

03-1575-CD
CHAD E. GEARHART, ETAL. VS. PENNA ELECTRIC COMPANY

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

CHAD E. GEARHART and KIMBERLY
GEARHART :
Plaintiffs :
: NO. 03 - 1575 - CD
vs. :
: IN EQUITY
PENNSYLVANIA ELECTRIC COMPANY,
Defendant :
:

Filed on Behalf of:
Plaintiffs

Counsel of Record for
This Party:

Carl A. Belin, Jr., Esquire
PA I.D. #06805

BELIN & KUBISTA
15 North Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972 (PHONE)
(814) 765-9893 (FAX)

FILED

JUL 08 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

CHAD E. GEARHART and KIMBERLY :
GEARHART :
Plaintiffs :
: NO. 03 - 1575 - CD
vs. :
: IN EQUITY
PENNSYLVANIA ELECTRIC COMPANY, :
Defendant :
:

PRAECIPE

TO THE PROTHONOTARY:

Please mark the above matter settled, discontinued and
ended.

BELIN & KUBISTA

By 
Carl A. Belin, Jr., Esquire
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

**Chad E. Gearhart and
Kimberly Gearhart**

Vs.
Pennsylvania Electric Company

No. 2003-01575-CD

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on July 8, 2004, marked:

Settled, Discontinued and Ended

Record costs in the sum of \$85.00 have been paid in full by Carl A. Belin, Jr., Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 8th day of July A.D. 2004.

William A. Shaw, Prothonotary

CLEARFIELD, PENNSYLVANIA 16830
P. O. BOX 1
15 NORTH FRONT STREET
ATTORNEYS AT LAW
BELLIN & KUBISTA

ED
11/10/08
Cert. of Disc.
to AAT
copy to GJA

In The Court of Common Pleas of Clearfield County, Pennsylvania

GEARHART, CHAD E. & KIMBERLY

VS.

PENNSYLVANIA ELECTRIC COMPANY

COMPLAINT IN EQUITY

Sheriff Docket # 14687

03-1575-CD

SHERIFF RETURNS

NOW OCTOBER 21, 2003 AT 3:40 PM SERVED THE WITHIN COMPLAINT IN EQUITY ON PENNSYLVANIA ELECTRIC COMPANY, DEFENDANT AT EMPLOYMENT, SOUTH FOURTH ST., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO JACQUIE ROTH, V.P. A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN EQUITY AND MADE KNOWN TO HER THE CONTENTS THEREOF.

SERVED BY: MCCLEARY/NEVLING

Return Costs

Cost	Description
20.37	SHERIFF HAWKINS PAID BY: ATTY
10.00	SURCHARGE PAID BY: ATTY

Sworn to Before Me This

22nd Day Of Oct 21 2003
William A. Shaw

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

So Answers,

Chester A. Hawkins
by Marcy Hump
Chester A. Hawkins
Sheriff

FILED

10/22/03
OCT 22 2003

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CHAD E. GEARHART and KIMBERLY
GEARHART,

Plaintiffs,

vs.

PENNSYLVANIA ELECTRIC
COMPANY,

Defendant.

CIVIL DIVISION

No. 2003-1575-CD

IN EQUITY

**PRAECIPE FOR ENTRY OF
APPEARANCE**

Filed on Behalf of Defendant,
Pennsylvania Electric Company

Counsel of Record for this Party:

WALTER FREDRICK WALL, ESQUIRE
PA. I.D. #23657

MEYER, DARRAGH, BUCKLER,
BEBENEK & ECK, P.L.L.C.
120 Lakemont Park Blvd.
Altoona, PA 16602

Telephone No.: (814) 941-4600
Fax No.: (814) 941-4605

FILED

NOV 13 2003

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CHAD E. GEARHART and KIMBERLY
GEARHART,

Plaintiffs,

vs.

PENNSYLVANIA ELECTRIC
COMPANY,

Defendant.

CIVIL DIVISION

No. 2003-1575-CD

IN EQUITY

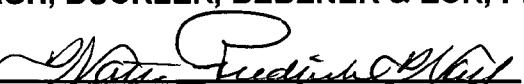
PRAECIPE FOR ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Please enter the appearance of WALTER FREDRICK WALL, ESQUIRE, of the law firm, MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC, as Counsel of Record on behalf of Defendant, Pennsylvania Electric Company, in the above-captioned matter.

MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC

BY:


WALTER FREDRICK WALL, ESQUIRE

Counsel for Defendant, Pennsylvania Electric Company
120 Lakemont Park Boulevard
Altoona, PA 16602
Phone No.: (814) 941-4600
ID # 23657

Date: November 11, 2003

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CHAD E. GEARHART and KIMBERLY GEARHART, CIVIL DIVISION
Plaintiffs, No. 2003-1575-CD
vs. IN EQUITY
PENNSYLVANIA ELECTRIC COMPANY, Defendant.

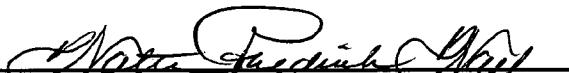
CERTIFICATE OF SERVICE

TO THE PROTHONOTARY:

I, Walter Fredrick Wall, Esquire, of the law firm of MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC, hereby certify that Praeclipe for Entry of Appearance of Defendant, Pennsylvania Electric Company, was served this **11th day of November, 2003**, by mailing same first class United States mail, postage prepaid, addressed to Plaintiffs' Counsel as follows:

Carl A. Belin, Jr., Esquire
BELIN & KUBISTA
15 North Front Street
P.O. Box 1
Clearfield, PA 16830
(Plaintiffs' Counsel)

MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC

BY: 

WALTER FREDRICK WALL, ESQUIRE

Counsel for Defendant, Pennsylvania Electric Company
120 Lakemont Park Boulevard
Altoona, PA 16602
Phone No.: (814) 941-4600
ID # 23657

BELIN & KUBISTA

CLEARFIELD, PENNSYLVANIA 16830

P. O. BOX 1

15 NORTH FRONT STREET

ATTORNEYS AT LAW

FILED

OCT 17 2003

**William A. Shaw
Prothonotary**

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

CHAD E. GEARHART and KIMBERLY GEARHART, Plaintiffs :
vs. : No. 03 - 1575 -CD
PENNSYLVANIA ELECTRIC COMPANY, Defendant :
: IN EQUITY

Filed on Behalf of:
Plaintiffs

Counsel of Record for
This Party:

Carl A. Belin, Jr., Esquire
PA I.D. #06805

BELIN & KUBISTA
15 North Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED

OCT 17 2003

• 111-001-009
William A. Shaw
Prothonotary
3 Court St. Attn:

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

CHAD E. GEARHART and KIMBERLY :
GEARHART, :
Plaintiffs :
vs. : No. 03 - -CD
: IN EQUITY
PENNSYLVANIA ELECTRIC COMPANY, :
Defendant :
:

NOTICE

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. 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
Clearfield County Courthouse
1 North Second Street
Clearfield, PA 16830

(814) 765-2641 Ex 5982

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

CHAD E. GEARHART and KIMBERLY :
GEARHART, :
Plaintiffs :
vs. : No. 03 - -CD
: IN EQUITY
PENNSYLVANIA ELECTRIC COMPANY, :
Defendant :
.

COMPLAINT

AND NOW comes Plaintiffs, Chad E. Gearhart and Kimberly Gearhart, by and through their attorneys, Belin & Kubista, and filed the following Complaint, in support thereof avers as follows:

1. Plaintiffs Chad E. Gearhart and Kimberly Gearhart are individuals residing at 11 Northwest Third Avenue, Clearfield, Clearfield County, Pennsylvania 16830 ("Gearhart").

2. Defendant Pennsylvania Electric Company is a corporation which conducts business in the Commonwealth of Pennsylvania, and which has an office and place of business at South Fourth Street, Clearfield, Clearfield County, Pennsylvania 16830 ("Penelec").

3. That Chad E. Gearhart and Kimberly Gearhart are the owners of the following tract of land:

ALL those certain parcels of land, situate in Lawrence Township, Clearfield County, Pennsylvania, and being bounded and described as follows:

THE FIRST THEREOF:

BEGINNING at a point on Crescent Drive, which is also the southeastern corner of Lot 57, thence along the right-of-way of Crescent Drive four (04°) degrees thirteen (13') minutes East two hundred eighty-seven and five tenths (287.5) feet, to a point, which is also ten (10) feet South twenty-five (25°) degrees forty-nine (49') minutes West from the northeastern corner of Lot 60 and the southeastern corner of Lot 61; thence North twenty-five (25°) degrees forty-nine (49') minutes East four hundred one and three tenths (401.3) feet to a point which is also seven (7) feet South forty-nine (49°) degrees eight (08') minutes West from the northeastern corner of Lot 65 and the southeastern corner of Lot 66; thence North forty-nine (49°) degrees eight (08') minutes East one hundred fifty-seven (157) feet to a point, which is also eleven and five hundredths (11.5) feet South sixty-seven (67°) degrees thirty (30') minutes West from the northeastern corner of Lot 67 and the southeastern corner of Lot 68; thence North sixty-seven (67°) degrees thirty (30') minutes East one hundred forty-four (144) feet to a point which is also twenty-eight and five tenths (28.5) feet South eighty-eight (88°) degrees four (04') minutes West from the southeastern corner of Lot 69 and the southeastern corner of Lot 70; thence North eighty-eight (88°) degrees four (4') minutes East one hundred eighty-eight and five tenths (188.5) feet to a point which is also the southeastern corner of Lot 71 and the southwestern corner of Lot

72; thence North one (1°) degree fifty-six (56') minutes West one hundred twenty (120) feet along the eastern boundary of Lot 71 to a point, which is the northeastern corner of Lot 71 and northwestern corner of Lot 72; thence South eighty-eight (88°) degrees four (04') minutes West one hundred eighty-six (186) feet to a point which is also seventeen and six tenths (17.6) feet South eighty-eight (88°) degrees four (4') minutes East from the northeastern corner of Lot 69 and on the northwestern corner of Lot 70; thence South sixty-nine (69°) degrees thirty (30') minutes West one hundred eighty-seven (187) feet to a point, which is also nineteen and five tenths (19.5) feet South sixty-nine (69°) degrees thirty (30') minutes West from the northeastern corner of Lot 67 and on the northwestern corner of Lot 68; thence South forty-nine (49°) degrees eight (8') minutes West two hundred thirty-seven (237) feet to a point, which is also thirty-five and seven tenths (35.7) feet South forty-nine (49°) degrees eight (8') minutes West from the northwestern corner of Lot 65 and the northwestern corner of Lot 66; thence South twenty-five (25°) degrees forty-nine (49') minutes West four hundred fifty (450) feet, to a point which is also thirty-nine (39) feet South twenty-five (25°) degrees forty-nine (49') minutes West from the northwestern corner of Lot 60 and the southwestern corner of Lot 61; thence South four (4°) degrees thirteen (13') minutes West two hundred eighty-nine and seventy hundredths (289.70) feet to a point, which is also the southwestern corner of Lot 57; thence South eighty-eight (88°) degrees zero (00') minutes East one hundred twenty-nine and forty-five hundredths (129.45) feet along the southern boundary of Lot 57 to a point and place of beginning.

BEING Lot Nos. 57-71 of Plan of lots of Howard L. Beish dated December 15, 1973, and recorded in Clearfield County Recorder of Deeds Office in Map Book 3, Page 425.

AND BEING a part of the same premises conveyed to the Grantors herein by Deed dated July 24, 1973 and recorded in the Clearfield County Recorder of Deeds Office in Deed Book 653, Page 22.

THE SECOND THEREOF:

BEGINNING at an iron pin on the eastern right-of-way line of Crescent Road (unopened); thence South seventy (70°) degrees fifty-three (53') minutes twenty-five (25") seconds East one hundred twenty-four and forty-five hundredths (124.45) feet along line of land of Michael S. and Karen B. McKenzie to an iron pin on line of land of Donald L. Haney and Janet R. Haney; thence South twenty-six (26°) degrees zero (00') minutes twenty-eight (28") seconds West seventy-nine and fifty-one hundredths (79.51) feet along said land of Donald L. Haney and Janet R. Haney to a 3/4 inch iron pipe; thence South one (01°) degrees fifty-four (54') minutes thirty-three (33") seconds West fifty-two and eight tenths (52.8) feet along line of land of Robert J. Kroell and Joan Kroell to an iron pin; thence North eighty-eight (88°) degrees three (03') minutes twenty-seven (27") seconds West one hundred eighteen and fifty-five hundredths (118.55) feet to an iron pin on the eastern right-of-way line of Crescent Road; thence North four (04°) degrees twenty-one (21') minutes fifty-four (54") seconds East one hundred and five tenths (100.5) feet along the eastern right-of-way line of Crescent Road to an iron pin; thence

North twenty-six (26°) degrees ten (10') minutes forty-eight (48") seconds East sixty-seven and sixty-nine hundredths (67.69) feet along the eastern right-of-way line of Crescent Road to an iron pin and being the point of beginning. Said parcel consisting of .415 acres.

BEING Lot Nos. 53 and 54 of plan of lots of Howard L. Beish dated December 15, 1973, and recorded in Clearfield County Recorder of Deeds Office in Map Book 3, Page 425.

AND BEING the same premises conveyed to the Grantors herein by Deed dated December 13, 1995, and recorded in the Clearfield County Recorder of Deeds Office in Deeds and Records Book 1725, Page 90.

("the Gearhart lots").

4. That Penelec owns and operates electric transmission lines in the Clearfield area, including certain transmission lines that are located in Lawrence Township, Clearfield County, Pennsylvania that include transmission lines that extend across the aforesaid Gearhart lots ("the electric lines").

5. That Penelec has no agreements by which it has the authority to extend electric lines across the Gearhart lots.

6. That neither Gearhart nor their predecessors in title ever gave permission to Penelec to place electric lines across the Gearhart lots.

7. That no right-of-way agreement or other permission exists granting any authority to Penelec to place electric lines over the Gearhart lots that has been recorded in the Clearfield County Recorder of Deeds Office.

8. That the present location of the electric lines across the Gearhart lots has caused substantial impairment to the fair market value of the Gearhart lots in that they can not be developed because of the location of the electric lines.

9. That there is no adequate remedy at law.

WHEREFORE, the Plaintiffs request Your Honorable Court enter an order directing Defendant:

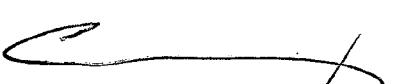
(a) to remove the electric lines from the Gearhart lots and to relocate them to another location that will not affect the value of the lots;

(b) to direct that any poles existing on the lots be removed; and

(c) such other remedy as the Court may direct.

BELIN & KUBISTA,

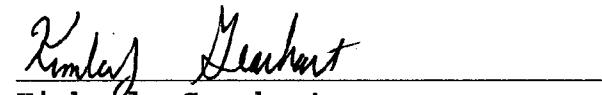
By


Carl A. Belin, Jr., Esq.
Attorney for Plaintiffs

COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :
:

Before me the undersigned officer, personally appeared **CHAD E. GEARHART** and **KIMBERLY GEARHART**, who being duly sworn according to law, depose and say that the facts set forth in the foregoing Complaint in Equity are true and correct to the best of their knowledge, information and belief.

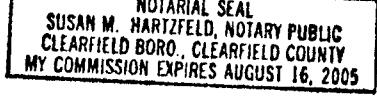


Chad E. Gearhart


Kimberly Gearhart

Sworn and subscribed before me this 20th day of
October, 2003.



Susan M. Hartzfeld
Notary Public

NOTARIAL SEAL
SUSAN M. HARTZFIELD, NOTARY PUBLIC
CLEARFIELD BORO., CLEARFIELD COUNTY
MY COMMISSION EXPIRES AUGUST 16, 2005