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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

DIANTHA E. DANN, DARLENE E. WALK,
HAROLD D. WISOR, a/k/a H. DEAN WALK,
and DAVID M. WISOR,
PLAINTIFFS

vs.

GEORGE LUMADUE, MARY LUMADUE, and
BETTY JANE LUMADUE, THEIR HEIRS,
EXECUTORS, ADMINISTRATORS, and ASSIGNS
DEFENDANTS

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: No. 04- -CD
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NOTICE TO PLEAD

You have been sued in Court. If you wish to defend against the claim 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 FIND 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
2nd & Market Streets
Clearfield, PA 16830
(814) 765-2641 Ext. 50-51

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

DIANTHA E. DANN, DARLENE E. WALK,
HAROLD D. WISOR, a/k/a H. DEAN WALK,
and DAVID M. WISOR,
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vs.

GEORGE LUMADUE, MARY LUMADUE, and
BETTY JANE LUMADUE, THEIR HEIRS,
EXECUTORS, ADMINISTRATORS, and ASSIGNS
DEFENDANTS

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COMPLAINT

The Plaintiffs, DIANTHA E. DANN, DARLENE E. WALK, HAROLD D. WISOR, a/k/a H. DEAN WISOR and DAVID M. WISOR, through their attorney, WARREN B. MIKESELL, II, complains upon a cause of action whereof the following is a statement.

1. That Plaintiff, DIANTHA E. DANN, is an adult individual residing at 1287 Lake Road, Webster, New York, 14580.
2. That Plaintiff, DARLENE WALK, is an adult individual residing at 764 Airport Road, Warren Ohio, 44481.
3. That Plaintiff, HAROLD D. WISOR, a/k/a H. DEAN WISOR, is an adult individual last residing at 1 Brisbin, Woodward, Pennsylvania 16882.
4. That Plaintiff, DAVID M. WISOR, is an adult individual residing at P.O. Box 63, Hawk Run, Pennsylvania 16840.
5. That the Defendants, GEORGE LUMADUE and MARY LUMADUE are believed to be the parents of BETTY JANE LUMADUE, and it is believed that all three (3) are deceased.
6. That the said Plaintiffs, DIANTHA E. DANN, DARLENE E. WALK, HAROLD D. WISOR, a/k/a H. DEAN WISOR and DAVID M. WISOR, are the owners of two (2) pieces or parcels of land, hereinafter described and referred to as the premises, situate in Boggs Township, Clearfield County, Pennsylvania, and more particularly described as follows:

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

THE FIRST THEREOF:

BEGINNING at a stake on the Old Houtzdale Road leading from Woodland to Varners and at the corner of other lands now or formerly of George Lumadue; thence South one hundred fifty (150) feet to a stake; thence East one hundred (100) feet to a stake; thence North one hundred fifty (150) feet to a stake on the Old Houtzdale Road; thence West along said road one hundred (100) feet to a stake and place of beginning.

Being a lot one hundred (100) feet by one hundred fifty (150) feet and bounded on the West, on the South and on the East by other lands now or formerly of George Lumadue, and bounded on the North by the Old Houtzdale Road. Having thereon erected a one-story dwelling house.

THE SECOND THEREOF:

BEGINNING at a stone corner on the Northeast corner boundary of lands now or formerly of George Lumadue, which post corner is at the right-of-way of the Township Road; thence North along same right-of-way of said Township Road approximately one hundred (100) feet to ditch on lands now or formerly of Frances and Boyd Lumadue; thence Northwest along banks of same ditch approximately one hundred fifty (150) feet to a post on corner of lands now or formerly of Newton Lumadue; thence South along same lands now or formerly of Newton Lumadue lands one hundred fifty (150) feet to lands now or formerly of George Lumadue; thence East along same line of lands now or formerly of George Lumadue, one hundred fifty (150) feet to the right-of-way aforementioned Township Road and place of beginning and containing approximately one-half (1/2) acre, more or less.

Being the same parcel listed as Clearfield County Map Number N09-000-030.

Being the tracts or parcels of ground conveyed by Deed dated November 15, 1991, from Clara J. Wisor to Diantha E. Dann, Darlene E. Walk, Harold D. Wisor and David M. Wisor as recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania in Deed and Record Book 1429, page 195.

7. The said HAROLD D. WISOR, a/k/a H. DEAN WISOR, did by Deed dated October 20, 1998, convey all of his interest in and to the premises herein described in Paragraph 6 to Diantha E. Dann and Darlene E. Walk, as recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania in Deed and Record Book 1984, page 341; however, the aforesaid H. Dean Wisor did subsequently file for Bankruptcy in the United States Bankruptcy Court, Western District of Pennsylvania, at case number 0-25795-BM, under Chapter 7.

8. That by adversary Proceedings No. 00-02494-BM, the aforesaid conveyance by H. DEAN WISOR, a/k/a HAROLD D. WISOR, as setforth and described herein in Paragraph 7 hereof, was ordered to be set aside.

9. Title to the property herein described in Paragraph 6 as "THE FIRST THEREOF" is as follows:

a. That title to a lot measuring one hundred (100) feet by one hundred-fifty (150) feet, situated in Bradford Township, Clearfield County, Pennsylvania vested in HAROLD E. WISOR and CLARA J. WISOR, his wife, by Deed dated June 13, 1958, from GEORGE LUMADUE and MARY LUMADUE, his wife, with said Deed being recorded in The Office of the Recorder of Deeds of Clearfield County, Pennsylvania, in Deed Book 467, page 453. The said HAROLD E. WISOR died on January 21, 1981.

b. That title to a lot measuring one hundred (100) feet by one hundred-fifty (150) feet, situated in Bradford Township, Clearfield County, Pennsylvania vested in GEORGE LUMADUE by Deed dated December 10, 1929, from NEWTON LUMADUE, a/k/a Newt Lumadue, with said Deed being recorded in The Office of the Recorder of Deeds of Clearfield County, Pennsylvania, in Deed Book 298, page 325.

c. That title to two (2) separate pieces or parcels of land being nine (9) acres, more or less, and thirteen (13) acres and one hundred and sixteen (116) perches net, and both being situated in Bradford Township, Clearfield County, Pennsylvania, vested in NEWTON LUMADUE by Deed dated June 13, 1917, from GEORGE W. LOWDER and ELIZABETH LOWDER, his wife, with said Deed being recorded in The Office of the Recorder of Deeds of Clearfield County, Pennsylvania, in Deed Book 221, page 468.

10. Title to the property herein described in Paragraph 6 as "THE SECOND THEREOF" is as follows:

a. That title to a lot measuring one hundred (100) feet by one hundred-fifty (150) feet, situated in Bradford Township, Clearfield County, Pennsylvania vested in HAROLD E. WISOR and CLARA J. WISOR, his wife, by Deed dated May 20, 1974, from MARY LUMADUE and BETTY JANE LUMADUE, with said Deed being recorded in The Office of the Recorder of Deeds of Clearfield County, Pennsylvania, in Deed Book 687, page 222. The said BETTY JANE LUMADUE was reportedly blind and the aforesaid Deed was read to her in full and she acknowledged her approval by placing her mark as set forth therein.

b. That title to a lot measuring one hundred (100) feet by one hundred-fifty (150) feet, situated in Bradford Township, Clearfield County, Pennsylvania vested in GEORGE LUMADUE by Deed dated April 1, 1941, from FRANCIS LUMADUE and BOYD LUMADUE, her husband, with said Deed being recorded in The Office of the Recorder of Deeds of Clearfield County, Pennsylvania, in Deed Book 338, page 501.

c. That title to a piece or parcel of land being three (3) acres, more or less, situated in Bradford Township, Clearfield County, Pennsylvania, vested in FRANCIS LUMADUE by Deed dated April 22, 1940, from FRED MITCHELL, a single man, with said Deed being recorded in The Office of the Recorder of Deeds of Clearfield County, Pennsylvania, in Deed Book 332, page 076.

d. That title to a piece or parcel of land being three (3) acres, more or less, situated in Bradford Township, Clearfield County, Pennsylvania, vested in FRED MITCHELL by Deed dated March 28, 1940, from BOYD LUMADUE and FRANCIS LUMADUE, with said Deed being recorded in The Office of the Recorder of Deeds of Clearfield County, Pennsylvania, in Deed Book 332, page 075.

e. That title to a piece or parcel of land being three (3) acres, more or less, situated in Bradford Township, Clearfield County, Pennsylvania, vested in BOYD LUMADUE and FRANCIS LUMADUE, his wife, by Deed dated February 19, 1938, from NEWTON LUMADUE, a single man, with said Deed being recorded in The Office of the Recorder of Deeds of Clearfield County, Pennsylvania, in Deed Book 320, page 411.

f. That title to two (2) separate pieces or parcels of land being nine (9) acres, more or less, and thirteen (13) acres and one hundred and sixteen (116) perches net, and both being situated in Bradford Township, Clearfield County, Pennsylvania, vested in NEWTON LUMADUE by Deed dated June 13, 1917, from GEORGE W. LOWDER and ELIZABETH LOWDER, his wife, with said Deed being recorded in The Office of the Recorder of Deeds of Clearfield County, Pennsylvania, in Deed Book 221, page 468.

11. That an Estate was opened in the Office of The Recorder of Wills of Clearfield County, Pennsylvania, for GEORGE M. LUMADUE under File Number 19386 with the said George M. Lumadue having died on June 30, 1946.

12. That the aforesaid George M. Lumadue is not believed to be the same George Lumadue having conveyed the above described properties as listed in Paragraphs 9 and 10 herein since the said George Lumadue listed in the chain of title for the properties herein subject to this action conveyed the herein described properties to the Plaintiff's predecessors in title on June 23, 1958. Furthermore, a review of the marriage records in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania revealed that an individual by the name of George Lumadue applied for a marriage license in 1926 having married Mary Williams and an individual by the name of George M. Lumadue having applied for a marriage license in 1899 having married Mary E. Lansberry.

13. That according to the records filed in The Office of Prothonotary of Clearfield County, Pennsylvania, the Department of Public Assistance, Commonwealth of Pennsylvania, filed a Petition for the appointment of guardianship for Betty Jane Lumadue. Mary Lumadue was appointed legal guardian of her daughter, Betty Jane Lumadue due to her physical infirmities in 1952. By Court Order dated December 15, 1953, as recorded in Court Docket Book 155, page 551, the said Betty Jane Lumadue was declared physically incapable of handling her affairs and

Mary Lumadue, her mother, was appointed as her guardian for purposes of signing and obtaining Public Assistance on her behalf. The said Order was apparently limited to the powers therein granted (being for the purpose of Mary Lumadue obtaining or securing Public Assistance for her blind daughter, Betty Jane Lumadue); however, it was not specific as to the degree of the incompetency only that she, Betty Jane Lumadue, was physically incapable of caring for her public assistance funds. No other Order could be found recinding the aforesaid Order of Court or further defining the status of Betty Jane Lumadue's incompetency. It is noted that the said Mary Lumadue and Betty Jane Lumadue did both convey their interest in the property described as The Second Thereof herein in Paragraph 6 to Harold E. Wisor and Clara J. Wisor as set forth in Paragraph 10(a).

14. That on June 28, 1958, a Mortgage was given by HAROLD E. WISOR and CLARA WISOR, his wife, to GEORGE LUMADUE and MARY LUMADUE, in the amount of Seven Thousand Six Hundred (\$7,600.00) Dollars for a parcel of ground 100 feet by 150 feet situate in Bradford Township, Clearfield County, Pennsylvania. The aforesaid Mortgage was recorded in the Office of The Recorder of Deeds of Clearfield County, Pennsylvania in Mortgage Book 180 page 451. To date, the aforesaid Mortgage has never been satisfied; however, it was noted that it appeared on the face of the records, page 452, that a satisfaction notice was "whited out" by the Office of the Recorder of Deeds as it appeared to be inadvertently placed on the wrong mortgage record.

15. That the Plaintiffs aver it is the purpose and intention of this Action to Quiet Title to extinguish any and all of the Defendants' interest as a result of any improprieties in the sale of the herein described property or the satisfaction or non satisfaction of the outstanding Mortgage as well as any question as to the competency or incompetency of Betty Jane Lumandue and her capacity to transfer or sell real estate—specifically the subject described premises listed herein in Paragraph 6 as The Second Thereof.

16. That the Plaintiffs and their predecessors in title to the above described properties listed in Paragraph 6 herein have exercised dominion, possession and control of the subject premises for a period in excess of twenty-one (21) years to wit: The Plaintiffs' predecessors in title have utilized the property as their principle residence and further, the Plaintiffs and their predecessors in title since 1958 and 1974, respectively, have exclusively utilized the properties more specifically described in Paragraph 6 herein as a residence and have planted trees and shrubbery etc., have built, repaired and maintained the buildings and structures on the said property, all being adverse, continuous, open, visible, notorious, exclusive and hostile possession of the property.

17. That it is believed and presumed by law that the Mortgage given by Harold E. Wisor and Clara J. Wisor to George Lumadue and Mary Lumadue was paid in full and that there was merely a failure to record a satisfaction of the same with the Recorder of Deeds of Clearfield County.

18. That at no time have any of the herein named Defendants, their heirs, executors, administrators and assigns, attempted to secure possession of the said real estate subject to this

action, contest the title of the Plaintiff and/or his predecessors in title or assert any interest adverse to that of Plaintiff or his predecessors in title by any legal action or foreclosure or by formal acknowledgment thereof.

19. That the premises herein described in Paragraph 6 is the same premises that Plaintiffs and their predecessors in title have been in adverse, open, exclusive, continuous, notorious, hostile and uninterrupted possession for a period in excess of twenty-one (21) years, possession of the said premises having been acquired by the Plaintiffs and their predecessors in title as herein above set forth.

20. That the said Plaintiffs and/or their predecessors in title have, commencing with on or about June 13, 1958, and May 20, 1974, respectively as to the two (2) parcels listed and more fully described in Paragraph 6 herein, and continuing up to the present time, made valuable improvements to the said premises, maintained the same premises, paid all current real estate taxes, and evidenced a settled intent of excluding all individuals, including but not limited to the Defendants, their heirs, executors, administrators and assigns, from the use, actual occupation or constructive possession of the subject premises.

21. That at no time have any of the herein named Defendants, their heirs, executors, administrators, and/or assigns attempted to secure possession of the said premises, attempted to foreclose on the premises, contested the title of the Plaintiffs or their predecessors in title, or assisted in the maintenance, repair or improvements or those premises hereinbefore described nor has any asserted any interest adverse to the Plaintiffs or their predecessors in title by legal action.

22. That the incompetency status of Betty Jane Lumadue is believed to be limited by the Order of Court dated December 15, 1953, as to the appointment of her mother, Mary Lumadue, as guardian for purposes of obtaining Public Assistance due to Betty Jane Lumadue being legally blind and that the incompetency was limited by the scope of the aforesaid Court Order and said Order did not otherwise affect her ability to conduct legal transactions on her own behalf.

WHEREFORE, the Plaintiffs respectfully request:

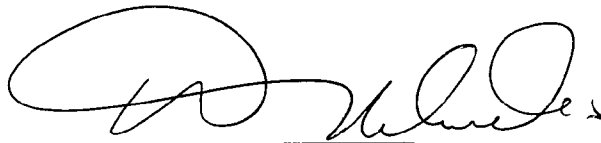
a) That the Defendants, their heirs, executors, administrators and assigns and any other persons or entities (whether persons in being, partnerships or corporations of any legal form or any other business or firm) claiming under them, and all other persons having a claim to the premises described herein, be ordered to bring an action of ejectment to establish their claim to the premises described herein, within a time set by the Court, or be forever barred from setting up any title to the said premises and the use of the same, and from impeaching, denying or in any way attacking Plaintiffs' title to said premises, from encumbering, mortgaging or conveying this parcel or any part thereof, or from asserting in any manner, any right, lien, title or interest inconsistent with the interest or claims of the Plaintiff as set forth in his Complaint.

b) That the Court declare the Plaintiffs to be the sole owner and to be entitled to the exclusive possession of the premises described herein in Paragraph 6 by virtue of their adverse,

open, notorious, exclusive, uninterrupted and hostile possession of the premises for a period in excess of twenty-one (21) years.

c) That an Order be made setting aside any defect which may have resulted from lack of recording a satisfaction to a private mortgage or any defect in the specificity of the incompetency of Betty Jane Lumadue and her ability or lack thereof to convey an interest in real estate by virtue of the Order of Court dated December 15, 1952..

d) That the Court make such further orders as may be necessary to establish the title of the Plaintiffs and to grant them appropriate relief.

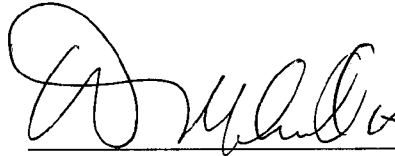
A handwritten signature in black ink, appearing to read "Warren B. Mikesell, II". The signature is fluid and cursive, with a large initial "W" and a distinct "M".

Warren B. Mikesell, II,
Attorney for Plaintiffss

VERIFICATION

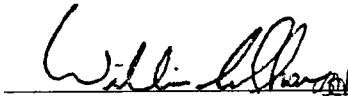
COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :

WARREN B. MIKESELL, II, as Attorney for the Plaintiffs, DIANTHA E. DANN, DARLENE E. WALK, HAROLD D. WISOR, a/k/a H. DEAN WALK, and DAVID M. WISOR, in the above-captioned action, do hereby verify that the responses set forth in the within Amended Complaint are true and correct to the best of my knowledge, information and belief. Said Attorney is making said Verification on behalf of Plaintiffs since said Verification cannot be obtained from Plaintiffs in a timely fashion due to the physical location of all Plaintiff's; furthermore, said Verification is also being made upon my reviewing of Plaintiff's Complaint with the Plaintiffs by telephone and said Verification is based on the representations made to the undersigned by the Plaintiffs. I, the undersigned, understand that false statements made herein are subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities.



Warren B. Mikesell, II

Sworn to and subscribed
before me this 10th day
of February, 2004.



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

MIKESELL & MIKESELL
ATTORNEYS AT LAW
115 EAST LOCUST STREET
CLEARFIELD, PENNSYLVANIA 16830

CP

In The Court of Common Pleas
of
Clearfield County, Pennsylvania

No. _____

Diantha E. Dann, Darlene E. Walk,
Harold D. Wisor, a/k/a H. Dean Walk,
and David M. Wisor
Plaintiff

Versus
George Lumadue, Mary Lumadue, and
Betty Jane Lumadue, their heirs,
Executors, Administrators and Assigns
Defendant

Complaint

FILED

FEB 10 2004

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

DIANTHA E. DANN, DARLENE E. WALK,
HAROLD D. WISOR, a/k/a H. DEAN WALK,
and DAVID M. WISOR,
PLAINTIFFS


VS.

: No. 04-202 -CD

GEORGE LUMADUE, MARY LUMADUE, and
BETTY JANE LUMADUE, THEIR HEIRS,
EXECUTORS, ADMINISTRATORS, and ASSIGNS
DEFENDANTS

MOTION FOR PUBLICATION

NOW, this ____ day of _____, 2004, an Affidavit having been executed and filed on behalf of the Plaintiffs, by their attorney, Warren B. Mikesell, II, Esquire, that the Defendants, George Lumadue, Mary Lumadue and Betty Jane Lumadue, their heirs, executors, administrators and assigns are unknown and are believed to be deceased, the Plaintiffs, through their attorney, Warren B. Mikesell, II, hereby move the Court for leave to serve by publication in such manner as the Court shall direct, as provided by Pennsylvania Rule of Civil Procedure No. 430(b)(1), wherein the Defendants are directed to file an answer thereto or file and entry of appearance in this matter within twenty (20) days of the insertion thereto.


Warren B. Mikesell, II, Esquire
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

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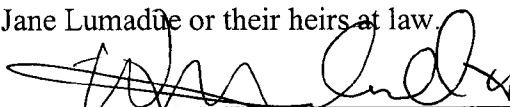
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COMMONWEALTH OF PENNSYLVANIA

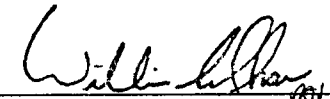
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: SS.

COUNTY OF CLEARFIELD

WARREN B. MIKESELL, II, being duly sworn according to law, deposes and states that he is the Attorney for the Plaintiffs in the above captioned case and that the Defendants, George Lumadue, Mary Lumadue, and Betty Jane Lumadue, their heirs, executors, administrators, successors and assigns' whereabouts are unknown to the Plaintiffs herein are believed to be deceased. Other than a marriage license for George and Mary Lumadue, and a Petition for Guardianship of a dependent daughter, Betty Jane Lumadue, there are no public records available to determine any remaining heirs at law. A search of public records, including telephone directories, has revealed no additional information leading to the whereabouts of either George Lumadue, Mary Lumadue and/or Betty Jane Lumadue or their heirs at law.


Warren B. Mikesell, II

Sworn to and subscribed before me this
10th day of February, 2004.



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

DIANTHA E. DANN, DARLENE E. WALK,
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vs.

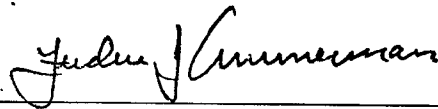
No. 04-202 -CD

GEORGE LUMADUE, MARY LUMADUE, and
BETTY JANE LUMADUE, THEIR HEIRS,
EXECUTORS, ADMINISTRATORS, and ASSIGNS
DEFENDANTS

ORDER FOR PUBLICATION

NOW, this 11th day of February, 2004, that upon consideration of the forgoing Motion for Publication, the whereabouts of the Defendants, their heirs, executors, administrators or assigns being unknown, the Plaintiffs are granted leave to make service of the Complaint on the Defendants, George Lumadue, Mary Lumadue and Betty Jane Lumadue, their heirs, executors, administrators and assigns, by publication one (1) time in the Progress, the newspaper of general circulation of Clearfield County and The Clearfield County Legal Journal, the last insertion to appear not less than thirty (30) days prior to April 1, 2004, the date set for hearing of said Complaint and any Motions filed thereto, including a Motion for Judgement, in the Courtroom Number 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania, at 9:00 a.m./~~p.m.~~; the said Defendants, George Lumadue, Mary Lumadue and Betty Jane Lumadue, their heirs, executors, administrators or assigns, are to file an answer or entry of appearance within twenty (20) days of said insertion.

BY THE COURT:



Judge

FILED

FEB 11 2004

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

DIANTHA E. DANN, DARLENE E. WALK,
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William A. Shaw
Prothonotary/Clerk of Courts

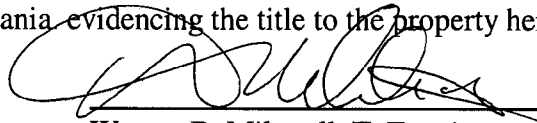
MOTION FOR JUDGMENT

AND NOW, May 13, 2004, an Affidavit having been executed and filed on behalf of the Plaintiffs that the Complaint with Notice to Plead had been served by publication on the Defendants, George Lumadue, Mary Lumadue and Betty Jane Lumadue, their heirs, executors, administrators or assigns, and they have not complied with the Order of this Court dated February 11, 2004, and they have not complied with the Order of this Court directing them to file an Answer or entry of appearance within twenty (20) days of the publication; the Plaintiffs, by their attorney, Warren B. Mikesell, II, moves the Court to enter judgment in favor of the Plaintiffs and against the Defendants, in the above named case, George Lumadue, Mary Lumadue and Betty Jane Lumadue, their heirs, executors, administrators or assigns, and to grant to the Plaintiffs the relief prayed for in accordance with Rules of Civil Procedure 1066. Plaintiffs further request that the Honorable Court modify, in accordance with the Rules of Civil Procedure, Rule 248, the thirty (30) day period provided the Defendants by Rules of Civil Procedure, Rule 1066(b) to assert any right, lien, title or interest in the land inconsistent with the interest or claim the Plaintiffs set forth in their Complaint.

WHEREFORE: It is requested that :

1. The Court issue an Order granting the Plaintiff's Motion for Judgment, and.
- 2 That the thirty (30) day provisions of Pennsylvania Rules of Civil Procedure 1066(b)(i) be modified 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 Pennsylvania Rule of Civil Procedure 248 to eliminate any time period prescribed by Pennsylvania Rules of Civil Procedure upon Order of Court, and
3. That these proceedings or any authenticated copy thereof, shall at all times hereinafter be taken as evidence of the facts declared and established thereby, and

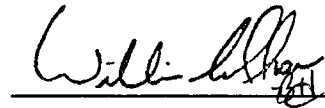
4. That a certified copy of this Order shall be recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania evidencing the title to the property herein described.



Warren B. Mikesell, II, Esquire
Attorney for Plaintiffs

Sworn to and subscribed before me this

13th day of May, 2004.



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

DIANTHA E. DANN, DARLENE E. WALK,
HAROLD D. WISOR, a/k/a H. DEAN WISOR,
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EXECUTORS, ADMINISTRATORS, and ASSIGNS
DEFENDANTS

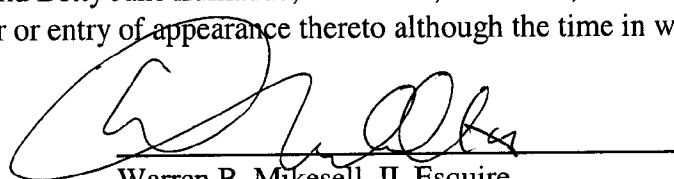
AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA

:
: SS.

COUNTY OF CLEARFIELD

WARREN B. MIKESELL, II, ESQUIRE, being duly sworn according to law deposes and says that he is the attorney for the Plaintiffs, makes this Affidavit on behalf of the Plaintiffs, being authorized so to do; that service by publication was made upon the Defendants, George Lumadue, Mary Lumadue and Betty Jane Lumadue, their heirs, executors, administrators or assigns, and the said Defendants, proof of which is annexed hereto, marked Exhibit "A" and "B"; and the said George Lumadue, Mary Lumadue and Betty Jane Lumadue, their heirs, executors, administrators or assigns, have not filed an Answer or entry of appearance thereto although the time in which to do so has expired.



Warren B. Mikesell, II, Esquire
Attorney for Plaintiffs

Sworn to and subscribed before me this


13th day of May, 2004.



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

FILED
MAY 14 2004

3cc
Atty M. Kessel

 William A. Shaw
Prothonotary/Clerk of Courts

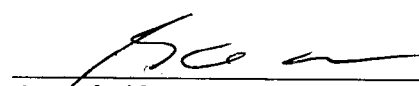
PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :

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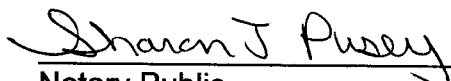
COUNTY OF CLEARFIELD :

On this 27th 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 27, 2004, No. 9. And that all of the allegations of this statement as to the time, place, and character of the publication are true.



Gary A. Knaresboro, Esquire
Editor

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



Notary Public
My Commission Expires

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

Mikesell & Mikesell
115 East Locust St
Clearfield PA 16830

P.C. Robert A. Lightcap, Esquire, 1004
Ligonier Street, PO Box 758, Latrobe,
Pennsylvania 15650 (724) 539-3511.

ADV: February 20, 2004, February 27,
2004, March 5, 2004.

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

DIANTHA E. DANN, DARLENE E.
WALK, HAROLD D. WISOR, A/K/A H.
DEAN WALK, and DAVID M. WISOR vs.
GEORGE LUMADUE, MARY LUMADUE,
and BETTY JANE LUMADUE, THEIR
HEIRS, EXECUTORS, ADMINISTRATORS,
and ASSIGNS

NO. 04-202-CD

ACTION TO QUIET TITLE

TO: GEORGE LUMADUE, MARY
LUMADUE, and BETTY JANE LUMADUE,
THEIR HEIRS, EXECUTORS,
ADMINISTRATORS, and ASSIGNS, known
or believed to be the above named
Defendants.

NOTICE- IF YOU WISH TO DEFEND,
YOU MUST ENTER A WRITTEN
APPEARANCE PERSONALLY OR BY
ATTORNEY TO FILE YOUR DEFENSE OR
OBJECTIONS IN WRITING WITH THE
COURT. YOU ARE WARNED THAT IF
YOU FAIL TO DO SO THE CASE MAY
PROCEED WITHOUT YOU AND A
JUDGMENT MAY BE ENTERED AGAINST
YOU WITHOUT FURTHER NOTICE FOR
THE RELIEF REQUESTED BY THE
PLAINTIFFS. YOU MAY LOSE MONEY OR
PROPERTY OR OTHER RIGHTS
IMPORTANT TO YOU.

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.
50-51.

You are hereby notified that an Action to
Quiet Title to the following premises situate
in the Township of Covington, County of
Clearfield, Pennsylvania, has been filed
against you. Said premises is more
particularly bounded and described as
follows:

THE FIRST THEREOF: BEGINNING at
a stake on the Old Houtzdale Road leading
from Woodland to Varners and at the corner
of other lands now or formerly of George
Lumadue; thence South one hundred fifty

(150) feet to a stake; thence East one hundred (100) feet to a stake; thence North one hundred fifty (150) feet to a stake on the Old Houtzdale Road; thence West along said road one hundred (100) feet to a stake and place of beginning.

THE SECOND THEREOF: BEGINNING at a stone corner on the Northeast corner boundary of lands now or formerly of George Lumadue, which post corner is at the right-of-way of the Township Road; thence North along same right-of-way of Township Road approximately one hundred (100) feet to ditch on lands now or formerly of Frances and Boyd Lumadue; thence Northwest along banks of same ditch approximately one hundred fifty (150) feet to a post on corner of lands now or formerly of Newton Lumadue; thence South along same lands now or formerly of Newton Lumadue lands one hundred fifty (150) feet to lands now or formerly of George Lumadue; thence East along same line of lands now or formerly of George Lumadue, one hundred fifty (150) feet to the right-of-way aforementioned Township Road and place of beginning and containing approximately one-half (1/2) acre, more or less.

Being the same parcel listed as Clearfield County Map Number N09-000-030

Being the tracts or parcels of ground conveyed by Deed dated November 15, 1991, from Clara J. Wisor, his wife, to Diantha E. Dann, Darlene E. Walk, Harold D. Wisor and David M. Wisor as recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania in Deed and Record Book 1429 Page 195.

WHEREUPON the Court ordered that notice of said action and the facts thereto be served by the Plaintiff by Advertisement upon the Defendants, GEORGE LUMADUE, MARY LUMADUE, and BETTY JANE LUMADUE, THEIR HEIRS, EXECUTORS, ADMINISTRATORS, and ASSIGNS, parties of the second part; being all the persons who have an interest in and to the above described property situate in Covington Township, Clearfield County, Pennsylvania, requiring Defendants above named and their heirs, executors, administrators and assigns to answer the said Complaint within twenty (20) days from the date of this publication. For failure to comply, a judgment will be taken by application of Plaintiff before the Court at a hearing to be held at the Clearfield County Courthouse, Clearfield, Pennsylvania, on April 1, 2004, at 9:00 a.m.

MIKESELL & MIKESELL, Attorneys at Law, 115 East Locust Street, Clearfield, PA 16830 Attorneys for Plaintiff.

NOTICE
IN THE COURT
OF COMMON PLEAS
OF CLEARFIELD COUNTY
Civil Division

DIANTHA E. DANN, DARLENE E.
WALK, HAROLD D. WISOR, a/k/a
H. DEAN WALK and DAVID M. WISOR

vs.

GEORGE LUMADUE, MARY LUMADUE, and BETTY JANE LUMADUE, THEIR HEIRS, EXECUTORS, ADMINISTRATORS, and ASSIGNS
No. 04-202-CD

ACTION TO
QUIET TITLE

TO: GEORGE LUMADUE, MARY LUMADUE, and BETTY JANE LUMADUE, THEIR HEIRS, EXECUTORS, ADMINISTRATORS, and ASSIGNS, known or believed to be the above named Defendants.

NOTICE-If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the Court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the Plaintiffs. You may lose money or property or other rights important to you.

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, Ext. 50-51

You are hereby notified that an Action to Quiet Title to the following two (2) pieces or parcels of land, hereinafter described and referred to as the premises, situate in Boggs Township, Clearfield County, Commonwealth of Pennsylvania, and more particularly described as follows:

THE FIRST THEREOF:

BEGINNING at a stake on the Old Houtzdale Road leading from Woodland to Varners and at the corner of other lands now or formerly of George Lumadue; thence South one hundred fifty (150) feet to a stake; thence East one hundred (100) feet to a stake; thence North one hundred fifty (150) feet to a stake on the Old Houtzdale Road; thence West along said road one hundred (100) feet to a stake and place of beginning.

Being a lot one hundred (100) feet by one hundred fifty (150) feet and bounded on the West, on the South and on the East by other lands now or formerly of George Lumadue, and bounded on the North by the Old Houtzdale Road. Having thereon erected a one-story dwelling house.

THE SECOND THEREOF:
BEGINNING at a stone corner on the Northeast corner boundary of lands now or formerly of George Lumadue, which post corner is the right-of-way of the Township Road; thence North along same right-of-way of said Township Road approximately one hundred (100) feet to ditch on lands now or formerly of Frances and Boyd Lumadue; thence Northwest along banks of same ditch approximately one hundred fifty (150) feet to a post on corner of lands now or formerly of Newton Lumadue; thence South along same lands now or formerly of Newton Lumadue lands one hundred fifty (150) feet to lands now or formerly of George Lumadue; thence East along same line of lands now or formerly of George Lumadue, one hundred fifty (150) feet to the right-of-way aforementioned Township Road and place of beginning and containing approximately one-half (1/2) acre, more or less.

Exhibit "B"

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :

COUNTY OF CLEARFIELD :

SS:

On this 1st day of March, A.D. 2004, 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 24, 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.

Cheryl J. Robison COMMONWEALTH OF PENNSYLVANIA
Notary Public Clearfield, Pa.

My Commission Expires
October 31, 2007

Notarial Seal
Cheryl J. Robison, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires Oct. 31, 2007
Member, Pennsylvania Association Of Notaries

Being the same parcel listed as Clearfield County Map Number N09-000-030.

Being the tracts or parcels of ground conveyed by Deed dated November 15, 1991, from Clara J. Wisor to Diantha E. Dann, Darlene E. Walk, Harold D. Wisor and David M. Wisor as recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania in Deed and Record Book 1429, page 195.

WHEREUPON said Court ordered that notice of said action and the facts thereto be served by Plaintiff by Advertisement upon the Defendants, GEORGE LUMADUE, MARY LUMADUE, and BETTY JANE LUMADUE, THEIR HEIRS, EXECUTORS, ADMINISTRATORS, and ASSIGNS, parties of the second part; being all the persons who have an interest in and to the above described property situate in Covington Township, Clearfield County, Pennsylvania, requiring Defendants above named and their heirs, executors, administrators and assigns to answer the said Complaint within twenty (20) days from the date of this publication. For failure to comply, a judgment will be taken by application of Plaintiff before the Court at a hearing to be held at the Clearfield County Courthouse, Clearfield, Pennsylvania, on April 1, 2004, at 9:00 a.m.
MIKESELL & MIKESELL
Attorneys At Law
115 East Locust Street
Clearfield, PA 16830
Attorney For Plaintiff

2:24-1d-b

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

THE FIRST THEREOF:

BEGINNING at a stake on the Old Houtzdale Road leading from Woodland to Varners and at the corner of other lands now or formerly of George Lumadue; thence South one hundred fifty (150) feet to a stake; thence East one hundred (100) feet to a stake; thence North one hundred fifty (150) feet to a stake on the Old Houtzdale Road; thence West along said road one hundred (100) feet to a stake and place of beginning.

Being a lot one hundred (100) feet by one hundred fifty (150) feet and bounded on the West, on the South and on the East by other lands now or formerly of George Lumadue, and bounded on the North by the Old Houtzdale Road. Having thereon erected a one-story dwelling house.

THE SECOND THEREOF:

BEGINNING at a stone corner on the Northeast corner boundary of lands now or formerly of George Lumadue, which post corner is at the right-of-way of the Township Road; thence North along same right-of-way of said Township Road approximately one hundred (100) feet to ditch on lands now or formerly of Frances and Boyd Lumadue; thence Northwest along banks of same ditch approximately one hundred fifty (150) feet to a post on corner of lands now or formerly of Newton Lumadue; thence South along same lands now or formerly of Newton Lumadue lands one hundred fifty (150) feet to lands now or formerly of George Lumadue; thence East along same line of lands now or formerly of George Lumadue, one hundred fifty (150) feet to the right-of-way aforementioned Township Road and place of beginning and containing approximately one-half (1/2) acre, more or less.

Being the same parcel listed as Clearfield County Map Number N09-000-030 .

Being the tracts or parcels of ground conveyed by Deed dated November 15, 1991, from Clara J. Wisor to Diantha E. Dann, Darlene E. Walk, Harold D. Wisor and David M. Wisor as recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania in Deed and Record Book 1429, page 195.

2. That title to the above described property is now vested in Diantha E. Dann, Darlene E. Walk, Harold D. Wisor, a/k/a H. Dean Wisor and David M. Wisor as prayed.

3. That the rights of the Plaintiffs are superior to the rights of the Defendants, George Lumadue, Mary Lumadue and Betty Jane Lumadue, their heirs, executors, administrators or assigns, or any and all persons or entities (whether persons in being, partnerships or corporations of any legal form or any other business or firm) claiming under them, or who might claim title under the aforesaid Defendants; and any other person, firms, partnerships or corporate entities who might claim title to the premises herein described.

4. That the Plaintiffs have title in fee simple to the said property herein described as against the George Lumadue, Mary Lumadue and Betty Jane Lumadue, their heirs, executors, administrators or assigns and devises.

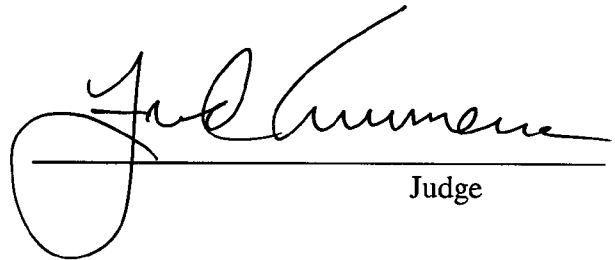
5. That the Defendants, George Lumadue, Mary Lumadue and Betty Jane Lumadue, their heirs, executors, administrators or assigns and devises are enjoined and forever barred from asserting any right, title or interest in or to the property herein described which are inconsistent with the interest or claims of the Plaintiffs as set forth in their Complaint and from setting up any title to the said property herein described and from impeaching, denying or in any way attacking the title of the Plaintiffs to the premises.

6. That the thirty (30) day provisions of Pennsylvania Rules of Civil Procedure 1066(b)(i) is hereby modified 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 Pennsylvania Rule of Civil Procedure 248 to eliminate any time period prescribed by Pennsylvania Rules of Civil Procedure upon Order of Court.

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

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



A handwritten signature in black ink, appearing to read "Judge", is written over a horizontal line. The signature is stylized with a large, looped initial "J".

Judge

FILED

01:19 ~~PM~~ *3:42 PM* *May 19 2004* *Michael*

William A. Shaw
Prothonotary

THE FIRST THEREOF:

BEGINNING at a stake on the Old Houtzdale Road leading from Woodland to Varners and at the corner of other lands now or formerly of George Lumadue; thence South one hundred fifty (150) feet to a stake; thence East one hundred (100) feet to a stake; thence North one hundred fifty (150) feet to a stake on the Old Houtzdale Road; thence West along said road one hundred (100) feet to a stake and place of beginning.

Being a lot one hundred (100) feet by one hundred fifty (150) feet and bounded on the West, on the South and on the East by other lands now or formerly of George Lumadue, and bounded on the North by the Old Houtzdale Road. Having thereon erected a one-story dwelling house.

THE SECOND THEREOF:

BEGINNING at a stone corner on the Northeast corner boundary of lands now or formerly of George Lumadue, which post corner is at the right-of-way of the Township Road; thence North along same right-of-way of said Township Road approximately one hundred (100) feet to ditch on lands now or formerly of Frances and Boyd Lumadue; thence Northwest along banks of same ditch approximately one hundred fifty (150) feet to a post on corner of lands now or formerly of Newton Lumadue; thence South along same lands now or formerly of Newton Lumadue lands one hundred fifty (150) feet to lands now or formerly of George Lumadue; thence East along same line of lands now or formerly of George Lumadue, one hundred fifty (150) feet to the right-of-way aforementioned Township Road and place of beginning and containing approximately one-half (1/2) acre, more or less.

Being the same parcel listed as Clearfield County Map Number N09-000-030

Being the tracts or parcels of ground conveyed by Deed dated November 15, 1991, from Clara J. Wisor to Diantha E. Dann, Darlene E. Walk, Harold D. Wisor and David M. Wisor as recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania in Deed and Record Book 1429, page 195.

2. That title to the above described property is now vested in Diantha E. Dann, Darlene E. Walk, Harold D. Wisor, a/k/a H. Dean Wisor and David M. Wisor as prayed.

3. That the rights of the Plaintiffs are superior to the rights of the Defendants, George Lumadue, Mary Lumadue and Betty Jane Lumadue, their heirs, executors, administrators or assigns, or any and all persons or entities (whether persons in being, partnerships or corporations of any legal form or any other business or firm) claiming under them, or who might claim title under the aforesaid Defendants; and any other person, firms, partnerships or corporate entities who might claim title to the premises herein described.

4. That the Plaintiffs have title in fee simple to the said property herein described as against the George Lumadue, Mary Lumadue and Betty Jane Lumadue, their heirs, executors, administrators or assigns and devises.

5. That the Defendants, George Lumadue, Mary Lumadue and Betty Jane Lumadue, their heirs, executors, administrators or assigns and devises are enjoined and forever barred from asserting any right, title or interest in or to the property herein 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 said property herein described and from impeaching, denying or in any way attacking the title of the Plaintiffs to the premises.

6. That the thirty (30) day provisions of Pennsylvania Rules of Civil Procedure 1066(b)(i) is hereby modified 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 Pennsylvania Rule of Civil Procedure 248 to eliminate any time period prescribed by Pennsylvania Rules of Civil Procedure upon Order of Court.

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

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

A handwritten signature in black ink, appearing to read "Judge J. Cunningham", written over a horizontal line.

Judge