

04-283-CD
AL LANDER vs. DEBBIE MCGIVERN, et al.

Al Lander vs. Debbie McGivern et al
2004-283-CD

Date: 6/6/2007
Time: 10:13 AM
Page 1 of 3

Clearfield County Court of Common Pleas

User: LMILLER

ROA Report

Case: 2004-00283-CD

Current Judge: Fredric Joseph Ammerman

Civil Other

Date		Judge
2/27/2004	Filing: Quiet Title Action Paid by: Cloak, Linda (attorney for Lander, Al) Receipt number: 1874479 Dated: 02/27/2004 Amount: \$95.00 (Check) 3 CC to Shff.	No Judge
	Motion For Publication filed by Atty. No CC.	No Judge
	Affidavit of Linda Cloak, Esq. 3 CC to Shff.	No Judge
3/1/2004	ORDER, AND NOW, this 1st day of March, 2004, re: Plaintiffs are GRANTED relief to make service of the Complaint upon Defendants by publication. by the Court, s/FJA, P.J.	Fredric Joseph Ammerman
3/26/2004	Filing: Reissue Writ/Complaint Paid by: Greco & Lander, P.C. Receipt number: 1876067 Dated: 03/26/2004 Amount: \$7.00 (Check)	Fredric Joseph Ammerman
	Praecipe To Reinstate Complaint. filed by, s/Linda Cloak, Esquire 1 cc & 2 Compl	Fredric Joseph Ammerman
4/8/2004	Answer. filed by, s/Jeffrey S. DuBois, Esquire Verification s/Jeffrey S. DuBois, Esq. Certificate of Service 3 cc to Atty	Fredric Joseph Ammerman
4/12/2004	Sheriff Return, Papers served on Defendant. Return Complaint "NOT SERVED, TIME EXPIRED" as to Kova R. Dickinson and Michael H. Robison, Defendants. So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm	Fredric Joseph Ammerman
4/19/2004	Motion for Judgment, filed by s/Linda Cloak, Esq. One CC Attorney	Fredric Joseph Ammerman
	Proof of Publication, filed by Atty. Cloak	Fredric Joseph Ammerman
	No Cert. Copies.	
	Proof of Publication, filed by Atty. Knaresboro, editor of Clfd. Legal Journal	Fredric Joseph Ammerman
	Certificate of Service, filed by Atty. Cloak	Fredric Joseph Ammerman
	Served copy of Motion for Judgment and Proof of Publication upon Atty. DuBois	
4/20/2004	ORDER, AND NOW, this 20th day of April, 2004. by the Court, s/FJA, P.J. 1 cc Atty Cloak	Fredric Joseph Ammerman
5/3/2004	Objection to Plaintiff's Motion For Judgment. filed by, s/Jeffrey S. DuBois, Esquire 3 cc Atty DuBois	Fredric Joseph Ammerman
5/11/2004	Sheriff Return, Papers served on Defendants, Kova Dickinson and Michael H. Robison. So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm	Fredric Joseph Ammerman
5/18/2004	2 CC to Atty Default judgment entered against Michael H. Robison and Kova R. Dickinson ONLY.	Fredric Joseph Ammerman
5/26/2004	Proof of Publication, in the Clearfield Progress and Clearfield County Legasl Journal. filed by, s/Linda Cloak, Esquire no cc	Fredric Joseph Ammerman
6/18/2004	Motion for Judgment on the Pleadings, filed by s/Linda Cloak, Esq. One CC Attorney Cloak	Fredric Joseph Ammerman
	Certificate of Service of Motion for Judgment on the pleadings filed by Atty. Cloak. 1 CC to Atty.	Fredric Joseph Ammerman
6/21/2004	Rule AND NOW, this 21 day of June, 2004, upon consideration of the motion, a Rule is hereby issued upon Def to show cause why the motion should not be granted. Non-returnable July 13, 2004 for filing written response. S/FJA 1 CC to Atty. Cloak	Fredric Joseph Ammerman
7/12/2004	Response to Plaintiff's Motion for Judgment on Pleadings, filed by s/Jeffrey S. DuBois, Esq. Two CC Attorney DuBois	Fredric Joseph Ammerman

Civil Other

Date		Judge
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	X Proof of Publication, filed by Atty. Knaresboro, editor of Clfd. Legal Journal	Fredric Joseph Ammerman
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Civil Other

Date		Judge
7/16/2004	Order, filed 3 cert. to Atty. DuBois AND NOW, this 15th day of July, 2004, RE: Hearing on Response to Plaintiff's Motion for Judgment, on Aug. 30, 2004.	Fredric Joseph Ammerman
8/30/2004	Order, NOW, this 30th day of August, 2004, following argument on Defendants' Response to plaintiff's motion for Judgment on the Pleadings, it is the ORDER of this Court that said motion for judgment on the Pleadings be and is hereby denied. BY THE COURT, /s/Fredrick J. Ammerman, President Judge. 2CC Attys: Cloak, DuBois, 1CC Kova Dickinson, 1CC Michael Robison.	Fredric Joseph Ammerman
11/8/2004	Certificate of Service, Plaintiff's Interrogatories And Request For Production Of Documents by US Mail on 11-3-2004 to Jeffrey S. Dubois, Esq. Filed by s/ Linda Cloak, Esq. No CC	Fredric Joseph Ammerman
12/17/2004	Motion To Compel Answers and Production of Documents, on behalf of Plaintiffs, filed by s/ Linda Cloak, Esquire. 1CC Atty Cloak	Fredric Joseph Ammerman
12/20/2004	Order Compelling Defendant's Answer to Plaintiff's First Set of Interrogatories and Requests For Production of Documents: AND NOW, this 17th day of Dec., 2004, it is hereby ORDERED by this Court that Defendant, Debbie McGivern: Answer interrogatories or default (see original for details). BY THE COURT: /s/ Fredric J. Ammerman, President Judge. 1CC Atty Cloak	Fredric Joseph Ammerman
1/17/2005	Certificate of Service, Plaintiff's Interrogatories and Request for Production of Documents on Jan. 14, 2005, upon Linda Cloak, Esquire. Filed by s/ Jeffrey S. Dubois, Esquire. 2CC To Atty	Fredric Joseph Ammerman
3/21/2005	Certificate of Service, filed. That a true and correct copy of the foregoing "Notice of Deposition of Party Debbie McGivern" was sent of March 18, 2005 to Jeffrey S. DuBois Esq., filed by s/ Nathaniel C. Parker Esq. No CC.	Fredric Joseph Ammerman
4/1/2005	Notice of Deposition of Party Debbie McGivern, Filed by s/ Nathaniel C. Parker, Esquire. No CC	Fredric Joseph Ammerman
6/13/2005	Certificate of Service, copy of Plaintiff's June 2005 Interrogatory and Request for Production of Document, on June 9, 2005 to Jeffrey S. Dubois, Esquire. Filed by s/ Nathaniel C. Parker, Esquire. No CC	Fredric Joseph Ammerman
8/5/2005	Praecipe to List Case on Next Available Trial List, Non-Jury, filed by s/Nathaniel Parker, Esq. No CC	Fredric Joseph Ammerman
1/20/2006	Order, NOW, this 19th day of Jan., 2006, Ordered that No-Jury Trial shall be held before the Court commencing at 9:00 a.m. on Friday, March 10, 2006 in Courtroom No. 1. The parties have agreed to stipulate as to the authenticity of all documents of record in the Clfd. Co. Register and Recorder's Office as are applicable to this case. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Attys: Lander, DuBois, 1CC Kova Dickinson, 1CC M. Robison	Fredric Joseph Ammerman
2/15/2006	Petition To Open Judgment, filed by s/ Jeffrey S. DuBois, Esquire. 3CC Atty. DuBois	Fredric Joseph Ammerman
2/17/2006	Certificate of Service, filed. That a true and correct copy of the foregoing Response to Interrogatory and Request for Production of Documents to the Plaintiff was sent on February 14, 2006 to Jeffrey S. DuBois, Esq., filed by s/ Nathaniel C. Parker Esq. 1CC Atty.	Fredric Joseph Ammerman

Civil Other

Date		Judge
7/12/2004	X Response to Plaintiff's Motion for Judgment on Pleadings, filed by s/Jeffrey S. DuBois, Esq. Two CC Attorney DuBois	Fredric Joseph Ammerman
7/16/2004	X Order, filed 3 cert. to Atty. DuBois AND NOW, this 15th day of July, 2004, RE: Hearing on Response to Plaintiff's Motion for Judgment, on Aug. 30, 2004.	Fredric Joseph Ammerman
8/30/2004	X Order, NOW, this 30th day of August, 2004, following argument on Defendants' Response to plaintiff's motion for Judgment on the Pleadings, it is the ORDER of this Court that said motion for judgment on the Pleadings be and is hereby denied. BY THE COURT, /s/Fredrick J. Ammerman, President Judge. 2CC Attys: Cloak, DuBois, 1CC Kova Dickinson, 1CC Michael Robison.	Fredric Joseph Ammerman
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12/17/2004	X Motion To Compel Answers and Production of Documents, on behalf of Plaintiffs, filed by s/ Linda Cloak, Esquire. 1CC Atty Cloak	Fredric Joseph Ammerman
12/20/2004	X Order Compelling Defendant's Answer to Plaintiff's First Set of Interrogatories and Requests For Production of Documents: AND NOW, this 17th day of Dec., 2004, it is hereby ORDERED by this Court that Defendant, Debbie McGivern: Answer interrogatories or default (see original for details). BY THE COURT: /s/ Fredric J. Ammerman, President Judge. 1CC Atty Cloak	Fredric Joseph Ammerman
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4/1/2005	X Notice of Deposition of Party Debbie McGivern, Filed by s/ Nathaniel C. Parker, Esquire. No CC	Fredric Joseph Ammerman
6/13/2005	X Certificate of Service, copy of Plaintiff's June 2005 Interrogatory and Request for Production of Document, on June 9, 2005 to Jeffrey S. Dubois, Esquire. Filed by s/ Nathaniel C. Parker, Esquire. No CC	Fredric Joseph Ammerman
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1/20/2006	X Order, NOW, this 19th day of Jan., 2006, Ordered that No-Jury Trial shall be held before the Court commencing at 9:00 a.m. on Friday, March 10, 2006 in Courtroom No. 1. The parties have agreed to stipulate as to the authenticity of all documents of record in the Clfd. Co. Register and Recorder's Office as are applicable to this case. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Attys: Lander, DuBois, 1CC Kova Dickinson, 1CC M. Robison	Fredric Joseph Ammerman
2/15/2006	X Petition To Open Judgment, filed by s/ Jeffrey S. DuBois, Esquire. 3CC Atty. DuBois	Fredric Joseph Ammerman
2/17/2006	X Certificate of Service, filed. That a true and correct copy of the foregoing Response to Interrogatory and Request for Production of Documents to the Plaintiff was sent on February 14, 2006 to Jeffrey S. DuBois, Esq., filed by s/ Nathaniel C. Parker Esq. 1CC Atty.	Fredric Joseph Ammerman
2/21/2006	X Order, NOW, this 17th day of Feb., 2006, in consideration of Defendants Petition to Open Judgment, It is Ordered that a Hearing be scheduled in this matter for the 3rd day of March, 2006, at 10:30 a.m. in Courtroom No. 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 3CC Atty. DuBois	Fredric Joseph Ammerman

3-21-05
Cert of Serv

Civil Other

Date		Judge
2/21/2006	Order, NOW, this 17th day of Feb., 2006, in consideration of Defendants Petition to Open Judgment, It is Ordered that a Hearing be scheduled in this matter for the 3rd day of March, 2006, at 10:30 a.m. in Courtroom No. 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 3CC Atty. DuBois	Fredric Joseph Ammerman
2/27/2006	Plaintiff's Motion In Limine, filed by s/ Nathaniel Parker, Esquire. 1CC Atty. Parker	Fredric Joseph Ammerman
	Certificate of Service, filed. That a true and correct copy of the foregoing "Plaintiff's Motion in Limine" was sent on February 22, 2006 to Jeffrey S. DuBois Esq., filed by s/ Nathaniel C. Parker Esq. 1CC atty Parker.	Fredric Joseph Ammerman
3/6/2006	Order, NOW, this 3rd day of March, 2006, following the taking of testimony on the Defendants' Petition to Open Judgment, Ordered that said Petition is hereby dismissed. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Attys: Al Lander, DuBois, 1CC Kova Dickson, RR1 Box 515 Olanta, PA 16863, 1CC Michael Robison, RR1 Box 515, Olanta, PA 16863	Fredric Joseph Ammerman
3/7/2006	Counterclaim, filed by s/ Jeffrey S. DuBois, Esquire. 3CC Atty. DuBois	Fredric Joseph Ammerman
3/9/2006	Plaintiff's Motion to Strike Counterclaim, filed by s/ Al Lander, Esquire. 1CC Atty.	Fredric Joseph Ammerman
	Certificate of Service, filed. Certify that a true and correct copy of the foregoing "Plaintiff's Motion to Strike Counterclaim" was sent on March 8, 2006 to Jeffrey S. DuBois Esq., filed by s/ Nathaniel C. Parker Esq. 1CC atty.	Fredric Joseph Ammerman
	Defendant's Response to Plaintiff's Motion in Limine, filed by s/ Jeffrey S. DuBois Esq. 4CC Atty DuBois.	Fredric Joseph Ammerman
3/10/2006	Order, NOW, this 9th day of March, 2006, upon consideration of Plaintiff's Motion to Strike Counterclaim, and for good cause shown, Ordered that the document filed on March 7, 2006 by Defendant Debbie McGivern entitled "Counterclaim" is hereby stricken from the record of the within litigation as being improperly and untimely filed. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Attys: Lander, DuBois, 1CC Kova Dickinson & Michael Robison	Fredric Joseph Ammerman
3/13/2006	Order, NOW, this 10th day of March, 2006, following civil nonjury trial, Ordered that Plaintiff provide the Court with Findings of Fact, Conclusions of law and letter brief within no more than 20 days from this date. Defendants shall have 10 days thereafter to file the same. By The Court, /s/ Fredric J. Ammerman, President Judge. 1CC Attys: Lander, Dubois. 1CC Kova Dickinson, Michael Robison RR1 Box 515, Olanta PA 16863	Fredric Joseph Ammerman
3/30/2006	Certificate of Service, filed. That a true and correct copy of the foregoing "Brief in Support of Plaintiff's Quiet Title Action: Findings of Fact & Conclusion of Law was sent on March 28, 2006 to Jeffrey S. DuBois Esq. filed by s/ Nathaniel C. Parker Esq.	Fredric Joseph Ammerman
4/4/2006	Transcript of Proceedings with exhibits filed. Transcript of Civil Nonjury Trial held on Friday, March 10, 2006.	Fredric Joseph Ammerman
5/23/2006	Order, NOW, this 22nd day of May, 2006, following civil non-jury trial, the Court rules in favor of the Plaintiff and against the Defendants, it is the Order of the Court as follows: (see original). By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Register & Recorder (without memo) 1CC Attys: Lander, DuBois 1CC Kova Dickinson & Michael H. Robison RR1 Box 515, Olanta, PA 16863	Fredric Joseph Ammerman

Civil Other

Date		Judge
2/27/2006	X Plaintiff's Motion In Limine, filed by s/ Nathaniel Parker, Esquire. 1CC Atty. Parker	Fredric Joseph Ammerman
	X Certificate of Service, filed. That a true and correct copy of the foregoing "Plaintiff's Motion in Limine" was sent on February 22, 2006 to Jeffrey S. DuBois Esq., filed by s/ Nathaniel C. Parker Esq. 1CC atty Parker.	Fredric Joseph Ammerman
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3/9/2006	X Plaintiff's Motion to Strike Counterclaim, filed by s/ Al Lander, Esquire. 1CC Atty.	Fredric Joseph Ammerman
	X Certificate of Service, filed. Certify that a true and correct copy of the foregoing "Plaintiff's Motion to Strike Counterclaim" was sent on March 8, 2006 to Jeffrey S. DuBois Esq., filed by s/ Nathaniel C. Parker Esq. 1CC atty.	Fredric Joseph Ammerman
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IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

AL LANDER,

Plaintiff,

vs.

DEBBIE MCGIVERN, KOVA R.
DICKINSON, MICHAEL H. ROBISON,
P. P. SANTINI, JOHN L. CULLEY, AND
WAYNE M. CULLEY, BURGETTSTOWN:
ROD & GUN CLUB, an unincorporated
association, Their Heirs, Successors and
Assigns And All Other Persons Claiming
Any Interest In The Property Described In
This Action,

Defendants.

: No. 04-283-CD

: Civil Action - Equity

: Type of Case:

: *Partition of Realty And*
: *Action to Quiet Title*

: Type of Pleading:

: *Complaint*

: Filed on Behalf of Plaintiff

: Counsel of Record

: For Plaintiff

: Linda Cloak, Esq.

: Law Offices of Greco & Lander, P.C.

: P.O. Box 667

: Clarion, PA 16214

: (814) 226-6853

: Fax (814) 226-4951

: Supreme Court I.D. No. 85102

FILED

FEB 27 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

AL LANDER,

Plaintiff,

vs.

DEBBIE MCGIVERN, KOVA R.
DICKINSON, MICHAEL H. ROBISON,
P. P. SANTINI, JOHN L. CULLEY, AND
WAYNE M. CULLEY, BURGETTSTOWN:
ROD & GUN CLUB, an unincorporated
association, Their Heirs, Successors and
Assigns And All Other Persons Claiming
Any Interest In The Property Described In
This Action,

Defendants.

: No. _____

: Civil Action - Equity

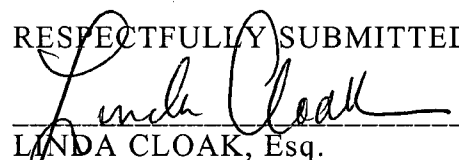
PRAECIPE FOR APPEARANCE

TO THE PROTHONOTARY:

Please enter my appearance on behalf of Plaintiff, Al Lander, in the above
referenced action.

Dated: _____, 2004

RESPECTFULLY SUBMITTED:



LINDA CLOAK, Esq.
Law Offices of Greco & Lander, P.C.
P.O. Box 667
Clarion, PA 16214
(814) 226-6853
Fax: (814) 226-4951
Supreme Court No. 85102

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

AL LANDER,

Plaintiff,

vs.

DEBBIE MCGIVERN, KOVA R.
DICKINSON, MICHAEL H. ROBISON,
P. P. SANTINI, JOHN L. CULLEY, AND
WAYNE M. CULLEY, BURGETTSTOWN:
ROD & GUN CLUB, an unincorporated
association, Their Heirs, Successors and
Assigns And All Other Persons Claiming
Any Interest In The Property Described In
This Action,

Defendants.

No. _____

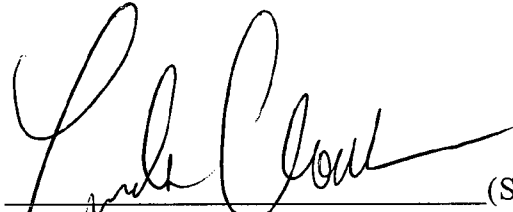
Civil Action - Equity

NOTICE

YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PAGES, YOU MUST TAKE ACTION WITHIN TWENTY (20) DAYS AFTER THIS COMPLAINT AND NOTICE IS 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 COMPANY OR FOR ANY OTHER CLAIM OR RELIEF REQUESTED BY THE PLAINTIFF. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Court Administrator
Clearfield County Courthouse
Second and Market Streets
Clearfield, PA 16830
(814) 765-2641, Ext. 50-51



(SEAL)

LINDA CLOAK, ESQ.
Attorney for Plaintiff
Law Offices of Greco & Lander, P.C.
P.O. Box 667
Clarion, Pennsylvania 16214
(814) 226-6853

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

AL LANDER,	:	No. _____
	:	
Plaintiff,	:	Civil Action - Equity
	:	
vs.	:	
	:	
DEBBIE MCGIVERN, KOVA R.	:	
DICKINSON, MICHAEL H. ROBISON,	:	
P. P. SANTINI, JOHN L. CULLEY, AND	:	
WAYNE M. CULLEY, BURGETTSTOWN:	:	
ROD & GUN CLUB, an unincorporated	:	
association, Their Heirs, Successors and	:	
Assigns And All Other Persons Claiming	:	
Any Interest In The Property Described In	:	
This Action,	:	
	:	
Defendants.	:	

COMPLAINT

AND NOW, comes the Plaintiff, Al Lander, Agent, by and through his Attorney, the Law Offices of Greco & Lander, P.C., and brings this Complaint for the Partition of Realty and Quiet Title Action upon a cause of action pursuant to Rule 1551 et. seq. and Rule 1060 of the Pennsylvania Rules of Civil Procedure, the following of which is a statement:

COUNT I – ACTION TO QUIET TITLE

1. The Plaintiff, Al Lander, is an adult individual residing at 652 Schupp Drive, Lucinda, PA 16235.
2. The Defendant, Debbie McGivern, is an adult individual with a mailing address of 40 Cherry Creek Road, Burgettstown, PA 15021.

3. The Defendant, Kova R. Dickinson, is an adult individual with a mailing address of R.R. #1, Box 515, Olanta, PA 16863.

4. The Defendant, Michael H. Robison, is an adult individual with a mailing address of R.R. #1, Box 515, Olanta, PA 16863.

5. The Defendant, P. P. Santini, is believed to be deceased, being that he was an adult individual on November 22, 1931, and his present whereabouts are unknown.

6. The Defendant, John L. Culley, is believed to be deceased, being that he was an adult individual on December 7, 1950, and his present whereabouts are unknown.

7. The Defendant, Wayne M. Culley, is believed to be deceased, being that he was an adult individual on January 7, 1960, and his present whereabouts are unknown.

8. The Plaintiff is the owner of all those certain pieces, parcels or tracts of land located in Houston Township, Clearfield County, Pennsylvania, bounded and described as follows:

FIRST:

BEGINNING at a post in the center of the public road leading up Wilson Run which stands 118 perches southerly from the north line of Warrant No. 5061; thence North 20.5° East, 66 perches to a post; thence South 44° East, 25 perches to a hemlock; thence South 30.5° West, 66 perches to a post in said road; thence North 44° West, 25 perches to the place of beginning.

SECOND:

BEGINNING at the southeast corner of the 10 acre lot recited above in the road; thence South 45° East along road 5 ½° perches to a post; thence North 20.5° East, 106 perches to a post; thence North 44° West, 30 perches to a post; thence South 20.5° West, 40 perches to a post the northwest corner of

the recited 10 acre lot; thence East 25 perches to a hemlock; thence South 20.5° West, 66 perches to the place of beginning.

UNDER AND SUBJECT TO prior reservations of all coal, coal oil and other minerals in or upon said land with the full right to mine and remove same.

THIRD:

BEGINNING at a post in the center of public road, the southwest corner of a 10 acre lot deeded by George W. Hoover, et. al. to Jacob Bish, 10 October 1888, 69, Page 217, thence following the center of said road North 49° West, 15.4 perches, North 55.75°, West 24.3 perches; thence North 19°, West, 8.2 perches to a post; thence North 50.5°, 15 perches to a post and stones; thence North 20.5° East, 93 perches to a post and stones; thence South 44° East, 40 perches to a post, corner of land of Jacob Bish; thence South 20.5° West, 106 perches to the beginning.

UNDER AND SUBJECT TO prior reservations of all coal, coal oil and other minerals in or upon said land with the full right to mine and remove same.

The above three parcels are identified as Tax Map No. 119-F2-01, and are assessed as 35 acres.

EXCEPTING AND RESERVING all coal, coal oil, and other minerals under the three described tracts as excepted and reserved in previous deeds in the chain of title.

The above described land will hereinafter be referred to as "Property".

9. The Plaintiff acquired ownership interest of the Property which is believed to be fee ownership via the following deeds:

A. Deed dated June 27, 2003, and recorded in Clearfield County as Instrument No. 200315432 by and between Donald D. Saxton, Jr., as grantor, and Al Lander, Agent, as grantee.

B. Deed dated July 11, 2003, and recorded in Clearfield County as Instrument No. 200315433, by and between Hannah J. Wilde a/k/a Hannah Jane Wilde, as grantor, and Al Lander, Agent, as grantee.

C. Deed dated July 7, 2003, and recorded in Clearfield County as Instrument No. 200315434, by and between Thomas Lee Colteryahn Estate, as grantor, and Al Lander, Agent, as grantee.

D. Deed dated June 16, 2003, and recorded in Clearfield County as Instrument 200315435, by and between J. Quintin Jones, as grantor, and Al Lander, Agent, as grantee.

E. Deed dated June 13, 2003, and recorded in Clearfield County as Instrument No. 200315436, by and between Donald Dean Saxton, as grantor, and Al Lander, Agent, as grantee.

F. Deed dated June 5, 2003, and recorded in Clearfield County as Instrument No. 200315437 by and between Vivian V. Colteryahn, as grantor, and Al Lander, Agent, as grantee.

G. Deed dated June 3, 2003, and recorded in Clearfield County as Instrument No. 200315438 by and between Martin Kuritz, as grantor, and Al Lander, Agent, as grantee.

H. Deed dated June 11, 2003, and recorded in Clearfield County as Instrument No. 200315439 by and between Timothy C. Jones, as grantor, and Al Lander, Agent, as grantee.

I. Deed dated December 5, 2003, and recorded in Clearfield County as Instrument No. 200322657 by and between Charles Mitchell Colteryahn, as grantor, and Al Lander, Agent, as grantee.

J. Deed dated December 3, 2003, and recorded in Clearfield County as Instrument No. 200322658 by and between Margaret L. Colteryahn, et. al., as grantor, and Al Lander, Agent, as grantee.

K. Deed dated January 19, 2004, and recorded in Clearfield County as Instrument No. 200401870 by and between Patrick Mowrey, et. al., as grantors, and Al Lander, Agent, as grantee.

10. The following Defendants claim an interest in the Property via the following:

A. P. P. Santini via a deed dated November 23, 1931, and recorded in Deed Book Volume 300, Page 436, by and between Wayne M. Culley, et. ux., as grantors, and P. P. Santini, as grantee.

B. John L. Culley via the Estate of W. B. Culley, which Estate is recorded in the Register of Wills Office in Washington County, Pennsylvania at Estate No. 1797.

C. Wayne M. Culley via a deed dated May 5, 1941, and recorded in Deed Book Volume 349, Page 74, by and between the Treasurer's Office of Clearfield County, as grantor, and Wayne M. Culley, as grantee.

D. Kova R. Dickinson and Michael H. Robison via a deed dated September 22, 1999, and recorded as Instrument No. 199915828 by and between the Tax Claim Bureau of Clearfield County, as grantor, and Kova R. Dickinson, et. al., as grantees.

E. The Defendant, Debbie McGivern, is being assessed an interest in the Property, however, there are no instruments of record in the appropriate offices of Clearfield County to support an assessable ownership.

11. The Defendants are believed to be claiming ownership through the original members of the Burgettstown Gun Club aka Burgettstown Rod & Gun Club.

12. Various instruments of record convey away the original members ownership in Burgettstown Rod & Gun Club Property. The record ownership and unrecorded ownership claims of Defendants cannot be confirmed by recorded documents. Plaintiff believes that he has ownership of the fee title to the Property.

13. Since Burgettstown Rod & Gun Club, a predecessor in title, was an unincorporated association and its members are not listed anywhere in the Clearfield County Courthouse, the origin of Plaintiff's title is uncertain and not properly defined. This action is filed for the purpose of defining and confirming Plaintiff's good title to the Property.

14. Since the Defendants have not exercised any possessory rights in the Property, and have not paid any taxes whatsoever on the Property, it is believed that the Defendants have no ownership or lawful claim to the Property.

15. The Treasurer of Clearfield County transferred the Property to Wayne M. Culley by a deed dated May 5, 1941, and recorded in Deed Book Volume 349, Page 74, as a sale of the Property of W. B. Culley.

16. W. B. Culley did not own a record interest in the Property at the time of the Treasurer's sale.

17. The above mentioned Treasurer's sale has created a cloud on Plaintiff's good record title to the Property.

18. The Plaintiff through himself and his predecessors in title has perfected his fee simple title in the Property through adverse possession against any unknown Defendant in that his possession has been actual, visible, continuous, notorious, distinct and hostile for a period in excess of 21 years.

WHEREFORE, the Plaintiff requests this Honorable Court to:

1. Order any persons having any documents, obligations, or deed affecting the rights, claims, title or interest of the Plaintiffs in the Property to produce, file, record, cancel, surrender, release, or satisfy of record any such document or to be forever barred;

2. Order any persons claiming any interest in the Property to assert such interest or to commence an action to determine such interest or be forever barred;

3. Order that the Defendants be forever barred from asserting any right, claim, title or interest in the Property inconsistent with the interest or claim of the Plaintiff set forth in this Complaint;

4. Enter any Order necessary for the granting of the relief herein requested and confirming Plaintiff's good and marketable title to the property; and

5. Enter an Order confirming Plaintiff as the fee simple owner of the property.

COUNT II – PARTITION ACTION

19. Alternatively, if the Court should find that one or more of the Defendants have an interest in the Property, the Plaintiff prays for a partition and avers as follows:

20. Paragraphs 1 – 19 hereinabove set forth are incorporated herein by this reference thereto the same as if set forth herein in their entirety.

21. No persons or entities other than the Plaintiff and Defendants have any interest in the Property.

22. No partition or division of the Property has ever been made.

23. Ownership of the Property is so diverse that administration is difficult and uneconomical.

24. The Property is not capable of proportionate division.

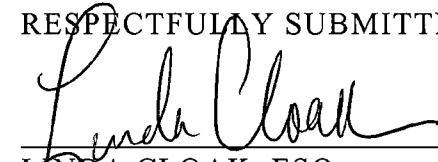
WHEREFORE, Plaintiff requests this Honorable Court to:

1. Order and Decree Partition of the Property;

2. Order and Decree a private sale of the Property among the parties and that all proper necessary conveyances and assurances be executed for carrying out such sales; and that the proceeds thereof be divided among the parties according to their proportionate ownership interest;

3. Such other and further Relief be granted as the Court deems just and proper.

RESPECTFULLY SUBMITTED:


_____(SEAL)
LINDA CLOAK, ESQ.
Law Offices of Greco & Lander, P.C.
P.O. Box 667
Clarion, Pennsylvania 16214
(814) 226-6853

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

AL LANDER, AGENT

Plaintiff,

vs.

DEBBIE MCGIVERN, KOVA R.
DICKINSON, MICHAEL H. ROBISON,
P. P. SANTINI, JOHN L. CULLEY, AND
WAYNE M. CULLEY, BURGETTSTOWN:
ROD & GUN CLUB, an unincorporated
association, Their Heirs, Successors and
Assigns And All Other Persons Claiming
Any Interest In The Property Described In
This Action,

Defendants.

: No. _____

: Civil Action - Equity

VERIFICATION

I, Al Lander, verify that the statements made herein are true and correct to the best of my knowledge, information and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

Date: 02-19-04, 2004


AL LANDER

ax

: No. 04-283-QD

: Civil Action - Equity

:

• • • • •

•

FEB 27 2004

William A. Shaw
Prothonotary/Clerk of Courts

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2. Burgettstown Rod & Gun Club is an unincorporated association. They have not filed a fictitious name with the Department of State, Corporation Bureau; therefore, it is impossible to identify all of their members. Plaintiffs are unable to identify the members through an internet search, no ledger, books, records or accounts for Burgettstown Rod & Gun Club were filed; therefore, its members are unknown.

3. Rule 430 provides that if the Defendant is dead or their identity or whereabouts are unknown, and an affidavit to that effect is filed, the Plaintiffs may serve the Defendants by publication in such manner as the court by local rule or special order may direct.

4. The Plaintiffs move the Court for leave to serve the Complaint on the above-mentioned Defendants, their successors, heirs and assigns, and all other persons claiming any interest in the property described in this Action, as well as the Burgettstown Rod & Gun Club, by publication in such manner as the Court shall direct as provided by Rule 430 of the Pennsylvania Rules of Civil Procedure and local rules of court.

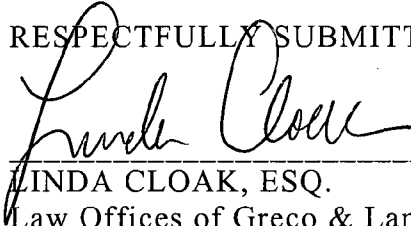
5. The Judicial Code, at 42 PA. C.S.A. Section 323 provides as follows:

“Each court shall have power to issue, under its judicial seal, every lawful writ and proceeding necessary or suitable for the exercise of its jurisdiction for the enforcement of any order which it may make and all legal and equitable powers required for or incidental to the exercise of its jurisdiction, and, except as otherwise prescribed by general rules, every court shall have power to make such rules and orders of court as the interest of justice or the business of the court may require.”

WHEREFORE, Plaintiff requests this Honorable Court to:

Order service of Complaint in this action upon the above Defendants, P.P. Santini, John L. Culley and Wayne M. Culley, their successors, heirs and assigns, and all other persons claiming any interest in the property described in this action, by publication in accordance with Rule 430 in the Pennsylvania Rules of Civil Procedure and the local rules of court.

RESPECTFULLY SUBMITTED:



LINDA CLOAK, ESQ.
Law Offices of Greco & Lander
East Main & Domenica Circle
P.O. Box 667
Clarion, PA 16214
(814) 226-6853
Fax: (814) 226-4951
Supreme Court No. 85102

02/19/2004 4:46 PM:tsr {GL029427.1}

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA :
 : SS:
 COUNTY OF CLARION :

Linda Cloak, Esq., being duly sworn according to law, deposes and says that I have made a detailed good faith investigation as provided by Rule 430 of the Pennsylvania Rules of Civil Procedure of the present whereabouts of the Defendants, P.P. Santini, John L. Culley and Wayne M. Culley, by searching the real estate, estate and tax assessment records in the Centre County Courthouse. An examination was also made of local tax records and the telephone directories. An inquiry was also made of relatives, friends and acquaintances. An internet search of the Defendants was also conducted. To the best of my knowledge, information and belief, I have determined that the whereabouts of the Defendants are unknown and they are believed to be deceased.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 19th
 day of February, 2004.


 LINDA CLOAK

Sworn to and subscribed before
 me this 19th day of February,
 A.D. 2004.


 NOTARY PUBLIC

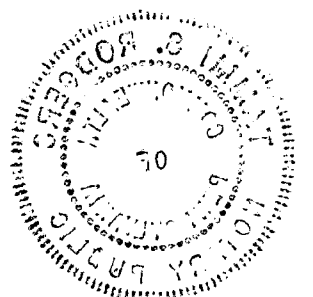
MY COMMISSION EXPIRES:

FILED

FEB 27 2004

William A. Shaw
 Prothonotary/Clerk of Courts

COMMONWEALTH OF PENNSYLVANIA
 Notarial Seal
 Tammi S. Rodgers, Notary Public
 Clarion Boro, Clarion County
 My Commission Expires May 17, 2007
 Member, Pennsylvania Association Of Notaries



FILED 3cc
M10:45
FEB 27 2004 SHF

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

AL LANDER,

Plaintiff,

vs.

DEBBIE MCGIVERN, KOVA R.
DICKINSON, MICHAEL H. ROBISON,
P. P. SANTINI, JOHN L. CULLEY, AND
WAYNE M. CULLEY, BURGETTSTOWN
ROD & GUN CLUB, an unincorporated
association, Their Heirs, Successors and
Assigns And All Other Persons Claiming
Any Interest In The Property Described In
This Action,

Defendants.

No. 04-283-CD

Civil Action - Equity

Type of Pleading:

***PRAECIPE TO REINSTATE
COMPLAINT***

Filed on Behalf of Plaintiff

Counsel of Record for Plaintiff:

LINDA CLOAK, ESQ.

Law Offices of Greco & Lander, P.C.

P.O. Box 667

Clarion, PA 16214

(814) 226-6853

Fax: (814) 226-4951

Supreme Court No. 85102

FILED

MAR 26 2004

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION - EQUITY

AL LANDER,

Plaintiff,

vs.

No. 04-283-CD

DEBBIE MCGIVERN, KOVA R.
DICKINSON, MICHAEL H. ROBISON,
P. P. SANTINI, JOHN L. CULLEY, AND
WAYNE M. CULLEY, BURGETTSTOWN
ROD & GUN CLUB, an unincorporated
association, Their Heirs, Successors and
Assigns And All Other Persons Claiming
Any Interest In The Property Described In
This Action,

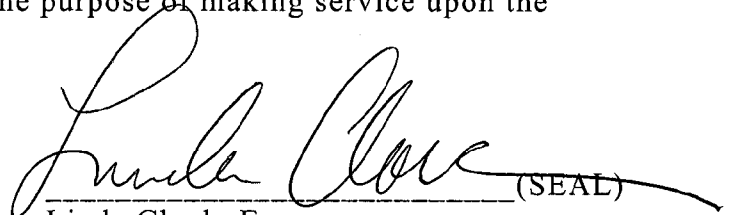
Defendants.

PRAECIPE TO REINSTATE COMPLAINT

TO THE PROTHONOTARY:

Please reinstate the Complaint filed in this action since the Sheriff has failed to make timely service upon the Defendants. Then please return a copy of the reinstated Complaint to the Sheriff for the purpose of making service upon the Defendants.

DATED: 3/26/04

 (SEAL)

Linda Cloak, Esq.
Law Offices of Greco & Lander, P.C.
Attorney for Plaintiff
P.O. Box 667
Clarion, Pennsylvania 16214
(814) 226-6853
Fax: (814) 226-4951
Supreme Court No. 85102

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

AL LANDER,	:	No. 04-283-CD
Plaintiff	:	
	:	Type of Pleading:
Vs.	:	
	:	ANSWER
DEBBIE MCGIVERN, KOVA R.	:	
DICKINSON, MICHAEL H.	:	Filed on Behalf of:
ROBISON, P. P. SANTINI, JOHN	:	DEFENDANT-DEBBIE MCGIVERN
L. CULLEY, and WAYNE M.	:	
CULLEY, BURGETTSTOWN	:	Counsel of Record for This Party:
ROD & GUN CLUB, an	:	
unincorporated association, Their	:	Jeffrey S. DuBois, Esquire
Heirs, Successors and Assigns and	:	Supreme Court No. 62074
All Other Persons Claiming Any	:	190 West Park Avenue, Suite #5
Interest in the Property Described	:	DuBois, PA 15801
In This Action,	:	(814) 375-5598
Defendants	:	

FILED

APR 0 8 2004

William A. Shaw
Prothonotary

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

AL LANDER,	:	No. 04-283-CD
Plaintiff	:	
	:	
Vs.	:	
	:	
DEBBIE MCGIVERN, KOVA R.	:	
DICKINSON, MICHAEL H.	:	
ROBISON, P. P. SANTINI, JOHN	:	
L. CULLEY, and WAYNE M.	:	
CULLEY, BURGETTSTOWN	:	
ROD & GUN CLUB, an	:	
unincorporated association, Their	:	
Heirs, Successors and Assigns and	:	
All Other Persons Claiming Any	:	
Interest in the Property Described	:	
In This Action,	:	
Defendants	:	

ANSWER

AND NOW, comes the Defendant, DEBBIE McGIVERN, by and through her attorney, Jeffrey S. DuBois, Esquire, who files this Answer to Plaintiff's Complaint and in support thereof avers the following:

COUNT I – ACTION TO QUIET TITLE

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Defendant McGivern is without sufficient information to believe the truth or falsity of the averments of paragraph five, and strict proof thereof is demanded at Trial.

6. Defendant McGivern is without sufficient information to believe the truth or falsity of the averments of paragraph six, and strict proof thereof is demanded at Trial.

7. Defendant McGivern is without sufficient information to believe the truth or falsity of the averments of paragraph seven, and strict proof thereof is demanded at Trial.

8. Defendant McGivern is without sufficient information to believe the truth or falsity of the averments of paragraph eight, and strict proof thereof is demanded at Trial.

9. Defendant McGivern is without sufficient information to believe the truth or falsity of the averments of paragraph nine, and strict proof thereof is demanded at Trial.

10. Admitted in part. Defendant McGivern admits that she is the owner of a portion of the property in question. With respect to the remaining averments of paragraph ten, said averments relate to other Defendants other than Defendant McGivern and no responsive pleading is required under the rules.

11. Defendant McGivern claims ownership to said property through ownership through family and is a rightful owner of a portion of the subject property. By way of further answer, with respect to the remaining averments of paragraph eleven, said averments relate to other Defendants other than Defendant McGivern and no responsive pleading is required.

12. Paragraph twelve of Plaintiff's complaint sets forth conclusions of law to which no responsive pleading is required. By way of further answer, Defendant McGivern has never conveyed away her interest in said property and her interest still remains in said property.

13. Denied. As set forth herein, Defendant McGivern has a rightful ownership to said property, as admitted by Plaintiff, is the assessed owner of said property, and is a

rightful owner of said property. With respect to the remaining averments of paragraph thirteen, said averments relate to other Defendants other than Defendant McGivern and no responsive pleading is required.

14. Denied. It is denied that Defendant McGivern has not exercised any possessory rights nor paid taxes, and on the contrary, Defendant McGivern has exercised possessory rights of the property and has paid taxes, or her family has paid taxes, on said property.

15. While it is admitted that the Treasurer of Clearfield transferred said property, it is stated that this transfer was declared invalid. Therefore, the averment of paragraph fifteen of Plaintiffs complaint has no effect.

16. Defendant does not contain sufficient information to believe the truth or falsity of the averments of Plaintiffs paragraph sixteen and strict proof is demanded at Trial.

17. The averments contained in paragraph seventeen are conclusions of law to which no responsive pleading is required.

18. Denied. It is denied that Plaintiff and/or his predecessors have perfected title in fee simple in his property through adverse possession, as Plaintiff's possession has not been actual, visible, continuous, notorious, distinct or hostile, and has not been so for a period in excess of twenty one (21) years.

WHEREFORE, Defendant McGivern respectfully requests this Honorable Court to grant judgment in her favor and against Plaintiff and dismiss Plaintiffs complaint.

COUNT II – PARTITION ACTION

19. No responsive pleading is required.

20. No responsive pleading is required.

21. To the best of Defendant McGivern's knowledge, admitted.

22. To the best of Defendant McGivern's Knowledge, admitted.

23. Denied. It is denied that ownership of the property is so diverse that the administration of it is difficult and uneconomical.

24. Denied, and on the contrary, the subject property is capable of proportionate division.

WHEREFORE, Defendant respectfully requests this Honorable Court to grant judgment in her favor and against Plaintiff, and to dismiss Plaintiffs complaint.

Respectfully submitted,



Jeffrey S. DuBois, Esquire
Attorney for Defendant –
Debbie McGivern

VERIFICATION

I, JEFFREY S. DUBOIS, Esquire, verify that the statements in the foregoing Answer are true and correct to the best of my knowledge, information and belief. The undersigned is in possession of this information based on conversations with and representation of Plaintiff. Plaintiff is currently unavailable and a signed verification by Plaintiff will be submitted as soon as Plaintiff is in contact with the undersigned.

This statement and verification is made subject to the penalties of 18 Pa.C.S. 4904 relating to unsworn falsification to authorities, which provides that if I make knowingly false averments, I may be subject to criminal penalties.

A handwritten signature in black ink, appearing to read 'Jeffrey S. DuBois', written above a horizontal line.

Jeffrey S. DuBois, Esquire


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

AL LANDER, : No. 04-283-CD
Plaintiff :
Vs. :
DEBBIE MCGIVERN, KOVA R. :
DICKINSON, MICHAEL H. :
ROBISON, P. P. SANTINI, JOHN :
L. CULLEY, and WAYNE M. :
CULLEY, BURGETTSTOWN :
ROD & GUN CLUB, an :
unincorporated association, Their :
Heirs, Successors and Assigns and :
All Other Persons Claiming Any :
Interest in the Property Described :
In This Action, :
Defendants :

CERTIFICATE OF SERVICE

I do hereby certify that on the 8th day of April, 2004, I served a true and
correct copy of the within Answer by first class mail, postage prepaid, on the following:

Linda Cloak, Esquire
P.O. Box 667
Clarion, PA 16214


Jeffrey S. DuBois
11/13/04
MAILED
APR 13 2004
CLARION, PA

In The Court of Common Pleas of Clearfield County, Pennsylvania

LANDER, AL

VS.

MCGIVERN, DEBBIE al

Sheriff Docket #

15254

04-283-CD

**COMPLAINT PARTITION OF REALTY & ACTION TO QUIET TITLE
AFFIDAVIT**

SHERIFF RETURNS

NOW MARCH 2, 2004, JOHN RHEEL, SHERIFF OF WASHINGTON COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT PARTITION OF REALTY & ACTION TO QUIET TITLE; MOTION FOR PUBLICATION; AFFIDAVIT ON DEBBIE McGIVERN, DEFENDANT.

NOW MARCH 9, 2004 SERVED THE WITHIN COMPLAINT ETC. ON DEBBIE McGIVERN, DEFENDANT BY DEPUTIZING THE SHERIFF OF WASHINGTON COUNTY. THE RETURN OF SHERIFF RHEEL IS HERETO ATTACHED AND MADE A PART OF THIS RETURN.

NOW APRIL 12, 2004 RETURN THE WITHIN COMPLAINT PARTITION OF REALTY & ACTION TO QUIET TITLE; MOTION FOR PUBLICATION; AFFIDAVIT "NOT SERVED, TIME EXPIRED" AS TO KOVA R. DICKINSON and MICHAEL H. ROBISON, DEFENDANTS. SEVERAL ATTEMPTS.

Return Costs

Cost	Description
75.00	SHERIFF HAWKINS PAID BY: ATTY CK# 882
30.00	SURCHARGE PAID BY: ATTY CK# 883
38.50	WASHINGTON COUNTY SHERIFF PAID BY: ATTY.

Sworn to Before Me This

12th Day Of April 2004

William A. Shaw

FILED

APR 12 2004

01:45 a.m.

William A. Shaw
Prothonotary

So Answers,

Chester A. Hawkins
My Marlyn Hawn

Chester A. Hawkins
Sheriff

15254-
SHERIFF'S DEPARTMENT
WASHINGTON COUNTY, PENNSYLVANIA

100 WEST BEAU STREET, SUITE 101, WASHINGTON, PA 15301

724-228-6840

DATE _____

SHERIFF SERVICE
PROCESS RECEIPT, and AFFIDAVIT OF RETURN

INSTRUCTIONS: Please fill out a separate form for each defendant. Type or print legibly, insuring readability of all copies. Do not detach any copies.

PLAINTIFF / S /

AL LANDER

COURT NUMBER OF WRIT OR COMPLAINT

04-283-CD

DEFENDANT / S /

DEBBIE MCGIVERN, et al

TYPE OF WRIT OR COMPLAINT

COMPLAINT

SERVE



NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVICE OR DESCRIPTION OF PROPERTY TO BE LEVIED, ATTACHED OR SOLD

DEBBIE MCGIVERN

ADDRESS (Street or RFD, Apartment No., City, Boro, Twp., State and Zip.)

40 CHERRY CREEK ROAD BURGETTSTOWN, PA 15021

INDICATE TYPE OF SERVICE: ☐ PERSONAL ☐ PERSON IN CHARGE ☐ DEPUTIZE ☐ CERT. MAIL ☐ REG. MAIL ☐ POSTED ☐ OTHER ☐ LEVY ☐ SEIZED & STORE
SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE.

Expiration/Hearing Date

3-28-04

NOTE ONLY APPLICABLE ON WRIT OF EXECUTION: N.B. WAIVER OF WATCHMAN - Any deputy sheriff levying upon or attaching any property under within writ may leave same without a watchman, in custody of whomsoever is found in possession, after notifying person of levy or attachment, with out liability on the part of such deputy or the sheriff to any plaintiff herein for any loss, destruction or removal of any such property before sheriff's sale thereof.

SIGNATURE of ATTORNEY or other ORIGINATOR requesting service on behalf of

LINDA CLOAK

☒ PLAINTIFF
☐ DEFENDANT

ADDRESS

TELEPHONE NUMBER

I hereby **CERTIFY** and **RETURN** that on the 9 day of MAR, 20 04, at 10:15 o'clock A.M. / P.M. Address Above / Address Below, County of Washington, Pennsylvania

I have served in the manner Described below:

☒ Defendant(s) personally served.

☐ Adult family member with whom said Defendant(s) reside(s). Relationship is _____

☐ Adult in charge of Defendant's residence who refused to give name or relationship.

☐ Manager / Clerk of place of lodging in which Defendant(s) reside(s).

☐ Agent or person in charge of Defendant(s) office or usual place of business.

☐ Other _____

☐ Property Posted _____

☐ Deputize _____

☐ Cert. Mail ☐ Levy Made ☐ Reg. Mail

Defendant not found because: ☐ Moved ☐ Unknown ☐ No Answer ☐ Vacant ☐ Other _____

Now, _____ 20 ____ . I, SHERIFF OF WASHINGTON COUNTY, PA. do hereby deputize the Sheriff of _____ County to execute this Writ and make return thereof according to law.

This deputation being made at the request and risk of the plaintiff.

Notary Public \$ _____ Check Number _____

SHERIFF OF WASHINGTON COUNTY

\$ _____ Check Number _____ County Costs \$ _____

Advance
\$ 100.00

Invoice
2419-04

Docket

Page

Total Costs
\$ 38.50

Costs Due
\$ -0-

REFUND
\$ 61.50

AFFIRMED and subscribed to before me this 11

day of

March 20 04
Linda L. Paraska
Prothonotary / Notary Public

PAID BY ATTY. FOR PLFF

By (Sheriff / Dep. Sheriff) (Please Print or Type.)

Date

Switek

3-9-04

Signature of Sheriff

Date

John C. Kheel (pd)

3-9-04

SHERIFF OF WASHINGTON COUNTY

MY COMMISSION EXPIRES

I ACKNOWLEDGE RECEIPT OF THE SHERIFF'S RETURN OF AUTHORIZED ISSUING AUTHORITY AND TITLE.

NOTARIAL SEAL
Linda L. Paraska, Notary Public
Washington, Washington County, PA
My Commission Expires April 17, 2005

Date Received

PROTHONOTARY



Sheriff's Office Clearfield County

OFFICE (814) 765-2641 EXT. 5986
AFTER 4:00 P.M. (814) 765-1533
FAX (814) 765-5915

MAR -4 PM 2: 06

COURTHOUSE

1 NORTH SECOND STREET, SUITE 116

CHESTER A. HAWKINS
WASHINGTON COUNTY, PA 15301
SHERIFF

CLEARFIELD, PENNSYLVANIA 16830

ROBERT SNYDER
CHIEF DEPUTY

CYNTHIA AUGHENBAUGH
OFFICE MANAGER

MARILYN HAMM
DEPT. CLERK

PETER F. SMITH
SOLICITOR

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

PAGE 15254

AL LANDER

TERM & NO. 04-283-CD

VS

DOCUMENT TO BE SERVED:

DEBBIE MCGIVERN al

COMPLAINT PARTITION OF REALTY & ACTION
TO QUIET TITLE; MOTION FOR PUBLICATION;
AFFIDAVIT

SERVE BY: 03/28/2004

MAKE REFUND PAYABLE TO:

GRECO & LANDER, P.C.

SERVE:

DEBBIE MCGIVERN

ADDRESS:

40 CHERRY CREEK ROAD, BURGETTSTOWN, PA. 15021

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF of
CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF OF
WASHINGTON COUNTY, Pennsylvania to execute this writ. This
Deputation being made at the request and risk of the Plaintiff this 2nd Day of
MARCH 2004

Respectfully,

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

AL LANDER,

Plaintiff,

vs.

DEBBIE MCGIVERN, KOVA R.
DICKINSON, MICHAEL H. ROBISON,
P. P. SANTINI, JOHN L. CULLEY, AND
WAYNE M. CULLEY, BURGETTSTOWN:
ROD & GUN CLUB, an unincorporated
association, Their Heirs, Successors and
Assigns And All Other Persons Claiming
Any Interest In The Property Described In
This Action,

Defendants.

No. 04-283-0

Civil Action - Equity

Type of Case:

*Partition of Realty And
Action to Quiet Title*

Type of Pleading:

Complaint

Filed on Behalf of Plaintiff

Counsel of Record
For Plaintiff

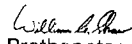
Linda Cloak, Esq.
Law Offices of Greco & Lander, P.C.
P.O. Box 667
Clarion, PA 16214
(814) 226-6853
Fax (814) 226-4951

Supreme Court I.D. No. 85102

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

FEB 27 2004

Attest.


Prothonotary/
Clerk of Courts

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

AL LANDER,

Plaintiff,

vs.

DEBBIE MCGIVERN, KOVA R.
DICKINSON, MICHAEL H. ROBISON,
P. P. SANTINI, JOHN L. CULLEY, AND
WAYNE M. CULLEY, BURGETTSTOWN:
ROD & GUN CLUB, an unincorporated
association, Their Heirs, Successors and
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Any Interest In The Property Described In
This Action,

Defendants.

No. _____

Civil Action - Equity

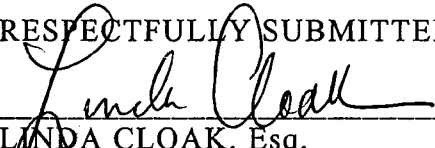
PRAECIPE FOR APPEARANCE

TO THE PROTHONOTARY:

Please enter my appearance on behalf of Plaintiff, Al Lander, in the above
referenced action.

Dated: _____, 2004

RESPECTFULLY SUBMITTED:



LINDA CLOAK, Esq.
Law Offices of Greco & Lander, P.C.
P.O. Box 667
Clarion, PA 16214
(814) 226-6853
Fax: (814) 226-4951
Supreme Court No. 85102

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

AL LANDER,

Plaintiff,

vs.

DEBBIE MCGIVERN, KOVA R.
DICKINSON, MICHAEL H. ROBISON,
P. P. SANTINI, JOHN L. CULLEY, AND
WAYNE M. CULLEY, BURGETTSTOWN:
ROD & GUN CLUB, an unincorporated
association, Their Heirs, Successors and
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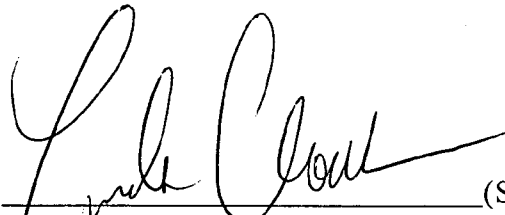
Civil Action - Equity

NOTICE

YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PAGES, YOU MUST TAKE ACTION WITHIN TWENTY (20) DAYS AFTER THIS COMPLAINT AND NOTICE IS 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 COMPANY OR FOR ANY OTHER CLAIM OR RELIEF REQUESTED BY THE PLAINTIFF. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Court Administrator
Clearfield County Courthouse
Second and Market Streets
Clearfield, PA 16830
(814) 765-2641, Ext. 50-51



(SEAL)

LINDA CLOAK, ESQ.
Attorney for Plaintiff
Law Offices of Greco & Lander, P.C.
P.O. Box 667
Clarion, Pennsylvania 16214
(814) 226-6853

3. The Defendant, Kova R. Dickinson, is an adult individual with a mailing address of R.R. #1, Box 515, Olanta, PA 16863.

4. The Defendant, Michael H. Robison, is an adult individual with a mailing address of R.R. #1, Box 515, Olanta, PA 16863.

5. The Defendant, P. P. Santini, is believed to be deceased, being that he was an adult individual on November 22, 1931, and his present whereabouts are unknown.

6. The Defendant, John L. Culley, is believed to be deceased, being that he was an adult individual on December 7, 1950, and his present whereabouts are unknown.

7. The Defendant, Wayne M. Culley, is believed to be deceased, being that he was an adult individual on January 7, 1960, and his present whereabouts are unknown.

8. The Plaintiff is the owner of all those certain pieces, parcels or tracts of land located in Houston Township, Clearfield County, Pennsylvania, bounded and described as follows:

FIRST:

BEGINNING at a post in the center of the public road leading up Wilson Run which stands 118 perches southerly from the north line of Warrant No. 5061; thence North 20.5° East, 66 perches to a post; thence South 44° East, 25 perches to a hemlock; thence South 30.5° West, 66 perches to a post in said road; thence North 44° West, 25 perches to the place of beginning.

SECOND:

BEGINNING at the southeast corner of the 10 acre lot recited above in the road; thence South 45° East along road 5 ½° perches to a post; thence North 20.5° East, 106 perches to a post; thence North 44° West, 30 perches to a post; thence South 20.5° West, 40 perches to a post the northwest corner of

the recited 10 acre lot; thence East 25 perches to a hemlock; thence South 20.5° West, 66 perches to the place of beginning.

UNDER AND SUBJECT TO prior reservations of all coal, coal oil and other minerals in or upon said land with the full right to mine and remove same.

THIRD:

BEGINNING at a post in the center of public road, the southwest corner of a 10 acre lot deeded by George W. Hoover, et. al. to Jacob Bish, 10 October 1888, 69, Page 217, thence following the center of said road North 49° West, 15.4 perches, North 55.75°, West 24.3 perches; thence North 19°, West, 8.2 perches to a post; thence North 50.5°, 15 perches to a post and stones; thence North 20.5° East, 93 perches to a post and stones; thence South 44° East, 40 perches to a post, corner of land of Jacob Bish; thence South 20.5° West, 106 perches to the beginning.

UNDER AND SUBJECT TO prior reservations of all coal, coal oil and other minerals in or upon said land with the full right to mine and remove same.

The above three parcels are identified as Tax Map No. 119-F2-01, and are assessed as 35 acres.

EXCEPTING AND RESERVING all coal, coal oil, and other minerals under the three described tracts as excepted and reserved in previous deeds in the chain of title.

The above described land will hereinafter be referred to as "Property".

9. The Plaintiff acquired ownership interest of the Property which is believed to be fee ownership via the following deeds:

A. Deed dated June 27, 2003, and recorded in Clearfield County as Instrument No. 200315432 by and between Donald D. Saxton, Jr., as grantor, and Al Lander, Agent, as grantee.

B. Deed dated July 11, 2003, and recorded in Clearfield County as Instrument No. 200315433, by and between Hannah J. Wilde a/k/a Hannah Jane Wilde, as grantor, and Al Lander, Agent, as grantee.

C. Deed dated July 7, 2003, and recorded in Clearfield County as Instrument No. 200315434, by and between Thomas Lee Colteryahn Estate, as grantor, and Al Lander, Agent, as grantee.

D. Deed dated June 16, 2003, and recorded in Clearfield County as Instrument 200315435, by and between J. Quintin Jones, as grantor, and Al Lander, Agent, as grantee.

E. Deed dated June 13, 2003, and recorded in Clearfield County as Instrument No. 200315436, by and between Donald Dean Saxton, as grantor, and Al Lander, Agent, as grantee.

F. Deed dated June 5, 2003, and recorded in Clearfield County as Instrument No. 200315437 by and between Vivian V. Colteryahn, as grantor, and Al Lander, Agent, as grantee.

G. Deed dated June 3, 2003, and recorded in Clearfield County as Instrument No. 200315438 by and between Martin Kuritz, as grantor, and Al Lander, Agent, as grantee.

H. Deed dated June 11, 2003, and recorded in Clearfield County as Instrument No. 200315439 by and between Timothy C. Jones, as grantor, and Al Lander, Agent, as grantee.

I. Deed dated December 5, 2003, and recorded in Clearfield County as Instrument No. 200322657 by and between Charles Mitchell Colteryahn, as grantor, and Al Lander, Agent, as grantee.

J. Deed dated December 3, 2003, and recorded in Clearfield County as Instrument No. 200322658 by and between Margaret L. Colteryahn, et. al., as grantor, and Al Lander, Agent, as grantee.

K. Deed dated January 19, 2004, and recorded in Clearfield County as Instrument No. 200401870 by and between Patrick Mowrey, et. al., as grantors, and Al Lander, Agent, as grantee.

10. The following Defendants claim an interest in the Property via the following:

A. P. P. Santini via a deed dated November 23, 1931, and recorded in Deed Book Volume 300, Page 436, by and between Wayne M. Culley, et. ux., as grantors, and P. P. Santini, as grantee.

B. John L. Culley via the Estate of W. B. Culley, which Estate is recorded in the Register of Wills Office in Washington County, Pennsylvania at Estate No. 1797.

C. Wayne M. Culley via a deed dated May 5, 1941, and recorded in Deed Book Volume 349, Page 74, by and between the Treasurer's Office of Clearfield County, as grantor, and Wayne M. Culley, as grantee.

D. Kova R. Dickinson and Michael H. Robison via a deed dated September 22, 1999, and recorded as Instrument No. 199915828 by and between the Tax Claim Bureau of Clearfield County, as grantor, and Kova R. Dickinson, et. al., as grantees.

E. The Defendant, Debbie McGivern, is being assessed an interest in the Property, however, there are no instruments of record in the appropriate offices of Clearfield County to support an assessable ownership.

11. The Defendants are believed to be claiming ownership through the original members of the Burgettstown Gun Club aka Burgettstown Rod & Gun Club.

12. Various instruments of record convey away the original members ownership in Burgettstown Rod & Gun Club Property. The record ownership and unrecorded ownership claims of Defendants cannot be confirmed by recorded documents. Plaintiff believes that he has ownership of the fee title to the Property.

13. Since Burgettstown Rod & Gun Club, a predecessor in title, was an unincorporated association and its members are not listed anywhere in the Clearfield County Courthouse, the origin of Plaintiff's title is uncertain and not properly defined. This action is filed for the purpose of defining and confirming Plaintiff's good title to the Property.

14. Since the Defendants have not exercised any possessory rights in the Property, and have not paid any taxes whatsoever on the Property, it is believed that the Defendants have no ownership or lawful claim to the Property.

15. The Treasurer of Clearfield County transferred the Property to Wayne M. Culley by a deed dated May 5, 1941, and recorded in Deed Book Volume 349, Page 74, as a sale of the Property of W. B. Culley.

16. W. B. Culley did not own a record interest in the Property at the time of the Treasurer's sale.

17. The above mentioned Treasurer's sale has created a cloud on Plaintiff's good record title to the Property.

18. The Plaintiff through himself and his predecessors in title has perfected his fee simple title in the Property through adverse possession against any unknown Defendant in that his possession has been actual, visible, continuous, notorious, distinct and hostile for a period in excess of 21 years.

WHEREFORE, the Plaintiff requests this Honorable Court to:

1. Order any persons having any documents, obligations, or deed affecting the rights, claims, title or interest of the Plaintiffs in the Property to produce, file, record, cancel, surrender, release, or satisfy of record any such document or to be forever barred;

2. Order any persons claiming any interest in the Property to assert such interest or to commence an action to determine such interest or be forever barred;

3. Order that the Defendants be forever barred from asserting any right, claim, title or interest in the Property inconsistent with the interest or claim of the Plaintiff set forth in this Complaint;

4. Enter any Order necessary for the granting of the relief herein requested and confirming Plaintiff's good and marketable title to the property; and

5. Enter an Order confirming Plaintiff as the fee simple owner of the property.

COUNT II – PARTITION ACTION

19. Alternatively, if the Court should find that one or more of the Defendants have an interest in the Property, the Plaintiff prays for a partition and avers as follows:

20. Paragraphs 1 – 19 hereinabove set forth are incorporated herein by this reference thereto the same as if set forth herein in their entirety.

21. No persons or entities other than the Plaintiff and Defendants have any interest in the Property.

22. No partition or division of the Property has ever been made.

23. Ownership of the Property is so diverse that administration is difficult and uneconomical.

24. The Property is not capable of proportionate division.

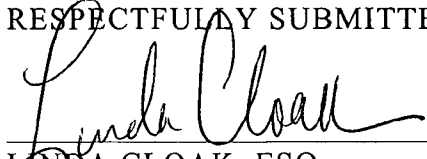
WHEREFORE, Plaintiff requests this Honorable Court to:

1. Order and Decree Partition of the Property;

2. Order and Decree a private sale of the Property among the parties and that all proper necessary conveyances and assurances be executed for carrying out such sales; and that the proceeds thereof be divided among the parties according to their proportionate ownership interest;

3. Such other and further Relief be granted as the Court deems just and proper.

RESPECTFULLY SUBMITTED:


_____(SEAL)
LINDA CLOAK, ESQ.
Law Offices of Greco & Lander, P.C.
P.O. Box 667
Clarion, Pennsylvania 16214
(814) 226-6853

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

AL LANDER, AGENT

Plaintiff,

vs.

DEBBIE MCGIVERN, KOVA R.
DICKINSON, MICHAEL H. ROBISON,
P. P. SANTINI, JOHN L. CULLEY, AND
WAYNE M. CULLEY, BURGETTSTOWN:
ROD & GUN CLUB, an unincorporated
association, Their Heirs, Successors and
Assigns And All Other Persons Claiming
Any Interest In The Property Described In
This Action,

Defendants.

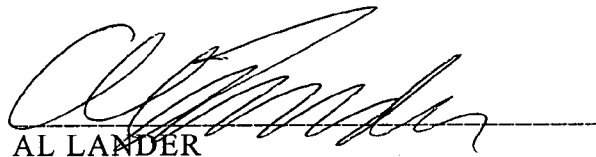
No. _____

Civil Action - Equity

VERIFICATION

I, Al Lander, verify that the statements made herein are true and correct to the best of my knowledge, information and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

Date: 02-19-04, 2004


AL LANDER

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

AL LANDER,

Plaintiff,

vs.

DEBBIE MCGIVERN, KOVA R.
DICKINSON, MICHAEL H. ROBISON,
P. P. SANTINI, JOHN L. CULLEY, AND
WAYNE M. CULLEY, BURGETTSTOWN:
ROD & GUN CLUB, an unincorporated
association, Their Heirs, Successors and
Assigns And All Other Persons Claiming
Any Interest In The Property Described In
This Action,

Defendants.

: No. 04-283-QD

: Civil Action - Equity

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

FEB 27 2004

Attest.

William L. Shaw
Prothonotary/
Clerk of Courts

MOTION FOR PUBLICATION

AND NOW, comes the Plaintiff, by and through his attorneys, the Law
Offices of Greco & Lander, P.C., and brings this Motion For Publication, pursuant
to Rule 430 of the Pennsylvania Rules of Civil Procedure, the following of which is
a statement:

1. A Complaint in Action to Quiet Title has been filed in this case at the
above term and number, together with an Affidavit by Linda Cloak, Esq., stating
that the present address and whereabouts of the following Defendants, P.P. Santini,
John L. Culley and Wayne M. Culley, are unknown and that the said Defendants are
believed to be deceased, and that their identity and whereabouts are unknown.

2. Burgettstown Rod & Gun Club is an unincorporated association. They have not filed a fictitious name with the Department of State, Corporation Bureau; therefore, it is impossible to identify all of their members. Plaintiffs are unable to identify the members through an internet search, no ledger, books, records or accounts for Burgettstown Rod & Gun Club were filed; therefore, its members are unknown.

3. Rule 430 provides that if the Defendant is dead or their identity or whereabouts are unknown, and an affidavit to that effect is filed, the Plaintiffs may serve the Defendants by publication in such manner as the court by local rule or special order may direct.

4. The Plaintiffs move the Court for leave to serve the Complaint on the above-mentioned Defendants, their successors, heirs and assigns, and all other persons claiming any interest in the property described in this Action, as well as the Burgettstown Rod & Gun Club, by publication in such manner as the Court shall direct as provided by Rule 430 of the Pennsylvania Rules of Civil Procedure and local rules of court.

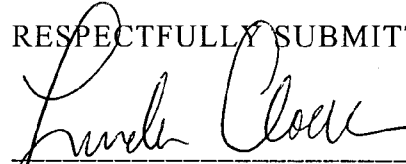
5. The Judicial Code, at 42 PA. C.S.A. Section 323 provides as follows:

“Each court shall have power to issue, under its judicial seal, every lawful writ and proceeding necessary or suitable for the exercise of its jurisdiction for the enforcement of any order which it may make and all legal and equitable powers required for or incidental to the exercise of its jurisdiction, and, except as otherwise prescribed by general rules, every court shall have power to make such rules and orders of court as the interest of justice or the business of the court may require.”

WHEREFORE, Plaintiff requests this Honorable Court to:

Order service of Complaint in this action upon the above Defendants, P.P.
Santini, John L. Culley and Wayne M. Culley, their successors, heirs and assigns,
and all other persons claiming any interest in the property described in this action,
by publication in accordance with Rule 430 in the Pennsylvania Rules of Civil
Procedure and the local rules of court.

RESPECTFULLY SUBMITTED:



LINDA CLOAK, ESQ.
Law Offices of Greco & Lander
East Main & Domenica Circle
P.O. Box 667
Clarion, PA 16214
(814) 226-6853
Fax: (814) 226-4951
Supreme Court No. 85102

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

AL LANDER, AGENT

Plaintiff,

vs.

DEBBIE MCGIVERN, KOVA R.
DICKINSON, MICHAEL H. ROBISON,
P. P. SANTINI, JOHN L. CULLEY, AND
WAYNE M. CULLEY, BURGETTSTOWN:
ROD & GUN CLUB, an unincorporated
association, Their Heirs, Successors and
Assigns And All Other Persons Claiming
Any Interest In The Property Described In
This Action,

Defendants.

No. 04-283-CD

Civil Action - Equity

ORDER

AND NOW, this 1st day of March, 2004 upon
consideration of the foregoing Motion For Publication, the Plaintiffs are granted
relief to make service of the Complaint upon the Defendants, P.P. Santini, John L.
Culley and Wayne M. Culley, their heirs, successors and assigns, and all other
persons claiming any interest in the Property described in this action by publication
once in the Clearfield County Legal Journal, and once in the Clearfield Progress, a
newspaper of general circulation, substantially in the form described in Rule 430 of
the Pennsylvania Rules of Civil Procedure.

BY THE COURT:

I hereby certify this to be a true
and attest a copy of the original
statement filed in this case.

/s/ Fredric J. Ammerman

P.J.

MAR 01 2004

Attest.

William L. Shaw
Prothonotary/
Clerk of Courts

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA :
 : SS:
 COUNTY OF CLARION :

Linda Cloak, Esq., being duly sworn according to law, deposes and says that I have made a detailed good faith investigation as provided by Rule 430 of the Pennsylvania Rules of Civil Procedure of the present whereabouts of the Defendants, P.P. Santini, John L. Culley and Wayne M. Culley, by searching the real estate, estate and tax assessment records in the Centre County Courthouse. An examination was also made of local tax records and the telephone directories. An inquiry was also made of relatives, friends and acquaintances. An internet search of the Defendants was also conducted. To the best of my knowledge, information and belief, I have determined that the whereabouts of the Defendants are unknown and they are believed to be deceased.

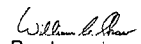
IN WITNESS WHEREOF, I have hereunto set my hand and seal this 19th
 day of February, 2004.

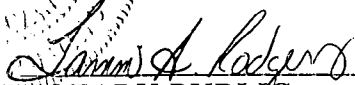

 LINDA CLOAK

I hereby certify this to be a true
 and attested copy of the original
 statement filed in this case.

FEB 27 2004

Attest.


 Prothonotary/
 Clerk of Courts

Sworn to and subscribed before
 me this 19th day of February,
 A.D. 2004.

 NOTARY PUBLIC

MY COMMISSION EXPIRES:

COMMONWEALTH OF PENNSYLVANIA
 Notarial Seal
 Tammi S. Rodgers, Notary Public
 Clarion Boro, Clarion County
 My Commission Expires May 17, 2007
 Member, Pennsylvania Association Of Notaries

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

AL LANDER,

Plaintiff,

vs.

DEBBIE MCGIVERN, KOVA R.
DICKINSON, MICHAEL H. ROBISON,
P. P. SANTINI, JOHN L. CULLEY, AND
WAYNE M. CULLEY, BURGETTSTOWN:
ROD & GUN CLUB, an unincorporated
association, Their Heirs, Successors and
Assigns And All Other Persons Claiming
Any Interest In The Property Described In
This Action,

Defendants.

: No. 04-283-CD

: Civil Action - Equity

: Type of Case:

: *Partition of Realty And*
: *Action to Quiet Title*

: Type of Pleading:

: *Complaint*

: Filed on Behalf of Plaintiff

: Counsel of Record
: For Plaintiff

: Linda Cloak, Esq.
: Law Offices of Greco & Lander, P.C.
: P.O. Box 667
: Clarion, PA 16214
: (814) 226-6853
: Fax (814) 226-4951

: Supreme Court I.D. No. 85102

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

FEB 27 2004

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

AL LANDER,

Plaintiff,

vs.

DEBBIE MCGIVERN, KOVA R.
DICKINSON, MICHAEL H. ROBISON,
P. P. SANTINI, JOHN L. CULLEY, AND
WAYNE M. CULLEY, BURGETTSTOWN:
ROD & GUN CLUB, an unincorporated
association, Their Heirs, Successors and
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Defendants.

No. _____

Civil Action - Equity

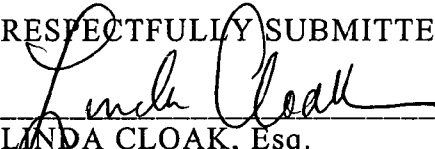
PRAECIPE FOR APPEARANCE

TO THE PROTHONOTARY:

Please enter my appearance on behalf of Plaintiff, Al Lander, in the above
referenced action.

Dated: _____, 2004

RESPECTFULLY SUBMITTED:



LINDA CLOAK, Esq.
Law Offices of Greco & Lander, P.C.
P.O. Box 667
Clarion, PA 16214
(814) 226-6853
Fax: (814) 226-4951
Supreme Court No. 85102

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

AL LANDER,

Plaintiff,

vs.

DEBBIE MCGIVERN, KOVA R.
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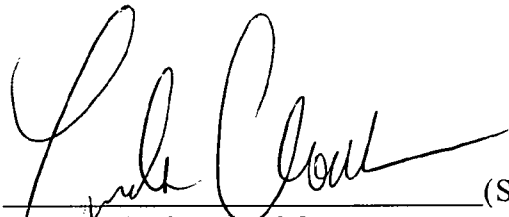
Civil Action - Equity

NOTICE

YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PAGES, YOU MUST TAKE ACTION WITHIN TWENTY (20) DAYS AFTER THIS COMPLAINT AND NOTICE IS 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 COMPANY OR FOR ANY OTHER CLAIM OR RELIEF REQUESTED BY THE PLAINTIFF. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Court Administrator
Clearfield County Courthouse
Second and Market Streets
Clearfield, PA 16830
(814) 765-2641, Ext. 50-51


_____(SEAL)
LINDA CLOAK, ESQ.
Attorney for Plaintiff
Law Offices of Greco & Lander, P.C.
P.O. Box 667
Clarion, Pennsylvania 16214
(814) 226-6853

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

AL LANDER,

Plaintiff,

vs.

DEBBIE MCGIVERN, KOVA R.
DICKINSON, MICHAEL H. ROBISON,
P. P. SANTINI, JOHN L. CULLEY, AND
WAYNE M. CULLEY, BURGETTSTOWN:
ROD & GUN CLUB, an unincorporated
association, Their Heirs, Successors and
Assigns And All Other Persons Claiming
Any Interest In The Property Described In
This Action,

Defendants.

: No. _____

: Civil Action - Equity

COMPLAINT

AND NOW, comes the Plaintiff, Al Lander, Agent, by and through his Attorney, the Law Offices of Greco & Lander, P.C., and brings this Complaint for the Partition of Realty and Quiet Title Action upon a cause of action pursuant to Rule 1551 et. seq. and Rule 1060 of the Pennsylvania Rules of Civil Procedure, the following of which is a statement:

COUNT I – ACTION TO QUIET TITLE

1. The Plaintiff, Al Lander, is an adult individual residing at 652 Schupp Drive, Lucinda, PA 16235.

2. The Defendant, Debbie McGivern, is an adult individual with a mailing address of 40 Cherry Creek Road, Burgettstown, PA 15021.

3. The Defendant, Kova R. Dickinson, is an adult individual with a mailing address of R.R. #1, Box 515, Olanta, PA 16863.

4. The Defendant, Michael H. Robison, is an adult individual with a mailing address of R.R. #1, Box 515, Olanta, PA 16863.

5. The Defendant, P. P. Santini, is believed to be deceased, being that he was an adult individual on November 22, 1931, and his present whereabouts are unknown.

6. The Defendant, John L. Culley, is believed to be deceased, being that he was an adult individual on December 7, 1950, and his present whereabouts are unknown.

7. The Defendant, Wayne M. Culley, is believed to be deceased, being that he was an adult individual on January 7, 1960, and his present whereabouts are unknown.

8. The Plaintiff is the owner of all those certain pieces, parcels or tracts of land located in Houston Township, Clearfield County, Pennsylvania, bounded and described as follows:

FIRST:

BEGINNING at a post in the center of the public road leading up Wilson Run which stands 118 perches southerly from the north line of Warrant No. 5061; thence North 20.5° East, 66 perches to a post; thence South 44° East, 25 perches to a hemlock; thence South 30.5° West, 66 perches to a post in said road; thence North 44° West, 25 perches to the place of beginning.

SECOND:

BEGINNING at the southeast corner of the 10 acre lot recited above in the road; thence South 45° East along road 5 ½° perches to a post; thence North 20.5° East, 106 perches to a post; thence North 44° West, 30 perches to a post; thence South 20.5° West, 40 perches to a post the northwest corner of

the recited 10 acre lot; thence East 25 perches to a hemlock; thence South 20.5° West, 66 perches to the place of beginning.

UNDER AND SUBJECT TO prior reservations of all coal, coal oil and other minerals in or upon said land with the full right to mine and remove same.

THIRD:

BEGINNING at a post in the center of public road, the southwest corner of a 10 acre lot deeded by George W. Hoover, et. al. to Jacob Bish, 10 October 1888, 69, Page 217, thence following the center of said road North 49° West, 15.4 perches, North 55.75°, West 24.3 perches; thence North 19°, West, 8.2 perches to a post; thence North 50.5°, 15 perches to a post and stones; thence North 20.5° East, 93 perches to a post and stones; thence South 44° East, 40 perches to a post, corner of land of Jacob Bish; thence South 20.5° West, 106 perches to the beginning.

UNDER AND SUBJECT TO prior reservations of all coal, coal oil and other minerals in or upon said land with the full right to mine and remove same.

The above three parcels are identified as Tax Map No. 119-F2-01, and are assessed as 35 acres.

EXCEPTING AND RESERVING all coal, coal oil, and other minerals under the three described tracts as excepted and reserved in previous deeds in the chain of title.

The above described land will hereinafter be referred to as "Property".

9. The Plaintiff acquired ownership interest of the Property which is believed to be fee ownership via the following deeds:

A. Deed dated June 27, 2003, and recorded in Clearfield County as Instrument No. 200315432 by and between Donald D. Saxton, Jr., as grantor, and Al Lander, Agent, as grantee.

B. Deed dated July 11, 2003, and recorded in Clearfield County as Instrument No. 200315433, by and between Hannah J. Wilde a/k/a Hannah Jane Wilde, as grantor, and Al Lander, Agent, as grantee.

C. Deed dated July 7, 2003, and recorded in Clearfield County as Instrument No. 200315434, by and between Thomas Lee Colteryahn Estate, as grantor, and Al Lander, Agent, as grantee.

D. Deed dated June 16, 2003, and recorded in Clearfield County as Instrument 200315435, by and between J. Quintin Jones, as grantor, and Al Lander, Agent, as grantee.

E. Deed dated June 13, 2003, and recorded in Clearfield County as Instrument No. 200315436, by and between Donald Dean Saxton, as grantor, and Al Lander, Agent, as grantee.

F. Deed dated June 5, 2003, and recorded in Clearfield County as Instrument No. 200315437 by and between Vivian V. Colteryahn, as grantor, and Al Lander, Agent, as grantee.

G. Deed dated June 3, 2003, and recorded in Clearfield County as Instrument No. 200315438 by and between Martin Kuritz, as grantor, and Al Lander, Agent, as grantee.

H. Deed dated June 11, 2003, and recorded in Clearfield County as Instrument No. 200315439 by and between Timothy C. Jones, as grantor, and Al Lander, Agent, as grantee.

I. Deed dated December 5, 2003, and recorded in Clearfield County as Instrument No. 200322657 by and between Charles Mitchell Colteryahn, as grantor, and Al Lander, Agent, as grantee.

J. Deed dated December 3, 2003, and recorded in Clearfield County as Instrument No. 200322658 by and between Margaret L. Colteryahn, et. al., as grantor, and Al Lander, Agent, as grantee.

K. Deed dated January 19, 2004, and recorded in Clearfield County as Instrument No. 200401870 by and between Patrick Mowrey, et. al., as grantors, and Al Lander, Agent, as grantee.

10. The following Defendants claim an interest in the Property via the following:

A. P. P. Santini via a deed dated November 23, 1931, and recorded in Deed Book Volume 300, Page 436, by and between Wayne M. Culley, et. ux., as grantors, and P. P. Santini, as grantee.

B. John L. Culley via the Estate of W. B. Culley, which Estate is recorded in the Register of Wills Office in Washington County, Pennsylvania at Estate No. 1797.

C. Wayne M. Culley via a deed dated May 5, 1941, and recorded in Deed Book Volume 349, Page 74, by and between the Treasurer's Office of Clearfield County, as grantor, and Wayne M. Culley, as grantee.

D. Kova R. Dickinson and Michael H. Robison via a deed dated September 22, 1999, and recorded as Instrument No. 199915828 by and between the Tax Claim Bureau of Clearfield County, as grantor, and Kova R. Dickinson, et. al., as grantees.

E. The Defendant, Debbie McGivern, is being assessed an interest in the Property, however, there are no instruments of record in the appropriate offices of Clearfield County to support an assessable ownership.

11. The Defendants are believed to be claiming ownership through the original members of the Burgettstown Gun Club aka Burgettstown Rod & Gun Club.

12. Various instruments of record convey away the original members ownership in Burgettstown Rod & Gun Club Property. The record ownership and unrecorded ownership claims of Defendants cannot be confirmed by recorded documents. Plaintiff believes that he has ownership of the fee title to the Property.

13. Since Burgettstown Rod & Gun Club, a predecessor in title, was an unincorporated association and its members are not listed anywhere in the Clearfield County Courthouse, the origin of Plaintiff's title is uncertain and not properly defined. This action is filed for the purpose of defining and confirming Plaintiff's good title to the Property.

14. Since the Defendants have not exercised any possessory rights in the Property, and have not paid any taxes whatsoever on the Property, it is believed that the Defendants have no ownership or lawful claim to the Property.

15. The Treasurer of Clearfield County transferred the Property to Wayne M. Culley by a deed dated May 5, 1941, and recorded in Deed Book Volume 349, Page 74, as a sale of the Property of W. B. Culley.

16. W. B. Culley did not own a record interest in the Property at the time of the Treasurer's sale.

17. The above mentioned Treasurer's sale has created a cloud on Plaintiff's good record title to the Property.

18. The Plaintiff through himself and his predecessors in title has perfected his fee simple title in the Property through adverse possession against any unknown Defendant in that his possession has been actual, visible, continuous, notorious, distinct and hostile for a period in excess of 21 years.

WHEREFORE, the Plaintiff requests this Honorable Court to:

1. Order any persons having any documents, obligations, or deed affecting the rights, claims, title or interest of the Plaintiffs in the Property to produce, file, record, cancel, surrender, release, or satisfy of record any such document or to be forever barred;

2. Order any persons claiming any interest in the Property to assert such interest or to commence an action to determine such interest or be forever barred;

3. Order that the Defendants be forever barred from asserting any right, claim, title or interest in the Property inconsistent with the interest or claim of the Plaintiff set forth in this Complaint;

4. Enter any Order necessary for the granting of the relief herein requested and confirming Plaintiff's good and marketable title to the property; and

5. Enter an Order confirming Plaintiff as the fee simple owner of the property.

COUNT II – PARTITION ACTION

19. Alternatively, if the Court should find that one or more of the Defendants have an interest in the Property, the Plaintiff prays for a partition and avers as follows:

20. Paragraphs 1 – 19 hereinabove set forth are incorporated herein by this reference thereto the same as if set forth herein in their entirety.

21. No persons or entities other than the Plaintiff and Defendants have any interest in the Property.

22. No partition or division of the Property has ever been made.

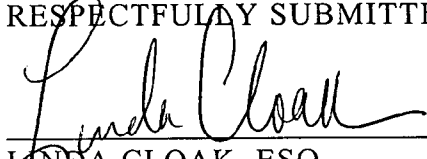
23. Ownership of the Property is so diverse that administration is difficult and uneconomical.

24. The Property is not capable of proportionate division.

WHEREFORE, Plaintiff requests this Honorable Court to:

1. Order and Decree Partition of the Property;
2. Order and Decree a private sale of the Property among the parties and that all proper necessary conveyances and assurances be executed for carrying out such sales; and that the proceeds thereof be divided among the parties according to their proportionate ownership interest;
3. Such other and further Relief be granted as the Court deems just and proper.

RESPECTFULLY SUBMITTED:


_____(SEAL)
LINDA CLOAK, ESQ.
Law Offices of Greco & Lander, P.C.
P.O. Box 667
Clarion, Pennsylvania 16214
(814) 226-6853

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

AL LANDER,

Plaintiff,

vs.

DEBBIE MCGIVERN, KOVA R.
DICKINSON, MICHAEL H. ROBISON,
P. P. SANTINI, JOHN L. CULLEY, AND
WAYNE M. CULLEY, BURGETTSTOWN:
ROD & GUN CLUB, an unincorporated
association, Their Heirs, Successors and
Assigns And All Other Persons Claiming
Any Interest In The Property Described In
This Action,

Defendants.

No. 04-283-CD

Civil Action - Equity

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

FEB 27 2004

Attest.

William L. R.
Prothonotary/
Clerk of Courts

MOTION FOR PUBLICATION

AND NOW, comes the Plaintiff, by and through his attorneys, the Law
Offices of Greco & Lander, P.C., and brings this Motion For Publication, pursuant
to Rule 430 of the Pennsylvania Rules of Civil Procedure, the following of which is
a statement:

1. A Complaint in Action to Quiet Title has been filed in this case at the
above term and number, together with an Affidavit by Linda Cloak, Esq., stating
that the present address and whereabouts of the following Defendants, P.P. Santini,
John L. Culley and Wayne M. Culley, are unknown and that the said Defendants are
believed to be deceased, and that their identity and whereabouts are unknown.

2. Burgettstown Rod & Gun Club is an unincorporated association. They have not filed a fictitious name with the Department of State, Corporation Bureau; therefore, it is impossible to identify all of their members. Plaintiffs are unable to identify the members through an internet search, no ledger, books, records or accounts for Burgettstown Rod & Gun Club were filed; therefore, its members are unknown.

3. Rule 430 provides that if the Defendant is dead or their identity or whereabouts are unknown, and an affidavit to that effect is filed, the Plaintiffs may serve the Defendants by publication in such manner as the court by local rule or special order may direct.

4. The Plaintiffs move the Court for leave to serve the Complaint on the above-mentioned Defendants, their successors, heirs and assigns, and all other persons claiming any interest in the property described in this Action, as well as the Burgettstown Rod & Gun Club, by publication in such manner as the Court shall direct as provided by Rule 430 of the Pennsylvania Rules of Civil Procedure and local rules of court.

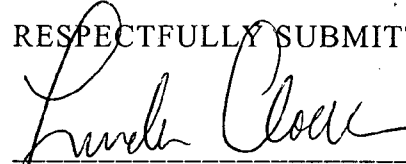
5. The Judicial Code, at 42 PA. C.S.A. Section 323 provides as follows:

“Each court shall have power to issue, under its judicial seal, every lawful writ and proceeding necessary or suitable for the exercise of its jurisdiction for the enforcement of any order which it may make and all legal and equitable powers required for or incidental to the exercise of its jurisdiction, and, except as otherwise prescribed by general rules, every court shall have power to make such rules and orders of court as the interest of justice or the business of the court may require.”

WHEREFORE, Plaintiff requests this Honorable Court to:

Order service of Complaint in this action upon the above Defendants, P.P.
Santini, John L. Culley and Wayne M. Culley, their successors, heirs and assigns,
and all other persons claiming any interest in the property described in this action,
by publication in accordance with Rule 430 in the Pennsylvania Rules of Civil
Procedure and the local rules of court.

RESPECTFULLY SUBMITTED:



LINDA CLOAK, ESQ.
Law Offices of Greco & Lander
East Main & Domenica Circle
P.O. Box 667
Clarion, PA 16214
(814) 226-6853
Fax: (814) 226-4951
Supreme Court No. 85102

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

AL LANDER, AGENT

Plaintiff,

vs.

DEBBIE MCGIVERN, KOVA R.
DICKINSON, MICHAEL H. ROBISON,
P. P. SANTINI, JOHN L. CULLEY, AND
WAYNE M. CULLEY, BURGETTSTOWN:
ROD & GUN CLUB, an unincorporated
association, Their Heirs, Successors and
Assigns And All Other Persons Claiming
Any Interest In The Property Described In
This Action,

Defendants.

: No. 04-283-CD

: Civil Action - Equity

ORDER

AND NOW, this 1st day of March, 2004 upon
consideration of the foregoing Motion For Publication, the Plaintiffs are granted
relief to make service of the Complaint upon the Defendants, P.P. Santini, John L.
Culley and Wayne M. Culley, their heirs, successors and assigns, and all other
persons claiming any interest in the Property described in this action by publication
once in the Clearfield County Legal Journal, and once in the Clearfield Progress, a
newspaper of general circulation, substantially in the form described in Rule 430 of
the Pennsylvania Rules of Civil Procedure.

BY THE COURT:

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

/s/ Fredric J. Ammerman

P.J.

MAR 01 2004

Attest.

Green B. Shaw
Prothonotary/
Clerk of Courts

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA :
 : SS:
 COUNTY OF CLARION :

Linda Cloak, Esq., being duly sworn according to law, deposes and says that I have made a detailed good faith investigation as provided by Rule 430 of the Pennsylvania Rules of Civil Procedure of the present whereabouts of the Defendants, P.P. Santini, John L. Culley and Wayne M. Culley, by searching the real estate, estate and tax assessment records in the Centre County Courthouse. An examination was also made of local tax records and the telephone directories. An inquiry was also made of relatives, friends and acquaintances. An internet search of the Defendants was also conducted. To the best of my knowledge, information and belief, I have determined that the whereabouts of the Defendants are unknown and they are believed to be deceased.

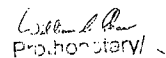
IN WITNESS WHEREOF, I have hereunto set my hand and seal this 19th
 day of February, 2004.


 LINDA CLOAK

I hereby certify this to be a true
 and attested copy of the original
 statement filed in this case.

FEB 27 2004

Attest.


 Prothonotary/
 Clerk of Courts

Sworn to and subscribed before
 me this 19th day of February,

A.D. 2004.


 NOTARY PUBLIC

MY COMMISSION EXPIRES:

COMMONWEALTH OF PENNSYLVANIA
 Notarial Seal
 Tammi S. Rodgers, Notary Public
 Clarion Boro, Clarion County
 My Commission Expires May 17, 2007
 Member, Pennsylvania Association Of Notaries

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

AL LANDER,

Plaintiff,

vs.

DEBBIE MCGIVERN, KOVA R.
DICKINSON, MICHAEL H. ROBISON,
P. P. SANTINI, JOHN L. CULLEY, AND
WAYNE M. CULLEY, BURGETTSTOWN
ROD & GUN CLUB, an unincorporated
association, Their Heirs, Successors and
Assigns And All Other Persons Claiming
Any Interest In The Property Described In
This Action,

Defendants.

: No. 04-283-CD

: Civil Action - Equity

: Type of Pleading:

: **MOTION FOR JUDGMENT**

: Filed on Behalf of Plaintiff

: Counsel of Record for Plaintiff:

: LINDA CLOAK, ESQ.

: Law Offices of Greco & Lander, P.C.

: P.O. Box 667

: Clarion, PA 16214

: (814) 226-6853

: Fax: (814) 226-4951

: Supreme Court No. 85102

FILED

m/10/24/04

APR 19 2004

WAS William A. Shaw
Prothonotary/Clerk of Courts

icc Atty

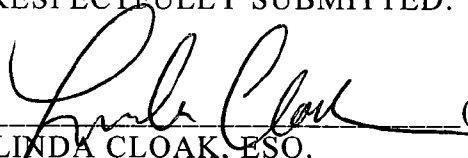
1

3. Plaintiff made service upon the Defendants, P. P. Santini, John L. Culley, Wayne M. Culley and Burgettstown Rod and Gun Club, their heirs, successors and assigns by publication in The Progress and The Clearfield County Law Journal as directed by Order of Court dated March 1, 2004. An Affidavit of Publication was filed in this case.

4. More than 20 days have passed since the last day of service. The Defendants have not answered the allegations in the Complaint or entered a written appearance in this case.

WHEREFORE, Plaintiff hereby requests your Honorable Court to enter judgment in favor of the Plaintiff against P. P. Santini, John L. Culley, Wayne M. Culley, and Burgettstown Rod and Gun Club pursuant to the prayer in the Complaint.

RESPECTEULLY SUBMITTED:

 (SEAL)
LINDA CLOAK, ESQ.
Attorney For Plaintiff
Law Offices of Greco & Lander, P.C.
P.O. Box 667
Clarion, PA 16214
(814) 226-6853

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

AL LANDER,

Plaintiff,

vs.

DEBBIE MCGIVERN, KOVA R.
DICKINSON, MICHAEL H. ROBISON,
P. P. SANTINI, JOHN L. CULLEY, AND
WAYNE M. CULLEY, BURGETTSTOWN
ROD & GUN CLUB, an unincorporated
association, Their Heirs, Successors and
Assigns And All Other Persons Claiming
Any Interest In The Property Described In
This Action,

Defendants.

: No. 04-283-CD

: Civil Action - Equity

FILED

APR 20 2004

William A. Shaw
Prothonotary/Clerk of Courts

ORDER

AND NOW, this 20 day of April, 2004, upon
consideration of the foregoing Motion, and service having been made upon the
Defendants, P. P. Santini, John L. Culley, Wayne M. Culley, and Burgettstown Rod
and Gun Club, their heirs, successors and assigns, by publication in The Progress
and The Clearfield County Law Journal, no person having filed an Answer or
entered an appearance on behalf of the above-named Defendants, and upon Motion
of Linda Cloak, Esq., attorney for Plaintiff, this Court hereby orders as follows:

THAT the Defendants, P. P. Santini, John L. Culley, Wayne M. Culley, and
Burgettstown Rod and Gun Club, their heirs, successors, assigns, and all other
persons claiming any interest in the property described in this Action, with the

exception of Debbie McGivern, Kelly R. Dickinson and Michael H. Robison, claiming any interest in the property described in this action, be, and they are hereby forever barred from asserting any right, lien, title or interest in or to the property hereinafter described, inconsistent with the interest or claim of the Plaintiff set forth in the Complaint; from impeaching, denying, or in any way attacking Plaintiff's title to the said property; from issuing or maintaining any action attacking the same; from encumbering, mortgaging, or conveying the same or any part thereof unless the said Defendants, P. P. Santini, John L. Culley and Wayne M. Culley, and/or Burgettstown Rod and Gun Club, and other persons named herein, their unknown heirs, successors, and assigns shall commence an action of ejectment against the Plaintiff within thirty (30) days after service of notice of entry of this Order of Court on the parties Defendant, their unknown heirs, successors, or assigns as hereinafter provided.

The property which is the subject of this Order is all that certain piece, parcel or tract of land situate in Huston Township, Clearfield County, Pennsylvania, bounded and described as follows:

FIRST:

BEGINNING at a post in the center of the public road leading up Wilson Run which stands 118 perches southerly from the north line of Warrant No. 5061; thence North 20.5° East, 66 perches to a post; thence South 44° East, 25 perches to a hemlock; thence South 30.5° West, 66 perches to a post in said road; thence North 44° West, 25 perches to the place of beginning.

SECOND:

BEGINNING at the southeast corner of the 10 acre lot recited above in the road; thence South 45° East along road 5 ½° perches to a post; thence North 20.5° East, 106 perches to a post; thence North 44° West, 30 perches to a

post; thence South 20.5° West, 40 perches to a post the northwest corner of the recited 10 acre lot; thence East 25 perches to a hemlock; thence South 20.5° West, 66 perches to the place of beginning.

UNDER AND SUBJECT TO prior reservations of all coal, coal oil and other minerals in or upon said land with the full right to mine and remove same.

THIRD:

BEGINNING at a post in the center of public road, the southwest corner of a 10 acre lot deeded by George W. Hoover, et. al. to Jacob Bish, 10 October 1888, 69, Page 217, thence following the center of said road North 49° West, 15.4 perches, North 55.75°, West 24.3 perches; thence North 19°, West, 8.2 perches to a post; thence North 50.5°, 15 perches to a post and stones; thence North 20.5° East, 93 perches to a post and stones; thence South 44° East, 40 perches to a post, corner of land of Jacob Bish; thence South 20.5° West, 106 perches to the beginning.

UNDER AND SUBJECT TO prior reservations of all coal, coal oil and other minerals in or upon said land with the full right to mine and remove same.

The above three parcels are identified as Tax Map No. 119-F2-01, and are assessed as 35 acres.

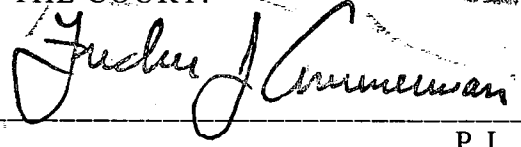
EXCEPTING AND RESERVING all coal, coal oil, and other minerals under the three described tracts as excepted and reserved in previous deeds in the chain of title.

The above described land will hereinafter be referred to as "Property".

Notice of this Order shall be given to the Defendants, P. P. Santini, John L. Culley, Wayne M. Culley and Burgettstown Rod and Gun Club by one publication in The Progress, a newspaper of general circulation, and the Clearfield County Law Journal. Upon filing of proofs of publication, and upon failure of the Defendants and the persons named herein to take any action before the expiration of thirty (30) days after service, the Prothonotary, shall upon Praecept of the Plaintiff make to the Recorder of Deeds, certified copy of this Order which shall upon the payment of the

recording fees of the Recorder of Deeds be recorded in the Deed Books and shall be indexed against the Defendants as grantors and the Plaintiff as grantee.

BY THE COURT:

A handwritten signature in cursive script, appearing to read "Judge J. Ammerman", is written over a horizontal line.

P.J.

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

AL LANDER,

Plaintiff,

vs.

DEBBIE MCGIVERN, KOVA R.
DICKINSON, MICHAEL H. ROBISON,
P. P. SANTINI, JOHN L. CULLEY, AND
WAYNE M. CULLEY, BURGETTSTOWN
ROD & GUN CLUB, an unincorporated
association, Their Heirs, Successors and
Assigns And All Other Persons Claiming
Any Interest In The Property Described In
This Action,

Defendants.

: No. 04-283-CD

: Civil Action - Equity

: Type of Pleading:

: **PROOF OF PUBLICATION**

: Filed on Behalf of Plaintiff

: Counsel of Record for Plaintiff:

: LINDA CLOAK, ESQ.
: Law Offices of Greco & Lander, P.C.
: P.O. Box 667
: Clarion, PA 16214
: (814) 226-6853
: Fax: (814) 226-4951
: Supreme Court No. 85102

IN THE COURT
OF COMMON PLEAS
OF CLEARFIELD COUNTY,
PENNSYLVANIA
No. 04-283-CD
Civil Action-Equity

ALLANDER,
Plaintiff,
vs.

DEBBIE MCGIVERN, KOVA R.
DICKINSON, MICHAEL H. ROBI-
SON, P. P. SANTINI, JOHN L. CUL-
LEY, AND WAYNE M. CULLEY,
BURGETTSTOWN ROD & GUN
CLUB, an unincorporated associa-
tion, Their Heirs, Successors and
Assigns And All Other Persons
Claiming Any Interest In The Prop-
erty Described In This Action,
Defendants.

NOTICE

TO: P. P. SANTINI, JOHN L. CUL-
LEY and WAYNE M. CULLEY,
Their Heirs, Successors and As-
signs And All Other Persons Claim-
ing Any Interest In The Property De-
scribed In This Action.

You are notified that the Plaintiff,
All Lander, has commenced an Ac-
tion to Quiet Title against you,
which you are required to defend.

You are notified to plead to the
Complaint within twenty (20) days
after the service has been com-
pleted by publication. This action
concerns all those pieces, parcels
or tracts of land situate in Huston
Township, Clearfield County,
Pennsylvania, bounded and de-
scribed as follows:

FIRST:

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :
: SS:
COUNTY OF CLEARFIELD :

On this 18th day of March, 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 March 10, 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. Robinson
Notary Public Clearfield, Pa.

My Commission Expires
October 31, 2007

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
Cheryl J. Robinson, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires Oct. 31, 2007

Member, Pennsylvania Association Of Notaries

BEGINNING at a post in the center of the public road leading up to Wilson Run which stands 118 perches southerly from the north line of Warrant No. 5061; thence North 20.5° East, 66 perches to a post; thence South 44° East, 25 perches to a hemlock; thence South 30.5° West, 66 perches to a post in said road; thence North 44° West, 25 perches to the place of beginning.

SECOND:

BEGINNING at the southeast corner of the 10 acre lot recited above in the road; thence South 45° East along road 5 1/2° perches to a post; thence North 20.5° East, 106 perches to a post; thence North 44° West, 30 perches to a post; thence South 20.5° West, 40 perches to a post the northwest corner of the recited 10 acre lot; thence East 25 perches to a hemlock; thence South 20.5° West, 66 perches to the place of beginning.

UNDER AND SUBJECT TO prior reservations of all coal, coal oil and other minerals in or upon said land with the full right to mine and remove same.

THIRD:

BEGINNING at a post in the center of public road, the southwest corner of a 10 acre lot deeded by George W. Hoover, et al., to Jacob Bish, 10 October 1888, 69, Page 217, thence following the center of said road North 49° West, 15.4 perches, North 55.75°, West 24.3 perches; thence North 19° West, 8.2 perches to a post; thence North 50.5°, 15 perches to a post and stones; thence North 20.5° East, 93 perches to a post and stones; thence South 44° East, 40 perches to a post, corner of land of Jacob Bish; thence South 20.5° West, 106 perches to the beginning.

UNDER AND SUBJECT TO prior reservations of all coal, coal oil and other minerals in or upon said land with the full right to mine and remove same.

The above three parcels are identified as Tax Map No. 119-F2-01, and are assessed as 35 acres.

EXCEPTING AND RESERVING all coal, coal oil, and other minerals under the three described tracts as expected and reserved in previous deeds in the chain of title.

The above described premises will hereinafter be referred to as "Property".

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 PLAINTIFF. 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
Second and Market Streets
Clearfield, PA 16830
(814) 765-2641, Ext. 5051
LINDA CLOAK, ESQ.
Attorney For Plaintiff
Law Offices of
Greco & Lander, P.C.
P.O. Box 667
Clarion, PA 16214
(814) 226-6853

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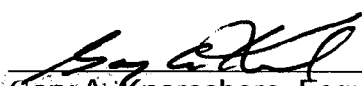
PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :

:

COUNTY OF CLEARFIELD :

On this 12th day of March 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 March 12, 2004, No. 11. And that all of the allegations of this statement as to the time, place, and character of the publication are true.

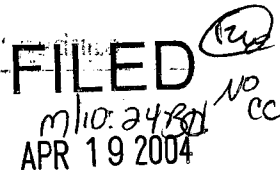

Gary A. Knaresboro, Esquire
Editor

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

Greco & Lander PC
PO Box 667
Clarion PA 16214


FILED
m/10.2430
APR 19 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

AL LANDER, Plaintiff vs. DEBBIE
McGIVERN, KOVA R. DICKINSON,
MICHAEL H. ROBISON, P. P. SANTINI,
JOHN L. CULLEY, AND WAYNE M.
CULLEY, BURGETTSTOWN ROD & GUN
CLUB, an unincorporated association, Their
Heirs, Successors and Assigns And All
Other Persons Claiming Any Interest In The
Property Described In This Action,
Defendants.

No. 04-283-CD

NOTICE

TO: P. P. SANTINI, JOHN L. CULLEY,
AND WAYNE M. CULLEY, BURGETTS-
TOWN ROD & GUN CLUB, an
unincorporated association, Their Heirs,
Successors and Assigns And All Other
Persons Claiming Any Interest In The
Property Described In This Action

You are hereby notified that the Plaintiff,
Al Lander, has commenced an Action to
Quiet Title against you, which you are
required to defend.

You are notified to plead to the
Complaint within twenty (20) days after the

PENNSYLVANIA
CIVIL ACTION

CLIFFORD J. DROCHAK, Executor of the Estate of JOHN DROCHAK, a/k/a JOHN F. DROCHAK, deceased, Plaintiff vs. G.P.G. MATTERN, a/k/a GEORGE PERRY MATTERN, a/k/a PERRY MATTERN, deceased, his heirs, personal representatives and assigns; JOHN A. MATTERN, a/k/a J.A. MATTERN, deceased, his heirs, personal representatives and assigns; GEORGE W. MATTERN, deceased, his heirs, personal representatives and assigns; MARY B. MILLER, deceased, her heirs, personal representatives and assigns, LIDDY M. CAMPBELL, a/k/a LIDDY MATTERN, a/k/a LIDIE MATTERN, a/k/a LYDIA MATTERN CAMPBELL deceased, her heirs, personal representatives and assigns; C. O. MATTERN, a/k/a CHARLES O. MATTERN, deceased, his heirs, personal representatives and assigns; JACOB A. MILLER, deceased, his heirs, personal representatives and assigns; BELLE M. MATTERN, deceased, her heirs, personal representatives and assigns; ISABELLE GRAY MATTERN, deceased, her heirs, personal representatives and assigns; EUGENE G. MATTERN, his heirs, personal representatives and assigns; HAROLD

service has been completed by publication. This action concerns all those pieces, parcels or tracts of land situate in Huston Township, Clearfield County, Pennsylvania, bounded and described as follows:

FIRST: BEGINNING at a post in the center of the public road leading up Wilson Run which stands 118 perches southerly from the north line of Warrant No. 5061; thence North 20.5 degrees East, 66 perches to a post; thence South 44 degrees East, 25 perches to a hemlock; thence South 30.5 degrees West, 66 perches to a post in said road; thence North 44 degrees West, 25 perches to the place of beginning.

SECOND: BEGINNING at the southeast corner of the 10 acre lot recited above in the road; thence South 45 degrees East along road 5 1/2 degrees perches to a post; thence North 20.5 degrees East, 106 perches to a post; thence North 44 degrees West, 30 perches to a post; thence South 20.5 degrees West, 40 perches to a post the northwest corner of the recited 10 acre lot; thence East 25 perches to a hemlock; thence South 20.5 degrees West, 66 perches to the place of beginning.

UNDER AND SUBJECT TO prior reservations of all coal, coal oil and other minerals in or upon said land with the full right to mine and remove same.

THIRD: BEGINNING at a post in the center of public road, the southwest corner of a 10 acre lot deeded by George W. Hoover, et al. to Jacob Bish, 10 October 1888, 69, Page 217, thence following the center of said road North 49 degrees West, 15.4 perches, North 55.75 degrees, West 24.3 perches; thence North 19 degrees, West 8.2 perches to a post; thence North 50.5 degrees, 15 perches to a post and stones; thence North 20.5 degrees East, 93 perches to a post and stones; thence South 44 degrees East, 40 perches to a post, corner of land of Jacob Bish; thence South 20.5 degrees West, 106 perches to the beginning.

UNDER AND SUBJECT TO prior reservations of all coal, coal oil and other minerals in or upon said land with the full right to mine and remove same.

The above three parcels are identified as Tax Map No. 119-F2-01, and are assessed as 35 acres.

EXCEPTING AND RESERVING all coal, coal oil, and other minerals under the three described tracts as excepted and reserved in previous deeds in the chain of title.

The above describe premises will hereinafter be referred to as "Property".

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 by the court without further notice for the relief requested by the Plaintiffs. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Court Administrator's Office, Clearfield County Courthouse, Second and Market Streets, Clearfield, PA 16830 (814) 765-2641, Ext. 5051

GRECO & LANDER, P.C., Linda Cloak, Esquire, PO Box 667, Clarion, PA 16214 (814) 226-6853.

SHERIFF'S SALE OF VALUABLE REAL ESTATE

BY VIRTUE OF: Execution issued out of the Court of Common Pleas of Clearfield County, Pennsylvania and to me directed, there will be exposed to public sale in the Sheriff's Office in the Court House in the Borough of Clearfield on FRIDAY, APRIL 2, 2004 at 10:00 A.M.

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.

ALL THAT CERTAIN piece, parcel or tract of land situate in the Osceola Borough, Clearfield County, Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at a post on Hale Street at the south east corner of lot now or formerly owned by Frank Dunlap; thence by line of

said Dunlap lot in a northerly direction 165 feet to corner of lot of William Webster; thence in an easterly direction along the line of said Webster lot 52 feet to a post; thence in a southerly direction along line of S.W. McLarren 165 feet to a post on Hale Street; thence along said Hale Street in a Westerly direction 48 feet to a post and place of beginning.

SEIZED, taken in execution to be sold as the property of TODD G. DONAHUE AND BARBARA C. DONAHUE, at the suit of SOVEREIGN BANK JUDGMENT NO. 03-1413-CD.

Chester A. Hawkins, Sheriff.
ADV: March 5th, 12th, 19th, 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, there will be exposed to public sale in the Sheriff's Office in the Court House in the Borough of Clearfield on FRIDAY, APRIL 2, 2004 at 10:00 A.M.

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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.

ALL THAT CERTAIN piece of ground situate in the Borough of Osceola Mills, County of Clearfield and State of Pennsylvania, bounded and described as follows, to-wit:

On the North by one-half of Lot No. 115; on the East by Water Alley; on the South by Lot No. 113; and on the West by Pruner Street; having a frontage of twenty-five (25) feet of Pruner Street, and extending of that with a depth of one hundred and fifty (150) feet, being one-half of Lot No. 115 in the general plan of Osceola Borough.

BEING the same premises which became vested in Homer L. Vance and Gale C. Vance by deed dated July 5, 1994 and recorded in Clearfield County Deed Book 1517, page 570.

UNDER AND SUBJECT to all exceptions, reservations, restrictions, conditions, easements, rights and rights of way as contained in prior deeds and instruments of record.

HAVING THEREON ERECTED a dwelling house known as 211 Pruner Street Osceola Mills PA 16666

BEING THE SAME PREMISES WHICH Homer L. Vance and Gale C. Vance, by Deed dated 3/10/97 and recorded 3/13/97 in Clearfield County Deed Book 1825, Page 490, granted and conveyed unto Steve A. Way. Assessment #16-013-378-31

SEIZED, taken in execution to be sold as the property of STEVEN A. WAY, at the suit of WACHOVIA BANK, NATIONAL ASSOCIATION, F/K/A FIRST UNION NATIONAL BANK AS TRUSTEE FOR PENNSYLVANIA HOUSING FINANCE AGENCY. JUDGMENT NO. 03-564-CD.

Chester A. Hawkins, Sheriff.
ADV: March 5th, 12th, 19th, 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, there will be exposed to public sale in the Sheriff's Office in the Court House in the Borough of Clearfield on FRIDAY, APRIL 2, 2004 at 10:00 A.M.

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.

ALL THAT CERTAIN tract of land

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION - EQUITY

FILED ^{File} NO CC

m/10:24
APR 19 2004

William A. Shaw
Prothonotary/Clerk of Courts

AL LANDER,

Plaintiff,

vs.

No. 04-283-CD

DEBBIE MCGIVERN, KOVA R.
DICKINSON, MICHAEL H. ROBISON,
P. P. SANTINI, JOHN L. CULLEY, AND
WAYNE M. CULLEY, BURGETTSTOWN
ROD & GUN CLUB, an unincorporated
association, Their Heirs, Successors and
Assigns And All Other Persons Claiming
Any Interest In The Property Described In
This Action,

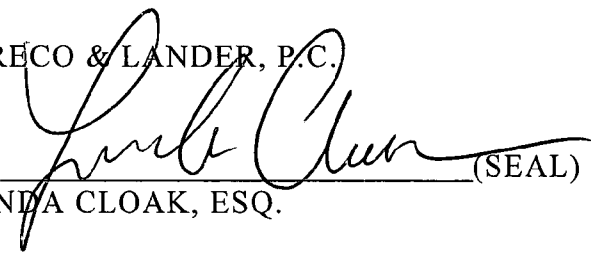
Defendants.

CERTIFICATE OF SERVICE

I, Linda Cloak, Esq., hereby certify that a true and correct copy of the
foregoing "Motion for Judgment" and "Proof of Publication" was sent by U.S. mail,
on April 16, 2004, to the Defendants, as required under the Pennsylvania Rules of
Civil Procedure, addressed as follows:

Jeffrey S. DuBois, Esq.
190 West Park Avenue
Suite 5
DuBois, PA 15801

GRECO & LANDER, P.C.

By  (SEAL)
LINDA CLOAK, ESQ.

CA

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

AL LANDER,

Plaintiff

Vs.

DEBBIE MCGIVERN, KOVA R.
DICKINSON, MICHAEL H.
ROBISON, P. P. SANTINI, JOHN
L. CULLEY, and WAYNE M.
CULLEY, BURGETTSTOWN
ROD & GUN CLUB, an
unincorporated association, Their
Heirs, Successors and Assigns and
All Other Persons Claiming Any
Interest in the Property Described
In This Action,

Defendants

No. 04-283-CD

Type of Pleading:

**OBJECTION TO PLAINTIFF'S
MOTION FOR JUDGMENT**

Filed on Behalf of:

DEFENDANT-DEBBIE MCGIVERN

Counsel of Record for This Party:

Jeffrey S. DuBois, Esquire

Supreme Court No. 62074

190 West Park Avenue, Suite #5

DuBois, PA 15801

(814) 375-5598

FILED

MAY 03 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

AL LANDER,	:	No. 04-283-CD
Plaintiff	:	
	:	
Vs.	:	
	:	
DEBBIE MCGIVERN, KOVA R.	:	
DICKINSON, MICHAEL H.	:	
ROBISON, P. P. SANTINI, JOHN	:	
L. CULLEY, and WAYNE M.	:	
CULLEY, BURGETTSTOWN	:	
ROD & GUN CLUB, an	:	
unincorporated association, Their	:	
Heirs, Successors and Assigns and	:	
All Other Persons Claiming Any	:	
Interest in the Property Described	:	
In This Action,	:	
Defendants	:	

OBJECTION TO PLAINTIFF'S MOTION FOR JUDGMENT

AND NOW, comes the Defendant, DEBBIE MCGIVERN, by and through her attorney, Jeffrey S. DuBois, Esquire, who files this Objection to Plaintiff's Motion for Judgment and in support thereof avers the following:

1. Defendant Debbie McGivern hereby objects to Plaintiff's Motion for judgment, particularly as to John L. Culley and Wayne M. Culley.
2. Said Motion for judgment against the above names were because of the fact said persons were deceased.
3. Plaintiff's motion further purportedly applies to the heirs of the Culley's.

4. Defendant McGivern is an heir of the Culley's, and this fact is known by Plaintiff.

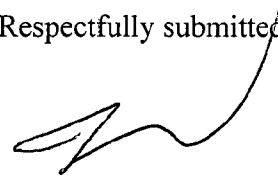
5. As a consequence, Plaintiff did not need to do a Publication, as he knew of the whereabouts of an heir.

6. Moreover, Defendant McGivern is a named party to the action and has filed an answer in this matter.

7. Therefore, Plaintiff's Motion for Judgment is improper.

WHEREFORE, Defendant McGivern respectfully requests this Honorable Court to dismiss Plaintiff's Motion for Judgment.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jeffrey S. DuBois', with a stylized flourish extending upwards and to the right.

Jeffrey S. DuBois, Esquire
Attorney for Defendant –
Debbie McGivern


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

AL LANDER,	:	No. 04-283-CD
Plaintiff	:	
	:	
Vs.	:	
	:	
DEBBIE MCGIVERN, KOVA R.	:	
DICKINSON, MICHAEL H.	:	
ROBISON, P. P. SANTINI, JOHN	:	
L. CULLEY, and WAYNE M.	:	
CULLEY, BURGETTSTOWN	:	
ROD & GUN CLUB, an	:	
unincorporated association, Their	:	
Heirs, Successors and Assigns and	:	
All Other Persons Claiming Any	:	
Interest in the Property Described	:	
In This Action,	:	
Defendants	:	

CERTIFICATE OF SERVICE

I do hereby certify that on the 3rd day of May, 2004, I served a true and correct copy of the within Objection to Plaintiff's Motion for Judgment by first class mail, postage prepaid, on the following:

Linda Cloak, Esquire
P.O. Box 667
Clarion, PA 16214



Jeffrey S. DuBois

In The Court of Common Pleas of Clearfield County, Pennsylvania

LANDER, AL

VS.

MCGIVERN, DEBBIE al

Sheriff Docket #

15254

04-283-CD

**COMPLAINT PARTITION OF REALTY & ACTION TO QUIET TITLE
AFFIDAVIT**

SHERIFF RETURNS

NOW APRIL 16, 2004 AT 10:48 AM SERVED THE WITHIN COMPLAINT PARTITION OF REALTY & ACTION TO QUIET TITLE ON KOVA DICKINSON, DEFENDANT AT RESIDENCE, RR#1 BOX 515, OLANTA, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO KOVA R. DICKINSON A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT PARTITION OF RELTY & ACTION TO QUIET TITLE AND MADE KNOWN TO HER THE CONTENTS THEREOF.

SERVED BY: DAVIS/MORGILLO

NOW APRIL 16, 2004 AT 10:48 AM SERVED THE WITHIN COMPLAINT PARTITION OF REALTY & ACTION TO QUIET TITLE ON MICHAEL H. ROBISON, DEFENDANT AT RESIDENCE, RR#1 BOX 515, OLANTA, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO KOVA R. DICKINSON, MOTHER A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT PARTITION OF RELTY & ACTION TO QUIET TITLE AND MADE KNOWN TO HER THE CONTENTS THEREOF.

SERVED BY: DAVIS/MORGILLO

Return Costs

Cost	Description
32.24	SHERIFF HAWKINS PAID BY: ATTY CK# 4292
20.00	SURCHARGE PAID BY: ATTY CK# 4293

Sworn to Before Me This

16 Day Of MAY 2004



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

So Answers,



Chester A. Hawkins
Sheriff

FILED

MAY 11 2004

0/1:15/2
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

AL LANDER,

Plaintiff,

vs.

DEBBIE MCGIVERN, KOVA R.
DICKINSON, MICHAEL H. ROBISON,
P. P. SANTINI, JOHN L. CULLEY, AND
WAYNE M. CULLEY, BURGETTSTOWN:
ROD & GUN CLUB, an unincorporated
association, Their Heirs, Successors and
Assigns And All Other Persons Claiming
Any Interest In The Property Described In
This Action,

Defendants.

No. 04-283-CD

Civil Action - Equity

Type of Pleading:

**PRAECIPE FOR DEFAULT
JUDGMENT**

Filed on Behalf of Plaintiff

Counsel of Record for Plaintiff:

LINDA CLOAK, ESQ.
Law Offices of Greco & Lander, P.C.
P.O. Box 667
Clarion, PA 16214
(814) 226-6853
Fax: (814) 226-4951
Supreme Court No. 85102

FILED

MAY 18 2004

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

AL LANDER,	:	No. 04-283-CD
	:	
Plaintiff,	:	Civil Action - Equity
	:	
vs.	:	
	:	
DEBBIE MCGIVERN, KOVA R.	:	
DICKINSON, MICHAEL H. ROBISON,	:	
P. P. SANTINI, JOHN L. CULLEY, AND	:	
WAYNE M. CULLEY, BURGETTSTOWN:	:	
ROD & GUN CLUB, an unincorporated	:	
association, Their Heirs, Successors and	:	
Assigns And All Other Persons Claiming	:	
Any Interest In The Property Described In	:	
This Action,	:	
	:	
Defendants.	:	

PRAECIPE FOR DEFAULT JUDGMENT

TO THE PROTHONOTARY:


The Complaint in the above-captioned matter was served on the Defendants, Kova R. Dickinson and Michael H. Robinson, by the Sheriff of Clearfield County at their home on April 16, 2004, by handing a copy to Kova R. Dickinson.

The Sheriff has properly filed his return of service. The Complaint was properly endorsed with the Notice to Defend pursuant to Rule 1018.1 of the Pennsylvania Rules of Civil Procedure. Since that date, twenty (20) days have elapsed and the above Defendant has failed to file an answer or other responsive pleading. On May 6, 2004, a Notice of Praecipe for Entry of Default Judgment was mailed to Defendants by regular mail, with a certificate of mailing pursuant to Rule 237.1 of the Pennsylvania Rules of Civil Procedure, a copy of the notices are

attached hereto and made a part hereof and marked Exhibit A. More than 10 days have elapsed since the mailing of the said notice to the Defendants, and the Defendants have failed to file an Answer or other responsive pleading.

WHEREFORE, the Plaintiff asks that judgment be entered on behalf of the Plaintiff against the Defendants, Kova R. Dickinson and Michael H. Robison, as set forth for failure to file an answer in the above action.

RESPECTFULLY SUBMITTED:

 (SEAL)
LINDA CLOAK, ESQ.

Law Offices of Greco & Lander, P.C.

P.O. Box 667

Clarion, Pennsylvania 16214

(814) 226-6853

Fax (814) 226-4951

Supreme Court I.D. No. 85012

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

AL LANDER,

Plaintiff,

vs.

DEBBIE MCGIVERN, KOVA R.
DICKINSON, MICHAEL H. ROBISON,
P. P. SANTINI, JOHN L. CULLEY, AND
WAYNE M. CULLEY, BURGETTSTOWN:
ROD & GUN CLUB, an unincorporated
association, Their Heirs, Successors and
Assigns And All Other Persons Claiming
Any Interest In The Property Described In
This Action,

Defendants.

No. 04-283-CD

Civil Action - Equity

CERTIFICATE OF SERVICE

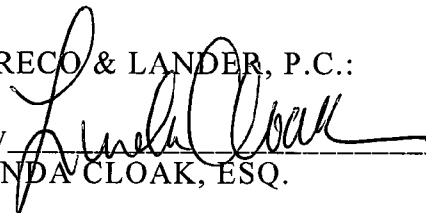
I, Linda Cloak, Esq., hereby certify that a true and correct copy of the
foregoing Praecipe for Default Judgment was sent by U.S. mail, postage prepaid on
May 18, 2004, to the Defendant as follows:

Kova R. Dickinson
R.R. #1, Box 515
Olanta, PA 16863

Michael R. Robison
R.R. #1, Box 515
Olanta, PA 16863

Jeffrey S. DuBois, Esq.
190 W. Park Avenue
Suite 5
DuBois, PA 15801

GRECO & LANDER, P.C.:

By 
LINDA CLOAK, ESQ.

file

**LAW OFFICES
OF
GRECO & LANDER, P.C.**

Attorneys At Law
P. O. Box 667
1390 East Main Street, Suite 2
Clarion, Pennsylvania 16214-0667

DOM W. GRECO
AL LANDER

Telephone (814) 226-6853
FAX (814) 226-4951
e-maillcloak@usachoice.net

May 6, 2004

Mr. Michael H. Robison
R.R. #1, Box 515
Olanta, PA 16863

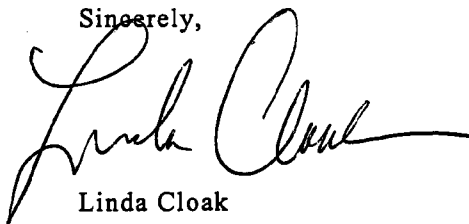
Re: Al Lander v. Debbie McGivern, et. al.: No. 04-283

Dear Mr. Robison:

I have enclosed herewith a Notice of Intent to File Praecipe to Enter Judgment by Default.
I am making service upon you as required under the Pennsylvania Rules of Civil Procedure.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Linda Cloak

LC:sss
Enclosure
783.355

EXHIBIT A

{GL000015.1}

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

AL LANDER,

Plaintiff,

vs.

DEBBIE MCGIVERN, KOVA R.
DICKINSON, MICHAEL H. ROBISON,
P. P. SANTINI, JOHN L. CULLEY, AND
WAYNE M. CULLEY, BURGETTSTOWN
ROD & GUN CLUB, an unincorporated
association, Their Heirs, Successors and
Assigns And All Other Persons Claiming
Any Interest In The Property Described In
This Action,

Defendants.

No. 04-283-CD

Civil Action - Equity

Type of Pleading:

***NOTICE OF INTENT TO
FILE PRAECIPE TO ENTER
JUDGMENT BY DEFAULT***

Filed on Behalf of Plaintiff

Counsel of Record for Plaintiff:

LINDA CLOAK, ESQ.
Law Offices of Greco & Lander, P.C.
P.O. Box 667
Clarion, PA 16214
(814) 226-6853
Fax: (814) 226-4951
Supreme Court No. 85102

FILED

MAY 18 2004

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION - EQUITY

AL LANDER,

Plaintiff,

vs.

No. 04-283-CD

DEBBIE MCGIVERN, KOVA R.
DICKINSON, MICHAEL H. ROBISON,
P. P. SANTINI, JOHN L. CULLEY, AND
WAYNE M. CULLEY, BURGETTSTOWN
ROD & GUN CLUB, an unincorporated
association, Their Heirs, Successors and
Assigns And All Other Persons Claiming
Any Interest In The Property Described In
This Action,

Defendants.

**NOTICE OF INTENT TO FILE PRAECIPE
TO ENTER JUDGMENT BY DEFAULT**

TO: Michael H. Robison
R.R. #1, Box 515
Olanta, PA 16863

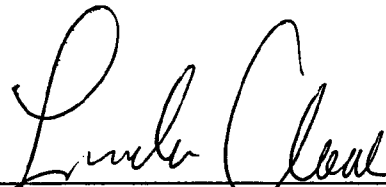
Date of Notice: May 6, 2004

IMPORTANT NOTICE

**YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER
INTO A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND
FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS
TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN
TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE**

**ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE
YOUR PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD
TAKE THIS NOTICE TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A
LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE
FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP:**

Court Administrator
Clearfield County Courthouse
Second & Market Streets
Clearfield, PA 16830
(714) 765-2641, Ext. 50-51

 (SEAL)
LINDA CLOAK, ESQ.
Attorney for Plaintiff
Law Office of Greco & Lander, P.C.
P.O. Box 667
Clarion, Pennsylvania 16214
(814) 226-6853
PA I.D. #85102

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION - EQUITY

AL LANDER,

Plaintiff,

vs.

No. 04-283-CD

DEBBIE MCGIVERN, KOVA R.
DICKINSON, MICHAEL H. ROBISON,
P. P. SANTINI, JOHN L. CULLEY, AND
WAYNE M. CULLEY, BURGETTSTOWN
ROD & GUN CLUB, an unincorporated
association, Their Heirs, Successors and
Assigns And All Other Persons Claiming
Any Interest In The Property Described In
This Action,

Defendants.

CERTIFICATE OF SERVICE

I, Linda Cloak, Esq., hereby certify that a true and correct copy of the
foregoing "Notice Of Intent To File Praecipe To Enter Judgment By Default" was
sent by U.S. mail, on May 6, 2004, to the Defendants, as required by Rule
237.1(a)(2)(ii), addressed as follows:

Michael H. Robison
R.R. #1, Box 515
Olanta, PA 16863

GRECO & LANDER, P.C.

By  (SEAL)
LINDA CLOAK, ESQ.

JCL

**LAW OFFICES
OF
GRECO & LANDER, P.C.**

Attorneys At Law
P. O. Box 667
1390 East Main Street, Suite 2
Clarion, Pennsylvania 16214-0667

DOM W. GRECO
AL LANDER

Telephone (814) 226-6853
FAX (814) 226-4951
e-mail lcloak@usachoice.net

May 6, 2004

Ms. Kova R. Dickinson
R.R. #1, Box 515
Olanta, PA 16863

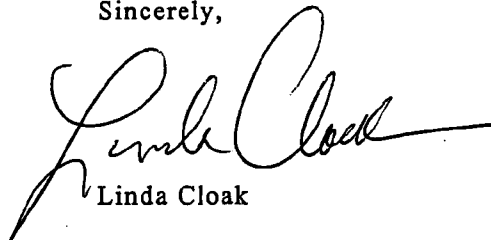
Re: Al Lander v. Debbie McGivern, et. al.: No. 04-283

Dear Ms. Dickinson:

I have enclosed herewith a Notice of Intent to File Praeipie to Enter Judgment by Default.
I am making service upon you as required under the Pennsylvania Rules of Civil Procedure.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Linda Cloak

LC:sss
Enclosure
783.355

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

AL LANDER,

Plaintiff,

vs.

DEBBIE MCGIVERN, KOVA R.
DICKINSON, MICHAEL H. ROBISON,
P. P. SANTINI, JOHN L. CULLEY, AND
WAYNE M. CULLEY, BURGETTSTOWN
ROD & GUN CLUB, an unincorporated
association, Their Heirs, Successors and
Assigns And All Other Persons Claiming
Any Interest In The Property Described In
This Action,

Defendants.

No. 04-283-CD

Civil Action - Equity

Type of Pleading:

**NOTICE OF INTENT TO
FILE PRAECIPE TO ENTER
JUDGMENT BY DEFAULT**

Filed on Behalf of Plaintiff

Counsel of Record for Plaintiff:

LINDA CLOAK, ESQ.
Law Offices of Greco & Lander, P.C.
P.O. Box 667
Clarion, PA 16214
(814) 226-6853
Fax: (814) 226-4951
Supreme Court No. 85102

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION - EQUITY

AL LANDER,

Plaintiff,

vs.

No. 04-283-CD

DEBBIE MCGIVERN, KOVA R.
DICKINSON, MICHAEL H. ROBISON,
P. P. SANTINI, JOHN L. CULLEY, AND
WAYNE M. CULLEY, BURGETTSTOWN
ROD & GUN CLUB, an unincorporated
association, Their Heirs, Successors and
Assigns And All Other Persons Claiming
Any Interest In The Property Described In
This Action,

Defendants.

**NOTICE OF INTENT TO FILE PRAECIPE
TO ENTER JUDGMENT BY DEFAULT**

TO: Kova R. Dickinson
R.R. #1, Box 515
Olanta, PA 16863

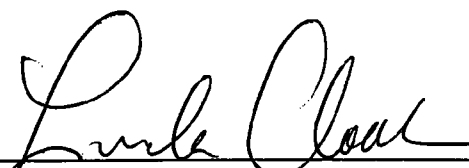
Date of Notice: May 6, 2004

IMPORTANT NOTICE

**YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER
INTO A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND
FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS
TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN
TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE**

**ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE
YOUR PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD
TAKE THIS NOTICE TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A
LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE
FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP:**

Court Administrator
Clearfield County Courthouse
Second & Market Streets
Clearfield, PA 16830
(714) 765-2641, Ext. 50-51


_____(SEAL)
LINDA CLOAK, ESQ.
Attorney for Plaintiff
Law Office of Greco & Lander, P.C.
P.O. Box 667
Clarion, Pennsylvania 16214
(814) 226-6853
PA I.D. #85102

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION - EQUITY

AL LANDER,

Plaintiff,

vs.

No. 04-283-CD

DEBBIE MCGIVERN, KOVA R.
DICKINSON, MICHAEL H. ROBISON,
P. P. SANTINI, JOHN L. CULLEY, AND
WAYNE M. CULLEY, BURGETTSTOWN
ROD & GUN CLUB, an unincorporated
association, Their Heirs, Successors and
Assigns And All Other Persons Claiming
Any Interest In The Property Described In
This Action,

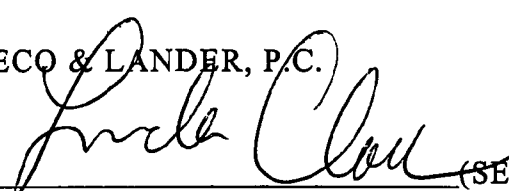
Defendants.

CERTIFICATE OF SERVICE

I, Linda Cloak, Esq., hereby certify that a true and correct copy of the
foregoing "Notice Of Intent To File Praecipe To Enter Judgment By Default" was
sent by U.S. mail, on May 6, 2004, to the Defendants, as required by Rule
237.1(a)(2)(ii), addressed as follows:

Kova R. Dickinson
R.R. #1, Box 515
Olanta, PA 16863

GRECO & LANDER, P.C.

By  (SEAL)
LINDA CLOAK, ESQ.

FILED
O 19.36 44-62 20.00
2004
MAY 18 2004

William A. Shaw
Prothonotary

May 18, 2004

Linda Cloak, Esq.
P.O. Box 667
Clarion PA 16214

Dear Linda:

I am returning the enclosed check for \$20.00 involving case # 04-283-CD action in Quiet Title. The initial \$95.00 filing fee covers the final order.

Sorry for the inconvenience.

Sincerely,

Prothonotary's Office.

ba

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

AL LANDER,

Plaintiff,

vs.

DEBBIE MCGIVERN, KOVA R.
DICKINSON, MICHAEL H. ROBISON,
P. P. SANTINI, JOHN L. CULLEY, AND
WAYNE M. CULLEY, BURGETTSTOWN
ROD & GUN CLUB, an unincorporated
association, Their Heirs, Successors and
Assigns And All Other Persons Claiming
Any Interest In The Property Described In
This Action,

Defendants.

: No. 04-283-CD

: Civil Action - Equity

: Type of Pleading:

: **PROOF OF PUBLICATION**

: Filed on Behalf of Plaintiff

: Counsel of Record for Plaintiff:

: LINDA CLOAK, ESQ.

: Law Offices of Greco & Lander, P.C.

: P.O. Box 667

: Clarion, PA 16214

: (814) 226-6853

: Fax: (814) 226-4951

: Supreme Court No. 85102

IN THE COURT
OF COMMON PLEAS
OF CLEARFIELD COUNTY,
PENNSYLVANIA
No. 04-283-CD
Civil Action - Equity

ALLANDER,
Plaintiff,

vs.

DEBBIE MCGIVERN, KOVA R.
DICKINSON, MICHAEL H. ROBI-
SON, P. P. SANTINI, JOHN L. CUL-
LEY, AND WAYNE M. CULLEY,
BURGETTSTOWN ROD & GUN
CLUB, an unincorporated associa-
tion, Their Heirs, Successors and
Assigns And All Other Persons
Claiming Any Interest In The Prop-
erty Described In This Action,
Defendants.

NOTICE

TO: P. P. SANTINI, JOHN L. CUL-
LEY and WAYNE M. CULLEY,
Their Heirs, Successors and As-
signs And All Other Persons Claim-
ing Any Interest In The Property De-
scribed In This Action

You are notified that an Order has
been entered on April 20, 2004, di-
recting that within thirty (30) days
after this publication you shall com-
mence an action in ejectment
against the Plaintiff or be forever
barred from asserting any right,
lien, title or interest inconsistent
with the interest or claim set forth in
Plaintiff's Complaint to all that cer-
tain piece or parcel of land situate in
Huston Township, Clearfield
County, Pennsylvania bounded
and described as follows:

FIRST:

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :
: SS:
COUNTY OF CLEARFIELD :

On this 14th day of May, 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 May 5, 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.

Margaret E. Krebs
Sworn and subscribed to before me the day and year aforesaid.

Cheryl J. Robison
Notary Public Clearfield, Pa.

COMMONWEALTH OF PENNSYLVANIA

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

BEGINNING at a post in the center of the public road leading up Wilson Run which stands 118 perches southerly from the north line of Warrant No. 5061; thence North 20.5° East, 66 perches to a post; thence South 44° East, 25 perches to a hemlock; thence South 30.5° West, 66 perches to a post in said road; thence North 44° West, 25 perches to the place of beginning.

SECOND:

BEGINNING at the southeast corner of the 10 acre lot recited above in the road; thence South 45° East along road 5 1/2° perches to a post; thence North 20.5° East, 106 perches to a post; thence North 44° West, 30 perches to a post; thence South 20.5° West, 40 perches to a post the northwest corner of the recited 10 acre lot; thence East 25 perches to a hemlock; thence South 20.5° West, 66 perches to the place of beginning.

UNDER AND SUBJECT TO prior reservations of all coal, coal oil and other minerals in or upon said land with the full right to mine and remove same.

THIRD:

BEGINNING at a post in the center of public road, the southwest corner of a 10 acre lot deeded by George W. Hoover, et. al. to Jacob Bish, 10 October 1888, 69, Page 217, thence following the center of said road North 49° West, 15.4 perches, North 55.75°, West 24.3 perches; thence North 19°, West 8.2 perches to a post; thence North 50.5°, 15 perches to a post and stones; thence North 20.5° East, 93 perches to a post and stones; thence South 44° East, 40 perches to a post, corner of land of Jacob Bish; thence South 20.5° West, 106 perches to the beginning.

UNDER AND SUBJECT TO prior reservations of all coal, coal oil and other minerals in or upon said land with the full right to mine and remove same.

The above three parcels are identified as Tax Map No. 119-F2-01, and are assessed as 35 acres.

EXCEPTING AND RESERVING all coal, coal oil, and other minerals under the three described tracts as excepted and reserved in previous deeds in the chain of title.

The above described premises will hereinafter be referred to as "Property".

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 PLAINTIFF. 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
Second and Market Streets
Clearfield, PA 16823-1488
(814) 765-2641, Ext. 5051
LINDA CLOAK, ESQ.
Attorney For Plaintiff
Law Offices of
Greco & Lander, P.C.
P.O. Box 667
Clarion, PA 16214
(814) 226-6853

ed the back door
Dotts residence
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is unknown if
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asked to contact

press does not
Death Notices

Van Ormer
G — Virginia
of Philipsburg
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nephews, includ-
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Sandy, and Fred
wife, Jane, all of

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and Norman

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PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :

:

COUNTY OF CLEARFIELD :

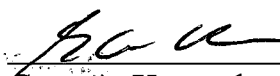
On this 10th day of May AD 2004, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Gary A. Knaresboro editor of the Clearfield County Legal Journal of the Courts of Clearfield County, and that the annexed is a true copy of this notice or advertisement published in said publication in the regular issues of Week of, May 7, 2004, No. 19. And that all of the allegations of this statement as to the time, place, and character of the publication are true.

RECEIVED BY MAIL

DO NOT REE

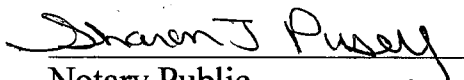
CHIEF OF POLICE

CLERK OF COURT



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

Linda Cloak Esquire
Greco & Lander PC
PO Box 667
Clarion PA 16214

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

AL LANDER, Plaintiff vs. DEBBIE
MCGIVERN, KOVA R. DICKINSON,
MICHAEL H. ROBISON, P.P. SANTINI,
JOHN L. CULLEY, AND WAYNE M.
CULLEY, BURGETTSTOWN ROD & GUN
CLUB, an unincorporated association, Their
Heirs, Successors and Assigns And All
Other Persons Claiming Any Interest In The
Property Described In This Action,
Defendants.

No. 04-283-CD

NOTICE

TO: P.P. SANTINI, JOHN L. CULLEY,
AND WAYNE M. CULLEY,
BURGETTSTOWN ROD & GUN CLUB, an
unincorporated association, Their Heirs,
Successors and Assigns And All Other
Persons Claiming Any Interest In The
Property Described In This Action.

You are hereby notified that an Order
has been entered on April 20, 2004,
directing that within thirty (30) days after this
publication you shall commence an action in
ejectment against the Plaintiff or be forever
barred from asserting any right, lien, title or
interest inconsistent with the interest or
claim set forth in Plaintiff's Complaint to all
that certain piece or parcel of land situate in
Huston Township, Clearfield County,
Pennsylvania bounded and described as
follows:

FIRST: BEGINNING at a post in the
center of the public road leading up Wilson
Run which stands 118 perches southerly
from the north line of Warrant No. 5061;
thence North 20.5 degrees East, 66 perches
to a post; thence South 44 degrees East, 25
perches to a hemlock; thence South 30.5
degrees West, 66 perches to a post in said
road; thence North 44 degrees West, 25
perches to the place of beginning.

SECOND: BEGINNING at the southeast
corner of the 10 acre lot recited above in the
road; thence South 45 degrees East along
road 5 1/2 degrees perches to a post; thence
North 20.5 degrees East, 106 perches to a
post; thence North 44 degrees West, 30

Late of Madera
Co-Executors: **MARK F. KITKO**
LINDA M. HAYWARD
Attorney: **GATES & SEAMAN**
2 North Front St.
PO Box 846
Clearfield, PA 16830

MILLS, WILLIAM D., Dec'd
Late of West Decatur
Executrix: **GLORIA JEAN FOX**
Attorney: **DAVID C. MASON**
PO Box 28
Philipsburg, PA 16866

THORNHILL, RITA H., Dec'd
Late of Curwensville
Executor: **SIDNEY C. THORNHILL**
Attorney: **MARK A. FALVO**
38 West Scribner Ave.
DuBois, PA 15801

HAMBROSKY, JOHN A., Dec'd
Late of DuBois
Executor: **GERALD R. BURTON**
Attorney: **DAVID J. HOPKINS**
900 Beaver Drive
DuBois, PA 15801

McANINCH, GLEN W., Dec'd
Late of DuBois
Co-Executor: **LARRY C. MCANINCH**
RUTH MARIE HARTZFELD
Attorney: **DAVID J. HOPKINS**
900 Beaver Drive
DuBois, PA 15801

WILLIAMS, EILEEN, Dec'd
Late of Curwensville
Administratrix: **E. LOUISE NELEN**
Attorney: **JOHN R. RYAN**
PO Box 1
15 N. Front St.
Clearfield, PA 16830

JOHNSON, DONALD H., Dec'd
Late of Clearfield
Executrix: **CAROLINE N. JOHNSON**
Attorney: **RICHARD A. BELL**
318 E. Locust Street
PO Box 670
Clearfield, PA 16830

perches to a post; thence South 20.5 degrees West, 40 perches to a post the northwest corner of the recited 10 acre lot; thence East 25 perches to a hemlock; thence South 20.5 degrees West, 66 perches to the place of beginning.

UNDER AND SUBJECT TO prior reservations of all coal, coal oil and other minerals in or upon said land with the full right to mine and remove same.

THIRD: BEGINNING at a post in the center of public road, the southwest corner of a 10 acre lot deeded by George W. Hoover, et al. to Jacob Bish, 10 October 1888, 69, Page 217, thence following the center of said road North 49 degrees West, 15.4 perches, North 55.75 degrees, West 24.3 perches; thence North 19 degrees, West 8.2 perches to a post; thence North 50.5 degrees, 15 perches to a post and stones; thence North 20.5 degrees East, 93 perches to a post and stones; thence South 44 degrees East, 40 perches to a post, corner of land of Jacob Bish; thence South 20.5 degrees West, 106 perches to the beginning.

UNDER AND SUBJECT TO prior reservations of all coal, coal oil and other minerals in or upon said land with the full right to mine and remove same.

The above three parcels are identified as Tax Map No. 119-F2-01, and are assessed as 35 acres.

EXCEPTING AND RESERVING all coal, coal oil, and other minerals under the three described tracts as excepted and reserved in previous deeds in the chain of title.

The above describe premises will hereinafter be referred to as "Property".

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 by the court without further notice for the relief requested by the Plaintiffs. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Court Administrator's Office, Clearfield County Courthouse, Second and Market Streets, Clearfield, PA 16830 (814) 765-2641, Ext. 5051.

GRECO & LANDER, P.C., Linda Cloak, Esquire, PO Box 667, Clarion, PA 16214 (814) 226-6853.

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.

ALL THOSE CERTAIN pieces or parcels of land situate in Sandy Township, County of Clearfield and Commonwealth of Pennsylvania, bounded and described as follows:

THE FIRST THEREOF: ALL that certain piece, parcel or tract of land, situate, lying and being in the Township of Sandy, County of Clearfield and State of Pennsylvania, bounded and described as follows, to wit: On the North by a 60 foot street known as First Avenue; on the East by lands of Joseph Blant and wife; on the South by a 12 foot alley and on the West by lands of Margaret Chick. Being known as Lot No. 34 shown on the plat of lots as surveyed by George C Kirk of Survey of June 20-22, 1916, taken from a larger piece of land which became vested by sundry conveyances of record in Harriet Bogle.

THE SECOND THEREOF: Located in the Harriet Bogle plan of lots and known as Lot No. 33 in said plan of lots, bounded and described as follows, to wit: On the North by First Avenue; on the East by Lot No. 34; on the South by an alley; and on the West by Lot No. 32, and being 50 feet by 150 feet in size.

THE THIRD THEREOF: Located in the Harriet Bogle plan of lots and known as Lot No. 32 in said plan of lots, bounded and described as follows, to wit: On the North by First Avenue; on the East by Lot No. 33; on the South by an alley; and on the West by Third Street, and being 57 feet by 150 feet in size.

BEING THE SAME PREMISES WHICH Harry L. Rugh and Amy Marie Rugh, by Deed dated November 30, 1981 and recorded December 16, 1981, at Deed Book Volume 823 Page 517, granted and conveyed unto Harry L. Rugh and Amy Marie Rugh, as Joint Tenants with Right of Survivorship.

SEIZED, taken in execution to be sold as the property of AMY M. JOHNSON, A/K/A AMY MARIE RUGH, at the suit of BENEFICIAL CONSUMER DISCOUNT COMPANY D/B/A BENEFICIAL MORTGAGE CO. OF PENNSYLVANIA. JUDGMENT NO. 03-211-CD.

Chester A. Hawkins, Sheriff.

ADV: May 7th, 14th, 21st, 2004.

CP

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

AL LANDER,

Plaintiff,

vs.

DEBBIE MCGIVERN, KOVA R.
DICKINSON, MICHAEL H. ROBISON,
P. P. SANTINI, JOHN L. CULLEY, AND
WAYNE M. CULLEY, BURGETTSTOWN:
ROD & GUN CLUB, an unincorporated
association, Their Heirs, Successors and
Assigns And All Other Persons Claiming
Any Interest In The Property Described In
This Action,

Defendants.

No. 04-283-CD

Civil Action - Equity

Type of Pleading:

**MOTION FOR JUDGMENT ON
THE PLEADINGS**

Filed on Behalf of Plaintiff

Counsel of Record for Plaintiff:

LINDA CLOAK, ESQ.
Law Offices of Greco & Lander, P.C.
P.O. Box 667
Clarion, PA 16214
(814) 226-6853
Fax: (814) 226-4951
Supreme Court No. 85102

FILED

JUN 18 2004

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

AL LANDER,	:	No. 04-283-CD
	:	
Plaintiff,	:	Civil Action - Equity
	:	
vs.	:	
	:	
DEBBIE MCGIVERN, KOVA R.	:	
DICKINSON, MICHAEL H. ROBISON,	:	
P. P. SANTINI, JOHN L. CULLEY, AND	:	
WAYNE M. CULLEY, BURGETTSTOWN:	:	
ROD & GUN CLUB, an unincorporated	:	
association, Their Heirs, Successors and	:	
Assigns And All Other Persons Claiming	:	
Any Interest In The Property Described In	:	
This Action,	:	
	:	
Defendants.	:	

NOTICE

A PETITION OR MOTION HAS BEEN FILED AGAINST YOU IN COURT.
IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE
FOLLOWING MOTION BY ENTERING A WRITTEN APPEARANCE
PERSONALLY OR BY ATTORNEY IN FILING AND WRITING WITH THE
COURT, YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH
AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO, THE
CASE MAY PROCEED WITHOUT YOU AND AN ORDER MAY BE ENTERED
AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR RELIEF
REQUESTED BY THE PETITIONER OR MOVANT. YOU MAY LOSE RIGHTS
IMPORTANT TO YOU.

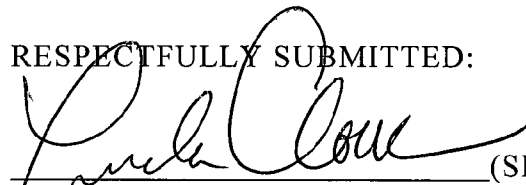
YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF
YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR

TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU
CAN GET LEGAL HELP.

CLEARFIELD COUNTY COURT ADMINISTRATOR

Clearfield County Courthouse
Second and Market Streets
Clearfield, PA 16830
(814) 765-2641, Ext. 501

RESPECTFULLY SUBMITTED:

 (SEAL)

LINDA CLOAK, ESQ.

Law Offices of Greco & Lander, P.C.

P.O. Box 667

Clarion, Pennsylvania 16214

(814) 226-6853

Fax (814) 226-4951

Supreme Court I.D. No. 85012

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

AL LANDER,	:	No. 04-283-CD
	:	
Plaintiff,	:	Civil Action - Equity
	:	
vs.	:	
	:	
DEBBIE MCGIVERN, KOVA R.	:	
DICKINSON, MICHAEL H. ROBISON,	:	
P. P. SANTINI, JOHN L. CULLEY, AND	:	
WAYNE M. CULLEY, BURGETTSTOWN:	:	
ROD & GUN CLUB, an unincorporated	:	
association, Their Heirs, Successors and	:	
Assigns And All Other Persons Claiming	:	
Any Interest In The Property Described In	:	
This Action,	:	
	:	
Defendants.	:	

MOTION FOR JUDGMENT ON THE PLEADINGS

Plaintiff, Al Lander, by his undersigned counsel, Linda Cloak, Esq., of Greco & Lander, P.C. respectfully moves this Court pursuant to Rules of Civil Procedure 1034 for judgment on the pleadings ("Motion") with respect to prayer 1 of Count I and prayer for relief of Count II of the Complaint on the grounds that :

1. The Pleadings are closed and this case has not been listed for trial.
2. No genuine issue of material fact exists with respect to prayers in the complaint.
3. The only response received by the Defendants both named and unnamed is an answer filed by Defendant, Debbie McGivern.
4. A judgment on the pleading may be entered in an action to quiet title where all these substantive facts are alleged, and they are not effectively denied by the Defendants. (See Langan v. Degillio, 411 Pa. 279, 191 A.2d 820 (1963)).

5. Debbie McGivern has not set forth any chain of title, alleged any facts or otherwise supported her claim of ownership in the property.

6. In a quiet title action, the failure of the Defendant to deny material allegations of the Complaint is equivalent to an admission thereof. (See Cavrak v. Stanich, 56 Pa. D&C 2nd 522 (1972).

7. A judgment on the pleadings is appropriate only where the case is clear and free from doubt, and every doubt is to be resolved against the entry of such judgment. (See SN, Inc. v. Long, 208 Pa. Super. 38, 220 A.2d 357 (1966).

8. Defendant, Debbie McGivern's, failure to set forth a chain of title, allege facts supporting her claim of ownership or state a denial makes judgment on the pleadings an appropriate remedy in this case.

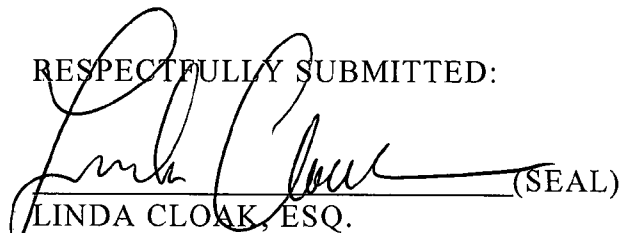
9. Plaintiffs are entitled to judgment on the prayers of Counts I as a matter of law.

WHEREFORE, Plaintiff respectfully requests this Honorable Court to order that:

1. Judgment is entered in favor of Plaintiff, Al Lander, with respect to the prayer for relief in Counts I of the Complaint; and

2. That the Court issue a decree confirming good title to the subject property in Al Lander.

RESPECTFULLY SUBMITTED:

 (SEAL)
LINDA CLOAK, ESQ.

Law Offices of Greco & Lander, P.C.
P.O. Box 667
Clarion, Pennsylvania 16214
(814) 226-6853
Fax (814) 226-4951
Supreme Court I.D. No. 85012

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

AL LANDER,

Plaintiff,

vs.

DEBBIE MCGIVERN, KOVA R.
DICKINSON, MICHAEL H. ROBISON,
P. P. SANTINI, JOHN L. CULLEY, AND
WAYNE M. CULLEY, BURGETTSTOWN:
ROD & GUN CLUB, an unincorporated
association, Their Heirs, Successors and
Assigns And All Other Persons Claiming
Any Interest In The Property Described In
This Action,

Defendants.

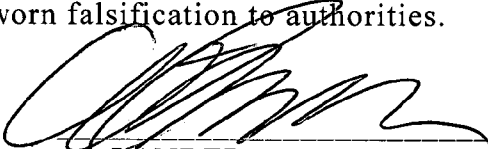
No. 04-283-CD

Civil Action - Equity

VERIFICATION

I, Al Lander, verify that the statements made herein are true and correct to the best of my knowledge, information, and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

Date: 6-16, 2004


AL LANDER

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

AL LANDER,	:	No. 04-283-CD
	:	
Plaintiff,	:	Civil Action - Equity
	:	
vs.	:	
	:	
DEBBIE MCGIVERN, KOVA R.	:	
DICKINSON, MICHAEL H. ROBISON,	:	
P. P. SANTINI, JOHN L. CULLEY, AND	:	
WAYNE M. CULLEY, BURGETTSTOWN:	:	
ROD & GUN CLUB, an unincorporated	:	
association, Their Heirs, Successors and	:	
Assigns And All Other Persons Claiming	:	
Any Interest In The Property Described In	:	
This Action,	:	
	:	
Defendants.	:	

ORDER GRANTING JUDGMENT ON THE PLEADINGS

AND NOW, this _____ day of _____, 2004, upon
consideration of Plaintiff's Motion for Judgment on the Pleadings, it is hereby
ordered as follows:

That the Defendant, Debbie McGivern, Kova R. Dickinson, Michael H.
Robison, P. P. Santini, John L. Culley and Wayne M. Culley, and Burgettstown Rod
& Gun Club, an unincorporated association, their heirs, successors and assigns and
all other persons claiming any interest in the property described in this action are
forever barred from asserting any right, lien, title or interest in and to the property
hereinafter described, inconsistent with the interest or claim of the Plaintiff set forth
in the Complaint; from impeaching, denying, or any way attacking Plaintiff's title to
the said property; from issuing or maintaining any action attacking the same; from
encumbering mortgaging or conveying the same or any part thereof unless the said
Defendant and other person named herein, their unknown heirs, their successors and

assigns shall commence an action of ejectment against the Plaintiff within 30 days after service of notice of entry of this Order of Court on the parties, Defendant, their unknown heirs, successors or assigns as hereinafter provided.

The property which is the subject of this Order is all that certain piece, parcel or tract of land situate in Huston Township, Clearfield County, Pennsylvania, bounded and described as follows:

FIRST:

BEGINNING at a post in the center of the public road leading up Wilson Run which stands 118 perches southerly from the north line of Warrant No. 5061; thence North 20.5° East, 66 perches to a post; thence South 44° East, 25 perches to a hemlock; thence South 30.5° West, 66 perches to a post in said road; thence North 44° West, 25 perches to the place of beginning.

SECOND:

BEGINNING at the southeast corner of the 10 acre lot recited above in the road; thence South 45° East along road 5 ½° perches to a post; thence North 20.5° East, 106 perches to a post; thence North 44° West, 30 perches to a post; thence South 20.5° West, 40 perches to a post the northwest corner of the recited 10 acre lot; thence East 25 perches to a hemlock; thence South 20.5° West, 66 perches to the place of beginning.

UNDER AND SUBJECT TO prior reservations of all coal, coal oil and other minerals in or upon said land with the full right to mine and remove same.

THIRD:

BEGINNING at a post in the center of public road, the southwest corner of a 10 acre lot deeded by George W. Hoover, et. al. to Jacob Bish, 10 October 1888, 69, Page 217, thence following the center of said road North 49° West, 15.4 perches, North 55.75°, West 24.3 perches; thence North 19°, West, 8.2 perches to a post; thence North 50.5°, 15 perches to a post and stones; thence North 20.5° East, 93 perches to a post and stones; thence South 44° East, 40 perches to a post, corner of land of Jacob Bish; thence South 20.5° West, 106 perches to the beginning.

UNDER AND SUBJECT TO prior reservations of all coal, coal oil and other minerals in or upon said land with the full right to mine and remove same.

The above three parcels are identified as Tax Map No. 119-F2-01, and are assessed as 35 acres.

The above described premises will hereinafter be referred to as "Property".

Upon failure of the Defendants and the persons named herein to take any action before the expiration of thirty (30) days after service, the Prothonotary, shall upon praecipe of the Plaintiff make to the Recorder of Deeds, a certified copy of this Order which shall upon the payment of the recording fees of the Recorder of Deeds be recorded in the deed books and shall be indexed against the Defendants as grantor and the Plaintiff as grantee.

BY THE COURT:

_____J.

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

AL LANDER,

Plaintiff,

vs.

DEBBIE MCGIVERN, KOVA R.
DICKINSON, MICHAEL H. ROBISON,
P. P. SANTINI, JOHN L. CULLEY, AND
WAYNE M. CULLEY, BURGETTSTOWN:
ROD & GUN CLUB, an unincorporated
association, Their Heirs, Successors and
Assigns And All Other Persons Claiming
Any Interest In The Property Described In
This Action,

Defendants.

No. 04-283-CD

Civil Action - Equity

FILED

JUN 21 2004

William A. Shaw
Prothonotary/Clerk of Courts

**RULE TO SHOW CAUSE WHY MOTION FOR JUDGMENT ON
THE PLEADINGS SHOULD NOT BE GRANTED**

AND NOW, this 21 day of June, 2004, upon consideration of
the attached motion, a Rule is hereby issued upon Defendant,
Debbie McGivern to show cause why the motion should not be granted. Non-
returnable the 13 day of July, 2004, for filing written
response.

NOTICE

A PETITION OR MOTION HAS BEEN FILED AGAINST YOU IN COURT.
IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE
FOLLOWING MOTION BY ENTERING A WRITTEN APPEARANCE
PERSONALLY OR BY ATTORNEY IN FILING AND WRITING WITH THE
COURT, YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH
AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO, THE

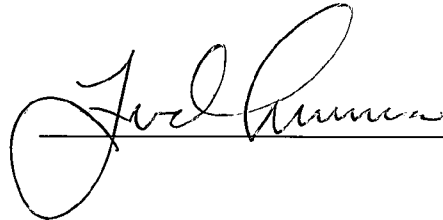
CASE MAY PROCEED WITHOUT YOU AND AN ORDER MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR RELIEF REQUESTED BY THE PETITIONER OR MOVANT. YOU MAY LOSE RIGHTS IMPORTANT TO YOU.

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.

CLEARFIELD COUNTY COURT ADMINISTRATOR

Clearfield County Courthouse
Second and Market Streets
Clearfield, PA 16830
(814) 765-2641, Ext. 501

BY THE COURT:

 J.

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

AL LANDER,

Plaintiff,

vs.

DEBBIE MCGIVERN, KOVA R.
DICKINSON, MICHAEL H. ROBISON,
P. P. SANTINI, JOHN L. CULLEY, AND
WAYNE M. CULLEY, BURGETTSTOWN:
ROD & GUN CLUB, an unincorporated
association, Their Heirs, Successors and
Assigns And All Other Persons Claiming
Any Interest In The Property Described In
This Action,

Defendants.

No. 04-283-CD

Civil Action - Equity

CERTIFICATE OF SERVICE

I, Linda Cloak, Esq., hereby certify that a true and correct copy of the
foregoing **Motion for Judgment on the Pleadings** was sent by U.S. mail, postage
prepaid on June 16, 2004, to the Defendant as follows:

Jeffrey S. DuBois, Esq.
190 W. Park Avenue
Suite 5
DuBois, PA 15801

GRECO & LANDER, P.C.:

By Linda Cloak
LINDA CLOAK, ESQ.

FILED

JUN 18 2004

William A. Shaw
Prothonotary/Clerk of Courts

CP

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

AL LANDER,

Plaintiff

Vs.

DEBBIE MCGIVERN, KOVA R.
DICKINSON, MICHAEL H.
ROBISON, P. P. SANTINI, JOHN
L. CULLEY, and WAYNE M.
CULLEY, BURGETTSTOWN
ROD & GUN CLUB, an
unincorporated association, Their
Heirs, Successors and Assigns and
All Other Persons Claiming Any
Interest in the Property Described
In This Action,

Defendants

No. 04-283-CD

Type of Pleading:

**RESPONSE TO PLAINTIFF'S
MOTION FOR JUDGMENT ON
PLEADINGS**

Filed on Behalf of:

DEFENDANT-DEBBIE MCGIVERN

Counsel of Record for This Party:

Jeffrey S. DuBois, Esquire

Supreme Court No. 62074

190 West Park Avenue, Suite #5

DuBois, PA 15801

(814) 375-5598

FILED

JUL 12 2004

0/3:55/1u
William A. Shaw

Prothonotary/Clerk of Courts

2 Cmt to Att

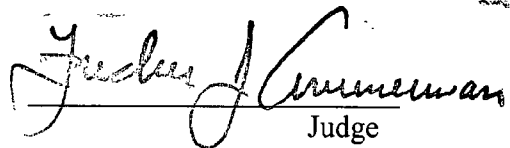
IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION – EQUITY

AL LANDER, : No. 04-283-CD
Plaintiff :
Vs. :
DEBBIE MCGIVERN, KOVA R. :
DICKINSON, MICHAEL H. :
ROBISON, P. P. SANTINI, JOHN :
L. CULLEY, and WAYNE M. :
CULLEY, BURGETTSTOWN :
ROD & GUN CLUB, an :
unincorporated association, Their :
Heirs, Successors and Assigns and :
All Other Persons Claiming Any :
Interest in the Property Described :
In This Action, :
Defendants :

ORDER

AND NOW, this 15th day of July, 2004, in consideration of Defendant, Debbie McGivern's Response to Plaintiff's Motion for Judgment on the Pleadings, it is hereby ORDERED AND DECREED that a Hearing be scheduled for this matter on the 30 day of August, 2004, at 9:30 o'clock A.M. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT:


Judge

FILED 
JUL 16 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

AL LANDER,	:	No. 04-283-CD
Plaintiff	:	
	:	
Vs.	:	
	:	
DEBBIE MCGIVERN, KOVA R.	:	
DICKINSON, MICHAEL H.	:	
ROBISON, P. P. SANTINI, JOHN	:	
L. CULLEY, and WAYNE M.	:	
CULLEY, BURGETTSTOWN	:	
ROD & GUN CLUB, an	:	
unincorporated association, Their	:	
Heirs, Successors and Assigns and	:	
All Other Persons Claiming Any	:	
Interest in the Property Described	:	
In This Action,	:	
Defendants	:	

RESPONSE TO PLAINTIFF'S MOTION FOR
JUDGMENT ON THE PLEADINGS

AND NOW, comes the Defendant, DEBBIE McGIVERN, by and through her attorney, Jeffrey S. DuBois, Esquire, who files this Response to Plaintiff's Motion for Judgment on the Pleadings and in support thereof avers the following:

1. Plaintiff filed a Motion for Judgment on the Pleadings in June, 2004, before this Honorable Court.
2. This results from a partition action filed by Plaintiff in this Matter.
3. The Complaint filed by Plaintiff was only filed in this calendar year, and is not ripe for judgment at this time.

4. Further, the only allegations, and or assertions, set forth by Plaintiff in this Complaint were terse, and vaguely set forth the ownership interests in the aforesaid land.

5. Moreover, Plaintiff acknowledged that Debbie McGivern has an ownership interest in the land, but could not conclusively set forth the exact and extent of ownership interest of Defendant, Debbie McGivern, or Plaintiff himself.

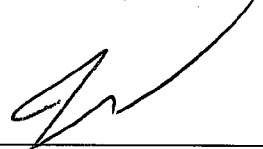
6. Finally, in light of the fact of the recent filing of this case, as well as the fact there are genuine issues of fact involved, and further that Defendant disputes and disagrees with the attempted actions of Plaintiff, this case is not a proper one for Judgment on the Pleadings.

7. A judgment on the Pleadings is an extreme action, and should only be appropriate where the case is clear and free from doubt, and every doubt would be resolved against the person moving for said motion, in this case the Plaintiff.

8. In light of the clear law in this matter as set forth above, Plaintiff has wholly failed to show that, at this time, this case is appropriate for a judgment on the pleadings, and Plaintiff's Motion for the Judgment on the Pleadings should be dismissed.

WHEREFORE, Defendant McGivern respectfully requests this Honorable Court to dismiss Plaintiff's Motion for Judgment on the Pleadings.

Respectfully submitted,



Jeffrey S. DuBois, Esquire
Attorney for Defendant –
Debbie McGivern


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

AL LANDER,	:	No. 04-283-CD
Plaintiff	:	
	:	
Vs.	:	
	:	
DEBBIE MCGIVERN, KOVA R.	:	
DICKINSON, MICHAEL H.	:	
ROBISON, P. P. SANTINI, JOHN	:	
L. CULLEY, and WAYNE M.	:	
CULLEY, BURGETTSTOWN	:	
ROD & GUN CLUB, an	:	
unincorporated association, Their	:	
Heirs, Successors and Assigns and	:	
All Other Persons Claiming Any	:	
Interest in the Property Described	:	
In This Action,	:	
Defendants	:	

CERTIFICATE OF SERVICE

I do hereby certify that on the 12th day of July, 2004, I served a true and correct copy of the within Response to Plaintiff's Motion for Judgment on the Pleadings by first class mail, postage prepaid, on the following:

Linda Cloak, Esquire
P.O. Box 667
Clarion, PA 16214



Jeffrey S. DuBois

CA

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

AL LANDER

-VS-

No. 04-283-CD

DEBBIE MCGIVERN, KOVA R.
DICKINSON, MICHAEL H.
ROBISON, P. P. SANTINI,
JOHN L. CULLEY, and WAYNE
M. CULLEY, BURGETTSTOWN
ROD & GUN CLUB, an
unincorporated association,
Their Heirs, Successors and
Assigns And All Other
Persons Claiming Any
Interest In The Property
Described In This Action

FILED

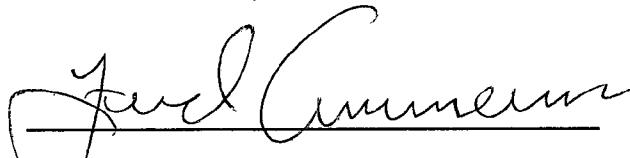
AUG 30 2004

William A. Shaw
Prothonotary/Clerk of Courts

ORDER

NOW, this 30th day of August, 2004, following
argument on Defendants' Response to Plaintiff's Motion for
Judgment on the Pleadings, it is the ORDER of this Court
that said Motion for Judgment on the Pleadings be and is
hereby denied.

BY THE COURT,



President Judge

FILED
20c Atty. Clark, Dubois
8/13/41 BQ
AUG 30 2004
Incy

William A. Shaw 10cm Michael ~~Robinson~~ Robinson - RR 1, Box 57, Clanton, PA 16803
Prothonotary/Clerk of Courts

1660000 Dickinson - RR 1, Box 55, Olanta, PA 16803
1660000 ~~Robison~~ " " " " " "
units

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

AL LANDER,

Plaintiff,

vs.

DEBBIE MCGIVERN, KOVA R.
DICKINSON, MICHAEL H. ROBISON,
P. P. SANTINI, JOHN L. CULLEY, AND
WAYNE M. CULLEY, BURGETTSTOWN
ROD & GUN CLUB, an unincorporated
association, Their Heirs, Successors and
Assigns And All Other Persons Claiming
Any Interest In The Property Described In
This Action,

Defendants.

No. 04-283-CD

Civil Action - Equity

CERTIFICATE OF SERVICE

I, Linda Cloak, Esq., hereby certify that a true and correct copy of the "Plaintiff's
Interrogatories And Request For Production Of Documents" was sent by U.S. mail, postage
prepaid, on 11-3-2004, to the following other counsel of record:

Jeffrey S. DuBois, Esq.
190 W. Park Avenue
Suite 5
DuBois, PA 15801

GRECO & LANDER, P.C.:

By

Linda Cloak/kte
LINDA CLOAK, ESQ.

FILED NO
m/9/2004 CC
NOV 08 2004 EUC

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

AL LANDER,

Plaintiff,

vs.

DEBBIE MCGIVERN, KOVA R.
DICKINSON, MICHAEL H. ROBISON,
P. P. SANTINI, JOHN L. CULLEY, AND
WAYNE M. CULLEY, BURGETTSTOWN
ROD & GUN CLUB, an unincorporated
association, Their Heirs, Successors and
Assigns And All Other Persons Claiming
Any Interest In The Property Described In
This Action,

Defendants.

No. 04-283-CD

Civil Action - Equity

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William A. Shaw
Prothonotary/Clerk of Courts

**ORDER COMPELLING DEFENDANT'S ANSWER TO PLAINTIFF'S
FIRST SET OF INTERROGATORIES AND REQUESTS
FOR PRODUCTION OF DOCUMENTS**

AND NOW, this 17 day of December, 2004, it is hereby ORDERED by this

Court that Defendant, Debbie McGivern:

A. Answer interrogatories or default

Either:

(i) Answer interrogatories.

Serve upon Plaintiff's counsel Defendant's answer to Plaintiff's interrogatories and
requests for production of documents within ^{thirty (30) FJA} ~~ten (10)~~ days of the date of this Honorable Court's

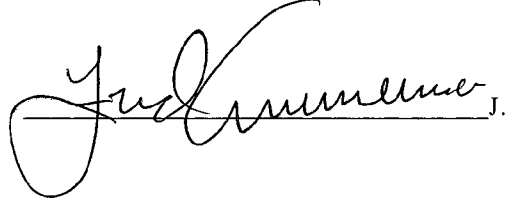
Order that Defendant deliver such answers to interrogatories and requests for production of
documents to Plaintiff's counsel; or

(ii) Failure to comply with order.

If Defendant fails to comply with the terms of such Order within such ten day
period, then Defendant shall be defaulted and all of the relief requested by Plaintiff in Plaintiff's
complaint shall be granted and

B. Attorney's Fees and Costs.

Reimburse Plaintiff for all of the attorney's fees and costs in connection with the preparation filing and any argument by Plaintiff on Plaintiff's motion to compel Defendant's answers to Plaintiff's interrogatories and requests for production of documents.

A handwritten signature in black ink, appearing to read "Jack Krummel", is written over a horizontal line. The signature is fluid and cursive, with a large initial "J" and a trailing "J." at the end.

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

AL LANDER,

Plaintiff,

vs.

DEBBIE MCGIVERN, KOVA R.
DICKINSON, MICHAEL H. ROBISON,
P. P. SANTINI, JOHN L. CULLEY, AND
WAYNE M. CULLEY, BURGETTSTOWN
ROD & GUN CLUB, an unincorporated
association, Their Heirs, Successors and
Assigns And All Other Persons Claiming
Any Interest In The Property Described In
This Action,

Defendants.

No. 04-283-CD

Civil Action - Equity

Type of Pleading:

**MOTION TO COMPEL ANSWERS
AND PRODUCTION OF DOCUMENTS**

Filed on Behalf of Plaintiff

Counsel of Record for Plaintiff:

LINDA CLOAK, ESQ.
Law Offices of Greco & Lander, P.C.
P.O. Box 667
Clarion, PA 16214
(814) 226-6853
Fax: (814) 226-4951
Supreme Court No. 85102

FILED ^{EC}
m/18:42/100 ^{icc}
DEC 17 2004 ^{Any C/loak}

William A. Shaw
Prothonotary/Clerk of Courts

No. 04-283-CD

Civil Action - Equity

6. Rule 4009.12 requires answers and objections, if any to request for production be filed within 30 days after service.

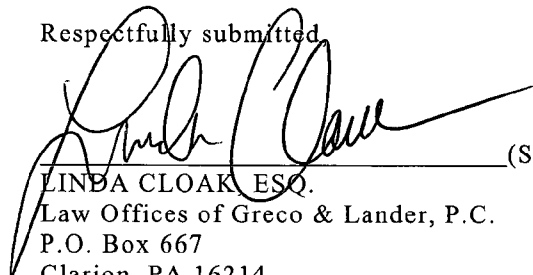
7. More than 30 days have passed since service of the interrogatories and requests.

8. Rule 4019(a)(1)(i) provides that this Honorable Court may on motion make an appropriate order if a party fails to serve answers to written interrogatories. Rule 4019(c) provides in further detail the types of order this Honorable Court may issue for defendant's failure to answer Plaintiff's interrogatories and requests for production of documents.

WHEREFORE, Partitioner respectfully prays this Honorable Court to order that Defendant, Debbie McGivern:

- Serve upon Plaintiff's counsel Defendant's answers to Plaintiff's interrogatories and requests for production of documents within ten (10) days of the date of this Honorable Court's order. The Defendant delivers such answers to interrogatories and requests for production of documents to Plaintiff's counsel, or
- If Defendant fails to comply with the terms of such Order within such ten (10) day period, then Defendant shall be defaulted and all of the relief requested by Plaintiff and Plaintiff's complaint shall be granted and reimburse Plaintiff for all attorney's fees and costs in connection with the preparation filing any argument by Plaintiff on Plaintiff's motion to compel Defendant's answers to Plaintiff's interrogatories and requests for production of documents.

Respectfully submitted,



(SEAL)
LINDA CLOAK, ESQ.
Law Offices of Greco & Lander, P.C.
P.O. Box 667
Clarion, PA 16214
(814) 226-6853
Fax: (814) 226-4951
Supreme Court No. 85102

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

AL LANDER,

Plaintiff

Vs.

DEBBIE MCGIVERN, KOVA R.
DICKINSON, MICHAEL H.
ROBISON, P. P. SANTINI, JOHN
L. CULLEY, and WAYNE M.
CULLEY, BURGETTSTOWN
ROD & GUN CLUB, an
unincorporated association, Their
Heirs, Successors and Assigns and
All Other Persons Claiming Any
Interest in the Property Described
In This Action,

Defendants

No. 04-283-CD

Type of Pleading:

CERTIFICATE OF SERVICE

Filed on Behalf of:

DEFENDANT-DEBBIE MCGIVERN

Counsel of Record for This Party:

Jeffrey S. DuBois, Esquire

Supreme Court No. 62074

190 West Park Avenue, Suite #5

DuBois, PA 15801

(814) 375-5598

FILED

66 JAN 17 2005

01/12/05
William A. Shaw

Prothonotary/Clerk of Courts

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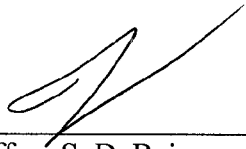
IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION – EQUITY

AL LANDER,	:	No. 04-283-CD
Plaintiff	:	
	:	
Vs.	:	
	:	
DEBBIE MCGIVERN, KOVA R.	:	
DICKINSON, MICHAEL H.	:	
ROBISON, P. P. SANTINI, JOHN	:	
L. CULLEY, and WAYNE M.	:	
CULLEY, BURGETTSTOWN	:	
ROD & GUN CLUB, an	:	
unincorporated association, Their	:	
Heirs, Successors and Assigns and	:	
All Other Persons Claiming Any	:	
Interest in the Property Described	:	
In This Action,	:	
Defendants	:	

CERTIFICATE OF SERVICE

I do hereby certify that on the 14th day of January, 2005, I served a true and correct copy of the within Plaintiff's Interrogatories and Request for Production of Documents by first class mail, postage prepaid, on the following:

Linda Cloak, Esquire
P.O. Box 667
Clarion, PA 16214



Jeffrey S. DuBois

1

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

AL LANDER,

Plaintiff,

vs.

DEBBIE MCGIVERN, KOVA R.
DICKINSON, MICHAEL H. ROBISON,
P. P. SANTINI, JOHN L. CULLEY, AND
WAYNE M. CULLEY, BURGETTSTOWN
ROD & GUN CLUB, an unincorporated
association, Their Heirs, Successors and
Assigns And All Other Persons Claiming
Any Interest In The Property Described In
This Action,

Defendants.

: No. 04-283-CD

: Civil Action - Equity

: Type of Pleading:

: *Notice of Deposition*
: *of Party Debbie McGivern*

: Filed on Behalf of Plaintiff

: Counsel of Record for Plaintiff:

: AL LANDER, ESQ.
: Supreme Court No. 25821

: NATHANIEL PARKER, ESQ.
: Supreme Court No. 90993

: Law Offices of Greco & Lander, P.C.
: P.O. Box 667
: Clarion, PA 16214
: (814) 226-6853
: Fax: (814) 226-4951

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William A. Shaw
Prothonotary/Clerk of Courts

FOR PLAINTIFF AL LANDER:

Dated: March 30, 2005

A handwritten signature in black ink, appearing to read 'Al Lander', is written over a horizontal line.

Al Lander, Esq.
Nathaniel C. Parker, Esq.
Greco & Lander, P.C.
P. O. Box 667
Clarion, PA 16214
(814) 226-6853
Fax: (240) 465-7135

CA

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

AL LANDER,

Plaintiff,

vs.

DEBBIE MCGIVERN, KOVA R.
DICKINSON, MICHAEL H. ROBISON,
P. P. SANTINI, JOHN L. CULLEY, AND
WAYNE M. CULLEY, BURGETTSTOWN
ROD & GUN CLUB, an unincorporated
association, Their Heirs, Successors and
Assigns And All Other Persons Claiming
Any Interest In The Property Described In
This Action,

Defendants.

: No. 04-283-CD

: Civil Action - Equity

: Type of Filing:

: *Praeceptum to List Case*
: *on Next Available Trial List*

: Filed on Behalf of Plaintiff

: Counsel of Record for Plaintiff:

: AL LANDER, ESQ.
: Supreme Court No. 25821

: NATHANIEL PARKER, ESQ.
: Supreme Court No. 90993

: Law Offices of Greco & Lander, P.C.
: P.O. Box 667
: Clarion, PA 16214
: (814) 226-6853
: Fax: (814) 226-4951

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William A. Shaw
Prothonotary/Clerk of Courts

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

AL LANDER,
Plaintiff

vs.

NO. 04-283-CD

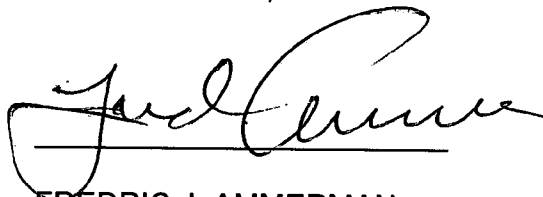
DEBBIE MCGIVERN, KOVA R. DICKINSON,
MICHAEL H. ROBISON, P.P. SANTINI, JOHN
L. CULLEY, and WAYNE M. CULLEY,
BURGETTSTOWN ROD & GUN CLUB, an
unincorporated association, Their Heirs,
Successors and Assigns and All Other Persons*
Claiming Any Interest in the Property
Described in This Action,
Defendants

ORDER

NOW, this 19th day of January, 2006, following pre-trial conference among the
Court and counsel, it is the ORDER of this Court as follows:

1. Non-Jury Trial shall be held before the Court commencing at 9:00 a.m. on
Friday, March 10, 2006 in Courtroom No. 1, Clearfield County Courthouse, Clearfield,
Pennsylvania;
2. The parties have agreed to stipulate as to the authenticity of all documents
of record in the Clearfield County Register and Recorder's Office as are applicable to
this case.

BY THE COURT,

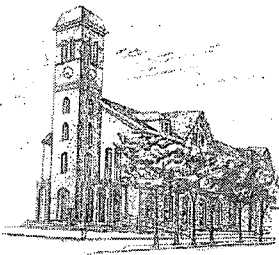


FREDRIC J. AMMERMAN
President Judge

FILED
01/14/06
JAN 20 2006

cc Atty's:
Lander
DuBois

William A. Shaw 1cc Kova Dickinson
Prothonotary/Clerk of Courts RR1 Box 515
Dlanta, PA 16863
1cc M. Robison
(same as above)



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

David S. Ammerman
Solicitor

Jacki Kendrick
Deputy Prothonotary

Bonnie Hudson
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

It has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw
Prothonotary

DATE: 1/20/06

 You are responsible for serving all appropriate parties.

 X The Prothonotary's office has provided service to the following parties:

 X Plaintiff(s)/Attorney(s)

 X Defendant(s)/Attorney(s)

 Other

 Special Instructions:

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

AL LANDER,	:	No. 04-283-CD
	:	
Plaintiff,	:	Civil Action - Equity
	:	
vs.	:	
	:	
DEBBIE MCGIVERN, KOVA R.	:	
DICKINSON, MICHAEL H. ROBISON,	:	
P. P. SANTINI, JOHN L. CULLEY, AND	:	
WAYNE M. CULLEY, BURGETTSTOWN	:	
ROD & GUN CLUB, an unincorporated	:	
association, Their Heirs, Successors and	:	
Assigns And All Other Persons Claiming	:	
Any Interest In The Property Described In	:	
This Action,	:	
	:	
Defendants.	:	

CERTIFICATE OF SERVICE

I, Nathaniel C. Parker, Esq., hereby certify that a true and correct copy of
the foregoing *Response to Interrogatory and Request for Production of*
Documents to the Plaintiff was sent by U.S. mail, postage prepaid, on
FEBRUARY 14, 2006, to other counsel of record addressed as follows:

Jeffrey S. DuBois, Esq.
190 W. Park Avenue
Suite 5
DuBois, PA 15801

GRECO & LANDER, P.C.:

By 
NATHANIEL C. PARKER, ESQ.

FILED

FEB 17 2006

19/10:30/ [initials]
William A. Shaw
Prothonotary/Clerk of Courts
1 Clerk. ATT

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

AL LANDER,

Plaintiff

Vs.

DEBBIE MCGIVERN, KOVA R.
DICKINSON, MICHAEL H.
ROBISON, P. P. SANTINI, JOHN
L. CULLEY, and WAYNE M.
CULLEY, BURGETTSTOWN
ROD & GUN CLUB, an
unincorporated association, Their
Heirs, Successors and Assigns and
All Other Persons Claiming Any
Interest in the Property Described
In This Action,

Defendants

No. 04-283-CD

Type of Pleading:

**PETITION TO OPEN
JUDGMENT**

Filed on Behalf of:
DEFENDANT-KOVA DICKINSON
and MICHAEL H. ROBISON

Counsel of Record for This Party:

Jeffrey S. DuBois, Esquire
Supreme Court No. 62074
190 West Park Avenue, Suite #5
DuBois, PA 15801
(814) 375-5598

FILED 3cc
01/10/06
FEB 15 2006
Atty DuBois
(6R)

William A. Shaw
Prothonotary/Clerk of Courts

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

AL LANDER,

Plaintiff

No. 04-283-CD

Vs.

DEBBIE MCGIVERN, KOVA R.
DICKINSON, MICHAEL H.
ROBISON, P. P. SANTINI, JOHN
L. CULLEY, and WAYNE M.
CULLEY, BURGETTSTOWN
ROD & GUN CLUB, an
unincorporated association, Their
Heirs, Successors and Assigns and
All Other Persons Claiming Any
Interest in the Property Described
In This Action,

Defendants

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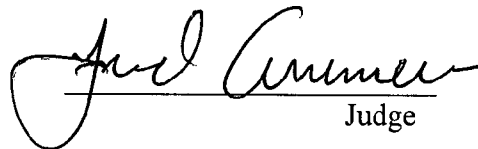
William A. Shaw
Prothonotary/Clerk of Courts

ORDER

AND NOW, this 17 day of Feb., 2006, in consideration of
Defendants Petition to Open Judgment,

IT IS HEREBY ORDERED AND DECREED that a Hearing be scheduled in this
matter for the 3rd day of March, 2006, at 10:30 o'clock A.M., in
Courtroom No. 1, Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT:


Judge

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

AL LANDER,	:	No. 04-283-CD
Plaintiff	:	
	:	
Vs.	:	
	:	
	:	
DEBBIE MCGIVERN, KOVA R.	:	
DICKINSON, MICHAEL H.	:	
ROBISON, P. P. SANTINI, JOHN	:	
L. CULLEY, and WAYNE M.	:	
CULLEY, BURGETTSTOWN	:	
ROD & GUN CLUB, an	:	
unincorporated association, Their	:	
Heirs, Successors and Assigns and	:	
All Other Persons Claiming Any	:	
Interest in the Property Described	:	
In This Action,	:	
Defendants	:	

PETITION TO OPEN JUDGMENT

AND NOW, comes the Defendants, KOVA R. DICKINSON and MICHAEL H. ROBISON, by and through their attorney, Jeffrey S. DuBois, Esquire, who files this Petition to Open Judgment and in support thereof avers the following:

1. The Defendants to this Petition are the owners of approximately one (1%) percent of the real property in question in the above captioned case.
2. Defendant, Kova Dickinson was served a Complaint in this case by Sheriff.
3. Defendant, Michael H. Robison, was not served a copy of said Complaint, as both copies were given to Kova Dickinson.

4. This address where Kova Dickinson was served is not her permanent residence nor her mailing address.

5. At no time thereafter, was Defendant Michael Robison ever served a Complaint on him or at his residence.

6. Thereafter, Plaintiff entered a default Judgment upon both Defendants herein for failure to file a written response.

7. However, both Plaintiff's Important Notice, and Plaintiff's Praecipe for Entry of Judgment were never served on either Defendant herein, but it is believed and averred said documents were mailed to the address of R.R. #1 – Box 515.

8. As set forth above, said address was neither the mailing address nor the primary residence of either Defendants as Michael Robison's residence is 2341 Old Station Road, New Millport, Pennsylvania, 16861, and Defendant Kova Dickinson's residence is 8788 Douglas Road, Olanta, Pennsylvania, 16863.

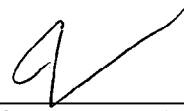
9. Therefore, neither Defendant received Notice or were made aware by Plaintiff of any obligation to respond.

10. As such, the Entry of Judgments against the herein named Defendants is not proper as they were not given appropriate notice prior to the Entry of Judgment, nor was Michael Robison even served with an initial Complaint.

11. Consequently, in light of the fact proper notice under the Civil Rules and service of Complaint has not been complied with in this case, the Entry of Judgment against Defendants is improper and should be lifted.

WHEREFORE, Defendants respectfully request this Honorable Court to strike off the Judgment entered against them by Plaintiff in the above captioned case.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'J. DuBois', written over a horizontal line.

Jeffrey S. DuBois, Esquire
Attorney for Defendant –
Debbie McGivern


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

AL LANDER,	:	No. 04-283-CD
Plaintiff	:	
	:	
Vs.	:	
	:	
	:	
DEBBIE MCGIVERN, KOVA R.	:	
DICKINSON, MICHAEL H.	:	
ROBISON, P. P. SANTINI, JOHN	:	
L. CULLEY, and WAYNE M.	:	
CULLEY, BURGETTSTOWN	:	
ROD & GUN CLUB, an	:	
unincorporated association, Their	:	
Heirs, Successors and Assigns and	:	
All Other Persons Claiming Any	:	
Interest in the Property Described	:	
In This Action,	:	
Defendants	:	

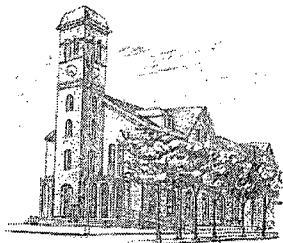
CERTIFICATE OF SERVICE

I do hereby certify that on the 15th day of February, 2006, I served a true and correct copy of the within Petition to Open Judgment by first class mail, postage prepaid, on the following:

Al Lander, Esquire
P.O. Box 667
Clarion, PA 16214-0667



Jeffrey S. DuBois



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

David S. Ammerman
Solicitor

Jacki Kendrick
Deputy Prothonotary

Bonnie Hudson
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

It has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw
Prothonotary

DATE: 2/21/06

X You are responsible for serving all appropriate parties.

 The Prothonotary's office has provided service to the following parties:

 Plaintiff(s)/Attorney(s)

 Defendant(s)/Attorney(s)

 Other

 Special Instructions:

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

AL LANDER,

Plaintiff,

vs.

DEBBIE MCGIVERN, KOVA R.
DICKINSON, MICHAEL H. ROBISON,
P. P. SANTINI, JOHN L. CULLEY, AND
WAYNE M. CULLEY, BURGETTSTOWN
ROD & GUN CLUB, an unincorporated
association, Their Heirs, Successors and
Assigns And All Other Persons Claiming
Any Interest In The Property Described In
This Action,

Defendants.

: No. 04-283-CD

: Civil Action - Equity

: Type of Document:

: *Plaintiff's Motion in Limine*

: Filed on Behalf of Plaintiff

: Counsel of Record for Plaintiff:

: AL LANDER, ESQ.

: Supreme Court No. 25821

: NATHANIEL PARKER, ESQ.

: Supreme Court No. 90993

: Law Offices of Greco & Lander, P.C.

: P.O. Box 667

: Clarion, PA 16214

: (814) 226-6853

: Fax: (814) 226-4951

FILED ^{ice}
m/10/18/01 Amy Parker
FEB 27 2006 (u)

William A. Shaw
Prothonotary/Clerk of Courts

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

AL LANDER,	:	No. 04-283-CD
	:	
Plaintiff,	:	Civil Action - Equity
	:	
vs.	:	
	:	
DEBBIE MCGIVERN, KOVA R.	:	
DICKINSON, MICHAEL H. ROBISON,	:	
P. P. SANTINI, JOHN L. CULLEY, AND	:	
WAYNE M. CULLEY, BURGETTSTOWN	:	
ROD & GUN CLUB, an unincorporated	:	
association, Their Heirs, Successors and	:	
Assigns And All Other Persons Claiming	:	
Any Interest In The Property Described In	:	
This Action,	:	
	:	
Defendants.	:	

PLAINTIFF'S MOTION IN LIMINE

NOW COMES the plaintiff, by his counsel, the Law Offices of Greco & Lander, P.C., and files this Motion in Limine to respectfully request this Honorable Court to enter an Order precluding defendants, their witnesses and defendants' counsel from offering evidence, or otherwise bringing before the Court at trial, any of the matters set forth below:

1. Defendant should be precluded from introducing to the Court any wills, codicils, or other estate related documents which have not been duly admitted to probate before the Orphan's Court, as substantive evidence in support of defendant's title to the real property at issue. In order for a will or codicil to have any legal force and effect it must first be duly and properly admitted to probate before the Orphan's Court.

“A will is without any force or effect whatsoever until it is probated. This is so elementary as not to require citation of authority.” In re Girard College Trusteeship, 391 Pa. 434, 454, 138 A.2d 844, 853 (Pa.1958) (emphasis supplied).

“The will does not appear to have been probated, and until duly and legally probated before the proper tribunal it is a worthless scrap of paper.” Young v. Jameson, (19 Pa. D. & C. 670, 1933) (emphasis supplied).

“Of course, to be effective as a will, it must have been probated.” Tozer v. Jackson, 164 Pa. 373, 384, 30 A. 400, 403 (Pa.1894) (emphasis supplied).

“Every kind of will must be proved before the register.” Toner v. Taggart, 1813 WL 1200, 3 (Pa. 1813) (emphasis supplied).

2. Defendant should be precluded from introducing to the Court at trial any evidence of either the assessment of real estate taxes, or the payment of real estate taxes as substantive evidence in support of defendant’s title to the real property at issue. It is well settled that the mere assessment and/or payment of real estate taxes is not evidence of legal or equitable title to real property.

“The mere assessment and payment of taxes has never been held evidence of legal or equitable title, and therefore could not convey notice of its existence.” Morey v. Herrick, 18 Pa 123, (Pa. 1851) (emphasis supplied).

“...An assessment record is not sufficient to convey notice of the existence of a legal or equitable title.” Lund v. Heinrich, 189 A. 2d 581, 584, 410 Pa 341, 347 (Pa. 1963).

3. Defendant should be precluded from presenting oral testimony by any witness that is offered as substantive parol evidence in support of defendant’s title to the real property at issue. The proffering of such parol evidence to establish an interest in land violates Pennsylvania’s Statue of Frauds.

*"The Statute of Frauds is a **declaration of public policy** requiring that contracts for the conveyance of real estate be **supported by written evidence signed by the party to be charged.**"*
Target Sportswear, Inc. v. Clearfield Foundation, 327 Pa.Super. 1, 10, 474 A.2d 1142, 1147 (Pa.Super.,1984) (emphasis supplied) (internal citations omitted).

*"The purpose of the statute is **to avoid opportunity for fraud and perjury likely to arise from oral conveyances of estates in lands** and oral leases of lands involving long terms-that is over three years. It is not a mere rule of evidence. It is a declaration of public policy.* Holland Furnace Co. v. Keystone Dehydrating Co., 151 Pa.Super. 495, 499, 30 A.2d 872, 874 (Pa.Super. 1943) (emphasis supplied).

WHEREFORE, plaintiff respectfully requests this Honorable Court to enter an Order precluding defendant, her witnesses and defendant's counsel from offering evidence, or mentioning, referring to, or otherwise bringing before the Court, directly or indirectly, any of the foregoing matters without first bringing the matter to the Court's attention, and receiving from the Court a favorable ruling regarding the admissibility and relevance of such matter.

RESPECTFULLY SUBMITTED:

 (SEAL)

AL LANDER, ESQ.
Pa. Id. No. 25821
NATHANIEL PARKER, ESQ.
Pa. Id. No. 90993
Greco & Lander, P.C.
P.O. Box 667
Clarion, PA 16214
(814) 226-6853
Fax: (814) 226-4951

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

AL LANDER,	:	No. 04-283-CD
	:	
Plaintiff,	:	Civil Action - Equity
	:	
vs.	:	
	:	
DEBBIE MCGIVERN, KOVA R.	:	
DICKINSON, MICHAEL H. ROBISON,	:	
P. P. SANTINI, JOHN L. CULLEY, AND	:	
WAYNE M. CULLEY, BURGETTSTOWN	:	
ROD & GUN CLUB, an unincorporated	:	
association, Their Heirs, Successors and	:	
Assigns And All Other Persons Claiming	:	
Any Interest In The Property Described In	:	
This Action,	:	
	:	
Defendants.	:	

ORDER

AND NOW, to-wit, this _____ day of _____, 2006, upon consideration of Plaintiff's Motion in Limine, it is hereby ORDERED that Defendant, her witnesses and Defendant's counsel are precluded from offering evidence, or mentioning, or referring to, directly or indirectly, any of the matters set forth below:

1. Any wills, codicils, or other estate related documents which have not been duly admitted to probate before the Orphan's Court;
2. Any evidence of either the assessment of, or the payment of, real estate taxes, offered as substantive evidence in support of defendant's claimed interest in the real property at issue;

3. Any oral testimony or other parol evidence from any witness which is offered as substantive evidence in support defendant's claimed interest in the real property at issue.

BY THE COURT,

Fredric J. Ammerman, P.J.

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

AL LANDER,

Plaintiff,

vs.

DEBBIE MCGIVERN, KOVA R.
DICKINSON, MICHAEL H. ROBISON,
P. P. SANTINI, JOHN L. CULLEY, AND
WAYNE M. CULLEY, BURGETTSTOWN
ROD & GUN CLUB, an unincorporated
association, Their Heirs, Successors and
Assigns And All Other Persons Claiming
Any Interest In The Property Described In
This Action,

Defendants.

: No. 04-283-CD

: Civil Action - Equity

CERTIFICATE OF SERVICE

I, Nathaniel C. Parker, Esq., hereby certify that a true and correct copy of the foregoing "*Plaintiff's Motion in Limine*" was sent by U.S. mail, postage prepaid, on FEBRUARY 22, 2006, to other counsel of record addressed as follows:

Jeffrey S. Dubois, Esq.
190 West Park Avenue, Suite 35
DuBois, PA 15801

GRECO & LANDER, P.C.:

By


NATHANIEL C. PARKER, ESQ.

FILED
m/10:1831
FEB 27 2006

ice
Atty Parker

CA

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

AL LANDER

-VS-

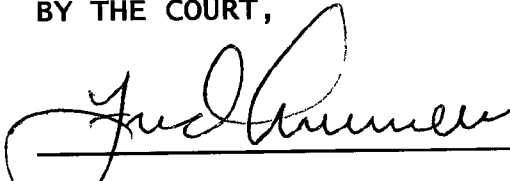
No. 04-283-CD

DEBBIE MCGIVERN, KOVA R.
DICKINSON, MICHAEL H.
ROBISON, P.P. SANTINI,
JOHN L. CULLEY, and WAYNE
M. CULLEY, BURGETTSTOWN
ROD & GUN CLUB, an
unincorporated association,
Their Heirs, Successors
and Assigns and All Other
Person Claiming Any
Interest in the Property
Described in this Action

ORDER

NOW, this 3rd day of March, 2006, following the
taking of testimony on the Defendants' Petition to Open
Judgment, it is the ORDER of this Court that said Petition
be and is hereby dismissed.

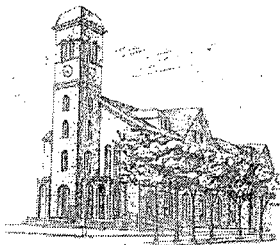
BY THE COURT,



President Judge

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0/3:33/01 2cc
MAR 06 2006 Attys: Al Lander
DuBois

William A. Shaw 1cc Kova Dickinson
Prothonotary/Clerk of Courts RR1 Box 515
Olanda, PA 16863
1cc Michael Robison
RR1 Box 515
Olanda, PA 16863



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

David S. Ammerman
Solicitor

Jacki Kendrick
Deputy Prothonotary

Bonnie Hudson
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

It has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw
Prothonotary

DATE: 3/6/06

_____ You are responsible for serving all appropriate parties.

X The Prothonotary's office has provided service to the following parties:

X Plaintiff(s)/Attorney(s)

X Defendant(s)/Attorney(s)

_____ Other

_____ Special Instructions:

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

AL LANDER,

Plaintiff

Vs.

DEBBIE MCGIVERN, KOVA R.
DICKINSON, MICHAEL H.
ROBISON, P. P. SANTINI, JOHN
L. CULLEY, and WAYNE M.
CULLEY, BURGETTSTOWN
ROD & GUN CLUB, an
unincorporated association, Their
Heirs, Successors and Assigns and
All Other Persons Claiming Any
Interest in the Property Described
In This Action,

Defendants

No. 04-283-CD

Type of Pleading:

COUNTERCLAIM

Filed on Behalf of:

DEFENDANT-DEBBIE MCGIVERN

Counsel of Record for This Party:

Jeffrey S. DuBois, Esquire

Supreme Court No. 62074

190 West Park Avenue, Suite #5

DuBois, PA 15801

(814) 375-5598

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MAR 07 2006
Atty. DuBois
CW

William A. Shaw
Prothonotary/Clerk of Courts

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

AL LANDER,	:	No. 04-283-CD
Plaintiff	:	
	:	
Vs.	:	
	:	
DEBBIE MCGIVERN, KOVA R.	:	
DICKINSON, MICHAEL H.	:	
ROBISON, P. P. SANTINI, JOHN	:	
L. CULLEY, and WAYNE M.	:	
CULLEY, BURGETTSTOWN	:	
ROD & GUN CLUB, an	:	
unincorporated association, Their	:	
Heirs, Successors and Assigns and	:	
All Other Persons Claiming Any	:	
Interest in the Property Described	:	
In This Action,	:	
Defendants	:	

COUNTERCLAIM

AND NOW, comes the Defendant, DEBBIE MCGIVERN, by and through her attorney, Jeffrey S. DuBois, Esquire, who files this Counterclaim, and in support thereof avers the following:

25. Defendant hereby incorporates paragraphs one (1) through twenty four (24) of Defendants Answer by reference as if fully set forth herein.

26. As set forth in her prior pleadings, Defendant asserts a 14.2% ownership interest in the subject property located in Huston Township, Clearfield County, Pennsylvania.

27. There is currently an action before this Honorable Court to the above captioned term and number to determine ownership interest as well as a Partition Action requested by Plaintiff.

28. Plaintiff filed this Complaint for Partition in February 2004.

29. By filing of the same, as well as Plaintiff's actions in this case, Plaintiff has acknowledged an ownership interest, or at the very least a potential ownership interest, of Defendant, and if disputed, one which is yet to be resolved by this Court.

30. Also, as was set forth in prior pleadings by Defendant, said property has been in Defendant's family for a period of over fifty (50) years and has been used by Defendant's family during that fifty (50) year period.

31. On the contrary, Plaintiff has only recently purchased fractional interests in this property over the past few years.

32. Notwithstanding the above, and notwithstanding the fact that Plaintiff has not be adjudicated as the one hundred (100%) percent owner of said property, in the fall of 2005, Plaintiff contracted with a lumber company to have the subject property timbered.

33. In fact, the entire thirty five (35) acres were "clear-cut" by the timber company at the direction of Plaintiff.

34. As a consequence of Plaintiff's actions, the topography and character of the subject property has been drastically changed.

35. All of those actions done by Plaintiff were without the knowledge nor the consent of Defendant.

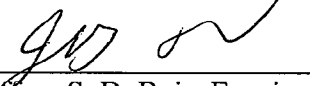
36. It was only recently that Defendant became aware of the actions and the extent of, done by Plaintiff.

37. In light of these recent actions, and the fact that they were done without Defendant's knowledge or consent, under the Pennsylvania Rules, Defendant should be entitled to add to/amend her Pleadings in the above captioned case.

38. Further, under the Pennsylvania Statutes, Defendant is entitled to treble damages in a situation where timber is removed by another without the consent or knowledge of the owner of said timber.

WHEREFORE, Defendant respectfully requests this Honorable Court to enter a Judgment in her favor and against Plaintiff in an amount in excess of Twenty Five Thousand and 00/100 (\$25,000.00) Dollars, together with interest and costs, plus any other relief this Court deems just and equitable.

Respectfully submitted,

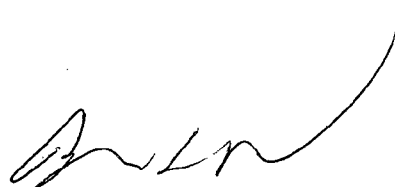


Jeffrey S. DuBois, Esquire
Attorney for Defendant –
Debbie McGivern

VERIFICATION

I, JEFFREY S. DUBOIS, Esquire, verify that the statements in the foregoing Counterclaim are true and correct to the best of my knowledge, information and belief. The undersigned is in possession of this information based on conversations with and representation of Defendant. Defendant is currently unavailable and a signed verification by Defendant will be submitted as soon as Defendant is in contact with the undersigned.

This statement and verification is made subject to the penalties of 18 Pa.C.S. 4904 relating to unsworn falsification to authorities, which provides that if I make knowingly false averments, I may be subject to criminal penalties.

A handwritten signature in black ink, appearing to read 'Jeffrey S. DuBois', with a long, sweeping flourish extending upwards and to the right.

Jeffrey S. DuBois, Esquire

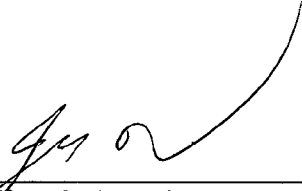
IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION – EQUITY

AL LANDER,	:	No. 04-283-CD
Plaintiff	:	
	:	
Vs.	:	
	:	
DEBBIE MCGIVERN, KOVA R.	:	
DICKINSON, MICHAEL H.	:	
ROBISON, P. P. SANTINI, JOHN	:	
L. CULLEY, and WAYNE M.	:	
CULLEY, BURGETTSTOWN	:	
ROD & GUN CLUB, an	:	
unincorporated association, Their	:	
Heirs, Successors and Assigns and	:	
All Other Persons Claiming Any	:	
Interest in the Property Described	:	
In This Action,	:	
Defendants	:	

CERTIFICATE OF SERVICE

I do hereby certify that on the 7th day of March, 2006, I served a true and correct copy of the within Counterclaim by first class mail, postage prepaid, on the following:

Al Lander, Esquire
P.O. Box 667
Clarion, PA 16214



Jeffrey S. DuBois

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

AL LANDER,

Plaintiff,

vs.

DEBBIE MCGIVERN, KOVA R.
DICKINSON, MICHAEL H. ROBISON,
P. P. SANTINI, JOHN L. CULLEY, AND
WAYNE M. CULLEY, BURGETTSTOWN
ROD & GUN CLUB, an unincorporated
association, Their Heirs, Successors and
Assigns And All Other Persons Claiming
Any Interest In The Property Described In
This Action,

Defendants.

: No. 04-283-CD
:
: Civil Action - Equity
:
:
: Type of Document:
:
:
: ***Plaintiff's Motion to Strike***
: ***Counterclaim***
:
:
:
: Filed on Behalf of Plaintiff
:
: Counsel of Record for Plaintiff:
:
: AL LANDER, ESQ.
: Supreme Court No. 25821
:
: NATHANIEL PARKER, ESQ.
: Supreme Court No. 90993
:
: Law Offices of Greco & Lander, P.C.
: P.O. Box 667
: Clarion, PA 16214
: (814) 226-6853
: Fax: (814) 226-4951
:
:
:

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MAR 09 2006 *Any*

William A. Shaw
Prothonotary/Clerk of Courts

defendant's pleading answer, alleging an entirely new cause of action being a counterclaim against the plaintiff.

4. Plaintiff was first notified of the defendant's amendment to her answer when the same was received via facsimile late in the afternoon on March 7, 2006.
5. The subject matter of defendant's proposed amendment deals exclusively with the value of defendant's claimed interest in the timber harvested from the subject property pursuant to a contract with the nonparty coal owner, Rosebud Mining Company.
6. Plaintiff has not conducted, facilitated, or contracted for, any timbering operations on the subject property.
7. All timber operations were properly conducted by Rosebud Mining Company as the owner of the coal beneath the surface of the subject property, and which operations were consistent with the rights reserved by deed dated September 16, 1881, and recorded in the Recorder of Deeds office for Clearfield County at Deed Book 49, Page 73, which contains the following language:

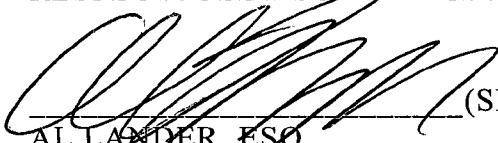
"Excepting and Reserving therefrom, to the said party of the first part, their heirs and assigns, all the coal, coal oil, and other minerals of every kind and character in and upon, and under said lands, and every part thereof; with a right to enter and take away the same, to erect such structures, ways, buildings, railroads and shafts thereon, both up and down to cut and fill the surface wherever it is needed for railroads for such purposes and to dig channels and ditches for waste water thereon, and to do these and such other things thereon in such a manner as may be necessary to successfully mine and take away such coal, coal oil, and other minerals or any of them from the lands aforesaid."

8. Pa.R.C.P. 1033 provides that a party may amend their pleading only: (1) by filed consent of the adverse party; or (2) by leave of court.
9. Plaintiff has not consented, and does not consent, to the amendment to defendant's pleading, nor is any such consent filed a record.
10. Defendant has not requested, and this Court has not granted, leave to amend defendant's pleading answer.
11. Defendant and/or defendant's counsel has been aware of timbering operations on the subject property for some time given that:
 - timber operations were conducted in the summer or fall of 2005;
 - on January 16, 2006 defendant served plaintiff with interrogatories pertaining to timber operations;
 - on January 19, 2006, at the pretrial conference, counsel for plaintiff produced to counsel for defendant a copy of the timbering agreement entered in to by nonparty Rosebud Mining Company.
12. Defendant's proposed amendment to the answer improperly attempts to assert a cause of action against the plaintiff for the actions of Rosebud Mining Company, which actions were lawful, proper, and consistent with its mining rights as the owner of the coal.
13. Plaintiff would be materially prejudiced by the amendment which adds an entirely new cause of action less than 3 short days prior to trial.
14. Plaintiff would be effectively precluded from filing a preliminary objection to the new and improper cause of action since the trial is less than 3 days away.

15. Plaintiff would be effectively precluded from conducting discovery pertaining to this new cause of action because the new cause of action was asserted when the trial was less than 3 days away.
16. Plaintiff is not able to prepare an adequate defense to the new cause of action having been given less than 3 days notice prior to trial.
17. The subject matter of plaintiff's newly asserted cause of action will adequately, and more appropriately, be addressed by the partition master after the trial has been conducted and the parties' interests in the subject property have been conclusively determined.

WHEREFORE, plaintiff respectfully requests this Honorable Court to strike from the record of the within litigation the document filed by defendant Debbie McGivern on March 7, 2006 captioned "Counterclaim".

RESPECTFULLY SUBMITTED:

 (SEAL)
AL LANDER, ESQ.

Pa. Id. No. 25821

NATHANIEL PARKER, ESQ.

Pa. Id. No. 90993

Greco & Lander, P.C.

P.O. Box 667

Clarion, PA 16214

(814) 226-6853

Fax: (814) 226-4951

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

AL LANDER,

Plaintiff,

vs.

DEBBIE MCGIVERN, KOVA R.
DICKINSON, MICHAEL H. ROBISON,
P. P. SANTINI, JOHN L. CULLEY, AND
WAYNE M. CULLEY, BURGETTSTOWN
ROD & GUN CLUB, an unincorporated
association, Their Heirs, Successors and
Assigns And All Other Persons Claiming
Any Interest In The Property Described In
This Action,

Defendants.

: No. 04-283-CD

: Civil Action - Equity

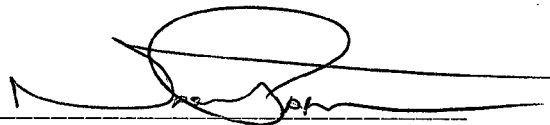
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m/10.48.01
MAR 09 2006 *Ang*
William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

I, Nathaniel C. Parker, Esq., hereby certify that a true and correct copy of the foregoing "***Plaintiff's Motion to Strike Counterclaim***" was sent by U.S. mail postage prepaid, on MARCH 8, 2006, to other counsel of record addressed as follows:

Jeffrey S. Dubois, Esq.
190 West Park Avenue, Suite 35
DuBois, PA 15801
Fax No.: 814-375-8710

GRECO & LANDER, P.C.:

By 
NATHANIEL C. PARKER, ESQ.

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

AL LANDER,

Plaintiff

Vs.

DEBBIE MCGIVERN, KOVA R.
DICKINSON, MICHAEL H.
ROBISON, P. P. SANTINI, JOHN
L. CULLEY, and WAYNE M.
CULLEY, BURGETTSTOWN
ROD & GUN CLUB, an
unincorporated association, Their
Heirs, Successors and Assigns and
All Other Persons Claiming Any
Interest in the Property Described
In This Action,

Defendants

No. 04-283-CD

Type of Pleading:

**DEFENDANT'S RESPONSE TO
PLAINTIFF'S MOTION
IN LIMINE**

Filed on Behalf of:

DEFENDANT-DEBBIE MCGIVERN

Counsel of Record for This Party:

Jeffrey S. DuBois, Esquire

Supreme Court No. 62074

190 West Park Avenue, Suite #5

DuBois, PA 15801

(814) 375-5598

FILED^{4cc}
012:4931 Atty DuBois
MAR 09 2006
lm

William A. Shaw
Prothonotary/Clerk of Courts

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

AL LANDER,	:	No. 04-283-CD
Plaintiff	:	
	:	
Vs.	:	
	:	
DEBBIE MCGIVERN, KOVA R.	:	
DICKINSON, MICHAEL H.	:	
ROBISON, P. P. SANTINI, JOHN	:	
L. CULLEY, and WAYNE M.	:	
CULLEY, BURGETTSTOWN	:	
ROD & GUN CLUB, an	:	
unincorporated association, Their	:	
Heirs, Successors and Assigns and	:	
All Other Persons Claiming Any	:	
Interest in the Property Described	:	
In This Action,	:	
Defendants	:	

**DEFENDANT'S RESPONSE TO
PLAINTIFF'S MOTION IN LIMINE**

AND NOW, comes the Defendant, DEBBIE MCGIVERN, by and through her attorney, Jeffrey S. DuBois, Esquire, who files this Response to Plaintiff's Motion In Limine:

1. Defendant should be permitted to introduce Wills, Codicils and other estate related documents. First and foremost, if Defendant can testify as to the making and authenticity of said documents, under the Rules of Civil Procedure said documents would be admissible. Moreover, the case law submitted by Plaintiff, notwithstanding being over one hundred (100) years old, is not applicable to the facts of this case, but deal with Will

contests and disputes upon property subject to inheritance. There is no such dispute in this case, but on the contrary, said documents are simply used to connect the dots with respect to title in this case. As a consequence, said documents are relevant and should be admitted.

2. **Assessment records are proper evidence.** Once again, Plaintiffs citations to cases are not only extremely antiquated, but are also taken out of context. Specifically, with respect to assessment records, such records are clearly indication of title and are such through every county in this Commonwealth. Moreover, with respect to the case, Lund vs. Heinrich, the facts of said case are not analogous to the case at hand. In its Opinion, the Court simply held that an assessment, in this particular case, was not sufficient to convey notice of existence of title. More specifically, in this case, the assessment was in the name of an estate and the Court held that the public records never showed any Will or issuance of Letters and therefore no existence of heirs, and thus no person would be put on notice. Naturally, because of such a convoluted issue concerning assessment, the Court rules that the assessment alone would not be sufficient. In the present case, no such convoluted issue exists, as the named Defendant, Debbie McGivern, is the one who is on the assessment records and has been so for the approximately past ten (10) years.

More importantly, Plaintiff is attempting to prevent evidence coming in of assessments, which is clearly not the holding of the Court in the above cited case. In Lund, the assessments records came into the Court and were part of the evidence, and the fact that it was part of the evidence of the case was not disputed by the Court. As a

consequence, Plaintiff's request to prevent the admittance of such evidence has no legal authority and should be dismissed.

3. **Defendant can testify as to her knowledge and personal observations of the property.** Finally, Plaintiff makes a vague reference to the Statute of Frauds and parole evidence, simply as stating the Rule requiring conveyances of real estate to be in writing. Such an assertion is elementary and does not need a response as there is no such contention by Defendant in this case, but simply that Defendant's ancestors had an interest in the subject property to which Defendant now has such interest through inheritance and intestacy laws. Under the Rules of Evidence, Defendant can clearly testify to any fact to which she has personal knowledge.

WHEREFORE, Defendant respectfully requests this Honorable Court to dismiss Plaintiff's Motion in Limine in its entirety.

Respectfully submitted,



Jeffrey S. DuBois, Esquire
Attorney for Defendant

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

AL LANDER,	:	No. 04-283-CD
Plaintiff	:	
	:	
Vs.	:	
	:	
DEBBIE MCGIVERN, KOVA R.	:	
DICKINSON, MICHAEL H.	:	
ROBISON, P. P. SANTINI, JOHN	:	
L. CULLEY, and WAYNE M.	:	
CULLEY, BURGETTSTOWN	:	
ROD & GUN CLUB, an	:	
unincorporated association, Their	:	
Heirs, Successors and Assigns and	:	
All Other Persons Claiming Any	:	
Interest in the Property Described	:	
In This Action,	:	
Defendants	:	

CERTIFICATE OF SERVICE

I do hereby certify that on the 7th day of March, 2006, I served a true and correct copy of the within Response to Motion in Limine by first class mail, postage prepaid, on the following:

Al Lander, Esquire
P.O. Box 667
Clarion, PA 16214



Jeffrey S. DuBois, Esquire

CA

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

AL LANDER,
Plaintiff

vs.

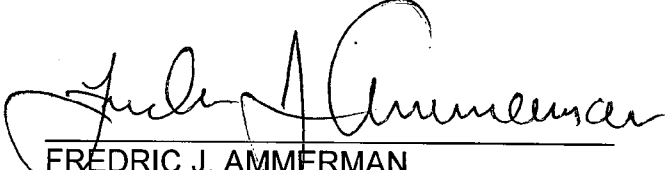
DEBBIE McGIVERN, KOVA R. DICKINSON,
P.P. SANTINI, JOHN L. CULLEY, and
WAYNE M. CULLEY, BURGETTSTOWN
ROD & GUN CLUB, AN UNINCORPORATED
ASSOCIATION, THEIR HEIRS, SUCCESSORS and
ASSIGNS and ALL OTHER PERSONS CLAIMING ANY
INTEREST IN THE PROPERTY DESCRIBED IN THIS
ACTION,
Defendants

*
*
* NO. 04-283-CD
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*
*
*

ORDER

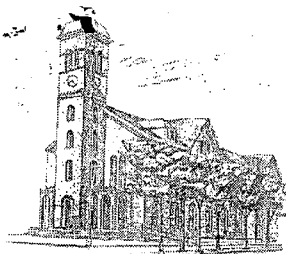
NOW, this 9th day of March, 2006, upon consideration of Plaintiff's Motion to Strike Counterclaim, and for good cause shown, it is the ORDER of this Court that the document filed on March 7, 2006 by Defendant Debbie McGivern entitled "Counterclaim" be and is hereby stricken from the record of the within litigation as being improperly and untimely filed.

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

FILED
09:03 PM
MAR 10 2006

ICC Mays: Lander
DuBois
ICC Kova Dickinson
Michael Robison
William A. Shaw
Prothonotary/Clerk of Courts



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

David S. Ammerman
Solicitor

Jacki Kendrick
Deputy Prothonotary

Bonnie Hudson
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

It has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw
Prothonotary

DATE: 3/10/06

 You are responsible for serving all appropriate parties.

 X The Prothonotary's office has provided service to the following parties:

 X Plaintiff(s)/Attorney(s)

 X Defendant(s)/Attorney(s)

 Other

 Special Instructions:

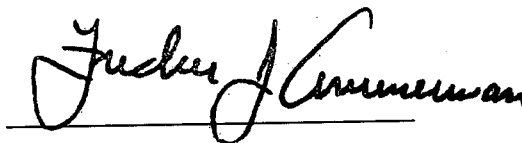
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

AL LANDER :
VS. : NO. 04-283-CD
DEBBIE MCGIVERN, KOVA R. :
DICKINSON, MICHAEL H. ROBISON, :
P.P. SANTINI, JOHN L. CULLEY, :
and WAYNE M. CULLEY, :
BURGETTSTOWN ROD & GUN CLUB :

O R D E R

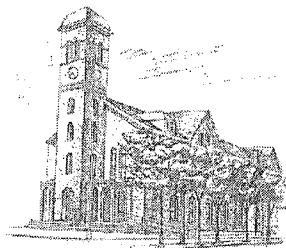
AND NOW, this 10th day of March, 2006, following civil nonjury trial, it is the ORDER of this Court that Plaintiff provide the Court with Findings of Fact, Conclusions of Law and letter brief within no more than twenty (20) days from this date. Defendants shall have ten (10) days thereafter to file the same.

BY THE COURT,



President Judge

FILED
04:00
MAR 13 2006
William A. Shaw
Prothonotary/Clerk of Courts
icc
Atty: Lander
DuBois
icc
Kova Dickinson
Michael Robison
RR 1 Box 315
Olanta, PA
16803
EK



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
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Sincerely,

William A. Shaw
Prothonotary

DATE: 3/13/06

 You are responsible for serving all appropriate parties.

 X The Prothonotary's office has provided service to the following parties:

 X Plaintiff(s)/Attorney(s)

 X Defendant(s)/Attorney(s)

 Other

 Special Instructions:

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

AL LANDER,

Plaintiff,

vs.

DEBBIE MCGIVERN, KOVA R.
DICKINSON, MICHAEL H. ROBISON,
P. P. SANTINI, JOHN L. CULLEY, AND
WAYNE M. CULLEY, BURGETTSTOWN
ROD & GUN CLUB, an unincorporated
association, Their Heirs, Successors and
Assigns And All Other Persons Claiming
Any Interest In The Property Described In
This Action,

Defendants.

: No. 04-283-CD

: Civil Action - Equity

FILED *no cc*
m 10:35/64
MAR 30 2006
William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

I, Nathaniel C. Parker, Esq., hereby certify that a true and correct copy of the foregoing "***Brief in Support of Plaintiff's Quiet Title Action: Findings of Fact & Conclusions of Law***" was sent by U.S. mail postage prepaid, on March 28, 2006, to other counsel of record addressed as follows:

Jeffrey S. Dubois, Esq.
190 West Park Avenue, Suite 35
DuBois, PA 15801
Fax No.: 814-375-8710

GRECO & LANDER, P.C.:

By 
NATHANIEL C. PARKER, ESQ.

CA

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

AL LANDER,

Plaintiff

vs.

DEBBIE McGIVERN, KOVA R. DICKINSON,
MICHAEL H. ROBISON, P.P. SANTINI,
JOHN L. CULLEY, and WAYNE M. CULLEY,
BURGETTSTOWN ROD & GUN CLUB, an
unincorporated association, Their Heirs,
Successors and Assigns and All Other Persons*
Claiming any Interest in the Property Described*
in This Action,

Defendants

NO. 04-283-CD

FILED *Copies-*
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ser
reverse
MAY 23 2006 *610*

William A. Shaw
Prothonotary/Clerk of Courts

ORDER

NOW, this 22nd day of May, 2006, following civil non-jury trial, and upon carefully considering the evidence and testimony presented, the record compiled, and the briefs filed on behalf of the parties, the Court hereby rules in favor of the Plaintiff and against the Defendants; accordingly it is the ORDER of this Court as follows:

That the Defendants, Debbie McGivern, Kova R. Dickinson, Michael J. Robison, P.P. Santini, John L. Culley, Wayne M. Culley, the Burgettstown Rod and Gun Club, their heirs, successors, assigns and all other person claiming any interest in the property described in this Action, be, and they are hereby forever barred from asserting any right, lien, title or interest in or to the property hereinafter described, inconsistent with the interest or claim of the Plaintiff set forth in the Complaint; from impeaching, denying, or in any way attacking Plaintiff's title to the said property; from issuing or maintaining any action attacking the same; from encumbering, mortgaging, or conveying the same or any part thereof.

The property which is the subject of this Order is all that certain piece, parcel or tract of land situate in Huston Township, Clearfield County, Pennsylvania, bounded and described as follows:

FIRST:

BEGINNING at a post in the center of the public road leading up Wilson Run which stands 118 perches southerly from the north line of Warrant No. 5061; thence North 20.5° East, 66 perches to a post; thence South 44° East, 25 perches to a hemlock; thence South 30.5° West, 66 perches to a post in said road; thence North 44° West, 25 perches to the place of beginning.

SECOND:

BEGINNING at the southeast corner of the 10 acre lot recited above in the road; thence South 45° East along road 5½° perches to a post; thence North 20.5° East, 106 perches to a post; thence North 44° West, 30 perches to a post; thence South 20.5° West, 40 perches to a post the northwest corner of the recited 10 acre lot; thence East 25 perches to a hemlock; thence South 20.5° West, 66 perches to the place of beginning.

UNDER AND SUBJECT TO prior reservations of all coal, coal oil and other minerals in or upon said land with the full right to mine and remove same.

THIRD:

BEGINNING at a post in the center of public road, the southwest corner of a 10 acre lot deeded by George W. Hoover, et. al. to Jacob Bish, 10 October 1888, 69, Page 217, thence following the center of said road North 49° West, 15.4 perches, North 55.75°, West 24.3 perches; thence North 19°, West, 8.2 perches to a post; thence North 50.5°, 15 perches to a post and stones; thence North 20.5° East, 93 perches to a post and stones; thence South 44° East, 40 perches to a post, corner of land of Jacob Bish; thence South 20.5° West, 106 perches to the beginning.

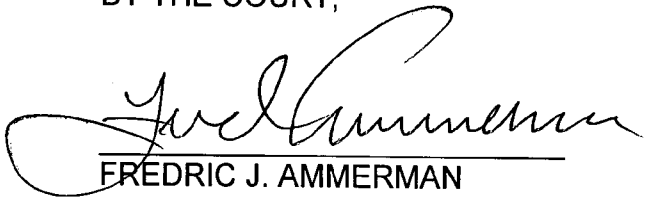
UNDER AND SUBJECT TO prior reservations of all coal, coal oil and other minerals in or upon said land with the full right to mine and remove same.

The above three parcels are identified as Tax Map No. 119-F2-01, and are assessed as 35 acres.

EXCEPTING AND RESERVING all coal, coal oil and other minerals under the three described tracts as excepted and reserved in previous deeds in the chain of title.

The Prothonotary shall transmit a certified copy of this Order to the Recorder of Deeds, which shall upon the payment of the recording fees by Plaintiff be recorded in the Deed Books and shall be indexed against the Defendants as grantors and the Plaintiff as grantee.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

FILED

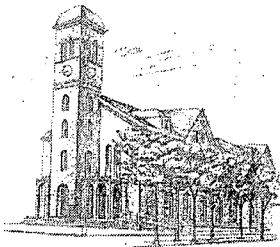
ICC Reg. Records
(without memo)

MAY 23 2006

ICC Atty General
DuBois

William A. Shaw
Prothonotary/Clerk of Courts

ICC Kova Dickinson & Michael H. Robinson
RR 1 Box 515
Dlanta, PA 16863



Clearfield County Office of the Prothonotary and Clerk of Courts

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Sincerely,

William A. Shaw
Prothonotary

DATE: 5/23/06

_____ You are responsible for serving all appropriate parties.

X The Prothonotary's office has provided service to the following parties:

X Plaintiff(s)/Attorney(s)

X Defendant(s)/Attorney(s)

_____ Other

_____ Special Instructions: