

03-1275-CD  
KATHRYN E. COUTURIAN X vs. DONALD GOOD , etal

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

KATHRYN E. COUTURIAUX,

Plaintiff

vs.

DONALD GOOD, ROBERT GOOD,

BRUNHILDE A. GOOD and

AUDREY GOOD,

Defendants

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No.: 03-1275-LD

ACTION IN PARTITION

Filed on behalf of:

Kathryn E. Couturiaux, Plaintiff

Counsel for this Party:

George S. Test, Esquire

P. O. Box 706

Philipsburg, PA 16866-0706

(814) 342-4640

PA I.D. #15915

**FILED**

AUG 27 2003

William A. Shaw  
Prothonotary

GEORGE S. TEST  
ATTORNEY-AT-LAW  
PHILIPSBURG, PA

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

KATHRYN E. COUTURIAUX,

Plaintiff

vs.

DONALD GOOD, ROBERT GOOD,  
BRUNHILDE A. GOOD and  
AUDREY GOOD,

Defendants

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No.: \_\_\_\_\_

**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 FIND ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Court Administrator's Office  
Clearfield County Courthouse  
Clearfield, PA 16830  
(814) 765-2641 Ext. 5982



George S. Test, Esquire

GEORGE S. TEST  
ATTORNEY-AT-LAW  
PHILIPSBURG, PA

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

KATHRYN E. COUTURIAUX,

Plaintiff

vs.

DONALD GOOD, ROBERT GOOD,  
BRUNHILDE A. GOOD and  
AUDREY GOOD,

Defendants

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No.: \_\_\_\_\_

**COMPLAINT**

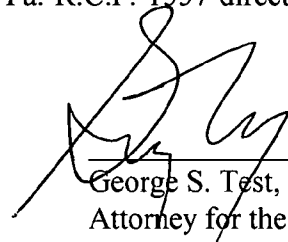
1. The Plaintiff is Kathryn E. Couturiaux, an adult individual who resides at 177 Black Bear Lane, Philipsburg, Pennsylvania 16866.
2. Defendant, Donald Good is an adult individual who resides at RD West Decatur, Pennsylvania 16878.
3. Defendant, Robert Good is an adult individual residing at 1351 Church Avenue, Brockway, Pennsylvania 15824.
4. Defendant, Brunhilde A. Good is an adult individual and the widow of Duane C. Good who resides at 6335 E. Duncan Street, Mesa, Arizona 85205.
5. Defendant, Audrey Good is an adult individual and the widow of Alfred E. Good and resides at 620 Walnut Street, Philipsburg, Pennsylvania 16866.
6. The Plaintiff and the Defendants are jointly the owners of sixty-seven and fifty-four hundredths (67.54) acres of real property situate in Decatur Township, Clearfield County, by virtue of the following deeds:

- a. Deed dated February 26, 1981 from Velma Good to Velma Good, Donald A. Good, Alfred E. Good, Jr., Duane C. Good, Kathryn E. Couturiaux and Robert L. Good, recorded in Clearfield County, Record Book 809 at Page 262. A true and correct copy of said deed is attached hereto and made a part hereof as Exhibit A.
  - b. Deed dated July 30, 1999, from Velma E. Good by her Attorney-in-Fact, Robert Good conveying an undivided one-sixth (1/6) interest in said property to Alfred E. Good, Kathryn E. Couturiaux, Robert L. Good and Donald A. Good. Said deed is recorded in Clearfield County at Instrument Number 199913631. A true and correct copy of said deed is attached hereto as Exhibit B.
7. The Plaintiff and Alfred E. Good (deceased), Robert L. Good, Donald A. Good and Duane C. Good (deceased) are/were brothers and sisters and all of the children of Velma Good (deceased).
8. Plaintiff has named the surviving widows of her deceased brothers and not their surviving issue because pursuant to 20 Pa. C.S. §2102 (3) the widows are entitled to the first \$30,000.00 of the deceased spouse's property and Plaintiff believes her deceased brothers' shares of the subject property are worth less than \$30,000.00 each.
9. Through her attorney, Plaintiff has requested that Defendants agree to list the subject real property with a realtor. True and correct copies of said requests are attached hereto as Exhibit C-1 through C-4.
10. Brunhilde A. Good and Audrey Good responded that they were willing to cooperate in selling the property.
11. Robert Good responded that he was willing to sell the property but placed substantial limitations which had to be met prior to a sale.
12. Donald Good did not respond to said correspondence.
13. Based on the deeds of record, Plaintiff believes that Donald Good, Kathryn Couturiaux

and Robert Good each own an undivided 4/18<sup>th</sup> interest in said property and Brunhilde Good and Audrey Good each own an undivided 3/18<sup>th</sup> interest in said property.

14. Plaintiff has had the subject real estate appraised in preparation for this litigation and a true and correct copy of said appraisal is attached hereto as Exhibit D.

WHEREFORE, the Plaintiff herein, pursuant to Pa. R.C.P. 1551 et seq. requests your Honorable Court enter an Order pursuant to Pa. R.C.P. 1557 directing a partition of the real property described in Exhibit A.

A handwritten signature in black ink, appearing to read 'G. S. Test', is written over a horizontal line.

George S. Test, Esquire  
Attorney for the Plaintiff

**VERIFICATION**

I hereby verify that the statements made in the foregoing instrument 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.

Dated:

August 8, 2003

Kathryn E. Couturiaux  
Kathryn E. Couturiaux

County Parcel No. \_\_\_\_\_

## This Deed,

MADE the 26th day of February  
in the year nineteen hundred and eighty-one (1981)

BETWEEN VELMA E. GOOD, widow, of R.D. #1, P.O. Box 703, Osceola Mills, Clearfield County, Pennsylvania, party of the first part, hereinafter referred to as "Grantor"

- A N D -

VELMA E. GOOD, widow, DONALD A. GOOD, both of Osceola Mills, Pa., and ALFRED E. GOOD, JR., DUANE C. GOOD and KATHRYN E. COUTURIAUX, all of Philipsburg, Pa., and ROBERT L. GOOD of Brockway, Pa., parties of the second part, hereinafter referred to as "Grantors"

WITNESSETH, That in consideration of One and no/100 (\$1.00) Dollar and love and affection -----~~DO NOT~~  
in hand paid, the receipt whereof is hereby acknowledged, the said grantor does hereby grant and convey to the said grantees,

ALL those certain pieces or parcels of land situate in Decatur Township, Clearfield County, Pennsylvania, being more particularly bounded and described as follows:

THE FIRST THEREOF: Beginning at a post on the public road leading from Jeffries Post Office to the New Castle settlement, 68 perches east of the northeastern corner of the C.B. Kephart property; thence south 4 degrees west 119.3 perches to a post on property line; thence South 86 degrees east 33.45 perches along property line to post; thence north 4 degrees east 119.6 perches to a post on the public road above-mentioned; thence north 86 degrees and 44 minutes west along said public road 33.45 perches to post and place of beginning. Containing 25 acres, not measure.

THE SECOND THEREOF: Beginning at a post on the public road leading from Jeffries Post Office to Ashland at the northeast corner of land heretofore conveyed to C. W. Kizer; thence south 86 degrees east 220.2 feet along said public road to a post; thence south 4 degrees 54 minutes west 1987.2 feet to a stake or stones on line of Henry Kephart; thence north 85 degrees 14 minutes west 219 feet to post at southeast corner of land formerly conveyed to C. W. Kizer; thence



north 4 degrees 50 minutes east 1983.6 feet along line of said C. W. Kizer to post and place of beginning. Containing 10 acres.

THE THIRD THEREOF: Beginning at a stake on the public road leading from Jeffries to Ashland at the northeast corner of land contracted to be sold to C. B. Kephart; thence south 88 degrees east 898 feet along said public road to stake on the corner of land sold to C. W. Kizer; thence south 4 degrees 41 minutes west 1393 feet along line of C. W. Kizer, to stake and stones, and northeast corner of land conveyed to Russel A. Kephart; thence north 85 degrees 14 minutes west 898 feet along line of Russell A. Kephart land and on line of lands sold to C. B. Kephart; thence north 4 degrees 41 minutes east 1379.9 feet along line of C. B. Kephart section to stake and place of beginning. Containing 28.5 acres net, and being the same premises which John M. Chase, Jr., et al, by their deed recorded in Deed Book 226 at page 155 granted and conveyed to C. W. Kizer.

Reserving 2 acres, more or less, which C. W. Kizer and wife by their deed recorded in Deed Book 248 at page 544 granted and conveyed to Raymond Kizer.

BEING the same premises which Alfred Good and Velma Good, by their deed dated February 29, 1972 and recorded in the Recorder of Deeds Office in and for Clearfield County in Deed Book 589 at page 202, granted and conveyed to Alfred Good and Velma Good. The said Alfred Good having predeceased his wife, complete title has vested in Velma E. Good, the within Grantor.

THE FOURTH THEREOF: Beginning at a stake and stones which is the Southwest corner of this tract of land; thence North 85° 14' West 449 feet to a stake; thence North 4° 41' East along residue of tract, which is land of the Grantors herein to a stake; thence North 85° 14' West 449 feet to a stake on line of land common boundaries to Albright; thence along said Albright line North 4° 41' East 150 feet to a stake and stones on Albright line; thence South along land of the grantees 85° 14' East 898 feet to stake and stones on line of land of what was formerly C. W. Kizer; thence along said Kizer land 4° 41' West 582 feet to a stake and stones the place of beginning.

EXCEPTING AND RESERVING, nevertheless, all the stone, coal, fireclay, and other minerals and mining rights as excepted and reserved in Deed from John M. Chase, Jr., et al, executors of John M. Chase, deceased to Russell A. Kephart, and recorded as such; this conveyance being subject to all reservations covenants, stipulations and agreements therein contained; reference thereunto being had, the same will more fully and at large appear.

BEING the same premises which Nora Kizer, et al., by their deed dated November 19, 1964 and recorded as aforesaid in Deed Book 511 at page 690, granted and conveyed to Alfred Good and Velma Good. The said Alfred Good having predeceased his wife, complete title has vested in Velma E. Good, the within Grantor.

UNDER AND SUBJECT, nevertheless, to such express and/or implied exceptions, reservations, conditions, easements, covenants, restrictions, limitations, qualifications and conveyances out as are contained in all prior deeds of record in the chain of title.

It is the intent of this conveyance that all of the within Grantees, including the within Grantor, be vested with an undivided one-sixth interest in and to the property herein described.

This is a transfer between mother and children and is therefore exempt from realty transfer taxation.

For the purpose of complying with the Act of July 17, 1957, P.L. 984; 52 P.S. Supp. 1551, as amended, of the General Assembly of Pennsylvania, and for no other purpose, there is incorporated herein the following notice:

THIS DOCUMENT DOES NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL 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 OTHER CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT.

662 B

## NOTICE

In accordance with the provisions of "The Bituminous Mine Subsidence and Land Conservation Act of 1966", I/we, the undersigned grantee/grantees, hereby certify that I/we know and understand that I/we 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 interest in the coal. I/we further certify that this certification is in a color contrasting with that in the deed proper and is printed in twelve point type preceded by the word "notice" printed in twenty-four point type.

Witness:

This ..... day of .....

AND the said grantor will SPECIALLY WARRANT AND FOREVER DEFEND the property hereby conveyed.

IN WITNESS WHEREOF, said grantor has hereunto set her hand and seal, the day and year first above-written.

Sealed and delivered in the presence of

.....	}	<i>Velma E. Good</i> (SEAL)
.....		Velma E. Good (SEAL)
.....		(SEAL)
.....		(SEAL)
.....		(SEAL)
.....		(SEAL)

### CERTIFICATE OF RESIDENCE

I hereby certify, that the precise residence of the grantee herein is as follows:  
R.D. #1, P.O. Box 703, Osceola Mills, Pa. 16666.

*1/26/81*

*Michael T. Morgan* 1075  
Attorney or Agent for Grantee

Commonwealth of Pennsylvania

County of .....CLEARFIELD.....

ss.

CLEARFIELD COUNTY  
ENTERED OF RECORD  
TIME 10:09 10-9-81  
BY *Michael T. Morgan, atty*  
FEES 18.00  
TIM MORGAN, Recorder

On this, the 26th day of February 1981, before me  
the undersigned officer, personally appeared VELMA E. GOOD

known to me (or satisfactorily proven) to be the person whose name IS subscribed to the within  
instrument, and acknowledged that she has executed the same for the purpose therein  
contained.

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

My Commission Expires .....

JOANNE R. JOHNSON, Notary Public  
Clearfield, Clearfield County, Pa.  
My Commission Expires: July 26, 1984

Entered of Record *Mar 9 1981, 10:09 AM* Tim Morgan, Recorder

State of ..... }  
County of ..... } ss.

On this, the       day of       19       , before me  
the undersigned officer, personally appeared  
known to me (or satisfactorily proven) to be the person       whose name       subscribed to the within  
instrument, and acknowledged that       executed the same for the purpose therein  
contained.

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

My Commission Expires .....

Commonwealth of Pennsylvania }  
County of       CLEARFIELD       } ss.

RECORDED in the Office for Recording of Deeds, etc., in and for said County,  
in Deed Book No.       809       , Page       262  
WITNESS my hand and official seal this       9th       day of       March       , 19       81

My Commission Expires  
First Monday in January 1984

*Jim Morgan*  
Recorder of Deeds

*No tax*  
Deed

WARRANTY DEED  
The Plankenhorn Co., Williamsport, Pa.

VELMA E. GOOD

- TO -

VELMA E. GOOD, et al.

Dated .....  
For Property in Decatur  
Township, Clearfield County,  
Pennsylvania

Consideration \$1.00 and love and  
affection  
Recorded .....

Entered for Record in the Recorder's  
Office of ..... day of       Tax, \$  
County, the ..... day of       19       Fees, \$  
Recorder



*Farmland*

JOHN L. STARCK  
REGISTER AND RECORDER  
CLEARFIELD COUNTY, PA  
- 2005100110  
INSTRUMENT NUMBER  
199913631  
RECORDED ON  
AUG 18, 1999  
10:32:21 AM  
RECORDING FEES - \$14.00  
RECORDER  
COUNTY IMPROVEMENT \$1.00  
UNC  
RECORDER  
IMPROVEMENT FUND \$1.00  
STATE WRIT TAX \$0.50  
OTL \$16.50

## THIS DEED

MADE THIS 30 th day of July , in the year  
nineteen hundred and ninety-nine.

BETWEEN VELMA E. GOOD by her Power of Attorney, ROBERT  
GOOD, of Decatur Township, Pennsylvania, GRANTOR AND PARTY OF THE  
FIRST PART,

A N D

ALFRED E. GOOD of 620 Walnut Street, Philipsburg, Pa., KATHRYN E.  
COUTURIAUX of R. R. 1, Box 208, Philipsburg, Pa., ROBERT L. GOOD of  
1351 Church Avenue, Brockway, Pa., and DONALD A. GOOD of R. D.,  
West Decatur, Pa., as joint tenants with right of survivorship and  
not as tenants in common, GRANTEEES AND PARTIES OF THE SECOND PART.

WITNESSETH: That in consideration of ONE (\$1.00) DOLLAR, in  
hand paid, the receipt whereof is hereby acknowledged, the said  
Grantor does hereby grant and convey to the said Grantees.

ALL that certain one-sixth (1/6) interest in that piece or parcel  
of land situate in Decatur Township, Clearfield County,  
Pennsylvania, bounded and described as follows:

THE FIRST THEREOF: BEGINNING at a post on the public road leading  
from Jeffries Post Office to the New Castle settlement, 68 perches  
east of the northeastern corner of the C.B. Kephart property;  
thence south 4 degrees west 119.3 perches to a post on property  
line; thence South 86 degrees east 33.45 perches along property  
line to post; thence north 4 degrees east 119.6 perches to a post  
on the public road above-mentioned; thence north 86 degrees and 44  
minutes west along said public road 33.45 perches to post and place  
of beginning. Containing 25 acres, not measure.

EXHIBIT B

THE SECOND THEREOF: BEGINNING at a post on the public road leading from Jeffries Post Office to Ashland at the northeast corner of land heretofore conveyed to C. W. Kizer; thence south 86 degrees east 220.2 feet along said public road to a post; thence south 4 degrees 54 minutes west 1987.2' feet to a stake or stones on line of Henry Kephart; thence north 85 degrees 14 minutes west 219 feet to post at southeast corner of land formerly conveyed to C. W. Kizer; thence north 4 degrees 50 minutes east 1983.6 feet along line of said C. W. Kizer to post and place of beginning. Containing 10 acres.

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EXCEPTING AND RESERVING all exceptions and reservations as are contained in prior deeds of conveyance.

BEING the same premises granted and conveyed unto Velma E. Good et. al. by deed of Velma E. Good, Widow dated February 26, 1981, and entered for record in the office of the Recorder of Deeds of Clearfield County, Pennsylvania, in Deed Book 809, Page 262. The Power of Attorney by which the said Robert Good executes this instrument is dated the 2nd day of November, 1973, and is duly entered for record in Clearfield County as Instrument No. 199912338.

THIS IS A TRANSFER BETWEEN PARENT AND CHILDREN AND THEREFORE NOT SUBJECT TO TAX.

## NOTICE

Grantee (hereinafter, whether one or more, called "Grantee") hereby states that he knows that he 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. (THIS NOTICE IS INSERTED HEREIN TO COMPLY WITH THE BITUMINOUS MINE SUBSIDENCE AND LAND CONSERVATION ACT OF 1996.)

Robert Good  
Geoffrey Cantelero

Alfred E. Good  
Conrad A. Good

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. (This notice is set forth pursuant to Act No. 255, approved September 10, 1965, as amended).

AND THE SAID Grantor will specially WARRANT AND FOREVER DEFEND the property hereby conveyed.

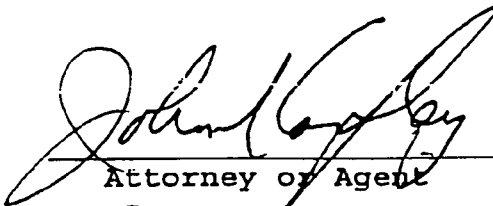
IN WITNESS WHEREOF, the said grantor has hereunto set her hand and seal the day and year first above written.

Robert Good (Seal)  
Velma E. Good by her  
Power of Attorney  
Robert Good

## CERTIFICATE OF RESIDENCE

I hereby certify that the precise residence of the Grantees  
herein is as follows:

Robert Good (Agent for Grantees)  
1351 Church Avenue  
Brockway, Pa., 15824

  
\_\_\_\_\_  
Attorney or Agent  
N.T.S.

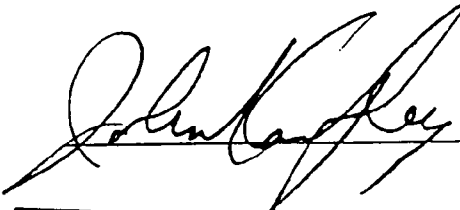
STATE OF PENNSYLVANIA :

COUNTY OF Centre :

On this, the 30<sup>th</sup> day of July, 1999, before me, the  
undersigned officer, personally appeared Robert Good, power of  
attorney for Velma E. Good known to me to be the person whose names  
are subscribed to the within instrument and acknowledged that he  
executed the same for the purposes therein contained.

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



  
\_\_\_\_\_  
NOTARIAL SEAL  
JOHN R. CARFLEY, Notary Public  
Philipsburg Boro, Centre County, PA  
My Commission Expires April 18, 2000



**GEORGE S. TEST**

**Attorney-at-Law**

P.O. Box 706  
Philipsburg, PA 16866

203 N. Front Street  
Moshannon Building - Room 311  
Philipsburg, PA 16866

(814) 342-4640

(Fax) 342-3775

May 13, 2003

Ms. Bonnie Good  
6335 E. Duncan Street  
Mesa, AZ 85205

Dear Ms. Good:

I have been contacted by Kathryn E. Couturiaux concerning liquidating the real estate conveyed to you by Velma Good. As my client correctly noted in her letter to you dated October 21, 2002, as the current owners die, the ownership will be divided into smaller and smaller fractions and resolving the problem will become more and more difficult. I am therefore requesting that each of the current owners advise me within ten (10) days from the date of this letter, if they are willing to join in a listing agreement with a realtor. If I do not hear from all of the owners, I will assume that this indicates an unwillingness to voluntarily liquidate the property and that an action in partition will be required to force liquidation of this real estate.

Sincerely,

GEORGE S. TEST, ESQUIRE

GST:cw  
cc: Kathryn E. Couturiaux

**GEORGE S. TEST**  
**Attorney-at-Law**  
P.O. Box 706  
Philipsburg, PA 16866

203 N. Front Street  
Moshannon Building - Room 311  
Philipsburg, PA 16866

(814) 342-4640  
(Fax) 342-3775

May 13, 2003

Ms. Audrey Good  
620 Walnut Street  
Philipsburg, PA 16866

Dear Ms. Good:

I have been contacted by Kathryn E. Couturiaux concerning liquidating the real estate conveyed to you by Velma Good. As my client correctly noted in her letter to you dated October 21, 2002, as the current owners die, the ownership will be divided into smaller and smaller fractions and resolving the problem will become more and more difficult. I am therefore requesting that each of the current owners advise me within ten (10) days from the date of this letter, if they are willing to join in a listing agreement with a realtor. If I do not hear from all of the owners, I will assume that this indicates an unwillingness to voluntarily liquidate the property and that an action in partition will be required to force liquidation of this real estate.

Sincerely,

GEORGE S. TEST, ESQUIRE

GST:cw  
cc: Kathryn E. Couturiaux

**GEORGE S. TEST**

**Attorney-at-Law**

P.O. Box 706  
Philipsburg, PA 16866

203 N. Front Street  
Moshannon Building - Room 311  
Philipsburg, PA 16866

(814) 342-4640  
(Fax) 342-3775

May 13, 2003

Mr. Robert Good  
1351 Church Avenue  
Brockway, PA 15824

Dear Mr. Good:

I have been contacted by Kathryn E. Couturiaux concerning liquidating the real estate conveyed to you by Velma Good. As my client correctly noted in her letter to you dated October 21, 2002, as the current owners die, the ownership will be divided into smaller and smaller fractions and resolving the problem will become more and more difficult. I am therefore requesting that each of the current owners advise me within ten (10) days from the date of this letter, if they are willing to join in a listing agreement with a realtor. If I do not hear from all of the owners, I will assume that this indicates an unwillingness to voluntarily liquidate the property and that an action in partition will be required to force liquidation of this real estate.

Sincerely,

GEORGE S. TEST, ESQUIRE

GST:cw  
cc: Kathryn E. Couturiaux

**GEORGE S. TEST**

**Attorney-at-Law**

P.O. Box 706  
Philipsburg, PA 16866

203 N. Front Street  
Moshannon Building - Room 311  
Philipsburg, PA 16866

(814) 342-4640  
(Fax) 342-3775

May 13, 2003

Mr. Donald Good  
R. D.  
West Decatur, PA 16878

Dear Mr. Good:

I have been contacted by Kathryn E. Couturiaux concerning liquidating the real estate conveyed to you by Velma Good. As my client correctly noted in her letter to you dated October 21, 2002, as the current owners die, the ownership will be divided into smaller and smaller fractions and resolving the problem will become more and more difficult. I am therefore requesting that each of the current owners advise me within ten (10) days from the date of this letter, if they are willing to join in a listing agreement with a realtor. If I do not hear from all of the owners, I will assume that this indicates an unwillingness to voluntarily liquidate the property and that an action in partition will be required to force liquidation of this real estate.

Sincerely,

GEORGE S. TEST, ESQUIRE

GST:cw  
cc: Kathryn E. Couturiaux

# LAND APPRAISAL REPORT

File No. T-659

Borrower Kathryn E. Couturiaux, Alfred E, Robert L, Donald A. Good  
 Property Address T-659  
 City Decatur Twp County Clearfield State PA Zip Code  
 Legal Description Deed Book 809 Page 262 Inst # 199913631 and 13632  
 Sale Price \$ N/A Date of Sale N/A Loan Term N/A yrs Property Rights Appraised ☐ Fee ☒ Leasehold ☐ De Minimis PUD  
 Actual Real Estate Taxes \$ (yr.) Loan charges to be paid by seller \$ Other sales concessions  
 Lender/Client Owners Address Philipsburg PA  
 Occupant Vacant Land Appraiser Edward E. Reiter Instructions to Appraiser Appraise Fee Right

Location	<input type="checkbox"/> Urban	<input type="checkbox"/> Suburban	<input checked="" type="checkbox"/> Rural	Good	Avg	Fair	Poor
Built Up	<input type="checkbox"/> Over 75%	<input type="checkbox"/> 25% to 75%	<input checked="" type="checkbox"/> Under 25%	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Growth Rate	<input type="checkbox"/> Fully Dev.	<input type="checkbox"/> Rapid	<input checked="" type="checkbox"/> Steady	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Property Values	<input checked="" type="checkbox"/> Increasing	<input type="checkbox"/> Stable	<input type="checkbox"/> Declining	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Demand/Supply	<input type="checkbox"/> Shortage	<input checked="" type="checkbox"/> In Balance	<input type="checkbox"/> Over Supply	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marketing Time	<input type="checkbox"/> Under 3 Mos.	<input checked="" type="checkbox"/> 4-6 Mos.	<input type="checkbox"/> Over 6 Mos.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Present Land Use	% 1 Family	% 2-4 Family	% Apts.	% Condo	% Commercial		
Change in Present Land Use	% Industrial	100 % Vacant	<input checked="" type="checkbox"/> Likely (*)	<input type="checkbox"/> Taking Place (*)			
Predominant Occupancy	<input checked="" type="checkbox"/> Owner	<input type="checkbox"/> Tenant	% Vacant				
Single Family Price Range	\$ 30,000 to \$	60,000	Predominant Value \$	45,000			
Single Family Age	20 yrs to 70	yrs	Predominant Age	50 yrs			

Comments including those factors, favorable or unfavorable, affecting marketability (e.g. public parks, schools, view, noise) Subject is within 25 miles of employment and 9 miles of school, shopping, and recreation. Moderate traffic exposure.

Dimensions Various = 67.54 acres Sq Ft or Acres ☐ Corner Lot  
 Zoning classification None Present improvements ☒ do ☐ do not conform to zoning regulations  
 Highest and best use. ☐ Present use ☒ Other (specify) Residential  
 Elec. ☒ Public Other (Describe) OFF SITE IMPROVEMENTS Topo Rolling  
 Gas ☐ Street Access: ☒ Public ☐ Private Size 67.54 acres  
 Water ☒ Surface Paved Shape Irregular  
 San Sewer ☐ Private Maintenance: ☒ Public ☐ Private View Open field with portion wooded  
 Underground Elect. & Tel. ☐ Storm Sewer ☐ Curb/Gutter Drainage Adequate  
 Sidewalk ☐ Street Lights Is the property located in a HUD Identified Special Flood Hazard Area? ☒ No ☐ Yes  
 Comments (favorable or unfavorable including any apparent adverse easements, encroachments or other adverse conditions)  
 No adverse easements or, encroachments noted. Site has road frontage for access.

The undersigned has recited three recent sales of properties most similar and proximate to subject and has considered these in the market analysis. The description includes a dollar adjustment, reflecting market reaction to those items of significant variation between the subject and comparable properties. If a significant item in the comparable property is superior to, or more favorable than, the subject property, a minus (-) adjustment is made, thus reducing the indicated value of subject, if a significant item in the comparable is inferior to, or less favorable than, the subject property, a plus (+) adjustment is made, thus increasing the indicated value of the subject.

ITEM	Subject Property	COMPARABLE NO. 1	COMPARABLE NO. 2	COMPARABLE NO. 3
Address	T-659 Decatur Twp	RT 17049 West Decatur 8 Miles	Rt T-536 Beccaria Twp 20 Miles	RT 2001 Gulich Twp 18 Miles
Proximity to Subj				
Sales Price		\$ 40,000	\$ 68,000	\$ 24,000
Price	900. per acre	\$ 637.	\$ 1467.	\$ 2676.
Data Source		Public Record	Public Record	Public Record
Date of Sale and	DESCRIPTION	DESCRIPTION	DESCRIPTION	DESCRIPTION
Time Adjustment		12/23/02	5/15/02	9/25/02
Location	Rural	Rural	Rural	Rural
Site/View	67.54 Acre	65.38 Acre +1400	53 Acre +9800	211 Acres +32200
Sales or Financing				
Concessions				
Net Adj (Total)		<input checked="" type="checkbox"/> Plus <input type="checkbox"/> Minus \$ 1,400	<input checked="" type="checkbox"/> Plus <input type="checkbox"/> Minus \$ 9,800	<input checked="" type="checkbox"/> Plus <input type="checkbox"/> Minus \$ 32,200
Indicated Value of Subject		\$ 41,400	\$ 77,800	\$ 56,200

Comments on Market Data Distance is not a factor on this type of property in Clearfield County

Comments and Conditions of Appraisal: Values for merchantable timber, coal, gas, and other mineral values have not been considered if any do exist.

Final Reconciliation. Cost and Income Approaches are not used for vacant land. The Market Data Approach has been used. This appraisal is for the exclusive use of the owners for partition action.

ESTIMATE THE MARKET VALUE, AS DEFINED, OF SUBJECT PROPERTY AS OF 6/27/03 to be \$ 60,000

Appraiser(s)  Review Appraiser (If applicable) ☐ Did ☐ Did Not Physically Inspect Property

### **Addendum**

Comparables range in price per acre from \$615.00 per acre to \$1,283.00 per acre. There has been an increase in values in the past two years. Buyers are purchasing this type of property for recreational use as well as conversion to residential subdivision. The comparables are more wooded than the subject property. A value of \$900.00 per acre has been used for the subject property.

**APPRAISER:**

Signature:

Name: Edward E. Reiter

Company Name: REALTY WORLD-Reiter Agency

Company Address: 500 S. Centre Street, P.O. Box 704  
Philipsburg, PA 16866

Date of Report/Signature: June 27, 2003

State Certification #:

or State License #: BA-001275-L

State: PA

Expiration Date of Certification or License: June 30, 2003

**ADDRESS OF PROPERTY APPRAISED:**

T-659

Decatur Twp., Clearfield Co.

**APPRAISED VALUE OF SUBJECT PROPERTY \$** 60,000**EFFECTIVE DATE OF APPRAISAL/INSPECTION** June 27, 2003**LENDER/CLIENT:**

Name: George Test, Esq.

Company Name:

Company Address: P.O. Box 706, Philipsburg, PA 16866

**SUPERVISORY APPRAISER (ONLY IF REQUIRED):**

Signature:

Name:

Company Name:

Company Address:

Date of Report/Signature:

State Certification #:

or State License #:

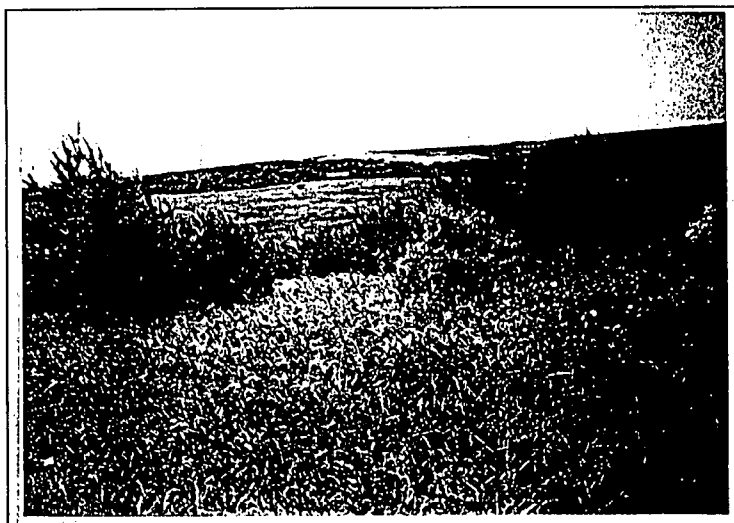
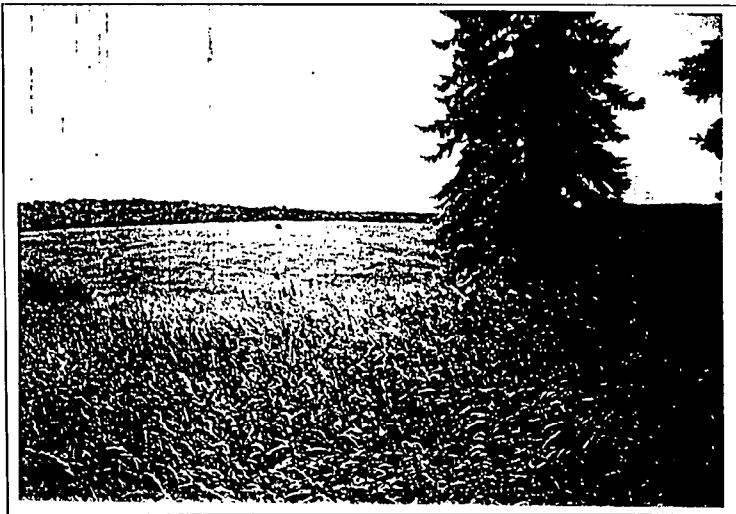
State:

Expiration Date of Certification or License:

**SUPERVISORY APPRAISER:****SUBJECT PROPERTY**☐ Did not inspect subject property☐ Did inspect exterior of subject property from street☐ Did inspect interior and exterior of subject property**COMPARABLE SALES**☐ Did not inspect exterior of comparable sales from street☐ Did inspect exterior of comparable sales from street

PHOTOGRAPH ADDENDUM

Borrower	Kathryn E. Couturiaux, Alfred E., Robert L. and Donald A. Good		
Property Address	T-659		
City	Decatur Twp.	County	Clearfield
State	PA	Zip Code	
Lender/Client	George Test, Esq , P.O. Box 706, Philipsburg, PA 16866		





## HAZARDOUS MATERIALS/LIMITING CONDITIONS

Unless otherwise stated in this report, the existence of hazardous materials which may or may not be present on the property, was not observed by the appraiser during the routine inspection of, and inquires did not develop any information that indicated any significant presence of such materials. The appraiser has no knowledge of the existence of such materials on or in the property. The appraiser, however, is not qualified to detect such substances. The presence of substances such as asbestos, urea-formaldehyde foam insulation, or other potentially hazardous materials may affect the value of the property. The estimate of value is predicted on the assumption that there is no such material on or in the property that would cause a loss in value. No responsibility is assumed for any such conditions, or for any expertise or engineering knowledge required to discover them. The client is urged to retain an expert in this field, if so desired.

## CONTINGENT AND LIMITING CONDITIONS

The legal description as furnished to me is assumed correct. I assume no responsibility for matters legal in character, nor do I render any opinion as to the title, which is assumed to be good and marketable. All existing liens and encumbrances have been disregarded and the property is appraised as though free and clear under responsible ownership and competent management.

I have made no survey of the property and assume no responsibility for its accuracy. Any dimensions in this report are therefore approximate and are included to assist the reader in visualizing the property.

I am not required to give testimony or attendance in court by reason for this appraisal, with reference to the property in question, unless arrangements have been made previously therefore.

I have no present or contemplated interest in the property appraised. The information furnished by the client for the appraisal is considered to be accurate to the best efforts of the client. The appraised value is contingent on the data.

The appraisal report and value conclusion are contingent upon completion of the improvements in workmanlike manner.

No consideration is given to wetlands, unless herein detailed and this appraiser assumes no responsibility for valuation loss due to such wetland, if present, unless so provided.

## **APPRAISAL METHODOLOGY**

The appraisal process is a systematic analysis of factors, which bear upon the value of real estate. An orderly program by which the problem is defined, the work necessary to solve the problem is planned and data involved is acquired, classified, analyzed and interpreted into an estimate of value.

The appraisal method is the approaches used in the appraisal of real property. There are three acceptable methods, which are defined as the Direct Comparison Approach, Income (Economic) Approach, and Cost (Summation) Approach.

The three methods or techniques which market may process data into an indication of value are as follows.

### **DIRECT SALES COMPARISON APPROACH**

This approach in appraisal analysis is based on the proposition that an informed purchaser would pay no more for a property than the cost of him acquiring a similar and existing property with the same utility. This approach is applicable when an active market provides sufficient quantities of reliable data, which can be verified from authoritative sources. The Direct Sales Comparison Approach is relatively unreliable in an inactive market or when no real comparable sales data is available. This method is also questionable when gathered sales data cannot be verified with principals in the transaction.

### **COST APPROACH**

This approach in appraisal analysis is based on the proposition that the informed purchaser would pay no more than the cost of producing a substitute property with the same utility as the subject property. It is particularly applicable when the property being appraised involves relatively new improvements, which represent the highest and best use of the land, or when relatively unique or specialized improvements are located on the site for which there exists no comparable property on the market.

### **INCOME APPROACH**

This approach in appraisal analysis converts anticipated benefits (dollar income or amenities) to be derived from ownership of the property into a value estimate. The income approach is widely used in appraising income-producing properties, by capitalizing the operating income. Also anticipated or projected income can be discounted by the reversion method, to present value and capitalized to an estimated present value.



**ROGER L. C. MARIE**  
**WEST/BECAIR PA**  
**Duback, Matthew** 16878  
 TYPE LEVEL ROLLING ST. BACK NONE LITE  
 STREET PAVED ROAD NONE  
 UTIL. ELEC

105 0 011 000 00140  
 CONTROL NUMBER 105052586  
 LEGAL DESCRIPTION 65.384 A SURF & MIN  
 1512 0430 1982/01

01 of 01 F 000 089 1007  
 CAD NO. CLAS. UN. LOTS. ZONE. NC. AHSO. LIND. US.  
 NEIGH/SPOT RESID  
 LANDISC FRAME NO:

LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	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Lynch & Associates to Schertz  
APR 2, 2002  
enr

# Deed

THIS INDENTURE made this 9th day of May in the year  
Two Thousand Two (2002) by and between:

**LYNCROFT ASSOCIATES**, a New York Limited Partnership, with a principal place of  
business at P.O. Box 77, New Rochelle, New York 10801, party of the first part,

GRANTOR

- and -

**DANIEL EDWARD SCHULTZ** and **SUSAN LOUISE SCHULTZ**, husband and wife,  
of RR1, Box 820, Coalport, Pennsylvania, parties of the second part, as Joint Tenants By  
The Entireties,

GRANTEES

**WITNESSETH**, That in consideration of **SIXTY-EIGHT THOUSAND AND 00/100**  
**(\$68,000.00) 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 messuage, tenement and tract of land situate, lying and being the Township  
of Beccaria, County of Clearfield, Commonwealth of Pennsylvania, more fully bounded and  
described as follows, to wit:

KAREN L. STARCK  
REGISTER AND RECORDER  
CLEARFIELD COUNTY  
Pennsylvania

INSTRUMENT NUMBER  
200207834

RECORDED ON  
May 15, 2002  
2:58:21 PM  
Total Pages: 4

RECORDING FEE - \$12.00  
RECORDED  
COUNTY IMPROVEMENT \$1.00  
FUND  
RECORDED  
IMPROVEMENT FUND \$1.00  
STATE TRANSFER \$630.00  
TAX  
STATE WRIT TAX \$0.50  
BECCARIA TOWNSHIP \$340.00  
GLENSHIRE SCHOOL \$340.00  
DISTRICT  
TOTAL \$1,375.50  
(CUSTOMER  
KOEHLER, DWIGHT

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

**BEGINNING** at a post in read, thence by land of John McCoy South 86° 12' East 2,148 feet to a post and stones; thence by lands of J. Dillon South 1° 38' West, 1,029 feet to a post; thence by lands of Robert Herdman and George Herdman, North 88° 2' West 2,199 feet to a post; thence by land of John Herdman and Mrs. W. Dickenson, North 4° 23' East, 1,097 feet to the place of beginning.

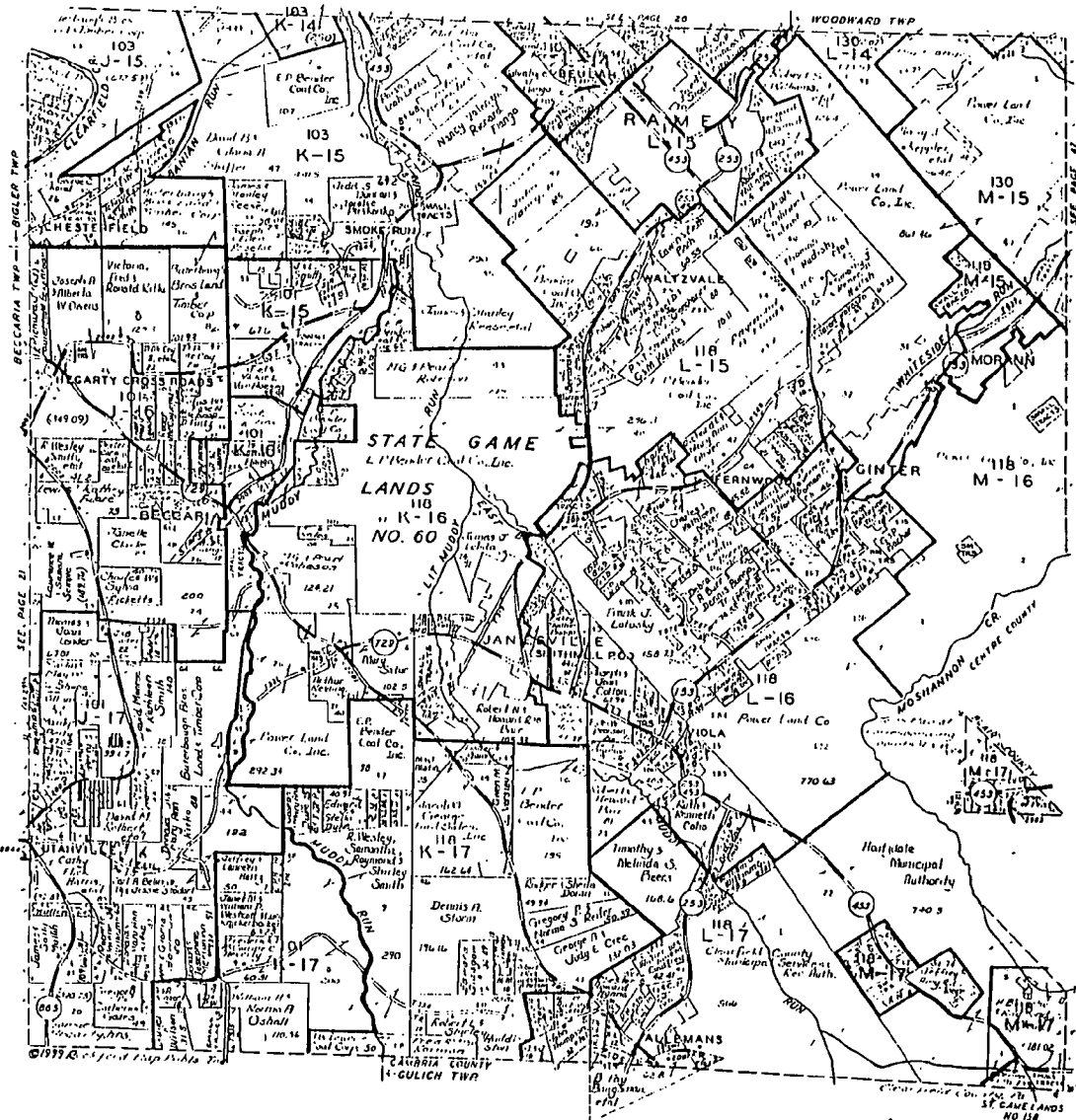
**CONTAINING** 53 acres, more or less.

**EXCEPTING AND RESERVING** unto the Grantor herein any right, title, and interest to coal and other mineral rights lying in, under and upon premises.

**BEING** identified on the Clearfield County Tax Map as Parcel 101-J17-01.

**BEING** a part of the premises in Deed dated May 9, 2002, of Dexter Carpenter Coal Sales Corp. to Grantors herein in Clearfield County Instrument No. 200207768.





**DEED**

**THIS DEED**, made the 19th day of September, in the year of our Lord two thousand two (2002) between **JOSEPHINE BORON FISHER a/k/a JOSEPHINE B. FISHER**, 11626 Golden Rain Drive, New Port Richey, FL 34654, party of the first part, hereinafter referred to as "Grantor"

**- A N D -**

**DENNIS A. PETERS and KATHLEEN J. PETERS**, husband and wife, of R.R. 1, Box 241A, Mifflinburg, PA 17844, parties of the second part, hereinafter referred to as "Grantees".

**WITNESSETH:**

That for and in consideration of the sum of Twenty-Four Thousand (\$24,000) Dollars, in hand paid, the receipt whereof is hereby acknowledged, the said Grantor does grant and convey to the said Grantees:

**ALL** the surface of all that certain tract of land situate in Gulich Township, Clearfield County, PA, bounded and described as follows:

On the North and West by Flynn lands; on the East by H. Alleman; and on the South by William J. Conrad. Beginning at a stone heap on the plank road; thence along said road North thirty-eight (38°) degrees West thirty-nine (39) perches to stones; thence along land of H. Alleman eighty-eight (88°) degrees West ninety-eight (98) perches to a post; thence South five (5°) degrees West \_\_\_\_\_ perches to a post; thence South Eighty-eight (88°) degrees East one hundred twenty-six (126) perches to post and place of beginning. Containing twenty-one (21) acres, more or less.

**EXCEPTING AND RESERVING** all the exceptions and reservations as contained in the chain of title.

**BEING** the same premises which Joseph Shedlock, et al. by their Deed dated November 29, 1940 and recorded in the Recorder of Deeds Office in and for Clearfield County, Pennsylvania in Deed Book 334, page 334 granted and conveyed to Louis Boron and Joseph C. Hensal (later revealed to be spelled

"Hensel"). Subsequently, the said Louis Boron died on March 10, 1977 (Clearfield County Estate File No. 77-98). By his Will recorded in Will Book Vol. 31, page 494, the said Louis Boron gave his  $\frac{1}{2}$  interest in the above-described property to his two daughters, Josephine B. Fisher and Marlene Gainer. Ultimately, Marlene Gainer by Deed dated June 21, 1999 and recorded as aforesaid as Instrument No. 199910584 granted and conveyed her undivided  $\frac{1}{2}$  interest (actually a  $\frac{1}{4}$  interest) in the subject premises to the within Grantor thereby vesting an undivided  $\frac{1}{2}$  interest in the Grantor, Josephine B. Fisher.

Additionally, by Deed dated August 15, 1980 but not recorded until August 8, 2002 as aforesaid as Instrument No. 200212626, the heirs of Joseph Hensel transferred their interest in said premises to Josephine Boron Fisher, the within Grantor. (Although the said Joseph C. "Hensel" originally received the property as aforesaid, an Affidavit of Joseph L. Hensel attached hereto verifies that the previous spelling was incorrect and that the appropriate spelling should be "Hensel".) Further, the Affidavit of Joseph L. Hensel also verifies that the individuals executing the Deed dated August 15, 1980 were, in fact, all of the living heirs of the said Joseph C. Hensel. Accordingly, title to this undivided  $\frac{1}{2}$  interest vested in the Grantor, Josephine Boron Fisher by virtue of the Deed on August 15, 1980 even though not recorded until much later as described above.

Grantor states 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.

For the purpose of complying with the Act of July 17, 1957, P.L. 984; 52 P.S. Supp. 1551, as amended, of the General Assembly of Pennsylvania, and for no other purpose, there is incorporated herein the following notice:

**THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND THE 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.**

FILED

277 - 11.48 PM PD 85:00  
JCC 25844

AUG 27 2003

William A. Shaw  
Prothonotary

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

KATHRYN E. COUTURIAUX,  
Plaintiff

vs.

DONALD GOOD, ROBERT GOOD,  
BRUNHILDE A. GOOD and  
AUDREY GOOD,  
Defendants

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No.: 2003-01275-CD

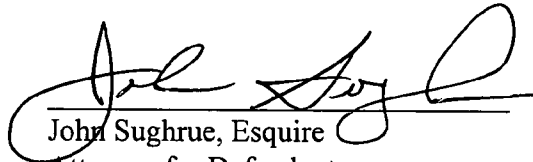
ACTION IN PARTITION

**PRAECIPE FOR APPEARANCE**

TO WILLIAM A. SHAW, PROTHONOTARY.

Kindly enter my appearance on behalf of ROBERT GOOD and AUDREYGOOD, Defendants in the above-captioned matter. Direct all pleadings and matters concerning the foregoing to the undersigned.

Date: September 12, 2003



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

cc: George S. Test, Attorney for Kathryn E. Couturiaux  
Donald Good  
Brunhilde A. Good

**FILED**

SEP 12 2003

William A. Shaw  
Prothonotary/Clerk of Courts

**CERTIFICATE OF SERVICE**

AND NOW, I do hereby certify that on September 12, 2003, I caused a true and correct copy of PRAECIPE FOR APPEARANCE, to be served on the following and in the manner indicated below:

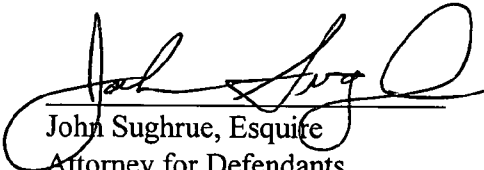
By United States Mail, First Class, Postage Prepaid  
Addressed as Follows:

George S. Test Jr., Esq.  
PO Box 706  
Philipsburg, PA 16866

Donald Good  
RD,  
West Decatur, PA 16878

Brunhilde A. Good  
6335 E. Duncan Street  
Mesa, AZ 85205

Date: September 12, 2003

  
John Sughrue, Esquire  
Attorney for Defendants

FILED

SEP 12 2003

William A. Shaw

Prothonotary/Clerk of Courts

cc  
Atty Segura

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

KATHRYN E. COUTURIAUX,

Plaintiff

vs.

DONALD GOOD, ROBERT GOOD,  
BRUNHILDE A. GOOD and  
AUDREY GOOD,

Defendants

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No.: 2003-01275-CD

ACTION IN PARTITION

**ACCEPTANCE OF SERVICE**

I, ROBERT GOOD, a Defendant in the above captioned Action in Partition hereby  
acknowledge receipt of and accept service of the Complaint in the above legal action.

Date:

Sept 11 2003

Robert L. Good  
Robert Good

GEORGE S. TEST  
ATTORNEY-AT-LAW  
PHILIPSBURG, PA

**FILED**

SEP 12 2003

William A. Shaw  
Prothonotary/Clerk of Courts



FILED

2cc

012:00-601  
SEP 12 2003

Atty Sughrue

or  
KTI

William A. Shaw  
Prothonotary/Clerk of Courts

**In The Court of Common Pleas of Clearfield County, Pennsylvania**

COUTURIAUX, KATHRYN E.

VS.

GOOD, DONALD al

Sheriff Docket #

14490

03-1275-CD

**COMPLAINT ACTION IN PARTITION**

**SHERIFF RETURNS**

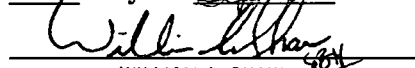
NOW SEPTEMBER 2, 2003 AT 1:00 PM SERVED THE WITHIN COMPLAINT IN PARTITION ON DONALD GOOD, DEFENDANT AT RESIDENCE, WEST DECATUR, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO BRAD GOOD, SON A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT ACTION IN PARTITION AND MADE KNOWN TO HIM THE CONTENTS THEREOF.  
SERVED BY: COUDRIET/Ryen

**Return Costs**

Cost	Description
26.29	SHERIFF HAWKINS PAID BY: ATTY CK# 7249
10.00	SURCHARGE PAID BY: ATTY CK# 7250

**Sworn to Before Me This**

29<sup>th</sup> Day Of Sept 2003



WILLIAM A. SHAW

Prothonotary

My Commission Expires

1st Monday in Jan. 2006

Clearfield Co., Clearfield, PA

**So Answers,**



Chester A. Hawkins

Sheriff

**FILED**

013:45 BH  
SEP 29 2003

William A. Shaw  
Prothonotary/Clerk of Courts

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

KATHRYN E. COUTURIAUX,  
Plaintiff

vs.

DONALD GOOD, ROBERT GOOD,  
BRUNHILDE A. GOOD and  
AUDREY GOOD,  
Defendants

No.: 2003-01275-CD

ACTION IN PARTITION

Type of Case: **Civil Action**

Type of Pleading: **Answer & Counterclaim**

Filed on Behalf of: **Defendants, Robert Good  
and Audrey Good**

**Counsel of Record for this Party:**

John Sughrue, Esq.  
Supreme Court No. 01037  
23 North Second Street  
Clearfield, PA 16830  
Phone: (814) 765-1704  
Fax: (814) 765-6959

**Other Counsel of Record:**

George S. Test, Esq.  
PO Box 706  
Philipsburg, PA 16866  
Phone: (814) 342-4640  
Fax: (814) 342-3775

**FILED**

MAY 11 2004

**William A. Shaw  
Prothonotary**

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

KATHRYN E. COUTURIAUX,  
Plaintiff

vs.

DONALD GOOD, ROBERT GOOD,  
BRUNHILDE A. GOOD and  
AUDREY GOOD,  
Defendants

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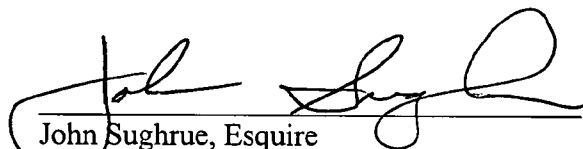
No.: 2003-01275-CD

ACTION IN PARTITION

**NOTICE**

TO: KATHRYN E. COUTURIAUX, DONALD A. GOOD AND BRUNHILDE A. GOOD:

**YOU ARE HEREBY NOTIFIED to file a written response to the enclosed  
ANSWER AND COUNTERCLAIM OF DEFENDANTS, ROBERT GOOD AND  
AUDREY GOOD, within twenty (20) days from service hereof or a judgment may be  
entered against you.**

  
John Sughrue, Esquire  
Attorney for Plaintiffs in the Counterclaim

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

KATHRYN E. COUTURIAUX,  
Plaintiff

vs.

DONALD GOOD, ROBERT GOOD,  
BRUNHILDE A. GOOD and  
AUDREY GOOD,  
Defendants

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No.: 2003-01275-CD

ACTION IN PARTITION

**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 Plaintiff(s). 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 HELP.**

Court Administrator's Office  
Clearfield County Courthouse  
1 North Second Street  
Clearfield, PA 16830  
(814) 765-2641, Extension 32

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

KATHRYN E. COUTURIAUX,  
Plaintiff

vs.

DONALD GOOD, ROBERT GOOD,  
BRUNHILDE A. GOOD and  
AUDREY GOOD,  
Defendants

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No.: 2003-01275-CD

ACTION IN PARTITION

**ANSWER AND COUNTERCLAIM OF DEFENDANTS,**  
**ROBERT GOOD AND AUDREY GOOD**

AND NOW, comes Defendants, Robert Good and Audrey Good, by their attorney, John Sughrue, and responds to the Complaint filed in the above-captioned matter as follows:

**ANSWER**

1-5. Paragraphs 1 through 5 are admitted. Further, Defendant, Donald Good is also known as Donald A. Good and Defendant, Robert Good is also known as Robert L. Good.

6. Admitted.

a. Admitted. Further, said Grantees acquired such interest in the property as tenants in common;

b. Admitted. Further, said Grantees acquired such interest as joint tenants with right of survivorship. Thereafter, the said Alfred E. Good died causing his 1/24 interest in the property acquired by said deed to pass by operation of law to the present surviving joint tenants, specifically Robert L. Good, Kathryn E. Couturiaux and Donald A. Good.

7. Admitted.

8. Admitted in part and denied in part. Said widows are entitled to the first \$30,000 of their deceased spouse's property only if the spouse died intestate and would only be entitled to such an amount from this specific property if they have not otherwise received \$30,000 worth of the deceased spouse's property from other sources. If said decedent's died with a Will, distribution of their property would be in accordance with the terms of the Will. If the decedent's died intestate, the decedent's issue may have an interest in the property. In any event, it is incumbent upon such surviving widows to establish their ownership as a matter of record in Clearfield County, Pennsylvania and strict proof of the same is demanded at trial of this action.

9. Admitted.

10. Admitted.

11. Denied as stated. On the contrary, Robert L. Good seeks an agreement between co-owners as to the price and procedure to effectuate such a sale.

12. Admitted.

13. Admitted in part and denied in part. Defendants agree that Donald A. Good, Kathryn E. Couturiaux and Robert L. Good each own an undivided 4/18 interest in said property. Defendants further believe and therefore aver that Brunhilde A. Good and Audrey Good are the widows of Duane C. Good, deceased, and Alfred E. Good, deceased, respectively, that the said Duane C. Good and Alfred E. Good each died intestate and that under the applicable law that said Defendants are the sole heir and successor to the interest of Duane C. Good and Alfred E. Good in the property. Assuming Defendants beliefs are accurate, then in that event, Brunhilde A. Good and Audrey Good would each own an undivided 3/18 interest in the whole of said property as sole heir of their respective spouse.

14. Admitted.

WHEREFORE, Defendants respectfully move the Honorable Court, pursuant to the Pennsylvania Rules of Civil Procedure to enter an order providing for the following:

1. That the property, which is the subject of this partition action is that parcel of land located in Decatur Township, Clearfield County, Pennsylvania, particularly bounded and described as set forth in the above-referenced deeds dated February 26, 1981 and July 30, 1999 and recorded in Clearfield County in Deed Book 809, Page 262 and as Instrument 199913631 respectively;

2. That all of the owners and their interest in the property is as follows:

A. Kathryn E. Couturiaux, 4/18 interest in the undivided whole;

B. Robert L. Good, 4/18 interest in the undivided whole;

C. Donald A. Good, 4/18 interest in the undivided whole;

D. Brunhilde A. Good, 3/18 interest in the undivided whole; and

E. Audrey Good, 3/18 interest in the undivided whole.

3. That the property shall be partitioned in accordance with the laws of the Commonwealth of Pennsylvania and the Pennsylvania Rules of Civil Procedure, No. 1551 et seq.

### **COUNTERCLAIM**

15. The facts and averments admitted or set forth in Paragraphs 1 through 14 inclusive, of the answer above, are incorporated herein by reference as though the same were set forth herein at length verbatim.

16. The real property, which is the subject of this Counterclaim in Partition is all that certain real property located in Decatur Township, Clearfield County, Pennsylvania, more particularly bounded and described in those two deeds dated February 26, 1981 and July 30, 1999 and recorded in the Recorder of Deeds Office of Clearfield County, Pennsylvania in Deed Book



809, Page 262 and as Instrument 199913631 respectively, all of which is incorporated herein by reference. Said real property is hereinafter referred to as the, "Premises".

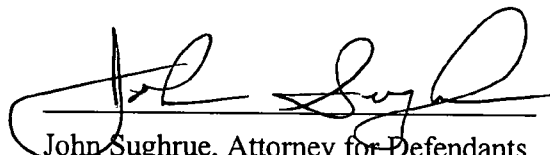
17. The Defendants in this Counterclaim (Crossclaim) are already parties to this action and are specifically, the Plaintiff, Kathryn E. Couturiaux of 177 Black Bear Lane, Philipsburg, PA 16866, and Co-defendants, Donald A. Good of 505 Hartman Road, West Decatur, PA 16878 and Brunhilde A. Good of 6335 East Duncan St., Mesa, AZ 85205.

18. The Premises are owned in fee by the following named individuals who each have an undivided interest in the Premises as set forth beside their name:

- A. Kathryn E. Couturiaux, 4/18 interest in the undivided whole;
- B. Robert L. Good, 4/18 interest in the undivided whole;
- C. Donald A. Good, 4/18 interest in the undivided whole;
- D. Brunhilde A. Good, 3/18 interest in the undivided whole;
- E. Audrey Good, 3/18 interest in the undivided whole.

WHEREFORE, Robert L. Good and Audrey Good, Plaintiffs in the Counterclaim, hereby move the Honorable Court to enter an order pursuant to Pennsylvania Rule of Civil Procedure, 1557, directing partition of the Premises and identifying all of the co-tenants and the nature and extent of their interest in the Premises as heretofore set forth in this Counterclaim.

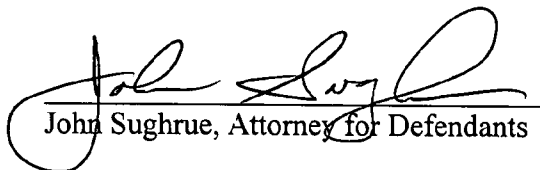
Respectfully submitted:

  
John Sughrue, Attorney for Defendants  
and Plaintiffs in the Counterclaim

### VERIFICATION

I, John Sughrue, Attorney for Defendants, state that I am acquainted with the facts set forth in the foregoing ANSWER and COUNTERCLAIM OF DEFENDANTS, ROBERT GOOD AND AUDREY GOOD and that the same are true and correct to the best of my knowledge, information, and belief. I further state that this verification is made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities; and that in furtherance of judicial expedience, because the client is unavailable to execute a Verification in time to file this pleading, I am making this verification in order to expedite the pleading. A Verification executed by the Defendants will be filed in due course.

Date: May 11, 2004

  
John Sughrue, Attorney for Defendants

**CERTIFICATE OF SERVICE**

AND NOW, I do hereby certify that on May 11, 2004, I caused a true and correct copy of  
ANSWER and COUNTERCLAIM OF DEFENDANTS, ROBERT GOOD AND AUDREY  
GOOD to be served on the following and in the manner indicated below:

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

Kathryn E. Couturiaux  
c/o George S. Test, Jr., Esq.  
PO Box 706  
Philipsburg, PA 16866

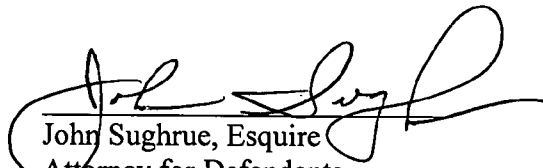
Donald A. Good  
505 Hartman Road  
West Decatur, PA 16878

Brunhilde A. Good  
6335 E. Duncan St.  
Mesa, AZ 85205

Robert L. Good  
1351 Church Ave.  
Brockway, PA 15824

Audrey Good  
620 Walnut St.  
Philipsburg, PA 16866

Date: May11, 2004

  
John Sughrue, Esquire  
Attorney for Defendants

WILLIAM A. MALLIN  
VERIFICATION

FILED

MAY 11 2004

2/5:35

William A. Shaw  
Prothonotary

6 2 6 25

03-1275-CD

Donald A. Good  
505 Hartman Road  
West Decatur, Pa 16878

May 27, 2004

John Surghrue  
Attorney At Law  
23 North Second Street  
Clearfield, Pa 16830

George S. Test, Esq.  
Attorney At Law  
PO Box 706  
Philipsburg, Pa 16866

Brunhilde A. Good  
6335 E. Duncan Street  
Mesa, AZ 85205

Kathryn E. Couturiaux  
177 Black Bear Lane  
Philipsburg, Pa 16866

Robert L. Good  
1351 Church Ave.  
Brockway, Pa 15824

Audrey Good  
620 Walnut Street  
Philipsburg, Pa 16866

RE: Couturiaux vs. Good, et al; Clearfield County Partition Action

No: 2003-01-01275-CD

RESPONSE

To all Parties listed in the heading of this letter, I agree with Attorney Sughrue's letter dated May 11, 2004 and his clients desires. However it is stated that to sell the property we must have a deliverable good and a marketable title to which I question Wills and unpaid taxes.

I would suggest a meeting between Attornies and myself or a meeting with all parties involved with a marketable price in mind.

Donald A. Good



cc: Robert Good  
Audrey Good  
John Sughrue  
George Test  
Burnhilde Good  
Kathryn Couturiaux

**FILED**

JUN 01 2004

0/1:50/1m  
William A. Shaw  
Prothonotary



CERTIFICATE OF SERVICE

I, Donald A. Good of 505 Hartman Road, West Decatur, Pa 16878 on 01 June 2004 did serve a letter of Response in the manner indicated below:

By United States Mail, First Class, Postage Prepaid

Addressed as Follows:

John Surghrue  
Attorney At Law  
23 North Second Street  
Clearfield, Pa 16830

George S. Test, Esq.  
Attorney At Law  
PO Box 706  
Philipsburg, Pa 16866

Brunhilde A. Good  
6335 E. Duncan Street  
Mesa, AZ 85205

Kathryn E. Couturiaux  
177 Black Bear Lane  
Philipsburg, Pa 16866

Robert L. Good  
1351 Church Ave.  
Brockway, Pa 15824

Audrey Good  
620 Walnut Street  
Philipsburg, Pa 16866

Date: 01 June, 2004

  
Donald A. Good

**FILED**

JUN 01 2004

**William A. Shaw  
Prothonotary**

THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL ACTION - LAW

KATHRYN E. COUTURIAUX,

Plaintiff

vs.

DONALD GOOD, ROBERT GOOD,  
BRUNHILDE A. GOOD and  
AUDREY GOOD,

Defendants

No. 2003-01275-CD

ACTION IN PARTITION

CIVIL ACTION - LAW

TYPE OF PLEADING:  
ENTRY OF APPEARANCE

FILED ON BEHALF OF:  
Brunhilde A. Good

COUNSEL OF RECORD FOR  
THIS PARTY:

David C. Mason, Esq.  
Supreme Court No. 39180  
Attorney at Law  
P.O. Box 28  
Philipsburg, PA 16866  
(814) 342-2240

FILED

JUN 04 2004

William A. Shaw  
Prothonotary/Clerk of Courts



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL ACTION - LAW

KATHRYN E. COUTURIAUX,

Plaintiff

vs.

DONALD GOOD, ROBERT GOOD,  
BRUNHILDE A. GOOD and  
AUDREY GOOD,

Defendants

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No. 2003-01275-CD

ACTION IN PARTITION

**PRAECIPE FOR ENTRY OF APPEARANCE**

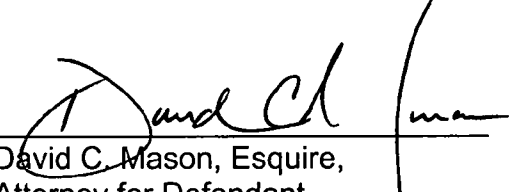
TO THE PROTHONOTARY OF SAID COURT:

Kindly enter my appearance on the behalf of the above named Defendant,  
Brunhilde A. Good.

MASON LAW OFFICE

DATED: 6-2-04

By:

  
David C. Mason, Esquire,  
Attorney for Defendant

FILED

M/10:56 AM  
JUN 04 2004

William A. Shaw  
Prothonotary/Clerk of Courts

NO  
cc  
q  
/

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

KATHRYN E. COUTURIAUX,

Plaintiff

vs.

DONALD GOOD, ROBERT GOOD,  
BRUNHILDE A. GOOD and  
AUDREY GOOD,

Defendants

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No.: 2003-01275-CD

ACTION IN PARTITION

Filed on behalf of:

Kathryn E. Couturiaux, Plaintiff

Counsel for this Party:

George S. Test, Esquire

P. O. Box 706

Philipsburg, PA 16866-0706

(814) 342-4640

PA I.D. #15915

GEORGE S. TEST  
ATTORNEY-AT-LAW  
PHILIPSBURG, PA

FILED

m/10: 3201  
AUG 04 2004

William A. Shaw  
Prothonotary/Clerk of Courts

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

KATHRYN E. COUTURIAUX,

Plaintiff

vs.

DONALD GOOD, ROBERT GOOD,  
BRUNHILDE A. GOOD and  
AUDREY GOOD,

Defendants

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No.: 2003-01275-CD

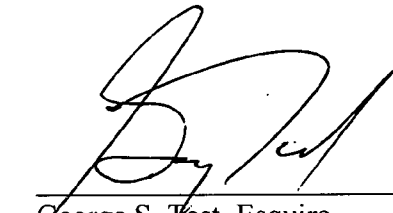
ACTION IN PARTITION

**ANSWER TO COUNTERCLAIM**

16. Admitted.

17. Admitted.

18. Paragraph 18. is a conclusion of law not an allegation of fact and responsive pleadings are not required.

  
\_\_\_\_\_  
George S. Test, Esquire  
Attorney for Kathryn E. Couturiaux

**CERTIFICATE OF SERVICE**

AND NOW, I do hereby certify that on August 3, 2004, I caused a true and correct copy of the Answer To Counterclaim to be served on the following and in the manner indicated below:

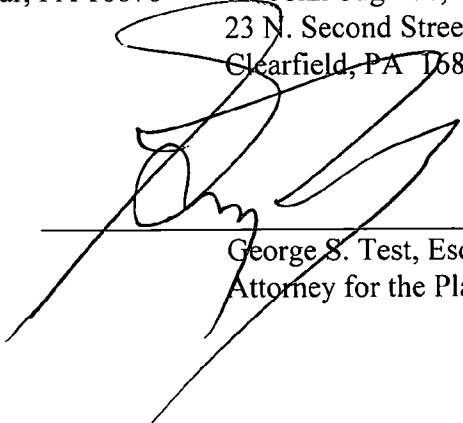
Via United States Mail, First Class, Postage Prepaid  
Addressed as follows:

5715  
Brunhilde A. Good  
~~6335~~ E. Duncan Street  
Mesa, AZ 85205

Donald A. Good  
505 Hartman Road  
West Decatur, PA 16878

Audrey Good  
Robert L. Good  
c/o John Sughrue, Esquire  
23 N. Second Street  
Clearfield, PA 16830

Date: August 3, 2004



George S. Test, Esquire  
Attorney for the Plaintiff

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

KATHRYN E. COUTURIAUX,

Plaintiff

vs.

DONALD GOOD, ROBERT GOOD,  
BRUNHILDE A. GOOD and  
AUDREY GOOD,

Defendants

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No.: 03-1275-CD

ACTION IN PARTITION

**CERTIFICATE OF SERVICE**

AND NOW, I do hereby certify that on August 12, 2004, I caused a true and correct copy of the Order dated August 11, 2004 to be served on the following and in the manner indicated below:

Via United States Mail, First Class, Postage Prepaid

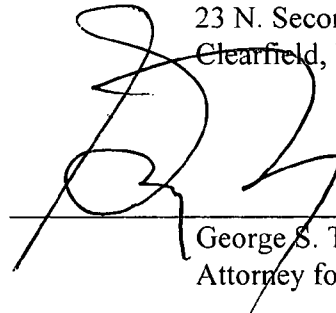
Addressed as follows:

Brunhilde A. Good  
5715 E. Duncan Street  
Mesa, AZ 85205

Donald A. Good  
505 Hartman Road  
West Decatur, PA 16878

Audrey Good  
Robert L. Good  
c/o John Sughrue, Esquire  
23 N. Second Street  
Clearfield, PA 16830

Date: August 12, 2004



George S. Test, Esquire  
Attorney for the Plaintiff

GEORGE S. TEST  
ATTORNEY-AT-LAW  
PHILIPSBURG, PA

**FILED**  
m18:47/110 cc  
AUG 16 2004  
EKS  
William A. Shaw  
Prothonotary/Clerk of Courts

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

KATHRYN E. COUTURIAUX

vs.

DONALD GOOD, ROBERT GOOD,  
BRUNHILDE, GOOD, and AUDREY  
GOOD

:  
:  
: No. 03-1275-CD  
:  
:

**ORDER**

AND NOW, this 11<sup>th</sup> day of August, 2004, it is the ORDER of the  
Court that a status conference in the above-captioned matter has been scheduled for  
**Wednesday, September 1, 2004 at 1:30 P.M.**, in Courtroom No. 1, Clearfield  
County Courthouse, Clearfield, PA.

BY THE COURT:

Fredric J. Ammerman

FREDRIC J. AMMERMAN  
President Judge

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

AUG 11 2004

Attest:

CLERK OF COURT

6A

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

KATHRYN E. COUTURIAUX

vs.

DONALD GOOD, ROBERT GOOD,  
BRUNHILDE, GOOD, and AUDREY  
GOOD

:  
:  
: No. 03-1275-CD  
:

**ORDER**

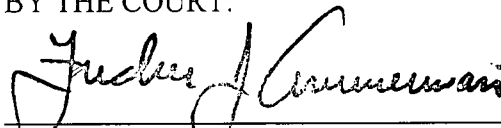
AND NOW, this 11<sup>th</sup> day of August, 2004, it is the ORDER of the

Court that a status conference in the above-captioned matter has been scheduled for

**Wednesday, September 1, 2004 at 1:30 P.M.**, in Courtroom No. 1, Clearfield

County Courthouse, Clearfield, PA.

BY THE COURT:



FREDRIC J. AMMERMAN  
President Judge

FILED

AUG 11 2004

William A. Shaw  
Prothonotary/Clerk of Courts



FILED (E)

AUG 11 2004  
01:12:15  
William A. Shaw  
Prothonotary/Clerk of Courts

LEFT TO ARRY

TEST

SUGAR

MASON

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DEPT D. GORD

CA

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

KATHRYN E. COUTURIAUX,  
Plaintiff

vs.

DONALD GOOD, et al.,  
Defendant

:  
:  
:  
:  
:  
:  
:

NO. 03-1275-CD

ORDER

NOW, this 15<sup>th</sup> day of December, 2004, upon the written request of George S. Test, Esquire, (attached) it is the ORDER of this Court that, pursuant to Rule of Civil Procedure 1558(b), that Winifred Jones-Wenger, Esquire, be and is hereby appointed as Master in Partition. The Master shall proceed in accordance with Rule 1559, et seq.

The Master is also authorized to request deposit of advance fees and costs in such reasonable manner as the Master deems to be necessary.

BY THE COURT

**FILED** <sup>264</sup>  
0 12-24 2004 *Test*

DEC 16 2004

*W. JONES-WENGER  
Mason & Suchman*

William A. Shaw  
Prothonotary

*Fred Ammerman*  
FREDRIC J. AMMERMAN  
President Judge

**GEORGE S. TEST**  
**Attorney-at-Law**  
P.O. Box 706  
Philipsburg, PA 16866

203 N. Front Street  
Moshannon Building - Room 311  
Philipsburg, PA 16866

(814) 342-4640  
(Fax) 342-3775

November 12, 2004

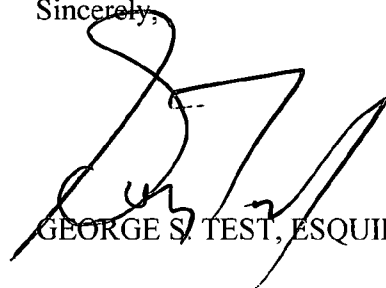
The Honorable Fredric J. Ammerman  
President Judge  
Clearfield County Courthouse  
230 East Market Street  
Clearfield, PA 16830

**Re: Kathryn E. Couturiaux**  
**vs.**  
**Donald Good, et al.**  
**Action in Partition**  
**No. 03-1275-CD**

Dear Judge Ammerman:

Would you please appoint a Master in Partition or schedule a hearing in the above captioned matter.

Sincerely,



GEORGE S. TEST, ESQUIRE

GST:cw  
cc: John Sughrue, Esquire  
David C. Mason, Esquire  
Kathryn E. Couturiaux

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KATHRYN E. COUTURIAUX,  
PLAINTIFF

VS.

DONALD GOOD, ROBERT GOOD,  
BRUNHILDE A. GOOD and  
AUDREY GOOD,  
DEFENDANTS

: CIVIL ACTION – EQUITY  
:  
: ACTION IN PARTITION  
: No. 03-1275-CD  
:  
: CERTIFICATE OF SERVICE/RE:  
: FIRST REPORT OF MASTER; STIPULATION;  
: ORDER  
:  
: FILED BY: WINIFRED H. JONES-WENGER,  
: MASTER  
:  
: COUNSEL OF RECORD FOR PLAINTIFF:  
: GEORGE S. TEST, ESQUIRE  
: P.O. BOX 706  
: PHILIPSBURG, PA 16866  
: (814) 342-4640  
:  
: COUNSEL OF RECORD FOR DEFENDANTS/  
: ROBERT GOOD AND AUDREY GOOD,  
: EXECUTRIX:  
: JOHN SUGHRUE, ESQUIRE  
: 23 NORTH SECOND STREET  
: CLEARFIELD, PA 16830  
: (814) 765-1704  
:  
: COUNSEL OF RECORD FOR DEFENDANT/  
: BRUNHILDE A. GOOD, EXECUTRIX:  
: DAVID C. MASON, ESQUIRE  
: P.O. BOX 28  
: PHILIPSBURG, PA 16866  
: (814) 342-2240  
:  
: DONALD GOOD, pro se  
: 505 HARTMAN ROAD  
: WEST DECATUR, PA 16878  
: (814) 342-6653

FILED <sup>no cc</sup>  
m 18:40 6/1  
JUL 05 2005 JB

William A. Shaw  
Prothonotary/Clerk of Courts

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

KATHRYN E. COUTURIAUX, :  
Plaintiff :  
vs. : No. 03-1275-CD  
: ACTION IN PARTITION  
DONALD GOOD, ROBERT GOOD, :  
BRUNHILDE A. GOOD and :  
AUDREY GOOD, :  
Defendants :

CERTIFICATE OF SERVICE

I, Winifred H. Jones-Wenger, the undersigned, certify that I did serve a copy of  
the First Report of Master with proposed Order on:

George Test, Esq.  
Attorney for Kathryn E. Couturiaux  
P. O. Box 706  
Philipsburg, PA 16866  
342-4640

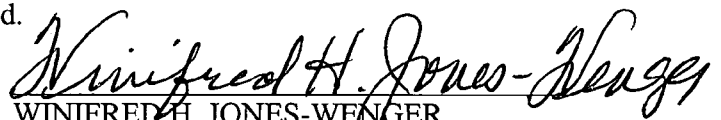
John Sughrue, Esq.  
Attorney for Robert Good and Audrey Good, Executrix  
23 North Second Street  
Clearfield, PA 16830  
765-1704

David C. Mason, Esq.  
Attorney for Brunhilde A. Good, Executrix  
P. O. Box 28  
Philipsburg, PA 16866  
342-2240

Donald Good, pro se  
505 Hartman Road  
West Decatur, PA 16878  
Phone: 342-6653

by depositing the same addressed as set forth above with the U.S. Postal Service on July 1, 2005,  
for delivery by U.S. mail, first class, postage prepaid.

Dated: July 1, 2005

  
WINIFRED H. JONES-WENGER  
Master

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA


KATHRYN E. COUTURIAUX,  
PLAINTIFF

VS.

DONALD GOOD, ROBERT GOOD,  
BRUNHILDE A. GOOD and  
AUDREY GOOD,  
DEFENDANTS

: CIVIL ACTION – EQUITY  
:  
: ACTION IN PARTITION  
: No. 03-1275-CD  
:  
:  
: AMENDED CERTIFICATE OF SERVICE/RE:  
: ORDER DATED 07/06/05  
:  
: FILED BY: WINIFRED H. JONES-WENGER,  
: MASTER  
:  
: COUNSEL OF RECORD FOR PLAINTIFF:  
: GEORGE S. TEST, ESQUIRE  
: P.O. BOX 706  
: PHILIPSBURG, PA 16866  
: (814) 342-4640  
:  
: COUNSEL OF RECORD FOR DEFENDANTS/  
: ROBERT GOOD AND AUDREY GOOD,  
: EXECUTRIX:  
: JOHN SUGHRUE, ESQUIRE  
: 23 NORTH SECOND STREET  
: CLEARFIELD, PA 16830  
: (814) 765-1704  
:  
: COUNSEL OF RECORD FOR DEFENDANT/  
: BRUNHILDE A. GOOD, EXECUTRIX:  
: DAVID C. MASON, ESQUIRE  
: P.O. BOX 28  
: PHILIPSBURG, PA 16866  
: (814) 342-2240  
:  
: DONALD GOOD, pro se  
: 505 HARTMAN ROAD  
: WEST DECATUR, PA 16878  
: (814) 342-6653

FILED <sup>NO CC</sup>  
m/11/1901  
JUL 15 2005

 William A. Shaw  
Prothonotary/Clerk of Courts

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

KATHRYN E. COUTURIAUX,	:
Plaintiff	:
	:
vs.	: No. 03-1275-CD
	: ACTION IN PARTITION
DONALD GOOD, ROBERT GOOD,	:
BRUNHILDE A. GOOD and	:
AUDREY GOOD,	:
Defendants	:

CERTIFICATE OF SERVICE

I, Winifred H. Jones-Wenger, the undersigned, certify that I did serve a copy of the Order dated 07/06/05 on the following:

George Test, Esq.  
Attorney for Kathryn E. Couturiaux  
P. O. Box 706  
Philipsburg, PA 16866  
342-4640

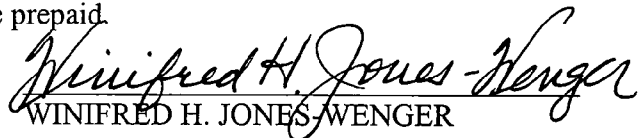
John Sughrue, Esq.  
Attorney for Robert Good and Audrey Good, Executrix  
23 North Second Street  
Clearfield, PA 16830  
765-1704

David C. Mason, Esq.  
Attorney for Brunhilde A. Good, Executrix  
P. O. Box 28  
Philipsburg, PA 16866  
342-2240

Donald Good, pro se  
505 Hartman Road  
West Decatur, PA 16878  
Phone: 342-6653

by depositing the same addressed as set forth above with the U.S. Postal Service on July 13, 2005, for delivery by U.S. mail, first class, postage prepaid.

Dated: July 14, 2005

  
WINIFRED H. JONES-WENGER  
Master

**FILED**

**JUL 15 2005**

William A. Shaw  
Prothonotary/Clerk of Courts



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KATHRYN E. COUTURIAUX,  
PLAINTIFF

VS.

DONALD GOOD, ROBERT GOOD,  
BRUNHILDE A. GOOD and  
AUDREY GOOD,  
DEFENDANTS

: CIVIL ACTION – EQUITY  
:  
: ACTION IN PARTITION  
: No. 03-1275-CD  
:  
:  
: CERTIFICATE OF SERVICE/RE: ORDER  
: DATED 07/06/05  
:  
: FILED BY: WINIFRED H. JONES-WENGER,  
: MASTER  
:  
: COUNSEL OF RECORD FOR PLAINTIFF:  
: GEORGE S. TEST, ESQUIRE  
: P.O. BOX 706  
: PHILIPSBURG, PA 16866  
: (814) 342-4640  
:  
: COUNSEL OF RECORD FOR DEFENDANTS/  
: ROBERT GOOD AND AUDREY GOOD,  
: EXECUTRIX:  
: JOHN SUGHRUE, ESQUIRE  
: 23 NORTH SECOND STREET  
: CLEARFIELD, PA 16830  
: (814) 765-1704  
:  
: COUNSEL OF RECORD FOR DEFENDANT/  
: BRUNHILDE A. GOOD, EXECUTRIX:  
: DAVID C. MASON, ESQUIRE  
: P.O. BOX 28  
: PHILIPSBURG, PA 16866  
: (814) 342-2240  
:  
: DONALD GOOD, pro se  
: 505 HARTMAN ROAD  
: WEST DECATUR, PA 16878  
: (814) 342-6653

cf FILED no cc  
m/10:32/201  
JUL 14 2005

William A. Shaw  
Prothonotary/Clerk of Courts

UA

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

KATHRYN E. COUTURIAUX,  
Plaintiff

vs.

DONALD GOOD, ROBERT GOOD,  
BRUNHILDE A. GOOD and  
AUDREY GOOD,

Defendants

:  
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:  
: No. 03-1275-CD  
: ACTION IN PARTITION  
:  
:  
:  
:

**FILED** 3cc  
013:45 AM  
OCT 13 2006  
Wenger

William A. Shaw  
Prothonotary/Clerk of Courts

**ORDER**

AND NOW this 13<sup>th</sup> day of October, 2006, upon receipt of the SECOND REPORT of the Master, to which is attached the Consent of the parties either individually or through their counsel, and upon the request of the Master, it is hereby ORDERED, ADJUDGED AND DECREED as follows:

1. That the sale of certain premises situate in Decatur Township, as proposed in the Second Report of the Master, which premises are described as follows:

ALL those certain pieces or parcels of land situate in Decatur Township, Clearfield County, Pennsylvania, being more particularly bounded and described as follows:

THE FIRST THEREOF: Beginning at a post on the public road leading from Jeffries Post Office to the New Castle settlement, 68 perches east of the northeastern corner of the C. B. Kephart property; thence south 4 degrees west 119.3 perches to a post on property line; thence south 86 degrees east 33.45 perches along property line to post; thence north 4 degrees east 119.6 perches to a post on the public road above-mentioned; thence north 86 degrees and 44 minutes west along said public road 33.45 perches to post and place of beginning. Containing 25 acres, not measure.

THE SECOND THEREOF: Beginning at a post on the public road leading from Jeffries Post Office to Ashland at the northeast corner of land heretofore conveyed to C. W. Kizer; thence south 86 degrees east 220.2 feet along said public road to a post; thence south 4 degrees 54 minutes west 1987.2' feet to a stake or stones on line of Henry Kephart; thence north 85 degrees 14 minutes west 219 feet to post at southeast corner of

land formerly conveyed to C. W. Kizer; thence north 4 degrees 50 minutes east 1983.6 feet along line of said C. W. Kizer to post and place of beginning. Containing 10 acres.

THE THIRD THEREOF: Beginning at a stake on the public road leading from Jeffries to Ashland at the northeast corner of land contracted to be sold to C. B. Kephart; thence south 88 degrees east 898 feet along said public road to stake on the corner of land sold to C. W. Kizer; thence south 4 degrees 41 minutes west 1393 feet along line of C. W. Kizer, to stake and stones, and northeast corner of land conveyed to Russell A. Kephart; thence north 85 degrees 14 minutes west 898 feet along line of Russell A. Kephart land and on line of lands sold to C. B. Kephart; thence north 4 degrees 41 minutes east 1379.9 feet along line of C. B. Kephart section to stake and place of beginning. Containing 28.5 acres net, and being the same premises which John M. Chase, Jr., et al., by their deed recorded in Deed Book 226 at page 155 granted and conveyed to C. W. Kizer.

Reserving 2 acres, more or less, which C. W. Kizer and wife by their deed recorded in Deed Book 248 at page 544 granted and conveyed to Raymond Kizer.

THE FOURTH THEREOF: Beginning at a stake and stones which is the Southwest corner of this tract of land; thence North 85° 14' West 449 feet to a stake; thence North 4° 41' East along residue of tract, which is land of the Grantors herein to a stake; thence North 85° 14' West 449 feet to a stake on line of land common boundaries to Albright; thence along said Albright line North 4° 41' East 150 feet to a stake and stones on Albright line; thence South along land of the grantees 85° 14' East 898 feet to stake and stones on line of land of what was formerly C. W. Kizer; thence along said Kizer land 4° 41' West 582 feet to a stake and stones the place of beginning.

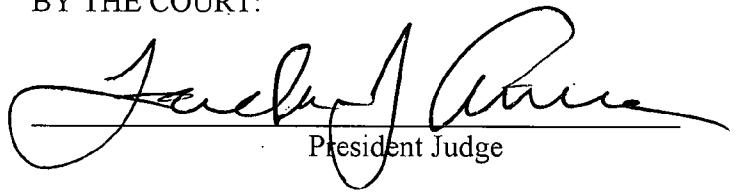
EXCEPTING AND RESERVING, nevertheless, all the stone, coal, fireclay, and other minerals and mining rights as excepted and reserved in Deed from John M. Chase, Jr., et al., executors of John M. Chase, deceased to Russell A. Kephart, and recorded as such; this conveyance being subject to all reservations, covenants, stipulations and agreements therein contained; reference thereunto being had, the same will more fully and at large appear.

UNDER AND SUBJECT, nevertheless, to such express and/or implied exceptions, reservations, conditions, easements, covenants, restrictions, limitations, qualifications and conveyances out as are contained in all prior deeds of record in the chain of title.

is hereby approved and the Master is hereby authorized to execute a Deed on behalf of the owners of such premises in accordance with such Second Report and all other documents necessary for the closing and settlement on the sale of such premises.

2. The Master is authorized to receive and hold the net proceeds from such sale and further investigate and recommend to the Court as to the payment of all appropriate costs authorized by applicable law and the proposed distribution of net proceeds to the owners thereof.

BY THE COURT:

  
President Judge

FILED

OCT 13 2006

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 10/13/06

☒ You are responsible for serving all appropriate parties.

☒ The Prothonotary's office has provided service to the following parties:

\_\_\_ Plaintiff(s) \_\_\_ Plaintiff(s) Attorney \_\_\_ Other

\_\_\_ Defendant(s) \_\_\_ Defendant(s) Attorney

\_\_\_ Special Instructions:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KATHRYN E. COUTURIAUX,  
PLAINTIFF

VS.

DONALD GOOD, ROBERT GOOD,  
BRUNHILDE A. GOOD and  
AUDREY GOOD,  
DEFENDANTS

: CIVIL ACTION – EQUITY  
:  
: ACTION IN PARTITION  
: No. 03-1275-CD  
:  
:  
: THIRD AND FINAL REPORT OF MASTER  
:  
:  
: FILED BY: WINIFRED H. JONES-WENGER,  
: MASTER  
:  
: COUNSEL OF RECORD FOR PLAINTIFF:  
: GEORGE S. TEST, ESQUIRE  
: P.O. BOX 706  
: PHILIPSBURG, PA 16866  
: (814) 342-4640  
:  
: COUNSEL OF RECORD FOR DEFENDANTS/  
: ROBERT GOOD AND AUDREY GOOD,  
: EXECUTRIX:  
: JOHN SUGHRUE, ESQUIRE  
: 23 NORTH SECOND STREET  
: CLEARFIELD, PA 16830  
: (814) 765-1704  
:  
: COUNSEL OF RECORD FOR DEFENDANT/  
: BRUNHILDE A. GOOD, EXECUTRIX:  
: DAVID C. MASON, ESQUIRE  
: P.O. BOX 28  
: PHILIPSBURG, PA 16866  
: (814) 342-2240  
:  
: DONALD GOOD, pro se  
: 505 HARTMAN ROAD  
: WEST DECATUR, PA 16878  
: (814) 342-6653

**FILED** *ICC Atty*  
*9/11:10 am*  
**FEB 20 2007** *Wenger*  
*(6k)*

William A. Shaw  
Prothonotary/Clerk of Courts

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

KATHRYN E. COUTURIAUX,	:
Plaintiff	:
	:
vs.	: No. 03-1275-CD
	: ACTION IN PARTITION
DONALD GOOD, ROBERT GOOD,	:
BRUNHILDE A. GOOD and	:
AUDREY GOOD,	:
Defendants	:

**THIRD AND FINAL REPORT OF MASTER**

TO THE HONORABLE, THE JUDGES OF THE SAID COURT:

The Final Report of Winifred H. Jones-Wenger, Master appointed by this Court, respectfully represents:

1. By Order of Court dated July 6, 2005, the Court directed that partition be made of certain property situate in Decatur Township, Clearfield County among the parties in proportion to their respective interests therein.

2. Pursuant to the Second Report of the Master, the Court entered an Order dated October 13, 2006 authorizing the sale of the premises in Decatur Township, Clearfield County by the Master for the consideration of \$60,000.00 and further authorizing the Master to execute a Deed and other appropriate documents and to hold the net proceeds from such sale pending further Order of Court.

3. Closing and settlement on the sale of the premises occurred on October 20, 2006.

4. The actual expenses in connection with such sale were as follows:

Realtor's Commission	\$ 3,600.00
Seller's share transfer tax (one-half)	600.00
Seller's share 2006 County/Township real estate taxes	55.84

Seller's share 2006-07 School real estate taxes	34.97
Jack Webster – tax bill duplication fee	<u>20.00</u>
Total Expenses of Sale	\$ 4,310.81

5. The net proceeds from such sale are as follows:	
Consideration	\$ 60,000.00
Less Expense of sale	<u>4,310.81</u>
Net proceeds	\$ 55,689.19

6. The net proceeds from such sale are held by Master in her trust account.

7. The Master requested the parties to submit claims for expenses and costs that he or she made with respect to the partition action and various parties have submitted claims for expenses as follows:

A. Plaintiff Couturiaux has submitted a claim for reimbursement of \$645.00 for the following expenses as set forth in Exhibit "A" attached hereto:

Appraisal fee	\$ 275.00
Complaint filing fee	85.00
Sheriff's Costs	85.00
Preparation of the Complaint	<u>200.00</u>
TOTAL	\$ 645.00

B. Defendant Robert Good seeks reimbursement from Defendant Donald Good of \$119.30 representing Donald Good's share of real estate taxes for the years 2002, 2003 and 2005 which claim is set forth in Exhibit "B" attached hereto.

C. Defendant Robert Good seeks reimbursement from Plaintiff Couturiaux of \$290.64 representing Kathryn Couturiaux' share of real estate taxes for the years 2000, 2001, 2002, 2003 and 2005 which claim is set forth in Exhibit "B" attached hereto.

D. Defendant Donald Good has submitted a claim for reimbursement of \$186.00 for lost wages and telephone and travel expenses as set forth in Exhibit "C" attached hereto.



8. The various claims have been submitted to all parties for inspection and consideration. Defendant Brunhilde Good, Executor of the Estate of Duane C. Good, and Plaintiff Kathryn E. Couturiaux object to the claim filed by Donald Good (Paragraph 7D above) on the basis that such claim represents an expense borne by all parties and as such is not a proper claim for consideration. (See copy of letter of David C. Mason, Esq. attached hereto as Exhibit "D" and copy of letter of George S. Test, Esq. attached hereto as Exhibit "E"). No party has interposed any objection to any other claims for reimbursement.

9. The Master submits a statement for \$1,875.00 for fees and costs incurred in connection with her services as Master, an itemization of which is attached hereto as Exhibit "F".

8. It is proposed and recommended by the Master that the claim of Kathryn E. Couturiaux for reimbursement as set forth in Paragraph 7A in the amount of \$645.00 be approved as a legally cognizable claim against the partition estate in a partition action, there having been no objection by any other party to such claim.

9. It is proposed and recommended by the Master that the claims of Defendant Robert Good for contribution from Defendant Donald Good in the amount of \$119.30 and from Plaintiff Kathryn E. Couturiaux in the amount of \$290.64 for real estate taxes paid as set forth in Paragraph 7B and Paragraph 7C be approved as a legally cognizable claim in partition action, to be deducted from the share of Donald Good and from the share of Kathryn E. Couturiaux, respectively, there being further no objection by any party to such claims.

10. It is proposed and recommended by the Master that the claim of Defendant Donald Good in the amount of \$186.00 be denied inasmuch as the claim for reimbursement for lost wages, telephone and travel expenses are not recognized nor supported by law.

11. After payment to Kathryn E. Couturiaux for reimbursement in the amount of \$645.00 from the net proceeds and payment of the Master's fees in the amount of \$1,875.00, the balance remaining of \$53,169.19 would be distributed in accordance with the ownership of the parties as follows:

Kathryn E. Couturiaux		
4/18 <sup>th</sup> of \$ 53,169.19	\$ 11,815.37	
Less reimbursement to Robert Good	<u>(290.64)</u>	
Total		\$ 11,524.73

Robert L. Good		
4/18 <sup>th</sup> of \$ 53,169.19	\$ 11,815.37	
Plus reimbursement from Couturiaux	290.64	
Plus reimbursement from D. Good	<u>119.30</u>	
Total		\$ 12,225.31

Donald A. Good		
4/18 <sup>th</sup> of \$ 53,169.19	\$ 11,815.37	
Less reimbursement to Robert Good	<u>(119.30)</u>	
Total		\$ 11,696.07

Brunhilde A. Good,		
Executrix of the Estate		
Duane Good, deceased		
3/18 <sup>th</sup> of \$ 53,169.19		\$ 8,861.54

Audrey Naomi Good,		
Administratrix of the Estate of		
Alfred Good, deceased		
3/18 <sup>th</sup> of \$ 53,169.19		\$ 8,861.54

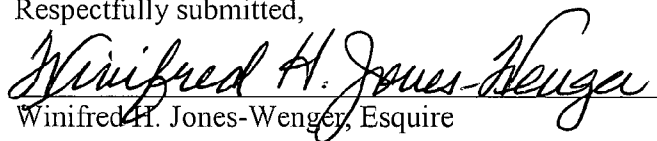
12. A proposed Order for entry by this Court is attached hereto for consideration.

13. All parties consent to the entry of such Order as evidenced by the consents attached herewith

WHEREFORE, it is recommended that the Court enter such Order approving the Third and Final Report of the Master in Partition and authorizing the Master to distribute the funds in the hands of the Master as follows:

Kathryn E. Couturiaux	\$ 12,169.73
Robert L. Good	\$ 12,225.31
Donald A. Good	\$ 11,696.07
Brunhilde A. Good, Executrix	\$ 8,861.54
Audrey Good, Administratrix	\$ 8,861.54
Winifred H. Jones-Wenger, Master fees and costs	<u>\$ 1,875.00</u>
TOTAL DISTRIBUTION	\$ 55,689.19

Respectfully submitted,

  
Winifred H. Jones-Wenger, Esquire

Dated: 2-20-07

**GEORGE S. TEST, ESQ.**

Moshannon Building - Room 311  
203 North Front Street  
P. O. Box 706  
Philipsburg, Pennsylvania 16866-0706  
Phone (814) 342-4640  
Fax (814) 342-3775  
E-mail address: [geortest@webnmore.net](mailto:geortest@webnmore.net)

October 26, 2006

Winifred H. Jones-Wenger  
*Attorney At Law*  
333 Laurel Street  
P. O. Box 469  
Philipsburg, PA 16866-0469

**Re: Action in Partition  
Velma Good  
Clfd. Co. No. 03-1275-CD**

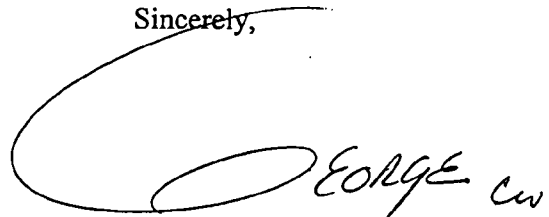
Dear Winifred:

The items I feel my client should be reimbursed for are as follows:

Appraisal Fee	\$275.00
Complaint Filing Fee	85.00
Sheriff's Costs	85.00
Preparation of the Complaint	<u>200.00</u>
Total	\$645.00

I am forwarding a copy of this letter to the other interested parties or their counsel.

Sincerely,



GEORGE S. TEST, ESQUIRE

GST:cw

cc: John Sughrue, Esquire  
David C. Mason, Esquire  
Donald Good  
Kathryn E. Couturiaux

EXHIBIT "A"

RECEIVED

**JOHN SUGHRUE**  
**Attorney at Law**

---

Phone (814) 765-1704

23 North Second Street  
Clearfield, PA 16830

Fax (814) 765-6959

November 21, 2006

Winifred H. Jones-Wenger, Master in Partition  
333 Laurel St.  
P. O. Box 469  
Philipsburg, PA 16866

RE: Partition Action Distribution  
Reimbursement to Robert Good of Funds Advanced,  
for the Benefit of All to Pay Real Estate Taxes

Dear Ms. Jones-Wenger,

This will confirm information given to you orally. In prior years, Robert Good advanced the money and paid real estate taxes on the Good Farm. He was reimbursed by some co-owners and not reimbursed by other co-owners.

Specifically, Kathryn Couturiaux did not reimburse him for her share of the taxes in any regard and Don Good reimbursed for some and not others. I believe those expenditures by Robert as a co-owner were necessary and benefited all owners. Accordingly, we ask that he be reimbursed from the shares of the individuals who owe him the funds.

In particular, excluding 2004 tax year (he cannot locate the taxes or receipt) he is owed the following amounts:

- |                             |          |
|-----------------------------|----------|
| 1. From Donald Good:        | \$119.30 |
| 2. From Kathryn Couturiaux: | \$290.64 |

A copy of his written claim is attached. These taxes were assessed in the name of Alfred E. Good, et al. c/o Robert Good, Agent. These taxes were pro rated on a 1/5 share for each party as was the prior practice.

Bob makes a claim from Don based on taxes paid for the years 2002, 2003, and 2005. The amount equals 1/5 of the total taxes paid for those years. Copies of the tax receipts are attached.

EXHIBIT "B"

Winifred H. Jones-Wenger, Esq.

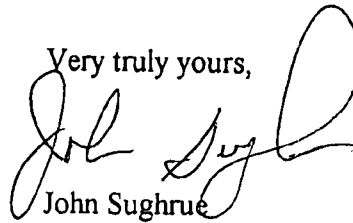
Page 2

11/20/06

Bob makes a claim against Kathryn for the year 2000, 2001, 2002, 2003, and 2005. Copies of the receipts for those years are attached. Although the receipts for 2004 could not be located, it is reasonable to assume that they would be no less than tax year 2003. Please include reimbursement for these sums in your final report or in the alternative, give us notice of the report and an opportunity to file a claim with the court.

Thank you for your consideration of these matters.

Very truly yours,

A handwritten signature in black ink, appearing to read "John Sughrue", with a large, stylized loop at the end.

John Sughrue

JS/aw

Enclosures

cc: David C. Mason, Esq.  
George S. Test, Esq.  
David Thompson, Esq.  
Ms. Audrey N. Good  
Mr. Donald Good  
Mr. Robert Good

Description of Property: H, G & 0.644 A  
 Map#: N12-000-00064 Acreage: 0.644  
 Payable To: JACK WEBSTER, TAX COLLECTOR  
 R.R. 1 BOX 578A  
 OSCEOLA MILLS PA 16666  
 PHONE 814-339-6769  
 HOURS: TUES., WED. & THURS.  
 9 AM TO NOON & 1 PM TO 5 PM  
 AFTER DISCOUNT PERIOD BY APPOINTMENT  
 Taxes Are Due and Payable and Payment is Requested from:  
 GOOD, ALFRED E. ET AL  
 C/O ROBERT GOOD, AGENT  
 BROCKWAY PA  
 15824 0000

Real Estate Tax For 2000

Assessed Value	Tax Desc	Tax Rate	Discount	Face	Penalty
Land	County	15.00	91.51	93.38	102.71
975	TOWNSHIP	6.20	37.82	38.59	42.45
Bldg.		0.00	0.00	0.00	0.00
5,250		0.00	0.00	0.00	0.00
Total		0.00	0.00	0.00	0.00
6,225		Total	29.33	37.89	115.17

Payment Schedule  
 Received By 5/1/00 @ 2.00 % Discount Pay --> 129.33  
 Beginning 7/4/00 @ 10.00 % Penalty Pay --> 145.17  
 Unpaid Taxes Returned To Tax Claim On 1/15/01

Tax Payers Receipt  
 Signature of Tax Collector: *Jack Webster*  
 Date Paid: 38.00  
 Circle Amount: 129.33  
 Paid Above: 145.17

Entire Statement Must Be Presented With Payment. Self Addressed Stamped Envelope Must Be Enclosed When A Return Receipt Is Requested.

Bill# 812 Mail Date: 3/1/00 County of Clearfield, Pennsylvania / DECATUR TOWNSHIP  
 Description of Property: 7.54 A  
 Map#: M12-000-003.1 Acreage: 7.540  
 Payable To: JACK WEBSTER, TAX COLLECTOR  
 R.R. 1 BOX 578A  
 OSCEOLA MILLS PA 16666  
 PHONE 814-339-6769  
 HOURS: TUES., WED. & THURS.  
 9 AM TO NOON & 1 PM TO 5 PM  
 AFTER DISCOUNT PERIOD BY APPOINTMENT  
 Taxes Are Due and Payable and Payment is Requested from:  
 GOOD, ALFRED E. ET AL  
 C/O ROBERT GOOD, AGENT  
 1351 CHURCH AVENUE  
 BROCKWAY PA  
 15824 0000

Real Estate Tax For 2000

Assessed Value	Tax Desc	Tax Rate	Discount	Face	Penalty
Land	County	15.00	9.92	10.13	11.14
675	TOWNSHIP	6.20	4.10	4.18	4.60
Bldg.		0.00	0.00	0.00	0.00
0		0.00	0.00	0.00	0.00
Total		0.00	0.00	0.00	0.00
675		Total	14.02	14.31	15.74

Payment Schedule  
 Received By 5/1/00 @ 2.00 % Discount Pay --> 14.02  
 Beginning 7/4/00 @ 10.00 % Penalty Pay --> 15.74  
 Unpaid Taxes Returned To Tax Claim On 1/15/01

Tax Payers Receipt  
 Signature of Tax Collector: *Jack Webster*  
 Date Paid: 14.02  
 Circle Amount: 14.02  
 Paid Above: 15.74

Entire Statement Must Be Presented With Payment. Self Addressed Stamped Envelope Must Be Enclosed When A Return Receipt Is Requested.

Total 143.85  
 143.85  
 143.85



NOTE  
 BRASINGER  
 DISTRICT JUSTICE

Description of Property: H, G & 0.544 A  
 Map #  
 N12-000-00064  
 Payable To: JACK WEBSTER, TAX COLLECTOR  
 P.O. BOX 578A  
 OSCEOLA MILLS PA 16666  
 PHONE 814-339-6769  
 HOURS TUES., WED. & THURS.  
 9 AM TO NOON & 1 PM TO 5 PM  
 AFTER DISCOUNT PERIOD BY APPOINTMENT  
 Taxes Are Due and Payable and Payments Requested From:  
 GOOD, ALFRED E. ET AL  
 C/O ROBERT GOOD, AGENT  
 BROCKWAY PA 15824

Real Estate Tax  
For 2001

Assessed Value	Tax Desc	Tax Rate	Discount	Face	Penalty
Land	School	77.70	474.01	483.68	532.05
975					
Bldg.					
5,250					
Total					
6,225					
		Total	474.01	483.68	532.05

Payment Schedule

Received By	10/1/01	@	2.00 %	Discount Pay -->	474.01
Between	10/2/01	AND	12/1/01	Pay -->	483.68
Beginning	12/2/01	@	10.00 %	Penalty Pay -->	532.05
Last Day To Pay Tax Collector: 1/15/02					
Unpaid Taxes Returned To Tax Claim On 1/15/02 At 8:30 AM					

Tax Collectors  
Copy

Date Paid

Entire Statement Must Be Presented With Payment. Self Addressed Stamped Envelope Must Be Enclosed When A Return Receipt Is Requested.

Bill# 835 Mail Date: 8/1/01  
 Description of Property: 60 A  
 Map #  
 M12-000-00016  
 Payable To: JACK WEBSTER, TAX COLLECTOR  
 R R 1 BOX 578A  
 OSCEOLA MILLS PA 16666  
 PHONE 814-339-6769  
 HOURS TUES., WED. & THURS.  
 9 AM TO NOON & 1 PM TO 5 PM  
 AFTER DISCOUNT PERIOD BY APPOINTMENT  
 Taxes Are Due and Payable and Payments Requested From:  
 GOOD, ALFRED ET AL  
 C/O ROBERT GOOD, AGENT  
 1351 CHURCH AVENUE  
 BROCKWAY PA 15724

Real Estate Tax  
For 2001

Assessed Value	Tax Desc	Tax Rate	Discount	Face	Penalty
Land	School	77.70	125.64	128.21	141.03
1,650					
Bldg.					
0					
Total					
1,650					
		Total	125.64	128.21	141.03

Payment Schedule

Received By	10/1/01	@	2.00 %	Discount Pay -->	125.64
Between	10/2/01	AND	12/1/01	Pay -->	128.21
Beginning	12/2/01	@	10.00 %	Penalty Pay -->	141.03
Last Day To Pay Tax Collector: 1/15/02					
Unpaid Taxes Returned To Tax Claim On 1/15/02 At 8:30 AM					

Tax Collectors  
Copy

Date Paid

Entire Statement Must Be Presented With Payment. Self Addressed Stamped Envelope Must Be Enclosed When A Return Receipt Is Requested.

Bill# 833 Mail Date: 8/1/01  
 Description of Property: 7.54 A  
 Map #  
 M12-000-0031  
 Payable To: JACK WEBSTER, TAX COLLECTOR  
 R R 1 BOX 578A  
 OSCEOLA MILLS PA 16666  
 PHONE 814-339-6769  
 HOURS TUES., WED. & THURS.  
 9 AM TO NOON & 1 PM TO 5 PM  
 AFTER DISCOUNT PERIOD BY APPOINTMENT  
 Taxes Are Due and Payable and Payments Requested From:  
 GOOD, ALFRED E. ET AL  
 C/O ROBERT GOOD, AGENT  
 1351 CHURCH AVENUE  
 BROCKWAY PA 15824

Real Estate Tax  
For 2001

Assessed Value	Tax Desc	Tax Rate	Discount	Face	Penalty
Land	School	77.70	51.40	52.45	57.69
675					
Bldg.					
0					
Total					
675					
		Total	51.40	52.45	57.69

Payment Schedule

Received By	10/1/01	@	2.00 %	Discount Pay -->	51.40
Between	10/2/01	AND	12/1/01	Pay -->	52.45
Beginning	12/2/01	@	10.00 %	Penalty Pay -->	57.69
Last Day To Pay Tax Collector: 1/15/02					
Unpaid Taxes Returned To Tax Claim On 1/15/02 At 8:30 AM					

Tax Collectors  
Copy

Date Paid

Entire Statement Must Be Presented With Payment. Self Addressed Stamped Envelope Must Be Enclosed When A Return Receipt Is Requested.





**NOTE  
BASINGER  
DISTRICT JUSTICE**

*year 2001*

*total 730,77*

*$\frac{1}{5} = 146,15$*

Bill # 845 County Of Clearfield - DECATUR TOWNSHIP Control# 112.0-19734  
Description of Taxable 60 A FOR TAX YEAR 2002

Payable To:  
JACK WEBSTER  
RR 1 BOX 578A  
OSCEOLA MILLS PA 16666

TAXES ARE DUE AND PAYABLE FROM:  
GOOD, ALFRED ET AL  
C/O ROBERT GOOD, AGENT  
1351 CHURCH AVENUE  
BROCKWAY PA 15724

Desc. Of Tax	Tax Rate	Amt of Tax
COUNTY TAX	15.00	24.75
Township Tax	6.20	10.23
		0.00
Total Tax>		34.98

\* PAYMENT SCHEDULE \*

RECEIVED BY 05/01/2002 =	34.29
FROM 05/02/02-07/03/02 =	34.98
BEGINNING 07/04/2002 =	38.48

ENCLOSE SELF ADDRESSED STAMPED ENVELOPE  
WHEN A RETURN RECEIPT IS REQUESTED

*Jack Webster* 10 24 02 3848  
SIGNATURE OF T.C. DATE PAID AMOUNT

TAXPAYERS COPY

Bill # 843 County Of Clearfield - DECATUR TOWNSHIP Control# 112.0-19733  
Description of Taxable .54 A FOR TAX YEAR 2002

Payable To:  
JACK WEBSTER  
RR 1 BOX 578A  
OSCEOLA MILLS PA 16666

TAXES ARE DUE AND PAYABLE FROM:  
GOOD, ALFRED E. ET AL  
C/O ROBERT GOOD, AGENT  
1351 CHURCH AVENUE  
BROCKWAY PA 15824

Desc. Of Tax	Tax Rate	Amt of Tax
COUNTY TAX	15.00	10.13
Township Tax	6.20	4.18
		0.00
Total Tax>		14.31

\* PAYMENT SCHEDULE \*

RECEIVED BY 05/01/2002 =	14.02
FROM 05/02/02-07/03/02 =	14.31
BEGINNING 07/04/2002 =	15.74

*Jack Webster* 10 24 02 1574  
SIGNATURE OF T.C. DATE PAID AMOUNT

ENCLOSE SELF ADDRESSED STAMPED ENVELOPE  
WHEN A RETURN RECEIPT IS REQUESTED

TAXPAYERS COPY

NOTE  
BASINGER  
DISTRICT JUSTICE

2002 for  
181.0  
4362

Bill # 843 P-O School District - DECATUR TOWNSHIP Control# 112.0-19733  
Description of Taxable FOR TAX YEAR 2002  
7.54 A

Payable To:  
JACK WEBSTER  
RR 1 BOX 578A  
OSCEOLA MILLS PA 16666

Desc. Of Tax	Tax Rate	Amt of Tax
SCHOOL TAX	0.00	53.64

TAXES ARE DUE AND PAYABLE FROM:  
GOOD, ALFRED E. ET AL  
C/O ROBERT GOOD, AGENT  
1351 CHURCH AVENUE  
BROCKWAY PA 15824

	Total Tax>	
* PAYMENT SCHEDULE		53.64
RECEIVED BY 10/01/2002 =		52.57
FROM 10/02/02-12/02/02 =		53.64
BEGINNING 12/03/2002 =		59.01

ENCLOSE SELF ADDRESSED STAMPED ENVELOPE  
WHEN A RETURN RECEIPT IS REQUESTED

*Jack Webster* 9-30-02 52.57  
SIGNATURE OF T.C. DATE PAID AMOUNT

TAXPAYERS COPY

Bill # 845 P-O School District - DECATUR TOWNSHIP Control# 112.0-19734  
Description of Taxable FOR TAX YEAR 2002  
0 A

Payable To:  
ACK WEBSTER  
R 1 BOX 578A  
SCEOLA MILLS PA 16666

Desc. Of Tax	Tax Rate	Amt of Tax
SCHOOL TAX	0.00	131.13

AXES ARE DUE AND PAYABLE FROM:  
OOD, ALFRED ET AL  
/O ROBERT GOOD, AGENT  
351 CHURCH AVENUE  
ROCKWAY PA 15724

	Total Tax>	
* PAYMENT SCHEDULE		131.13
RECEIVED BY 10/01/2002 =		128.50
FROM 10/02/02-12/02/02 =		131.13
BEGINNING 12/03/2002 =		144.24

NCLOSE SELF ADDRESSED STAMPED ENVELOPE  
HEN A RETURN RECEIPT IS REQUESTED

*Jack Webster* 9-30-02 128.50  
SIGNATURE OF T.C. DATE PAID AMOUNT

TAXPAYERS COPY

# db DEPOSIT BANK

Tax on Farm Land 2003

15028

6148

21176

4235

21176

829 Mail Date: 8/1/2003

COUNTY OF CLEARFIELD / PHILIPSBURG-OSCEOLA SCHOOL DISTRICT / DECATUR TOWNSHIP

Control # 1120-19733

001.1  
JACK WEBSTER, TAX COLLECTOR  
ANE HIGHWAY  
LA MILLS PA 16666  
814-339-6769  
TUES., WED. & THURS.  
NOON & 1 PM TO 5 PM  
DISCOUNT PERIOD BY APPOINTMENT  
Due and Payable and Payments Requested From:  
ALFRED E. ET AL  
BERT GOOD, AGENT  
HURCH AVENUE  
WAY PA 15824

Real Estate Tax  
For 2003

Assessed Value	Tax Desc	Tax Rate	Discount	Face	Penalty
Land 675	School	82.80	54.77	55.89	61.48
Bldg. 0					
Total 675					
Payment Schedule					
Received By 10/1/2003 @ 2.00 % Discount Pay → 54.77					
Beginning 12/3/2003 @ 10.00 % Penalty Pay → 61.48					
Unpaid Taxes Returned To Tax Claim On 1/15/2004 At 8:30 AM					

Tax Collectors

Copy

Date Paid

ement Must Be Presented With Payment. Self Addressed Stamped Envelope Must Be Enclosed When A Return Receipt Is Requested.

830 Mail Date: 8/1/2003

COUNTY OF CLEARFIELD / PHILIPSBURG-OSCEOLA SCHOOL DISTRICT / DECATUR TOWNSHIP Control # 1120 - 19734

016  
JACK WEBSTER, TAX COLLECTOR  
E HIGHWAY  
MILLS PA 16666  
4-339-6769  
UES., WED. & THURS.  
OON & 1 PM TO 5 PM  
COUNT PERIOD BY APPOINTMENT  
Due and Payable and Payments Requested From:  
LFRED ET AL  
ERT GOOD, AGENT  
JRCH AVENUE  
AY PA 15724

Real Estate Tax  
For 2003

Assessed Value	Tax Desc	Tax Rate	Discount	Face	Penalty
Land 1,650	School	82.80	133.89	136.62	150.28
Bldg. 0					
Total 1,650					
Payment Schedule					
Received By 10/1/2003 @ 2.00 % Discount Pay → 133.89					
Beginning 12/3/2003 @ 10.00 % Penalty Pay → 150.28					
Unpaid Taxes Returned To Tax Claim On 1/15/2004 At 8:30 AM					

Tax Payers

Receipt

Signature of Tax Collector

Date Paid

Circle Amount

Paid Above

ent Must Be Presented With Payment. Self Addressed Stamped Envelope Must Be Enclosed When A Return Receipt Is Requested.

**DEPOSIT BANK**

*Tax Bill for 2005*

*132.22*  
*54.09*

*186.31*

*372.6*  
*1/5 / 186.31*

*372.6*

*"You're #1 With Us"*

Bill# 849 Mail Date: 8/15/2005 COUNTY OF CLEARFIELD / PHILIPSBURG-OSCEOLA SCHOOL DISTRICT / DECATUR TOWNSHIP Control # 1120 - 19734

**Destination Payable # 60 A**  
Map #  
M12-000-00016  
**Payable To:** JACK WEBSTER, TAX COLLECTOR  
920 DRANE HIGHWAY  
OSCEOLA MILLS PA 16666  
PHONE 814-339-6769  
HOURS TUES., WED. & THURS.  
9 AM TO NOON & 1 PM TO 5 PM  
AFTER DISCOUNT PERIOD BY APPOINTMENT  
**Taxes Payable and Payable and Payments Requested from:**  
GOOD, ALFRED ET AL  
C/O ROBERT GOOD, AGENT  
1351 CHURCH AVENUE  
BROCKWAY PA 15724

Real Estate Tax  
For 2005

Assessed Value	Tax Desc	Tax Rate	Discount	Face	Penalty
Land	School	72.85	117.80	120.20	132.22
1,650					
Bldg.					
0					
Total					
1,650					
<b>Payment Schedule</b>					
Received By		10/14/2005	@	2.00 % Discount Pay →	117.80
Between		10/15/2005	AND	12/15/2005	20.20
Beginning		12/16/2005	@	10.00 % Penalty Pay →	132.22
Last Day to Pay Tax Collector		1/15/2006			
Unpaid Taxes Returned To Tax Claim By		1/15/2006	At 8:30 AM		

Tax Payers  
Receipt

Signature of Tax Collector

Date Paid

Circle Amount  
Paid Above

Entire Statement Must Be Presented With Payment. Self Addressed Stamped Envelope Must Be Enclosed When A Return Receipt Is Requested.

Bill# 848 Mail Date: 8/15/2005 COUNTY OF CLEARFIELD / PHILIPSBURG-OSCEOLA SCHOOL DISTRICT / DECATUR TOWNSHIP Control # 1120 - 19733

**Destination Payable # 7.54 A**  
Map #  
M12-000-003.1  
**Payable To:** JACK WEBSTER, TAX COLLECTOR  
920 DRANE HIGHWAY  
OSCEOLA MILLS PA 16666  
PHONE 814-339-6769  
HOURS TUES., WED. & THURS.  
9 AM TO NOON & 1 PM TO 5 PM  
AFTER DISCOUNT PERIOD BY APPOINTMENT  
**Taxes Payable and Payable and Payments Requested from:**  
GOOD, ALFRED E. ET AL  
C/O ROBERT GOOD, AGENT  
1351 CHURCH AVENUE  
BROCKWAY PA 15824

Real Estate Tax  
For 2005

Assessed Value	Tax Desc	Tax Rate	Discount	Face	Penalty
Land	School	72.85	48.19	49.17	54.09
675					
Bldg.					
0					
Total					
675					
<b>Payment Schedule</b>					
Received By		10/14/2005	@	2.00 % Discount Pay →	48.19
Between		10/15/2005	AND	12/15/2005	49.17
Beginning		12/16/2005	@	10.00 % Penalty Pay →	54.09
Last Day to Pay Tax Collector		1/15/2006			
Unpaid Taxes Returned To Tax Claim By		1/15/2006	At 8:30 AM		

Tax Payers  
Receipt

Signature of Tax Collector

Date Paid

Circle Amount  
Paid Above

Entire Statement Must Be Presented With Payment. Self Addressed Stamped Envelope Must Be Enclosed When A Return Receipt Is Requested.

DON  
GOOD

# db DEPOSIT BANK

2003 Tax on farmland

6148  
15029  
21176

4235  
5731176

$\frac{1}{5} = 4235$

Bill# 829 Mail Date: 8/1/2003

COUNTY OF CLEARFIELD / PHILIPSBURG-OSCEOLA SCHOOL DISTRICT / DECATUR TOWNSHIP

Control # 1120-19733

Map # M12-000-0031  
Payable to: JACK WEBSTER, TAX COLLECTOR  
920 DRANE HIGHWAY  
OSCEOLA MILLS PA 16666  
PHONE 814-339-6769  
HOURS TUES., WED. & THURS.  
9 AM TO NOON & 1 PM TO 5 PM  
AFTER DISCOUNT PERIOD BY APPOINTMENT  
Taxes Are Due and Payable and Payment Requested from:  
GOOD, ALFRED E. ET AL  
C/O ROBERT GOOD, AGENT  
151 CHURCH AVENUE  
BROCKWAY PA 15824

Real Estate Tax  
For 2003

Assessed Value	Tax Desc	Tax Rate	Discount	Face	Penalty
Land 675	School	82.80	54.77	55.89	61.48
Bldg. 0					
Total 675					

## Payment Schedule

Received By	10/1/2003	@	2.00 % Discount Pay →	54.77
Between	10/2/2003	AND	12/2/2003	Pay →
Beginning	12/3/2003	@	10.00 % Penalty Pay →	61.48
Unpaid Taxes Returned To Tax Claim On	1/15/2004			At 8:30 AM

Tax Collectors

Copy

Date Paid

Entire Statement Must Be Presented With Payment. Self Addressed Stamped Envelope Must Be Enclosed When A Return Receipt Is Requested.

Bill# 830 Mail Date: 8/1/2003

COUNTY OF CLEARFIELD / PHILIPSBURG-OSCEOLA SCHOOL DISTRICT / DECATUR TOWNSHIP Control # 1120 - 19734

Map # M12-000-00016  
Payable to: JACK WEBSTER, TAX COLLECTOR  
920 DRANE HIGHWAY  
OSCEOLA MILLS PA 16666  
PHONE 814-339-6769  
HOURS TUES., WED. & THURS.  
9 AM TO NOON & 1 PM TO 5 PM  
AFTER DISCOUNT PERIOD BY APPOINTMENT  
Taxes Are Due and Payable and Payment Requested from:  
GOOD, ALFRED ET AL  
C/O ROBERT GOOD, AGENT  
1351 CHURCH AVENUE  
BROCKWAY PA 15724

Real Estate Tax  
For 2003

Assessed Value	Tax Desc	Tax Rate	Discount	Face	Penalty
Land 1,650	School	82.80	133.89	138.62	150.28
Bldg. 0					
Total 1,650					

## Payment Schedule

Received By	10/1/2003	@	2.00 % Discount Pay →	133.89
Between	10/2/2003	AND	12/2/2003	Pay →
Beginning	12/3/2003	@	10.00 % Penalty Pay →	150.28
Unpaid Taxes Returned To Tax Claim On	1/15/2004			At 8:30 AM

Tax Payers

Receipt

Signature of Tax Collector

Date Paid

Circle Amount

Paid Above

Entire Statement Must Be Presented With Payment. Self Addressed Stamped Envelope Must Be Enclosed When A Return Receipt Is Requested.

Bill# 844 Mail Date: 3/1/02 County of Clearfield, Pennsylvania / DECATUR TOWNSHIP

Control # 1120 37251

Description of Property: H, G & 0.644 A  
 Map # N12-000-00064  
 Payable To: JACK WEBSTER, TAX COLLECTOR  
 R R 1 BOX 578A  
 OSCEOLA MILLS PA 16666  
 PHONE 814-339-6769  
 HOURS: TUES., WED. & THURS.  
 9 AM TO NOON & 1 PM TO 5 PM  
 AFTER DISCOUNT PERIOD BY APPOINTMENT  
 Taxes Are Due and Payable and Payment is Requested From:  
 GOOD, ALFRED E. ET AL  
 C/O ROBERT GOOD, AGENT  
 BROCKWAY PA 15824

Real Estate Tax  
For 2002

Assessed Value	Tax Desc	Tax Rate	Discount	Face	Penalty
Land	County	15.00	91.51	93.38	102.71
975	TOWNSHIP	6.20	37.82	38.60	42.45
Bldg.		0.00			
5,250		0.00			
Total		0.00			
6,225		Total			

Payment Schedule

Received By	5/1/02	@	2.00 % Discount Pay -->	129.33
Between	5/2/02	AND	7/3/02	Pay
Beginning	7/4/02	@	10.00 % Penalty Pay -->	145.16
Unpaid Taxes Returned To Tax Claim On	1/15/03			At 8:30 AM

Tax Collectors

Copy

Date Paid

Entire Statement Must Be Presented With Payment. Self Addressed Stamped Envelope Must Be Enclosed When A Return Receipt Is Requested.

Bill# 843 Mail Date: 3/1/02 County of Clearfield, Pennsylvania / DECATUR TOWNSHIP

Control # 1120 19733

Description of Property: 7.54 A  
 Map # M12-000-003.1  
 Payable To: JACK WEBSTER, TAX COLLECTOR  
 R R 1 BOX 578A  
 OSCEOLA MILLS PA 16666  
 PHONE 814-339-6769  
 HOURS: TUES., WED. & THURS.  
 9 AM TO NOON & 1 PM TO 5 PM  
 AFTER DISCOUNT PERIOD BY APPOINTMENT  
 Taxes Are Due and Payable and Payment is Requested From:  
 GOOD, ALFRED E. ET AL  
 C/O ROBERT GOOD, AGENT  
 1351 CHURCH AVENUE  
 BROCKWAY PA 15824

Real Estate Tax  
For 2002

Assessed Value	Tax Desc	Tax Rate	Discount	Face	Penalty
Land	County	15.00	9.92	10.13	11.14
675	TOWNSHIP	6.20	4.10	4.18	4.60
Bldg.		0.00			
0		0.00			
Total		0.00			
675		Total			

Payment Schedule

Received By	5/1/02	@	2.00 % Discount Pay -->	14.02
Between	5/2/02	AND	7/3/02	Pay
Beginning	7/4/02	@	10.00 % Penalty Pay -->	15.74
Unpaid Taxes Returned To Tax Claim On	1/15/03			At 8:30 AM

Tax Collectors

Copy

Date Paid

Entire Statement Must Be Presented With Payment. Self Addressed Stamped Envelope Must Be Enclosed When A Return Receipt Is Requested.



UOTE  
 BASINGER  
 DISTRICT JUSTICE

total 2002 Taxes

199.38

$\frac{1}{5} = 39.69$

848 Mail Date: 8/15/2005 COUNTY OF CLEARFIELD / PHILIPSBURG / OSCEOLA SCHOOL DISTRICT / DECATUR TOWNSHIP Control # 120 - 19733

Assessed Value 754 A

Real Estate Tax For 2005

Assessed Value Tax Desc Tax Rate Discount Face Penalty

Land	School	72.85	48.19	49.17	54.09
675					
Bldg.					
0					
Total					
675					
Total					

Payment Schedule

Received By 10/14/2005 @ 2.00 % Discount Pay → 48.19

Beginning 12/16/2005 @ 10.00 % Penalty Pay → 54.09

Unpaid Taxes Returned To Tax Claim By 1/15/2006 At 8:30 AM

Tax Payers Receipt

Signature of Tax Collector *[Signature]* Date Paid 11/25/05 Circle Amount Paid Above

Entire Statement Must Be Presented With Payment. Self Addressed Stamped Envelope Must Be Enclosed When A Return Receipt Is Requested.

Assessed Value 60 A

Real Estate Tax For 2005

Assessed Value Tax Desc Tax Rate Discount Face Penalty

Land	School	72.85	117.80	120.20	132.22
1,650					
Bldg.					
0					
Total					
1,650					
Total					

Payment Schedule

Received By 10/14/2005 @ 2.00 % Discount Pay → 117.80

Beginning 12/16/2005 @ 10.00 % Penalty Pay → 132.22

Unpaid Taxes Returned To Tax Claim By 1/15/2006 At 8:30 AM

Tax Payers Receipt

Signature of Tax Collector *[Signature]* Date Paid 11/25/05 Circle Amount Paid Above

Entire Statement Must Be Presented With Payment. Self Addressed Stamped Envelope Must Be Enclosed When A Return Receipt Is Requested.

DEPOSIT BANK

Tax Bill 2005

132.22  
54.09

186.31

186.31

372.6

"You're #1 With Us"



RECEIVED MAY 17 2006

Dear Mrs Jones-Wenger,

The following are reimbursement that I  
will have coming due to the fact that  
Kathryn created.

Wages for Lost Days = 2 @ 78.00

Phone Calls & Travel expenses \$30.00

Total <sup>\$</sup>186.00

Thank you

Donald C. Good

RECEIVED DEC 20 2006

DAVID C. MASON

*Attorney at Law*

409 NORTH FRONT STREET  
P.O. Box 28  
PHILIPSBURG, PENNSYLVANIA 16866  
(814) 342-2240  
FAX (814) 342-5318

December 19, 2006

Winifred Jones-Wenger, Esquire  
333 Laurel Street  
P.O. Box 469  
Philipsburg, PA 16866

In RE: Kathryn E. Couturiaux v. Donald Good, et al.  
No. 03-1275-CD

Dear Ms. Jones-Wenger:

All the other parties to this case hired legal counsel, and presumably, paid for their services. While they may not have experienced "lost wages", they did incur legal fees.

I object to the claim filed by Don Good, but if the Master thinks she should pay him, then I intend to file a claim on behalf of Brunhilde Good for her legal fees, long distance telephone calls and any other out-of-pocket expenses she may have incurred as a result of her ownership interests of these lands.

Very truly yours,

MASON LAW OFFICE

  
David C. Mason

DCM:blb

cc George S. Test, Esquire  
John Sughrue, Esquire  
Brunhilde Good

EXHIBIT "D"

**GEORGE S. TEST, ESQ.**

Moshannon Building - Room 311  
203 North Front Street  
P. O. Box 706  
Philipsburg, Pennsylvania 16866-0706  
Phone (814) 342-4640  
Fax (814) 342-3775  
E-mail address: [geortest@webnmore.net](mailto:geortest@webnmore.net)

January 17, 2007

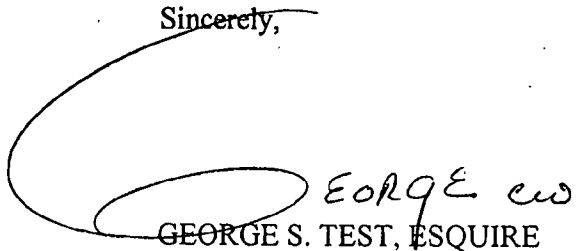
*Winifred H. Jones-Wenger*  
*Attorney At Law*  
333 Laurel Street  
P. O. Box 469  
Philipsburg, PA 16866-0469

**Re: Kathryn E. Couturiaux**  
**vs.**  
**Donald Good, et al.**  
**Cld. Co. No. 2003-1275-CD**

Dear Winifred:

Please be advised that I do object to the claim made by Donald Good. Everybody else spent as much time on this as he did plus, everyone else has attorneys fees to pay.

Sincerely,



GEORGE S. TEST, ESQUIRE

GST:cw

cc: Ms. Kathryn E. Couturiaux  
John Sughrue, Esquire  
David C. Mason, Esquire  
Mr. Donald Good

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

KATHRYN E. COUTURIAUX,	:	
Plaintiff	:	
	:	
vs.	:	No. 03-1275-CD
	:	ACTION IN PARTITION
DONALD GOOD, ROBERT GOOD,	:	
BRUNHILDE A. GOOD and	:	
AUDREY GOOD,	:	
Defendants	:	

MASTER'S STATEMENT  
FEES AND COSTS

01/11/05	Letter to Attorneys and Defendant Donald Good re scheduling conference	50.00
01/14/05	Telephone conference with Defendant Donald Good and letter	25.00
01/28/05	Review Documents received from Prothonotary for conference	50.00
01/28/05	Conference with Attorneys for parties and Defendant Donald Good; Preparation of Stipulation	100.00
06/30/05- 07/01/05	Legal Research; Preparation of First Report of Master; Preparation of Proposed Order; Preparation of Certificate of Service; Preparation of Letter to Prothonotary	200.00
07/13/05	Letter to Attorneys and Defendant Donald Good with Order of Court and Preparation of Certificate of Service	50.00
08/05/05	Review Listing Agreement with realtor and Letter to realtor	50.00
02/14/06	Telephone conference with Ed Reiter/realtor re Novak offer	25.00
07/10/06	Review proposed offer; Letter to Attorneys and Defendant Donald Good with copies of proposed Agreement of Sale and contingencies	50.00
07/13/06	Telephone conference with Attorney Test	25.00
07/14/06	Telephone conference with Ed Reiter/realtor	25.00

07/14/06	Telephone conferences with Attorneys and Defendant Donald Good	100.00
07/14/06	Preparation and fax of letter to realtor re counteroffer	25.00
09/06/06	Email to Attorneys	25.00
09/11/06	Telephone conferences with realtor, Attorney Thompson (representing buyers) and Attorney Mason	50.00
09/22/06	Preparation of Second Report of Master, Consents of parties; Proposed Order of Court	150.00
Various	Preparation of Master's Deed (and revisions)	150.00
10/17/06	Review Proposed HUD	25.00
10/17/06	Fax Proposed Settlement Sheet to Parties for Review	N/C
10/20/06	Attend Closing for sale of property	50.00
10/20/06	Letter to Attorneys and Defendant Donald Good	50.00
11/02/06	Letter to Attorneys and Defendant Donald Good	25.00
11/21/06	Letter to Attorneys and Defendant Donald Good	25.00
Various	Reviewing, Securing and/or Compiling W-9's, Various Indemnification Letters, and Estate Information to Conclude Sale	100.00
01/15/07- 01/19/07	Review of Claims and Objections; Preparation of Third and Final Report of Master, Consent of parties and Proposed Order	400.00
01/19/07	Letter to Attorneys and Defendant Donald Good with Proposed Third and Final Report, Proposed Order and Consent Forms	50.00

**TOTAL FEES**

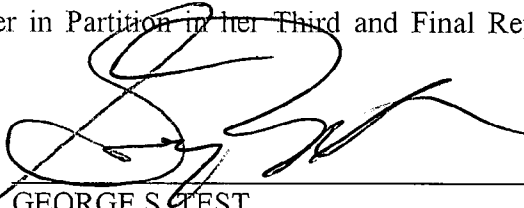
**\$ 1,875.00**

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

KATHRYN E. COUTURIAUX,	:
Plaintiff	:
	:
vs.	: No. 03-1275-CD
	: ACTION IN PARTITION
DONALD GOOD, ROBERT GOOD,	:
BRUNHILDE A. GOOD and	:
AUDREY GOOD,	:
Defendants	:

CONSENT

I, George S. Test, attorney of record for Kathryn E. Couturiaux, hereby consent to the entry of the Order requested by the Master in Partition in her Third and Final Report to the Court.

  
\_\_\_\_\_  
GEORGE S. TEST

Dated: 8-1-07

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

KATHRYN E. COUTURIAUX,  
Plaintiff

vs.

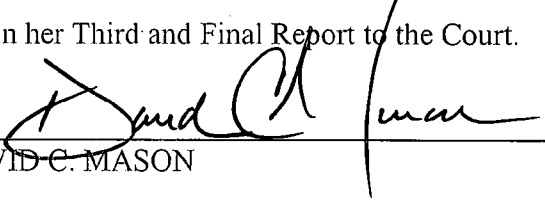
DONALD GOOD, ROBERT GOOD,  
BRUNHILDE A. GOOD and  
AUDREY GOOD,

Defendants

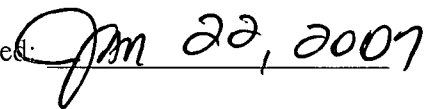
:  
:  
:  
: No. 03-1275-CD  
: ACTION IN PARTITION  
:  
:  
:

CONSENT

I, David C. Mason, attorney of record for Brunhilde A. Good, hereby consent to the entry of the Order requested by the Master in Partition in her Third and Final Report to the Court.

  
\_\_\_\_\_  
DAVID C. MASON

Dated:

  
Jan 22, 2007

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

KATHRYN E. COUTURIAUX,  
Plaintiff

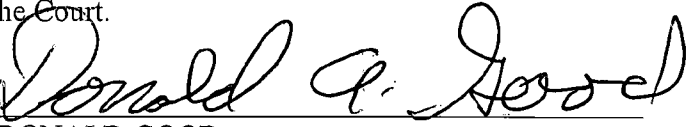
vs.

DONALD GOOD, ROBERT GOOD,  
BRUNHILDE A. GOOD and  
AUDREY GOOD,  
Defendants

:  
:  
:  
: No. 03-1275-CD  
: ACTION IN PARTITION  
:  
:  
:  
:

CONSENT

I, Donald Good, pro se, hereby consent to the entry of the Order requested by the Master  
in Partition in her Third and Final Report to the Court.

  
DONALD GOOD

Dated: 23 Jan 2007



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

KATHRYN E. COUTURIAUX,  
Plaintiff

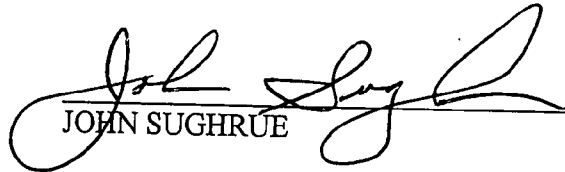
vs.

DONALD GOOD, ROBERT GOOD,  
BRUNHILDE A. GOOD and  
AUDREY GOOD,  
Defendants

:  
:  
:  
: No. 03-1275-CD  
: ACTION IN PARTITION  
:  
:  
:  
:

CONSENT

I, John Sughrue, attorney of record for Robert Good and Audrey Good, hereby consent to the entry of the Order requested by the Master in Partition in her Third and Final Report to the Court.

  
JOHN SUGHRUE

Dated: 2-19-07

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

KATHRYN E. COUTURIAUX, :  
Plaintiff :  
 :  
vs. : No. 03-1275-CD  
 : ACTION IN PARTITION  
DONALD GOOD, ROBERT GOOD, :  
BRUNHILDE A. GOOD and :  
AUDREY GOOD, :  
Defendants :

ORDER

AND NOW this 20<sup>th</sup> day of February, 2007, upon receipt of the THIRD AND FINAL REPORT of the Master, to which is attached the Consent of the parties either individually or through their counsel, and upon the request of the Master, it is hereby ORDERED, ADJUDGED AND DECREED as follows:

1. That the expenses of Kathryn E. Couturiaux and the request for contribution made by Robert Good as set forth in said Report are approved.
2. That the request for reimbursement made by Donald Good is disallowed.
3. That the Master's statement of fees and costs is approved.
4. That the Master's proposed distribution of the net proceeds in her hands is approved and she is authorized to make distribution accordingly as follows:

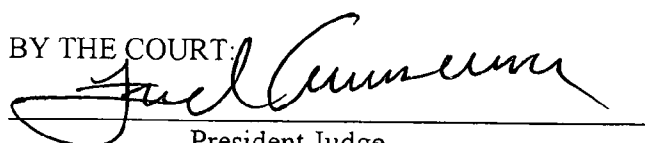
Kathryn E. Couturiaux	\$ 12,169.73
Robert L. Good	\$ 12,225.31
Donald A. Good	\$ 11,696.07
Brunhilde A. Good, Executrix	\$ 8,861.54
Audrey Good, Administratrix	\$ 8,861.54
Winifred H. Jones-Wenger, Master fees and costs	\$ <u>1,875.00</u>
TOTAL DISTRIBUTION	\$ 55,689.19

FILED

01/11/10 cm  
FEB 20 2007

6 CC Att  
Wenger  
(will serve)  
(GW)

BY THE COURT:



President Judge

William A. Shaw  
Prothonotary/Clerk of Courts

GA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KATHRYN E. COUTURIAUX,  
PLAINTIFF

VS.

DONALD GOOD, ROBERT GOOD,  
BRUNHILDE A. GOOD and  
AUDREY GOOD,  
DEFENDANTS

: CIVIL ACTION – EQUITY  
:  
: ACTION IN PARTITION  
: No. 03-1275-CD  
:  
:  
: FIRST REPORT OF MASTER; STIPULATION;  
: ORDER  
:  
: FILED BY: WINIFRED H. JONES-WENGER,  
: MASTER  
:  
: COUNSEL OF RECORD FOR PLAINTIFF:  
: GEORGE S. TEST, ESQUIRE  
: P.O. BOX 706  
: PHILIPSBURG, PA 16866  
: (814) 342-4640  
:  
: COUNSEL OF RECORD FOR DEFENDANTS/  
: ROBERT GOOD AND AUDREY GOOD,  
: EXECUTRIX:  
: JOHN SUGHRUE, ESQUIRE  
: 23 NORTH SECOND STREET  
: CLEARFIELD, PA 16830  
: (814) 765-1704  
:  
: COUNSEL OF RECORD FOR DEFENDANT/  
: BRUNHILDE A. GOOD, EXECUTRIX:  
: DAVID C. MASON, ESQUIRE  
: P.O. BOX 28  
: PHILIPSBURG, PA 16866  
: (814) 342-2240  
:  
: DONALD GOOD, pro se  
: 505 HARTMAN ROAD  
: WEST DECATUR, PA 16878  
: (814) 342-6653

FILED

m18:40601 @K  
JUL 05 2005 NOCC

William A. Shaw  
Prothonotary/Clerk of Courts

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

KATHRYN E. COUTURIAUX,	:
Plaintiff	:
	:
vs.	: No. 03-1275-CD
	: ACTION IN PARTITION
DONALD GOOD, ROBERT GOOD,	:
BRUNHILDE A. GOOD and	:
AUDREY GOOD,	:
Defendants	:

**FIRST REPORT OF MASTER**

TO THE HONORABLE, THE JUDGES OF THE SAID COURT:

The First Report of Winifred H. Jones-Wenger, Master appointed by this Court,  
respectfully represents:

1. By Order dated December 15, 2004, this Court appointed the undersigned as Master in Partition.
2. Pursuant to said Order I held a conference among the counsel for the parties and with Donald Good, pro se, on January 28, 2005.
3. As a result of said conference the parties through their counsel (and Donald Good, pro se) entered into a stipulation which is attached to this Report.
4. In accordance with such stipulation it is proposed that the Court enter an Order directing partition and directing the ownership of the property situate in Decatur Township, Clearfield County, Pennsylvania as described in the Complaint.
5. All parties agreed that the property is incapable of division without prejudice and that the property should not be sold at a private sale confined to the parties, as is set forth in the stipulation.

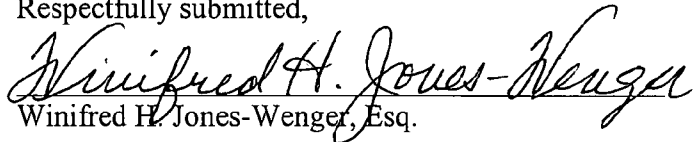
6. It is further proposed that the sale of such premises be conducted by listing such property with a reputable realtor with a sale price to be determined after consultation with such realtor.

7. It is further proposed that such sale be contingent upon the confirmation of this Court in accordance with Pa.R.C.P. 1573 after due notice to all parties.

8. A proposed Order for entry by this Court is attached hereto for the consideration of the Court.

WHEREFORE, it is recommended that the Court enter an Order providing for partition of the property, directing the ownership interest of the parties and directing the Master list the property for sale with a realtor, such sale to be contingent upon confirmation of this Court.

Respectfully submitted,

  
Winifred H. Jones-Wenger, Esq.

Dated: 6-30-05

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

KATHRYN E. COUTURLAUX, :  
Plaintiff :  
 :  
vs. : No. 03-1275-CD  
 : ACTION IN PARTITION  
DONALD GOOD, ROBERT GOOD, :  
BRUNHILDE A. GOOD and :  
AUDREY GOOD, :  
Defendants :

**FILED**  
JUL 18 4 06 PM '05  
JUL 05 2005 (6K)  
William A. Shaw No CC  
Prothonotary/Clerk of Courts

STIPULATION

All the parties being present it is stipulated this 28<sup>th</sup> of January, 2005 as follows:


1. The property which is the subject of this partition is that property described in the original complaint.

2. All parties agree that an Order of Partition should be entered and that the Order shall direct that the property is presently owned by the following individuals having the following interests:

Kathryn E. Couturiaux—4/18<sup>th</sup> interest in the undivided whole;  
Robert L. Good —4/18<sup>th</sup> interest in the undivided whole;  
Donald A. Good-4/18<sup>th</sup> interest in the undivided whole;  
Brunhilde A. Good, Executrix of the Estate of Duane Good—3/18<sup>th</sup>  
interest in the undivided whole; and  
Heirs of Alfred Good—3/18<sup>th</sup> interest in the undivided whole

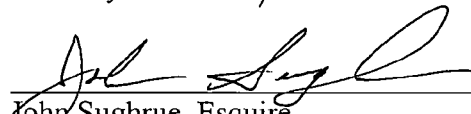
3. All parties agree that a subsequent Order be entered providing:

- a. That the property is incapable of division without prejudice;
- b. That the property not be sold at a private sale confined to the parties; and
- c. That the Master shall conduct the sale in accordance with the Pa Rules of Civil Procedure



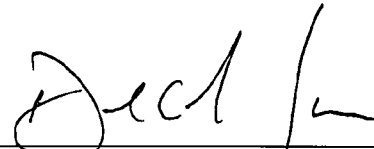
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George S. Test, Esquire  
Attorney for Plaintiff



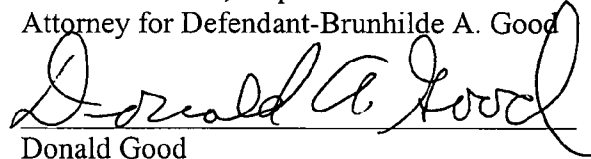
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John Sughrue, Esquire  
Attorney for Defendants-Audrey Good  
Robert Good



---

David C. Mason, Esquire  
Attorney for Defendant-Brunhilde A. Good



---

Donald Good  
Pro se

**FILED**

**JUL 05 2005**

**William A. Shaw  
Prothonotary/Clerk of Courts**



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KATHRYN E. COUTURIAUX,  
PLAINTIFF

VS.

DONALD GOOD, ROBERT GOOD,  
BRUNHILDE A. GOOD and  
AUDREY GOOD,  
DEFENDANTS

: CIVIL ACTION – EQUITY  
:  
: ACTION IN PARTITION  
: No. 03-1275-CD  
:  
:  
: ORDER  
:  
:  
: FILED BY: WINIFRED H. JONES-WENGER,  
: MASTER  
:  
: COUNSEL OF RECORD FOR PLAINTIFF:  
: GEORGE S. TEST, ESQUIRE  
: P.O. BOX 706  
: PHILIPSBURG, PA 16866  
: (814) 342-4640  
:  
: COUNSEL OF RECORD FOR DEFENDANTS/  
: ROBERT GOOD AND AUDREY GOOD,  
: EXECUTRIX:  
: JOHN SUGHRUE, ESQUIRE  
: 23 NORTH SECOND STREET  
: CLEARFIELD, PA 16830  
: (814) 765-1704  
:  
: COUNSEL OF RECORD FOR DEFENDANT/  
: BRUNHILDE A. GOOD, EXECUTRIX:  
: DAVID C. MASON, ESQUIRE  
: P.O. BOX 28  
: PHILIPSBURG, PA 16866  
: (814) 342-2240  
:  
: DONALD GOOD, pro se  
: 505 HARTMAN ROAD  
: WEST DECATUR, PA 16878  
: (814) 342-6653

FILED 5 cc  
019:45/ My Wenger  
JUL 07 2005 @  
William A. Shaw  
Prothonotary/Clerk of Courts

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

KATHRYN E. COUTURIAUX, :  
Plaintiff :  
vs. : No. 03-1275-CD  
: ACTION IN PARTITION  
DONALD GOOD, ROBERT GOOD, :  
BRUNHILDE A. GOOD and :  
AUDREY GOOD, :  
Defendants :

**ORDER**

AND NOW this 6<sup>th</sup> day of July, 2005, upon receipt  
of the Stipulation entered into by the parties and upon the request of the Master, it is hereby  
ORDERED, ADJUDGED AND DECREED as follows:

1. That partition be made of the land situate in Decatur Township, Clearfield  
County, Pennsylvania as described in the Complaint among the following parties in proportion to  
their respective interest therein as follows:

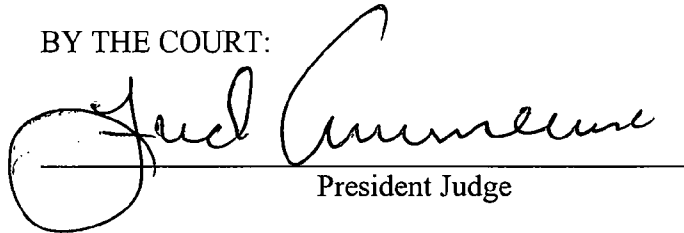
Kathryn E. Couturiaux	4/18 <sup>th</sup> of the undivided whole
Robert L. Good	4/18 <sup>th</sup> of the undivided whole
Donald A. Good	4/18 <sup>th</sup> of the undivided whole
Brunhilde A. Good, Executrix of the Estate Duane Good, deceased	3/18 <sup>th</sup> of the undivided whole
Audrey Naomi Good, Executrix of the Estate of Alfred Good, deceased	3/18 <sup>th</sup> of the undivided whole

2. The real estate which is the subject of the within partition is not capable of  
division without prejudice.

3. The property shall not be sold at private sale confined to the parties pursuant to  
Pa.R.C.P. 1563.

4. The Master is directed to sell the property by listing it with a realtor to be sold at the price as recommended by such realtor in its professional opinion, such sale to be confirmed by this Court in accordance with Pa.R.C. P. 1573. The Agreement of Sale shall contain language that the sale is contingent upon approval of the Court of Common Pleas of Clearfield County upon Return of Sale by the Master.

BY THE COURT:

  
\_\_\_\_\_  
President Judge

orig      JA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KATHRYN E. COUTURIAUX,  
PLAINTIFF

VS.

DONALD GOOD, ROBERT GOOD,  
BRUNHILDE A. GOOD and  
AUDREY GOOD,  
DEFENDANTS

: CIVIL ACTION – EQUITY  
:  
: ACTION IN PARTITION  
: No. 03-1275-CD  
:  
:  
: SECOND REPORT OF MASTER  
:  
:  
: FILED BY: WINIFRED H. JONES-WENGER,  
: MASTER  
:  
: COUNSEL OF RECORD FOR PLAINTIFF:  
: GEORGE S. TEST, ESQUIRE  
: P.O. BOX 706  
: PHILIPSBURG, PA 16866  
: (814) 342-4640  
:  
: COUNSEL OF RECORD FOR DEFENDANTS/  
: ROBERT GOOD AND AUDREY GOOD,  
: EXECUTRIX:  
: JOHN SUGHRUE, ESQUIRE  
: 23 NORTH SECOND STREET  
: CLEARFIELD, PA 16830  
: (814) 765-1704  
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: COUNSEL OF RECORD FOR DEFENDANT/  
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: (814) 342-2240  
:  
: DONALD GOOD, pro se  
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: WEST DECATUR, PA 16878  
: (814) 342-6653

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OCT 13 2006

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Amy Wenger  
@

William A. Shaw  
Prothonotary/Clerk of Courts

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

KATHRYN E. COUTURIAUX,	:
Plaintiff	:
	:
vs.	: No. 03-1275-CD
	: ACTION IN PARTITION
DONALD GOOD, ROBERT GOOD,	:
BRUNHILDE A. GOOD and	:
AUDREY GOOD,	:
Defendants	:

**SECOND REPORT OF MASTER**

TO THE HONORABLE, THE JUDGES OF THE SAID COURT:

The Second Report of Winifred H. Jones-Wenger, Master appointed by this Court, respectfully represents:

1. By Order of Court dated July 6, 2005, the Court directed that partition be made of certain property situate in Decatur Township, Clearfield County among the parties in proportion to their respective interests therein.

2. The Order further directed the Master to sell the property by listing it with a realtor with such sale to be confirmed by the Court in accordance with Pa.R.C.P. 1573.

3. The Master has listed the property for sale with Realty World/Reiter Agency and a proposed sale price of \$60,000 has been negotiated for the sale of the subject property to Frederick R. Ghaner, Debbie Ghaner, Ronda Armstrong and Justine C. Varner ("Buyers").

4. The additional terms of such sale include the payment of realtor's commission in the amount of \$3,600 (6%), one-half of the transfer tax and the pro-ration of current real estate taxes.

5. All parties consent to the sale of such property on such terms as evidenced by the consents attached herewith.

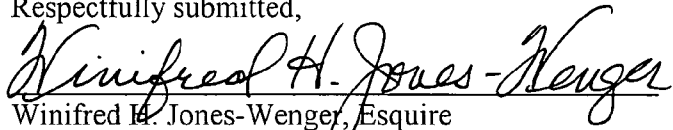
6. It is proposed that the Court enter an Order confirming the sale to the Buyers on the terms set forth above.

7. It is further proposed that such Order authorize the Master to execute a deed conveying title to the property the Buyers and any other documents necessary to effect such conveyance and closing thereof and directing the Master, upon receipt of the net proceeds, to consider the payment of other costs and distribution of the proceeds.

8. A proposed Order for entry by this Court is attached hereto for consideration.

WHEREFORE, it is recommended that the Court enter such Order confirming the sale as proposed, authorizing the Master to execute a deed and directing the Master to consider and further propose the subsequent payments of costs and distribution of proceeds.

Respectfully submitted,

  
Winifred H. Jones-Wenger, Esquire

Dated: 10/10/06

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

KATHRYN E. COUTURIAUX,  
Plaintiff

vs.

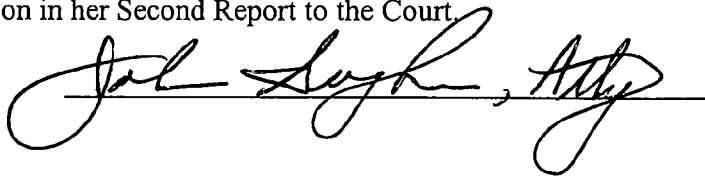
DONALD GOOD, ROBERT GOOD,  
BRUNHILDE A. GOOD and  
AUDREY GOOD,

Defendants

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: No. 03-1275-CD  
: ACTION IN PARTITION  
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CONSENT

I, John Sughrue, Esq., attorney of record for Audrey Naomi Good, Executrix of the Estate of Alfred E. Good, aka Alfred Edison Good, and Robert Good, hereby consent to the entry of the Order requested by the Master in Partition in her Second Report to the Court.

A handwritten signature in cursive script, appearing to read "John Sughrue, Esq.", is written over a horizontal line.

Dated: 10-3-06

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

KATHRYN E. COUTURIAUX,  
Plaintiff

vs.

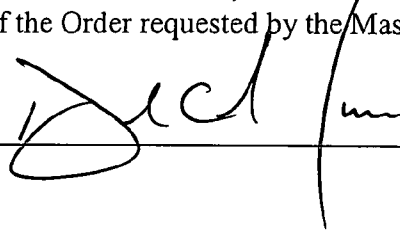
DONALD GOOD, ROBERT GOOD,  
BRUNHILDE A. GOOD and  
AUDREY GOOD,

Defendants

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: No. 03-1275-CD  
: ACTION IN PARTITION  
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CONSENT

I, David C. Mason, Esq., attorney of record for Brunhilde A. Good, Executrix of the Estate of Duane C. Good, hereby consent to the entry of the Order requested by the Master in Partition in her Second Report to the Court.

A handwritten signature in dark ink, appearing to read 'D. C. Mason', is written over a horizontal line.

Dated: 9-25-06



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

KATHRYN E. COUTURIAUX,  
Plaintiff

vs.

DONALD GOOD, ROBERT GOOD,  
BRUNHILDE A. GOOD and  
AUDREY GOOD,

Defendants

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: No. 03-1275-CD  
: ACTION IN PARTITION  
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CONSENT

I, George S. Test, Esq., attorney of record for Kathryn E. Couturiaux, hereby consent to the entry of the Order requested by the Master in Partition in her Second Report to the Court.

Dated: 07/25/08

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

KATHRYN E. COUTURIAUX,  
Plaintiff

vs.

DONALD GOOD, ROBERT GOOD,  
BRUNHILDE A. GOOD and  
AUDREY GOOD,

Defendants

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: No. 03-1275-CD  
: ACTION IN PARTITION  
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CONSENT

I, Donald Good, pro se, hereby consent to the entry of the Order requested by the Master in Partition in her Second Report to the Court.

Donald A. Good

Dated: 09-26-06

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

KATHRYN E. COUTURIAUX,	:
Plaintiff	:
	:
vs.	: No. 03-1275-CD
	: ACTION IN PARTITION
DONALD GOOD, ROBERT GOOD,	:
BRUNHILDE A. GOOD and	:
AUDREY GOOD,	:
Defendants	:

**ORDER**

AND NOW this \_\_\_\_\_ day of \_\_\_\_\_, 2006, upon receipt of the SECOND REPORT of the Master, to which is attached the Consent of the parties either individually or through their counsel, and upon the request of the Master, it is hereby ORDERED, ADJUDGED AND DECREED as follows:

1. That the sale of certain premises situate in Decatur Township, as proposed in the Second Report of the Master, which premises are described as follows:

ALL those certain pieces or parcels of land situate in Decatur Township, Clearfield County, Pennsylvania, being more particularly bounded and described as follows:

THE FIRST THEREOF: Beginning at a post on the public road leading from Jeffries Post Office to the New Castle settlement, 68 perches east of the northeastern corner of the C. B. Kephart property; thence south 4 degrees west 119.3 perches to a post on property line; thence south 86 degrees east 33.45 perches along property line to post; thence north 4 degrees east 119.6 perches to a post on the public road above-mentioned; thence north 86 degrees and 44 minutes west along said public road 33.45 perches to post and place of beginning. Containing 25 acres, not measure.

THE SECOND THEREOF: Beginning at a post on the public road leading from Jeffries Post Office to Ashland at the northeast corner of land heretofore conveyed to C. W. Kizer; thence south 86 degrees east 220.2 feet along said public road to a post; thence south 4 degrees 54 minutes west 1987.2' feet to a stake or stones on line of Henry Kephart; thence north 85 degrees 14 minutes west 219 feet to post at southeast corner of

land formerly conveyed to C. W. Kizer; thence north 4 degrees 50 minutes east 1983.6 feet along line of said C. W. Kizer to post and place of beginning. Containing 10 acres.

THE THIRD THEREOF: Beginning at a stake on the public road leading from Jeffries to Ashland at the northeast corner of land contracted to be sold to C. B. Kephart; thence south 88 degrees east 898 feet along said public road to stake on the corner of land sold to C. W. Kizer; thence south 4 degrees 41 minutes west 1393 feet along line of C. W. Kizer, to stake and stones, and northeast corner of land conveyed to Russell A. Kephart; thence north 85 degrees 14 minutes west 898 feet along line of Russell A. Kephart land and on line of lands sold to C. B. Kephart; thence north 4 degrees 41 minutes east 1379.9 feet along line of C. B. Kephart section to stake and place of beginning. Containing 28.5 acres net, and being the same premises which John M. Chase, Jr., et al., by their deed recorded in Deed Book 226 at page 155 granted and conveyed to C. W. Kizer.

Reserving 2 acres, more or less, which C. W. Kizer and wife by their deed recorded in Deed Book 248 at page 544 granted and conveyed to Raymond Kizer.

THE FOURTH THEREOF: Beginning at a stake and stones which is the Southwest corner of this tract of land; thence North 85° 14' West 449 feet to a stake; thence North 4° 41' East along residue of tract, which is land of the Grantors herein to a stake; thence North 85° 14' West 449 feet to a stake on line of land common boundaries to Albright; thence along said Albright line North 4° 41' East 150 feet to a stake and stones on Albright line; thence South along land of the grantees 85° 14' East 898 feet to stake and stones on line of land of what was formerly C. W. Kizer; thence along said Kizer land 4° 41' West 582 feet to a stake and stones the place of beginning.

EXCEPTING AND RESERVING, nevertheless, all the stone, coal, fireclay, and other minerals and mining rights as excepted and reserved in Deed from John M. Chase, Jr., et al., executors of John M. Chase, deceased to Russell A. Kephart, and recorded as such; this conveyance being subject to all reservations, covenants, stipulations and agreements therein contained; reference thereunto being had, the same will more fully and at large appear.

UNDER AND SUBJECT, nevertheless, to such express and/or implied exceptions, reservations, conditions, easements, covenants, restrictions, limitations, qualifications and conveyances out as are contained in all prior deeds of record in the chain of title.

is hereby approved and the Master is hereby authorized to execute a Deed on behalf of the owners of such premises in accordance with such Second Report and all other documents necessary for the closing and settlement on the sale of such premises.

2. The Master is authorized to receive and hold the net proceeds from such sale and further investigate and recommend to the Court as to the payment of all appropriate costs authorized by applicable law and the proposed distribution of net proceeds to the owners thereof.

BY THE COURT:

  
\_\_\_\_\_  
President Judge