

04-141-CD
GEORGE MCCOY, ETAL. VS. WILLIAM DELACY, ETAL.

George McCoy et al vs. William Delacy et al
2004-141-CD

A

GEORGE McCOY; and	:	IN THE COURT OF COMMON PLEAS
LEONARD L. THOMPSON and	:	CLEARFIELD COUNTY,
DORIS E. MALINKY, Co-Executors	:	PENNSYLVANIA
of the ESTATE OF ISABEL	:	
THOMPSON, deceased,	:	
	:	
Plaintiffs,	:	
	:	
	:	CIVIL ACTION - LAW
vs.	:	
	:	
	:	No. 04-141-CD
WILLIAM DeLACY,	:	
WEST JOHNSTON and	:	
S. C. PATCHIN,	:	ACTION TO QUIET TITLE
their cumulative heirs, devisees,	:	
administrators, executors, assigns,	:	
and all other person, persons, firms,	:	
partnerships, or corporate entities	:	
in interest,	:	
	:	
Defendants.	:	

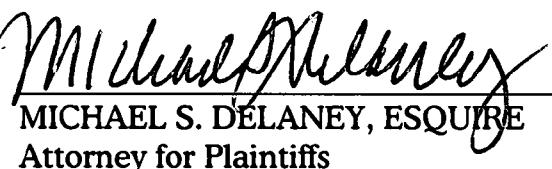
FILED

MAR 16 2004

William A. Shaw
Prothonotary/Clerk of Courts

MOTION FOR JUDGMENT

AND NOW, this 15th day of March, 2004, an Affidavit having been filed by the Plaintiffs, that the Complaint with Notice to Plead was served by publication on the Defendants, that the Plaintiffs, by their attorney, Michael S. Delaney, Esquire, move the Court to enter judgment in favor of the Plaintiffs and against the Defendants and to grant the Plaintiffs the relief for which they have prayed in accordance with the Pennsylvania Rules of Civil Procedure relating to Quieting of Title, Rule 1066 in particular. The Plaintiffs further request the Honorable Court to modify the thirty (30) day period in which the Defendants have to file an ejectment action to eliminate such thirty (30) day period in accordance with Pennsylvania Rule of Civil Procedure Number 248.


MICHAEL S. DELANEY, ESQUIRE
Attorney for Plaintiffs

FILED
M 10-17-04
MAR 16 2004
cc
Amy Delaney
William A. Shaw
Prothonotary/Clerk of Courts

GEORGE McCOY; and : IN THE COURT OF COMMON PLEAS
LEONARD L. THOMPSON and : CLEARFIELD COUNTY,
DORIS E. MALINKY, Co-Executors : PENNSYLVANIA
of the ESTATE OF ISABEL :
THOMPSON, deceased, :
Plaintiffs, :
vs. : CIVIL ACTION - LAW
: No. 04-141-CD
WILLIAM DeLACY, : ACTION TO QUIET TITLE
WEST JOHNSTON and :
S. C. PATCHIN, :
their cumulative heirs, devisees, :
administrators, executors, assigns, :
and all other person, persons, firms, :
partnerships, or corporate entities :
in interest, :
Defendants. :
:

FILED

MAR 18 2004

William A. Shaw
Prothonotary/Clerk of Courts

ORDER OF COURT

AND NOW, this 17th day of March, 2004, an Affidavit of Service of the Complaint having been filed and no answer or other pleading or appearance having been made by any of the Defendants, the Court, upon Motion of Michael S. Delaney, Esquire, Attorney for the Plaintiffs herein, ORDERS AND DECREES:

That the property subject to this Quiet Title Action is ALL that certain tract of 72 acres, more or less, situate in Beccaria Township, Clearfield County, Pennsylvania, bounded and described as follows:

COMMENCING at a maple, now a post; thence by land of now Calwell Estate, North 52° 15' East 104 rods to stone on Luell line; thence by land of Dotts and Wright, North 82° West 178 rods to a post on the William Holton Estate; thence by the same, South 2° West 91.2 rods to stone on tract line of Herman Witmer; thence by the same, South 89° East 94 rods to the place of beginning. CONTAINING 80 acres, more or less.

EXCEPTING AND RESERVING therefrom 8 acres conveyed by Theron Bloom; one acre conveyed to H. C. Hollingsworth; all coal and other mineral rights, together with mining rights, as more specifically outlined in the deed of W. Allen Straw to W. H. DeLacy, dated October 27, 1920, and recorded in Deed Book Volume 246, page 286.

KNOWN as Clearfield County Assessment Parcel Number 101-H16-2.

That title to said property is in George McCoy; and Leonard L. Thompson and Doris E. Malinky, Co-Executors of the Estate of Isabel Thompson, deceased, Plaintiffs herein, as set forth in the Complaint in fee simple and absolutely;

That the Defendants, their administrators, executors, heirs, devisees, assigns, successors, and all other person, persons, firms, partnerships, or corporate entities in interest or legal representatives, are forever barred from asserting any right, title, lien, interest or claim whatsoever in the said premises in question that is inconsistent with the interest of the said Plaintiffs, George McCoy; and Leonard L. Thompson and Doris E. Malinky, Co-Executors of the Estate of Isabel Thompson, deceased, as set forth in the Complaint, to the said premises, or impeaching, denying, or in any other way attacking said Plaintiffs' title to the said premises.

AND that the thirty (30) day provision in Pennsylvania Rule of Civil Procedure 1066(b)(1) is modified so as to eliminate the said thirty (30) day time period in which the Defendants would otherwise be entitled to take further action. Said modification is in accordance with authority vested in this Court by virtue of Pennsylvania Rule of Civil Procedure Number 248.

BY THE COURT:

A handwritten signature in black ink, appearing to read "James", is written over a horizontal line. To the right of the signature, the letter "J." is handwritten.

FILED
MAR 18 2004
William A. Shaw
Prothonotary/Clerk of Courts
S. A. Attorney
cc

GEORGE McCOY; and
LEONARD L. THOMPSON and
DORIS E. MALINKY, Co-Executors
of the ESTATE OF ISABEL
THOMPSON, deceased,

Plaintiffs,

vs.

WILLIAM DeLACY,
WEST JOHNSTON and
S. C. PATCHIN,
their cumulative heirs, devisees,
administrators, executors, assigns,
and all other person, persons, firms,
partnerships, or corporate entities
in interest,

Defendants.

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL ACTION - LAW

No. 04-141-CD

ACTION TO QUIET TITLE

FILED

MAR 16 2004

William A. Shaw
Prothonotary/Clerk of Courts

MOTION FOR JUDGMENT

AND NOW, this 15th day of March, 2004, an Affidavit having been filed by the Plaintiffs, that the Complaint with Notice to Plead was served by publication on the Defendants, that the Plaintiffs, by their attorney, Michael S. Delaney, Esquire, move the Court to enter judgment in favor of the Plaintiffs and against the Defendants and to grant the Plaintiffs the relief for which they have prayed in accordance with the Pennsylvania Rules of Civil Procedure relating to Quieting of Title, Rule 1066 in particular. The Plaintiffs further request the Honorable Court to modify the thirty (30) day period in which the Defendants have to file an ejectment action to eliminate such thirty (30) day period in accordance with Pennsylvania Rule of Civil Procedure Number 248.

Michael S. Delaney
MICHAEL S. DELANEY, ESQUIRE
Attorney for Plaintiffs

GEORGE McCOY; and	:	IN THE COURT OF COMMON PLEAS
LEONARD L. THOMPSON and	:	CLEARFIELD COUNTY,
DORIS E. MALINKY, Co-Executors	:	PENNSYLVANIA
of the ESTATE OF ISABEL	:	
THOMPSON, deceased,	:	
	:	
Plaintiffs,	:	
	:	
vs.	:	CIVIL ACTION - LAW
	:	
	:	No. 04-141-CD
WILLIAM DeLACY,	:	
WEST JOHNSTON and	:	
S. C. PATCHIN,	:	ACTION TO QUIET TITLE
their cumulative heirs, devisees,	:	
administrators, executors, assigns,	:	
and all other person, persons, firms,	:	
partnerships, or corporate entities	:	
in interest,	:	
	:	
Defendants.	:	

FILED

MAR 16 2004

AFFIDAVIT OF SERVICE

William A. Shaw
Prothonotary/Clerk of Courts

COMMONWEALTH OF PENNSYLVANIA	:	
	:	ss.
COUNTY OF INDIANA	:	

MICHAEL S. DELANEY, ESQUIRE, being duly sworn according to law, deposes and says that he is the attorney of record for the Plaintiffs in the above action, and makes this Affidavit on their behalf being authorized to do so, hereby swearing and attesting to the following facts: that a Complaint in Action to Quiet Title, endorsed with Notice to Plead within twenty (20) days from the services thereof, was filed in the Office of the Prothonotary of Clearfield County, Pennsylvania, at No. 04-141-CD; that on the 5th day of February, 2004, the said Court made an Order that service be made upon the Defendants set forth in above-captioned matter by publication; that said Notice, as ordered by said Court, was published one (1) time in The Progress, of Clearfield, Pennsylvania, on the 12th day of February, 2004, as shown by the Proof of Publication of The Progress, which is attached hereto and made a part hereof; that said

Notice, as ordered by said Court, was published one (1) time in the Clearfield County Legal Journal, of Clearfield, Pennsylvania, on the 20th day of February, 2004, as shown by the Proof of Publication of the Clearfield County Legal Journal, which is attached hereto and made a part hereof; that the Complaint was served on the above-named Defendants by publication and that the Defendants have not filed an answer thereto, or otherwise entered an appearance or plead, although the time in which to do so has elapsed.



MICHAEL S. DELANEY, ESQUIRE
Attorney for Plaintiffs

Sworn to and subscribed

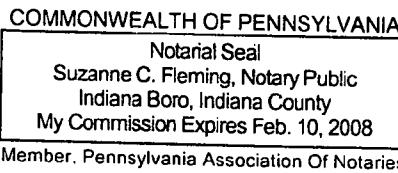
before me this 15th day

of March, 2004.



NOTARY PUBLIC

My Commission Expires:



administrators, executors . . assigns, and all other persons, persons, firms, partnerships, or corporate entities in interest, averring that they are the owners of all that certain tract of 72 acres, more or less, situate in Beccaria Township, Clearfield County, Pennsylvania, bounded and described as follows:

COMMENCING at a maple, now a post; thence by land of now Calwell Estate, North 52° 15' East 104 rods to stone on Luell line, thence by land of Dotts and Wright, North 82° West 178 rods to a post on the William Holton Estate; thence by the same, South 2° West 91.2 rods to stone on tract line of Herman Witmer; thence by the same South 89° East 94 rods to the place of beginning. CONTAINING 80 acres, more or less.

EXCEPTING AND RESERVING therefrom 8 acres conveyed by Theron Bloom; one acre conveyed to H. C. Hollingsworth; all coal and other mineral rights, together with mining rights, as more specifically outlined in the deed of W. Allen Straw to W. H. DeLacy, dated October 27, 1920, and recorded in Deed Book Volume 246, page 286.

KNOWN as Clearfield County Assessment Parcel Number 101-H16-2.

The Plaintiffs claim absolute ownership in the said tract of land; that the Plaintiffs have instituted suit in order to have their interest in said premises adjudicated and that the Defendants be forever barred from asserting any rights, lien, title or interest in the said land inconsistent with the interest of the Plaintiffs as set forth in the Complaint.

YOU ARE NOTIFIED TO APPEAR AND ANSWER THE SAID COMPLAINT ON SAID ACTION WITHIN TWENTY (20) DAYS OF THIS NOTICE, OTHERWISE, JUDGMENT WILL BE ENTERED AGAINST YOU BARRING YOU FROM ANY CLAIMS, RIGHTS, OR INTEREST INCONSISTENT THEREWITH.

Michael S. Delaney, Esquire
936 Philadelphia Street
Indiana, PA 15701
Attorneys for Plaintiffs

GOSS AND BETTIE A. GOSS, ET AL
v.
WASHINGTON MUTUAL
BANK, FA, S/B/M TO WASHING-
TON MUTUAL HOME LOANS,
INC.

JUDGMENT NO. 03-1533-CD.

TERMS OF SALE

The price or sum at which the property shall be struck off must be paid at the time of sale or such other arrangements made as will be approved, otherwise the property will be immediately put up and sold again at expense and risk of the person to whom it was struck off and who in case of deficiency of such resale shall make good for the same and in no instance will the deed be presented for confirmation unless the money is actually paid to the Sheriff.

TO all parties in interest and claimants:

A schedule of distribution will be filed by the Sheriff in his office the first Monday following the date of the sale and distribution will be made in accordance with the schedule unless exceptions are filed within ten (10) days thereafter.

SHERIFF'S OFFICE
CLEARFIELD, PA 16830
(814) 765-2641, Ext. 1361
CHESTER A. HAWKINS,
SHERIFF

2:12-19-26-b

ESTATE NOTICE

NOTICE IS HEREBY GIVEN that Letters Testamentary on the Estate of FRANK W. LONG and the Estate of CELESTIA W. LONG, both being Late of Clearfield, Clearfield County, Pennsylvania, have been granted to GAIL L. ADAMS, Executrix. Anyone owing said estate or having claims against said estate are requested to present the same to:

Gail L. Adams
2530 Meadow Road
Clearfield, PA 16830

Or

R. Denning Gearhart, Esquire
215 East Locust Street
Clearfield, PA 16830

2:5-12-19-b

IN THE COURT
OF COMMON PLEAS
CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL ACTION-LAW
No. 04-141-CD
ACTION TO
QUIET TITLE
GEORGE McCLOY; and
LEONARD L. THOMPSON and
DORIS E. MALINKY;
Co-Executors
of the
ESTATE OF
ISABEL THOMPSON,
deceased,
Plaintiffs,
vs.
WILLIAM DeLACY,
WEST JOHNSTON and
S. C. PATCHIN,
their cumulative heirs,
devisees, administrators,
executors, assigns,
and all other persons,
firms, partnerships, or
corporate entities
in interest,
Defendants.

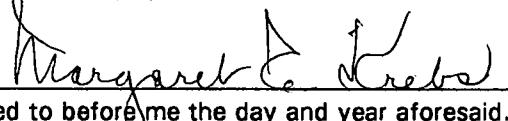
NOTICE
TO THE DEFENDANTS: WILLIAM DeLACY, WEST JOHNSTON and
S. C. PATCHIN, their cumulative heirs, devisees, administrators,
executors, assigns, and all other persons, firms, partnerships,
or corporate entities in interest.

TAKE NOTICE that at No.
04-141-CD, in the Court of Common Pleas of Clearfield County,
Pennsylvania, George McCoy; and
Leonard L. Thompson and Doris E.
Malinky, Co-Executors of the Estate of Isabel Thompson deceased,
Plaintiffs, filed this Complaint
against you, your heirs, devisees

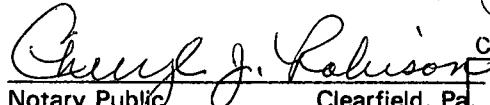
PROOF OF PUBLICATION

STATE OF PENNSYLVANIA : :
COUNTY OF CLEARFIELD : :

On this 18th day of February, A.D. 20 04,
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 February 12, 2004.
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

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Clearfield, Pa.

Cheryl J. Robison, Notary Public

Clearfield Boro, Clearfield County

My Commission Expires Oct. 31, 2007

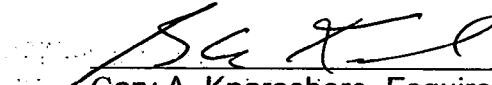
Member, Pennsylvania Association of Notaries

My Commission Expires
October 31, 2007

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :
:
COUNTY OF CLEARFIELD :

On this 23rd day of February AD 2004, 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 February 20, 2004, No. 8. 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.

Sharon J. Pusey
Notary Public
My Commission Expires

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

Michael S Delaney
936 Philadelphia Street
Indiana PA 15701

FILED

no
cc

10/17/04

MAR 16 2004

William A. Shaw
Prothonotary, Clerk of Courts

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

GEORGE McCOY; and LOENARD L.
THOMPSON and DORIS E. MALINKY, CO-
Executors of the ESTATE OF ISABEL
THOMPSON, Deceased, Plaintiffs vs.
WILLIAM DeLACY, WEST JOHNSTON and
S.C. PATCHIN, their cumulative heirs,
devisees, administrators, executors and
assigns, and all other person, persons,
firms, partnerships or corporate entities in

AVIA TWILA RUTH JONES
Late of Decatur Township
Executor: **WAYNE HAROLD JONES**
Attorney: **JEAN ALDRICH**
49 Burge Street
Philipsburg, PA 16866

LONG, FRANK W., Dec'd
LONG, CELESTIA W., Dec'd
Late of Clearfield
Executrix: **GAIL L. ADAMS**
Attorney: **R. DENNING GEARHART**
215 East Locust Street
Clearfield, PA 16830

interest, Defendants.
ACTION TO QUIET TITLE
No. 2004-141-CD

NOTICE

TO THE DEFENDANTS: WILLIAM DeLACY, WEST JOHNSTON and S.C. PATCHIN, their cumulative heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest:

TAKE NOTICE that at No. 04-141-CD, in the Court of Common Pleas of Clearfield County, Pennsylvania, George McCoy; and Leonard L. Thompson and Doris E. Malinky, Co-Executors of the Estate of Isabel Thompson deceased, Plaintiffs, filed this Complaint against you, your heirs, devisees, administrators, executors assigns, and all other persons, persons, firms, partnerships, or corporate entities in interest, averring that they are the owners of all that certain tract of 72 acres, more or less, situate in Beccaria Township, Clearfield County, Pennsylvania, bounded and described as follows:

COMMENCING at a maple, now a post; thence by land of now Calwell Estate, North 52 degrees 15' East 104 rods to stone on Luell line; thence by land of Dotts and Wright, North 82 degrees West 178 rods to a post on the William Hilton Estate; thence by the same, South 2 degrees West 91.2 rods to stone on tract line of Herman Witmer; thence by the same, South 89 degrees East 94 rods to the place of beginning. CONTAINING 80 acres or less.

EXCEPTING AND RESERVING therefrom 8 acres conveyed by Theron Bloom; one acre conveyed to H.C. Hollingsworth; all coal and other mineral rights, together with mining rights, as more specially outlined in the deed of W. Allen Straw to W. H. DeLacy, dated October 27, 1920, and recorded in Deed Book Volume 246, page 286.

KNOWN as Clearfield County Assessment Parcel Number 101-H16-2.

The Plaintiffs claim absolute ownership in the said tract of land; that the Plaintiffs have instituted suit in order to have their interest in said premises adjudicated and that the Defendants be forever barred from asserting any rights, lien, title or interest in the said land inconsistent with the interest of the Plaintiffs as set forth in the Complaint.

YOU ARE NOTIFIED TO APPEAR AND ANSWER THE SAID COMPLAINT ON SAID ACTION WITHIN TWENTY (20) DAYS OF THIS NOTICE, OTHERWISE, JUDGMENT WILL BE ENTERED AGAINST YOU BARRING YOU AND FROM ANY CLAIM, RIGHTS, OR INTEREST INCONSISTENT THEREWITH.

MICHAEL S. DELANEY, ESQUIRE, 936 Philadelphia Street, Indiana, PA 15701 Attorney for Plaintiffs.

THE FOLLOWING DESCRIBED
PROPERTY TO WIT: (SEE ATTACHED
DESCRIPTION) TERMS OF SALE

The Price of sum at which the property shall be struck off must be paid at the time of sale or such other arrangements made as will be approved, otherwise the property will be immediately put up and sold again at the expense and risk of the person to whom it was struck off and who in case of deficiency of such resale shall make good for the same and in no instance will the deed be presented for confirmation unless the money is actually paid to the Sheriff.

TO all parties in interest and claimants: A schedule of distribution will be filed by the Sheriff in his office the first Monday following the date of the sale and distribution will be made in accordance with the schedule unless exceptions are filed within ten (10) days thereafter.

THE FIRST THEREOF: ALL THAT CERTAIN tract of land designated as Lot No. 147, Section No. 16 "Bimini" in the Treasure Lake Subdivision, Sandy Township, Clearfield County, Pennsylvania, recorded in the Recorder of Deeds Office in Miscellaneous Docket Map File No. 25.

THE SECOND THEREOF: ALL THAT CERTAIN tract of land designated as Lot No. 146, Section 16 in the Treasure Lake Subdivision in Sandy Township, Clearfield County, Pennsylvania, recorded in Miscellaneous Docket Map File No. 25.

Tax Parcel #128-C02-15-147-21

Tax Parcel #128-C02-15-146-21

TITLE TO SAID PREMISES IS
VESTED IN Vincent A. DeChurch Jr., a/k/a
Vince A. DeChurch, Jr. and Deborah L.
DeChurch, husband and wife by Deed from
James R. Hendricks and Annette M.
Hendricks, husband and wife, dated
10/30/1998 and recorded 4/29/1999 in
Instrument #199906733.

SEIZED, taken in execution to be sold
as the property of VINCE A. DECHURCH,
JR. A/K/A VINCENT A. DECHURCH JR.
AND DEBORAH L. DECHURCH, at the suit
of WASHINGTON MUTUAL BANK, FA, S/B/
M TO WASHINGTON MUTUAL HOME
LOANS INC. F/K/A PNC MORTGAGE
CORP. OF AMERICA. JUDGMENT NO.
03-1376-CD.

Chester A. Hawkins, Sheriff.

ADV: February 6th, 13th, 20th, 2004.

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,

GEORGE McCOY; and
LEONARD L. THOMPSON and
DORIS E. MALINKY, Co-Executors
of the ESTATE OF ISABEL
THOMPSON, deceased,

Plaintiffs,

vs.

WILLIAM DeLACY,
WEST JOHNSTON and
S. C. PATCHIN,
their cumulative heirs, devisees,
administrators, executors, assigns,
and all other person, persons, firms,
partnerships, or corporate entities
in interest,

Defendants.

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL ACTION - LAW

No. 04-141-CD

ACTION TO QUIET TITLE

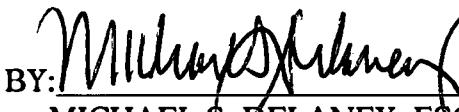
FILED

FEB 02 2004

William A. Shaw
Prothonotary/Clerk of Courts

MOTION FOR PUBLICATION

AND NOW, the 30th day of January, 2004, an Affidavit having been executed and filed on behalf of George McCoy; and Leonard L. Thompson and Doris E. Malinky, Co-Executors of the Estate of Isabel Thompson, deceased, Plaintiffs, that the whereabouts of the above-mentioned Defendants are unknown, the Plaintiffs, by their counsel, Michael S. Delaney, Esquire, move the Court for leave to serve the Complaint on the above-mentioned Defendants, their cumulative heirs, devisees, administrators, executors, assigns, and all other person, persons, firms, partnerships, or corporate entities in interest, or their legal representatives, generally, by publication in such manner as the Court shall direct and as provided by Pennsylvania Rule of Civil Procedure No. 1064(b).

BY: 
MICHAEL S. DELANEY, ESQUIRE
Attorney for Plaintiffs

FILED 1cc
M 10:10 AM
FEB 02 2004 Amy Delaney
FEB 02 2004

William A. Shaw
Prothonotary/Clerk of Courts

GEORGE McCOY; and
LEONARD L. THOMPSON and
DORIS E. MALINKY, Co-Executors
of the ESTATE OF ISABEL
THOMPSON, deceased,

Plaintiffs,

vs.

WILLIAM DeLACY,
WEST JOHNSTON and
S. C. PATCHIN,
their cumulative heirs, devisees,
administrators, executors, assigns,
and all other person, persons, firms,
partnerships, or corporate entities
in interest,

Defendants.

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL ACTION - LAW

No. 04-141-CJ

ACTION TO QUIET TITLE

FILED

FEB 05 2004

William A. Shaw
Prothonotary/Clerk of Courts

ORDER FOR PUBLICATION

AND NOW, the 5th day of February, 2004, upon consideration of the foregoing Motion, the Plaintiffs are granted leave to make service of the Complaint on the above-mentioned Defendants, their cumulative heirs, devisees, administrators, executors, assigns, and all other person, persons, firms, partnerships, or corporate entities in interest, or their legal representatives, by publication one (1) time in the Clearfield County Legal Journal and one (1) time in the Clearfield Progress. The notice is to contain a notice to the Defendants, their unknown heirs and assigns, to enter their appearance or plead to the Complaint within twenty (20) days of the publication of said notice or a default judgment may be entered against them.

BY THE COURT:

Judie J. Zimmerman

J.

FILED & C
01-3587
FEB 05 2004
Amy Delaney
William A. Shaw
Prothonotary/Clerk of Courts

GEORGE McCOY; and
LEONARD L. THOMPSON and
DORIS E. MALINKY, Co-Executors
of the ESTATE OF ISABEL
THOMPSON, deceased,

Plaintiffs,

vs.

WILLIAM DeLACY,
WEST JOHNSTON and
S. C. PATCHIN,
their cumulative heirs, devisees,
administrators, executors, assigns,
and all other person, persons, firms,
partnerships, or corporate entities
in interest,

Defendants.

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL ACTION - LAW

No. 04-141-CJ

ACTION TO QUIET TITLE

Type of Pleading:

Complaint in Action to Quiet Title

Filed on behalf of:

George McCoy; and Leonard L.
Thompson and Doris E. Malinky,
Co-Executors of the Estate of
Isabel Thompson, deceased, Plaintiffs

Counsel of Record for These Parties:

Michael S. Delaney, Esquire
936 Philadelphia Street
Indiana PA 15701
(724) 349-2255
ID #25537

FILED

FEB 02 2004

William A. Shaw
Prothonotary/Clerk of Courts

GEORGE McCOY; and	:	IN THE COURT OF COMMON PLEAS
LEONARD L. THOMPSON and	:	CLEARFIELD COUNTY,
DORIS E. MALINKY, Co-Executors	:	PENNSYLVANIA
of the ESTATE OF ISABEL	:	
THOMPSON, deceased,	:	
	:	
Plaintiffs,	:	
	:	
	:	CIVIL ACTION - LAW
vs.	:	
	:	
	:	No. _____
WILLIAM DeLACY,	:	
WEST JOHNSTON and	:	
S. C. PATCHIN,	:	ACTION TO QUIET TITLE
their cumulative heirs, devisees,	:	
administrators, executors, assigns,	:	
and all other person, persons, firms,	:	
partnerships, or corporate entities	:	
in interest,	:	
	:	
Defendants.	:	

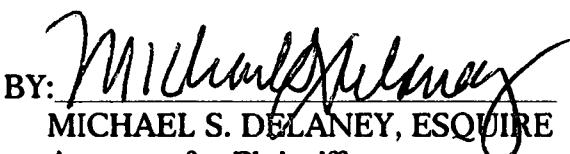
NOTICE

TO THE DEFENDANTS:

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
1 N. 2nd Street
Clearfield, Pennsylvania 16830
TELEPHONE: (814) 765-2641, Ext. 5982

BY: 
MICHAEL S. DELANEY, ESQUIRE
Attorney for Plaintiffs

GEORGE McCOY; and	IN THE COURT OF COMMON PLEAS
LEONARD L. THOMPSON and	CLEARFIELD COUNTY,
DORIS E. MALINKY, Co-Executors	PENNSYLVANIA
of the ESTATE OF ISABEL	
THOMPSON, deceased,	
Plaintiffs,	
vs.	CIVIL ACTION - LAW
WILLIAM DeLACY,	No. _____
WEST JOHNSTON and	
S. C. PATCHIN,	ACTION TO QUIET TITLE
their cumulative heirs, devisees,	
administrators, executors, assigns,	
and all other person, persons, firms,	
partnerships, or corporate entities	
in interest,	
Defendants.	

COMPLAINT

1. Plaintiff, George McCoy, is an individual residing at P.O. Box 307, Irvona, Pennsylvania, 16656.
2. The Plaintiffs, Leonard L. Thompson and Doris E. Malinky, Co-Executors of the Estate of Isabel Thompson, deceased, are individuals having an address of 164 Griffith Avenue, Curwensville, Pennsylvania, 16833.
3. The Plaintiffs are the owners, as tenants in common, of all that certain tract of 72 acres, more or less, situate in Beccaria Township, Clearfield County, Pennsylvania, bounded and described as follows:

COMMENCING at a maple, now a post; thence by land of now Calwell Estate, North 52° 15' East 104 rods to stone on Luell line; thence by land of Dotts and Wright, North 82° West 178 rods to a post on the William Holton Estate; thence by the same, South 2° West 91.2 rods to stone on tract line of Herman Witmer; thence by the same, South 89° East 94 rods to the place of beginning. CONTAINING 80 acres, more or less.

EXCEPTING AND RESERVING therefrom 8 acres conveyed by Theron Bloom; one acre conveyed to H. C. Hollingsworth; all coal and other mineral rights, together with mining rights, as more specifically outlined in the deed of W. Allen Straw to W. H. DeLacy, dated October 27, 1920, and recorded in Deed Book Volume 246, page 286.

KNOWN as Clearfield County Assessment Parcel Number 101-H16-2.

4. An Abstract of Title setting forth the chain of title into the Plaintiffs, pertaining to the subject 72 acres is attached hereto, marked Exhibit "A", and made a part hereof.

5. As indicated at Item Number 12 of the Abstract, John Straw and Mary Ann Straw, his wife, granted and conveyed to D. Allen Straw 80 acres situate in Beccaria Township, Clearfield County, Pennsylvania, by deed dated August 19, 1901, and recorded in Deed Book Volume 118, page 299. The recital in said deed indicates that the Grantors, John Straw and Mary Ann Straw, his wife, acquired said tract by Agreement from West Johnston.

6. As indicated at Item Number 11 of the Abstract, D. Allen Straw and Margaretta Straw, his wife, granted and conveyed to W. H. DeLacy 80 acres situate in Beccaria Township, Clearfield County, Pennsylvania, by deed dated October 27, 1920, and recorded in the Recorder's Office of Clearfield County, Pennsylvania, in

Deed Book Volume 246, page 286. Said deed recites Deed Book Volume 118, page 299; and a deed by S. C. Patchen to West Johnston.

7. The Agreement from West Johnston, as set forth at Item Number 12 of the Abstract, and the deed from S. C. Patchen to West Johnston, as set forth at Item Number 11 of the Abstract, are unrecorded instruments.

8. As indicated at Item Number 10 and Item Number 9 of the Abstract, the Clearfield County Commissioners granted and conveyed the subject tract of land, assessed in the name of William DeLacy, to Catherine R. Dotts by deed dated December 30, 1936, and recorded in the Recorder's Office of Clearfield County, Pennsylvania, in Deed Book Volume 317, page 238.

9. As indicated at Item Number 4 of the Abstract, Robert F. Goddard and Kathryn S. Goddard, his wife, granted and conveyed the subject tract to Irvin McCoy (an undivided one-half interest) and Leroy Thompson (an undivided one-half interest) by deed dated July 8, 1960, and recorded in Clearfield County in Deed Book Volume 485, page 596.

10. As indicated at Item Number 3 of the Abstract, Irvin McCoy and Mary A. McCoy, his wife, granted and conveyed an undivided one-half interest in the subject tract of land to the Plaintiff, George McCoy, by deed dated September 8, 1981, and recorded in Clearfield County in Deed Book Volume 819, page 45.

11. As indicated at Item Number 2 and Item Number 1 of the Abstract, the remaining undivided one-half interest is now vested in the Estate of Isabel Thompson.

12. That the Defendants may claim an interest in the property herein described by virtue of the facts set forth in this Complaint and the attached Abstract of Title.

13. That the whereabouts of the named Defendants and the identity of their heirs, successors and assigns are unknown to the Plaintiffs as is evidenced by an Affidavit hereby given and attached hereto and marked Exhibit "B1" and Exhibit "B2".

14. That this action is brought to clear any and all possible clouds on the title to the subject tract of land as described in paragraph 3 above, which the herein named Defendants, their heirs, devisees, executors, administrators, assigns, and all other person, persons, firms, partnerships, or corporate entities in interest or their legal representatives may possess.

15. That this action is found upon the general powers of the Court to quiet title.

WHEREFORE, the Plaintiffs request the Court to decree that the title to the subject tract of land containing 72 acres, more or less, is in the names of the Plaintiffs, in fee simple, and absolutely, and that the Defendants, their heirs, devisees, executors, administrators, assigns, and all other person, persons, firms, partnerships, or legal representatives be forever barred from asserting any title to the said premises, or for impeaching, denying or in any other way attacking the Plaintiffs' title to the subject tract of land.

BY: 
MICHAEL S. DELANEY, ESQUIRE
Attorney for Plaintiffs

EXHIBIT "A"

ITEM NUMBER 1ESTATE

Isabel Thompson, a/k/a Isabel E.
Thompson
File No. 308 of 2003
Instrument No. 2003-10055
Date of Will: February 28, 1997
Date Admitted to Record: June 10, 2003

Died May 30, 2003

Devised rest and residue of estate to children in equal shares.

Executors: Leonard L. Thompson
Doris E. Malinky

Inheritance Tax Return not yet filed; prepayment of \$30,000.00 has been made.

ITEM NUMBER 2ESTATE

Leroy Thompson
File No. 1997-0420
WBV 94, page 492
Date of Will: January 10, 1997
Date Admitted to Record: June 27, 1997

Died June 15, 1997

Devised: Fourth: if wife, Isabel Thompson, survives, then Trustee is devised so much of rest and residue of estate as is required so that Federal Estate tax value of said assets is equal to the unified credit for Federal Estate taxes available to estate

Fifth: all rest and residue to wife, Isabel Thompson

Trustee: County National Bank of Clearfield

Executors: Ronald L. Thompson and Doris E. Malinky

No Distribution.

ITEM NUMBER 3

Irvin McCoy, Mary A. ux

to

George McCoy

DEED

Dated: September 8, 1981

Acknowledged: September 11, 1981

Recorded: September 17, 1981

Deed Book Volume 819, Page 45

Consideration: \$1.00

Special Warranty Deed

Signed, sealed and delivered

CONVEYS: all interest in:

- 1) 80 acres
- 2) 502 acres, 28.5 perches

EXCEPTIONS AND RESERVATIONS: All exceptions and reservations as contained in chain of title.

UNDER AND SUBJECT: None.

RECITAL: 1) DBV 485, page 596
2) DBV 481, page 353

ITEM NUMBER 4

Robert F. Goddard, Kathryn S. ux

to

Irvin McCoy
Leroy Thompson

DEED

Dated: July 8, 1960

Acknowledged: July 8, 1960

Recorded: October 5, 1960

Deed Book Volume 485, Page 596

Consideration: \$1,000.00

Quit-Claim Deed

Signed, sealed and delivered

CONVEYS: 80 acres, more or less (see copy for description).

EXCEPTIONS AND RESERVATIONS: 8 acres conveyed by Theron Bloom; 1 acre conveyed to H. C. Hollingsworth; all coal and rights as in DBV 246, page 286.

UNDER AND SUBJECT: None.

RECITAL: DBV 246, page 286; DBV 317, page 238; DBV 317, page 237; DBV 389, page 184; DBV 400, page 342; and DBV 457, page 347.

ITEM NUMBER 5

Little Sister Farms Corporation

to

Robert F. Goddard

DEED

Dated: January 13, 1960

Acknowledged: January 13, 1960

Recorded: March 31, 1960

Deed Book Volume 481, Page 581

Consideration: \$1.00

Quit-Claim Deed

Signed, sealed and delivered

CONVEYS: 72 acres surface and 1 acre coal rights.

EXCEPTIONS AND RESERVATIONS: None.

UNDER AND SUBJECT: None.

RECITAL: DBV 457, page 347.

ITEM NUMBER 6

Little Sister Coal Corporation

to

Little Sisters Farms Corporation

DEED

Dated: October 4, 1956

Acknowledged: October 9, 1956

Recorded: March 26, 1957

Deed Book Volume 457, Page 347

Consideration: \$1.00

Quit-Claim Deed

Signed, sealed and delivered

CONVEYS: 72 acres surface and 1 acre coal rights.

EXCEPTIONS AND RESERVATIONS: None.

UNDER AND SUBJECT: None.

RECITAL: DBV 400, page 342.

ITEM NUMBER 7

Bon Ayr Coal Corporation
to
Little Sister Coal Corporation

DEED

Dated: June 10, 1949
Acknowledged: June 11, 1949
Recorded: August 22, 1949
Deed Book Volume 400, Page 342
Consideration: \$1.00
Special Warranty Deed
Signed, sealed and delivered

CONVEYS: 72 acres surface and 1 acre coal rights.

EXCEPTIONS AND RESERVATIONS: None.

UNDER AND SUBJECT: None.

RECITAL: DBV 389, page 184.

ITEM NUMBER 8

Catherine R. Dotts, Harry vir
to
Bon Ayr Coal Corporation

DEED

Dated: January 8, 1948
Acknowledged: January 10, 1948
Recorded: January 12, 1948
Deed Book Volume 389, Page 184
Consideration: \$1.00
Special Warranty Deed
Signed, sealed and delivered

CONVEYS: 72 acres surface and 1 acre coal rights.

EXCEPTIONS AND RESERVATIONS: None.

UNDER AND SUBJECT: None.

RECITAL: DBV 317, page 239 (should be DBV 317, page 238).

ITEM NUMBER 9

Clearfield County Commissioners
to
.. Catherine R. Dotts

DEED

Dated: December 30, 1936
Acknowledged: February 11, 1937
Recorded: March 19, 1937
Deed Book Volume 317, Page 238
Consideration: \$2.00
Commissioners' Deed
Signed, sealed and delivered

CONVEYS: 72 acres surface, 1 acre coal rights, sold as the property of William DeLacey.

EXCEPTIONS AND RESERVATIONS: None.

UNDER AND SUBJECT: None.

RECITAL: None.

ITEM NUMBER 10

A. D. Cowdrick, Treasurer of Clearfield Co.
to
Clearfield County Commissioners

DEED

Dated: February 9, 1932
Acknowledged: May 23, 1932
Recorded: March 19, 1937
Deed Book Volume 317, Page 37
Consideration: \$29.15
Treasurer's Deed
Signed, sealed and delivered

CONVEYS: 72 acres surface and 1 acre coal rights, seated land, assessed in name of William DeLacey.

EXCEPTIONS AND RESERVATIONS: None.

UNDER AND SUBJECT: None.

RECITAL: Sold for unpaid taxes for 1928.

ITEM NUMBER 11

D. Allen Straw, Margaretta ux
to
W. H. DeLacy

DEED

Dated: October 27, 1920
Acknowledged: October 27, 1920
Recorded: October 30, 1920
Deed Book Volume 246, Page 286
Consideration: \$700.00
General Warranty Deed
Signed, sealed and delivered

CONVEYS: 80 acres, more or less.

EXCEPTIONS AND RESERVATIONS: 8 acres deeded to Theron Bloom; 1 acre on south side of public road conveyed to H. C. Hollingsworth; all coal and other minerals, except 1 acre under spring and buildings.

UNDER AND SUBJECT: None.

RECITAL: DBV 118, page 299; S. C. Patchen to West Johnston.

ITEM NUMBER 12

John Straw, Mary Ann ux
to
D. Allen Straw

DEED

Dated: August 19, 1901
Acknowledged: August 19, 1901
Recorded: August 26, 1901
Deed Book Volume 118, Page 299
Consideration: \$600.00
General Warranty Deed
Signed, sealed and delivered

CONVEYS: 80 acres.

EXCEPTIONS AND RESERVATIONS: None.

UNDER AND SUBJECT: None.

RECITAL: By Agreement from West Johnston.

ITEM NUMBER 13ASSESSMENT RECORDS

1903	Allen Straw	42 acres and 40 acres
1902	John Straw to Allen Straw	42 acres and <u>20</u> acres
1901	John Straw	42 acres and <u>20</u> acres
1889	John Straw	42 acres and 20 acres
1885	John Straw	62 acres
1880	John Straw	62 acres
1874	John Straw	40 acres and 22 acres

EXHIBIT "B1"

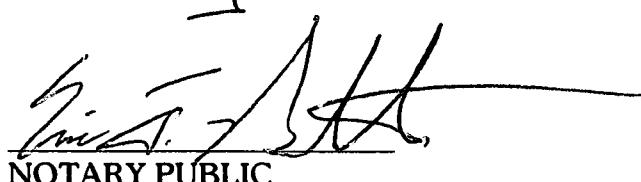
AFFIDAVIT RE DEFENDANTS

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

GEORGE McCOY, being duly sworn according to law, deposes and says that he makes this Affidavit as the Plaintiff and, being authorized to do so, that the above-named Defendants' whereabouts are unknown, and that their dates of death are unknown; that the names and whereabouts of their heirs and devisees of the above-mentioned parties are unknown; that the names of any other parties who should be defendants in the above action are unknown; that he is unable to ascertain the names of the persons, other than the foregoing Defendants, who should be the defendants herein; that for the foregoing reasons, the names and addresses of several other defendants are unknown.


George McCoy
GEORGE McCoy

Sworn to and subscribed
before me this 21st day
of January, 2004.


NOTARY PUBLIC

My Commission Expires:

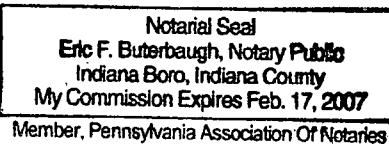


EXHIBIT "B2"

AFFIDAVIT RE DEFENDANTS

COMMONWEALTH OF PENNSYLVANIA :
: ss.
COUNTY OF Clearfield :

LEONARD L. THOMPSON and DORIS E. MALINKY, Co-Executors of the ESTATE OF ISABEL THOMPSON, deceased, being duly sworn according to law, depose and say that they make this Affidavit as the Plaintiffs and, being authorized to do so, that the above-named Defendants' whereabouts are unknown, and that their dates of death are unknown; that the names and whereabouts of their heirs and devisees of the above-mentioned parties are unknown; that the names of any other parties who should be defendants in the above action are unknown; that they are unable to ascertain the names of the persons, other than the foregoing Defendants, who should be the defendants herein; that for the foregoing reasons, the names and addresses of several other defendants are unknown.

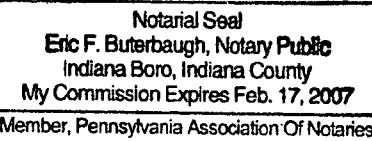
Leonard L. Thompson
Leonard L. Thompson, Co-Executor
of the Estate of Isabel Thompson,
deceased

Doris E. Malinky
Doris E. Malinky, Co-Executor of
the Estate of Isabel Thompson,
deceased

Sworn to and subscribed
before me this 23rd day
of January, 2004.

Eric F. Buterbaugh
NOTARY PUBLIC

My Commission Expires:



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

GEORGE McCOY, being duly sworn according to law, deposes and says that he is the Plaintiff named in the foregoing Complaint and that the matters and facts set forth therein are true and correct to the best of his knowledge, information and belief.

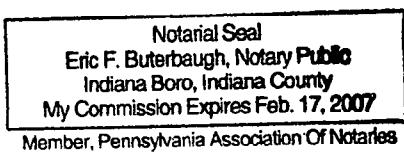

GEORGE McCoy

Sworn to and subscribed
before me this 21st day
of January, 2004.



NOTARY PUBLIC

My Commission Expires:



COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF Clearfield : ss.
:

LEONARD L. THOMPSON and DORIS E. MALINKY, Co-Executors of the
ESTATE OF ISABEL THOMPSON, deceased, being duly sworn according to law,
depose and say that they are the Plaintiffs named in the foregoing Complaint and that
the matters and facts set forth therein are true and correct to the best of their
knowledge, information and belief.

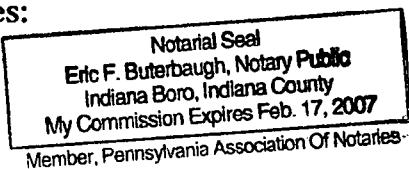
Leonard L. Thompson
Leonard L. Thompson, Co-Executor
of the Estate of Isabel Thompson,
deceased

Doris E. Malinky
Doris E. Malinky, Co-Executor of
the Estate of Isabel Thompson,
deceased

Sworn to and subscribed
before me this 23rd day
of January, 2004.


NOTARY PUBLIC

My Commission Expires:



FILED

Aug pd. 95.00

10:05 AM
FEB 02 2004

ice Aug Delaney

William A. Shaw
Prothonotary/Clerk of Courts