

04-1381-CD  
JAMES F. KISTLER, JR. Etal. vs. CLARK GOSS, etal.

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

JAMES E. KISTLER, JR. and  
ROBERTA KISTLER, his wife,  
Plaintiffs

vs.

CLARK GOSS and  
ROZELLA GOSS, his wife;  
and their heirs,  
executors, administrators,  
successors, trustees and  
assigns, known or unknown,  
and any other person who may  
claim title or an interest in  
the property subject to this  
action,  
Defendants

No.: 2004-1381 -CD

QUIET TITLE ACTION

**FILED**

0 1:58 BA ICC atty.

SEP 09 2004

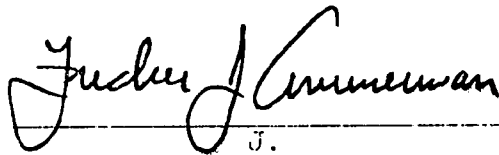
William A. Shaw  
Prothonotary

**ORDER DIRECTING COMPLAINT TO BE SERVED**  
**BY ADVERTISEMENT ON DEFENDANTS**

NOW, this 8 day of September, 2004, the  
within Action being an Action to Quiet Title and the  
Plaintiffs having made Affidavit that the addresses of  
Defendants are unknown and cannot be ascertained, and  
therefore upon Motion of Girard Kasubick, Esq., Attorney  
for Plaintiffs, it is Ordered and Decreed that substitute  
service by publication be made upon the Defendants whose  
addresses are unknown, or may be deceased, by giving  
notice in the Progress, a newspaper of general circulation  
published in the Clearfield County area and in the  
Clearfield County Legal Journal, to the above named  
Defendants whose addresses are unknown, or may be

deceased; such publication to be one (1) time only stating that this action has been filed, and that this Complaint must be pleaded to within twenty (20) days after publication of notice; otherwise judgment will be taken against all of the Defendants by default.

BY THE COURT,

  
J.

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

JAMES E. KISTLER, JR. and  
ROBERTA KISTLER, his wife,  
Plaintiffs

vs.

CLARK GOSS and  
ROZELLA GOSS, his wife;  
and their heirs, executors,  
administrators, successors  
trustees and assigns, known  
or unknown, and any other  
person who may claim title  
or an interest in the  
property subject to this  
action,

Defendants

:  
: No.: 2004-1381-CD  
: Type of Case: Quiet  
: Title Action  
: Type of Pleading:  
: Complaint  
: Filed on behalf of:  
: Plaintiffs  
: Counsel of Record For  
: This Party:  
: Girard Kasubick, Esq.  
: Supreme Court #30109  
: LEHMAN & KASUBICK  
: 611 Brisbin Street  
: Houtzdale, PA 16651  
:  
:

FILED <sup>No cc</sup>  
\$011:26661 Any pd.  
SEP 07 2004 0 95.00

William A. Shaw  
Prothonotary/Clerk of Courts

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

JAMES E. KISTLER, JR. and	:	
ROBERTA KISTLER, his wife,	:	
Plaintiffs	:	
	:	No.: 2004- -CD
vs.	:	
	:	QUIET TITLE ACTION
CLARK GOSS and	:	
ROZELLA GOSS, his wife;	:	
and their heirs,	:	
executors, administrators,	:	
successors, trustees and	:	
assigns, known or unknown,	:	
and any other person who may	:	
claim title or an interest in	:	
the property subject to this	:	
action,	:	
Defendants	:	

**NOTICE**

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

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

David Meholick  
Court Administrator's Office  
Clearfield County Court House  
Clearfield, PA 16830  
(814) 765-2641

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

JAMES E. KISTLER, JR. and	:	
ROBERTA KISTLER, his wife,	:	
Plaintiffs	:	
	:	No.: 2004- -CD
vs.	:	
	:	QUIET TITLE ACTION
CLARK GOSS and	:	
ROZELLA GOSS, his wife;	:	
and their heirs,	:	
executors, administrators,	:	
successors, trustees and	:	
assigns, known or unknown,	:	
and any other person who may	:	
claim title or an interest in	:	
the property subject to this	:	
action,	:	
Defendants	:	

**COMPLAINT**

AND NOW comes, James E. Kistler, Jr. and Roberta Kistler, his wife, by and through their attorney, Girard Kasubick, Esq., and files the following Complaint:

1. The Plaintiffs are James E. Kistler, Jr. and Roberta Kistler, his wife, who reside at 6 Shawnee Road, Bloomsburg, PA 17815.

2. The Defendants, Clark Goss and Rozella Goss, his wife; and their heirs, executors, administrators, successors, trustees and assigns, known or unknown, and any other person who may claim title under them, and who are deceased or their whereabouts are unknown.

3. The real property involved in and subject of this action is all that real property or parcel of land

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

BEGINNING at a corner of Miles Peters lands and Clearfield and Philipsburg Turnpike; thence by lands of said Peters, sixteen (16) perches to a post; thence at right angles of lands of Peter Smeale heirs, twelve and one-half (12½) perches to a post; thence at right angles in direction of the said Clearfield and Philipsburg Turnpike, sixteen (16) perches to a post on said Turnpike; thence by said Clearfield and Philipsburg Turnpike, twelve and one-half (12½) perches to the place of beginning. Containing one and one-fourth (1¼) acres.

The above described property having been surveyed by Lawrence P. Opalisky, R.S. and subdivided into two (2) tracts and shown on plan recorded in Clearfield County Instrument No. 200407830, and attached hereto and marked Exhibit "A" and the two (2) tracts are bounded and described as follows:

**Lot No. 1:**

BEGINNING at an iron pin on the northerly side of SR 0869 and being the southwest corner of the property herein and the southeasterly corner of property now or formerly of Susan L. Beals and Mahlon B. Seals, III; thence along SR 0869 South 43° 17' 16" East, 101.95 feet to a point; thence along Lot No. 2 of the subdivision plan North 46° 57' 31" East, 180.00 feet to a point; thence continuing along Lot No. 2 South 43° 17' 16" East 100.00 feet to point and property now or formerly of Dana M. Fahr; thence along said property of Dana M. Fahr North 46° 57' 31" East, 94.57 feet to an iron pin; thence along property now or formerly of Robert Ritchey and Darrel Lynn Mills, et. ux. North 42° 18' 07" West, 194.47 feet to an iron pin; thence along property now or formerly Susan L. Beals and Mahlon B. Seals, III South 48° 30' 10" West, 278.05 feet to iron pin and place of beginning. Containing 0.843 acres.

**Lot No. 2:**

BEGINNING at an iron pin which is on the northerly side of SR 0869 and being the southeast corner of the property herein and the southwesterly corner of property now or formerly of Dana M. Fahr; thence along SR 0869 North 43° 17' 16" West, 100.00 feet to a point; thence along Lot No. 1 of the subdivision plan North 46° 57' 31" East, 180.00



feet to a point; thence continuing along Lot No. 1 South 43° 17' 16" East, 100.00 feet to point and property now or formerly of Dana M. Fahr; thence along property now or formerly of Dana M. Fahr South 46° 57' 31" West, 180.00 feet to iron pin and place of beginning. Containing 0.413 acres.

The above property currently known by Clearfield County Tax Map No. 105-011-582-1. The above property herein after referred to as "Premises".

4. The deeds and method by which James E. Kistler, Jr. and Roberta Kistler, his wife, obtained title to the real property described in Paragraph 3 above of this Complaint is as follows:

a). The Premises was conveyed to James E. Kistler, Jr. and Roberta Kistler by deed from Ellis R. Narehood and Rozella B. Narehood, his wife, dated August 28, 1967 and recorded in Clearfield County Deed Book 532, Page 166. The property subject of this action was the Second Thereof tract described in said deed.

b). The Premises was conveyed to Rozella Narehood by deed from Ellis R. Narehood and Rozella Narehood, his wife, dated May 12, 1960 and recorded in Clearfield County deed book 482, Page 529. The said Rozella Narehood is averred to also be known as Rozella B. Narehood.

c). The Premises was conveyed to Ellis R. Narehood and Rozella Narehood, his wife, by deed from Wayne C. Goss and Lillian Goss, his wife; Rozella Narehood and Ellis Narehood, her husband; Mary Ellen Goss, single;

Aredreine C. Hoover and Ted R. Hoover, her husband; Donald Wayne Moyer and Esther I. Moyer, his wife; Leroy Moyer and Rosie A. Moyer, his wife; and Robert Paul Moyer, single, dated September 20, 1958 and recorded in Clearfield County Deed 471, Page 69.

d). The deed in Deed Book 471, Page 69 states the Grantors are all the children of Rozella Goss who died December 3, 1945.

e). The deed in Deed Book 471, Page 69 states Rozella Goss succeeded to title by right of survivorship when her husband Clark Goss died on November 30, 1938.

f). The Premises was conveyed to Clark Goss and Rozella Goss, his wife, or the survivor, by deed from Bertha Goss, widow, dated May 9, 1936 and recorded in Clearfield County Deed Book 312, Page 416. The Premises is The First Thereof of tract described in said deed.

g). The Premises was conveyed to Bertha Goss by deed from Clark Goss and Rozella Goss, his wife, dated May 9, 1936 and recorded in Clearfield County Deed Book 312, Page 414. The Premises is The First Thereof tract described in said deed.

h). The Premises was conveyed to Clark Goss by deed from W.L. Goss dated April 22, 1912 and recorded in Clearfield County Deed Book 192, Page 126.

i). After diligent search of the records of estate indexes in Clearfield County Register of Wills

office, no estates could be found on Clark Goss or Rozella Goss proving their deaths or who their heirs of Clark Goss and Rozella Goss were.

5. The Plaintiffs and their predecessors in title have been in open, continuous, notorious, actual, exclusive, visible, distinct and hostile possession of the premises described in Paragraph 3 of this Complaint in excess of twenty-one (21) years immediately preceding the filing of this Action, and thereby claim title by adverse possession.

6. This Quiet Title Action is also necessary to establish a proper chain of title out of which the Premises subject of this action comes, because of irregularities in the chain of title, including no proof of deaths or estates proving heirs, raising questions whether proper parties have signed deeds in the chain of title, all of which raise a question as to the chain of title to the property and create a cloud on title.

7. It is finally averred that this Quiet Title Action is necessary to determine the validity or discharge of any document, obligation, assessment or deed affecting any right, title and interest in the property subject of this action, which may affect the rights of the Defendants and their heirs.

8. All of the named Defendants to this Action are deceased or their whereabouts are unknown and Plaintiffs

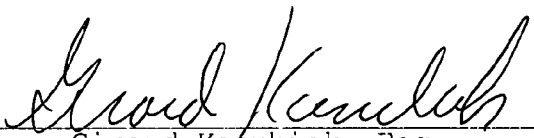
have made a diligent and reasonable search to locate the whereabouts of the Defendants, Clark Goss and Rozella Goss, but they are deceased or their whereabouts are unknown.

WHEREFORE, Plaintiffs bring this action and respectfully requests the Court to decree as follows:

a). That the Plaintiffs, their heirs, executors, personal representatives and assigns are seized of an indefeasible title to the property situated in Boggs Township, Clearfield County, Pennsylvania, described herein and that an Order and Decree be entered adjudicating that each of the Defendants and any of their heirs, successors, trustees, personal representatives, or assigns be forever barred from asserting any right, title, lien or interest in the within described parcel of land.

b). That such other relief be granted as may be necessary in establishing Plaintiffs' title, including determinations on the validity or discharge of any documents, obligations or deeds affecting right, title and interest in the property described herein.

c). Such other and further relief as the Court deems proper.

  
Girard Kasubick, Esq.  
Attorney for Plaintiffs

VERIFICATION

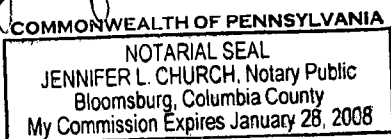
We, the undersigned, verify that the statements made in the foregoing Complaint are true and correct. We understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. 4904 relating to unsworn falsification to authorities.

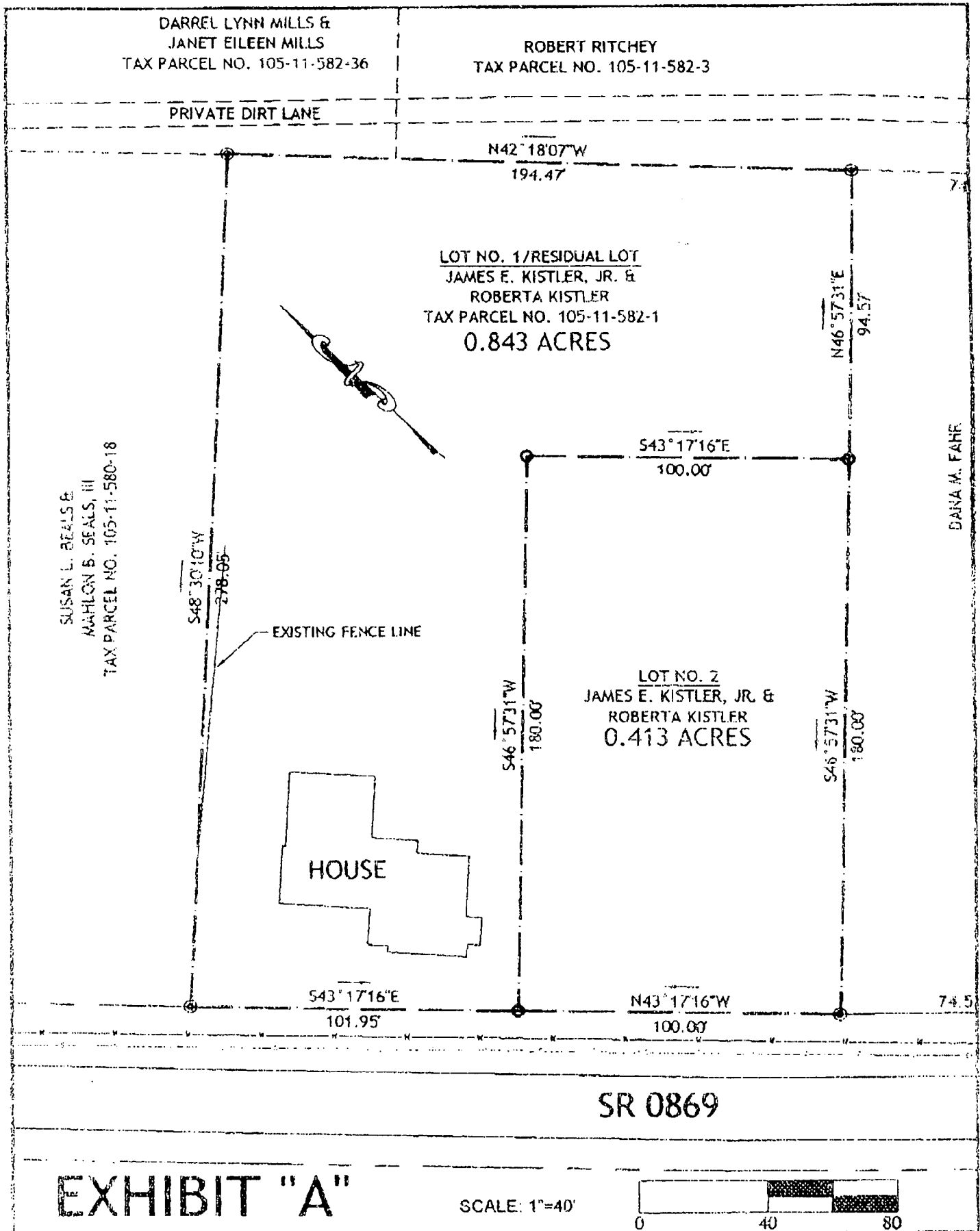
James E. Kistler  
James E. Kistler

Roberta Kistler  
Roberta Kistler

Sworn to and subscribed before me  
this 30<sup>th</sup> day of Aug 2004.

Jennifer L. Church, N.P.





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

JAMES E. KISTLER, JR. and  
ROBERTA KISTLER, his wife,  
Plaintiffs

vs.

CLARK GOSS and  
ROZELLA GOSS, his wife;  
and their heirs,  
executors, administrators,  
successors, trustees and  
assigns, known or unknown,  
and any other person who may  
claim title or an interest in  
the property subject to this  
action,

Defendants

No.: 2004- 1381 -CD

QUIET TITLE ACTION

FILED *NRC*  
D11:26804  
SEP 07 2004

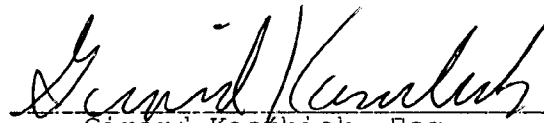
William A. Shaw  
Prothonotary/Clerk of Courts

MOTION FOR SERVICE BY PUBLICATION

1. Your Petitioners are James E. Kistler, Jr. and Roberta Kistler, his wife, Plaintiffs in the above captioned matter.

2. Petitioners, by attached affidavit incorporated herein by reference thereto, believe that the named Defendants are deceased or their whereabouts are unknown.

WHEREFORE, Petitioner, by their attorney, Girard Kasubick, Esq., requests that Your Honorable Court grant an order that certain of the herein named Defendants be served by publication as required by law.

  
Girard Kasubick, Esq.  
Attorney for Plaintiffs

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

JAMES E. KISTLER, JR. and :  
ROBERTA KISTLER, his wife, :  
Plaintiffs :

vs. :

CLARK GOSS and :  
ROZELLA GOSS, his wife; :  
and their heirs, :  
executors, administrators, :  
successors, trustees and :  
assigns, known or unknown, :  
and any other person who may :  
claim title or an interest in :  
the property subject to this :  
action, :

Defendants :

No.: 2004-1381 -CD

QUIET TITLE ACTION

FILED *no cc*  
SEP 07 2004

William A Shaw  
Prothonotary/Clerk of Courts

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA :

S:

COUNTY OF CLEARFIELD :

Before me, the undersigned officer, personally appeared JAMES E. KISTLER, JR. and ROBERTA KISTLER, husband and wife, who being duly sworn according to law, deposes and says that the names of the Defendants, Clark Goss and Rozella Goss, his wife, their heirs, executors, administrators, successors, trustees, assigns and successors, known or unknown, are all deceased or their whereabouts are unknown to the Plaintiffs.



Plaintiffs and their attorney have made an investigation to locate the aforesaid Defendants that are unknown, by checking the records of Clearfield County and by review of the telephone directories in the area, contacting the election office, tax rolls, and voting records, however none of the above were found because they are deceased or their whereabouts are unknown.

James E. Kistler, Jr.  
James E. Kistler, Jr.

Roberta Kistler  
Roberta Kistler

Sworn to and subscribed  
before me this 30<sup>th</sup>  
day of August, 2004.

Jennifer L. Church  
N.P.

COMMONWEALTH OF PENNSYLVANIA  
NOTARIAL SEAL  
JENNIFER L. CHURCH, Notary Public  
Bloomsburg, Columbia County  
My Commission Expires January 28, 2008

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

JAMES E. KISTLER, JR. and	:	
ROBERTA KISTLER, his wife,	:	No.: 2004-1381-CD
Plaintiffs	:	Type of Case: Quiet
	:	Title Action
vs.	:	Type of Pleading:
	:	Affidavit of Service
CLARK GOSS and	:	Filed on behalf of:
ROZELLA GOSS, his wife;	:	Plaintiffs
and their heirs, executors,	:	Counsel of Record For
administrators, successors	:	This Party:
trustees and assigns, known	:	Girard Kasubick, Esq.
or unknown, and any other	:	Supreme Court #30109
person who may claim title	:	LEHMAN & KASUBICK
or an interest in the	:	611 Brishin Street
property subject to this	:	Houtzdale, PA 16651
action,	:	
Defendants	:	

FILED <sup>EBK</sup> <sup>no cc</sup>  
OCT 14 2004  
@ 8:43 PM

William A. Shaw  
Prothonotary/Clerk of Courts

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

JAMES E. KISTLER, JR. and	:	
ROBERTA KISTLER, his wife,	:	
Plaintiffs	:	
	:	No.: 2004-1381-CD
vs.	:	
	:	QUIET TITLE ACTION
CLARK GOSS and	:	
ROZELLA GOSS, his wife;	:	
and their heirs,	:	
executors, administrators,	:	
successors, trustees and	:	
assigns, known or unknown,	:	
and any other person who may	:	
claim title or an interest in	:	
the property subject to this	:	
action,	:	
Defendants	:	

**AFFIDAVIT OF SERVICE**

Before me, William A. Shaw, Prothonotary, personally appeared Girard Kasubick, Esq., who being duly sworn according to law, deposes and says that service was made in this case by publication in the Clearfield Progress one time only on September 15, 2004 and in the Clearfield County Legal Journal one time only for the week of September 17, 2004, as appears by sworn proof hereto attached, and that all the named Defendants who are deceased or their whereabouts are unknown were served by publication and not by any other manner. No appearance having been entered on behalf of any of the Defendants served by publication, nor any answer filed by any of them after service of a Complaint containing a notice to

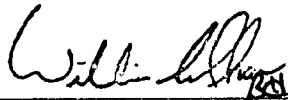
defend. Plaintiffs have caused this Affidavit to be made for the purpose of obtaining a decree or Order of Court under Pa. R.C.P. 1066.

WHEREFORE, this Affidavit of Service made by the manner aforesaid is made for the purpose of obtaining a Decree of Court.



Girard Kasubick, Esq.,  
Attorney for Plaintiffs

Sworn to and subscribed  
before me this 14<sup>th</sup>  
day of October, 2004.



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

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

No.: 2004-1381-CD  
QUIET TITLE ACTION  
JAMES E. KISTLER, JR.  
and ROBERTA KISTLER,  
his wife, Plaintiffs

vs.  
CLARK GOSS and  
ROZELLA GOSS, his wife;  
and their heirs,  
executors, administrators,  
successors, trustees and  
assigns, known or unknown,  
and any other person who may  
claim title or interest  
in the property subject  
to this action, Defendants

**ACTION TO  
QUIET TITLE  
NOTICE**

TO: CLARK GOSS and ROZELLA  
GOSS, his wife, and their heirs,  
executors, administrators, suc-  
cessors, trustees, successors and as-  
signs, known or unknown:

You have been sued in Court. You  
are hereby notified that an Action to  
Quiet Title to that tract or parcel of  
land located in Boggs Township,  
Clearfield County, Pennsylvania,  
has been filed against you. Said  
land is bounded and described as  
follows:

BEGINNING at a corner of Miles  
Peters lands and Clearfield and  
Philpsburg Turnpike; thence by  
lands of said Peters, sixteen (16)  
perches to a post; thence at right  
angle of lands of Peter Smeale  
heirs twelve and one-half (12½)  
perches to a post; thence at right  
angles in direction of the said Clear-  
field and Philpsburg Turnpike, six-  
teen (16) perches to a post on said  
Turnpike; thence by said Clearfield  
and Philpsburg Turnpike, twelve  
and one-half (12½) perches to the  
place of beginning. Containing one  
and one-fourth (1¼) acres.

The above described property  
having been surveyed by Law-  
rence P. Opalisky, R.S. and subdi-  
vided into two (2) tracts and shown  
on plan recorded in Clearfield  
County Instrument No.  
200407830, and attached hereto  
and marked Exhibit "A" and the two  
(2) tracts are bounded and de-  
scribed as follows:

Lot No. 1:

BEGINNING at an iron pin on the  
northerly side of SR 0869 and  
being the southwest corner of the  
property herein and the southeast-  
erly corner of property now or for-  
merly of Susan L. Beals and Mahlon  
B. Seals, III; thence along SR 0869  
South 43° 17' 16" East, 101.95  
feet to a point; thence along Lot No.  
2 of the subdivision plan North 46°  
57' 31" East, 180.00 feet to a  
point; thence continuing along Lot  
No. 2 South 43° 17' 16" East,  
100.00 feet to point and property  
now or formerly of Dana M. Fahr;  
thence along said property of Dana  
M. Fahr, North 46° 57' 31" East,

94.57 feet to an iron pin; thence  
along property now or formerly of  
Robert Ritchey and Darrel Lynn  
Mills, et. ux. North 42° 18' 07"  
West, 194.47 feet to an iron pin;  
thence along property now or for-  
merly of Susan L. Beals and Mahlon  
B. Seals, III, South 48° 30' 10"  
West, 278.05 feet to iron pin and  
place of beginning. Containing  
0.843 acres.

Lot No. 2:

BEGINNING at an iron pin which is  
on the northerly side of SR 0869  
and being the southeast corner of  
the property herein and the south-  
westerly corner of property now or  
formerly of Dana M. Fahr; thence  
along SR 0869 North 43° 17' 16"  
West, 100.00 feet to a point;  
thence along Lot No. 1 of the subdi-  
vision plan North 46° 57' 31"  
East, 180.00 feet to a point;  
thence continuing along Lot No. 1  
South 43° 17' 16" East, 100.00  
feet to point and property now or  
formerly of Dana M. Fahr; thence  
along property now or formerly of  
Dana M. Fahr South 46° 57' 31"  
West, 180.00 feet to iron pin and  
place of beginning. Containing  
0.413 acres.

**PROOF OF PUBLICATION**

STATE OF PENNSYLVANIA :  
COUNTY OF CLEARFIELD : SS:

On this 16th day of September, A.D. 2004,  
before me, the subscriber, a Notary Public in and for said County and  
State, personally appeared Margaret E. Krebs, who being duly sworn  
according to law, deposes and says that she is the President of The  
Progressive Publishing Company, Inc., and Associate Publisher of The  
Progress, a daily newspaper published at Clearfield, in the County of  
Clearfield and State of Pennsylvania, and established April 5, 1913, and  
that the annexed is a true copy of a notice or advertisement published in  
said publication in

the regular issues of September 15, 2004

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

*Margaret E. Krebs*

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

*Cheryl J. Robison*  
Notary Public

Clearfield, Pa.

My Commission Expires  
October 31, 2007

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Cheryl J. Robison, Notary Public  
Clearfield Boro, Clearfield County  
My Commission Expires Oct. 31, 2007

Member, Pennsylvania Association Of Notaries

The above property currently  
known by Clearfield County Tax  
Map No. 105-011-582-1.

You are further notified to appear  
and answer the Complaint in said  
Action within twenty (20) days from  
the date of this publication, other-  
wise judgment will be entered  
against you barring you from all  
claims, rights and interest incorpo-  
rated with the Plaintiffs' claim of title  
asserted forth in the Complaint.

NOTICE

TO: CLARK GOSS and ROZELLA  
GOSS, his wife, and their heirs,  
executors, administrators, succe-  
ssors, trustees and assigns, known  
or unknown.

If you wish to defend, you must  
enter a written appearance person-  
ally or by attorney and file your de-  
fenses or objections in writing with  
the Court. You are warned that if  
you fail to do so, the case may pro-  
ceed without you and a judgment  
may be entered against you without  
further notice for the relief re-  
quested by the Plaintiffs. You may  
lose money or property or other  
rights important to you.

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

Court Administrator's Office  
Clearfield County Courthouse  
Clearfield, PA 16830  
(814) 765-2641  
LEHMAN & KASUBICK  
611 Brisbin Street  
Houtzdale, PA 16831

9:15-10:0


## PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :

:

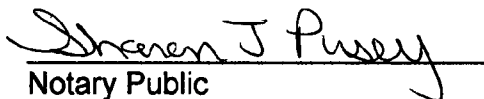
COUNTY OF CLEARFIELD :

On this 17th day of September AD 2004, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Gary A. Knaresboro editor of the Clearfield County Legal Journal of the Courts of Clearfield County, and that the annexed is a true copy of the notice or advertisement published in said publication in the regular issues of Week of September 17, 2004, No. 38. And that all of the allegations of this statement as to the time, place, and character of the publication are true.

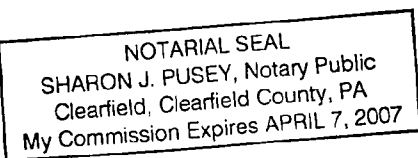


Gary A. Knaresboro, Esquire  
Editor

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



Notary Public  
My Commission Expires



Lehman & Kasubick  
611 Brisbin Street  
Houtzdale PA 16651

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

JAMES E. KISTLER, JR. and  
ROBERTA KISTLER, his wife, Plaintiffs vs.  
CLARK GOSS and ROZELLA GOSS, his  
wife; and their heirs, executors,  
administrators, successors, trustees and  
assigns, known or unknown and any other  
person who may claim title in the property  
subject to this action, Defendants

ACTION TO QUIET TITLE  
No. 04-1381-CD

TO: CLARK GOSS and ROZELLA  
GOSS, his wife; and their heirs, executors,

administrators, successors, trustees  
successors and assigns, known or unknown:

You have been sued in court. You are  
hereby notified that an action to quiet title to  
that tract or parcel of land located in Boggs  
Township, Clearfield County, Pennsylvania,  
has been filed against you. Said premises  
are described as follows:

BEGINNING at a corner of Miles Peters  
lands and Clearfield and Philipsburg  
Turnpike; thence by lands of said Peters,  
sixteen (16) perches to a post; thence at  
right angles of lands of Peter Smeale heirs,  
twelve and one-half (12 1/2) perches to a  
post; thence at right angles in direction of the  
said Clearfield and Philipsburg Turnpike,  
sixteen (16) perches to a post on said  
Turnpike, thence by said Clearfield and  
Philipsburg Turnpike, twelve and one-half  
(12 1/2) perches to the place of beginning.  
Containing one and one-fourth (1 1/4) acres.

The above described property having  
been surveyed by Lawrence P. Opalisky,  
R.S. and subdivided into two (2) tracts and  
shown on plan recorded in Clearfield County  
Instrument No. 200407830, and attached  
hereto and marked Exhibit "A" and two (2)  
tracts are bounded and described as follows:

Lot No. 1: BEGINNING at an iron pin on  
the northerly side of SR 0869 and being the  
southwest corner of the property herein and  
the southeasterly corner of property now or  
formerly of Susan L. Beals and Mahlon B.  
Seals, III; thence along SR 0869 South 43  
degrees 17' 16" East, 101.95 feet to a point;  
thence along Lot No. 2 of the subdivision  
plan North 46 degrees 57' 31" East, 180.00  
feet to a point thence continuing along Lot No.  
2 South 43 degrees 17' 16" East 100.00 feet  
to point and property now or formerly of  
Dana M. Fahr; thence along said property of  
Dana M. Fahr North 46 degrees 57' 31"  
East, 94.57 feet to an iron pin; thence along  
property now or formerly of Robert Ritchey  
and Darrel Lynn Mills, et. Ux. North 42  
degrees 18' 07" West, 194.47 feet to an iron  
pin; thence along property now or formerly  
Susan L. Beals and Mahlon B. Seals, III  
South 48 degrees 30' 10" West, 278.05 feet  
to iron pin and place of beginning.  
Containing 0.843 acres.

Lot No. 2: BEGINNING at an iron pin  
which is on the northerly side of SR 0869  
and being the southeast corner of the  
property herein and the southwesterly corner  
of property now or formerly of Dana M. Fahr;  
thence along SR 0869 North 43 degrees 17'  
16" West 100.00 feet to a point; thence  
along Lot No. 1 of the subdivision plan North  
46 degrees 57' 31" East, 180.00 feet to a  
point; thence continuing along Lot No. 1  
South 43 degrees 17' 16" East, 100.00 feet  
to point and property now or formerly of  
Dana M. Fahr; thence along property now or

formerly of Dana M. Fahr South 46 degrees  
57' 31" West, 180.00 feet to iron pin and  
place of beginning. Containing 0.413 acres.

The above property currently known by  
Clearfield County Tax Map No. 105-011-  
582-1.

You are further notified to appear and  
answer the Complaint in said Action within  
twenty (20) days of this Notice, otherwise  
judgment will be entered against you barring  
you from all claims, rights and interest  
inconsistent with the Plaintiffs' claim of title  
as set forth in the Complaint.

NOTICE -

TO: CLARK GOSS and ROZELLA  
GOSS, his wife; and their heirs, executors,  
administrators, successors, trustees suc-  
cessors and assigns, known or unknown.

If you wish to defend, you must enter a  
written appearance personally or by attorney  
file your defenses or objections in writing  
with the Court. You are warned that if you  
fail to do so, the case may proceed without  
you and a judgment may be entered against  
you without further notice for the relief  
requested by the Plaintiffs. You may lose  
money or property or other rights important  
to you.

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

David S. Meholic, Court Administrator's  
Office, Clearfield County Courthouse, On  
North Second Street, Clearfield, PA 16830  
(814) 765-2641. (ext. 5982).

LEHMAN & KASUBICK, 611 Brisbin  
Street, Houtzdale, PA 16651.

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

JAMES E. KISTLER, JR. and  
ROBERTA KISTLER, his wife,  
Plaintiffs

vs.

CLARK GOSS and  
ROZELLA GOSS, his wife;  
and their heirs, executors,  
administrators, successors  
trustees and assigns, known  
or unknown, and any other  
person who may claim title  
or an interest in the  
property subject to this  
action,

Defendants

:  
: No.: 2004-1381-CD  
: Type of Case: Quiet  
: Title Action  
: Type of Pleading:  
: Order of Court  
: Filed on behalf of:  
: Plaintiffs  
: Counsel of Record For  
: This Party:  
: Girard Kasubick, Esq.  
: Supreme Court #30109  
: LEHMAN & KASUBICK  
: 611 Brisbin Street  
: Houtzdale, PA 16651  
:  
:

FILED

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OCT 18 2004

William A. Shaw  
Prothonotary



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

JAMES E. KISTLER, JR. and	:	
ROBERTA KISTLER, his wife,	:	
Plaintiffs	:	
	:	No.: 2004--1381-CD
vs.	:	
	:	QUIET TITLE ACTION
CLARK GOSS and	:	
ROZELLA GOSS, his wife;	:	
and their heirs,	:	
executors, administrators,	:	
successors, trustees and	:	
assigns, known or unknown,	:	
and any other person who may	:	
claim title or an interest in	:	
the property subject to this	:	
action,	:	
Defendants	:	

ORDER OF COURT

NOW, this 15<sup>th</sup> day of October, 2004, an Affidavit having been made that service was made by publication on unknown Defendants in the Clearfield Progress on September 15, 2004, and in the Clearfield County Legal Journal the week of September 17, 2004, and it appearing that it was impossible to serve any other Defendants by any other means,

IT IS ORDERED AND DECREED that Defendants file suit in ejectment or otherwise enter a proceeding to contest the case within thirty (30) days, or this Order of Court shall become final upon praecipe by Plaintiffs, which

hereby Orders and Decrees that title to the land subject of this action is vested absolutely in the Plaintiffs, their heirs and assigns, free and clear of any and all claims of any nature by any of the named Defendants, their heirs, executors, administrators, trustees, successors and assigns or by anyone claiming by, through or under them or any of them, and that the Plaintiffs are seized of an indefeasible title to that certain piece or parcel of land located in Boggs Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a corner of Miles Peters lands and Clearfield and Philipsburg Turnpike; thence by lands of said Peters, sixteen (16) perches to a post; thence at right angles of lands of Peter Smeale heirs, twelve and one-half ( $12\frac{1}{2}$ ) perches to a post; thence at right angles in direction of the said Clearfield and Philipsburg Turnpike, sixteen (16) perches to a post on said Turnpike; thence by said Clearfield and Philipsburg Turnpike, twelve and one-half ( $12\frac{1}{2}$ ) perches to the place of beginning. Containing one and one-fourth ( $1\frac{1}{4}$ ) acres.

The above described property having been surveyed by Lawrence P. Opalisky, R.S. and subdivided into two (2) tracts and shown on plan recorded in Clearfield County Instrument No. 200407830 and the two (2) tracts are bounded and described as follows:

**Lot No. 1:**

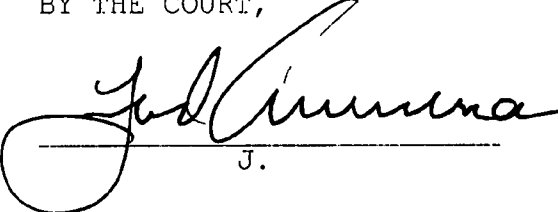
BEGINNING at an iron pin on the northerly side of SR 0869 and being the southwest corner of the property herein and the southeasterly corner of property now or formerly of Susan L. Beals and Mahlon B. Seals, III; thence along SR 0869 South  $43^{\circ} 17' 16''$  East, 101.95 feet to a point; thence along Lot No. 2 of the subdivision plan North  $46^{\circ} 57' 31''$  East, 180.00 feet to a point; thence continuing along Lot No. 2 South  $43^{\circ} 17' 16''$  East 100.00 feet to point and property now or formerly of Dana M. Fahr; thence along said property of Dana M. Fahr North  $46^{\circ} 57' 31''$  East, 94.57 feet to an iron pin; thence along property now or formerly of Robert Ritchey and Darrel Lynn Mills,

et. ux. North 42° 18' 07" West, 194.47 feet to an iron pin; thence along property now or formerly Susan L. Beals and Mahlon B. Seals, III South 48° 30' 10" West, 278.05 feet to iron pin and place of beginning. Containing 0.843 acres.

**Lot No. 2:**

BEGINNING at an iron pin which is on the northerly side of SR 0869 and being the southeast corner of the property herein and the southwesterly corner of property now or formerly of Dana M. Fahr; thence along SR 0869 North 43° 17' 16" West, 100.00 feet to a point; thence along Lot No. 1 of the subdivision plan North 46° 57' 31" East, 180.00 feet to a point; thence continuing along Lot No. 1 South 43° 17' 16" East, 100.00 feet to point and property now or formerly of Dana M. Fahr; thence along property now or formerly of Dana M. Fahr South 46° 57' 31" West, 180.00 feet to iron pin and place of beginning. Containing 0.413 acres.

BY THE COURT,

  
J.

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

JAMES E. KISTLER, JR. and  
ROBERTA KISTLER, his wife,  
Plaintiffs

vs.

CLARK GOSS and  
ROZELLA GOSS, his wife;  
and their heirs, executors,  
administrators, successors  
trustees and assigns, known  
or unknown, and any other  
person who may claim title  
or an interest in the  
property subject to this  
action,  
Defendants

:  
: No.: 2004-1381-CD  
: Type of Case: Quiet  
: Title Action  
: Type of Pleading:  
: Motion for Judgment  
: Filed on behalf of:  
: Plaintiffs  
: Counsel of Record For  
: This Party:  
: Girard Kasubick, Esq.  
: Supreme Court #30109  
: LEHMAN & KASUBICK  
: 611 Brisbin Street  
: Houtzdale, PA 16651  
:  
:

FILED No. cc  
018:4301  
OCT 14 2004  
William A. Shaw  
Prothonotary Clerk of Courts

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


JAMES E. KISTLER, JR. and	:	
ROBERTA KISTLER, his wife,	:	
Plaintiffs	:	
	:	No.: 2004-1381-CD
vs.	:	
	:	QUIET TITLE ACTION
CLARK GOSS and	:	
ROZELLA GOSS, his wife;	:	
and their heirs,	:	
executors, administrators,	:	
successors, trustees and	:	
assigns, known or unknown,	:	
and any other person who may	:	
claim title or an interest in	:	
the property subject to this	:	
action,	:	
Defendants	:	

**MOTION FOR JUDGMENT**

NOW, this 12<sup>th</sup> day of October, 2004, an Affidavit having been executed and presented herewith on behalf of the Plaintiffs showing that the Complaint was served by publication on all of the Defendants, one time only, to wit: September 15, 2004 in the Clearfield Progress and the week of September 17, 2004 in the Clearfield County Legal Journal, and further that all the named Defendants who are deceased or their whereabouts are unknown were not served in any other manner, and no Defendants served by publication having entered an appearance or filed an Answer or having expressed any purpose of intent to be heard or desire to assert title to said property, and twenty (20) days having elapsed since the last

publication, and it appearing that it was impossible to serve any of the Defendants by any other means.

WHEREFORE, Girard Kasubick, Esq., prays Your Honorable Court, as attorney for the Plaintiffs, that judgment be entered in favor of the Plaintiffs and against the Defendants, their heirs and assigns, with direction that they file suit in ejectment or otherwise enter proceedings to contest the case within thirty (30) days, or judgment may be entered against them forever barring them from asserting any title or claim to the real estate in this action.

A handwritten signature in cursive script, reading "Girard Kasubick", written over a horizontal line.

Girard Kasubick, Esq.,  
Attorney for Plaintiffs

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

JAMES E. KISTLER, JR. and  
ROBERTA KISTLER, his wife,  
Plaintiffs

vs.

CLARK GOSS and  
ROZELLA GOSS, his wife;  
and their heirs, executors,  
administrators, successors  
trustees and assigns, known  
or unknown, and any other  
person who may claim title  
or an interest in the  
property subject to this  
action,

Defendants

:  
: No.: 2004-1381-CD  
: Type of Case: Quiet  
: Title Action  
: Type of Pleading:  
: Final Praecipe  
: Filed on behalf of:  
: Plaintiffs  
: Counsel of Record For  
: This Party:  
: Girard Kasubick, Esq.  
: Supreme Court #30109  
: LEHMAN & KASUBICK  
: 611 Brisbin Street  
: Houtzdale, PA 16651  
:  
:

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

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

JAMES E. KISTLER, JR. and  
ROBERTA KISTLER, his wife,  
Plaintiffs

vs.

CLARK GOSS and  
ROZELLA GOSS, his wife;  
and their heirs,  
executors, administrators,  
successors, trustees and  
assigns, known or unknown,  
and any other person who may  
claim title or an interest in  
the property subject to this  
action,

Defendants


No.: 2004-1381-CD

QUIET TITLE ACTION

FINAL PRAECIPE

TO: William A. Shaw, Prothonotary:

Please enter judgment in the above-captioned matter  
in favor of the Plaintiffs.

  
Girard Kasubick, Esq.,  
Attorney for Plaintiffs

Dated: November 17, 2004