

04-1539-CD
EUGENE F. ROBERTSON VS. LORETTA SHURELL, ETAL.

LEHMAN & KASUBICK
611 BRISHIN STREET
HOUTZDALE, PA 16651
(814) 378-7840

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

EUGENE F. ROBERTSON,
Plaintiff

vs.

LORETTA SHURELL;

BETTY BUSHAY;

FRANK O'NEILL and
MARIE O'NEILL, his wife;

MADELINE SHURELL;

ANNIE SHURELL;

CHARLES SHURELL;

LENA PETRUSKY;

ANDREW PETRUSKY and FRANCES
PETRUSKY, his wife;

ELLEN PETRUSKY;

ROMAN PETRUSKY and MARGARET
PETRUSKY, his wife;

ANTHONY PRIZMONTE and MARY J.
PRIZMONTE, his wife;

STANLEY BRUNO and ELIZABETH
J. BRUNO, his wife;

GIORE BENEVENTO and DOROTHY
J. BENEVENTO, his wife;

JOSEPH PETRUSKY and ELIZABETH
PETRUSKY, his wife;

and their heirs, executors,
administrators, successors
trustees and assigns, known
or unknown, and any other

:
: No.: 2004-1539-CD
: Type of Case:
: Quiet Title Action
: Type of Pleading:
: Complaint
: Filed on behalf of:
: Plaintiff
: Counsel of Record For
: This Party:
: Girard Kasubick, Esq.
: Supreme Court #30109
: 611 Brishin Street
: Houtzdale, PA 16651

*Original
to CA*

FILED ^{NO CC}

OCT 04 2004

William A. Shaw
Prothonotary/Clerk of Courts

95.00

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

EUGENE F. ROBERTSON,
Plaintiff

vs.

LORETTA SHURELL;

BETTY BUSHAY;

FRANK O'NEILL and
MARIE O'NEILL, his wife;

MADELINE SHURELL;

ANNIE SHURELL;

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LENA PETRUSKY;

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PETRUSKY, his wife;

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ROMAN PETRUSKY and MARGARET
PETRUSKY, his wife;

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PRIZMONTE, his wife;

STANLEY BRUNO and ELIZABETH
J. BRUNO, his wife;

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PETRUSKY, his wife;

and their heirs, executors,
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: Type of Case:
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: Girard Kasubick, Esq.
: Supreme Court #30199
: 611 Brishin Street
: Houtzdale, PA 16651

FILED ^{NO CC}
OCT 04 2004
William A. Shaw
Prothonotary/Clerk of Courts

person who may claim title :
or an interest in the :
property subject to this :
action, :
Defendants :

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

EUGENE F. ROBERTSON,	:	
Plaintiff	:	No.: 2004- -CD
	:	
vs.	:	QUIET TITLE ACTION
	:	
LORETTA SHURELL; BETTY	:	
BUSHAY; FRANK O'NEILL and	:	
MARIE O'NEILL, his wife;	:	
MADELINE SHURELL; ANNJE	:	
SHURELL; CHARLES SHURELL;	:	
LENA PETRUSKY; ANDREW	:	
PETRUSKY and FRANCES	:	
PETRUSKY, his wife; ELLEN	:	
PETRUSKY; ROMAN PETRUSKY and	:	
MARGARET PETRUSKY, his wife;	:	
ANTHONY PRIZMONTE and MARY J.	:	
PRIZMONTE, his wife; STANLEY	:	
BRUNO and ELIZABETH J. BRUNO,	:	
his wife; FIORE BENEVENTO and	:	
DOROTHY J. BENEVENTO, his	:	
wife; JOSEPH PETRUSKY and	:	
ELIZABETH PETRUSKY, 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 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 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

EUGENE F. ROBERTSON,	:	
Plaintiff	:	No.: 2004- -CD
	:	
vs.	:	QUIET TITLE ACTION
	:	
LORETTA SHURELL; BETTY✓	:	
BUSHAY; FRANK O'NEILL✓ and	:	
MARIE O'NEILL, his wife;	:	
MADELINE SHURELL; ANNIE	:	
SHURELL; CHARLES SHURELL;	:	
LENA PETRUSKY; ANDREW✓	:	
PETRUSKY and FRANCES✓	:	
PETRUSKY, his wife; ELLEN✓	:	
PETRUSKY; ROMAN PETRUSKY✓ and	:	
MARGARET PETRUSKY, his wife;	:	
ANTHONY PRIZMONTE and MARY J.✓	:	
PRIZMONTE, his wife; STANLEY✓	:	
BRUNO and ELIZABETH J. BRUNO,	:	
his wife; FIORE BENEVENTO and	:	
DOROTHY J. BENEVENTO, his	:	
wife; JOSEPH PETRUSKY✓ and	:	
ELIZABETH PETRUSKY, 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, Eugene F. Robertson, by and through his attorney, Girard Kasubick, Esq., and files the following Complaint:

1. The Plaintiff is Eugene F. Robertson, who resides at 732 Rankin Road, Houtzdale, PA 16651.

2. The Defendants, Loretta Shurell; Betty Bushay; Frank O'Neill and Marie O'Neill, his wife; Madeline Shurell; Annie Shurell; Charles Shurell; Lena Petrusky; Andrew Petrusky and Frances Petrusky, his wife; Ellen Petrusky; Roman Petrusky and Margaret Petrusky, his wife; Anthony Prizmonte and Mary J. Prizmonte, his wife; Stanley Bruno and Elizabeth J. Bruno, his wife; Fiore Benevento and Dorothy J. Benevento, his wife; Joseph Petrusky and Elizabeth Petrusky, 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 Woodward Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at an iron pipe on the Southwest right-of-way of Township Road No. T-959 at the Northern corner of a 1.1560 acre parcel of land now or formerly of Eugene F. Robertson and Beth A. Robertson; thence by said lands now or formerly of Eugene F. Robertson and Beth A. Robertson South 5 degrees 53 minutes West 173.0 feet to an iron pipe in a line of trees on line of lands now or formerly of Ellen Petrusky; thence by said lands now or formerly of Ellen Petrusky North 59 degrees 10 minutes East 108.19 feet to an iron pipe on the Southwest right-of-way of Township Road No. T-959; thence by Township Road No. T-959 North 32 degrees 48 minutes West 138.76 feet to an iron pipe, the place of beginning. Containing 0.1722 acres.

The above property currently known by Clearfield County Tax Map No. 130-M14-134. The above property herein after referred to as "Premises".

4. The deeds and method by which Eugene F. Robertson obtained title to the real property described in Paragraph 3 above of this Complaint is as follows:

a). The Premises was conveyed to Eugene F. Robertson by deed from Beth A. Robertson, dated May 16, 1995 and recorded in Clearfield County Deeds and Records Book 1678, Page 379. The Premises is the Second Thereof in this deed. The property was conveyed to Eugene F. Robertson in settlement of divorce under paragraph 8 of Separation Agreement found under Clearfield County Case File No. 94-979-CD. The parties Divorce Decree is dated May 17, 1995.

b). The Premises was conveyed to Eugene F. Robertson and Beth A. Robertson, husband and wife, by deed from Ellen M. Petrusky, single, dated October 14, 1989 and recorded in Clearfield County Deeds and Records Book 1312, Page 173.

c). The Premises was part of the property conveyed to Ellen Petrusky a/k/a Ellen M. Petrusky and Margaret Petrusky, as Joint Tenants with Rights of Survivorship from Joseph Petrusky, et. al. dated August 14, 1971 and recorded in Clearfield County Deed Book 585,

Page 296. The Premises is a part of the Fifth Thereof described in said deed.

d). Margaret Petrusky a/k/a Margaret A. Petrusky died December 23, 1986 and her estate is found in Clearfield County Estate File No. 87-28, thereby vesting title in the Premises in the joint owner Ellen Petrusky a/k/a Ellen M. Petrusky.

e). The deed in Deed Book 585, Page 296 noted above in paragraph c. lists the grantors as follows:

- i. Joseph Petrusky and Mary Petrusky, his wife
- ii. Albert Petrusky single
- iii. Loretta Shurell, single
- iv. Betty Bushay, widow
- v. Frank O'Neill and Marie O'Neill, his wife
- vi. Madeline Shurell, single
- vii. Annie Shurell, single
- viii. Charles Shurell, (no status)
- ix. Lena Petrusky, widow
- x. Andrew Petrusky and Frances Petrusky, his wife
- xi. Ellen Petrusky, widow
- xii. Roman Petrusky and Margaret Petrusky, his wife
- xiii. Anthony Frizmonte and Mary J. Frizmonte, his wife

xiv. Stanley Bruno and Elizabeth J.
Bruno, his wife

xv. Fiore Benevento and Dorothy J.
Benevento, his wife

For a total of 22 Grantors.

f). The deed in Deed Book 585, Page 296 noted in subparagraph c. above is acknowledged by notary for the signatures of Joseph Petrusky and Mary Petrusky, his wife, and Albert Petrusky, but no other signatures are acknowledged and notarized.

g). The deed in Deed Book 585, Page 296 noted in subparagraph c. above indicated that all the grantors in that deed are the heirs of Elizabeth Petrusky who died August 28, 1943 and Joseph Petrusky who died June 26, 1944.

h). After diligent search of the records of estate indexes in Clearfield County Register of Wills office, no estates of proof of death could be found for Elizabeth Petrusky or Joseph Petrusky proving their deaths or who the heirs of Elizabeth Petrusky and Joseph Petrusky were.

i). The description of the Fifth Thereof in Deed Book 585, Page 296 was conveyed to Joseph Petrusky and Elizabeth Petrusky, his wife, as Tenants by Entireties by deed from John Scollins, single, dated February 28,

1928 and recorded in Clearfield County Deed Book 286, Page 180. It being the Second Thereof described in said deed.

j). After diligent search of the records of estate indexes in Clearfield County Register of Wills office no estates or proof of death could be found on any of the 19 names in subparagraph e. above whose signatures were not acknowledged.

5. The Plaintiff and his 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, that signatures of grantors in deeds have not been notarized and acknowledged, 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.

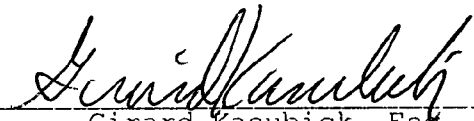
8. All of the named Defendants to this Action are deceased or their whereabouts are unknown and Plaintiff has made a diligent and reasonable search to locate the whereabouts of the Defendants, Loretta Shurell; Betty Bushay; Frank O'Neill and Marie O'Neill, his wife; Madeline Shurell; Annie Shurell; Charles Shurell; Lena Petrusky; Andrew Petrusky and Frances Petrusky, his wife; Ellen Petrusky; Roman Petrusky and Margaret Petrusky, his wife; Anthony Prizmante and Mary J. Prizmante, his wife; Stanley Bruno and Elizabeth J. Bruno, his wife; Fiore Benevento and Dorothy J. Benevento, his wife; Joseph Petrusky and Elizabeth Petrusky, 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.

WHEREFORE, Plaintiff brings this action and respectfully requests the Court to decree as follows:

a). That the Plaintiff, his heirs, executors, personal representatives and assigns are seized of an indefeasible title to the property situated in Woodward 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 Plaintiff's 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 Plaintiff

VERIFICATION

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

Eugene F. Robertson
Eugene F. Robertson

FILED

OCT 04 2004

WANDA S. S. S.
Clerk of Court

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

EUGENE F. ROBERTSON,	:	
Plaintiff	:	No.: 2004- 1537 CD
	:	Type of Case:
vs.	:	Quiet Title Action
	:	Type of Pleading:
LORETTA SHURELL; BETTY	:	Motion For Service
BUSHAY; FRANK O'NEILL and	:	By Publication
MARIE O'NEILL, his wife;	:	Filed on behalf of:
MADELINE SHURELL; ANNIE	:	Plaintiff
SHURELL; CHARLES SHURELL;	:	Counsel of Record For
LENA PETRUSKY; ANDREW	:	This Party:
PETRUSKY and FRANCES	:	Girard Kasubick, Esq.
PETRUSKY, his wife; ELLEN	:	Supreme Court #30109
PETRUSKY; ROMAN PETRUSKY and	:	611 Brisbin Street
MARGARET PETRUSKY, his wife;	:	Houtzdale, PA 16851
ANTHONY PRIZMONTE and MARY J.	:	
PRIZMONTE, his wife; STANLEY	:	
BRUNO and ELIZABETH J. BRUNO,	:	
his wife; FIORE BENEVENTO and	:	
DOROTHY J. BENEVENTO, his	:	
wife; JOSEPH PETRUSKY and	:	
ELIZABETH PETRUSKY, 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

OCT 04 2004

William A. Shaw
Prothonotary/Clerk of Courts

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


EUGENE F. ROBERTSON,	:	
Plaintiff	:	No.: 2004- -CD
	:	
vs.	:	QUIET TITLE ACTION
	:	
LORETTA SHURELL; BETTY	:	
BUSHAY; FRANK O'NEILL and	:	
MARIE O'NEILL, his wife;	:	
MADELINE SHURELL; ANNIE	:	
SHURELL; CHARLES SHURELL;	:	
LENA PETRUSKY; ANDREW	:	
PETRUSKY and FRANCES	:	
PETRUSKY, his wife; ELLEN	:	
PETRUSKY; ROMAN PETRUSKY and	:	
MARGARET PETRUSKY, his wife;	:	
ANTHONY PRIZMONTE and MARY J.	:	
PRIZMONTE, his wife; STANLEY	:	
BRUNO and ELIZABETH J. BRUNO,	:	
his wife; FIORE BENEVENTO and	:	
DOROTHY J. BENEVENTO, his	:	
wife; JOSEPH PETRUSKY and	:	
ELIZABETH PETRUSKY, 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 SERVICE BY PUBLICATION

1. Your Petitioner is Eugene F. Robertson, Plaintiff
in the above captioned matter.

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

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


Girard Kasubick, Esq.
Attorney for Plaintiff

FILED

OCT 04 2004

CLERK OF COURT
REGISTRY OF COURTS

EUGENE F. ROBERTSON,
Plaintiff

LORETTA SHURELL; BETTY BUSHAY; FRANK O'NEILL and MARIE O'NEILL, his wife; MADELINE SHURELL; ANNIE SHURELL; CHARLES SHURELL; LENA PETRUSKY; ANDREW PETRUSKY and FRANCES PETRUSKY, his wife; ELLEN PETRUSKY; ROMAN PETRUSKY and MARGARET PETRUSKY, his wife; ANTHONY PRIZMONTE and MARY J. PRIZMONTE, his wife; STANLEY BRUNO and ELIZABETH J. BRUNO, his wife; FIORE BENEVENTO and DOROTHY J. BENEVENTO, his wife; JOSEPH PETRUSKY and ELIZABETH PETRUSKY, 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,

: No.: 2004-- 1539-CD
:
: Type of Case:
: Quiet Title Action
: Type of Pleading:
: Affidavit
: Filed on behalf of:
: Plaintiff
: Counsel of Record For
: This Party:
: Girard Kasubick, Esq.
: Supreme Court #30109
: 611 Brisbin Street
: Houtzdale, PA 16651

William J. Brown
President

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

EUGENE F. ROBERTSON, :
Plaintiff : No.: 2004- --CD
vs. : QUIET TITLE ACTION
LORETTA SHURELL; BETTY :
BUSHAY; FRANK O'NEILL and :
MARIE O'NEILL, his wife; :
MADELINE SHURELL; ANNIE :
SHURELL; CHARLES SHURELL; :
LENA PETRUSKY; ANDREW :
PETRUSKY and FRANCES :
PETRUSKY, his wife; ELLEN :
PETRUSKY; ROMAN PETRUSKY and :
MARGARET PETRUSKY, his wife; :
ANTHONY PRIZMONTE and MARY J. :
PRIZMONTE, his wife; STANLEY :
BRUNO and ELIZABETH J. BRUNO, :
his wife; FIORE BENEVENTO and :
DOROTHY J. BENEVENTO, his :
wife; JOSEPH PETRUSKY and :
ELIZABETH PETRUSKY, 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 :

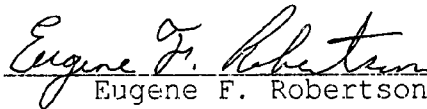
AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF CLEARFIELD : §:

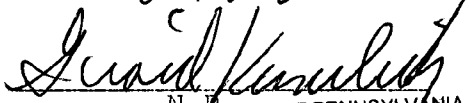
Before me, the undersigned officer, personally
appeared EUGENE F. ROBERTSON, who being duly sworn
according to law, deposes and says that the names of the
Defendants, Loretta Shurell; Betty Bushay; Frank O'Neill

and Marie O'Neill, his wife; Madeline Shurell; Annie Shurell; Charles Shurell; Lena Petrusky; Andrew Petrusky and Frances Petrusky, his wife; Ellen Petrusky; Roman Petrusky and Margaret Petrusky, his wife; Anthony Prizmonte and Mary J. Prizmonte, his wife; Stanley Bruno and Elizabeth J. Bruno, his wife; Fiore Benevento and Dorothy J. Benevento, his wife; Joseph Petrusky and Elizabeth Petrusky, 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 to the Plaintiff.

Plaintiff and his 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.


Eugene F. Robertson

Sworn to and subscribed
before me this 1st
day of October, 2004.


COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Girard Kasubick, Notary Public
Houtzdale Boro, Clearfield County
My Commission Expires June 8, 2007
Member, Pennsylvania Association Of Notaries

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

EUGENE F. ROBERTSON,
Plaintiff

:
: No.: 2004-1539-CD
:

vs.

: QUIET TITLE ACTION
:

LORETTA SHURELL; BETTY
BUSHAY; FRANK O'NEILL and
MARIE O'NEILL, his wife;
MADELINE SHURELL; ANNIE
SHURELL; CHARLES SHURELL;
LENA PETRUSKY; ANDREW
PETRUSKY and FRANCES
PETRUSKY, his wife; ELLEN
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MARGARET PETRUSKY, his wife;
ANTHONY PRIZMONTE and MARY J.
PRIZMONTE, his wife; STANLEY
BRUNO and ELIZABETH J. BRUNO,
his wife; FIORE BENEVENTO and
DOROTHY J. BENEVENTO, his
wife; JOSEPH PETRUSKY and
ELIZABETH PETRUSKY, 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

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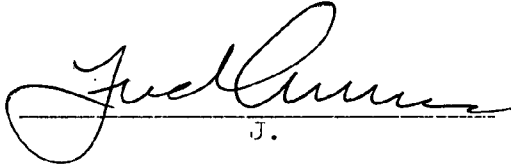
WILLIAM L. BRAW
FELIX L. BRAW

ORDER DIRECTING COMPLAINT TO BE SERVED
BY ADVERTISEMENT ON DEFENDANTS

NOW, this 6 day of OCT., 2004, the
within Action being an Action to Quiet Title and the
Plaintiff having made Affidavit that the addresses of
Defendants are unknown and cannot be ascertained, and

therefore upon Motion of Girard Kasubick, Esq., Attorney for Plaintiff, 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.

William A. Shaw
Prothonotary/Clerk of Courts

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

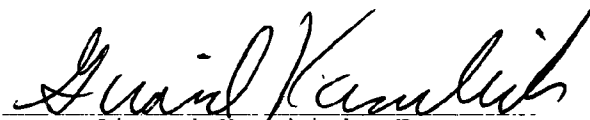
EUGENE F. ROBERTSON,	:	
Plaintiff	:	No.: 2004-1539-CD
	:	
vs.	:	QUIET TITLE ACTION
	:	
LORETTA SHURELL; BETTY	:	
BUSHAY; FRANK O'NEILL and	:	
MARIE O'NEILL, his wife;	:	
MADELINE SHURELL; ANNIE	:	
SHURELL; CHARLES SHURELL;	:	
LENA PETRUSKY; ANDREW	:	
PETRUSKY and FRANCES	:	
PETRUSKY, his wife; ELLEN	:	
PETRUSKY; ROMAN PETRUSKY and	:	
MARGARET PETRUSKY, his wife;	:	
ANTHONY PRIZMONTE and MARY J.	:	
PRIZMONTE, his wife; STANLEY	:	
BRUNO and ELIZABETH J. BRUNO,	:	
his wife; FIORE BENEVENTO and	:	
DOROTHY J. BENEVENTO, his	:	
wife; JOSEPH PETRUSKY and	:	
ELIZABETH PETRUSKY, 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 October 11, 2004 and in the Clearfield County Legal Journal one time only for the week of October 15, 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. Plaintiff has caused this Affidavit to be made for the purpose of obtaining a decree or Order of Court under Pa. R.C.F. 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 Plaintiff

Sworn to and subscribed
before me this 8th
day of November, 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.: 2004-1539-CD
QUIET TITLE ACTION

EUGENE F. ROBERTSON,
Plaintiff
vs.
LORETTA SHURELL;
BETTY BUSHAY;
FRANK O'NEILL and
MARIE O'NEILL,
his wife;
MADELINE SHURELL;
ANNIE SHURELL;
CHARLES SHURELL;
LENA PETRUSKY;
ANDREW PETRUSKY and
FRANCES PETRUSKY,
his wife;
ELLEN PETRUSKY;
ROMAN PETRUSKY
and MARGARET PETRUSKY,
his wife;
ANTHONY PRIZMONTE and
MARY J. PRIZMONTE,
his wife;
STANLEY BRUNO and
ELIZABETH J. BRUNO,
his wife;
FIORE BENEVENTO
and DOROTHY J. BENEVENTO,
his wife;
JOSEPH PETRUSKY
and ELIZABETH PETRUSKY,
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

ACTION TO
QUIET TITLE
NOTICE

TO: LORETTA SHURELL; BETTY BUSHAY; FRANK O'NEILL and MARIE O'NEILL, his wife; MADELINE SHURELL; ANNIE SHURELL; CHARLES SHURELL; LENA PETRUSKY; ANDREW PETRUSKY and FRANCES PETRUSKY, his wife; ELLEN PETRUSKY; ROMAN PETRUSKY and MARGARET PETRUSKY, his wife; ANTHONY PRIZMONTE and MARY J. PRIZMONTE, his wife; STANLEY BRUNO and ELIZABETH J. BRUNO, his wife; FIORE BENEVENTO and DOROTHY J. BENEVENTO, his wife; JOSEPH PETRUSKY and ELIZABETH PETRUSKY, 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 Woodward Township, Clearfield County, Pennsylvania, has been filed against you. Said land is described and located as follows:

BEGINNING at an iron pipe on the Southwest right-of-way of Township Road No. T-959 at the Northern corner of a 1.1560-acre parcel of land now or formerly of Eugene F. Robertson and Beth A. Robertson; thence by said lands now or formerly of Eugene F. Robertson and Beth A. Robertson South 5 degrees 53 minutes West 173.0 feet to an iron pipe in a line of trees on line of lands now or formerly of Ellen Petrusky; thence by said lands now

or formerly of Ellen Petrusky North 59 degrees 10 minutes East 108.19 feet to an iron pipe on the Southwest right-of-way of Township Road No. T-959 North 32 degrees 48 minutes West 138.76 feet to an iron pipe, the place of beginning. Containing 0.1722 acres.

The above property currently known by Clearfield County Tax Map No. 130-M14-134.

You are further notified to appear and answer the Complaint in said Action within twenty (20) days from the date of this publication, 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.

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :
COUNTY OF CLEARFIELD : SS:

On this 14th day of October, 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 October 11, 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

NOTICE
TO: LORETTA SHURELL; BETTY

BUSHAY; FRANK O'NEILL and MARIE O'NEILL, his wife; MADELINE SHURELL; ANNIE SHURELL; CHARLES SHURELL; LENA PETRUSKY; ANDREW PETRUSKY and FRANCES PETRUSKY, his wife; ELLEN PETRUSKY; ROMAN PETRUSKY and MARGARET PETRUSKY, his wife; ANTHONY PRIZMONTE and MARY J. PRIZMONTE, his wife; STANLEY BRUNO and ELIZABETH J. BRUNO, his wife; FIORE BENEVENTO and DOROTHY J. BENEVENTO, his wife; JOSEPH PETRUSKY and ELIZABETH PETRUSKY, his wife; and their heirs, executors, administrators, successors, trustees and assigns, known or unknown.

If you wish to defend, you must enter a verified appearance personally or by attorney and 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 Plaintiff. You may lose money or property or other rights important to you.

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

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

LEHMAN BARABOR
611 Edison Street
Houtzdale, PA 16834

10-11-10-6

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :

:


COUNTY OF CLEARFIELD :

On this 15th day of October 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 October 15, 2004, No. 42. And that all of the allegations of this statement as to the time, place, and character of the publication are true.



Gary A. Knaresboro, Esquire
Editor

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



Notary Public
My Commission Expires

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

Lehman & Kasubick
611 Brisbin St
Houtzdale PA 16651

No. 04-1539 -CD
ACTION TO QUIET TITLE
NOTICE

TO: LORETTA SHURELL; BETTY GUSHAY; FRANK O'NEILL and MARIE O'NEILL, his wife, MADELINE SHURELL; ANNIE SHURELL; CHARLES SHURELL; LENA PETRUSKY; ANDREW PETRUSKY and FRANCES PETRUSKY, his wife; ELLEN PETRUSKY; ROMAN PETRUSKY and MARGARET PETRUSKY, his wife; ANTHONY PRIZMONTE and MARY J. PRIZMONTE, his wife; STANLEY BRUNO and ELIZABETH J. BRUNO, his wife; FIORE BENEVENTO and DOROTHY J. BENEVENTO, his wife, JOSEPH PETRUSKY and ELIZABETH PETRUSKY, his wife; and their heirs, executors, administrators, successors trustees 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 Woodward Township, Clearfield County, Pennsylvania, has been filed against you. Said land is bounded and described as follows:

BEGINNING at an iron pipe on the Southwest right-of-way of Township Road No. T-959 at the Northern corner of a 1.1560 acre parcel of land now or formerly of Eugene P. Robertson and Beth A. Robertson; thence by said lands now or formerly of Eugene P. Robertson and Beth A. Robertson South 5 degrees 53 minutes West 173.0 feet to an iron pipe in a line of tress on line of lands now or formerly of Ellen Petrusky; thence by said lands now or formerly of Ellen Petrusky North 59 degrees 10 minutes East 108.19 feet to an iron pipe on the Southwest right-of-way of Township Road No. T-959; thence by Township Road No. T-959 North 32 degrees 48 minutes West 138.76 feet to an iron pipe, the place of beginning. Containing 0.1722 acres.

The above property currently known by Clearfield County Tax Map No. 130-M14-134.

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: LORETTA SHURELL; BETTY GUSHAY; FRANK O'NEILL and MARIE O'NEILL, his wife, MADELINE SHURELL; ANNIE SHURELL; CHARLES SHURELL; LENA PETRUSKY; ANDREW PETRUSKY and FRANCES PETRUSKY, his wife; ELLEN PETRUSKY; ROMAN PETRUSKY and MARGARET PETRUSKY, his wife;

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

EUGENE F. ROBERTSON, Plaintiff vs. LORETTA SHURELL; BETTY BUSHAY; FRANK O'NEILL and MARIE O'NEILL, his wife, MADELINE SHURELL; ANNIE SHURELL; CHARLES SHURELL; LENA PETRUSKY; ANDREW PETRUSKY and FRANCES PETRUSKY, his wife; ELLEN PETRUSKY; ROMAN PETRUSKY and MARGARET PETRUSKY, his wife; ANTHONY PRIZMONTE and MARY J. PRIZMONTE, his wife; STANLEY BRUNO and ELIZABETH J. BRUNO, his wife; FIORE BENEVENTO and DOROTHY J. BENEVENTO, his wife, JOSEPH PETRUSKY and ELIZABETH PETRUSKY, 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, Defendant.

ANTHONY PRIZMONTE and MARY J. PRIZMONTE, his wife; STANLEY BRUNO and ELIZABETH J. BRUNO, his wife; FIORE BENEVENTO and DOROTHY J. BENEVENTO, his wife, JOSEPH PETRUSKY and ELIZABETH PETRUSKY, his wife; and their heirs, executors, administrators, successors trustees 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.

Court Administrator's Office, Clearfield County Courthouse, Clearfield, PA 16830 (814) 765-2641. (ext. 5982).

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

FILED

NOV 08 2004

William A. Shaw
Prothonotary/Clerk of Courts

William A. Shaw
Prothomohary

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

EUGENE F. ROBERTSON, :
Plaintiff : No.: 2004-1539-CD
vs. : QUIET TITLE ACTION
LORETTA SHURELL; BETTY :
BUSHAY; FRANK O'NEILL and :
MARIE O'NEILL, his wife; :
MADELINE SHURELL; ANNIE :
SHURELL; CHARLES SHURELL; :
LENA PETRUSKY; ANDREW :
PETRUSKY and FRANCES :
PETRUSKY, his wife; ELLEN :
PETRUSKY; ROMAN PETRUSKY and :
MARGARET PETRUSKY, his wife; :
ANTHONY PRIZMONTE and MARY J. :
PRIZMONTE, his wife; STANLEY :
BRUNO and ELIZABETH J. BRUNO, :
his wife; FIORE BENEVENTO and :
DOROTHY J. BENEVENTO, his :
wife; JOSEPH PETRUSKY and :
ELIZABETH PETRUSKY, 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 10 day of Nov., 2004, an
Affidavit having been made that service was made by

publication on unknown Defendants in the Clearfield Progress on October 11, 2004, and in the Clearfield County Legal Journal the week of October 15, 2004 and it appearing that it was impossible to serve any other Defendants by any other means,

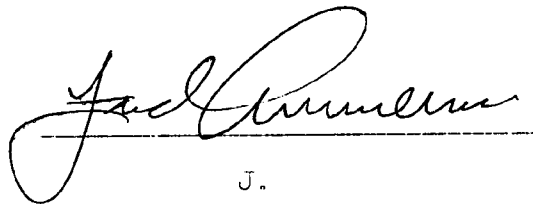
IT IS ORDERED AND DECREED that Defendants file suit in ejectment or otherwise enter a proceeding to contest the case within thirty (30) days, or this Order of Court shall become final upon praecipe by Plaintiff, which hereby Orders and Decrees that title to the land subject of this action is vested absolutely in the Plaintiff, his 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 Plaintiff is seized of an indefeasible title to real property or parcel of land located in Woodward Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at an iron pipe on the Southwest right-of-way of Township Road No. T-959 at the Northern corner of a 1.1560 acre parcel of land now or formerly of Eugene F. Robertson and Beth A. Robertson; thence by said lands now or formerly of Eugene F. Robertson and Beth A. Robertson South 5 degrees 53 minutes West 173.0 feet to an iron pipe in a line of trees on line of lands now or formerly of Ellen Petrusky; thence by said lands now or formerly of Ellen Petrusky North 59 degrees 10 minutes East 108.19 feet to an iron pipe on the Southwest right-of-way of

Township Road No. T-959; thence by Township Road No. T-959 North 32 degrees 48 minutes West 138.76 feet to an iron pipe, the place of beginning, Containing 0.1722 acres.

The above property currently known by Clearfield County Tax Map No. 130-M14-134.

BY THE COURT,



J.

EUGENE F. ROBERTSON,
Plaintiff

LORETTA SHURELL; BETTY BUSHAY; FRANK O'NEILL and MARIE O'NEILL, his wife; MADELINE SHURELL; ANNIE SHURELL; CHARLES SHURELL; LENA PETRUSKY; ANDREW PETRUSKY and FRANCES PETRUSKY, his wife; ELLEN PETRUSKY; ROMAN PETRUSKY and MARGARET PETRUSKY, his wife; ANTHONY PRIZMONTE and MARY J. PRIZMONTE, his wife; STANLEY BRUNO and ELIZABETH J. BRUNO, his wife; FIORE BENEVENTO and DOROTHY J. BENEVENTO, his wife; JOSEPH PETRUSKY and ELIZABETH PETRUSKY, 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,

: No.: 2004-1539-CD
:
: Type of Case:
: Quiet Title Action
: Type of Pleading:
: Motion for Judgment
: Filed on behalf of:
: Plaintiff
: Counsel of Record For
: This Party:
: Girard Kasubick, Esq.
: Supreme Court #30109
: 611 Brisbin Street
: Houtzdale, PA 16851

FILED ^{NO} CC
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NOV 08 2004

NOV 08 2004
William A. Shaw
Prothonotary/Clerk of Courts

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

EUGENE F. ROBERTSON,	:	
Plaintiff	:	No.: 2004-1539-CD
	:	
vs.	:	QUIET TITLE ACTION
	:	
LORETTA SHURELL; BETTY	:	
BUSHAY; FRANK O'NEILL and	:	
MARIE O'NEILL, his wife;	:	
MADELINE SHURELL; ANNIE	:	
SHURELL; CHARLES SHURELL;	:	
LENA PETRUSKY; ANDREW	:	
PETRUSKY and FRANCES	:	
PETRUSKY, his wife; ELLEN	:	
PETRUSKY; ROMAN PETRUSKY and	:	
MARGARET PETRUSKY, his wife;	:	
ANTHONY PRIZMONTE and MARY J.	:	
PRIZMONTE, his wife; STANLEY	:	
BRUNO and ELIZABETH J. BRUNO,	:	
his wife; FIORE BENEVENTO and	:	
DOROTHY J. BENEVENTO, his	:	
wife; JOSEPH PETRUSKY and	:	
ELIZABETH PETRUSKY, 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 8th day of November, 2004, an Affidavit having been executed and presented herewith on behalf of the Plaintiff showing that the Complaint was served by publication on all of the Defendants, one time only, to wit: October 11, 2004 in the Clearfield Progress and the

week of October 15, 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 Plaintiff, that judgment be entered in favor of the Plaintiff 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, appearing to read "Girard Kasubick", written over a horizontal line.

Girard Kasubick, Esq.
Attorney for Plaintiff

FILED

NOV 08 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

EUGENE F. ROBERTSON,
Plaintiff

vs.

LORETTA SHURELL; BETTY
BUSHAY; FRANK O'NEILL and
MARIE O'NEILL, his wife;
MADELINE SHURELL; ANNIE
SHURELL; CHARLES SHURELL;
LENA PETRUSKY; ANDREW
PETRUSKY and FRANCES
PETRUSKY, his wife; ELLEN
PETRUSKY; ROMAN PETRUSKY and
MARGARET PETRUSKY, his wife;
ANTHONY PRIZMONTE and MARY J.
PRIZMONTE, his wife; STANLEY
BRUNO and ELIZABETH J. BRUNO,
his wife; FIORE BENEVENTO and
DOROTHY J. BENEVENTO, his
wife; JOSEPH PETRUSKY and
ELIZABETH PETRUSKY, 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.: 2004-1539-CD
: Type of Case:
: Quiet Title Action
: Type of Pleading:
: Final Praecipe
: Filed on behalf of:
: Plaintiff
: Counsel of Record For
: This Party:
: Girard Kasubick, Esq.
: Supreme Court #30109
: 611 Brisbin Street
: Houtzdale, PA 16651

FILED ^{EBK}
DEC 13 2004 ^{NO CC}
William A. Shaw
Prothonotary/Clerk of Courts


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

EUGENE F. ROBERTSON, :
Plaintiff : No.: 2004-1539-CD
vs. : QUIET TITLE ACTION
LORETTA SHURELL; BETTY :
BUSHAY; FRANK O'NEILL and :
MARIE O'NEILL, his wife; :
MADELINE SHURELL; ANNIE :
SHURELL; CHARLES SHURELL; :
LENA PETRUSKY; ANDREW :
PETRUSKY and FRANCES :
PETRUSKY, his wife; ELLEN :
PETRUSKY; ROMAN PETRUSKY and :
MARGARET PETRUSKY, his wife; :
ANTHONY PRIZMONTE and MARY J. :
PRIZMONTE, his wife; STANLEY :
BRUNO and ELIZABETH J. BRUNO, :
his wife; FIORE BENEVENTO and :
DOROTHY J. BENEVENTO, his :
wife; JOSEPH PETRUSKY and :
ELIZABETH PETRUSKY, 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 Plaintiff.


Girard Kasubick, Esq.,
Attorney for Plaintiff

Dated: December 13, 2004

FILED

DEC 13 2004

William A. Shaw
Prothonotary/Clerk of Courts