

03-1615-CD
LESLEY W. JARRETT, et al. vs. JAMES LOWTHER, et al.

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

LESLEY W. JARRETT and :
CYNTHIA A. JARRETT, husband :
and wife, :
Plaintiffs :
VS. :
NO. 03- 1615 -CD
JAMES LOWTHER, and, :
SUSAN M. LOWTHER, his wife, :
their heirs, successors and assigns, :
and/or any person or entity claiming :
title in and to the herein described :
premises under them, :
Defendants :

CASE NUMBER: 03- -CD

TYPE OF CASE: Quiet Title Action

TYPE OF PLEADING: **MOTION FOR PUBLICATION**

FILED ON BEHALF OF: Plaintiffs

COUNSEL OF RECORD FOR THIS PARTY: FREDERICK M. NEISWENDER, ESQUIRE
Supreme Court I.D. No. 74456
501 East Market Street, Suite 3
Clearfield, PA 16830
(814) 765-6500

FILED

OCT 29 2003

William A. Shaw
Prothonotary/Clerk of Courts

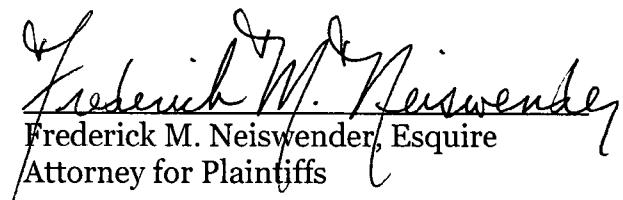
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(CIVIL DIVISION)

LESLEY W. JARRETT and	:	
CYNTHIA A. JARRETT, husband	:	
and wife,	:	
	Plaintiffs	:
VS.	:	NO. 03- -CD
	:	
JAMES LOWTHER, and,	:	ACTION TO QUIET TITLE
SUSAN M. LOWTHER, his wife,	:	
their heirs, successors and assigns,	:	
and/or any person or entity claiming	:	
title in and to the herein described	:	
premises under them,	:	
	Defendants	:

MOTION FOR PUBLICATION

AND NOW, to wit, this 29th day of October, 2003, an Affidavit having been filed by Frederick M. Neiswender, attorney for the Plaintiffs, that the whereabouts of the above named Defendants their heirs, successors and assigns, are unknown, the said Frederick M. Neiswender moves the Court for leave to serve the Complaint upon the said Defendants, their heirs, successors and assigns, generally by publication once in The Progress, Clearfield, Pennsylvania and the Clearfield County Legal Journal, Clearfield, Pennsylvania.

Respectfully submitted,



Frederick M. Neiswender, Esquire
Attorney for Plaintiffs

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

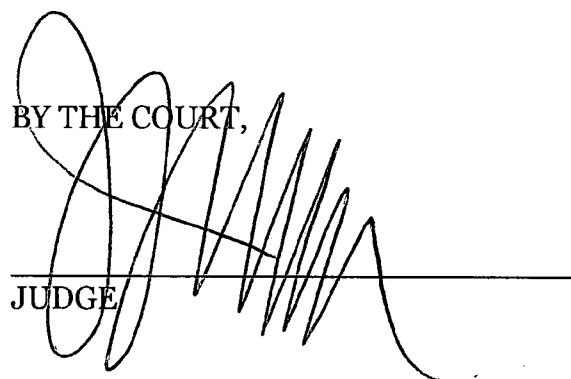
LESLEY W. JARRETT and :
CYNTHIA A. JARRETT, husband :
and wife, :
Plaintiffs :
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: ACTION TO QUIET TITLE
JAMES LOWTHER, and, :
SUSAN M. LOWTHER, his wife, :
their heirs, successors and assigns, :
and/or any person or entity claiming :
title in and to the herein described :
premises under them, :
Defendants :

O R D E R

AND NOW, to wit, this 30th day of October, 2003, upon
consideration of the foregoing Motion, the Plaintiffs are granted leave to make service of
the Complaint on the Defendants, their heirs, successors and assigns, by publication once
in The Progress, Clearfield, Pennsylvania and the Clearfield County Legal Journal,
Clearfield, Pennsylvania.

BY THE COURT,

JUDGE



FILED

OCT 30 2003

William A. Shaw
Prothonotary/Clerk of Courts

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

LESLEY W. JARRETT and :
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SUSAN M. LOWTHER, his wife, :
their heirs, successors and assigns, :
and/or any person or entity claiming :
title in and to the herein described :
premises under them, :
Defendants :

CASE NUMBER: 03- -CD
TYPE OF CASE: Quiet Title Action
TYPE OF PLEADING: COMPLAINT
FILED ON BEHALF OF: Plaintiffs

FILED

OCT 29 2003

William A. Shaw
Prothonotary/Clerk of Courts

COUNSEL OF RECORD FOR THIS PARTY: FREDERICK M. NEISWENDER, ESQUIRE
Supreme Court I.D. No. 74456
501 E. Market Street, Suite 3
Clearfield, PA 16830
(814) 765-6500

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

LESLEY W. JARRETT and	:	
CYNTHIA A. JARRETT, husband	:	
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VS.	:	NO. 03- -CD
	:	
JAMES LOWTHER, and,	:	ACTION TO QUIET TITLE
SUSAN M. LOWTHER, his wife,	:	
their heirs, successors and assigns,	:	
and/or any person or entity claiming	:	
title in and to the herein described	:	
premises under them,	:	
	Defendants	:

NOTICE

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiffs. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT 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
Clearfield, PA 16830
(814) 765-2641 Ext. 50-51

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

COMPLAINT

AND NOW, comes LESLEY W. JARRETT and CYNTHIA A. JARRETT, husband and wife, by and through their attorney, FREDERICK M. NEISWENDER, who aver as follows:

1. That Plaintiffs, LESLEY W. JARRETT and CYNTHIA A. JARRETT, are husband and wife, with an address of 188 First Street, Houtzdale, Clearfield County, Pennsylvania 16651.

2. That Defendant, JAMES LOWTHER, is believed to have passed away with a last known address in Gulich Township, Clearfield County, Pennsylvania. A search of the appropriate records revealed no Estate being filed for James Lowther in the Register of Wills Office of Clearfield County. Thus, it is believed and therefore averred that he died intestate, without issue.

3. That Defendant, SUSAN M. LOWTHER, is believed to have passed away with a last known address in Gulich Township, Clearfield County, Pennsylvania. A

search of the appropriate records revealed no Estate being filed for Susan M. Lowther in the Register of Wills Office of Clearfield County. Thus, it is believed and therefore averred that she died intestate, without issue.

4. That the property in question is more particularly described below and has the Tax Map No. 130-M14-000-07.

ALL those certain or parcels of land, situate in the Township of Woodward, County of Clearfield and State of Pennsylvania, bounded and described as follows:

THE FIRST THEREOF: Being known as Lot No. 258 in Block in the Town of Whiteside in said Township, fronting about four hundred (400) feet on the west side of Third Street, and extending back on the North end about three hundred forty (340) feet, and on the South end about twenty (20) feet to an alley.

THE SECOND THEREOF: Being all the surface of that certain piece, parcel or lot of ground situate in said Township. **BEGINNING** at a post corner of Sherkel and Lowther Tracts; thence running along the Sherkel tracts South fifty-two (52) degrees and thirty (30) minutes West two hundred eighty-four and four tenths (284.4) feet to a post on Crisfield Tract; thence along Crisfield Tract North thirty-seven (37) degrees thirty (30) minutes West four hundred fifty-nine and five tenths (459.5) feet to post on Crisfield Tracts; thence along Crisfield Tract, North fifty-two (52) degrees thirty (30) minutes East two hundred eighty-four and four-tenths (284.4) feet along Crisfield Tract to Lowther Tract; thence along the Lowther Tract South thirty-seven (37) degrees thirty (30) minutes East four hundred fifty-nine and five tenths (459.5) feet to post and place of beginning. Containing three (3) acres, more or less.

NOW BEING DESCRIBED AS FOLLOWS IN ACCORDANCE WITH A SURVEY CONDUCTED BY STEPHEN W. NORFOLK, dated July 18, 2003:

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

BEGINNING at an iron pin marking the southerly corner of the herein described parcel and also marking the easterly corner of lands now or formerly of Lucille Sherkel (D.B. 1380, page 228 - Tax Parcel No. M14-000-44), and also a corner of lands now or formerly of William C. Bowman, et al (D.B. 590, page 290 - Tax Parcel No. M14-000-19); thence along said lands now or formerly of Bowman North 36 degrees 31 minutes 14 seconds West a distance of 455.56 feet to an iron pin; thence along said lands of now or formerly of Bowman 52 degrees 30 minutes 00 seconds East a distance of 285.94 feet to an iron pin; thence along said lands now or formerly of Bowman North 03 degrees 58 minutes 16 seconds East a distance of 285.21 feet to an iron pin; thence along said lands now or formerly of Bowman South 84 degrees 04 minutes 25 seconds East a distance of 262.57 feet to a 30 inch diameter white oak tree on line of lands now or formerly of Mabel Lobb Brown

(D.B. 798, Page 054 - Tax Parcel No. M14-412-02); thence along said lands now or formerly of Brown South 35 degrees 04 minutes 38 seconds East a distance of 47.91 feet to an iron pin; thence along said lands now or formerly of Brown South 85 degrees 01 minutes 33 seconds East a distance of 352.64 feet to an iron pin located on the westerly right of way line of Township Road No. T0870 (Third Street); thence along said right of way line South 04 degrees 57 minutes 14 seconds West a distance of 400.00 feet to an iron pin marking a corner of said lands now or formerly of Sherkel; thence along said lands now or formerly of Sherkel North 85 degrees 01 minutes 33 seconds West a distance of 17.04 feet to an iron pin; thence along said lands now or formerly of Sherkel North 35 degrees 02 minutes 03 seconds West a distance of 67.53 feet to an iron pin; thence along said lands now or formerly of Sherkel South 53 degrees 40 minutes 53 seconds West a distance of 365.95 feet to an iron pin; thence along said lands now or formerly of Sherkel South 53 degrees 40 minutes 53 seconds West a distance of 285.90 feet to an iron pin marking the place of beginning. Containing 9.683 acres.

5. That said property was believed to have been conveyed by James Lowther and Susan M., his wife, to Catharine Welsh, by Deed dated October 28, 1891 and entered for record in the Recorder's Office of Clearfield County in Deed Book Volume 75, Page 1.

6. That said property was then conveyed by all the heirs and legal representatives of Moses Welch and Catherine Welsh, late of Spangler, PA, both deceased, by and through their Attorney-in-Fact Edward W. Welch duly constituted by letter of attorney dated September 12, 1912 and recorded to Misc. Book 10, page 74 to Swan Dahlin by Deed dated September 24, 1912 and entered for record in the Recorder's Office of Clearfield County to Deed Book 200, page 559.

7. That said property was then conveyed by Swan Dahlin and Marie Dahlin, his wife to H.B. Swoope by Deed dated February 17, 1913 and entered for record in the Recorder's Office of Clearfield County to Deed Book Volume 200, Page 561.

8. That said property was then conveyed by H.B. Swoope and Maud, his wife to William H. Martin by Deed dated May 12, 1916 and entered for record in the Recorder's Office of Clearfield County to Deed Book Volume 200, Page 559.

9. That said property was then conveyed by William H. Martin & Sue Martin, his wife to Edith Shugar, by Deed dated October 8, 1934 and entered for record in the Recorder's Office of Clearfield County to Deed Book Volume 311, Page 469.

10. That said property was then conveyed by Edith Sugar and Percy Shugar, her husband, to Edith Shugar and Percy Shugar, her husband, as tenants by the entireties by Deed dated October 24, 1973 and entered for record in the Recorder's Office of Clearfield County to Deed Book Volume 663, Page 137.

11. That said property was then conveyed by Percy Shugar to Gary E. And Bonnie L. Marty, as tenants by the entireties by Deed dated August 14, 1978 and entered for record in the Recorder's Office of Clearfield County to Deed Book Volume 767, Page 143.

12. That said property was then conveyed by Chester A. Hawkins, High Sheriff of the County of Clearfield to Lesley W. Jarrett and Cynthia A. Jarrett, by Deed dated June 19, 2003 and filed for record to Instrument No. 200310671. Said property was seized, taken in execution and sold as the property of Gary E. Marty and Bonnie L. Marty, at the suit of B&A Development Company. Judgment No. 02-1735-CD.

13. That with respect to this property, Plaintiffs and their predecessors in title have exercised open, notorious and continuous dominion possession and control over the premises described in Paragraph 4 for a period in excess of 21 years adverse to any other claims of ownership.

14. That with respect to this property, Plaintiffs and their predecessors in title believed this was conveyed to them and as a result of that belief, they have maintained it by paying taxes thereon.

15. That the purpose of this Quiet Title Action is to extinguish and cure any defects which may exist in the ownership of property more particularly described in

Paragraph 4 hereof, and to extinguish any equity which the Defendants, their heirs, successors and assigns may have in the premises described in Paragraph 4 hereof.

16. That the Defendants, their heirs, successors and assigns identified in Paragraphs 2 and 3 of this Complaint is the only person or entity known to Plaintiffs who have any interest in said property and the Defendants, their heirs, successors and assigns cannot be determined if he/they continue(s) to exist. All the public records in the Clearfield County Courthouse and local telephone books have been checked prior to reaching this conclusion.

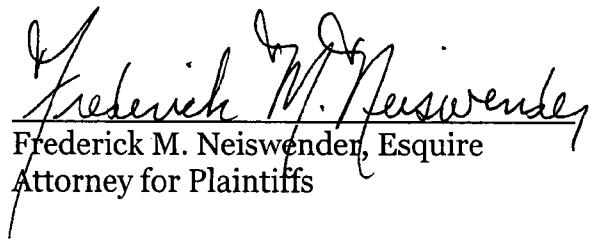
WHEREFORE, Plaintiffs request:

A. that be decree of your Honorable Court it may be declared that title to the premises set forth in Paragraph 4 is in the Plaintiffs and that they be allowed to enjoy said property in peace;

B. that the Defendants, their heirs, successors and assigns, within thirty (30) days from the receipt of this Complaint, institute an action of ejectment against the Plaintiffs and that otherwise the Defendants, their heirs, successors and assigns be perpetually enjoined from setting up any title to said property from impeaching, denying or in any way attaching the Plaintiffs' title to said property, from issuing or maintaining an ejectment from said premises and from encumbering, mortgaging or conveying the said premises or any part thereof.

C. such other relief as the court determines to be equitable and just.

Respectfully submitted,



Frederick M. Neiswender, Esquire
Attorney for Plaintiffs

COMMONWEALTH OF PENNSYLVANIA :
: SS:
COUNTY OF CLEARFIELD :

AFFIDAVIT

Before me, the undersigned officer, personally appeared, LESLEY W. JARRETT and CYNTHIA A. JARRETT who being duly sworn according to law deposes and says that the facts set forth in the foregoing Complaint are true and correct to the best of their knowledge, information, and belief.

Lesley W. Jarrett

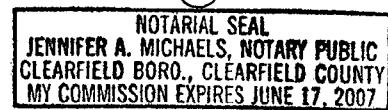
LESLEY W. JARRETT
Cynthia A. Jarrett

CYNTHIA A. JARRETT

Sworn to and subscribed
before me this 24th day
of October, 2003.

Jennifer A. Michaels

Notary Public

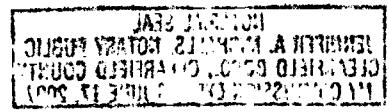


FILED

1CC Atty Neiswender

Oct 29 2003 Atty pd \$95.00

William A. Shaw
Prothonotary/Clerk of Courts



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

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and wife, :
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VS. : NO. 03- 1615 -CD
: ACTION TO QUIET TITLE
JAMES LOWTHER, and, :
SUSAN M. LOWTHER, his wife, :
their heirs, successors and assigns, :
and/or any person or entity claiming :
title in and to the herein described :
premises under them, :
Defendants :

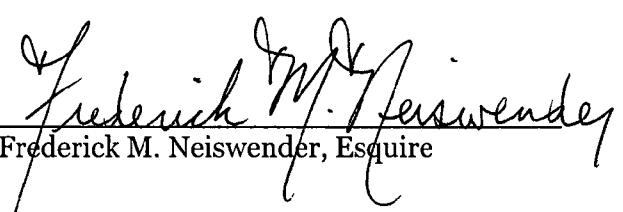
AFFIDAVIT

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

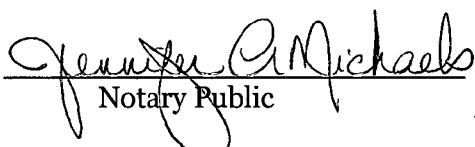
FREDERICK M. NEISWENDER, who being duly sworn according to law, deposes and says that in support of his Motion For Publication, the following:

1. I have searched the Courthouse records and found no estate for James Lowther or Susan M. Lowther, and no heirs, successors or assigns.
2. All public records in the Clearfield County Courthouse and local telephone books have been checked prior to making this Affidavit.
3. That I have made a good faith effort to find the whereabouts of the Defendants and all their heirs, successors and assigns.

Further, the deponent sayeth not.


Frederick M. Neiswender, Esquire

Sworn to and subscribed
before me this 28 day
of October, 2003.


Notary Public

NOTARIAL SEAL
JENNIFER A. MICHAELS, NOTARY PUBLIC
CLEARFIELD BORO., CLEARFIELD COUNTY
MY COMMISSION EXPIRES JUNE 17, 2007

FILED

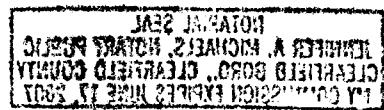
OCT 29 2003

William A. Shaw
Prothonotary/Clerk of Courts

FILED
OCT 29 2003

1 cc. Amy Neiswender

William A. Shaw
Prothonotary/Clerk of Courts

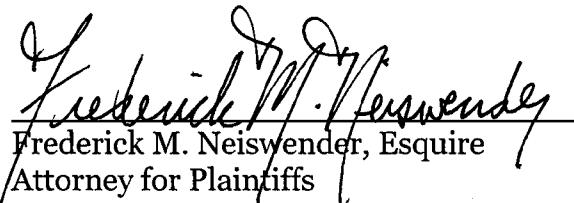


IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

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CYNTHIA A. JARRETT, husband :
and wife, :
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VS. :
NO. 03-1615-CD
JAMES LOWTHER, and, :
SUSAN M. LOWTHER, his wife, :
their heirs, successors and assigns, :
and/or any person or entity claiming :
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Defendants :

AFFIDAVIT

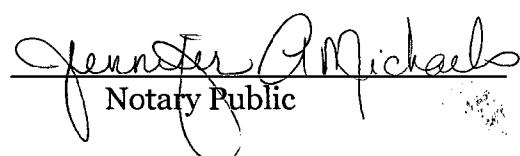
The undersigned hereby certifies that he did cause to have published in The Progress the Notice for the Complaint with regard to the Quiet Title Action filed to the above on the Defendants, their heirs, successors and assigns, as evidenced by Exhibit 'A' attached hereto.

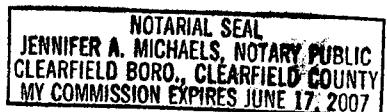

Frederick M. Neiswender, Esquire
Attorney for Plaintiffs

Sworn to and subscribed

before me this 25th day

of November, 2003.


Notary Public



FILED

09/4567
DEC 02 2003

William A. Shaw
Prothonotary/Clerk of Courts



IN THE COURT
OF COMMON PLEAS
OF CLEARFIELD COUNTY,
PENNSYLVANIA
(CIVIL DIVISION)
NO. 03-1615-CD
ACTION TO
QUIET TITLE
LESLEY W. JARRETT and
CYNTHIA A. JARRETT, husband
and wife,
Plaintiffs
VS.
JAMES LOWTHER, and,
SUSAN M. LOWTHER, his wife,
their heirs, successors and as-
signs, and/or any person or entity
claiming title in and to the herein de-
scribed premises under them,

Defendants

NOTICE
TO THE ABOVE NAMED DEFEN-
DANTS their heirs, successors and
assigns:

YOU HAVE BEEN SUED IN
COURT. If you wish to defend
against the claims set forth in the
following pages, you must take ac-
tion within twenty (20) days after
this Complaint and Notice are
served, by entering a written ap-
pearance personally or by attorney
and filing in writing with the Court
and your defenses or objections to the
claim set forth against you. You are
warned that if you fail to do so, the
case may proceed 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 PA-
PER 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 OF-
FICE

Clearfield County Courthouse
Clearfield, PA 16830

(814) 765-2641, Ext. 50-51

You are hereby notified that an
Action to Quiet Title to all that cer-
tain piece or parcel of land situate in
the Commonwealth of Pennsylvania,
County of Clearfield, Township
of Woodward, having the Tax Map
No. 130-M14-000-07, and more
particularly described as follows:

ALL those certain piece or parcels
of land, situate in the Township of
Woodward, County of Clearfield
and State of Pennsylvania,
bounded and described as follows:

THE FIRST THEREOF: Being
known as Lot No. 258 in Block
in the Town of Whiteside in said
Township, fronting about four hun-
dred (400) feet on the west side of
Third Street, and extending back on
the North end about three hundred
forty (340) feet, and on the South
end about twenty (20) feet to an al-
ley.

THE SECOND THEREOF: Being
all the surface of that certain piece
of land or lot of ground situate in said
Township. BEGINNING at a post
corner of Sherkel and Lowther
Tracts; thence running along the
Sherkel tracts South fifty-two (52)
degrees and thirty (30) minutes
West two hundred eighty-four and
four-tenths (284.4) feet to a post
on Crisfield Tract; thence along
Crisfield Tract North thirty-seven
(37) degrees thirty (30) minutes
West four hundred fifty-nine and
five tenths (459.5) feet to post on

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :
COUNTY OF CLEARFIELD :

On this 17th day of November, 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 November 8, 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

Crisfield Tracts; thence along Cris-
field Tract, North fifty-two (52) de-
grees thirty (30) minutes East two
hundred eighty-four and four tenths
(284.4) feet along Crisfield Tract to
Lowther Tract; thence along the
Lowther Tract South thirty-seven
(37) degrees thirty (30) minutes
East four hundred fifty-nine and five
tenths (459.5) feet to post and
place of beginning. Containing
three (3) acres, more or less.

NOW BEING DESCRIBED AS
FOLLOWS IN ACCORDANCE
WITH A SURVEY CONDUCTED BY
STEPHEN W. NORFOLK, dated
July 18, 2003:

ALL that certain piece or parcel of
land situated in Woodward Town-
ship, Clearfield County, Pennsylva-
nia, bounded and described as fol-
lows:

BEGINNING at an iron pin marking
the southerly corner of the herein
described parcel and also marking
the easterly corner of lands now or
formerly of Lucille Sherkel (D.B.
1380), page 228- Tax Parcel No.
M14-000-44), and also a corner of
lands now or formerly of William C.
Bowman, et al (D.B. 590, page 290
- Tax Parcel No. M14-000-19);
thence along said lands now or for-
merly of Bowman North 36 degrees
31 minutes 14 seconds West a dis-
tance of 455.56 feet to an iron pin;
thence along said lands of now or
formerly of Bowman 52 degrees
30 minutes 00 seconds East a dis-
tance of 285.94 feet to an iron pin;

thence along said lands now or for-
merly of Bowman North 03 degrees
58 minutes 16 seconds East a dis-
tance of 285.21 feet to an iron pin;
thence along said lands now or for-
merly of Bowman South 84 de-
grees 04 minutes 25 seconds East
a distance of 262.57 feet to a 30
inch diameter white oak tree on line
of lands now or formerly of Mabel
Lobb Brown (D.B. 798, Page 054-
Tax Parcel No. M14-412-02);

thence along said lands now or for-
merly of Brown South 35 degrees
04 minutes 38 seconds East a dis-
tance of 47.91 feet to an iron pin;
thence along said lands now or for-
merly of Brown South 85 degrees
01 minutes 33 seconds East a dis-
tance of 352.64 feet to an iron pin
located on the westerly right-of-
way line of Township Road No.
T-0870 (Third Street); thence
along said right-of-way line South
04 degrees 57 minutes 14 sec-
onds West a distance of 400.00
feet to an iron pin marking a corner
of said lands now or formerly of
Sherkel; thence along said lands
now or formerly of Sherkel North 85
degrees 01 minutes 33 seconds
West a distance of 17.04 feet to an
iron pin; thence along said lands
now or formerly of Sherkel North 35
degrees 02 minutes 03 seconds
West a distance of 67.53 feet to an
iron pin; thence along said lands
now or formerly of Sherkel South
53 degrees 40 minutes 53 sec-
onds West a distance of 365.95
feet to an iron pin; thence along said
lands now or formerly of Sherkel South
53 degrees 40 minutes 53 sec-
onds West a distance of
285.90 feet to an iron pin marking
the place of beginning. Containing
9.683 acres.

Further, the Court of Common
Pleas of Clearfield County, Penn-
sylvania, did by Order executed the
30th day of October, 2003, direct
that notice of this action be served
upon you by advertisement in The
Progress and that if you do not ap-
pear or otherwise defend such ac-
tion within thirty (30) days from the
date of advertisement, you shall be,
by appropriate order, forever
barred from asserting any right,
lien, title or interest or claim of the
Plaintiff as set forth in his Com-
plaint.

Frederick M. Neiswender,
Esquire
Attorney for Plaintiffs
501 East Market Street,
Suite 3
Clearfield, PA 16830
(814) 765-6500

11:8-1d-b

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

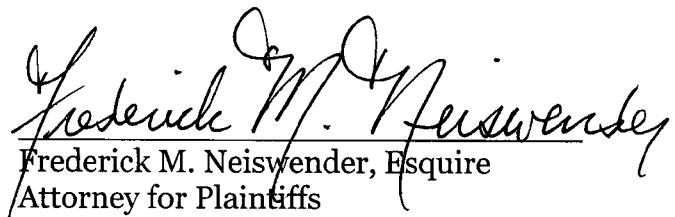
LESLEY W. JARRETT and :
CYNTHIA A. JARRETT, husband :
and wife, :
Plaintiffs :
VS. :
JAMES LOWTHER, and, :
SUSAN M. LOWTHER, his wife, :
their heirs, successors and assigns, :
and/or any person or entity claiming :
title in and to the herein described :
premises under them, :
Defendants :

NO. 03-1615-CD

ACTION TO QUIET TITLE

AFFIDAVIT

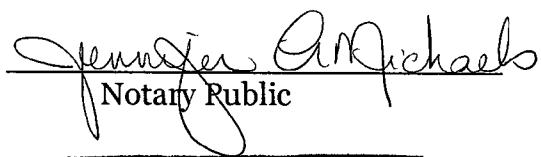
The undersigned hereby certifies that he did cause to have published in the Clearfield County Legal Journal the Notice for the Complaint with regard to the Quiet Title Action filed to the above on the Defendants, their heirs, successors and assigns, as evidenced by Exhibit 'A' attached hereto.


Frederick M. Neiswender, Esquire
Attorney for Plaintiffs

Sworn to and subscribed

before me this 2nd day

of December, 2003.


Notary Public

NOTARIAL SEAL
JENNIFER A. MICHAELS, NOTARY PUBLIC
CLEARFIELD BORO., CLEARFIELD COUNTY
MY COMMISSION EXPIRES JUNE 17, 2007

FILED NO
018-5567
DEC 03 2003
RKL

William A. Shaw
Prothonotary/Clerk of Courts

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :

:

COUNTY OF CLEARFIELD :

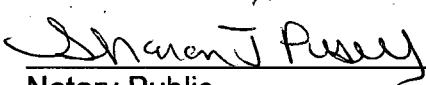
:

On this 14th day of November AD 2003, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Gary A. Knaresboro editor of the Clearfield County Legal Journal of the Courts of Clearfield County, and that the annexed is a true copy of the notice or advertisement published in said publication in the regular issues of Week of November 14, 2003 No. 46. And that all of the allegations of this statement as to the time, place, and character of the publication are true.



Gary A. Knaresboro, Esquire
Editor

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



Notary Public
My Commission Expires

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



Frederick M. Neiswender
601 East Market Street Suite 3
Clearfield PA 16830

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

LESLEY W. JARRETT and CYNTHIA A. JARRETT, husband and wife, Plaintiffs vs. JAMES LOWTHER, and SUSAN M. LOWTHER, his wife, their heirs, successors and assigns, and/or any person or entity claiming title in and to the herein described premises under them, Defendants.

ACTION TO QUIET TITLE

No. 2003-1615-CD

NOTICE

TO THE ABOVE NAMED DEFENDANTS their heirs, successors and assigns:

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 claim set forth against you. You are warned that if you fail to do so, the case may proceed 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 GET LEGAL HELP.

COURT ADMINISTRATORS OFFICE,
Clearfield County Courthouse, Clearfield, PA
16830 (814) 765-2641 Ext. 50-51.

You are hereby notified that an Action to Quiet Title to all that certain piece or parcel of land situate in the Commonwealth of Pennsylvania, County of Clearfield, Township of Woodward, having the Tax Map No. 130-M14-000-07, and more particularly described as follows:

ALL those certain parcels of land, situate in the Township of Woodward, County of Clearfield and State of Pennsylvania, bounded and described as follows:

THE FIRST THEREOF: Being known as Lot No. 258 in Block in the Town of Whiteside in said Township, fronting about four hundred (400) feet on the west side of Third Street, and extending back on the North end about three hundred forty (340) feet, and on the South end about twenty (20) feet to an alley.

THE SECOND THEREOF: Being all the surface of that certain piece, parcel or lot of ground situate in said Township.

BEGINNING at a post corner of Sherkel and Lowther Tracts; thence running along the Sherkel tracts South fifty-two (52) degrees and thirty (30) minutes West two hundred eighty-four and four tenths (284.4) feet to a post on Crisfield Tract; thence along Crisfield Tract North thirty-seven (37) degrees thirty (30) minutes West four hundred fifty-nine and five tenths (459.5) feet to post on Crisfield Tracts; thence along Crisfield Tract, North fifty-two (52) degrees thirty (30) minutes East two hundred eighty-four and four-tenths (284.4) feet along Crisfield Tract to Lowther Tract; thence along the Lowther Tract South thirty-seven (37) degrees thirty (30) minutes East four hundred fifty-nine and five tenths (459.5) feet to post and place of beginning. Containing three (3) acres, more or less.

NOW BEING DESCRIBED AS FOLLOWS IN ACCORDANCE WITH A SURVEY CONDUCTED BY STEPHEN W. NORFOLK, dated July 18, 2003:

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

BEGINNING at an iron pin marking the southerly corner of the herein described parcel and also marking the easterly corner of lands now or formerly of Lucille Sherkel (D.B. 1380, page 228-Tax Parcel No. M14-000-44), and also a corner of lands now or formerly of William C. Bowman, et al (D.B. 590, page 290-Tax Parcel No. M14-000-19); thence along said lands now or formerly of Bowman North 36 degrees 31 minutes 14 seconds West a distance of 455.56 feet to an iron pin; thence along said lands of now or formerly of Bowman 52 degrees 30 minutes 00 seconds East a distance of 285.94 feet to an iron pin; thence along said lands now or formerly of Bowman North 03 degrees 58 minutes 16 seconds East a distance of 285.21 feet to an iron pin; thence along said lands now or formerly of Bowman South 84 degrees 04 minutes 25 seconds East a distance of 262.57 feet to a 30 inch diameter white oak tree on line of lands now or formerly of Mabel Lobb Brown (D.B. 798, Page 054-Tax Parcel No. M14-412-02); thence along said lands now or formerly of Brown South 35 degrees 04 minutes 38 seconds East a distance of 47.91 feet to an iron pin; thence along said lands now or formerly of Brown South 85 degrees 01 minutes 33 seconds East a distance of 352.64 feet to an iron pin located on the westerly right of way line of Township Road No. To870 (Third Street); thence along said right of way line South 04 degrees 57 minutes 14 seconds West a distance of 400.00 feet to an iron pin marking a corner of said lands now or formerly of Sherkel;

thence along said lands now or formerly of Sherkel North 85 degrees 01 minutes 33 seconds West a distance of 17.04 feet to an iron pin; thence along said lands now or formerly of Sherkel North 35 degrees 02 minutes 03 seconds West a distance of 67.53 feet to an iron pin; thence along said lands now or formerly of Sherkel South 53 degrees 40 minutes 53 seconds West a distance of 365.95 feet to an iron pin; thence along said lands now or formerly of Sherkel South 53 degrees 40 minutes 53 seconds West a distance of 285.90 feet to an iron marking the place of beginning. Containing 9.683 acres.

Further, the Court of Common Pleas of Clearfield County, Pennsylvania, did by Order executed the 30th day of October, 2003, direct that notice of this action be served upon you by advertisement in the Clearfield County Legal Journal and that if you do not appear or otherwise defend such action within thirty (30) days from the date of advertisement, you shall be, by appropriate order, forever barred from asserting any right, lien, title or interest or claim of the Plaintiff as set forth in his Complaint.

FREDERICK M. NEISWENDER, ESQUIRE, Attorney for Plaintiffs, 501 East Market Street, Suite 3, Clearfield, PA 16830 (814) 765-6500.

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

ENER VEST OLANTA, LLC, Plaintiff vs. EMILY V. BOULTON, deceased, her administrators, executors, heirs, successors and assigns; HAROLD J. BOULTON, deceased, his administrators, executors, heirs, successors and assigns; JULIA K. BOULTON, a/k/a JULIA KERR CHASE BOULTON, a/k/a JULIA K. CHASE BOULTON, a/k/a JULIA K. CHASE, deceased, her administrators, executors, heirs, successors and assigns; EMILY CHASE WEAVER; WILLIAM C. CHASE, JR.; SAMUEL R. HAMILTON, a/k/a S.R. HAMILTON, deceased, his administrators, executors, heirs, successors and assigns; ANNA M. HAMILTON, deceased, her administrators, executors, heirs, successors and assigns; BETTY M. HAMILTON, a/k/a ELIZABETH M. HAMILTON, deceased, her administrators, executors, heirs, successors and assigns; DON W. EIGHMY, deceased, his administrators, executors, heirs, successors and assigns; ROBERTINA EIGHMY; DOLLIE C. BECKMAN; and all other persons having or claiming to have any

right title or interest in the oil and gas estate hereinafter described, Defendants.

NOTICE

TO: Robertina Eighmy

TAKE NOTICE that on November 12, 2002 plaintiff filed its Complaint in Civil Action to Quiet Title to the oil and gas underlying 145 acres, more or less, situate under three tracts of land in Pike Township, Clearfield County, Pennsylvania, described in three deeds of Harry A. Cathcart dated October 29, 1928 to S.R. Hamilton, e.g. in Deed Book 290, page 164, Deed Book 290, page 166 and Deed Book 290, page 169.

Plaintiff avers that it is the holder of a leasehold interest in the said oil and gas by a lease dated May 1, 2001 and that its title to the said oil and gas is based on the conveyance by Harry A. Cathcart to S.R. Hamilton of the coal and other minerals including oil and gas by the three aforesaid deeds dated October 29, 1928.

NOTICE TO DEFEND

You have been sued in Court. If you wish to defend against the claims set forth in the Complaint, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the Court. 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 the relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE 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.

David S. Meholic, Court Administrator, Clearfield County Courthouse, 230 E. Market Street, Clearfield, PA 16830 (814) 765-2641, Ext. 50-51 OR Pennsylvania Lawyer Referral Service, Pennsylvania Bar Association, PO Box 186, Harrisburg PA 17108 (800) 692-7375

DONALD D. SAXTON JR. P.C., 119 South College Street, Washington, PA 15301 (724) 228-8115.

ADV: November 7th & 14th, 2003.

**SHERIFF'S SALE
OF VALUABLE REAL ESTATE**

BY VIRTUE OF: Execution issued out of the Court of Common Pleas of Clearfield County, Pennsylvania and to me directed, there will be exposed to public sale in the Sheriff's Office in the Court House in the Borough of Clearfield on FRIDAY, DECEMBER 5, 2003 at 10:00 A.M.

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

LESLEY W. JARRETT and	:	
CYNTHIA A. JARRETT, husband	:	
and wife,	:	
	Plaintiffs	:
VS.	:	NO. 03-1615-D
	:	
JAMES LOWTHER, and,	:	ACTION TO QUIET TITLE
SUSAN M. LOWTHER, his wife,	:	
their heirs, successors and assigns,	:	
and/or any person or entity claiming	:	
title in and to the herein described	:	
premises under them,	:	
	Defendants	:
		DEC 16 2003

FILED

DEC 16 2003

ORDER

William A. Shaw
Prothonotary

AND NOW, this 16th day of December, 2003, it appearing that service of the Complaint in the above captioned case, with notice to plead, was served in The Progress, Clearfield, Pennsylvania and the Clearfield County Legal Journal, Clearfield, Pennsylvania, and an Affidavit having been filed with the Prothonotary as to attempts made to obtain information and the whereabouts of the Defendants, and it further appearing that no answer has been filed nor appearance entered by any of the said Defendants or their duly authorized representatives and more than twenty (20) days having elapsed since the advertisement thereof, it is hereby ORDERED as follows:

1. That the above named Defendants, their heirs, successors and assigns, are forever barred from asserting any right, title, lien or interest inconsistent with the interest or claim of the Plaintiffs as set forth in their Complaint in and for all that certain piece or parcel of land situate in the Commonwealth of Pennsylvania, County of Clearfield, Township of Woodward and more particularly described as follows:

ALL those certain or parcels of land, situate in the Township of Woodward, County of Clearfield and State of Pennsylvania, bounded and described as follows:

THE FIRST THEREOF: Being known as Lot No. 258 in Block in the Town of Whiteside in said Township, fronting about four hundred (400) feet on the west side of Third Street, and extending back on the North end about three hundred forty (340) feet, and on the South end about twenty (20) feet to an alley.

THE SECOND THEREOF: Being all the surface of that certain piece, parcel or lot of ground situate in said Township. **BEGINNING** at a post corner of Sherkel and Lowther Tracts; thence running along the Sherkel tracts South fifty-two (52) degrees and thirty (30) minutes West two hundred eighty-four and four tenths (284.4) feet to a post on Crisfield Tract; thence along Crisfield Tract North thirty-seven (37) degrees thirty (30) minutes West four hundred fifty-nine and five tenths (459.5) feet to post on Crisfield Tracts; thence along Crisfield Tract, North fifty-two (52) degrees thirty (30) minutes East two hundred eighty-four and four-tenths (284.4) feet along Crisfield Tract to Lowther Tract; thence along the Lowther Tract South thirty-seven (37) degrees thirty (30) minutes East four hundred fifty-nine and five tenths (459.5) feet to post and place of beginning. Containing three (3) acres, more or less.

NOW BEING DESCRIBED AS FOLLOWS IN ACCORDANCE WITH A SURVEY CONDUCTED BY STEPHEN W. NORFOLK, dated July 18, 2003:

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

BEGINNING at an iron pin marking the southerly corner of the herein described parcel and also marking the easterly corner of lands now or formerly of Lucille Sherkel (D.B. 1380, page 228 - Tax Parcel No. M14-000-44), and also a corner of lands now or formerly of William C. Bowman, et al (D.B. 590, page 290 - Tax Parcel No. M14-000-19); thence along said lands now or formerly of Bowman North 36 degrees 31 minutes 14 seconds West a distance of 455.56 feet to an iron pin; thence along said lands of now or formerly of Bowman 52 degrees 30 minutes 00 seconds East a distance of 285.94 feet to an iron pin; thence along said lands now or formerly of Bowman North 03 degrees 58 minutes 16 seconds East a distance of 285.21 feet to an iron pin; thence along said lands now or formerly of Bowman South 84 degrees 04 minutes 25 seconds East a distance of 262.57 feet to a 30 inch diameter white oak tree on line of lands now or formerly of Mabel Lobb Brown (D.B. 798, Page 054 - Tax Parcel No. M14-412-02); thence along said lands now or formerly of Brown South 35 degrees 04 minutes 38 seconds East a distance of 47.91 feet to an iron pin; thence along said lands now or formerly of Brown South 85 degrees 01 minutes 33 seconds East a distance of 352.64 feet to an iron pin located on the westerly right of way line of Township Road No. To870 (Third Street); thence along said right of way line South 04 degrees 57 minutes 14 seconds West a distance of 400.00 feet to an iron pin marking a corner of said lands now or formerly of Sherkel; thence along said lands now or formerly of Sherkel North 85 degrees 01 minutes 33 seconds West a distance of 17.04 feet to an iron pin; thence along said lands now or formerly of Sherkel North 35 degrees 02 minutes 03 seconds West a distance of 67.53 feet to an iron pin; thence along said lands now or

formerly of Sherkel South 53 degrees 40 minutes 53 seconds West a distance of 365.95 feet to an iron pin; thence along said lands now or formerly of Sherkel South 53 degrees 40 minutes 53 seconds West a distance of 285.90 feet to an iron pin marking the place of beginning. Containing 9.683 acres.

Said Order to be final and absolute unless the aforesaid Defendants, their heirs, successors and assigns, shall file exceptions to this Order within thirty (30) days of the date hereof.

2. That if said above named Defendants, their heirs, successors and assigns, shall not have filed said exceptions within thirty (30) days, the Prothonotary, upon Praeclipe of Plaintiffs, shall enter final judgment for Plaintiffs and against said named Defendant, his heirs, successors and assigns.

3. That the rights of Plaintiffs in said premises are at all times superior to the rights of said named Defendants, their heirs, successors and assigns and that the Plaintiffs have title in fee simple to said premises described in the Complaint as against said Defendants, their heirs, successors and assigns.

4. That the Defendants, their heirs, successors and assigns or any person claiming under them shall be forever enjoined from setting up any title to the premises of Plaintiffs described in the Complaint and from impeaching, denying or in any way attacking the title of Plaintiffs to said premises.

5. That these proceedings, or any authenticated copy thereof, shall at all times hereafter be taken as evidence of the facts declared and established thereby.

6. That a certified copy of this Order shall be recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania.

BY THE COURT,

JUDGE

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

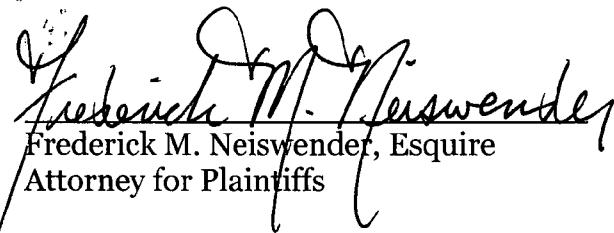
LESLEY W. JARRETT and :
CYNTHIA A. JARRETT, husband :
and wife, :
Plaintiffs :
VS. : NO. 03-1615-CD
: ACTION TO QUIET TITLE
JAMES LOWTHER, and, :
SUSAN M. LOWTHER, his wife, :
their heirs, successors and assigns, :
and/or any person or entity claiming :
title in and to the herein described :
premises under them, :
Defendants :

PRAECIPE TO ENTER FINAL JUDGMENT

TO THE PROTHONOTARY:

Please enter a final judgment against the above named Defendants, their heirs, successors and assigns and on behalf of the above named Plaintiffs for such relief as requested in an Order dated the 16th day of December, 2003.

Respectfully submitted,


Frederick M. Neiswender, Esquire
Attorney for Plaintiffs

FILED

JAN 20 2004

William A. Shaw
Prothonotary/Clerk of Courts