

04-645-CD  
JACQUELINE SCHOCH vs. DONALD W. COX et al.

**Jacqueline Schoch vs. Donald & Robin Cox**  
**2004-645-CD**

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 ✓ 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 Praeclipe to Attach Verification, via 1st Class Mail, postage prepaid to: Jeffrey S DuBois, Esq. Filed by s/Benjamin S Blakley, III. No cc ✓ Verification, Re: Defendants' Answer to Plaintiff's Complaint in Action to Quiet Title, New Matter & Counterclaim, s/Robin Cox No CC ✓ Praeclipe 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 ✓ 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	✓ Praeclipe to Withdraw Motion, filed by s/Benjamin S. Blakley, III, Esq. No CC ✓ Certificate of Service, Defendant's Praeclipe 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 ✓ 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

Date: 06/23/2005

Time: 01:12 PM

Page 2 of 2

**Clearfield County Court of Common Pleas**

User: CROWLES

**ROA Report**

**Case: 2004-00645-CD**

**Current Judge: Paul E. Cherry**

Jacqueline Schoch vs. Donald W. Cox, Robin Cox

**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 ✓ 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, : No. 04-645-CJ  
Plaintiff :  
Vs. : Type of Pleading:  
DONALD W. COX and ROBIN : COMPLAINT IN ACTION TO  
COX, : QUIET TITLE  
Defendants : 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.

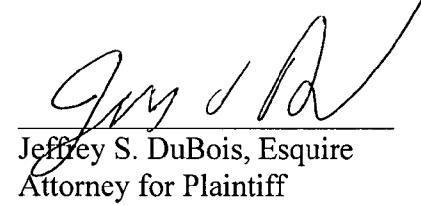
12. Recently, Defendants, have engaged in such actions to attempt to claim ownership to said driveway and have attempted to prevent Plaintiff from using the same.

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  
Jacqueline L. Schoch

EXHIBIT "A"

Penna. Warranty Deed, Short Form No. 30  
Baltimore Office Supply Co.

VOL 726 PAGE 334

This Deed,

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

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

Grantee :

Witnesseth, that in consideration of One and 00/100-----, ----- (\$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

Marlene E. Duttry

Cora E. Schoch

Cora E. Schoch



State of PENNSYLVANIA

County of CLEARFIELD

On this, the 3rd day of September 1976 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 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:

Jacqueline L. Schoch  
Jacqueline L. Schoch

Marlene E. Duttry

Title of Officer.

State of

County of

VOL 726 PAGE 337

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 is 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.

N.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, 1976

5763

Attorney for Grantee

Entered of Record Sept 9 1976, 10:25 Cecil A. Burns Recorder

24 Sept

RECD

CORA E. SCHOCH,

TO

JACQUELINE L. SCHOCH

**WARRANTY**

CLEARFIELD CO. SS  
ENTERED OF RECORD 9-5-76  
Time - 10:25 AM  
By - Cecil A. Burns  
Fees - \$2.50

LAW OFFICES  
BLAKLEY & JONES  
DUBOIS, PENNSYLVANIA 15801

COMMONWEALTH OF PENNSYLVANIA,  
County of CLEARFIELD }  
{ 88.

RECORDED on this 9 day of September  
A. D. 1976, 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, situates 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 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 prime 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 aforesaid, for and in consideration of the sum of Nine Hundred ~~Forty~~ 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 Sanly 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 pals and on the north by land of Wilson Bros. and Jacob Wright, and containing about seven town lcts.

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, Esq. (SEAL)

SIGNED, SEALED AND DELIVERED.

IN PRESENCE OF

W. E. 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. E. Pifer  
Levine Pifer

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 sealing 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 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.

621  
Kate N 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 Fifer, who being duly attested  
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 the seal day  
and year aforesaid.

*McCoy Dwyer*  
McCoy Dwyer

RECORDED in the Office of the County of Clearfield  
on Dec 1996 by *McCoy Dwyer* Notary Public

Witness my hand written on the date of the

day of Dec 19 Anno Domini 1897

*McCoy Dwyer*

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  
 ) QUIET TITLE, NEW MATTER &  
 ) 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

0 12:15 PM

8  
William A. Shaw

Prothonotary/Clerk of Courts

3 CERT 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. Meholic,  
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: 6/30/04

  
**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 pro-

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 10th 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 ensesling 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 PLAT:

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 36° 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° 43' East, fifty (50) feet to an iron pipe; thence by lot of V. Gallentine, South 36° 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 1° 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 900 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° 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 easterly line of South Brady Street, thence by land of Joseph J. Cherry, et al, North 86° 52' west, one hundred and eighty and six-tenths (180.6) feet to an iron pipe; thence by same, North 2° 48' East, three hundred and 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 and eighty-seven (187) 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 land of Robert Schoch, South 2° 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 of 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, lettering or thing whatsoever, whereby the premises aforesaid, or any

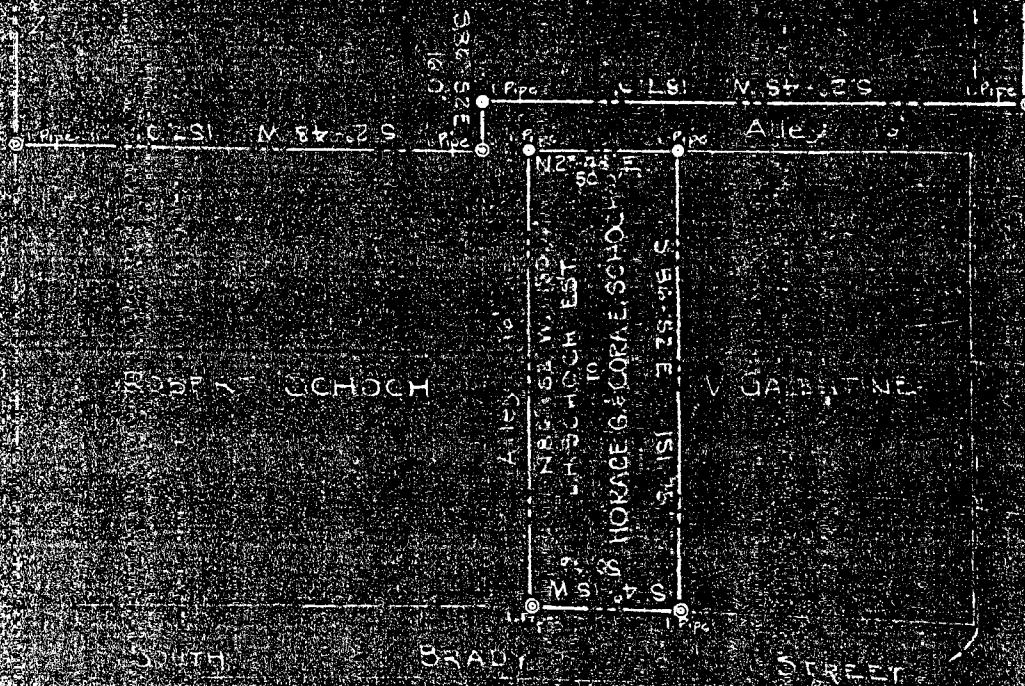
ENGINEERING OFFICE  
OF  
SIMPSON & MADISON  
DUBOIS, PA

BOOK 448 PAGE

JOSEPH J. CHERRY ET AL

N 2° 43' E 344.0'

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



LOT OF LOTS  
SANDY TWP CLEFD CO  
SCALE 1"-50 JAN 1956



VOL 1661 PGK 314

CLEARFIELD COUNTY  
ENTERED OF RECORD  
TIME 2:45 PM 2/28/95  
BY Paul Chey  
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  
Beaver County, Pennsylvania.



*Karen L. Starck*

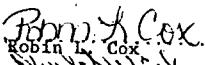
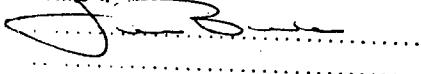
Karen L. Starck  
Recorder of Deeds

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:



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

This 24th day of February, 1995.



JILL BURKE  
Notary Public - Nevada  
Clark County  
My app't. exp. Feb. 22, 1992

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

VOL 1661 PAGE 317

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

WITNESS:

Mehill Harp

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

Howard 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 Zinna Wicker  
Attorney for Grantees

VOL 1661 PAGE 318

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

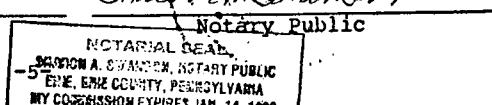
JILL BURKE  
Notary Public - Nevada  
Clark County  
My appt. exp. Feb. 22, 1997

COMMONWEALTH OF PENNSYLVANIA :  
COUNTY OF ERIE : SS.

On this, the 37<sup>th</sup> 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:

Notary Public

NOTARIAL SEAL  
SAMSON A. STARCK, NOTARY PUBLIC  
ERIE, ERIE COUNTY, PENNSYLVANIA  
MY COMMISSION EXPIRES JAN. 14, 1999

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

ACCA.

W. E. Pifer vs  
To

W. H. Edinger

This Indenture,

51 143

Made the thirteenth day of August in the year of our  
Lord one thousand eight hundred and thirty three Between  
W. E. Pifer and Kate his wife of the  
Borough of DuBois, County of Clearfield  
and State of Pennsylvania

of the first part, and W. H. Edinger of Brady Township, County and  
State aforesaid

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 8 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's 5 and 6, as per W. E. Pifer's addition to the  
Borough of DuBois, beginning at a post on public road leading  
from DuBois to Erie Pike, at corner of land of J. and H. A. Daley  
thence by land of said Daley, North 88 and  $\frac{1}{2}$ ° West one hundred fifty  
feet to a post thence by a sixteen foot alley, North 1 and  $\frac{1}{2}$ °  
East one hundred fifty feet to a post thence by a sixteen foot alley  
South 88 and  $\frac{1}{2}$ ° East one hundred fifty feet to public road  
thence by said road East 1 and  $\frac{1}{2}$ ° 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 20. day of March 1884, and recorded  
in the office for the recording of deeds for the County of Clearfield  
in Deed Book No. 20 page 104, conveyed the same to W. E. Pifer  
grantee above named.

Together with all and singular the tenement

rights, liberties,

privileges, hereditaments and appurtenances to the same belonging  
and reverting to the said W. E. Pifer, his heirs and assigns  
and also

or in any wise appertaining, and the reversion

remainder, to the said W. E. Pifer, his heirs and assigns

rents, issues and profits thereof,

all the estate, right, title, interest, property

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

EXHIBIT

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

the appurtenances,

unto the said party of the second part his  
heirs and assigns, to have and to hold the same 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 doth  
with the appurtenances, unto the said party of the second part his  
heirs and assigns, against the said party of the first part and  
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 violence herein between  
or among them. SHALL and WILL by these presents  
WARRANT and forever DEFEND.  
In Witness Whereof, the said party of the first part  
to these presents hereto, hereunto,  
set their hands and seals Dated the day and year first above written.

Signed Sealed and delivered  
in presence of us

M. C. Bentz

H. E. Pifer  
Kate Pifer



State of Pennsylvania  
Clearfield County, 1880

On the 22<sup>nd</sup> day of Aug. in the year one thousand  
eight hundred and Ninety three before me the subscriber a Notary  
Public in and for said County came the above named M. C. Bentz  
and Kate his wife and they acknowledged the above Indenture  
to be their act and deed and that the same might be recorded as  
such. and the said Kate Pifer 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 examination that she did voluntarily  
and of her own free will and desire sign said deed and as  
her act and deed before the said Notary Public without  
any coercion or compulsion of her said husband  
In witness my hand and Notarial seal.

M. C. Bentz  
Notary Public



Oct. 26. 1880

Bentz

BLAKLEY &amp; 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.)

EIN  
OMB No. 1545-0003

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

Type or print clearly		1 Legal name of entity (or individual) for whom the EIN is being requested <b>State of Carrie Lombardo</b>	
		2 Trade name of business (if different from name on line 1) <b>416 Locust Street</b>	
3 Executive, trustee, "care of" name <b>Mary Clouser</b>		4a Mailing address (room, apt., suite no. and street, or P.O. box) <b>4b Street address (if different) (Do not enter a P.O. box.) DuBois PA 15801</b>	
		4b City, state, and ZIP code <b>5/20/04</b>	
5 County and state where principal business is located <b>Clearfield County, Pennsylvania</b>		6b City, state, and ZIP code	
		7a Name of principal officer, general partner, grantor, owner, or trustee <b>7b EIN, ITIN, or EIN</b>	
8a Type of entity (check only one box)		<input checked="" type="checkbox"/> Estate (EIN or decedent) <b>164-96-12992</b> <input type="checkbox"/> Sole proprietor (SIN) _____ <input type="checkbox"/> Partnership _____ <input type="checkbox"/> Corporation (enter form number to be used) <b>&gt;</b> _____ <input type="checkbox"/> Personal service corp. _____ <input type="checkbox"/> Church or church-controlled organization _____ <input type="checkbox"/> Other nonprofit organization (specify) <b>&gt;</b> _____ <input type="checkbox"/> Other (specify) <b>&gt;</b> _____	
8b If a corporation, name the state or foreign country (if applicable) where incorporated		State <b>n/a</b>	Foreign country <b>n/a</b>
9 Reason for applying (check only one box)		<input type="checkbox"/> Banking purpose (specify purpose) <b>&gt;</b> _____ <input type="checkbox"/> Started new business (specify type) <b>&gt;</b> _____ <input type="checkbox"/> Hired employees (Check the box and see line 12) <input type="checkbox"/> Compliance with IRS withholding regulations <input checked="" type="checkbox"/> Other (specify) <b>&gt; Kestate 11</b> <b>&gt;</b> _____	
10 Date business started or acquired (month, day, year)		11 Closing month of accounting year <b>March</b>	
12 First state 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))		<b>n/a</b>	
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")		Agriculture <b>0</b>	Household <b>0</b>
14 Check one box that best describes the principal activity of your business.		<input type="checkbox"/> Health care & social assistance <input type="checkbox"/> Wholesale-agency/broker <input type="checkbox"/> Construction <input type="checkbox"/> Rental & leasing <input type="checkbox"/> Transportation & warehousing <input type="checkbox"/> Accommodation & food service <input type="checkbox"/> Real estate <input type="checkbox"/> Manufacturing <input type="checkbox"/> Finance & insurance <input checked="" type="checkbox"/> Other (specify) <b>&gt; Estate Settlement</b>	
15a Indicate principal line of merchandise sold; specific construction work done; products produced; or services provided.			
15b Has the applicant ever applied for an employer identification number for this or any other business? Note: If "Yes," please complete lines 16b and 16c.		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
15b If you checked "Yes" on line 15a, give applicant's legal name and trade name shown on prior application if different from line 1 or 2 above. Legal name <b>&gt;</b> _____ Trade name <b>&gt;</b> _____			
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 <b>Previous EIN</b>	
17a 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) <b>&gt; Mary Clouser</b>		Applicant's telephone number (include area code) <b>(814) 371-7876</b>	
Signature <b>&gt; Mary C. Clouser</b>		Applicant's fax number (include area code) <b>(814) 375-1082</b>	
For Privacy Act and Paperwork Reduction Act Notice, see separate instructions.		Cat. No. 1625EN	Form SS-4 (Rev. 12-2001)

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

JACQUELINE SCHOCH,

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.

FILED

JUN 04 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

JUN 09 2004

William A. Shaw  
Prothonotary/Clerk of Courts

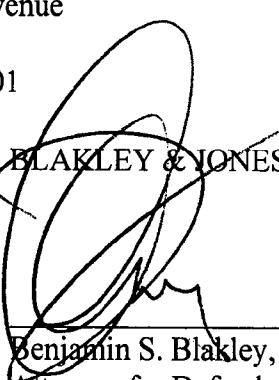
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

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 8<sup>th</sup> 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.

FILED  
MAY 24 2004  
JUN 09 2004  
cc

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 NO  
M 14081  
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 1<sup>st</sup> 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.

AS 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, ) 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

FILED NO  
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JUL 02 2004  
SAC  
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. )

**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, : No. 04-645-CD  
Plaintiff :  
Vs. : Type of Pleading:  
DONALD W. COX and ROBIN COX, :  
Defendants : **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

BLD JUL 09 2004  
12:20 PM  
William A. Shaw  
Prothonotary/Clerk of Courts  
3 cent to Atts

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.

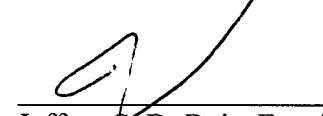
30. Denied. Plaintiff has engaged in no such actions, and on the contrary, Plaintiff is only enforcing her rights as the owner of said property.

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,



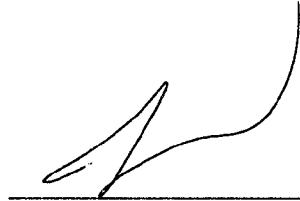
---

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.



---

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 9<sup>th</sup> 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  
M 113484 CC  
JUL 14 2004  
EAS  
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 Praeclipe to Attach Verification this 13<sup>th</sup> 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. 04-6~~F5-11~~ED

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  
M 7/31/04  
JUL 14 2004  
cc  
SAC  
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.P.  
**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  
11:34 AM  
JUL 14 2004

William A. Shaw  
Prothonotary/Clerk of Courts

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

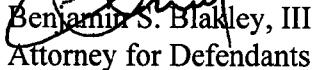
JACQUELINE SCHOCH, ) NO. 01-287-C.D.  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 DONALD W. COX and ROBIN COX, )  
 )  
 Defendant. )

**PRAECIPE TO ATTACH VERIFICATION**

TO THE PROTHONOTARY:

Please 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 in the above matter.

Respectfully submitted,

  
\_\_\_\_\_  
Benjamin S. Blakley, III  
Attorney for Defendants

Dated: July 13, 2004

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

JACQUELINE SCHOCH,

Plaintiff,

v.

DONALD W. COX and ROBIN COX,

Defendants.

PRAECLPTE TO  
ATTACH VERIFICATION

No. 04-645-C.D.

FILED

JUL 14 2004

William A. Shain  
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  
 ) THE PLEADINGS  
 )  
 DONALD W. COX and ROBIN ) Filed on Behalf of:  
 COX, ) Defendants  
 )  
 Defendant. )  
 ) 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 <sup>cc</sup>  
m 11/03/04  
AUG 16 2004  
RECD  
William A. Shaw  
Prothonotary/Clerk of Courts  
Atty 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. Meholic, 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

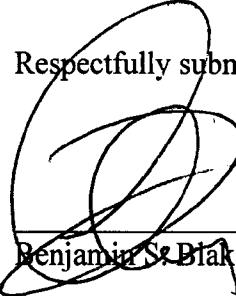
material issues exist as to the subject matter contained within the Movants' Counterclaim and the Respondent's Complaint.

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,



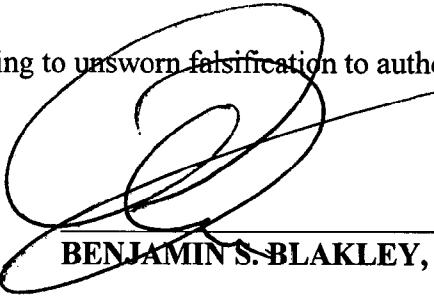
Benjamin S. Blakley, III

**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

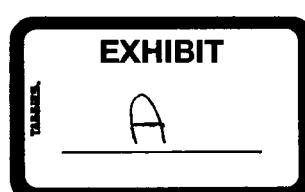
  
**BENJAMIN S. BLAKLEY, III**

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

JACQUELINE SCHOCH, : No. C.L-1645.CD  
Plaintiff : Type of Pleading:  
Vs. : COMPLAINT IN ACTION TO  
DONALD W. COX and ROBIN QUIET TITLE  
COX, :  
Defendants : 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.

*John B. Brown*  
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.

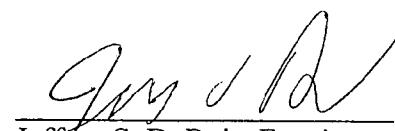
12. Recently, Defendants, have engaged in such actions to attempt to claim ownership to said driveway and have attempted to prevent Plaintiff from using the same.

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*  
Jacqueline L. Schoch

EXHIBIT "A"

Penna. Warranty Deed. Short Form No. 30  
Baltimore Office Supply Co.

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

Grantee :

Witnesseth, that in consideration of One and 00/100-----, -----  
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

Marlene E. Duttry

Cora E. Schoch



State of PENNSYLVANIA

County of CLEARFIELD

On this, the 3rd day of September 1976 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:

Marlene E. Duttry

Jacqueline L. Schoch

Title of Officer.

State of  
County of

VOL 726 PAGE 337

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 is \_\_\_\_\_ 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.

KTS.



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

Rec'd

CORA E. SCHOCH,

To

JACQUELINE L. SCHOCH

WARRANTY

CLEARFIELD CO. SS  
ENTRIES OF RECORD 9-5-76  
Date 1976  
Fees 2.50  
Cecil A. Burns, Recorder

LAW OFFICES  
BLAKLEY & JONES  
DUBOIS, PENNSYLVANIA 15801

COMMONWEALTH OF PENNSYLVANIA,  
County of CLEARFIELD }  
ss.

RECORDED on this 9 day of 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 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 <sup>Five</sup> 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 Dalys 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. E. Pifer

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

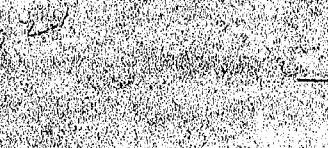
ON THE 11<sup>th</sup> day of Aug, Anno Domini 1897,  
before me, a Notary Public in and for said county, personally  
appeared the above named L. E. Weber, Committee of W. E. Pifer and  
in due form of law acknowledged the foregoing indenture to be his  
act and deed and desired that the same might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

WITNESS my hand and Notarial seal the day and year aforesaid

W. E. Pifer  
Clearfield

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 sealing 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, or 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 Dalys and on the north by land of Wilson Bros. and Jacob Wright and containing about seven town lots, and which L. F. Weber, Committee of said W. R. 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 writ 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 Pifer (SEAL)

SIGNED IN PRESENCE OF



State of Pennsylvania,  
County of Clearfield. } ss.

On the 11 day of Oct. Anno Domini 1891, 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 day  
and year aforesaid:

Mc Gregor  
Notary Public

Recorded in the Office of Recording of Deeds in and for the County  
of Clearfield in Deed Book No. 96, page 649

Witness my hand and seal of office this 16  
day of Oct. Anno Domini 1891

Mc Gregor  
Notary Public

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

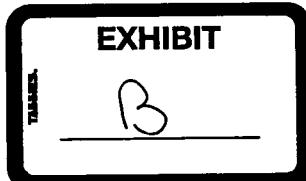
JACQUELINE SCHOCH, ) NO. 04-645 C.D.  
 )  
 Plaintiff, ) Type of Case: CIVIL ACTION  
 )  
 vs. ) Type of Pleading: DEFENDANTS' ANSWER TO  
 ) PLAINTIFF'S COMPLAINT IN ACTION TO  
 )  
 DONALD W. COX and ROBIN ) QUIET TITLE, NEW MATTER &  
 COX, ) COUNTERCLAIM  
 )  
 Defendants. ) Filed on Behalf of:  
 ) 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

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

JUN 04 2004

Attest.

*William A. Brown*  
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**

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. Meholic,  
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 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.

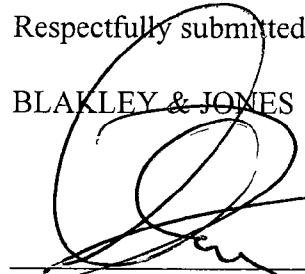
32. Plaintiff knows or should have known that she has no property interest in the subject matter of this dispute, which is a driveway maintained in common between the Defendants and the Plaintiff.

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



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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: 6/3/09

  
**DONALD W. COX**

THIS INDEVTUR made this twenty-seventh (27th) day of  
January in the year of our Lord one thousand nine hundred and  
sixty-six (1966).

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

-2nd-

HORACE C. 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. Schooch, alias L. H. Schooch, 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. Schooch and Lottie Schooch, 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 Schooch 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. Schooch.

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

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

**EXHIBIT**

Tābājīz

A

AND WHEREAS the General Assembly of the Commonwealth of Pennsylvania, by an Act, known as the Financiaries Act of 1949, duly approved the 10th 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 THEIRAS, HOBERT A. SCHOCH, HORACE G. SCHOCH, ROONEY SCHOCH, ROBERT F. SCHOCH AND BETTY SCHOCH ARE ALL THE CHILDREN OF LEONARD H. SCHOCH AND THE SOLE BENEFICIARIES OF HIS ENTIRE ESTATE UNDER THE PROVISIONS OF HIS WILL.

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 L. Schoch and Eliza E. Schoch, his wife, Robert E. Schoch and Martha Schoch, his wife, and Petty 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 enacting 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 L. Schoch, husband and wife, their heirs and assigns, forever, all those two (2) certain pieces, parcels or tracts of land aforesaid, lying and being in the Township of Lampy, County of Clearfield and State of Pennsylvania, and bounded and described as follows:

(50-92) feet to an iron pipe and the place of beginning. Having

thereon surveyed a two-story brick school building with a

two-story brick garage.

Beginning at an iron pipe in the Northerly line of land

at a point 100 feet from the said iron pipe being a North 60° 45' West

one hundred and forty-four feet and three-tenths (144.3) feet from the

northerly line of the North 60° 45' West line of land or those in the University

of the State of South Dakota in South Main Street, thence by land or

to iron pipe in the North 60° 45' West line, one hundred and forty-

four feet and three-tenths (144.3) feet to an iron pipe thence by the North

60° 45' West line three hundred and forty-four (344) feet to an iron pipe;

thence South 30° 15' 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 wide

foot wide driveway by the Westerly line of said alley, thence

South 30° 15' East, one hundred and sixty-four and six-tenths

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foot wide driveway by the Westerly line of said alley, thence

South 30° 15' East, one hundred and sixty-four and six-tenths

(164.6) feet to an iron pipe thence by

the North 60° 45' West line of land or those in the University

of the State of South Dakota in South Main Street, one hundred and forty-four

feet and three-tenths (144.3) feet to an iron pipe and the place of beginning.

Whereas the same is described as a 1 1/2 frame garage.

For and in consideration of the sum of \$1,000.00, the sum of which is to be paid to the said

John S. Steverson, W. Johnson & MacLison, dated January 11, 1916,

and for and in consideration of the sum of \$1,000.00, the sum of which is to be paid to the said

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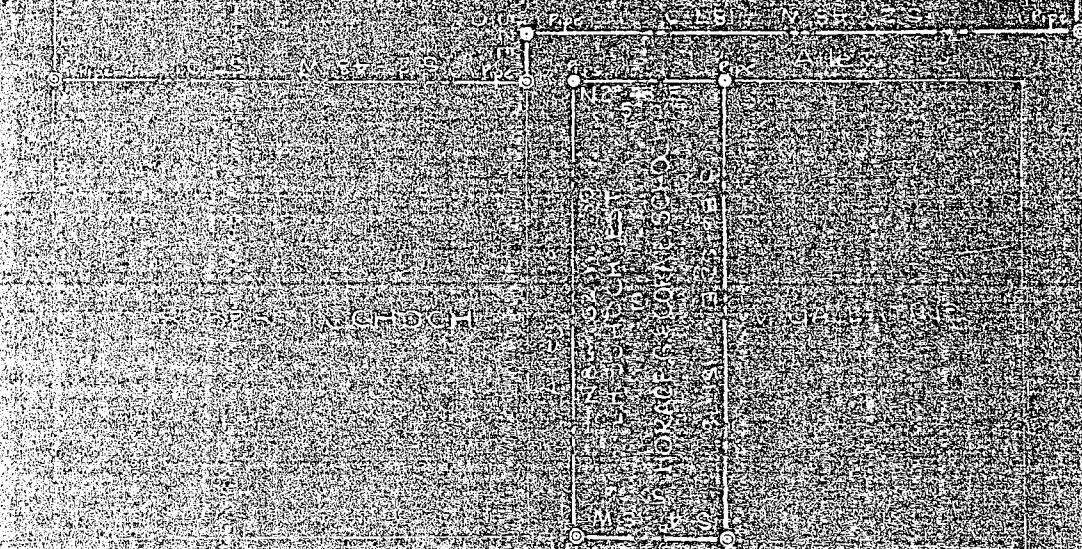
John S. Steverson, W. Johnson & MacLison, dated January 11, 1916,

ENGINEERING OFFICE  
OF  
SIMPSON & MADISON  
DUBOIS PA

BOOK 448 PAGE

JOSEPH J. CHERRY JR. M.

THE HIGH SCHOOL EAST  
TO  
THE COLLEGE OF CORA LEE HIGH SCHOOL



## THE CROWN OF BORO

## ANDREW TAYLOR SMITH

1. *Leucosia* (Leucosia) *leucosia* (L.) (Fig. 1)

## 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 \_\_\_\_\_  
in the Recorder of Deeds Office in Plat Book \_\_\_\_\_  
Volume \_\_\_\_\_ Page \_\_\_\_\_

Register &amp; Recorder

26' R/W

**MALONEY**  
N 86°52' W 154.60'

PARCEL CONVEYED TO SANDY TOWNSHIP  
BY FIVE BY FIVE FEET, LONG, FOR MALONEY  
ROAD RIGHT-OF-WAY

LIONAL ALEXANDER, P.L.S.  
No. 22987-E



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*

LIONAL ALEXANDER

PROFESSIONAL LAND SURVEYOR

PENNSYLVANIA

No. 22987-E

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

Map No. 434-85  
DB 654-224

MARLIN D  
VIRGINIA A.  
DEITCH

Map No. 434-84  
DB 726-324

JACQUELINE L. SCHOCH

## LEGEND

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

## NOTES

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

0' 30' 60' 90'



## STATEMENT OF INTENT

JACQUELINE L. SCHOCH, have subdivided land in SANDY TOWNSHIP, CLEARFIELD County, Pennsylvania, and have shown lots according to this survey plot which is intended to be recorded in the CLEARFIELD COUNTY Courthouse.

WITNESS: our hand and seal this day of 1992

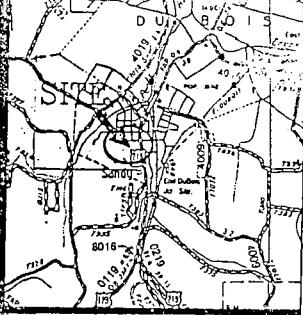
JACQUELINE L. SCHOCH

## 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.



## LOCATION MAP

STREET  
ROAD

ERADY

SOUTI

U.S. RT. 219 & RT. 119

50' R/W

50' R/W

50' R/W

50' R/W

Map No. 434-84  
DB 726-324

JACQUELINE L. SCHOCH

FRANCIS A.  
& OLIVE J.  
VARDYMap No. 434-85  
DB 654-224

JACQUELINE L. SCHOCH

Map No. 434-85  
DB 654-224

JACQUELINE L. SCHOCH

**Alexander Surveying**  
112 Church Street P.O. Box 378  
Falls Creek, Pennsylvania 16840  
(814) 371-5578

SCALE: 1" = 30'  
APPROVED 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

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VOL 1681 PAGE 314

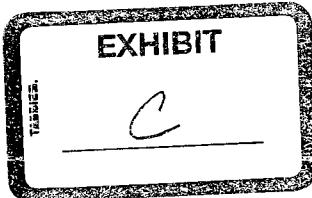
CLEARFIELD COUNTY  
ENTERED OF RECORD  
TIME 2:15 PM 2-19-95  
BY Patricia Cheek  
FEES 16.00  
Karen L. Starck, Recorder

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



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.

VOL 1661 PAGE 316

I hereby CERTIFY that this document  
is recorded in the Recorder's Office of  
Clearfield 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:

*John W. Cox*.....

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

This 21 day of February, 1995.



GILL 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:

Mihill Nap

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

Sharon A. Salansky

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 Zinna Kicher  
Attorney for Grantees

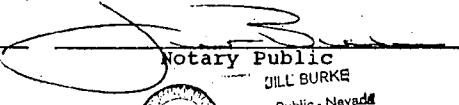
VOL 1661 PAGE 318

STATE OF NEVADA : SS.  
COUNTY OF Clark :

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

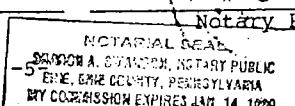
My appt. exp. Feb. 22, 1997

COMMONWEALTH OF PENNSYLVANIA : SS.  
COUNTY OF ERIE :

On this, the 37<sup>th</sup> 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: 3/4/95

 Notary Public

NOTARIAL SEAL  
SANDRA A. SWARTZ, NOTARY PUBLIC  
ERIE, ERIE COUNTY, PENNSYLVANIA  
MY COMMISSION EXPIRES JUN. 14, 1999

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

Decd.

W. E. Piffer  
J.

W. H. Edinger

# This Indenture,

St 143

Made the thirteenth day of August in the year of our Lord one thousand eight hundred and ninety three Between W. E. Piffer and Katie his wife of the Borough of Dubois, County of Clearfield and State of Pennsylvania

of the first part, and W. H. Edinger of Brady Township County and State aforesaid

of the record 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 doth 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 Nos 5 and 6 as per W. E. Piffer addition to the Borough of Dubois, beginning at a post on public road leading from Dubois to Erie Pike, at corner of land of J. and H. A. Daley thence by land of said Daley North 88 and  $\frac{1}{2}$ ° West one hundred fifty feet to a post thence by a sixteen foot alley, North 1 and  $\frac{1}{2}$ ° East one hundred fifty feet to a post thence by a sixteen foot alley North 88 and  $\frac{1}{2}$ ° East one hundred fifty feet to public road thence by said road North 1 and  $\frac{1}{2}$ ° West one hundred fifty feet to the place of beginning. Being part of a larger tract of land which by survey of 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 the Piffer grantor above named.

Together with all and singular the improvements

rights, liberties,

privileges, hereditaments and appurtenances to the same belonging and reverting

or in any wise appertaining, and the reversion

and remainder, by person or persons

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 over to 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 all of the only proper use  
the appurtenances, and benefit of the said party of the  
second part his heirs and assigns forever.

And the said party 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 party 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, all and singular the hereditaments and premises hereinabove described and granted, or mentioned and intended  
heirs and assigns, against the said party of the first part and  
heirs, and against all and every other person or persons  
whomsoever lawfully claiming or to claim the same or any part thereof, by power or color of law then  
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 W. C. Petty  
in presence of us

W. E. Pifer  
Kate Pifer

State of Pennsylvania  
Allegheny County

On the 22<sup>nd</sup> day of Aug. in the year one thousand and  
eight hundred and Ninety three before me the subscriber a Notary  
Public in and for said County known the above named W. E.  
Pifer and Kate his wife and they acknowledge the above Indenture  
to be their act and deed and declare the same might be recorded as  
such and the said Kate Pifer being of full age and capable and  
apart from her husband by me examined and the full intent  
of said Indenture being by me made known to her declare  
upon such examination that she did voluntarily  
and of her own free will and accord sign and seal as  
her act and deed deliver the said Indenture without  
any concion or compunction of her said husband  
Witness my hand and seal

W. C. Petty  
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:  
 ) 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

EXHIBIT

C

FILED  
CIVIL  
40  
JULY 22 2004

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.

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*  
*m11164*  
AUG 16 2004 *Atty Blakley*  
*EJ*  
William A. Shaw  
Prothonotary/Clerk of Courts

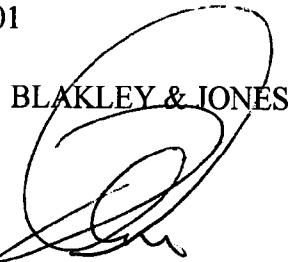
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

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 13<sup>th</sup> 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

DONALD W. COX and ROBIN COX,

Defendants.

JACQUELINE SCHOCH,

Plaintiff,

v

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  
m/d: 3584 cc  
AUG 18 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. )

**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 SCHOCH,

Plaintiff,

v.

DONALD W. COX and ROBIN COX,

Defendnats.

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

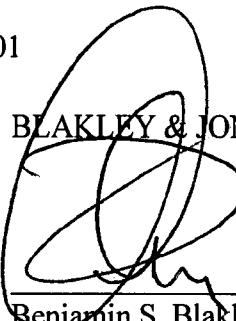
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

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' Praeclipe to Withdraw Motion this 17<sup>th</sup> 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,

Defendnats.

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

CR

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
CIVIL TRIAL LISTING

CERTIFICATE OF READINESS

TO THE PROTHONOTARY

CASE NUMBER	TYPE	TRIAL REQUESTED	DATE PRESENTED	12/9/2004
			ESTIMATED TRIAL TIME	
04-645-CD				

Date Complaint  Jury  Non-Jury  
Filed:  Arbitration  
5/10/2004

1 Days

PLAINTIFF(S)

Jacqueline Schoch

DEFENDANT(S)

Donald W. Cox and Robin Cox

Check Block if  
a Minor is a  
Party to the  
Case

ADDITIONAL DEFENDANT(S)

( )

JURY DEMAND FILED BY: DATE JURY DEMAND FILED:

N/A

FILED

ECK

AMOUNT AT ISSUE

CONSOLIDATION

DATE CONSOLIDATION ORDERED

more than  
\$ N/A

( ) yes ( ) no

REC'D BY  
O/32056  
William A Shaw  
Prothonotary/Clerk of Courts  
COPY TO CA  
2 CPM

PLEASE PLACE THE ABOVE CAPTIONED CASE ON THE TRIAL LIST. TO AMY DUBOIS  
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.



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

WR : ~~ED~~ <sup>IC</sup>  
m/10/4/04 Atty Blakley  
2005

William A. Shaw  
Prothonotary/Clerk of Courts

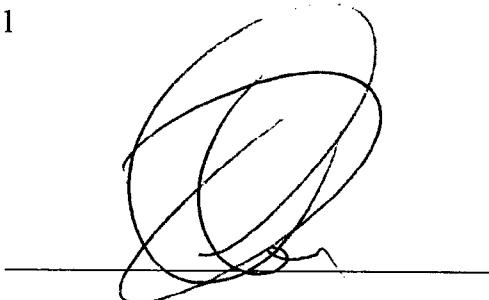
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

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 5<sup>th</sup> 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

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

JX

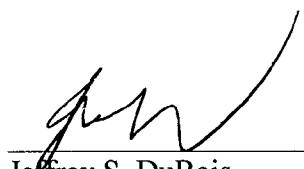
IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

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 7<sup>th</sup> 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

6x 01155 Bn NoCC  
**FILED**

JAN 07 2005

William A. Shaw  
Prothonotary

(1)

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

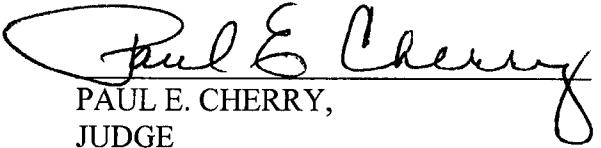
JACQUELINE SCHOCK : NO. 04-645-CD  
: :  
V. : :  
: :  
DONALD W. COX and : :  
ROBIN COX : :

**ORDER**

AND NOW, this 13<sup>th</sup> 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**  
01/17/2005  
JAN 17 2005

William J. Shaw  
Prothonotary

DAWN,

Please put in files.

Thanks -

6K

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

JA

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

JACQUELINE SCHOCH, Plaintiff	:	No. 04-645-CD & 04-942-CD
vs.	:	Type of Pleading:
DONALD W. COX and ROBIN COX, Defendants	:	<b>MOTION TO CONSOLIDATE CASES</b>
and	:	Filed on Behalf of: <b>ALL PARTIES</b>
DONALD W. COX and ROBIN L. COX, Plaintiffs	:	Counsel of Record for These Parties:
vs.	:	Jeffrey S. DuBois, Esquire Supreme Court No. 62074 190 West Park Avenue, Suite #5 DuBois, PA 15801 (814) 375-5598
MARLIN D. DEITCH and VIRGINIA A. DEITCH, Defendants	:	and 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

Vs.

DONALD W. COX and ROBIN COX,  
Defendant

and

DONALD W. COX and ROBIN L. COX,  
Plaintiffs

vs.

MARLIN D. DEITCH and VIRGINIA A.  
DEITCH,  
Defendants

## **ORDER**

AND NOW, this 31<sup>st</sup> 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:

Paul E Cherry  
Judge

FILED 3cc  
1/3/05 B&L Atty DeBois  
FEB 0 12005

William A. Shaw  
Ft. Scott: Sheriff/Clerk of Courts

Dawn,  
Please put in fibres.  
—thanks  
Ghende

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**

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m/1:43/w  
William A. Shaw  
Prothonotary  
1 cent to Amt

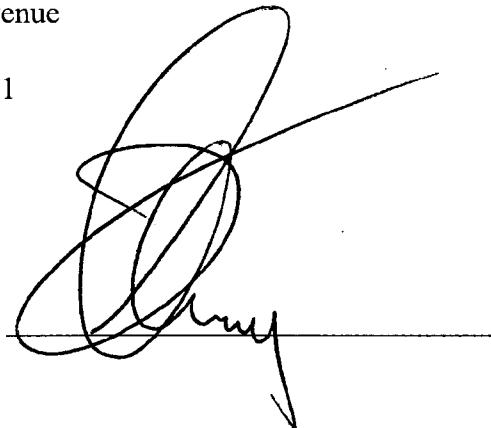
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

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 17<sup>th</sup> day of February, 2005, by hand delivery to:

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

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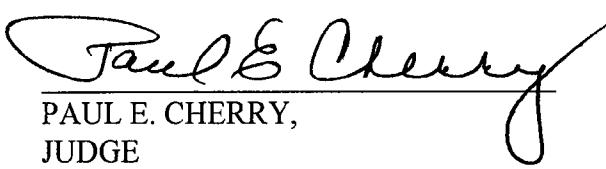
IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

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 :  
154

**ORDER**

AND NOW, this 4<sup>th</sup> 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 15<sup>th</sup> 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  
014:00 AM  
MAR 04 2005  
I.C.C. Attns:  
DuBois  
Blakley

Adam A. Smith  
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  
m/13/05  
MAR 18 2005 6K

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.

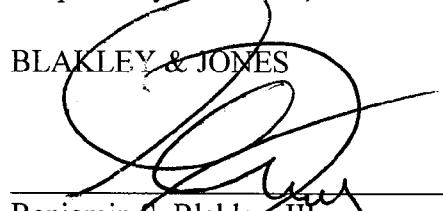
**VI. LIST OF EXHIBITS TO BE USED AT TRIAL**

- 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

FILED  
M 13 2005 NO  
MAR 18 2005 CC

William A. Shaw  
Prothonotary/Clerk of Courts  
GK

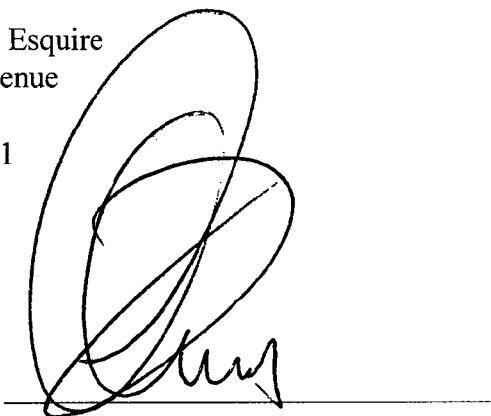
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

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 <sup>16<sup>th</sup></sup> ~~15<sup>th</sup>~~ 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. The signature is fluid and cursive, with a large, stylized 'J' at the beginning.

FILED

JUN 17 2005

5/4/05 (6c)

William A. Shaw

Prothonotary/Clerk of Courts

Court to Browley &

DeBois

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.

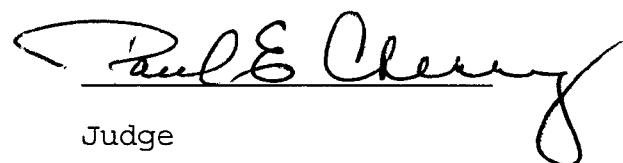
6. Neither party shall harass the other in any way or interfere with the enjoyment of the other with respect to use of the cartway.

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,

  
\_\_\_\_\_  
Paul E. Cherry  
Judge

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

:

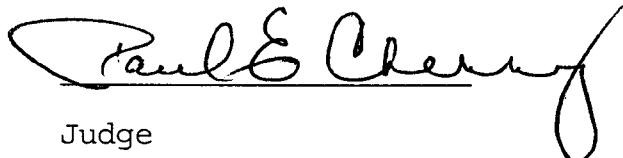
O R D E R

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 <sup>ICC</sup>  
07.19.05 Attns. DuBois  
JUN 24 2005 Blakley  
(6K)

William A. Shaw  
Prothonotary/Clerk of Courts