


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

THOMAS M. McCLOSKEY and
LINDA A. McCLOSKEY,
Plaintiffs

vs.

No. 04-706 C.D.

JEAN LOIS MARTIN and DENNIS W.
HEEMER and any heir, persons claiming
or who might claim title under the
aforesaid defendants; and any other
person, persons, firms, partnerships,
or corporate entities who might claim
title to the premises herein described,

JUL 29 2004 

ORDER

AND NOW, this 28th day of July, 2004 appearing that service of
the Complaint to Quiet Title in the above stated action was served upon Defendant, Dennis W.
Heemer, by publication, and upon Defendant, Jean Lois Martin, by certified mail, and by
Affidavit of David J. Hopkins, Attorney for Plaintiffs, that no answer or appearance has been
filed to said action, and on Motion of David J. Hopkins, Esquire, it is hereby ORDERED and
DECREED:

1. That the Defendants, Jean Lois Martin and Dennis W. Heemer, and their heirs,
devisees, persons, firms, partnerships, or corporate entities in interest, are forever barred from
asserting any right, title, lien or interest inconsistent with the interest or claim of the Plaintiffs as
set forth in their Complaint in and to:

2. The property in this quiet title action is vacant land known as Section 7C, Lot 251B in the Treasure Lake Subdivision, DuBois, Pennsylvania.

3. That title to said property is now vested in Thomas M. McCloskey and Linda A. McCloskey, as prayed.

4. That the rights of the Plaintiffs are superior to the rights of the Defendants, Jean Lois Martin and Dennis W. Heemer, and any heirs, persons claiming, or who might claim title under the aforesaid Defendants; and any other person, persons, firms, partnerships, or corporate entities who might claim title to the premises herein described.

5. That the Plaintiffs have title in fee simple to said premises as described in the Complaint as against the Defendants, Jean Lois Martin and Dennis W. Heemer, and their heirs, devisees, administrators, executors, and assigns.


6. That the Defendants, Jean Lois Martin and Dennis W. Heemer, and their heirs, devisees, administrators, executors and assigns are enjoined and forever barred from asserting any right, title or interest in or to the premises described which are inconsistent with the interest or claims of the Plaintiffs as set forth in their Complaint and from setting up any title to the premises and from impeaching, denying or in any way attacking the title of the Plaintiffs to the premises.

7. That the thirty (30) days provisions of Pennsylvania Rules of Civil Procedure 1066(b)(i) be modified as to eliminate the said thirty (30) day Rule of Pennsylvania Rules of Civil Procedure from this case. Said modification is in accordance with the authority vested in this Court by virtue of Pennsylvania Rules of Civil Procedure 248 to eliminate any time period prescribed by Pennsylvania Rules of Civil Procedure upon Order of Court.

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

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

BY THE COURT,


JUDGE

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

THOMAS M. McCLOSKEY and
LINDA A. McCLOSKEY,
Plaintiffs

vs.

No. 04-706 C.D.

JEAN LOIS MARTIN and DENNIS W.
HEEMER and any heir, persons claiming
or who might claim title under the
aforesaid defendants; and any other
person, persons, firms, partnerships,
or corporate entities who might claim
title to the premises herein described,
Defendants

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010:1881
JUL 21 2004
BET

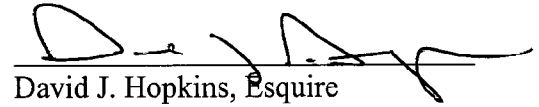
MOTION FOR JUDGMENT

AND NOW, this 27th day of July, 2004, an Affidavit having been filed by David J. Hopkins, Esquire, Attorney for Plaintiffs, Thomas M. McCloskey and Linda A. McCloskey, that the Complaint with Notice to Plead was served on Defendants. Defendant, Dennis W. Heemer, was served by publication pursuant to the Rules of Civil Procedure and Defendant has failed to file an answer. Defendant, Jean Lois Martin, was served by certified mail pursuant to the Rules of Civil Procedure and Defendant, Jean Lois Martin, has failed to file an answer and a default judgment has been entered against her. The Plaintiffs, by and through their attorney, moves the Court to enter judgment in favor of the Plaintiffs and against the Defendants in the above named case and to grant to the Plaintiffs the relief prayed for in accordance with Rules of Civil Procedure 1066. Plaintiffs further requests that the Honorable Court modify in accordance with Rules of Civil Procedure, Rule 248, the thirty (30) day period provided Defendants by Rules of

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

Respectfully submitted,

HOPKINS HELTZEL LLP

A handwritten signature in black ink, appearing to read 'David J. Hopkins', is written over a horizontal line.

David J. Hopkins, Esquire
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD
COUNTY, PENNSYLVANIA
(CIVIL DIVISION)
No. 04-706 C.D.

THOMAS M. MCCLOSKEY AND LINDA A. MCCLOSKEY, Plaintiffs
vs.

JEAN LOIS MARTIN and DENNIS W. HEEMER and any heir, persons claiming or who might claim title under the aforesaid defendants, and any other person, persons, firms, partnerships, or corporate entities who might claim title to the premises herein described, Defendants

QUIET TITLE ACTION NOTICE

TO: Dennis H. Heemer, his heirs, devisees, administrators, executors and assigns and all other person, persons, firms, partnerships or corporate entities in interest.

You are hereby notified that an action to quiet title to the premises situate, lying and being in Sandy Township, Clearfield County Pennsylvania, and identified as Section 7C, Lot 251B in the Treasure Lake Subdivision, DuBois has been filed against you.

You have been sued in Court. The purpose of this quiet title action is to extinguish any right or equity which the Defendant above named and his heirs, administrators, executors and assigns may have in the property as described above. The Plaintiffs in this action, after a diligent search, have been unable to locate the Defendant or his devisees or heirs.

Whereupon the Court Ordered that notice of said action be served on the Defendant and his heirs.

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

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

Court Administrator
Clearfield County Courthouse
230 E. Market Street
Clearfield, Pennsylvania 16830
(814) 768-2111

David J. Hopkins, Esquire
Attorney for Plaintiff
900 Beaver Drive
DuBois, PA 16801
(814) 371-0700

6/11/04

**PROOF OF PUBLICATION OF NOTICE APEARING IN THE
COURIER EXPRESS/TRI-COUNTY SUNDAY/JEFFERSONIAN DEMOCRAT
PUBLISHED BY McLEAN PUBLISHING COMPANY,
DUBOIS PENNSYLVANIA**

Under act 587, Approved May 16, 1929, P.L. 1784

**STATE OF PENNSYLVANIA
COUNTY OF CLEARFIELD**

SS:

Linda Smith, Advertising Director or Dory Ferra, Classified Advertising Supervisor of the **Courier-Express/Tri-County Sunday/Jeffersonian Democrat** of the County and State aforesaid, being duly sworn, deposes and says that the **Courier Express**, a daily newspaper, the **Tri-County Sunday**, a weekly newspaper and **Jeffersonian Democrat**, a weekly newspaper published by McLean Publishing Company at 500 Jeffers Street, City of DuBois, County and State aforesaid, which was established in the year 1879, since which date said, the daily publication and the weekly publications, has been regularly issued in said County, and that a copy of the printed notice of publication is attached hereto exactly as the same was printed and published in the regular editions of the paper on the following dates, viz: the

11th day of June A.D., 2004

Affidavit further deposes that he is an officer duly authorized by the **Courier-Express**, a daily newspaper, **Tri-County Sunday**, a weekly newspaper, and/or **Jeffersonian Democrat**, a weekly newspaper to verify the foregoing statement under oath and also declared that affiant is not interested in the subject matter of the aforesaid notice of publication, and that all allegations in the foregoing statement as to time, place and character of publication are true.

**McLEAN PUBLISHING COMPANY Publisher of
COURIER-EXPRESS/TRI-COUNTY SUNDAY/JEFFERSONIAN DEMOCRAT**

By Linda Smith

Sworn and subscribed to before me this 29th day of JUNE, 2004

Steven W. Kronenweiter

NOTARY PUBLIC

NOTARIAL SEAL
STEVEN W. KRONENWEITER, NOTARY PUBLIC
CITY OF DUBOIS, CLEARFIELD COUNTY
MY COMMISSION EXPIRES APRIL 16, 2006

**THIS IS
NOT A
BILL**

Statement of Advertising Cost
McLEAN PUBLISHING COMPANY
Publisher of
**COURIER-EXPRESS/TRI-COUNTY SUNDAY/
JEFFERSONIAN DEMOCRAT**
DuBois, PA

TO Hopkins Heltzel LLP

For publishing the notice or advertisement attached hereto on the above stated dates.....	<u>\$190.76</u>
Probating same.....	<u>\$4.25</u>
Total.....	<u>\$195.01</u>

Publisher's Receipt for Advertising Costs

The Courier-Express, a daily newspaper, **Tri-County Sunday**, a weekly newspaper, and/or **Jeffersonian Democrat**, a weekly newspaper, hereby acknowledges receipt of the aforesaid advertising and publication costs, and certifies that the same have been fully paid.

Office: Jeffers Street and Beaver Drive, DuBois, PA 15801
Established 1879, Phone 814-371-4200
McLEAN PUBLISHING COMPANY
Publisher of

COURIER-EXPRESS/TRI-COUNTY SUNDAY/JEFFERSONIAN DEMOCRAT

By _____

I hereby certify that the foregoing is the original Proof of Publication and receipt for the Advertising costs in the subject matter of said notice.

ATTORNEY FOR

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

THOMAS M. McCLOSKEY and LINDA
A. McCLOSKEY, Plaintiffs vs. JEAN LOIS
MARTIN and DENNIS W. HEEMER and any
heir, persons claiming or who might claim
title under the aforesaid defendants; and any
other person, persons, firms, partnerships,
or corporate entities who might claim title to

the premises herein described, Defendants
No. 2004-706-CD

ACTION TO QUIET TITLE NOTICE

TO: Dennis W. Heemer, his heirs,
devisees, administrators, executors and
assigns and all other person, persons, firms,
partnerships or corporate entities in interest.

You are hereby notified that an action to
quiet title to the premises situate, lying and
being in Sandy Township, Clearfield County,
Pennsylvania, and identified as Section 7C,
Lot 251B in the Treasure Lake Subdivision,
DuBois, has been filed against you.

You have been sued in Court. The
purpose of this quiet title action is to
extinguish any right or equity which the
Defendant above named and his heirs,
administrators, executors and assigns may
have in the property as described above.
The Plaintiff in this action, after a diligent
search, has been unable to locate the
Defendants or their devisees or heirs.

Whereupon the Court Ordered that
notice of said action be served on the
Defendants, and their heirs.

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

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

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

David J. Hopkins, Esquire, Attorney for
Plaintiff, 900 Beaver Drive, DuBois, PA
15801 (814) 375-0300

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :

:

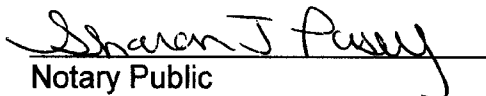
COUNTY OF CLEARFIELD :

On this 6th day of July AD 2003, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Gary A. Knaresboro editor of the Clearfield County Legal Journal of the Courts of Clearfield County, and that the annexed is a true copy of the notice or advertisement published in said publication in the regular issues of Week of June 18, 2004, No. 25. And that all of the allegations of this statement as to the time, place, and character of the publication are true.



Gary A. Knaresboro, Esquire
Editor

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



Notary Public
My Commission Expires

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

David J Hopkins
900 Beaver Drive
DuBois PA 15801

HOPKINS HELTZEL LLP

900 Beaver Drive, DuBois, Pennsylvania 15801
VOICE: (814) 375-0300 FAX: (814) 375-5035

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

THOMAS M. McCLOSKEY and
LINDA A. McCLOSKEY,
Plaintiffs


vs.

No. 04-706 C.D.

JEAN LOIS MARTIN and DENNIS W.
HEEMER and any heir, persons claiming
or who might claim title under the
aforesaid defendants; and any other
person, persons, firms, partnerships,
or corporate entities who might claim
title to the premises herein described,
Defendants

JUDGMENT NOTICE

Please take note that judgment has been entered against Defendant, Jean Lois
Martin, on the issue of ownership or other property rights in the above captioned matter.


Prothonotary 7/29/04

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

THOMAS M. McCLOSKEY and
LINDA A. McCLOSKEY,
Plaintiffs

vs.

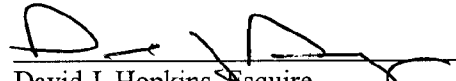
No. 04-706 C.D.

JEAN LOIS MARTIN and DENNIS W.
HEEMER and any heir, persons claiming
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aforesaid defendants; and any other
person, persons, firms, partnerships,
or corporate entities who might claim
title to the premises herein described,
Defendants

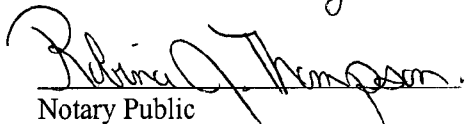
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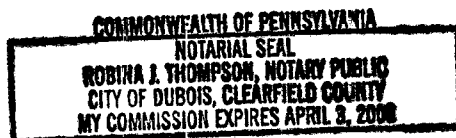
COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :

Personally appeared before me, the undersigned officer, David J. Hopkins, Attorney for Plaintiffs, Thomas M. McCloskey and Linda A. McCloskey, who, being duly sworn according to law, deposes and says that the service of the foregoing Complaint to Quiet Title, endorsed with Notice to Plead, has been served upon all Defendants, Jean Lois Martin and Dennis W. Heemer and their heirs, devisees, administrators, executors and assigns, by publication, and more than twenty (20) days have elapsed since said service, and that the said Defendants have not filed an appearance or any answer to the Complaint, although the time in which to do so has expired.

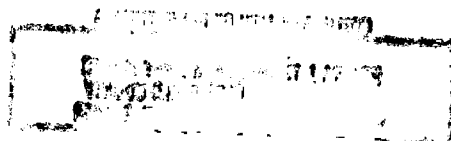

David J. Hopkins, Esquire

Sworn to and subscribed before me this
22nd day of July, 2004.


Notary Public



JUL 29 2004



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

THOMAS M. McCLOSKEY and
LINDA A. McCLOSKEY,
Plaintiffs

vs.

No. 04-706 C.D.

JEAN LOIS MARTIN and DENNIS W.
HEEMER and any heir, persons claiming
or who might claim title under the
aforesaid defendants; and any other
person, persons, firms, partnerships,
or corporate entities who might claim
title to the premises herein described,
Defendants

TO: JEAN LOIS MARTIN


DATE OF NOTICE: July 7, 2004

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO TAKE ACTION
REQUIRED OF YOU IN THIS CASE. UNLESS YOU ACT WITHIN TEN DAYS FROM THE
DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT
A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT
RIGHTS.

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

Office of the Court Administrator
Clearfield County Courthouse
230 E. Market Street
Clearfield, Pennsylvania 16830
(814) 765-2641


DAVID J. HOPKINS, ESQUIRE
Attorney for Plaintiffs
Supreme Court No. 42519
900 Beaver Drive
DuBois, PA 15801
(814) 375-0300

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

THOMAS M. McCLOSKEY and
LINDA A. McCLOSKEY,
Plaintiffs

vs.


No. 04-706 C.D.

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or who might claim title under the
aforesaid defendants; and any other
person, persons, firms, partnerships,
or corporate entities who might claim
title to the premises herein described,
Defendants

PRAECIPE TO ENTER DEFAULT JUDGMENT

TO THE PROTHONOTARY:

Kindly enter judgment in favor of Plaintiffs, Thomas M. McCloskey and Linda A. McCloskey and against Defendant, Jean Lois Martin, for failure to file within the required time an answer to a Complaint which contained a Notice to Defend. Judgment should be entered in favor of Plaintiffs.


David J. Hopkins, Esquire
Attorney for Plaintiffs

01/10/13 PM 11:00
JUL 29 2004 Notice to
Atty Hopkins

HOPKINS HELTZEL LLP

900 Beaver Drive, DuBois, Pennsylvania 15801
VOICE: (814) 375-0300 FAX: (814) 375-5035

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

THOMAS M. McCLOSKEY and
LINDA A. McCLOSKEY,
Plaintiffs

vs.

JEAN LOIS MARTIN and DENNIS W.
HEEMER and any heir, persons claiming
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aforesaid defendants; and any other
person, persons, firms, partnerships,
or corporate entities who might claim
title to the premises herein described,
Defendants

No. 04-706-CD

Type of Pleading: Complaint

Filed on behalf of: Thomas M. McCloskey
and Linda A. McCloskey, Plaintiffs

Counsel of Record for this party:

DAVID J. HOPKINS, ESQUIRE
Attorney at Law

Supreme Court No. 42519
900 Beaver Drive
DuBois, Pennsylvania 15801

(814) 375-0300

*Original
to CH*

FILED

MAY 19 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

THOMAS M. McCLOSKEY and
LINDA A. McCLOSKEY,
Plaintiffs

vs.

No. 04-706 CD

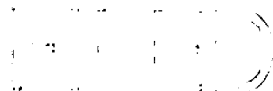
JEAN LOIS MARTIN and DENNIS W.
HEEMER and any heir, persons claiming
or who might claim title under the
aforesaid defendants; and any other
person, persons, firms, partnerships,
or corporate entities who might claim
title to the premises herein described,
Defendants

ORDER FOR PUBLICATION

AND NOW, this 20th day of May, 2004, upon the consideration of the foregoing Motion, the Plaintiffs are granted leave to make service of the Complaint on Defendant, Dennis W. Heemer, his heirs, devisees, administrators, executors, assigns, and all other person, persons, firms, partnerships, or corporate entities in interest, or his legal representatives, by publication one time in the Courier Express published in the City of DuBois, County of Clearfield and Commonwealth of Pennsylvania and one time in the Clearfield County Legal Journal.

BY THE COURT,


JUDGE



MAY 20 2004

William A. Shaw
Prothonotary

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MAY 20 2004

William A. Shaw
Prothonotary

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

THOMAS M. McCLOSKEY and
LINDA A. McCLOSKEY,
Plaintiffs

vs.

No. 04-706-CD

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title to the premises herein described,
Defendants

FILED

MAY 19 2004

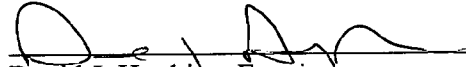
William A. Shaw
Prothonotary/Clerk of Courts

AFFIDAVIT OF UNKNOWN WHEREABOUTS

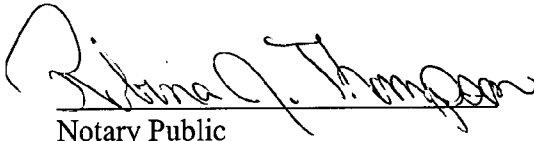
I, David J. Hopkins, Esquire, attorney for Plaintiffs, Thomas M. McCloskey and Linda A. McCloskey, being duly sworn according to law, deposes and says that to the best of my knowledge, information and belief, the Defendant, Dennis W. Heemer's whereabouts is unknown.

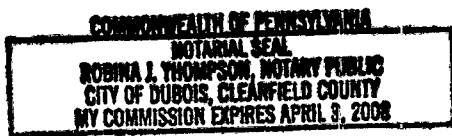
A search of the DuBois telephone directory revealed several Heemers who were contacted, none of whom knew the existence of Dennis W. Heemer. An internet search failed to disclose any information regarding the whereabouts of Dennis W. Heemer. A search of the Prothonotary's office, Register of Wills and Recorder of Deeds for Clearfield and Jefferson Counties also failed to disclose any information regarding the whereabouts of Dennis W. Heemer.

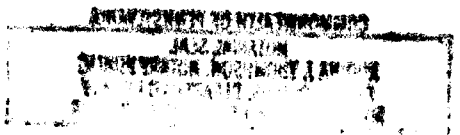
Your Affiant has been unable to locate the named Defendant in this action or his heirs,
devisees, executors, administrators or assigns.


David J. Hopkins, Esquire

Sworn to and subscribed before
me this 18th day of
May, 2004.


Notary Public





FILED 1cc
MAY 19 2004
Atty Hopkins

William A. Shaw
Prothonotary/Clerk of Courts

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

THOMAS M. McCLOSKEY and
LINDA A. McCLOSKEY,
Plaintiffs

vs.

No. 04-706-CJ

JEAN LOIS MARTIN and DENNIS W.
HEEMER and any heir, persons claiming
or who might claim title under the
aforesaid defendants; and any other
person, persons, firms, partnerships,
or corporate entities who might claim
title to the premises herein described,
Defendants

MOTION FOR PUBLICATION

AND NOW, this 19 day of May, 2004, an Affidavit having been executed and filed on behalf of Thomas M. McCloskey and Linda A. McCloskey, and that the whereabouts of Defendant, Dennis W. Heemer, his accumulative heirs, devisees, administrators, executors, successors or assigns, and all other person, persons, firms, partnerships, or corporate entities in interest are unknown. The Plaintiffs, by their counsel, Hopkins Heltzel LLP, requests the Court for leave to serve the Complaint on the above mentioned Defendant, his heirs, devisees, administrators, executors, assigns, and all other person, persons, firms, partnerships, or

FILED

MAY 19 2004

William A. Shaw
Prothonotary-Clerk of Courts

corporate entity in interest, or their legal representatives, generally, by publication in such manner as the Court shall direct and as provided by Pa. R.C.P. Rule 410, and Pa.R.C.P. Rule 430.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David J. Hopkins", is written over a horizontal line.

David J. Hopkins, Esquire
Attorney for Plaintiffs

FILED ¹⁰⁰
8/15/2004
MAY 19 2004
Att'y Hopkins

William A. Shaw
Prothonotary/Clerk of Courts

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

THOMAS M. McCLOSKEY and
LINDA A. McCLOSKEY,
Plaintiffs

vs.

JEAN LOIS MARTIN and DENNIS W.
HEEMER and any heir, persons claiming
or who might claim title under the
aforesaid defendants; and any other
person, persons, firms, partnerships,
or corporate entities who might claim
title to the premises herein described,
Defendants

No. 04-706-CD

Type of Pleading: Complaint

Filed on behalf of: Thomas M. McCloskey
and Linda A. McCloskey, Plaintiffs

Counsel of Record for this party:

DAVID J. HOPKINS, ESQUIRE
Attorney at Law

Supreme Court No. 42519
900 Beaver Drive
DuBois, Pennsylvania 15801

(814) 375-0300

FILED

MAY 19 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

THOMAS M. McCLOSKEY and	:	
LINDA A. McCLOSKEY,	:	
Plaintiffs	:	
	:	
vs.	:	No.
	:	
	:	
JEAN LOIS MARTIN and DENNIS W.	:	
HEEMER and any heir, persons claiming	:	
or who might claim title under the	:	
aforesaid defendants; and any other	:	
person, persons, firms, partnerships,	:	
or corporate entities who might claim	:	
title to the premises herein described,	:	
Defendants	:	

NOTICE

TO DEFENDANTS:

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 judgement may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

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

Office of the Court Administrator
Clearfield County Courthouse
230 E. Market Street
Clearfield, PA 16830
(814) 765-2641 ext. 5982

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

THOMAS M. McCLOSKEY and	:	
LINDA A. McCLOSKEY,	:	
Plaintiffs	:	
	:	
vs.	:	No.
	:	
	:	
JEAN LOIS MARTIN and DENNIS W.	:	
HEEMER and any heir, persons claiming	:	
or who might claim title under the	:	
aforesaid defendants; and any other	:	
person, persons, firms, partnerships,	:	
or corporate entities who might claim	:	
title to the premises herein described,	:	
Defendants	:	

COMPLAINT

NOW COMES, Plaintiffs, Thomas M. McCloskey and Linda A. McCloskey, by and through their attorneys, The Hopkins Law Firm, and avers as follows:

1. Plaintiffs are married individuals who maintain a principal residence at 241 Treasure Lake, DuBois, Pennsylvania 15801.
2. The property to be quieted is vacant land known as Section 7C, Lot 251B in the Treasure Lake Subdivision in Sandy Township, Clearfield County, Pennsylvania.
3. There are two (2) Defendants in this action. The first Defendant is June Lois Martin who resides at 4617 Colonial Court, Vermilion, Ohio 44089-3133. The second Defendant is Dennis W. Heemer who previously resided in the City of DuBois, Clearfield County, Pennsylvania but whose whereabouts are now unknown.
4. By Deed dated December 3, 1973 and recorded in the Office of the Recorder of Deeds of Clearfield County in Volume 666, at page 127, Treasure Lake of Pennsylvania, Inc., conveyed the property at issue unto Defendant Jean Lois Martin.

5. The said Jean Lois Martin failed to pay real estate taxes assessed against the property and lost the property to the Tax Claim Bureau of Clearfield County, Pennsylvania.

6. By Deed dated November 3, 1986 and recorded in the Office of the Recorder of Deeds of Clearfield County in Volume 1119, at page 545, the Tax Claim Bureau of Clearfield County, Pennsylvania, Trustee, under the provisions of the Act of July 7, 1947, P.L. 1368, and amendments thereto, conveyed the property to Peggy Lynn Stormer.

7. By Deed dated August 8, 1988 and recorded in the Office of the Recorder of Deeds of Clearfield County in Volume 1237, at page 546, Peggy Lynn Stormer conveyed the property at issue to Defendant Dennis W. Heemer.

8. The said Dennis W. Heemer failed to pay real estate taxes assessed against the property and lost the property to the Tax Claim Bureau of Clearfield County, Pennsylvania.

9. By Deed dated December 8, 1995 and recorded in the Office of the Recorder of Deeds of Clearfield County in Volume 1727, at page 150, the Tax Claim Bureau of Clearfield County, Pennsylvania, Trustee under the provisions of the Act of July 7, 1947, P.L. 1368, and amendments thereto, conveyed the property to Wilbur Smallwood and Mary Alice Smallwood.


10. By Deed dated March 23, 2001 and recorded in the Office of the Recorder of Deeds of Clearfield County as Instrument No. 2001-04271, William Smallwood and Mary Alice Smallwood, his wife, conveyed the property to Jerry D. Dillard and Elisabeth Dillard.

11. By Deed dated March 24, 2004 and recorded in the Office of the Recorder of Deeds of Clearfield County as Instrument No. 2004-05279, Jerry D. Dillard and Elisabeth Dillard, husband and wife, conveyed the property at issue to Plaintiffs, Thomas M. McCloskey and Linda A. McCloskey, husband and wife.

12. This quit title action is instituted to remove any clouds upon the title to the property as a result of the Tax Claim Bureau sale of the property in 1986 as the lands of Jean Lois Martin and again in 1995 as the lands of Dennis W. Heemer.

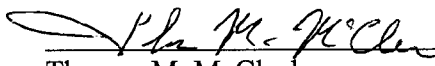
WHEREFORE, the Plaintiffs request the Court to decree that title to the premises described in paragraph two of the Complaint be granted unto Plaintiffs, Thomas M. McCloskey and Linda A. McCloskey, in fee simple absolute; and that the Defendants, Jean Lois Martin and Dennis W. Heemer, their heirs, devisees, executors, administrators and assigns, and all other person, persons, partnerships, limited liability companies or corporate entities in interest, or their legal representatives be forever barred from asserting any right, lien or interest inconsistent with the interest or claim of the Plaintiff as set forth in and to the property known as Section 7, Lot 251B in the Treasure Lake Subdivision of Sandy Township, Clearfield County, Pennsylvania.

Respectfully submitted,


David J. Hopkins, Esquire
Attorney for Plaintiffs

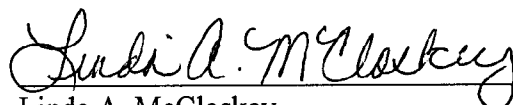
VERIFICATION

With full understanding that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities, I verify that the statements made in this pleading are true and correct.


Thomas M. McCloskey

VERIFICATION

With full understanding that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities, I verify that the statements made in this pleading are true and correct.


Linda A. McCloskey

FILED

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~~May 11 2004~~
MAY 19 2004

Atty Hopkins

Atty pd. 595.00

William A. Shaw
Prothonotary/Clerk of Courts