DEFAULT JUDGMENT

Filed on Behalf of:
PLAINTIFFS

Counsel of Record for this Party:
BENJAMIN S. BLAKLEY, III

Supreme Court No. 26331

BLAKLEY & JONES
90 Beaver Drive, Box 6
Du Bois, PA 15801
(814) 371-2730

FILED

JUN 12 2003

William A. Shaw
Prothonotary

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

JOSEPH L. CUSICK and JOAN
M. CUSICK,

Plaintiffs,

vs.

No. 03 - 641 - C.D.

WHITE DUGAN COAL COMPANY,
its successors, administrators, assigns, and
all person, persons, firms, and partnerships
or corporate entities in interest or their legal
representatives,

Defendants.

MOTION FOR DEFAULT JUDGMENT

AND NOW, comes the Plaintiffs, and, by and through their attorneys, **BLAKLEY & JONES**, and files this Motion For Default Judgment in the above captioned action and in support thereof avers:

1. This is an action to quiet title in which Plaintiffs request that Defendants, and their heirs, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest or their legal representatives be forever barred from asserting any right, title, liens or interests in or impeaching, levying or in any way attack the Plaintiffs' title to the land described in Plaintiffs' Complaint. A true and correct copy of Plaintiffs' Complaint is attached as Exhibit "A".

2. That by Order of this Court dated May 1, 2003, the Plaintiffs were given leave to serve the Complaint filed in the above captioned quiet title action by publication once in the Courier Express, once in The Progress, newspapers of general circulation in Clearfield County,

Pennsylvania, and once in the Clearfield County Legal Journal, the service by publication being allowed upon Motion and Affidavits filed by Plaintiffs that the whereabouts of the Defendants, **WHITE DUGAN COAL COMPANY**, their heirs, administrators, executors and assigns are unknown.

3. That pursuant to the Order of Court dated May 1, 2003, publication was made in The Progress on May 9, 2003, and in the Clearfield County Legal Journal on the week of May 16, 2003, Volume 15, No. 20. Respective Proofs of Publication are attached as Exhibit "B".

4. That more than twenty (20) days have passed since last service of the Complaint and no appearance nor answer to the Complaint has been filed by the Defendants, their heirs, administrators, executors and assigns.

5. Attached as Exhibit "C" is an Affidavit stating that a Complaint was served by publication once in The Progress, and once in the Clearfield County Legal Journal and more than twenty (20) days have elapsed since service and that Defendants, or anyone claiming under Defendants, have not entered an appearance or filed an answer to the Complaint.

6. Pa. R.C.P. 1066(a) allows this Honorable Court to grant appropriate relief upon Affidavit that a Complaint containing notice to the Defendants has been served and Defendants have not filed an answer.

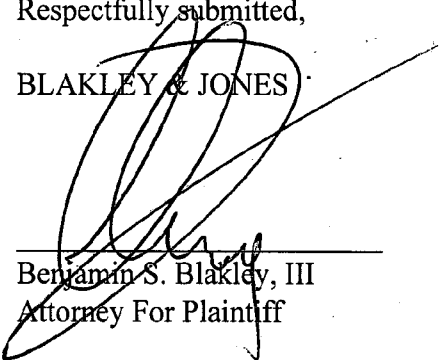
7. Pa. R.C.P. 248 permits this Honorable Court to modify the thirty (30) day period provided Defendants by Pa. R.C.P. 1066(b), to assert any right, title or interest in the land inconsistent with the interest or the claims set forth in their Complaint.

WHEREFORE, Your Honorable Court is respectfully requested to enter an Order for

judgment for the Plaintiffs as prescribed by Pa. R.C.P. 1066.

Respectfully submitted,

BLAKLEY & JONES



Benjamin S. Blakley, III
Attorney For Plaintiff

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

JOSEPH L. CUSICK and JOAN
M. CUSICK,

Plaintiffs,

vs.

WHITE DUGAN COAL COMPANY,
its successors, administrators, assigns, and
all person, persons, firms, and partnerships
or corporate entity in interest or their legal
representatives,

Defendants.

No. 03 - 641 - C.D.

Type of Case: ACTION TO QUIET
TITLE

Type of Pleading:
COMPLAINT

Filed on Behalf of:
PLAINTIFFS

Counsel of Record for this Party:
BENJAMIN S. BLAKLEY, III

Supreme Court No. 26331

BLAKLEY & JONES
90 Beaver Drive, Box 6
Du Bois, PA 15801
(814) 371-2730

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

APR 28 2003

Attest.

William L. Jones
Prothonotary/
Clerk of Courts

EXHIBIT "A"

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

JOSEPH L. CUSICK and JOAN
M. CUSICK,

Plaintiffs,

vs.

No. 03 - - C.D.

WHITE DUGAN COAL COMPANY,
its successors, administrators, assigns, and
all person, persons, firms, and partnerships
or corporate entities in interest or their legal
representatives,

Defendants.

NOTICE

TO: **WHITE DUGAN COAL COMPANY**, its heirs, devisees, executors, administrators, assigns and successors, and all person, persons, firms and partnerships or corporate entities in interest, or their legal representatives, Defendants

You are hereby notified that an action to quiet title to premises situate in Decatur Township, Clearfield County, Pennsylvania, has been filed against you. Said premises are described as follows:

ALL that certain piece or parcel situate in Decatur Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a set 3/4" iron rebar corner, said corner being the northwest corner of the property described herein; thence along land of now or formerly Thomas M. Pecosh, North 42 degrees 45 minutes 04 seconds East, a distance of 114.69 feet to a found set 1" iron pipe corner; thence along land of now or formerly Nearhoof Machine, Inc., South 32 degrees 14 minutes 35 seconds East a distance of 289.30 feet to a set 3/4" iron rebar corner; thence along land of now or formerly Charles F. and Deborah M. Nearhoof, South 32 degrees 14 minutes 45 seconds West, a distance of 431.44 feet to a set 3/4" iron rebar corner; thence along Lot 1, North 35 degrees 26 minutes 28 seconds West, a distance of 122.09 feet to a set 3/4" iron rebar corner;

thence along Lot 1, North 45 degrees 46 minutes 49 seconds East, a distance of 259.11 feet to a set 3/4" iron rebar corner; thence along Lot 1, North 25 degrees 43 minutes 15 seconds West, a distance of 56.24 feet to a set 3/4" iron rebar corner; thence along the residual lot, North 26 degrees 21 minutes 57 seconds East, a distance 98.24 feet to a set 3/4" iron rebar corner; thence along the residual lot, North 51 degrees 57 minutes 25 seconds West, a distance of 172.83 feet to a set 3/4" iron rebar corner, the place of beginning.

Containing 1.23 acres and being shown as Lot 2 on a plan titled "Preliminary/Final Subdivision Plan of Amelia L. Cimino, Decatur Township, Clearfield County", as prepared by Hess & Fisher Engineers, Inc., dated November 2, 2001, and said plan recorded in Clearfield County Instrument No. 200120083 to Map File No. 2463.

Along with Right-of-Way from State Route 53 to Lot 2, said Right-of-Way bounded and described as follows:

BEGINNING at a point, said point being in the southern right-of-way line of State Route 53; thence along the southern right-of-way line of State Route 53; North 58 degrees 15 minutes 36 seconds (N 58° 15' 36" E) East, a distance of 54.00 feet to a point; thence across land of now or formerly Nearhoof Machine, Inc. these following courses and distances: by a curve to the right with a radius of 86.07 feet, the chord of which is, South 16 degrees 33 minutes 54 seconds West (S 16° 33' 54" W), 30.62 feet to a point; South 28 degrees 34 minutes 12 seconds West (S 28° 34' 12" W), 201.18 feet to a point; by a curve which is to the left with a radius of 431.96 feet, the chord of which is, South 21 degrees 57 minutes 54 seconds West (S 21° 57' 54" W), 79.13 feet to a point; by a curve to the right with a radius of 46.28 feet, the chord of which is, South 33 degrees 02 minutes 06 seconds West (S 33° 02' 06" W), 37.96 feet to a point; by a curve to the right with a radius of 1971.71 feet, the chord of which is, South 48 degrees 45 minutes 32 seconds West (S 48° 45' 32" W), 98.47 feet to a point; thence across Lot 2 these following courses and distances: by a curve to the right with a radius of 1971.71 feet, the chord of which is, South 46 degrees 34 minutes 45 seconds West (S 46° 34' 45" W), 51.55 feet to a point; by a curve to the left with a radius of 44.61 feet, the chord of which is, South 08 degrees 06 minutes 36 seconds East (S 08° 06' 36" E), 30.41 feet to a point; South 34 degrees 18 minutes 00 seconds East (S 34° 18' 00" E), 40.38 feet to a point; by a curve to the right with a radius of 107.68 feet, the chord of which is, South 16 degrees 35 minutes 29 seconds East (S 16° 35' 29" E), 45.99 feet to a point; thence across land of now or formerly Charles F. and Deborah M. Nearhoof, Jr. these following courses and distances: by a curve to the right with a radius of 107.68 feet, the chord of which is, South 06 degrees 17 minutes 06 seconds West (S 06° 17' 06" W), 39.42 feet to a point; South 15 degrees 19 minutes 48 seconds West (S 15° 19' 48" W), 21.38 feet to a point; by a curve to the right with a radius of 1990.90 feet, the chord of which

is South 22 degrees 17 minutes 06 seconds West (S 22° 17' 06" W), 165.70 feet to a point; by a curve to the left with a radius of 789.05 feet, the chord of which is, South 21 degrees 03 minutes 49 seconds West (S 21° 03' 49" W), 70.66 feet to a point; South 61 degrees 38 minutes 16 seconds West (S 61° 38' 16" W), 47.20 feet to a point; by a curve to the right with a radius of 42.26 feet, the chord of which is, North 85 degrees 05 minutes 42 seconds West (N 85° 05' 42" W), 48.10 feet to a point; thence along Lot 2, North 32 degrees 19 minutes 47 seconds East (N 32° 19' 47" E), a distance of 34.36 feet to a point; thence across land of now or formerly Charles F. and Deborah M. Nearhoof, Jr. these following courses and distances: by a curve to the right with a radius of 9.26 feet, the chord of which is, South 71 degrees 06 minutes 32 seconds East (S 71° 06' 32" E), 13.91 feet to a point; North 61 degrees 37 minutes 32 seconds East (N 61° 37' 32" E), 35.13 feet to a point; by a curve to the left with a radius of 822.05 feet, the chord of which is, North 21 degrees 32 minutes 03 seconds East (N 21° 32' 03" E), 60.70 feet to a point; by a curve to the left with a radius of 1957.90 feet, the chord of which is, North 22 degrees 55 minutes 13 seconds East (N 22° 55' 13" E), 120.25 feet to a point; thence across Lot 2 these following courses and distances: by a curve to the left with a radius of 1957.90 feet, the chord of which is, North 20 degrees 32 minutes 43 seconds East (N 20° 32' 43" Elk), 42.05 feet to a point; North 15 degrees 19 minutes 48 seconds East (N 15° 19' 48" E), 20.53 feet to a point; by a curve to the right with a radius of 74.68 feet, the chord of which is, North 05 degrees 21 minutes 18 seconds West (N 05° 21' 18" W), 57.12 feet to a point; North 34 degrees 18 minutes 00 seconds West (N 34° 18' 00" W), 40.19 feet to a point; by a curve to the left with a radius of 77.16 feet, the chord of which is, North 19 degrees 32 minutes 42 seconds West (N 19° 32' 42" W), 27.26 feet to a point; thence across the residual lot, North 09 degrees 48 minutes 36 seconds East (N 09° 48' 36" E), 43.63 feet to a point; thence across Lot 2, by a curve to the right with a radius of 2004.71 feet, the chord of which is, North 46 degrees 36 minutes 46 seconds East (N 46° 36' 46" E), 61.77 feet to a point; thence across land of now or formerly Nearhoof Machine, Inc. these following courses and distances: by a curve to the right with a radius of 2004.71 feet, the chord of which is, North 48 degrees 52 minutes 40 seconds East (N 48° 52' 40" E), 96.72 feet to a point; by a curve to the right with a radius of 13.28 feet, the chord of which is, North 32 degrees 44 minutes 24 seconds East (N 32° 44' 24" E), 13.53 feet to a point; by a curve to the left with a radius of 464.96 feet, the chord of which is, North 21 degrees 48 minutes 00 seconds East (N 21° 48' 00" E), 88.64 feet to a point; North 28 degrees 34 minutes 12 seconds East (N 28° 34' 12" E), 184.46 feet to a point in the southern right-of-way line of State Route 53, the place of beginning.

The said right-of-way vested in the Grantor by Right-of-Way Easement dated January 4, 2002 and recorded in Clearfield County Instrument No. 200200212. It being the Third Thereof Easement in said Right-of-Way Easement.

EXCEPTING AND RESERVING from the above described real property a right-of-way with the rights and under the terms and conditions set forth in the Right-of-Way Easement for a water line dated January 4, 2002 from Amelia L. Cimino to Nicholas P. Cimino and Doris A. Cimino, recorded in Clearfield County Instrument No. 200200215. The Right-of-Way Easement is over a part of Lot 2 conveyed herein and the entire Right-of-Way is bounded and described as follows:

BEGINNING at a point said point being southwest of a found iron pipe corner, thence across Lot 2 these following courses and distances, South 32 degrees 14 minutes 35 seconds East, a distance of 213.09 feet to a point; by a curve to the right with a radius of 37.45 feet, the chord of which is, South 10 degrees 24 minutes 43 seconds West, 51.36 feet to a point; South 51 degrees 57 minutes 20 seconds West, 273.99 feet to a point; South 56 degrees 01 minute 58 seconds West, 127.65 feet to a point; thence along Lot 1, North 32 degrees 19 minutes 49 seconds West, 10.00 feet to a point; thence across Lot 1 these following courses and distances: North 56 degrees 01 minute 58 seconds East, 127.01 feet to a point; North 51 degrees 57 minutes 20 seconds East 273.80 feet to a point on Lot 2; thence across Lot 2 by a curve to the left with a radius of 27.45, the chord of which is North 10 degrees 30 minutes 19 seconds East, 37.78 feet to a point; North 32 degrees 14 minutes 35 seconds West, 210.46 feet to a point; North 42 degrees 45 minutes 04 seconds East, 10.35 feet to a point, the place of beginning.

This Right-of-Way runs from the northern part of Lot 2 in a southern direction and then curves to the southwest across the northern portion of Lot 1 to Parcel 74, however, the Right-of-Way is not specifically shown on the plan of Amelia L. Cimino, recorded in Clearfield County Instrument No. 200120083 to Map File No. 2463.

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

Court Administrator
Clearfield County Courthouse
Second & Market Streets
Clearfield, Pennsylvania 16830
(814) 765-2641 Ext. 50-51

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

JOSEPH L. CUSICK and JOAN
M. CUSICK,

Plaintiffs,

vs.

No. 03 - - C.D.

WHITE DUGAN COAL COMPANY,
its successors, administrators, assigns, and
all person, persons, firms, and partnerships
or corporate entities in interest or their legal
representatives,

Defendants.

COMPLAINT

AND NOW, come the Plaintiffs, **JOSEPH L. CUSICK** and **JOAN M. CUSICK**, by and through their attorneys, **BLAKLEY & JONES**, and brings this action to quiet title to the premises hereinafter described against the above named Defendants and support thereof the following is averred:

1. Plaintiffs are **JOSEPH L. CUSICK** and **JOAN M. CUSICK**, husband and wife, adult individuals, residing at P. O. Box 223 Erin Avenue, Brisbin, Clearfield County, Pennsylvania 16620.

2. The Defendant, **WHITE DUGAN COAL COMPANY**, a Pennsylvania Corporation having its last known address at Osceola Mills, Clearfield County, Pennsylvania.

3. After diligent search, Plaintiffs have been unable to ascertain who or where any parties or their successors in interest, or legal representatives may be found against them to bring suit other

than those parties listed as the Defendants and referenced in the caption to this Complaint, which is incorporated herein by reference.

4. The purpose of this action is to quiet title to the following described real estate:

ALL that certain piece or parcel situate in Decatur Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a set 3/4" iron rebar corner, said corner being the northwest corner of the property described herein; thence along land of now or formerly Thomas M. Pecosh, North 42 degrees 45 minutes 04 seconds East, a distance of 114.69 feet to a found set 1" iron pipe corner; thence along land of now or formerly Nearhoof Machine, Inc., South 32 degrees 14 minutes 35 seconds East a distance of 289.30 feet to a set 3/4" iron rebar corner; thence along land of now or formerly Charles F. and Deborah M. Nearhoof, South 32 degrees 14 minutes 45 seconds West, a distance of 431.44 feet to a set 3/4" iron rebar corner; thence along Lot 1, North 35 degrees 26 minutes 28 seconds West, a distance of 122.09 feet to a set 3/4" iron rebar corner; thence along Lot 1, North 45 degrees 46 minutes 49 seconds East, a distance of 259.11 feet to a set 3/4" iron rebar corner; thence along Lot 1, North 25 degrees 43 minutes 15 seconds West, a distance of 56.24 feet to a set 3/4" iron rebar corner; thence along the residual lot, North 26 degrees 21 minutes 57 seconds East, a distance 98.24 feet to a set 3/4" iron rebar corner; thence along the residual lot, North 51 degrees 57 minutes 25 seconds West, a distance of 172.83 feet to a set 3/4" iron rebar corner, the place of beginning.

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BEGINNING at a point, said point being in the southern right-of-way line of State Route 53; thence along the southern right-of-way line of State Route 53; North 58 degrees 15 minutes 36 seconds (N 58° 15' 36" E) East, a distance of 54.00 feet to a point; thence across land of now or formerly Nearhoof Machine, Inc. these following courses and distances: by a curve to the right with a radius of 86.07 feet, the chord of which is, South 16 degrees 33 minutes 54 seconds West (S 16° 33' 54" W), 30.62 feet to a point; South 28 degrees 34 minutes 12 seconds West (S 28° 34' 12" W), 201.18 feet to a point; by a curve which is to the left with a radius of 431.96 feet, the

chord of which is, South 21 degrees 57 minutes 54 seconds West (S 21° 57' 54" W), 79.13 feet to a point; by a curve to the right with a radius of 46.28 feet, the chord of which is, South 33 degrees 02 minutes 06 seconds West (S 33° 02' 06" W), 37.96 feet to a point; by a curve to the right with a radius of 1971.71 feet, the chord of which is, South 48 degrees 45 minutes 32 seconds West (S 48° 45' 32" W), 98.47 feet to a point; thence across Lot 2 these following courses and distances: by a curve to the right with a radius of 1971.71 feet, the chord of which is, South 46 degrees 34 minutes 45 seconds West (S 46° 34' 45" W), 51.55 feet to a point; by a curve to the left with a radius of 44.61 feet, the chord of which is, South 08 degrees 06 minutes 36 seconds East (S 08° 06' 36" E), 30.41 feet to a point; South 34 degrees 18 minutes 00 seconds East (S 34° 18' 00" E), 40.38 feet to a point; by a curve to the right with a radius of 107.68 feet, the chord of which is, South 16 degrees 35 minutes 29 seconds East (S 16° 35' 29" E), 45.99 feet to a point; thence across land of now or formerly Charles F. and Deborah M. Nearhoof, Jr. these following courses and distances: by a curve to the right with a radius of 107.68 feet, the chord of which is, South 06 degrees 17 minutes 06 seconds West (S 06° 17' 06" W), 39.42 feet to a point; South 15 degrees 19 minutes 48 seconds West (S 15° 19' 48" W), 21.38 feet to a point; by a curve to the right with a radius of 1990.90 feet, the chord of which is South 22 degrees 17 minutes 06 seconds West (S 22° 17' 06" W), 165.70 feet to a point; by a curve to the left with a radius of 789.05 feet, the chord of which is, South 21 degrees 03 minutes 49 seconds West (S 21° 03' 49" W), 70.66 feet to a point; South 61 degrees 38 minutes 16 seconds West (S 61° 38' 16" W), 47.20 feet to a point; by a curve to the right with a radius of 42.26 feet, the chord of which is, North 85 degrees 05 minutes 42 seconds West (N 85° 05' 42" W), 48.10 feet to a point; thence along Lot 2, North 32 degrees 19 minutes 47 seconds East (N 32° 19' 47" E), a distance of 34.36 feet to a point; thence across land of now or formerly Charles F. and Deborah M. Nearhoof, Jr. these following courses and distances: by a curve to the right with a radius of 9.26 feet, the chord of which is, South 71 degrees 06 minutes 32 seconds East (S 71° 06' 32" E), 13.91 feet to a point; North 61 degrees 37 minutes 32 seconds East (N 61° 37' 32" E), 35.13 feet to a point; by a curve to the left with a radius of 822.05 feet, the chord of which is, North 21 degrees 32 minutes 03 seconds East (N 21° 32' 03" E), 60.70 feet to a point; by a curve to the left with a radius of 1957.90 feet, the chord of which is, North 22 degrees 55 minutes 13 seconds East (N 22° 55' 13" E), 120.25 feet to a point; thence across Lot 2 these following courses and distances: by a curve to the left with a radius of 1957.90 feet, the chord of which is, North 20 degrees 32 minutes 43 seconds East (N 20° 32' 43" E), 42.05 feet to a point; North 15 degrees 19 minutes 48 seconds East (N 15° 19' 48" E), 20.53 feet to a point; by a curve to the right with a radius of 74.68 feet, the chord of which is, North 05 degrees 21 minutes 18 seconds West (N 05° 21' 18" W), 57.12 feet to a point; North 34 degrees 18 minutes 00 seconds West (N 34° 18' 00" W), 40.19 feet to a point; by a curve to the left with a radius of 77.16 feet, the chord of which is, North 19 degrees 32 minutes 42 seconds West (N 19° 32' 42" W), 27.26

feet to a point; thence across the residual lot, North 09 degrees 48 minutes 36 seconds East (N 09° 48' 36" E), 43.63 feet to a point; thence across Lot 2, by a curve to the right with a radius of 2004.71 feet, the chord of which is, North 46 degrees 36 minutes 46 seconds East (N 46° 36' 46" E), 61.77 feet to a point; thence across land of now or formerly Nearhoof Machine, Inc. these following courses and distances: by a curve to the right with a radius of 2004.71 feet, the chord of which is, North 48 degrees 52 minutes 40 seconds East (N 48° 52' 40" E), 96.72 feet to a point; by a curve to the right with a radius of 13.28 feet, the chord of which is, North 32 degrees 44 minutes 24 seconds East (N 32° 44' 24" E), 13.53 feet to a point; by a curve to the left with a radius of 464.96 feet, the chord of which is, North 21 degrees 48 minutes 00 seconds East (N 21° 48' 00" E), 88.64 feet to a point; North 28 degrees 34 minutes 12 seconds East (N 28° 34' 12" E), 184.46 feet to a point in the southern right-of-way line of State Route 53, the place of beginning.

The said right-of-way vested in the Grantor by Right-of-Way Easement dated January 4, 2002 and recorded in Clearfield County Instrument No. 200200212. It being the Third Thereof Easement in said Right-of-Way Easement.

EXCEPTING AND RESERVING from the above described real property a right-of-way with the rights and under the terms and conditions set forth in the Right-of-Way Easement for a water line dated January 4, 2002 from Amelia L. Cimino to Nicholas P. Cimino and Doris A. Cimino, recorded in Clearfield County Instrument No. 200200215. The Right-of-Way Easement is over a part of Lot 2 conveyed herein and the entire Right-of-Way is bounded and described as follows:

BEGINNING at a point said point being southwest of a found iron pipe corner, thence across Lot 2 these following courses and distances, South 32 degrees 14 minutes 35 seconds East, a distance of 213.09 feet to a point; by a curve to the right with a radius of 37.45 feet, the chord of which is, South 10 degrees 24 minutes 43 seconds West, 51.36 feet to a point; South 51 degrees 57 minutes 20 seconds West, 273.99 feet to a point; South 56 degrees 01 minute 58 seconds West, 127.65 feet to a point; thence along Lot 1, North 32 degrees 19 minutes 49 seconds West, 10.00 feet to a point; thence across Lot 1 these following courses and distances: North 56 degrees 01 minute 58 seconds East, 127.01 feet to a point; North 51 degrees 57 minutes 20 seconds East 273.80 feet to a point on Lot 2; thence across Lot 2 by a curve to the left with a radius of 27.45, the chord of which is North 10 degrees 30 minutes 19 seconds East, 37.78 feet to a point; North 32 degrees 14 minutes 35 seconds West, 210.46 feet to a point; North 42 degrees 45 minutes 04 seconds East, 10.35 feet to a point, the place of beginning.

This Right-of-Way runs from the northern part of Lot 2 in a southern direction and then curves to the southwest across the northern portion of Lot 1 to Parcel 74,

however, the Right-of-Way is not specifically shown on the plan of Amelia L. Cimino, recorded in Clearfield County Instrument No. 200120083 to Map File No. 2463.

5. By Deed dated October 13, 1910, and recorded in Clearfield County Deed Book 182, page 507, George R. Meek and Ellen D. Meek, his wife, F. K. White and Sam White, his wife, Martin Dugan and Elizabeth Dugan, his wife, Joseph Dugan and Ellen Dugan, his wife; and James Dugan conveyed to the Defendants, White Dugan Coal Company, the property of which the subject property is a portion.

6. By Deed dated August 4, 1930, and recorded in Clearfield County Deed Book 284, page 223, Ira C. McClosky, High Sheriff of Clearfield County conveyed the property of which the subject property is a portion to First National Bank of Philipsburg as property formerly assessed to the White Dugan Coal Company.

7. By Deeds dated January 10, 1936, and recorded in Clearfield County Deed Book 344, pages 265, 267, and 275, W. B. Carr, Ira Jay, and J. O. Kessler, Commissioners of Clearfield County, Pennsylvania, did convey the property of which the subject property is a portion to The First National Bank of Philipsburg as property assessed in the name of White Dugan Coal Company for unpaid real estate taxes.

8. By Deed dated November 10, 1945, recorded in Clearfield County Deed Book 371, page 344, The First National Bank of Philipsburg conveyed the property of which the subject property is a parcel to Albert Jenesi.

9. By Deed date January 31, 1972, recorded in Clearfield County Deed Book 592, page 42, Albert Jenesi and Ann Jenesi, his wife, conveyed the property of which the subject property is a

portion to Harold K. Tish and Helene Tish, his wife, and Battista Cimino and Amelia L. Cimino, his wife.

10. By Deed date July 29, 1974, and recorded in Clearfield County Deed Book 690, page 141, Harold K. Tish, et. ux., and Battista Cimino, et. ux., conveyed the property of which the subject property is a parcel to Battista Cimino and Amelia L. Cinino, his wife.

11. The said Battista Cimino died November 11, 1992, thereby vesting title in the subject property in his wife, Amelia L. Cimino.

12. That by Deed, dated January 14, 2002, and recorded in the Office of the Recorder of Deeds, Clearfield County, to Instrument # 200200783 conveyed the subject property to the Plaintiffs Joseph L. Cusick and Joan M. Cusick.

13. No third party has ever made any claim of any kind to ownership of interest in or claim to or upon the property, except as set forth in this Complaint.

14. This action is brought to clear any and all clouds on the title to the ownership and interest to the property herein described, which the herein named Defendants, their heirs, devisees, executors, administrators, successors and assigns and all other person, persons, partnerships or corporate entities in interest or their legal representatives might claim, possess or assert pertaining to any alleged irregularities in the chain of title herein set forth.

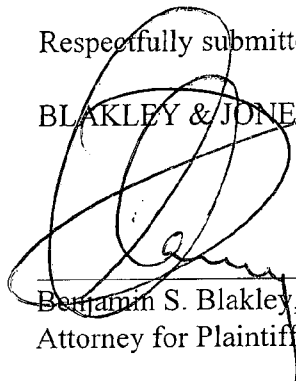
15. This suit to quiet title is instituted under the terms and provisions of the Pennsylvania Rules of Civil Procedure 1061 to 1067, inclusive, pertaining to the quieting of titles and other pertinent rules of local procedure.

WHEREFORE, your Plaintiffs request this Honorable Court to decree that title to the above-

described premises set forth in this Complaint is in the name of Plaintiffs, **JOSEPH L. CUSICK** and **JOAN M. CUSICK**, husband and wife, and that the Defendants, their executors, administrators and assigns and all other person, persons, firms, partnerships or corporate entities in interest or their legal representatives be forever barred from asserting any right, title, lien or interest in the land in question that is inconsistent with the interest of the Plaintiffs as set forth herein to the said premises or impeaching, denying or in any way attacking the Plaintiffs' title to the said premises; and that your Honorable Court make any other order necessary for the granting of proper relief as it deems necessary to equitably and legally recognize and preserve Plaintiffs' rights in this matter.

Respectfully submitted,

BLAKLEY & JONES



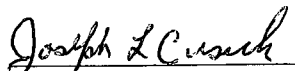
Benjamin S. Blakley, III
Attorney for Plaintiffs

VERIFICATION

WE, **JOSEPH L. CUSICK and JOAN M. CUSICK**, being duly authorized to make this verification, have read the foregoing Complaint. The statements therein are correct to the best of my personal knowledge or information and belief.


This statement and verification is made subject to the penalties of 18 Pa. C. S. Section 4904 relating to unsworn fabrication to authorities, which provides that if I make knowingly false averments I may be subject to criminal penalties.

DATED: 4-21-2003



JOSEPH L. CUSICK

DATED: 4/21/2003



JOAN M. CUSICK

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

JOSEPH L. CUSICK and JOAN M. CUSICK, Plaintiffs vs. WHITE DUGAN COAL COMPANY, its successors, administrators, assigns, and all person, persons, firms, and partnerships or corporate entity in interest or their legal representatives, Defendants.

No. 03-641-CD

ACTION TO QUIET TITLE

TO: WHITE DUGAN COAL COMPANY, its successors, administrators, assigns, and all person, persons, firms, and partnerships or corporate entity in interest or their legal representatives, Defendants.

You are hereby notified that an action to quiet title to premises situate in Union Township, Clearfield County, Pennsylvania, has been filed against you. Said premises are described as follows:

BEGINNING at a set 3/4" iron rebar corner, said corner being the northwest corner of the property described herein; thence along land of now or formerly Thomas M. Pecosh, north 42 degrees 45 minutes 04 seconds East, a distance of 114.69 feet to a found set 1" iron pipe corner; thence along land of now or formerly Nearhoof Machine, Inc., South 32 degrees 14 minutes 35 seconds East a distance of 289.30 feet to a set 3/4" iron rebar corner; thence along land of now or formerly Charles F. and Deborah M. Nearhoof, South 32 degrees 14 minutes 45 seconds West, a distance of 431.44 feet to a set 3/4" iron rebar corner; thence along Lot 1, North 35 degrees 26 minutes 28 seconds West a distance of 122.09 feet to a se 3/4" iron rebar corner; thence along Lot 1, North 45 degrees 46 minutes 49 seconds East, a distance of 259.11 feet to a set 3/4" iron rebar corner; thence along Lot 1, north 25 degrees 43 minutes 15 seconds West a distance of 56.24 feet to a set 3/4" iron rebar corner; thence along the residual Lot, North 26 degrees 21 minutes 57 seconds East, a distance 98.24 feet to a set 3/4" iron rebar corner; thence along the residual lot, North 51 degrees 57 minutes 25 seconds West, a distance of 172.83 feet to a se 3/4" iron rebar corner, the place of beginning.

Containing 1.23 acres and being shown as Lot 2 on a plan titled "Preliminary/Final Subdivision Plan of Amelia L. Cimino, Decatur Township, Clearfield County", as prepared by Hess & Fisher Engineers, Inc., dated November 2, 2001 and said plan recorded in Clearfield County Instrument No. 20011200893 to Map File No. 2463. Along with the right of way from State Route 53 to

**REGISTER & ORPHANS' COURT
NOTICES**

Notice is hereby given that the following Accounts have been examined by me and remain in the Office of Karen L. Starck, Register of Wills for the inspection of the heirs, legatees and creditors and all others interested and will be presented to the Orphans' Court of Clearfield County, PA on the first Monday in May, 2003.

The Accounts will be presented to the Orphans' Court for Confirmation NISI on the first Monday in June, 2003, and if no Objections or Exceptions are filed to the Account, it will be Confirmed Absolutely as of course without further notice by the Court in 10 days.

First & Final Account of Linda M. Bell, Executrix of the Estate of Paul J. Hugney a/k/a Paul Hugney, late of Clearfield, Clearfield County, PA, DECEASED.

First & Final Account of Randy S. Hubler, Executor of the Estate of Harriet Mary Hubler a/k/a Harriet M. Hubler, late of Morrisdale, Clearfield County, PA, DECEASED.

First & Final Account of Robert D. Smith and Mary Lou Killion, Co-Executors of the Estate of Lucinda A. Smith, late of Gulich Township, Clearfield County, PA, DECEASED.

First & Final Account of Jean Raymond, Executrix of the Estate of Margaret L. Henderson, late of Clearfield, Clearfield County, PA, DECEASED.

First & Final Account of County National Bank, Guardian of the Estate of Florence Regosia, an incapacitated person.

First & Final Account of County National Bank, Guardian of the Estate of Cora O. Moore, Guardianship.

First & Final Account of Louise A. Lindberg, Executrix of the Estate of Kathryn E. Freeman, late of Clearfield, Clearfield County, PA, DECEASED.

First & Final Account of Bradley Walburn, Executor for the Estate of Vernon John Walburn a/k/a Vernon J. Walburn, a/k/a Vernon Walburn, a/k/a Bucky Walburn, late of Brady Township, Clearfield County, PA, DECEASED.

KAREN L. STARCK, REGISTER OF
WILLS & CLERK OF THE ORPHANS'
COURT.

ADV: May 9th & 16th, 2003.

Clearfield County Instrument No. 2000200215. The Right-of-Way Easement is over a part of Lot 2 conveyed herein and the entire Right-of-Way is bounded and described as follows:

BEGINNING at a point said point being southwest of a found iron pipe corner, thence across Lot 2 these following courses an distances, South 32 degrees 14 minutes 35 second East, a distance of 213.09 feet to appoint; by a curve to the right with a radius of 37.45 feet, the chord of which is, South 10 degrees 24 minutes 43 seconds West, 51.36 feet to appoint; South 51 degrees 57 minutes 20 seconds West, 273.99 feet to a point; South 56 degrees 01 minute 58 seconds West, 127.65 feet to point; thence along Lot 1, North 32 degrees 19 minutes 49 seconds West, 10.00 feet to appoint; thence across Lot 1 these following courses and distances: North 56 degrees 01 minutes 58 seconds East, 127.01 feet to a point; North 51 degrees 57 minutes 20 seconds East 273.80 feet to a point on Lot 2; thence across Lot 2 by a curve to the left with a radius of 27.45, the chord of which is North 10 degrees 30 minutes 19 seconds, East, 37.78 feet to a point; North 32 degrees 14 minutes 35 seconds West, 210.46 feet to a point; North 42 degrees 45 minutes 04 seconds East, 10.35 feet to a point, the place of beginning.

This Right-of-Way runs from the northern part of Lot 2 in a southern direction and then curves to the southwest across the northern portion of Lot 1 to Parcel 74, however, the Right-of-Way is not specifically shown on the plan of Amelia L. Cimino, recorded in Clearfield County Instrument No. 200120083 to Map File No. 2463.

You have been sued in Court. The purpose of this quiet title action is to extinguish any right or equity which the Defendants above named and their heirs, administrators, executors and assigns may have in the property as described above. The Plaintiffs, in this action, after diligent search, have been unable to locate the Defendants or their devisee or heirs.

Whereupon, the Court ordered that notice of said action be served on the Defendants, and their heirs, administrators, executors and assigns, by advertisement requiring Defendants above named and their heirs, administrators, executors and assigns, to answer Complaint within twenty (20) days from the date of publication.

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 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 PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT FIND 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 & Market Streets, Clearfield, Pennsylvania 16830 (814) 765-2641 Ext.50-51.

Benjamin S. Blakley, III, Esquire, BLAKLEY & JONES, 90 Beaver Drive, Box 6, DuBois, PA 15801 (814) 371-2730.

SHERIFF'S SALE OF VALUABLE REAL ESTATE

BY VIRTUE OF: Execution issued out of the Court of Common Pleas of Clearfield County, Pennsylvania and to me directed, there will be exposed to public sale in the Sheriff's Office in the Court House in the Borough of Clearfield on FRIDAY, JUNE 6, 2003 at 10:00 A.M.

THE FOLLOWING DESCRIBED PROPERTY TO WIT: (SEE ATTACHED DESCRIPTION) TERMS OF SALE

The Price of sum at which the property shall be struck off must be paid at the time of sale or such other arrangements made as will be approved, otherwise the property will be immediately put up and sold against at the expense and risk of the person to whom it was struck off and who in case of deficiency of such resale shall make good for the same and in no instance will the deed be presented for confirmation unless the money is actually paid to the Sheriff.

TO all parties in interest and claimants: A schedule of distribution will be filed by the Sheriff in his office the first Monday following the date of the sale and distribution will be made in accordance with the schedule unless exceptions are filed within ten (10) days thereafter.

ALL that certain lot or piece of ground

Lot 2, said right-of way bounded and described as follows;

BEGINNING at a point, said point being in the southern right-of-way line of State Route 53; thence along the right-of-way line of State Route 53; thence along the southern right-of-way line of State Route 53, North 58 degrees 15 minutes 36 seconds (N 58° 15' 36" E) East, a distance of 54.00 feet to a point; thence across land of now or formerly Nearhoof Machine, Inc. these following courses and distances; by a curve to the right with a radius of 86.07 feet, the chord of which is, South 16 degrees 33 minutes 54 seconds West (S 16° 33' 54" W), 30.62 feet to a point; South 28 degrees 34 minutes 12 seconds West (S 28° 34' 12" W), 201.18 feet to a point; by a curve to the left with a radius of 431.96 feet, the chord of which is, South 21 degrees 57 minutes 54 seconds West (S 21° 57' 54" W), 79.13 feet to a point; by a curve to the right with a radius of 46.28 feet, the chord of which is, South 33 degrees 02 minutes 06 seconds West (S 33° 02' 06" W), 37.96 feet to a point; by a curve to the right with a radius of 1971.71 feet, the chord of which is, South 48 degrees 45 minutes 32 seconds West (S 48° 45' 32" W), 98.47 feet to a point; thence cross Lot 2 these following courses and distances; by a curve to the right with a radius of 1971.71 feet, the chord of which is, South 08 degrees 06 minutes 36 seconds East (S 08° 06' 36" E), 30.41 feet to a point; south 34 degrees 18 minutes 00 seconds East (S 34° 18' 00" E), 40.38 feet to a point; by a curve to the right with a radius of 107.68 feet, the chord of which is, South 16 degrees 35 minutes 29 seconds East (S 16° 35' 29" E), 45.99 feet to a point; thence across land of now or formerly Charles F. and Deborah M. Nearhoof, Jr. these following courses and distances; by a curve to the right with a radius of 107.68 feet, the chord of which is, South 06 degrees 17 minutes 06 seconds West (S 06° 17' 06" W), 39.42 feet to a point; South 15 degrees 19 minutes 48 seconds West (S 15° 19' 48" W), 21.38 feet to a point; by a curve to the right with a radius of 1990.90 feet, the chord of which is South 22 degrees 17 minutes 06 seconds West (S 22° 17' 06" W), 165.70 feet to a point; by a curve to the left with a radius of 789.05 feet, the chord of which is, South 21 degrees 03 minutes 49 seconds west (S 21° 03' 49" W), 70.66 feet to a point; South 61 degrees 38 minutes 16 seconds West (S 61° 38' 16" W), 47.20 feet to a point; by a curve to the right with a radius of 42.26 feet, the chord of which is, north 85 degrees 05 minutes 42 seconds West (N 85° 05' 42" W), 48.10 feet to a point; thence along Lot 2, North 32 degrees 19 minutes 47 seconds East (N 32° 19' 47" E), a distance of 34.36 feet to a point; thence across land of now or

formerly Charles F. and Deborah M. Nearhoof, Jr. these following courses and distances; by a curve to the right with a radius of 9.26 feet, the chord of which is, South 71 degrees 06 minutes 32 seconds East (71° 06' 32" E), 13.91 feet to a point; North 61 degrees 37 minutes 32 seconds East (N 61° 37' 32" E), 35.13 feet to a point; by a curve to the left with a radius of 822.05 feet, the chord of which is, north 21 degrees 32 minutes 03 seconds East (N 21° 32' 03" E), 60.70 feet to a point; by a curve to the left with a radius of 1957.90 feet, the chord of which is, north 20 degrees 32 minutes 43 seconds East (N 20° 32' 43" E), 42.05 feet to a point; North 15 degrees 19 minutes 48 seconds East (N 15° 19' 48" E), 20.53 feet to a point; by a curve to the right with a radius of 74.68 feet, the chord of which is, north 05 degrees 21 minutes 18 seconds West (N 05° 21' 18" W), 57.12 feet to a point; North 34 degrees 18 minutes 00 seconds West (N 34° 18' 00" W), 40.19 feet to a point; by a curve to the left with a radius of 77.16 feet, the chord of which is, North 19 degrees 32 minutes 42 seconds West (N 19° 32' 42" W), 27.26 feet to a point; thence across the residual Lot, North 09 degrees 48 minutes 36 seconds East (N 09° 48' 36" E), 43.63 feet to a point; thence across Lot 2, by a curve to the right with a radius of 2004.71 feet, the chord of which is, North 46 degrees 36 minutes 46 seconds East (N 46° 36' 46" E), 61.77 feet to a point; thence across land of now or formerly Nearhoof Machine, Inc. these following courses and distances; by a curve to the right with a radius of 2004.71 feet, the chord of which is, North 48 degrees 52 minutes 40 seconds East (N 48° 52' 40" E), 96.72 feet to a point; by a curve to the right with a radius of 13.28 feet, the chord of which is, North 32 degrees 44 minutes 24 seconds East (N 32° 44' 24" E), 13.53 feet to a point; by a curve to the left with a radius of 464.96 feet, the chord of which is, North 21 degrees 48 minutes 00 seconds East (21° 48' 00" E), 88.64 feet to a point; North 28 degrees 34 minutes 12 seconds East (N 28° 34' 12" E), 184.46 feet to a point in the southern right-of-way line of State Route 53, the place of beginning.

The said right-of-way vested in the Grantor by Right-of-Way easement dated January 4, 2002 and recorded in Clearfield County Instrument No. 200200212. It being the Third Thereof Easement in said Right-of-Way Easement.

EXCEPTING AND PRESERVING from the above described real property a right-of-way with the rights and under the terms and conditions set forth in the Right-of-Way Easement for a water line dated January 4, 2002 from Amelia L. Cimino to Nicholas P. Cimino, and Doris A. Cimino, recorded in

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :

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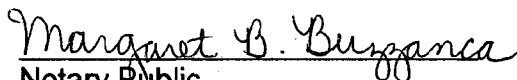
COUNTY OF CLEARFIELD :

On this 21st day of May 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 May 16, 2003, Vol. 15 No. 20. 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.


Notary Public
My Commission Expires

NOTARIAL SEAL
MARGARET B. BUZZANCA, Notary Public
Clearfield Boro, Clearfield County, PA
My Commission Expires Nov. 23, 2005

Blakley & Jones
90 Beaver Drive Box 6
DuBois PA 15801

IN THE COURT
OF COMMON PLEAS
OF CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL DIVISION
No. 03-641-C.D.
JOSEPH L. CUSICK and JOAN
M. CUSICK,
Plaintiffs,

vs.
WHITEDUGAN
COAL COMPANY,
its successors, administrators,
assigns, and all person, persons,
firms, and partnerships or corpor-
ate entities in interest or their legal
representatives,
Defendants.

ACTION TO QUIET TITLE
NO. 03-641-C.D.

TO: WHITE DUGAN COAL COM-
PANY, their heirs, devisees, exe-
cutors, administrators, assigns and
successors, and all person, per-
sons, firms and partnerships or cor-
porate entities in interest, or their
legal representatives, Defendants.

You are hereby notified that an ac-
tion to quiet title to premises situate
in Decatur Township, Clearfield
County, Pennsylvania, has been
filed against you. Said premises are
described as follows:

ALL that certain piece or parcel
situate in Decatur Township, Clear-
field County, Pennsylvania,
bounded and described as follows:

BEGINNING at a set $\frac{3}{4}$ " iron rebar
corner, said corner being the north-
west corner of the property de-
scribed herein; thence along land
of now or formerly Thomas M. Pe-
cosh, North 42 degrees 45 min-
utes 04 seconds East, a distance
of 114.69 feet to a found set 1"
iron pipe corner; thence along land
of now or formerly Nearhoof Ma-
chine, Inc. South 32 degrees 14
minutes 35 seconds East, a dis-
tance of 289.30 feet to a set $\frac{3}{4}$ "
iron rebar corner; thence along land
of now or formerly Charles F. and
Deborah M. Nearhoof, South 32
degrees 14 minutes 45 seconds
West, a distance of 431.44 feet to
a set $\frac{3}{4}$ " iron rebar corner; thence
along Lot 1, North 35 degrees 26
minutes 28 Seconds West, a dis-
tance of 122.09 feet to a set $\frac{3}{4}$ "
iron rebar corner; thence along Lot
1, North 45 degrees 46 minutes 49
seconds East, a distance of
259.11 feet to a set $\frac{3}{4}$ " iron rebar
corner; thence along Lot 1, North
25 degrees 43 minutes 15 sec-
onds West, a distance of 56.24
feet to a set $\frac{3}{4}$ " iron rebar corner;
thence along the residual lot, North
26 degrees 21 minutes 57 sec-
onds East, a distance 98.24 feet to
a set $\frac{3}{4}$ " iron rebar corner; thence
along the residual lot, North 51 de-
grees 57 minutes 25 seconds
West, a distance of 172.83 feet to
a set $\frac{3}{4}$ " iron rebar corner, the
place of beginning.

Containing 1.23 acres and being
shown as Lot 2 on a plan titled
"Preliminary/Final Subdivision Plan
of Amelia L. Cimino, Decatur Town-
ship, Clearfield County", as pre-
pared by Hess & Fisher Engineers,
Inc., dated November 2, 2001, and
said plan recorded in Clearfield
County Instrument No.
200120083 to Map File No.
2463.

Along with Right-of-Way from
state Route 53 to Lot 2, said Right-
of-Way bounded and described as
follows:

BEGINNING at a point, said point
being in the southern right-of-way
line of State Route 53; thence
along the southern right-of-way line
of State Route 53, North 58 de-
grees 15 minutes 36 seconds (N
58° 15' 36" E) East, a distance of
54.00 feet to a point; thence
across land of now or formerly
Nearhoof Machine, Inc. these fol-
lowing courses and distances: by a
curve to the right with a radius of
86.07 feet, the chord of which is,
South 16 degrees 33 minutes 54
seconds West (S 16° 33' 54" W),
30.62 feet to a point; South 28 de-

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :
COUNTY OF CLEARFIELD : SS:

On this 13th day of May, 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 May 9, 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

EXHIBIT "B"

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

degrees 34 minutes 12 seconds West (S 28° 34' 12" W), 201.18 feet to a point; by a curve which is to the left with a radius of 431.96 feet, the chord of which is, South 21 degrees 57 minutes 54 seconds West (S 21° 57' 54" W), 79.13 feet to a point; by a curve to the right with a radius of 46.28 feet, the chord of which is, South 33 degrees 02 minutes 06 seconds West (S 33° 02' 06" W), 37.96 feet to a point; by a curve to the right with a radius of 1971.71 feet, the chord of which is, South 48 degrees 45 minutes 32 seconds West (S 48° 45' 32" W), 98.47 feet to a point; thence across Lot 2 these following courses and distances: by a curve to the right with a radius of 1971.71 feet, the chord of which is, South 46 degrees 34 minutes 45 seconds West (S 46° 34' 45" W), 51.55 feet to a point; by a curve to the left with radius of 44.61 feet, the chord of which is, South 08 degrees 06 minutes 36 seconds East (S 08° 06' 36" E), 30.41 feet to a point; South 34 degrees 18 minutes 00 seconds East (S 34° 18' 00" E), 40.38 feet to a point; by a curve to the right with a radius of 107.68 feet, the chord of which is, South 16 degrees 35 minutes 29 seconds East (S 16° 35' 29" E), 45.99 feet to a point; thence across land of now or formerly Charles F. and Deborah M. Nearhoof, Jr. these following courses and distances: by a curve to the right with a radius of 107.68 feet, the chord of which is South 06 degrees 17 minutes 06 seconds West (S 06° 17' 06" W), 39.42 feet to a point; South 15 degrees 19 minutes 48 seconds West (S 15° 19' 48" W), 21.38 feet to a point; by a curve to the right with a radius of 1990.90 feet, the chord of which is South 22 degrees 17 minutes 06 seconds West (S 22° 17' 06" W), 165.70 feet to a point; by a curve to the left with a radius of 789.05 feet, the chord of which is, South 21 degrees 03 minutes 49 seconds West (S 21° 03' 49" W), 70.66 feet to a point; South 61 degrees 38 minutes 16 seconds West (S 61° 38' 16" W), 47.20 feet to a point; by a curve to the right with a radius of 42.26 feet, the chord of which is, North 85 degrees 05 minutes 42 seconds West (N 85° 05' 42" W), 48.10 feet to a point; thence along Lot 2, North 32 degrees 19 minutes 47 seconds East (N 32° 19' 47" E), a distance of 34.36 feet to a point; thence across land of now or formerly Charles F. and Deborah M. Nearhoof, Jr. these following courses and distances: by a curve to the right with a radius of 9.26 feet, the chord of which is, South 71 degrees 06 minutes 32 seconds East (S 71° 06' 32" E), 13.91 feet to a point; North 61 degrees 37 minutes 32 seconds East (N 61° 37' 32" E), 35.13 feet to a point; by a curve to the left with a radius of 822.05 feet, the chord of which is, North 21 degrees 32 minutes 03 seconds East (N 21° 32' 03" E), 60.70 feet to a point; by a curve to the left with a radius of 1957.90 feet, the chord of which is, North 22 degrees 55 minutes 13 seconds East (N 22° 55' 13" E), 120.25 feet to a point; thence across Lot 2 these following courses and distances: by a curve to the left with a radius of 1957.90 feet, the chord of which is, North 20 degrees 32 minutes 43 seconds East (N 20° 32' 43" E), 42.05 feet to a point; North 15 degrees 19 minutes 48 seconds East (N 15° 19' 48" E), 20.53 feet to a point; by a curve to the right with a radius of 74.68 feet, the chord of which is, North 05 degrees 21 minutes 18 seconds West (N 05° 21' 18" W), 57.12 feet to a point; North 34 degrees 18 minutes 00 seconds West (N 34° 18' 00" W), 40.19 feet to a point; by a curve to the left with a radius of 77.16 feet, the chord of which is, North 19 degrees 32 minutes 42 seconds West (N 19° 32' 42" W), 27.26 feet to a point; thence across the residual lot, North 09 degrees 48 minutes 36 seconds East (N 09° 48' 36" E), 43.63 feet to a point; thence across Lot 2, by a curve to the right with a radius of 2004.71 feet, the chord of which is, North 46 degrees 36 minutes 46 seconds East (N 46° 36' 46" E), 61.77 feet to a point; thence across land of now or formerly Nearhoof Machine, Inc. these following courses and distances: by a curve to the right with a radius of 2004.71 feet, the chord of which is, North 48 degrees 52 minutes 40 seconds East (N 48° 52' 40" E), 96.72 feet to a point; by a curve to the right with a radius of 13.28 feet, the chord of which is, North 32 degrees 44 minutes 24 seconds East (N 32° 44' 24" E), 13.53 feet to a point; by a

curve to the left with a radius of 461.96 feet, the chord of which is, North 21 degrees 48 minutes 00 seconds East (N 21° 48' 00" E), 88.64 feet to a point; North 28 degrees 34 minutes 12 seconds East (N 28° 34' 12" E), 184.46 feet to a point in the southern right-of-way line of State Route 53, the place of beginning.

The said right-of-way vested in the Grantor by Right-of-Way Easement dated January 4, 2002 and recorded in Clearfield County Instrument No. 200200212. It being the Third Thereof Easement in Right-of-Way Easement.

EXCEPTING AND RESERVING from the above described real property a right-of-way with the rights and under the terms and conditions set forth in the Right-of-Way Easement for a water line dated January 4, 2002 from Amelia L. Cimino to Nicholas P. Cimino and Doris A. Cimino, recorded in Clearfield County Instrument No. 200200215. The Right-of-Way Easement is over a part of Lot 2 conveyed herein and the entire Right-of-Way is bounded and described as follows:

BEGINNING at a point said point being southwest of a found iron pipe corner, thence across Lot 2 these following courses and distances, South 32 degrees 14 minutes 35 seconds East, a distance of 213.09 feet to a point; by a curve to the right with a radius of 37.45 feet, the chord of which is, South 10 degrees 24 minutes 43 seconds West, 51.36 feet to a point; South 51 degrees 57 minutes 20 seconds West, 273.99 feet to a point; South 56 degrees 01 minute 58 seconds West, 127.65 feet to a point; thence along Lot 1, North 32 degrees 19 minutes 49 seconds West, 10.00 feet to a point; thence across Lot 1 these following courses and distances: North 56 degrees 01 minute 58 seconds East, 127.01 feet to a point; North 51 degrees 57 minutes 20 seconds East 273.80 feet to a point on Lot 2; thence across Lot 2 by a curve to the left with a radius of 27.45, the chord of which is, North 10 degrees 30 minutes 19 seconds East, 37.78 feet to a point; North 32 degrees 14 minutes 35 seconds West, 210.46 feet to a point; North 42 degrees 45 minutes 04 seconds East, 10.35 feet to a point, the place of beginning.

This Right-of-Way runs from the northern part of Lot 2 in a southern direction and then curves to the southwest across the northern portion of Lot 1 to Parcel 74, however, the Right-of-Way is not specifically shown on the plan of Amelia L. Cimino, recorded in Clearfield County

Instrument No. 200120083 to Map File No. 2463.

You have been sued in Court. The purpose of this quiet title action is to extinguish any right or equity which the Defendants above named and their heirs, administrators, executors and assigns may have in the property as described above. The Plaintiffs in this action, after diligent search, have been unable to locate the Defendants or their devisee or heirs.

Whereupon, the Court ordered that notice of said action be served on the Defendants, and their heirs, administrators, executors and assigns, by advertisement requiring Defendants above named and their heirs, administrators, executors and assigns to answer Complaint within twenty (20) days from the date of publication.

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

Court Administrator
Clearfield
County Courthouse
Second & Market Streets
Clearfield, Pennsylvania 16830
(814) 765-2641
Ext. 50-51

Benjamin S. Blakley, III Esquire
BLAKLEY & JONES
90 Beaver Drive,
Box 6
DuBois, PA 15801
(814) 371-2730

5:9-1d-b

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

JOSEPH L. CUSICK and JOAN
M. CUSICK,

Plaintiffs,

vs.

No. 03 - 641 - C.D.

WHITE DUGAN COAL COMPANY,
its successors, administrators, assigns, and
all person, persons, firms, and partnerships
or corporate entities in interest or their legal
representatives,

Defendants.

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :

Before me, the undersigned officer, personally appeared **BENJAMIN S. BLAKLEY, III,**
ESQUIRE, who, being duly sworn according to law, deposes and says that the Complaint filed in
the above captioned action was served by publication once in the Clearfield Progress and once in the
Clearfield County Legal Journal pursuant to Order of Court and that there were no known living
heirs and that more than twenty (20) days have elapsed since publication and that the named

Defendants or their representatives have not entered an appearance or filed an answer to the Complaint.

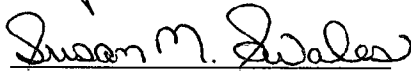

BLAKLEY & JONES

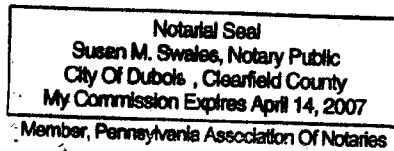
BENJAMIN S. BLAKLEY, III
Attorney for Plaintiffs

SWORN to and SUBSCRIBED

before me this 10th day

of June, 2003.


Notary Public



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

JOSEPH L. CUSICK and JOAN M.
CUSICK,

Plaintiffs,

vs.

WHITE DUGAN COAL COMPANY, its
successors, administrators, assigns,
and all person, persons, firms,
and partnerships or corporate
entity in interest or their legal
representatives,

Defendants.

MOTION FOR DEFAULT JUDGMENT

No. 03-641-C.D.

FILED
JUN 12 2003
O 944 3A ICC

William A. Shaw
Prothonotary

LAW OFFICES
BLAKLEY & JONES
90 BEAVER DRIVE - BOX 6
DUBOIS, PA 15801

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

JOSEPH L. CUSICK and JOAN
M. CUSICK,

Plaintiffs,

vs.

WHITE DUGAN COAL COMPANY,
its successors, administrators, assigns, and
all person, persons, firms, and partnerships
or corporate entity in interest or their legal
representatives,

Defendants.

No. 03 - 641 - C.D.

Type of Case: ACTION TO QUIET
TITLE

Type of Pleading:
ORDER

Filed on Behalf of:
PLAINTIFFS

Counsel of Record for this Party:
BENJAMIN S. BLAKLEY, III

Supreme Court No. 26331

BLAKLEY & JONES
90 Beaver Drive, Box 6
Du Bois, PA 15801
(814) 371-2730

FILED

JUN 12 2003

William A. Shaw
Prothonotary

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

JOSEPH L. CUSICK and JOAN
M. CUSICK,

Plaintiffs,

vs.

No. 03 - 641 - C.D.

WHITE DUGAN COAL COMPANY,
its successors, administrators, assigns, and
all person, persons, firms, and partnerships
or corporate entities in interest or their legal
representatives,

Defendants.

ORDER

AND NOW, this 12 day of June, 2003, it appearing on Motion of BENJAMIN S. BLAKLEY, III, ESQUIRE, Attorney for the Plaintiff, that service of the Complaint in the above-captioned quiet title action, as per Order of Court was served on the Defendants by publication once in The Progress, on May 9, 2003, a newspapers of general circulation in Clearfield County, Pennsylvania, and once in the Clearfield County Legal Journal, Week of May 16, 2003, Volume 15, No. 20, and that no known living heirs of Defendants were found, and if further appearing that no answer has been filed nor any appearance entered by the said Defendants were found, and it further appearing that no answer has been filed nor any appearance entered by the said named Defendants nor their duly authorized representatives for more than twenty (20) days since the date of publication, it is hereby **ORDERED and DECREED As Follows:**

1. That **WHITE DUGAN COAL COMPANY**, and their heirs, devisees, executors,

administrators, assigns and successors, and all other person, persons, firms, partnerships, or corporate entities in interest, or their legal representatives, are forever barred from asserting any right, title, lien or interest inconsistent with the interest of the claim of the Plaintiffs as set forth in their complaint in and to the following premises situate in Decatur Township, Clearfield County, Pennsylvania, being bounded and described as follows, to wit:

ALL that certain piece or parcel situate in Decatur Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a set 3/4" iron rebar corner, said corner being the northwest corner of the property described herein; thence along land of now or formerly Thomas M. Pecosh, North 42 degrees 45 minutes 04 seconds East, a distance of 114.69 feet to a found set 1" iron pipe corner; thence along land of now or formerly Nearhoof Machine, Inc., South 32 degrees 14 minutes 35 seconds East a distance of 289.30 feet to a set 3/4" iron rebar corner; thence along land of now or formerly Charles F. and Deborah M. Nearhoof, South 32 degrees 14 minutes 45 seconds West, a distance of 431.44 feet to a set 3/4" iron rebar corner; thence along Lot 1, North 35 degrees 26 minutes 28 seconds West, a distance of 122.09 feet to a set 3/4" iron rebar corner; thence along Lot 1, North 45 degrees 46 minutes 49 seconds East, a distance of 259.11 feet to a set 3/4" iron rebar corner; thence along Lot 1, North 25 degrees 43 minutes 15 seconds West, a distance of 56.24 feet to a set 3/4" iron rebar corner; thence along the residual lot, North 26 degrees 21 minutes 57 seconds East, a distance 98.24 feet to a set 3/4" iron rebar corner; thence along the residual lot, North 51 degrees 57 minutes 25 seconds West, a distance of 172.83 feet to a set 3/4" iron rebar corner, the place of beginning.

Containing 1.23 acres and being shown as Lot 2 on a plan titled "Preliminary/Final Subdivision Plan of Amelia L. Cimino, Decatur Township, Clearfield County", as prepared by Hess & Fisher Engineers, Inc., dated November 2, 2001, and said plan recorded in Clearfield County Instrument No. 200120083 to Map File No. 2463.

Along with Right-of-Way from State Route 53 to Lot 2, said Right-of-Way bounded And described as follows:

BEGINNING at a point, said point being in the southern right-of-way line of State Route 53; thence along the southern right-of-way line of State Route 53, North 58 degrees 15 minutes 36 seconds (N 58° 15' 36" E) East, a distance of 54.00 feet to a point; thence across land of now or formerly Nearhoof Machine, Inc. these following

courses and distances: by a curve to the right with a radius of 86.07 feet, the chord of which is, South 16 degrees 33 minutes 54 seconds West (S 16° 33' 54" W), 30.62 feet to a point; South 28 degrees 34 minutes 12 seconds West (S 28° 34' 12" W), 201.18 feet to a point; by a curve which is to the left with a radius of 431.96 feet, the chord of which is, South 21 degrees 57 minutes 54 seconds West (S 21° 57' 54" W), 79.13 feet to a point; by a curve to the right with a radius of 46.28 feet, the chord of which is, South 33 degrees 02 minutes 06 seconds West (S 33° 02' 06" W), 37.96 feet to a point; by a curve to the right with a radius of 1971.71 feet, the chord of which is, South 48 degrees 45 minutes 32 seconds West (S 48° 45' 32" W), 98.47 feet to a point; thence across Lot 2 these following courses and distances: by a curve to the right with a radius of 1971.71 feet, the chord of which is, South 46 degrees 34 minutes 45 seconds West (S 46° 34' 45" W), 51.55 feet to a point; by a curve to the left with a radius of 44.61 feet, the chord of which is, South 08 degrees 06 minutes 36 seconds East (S 08° 06' 36" E), 30.41 feet to a point; South 34 degrees 18 minutes 00 seconds East (S 34° 18' 00" E), 40.38 feet to a point; by a curve to the right with a radius of 107.68 feet, the chord of which is, South 16 degrees 35 minutes 29 seconds East (S 16° 35' 29" E), 45.99 feet to a point; thence across land of now or formerly Charles F. and Deborah M. Nearhoof, Jr. these following courses and distances: by a curve to the right with a radius of 107.68 feet, the chord of which is, South 06 degrees 17 minutes 06 seconds West (S 06° 17' 06" W), 39.42 feet to a point; South 15 degrees 19 minutes 48 seconds West (S 15° 19' 48" W), 21.38 feet to a point; by a curve to the right with a radius of 1990.90 feet, the chord of which is South 22 degrees 17 minutes 06 seconds West (S 22° 17' 06" W), 165.70 feet to a point; by a curve to the left with a radius of 789.05 feet, the chord of which is, South 21 degrees 03 minutes 49 seconds West (S 21° 03' 49" W), 70.66 feet to a point; South 61 degrees 38 minutes 16 seconds West (S 61° 38' 16" W), 47.20 feet to a point; by a curve to the right with a radius of 42.26 feet, the chord of which is, North 85 degrees 05 minutes 42 seconds West (N 85° 05' 42" W), 48.10 feet to a point; thence along Lot 2, North 32 degrees 19 minutes 47 seconds East (N 32° 19' 47" E), a distance of 34.36 feet to a point; thence across land of now or formerly Charles F. and Deborah M. Nearhoof, Jr. these following courses and distances: by a curve to the right with a radius of 9.26 feet, the chord of which is, South 71 degrees 06 minutes 32 seconds East (S 71° 06' 32" E), 13.91 feet to a point; North 61 degrees 37 minutes 32 seconds East (N 61° 37' 32" E), 35.13 feet to a point; by a curve to the left with a radius of 822.05 feet, the chord of which is, North 21 degrees 32 minutes 03 seconds East (N 21° 32' 03" E), 60.70 feet to a point; by a curve to the left with a radius of 1957.90 feet, the chord of which is, North 22 degrees 55 minutes 13 seconds East (N 22° 55' 13" E), 120.25 feet to a point; thence across Lot 2 these following courses and distances: by a curve to the left with a radius of 1957.90 feet, the chord of which is, North 20 degrees 32 minutes 43 seconds East (N 20° 32' 43" E), 42.05 feet to a point; North 15 degrees 19 minutes 48 seconds East (N 15° 19' 48" E), 20.53 feet to a point; by a curve to the right with a radius of 74.68 feet, the

chord of which is, North 05 degrees 21 minutes 18 seconds West (N 05° 21' 18" W), 57.12 feet to a point; North 34 degrees 18 minutes 00 seconds West (N 34° 18' 00" W), 40.19 feet to a point; by a curve to the left with a radius of 77.16 feet, the chord of which is, North 19 degrees 32 minutes 42 seconds West (N 19° 32' 42" W), 27.26 feet to a point; thence across the residual lot, North 09 degrees 48 minutes 36 seconds East (N 09° 48' 36" E), 43.63 feet to a point; thence across Lot 2, by a curve to the right with a radius of 2004.71 feet, the chord of which is, North 46 degrees 36 minutes 46 seconds East (N 46° 36' 46" E), 61.77 feet to a point; thence across land of now or formerly Nearhoof Machine, Inc. these following courses and distances: by a curve to the right with a radius of 2004.71 feet, the chord of which is, North 48 degrees 52 minutes 40 seconds East (N 48° 52' 40" E), 96.72 feet to a point; by a curve to the right with a radius of 13.28 feet, the chord of which is, North 32 degrees 44 minutes 24 seconds East (N 32° 44' 24" E), 13.53 feet to a point; by a curve to the left with a radius of 464.96 feet, the chord of which is, North 21 degrees 48 minutes 00 seconds East (N 21° 48' 00" E), 88.64 feet to a point; North 28 degrees 34 minutes 12 seconds East (N 28° 34' 12" E), 184.46 feet to a point in the southern right-of-way line of State Route 53, the place of beginning.

The said right-of-way vested in the Grantor by Right-of-Way Easement dated January 4, 2002 and recorded in Clearfield County Instrument No. 200200212. It being the Third Thereof Easement in said Right-of-Way Easement.

EXCEPTING AND RESERVING from the above described real property a right-of-way with the rights and under the terms and conditions set forth in the Right-of-Way Easement for a water line dated January 4, 2002 from Amelia L. Cimino to Nicholas P. Cimino and Doris A. Cimino, recorded in Clearfield County Instrument No. 200200215. The Right-of-Way Easement is over a part of Lot 2 conveyed herein and the entire Right-of-Way is bounded and described as follows:

BEGINNING at a point said point being southwest of a found iron pipe corner, thence across Lot 2 these following courses and distances, South 32 degrees 14 minutes 35 seconds East, a distance of 213.09 feet to a point; by a curve to the right with a radius of 37.45 feet, the chord of which is, South 10 degrees 24 minutes 43 seconds West, 51.36 feet to a point; South 51 degrees 57 minutes 20 seconds West, 273.99 feet to a point; South 56 degrees 01 minute 58 seconds West, 127.65 feet to a point; thence along Lot 1, North 32 degrees 19 minutes 49 seconds West, 10.00 feet to a point; thence across Lot 1 these following courses and distances: North 56 degrees 01 minute 58 seconds East, 127.01 feet to a point; North 51 degrees 57 minutes 20 seconds East 273.80 feet to a point on Lot 2: thence across Lot 2 by a curve to the left with a radius of 27.45, the chord of which is North 10 degrees 30 minutes 19 seconds East, 37.78 feet to a point; North 32 degrees 14 minutes 35 seconds West, 210.46 feet to a point; North 42 degrees 45 minutes 04 seconds East,

10.35 feet to a point, the place of beginning.

This Right-of-Way runs from the northern part of Lot 2 in a southern direction and then curves to the southwest across the northern portion of Lot 1 to Parcel 74, however, the Right-of-Way is not specifically shown on the plan of Amelia L. Cimino, recorded in Clearfield County Instrument No. 200120083 to Map File No. 2463.

2. That the right of the Plaintiffs in the said premises are at all times superior to the rights of said named Defendants and that the Plaintiffs' have title in fee simple to the said premises described in the Complaint against the said Defendants.

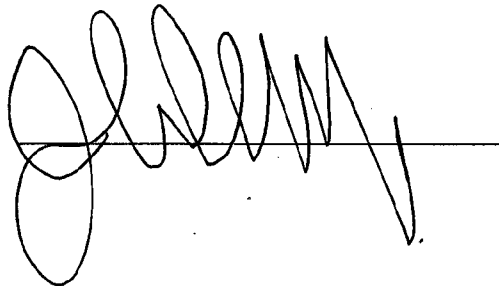
3. That the Defendants or any person claiming under them shall be forever enjoined from setting up any title to the premises of the Plaintiffs described in the Complaint and from impeaching, denying or in any way attacking the titled to the Plaintiffs to said premises.

4. That the thirty (30) day provision for filing exceptions in Pa. R.C.P. 1066(b)(1) be modified so as to eliminate the said thirty (30) day rule pursuant to PA. R.C.P. 248.

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

6. That a 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, consisting of a large, stylized 'J' followed by several loops and a long horizontal stroke extending to the right.

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

JOSEPH L. CUSICK and JOAN M.
CUSICK,

Plaintiffs,

vs.

WHITE DUGAN COAL COMPANY, its
successors, administrators,
assigns, and all person, persons,
firms and partnerships or corporate
entity in interest or their legal
representatives.

Defendants

COMPLAINT

No. 03 - - C.D.

FILED

3:11 PM APR 28 2003
10295-00
10295-00
10295-00

William A. Shaw
Prothonotary

LAW OFFICES
BLAKLEY & JONES
90 BEAVER DRIVE - BOX 6
DUBOIS, PA 15801