

03-975-CD
SHEETLAH KAWA, et al vs. SCOTT A. MAGNETTI, et al.

LEHMAN & KASUBICK
611 BRISBIN STREET
HOUTZDALE, PA 16651
(814) 378-7840

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

SHEILAH KAWA, JUDITH A.
MASSINI, and RAYMOND J.
MASSINI,
Plaintiffs
vs.
SCOTT A. MAGNETTI
and MARGARET L. CHARTREAU,
Defendants

: No.: 2003- 975-CD
: Type of Case: Civil
: Type of Pleading:
: Complaint in Ejectment
: Filed on behalf of:
: Plaintiffs
: Counsel of Record for
: This Party:
: Girard Kasubick, Esq.
: Supreme Court #30109
: LEHMAN & KASUBICK
: 611 Brisbin Street
: Houtzdale, PA 16651
: (814) 378-7840

FILED

JUL 02 2003

William A. Shaw
Prothonotary

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

SHEILAH KAWA, JUDITH A.	:	
MASSINI, and RAYMOND J.	:	
MASSINI,	:	
	Plaintiffs	: No.: 2003-
		:
vs.	:	In Equity
		:
SCOTT A. MAGNETTI	:	
and MARGARET L. CHARTREAU,	:	
	Defendants	:

NOTICE

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

YOU SHOULD TAKE THIS 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.

David S. Meholic
Court Administrator's Office
Clearfield County Courthouse
One North Second Street
Clearfield, PA 16830
(814) 765-2641 Ext. 5982

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

SHELIAH KAWA, JUDITH A.	:	
MASSINI, and RAYMOND J.	:	
MASSINI,	:	
	Plaintiffs	: No.: 2003-
		:
vs.	:	In Equity
		:
SCOTT A. MAGNETTI	:	
and MARGARET L. CHARTREAU,	:	
	Defendants	:

COMPLAINT IN EJECTMENT

AND NOW COMES the Plaintiffs, Sheilah Kawa, Judith A. Massini, and Raymond J. Massini by and through their attorney, Girard Kasubick, Esq., and files the following Complaint:

1. The Plaintiff is Sheilah Kawa who resides at 19 Britten Drive, Houtzdale, PA 16651.
2. The Plaintiff is Judith A. Massini who resides at 677 Walnut Street, P.O. Box 108, Smithmill, PA 16680.
3. The Plaintiff is Raymond J. Massini who resides at 1621 Princeton Road, Altoona, PA 16602.
4. The Defendant is Scott A. Magnetti who resides at 116 Walnut Street, P.O. Box 193, Smithmill, PA 16680.

5. The Defendant is Margaret L. Chartreau who resides at 116 Walnut Street, P.O. Box 193, Smithmill, PA 16680.

6. The three (3) Plaintiffs are sisters and brother.

7. The Plaintiffs father, Basil Massini, became the owner of real property located in Smithmill, Gulich Township, Clearfield County, PA as the surviving joint tenant with rights of survivorship under deed dated March 29, 1979 and recorded in Clearfield County Deed Book 778, Page 385. A copy of said deed is attached hereto and marked Exhibit "A". This property is known by Clearfield County Tax Map No. 118-K16-510-16.

8. Basil Massini died December 9, 2001, intestate, leaving as his heirs his three (3) children, Sheilah Kawa, Judith A. Massini, and Raymond J. Massini, who are the owners of the real property described in Clearfield County Deed Book 778, Page 385 a copy of which is attached hereto and marked Exhibit "A".

9. The Defendants, Scott A. Magnetti and Margaret L. Chartreau are the owners of real property located in Smithmill, Gulich Township, Clearfield County, PA by deed dated October 16, 1995 and recorded in Clearfield County

Deeds and Records Book 1711, Page 84, a copy of said deed is attached hereto and marked Exhibit "B". This property is known by Clearfield County Tax Map No. 118-K16-510-17.

10. The Plaintiffs property known by Clearfield County Tax Map No. 118-K16-510-16 and the Defendants property known by Clearfield County Tax Map No. 118-K16-510-17 are contiguous and adjacent parcels of land on Walnut Street in Smithmill, PA.

11. In or about September 2002 the Defendants commenced construction of an addition to their original residence which original residence was located on the Defendants property known by Tax Map No. 118-K16-510-17.

12. The Defendants addition commenced in September 2002 to their residence is partially constructed on the property owned by the Plaintiffs known by Tax Map No. 118-K16-510-16 as is shown on the survey map of lands of Basil Massini prepared by Stephen W. Norfolk, Land Survey, a copy of which is attached hereto and marked Exhibit "C".

13. The Defendants had no right to construct a portion of their addition to their residence on the Plaintiffs real property.

14. The Plaintiffs request that the Defendants be ordered to remove the portion of the addition to the

Defendants house which has been constructed on Plaintiffs real property and to enjoin the Defendants from further use of the Plaintiffs real property.

WHEREFORE, Plaintiffs request Your Honorable Court to enter judgment in favor of the Plaintiffs and against the Defendants ordering the Defendants to remove the portion of the addition to their house which is located on the Plaintiffs property and to issue an injunction against the Defendants on placing any future obstructions on the Plaintiffs property and for all court costs and attorney fees.

RESPECTFULLY SUBMITTED:



Girard Kasubick, Esq.
Attorney for Plaintiffs

VERIFICATION

We, the undersigned, verify that the statements made in the foregoing Complaint are true and correct. We understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. 4904 relating to unsworn falsification to authorities.

Sheilah Kawa
Sheilah Kawa

Judith A. Massini
Judith A. Massini

Raymond J. Massini
Raymond J. Massini

VOL 778 PAGE 385

This Deed,

Made the 29th day of MARCH in the year Nineteen
Hundred and Seventy-nine.

Between MARY MASSINI, widow, of the Township of Gulich, County of
Clearfield and State of Pennsylvania, GRANTOR

A
N
D

BASIL MASSINI, CLAUDINE BARDI and ELOISE TURNBULL, all of the
Township of Gulich, County of Clearfield and State of Pennsylvania
and RUDOLPH MASSINI of 35 Cedar Street, Bridgeton, New Jersey,
as joint tenants with right of survivorship and not as tenants in
common, GRANTEEES

Witnesseth, that in consideration of Natural love and affection and the

*sum of ----- One (\$1.00) ----- Dollars,
in hand paid, the receipt whereof is hereby acknowledged, the said grantor does
hereby grant and convey to the said grantees ,*

All that certain lot or tract of land situate in the Township of
Gulich, County of Clearfield and State of Pennsylvania, bounded
and described as follows:

BEGINNING at a post on a fifty-foot Street; thence by a
lot now or formerly of Perichi Cherubini, North 58° 39'
West, four hundred thirty-five and six-tenths (435.6)
feet to a post on land now or formerly of the David K.
Ramey Estate; thence thereby North 31° 21' East, one
hundred (100) feet to a post on same; thence South 58°
39' East, four hundred thirty-five and six-tenths (435.6)
feet to a post on said fifty-foot Street; and thence
along same South 31° 21' West one hundred (100) feet to
post and place of beginning; and containing one acre;
and having thereon erected a two story, frame dwelling
house and other out buildings.

AND BEING the same premises that were conveyed to Raymond
Massini a/k/a Remingio Massini and Mary Massini, his wife,
by deed dated July 3, 1953 and recorded amongst the
records in and for Clearfield County in Deed Book 429,
at page 591 and the said Raymond Massini having died,

title to the hereby conveyed piece or parcel of land
became vested in his surviving spouse the Grantor herein.

This Conveyance is subject to all exceptions and reservations
as contained in prior deeds in this chain of title.

This conveyance is made from Parent to Children and is made without
monetary consideration.

NOTE: IN ADDITION TO, BUT NOT IN CHANGE OR MODIFICATION OF THE
PROVISIONS OF THIS INSTRUMENT, ATTENTION IS CALLED TO THE FOLLOWING
NOTICE WHICH IS SET FORTH IN WORDS AND FORM PROVIDED BY THE ACT OF
JULY 17, 1957, AS AMENDED:

THIS DOCUMENT MAY 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 MAY HAVE 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 ESTATE OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR
RESERVED BY THIS INSTRUMENT.

N O T I C E

THE UNDERSIGNED GRANTEE OR GRANTEES IN THE FOREGOING DEED HEREBY
ACKNOWLEDGE THAT HE OR THEY KNOW THAT HE OR THEY MAY NOT BE OBTAIN-
ING THE RIGHT OF PROTECTION AGAINST SUBSIDENCE OF THE PROPERTY CON-
VEYED IN THE FOREGOING DEED RESULTING FROM COAL MINING OPERATIONS,
AND FURTHER ACKNOWLEDGE THAT THEY KNOW THAT THE PROPERTY CONVEYED
MAY BE PROTECTED FROM DAMAGE DUE TO MINE SUBSIDENCE BY A PRIVATE
CONTRACT WITH THE OWNERS OF THE ECONOMIC INTERESTS IN THE COAL.

Basil Massini
Basil Massini

Claudine Bardi
Claudine Bardi

Eloise Turnbull
Eloise Turnbull

Rudolph Massini
Rudolph Massini

And the said grantor, does hereby covenant and agree to and with the said grantees,
 that she, the grantor her heirs, executors and administrators
 Shall and will Warrant and forever Defend the herein
 above described premises, with the hereditaments and appurtenances, unto the said grantees,
 their heirs and assigns against the said grantor, and against every other person
 lawfully claiming or who shall hereafter claim the same or any part thereof

In Witness Whereof said grantor has hereunto set her hand and
 seal the day and year first above written.

178

Sealed and delivered in the presence of

.....	L.S.
.....	Mary Massini
.....	L.S.
.....	L.S.
.....	L.S.

STATE OF PENNSYLVANIA:
 CITY OF CLEARFIELD: 88
 REC'D. in the Recorder's Office in and for said
 County of Clearfield Book No. 778
 Page 385 etc.
 At the 3rd day of January A.D. 1979

Cecil A. Burns Recorder

State of PENNSYLVANIA
 County of CLEARFIELD

On this, the 27th day of January, 1979, before me,
 the undersigned officer,
 personally appeared Mary Massini,
 known to me (or satisfactorily proven) to be the person whose name is
 subscribed to the within instrument, and acknowledged that
 she executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

8312

MARY A. BURNS, Recorder
 CLEARFIELD COUNTY, PA. Title of Officer

I Hereby Certify that the precise residence of the grantees is

Gulich Township, Pa. Smith

CLEARFIELD CO. 88
 REC'D. IN THE REC'D. 12-3-79
 Time 12:06 P.M.
 By J. Stewart Smith
 Fees 80¢
 Cecil A. Burns Recorder

EXHIBIT "A" - Page 3 of 3

Entered of Record Ap 13 1979 12:06 P.M. Cecil Burns, Recorder

VOL 1711 PG 84

DEED

Made the 16th day of October in the year of Nineteen
Hundred and Ninety Five,

BETWEEN WILLIAM G. FERRELL, III and LANETTE M. FERRELL, husband
and wife, of P.O. Box 251, Smithmill, Pennsylvania 16680,
GRANTORS,

AND

SCOTT A. MAGNETTI, single, and MARGARET L. CHARTREAU,
single, as joint tenants with the right of survivorship and
not as tenants in common, of 116 Walnut Street, Smithmill,
Pennsylvania 16680, GRANTEES.

WITNESS, that in consideration of THIRTY FIVE THOUSAND AND 00/100
DOLLARS (\$35,000.00), the receipt of such consideration
having been acknowledged, the GRANTORS grant and convey to
the GRANTEES their heirs and assigns,

ALL that certain piece or parcel of land situate, lying and being
in Gulich Township, Clearfield County, Pennsylvania, bounded
and described as follows:

BEGINNING at a post on a Fifty foot street; then by lot
formerly of Zefferrino Poninez North Fifty-eight degrees
Thirty-nine minutes West (N 58° 39' W) Four Hundred Thirty-
five and Six tenths (435.6") feet to a post; then North
Thirty-one degrees Twenty-one minutes East (N 31° 21' E) One
Hundred (100') feet to a post; then South Fifty-eight
degrees Thirty-nine minutes East (S 58° 39' E) Four Hundred
Thirty-five and Six tenths (435.6") feet by lot formerly of
John Nadja, to a post; then by said Fifty foot street above
mentioned South Thirty-one degrees Twenty-one minutes West
(S 31° 21' W) One Hundred (100') feet, to the place of
beginning. Containing one (1) acre, more or less, as
surveyed by P. E. Womelsdorff in April, 1993.

Being further identified on the Clearfield County Tax Assessment Records
BEING THE SAME PREMISES TITLE TO WHICH became vested in Sandra
Fox, now Sandra Fox Dimmick, by deed of Raymond J. Wulderk
and Patricia A. Wulderk, his wife, dated October 7, 1986 and
recorded in Clearfield County in Record Book Volume 1115,
Page 531.

Title then vested in William G. Ferrell, III and Lanette M. Ferrell, his wife, by deed of Sandra Fox-Dimmick, dated December 31, 1992, and recorded in Clearfield County in Record Book Volume 1507, Page 590 and by Deed of Sandra Fox-Dimmick, formerly Sandra Fox, and Bradley B. Dimmick, her husband, dated October 12th, 1995 and to be recorded immediately prior hereto.

UNDER AND SUBJECT TO:

- (a) Any and all exceptions, reservations, covenants, agreements, conveyances and restrictions which affect the premises and are visible by inspection of the premises.
- (b) Any and all exceptions, reservations, covenants, agreements, conveyances and restrictions contained in any and all prior deeds, grants and conveyances affecting the premises.

GRANTORS state that the above property is not presently being used, nor to the best of their knowledge, information and belief, has it ever been used for the disposal of hazardous wastes. This statement is made in compliance with the Solid Waste Management Act No. 1980-97, Section 405.

NOTICE

The undersigned grantee (grantees) hereby certifies that he/they know and understand that he/they may not be obtaining the right of protection against subsidence resulting from coal mining operations, and that the purchased property may be protected from damage due to mine subsidence by a private contract with the owners of the economic interests in the coal.

Witness signatures of grantee (grantees) this 16th day of October, 1995
 Witness Margaret J. Charlebois (SEAL)
 Scott M. Mays (SEAL)

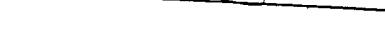
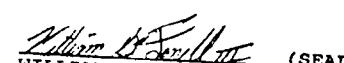
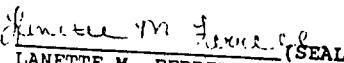
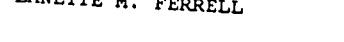
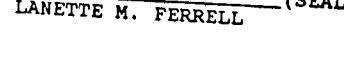
VOL 1711 PAGE 80

THIS DOCUMENT MAY 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 MAY HAVE 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.

The GRANTORS covenant and agree to GENERALLY WARRANT the premises conveyed.

The GRANTORS have signed, sealed and delivered this instrument in the presence of witnesses the 16th day of October, 1995.

Signed, sealed and delivered in the presence of

) ) )  (SEAL)
WILLIAM G. FERRELL, III
) )  (SEAL)
LANETTE M. FERRELL

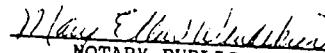
ACKNOWLEDGMENT

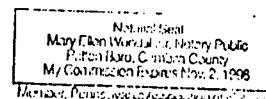
State of Pennsylvania)
County of Cambria) ss

On this the 16th day of October, 1995, before me, a notary public, the undersigned officer, personally appeared WILLIAM G. FERRELL, III and LANETTE M. FERRELL, husband and wife, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes contained herein.

In witness whereof, I hereunto set my hand and official seal.

(SEAL)


NOTARY PUBLIC

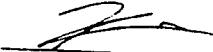


VOL 1711 PAGE 87

CERTIFICATE OF RESIDENCE

I certify that the precise address of the GRANTEE is 116
Walnut Street, Smithmill, Pennsylvania 16680.

October 16, 1995


FOR THE GRANTEE

Commonwealth of Pennsylvania)
County of Clearfield) ss

Recorded on this day of , 1995 in the
Recorder's Office of Clearfield County, in Record Book Volume
 , Page .

Given under my hand and the seal of said office, the date
written above.

RECODER

MOSHANNON VALLEY SCHOOL DISTRICT
1% REALTY TRANSFER TAX

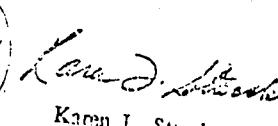
AMOUNT \$ 350.00
PAID 10-16-95 KAREN L. STARCK
Date Agent

CLEARFIELD COUNTY
ENTERED OF RECORD
TIME 11:31AM 10-16-95
BY MARCK Weidkier
FEES 13.50
Karen L. Starck, Recorder

Subscribed and sworn to before me that the document
is recorded in the Recorder's Office of
Clearfield County, Pennsylvania.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF REVENUE
RECEIVED OCT 16 1995
RECEIVED OCT 16 1995
RECEIVED OCT 16 1995
RECEIVED OCT 16 1995

350.00


Karen L. Starck
Recorder of Deeds

Entered in R.O. 10-16 1995 11:31AM by M. Weidkier, Recorder

In The Court of Common Pleas of Clearfield County, Pennsylvania

KAWA, SHEILAH; JUDITH A. & RAYMOND J. MASSINI

Sheriff Docket # 14262

VS.

03-975-CD

MAGNETTI, SCOTT and MARGARET L. CHARTREAU

COMPLAINT IN EJECTMENT

SHERIFF RETURNS

NOW JULY 22, 2003 AT 7:30 PM SERVED THE WITHIN COMPLAINT IN EJECTMENT ON SCOTT A. MAGNETTI, DEFENDANT AT RESIDENCE, 116 WALNUT ST., PO BOX 193, SMITHMILL, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO SCOTT A. MAGNETTI A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN EJECTMENT AND MADE KNOWN TO HIM THE CONTENTS THEREOF.

SERVED BY: DAVIS

NOW JULY 22, 2003 AT 7:30 PM SERVED THE WITHIN COMPLAINT IN EJECTMENT ON MARGARET L. CHARTREAU, DEFENDANT AT RESIDENCE, 116 WALNUT ST., O BOX 193, SMITHMILL, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO SCOTT A. MAGNETTI, HUSBAND A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN EJECTMENT AND MADE KNOWN TO HIM THE CONTENTS THEREOF.

SERVED BY: DAVIS

Return Costs

Cost	Description
84.85	SHERIFF HAWKINS PAID BY: <i>atty</i>
20.00	SURCHARGE PAID BY: ATTY CK# 10734

Sworn to Before Me This

26th Day Of August 2003

William A. Shaw
WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2006
Clearfield Co., Clearfield, PA

So Answers,

Chester A. Hawkins
My Deputy Sheriff
Chester A. Hawkins
Sheriff

FILED
03:32 PM
AUG 26 2003
KED

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL ACTION -LAW

FILED

SEP 15 2003

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION - LAW

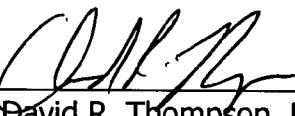
SHEILAH KAWA, JUDITH A. MASSINI, and	*
RAYMOND J. MASSINI,	*
	*
Plaintiffs	No. 03-975-CD
	*
	*
vs.	*
	*
	*
SCOTT A. MAGNETTI and MARGARET L.	*
CHARTREAU,	*
	*
Defendants	*
	*

NOTICE TO PLEAD

TO GIRARD KASUBICK, ESQUIRE

You are hereby notified to file a written response to the enclosed New Matter within ten (10) days from service hereof or a Default Judgment may be entered against you.

DATE: 9-15-03

By: 

David R. Thompson, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION - LAW

SHEILAH KAWA, JUDITH A. MASSINI, and	*
RAYMOND J. MASSINI,	*
	*
Plaintiffs	No. 03-975-CD
	*
	*
vs.	*
	*
	*
SCOTT A. MAGNETTI and MARGARET L.	*
CHARTREAU,	*
	*
Defendants	*
	*

ANSWER CONTAINING NEW MATTER

AND NOW, comes the Defendants, Scott A. Magnetti and Margaret L. Chartreau, by and through their attorney David R. Thompson, Esquire, and files the following Answer Containing New Matter, as follows:

1. After reasonable investigation, Defendants are without information sufficient to form a belief as to the truth or falsity of the averment. The same is therefore denied, and strict proof is demanded at the time of trial.
2. After reasonable investigation, Defendants are without information sufficient to form a belief as to the truth or falsity of the averment. The same is therefore denied, and strict proof is demanded at the time of trial.
3. After reasonable investigation, Defendants are without information sufficient to form a belief as to the truth or falsity of the averment. The same is therefore denied, and strict proof is demanded at the time of trial.
4. Admitted.

5. Admitted.
6. After reasonable investigation, Defendants are without information sufficient to form a belief as to the truth or falsity of the averment. The same is therefore denied, and strict proof is demanded at the time of trial.
7. Admitted in part and denied in part. This paragraph is admitted to the extent proved by the recorded deed referenced. As to the balance of paragraph 7, after reasonable investigation, Defendants are without information sufficient to form a belief as to the truth or falsity of the averment. The same is therefore denied, and strict proof is demanded at the time of trial.
8. After reasonable investigation, Defendants are without information sufficient to form a belief as to the truth or falsity of the averment. The same is therefore denied, and strict proof is demanded at the time of trial.
9. Admitted.
10. Admitted as to the fact that these two tax parcel numbers are adjacent and contiguous.
11. Admitted.
12. Admitted in part and denied in part. It is admitted that construction on an addition to their home has occurred. As to that this is the Plaintiff's property, after reasonable investigation, Defendants are without information sufficient to form a belief as to the truth or falsity of the averment. The same is therefore denied, and strict proof is demanded at the time of trial.
13. Admitted.

14. Admitted as to their request.

WHEREFORE, Defendant respectfully requests this Honorable Court to enter judgment in their favor and against the Plaintiff, dismissing Plaintiff's Complaint with prejudice.

NEW MATTER

Paragraphs 1 through 14 are incorporated by reference as though the same were set forth at length herein.

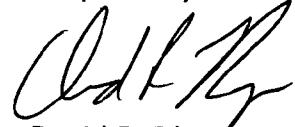
15. Plaintiffs' Complaint is barred by Doctrine of Laches.

16. Plaintiffs' Complaint is barred by Doctrine of Collateral Estoppel.

17. Plaintiffs' Complaint is barred by the applicable Statute of Limitations.

WHEREFORE, Defendant respectfully requests this Honorable Court to enter judgment in their favor and against the Plaintiff, dismissing Plaintiff's Complaint with prejudice.

Respectfully submitted,



David R. Thompson, Esquire

VERIFICATION

Plaintiff verifies that the statements made in this ***ANSWER CONTAINING NEW MATTER*** are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

DATE: 9-15-03



Scott A. Magnetti

DATE: 9-15-03



Margaret L. Chartreau

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION - LAW

SHEILAH KAWA, JUDITH A. MASSINI, and	*
RAYMOND J. MASSINI,	*
	*
Plaintiffs	No. 03-975-CD
	*
	*
vs.	*
	*
	*
SCOTT A. MAGNETTI and MARGARET L.	*
CHARTREAU,	*
	*
Defendants	*
	*
	*

CERTIFICATE OF SERVICE

TO THE PROTHONOTARY:

I, DAVID R. THOMPSON, ESQUIRE, do hereby certify that I served a true and correct, certified copy of the **ANSWER CONTAINING NEW MATTER**, in the above captioned matter by depositing the same in the U.S. First Class Mail, postage prepaid and also by U.S. Certified Mail, Return Receipt Requested, on September 15, 2003 addressed as follows:

Girard Kasubick, Esquire
LEHMAN & KASUBICK
611 Brisbin Street
Houtzdale PA 16651

DATE: 9-15-03

BY: 

David R. Thompson, Esquire

LEHMAN & KASUBICK

611 BRISBIN STREET

HOOTZDALE, PA 16651

(814) 378-7840

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

SHEILAH KAWA, JUDITH A. : No.: 2003-975-CD
MASSINI, and RAYMOND J. : Type of Case: Civil
MASSINI, : Type of Pleading:
 Plaintiffs : Reply to New Matter
vs. : Filed on behalf of:
 Defendants : Plaintiffs
 SCOTT A. MAGNETTI : Counsel of Record for
 and MARGARET L. CHARTREAU, : This Party:
 : Girard Kasubick, Esq.
 : Supreme Court #30109
 : LEHMAN & KASUBICK
 : 611 Brisbin Street
 : Houtzdale, PA 16651
 : (814) 378-7840

FILED

SEP 23 2003

William A. Sraw
Prothonotary/Clerk of Courts

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

SHEILAH KAWA, JUDITH A.	:	
MASSINI, and RAYMOND J.	:	
MASSINI,	:	
	Plaintiffs	: No.: 2003-975-CD
		:
vs.	:	In Equity
		:
SCOTT A. MAGNETTI	:	
and MARGARET L. CHARTREAU,	:	
	Defendants	:

REPLY TO NEW MATTER

AND NOW COMES the Plaintiffs, Sheilah Kawa, Judith A. Massini, and Raymond J. Massini by and through their attorney, Girard Kasubick, Esq., and files the following Reply to New Matter:

Paragraphs 1 through 14 of Plaintiffs Complaint are incorporated herein by reference thereto.

15. Denied. This is a conclusion of law or fact for which no responsive pleading is required.

16. Denied. This is a conclusion of law or fact for which no responsive pleading is required.

17. Denied. This is a conclusion of law or fact for which no responsive pleading is required.

WHEREFORE, Plaintiffs request Your Honorable Court to enter judgment in favor of the Plaintiffs and against the Defendants.

RESPECTFULLY SUBMITTED:



Girard Kasubick
Girard Kasubick, Esq.
Attorney for Plaintiffs

LEHMAN & KASUBICK

611 BRISBIN STREET

OUTZDALE, PA 16651

(814) 378-7840

12

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

SHEILAH KAWA, JUDITH A.
MASSINI, and RAYMOND J.
MASSINI,
Plaintiffs

vs.

SCOTT A. MAGNETTI and
MARGARET L. CHARTREAU,
Defendants

: No.: 2003-975-CD
: Type of Case: Civil
: Type of Pleading:
: Certificate of
: Readiness and
: Praecipe for Trial
: Filed on behalf of:
: Plaintiffs
: Counsel of Record for
: This Party:
: Girard Kasubick, Esq.
: Supreme Court #30109
: LEHMAN & KASUBICK
: 611 Brisbin Street
: Houtzdale, PA 16651
: (814) 378-7840

FILED

NOV 24 2003

William A. Shaw
Prothonotary/Clerk of Courts

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

SHEILAH KAWA, JUDITH A. :
MASSINI, and RAYMOND J. :
MASSINI, :
Plaintiffs : No.: 2003-975-CD
vs. : In Equity
SCOTT A. MAGNETTI and :
MARGARET L. CHARTREAU, :
Defendants :

CERTIFICATE OF READINESS

TO: William A. Shaw, Prothonotary

DATE PRESENTED: November 24, 2003

CASE NUMBER: 2003-975-CD

Date Complaint Filed: July 2, 2003

TYPE OF TRIAL REQUESTED:

Jury Non-Jury Arbitration

ESTIMATED TRIAL TIME:

1/2 day

PLAINTIFF(S): Sheilah Kawa, Judith A. Check Block
Massini, and Raymond J. if a Minor
Massini is a Party
to the Case

DEFENDANT(S): Scott A. Magnetti and
Margaret L. Chartreau

ADDITIONAL

DEFENDANT(S): None

AMOUNT AT ISSUE: No amount at issue under this case, Plaintiff requesting removal of structure from Plaintiff's property.

CONSOLIDATION: () yes (X) no

DATE CONSOLIDATION ORDERED: N/A

PRAECIPE FOR TRIAL

PLEASE PLACE THE ABOVE CAPTIONED CASE ON THE TRIAL LIST.

I certify that all discovery in the case has been completed or will be completed, all necessary parties and witnesses are available; serious settlement negotiations have been conducted; there are no outstanding motions; the case is ready in all respects for trial, and a copy of this Certificate has been served upon all counsel of record and upon all parties of record who are not represented by counsel:

Girard Kasubick, Esq.

611 Brisbin Street

Houtzdale, PA 16651

(814) 378-7840

FOR THE PLAINTIFFS

TELEPHONE NUMBER

David R. Thompson, Esq.

P.O. Box 587

308 Walton Street, Suite 4

Philipsburg, PA 16866

(814) 342-4100

FOR THE DEFENDANTS

TELEPHONE NUMBER

Respectfully Submitted,



Girard Kasubick, Esq.,
Attorney for Plaintiffs

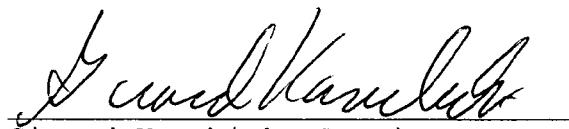
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA
CIVIL DIVISION

SHEILAH KAWA, JUDITH A.	:	
MASSINI, and RAYMOND J.	:	
MASSINI,	:	
	Plaintiffs	: No.: 2003-975-CD
	:	
vs.	:	
	:	
SCOTT A. MAGNETTI and	:	
MARGARET L. CHARTREAU,	:	
	Defendants	:

CERTIFICATE OF SERVICE

I, Girard Kasubick, Esq., hereby certify that I served a true and correct copy of the Certificate of Readiness and Praeclipe for Trial by United States First Class Mail, postage prepaid, on November 24, 2003, on the following counsel of record:

David R. Thompson, Esq.
P.O. Box 587
308 Walton Street, Suite 4
Philipsburg, PA 16866



Girard Kasubick
Girard Kasubick, Esquire,
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL ACTION - LAW

FILED

JAN 15 2004

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL ACTION - LAW

SHEILAH KAWA, JUDITH A.	*	No. 03-975-CD
MASSINI AND RAYMOND J. MASSINI,	*	
	*	
Plaintiffs	*	
	*	
vs.	*	
	*	
SCOTT A. MAGNETTI AND MARGARET	*	
L. CHARTREAU,	*	
	*	
Defendants	*	
	*	

CERTIFICATE OF SERVICE

TO THE PROTHONOTARY:

I, DAVID R. THOMPSON, ESQUIRE, do hereby certify that I served a true and correct, certified copy of the **PRE-TRIAL STATEMENT**, in the above captioned matter has been served upon the persons indicated below, by placing the same in the United States First Class Mail, postage prepaid and addressed as follows:

Girard Kasubick, Esquire
LEHMAN & KASUBICK
611 Brisbin Street
Houtzdale PA 16651

DATE: 1-15-04

BY: 

David R. Thompson, Esquire

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

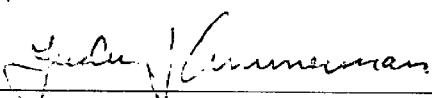
SHEILAH KAWA, JUDITH A. MASSINI *
and RAYMOND J. MASSINI, *
Plaintiffs *
*
vs. * NO. 2003-975-C.D.
*
SCOTT A. MAGNETTI and
MARGARET L. CHARTREAU,
Defendants *

O R D E R

NOW, this 23rd day of January, 2004, following Pre-Trial Conference with counsel for both parties and the Court, it is the ORDER of this Court as follows:

1. Non-Jury Trial be scheduled for one day, Monday, March 29, 2004, beginning at 9:00 a.m. in Courtroom No. 1, Clearfield County Courthouse, Clearfield, Pennsylvania.

By the Court,



FREDRIC J. AMMERMAN

President Judge

FILED

JAN 26 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

FILED

SHEILAH KAWA, JUDITH A. MASSINI, *
and RAYMOND J. MASSINI, *
Plaintiffs *

MAR 30 2004

William A Shaw
Prothonotary Clerk of Courts

vs. * NO. 2003-975-C.D.

SCOTT A MAGNETTI and
MARGARET L. CHARTREAU,
Defendants *

O R D E R

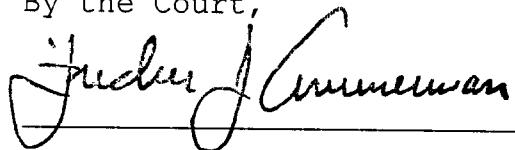
NOW, this 26th day of March, 2004, counsel for both parties having advised the Court by letter that the parties have reached an agreement as settlement in this matter and therefore Non-Jury Trial scheduled for Monday, March 29, 2004 is no longer necessary, it is the ORDER of this Court that said Non-Jury Trial scheduled in the above captioned action be and is hereby cancelled. It is the FURTHER ORDER of this Court as follows:

1. Defendants will pay the Plaintiffs the sum of Six Thousand Five Hundred (\$6,500.00) Dollars on or before April 19, 2004;

2. Plaintiffs will execute a deed to the Defendants for property being twenty feet along Walnut Street from the parties' common boundary line shown by the survey map of Stephen W. Norfolk and extending back from Walnut Street one hundred feet with a width of twenty feet;

3. In order to complete the requirements for the sub-division the Defendants will pay for all survey work, County Planning Commission requirements, preparation and recording costs of the deed and transfer tax for recording. Plaintiffs will execute all documents necessary to obtain approval for the sub-division. The parties shall take all steps as may be reasonable and necessary to submit all appropriate documentation in order that the sub-division may be approved within no more than four months from this date.

By the Court,



FREDRIC J. AMMERMAN

President Judge

DAVID R. THOMPSON
Attorney at Law

308 Walton Street, Suite 4
P.O. Box 587
Philipsburg, PA 16866-0587

Phone: (814) 342-4100
Fax: (814) 342-7081
Email: drlaw@hotmail.com

March 26, 2004

Marcy Kelly
COURT ADMINISTRATOR
Clearfield County Courthouse
230 East Market Street, Suite 228
Clearfield, PA 16830

VIA FAX (765-7649)

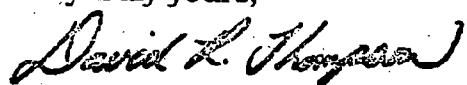
Re: Kawa/Magnetti vs. Magnetti/Chartreau
No. 03-975-CD

Dear Marcy:

I am writing with regard to the above referenced matter. Please be advised that a settlement has been reached and the hearing scheduled for Monday, March 29, 2004 is no longer necessary.

Should you have any questions or wish to discuss this matter, please feel free to contact me.

Very truly yours,



David R. Thompson, Esquire
THOMPSON LAW OFFICE

DRT:jt

cc: Girard Kasubick, Esquire
Scott Magnetti

DAVID R. THOMPSON
Attorney at Law

308 Walton Street, Suite 4
P.O. Box 587
Philipsburg, PA 16866-0587

Phone: (814) 342-4100
Fax: (814) 342-7081
Email: drlemon@hotmail.com

March 26, 2004

Girard Kasubick
LEHMAN & KASUBICK
611 Brisbin Street
Houtzdale, PA 16651

VIA FAX (814-378-6231)

Re: Kawa/Magentti vs. Magnetti/Chartreau
No. 03-975-CD

Dear Girard:

I have received your correspondence dated March 26, 2004 regarding the above referenced matter. Your letter correctly states the agreement reached between the parties. I will forward a letter to Marcy in the Court Administrator's Office advising we have reached an agreement and settled the matter.

Should you have any questions or wish to discuss this matter, please feel free to contact me.

Very truly yours,



David R. Thompson, Esquire
THOMPSON LAW OFFICE

DRT:jt
cc: Scott Magnetti

LAW OFFICES
LEHMAN & KASUBICK

611 BRISBIN STREET, HOUTZDALE, PA 16651
Telephone (814) 378-7840
Facsimile (814) 378-6231

March 26, 2004

David R. Thompson, Esq.
308 Walton Street, Suite 4
P.O. Box 587
Philipsburg, PA 16866-0587

Re: Kawa/Massini vs. Magnetti/Chartreau
No. 03-975-CD

Dear Dave:

As per our telephone conversations over the past few days it is my understanding the parties are agreeable to settle the above matter as follows:

1. Your clients, the Defendants, will pay the sum of \$6,500.00 to my clients, the Plaintiffs, on or before April 19, 2004.

2. My clients will execute a deed to your clients for real property 20 feet along Walnut Street from the common boundary line of the parties as shown by the survey map of Stephen W. Norfolk and extending back from Walnut Street 100 feet with the width of 20 feet.

3. To complete the subdivision of property, your clients will pay for all survey work, County Planning Commission requirements, preparation and recording costs of the deed, and transfer tax for recording. My clients will sign all documents necessary to get the subdivision approval. My clients would like to have the subdivision completed within four months, because they have prospective buyer for the property..

Please confirm that this settlement proposal is acceptable and we can inform the court to cancel the non-jury trial for Monday, May 29, 2004.

If you have any questions, please feel free to contact me.

Very truly yours,
LEHMAN & KASUBICK

Girard Kasubick
Girard Kasubick

GK:sp
cc: Sheilah Kawa
Raymond J. Massini

LEHMAN & KASUBICK

611 BRISBIN STREET

HOOTZDALE, PA. 16651

(814) 378-7840

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

SHEILAH KAWA, JUDITH A.
MASSINI, and RAYMOND J.
MASSINI,
Plaintiffs
vs.

SCOTT A. MAGNETTI
and MARGARET L. CHARTREAU,
Defendants

: No.: 2003-975-CD
: Type of Case: Civil
: Type of Pleading:
: Petition for Contempt
: Filed on behalf of:
: Plaintiffs
: Counsel of Record for
: This Party:
: Girard Kasubick, Esq.
: Supreme Court #30109
: LEHMAN & KASUBICK
: 611 Brisbin Street
: Houtzdale, PA 16651
: (814) 378-7840

FILED 2nd 08:48 AM
10/05/2004 AUG 05 2004
Atty Kasubick

William A. Shaw
Prothonotary/Clerk of Courts

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

SHEILAH KAWA, JUDITH A. :
MASSINI, and RAYMOND J. :
MASSINI, :
Plaintiffs : No.: 2003-975-CD
vs. :
SCOTT A. MAGNETTI :
and MARGARET L. CHARTREAU, :
Defendants :
:

FILED

AUG 12 2004

William A. Shaw
Prothonotary/Clerk of Courts

RULE TO SHOW CAUSE

NOW, this 11th day of August, 2004
upon consideration of the attached Petition, a Rule is
hereby issued upon Scott A. Magnetti and Margaret L.
Chartreau, Defendants, to Show Cause why the Petition
should not be granted.

Rule Returnable and a hearing thereon the 1 day
of September, 2004 at 11:00 A. m. at the
Clearfield County Courthouse, Courtroom No. 1.

NOTICE

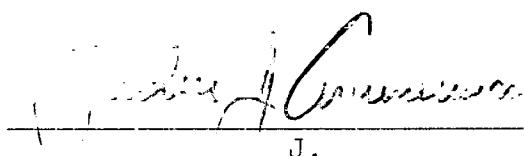
A PETITION OR MOTION HAS BEEN FILED AGAINST YOU IN
COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET
FORTH IN THE FOLLOWING PETITION FOR CONTEMPT BY ENTERING

A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH AGAINST YOU, YOU MUST TAKE ACTION ON OR BEFORE September 1, 2004. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND AN ORDER MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR RELIEF REQUESTED BY THE PETITIONER OR MOVANT. YOU MAY LOSE 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
Second & Market Streets
Clearfield, PA 16830
(814) 765-2641, Ext. 5982

BY THE COURT,



J.

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

SHEILAH KAWA, JUDITH A. :
MASSINI, and RAYMOND J. :
MASSINI, :
Plaintiffs : No.: 2003-975-CD
vs. :
SCOTT A. MAGNETTI :
and MARGARET L. CHARTREAU, :
Defendants :
:

PETITION FOR CONTEMPT

NOW COMES, the Petitioners, Sheilah Kawa, Judith A. Massini, and Raymond J. Massini, by and through their attorney, Girard Kasubick, Esquire, and files this Petition based upon the following:

COUNT I-CONTEMPT

1. The Petitioners, Sheilah Kawa, Judith A. Massini, and Raymond J. Massini, are the Plaintiffs in the above captioned matter.
2. The Respondents, Scott A. Magnetti and Margaret L. Chartreau, are the Defendants in the above captioned matter.
3. The above captioned matter being an Action in Ejectment was scheduled for Non-Jury Trial on March 29, 2004.

4. The Plaintiffs and Defendants reached a settlement of this matter shortly before the trial date and the court issued a March 26, 2004 Order incorporating the terms of the settlement between Plaintiffs and Defendants, a copy of which is attached hereto and marked Exhibit "A".

5. Under Paragraph 3 of the March 26, 2004 Order of Court the Defendants were to complete survey work and subdivision approval within four (4) months of the date of the Order or by July 26, 2004.

6. The Plaintiffs attorney sent a letter to Defendants attorney dated July 16, 2004 inquiring about the survey work and subdivision because Plaintiffs had heard nothing from Defendants on complying with Paragraph 3 of the March 26, 2004 Order, a copy of which is attached hereto and is marked Exhibit "B".

7. The Plaintiffs nor their attorney have received any response to the July 16, 2004 letter nor has any survey plan or deed been presented to Plaintiffs.

WHEREFORE, Petitioners request Your Honorable Court to enter an Order finding the Respondents in contempt and to Order or take necessary steps to ensure that the survey and subdivision be completed within a reasonable time or

in the alternative to reschedule this matter for trial for failure of Respondents to comply with the Settlement Order.

COUNT II - COUNSEL FEES, COURT COSTS, OTHER COSTS AND EXPENSES

8. Paragraph 1 through 7 above are incorporated herein by reference thereto.

9. The Respondents failure to comply with the Court Order of March 26, 2004 has resulted in Petitioners incurring additional attorney fees to prepare this Petition and appear in court.

10. It is estimated that Petitioners will have an additional \$500.00 in attorney fees for preparing this Petition and appearing in court.

11. If the court orders the matter to trial, it is estimated that the Petitioners will have additional attorney fees of \$2,000.00, additional witness fees for surveyor in the amount of \$300.00 and possible other costs to proceed to trial.

WHEREFORE, Petitioners request Your Honorable Court to enter an Order directing that Respondents pay reasonable attorney fees to Petitioners attorney for preparing this Petition and attending the hearing in the

amount of \$500.00 and that if the matter is rescheduled for trial that the Respondents be directed to pay all Petitioners attorney fees, witness fees, court costs, and other costs and expenses in Petitioners preparing for and completing the trial.

RESPECTFULLY SUBMITTED,



Girard Kasubick, Esq.
Attorney for Petitioners

VERIFICATION

I, the undersigned, verify that the statements made in the foregoing Petition for Contempt are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. 4904 relating to unsworn falsification to authorities.



Sheilah Kawa

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

SHEILAH KAWA, JUDITH A. MASSINI, *
and RAYMOND J. MASSINI, *
Plaintiffs *
*
vs. * NO. 2003-975-C.D.
*
SCOTT A MAGNETTI and *
MARGARET L. CHARTREAU, *
Defendants *

O R D E R

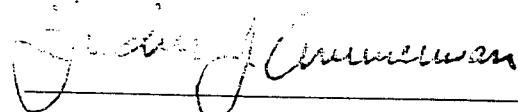
NOW, this 26th day of March, 2004, counsel for both parties having advised the Court by letter that the parties have reached an agreement as settlement in this matter and therefore Non-Jury Trial scheduled for Monday, March 29, 2004 is no longer necessary, it is the ORDER of this Court that said Non-Jury Trial scheduled in the above captioned action be and is hereby cancelled. It is the FURTHER ORDER of this Court as follows:

1. Defendants will pay the Plaintiffs the sum of Six Thousand Five Hundred (\$6,500.00) Dollars on or before April 19, 2004;

2. Plaintiffs will execute a deed to the Defendants for property being twenty feet along Walnut Street from the parties' common boundary line shown by the survey map of Stephen W. Norfolk and extending back from Walnut Street one hundred feet with a width of twenty feet;

3. In order to complete the requirements for the sub-division the Defendants will pay for all survey work, County Planning Commission requirements, preparation and recording costs of the deed and transfer tax for recording. Plaintiffs will execute all documents necessary to obtain approval for the sub-division. The parties shall take all steps as may be reasonable and necessary to submit all appropriate documentation in order that the sub-division may be approved within no more than four months from this date.

By the Court,



FREDRIC J. AMMERMAN

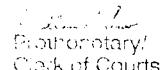
President Judge

I hereby certify this to be a true
and accurate copy of the original
document filed in this case

MAR 30 2004

EXHIBIT "A"
Page 2 of 2

Attest:


Notary
Clerk of Courts

LAW OFFICES
LEHMAN & KASUBICK

611 BRISBIN STREET, HOUTZDALE, PA 16651

Telephone (814) 378-7840
Facsimile (814) 378-6231

July 16, 2004

David R. Thompson, Esq.
308 Walton Street, Suite 4
P.O. Box 587
Philipsburg, PA 16866-0587

Re: Kawa/Massini vs. Magnetti/Chartreau
No. 03-975-CD

Dear Dave:

As usual, your clients are waiting till the last minute. I have heard nothing from you or any surveyor that the subdivision requirements under the Court Order of March 26, 2004 are being completed. The deadline to complete the subdivision under the Court Order is July 26, 2004. Please provide us with the subdivision plan for review and the deed which my clients need to execute to transfer title to the 20 feet by 100 feet tract.

If matters are not completed by July 26, 2004 or if we are not provided with documentation that matters will be completed shortly thereafter, I will be filing a Petition for Contempt against your clients under the March 26, 2004 Order. If the Petition for Contempt is filed, my clients will be seeking costs, attorney fees, and possibly damages for a loss of sale of the property. My clients have a prospective buyer for the residue property and we are not sure how much longer they will agree to purchasing the residue.

Please let me know where the subdivision stands immediately. If you have any other questions, please feel free to contact me.

Very truly yours,

LEHMAN & KASUBICK



Gerald Kasubick

GK:lah

cc: Sheilah Kawa

LEHMAN & KASUBICK
611 BRISBIN STREET
HOUTZDALE, PA 16651
(814) 378-7840

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

SHEILAH KAWA, JUDITH A.
MASSINI, and RAYMOND J.
MASSINI,
Plaintiffs
vs.
SCOTT A. MAGNETTI
and MARGARET L. CHARTREAU,
Defendants

: No.: 2003-975-CD
: Type of Case: Civil
: Type of Pleading:
: Proof of Service
: Filed on behalf of:
: Plaintiffs
: Counsel of Record for
: This Party:
: Girard Kasubick, Esq.
: Supreme Court #30109
: LEHMAN & KASUBICK
: 611 Brisbin Street
: Houtzdale, PA 16651
: (814) 378-7840

FILED
018:46:01/11/04
AUG 16 2004
EAS

William A. Shaw
Prothonotary/Clerk of Courts

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

SHEILAH KAWA, JUDITH A.	:	
MASSINI, and RAYMOND J.	:	
MASSINI,	:	
	Plaintiffs	: No.: 2003-975-CD
		:
vs.	:	
		:
SCOTT A. MAGNETTI	:	
and MARGARET L. CHARTREAU,	:	
Defendants	:	

PROOF OF SERVICE

I hereby certify that I, Girard Kasubick, Esq., served a copy of the Petition for Contempt and Order scheduling a Rule Returnable hearing by regular United States mail, postage pre-paid, mailed on August 13th 2004 upon the attorney for the Defendants at the following address:

David R. Thompson, Esq.
P.O. Box 587
308 Walton Street, Suite 4
Philipsburg, PA 16866


Girard Kasubick, Esquire,
Attorney for Plaintiffs

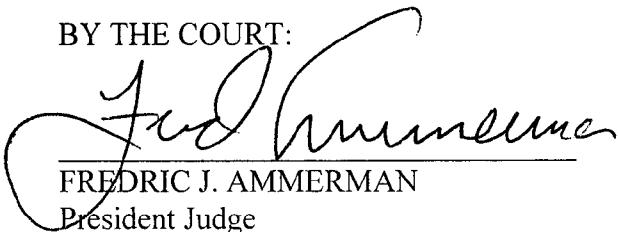
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL DIVISION

SHEILAH KAWA, al :
:
vs. : No. 03-975-CD
:
SCOTT A. MAGNETTI, al :
:

O R D E R

AND NOW, this 1 day of September, 2004, it is the
Order of the Court that argument on Plaintiff's Petition for Contempt in the above-
captioned matter has been rescheduled from September 1, 2004 to Wednesday,
September 22, 2004 at 11:00 A.M. in Courtroom No. 1, Clearfield County
Courthouse, Clearfield, PA.

BY THE COURT:


FREDRIC J. AMMERMAN
President Judge

FILED ^{EG}
01/10/28/04 ^{cc}
SEP 01 2004 Atty's Kasubick,
William A. Shaw Thompson
Prothonotary/Clerk of Courts
(CIA env.)

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

SHEILAH KAWA, JUDITH A. :
MASSINI, and RAYMOND J. :
MASSINI :

-vs-

No. 03-975-CD

SCOTT A. MAGNETTI and
MARGARET L. CHARTREAU :

EEK
FILED *0/2/04* *30* *cc*
SEP 24 2004 *Amys* *Kasubick*,
William A. Shaw
Prothonotary/Clerk of Courts
Thompson

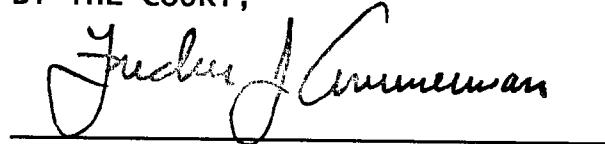
O R D E R

NOW, this 22nd day of September, 2004, following argument on the Petition for Contempt filed on behalf of the Plaintiff; both parties being present and being represented by counsel, it is the ORDER of this Court as follows:

1. The Defendant shall complete all requirements as set forth within this Court's Order of March 26, 2004, by absolutely no later than December 3, 2004;
2. A copy of the survey map which is currently being prepared shall be provided to the Plaintiff, through counsel, within no more than fourteen (14) days from this date;
3. The Plaintiff is hereby awarded counsel fees in the amount of Five Hundred (\$500.00) Dollars, with the same to be paid, through counsel, within no more than

thirty (30) days from this date.

BY THE COURT,

A handwritten signature in black ink, appearing to read "Judge J. K. Krummaw". The signature is fluid and cursive, with "Judge" on the first line and "J. K. Krummaw" on the second line.

President Judge

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

SHEILAH KAWA, JUDITH A.
MASSINI, and RAYMOND J.
MASSINI,

Plaintiffs

vs.

SCOTT A. MAGNETTI
and MARGARET L. CHARTREAU,
Defendants

: No.: 2003-975-CD
: Type of Case: Civil
: Type of Pleading:
: Praeclipe to Discontinue
: and Certificate of
: Service
: Filed on behalf of
: both Parties
: Counsel of Record for
: These Parties:
: For Plaintiffs:
: Girard Kasubick, Esq.
: Supreme Court #30109
: LEHMAN & KASUBICK
: 611 Brisbin Street
: Houtzdale, PA 16651
: (814) 378-7840
: For Defendants:
: David R. Thompson, Esq.
: Supreme Court #73053
: P.O. Box 587
: 308 Walton Street
: Suite 4
: Philipsburg, PA 16866
: (814) 342-4100

FILED

JUL 02 2001

07/07/01

William A. Shaw

Prothonotary/Clerk of Court

nc/c/c

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

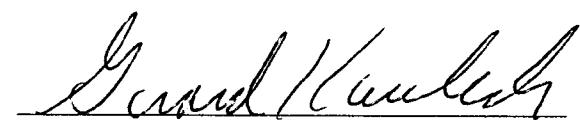
SHEILAH KAWA, JUDITH A.	:	
MASSINI, and RAYMOND J.	:	
MASSINI,	:	
	Plaintiffs	: No.: 2003-975-CD
		:
vs.	:	In Equity
		:
SCOTT A. MAGNETTI	:	
and MARGARET L. CHARTREAU,	:	
	Defendants	:

PRAECIPE TO DISCONTINUE

TO: William A. Shaw, Prothonotary:

Please mark the above-referenced case Settled,
Discontinued, and Ended.

Dated: 07/02/2007



Girard Kasubick, Esq.,
Attorney for Plaintiffs

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

SHEILAH KAWA, JUDITH A. :
MASSINI, and RAYMOND J. :
MASSINI, :
Plaintiffs : No.: 2003-975-CD
vs. : In Equity
SCOTT A. MAGNETTI :
and MARGARET L. CHARTREAU, :
Defendants :
:

CERTIFICATE OF SERVICE

I hereby certify that I, Girard Kasubick, Esq., served a copy of the Praeclipe to Discontinue by regular United States mail, postage pre-paid, mailed on June 29, 2007 upon the attorney for the Defendants, Scott A. Magnetti and Margaret L. Chartreau, at the following address:

David R. Thompson, Esq.
P.O. Box 587
308 Walton Street
Suite 4
Philipsburg, PA 16866



Girard Kasubick, Esquire,
Attorney for Plaintiffs