

03-1479-CD
IN RE: INDIANA COUNTY MUNICIPAL SERVICES AUTHORITY

**In the Matter of Proceeding by the
INDIANA COUNTY MUNICIPAL
SERVICES AUTHORITY, a
Municipal Authority,
for the Condemnation of
The Lands and Properties of
R.J. Corman Railroad Company/
Pennsylvania Lines, Inc.**

: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PENNSYLVANIA
:
: 2003-1499-CO
: No. _____ C.D. 2003
:
: IN REM
:

FILED

DECLARATION OF TAKING

X OCT 02 2003
0 1 2:40 PM
William A. Shaw
Prothonotary/Clerk of Courts
4 cent to return 85-

The Indiana County Municipal Services Authority, pursuant to the Pennsylvania Eminent Domain Code, as amended, 26 P.S. §1-101 et seq. ("Code"), hereby declares:

1. The Condemnor is the Indiana County Municipal Services Authority ("ICMSA"), a Municipal Authority created and existing under the laws of the Commonwealth of Pennsylvania, whose address is 827 Water Street, Indiana, Pennsylvania 15701.
2. This condemnation is authorized by the Municipal Authorities Act of 1945, as amended, 53 P.S. §301 et seq.
3. The taking described herein is authorized by Resolution of ICMSA, duly adopted on August 12, 2003. The Resolution is open to inspection in the office of ICMSA at 827 Water Street, Indiana, Pennsylvania 15701 at any time during regular business hours. A copy of the Resolution is attached hereto as Exhibit "A."
4. The purpose for which the condemnation is made is to (a) provide temporary and permanent rights-of-way or easements over, through and across which ICMSA will construct, improve, maintain, operate, own and control public sewage lines and related equipment as part of an improvement project known and designated as the "Cherry Tree Sewage Renovation Project"; and (b) provide a surface parcel in fee upon which ICMSA will construct, improve, maintain, operate, own and control public sewage lines and related equipment and structures as part of said project.

5. The property that is the subject of the condemnation:

(a) is situate in Burnside Township, Clearfield County, Pennsylvania;

(b) consists of (i) six sets of easements, with each set containing one permanent easement and one or two temporary easements, and (ii) one surface parcel in fee, excluding the oil and gas, containing 0.959 acres, more or less;

(c) is depicted in the plans that are attached hereto as Exhibits "B", "C" and "D" and which on the same day as the filing of this Declaration of Taking will be recorded in the Office of the Recorder of Deeds in and for Indiana County, Pennsylvania in accordance with Section 404 of the Code, 26 P.S. §1-404; and

(d) is part of a tract of property that (i) consists of approximately 69.753 acres; (ii) became vested in the Condemnee pursuant to the deed dated December 29, 1995 and recorded in the Clearfield County Recorder of Deeds Office at Deed Book Volume 1730, Page 89; and (iii) is identified in Clearfield County Tax Assessment Records as Tax Parcel A15-83-108.

6. The nature of the title of the easements acquired by this condemnation is that of rights-of-way or easements through and across the tract in question, or parts of the tract in question, namely six sets of rights-of-way or easements, with each set containing one permanent right-of-way or easement and one or two temporary rights-of-way or easements. The temporary rights-of-way or easements shall terminate upon full completion of the construction of the sewage lines. The nature of the title of the surface parcel in fee acquired by this condemnation is fee simple or absolute title, excluding, however, the oil and gas, associated with said parcel.

7. Plans showing the property condemned may be inspected at ICMSA's office at 827 Water Street, Indiana, Pennsylvania 15701, during regular business hours. In addition Plans showing the property condemned will be recorded in the Office of the Recorder of Deeds in and for Indiana County, Pennsylvania in accordance with Section 404 of the Code, 26 P.S. §1-404. Plans showing the property condemned are also attached hereto as Exhibits "B", "C" and "D". The parcel taken in fee is shown in cross-hatch and designated as Area A in Exhibit

"B" and is designated as Parcel B in Exhibit "C". The rights-of-way or easements are shown in double cross-hatch and designated as Areas B in Exhibit "B" and are as depicted in Exhibit "D".

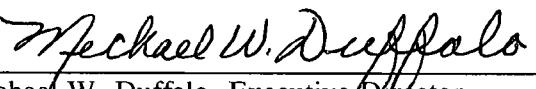
8. Just compensation for the taking of the property described herein is secured by the bond of the Condemnor filed contemporaneously herewith, said bond being to the Commonwealth of Pennsylvania for the use of the owner or owners of the property interests condemned, the condition of which is that the Condemnor shall pay such damages as shall be determined by law. The Condemnor files with this declaration of taking an open-end bond without surety pursuant to Section 403(a) of the Code, 26 P.S. §1-403(a). Just compensation is made or secured by the filing of the bond. A copy of the bond is attached hereto as Exhibit "E."

INDIANA COUNTY MUNICIPAL SERVICES
AUTHORITY

By: Michael W. Duffalo
Michael W. Duffalo
Executive Director

VERIFICATION

I, Michael W. Duffalo, Executive Director of the Indiana County Municipal Services Authority, verify that the facts set forth in the foregoing motion are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities.



Michael W. Duffalo, Executive Director
Indiana County Municipal Services Authority

Date: 10-27-03

INDIANA COUNTY MUNICIPAL SERVICES AUTHORITY

CHAIRMAN
R W KUNKLE

VICE CHAIRMAN
M FORBERGER

SECRETARY
M SHAWER

TREASURER
T SPRING

EXECUTIVE DIRECTOR
M W. DUFFALO



827 WATER ST.

INDIANA, PENNSYLVANIA 15701

(724) 349-6640

FAX (724) 349-5044

September 23, 2003

PUBLIC TAKING RESOLUTION

"The Indiana County Municipal Services Authority's Board of Directors do hereby make resolution under the Public Eminent Domain Codes to file a Public Taking Petition for a one acre tract owned by R.J. Corman Railroad Company/Pennsylvania Lines Inc., identified on a drawing by Gibson-Thomas Engineering number GT-9890.4.SD2 and being a part of a premise identified as A15-83-108 in the Clearfield County Assessment Office, and certain temporary and permanent easement areas identified on a drawing by Gibson-Thomas Engineering number GT9890.4.RW179A also being a part of a premise identified as A15-83-108 in the Clearfield County Assessment Office."

I do hereby certify that the above referenced resolution was duly adopted on 8-12-03 at a duly called Board of Director's Meeting.

Michael W. Duffalo
By: Michael W. Duffalo
Executive Director



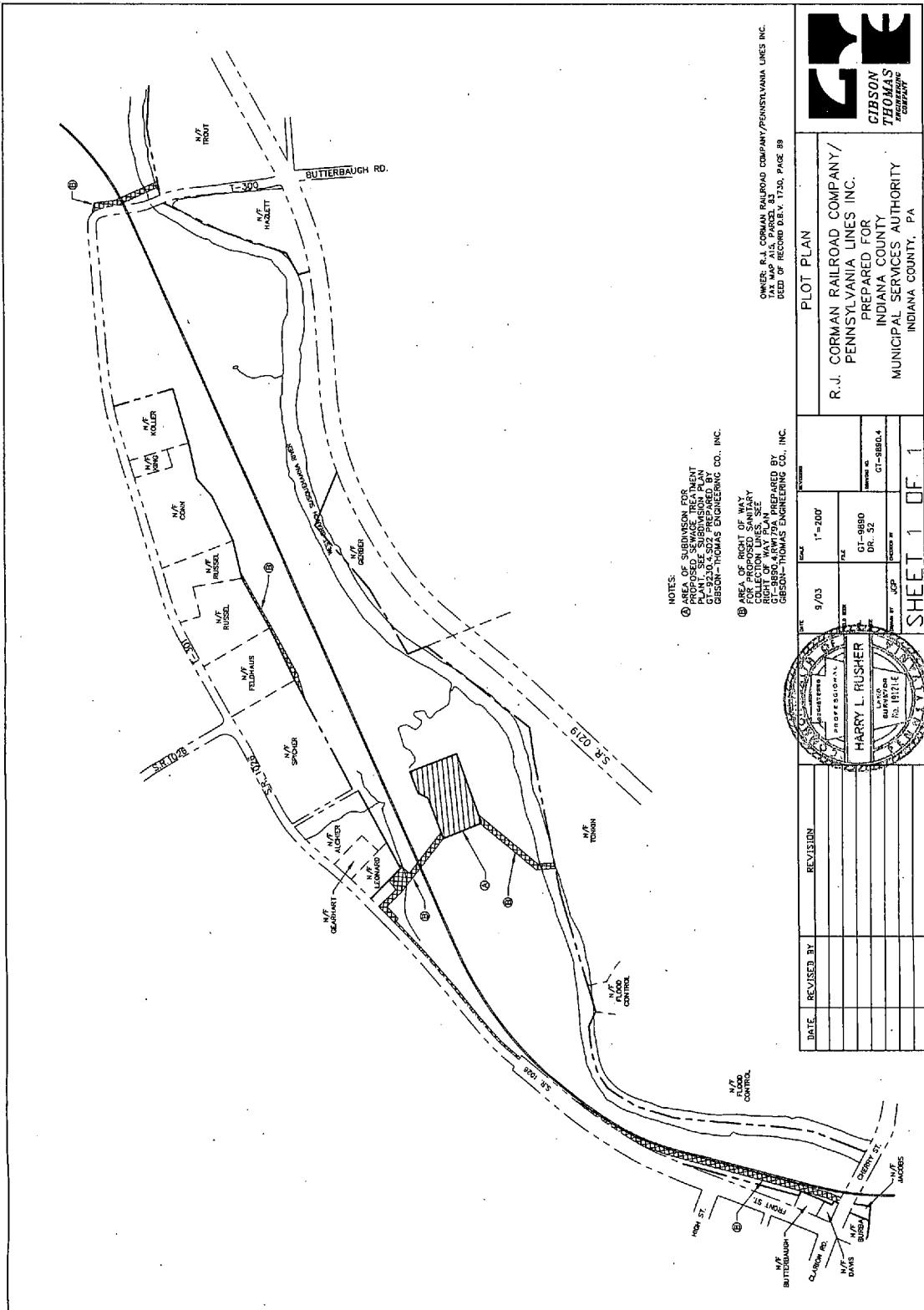
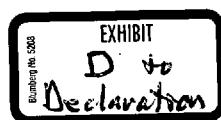
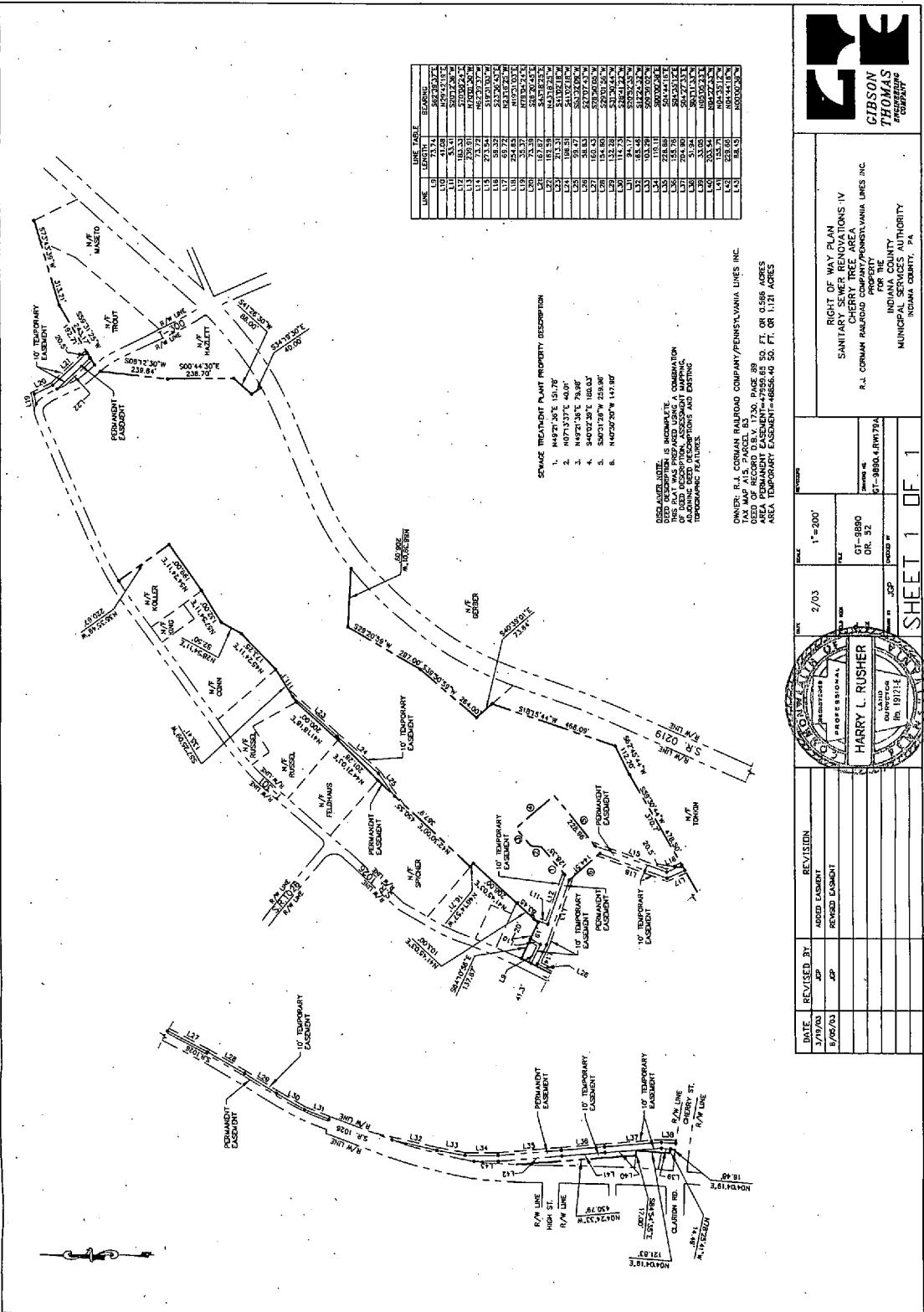


EXHIBIT
B to
Declaration



**In the Matter of Proceeding by the
INDIANA COUNTY MUNICIPAL
SERVICES AUTHORITY, a
Municipal Authority,
for the Condemnation of
The Lands and Properties of
R.J. Corman Railroad Company/
Pennsylvania Lines, Inc.**

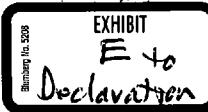
**: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PENNSYLVANIA
:
:
:
: No. _____ C.D. 2003
:
:
: IN REM
:
:**

BOND

KNOW ALL MEN BY THESE PRESENTS; that a Declaration of Taking having been filed on October 2, 2003 by Indiana County Municipal Services Authority ("Obligor"), a Municipal Authority created and existing under the laws of the Commonwealth of Pennsylvania, being held and firmly bound unto the Commonwealth of Pennsylvania ("Obligee") for the use and benefit of the owner or owners of the property being condemned as hereinafter noted, and other proper parties in interest, for such amount of damage as the owner or owners of the property and other parties in interest shall be entitled to receive after the same shall have been agreed upon or assessed in the manner prescribed by law, by reason of the condemnation by the Obligor of one surface parcel in fee from the property and temporary and permanent rights-of-way or easements over, through and across the property, which property is located in Burnside Township, Clearfield County, Pennsylvania; said surface parcel and rights-of-way or easements being more particularly described in the Declaration of Taking, as well as the Plans attached hereto as Exhibits "A", "B" and "C", which plans will be recorded in the Office of the Recorder of Deeds in and for Clearfield County, Pennsylvania in accordance with Section 404 of the Code, 26 P.S. §1-404, on the same day as the filing of the Declaration of Taking.

ALL of the property described in the Declaration of Taking and in Exhibits "A", "B" and "C" to which payment well and truly to be made, the Obligor does bind itself and its successors and assigns, firmly by these presents.

WHEREAS, the Obligor has condemned the said property and cannot agree with the



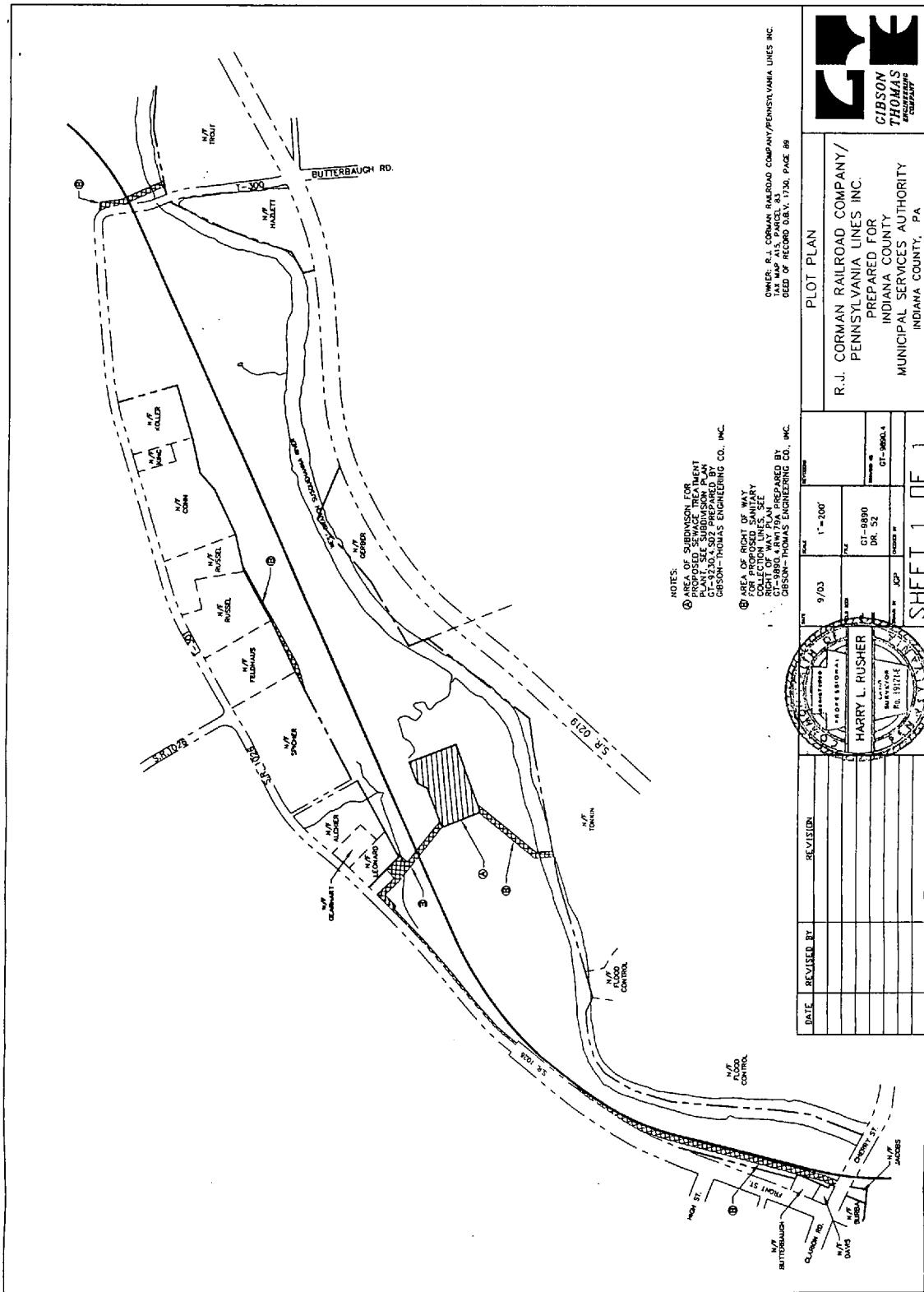
owner or owners of said land upon the just compensation to be paid for the damages sustained by said owner or owners as a result of the condemnation;

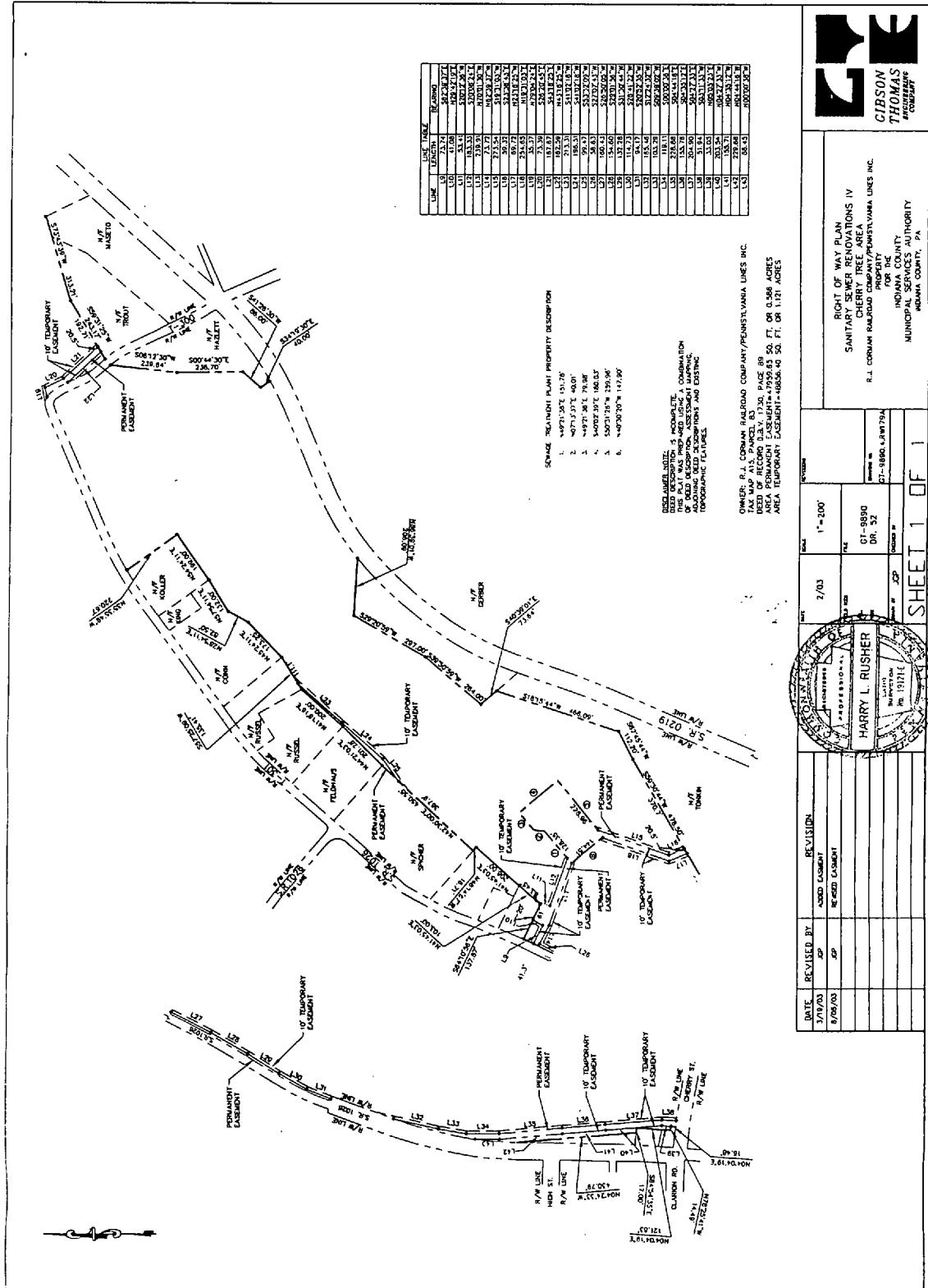
NOW, THE CONDITION of this Bond is such that if the Obligor shall pay or cause to be paid such amount of damages as the said owner or owners of the property and other parties in interest shall be entitled to receive by reason of such condemnation, after the same shall have been agreed upon or assessed in the manner provided by law, then this obligation shall be void; otherwise, to be and remain in full and force and effect.

SEALED with the corporate seal and duly executed this 2 day of act
2003.

INDIANA COUNTY MUNICIPAL SERVICES
AUTHORITY

By: Michael W. Duffalo
Michael W. Duffalo
Executive Director





**In the Matter of Proceeding by the
INDIANA COUNTY MUNICIPAL
SERVICES AUTHORITY, a
Municipal Authority,
for the Condemnation of
The Lands and Properties of
R.J. Corman Railroad Company/
Pennsylvania Lines, Inc.**

: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PENNSYLVANIA
:
:
: No. 03-1479 - C.D. 2003
:
: IN REM
:
:

BOND

OCT 02 2003
07 2:48 PM
William A. Shaw
Prothonotary/Clerk of Courts
4 CENTS TO ATM
Zimmer

KNOW ALL MEN BY THESE PRESENTS, that a Declaration of Taking having been filed on October 2, 2003 by Indiana County Municipal Services Authority ("Obligor"), a Municipal Authority created and existing under the laws of the Commonwealth of Pennsylvania, being held and firmly bound unto the Commonwealth of Pennsylvania ("Obligee") for the use and benefit of the owner or owners of the property being condemned as hereinafter noted, and other proper parties in interest, for such amount of damage as the owner or owners of the property and other parties in interest shall be entitled to receive after the same shall have been agreed upon or assessed in the manner prescribed by law, by reason of the condemnation by the Obligor of one surface parcel in fee from the property and temporary and permanent rights-of-way or easements over, through and across the property, which property is located in Burnside Township, Clearfield County, Pennsylvania; said surface parcel and rights-of-way or easements being more particularly described in the Declaration of Taking, as well as the Plans attached hereto as Exhibits "A", "B" and "C", which plans will be recorded in the Office of the Recorder of Deeds in and for Clearfield County, Pennsylvania in accordance with Section 404 of the Code, 26 P.S. §1-404, on the same day as the filing of the Declaration of Taking.

ALL of the property described in the Declaration of Taking and in Exhibits "A", "B" and "C" to which payment well and truly to be made, the Obligor does bind itself and its successors and assigns, firmly by these presents.

WHEREAS, the Obligor has condemned the said property and cannot agree with the

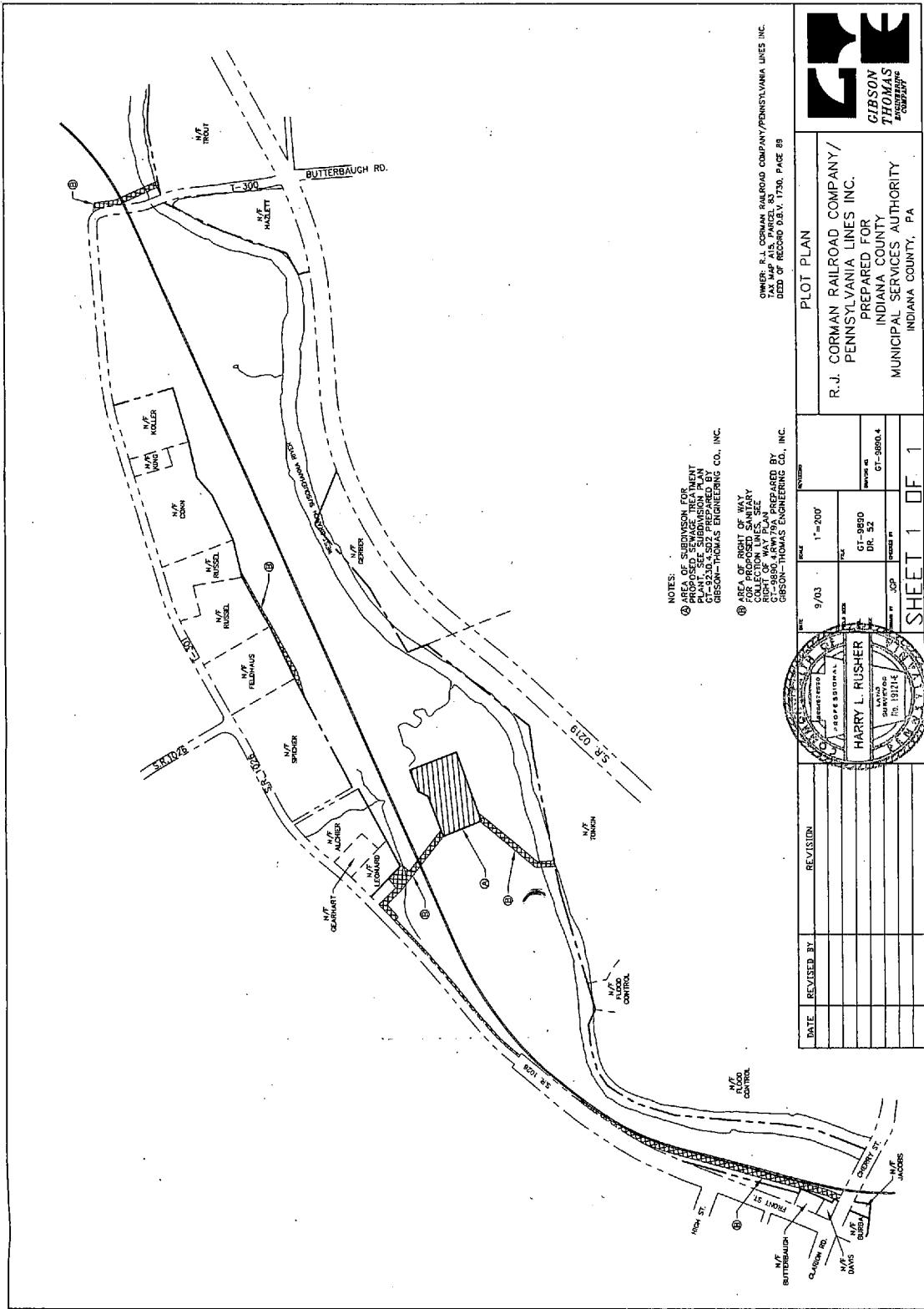
owner or owners of said land upon the just compensation to be paid for the damages sustained by said owner or owners as a result of the condemnation;

NOW, THE CONDITION of this Bond is such that if the Obligor shall pay or cause to be paid such amount of damages as the said owner or owners of the property and other parties in interest shall be entitled to receive by reason of such condemnation, after the same shall have been agreed upon or assessed in the manner provided by law, then this obligation shall be void; otherwise, to be and remain in full and force and effect.

SEALED with the corporate seal and duly executed this 2 day of act.
2003.

INDIANA COUNTY MUNICIPAL SERVICES
AUTHORITY

By: Michael W. Duffalo
Michael W. Duffalo
Executive Director





LOCATION MAP

THE COMMONWEALTH OF PENNSYLVANIA
COUNTY OF INDIANA

IN THIS, THE DAY OF 2002, BEFORE ME,

THE INDIANA STATE BOARD OF SURVEYORS, PERSONALLY CAME TO ME, KNOWN TO ME AS SURVEYOR, PROFESSIONAL, TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITNESS STATEMENT, AND
DECODED THE SAME FOR THE
INSTRUMENT HEREIN CONTAINED.

WITNESS WHEREAS, HAVE REFERRED TO SET BY HAND AND OPTICAL, SEAL...

Y COMMISSION EXPRESS,

NOTARY PUBLIC

FINAL APPROVAL GRANTED BY THE INDIANA CO. OFFICE OF PLANNING STAFF THIS DAY OF 2002 *

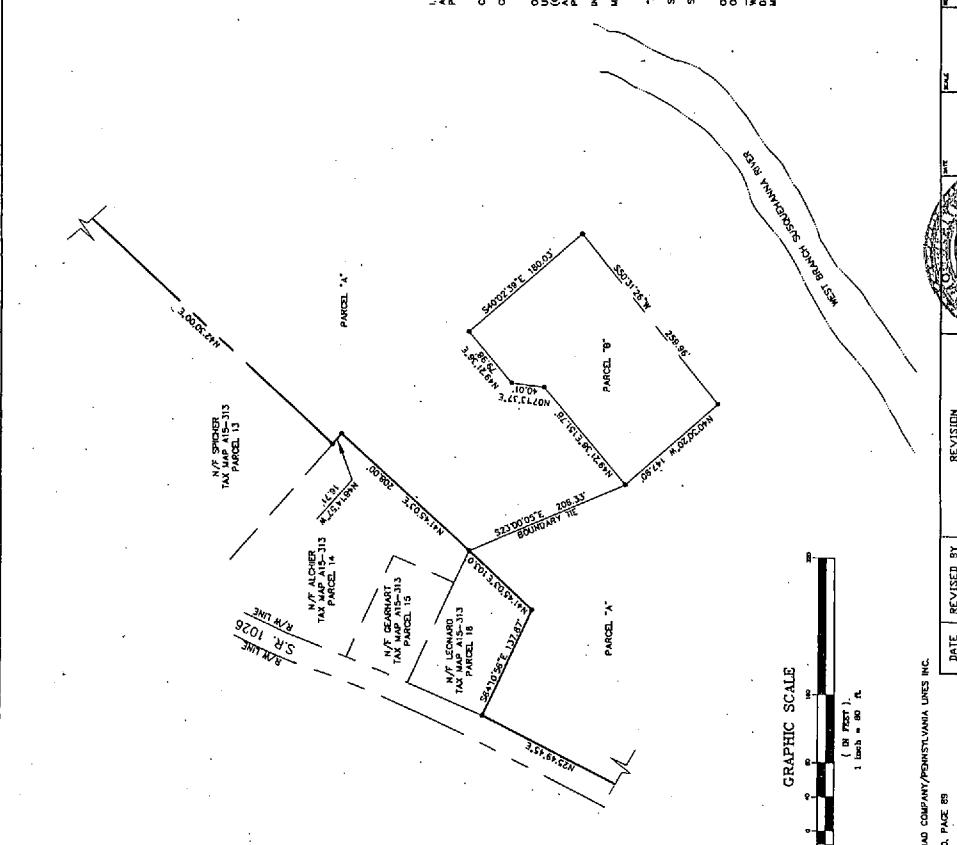
RECEIVED

NOTARY PUBLIC
FINAL APPROVAL GRANTED BY THE INDIANA CO. OFFICE OF PLANNING STAFF THIS — DAY OF —
BY COMMISSION EXPRESS: —

I, HARRY L. RUSHER, A REGISTERED PROFESSIONAL SURVEYOR OF THE COMMONWEALTH OF PENNSYLVANIA, DO HEREBY CERTIFY THAT THIS PLAN CORRECTLY REPRESENTS THE LOTS, AND STREETS, ALLEY'S, AND EASEMENTS AS SURVEYED AND PLATED BY ME FOR THE OWNERS OR AGENTS

R. J. CORMAN RAILROAD COMPANY /
PENNSYLVANIA LINES INC.
PROPERTY
FOR THE
IUPUA COUNTY MUNICIPAL SERVICES AUTHORITY
INDIANA COUNTY, PA

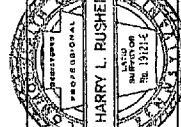
SHEET 1 DE 1

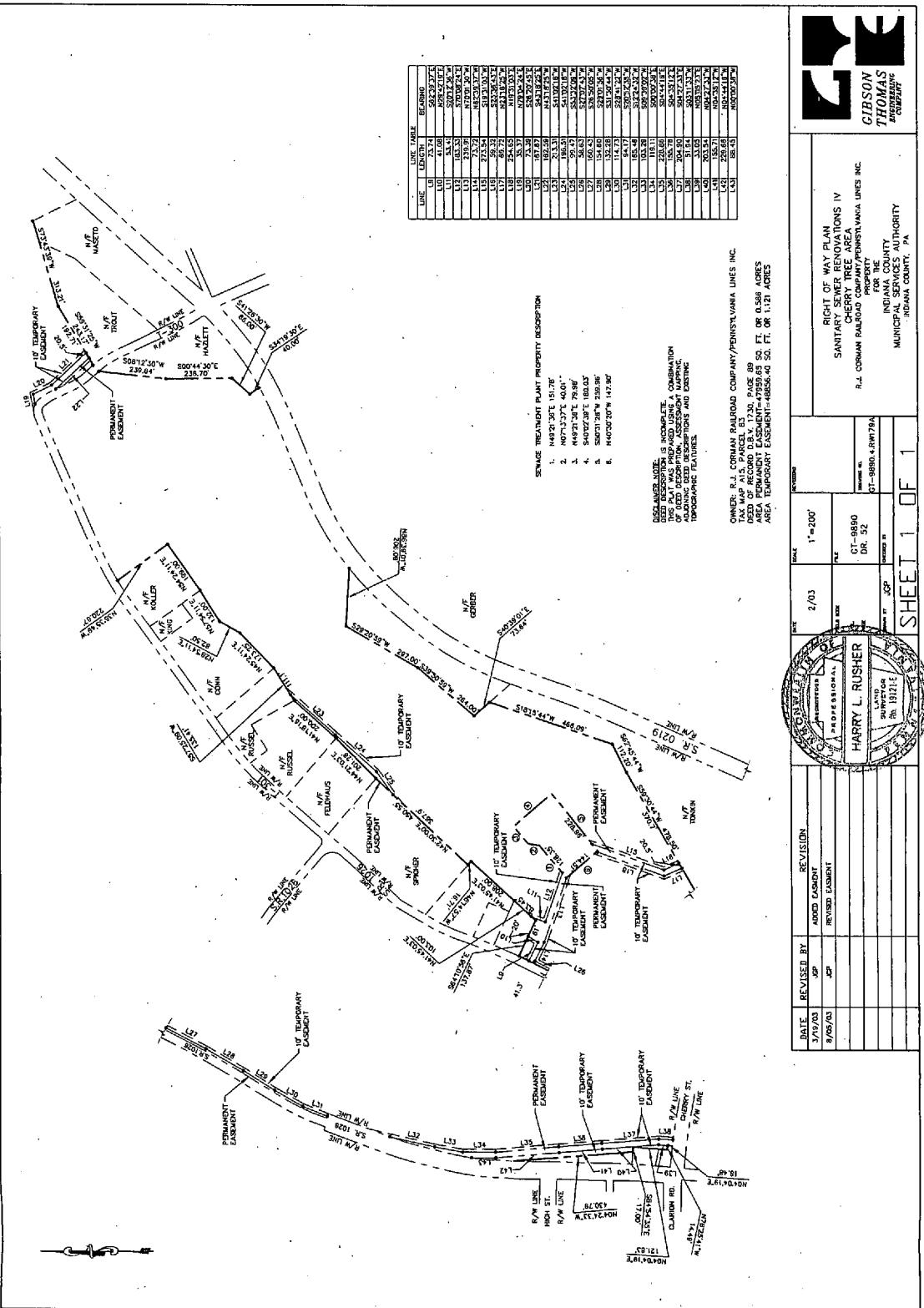


OWNER: R.J. CORNAR RAILROAD COMPANY/PENNSYLVANIA LINES INC.
AX MAP A12 PARCEL B3
INDEX OF RECORD D.B.V. 1730, PAGE 89

AREA OF PARCEL 'A'=68.754 ACRES
AREA OF PARCEL 'B'=173.186 SQ. FT. OR 0.939 ACRES
NOTE: NO DESCRIPTION
MADE, NO SURVEY MADE, NO SURVEY DATA, NO DESCRIPTION, ASSESSMENT MAPS,
NO TOPOGRAPHIC FEATURES.

A vertical graphic scale with a black and white checkered pattern. The scale is labeled 'GRAPHIC SCALE' at the top. It has major tick marks at 0, 20, 40, 60, 80, and 100. A vertical line is drawn at the 100 mark. To the right of the scale, there is a bracketed label '(in mm)' above a smaller scale bar with tick marks at 0, 2, 4, 6, 8, and 10.





**In the Matter of Proceeding by the
INDIANA COUNTY MUNICIPAL
SERVICES AUTHORITY, a
Municipal Authority,
for the Condemnation of
The Lands and Properties of
R.J. Corman Railroad Company/
Pennsylvania Lines, Inc.**

: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PENNSYLVANIA
:
:
: No. 03-1479 - C.D. 2003
:
: IN REM
:
:

MEMORANDUM OF FILING NOTICE

TO THE PROTHONOTARY:

NOTICE of the above-captioned condemnation is recorded in the Office of the Recorder of
Deeds in and for Clearfield County, Pennsylvania, in Deed Book Volume , page .

*Att or in Instrument
200317936*

**INDIANA COUNTY MUNICIPAL SERVICES
AUTHORITY**

By:

Michael W. Duffalo
Michael W. Duffalo
Executive Director

FILED

OCT 02 2003

0 / 3:10 p.m.

William A. Shaw

Prothonotary/Clerk of Courts

4 cent to Army

**In the Matter of Proceeding by the
INDIANA COUNTY MUNICIPAL
SERVICES AUTHORITY, a
Municipal Authority,
for the Condemnation of
The Lands and Properties of
R.J. Corman Railroad Company/
Pennsylvania Lines, Inc.**

: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PENNSYLVANIA
:
:
:
: No. 03-1479 C.D.
:
:
: IN REM
:
:

COMMONWEALTH OF PENNSYLVANIA)
:ss)
COUNTY OF INDIANA)

AFFIDAVIT OF SERVICE

1. I, David M. Zimmerman, an Attorney at Law, Pennsylvania Supreme Court Attorney ID# 62496, depose and say that I am a competent adult and that on Thursday, October 2, 2003, at approximately 3:30 p.m., I served a Notice of Condemnation regarding the above captioned matter on R.J. Corman Railroad Company/Pennsylvania Lines, Inc., at its Clearfield, Pennsylvania corporate office and usual place of business at the R.J. Corman Rail Yard, Box 751, River Road, Clearfield, Pennsylvania, 16830 by handing a copy thereof to Eugene Shadec, an adult person and employee of R.J. Corman Railroad Company/Pennsylvania Lines, Inc., who was the person for the time being in charge of said office.

2. Attached to this Affidavit is a copy of the Notice that was served.

FILED October 3, 2003

OCT 06 2003

William A. Shaw
Prothonotary

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

Kris D. Lyne
Notary Public

David M. Zimmerman
Attorney ID# 62496
Bonya Gazza & DeGory, LLP
134 South Sixth Street
Indiana, PA 15701
724-465-5535



Notarial Seal
Lon D. Rizer, Notary Public
Indiana Borough, Indiana County
My Commission Expires Sept. 1, 2007
Member, Pennsylvania Association Of Notaries

COPY

**In the Matter of Proceeding by the
INDIANA COUNTY MUNICIPAL
SERVICES AUTHORITY, a
Municipal Authority,
for the Condemnation of
The Lands and Properties of
R.J. Corman Railroad Company/
Pennsylvania Lines, Inc.**

**: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PENNSYLVANIA
:
:
: No. 03-1479- C.D. 2003
:
: IN REM
:**

NOTICE OF CONDEMNATION

TO: R.J. CORMAN RAILROAD COMPANY PENNSYLVANIA LINES, INC.

In accordance with §405 of the Pennsylvania Eminent Domain Code, as amended, 26 P.S. §1-405, the Indiana County Municipal Services Authority notifies you that:

1. A Declaration of Taking was filed on October 2, 2003 in the Court of Common Pleas of Clearfield County, Pennsylvania, at the above-named term and number.
2. A copy of the Declaration of Taking is attached hereto as Exhibit "A".
3. As a result of the filing of the Declaration of Taking, part of your property has been condemned and any title that you may have had prior to the filing of the Declaration of Taking has been eliminated as to one parcel taken in fee, excluding the oil and gas, and consisting of approximately 0.959 acres, with the remainder of condemned property being made subject to the remainder made subject to six sets of easements or rights of way, with each set containing one permanent easement and one or two temporary easements, in favor of the Indiana County Municipal Services Authority. The purposes for which your property was condemned is more fully set forth and described in paragraph 4 of the Declaration of Taking.
4. Plans showing your property and the area condemned are attached to the Declaration as Exhibits "B", "C" and "D". The parcel taken in fee is shown in cross-hatch and designated as Area A in Exhibit "B" and is designated as Parcel B in Exhibit "C". The rights-of-way or easements are shown in double cross-hatch and designated as Area B in Exhibit "B" and are as depicted in Exhibit "D".

5. If you wish to challenge the power or the right of the Indiana County Municipal Services Authority to appropriate the condemned property, the sufficiency of the security for just compensation to you, the procedure followed by the Indiana County Municipal Services Authority or the Declaration of Taking attached hereto, you must file Preliminary Objections in court to the term and number described above within thirty (30) days after having been served with this Notice.

INDIANA COUNTY MUNICIPAL SERVICES
AUTHORITY

By: Michael W. Duffalo
Michael W. Duffalo
Executive Director

**In the Matter of Proceeding by the
INDIANA COUNTY MUNICIPAL
SERVICES AUTHORITY, a
Municipal Authority,
for the Condemnation of
The Lands and Properties of
R.J. Corman Railroad Company/
Pennsylvania Lines, Inc.**

**: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PENNSYLVANIA
:
:
: No. _____ C.D. 2003
:
: IN REM
:
:**

DECLARATION OF TAKING

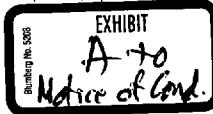
The Indiana County Municipal Services Authority, pursuant to the Pennsylvania Eminent Domain Code, as amended, 26 P.S. §1-101 et seq. ("Code"), hereby declares:

1. The Condemnor is the Indiana County Municipal Services Authority ("ICMSA"), a Municipal Authority created and existing under the laws of the Commonwealth of Pennsylvania, whose address is 827 Water Street, Indiana, Pennsylvania 15701.

2. This condemnation is authorized by the Municipal Authorities Act of 1945, as amended, 53 P.S. §301 et seq.

3. The taking described herein is authorized by Resolution of ICMSA, duly adopted on August 12, 2003. The Resolution is open to inspection in the office of ICMSA at 827 Water Street, Indiana, Pennsylvania 15701 at any time during regular business hours. A copy of the Resolution is attached hereto as Exhibit "A."

4. The purpose for which the condemnation is made is to (a) provide temporary and permanent rights-of-way or easements over, through and across which ICMSA will construct, improve, maintain, operate, own and control public sewage lines and related equipment as part of an improvement project known and designated as the "Cherry Tree Sewage Renovation Project"; and (b) provide a surface parcel in fee upon which ICMSA will construct, improve, maintain, operate, own and control public sewage lines and related equipment and structures as part of said project.



5. The property that is the subject of the condemnation:

(a) is situate in Burnside Township, Clearfield County, Pennsylvania;

(b) consists of (i) six sets of easements, with each set containing one permanent easement and one or two temporary easements, and (ii) one surface parcel in fee, excluding the oil and gas, containing 0.959 acres, more or less;

(c) is depicted in the plans that are attached hereto as Exhibits "B", "C" and "D" and which on the same day as the filing of this Declaration of Taking will be recorded in the Office of the Recorder of Deeds in and for Indiana County, Pennsylvania in accordance with Section 404 of the Code, 26 P.S. §1-404; and

(d) is part of a tract of property that (i) consists of approximately 69.753 acres; (ii) became vested in the Condemnee pursuant to the deed dated December 29, 1995 and recorded in the Clearfield County Recorder of Deeds Office at Deed Book Volume 1730, Page 89; and (iii) is identified in Clearfield County Tax Assessment Records as Tax Parcel A15-83-108.

6. The nature of the title of the easements acquired by this condemnation is that of rights-of-way or easements through and across the tract in question, or parts of the tract in question, namely six sets of rights-of-way or easements, with each set containing one permanent right-of-way or easement and one or two temporary rights-of-way or easements. The temporary rights-of-way or easements shall terminate upon full completion of the construction of the sewage lines. The nature of the title of the surface parcel in fee acquired by this condemnation is fee simple or absolute title, excluding, however, the oil and gas, associated with said parcel.

7. Plans showing the property condemned may be inspected at ICMSA's office at 827 Water Street, Indiana, Pennsylvania 15701, during regular business hours. In addition Plans showing the property condemned will be recorded in the Office of the Recorder of Deeds in and for Indiana County, Pennsylvania in accordance with Section 404 of the Code, 26 P.S. §1-404. Plans showing the property condemned are also attached hereto as Exhibits "B", "C" and "D". The parcel taken in fee is shown in cross-hatch and designated as Area A in Exhibit

"B" and is designated as Parcel B in Exhibit "C". The rights-of-way or easements are shown in double cross-hatch and designated as Areas B in Exhibit "B" and are as depicted in Exhibit "D".

8. Just compensation for the taking of the property described herein is secured by the bond of the Condemnor filed contemporaneously herewith, said bond being to the Commonwealth of Pennsylvania for the use of the owner or owners of the property interests condemned, the condition of which is that the Condemnor shall pay such damages as shall be determined by law. The Condemnor files with this declaration of taking an open-end bond without surety pursuant to Section 403(a) of the Code, 26 P.S. §1-403(a). Just compensation is made or secured by the filing of the bond. A copy of the bond is attached hereto as Exhibit "E."

INDIANA COUNTY MUNICIPAL SERVICES
AUTHORITY

By: Michael W. Duffalo
Michael W. Duffalo
Executive Director

VERIFICATION

I, Michael W. Duffalo, Executive Director of the Indiana County Municipal Services Authority, verify that the facts set forth in the foregoing motion are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities.

Michael W. Duffalo

Michael W. Duffalo, Executive Director
Indiana County Municipal Services Authority

Date: 10-2-03

INDIANA COUNTY MUNICIPAL SERVICES AUTHORITY

CHAIRMAN
R. W. KUNKLE



VICE CHAIRMAN
M. FORBERGER

SECRETARY
M. SHAWER

827 WATER ST
INDIANA, PENNSYLVANIA 15701

(724) 349-6640

FAX (724) 349-5044

TREASURER
T. SPRING

EXECUTIVE DIRECTOR
M. W. DUFFALO

September 23, 2003

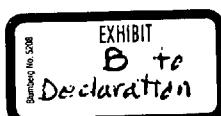
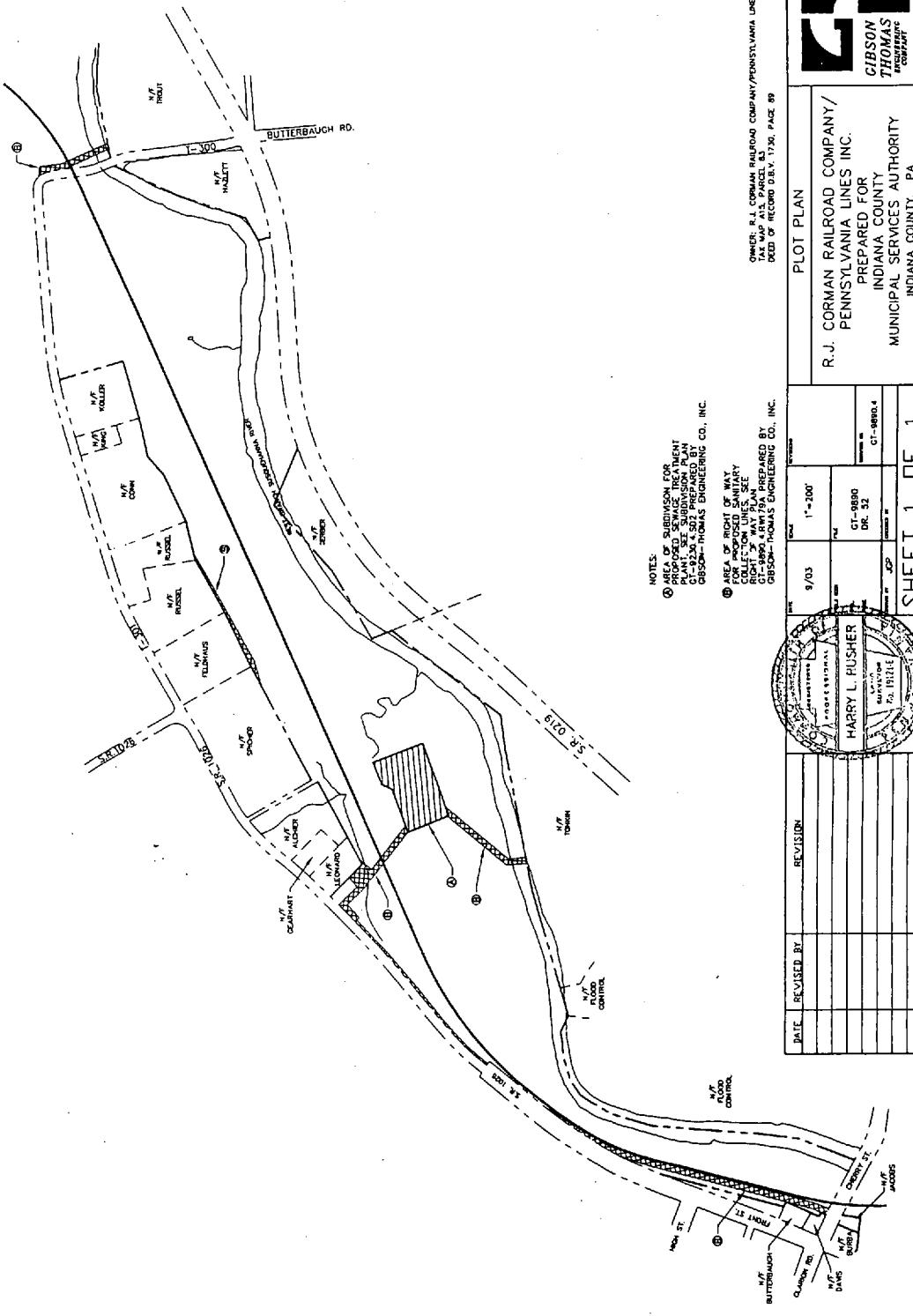
PUBLIC TAKING RESOLUTION

"The Indiana County Municipal Services Authority's Board of Directors do hereby make resolution under the Public Eminent Domain Codes to file a Public Taking Petition for a one acre tract owned by R.J. Corman Railroad Company/Pennsylvania Lines Inc., identified on a drawing by Gibson-Thomas Engineering number GT-9890.4. SD2 and being apart of a premise identified as A15-83-108 in the Clearfield County Assessment Office, and certain temporary and permanent easement areas identified on a drawing by Gibson-Thomas Engineering number GT9890.4.RW179A also being a part of a premise identified as A15-83-108 in the Clearfield County Assessment Office."

I do hereby certify that the above referenced resolution was duly adopted on 8-12-03 at a duly called Board of Director's Meeting.

Michael W. Duffalo
By: Michael W. Duffalo
Executive Director





In the Matter of Proceeding by the
INDIANA COUNTY MUNICIPAL
SERVICES AUTHORITY, a
Municipal Authority,
for the Condemnation of
The Lands and Properties of
R.J. Corman Railroad Company/
Pennsylvania Lines, Inc.

: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PENNSYLVANIA
:
: No. _____ C.D. 2003
:
: IN REM
:
:

BOND

KNOW ALL MEN BY THESE PRESENTS; that a Declaration of Taking having been filed on October 2, 2003 by Indiana County Municipal Services Authority ("Obligor"), a Municipal Authority created and existing under the laws of the Commonwealth of Pennsylvania, being held and firmly bound unto the Commonwealth of Pennsylvania ("Obligee") for the use and benefit of the owner or owners of the property being condemned as hereinafter noted, and other proper parties in interest, for such amount of damage as the owner or owners of the property and other parties in interest shall be entitled to receive after the same shall have been agreed upon or assessed in the manner prescribed by law, by reason of the condemnation by the Obligor of one surface parcel in fee from the property and temporary and permanent rights-of-way or easements over, through and across the property, which property is located in Burnside Township, Clearfield County, Pennsylvania; said surface parcel and rights-of-way or easements being more particularly described in the Declaration of Taking, as well as the Plans attached hereto as Exhibits "A", "B" and "C", which plans will be recorded in the Office of the Recorder of Deeds in and for Clearfield County, Pennsylvania in accordance with Section 404 of the Code, 26 P.S. §1-404, on the same day as the filing of the Declaration of Taking.

ALL of the property described in the Declaration of Taking and in Exhibits "A", "B" and "C" to which payment well and truly to be made, the Obligor does bind itself and its successors and assigns, firmly by these presents.

WHEREAS, the Obligor has condemned the said property and cannot agree with the



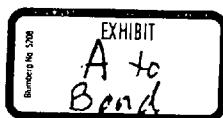
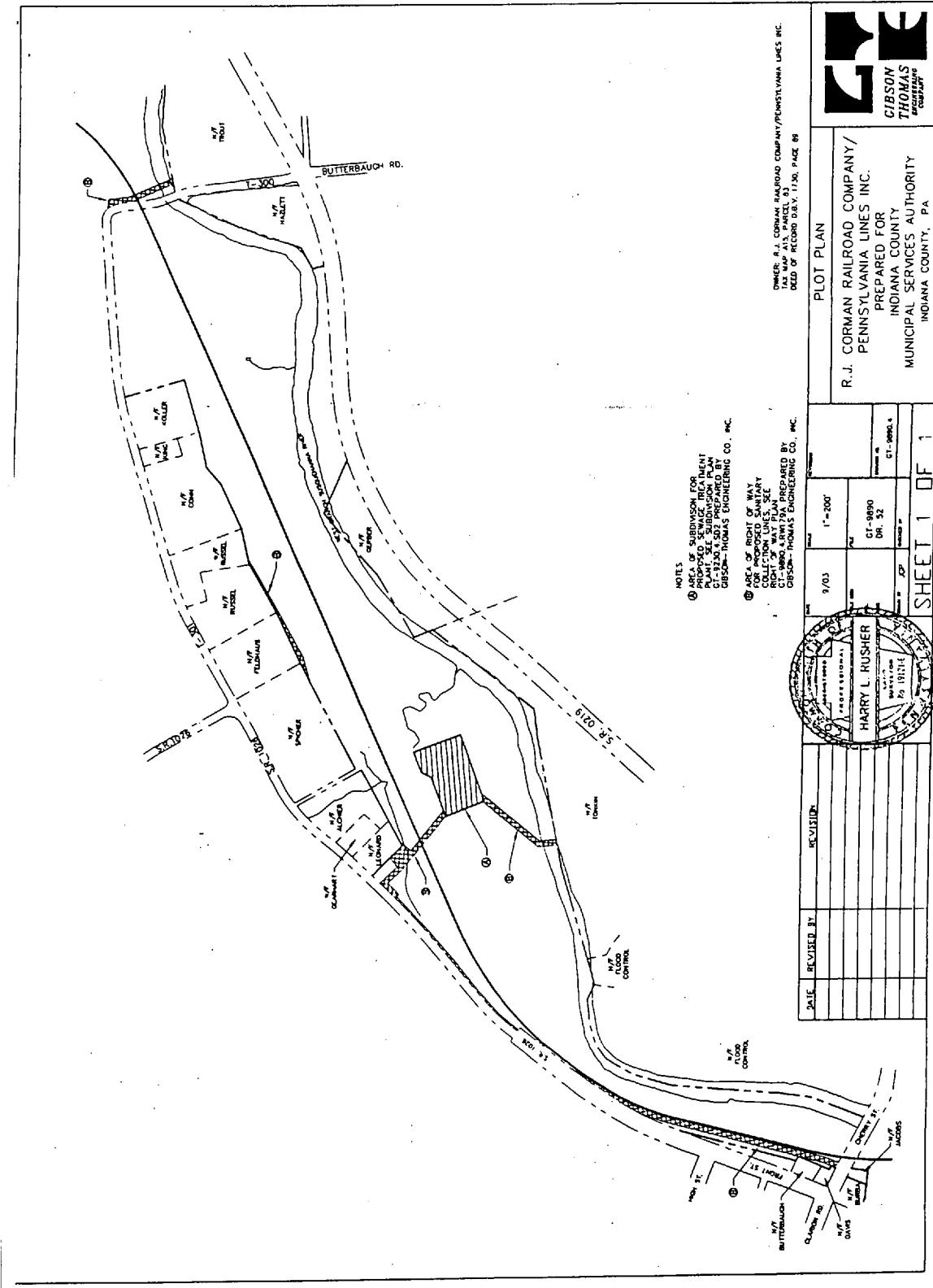
owner or owners of said land upon the just compensation to be paid for the damages sustained by said owner or owners as a result of the condemnation;

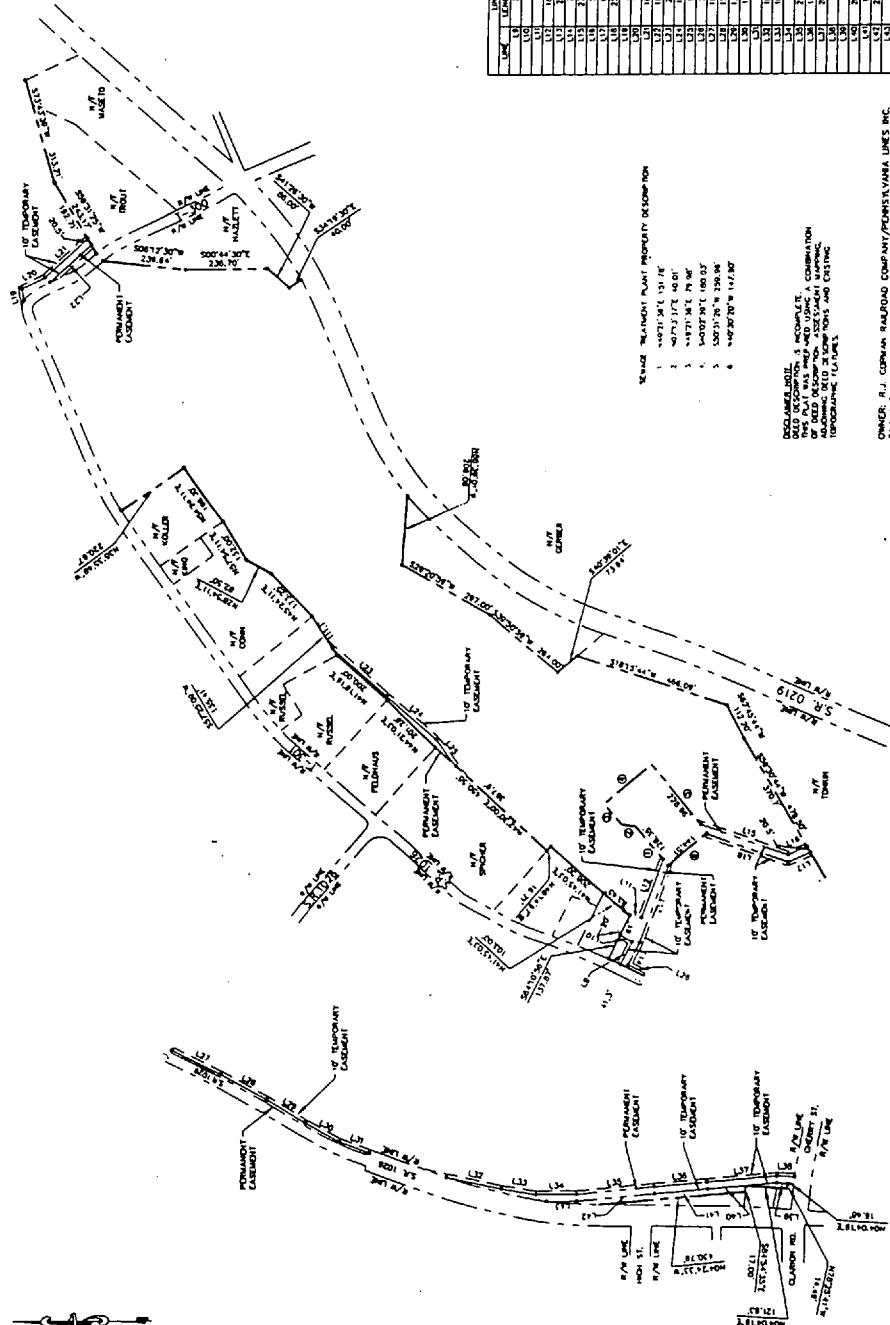
NOW, THE CONDITION of this Bond is such that if the Obligor shall pay or cause to be paid such amount of damages as the said owner or owners of the property and other parties in interest shall be entitled to receive by reason of such condemnation, after the same shall have been agreed upon or assessed in the manner provided by law, then this obligation shall be void; otherwise, to be and remain in full and force and effect.

SEALED with the corporate seal and duly executed this 2 day of act
2003.

INDIANA COUNTY MUNICIPAL SERVICES
AUTHORITY

By: Michael W. Duffalo
Michael W. Duffalo
Executive Director





RIGHT OF WAY PLAN
SANITARY SEWER RENOVATIONS IV
CHERRY TREE AREA
HAN RAILROAD COMPANY/PAHNSYLVANIA LINES INC.
PROPERTY
FOR THE
INDIANA COUNTY
MUNICIPAL SERVICES AUTHORITY
INDIANA COUNTY, PA

OWNER: R.J. CUPRAN RAILROAD COMPANY/PEMBINA RAILWAY LINES INC.
TAX MAP A15, PARCEL 1730, PAGE 89
DEO (RECORD OF CHARTER): 3.8. 1730
PERMITS: 1. ASSESSMENT - 4793.65 SQ. FT. OR 0.086 ACRES
2. ASSESSMENT - 4685.56 SQ. FT. OR 0.121 ACRES
AREA TEMPORARY: 1. ASSESSMENT - 4685.56 SQ. FT. OR 0.121 ACRES

三

PROPS
HARRY

— 1 —

1100

148

100

112

1993
1994

2000-01

1

1

1

1

1

1000

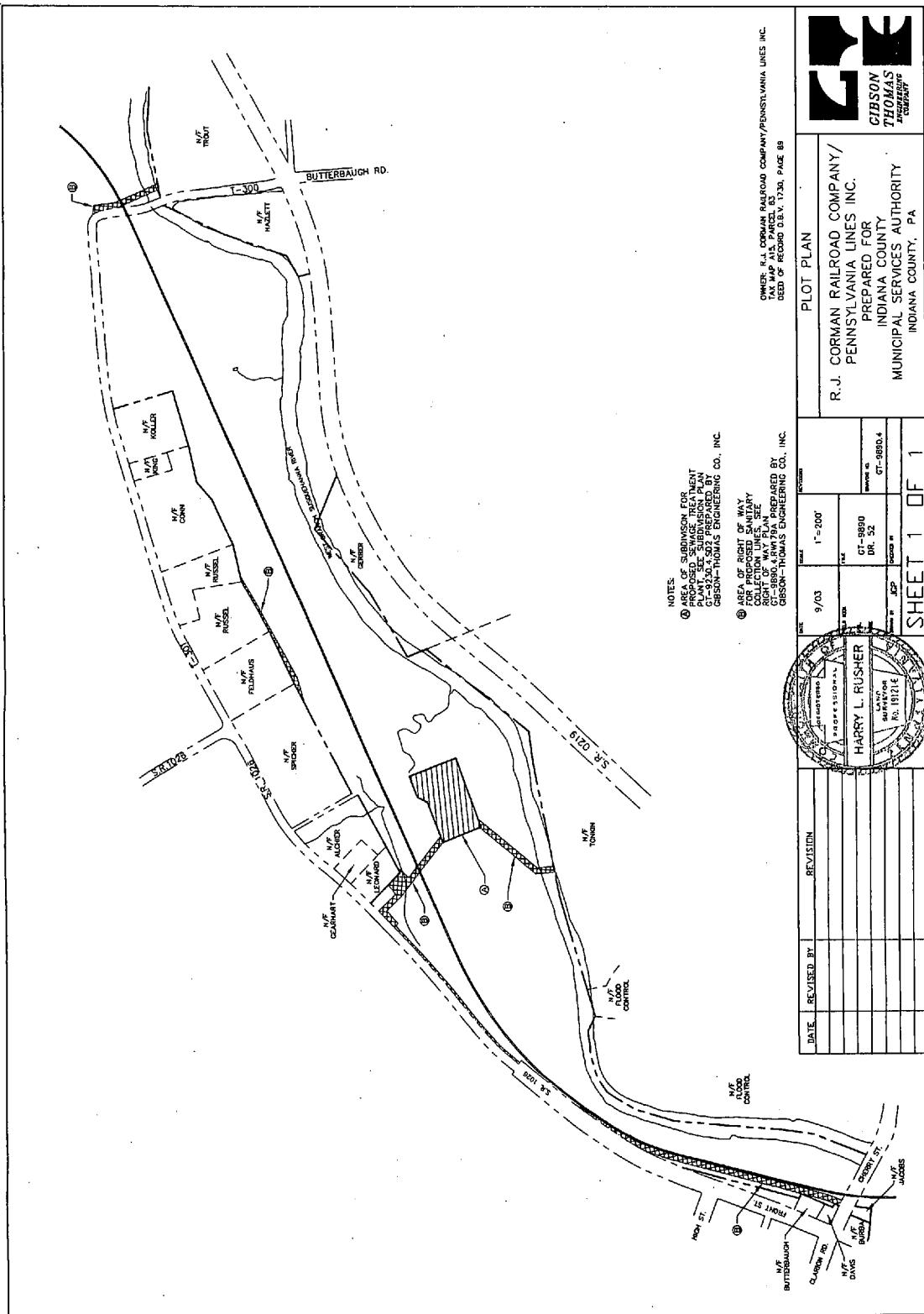
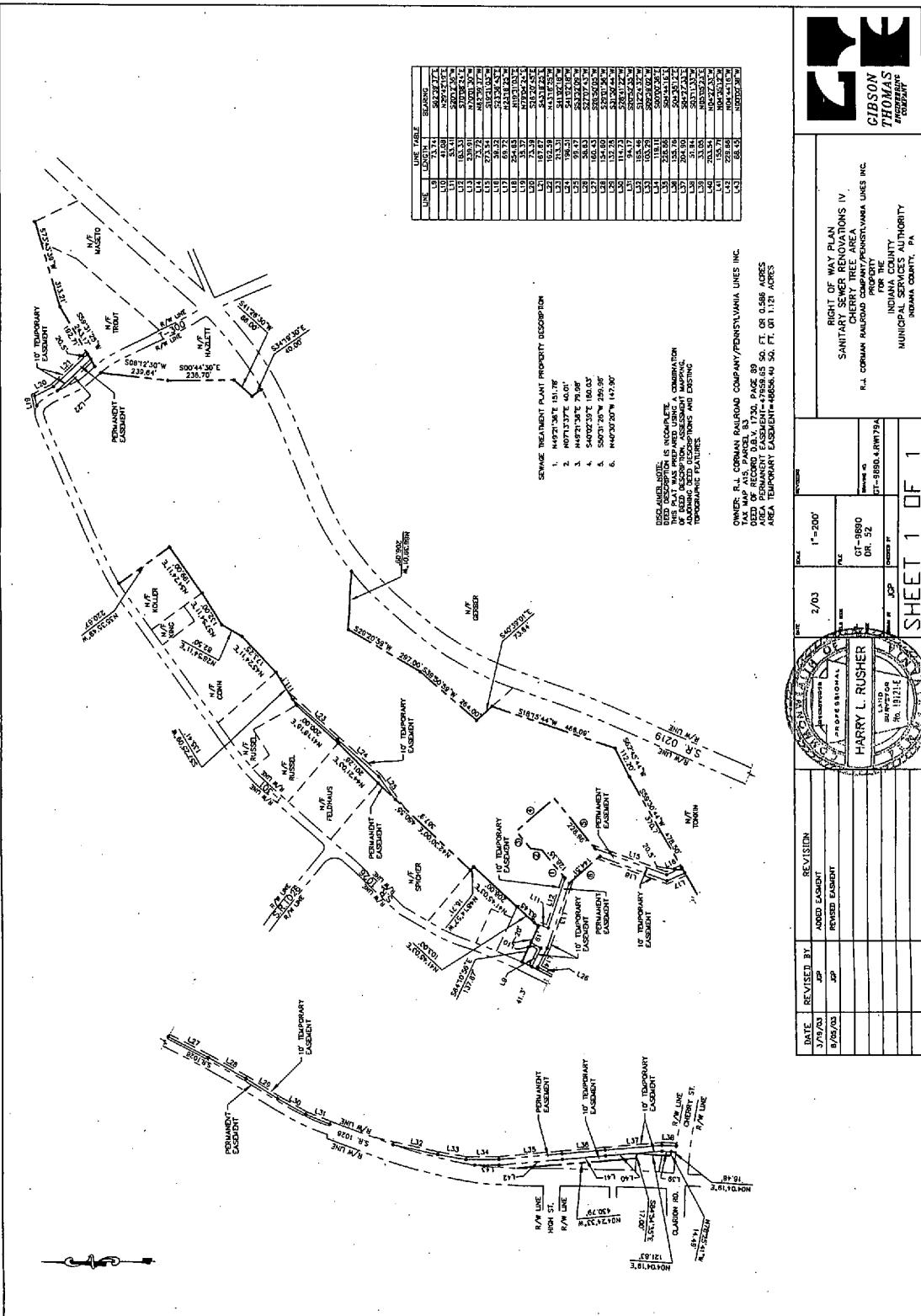


EXHIBIT
B to
Notice of Cond.



CK

**In the Matter of Proceeding by the
INDIANA COUNTY MUNICIPAL
SERVICES AUTHORITY, a
Municipal Authority,
for the Condemnation of
The Lands and Properties of
R.J. Corman Railroad Company/
Pennsylvania Lines, Inc.**

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

:

:

: No. 03-1479 C.D.

:

: IN REM

:

:

: TYPE OF CASE:

:

**: Condemnation - Pennsylvania
: Eminent Domain Code**

:

: DOCUMENT FILED:

:

**: Petition for Rule to Show Cause
: Why a Writ of Possession Should
: Not Issue Pursuant to Section 407 of the
: Eminent Domain Code, 26 P.S. §1-407**

:

: FILED BY CONDEMNOR:

:

**: Indiana County Municipal Services
: Authority**

:

: COUNSEL FOR CONDEMNOR:

:

**: Bonya Gazza & DeGory, LLP
: By: David M. Zimmerman
: PA ID# 62496
: 134 South Sixth Street
: Indiana, Pennsylvania 15701
: Phone: 724-465-5535**

:

:

:

:

FILED

DEC 23 2003

William A. Shaw
Prothonotary/Clerk of Courts

**In the Matter of Proceeding by the
INDIANA COUNTY MUNICIPAL
SERVICES AUTHORITY, a
Municipal Authority,
for the Condemnation of
The Lands and Properties of
R.J. Corman Railroad Company/
Pennsylvania Lines, Inc.**

: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PENNSYLVANIA
:
:
: No. 03-1479 C.D.
:
: IN REM
:
:

RULE

AND NOW, this 2 day of January, 2004, upon consideration of Condemnor's Petition for Rule to Show Cause, a rule is hereby issued pursuant to Section 407 of the Pennsylvania Eminent Domain Code, 26 P.S. §407, upon the Condemnee, R.J. Corman Railroad Company/ Pennsylvania Lines, Inc., to show cause why the Petition should not be granted and a Writ of Possession issued giving Condemnor possession of the condemned property, conditioned upon payment to the prothonotary of \$16,566.87 for Condemnee's use without any commissions or fees deductible therefrom, as its interest may appear.

Rule returnable the 26 day of January, 2004, at 9:30 O'clock, A.M. in Courtroom # 1, at the Clearfield County Courthouse, 230 East Market Street, Clearfield, Pennsylvania, 16830.

NOTICE

A PETITION OR MOTION HAS BEEN FILED AGAINST YOU IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PETITION FOR RULE TO SHOW CAUSE, YOU MUST ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND AN ORDER MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR RELIEF REQUESTED BY THE PETITIONER OR MOVANT. YOU MAY LOSE RIGHTS IMPORTANT TO YOU.

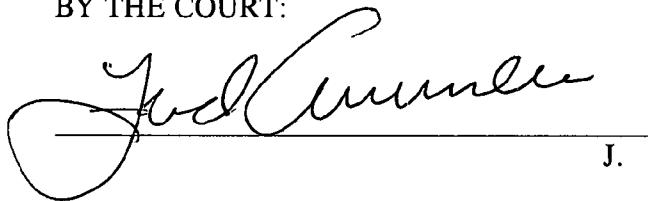
YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FOURTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

FILED

Court Administrator, Clearfield County Courthouse
Second & Market Streets, Clearfield, PA 16830
(814) 765-2641, Ext. 50-51

JAN 06 2004

BY THE COURT:


J.

William A. Shaw
Prothonotary

**In the Matter of Proceeding by the
INDIANA COUNTY MUNICIPAL
SERVICES AUTHORITY, a
Municipal Authority,
for the Condemnation of
The Lands and Properties of
R.J. Corman Railroad Company/
Pennsylvania Lines, Inc.**

**: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PENNSYLVANIA
:
:
:
: No. 03-1479 C.D.
:
:
: IN REM
:
:**

**PETITION FOR RULE TO SHOW CAUSE
WHY A WRIT OF POSSESSION SHOULD NOT ISSUE
PURSUANT TO SECTION 407 OF THE EMINENT DOMAIN CODE, 26 P.S. §1-407**

Condemnor, Indiana County Municipal Services Authority, by and through its attorneys, Bonya Gazza & DeGory, LLP, respectfully petitions this Honorable Court pursuant to Section 407 of the Eminent Domain Code, 26 P.S. §1-407, to issue a rule upon Condemnee to show cause why a writ of possession should not be issued for Condemnor to obtain possession of the condemned property conditioned upon payment into Court of estimated just compensation, and in support thereof, states as follows:

1. This action involves a declaration of taking filed by Condemnor Indiana County Municipal Services Authority ("ICMSA") on October 2, 2003 pursuant to the Pennsylvania Eminent Domain Code, 26 P.S. §1-101, et seq., and as authorized by the Municipal Authorities Act of 1945, 53 P.S. §301 et seq.

2. The condemnation pertains to an approximate 69.753 acre tract of property located in Burnside Township, Clearfield County, Pennsylvania and owned by R.J. Corman Railroad Company/ Pennsylvania Lines, Inc. ("Corman Railroad")

3. The purpose of the condemnation action is to (a) provide temporary and permanent rights-of-way over which ICMSA will construct public sewage lines and related equipment as part of an improvement project known and designated as the "Cherry Tree Sewage Renovation Project"; and (b) provide a surface parcel in fee upon which ICMSA will construct public sewage lines and related equipment and structures as part of the project.

4. Under §§1-406 and 1-407, a condemnor is entitled to possession of the condemned property thirty days after service of the declaration of taking, subject to a written offer to pay estimated just compensation to the condemnee, and subject to whether preliminary objections that warrant delay are pending.

5. ICMSA served, or caused to be served, Notice of Condemnation on Corman Railroad on October 2, 2003.

6. Pursuant to 26 P.S. §1-406, the time for filing preliminary objections is thirty days from service of the Notice of Condemnation. The thirty day time period has run and no preliminary objections were filed.

7. ICMSA now seeks to obtain possession of the condemned property pursuant to 26 P.S. §1-407.

8. ICMSA, through its counsel, made a written offer to the Condemnee to pay estimated total just compensation of \$16,566.87 by letter dated and sent on December 5, 2003 by U.S. Certified Mail. A Copy of the letter is attached hereto as Exhibit "A".

9. A copy of the U.S. Certified Mailing receipt indicating that the Condemnee received the letter on December 9, 2003 is attached hereto as Exhibit "B".

10. The Condemnee has not responded to the written offer to pay estimated just compensation.

11. Despite the written offer to pay estimated just compensation, the Condemnee has refused to deliver possession or permit entry.

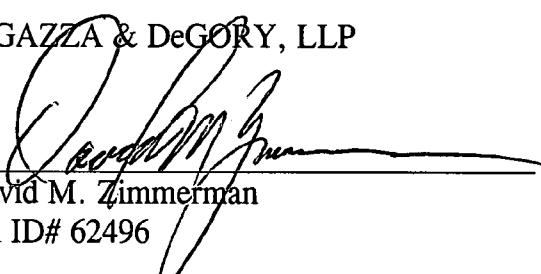
12. ICMSA is entitled to possession of the property, conditioned upon payment into the prothonotary of the estimated just compensation of \$16,566.87, for the use and benefit of Condemnee as its interest may appear.

13. ICMSA therefore seeks a writ for full and unrestricted possession pursuant to 26 P.S. §1-407.

WHEREFORE, Indiana County Municipal Services Authority requests that a Rule be issued for Condemnee to show cause why a Writ of Possession should not be issued pursuant to 26 P.S. §1-407.

Respectfully submitted,

BONYA GAZZA & DeGORY, LLP

By: 

David M. Zimmerman
PA ID# 62496

Attorneys for Condemnor
Indiana County Municipal Services Authority
134 South Sixth Street
Indiana, Pennsylvania 15701
Ph. (724) 465-5535

**In the Matter of Proceeding by the
INDIANA COUNTY MUNICIPAL
SERVICES AUTHORITY, a
Municipal Authority,
for the Condemnation of
The Lands and Properties of
R.J. Corman Railroad Company/
Pennsylvania Lines, Inc.**

**: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PENNSYLVANIA
:
:
: No. 03-1479 C.D.
:
: IN REM
:
:**

VERIFICATION

I, Michael W. Duffalo, Executive Director of the Indiana County Municipal Services Authority, verify that the facts set forth in the foregoing Petition for Rule to Show Cause are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities.

Michael W. Duffalo

Michael W. Duffalo, Executive Director
Indiana County Municipal Services Authority

Date: 12-22-03

FILE COPY

BONYA GAZZA & DEGORY, LLP
ATTORNEYS AT LAW
134 SOUTH SIXTH STREET
INDIANA, PENNSYLVANIA 15701

JOHN A. BONYA
BEVERLY A. GAZZA
STANLEY P. DEGORY
NICHOLAS J. MIKESIC
DAVID M. ZIMMERMAN

December 5, 2003

TELEPHONE
(724) 465-5535
TELECOPIER
(724) 465-9685
E-MAIL
cd@bgdlawfirm.com

BY CERTIFIED U.S. MAIL,
RETURN RECEIPT REQUESTED

R. J. Corman Railroad Company/
Pennsylvania Lines, Inc.
c/o Richard J. Corman
One Jay Station
P.O. Box 788
Nicholasville, KY 40356

Re: In the Matter of Proceeding by the
Indiana County Municipal Services Authority
for the Condemnation of the Land and Properties of
R.J. Corman Railroad Company/Pennsylvania Lines, Inc.
Clearfield County Court of Common Pleas No. 03-1479 C.D.

Dear Mr. Corman:

We represent the Indiana County Municipal Services Authority ("ICMSA") in the referenced condemnation action against R.J. Corman Railroad Company/Pennsylvania Lines, Inc. ("Corman Railroad").

This letter shall serve as a formal written offer on behalf of ICMSA to pay Corman Railroad estimated just compensation for the taking of its property pursuant to 26 P.S. §1-407.

To date, ICMSA has been unable to reach an agreement with Corman Railroad for the purchase of the property. As a condemnee under the Pennsylvania Eminent Domain Code, Corman Railroad has the right to receive payment of estimated just compensation. ICMSA has determined that the estimated just compensation for the taking of the subject property is \$16,566.87. This amount reflects just compensation for all of the property that is the subject of the Declaration of Taking, including the parcel taken in fee, as well as the temporary and permanent rights of way.



BONYA GAZZA & DEGORY, LLP

December 5, 2003
R. J. Corman Railroad Company/
Pennsylvania Lines, Inc.
c/o Richard J. Corman
Page 2 of 3

ICMSA is prepared to, and hereby offers to, make payment of the above estimated just compensation to Corman Railroad. If at the time the Declaration of Taking was filed, there were any liens on the property from mortgages, judgments, support arrearages, tax delinquencies, etc., the law requires ICMSA to pay a pro rata amount of such liens from payment of this amount and it would be reduced accordingly.

If Corman Railroad accepts payment of estimated just compensation, such acceptance will not in any way affect its right to petition the court to appoint a board of view to determine the amount of damages to which it is entitled. If for some reason the board of view (or the court upon appeal) finds that this payment is more than the just compensation as required under the law, Corman Railroad will not be required to refund the overage to ICMSA. If, however, the board of view or court finds that the payment is less than the just compensation, ICMSA will be required to pay the additional amount.

Please complete the enclosed duplicate copy of this letter as to whether Corman Railroad wishes to obtain the payment of \$16,566.87 and return the letter to me in the enclosed envelope by December 23, 2003. If Corman Railroad indicates that it will accept payment of estimated just compensation, a check will be issued and sent to you at the above address, or to another address at your request, within 30 days. If Corman Railroad indicates that it will not accept payment of estimated just compensation, or if I do not receive the completed letter or otherwise hear from Corman Railroad by December 23, 2003, I will file a petition to have the sum of \$16,566.87 paid into court pursuant to 26 P.S. §1-522 and seek possession of the property pursuant to 26 P.S. §1-407.

Sincerely yours,

David M. Zimmerman

cc: Michael W. Duffalo, Executive Director of ICMSA

BONYA GAZZA & DEGORY, LLP

December 5, 2003
R. J. Corman Railroad Company/
Pennsylvania Lines, Inc.
c/o Richard J. Corman
Page 3 of 3

Mark the appropriate space and set forth the signature of a Corman Railroad representative and the date of such signature:

Corman Railroad will accept payment of \$16,566.87 as estimated just compensation for the property taken.

Corman Railroad declines to accept payment of \$16,566.87 as estimated just compensation for the property taken.

Date

Representative of R.J. Corman Railroad
Company/Pennsylvania Lines, Inc.

Print name

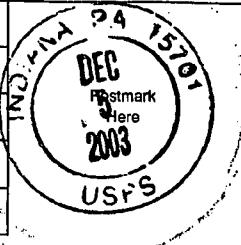
Print position

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

For delivery information visit our website at www.usps.com

OFFICIAL USE

| | |
|---|---------|
| Postage | \$.60 |
| Certified Fee | \$ 2.30 |
| Return Receipt Fee (Endorsement Required) | \$ 1.75 |
| Restricted Delivery Fee (Endorsement Required) | |
| Total Postage & Fees | \$ 4.65 |



2 Sent To R.J. Cornman Railroad Company/
Pennsylvania Lines, Inc. C/o Richard J. Corn
Street, Apt. No.;
or PO Box No. One Jay Station, P.O. Box 788
City, State, ZIP+4
Nicholasville, KY 40356

PS Form 3800, June 2002

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

R.J. Cornman Railroad Co/
Pennsylvania Lines, Inc.
c/o Richard J. Cornman
One Jay Station
P.O. Box 788
Nicholasville, KY 40356

2. Article Number

(Transfer from service label)

7002 2030 0002 9326 6666

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Tom Schlu

Agent
 Addressee

B. Received by (Printed Name)

Tom Schlu

C. Date of Delivery
12-9

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

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

4. Restricted Delivery? (Extra Fee)

Yes

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-154

EXHIBIT

B

Bunting No. 5208

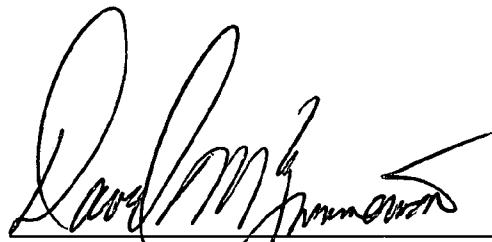
**In the Matter of Proceeding by the
INDIANA COUNTY MUNICIPAL
SERVICES AUTHORITY, a
Municipal Authority,
for the Condemnation of
The Lands and Properties of
R.J. Corman Railroad Company/
Pennsylvania Lines, Inc.**

**: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PENNSYLVANIA
:
:
:
: No. 03-1479 C.D.
:
:
: IN REM
:
:**

CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of December, 2003, I served a copy of the above Petition for Rule to Show Cause on the Condemnee by sending a copy thereof by United States first class mail, postage prepaid, to the following last known address of Condemnee:

R. J. Corman Railroad Company/
Pennsylvania Lines, Inc.
c/o Richard J. Corman
One Jay Station
P.O. Box 788
Nicholasville, KY 40356



David M. Zimmerman
PA ID# 62496
Attorney for Condemnor
Indiana County Municipal Services Authority
134 South Sixth Street
Indiana, Pennsylvania 15701
Ph. (724) 465-5535

**In the Matter of Proceeding by the
INDIANA COUNTY MUNICIPAL
SERVICES AUTHORITY, a
Municipal Authority,
for the Condemnation of
The Lands and Properties of
R.J. Corman Railroad Company/
Pennsylvania Lines, Inc.**

: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PENNSYLVANIA
:
:
: No. 03-1479 C.D.
:
: IN REM
:
:

FILED

JAN 12 2004

William A. Shaw
Prothonotary/Clerk of Courts

COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF INDIANA)
:SS
)

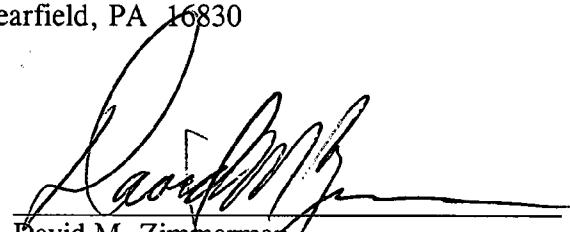
AFFIDAVIT OF SERVICE

I, David M. Zimmerman, an Attorney at Law, Pennsylvania Supreme Court Attorney ID# 62496, depose and say that I served a true and correct copy of the Rule issued by the Court and dated January 2, 2004, as well as a true and correct copy of the underlying Petition, on the following parties as required by Clearfield County Local Rule of Court 206(f) by placing said copies in the U.S. Mails on January 9, 2003, addressed as follows:

R.J. Corman Railroad Company/
Pennsylvania Lines, Inc.
c/o Becky Louden,
Contracts and Real Estate Manager
P.O. Box 788
Nicholasville, KY 40356

Clearfield County Court Administrator's Office
Attention: Marcy Kelley
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

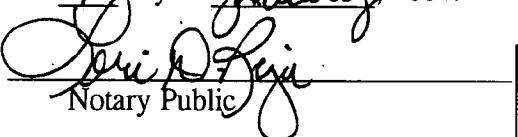
Dated: January 9, 2004



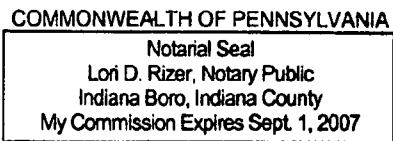
David M. Zimmerman
Attorney ID# 62496
Bonya Gazza & DeGory, LLP
134 South Sixth Street
Indiana, PA 15701
724-465-5535
Counsel for Condemnor, Indiana County
Municipal Services Authority



Sworn to and subscribed before me
this 9 day of January 2004.

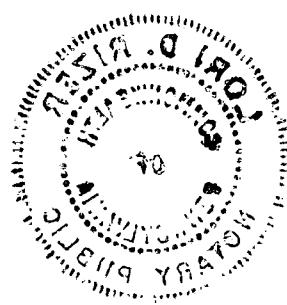


Lori D. Rizer
Notary Public



Member, Pennsylvania Association Of Notaries

FILED NO. 6
M 1427
JAN 12 2004
S. J. Shaw
William A. Shaw
Prothonotary/Clerk of Courts



In the Matter of Proceeding by the
INDIANA COUNTY MUNICIPAL
SERVICES AUTHORITY, a
Municipal Authority,
for the Condemnation of
The Lands and Properties of
R.J. Corman Railroad Company/
Pennsylvania Lines, Inc.

: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PENNSYLVANIA
:
:
: No. 03-1479 C.D.
:
: IN REM
:
:

ORDER OF COURT

AND NOW, this 16th day of January, 2004, upon being informed that the parties have entered a tentative settlement regarding the above condemnation action, and that the parties agree that the hearing on the Condemnor's request for a Writ of Possession scheduled for Monday, January 26, 2004 at 9:30 a.m. can be continued indefinitely pending consummation of the settlement, it is hereby ORDERED that the hearing is so continued. Either party may request the Court to reschedule the hearing by filing a Praecept accordingly.

BY THE COURT:



J.

FILED

JAN 16 2004

William A. Shaw
Prothonotary/Clerk of Courts

BONYA GAZZA & DEGORY, LLP
ATTORNEYS AT LAW
134 SOUTH SIXTH STREET
INDIANA, PENNSYLVANIA 15701

JOHN A. BONYA
BEVERLY A. GAZZA
STANLEY P. DEGORY
NICHOLAS J. MIKESIC
DAVID M. ZIMMERMAN

January 13, 2004

OK
order signed

TELEPHONE
(724) 465-5535
TELECOPIER
(724) 465-9685
E-MAIL
cd@bgdlawfirm.com

Clearfield County Court Administrator's Office
Attention: Marcy Kelley
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

Re: Indiana County Municipal Services Authority
vs. R.J. Corman Railroad Company/Pennsylvania Lines, Inc.
Clearfield County Court of Common Pleas
Docket No. 03-1479 C.D.

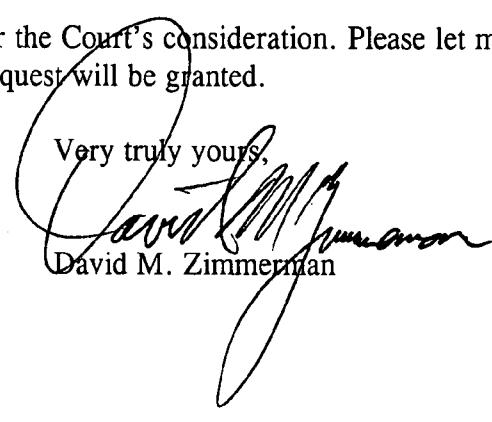
Dear Ms. Kelley:

This letter follows today's telephone conversation with you regarding a request for possession of property that my client filed by my client, Indiana County Municipal Services Authority ("ICMSA"), filed in the above condemnation action against R.J. Corman Railroad Company/Pennsylvania Lines, Inc. (the "Railroad"). A hearing on ICMSA's request for possession has been set for January 26, 2004 at 9:30 a.m. in Courtroom Number 1.

As I mentioned to you, the parties have entered into a tentative settlement agreement by which the Condemnee is to convey the property to ICMSA. However, because the property needs to go through subdivision procedures, it will take some time to consummate the settlement. As a result, I respectfully request that the hearing be continued indefinitely pending completion of the settlement. (Please note that I have spoken with the Railroad and it is agreeable to having the hearing postponed indefinitely).

Enclosed is a proposed order for the Court's consideration. Please let me know at your earliest opportunity whether the request will be granted.

Very truly yours,


David M. Zimmerman

BONYA GAZZA & DEGORY, LLP

enclosure

cc(w\encl): R.J. Corman Railroad Company/Pennsylvania Lines, Inc.,
Attention: Becky Louden, Contracts and Real Estate Manager
Indiana County Municipal Services Authority
Attention: Michael Duffalo, Executive Director

c:\dmz\workingfiles\repetitiveclients\ICMSA\ltr4tocourtadministrator.doc