

04-357-CD

MILLER vs. BRUBAKER, et al

**Bruce Miller vs. Daniel Brubaker et al**  
**2004-357-CD**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

BRUCE W. MILLER, JR.,

Plaintiff,

vs.

DANIEL BRUBAKER a/k/a DANIEL E. BRUBAKER; ANN ELIZA BRUBAKER, REUBEN M. BRUBAKER, LAURA G. BEER, WILLIAM H. BRUBAKER, ELNORA DELLA DUFF, JERUSHA LUCE, FLORENCE THERESA LUCE, EDWIN FOREST BRUBAKER, and MERILYN E. LUCE a/k/a MERLIN E. LUCE, and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest,

Defendants.

: No. 04 - 357 C.D.

:

: TYPE OF CASE: ACTION TO QUIET TITLE

:

: TYPE OF PLEADING: COMPLAINT

:

: FILED ON BEHALF OF:

: BRUCE W. MILLER, JR., Plaintiff

:

: COUNSEL OF RECORD FOR THIS PARTY:

:

: PAULA M. CHERRY, ESQ.

: Supreme Court No.: 36023

:

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

: Attorneys at Law

: One North Franklin Street

: P.O. Box 505

: DuBois, PA 15301-0505

:

: (814) 371-5800

:

:

FILED

MAR 15 2004

William A. Shaw  
Prothonotary

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

BRUCE W. MILLER, JR.,

Plaintiff,

vs.

No. 04 - \_\_\_\_\_ C.D.

DANIEL BRUBAKER a/k/a DANIEL E. BRUBAKER, ANN ELIZA BRUBAKER, REUBEN M. BRUBAKER, LAURA G. BEER, WILLIAM H. BRUBAKER, ELNORA DELLA DUFF, JERUSHA LUCE, FLORENCE THERESA LUCE, EDWIN FOREST BRUBAKER, and MERILYN E. LUCE a/k/a MERLIN E. LUCE, and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest,

Defendants.

ACTION TO QUIET TITLE

**NOTICE**

TO: DANIEL BRUBAKER a/k/a DANIEL E. BRUBAKER, ANN ELIZA BRUBAKER, REUBEN M. BRUBAKER, LAURA G. BEER, WILLIAM H. BRUBAKER, ELNORA DELLA DUFF, JERUSHA LUCE, FLORENCE THERESA LUCE, EDWIN FOREST BRUBAKER, and MERILYN E. LUCE a/k/a MERLIN E. LUCE, and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest:

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

ALL that certain piece, parcel or lot of land lying and being situate in the Village of Rockton,

Union Township, Clearfield County, Pennsylvania, being bounded and described as follows, to wit:

BEGINNING at a post corner on the south side of Main Street (U.S. 322) on the east side of Shellabarger Street; thence East along Main Street 21 feet 8½ inches to a 2" iron pipe corner on Lot No. 1; thence South along the west side of Lot No. 1 180 feet to a 5/8 rebar corner; thence West along Myrtle Alley 21 feet 8½ inches to a ¾" iron pin corner; thence North along Shellabarger Street 180 feet to the place of beginning.

CONTAINING 3,906 square feet or .09 acres.

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within Twenty (20) days after this Complaint and Notice are served by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the 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  
230 East Market Street, Suite 228  
Clearfield, PA 16830  
(814) 765-2641 Ex. 5982

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

|                                        |   |                       |
|----------------------------------------|---|-----------------------|
| BRUCE W. MILLER, JR.,                  | : |                       |
|                                        | : | Plaintiff,            |
| vs.                                    | : |                       |
|                                        | : | No. 04 - _____ C.D.   |
| DANIEL BRUBAKER a/k/a DANIEL E.        | : | ACTION TO QUIET TITLE |
| BRUBAKER, ANN ELIZA BRUBAKER,          | : |                       |
| REUBEN M. BRUBAKER, LAURA G.           | : |                       |
| BEER, WILLIAM H. BRUBAKER,             | : |                       |
| ELNORA DELLA DUFF, JERUSHA             | : |                       |
| LUCE, FLORENCE THERESA LUCE,           | : |                       |
| EDWIN FOREST BRUBAKER, and             | : |                       |
| MERILYN E. LUCE a/k/a MERLIN           | : |                       |
| E. LUCE, and their heirs, devisees,    | : |                       |
| administrators, executors and assigns, | : |                       |
| and all other person, persons, firms,  | : |                       |
| partnerships or corporate entities in  | : |                       |
| interest,                              | : |                       |
| Defendants.                            | : |                       |

**C O M P L A I N T**

The Plaintiff in the above-entitled matter, BRUCE W. MILLER, JR., brings this Action to Quiet Title for the purpose of barring the Defendants, DANIEL BRUBAKER a/k/a DANIEL E. BRUBAKER, ANN ELIZA BRUBAKER, REUBEN M. BRUBAKER, LAURA G. BEER, WILLIAM H. BRUBAKER, ELNORA DELLA DUFF, JERUSHA LUCE, FLORENCE THERESA LUCE, EDWIN FOREST BRUBAKER, and MERILYN E. LUCE a/k/a MERLIN E. LUCE, and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest, entitled Defendants, from asserting any right, title and interest or lien in and to the premises described in Exhibit "A", which is situate in the Village of Rockton, Union Township, Clearfield County, Pennsylvania, and avers

the following cause of action:

1. The Plaintiff, BRUCE W. MILLER, JR., is a single individual who resides at 206 Thornley Drive, Butler, Pennsylvania 16001.
2. After diligent search, the Plaintiff is unable to discover the whereabouts or the identify of the Defendants, DANIEL BRUBAKER a/k/a DANIEL E. BRUBAKER, ANN ELIZA BRUBAKER, REUBEN M. BRUBAKER, LAURA G. BEER, WILLIAM H. BRUBAKER, ELNORA DELLA DUFF, JERUSHA LUCE, FLORENCE THERESA LUCE, EDWIN FOREST BRUBAKER, and MERILYN E. LUCE a/k/a MERLIN E. LUCE, and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest.
3. The premises more particularly described in Exhibit "A" which is attached hereto and made a part hereof, is a portion of a larger parcel of land consisting of 5 acres and 58 perches which was conveyed to DANIEL BRUBAKER by Deed of John Brubaker, dated July 4, 1860, and recorded in the Office of the Register and Recorder of Deeds of Clearfield County, Pennsylvania, in Deed Book Vol. T, Page 114, on August 21, 1860.
4. After diligent search, it is believed and therefore averred that the said DANIEL BRUBAKER a/k/a DANIEL E. BRUBAKER was married to ANN ELIZA BRUBAKER on October 5, 1854, and was married to her at the time of the conveyance to him of the larger parcel of which the subject premises described in Exhibit "A" attached hereto and made a part hereof is a part.
5. After diligent search, it is believed and therefore averred that the said ANN ELIZA BRUBAKER predeceased DANIEL BRUBAKER a/k/a DANIEL E. BRUBAKER having died on August 17, 1899.

6. After diligent search, it is believed and therefore averred that the said DANIEL BRUBAKER a/k/a DANIEL E. BRUBAKER died on April 26, 1911, a widower, leaving to survive him the following children born to him and his wife, ANN ELIZA BRUBAKER: LAURA G. BEER, WILLIAM H. BRUBAKER, ELMORA DELLA DUFF, JERUSHA LUCE, FLORENCE THERESA LUCE, and EDWIN FOREST BRUBAKER. In addition, the said DANIEL BRUBAKER a/k/a DANIEL E. BRUBAKER and ANN ELIZA BRUBAKER had one child, namely, REUBEN M. BRUBAKER, who predeceased them, having died on August 17, 1876, single, and without children. Accordingly, at the time of the death of the said REUBEN M. BRUBAKER, his sole heirs were his parents, DANIEL BRUBAKER a/k/a DANIEL E. BRUBAKER and ANN ELIZA BRUBAKER, and his surviving siblings above named.

7. There are no death records or estates on file in the Clearfield County Courthouse for DANIEL BRUBAKER a/k/a DANIEL E. BRUBAKER, proving the names of his heirs; however, there are certain estate papers of record regarding ANN ELIZA BRUBAKER filed in the Office of the Register of Wills of Clearfield County, Pennsylvania, setting forth the names of her children, who are also believed to be the children of DANIEL BRUBAKER a/k/a DANIEL E. BRUBAKER, and are named as Defendants in this Action.

8. The larger parcel of land, of which the premises which is the subject of this Action to Quiet Title is a part, said larger parcel of land being the same premises conveyed to DANIEL BRUBAKER by John Brubaker in Deed Book Vol. T, Page 114, was the subject of a partition proceeding filed in the Orphans' Court Division of the Court of Common Pleas of Clearfield County, Pennsylvania, in re: Estate of ANN ELIZA BRUBAKER, however, the said ANN ELIZA BRUBAKER did not, at the time of her death, own the larger portion of land of which the subject premises more particularly described in Exhibit "A" attached hereto and made a part

hereof is a part as said larger parcel was solely titled in the name of her husband, DANIEL BRUBAKER and the said ANN ELIZA BRUBAKER predeceased her husband, DANIEL BRUBAKER a/k/a DANIEL E. BRUBAKER, having died on August 17, 1899. The said DANIEL BRUBAKER a/k/a DANIEL E. BRUBAKER died on April 26, 1911, as previously stated, and therefore, was the sole owner at the time of his death of the larger portion of land above set forth of which the premises more particularly described in Exhibit "A" is a part.

9. In the partition proceeding filed in the Orphans' Court of Clearfield County, Pennsylvania, in re: Estate of ANN ELIZA BRUBAKER, Purpart No. 4-a in the Appraisement of Real Estate, consisting of 10,800 square feet and being known in the Plan of Daniel E. Brubaker Extension to the Town of Rockton and surveyed by George C. Kirk as Lot No. 1, was awarded by Order of the Orphans' Court to JERUSHA LUCE, one of the heirs of the said ANN ELIZA BRUBAKER and DANIEL BRUBAKER a/k/a DANIEL E. BRUBAKER.

10. It is believed and therefore averred that the said JERUSHA LUCE died intestate on March 1, 1927, a widow, leaving to survive her as her sole heir at law, her son, MERILYN E. LUCE a/k/a MERLIN E. LUCE.

11. No Deed of Conveyance was ever made setting forth a description of Lot No. 1 to JERUSHA LUCE or to her son, MERILYN E. LUCE a/k/a MERLIN E. LUCE.

12. By Deed dated May 2, 1930, and recorded in the Office of the Register and Recorder of Deeds of Clearfield County, Pennsylvania, in Deed Book Vol. 296, Page 254, the said MERLIN E. LUCE, single, conveyed all that certain lot situate in the Village of Rockton, Union Township, Clearfield County, Pennsylvania, described as Lot No. 1 in the Plan of Daniel E. Brubaker Extension to the Town of Rockton, to Jesse M. Hollopeter and E. Evelyn Hollopeter, husband and wife. Although the description of Lot No. 1 set forth a tract of land consisting of

approximately 10,800 square feet and having the measurements of a lot being 60 feet by 180 feet, the actual Lot No. 1 as used and claimed by the said MERLIN E. LUCE a/k/a MERILYN E. LUCE contained an additional tract of land, which tract of land is the premises more particularly described in Exhibit "A" attached hereto and made a part hereof, and is the subject of this Action to Quiet Title. Said tract of land adjoins the premises described as Lot No. 1 as aforesaid, consists of a tract of land being 21 feet 8½ inches by 180 feet and is the portion of land claimed and used by the owner of Lot No. 1 since the time period that it was awarded to JERUSHA LUCE and then MERLIN E. LUCE a/k/a MERILYN E. LUCE as her sole heir at law.

13. The said Jesse M. Hollopeter and E. Evelyn Hollopeter, since the time period that they obtained a Deed for the said lot, claimed and used the premises which is more particularly described in Exhibit "A" attached hereto and made a part hereof, as their side yard and as part of the said Lot No. 1 aforesaid and, in fact, planted trees within the portion of land more particularly described in Exhibit "A" attached hereto and made a part hereof, so that said premises more particularly described in Exhibit "A" were treated as part of said Lot No. 1. In addition, posts have been placed along a portion of the boundary line as a dividing line between the subject premises more particularly described in Exhibit "A" and Shellabarger Street.

14. The said Jesse M. Hollopeter died on January 22, 1977, leaving to survive him his wife, E. Evelyn Hollopeter.

15. The said E. Evelyn Hollopeter, widow, by and through her attorneys-in-fact, Margaret H. Miller and Robert D. Hollopeter, conveyed the premises known as Lot No. 1 in the Plan of the Daniel E. Brubaker Extension to the Town of Rockton, which lot is adjacent to and

was used in conjunction with the premises more particularly described in Exhibit "A" attached hereto and made a part hereof, to BRUCE W. MILLER, JR., by Deed dated September 13, 2001, and recorded in the Office of the Register and Recorder of Deeds of Clearfield County, Pennsylvania, as Instrument No. 200116034, on October 8, 2001.

16. By Deed dated February 24, 2004, and intended to be recorded in the Office of the Register and Recorder of Deeds of Clearfield County, Pennsylvania, the said E. Evelyn Hollopeter, widow, conveyed all of her right, title and interest in and to the premises more particularly described in Exhibit "A" attached hereto and made a part hereof, to BRUCE W. MILLER, JR.

17. The Plaintiff, BRUCE W. MILLER, JR., and his predecessors in title, have been in actual, open, notorious, visible, hostile and continuous possession of the premises more particularly described in Exhibit "A" which is attached hereto and made a part hereof, for a period of twenty-one (21) years and upward.

18. That one of the purposes of this Action is to quiet the title as to any interest that the said Defendants, DANIEL BRUBAKER a/k/a DANIEL E. BRUBAKER, ANN ELIZA BRUBAKER, REUBEN M. BRUBAKER, LAURA G. BEER, WILLIAM H. BRUBAKER, ELNORA DELLA DUFF, JERUSHA LUCE, FLORENCE THERESA LUCE, EDWIN FOREST BRUBAKER, and MERILYN E. LUCE a/k/a MERLIN E. LUCE, and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest, may have in the said premises described in Exhibit "A" attached hereto and made a part hereof, because of any defect that may exist in the title due to the fact that the subject premises was not included in the description for Lot No. 1 of the Plan of Daniel

E. Brubaker Extension to the Town of Rockton at the time that a description was made for said Lot No. 1; and because of any defect that may exist in the title because of the fact that no Deed of Conveyance was placed of record in the Clearfield County Courthouse conveying the premises to any rightful owner including, but not limited to Deeds of Conveyance to JERUSHA LUCE and MERILYN E. LUCE a/k/a MERLIN E. LUCE, for the premises more particularly described in Exhibit "A" which is attached hereto and made a part hereof, or for the larger portion of land known as Lot No. 1 or because of any other defect that may exist or may have existed in the title because of the premises being improperly assessed, not properly described, or that the said properties were sold as property of one other than the record owner or legal heirs or assigns of the record owner, or because of the premises being incorrectly described or not included in the Lot No. 1 originally conveyed or because no Deed of Conveyance was placed of record or for any other reason or reasons that may raise some question as to the validity of title. Another purpose of this Action is to make the title to the premises as described in Exhibit "A" marketable so that the same can be certified.

WHEREFORE, Plaintiff requests the Court to:

(a) Determine that his rights are superior to the rights of the Defendants, DANIEL BRUBAKER a/k/a DANIEL E. BRUBAKER, ANN ELIZA BRUBAKER, REUBEN M. BRUBAKER, LAURA G. BEER, WILLIAM H. BRUBAKER, ELNORA DELLA DUFF, JERUSHA LUCE, FLORENCE THERESA LUCE, EDWIN FOREST BRUBAKER, and MERILYN E. LUCE a/k/a MERLIN E. LUCE, and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities

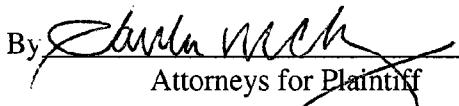
in interest;

(b) Determine that the Plaintiff has fee simple title to the premises described in Exhibit "A" as against the Defendants, DANIEL BRUBAKER a/k/a DANIEL E. BRUBAKER, ANN ELIZA BRUBAKER, REUBEN M. BRUBAKER, LAURA G. BEER, WILLIAM H. BRUBAKER, ELNORA DELLA DUFF, JERUSHA LUCE, FLORENCE THERESA LUCE, EDWIN FOREST BRUBAKER, and MERILYN E. LUCE and MERLIN E. LUCE, and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest;

(c) Enjoin the Defendants, DANIEL BRUBAKER a/k/a DANIEL E. BRUBAKER, ANN ELIZA BRUBAKER, REUBEN M. BRUBAKER, LAURA G. BEER, WILLIAM H. BRUBAKER, ELNORA DELLA DUFF, JERUSHA LUCE, FLORENCE THERESA LUCE, EDWIN FOREST BRUBAKER, and MERILYN E. LUCE a/k/a MERLIN E. LUCE, and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest from setting up any title to the premises described in Exhibit "A" and from impeaching, denying or in any way attacking the title of the Plaintiff to the premises described in Exhibit "A"; and

(d) Grant and decree whatever relief may seem equitable and proper.  
AND he will ever pray.

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

By   
\_\_\_\_\_  
Attorneys for Plaintiff

COMMONWEALTH OF PENNSYLVANIA :  
COUNTY OF Butler : SS.  
: :

Personally appeared before me, the undersigned officer, a Notary Public in and for the county and state aforesaid, BRUCE W. MILLER, JR., who, being duly sworn according to law, deposes and says that the facts set forth in the foregoing Complaint are true and correct to the best of his knowledge, information and belief.

Bruce W. Miller, Jr.  
Bruce W. Miller, Jr.

Sworn to and subscribed before me, this 28<sup>th</sup> day of February, 2004.

Darrin J. Nichter  
Notary Public  
My commission expires: MARCH 06, 2004

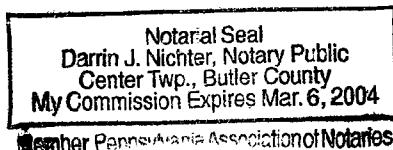


Exhibit "A"

**ALL** that certain piece, parcel or lot of land lying and being situate in the Village of Rockton, Union Township, Clearfield County, Pennsylvania, being bounded and described as follows, to wit:

BEGINNING at a post corner on the south side of Main Street (U.S. 322) on the east side of Shellabarger Street; thence East along Main Street 21 feet 8½ inches to a 2" iron pipe corner on Lot No. 1; thence South along the west side of Lot No. 1 180 feet to a 5/8 rebar corner; thence West along Myrtle Alley 21 feet 8½ inches to a ¾" iron pin corner; thence North along Shellabarger Street 180 feet to the place of beginning.

CONTAINING 3,906 square feet or .09 acres.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

BRUCE W. MILLER, JR., :  
vs. Plaintiff, :  
vs. : No. 04 - \_\_\_\_\_ C.D.  
vs. :  
DANIEL BRUBAKER a/k/a DANIEL E. : ACTION TO QUIET TITLE  
BRUBAKER, ANN ELIZA BRUBAKER, :  
REUBEN M. BRUBAKER, LAURA G. :  
BEER, WILLIAM H. BRUBAKER, :  
ELNORA DELLA DUFF, JERUSHA :  
LUCE, FLORENCE THERESA LUCE, :  
EDWIN FOREST BRUBAKER, and :  
MERILYN E. LUCE a/k/a MERLIN :  
E. LUCE, and their heirs, devisees, :  
administrators, executors and assigns, :  
and all other person, persons, firms, :  
partnerships or corporate entities in :  
interest, :  
Defendants. :

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA :  
: SS.  
COUNTY OF Butler :

Personally appeared before me, a Notary Public in and for the county and state aforesaid, BRUCE W. MILLER, JR., who, being duly sworn according to law, deposes and says that after diligent search, including a search of the Clearfield County Courthouse records, telephone book, directory assistance and post office, he is unable to find DANIEL BRUBAKER a/k/a DANIEL

E. BRUBAKER, ANN ELIZA BRUBAKER, REUBEN M. BRUBAKER, LAURA G. BEER,  
WILLIAM H. BRUBAKER, ELNORA DELLA DUFF, JERUSHA LUCE, FLORENCE  
THERESA LUCE, EDWIN FOREST BRUBAKER, and MERILYN E. LUCE a/k/a MERLIN E.  
LUCE, and their heirs, devisees, administrators, executors and assigns and all other person,  
persons, firms, partnerships, or corporate entities in interest.

Further Deponent saith not.

Bruce W. Miller, Jr.  
Bruce W. Miller, Jr.

2004.

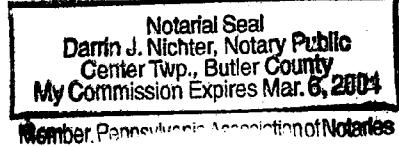
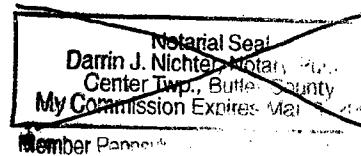
2004.

2004.

Notary Public  
My commission expires: March 06, 2024

My commission expir

Y. T. H. 1999-2000



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

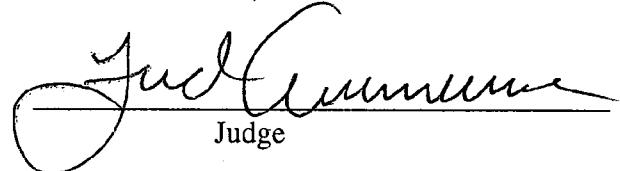
BRUCE W. MILLER, JR., Plaintiff, :  
vs. :  
DANIEL BRUBAKER a/k/a DANIEL E. :  
BRUBAKER, ANN ELIZA BRUBAKER, :  
REUBEN M. BRUBAKER, LAURA G. :  
BEER, WILLIAM H. BRUBAKER, :  
ELNORA DELLA DUFF, JERUSHA :  
LUCE, FLORENCE THERESA LUCE, :  
EDWIN FOREST BRUBAKER, and :  
MERILYN E. LUCE a/k/a MERLIN :  
E. LUCE, and their heirs, devisees, :  
administrators, executors and assigns, :  
and all other person, persons, firms, :  
partnerships or corporate entities in :  
interest, Defendants. :  
: No. 04 - 387 C.D.

## ORDER

NOW, this 15 day of March, 2004, it appearing that an Action to  
Quiet Title has been filed in the above-entitled case and the identity and whereabouts of  
DANIEL BRUBAKER a/k/a DANIEL E. BRUBAKER, ANN ELIZA BRUBAKER, REUBEN  
M. BRUBAKER, LAURA G. BEER, WILLIAM H. BRUBAKER, ELNORA DELLA DUFF,  
JERUSHA LUCE, FLORENCE THERESA LUCE, EDWIN FOREST BRUBAKER, and  
MERILYN E. LUCE a/k/a MERLIN E. LUCE, and their heirs, devisees, administrators,  
executors and assigns, and all other person, persons, firms, partnerships or corporate entities  
in interest, are unknown, the Defendants shall be served with a copy of the Complaint by

advertising the same one (1) time in the Courier-Express newspaper and one (1) time in the Clearfield County Legal Journal in accordance with the Notice attached to and made a part of the Complaint.

BY THE COURT,



Judge Cummins

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

BRUCE W. MILLER, JR., Plaintiff

vs.

DANIEL BRUBAKER, a/k/a DANIEL E.  
BRUBAKER, et al., Defendants

No. 2004- Action To  
C.D. Quiet Title

C O M P L A I N T

To the Within Defendants:

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

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

By \_\_\_\_\_  
Attorneys for Plaintiff

LAW OFFICES  
GLEASON, CHERRY & CHERRY, L.L.P.  
P.O. Box 505  
DU BOIS, PENNSYLVANIA 15801-0505  
ONE NORTH FRANKLIN STREET

**FILED** *Wm A Shaw*  
MAR 15 2004  
013.30 P.M.  
William A. Shaw  
Prothonotary  
*Wm A Shaw*

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

|                                        |             |                       |
|----------------------------------------|-------------|-----------------------|
| BRUCE W. MILLER, JR.,                  | :           |                       |
|                                        | Plaintiff,  | :                     |
| vs.                                    | :           | No. 04 - 357 C.D.     |
|                                        | :           |                       |
| DANIEL BRUBAKER a/k/a DANIEL E.        | :           | ACTION TO QUIET TITLE |
| BRUBAKER, ANN ELIZA BRUBAKER,          | :           |                       |
| REUBEN M. BRUBAKER, LAURA G.           | :           |                       |
| BEER, WILLIAM H. BRUBAKER,             | :           |                       |
| ELNORA DELLA DUFF, JERUSHA             | :           |                       |
| LUCE, FLORENCE THERESA LUCE,           | :           |                       |
| EDWIN FOREST BRUBAKER, and             | :           |                       |
| MERILYN E. LUCE a/k/a MERLIN           | :           |                       |
| E. LUCE, and their heirs, devisees,    | :           |                       |
| administrators, executors and assigns, | :           |                       |
| and all other person, persons, firms,  | :           |                       |
| partnerships or corporate entities in  | :           |                       |
| interest,                              | :           |                       |
|                                        | Defendants. | :                     |

**FILED**

APR 16 2004

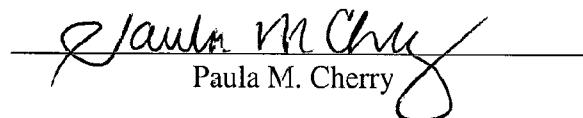
William A. Shaw  
Prothonotary/Clerk of Courts

**A F F I D A V I T**

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

Personally appeared before me, a Notary Public in and for the county and state aforesaid,  
PAULA M. CHERRY, Attorney for BRUCE W. MILLER, JR., Plaintiff, who, being duly sworn  
according to law, deposes and says that the service of the foregoing Complaint to Quiet Title,  
endorsed with Notice to Plead within Twenty (20) days from the date of publication was made  
on all of the Defendants by publication on March 19, 2004, in the Courier-Express newspaper,  
and the week of March 26, 2004, in the Clearfield County Legal Journal, proof of the same is

hereto attached, in accordance with the Order of Court, and more than Twenty (20) days have elapsed since said publications and that said Defendants have not filed an Appearance or any Answer to the Complaint, although the time in which to do so has expired.

  
Paula M. Cherry

Sworn to and subscribed before me this 16<sup>th</sup> day of April, 2004.

  
William A. Shaw

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

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

No. 04-357 C.D.  
ACTION TO QUIET TITLE

BRUCE W. MILLER, JR., Plaintiff,

vs.

DANIEL BRUBAKER a/k/a DANIEL E. BRUBAKER, ANN ELIZA BRUBAKER, REUBEN M. BRUBAKER, LAURA G. BEER, WILLIAM H. BRUBAKER, Elnora DELLA DUFF, JERUSA LUCE, FLORENCE THERESA LUCE, EDWIN FOREST BRUBAKER, and MERILYN E. LUCE a/k/a MERLIN E. LUCE, and their heirs, devisees, administrators, executors and assigns, and all other persons, persons, firms, partnerships or corporate entities in interest, Defendants.

NOTICE

TO: DANIEL BRUBAKER a/k/a DANIEL E. BRUBAKER, ANN ELIZA BRUBAKER, REUBEN M. BRUBAKER, LAURA G. BEER, WILLIAM H. BRUBAKER, Elnora DELLA DUFF, JERUSA LUCE, FLORENCE THERESA LUCE, EDWIN FOREST BRUBAKER, and MERILYN E. LUCE a/k/a MERLIN E. LUCE, and their heirs, devisees, administrators, executors and assigns, and all other persons, persons, firms, partnerships or corporate entities in interest:

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

ALL that certain piece, parcel or lot of land lying and being situate in the Village of Rockton, Union Township, Clearfield County, Pennsylvania, being bounded and described as follows, to wit:

BEGINNING at a post corner on the south side of Main Street (U.S. 322) on the east side of Shellabarger Street; thence East along Main Street 21 feet 8 1/2 inches to a 2" iron pipe corner on Lot No. 1; thence South along the west side of Lot No. 1 180 feet to a 5/8" rebar corner; thence West along Myrtle Alley 21 feet 8 1/2 inches to a 3/4" iron pipe corner; thence North along Shellabarger Street 180 feet to the place of beginning.

CONTAINING 3,906 square feet or .09 acres.

You have been sued in Court. If you wish to defend against the claims set forth in the Complaint, you must take action within Twenty (20) days from the date of publication of this Notice, to wit: on or before April 8, 2004, by entering a written appearance personally or by attorney and filing in writing with the Court your defense or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiffs in the Complaint. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT once or advertisement  
ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AF-  
FORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH above stated dates.....

**\$254.34**

.....

**\$4.25**

.....

**\$258.59**

er's Receipt for Advertising Costs

-County Sunday, a weekly newspaper, and/or Jeffersonian Democrat, a part of the aforesaid advertising and publication costs, and certifies that the

Street and Beaver Drive, DuBois, PA 15801  
is 1879, Phone 814-371-4200

AN PUBLISHING COMPANY

Publisher of  
COUNTY SUNDAY/JEFFERSONIAN DEMOCRAT

al Proof of Publication and receipt for the Advertising costs in the subject

**CATION OF NOTICE APPEARING IN THE  
COUNTY SUNDAY/JEFFERSONIAN DEMOCRAT  
McLEAN PUBLISHING COMPANY,  
BOIS PENNSYLVANIA**  
**, Approved May 16, 1929, P.L. 1784**

SS:

erra, Classified Advertising Supervisor of the Courier-Express/Tri-County and State aforesaid, being duly sworn, deposes and says that the **County Sunday**, a weekly newspaper and **Jeffersonian Democrat**, a Publishing Company at 500 Jeffers Street, City of DuBois, County and State 1879, since which date said, the daily publication and the weekly

March A.D. 2004

duly authorized by the **Courier-Express**, a daily newspaper, **Tri-County Jeffersonian Democrat**, a weekly newspaper to verify the foregoing statement interested in the subject matter of the aforesaid notice of publication, and as to time, place and character of publication are true.

**PUBLISHING COMPANY Publisher of  
COUNTY SUNDAY/JEFFERSONIAN DEMOCRAT**

*Linnea Seale*

8th day of April, 2004

*Robin M. Duttry*  
NOTARY PUBLIC

ment of Advertising Cost

**PUBLISHING COMPANY**

Publisher of

**XPRESS/TRI-COUNTY SUNDAY/  
SONIAN DEMOCRAT**

DuBois, PA

NOTARIAL SEAL  
ROBIN M. DUTTRY, NOTARY PUBLIC  
CITY OF DUBOIS, CLEARFIELD COUNTY  
MY COMMISSION EXPIRES APRIL 16, 2006

**Gleason, Cherry & Cherry**

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

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

3/19/04

ATTORNEY FOR

## PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :

:

COUNTY OF CLEARFIELD :

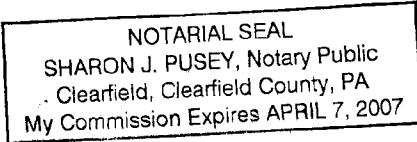
:

On this 26th 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 26, 2004, No. 13. And that all of the allegations of this statement as to the time, place, and character of the publication are true.

  
Dated: March 26, 2004  
At: Editor  
By: Gary A. Knaresboro, Esquire  
Editor

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

Sharon J. Pusey  
Notary Public  
My Commission Expires



Gleason Cherry & Cherry  
PO Box 505  
DuBois PA 1581

FILED NO  
O/A 3084  
APR 16 2004  
S  
KRB

William A. Shaw  
Prothonotary/Clerk of Courts

**HUNT, WALTER T.**, Dec'd  
A/k/a **WALTER HUNT**

Late of Clearfield  
Executor: **ROBERT J. HUNT**  
Attorney: **DAVID R. THOMPSON**  
PO Box 587  
Philipsburg, PA 16866

**MAHAFFEY, STERRY DAVID**, Dec'd  
A/k/a **STERRY D. MAHAFFEY SR.**  
A/k/a **STERRY D. MAHAFFEY**  
A/k/a **STERRY MAHAFFEY**

Late of Mahaffey Borough  
Executrix: **SALLY M. LONG**  
Attorney: **MICHAEL A. SOSSONG**  
3133 New Germany Rd  
Suite 59, Mini Mall  
Ebensburg, PA 15931

**SHANNON, HELEN V.**, Dec'd  
Late of Brady Township  
Executrix: **KAROLYN SUE SHANNON**  
11411 West Travelers Way Circle  
Houston, TX 77065

**KNEPP, KATHRYN D.**, Dec'd  
Late of Clearfield  
Executrix: **KIM R. SWALES**  
Attorney: **JOHN R. RYAN**  
PO Box 1  
15 North Front Street  
Clearfield, PA 16830

---

**REGISTER & ORPHANS' COURT  
NOTICES**

Notice is hereby given that the following Accounts have been examined by me and remain in the Office of Karen L. Starck, Register of Wills for the inspection of the heirs, legatees and creditors and all others interested and will be presented to the Orphans' Court of Clearfield County, PA on the first Monday in March, 2004.

The Accounts will be presented to the Orphans' Court for Confirmation NISI on the first Monday in April, 2004, and if no Objections or Exceptions are filed to the Account, it will be Confirmed Absolutely as of course without further notice by the Court in 10 days.

Seventy-sixth and Partial Account of the Trustee's of the P.B. Zentmyer Fund, Estate of Porter B. Zentmyer, late of Clearfield, Clearfield County, PA, DECEASED.

First & Final Account of Martha Ciprich, Executrix for the Estate of Dorothy A. Nelson, late of Grassflat, Clearfield County, PA, DECEASED.

First and Final Account of Larry Dillen, Administrator for the Estate of Donald A. Dillen, late of Coalport, Clearfield County, PA, DECEASED.

First & Final Account of First Commonwealth Trust Company, Administrator C.T.A. for the Estate of Esther S. Pack, late of DuBois, Clearfield County, PA, DECEASED.

Fourth and Partial Account of the First Commonwealth Trust Company, Guardian for the Estate of Joshua McGarvey, a minor.

First & Final Account of Ruth L. Bish, Executrix for the Estate of Charles Kriner a/k/a Charles W. Kriner, late of DuBois, Clearfield County, PA, DECEASED.

First & Final Account of William G. Bennett, Executor for the Estate of Wilbert C. Morgan, late of Sandy Township, Clearfield County, PA, DECEASED.

First & Final Account of Patricia L. Shaffer and Janet S. Simmons, Co-Executrices for the Estate of Ruth H. Smith a/k/a Ruth Ball Smith, late of the City of DuBois, Clearfield County, PA, DECEASED.

First & Final Account of Nancy J. Cahill, Executrix for the Estate of Catherine E. Fryberger, late of Huston Township, R.R. #1, Penfield, Clearfield County, PA, DECEASED.

First & Final Account of Mary C. Dusch Bolink, Executrix for the Estate of Mary Skelley, a/k/a Mary C. Skelley, late of Sandy Township, Clearfield County, PA, DECEASED.

First & Final Account of Leon Thomas Goodford and James Anthony Goodford, Co-Executors for the Estate of Josephine T. Perilla, late of DuBois, Clearfield County, PA, DECEASED.

ADV: March 19th & 26th, 2004

KAREN L. STARCK, REGISTER OF WILLS & CLERK OF THE ORPHANS' COURT.

---

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

BRUCE W. MILLER, JR., Plaintiff vs.  
DANIEL BRUBAKER, a/k/a DANIEL E.  
BRUBAKER, ANN ELIZA BRUBAKER,  
REUBEN M. BRUBAKER, LAURA G.  
BEER, WILLIAM H. BRUBAKER, ELNORA  
DELLA DUFF, JERUSAH LUCE,  
FLORENCE THERESA LUCE, EDWIN  
FOREST BRUBAKER, and MERILYN E.  
LUCE a/k/a MERLIN E. LUCE, and their  
heirs, devisees, administrators, executors  
and assigns, and all other person, persons,

firms, partnerships or corporate entities in interest, Defendants.

ACTION TO QUIET TITLE

No. 2004-357-CD

NOTICE

TO: DANIEL BRUBAKER, a/k/a DANIEL E. BRUBAKER, ANN ELIZA BRUBAKER, REUBEN M. BRUBAKER, LAURA G. BEER, WILLIAM H. BRUBAKER, ELNORA DELLA DUFF, JERUSHA LUCE, FLORENCE THERESA LUCE, EDWIN FOREST BRUBAKER, and MERILYN E. LUCE a/k/a MERLIN E. LUCE, and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest:

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

ALL that certain piece, parcel or lot of land lying and being situate in the Village of Rockton, Union Township, Clearfield County, Pennsylvania, being bounded and described as follows, to wit:

BEGINNING at a post corner on the south side of Main Street (U.S. 322) on the east side of Shellabarger Street; thence East along Main Street 21 feet 8 1/2 inches to a 2" iron pipe corner on Lot No. 1; thence South along the west side of Lot No. 1 180 feet to a 5/8 rebar corner; thence West along Myrtle Alley 21 feet 8 1/2 inches to a 3/4" iron pin corner; thence North along Shellabarger Street 180 feet to the place of beginning.

CONTAINING 3,906 square feet or .09 acres.

You have been sued in Court. If you wish to defend against the claims set forth in the Complaint, you must take action within twenty (20) days from the date of this publication by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for the relief requested by the Plaintiff. You may lose money or property or other rights important to you.

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

Court Administrator, Clearfield County

Courthouse, 2nd & Market Streets, Clearfield, PA 16830 (814) 765-2641 Ext 5982.

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

FILED

CR

APR 16 2004

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

BRUCE W. MILLER, JR.,

Plaintiff, :

vs. :

No. 04 - 357 C.D.

DANIEL BRUBAKER a/k/a DANIEL E. :  
BRUBAKER, ANN ELIZA BRUBAKER, :  
REUBEN M. BRUBAKER, LAURA G. :  
BEER, WILLIAM H. BRUBAKER, :  
ELNORA DELLA DUFF, JERUSHA :  
LUCE, FLORENCE THERESA LUCE, :  
EDWIN FOREST BRUBAKER, and :  
MERILYN E. LUCE a/k/a MERLIN :  
E. LUCE, and their heirs, devisees, :  
administrators, executors and assigns, :  
and all other person, persons, firms, :  
partnerships or corporate entities in :  
interest, :

ACTION TO QUIET TITLE

Defendants. :

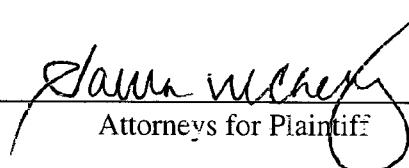
**MOTION FOR JUDGMENT**

AND NOW, this 16<sup>th</sup> day of April, 2004, an Affidavit having been filed by Plaintiff, BRUCE W. MILLER, JR., by his attorney, PAULA M. CHERRY, that the Complaint with Notice to Plead was served on all of the Defendants and the Defendants have not answered, the Plaintiff, by his attorney, PAULA M. CHERRY, moves the Court to enter judgment in favor of the Plaintiff and against the Defendants in the above-named case and to grant to the Plaintiff the relief prayed for in accordance with Pennsylvania Rules of Civil Procedure 1066. Plaintiff further request that the Honorable Court modify in accordance with Pennsylvania Rules of Civil Procedure, Rule 248, the Thirty (30) day period provided Defendants by Pennsylvania Rules of

Civil Procedure, Rule 1066(b) to assert any right, lien, title or interest in the land inconsistent with the interest or claim Plaintiff set forth in his Complaint.

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

By

  
Dawn Cherry

Attorneys for Plaintiff

FILED  
04/16/2004  
APR 16 2004  
KRC

William A. Shaw  
Prothonotary/Clerk of Courts

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

BRUCE W. MILLER, JR.,

Plaintiff, :

vs. :

No. 04 - 357 C.D.

DANIEL BRUBAKER a/k/a DANIEL E. :  
BRUBAKER, ANN ELIZA BRUBAKER, :  
REUBEN M. BRUBAKER, LAURA G. :  
BEER, WILLIAM H. BRUBAKER, :  
ELNORA DELLA DUFF, JERUSHA :  
LUCE, FLORENCE THERESA LUCE, :  
EDWIN FOREST BRUBAKER, and :  
MERILYN E. LUCE a/k/a MERLIN :  
E. LUCE, and their heirs, devisees, :  
administrators, executors and assigns, :  
and all other person, persons, firms, :  
partnerships or corporate entities in :  
interest, :

ACTION TO QUIET TITLE

Defendants. :

**FILED**

**APR 20 2004**

William A. Shaw  
Prothonotary/Clerk of Courts

**ORDER**

AND NOW, this 30 day of April, 2004, it appearing that service of the Complaint to Quiet Title in the above Action was made on all of the Defendants and by Affidavit of PAULA M. CHERRY, Attorney for Plaintiff, no Answer or Appearance has been filed to said Action, and on Motion of PAULA M. CHERRY, Attorney for Plaintiff, it is hereby ORDERED AND DECREED:

1. That the Defendants, DANIEL BRUBAKER a/k/a DANIEL E. BRUBAKER, ANN ELIZA BRUBAKER, REUBEN M. BRUBAKER, LAURA G. BEER, WILLIAM H. BRUBAKER, ELNORA DELLA DUFF, JERUSHA LUCE, FLORENCE THERESA LUCE,

EDWIN FOREST BRUBAKER, and MERILYN E. LUCE a/k/a MERLIN E. LUCE, and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest, are forever barred from asserting any right, title, lien or interest inconsistent with the interest or claim of the Plaintiff as set forth in his Complaint in and to ALL that certain piece, parcel or lot of land lying and being situate in the Village of Rockton, Union Township, Clearfield County, Pennsylvania, being bounded and described as follows, to wit:

BEGINNING at a post corner on the south side of Main Street (U.S. 322) on the east side of Shellabarger Street; thence East along Main Street 21 feet 8½ inches to a 2" iron pipe corner on Lot No. 1; thence South along the west side of Lot No. 1 180 feet to a 5/8 rebar corner; thence West along Myrtle Alley 21 feet 8½ inches to a ¾" iron pin corner; thence North along Shellabarger Street 180 feet to the place of beginning.

CONTAINING 3,906 square feet or .09 acres.

and that title to said property is now vested in BRUCE W. MILLER, JR., Plaintiff, as prayed.

2. That the rights of the Plaintiff are superior to the rights of the Defendants, DANIEL BRUBAKER a/k/a DANIEL E. BRUBAKER, ANN ELIZA BRUBAKER, REUBEN M. BRUBAKER, LAURA G. BEER, WILLIAM H. BRUBAKER, ELNORA DELLA DUFF, JERUSHA LUCE, FLORENCE THERESA LUCE, EDWIN FOREST BRUBAKER, and MERILYN E. LUCE a/k/a MERLIN E. LUCE, and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest.

3. That the Plaintiff has title in fee simple to said premises as described in the Complaint as against the Defendants, DANIEL BRUBAKER a/k/a DANIEL E. BRUBAKER, ANN ELIZA

BRUBAKER, REUBEN M. BRUBAKER, LAURA G. BEER, WILLIAM H. BRUBAKER, ELNORA DELLA DUFF, JERUSHA LUCE, FLORENCE THERESA LUCE, EDWIN FOREST BRUBAKER, and MERILYN E. LUCE a/k/a MERLIN E. LUCE, and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest.

4. That the Defendants, DANIEL BRUBAKER a/k/a DANIEL E. BRUBAKER, ANN ELIZA BRUBAKER, REUBEN M. BRUBAKER, LAURA G. BEER, WILLIAM H. BRUBAKER, ELNORA DELLA DUFF, JERUSHA LUCE, FLORENCE THERESA LUCE, EDWIN FOREST BRUBAKER, and MERILYN E. LUCE a/k/a MERLIN E. LUCE, and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest, are enjoined and forever barred from asserting any right, title or interest in and to the premises described which are inconsistent with the interest or claims of the Plaintiff as set forth in his Complaint and from setting up any title to the premises and from impeaching, denying or in any way attacking the title of the Plaintiff to the premises.

5. That the Thirty (30) day provision of Pennsylvania Rules of Civil Procedure 1056(b)(i) be modified as to eliminate the said Thirty (30) day Rule of Pennsylvania Rules of Civil Procedure from this case. Said modification is in accordance with the authority vested in this Court by virtue of the Pennsylvania Rules of Civil Procedure No. 248, to eliminate any time period prescribed by Pennsylvania Rules of Civil Procedure upon Order of Court.

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

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

BY THE COURT,



---

Judge

FILED  
10:35 AM APR 20 2004  
cc Amy Paula Cherry  
APR 20 2004  
WMA:sh  
William A. Shaw  
Prothonotary/Clerk of Courts

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

|                                        |             |                       |
|----------------------------------------|-------------|-----------------------|
| BRUCE W. MILLER, JR.,                  | :           |                       |
|                                        | Plaintiff,  | :                     |
| vs.                                    | :           | No. 04 - 357 C.D.     |
|                                        | :           |                       |
| DANIEL BRUBAKER a/k/a DANIEL E.        | :           | ACTION TO QUIET TITLE |
| BRUBAKER, ANN ELIZA BRUBAKER,          | :           |                       |
| REUBEN M. BRUBAKER, LAURA G.           | :           |                       |
| BEER, WILLIAM H. BRUBAKER,             | :           |                       |
| ELNORA DELLA DUFF, JERUSHA             | :           |                       |
| LUCE, FLORENCE THERESA LUCE,           | :           |                       |
| EDWIN FOREST BRUBAKER, and             | :           |                       |
| MERILYN E. LUCE a/k/a MERLIN           | :           |                       |
| E. LUCE, and their heirs, devisees,    | :           |                       |
| administrators, executors and assigns, | :           |                       |
| and all other person, persons, firms,  | :           |                       |
| partnerships or corporate entities in  | :           |                       |
| interest.                              | :           |                       |
|                                        | Defendants. | :                     |

**P R A E C I P E**

TO: WILLIAM A. SHAW, PROTHONOTARY

Dear Sir:

Please enter final judgment in favor of the above-named Plaintiff and against the Defendants in accordance with Order of Court dated April 20, 2004.

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

**FILED**

APP 20 2004

By Shawn Weller  
Attorneys for Plaintiff

William A. Shaw  
Prothonotary Clerk of Courts

FILED  
O/S: 3584  
APR 20 2004  
S. H. K.  
William A. Shaw  
Prothonotary Clerk of Courts

04-356-CD  
CLEARFIELD BANK & TRUST CO. vs. KIRA MCDONALD

Clearfield Bank & Trust vs Kira McDonald  
2004-356-CD

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

**46-3-02**

DJ Name: Hon.

**RICHARD A. IRELAND**  
Address: **650 LEONARD STREET**  
**SUITE 133**  
**CLEARFIELD, PA**

Telephone: **(814) 765-5335** 16830

**RICHARD A. IRELAND**  
**650 LEONARD STREET**  
**SUITE 133**  
**CLEARFIELD, PA 16830**

**NOTICE OF JUDGMENT/TRANSCRIPT  
CIVIL CASE**

PLAINTIFF:

**CLEARFIELD BANK & TRUST CO**  
**PO BOX 171**  
**CLEARFIELD, PA 16830**

NAME and ADDRESS

DEFENDANT:

**MCDONALD, KIRA**  
**1201 154TH STREET**  
**BRADENTON, FL 34212**

NAME and ADDRESS

Docket No.: **CV-0000408-03**  
Date Filed: **9/29/03**



*04-356-CD*

**THIS IS TO NOTIFY YOU THAT:**

Judgment:

**DEFAULT JUDGMENT PLTF**

Judgment was entered for: (Name) **CLEARFIELD BANK & TR, UST CO**

Judgment was entered against: (Name) **MCDONALD, KIRA**

in the amount of \$ **3,562.49** on: (Date of Judgment) **1/05/04**

Defendants are jointly and severally liable.

(Date & Time) \_\_\_\_\_

Damages will be assessed on:

This case dismissed without prejudice.

**FILED**

**MAR 15 2004**

William A. Shaw  
Prothonotary/Clerk of Courts

Amount of Judgment Subject to  
Attachment/42 Pa.C.S. § 8127 \$ \_\_\_\_\_

|                      |                    |
|----------------------|--------------------|
| Amount of Judgment   | \$ <b>3,477.99</b> |
| Judgment Costs       | \$ <b>84.50</b>    |
| Interest on Judgment | \$ <b>.00</b>      |
| Attorney Fees        | \$ <b>.00</b>      |
| <b>Total</b>         | \$ <b>3,562.49</b> |

Portion of Judgment for physical  
damages arising out of residential  
lease \$ \_\_\_\_\_

|                                 |          |
|---------------------------------|----------|
| Post Judgment Credits           | \$ _____ |
| Post Judgment Costs             | \$ _____ |
| <b>=====</b>                    |          |
| <b>Certified Judgment Total</b> | \$ _____ |

ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY FILING A NOTICE  
OF APPEAL WITH THE PROTHONOTARY/CLERK OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. YOU  
MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.

EXCEPT AS OTHERWISE PROVIDED IN THE RULES OF CIVIL PROCEDURE FOR DISTRICT JUSTICES, IF THE JUDGMENT HOLDER  
ELECTS TO ENTER THE JUDGMENT IN THE COURT OF COMMON PLEAS, ALL FURTHER PROCESS MUST COME FROM THE COURT  
OF COMMON PLEAS AND NO FURTHER PROCESS MAY BE ISSUED BY THE DISTRICT JUSTICE.

UNLESS THE JUDGMENT IS ENTERED IN THE COURT OF COMMON PLEAS, ANYONE INTERESTED IN THE JUDGMENT MAY FILE  
A REQUEST FOR ENTRY OF SATISFACTION WITH THE DISTRICT JUSTICE IF THE JUDGMENT DEBTOR PAYS IN FULL, SETTLES,  
OR OTHERWISE COMPLIES WITH THE JUDGMENT.

JAN 05 2004 Date

*Ronald Ireland*, District Justice

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.

FEB 26 2004

Date

*Ronald Ireland*, District Justice

My commission expires first Monday of January, **2006**.

SEAL

FILED  
0132584 vccs  
MAR 15 2004 Statement to Pff  
William A. Shaw  
Prothonotary/Clerk of Courts  
Lccs Notice to Def

*Copy*

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

**Clearfield Bank & Trust Co.  
PO BOX 171  
CLEARFIELD PA 16830-0171**

**No. 04-356-CD**

**VS.**

**KIRA MCDONALD  
1201 154<sup>TH</sup> ST  
BRANDENTON, FL 34212**

**Notice is given that a JUDGEMENT in the above captioned matter  
has been entered against you in the amount of \$ 3,562.49  
On March 15, 2004**

**William A. Shaw, Prothonotary  
By Will A. Shaw  
Deputy**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
STATEMENT OF JUDGMENT

COPY

Clearfield Bank & Trust Co.  
Plaintiff(s)

No.: 2004-00356-CD

Real Debt: \$3,562.49

Atty's Comm: \$

Vs. Costs: \$

Int. From: \$

Kira McDonald  
Defendant(s)

Entry: \$20.00

Instrument: DJ Judgment

Date of Entry: March 15, 2004

Expires: March 15, 2009

Certified from the record this 15th day of March, 2004.

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William A. Shaw, Prothonotary

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SIGN BELOW FOR SATISFACTION

Received on \_\_\_\_\_, \_\_\_\_\_, of defendant full satisfaction of this Judgment,  
Debt, Interest and Costs and Prothonotary is authorized to enter Satisfaction on the same.

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Plaintiff/Attorney