

03-1430-CD

PAIRING H. MOWREY, etal. vs. GEORGE W. KOUCHER, etal.

PATRICK H. MOWREY;
KIM MOWREY HOBBA;
PATRICK H. MOWREY and
KIM MOWREY HOBBA, Trustees
of the PATRICK H. MOWREY
FAMILY TRUST; and
KIM MOWREY HOBBA and
PATRICK H. MOWREY, Trustees
of the KIM MOWREY HOBBA
FAMILY TRUST,

Plaintiffs,

vs.

GEORGE W. KOUGHER and
ELIZABETH KOUGHER, his wife;
MILDRED KOUGHER McMILLAN;
JOHN ENGLISH McMILLAN, JR.;
ETHEL KOUGHER MECKLEY;
MABLE KOUGHER HAGEN; and
FORREST H. KOUGHER,
their cumulative heirs, devisees,
administrators, executors, assigns,
and all other person, persons, firms,
partnerships, or corporate entities
in interest,

Defendants.

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL ACTION - LAW

No. 03-1430-CD

ACTION TO QUIET TITLE

Type of Pleading:

Complaint in Action to Quiet Title

Filed on behalf of:

Patrick H. Mowrey; Kim Mowrey
Hobba; Patrick H. Mowrey and Kim
Mowrey Hobba, Trustees of the
Patrick H. Mowrey Family Trust; and
Kim Mowrey Hobba and Patrick H.
Mowrey, Trustees of the Kim Mowrey
Family Trust, Plaintiffs

Counsel of Record for This Party:

Michael S. Delaney, Esquire
936 Philadelphia Street
Indiana PA 15701
(724) 349-2255
ID #25537

FILED

SEP 23 2003

William A. Shaw
Prothonotary/Clerk of Courts

PATRICK H. MOWREY;
KIM MOWREY HOBBA;
PATRICK H. MOWREY and
KIM MOWREY HOBBA, Trustees
of the PATRICK H. MOWREY
FAMILY TRUST; and
KIM MOWREY HOBBA and
PATRICK H. MOWREY, Trustees
of the KIM MOWREY HOBBA
FAMILY TRUST,

Plaintiffs,

vs.

GEORGE W. KOUGHER and
ELIZABETH KOUGHER, his wife;
MILDRED KOUGHER McMILLAN;
JOHN ENGLISH McMILLAN, JR.;
ETHEL KOUGHER MECKLEY;
MABLE KOUGHER HAGEN; and
FORREST H. KOUGHER,
their cumulative heirs, devisees,
administrators, executors, assigns,
and all other person, persons, firms,
partnerships, or corporate entities
in interest,

Defendants.

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL ACTION - LAW

No. _____

ACTION TO QUIET TITLE

NOTICE

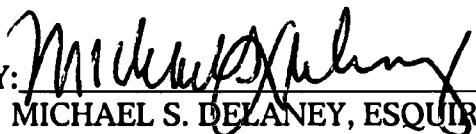
TO THE DEFENDANTS:

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed

without you and a judgment may be entered against you by the court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiffs. You may lose money or property or other rights important to you.

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

Court Administrator's Office
CLEARFIELD COUNTY COURTHOUSE
1 N. 2nd Street
Clearfield, Pennsylvania 16830
TELEPHONE: (814) 765-2641, Ext. 5982

BY: 
MICHAEL S. DELANEY, ESQUIRE
Attorney for Plaintiffs

PATRICK H. MOWREY;
KIM MOWREY HOBBA;
PATRICK H. MOWREY and
KIM MOWREY HOBBA, Trustees
of the PATRICK H. MOWREY
FAMILY TRUST; and
KIM MOWREY HOBBA and
PATRICK H. MOWREY, Trustees
of the KIM MOWREY HOBBA
FAMILY TRUST,

Plaintiffs,

vs.

GEORGE W. KOUGHER and
ELIZABETH KOUGHER, his wife;
MILDRED KOUGHER McMILLAN;
JOHN ENGLISH McMILLAN, JR.;
ETHEL KOUGHER MECKLEY;
MABLE KOUGHER HAGEN; and
FORREST H. KOUGHER,
their cumulative heirs, devisees,
administrators, executors, assigns,
and all other person, persons, firms,
partnerships, or corporate entities
in interest,

Defendants.

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL ACTION - LAW

No. 03-1430-CD

ACTION TO QUIET TITLE

COMPLAINT

1. The Plaintiffs, Patrick H. Mowrey; Kim Mowrey Hobba; Patrick H. Mowrey and Kim Mowrey Hobba, Trustees of the Patrick H. Mowrey Family Trust;

and Kim Mowrey Hobba and Patrick H. Mowrey, Trustees of the Kim Mowrey Hobba Family Trust, are individuals, with a business address of 362 North Park Street, Sykesville, Pennsylvania, 15865.

2. The Plaintiffs are the owners of the OIL AND GAS in, on and underlying those certain pieces, parcels or tracts of land situate in Brady Township, Clearfield County, Pennsylvania, bounded and described as follows:

FIRST TRACT of 110 acres of oil and gas:

BEGINNING at a post at northwest corner, thence east along land of Dimeling and Co., two thousand five hundred seventy and seven tenths (2570.7) feet to a post in Public road; thence south by land of Adam Muth and William Wingert, one thousand eight hundred sixty four and five tenths (1864.5) feet to a pine stump; thence west along land of Henry W. Weber two thousand five hundred seventy and seven tenths (2570.7) feet to a post in line of Grape land; thence north by said Grape land one thousand eight hundred sixty four and five tenths (1864.5) feet to the place of beginning. CONTAINING one hundred ten acres.

KNOWN as the oil and gas underlying Clearfield County Assessment Parcel Number 107-B7-23.

SECOND TRACT of 35 acres of oil and gas:

BEGINNING at a stone in public road, thence by land now or formerly of D. W. Hauck south (or nearly so) one hundred thirty (130) perches, more or less, to a post; thence north $85^{\circ} 11'$ East forty six (46) perches to a post; thence by land of H. W. Weber and Dimeling & Co., north $03^{\circ} 45'$ east, one hundred twenty three and four tenths (123.4) perches, more or less, to a post; thence by land of H. E. Ginter, north $86^{\circ} 40'$ west, forty six (46) perches to a stone and place of beginning. CONTAINING thirty five acres, more or less.

KNOWN as the oil and gas underlying Clearfield County Assessment Parcel Numbers 107-B7-52 and 107-B7-50.

3. An Abstract of Title setting forth the chain of title into the Plaintiffs pertaining to the 110 acres, of oil and gas, is attached hereto and marked Exhibit "A".

4. An Abstract of Title setting forth the chain of title into the Plaintiffs pertaining to the 35 acres, of oil and gas, is attached hereto and marked Exhibit "B".

5. As indicated at Item Number 10 of the Abstract set forth in Exhibit "A", Mike Gutofsky and Stella Gutofsky, his wife, granted and conveyed to George W. Kougher, 110 acres, situate in Brady Township, Clearfield County, Pennsylvania, by deed dated December 26, 1923, and recorded in the Recorder's Office of Clearfield County, Pennsylvania, in Deed Book Volume 266, page 564.

6. As indicated at Item Number 14 of the Abstract set forth in Exhibit "B", D. W. Hauck and Mary J. Hauck, his wife, granted and conveyed to George W. Kougher, 35 acres, more or less, situate in Brady Township, Clearfield County, Pennsylvania, by deed dated October 18, 1902, and recorded in the Recorder's Office of Clearfield County, Pennsylvania, in Deed Book Volume 137, page 248.

7. As indicated at Item Number 9 of the Abstract set forth in Exhibit "A" and at Item Number 13 of the Abstract set forth in Exhibit "B", George W. Kougher and Elizabeth Kougher, his wife, granted and conveyed to Abraham S. Schade, Trustee, the surface of the 110 acres, more or less, and the 35 acres, more or less, situate in Brady Township, Clearfield County, Pennsylvania, by deed dated July 17, 1946, and recorded in the Recorder's Office of Clearfield County, Pennsylvania, in Deed Book Volume 382, page 117, EXCEPTING AND RESERVING UNTO THE GRANTOR

(George W. Kougher and Elizabeth Kougher, his wife), ALL COAL, OIL, GAS, FIRECLAY AND OTHER MINERALS AND RIGHTS.

8. As indicated at Item Number 3 in both Abstracts, George W. Kougher died circa 1951, no estate proceedings having been filed in Clearfield County, Pennsylvania, leaving to survive him as his known heirs-at-law: Elizabeth Kougher, widow; and the following children: Mildred Kougher McMillan, Ethel Kougher Meckley, Mable Kougher Hagen and Forrest H. Kougher.

9. As indicated at Item Number 2 in both Abstracts, Elizabeth Kougher died testate on December 3, 1960, and by virtue of her Last Will and Testament filed in Clearfield County, Pennsylvania, in Will Book Volume 6, page 419, distribution of the oil and gas underlying the subject tracts of land was made to: John English McMillan, Jr., Ethel Kougher Meckley, Mable Kougher Hagen and Forrest H. Kougher.

10. As indicated at Item Number 1 of the Abstract marked Exhibit "A", the Tax Claim Bureau of Clearfield County, Pennsylvania, granted and conveyed to the Plaintiffs, Patrick H. Mowrey (an undivided 1/3rd interest); Kim Mowrey Hobba (an undivided 1/3rd interest); Patrick H. Mowrey and Kim Mowrey Hobba, Trustees of the Patrick H. Mowrey Family Trust (an undivided 1/6th interest); and Kim Mowrey Hobba and Patrick H. Mowrey, Trustees of the Kim Mowrey Hobba Family Trust (an undivided 1/6th interest), 110 acres, more or less, of oil and gas, assessed in the name of G. W. Kougher Heirs, under Tax Claim No. 93-2652, by deed dated December 8, 1995, and recorded in the Recorder's Office of Clearfield County, Pennsylvania, in Record Book Volume 1727, page 156.

11. As indicated at Item Number 1 of the Abstract marked Exhibit "B", the Tax Claim Bureau of Clearfield County, Pennsylvania, granted and conveyed to the Plaintiffs, Patrick H. Mowrey (an undivided 1/3rd interest); Kim Mowrey Hobba (an undivided 1/3rd interest); Patrick H. Mowrey and Kim Mowrey Hobba, Trustees of the Patrick H. Mowrey Family Trust (an undivided 1/6th interest); and Kim Mowrey Hobba and Patrick H. Mowrey, Trustees of the Kim Mowrey Hobba Family Trust (an undivided 1/6th interest), 35 acres, more or less, of oil and gas, assessed in the name of G. W. Kouger Heirs, under Tax Claim No. 93-2653, by deed dated December 8, 1995, and recorded in the Recorder's Office of Clearfield County, Pennsylvania, in Record Book Volume 1727, page 153.

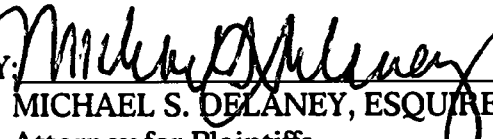
12. That the Defendants may claim an interest in the oil and gas underlying the subject tracts of land herein described by virtue of the facts set forth in this Complaint and the attached Abstracts of Titles.

13. That the whereabouts of the named Defendants and the identity of their heirs, successors and assigns are unknown to the Plaintiffs as is evidenced by an Affidavit hereby given and attached hereto and marked Exhibit "C".

14. That this action is brought to clear any and all possible clouds on the title to the oil and gas underlying the subject tracts of land as described in paragraph 2 above, which the herein named Defendants, their heirs, devisees, executors, administrators, assigns, and all other person, persons, firms, partnerships, or corporate entities in interest or their legal representatives may possess.

15. That this action is found upon the general powers of the Court to quiet title.

WHEREFORE, the Plaintiffs request the Court to decree that the title to the oil and gas in and underlying the above-described tracts of land containing 110 acres, more or less, and 35 acres, more or less, is in the names of the Plaintiffs, Patrick H. Mowrey (an undivided 1/3rd interest); Kim Mowrey Hobba (an undivided 1/3rd interest); Patrick H. Mowrey and Kim Mowrey Hobba, Trustees of the Patrick H. Mowrey Family Trust (an undivided 1/6th interest); and Kim Mowrey Hobba and Patrick H. Mowrey, Trustees of the Kim Mowrey Hobba Family Trust (an undivided 1/6th interest), in fee simple, and absolutely, and that the Defendants, their heirs, devisees, executors, administrators, assigns, and all other person, persons, firms, partnerships, or legal representatives be forever barred from asserting any title to the said premises, or for impeaching, denying or in any other way attacking the Plaintiffs' title to the said oil and gas underlying the subject tracts of land.

BY: 
MICHAEL S. DELANEY, ESQUIRE
Attorney for Plaintiffs

1. 1.

EXHIBIT "A"

ITEM NUMBER 1

DEED

Tax Claim Bureau of Clearfield County, PA

to

Patrick H. Mowrey (und. 1/3 interest)
Kim Mowrey Hobba (und. 1/3 interest)
Patrick H. Mowrey and Kim Mowrey
Hobba, Trustees of the Patrick H.
Mowrey Family Trust (und. 1/6 interest)
Kim Mowrey Hobba and Patrick H. Mowrey,
Trustees of the Kim Mowrey Hobba Family
Trust (und. 1/6 interest)

Dated: December 8, 1995

Acknowledged: December 11, 1995

Recorded: December 28, 1995

Record Book Volume 1727, Page 156

Consideration: \$2,400.0

Tax Deed

Signed, sealed and delivered

CONVEYS: 110 acres, oil and gas 107-B7-23, assessed in name of G. W. Kouger
Heirs, under Tax Claim #93-2652.

EXCEPTIONS AND RESERVATIONS: None.

UNDER AND SUBJECT: None.

RECITAL: None.

ITEM NUMBER 2

ESTATE

Elizabeth Kougher

Died December 3, 1960

File No. 24369

WBV 6, page 419

Date of Will: May 2, 1953

Date Admitted to Record: January 23, 1961

Devised: All property, real, personal and mixed to four children,
share and share alike: Mildred Kougher McMillan
Ethel Kougher Meckley
Mable Kougher Hagen
Forrest H. Kougher

Executor: Forrest H. Kougher

Petition for Letters states: Mildred Kougher McMillan,
predeceased her mother, survived by
her sole issue and next of kin, John
English McMillan, Jr.

Distribution confirmed May 12, 1962, with undivided $\frac{1}{3}$ interest in 35
acres and 110 acres of oil and gas being distributed to:

Undivided $\frac{1}{4}$ interest: John English McMillan, Jr.
Undivided $\frac{1}{4}$ interest: Ethel Kougher Meckley
Undivided $\frac{1}{4}$ interest: Mable Kougher Hagen
Undivided $\frac{1}{4}$ interest: Forrest H. Kougher

ITEM NUMBER 3

George W. Kougher

Died _____, 1951

No estate of record.

Death recited in unrelated deed.

Known heirs: widow: Elizabeth Kougher
 children: Mildred Kougher McMillan
 Ethel Kougher Meckley
 Mable Kougher Hagen
 Forrest H. Kougher

ITEM NUMBER 4

DEED

James K. Goldberg, Sharon ux

Frank Mast, Christel ux

Joel Colker, Ann ux

to

CGM Development Corporation

Dated: January 10, 1975

Acknowledged: February 27, 1975

Recorded: March 18, 1975

Deed Book Volume 697, Page 263

Consideration: \$1.00

General Warranty Deed

Signed, sealed and delivered

CONVEYS: All land in 2) DBV 404, page 514 (see copy).

EXCEPTIONS AND RESERVATIONS: None.

UNDER AND SUBJECT: To rights heretofore granted in conveyances: As to 2) land in DBV 419, page 59.

RECITAL: Deed dated January 3, 1974, to Goldberg and Mast and deed dated May 21, 1974, to Joel Colker.

ITEM NUMBER 5

DEED

Maurice R. Colker
Ann Colker

to

Joel Colker

Dated: May 21, 1974
Acknowledged: May 21, 1974
Recorded: March 18, 1975
Deed Book Volume 697, Page 259
Consideration: \$1.00
General Warranty Deed
Signed, sealed and delivered

CONVEYS: Undivided 3/4 interest in land in: 2) DBV 404, page 514.

EXCEPTIONS AND RESERVATIONS: None.

UNDER AND SUBJECT: To rights heretofore granted in conveyances: As to 2) land in DBV 419, page 59.

RECITAL: Part of land in deed from Schade, Love & Colker Lumber & Supply Company, dated January 3, 1974.

ITEM NUMBER 6

DEED

Maurice R. Colker
Ann Colker

to

James K. Goldberg (und. 1/8 interest)
Frank Mast (und. 1/8 interest)

Dated: January 3, 1974
Acknowledged: January 3, 1974
Recorded: March 18, 1975
Deed Book Volume 697, Page 255
Consideration: \$10,000.00
General Warranty Deed
Signed, sealed and delivered

CONVEYS: All land in 2) DBV 404, page 514.

EXCEPTIONS AND RESERVATIONS: None.

UNDER AND SUBJECT: To rights heretofore granted in conveyances: As to 2) land in DBV 419, page 59.

RECITAL: Part of land in deed from Schade, Love & Colker Lumber & Supply Company, dated January 3, 1974.

ITEM NUMBER 7

DEED

Schade, Love & Colker Lumber & Supply
Company

to

Maurice R. Colker
Ann Colker
tenants in common

Dated: January 3, 1974
Acknowledged: January 3, 1974
Recorded: March 18, 1975
Deed Book Volume 697, Page 49
Consideration: Dissolution and
conveyance to shareholders
General Warranty Deed
Signed, sealed and delivered

CONVEYS: All and in 2) DBV 404, page 514.

EXCEPTIONS AND RESERVATIONS: None.

UNDER AND SUBJECT: To rights heretofore granted in conveyances: As to 2) land in DBV 419, page 59.

RECITAL: DBV 404, page 514; affidavit recorded with deed that grantees owned all issued and outstanding stock of Schade, Love & Colker Lumber & Supply Company.

ITEM NUMBER 8

DEED

Abraham S. Schade, individually and as
Trustee, Katherine Schade, ux

to

Schade Love & Colker Lumber & Supply
Company

Dated: December 18, 1947
Acknowledged: December 18, 1947
Recorded: March 31, 1950
Deed Book Volume 404, Page 514
Consideration: \$1.00
General Warranty Deed
Signed, sealed and delivered

CONVEYS: 1) 110 acres
2) 35 acres

EXCEPTIONS AND RESERVATIONS: All coal, oil, gas, fireclay and other minerals as fully as excepted and reserved in prior deeds.

UNDER AND SUBJECT: None.

RECITAL: 1) DBV 266, page 564
2) DBV 137, page 248
1) & 2) DBV 382, page 117

ITEM NUMBER 9

DEED

George W. Kougher, Elizabeth ux

to

Abraham S. Schade, Trustee

Dated: July 17, 1946

Acknowledged: July __, 1946

Recorded: March 31, 1947

Deed Book Volume 382, Page 117

Consideration: \$7,000.00

General Warranty Deed

Signed, sealed and delivered

CONVEYS: 1) 110 acres
2) 35 acres

EXCEPTIONS AND RESERVATIONS: To grantor, all coal, oil, gas, fireclay and other minerals and rights (see copy).

UNDER AND SUBJECT: Reservations and conditions et forth in deed to D. W. Hauck, predecessor in title to grantor of 35 acre tract.

RECITAL: 1) DBV 266, page 5564
2) DBV 137, page 248

ITEM NUMBER 10

DEED

Mike Gutofsky, Stella ux

to

George W. Kougher

Dated: December 26, 1923

Acknowledged: December 26, 1923

Recorded: January 3, 1924

Deed Book Volume 266, Page 564

Consideration: \$650.00

General Warranty Deed

Signed, sealed and delivered

CONVEYS: 110 acres.

EXCEPTIONS AND RESERVATIONS: None.

UNDER AND SUBJECT: Reservations in prior deeds.

RECITAL: DBV 192, page 17, DBV 189, page 283.

ITEM NUMBER 11

Salome Knarr
Martin Knarr

to

Mike Gutofsky

DEED

Dated: June 1, 1912
Acknowledged: June 1, 1912
Recorded: June 4, 1912
Deed Book Volume 192, Page 17
Consideration: \$600.00
General Warranty Deed
Signed, sealed and delivered

CONVEYS: 110 acres.

EXCEPTIONS AND RESERVATIONS: All coal, fireclay and minerals as in deed to Henry W. Weber from Dimeling and Company.

UNDER AND SUBJECT: None.

RECITAL: DBV 189, page 283.

ITEM NUMBER 12

Dominick Checzech, Helena ux

to

Salome Knarr

DEED

Dated: January 6, 1912
Acknowledged: January 6, 1912
Recorded: February 5, 1912
Deed Book Volume 189, Page 283
Consideration: \$600.00
General Warranty Deed
Signed, sealed and delivered

CONVEYS: 110 acres.

EXCEPTIONS AND RESERVATIONS: Coal, fireclay and rights as in deed to Henry W. Weber from Dimeling & Co.

UNDER AND SUBJECT: None.

RECITAL: DBV 188, page 69.

ITEM NUMBER 13

Salome Knarr, Martin vir

to

Dominick Chec

DEED

Dated: August 2, 1909

Acknowledged: August 2, 1909

Recorded: May 1, 1911

Deed Book Volume 188, Page 69

Consideration: \$600.00

General Warranty Deed

Signed, sealed and delivered

CONVEYS: 110 acres.

EXCEPTIONS AND RESERVATIONS: Coal, fireclay and minerals and rights as in deed to Henry W. Weber.

UNDER AND SUBJECT: None.

RECITAL: DBV 133, page 30.

ITEM NUMBER 14

Henry W. Weber

to

Salome Knarr

DEED

Dated: April 2, 1903

Acknowledged: April 2, 1903

Recorded: May 23, 1903

Deed Book Volume 133, Page 30

Consideration: \$550.00

General Warranty Deed

Signed, sealed and delivered

CONVEYS: 110 acres.

EXCEPTIONS AND RESERVATIONS: All coal, fireclay and minerals and rights as in recited deed.

UNDER AND SUBJECT: None.

RECITAL: DBV 122, page 53.

ITEM NUMBER 15

George M. Dimeling, Mary ux
D. McGaughey, Carrie C. ux
A. W. Lee
John Dimeling

to

H. W. Weber

DEED

Dated: December 18, 1901
Acknowledged: December 18, 1901
Recorded: December 30, 1901
Deed Book Volume 122, Page 53
Consideration: \$1,250.00
General Warranty Deed
Signed, sealed and delivered

CONVEYS: 250 acres.

EXCEPTIONS AND RESERVATIONS: All coal, fireclay and other minerals (see copy).

UNDER AND SUBJECT: None.

RECITAL: None.

ITEM NUMBER 16

D. D. Groves, Ellen E. ux
Dr. M. M. Rankin, Nancy J. ux

to

George M. Dimeling
A. W. Lee
D. McGaughey
John Dimeling

DEED

Dated: December 13, 1898
Acknowledged: December 13, 1898
Recorded: August 21, 1901
Deed Book Volume 118, Page 286
Consideration: \$14,000.00
General Warranty Deed
Signed, sealed and delivered

CONVEYS: 541.45 acres.

EXCEPTIONS AND RESERVATIONS: None.

UNDER AND SUBJECT: None.

RECITAL: DBV 96, page 369; deed dated December 3, 1898, for undivided 1/2 interest to Dr. M. M. Rankin.

ITEM NUMBER 17

DEED

D. D. Groves, Ellen E. ux

to

Dr. M. M. Rankin

Dated: December 2, 1898

Acknowledged: December 2, 1898

Recorded: August 21, 1908

Deed Book Volume 119, Page 154

Consideration: \$500.00

General Warranty Deed

Signed, sealed and delivered

CONVEYS: Undivided 1/2 interests in 541.45 acres.

EXCEPTIONS AND RESERVATIONS: None.

UNDER AND SUBJECT: None.

RECITAL: DBV 96, page 369.

ITEM NUMBER 18

DEED

D. H. McIntyre

S. T. North

Levi McGregor

liquidating committee of Mahoning Bank

to

D. D. Groves

Dated: April 14, 1897

Acknowledged: April 14, 1897

Recorded: May 12, 1897

Deed Book Volume 96, Page 369

Consideration: \$11,000.00

Special Warranty Deed

Signed, sealed and delivered

CONVEYS: 541.45 acres.

EXCEPTIONS AND RESERVATIONS: None.

UNDER AND SUBJECT: None.

RECITAL: DBV 51, page 593; DBV 51, page 595 (see copy for details).

ITEM NUMBER 19

DEED

M. J. Dinsmore, formerly cashier of the
partnership d/b/a Mahoning Bank,
Sarah E. ux

to

Joseph Shields, President of Mahoning
Bank in Trust for said Mahoning Bank

Dated: August 17, 1889
Acknowledged: August 17, 1889
Recorded: August 22, 1889
Deed Book Volume 51, Page 595
Consideration: \$1.00
General Warranty Deed
Signed, sealed and delivered

CONVEYS: 1,022.7 acres.

EXCEPTIONS AND RESERVATIONS: None.

UNDER AND SUBJECT: None.

RECITAL: Deed of Harry White Trustee dated February 21, 1889.

ITEM NUMBER 20

DEED

Harry White, Trustee of Partnership
d/b/a Mahoning Bank

to

M. J. Dinsmore

Dated: February 21, 1887
Acknowledged: May 10, 1888
Recorded: August 22, 1889
Deed Book Volume 51, Page 593
Consideration: \$1.00
Trustee's Deed
Signed, sealed and delivered

CONVEYS: 1,022.7 acres.

EXCEPTIONS AND RESERVATIONS: None.

UNDER AND SUBJECT: None.

RECITAL: Sheriff's Deed dated March 23, 1882, as property of W. E. Beer, et al.

ITEM NUMBER 21

DEED

James Mahaffey, Sheriff of Clearfield Co.

to

Harry White, in Trustee for Mahoning Bank

Dated: January 16, 1882

Acknowledged: March 23, 1882

Recorded: August 26, 1889

Deed Book Volume 51, Page 610

Consideration \$5,000.00

Sheriff's Deed

Signed, sealed and delivered

CONVEYS: 1,022.7 acres.

EXCEPTION AND RESERVATIONS: None.

UNDER AND SUBJECT: None.

RECITAL: Sold as property of George Kramer and William E. Bell.

EXHIBIT "B"

ITEM NUMBER 1

DEED

Tax Claim Bureau of Clearfield County, PA

to

Patrick H. Mowrey (und. 1/3 interest)

Kim Mowrey Hobba (und. 1/3 interest)

Patrick H. Mowrey and Kim Mowrey

Hobba, Trustees of the Patrick H.

Mowrey Family Trust (und. 1/6 interest)

Kim Mowrey Hobba and Patrick H. Mowrey,

Trustees of the Kim Mowrey Hobba Family

Trust (und. 1/6 interest)

Dated: December 8, 1995

Acknowledged: December 11, 1995

Recorded: December 28, 1995

Record Book Volume 1727, Page 153

Consideration: \$1,600.0

Tax Deed

Signed, sealed and delivered

CONVEYS: 36 acres, oil and gas 107-B7-50/52, assessed in name of G. W. Kouger
Heirs, under Tax Claim #93-2653.

EXCEPTIONS AND RESERVATIONS: None.

UNDER AND SUBJECT: None.

RECITAL: None.

ITEM NUMBER 2

ESTATE

Elizabeth Kougher

Died December 3, 1960

File No. 24369

WBV 6, page 419

Date of Will: May 2, 1953

Date Admitted to Record: January 23, 1961

Devised: All property, real, personal and mixed to four children,
share and share alike: Mildred Kougher McMillan
Ethel Kougher Meckley
Mable Kougher Hagen
Forrest H. Kougher

Executor: Forrest H. Kougher

Petition for Letters states: Mildred Kougher McMillan,
predeceased her mother, survived by
her sole issue and next of kin, John
English McMillan, Jr.

Distribution confirmed May 12, 1962, with undivided 1/3 interest in 35
acres and 110 acres of oil and gas being distributed to:

Undivided 1/4 interest: John English McMillan, Jr.
Undivided 1/4 interest: Ethel Kougher Meckley
Undivided 1/4 interest: Mable Kougher Hagen
Undivided 1/4 interest: Forrest H. Kougher

ITEM NUMBER 3

George W. Kougher

Died _____, 1951

No estate of record.

Death recited in unrelated deed.

Known heirs: widow: Elizabeth Kougher
children: Mildred Kougher McMillan
Ethel Kougher Meckley
Mable Kougher Hagen
Forrest H. Kougher

ITEM NUMBER 4

DEED

James K. Goldberg, Sharon ux
Frank Mast, Christel ux
Joel Colker, Ann ux

to

CGM Development Corporation

Dated: January 10, 1975
Acknowledged: February 27, 1975
Recorded: March 18, 1975
Deed Book Volume 697, Page 263
Consideration: \$1.00
General Warranty Deed
Signed, sealed and delivered

CONVEYS: All land in 2) DBV 404, page 514 (see copy).

EXCEPTIONS AND RESERVATIONS: None.

UNDER AND SUBJECT: To rights heretofore granted in conveyances: As to 2) land in DBV 419, page 59.

RECITAL: Deed dated January 3, 1974, to Goldberg and Mast and deed dated May 21, 1974, to Joel Colker.

ITEM NUMBER 5

DEED

Maurice R. Colker
Ann Colker

to

Joel Colker

Dated: May 21, 1974
Acknowledged: May 21, 1974
Recorded: March 18, 1975
Deed Book Volume 697, Page 259
Consideration: \$1.00
General Warranty Deed
Signed, sealed and delivered

CONVEYS: Undivided 3/4 interest in land in: 2) DBV 404, page 514.

EXCEPTIONS AND RESERVATIONS: None.

UNDER AND SUBJECT: To rights heretofore granted in conveyances: As to 2) land in DBV 419, page 59.

RECITAL: Part of land in deed from Schade, Love & Colker Lumber & Supply Company, dated January 3, 1974.

ITEM NUMBER 6

DEED

Maurice R. Colker
Ann Colker

to

James K. Goldberg (und. 1/8 interest)
Frank Mast (und. 1/8 interest)

Dated: January 3, 1974
Acknowledged: January 3, 1974
Recorded: March 18, 1975
Deed Book Volume 697, Page 255
Consideration: \$10,000.00
General Warranty Deed
Signed, sealed and delivered

CONVEYS: All land in 2) DBV 404, page 514.

EXCEPTIONS AND RESERVATIONS: None.

UNDER AND SUBJECT: To rights heretofore granted in conveyances: As to 2) land in DBV 419, page 59.

RECITAL: Part of land in deed from Schade, Love & Colker Lumber & Supply Company, dated January 3, 1974.

ITEM NUMBER 7

DEED

Schade, Love & Colker Lumber & Supply
Company

to

Maurice R. Colker
Ann Colker
tenants in common

Dated: January 3, 1974
Acknowledged: January 3, 1974
Recorded: March 18, 1975
Deed Book Volume 697, Page 49
Consideration: Dissolution and
conveyance to shareholders
General Warranty Deed
Signed, sealed and delivered

CONVEYS: All and in 2) DBV 404, page 514.

EXCEPTIONS AND RESERVATIONS: None.

UNDER AND SUBJECT: To rights heretofore granted in conveyances: As to 2) land in DBV 419, page 59.

RECITAL: DBV 404, page 514; affidavit recorded with deed that grantees owned all issued and outstanding stock of Schade, Love & Colker Lumber & Supply Company.

ITEM NUMBER 8

DEED

Vincent M. Muth, Sue O. ux

Dated:

to

Acknowledged:

Recorded:

Harry G. Haag, Lois M. ux

Deed Book Volume , Page

Consideration: \$

Signed, sealed and delivered

CONVEYS: 10 acres, Brady Township (see copy for description).

EXCEPTIONS AND RESERVATIONS: to Schade, Love & Cokle Lumber & Supply Company, its successors and assigns, right, to maintain mill site; all coal, oil, gas, fireclay and other minerals as heretofore excepted and reserved.

UNDER AND SUBJECT: All agreements, conditions, easements, exceptions and reservations of record.

RECITAL: DBV 451, page 173.

ITEM NUMBER 9

DEED

Kenneth Fye, Irene ux

Dated: February 18, 1956

George Bresnock, Dorothy ux

Acknowledged: March 1, 1956

to

Recorded: June 22, 1956

Deed Book Volume 451, Page 173

Vincent M. Muth, Sue O. ux

Consideration: \$100.00

General Warranty Deed

Signed, sealed and delivered

CONVEYS: 10 acres.

EXCEPTIONS AND RESERVATIONS: To Schade, Love & Cokle Lumber & Supply Company, its successors and assigns, right, to maintain mill site; all coal, oil, gas, fireclay and other minerals as heretofore excepted and reserved.

UNDER AND SUBJECT: None.

RECITAL: DBV 424, page 48.

ITEM NUMBER 10

DEED

Russell R. Hoover, Ida M. ux

to

Kenneth Fye, Irene ux

George Bresnock, Dorothy ux

Dated: September 19, 1952

Acknowledged: September 19, 1952

Recorded: September 19, 1952

Deed Book Volume 424, Page 48

Consideration: \$1.00

Special Warranty Deed

Signed, sealed and delivered

CONVEYS: 10 acres.

EXCEPTIONS AND RESERVATIONS: to Schade, Love & Cokle Lumber & Supply Company, its successors and assigns, right to maintain mill site; all coal, oil, gas, fireclay and other minerals as heretofore excepted and reserved.

UNDER AND SUBJECT: None.

RECITAL: DBV 419, page 59.

ITEM NUMBER 11

DEED

Schade, Love & Colker Lumber & Supply
Company

to

Russell R. Hoover, Ida M. ux

Dated: October 15, 1951

Acknowledged: October 26, 1951

Recorded: February 11, 1952

Deed Book Volume 419, Page 59

Consideration: \$1,200.00

General Warranty Deed

Signed, sealed and delivered

CONVEYS: 10 acres.

EXCEPTIONS AND RESERVATIONS: To 1st party, successors and assigns, right to maintain a mill site; all coal, oil, gas, fireclay and other minerals as heretofore excepted and served.

UNDER AND SUBJECT: None.

RECITAL: Part of 2nd parcel in DBV 382, page 117; DBV 400, page 29. (Note: Should be DBV 504, page 514).

ITEM NUMBER 12

DEED

Abraham S. Schade, individually and as
Trustee, Katherine Schade ux

to

Schade, Love & Colker Lumber & Supply
Company

Dated: December 18, 1947
Acknowledged: December 18, 1947
Recorded: March 31, 1950
Deed Book Volume 404, Page 514
Consideration: \$1.00
General Warranty Deed
Signed, sealed and delivered

CONVEYS: 1) 110 acres
2) 35 acres

EXCEPTIONS AND RESERVATIONS: All coal, oil, gas, fireclay and other minerals as fully as excepted and reserved in prior deeds.

UNDER AND SUBJECT: None.

RECITAL: 1) DBV 266, page 564
2) DBV 137, page 248
1) & 2) DBV 382, page 117.

ITEM NUMBER 13

DEED

George W. Kougher, Elizabeth ux

to

Abraham S. Schade, Trustee

Dated: July 17, 1946
Acknowledged: July __, 1946
Recorded: March 31, 1947
Deed Book Volume 382, Page 117
Consideration: \$7,000.00
General Warranty Deed
Signed, sealed and delivered

CONVEYS: 1) 110 acres
2) 35 acres

EXCEPTIONS AND RESERVATIONS: To grantor, all coal, oil, gas, fireclay and other minerals and rights (see copy).

UNDER AND SUBJECT: Reservations and conditions set forth in deed to D. W. Hauck, predecessor in title to grantor of 35 acre tract.

RECITAL: 1) DBV 266, page 564
2) DBV 137, page 248

ITEM NUMBER 14

D. W. Hauck, Mary J. ux

to

, George W. Kouger

DEED

Dated: October 18, 1902

Acknowledged: October 18, 1902

Recorded: November 20, 1903

Deed Book Volume 137, Page 248

Consideration: \$175.00

General Warranty Deed

Signed, sealed and delivered

CONVEYS: 35 acres.

EXCEPTIONS AND RESERVATIONS: None.

UNDER AND SUBJECT: Reservation of coal, fireclay and other minerals as in deed of Dimeling & Co. to grantor.

RECITAL: Deed of George M. Dimeling, et ux, et al, dated July 19, 1902, and deed of David McGaughey Estate by Executors dated August 12, 1902

(Note: DBV 128, page 447, and DBV 128, page 449.)

ITEM NUMBER 15

Carrie C. McGaughey
John W. Wrigley
J. Frank Snyder
Executrix and Executors of Estate of
David McGaughey

to

Daniel W. Hauck

DEED

Dated: August 12, 1902
Acknowledged: August 18, 1902, etc.
Recorded: November 28, 1902
Deed Book Volume 128, Page 449
Consideration: \$165.13
Executors' Deed
Signed, sealed and delivered

CONVEYS: Undivided 1/4 interest in 132 acres, 17 perches.

EXCEPTIONS AND RESERVATIONS: To Carrie C. McGaughey, residuary legatee under will of David McGaughey, her heirs and assigns all coal, fireclay and other minerals and rights (see copy).

UNDER AND SUBJECT: None.

RECITAL: David McGaughey was a member of Dimeling & Co., a Co-partnership also including George M. Dimeling, Asbury W. Lee and John Dimeling.

ITEM NUMBER 16

David McGaughey
File No. 4088

ESTATE

Died March 22, 1902

Executors: Carrie C. McGaughey
John W. Wrigley
J. Frank Snyder

ITEM NUMBER 17

DEED

George M. Dimeling, Mary ux
A. W. Lee
John Dimeling

to

Daniel W. Hauck

Dated: July 19, 1902
Acknowledged: July 19, 1902
Recorded: November 28, 1902
Deed Book Volume 128, Page 447
Consideration: \$495.40
General Warranty Deed
Signed, sealed and delivered

CONVEYS: Undivided 3/4 interest in 132 acres, 17 perches.

EXCEPTIONS AND RESERVATIONS: All coal, fireclay and other minerals and rights (see copy).

UNDER AND SUBJECT: None.

RECITAL: None.

ITEM NUMBER 18

DEED

D. D. Groves, Ellen E. ux
Dr. M. M. Rankin, Nancy J. ux

to

George M. Dimeling
A. W. Lee
D. McGaughey
John Dimeling

Dated: December 13, 1898
Acknowledged: December 13, 1898
Recorded: August 21, 1901
Deed Book Volume 118, Page 286
Consideration: \$14,000.00
General Warranty Deed
Signed, sealed and delivered

CONVEYS: 541.45 acres.

EXCEPTIONS AND RESERVATIONS: None.

UNDER AND SUBJECT: None.

RECITAL: DBV 96, page 369; deed dated December 3, 1898, for undivided 1/2 interest to Dr. M. M. Rankin.

ITEM NUMBER 19

DEED

D. D. Groves, Ellen E. ux

to

Dr. M. M. Rankin

Dated: December 2, 1898

Acknowledged: December 2, 1898

Recorded: August 21, 1908

Deed Book Volume 119, Page 154

Consideration: \$500.00

General Warranty Deed

Signed, sealed and delivered

CONVEYS: Undivided 1/2 interests in 541.45 acres.

EXCEPTIONS AND RESERVATIONS: None.

UNDER AND SUBJECT: None.

RECITAL: DBV 96, page 369.

ITEM NUMBER 20

DEED

D. H. McIntyre

S. T. North

Levi McGregor

liquidating committee of Mahoning Bank

to

D. D. Groves

Dated: April 14, 1897

Acknowledged: April 14, 1897

Recorded: May 12, 1897

Deed Book Volume 96, Page 369

Consideration: \$11,000.00

Special Warranty Deed

Signed, sealed and delivered

CONVEYS: 541.45 acres.

EXCEPTIONS AND RESERVATIONS: None.

UNDER AND SUBJECT: None.

RECITAL: DBV 51, page 593; DBV 51, page 595 (see copy for details).

ITEM NUMBER 21

DEED

M. J. Dinsmore, formerly cashier of the
partnership d/b/a Mahoning Bank,
Sarah E. ux

to

Joseph Shields, President of Mahoning
Bank in Trust for said Mahoning Bank

Dated: August 17, 1889
Acknowledged: August 17, 1889
Recorded: August 22, 1889
Deed Book Volume 51, Page 595
Consideration: \$1.00
General Warranty Deed
Signed, sealed and delivered

CONVEYS: 1,022.7 acres.

EXCEPTIONS AND RESERVATIONS: None.

UNDER AND SUBJECT: None.

RECITAL: Deed of Harry White Trustee dated February 21, 1889.

ITEM NUMBER 22

DEED

Harry White, Trustee of Partnership
d/b/a Mahoning Bank

to

M. J. Dinsmore

Dated: February 21, 1887
Acknowledged: May 10, 1888
Recorded: August 22, 1889
Deed Book Volume 51, Page 593
Consideration: \$1.00
Trustee's Deed
Signed, sealed and delivered

CONVEYS: 1,022.7 acres.

EXCEPTIONS AND RESERVATIONS: None.

UNDER AND SUBJECT: None.

RECITAL: Sheriff's Deed dated March 23, 1882, as property of W. E. Beer, et al.

ITEM NUMBER 23

DEED

James Mahaffey, Sheriff of Clearfield Co.

to

Harry White, in Trustee for Mahoning Bank

Dated: January 16, 1882

Acknowledged: March 23, 1882

Recorded: August 26, 1889

Deed Book Volume 51, Page 610

Consideration \$5,000.00

Sheriff's Deed

Signed, sealed and delivered

CONVEYS: 1,022.7 acres.

EXCEPTION AND RESERVATIONS: None.

UNDER AND SUBJECT: None.

RECITAL: Sold as property of George Kramer and William E. Bell.

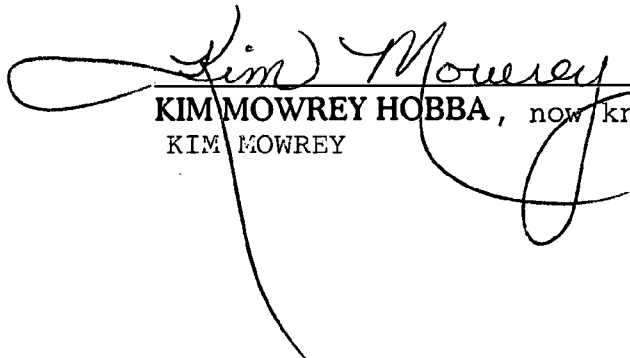
EXHIBIT "C"

AFFIDAVIT RE DEFENDANTS

COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF Jefferson : ss.
:

We, Patrick H. Mowrey; Kim Mowrey Hobba; Patrick H. Mowrey and Kim Mowrey Hobba, Trustees of the Patrick H. Mowrey Family Trust; and Kim Mowrey Hobba and Patrick H. Mowrey, Trustees of the Kim Mowrey Hobba Family Trust, being duly sworn according to law, depose and say that they make this Affidavit as the Plaintiffs and, being authorized to do so, that the above-named Defendants' whereabouts are unknown, and that their dates of death are unknown; that the names and whereabouts of their heirs and devisees of the above-mentioned parties are unknown; that the names of any other parties who should be defendants in the above action are unknown; that they are unable to ascertain the names of the persons, other than the foregoing Defendants, who should be the defendants herein; that for the foregoing reasons, the names and addresses of several other defendants are unknown.


PATRICK H. MOWREY


KIM MOWREY HOBBA, now known as
KIM MOWREY

PATRICK H. MOWREY FAMILY TRUST

By: Patrick H. Mowrey Trustee
Patrick H. Mowrey, Trustee

By: Kim Mowrey Trustee
Kim Mowrey Hobba, Trustee now known
as Kim Mowrey, Trustee

KIM MOWREY HOBBA FAMILY TRUST

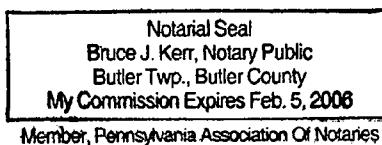
By: Kim Mowrey Trustee
Kim Mowrey Hobba, Trustee, now known
as Kim Mowrey, Trustee

By: Patrick H. Mowrey Trustee
Patrick H. Mowrey, Trustee

Sworn to and subscribed
before me this 18TH
day of September, 2003.

Bruce J. Kerr
NOTARY PUBLIC

My Commission Expires:



COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF Jefferson : ss.
:

Patrick H. Mowrey; Kim Mowrey Hobba; Patrick H. Mowrey and Kim Mowrey Hobba, Trustees of the Patrick H. Mowrey Family Trust; and Kim Mowrey Hobba and Patrick H. Mowrey, Trustees of the Kim Mowrey Hobba Family Trust, being duly sworn according to law, depose and say that they are the Plaintiffs named in the foregoing Complaint and that the matters and facts set forth therein are true and correct to the best of their knowledge, information and belief.

Patrick H Mowrey
PATRICK H. MOWREY

Kim Mowrey
KIM MOWREY HOBBA, now known as
KIM MOWREY

PATRICK H. MOWREY FAMILY TRUST

By: Patrick H Mowrey Trustee
Patrick H. Mowrey, Trustee

By: Kim Mowrey
Kim Mowrey Hobba, Trustee, now
known as Kim Mowrey, Trustee

KIM MOWREY HOBBA FAMILY TRUST

By:

Kim Mowrey
Kim Mowrey Hobba, Trustee, now known
as Kim Mowrey, Trustee

By:

Patrick H Mowrey
Patrick H. Mowrey, Trustee

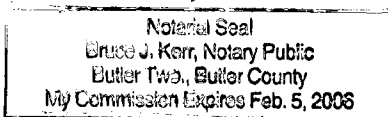
Sworn to and subscribed

before me this 18TH

day of September, 2003.

Bruce J. Kerr
NOTARY PUBLIC

My Commission Expires:



Member, Pennsylvania Association of Notaries

FILED

100

SEP 23 2003

Att'y Delaney

William A. Shaw

Att'y pd. \$95.00

Prothonotary/Clerk of Courts

PATRICK H. MOWREY;
KIM MOWREY HOBBA;
PATRICK H. MOWREY and
KIM MOWREY HOBBA, Trustees
of the PATRICK H. MOWREY
FAMILY TRUST; and
KIM MOWREY HOBBA and
PATRICK H. MOWREY, Trustees
of the KIM MOWREY HOBBA
FAMILY TRUST,

Plaintiffs,

vs.

GEORGE W. KOUGHER and
ELIZABETH KOUGHER, his wife;
MILDRED KOUGHER McMILLAN;
JOHN ENGLISH McMILLAN, JR.;
ETHEL KOUGHER MECKLEY;
MABLE KOUGHER HAGEN; and
FORREST H. KOUGHER,
their cumulative heirs, devisees,
administrators, executors, assigns,
and all other person, persons, firms,
partnerships, or corporate entities
in interest,

Defendants.

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL ACTION - LAW

No. 03-1430-CJ

ACTION TO QUIET TITLE

FILED

SEP 23 2003

William A. Shaw
Prothonotary/Clerk of Courts

MOTION FOR PUBLICATION

AND NOW, the 22nd day of September, 2003, an Affidavit having been executed and filed on behalf of Patrick H. Mowrey; Kim Mowrey Hobba; Patrick H. Mowrey and Kim Mowrey Hobba, Trustees of the Patrick H. Mowrey Family Trust; and Kim Mowrey Hobba and Patrick H. Mowrey, Trustees of the Kim Mowrey Hobba Family Trust, Plaintiffs, that the whereabouts of the above-mentioned Defendants are

unknown, the Plaintiffs, by their counsel, Michael S. Delaney, Esquire, move the Court for leave to serve the Complaint on the above-mentioned Defendants, their cumulative heirs, devisees, administrators, executors, assigns, and all other person, persons, firms, partnerships, or corporate entities in interest, or their legal representatives, generally, by publication in such manner as the Court shall direct and as provided by Pennsylvania Rule of Civil Procedure No. 1064(b).

BY: 
MICHAEL S. DELANEY, ESQUIRE
Attorney for Plaintiffs

FILED

SEP 23 2003

William A. Shaw
Prothonotary/Clerk of Courts

102
Amy Delaney

PATRICK H. MOWREY;
KIM MOWREY HOBBA;
PATRICK H. MOWREY and
KIM MOWREY HOBBA, Trustees
of the PATRICK H. MOWREY
FAMILY TRUST; and
KIM MOWREY HOBBA and
PATRICK H. MOWREY, Trustees
of the KIM MOWREY HOBBA
FAMILY TRUST,

Plaintiffs,

vs.

GEORGE W. KOUGHER and
ELIZABETH KOUGHER, his wife;
MILDRED KOUGHER McMILLAN;
JOHN ENGLISH McMILLAN, JR.;
ETHEL KOUGHER MECKLEY;
MABLE KOUGHER HAGEN; and
FORREST H. KOUGHER,
their cumulative heirs, devisees,
administrators, executors, assigns,
and all other person, persons, firms,
partnerships, or corporate entities
in interest,

Defendants.

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL ACTION - LAW

No. 03-1430-05

ACTION TO QUIET TITLE

FILED

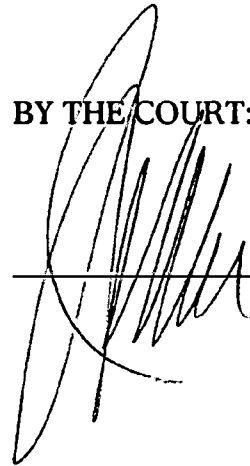
SEP 24 2003
6/3:10/03
William A. Shaw
Prothonotary/Clerk of Courts
1 CEM 76 AM7

ORDER FOR PUBLICATION

AND NOW, the 24th day of September, 2003, upon consideration of the foregoing Motion, the Plaintiffs are granted leave to make service of the Complaint on the above-mentioned Defendants, their cumulative heirs, devisees, administrators,

executors, assigns, and all other person, persons, firms, partnerships, or corporate entities in interest, or their legal representatives, by publication one (1) time in the Clearfield Legal Journal and one (1) time in the Clearfield Progress. The notice is to contain a notice to the Defendants, their unknown heirs and assigns, to enter their appearance or plead to the Complaint within twenty (20) days of the publication of said notice or a default judgment may be entered against them.

BY THE COURT:



J.

PATRICK H. MOWREY;
KIM MOWREY HOBBA;
PATRICK H. MOWREY and
KIM MOWREY HOBBA, Trustees
of the PATRICK H. MOWREY
FAMILY TRUST; and
KIM MOWREY HOBBA and
PATRICK H. MOWREY, Trustees
of the KIM MOWREY HOBBA
FAMILY TRUST,

Plaintiffs,

vs.

GEORGE W. KOUGHER and
ELIZABETH KOUGHER, his wife;
MILDRED KOUGHER McMILLAN;
JOHN ENGLISH McMILLAN, JR.;
ETHEL KOUGHER MECKLEY;
MABLE KOUGHER HAGEN; and
FORREST H. KOUGHER,
their cumulative heirs, devisees,
administrators, executors, assigns,
and all other person, persons, firms,
partnerships, or corporate entities
in interest,

Defendants.

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL ACTION - LAW

No. 03-1430-CD

ACTION TO QUIET TITLE

FILED
m/10:39 PM
NOV 04 2003

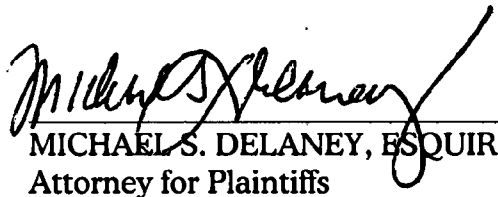
William A. Shaw
Prothonotary/Clerk of Courts

AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA :
: ss.
COUNTY OF INDIANA :

MICHAEL S. DELANEY, ESQUIRE, being duly sworn according to law, deposes
and says that he is the attorney of record for the Plaintiffs in the above action, and

makes this Affidavit on their behalf being authorized to do so, hereby swearing and attesting to the following facts: that a Complaint in Action to Quiet Title, endorsed with Notice to Plead within twenty (20) days from the services thereof, was filed in the Office of the Prothonotary of Clearfield County, Pennsylvania, at No. 03-1430-CD; that on the 24th day of September, 2003, the said Court made an Order that service be made upon the Defendants set forth in above-captioned matter by publication; that said Notice, as ordered by said Court, was published one (1) time in The Progress, of Clearfield, Pennsylvania, on the 6th day of October, 2003, as shown by the Proof of Publication of The Progress, which is attached hereto and made a part hereof; that said Notice, as ordered by said Court, was published one (1) time in the Clearfield County Legal Journal, of Clearfield, Pennsylvania, on the 10th day of October, 2003, as shown by the Proof of Publication of the Clearfield County Legal Journal, which is attached hereto and made a part hereof; that the Complaint was served on the above-named Defendants by publication and that the Defendants have not filed an answer thereto, or otherwise entered an appearance or plead, although the time in which to do so has elapsed.


MICHAEL S. DELANEY, ESQUIRE
Attorney for Plaintiffs

Sworn to and subscribed
before me this 3rd day
of November, 2003.


NOTARY PUBLIC

My Commission Expires:

NOTARIAL SEAL
Suzanne C. Fleming, Notary Public
Indiana Borough, Indiana County, PA
My Commission Expires Feb. 10, 2004

lying Clearfield County Assessment parcel Number 107-B7-23. SECOND TRACT of 35 acres of oil and gas: BEGINNING at a stone in public road, thence by land now or formerly of D.W. Hauck south (or nearly so) one hundred thirty (130) perches more or less, to a post; thence north 85° 11' East forty six (46) perches to a post; thence by land of H.W. Weber and Dimeling & Co., north 03° 45' east, one hundred twenty three and four tenths (123.4) perches, more or less, to a post; thence by land of H.E. Ginter, north 86° 40' west, forty six (46) perches to a stone and place of beginning. CONTAINING thirty five acres, more or less. KNOWN as the oil and gas underlying Clearfield County Assessment Parcel Numbers 107-B7-52 and 107-B7-50. The Plaintiffs claim absolute ownership in the said oil and gas; that the Plaintiffs have instituted suit in order to have their interests in said oil and gas adjudicated and that the Defendants be forever barred from asserting any rights, lien, title or interest in the said oil and gas inconsistent with the interest of the Plaintiffs as set forth in the Complaint. YOU ARE NOTIFIED TO APPEAR AND ANSWER THE SAID COMPLAINT ON SAID ACTION WITHIN TWENTY (20) DAYS OF THIS NOTICE, OTHERWISE, JUDGMENT WILL BE ENTERED AGAINST YOU BARRING YOU FROM ANY CLAIMS, RIGHTS, OR INTEREST INCONSISTENT THEREWITH. Michael S. Delaney, Esquire 936 Philadelphia Street Indiana, PA 15701 Attorney for Plaintiffs 10:6-1d-b

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :
COUNTY OF CLEARFIELD : SS:

On this 10th day of October, A.D. 2003, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Margaret E. Krebs, who being duly sworn according to law, deposes and says that she is the President of The Progressive Publishing Company, Inc., and Associate Publisher of The Progress, a daily newspaper published at Clearfield, in the County of Clearfield and State of Pennsylvania, and established April 5, 1913, and that the annexed is a true copy of a notice or advertisement published in said publication in

the regular issues of October 6, 2003. And that the affiant is not interested in the subject matter of the notice or advertising, and that all of the allegations of this statement as to the time, place, and character of publication are true.

Margaret E. Krebs

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

Ann K. Law

Notary Public Clearfield, Pa.

My Commission Expires
September 16, 2004

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

Member, Pennsylvania Association of Notaries

Gary A. Knaresboro
Gary A. Knaresboro, Esquire
Editor

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

Sharon J. Pusey
Notary Public
My Commission Expires

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

Michael S. Delaney
936 Philadelphia St
Indiana PA 15701

TAKE NOTICE that at No. 03-1430-CJ, in the Court of Common Pleas of Clearfield County, Pennsylvania, Patrick H. Mowrey, Kim Mowrey Hobba, Patrick H. Mowrey and Kim Mowrey Hobba, Trustees of the Patrick H. Mowrey Family Trust; and Kim Mowrey Hobba and Patrick H. Mowrey, Trustees of the Kim Mowrey Hobba Family Trust, filed this Complaint against you, your cumulative heirs, devisees, administrators, executors, assigns and all other person, persons, firms, partnerships; or corporate entities in interest, averring that Patrick H. Mowrey, Kim Mowrey Hobba, Patrick H. Mowrey and Kim Mowrey Hobba, Trustees of the Patrick H. Mowrey Family Trust; and Kim Mowrey Hobba and Patrick H. Mowrey, Trustees of the Kim Mowrey Hobba Family Trust are the owners of the OIL AND GAS in, on and

and FORREST H. KOUGHER, their cumulative heirs, devisees, administrators, executors, assigns, and all other person, persons, firms, partnerships, or corporate entities in interest, Defendants.

CIVIL ACTION - LAW
No. 03-1430-CD
ACTION TO QUIET TITLE

NOTICE

TO THE DEFENDANTS: GEORGE W. KOUGHER and ELIZABETH KOUGHER, his wife; MILDRED KOUGHER-McMILLAN; JOHN ENGLISH McMILLAN, JR.; EITHEL KOUGHER MECKELY; MABLE KOUGHER HAGEN; and FORREST H. KOUGHER, their cumulative heirs, devisees, administrators, executors, assigns, and all other person, persons, firms, partnerships, or corporate entities in interest.

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

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

TAKE NOTICE that at No. 03-1430-CD, in the Court of Common Pleas of Clearfield County, Pennsylvania, Patrick H. Mowrey; Kim Mowrey Hobba; Patrick H. Mowrey ad Kim Mowrey Hobba, Trustees of the Patrick H. Mowrey Family Trust; and Kim Mowrey Hobba and Patrick H. Mowrey, Trustees of the Kim Mowrey Hobba Family Trust, filed this Complaint against you, your cumulative heirs, devisees, administrators, executors, assigns and all other person, persons, firms, partnerships, or corporate entities in interest, averring that Patrick H. Mowrey; Kim Mowrey Hobba; Patrick H. Mowrey and Kim Mowrey Hobba, Trustees of the Patrick H. Mowrey Family Trust; and Kim Mowrey Hobba and Patrick H. Mowrey, trustees of the Kim Mowrey Hobba Family Trust are the owners of the OIL AND GAS in, on and

underlying those certain pieces, parcels or tracts of land situate in Brady Township, Clearfield County, Pennsylvania, bounded and described as follows:

FIRST TRACT of 110 acres of oil and gas: BEGINNING at a post at northeast corner, thence east along land of Dimeling and Co., two thousand five hundred seventy and seven tenths (2570.7) feet to a post in Public Road; thence south by land of Adam Muth and William Wingert, one thousand eight hundred sixty four and five tenths (1864.5) feet to a pine stump; thence west along land of Henry W. Weber two thousand five hundred seventy and seven tenths (2,570.7) feet to a post in line of Grape land; thence north by said Grape land one thousand eight hundred sixty four and five tenths (1864.5) feet to the place of beginning. CONTAINING one hundred ten acres.

KNOWN as the oil and gas underlying Clearfield County Assessment Parcel Number 107-B7-23.

SECOND TRACT of 35 acres of oil and gas: BEGINNING at a stone in public road, thence by land now or formerly of D. W. Hauck south (or nearly so) one hundred thirty (130) perches, more or less, to a post; thence north 85 degrees 11' East forty (46) perches to a post; thence by land of H. W. Weber and Dimeling & Co., north 03 degrees 45' east, one hundred twenty three and four tenths (123.4) perches, more or less, to a post; thence by land of H.E. Ginter, north 86 degrees 40' West, forty six (46) perches to a stone and place of beginning. CONTAINING thirty five acres, more or less.

KNOWN as the oil and gas underlying Clearfield County Assessment Parcel Numbers 107-B7-52 and 107-B7-50.

The Plaintiffs claim absolute ownership in the said oil and gas; that the Plaintiffs have instituted suit in order to have their interest in said oil and gas adjudicated and that the Defendants be forever barred from asserting any rights, lien, title or interest in the said oil and gas inconsistent with the interest of the Plaintiffs as set forth in the Complaint.

YOU ARE NOTIFIED TO APPEAR AND ANSWER THE SAID COMPLAINT ON SAID ACTION WITHIN TWENTY (20) DAYS OF THIS NOTICE, OTHERWISE, JUDGMENT WILL BE ENTERED AGAINST YOU BARRING YOU FROM ANY CLAIMS, RIGHTS, OR INTEREST INCONSISTENT THEREWITH.

Michael S. Delaney, Esquire, 936 Philadelphia Street, Indiana, PA 15701, Attorney for Plaintiffs.

1444, No. 177 2301, et seq, as amended.
The name of the Corporation is OSCEOLA
HOTEL, LLC.

DAVID R. THOMPSON, Attorney at
Law, P.O. Box 587, Philipsburg, PA 16866.

ARTICLES OF INCORPORATION

NOTICE IS HEREBY GIVEN THAT
Articles of Incorporation were filed with the
Commonwealth of Pennsylvania, on or
about July 14, 2003, for the purpose of
obtaining a certificate of incorporation of a
Domestic Nonprofit Corporation, organized
under the General Association Act of 1988,
Act of December 21, 1988, P.L. 1444, No.
177 2301, et seq, as amended. The name
of the Corporation is TROUT RUN
HUNTING CLUB, INC.

DAVID R. THOMPSON, Attorney at
Law, P.O. Box 587, Philipsburg, PA 16866.

ARTICLES OF INCORPORATION

Notice is hereby given that Articles of
Incorporation were filed on June 24, 2003
with the Commonwealth of Pennsylvania,
Department of State, Corporation Bureau,
for the purpose of obtaining a Certificate of
Incorporation. The name of the Corporation,
which is organized under the
Commonwealth of Pennsylvania Business
Corporation Law is M-PAL, INC. The
purpose for which the corporation has been
organized is to engage in any and all lawful
business for which corporations may be
organized and incorporated under the
Business Corporation Law of the
Commonwealth of Pennsylvania, as
amended, or any other statute now or in the
future applicable to the corporation.

Theron G. Noble, Esquire, 301 East
Pine Street, Clearfield, PA 16830.

ARTICLES OF INCORPORATION

NOTICE IS HEREBY GIVEN that
Articles of Incorporation were filed with the
Department of State of the Commonwealth
of Pennsylvania at Harrisburg, Pennsylvania
on the 12th day of August, 2003, for the
purpose of obtaining a Certificate of
Incorporation of a business corporation.

The name of the corporation is Stephen
Sidorick Building Services, Inc. The

corporation has been incorporated under the
provisions of the Business Corporation Law
of 1988, Act of December 21, 1988, P.L.
1444, No. 1777.

Virginia B. Eisenstein, Esquire,
EISENSTEIN & BOWER, LLP, The Towers,
403 South Allen Street, Suite 210, State
College, PA 16801.

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

IN THE MATTER OF PETITION FOR
CHANGE OF NAME OF JASON L.
STEWARD, JR., AND DAKOTA P.
STEWARD.

NO. 03-1431-CD

NOTICE IS HEREBY GIVEN that the
Name Change Petition of Jason L. Steward,
Jr. and Dakota P. Steward will be heard on
November 14, 2003, at 9:00 A.M. in
Courtroom No. 1 of the Clearfield County
Courthouse, 230 East Market Street,
Clearfield, Pennsylvania.

The Petition was filed with the Court of
Common Pleas of Clearfield County,
Pennsylvania on September 23, 2003.

Names to be changed from Jason L.
Steward, Jr. to Jason L. Meeker and Dakota
P. Steward to Dakota P. Meeker.

Any persons interested may appear and
show cause, if any, why the prayer of
Petitioners should not be granted.

KAREN G. MUIR, 1315 West College
Avenue, Suite 300, State College, PA
16801. (814) 867-4799.

ADV: October 3, 2003 & October 10,
2003

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

PATRICK H. MOWREY; KIM MOWREY
HOBBA; PATRICK H. MOWREY and KIM
MOWREY HOBBA, Trustees of the
PATRICK H. MOWREY FAMILY TRUST;
and KIM MOWREY HOBBA and PATRICK
H. MOWREY, Trustees of the KIM
MOWREY HOBBA FAMILY TRUST,
Plaintiffs vs. GEORGE W. KOUGHER and
ELIZABETH KOUGHER, his wife; MILDRED
KOUGHER McMILLAN; JOHN ENGLISH
McMILLAN, JR.; ETHEL KOUGHER
MECKELY; MABLE KOUGHER HAGEN;

PATRICK H. MOWREY;
KIM MOWREY HOBBA;
PATRICK H. MOWREY and
KIM MOWREY HOBBA, Trustees
of the PATRICK H. MOWREY
FAMILY TRUST; and
KIM MOWREY HOBBA and
PATRICK H. MOWREY, Trustees
of the KIM MOWREY HOBBA
FAMILY TRUST,

Plaintiffs,

vs.

GEORGE W. KOUGHER and
ELIZABETH KOUGHER, his wife;
MILDRED KOUGHER McMILLAN;
JOHN ENGLISH McMILLAN, JR.;
ETHEL KOUGHER MECKLEY;
MABLE KOUGHER HAGEN; and
FORREST H. KOUGHER,
their cumulative heirs, devisees,
administrators, executors, assigns,
and all other person, persons, firms,
partnerships, or corporate entities
in interest,

Defendants.

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL ACTION - LAW

No. 03-1430-CD


ACTION TO QUIET TITLE

FILED 1 CC
NOV 04 2003
William A. Shaw
Prothonotary/Clerk of Courts
Atty Delaney

MOTION FOR JUDGMENT

AND NOW, this 3rd day of November, 2003, an Affidavit having been filed by the Plaintiffs, that the Complaint with Notice to Plead was served by publication on the Defendants, that the Plaintiffs, by their attorney, Michael S. Delaney, Esquire, move the Court to enter judgment in favor of the Plaintiffs and against the Defendants and to grant the Plaintiffs the relief for which they have prayed in accordance with the Pennsylvania Rules of Civil Procedure relating to Quieting of Title, Rule 1066 in

particular. The Plaintiffs further request the Honorable Court to modify the thirty (30) day period in which the Defendants have to file an ejectment action to eliminate such thirty (30) day period in accordance with Pennsylvania Rule of Civil Procedure Number 248.


MICHAEL S. DELANEY, ESQUIRE
Attorney for Plaintiffs

PATRICK H. MOWREY;
KIM MOWREY HOBBA;
PATRICK H. MOWREY and
KIM MOWREY HOBBA, Trustees
of the PATRICK H. MOWREY
FAMILY TRUST; and
KIM MOWREY HOBBA and
PATRICK H. MOWREY, Trustees
of the KIM MOWREY HOBBA
FAMILY TRUST,

Plaintiffs,

vs.

GEORGE W. KOUGHER and
ELIZABETH KOUGHER, his wife;
MILDRED KOUGHER McMILLAN;
JOHN ENGLISH McMILLAN, JR.;
ETHEL KOUGHER MECKLEY;
MABLE KOUGHER HAGEN; and
FORREST H. KOUGHER,
their cumulative heirs, devisees,
administrators, executors, assigns,
and all other person, persons, firms,
partnerships, or corporate entities
in interest,

Defendants.

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY,
PENNSYLVANIA

FILED

NOV 07 2003

William A. Shaw
Prothonotary/Clerk of Courts

CIVIL ACTION - LAW

No. 03-1430-CD

ACTION TO QUIET TITLE

ORDER OF COURT

AND NOW, this 7th day of November, 2003, an Affidavit of Service of the Complaint having been filed and no answer or other pleading or appearance having been made by any of the Defendants, the Court, upon Motion of Michael S. Delaney, Esquire, Attorney for the Plaintiffs herein, ORDERS AND DECREES:

That the property subject to this Quiet Title Action is ALL OIL AND GAS
in, on and underlying those certain pieces, parcels or tracts of land

situate in Brady Township, Clearfield County, Pennsylvania, bounded and described as follows:

FIRST TRACT of 110 acres of oil and gas:

BEGINNING at a post at northwest corner, thence east along land of Dimeling and Co., two thousand five hundred seventy and seven tenths (2570.7) feet to a post in Public road; thence south by land of Adam Muth and William Wingert, one thousand eight hundred sixty four and five tenths (1864.5) feet to a pine stump; thence west along land of Henry W. Weber two thousand five hundred seventy and seven tenths (2570.7) feet to a post in line of Grape land; thence north by said Grape land one thousand eight hundred sixty four and five tenths (1864.5) feet to the place of beginning. CONTAINING one hundred ten acres.

KNOWN as the oil and gas underlying Clearfield County Assessment Parcel Number 107-B7-23.

SECOND TRACT of 35 acres of oil and gas:

BEGINNING at a stone in public road, thence by land now or formerly of D. W. Hauck south (or nearly so) one hundred thirty (130) perches, more or less, to a post; thence north $85^{\circ} 11'$ East forty six (46) perches to a post; thence by land of H. W. Weber and Dimeling & Co., north $03^{\circ} 45'$ east, one hundred twenty three and four tenths (123.4) perches, more or less, to a post; thence by land of H. E. Ginter, north $86^{\circ} 40'$ west, forty six (46) perches to a stone and place of beginning. CONTAINING thirty five acres, more or less.

KNOWN as the oil and gas underlying Clearfield County Assessment Parcel Numbers 107-B7-52 and 107-B7-50.

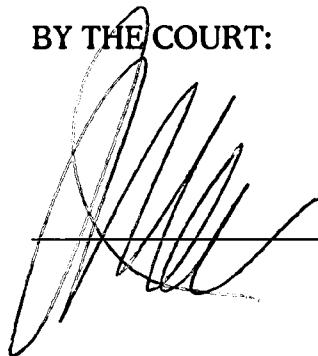
That title to said property is in Patrick H. Mowrey; Kim Mowrey Hobba; Patrick H. Mowrey and Kim Mowrey Hobba, Trustees of the Patrick H. Mowrey Family Trust; and Kim Mowrey Hobba and Patrick H. Mowrey, Trustees of the Kim Mowrey Hobba Family Trust, Plaintiffs herein, as set forth in the Complaint in fee simple and absolutely;

That the Defendants, their cumulative heirs, devisees, administrators, executors, successors and assigns, and all other person, persons, firms, partnerships, or corporate entities in interest or legal representatives, are forever barred from asserting any right,

title, lien, interest or claim whatsoever in the said oil and gas in question that is inconsistent with the interest of the said Plaintiffs, Patrick H. Mowrey; Kim Mowrey Hobba; Patrick H. Mowrey and Kim Mowrey Hobba, Trustees of the Patrick H. Mowrey Family Trust; and Kim Mowrey Hobba and Patrick H. Mowrey, Trustees of the Kim Mowrey Hobba Family Trust, as set forth in the Complaint, to the said premises, or impeaching, denying, or in any other way attacking said Plaintiffs' title to the said oil and gas.

AND that the thirty (30) day provision in Pennsylvania Rule of Civil Procedure 1066(b)(1) is modified so as to eliminate the said thirty (30) day time period in which the Defendants would otherwise be entitled to take further action. Said modification is in accordance with authority vested in this Court by virtue of Pennsylvania Rule of Civil Procedure Number 248.

BY THE COURT:



J.

FILED 1cc
01:00:04
NOV 07 2003
Atty Delaney

[Signature]

William A. Shaw
Prothonotary/Clerk of Courts