

Date: 06/23/2005

Clearfield County Court of Common Pleas

User: CROWLES

Time: 01:12 PM

ROA Report

Page 1 of 2

Case: 2004-00645-CD

Current Judge: Paul E. Cherry

Jacqueline Schoch vs. Donald W. Cox, Robin Cox

Civil Other

Date		Judge
05/10/2004	✓ Filing: Quiet Title Action Paid by: DuBois, Jeffrey S. (attorney for Schoch, Jacqueline) Receipt number: 1878883 Dated: 05/10/2004 Amount: \$95.00 (Check) 3 CC to Atty.	No Judge
06/04/2004	✓ Defendants' Answer To Plaintiff's Complaint In Action To Quiet Title, New Matter, & Counterclaim. filed by, s/Benjamin S. Blakley, III, Esquire Verification s/Donald W. Cox 3 cc to Atty	No Judge
06/09/2004	✓ Certificate of Service, Defendant's Answer to Plaintiff's Complaint in Action to Quiet Title, New Matter & Counterclaim, upon: Jeffrey S. DuBois, Esquire. filed by, s/Benjamin S. Blakley, III, Esquire no cc	No Judge
07/02/2004	✓ Certificate of Service, Defendant's Notice by First Class Mail, postage prepaid upon Jeffrey S DuBois, Esq, filed by Benjamin S Blakley, II, No CC	No Judge
	✓ Ten Day Notice, filed by s/Benjamin S. Blakley, III, Esq. No CC	No Judge
07/09/2004	✓ Plaintiff's Reply to Defendants' New Matter and Counterclaim, filed by s/Jeffrey S. DuBois, Esq. Three CC to Attorney	No Judge
07/14/2004	✓ Certificate of Service, Defendant's Verification and Praeipce to Attach Verification, via 1st Class Mail, postage prepaid to: Jeffrey S DuBois, Esq. Filed by s/Benjamin S Blakley, III. No cc	No Judge
	✓ Verification, Re: Defendants' Answer to Plaintiff's Complaint in Action to Quiet Title, New Matter & Counterclaim, s/Robin Cox No CC	No Judge
	✓ Praeipce to Attach Verification, Re: attach the Verification of Robin Cox dated July 13, 2004, to the Defendants' Answer to Plaintiff's Complaint in Action to Quiet Title, New Matter & Counterclaim previously filed, filed by s/Benjamin S. Blakley, III No CC	No Judge
08/16/2004	✓ Motion for Entry of Default Judgment and Judgment on the Pleadings, filed by s/Benjamin S. Blakley, III, Esq. One CC Attorney Blakley	No Judge
	✓ Certificate of Service, Defendants' Motion for Entry of Default Judgment and Judgment on the Pleadings this 13th day of August, 2004, upon: Jeffrey S. DuBois, Esquire. Filed by s/Benjamin S. Blakley, III, Esquire. 2 cc Atty Blakley.	No Judge
08/18/2004	✓ Praeipce to Withdraw Motion, filed by s/Benjamin S. Blakley, III, Esq. No CC	No Judge
	✓ Certificate of Service, Defendant's Praeipce to Withdraw Motion, on Jeffrey S. DuBois, Esq., No cc	No Judge
12/09/2004	✓ Certificate of Readiness, filed by Atty. DuBois. 2 cert to Atty Dubois	No Judge
01/07/2005	✓ Certificate of Service, copy of Defendants' Pretrial Statement this 5th day of Jan., 2005, to Jeffrey S. DuBois, Esquire. Filed by s/ Benjamin S. Blakley, III, Esquire. 1CC Atty Blakley	Paul E. Cherry
	✓ Certificate of Service, copy of the Pre Trial Statement by first class mail, on Jan. 2005, served upon Benjamin S. Blakley, III, Esquire. Filed by s/ Jeffrey S. DuBois. no CC	Paul E. Cherry

Civil Other

Date		Judge
01/17/2005	Order, AND NOW, this 13th day of Jan., 2005, following Pre-Trial Conference, it is the ORDER of the Court as follows: ✓ 1. Trial is scheduled for March 23, 24, 2005, beginning at 9:00 a.m. in Courtroom no. 2 of the Clfd Co. Courthouse. 2. The deadline for providing any and all outstanding discovery shall be by and no later than 30 days prior to the commencement of trial. 3. A view of the area shall be held on March 23, 2005 at 9:00 a.m. 4. Counsel shall file a Motion for Consolidation within 5 days of today's date. BY THE COURT, /s/Paul E. Cherry, Judge. 1CC Atty Dubois, Def. R. Cox, C. Cox.	Paul E. Cherry
01/21/2005	Motion to Consolidate Cases filed by Atty. DuBois. 3 CC to Atty.	Paul E. Cherry
02/01/2005	✓ Order, AND NOW, this 31st day of January, 2005, cases No. 04-645-CD and 04-942-CD are hereby consolidated. BY THE COURT: /s/Paul E. Cherry, Judge Three CC Attorney DuBois	Paul E. Cherry
02/18/2005	✓ Certificate of Service, copy of Defendants' Request for Admissions and Accompanying Interrogatory to Plaintiff the 17th of Feb. 2005 to Jeffry S. Dubois. Filed by s/ Benjamin S. Blakley, III. 1CC Atty.	Paul E. Cherry
03/04/2005	✓ Order, AND NOW, this 4th day of March, 2005, it is the ORDER of this Court that a Status Conference be held with regard to the above captioned matter on the 15th day of March, 2005, at 8:30 a.m. Courtroom 2. BY THE COURT: /s/ Paul E. Cherry, Judge. 1CC Attys: DuBois, Blakley	Paul E. Cherry
03/18/2005	✓ Defendants' Supplemental Pretrial Statement, filed by s/ Benjamin S. Blakley, III, Esquire. No CC	Paul E. Cherry
	✓ Certificate of Service, copy of Defendants' Supplemental Pretrial Statement, this 16th of March, 2005, upon Jeffrey S. DuBois, Esquire. No CC	Paul E. Cherry
06/17/2005	✓ Order, NOW, this 23rd day of March, 2005, this being the date for nonjury trial; the parties having reached a resolution of the same, do hereby stipulate and agree to the entry of the following order: (see original). BY THE COURT: /s/ Paul E. Cherry, Judge. CC to Blakley & DuBois	Paul E. Cherry

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

JACQUELINE SCHOCH,
Plaintiff

Vs.

DONALD W. COX and ROBIN
COX,
Defendants

: No. 04-645-CD
:
: Type of Pleading:
:
: COMPLAINT IN ACTION TO
: QUIET TITLE
:
: Filed on Behalf of:
: PLAINTIFF
:
: 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 10 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

JACQUELINE SCHOCH,	:	No. _____
Plaintiff	:	
	:	
Vs.	:	
	:	
DONALD W. COX and ROBIN	:	
COX,	:	
Defendants	:	

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 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, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Clearfield County Court Administrator
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-2641

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

JACQUELINE L. SCHOCH,	:	No.
Plaintiff	:	
	:	
Vs.	:	
	:	
DONALD W. COX and ROBIN	:	
COX,	:	
Defendants	:	

COMPLAINT IN ACTION TO QUIET TITLE

AND NOW, comes the Plaintiff, JACQUELINE L. SCHOCH, by and through her attorney, Jeffrey S. DuBois, Esquire, who files this Complaint in Action to Quiet Title, and in support thereof avers the following:

1. Plaintiff, Jacqueline L. Schoch, is an adult individual residing at 908 S. Brady Street, Sandy Township, Clearfield County, Pennsylvania.
2. The Defendants, Donald W. Cox and Robin Cox, are adult individuals residing at 912 S. Brady Street, Sandy Township, Clearfield County, Pennsylvania.
3. Jurisdiction is proper before this Honorable Court as the subject matter of dispute in this case involves real property located in Clearfield County, Pennsylvania.
4. Plaintiff acquired title to real property, where she currently resides, located in Sandy Township, Clearfield County, Pennsylvania, by deed dated September 9, 1976, and recorded in the Recorder of Deeds of Clearfield County to Book 726, Page 334, said deed from Plaintiff's family to Plaintiff. A copy of said deed is attached hereto and marked as Exhibit "A".
5. Said property has been in Plaintiff's family since on or about 1897.

6. Plaintiff's family first received title to said property in 1897 from a deed from L.E. Weber, on behalf of W.E. Pifer, said deed dated August 11, 1897, and recorded in the Recorder of Deeds of Clearfield County to Deed Book No. 96, Page 619. A copy of said deed is attached hereto and marked as Exhibit "B".

7. Included in said property was a private driveway which borders the property of Defendants.

8. Plaintiff, and Plaintiff's family, have always maintained said driveway as their own.

9. In fact, on or about 1935, Plaintiff's Grandfather, L. H. Schoch, laid bricks on said driveway which bordered Defendant's property.

10. Plaintiff's family maintained these bricks, and in fact, a large portion of the bricks remain today.

11. From 1897 until the present time, Plaintiff, and Plaintiff's family, have maintained said driveway as their own.

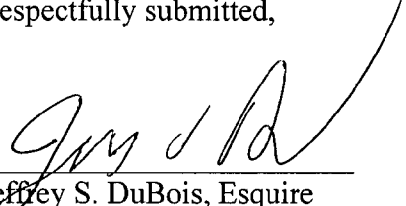
12. Recently, Defendants, have engaged in such actions to attempt to claim ownership to said driveway and have attempted to prevent Plaintiff from using the same.

13. Said actions by Defendants are improper and unlawful, and are clearly against the great weight and evidence set forth in the deeds from Plaintiff's family.

14. Defendants know, or should have known, that they have no property interest in the subject matter of dispute, which is Plaintiff's driveway.

WHEREFORE, Plaintiff respectfully requests this Honorable Court to (a) enter an Order declaring that the Defendants, Donald W. Cox and Robin Cox, are barred from asserting any right, lien, title, or interest in the subject property; (b) enter a judgment ordering the Recorder of Deeds to cancel any deeds by the Defendants attempting to evidence any ownership; and, (c) grant such other relief as may be deemed just and equitable by the Court.

Respectfully submitted,

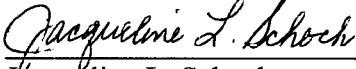


Jeffrey S. DuBois, Esquire
Attorney for Plaintiff

VERIFICATION

I, JACQUELINE L. SCHOCH, verify that the statements in the foregoing
Pleading are true and correct to the best of my knowledge, information and belief.

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.



Jacqueline L. Schoch

VOL 726 PAGE 334

This Deed,

Made the twenty-fourth day of August in the year
of our Lord one thousand nine hundred seventy-six (1976)

Between CORA E. SCHOCH, widow, of Sandy Township, Clearfield County, Pennsylvania, hereinafter referred to as the

Grantor ,

and JACQUELINE L. SCHOCH, of Sandy Township, Clearfield County, Pennsylvania, hereinafter referred to as the

Witnesseth, that in consideration of One and 00/100----- Grantee :
(\$1.00) Dollars,
in hand paid, the receipt whereof is hereby acknowledged, the said grantor do eshereby
grant and convey to the said grantee , ALL those two certain pieces or
parcels of land, situate in Sandy Township, Clearfield County,
Pennsylvania, being bounded and described as follows to wit:

FIRST

BEGINNING at an iron pipe in the Westerly right of way line of South Brady Street, said iron pipe being at the intersection of the Westerly line of South Brady Street and the Northerly line of a sixteen (16) foot alley, said alley being the first alley South of Maloney Road; thence by the Northerly line of said alley, North 86° 52' West, one hundred fifty and four tenths (150.4) feet to an iron pipe; thence by the Easterly line of a sixteen (16) foot alley, North 2° 48' East, fifty (50) feet to an iron pipe; thence by lot of V. Galentine, South 86° 52' East, one hundred fifty one and seventy-five one hundredths (151.75) feet to an iron pipe in the Westerly line of South Brady Street; thence by the Westerly line of South Brady Street, South 4° 15' West, fifty and six one hundredths (50.06) feet to an iron pipe and the place of beginning. Having erected therein a two story frame stucco dwelling, known as 908 South Brady Street.

SECOND

BEGINNING at an iron pipe in the Northerly line of land of Joseph J. Cherry, et al, said iron pipe being North 86° 52' West, one hundred and fifty-four and three tenths (154.3) feet from the intersection of the Northerly line of land of Joseph J. Cherry, et al, and the Westerly line of South Brady Street; thence by land of Joseph J. Cherry, et al, North 86° 52' West, one hundred eighty and six tenths (180.6) feet to an iron pipe; thence by same, North 2° 48' East, three hundred forty-four (344) feet to an iron pipe; thence South 86° 52' East, one hundred and sixty-four and six tenths (164.6) feet to an iron pipe in the Westerly line of a sixteen (16) foot alley; thence by the Westerly line of said alley, South 2° 48' West, one hundred eighty-seven feet to an iron pipe; thence by the Southerly line of a sixteen (16) foot alley South 86° 52' East, sixteen (16) feet to an iron pipe; thence by the land of Robert Schoch, South 2° 48' West, one hundred

fifty-seven (157) feet to an iron pipe and the place of beginning. HAVING thereon erected a 3 stall frame garage.

EXCEPTING AND RESERVING HOWEVER, from the above, that piece or parcel conveyed by the Grantor herein, to Marlin D. Deitch and Virginia A. Deitch, by deed dated August 6, 1973, and recorded in Clearfield County Deed Book 655, page 224, and that piece or parcel, being a sixteen foot by 164.6 feet strip of land, conveyed to Sandy Township, for a public road, by the Grantor herein.

BEING the same premises which became vested in Horace G. Schoch, and Cora E. Schoch, husband and wife, by deed of Robert E. Schoch, et al, dated the 27th day of January 1956 and recorded in Clearfield County Deed Book 448, page 529. The said Horace G. Schoch is deceased and the property is now vested in Cora E. Schoch, Grantor herein, and the Grantee herein, Jacqueline L. Schoch, is the daughter of the said Cora E. Schoch.

And the said grantor, do hereby covenant that she will WARRANT
 GENERALLY the property hereby conveyed.

NOTICE—THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. (This notice is set forth in the manner provided in Section 1 of the Act of July 17, 1957, P.L. 984.)

In Witness Whereof, said grantor has hereunto set her hand and seal the day and year first above written.

**Signed, Sealed and Delivered
in the Presence of**

Signed, Sealed and Delivered
in the Presence of

Marlene E. Outtrif

Cora E. Schoch
Cora E. Schoch

SEAL
SEAL
SEAL
SEAL


State of PENNSYLVANIA

County of CLEARFIELD

On this, the 3rd day of August ~~August~~ ^{September} 19 76, before me,
a Notary Public
the undersigned officer, personally appeared CORA E. SCHOCH widow,

known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that she executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

Marlene E. Duttry 
Notary Public

MARLENE E. DUTTRY, Notary Public *Title of Officer.*
DuBois, Clearfield County, Pa.
My Commission Expires April 7, 1978

State of

NOTICE THE UNDERSIGNED, AS EVIDENCED BY THE SIGNATURE(S) TO THIS NOTICE AND THE ACCEPTANCE AND RECORDING OF THIS DEED, (IS, ARE) FULLY COGNIZANT OF THE FACT THAT THE UNDERSIGNED MAY NOT BE OBTAINING THE RIGHT OF PROTECTION AGAINST SUBSIDENCE, AS TO THE PROPERTY HEREIN CONVEYED, RESULTING FROM COAL MINING OPERATIONS AND THAT THE PURCHASED PROPERTY, HEREIN CONVEYED, MAY BE PROTECTED FROM DAMAGE DUE TO MINE SUBSIDENCE BY A PRIVATE CONTRACT WITH THE OWNERS OF THE ECONOMIC INTEREST IN THE COAL. THIS NOTICE IS INSERTED HEREIN TO COMPLY WITH THE BITUMINOUS MINE SUBSIDENCE AND LAND CONSERVATION ACT OF 1966.

WITNESS:

WITNESS: *Marlene E. Duttry* *Jacqueline L. Schoch*
Marlene E. Duttry *Jacqueline L. Schoch*

Title of Officer.

State of

County of

} ss.

On this, the

day of

19 , before me,

the undersigned officer, personally appeared

known to me (or satisfactorily proven) to be the person whose name subscribed to
the within instrument, and acknowledged that he executed the same for the purposes therein
contained.

In witness whereof, I hereunto set my hand and official seal.

K.T.S.



Title of Officer.

CERTIFICATE OF RESIDENCE

I do hereby certify that the precise residence of the within named grantee is

908 South Brady Street
Du Bois, Pa. 15801

Aug. 24, 19 76

5763

Attorney for Grantee

Entered of Record Sept 9 19 76, 10:25 Cecil A. Burns Recorder.

Deed

CORA E. SCHOCH,

TO

JACQUELINE L. SCHOCH

WARRANTY

CLEARFIELD CO. SS
ENTRIES OF RECORD

Time

11:25 AM

By

D. E. Jones

Fees

7.50

Cecil A. Burns, Recorder

LAW OFFICES

BLAKLEY & JONES

DUBOIS, PENNSYLVANIA 15801

COMMONWEALTH OF PENNSYLVANIA,

County of

CLEARFIELD

} ss.

RECORDED on this 9 day of SeptemberA. D. 19 76, in the Recorder's office of said County, in Deed BookVol. 726, Page 334.

Given under my hand and the seal of the said office, the date above written.

Cecil A. Burns, Recorder.

My Commission Expires
First Monday in Jan. 1930

This Indenture, Made the

Eleventh day of August in the year of our Lord

One Thousand Eight Hundred and Ninety-seven

Between L. E. Weber, Committee of W. E. Pifer, a lunatic, of the Borough of Du Bois, County of Clearfield, State of Pennsylvania, of the first part, and Jacob Schoch of Sandy Township, County and State aforesaid, of the second part.

WHEREAS, W. E. Pifer of the Borough of Du Bois, in the County of Clearfield and State of Pennsylvania, was on the 30th day of Jan. 1897, declared a lunatic by a Commission duly appointed by the Court of Common Pleas of Clearfield County to No. 143, Feb. Term, 1897, and at the time of said appointment, said W. E. Pifer had a wife viz. Kate Pifer.

AND WHEREAS, L. E. Weber was on the 5th day of Feb., 1897 appointed a Committee for said W. E. Pifer by said Court of Common Pleas.

AND WHEREAS, the said W. E. Pifer at the time of his being declared a lunatic owned a certain messuage or Piece of land, situate in Sandy Township, Clearfield County, Pennsylvania, and more fully hereinafter described, in fee simple.

WHEREAS, the said Committee presented his petition to the said Court on the 3rd day of May, 1897, setting forth that Jacob Schoch had offered to purchase said hereinafter described land from the said Committee for the price of sum of Nine Hundred ⁶⁵ Dollars; that the price so offered was a fair one and a better and higher price than could be procured at a public sale of said piece of land and praying that the said Committee be authorized to sell and convey to said Jacob Schoch the said piece of land held by him in trust for said W. E. Pifer, and that said W. E. Pifer was largely in debt and that it was necessary to sell said land for the payment of the debts of said Pifer. Whereupon the said Court after having referred the said petition and the facts therein to Frank Hutton, Esq.,

Commissioner, and after having confirmed absolute the report of the said Commissioner, recommending that the prayer of the petitioner be granted, ordered and decreed on the 13th day of July, 1897 that the said Committee be authorized and empowered to sell at private sale to said Jacob Schoch the said piece of land for the price or sum of and upon the terms and conditions set forth and contained in the petition of said Committee and in said decrees of Court.

NOW, THIS INDENTURE witnesseth that the said L. E. Wever, Committee as aforesaid, for and in consideration of the sum of Nine Hundred Dollars, lawful money of the United States to him in hand paid, the receipt whereof is hereby acknowledged has granted, bargained, sold aliened, released, confirmed and by these presents by force and virtue of said order and decree of the said Court of Common Pleas of the county of Clearfield does grant, bargain, sell, alien release and confirm unto the said Jacob Schoch, his heirs and assigns all that certain messuage or piece or parcel of land, situate in Sandy Township, Clearfield County, Pennsylvania, bounded and described as follows, to wit: On the east by Public Road, on the south by land of E. Edinger and H. A. & J. J. Daly, on the west by land of said dallys and on the north by land of Wilson Bros. and Jacob Wright, and containing about seven town lots.

TOGETHER with all and singular the buildings, improvements, woods, ways, rights, liberties, privileges, hereditaments and appurtenances to the same belonging or in any wise appertaining, and reversions, remainder or remainders, rents, issues, profits thereof and every part and parcel thereof: and also all the estate, right, title, interest, property, possession, claim and demand whatsoever both by law and equity of the said W. E. Pifer and of the said L. E. Weber, Trustee, of the first part, of, in and to the said premises with the appurtenances.

To have and to hold said premises with all and singular the appurtenances unto the said party of the second part, his heirs and assigns to the only proper use, benefit and behoof of the said party of the second part, his heirs and assigns forever.

IN WITNESS WHEREOF the said party of the first part has hereunto
set his hand and seal the day and year first above written.

L. E. Weber, Comr. (SEAL)

SIGNED, SEALED AND DELIVERED:

IN PRESENCE OF

W. L. Pifer

STATE OF PENNSYLVANIA,)
COUNTY OF CLEARFIELD,) ss.

ON THE 11 day of Aug Anno Domini 1897,
before me, a Notary Public in and for said county, personally
appeared the above named L. E. Weber, Committee of W. E. Pifer and
in due form of law acknowledged the foregoing indenture to be his
act and deed and desired that the same might be recorded as such.

WITNESS my hand and Notarial seal the day and year aforesaid.

W. L. Pifer
Notary Public

KNOW ALL MEN BY THESE PRESENTS, that I, Kate Pifer, wife of
W. E. Pifer, a lunatic, for divers good causes and considerations,
and especially for and in consideration of the sum of One Dollar,
to me in hand paid, by Jacob Schoch of the Sandy Township, County of
Clearfield and State of Pennsylvania, at and before the ensealing and
delivery hereof, the receipt whereof I do hereby acknowledge, have
remised, released, quitclaimed and by these presents do remise,
release and quitclaim unto the said Jacob Schoch, and to his heirs
and assigns, all and all manner of dower and right, title of dower
and other interest, right or title whatsoever, which I, the said
Kate Pifer, now have, or may, might, should or of right ought to
have or claim, of in, to, or out of, all that certain messuage or
piece of land situate in sandy Township, Clearfield County,
Pennsylvania, bounded on the east by Public road, on the south by
land of H. Edinger and H. A. & J. J. Daly, on the west by land of
said delys and on the north by land of Wilson Bros. and Jacob Wright
and containing about seven town lots, and which L. E. Weber,
Committee of said W. E. Pifer, by order of Court, conveyed to said
Jacob Schoch, and every part and parcel thereof, with the
appurtenances; and also, all manner of action and actions, writ and
writs of dower, or other actions, and right to make distress,
whatsoever; so that neither I, the said Kate Pifer, nor any other
person or persons whatsoever for me or in my name, right or stead,
any manner of dower, or writs of dower, or actions, right or title
of dower, or other interest, claim or demand whatsoever, of or in
the said messuage, &c., hereditaments and premises within mentioned,
or of or in any part or parcel thereof, at any time hereafter, shall
or may have, claim, or prosecute against the said Jacob Schoch his
heirs or assigns.

IN WITNESS WHEREOF I have hereunto set my hand and seal this
9th day of August, A. D. 1897.

621
Kate H Pifer (SEAL)

SIGNED IN PRESENCE OF

N P Pifer

State of Pennsylvania,
County of Clearfield. } ss.

On the 11 day of Aug Anno Domini 1897 before me,
a Notary Public in and for said county,
personally appeared the above-named Kate Eifer, who being duly affirmed
by law acknowledged the above Release of Dower to be her act and
deed and desired that the same might be recorded as such.

Witness my hand and Notarial Seal this 11th day
and year aforesaid.

Wm. Day
Notary Public

Recd.

John H. Webb

James H. Webb

John H. Webb

Recorded



in the Office of Recording in Clearfield and for the County of
in Dec. 1897

Witness my hand and Seal on this 11th day of Aug Anno Domini 1897

John H. Webb
Notary Public

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

JACQUELINE SCHOCH,) NO. 04-645 C.D.
)
Plaintiff,) Type of Case: CIVIL ACTION
)
vs.) Type of Pleading: DEFENDANTS' ANSWER TO
) PLAINTIFF'S COMPLAINT IN ACTION TO
DONALD W. COX and ROBIN) QUIET TITLE, NEW MATTER &
COX,) COUNTERCLAIM
)
Defendants.) Filed on Behalf of:
) Defendants
)
) Counsel of Record:
) BENJAMIN S. BLAKLEY, III, ESQ.
) Supreme Court no. 26331
)
) BLAKLEY & JONES
) 90 Beaver Drive, Box 6
) Du Bois, Pa 15801
) (814) 371-2730

FILED

JUN 04 2004

012:15/2004
William A. Shaw

Prothonotary/Clerk of Courts

3 COPY TO ATTY

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

JACQUELINE SCHOCH,	)	NO. 01-287-C.D.
)	
Plaintiff,)	
)	
vs.)	
)	
DONALD W. COX and ROBIN COX,)	
)	
Defendant.)	

NOTICE TO DEFEND

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 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 an order may be entered against you by the Court without further notice for any money claimed in the Complaint requested by 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.

David S. Meholick,
Court Administrator
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830
(814) 765-2641

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

JACQUELINE SCHOCH,	)	NO. 01-287-C.D.
)	
Plaintiff,)	
)	
vs.)	
)	
DONALD W. COX and ROBIN COX,)	
)	
Defendant.)	

**DEFENDANTS' ANSWER TO PLAINTIFF'S COMPLAINT IN
ACTION TO QUIET TITLE, NEW MATTER & COUNTERCLAIM**

AND NOW, come Defendants, **DONALD W. COX and ROBIN COX**, by and through their attorneys, **BLAKLEY & JONES**, and files the following Answer, New Matter and Counterclaim to Plaintiff's Complaint in Action to Quiet Title, and in support thereof, the following is averred:

ANSWER

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. After reasonable investigation, Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained

within Paragraph 5 of Plaintiff's Complaint and therefore denies the same and demands strict proof thereof at trial.

6. It is admitted that a Jacob Schoch received title to seven (7) town lots in a deed from L. E. Weber, Committee of W. E. Pifer, a Lunatic, by Deed dated August 11, 1987, and recorded in Clearfield County Deed Book Vol. 96, Page 619.

7. It is denied that included in said property was a private driveway which borders the property of Defendants, and on the contrary, it is averred that the Deed set forth in Paragraph 6 of Plaintiff's Complaint only conveys seven (7) town lots described more particularly in subsequent deeds of conveyance.

8. Denied, and on the contrary, it is averred that the Plaintiff, Plaintiff's family, Defendants and Defendants' families have always maintained said driveway in common.

9. It is admitted that an L. H. Schoch laid bricks on the roadway used as a driveway by Defendants' predecessor-in-title at the request of Defendants' predecessor-in-title, to-wit, Annie Edinger, in order to provide access to a garage located at the rear of the Edinger property located adjacent to the said driveway.

10. Denied, and on the contrary, it is averred that the aforesaid bricks were maintained by the Defendants and their predecessors-in-interest in order to provide access to the garage located to the rear of Defendants' residence located adjacent to the aforesaid driveway.

11. Denied, and on the contrary, it is averred that the Defendants and Defendants' predecessors-in-title, including Francis A. Vardy and Olive J. Vardy, parents of

Defendant Robin Cox, have maintained the said driveway as their own in common with the Plaintiff and Plaintiff's family.

12. Denied, and on the contrary, it is averred that the Defendants have attempted to resist the efforts of the Plaintiff to claim ownership of the said driveway and have attempted to prevent the Plaintiff from blocking the use of the driveway, which had been used continuously by the Defendants and their predecessors-in-title since 1893, and on the contrary, it is averred that it is the Plaintiff who is engaged in such actions to attempt to claim ownership to said driveway and who has attempted to prevent the Defendants from using the same.

13. Denied, and on the contrary, it is averred that it is that actions of the Plaintiff that are unlawful and clearly against the weight in evidence of the law and documents of record.

14. The averments contained in Paragraph 14 of Plaintiff's Complaint contain conclusions of law, and therefore, no answer is required; however, to such extent that answer is required, it is denied that the Defendants have no property interest in the subject matter of dispute or that the same is the Plaintiff's driveway. On the contrary, it is averred that the Defendants have a property interest in said driveway, as the same has been used continuously by the Defendants and their predecessors-in-interest since 1893.

WHEREFORE, Respondent respectfully requests that this Honorable Court deny Plaintiff's prayer for relief.

NEW MATTER

15. Defendants incorporate by reference their answers to Paragraph 1 through 14 of Plaintiff's Complaint as if the same were if fully set forth herein.

16. Plaintiff's title to her real property derives from a deed from L. E. Weber on behalf of W. E. Weber by Deed dated August 11, 1897, and recorded in Clearfield County Deed Book Vol. 96, Page 619, in which the said Grantor conveyed to a Jacob Schoch certain real property containing "about seven town lots" with no mention of alleyways or driveways as part of the conveyance.

17. The subject property passed from Jacob Schoch to Lewis H. Schoch, grandfather of the Plaintiff, then to Horace G. Schoch and Cora E. Schoch, who received their interest by Deed of Robert E. Schoch, Executor of the Estate of Lewis H. Schoch, by Deed dated January 27, 1956, and recorded in Clearfield County Deed Book Vol. 448, Page 529. A copy of said Deed is attached hereto and marked Defendants' Exhibit "A."

18. In the aforesaid Deed, the seven lots conveyed to Lewis H. Schoch were more particularly described as two separate parcels as set forth in said Deed. In said Deed description, the real property of Lewis Schoch is shown to be bounded by a sixteen foot alley, that being the said driveway bordering the properties of the Plaintiff and Defendants, and which is the subject matter of this dispute.

19. Appended to the Deed into Horace G. Schoch and Cora E. Schoch dated January 27, 1956, and recorded in Clearfield County Deed Book Vol. 448, Page 529, as set forth

above, is a map of survey by Simpson & Madison dated January, 1956, and made a part of said Deed, clearly showing the lands of Horace G. and Cora E. Schoch being bounded by a sixteen foot alley to the south of said property.

20. In the Deed dated August 24, 1976, and recorded in Clearfield County Deed Book Vol. 726, Page 334, the Plaintiff's mother, Cora E. Schoch, did convey the same tract of land which was acquired in the Deed from Robert E. Schoch, Executor of the Estate of Lewis H. Schoch, as set forth above, with no mention being made of any alleyways or driveways intended to be conveyed to the Plaintiff.

21. During her ownership of said real property, the Plaintiff has had commissioned a survey of her property by Alexander Surveying dated February 25, 1992, clearly showing the lands of the Plaintiff being bounded by a sixteen foot alley to the south. A copy of said survey map is attached hereto and marked Defendants' Exhibit "B."

22. Plaintiff knows or should have known, as a result of the various conveyances leading up to the Plaintiff's ownership of her real property and the various surveys that have been conducted by Plaintiff's predecessor-in-interest and by Plaintiff, that she has no property interest in the subject matter of this dispute and that at no time was the subject driveway conveyed, nor was it intended to be conveyed, to the Plaintiff or to her predecessors-in-title.

WHEREFORE, Defendants respectfully request that this Honorable Court dismiss Plaintiff's Complaint.

COUNTERCLAIM

23. Defendants incorporate by reference their answers to Paragraph 1 through 14 of Plaintiff's Complaint and Paragraphs 15 through 22 of Defendants' New Matter as if the same were if fully set forth herein.

24. Defendants acquired title to their real property located in Sandy Township, in which they currently reside, by Deed dated February 17, 1995, and recorded in Clearfield County Deed Book Vol. 1661, Page 314, said Deed being from Defendant Robin L. Cox, individually and as Executrix of the Estate of Olive J. Vardy, mother of Defendant Robin Cox. A copy of said Deed is attached hereto and marked as Defendants' Exhibit "C."

25. Said property has been in the Defendant Robin Cox's family since 1964 and has been owned by the Defendant Robin Cox's predecessors-in-title since August 19, 1893, when W. E. Pifer, et ux, conveyed the subject property to W. H. Edinger by Deed dated August 19, 1893, recorded in Clearfield County Deed Book Vol. 81, Page 145. A copy of said Deed is attached hereto and marked as Defendants' Exhibit "C."

26. As set forth in said Deed, the Defendants' property was bounded by a sixteen foot alley on its northern boundary. The said sixteen foot alley as set forth in the Defendants' deeds and the deeds of their predecessors-in-interest is the same sixteen foot alley which bounds the southern boundary of the Plaintiff's real property as set forth in Plaintiff's deed and the prior deeds of conveyance of said real property.

27. Defendants and Defendant's family have always maintained said driveway.

28. Defendants believe and therefore aver that the Plaintiff's grandfather, L. H. Schoch, laid bricks on said driveway in order to improve the access to the garage of Annie Edinger, Defendants' predecessor-in-title, the said bricks still being visible to this day and leading in a direct line to the former garage of Annie Edinger, the Defendants' predecessor-in-title, and located on lands now owned by the Defendants.

29. From 1964 until the present time, Defendants and Defendants' family have maintained the said driveway in common with the Plaintiff.

30. Recently, Plaintiff is engaged in such action so as to attempt to claim ownership of said driveway and has attempted to prevent Defendants from using the same.

31. Said actions by the Plaintiff are improper and unlawful and are clearly against the great weight and evidence as set forth in the deeds of conveyance into the Plaintiff and her predecessors-in-title and as set forth in the deeds into the Defendants and their predecessors-in-title.

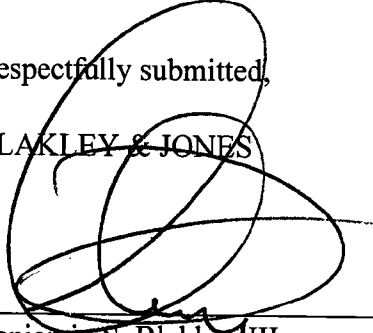
32. Plaintiff knows or should have known that she has no property interest in the subject matter of this dispute, which is a driveway maintained in common between the Defendants and the Plaintiff.

WHEREFORE, Defendants respectfully request this Honorable Court to:

- (a) enter an Order declaring that the Plaintiff, **JACQUELINE SCHOCH**, is barred from asserting any right, lien, title or interest in the subject property;
- (b) enter a judgment ordering the Recorder of Deeds to cancel any deeds by the Plaintiff attempting to evidence any ownership in and to said subject property; and
- (c) grant such other relief as may be deemed just and equitable by the court.

Respectfully submitted,

BLAKLEY & JONES



Benjamin S. Blakley, III
Attorney for Plaintiff

VERIFICATION

I verify that the statements made in this Defendants' Answer to Plaintiff's Complaint in Action to Quiet Title, New Matter & Counterclaim are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsification to authorities.

DATE: 6/3/04



DONALD W. COX

THIS INDENTURE made this twenty-seventh (27th) day of January, in the year of our Lord one thousand nine hundred and fifty-six (1956).

Between ROBERT E. SCHOCH, of Sandy Township, Clearfield County, Pennsylvania, executor of the estate of Lewis H. Schoch, alias L. H. Schoch, widower, deceased, late of Sandy Township, Clearfield County, Pennsylvania; and HOBART A. SCHOCH and MARY E. SCHOCH, his wife, of Cincinnati, Hamilton County, Ohio; HORACE G. SCHOCH and CORA E. SCHOCH, his wife, of Sandy Township, Clearfield County, Pennsylvania; RODNEY A. SCHOCH and ELZEAR SCHOCH, his wife, of Bradford, McKean County, Pennsylvania; ROBERT E. SCHOCH and MARTHA SCHOCH, his wife, of Sandy Township, Clearfield County, Pennsylvania; and BETTY SCHOCH, single, of Harrisburg, Dauphin County, Pennsylvania, of the one part, hereinafter called the Grantors;

-and-

HORACE G. SCHOCH and CORA E. SCHOCH, husband and wife, as tenants by entireties, both of Sandy Township, Clearfield County, Pennsylvania, of the other part, hereinafter called the Grantees.

WHEREAS, the said Lewis H. Schoch, alias L. H. Schoch, in his lifetime and at his death, was seized in fee of and in the tracts of ground hereinafter described, being the premises described in a deed of indenture from Ethel Magnuson, dated March 23, 1934, to Lewis H. Schoch and Lottie Schoch, husband and wife, and recorded in the office for the recording of deeds in and for Clearfield County, Pennsylvania, in Deed Book 301, page 228; and the said Lottie Schoch departed this life on or about May 1, 1950, and the entire title to the hereinafter described premises thereupon vested in the said Lewis H. Schoch.

AND WHEREAS, the said Lewis H. Schoch departed this life testate on or about Sunday, January 9, 1955.

AND WHEREAS, Letters Testamentary were granted to Robert E. Schoch by the Register of Wills of Clearfield County, Pennsylvania, on the 13th day of January, 1955.

AND WHEREAS, Robert E. Schoch is an individual executor who was not required to give bond by the Register of Clearfield County, Pennsylvania, or by the Court in connection with his appointment as executor, or otherwise, in this estate, and there is no one

EXHIBIT

A

AND WHEREAS, the General Assembly of the Commonwealth of Pennsylvania, by an Act known as the Fiduciaries Act of 1949, duly approved the 18th day of April, 1949, expressly provided that the personal representative may sell any real property of the decedent not specifically devised, and that no security is required of an individual executor under the circumstances hereinabove enumerated.

AND WHEREAS, Hobart A. Schoch, Horace G. Schoch, Rodney A. Schoch, Robert E. Schoch and Betty Schoch are all the children of Lewis H. Schoch and the sole beneficiaries of his entire estate under Item two of his will.

NOW, THIS INDENTURE WITNESSETH, that the said Robert L. Schoch, executor of the estate of Lewis H. Schoch, one of the grantors, by virtue of the power and authority aforesaid in said Act of Assembly contained, and Hobart A. Schoch and Mary E. Schoch, his wife; Horace G. Schoch and Cora E. Schoch, his wife; Rodney A. Schoch and Elzear Schoch, his wife; Robert E. Schoch and Martha Schoch, his wife; and Betty Schoch, single, the remainder of the grantors; in consideration of the sum of Sixty-four Hundred (\$6,400.00) Dollars to them paid by the said grantees, at and before the enrolling and delivery of these presents, the receipt whereof is hereby acknowledged, have granted, bargained, sold and conveyed, and do hereby grant, bargain, sell and convey, to the said Horace G. Schoch and Cora E. Schoch, husband and wife, their heirs and assigns forever, All those two (2) certain pieces, parcels or tracts of land situate, lying and being in the Township of Sandy, County of Clearfield and State of Pennsylvania, and bounded and described as follows, to wit:

THE FIRST THEREOF:

BEGINNING at an iron pipe in the Westerly right of way line of South Brady Street, said iron pipe being at the intersection of the Westerly line of South Brady Street and the Northerly line of a sixteen (16) foot alley, said alley being the first alley South of Maloney Road; thence by the Northerly line of said alley, North $86^{\circ} 52'$ West, one hundred and fifty and four-tenths (150.4) feet to an iron pipe; thence by the Easterly line of a sixteen (16) foot alley, North $2^{\circ} 48'$ East, fifty (50) feet to an iron pipe; thence by lot of V. Galentine, South $86^{\circ} 52'$ East, one hundred and fifty-one and seventy-five one-hundredths (151.75) feet to an iron pipe in the Westerly line of South Brady Street; thence by the Westerly line of South Brady Street, South $7^{\circ} 15'$ West, fifty and six one-hundredths

(50.36) feet to an iron pipe and the place of beginning. Having thereon erected a two-story frame stucco dwelling house known as 903 South Brady Street.

THE SECOND HEREOF:

BEGINNING at an iron pipe in the Northerly line of land of Joseph J. Cherry, et al; said iron pipe being, North $86^{\circ} 52'$ West, one hundred and fifty-four and three-tenths (154.3) feet from the intersection of the Northerly line of land of Joseph J. Cherry, et al, and the westerly line of South Brady Street; thence by land of Joseph J. Cherry, et al, North $86^{\circ} 52'$ west, one hundred and eighty and six-tenths (180.6) feet to an iron pipe; thence by same, North $2^{\circ} 48'$ East, three hundred and forty-four (344) feet to an iron pipe; thence South $86^{\circ} 52'$ East, one hundred and sixty-four and six-tenths (164.6) feet to an iron pipe in the Westerly line of a sixteen (16) foot alley; thence by the Westerly line of said alley, South $2^{\circ} 48'$ East, one hundred and eighty-seven (187) feet to an iron pipe; thence by the Southerly line of a sixteen (16) foot alley, South $86^{\circ} 52'$ East, sixteen (16) feet to an iron pipe; thence by land of Robert Schoch, South $2^{\circ} 48'$ West, one hundred and fifty-seven (157) feet to an iron pipe and the place of beginning. Having thereon erected a 3-stall frame garage.

Map of survey by Simpson & Madison, dated January, 1956, being hereto attached and made a part hereof.

Together with all and singular the rights, liberties, privileges, hereditaments and appurtenances whatsoever thereunto belonging, or in anywise appertaining, and the reversions and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, property, claim and demand whatsoever of the said Lewis H. Schoch at and immediately before the time of his decease, in law or equity, or otherwise howsoever, of, in, to or out of the same.

To have and to hold the said granted premises to the said grantees, their heirs and assigns forever.

And the said Robert E. Schoch, executor of the estate of Lewis H. Schoch, one of the grantors, does covenant, promise, grant and agree, to and with the said grantees, their heirs and assigns, by these presents, that he, the said grantor, has not done, committed, knowingly or willfully suffered to be done, any act, matter or thing whatsoever, whereby the premises, or any

ENGINEERING OFFICE
OF
SIMPSON & MADISON
DUBOIS, PA

BOOK 448 PAGE

JOSEPH J. CHERRY ET AL

N 2° 53' E 344.0'

L.H. SCHOCH EST
TO
HORACE G. & CORA E. SCHOCH

S 88° 52' E 164.6'

S 30° 52' E 16.0'

N 54° 22' S 187.1'

Alley

ROSE N. SCHOCH

V. GARRETT

N 2° 44' E 50.0'
L.H. SCHOCH EST
TO
HORACE G. & CORA E. SCHOCH

S 88° 52' E 151.7'

SOUTH

BRADY

STREET

PLOT OF LOTS

SANDY TWP. CLFD. CO

SCALE 1"=50'

JAN 1956

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CLEARFIELD COUNTY
ENTERED OF RECORD

TIME 2:45 PM 2-28-95
BY Paula Cherry
FEES 16.00

Karen L. Starck, Recorder

THIS INDENTURE, made the Seventeenth (17th) day of February, 1995, between ROBIN L. COX, Individually and as Executrix of the Estate of OLIVE J. VARDY, deceased, late of Sandy Township, Clearfield County, Pennsylvania, and LYNN F. VARDY, of Erie, Pennsylvania, GRANTORS, Parties of the First Part;

A
N
D

ROBIN L. COX and DONALD W. COX, wife and husband, of Henderson, Clark County, Nevada, as Tenants by the Entireties, GRANTEES, Parties of the Second Part;

WITNESSETH, that the said Parties of the First Part, for and in consideration of the sum of ONE and 00/100 DOLLAR (\$1.00), lawful money of the United States of America, well and truly paid by the said Parties of the Second Part, at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, have granted, bargained, sold, aliened, enfeoffed, released, conveyed and confirmed, and by these presents, do grant, bargain, sell, alien, enfeoff, release, convey and confirm, unto the said Parties of the Second Part, their heirs and assigns, ALL those three (3) certain lots or parcels of land situate, lying and being in the Township of Sandy, County of Clearfield, and State of Pennsylvania, and being

EXHIBIT

C

bounded and described as follows, to wit:

BEGINNING at a post on the Westerly side of public highway (commonly known as South Brady Street) leading from DuBois to Erie Turnpike, at the Northeast corner of lands formerly of J. J. Daley and H. A. Daley; thence North 88 degrees 30 minutes West by line of said Daley lands 150 feet to a post at a 16 foot alley; thence North 1 degree 30 minutes East by line of said alley 150 feet to a post at another alley; thence South 88 degrees 30 minutes East by line of last mentioned alley 150 feet to a post at South Brady Street; thence South 1 degree 30 minutes West by line of said South Brady Street 150 feet to a post, the place of beginning.

Being known and numbered on the plan of W. E. Pifer's Addition to DuBois, Pa., as Lot No. 4, No. 5, and No. 6 and having thereon erected a large two-story, frame dwelling house known as 912 South Brady Street, Sandy Township, Clearfield County, Pa. (DuBois, Pa.)

BEING the same premises which were conveyed to Francis A. Vardy and Olive J. Vardy, husband and wife, by Deed of Robert E. Schoch, et al., dated November 6, 1964, and recorded in Clearfield County Deed Book Vol. 511, Page 407, on November 13, 1964. The said Francis A. Vardy having died on November 28, 1991, the same remained unto Olive J. Vardy. The said Olive J. Vardy died testate on September 11, 1994, and by the terms of her Last Will and Testament which was duly probated in the Orphans' Court Division of the Court of Common Pleas of Clearfield County, Pennsylvania, on September 22, 1994, did nominate, constitute and appoint her daughter, Robin L. Cox, as Executrix of her estate.

N O T I C E

To comply with the Act of July 17, 1957 (52 P.S. Supp. Sec. 1551-1554) notice is hereby given as follows:

THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL, AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL, AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND, AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND.

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I hereby CERTIFY that this document
is recorded in the Recorder's Office of
Chester County, Pennsylvania.



Karen L. Starck

Karen L. Starck
Recorder of Deeds

662 B

NOTICE

In accordance with the provisions of "The Bituminous Mine Subsidence and Land Conservation Act of 1966", I/we, the undersigned grantee/grantees, hereby certify that I/we know and understand that I/we may not be obtaining the right of protection against subsidence resulting from coal mining operations and that the purchased property may be protected from damage due to mine subsidence by a private contract with the owners of the economic interest in the coal. I/we further certify that this certification is in a color contrasting with that in the deed proper and is printed in twelve point type preceded by the word "notice" printed in twenty-four point type.

Witness:

[Signature]

Robin L. Cox
Robin L. Cox
Donald W. Cox
Donald W. Cox

This *21th* day of February, 1995



JILL BURKE
Notary Public - Nevada
Clark County
My appt. exp. Feb. 22, 1997

AND the said ROBIN L. COX, Executrix of the Estate of OLIVE J. VARDY, for herself, her heirs, successors, executors, administrators and assigns, does covenant, promise and agree, to and with the said Grantees, their heirs and assigns, by these presents, that she, the said Executrix has not done, committed or knowingly or willingly suffered to be done, or committed, any act, matter or thing whatsoever, whereby the premises hereby granted, or any part thereof, is, are, shall or may be impeached, charged or encumbered in title, charge, estate or otherwise howsoever.

IN WITNESS WHEREOF, the said Parties of the First Part

have hereunto set their hands and seals the day and year first above written.

WITNESS:

Michelle Harp

Robin L. Cox (SEAL)
Robin L. Cox, Individually and
as Executrix of the Estate of
Olive J. Vardy, deceased

Sharon A. Swanson

Lynn F. Vardy (SEAL)
Lynn F. Vardy

This is a transfer from sister and brother to sister and her husband and is not subject to transfer tax.

NTS

CERTIFICATE OF RESIDENCE

I hereby certify that the precise residence of the within-named Grantees is:

541 Crony Avenue
Henderson, NV 89015

By Sharon A. Swanson
Attorney for Grantees

STATE OF NEVADA :
COUNTY OF Clark : SS.

On this, the 24th day of February, 1995, before me, a Notary Public, in and for the County and State aforesaid, personally appeared ROBIN L. COX, Individually and as Executrix of the Estate of OLIVE J. VARDY, deceased, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that she executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto affixed my hand and Official Seal.

My commission expires: 2/22/97

Notary Public

JILL BURKE

Notary Public - Nevada

Clark County

My appt. exp. Feb. 22, 1997

COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF ERIE : SS.

On this, the 27th day of February, 1995, before me, a Notary Public, in and for the County and State aforesaid, personally appeared LYNN F. VARDY, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto affixed my hand and Official Seal.

My commission expires:

FEB 27 1995

Notary Public

NOTARIAL SEAL

SHARON A. SWANSON, NOTARY PUBLIC
-5-
ERIE COUNTY, PENNSYLVANIA
MY COMMISSION EXPIRES JAN. 14, 1999

Entered of Record Feb 28 1995, 2:45 PM Karen L. Stark, Recorder

DEED.

This Indenture,

51 143

M. E. Pifer su

To

M. H. Edinger

Made the thirteenth day of August in the year of our

Lord one thousand eight hundred and thirty three Between

M. E. Pifer and Kate, his wife of the
Borough of Darbs, County of Clearfield
and State of Pennsylvania

of the first part, and M. H. Edinger of Brady Township County and
State of Pennsylvania

of the second part; Witnesseth, that the said party of the first part
for and in consideration of the sum of Five hundred

dollars Lawful money of the United States
of America,

well and truly paid by the said party of the second part to the said
party of the first part at the before the sealing and delivery of these presents, the receipt

whereof is hereby acknowledged, has granted, bargained, sold, aliened, enfeoffed, released, conveyed and confirmed, and by these presents
do grant, bargain, sell, alien, enfeoff, release, convey and confirm, unto the said party of the second part
his heirs and assigns, all that certain

messuage or piece of land situate in Sandy Township, Clearfield
County, Pennsylvania, bounded and described as follows to wit:

Being known as lots No 5 and 6, as per M. E. Pifer's addition to the
Borough of Darbs, beginning at a post on public road leading

from Darbs to Erie Pike, at corner of land of J. J. and H. A. Daley
thence by land of said Daley, North 88 and 1/2° West one hundred fifty

feet to a post thence by a section full alley, North 1 and 1/2°
East one hundred fifty feet to a post thence by a section full alley

South 88 and 1/2° East one hundred fifty feet to public road
thence by said Road North 1 and 1/2° West one hundred fifty feet

to the place of beginning. Being part of a larger tract of land which
by sundry good and legal conveyances became vested in Andrew

Smith, who by deed dated the 10. day of March 1884 and recorded
in the office for the recording of deeds for the County of Clearfield

in Deed Book No. 40 page 104. conveyed the same to M. E. Pifer
grantor above named.

Together with all and singular the tenement

rights, liberties,

privileges, hereditaments and appurtenances to the same belonging

or in any wise appertaining, and the reversion

and reversions

remainder, &c. Remainder

rents, issues and profits thereof,

and also

all the estate, right, title, interest, property

claim and demand whatsoever, both in law and equity of the said party of the
first part of or out of the said premises, and every part
and parcel thereof.

EXHIBIT

D

To have and to hold the said premises with all and singular

unto the said party of the second part his heirs and assigns, to and for the only proper use and behoof of the said party of the second part his heirs and assigns forever.

And the said parties of the first part and their heirs, executors and administrators, do by these presents covenant, grant and agree, to and with the said party of the second part his heirs and assigns, that they the said parties of the first part their heirs, all and singular the hereditaments and premises hereinabove described and granted, or mentioned and intended with the appurtenances, unto the said party of the second part his heirs and assigns, against the said party of the first part and their heirs, and against all and every other person or persons whomsoever lawfully claiming or to claim the same or any part thereof, by force or wrong, shall and will by these presents WARRANT and forever DEFEND. In Witness Whereof, the said party of the first part to these presents has hereunto, set their hand and seal: Dated the day and year first above written.

Signed Sealed and delivered M.C. Penty M.E. Piper in presence of Kate Piper

State of Pennsylvania
Clearfield County

On the 22nd day of Aug. in the year one thousand eight hundred and Ninety three before me the undersigned a Notary Public in and for said County came the above named M.E. Piper and Kate his wife and they acknowledged the above Indenture for their act and deed and claim the same might be recorded as such: and the said Kate Piper being of full age and separate and apart from her husband, by me examined and the free contents of said Indenture being by me made known to her declare upon such separate examination that she did voluntarily and of her own free will and accord sign seal and as her act and deed deliver the said Indenture without any coercion or compulsion of her said husband.

M.C. Penty
Notary Public

Oct. 26.

Ben. Koger

BLAKLEY & JONES, ATTY.

ID:814-375-1082

MAY 21 '04 8:04 No.001 P.03

Form SS-4 Rev. December 2001 Department of the Treasury Internal Revenue Service		Application for Employer Identification Number (For use by employers, corporations, partnerships, trusts, estates, churches, government agencies, Indian tribal entities, certain individuals, and others.) See separate instructions for each line. Keep a copy for your records.		EIN OMB No. 1545-0003
1 Legal name of entity (or individual) for whom the EIN is being requested Estate of Carrie Lombardo				
2 Trade name of business (if different from name on line 1) MARY CLOUSER				
3a Mailing address (room, apt., suite no. and street, or P.O. box) 616 Locust Street		3b Street address (if different) (Do not enter a P.O. box.) 5-16016859		
4a City, state, and ZIP code DuBois PA 15801		4b City, state, and ZIP code 5/24/04		
5 County and state where principal business is located Clearfield County, Pennsylvania				
6a Name of principal officer, general partner, partner, owner, or trustee MARY CLOUSER		6b SSN, ITIN, or EIN 164-46-12992		
7a Type of entity (check only one box)				
<input type="checkbox"/> Sole proprietor (SSN) <input type="checkbox"/> Estate (SSN of decedent) 164-46-12992 <input type="checkbox"/> Partnership <input type="checkbox"/> Plan administrator (SSN) <input type="checkbox"/> Corporation (enter form number to be filed) <input type="checkbox"/> Trust (SSN of grantor) <input type="checkbox"/> Personal service corp. <input type="checkbox"/> National Guard <input type="checkbox"/> State/local government <input type="checkbox"/> Church or church-controlled organization <input type="checkbox"/> Farmers' cooperative <input type="checkbox"/> Federal government/territory <input type="checkbox"/> Other nonprofit organization (specify) <input type="checkbox"/> AFMPC <input type="checkbox"/> Indian tribal government/enterprise <input type="checkbox"/> Other (specify) <input type="checkbox"/> Group Formation Number (SSN)				
8b If a corporation, name the state or foreign country (if applicable) where incorporated State n/a Foreign country n/a				
9 Reason for applying (check only one box)				
<input type="checkbox"/> Started new business (specify type) <input type="checkbox"/> Banking purpose (specify purpose) <input type="checkbox"/> Hired employees (Check the box and see line 12.) <input type="checkbox"/> Changed type of organization (specify new type) <input type="checkbox"/> Compliance with IRS withholding regulations <input type="checkbox"/> Purchased going business <input checked="" type="checkbox"/> Other (specify) Estate 11 <input type="checkbox"/> Created a trust (specify type) <input type="checkbox"/> Created a pension plan (specify type)				
10 Date business started or acquired (month, day, year) April 18, 2004				
11 Closing month of accounting year March				
12 First date wages or annuities were paid or will be paid (month, day, year). Note: If applicant is a withholding agent, enter date income will first be paid to nonresident alien. (month, day, year) n/a				
13 Highest number of employees expected in the next 12 months. Note: If the applicant does not expect to have any employees during the period, enter "0". Agricultural 0 Household 0 Other 0				
14 Check one box that best describes the principal activity of your business.				
<input type="checkbox"/> Construction <input type="checkbox"/> Rental & leasing <input type="checkbox"/> Transportation & warehousing <input type="checkbox"/> Health care & social assistance <input type="checkbox"/> Wholesale-retailer <input type="checkbox"/> Real estate <input type="checkbox"/> Manufacturing <input type="checkbox"/> Finance & insurance <input checked="" type="checkbox"/> Other (specify) Estate settlement				
15 Indicate principal line of merchandise sold; specific construction work done; products produced; or services provided.				
16a Has the applicant ever applied for an employer identification number for this or any other business? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Note: If "Yes," please complete lines 16b and 16c.				
16b If you checked "Yes" on line 16a, give applicant's legal name and trade name shown on prior application if different from line 1 or 2 above. Legal name Trade name				
16c Approximate date when, and city and state where, the application was filed. Enter previous employer identification number if known. Approximate date when filed (mo., day, year) City and state where filed Previous EIN				
Third Party Designee				
Complete this section only if you want to authorize the named individual to receive the entity's EIN and answer questions shown the completion of this form.				
Designee's name Benjamin S. Blakley, Esquire				
Designee's telephone number (include area code) (814) 371-2730				
Designee's fax number (include area code) (814) 375-1082				
Under penalties of perjury, I declare that I have examined this application, and to the best of my knowledge and belief it is true, correct, and complete.				
Name and title (type or print clearly) Mary Clouser				
Signature Mary Clouser Date 5-17-2004				
For Privacy Act and Paperwork Reduction Act Notice, see separate instructions. Cat. No. 1545-0003 Form SS-4 (Rev. 12-2001)				


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 www.blumberg.com

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

JACQUELINE SCHUCH,

Plaintiff,

v.

DONALD W. COX and ROBIN COX,

Defendants.

DEFENDANT'S ANSWER TO PLAINTIFF'S
COMPLAINT IN ACTION TO QUIET
TITLE, NEW MATTER & COUNTERCLAIM

No. 04-645-C.D.

LAW OFFICES

BLAKLEY & JONES

90 BEAVER DRIVE - BOX 6
DUBOIS, PA 15801

FILED

JUN 04 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

JACQUELINE SCHOCH,	)	NO. 04-645 C.D.
)	
Plaintiff,	)	Type of Case: CIVIL ACTION
)	
vs.	)	Type of Pleading:
	)	CERTIFICATE OF SERVICE
DONALD W. COX and ROBIN)	
COX,	)	Filed on Behalf of:
	)	Defendants
Defendants.)	
	)	Counsel of Record:
	)	BENJAMIN S. BLAKLEY, III, ESQ.
)	Supreme Court no. 26331
)	
)	BLAKLEY & JONES
)	90 Beaver Drive, Box 6
)	Du Bois, Pa 15801
)	(814) 371-2730

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JUN 09 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

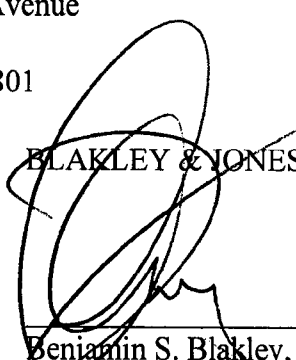
JACQUELINE SCHOCH,	) NO. 01-287-C.D.
)
Plaintiff,)
)
vs.)
)
DONALD W. COX and ROBIN COX,)
)
Defendant.)

I, **BENJAMIN S. BLAKLEY, III**, hereby certify that I have served a true and correct copy of Defendants' Answer to Plaintiff's Complaint in Action to Quiet Title, New Matter & Counterclaim upon counsel for the Plaintiff on this 8th day of June, 2004, by depositing the same with the United States Postal Service via First-Class Mail, postage pre-paid, addressed as follows:

Jeffrey S. DuBois, Esquire
190 West Park Avenue
Suite 5
Du Bois, PA 15801

BY:

BLAKLEY & JONES


Benjamin S. Blakley, III
Attorney for Defendants

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

JACQUELINE SCHOCH,

Plaintiff,

v.

DONALD W. COX and ROBIN COX,

Defendants.

CERTIFICATE OF SERVICE

No. 04-645-C.D.

William A. Shaw
Prothonotary/Clerk of Courts

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JUN 11 2004
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LAW OFFICES

BLAKLEY & JONES

90 BEAVER DRIVE - BOX 6

DUBOIS, PA 15801

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

JACQUELINE SCHOCH,) NO. 04-645 C.D.
)
Plaintiff,) Type of Case: CIVIL ACTION
)
vs.) Type of Pleading:
) CERTIFICATE OF SERVICE
DONALD W. COX and ROBIN)
COX,) Filed on Behalf of:
) Defendants
Defendants.)
) Counsel of Record:
) BENJAMIN S. BLAKLEY, III, ESQ.
) Supreme Court no. 26331
)
) BLAKLEY & JONES
) 90 Beaver Drive, Box 6
) Du Bois, Pa 15801
) (814) 371-2730

FILED ^{no} _{cc}
m/11406/1
JUL 02 2004

William A. Shay
Prothonotary/Clerk of Courts

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

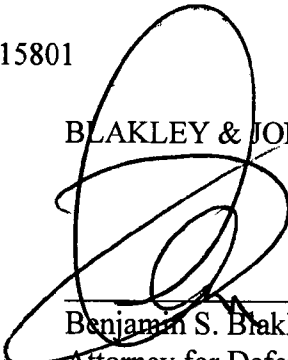
JACQUELINE SCHOCH,	)	NO. 01-287-C.D.
)	
Plaintiff,)	
)	
vs.)	
)	
DONALD W. COX and ROBIN COX,)	
)	
Defendant.)	

CERTIFICATE OF SERVICE

I, **BENJAMIN S. BLAKLEY, III**, hereby certify that I have served a true and correct copy of Defendants' Notice this 1st day of July, 2004, by depositing the same with the United States Postal Service via First-Class Mail, postage pre-paid, addressed as follows:

Jeffrey S. DuBois, Esquire
190 West Park Avenue
Suite 5
Du Bois, PA 15801

BLAKLEY & JONES



Benjamin S. Blakley, III
Attorney for Defendants

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

JACQUELINE SCHOCH,

Plaintiff,

v.

DONALD W. COX and ROBIN COX,

Defendants.

CERTIFICATE OF SERVICE

No. 04-645-C.D.

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JUL 02 2004
William A. Shaw
Prothonotary/Clerk of Courts

LAW OFFICES
BLAKLEY & JONES
90 BEAVER DRIVE - BOX 6
DUBOIS, PA 15801

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

JACQUELINE SCHOCH,	)	NO. 04-645 C.D.
)	
Plaintiff,	)	Type of Case: CIVIL ACTION
)	
vs.	)	Type of Pleading:
	)	NOTICE
DONALD W. COX and ROBIN)	
COX,	)	Filed on Behalf of:
	)	Defendants
Defendants.)	
	)	Counsel of Record:
	)	BENJAMIN S. BLAKLEY, III, ESQ.
)	Supreme Court no. 26331
)	
)	BLAKLEY & JONES
)	90 Beaver Drive, Box 6
)	Du Bois, Pa 15801
)	(814) 371-2730

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m 11:40 AM CC
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

JACQUELINE SCHOCH,) NO. 01-287-C.D.
)
Plaintiff,)
)
vs.)
)
DONALD W. COX and ROBIN COX,)
)
Defendant.)

NOTICE

DATE OF NOTICE: July 1, 2004

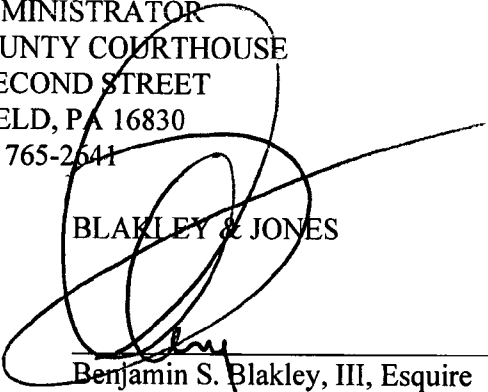
TO: MARLIN D. DEITCH and VIRGINIA A. DEITCH
5 West Maloney Road
DuBois PA15801

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER 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 (10) 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
1 NORTH SECOND STREET
CLEARFIELD, PA 16830
(814) 765-2641

BLAKLEY & JONES


Benjamin S. Blakley, III, Esquire
Attorney for Plaintiff
I.D. # 26331
90 Beaver Drive, Box 6
Du Bois, PA 15801
(814) 371-2730

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

JACQUELINE SCHOCH,

Plaintiff,

v.

DONALD W. COX and ROBIN COX,

Defendants.

NOTICE

No. 04-645-C.D.

FILED

JUL 02 2004

**William A. Shaw
Prothonotary/Clerk of Courts**

**LAW OFFICES
BLAKLEY & JONES
90 BEAVER DRIVE - BOX 6
DUBOIS, PA 15801**

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

JACQUELINE SCHOCH,

Plaintiff

Vs.

DONALD W. COX and ROBIN COX,

Defendants

No. 04-645-CD

Type of Pleading:

**PLAINTIFF'S REPLY TO
DEFENDANTS' NEW MATTER
AND COUNTERCLAIM**

Filed on Behalf of:
PLAINTIFF

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

WUL 09 2004
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William A. Shaw
Prothonotary/Clerk of Courts
3 sent to ATT

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

JACQUELINE SCHOCH,	:	No. 04-645-CD
Plaintiff	:	
	:	
Vs.	:	
	:	
DONALD W. COX and ROBIN COX,	:	
Defendants	:	

**PLAINTIFF'S REPLY TO DEFENDANTS' NEW MATTER
AND COUNTERCLAIM**

AND NOW, comes the Plaintiff, JACQUELINE SCHOCH, by and through her attorney, Jeffrey S. DuBois, Esquire, who files this Reply to Defendants' New Matter and Counterclaim, and in support thereof avers the following:

NEW MATTER

15. No responsive pleading required.
16. Admitted, to the extent of the deed of ownership; as to the remainder of the paragraph, said deed speaks for itself.
17. Admitted.
18. It is admitted said deed shows transfer of ownership from Plaintiff's ancestors; with respect to remaining deed, it is denied that said alley is not a part of Plaintiff's property as Plaintiff's ownership of property derives from the first deed of 1897 and ownership attaches to the same.
19. It is admitted that said survey references an alley, but it is denied that said survey references any ownership, and on the contrary, said survey just depicts the

topography that there is actually an alleyway located in that place, but said alleyway is located on the lands of Plaintiff as set forth in her Complaint.

20. It is admitted that said deed was dated and transferred in August 1976; as for the remainder of Defendants' paragraph, there was no need to mention said alleyway, as set forth in Plaintiff's Complaint, Plaintiff, and Plaintiff's ancestors have always occupied, maintained, and owned said alleyway.

21. Denied. It is specifically denied that said survey shows that the lands of Plaintiff are bounded by a sixteen (16) foot alleyway. On the contrary, said survey simply depicts the fact that there is an alleyway there, and on the contrary, said alleyway is located on the lands of Plaintiff.

22. Denied. The averments of Defendants' paragraph 22 are denied, and on the contrary, Plaintiff has known, because of the fact of her family's ownership and use of said alleyway, that said alleyway has always been a part of the family's ownership as they have maintained said property since 1897 as their own, both by use and by ownership by deed.

WHEREFORE, Plaintiff respectfully requests this Honorable Court to award judgment in her favor and against Defendants as set forth in her Complaint.

COUNTERCLAIM

23. No responsive pleading is required.

24. Admitted.

25. Admitted.

26. Plaintiff is unaware as to which deed Defendants are referring to in Paragraph 26, therefore Plaintiff cannot answer the same. By way of further answer, it is true that Defendants property only comes to the alley, as said alley is owned by Plaintiff and therefore, Defendants ownership of the property ends immediately before said alley.

27. Denied. It is specifically denied that Defendants or Defendants' family have ever maintained said alleyway, as Plaintiff and Plaintiff's family have always maintained said alleyway.

28. It is admitted that Plaintiff's Grandfather, L. H. Schoch laid bricks on said alleyway. It is denied that said person did so for benefit of Annie Eddinger, but on the contrary, Plaintiff's Grandfather did the same because he owned the property and did so to improve the value of his own property.

29. Denied. It is denied that Defendants or Defendants' family have maintained said alleyway in common with the Plaintiff, but on the contrary, Plaintiff and Plaintiff's family alone have maintained said alleyway.

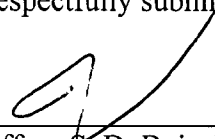
30. Denied. Plaintiff has engaged in no such actions, and on the contrary, Plaintiff is only enforcing her rights as the owner of said property.

31. Denied. Said actions are neither improper nor unlawful, and are clearly proper as Plaintiff is the rightful owner of said property. By way of further answer, it is Defendants who have conducted improper or unlawful actions with respect to the said property and attempted to prevent Plaintiff from her right to use said property.

32. Denied. On the contrary, Plaintiff has set forth in her Complaint, clearly has an ownership interest in said property and is the rightful owner of said property.

WHEREFORE, Plaintiff respectfully requests this Honorable Court to award judgment in her favor and against Defendants as set forth in her Complaint.

Respectfully submitted,

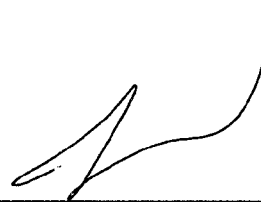


Jeffrey S. DuBois, Esquire
Attorney for Plaintiff

VERIFICATION

I, JEFFREY S. DUBOIS, Esquire, verify that the statements in the foregoing Reply to Defendant's New Matter and 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 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', is written over a horizontal line.

Jeffrey S. DuBois, Esquire


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

JACQUELINE SCHOCH,	:	No. 04-645-CD
Plaintiff	:	
	:	
Vs.	:	
	:	
DONALD W. COX and ROBIN COX,	:	
Defendants	:	

CERTIFICATE OF SERVICE

I do hereby certify that on the 9th day of July, 2004, I served a true and correct copy of the within Reply to Defendant's New Matter and Counterclaim by first class mail, postage prepaid, on the following:

Benjamin S. Blakley, III, Esquire
90 Beaver Drive, Box 6
DuBois, PA 15801



Jeffrey S. DuBois

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

JACQUELINE SCHOCH,) NO. 04-645 C.D.
)
Plaintiff,) Type of Case: CIVIL ACTION
)
vs.) Type of Pleading:
) CERTIFICATE OF SERVICE
DONALD W. COX and ROBIN)
COX,) Filed on Behalf of:
) Defendants
Defendants.)
) Counsel of Record:
) BENJAMIN S. BLAKLEY, III, ESQ.
) Supreme Court no. 26331
)
) BLAKLEY & JONES
) 90 Beaver Drive, Box 6
) Du Bois, Pa 15801
) (814) 371-2730

FILED NO
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William A. Shaw
Prothonotary/Clerk of Courts

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

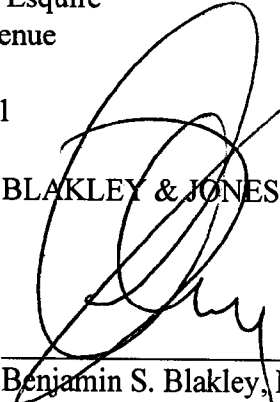
JACQUELINE SCHOCH,	)	NO. 01-287-C.D.
)	
Plaintiff,)	
)	
vs.)	
)	
DONALD W. COX and ROBIN COX,)	
)	
Defendant.)	

CERTIFICATE OF SERVICE

I, **BENJAMIN S. BLAKLEY, III**, hereby certify that I have served a true and correct copy of Defendants' Verification and Praecipe to Attach Verification this 13th day of July, 2004, by depositing the same with the United States Postal Service via First-Class Mail, postage pre-paid, addressed as follows:

Jeffrey S. DuBois, Esquire
190 West Park Avenue
Suite 5
Du Bois, PA 15801

BLAKLEY & JONES



Benjamin S. Blakley, III
Attorney for Defendants

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

JACQUELINE SCHOCH,

Plaintiff,

v.

DONALD W. COX and ROBIN COX,

Defendants.

CERTIFICATE OF SERVICE

No. 04-6545
FILED

JUL 14 2004

William A Shaw
Prothonotary/Clerk of Courts

LAW OFFICES

BLAKLEY & JONES

90 BEAVER DRIVE - BOX 6

DUBOIS, PA 15801

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

JACQUELINE SCHOCH,	)	NO. 04-645 C.D.
)	
Plaintiff,	)	Type of Case: CIVIL ACTION
)	
vs.	)	Type of Pleading: VERIFICATION
)	
DONALD W. COX and ROBIN	)	Filed on Behalf of:
COX,	)	Defendants
)	
Defendants.	)	Counsel of Record:
	)	BENJAMIN S. BLAKLEY, III, ESQ.
	)	Supreme Court no. 26331
)	
	)	BLAKLEY & JONES
	)	90 Beaver Drive, Box 6
	)	Du Bois, Pa 15801
	)	(814) 371-2730
)	

FILED *no*
m/j:34/BA *cc*
JUL 14 2004
William A. Shaw
Prothonotary/Clerk of Courts

VERIFICATION

I verify that the statements made in this Defendants' Answer to Plaintiff's Complaint in Action to Quiet Title, New Matter & Counterclaim are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsification to authorities.

DATE: 7/13/04

Robin Cox
ROBIN COX

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

JACQUELINE SCHOCH,

Plaintiff,

v.

DONALD W. COX and ROBIN COX,

Defendants.

VERIFICATION

No. 04-645-C.D.
FILED

JUL 14 2004

William A. Shaw
Prothonotary/Clerk of Courts

LAW OFFICES
BLAKLEY & JONES
90 BEAVER DRIVE - BOX 6
DUBOIS, PA 15801

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

JACQUELINE SCHOCH,	)	NO. 04-645 C.D.
)	
Plaintiff,	)	Type of Case: CIVIL ACTION
)	
vs.	)	Type of Pleading: PRAECIPE TO ATTACH
	)	VERIFICATION
DONALD W. COX and ROBIN)	
COX,	)	Filed on Behalf of:
	)	Defendants
Defendants.)	
	)	Counsel of Record:
	)	BENJAMIN S. BLAKLEY, III, ESQ.
	)	Supreme Court no. 26331
)	
	)	BLAKLEY & JONES
	)	90 Beaver Drive, Box 6
	)	Du Bois, Pa 15801
	)	(814) 371-2730

FILED ^{NO}
JUL 14 2004 ^{CC}
11:34 AM

William A. Shaw
Prothonotary/Clerk of Courts

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

JACQUELINE SCHOCH,	) NO. 01-287-C.D.
)
Plaintiff,)
)
vs.)
)
DONALD W. COX and ROBIN COX,)
)
Defendant.)

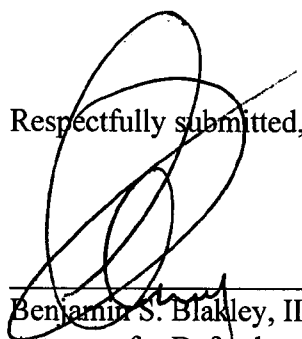
PRAECIPE TO ATTACH VERIFICATION

TO THE PROTHONOTARY:

Please attached the Verification of Robin Cox dated July 13, 2004, to the Defendants' Answer to Plaintiff's Complaint in Action to Quiet Title, New Matter & Counterclaim previously filed in the above matter.

Respectfully submitted,

Dated: July 13, 2004


Benjamin S. Blakley, III
Attorney for Defendants

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

JACQUELINE SCHUCH,

Plaintiff,

v.

DONALD W. COX and ROBIN COX,

Defendants.

PRAECIPE TO
ATTACH VERIFICATION

No. 04-645-C.D.

FILED

JUL 14 2004

William A. Shaw
Prothonotary/Clerk of Courts

LAW OFFICES

BLAKLEY & JONES

90 BEAVER DRIVE - BOX 6
DUBOIS, PA 15801

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

JACQUELINE SCHOCH,) NO. 04-645 C.D.
)
Plaintiff,) Type of Case: CIVIL ACTION
)
vs.) Type of Pleading: MOTION FOR ENTRY OF
) DEFAULT JUDGMENT AND JUDGMENT ON
DONALD W. COX and ROBIN) THE PLEADINGS
COX,)
) Filed on Behalf of:
Defendant.) Defendants
)
) Counsel of Record:
) BENJAMIN S. BLAKLEY, III, ESQ.
) Supreme Court no. 26331
)
) BLAKLEY & JONES
) 90 Beaver Drive, Box 6
) Du Bois, Pa 15801
) (814) 371-2730

FILED ^{icc}
m/11-10/04
AUG 16 2004
William A. Shaw
Prothonotary/Clerk of Courts
Amy Blakley

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

JACQUELINE SCHOCH,	)	NO. 01-287-C.D.
)	
Plaintiff,)	
)	
vs.)	
)	
DONALD W. COX and ROBIN COX,)	
)	
Defendant.)	

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 PETITION BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN 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.

David S. Meholick, Court Administrator
Clearfield County Courthouse
230 east Market Street
Clearfield PA 16830
(814) 765-2641, Ext. 5982

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

JACQUELINE SCHOCH,	)	NO. 01-287-C.D.
)	
Plaintiff,)	
)	
vs.)	
)	
DONALD W. COX and ROBIN COX,)	
)	
Defendant.)	

MOTION FOR ENTRY OF DEFAULT JUDGMENT
AND JUDGMENT ON THE PLEADINGS

And now comes Defendants, **DONALD W. COX** and **ROBIN COX**, by and through their attorneys, **BLAKLEY & JONES** and moves this Honorable Court for the Entry of Judgment in Default and Judgment on the Pleadings in the above captioned matter, and in support thereof the following is averred:

1. Movants are **DONALD W. COX** and **ROBIN COX**, husband and wife, who reside at 912 S. Brady Street, Sandy Township, DuBois, Clearfield County, Pennsylvania.
2. Respondent is **JACQUELINE L. SCHOCH**, residing at 908 S. Brady Street, Sandy Township, DuBois, Clearfield County, Pennsylvania.
3. By Complaint filed May 10, 2004, the Respondent instituted a Quiet Title Action against the Movants seeking to quiet title to a driveway located between the properties of Movant and Respondent. A copy of said Complaint is attached hereto and marked Exhibit "A".

4. The Movants, in response to the Respondent's Complaint, did prepare new matter alleging that the subject driveway was never owned or used exclusively by the Respondent, that the Respondent had no property interest in the subject matter of the dispute and that at no time was the subject driveway conveyed or intended to be conveyed to the Respondent or her predecessors-in-title asked that this Honorable Court dismiss the Respondent's Complaint.

5. In said responsive pleading, the Movants did further set forth a counterclaim seeking to bar the Respondent from asserting any right, lien, title or interest in and to the subject driveway, seeking that the Recorder of Deeds cancel any Deeds by the Respondent attempting to evidence any ownership in and to the subject property and to grant such other relief as deemed just and equitable by the Court. A copy of said Answer, New Matter and Counterclaim is attached hereto and marked Exhibit "B".

6. The Respondent has failed to reply to or to answer the Movants' New Matter and Counterclaim, despite being served with a Notice of intention to file default judgment pursuant to Pa.R.C.P. Rule 237.1. A copy of said Notice is attached hereto and marked Exhibit "C".

7. As the Respondent has failed to reply to the Movants' New Matter, Movants believe, and therefore aver, that the averments contained within such New Matter and Counterclaim are deemed admitted pursuant to Pa.R.C.P. 1029 (b).

8. As a result of the Respondent's failure to deny the allegations contained within the Movants' New Matter, no general issue of any material fact exist and further, as the Respondent has failed to deny the allegations contained within the Movants' Counterclaim, no

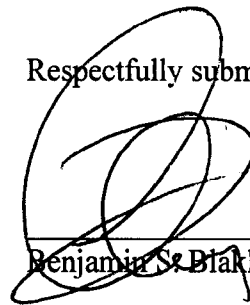
material issues exist as to the subject matter contained within the Movants' Counterclaim and the Respondent's Complaint.

WHEREFORE, Movants respectfully request this Honorable Court grant their Motion and enter an Order:

- (1) deeming the allegations contained within Movants' New Matter as being admitted by the Respondent;
- (2) entering a Judgment on the Pleadings with regard to the Respondent's Complaint and dismissing the Respondent's Complaint;
- (3) finding the allegations contained within the Movants' Counterclaim as being admitted by the Respondent as a result of her failure to answer the same;
- (4) entering a Default Judgment with regard to Movants' Counterclaim in favor of the Movants and against the Respondent declaring the Respondent, **JACQUELINE L. SCHOCH** as being barred from asserting any right, title, lien title, or interest in a 16-foot driveway located between the real properties of the Movants and Respondent as set forth in the Movants' Counterclaim;

- (5) entering judgment ordering the Recorder of Deeds of Clearfield County to cancel any Deeds by the Respondent attempting to evidence any ownership in and to said driveway; and
- (6) granting such other relief as may be deemed just and equitable by the Court.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Benjamin S. Blakley, III", is written over a horizontal line. The signature is stylized with large, overlapping loops.

Benjamin S. Blakley, III

VERIFICATION

I, **BENJAMIN S. BLAKLEY, III**, hereby state that I am counsel for the
Movants in this action and verify that the statements made in the foregoing Motion for Entry of
Default Judgment and Judgment on the Pleadings are true and correct to the best of my
knowledge, information, and belief. I understand that the statements therein are made subject to
the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

Dated: _____

8/11/04



BENJAMIN S. BLAKLEY, III

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

JACQUELINE SCHOCH,
Plaintiff

Vs.

DONALD W. COX and ROBIN
COX,
Defendants

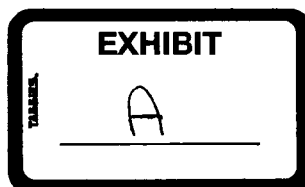
: No. 04-645-C
:
: Type of Pleading:
:
: COMPLAINT IN ACTION TO
: QUIET TITLE
:
: Filed on Behalf of:
: PLAINTIFF
:
: Counsel of Record for This Party:
:
: Jeffrey S. DuBois, Esquire
: Supreme Court No. 62074
: 190 West Park Avenue, Suite #5
: DuBois, PA 15801
: (814) 375-5598

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

MAY 10 2004

Attest.

William D. Shaw
Prothonotary/
Clerk of Courts



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

JACQUELINE SCHOCH,	:	No. _____
Plaintiff	:	
	:	
Vs.	:	
	:	
DONALD W. COX and ROBIN	:	
COX,	:	
Defendants	:	

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 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, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Clearfield County Court Administrator
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-2641

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

JACQUELINE L. SCHOCH,	:	No.
Plaintiff	:	
	:	
Vs.	:	
	:	
DONALD W. COX and ROBIN	:	
COX,	:	
Defendants	:	

COMPLAINT IN ACTION TO QUIET TITLE

AND NOW, comes the Plaintiff, JACQUELINE L. SCHOCH, by and through her attorney, Jeffrey S. DuBois, Esquire, who files this Complaint in Action to Quiet Title, and in support thereof avers the following:

1. Plaintiff, Jacqueline L. Schoch, is an adult individual residing at 908 S. Brady Street, Sandy Township, Clearfield County, Pennsylvania.
2. The Defendants, Donald W. Cox and Robin Cox, are adult individuals residing at 912 S. Brady Street, Sandy Township, Clearfield County, Pennsylvania.
3. Jurisdiction is proper before this Honorable Court as the subject matter of dispute in this case involves real property located in Clearfield County, Pennsylvania.
4. Plaintiff acquired title to real property, where she currently resides, located in Sandy Township, Clearfield County, Pennsylvania, by deed dated September 9, 1976, and recorded in the Recorder of Deeds of Clearfield County to Book 726, Page 334, said deed from Plaintiff's family to Plaintiff. A copy of said deed is attached hereto and marked as Exhibit "A".
5. Said property has been in Plaintiff's family since on or about 1897.

6. Plaintiff's family first received title to said property in 1897 from a deed from L.E. Weber, on behalf of W.E. Pifer, said deed dated August 11, 1897, and recorded in the Recorder of Deeds of Clearfield County to Deed Book No. 96, Page 619. A copy of said deed is attached hereto and marked as Exhibit "B".

7. Included in said property was a private driveway which borders the property of Defendants.

8. Plaintiff, and Plaintiff's family, have always maintained said driveway as their own.

9. In fact, on or about 1935, Plaintiff's Grandfather, L. H. Schoch, laid bricks on said driveway which bordered Defendant's property.

10. Plaintiff's family maintained these bricks, and in fact, a large portion of the bricks remain today.

11. From 1897 until the present time, Plaintiff, and Plaintiff's family, have maintained said driveway as their own.

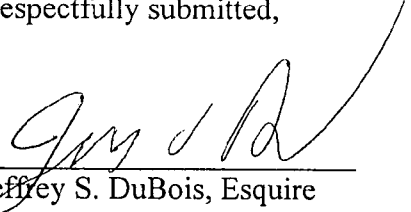
12. Recently, Defendants, have engaged in such actions to attempt to claim ownership to said driveway and have attempted to prevent Plaintiff from using the same.

13. Said actions by Defendants are improper and unlawful, and are clearly against the great weight and evidence set forth in the deeds from Plaintiff's family.

14. Defendants know, or should have known, that they have no property interest in the subject matter of dispute, which is Plaintiff's driveway.

WHEREFORE, Plaintiff respectfully requests this Honorable Court to (a) enter an Order declaring that the Defendants, Donald W. Cox and Robin Cox, are barred from asserting any right, lien, title, or interest in the subject property; (b) enter a judgment ordering the Recorder of Deeds to cancel any deeds by the Defendants attempting to evidence any ownership; and, (c) grant such other relief as may be deemed just and equitable by the Court.

Respectfully submitted,

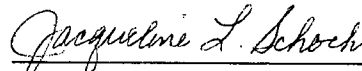


Jeffrey S. DuBois, Esquire
Attorney for Plaintiff

VERIFICATION

I, JACQUELINE L. SCHOCH, verify that the statements in the foregoing
Pleading are true and correct to the best of my knowledge, information and belief.

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.



Jacqueline L. Schoch

VOL 726 PAGE 334

This Deed,

Made the twenty-fourth day of August in the year
of our Lord one thousand nine hundred seventy-six (1976)

Between CORA E. SCHOCH, widow, of Sandy Township, Clearfield County, Pennsylvania, hereinafter referred to as the

Grantor ,

and JACQUELINE L. SCHOCH, of Sandy Township, Clearfield County, Pennsylvania, hereinafter referred to as the

Witnesseth, that in consideration of One and 00/100-----, ----- Grantee :
(\$1.00) Dollars,
in hand paid, the receipt whereof is hereby acknowledged, the said grantor do es hereby
grant and convey to the said grantee , ALL those two certain pieces or
parcels of land, situate in Sandy Township, Clearfield County,
Pennsylvania, being bounded and described as follows to wit:

FIRST

BEGINNING at an iron pipe in the Westerly right of way line of South Brady Street, said iron pipe being at the intersection of the Westerly line of South Brady Street and the Northerly line of a sixteen (16) foot alley, said alley being the first alley South of Maloney Road; thence by the Northerly line of said alley, North 86° 52' West, one hundred fifty and four tenths (150.4) feet to an iron pipe; thence by the Easterly line of a sixteen (16) foot alley, North 2° 48' East, fifty (50) feet to an iron pipe; thence by lot of V. Galentine, South 86° 52' East, one hundred fifty one and seventy-five one hundredths (151.75) feet to an iron pipe in the Westerly line of South Brady Street; thence by the Westerly line of South Brady Street, South 4° 15' West, fifty and six one hundredths (50.06) feet to an iron pipe and the place of beginning. Having erected therein a two story frame stucco dwelling, known as 908 South Brady Street.

SECOND

BEGINNING at an iron pipe in the Northerly line of land of Joseph J. Cherry, et al, said iron pipe being North 86° 52' West, one hundred and fifty-four and three tenths (154.3) feet from the intersection of the Northerly line of land of Joseph J. Cherry, et al, and the Westerly line of South Brady Street; thence by land of Joseph J. Cherry, et al, North 86° 52' West, one hundred eighty and six tenths (180.6) feet to an iron pipe; thence by same, North 2° 48' East, three hundred forty-four (344) feet to an iron pipe; thence South 86° 52' East, one hundred and sixty-four and six tenths (164.6) feet to an iron pipe in the Westerly line of a sixteen (16) foot alley; thence by the Westerly line of said alley, South 2° 48' West, one hundred eighty-seven feet to an iron pipe; thence by the Southerly line of a sixteen (16) foot alley South 86° 52' East, sixteen (16) feet to an iron pipe; thence by the land of Robert Schoch, South 2° 48' West, one hundred

fifty-seven (157) feet to an iron pipe and the place of beginning. HAVING thereon erected a 3 stall frame garage.

EXCEPTING AND RESERVING HOWEVER, from the above, that piece or parcel conveyed by the Grantor herein, to Marlin D. Deitch and Virginia A. Deitch, by deed dated August 6, 1973, and recorded in Clearfield County Deed Book 655, page 224, and that piece or parcel, being a sixteen foot by 164.6 feet strip of land, conveyed to Sandy Township, for a public road, by the Grantor herein.

BEING the same premises which became vested in Horace G. Schoch, and Cora E. Schoch, husband and wife, by deed of Robert E. Schoch, et al, dated the 27th day of January 1956 and recorded in Clearfield County Deed Book 448, page 529. The said Horace G. Schoch is deceased and the property is now vested in Cora E. Schoch, Grantor herein, and the Grantee herein, Jacqueline L. Schoch, is the daughter of the said Cora E. Schoch.

Title of Officer.

State of

VCL 726 PAGE 337

County of

ss.

On this, the

day of

19 , before me,

the undersigned officer, personally appeared

known to me (or satisfactorily proven) to be the person whose name subscribed to
the within instrument, and acknowledged that he executed the same for the purposes therein
contained.

In witness whereof, I hereunto set my hand and official seal.

R.T.S.



Title of Officer.

CERTIFICATE OF RESIDENCE

I do hereby certify that the precise residence of the within named grantee is

908 South Brady Street
Du Bois, Pa. 15801

Aug. 24, 19 76

5763

Attorney for Grantee

Entered of Record Sept 9 19 76 11:25 Cecil A. Burns Recorder

Deed

CORA E. SCHOCH,

TO

JACQUELINE L. SCHOCH

WARRANTY

CLEARFIELD CO. SS
ENTRIES OF RECORD

Time

By

Fees

Cecil A. Burns, Recorder

LAW OFFICES

BLAKLEY & JONES

DUBOIS, PENNSYLVANIA 15801

COMMONWEALTH OF PENNSYLVANIA,

County of

CLEARFIELD

ss.

RECORDED on this 9 day of September

A. D. 19 76, in the Recorder's office of said County, in Deed Book

Vol. 726, Page 334

Given under my hand and the seal of the said office, the date above written.

Cecil A. Burns, Recorder.

My Commission Expires
First Monday in Jan. 1930

This Indenture, Made the

Eleventh day of *August* in the year of our Lord
One Thousand Eight Hundred and Ninety-seven

Between L. E. Weber, Committee of W. E. Pifer, a lunatic, of the Borough of Du Bois, County of Clearfield, State of Pennsylvania, of the first part, and Jacob Schoch of Sandy Township, County and State aforesaid, of the second part.

WHEREAS, W. E. Pifer of the Borough of Du Bois, in the County of Clearfield and State of Pennsylvania, was on the 30th day of Jan. 1897, declared a lunatic by a Commission duly appointed by the Court of Common Pleas of Clearfield County to No. 143, Feb. Term, 1897, and at the time of said appointment, said W. E. Pifer had a wife viz. Kate Pifer.

AND WHEREAS, L. E. Weber was on the 5th day of Feb., 1897 appointed a Committee for said W. E. Pifer by said Court of Common Pleas.

AND WHEREAS, the said W. E. Pifer at the time of his being declared a lunatic owned a certain messuage or Piece of land, situate in Sandy Township, Clearfield County, Pennsylvania, and more fully hereinafter described, in fee simple.

WHEREAS, the said Committee presented his petition to the said Court on the 3rd day of May, 1897, setting forth that Jacob Schoch had offered to purchase said hereinafter described land from the said Committee for the price of sum of Nine Hundred ^{and 60} Dollars; that the price so offered was a fair one and a better and higher price than could be procured at a public sale of said piece of land and praying that the said Committee be authorized to sell and convey to said Jacob Schoch the said piece of land held by him in trust for said W. E. Pifer, and that said W. E. Pifer was largely in debt and that it was necessary to sell said land for the payment of the debts of said Pifer. Whereupon the said Court after having referred the said petition and the facts therein to Frank Hutton, Esq.,

Commissioner, and after having confirmed absolute the report of the said Commissioner, recommending that the prayer of the petitioner be granted, ordered and decreed on the 12th day of July, 1897 that the said Committee be authorized and empowered to sell at private sale to said Jacob Schoch the said piece of land for the price or sum of and upon the terms and conditions set forth and contained in the petition of said Committee and in said decree of Court.

NOW, THIS INDENTURE witnesseth that the said L. E. Weber, Committee as aforesaid, for and in consideration of the sum of Nine Hundred ⁸⁶⁴ Dollars, lawful money of the United States to him in hand paid, the receipt whereof is hereby acknowledged has granted, bargained, sold aliened, released, confirmed and by these presents by force and virtue of said order and decree of the said Court of Common Pleas of the County of Clearfield does grant, bargain, sell, alien release and confirm unto the said Jacob Schoch, his heirs and assigns all that certain messuage or piece or parcel of land, situate in Sandy Township, Clearfield County, Pennsylvania, bounded and described as follows, to wit: On the east by Public Road, on the south by land of H. Edinger and H. A. & J. J. Daly, on the west by land of said daly and on the north by land of Wilson Bros. and Jacob Wright, and containing about seven town lots.

TOGETHER with all and singular the buildings, improvements, woods, ways, rights, liberties, privileges, hereditaments and appurtenances to the same belonging or in any wise appertaining, and reversions, remainder or remainders, rents, issues, profits thereof and every part and parcel thereof and also all the estate, right, title, interest, property, possession, claim and demand whatsoever both by law and equity of the said W. E. Rifer and of the said L. E. Weber, Trustee, of the first part, of, in and to the said premises with the appurtenances.

To have and to hold said premises with all and singular the appurtenances unto the said party of the second part, his heirs and assigns to the only proper use, benefit and behoof of the said party of the second part, his heirs and assigns forever.

IN WITNESS WHEREOF the said party of the first part has hereunto
set his hand and seal the day and year first above written.

L. E. Weber, Comm. (SEAL)

SIGNED, SEALED AND DELIVERED

IN PRESENCE OF

W. E. Pifer

STATE OF PENNSYLVANIA,

COUNTY OF CLEARFIELD,

ss.

ON THE *16* day of *Aug* Anno Domini 1897,

before me, a Notary Public in and for said county, personally
appeared the above named L. E. Weber, Committee of W. E. Pifer and
in due form of law acknowledged the foregoing indenture to be his
act and deed and desired that the same might be recorded as such.

WITNESS my hand and Notarial seal the day and year aforesaid

W. E. Pifer
Notary Public

KNOW ALL MEN BY THESE PRESENTS, that I, Kate Pifer, wife of W. E. Pifer, a lunatic, for divers good causes and considerations, and especially for and in consideration of the sum of One Dollar, to me in hand paid, by Jacob Schoch of the Sandy Township, County of Clearfield and State of Pennsylvania, at and before the enrolling and delivery hereof, the receipt whereof I do hereby acknowledge, have remised, released, quitclaimed and by these presents do remise, release and quitclaim unto the said Jacob Schoch, and to his heirs and assigns, all and all manner of dower and right, title of dower and other interest, right or title whatsoever, which I, the said Kate Pifer, now have, or may, might, should or of right ought to have or claim, of in, to, or out of, all that certain messuage or piece of land situate in Sandy Township, Clearfield County, Pennsylvania, bounded on the east by Public Road, on the south by land of R. Edinger and H. A. & J. J. Daly, on the west by land of said Dalys and on the north by land of Wilson Bros. and Jacob Wright and containing about seven town lots, and which L. E. Weber, Committee of said W. E. Pifer, by order of Court, conveyed to said Jacob Schoch, and every part and parcel thereof, with the appurtenances; and also, all manner of action and actions, writ and writs of dower, or other actions, and right to make distress, whatsoever; so that neither I, the said Kate Pifer, nor any other person or persons whatsoever for me or in my name, right or stead, any manner of dower, or writs of dower, or actions, right or title of dower, or other interest, claim or demand whatsoever, of or in the said messuage, &c., hereditaments and premises within mentioned, or of or in any part or parcel thereof, at any time hereafter, shall or may have, claim, or prosecute against the said Jacob Schoch his heirs or assigns.

IN WITNESS WHEREOF I have hereunto set my hand and seal this 9th day of August, A. D. 1897.

Kate E. Pifer (SEAL)

SIGNED IN PRESENCE OF

N. P. Pifer

State of Pennsylvania,
County of Clearfield, } ss

On the 11 day of Aug Anno Domini 1897 before me,
a Notary Public in and for said county,
personally appeared the above-named Kate Pifer, who being duly affirmed
by law acknowledged the above Release of Dower to be her act and
deed and desired that the same might be recorded as such.

Witness my hand and Notarial Seal this day
and year aforesaid.

Wm. Pifer
min. Pifer

Red.

L. C. Weber
Committee

Harold Weber

East Aug 16 1897
Wm. Pifer

Recorded in the Office for Recording of Deeds in and for the County of
Clearfield in Deed Book No 96 Page 647

Witness my hand and Seal of Office this 16
day of Aug Anno Domini 1897

Wm. Pifer
Recorder

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

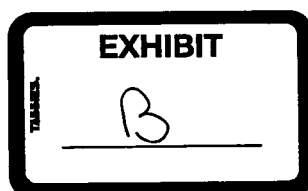
JACQUELINE SCHOCH,) NO. 04-645 C.D.
)
Plaintiff,) Type of Case: CIVIL ACTION
)
vs.) Type of Pleading: DEFENDANTS' ANSWER TO
) PLAINTIFF'S COMPLAINT IN ACTION TO
DONALD W. COX and ROBIN) QUIET TITLE, NEW MATTER &
COX,) COUNTERCLAIM
)
Defendants.) Filed on Behalf of:
) Defendants
)
) Counsel of Record:
) BENJAMIN S. BLAKLEY, III, ESQ.
) Supreme Court no. 26331
)
) BLAKLEY & JONES
) 90 Beaver Drive, Box 6
) Du Bois, Pa 15801
) (814) 371-2730

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

JUN 04 2004

Attest.

William H. Shaw
Prothonotary/
Clerk of Courts



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

JACQUELINE SCHOCH,)	NO. 01-287-C.D.
)	
Plaintiff,)	
)	
vs.)	
)	
DONALD W. COX and ROBIN COX,)	
)	
Defendant.)	

NOTICE TO DEFEND

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David S. Meholick,
Court Administrator
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830
(814) 765-2641

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

JACQUELINE SCHOCH,	)	NO. 01-287-C.D.
)	
Plaintiff,)	
)	
vs.)	
)	
DONALD W. COX and ROBIN COX,)	
)	
Defendant.)	

**DEFENDANTS' ANSWER TO PLAINTIFF'S COMPLAINT IN
ACTION TO QUIET TITLE, NEW MATTER & COUNTERCLAIM**

AND NOW, come Defendants, **DONALD W. COX and ROBIN COX**, by and through their attorneys, **BLAKLEY & JONES**, and files the following Answer, New Matter and Counterclaim to Plaintiff's Complaint in Action to Quiet Title, and in support thereof, the following is averred:

ANSWER

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. After reasonable investigation, Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained

within Paragraph 5 of Plaintiff's Complaint and therefore denies the same and demands strict proof thereof at trial.

6. It is admitted that a Jacob Schoch received title to seven (7) town lots in a deed from L. E. Weber, Committee of W. E. Pifer, a Lunatic, by Deed dated August 11, 1987, and recorded in Clearfield County Deed Book Vol. 96, Page 619.

7. It is denied that included in said property was a private driveway which borders the property of Defendants, and on the contrary, it is averred that the Deed set forth in Paragraph 6 of Plaintiff's Complaint only conveys seven (7) town lots described more particularly in subsequent deeds of conveyance.

8. Denied, and on the contrary, it is averred that the Plaintiff, Plaintiff's family, Defendants and Defendants' families have always maintained said driveway in common.

9. It is admitted that an L. H. Schoch laid bricks on the roadway used as a driveway by Defendants' predecessor-in-title at the request of Defendants' predecessor-in-title, to-wit, Annie Edinger, in order to provide access to a garage located at the rear of the Edinger property located adjacent to the said driveway.

10. Denied, and on the contrary, it is averred that the aforesaid bricks were maintained by the Defendants and their predecessors-in-interest in order to provide access to the garage located to the rear of Defendants' residence located adjacent to the aforesaid driveway.

11. Denied, and on the contrary, it is averred that the Defendants and Defendants' predecessors-in-title, including Francis A. Vardy and Olive J. Vardy, parents of

Defendant Robin Cox, have maintained the said driveway as their own in common with the Plaintiff and Plaintiff's family.

12. Denied, and on the contrary, it is averred that the Defendants have attempted to resist the efforts of the Plaintiff to claim ownership of the said driveway and have attempted to prevent the Plaintiff from blocking the use of the driveway, which had been used continuously by the Defendants and their predecessors-in-title since 1893, and on the contrary, it is averred that it is the Plaintiff who is engaged in such actions to attempt to claim ownership to said driveway and who has attempted to prevent the Defendants from using the same.

13. Denied, and on the contrary, it is averred that it is that actions of the Plaintiff that are unlawful and clearly against the weight in evidence of the law and documents of record.

14. The averments contained in Paragraph 14 of Plaintiff's Complaint contain conclusions of law, and therefore, no answer is required; however, to such extent that answer is required, it is denied that the Defendants have no property interest in the subject matter of dispute or that the same is the Plaintiff's driveway. On the contrary, it is averred that the Defendants have a property interest in said driveway, as the same has been used continuously by the Defendants and their predecessors-in-interest since 1893.

WHEREFORE, Respondent respectfully requests that this Honorable Court deny Plaintiff's prayer for relief.

NEW MATTER

15. Defendants incorporate by reference their answers to Paragraph 1 through 14 of Plaintiff's Complaint as if the same were if fully set forth herein.

16. Plaintiff's title to her real property derives from a deed from L. E. Weber on behalf of W. E. Weber by Deed dated August 11, 1897, and recorded in Clearfield County Deed Book Vol. 96, Page 619, in which the said Grantor conveyed to a Jacob Schoch certain real property containing "about seven town lots" with no mention of alleyways or driveways as part of the conveyance.

17. The subject property passed from Jacob Schoch to Lewis H. Schoch, grandfather of the Plaintiff, then to Horace G. Schoch and Cora E. Schoch, who received their interest by Deed of Robert E. Schoch, Executor of the Estate of Lewis H. Schoch, by Deed dated January 27, 1956, and recorded in Clearfield County Deed Book Vol. 448, Page 529. A copy of said Deed is attached hereto and marked Defendants' Exhibit "A."

18. In the aforesaid Deed, the seven lots conveyed to Lewis H. Schoch were more particularly described as two separate parcels as set forth in said Deed. In said Deed description, the real property of Lewis Schoch is shown to be bounded by a sixteen foot alley, that being the said driveway bordering the properties of the Plaintiff and Defendants, and which is the subject matter of this dispute.

19. Appended to the Deed into Horace G. Schoch and Cora E. Schoch dated January 27, 1956, and recorded in Clearfield County Deed Book Vol. 448, Page 529, as set forth

above, is a map of survey by Simpson & Madison dated January, 1956, and made a part of said Deed, clearly showing the lands of Horace G. and Cora E. Schoch being bounded by a sixteen foot alley to the south of said property.

20. In the Deed dated August 24, 1976, and recorded in Clearfield County Deed Book Vol. 726, Page 334, the Plaintiff's mother, Cora E. Schoch, did convey the same tract of land which was acquired in the Deed from Robert E. Schoch, Executor of the Estate of Lewis H. Schoch, as set forth above, with no mention being made of any alleyways or driveways intended to be conveyed to the Plaintiff.

21. During her ownership of said real property, the Plaintiff has had commissioned a survey of her property by Alexander Surveying dated February 25, 1992, clearly showing the lands of the Plaintiff being bounded by a sixteen foot alley to the south. A copy of said survey map is attached hereto and marked Defendants' Exhibit "B."

22. Plaintiff knows or should have known, as a result of the various conveyances leading up to the Plaintiff's ownership of her real property and the various surveys that have been conducted by Plaintiff's predecessor-in-interest and by Plaintiff, that she has no property interest in the subject matter of this dispute and that at no time was the subject driveway conveyed, nor was it intended to be conveyed, to the Plaintiff or to her predecessors-in-title.

WHEREFORE, Defendants respectfully request that this Honorable Court dismiss Plaintiff's Complaint.

COUNTERCLAIM

23. Defendants incorporate by reference their answers to Paragraph 1 through 14 of Plaintiff's Complaint and Paragraphs 15 through 22 of Defendants' New Matter as if the same were if fully set forth herein.

24. Defendants acquired title to their real property located in Sandy Township, in which they currently reside, by Deed dated February 17, 1995, and recorded in Clearfield County Deed Book Vol. 1661, Page 314, said Deed being from Defendant Robin L. Cox, individually and as Executrix of the Estate of Olive J. Vardy, mother of Defendant Robin Cox. A copy of said Deed is attached hereto and marked as Defendants' Exhibit "C."

25. Said property has been in the Defendant Robin Cox's family since 1964 and has been owned by the Defendant Robin Cox's predecessors-in-title since August 19, 1893, when W. E. Pifer, et ux, conveyed the subject property to W. H. Edinger by Deed dated August 19, 1893, recorded in Clearfield County Deed Book Vol. 81, Page 145. A copy of said Deed is attached hereto and marked as Defendants' Exhibit "C."

26. As set forth in said Deed, the Defendants' property was bounded by a sixteen foot alley on its northern boundary. The said sixteen foot alley as set forth in the Defendants' deeds and the deeds of their predecessors-in-interest is the same sixteen foot alley which bounds the southern boundary of the Plaintiff's real property as set forth in Plaintiff's deed and the prior deeds of conveyance of said real property.

27. Defendants and Defendant's family have always maintained said driveway.

28. Defendants believe and therefore aver that the Plaintiff's grandfather, L. H. Schoch, laid bricks on said driveway in order to improve the access to the garage of Annie Edinger, Defendants' predecessor-in-title, the said bricks still being visible to this day and leading in a direct line to the former garage of Annie Edinger, the Defendants' predecessor-in-title, and located on lands now owned by the Defendants.

29. From 1964 until the present time, Defendants and Defendants' family have maintained the said driveway in common with the Plaintiff.

30. Recently, Plaintiff is engaged in such action so as to attempt to claim ownership of said driveway and has attempted to prevent Defendants from using the same.

31. Said actions by the Plaintiff are improper and unlawful and are clearly against the great weight and evidence as set forth in the deeds of conveyance into the Plaintiff and her predecessors-in-title and as set forth in the deeds into the Defendants and their predecessors-in-title.

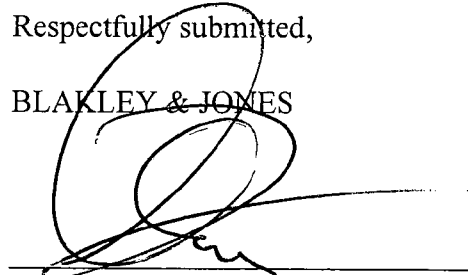
32. Plaintiff knows or should have known that she has no property interest in the subject matter of this dispute, which is a driveway maintained in common between the Defendants and the Plaintiff.

WHEREFORE, Defendants respectfully request this Honorable Court to:

- (a) enter an Order declaring that the Plaintiff, **JACQUELINE SCHOCH**, is barred from asserting any right, lien, title or interest in the subject property;
- (b) enter a judgment ordering the Recorder of Deeds to cancel any deeds by the Plaintiff attempting to evidence any ownership in and to said subject property; and
- (c) grant such other relief as may be deemed just and equitable by the court.

Respectfully submitted,

BLAKLEY & JONES



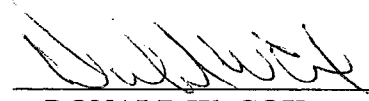
Benjamin S. Blakley, III
Attorney for Plaintiff

VERIFICATION

I verify that the statements made in this Defendants' Answer to Plaintiff's Complaint in Action to Quiet Title, New Matter & Counterclaim are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsification to authorities.

DATE:

6/3/04



DONALD W. COX

THIS INDENTURE made this twenty-seventh (27th) day of January, in the year of our Lord one thousand nine hundred and fifty-six (1956).

Between ROBERT E. SCHOCH, of Sandy Township, Clearfield County, Pennsylvania, executor of the estate of Lewis H. Schoch, alias L. H. Schoch, widower, deceased, late of Sandy Township, Clearfield County, Pennsylvania; and HOBART A. SCHOCH and MARY E. SCHOCH, his wife, of Cincinnati, Hamilton County, Ohio; HORACE G. SCHOCH and CORA E. SCHOCH, his wife, of Sandy Township, Clearfield County, Pennsylvania; RODNEY A. SCHOCH and ELZEAR SCHOCH, his wife, of Bradford, McKean County, Pennsylvania; ROBERT E. SCHOCH and MARTHA SCHOCH, his wife, of Sandy Township, Clearfield County, Pennsylvania; and BETTY SCHOCH, single, of Harrisburg, Dauphin County, Pennsylvania, of the one part, hereinafter called the Grantors;

-and-

HORACE G. SCHOCH and CORA E. SCHOCH, husband and wife, as tenants by entireties, both of Sandy Township, Clearfield County, Pennsylvania, of the other part, hereinafter called the Grantees.

WHEREAS, the said Lewis H. Schoch, alias L. H. Schoch, in his lifetime and at his death, was seized in fee of and in the tracts of ground hereinafter described, being the premises described in a deed of indenture from Ethel Magnuson, dated March 28, 1934, to Lewis H. Schoch and Lottie Schoch, husband and wife, and recorded in the office for the recording of deeds in and for Clearfield County, Pennsylvania, in Deed Book 301, page 228; and the said Lottie Schoch departed this life on or about May 1, 1950, and the entire title to the hereinafter described premises thereupon vested in the said Lewis H. Schoch.

AND WHEREAS, the said Lewis H. Schoch departed this life testate on or about Sunday, January 9, 1955.

AND WHEREAS, Letters Testamentary were granted to Robert E. Schoch by the Register of Wills of Clearfield County, Pennsylvania, on the 13th day of January, 1955.

AND WHEREAS, Robert E. Schoch is an individual executor and is not required to give bond by the Register of Clearfield County, Pennsylvania, or by the Court in connection with his appointment as executor, or otherwise, in this estate, and there is no

EXHIBIT

A

AND WHEREAS, the General Assembly of the Commonwealth of Pennsylvania, by an act known as the Fiduciaries Act of 1949, duly approved the 12th day of April, 1949, expressly provided that the personal representative may sell any real property of the decedent not specifically devised, and that no security is required of an individual executor under the circumstances hereinabove enumerated.

AND WHEREAS, Robert L. Schoch, Horace G. Schoch, Rodney A. Schoch, Robert E. Schoch and Betty Schoch are all the children of Lewis H. Schoch and the sole beneficiaries of his entire estate under the will of his will.

NOW, THIS INDENTURE WITNESSETH, that the said Robert L. Schoch, executor of the estate of Lewis H. Schoch, one of the grantors, by virtue of the power and authority aforesaid in said Act of Assembly contained, and Hobart A. Schoch and Mary E. Schoch, his wife, Horace G. Schoch and Cora E. Schoch, his wife, Rodney A. Schoch and Elizabeth Schoch, his wife, Robert E. Schoch and Martha Schoch, his wife, and Betty Schoch, single, the remainder of the grantors, in consideration of the sum of Sixty-four Hundred (\$6,400.00) Dollars to them paid by the said grantees, at and before the enrolling and delivery of these presents, the receipt whereof is hereby acknowledged, have granted, bargained, sold and conveyed, and do hereby grant, bargain, sell and convey, to the said Horace G. Schoch and Cora E. Schoch, husband and wife, their heirs and assigns forever, All those two (2) certain pieces, parcels or tracts of land situate, lying and being in the Township of Sandy, County of Clearfield and State of Pennsylvania, and bounded and described as follows, to wit:

THE FIRST LOTION:

BEGINNING at an iron pipe in the Easterly right of way line of South Brady Street, said iron pipe being at the intersection of the Easterly line of South Brady Street and the Northerly line of a sixteen (16) foot alley, said alley being the first alley South of Colony Road, thence by the Northerly line of said alley North 36° 32' West, one hundred and fifty and four-tenths (150.4) feet to an iron pipe, thence by the Easterly line of a sixteen (16) foot alley, North 29° 13' East, fifty (50) feet to an iron pipe, thence by the Northerly line, North 56° 52' East, one hundred and fifty-one and seven-tenths (151.75) feet to an iron pipe in the Easterly line of South Brady Street, thence by the Easterly line of South Brady Street, South 75° 15' West, fifty and six one-hundredths

(58.36) feet to an iron pipe and the place of beginning. Having
thence run a two-story frame Shucoo dwelling house known as
"The Shucoo House" 186 feet

thence by the same

thence by the southerly line of the Northernly line of land
of Joseph J. Cherry, et al, said iron pipe being North 62° 52' West,
one hundred and fifty-four and three-tenths (154.3) feet from the
place of beginning to the Northernly line of land of Joseph J. Cherry, et
al, thence by the southerly line of South Brady Street, thence by land of
Joseph J. Cherry, et al, North 66° 52' West, one hundred and eighty
two and six-tenths (182.6) feet to an iron pipe, thence by same, North
22° 28' East, three hundred and forty-four (344) feet to an iron pipe;
thence South 66° 52' East, one hundred and sixty-four and six-tenths
(164.6) feet to an iron pipe in the westerly line of a sixteen (16)
foot alley, thence by the westerly line of said alley, South
29° 48' West, one hundred and eighty-seven (187) feet to an iron
pipe, thence by the southerly line of a sixteen (16) foot alley,
South 66° 52' East, sixteen (16) feet to an iron pipe, thence by
land of Robert School, South 29° 48' West, one hundred and fifty-
seven (157) feet to an iron pipe and the place of beginning.

Having thence erected a small frame garage

Survey by Simpson & Madison, dated January, 1936,
has been hereunto attached and made a part hereof.

together with all and singular the rights, liberties,
privileges, franchises, and appurtenances whatsoever thereto
in anywise appertaining, and the reversions and
profits thereon, and all the estate,
interests, claims and demands whatsoever
now or hereafter due or to become due to or from
the said Robert School, and immediately before the time of
the execution hereof, or otherwise howsoever, of, in, to or
from the said Robert School.

And the said Robert School, its heirs, assigns and
successors, successors and assigns forever.

And the said Robert School, its heirs, assigns and
successors, successors and assigns, covenant, promise, grant
and convey unto the said Robert School, its heirs, assigns and
successors, successors and assigns, that the said Robert School, its heirs, assigns and
successors, successors and assigns, has not done, nor

will do, nor shall it do, nor shall it cause to be done, nor shall it
cause to be done, nor shall it suffer to be done, nor shall it

BOOK 448 PAGE

OF
SIMPSON & MADISON
DUBOIS, PA.

JOSEPH J. CHERRY ET AL.

74 中国农村经济

LEITCH, JOHN B. JR.

HORACE G. CORA E. SCHOCH

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188

GAFFNEY

301

575

PROJECT

ANNALS

THE UNIVERSITY OF CHICAGO PRESS

513 463 276 296 250

PLANNING COMMISSION:

Approved/Reviewed this the _____ day of _____, 1992
by the SANDY TOWNSHIP PLANNING COMMISSION

CHAIRMAN

SECRETARY

PLANNING COMMISSION:

Approved/Reviewed this the _____ day of _____, 1992
by the CLEARFIELD COUNTY PLANNING COMMISSION

CHAIRMAN

SECRETARY

BOARD OF SUPERVISORS

Approved/Reviewed this the _____ day of _____, 1992
by the SANDY TOWNSHIP BOARD OF SUPERVISORS

SUPERVISOR

SUPERVISOR

SUPERVISOR

RECORDING CERTIFICATE

State of Pennsylvania
County of _____
Recorded this _____ day of _____, 1992
In the Recorder of Deeds Office in Plat Book
Volume _____ Page _____

Register & Recorder

STATEMENT OF INTENT

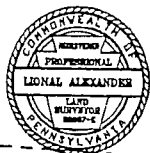
I, JACQUELINE L. SCHOCH, have subdivided land in SANDY TOWNSHIP, CLEARFIELD County, Pennsylvania, and have shown lots according to this survey plat which is intended to be recorded in the CLEARFIELD COUNTY Courthouse. WITNESS: our hand and seal this _____ day of _____, 1992

JACQUELINE L. SCHOCH

ADDRESS OF OWNER
Jacqueline L. Schoch
908 S. Brady Street
DuBois, Pa. 15801
371-8521

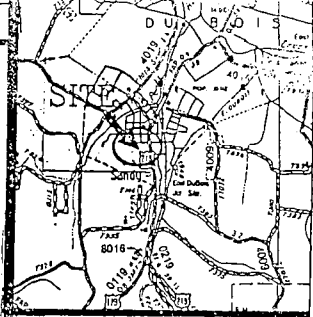
CERTIFICATION

I, hereby certify that this is a correct plan of survey made upon the premises the 24th day of February, 1992, showing the location of buildings, fences, or any other easements or servitudes apparent from an actual field survey.



LIONAL ALEXANDER, P.L.S.
No. 22697-E

LOCATION MAP



BRADY STREET

SOUTH

U.S. RT. 219 & RT. 119

50' R/W



MALONEY

PARCEL CONVEYED TO SANDY TOWNSHIP BY DEED BY 16-16-16, FOR MALONEY ROAD RIGHT-OF-WAY

Note:
Surveyed 6-26-1973
by Gary Thurston, R.S.

Map No. 43-25
DB 636-224

MARLIN D
&
VIRGINIA A.
DEITCH

JACQUELINE L. SCHOCH

JACQUELINE L. SCHOCH

FRANCIS A.
&
OLIVE J.
VARDY

LEGEND

- Existing Iron Pipe
- Existing Iron Pin
- P.K. nail set in Road
- Utility Service (Elec-Tele)
- Utility Service (Gas-Water)
- 1" Iron Pipe set w/survey plug

NOTES:

- Information for this survey was obtained from deeds, assessment records, previous surveys of the L.H. Schoch Est., and personal notes.
- L.H. Schoch Est. surveyed 1-1956 by Simpson-Madison File No. L-952



Alexander Surveying

112 Church Street P.O. Box 378
Falls Creek, Pennsylvania 16840
(814) 371-6678

SCALE: 1" = 30'

APPROVED BY:

DRAWN BY: B.A.

DATE: 02-25-1992

REVISION:

FB No. 92/36-38

PARTITION OF LAND
SANDY TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA
JACQUELINE L. SCHOCH

SHEET NO. 1 OF 1

JOB NO. JN88692

EXHIBIT

B

VOL 1661 PAGE 314

CLEARFIELD COUNTY
ENTERED OF RECORD
TIME 2:45 PM 2-24-95
BY Paula Cherry
FEES 16.00
Karen L. Starck, Recorder

THIS INDENTURE, made the Seventeenth (17th) day of February, 1995, between ROBIN L. COX, Individually and as Executrix of the Estate of OLIVE J. VARDY, deceased, late of Sandy Township, Clearfield County, Pennsylvania, and LYNN F. VARDY, of Erie, Pennsylvania, GRANTORS, Parties of the First Part;

A
N
D

ROBIN L. COX and DONALD W. COX, wife and husband, of Henderson, Clark County, Nevada, as Tenants by the Entireties, GRANTEES, Parties of the Second Part;

WITNESSETH, that the said Parties of the First Part, for and in consideration of the sum of ONE and 00/100 DOLLAR (\$1.00), lawful money of the United States of America, well and truly paid by the said Parties of the Second Part, at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, have granted, bargained, sold, aliened, enfeoffed, released, conveyed and confirmed, and by these presents, do grant, bargain, sell, alien, enfeoff, release, convey and confirm, unto the said Parties of the Second Part, their heirs and assigns, ALL those three (3) certain lots or parcels of land situate, lying and being in the Township of Sandy, County of Clearfield, and State of Pennsylvania, and being

EXHIBIT

C

bounded and described as follows, to wit:

BEGINNING at a post on the Westerly side of public highway (commonly known as South Brady Street) leading from DuBois to Erie Turnpike, at the Northeast corner of lands formerly of J. J. Daley and H. A. Daley; thence North 88 degrees 30 minutes West by line of said Daley lands 150 feet to a post at a 16 foot alley; thence North 1 degree 30 minutes East by line of said alley 150 feet to a post at another alley; thence South 88 degrees 30 minutes East by line of last mentioned alley 150 feet to a post at South Brady Street; thence South 1 degree 30 minutes West by line of said South Brady Street 150 feet to a post, the place of beginning.

Being known and numbered on the plan of W. E. Pifer's Addition to DuBois, Pa., as Lot No. 4, No. 5, and No. 6 and having thereon erected a large two-story, frame dwelling house known as 912 South Brady Street, Sandy Township, Clearfield County, Pa. (DuBois, Pa.)

BEING the same premises which were conveyed to Francis A. Vardy and Olive J. Vardy, husband and wife, by Deed of Robert E. Schoch, et al., dated November 6, 1964, and recorded in Clearfield County Deed Book Vol. 511, Page 407, on November 13, 1964. The said Francis A. Vardy having died on November 28, 1991, the same remained unto Olive J. Vardy. The said Olive J. Vardy died testate on September 11, 1994, and by the terms of her Last Will and Testament which was duly probated in the Orphans' Court Division of the Court of Common Pleas of Clearfield County, Pennsylvania, on September 22, 1994, did nominate, constitute and appoint her daughter, Robin L. Cox, as Executrix of her estate.

NOTICE

To comply with the Act of July 17, 1957 (52 P.S. Supp. Sec. 1551-1554) notice is hereby given as follows:

THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL, AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL, AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND, AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND.

VOL 1661 PAGE 316

I hereby CERTIFY that this document
is recorded in the Recorder's Office of
Clark County, Pennsylvania.



Karen L. Starck

Karen L. Starck
Recorder of Deeds

662 B

NOTICE

In accordance with the provisions of "The Bituminous Mine Subsidence and Land Conservation Act of 1966", I/we, the undersigned grantee/grantees, hereby certify that I/we know and understand that I/we may not be obtaining the right of protection against subsidence resulting from coal mining operations and that the purchased property may be protected from damage due to mine subsidence by a private contract with the owners of the economic interest in the coal. I/we further certify that this certification is in a color contrasting with that in the deed proper and is printed in twelve point type preceded by the word "notice" printed in twenty-four point type.

Witness:

[Signature]

Robin L. Cox
Robin L. Cox
Donald W. Cox
Donald W. Cox

This 24th day of February, 1995



JILL BURKE
Notary Public - Nevada
Clark County
My appt. exp. Feb. 22, 1997

AND the said ROBIN L. COX, Executrix of the Estate of OLIVE J. VARDY, for herself, her heirs, successors, executors, administrators and assigns, does covenant, promise and agree, to and with the said Grantees, their heirs and assigns, by these presents, that she, the said Executrix has not done, committed or knowingly or willingly suffered to be done, or committed, any act, matter or thing whatsoever, whereby the premises hereby granted, or any part thereof, is, are, shall or may be impeached, charged or encumbered in title, charge, estate or otherwise howsoever.

IN WITNESS WHEREOF, the said Parties of the First Part

have hereunto set their hands and seals the day and year first above written.

WITNESS:

Michelle Harp

Robin L. Cox (SEAL)
Robin L. Cox, Individually and
as Executrix of the Estate of
Olive J. Vardy, deceased

Sharon A. Swanson

Lynn F. Vardy (SEAL)
Lynn F. Vardy

This is a transfer from sister and brother to sister and her husband and is not subject to transfer tax.

NTS

CERTIFICATE OF RESIDENCE

I hereby certify that the precise residence of the within-named Grantees is:

541 Crony Avenue
Henderson, NV 89015

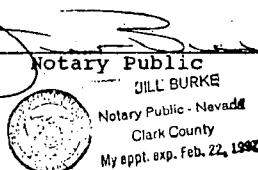
By Sharon A. Swanson
Attorney for Grantees

STATE OF NEVADA :
COUNTY OF Clark : SS.

On this, the 24th day of February, 1995, before me, a Notary Public, in and for the County and State aforesaid, personally appeared ROBIN L. COX, Individually and as Executrix of the Estate of OLIVE J. VARDY, deceased, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that she executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto affixed my hand and Official Seal.

My commission expires: 2/22/97



COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF ERIE : SS.

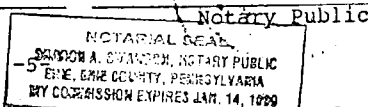
On this, the 27th day of February, 1995, before me, a Notary Public, in and for the County and State aforesaid, personally appeared LYNN F. VARDY, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto affixed my hand and Official Seal.

FEB 27 1995

My commission expires:

Sharon A. Swanson



Entered of Record Feb 28 1995, 2:45 PM Karen L. Storch, Recorder

DEED.

This Indenture,

51 143

M. E. Pifer & Co
To

M. H. Edinger

Made the Twentieth day of August in the year of our
Lord one thousand eight hundred and Ninety three Between
M. E. Pifer and Kate his wife of the
Borough of Darbs, County of Clearfield
and State of Pennsylvania

of the first part, and M. H. Edinger of Brady Township, County and
State of Pennsylvania

of the second part; Witnesseth, that the said party of the first part
for and in consideration of the sum of Five hundred
dollars

Lawful money of the United States

of America, well and truly paid by the said party of the second part to the said
party of the first part at the before the sealing and delivery of these presents, the receipt
whereof is hereby acknowledged, has granted, bargained, sold, aliened, enfeoffed, released, conveyed and confirmed, and by these presents
he grant, bargain, sell, alien, enfeoff, release, convey and confirm, unto the said party of the second part
his heirs and assigns, All that certain

messuage or piece of land situate in Brady Township, Clearfield
County, Pennsylvania, bounded and described as follows to wit:
Being known as Lots Nos 5 and 6 as per M. E. Pifer's addition to the
Borough of Darbs, beginning at a point on public road leading
from Darbs to Erie Pike at corner of land of J. J. and H. A. Daley
thence by land of said Daleys North 88 and 1/2° West one hundred fifty
feet to a point thence by a sixteen foot alley North 1 and 1/2°
East one hundred fifty feet to a point thence by a sixteen foot alley
South 88 and 1/2° East one hundred fifty feet to public road
thence by said Road South 1 and 1/2° West one hundred fifty feet
to the place of beginning. Being part of a larger tract of land which
by sundry good and legal conveyance became vested in Andrew
Smith, who by deed dated the 10. day of March 1884 and recorded
in the office for the recording of deeds for the County of Clearfield
in Deed Book No. 40 page 104 conveyed the same to M. E. Pifer
grantor above named.

Together with all and singular the tenement rights, liberties,
privileges, hereditaments and appurtenances to the same belonging or in any wise appertaining, and the reversion
and reversioners remainder, the premises rents, issues and profits thereof,
and also all the estate, right, title, interest, property
claim and demand whatsoever, both in law and equity of the said party of the
first part of or out of the said premises, and every part
and parcel thereof.

EXHIBIT

D

To have and to hold the said premises with all and singular

unto the said party of the second part his heirs and assigns, to and for the only proper use and behoof of the said party of the second part his heirs and assigns forever.

And the said parties of the first part and their heirs, executors and administrators, do by these presents covenant, grant and agree, to and with the said party of the second part his heirs and assigns, that they the said parties of the first part their heirs, all and singular the hereditaments and premises hereinabove described and granted, or mentioned and intended with the appurtenances, unto the said party of the second part his heirs and assigns, against the said party of the first part and their heirs, and against all and every other person or persons whomsoever lawfully claiming or to claim the same or any part thereof, by from record hereafter or any of them SHALL and WILL by these presents WARRANT and forever DEFEND.

In Witness Whereof, the said party of the first part set their hands and seals Dated the day and year first above written.

Signed Sealed and delivered in presence of us

M. C. Penty

M. E. Piper
Kate Piper



State of Pennsylvania
Chester County

On the 22nd day of Aug. in the year one thousand eight hundred and ninety three before me the undersigned a Notary Public in and for said County came the above named M. E. Piper and Kate Piper and they acknowledged the above Indenture to be their act and deed and claimed the same might be recorded as such: and the said Kate Piper being of full age, and separate and apart from her husband, by me examined and the full content of said Indenture being by me made known to her declared upon such separate examination that she did voluntarily and of her own free will and accord sign seal and as her act and deed deliver the said Indenture without any coercion or compulsion of her said husband.

M. C. Penty
Notary Public.



Form **SS-4**
REV. December 2001
Department of the Treasury
Internal Revenue Service

Application for Employer Identification Number

(For use by employers, corporations, partnerships, trusts, estates, churches, government agencies, Indian tribal entities, certain individuals, and others.)

EIN

OMB No. 1545-0003

See separate instructions for each line. Keep a copy for your records.

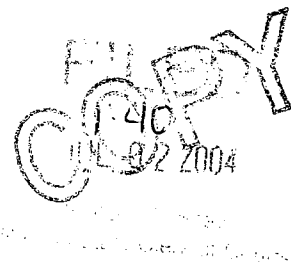
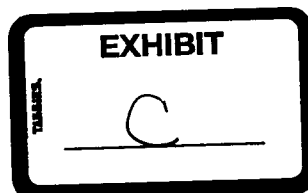
1 Legal name of entity (or individual) for whom this EIN is being requested Estate of Carrie Lombardo		3 Executor, trustee, "care of" name Mary Clouser	
2 Trade name of business (if different from name on line 1)		4a Mailing address (room, apt., suite no. and street, or P.O. box) 616 Locust Street	
4b City, state, and ZIP code DuBois PA 15801		5a Street address (if different) (Do not enter a P.O. box.)	
6 County and state where principal business is located Clarke County, Pennsylvania		5b City, state, and ZIP code	
7a Name of principal officer, general partner, grantor, owner, or trustee		7b SSN, ITIN, or EIN	
8a Type of entity (check only one box)			
<input type="checkbox"/> Sole proprietor (SSN) <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation (enter form number to be filed) > <input type="checkbox"/> Personal service corp. <input type="checkbox"/> Church or church-controlled organization <input type="checkbox"/> Other nonprofit organization (specify) > <input checked="" type="checkbox"/> Estate (SSN of decedent) 164-46-7492 <input type="checkbox"/> Plan administrator (SSN) <input type="checkbox"/> Trust (SSN of grantor) <input type="checkbox"/> National Guard <input type="checkbox"/> Farmers' cooperative <input type="checkbox"/> AFMPC <input type="checkbox"/> State/local government <input type="checkbox"/> Federal government/military <input type="checkbox"/> Indian tribal government/tribe/tribe			
8b If a corporation, name the state or foreign country (if applicable) where incorporated			
State		Foreign country	
9 Reason for applying (check only one box)			
<input type="checkbox"/> Started new business (specify type) > <input type="checkbox"/> Bankruptcy purpose (specify purpose) > <input type="checkbox"/> Changed type of organization (specify new type) > <input type="checkbox"/> Purchased going business <input type="checkbox"/> Created a trust (specify type) > <input type="checkbox"/> Created a pension plan (specify type) > <input type="checkbox"/> Hired employees (Check the box and see line 10.) <input type="checkbox"/> Compliance with IRS withholding regulations <input checked="" type="checkbox"/> Other (specify) > Estate 1)			
10 Date business started or acquired (month, day, year) April 18, 2004		11 Closing month of accounting year March	
12 First date wages or annuities were paid or will be paid (month, day, year). Note: If applicant is a withholding agent, enter date income will first be paid to nonresident alien. (month, day, year)			
13 Highest number of employees expected in the next 12 months. Note: If the applicant does not expect to have any employees during the period, enter "0."			
14 Check one box that best describes the principal activity of your business.			
<input type="checkbox"/> Construction <input type="checkbox"/> Rental & leasing <input type="checkbox"/> Transportation & warehousing <input type="checkbox"/> Health care & social assistance <input type="checkbox"/> Wholesale-grocery/retailer <input type="checkbox"/> Real estate <input type="checkbox"/> Manufacturing <input type="checkbox"/> Finance & insurance <input checked="" type="checkbox"/> Other (specify) Estate settlement			
15 Indicate principal line of merchandise sold; specific construction work done; products produced; or services provided.			
16a Has the applicant ever applied for an employer identification number for this or any other business? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Note: If "yes," please complete lines 16b and 16c.			
16b If you checked "Yes" on line 16a, give applicant's legal name and trade name shown on prior application if different from line 1 or 2 above.			
Legal name		Trade name	
16c Approximate date when, and city and state where, the application was filed. Enter previous employer identification number if known.			
Approximate date when filed (month, day, year)		City and state where filed	
Previous EIN			
Third Party Designee			
Complete this section only if you want to authorize the named individual to receive the entity's EIN and answer questions about the completion of this form.			
Designee's name		Designee's telephone number (include area code)	
Benjamin S. Blakley, Esquire		(814) 571-2730	
Address and ZIP code		Designee's fax number (include area code)	
90 Beaver Drive, DuBois, PA, 15801		(814) 375-1082	
Under penalties of perjury, I declare that I have examined this application, and to the best of my knowledge and belief, it is true, correct, and complete.		Applicant's telephone number (include area code)	
Name and title (type or print clearly) > Mary Clouser		(814) 371-7876	
Signature > Mary Clouser		Date > 5-17-2004	
For Privacy Act and Paperwork Reduction Act Notice, see separate instructions.			
Cat. No. 1545-001		Form SS-4 (Rev. 12-2001)	



Blumberg & Co., Inc., 10011A, NYC 10013
www.blumberg.com

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

JACQUELINE SCHOCH,	)	NO. 04-645 C.D.
)	
Plaintiff,	)	Type of Case: CIVIL ACTION
)	
vs.	)	Type of Pleading:
	)	NOTICE
)	
DONALD W. COX and ROBIN)	
COX,	)	Filed on Behalf of:
	)	Defendants
)	
Defendants.)	
	)	Counsel of Record:
	)	BENJAMIN S. BLAKLEY, III, ESQ.
	)	Supreme Court no. 26331
)	
	)	BLAKLEY & JONES
	)	90 Beaver Drive, Box 6
	)	Du Bois, Pa 15801
	)	(814) 371-2730



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

JACQUELINE SCHOCH,) NO. 01-287-C.D.
)
Plaintiff,)
)
vs.)
)
DONALD W. COX and ROBIN COX,)
)
Defendant.)

NOTICE

DATE OF NOTICE: July 1, 2004

TO: MARLIN D. DEITCH and VIRGINIA A. DEITCH
5 West Maloney Road
DuBois PA15801

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER 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 (10) 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
1 NORTH SECOND STREET
CLEARFIELD, PA 16830
(814) 765-2641

BLAKLEY & JONES

Benjamin S. Blakley, III, Esquire
Attorney for Plaintiff
I.D. # 26331
90 Beaver Drive, Box 6
Du Bois, PA 15801
(814) 371-2730

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

JACQUELINE SCHUCH,

Plaintiff,

v

DONALD W. COX and ROBIN COX,
Defendants.

MOTION FOR ENTRY OF DEFAULT
JUDGMENT AND JUDGMENT
ON THE PLEADINGS

No. 04-645-C.D.

FILED

AUG 16 2004

William A. Shaw
Prothonotary/Clerk of Courts

LAW OFFICES
BLAKLEY & JONES
90 BEAVER DRIVE - BOX 6
DUBOIS, PA 15801

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

JACQUELINE SCHOCH,) NO. 04-645 C.D.
)
Plaintiff,) Type of Case: CIVIL ACTION
)
vs.) Type of Pleading:
) CERTIFICATE OF SERVICE
DONALD W. COX and ROBIN)
COX,) Filed on Behalf of:
) Defendants
Defendants.)
) Counsel of Record:
) BENJAMIN S. BLAKLEY, III, ESQ.
) Supreme Court no. 26331
)
) BLAKLEY & JONES
) 90 Beaver Drive, Box 6
) Du Bois, Pa 15801
) (814) 371-2730

FILED *icc*
m11:11/04
AUG 16 2004 *By Blakley*
EB
William A. Shaw
Prothonotary/Clerk of Courts

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

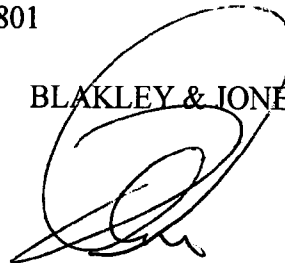
JACQUELINE SCHOCH,	)	NO. 01-287-C.D.
)	
Plaintiff,)	
)	
vs.)	
)	
DONALD W. COX and ROBIN COX,)	
)	
Defendant.)	

CERTIFICATE OF SERVICE

I, **BENJAMIN S. BLAKLEY, III**, hereby certify that I have served a true and correct copy of Defendants' Motion for Entry of Default Judgment and Judgment on the Pleadings this 13th day of August, 2004, by depositing the same with the United States Postal Service via First-Class Mail, postage pre-paid, addressed as follows:

Jeffrey S. DuBois, Esquire
190 West Park Avenue
Suite 5
Du Bois, PA 15801

BLAKLEY & JONES



Benjamin S. Blakley, III
Attorney for Defendants

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

JACQUELINE SCHOCH,

Plaintiff,

v

DONALD W. COX and ROBIN COX,
Defendants.

CERTIFICATE OF SERVICE

No. 04-645-C.D.

FILED

AUG 16 2004

William A. Shaw
Prothonotary/Clerk of Courts

LAW OFFICES
BLAKLEY & JONES
90 BEAVER DRIVE - BOX 6
DUBOIS, PA 15801

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

JACQUELINE SCHOCH,) NO. 04-645 C.D.
)
Plaintiff,) Type of Case: CIVIL ACTION
)
vs.) Type of Pleading:
) PRAECIPE TO WITHDRAW MOTION
)
DONALD W. COX and ROBIN)
COX,) Filed on Behalf of:
) Defendants
)
Defendants.)
) Counsel of Record:
) BENJAMIN S. BLAKLEY, III, ESQ.
) Supreme Court no. 26331
)
) BLAKLEY & JONES
) 90 Beaver Drive, Box 6
) Du Bois, Pa 15801
) (814) 371-2730

FILED No cc
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William A. Shaw
Prothonotary/Clerk of Courts

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

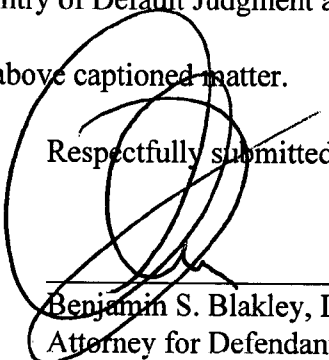
JACQUELINE SCHOCH,	)	NO. 01-287-C.D.
)	
Plaintiff,)	
)	
vs.)	
)	
DONALD W. COX and ROBIN COX,)	
)	
Defendant.)	

PRAECIPE TO WITHDRAW MOTION

TO: WILLIAM A. SHAW, PROTHONOTARY

Please withdraw the Motion for Entry of Default Judgment and Judgment on the Pleadings filed by the Defendants in the above captioned matter.

Respectfully submitted,


Benjamin S. Blakley, III
Attorney for Defendants

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

JACQUELINE SCHUCH,

Plaintiff,

v.

DONALD W. COX and ROBIN COX,

Defendants.

PRAECIPE TO WITHDRAW MOTION

No. 04-645-C.D.

FILED

AUG 18 2004

William A. Shaw
Prothonotary/Clerk of Courts

LAW OFFICES

BLAKLEY & JONES

90 BEAVER DRIVE - BOX 6
DUBOIS, PA 15801

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

JACQUELINE SCHOCH,) NO. 04-645 C.D.
)
Plaintiff,) Type of Case: CIVIL ACTION
)
vs.) Type of Pleading:
) CERTIFICATE OF SERVICE
DONALD W. COX and ROBIN)
COX,) Filed on Behalf of:
) Defendants
)
) Counsel of Record:
) BENJAMIN S. BLAKLEY, III, ESQ.
) Supreme Court no. 26331
)
) BLAKLEY & JONES
) 90 Beaver Drive, Box 6
) Du Bois, Pa 15801
) (814) 371-2730

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AUG 18 2004
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William A. Shaw
Prothonotary/Clerk of Courts

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

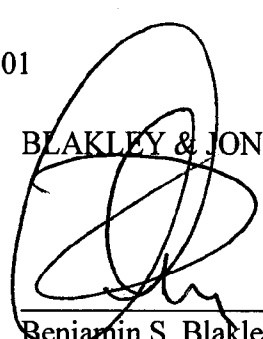
JACQUELINE SCHOCH,	)	NO. 01-287-C.D.
)	
Plaintiff,)	
)	
vs.)	
)	
DONALD W. COX and ROBIN COX,)	
)	
Defendant.)	

CERTIFICATE OF SERVICE

I, **BENJAMIN S. BLAKLEY, III**, hereby certify that I have served a true and correct copy of Defendants' Praecipe to Withdraw Motion this 17th day of August, 2004, by depositing the same with the United States Postal Service via First-Class Mail, postage pre-paid, addressed as follows:

Jeffrey S. DuBois, Esquire
190 West Park Avenue
Suite 5
Du Bois, PA 15801

BLAKLEY & JONES



Benjamin S. Blakley, III
Attorney for Defendants

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

JACQUELINE SCHOCH,

Plaintiff,

v.

DONALD W. COX and ROBIN COX,

Defendants.

CERTIFICATE OF SERVICE

No. 04-645-C.D.

FILED

AUG 18 2004

William A. Shaw
Prothonotary/Clerk of Courts

LAW OFFICES

BLAKLEY & JONES

90 BEAVER DRIVE - BOX 6

DUBOIS, PA 15801

CA

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
CIVIL TRIAL LISTING

CERTIFICATE OF READINESS

TO THE PROTHONOTARY

CASE NUMBER 04-645-CD TYPE TRIAL REQUESTED () Jury (x) Non-Jury
DATE PRESENTED 12/9/2004
ESTIMATED TRIAL TIME

Date Complaint Filed: 5/10/2004 () Arbitration 1 Days

PLAINTIFF(S)

Jacqueline Schoch

DEFENDANT(S)

Donald W. Cox and Robin Cox

ADDITIONAL DEFENDANT(S)

Check Block if
a Minor is a
Party to the
Case

JURY DEMAND FILED BY:

N/A

DATE JURY DEMAND FILED:

FILED

EBK

AMOUNT AT ISSUE

CONSOLIDATION

DATE CONSOLIDATION ORDERED

more than

\$ N/A

() yes () no

REC-010-2004
01/31/05
William A. Shaw
Prothonotary/Clerk of Courts

copy to CA
2 copies

To Amy DuBois

PLEASE PLACE THE ABOVE CAPTIONED CASE ON THE TRIAL LIST.
I certify that all discovery in the case has been completed;
all necessary parties and witnesses are available; serious
settlement negotiations have been conducted; the case is ready in
all respects for trial, and a copy of this Certificate has been
served upon all counsel of record and upon all parties of record who
are not represented by counsel.

[Signature]

FOR THE PLAINTIFF

Jeffrey S. DuBois, Esquire

TELEPHONE NUMBER

(814) 375-5598

FOR THE DEFENDANT

Benjamin S. Blakley, III, Esquire

TELEPHONE NUMBER

(814) 371-2730

FOR ADDITIONAL DEFENDANT

TELEPHONE NUMBER

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

JACQUELINE SCHOCH,) NO. 04-645 C.D.
)
Plaintiff,) Type of Case: CIVIL ACTION
)
vs.) Type of Pleading:
) CERTIFICATE OF SERVICE
DONALD W. COX and ROBIN)
COX,) Filed on Behalf of:
) Defendants
Defendants.)
) Counsel of Record:
) BENJAMIN S. BLAKLEY, III, ESQ.
) Supreme Court no. 26331
)
) BLAKLEY & JONES
) 90 Beaver Drive, Box 6
) Du Bois, Pa 15801
) (814) 371-2730

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2005
Amy Blakley

William A. Shaw
Prothonotary/Clerk of Courts

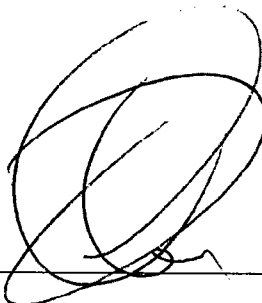
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

JACQUELINE SCHOCH,	)	NO. 01-287-C.D.
)	
Plaintiff,)	
)	
vs.)	
)	
DONALD W. COX and ROBIN COX,)	
)	
Defendant.)	

CERTIFICATE OF SERVICE

I, **BENJAMIN S. BLAKLEY, III**, hereby certify that I have served a true and correct copy of Defendants' Pretrial Statement this 5th day of January, 2005, by depositing the same with the United States Postal Service via First-Class Mail, postage pre-paid, addressed as follows:

Jeffrey S. DuBois, Esquire
190 West Park Avenue
Suite 5
Du Bois, PA 15801



UX

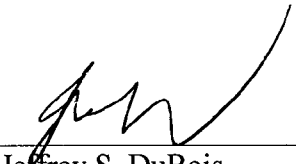
IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

JACQUELINE SCHOCH,	:	No. 04-645-CD
Plaintiff	:	
	:	
Vs.	:	
	:	
DONALD W. COX and ROBIN COX,	:	
Defendants	:	

CERTIFICATE OF SERVICE

I do hereby certify that on the 7th day of January, 2005, I served a true and correct copy of the within Pre Trial Statement by first class mail, postage prepaid, on the following:

Benjamin S. Blakley, III, Esquire
90 Beaver Drive, Box 6
DuBois, PA 15801



Jeffrey S. DuBois

FILED
6k 0 11:55 AM NDC
JAN 07 2005

William A. Shaw
Prothonotary

6A

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

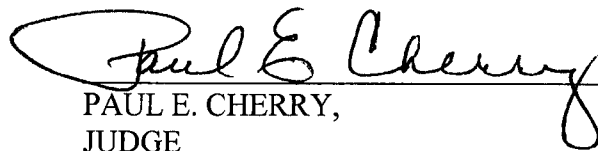
JACQUELINE SCHOCK	:	NO. 04-645-CD
	:	
V.	:	
	:	
DONALD W. COX and	:	
ROBIN COX	:	

ORDER

AND NOW, this 13th day of January, 2005, following Pre-Trial Conference, it is the ORDER of the Court as follows:

1. Trial in this matter is scheduled for March 23, 24, 2005, beginning at 9:00 o'clock A.M. in Courtroom No. 2 of the Clearfield County Courthouse, Clearfield, Pennsylvania.
2. The deadline for providing any and all outstanding discovery shall be by and no later than thirty (30) days prior to the commencement of trial.
3. A view of the area shall be held on March 23, 2005 at 9:00 A.M.
4. Counsel shall file a Motion for Consolidation within five (5) days of today's date.

BY THE COURT,


PAUL E. CHERRY,
JUDGE

FILED
01/10/26 10:26 AM
JAN 17 2005
cc [unclear] R. Cox
cc [unclear] D. Cox

William A. Shaw
Prothonotary

DAWN,

Please put in files.

Thanks -

GK

Judge signed this
fax - to be
treated as the
original because
it was lost.

A

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

JACQUELINE SCHOCH,	:	No. 04-645-CD & 04-942-CD
Plaintiff	:	
	:	Type of Pleading:
Vs.	:	
	:	MOTION TO CONSOLIDATE
DONALD W. COX and ROBIN	:	CASES
COX,	:	
Defendants	:	Filed on Behalf of:
	:	ALL PARTIES
and	:	
	:	Counsel of Record for These Parties:
DONALD W. COX and ROBIN L. COX,	:	
Plaintiffs	:	Jeffrey S. DuBois, Esquire
	:	Supreme Court No. 62074
Vs.	:	190 West Park Avenue, Suite #5
	:	DuBois, PA 15801
	:	(814) 375-5598
MARLIN D. DEITCH and VIRGINIA A.	:	
DEITCH,	:	and
Defendants	:	
	:	Benjamin S. Blakley, III, Esquire
	:	Supreme Court No. 26331
	:	90 Beaver Drive, Box 6
	:	DuBois, PA 15801
	:	(814) 371-2730

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

JACQUELINE SCHOCH,
Plaintiff

No. 04-645-CD & 04-942-CD

Vs.

DONALD W. COX and ROBIN
COX,
Defendants

and

DONALD W. COX and ROBIN L. COX,
Plaintiffs

Vs.

MARLIN D. DEITCH and VIRGINIA A.
DEITCH,
Defendants

MOTION TO CONSOLIDATE CASES

AND NOW, comes all parties to the above captioned actions, by and through their attorney's, Jeffrey S. DuBois, Esquire, and Benjamin S. Blakley, III, Esquire, who file the following Motion to Consolidate the Cases and in support thereof avers the following:

1. There are presently two (2) cases filed to the above captioned terms before this Honorable Court.
2. Both cases involve similar parties, and the subject matter is the same or similar in both cases as it deals with alleged alleyways located in Sandy Township, Clearfield County, Pennsylvania.

3. All parties, in one way or another, reside in close proximity to said alleyway.
4. To promote the principles of judicial economy and efficiency, it is in the best interests of all parties and the Court to have all of these matters consolidated, as opposed to having two (2) separate Trials.
5. Therefore, all parties request that these cases be consolidated and be heard in one Trial.

WHEREFORE, the parties request this Honorable Court to consolidate the above cases.

Respectfully submitted,

Jeffrey S. DuBois, Esquire
Attorney for Plaintiff, Jacqueline Schoch
and Defendants, Marlin & Virginia Deitch

Benjamin S. Blakley, III, Esquire
Attorney for Defendants, Cox's
and Plaintiffs, Cox's

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

JACQUELINE SCHOCH,
Plaintiff

No. 04-645-CD & 04-942-CD

Vs.

DONALD W. COX and ROBIN
COX,

Defendants

and

DONALD W. COX and ROBIN L. COX,
Plaintiffs

Vs.

MARLIN D. DEITCH and VIRGINIA A.
DEITCH,

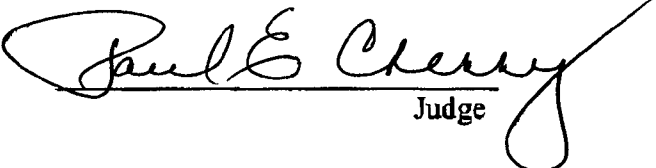
Defendants

ORDER

AND NOW, this 31st day of January, 2005, in consideration of
the parties Motion to Consolidate the Cases,


IT IS HEREBY ORDERED AND DECREED that these two cases, No. 04-645-
CD and No. 04-942-CD, are hereby consolidated.

BY THE COURT:


Judge

FILED 300

1/31/05
FEB 01 2005


William A. Shaw
Court Secretary/Clerk of Courts

Down,

Please put in files.

— Thanks

Greene

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

JACQUELINE SCHOCH,) NO. 04-645 C.D.
)
Plaintiff,) Type of Case: CIVIL ACTION
)
vs.) Type of Pleading:
) CERTIFICATE OF SERVICE
DONALD W. COX and ROBIN)
COX,) Filed on Behalf of:
) Defendants
Defendants.)
) Counsel of Record:
) BENJAMIN S. BLAKLEY, III, ESQ.
) Supreme Court no. 26331
)
) BLAKLEY & JONES
) 90 Beaver Drive, Box 6
) Du Bois, Pa 15801
) (814) 371-2730

FILED

OK FEB 18 2005
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William A. Shaw
Prothonotary
1 cent to Att

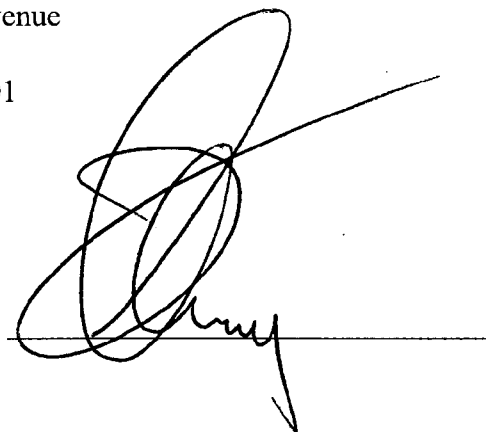
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

JACQUELINE SCHOCH,	)	NO. 01-287-C.D.
)	
Plaintiff,)	
)	
vs.)	
)	
DONALD W. COX and ROBIN COX,)	
)	
Defendant.)	

CERTIFICATE OF SERVICE

I, **BENJAMIN S. BLAKLEY, III**, hereby certify that I have served a true and correct copy of Defendants' Request for Admissions and Accompanying Interrogatory to Plaintiff this 17th day of February, 2005, by hand delivery to:

Jeffrey S. DuBois, Esquire
190 West Park Avenue
Suite 5
Du Bois, PA 15801

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

CA

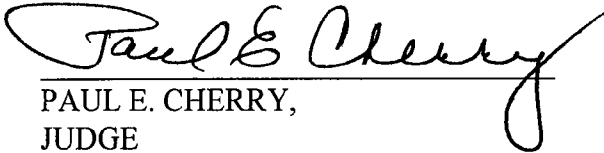
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

JACQUELINE SCHOCK	:	NO. 04-645-CD
	:	
V.	:	
	:	
DONALD W. COX and	:	
ROBIN COX	:	
	:	
DONALD W. COX and	:	NO. 04-942-CD
ROBIN L. COX	:	
	:	
V.	:	
	:	
MARLIN D. DEITCH and	:	
VIRGINIA A. DEITCH	:	

ORDER

AND NOW, this 4th day of March, 2005, it is the ORDER of this Court that a Status Conference be held with regard to the above captioned matter on the 15th day of March, 2005, at 8:30 o'clock A.M., Clearfield County Courthouse, Courtroom No. 2, Clearfield, Pennsylvania.

BY THE COURT,


PAUL E. CHERRY,
JUDGE

154
1cc Atty's:
DuBois
Blakley

014:00/ST
MAR 04 2005

William A. S. Jr.
Prothonotary Clerk of Courts

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

JACQUELINE SCHOCH,	)	NO. 04-645 C.D.
)	
Plaintiff,	)	Type of Case: CIVIL ACTION
)	
vs.	)	Type of Pleading: DEFENDANTS'
	)	SUPPLEMENTAL PRETRIAL STATEMENT
DONALD W. COX and ROBIN)	
COX,	)	Filed on Behalf of:
	)	DEFENDANTS
Defendants.)	
	)	Counsel of Record:
	)	BENJAMIN S. BLAKLEY, III, ESQ.
	)	Supreme Court no. 26331
)	
)	BLAKLEY & JONES
)	90 Beaver Drive, Box 6
)	Du Bois, Pa 15801
)	(814) 371-2730

FILED^{no}_{cc}
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William A. Shaw
Prothonotary/Clerk of Courts

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

JACQUELINE SCHOCH,) NO. 01-287-C.D.
)
Plaintiff,)
)
vs.)
)
DONALD W. COX and ROBIN COX,)
)
Defendants.)

DEFENDANTS' SUPPLEMENTAL PRETRIAL STATEMENT

IV. NAMES AND ADDRESSES OF ALL PERSONS WHO MAY BE CALLED AS WITNESSES

- G. William Mack, 908 South Brady Street, DuBois, PA;
- H. Mary Ann Wesdock, Director of Assessment, Clearfield County, Clearfield County Courthouse Annex, Market Street, Clearfield, PA;
- I. Defendants reserve the right to call such other witnesses with adequate notice being given the Court and the Plaintiff.

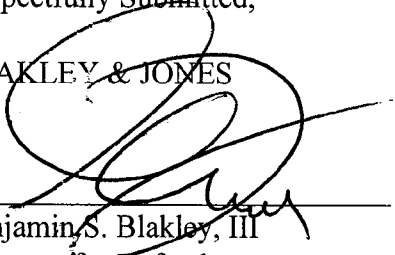
VI. LIST OF EXHIBITS TO BE USED AT TRIAL

- G. Estate records of Lewis H. Schoch, alias L. H. Schoch, Robert E. Schoch, Executor;
- H. Assessment records for Plaintiff's real property;
- I. Statements of damages to Defendants' vehicles, Joe Fender Body & Frame Shop, Inc., and C Classic Dodge Chrysler Plymouth, copies attached hereto;

- J. Defendants reserve the right to introduce other exhibits at trial upon adequate notice to Plaintiff and the Court.

Respectfully Submitted,

BLAKLEY & JONES



Benjamin S. Blakley, III
Attorney for Defendants

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

JACQUELINE SCHOCH,) NO. 04-645 C.D.
)
Plaintiff,) Type of Case: CIVIL ACTION
)
vs.) Type of Pleading:
) CERTIFICATE OF SERVICE
DONALD W. COX and ROBIN)
COX,) Filed on Behalf of:
) Defendants
Defendants.)
) Counsel of Record:
) BENJAMIN S. BLAKLEY, III, ESQ.
) Supreme Court no. 26331
)
) BLAKLEY & JONES
) 90 Beaver Drive, Box 6
) Du Bois, Pa 15801
) (814) 371-2730

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William A. Shaw
Prothonotary/Clerk of Courts

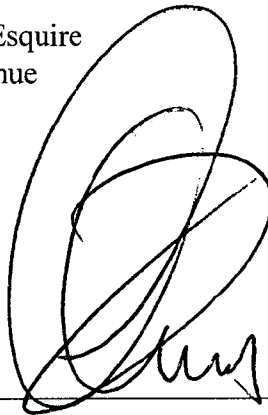
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

JACQUELINE SCHOCH,	) NO. 01-287-C.D.
)
Plaintiff,)
)
vs.)
)
DONALD W. COX and ROBIN COX,)
)
Defendant.)

CERTIFICATE OF SERVICE

I, **BENJAMIN S. BLAKLEY, III**, hereby certify that I have served a true and correct copy of Defendants' Supplemental Pretrial Statement this ^{16th}~~15th~~ day of March, 2005, by depositing the same with the United States Postal Service via First-Class Mail, postage pre-paid, addressed as follows:

Jeffrey S. DuBois, Esquire
190 West Park Avenue
Suite 5
Du Bois, PA 15801

A handwritten signature in black ink, appearing to read "Jeffrey S. DuBois", is written over a horizontal line.

FILED

JUN 17 2005

Official Seal
William A. Shaw
Prothonotary/Clerk of Courts
CENT TO BUCKLEY &
Du Bois

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

JACQUELINE SCHOCK :
VS. : NO. 04-645-CD
DONALD W. COX and ROBIN COX :

O R D E R

NOW, this 23rd day of March, 2005, this being the date set for nonjury trial; the parties having reached a resolution of the same, do hereby stipulate and agree to the entry of the following Order:

1. Plaintiff, Jacqueline Schock, owns the cartway in question up to the grass portion of the Defendants' residence and Plaintiff shall make no future claim to any property extending beyond the grass.

2. Defendants, Donald W. and Robin Cox, own up to where the grass ends, being the edge of the cartway.

3. Neither party, nor anyone on their behalf, shall place any obstructions or obstacles on the cartway in question.

4. Plaintiff and Defendants agree that both parties, along with their family, invitees, guests and service people shall have access to the existing cartway for purposes of ingress and egress to either property, and shall use caution when entering and exiting the alleyway, including maintaining a slow speed limit while traveling thereupon.

5. If either party intends to block or have service

vehicles block the cartway for a period exceeding one (1) hour, the other party shall be immediately notified of the same.

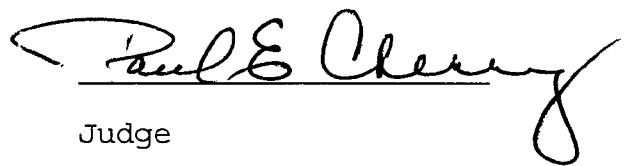
6. Neither party shall harass the other in any way or interfere with the enjoyment of the other with respect to use of the cartway.

7. Any stakes or reflectors placed by either party shall be placed in the grass and not be placed in the cartway.

8. Neither party, nor anyone on their behalf, shall do anything that would change the grading, or contour, of the cartway without permission of the other.

9. An easement shall exist on behalf of the Defendants for the purpose of repair and/or maintenance of an existing water line running across the cartway to the Defendants' residence.

BY THE COURT,


Judge

CA

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

JACQUELINE SCHOCK :
VS. : NO. 04-645-CD
DONALD W. COX and ROBIN COX :

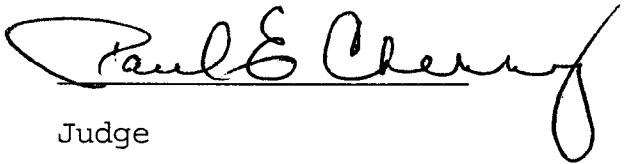
O R D E R

NOW, this 23rd day of June, 2005, it is the ORDER of
this Court that the Order entered on March 23, 2005, be and is
hereby AMENDED to include the following stipulation:

The corner of the alley along South Brady Street
shall be established at the pin placed by Land and Mapping
Services.

All remaining provisions of the Order dated March
23, 2005, not inconsistent herewith shall remain in full force
and effect.

BY THE COURT,


Judge

FILED
019.1930
JUN 24 2005

William A. Shaw
Prothonotary/Clerk of Courts

ICC
Atty. DuBois
Blakley
CK