

Date: 06/23/2005

Clearfield County Court of Common Pleas

User: CROWLES

Time: 12:54 PM

ROA Report

Page 1 of 3

Case: 2004-00942-CD

Current Judge: Paul E. Cherry

Donald W. Cox, Robin Cox vs. Marlin D. Deitch, Virginia A. Deitch

District Justice Appeal

Date		Judge
06/18/2004	✓ Filing: District Justice Appeals Paid by: DuBois, Jeffrey S. (attorney for Deitch, Marlin D.) Receipt number: 1881246 Dated: 06/18/2004 Amount: \$85.00 (Check)	No Judge
06/29/2004	✓ DJ Transcript, filed.	No Judge
07/06/2004	✓ Complaint, filed by s/Benjamin S. Blakley, III, Esq. One CC Attorney Blakley	No Judge
	✓ Certificate of Service, Plaintiff's Complaint upon Jeffrey S. DuBois, Esq., filed by s/Benjamin S. Blakley, III One CC Attorney Blakley	No Judge
07/19/2004	✓ Complaint in Equity, filed by Atty. Blakley 3 cert. to Atty. Blakley.	No Judge
	✓ Petition for Temporary Injunction Based Upon Allegations of Complaint, filed by s/Benjamin S. Blakley, Esq. Three CC Attorney Blakley	No Judge
	✓ Praecipe for Hearing, Re: schedule a hearing on Plaintiffs' Petition Temporary Injunction Based upon Allegations of Complaint, filed by s/Benjamin S. Blakley, III Three CC Attorney Blakley	No Judge
	✓ Certificate of Service, Plaintiffs' Petition for Temporary Injunction Based Upon Allegations of Complaint and Praecipe for Hearing this 19th day of July, 2004, via First class Mail, postage prepaid. To: Jeffrey S DuBois, Esq. Filed by: s/Benjamin S Blakley. 3o cc, Atty Blakley.	No Judge
07/27/2004	✓ ORDER, July 26, 2004, Upon Praecipe of the Plaintiffs, hearing on Plaintiffs' Petition for Temporary Injunction Based Upon Allegations of Complaint is hereby scheduled for the 30 day of August, 2004, at 2:00 p.m. in Courtroom No. 1, By the Court Judge Ammerman. 3 CC	Fredric Joseph Ammerman
08/17/2004	✓ Sheriff Return, NOW July 22, 2004, Complaint in Equity, served on Marlin D. Deitch and on Virginia A. Deitch, defendants. So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm	Fredric Joseph Ammerman
08/26/2004	✓ Defendant's Response to Plaintiff's Petition for Preliminary Injunction, Filed by Jeffrey S. DuBois, Esq., 3 CC Atty DuBois	Fredric Joseph Ammerman
09/01/2004	✓ Defendants Answer And New Matter To Plaintiffs Complaint, filed by s/Jeffrey S. DuBois, Esquire. 2 CC Atty DuBois. Certificate of Service, upon Benjamin s. Blakley, III, Esquire. Filed by s/ Jeffrey S. DuBois.	Fredric Joseph Ammerman
	✓ Defendants Answer To Plaintiffs Complaint in Equity, filed by s/ Jeffrey S. DuBois, Esq., 2CC Atty. DuBois. Certificate Of Service, served upon Benjamin S. Blakley, III, Esquire.	Fredric Joseph Ammerman
09/15/2004	✓ Reply Plaintiff's Reply to Def. New Matter filed by Atty. Blakley. 3 CC to Atty.	Fredric Joseph Ammerman
	✓ Certificate of Service of Plaintiff's Reply to Def. New Matter. No cc.	Fredric Joseph Ammerman
10/20/2004	✓ Order AND NOW, this 20th day of October, 2004, it is the Order of the Court that Plff's Petition for Temporary Injunction Based Upon Allegations of Complaint in the above-captioned matter has been scheduled for Dec. 20, 2004 at 2:30PM. S/FJA 1 CC to Attys. Blakley and DuBois	Fredric Joseph Ammerman
12/09/2004	✓ Certificate of Readiness, filed by s/ Jeffrey S. DuBois, Esquire. 2 Cert. to Atty DuBois	Fredric Joseph Ammerman

District Justice Appeal

Date		Judge
12/23/2004	<p>✓ ORDER, filed. NOW, this 20th day of Dec. 2004, following arguments on the request for preliminary injunction with the parties being in agreement that the Court enter a temporary injunction in order that all parties may continue to have the unobstructed right to use the existing alleyway while the litigation is continuing, it is the Order of this Court as follows: 1. Preliminary injunction is hereby issued against the parties such that they, their designees and invitees may use the subject 16 foot alley in an unobstructed manner while the litigation in this case is continuing: 2. The parties are hereby directed to remove any barriers, obstacles or any other forms of interference which may exist on the property and to ensure that the property continues to be unobstructed and subject to use; 3. All parties, their designees and invitees shall at all times attempt to drive any vehicles on the existing path (i.e. the gravel traveled portion) of the alley, unless minor deviation from the same is caused by adverse weather conditions. \$. In regard to service or repair vehicles which may temporarily (no more than 3 hours) block access to the alley for legitimate business purposes, nothing shall be done by the parties or on their behalf to cause both entrance/exit ways to be blocked at the same time. It is the intent of this Order that all parties involved shall have access in at least one direction at all times. S/FJA 1 CC to Atty. Blakley, DuBois.</p>	Fredric Joseph Ammerman
01/04/2005	<p>✓ Motion For Contempt, on behalf of Plaintiffs, filed by s/ Benjamin S. Blakley, III, Esquire. 1CC Atty Blakley</p> <p>✓ Certificate of Service, Plaintiffs' Motion for Contempt, Jan. 3, 2005, served upon Jeffrey S. DuBois, Esquire. Filed by s/ Benjamin S. Blakley, III, Esquire. 1CC Atty. Blakley</p>	Paul E. Cherry
01/06/2005	<p>✓ Rule to Show Cause, AND NOW, this 5th day of Jan., 2005, upon consideration of the Plaintiffs' Motion for Contempt, it is the ORDER of this Court that a Rule be issued upon Defendants, Marlin D. Deitch, and Virginia A. Deitch, to show cause why the prayer in said motion should not be granted. Rule Returnable and Hearing thereon to be held the 13th day of Jan. 2005, at 9:00 a.m. in Courtroom 2 of the Clfd. Co. Courthouse. BY THE COURT: /s/ Paul E. Cherry. 3CC Atty. Blakley</p>	Paul E. Cherry
01/07/2005	<p>✓ Certificate of Service, copy of Plaintiffs' Pretrial Statement this 5th day of Jan., 2005, upon Jeffrey S. DuBois, Esquire. Filed by s/ Benjamin S. Blakley, III, Esquire. 1CC Atty Blakley</p> <p>✓ Certificate of Service, copy of Pre Trial Statement on the 7th of Jan., 2005, served upon Benjamin S. Blakley, III, filed by s/ Jeffrey S. DuBois, Esquire. No CC</p>	Paul E. Cherry
01/11/2005	<p>✓ Defendant's Response to Plaintiff's Motion For Contempt, filed by s/ Jeffrey S. DuBois, Esquire. 2CC Atty DuBois</p>	Paul E. Cherry
01/17/2005	<p>✓ Order, AND NOW, this 13th day of Jan., 2005, following Pre-Trial conference, it is the ORDER of the Court as follows: Trial in this matter is scheduled for March 23, 24, 2005 beginning at 9:00 a.m. in Courtroom No. 2 of the Clfd. Co. Courthouse. (see original for further details of order). BY THE COURT: /s/ Paul E. Cherry, Judge. 2CC Atty Blakley, DuBois</p>	Paul E. Cherry
01/21/2005	<p>✓ Motion to Consolidate Cases filed by Atty. DuBois. 3 CC to Atty.</p>	Paul E. Cherry
02/01/2005	<p>✓ 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</p>	Paul E. Cherry

Date: 06/23/2005

Clearfield County Court of Common Pleas

User: CROWLES

Time: 12:54 PM

ROA Report

Page 3 of 3

Case: 2004-00942-CD

Current Judge: Paul E. Cherry

Donald W. Cox, Robin Cox vs. Marlin D. Deitch, Virginia A. Deitch

District Justice Appeal

Date		Judge
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 Original to 04-645-CD	Paul E. Cherry
06/17/2005	✓ Order, NOW, this 23rd day of March, 2005, the parties having reached a resolution, 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

COURT OF COMMON PLEAS

FROM

JUDICIAL DISTRICT

DISTRICT JUSTICE JUDGMENT


46th

COMMON PLEAS No.

04-942-CD

NOTICE OF APPEAL

Notice is given that the appellant has filed in the above Court of Common Pleas an appeal from the judgment rendered by the District Justice on the date and in the case mentioned below.

NAME OF APPELLANT MARLIN D. DEITCH & VIRGINIA A. DEITCH		MAG. DIST. NO. OR NAME OF D.J. 46-3-01 PATRICK N. FORD	
ADDRESS OF APPELLANT 5 WEST MALONEY ROAD		CITY DUBOIS	STATE PA
		ZIP CODE 15801	
DATE OF JUDGMENT 05-20-2004	IN THE CASE OF (Plaintiff) COX, DONALD W., ET AL		(Defendant) DEITCH, MARLIN D., ET AL
CLAIM NO. CV xx 0000146-04 LT 19	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT 		
This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B. This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case. _____ Signature of Prothonotary or Deputy		If appellant was Claimant (see Pa. R.C.P.J.P. No. 1001(6) in action before District Justice, he MUST FILE A COMPLAINT within twenty (20) days after filing his NOTICE of APPEAL.	

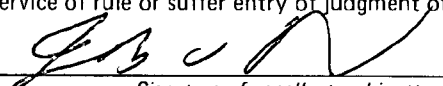
PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

(This section of form to be used ONLY when appellant was DEFENDANT (see Pa. R.C.P.J.P. No. 1001(7) in action before District Justice. IF NOT USED, detach from copy of notice of appeal to be served upon appellee).

PRAECIPE: To Prothonotary

Enter rule upon **DONALD W. COX, ET AL**, appellee(s), to file a complaint in this appeal
Name of appellee(s)

(Common Pleas No. **04-942-CD**) within twenty (20) days after service of rule or suffer entry of judgment of non pros.


Signature of appellant or his attorney or agent

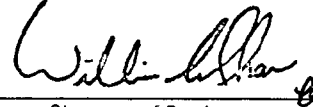
RULE: To _____, appellee(s)
Name of appellee(s)

(1) You are notified that a rule is hereby entered upon you to file a complaint in this appeal within twenty (20) days after the date of service of this rule upon you by personal service or by certified or registered mail.

(2) If you do not file a complaint within this time, a JUDGMENT OF NON PROS WILL BE ENTERED AGAINST YOU.

(3) The date of service of this rule if service was by mail is the date of mailing.

Date: **June 18, 2004**


Signature of Prothonotary or Deputy

FILED
010:2581
JUN 18 2004
Any Dubois
At 85.00
Copies to
Any Dubois
William A. Shaw
Prothonotary Clerk of Courts

PROOF OF SERVICE OF NOTICE OF APPEAL AND RULE TO FILE COMPLAINT

(This proof of service MUST BE FILED WITHIN TEN (10) DAYS AFTER filing the notice of appeal. Check applicable boxes)

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF _____, ss

AFFIDAVIT: I hereby swear or affirm that I served

a copy of the Notice of Appeal, Common Pleas No. _____, upon the District Justice designated therein on
(date of service) _____, 19____ by personal service ☐ by (certified) (registered) mail, sender's
receipt attached hereto, and upon the appellee, (name) _____ on
_____, 19____ by personal service ☐ by (certified) (registered) mail, sender's receipt attached hereto

and further that I served the Rule to File a Complaint accompanying the above Notice of Appeal upon the appellee(s) to
whom the Rule was addressed on _____, 19____ by personal service ☐ by (certified) (registered)
mail, sender's receipt attached hereto

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME
THIS _____ DAY OF _____, 19____

Signature of affiant

Signature of official before whom affidavit was made

Title of official

My commission expires on _____, 19____.

Mag. Dist. No.: **46-3-01**
DJ Name: Hon. **PATRICK N. FORD**
Address: **309 MAPLE AVENUE**
P.O. BOX 452
DUBOIS, PA
Telephone: **(814) 371-5321 15801**

PATRICK N. FORD
309 MAPLE AVENUE
P.O. BOX 452
DUBOIS, PA 15801

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF: NAME and ADDRESS
COX, DONALD W, ET AL.
912 SOUTH BRADY STR
DUBOIS, PA 15801

VS.
DEFENDANT: NAME and ADDRESS
DEITCH, MARLIN D, ET AL.
5 WEST MALONEY ROAD
DUBOIS, PA 15801

Docket No.: **CV-0000146-04**
Date Filed: **3/23/04**



THIS IS TO NOTIFY YOU THAT:

Judgment:

DEFAULT JUDGMENT PLTF

☒ Judgment was entered for: (Name) **COX, DONALD W, ET AL.**

☒ Judgment was entered against: (Name) **DEITCH, VIRGINIA A**

in the amount of \$ **259.50** on: (Date of Judgment) **5/20/04**

☐ Defendants are jointly and severally liable. (Date & Time) _____

☐ Damages will be assessed on:

☐ This case dismissed without prejudice.

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

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

Amount of Judgment	\$ <u>190.00</u>
Judgment Costs	\$ <u>69.50</u>
Interest on Judgment	\$ <u>.00</u>
Attorney Fees	\$ <u>.00</u>
Total	\$ <u>259.50</u>
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
	=====
Certified Judgment Total	\$ _____

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

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

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

5-20-04 Date **Patrick N. Ford -PJF**, District Justice

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.
_____, Date _____, District Justice

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

SEAL

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.: **46-3-01**
DJ Name: Hon. **PATRICK N. FORD**
Address: **309 MAPLE AVENUE**
P.O. BOX 452
DUBOIS, PA
Telephone: **(814) 371-5321** **15801**

PATRICK N. FORD
309 MAPLE AVENUE
P.O. BOX 452
DUBOIS, PA 15801

NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE

PLAINTIFF: **COX, DONALD W, ET AL.**
912 SOUTH BRADY STR
DUBOIS, PA 15801
VS.
DEFENDANT: **DEITCH, MARLIN D, ET AL.**
5 WEST MALONEY ROAD
DUBOIS, PA 15801

Docket No.: **CV-0000146-04**
Date Filed: **3/23/04**



THIS IS TO NOTIFY YOU THAT:

Judgment:

DEFAULT JUDGMENT PLTF

☒ Judgment was entered for: (Name) **COX, DONALD W, ET AL.**

☒ Judgment was entered against: (Name) **DEITCH, MARLIN D**

in the amount of \$ **259.50** on: (Date of Judgment) **5/20/04**

☐ Defendants are jointly and severally liable. (Date & Time) _____

☐ Damages will be assessed on:

☐ This case dismissed without prejudice.

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

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

FILED
0114701
JUN 29 2004

William A. Shaw
Prothonotary Clerk of Courts

Amount of Judgment	\$ 190.00
Judgment Costs	\$ 69.50
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 259.50
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
Certified Judgment Total	\$ _____

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5-20-04 Date **Patrick N. Ford -PNF**, District Justice

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.
_____, Date _____, District Justice

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

SEAL

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:	46-3-01
DJ Name: Hon.	PATRICK N. FORD
Address:	309 MAPLE AVENUE P.O. BOX 452 DUBOIS, PA
Telephone:	(814) 371-5321 15801

**PATRICK N. FORD
309 MAPLE AVENUE
P.O. BOX 452
DUBOIS, PA 15801**

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF: **COX, DONALD W, ET AL.**
NAME and ADDRESS
**912 SOUTH BRADY STR
DUBOIS, PA 15801**

VS.
DEFENDANT: **DEITCH, MARLIN D, ET AL.**
NAME and ADDRESS
**5 WEST MALONEY ROAD
DUBOIS, PA 15801**

Docket No.: **CV-0000146-04**
Date Filed: **3/23/04**



THIS IS TO NOTIFY YOU THAT:

Judgment:

DEFAULT JUDGMENT PLTF

☒ Judgment was entered for: (Name) **COX, DONALD W, ET AL.**

☒ Judgment was entered against: (Name) **DEITCH, VIRGINIA A**

in the amount of \$ **259.50** on: (Date of Judgment) **5/20/04**

☐ Defendants are jointly and severally liable. (Date & Time) _____

☐ Damages will be assessed on:

☐ This case dismissed without prejudice.

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

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

Amount of Judgment	\$ 190.00
Judgment Costs	\$ 69.50
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 259.50
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
=====	
Certified Judgment Total	\$ _____

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

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

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

5-20-04 Date **Patrick N. Ford -PNF**, District Justice

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

_____, Date _____, District Justice

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

SEAL

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

CIVIL COMPLAINT *19*

Mag. Dist. No.:	46-3-01
DJ Name: Hon.	PATRICK N. FORD
Address:	109 NORTH BRADY STREET P.O. BOX 452 DUBOIS, PA 15801
Telephone:	(814) 371-5321

PLAINTIFF: NAME and ADDRESS
DONALD W. COX and ROBIN L. COX
912 South Brady Street
DuBois PA 15801

VS.
DEFENDANT: NAME and ADDRESS
MARLIN D. DEITCH and VIRGINIA A. DIETCH
5 West Maloney Road
DuBois PA 15801

Docket No.: *CV-14684*
Date Filed: *3-23-04*



	AMOUNT	DATE PAID
FILING COSTS \$	<u>69.50</u>	<u>3/23/04</u>
SERVING COSTS \$	<u>1</u>	<u>1</u>
TOTAL \$	<u>1</u>	<u>1</u>

TO THE DEFENDANT: The above named plaintiff(s) asks judgment against you for \$ 190.00 together with costs upon the following claim (Civil fines must include citation of the statute or ordinance violated):

This sum represents the cost of replacing survey stakes improperly removed by the Defendants subsequent to the Plaintiffs having a survey conducted upon real property and an alley claimed by the Plaintiffs.

I, Donald W Cox verify that the facts set forth in this complaint are true and correct to the best of my knowledge, information, and belief. This statement is made subject to the penalties of Section 4904 of the Crimes Code (18 PA. C.S. § 4904) related to unsworn falsification to authorities.

Donald W Cox
(Signature of Plaintiff or Authorized Agent)

Plaintiff's Attorney: Benjamin S. Blakley, III

Address: 90 Beaver Drive, Box 6

Telephone: 814-371-2730

DuBois PA 15801

IF YOU INTEND TO ENTER A DEFENSE TO THIS COMPLAINT, NOTIFY THIS OFFICE IMMEDIATELY AT THE ABOVE TELEPHONE NUMBER. YOU MUST APPEAR AT THE HEARING AND PRESENT YOUR DEFENSE. UNLESS YOU DO, JUDGMENT WILL BE ENTERED AGAINST YOU BY DEFAULT.

If you have a claim against the plaintiff which is within district justice jurisdiction and which you intend to assert at the hearing, you must file it on a complaint form at this office at least five (5) days before the date set for the hearing. If you have a claim against the plaintiff which is not within district justice jurisdiction, you may request information from this office as to the procedures you may follow. If you are disabled and require assistance, please contact the Magisterial District office at the address above.

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

DONALD W. COX and ROBIN	)	NO. 04-942 C.D.
COX,)	
	)	Type of Case: CIVIL ACTION
Plaintiffs,)	
	)	Type of Pleading:
vs.	)	COMPLAINT
)	
MARLIN D. DEITCH and	)	Filed on Behalf of:
VIRGINIA A. DEITCH,	)	PLAINTIFFS
)	
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 *icc*
m/11:15/2004 *Atty*
Blakley
JUL 06 2004
William A. Shaw
Prothonotary Clerk of Courts

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

DONALD W. COX and ROBIN COX,) NO. 04-942-C.D.
)
 Plaintiffs,)
)
 vs.)
)
 MARLIN D. DEITCH and VIRGINIA A.)
 DEITCH,)
)
 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. Mcholick,
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

DONALD W. COX and ROBIN COX,	)	NO. 04-942-C.D.
)	
Plaintiffs,)	
)	
vs.)	
)	
MARLIN D. DEITCH and VIRGINIA A.)	
DEITCH,)	
)	
Defendant.)	

COMPLAINT

AND NOW come Plaintiffs, **DONALD W. COX and ROBIN COX**, by and through their attorneys, **BLAKLEY & JONES**, and file the following Complaint, of which the following is a statement:

1. The Plaintiffs **DONALD W. COX and ROBIN COX** are adult individuals, husband and wife, residing at 912 South Brady Street, DuBois, Clearfield County, Pennsylvania, 15801.

2. Defendants are **MARLIN D. DEITCH and VIRGINIA A. DEITCH**, adult individuals, husband and wife, residing at 5 West Maloney Road, DuBois, Clearfield County, Pennsylvania, 15801.

3. At all times material hereto, Plaintiffs and Defendants share the use of a 16- foot easement and private alleyway running from Maloney Road, Sandy Township,

Clearfield County, Pennsylvania, and leading to the property of the Plaintiffs, being approximately 150 feet, more or less, as shown by reference on the survey map of Alexander Surveying dated February 25, 1992, attached hereto and marked Plaintiffs' Exhibit A.

4. At all times material hereto, the Plaintiffs' property adjoined real property owned by Jacqueline L. Schoch, sister of Defendant, **VIRGINIA A. DEITCH**, and as shown by the survey map appended hereto.

5. During the late summer/early fall of 2002, a dispute arose between the Plaintiffs and the said Jacqueline L. Schoch as to the usage and ownership of the 16-foot alleyway located between the real property of the Plaintiffs and the said Jacqueline L. Schoch and leading from South Brady Street, Sandy Township, Clearfield County, Pennsylvania, to the 16-foot alleyway used in common by the Plaintiffs and the Defendants and as shown on the attached survey map.

6. In order to determine the correct boundaries of the real property of the Plaintiffs and the location of the 16-foot alleyway bordering the lands of the Plaintiffs and Jacqueline L. Schoch, the Plaintiffs, during the month of July, 2003, did employ the services of Land & Mapping Services of Clearfield, Pennsylvania, to survey the real property of the Plaintiffs and to establish the proper location of the 16-foot alleyway running adjacent to the lands of the Plaintiffs and Jacqueline L. Schoch.

7. In furtherance of said surveying work, said Land & Mapping Services did place metal pins at the site of the established corners of the lands of the Plaintiffs and the

established location of the said 16-foot alleyway running adjacent to the lands of the Plaintiffs and the said Jacqueline L. Schoch.

8. In October of 2003, the said Land & Mapping Services returned to the residence of the Plaintiffs and did place additional pins to establish the midpoint of the 16-foot alleyway bordering the lands of the Plaintiffs and the said Jacqueline L. Schoch, said pin being located at the intersection of the said 16-foot alleyway and the 16-foot private alleyway used in common by the Plaintiffs and the Defendants and at the intersection of the said 16-foot alleyway bordering the lands of the Plaintiffs and the said Jacqueline L. Schoch and South Brady Street.

9. On or about October 12, 2003, the Defendants, along with the said Jacqueline L. Schoch, did, without cause and without the knowledge of the Plaintiffs, unlawfully and tortiously remove the survey pins placed by the said Land & Mapping Services and located at the intersection of the 16-foot alleyway adjoining the lands of the Plaintiffs and the said Jacqueline L. Schoch and the 16-foot private alleyway used in common by the Plaintiffs and Defendants and the pin located at the intersection of the 16-foot alleyway running adjacent to the lands of the Plaintiffs and the said Jacqueline L. Schoch and South Brady Street, and did appropriate the same for their own use and have failed to replace or return the same to the Plaintiffs.

10. As a result of the actions of the Defendants, the Plaintiffs will be required to re-employ the services of Land & Mapping Services in order to reset the survey pins at the above locations, for which the Plaintiffs will be forced to expend the sum of \$190.00. A copy of

the proposal of Land & Mapping Services dated January 29, 2004, is attached hereto and marked Plaintiffs' Exhibit B.

11. Despite repeated requests, Defendants have failed and refused to pay to the Plaintiffs the cost of resetting the survey pins as set forth above.

12. As a result of the actions of the Defendants, the Plaintiffs were forced to bring a Civil Complaint against the Defendants at the office of Magistrate Patrick N. Ford, DuBois, Pennsylvania, for which the Plaintiffs incurred filing costs of \$69.50.

13. On or about April 14, 2004, the Defendants, without the knowledge or consent of the Plaintiffs, did have placed on the alleyway running adjacent to the real property of the Plaintiffs and the said Jacqueline L. Schoch, a significant quantity of stone and gravel material known as "anti-skid" and did spread the same in an uneven manner on the said alleyway, thereby altering the grade of the said alleyway.

14. As a result of the actions of the Defendants, the natural flow of water leading from the western side of the real property owned by the Plaintiffs has been diverted in the said 16-foot alleyway running adjacent to the real property of the Plaintiffs and the said Jacqueline L. Schoch in such a manner as to flow into the basement area of the home of the Plaintiffs located at 912 South Brady Street, DuBois, Clearfield County, Pennsylvania, and further to deposit the loose "anti-skid" material on the grassy portion located to the rear of the lands of the Plaintiffs and used as a lawn by the Plaintiffs and the lower driveway area located on the lands of the Plaintiffs, thereby creating an unsightly condition upon the lands of the Plaintiffs.

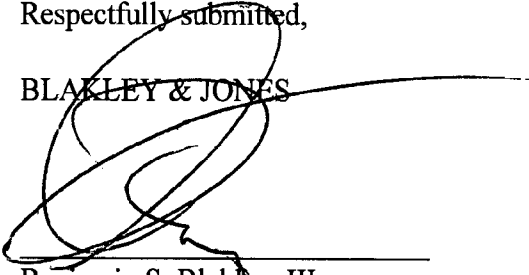
15. As a result of the actions of the Defendants, and in order to avoid further damage to the Plaintiffs' real property, Plaintiffs will be required to remove the said "anti-skid" material and to take corrective action to return the grade of the said alleyway to its original grade or to the grade that had existed prior to the actions of the Defendants, for which the Plaintiffs will incur costs of \$1020.00. A copy of the proposal of Roger Bressler of Curwensville, Pennsylvania, is attached hereto and marked as Plaintiffs' Exhibit C.

16. Despite repeated requests of the Plaintiffs, Defendants have failed and refused to remove or to regrade the "anti-skid" material placed upon the said 16-foot alleyway located adjacent to the real property of the Plaintiffs and the said Jacqueline L. Schoch.

WHEREFORE, Plaintiffs demand judgment in their favor and against the Defendants, **MARLIN D. DEITCH and VIRGINIA A. DEITCH**, in the amount of \$1,279.50, together with interest and costs of suit.

Respectfully submitted,

~~BLAKLEY & JONES~~



Benjamin S. Blakley, III

VERIFICATION

We, **DONALD W. COX and ROBIN COX**, hereby state that we are the Plaintiffs in this action and verify that the statements made in the foregoing Complaint are true and correct to the best of our knowledge, information, and belief. We understand that the statements therein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

Dated: 7-2-04



DONALD W. COX

Dated: 7/2/04



ROBIN COX

PLANNING COMMISSION:

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

STATEMENT OF INTENT

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

PLANNING COMMISSION:

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

JACQUELINE L. SCHOCH

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

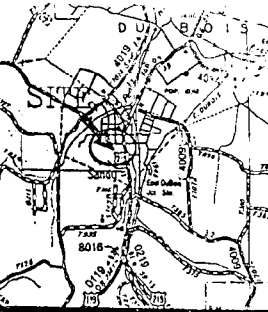
CERTIFICATION

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



LIONAL ALEXANDER, P.L.S.
No. 22687-E

LOCATION MAP



BOARD OF SUPERVISORS

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

RECORDING CERTIFICATE

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

Register & Recorder

MALONEY
N 86°52' W 164.60'

PARCEL CONVEYED TO SANDY TOWNSHIP
1/4" WIDE BY 1/4" LONG, FOR MALONEY
ROAD RIGHT-OF-WAY

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

Map No. 43-45
DB 646-224

MARLIN D.
&
VIRGINIA A.
DEITCH

JACQUELINE L. SCHOCH

JACQUELINE L. SCHOCH

FRANCIS A.
&
OLIVE J.
VARDY

LEGEND

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

NOTES:

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



Alexander Surveying

112 Church Street P.O. Box 378
Falls Creek, Pennsylvania 15840
(814) 371-5578

SCALE: 1" = 30'

APPROVED BY:

DRAWN BY: B.A.

DATE: 02-25-1992

REVISION:

FB NO. 92/36-38

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

SHEET NO. 1 OF 1

JOB NO. JN88692

EXHIBIT

A

LAND MAPPING SERVICES

300 North Second Street, Clearfield, PA 16830
tel 814.765.9370 fax 814.765.9372

Thursday, January 29, 2004

Proposal Number: 04P033

Don Cox
912 South Brady Street
DuBois, PA 15801

ATTN: Don Cox

RE: Quotation for Re-setting Property Corners for Quit Claim Deed on Alley

Dear Don:

Land & Mapping Services is pleased to provide the following proposal for Professional Land Surveying Services.

Scope: Reconnaissance
Field Location/Measurement
Establishment of Property Corners (Iron Pins)

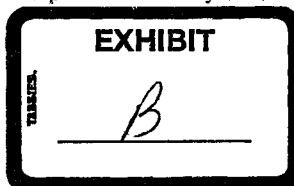
Deliverables: Capped Iron Rebars (@ Property Corners)

Schedule: Recon/Research: 7-14 Days after notice to proceed
Field Location/Measurement: 7-14 Days after notice to proceed
Set Corners: 7-14 Days after notice to proceed

All completion dates are estimates only and are subject to change due to conditions beyond our control.

Fees: \$ 190.00

All quotes will remain valid for a period of ninety (90) days.



Roger Bressler
160 R. B. Contracting Lane
Curwensville, PA 16833

June 10, 2004

Don Cox
912 South Brady Street
DuBois, PA 15801

QUOTE

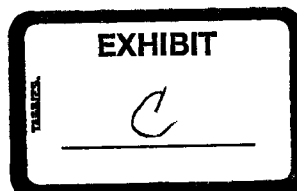
Removing antiskid and corrective grade on driveway
As needed.

\$1,020.00

TOTAL QUOTE

\$1,020.00

Terms: Net due upon receipt. 1.5% per month finance charge on invoices over
30 days.



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

DONALD W. COX and ROBIN COX,

Plaintiffs,

v.

MARLIN D. DEITCH and VIRGINIA A.
DEITCH,

Defendants.

COMPLAINT

No. 04-942-C.D.

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

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

DONALD W. COX and ROBIN) NO. 04-942 C.D.
COX,)
) Type of Case: CIVIL ACTION
Plaintiffs,)
) Type of Pleading:
vs.) CERTIFICATE OF SERVICE
)
MARLIN D. DEITCH and) Filed on Behalf of:
VIRGINIA A. DEITCH,) PLAINTIFFS
)
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

bed
m/15/04
JUL 06 2004
1cc
Any Blakley
Adam A. Shaw
Prothonotary Clerk of Courts

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

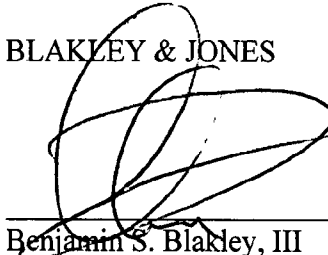
DONALD W. COX and ROBIN COX,) NO. 04-942-C.D.
)
 Plaintiffs,)
)
vs.)
)
MARLIN D. DEITCH and VIRGINIA A.)
DEITCH,)
)
 Defendant.

CERTIFICATE OF SERVICE

I, **BENJAMIN S. BLAKLEY, III**, hereby certify that I have served a true and correct copy of Plaintiff's Complaint this 2nd 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 Plaintiffs

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

DONALD W. COX and ROBIN COX,
Plaintiffs,

v.

MARLIN D. DEITCH and VIRGINIA A.
DEITCH,
Defendants.

CERTIFICATE OF SERVICE

No. 04-942-C.D.

FILED

11 06 2004

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

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

DONALD W. COX and ROBIN L. COX,	)	NO. 04-942 C.D.
)	
Plaintiffs,	)	Type of Case: CIVIL ACTION
)	
vs.	)	Type of Pleading:
	)	COMPLAINT IN EQUITY
)	
MARLIN D. DEITCH and VIRGINIA A. DEITCH,	)	Filed on Behalf of:
	)	PLAINTIFFS
)	
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

JUL 19 2004
013:00/ur
William A. Shaw
Prothonotary
3 cent to Att

DONALD W. COX and ROBIN L. COX,) NO. 04-942-C.D.
)
Plaintiffs,)
)
vs.)
)
MARLIN D. DEITCH and VIRGINIA A.)
DEITCH,)
)
Defendant.)

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.

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

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

DONALD W. COX and ROBIN L. COX,	)	NO. 04-942-C.D.
)	
Plaintiffs,)	
)	
vs.)	
)	
MARLIN D. DEITCH and VIRGINIA A.)	
DEITCH,)	
)	
Defendant.)	

COMPLAINT IN EQUITY

AND NOW come Plaintiffs, **DONALD W. COX and ROBIN L. COX**, by and through their attorneys, **BLAKLEY & JONES**, and file the following Complaint to enjoin the obstruction Complaint in equity, and in support thereof, the following is averred

1. The Plaintiffs **DONALD W. COX and ROBIN L. COX** are adult individuals, husband and wife, residing at 912 South Brady Street, DuBois, Clearfield County, Pennsylvania, 15801.
2. Defendants are **MARLIN D. DEITCH and VIRGINIA A. DEITCH**, adult individuals, husband and wife, residing at 5 West Maloney Road, DuBois, Clearfield County, Pennsylvania, 15801.
3. On or about February 17, 1995, **ROBIN L. COX**, individually and as Executrix of the Estate of Olive J. Vardy, conveyed to the Plaintiffs a tract of land located at 912 South Brady Street, DuBois, Clearfield County, Pennsylvania, by Deed dated February 17, 1995,

and recorded in the Office of the Recorder of Deeds for Clearfield County, Pennsylvania, at Book 1661, Page 314. A copy of said Deed is attached hereto and marked Exhibit A.

4. The exact description of Plaintiffs' land is as follows:

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.).

5. The Plaintiffs have owned and occupied the subject premises continuously since February 17, 1995.

6. Plaintiffs' predecessors-in-interest, Francis A. Vardy and Olive J. Vardy, parents of Plaintiff, **ROBIN L. COX**, obtained the subject property by Deed of Robert E. Schoch dated November 6, 1964, and recorded in the Office of the Recorder of Deeds for Clearfield County, Pennsylvania, at Book 511, Page 407. A copy of said Deed is attached hereto and marked Exhibit B.

7. Defendants, **MARLIN D. DEITCH and VIRGINIA A. DEITCH**, are owners of certain real property located at 5 West Maloney Road, DuBois, Clearfield County, Pennsylvania, 15801, as acquired by the Defendants by Deed of Cora Schoch dated August 6, 1973, and recorded in the Office of the Recorder of Deeds for Clearfield County, Pennsylvania, at Book 655, Page 224. A copy of said Deed is attached hereto and marked Exhibit C.

8. The exact description of Defendants' land is as follows:

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

BEGINNING at a point along the Southern edge of Maloney Road, at its intersection with a sixteen (16) foot alley; thence South 4° 2' West 155.0 feet to a point; thence North 85° 38' West 164.6 feet along other land of the Grantor herein, to an iron pipe; thence North 4° 2' West 155.0 feet along land now or formerly of Joseph Cherry, to a point on the Southern edge of Maloney Road; thence South 85° 38' East along the Southern edge of Maloney Road, 164.6 feet to a point and the place of beginning.

9. Defendants' predecessor-in-interest derived title to the subject property by Deed of Robert E. Schoch, et al, dated January 27, 1956, and recorded in the Office of the Recorder of Deeds for Clearfield County, Pennsylvania, at Book 448, Page 529. A copy of said Deed is attached hereto and marked Exhibit D.

10. At all times material hereto, the Plaintiffs and Defendants shared the use of a 16-foot easement and private alleyway running from Maloney Road, Sandy Township, Clearfield County, Pennsylvania, and leading to the property of the Plaintiffs, being

approximately 150 feet or less, as shown by reference on the survey map of Alexander Surveying dated February 25, 1992. A copy of said survey map is attached hereto and marked Exhibit E.

11. At all times, the Plaintiffs and their predecessors-in-title enjoyed a free and uninterrupted easement or right-of-way over the said 16-foot easement and private alleyway for ingress, egress and regress by vehicle to enter their garage located in the rear of Plaintiffs' land, and the Plaintiffs have continued to enjoy such use from the date of their acquisition of the real property until present.

12. The use of said 16-foot easement and private alleyway by the Plaintiffs and their predecessors-in-title has been open, visible, notorious, uninterrupted and adverse for a period of over twenty-one (21) years, and Plaintiffs have thereby acquired a prescriptive easement or right-of-way over said 16-foot private alleyway.

13. On or about June 24, 2004, the Defendants erected or have caused to be erected barriers, obstacles and other forms of interference to the use of Plaintiffs' use of said 16-foot private alleyway, thereby blocking Plaintiffs from using their easement or right-of-way of ingress, egress and regress for their garage, all of which threatens to damage the vehicles of the Plaintiffs and/or their guests.

14. The Defendants' actions in obstructing the Plaintiffs' easement or right-of-way and depriving the Plaintiffs of their free use thereof has caused and continues to cause the Plaintiffs irreparable loss.

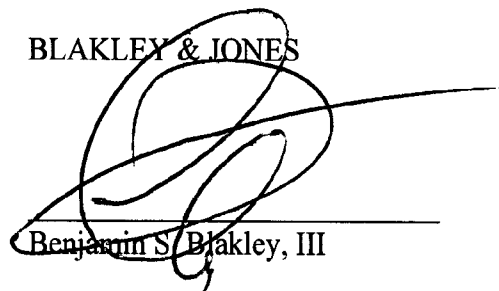
15. By reason of the Defendants' actions, Plaintiffs have or will suffer damage to their vehicles and may be compelled to park their automobiles on the street, thereby depriving the Plaintiffs of the use of their garage.

WHEREFORE, Plaintiffs request that this Honorable Court:

- a. order the Defendants to remove the barriers, obstacles and other forms of interference which have been placed on the 16-foot easement and private alleyway and to restore the easement and private alleyway to its condition at the time immediately prior to the Defendants' acts of obstruction;
- b. enjoin the Defendants from further interfering with or obstructing the Plaintiffs' easement or right-of-way over the said 16-foot private alleyway;
- c. award the Plaintiffs damages for the deprivation of the use of their garage and for any losses to their motor vehicles as a result of the actions of the Defendants;
- d. retain jurisdiction of this matter to ascertain that the Court's decree is obeyed; and
- e. such other relief as this Honorable Court may deem appropriate and just.

Respectfully submitted,

BLAKLEY & JONES



Benjamin S. Blakley, III

VERIFICATION

We, **DONALD W. COX and ROBIN L. COX**, hereby state that we are the Plaintiffs in this action and verify that the statements made in the foregoing Complaint in Equity are true and correct to the best of our knowledge, information, and belief. We understand that the statements therein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.



DONALD W. COX

Dated: 7-14-04



ROBIN L. COX

Dated: 7/14/04

25

VOL 1661 PAGE 314

CLEARFIELD COUNTY
ENTERED OF RECORD
TIME 2:45 PM 2-28-95
BY Karen L. Standt
FEES 16.00
Karen L. Standt, 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

A

bounded and described as follows, to wit:

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

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

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

NOTICE

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

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

VOL 1661, PAGE 316

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



Karen L. Starck

Karen L. Starck
Recorder of Deeds

662 B

NOTICE

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

Witness:

[Signature]

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

This *21th* day of February, 1995



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

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

IN WITNESS WHEREOF, the said Parties of the First Part

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

WITNESS:

Michelle Harp

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

David 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 Paula Richer
Attorney for Grantees

VOL 1661 PAGE 318

STATE OF NEVADA

COUNTY OF Clark

SE.

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 BURCK

Notary Public - Nevada

Clark County

My appl. exp. Feb. 22, 1996

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF ERIE

SS.

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

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

My commission expires:

FEB 27 1995

Notary Public

NOTARIAL SEAL

SHARON A. SWANCK, NOTARY PUBLIC
ERIE, PAZ COUNTY, PENNSYLVANIA
MY COMMISSION EXPIRES JAN. 14, 1999

Entered of Record Feb 28 1995 2:45 PM Sharon A. Swanck, Recorder

This Deed,

MADE THE sixth = day of November = in the year
of our Lord one thousand nine hundred and sixty-four (1964) =

BETWEEN ROBERT E. SCHOCH, in his own right, and as the husband of
MARTHA B. SCHOCH, and MARTHA B. SCHOCH, in her own right, and as
the wife of ROBERT E. SCHOCH, both of the City of Dallas, County of
Dallas and State of Texas, hereinafter called the =

= Grantors,
and FRANCIS A. VARDY and OLIVE J. VARDY, Husband and Wife, as
Tenants by Entireties, both of Sandy Township, Clearfield County,
Pennsylvania, hereinafter called the =

= Grantees :

WITNESSETH, that in consideration of Ten Thousand Five Hundred (\$10,500.00)
Dollars,

in hand paid, the receipt whereof is hereby acknowledged, the said grantors do = hereby grant
and convey to the said grantee s = 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 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 being bounded and
described as follows, to wit:

BEGINNING at a post on the Westerly side of public high-
way (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° 30' West by line of said
Daley lands one hundred and fifty (150) feet to a post at a sixteen
(16) foot alley; thence North 1° 30' East by line of said alley one
hundred and fifty (150) feet to a post at another alley; thence
South 88° 30' East by line of last mentioned alley one hundred and
fifty (150) feet to a post at South Brady Street; thence South 1°
30' West by line of said South Brady Street one hundred and fifty
(150) feet to a post the place of beginning. 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 Robert E. Schoch, et al., by
their deed dated May 5, 1950 and recorded in Clearfield County,
Pennsylvania, in Deed Book 405, page 502, granted and conveyed to
Robert E. Schoch and Martha B. Schoch, Husband and Wife, the Grantors
herein.

EXHIBIT

B

AND, the said grantors, do hereby covenant and agree to and with the said grantees, that they, the grantors, their heirs, executors and administrators, shall and will warrant ever generally and forever defend the herein above described premises, with the hereditaments and appurtenances, unto the said grantee, their heirs and assigns, against the said grantors, and against every other person lawfully claiming or who shall hereafter claim the same or any part thereof.

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.



IN WITNESS WHEREOF, said grantors have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered
in the Presence of

Edwin L. Latta
As to Robert E. Schoch

Edwin L. Latta
As to Robert E. Schoch

Mable McNeal
As to Martha B. Schoch

Rock Brook Bank
As to Martha B. Schoch

Robert E. Schoch
Robert E. Schoch
Martha B. Schoch
Martha B. Schoch



State of Texas

County of Dallas

On this, the sixth day of November, 19 64, before me, the undersigned officer, personally appeared WILLIAM P. DAVIS

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.

William P. Davis
Notary Public

Title of Officer

My Commission Expires 6-1-65

Certificate-Notary-Form 409

THE STATE OF TEXAS }
County of Dallas }

I, Tom E. Ellis Clerk of the County

Court of Dallas County, State of Texas, same being a Court of record, having a seal, do hereby certify that

William P. Davis is and was on the 6th day of November A. D. 19 64, a Notary Public in and for Dallas County, State of Texas, residing in said County, duly commissioned and sworn and authorized to administer oaths, take acknowledgments and proof of deeds and other instruments, in accordance with the laws of the State of Texas; that his term of office commenced on the 1st day of June 19 63, and will expire on the 1st day of June 19 65, and that I am acquainted with his handwriting and verily believe that his signature written above is genuine, to certify which witness my hand and seal of office this the 6th day of November A. D. 19 64.

By Tom E. Ellis Deputy

Tom E. Ellis
Clerk County Court, Dallas County, Texas.

STATE OF Pennsylvania }
COUNTY OF Clearfield }

On this the 10th day of November, 1964, before me the undersigned officer, personally appeared MARTHA B. SCHÖCH, 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.

Robert Brockbank

My commission expires: _____ Notary Public

NOTARY PUBLIC
R. BROCKBANK
CLEARFIELD COUNTY
PA.
MARCH 24, 1965

We do hereby certify that the precise residence and complete post office address of the within named grantee(s) as follows: Residence: Sandy Township, Clearfield County, Pennsylvania. Post Office Address: 912 South Brady Street, DuBois, Pa. 16820

Francis A. Vardy
Olive J. Vardy
Olive J. Vardy Grantees

ENTERED OF RECORD Nov 13 1964 3:45 P.M. DICK REED REC

655 224

This Deed,

Made the Sixth (6th) day of August in the year
of our Lord one thousand nine hundred Seventy-Three (1973).

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

Grantor

and MARLIN D. DEITCH and VIRGINIA A. DEITCH, husband and
wife, of Sandy Township, Clearfield County, Pennsylvania, herein-
after referred to as the

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 es hereby
grant and convey to the said grantees, ALL that certain piece or parcel of
land situate in Sandy Township, Clearfield County, Pennsylvania,
bounded and described as follows, to wit:

BEGINNING at a point along the Southern edge of Maloney
Road, at its intersection with a sixteen (16) foot alley;
thence South 4° 2' West 155.0 feet to a point; thence
North 85° 38' West 164.6 feet along other land of the
Grantor herein, to an iron pipe; thence North 4° 2' West
155.0 feet along land now or formerly of Joseph Cherry,
to a point on the Southern edge of Maloney Road; thence
South 85° 38' East along the Southern edge of Maloney Road,
164.6 feet to a point and the place of beginning.

EXCEPTING AND RESERVING HOWEVER, unto the Grantor herein,
or, her children, the exclusive use of a cement and brick
parking area, forty (40') feet by twenty (20') feet, located
on the tract above described, and used as a parking area,
by the Grantor, in conjunction with her dwelling house,
on the adjoining premises. This reservation however, shall
be only during such period of time, as the Grantor herein,
or any of her children, may own the said dwelling house on
the adjoining premises. At such time as the Grantor herein,
or any of her children, who shall acquire title from her,
shall sell and convey said adjoining dwelling premises,
then this reservation shall terminate, and be of no further
effect.

BEING part of the same premises which became vested in
the Grantor, by deed dated January 27, 1956, and recorded
in Deed Book 448, Page 529, being part of the second
described premises therein.

EXHIBIT

C

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And the said grantor , does 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

Cora Schoch
CORA SCHOCH



State of PENNSYLVANIA
County of CLEARFIELD

} ss.

On this, the 7th day of August 1973, before me,
a Notary Public
the undersigned officer, personally appeared CORA SCHOCH

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

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

Dwight J. Cherry



Notary Public
Clearfield County, Pa.
My Commission Expires August 22, 1976
Title of Officer,

State of

} ss.

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:

Marlin D. Deitch
MARLIN D. DEITCH

Virginia A. Deitch
VIRGINIA A. DEITCH

Title of Officer.

THIS INSTRUMENT 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, who was deceased, late of Sandy Township, Clearfield County, Pennsylvania; and ROBERT A. SCHOCH and MARY E. SCHOCH, his wife, of Cincinnati, Hamilton County, Ohio; HORACE E. 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 MARY E. 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 E. SCHOCH and CORA E. SCHOCH, husband and wife, as tenants in common, both of Sandy Township, Clearfield County, Pennsylvania, of the other part, hereinafter called the Grantees.

AND WHEREAS, the said Lewis H. Schoch, alias L. H. Schoch, during his lifetime and at his death, was seized in fee of and in the rights of ground hereinafter described, being the premises described in a deed of indenture from Ethel Magnuson, dated March 28, 1954, 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 at estate 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 provision in the will requiring a bond by the executor.

EXHIBIT

D

ENGINEERING OFFICE

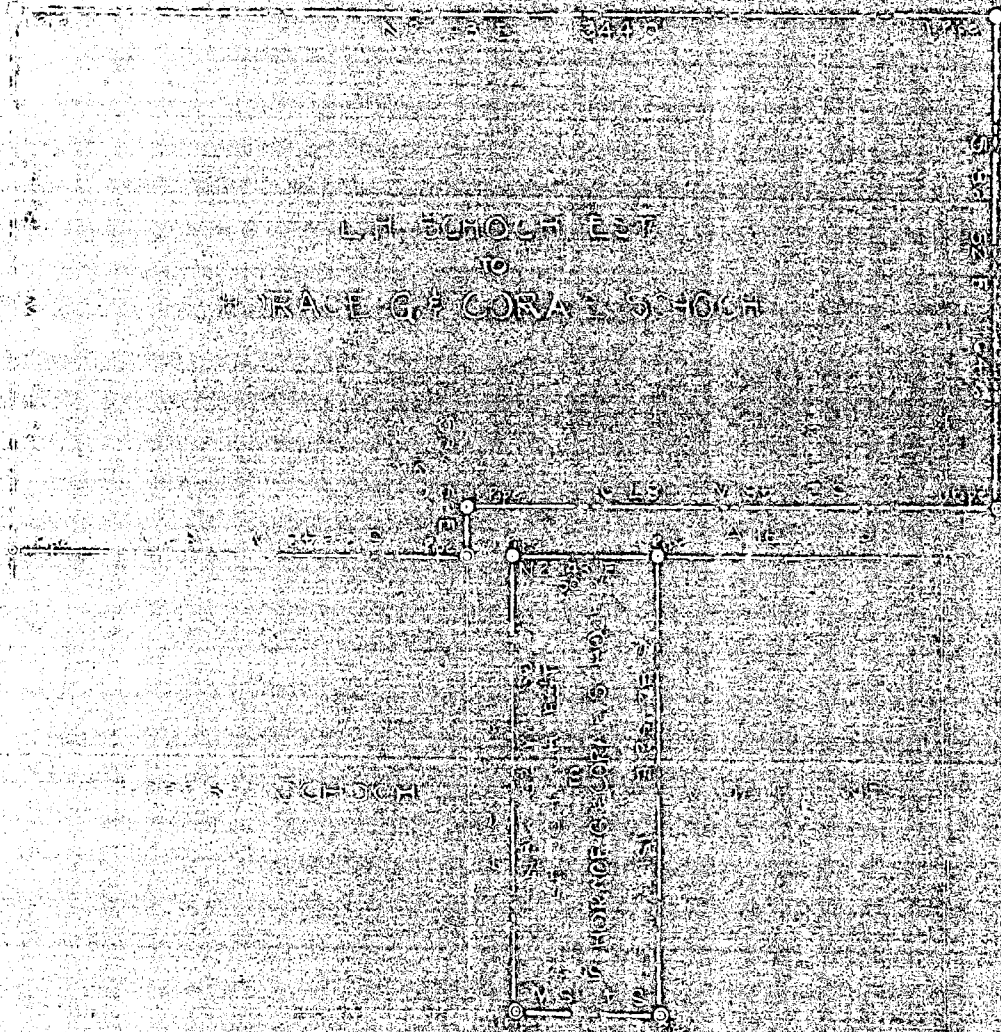
CORR 4418 75

OF
SIMPSON & MADISON
DUBOIS, PA

JOSEPH J. CHENEY ET AL

L.H. BUNOCH EST

TO
TRACE G.P. CORVA 1.5.10.6H



P. O. F. 1.5.10.6H

SANITARY CHOCOLATE

SCALE 1" = 50'

1/11/1906

PLANNING COMMISSION:

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

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

BOARD OF SUPERVISORS

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

RECORDING CERTIFICATE

State of Pennsylvania
County of _____
Recorded this _____ day of _____ 19
in the Recorder of Deeds Office in Plat Book
Volume _____ Page _____

Register & Recorder

STATEMENT OF INTENT

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

JACQUELINE L. SCHOCH

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

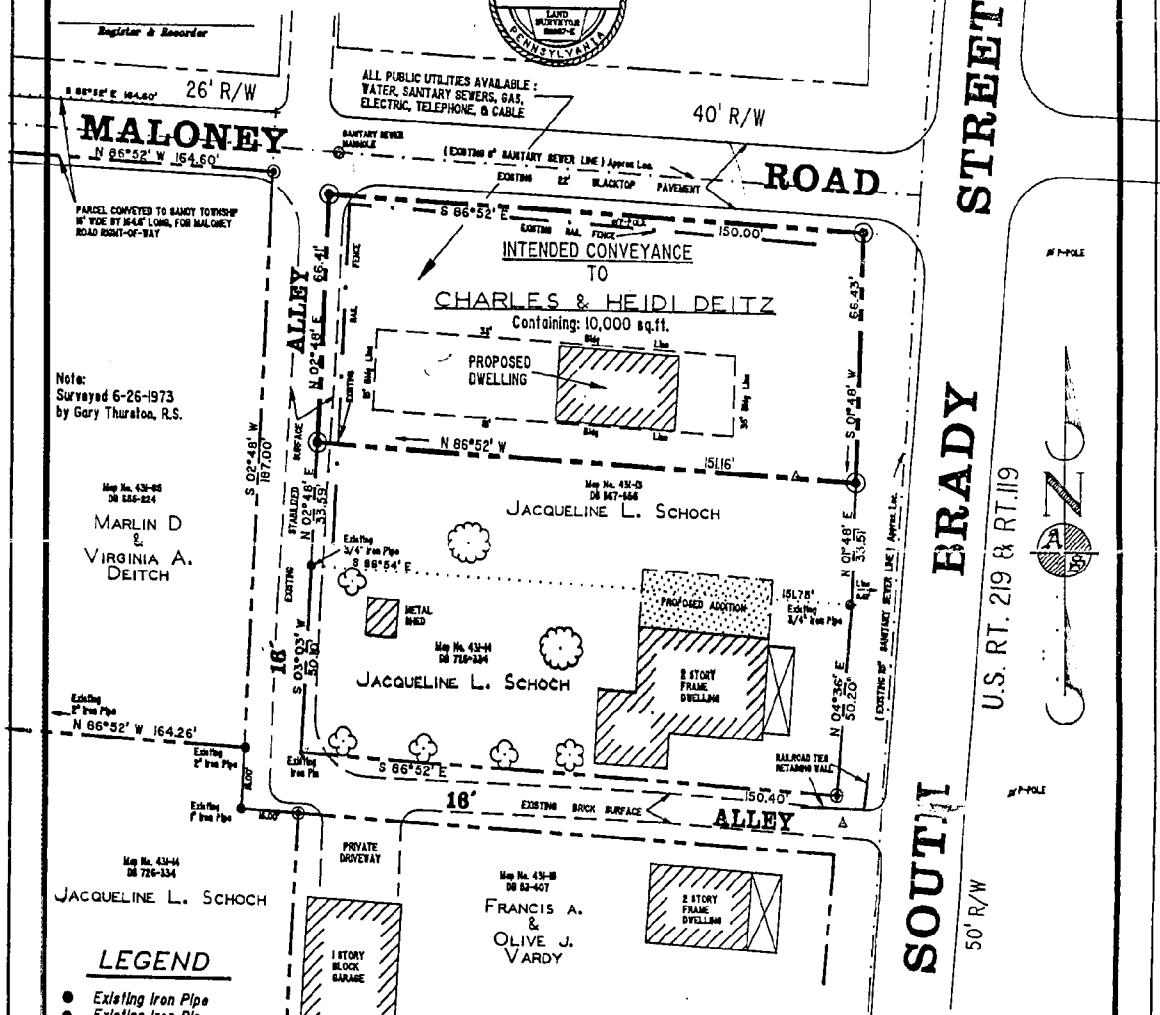
CERTIFICATION

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



LIONAL ALEXANDER, P.L.S.
No. 22687-E

LOCATION MAP



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

Map No. 43-05
DB 126-224
MARLIN D
&
VIRGINIA A.
DEITCH

Map No. 43-04
DB 726-134
JACQUELINE L. SCHOCH

Map No. 43-08
DB 82-407
FRANCIS A.
&
OLIVE J.
VARDY

LEGEND

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

NOTES:

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



Alexander Surveying
112 Church Street P.O. Box 378
Falls Creek, Pennsylvania 16840
(814) 371-6676

SCALE: 1" = 30'	APPROVED BY:	DRAWN BY: B.A.
DATE: 02-25-1992	REVISION:	FB NO. 92/36-38

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

SHEET NO. 1 OF 1	JOB NO. JN88692
------------------	-----------------

EXHIBIT
E

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

DONALD W. COX and ROBIN L. COX,

Plaintiffs,

v.

MARLIN D. DEITCH and
VIRGINIA A. DEITCH,

Defendants.

COMPLAINT IN EQUITY

No. 04-942-C.D.

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

FILED

JUL 19 2004

William A. Shaw
Prothonotary

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

DONALD W. COX and ROBIN L. COX,	)	NO. 04-942 C.D.
)	
Plaintiffs,	)	Type of Case: CIVIL ACTION
)	
vs.	)	Type of Pleading: PETITION FOR
	)	TEMPORARY INJUNCTION BASED UPON
	)	ALLEGATIONS OF COMPLAINT
MARLIN D. DEITCH and)	
VIRGINIA A. DEITCH,	)	Filed on Behalf of:
	)	PLAINTIFFS
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

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JUL 19 2004 Amy Blakley
Pbthcl utaly Clerk of Courts

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

DONALD W. COX and ROBIN L. COX,) NO. 04-942-C.D.

Plaintiffs,)

vs.)

MARLIN D. DEITCH and VIRGINIA A.)
DEITCH,)

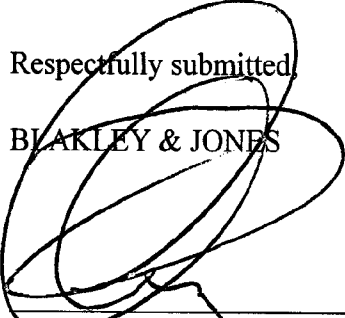
Defendant.)

PETITION FOR TEMPORARY INJUNCTION
BASED UPON ALLEGATIONS OF COMPLAINT

AND NOW come Plaintiffs, **DONALD W. COX and ROBIN L. COX**, by and through their attorneys, **BLAKLEY & JONES**, and petitions this Honorable Court pursuant to Pa. R.C.P. 1531 to enter a preliminary injunction against the Defendants, **MARLIN D. DEITCH and VIRGINIA A. DEITCH**, in the form of the attached proposed Order and for the reasons set forth in the accompanying verified Complaint filed with this Petition.

Respectfully submitted,

BLAKLEY & JONES


Benjamin S. Blakley, III

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

DONALD W. COX and ROBIN L. COX,) NO. 04-942-C.D.

Plaintiffs,

vs.

MARLIN D. DEITCH and VIRGINIA A.
DEITCH,

Defendant.

ORDER

AND NOW, this ____ day of _____, 2004, after hearing and on consideration of the Plaintiffs' verified Complaint in Equity and Petition for Preliminary Injunction, and it appearing to the Court that immediate irreparable damage and injury will result to the Plaintiffs before the case can be fully heard on its merits if a preliminary injunction is not issued, it is ORDERED AND DECREED that:

1. A preliminary injunction is hereby issued, ordering the Defendants to remove barriers, obstacles and other forms of interference which have been placed on the 16-foot easement and private alleyway and to restore the easement and private alleyway to its condition at the time immediately prior to the Defendants' acts of obstruction.

2. Defendants are enjoined from further interfering with or obstructing the Plaintiffs' easement or right-of-way of the 16-foot private alleyway leading from Maloney Road, Sandy Township, Clearfield County, Pennsylvania, to the garage of the Plaintiffs located at 912 South Brady Street, DuBois, Clearfield County, Pennsylvania.

3. This Order shall remain in full force and effect until such time as the Court specifically orders otherwise; and

4. This Order is conditioned upon the Plaintiffs' filing an approved bond in the amount of \$_____.

BY THE COURT,

_____ P.J.

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

DONALD W. COX and ROBIN L. COX,

Plaintiffs,

v.

MARLIN D. DEITCH and
VIRGINIA A. DEITCH,

Defendants.

PETITION FOR TEMPORARY INJUNCTION
BASED UPON
ALLEGATIONS OF COMPLAINT

No. 04-942-C.D.

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

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

DONALD W. COX and ROBIN L. COX,	)	NO. 04-942 C.D.
)	
Plaintiffs,	)	Type of Case: CIVIL ACTION
)	
vs.	)	Type of Pleading:
	)	PRAECIPE FOR HEARING
)	
MARLIN D. DEITCH and VIRGINIA A. DEITCH,	)	Filed on Behalf of:
	)	PLAINTIFFS
)	
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

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JUL 19 2004
Blakley
Prothonotary, Clerk of Courts

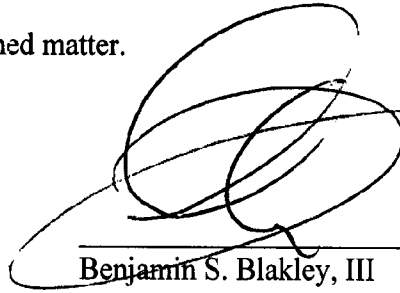
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

DONALD W. COX and ROBIN COX,	)	NO. 04-942-C.D.
)	
Plaintiffs,)	
)	
vs.)	
)	
MARLIN D. DEITCH and VIRGINIA A.)	
DEITCH,)	
)	
Defendant.)	

PRAECIPE FOR HEARING

TO: THE PROTHONOTARY

Please schedule a hearing on Plaintiffs' Petition Temporary Injunction Based Upon
Allegations of Complaint in the above-captioned matter.



Benjamin S. Blakley, III
Attorney for Plaintiffs

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

DONALD W. COX and ROBIN L. COX,

Plaintiffs,

v.

MARLIN D. DEITCH and
VIRGINIA A. DEITCH,

Defendants.

PRAECIPE FOR HEARING

No. 04-942-C.D.

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

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

DONALD W. COX and ROBIN	)	NO. 04-942 C.D.
COX,)	
	)	Type of Case: CIVIL ACTION
Plaintiffs,)	
	)	Type of Pleading:
vs.	)	CERTIFICATE OF SERVICE
)	
MARLIN D. DEITCH and	)	Filed on Behalf of:
VIRGINIA A. DEITCH,	)	PLAINTIFFS
)	
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

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Atty Blakley
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Clerk of Courts

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

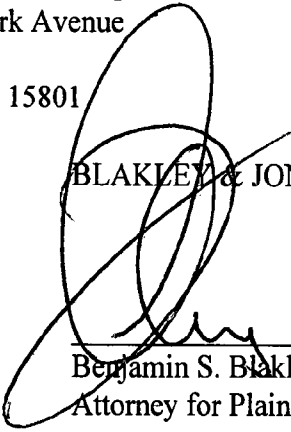
DONALD W. COX and ROBIN COX,) NO. 04-942-C.D.
)
 Plaintiffs,)
)
vs.)
)
MARLIN D. DEITCH and VIRGINIA A.)
DEITCH,)
)
 Defendant.

CERTIFICATE OF SERVICE

I, **BENJAMIN S. BLAKLEY, III**, hereby certify that I have served a true and correct copy of Plaintiffs' Petition for Temporary Injunction Based Upon Allegations of Complaint and Praecipe for Hearing this 19th 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 Plaintiffs

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

DONALD W. COX and ROBIN L. COX,

Plaintiffs,

v.

MARLIN D. DEITCH and
VIRGINIA A. DEITCH,

Defendants.

CERTIFICATE OF SERVICE

No. 04-942-C.D.

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

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

DONALD W. COX and ROBIN	)	NO. 04-942 C.D.
COX,)	
	)	Type of Case: CIVIL ACTION
Plaintiffs,)	
	)	Type of Pleading:
vs.	)	ORDER
)	
MARLIN D. DEITCH and	)	Filed on Behalf of:
VIRGINIA A. DEITCH,	)	PLAINTIFFS
)	
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

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

DONALD W. COX and ROBIN COX,) NO. 04-942-C.D.

Plaintiffs,)

vs.)

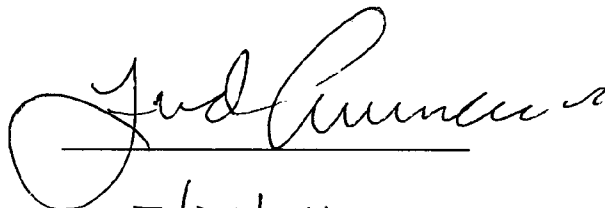
MARLIN D. DEITCH and VIRGINIA A.)
DEITCH,)

Defendant.)

ORDER

Upon Praecipe of the Plaintiffs, hearing on Plaintiffs' Petition for Temporary Injunction Based Upon Allegations of Complaint is hereby scheduled for the 30 day of August, 2004, at 2:00 o'clock PM.m. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT:


7/26/04

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

DONALD W. COX and ROBIN L. COX,

Plaintiffs,

v.

MARLIN D. DEITCH and VIRGINIA A.
DEITCH,

Defendants.

ORDER

No. 04-942-C.D.

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

2

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

DONALD W. COX and ROBIN L. COX,	)	NO. 04-942 C.D.
)	
Plaintiffs,	)	Type of Case: CIVIL ACTION
)	
vs.	)	Type of Pleading: ORDER
)	
MARLIN D. DEITCH and VIRGINIA A. DEITCH,	)	Filed on Behalf of:
	)	PLAINTIFFS
)	
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
)	

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

DONALD W. COX and ROBIN L. COX,	)	NO. 04-942-C.D.
)	
Plaintiffs,)	
)	
vs.)	
)	
MARLIN D. DEITCH and VIRGINIA A.)	
DEITCH,)	
)	
Defendant.)	

ORDER

AND NOW, this ____ day of _____, 2004, after hearing and on consideration of the Plaintiffs' verified Complaint in Equity and Petition for Preliminary Injunction, and it appearing to the Court that immediate irreparable damage and injury will result to the Plaintiffs before the case can be fully heard on its merits if a preliminary injunction is not issued, it is ORDERED AND DECREED that:

1. A preliminary injunction is hereby issued, ordering the Defendants to remove barriers, obstacles and other forms of interference which have been placed on the 16-foot easement and private alleyway and to restore the easement and private alleyway to its condition at the time immediately prior to the Defendants' acts of obstruction.

2. Defendants are enjoined from further interfering with or obstructing the Plaintiffs' easement or right-of-way of the 16-foot private alleyway leading from Maloney Road, Sandy Township, Clearfield County, Pennsylvania, to the garage of the Plaintiffs located at 912 South Brady Street, DuBois, Clearfield County, Pennsylvania.

3. This Order shall remain in full force and effect until such time as the Court specifically orders otherwise; and

4. This Order is conditioned upon the Plaintiffs' filing an approved bond in the amount of \$_____.

BY THE COURT,

_____ P.J.

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

DONALD W. COX and ROBIN L. COX,

Plaintiffs,

v.

MARLIN D. DEITCH and
VIRGINIA A. DEITCH,

Defendants.

ORDER

No. 04-942-C.D.

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

In The Court of Common Pleas of Clearfield County, Pennsylvania

COX, DONALD W. & ROBIN L.

VS.

DEITCH, MARLIN D. and VIRGINIA A.

COMPLAINT IN EQUITY

Sheriff Docket # 15990
04-942-CD

SHERIFF RETURNS

NOW JULY 22, 2004 AT 11:55 AM SERVED THE WITHIN COMPLAINT IN EQUITY ON MARLIN D. DEITCH, DEFENDANT AT RESIDENCE, 5 WEST MALONEY ROAD, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO MARLIN D. DEITCH A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN EQUITY AND MADE KNOWN TO HIM THE CONTENTS THEREOF.

SERVED B: MCCLEARY/COUDRIET

NOW JULY 22, 2004 AT 11:55 AM SERVED THE WITHIN COMPLAINT IN EQUITY ON VIRGINIA A. DEITCH, DEFENDANT AT RESIDENCE, 5 WEST MALONEY ROAD, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO MARLIN D. DEITCH, HUSBAND A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN EQUITY AND MADE KNOWN TO HIM THE CONTENTS THEREOF.

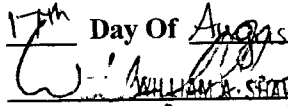
SERVED B: MCCLEARY/COUDRIET

Return Costs

Cost	Description
38.62	SHERIFF HAWKINS PAID BY: ATTY CK# 8584
20.00	SURCHARGE PAID BY: CASH BY ATTY.

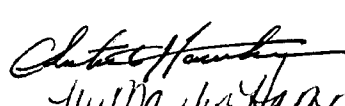
Sworn to Before Me This

17th Day Of August 2004


Prothonotary

My Commission Expires
1st Monday in Jan. 2006
Clearfield Co., Clearfield, PA

So Answers,


Chester A. Hawkins
Sheriff

8/10:11am
AUG 17 2004

William A. Shaw
Prothonotary

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

DONALD W. COX and ROBIN L. COX,	:	No. 04-942-CD
Plaintiffs	:	
	:	Type of Pleading:
Vs.	:	
	:	DEFENDANTS RESPONSE TO
MARLIN D. DEITCH and VIRGINIA A.	:	PLAINTIFF'S PETITION FOR
DEITCH,	:	PRELIMINARY INJUNCTION
Defendants	:	
	:	Filed on Behalf of:
	:	DEFENDANTS
	:	
	:	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 3cc
m/d 5/20/04 Atty DuBois
AUG 26 2004 E/AS
William A. Shaw
Prothonotary/Clerk of Courts

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

DONALD W. COX and ROBIN L. COX,	:	No. 04-942-CD
Plaintiffs	:	
	:	
Vs.	:	
	:	
MARLIN D. DEITCH and VIRGINIA A.	:	
DEITCH,	:	
Defendants	:	

**DEFENDANTS RESPONSE TO PLAINTIFF'S
PETITION FOR PRELIMINARY INJUNCTION**

AND NOW, comes the Defendants, MARLIN D. DEITCH and VIRGINIA A. DEITCH, by and through their attorney, Jeffrey S. DuBois, Esquire, who files this Response to Plaintiffs Petition for Temporary Injunction, and in support thereof avers the following:

1. Defendants file this response to Plaintiffs request to this Honorable Court for a petition for Preliminary Injunction.
2. Defendants object to said Petition for Preliminary Injunction as Plaintiffs have wholly failed to allege or set forth to the Court in their Petition any of the requirements or showing which is necessary for a Court to entertain, let alone rule upon, an injunction.
3. Specifically, Plaintiffs Petition fails to set forth any extreme activity which would warrant such a drastic measure.
4. In particular, Plaintiff must show, inter alia,: (1) the likelihood that they will prevail on the merits at the final Hearing; (2) the extent to which they are being

irreparably harmed by the conduct complained of; (3) greater harm will come to Plaintiffs if the injunction is not granted then will come to Defendants or any other party if it is issued; and, (4) the harm to the public.

5. Plaintiffs failed to file any Petition for Preliminary Injunction, but simply requested a Hearing and referred to a Complaint in Equity in requesting a Preliminary Injunction.

6. The case law is clear that Injunctions will only be granted in extreme cases, and only where the factors above mentioned have been met, and the moving party has no other alternative or remedy but an injunction.

7. Plaintiffs have completely failed to show any such evidence, and on the contrary, have not set forth anything to this Honorable Court which would justify an emergency, or an extreme remedy of granting an injunction.

8. Moreover, Defendants deny the limited allegations set forth in Plaintiffs Complaint, as there are no barriers, obstructions, or anything similar on the alleyway in which the Plaintiffs use to gain access to their garage.

9. By way of further answer, Plaintiffs have not in any way, shape, or form, been prevented from using said alleyway to gain access to their garage, nor for that matter, have any vehicles been hampered in traveling on said alleyway.

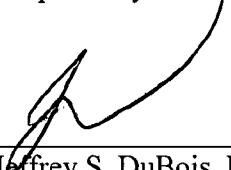
10. By way of further answer, there is already a case before this Honorable Court, to case No. 04-645-CD, whereby Jacqueline Schoch, who is related to Defendants, claims ownership to this alleyway from prior deeds of her family dating back to the 1800's.

11. For all the reasons stated forth herein, including that Defendants have committed no acts which in any way hamper Plaintiffs, and additionally the Plaintiffs

have completely failed to set forth any allegations worthy of a Preliminary Injunction, Defendants respectfully request this Honorable Court to dismiss Plaintiffs request for injunction in its entirety.

WHEREFORE, Defendants respectfully request this Honorable Court to dismiss Plaintiffs request for Injunction in its entirety.

Respectfully submitted,

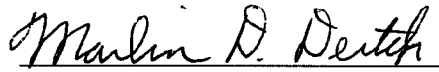


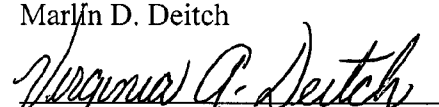
Jeffrey S. DuBois, Esquire
Attorney for Defendants

VERIFICATION

We, MARLIN D. DEITCH and VIRGINIA A. DEITCH, verify that the statements in the foregoing Response to Plaintiffs Petition for Preliminary Injunction 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.


Marlin D. Deitch


Virginia A. Deitch


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

DONALD W. COX and ROBIN L. COX,	:	No. 04-942-CD
Plaintiffs	:	
	:	
Vs.	:	
	:	
MARLIN D. DEITCH and VIRGINIA A.	:	
DEITCH,	:	
Defendants	:	

CERTIFICATE OF SERVICE

I do hereby certify that on the 24th day of August, 2004, I served a true and correct copy of the within Defendants Response to Plaintiffs Petition for Preliminary Injunction 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

DONALD W. COX and ROBIN L. COX,	:	No. 04-942-CD
Plaintiffs	:	
	:	Type of Pleading:
Vs.	:	
	:	DEFENDANTS ANSWER AND
MARLIN D. DEITCH and VIRGINIA A.	:	NEW MATTER TO
DEITCH,	:	PLAINTIFFS COMPLAINT
Defendants	:	
	:	Filed on Behalf of:
	:	DEFENDANTS
	:	
	:	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 ^{E6K}
01111801 ^{2cc}
SEP 01 2004 ^{Atty DuBois}

William A. Shaw
Prothonotary Clerk of Courts

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

DONALD W. COX and ROBIN L. COX,	:	No. 04-942-CD
Plaintiffs	:	
	:	
Vs.	:	
	:	
MARLIN D. DEITCH and VIRGINIA A.	:	
DEITCH,	:	
Defendants	:	

DEFENDANTS ANSWER AND NEW MATTER
TO PLAINTIFFS COMPLAINT

AND NOW, comes the Defendants, MARLIN D. DEITCH and VIRGINIA A. DEITCH, by and through their attorney, Jeffrey S. DuBois, Esquire, who files this Response to Plaintiffs Complaint, and in support thereof avers the following:

1. Admitted.
2. Admitted.
3. It is admitted the parties use said alleyway, but as set forth herein, said alleyway is owned by Jacqueline Schoch, sister of the Defendant, Virginia Deitch.
4. Admitted. It is admitted Jacqueline Schoch's property borders that of the Plaintiffs as the alleyway is part of Jacqueline Schoch's property.
5. Denied. It is denied that there was a dispute between the Plaintiffs and Jacqueline Schoch, as Ms. Schoch clearly relayed to the Plaintiffs her right and title to ownership of said alleyway by virtue of deeds from her family dating back to the 1800's.

6. Defendants are without sufficient information to believe the truth or falsity of the averments contained in paragraph six (6), and therefore strict proof is demanded at Trial.

7. Defendants are without sufficient information to believe the truth or falsity of the averments contained in paragraph seven (7), and therefore strict proof is demanded at Trial.

8. Defendants are without sufficient information to believe the truth or falsity of the averments contained in paragraph eight (8), and therefore strict proof is demanded at Trial. By way of further answer, as is already admitted to by Plaintiffs, not only in these pleadings, but also in the pleadings against Jacqueline Schoch, Plaintiffs have no ownership in interest to said private alleyway and therefore, if pins were placed in the “midpoint” of the alleyway, said actions would be trespass by Plaintiffs and without cause nor right.

9. Admitted in part. It is admitted that Defendants removed a pin located in the private alleyway which was owned by Jacqueline Schoch. This pin was removed after Defendants believed Plaintiff, Donald Cox, and not a surveyor, placed it there, and had done so without any authority known to the Defendants. By way of further answer, as set forth herein, said alleyway is owned by Jacqueline Schoch, and any actions by Plaintiff on said alleyway would be wrongful and considered trespass.

10. Denied. It is denied that Plaintiff needs to reemploy the services of any persons, as the boundary lines of the alleyway are plainly evident, and it is likewise evident that Jacqueline Schoch is the owner of said private alley.

11. Denied. It is not necessary for Defendants to pay any monies as no monies are owed from Defendants to Plaintiffs.

12. No responsive pleading is required.

13. Admitted in part and denied in part. It is admitted that Defendants have placed stone and gravel on the private alleyway, but it is denied that they have done so in an uneven manner or altered the grade of said alleyway. By way of further answer, Defendants, along with Jacqueline Schoch, are doing what they and their family have done for over one hundred (100) years, and that being personally maintaining said private alleyway to keep it in good state and repair, so that it may be used for access to their properties.

14. Denied. It is denied that the natural flow of water in or around said private alleyway has been diverted, and on the contrary any purported leakage in Plaintiffs basement would be due to the result of the extensive precipitation this past winter, spring, and summer, which is being experienced by all residents of the area and not simply Plaintiffs.

15. Denied. It is denied that there were any improper actions of the Defendants and it is also denied that there needs to be any action to return the grade of the alleyway to its original grade, as the actions of Defendants were those necessary to keep the alleyway in a proper state of repair, as such changes are needed almost every spring after a winter. Therefore, no such action is necessary by Plaintiffs, therefore Plaintiffs would incur no cost.

16. It is admitted that Defendants have refused to remove or regrade the materials placed on private alleyway, as it is not necessary to remove them or regrade them, and on

the contrary, it is necessary to place them there to maintain the private alleyway in a proper state of repair.

WHEREFORE, Defendants respectfully request this Honorable Court to dismiss Plaintiffs Complaint in its entirety and award Judgment in favor of Defendants together with costs, and any other relief as this Court deems appropriate.

NEW MATTER

17. Defendants hereby incorporate paragraphs one through 16 at length as if set forth herein.

18. Defendants, Jacqueline Schoch, and their family, have owned and maintained the aforementioned alleyway since approximately 1897.

19. Because of the fact it is not a public alleyway, it is not maintained by any municipality.

20. Therefore, in order to make the necessary maintenance and repairs to the alleyway, because of winter and other weather conditions, Defendants and Jacqueline Schoch, as well as their family, have always taken it upon themselves to maintain and keep in good repair said alleyway.

21. As a consequence, it is necessary for Defendants and Jacqueline Schoch to maintain the alleyway and do such acts as Plaintiffs are wrongfully complaining of in their Complaint.

22. The current repairs done by Defendants to alleyway were done correctly and were necessary, and in no way materially affected the grade of said alleyway.

23. As set forth herein, said private alleyway is owned by Jacqueline Schoch as it was received from her family on or about 1897 and has remained in the family since that date.

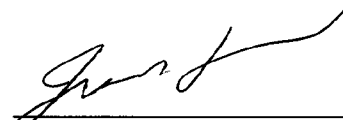
24. Consequently, any actions by Plaintiff, Donald Cox, in placing pins or any other instruments on said alleyway would be trespass as Plaintiff Cox has absolutely no ownership interest to said private alleyway and therefore any acts he commits on said alleyway would be unauthorized and would be considered trespass.

25. Plaintiffs only authorized use on said private alleyway would be to gain access to and from their properties.

26. Therefore, Defendants were justified and authorized to remove any pins on the private alleyway.

WHEREFORE, Defendants respectfully request this Honorable Court to award judgment in their favor and against Plaintiffs to dismiss Plaintiffs Complaint in its entirety and to award Defendants costs, and other relief this Court deems just and equitable.

Respectfully submitted,

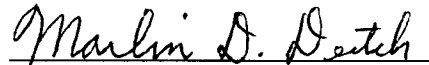
A handwritten signature in black ink, appearing to read 'Jeffrey S. DuBois', is written over a horizontal line.

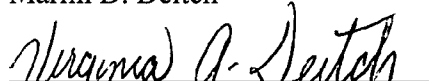
Jeffrey S. DuBois, Esquire
Attorney for Defendants

VERIFICATION

We, MARLIN D. DEITCH and VIRGINIA A. DEITCH, verify that the statements in the foregoing Answer to Plaintiffs Complaint 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.


Marlin D. Deitch


Virginia A. Deitch

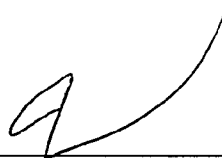
IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

DONALD W. COX and ROBIN L. COX,	:	No. 04-942-CD
Plaintiffs	:	
	:	
Vs.	:	
	:	
MARLIN D. DEITCH and VIRGINIA A.	:	
DEITCH,	:	
Defendants	:	

CERTIFICATE OF SERVICE

I do hereby certify that on the 31st day of August, 2004, I served a true and correct copy of the within Defendants Response and New Matter to Plaintiffs Complaint 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

DONALD W. COX and ROBIN L. COX,	:	No. 04-942-CD
Plaintiffs	:	
	:	Type of Pleading:
Vs.	:	
	:	DEFENDANTS ANSWER TO
MARLIN D. DEITCH and VIRGINIA A.	:	PLAINTIFFS COMPLAINT
DEITCH,	:	IN EQUITY
Defendants	:	
	:	Filed on Behalf of:
	:	DEFENDANTS
	:	
	:	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 ^{EGK}
01/11/1960 ^{2cc}
SEP 01 2004 ^{Atty DuBois}

William A. Shaw
Prothonotary/Clerk of Courts

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

DONALD W. COX and ROBIN L. COX,	:	No. 04-942-CD
Plaintiffs	:	
	:	
Vs.	:	
	:	
MARLIN D. DEITCH and VIRGINIA A.	:	
DEITCH,	:	
Defendants	:	

DEFENDANTS ANSWER TO PLAINTIFFS
COMPLAINT IN EQUITY

AND NOW, comes the Defendants, MARLIN D. DEITCH and VIRGINIA A. DEITCH, by and through their attorney, Jeffrey S. DuBois, Esquire, who files this Response to Plaintiffs Complaint in Equity, and in support thereof avers the following:

1. Admitted.
2. Admitted.
3. No responsive pleading is required as said deed speaks for itself.
4. No responsive pleading is required as said deed speaks for itself.
5. Admitted.
6. No responsive pleading is required as said deed speaks for itself.
7. Admitted.
8. No responsive pleading is required as said deed speaks for itself.
9. No responsive pleading is required as said deed speaks for itself.

10. It is admitted that both Plaintiffs and Defendants, as well as any persons including Jacqueline Schoch, use the private alleyway for access to and from their respective residences. With respect to said survey, it is averred by Defendants that said private alleyway is owned by Jacqueline Schoch, and said alleyway has been owned by Defendants family since 1897.

11. It is admitted that Plaintiffs and their predecessors in title have a right to use said private alleyway of Defendants family for access to and from their respective property.

12. Denied. It is denied that Plaintiffs and Plaintiffs predecessors in title use has been notorious or adverse, and on the contrary, it has only been a use in which Defendants and Defendants family have allowed persons such as Plaintiffs to use. Therefore, it is denied that Plaintiffs have acquired a prescriptive easement or right of way over said property.

13. Denied. It is denied that Defendants erected any barrier, obstacle or interference on said private alleyway. On the contrary, Defendants simply patched and repaired said alleyway, fixed pot holes, and Defendants in no way made any kind of barrier or obstacle on said private alleyway. By way of further answer, the elevation in spots on said private alleyway is only a fraction of the elevation that would be commonly found on speed bumps in public parking lots such as malls or supermarkets.

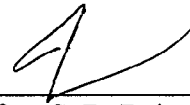
14. Denied. It is denied that Plaintiffs have been deprived in any way of access to said private alleyway, and by way of further answer, not only do Plaintiffs vehicles routinely travel back and forth on said private alleyway, but so do Defendants vehicles, Jacqueline Schoch's vehicles, postal carrier vehicles, and other guests of the Defendants.

As a consequence, there has been no vehicular traffic that has been in any way infringed as alleged by Defendants.

15. Denied. It is denied that Defendants will suffer any actions for reasons set forth herein.

WHEREFORE, Defendants respectfully request this Honorable Court to dismiss Plaintiffs Complaint in Equity in its entirety and award Judgment in favor of Defendants together with costs, and any other relief as this Court deems appropriate.

Respectfully submitted,

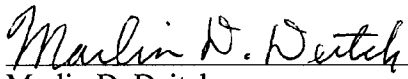
A handwritten signature in black ink, appearing to be 'J. DuBois', written over a horizontal line.


Jeffrey S. DuBois, Esquire
Attorney for Defendants

VERIFICATION

We, MARLIN D. DEITCH and VIRGINIA A. DEITCH, verify that the statements in the foregoing Answer to Plaintiffs Complaint in Equity 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.


Marlin D. Deitch


Virginia A. Deitch

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

DONALD W. COX and ROBIN L. COX,	:	No. 04-942-CD
Plaintiffs	:	
	:	
Vs.	:	
	:	
MARLIN D. DEITCH and VIRGINIA A.	:	
DEITCH,	:	
Defendants	:	

CERTIFICATE OF SERVICE

I do hereby certify that on the 31st day of August, 2004, I served a true and correct copy of the within Defendants Response to Plaintiffs Complaint in Equity 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

DONALD W. COX and ROBIN) NO. 04-942 C.D.
COX,)
) Type of Case: CIVIL ACTION
Plaintiffs,)
) Type of Pleading: PLAINTIFFS' REPLY TO
vs.) DEFENDANTS' NEW MATTER
)
MARLIN D. DEITCH and) Filed on Behalf of:
VIRGINIA A. DEITCH,) PLAINTIFFS
)
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 3cc
d/1:28304 Atty
SEP 15 2004 Blakley
William A. Shaw
Prothonotary/Clerk of Courts

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

DONALD W. COX and ROBIN COX,	)	NO. 04-942-C.D.
)	
Plaintiffs,)	
)	
vs.)	
)	
MARLIN D. DEITCH and VIRGINIA A.)	
DEITCH,)	
)	
Defendant.)	

PLAINTIFFS' REPLY TO DEFENDANTS' NEW MATTER

AND NOW come Plaintiffs, **DONALD W. COX and ROBIN COX**, by and through their undersigned attorneys, **BLAKLEY & JONES**, and replies to Defendants' New Matter as follows:

17. Requires no answer.

18. It is denied that the Defendants, Jacqueline Schoch and their family have owned and maintained the aforementioned alleyway since 1897, and on the contrary, it is averred that the Defendants and their predecessors-in-title have never owned nor had title to the alleyway, which has been used in common with the Plaintiffs and their predecessors-in-title continuously for at least sixty (60) years.

19. Admitted.

20. It is denied that the Defendants and Jacqueline Schoch, as well as their family, have taken it upon themselves to maintain and keep in good repair the said alleyway, and on the contrary, it is averred that the Defendants, Jacqueline Schoch and their predecessors-in-title,

along with the Plaintiffs and their predecessors-in-title, have maintained and have repaired the said alleyway in past years.

21. Denied, and on the contrary, it is averred that the alleyway was in good repair prior to the actions of the Defendants, and that the Defendants' actions in no way furthered any maintenance which may have been required on the alleyway.

22. Denied, and on the contrary, it is averred that repairs done by the Defendants were done incorrectly and that no repairs were done that would have required the Defendants to remove the survey markers from the aforesaid alleyway.

23. It is denied that the said private alleyway is owned by Jacqueline Schoch or that she received the same from her family on or about 1897 and has remained in the family since that time, and on the contrary, it is averred that the said Jacqueline Schoch and her family obtained ownership of the real properties bordering the said alleyway as set forth in Plaintiffs' Exhibits D and E attached hereto and did not obtain ownership of the said alleyway as shown in said deeds, which were prepared and conveyed by the family of Jacqueline Schoch and the Defendants.

24. Denied, and on the contrary, it is averred that, because of the use and maintenance by the Plaintiffs and their predecessors-in-title of an alleyway intersecting the alleyway bordering the Defendants' property, the Plaintiffs have claimed ownership interest in said adjoining alleyway, which was to be established by a survey conducted on said alleyway, which required the placement of survey markers in the subject alleyway, and as the Defendants' do not have any ownership interest in said alleyway, no trespass occurred on the part of the Plaintiffs.

25. It is admitted that an authorized use of the Plaintiffs is to gain access to and from their property, as is an authorized use of the said alleyway by the Defendants, as the Defendants

have no ownership interest in and to the subject alleyway, nor does any member of their family under the previous deeds of record.

26. Denied, and on the contrary, it is averred that, as the Defendants have no ownership interest in the said alleyway, they were not justified and authorized to remove any pins on the private alleyway, and that the removal of the same by the Defendants was an unauthorized and tortious act, entitling the Plaintiffs to damages.

WHEREFORE, Plaintiffs request this Honorable Court enter judgment for the Plaintiffs and against the Defendants pursuant to the prayer in Plaintiffs' Complaint.

Respectfully submitted,

BLAKLEY & JONES



Benjamin S. Blakley, III, Esquire
Attorney for Plaintiffs

VERIFICATION

We, **DONALD W. COX and ROBIN COX**, hereby state that we are the Plaintiffs in this action and verify that the statements made in the foregoing Reply to Defendants' New Matter are true and correct to the best of our knowledge, information, and belief. We understand that the statements therein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

Dated: 9-14-04



DONALD W. COX

Dated: 9/14/04



ROBIN 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 L. 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 ROBERT L. 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, Clear 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 in entirety, both of Sandy Township, Clearfield County, Pennsylvania, of the other part, hereinafter called the Grantees.

AND 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 right of ground hereinafter described, being the premises described in a deed of indenture from Ethel Magnuson, dated March 28, 1954, 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, indexed Book 301, page 22B; 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 on or about Sunday, January 9, 1955.

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

AND WHEREAS, Robert L. Schoch is an individual executor and 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 provision in the will requiring a bond by the executor.

EXHIBIT

D

AND HIGHERS, the General Assembly of the Commonwealth of Pennsylvania, by an Act known as the Fiduciaries Act of 1949, duly approved the 14th 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 WIFE, HEIRS, Robert F. Schoch, Horace C. Schoch, Rodney A. Schoch, Robert E. Schoch and Betty Schoch are all the children of David J. Schoch and the sole beneficiaries of his entire estate under the will of his will.

AND, THIS INDENTURE WITNESSETH, that the said Robert E. 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 C. Schoch and Cora E. Schoch, his wife, Rodney J. Schoch and Elzeal 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

(\$6,000.00) Dollars to them or by the said grantees, and before the making and delivery of these presents, the receipt was of this instrument acknowledged, have granted, bargained, sold and conveyed, and do hereby grant, bargain, sell and convey, to the said Noraco Gas School and Cora E. Schoon, 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 Chenango and State of Pennsylvania, and bounded and described as follows, to wit:

DATE OF DEPOSIT: JAN 10 1961

THE SECOND END 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
S. Stearns (16) foot alley, said alley being the first alley south of
Brady Street, the Northerly line of said alley being North 349
22 West, one hundred and thirty and four tenths (150.4) feet to an
iron pipe, thence by the Westerly line of S. Stearns (16) foot alley,
North 20 1/2 West, thirty (30) feet to an iron pipe, and thence by
the Westerly line of South 32 1/2 West, one hundred and thirty and
seven tenths one hundred and nine (151.96) feet to an iron pipe in the
Westerly line of South Brady Street, thence by the Westerly line
of South Brady Street, South 7 1/2 West, thirty and six one hundred and

(5) (a) There is a difference between the two kinds of operations, namely:

1. The first part of the document is a title page. It contains the title "The first part of the document is a title page." and the author "The first part of the document is a title page."

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Excluded from the 2007-2008 season to be in the Non-Herby class of 2009

1. Location 60° 30' N, 150° 00' W Station 1000 Depth 1000 North 36° 55' West

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1. The Secretary shall be the chief executive officer of the Commission and shall be responsible for the overall management and administration of the Commission.

[illegible][illegible]

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

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Approved for Release by NSA on 08-21-2013 pursuant to E.O. 13526

Test: one hundred and thirty

Year, location on time and the place of beginning

Page 10 of 11

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Fig. 6. $\text{I}_{\text{sc}} = \text{I}_{\text{sc}}^{\text{max}} \cdot \exp(-\alpha_{\text{sc}} \cdot \text{Irr})$ and $\text{Irr} = \text{Irr}_{\text{max}} \cdot \exp(-\alpha_{\text{irr}} \cdot \text{Irr})$.

10-25-1958

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© 2004 Blackwell Publishing Ltd, *Journal of Internal Medicine* 255: 101–108

UNITED STATES DEPARTMENT OF JUSTICE

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Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794)

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the \mathcal{H}_2 norm of the error signal $\|e\|_2$ is bounded by the \mathcal{H}_2 norm of the disturbance $\|d\|_2$ multiplied by the \mathcal{H}_2 norm of the transfer function $\|G\|_2$. The \mathcal{H}_2 norm of the transfer function G is a measure of the system's energy gain, and it is a function of the system's parameters. The \mathcal{H}_2 norm of the transfer function G is a function of the system's parameters, and it is a measure of the system's energy gain. The \mathcal{H}_2 norm of the transfer function G is a function of the system's parameters, and it is a measure of the system's energy gain.

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CONFIDENTIAL

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THE UNIVERSITY OF CHICAGO

Table 1. Mean values of the variables measured during the 60-min test

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Page 10 of 10

BOOK 448 PAGE

SIMPSON & MADISON
DUBOIS, PA

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THE BUREAU OF THE
TO
THE CHIEF OF THE BUREAU OF THE

PLOT

SANDY TRIP - CLEO CO

SCALE 11-10

655 224

This Deed,

Made the Sixth (6th) day of August in the year
of our Lord one thousand nine hundred Seventy-Three (1973).

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

Grantor

and MARLIN D. DEITCH and VIRGINIA A. DEITCH, husband and
wife, of Sandy Township, Clearfield County, Pennsylvania, herein-
after referred to as the

Grantees :

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 es hereby
grant and convey to the said grantees, ALL that certain piece or parcel of
land situate in Sandy Township, Clearfield County, Pennsylvania,
bounded and described as follows, to wit:

BEGINNING at a point along the Southern edge of Maloney
Road, at its intersection with a sixteen (16) foot alley;
thence South 4° 2' West 155.0 feet to a point; thence
North 85° 38' West 164.6 feet along other land of the
Grantor herein, to an iron pipe; thence North 4° 2' West
155.0 feet along land now or formerly of Joseph Cherry,
to a point on the Southern edge of Maloney Road; thence
South 85° 38' East along the Southern edge of Maloney Road,
164.6 feet to a point and the place of beginning.

EXCEPTING AND RESERVING HOWEVER, unto the Grantor herein,
or, her children, the exclusive use of a cement and brick
parking area, forty (40') feet by twenty (20') feet, located
on the tract above described, and used as a parking area,
by the Grantor, in conjunction with her dwelling house,
on the adjoining premises. This reservation however, shall
be only during such period of time, as the Grantor herein,
or any of her children, may own the said dwelling house on
the adjoining premises. At such time as the Grantor herein,
or any of her children, who shall acquire title from her,
shall sell and convey said adjoining dwelling premises,
then this reservation shall terminate, and be of no further
effect.

BEING part of the same premises which became vested in
the Grantor, by deed dated January 27, 1956, and recorded
in Deed Book 448, Page 529, being part of the second
described premises therein.

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EXHIBIT

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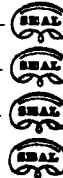
And the said grantor, does hereby covenant that she will WARRANT
GENERALLY the property hereby conveyed.

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

Cora Schoch
CORA SCHOCH



State of PENNSYLVANIA
County of CLEARFIELD

On this, the 7th day of August, 1973, before me,
a Notary Public
the undersigned officer, personally appeared CORA SCHOCH

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

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

Ray J. Cherry



Notary Public
My Commission Expires August 28, 1976

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:

Marlin D. Deitch
MARLIN D. DEITCH
Virginia A. Deitch
VIRGINIA A. DEITCH

Title of Officer.

State of

County of

On this, the

day of

19 , before me,

the undersigned officer, personally appeared

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

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



AFFIDAVIT NO. 2087

Title of Officer.

CERTIFICATE OF RESIDENCE

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

August 6 1973

Maloney Road
DuBois, Penna. 15801

[Signature]
Attorney for Grantees

Entered of Record Aug 17 1973. 12:21 *[Signature]* Recorder

DEED

CORA SCHOCH

-to-

MARLIN D. DEITCH, et ux

WARRANTY

CLEARFIELD CO. SS

ENTERED OF RECORD 8-17-73

Time 12:21

By *[Signature]* & *[Signature]*

Fees \$16.00

Cecil A. Burns, Recorder

LAW OFFICES
ELAKLEY & AMMERMAN
DUBOIS, PENNA. 15801

COMMONWEALTH OF PENNSYLVANIA,

County of

RECORDED on this day of

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

Vol. , Page

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

Recorder.

Needs & Records Book # 655
I hereby certify this to be a true and attested copy of the original document filed in this office. *+ Page # 224*

AUG 15 2004

Attest:

[Signature]

Clk. of Will, Rec. of Books & Clk. of County Court

MY COMMISSION EXPIRES
FIRST MONDAY IN JANUARY 2008

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

DONALD W. COX and ROBIN COX,

Plaintiffs,

v.

MARLIN D. DEITCH and VIRGINIA A.
DEITCH,

Defendants.

PLAINTIFFS' REPLY TO
DEFENDANTS' NEW MATTER

No. 04-942-C.D.

FILED

SEP 15 2004

CLERK OF COURT

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

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

DONALD W. COX and ROBIN	)	NO. 04-942 C.D.
COX,)	
	)	Type of Case: CIVIL ACTION
Plaintiffs,)	
	)	Type of Pleading:
vs.	)	CERTIFICATE OF SERVICE
)	
MARLIN D. DEITCH and	)	Filed on Behalf of:
VIRGINIA A. DEITCH,	)	PLAINTIFFS
)	
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 No CC
SEP 15 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

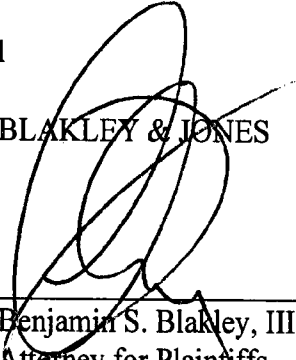
DONALD W. COX and ROBIN COX,) NO. 04-942-C.D.
)
 Plaintiffs,)
)
vs.)
)
MARLIN D. DEITCH and VIRGINIA A.)
DEITCH,)
)
 Defendant.

CERTIFICATE OF SERVICE

I, **BENJAMIN S. BLAKLEY, III**, hereby certify that I have served a true and correct copy of Plaintiffs' Reply to Defendants' New Matter this 15th day of September, 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 Plaintiffs

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

DONALD W. COX and ROBIN COX,

Plaintiffs,

v.

MARLIN D. DEITCH and VIRGINIA A.
DEITCH,

Defendants.

CERTIFICATE OF SERVICE

No. 04-942-C.D.

FILED

APR 15 2004

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

A

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

DONALD W. COX and ROBIN COX :

vs. :

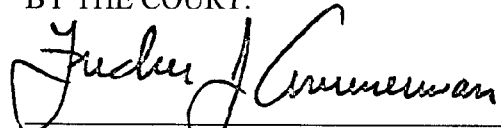
No. 04-942-CD

MARLIN D. DEITCH and VIRGINA :
M. DEITCH :

ORDER

AND NOW, this 20th day of October, 2004, it is the Order of the Court that Plaintiff's Petition for Temporary Injunction Based Upon Allegations of Complaint in the above-captioned matter has been scheduled for **Monday, December 20, 2004 at 2:30 P.M.** in Courtroom No. 1, Clearfield County Courthouse, Clearfield, PA. One (1) hour has been allotted for this matter.

BY THE COURT:



FREDRIC J. AMMERMAN
President Judge

1cc
Attys:
Blakley,
DuBois
OCT 20 2004

CPX

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
04-942-CD	() Jury (x) Non-Jury	
Date Complaint	() Arbitration	<u>1</u> Days
Filed: 7/19/2004		

PLAINTIFF(S)

Donald W Cox and Robin Cox

DEFENDANT(S)

Marlin D. Deitch and Virginia A. Deitch

ADDITIONAL DEFENDANT(S)

Check Block if
a Minor is a
Party to the
Case

JURY DEMAND FILED BY:

N/A

DATE JURY DEMAND FILED:

AMOUNT AT ISSUE

CONSOLIDATION

DATE CONSOLIDATION ORDERED

more than
\$ N/A

() yes () no

FILED
DEC 09 2004

013056
William A. Shaw
Prothonotary/Clerk of Courts
copy to CA

PLEASE PLACE THE ABOVE CAPTIONED CASE ON THE TRIAL LIST. 2 copies to BAC
I certify that all discovery in the case has been completed; Pub
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

Benjamin S. Blakley, III, Esquire

TELEPHONE NUMBER

(814) 371-2730

FOR THE DEFENDANT

Jeffrey S. DuBois, Esquire

TELEPHONE NUMBER

(814) 375-5598

FOR ADDITIONAL DEFENDANT

TELEPHONE NUMBER

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

1A
DEC 23 2004
Arlys
Bakley
DuBois

DONALD W. COX, AL

:

VS

:

NO. 04-942-CD

MARLIN D. DIETCH, AL

:

William A. Staley
Prothonotary Clerk of Courts

ORDER

NOW, this 20th day of December, 2004, following arguments on the request for preliminary injunction with the parties being in agreement that the Court enter a temporary injunction in order that all parties may continue to have the unobstructed right to use the existing alleyway while the litigation is continuing, it is the Order of this Court as follows:

1. Preliminary injunction is hereby issued against the parties such that they, their designees and invitees may use the subject 16-foot alley in an unobstructed manner while the litigation in this case is continuing;

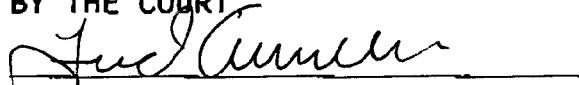
2. The parties are hereby directed to remove any barriers, obstacles or any other forms of interference which may exist on the property and to ensure that the property continues to be unobstructed and subject to use;

3. All parties, their designees and invitees shall at all times attempt to drive any vehicles on the existing path (i.e. the gravel traveled portion) of the alley, unless minor deviation from the same is caused by adverse weather conditions.

4. In regard to service or repair vehicles which may temporarily (no more than 3 hours) block access to the alley for

legitimate business purposes, nothing shall be done by the parties or on their behalf to cause both entrance/exit ways to be blocked at the same time. It is the intent of this Order that all parties involved shall have access in at least one direction at all times.

BY THE COURT



President Judge

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

DONALD W. COX and ROBIN L. COX,	)	NO. 04-942 C.D.
)	
Plaintiffs,	)	Type of Case: CIVIL ACTION
)	
vs.	)	Type of Pleading:
	)	MOTION FOR CONTEMPT
)	
MARLIN D. DEITCH and VIRGINIA A. DEITCH,	)	Filed on Behalf of:
	)	PLAINTIFFS
)	
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
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William A. Shaw
Prothonotary, Clerk of Courts

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

DONALD W. COX and ROBIN L. COX,) NO. 04-942-C.D.
)
Plaintiffs,)
)
vs.)
)
MARLIN D. DEITCH and VIRGINIA A.)
DEITCH,)
)
Defendant.

MOTION FOR CONTEMPT

AND NOW come Plaintiffs, **DONALD W. COX and ROBIN L. COX**, by and through their attorneys, **BLAKLEY & JONES**, and moves this Honorable Court to hold the Defendants, **MARLIN D. DEITCH and VIRGINIA A. DEITCH**, in contempt of this Honorable Court's Order of December 20, 2004, and in support thereof, the following is averred

1. The Plaintiffs, by Complaint in Equity, have sought injunctive relief against the Defendants seeking to enjoin the Defendants from interfering, obstructing or otherwise blocking an alleyway located adjacent to the real properties of the parties hereto and located in Sandy Township, Clearfield County, Pennsylvania.

2. By Order dated December 20, 2004, this Honorable Court entered a Consent Order providing for the following:

- a. that a preliminary injunction be issued against the parties permitting the parties to use the subject 16-foot alleyway in an unobstructed manner while litigation in the matter is continuing;
- b. that the parties be directed to remove any barriers, obstacles or other forms of interference which may exist on the property to ensure that the property continues to be unobstructed and subject to use;
- c. that the parties, their designees and invitees shall at all times attempt to drive the vehicles on the existing path (i.e., the gravel traveled portion) of said alley, unless minor deviation from the same is caused by adverse weather conditions; and
- d. that temporary blockage of the said alleyway would be permissible by service vehicles for a periods of no more than three (3) hours.

A copy of said Order of December 20, 2004, is attached hereto and made a part hereof.

3. Within hours after this Honorable Court's entry of the Consent Order in the above matter, Defendants did, in willful disobedience of said Order, erect rigid reflector posts within the aforesaid 16-foot right-of-way and in such proximity to the gravel traveled portion of the alleyway to pose a physical danger to vehicles traveling upon the said gravel traveled portion of said alleyway.

4. Additionally, the Defendants have failed to remove the "speed bumps" erected by the Defendants in said alleyway, thereby interfering with the Plaintiffs' use of said alleyway and exposing the Plaintiffs' vehicles to damage, as the Plaintiffs are required to navigate around the said "speed bumps", thereby placing their vehicles in danger of colliding with the rigid reflector posts erected by the Defendants immediately subsequent to the entry of this Honorable Court's Order of December 20, 2004.

5. The actions of the Defendants are in willful disobedience of this Honorable Court's Order of December 20, 2004, and constitute contempt of this Honorable Court's Order of December 20, 2004.

6. Plaintiffs believe, and therefore aver, that this Honorable Court must enter sanctions against the Defendants in order to vindicate its authority and to force the Defendants to comply with the dictates of this Honorable Court's Order of December 20, 2004.

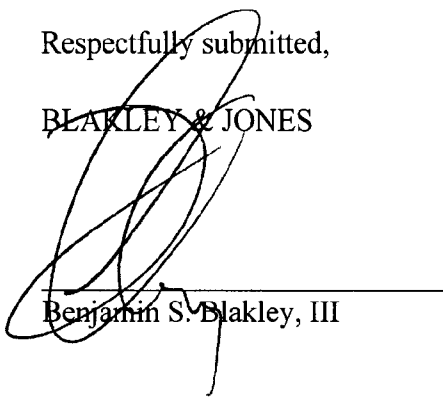
WHEREFORE, Plaintiffs request that this Honorable Court grant its Motion for Contempt and order the following:

- a. that the Defendants be found in willful disobedience of this Honorable Court's Order of December 20, 2004;
- b. that the Defendants be ordered to immediately remove all reflector posts or other obstructions to the use of said 16-foot alleyway which is the subject of Plaintiffs' Complaint in Equity and further to remove all "speed bumps" erected by the Defendants upon said alleyway;

- c. that the Defendants be ordered to, in no manner, erect, construct or otherwise place any forms of interference on or near the alleyway or traveled portion of said alleyway;
- d. that the Defendants be ordered to pay a civil fine in the amount of \$1,000.00;
- e. that the Defendants be ordered to reimburse the Plaintiffs for their attorney's fees incurred in the bringing of this Motion in the amount of \$750.00;
- f. award such other relief as this Honorable Court may deem appropriate and just.

Respectfully submitted,

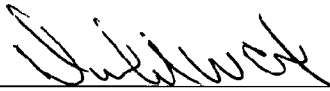
BLAKLEY & JONES



Benjamin S. Blakley, III

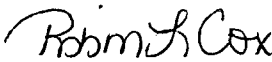
VERIFICATION

We, **DONALD W. COX and ROBIN L. COX**, hereby state that we are the Plaintiffs in this action and verify that the statements made in the foregoing Motion for Contempt are true and correct to the best of our knowledge, information, and belief. We understand that the statements therein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.



DONALD W. COX

Dated: 12-30-04



ROBIN L. COX

Dated: 12/30/04

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

DONALD W. COX, AL :
VS : NO. 04-942-CD
MARLIN D. DIETCH, AL :

O R D E R

NOW, this 20th day of December, 2004, following arguments on the request for preliminary injunction with the parties being in agreement that the Court enter a temporary injunction in order that all parties may continue to have the unobstructed right to use the existing alleyway while the litigation is continuing, it is the Order of this Court as follows:

1. Preliminary injunction is hereby issued against the parties such that they, their designees and invitees may use the subject 16-foot alley in an unobstructed manner while the litigation in this case is continuing;

2. The parties are hereby directed to remove any barriers, obstacles or any other forms of interference which may exist on the property and to ensure that the property continues to be unobstructed and subject to use;

3. All parties, their designees and invitees shall at all times attempt to drive any vehicles on the existing path (i.e. the gravel traveled portion) of the alley, unless minor deviation from the same is caused by adverse weather conditions.

4. In regard to service or repair vehicles which may temporarily (no more than 3 hours) block access to the alley for

legitimate business purposes, nothing shall be done by the parties or on their behalf to cause both entrance/exit ways to be blocked at the same time. It is the intent of this Order that all parties involved shall have access in at least one direction at all times.

BY THE COURT,
/s/ Fredric J. Ammerman

President Judge

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

DEC 23 2004

Attest:

[Signature]
Clerk of Courts

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

DONALD W. COX and ROBIN L. COX,

Plaintiffs,

v.

MARLIN D. DEITCH and VIRGINIA A.
DEITCH,

Defendants.

MOTION FOR CONTEMPT

No. 04-942-C.D.

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

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

DONALD W. COX and ROBIN COX,	)	NO. 04-942 C.D.
)	
Plaintiffs,	)	Type of Case: CIVIL ACTION
)	
vs.	)	Type of Pleading:
	)	CERTIFICATE OF SERVICE
)	
MARLIN D. DEITCH and VIRGINIA A. DEITCH,	)	Filed on Behalf of:
	)	PLAINTIFFS
)	
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

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JAN 04 2005
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Amy Blakley

William H. Jones
Prothonotary/Clerk of Courts

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

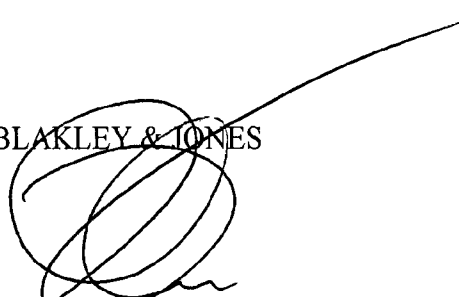
DONALD W. COX and ROBIN COX,) NO. 04-942-C.D.
)
 Plaintiffs,)
)
vs.)
)
MARLIN D. DEITCH and VIRGINIA A.)
DEITCH,)
)
 Defendant.

CERTIFICATE OF SERVICE

I, **BENJAMIN S. BLAKLEY, III**, hereby certify that I have served a true and correct copy of Plaintiffs' Motion for Contempt this 3rd 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

BLAKLEY & JONES



Benjamin S. Blakley, III
Attorney for Plaintiffs

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

DONALD W. COX and ROBIN L. COX,

Plaintiffs,

v.

MARLIN D. DEITCH and VIRGINIA A.
DEITCH,

Defendants.

CERTIFICATE OF SERVICE

No. 04-942-C.D.

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

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

DONALD W. COX and ROBIN	)	NO. 04-942 C.D.
L. COX,)	
	)	Type of Case: CIVIL ACTION
Plaintiffs,)	
	)	Type of Pleading:
vs.	)	RULE TO SHOW CAUSE
)	
MARLIN D. DEITCH and	)	Filed on Behalf of:
VIRGINIA A. DEITCH,	)	PLAINTIFFS
)	
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

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Atty Blakley

William A. Shaw
Prothonotary Clerk of Courts

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

DONALD W. COX and ROBIN L.) NO. 04-942-C.D.
COX,)

Plaintiffs,)

vs.)

MARLIN D. DEITCH and VIRGINIA)
A. DEITCH,)

Defendant.

RULE TO SHOW CAUSE

AND NOW, this 5th day of January, 2005, upon consideration of the
Plaintiffs' Motion for Contempt, it is the ORDER of this Court that a Rule be issued upon
Defendants, **MARLIN D. DEITCH and VIRGINIA A. DEITCH**, to show cause why the
prayer in said Motion should not be granted.

Rule Returnable and Hearing thereon to be held the 13 day of
January, 2005, at 9:00 o'clock A M. in Courtroom No. 2 of the Clearfield
County Courthouse, Clearfield, Pennsylvania 16830.

BY THE COURT:

Paul E Cherry

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

DONALD W. COX and ROBIN L. COX,

Plaintiffs,

v.

MARLIN D. DEITCH and VIRGINIA A.
DEITCH,

Defendants.

RULE TO SHOW CAUSE

No. 04-942-C.D.

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

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

DONALD W. COX and ROBIN	)	NO. 04-942 C.D.
COX,)	
	)	Type of Case: CIVIL ACTION
Plaintiffs,)	
	)	Type of Pleading:
vs.	)	CERTIFICATE OF SERVICE
)	
MARLIN D. DEITCH and	)	Filed on Behalf of:
VIRGINIA A. DEITCH,	)	PLAINTIFFS
)	
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

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Atty Blakley
William A. Shaw
Prothonotary Clerk of Courts

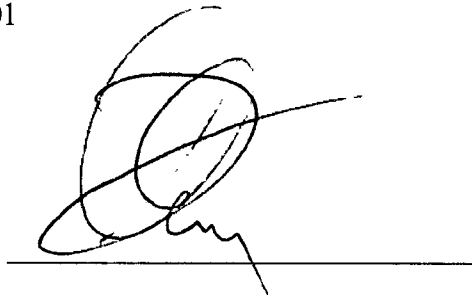
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

DONALD W. COX and ROBIN COX,) NO. 04-942-C.D.
)
 Plaintiffs,)
)
vs.)
)
MARLIN D. DEITCH and VIRGINIA A.)
DEITCH,)
)
 Defendant.

CERTIFICATE OF SERVICE

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

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

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

CR

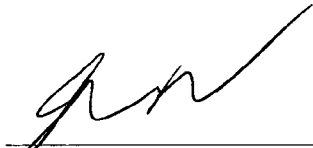
IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

DONALD W. COX and ROBIN L. COX,	:	No. 04-942-CD
Plaintiffs	:	
	:	
Vs.	:	
	:	
MARLIN D. DEITCH and VIRGINIA A.	:	
DEITCH,	:	
Defendants	:	

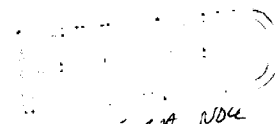
CERTIFICATE OF SERVICE

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

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



Jeffrey S. DuBois


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William A. Shaw
Prothonotary

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

DONALD W. COX and ROBIN L. COX,	:	No. 04-942-CD
Plaintiffs	:	
	:	Type of Pleading:
Vs.	:	
	:	DEFENDANTS RESPONSE TO
MARLIN D. DEITCH and VIRGINIA A.	:	PLAINTIFF'S MOTION FOR
DEITCH,	:	CONTEMPT
Defendants	:	
	:	Filed on Behalf of:
	:	DEFENDANTS
	:	
	:	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

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JAN 11 2005
Atty DuBois
Prothonotary, Clearfield County

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

DONALD W. COX and ROBIN L. COX,	:	No. 04-942-CD
Plaintiffs	:	
	:	
Vs.	:	
	:	
MARLIN D. DEITCH and VIRGINIA A.	:	
DEITCH,	:	
Defendants	:	

DEFENDANTS RESPONSE TO PLAINTIFF'S
MOTION FOR CONTEMPT

AND NOW, comes the Defendants, MARLIN D. DEITCH and VIRGINIA A. DEITCH, by and through their attorney, Jeffrey S. DuBois, Esquire, who files this Response to Plaintiffs Motion for Contempt, and in support thereof avers the following:

1. Admitted.
2. Admitted.
3. Denied. It is denied that Defendants did anything in violation of the December 20, 2004, Order of Court, and on the contrary after Defendants returned home from the Hearing before this Honorable Court, it was evident that Plaintiff's had driven in the grass, in violation of the Court's Order, and directly affected the property outside of the gravel alleyway. Therefore, Defendants placed posts in the grassy area, and not in any way, shape, or form in the gravel area, so as to prevent any vehicles from traveling in the grassy area. This is in conformance with the Order of Court, as Paragraph "C" of said Order of Court clearly states that the vehicles will travel on the existing gravel traveled

portion. Consequently, it is Plaintiffs who are in violation of the Court Order, and not Defendants.

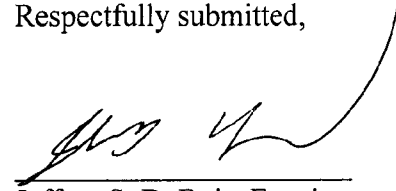
4. Denied. There are not "speed bumps" in said alley way. Further, there is absolutely nothing interfering Plaintiffs use of said alley way, particularly in light of the fact that this Complaint was filed in July of 2004, and we are now obviously in January 2005, six (6) months later, and Plaintiffs along with every other vehicle, has had free and uninterrupted access to and from the alley way during this six (6) month period. Therefore, Plaintiffs have in no way been interfered with in their access to and from their property.

5. Denied. As set forth herein, it is Plaintiffs who are in violation of the Court Order and not Defendants.

6. Denied. As set forth herein, in light of the fact Plaintiffs have violated this Court Order, and continue to file Pleadings with this Honorable Court when there is nothing preventing access to and from the property, it is Plaintiff's who should suffer sanctions in this particular case.

WHEREFORE, Defendants respectfully request this Honorable Court to dismiss Plaintiffs Motion in its entirety and to award costs and attorneys fees in the amount of Seven Hundred Fifty and 00/100 (\$750.00) Dollars incurred in responding to this Motion.

Respectfully submitted,



Jeffrey S. DuBois, Esquire
Attorney for Defendants


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

DONALD W. COX and ROBIN L. COX,	:	No. 04-942-CD
Plaintiffs	:	
	:	
Vs.	:	
	:	
MARLIN D. DEITCH and VIRGINIA A.	:	
DEITCH,	:	
Defendants	:	

CERTIFICATE OF SERVICE

I do hereby certify that on the 12th day of January, 2005, I served a true and correct copy of the within Defendants Response to Plaintiffs Petition for Preliminary Injunction by first class mail, postage prepaid, on the following:

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

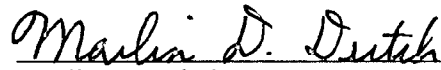


Jeffrey S. DuBois

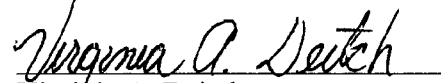
VERIFICATION

We, MARLIN D. DEITCH and VIRGINIA A. DEITCH, verify that the statements in the foregoing Response to Plaintiffs Petition for Preliminary Injunction 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.



Marlin D. Deitch



Virginia A. Deitch



EXHIBIT "A"

CP

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

DONALD W. COX and
ROBIN COX
V.

: NO. 04-942-CD

:
:
:
:
:
:


MARLIN D. DEITCH and
VIRGINIA A. DEITCH

ORDER

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

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

BY THE COURT,


PAUL E. CHERRY,
JUDGE

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PRO...

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

JACQUELINE SCHOCH,
Plaintiff

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

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

Type of Pleading:

**MOTION TO CONSOLIDATE
CASES**

Filed on Behalf of:
ALL PARTIES

Counsel of Record for These Parties:

Jeffrey S. DuBois, Esquire
Supreme Court No. 62074
190 West Park Avenue, Suite #5
DuBois, PA 15801
(814) 375-5598

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,	:	No. 04-645-CD & 04-942-CD
Plaintiff	:	
	:	
Vs.	:	
	:	
DONALD W. COX and ROBIN	:	
COX,	:	
Defendants	:	
	:	
and	:	
	:	
DONALD W. COX and ROBIN L. COX,	:	
Plaintiffs	:	
	:	
Vs.	:	
	:	
MARLIN D. DEITCH and VIRGINIA A.	:	
DEITCH,	:	
Defendants	:	

MOTION TO CONSOLIDATE CASES

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

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

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

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

Respectfully submitted,

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

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

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

JACQUELINE SCHOCH,
Plaintiff

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

Vs.

DONALD W. COX and ROBIN
COX,
Defendants

and

DONALD W. COX and ROBIN L. COX,
Plaintiffs

Vs.

MARLIN D. DEITCH and VIRGINIA A.
DEITCH,
Defendants

ORDER

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

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

BY THE COURT:

/s/ Paul E. Cherry

PAUL E. CHERRY
JUDGE

3cc
03/15/05
FEB 01 2005
Atty DuBois
orig. to
William A. Shaw
Prothonotary Clerk of Courts
04-645-CD

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
ROBIN L. COX

NO. 04-942-CD

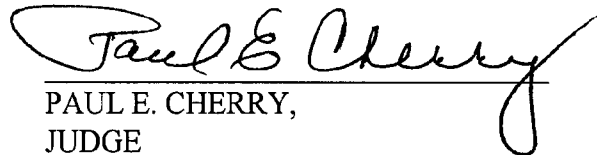
V.

MARLIN D. DEITCH and
VIRGINIA A. DEITCH

ORDER

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

BY THE COURT,


PAUL E. CHERRY,
JUDGE

①
ice
04/00811 Any: 10
Barley
DuBois

Orig. to 04-645-CD

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

DONALD W. COX and ROBIN COX :
VS. : NO. 04-942-CD
MARLIN D. DEITCH and :
VIRGINIA A. DEITCH :

O R D E R

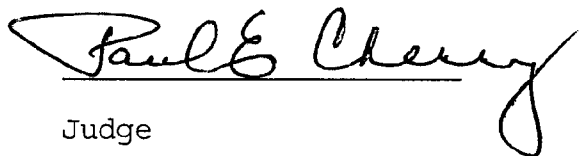
NOW, this 23rd day of March, 2005, this being the date set for nonjury trial; the parties, having reached a resolution of the same, do hereby stipulate and agree to the entry of the following Order:

1. Plaintiffs and Defendants agree that all 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 thereon.

2. The Defendants shall immediately remove all stakes and reflectors located on both sides of the cartway.

3. The parties agree that the existing potholes shall be repaired at the first available opportunity.

BY THE COURT,


Judge

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Prothonotary
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DUBOIS