

03-1238-CD
DOUGLAS A AUGHENBAUGH vs. JAMES LUMADUE (Deceased)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
CIVIL ACTION - LAW

DOUGLAS A. AUGHENBAUGH
and SHERRY L. SPINGOLA,
Plaintiffs

vs.

No. 2003-1238 -CD

JAMES LUMADUE, his Heirs,
Successors and Assigns and all
Persons or entities in interest known
or unknown claiming by through or
under him,

Defendants

Type of Pleading: COMPLAINT

Type of Action: QUIET TITLE
ACTION

Filed on behalf of: PLAINTIFFS

Counsel of record for this party:

David S. Ammerman, Esquire
Supreme Court No. 06801
310 East Cherry Street
Clearfield, PA 16830
(814) 765-1701

FILED

AUG 202003

0/2:30/m

William A. Shaw
Prothonotary/Clerk of Court

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
CIVIL ACTION - LAW

DOUGLAS A. AUGHENBAUGH
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Plaintiffs

vs.

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* No. 2003-

-CD

* Type of Pleading: Quiet Title Action

NOTICE TO DEFEND

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 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 LAWYER OR CANNOT AFFORD ONE, GO TO OR
TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU
CAN GET LEGAL HELP.

Clearfield County Court Administrator
Clearfield County Courthouse
Corner of Market & Second Street
Clearfield, Pennsylvania 16830
(814) 765-2641

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Clearfield County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

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Clearfield County Courthouse
Clearfield, PA 16830
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
CIVIL ACTION - LAW

COMPLAINT

AND NOW, come the Plaintiffs, DOUGLAS A. AUGHENBAUGH and SHERRY L. SPINGOLA, by and through their attorney, David S. Ammerman, Esquire, and file the following Complaint in an action to quiet title against the above named Defendants upon a cause of action whereof the following is a statement:

1. The Plaintiffs are Douglas A. Aughenbaugh, of R.R.#1, Box 235, West Decatur, Pennsylvania 16878 and Sherry L. Spingola of R.R.#1, Box 236, West Decatur, Pennsylvania 16878.
2. Defendant is James Lumadue who is believed to be deceased and whose heirs, successors and assigns and all persons and entities claiming under him are unknown.
3. By deed dated May 31, 1918 and recorded on August 2, 1918 in Deed Book 229 at Page 197, George C. Turner conveyed 240 acres, more or less, in Boggs

Township, Clearfield County, Pennsylvania to James Lumadue, said property being located is what is known as Spring Valley.

4. That in 1928 by agreement which, if in writing, was never recorded and has been lost, the School District of Boggs Township purchased two (2) acres of land being a part of the aforesaid 240 acres, from James Lumadue, and erected thereon a brick school building known as the Spring Valley School. Said land being described as follows:

ALL that certain piece or parcel of land located in Boggs Township, Clearfield County, Pennsylvania, and being bounded and described as follows: BEGINNING at a point at Long Run Bridge in the line of State Highway No. 17042 leading to John Lansberry's farm; thence in a southerly direction crossing the state road and running along the township road in the direction (southerly) of the Spring Valley Church a distance of 425 feet to a maple tree; thence in a westerly direction along land now or formerly of Chester Lumadue 334 feet to a white oak tree; thence in a northerly direction by the land of Chester Lumadue (and crossing the State Road No. 17042) a distance of 337 feet to a hemlock tree; thence in an easterly direction through lands now or formerly of John E. Smeal and along Long Run 238 feet to the bridge above mentioned and the place of beginning. Containing two (2) acres, more or less.
EXCEPTING AND RESERVING the right-of-way of the state road.

Being the subject of this Quiet Title Action and hereinafter referred to as the "premises".

5. That the School District of Boggs Township continuously occupied the premises and in 1938 presented Defendant Lumadue and his wife, Gertrude, a deed dated September 15, 1938 as grantors conveying title to the premises to the School District of Boggs Township, which deed was never signed nor acknowledged.

6. That the School District of Boggs Township continued to operate the Spring Valley School upon the premises until in the early 1950's when the school became a part of the Philipsburg Osceola School jointure.

7. By deed dated September 18, 1956 and recorded in Deed Book 455 at Page 591, the School District of Boggs Township, reciting the averments set forth in paragraph 4 and 5, sold the premises to Meredith Avery.

8. That by deed dated February 22, 1957 and recorded in Deed Book 456 at Page 535, Meredith Avery, joined by his wife, Beatrice, conveyed the subject premises to Meredith Avery and Beatrice H. Avery, husband and wife, as tenants by the entireties.

9. That by deed dated May 24, 1972 and recorded in Deed Book 598 at Page 270, Meredith Avery and Beatrice H. Avery conveyed the subject premises to Erma L. Aughenbaugh.

10. That by deed dated May 26, 1995 and recorded in Deed Book 1712 at Page 182, Erma L. Aughenbaugh, a/k/a Louise Aughenbaugh, a/k/a Erma Louise Aughenbaugh joined by her husband, J. Calvin Aughenbaugh, conveyed the premises to the Plaintiff, Douglas A. Aughenbaugh, excepting and reserving the following:

a Right-of-way of the state road which passes through the premises.

b. That triangular parcel of land described in the deed conveyed contemporaneously herewith to Sherry L. Spingola (daughter of the Grantors) as "The Second Thereof", and being shown on the map prepared by Gary B. Thurston, Registered Surveyor, dated August 18, 1979, being described as commencing in the centerline of State Highway Route 17042; thence through lands of Erma Louise Aughenbaugh (being formerly school district lot) South 30 degrees 45 minutes West 331 feet to a white oak tree; thence along line of lands to be conveyed to Sherry L. Spingola ("The First Thereof") North 20 degrees 45 minutes East 337 feet to a point in the centerline of said State Highway Route 17042; thence by the centerline of said State Highway Route 17042 South 74 degrees 20 minutes East 35 feet, more or less, to the point and place of beginning.

A copy of the survey showing the above described triangular parcel of land conveyed to Plaintiff Sherry L. Spingola (see paragraph 11, infra) being a part of the subject premises is attached hereto as Exhibit "A".

11. That by deed dated May 26, 1995 and recorded in Deed Book 1712 at Page 182, Louise Aughenbaugh, a/k/a Erma L. Aughenbaugh, a/k/a Erma Louise Aughenbaugh joined by her husband, J. Calvin Aughenbaugh, conveyed that triangular parcel of the subject premises as described in paragraph 10(b) above to the Plaintiff, Sherry L. Spingola.

12. Plaintiffs and their predecessors in title have been in open, notorious, hostile, adverse and continuous possession, dominion and control of the premises for period exceeding 21 years.

13. The first purpose of this Quiet Title Action is to cure any defect in the record of this title and to extinguish any estate, equity, rights, claims or interests in which the Defendant, his heirs, successors and assigns may have in the premises.

b. That triangular parcel of land described in the deed conveyed contemporaneously herewith to Sherry L. Spingola (daughter of the Grantors) as "The Second Thereof", and being shown on the map prepared by Gary B. Thurston, Registered Surveyor, dated August 18, 1979, being described as commencing in the centerline of State Highway Route 17042; thence through lands of Erma Louise Aughenbaugh (being formerly school district lot) South 30 degrees 45 minutes West 331 feet to a white oak tree; thence along line of lands to be conveyed to Sherry L. Spingola ("The First Thereof") North 20 degrees 45 minutes East 337 feet to a point in the centerline of said State Highway Route 17042; thence by the centerline of said State Highway Route 17042 South 74 degrees 20 minutes East 35 feet, more or less, to the point and place of beginning.

A copy of said survey being attached.

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WHEREFORE, Plaintiffs request:

- A. That this Honorable Court decree that Plaintiffs are the true, lawful and only owners of the respective premises described in paragraph 10 above and as shown on the survey;
- B. That Defendants, within 30 days of receipt of this Complaint, institute action of ejectment against the Plaintiffs and that if they fail to do so the Defendants be perpetually enjoined from setting up any title or a claim to the premises subject to this action from impeaching, denying or in any way attacking the Plaintiffs' title to the premises subject to this action, from issuing or maintaining an ejectment from said premises and from encumbering, mortgaging, leasing, conveying or otherwise attempting to transfer an interest in the premises or any part thereof; and
- C. Such other relief as the Court may determine to be equitable.

Respectfully submitted,

Dated: *August 20, 2003*



David S. Ammerman
Attorney for Plaintiffs

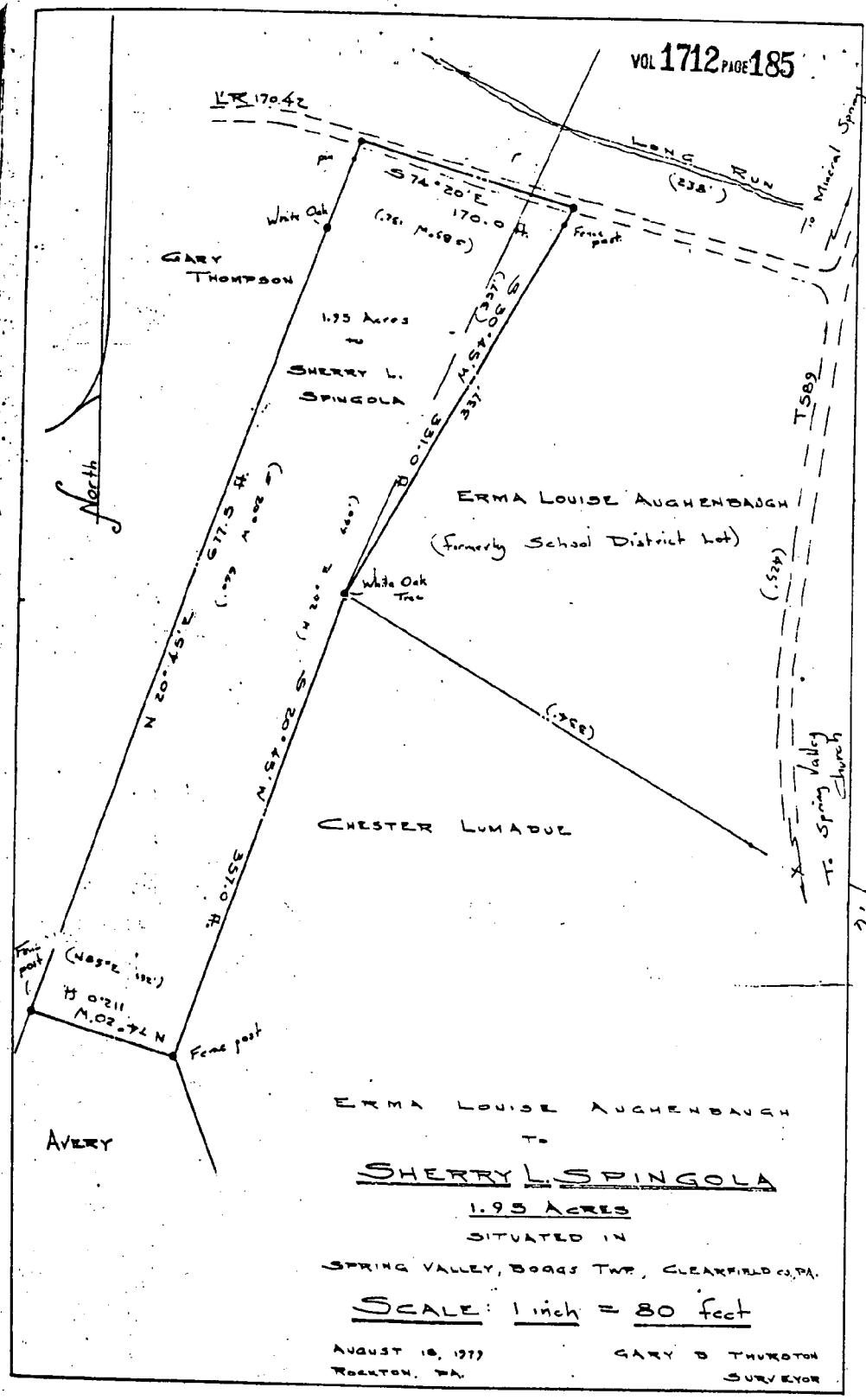
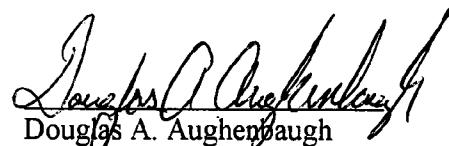


EXHIBIT "A"

VERIFICATION

I verify that the statements made in the foregoing COMPLAINT are true and correct to the best of my personal knowledge, information and belief. I understand that false statements herein are subject to the penalties of 18 PA C.S. Section 4904 relating to unsworn falsifications to authorities.

Date: 8-18-03


Douglas A. Aughenbaugh

VERIFICATION

I verify that the statements made in the foregoing Complaint are true and correct to the best of my personal knowledge, information and belief. I understand that false statement herein are subject6 to the penalties of 18 PA C.S. Section 4904 relating to unsworn falsifications to authorities.

Date: 8-18-03

Sherry L. Spingola
Sherry L. Spingola

DAVID S. AMMERMAN
Attorney at Law
310 EAST CHERRY STREET CLEARFIELD, PA 16830

QUIET TITLE ACTION

DOUGLAS A. AUGHENBAUGH
AND SHERRY L. SPINGOLA,

PLAINTIFFS

vs.

JAMES LUMADUE, his Heirs,
Successors and Assigns,
and all Persons or
entities in interest,
known or unknown claiming
by through or under
him,

DEFENDANTS

-COMPLAINT -

DAVID S. AMMERMAN
Attorney at Law
310 EAST CHERRY STREET
CLEARFIELD, PA 16830

FILED

AUG 20 2003

William A. Shaw
Prothonotary/Clerk of Courts

In The Court of Common Pleas of Clearfield County, Pennsylvania

AUGHENBAUGH, DOUGLAS A.

VS.

LUMADUE, JAMES, his heirs, successors & assigns & all persons or entitie

COMPLAINT ACTION TO QUIET TITLE

Sheriff Docket # 14451

03-1238-CD

SHERIFF RETURNS

NOW SEPTEMBER 17, 2003 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURN THE
WITHIN COMPLAINT ACTION TO QUIET TITLE "NOT FOUND" AS TO JAMES LUMAUE, his
heirs, successors, assigns & all persons & entities in interest known or unknown, COULD NOT
LOCATE, NEED MORE PRECISE ADDRESS.

Return Costs

Cost	Description
14.37	SHERIFF HAWKINS PAID BY: ATTY CK# 7471
10.00	SURCHARGE PAID BY: ATTY CK# 7472

Sworn to Before Me This

17 Day Of Sept 2003
Will A. Shaw

So Answers,

Chester A. Hawkins
by Marilyn Harris
Chester A. Hawkins
Sheriff

FILED
0 10:18 88

SEP 16 2003

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
CIVIL ACTION - LAW

DOUGLAS A. AUGHENBAUGH
and SHERRY L. SPINGOLA,
Plaintiffs

vs.

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Defendants

* No. 2003- 1238 -CD

* Type of Pleading: COMPLAINT

* Type of Action: QUIET TITLE
ACTION

* Filed on behalf of: PLAINTIFFS

* Counsel of record for this
party:

* David S. Ammerman, Esquire
Supreme Court No. 06801
310 East Cherry Street
Clearfield, PA 16830
(814) 765-1701

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

AUG 20 2003

Attest.

2003-1238-CD

W. L. Schaeffer
Prothonotary/
Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
CIVIL ACTION - LAW

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* No. 2003-

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* Type of Pleading: Quiet Title Action

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
CIVIL ACTION - LAW

DOUGLAS A. AUGHENBAUGH and	*
SHERRY L. SPINGOLA,	*
	*
Plaintiffs	*
	*
vs.	*
	No. 03- -CD
JAMES LUMADUE his heirs,	*
successors and assigns and all,	*
persons or entities in interest known or	*
unknown claiming by through or	*
under him,	*
	*
Defendants	ACTION TO QUIET TITLE
	*
	*

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a Right-of-way of the state road which passes through the premises.

b. That triangular parcel of land described in the deed conveyed contemporaneously herewith to Sherry L. Spingola (daughter of the Grantors) as "The Second Thereof", and being shown on the map prepared by Gary B. Thurston, Registered Surveyor, dated August 18, 1979, being described as commencing in the centerline of State Highway Route 17042; thence through lands of Erma Louise Aughenbaugh (being formerly school district lot) South 30 degrees 45 minutes West 331 feet to a white oak tree; thence along line of lands to be conveyed to Sherry L. Spingola ("The First Thereof") North 20 degrees 45 minutes East 337 feet to a point in the centerline of said State Highway Route 17042; thence by the centerline of said State Highway Route 17042 South 74 degrees 20 minutes East 35 feet, more or less, to the point and place of beginning.

A copy of the survey showing the above described triangular parcel of land conveyed to Plaintiff Sherry L. Spingola (see paragraph 11, infra) being a part of the subject premises is attached hereto as Exhibit "A".

11. That by deed dated May 26, 1995 and recorded in Deed Book 1712 at Page 182, Louise Aughenbaugh, a/k/a Erma L. Aughenbaugh, a/k/a Erma Louise Aughenbaugh joined by her husband, J. Calvin Aughenbaugh, conveyed that triangular parcel of the subject premises as described in paragraph 10(b) above to the Plaintiff, Sherry L. Spingola.

12. Plaintiffs and their predecessors in title have been in open, notorious, hostile, adverse and continuous possession, dominion and control of the premises for period exceeding 21 years.

13. The first purpose of this Quiet Title Action is to cure any defect in the record of this title and to extinguish any estate, equity, rights, claims or interests in which the Defendant, his heirs, successors and assigns may have in the premises.

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WHEREFORE, Plaintiffs request:

- A. That this Honorable Court decree that Plaintiffs are the true, lawful and only owners of the respective premises described in paragraph 10 above and as shown on the survey;
- B. That Defendants, within 30 days of receipt of this Complaint, institute action of ejectment against the Plaintiffs and that if they fail to do so the Defendants be perpetually enjoined from setting up any title or a claim to the premises subject to this action from impeaching, denying or in any way attacking the Plaintiffs' title to the premises subject to this action, from issuing or maintaining an ejectment from said premises and from encumbering, mortgaging, leasing, conveying or otherwise attempting to transfer an interest in the premises or any part thereof; and
- C. Such other relief as the Court may determine to be equitable.

Respectfully submitted,

Dated: AUGUST 20, 2003

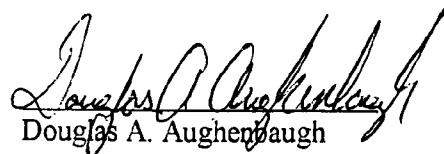


David S. Ammerman
Attorney for Plaintiffs

VERIFICATION

I verify that the statements made in the foregoing COMPLAINT are true and correct to the best of my personal knowledge, information and belief. I understand that false statements herein are subject to the penalties of 18 PA C.S. Section 4904 relating to unsworn falsifications to authorities.

Date: 8-18-03


Douglas A. Aughenbaugh

VERIFICATION

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Date: 8-18-03

Sherry L. Spingola
Sherry L. Spingola

CERTIFIED COPY

AMMERMAN [REDACTED]
Attorneys at Law
310 EAST CHERRY STREET
CLEARFIELD, PA 16830

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
CIVIL ACTION - LAW

DOUGLAS A. AUGHENBAUGH
and SHERRY L. SPINGOLA,
Plaintiffs

vs.

JAMES LUMADUE, his Heirs,
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Persons or entities in interest known
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Defendants

* No. 2003-1238-CD

* Type of Pleading:
* AFFIDAVIT & MOTION FOR
* SERVICE BY PUBLICATION

* Type of Action: QUIET TITLE
* ACTION

* Filed on behalf of: PLAINTIFFS

* Counsel of record for this
* party:

* David S. Ammerman, Esquire
* Supreme Court No. 06801
* 310 East Cherry Street
* Clearfield, PA 16830
* (814) 765-1701

FILED

SEP 26 2003

0111256
William A. Shaw

Prothonotary/Clerk of Courts

I went to Attn

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
CIVIL ACTION - LAW

DOUGLAS A. AUGHENBAUGH and SHERRY L. SPINGOLA, Plaintiffs	*
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vs.	*
	No. 2003-1238-CD
	*
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	Type of Pleading: Quiet Title Action
JAMES LUMADUE, His Heirs, Successors and Assigns and all persons or entities in interest known or unknown claiming by through or under him,	*
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	*
	*
	*
Defendants	*

AFFIDAVIT AND MOTION FOR SERVICE BY PUBLICATION

COMES NOW, David S. Ammerman, attorney for the Plaintiffs in the above matter, who being duly sworn according to law, deposes and states:

1. I have examined the records at the Clearfield County Courthouse and there is no estate for Defendant, James Lumadue.
2. I have had the Plaintiffs and others make inquiries of persons with the surname of Defendant (Lumadue) living in the locale of the Village of Spring Valley, Boggs Township, being the site of the subject premises, in an attempt to identify heirs of Defendant Lumadue. Said inquiries have not resulted in any useful information.
3. Telephone inquiries of persons with Defendant's surname listed in the telephone directory have, when the purpose of the call has been disclosed, been met with disclaimers of lack of knowledge, silence or suspicion.

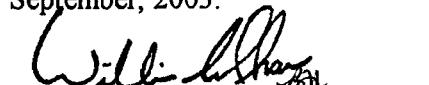
4. That I believe from my investigation that there are numerous heirs of Defendant, James Lumadue, but I am unable to identify them and that the only way possible to inform the heirs if by publication.
5. WHEREFORE, Plaintiffs, by their counsel more this Honorable Court to issue an Order permitting him to serve Defendants by publication appearing in The Progress and the Clearfield County Legal Journal, on one occasion. Said Notice shall be in the form of Exhibit "A" which is attached hereto and incorporated herein by reference.

Respectfully submitted,



David S. Ammerman, Esquire
Attorney for Plaintiffs

SWORN TO and SUBSCRIBED
to before me this 26th day of
September, 2003.



Notary Public

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

Exhibit "A"

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA CIVIL ACTION - LAW

DOUGLAS A. AUGHENBAUGH *
and SHERRY L. SPINGOLA, *
Plaintiffs *

vs. *

JAMES LUMADUE, his Heirs, *
Successors and Assigns and all *
Persons or entities in interest known *
or unknown claiming by through or *
under him, *

Defendants *

No. 2003-1238-CD
TO THE DEFENDANTS NAMED ABOVE:

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 thirty (30) 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 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 LAWYER OR CANNOT AFFORD ONE, GO TO OR
TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU
CAN GET LEGAL HELP.**

Clearfield County Court Administrator
Clearfield County Courthouse
Corner of Market & Second Street
Clearfield, Pennsylvania 16830
(814) 765-2641

An action to Quiet Title to premises situate in Boggs Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a point at Long Run Bridge in the line of State Highway No. 17042 leading to John Lansberry's farm; thence in a southerly direction crossing the state road and running along the township road in the direction (southerly) of the Spring Valley Church a distance of 425 feet to a maple tree; thence in a westerly direction along land now or formerly of Chester Lumadue 334 feet to a white oak tree; thence in a northerly direction by the land of Chester Lumadue (and crossing the State Road No. 17042) a distance of 337 feet to a hemlock tree; thence in an easterly direction through lands now or formerly of John E. Smeal and along Long Run 238 feet to the bridge above mentioned and the place of beginning. Containing two (2) acres, more or less. EXCEPTING AND RESERVING the right-of-way of the state road.

You are notified further to appear and answer the Complaint in said action within thirty (30) days of this notice, otherwise, judgment will be entered against you, barring you from all claims, as set forth in the Complaint.

David S. Ammerman
Attorney for Plaintiffs
310 East Cherry Street
Clearfield, Pennsylvania 16830

DAVID S. AMMERMAN
Attorney at Law
310 EAST CHERRY STREET CLEARFIELD, PA 16830

(P)

NO. 2003-1238-CD

DOUGLAS A. AUGHENBAUGH
AND SHERRY L. SPINGOLA,

Plaintiffs

vs.

JAMES LUMADUE, his Heirs,
Successors and Assigns,

Defendants

AFFIDAVIT AND MOTION
FOR SERVICE BY
PUBLICATION

DAVID S. AMMERMAN
Attorney at Law
310 EAST CHERRY STREET
CLEARFIELD, PA 16830

SEP 26 2003

V. RAY A. STONE
Prothonotary, Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
CIVIL ACTION - LAW

DOUGLAS A. AUGHENBAUGH
and SHERRY L. SPINGOLA,
Plaintiffs

vs.

JAMES LUMADUE, His Heirs,
Successors and Assigns and all
persons or entities in interest known
or unknown claiming by through or
under him,

Defendants

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*
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* No. 2003-1238-CD

*
* Type of Pleading: Quiet Title Action
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ORDER PERMITTING SERVICE BY PUBLICATION

AND NOW this 26th day of September, 2003, upon

consideration of the foregoing Affidavit and Motion by Plaintiffs' counsel, it is:

ORDERED AND DECREED that Plaintiffs shall make service upon the
Defendant by publication appearing in The Progress, a newspaper of general circulation in
Clearfield County, and the Clearfield County Legal Journal on one occasion. Said Notice
shall be in the form of Exhibit "A" which is attached to Plaintiffs' Affidavit and Motion
and which is incorporated herein by reference.

BY THE COURT:

President Judge

FILED

SEP 29 2003

William A. Shaw
Prothonotary/Clerk of Courts

FILED

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SEP 29 2003

Any Ammesman

William A. Shaw
KLA

Prothonotary/Clerk of Courts

DAVID S.
AMMERMAN ~~SHARON~~

Attorneys at Law
310 EAST CHERRY STREET
CLEARFIELD, PA 16830

~~GERMANEX COPY~~

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

DOUGLAS A. AUGHENBAUGH,
and SHERRY L. SPINGOLA,

Plaintiffs

vs.

JAMES LUMADUE, his Heirs,
Successors and Assigns all Persons
or entities in interest known or unknown
claiming by through or under him,

Defendants

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No. 2003-1238-CD

Type of Case: **Quiet Title Action**

Type of Pleading: **Praecipe for Appearance**

Filed on Behalf of: **Defendants**

Counsel of Record for this Party:

John Sughrue
Attorney at Law
Attorney I. D. No. 01037
23 North Second Street
Clearfield, PA 16830
Phone: (814) 765-1704
Fax: (814) 765-6959

Other Counsel of Record:

David S. Ammerman, Esquire
Supreme Court No. 06801
310 East Cherry Street
Clearfield, PA 16830
Phone: (814) 765-1706
Fax: (814) 765-1703

FILED

NOV 13 2003

William A. Shaw
Prothonotary/Clerk of Courts

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

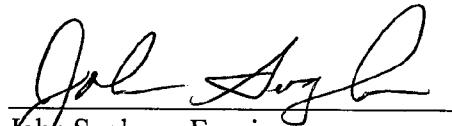
DOUGLAS A. AUGHENBAUGH,	*
and SHERRY L. SPINGOLA,	*
Plaintiffs	*
vs.	*
JAMES LUMADUE, his Heirs,	*
Successors and Assigns all Persons	*
or entities in interest known or unknown	*
claiming by through or under him,	*
Defendants	*

PRAECIPE FOR APPEARANCE

TO WILLIAM A. SHAW, PROTHONOTARY.

Kindly enter my appearance on behalf of Arnold D. Peters and Gretta L. Peters, heirs and successors in title of James Lumadue, Defendants, in the above-captioned matter. Direct all pleadings and matters concerning the foregoing to the undersigned.

Date: November 13, 2003


John Sughrue, Esquire
Attorney for Plaintiffs
Attorney I. D. #01037
23 North Second Street
Clearfield, PA 16830
Phone: (814) 765-1704
Fax: (814) 765-6959

cc: David S. Ammerman, Esq.
Mr. & Mrs. Arnold D. Peters

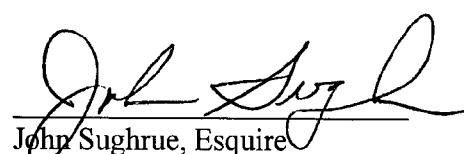
CERTIFICATE OF SERVICE

AND NOW, I do hereby certify that on November 13, 2003, I caused a true and correct copy of my Entry of Appearance, to be served on the following and in the manner indicated below:

By United States Mail, First Class, Postage Prepaid
Addressed as Follows:

David S. Ammerman Esquire
310 East Cherry Street
Clearfield, PA 16830

Date: November 13, 2003


John Sughrue, Esquire
Attorney for Defendants

FILED

1cc May
3 33 2003

copy to CIA

William A. Shaw

Prothonotary/Clerk of Courts

Res

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

DOUGLAS A. AUGHENBAUGH, and SHERRY L. SPINGOLA,	*
	*
	*
Plaintiffs	*
vs.	*
JAMES LUMADUE, his Heirs, Successors and Assigns all Persons or entities in interest known or unknown claiming by through or under him,	*
	*
	*
Defendants	*

No. 2003-1238-CD

STIPULATION TO EXTEND TIME FOR FILING OF ANSWER

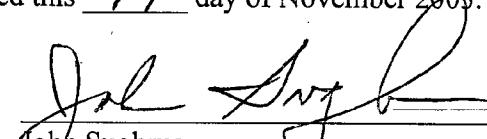
To the Judges of the Honorable Court:

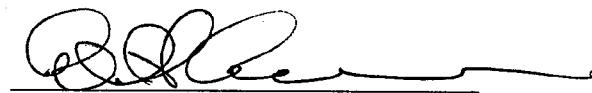
AND NOW comes Plaintiffs, by their Attorney, David S. Ammerman, and Defendants, Arnold D. Peters and Gretta L. Peters, by their Attorney, John Sughrue, and the parties hereby stipulate and agree as follows:

1. The time within which Defendants may file an answer to the above captioned Complaint is hereby extended to such date as Plaintiffs shall hereafter choose and shall hereafter specify in writing to Defendants' counsel; provided however, Plaintiffs, by their Counsel, shall give notice of such date to Defendants' Counsel no less than fifteen (15) days prior to the date set as the filing deadline;

2. No notice to Defendants shall be required, other than provided herein. Plaintiffs will not enter judgment by default for lack of an answer or otherwise against Defendants without such fifteen (15) day notice being granted.

The foregoing is hereby approved and agreed this 17 day of November 2003.


John Sughrue,
Attorney for Defendants


David S. Ammerman,
Attorney for Plaintiffs

FILED

NOV 24 2003

William A. Shaw
Prothonotary/Clerk of Courts

FILED

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NOV 24 2003

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William A. Shaw
Prothonotary/Clerk of Courts

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

DOUGLAS A. AUGHENBAUGH,
and SHERRY L. SPINGOLA,
Plaintiffs

*

*

Plaintiffs

vs.

JAMES LUMADUE, his Heirs,
Successors and Assigns all Persons
or entities in interest known or unknown
claiming by through or under him,
Defendants

*

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*

No. 2003-1238-CD

APR 14 2004

FILED
William A. Shaw
Prothonotary

STIPULATION TO FACTS AND CONSENT TO ENTRY OF JUDGMENT,
BETWEEN PLAINTIFFS AND DEFENDANTS
ARNOLD D. PETERS AND GRETNA L. PETERS

To the Honorable, the Judges of said Court:

AND NOW comes Plaintiffs, DOUGLAS A. AUGHENBAUGH and SHERRY L. SPINGOLA, by their attorney, David S. Ammerman, and ARNOLD D. PETERS AND GRETNA L. PETERS, Defendants, by their attorney, John Sughrue, and stipulate to the following:

1. Arnold D. Peters and Gretta L. Peters (hereafter, "Peters") are Defendants in the above-captioned matter by virtue of the fact that James Lumadue, above named Defendant, was a predecessor in title of Peters to certain real property located in Boggs Township, Clearfield County, Pennsylvania, (hereafter, "Peters Property") and more particularly described on Exhibit A, which is attached to this stipulation and a part of the Peters Property is included in the description of the property which is described in the Complaint filed in the above-captioned matter.

2. All the parties to this stipulation, agree and confirm that, Peters, are the owners, absolutely of the Peters Property, described on Exhibit A, which is attached to this stipulation, and incorporated herein by reference as though the same were set forth at length herein verbatim.

3. The Peters acquired the Peters Property by Deed of John E. Smeal, et ux, dated April 5, 1979 and recorded in the Recorder's Office of Clearfield County, Pennsylvania on April 6, 1979 in DBV 778 page 503. Further, the Peters Property is part of a larger parcel, which John E. Smeal and Maxine H. Smeal, husband and wife, acquired from James Lumadue (above-named Defendant) and Gertrude Lumadue, his wife, by Deed dated April 10, 1958, which was recorded in the Recorder's Office of Clearfield County, Pennsylvania on April 14, 1958 in DBV 466 page 106.

4. The parties acknowledge and agree that the real property which is the subject of this quiet title action as described in the Complaint filed in this case overlaps, or includes to some extent a part of the Peters Property.

5. All parties hereto acknowledge and confirm that the Plaintiffs are the owners, absolutely, of the property described in the Complaint filed in the above-captioned matter **EXCEPT** for the Peters Property.

6. The Parties acknowledge that in recognition of Peters ownership of the Peters Property, the Plaintiffs have executed and delivered a deed for the Peters Property to Peters whereby Plaintiffs have quitclaimed to Peters, such interest as they may have had, if any, in the Peters Property. Said deed was recorded at the Clearfield County Recorder's Office on February 13, 2004 at Instrument No. 200402284. A true and correct copy of said Deed is attached hereto as Exhibit B and incorporated herein by reference.

7. Defendants, Arnold D. Peters and Gretta L. Peters, hereby consent to the Court entering a judgment in favor of the Plaintiffs in the above captioned matter with respect to the land described in the Complaint except for the Peters Property, which all parties agree should be and will be specifically excluded from the real property, which is the subject of the above-captioned action and from the Court's Judgment in this case.

8. This stipulation shall be filed of record in the Court of Common Pleas of Clearfield County, Pennsylvania at the above-captioned term and number and may be recorded as an Agreement by either party in the Recorder's Office of Clearfield County, Pennsylvania.

9. Plaintiffs agree to cause final judgment in the above-captioned matter to be entered consistent with the substance of this stipulation and in the event said Court refuses or fails to do so, Plaintiffs shall give Defendants prompt notice of the same, in order to afford Peters an opportunity to intervene in the matter.

10. At such time as final order entered by the Court in the above-captioned matter, Plaintiffs agree to promptly give a copy of the same to Peters and to record a certified copy of the same in the Recorder's Office of Clearfield County, Pennsylvania.

WHEREFORE, the parties, Douglas A. Aughenbaugh and Sherry L. Spingola, Plaintiffs, and Arnold D. Peters and Gretta L. Peters, Defendants, intending to be legally bound hereby and in consideration of the mutual covenants set forth above, have, on the date hereafter noted, set their hands and seal.

WITNESS:

<u></u>	Douglas A. Aughenbaugh	<u>3/26/04</u>	Date
<u></u>	Sherry L. Spingola	<u>3-26-04</u>	Date
<u></u>	Arnold D. Peters	<u>04-05-04</u>	Date
<u></u>	Gretta L. Peters	<u>04-05-04</u>	Date

EXHIBIT A
TO STIPULATION

ALL that certain parcel or tract of land situate in the Boggs Township, County of Clearfield, and Commonwealth of Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point, said point located on the northern boundary line of the right-of-way of State Route No. 17042 and being the southeast corner of the lot herein conveyed; thence in a westerly direction by said State Route No. 17042 a distance of one hundred eighty (180) feet to a point (said point being marked generally by a utility pole); thence in a northerly direction, generally perpendicular to the previous line through lands of the Grantors herein a distance of three hundred (300) feet to a point marked by an iron pin; thence in a easterly direction, generally perpendicular to the previous line through lands of the Grantors a distance of one hundred eighty (180) feet to a point on the right-of-way line of State Route No. 17042; thence in a southerly direction along said State Route a distance of three hundred (300) feet to a point, being the place of beginning and forming generally a rectangular lot one hundred (180) feet by three hundred (300) feet.

BEING the same premises which JOHN E. SMEAL and MAXINE H. SMEAL, by their deed dated April 5, 1979 and recorded in the Recorder's Office of Clearfield County, Pennsylvania on April 6, 1979 in DBV 778, Page 503, granted and conveyed unto GRETNA L. PETERS and ARNOLD D. PETERS, Grantees herein.

COMMONWEALTH OF PENNSYLVANIA :

: SS.

COUNTY OF CLEARFIELD :

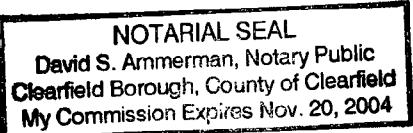
On this, the 26th day of March, 2004 before me, the undersigned authority, personally appeared DOUGLAS A. AUGHENBAUGH, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.



Notary Public

My commission expires:



COMMONWEALTH OF PENNSYLVANIA :

: SS.

COUNTY OF CLEARFIELD :

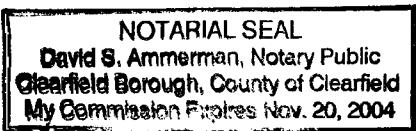
On this, the 26th day of March, 2004 before me, the undersigned authority, personally appeared SHERRY L. SPINGOLA, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that she executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.



Notary Public

My commission expires:



COMMONWEALTH OF PENNSYLVANIA :

: SS.

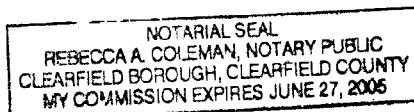
COUNTY OF CLEARFIELD :

On this, the 5th day of ^{April} March, 2004 before me, the undersigned authority, personally appeared ARNOLD D. PETERS, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Rebecca A. Coleman
Notary Public

My commission expires:



COMMONWEALTH OF PENNSYLVANIA :

: SS.

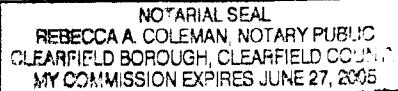
COUNTY OF CLEARFIELD :

On this, the 5th day of ^{April} March, 2004 before me, the undersigned authority, personally appeared GRETNA L. PETERS, 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 purpose therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Rebecca A. Coleman
Notary Public

My commission expires:



FILED

04/14/04

2cc to attorney

APR 14 2004

William A. Schreyer
Prothonotary

DAVID S. AMMERMAN
Attorney at Law
310 EAST CHERRY STREET CLEARFIELD, PA 16830

DA

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

CIVIL ACTION - LAW

DOUGLAS A. AUGHENBAUGH
AND SHERRY L. SPINGOLA,
PLAINTIFFS

vs.
JAMES LUMADUE, et al

No. 2003-1238-CD

O R D E R

FILED

3rd B
24/8/04
Amy Ammerman

U.S. DEPT OF JUSTICE
JAN 24 2004
William A. Shaw
Prothonotary/Clerk of Courts

DAVID S. AMMERMAN
Attorney at Law
310 EAST CHERRY STREET
CLEARFIELD, PA 16830

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
CIVIL ACTION - LAW

DOUGLAS A. AUGHENBAUGH
and SHERRY L. SPINGOLA,
Plaintiffs

vs.

No. 2003-1238-CD

JAMES LUMADUE, his Heirs,
Successors and Assigns and all
Persons or entities in interest known
or unknown claiming by through or
under him,

Defendants

Type of Pleading: Affidavit & Motion for Judgment

Type of Action: **QUIET TITLE
ACTION**

Filed on behalf of: PLAINTIFFS

Counsel of record for this party:

David S. Ammerman, Esquire
Supreme Court No. 06801
310 East Cherry Street
Clearfield, PA 16830
(814) 765-1701

FILED

JUN 22 2004

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
CIVIL ACTION - LAW

DOUGLAS A. AUGHENBAUGH
and SHERRY L. SPINGOLA,
Plaintiffs

vs.

JAMES LUMADUE, His Heirs,
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Defendants

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* No. 2003-1238-CD
*
* Type of Pleading: Quiet Title Action
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AFFIDAVIT AND MOTION FOR JUDGMENT

AND NOW COMES, the Plaintiffs by their attorney, David S. Ammerman, whom
move this Court for Judgment pursuant to PA R.C.P. 1066(b) (1) and in support thereof
avers:

1. This Quiet Title Action was instituted by Complaint filed August 20, 2003.
2. The Complaint contained a NOTICE TO DEFEND pursuant to PA R.C.P. 1018.1.
3. By Order dated September 26, 2003, this Honorable Court authorized service on the Defendants by publication in The Progress, a newspaper of general circulation, and in the Clearfield County Legal Journal, by publication on one occasion.
4. Said service by publication was duly made in The Progress on October 22, 2003 and in the Clearfield County Legal Journal on October 24, 2003. The

original proof of publication from The Progress and the Clearfield County Legal Journal are attached to this Motion and incorporated herein as Plaintiffs' Exhibit A and B.

5. More than 30 days have elapsed since completion of service and the only party Defendant responding to the advertisement was Arnold D. Peters and Gretta A. Peters and no other defendants.
6. That John Sughrue, Esquire entered his appearance for Defendants Peters as Defendants Peters claimed that a portion of their property was affected by this quiet title action.
7. That Plaintiffs and Defendants Peters have since reached an amicable resolution evidenced by stipulation filed a quit claim deed from Plaintiffs to Defendants Peters for the contested part of the Peters premises was executed, acknowledged, delivered and since recorded on February 13, 2004 to Clearfield County Instrument No. 200402284 and which will appear in the proposed Order of Court submitted herewith as an exception.
8. That there have been no answers, no responsive pleadings nor any communications made from other Defendants or those claiming under them.

WHEREFORE, Plaintiffs pray this Honorable Court to enter an Order that Defendants, their Heirs, Successors and Assigns, or any entity claiming by or

through them, subject to this Quiet Title Action inconsistent with the interest or
claim of the Plaintiffs as set forth in their Complaint, unless Defendants file an
Answer within 30 days.

Respectfully submitted,



David S. Ammerman
Attorney for Plaintiffs

Dated: 6/16/04

AFFIDAVIT

STATE OF PENNSYLVANIA

:SS

COUNTY OF CLEARFIELD

DAVID S. AMMERMAN being duly sworn according to law, deposes and says
That he is the Counsel for the Plaintiffs in the foregoing Motion and, as such, is duly
Authorized to make this Affidavit, and further, that the facts set forth in the foregoing
MOTION/AFFIDAVIT FOR JUDGMENT are true and correct to the best of his
Knowledge, information and belief.



David S. Ammerman

SWORN to and subscribed
before me this 16th day of
June, 2004.


Notary Public

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

IN THE COURT
OF COMMON PLEAS
OF CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL ACTION LAW
DOUGLAS A. AUGHENBAUGH
and SHERRYL SPINGOLA
Plaintiffs
vs.
JAMES LUMADUE, His Heirs,
Successors and Assigns and all
Persons or entities in interest
known or unknown claiming by
or through or under him
Defendants
No. 2003-1239-CD
TO THE DEFENDANTS NAMED
ABOVE:

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 thirty (30) 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 plaintiff. You may also 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.

Clearfield County
Court Administrator
Clearfield County Courthouse
Corner of Market & Second Street
Clearfield, Pennsylvania 16830
(814) 765-2641

An action to Quiet Title to premises situate in Boggs Township, Clearfield County, Pennsylvania, bounded and described as follows: BEGINNING at a point at Long Run Bridge in the line of State Highway No. 17042 leading to John Lansberry's farm; thence in a southerly direction crossing the state road and running along the township road in the direction (southerly) of the Spring Valley Church a distance of 425 feet to a maple tree; thence in a westerly direction along land now or formerly of Chester Lumadue 334 feet to a white oak tree; thence in a northerly direction by the land of Chester Lumadue (and crossing the State Road No. 17042) a distance of 337 feet to a hemlock tree; thence in an easterly direction through lands now or formerly of John E. Smeal and along Long Run 238 feet to the bridge above mentioned and the place of beginning. Containing two (2) acres, more or less. EXCEPTING AND RESERVING the right-of-way of the state road.

You are notified further to appear and answer the Complaint in said action within thirty (30) days of this notice, otherwise, judgment will be entered against you, barring you from all claims as set forth in the Complaint.

David S. Ammerman
Attorney for Plaintiffs
310 East Cherry Street
Clearfield, Pennsylvania 16830

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA : : SS:
COUNTY OF CLEARFIELD

On this 24th day of October, A.D. 2003, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Margaret E. Krebs, who being duly sworn according to law, deposes and says that she is the President of The Progressive Publishing Company, Inc., and Associate Publisher of The Progress, a daily newspaper published at Clearfield, in the County of Clearfield and State of Pennsylvania, and established April 5, 1913, and that the annexed is a true copy of a notice or advertisement published in said publication in

the regular issues of October 22, 2003

And that the affiant is not interested in the subject matter of the notice or advertising, and that all of the allegations of this statement as to the time, place, and character of publication are true.

Margaret E. Krebs

Sworn and subscribed to before me the day and year aforesaid.

Ann K. Law

Notary Public

Clearfield, Pa.

My Commission Expires
September 16, 2004

Notarial Seal
Ann K. Law, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires Sept. 16, 2004

Member, Pennsylvania Association of Notaries

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :

:

COUNTY OF CLEARFIELD :

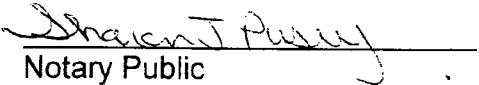
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On this 24th day of October AD 2003, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Gary A. Knaresboro editor of the Clearfield County Legal Journal of the Courts of Clearfield County, and that the annexed is a true copy of the notice or advertisement published in said publication in the regular issues of Week of October 24, 2003, No. 43. And that all of the allegations of this statement as to the time, place, and character of the publication are true.



Gary A. Knaresboro, Esquire
Editor

Sworn and subscribed to before me the day and year aforesaid.



Notary Public
My Commission Expires

NOTARIAL SEAL
SHARON J. PUSEY, Notary Public
Clearfield, Clearfield County, PA
My Commission Expires APRIL 7, 2007

David S Ammerman
310 E Cherry St
Clearfield PA 16830

claimed in the 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.

Clearfield County Court Administrator, Clearfield County Courthouse, Corner of Market & Second Street, Clearfield, Pennsylvania 16830 (814) 765-2641.

An action to Quiet Title to premises situate in Boggs Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a point at Long Run Bridge in the line of State Highway No. 17042 leading to John Lansberry's farm; thence in a southerly direction crossing the state road and running along the township road in the direction (southerly) of the Spring Valley Church a distance of 425 feet to a maple tree; thence in a westerly direction along land now or formerly of Chester Lumadue 334 feet to a white oak tree; thence in a northerly direction by the land of Chester Lumadue (and crossing the State Road No. 17042) a distance of 337 feet to a hemlock tree; thence in an easterly direction through lands now or formerly of John E. Smeal and along Long Run 238 feet to the bridge above mentioned and the place of beginning. Containing two (2) acres, more or less. EXCEPTING AND RESERVING the right-of-way of the state road.

You are notified further to appear and answer the Complaint in said action within thirty (30) days of this notice, otherwise, judgment will be entered against you, barring you from all claims, as set forth in the Complaint.

DAVID S. AMMERMAN, Attorney for Plaintiffs, 310 East Cherry Street, Clearfield, Pennsylvania 16830.

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY
PENNSYLVANIA
CIVIL ACTION - LAW

DOUGLAS A. AUGHENBAUGH and
SHERRY L. SPINGOLA, Plaintiffs vs.
JAMES LUMADUE, his Heirs, Successors
and Assigns and all Persons or entities in
interest known or unknown claiming by
through or under him, Defendants.

No. 03-1238-CD

TO THE DEFENDANTS NAMED
ABOVE:

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 thirty (30) 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

DAVID S. AMMERMAN
Attorney at Law
310 EAST CHERRY STREET CLEARFIELD, PA 16830

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

DOUGLAS A. AUGHENBAUGH,
and SHERRY L. SPINGOLA,
Plaintiffs

vs.

JAMES LUMADUE, HIS HEIRS,
SUCCESSORS AND ASSIGNS AND
ALL PERSONS OR ENTITIES
IN INTEREST KNOWN OR
UNKNOWN CLAIMING BY THROUGH
OR UNDER HIM,

Defendants

No. 2003-1238-CD

AFFIDAVIT & MOTION FOR
JUDGMENT

FILED *3cc*
6/10/04 *Ammerman*
6/22/04

William A. Shaw
Prothonotary/Clerk of Courts

DAVID S. AMMERMAN
Attorney at Law
310 EAST CHERRY STREET
CLEARFIELD, PA 16830

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
CIVIL ACTION - LAW

DOUGLAS A. AUGHENBAUGH
and SHERRY L. SPINGOLA,
Plaintiffs

vs.

JAMES LUMADUE, His Heirs,
Successors and Assigns and all
persons or entities in interest known
or unknown claiming by through or
under him,

Defendants

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* No. 2003-1238-CD
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* Type of Pleading: Quiet Title Action
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FILED

JUN 24 2004

William A. Shaw
Prothonotary/Clerk of Courts

ORDER

AND NOW this 24th day of June, 2004, a Motion

Supported by an Affidavit of Counsel averring that service of the Notice to Defend was made upon Defendants by publication as directed by this Court's Order dated September 26, 2003, and the only party Defendant responding to the advertisement was Arnold D. Peters and Gretta A. Peters by and through their attorney, John Sughrue, Esquire, claiming that a portion of their property was affected by this quiet title action. Plaintiffs and Defendants having since reached an amicable resolution evidenced by stipulation and quit claim deed from Plaintiffs to Defendants Peters for the contested part of the Peters premises which was recorded on February 13, 2004 to Clearfield County Instrument No. 200402284. There being no answers from other Defendants or those claiming under them, the Court, upon Motion of David S. Ammerman, Attorney for Plaintiffs, hereby

orders that title to the premises subject to this action is in the Plaintiffs and that they be allowed to peacefully enjoy the same.

Said premises are situate in Boggs Township, Clearfield County, Pennsylvania and more particularly described as:

ALL that certain piece or parcel of land located in Boggs Township, Clearfield County, Pennsylvania, and being bounded and described as follows: BEGINNING at a point at Long Run Bridge in the line of State Highway No. 17042 leading to John Lansberry's farm; thence in a southerly direction crossing the state road and running along the township road in the direction (southerly) of the Spring Valley Church a distance of 425 feet to a maple tree; thence in a westerly direction along land now or formerly of Chester Lumadue 334 feet to a white oak tree; thence in a northerly direction by the land of Chester Lumadue (and crossing the State Road No. 17042) a distance of 337 feet to a hemlock tree; thence in an easterly direction through lands now or formerly of John E. Smeal and along Long Run 238 feet to the bridge above mentioned and the place of beginning. Containing two (2) acres, more or less. EXCEPTING AND RESERVING the right-of-way of the state road.

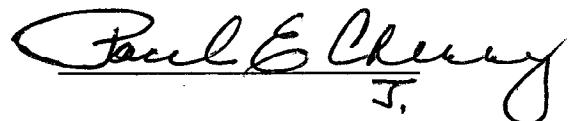
ALSO EXCEPTING AND RESERVING therefrom that premises conveyed by quit claim deed from Douglas A. Aughenbaugh and Sherry L. Spingola to Arnold D. Peters and Gretta L. Peters, husband and wife, said deed being dated February 13, 2004 and recorded to Clearfield County Instrument No. 200402284 for the following described premises:

ALL that certain premises situate in Boggs Township, Clearfield County, Pennsylvania more particularly bounded and described as follows:

BEGINNING at a point, said point located on the northern boundary line of the right-of-way of State Route No. 17042 and being the southeast corner of the lot herein conveyed; thence in a westerly direction by said State Route No. 17042 a distance of 180 feet to a point (said point being marked generally by a utility pole); thence in a northerly direction, generally perpendicular to the previous line through lands of Douglas A. Aughenbaugh, et al a distance of 300 feet to a point marked by an iron pin; thence in an easterly direction, generally perpendicular to the previous line through lands of Douglas A. Aughenbaugh, et al a distance of 180 feet to a point on the right-of-way line of State Route No. 17042; thence in a southerly direction along said State Route a distance of 300 feet to a point, being the place of beginning and forming generally a rectangular lot 180 feet by 300 feet.

It is FURTHER ORDERED that the Defendants shall be forever barred from asserting any right, lien, title or interest in the land inconsistent with the interest or claim of the Plaintiff as set forth in its Complaint, unless the Defendants file and Answer to the Complaint in this action thirty (30) days of the date hereof or judgment will be entered in accordance with this Order. If such action is not taken within the thirty (30) day period, the Prothonotary, on Praecept of the Plaintiff, shall enter final judgment.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Paul E. Cleary, Jr." The signature is fluid and cursive, with "Paul E." on the first line and "Cleary" on the second line, ending with a small "Jr." below "Cleary".

Notice of Proposed Termination of Court Case

November 5, 2007

RE: 2003-01238-CD

Douglas A. Aughenbaugh
Sherry L. Spingola

Vs.

James Lumadue
Arnold D. Peters
Gretta L. Peters

FILED

NOV 05 2007

WAS William A. Shaw
Prothonotary/Clerk of Courts

Dear David S. Ammerman, Esq.:

Please be advised that the Court intends to terminate the above captioned case without notice, because the Court records show no activity in the case for a period of at least two years.

You may stop the Court terminating the case by filing a Statement of Intention to Proceed. The Statement of Intention to Proceed must be filed with the **Prothonotary of Clearfield County, PO Box 549, Clearfield, Pennsylvania 16830**. The Statement of Intention to Proceed must be filed on or before **January 4, 2008**.

If you fail to file the required statement of intention to proceed within the required time period, the case will be terminated.

By the Court,



Daniel J. Nelson
Court Administrator

Notice of Proposed Termination of Court Case

November 5, 2007

RE: 2003-01238-CD

Douglas A. Aughenbaugh
Sherry L. Spingola

Vs.

James Lumadue
Arnold D. Peters
Gretta L. Peters

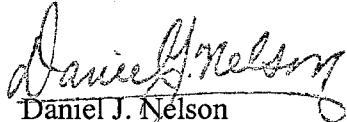
Dear John Sughrue, Esq.:

Please be advised that the Court intends to terminate the above captioned case without notice, because the Court records show no activity in the case for a period of at least two years.

You may stop the Court terminating the case by filing a Statement of Intention to Proceed. The Statement of Intention to Proceed must be filed with the **Prothonotary of Clearfield County, PO Box 549, Clearfield, Pennsylvania 16830**. The Statement of Intention to Proceed must be filed on or before **January 4, 2008**.

If you fail to file the required statement of intention to proceed within the required time period, the case will be terminated.

By the Court,


Daniel J. Nelson
Court Administrator

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

DOUGLAS A. AUGHENBAUGH
And SHERRY L. SPINGOLA,
Plaintiffs

vs.

JAMES LUMADUE, His Heirs,
Successors and Assigns and all persons
Or entities in interest known or unknown
Claiming by, through or under him,
Defendants

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No. 2003-1238-CD

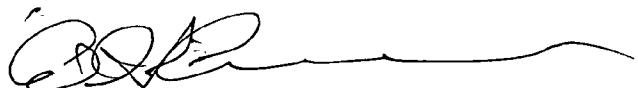
* Type of Pleading: Quiet Title Action

PRAECIPE FOR ENTRY OF FINAL JUDGMENT

TO: WILLIAM A. SHAW, PROTHONOTARY

More than thirty (30) days having elapsed since the Order of Court dated June 24, 2004
was filed and no answers from the Defendants having been filed, please enter final judgment for
the Plaintiffs.

Respectfully submitted,



David S. Ammerman, Esquire
Attorney for Plaintiffs

Date: December 6, 2007

I took this
off of the
Inactive BDI

FILED
01/3/2008
DEC 07 2007
cc

William A. Shaw
Prothonotary/Clerk of Courts

FILED

DEC 07 2007

William A. Shaw
Prothonotary/Clerk of Courts