

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

**DENNIS J. FYE and
VALERIE J. FYE, husband and wife,
Plaintiffs,**

vs.

**MARY E. WYATT, her heirs,
executors, administrators, successors and
assigns, and all other persons or entities in
interest, known or unknown, claiming by
and through or under her,
Defendants.**

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* No. 04-858 -CD

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* ACTION TO QUIET TITLE

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*Type of Pleading: COMPLAINT

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* Filed on behalf of : PLAINTIFFS

*

DENNIS J. FYE

*

VALERIE J. FYE

*

* Counsel of Record for Plaintiff:

* **BARBARA J. HUGNEY-SHOPE, ESQ.**

* **23 North Second Street**

* **Clearfield, PA 16830**

* **(814) 765-5155**

FILED

JUN 11 2004

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

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNT, PENNSYLVANIA
CIVIL ACTION - LAW**

**DENNIS J. FYE and VALERIE J. FYE,
husband and wife,**

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vs.

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administrators, successors and assigns,
and all other persons or entities in interest,
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Defendant

NO. 04-

-CD

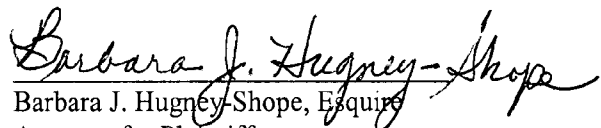
ACTION TO QUIET TITLE

NOTICE TO DEFEND

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

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

Court Administrator
Clearfield County Courthouse
1 North Second Street
Clearfield, PA 16830
(814) 765-2641, Ext. 5982


Barbara J. Hugney-Shope, Esquire
Attorney for Plaintiffs

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
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* No. 04- -CD
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* ACTION TO QUIET TITLE
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COMPLAINT

AND NOW, come the Plaintiffs, DENNIS J. FYE and VALERIE J. FYE, who by and through their attorney, BARBARA J. HUGNEY-SHOPE, ESQUIRE, file the following Complaint in Quiet Title against the Defendants and in support aver as follows:

1. That the Plaintiffs, Dennis J. Fye and Valerie J. Fye, are husband and wife, with an address of P.O. Box 67, Bigler, Clearfield County, Pennsylvania 16825.

2. The Defendant, Mary E. Wyatt, her heirs, executors, administrators, successors and assigns, and all persons or entities in interest, known or unknown, claiming by and through or under her are believed to be individuals and their last known addresses are unknown.

3. By Deed dated August 6, 1949, Kenneth P. Knepp and Jamie Knepp, his wife, conveyed to Mary E. Wyatt, a parcel described as Lot No. 14 in the map prepared by the Williams Grove Clay Products Company dated July 7, 1944, and containing .29 acres as recorded in Clearfield County Deed Book 400, page 142, and described as follows:

ALL that certain piece or parcel of land situate, lying and being in Bigler, Bradford Township, Clearfield County, Pennsylvania, bounded and described as follows, to-wit:

BEGINNING at a point on the East side of the road (now known as Williams Street) and at the southwest corner of Parcel No. 13; thence along the south line of Parcel No. 13 South seventy-four (74) degrees thirteen (13) minutes East a distance of two hundred fifty (250) feet, more or less, to the centerline of Roaring Run; thence in a southerly direction up Roaring Run a distance of fifty (50) feet, more or less, to a point; thence along other land now or formerly of the Williams Grove Clay Products Company North seventy-four (74) degrees thirteen (13) minutes West a distance of two hundred fifty-six (256) feet, more or less, to a point on the East side of the road; thence along said road North fifteen (15) degrees forty-seven (47) minutes East a distance of forty-nine and three-tenths (49.3) feet to a point and the place of beginning. Containing twenty-nine hundredths (.29) of an acre. The herein described piece of land being Parcel No. 14 as shown on the map prepared by the Williams Grove Clay Products Company dated July 7, 1944.

BEING identified in the Clearfield County Mapping and Assessment Office as a portion of Map No. 106-N9-593-1.

4. The said Mary E. Wyatt was believed to be a widow as indicted in a subsequent deed where she conveyed a different parcel of land.

5. That property assessed in the name of Mary E. Wyatt was sold to the County Commissioners by the Clearfield County Treasurer by Deed dated October 30, 1967, as a cottage and 0.29 acres for failure to pay taxes in 1965.

6. A Treasurer's Deed dated December 12, 1967, and recorded in Clearfield County Deeds and Records Book Volume 571, page 694, confirmed the sale of the property to Donald R. Mikesell that was described as that formerly assessed to Mary E. Wyatt and described as a cottage and .29 A.

7. Thereafter, this same parcel was sold by Donald R. Mikesell and Ann B. Mikesell to Jack C. Morris and Gloria J. Morris by their Deed dated April 24, 1972, and recorded in Clearfield County Deed Book 593, page 301.

8. The said Jack C. Morris and Gloria J. Morris subsequently conveyed the above-described parcel to Daniel H. Knepp and Sandra K. Knepp by their Deed dated November 15, 1982, and recorded in Clearfield County Deed Book 866, page 59 wherein this parcel is identified as The Second Thereof.

9. The parcel of land described in Paragraph 3 above was subsequently conveyed as The Third Thereof in the Deed from Daniel H. Knepp and Sandra Knepp, also known as Sandra K. Knepp, to Daniel H. Knepp, individually, by their Deed dated December 16, 1988, and recorded in Clearfield County Deed Book 1260, page 26.

10. Daniel H. Knepp, an individual, then conveyed the parcel described in Paragraph 3 above identified as The Third Thereof in his deed to Daniel H. Knepp and Lois A. Knepp by his Deed dated July 21, 1994, and recorded in Clearfield County Deeds and Records Book 1620, page 184.

11. Daniel H. Knepp and Lois A. Knepp conveyed the parcel described in Paragraph 3 above to the Plaintiffs, Dennis J. Fye and Valerie J. Fye by their Deed dated December 9, 1999, and recorded in Clearfield County as Instrument No. 199920188.

12. That from 1972, Plaintiffs and their predecessors in title to the present have exercised open, notorious and hostile possession and control over the parcel described in Paragraph 3 above to the exclusion of all others.

13. That since 1972, the Plaintiffs and their predecessors in title have paid all tax assessments on the parcel described in Paragraph 3 of this Complaint.

14. That this Quiet Title Action is necessary to remove any cloud on Plaintiffs' title to the parcel described in Paragraph 3 of this Complaint due to any irregularities in the chain of title because of the tax sale in 1967, and possible adverse interests of named Defendants, their heirs, successors and assigns.

15. That at no time have any of the herein named Defendants attempted to secure possession of the said premises, contest the title of the Plaintiffs or their

predecessors in title or assist in the maintenance, repair or improvement of the premises hereinbefore described nor have they asserted any interest adverse to the Plaintiffs by any legal action.

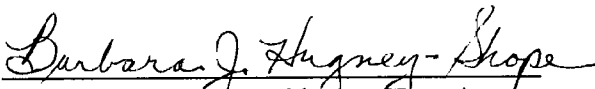
WHEREFORE, Plaintiffs request:

(a) That the Defendants be forever barred from asserting any right, title, lien or interest in the Plaintiffs' land inconsistent with the ownership of the Plaintiffs, unless the Defendants bring an action of ejectment against the Plaintiffs for the recovery of the land within thirty (30) days after the entry of judgment of the Court;

(b) That the Plaintiffs be decreed as the sole owners and be entitled to exclusive possession of the premises described in the foregoing Complaint;

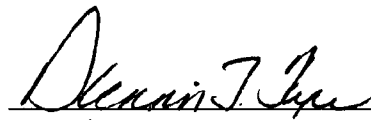
(c) That the Court make such further orders as may be necessary to establish the legal and valid title of the Plaintiffs and to grant them appropriate relief.

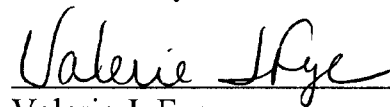
Respectfully submitted,


Barbara J. Hugney-Shepe, Esquire
Attorney for Plaintiffs

VERIFICATION

We verify that the statements made in the foregoing Complaint are true and correct. We understand that false statements herein made are subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.


Dennis J. Fye


Valerie J. Fye

Dated: 04-16-04, 2004

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION

LAW

No. 04-

-CD

DENNIS J. FYE and VALERIE J. FYE,
husband and wife, PLAINTIFFS

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D

MARY E. WYATT, her heirs, executors,
administrators, successors, and
assigns, and all other persons or
entities in interest, known or
unknown, claiming by and through
or under her, DEFENDANT.

COMPLAINT

FILED
JUN 11 2004

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JUL 29 2004
400 Atty Shoppe

Clifford S. Shaw
Clerk of Courts

BARBARA J. HUGNEY-SHOPE

Attorney-at-Law

23 N. Second Street
Clearfield, PA 16830

(814) 765-5155
FAX (814) 765-2957

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

DENNIS J. FYE and VALERIE J. FYE,
husband and wife,

Plaintiffs,

vs.

MARY E. WYATT, her heirs, executors,
administrators, successors and assigns, and
all other persons or entities in interest, known
or unknown, claiming by and through or under
her,

Defendant

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* NO. 04-858-CD
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* ACTION FOR QUIET TITLE
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* Type of Case: QUIET TITLE ACTION
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* Type of Pleading: AFFIDAVIT THAT
* DEFENDANT'S OR DEFENDANTS'
* WHEREABOUTS ARE UNKNOWN
*
*
* Filed on behalf of: PLAINTIFFS
* DENNIS J. FYE and VALERIE J.
* FYE, husband and wife,
*
* Counsel of record for Plaintiffs:
*
* BARBARA J. HUGNEY-SHOPE, ESQ.
* Supreme Court I. D. No. 26274
* 23 North Second Street
* Clearfield, PA 16830
* (814) 765-5155

FILED

JUN 15 2004

Barbara J. Hugney-Shope
Prothonotary, Clerk of Courts

Plaintiffs and the undersigned, their attorney, have made an investigation to locate these named Defendants by checking tax records of Clearfield County, review of telephone directories in the area, attempting service by the Sheriff of Clearfield County, and none of these Defendants have

been located by the Sheriff as indicated on his return as "Not Found" to be filed in this case.

Respectfully submitted,

Barbara J. Hugney-Shope

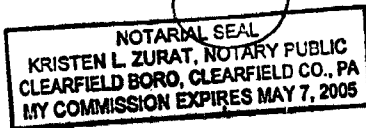
Barbara J. Hugney-Shope, Esquire
Attorney for Plaintiffs

SWORN to and subscribed

before me this 15th day

of June, 2004.

Kristen L. Zurat
Notary Public



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

No. 04-858-CD

DENNIS J. FYE and VALERIE J. FYE,
husband and wife, "PLAINTIFFS",

vs.

MARY E. WYATT, her heirs, executors,
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unknown, claiming by and through
or under her,
"DEFENDANT",

AFFIDAVIT THAT DEFENDANT'S OR
DEFENDANTS' WHEREABOUTS ARE
UNKNOWN

JUL 14 5:30 AM
Deputy Clerk of Courts

FILED 3cc
011:5380
JUN 15 2004
Amy Shopp

BARBARA J. HUGNEY-SHOPE
Attorney-at-Law
23 N. Second Street
Clearfield, PA 16830
(814) 765-5155
FAX (814) 765-2957

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA
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**DENNIS J. FYE and VALERIE J. FYE,
husband and wife,**

Plaintiffs,

vs.

**MARY E. WYATT, her heirs, executors,
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or unknown, claiming by and through or under
her,**

Defendant

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* **NO. 04-858-CD**
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* **ACTION FOR QUIET TITLE**
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* **Type of Case: QUIET TITLE ACTION**
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* **Type of Pleading: MOTION AND**
* **ORDER**
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* **Filed on behalf of: PLAINTIFFS**
* **DENNIS J. FYE and VALERIE J.**
* **FYE, husband and wife,**
*
* **Counsel of record for Plaintiffs:**
*
* **BARBARA J. HUGNEY-SHOPE, ESQ.**
* Supreme Court I. D. No. 26274
* 23 North Second Street
* Clearfield, PA 16830
* (814) 765-5155

FILED

JUN 15 2004

William A. Shaw
Prothonotary Clerk of Courts

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

DENNIS J. FYE and VALERIE J. FYE,
husband and wife,

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Defendant

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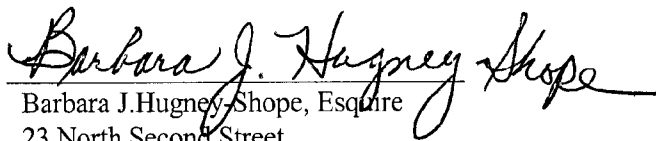
NO. 04-858 -CD

* ACTION TO QUIET TITLE

MOTION FOR LEAVE TO SERVE BY PUBLICATION

AND NOW, to wit: this 15th day of June, 2004, an Affidavit having been executed and filed on behalf of Plaintiffs that the whereabouts of MARY E. WYATT, her heirs, executors, administrators, successors and assigns, and all other persons or entities in interest, known or unknown, claiming by and through or under her, are unknown, the Plaintiffs by their attorney, Barbara J. Hugney-Shope, Esquire, move the Court for leave to serve the Complaint on this Defendant, her heirs, executors, administrators, successors and assigns, and all other persons or entities, known or unknown, claiming by and through or under her, by publication in The Progress of Clearfield, Pennsylvania, a newspaper of general circulation, and in the Clearfield County Legal Journal.

Respectfully submitted,



Barbara J. Hugney-Shope, Esquire
23 North Second Street
Clearfield, PA 16830
Attorney for Plaintiffs

FILED 3ce
011:5584 Ally Shope
JUN 15 2004

U. S. A. SUPPLY
PROPRIETARY & CONFIDENTIAL

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

DENNIS J. FYE and VALERIE J. FYE,
husband and wife,

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known or unknown, claiming by and
through or under her,

Defendant

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NO. 04- 858 -CD

ACTION TO QUIET TITLE

FILED

JUN 17 2004

William A. Shaw
Prothonotary Clerk of Courts

ORDER FOR PUBLICATION

AND NOW, to wit, this 16th day of June, 2004, upon consideration of the foregoing Motion and Affidavit of Barbara J. Hugney-Shope, Attorney for Plaintiffs, that the current whereabouts of MARY E. WYATT, her heirs, executors, administrators, successors, and assigns, and all other persons or entities in interest, known or unknown, claiming by and through or under her, are unknown, and that a good-faith effort has been made pursuant to PA.R.C.P. 430 to locate them, their heirs, successors and assigns, and that any heirs, successors and assigns are unable to be located, Plaintiffs are hereby granted leave to make service of the Complaint on all parties in interest in the property who cannot be personally served, and such heirs, executors, successors and assigns of Defendants who are presently not of record and cannot be determined after due investigation, by publication one (1) time in The Progress of Clearfield, Pennsylvania, being a newspaper of general circulation in the County of Clearfield, Pennsylvania, and in the Clearfield County Legal Journal, with publication to appear not less than twenty (20) days prior to the 16 day of July, 2004, the date set for hearing

on said Complaint, at 9:30 o'clock A.M., in Court Room No. 1 in the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT:


JUDGE

Good

William A. Shaw
Protectorial/Clerk of Courts

FILED
JUN 17 2004

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Any shape

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

No. 04-858-CD

DENNIS J. FYE and VALERIE J. FYE,
husband and wife, "PLAINTIFF'S"

vs.

MARY E. WYATT, her heirs, executor,
administrators, successors and
assigns, and all other persons or
entities in interest, known or
unknown, claiming by and through
or under her, "DEFENDANT"

MOTION AND ORDER

11:53 3d 301 to
JUN 15 2004 original

WILLIAMSON CO., PA
PROMOTORY

BARBARA J. HUGNEY-SHOPE
Attorney-at-Law
23 N. Second Street
Clearfield, PA 16830
(814) 765-5155
FAX (814) 765-2957

THE PLANKENHORN CO., WILLIAMSPORT, PA.

BARBARA J. HUGNEY-SHOPE
Attorney-at-Law
23 N. Second Street
Clearfield, PA. 16830

CA

In The Court of Common Pleas of Clearfield County, Pennsylvania

FYE, DENNIS J. & VALERIE J.

VS.

WYATT, MARY E. her heirs, executors, adm. successors al

COMPLAINT ACTION TO QUIET TITLE

Sheriff Docket # 15770

04-858-CD

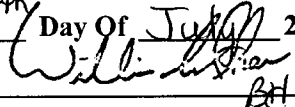
SHERIFF RETURNS

NOW JULY 14, 2004 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURN THE WITHIN COMPLAINT ACTION TO QUIET TITLE "NOT FOUND" AS TO MARY E. WAYATT, heirs et al, DEFENDANT.

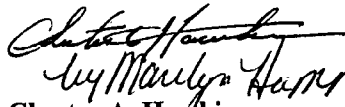
Return Costs

Cost	Description
14.37	SHERIFF HAWKINS PAID BY: ATT CK#6068
10.00	SURCHARGE PAID BY: ATTY CK# 6069

Sworn to Before Me This

14th Day Of July 2004

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

So Answers,


Chester A. Hawkins
Sheriff

FILED
0110:17601
JUL 14 2004
EJS

William A. Shaw
Prothonotary Clerk of Courts

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
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* ACTION TO QUIET TITLE

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*Type of Pleading: COMPLAINT

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* Filed on behalf of : PLAINTIFFS

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DENNIS J. FYE

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VALERIE J. FYE

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* Counsel of Record for Plaintiff:

* BARBARA J. HUGNEY-SHOPE, ESQ.

* 23 North Second Street

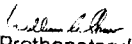
* Clearfield, PA 16830

* (814) 765-5155

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

JUN 11 2004

Attest.


Prothonotary/
Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNT, PENNSYLVANIA
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NO. 04-

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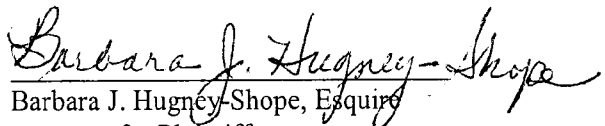
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Court Administrator
Clearfield County Courthouse
1 North Second Street
Clearfield, PA 16830
(814) 765-2641, Ext. 5982


Barbara J. Hugney-Shope, Esquire
Attorney for Plaintiffs

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*** No. 04- -CD**

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*** ACTION TO QUIET TITLE**

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COMPLAINT

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1. That the Plaintiffs, Dennis J. Fye and Valerie J. Fye, are husband and wife, with an address of P.O. Box 67, Bigler, Clearfield County, Pennsylvania 16825.

2. The Defendant, Mary E. Wyatt, her heirs, executors, administrators, successors and assigns, and all persons or entities in interest, known or unknown, claiming by and through or under her are believed to be individuals and their last known addresses are unknown.

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ALL that certain piece or parcel of land situate, lying and being in Bigler, Bradford Township, Clearfield County, Pennsylvania, bounded and described as follows, to-wit:

BEGINNING at a point on the East side of the road (now known as Williams Street) and at the southwest corner of Parcel No. 13; thence along the south line of Parcel No. 13 South seventy-four (74) degrees thirteen (13) minutes East a distance of two hundred fifty (250) feet, more or less, to the centerline of Roaring Run; thence in a southerly direction up Roaring Run a distance of fifty (50) feet, more or less, to a point; thence along other land now or formerly of the Williams Grove Clay Products Company North seventy-four (74) degrees thirteen (13) minutes West a distance of two hundred fifty-six (256) feet, more or less, to a point on the East side of the road; thence along said road North fifteen (15) degrees forty-seven (47) minutes East a distance of forty-nine and three-tenths (49.3) feet to a point and the place of beginning. Containing twenty-nine hundredths (.29) of an acre. The herein described piece of land being Parcel No. 14 as shown on the map prepared by the Williams Grove Clay Products Company dated July 7, 1944.

BEING identified in the Clearfield County Mapping and Assessment Office as a portion of Map No. 106-N9-593-1.

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6. A Treasurer's Deed dated December 12, 1967, and recorded in Clearfield County Deeds and Records Book Volume 571, page 694, confirmed the sale of the property to Donald R. Mikesell that was described as that formerly assessed to Mary E. Wyatt and described as a cottage and .29 A.

7. Thereafter, this same parcel was sold by Donald R. Mikesell and Ann B. Mikesell to Jack C. Morris and Gloria J. Morris by their Deed dated April 24, 1972, and recorded in Clearfield County Deed Book 593, page 301.

8. The said Jack C. Morris and Gloria J. Morris subsequently conveyed the above-described parcel to Daniel H. Knepp and Sandra K. Knepp by their Deed dated November 15, 1982, and recorded in Clearfield County Deed Book 866, page 59 wherein this parcel is identified as The Second Thereof.

9. The parcel of land described in Paragraph 3 above was subsequently conveyed as The Third Thereof in the Deed from Daniel H. Knepp and Sandra Knepp, also known as Sandra K. Knepp, to Daniel H. Knepp, individually, by their Deed dated December 16, 1988, and recorded in Clearfield County Deed Book 1260, page 26.

10. Daniel H. Knepp, an individual, then conveyed the parcel described in Paragraph 3 above identified as The Third Thereof in his deed to Daniel H. Knepp and Lois A. Knepp by his Deed dated July 21, 1994, and recorded in Clearfield County Deeds and Records Book 1620, page 184.

11. Daniel H. Knepp and Lois A. Knepp conveyed the parcel described in Paragraph 3 above to the Plaintiffs, Dennis J. Fye and Valerie J. Fye by their Deed dated December 9, 1999, and recorded in Clearfield County as Instrument No. 199920188.

12. That from 1972, Plaintiffs and their predecessors in title to the present have exercised open, notorious and hostile possession and control over the parcel described in Paragraph 3 above to the exclusion of all others.

13. That since 1972, the Plaintiffs and their predecessors in title have paid all tax assessments on the parcel described in Paragraph 3 of this Complaint.

14. That this Quiet Title Action is necessary to remove any cloud on Plaintiffs' title to the parcel described in Paragraph 3 of this Complaint due to any irregularities in the chain of title because of the tax sale in 1967, and possible adverse interests of named Defendants, their heirs, successors and assigns.

15. That at no time have any of the herein named Defendants attempted to secure possession of the said premises, contest the title of the Plaintiffs or their

predecessors in title or assist in the maintenance, repair or improvement of the premises hereinbefore described nor have they asserted any interest adverse to the Plaintiffs by any legal action.

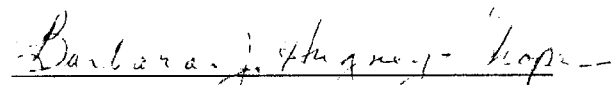
WHEREFORE, Plaintiffs request:

(a) That the Defendants be forever barred from asserting any right, title, lien or interest in the Plaintiffs' land inconsistent with the ownership of the Plaintiffs, unless the Defendants bring an action of ejectment against the Plaintiffs for the recovery of the land within thirty (30) days after the entry of judgment of the Court;

(b) That the Plaintiffs be decreed as the sole owners and be entitled to exclusive possession of the premises described in the foregoing Complaint;

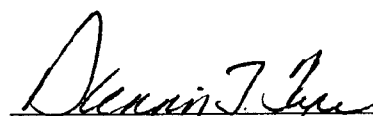
(c) That the Court make such further orders as may be necessary to establish the legal and valid title of the Plaintiffs and to grant them appropriate relief.

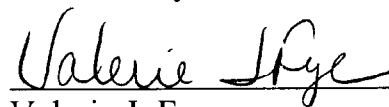
Respectfully submitted,


Barbara J. Hugney-Shope, Esquire
Attorney for Plaintiffs

VERIFICATION

We verify that the statements made in the foregoing Complaint are true and correct. We understand that false statements herein made are subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.


Dennis J. Fye


Valerie J. Fye

Dated: 04-16-04, 2004

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

**DENNIS J. FYE and
VALERIE J. FYE, husband and wife,
Plaintiffs,**

vs.

**MARY E. WYATT, her heirs,
executors, administrators, successors and
assigns, and all other persons or entities in
interest, known or unknown, claiming by
and through or under her,
Defendants.**

*

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*** No. 04- 858 -CD**

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*** ACTION TO QUIET TITLE**

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***Type of Pleading: AFFIDAVIT**

*

*** Filed on behalf of : PLAINTIFFS**

*

DENNIS J. FYE

*

VALERIE J. FYE

*

*** Counsel of Record for Plaintiff:**

*** BARBARA J. HUGNEY-SHOPE, ESQ.**

*** 23 North Second Street**

*** Clearfield, PA 16830**

*** (814) 765-5155**

JUL 16 2004

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

**DENNIS J. FYE and VALERIE J. FYE,
husband and wife,**

Plaintiffs,

vs.

**MARY E. WYATT, her heirs, executors,
administrators, successors and assigns,
and all other persons or entities in interest,
known or unknown, claiming by and
through or under her,**

Defendant

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NO. 04-858-CD

*** ACTION TO QUIET TITLE**

A F F I D A V I T

COMMONWEALTH OF PENNSYLVANIA

)

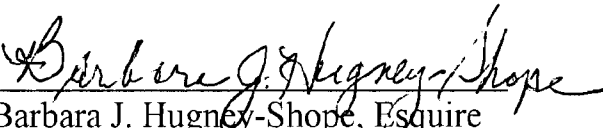
ss.:

COUNTY OF CLEARFIELD

)

BARBARA J. HUGNEY-SHOPE, ESQUIRE, being duly sworn according to law, deposes and says that she is the attorney for the Plaintiffs in the above-captioned action and makes this affidavit on behalf of Plaintiffs, being authorized to do so; that a Complaint in Action to Quiet Title, endorsed with a Notice to Defend within twenty (20) days from service thereof was served on the Defendant, MARY E. WYATT, her heirs, executors, administrators, successors and assigns, and all other persons or entities in interest, known or unknown, claiming by and through or under them, by having the Sheriff of Clearfield County attempt service which he returned as "not found" as filed in said case and by publication in The Progress of Clearfield,

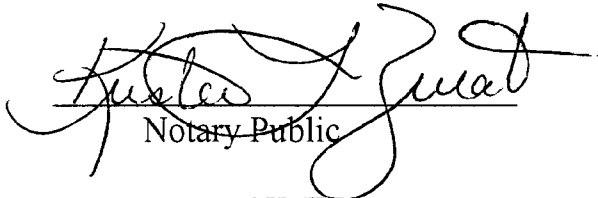
Pennsylvania, on June 21, 2004, proof of which is attached hereto marked Exhibit "A," and the Clearfield County Legal Journal during the week of June 25, 2004, proof of which is attached hereto, marked Exhibit "B," and these Defendants have not filed an Answer thereto although the time in which to do so has expired.

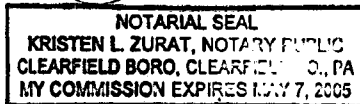

Barbara J. Hugney-Shope, Esquire
Attorney for Plaintiffs

SWORN to and subscribed

before me this 16th day

of July, 2004.


Notary Public



IN THE COURT
OF COMMON PLEAS
OF CLEARFIELD COUNTY,
PENNSYLVANIA
CHRYL J. ROBINSON, Notary Public
DENNIS J. FYE and VALERIE J.
FYE, husband and wife, Plaintiffs
vs.
MARY E. WYATT, her heirs,
executors, administrators, successors,
and assigns, and all other persons
or entities in interest, known or unknown,
claiming by and through or under her, Defendants.

ACTION TO
QUIET TITLE

NO. 04-8858-CL
MARY E. WYATT, her heirs,
executors, administrators, successors
and assigns, and all other persons
or entities in interest, known
or unknown, claiming by and
through or under them.

NOTICE YOU HAVE BEEN SUED
IN COURT. If you wish to defend
against the claims set forth in the
following pages, you must take ac-
tion within seventy (70) days after
this Complaint and Notice are
served, by entering a written ap-
pearance personally or by attorney
and filing it with the Court.
Your defense to objections to the
claims set forth in this Complaint
are waived 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 other rights important to you.

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

COURT ADMINISTRATOR
Clearfield County Courthouse
Second and Market Streets, Clear-
field, Pennsylvania 16830. Tele-
phone: (814) 765-2641, Ext.
5382

You are hereby notified that an
Action to Quiet Title to the following
premises situated in Bradford Town-
ship, Clearfield County, Pennsylvania,
has been filed against you. Said
premises being more particularly
bounded and described as follows:

At 1. that certain piece or parcel of
land situate, lying and being in Brad-
ford Township, Clearfield
County, Pennsylvania, bounded

and described as follows, to-wit:

BEGINNING at a point on the East
side of the road (now known as Wil-
liams Street) and at the southwest
corner of Parcel No. 13; thence
along the south line of Parcel No.
13 South seventy-four (74) de-
grees thirteen (13) minutes East a
distance of two hundred fifty (250)
feet, more or less, to the centerline
of Roaring Run; thence in a south-
erly direction up Roaring Run a dis-
tance of fifty (50) feet, more or less,
to a point; thence along other land
now or formerly of the William-
sgrove Clay Products Company
North seventy-four (74) degrees
thirteen (13) minutes West a dis-
tance of two hundred fifty-six (256)
feet, more or less, to a point on the
East side of the road; thence along
said road North thirty-one (31) de-
grees forty-seven (47) minutes
East a distance of thirty-nine and
three-eighths (39 3/8) feet to a point
and the place of beginning. Con-
taining twenty-nine hundredths
(29) of an acre. The herein de-
scribed piece of land being Parcel
No. 14 as shown on the map pre-
pared by the Williamsgrove Clay
Products Company dated July 7,
1914.

BEING identified in the Clearfield
County Mapping and Assessment
Office as a portion of Map No.
106-N9-593-1.

The purpose of this Quiet Title Ac-
tion is to extinguish any doubts
which the Defendants, above-
named, MARY E. WYATT, her
heirs, executors, administrators,
successors and assigns, and all
other persons or entities in interest,
known or unknown, claiming by and
through or under her in the property
which is set forth in this action.

TAKE NOTICE that the Plaintiffs
are the record owners of the land
described hereinabove, and that
they have requested in a complaint
filed in Clearfield County, that the
Court decree that the title to the
same is in them, free and clear of
the claims of all Defendants, their
heirs, executors, administrators,
successors and assigns, and all
other persons or entities in interest,
known or unknown, claiming by and
through or under them.

WHEREFORE, said Court or-
dered that notice of the said Action
and the facts thereto be served on
Defendants, MARY E. WYATT, her
heirs, executors, administrators,
successors and assigns, and all
other persons or entities in interest,
known or unknown, claiming by and
through or under her, to answer the
said Complaint within seventy (70)
days from the date of this publi-
cation. For failure to comply, a judg-
ment will be taken by application of
Plaintiffs before the Court on the

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :
COUNTY OF CLEARFIELD : SS:

On this 28th day of June, A.D. 2004,
before me, the subscriber, a Notary Public in and for said County and
State, personally appeared Margaret E. Krebs, who being duly sworn
according to law, deposes and says that she is the President of The
Progressive Publishing Company, Inc., and Associate Publisher of The
Progress, a daily newspaper published at Clearfield, in the County of
Clearfield and State of Pennsylvania, and established April 5, 1913, and
that the annexed is a true copy of a notice or advertisement published in
said publication in

the regular issues of June 21, 2004.
And that the affiant is not interested in the subject matter of the notice or
advertising, and that all of the allegations of this statement as to the time,
place, and character of publication are true.

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

Cheryl J. Robinson
Notary Public, Clearfield, Pa.

My Commission Expires
October 31, 2007
Exhibit "A"

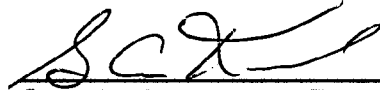
COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Cheryl J. Robinson, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires Oct. 31, 2007
Member, Pennsylvania Association Of Notaries

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :

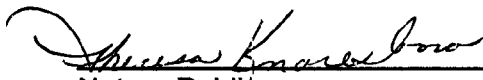
COUNTY OF CLEARFIELD :

On this 13th day of July AD 2004, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Gary A. Knaresboro editor of the Clearfield County Legal Journal of the Courts of Clearfield County, and that the annexed is a true copy of the notice or advertisement published in said publication in the regular issues of Week of June 25, 2004, No. 26. 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

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Theresa C. Knaresboro, Notary Public
City Of Dubois, Clearfield County
My Commission Expires Sept. 19, 2007
Member, Pennsylvania Association Of Notaries

Barbara Hugney-Shope
23 North Second St.
Clearfield, PA 16830

You are hereby notified that an Action to Quiet Title to the following premises situate in Bradford Township, Clearfield County, Pennsylvania, has been filed against you. Said premises being more particularly bounded and described as follows:

ALL that certain piece or parcel of land situate, lying and being in Bigler, Bradford Township, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point on the East side of the road (now known as Williams Street) and at the southwest corner of Parcel No. 13; thence along the south line of parcel No. 13 South seventy-four (74) degrees thirteen (13) minutes East a distance of two hundred fifty (250) feet, more or less, to the centerline of Roaring Run; thence in a southerly direction up Roaring Run a distance of fifty (50) feet, more or less, to a point; thence along other land now or formerly of the Williams Grove Clay Products Company North seventy-four (74) degrees thirteen (13) minutes West a distance of two hundred fifty-six (256) feet, more or less to a point on the East side of the road; thence along said road North fifteen (15) degrees forty-seven (47) minutes East a distance of forty-nine and three-tenths (49.3) feet to a point and the place of beginning. Containing twenty-nine hundredths (.29) of an acre. The herein described piece of land being Parcel No. 14 as shown on the map prepared by the Williams Grove Clay Products Company dated July 7, 1944.

BEING identified in the Clearfield County Mapping and Assessment Office as a portion of Map No. 106-N9-593-1.

The purpose of this Quiet Title Action is to extinguish any equity which the Defendants above-named, MARY E. WYATT, her heirs, executors, administrators, successors and assigns, and all other persons or entities in interest, known or unknown, claiming by and through or under her in the property which is set forth in this action.

TAKE NOTICE that the Plaintiffs are the record owners of the land described hereinabove and that they have requested in a complaint filed in Clearfield County, that the Court decree that the title to the same is in them, free and clear of the claims of all Defendants, their heirs, executors, administrators, successors and assigns, and all other persons or entities in interest, known or unknown, claiming by and through or under them.

WHEREFORE, said Court ordered that notice of this said Action and the facts thereto be served on Defendants, MARY E. WYATT, her heirs, executors, administrators, successors and assigns, and all other persons or entities in interest, known

or unknown, claiming by and through or under her, to answer the said Complaint within twenty (20) days from the date of this publication. For failure to comply, a judgment will be taken by application of Plaintiffs before the Court on July 16, at 9:30 A.M., in Courtroom Number 1, of the Clearfield County Courthouse, Clearfield, Pennsylvania 16830.

BARBARA J. HUGNEY-SHOPE,
Attorney at Law, 23 North Second Street,
Clearfield, PA 16830 (814) 765-5155,
Attorney for Plaintiffs.

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

DENNIS J. FYE and VALERIE J. FYE,
husband and wife, Plaintiffs vs. MARY E.
WYATT, her heirs, executors, admin-
istrators, successors and assigns, and all
other persons or entities in interest, known
or unknown, claiming by and through or
under them, Defendants

No. 04-858-CD

ACTION TO QUIET TITLE

TO: MARY E. WYATT, her heirs,
executors, administrators, successors and
assigns, and all other persons or entities in
interest, known or unknown, claiming by and
through or under them.

**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 Plaintiffs. You may lose
money 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 Court House, Second and Market
Streets, Clearfield, PA 16830 (814) 765-
2641. Ext. 5982.

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

No. 04-858-CD

DENNIS J. EYE and VALERIE J. EYE,
PLAINTIFFS

vs.

MARY E. WYATT,
DEFENDANT

AFFIDAVIT

6/9/04 yec
12:00
Attyshepps

BARBARA J. HUGNEY-SHOPE
Attorney-at-Law
23 N. Second Street
Clearfield, PA 16830
(814) 765-5155
FAX (814) 765-2957

BARBARA J. HUGNEY-SHOPE
Attorney-at-Law
23 N. Second Street
Clearfield, PA 16830

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

DENNIS J. FYE and VALERIE J. FYE,
husband and wife,

Plaintiffs,

vs.

MARY E. WYATT, her heirs, executors,
administrators, successors and assigns,
and all other persons or entities in interest,
known or unknown, claiming by and
through or under her,

Defendant

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NO. 04-858-CD

ACTION TO QUIET TITLE

JUL 19 2004

ORDER OF COURT

AND NOW, this 16th day of July, 2004, an Affidavit having been made that service was made by publication on MARY E. WYATT, her heirs, executors, administrators, successors and assigns, and all other persons or entities in interest, known or unknown, claiming by and through or under them;

1. By having the Sheriff of Clearfield County attempt service which he returned as "not found" as filed in said case and by publication in the Progress of Clearfield, Pennsylvania, on June 21, 2004, and in the Clearfield County Legal Journal the week of June 25, 2004, and it appearing that it was impossible to serve any of these Defendants by any other means,

IT IS ORDERED AND DECREED, that Defendants file suit in ejectment or otherwise enter a proceeding to contest the case within thirty (30) days, or this Order of Court shall become final upon Praecipe by Plaintiffs, which hereby Orders and Decrees that title to the land subject of this action is vested absolutely in the Plaintiffs, their heirs and assigns, free and clear of any and all claims of any nature by these Defendants, their heirs, successors or assigns or anyone claiming by, through or under them, and that the Plaintiffs are seized of an indefeasible title to the land situated

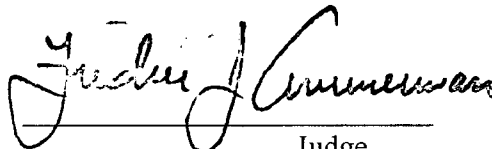
in Bradford Township, Clearfield County, Pennsylvania, bounded and described as follows:

ALL that certain piece or parcel of land situate, lying and being in Bigler, Bradford Township, Clearfield County, Pennsylvania, bounded and described as follows, to-wit:

BEGINNING at a point on the East side of the road (now known as Williams Street) and at the southwest corner of Parcel No. 13; thence along the south line of Parcel No. 13 South seventy-four (74) degrees thirteen (13) minutes East a distance of two hundred fifty (250) feet, more or less, to the centerline of Roaring Run; thence in a southerly direction up Roaring Run a distance of fifty (50) feet, more or less, to a point; thence along other land now or formerly of the Williams Grove Clay Products Company North seventy-four (74) degrees thirteen (13) minutes West a distance of two hundred fifty-six (256) feet, more or less, to a point on the East side of the road; thence along said road North fifteen (15) degrees forty-seven (47) minutes East a distance of forty-nine and three-tenths (49.3) feet to a point and the place of beginning. Containing twenty-nine hundredths (.29) of an acre. The herein described piece of land being Parcel No. 14 as shown on the map prepared by the Williams Grove Clay Products Company dated July 7, 1944.

BEING identified in the Clearfield County Mapping and Assessment Office as a portion of Map No. 106-N9-593-1 and being the same premises conveyed to the Plaintiffs by Deed of Daniel H. Knepp and Lois A. Knepp, dated December 9, 1999, and recorded in the Office of the Recorder of Deeds of Clearfield County at Instrument Number 199920188.

BY THE COURT,


Judge

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

No. 04-858-CD

DENNIS J. FYE and VALERIE J. FYE,
PLAINTIFFS

VS.

MARY E. WYATT,
DEFENDANT

ORDER

*FILED 3/4/04
BY ANG SHOP*

BARBARA J. HUGNEY-SHOPE
Attorney-at-Law
23 N. Second Street
Clearfield, PA 16830
(814) 765-5155
FAX (814) 765-2957

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

**DENNIS J. FYE and
VALERIE J. FYE, husband and wife,
Plaintiffs,**

vs.

**MARY E. WYATT, her heirs,
executors, administrators, successors and
assigns, and all other persons or entities in
interest, known or unknown, claiming by
and through or under her,
Defendants.**

*** No. 04- 858 -CD**

*** ACTION TO QUIET TITLE**

***Type of Pleading: MOTION**

*** Filed on behalf of : PLAINTIFFS**

DENNIS J. FYE

VALERIE J. FYE

*** Counsel of Record for Plaintiff:**

*** BARBARA J. HUGNEY-SHOPE, ESQ.**

*** 23 North Second Street**

*** Clearfield, PA 16830**

*** (814) 765-5155**

JUL 16 2004

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

**DENNIS J. FYE and VALERIE J. FYE,
husband and wife,**

Plaintiffs,

vs.

**MARY E. WYATT, her heirs, executors,
administrators, successors and assigns,
and all other persons or entities in interest,
known or unknown, claiming by and
through or under her,**

Defendant

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NO. 04-858-CD

*** ACTION TO QUIET TITLE**

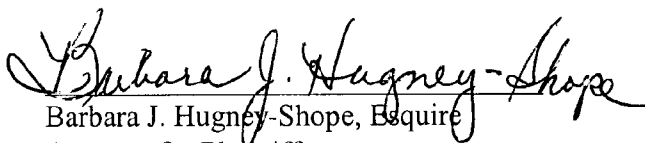
MOTION FOR JUDGMENT

NOW, this 1st day of July, 2004, an Affidavit having been filed by the Plaintiffs, Dennis J. Fye and Valerie J. Fye, through their attorney, Barbara J. Hugney-Shope, Esquire, that the Complaint with Notice to Defend was served on the Defendants, MARY E. WYATT, her heirs, executors, administrators, successors and assigns, and all other persons or entities in interest, known or unknown, claiming by and through or under them, by publication and these Defendants having failed to answer or enter an appearance, the Plaintiffs, by their attorney, Barbara J. Hugney-Shope, Esquire, moves the Court to enter judgment in favor of the Plaintiffs and against the Defendants in the above-captioned case and to grant to the Plaintiffs the relief prayed for in accordance with the Pennsylvania Rules of civil Procedure 1066. Plaintiffs further request that the Honorable Court modify in accordance with Pennsylvania Rules of Civil Procedure, Rule 248, the thirty (30) day period provided Defendants by Pennsylvania Rules of Civil Procedure, Rule

1066(b) to assert any right, lien, title or interest in the land inconsistent with the interest or claim

Plaintiffs set forth in their Complaint.

Respectfully submitted,


Barbara J. Hugney-Shope, Esquire
Attorney for Plaintiffs

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

NO. 04-858-CD

DENNIS J. FYE and VALERIE J. FYE,
PLAINTIFFS,

vs.

MARY E. WYATT,
DEFENDANT

MOTION FOR JUDGMENT

filed
019 4001
400
App Shop

BARBARA J. HUGNEY-SHOPE
Attorney-at-Law
23 N. Second Street
Clearfield, PA 16830
(814) 765-5155
FAX (814) 765-2957

THE PLANKENHORN CO., WILLIAMSPORT, PA.

BARBARA J. HUGNEY-SHOPE
Attorney-at-Law
23 N. Second Street
Clearfield, PA 16830

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

DENNIS J. FYE and VALERIE J. FYE,
husband and wife,

Plaintiffs,

vs.

MARY E. WYATT, her heirs, executors,
administrators, successors and assigns,
and all other persons or entities in interest,
known or unknown, claiming by and
through or under her,

Defendant

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NO. 04-858-CD

ACTION TO QUIET TITLE

PRAECIPE

TO WILLIAM A. SHAW, PROTHONOTARY:

FILED

AUG 17 2004

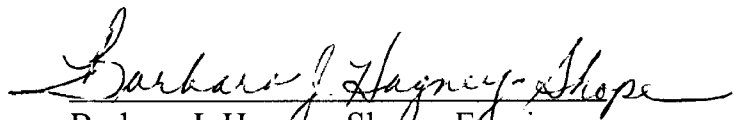
0/R:30/m
William A. Shaw

Prothonotary/Clerk of Courts

1 SENT TO ATCL

Please enter final judgment in favor of the above-named Plaintiffs and against
the Defendants in accordance with Order of the above-named Court dated July 16,
2004.

Respectfully submitted,


Barbara J. Hugney-Shope, Esquire
Attorney for Plaintiffs