

03-1780-CD  
IN THE  
COMMONWEALTH OF PENNSYLVANIA, tail.

FILED

DEC 03 2003

William A. Shaw  
Prothonotary/Clerk of Courts

IN RE: CONDEMNATION BY  
THE COMMONWEALTH OF  
PENNSYLVANIA, DEPARTMENT  
OF TRANSPORTATION,  
OF RIGHT-OF-WAY FOR  
STATE ROUTE 0219, SECTION 229,  
IN THE CITY OF DUBOIS AND  
THE TOWNSHIP OF SANDY

NO. 03-1786-CD

EMINENT DOMAIN PROCEEDING  
IN REM

DECLARATION OF TAKING

TO THE HONORABLE, THE JUDGES OF THE SAID COURT:

This Declaration of Taking, based on the provisions of Article IV, Section 402, of the Eminent Domain Code, Act of June 22, 1964, P. L. 84, 26 P. S. 1-402, as amended, respectfully represents that:

1. The Condemnor is the Commonwealth of Pennsylvania, Department of Transportation, acting through the Secretary of Transportation.

2. The address of the Condemnor is:

Commonwealth of Pennsylvania  
Department of Transportation  
Office of Chief Counsel  
P. O. Box 8212  
Harrisburg PA 17105-8212

3. The Department of Transportation is authorized by the provisions of Section 2003(e) of the Administrative Code of 1929, P. L. 177, 71 P. S. 513(e), as amended, to acquire by gift, purchase, condemnation, or otherwise, land in

fee simple or such other estate or interest as it shall determine, in the name of the Commonwealth for all transportation purposes.

4. The within condemnation has been authorized by a plan signed by the Secretary of Transportation on July 18, 2003, titled "Drawings Authorizing Acquisition of Right-of-Way for State Route 0219 Section 229 R/W in Clearfield County," a copy of which plan was filed in the County Recorder's Office in Instrument Number 200314816 on August 19, 2003.

5. The purpose of the within condemnation is to acquire property for transportation purposes.

6. A Schedule of Property Condemned identifying and specifying the location of the property hereby condemned is attached hereto and made a part hereof.

7. Plans showing the property hereby condemned may be inspected in the Recorder's Office of the aforesaid County at the places indicated on the attached Schedule of Property Condemned or, if not shown thereon, on the day of the filing of this document being lodged for record or filed in said Recorder's Offices, where they may be inspected.

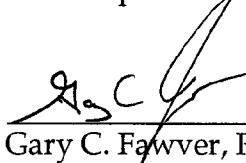
8. The nature of the title hereby condemned is fee simple, excepting and reserving therefrom an easement on Parcel 36 to United Natural Gas Company, as described in the Clearfield County Recorder of Deeds Office in Deed Book Volume 1838 at page 562, and as depicted on the plans referenced in paragraph 7 above, and a temporary construction easement.

9. In the event there are recoverable minerals (including gas and oil) within the areas, if any, hereby condemned in fee simple, the mineral rights (including rights to gas and oil) in those areas are hereby excepted and reserved from this condemnation, provided, however, that the right of support of the areas condemned is included within the scope of this condemnation, and no access from the surface of such areas for removal purposes will be allowed without permission from the Commonwealth.

10. The payment of just compensation in this matter is secured by the Commonwealth's power of taxation.

11. I, Gary C. Fawver, P. E., Chief, Utilities and Right-of-Way Section, of the Department of Transportation, do hereby depose, swear, and affirm that I am authorized by and do hereby execute this Declaration of Taking on behalf of the Commonwealth of Pennsylvania, Department of Transportation, and that the averments contained and set forth herein are true and correct to the best of my knowledge, information, and belief, and are made subject to penalties provided in 18 Pa. C. S. §4904, relating to false swearing to authorities.

WHEREFORE, fee simple title, excepting and reserving therefrom an easement on Parcel 36 to United Natural Gas Co., and a temporary construction easement are hereby condemned from the properties identified on the attached Schedule of Property Condemned, as indicated on the plans referenced in paragraph 7 above.



---

Gary C. Fawver, P. E.  
Chief, Utilities and Right-of-Way Section

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

NO.

IN RE: CONDEMNATION BY  
THE COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF TRANSPORTATION,  
OF RIGHT-OF-WAY FOR  
STATE ROUTE 0219, SECTION 229,  
IN THE CITY OF DUBOIS AND  
THE TOWNSHIP OF SANDY

---

DECLARATION OF TAKING

---

Christopher J. Clements  
Assistant Counsel in Charge, R/W  
ID Number 44699

Commonwealth of Pennsylvania  
Department of Transportation  
Office of Chief Counsel  
P. O. Box 8212  
Harrisburg PA 17105-8212

**COMMONWEALTH OF PENNSYLVANIA**  
**DEPARTMENT OF TRANSPORTATION**



**SCHEDULE OF PROPERTY CONDEMNED**  
(Declaration of Taking)

Page 1 of 1

REMIS Proj. No.	020094
County	Clearfield
Fed. Proj. No.	Q92-1134-101
Municipality	DuBoisCity/SandyTwp
Route-Sec.	S.R. 0219, Sec. 229

<b>* TYPE OF DESCRIPTION</b>	
D-	Deed Description
P-	Plan lodged for recording with Notice of Condemnation
R-	Plan now recorded in Recorder's Office

Parcel No.	Claim Number	Name, Mailing Address, Property Interest of Condemnees, and Location of Condemned Property	Attached Exhibit Number (if any)	*Type of Description	Plan (if any) Recorded in
40	17002040000	Unknown Owner Location of Property: S.R. 0219, Sec. 229 Sandy Township and City of DuBois, Blair County, Pennsylvania Station 68 + 663 Right to Station 68 + 677 Right		R	Clearfield County Recorder of Deeds Office, Instrument Number 200314816, Sheets 20 and 29
36	17002000000	Martin M. Belella and Marian C. Belella, Husband and Wife, R.R. 1, Box 214 Rockton, PA 15856 Location of Property: Deed Book 1838, Page 562		R	Clearfield County Recorder of Deeds Office, Instrument Number 200314816, Sheets 23, 24, 25, and 29

FILED Comm. of PA  
11/09/06  
DEC 03 2006  
William A. Shaw  
Prothonotary/Clerk of Courts  
2 cc Riff

FILED

DEC 03 2003

William A. Shaw  
Prothonotary/Clerk of Courts

IN RE: CONDEMNATION BY  
THE COMMONWEALTH OF  
PENNSYLVANIA, DEPARTMENT  
OF TRANSPORTATION,  
OF RIGHT-OF-WAY FOR  
STATE ROUTE 0219, SECTION 229,  
IN THE CITY OF DUBOIS AND  
THE TOWNSHIP OF SANDY

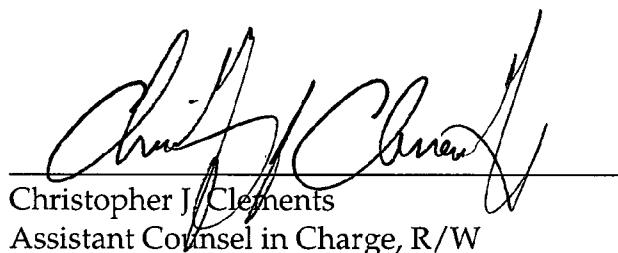
1786  
NO. 03-1876-CJ

EMINENT DOMAIN PROCEEDING  
IN REM

PRAECIPE TO ENTER APPEARANCE

TO THE PROTHONOTARY OF SAID COURT:

Please enter the appearance of Michael J. Creighton, Assistant Counsel in Charge, 1209 Pennsylvania State Office Building, 300 Liberty Avenue, Pittsburgh PA 15222, and Christopher J. Clements, Assistant Counsel in Charge, R/W, Office of Chief Counsel, Department of Transportation, P. O. Box 8212, Harrisburg, PA 17105-8212, as attorneys for the Commonwealth of Pennsylvania, Department of Transportation, Condemnor in the above-captioned proceedings.



Christopher J. Clements  
Assistant Counsel in Charge, R/W

Michael J. Creighton  
Assistant Counsel in Charge

Dated: 12 Nov. 03

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

NO.

IN RE: CONDEMNATION BY  
THE COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF TRANSPORTATION,  
OF RIGHT-OF-WAY FOR  
STATE ROUTE 0219, SECTION 229,  
IN THE CITY OF DUBOIS AND  
THE TOWNSHIP OF SANDY

PRÆCIPICE TO ENTER APPEARANCE

Filed, \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_ A.M.      \_\_\_\_ P.M.

Commonwealth of Pennsylvania  
Department of Transportation

Office of Chief Counsel  
P. O. Box 8212  
Harrisburg PA 17105-8212  
Telephone Number (717) 787-3128

William A Shaw  
Prothonotary Clerk of Courts  
DECEMBER 3 2003  
FILED  
COURT OF PA  
pd. 85.00

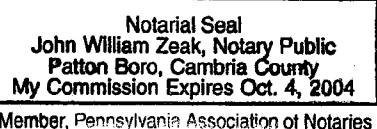
**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA**

IN RE: CONDEMNATION BY THE : NO. 1786-CD TERM, 2003  
COMMONWEALTH OF :  
PENNSYLVANIA, DEPARTMENT OF :  
TRANSPORTATION, OF THE :  
RIGHT-OF-WAY FOR STATE :  
ROUTE 2019, SECTION 229 : EMINENT DOMAIN PROCEEDING  
IN THE TOWNSHIP OF SANDY : IN REM

**PROOF OF SERVICE**

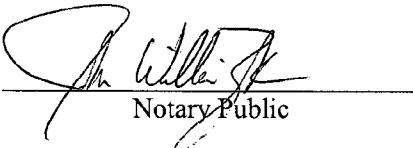
COMMONWEALTH OF PENNSYLVANIA :  
: ss:  
COUNTY OF Clearfield :  
:

Michael Hnat, being duly sworn according to law, deposes and says that he is District Right-of-Way Administrator of Engineering District 2-0, Department of Transportation, Commonwealth of Pennsylvania, and that on or before 12-13-03, notice of the filing of the declaration of taking in the above matter was served on the condemnees affected thereby in compliance with Article IV, Section 405, of the Eminent Domain Code, Act June 22, 1964, P.L. 84, as amended. A schedule of the condemnees so notified is attached hereto and made part hereof.



  
Michael Hnat  
District Right-of-Way Administrator

Sworn to and subscribed before me

  
\_\_\_\_\_  
Notary Public

My Commission Expires: 10-4-04

**FILED**

**DEC 16 2003**

William A. Shaw  
Prothonotary/Clerk of Courts

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

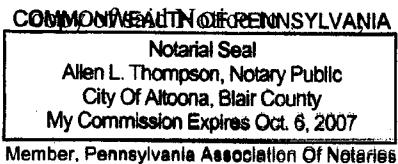
IN RE: CONDEMNATION BY THE : NO. 1786-CD TERM, 2003  
COMMONWEALTH OF :  
PENNSYLVANIA, DEPARTMENT OF :  
TRANSPORTATION, OF THE :  
RIGHT-OF-WAY FOR STATE :  
ROUTE 0219, SECTION 229 : EMINENT DOMAIN PROCEEDING  
IN THE TOWNSHIP OF SANDY : IN REM

**AFFIDAVIT OF SERVICE OF**  
**NOTICE OF FILING OF DECLARATION OF TAKING**

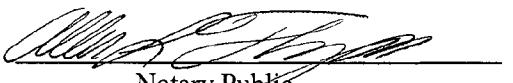
COMMONWEALTH OF PENNSYLVANIA :  
: SS  
COUNTY OF CLEARFIELD :

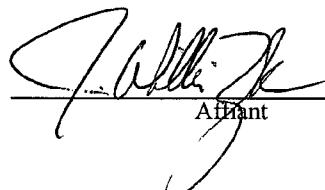
J. William Zeak, being duly sworn according to law, deposes and says that

1. He is an agent of Department of Transportation, Commonwealth of Pennsylvania, and that
2. On December 10, 2003, Notice of the Filing of the Declaration of Taking in the above matter was mailed by certified mail, in compliance with Article IV, Section 405, of the Eminent Domain Code, Act of June 22, 1964, P.L. 84, as amended, to Martin M. Belella & Marion C. Belella at RR#1 Box 214, Rockton, PA 15856, condemnees.
3. Said Notice was returned by the Post Office on or about marked . The envelope in which the said Notice was mailed and the Post Office Sender's Receipt and Return Card are attached hereto.
4. On , Notice of the said Declaration of Taking was served on the said condemnee(s) by handing a



Sworn to and Subscribed before me

  
Notary Public  
My Commission Expires: Oct. 6, 2007

  
Affiant

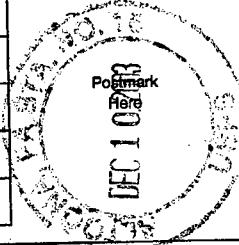
U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
*(Domestic Mail Only; No Insurance Coverage Provided)*

For delivery information visit our website at [www.usps.com](http://www.usps.com)®

**OFFICIAL USE**

3683 5598

Postage	\$ 129
Certified Fee	230
Return Receipt Fee (Endorsement Required)	175
Restricted Delivery Fee (Endorsement Required)	000
Total Postage & Fees	\$ 539


  
 Postmark  
 Rockton, PA  
 Dec 10

Sent To: Martin M. & Marian C. Belella  
 Street, Apt. No.: RR #1 Box 214  
 or PO Box No.  
 City, State, ZIP+4: Rockton, PA 15856

See Reverse for Instructions

PS Form 3800, June 2002

<b>SENDER: COMPLETE THIS SECTION</b> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li><input checked="" type="checkbox"/> Print your name and address on the reverse so that we can return the card to you.</li> <li><input checked="" type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul> <p>1. Article Addressed to:</p> <p style="text-align: center;">Martin M. Belella      Marian C. Belella      RR#1 Box 214      Rockton, PA      15856</p>	<b>COMPLETE THIS SECTION ON DELIVERY</b> <p>A. Signature</p> <p style="text-align: center;"></p> <p><input checked="" type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)</p> <p style="text-align: center;">Theresa Belella 12-13-03</p> <p>C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes      If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>2. Article Number:      (Transfer from service label)</p> <p style="text-align: right;">7003 1010 0003 3683 5598</p> <p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
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PS Form 3811, August 2001      Domestic Return Receipt      102595-02-M-1540

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

IN RE: CONDEMNATION BY THE : NO. 1787-CD TERM, 2003  
COMMONWEALTH OF :  
PENNSYLVANIA, DEPARTMENT OF :  
TRANSPORTATION, OF THE :  
RIGHT-OF-WAY FOR STATE :  
ROUTE 0219, SECTION 229 : EMINENT DOMAIN PROCEEDING  
IN THE TOWNSHIP OF SANDY : IN REM

**AFFIDAVIT OF SERVICE OF**  
**NOTICE OF FILING OF DECLARATION OF TAKING**

COMMONWEALTH OF PENNSYLVANIA :  
: SS  
COUNTY OF CLEARFIELD :

J. William Zeak, being duly sworn according to law, deposes and says that

1. He is an agent of Department of Transportation, Commonwealth of Pennsylvania, and that
2. On , Notice of the Filing of the Declaration of Taking in the above matter was mailed by certified mail, in compliance with Article IV, Section 405, of the Eminent Domain Code, Act of June 22, 1964, P.L. 84, as amended, to , condemnees.
3. Said Notice was returned by the Post Office on or about marked . The envelope in which the said Notice was mailed and the Post Office Sender's Receipt and Return Card are attached hereto.
4. On December 9, 2003, Notice of the said Declaration of Taking was served on the said condemnee(s) by ~~POSING~~  
~~handing~~ a copy of said Notice to The property , located at Station 68+663 Right to Station 68+677 Right, along SR 0219, Section 229, DuBois, PA.

COMMONWEALTH OF PENNSYLVANIA  
Notarial Seal  
Allen L. Thompson, Notary Public  
City Of Altoona, Blair County  
My Commission Expires Oct. 6, 2007

Member, Pennsylvania Association Of Notaries  
Sworn to and Subscribed before me

  
Notary Public  
My Commission Expires: Oct 6 2007

  
\_\_\_\_\_  
Affiant

**FILED**

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DEC 16 2003

cc Penn Dot

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: CONDEMNATION BY  
THE COMMONWEALTH OF  
PENNSYLVANIA, DEPARTMENT  
OF TRANSPORTATION,  
OF RIGHT-OF-WAY FOR  
STATE ROUTE 0219, SECTION 229,  
IN THE CITY OF DUBOIS AND  
THE TOWNSHIP OF SANDY

NO. 031786-CD TERM, 20

EMINENT DOMAIN PROCEEDING  
IN REM

MEMORANDUM TO PROTHONOTARY

You are hereby informed that notice of the condemnation effected by the Declaration  
of Taking filed to the above term and number on 12/03/03  
was recorded in the office of the Recorder of Deeds of the above county in  
Inst. # 200321901 , page(s)

The condemnation book and page number, file number, or microfilm number of  
any property plat filed or microfilmed separately from the said Notice of Condemnation  
is shown on the list of property condemned which is attached hereto.

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION

BY



District Right-of-Way Administrator  
Engineering District 2-0

FILED

DEC 16 2003

William A. Shaw  
Prothonotary/Clerk of Courts

**COMMONWEALTH OF PENNSYLVANIA**  
**DEPARTMENT OF TRANSPORTATION**



**SCHEDULE OF PROPERTY CONDEMNED**

(Declaration of Taking)

Page 1 of 1

REMIS Proj. No.	020094
County	Clearfield
Fed. Proj. No.	Q92-1134-101
Municipality	Sandy Twp / DuBois
Route-Sec.	SR 0219 Sec 229

<b>* TYPE OF DESCRIPTION</b>	
D-	Deed Description
P-	Plan lodged for recording with Notice of Condemnation
R-	Plan now recorded in Recorder's Office

Parcel No.	Claim Number	Name, Mailing Address, Property Interest of Condemnees, and Location of Condemned Property	Attached Exhibit Number (if any)	*Type of Description	Plan (if any) Recorded in
40	17002040000	Unknown Owner Location of Property S.R. 0219 Section 229 Sandy Township & City fo DuBois, Blair County, Pennsylvania Station 68 + 663 Right to Station 68 + 677 Right		R	Clearfield County Recorder of Deeds Office, Instrument Number 200314816, Sheets 20 and 29
36	17002000000	Martin M. Belella & Marian C. Belella, Husband & Wife, R.R. 1 Box 214 Rockton, PA 15856 Location of Property: Deed Book 1838 Page 562		R	Clearfield County Recorder of Deeds Office, Instrument Number 200314816, Sheets 23, 24, 25, and 29

FILED  
OCT 10 2003  
DEC 16 2003  
PennDot

William A. Shaw  
Prothonotary/Clerk of Courts

*W.A. Shaw*

IN RE: CONDEMNATION BY THE  
COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF TRANSPORTATION, OF  
RIGHT OF WAY FOR STATE ROUTE 0219,  
SECTION 229, IN THE TOWNSHIP OF  
SANDY AND THE CITY OF DUBOIS  
CLAIM NO. 17002040000

: IN THE COURT OF COMMON PLEAS  
: CLEARFIELD COUNTY, PA  
: EMINENT DOMAIN PROCEEDINGS  
: IN REM  
: NO. 03-1786-CD

ORDER

AND NOW, this 20<sup>th</sup> day of April, 2004, upon  
presentation of the Petition to Deposit Estimated Just Compensation, it is **ORDERED**  
and **DIRECTED** that the sum of \$500.00, representing the amount of just compensation  
estimated by the Commonwealth of Pennsylvania, Department of Transportation and  
the Commonwealth's pro-rata share of real estate taxes due the condemnees and/or  
interested parties on the subject property shown on the attached Proposed Schedule of  
Distribution, be paid into Court in an interest bearing account. It is further **ORDERED**  
that the sum shall be held until further Order of Court directing full or partial payment to  
the condemnees and/or interested parties entitled to it pursuant to Sections 1-407, 1-  
521 and/or 1-522 of the Eminent Domain Code of 1964, as amended, 26 P.S. Sections  
1-407, 1-521 and/or 1-522, as applicable.

BY THE COURT:



FILED

APR 20 2004

William A. Shaw  
Prothonotary/Clerk of Courts

**FILED**

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IN RE: CONDEMNATION BY THE  
COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF TRANSPORTATION, OF  
RIGHT OF WAY FOR STATE ROUTE 0219,  
SECTION 229, IN THE TOWNSHIP OF  
SANDY AND THE CITY OF DUBOIS

CLAIM NO. 17002040000

: IN THE COURT OF COMMON PLEAS  
: CLEARFIELD COUNTY, PA  
:  
: EMINENT DOMAIN PROCEEDINGS  
: IN REM  
:  
: NO. 03-1786-CD

**FILED**

APR 19 2004

William A. Shaw  
Prothonotary/Clerk of Courts

**PETITION TO DEPOSIT ESTIMATED JUST COMPENSATION**

TO THE HONORABLE, THE JUDGES OF THE SAID COURT:

1. The Department of Transportation is an administrative agency of the Commonwealth of Pennsylvania, with offices at P.O. Box 8212, Harrisburg, Pennsylvania, 17105-8212.

2. On December 3, 2003 a Declaration of Taking was filed to the above-captioned court term and number by the Secretary of Transportation.

3. The Commonwealth has been unable to make payment because claimant is unknown.

4. A draft in the total amount of just compensation due the condemnee, as estimated by the Commonwealth, and the Commonwealth's pro-rata share of taxes on the subject property made payable to the Prothonotary of this Court is attached hereto.

5. I, Amanda G. Phily, Assistant Counsel, do affirm that I am authorized to execute this Petition to Deposit Estimated Just Compensation on behalf of the Commonwealth of Pennsylvania, Department of Transportation, that the averments contained and set forth herein are true and correct to the best of my knowledge, information and belief and that they are made subject to the penalties provided in 18 Pa. C.S. §4909, relating to unsworn falsification to authorities.

WHEREFORE, in order to assure possession of the condemned property, if required, by your Petitioner to which is entitled under Section 1-407, of the Eminent Domain Code of 1964, *as amended* 26 P.S. §1-407, your Petitioner prays that your Honorable Court direct payment of the aforesaid estimated just compensation and the Commonwealth's pro-rata share of the taxes on the subject property into Court, to be held until further Order of Court directing payment of said amount, or any part thereof, to the said condemnee and/or interested parties entitled thereto pursuant to Sections 1-407, 1-521 and/or 1-522, of the said Code, 26 P.S. §§1-407, 1-521 and/or 1-522, as applicable.

Respectfully submitted,



Amanda G. Phily  
Assistant Counsel  
Supreme Court ID No. 80772  
Commonwealth of Pennsylvania  
Department of Transportation  
P.O. Box 8212  
Harrisburg, PA 17105-8212



## PROPOSED SCHEDULE OF DISTRIBUTION

NAME(S) & ADDRESS(ES) OF CONDEMNEE(S); LOCATION OF PROPERTY(IES)	ESTIMATED JUST COMPENSATION					ENCUMBRANCES, TAXES, ETC.	NET DUE TO CONDEMNEE
	TYPE	DATE OF RECORD	PLACE OF RECORD	NAME OF LIENOR	RECORD AMOUNT DUE	ACTUAL AMOUNT DUE	
Unknown Owner	EJC 500.00			Commonwealth Pro-Rata Share Real Estate Taxes			
Unknown Mailing Address							

Location of Property:  
SR 0219 Sec 229  
Sandy Township and  
City of DuBois,  
Clearfield County, PA  
Station 68 + 663 Right to  
Station 68 + 677 Right

Total  
500.00

0.00

Subject to possible unliened, unpaid municipal claims and taxes.

REMS No.	020094
County	Clearfield
Route-Sec.	0219-229
Claim No.	17002040000
Parcel No.	40

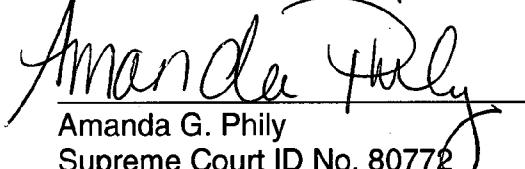
IN RE: CONDEMNATION BY THE : IN THE COURT OF COMMON PLEAS  
COMMONWEALTH OF PENNSYLVANIA, : CLEARFIELD COUNTY, PA  
DEPARTMENT OF TRANSPORTATION, OF :  
RIGHT OF WAY FOR STATE ROUTE 0219, : EMINENT DOMAIN PROCEEDINGS  
SECTION 229, IN THE TOWNSHIP OF : IN REM  
SANDY AND THE CITY OF DUBOIS :  
CLAIM NO. 17002040000 : NO. 03-1786-CD

**SWORN STATEMENT AS TO NOTICE OF PRESENTATION OF PETITION TO**  
**DEPOSIT ESTIMATED JUST COMPENSATION**

I, Amanda G. Phily, Assistant Counsel, affirm that I am authorized to execute this sworn statement on behalf of the Commonwealth of Pennsylvania, Department of Transportation, that the statements contained and set forth herein are true and correct to the best of my knowledge, information and belief and that they are made subject to the penalties provided by 18 Pa. C.S. §4909 relating to false swearing to authorities.

Notice was published on December 16, 2003 in the Dubois Courier-Express and February 13, 2004 in the Clearfield County Legal Journal and posted on December 9, 2003 on the subject property listed on the attached Schedule, to the effect that a Petition to Deposit Estimated Just Compensation to the above term and number would be presented to the Court of Common Pleas of the above county after April 2, 2004.

Respectfully Submitted,



Amanda G. Phily  
Supreme Court ID No. 80772  
Pennsylvania Department of Transportation  
Office of Chief Counsel  
P.O. Box 8212  
Harrisburg, PA 17105-8212

FILED *cc* *Philadelphia*

*APR 15 2004*  
APR 19 2004

William A. Shaw  
Prothonotary/Clerk of Courts

5 FILED *2cc AM*  
05/11/2011 *parkas*  
MAY 12 2011

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: CONDEMNATION BY THE  
COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF TRANSPORTATION,  
OF RIGHT OF WAY FOR STATE,  
ROUTE 4019, SECTION 229, IN THE  
TOWNSHIP OF SANDY AND THE CITY  
OF DUBOIS

EMINENT DOMAIN PROCEEDINGS

NO. 03-1786-CD

Claim No. 17002040000

**PETITION TO PAY THE COMMONWEALTH  
OF PENNSYLVANIA, DEPARTMENT OF  
TRANSPORTATION THE UNDISTRIBUTED  
ESTIMATED JUST COMPENSATION  
DEPOSITED INTO COURT**

Filed on Behalf of:

COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF TRANSPORTATION

Counsels of Record for this Party:

Denise H. Farkas, Jr.  
Assistant Counsel  
Pa. I.D. 82072  
Office of Chief Counsel  
1209 State Office Building  
300 Liberty Avenue  
Pittsburgh, PA 15222  
(412) 565-7555

Kelly Solomon  
Assistant Counsel  
Commonwealth of Pennsylvania  
Department of Transportation  
P.O. Box 8212  
Harrisburg, PA 17105-8212

IN RE: CONDEMNATION BY THE  
COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF TRANSPORTATION, OF  
RIGHT OF WAY FOR STATE ROUTE 0219,  
SECTION 229, IN THE TOWNSHIP OF  
SANDY AND THE CITY OF DUBOIS : IN THE COURT OF COMMON PLEAS  
CLM NO. 17002040000 : CLEARFIELD COUNTY, PA  
: : EMINENT DOMAIN PROCEEDINGS  
: IN REM  
: : NO. 03-1786-CD

**PETITION TO PAY THE COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT  
OF TRANSPORTATION THE UNDISTRIBUTED ESTIMATED JUST  
COMPENSATION DEPOSITED INTO COURT**

TO THE HONORABLE JUDGE OF SAID COURT:

Petitioner, the Commonwealth of Pennsylvania, Department of Transportation,  
respectfully represents that:

1. The Department of Transportation ("Commonwealth") is a Department of the Commonwealth of Pennsylvania, with offices at P.O. Box 8212, Harrisburg, Pennsylvania, 17105-8212.
2. On December 3, 2003, the Commonwealth filed a Declaration of Taking, condemning, *inter alia*, certain real property owned by Unknown owner. ("condemnee").
3. On April 20, 2004, upon Petition of the Commonwealth, this Honorable Court ordered and directed that the sum of \$500.00, representing the just compensation estimated by the Commonwealth to be due condemnee in the above-captioned case, be deposited into Court.
4. At the time the Commonwealth filed its Petition to Deposit Estimated Just Compensation, there were no liens and/or encumbrances against the property, as shown on the attached Proposed Schedule of Distribution.
5. The sum of \$500.00 remains deposited.

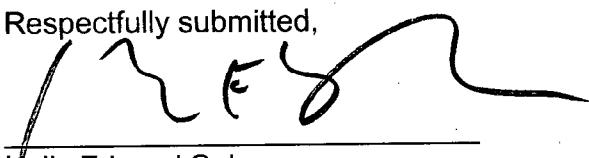
6. No fee shall be charged against these funds. 26 P.S. §1-522; *City of Pittsburgh v. Imler Supply Company*, 471 A.2d 591(Pa. Cmwlth. 1984).

7. Pursuant to 26 P.S. §1-522, if no petition is presented by any party in interest within a period of five years of the date of payment into court, the court shall order the fund or any balance remaining to be paid to the Commonwealth without escheat.

8. I, Kelly Edward Solomon, Assistant Counsel, affirm that I am authorized to execute this Petition to Pay the Commonwealth of Pennsylvania, Department of Transportation the Undistributed Estimated Just Compensation Deposited into Court on behalf of the Commonwealth, that the averments set forth in this Petition are true and correct to the best of my knowledge, information and belief and that they are made subject to the penalties provided in 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

**WHEREFORE**, your Petitioner respectfully requests that this Honorable Court order and direct that the sum of \$500.00, representing the amount of estimated just compensation due to condemnee which remains undistributed, together with any accrued interest, be paid to the Commonwealth of Pennsylvania, Department of Transportation, without escheat, as provided in Article V, Section 522 of the Eminent Domain Code, 26 P.S. §1-522, as amended.

Respectfully submitted,



---

Kelly Edward Solomon  
Assistant Counsel  
I.D. No. 85714  
Commonwealth of Pennsylvania  
Department of Transportation  
Office of Chief Counsel  
P.O. Box 8212  
Harrisburg, PA 17105-8212  
717-787-3128  
ksolomon@state.pa.us



### PROPOSED SCHEDULE OF DISTRIBUTION

NAME(S) & ADDRESS(ES) OF CONDEEMEE(S); LOCATION OF PROPERTY(IES)	ENCUMBRANCES, TAXES, ETC.						NET DUE TO CONDEEMEE	
	ESTIMATED JUST COMPENSATION	TYPE	DATE OF RECORD	PLACE OF RECORD	NAME OF LIENOR	RECORD AMOUNT DUE	ACTUAL AMOUNT DUE	
Unknown Owner Unknown Mailing Address	EJC 500.00				Commonwealth Pro-Rata Share Real Estate Taxes	0.00		
Location of Property: SR 0219 Sec 229 Sandy Township and City of DuBois, Clearfield County, PA Station 68 + 663 Right to Station 68 + 677 Right				Total 500.00				

Subject to possible unliened, unpaid municipal claims and taxes.

REMIS No.	020094
County	Clearfield
Route- Sec.	0219-229
Claim No.	17002040000
Parcel No.	40

IN RE: CONDEMNATION BY THE  
COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF TRANSPORTATION, OF  
RIGHT OF WAY FOR STATE ROUTE 0219,  
SECTION 229, IN THE TOWNSHIP OF  
SANDY AND THE CITY OF DUBOIS

CLAIM NO. 17002040000

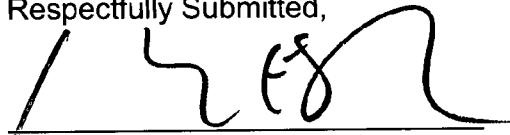
: IN THE COURT OF COMMON PLEAS  
: CLEARFIELD COUNTY, PA  
:  
: EMINENT DOMAIN PROCEEDINGS  
: IN REM  
:  
:  
: NO. 03-1786-CD

**SWORN STATEMENT AS TO NOTICE OF PRESENTATION OF PETITION TO  
DEPOSIT ESTIMATED JUST COMPENSATION**

I, Kelly E. Solomon, Assistant Counsel of the Right of Way Section, affirm that I am authorized to execute this sworn statement on behalf of the Commonwealth of Pennsylvania, Department of Transportation, that this statement is true and correct to the best of my knowledge, information and belief and that it is made subject to the penalties provided by 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities

As the condemnee is not locatable, notice regarding estimated just compensation was published on December 16, 2003 in the Dubois Courier-Express and February 13, 2004 in the Clearfield County Legal Journal and posted on December 9, 2003 on the subject property. Information regarding estimated just compensation was included in the notice.

Respectfully Submitted,



Kelly Edward Solomon  
Supreme Court ID No. 85714  
Commonwealth of Pennsylvania  
Pennsylvania Department of Transportation  
Office of Chief Counsel  
P.O. Box 8212  
Harrisburg, PA 17105-8212

IN RE: CONDEMNATION BY THE : IN THE COURT OF COMMON PLEAS  
COMMONWEALTH OF PENNSYLVANIA, : CLEARFIELD COUNTY, PA  
DEPARTMENT OF TRANSPORTATION, OF :  
RIGHT OF WAY FOR STATE ROUTE 0219, : EMINENT DOMAIN PROCEEDINGS  
SECTION 229, IN THE TOWNSHIP OF : IN REM  
SANDY AND THE CITY OF DUBOIS :  
:  
CLAIM NO. 17002040000 : NO. 03-1786-CD

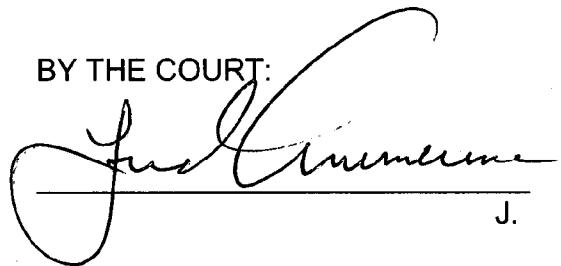
**ORDER**

AND NOW, 12<sup>th</sup> day of May 2011, upon

presentation of the Commonwealth's Petition, it is **ORDERED** and **DIRECTED** that the undistributed amount of estimated just compensation due to Unknown owner, that was previously deposited into Court, shall be paid to the Pennsylvania Department of Transportation without escheat in accordance with 26 P.S. §1-522.

It is further ordered that the Prothonotary make a check payable to the Commonwealth of Pennsylvania, Department of Transportation in the amount of \$500.00, together with any accrued interest, deliver it to Denise H. Farkas, attorney for the Commonwealth of Pennsylvania, and mark the record accordingly.

BY THE COURT:

  
J. Shaw

5/12/2011  
FILED ACC ATT  
Farkas  
MAY 12 2011

William A. Shaw  
Prothonotary/Clerk of Courts  
1329 in the  
amount of \$525.92 to  
Commonwealth

VOID VOID



183773

REMITTER:

NO 031786 CD CLAIM 17002040000 5/12/11

VOID

PAY TO THE  
ORDER OF  
CLEARFIELD COUNTY PROTHONOTARY

EXACTLY \*\*525 AND 92/100 DOLLARS

\$

\$525.92

VOID

**CASHIER'S CHECK**

THE PURCHASE OF AN INDEMNITY BOND WILL BE REQUIRED BEFORE ANY  
CASHIER'S CHECK OF THIS BANK WILL BE REPLACED OR REFUNDED IN THE  
EVENT IT IS LOST, MISPLACED, OR STOLEN.

VOID

AUTHORIZED SIGNATURE

*Bonnie Lekberg*

00000183773 031306294 190000027

183773



CLEARFIELD BANK  
&  
TRUST COMPANY

REMITTER:

NO 031786 CD CLAIM 17002040000 5/12/11

CLEARFIELD COUNTY PROTHONOTARY  
EXACTLY \*\*525 AND 92/100 DOLLARS

\$

\$525.92

CUSTOMER - FILE COPY

*Be*

**CASHIER'S CHECK**

AUTHORIZED SIGNATURE

NOT NEGOTIABLE

1329

VOID 60 DAYS  
FROM DATE OF ISSUE

60-629/313

MAY 12, 2011

CLEARFIELD COUNTY PROTHONOTARY 7-83  
ALLEN F. WILLIAM A. SHAW  
ESCROW ACCOUNT  
P.O. BOX 549  
CLEARFIELD, PA 16830

PAY  
TO THE  
ORDER OF Commonwealth of Pennsylvania, Dept. of Trans. \$ 525.92  
FIVE HUNDRED TWENTY-FIVE AND 92/100 DOLLARS



Main Office  
11 North 2nd Street  
Clearfield, PA 16830

IMMA

FOR 2003-1786-CD

10313062941 1 2 26577 210 1329

Date: 5/12/2011  
Time: 03:47 PM

Clearfield County Court of Common Pleas  
Receipt

NO. 1822259  
Page 1 of 1

Received of: Commonwealth of Pennsylvania \$ 0.07

Department of Transportation  
Harrisburg, PA 17104

Zero and 07/100 Dollars

Subject: IN RE: Commonwealth of Pennsylvania, et al.

Case	Litigant type	Amount
2003-01786-CD	Subject	
	Trust account	0.07
		Total: 0.07

Payment Method: Combination  
Amount Tendered: 0.07  
Change Returned: 0.00  
Clerk: BILLSHAW

William A. Shaw, Prothonotary/Clerk of Cou  
By: \_\_\_\_\_  
Deputy Clerk

Date: 5/12/2011  
Time: 03:48 PM

Clearfield County Court of Common Pleas  
Receipt

NO. 1822260  
Page 1 of 1

Received of: Commonwealth of Pennsylvania \$ 0.05

Department of Transportation  
Harrisburg, PA 17104

Zero and 05/100 Dollars

Subject: IN RE: Commonwealth of Pennsylvania, et al.

Case	Litigant type	Amount
2003-01786-CD	Subject	
	Trust account	0.05
		Total: 0.05

Payment Method: Direct Deposit William A. Shaw, Prothonotary/Clerk of Cou  
Amount Tendered: 0.05  
Change Returned: 0.00 By: \_\_\_\_\_  
Clerk: BILLSHAW Deputy Clerk