

04-1628-CD  
ARTHUR TWIGG vs. JOHN SHUTACK, et al.

Arthur Twigg vs John Shutack et al  
2004-1628-CD

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
Civil Division

ARTHUR TWIGG, an individual,

Plaintiff,

v.

JOHN SHUTACK; his heirs, executors and  
Assigns, METRO SHUTACK, his heirs,  
executors and assigns; MARY SHUTACK  
RUDIAK, her heirs, executors and  
CHARLES SHUTACK, his heirs, executors  
and assigns; CATHERINE SHUTACK, her  
heirs, executors and assigns; PETER  
SHUTACK, his heirs, executors and  
assigns; WASCO SHUTACK, his heirs,  
executors and assigns; MICHAEL SHUTACK,  
his heirs, executors and assigns.

Defendants.

No. 04- 1628 -CD

\* ACTION IN QUIET TITLE

COMPLAINT

Filed on behalf of  
Plaintiff

Counsel of Record for this Party:

Kimberly M. Kubista

PA ID #52782

BELIN & KUBISTA  
15 North Front Street  
Clearfield, PA 16830

(814) 765-8972

FILED 1cc Agy  
0/10/48 by Kubista  
OCT 18 2004 Agy pd.  
45.00  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
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\* No. 04- -CD

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\* ACTION IN QUIET TITLE

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And Assigns, METRO SHUTACK, his heirs,  
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Defendants.

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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 Amended Complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

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

COURT ADMINISTRATOR  
Clearfield County Courthouse  
Second & Market Streets  
Clearfield, PA 16830  
(814) 765-2641 Ext. 1300

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
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ARTHUR TWIGG, an individual,

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\* ACTION IN QUIET  
TITLE

Defendants.

\*

COMPLAINT

NOW COMES the Plaintiff, ARTHUR TWIGG, by and through  
his attorneys, Belin & Kubista, and sets forth the following  
action in quiet title, and in support thereof, alleges as  
follows:

1. That the Plaintiff is Arthur Twigg, an individual,  
whose address is 5079 Crossroads Boulevard, Coalport,  
Pennsylvania 16627.

2. That the Defendants are JOHN SHUTACK, his heirs,  
executors and assigns; METRO SHUTACK, his heirs, executors and  
assigns; MARY SHUTACK RUDIAK, her heirs, executors and assigns;  
CHARLES SHUTACK, his heirs, executors and assigns; CATHERINE  
SHUTACK, her heirs, executors and assigns; PETER SHUTACK, his

heirs, executors and assigns; WASCO SHUTACK, his heirs, executors and assigns; MICHAEL SHUTACK, his heirs, executors and assigns. It is believed that all the Defendants are deceased and no estates have been located for them in Clearfield County.

3. That the premises which are the subject of this quiet title action are situate in Beccaria Township, Clearfield County, Pennsylvania, and are more particularly described as follows:

ALL those certain lots or pieces of land situate in the Village of Smoke Run, in the Township of Beccaria, County of Clearfield and State of Pennsylvania, bounded and described as follows:

THE FIRST THEREOF: KNOWN and designated on the plot of the Village of Smoke Run as Lot Number Seven (7) in Block F. F., bounded and described as follows: BEGINNING at a post on the West side of Sixth Street; thence running back along Ninth Avenue one hundred fifty (150) feet to an Alley in a southerly direction; and thence West along said Alley fifty (50) feet to Lot No. Six (6); thence North along Lot No. Six (6) one hundred fifty (150) feet to Sixth Street; thence East along Sixth Street to Ninth Avenue and place of beginning.

THE SECOND THEREOF: BEGINNING at a post on the South side of Sixth Street, and running South, one hundred fifty (150) feet to an Alley; thence West along said Alley, fifty (50) feet to Lot No. Five (5); thence North along said Lot No. Five (5), one hundred fifty (150) feet to Sixth Street; thence East along said Sixth Street, fifty (50) feet to place of beginning, being known as Lot No. Six (6), in Block F. F. in the plot of the aforesaid Village of Smoke Run.

4. That Plaintiff acquired title to the subject premises by virtue of an Order of Court in the Estate of Kenneth D. Stiles, dated May 3, 2004, recorded in the Office of the Recorder of Deeds for Clearfield County to Instrument No. 200407927.

5. That Kenneth D. Stiles acquired title to the

subject premises by deed from Eva Shutack Latosky, Katie Shutack Rynish and Mike Rynish, her husband; Mary Shutack Rudiak, Charles Shutack and Catherine Shutack, his wife, and Peter Shutack, dated October 31, 1972, recorded in the Office of the Recorder of Deeds for Clearfield County to Deed Book 611, page 253, being described in said deed as "The Second Thereof" and "The Third Thereof."

6. That Eva Shutack Latosky, Katie Shutack Rynish; Mary Shutack Rudiak, Charles Shutack, and Peter Shutack, acquired title to the subject premises by virtue of the Estate of Helen Shutack, also known as Helen Shoetack, which is filed in the Office of the Recorder of Deeds for Clearfield County, Pennsylvania.

7. That according to the Last Will and Testament of Helen Shutack, it was her wish that her two sons, Metro Shutack and John Shutack, inherit her estate.

8. That according to an Affidavit of Title which is dated October 17, 1994, executed by Kenneth D. Stiles, recorded in the Office of the Recorder of Deeds for Clearfield County to Deed and Record Book 1641, page 306, both John Shutack and Metro Shutack died prior to October 31, 1972, the date of the conveyance to Kenneth D. Stiles, without ever having married and having left no children.

9. That the Affidavit of Title referenced in Paragraph 8 above, does not indicate if Kenneth D. Stiles is related to the Shutacks nor how he had personal knowledge of the deaths of John Shutack and Metro Shutack, nor does it list the dates of death for either John Shutack or Metro Shutack.

10. That a purpose of this quiet title action is to extinguish any interest which John Shutack and Metro Shutack, their heirs, executors and assigns, may have in and to the subject premises.

11. That if in fact John Shutack and Metro Shutack predeceased their mother, their interest in the Estate of Helen Shutack would have passed to the brothers and sisters listed in the Last Will and Testament of Helen Shutack; namely, Michael, Peter, Wasco, Mary Shutack Ludiak, Eva Shutack Latosky, and Katie Shutack.

12. That in the deed into Kenneth D. Stiles, all the Grantees listed in Paragraph 5 above executed the deed; however, only the signatures of Eva Shutack Latosky and Katie Shutack Rynish and Mike Rynish were notarized.

13. That a purpose of this quiet title action is to extinguish any interest which Mary Shutack Rudiak, Charles Shutack, Catherine Shutack and Peter Shutack, their heirs, executors and assigns, may have in and to the subject premises as a result of the lack of notarization of their signatures.

14. That the Last Will and Testament of Helen Shutack, a/k/a Helen Shoetack, lists a child known as "Wasco." It is believed and therefore averred that Wasco Shutack was also known as Charles Shutack, who, along with his wife, did in fact sign the deed dated October 31, 1972, into Kenneth D. Stiles.

15. That a purpose of this quiet title action is to extinguish any interest which Wasco Shutack, also known as Charles Shutack, his heirs, executors and assigns, may have in and to the subject premises.

16. That the Last Will and Testament of Helen Shutack, a/k/a Helen Shoetack also lists "Michael" as a child. The deed dated October 31, 1972, into Kenneth D. Stiles, is not signed by Michael Shutack, and the Affidavit of Title referenced above does not specifically indicate anything about Michael Shutack.

17. That the final purpose of this quiet title action is to extinguish any interest which Michael Shutack, his heirs, executors and assigns, may have in and to the subject premises.

18. That Plaintiff and his predecessors in title have exercised open, continuous, exclusive, adverse and notorious possession and control over the subject premises for a period in excess of twenty-one (21) years.

19. That the Plaintiff and Defendants are the only possible persons who have an interest in the subject property.

WHEREFORE, Plaintiff requests:

(a) that by decree of Your Honorable Court it may be declared that title to the premises set forth in Paragraph 3 hereof is in the Plaintiff and that he shall be allowed to enjoy said property in peace; and

(b) that the Defendants, within twenty (20) days from the receipt of the Complaint, institute an action of ejectment against the Plaintiff and that otherwise the Defendants be perpetually enjoined from setting up any title to said property; from impeaching, denying or in any way attacking the Plaintiff's title to said property, from issuing or maintaining an ejectment of said premises and from encumbering, mortgaging or conveying

the said premises or any part thereof.

BELIN & KUBISTA

By Kimberly M. Kubista  
Kimberly M. Kubista  
Attorney for Plaintiff

COMMONWEALTH OF PENNSYLVANIA) } ss.  
COUNTY OF CLEARFIELD )

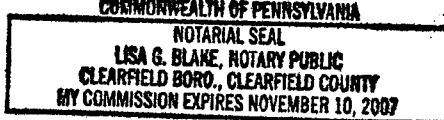
Before me, the undersigned officer, personally appeared ARTHUR TWIGG, known to me (or satisfactorily proven) who, being duly sworn according to law, deposes and says that the facts set forth in the foregoing Complaint are true and correct to the best of his knowledge, information and belief.

*Arthur Twigg*  
ARTHUR TWIGG

SWORN AND SUBSCRIBED before me this 15<sup>th</sup> day of  
*October*, 2004.

Alexander B. Dohme

Notary public



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Defendants.

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AFFIDAVIT

Filed on behalf of  
Plaintiff

Counsel of Record for this Party:

Kimberly M. Kubista

PA ID #52782

BELIN & KUBISTA  
15 North Front Street  
Clearfield, PA 16830

(814) 765-8972

FILED <sup>EKF</sup>  
10/20/04 Atty Kubista  
OCT 19 2004

William A. Shaw  
Prothonotary/Clerk of Courts

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

Defendants.

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**AFFIDAVIT**

COMMONWEALTH OF PENNSYLVANIA :

: ss.

COUNTY OF CLEARFIELD :

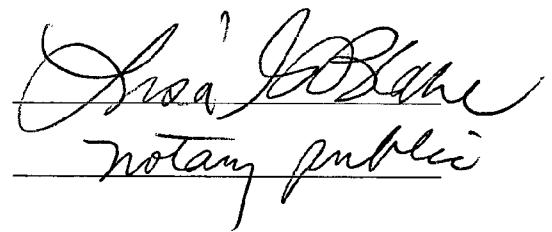
KIMBERLY M. KUBISTA, being duly sworn according to law, deposes and  
states that she is the attorney for the Plaintiff in the above-captioned case and that the last  
known and current addresses of all Defendants are unknown.

She further avers that she attempted to locate said Defendants by checking the  
local telephone directories, estate files for Clearfield County and all other available listings, but  
as a result of the search, no information outside the existing records set forth in the quiet title

action was attainable.

  
Kimberly M. Kubista  
Attorney for Plaintiff

Subscribed and sworn to before me this 19<sup>th</sup> day of October, 2004.

  
Lisa Blake  
Notary public

CLEARFIELD, PENNSYLVANIA 16830  
P. O. BOX 1  
15 NORTH FRONT STREET  
ATTORNEYS AT LAW  
BELIN & KUBISTA

Oct 16 2004

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
Civil Division

ARTHUR TWIGG, an individual,

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JOHN SHUTACK; his heirs, executors and Assigns, METRO SHUTACK, his heirs, executors and assigns; MARY SHUTACK RUDIAK, her heirs, executors and CHARLES SHUTACK, his heirs, executors and assigns; CATHERINE SHUTACK, her heirs, executors and assigns; PETER SHUTACK, his heirs, executors and assigns; WASCO SHUTACK, his heirs, executors and assigns; MICHAEL SHUTACK, his heirs, executors and assigns.

## Defendants.

MOTION FOR PUBLICATION  
AND ORDER FOR PUBLICATION

Filed on behalf of  
Plaintiff

Counsel of Record for this Party:

Kimberly M. Kubista

PA ID #52782

BELIN & KUBISTA  
15 North Front Street  
Clearfield, PA 16830

(814) 765-8972

FILED <sup>cc</sup>  
01/24/04 Atty Hubrista  
OCT 19 2004  
*Filed for*  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
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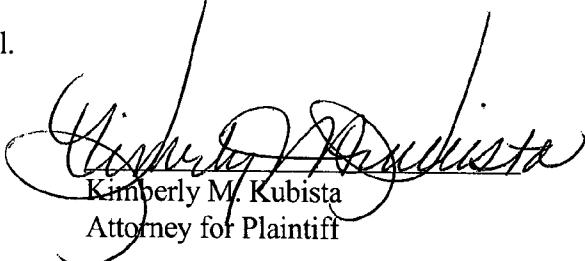
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Defendants.

\*

**MOTION FOR PUBLICATION**

AND NOW, to wit: October 19, 2004, an affidavit having been  
executed and filed on behalf of the Plaintiff that the whereabouts of all Defendants are unknown  
and that, the Plaintiff, by his attorney, Kimberly M. Kubista, moves the Court for leave to serve  
the complaint on Defendants by publication one (1) time in *The Progress*, and by publication one  
(1) time in the Clearfield County Legal Journal.



Kimberly M. Kubista  
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
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**ORDER FOR PUBLICATION**

AND NOW, to wit: October 22, 2004, upon consideration of the foregoing Motion, the Plaintiff is granted leave to make service of the Complaint on all Defendants by general publication one (1) time in *The Progress* and one (1) time in the *Clearfield County Legal Journal*, the last insertion to appear not less than thirty (30) days prior to November 29, 2004, the date set for hearing of said Complaint in Courtroom No. \_\_ of the Clearfield County Courthouse, Clearfield, Pennsylvania at 9:30 A.m.

BY THE COURT:

WED 1cc  
01/22/04  
03:51 PM  
Atty Kubista

William  
Prothonotary/Clerk

Paul E. Cherry  
Judge

CLEARFIELD, PENNSYLVANIA 16830  
P. O. BOX 1  
15 NORTH FRONT STREET  
ATTORNEYS AT LAW  
BELLIN & KUBISTA  
A

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AMENDED ORDER FOR  
PUBLICATION

Filed on behalf of  
Plaintiff

Counsel of Record for this Party:

Kimberly M. Kubista

PA ID #52782

BELIN & KUBISTA  
15 North Front Street  
Clearfield, PA 16830

(814) 765-8972

2614  
FILED <sup>cc</sup>  
OCT 10 2004  
10:49 AM  
Kubista  
OCT 27 2004

William A. Shaw  
Prothonotary/Clerk of Courts

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CLEARFIELD, PENNSYLVANIA 16830  
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### Defendants.

**FILED**

DEC 09 2004

0/2:401  
William A. Shaw

### Prothonotary/Clerk of Courts

I can go now

## AFFIDAVIT OF SERVICE

Filed on behalf of  
Plaintiff

Counsel of Record for this Party:

Kimberly M. Kubista

PA ID #52782

BELIN & KUBISTA  
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## PROOF OF PUBLICATION

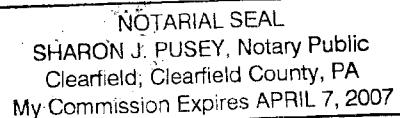
STATE OF PENNSYLVANIA :  
:  
COUNTY OF CLEARFIELD :

On this 5th day of November 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 November 5, 2004, No. 45. 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



Belin & Kubista  
PO Box 1  
Clearfield PA 16830

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

ARTHUR TWIGG, an individual,  
Plaintiff, v. JOHN SHUTACK; his  
heirs, executors, and assigns,  
METRO SHUTACK, his heirs, execu-  
tors and assigns; MARY SHU-  
TACK RUDIAK, her heirs, execu-  
tors and assigns; CHARLES SHU-  
TACK, his heirs, executors and as-  
signs; CATHERINE SHUTACK, her  
heirs, executors and assigns; PE-  
TER SHUTACK, his heirs, execu-  
tors and assigns; WASCO SHU-  
TACK, his heirs, executors and as-  
signs; MICHAEL SHUTACK, his  
heirs, executors and assigns, De-  
fendants.

No. 04-1628-CD: ACTION IN  
QUIET TITLE

TO: JOHN SHUTACK; his heirs,  
executors and assigns, METRO  
SHUTACK, his heirs, executors  
and assigns; MARY SHUTACK RU-  
DIAK, her heirs, executors and as-  
signs; CHARLES SHUTACK, his  
heirs, executors and assigns;  
CATHERINE SHUTACK, her heirs,  
executors and assigns; PETER  
SHUTACK, his heirs, executors  
and assigns; WASCO SHUTACK,  
his heirs, executors and assigns;  
MICHAEL SHUTACK, his heirs,  
executors and assigns, De-  
fendants.

NOTICE - If you wish to defend,  
you must enter a written appear-  
ance 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 re-  
lief requested by the Plaintiffs. You  
may lose money or property or  
other rights important to you. IF

YOU DO NOT HAVE A LAWYER  
OR CANNOT AFFORD ONE, GO  
TO OR TELEPHONE THE OFFICE  
SET FORTH BELOW TO FIND OUT  
WHERE YOU CAN GET LEGAL  
HELP.

Court Administrator, Clearfield  
County Courthouse, Clearfield,  
Pennsylvania (814) 765-2841,  
ext. 1300.

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

ALL those certain lots or pieces of  
land situate in the Village of Smoke  
Run, in the Township of Beccaria,  
County of Clearfield and State of  
Pennsylvania, bounded and de-  
scribed as follows:

THE FIRST THEREOF: KNOWN  
and designated on the plot of the  
Village of Smoke Run as Lot Num-  
ber Seven (7) in Block F, F.,  
bounded and described as follows:  
BEGINNING at a post on the West  
side of Sixth Street; thence running  
back along Ninth Avenue one hun-  
dred fifty (150) feet to an Alley in a  
southerly direction; and thence  
West along said Alley fifty (50) feet  
to Lot No. Six (6); thence North  
along Lot No. Six (6) one hundred  
fifty (150) feet to Sixth Street;  
thence East along Sixth Street to  
Ninth Avenue and place of begin-

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :  
: SS:  
COUNTY OF CLEARFIELD :

On this 3rd day of November, 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 29, 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

ning.  
THE SECOND THEREOF: BE-  
GGINING at a post on the South  
side of Sixth Street, and running  
South, one hundred fifty (150) feet  
to an Alley; thence West along said  
Alley, fifty (50) feet to Lot No. Five  
(5); thence North along said Lot No.  
Five (5), one hundred fifty (150)  
feet to Sixth Street; thence East  
along said Sixth Street, fifty (50)  
feet to place of beginning, being  
known as Lot No. Six (6), in Block F,  
F. in the plot of the aforesaid Village  
of Smoke Run.

That a purpose of this quiet title  
action is to extinguish any interest  
which John Shutack and Metro  
Shutack, their heirs, executors and  
assigns, may have in and to the sub-  
ject premises.

That a purpose of this quiet title  
action is to extinguish any interest  
which Mary Shutack Rudia, Charles  
Shutack, Catherine Shutack, their  
heirs, executors and assigns, may have in  
and to the subject premises as a re-  
sult of the lack of notarization of  
their signatures.

That a purpose of this quiet title  
action is to extinguish any interest  
which Wasco Shutack, also known  
as Charles Shutack, his heirs, execu-  
tors and assigns, may have in  
and to the subject premises.

That the final purpose of this quiet  
title action is to extinguish any interest  
which Michael Shutack, his  
heirs, executors and assigns, may  
have in and to the subject premises.

WHEREUPON said Court or-  
dered that notice of said action and  
the facts thereto be served on De-  
fendants JOHN SHUTACK; his  
heirs, executors, and assigns,  
METRO SHUTACK, his heirs, execu-  
tors and assigns; MARY SHU-  
TACK RUDIAK, her heirs, execu-  
tors and assigns; CHARLES SHU-  
TACK, his heirs, executors and as-  
signs; CATHERINE SHUTACK, her  
heirs, executors and assigns; PE-  
TER SHUTACK, his heirs, execu-  
tors and assigns; WASCO SHU-  
TACK, his heirs, executors and as-  
signs; MICHAEL SHUTACK, his  
heirs, executors and assigns, by  
the Plaintiff by advertisement re-  
quiring Defendants above named,  
their heirs, executors and assigns,  
to answer the said Complaint within  
twenty (20) days from the date of  
this publication. For failure to com-  
ply, a judgment will be taken by ap-  
plication of Plaintiff before the Court  
at a hearing to be held on December  
15, 2004, at 1:30 p.m. at the  
Clearfield County Courthouse,  
Courtroom No. 2, Clearfield, Penn-  
sylvania.

BELIN & KUBISTA, Attorneys at  
Law, 15 North Front Street, Clear-  
field, Pennsylvania, Attorneys for  
Plaintiff

RUDIAK, her heirs, executors and assigns; CHARLES SHUTACK, his heirs, executors and assigns; CATHERINE SHUTACK, her heirs, executors and assigns; PETER SHUTACK, his heirs, executors and assigns; WASCO SHUTACK, his heirs, executors and assigns; MICHAEL SHUTACK, his heirs, executors and assigns, Defendants.

No. 04-1628-CD

ACTION TO QUIET TITLE

TO: JOHN SHUTACK; his heirs, executors, and Assigns, METRO SHUTACK, his heirs, executors and assigns; MARY SHUTACK RUDIAK, her heirs, executors and assigns; CHARLES SHUTACK, his heirs, executors and assigns; CATHERINE SHUTACK, her heirs, executors and assigns; PETER SHUTACK, his heirs, executors and assigns; WASCO SHUTACK, his heirs, executors and assigns; MICHAEL SHUTACK, his heirs, executors and assigns, Defendants

NOTICE - IF YOU WISH TO DEFEND, YOU MUST ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY TO FILE YOUR DEFENSE 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. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Court Administrator, Clearfield County Courthouse, Clearfield, PA 16830 (814) 765-2641 Ext. 1.300.

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

ALL those certain lots or pieces of land situate in the Village of Smoke Run, in the Township of Beccaria, County of Clearfield and State of Pennsylvania, bounded and described as follows:

THE FIRST THEREROF: KNOWN and designated on the plot of the Village of Smoke Run as Lot Number Seven (7) in Block F. F., bounded and described as follows:

BEGINNING at a post on the West side of Sixth Street; thence running back along Ninth Avenue one hundred fifty (150) feet to an alley; in a southerly direction; and thence

West along said Alley fifty (50) feet to Lot No. Six (6); thence North along Lot No. Six (6) one hundred fifty (150) feet to Sixth Street; thence East along Sixth Street to Ninth Avenue and place of beginning.

THE SECOND THEREOF: BEGINNING at a post on the South side of Sixth Street, and running South, one hundred fifty (150) feet to an Alley; thence West along said Alley, fifty (50) feet to Lot No. Five (5); thence North along said Lot No. Five (5), one hundred fifty (150) feet to Sixth Street; thence East along said Sixth Street, fifty (50) feet to place of beginning, being known as Lot No. Six (6) in Block F.F. in the Plot of the aforesaid Village of Smoke Run.

That a purpose of this quiet title action is to extinguish any interest which John Shutack and Metro Shutack, their heirs, executors and assigns, may have in and to the subject premises.

That a purpose of this quiet title action is to extinguish any interest which Mary Shutack Rudiak, Charles Shutack, Catherine Shutack and Peter Shutack, their heirs, executors and assigns, may have in and to the subject premises as a result of the lack of notarization of their signatures.

That a purpose of this quiet title action is to extinguish any interest which Wasco Shutack, also known as Charles Shutack, his heirs, executors and assigns, may have in and to the subject premises.

WHEREUPON the Court ordered that notice of said action and the facts thereto be served on the Defendants, JOHN SHUTACK; his heirs, executors, and Assigns, METRO SHUTACK, his heirs, executors and assigns; MARY SHUTACK RUDIAK, her heirs, executors and assigns; CHARLES SHUTACK, his heirs, executors and assigns; CATHERINE SHUTACK, her heirs, executors and assigns; PETER SHUTACK, his heirs, executors and assigns; WASCO SHUTACK, his heirs, executors and assigns; MICHAEL SHUTACK, his heirs, executors and assigns to answer the said Complaint to within twenty (20) days from the date of this publication. For failure to comply, a judgment will be taken by application of Plaintiff before the Court at a hearing to be held on December 15, 2004, at 1:30 P.M., at the Clearfield County Courthouse, Courtroom No. 2, Clearfield, Pennsylvania.

BELIN & KUBISTA, Attorneys at Law,  
15 North Front Street, Clearfield, PA 16830  
Attorneys for Plaintiff.

CLEARFIELD, PENNSYLVANIA 16830  
P. O. BOX 1  
15 NORTH FRONT STREET  
ATTORNEYS AT LAW  
**BELIN & KUBISTA**

**FILED**

**DEC 09 2004**

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
Civil Division

ARTHUR TWIGG, an individual,

Plaintiff,

V.

JOHN SHUTACK; his heirs, executors and Assigns, METRO SHUTACK, his heirs, executors and assigns; MARY SHUTACK RUDIAK, her heirs, executors and CHARLES SHUTACK, his heirs, executors and assigns; CATHERINE SHUTACK, her heirs, executors and assigns; PETER SHUTACK, his heirs, executors and assigns; WASCO SHUTACK, his heirs, executors and assigns; MICHAEL SHUTACK, his heirs, executors and assigns.

## Defendants.

## MOTION AND ORDER

Filed on behalf of  
Plaintiff

**Counsel of Record for this Party:**

Kimberly M. Kubista

PA ID #52782

BELIN & KUBISTA  
15 North Front Street  
Clearfield, PA 16830

(814) 765-8972

FILED 1cc  
01313AN Ally Kubista  
DEC 15 2004 EOK

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
Civil Division

ARTHUR TWIGG, an individual,

\*

Plaintiff,

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v.

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No. 04-1628-CD

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ACTION IN QUIET TITLE

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Defendants.

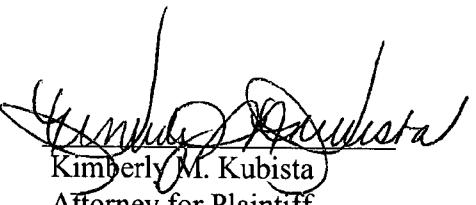
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MOTION

AND NOW, this 15th day of December, 2004, an affidavit having been executed and filed on behalf of the Plaintiff that the Complaint with Notice to Defend was served on all Defendants by publication, and none of the defendants having answered, the Plaintiff, by his attorney, Kimberly M. Kubista, hereby moves the Court to enter judgment in favor of the Plaintiff and against the Defendants.

BELIN & KUBISTA

By:

  
Kimberly M. Kubista  
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
Civil Division

ARTHUR TWIGG, an individual,

Plaintiff,

v.

JOHN SHUTACK; his heirs, executors and Assigns, METRO SHUTACK, his heirs, executors and assigns; MARY SHUTACK RUDIAK, her heirs, executors and CHARLES SHUTACK, his heirs, executors and assigns; CATHERINE SHUTACK, her heirs, executors and assigns; PETER SHUTACK, his heirs, executors and assigns; WASCO SHUTACK, his heirs, executors and assigns; MICHAEL SHUTACK, his heirs, executors and assigns.

### Defendants.

No. 04-1628-CD

## ACTION IN QUIET TITLE

FILED 1CC  
03:13PM AMY  
DEC 15 2004 Kubista

William A. Shaw  
Prothonotary/Clerk of Courts

## **ORDER**

AND NOW, this 15 day of December, 2004, an Affidavit of Service of the Complaint with Notice to Defend having been filed stating that the complaint was served on all Defendants by publication, and no response to pleading having been filed by said Defendants, the Court, upon motion of Kimberly M. Kubista, Attorney for Plaintiff, hereby ORDERS that title to said premises is in the Plaintiff and that he be allowed to enjoy said property in peace. Said property is situate in Beccaria Township, Clearfield County, Pennsylvania, being more fully described as follows:

ALL those certain lots or pieces of land situate in the Village of Smoke Run, in the Township of Beccaria, County of Clearfield and State of Pennsylvania, bounded and described as follows:

THE FIRST THEREOF: KNOWN and designated on the plot of the Village of Smoke Run as Lot Number Seven (7) in Block F. F., bounded and described as

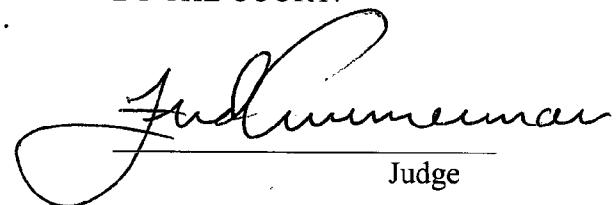
follows: BEGINNING at a post on the West side of Sixth Street; thence running back along Ninth Avenue one hundred fifty (150) feet to an Alley in a southerly direction; and thence West along said Alley fifty (50) feet to Lot No. Six (6); thence North along Lot No. Six (6) one hundred fifty (150) feet to Sixth Street; thence East along Sixth Street to Ninth Avenue and place of beginning.

THE SECOND THEREOF: BEGINNING at a post on the South side of Sixth Street, and running South, one hundred fifty (150) feet to an Alley; thence West along said Alley, fifty (50) feet to Lot No. Five (5); thence North along said Lot No. Five (5), one hundred fifty (150) feet to Sixth Street; thence East along said Sixth Street, fifty (50) feet to place of beginning, being known as Lot No. Six (6), in Block F. F. in the plot of the aforesaid Village of Smoke Run.

BEARING Clearfield County Assessment No. 101-K15-504-13.

It is FURTHER ORDERED that the Defendants are forever barred from asserting any right, lien, title or interest in the land inconsistent with the interest of claim of the Plaintiff set forth in his Complaint, unless the Defendants take such action as the Order directs within Thirty (30) days thereafter. If such action is not taken within the thirty-day period, the Prothonotary on Praecept of the Plaintiff shall enter final judgment. Defendants shall file an Answer within thirty days of the date hereof or judgment will be entered in accordance with this Order.

BY THE COURT:



A handwritten signature in black ink, appearing to read "John W. Zimmerman". The signature is fluid and cursive, with a long, sweeping line on the left and a more compact section on the right where "Zimmerman" is written.

Judge

CLEARFIELD, PENNSYLVANIA 16830  
P. O. BOX 3  
15 NORTH FRONT STREET  
ATTORNEYS AT LAW  
**BELIN & KUBISTA**

DEC 15 2004

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
Civil Division

ARTHUR TWIGG, an individual,

\*

Plaintiff,

\*

v.

\* No. 04-1628-CD

JOHN SHUTACK; his heirs, executors and  
Assigns, METRO SHUTACK, his heirs,  
executors and assigns; MARY SHUTACK  
RUDIAK, her heirs, executors and  
CHARLES SHUTACK, his heirs, executors  
and assigns; CATHERINE SHUTACK, her  
heirs, executors and assigns; PETER  
SHUTACK, his heirs, executors and  
assigns; WASCO SHUTACK, his heirs,  
executors and assigns; MICHAEL SHUTACK,  
his heirs, executors and assigns.

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
Civil Division

ARTHUR TWIGG, an individual,	*
	*
Plaintiff,	*
	*
v.	*
	*
	No. 04-1628-CD
	*
	*
JOHN SHUTACK; his heirs, executors and	*
Assigns, METRO SHUTACK, his heirs,	*
executors and assigns; MARY SHUTACK	*
RUDIAK, her heirs, executors and	*
CHARLES SHUTACK, his heirs, executors	*
and assigns; CATHERINE SHUTACK, her	*
heirs, executors and assigns; PETER	*
SHUTACK, his heirs, executors and	*
assigns; WASCO SHUTACK, his heirs,	*
executors and assigns; MICHAEL SHUTACK,	*
his heirs, executors and assigns.	*
	*
Defendants.	*
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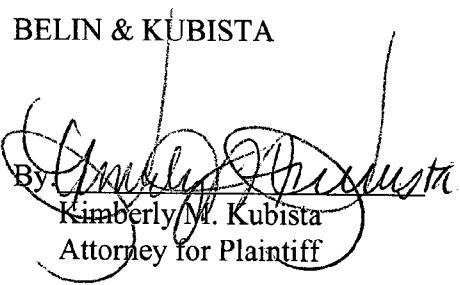
**PRAECIPE FOR FINAL JUDGMENT**

TO: PROTHONOTARY, CLEARFIELD COUNTY

Please enter final judgment against all Defendants in the above-captioned case for failure to comply with the Order of Court directing Defendants to file a responsive pleading within thirty (30) days from the entry of Order of judgment in favor of Plaintiff.

BELIN & KUBISTA

By:

  
Kimberly M. Kubista  
Attorney for Plaintiff

CLEARFIELD, PENNSYLVANIA 16830  
P. O. BOX 1  
15 NORTH FRONT STREET  
ATTORNEYS AT LAW  
**BELIN & KUBISTA**