

03-1700-CD
TRACY THOMAS MAMMO, et al. vs. C.F. SAUPP, et al.

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

TRACY THOMAS MANNO and
CHRISTI D. MANNO,

Plaintiffs,

vs.

C.F. SAUPP and JNO. CORBETT, a/k/a
JOHN CORBETT, and their heirs,
devisees, administrators, executors and
assigns, and all other person, persons,
firms, partnerships or corporate entities
in interest,

Defendants.

: No. 03 - 1700 C.D.
: TYPE OF CASE: ACTION TO QUIET TITLE
: TYPE OF PLEADING: COMPLAINT
: FILED ON BEHALF OF:
: TRACY THOMAS MANNO and
: CHRISTI D. MANNO, Plaintiffs
: COUNSEL OF RECORD FOR THIS PARTY:
: PAULA M. CHERRY, ESQ.
: Supreme Court No.: 36023
: GLEASON, CHERRY AND CHERRY, L.L.P.
: Attorneys at Law
: One North Franklin Street
: P.O. Box 505
: DuBois, PA 15801-0505
: (814) 371-5800

FILED

NOV 14 2003

William A. Shaw
Prothonotary/Clerk of Courts

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

TRACY THOMAS MANNO and :
CHRISTI D. MANNO, :
Plaintiffs, : No. 03 - _____ C.D.
vs. :
: ACTION TO QUIET TITLE
C.F. SAUPP and JNO. CORBETT, a/k/a :
JOHN CORBETT, and all their heirs, :
devisees, administrators, executors and :
assigns, and all other person, persons, :
firms, partnerships or corporate entities :
in interest, :
Defendants. :

N O T I C E

TO: C.F. SAUPP and JNO. CORBETT, a/k/a JOHN CORBETT, and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest:

YOU ARE HEREBY NOTIFIED THAT AN ACTION TO QUIET TITLE TO THE PREMISES SITUATE IN THE BOROUGH OF HOUTZDALE, CLEARFIELD COUNTY, PENNSYLVANIA, HAS BEEN FILED AGAINST YOU. Said premises are described as follows:

ALL those two certain lots of ground situate in the Borough of Houtzdale, Clearfield County, Pennsylvania, being bounded and described as follows, to wit:

THE FIRST THEREOF: BEING situate in the South East corner of Sue Street and Pine Alley, fronting on Sue Street 50 feet and running South along Pine Alley 150 feet to Elk Alley and being known as Lot No. 207 in the General Plan of the Borough of Houtzdale, formerly incorrectly identified as Lot No. 267.

THE SECOND THEREOF: BEGINNING at a post 50 feet from the South West corner of Good and Sue Streets at the North West corner of Lot No. 205 and running West along Sue Street 50 feet to the North East corner of Lot No. 207, formerly incorrectly identified as Lot No. 267; thence by said lot in a Southerly direction 150 feet to Elk Alley; thence East along Elk Alley 50 feet to Lot No. 205; thence in a Northerly direction along Lot No. 205, 150 feet to a post at the place of beginning and known as Lot No. 206 in the General Plan of the Borough of Houtzdale.

UNDER AND SUBJECT to all exceptions, reservations and restrictions which may appear in the recorded chain of title.

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
Clearfield County Courthouse
230 East Market Street, Suite 228
Clearfield, PA 16830
(814) 765-2641 Ex. 5982

GLEASON, CHERRY AND CHERRY, L.L.P.
Attorneys at Law
One North Franklin Street
P.O. Box 505
DuBois, PA 15801-0505
(814) 371-5800
Attorneys for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

TRACY THOMAS MANNO and	:	
CHRISTI D. MANNO,	:	
	Plaintiffs,	No. 03 - _____ C.D.
vs.	:	
		ACTION TO QUIET TITLE
C.F. SAUPP and JNO. CORBETT, a/k/a	:	
JOHN CORBETT, and their heirs,	:	
devisees, administrators, executors and	:	
assigns, and all other person, persons,	:	
firms, partnerships or corporate entities	:	
in interest,	:	
	Defendants.	:

C O M P L A I N T

The Plaintiffs in the above-entitled matter, TRACY THOMAS MANNO and CHRISTI D. MANNO, bring this Action to Quiet Title for the purpose of barring the Defendants, C.F. SAUPP and JNO. CORBETT, a/k/a JOHN CORBETT, and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest, entitled Defendants, from asserting any right, title and interest or lien in and to the premises described in Exhibit "A", which are situate in the Borough of Houtzdale, Clearfield County, Pennsylvania, and aver the following cause of action:

1. The Plaintiffs, TRACY THOMAS MANNO and CHRISTI D. MANNO, are husband and wife, who reside at 811 Sue Street, Houtzdale, Clearfield County, Pennsylvania 16651.
2. After diligent search, the Plaintiffs are unable to discover the whereabouts or the

identify of the Defendants, C.F. SAUPP and JNO. CORBETT, a/k/a JOHN CORBETT, and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest.

3. The premises more particularly described as The First Thereof on Exhibit "A" which is attached hereto and made a part hereof, known as Lot No. 207 in the General Plan of the Borough of Houtzdale, formerly incorrectly identified as Lot No. 267 in the General Plan of the Borough of Houtzdale, was conveyed to Theodore Buckamire by Deed of John W. Mooney and Susanna M. Mooney, dated August 21, 1897, and recorded in Clearfield County Deed Book Vol. 157, Page 136. The description of the property to be conveyed correctly begins on the southeast corner of Sue and Pine Streets and describes a lot fronting 50 feet on Sue Street and running 150 feet to Elk Alley, but incorrectly recites the lot number of this lot to be "Lot 267" rather than Lot 207.

4. The premises more particularly described as The Second Thereof in Exhibit "A" which is attached hereto and made a part hereof, known as Lot 206 in the General Plan of the Borough of Houtzdale, was conveyed to Theodore Buckamire by Deed of John W. Mooney and Susanna M. Mooney, dated August 21, 1897, and recorded in Clearfield County Deed Book Vol. 157, Page 135. Said Deed correctly describes Lot 206 in the General Plan of the Borough of Houtzdale, which adjoins Lot 207 in the General Plans of the Borough of Houtzdale, more particularly described in The First Thereof of Exhibit "A", attached hereto and made a part hereof, which lot was incorrectly identified as Lot 267 in the aforesaid Deed.

5. The premises more particularly described in Exhibit "A", attached hereto and made a part hereof were correctly assessed in the Clearfield County Tax Assessment Records as

being a house and two lots - Lot Nos. 206 and 207, transferred to Theodore Bookamyer (referred to as Theodore Buckamire in the aforesaid Deeds) as a transfer from John W. Mooney, despite the incorrect notation on the above referred to Deed recorded in Clearfield County Deed Book Vol. 157, Page 136, as being Lot 267, rather than the correct lot number of 207, in the General Plan of the Borough of Houtzdale. The said Theodore Bookamyer, a/k/a Theodore Bookamire, a/k/a Theodore Buckamire, continued to be assessed in the Clearfield County Assessment Records with ownership of a house and two lot numbers 206-207 in the General Plan of Houtzdale Borough beginning in the year 1898 until the year 1909.

6. Theodore Bukamire (a/k/a Theodore Bookamyer, a/k/a Theodore Bookamire, a/k/a Theodore Buckamire) and Nancy Bukamire, his wife, conveyed the premises more particularly described in Exhibit "A", attached hereto and made a part hereof, incorrectly referred to as Lot 267 (rather than Lot 207) and Lot 206 to Theodore William Bukamire by Deed dated September 24, 1906, and recorded in Clearfield County Deed Book Vol. 157, Page 138.

7. By Deed dated October 29, 1907, and recorded in the Office of the Register and Recorder of Deeds in and for Clearfield County, Pennsylvania, in Deed Book Vol. 168, Page 223, the said Theodore William Bukamire conveyed the premises more particularly described in Exhibit "A", which is attached hereto and made a part hereof, to C.F. SAUPP. Once again, Lot 207 was incorrectly referred to as Lot 267 of the General Plan of the Borough of Houtzdale, but did, in fact, correctly describe the said Lot 207 as being situate on the southeast corner of Sue and Pine Street, fronting 50 feet on Sue Street and 150 feet to Elk Alley.

8. The said C.F. SAUPP, despite the incorrect referral to Lot 267 rather than the

correct referral to Lot 207, was correctly assessed with Lots 206 and 207 in the General Plan to the Borough of Houtzdale beginning in the year 1909, when there was a notation on the Clearfield County Assessment Records that Theodore Bookamire conveyed a house and two lots, Nos. 206 and 207, to C.F. SAUPP.

9. The Clearfield County Assessment Records for the year of 1910, state that Lots 206 and 207 in the General Plan of the Borough of Houtzdale were transferred from C.F. SAUPP, to JOHN CORBETT, however, a search of the Clearfield County Deeds and Records Books reveals no Deed of transfer into JOHN CORBETT from C.F. SAUPP, for the said Lots 206 and 207 of the General Plan of Houtzdale, which are more particularly described in Exhibit "A", attached hereto and made a part hereof, and it is believed and therefore averred that said Deed of Conveyance was either lost or misplaced and never recorded in the records of Clearfield County.

10. The premises more particularly described in Exhibit "A", which is attached hereto and made a part hereof began to be assessed to JNO. CORBETT as a house and two lot Nos. 206 and 207 in the General Plan to the Borough of Houtzdale beginning in the year 1910 and continued to be assessed to him in the Clearfield County Assessment Records until the year of 1915 at which time, the Clearfield County Assessment Records show a transfer of two lots from JNO. CORBETT to James Vincent.

11. It is believed and therefore averred that the said JOHN CORBETT is one and the same person as JNO. CORBETT.

12. A search of the Clearfield County Deeds and Records Books, however, reveals no such Deed of Conveyance from JOHN CORBETT, a/k/a JNO. CORBETT, to James Vincent

for the said two lots more particularly described in Exhibit "A", which is attached hereto and made a part hereof, and it is believed and therefore averred that the Deed of Conveyance from JOHN CORBETT, a/k/a JNO. CORBETT, to James Vincent was either lost or misplaced and never recorded in the Office of the Register and Recorder of Deeds in and for Clearfield County, Pennsylvania.

13. By Deed dated January 4, 1947, and recorded in the Office of the Register and Recorder of Deeds of Clearfield County, Pennsylvania, in Deed Book Vol. 380, Page 472, the said James H. Vincent conveyed the premises more particularly described in Exhibit "A", which is attached hereto and made a part hereof, to Millard Kephart and Mary Kephart, his wife. Said Deed of Conveyance correctly describes Lots 206 and 207 in the General Plan to the Borough of Houtzdale, although it once again incorrectly identifies Lot 207 as Lot 267 in the General Plan of the Borough of Houtzdale.

14. The said Mary Kephart died on October 6, 1984, and the premises more particularly described in Exhibit "A" which is attached hereto and made a part hereof, remained in Millard Kephart, her surviving spouse.

15. The said Millard Kephart died testate on September 6, 1985, and by the terms of his Last Will and Testament, which was duly probated in the Office of the Register and Recorder of Deeds in and for Clearfield County, Pennsylvania, did give, devise and bequeath the residue of his estate, which included the premises more particularly described in Exhibit "A", which is attached hereto and made a part hereof, as follows: "one-half to my niece, Linda Poole" and "one-half to Richard Kerr and Elizabeth Jane Kerr". Further, the said Millard

Kephart nominated and appointed Linda L. Poole and Elizabeth Jane Kerr as Co-Executrices of his Last Will and Testament.

16. By Deed dated October 15, 1985, and recorded in the Office of the Register and Recorder of Deeds of Clearfield County, Pennsylvania, in Deed Book Vol. 1045, Page 28, the said Linda L. Poole and Elizabeth Jane Kerr, Executrices of the Estate of Millard Kephart, conveyed the premises more particularly described in Exhibit "A", which is attached hereto and made a part hereof to Richard Kerr and Elizabeth Jane Kerr. Said Deed of Conveyance again misidentifies Lot 207 as Lot 267 in the General Plan of the Borough of Houtzdale, although the description to said Lot 207 (incorrectly identified as Lot No. 267) correctly describes the intended lot to be conveyed, which is Lot 207.

17. By Deed dated August 29, 2003, and recorded in the Office of the Register and Recorder of Deeds in and for Clearfield County, Pennsylvania, as Instrument No. 200315774, the said Richard Kerr and Elizabeth Jane Kerr, more correctly known as Elizabeth Jane Kerr, conveyed the premises which is described in Exhibit "A", attached hereto and made a part hereof, to TRACY THOMAS MANNO and CHRISTI D. MANNO, the Plaintiffs herein.

18. The Plaintiffs, TRACY THOMAS MANNO and CHRISTI D. MANNO, husband and wife, and their predecessors in title, have been in actual, open, notorious, visible, hostile and continuous possession of the premises more particularly described in Exhibit "A", which is attached hereto and made a part hereof, for a period of twenty-one (21) years and upward.

19. That one of the purposes of this Action is to quiet the title as to any interest that the said Defendants, C.F. SAUPP and JNO. CORBETT, a/k/a JOHN CORBETT, and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms,

partnerships or corporate entities in interest, may have in the said premises described in Exhibit "A", attached hereto and made a part hereof, because of any defect that may exist in the title due to the fact that Lot 207 was incorrectly identified in the descriptions throughout the chain of title as being Lot 267 in the General Plan of the Borough of Houtzdale, rather than correctly being identified as Lot 207 in the General Plan of the Borough of Houtzdale; and because of any defect that may exist in the title because of the fact that no Deed of Conveyance was placed of record in the Clearfield County Courthouse conveying the premises to any rightful owners including, but not limited to Deeds of Conveyance to JOHN CORBETT, a/k/a JNO. CORBETT, or James Vincent for the premises more particularly described in Exhibit "A", which is attached hereto and made a part hereof, or because of any other defect that may exist or may have existed in the title because of the premises being improperly assessed, not properly described, no proper notice of sale to record owners, or that said properties were sold as property of one other than the record owners or legal heirs or assigns of the record owners or because of the premises being incorrectly described or because no Deed of Conveyance was placed of record or for any other reason or reasons that may raise some question as to the validity of the title. Another purpose of this Action is to make the title to the premises as described in Exhibit "A" marketable so that the same can be certified.

WHEREFORE, Plaintiffs request the Court to:

(a) Determine that their rights are superior to the rights of the Defendants, C.F. SAUPP and JNO. CORBETT, a/k/a JOHN CORBETT, and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities

in interest;

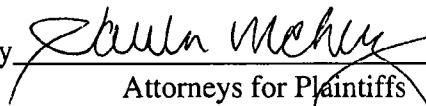
(b) Determine that the Plaintiffs have fee simple title to the premises described in Exhibit "A" as against the Defendants, C.F. SAUPP and JNO. CORBETT, a/k/a JOHN CORBETT, and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest;

(c) Enjoin the Defendants, C.F. SAUPP and JNO. CORBETT, a/k/a JOHN CORBETT, and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest from setting up any title to the premises described in Exhibit "A" and from impeaching, denying or in any way attacking the title of the Plaintiffs to the premises described in Exhibit "A"; and

(d) Grant and decree whatever relief may seem equitable and proper.

AND they will ever pray.

GLEASON, CHERRY AND CHERRY, L.L.P.

By 

Attorneys for Plaintiffs

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

PAULA M. CHERRY, attorney-at-law, being duly sworn according to law, deposes and says that she is authorized to make this Affidavit on behalf of the Plaintiffs, TRACY THOMAS MANNO and CHRISTI D. MANNO, as their attorney; that the facts set forth in the foregoing Complaint are true and correct, partly from her own knowledge and partly from information supplied to her by Plaintiffs; that the purpose of this Affidavit is to expedite the proceedings and that an Affidavit of the Plaintiffs will be supplied if requested.



Sworn to and subscribed before me, this 14th day of November, 2003.



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

Exhibit "A"

ALL those two certain lots of ground situate in the Borough of Houtzdale, Clearfield County, Pennsylvania, being bounded and described as follows, to wit:

THE FIRST THEREOF: BEING situate in the South East corner of Sue Street and Pine Alley, fronting on Sue Street 50 feet and running South along Pine Alley 150 feet to Elk Alley and being known as Lot No. 207 in the General Plan of the Borough of Houtzdale, formerly incorrectly identified as Lot No. 267.

THE SECOND THEREOF: BEGINNING at a post 50 feet from the South West corner of Good and Sue Streets at the North West corner of Lot No. 205 and running West along Sue Street 50 feet to the North East corner of Lot No. 207, formerly incorrectly identified as Lot No. 267; thence by said lot in a Southerly direction 150 feet to Elk Alley; thence East along Elk Alley 50 feet to Lot No. 205; thence in a Northerly direction along Lot No. 205, 150 feet to a post at the place of beginning and known as Lot No. 206 in the General Plan of the Borough of Houtzdale.

UNDER AND SUBJECT to all exceptions, reservations and restrictions which may appear in the recorded chain of title.

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

TRACY THOMAS MANNO and :
CHRISTI D. MANNO, :
Plaintiffs, : No. 03 - _____ C.D.
vs. :
: ACTION TO QUIET TITLE
C.F. SAUPP and JNO. CORBETT, a/k/a :
JOHN CORBETT, and their heirs, :
devisees, administrators, executors and :
assigns, and all other person, persons, :
firms, partnerships or corporate entities :
in interest, :
Defendants. :

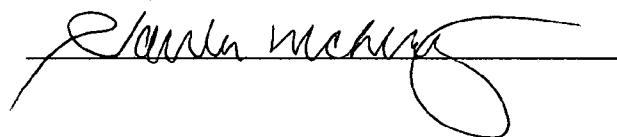
A F F I D A V I T

COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :

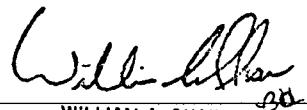
Personally appeared before me, the undersigned officer, PAULA M. CHERRY,
Attorney for TRACY THOMAS MANNO and CHRISTI D. MANNO, who, being duly sworn
according to law, deposes and says that after diligent search, including a search of the
Clearfield County Courthouse records, telephone book, directory assistance and post office, she
is unable to find C.F. SAUPP and JNO. CORBETT, a/k/a JOHN CORBETT, and their heirs,
devisees, administrators, executors and assigns and all other person, persons, firms,

partnerships, or corporate entities in interest, claiming such interest under the said C.F. SAUPP
and JNO. CORBETT, a/k/a JOHN CORBETT.

Further Deponents saith not.



Sworn to and subscribed before me, this 14th day of November, 2003.



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

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

TRACY THOMAS MANNO and :
CHRISTI D. MANNO, :
Plaintiffs, : No. 03 - _____ C.D.
vs. :
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C.F. SAUPP and JNO. CORBETT, a/k/a :
JOHN CORBETT, and their heirs, :
devisees, administrators, executors and :
assigns, and all other person, persons, :
firms, partnerships or corporate entities :
in interest, :
Defendants. :

O R D E R

NOW, this 14th day of November, 2003, it appearing that an Action to Quiet Title has been filed in the above-entitled case and the identity and whereabouts of C.F. SAUPP and JNO. CORBETT, a/k/a JOHN CORBETT, and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest, are unknown, the Defendants shall be served with a copy of the Complaint by advertising the same one (1) time in the Clearfield Progress newspaper and one (1) time in the Clearfield County Legal Journal in accordance with the Notice attached to and made a part of the Complaint.

BY THE COURT,

Judge

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

TRACY THOMAS MANNO and CHRISTI D.
MANNO,
Plaintiffs

vs.

C.F. SAUPP and JNO. CORBETT, a/k/a
JOHN CORBETT, and their heirs,
devisees, administrators,
executors and assigns, and all
other persons, persons, firms,
partnerships or corporate entities
in interest,
Defendants

No. 03 - _____ C.D.

ACTION TO QUIET TITLE

C O M P L A I N T

To the within Defendants:

YOU ARE HEREBY NOTIFIED TO PLEAD
TO THE WITHIN COMPLAINT WITHIN
TWENTY (20) DAYS FROM THE DATE OF
SERVICE HEREOF.

GLEASON, CHERRY AND CHERRY, L.L.P.:

By Julia W. Cherry
Attorneys for Plaintiffs

LAW OFFICES
GLEASON, CHERRY & CHERRY, L.L.P.

P. O. Box 505
DU BOIS, PENNSYLVANIA 15801-0505
ONE NORTH FRANKLIN STREET

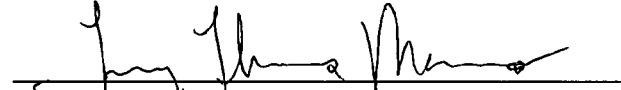
FILED NO. 03-26084 Atty pd. 9500
Nov 14 2003

William A. Shaw
Prothonotary/Clerk of Courts

03-1700-C

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

Personally appeared before me, the undersigned officer, a Notary Public in and for the county and state aforesaid, TRACY THOMAS MANNO and CHRISTI D. MANNO, who, being duly sworn according to law, depose and say that the facts set forth in the foregoing Complaint are true and correct to the best of their knowledge, information and belief.



Tracy Thomas Manno

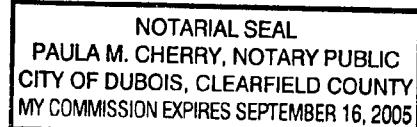
Christi D. Manno
Christi D. Manno

Sworn to and subscribed before me, this 14th day of November, 2003.



Paula M. Cherry

Refers to original petition.



FILED

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William A. Shaw
Prothonotary/Clerk of Courts

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18 2003
cc
EAK

William A. Sherry
Prothonotary/Clerk of Courts

FILED

NOV 18 2003

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

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Plaintiffs,	No. 03 - <u>1700</u> C.D.
vs.	:
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firms, partnerships or corporate entities	:
in interest,	:
Defendants.	:

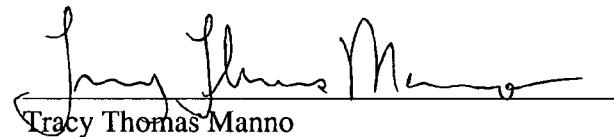
AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA :	:
	SS.
COUNTY OF CLEARFIELD	:

Personally appeared before me, a Notary Public in and for the county and state aforesaid, TRACY THOMAS MANNO and CHRISTI D. MANNO, who, being duly sworn according to law, depose and say that after diligent search, including a search of the Clearfield County Courthouse records, telephone book, directory assistance and post office, they are unable to find C.F. SAUPP and JNO. CORBETT, a/k/a JOHN CORBETT, and their heirs, devisees, administrators, executors and assigns and all other person, persons, firms,

partnerships, or corporate entities in interest, claiming such interest under the said C.F. SAUPP and JNO. CORBETT, a/k/a JOHN CORBETT.

Further Deponents saith not.



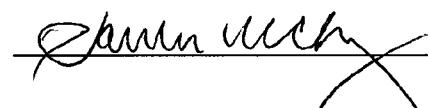
Tracy Thomas Manno



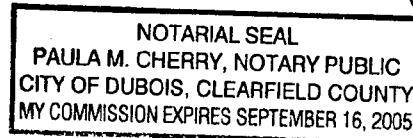
Christi D. Manno

Christi D. Manno

Sworn to and subscribed before me, this 15th day of November, 2003.



Paula M. Cherry



FILED NO
OCT 3 2003
NOV 18 2003
FCC
WAS

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

TRACY THOMAS MANNO and :
CHRISTI D. MANNO, :
Plaintiffs, : No. 03 - 1700 C.D.

vs. :

ACTION TO QUIET TITLE

C.F. SAUPP and JNO. CORBETT, a/k/a :
JOHN CORBETT, and their heirs,
devisees, administrators, executors and :
assigns, and all other person, persons,
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in interest,

Defendants. :

FILED

DEC 19 2003

William A. Shaw
Prothonotary/Clerk of Courts

COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :

Personally appeared before me, a Notary Public in and for the county and state
aforesaid, PAULA M. CHERRY, Attorney for TRACY THOMAS MANNO and CHRISTI D.
MANNO, Plaintiffs, who, being duly sworn according to law, deposes and says that the service
of the foregoing Complaint to Quiet Title, endorsed with Notice to Plead within Twenty (20)
days from the date of publication was made on all of the Defendants by publication on
November 20, 2003, in The Progress newspaper, and the week of November 21, 2003, in the
Clearfield County Legal Journal, proof of the same is hereto attached, in accordance with the
Order of Court, and more than Twenty (20) days have elapsed since said publications and that

said Defendants have not filed an Appearance or any Answer to the Complaint, although the time in which to do so has expired.

Paula M. Cherry

Paula M. Cherry

Sworn to and subscribed before me this 19th day of December, 2003.

William A. Shaw

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

IN THE COURT
OF COMMONPLEAS
OF CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL DIVISION
No. 03-1700 C.D.

ACTION TO

QUITTITLE

TRACY THOMAS MANNO and
CHRISTID MANNO,

Plaintiffs,
vs. set forth against you. You are
warned that if you fail to do so, the
case may proceed without you and
all judgment may be entered against
you by the Court without further no-
tice for any money claimed in the
Complaint or for any other claim or
relief requested by the Plaintiffs in
the Complaint. 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

Clearfield County Courthouse

230 East Market Street,

Suite 228

Clearfield, PA 16830

(814) 765-2641 Ext 5982

GLEASON, CHERRY AND

CHERRY, L.L.P.

Attorneys at Law

One North Franklin Street

P.O. Box 505

Dubois, PA 15801-0505

(814) 371-5800

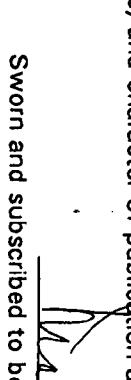
Attorneys for Plaintiffs

11:20-1d-b

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :
COUNTY OF CLEARFIELD : SS:

On this 21st 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
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
the regular issues of November 20, 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.


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

Notary Public	Ann K. Law, Notary Public Clearfield Boro, Clearfield County My Commission Expires Sept. 16, 2004
Clearfield, Pa.	
Member, Pennsylvania Association of Notaries	

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

TRACY THOMAS MANNO and
CHRISTI D. MANNO, Plaintiffs, vs. C. F.
SAUPP and JNO. CORBETT, a/k/a JOHN
CORBETT, and all their heirs, devisees,
administrators, executors and assigns, and
all other person, persons, firms, partnerships
or corporate entities in interest, Defendants

ACTION TO QUIET TITLE

No. 2003-1700-CD

NOTICE

TO: C. F. SAUPP and JNO. CORBETT,
a/k/a JOHN CORBETT, and all their heirs,
devisees, administrators, executors and
assigns, and all other person, persons,
firms, partnerships or corporate entities in
interest:

YOU HEREBY NOTIFIED THAT AN
ACTION TO QUIET TITLE TO THE
PREMISES SITUATE IN THE BOROUGH
OF HOUTZDALE, CLEARFIELD COUNTY,
PENNSYLVANIA, HAS BEEN FILED
AGAINST YOU. Said premises are
described as follows:

ALL those two certain lots of ground
situate in the Borough of Houtzdale,
Clearfield County, Pennsylvania, being
bounded and described as follows, to wit:

THE FIRST THEREOF: BEING situate
in the South East corner of Sue Street and
Pine Alley, fronting on Sue Street 50 feet
and running South along Pine Alley 150 feet
to Elk Alley and being known as Lot No. 207
in the General Plan of the Borough of
Houtzdale, formerly incorrectly identified as
Lot No. 267.

THE SECOND THEREOF: BEGINNING
at a post 50 feet from the South West corner
of Good and Sue Streets at the North West
corner of Lot No. 205 and running West
along Sue Street 50 feet to the North East

BENDICK, RONALD, Dec'd
Late of Clearfield
Co-Executors: **JOSEPH A. MARINO**
CLEARFIELD BANK & TRUST CO.
Attorney: **JAMES A. NADDEO**
PO Box 552
Clearfield, PA 16830

GUNDEL, FREDERICK M., Dec'd
A/k/a **FRED M. GUNDEL**
A/k/a FRED GUNDEL
Late of Clearfield
Executrix: **GWENDOLYN M. KASSAB**
Attorney: **JOHN SUGHRUE**
23 North Second Street
Clearfield, PA 16830

**REGISTER & ORPHANS' COURT
NOTICES**

Notice is hereby given that the following Accounts have been examined by me and remain in the Office of Karen L. Starck, Register of Wills for the inspection of the heirs, legatees and creditors and all others interested and will be presented to the Orphans' Court of Clearfield County, PA on the first Monday in November, 2003.

The Accounts will be presented to the Orphans' Court for Confirmation NISI on the first Monday in December, 2003, and if no Objections or Exceptions are filed to the Account, it will be Confirmed Absolutely as of course without further notice by the Court in 10 days.

First & Final Account of Denise D. Dunkleman, Administratrix of the Estate of Natalie M. Bloom, late of Curwensville, Clearfield County, PA, DECEASED.

First and Final Account of Joel L. Goodlin, Executor of the Estate of Leland W. Goodlin a/k/a Leland Woodrow Goodlin, late of Burnside Borough, Clearfield County, PA, DECEASED.

corner of Lot No. 207, formerly incorrectly identified as Lot No. 267; thence by said lot in a Southerly direction 150 feet to Elk Alley; thence East along Elk Alley 50 feet to Lot No. 205; thence in a Northerly direction along Lot No. 205, 150 feet to a post at the place of beginning and known as Lot No. 206 in the General Plan of the Borough of Houtzdale.

UNDER AND SUBJECT to all exceptions, reservations and restrictions which may appear in the recorded chain of title.

You have been sued in Court. If you wish to defend against the claims set forth in the Complaint, you must take action within twenty (20) days from the date of this publication 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 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.

Court Administrator, Clearfield County Courthouse, 2nd & Market Streets, Clearfield, PA 16830. (814) 765-2641 Ex. 5982.

GLEASON, CHERRY & CHERRY, L.L.P. Attorneys at Law; One North Franklin Street, PO Box 1505, DuBois, PA 15801-0505. (814) 371-5800. Attorneys for Plaintiffs.

feet to point and place of beginning.

PARCEL 2: BEGINNING at a point on a private road, said point being the Southwest corner of the parcel of land previously conveyed by John K. Bankey to Melvin Daisher by a deed dated September 28, 1945, and recorded in Deed Book 373 at Page 204; thence Northerly along the line of said previous conveyance one hundred eighty-six and one-half (186 1/2) feet to a point; thence Westerly fifty (50) feet to a point; thence Southerly one hundred eighty-six and one-half (186 1/2) feet to a point on a private road; thence Easterly along said private road fifty (50) feet to the place of beginning.

PARCEL 3: BEGINNING at an iron pipe, said pipe being the Northern corner of land herein described and also being the Southern line of Lawrence Township, Route T-903; thence by land now or formerly of Samuel B. Yost and Jody F. Yost, also land now or formerly of Bonnie Haberl, South forty-eight (48) degrees twenty (25) minutes fifty-five (55) seconds West, three hundred twenty-0seven and fifty-seven one hundredths (327.57) feet to an iron bolt in the Northern line of an unimproved road; thence by the Northern line of said unimproved road; North twenty-eighty (28) degrees twenty-five (25) minutes zero (00) seconds West, fifty and no hundredths (50.00) feet to an iron pipe; thence by land now or formerly of Ronald Bressler and Joyce Bressler, North forty-eight (48) degrees twenty-five (25) minutes fifty-five (55) seconds East, three hundred three and ninety-one one-hundredths (50.22) feet to an iron pipe and place of beginning. Containing 0.35 acres.

PARCEL 4: BEGINNING at an iron pipe, said pipe being the Northern corner of land now or formerly of William M. Daisher and Elizabeth J. Brothers and also being in the

PROOF OF PUBLICATION

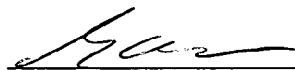
STATE OF PENNSYLVANIA :

:

COUNTY OF CLEARFIELD :

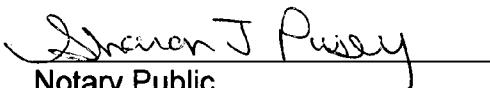
:

On this 25th 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 21, 2003, No. 47. And that all of the allegations of this statement as to the time, place, and character of the publication are true.

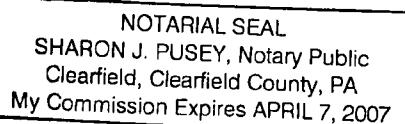


Gary A. Knaresboro, Esquire
Editor

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



Notary Public
My Commission Expires



Gleason Cherry & Cherry
PO Box 505
DuBois PA 15801

FILED
M/3:4084 NO
DEC 19 2003 CL
Wm. B. Gandy
Prothonotary, Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

TRACY THOMAS MANNO and :
CHRISTI D. MANNO, :
Plaintiffs, : No. 03 - 1700 C.D.

vs. :

C.F. SAUPP and JNO. CORBETT, a/k/a :
JOHN CORBETT, and their heirs, :
devisees, administrators, executors and :
assigns, and all other person, persons, :
firms, partnerships or corporate entities :
in interest, :
Defendants. : ACTION TO QUIET TITLE

FILED

DEC 19 2003

William A. Shaw
Prothonotary/Clerk of Courts

MOTION FOR JUDGMENT

AND NOW, this 19th day of December, 2003, an Affidavit having been filed by Plaintiffs, TRACY THOMAS MANNO and CHRISTI D. MANNO, by their attorney, PAULA M. CHERRY, that the Complaint with Notice to Plead was served on all of the Defendants and the Defendants have not answered, the Plaintiffs, by their attorney, PAULA M. CHERRY, move the Court to enter judgment in favor of the Plaintiffs and against the Defendants in the above-named case and to grant to the Plaintiffs the relief prayed for in accordance with Pennsylvania Rules of Civil Procedure 1066. Plaintiffs further request that the Honorable Court modify in accordance with Pennsylvania Rules of Civil Procedure, Rule 248, the Thirty (30) day period provided Defendants by Pennsylvania Rules of Civil Procedure, Rule 1066(b)

to assert any right, lien, title or interest in the land inconsistent with the interest or claim
Plaintiffs set forth in their Complaint.

GLEASON, CHERRY AND CHERRY, L.L.P.

By 

Sandra Cherry
Attorneys for Plaintiffs

FILED N.C.

03-46347
DEC 19 2003
429

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

TRACY THOMAS MANNO and :
CHRISTI D. MANNO, :
Plaintiffs, : No. 03 - 1700 C.D.

vs. :
: ACTION TO QUIET TITLE

C.F. SAUPP and JNO. CORBETT, a/k/a :
JOHN CORBETT, and their heirs, :
devisees, administrators, executors and :
assigns, and all other person, persons, :
firms, partnerships or corporate entities :
in interest,

Defendants. :

FILED *fm*

DEC 26 2003

07/12/03 *wm*

William A. Shaw
Prothonotary/Clerk of Courts

O R D E R

AND NOW, this 24th day of December, 2003, it appearing that service of the
Complaint to Quiet Title in the above Action was made on all of the Defendants and by
Affidavit of PAULA M. CHERRY, Attorney for Plaintiffs, no Answer or Appearance has been
filed to said Action, and on Motion of PAULA M. CHERRY, Attorney for Plaintiffs, it is
hereby ORDERED AND DECREED:

1. That the Defendants, C.F. SAUPP and JNO. CORBETT, a/k/a JOHN CORBETT;
and their heirs, devisees, administrators, executors and assigns, and all other person, persons,
firms, partnerships or corporate entities in interest, 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 to ALL those two certain lots of ground situate in the Borough of Houtzdale, Clearfield County, Pennsylvania, being bounded and described as follows, to wit:

THE FIRST THEREOF: BEING situate in the South East corner of Sue Street and Pine Alley, fronting on Sue Street 50 feet and running South along Pine Alley 150 feet to Elk Alley and being known as Lot No. 207 in the General Plan of the Borough of Houtzdale, formerly incorrectly identified as Lot No. 267.

THE SECOND THEREOF: BEGINNING at a post 50 feet from the South West corner of Good and Sue Streets at the North West corner of Lot No. 205 and running West along Sue Street 50 feet to the North East corner of Lot No. 207, formerly incorrectly identified as Lot No. 267; thence by said lot in a Southerly direction 150 feet to Elk Alley; thence East along Elk Alley 50 feet to Lot No. 205; thence in a Northerly direction along Lot No. 205, 150 feet to a post at the place of beginning and known as Lot No. 206 in the General Plan of the Borough of Houtzdale.

UNDER AND SUBJECT to all exceptions, reservations and restrictions which may appear in the recorded chain of title;

and that title to said property is now vested in TRACY THOMAS MANNO and CHRISTI D. MANNO, Plaintiffs, as prayed.

2. That the rights of the Plaintiffs are superior to the rights of the Defendants, C.F. SAUPP and JNO. CORBETT, a/k/a JOHN CORBETT; and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest.

3. That the Plaintiffs have title in fee simple to said premises as described in the Complaint as against the Defendants, C.F. SAUPP and JNO. CORBETT, a/k/a JOHN CORBETT; and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest.

4. That the Defendants, C.F. SAUPP and JNO. CORBETT, a/k/a JOHN CORBETT; and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest, are enjoined and forever barred from asserting any right, title or interest in and to the premises described which are inconsistent with the interest or claims of the Plaintiffs as set forth in their Complaint and from setting up any title to the premises and from impeaching, denying or in any way attacking the title of the Plaintiffs to the premises.

5. That the Thirty (30) day provision of Pennsylvania Rules of Civil Procedure 1066(b)(i) be modified as to eliminate the said Thirty (30) day Rule of Pennsylvania Rules of Civil Procedure from this case. Said modification is in accordance with the authority vested in this Court by virtue of the Pennsylvania Rules of Civil Procedure No. 248, to eliminate any time period prescribed by Pennsylvania Rules of Civil Procedure upon Order of Court.

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

7. 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

TRACY THOMAS MANNO and :
CHRISTI D. MANNO, :
Plaintiffs, : No. 03 - 1700 C.D.
vs. :
: ACTION TO QUIET TITLE
C.F. SAUPP and JNO. CORBETT, a/k/a :
JOHN CORBETT, and their heirs, :
devisees, administrators, executors and :
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in interest, :
Defendants. :

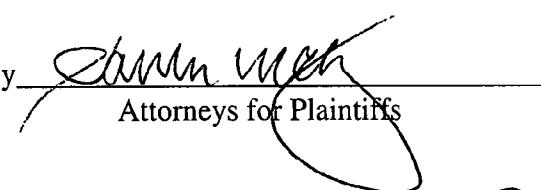
P R A E C I P E

TO: WILLIAM A. SHAW, PROTHONOTARY

Dear Sir:

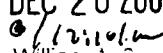
Please enter final judgment in favor of the above-named Plaintiffs and against the
Defendants in accordance with Order of Court dated December 24th, 2003.

GLEASON, CHERRY AND CHERRY, L.L.P.

By 
Attorneys for Plaintiffs

FILED 

DEC 26 2003



William A. Shaw

Prothonotary/Clerk of