

04-1381-CD
JAMES E. 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

801:580A1ccatty

SEP 09 2004

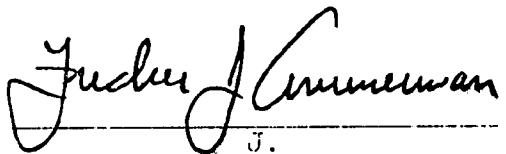
William A. Shaw
Prothonotary

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 NO cc
5/1/2001 Atty pd.
SEP 07 2004 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 :
vs. :
No.: 2004- -CD
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 Meholic
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 (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 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



Roberta Kistler

Sworn to and subscribed before me
this 30th day of Aug 2004.


N.P.

COMMONWEALTH OF PENNSYLVANIA

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

DARREL LYNN MILLS &
JANET EILEEN MILLS
TAX PARCEL NO. 105-11-582-36

ROBERT RITCHIEY
TAX PARCEL NO. 105-11-582-3

PRIVATE DIRT LANE

N42°18'07"W

194.47

LOT NO. 1/RESIDUAL LOT

JAMES E. KISTLER, JR. &

ROBERTA KISTLER

TAX PARCEL NO. 105-11-582-1

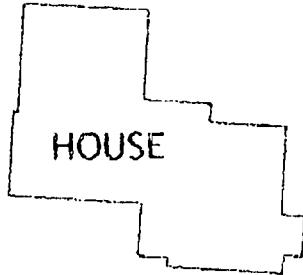
0.843 ACRES

SUSAN L. BEAUS &
MAHLON B. SEALS, III
TAX PARCEL NO. 105-11-580-18

DANA M. FAHN

S48°30'10"W
278.05

EXISTING FENCE LINE



S43°17'16"E

101.95

S46°57'31"W
180.00

LOT NO. 2
JAMES E. KISTLER, JR. &
ROBERTA KISTLER
0.413 ACRES

S46°57'31"W
80.00S43°17'16"E
100.00

N42°18'07"W

194.47

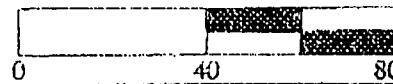
N46°57'31"E
94.57N43°17'16"W
100.00

74.5

SR 0869

EXHIBIT "A"

SCALE: 1"=40'



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 *NGC*
01/26/04
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. : No.: 2004-1381 -CD
: 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 :
: FILED *no cc*
* 01/26/05
SEP 07 2004

William A. Shaw
Prothonotary/Clerk of Courts

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA :
: \$:
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 30th
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, :
Plaintiffs :
vs. :
No.: 2004-1381-CD
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 :
Type of Case: Quiet
Title Action
Type of Pleading:
Affidavit of Service
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
EGK

FILED NO
0184381
OCT 14 2004

William A. Sherrill,
Prothonotary, Court of Common Pleas

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 14th
day of October, 2004.



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

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :

:

COUNTY OF CLEARFIELD :

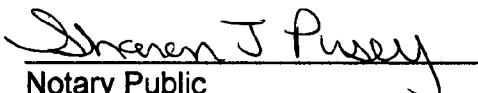
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On this 17th day of September AD 2004, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Gary A. Knaresboro editor of the Clearfield County Legal Journal of the Courts of Clearfield County, and that the 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.

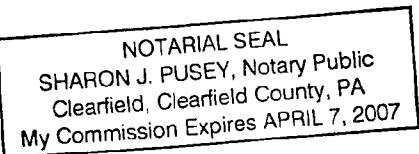


Gary A. Knaresboro, Esquire
Editor

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



Sharon J. Pusey
Notary Public
My Commission Expires



Lehman & Kasubick
611 Brisbin Street
Houtzdale PA 16651

• • • • • • • • • • •

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 Plaintiff's 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 successors 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,
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,

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

08/5/04 rec'd atty
OCT 18 2004

William J. Shaw
Fleming, Shaw

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

JAMES E. KISTLER, JR. and :
ROBERTA KISTLER, his wife, :
Plaintiffs :
vs. : No.: 2004-1381-CD
: 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 15th 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:

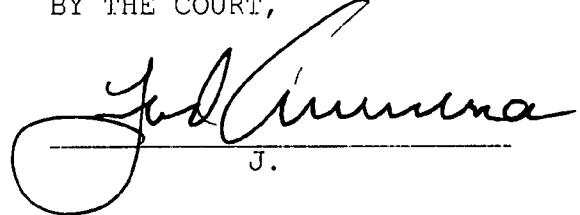
BEGINNING at an iron pin on the northerly side of SR 0869 and being the southwest corner of the property herein and the southeasterly corner of property now or formerly of Susan L. Beals and Mahlon B. Seals, III; thence along SR 0869 South 43° 17' 16" East, 101.95 feet to a point; thence along Lot No. 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 $42^{\circ} 18' 07''$ West, 194.47 feet to an iron pin; thence along property now or formerly Susan L. Beals and Mahlon B. Seals, III South $48^{\circ} 30' 10''$ 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 $43^{\circ} 17' 16''$ West, 100.00 feet to a point; thence along Lot No. 1 of the subdivision plan North $46^{\circ} 57' 31''$ East, 180.00 feet to a point; thence continuing along Lot No. 1 South $43^{\circ} 17' 16''$ 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 $46^{\circ} 57' 31''$ West, 180.00 feet to iron pin and place of beginning. Containing 0.413 acres.

BY THE COURT,



J. C. Cimino

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. : Type of Case: Quiet
CLARK GOSS and : Title Action
ROZELLA GOSS, his wife; : Type of Pleading:
and their heirs, executors, : Motion for Judgment
administrators, successors : Filed on behalf of:
trustees and assigns, known : Plaintiffs
or unknown, and any other : Counsel of Record For
person who may claim title : This Party:
or an interest in the : Girard Kasubick, Esq.
property subject to this : Supreme Court #30109
action, : LEHMAN & KASUBICK
Defendants : 611 Brisbin Street
: Houtzdale, PA 16651
: :

FILED No cc
0184381
OCT 14 2004
W. A. Shaw
Clearfield County 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 12th 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.



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

④
FILED NO
01-03-04
NOV 17 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 :
vs. : No.: 2004-1381-CD
: 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 :

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