

03-945-CD

MICHAEL BUHLER, etal vs. CSX TRANSPORTATION, INC. etal

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MICHAEL BUHLER and	:	CIVIL ACTION - LAW
SANDRA M. BUHLER,	:	
Plaintiffs	:	ACTION TO QUIET TITLE
	:	
v.	:	No. <u>945</u> - 2003 - <u>CD</u>
	:	
CSX TRANSPORTATION, INC.	:	TYPE OF CASE: CIVIL
a Virginia corporation,	:	
and BUFFALO & PITTSBURGH	:	TYPE OF DOCUMENT:
RAILROAD, INC., a Delaware	:	Complaint
corporation,	:	
Defendants	:	FILED ON BEHALF OF:
	:	Michael Buhler
	:	and Sandra M. Buhler, Plaintiffs
	:	
	:	COUNSEL OF RECORD FOR THIS PARTY:
	:	Terry R. Heeter
	:	Supreme Court No. 52750
	:	
	:	The Kooman Law Firm
	:	Marianne Professional Center
	:	P.O. Box 700
	:	Clarion, PA 16214
	:	(814) 226-9100

jc:4401b
#21434

FILED

M 10:58

JUN 27 2003

William A. Shaw
Prothonotary

MICHAEL BUHLER	:	IN THE COURT OF COMMON PLEAS OF
and SANDRA M. BUHLER,	:	CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiffs	:	
	:	
v.	:	CIVIL ACTION - LAW
	:	
CSX TRANSPORTATION, INC.	:	
a Virginia corporation,	:	ACTION TO QUIET TITLE
and BUFFALO & PITTSBURGH	:	
RAILROAD, INC., a Delaware	:	
corporation,	:	
Defendants	:	No. _____ - 2003

NOTICE TO DEFEND

TO: CSX CORPORATION	BUFFALO & PITTSBURGH RAILROAD, INC.
500 Water Street	201 North Penn Street
Jacksonville, FL 32202	Punxsutawney, PA 15767

Notice

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Civil 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 Civil Complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

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

COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
ONE NORTH SECOND STREET
CLEARFIELD, PA 16830
TELEPHONE: (814) 765-2641 Ext. 50-51

MICHAEL BUHLER	:	IN THE COURT OF COMMON PLEAS OF
and SANDRA M. BUHLER,	:	CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiffs	:	
	:	
v.	:	CIVIL ACTION - LAW
	:	
CSX TRANSPORTATION, INC.	:	
a Virginia corporation,	:	ACTION TO QUIET TITLE
and BUFFALO & PITTSBURGH	:	
RAILROAD, INC., a Delaware	:	
corporation,	:	
Defendants	:	No. _____ - 2003

COMPLAINT

AND NOW, come the plaintiffs, **MICHAEL BUHLER** and **SANDRA M. BUHLER** (the "Plaintiffs"), by and through their attorney, Terry R. Heeter, and file this complaint to quiet title pursuant to Pennsylvania Rule of Civil Procedure No. 1061, et seq., upon a cause of action the nature whereof is as follows:

1. The plaintiffs, Michael Buhler and Sandra M. Buhler, are adult individuals residing at 204 Grand Slam Road, Ridgway, Pennsylvania 15853.

2. The defendant, CSX Corporation, is a Virginia corporation with a mailing address of 500 Water Street, Jacksonville, Florida 32202.

3. The defendant, Buffalo & Pittsburgh Railroad, Inc., is a Delaware corporation with a mailing address of 201 North Penn Street, Punxsutawney, Pennsylvania 15767.

4. The defendants, CSX Corporation and Buffalo & Pittsburgh Railroad, Inc., are hereinafter collectively referred to as the "Defendants" unless otherwise specified.

5. The Plaintiffs are in sole and exclusive possession of the following described property (the "Subject Property"), the character of which is an abandoned railroad grade, and which shall be subject to this Action to Quiet Title:

a. A strip of land four rods in width and 2,295 feet in length, which extends through lands formerly of Mario Riccadonna situate in Huston Township, Clarion County, Pennsylvania and is bounded as follows:

On the west by land owned by Margaret A. Buhler, acquired by an action in quiet title filed at Clearfield County Docket No. AD 001508 CD;

On the north by land now or formerly of Mario Riccadonna and more fully identified in Clearfield County Record Book 1490, Page 502:

On the south by land now or formerly of Mario Riccadonna and more fully identified in Clearfield County Record Book 1490, Page 502; and

On the east by land of Michael Buhler and Sandra M. Buhler and more fully identified at Clearfield County Instrument No. 200017196.

6. The Plaintiffs hereby claim title to the Subject Property consisting of the strip of land four rods in width and 2,295 feet in length, containing an area of 3.4773 acres, previously conveyed to the Susquehanna and Southern Railroad, which consists of an

abandoned railroad grade which passes through land now or formerly of Mario Riccadonna, by virtue of Plaintiffs and their predecessors in title having open, continuous, uninterrupted, distinct, visible, hostile, notorious, and exclusive possession of this property as against the Defendants and their predecessors in title since 1954 and for a period in excess of twenty-one years.

7. The Plaintiffs have made improvements to the Subject Property and have maintained these improvements to the present.

8. The defendant, CSX Transportation, Inc., as successor through merger, derived title to the Subject Property, from their predecessor in title, Susquehanna and Southern Railroad Co. which was conveyed the Subject Property from Andrew Reding by deed dated March 31, 1903 and recorded April 14, 1903 and recorded in Clearfield County Deed Book 134, Page 14, a copy of which is marked as Exhibit "A", attached hereto and made a part hereof.

9. The defendant, Buffalo & Pittsburgh Railroad, Inc., derived title to the Subject Property from their predecessor in title, CSX Transportation, Inc., by deed dated October 7, 1991 and recorded in Clearfield County Deed Book 1432, Page 285, a copy of the relevant portion of this deed is marked as Exhibit "B", attached hereto and made a part hereof.

10. The Defendants' predecessors in title to the Subject Property, did reserve for the benefit of CSX an easement along and/or through the Subject Property.

11. The Defendants have claimed ownership of the Subject Property.

12. This Action to Quiet Title is brought by the Plaintiffs to validate their interest in the Subject Property.

13. Upon diligent inquiry, the Plaintiffs believe that no other defendants exist who have a claim to have any right title or interest in or against the Subject Property.

14. This Action to Quiet Title is brought pursuant to the terms and provisions of the Pennsylvania Rules of Civil Procedure 1061 through 1067 inclusive.

WHEREFORE, the plaintiffs, Michael Buhler and Sandra M. Buhler, pray as follows:

a. That the Defendants and all persons claiming under them be required to set forth the nature of their claims to the Subject Property.

b. For a decree of this court determining all adverse claims of the Defendants and all persons who may claim under them;

c. For said decree to declare and adjudge that the Plaintiffs own absolutely and are entitled to quiet and peaceful possession of the Subject Property as against all persons claiming under them, that the Defendants and all persons claiming under them have no estate, right, lien, or interest in or to the Subject Property or any part thereof, and that title to the Subject Property be

quieted in the Plaintiffs and against all claims of the Defendants and all persons claiming under them;

d. For said decree permanently enjoin the Defendants and all persons who may claim under them for asserting any estate, right, title, lien or interest in or to the Subject Property or any part thereof adverse to the Plaintiffs;

e. Cost of this suit; and

f. Such other and further relief as the Court deems just and proper.

COUNT II

Action to Compel Filing of Ejectment Action

15. Paragraphs 1 through 14 of the within complaint are hereby incorporated by reference as though set forth more fully at length herein.

16. The Defendants have challenged the Plaintiffs' possession of the Subject Property.

WHEREFORE, the Plaintiffs, Michael Buhler and Sandra M. Buhler, request that this Court order the Defendants to bring an action in ejectment.

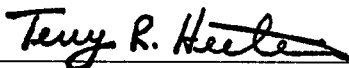
COUNT III

Ejectment

17. Paragraphs 1 through 14 of the within complaint are hereby incorporated by reference as though set forth more fully at length herein.

WHEREFORE, the Plaintiffs, Michael Buhler and Sandra M. Buhler, request that this Court enter judgment in favor of the Plaintiffs and against the Defendants for exclusive possession of the entirety of the Subject Property.

Respectfully submitted,

By 
TERRY R. HEETER, ESQUIRE
The Kooman Law Firm
Attorney for Plaintiffs
Marianne Professional Center
P.O. Box 700
Clarion, PA 16214
(814) 226-9100

jc:4382b
#

734
14

State of Pennsylvania:

SS.

County of Clearfield; Personally appeared before the subscriber, M. I. McCreight, who being duly sworn did depose and say that he was personally present and saw D. A. K sign, seal and deliver the attached instrument and deponent then immediately affixed his signature as subscribing witness thereto and the signature of said party and the signature of deponent as affixed to and appearing on the attached instrument are genuine and in proper handwriting of the persons whose names so appear.

Sworn to and subscribed before me this 28th day of February 1903.

Witness my hand and official seal.

M. I. McCreight

Jet Kearns (N.P. seal)

Entered of record Apr. 14, 1903.

Notary Public

Recorded and Compared by

E. E. *Simmons*
Recorder.
Per. H.S.

My commission expires Feb. 27, 1905.

RELEASE

#

Know All Men by These Presents, that Andrew Redi

Andrew Redding

Penfield, Pa. parties of the first part, for and in consideration

of the sum of three hundred dollars, lawful money of the Unit

to

States, duly paid by the railroad company hereinafter mentioned

Susq. & Southern R.R. Co.

to us, receipt of which is hereby acknowledged, have granted,

bargained, sold, released and conveyed unto the Susquehanna & Southern Railroad Company a corporation organized under the laws of Pennsylvania, its successors and assigns, a strip of land four rods in width, ~~and through cuts and fills such additional widths as may be needed~~ for slopes, one half thereof on either side of the center line as now located, of the Susquehanna & Southern Railroad, leading from Sinnemahoning to DuBois through lands of the parties above mentioned, situate in Huston Township, Clearfield County, Pennsylvania,

Together with the right to enter upon the said land and lay out, construct, maintain and operate a railroad over and across the lands belonging to the parties above mentioned, taking and using such earth, stones and gravel, as may be needed for grading and filling road, and hereby fully releasing said railroad company, its successors and assigns, from liability by reason of the location, construction and operation of the said railroad.

A farm crossing shall be built and maintained by said company.

In Witness Whereof the parties first above named hersunto set their hands and seals this day of March 1903.

Andrew Redding (seal)

State of Pennsylvania: SS.

County of Clearfield: Personally appeared before the subscriber a Justice of the Peace the above named Andrew Redding who in due form of law acknowledged the foregoing release to be their act and deed and desired the same might be recorded as such.

Witness my hand and official seal this 31st day of March 1903.

W. W. Hoover (J.P. seal)
J.P.

Entered of record Apr. 14, 1903.

Recorded and Compared by

E. E. *Simmons*
Recorder.

Exhibit "A"

ARJDAVIT No. 19294

Vol 1432 285

This instrument prepared by
or under the direction of:

JSPINEN

Douglas R. Maxwell
Assistant General Counsel

Attorney for Grantors
Business Address:
500 Water Street
Jacksonville, Florida 32202

This Document executed
in four (4) original
counterparts, for simul-
taneous recording in
four (4) counties.

Counterpart No. 1 of 4

THIS QUITCLAIM DEED, made as of the 7th day of October, 1991, between CSX TRANSPORTATION, INC., a Virginia corporation, successor by Articles of Merger to The Chesapeake and Ohio Railway Company, effective September 2, 1987, in turn successor by merger, effective April 30, 1987 to The Baltimore and Ohio Railroad Company, and the BUFFALO, ROCHESTER AND PITTSBURGH RAILWAY COMPANY, a corporation of the State of New York and Commonwealth of Pennsylvania, as the respective interests of each may appear, hereinafter collectively called "Grantors," and whose collective mailing address is 500 Water Street, Jacksonville, Florida 32202, and BUFFALO & PITTSBURGH RAILROAD, INC., a Delaware corporation, whose mailing address is 201 North Penn Street, Pottsville, Pennsylvania 15767, hereinafter called "Grantee"; WITNESSETH:

WHEREAS, Grantors have agreed to sell and Grantee has agreed to purchase Grantors' main line of railroad, branch lines and various spurs, and other associated real property, as more particularly described herein, between Buffalo, New York, and Pottsville, Pennsylvania, and

WHEREAS, in Interstate Commerce Commission ("ICC") Finance Docket No. 31116, Grantee filed a Notice of Exemption, under Title 49 U. S. Code, Section 10901 and 49 CFR, Part 1150, to acquire from Grantors, and to operate, certain lines of railroad in the States of New York and Pennsylvania, and to use certain connecting tracks under trackage rights, and said Notice was effective September 29, 1987; and

WHEREAS, in ICC Finance Docket No. 31117, Grantee, among others, filed a Petition for Exemption under Title 49 U. S. Code, Section 10505, for authorization of continuation of control by Grantee of the Clearfield and Mahoning Railway Company (CEM) and the Allegheny and Western Railway Company (A&W) and to operate over perpetual leased lines from CEM and A&W, and the Exemption was authorized by order dated December 21, 1987; and

WHEREAS, this Deed effects the agreement of Grantors and Grantee and compliance with such ICC decisions and orders; and

WHEREAS, in order to allow for simultaneous recordings in the Counties of McKean, Elk, Jefferson, and Clearfield, all in the Commonwealth of Pennsylvania, this Quitclaim Deed is prepared in multiple counterparts, each conveying that portion of Grantors' property and line of railroad in the counties hereinafter described; and

WHEREAS, certain of the parcels to be conveyed are owned in fee simple absolute, others in lesser freeholds, and it is the intent of Grantors to bargain, sell, convey, grant, assign, quitclaim and/or release to Grantee all right, title and interest of Grantors in said lines of railroad and lands, whether in fee or lesser estate, other than as expressly excepted and reserved herein;

PLEASE RETURN TO:
STATE TITLE SERVICES, INC.
1023 LINCOLN MAIL
P.O. BOX 85355
LINCOLN NEBRASKA 68501

37 PGS

04137
COMMUNICATIONS SECTION
DEPARTMENT OF JUSTICE
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RECEIVED
JAN 11 1964
FBI
900.00

641333 COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF REVENUE
REALTY
TRANSFER
TAX RECEIPT
302.00

6413 REALTY TRANSFER TAX 330.00

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF REVENUE

PROPERTY TAX RECEIPT

AMOUNT PAID: \$100.00

DATE: 3/10/61

RECEIVED

DATE	211031
CYCLE NO.	25194
PALC. TIME	25344

[illegible]

NOW, THEREFORE, Grantors, for and in consideration of the sum of TEN DOLLARS AND NO/100 U.S. DOLLARS (\$10.00), cash in hand paid, and other valuable consideration, the receipt of which is hereby acknowledged, do each hereby RELEASE, REMISE and forever QUITCLAIM unto Grantee all right, title and interest of each Grantor in and to all of the railroad right-of-way and property, including any and all spurs connected thereto, and including any and all land constituting Grantors' line(s) of railroad situate, lying and being between the State Line between Cattaraugus County, New York, and McKean County, Pennsylvania, and a point at or near Punxsutawney, Pennsylvania, ALL as generally shown on Exhibit A, Rail Line Designation Map, and on Grantors' Valuation Section Map Indices, Exhibits A-1 and A-2, attached hereto, and as shown in detail on Grantor's Railroad Valuation Map(s) V-8, V-21, V-8a and V-9, as herein provided, all of which are incorporated herein by reference, copies of which are available at the offices of Grantors and Grantee if not otherwise recorded in the Plat Records of the herein described counties, and as described on Exhibit B, attached hereto and incorporated herein; BEGINNING at Grantor's Rail Valuation Station 6304+83.9, more or less, Valuation Section Map V-8, Sheet 1, as shown on Exhibit B-1, attached hereto and incorporated herein, and running THENCE through the Counties of McKean, Elk, Jefferson, and Clearfield, Pennsylvania, to the END POINT, at Grantors' Rail Valuation Station 11651+47.7, Valuation Section Map V-9, Sheet 54, as shown on Exhibit B-9, attached hereto and incorporated herein; and CONTAINING 1,679.14 acres, more or less, in total, (105.17 miles), of which 419.00 acres (35.58 miles) are in McKean County, 322.37 acres (33.41 miles) are in Elk County, 685.85 acres (19.90 miles) are in Jefferson County, and 251.92 acres (16.28 miles) are in Clearfield County.

INCLUDING all Grantors' right, title and interest, in the S&S Branch, consisting of 92.12 acres (7.02 miles), more or less, in Clearfield County, as described on Exhibit B and as shown on Grantors' Valuation Section Map V-1, Sheets 9 through 11, the BEGINNING and END POINTS both shown on Exhibit A-7, also attached hereto and incorporated herein; and

INCLUDING all interest of Grantors under lease dated January 3, 1893 from Clearfield and Mahoning Railway Company.

BUT EXCLUDING all Grantors' right, title and/or interest in and to the following Branches (or former Branches): (A) Eleanora Branch (T-R 220<1>) (connecting at Grantors' Rail Valuation Station 11446+04.2, Valuation Section Map V-12, Sheet 1, and connecting at Grantors' Rail Valuation Station 11568+47, Valuation Section Map V-12, Sheet 2); (B) Halvoria Branch (connecting at Grantors' Rail Valuation Station 11080+00, Valuation Section Map V-21, Sheet 1); (C) Beech Tree Branch (connecting at Grantors' Rail Valuation Station 10331+20, Valuation Section Map V-11, Sheet 1); ALL as shown generally on Exhibits D-1 through D-3.

ALL SAID lands, rights, interests, rights-of-way, etc., being more particularly described in Exhibit "B", attached hereto and incorporated herein, and hereinafter designated "the Premises,"

TOGETHER WITH all buildings, structures, improvements and fixtures thereon, and all and singular the rights, alleys, ways, waters, privileges, hereditaments and appurtenances to said Premises belonging or in anyway incident or appertaining (other than Excluded, Excepted or Reserved herein), including bridge or trestle rights, access rights and easements, and all strips or gores in, between, through or adjoining said Premises, and any and all agreements creating rights in, on or for the Premises, whether recorded or unrecorded, and any and all rights acquired by the Grantors by adverse possession.

It is the intention of the Grantors to convey an aggregate area of 1,771.26 acres, or 112.19 miles, more or less, of which 419.00 acres, or 35.58 miles, more or less, are in McKean County, 322.37 acres, or 33.41 miles, more or less, are in Elk County, 685.85 acres, or 19.90 miles, more or less, are in Jefferson County, and 344.04 acres, or

23.30 miles, more or less, are in Clearfield County, to the Grantee, by this Quitclaim Deed, including all of its right-of-way and real property between the BEGINNING POINTS and ENDING POINTS described above.

EXCEPTING, however, unto Grantors, as the interest of each may appear, fourteen (14) parcels of land situated in the Counties of McKean, Elk, Clearfield, and Jefferson, Pennsylvania, and being shown within the black-lined areas on Exhibits C-1 through C-12, attached hereto and incorporated herein.

FURTHER EXCEPTING unto Grantors all ores and minerals of every kind and nature, including, but not limited to oil, natural gas, sulfur, coal and lignite, whether on or underlying the surface of the Premises, and the constituents of each; and RESERVING the full right, privilege and license, either by Grantors or by their designated contractors, and the agents and employees of either, at any time to explore, or drill for and to protect, conserve, mine, take, extract, remove and market the same; PROVIDED, that the exercise of such rights shall be in accordance with the terms of that separate Mineral Rights Agreement between Grantors and Grantee, even dated herewith, incorporated herein by reference, and does not unreasonably interfere with the safe and efficient use of the Premises, or any improvements thereon, by Grantee, for railroad purposes, nor deprive Grantee of the right to surface and subjacent support.

RESERVING also unto Grantors a Nonexclusive Perpetual Easement along and/or through the entire Premises, to construct, maintain, operate, use, replace, relocate, renew and remove fiber optic communication cables, lines or facilities, beneath the surface of the Premises, and all ancillary equipment or facilities (both underground and surface), including the right to attach the same to existing bridges or poles on the Premises, and such surface rights necessary to accomplish the same; TOGETHER WITH the further right(s) to assign said reserved Nonexclusive Perpetual Easement, and rights, and facilities therein, in whole or in part, and to lease, license or permit third parties to use said reserved Nonexclusive Perpetual Easement, rights and facilities; PROVIDED that the exercise of such rights shall be in accordance with the terms of that "Basic Fiber Optic Operating Agreement," between Grantors and Grantee, even dated herewith, incorporated herein by reference, and does not unreasonably interfere with the safe and efficient use of the Premises, or any improvements thereon, by Grantee, for railroad purposes.

TO HAVE AND TO HOLD the Premises, and all the estate, right, title, lien, interest and claim whatsoever of Grantors therein, either in law or equity, (other than Excluded, Excepted or Reserved herein), unto the proper use, benefit and enjoyment of Grantee, Grantee's successors and assigns, forever.

SUBJECT TO all reservations, exceptions and restrictions of record, any and all encroachments which might be revealed from an inspection of the Premises, and any and all existing ways and servitudes, public utility easements, occupancies and rights-of-way howsoever created for crossings, roads, streets and highways.

NOTICE: This document does not sell, convey, transfer, include or insure the title to the coal and right of support underneath the surface land described or referred to herein, and the owner or owners of such coal has the complete legal right to remove all of such coal, and, in that connection, damage may result to the surface of the land and any house, building or other structure on or in such land. The inclusion of this notice does not enlarge, restrict or modify any legal rights or estates otherwise created, transferred, excepted or reserved by this instrument. This notice is set forth in the manner provided in Section 1 of the Act of July 17, 1957, P.L. 284, as amended (Title 52, Section 1551, P.S.A.), and is not intended as notice of unrecorded instruments, if any.

FURTHER, for consideration above, Grantors GRANT unto Grantee, its successors and assigns, a Nonexclusive Reversible Track Easement for the

location, maintenance, use of and conduct of railroad operations on and over the existing railroad tracks on the Excepted parcels shown on Exhibits C-1, C-6, C-7, C-8, and C-9. Grantee, for itself, its successors and assigns, hereby covenants and agrees that each said Track Easement shall cease and terminate upon cessation of railroad operations over any of said track(s) or parcel(s) for a continuous period of one (1) year.

IN WITNESS WHEREOF, CSX TRANSPORTATION, INC., and the BUFFALO, ROCHESTER AND PITTSBURGH RAILWAY COMPANY, pursuant to due corporate authority, have each caused their names to be signed hereto by their officers hereunto duly authorized and their corporate seals, duly attested, to be hereunto affixed.

I hereby certify that the correct address of the within-named Grantee is 201 North Penn Street, Pottsville, Pennsylvania 17857.

On Behalf of the Grantee *R. David Hunter*

Signed, sealed and delivered in the presence of:

John M. Gibson, Jr.
JOHN M. GIBSON, JR.

Regina B. Smith
REGINA B. SMITH

Signed, sealed and delivered in the presence of:

John M. Gibson, Jr.
JOHN M. GIBSON, JR.

Regina B. Smith
REGINA B. SMITH

CSX TRANSPORTATION, INC.:

Gerald L. Nichols
Gerald L. Nichols
Sr. Vice President-Administration

Attest

R. Lyle Key, Jr.
Assistant Secretary
BUFFALO, ROCHESTER AND PITTSBURGH RAILWAY COMPANY

Gerald L. Nichols
Gerald L. Nichols
Sr. Vice President

Attest

Lynne B. Klapp
Assistant Secretary

FURTHER, in witness whereof, this instrument is executed by CSX Transportation, Inc. (as successor by mergers, effective September 2, 1987 and April 30, 1987, to The Baltimore and Ohio Railroad Company), owner and operator of the Buffalo, Rochester and Pittsburgh Railway Company, under Agreement of December 15, 1931, with the intention of releasing, remising and quitclaiming all of the interest of said CSX Transportation, Inc., successor to The Baltimore and Ohio Railroad Company, in and to the above-described Premises existing under said Agreement.

Signed, sealed and delivered in the presence of:

Thomas N. Whitaker
THOMAS N. WHITAKER

Lynne B. Klapp
Lynne B. Klapp
Assistant Secretary

CSX TRANSPORTATION, INC.:

Gerald L. Nichols
Gerald L. Nichols
Sr. Vice President-Administration



Adm. to
1432

Vol 1432 PAGE 200

STATE OF FLORIDA }
COUNTY OF DUVAL } SS.

I, Wendell L. Smith, a Notary Public of the State of Florida and the County of Duval, do certify that, on the date below, before me in said County personally came Gerald L. Nichols, to me known, and known to me to be the person whose name is subscribed to the above instrument, who, being by me first duly sworn, did depose, acknowledge and say that: he resides in Jacksonville, Duval County, Florida; he is Sr. Vice President-Administration of CIX Transportation, Inc., the corporation described in and which executed said instrument; he is fully informed of the contents of the instrument, he knows the seal of said corporation; the seal affixed to said instrument is such seal; it was so affixed by authority of the Board of Directors of said corporation; he signed his name thereto for said corporation pursuant to such authority and instrument is the free act and deed of said corporation; and the conveyance herein is not part of a transaction, sale, lease, exchange or other transfer or conveyance of all or substantially all of the property and/or assets of the Grantor.

IN WITNESS WHEREOF, I hereunto set my hand and official seal, this 1st day of February, 1942.

My commission expires on:

NOTARY PUBLIC, STATE OF FLORIDA
My commission expires Jan. 13, 1944
Signed this 1st day of February, 1942

Wendell L. Smith
Notary Public



STATE OF FLORIDA }
COUNTY OF DUVAL } SS.

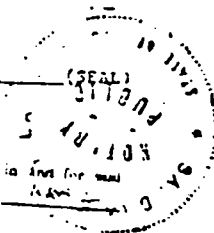
I, Wendell L. Smith, a Notary Public of the State of Florida and the County of Duval, do certify that, on the date below, before me in said County personally came Gerald L. Nichols, to me known, and known to me to be the person whose name is subscribed to the above instrument, who, being by me first duly sworn, did depose, acknowledge and say that: he resides in Jacksonville, Duval County, Florida; he is Sr. Vice President of Buffalo, Rochester and Pittsburgh Railway Company, the corporation described in and which executed said instrument; he is fully informed of the contents of the instrument, he knows the seal of said corporation; the seal affixed to said instrument is such seal; it was so affixed by authority of the Board of Directors of said corporation; he signed his name thereto for said corporation pursuant to such authority, and instrument is the free act and deed of said corporation; and the conveyance herein is not part of a transaction, sale, lease, exchange or other transfer or conveyance of all or substantially all of the property and/or assets of the Grantor.

IN WITNESS WHEREOF, I hereunto set my hand and official seal, this 1st day of February, 1942.

My commission expires on:

NOTARY PUBLIC, STATE OF FLORIDA
My commission expires Jan. 13, 1944
Signed this 1st day of February, 1942

Wendell L. Smith
Notary Public



CLEARFIELD COUNTY
ENTERED OF RECORD

TIME 1:44 PM 11-10-41

BY Michael R. Little

Notary Public, Clearfield County, Pa.
Ancel P. Little, Secy

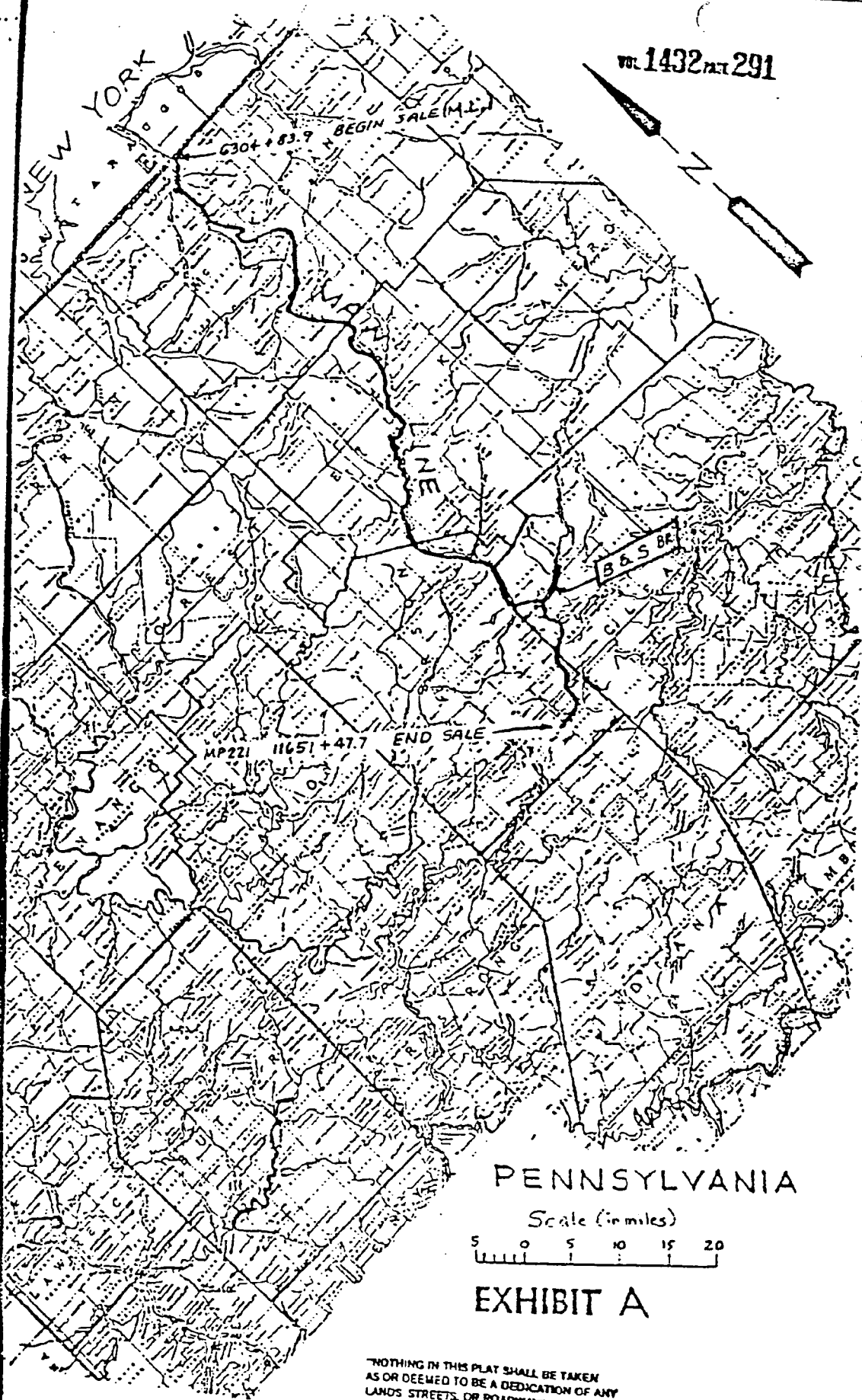
My Commission Expires

Sept. 14, 1942

PP

Michael R. Little

W. 1432 PAT 291



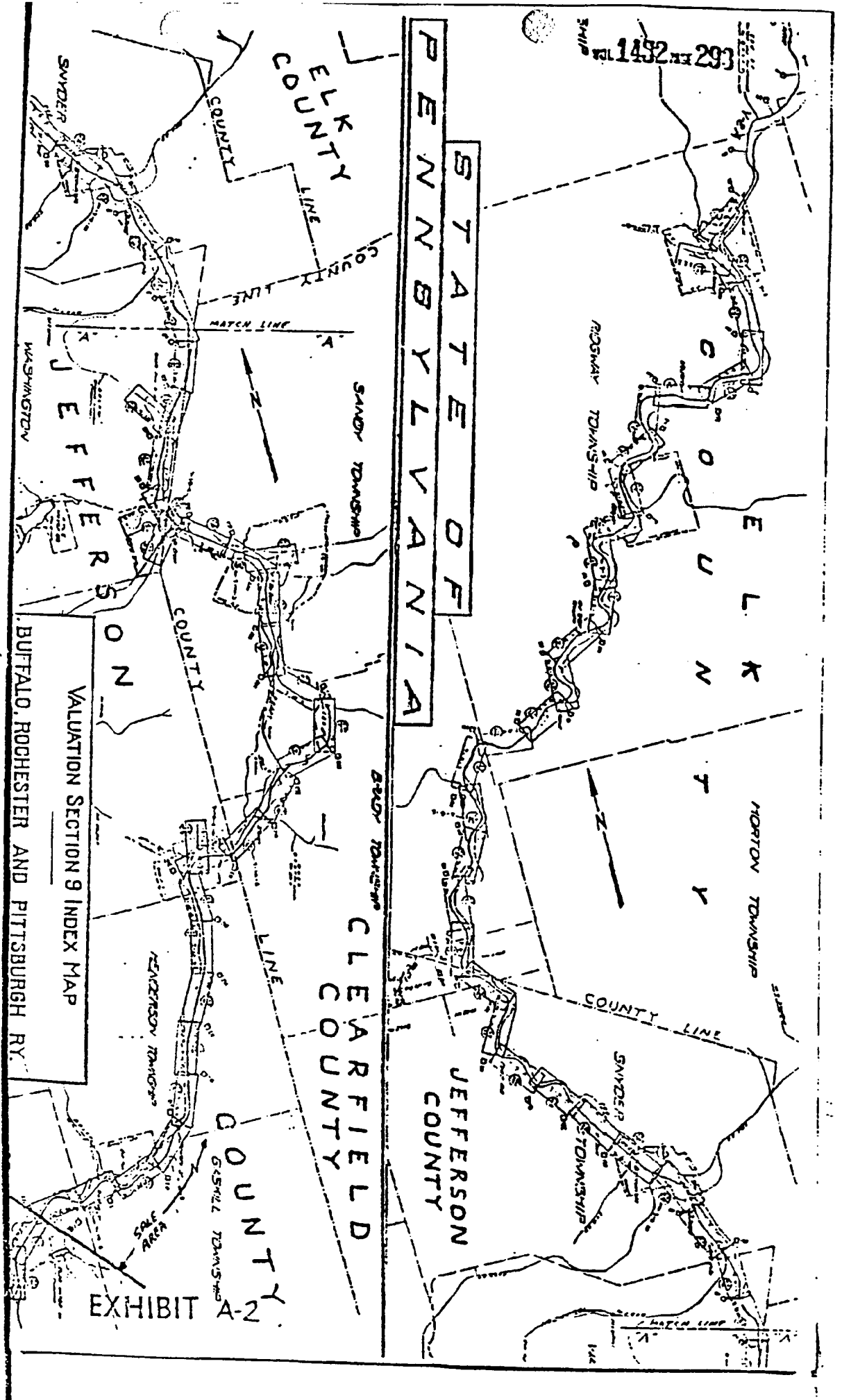
PENNSYLVANIA

Scale (in miles)

5 0 5 10 15 20

EXHIBIT A

"NOTHING IN THIS PLAT SHALL BE TAKEN AS OR DEEMED TO BE A DEDICATION OF ANY LANDS, STREETS, OR ROADWAYS, OR THE USE THEREOF, TO THE GENERAL PUBLIC."



Jefferson County

RISON

Falls Creek

P.R.R.

Du Bois

SANDY

Penfield

Tyler

Winterburn

Houston

Sabula

Shaft

Eriton

Stanley

Sykes

Cramer

HENDERSON

Gaskill

Brady

Clearfield County

Clearfield

B & S R.R.

Housatonic R.R.

Valuation Sections

1" = 3 Mi. (±)

EXHIBIT A-7

B & S R.R.
Valuation Sections
1" = 3 Mi. (±)

Exhibit 3

McKean County (Main Line)

All that certain land BEGINNING at Grantors' Rail Valuation Station 6304+83.9, being the State Line between the States of New York and Pennsylvania, such BEGINNING POINT being indicated on fragment print of Grantors' Valuation Section Map V-8(1), marked Exhibit B-1, attached hereto; THENCE extending generally in a southerly direction through the Townships of Foster, Bradford, Lafayette, Keating and Hamlin, a distance of 27.05 miles, more or less, to the end of Grantors' Valuation Section V-8 at Rail Valuation Station 7732+98.1, at or near the Borough of Mt. Jewett, being the beginning of Grantors' Valuation Section V-8A at Rail Valuation Station 1680+20, as indicated on fragment print of Grantors' Valuation Section Map V-8(28), marked Exhibit B-2, attached hereto; THENCE continuing generally in a southerly direction through the Borough of Mt. Jewett and Towns of Hamlin and Serscent, a distance of 8.53 miles, more or less, to Grantors' Rail Valuation Station 2130+58, more or less, being the County Line between the Counties of McKean and Elk, such ENDING POINT being indicated on fragment print of Grantors' Valuation Section Map V-8A(10), marked Exhibit B-3, attached hereto;

ALL as shown in detail on Grantors' Valuation Section Map V-8, Sheets 1 through 23, inclusive, and Map V-8A, Sheets 1 through 10, inclusive, incorporated herein by reference.

Elk County (Main Line)

All that certain land BEGINNING at Grantors' Rail Valuation Station 2130+58, more or less, being the County Line between the Counties of McKean and Elk, such BEGINNING POINT being indicated on aforesaid Exhibit B-3; THENCE extending generally in a southerly direction through the Townships of Jones, Benzinger and Ridgway, a distance of 11.94 miles, more or less, to the end of Grantors' Valuation Section V-8A at Rail Valuation Station 2761+27, being the beginning of Grantors' Valuation Section V-9 at Rail Valuation Station 8813+31, at or near Johnsonburg, as indicated on fragment print of Grantors' Valuation Section Map V-6A(22), marked Exhibit B-4, attached hereto; THENCE continuing generally in a southerly direction through the Borough of Johnsonburg and Townships of Ridgway and Spring Creek, a distance of 20.62 miles, more or less, to Grantors' Rail Valuation Station 9902+12.2, being the County Line between the Counties of Elk and Jefferson, such ENDING POINT being indicated on fragment print of Grantors' Valuation Section Map V-9(21), marked Exhibit B-5, attached hereto;

INCLUDING all that certain land BEGINNING at aforementioned Rail Valuation Station 2761+27, as indicated on Exhibit B-4, and extending generally in a southerly direction through the Borough of Johnsonburg, a distance of 0.25 miles, more or less, to Grantors' Rail Valuation Station 2806+20, being 225 feet, more or less, north of the north line of Bridge Street, such ENDING POINT being indicated on fragment print of Grantors' Valuation Section Map V-8A(23), marked Exhibit B-6, attached hereto;

ALL as shown in detail on Grantors' Valuation Map V-8A, Sheets 19 through 23, inclusive, and Map V-9, Sheets 1 through 21, inclusive, incorporated herein by reference.

Jefferson County (Main Line)

All that certain land BEGINNING at Grantors' Rail Valuation Station 9902+12.2, being the County Line between the Counties of Elk and Jefferson, such BEGINNING POINT being indicated on aforesaid Exhibit B-5; THENCE extending generally in a southerly direction through the Townships of Snyder and Washington, a distance of 13.77 miles, more or less, to Grantors' Rail Valuation Station 10629+28.2, being the County Line between the Counties of Jefferson and Clearfield, such ENDING POINT being indicated on reduced fragment print of Grantors' Valuation Map V-9(35), marked Exhibit B-7, attached hereto;

ALL as shown in detail on Grantors' Valuation Map V-9, Sheets 21 through 35, inclusive, incorporated herein by reference.

Further all that certain land BEGINNING at Grantors' Rail Valuation Station 11118+30.6, being the County Line between the Counties of Clearfield and Jefferson, such BEGINNING POINT being indicated on fragment print of Grantors' Valuation Map V-9(44), marked Exhibit B-8, attached hereto; THENCE extending generally in a southerly direction through the Borough of Sykesville and Townships of Winslow, Henderson, Gaskill and Bell, a distance of 6.13 miles, more or less, to Grantors' Rail Valuation Station 11651+47.7, at or near Punxsutawney, Pennsylvania, such ENDING POINT being indicated on fragment print of Grantors' Valuation Map V-9(54), marked Exhibit B-9, attached hereto;

ALL as shown in detail on Grantors' Valuation Map V-9, Sheets 44 through 54, inclusive, incorporated herein by reference.

Clearfield County (Main Line)

All that certain land BEGINNING at Grantors' Rail Valuation Station 10629+28.2 at or near Falls Creek, being the County Line between the Counties of Jefferson and Clearfield, such BEGINNING POINT being indicated on afore described Exhibit B-7; THENCE extending generally in a southerly direction through the Township of Sandy, the City of DuBois and Township of Brady, a distance of 9.26 miles, more or less, to Grantors' Rail Valuation Station 11118+30.6 at or near the Borough of Sykesville, being the County Line between the Counties of Clearfield and Jefferson, such ENDING POINT being indicated on afore described Exhibit B-8, attached hereto;

ALL as shown in detail on Grantors' Valuation Section Map V-9, Sheets 35 through 44, inclusive, and Map V-21, Sheet 20, incorporated herein by reference.

Clearfield County (B&S Branch)

All that certain land BEGINNING at a junction with Grantors' Main Line at Grantors' Rail Valuation Station 2189+70.71 at or near DuBois, being 2,561.29 feet southwest of the center line of Maloney Road, such BEGINNING POINT being indicated on fragment print of Grantors' Valuation Section Map V-1(ST-9A), marked Exhibit B-17, attached hereto, THENCE generally in a northeasterly direction through the City of DuBois and Township of Sandy, a distance of 7.02 miles, more or less, to Grantors' end of track at Rail Valuation Station 2560+50 at or near Sabula, being 548 feet northeast of the west line of property acquired from John E. DuBois, et ux, by deed dated May 18, 1904, recorded in Clearfield County in Deed Book 144, Page 85, such ENDING POINT being indicated on fragment print of Grantors' Valuation Section Map V-1(11), marked Exhibit B-18, attached hereto;

ALL as shown in detail on Grantors' Valuation Section Map V-1 B&S, Sheets 9 through 11, inclusive, incorporated herein by reference.

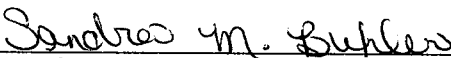
VERIFICATION

We, **MICHAEL BUHLER** and **SANDRA M. BUHLER**, verify that the statements made herein are true and correct to the best of our knowledge, information and belief and are made subject to the penalties of 18 Pa. Con. Stat. Ann. Section 4904 relating to unsworn falsification to authorities.

DATE: June 21, 2003



Michael Buhler



Sandra M. Buhler

20 Oct Document
Reinstated/~~Reinstated~~ to ~~Attorney~~ Attorney
for service.

William A. Shaw
~~Notary~~ Prothonotary

FILED

M 10:58 AM Pd 55.00

JUN 27 2003

rec'd 544
rec'd 544

William A. Shaw
Prothonotary

In The Court of Common Pleas of Clearfield County, Pennsylvania

BUHLER, MICHAEL & SANDRA M.

VS.

CSX TRANSPORTATION, INC.

Sheriff Docket #

14237

03-945-CD

COMPLAINT ACTION TO QUIET TITLE

SHERIFF RETURNS

NOW JULY 7, 2003, THOMAS DEMKO, SHERIFF OF JEFFERSON COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ACTION TO QUIET TITLE ON BUFFALO & PITTSBURGH RAILROAD, DEFENDANT.

NOW JULY 16, 2003 SERVED THE WITHIN COMPLAINT ACTION TO QUIET TITLE ON BUFFALO & PITTSBURGH RAILROAD, DEFENDANT BY DEPUTIZING THE SHERIFF OF JEFFERSON COUNTY. THE RETURN OF SHERIFF DEMKO IS HERETO ATTACHED AND MADE A PART OF THIS RETURN STATING THAT HE SERVED DAVE BAER, P.I.C.

NOW JULY 7, 2003, JOHN GREEN, SHERIFF OF PHILADELPHIA WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ACTION TO QUIET TITLE ON CSX TRANSPORTATION INC., DEFENDANT.

NOW JULY 16, 2003 ATTEMPTED TO SERVE THE WITHIN COMPLAINT ACTION TO QUIET TITLE ON CSX TRANSPORTATION INC., DEFENDANT. THE RETURN OF SHERIFF GREEN IS HERETO ATTACHED AND MADE A PART OF THIS RETURN MARKED "UNKNOWN", NOT CT, NOT AUTHORIZED TO ACCEPT.

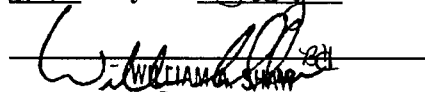
Return Costs

Cost	Description
47.20	SHERIFF HAWKINS PAID BY: ATTY CK# 7592
20.00	SURCHARGE PAID BY: ATTY
32.64	JEFFERSON CO. SHFF. PAID BY: ATTY.
116.00	PHILADELPHIA CO. SHFF. PAID BY: ATTY

215.84

Sworn to Before Me This


29th Day Of July 2003


Prothonotary
My Commission Expires
1st Monday in Jan. 2006
Clearfield Co., Clearfield, PA

So Answers,



Chester A. Hawkins
Sheriff


FILED *no cc*
013-2581
JUL 29 2003

William A. Shaw
Prothonotary/Clerk of Courts

No. 945 C.D. 2003

Personally appeared before me, Kirk Brudnock, Deputy for Thomas A. Demko, Sheriff of Jefferson County, Pennsylvania, who according to law deposes and says that on July 16, 2003 at 7:45 o'clock A.M. served the Notice and Complaint to Quiet Title upon BUFFALO & PITTSBURGH RAILROAD, Defendant, at 201 N. Penn Street, Borough of Punxsutawney, County of Jefferson, State of Pennsylvania, by handing to Dave Baer, adult person in charge at time of service, a true copy of the Notice and Complaint and by making known to him the contents thereof.

Advance Costs Received:	\$125.00
My Costs:	\$ 31.64 Paid
Prothy:	\$ 2.00
Total Costs:	\$ 32.64
Refunded:	\$ 93.16

Sworn and subscribed

to before me this 22nd

day of July 2003

By Kirk Brudnock

My Commission Expires The
First Monday January 2006

So Answers,

Kirk Brudnock
Thomas A. Demko
JEFFERSON COUNTY, PENNSYLVANIA

Deputy

Sheriff



CHESTER A. HAWKINS
SHERIFF

Sheriff's Office Clearfield County

COURTHOUSE
1 NORTH SECOND STREET, SUITE 116
CLEARFIELD, PENNSYLVANIA 16830

OFFICE (814) 765-2641 EXT. 5986
AFTER 4:00 P.M. (814) 765-1533
FAX (814) 765-5915

ROBERT SNYDER
CHIEF DEPUTY
CYNTHIA AUGHENBAUGH
OFFICE MANAGER

MARILYN HAMM
DEPT. CLERK
PETER F. SMITH
SOLICITOR

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

Pg. 14237

MICHAEL & SANDRA M. BUHLER

VS

CSX TRANSPORTATION INC. et al

TERM & NO. 03-945-CD

DOCUMENT TO BE SERVED:

COMPLAINT ACTION TO QUIET TITLE

SERVE BY: 07/27/2003

MAKE REFUND PAYABLE TO: THE KOOMAN LAW FIRM

SERVE: CSX TRANSPORTATION, INC.

ADDRESS: SEVEN PENN CENTER, 1635 MARKET ST., PHILADELPHIA, PA.

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF of
CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF OF
PHILADELPHIA COUNTY, Pennsylvania to execute this writ. This
Deputation being made at the request and risk of the Plaintiff this 7th Day of
JULY 2003

Respectfully,


CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY

THE KOOMAN LAW FIRM

7609

DATE : July 01, 03

CHE # : 7609

AMOUNT : \$116.00

ACCOUNT : 1

PAID TO : Sheriff of Philadelphia County

EXPLANATION : Sheriff Costs

2929-002

Michael J. Buhler

AFFIDAVIT OF SERVICE

Court Name: COMMON PLEAS
PA

Plaintiff: MICHAEL AND SANDRA M BUHLER

Vs.

County Name: Clearfield

Defendant: CSX TRANSPORTATION
INC
7 PENN CENTER 1515 MARKET ST
STE 1210
DEPT A DEPT B DEPT A

Case No. 03-945-CD 0

COMMONWEALTH OF PENNSYLVANIA: SS: COUNTY OF PHILADELPHIA

That on 7/16/03 at 2:27 a.m./p.m. service of

County Foreign Writ was made upon CSX TRANSPORTATION INC

by serving to and leaving with: _____

at: _____

in the City and Count of Philadelphia, Commonwealth of Pennsylvania.

NOT FOUND:

That on 7/16/03 at 2:27 a.m./p.m. service was not made because:

Moved No answer Expired Unknown Vacant

Other

NOT CT; Not authorized
to accept service of process

David Lepore
Process Server/ Competent Adult

Sworn to and subscribed to before me this

17 day of July, 2003

Susan L. Rosenfeld
Notary Public

Sheriff, Philadelphia County

NOTARIAL SEAL
SUSAN L. ROSENFELD, Notary Public
City of Philadelphia, Phila. County
My Commission Expires March 8, 2004

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MICHAEL BUHLER and
SANDRA M. BUHLER,
Plaintiffs

v.

CSX TRANSPORTATION, INC.
a Virginia corporation,
and BUFFALO & PITTSBURGH
RAILROAD, INC., a Delaware
corporation,
Defendants

: CIVIL ACTION - LAW
:
: ACTION TO QUIET TITLE
:
: No. 945- 2003 - C
:
: TYPE OF CASE: CIVIL
:
: TYPE OF DOCUMENT:
: Complaint
:
: FILED ON BEHALF OF:
: Michael Buhler
: and Sandra M. Buhler, Plaintiffs
:
: COUNSEL OF RECORD FOR THIS PARTY:
: Terry R. Heeter
: Supreme Court No. 52750
:
: The Kooman Law Firm
: Marianne Professional Center
: P.O. Box 700
: Clarion, PA 16214
: (814) 226-9100

jc:4401b
#21434

TRUE & CORRECT

Terry R. Heeter

FILED

JUN 27 2003

William A. Shaw
Prothonotary

MICHAEL BUHLER	:	IN THE COURT OF COMMON PLEAS OF
and SANDRA M. BUHLER,	:	CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiffs	:	
	:	
v.	:	CIVIL ACTION - LAW
	:	
CSX TRANSPORTATION, INC.	:	
a Virginia corporation,	:	ACTION TO QUIET TITLE
and BUFFALO & PITTSBURGH	:	
RAILROAD, INC., a Delaware	:	
corporation,	:	
Defendants	:	No. ____ - 2003

COMPLAINT

AND NOW, come the plaintiffs, **MICHAEL BUHLER** and **SANDRA M. BUHLER** (the "Plaintiffs"), by and through their attorney, Terry R. Heeter, and file this complaint to quiet title pursuant to Pennsylvania Rule of Civil Procedure No. 1061, et seq., upon a cause of action the nature whereof is as follows:

1. The plaintiffs, Michael Buhler and Sandra M. Buhler, are adult individuals residing at 204 Grand Slam Road, Ridgway, Pennsylvania 15853.

2. The defendant, CSX Corporation, is a Virginia corporation with a mailing address of 500 Water Street, Jacksonville, Florida 32202.

3. The defendant, Buffalo & Pittsburgh Railroad, Inc., is a Delaware corporation with a mailing address of 201 North Penn Street, Punxsutawney, Pennsylvania 15767.

4. The defendants, CSX Corporation and Buffalo & Pittsburgh Railroad, Inc., are hereinafter collectively referred to as the "Defendants" unless otherwise specified.

5. The Plaintiffs are in sole and exclusive possession of the following described property (the "Subject Property"), the character of which is an abandoned railroad grade, and which shall be subject to this Action to Quiet Title:

a. A strip of land four rods in width and 2,295 feet in length, which extends through lands formerly of Mario Riccadonna situate in Huston Township, Clarion County, Pennsylvania and is bounded as follows:

On the west by land owned by Margaret A. Buhler, acquired by an action in quiet title filed at Clearfield County Docket No. AD 001508 CD;

On the north by land now or formerly of Mario Riccadonna and more fully identified in Clearfield County Record Book 1490, Page 502:

On the south by land now or formerly of Mario Riccadonna and more fully identified in Clearfield County Record Book 1490, Page 502; and

On the east by land of Michael Buhler and Sandra M. Buhler and more fully identified at Clearfield County Instrument No. 200017196.

6. The Plaintiffs hereby claim title to the Subject Property consisting of the strip of land four rods in width and 2,295 feet in length, containing an area of 3.4773 acres, previously conveyed to the Susquehanna and Southern Railroad, which consists of an

abandoned railroad grade which passes through land now or formerly of Mario Riccadonna, by virtue of Plaintiffs and their predecessors in title having open, continuous, uninterrupted, distinct, visible, hostile, notorious, and exclusive possession of this property as against the Defendants and their predecessors in title since 1954 and for a period in excess of twenty-one years.

7. The Plaintiffs have made improvements to the Subject Property and have maintained these improvements to the present.

8. The defendant, CSX Transportation, Inc., as successor through merger, derived title to the Subject Property, from their predecessor in title, Susquehanna and Southern Railroad Co. which was conveyed the Subject Property from Andrew Reding by deed dated March 31, 1903 and recorded April 14, 1903 and recorded in Clearfield County Deed Book 134, Page 14, a copy of which is marked as Exhibit "A", attached hereto and made a part hereof.

9. The defendant, Buffalo & Pittsburgh Railroad, Inc., derived title to the Subject Property from their predecessor in title, CSX Transportation, Inc., by deed dated October 7, 1991 and recorded in Clearfield County Deed Book 1432, Page 285, a copy of the relevant portion of this deed is marked as Exhibit "B", attached hereto and made a part hereof.

10. The Defendants' predecessors in title to the Subject Property, did reserve for the benefit of CSX an easement along and/or through the Subject Property.

11. The Defendants have claimed ownership of the Subject Property.

12. This Action to Quiet Title is brought by the Plaintiffs to validate their interest in the Subject Property.

13. Upon diligent inquiry, the Plaintiffs believe that no other defendants exist who have a claim to have any right title or interest in or against the Subject Property.

14. This Action to Quiet Title is brought pursuant to the terms and provisions of the Pennsylvania Rules of Civil Procedure 1061 through 1067 inclusive.

WHEREFORE, the plaintiffs, Michael Buhler and Sandra M. Buhler, pray as follows:

a. That the Defendants and all persons claiming under them be required to set forth the nature of their claims to the Subject Property.

b. For a decree of this court determining all adverse claims of the Defendants and all persons who may claim under them;

c. For said decree to declare and adjudge that the Plaintiffs own absolutely and are entitled to quiet and peaceful possession of the Subject Property as against all persons claiming under them, that the Defendants and all persons claiming under them have no estate, right, lien, or interest in or to the Subject Property or any part thereof, and that title to the Subject Property be

quieted in the Plaintiffs and against all claims of the Defendants and all persons claiming under them;

d. For said decree permanently enjoin the Defendants and all persons who may claim under them for asserting any estate, right, title, lien or interest in or to the Subject Property or any part thereof adverse to the Plaintiffs;

e. Cost of this suit; and

f. Such other and further relief as the Court deems just and proper.

COUNT II

Action to Compel Filing of Ejectment Action

15. Paragraphs 1 through 14 of the within complaint are hereby incorporated by reference as though set forth more fully at length herein.

16. The Defendants have challenged the Plaintiffs' possession of the Subject Property.

WHEREFORE, the Plaintiffs, Michael Buhler and Sandra M. Buhler, request that this Court order the Defendants to bring an action in ejectment.

COUNT III

Ejectment

17. Paragraphs 1 through 14 of the within complaint are hereby incorporated by reference as though set forth more fully at length herein.

WHEREFORE, the Plaintiffs, Michael Buhler and Sandra M. Buhler, request that this Court enter judgment in favor of the Plaintiffs and against the Defendants for exclusive possession of the entirety of the Subject Property.

Respectfully submitted,

By *Terry R. Heeter*
TERRY R. HEETER, ESQUIRE
The Kooman Law Firm
Attorney for Plaintiffs
Marianne Professional Center
P.O. Box 700
Clarion, PA 16214
(814) 226-9100

jc:4382b
#

134
14

State of Pennsylvania: SS.

County of Clearfield; Personally appeared before the subscriber, M. I. McCraight, who being duly sworn did depose and say that he was personally present and saw D. A. K sign, seal and deliver the attached instrument and deponent then immediately affixed his signature as subscribing witness thereto and the signature of said party and the signature of deponent as affixed to and appearing on the attached instrument are genuine and in proper handwriting of the persons whose names so appear.

Sworn to and subscribed before me this 28th day of February 1903.

Witness my hand and official seal.

M. I. McCraight

Jet Kearns (N.P. seal)

Entered of record Apr. 14, 1903.

Notary Public

Recorded and Compared by

My commission expires Feb. 27, 1905.

E. E. *Simmons*
Recorder.
Per. H.S.

RELEASE

Know All Men by These Presents, that Andrew Redding

Andrew Redding

Penfield, Pa. parties of the first part, for and in consideration

of the sum of three hundred dollars, lawful money of the United

to

States, duly paid by the railroad company hereinafter mentioned

Susq. & Southern R.R. Co.

to us, receipt of which is hereby acknowledged, have granted, bargained, sold, released and conveyed unto the Susquehanna & Southern Railroad Company a corporation organized under the laws of Pennsylvania, its successors and assigns, a strip of land four rods in width, ~~and through cuts and fills such additional widths as may be needed~~ for slopes, one half thereof on either side of the center line as now located, of the Susquehanna & Southern Railroad, leading from Sinnemahoning to DuBois through lands of the parties above mentioned, situate in Huston Township, Clearfield County, Pennsylvania,

Together with the right to enter upon the said land and lay out, construct, maintain and operate a railroad over and across the lands belonging to the parties above mentioned, taking and using such earth, stones and gravel, as may be needed for grading and filling road, and hereby fully releasing said railroad company, its successors and assigns, from liability by reason of the location, construction and operation of the said railroad.

A farm crossing shall be built and maintained by said company.

In Witness Whereof the parties first above named hersunto set their hands and seals this day of March 1903.

Andrew Redding (seal)

State of Pennsylvania: SS.

County of Clearfield: Personally appeared before the subscriber a Justice of the Peace the above named Andrew Redding who in due form of law acknowledged the foregoing release to be their act and deed and desired the same might be recorded as such.

Witness my hand and official seal this 31st day of March 1903.

W. W. Hoover (J.P. seal)
J.P.

Entered of record Apr. 14, 1903.

Recorded and Compared by

E. E. *Simmons*
Recorder.

Exhibit "A"

ARJDAVIT No. 19294

Clearfield Co. 4.11
vol 1432 p 285

This instrument prepared by
or under the direction of:

JBP:INW

Douglas R. Maxwell
Assistant General Counsel

Attorney for Grantors
Business Address:
500 Water Street
Jacksonville, Florida 32202

This Document executed
in four (4) original
counterparts, for simul-
taneous recording in
four (4) counties.

Counterpart No. 1 of 4

1991 THIS QUITCLAIM DEED, made as of the 7th day of October, 1991, between CSX TRANSPORTATION, INC., a Virginia corporation, successor by Articles of Merger to The Chesapeake and Ohio Railway Company, effective September 2, 1987, in turn successor by merger, effective April 30, 1987 to The Baltimore and Ohio Railroad Company, and the BUFFALO, ROCHESTER AND PITTSBURGH RAILWAY COMPANY, a corporation of the State of New York and Commonwealth of Pennsylvania, as the respective interests of each may appear, hereinafter collectively called "Grantors," and whose collective mailing address is 500 Water Street, Jacksonville, Florida 32202, and BUFFALO & PITTSBURGH RAILROAD, INC., a Delaware corporation, whose mailing address is 201 North Penn Street, Pottsville, Pennsylvania 15767, hereinafter called "Grantee"; WITNESSETH:

WHEREAS, Grantors have agreed to sell and Grantee has agreed to purchase Grantors' main line of railroad, branch lines and various spurs, and other associated real property, as more particularly described herein, between Buffalo, New York, and Pottsville, Pennsylvania, and

WHEREAS, in Interstate Commerce Commission ("ICC") Finance Docket No. 31116, Grantee filed a Notice of Exemption, under Title 49 U. S. Code, Section 10901 and 49 CFR, Part 1150, to acquire from Grantors, and to operate, certain lines of railroad in the States of New York and Pennsylvania, and to use certain connecting tracks under trackage rights, and said Notice was effective September 29, 1987; and

WHEREAS, in ICC Finance Docket No. 31117, Grantee, among others, filed a Petition for Exemption under Title 49 U. S. Code, Section 10505, for authorization of continuation of control by Grantee of the Clearfield and Mahoning Railway Company (CM) and the Allegheny and Western Railway Company (AW) and to operate over perpetual leased lines from CM and AW, and the Exemption was authorized by order dated December 21, 1987; and

WHEREAS, this Deed effects the agreement of Grantors and Grantee and compliance with such ICC decisions and orders; and

WHEREAS, in order to allow for simultaneous recordings in the Counties of McKean, Elk, Jefferson, and Clearfield, all in the Commonwealth of Pennsylvania, this Quitclaim Deed is prepared in multiple counterparts, each conveying that portion of Grantors' property and line of railroad in the counties hereinafter described; and

WHEREAS, certain of the parcels to be conveyed are owned in fee simple absolute, others in lesser freeholds, and it is the intent of Grantors to bargain, sell, convey, grant, assign, quitclaim and/or release to Grantee all right, title and interest of Grantors in said lines of railroad and lands, whether in fee or lesser estate, other than as expressly excepted and reserved herein;

PLEASE RETURN TO:
STATE TITLE SERVICES, INC.
1023 LINCOLN MAIL
P.O. BOX 8133
LINCOLN, NEBRASKA 68501

37 PGS

NOW, THEREFORE, Grantors, for and in consideration of the sum of TEN DOLLARS AND NO/100 U.S. DOLLARS (\$10.00), cash in hand paid, and other valuable consideration, the receipt of which is hereby acknowledged, do each hereby RELEASE, REMISE and forever QUITCLAIM unto Grantee all right, title and interest of each Grantor in and to all of the railroad right-of-way and property, including any and all spurs connected thereto, and including any and all land constituting Grantors' line(s) of railroad situate, lying and being between the State Line between Cattaraugus County, New York, and McKean County, Pennsylvania, and a point at or near Punxsutawney, Pennsylvania, ALL as generally shown on Exhibit A, Rail Line Designation Map, and on Grantors' Valuation Section Map Indices, Exhibits A-1 and A-2, attached hereto, and as shown in detail on Grantors' Railroad Valuation Map(s) V-8, V-21, V-8a and V-9, as herein provided, all of which are incorporated herein by reference, copies of which are available at the offices of Grantors and Grantee if not otherwise recorded in the Plat Records of the herein described counties, and as described on Exhibit B, attached hereto and incorporated herein; BEGINNING at Grantors' Rail Valuation Station 6304+83.9, more or less, Valuation Section Map V-8, Sheet 1, as shown on Exhibit B-1, attached hereto and incorporated herein, and running THENCE through the Counties of McKean, Elk, Jefferson, and Clearfield, Pennsylvania, to the END POINT, at Grantors' Rail Valuation Station 11651+47.7, Valuation Section Map V-9, Sheet 54, as shown on Exhibit B-9, attached hereto and incorporated herein; and CONTAINING 1,679.14 acres, more or less, in total, (105.17 miles), of which 419.00 acres (35.58 miles) are in McKean County, 322.37 acres (33.41 miles) are in Elk County, 685.85 acres (19.90 miles) are in Jefferson County, and 251.92 acres (16.28 miles) are in Clearfield County.

INCLUDING all Grantors' right, title and interest, in the B&S Branch, consisting of 92.12 acres (7.02 miles), more or less, in Clearfield County, as described on Exhibit B and as shown on Grantors' Valuation Section Map V-1, Sheets 9 through 11, the BEGINNING and END POINTS both shown on Exhibit A-7, also attached hereto and incorporated herein; and

INCLUDING all interest of Grantors under lease dated January 3, 1893 from Clearfield and Mahoning Railway Company.

BUT EXCLUDING all Grantors' right, title and/or interest in and to the following Branches (or former Branches): (A) Eleganza Branch (T-R 220<1>) (connecting at Grantors' Rail Valuation Station 11446+04.2, Valuation Section Map V-12, Sheet 1, and connecting at Grantors' Rail Valuation Station 11568+47, Valuation Section Map V-12, Sheet 2); (B) Halveria Branch (connecting at Grantors' Rail Valuation Station 11080+00, Valuation Section Map V-21, Sheet 1); (C) Beech Tree Branch (connecting at Grantors' Rail Valuation Station 10331+20, Valuation Section Map V-11, Sheet 1); ALL as shown generally on Exhibits D-1 through D-3.

ALL SAID lands, rights, interests, rights-of-way, etc., being more particularly described in Exhibit "B", attached hereto and incorporated herein, and hereinafter designated "the Premises,"

TOGETHER WITH all buildings, structures, improvements and fixtures thereon, and all and singular the rights, alleys, ways, waters, privileges, hereditaments and appurtenances to said Premises belonging or in anyway incident or appertaining (other than Excluded, Excepted or Reserved herein), including bridge or trestle rights, access rights and easements, and all strips or gores in, between, through or adjoining said Premises, and any and all agreements creating rights in, on or for the Premises, whether recorded or unrecorded, and any and all rights acquired by the Grantors by adverse possession.

It is the intention of the Grantors to convey an aggregate area of 1,771.26 acres, or 112.19 miles, more or less, of which 419.00 acres, or 35.58 miles, more or less, are in McKean County, 322.37 acres, or 33.41 miles, more or less, are in Elk County, 685.85 acres, or 19.90 miles, more or less, are in Jefferson County, and 344.04 acres, or

23.30 miles, more or less, are in Clearfield County, to the Grantee, by this Quitclaim Deed, including all of its right-of-way and real property between the BEGINNING POINTS and ENDING POINTS described above.

EXCEPTING, however, unto Grantors, as the interest of each may appear, fourteen (14) parcels of land situated in the Counties of McKean, Elk, Clearfield, and Jefferson, Pennsylvania, and being shown within the black-lined areas on Exhibits C-1 through C-12, attached hereto and incorporated herein.

FURTHER EXCEPTING unto Grantors all ores and minerals of every kind and nature, including, but not limited to oil, natural gas, sulfur, coal and lignite, whether on or underlying the surface of the Premises, and the constituents of each; and RESERVING the full right, privilege and license, either by Grantors or by their designated contractors, and the agents and employees of either, at any time to explore, or drill for and to protect, conserve, mine, take, extract, remove and market the same; PROVIDED, that the exercise of such rights shall be in accordance with the terms of that separate Mineral Rights Agreement between Grantors and Grantee, even dated herewith, incorporated herein by reference, and does not unreasonably interfere with the safe and efficient use of the Premises, or any improvements thereon, by Grantee, for railroad purposes, nor deprive Grantee of the right to surface and subjacent support.

RESERVING also unto Grantors a Nonexclusive Perpetual Easement along and/or through the entire Premises, to construct, maintain, operate, use, replace, relocate, renew and remove fiber optic communication cables, lines or facilities, beneath the surface of the Premises, and all ancillary equipment or facilities (both underground and surface), including the right to attach the same to existing bridges or poles on the Premises, and such surface rights necessary to accomplish the same; TOGETHER WITH the further right(s) to assign said reserved Nonexclusive Perpetual Easement, and rights, and facilities therein, in whole or in part, and to lease, license or permit third parties to use said reserved Nonexclusive Perpetual Easement, rights and facilities; PROVIDED that the exercise of such rights shall be in accordance with the terms of that "Basic Fiber Optic Operating Agreement," between Grantors and Grantee, even dated herewith, incorporated herein by reference, and does not unreasonably interfere with the safe and efficient use of the Premises, or any improvements thereon, by Grantee, for railroad purposes.

TO HAVE AND TO HOLD the Premises, and all the estate, right, title, lien, interest and claim whatsoever of Grantors therein, either in law or equity, (other than Excluded, Excepted or Reserved herein), unto the proper use, benefit and enjoyment of Grantee, Grantee's successors and assigns, forever.

SUBJECT TO all reservations, exceptions and restrictions of record, any and all encroachments which might be revealed from an inspection of the Premises, and any and all existing ways and servitudes, public utility easements occupancies and rights-of-way howsoever created for crossings, roads, streets and highways.

NOTICE: This document does not sell, convey, transfer, include or insure the title to the coal and right of support underneath the surface land described or referred to herein, and the owner or owners of such coal has the complete legal right to remove all of such coal, and, in that connection, damage may result to the surface of the land and any house, building or other structure on or in such land. The inclusion of this notice does not enlarge, restrict or modify any legal rights or estates otherwise created, transferred, excepted or reserved by this instrument. This notice is set forth in the manner provided in Section 1 of the Act of July 17, 1957, P.L. 384, as amended (Title 52, Section 1551, P.S.A.), and is not intended as notice of unrecorded instruments, if any.

FURTHER, for consideration above, Grantors GRANT unto Grantee, its successors and assigns, a Nonexclusive Reversible Track Easement for the

location, maintenance, use of and conduct of railroad operations on and over the existing railroad tracks on the Excepted parcels shown on Exhibits C-1, C-6, C-7, C-8, and C-9. Grantee, for itself, its successors and assigns, hereby covenants and agrees that each said Track Easement shall cease and terminate upon cessation of railroad operations over any of said track(s) or parcel(s) for a continuous period of one (1) year.

IN WITNESS WHEREOF, CSX TRANSPORTATION, INC., and the BUFFALO, ROCHESTER AND PITTSBURGH RAILWAY COMPANY, pursuant to due corporate authority, have each caused their names to be signed hereto by their officers hereunto duly authorized and their corporate seals, duly attested, to be hereunto affixed.

I hereby certify that the correct address of the within-named Grantee is 201 North Penn Street, PUNXSUTAWNEY, Pennsylvania 15757.

[Signature]
On Behalf of the Grantee *R. DAVID HUNTER*

Signed, sealed and delivered in the presence of:

[Signature]
JOHN M. GIBSON, JR.

[Signature]
Regina B. Smith

Signed, sealed and delivered in the presence of:

[Signature]
JOHN M. GIBSON, JR.

[Signature]
Regina B. Smith

CSX TRANSPORTATION, INC.,

[Signature]
Gerald L. Nichols
Sr. Vice President-Administration

Attest *[Signature]*
Assistant Secretary
R. Lyle Key Jr.

BUFFALO, ROCHESTER AND PITTSBURGH RAILWAY COMPANY,

[Signature]
Gerald L. Nichols
Sr. Vice President

Attest *[Signature]*
Assistant Secretary
Lynne B. Klopf

FURTHER, in witness whereof, this instrument is executed by CSX Transportation, Inc. (as successor by mergers, effective September 2, 1987 and April 30, 1987, to The Baltimore and Ohio Railroad Company), owner and operator of the Buffalo, Rochester and Pittsburgh Railway Company, under Agreement of December 15, 1931, with the intention of releasing, remising and quitclaiming all of the interest of said CSX Transportation, Inc., successor to The Baltimore and Ohio Railroad Company, in and to the above-described Premises existing under said Agreement.

Signed, sealed and delivered in the presence of:

[Signature]
THOMAS N. WHITEHEAD

[Signature]
Lynne B. Klopf
Assistant Secretary

CSX TRANSPORTATION, INC.,

[Signature]
Gerald L. Nichols
Sr. Vice President-Administration



[Signature]
Lynne B. Klopf

VOL 1432 PAGE 290

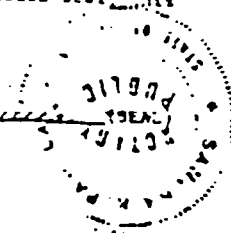
STATE OF FLORIDA }
COUNTY OF DUVAL } SS.

I, Wendell T. Bruch, a Notary Public of the State of Florida and the County of Duval, do certify that, on the date below, before me in said County personally came Gerald L. Nichols, to me known, and known to me to be the person whose name is subscribed to the above instrument, who, being by me first duly sworn, did depose, acknowledge and say that: he resides in Jacksonville, Duval County, Florida; he is Sr. Vice President-Administration of CSX Transportation, Inc., the corporation described in and which executed said instrument; he is fully informed of the contents of the instrument; he knows the seal of said corporation; the seal affixed to said instrument is such seal; it was so affixed by authority of the Board of Directors of said corporation; he signed his name thereto for said corporation pursuant to such authority; and instrument is the free act and deed of said corporation; and the conveyance herein is not part of a transaction, sale, lease, exchange or other transfer or conveyance of all or substantially all of the property and/or assets of the Grantor.

IN WITNESS WHEREOF, I hereunto set my hand and official seal, this
1st day of February, 1992.

My commission expires on:
NOTARY PUBLIC, STATE OF FLORIDA
My commission expires on 12-31-92
Signed this 1st day of February, 1992

Wendell T. Bruch
Notary Public



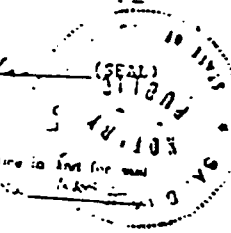
STATE OF FLORIDA }
COUNTY OF DUVAL } SS.

I, Wendell T. Bruch, a Notary Public of the State of Florida and the County of Duval, do certify that, on the date below, before me in said County personally came Gerald L. Nichols, to me known, and known to me to be the person whose name is subscribed to the above instrument, who, being by me first duly sworn, did depose, acknowledge and say that: he resides in Jacksonville, Duval County, Florida; he is Sr. Vice President of Buffalo, Rochester and Pittsburgh Railway Company, the corporation described in and which executed said instrument; he is fully informed of the contents of the instrument; he knows the seal of said corporation; the seal affixed to said instrument is such seal; it was so affixed by authority of the Board of Directors of said corporation; he signed his name thereto for said corporation pursuant to such authority; and instrument is the free act and deed of said corporation; and the conveyance herein is not part of a transaction, sale, lease, exchange or other transfer or conveyance of all or substantially all of the property and/or assets of the Grantor.

IN WITNESS WHEREOF, I hereunto set my hand and official seal, this
1st day of February, 1992.

My commission expires on:
NOTARY PUBLIC, STATE OF FLORIDA
My commission expires on 12-31-92
Signed this 1st day of February, 1992

Wendell T. Bruch
Notary Public



CLAREFIELD COUNTY
ENTERED OF RECORD

TIME 1:20 PM of 2-1-92
BY Michael R. Little
Notary Public

Sheet 2 of 11

My Commission Expires 12-31-92
Michael R. Little
Notary Public

1432-291

NEW YORK

6304+83.9 BEGIN SALE (M.L.)

B&S BR

MP221 11651+47.7 END SALE

PENNSYLVANIA

Scale (in miles)

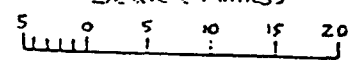
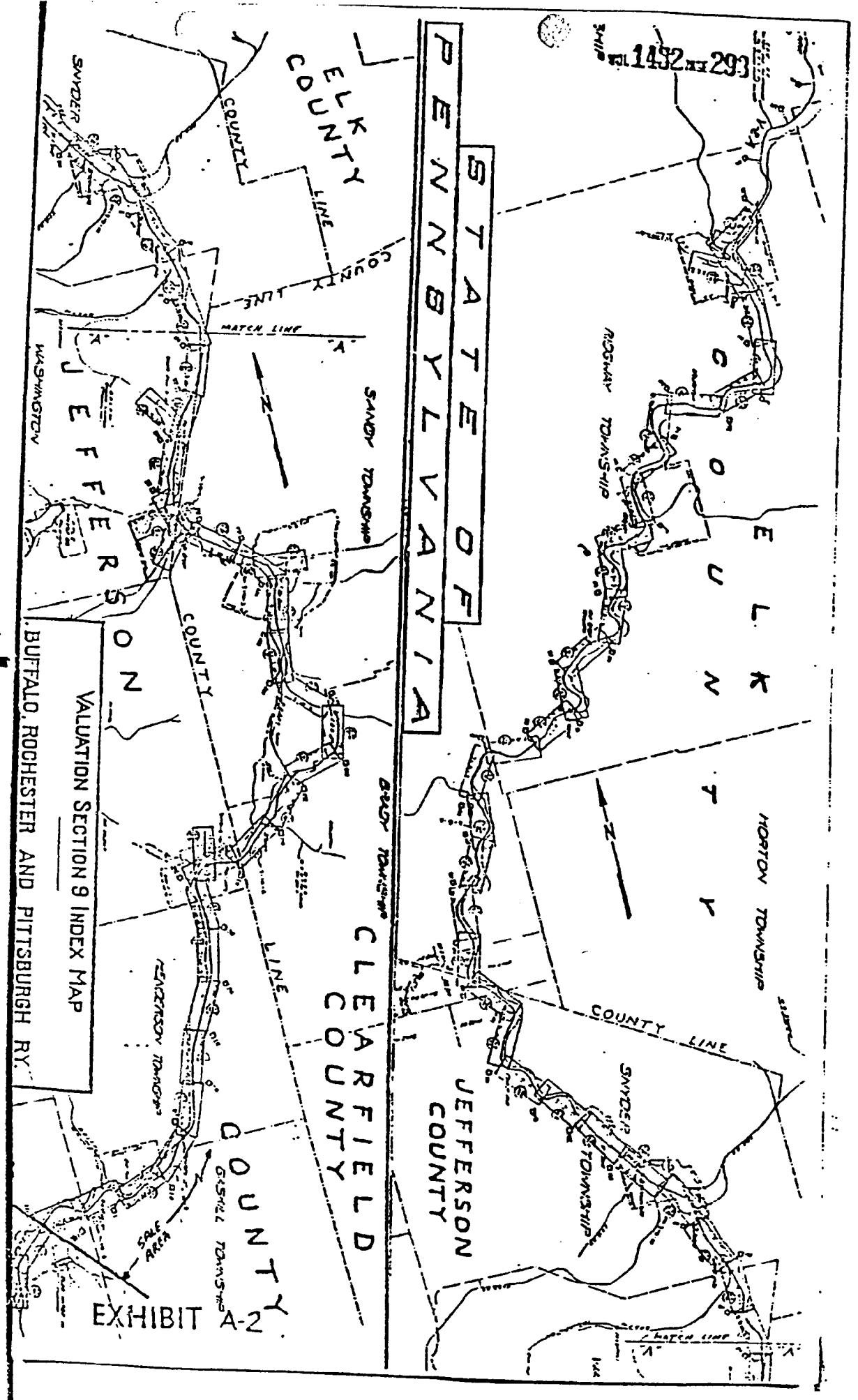


EXHIBIT A

"NOTHING IN THIS PLAT SHALL BE TAKEN AS OR DEEMED TO BE A DEDICATION OF ANY LANDS, STREETS, OR ROADWAYS, OR THE USE THEREOF, TO THE GENERAL PUBLIC."

1492-293



STATE OF PENNSYLVANIA

ELK COUNTY

JEFFERSON COUNTY

CLEARFIELD COUNTY

JEFFERSON COUNTY

ELK COUNTY

HORTON TOWNSHIP

STONEMAN TOWNSHIP

VALUATION SECTION 9 INDEX MAP

BUFFALO, ROCHESTER AND PITTSBURGH R.R.

EXHIBIT A-2

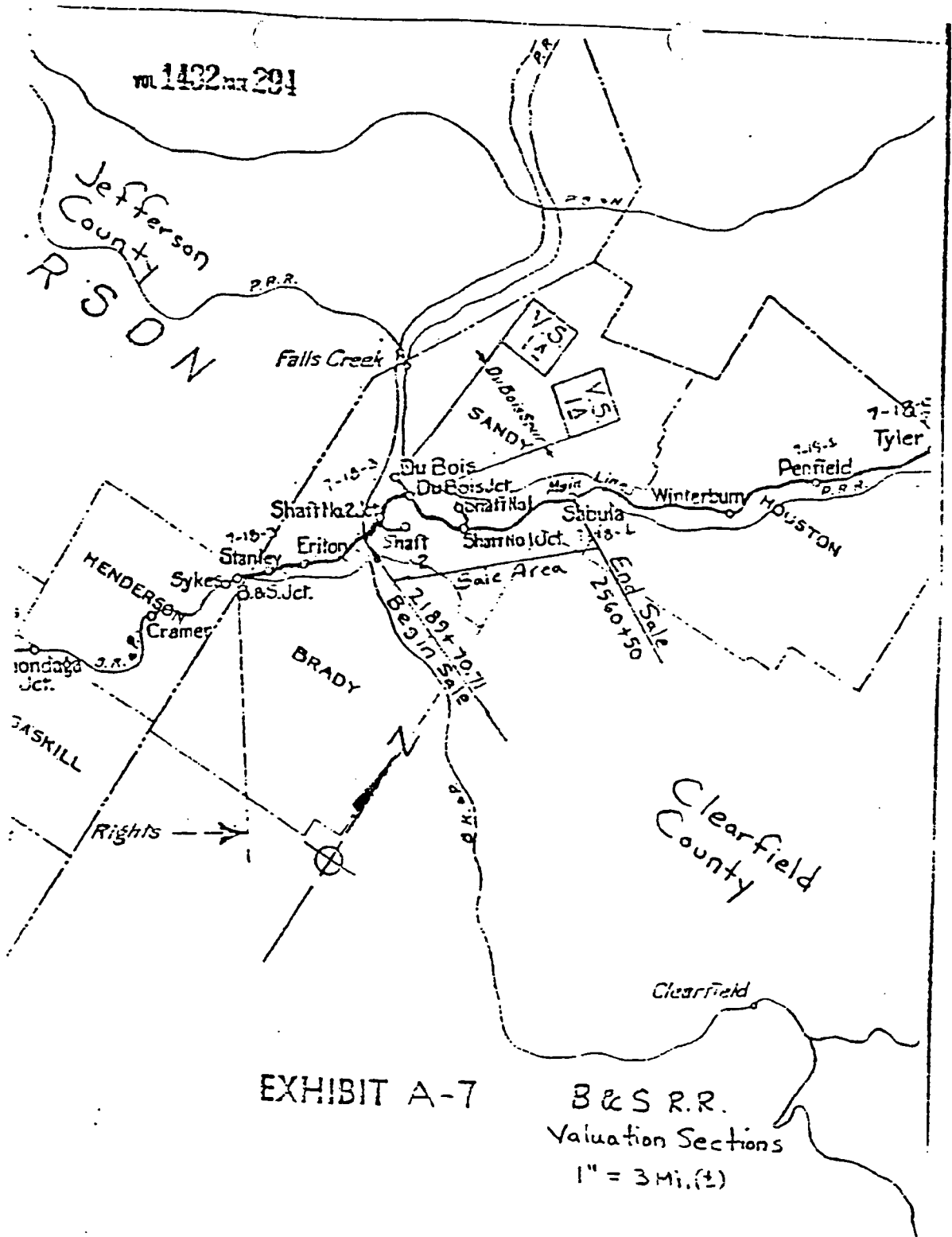


Exhibit B

McKean County (Main Line)

All that certain land BEGINNING at Grantors' Rail Valuation Station 6304+83.9, being the State Line between the States of New York and Pennsylvania, such BEGINNING POINT being indicated on fragment print of Grantors' Valuation Section Map V-8(1), marked Exhibit B-1, attached hereto; THENCE extending generally in a southerly direction through the Townships of Foster, Bradford, Lafayette, Keating and Hamlin, a distance of 27.95 miles, more or less, to the end of Grantors' Valuation Section V-8 at Rail Valuation Station 7732+98.1, at or near the Borough of Mt. Jewett, being the beginning of Grantors' Valuation Section V-8A at Rail Valuation Station 1680+20, as indicated on fragment print of Grantors' Valuation Section Map V-8(28), marked Exhibit B-2, attached hereto; THENCE continuing generally in a southerly direction through the Borough of Mt. Jewett and Towns of Hamlin and Sergeant, a distance of 8.53 miles, more or less, to Grantors' Rail Valuation Station 2130+58, more or less, being the County Line between the Counties of McKean and Elk, such ENDING POINT being indicated on fragment print of Grantors' Valuation Section Map V-8A(10), marked Exhibit B-3, attached hereto;

ALL as shown in detail on Grantors' Valuation Section Map V-8, Sheets 1 through 23, inclusive, and Map V-8A, Sheets 1 through 10, inclusive, incorporated herein by reference.

Elk County (Main Line)

All that certain land BEGINNING at Grantors' Rail Valuation Station 2130+58, more or less, being the County Line between the Counties of McKean and Elk, such BEGINNING POINT being indicated on aforesaid Exhibit B-3; THENCE extending generally in a southerly direction through the Townships of Jones, Benzinger and Ridgway, a distance of 11.94 miles, more or less, to the end of Grantors' Valuation Section V-8A at Rail Valuation Station 2761+27, being the beginning of Grantors' Valuation Section V-9 at Rail Valuation Station 8813+31, at or near Johnsonburg, as indicated on fragment print of Grantors' Valuation Section Map V-8A(22), marked Exhibit B-4, attached hereto; THENCE continuing generally in a southerly direction through the Borough of Johnsonburg and Townships of Ridgway and Spring Creek, a distance of 20.62 miles, more or less, to Grantors' Rail Valuation Station 9902+12.2, being the County Line between the Counties of Elk and Jefferson, such ENDING POINT being indicated on fragment print of Grantors' Valuation Section Map V-9(21), marked Exhibit B-5, attached hereto;

INCLUDING all that certain land BEGINNING at aforementioned Rail Valuation Station 2761+27, as indicated on Exhibit B-4, and extending generally in a southerly direction through the Borough of Johnsonburg, a distance of 0.25 miles, more or less, to Grantors' Rail Valuation Station 2806+20, being 225 feet, more or less, north of the north line of Bridge Street, such ENDING POINT being indicated on fragment print of Grantors' Valuation Section Map V-8A(23), marked Exhibit B-6, attached hereto;

ALL as shown in detail on Grantors' Valuation Map V-8A, Sheets 10 through 23, inclusive, and Map V-9, Sheets 1 through 21, inclusive, incorporated herein by reference.

Jefferson County (Main Line)

All that certain land BEGINNING at Grantors' Rail Valuation Station 9902+12.2, being the County Line between the Counties of Elk and Jefferson, such BEGINNING POINT being indicated on aforesaid Exhibit B-5; THENCE extending generally in a southerly direction through the Townships of Snyder and Washington, a distance of 13.77 miles, more or less, to Grantors' Rail Valuation Station 10629+28.2, being the County Line between the Counties of Jefferson and Clearfield, such ENDING POINT being indicated on reduced fragment print of Grantors' Valuation Map V-9(35), marked Exhibit B-7, attached hereto;

ALL as shown in detail on Grantors' Valuation Map V-9, Sheets 21 through 35, inclusive, incorporated herein by reference.

Further all that certain land BEGINNING at Grantors' Rail Valuation Station 11118+30.6, being the County Line between the Counties of Clearfield and Jefferson, such BEGINNING POINT being indicated on fragment print of Grantors' Valuation Map V-9(44), marked Exhibit B-8, attached hereto; THENCE extending generally in a southerly direction through the Borough of Sykesville and Townships of Winslow, Henderson, Gaskill and Bell, a distance of 6.13 miles, more or less, to Grantors' Rail Valuation Station 11651+47.7, at or near Punxsutawney, Pennsylvania, such ENDING POINT being indicated on fragment print of Grantors' Valuation Map V-9(54), marked Exhibit B-9, attached hereto;

ALL as shown in detail on Grantors' Valuation Map V-9, Sheets 44 through 54, inclusive, incorporated herein by reference.

Clearfield County (Main Line)

All that certain land BEGINNING at Grantors' Rail Valuation Station 10629+28.2 at or near Falls Creek, being the County Line between the Counties of Jefferson and Clearfield, such BEGINNING POINT being indicated on afore described Exhibit B-7; THENCE extending generally in a southerly direction through the Township of Sandy, the City of DuBois and Township of Brady, a distance of 9.26 miles, more or less, to Grantors' Rail Valuation Station 11118+30.6 at or near the Borough of Sykesville, being the County Line between the Counties of Clearfield and Jefferson, such ENDING POINT being indicated on afore described Exhibit B-8, attached hereto;

ALL as shown in detail on Grantors' Valuation Section Map V-9, Sheets 35 through 44, inclusive, and Map V-21, Sheet 20, incorporated herein by reference.

Clearfield County (B&S Branch)

All that certain land BEGINNING at a junction with Grantors' Main Line at Grantors' Rail Valuation Station 2189+70.71 at or near DuBois, being 2,561.29 feet southwest of the center line of Meloney Road, such BEGINNING POINT being indicated on fragment print of Grantors' Valuation Section Map V-1(ST-9A), marked Exhibit B-17, attached hereto, THENCE generally in a northeasterly direction through the City of DuBois and Township of Sandy, a distance of 7.02 miles, more or less, to Grantors' end of track at Rail Valuation Station 2560+50 at or near Sabula, being 548 feet northeast of the west line of property acquired from John E. DuBois, et ux, by deed dated May 18, 1904, recorded in Clearfield County in Deed Book 144, Page 85, such ENDING POINT being indicated on fragment print of Grantors' Valuation Section Map V-1(11), marked Exhibit B-18, attached hereto;

ALL as shown in detail on Grantors' Valuation Section Map V-1 B&S, Sheets 9 through 11, inclusive, incorporated herein by reference.

VERIFICATION

We, **MICHAEL BUHLER** and **SANDRA M. BUHLER**, verify that the statements made herein are true and correct to the best of our knowledge, information and belief and are made subject to the penalties of 18 Pa. Con. Stat. Ann. Section 4904 relating to unsworn falsification to authorities.

DATE: June 24, 2003



Michael Buhler



Sandra M. Buhler

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MICHAEL BUHLER and	:	CIVIL ACTION - LAW
SANDRA M. BUHLER,	:	
Plaintiffs	:	ACTION TO QUIET TITLE
	:	
v.	:	No. 945 - 2003
	:	
CSX TRANSPORTATION, INC.	:	TYPE OF CASE: CIVIL
a Virginia corporation,	:	
and BUFFALO & PITTSBURGH	:	TYPE OF DOCUMENT:
RAILROAD, INC., a Delaware	:	Praecipe for Default Judgment
corporation,	:	
Defendants	:	FILED ON BEHALF OF:
	:	Michael Buhler
	:	and Sandra M. Buhler, Plaintiffs
	:	
	:	COUNSEL OF RECORD FOR THIS PARTY:
	:	Terry R. Heeter
	:	Supreme Court No. 52750
	:	
	:	The Kooman Law Firm
	:	Marianne Professional Center
	:	P.O. Box 700
	:	Clarion, PA 16214
	:	(814) 226-9100

jc:4401b
#21434

FILED

OCT 16 2003

William A. Shaw
Prothonotary

MICHAEL BUHLER	:	IN THE COURT OF COMMON PLEAS OF
and SANDRA M. BUHLER,	:	CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiffs	:	
	:	
v.	:	
	:	
CSX TRANSPORTATION, INC.	:	CIVIL ACTION - LAW
a Virginia Corporation,	:	
and BUFFALO & PITTSBURGH	:	
RAILROAD, INC., a Delaware	:	
corporation,	:	
Defendants	:	No. 945 C.D. - 2003

TO THE PROTHONOTARY:

PRAECIPE FOR DEFAULT JUDGMENT

WHEREAS, a civil complaint was served upon the defendant, Buffalo & Pittsburgh Railroad, Inc., by the Sheriff or a deputy sheriff of Jefferson County on July 16, 2003;

WHEREAS, more than twenty (20) days have elapsed and the defendant, Buffalo & Pittsburgh Railroad, Inc., has failed to file an answer or other responsive pleading to the complaint;


WHEREAS, a written notice of intention to file a praecipe for entry of default judgment was served upon the defendant, Buffalo & Pittsburgh Railroad, Inc., in the form and in the manner prescribed by Rule 237.1(a) of the Pennsylvania Rules of Civil Procedure, a copy of said notice is marked Exhibit "A", attached hereto and made a part hereof; and

WHEREAS, more than ten (10) days have elapsed since the mailing of the aforementioned written notice and the defendant, Buffalo & Pittsburgh Railroad, Inc., has not filed an answer or other responsive pleading to the complaint.

NOW, THEREFORE, you are hereby directed to enter a judgment against the defendant, Buffalo & Pittsburgh Railroad, Inc., and in favor of the plaintiffs, Michael Buhler and Sandra M. Buhler, for the relief requested in the complaint.

Respectfully submitted,

DATE: October 15, 2003

By 
TERRY R. HEETER, ESQUIRE
The Kooman Law Firm
Attorney for Plaintiffs
Marianne Professional Center
P.O. Box 700
Clarion, PA 16214
(814) 226-9100

jc:4679b
#21434

MICHAEL BUHLER
and SANDRA M. BUHLER,
Plaintiffs

v.

CSX TRANSPORTATION, INC.
a Virginia Corporation,
and BUFFALO & PITTSBURGH
RAILROAD, INC., a Delaware
corporation,

Defendants : No. 945 C.D. - 2003

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

: CIVIL ACTION - LAW

TO: BUFFALO & PITTSBURGH RAILROAD, INC.
201 North Penn Street
Punxsutawney, PA 15767


DATE OF NOTICE: August 13, 2003

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU.

UNLESS YOU ACT WITHIN TEN (10) DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD TAKE THIS NOTICE TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP:

LAUREL LEGAL SERVICES, INC.
231 West Main Street
Clarion, PA 16214
(814) 226-4340


TERRY R. HEETER, ESQUIRE
The Kooman Law Firm
Attorney for Plaintiffs
Marianne Professional Center
P.O. Box 700
Clarion, PA 16214
(814) 226-9100

jc:4504b/#21434

MICHAEL BUHLER	:	IN THE COURT OF COMMON PLEAS OF
and SANDRA M. BUHLER,	:	CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiffs	:	
	:	
v.	:	
	:	
CSX TRANSPORTATION, INC.	:	CIVIL ACTION - LAW
a Virginia Corporation,	:	
and BUFFALO & PITTSBURGH	:	
RAILROAD, INC., a Delaware	:	
corporation,	:	
Defendants	:	No. 945 C.D. - 2003

**NOTICE BY PROTHONOTARY TO DEFENDANT
OF THE ENTRY OF JUDGMENT**

TO: BUFFALO & PITTSBURGH RAILROAD, INC.
201 North Penn Street
Punxsutawney, PA 15767

You are hereby notified that a judgment has been entered against you on the _____ day of _____, 2003, at the above number and term in favor of the plaintiff in that action.

Prothonotary, Clearfield County

I hereby certify that a notice, copy of which appears above, was mailed by me to the defendant at the address certified on the instrument filed in the case, and I hereby certify that such a notice was mailed to each attorney who had entered an appearance in the case.

Prothonotary

DATE: _____, 2003

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY ,
PENNSYLVANIA
STATEMENT OF JUDGMENT

Michael Buhler
Sandra M. Buhler
Plaintiff(s)

No.: 2003-00945-CD

Real Debt: \$

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

CSX Transportation, Inc.
Buffalo & Pittsburgh Railroad, Inc.
Defendant(s)

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: October 16, 2003

Expires: October 16, 2008

Certified from the record this 16th day of October, 2003

William A. Shaw, Prothonotary

SIGN BELOW FOR SATISFACTION

Received on _____, _____, of defendant full satisfaction of this Judgment. Debt, Interest and Costs and Prothonotary is authorized to enter Satisfaction on the same.

Plaintiff/Attorney

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MICHAEL BUHLER and
SANDRA M. BUHLER,
Plaintiffs

v.

CSX TRANSPORTATION, INC.
a Virginia corporation,
and BUFFALO & PITTSBURGH
RAILROAD, INC., a Delaware
corporation,
Defendants

: CIVIL ACTION - LAW
:
: ACTION TO QUIET TITLE
:
: No. 945 - 2003
:
: TYPE OF CASE: CIVIL
:
: TYPE OF DOCUMENT:
: Certificate of Residence
:
: FILED ON BEHALF OF:
: Michael Buhler
: and Sandra M. Buhler, Plaintiffs
:
: COUNSEL OF RECORD FOR THIS PARTY:
: Terry R. Heeter
: Supreme Court No. 52750
:
: The Kooman Law Firm
: Marianne Professional Center
: P.O. Box 700
: Clarion, PA 16214
: (814) 226-9100

jc:4401b
#21434

FILED

OM 10/18/03 BH NDC

OCT 16 2003

William A. Shaw
Prothonotary


MICHAEL BUHLER : IN THE COURT OF COMMON PLEAS OF
and SANDRA M. BUHLER, : CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiffs :
v. :
CSX TRANSPORTATION, INC. : CIVIL ACTION - LAW
a Virginia Corporation, :
and BUFFALO & PITTSBURGH :
RAILROAD, INC., a Delaware :
corporation, :
Defendants : No. 945 C.D. - 2003

CERTIFICATE OF RESIDENCE

I do hereby certify that the address of the plaintiff is 204 Grand Slam Road, Ridgway, Pennsylvania 15853 and that the address of the defendant is 201 North Penn Street, Punxsutawney, Pennsylvania 15767.

WITNESS, my hand this 15th day of October, 2003.

Respectfully submitted,

By 
TERRY R. HEETER, ESQUIRE
The Keoman Law Firm
Attorney for Plaintiffs
Marianne Professional Center
P.O. Box 700
Clarion, PA 16214
(814) 226-9100

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MICHAEL BUHLER and	:	CIVIL ACTION - LAW
SANDRA M. BUHLER,	:	
Plaintiffs	:	ACTION TO QUIET TITLE
	:	
v.	:	No. 945 - 2003
	:	
CSX TRANSPORTATION, INC.	:	TYPE OF CASE: CIVIL
a Virginia corporation,	:	
and BUFFALO & PITTSBURGH	:	TYPE OF DOCUMENT:
RAILROAD, INC., a Delaware	:	Praeipce to Reinstate Complaint
corporation,	:	
Defendants	:	FILED ON BEHALF OF:
	:	Michael Buhler
	:	and Sandra M. Buhler, Plaintiffs
	:	
	:	COUNSEL OF RECORD FOR THIS PARTY:
	:	Terry R. Heeter
	:	Supreme Court No. 52750
	:	
	:	The Kooman Law Firm
	:	Marianne Professional Center
	:	P.O. Box 700
	:	Clarion, PA 16214
	:	(814) 226-9100

jc:4401b
#21434

FILED

OCT 20 2003

William A. Shaw
Prothonotary/Clerk of Courts

MICHAEL BUHLER : IN THE COURT OF COMMON PLEAS OF
and SANDRA M. BUHLER, : CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiffs :
v. :
CSX TRANSPORTATION, INC. : CIVIL ACTION - LAW
a Virginia Corporation, :
and BUFFALO & PITTSBURGH :
RAILROAD, INC., a Delaware :
corporation, :
Defendants : No. 945 C.D. - 2003

PRAECIPE TO REINSTATE COMPLAINT


TO THE PROTHONOTARY:

Please reinstate the complaint, in the above-captioned matter.

Respectfully submitted,

DATE: October 15, 2003

By



TERRY R. HEETER, ESQUIRE
The Koorman Law Firm
Attorney for Plaintiffs
Marianne Professional Center
P.O. Box 700
Clarion, PA 16214
(814) 226-9100

jc:4677b
#21434

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MICHAEL BUHLER and
SANDRA M. BUHLER,
Plaintiffs
v.
CSX TRANSPORTATION, INC.
a Virginia corporation,
and BUFFALO & PITTSBURGH
RAILROAD, INC., a Delaware
corporation,
Defendants

: CIVIL ACTION - LAW
:
: ACTION TO QUIET TITLE
:
: No. 945 - 2003
:
: TYPE OF CASE: CIVIL
:
: TYPE OF DOCUMENT:
: Motion for Entry of Judgment
: Pursuant to Pa. R.C.P. No. 1066
:
: FILED ON BEHALF OF:
: Michael Buhler
: and Sandra M. Buhler, Plaintiffs
:
: COUNSEL OF RECORD FOR THIS PARTY:
: Terry R. Heeter
: Supreme Court No. 52750
:
: The Kooman Law Firm
: Marianne Professional Center
: P.O. Box 700
: Clarion, PA 16214
: (814) 226-9100

jc:4401b
#21434

FILED

OCT 29 2003

William A. Shaw
Prothonotary/Clerk of Courts

MICHAEL BUHLER	:	IN THE COURT OF COMMON PLEAS OF
and SANDRA M. BUHLER,	:	CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiffs	:	
	:	
v.	:	
	:	
CSX TRANSPORTATION, INC.	:	CIVIL ACTION - LAW
a Virginia Corporation,	:	
and BUFFALO & PITTSBURGH	:	
RAILROAD, INC., a Delaware	:	
corporation,	:	
Defendants	:	No. 945 C.D. - 2003

TO: THE HONORABLE JUDGE OF THE SAID COURT

**MOTION FOR ENTRY OF JUDGMENT
PURSUANT TO Pa. R. Civ. P. 1066**

AND NOW, comes the plaintiffs, **MICHAEL BUHLER** and **SANDRA M. BUHLER**, by and through their attorney, Terry R. Heeter, and motion this court to enter an order in favor of the plaintiffs and against the defendant, Buffalo & Pittsburgh Railroad, Inc., pursuant to Pa. R. Civ. P. 1066, for the reasons hereinafter set forth:

1. The plaintiffs, Michael Buhler and Sandra M. Buhler, are adult individuals residing at 204 Grand Slam Road, Ridgway, Pennsylvania.

2. The defendant, Buffalo & Pittsburgh Railroad, Inc., is a Delaware corporation with a mailing address of 201 North Penn Street, Punxsutawney, Pennsylvania 15767.

3. On July 16, 2003, a complaint in the above entitled action containing a notice to defend was duly served on the

defendant, Buffalo & Pittsburgh Railroad, Inc. by the Sheriff or a deputy sheriff of Jefferson County. A copy of the affidavit of service is marked Exhibit "A", attached hereto and made a part hereof.

4. More than twenty (20) days have expired since the complaint was served on the defendant, Buffalo & Pittsburgh Railroad, Inc. and the defendant, Buffalo & Pittsburgh Railroad, Inc. has failed to either enter an appearance or file an answer as required by Pa. R. Civ. P. 1026(a).


5. A written notice of intention to enter a default judgment was served on the defendant, Buffalo & Pittsburgh Railroad, Inc., in the form and in the manner prescribed by Rule 237.1(a) of the Pennsylvania Rules of Civil Procedure, a copy of said notice is marked Exhibit "B", attached hereto and made a part hereof.

6. An affidavit establishing that the defendant, Buffalo & Pittsburgh Railroad, Inc., was served with the complaint on July 16, 2003, and that it has failed to enter an appearance or file a responsive pleading to the allegations set forth in the complaint within the twenty (20) day time limit as required by Pa. R. Civ. P. 1026(a) is marked Exhibit "C", attached hereto and made a part hereof.

WHEREFORE, the plaintiffs, Michael Buhler and Sandra M. Buhler, move this honorable court to enter a judgment against the

defendant, Buffalo & Pittsburgh Railroad, Inc., in accordance with
Pa. R. Civ. P. 1066.

Respectfully submitted,

By 
TERRY R. HEETER, ESQUIRE
The Kooman Law Firm
Attorney for Plaintiff
P.O. Box 700
Clarion, PA 16214
(814) 226-9100

jc:4716b
#21434

COPY

No. 945 C.D. 2003

Personally appeared before me, Kirk Brudnock, Deputy for Thomas A. Demko, Sheriff of Jefferson County, Pennsylvania, who according to law deposes and says that on July 16, 2003 at 7:45 o'clock A.M. served the Notice and Complaint to Quiet Title upon BUFFALO & PITTSBURGH RAILROAD, Defendant, at 201 N. Penn Street, Borough of Punxsutawney, County of Jefferson, State of Pennsylvania, by handing to Dave Baer, adult person in charge at time of service, a true copy of the Notice and Complaint and by making known to him the contents thereof.

Advance Costs Received:	\$125.00
My Costs:	\$ 31.64 Paid
Prothy:	\$ 2.00
Total Costs:	\$ 32.64
Refunded:	\$ 93.16

Sworn and subscribed
to before me this 22nd
day of July 2003
By Kirk Brudnock

My Commission Expires The
First Monday January 2006

So Answers,
Kirk Brudnock Deputy
Thomas A. Demko Sheriff
JEFFERSON COUNTY, PENNSYLVANIA

MICHAEL BUHLER
and SANDRA M. BUHLER,
Plaintiffs

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

v.

CSX TRANSPORTATION, INC.
a Virginia Corporation,
and BUFFALO & PITTSBURGH
RAILROAD, INC., a Delaware
corporation,

CIVIL ACTION - LAW

Defendants : No. 945 C.D. - 2003

TO: BUFFALO & PITTSBURGH RAILROAD, INC.
201 North Penn Street
Punxsutawney, PA 15767


DATE OF NOTICE: August 13, 2003

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU.

UNLESS YOU ACT WITHIN TEN (10) DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD TAKE THIS NOTICE TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP:

LAUREL LEGAL SERVICES, INC.
231 West Main Street
Clarion, PA 16214
(814) 226-4340


TERRY R. HEETER, ESQUIRE
The Kooman Law Firm
Attorney for Plaintiffs
Marianne Professional Center
P.O. Box 700
Clarion, PA 16214
(814) 226-9100

jc:4504b/#21434

MICHAEL BUHLER	:	IN THE COURT OF COMMON PLEAS OF
and SANDRA M. BUHLER,	:	CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiffs	:	
	:	
v.	:	
	:	
CSX TRANSPORTATION, INC.	:	CIVIL ACTION - LAW
a Virginia Corporation,	:	
and BUFFALO & PITTSBURGH	:	
RAILROAD, INC., a Delaware	:	
corporation,	:	
Defendants	:	No. 945 C.D. - 2003

AFFIDAVIT PURSUANT TO PA R. CIV. P. 1066

COMMONWEALTH OF PENNSYLVANIA)
) ss:
COUNTY OF CLARION)

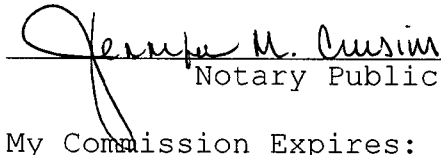
I, **TERRY R. HEETER**, who being duly sworn according to law, deposes and says that I make this affidavit on behalf of the plaintiffs in the above entitled action, being authorized to do so; that on July 16, 2003, the defendant, Buffalo & Pittsburgh Railroad, Inc., was duly served with the complaint and notice to defend in the within captioned action in accordance with Pa. R. Civ. P. 430; that more than the twenty (20) days which the defendant, Buffalo & Pittsburgh Railroad, Inc., was required to appear and plead to the allegations set forth in the complaint as required by Pa. R. Civ. P. 1026(a) have expired; that the defendant, Buffalo & Pittsburgh Railroad, Inc., has not appeared in this action; and that no answer, demurrer, motion or other pleading

has been served or filed herein by the defendant, Buffalo & Pittsburgh Railroad, Inc.

DATE: October 27, 2003


Terry R. Heeter

Sworn and subscribed to before
me this 27th day of October, 2003.


Notary Public

My Commission Expires:

Notarial Seal
Jennifer M. Cussins, Notary Public
Paint Twp., Clarion County
My Commission Expires Jan. 22, 2004
Member, Pennsylvania Association of Notaries

jc:4717b
#21434

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MICHAEL BUHLER and
SANDRA M. BUHLER,
Plaintiffs
v.
CSX TRANSPORTATION, INC.
a Virginia corporation,
and BUFFALO & PITTSBURGH
RAILROAD, INC., a Delaware
corporation,
Defendants

: CIVIL ACTION - LAW
:
: ACTION TO QUIET TITLE
:
: No. 945 - 2003
:
: TYPE OF CASE: CIVIL
:
: TYPE OF DOCUMENT:
: Motion for Entry of Judgment
: Pursuant to Pa. R.C.P. No. 1066
:
: FILED ON BEHALF OF:
: Michael Buhler
: and Sandra M. Buhler, Plaintiffs
:
: COUNSEL OF RECORD FOR THIS PARTY:
: Terry R. Heeter
: Supreme Court No. 52750
:
: The Kooman Law Firm
: Marianne Professional Center
: P.O. Box 700
: Clarion, PA 16214
: (814) 226-9100

jc:4401b
#21434

FILED

DEC 05 2003

William A. Shaw
Prothonotary/Clerk of Courts

MICHAEL BUHLER	:	IN THE COURT OF COMMON PLEAS OF
and SANDRA M. BUHLER,	:	CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiffs	:	
	:	
v.	:	
	:	
CSX TRANSPORTATION, INC.	:	CIVIL ACTION - LAW
a Virginia Corporation,	:	
and BUFFALO & PITTSBURGH	:	
RAILROAD, INC., a Delaware	:	
corporation,	:	
Defendants	:	No. 945 C.D. - 2003

TO: THE HONORABLE JUDGE OF THE SAID COURT

**MOTION FOR ENTRY OF JUDGMENT
PURSUANT TO Pa. R. Civ. P. 1066**

AND NOW, comes the plaintiffs, **MICHAEL BUHLER** and **SANDRA M. BUHLER**, by and through their attorney, Terry R. Heeter, and motion this court to enter an order in favor of the plaintiffs and against the defendant, CSX Transportation, Inc., pursuant to Pa. R. Civ. P. 1066, for the reasons hereinafter set forth:

1. The plaintiffs, Michael Buhler and Sandra M. Buhler, are adult individuals residing at 204 Grand Slam Road, Ridgway, Pennsylvania.

2. The defendant, CSX Transportation, Inc., is a Virginia corporation with a principal place of business at 500 Water Street, Jacksonville, Florida 32202.

3. On October 28, 2003, a complaint in the above entitled action containing a notice to defend was duly served on the

defendant, CSX Transportation, Inc., by certified mail restricted delivery. A copy of the affidavit of service is marked Exhibit "A", attached hereto and made a part hereof.

4. More than twenty (20) days have expired since the complaint was served on the defendant, CSX Transportation, Inc., and the defendant, CSX Transportation, Inc., has failed to either enter an appearance or file an answer as required by Pa. R. Civ. P. 1026(a).


5. A written notice of intention to enter a default judgment was served on the defendant, CSX Transportation, Inc., in the form and in the manner prescribed by Rule 237.1(a) of the Pennsylvania Rules of Civil Procedure, a copy of said notice is marked Exhibit "B", attached hereto and made a part hereof.

6. An affidavit establishing that the defendant, CSX Transportation, Inc., was served with the complaint on October 28, 2003, and that it has failed to enter an appearance or file a responsive pleading to the allegations set forth in the complaint within the twenty (20) day time limit as required by Pa. R. Civ. P. 1026(a) is marked Exhibit "C", attached hereto and made a part hereof.

WHEREFORE, the plaintiffs, Michael Buhler and Sandra M. Buhler, move this honorable court to enter a judgment against the

defendant, CSX Transportation, Inc., in accordance with Pa. R. Civ.
P. 1066.

Respectfully submitted,

By 
TERRY R. HEETER, ESQUIRE
The Koorman Law Firm
Attorney for Plaintiff
P.O. Box 700
Clarion, PA 16214
(814) 226-9100

jc:4894b
#21434

FILE COPY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MICHAEL BUHLER and	:	CIVIL ACTION - LAW
SANDRA M. BUHLER,	:	
Plaintiffs	:	ACTION TO QUIET TITLE
	:	
v.	:	No. 945 - 2003
	:	
CSX TRANSPORTATION, INC.	:	TYPE OF CASE: CIVIL
a Virginia corporation,	:	
and BUFFALO & PITTSBURGH	:	TYPE OF DOCUMENT:
RAILROAD, INC., a Delaware	:	Affidavit of Service
corporation,	:	of Complaint
Defendants	:	
	:	FILED ON BEHALF OF:
	:	Michael Buhler
	:	and Sandra M. Buhler, Plaintiffs
	:	
	:	COUNSEL OF RECORD FOR THIS PARTY:
	:	Terry R. Heeter
	:	Supreme Court No. 52750
	:	
	:	The Kooman Law Firm
	:	Marianne Professional Center
	:	P.O. Box 700
	:	Clarion, PA 16214
	:	(814) 226-9100

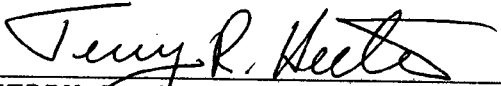
jc:4401b
#21434

MICHAEL BUHLER and : IN THE COURT OF COMMON PLEAS OF
SANDRA M. BUHLER, : CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiffs :
v. :
: CIVIL ACTION - LAW
CSX TRANSPORTATION, INC. :
a Virginia corporation, : ACTION TO QUIET TITLE
and BUFFALO & PITTSBURGH :
RAILROAD, INC., a Delaware :
corporation, :
Defendants : No. 945 - 2003

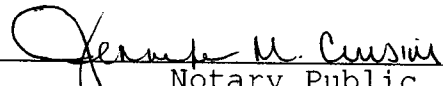
AFFIDAVIT OF SERVICE OF COMPLAINT

COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF CLARION)

I, **TERRY R. HEETER**, who, being duly sworn according to law depose and say that on the 28th day of October, 2003, the complaint filed in the above referenced matter was served on the defendant, CSX Transportation, Inc., by Certified Mail No. 7002 0460 0003 0547 1760 at its office address of 500 Water Street, Jacksonville, Florida 32202. The senders receipt and return receipt are marked Exhibit "A", attached hereto and made a part hereof.

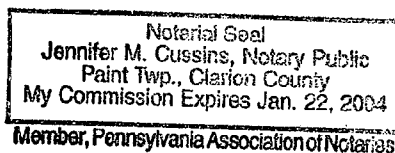

TERRY R. HEETER, ESQUIRE
The Kooman Law Firm
Attorney for Plaintiffs
Marianne Professional Center
P.O. Box 700
Clarion, PA 16214
(814) 226-9100

Sworn and subscribed to before me
this 4th day of November, 2003.


Notary Public

My Commission Expires:

jc:4770b
#21434

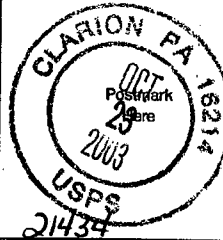


U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

OFFICIAL USE

7002 0460 0003 0547 1760

Postage	\$ 1.52
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	3.20
Total Postage & Fees	\$ 8.77



Sent To CSX Transportation Inc.
 Street, Apt. No.,
 or PO Box No. 500 Water Street
 City, State, ZIP+4 JACKSONVILLE FL 32202

PS Form 3800, January 2001

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits. 21434

1. Article Addressed to:

CSX Transportation Inc.
500 Water Street
JACKSONVILLE FL 32202

2. Article Number
 (Transfer from service label)

7002 0460 0003 0547 1760

PS Form 3811, August 2001

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Barbara Jennings

- ☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

10/28/03

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

If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

Domestic Return Receipt

102595-02-M-1035

EXHIBIT "A"

FILE COPY

MICHAEL BUHLER
and SANDRA M. BUHLER,
Plaintiffs

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

v.

CSX TRANSPORTATION, INC.
a Virginia Corporation,
and BUFFALO & PITTSBURGH
RAILROAD, INC., a Delaware
corporation,

: CIVIL ACTION - LAW
:
:
:
:

Defendants : No. 945 C.D. - 2003

TO: CSX TRANSPORTATION, INC.
500 Water Street
Jacksonville, FL 32202


DATE OF NOTICE: November 18, 2003

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU.

UNLESS YOU ACT WITHIN TEN (10) DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD TAKE THIS NOTICE TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP:

LAUREL LEGAL SERVICES, INC.
231 West Main Street
Clarion, PA 16214
(814) 226-4340


TERRY R. HEETER, ESQUIRE
The Kooman Law Firm
Attorney for Plaintiffs
Marianne Professional Center
P.O. Box 700
Clarion, PA 16214
(814) 226-9100

jc:4820b/#21434

MICHAEL BUHLER	:	IN THE COURT OF COMMON PLEAS OF
and SANDRA M. BUHLER,	:	CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiffs	:	
	:	
v.	:	
	:	
CSX TRANSPORTATION, INC.	:	CIVIL ACTION - LAW
a Virginia Corporation,	:	
and BUFFALO & PITTSBURGH	:	
RAILROAD, INC., a Delaware	:	
corporation,	:	
Defendants	:	No. 945 C.D. - 2003

AFFIDAVIT PURSUANT TO PA R. CIV. P. 1066

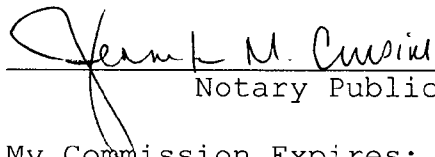
COMMONWEALTH OF PENNSYLVANIA)
) ss:
COUNTY OF CLARION)

I, **TERRY R. HEETER**, who being duly sworn according to law, deposes and says that I make this affidavit on behalf of the plaintiffs in the above entitled action, being authorized to do so; that on October 28, 2003, the defendant, CSX Transportation, Inc., was duly served with the complaint and notice to defend in the within captioned action in accordance with Pa. R. Civ. P. 430; that more than the twenty (20) days which the defendant, CSX Transportation, Inc., was required to appear and plead to the allegations set forth in the complaint as required by Pa. R. Civ. P. 1026(a) have expired; that the defendant, CSX Transportation, Inc., has not appeared in this action; and that no answer, demurrer, motion or other pleading has been served or filed herein by the defendant, CSX Transportation, Inc.

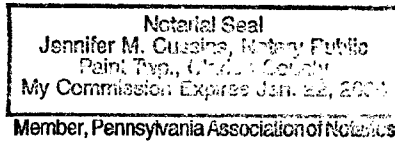
DATE: December 2, 2003


Terry R. Heeter

Sworn and subscribed to before
me this 2nd day of December, 2003.


Notary Public

My Commission Expires:



jc:4896b
#21434

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MICHAEL BUHLER and	:	CIVIL ACTION - LAW
SANDRA M. BUHLER,	:	
Plaintiffs	:	ACTION TO QUIET TITLE
	:	
v.	:	No. 945 - 2003
	:	
CSX TRANSPORTATION, INC.	:	TYPE OF CASE: CIVIL
a Virginia corporation,	:	
and BUFFALO & PITTSBURGH	:	TYPE OF DOCUMENT:
RAILROAD, INC., a Delaware	:	Affidavit of Service
corporation,	:	of Complaint
Defendants	:	
	:	FILED ON BEHALF OF:
	:	Michael Buhler
	:	and Sandra M. Buhler, Plaintiffs
	:	
	:	COUNSEL OF RECORD FOR THIS PARTY:
	:	Terry R. Heeter
	:	Supreme Court No. 52750
	:	
	:	The Kooman Law Firm
	:	Marianne Professional Center
	:	P.O. Box 700
	:	Clarion, PA 16214
	:	(814) 226-9100

jc:4401b
#21434

FILED

NOV 06 2003

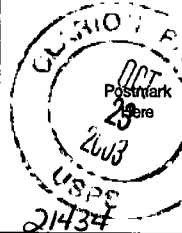
William A. Shaw
Prothonotary/Clerk of Courts

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

OFFICIAL USE

7002 0460 0003 0547 1760

Postage	\$ 1.52
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	3.20
Total Postage & Fees	\$ 8.77



Sent To CSX Transportation Inc.
 Street, Apt. No.,
 or PO Box No. 500 Water Street
 City, State, ZIP+4 Jacksonville FL 32202

PS Form 3800, January 2001

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits. 21434

1. Article Addressed to:

CSX Transportation Inc.
500 Water Street
Jacksonville FL 32202

2. Article Number

(Transfer from service label)

7002 0460 0003 0547 1760

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1035

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Barbara Perryman

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

10/28/03

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

If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MICHAEL BUHLER and
SANDRA M. BUHLER,
Plaintiffs

v.

CSX TRANSPORTATION, INC.
a Virginia corporation,
and BUFFALO & PITTSBURGH
RAILROAD, INC., a Delaware
corporation,
Defendants

: CIVIL ACTION - LAW
:
: ACTION TO QUIET TITLE
:
: No. 945 - 2003
:
: TYPE OF CASE: CIVIL
:
: TYPE OF DOCUMENT:
: Praecipe for Entry
: of Judgment
:
: FILED ON BEHALF OF:
: Michael Buhler
: and Sandra M. Buhler, Plaintiffs
:
: COUNSEL OF RECORD FOR THIS PARTY:
: Terry R. Heeter
: Supreme Court No. 52750
:
: The Kooman Law Firm
: Marianne Professional Center
: P.O. Box 700
: Clarion, PA 16214
: (814) 226-9100

jc:4401b
#21434

FILED

DEC 11 2003

William A. Shaw
Prothonotary

MICHAEL BUHLER : IN THE COURT OF COMMON PLEAS OF
and SANDRA M. BUHLER, : CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiffs :
v. :
CSX TRANSPORTATION, INC. : CIVIL ACTION - LAW
a Virginia Corporation, :
and BUFFALO & PITTSBURGH :
RAILROAD, INC., a Delaware :
corporation, :
Defendants : No. 945 C.D. - 2003

TO PROTHONOTARY OF THE SAID COURT:

PRAECIPE FOR ENTRY OF JUDGMENT

By Order dated November 3, 2003, the Honorable John K. Reilly, Jr. issued an order in the above referenced matter following the presentation of a motion for entry of judgment pursuant to Pa. R. Civ. P. 1066. More than thirty (30) days have elapsed since the order was issued by the Honorable John K. Reilly and the defendant, Buffalo & Pittsburgh Railroad, Inc., (hereinafter referred to as the "Defendant"), has not filed its defense to the complaint initiating the within captioned action as required by the order. Accordingly, you are hereby directed to enter judgment in favor of the plaintiff and against the Defendant in accordance with Rule 1066(b)(1) of the Pennsylvania Rules of Civil Procedure.

Respectfully submitted,

By Terry R. Heeter
TERRY R. HEETER
The Koorman Law Firm
Attorney for Plaintiffs
Marianne Professional Center
P.O. Box 700
Clarion, PA 16214
(814) 226-9100

MICHAEL BUHLER	:	IN THE COURT OF COMMON PLEAS OF
and SANDRA M. BUHLER,	:	CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiffs	:	
	:	
v.	:	
	:	
CSX TRANSPORTATION, INC.	:	CIVIL ACTION - LAW
a Virginia Corporation,	:	
and BUFFALO & PITTSBURGH	:	
RAILROAD, INC., a Delaware	:	
corporation,	:	
Defendants	:	No. 945 C.D. - 2003

NOTICE OF PROTHONOTARY OF THE ENTRY OF JUDGMENT

AND NOW, this ____ day of _____, ____, more than thirty (30) days have elapsed since the order dated November 3, 2003 was issued by the Honorable John K. Reilly, Jr. and the defendant, Buffalo & Pittsburgh Railroad, Inc., has not filed its defense to the complaint initiating the within captioned action as required by the order. As a result, notice is hereby given that judgment is hereby entered in favor of the plaintiff and against the defendant, Buffalo & Pittsburgh Railroad, Inc.

Clearfield County Prothonotary

jc:4931b
#21434

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY ,
PENNSYLVANIA
STATEMENT OF JUDGMENT

Michael Buhler
Sandra M. Buhler
Plaintiff(s)

No.: 2003-00945-CD

Real Debt: \$Action to Quiet Title

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

CSX Transportation, Inc.
Buffalo & Pittsburgh Railroad, Inc.
Defendant(s)

Entry: \$20.00

Instrument: Judgment

Date of Entry: December 11, 2003

Expires: December 11, 2008

Certified from the record this 11th day of December, 2003

William A. Shaw, Prothonotary

SIGN BELOW FOR SATISFACTION

Received on _____, _____, of defendant full satisfaction of this Judgment, Debt,
Interest and Costs and Prothonotary is authorized to enter Satisfaction on the same.

Plaintiff/Attorney

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MICHAEL BUHLER and	:	CIVIL ACTION - LAW
SANDRA M. BUHLER,	:	
Plaintiffs	:	ACTION TO QUIET TITLE
	:	
v.	:	No. 945 - 2003
	:	
CSX TRANSPORTATION, INC.	:	TYPE OF CASE: CIVIL
a Virginia corporation,	:	
and BUFFALO & PITTSBURGH	:	TYPE OF DOCUMENT:
RAILROAD, INC., a Delaware	:	Praecipe for Entry
corporation,	:	of Judgment
Defendants	:	
	:	FILED ON BEHALF OF:
	:	Michael Buhler
	:	and Sandra M. Buhler, Plaintiffs
	:	
	:	COUNSEL OF RECORD FOR THIS PARTY:
	:	Terry R. Heeter
	:	Supreme Court No. 52750
	:	
	:	The Kooman Law Firm
	:	Marianne Professional Center
	:	P.O. Box 700
	:	Clarion, PA 16214
	:	(814) 226-9100

jc:4401b
#21434

FILED

JAN 12 2004

William A. Shaw
Prothonotary, Clerk of Courts

MICHAEL BUHLER : IN THE COURT OF COMMON PLEAS OF
and SANDRA M. BUHLER, : CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiffs :
v. :
CSX TRANSPORTATION, INC. : CIVIL ACTION - LAW
a Virginia Corporation, :
and BUFFALO & PITTSBURGH :
RAILROAD, INC., a Delaware :
corporation, :
Defendants : No. 945 C.D. - 2003

TO PROTHONOTARY OF THE SAID COURT:

PRAECIPE FOR ENTRY OF JUDGMENT

By Order dated December 8, 2003, the Honorable Fredric J. Ammerman issued an order in the above referenced matter following the presentation of a motion for entry of judgment pursuant to Pa. R. Civ. P. 1066. More than thirty (30) days have elapsed since the order was issued by the Honorable Fredric J. Ammerman and the defendant, CSX Transportation, Inc., (hereinafter referred to as the "Defendant"), has not filed its defense to the complaint initiating the within captioned action as required by the order. Accordingly, you are hereby directed to enter judgment in favor of the plaintiff and against the Defendant, CSX Transportation, Inc., in accordance with Rule 1066(b)(1) of the Pennsylvania Rules of Civil Procedure.

Respectfully submitted,

By



TERRY R. HEETER
The Kooman Law Firm
Attorney for Plaintiffs
Marianne Professional Center
P.O. Box 700
Clarion, PA 16214
(814) 226-9100

COPY

MICHAEL BUHLER : IN THE COURT OF COMMON PLEAS OF
and SANDRA M. BUHLER, : CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiffs :
v. :
CSX TRANSPORTATION, INC. : CIVIL ACTION - LAW
a Virginia Corporation, :
and BUFFALO & PITTSBURGH :
RAILROAD, INC., a Delaware :
corporation, :
Defendants : No. 945 C.D. - 2003

NOTICE OF PROTHONOTARY OF THE ENTRY OF JUDGMENT

AND NOW, this 12 day of January, 2004, more than thirty (30) days have elapsed since the order dated December 8, 2003 was issued by the Honorable Fredric J. Ammerman and the defendant, CSX Transportation, Inc., has not filed its defense to the complaint initiating the within captioned action as required by the order. As a result, notice is hereby given that judgment is hereby entered in favor of the plaintiff and against the defendant, CSX Transportation, Inc.

Clearfield County Prothonotary

jc:0007b
#21434

MICHAEL BUHLER : IN THE COURT OF COMMON PLEAS OF
and SANDRA M. BUHLER, : CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiffs :

v. :

CSX TRANSPORTATION, INC. : CIVIL ACTION - LAW
a Virginia Corporation, :
and BUFFALO & PITTSBURGH :
RAILROAD, INC., a Delaware :
corporation, :

Defendants : No. 945 C.D. - 2003

FILED

DEC 08 2003

William A. Shaw
Prothonotary/Clerk of Courts

ORDER AND DECREE

WHEREAS, it appears and the court finds:

That the complaint in the above entitled action was duly served on the defendant, CSX Transportation, Inc., by certified mail, restricted delivery on October 28, 2003; that more than the twenty (20) days within which the defendant, CSX Transportation, Inc., was required to appear and plead to the allegations set forth in the complaint as required by Pa. R. Civ. P. 1026(a) have expired; that the defendant, CSX Transportation, Inc., has not appeared in this action; and that no answer, demurrer, motion or other pleading has been served or filed herein;

NOW, THEREFORE, upon presentation and consideration of the foregoing motion of the plaintiffs, it is hereby ordered and decreed that the defendant, CSX Transportation, Inc., shall be forever barred from asserting any right, lien, title or interest in the land inconsistent with the interest or claim of the plaintiffs as set forth in their complaint unless the defendant, CSX

Transportation, Inc., takes action to file its defenses to the complaint within thirty (30) days from the date of this order. If such action is not taken within the thirty (30) day period, the prothonotary on praecipe of the plaintiffs shall enter final judgment against the defendant, CSX Transportation, Inc.

BY THE COURT

Date: Dec. 8., 2003

Judith J. Ammann

jc:4895b
#21434

CP

MICHAEL BUHLER : IN THE COURT OF COMMON PLEAS OF
and SANDRA M. BUHLER, : CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiffs :

v. :

CSX TRANSPORTATION, INC. : CIVIL ACTION - LAW
a Virginia Corporation, :
and BUFFALO & PITTSBURGH :
RAILROAD, INC., a Delaware :
corporation, :
Defendants : No. 945 C.D. - 2003

FILED

NOV 03 2003

William A. Shaw
Prothonotary/Clerk of Courts

ORDER AND DECREE

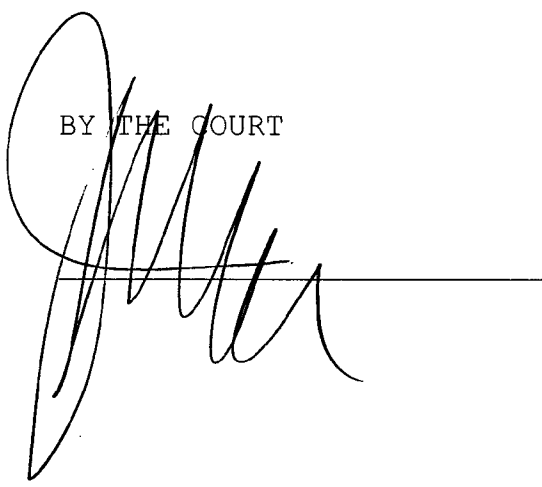
WHEREAS, it appears and the court finds:

That the complaint in the above entitled action was duly served on the defendant, Buffalo & Pittsburgh Railroad, Inc., by the Sheriff or deputy sheriff of Jefferson County on July 16, 2003; that more than the twenty (20) days within which the defendant, Buffalo & Pittsburgh Railroad, inc., was required to appear and plead to the allegations set forth in the complaint as required by Pa. R. Civ. P. 1026(a) have expired; that the defendant, Buffalo & Pittsburgh Railroad, Inc., has not appeared in this action; and that no answer, demurrer, motion or other pleading has been served or filed herein;

NOW, THEREFORE, upon presentation and consideration of the foregoing motion of the plaintiffs, it is hereby ordered and decreed that the defendant, Buffalo & Pittsburgh Railroad, Inc., shall be forever barred from asserting any right, lien, title or interest in the land inconsistent with the interest or claim of the

plaintiffs as set forth in their complaint unless the defendant, Buffalo & Pittsburgh Railroad, Inc., take action to file its defenses to the complaint within thirty (30) days from the date of this order. If such action is not taken within the thirty (30) day period, the prothonotary on praecipe of the plaintiffs shall enter final judgment against the defendant, Buffalo & Pittsburgh Railroad, Inc.

BY THE COURT

A large, stylized handwritten signature in black ink, written over a horizontal line. The signature is cursive and appears to be the name of the court official.

Date: November 3, 2003

jc:4718b
#21434