

04-1629-CD
ALVIN D. RODGERS, et al. vs. LEWIS W. SIMBECK, et al.

Alvin Rodgers et al vs Lewis Simbeck et al
2004-1629-CD

Date: 01/10/2005

Time: 11:20 AM

Page 1 of 1

Clearfield County Court of Common Pleas

ROA Report

User: BANDERSON

Case: 2004-01629-CD

Current Judge: Fredric Joseph Ammerman

Alvin D. Rodgers, Mary Anne Rodgers vs. Lewis W. Simbeck, Hanna Simbeck

Civil Other

Date		Judge
10/18/2004	Filing: Quiet Title Action Paid by: Hopkins, David J. (attorney for Rodgers, Alvin D.) Receipt number: 1888539 Dated: 10/18/2004 Amount: \$95.00 (Check) Affidavit of Unknown Whereabouts filed by Atty. Hopkins. 1 CC to Atty.	No Judge <input checked="" type="checkbox"/>
	Motion For Publication filed by Atty. Hopkins. 1 CC to Atty.	No Judge <input checked="" type="checkbox"/>
11/17/2004	Order for Publication, filed. 1 cert. to Atty. Hopkins NOW, this 17th day of Nov., 2004, Pubilcation in the Courier Express and Clearfield Legal Journal.	Fredric Joseph Ammerman <input checked="" type="checkbox"/>
01/05/2005	Motion For Summary Judgment, filed by Atty. Hopkins no cert. Affidavit, filed by Atty. Hopkins no cert. copies. Services upon Defendants by publication and twenty have elapsed.	Fredric Joseph Ammerman <input checked="" type="checkbox"/> Fredric Joseph Ammerman <input checked="" type="checkbox"/>

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

ALVIN D. RODGERS and MARY

ANNE RODGERS,

Plaintiffs

vs.

LEWIS W. SIMBECK and HANNA H.

SIMBECK, and any heir, persons claiming
or who might claim title under the
aforesaid defendants; and any other
person, persons, firms, partnerships,
or corporate entities who might claim
title to the premises herein described,

Defendants

No. 04-1624-CJ

Type of Pleading: Complaint

Filed on behalf of: Alvin D. Rodgers and
Mary Anne Rodgers, Plaintiffs

Counsel of Record for this party:

HOPKINS HELTZEL LLP

DAVID J. HOPKINS, ESQUIRE
Attorney at Law

Supreme Court No. 42519
900 Beaver Drive
DuBois, Pennsylvania 15801

(814) 375-0300

FILED *cc Atty Hopkins*
11/11/04
OCT 18 2004 *Atty pd. 95.00*

William A. Shaw
Prothonotary/Clerk of Courts

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

ALVIN D. RODGERS and MARY :
ANNE RODGERS, :
Plaintiffs :
:
vs. : No.
:
:
LEWIS W. SIMBECK and HANNA H. :
SIMBECK, and any heir, persons claiming :
or who might claim title under the :
aforesaid defendants; and any other :
person, persons, firms, partnerships, :
or corporate entities who might claim :
title to the premises herein described, :
Defendants :
:

NOTICE

TO DEFENDANTS:

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 judgement 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.

Office of the Court Administrator
Clearfield County Courthouse
230 E. Market Street
Clearfield, PA 16830
(814) 765-2641 ext. 5982

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

ALVIN D. RODGERS and MARY :
ANNE RODGERS, :
Plaintiffs :
:
vs. : No.
:
LEWIS W. SIMBECK and HANNA H. :
SIMBECK, and any heir, persons claiming :
or who might claim title under the :
aforesaid defendants; and any other :
person, persons, firms, partnerships, :
or corporate entities who might claim :
title to the premises herein described, :
Defendants :
:

COMPLAINT

NOW COMES, Plaintiffs, Alvin D. Rodgers and Mary Anne Rodgers, husband and wife, by and through their attorneys, Hopkins Heltzel LLP, and avers as follows:

1. Plaintiffs, Alvin D. Rodgers and Mary Anne Rodgers are married individuals who maintain a principal residence at 4813 Knoxdale Road, Reynoldsville, Pennsylvania 15851.
2. The property to be quieted is generally known as 318 Wood Street, DuBois, Pennsylvania 15801. Tax Parcel No. 007.5-009-000-2438.
3. Defendants, Lewis W. Simbeck and Hanna H. Simbeck are presumed to be dead. The location of Defendants' heirs is unknown.
4. On August 28, 1905, Mary Ashman conveyed the property described in paragraph 2 to Lewis W. Simbeck. The Deed was recorded in the Office of the Recorder of Deeds of Clearfield County in Volume 150, at page 211.

5. Lewis W. Simbeck died. His Last Will and Testament dated May 19, 1917 was probated in the Office of the Register of Wills in Clearfield County devising all of his property, real, personal and mixed to his beloved wife, Hanna H. Simbeck. The property devised to Hanna Simbeck included the property set forth in paragraph 2. Hanna Simbeck failed to pay real estate taxes assessed against the property for the years 1936 and 1938.

6. By Deed dated May 5, 1941, Edna Marsden, Treasurer of the County of Clearfield conveyed the property to the County Commissioners of the County of Clearfield. Said Deed was recorded in the Office of the Recorder of Deeds in Volume 352, at page 180.

7. By Deed dated August 23, 1943, the Clearfield County Commissioners conveyed the property to the Commonwealth of Pennsylvania DPA. The Deed was recorded in the Office of the Recorder of Deeds in Volume 352, at page 187.

8. By Deed dated December 9, 1953, the Commonwealth of Pennsylvania conveyed the property to Anthony Tumovs-Rutulis. The Deed was recorded in the Office of the Recorder of Deeds of Clearfield County in Volume 433, at page 179.

9. By Deed dated January 25, 1963, Stanley Rusonis, Executor of the Estate of Anthony T. Rutulis a/k/a Anthony Tumovs-Rutulis conveyed the property to John P. Stradofsky and Adella E. Stradofsky, husband and wife. The Deed was recorded in the Office of the Recorder of Deeds of Clearfield County in Deed Book 500, at page 247.

10. By Deed dated September 11, 1965, John P. Stradofsky and Adella E. Stradofsky conveyed the property to Jack P. Stradofsky and Margaret J. Stradofsky, husband and wife. The Deed was recorded in the Office of the Recorder of Deeds of Clearfield County in Deed Book 517, at page 249.

11. By Deed dated July 12, 1972, Jack P. Stradofsky and Margaret J. Stradofsky conveyed the property to James F. Carey and Kathleen M. Carey, husband and wife. The Deed was recorded in the Office of the Recorder of Deeds of Clearfield County in Deed Book 601, at page 117.

12. By Deed dated June 13, 1977, James F. Carey and Kathleen M. Carey conveyed the property to James F. McGranor and Bonnie J. McGranor, husband and wife. The Deed was recorded in the Office of the Recorder of Deeds of Clearfield County in Deed Book 741, at page 204.

13. By Deed dated March 4, 2002, James F. McGranor and Bonnie J. McGranor conveyed the property to Bonnie J. McGranor. The Deed was recorded in the Office of the Recorder of Deeds of Clearfield County as Instrument No. 2004-07876.

14. By Deed dated May 8, 2004, Bonnie J. McGranor conveyed the property to Alvin D. Rodgers and Mary Anne Rodgers, Plaintiffs herein. The Deed was recorded in the Office of the Recorder of Deeds of Clearfield County as Instrument No. 2004-07877.

15. Defendant, Hanna Simbeck, is presumed to be dead and the identity and the location of her heirs are unknown. The purpose of this quite title action is to clear any and all possible clouds from the title of the property as held by Hanna Simbeck.

WHEREFORE, the Plaintiffs request the Court to decree that title to the premises described in paragraph two of the Complaint be granted unto Plaintiffs, Alvin D. Rodgers and Mary Anne Rodgers in fee simple absolute; and that the Defendants, Lewis W. Simbeck and Hanna H. Simbeck, their heirs, devisees, executors, administrators and assigns, and all other

person, persons, partnerships, limited liability companies or corporate entities in interest, or their legal representatives be forever barred from asserting any right, lien or interest inconsistent with the interest or claim of the Plaintiff as set forth in and to the property known as 318 Woods Street, DuBois, Pennsylvania.

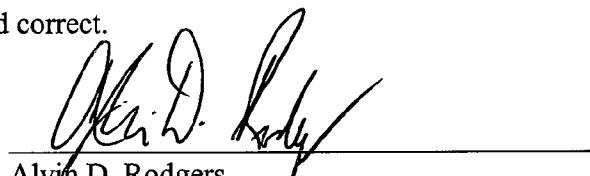
Respectfully submitted,



David J. Hopkins, Esquire
Attorney for Plaintiffs

VERIFICATION

With full understanding that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities, I verify that the statements made in this pleading are true and correct.



Alvin D. Rodgers

VERIFICATION

With full understanding that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities, I verify that the statements made in this pleading are true and correct.



Mary Anne Rodgers

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

ALVIN D. RODGERS and MARY
ANNE RODGERS, :
Plaintiffs :
vs. : No. 04-1624-CJ
:

LEWIS W. SIMBECK and HANNA H.
SIMBECK, and any heir, persons claiming
or who might claim title under the
aforesaid defendants; and any other
person, persons, firms, partnerships,
or corporate entities who might claim
title to the premises herein described,
Defendants :
:

FILED cc
8/11/2004 Atty Hopkins
OCT 18 2004

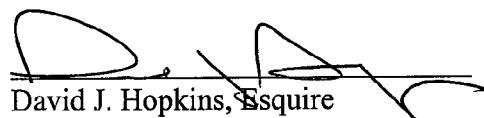
William A. Shaw
Prothonotary Clerk of Courts

AFFIDAVIT OF UNKNOWN WHEREABOUTS

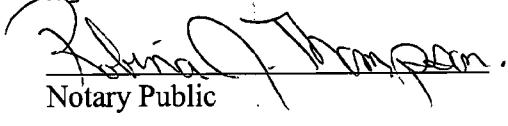
I, David J. Hopkins, Esquire, attorney for Plaintiffs, Alvin D. Rodgers and Mary Anne Rodgers being duly sworn according to law, deposes and says that to the best of my knowledge, information and belief, the Defendants, Lewis W. Simbeck and Hanna H. Simbeck's whereabouts is unknown.

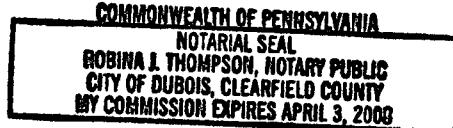
A search of the Prothonotary's office, Register of Wills and Recorder of Deeds for Clearfield County failed to disclose any information regarding the whereabouts of Lewis W. Simbeck and Hanna H. Simbeck. Both individuals are believed to be dead.

Your Affiant has been unable to locate the named Defendant in this action or his heirs, devisees, executors, administrators or assigns.


David J. Hopkins, Esquire

Sworn to and subscribed before
me this 14th day of
2004.

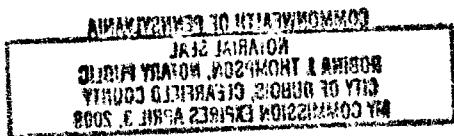

Notary Public



FILED

OCT 18 2004

W/F: Pam A. Shaw
Prothonotary/Clerk of Courts



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

ALVIN D. RODGERS and MARY

ANNE RODGERS,

Plaintiffs

vs.

No. 04-1629-cd

LEWIS W. SIMBECK and HANNA H.

SIMBECK, and any heir, persons claiming

or who might claim title under the

aforesaid defendants; and any other

person, persons, firms, partnerships,

or corporate entities who might claim

title to the premises herein described,

Defendants

ORDER FOR PUBLICATION

AND NOW, this 17th day of November, 2004, upon the consideration of the foregoing Motion, the Plaintiffs are granted leave to make service of the Complaint on Defendants, Lewis W. Simbeck and Hanna H. Simbeck, their heirs, devisees, administrators, executors, assigns, and all other person, persons, firms, partnerships, or corporate entities in interest, or his legal representatives, by publication one time in the Courier Express published in the City of DuBois, County of Clearfield and Commonwealth of Pennsylvania and one time in the Clearfield County Legal Journal.

BY THE COURT,



JUDGE

FILED ^{cc} 
d/11/2004 NOV 17 2004 Amy Hopkins

William A. Shaw
Prothonotary/Clerk of Courts

2

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

ALVIN D. RODGERS and MARY :
ANNE RODGERS, :
Plaintiffs :
vs. :
No. 04-1629-CD
: :
LEWIS W. SIMBECK and HANNA H. :
SIMBECK, and any heir, persons claiming :
or who might claim title under the :
aforesaid defendants; and any other :
person, persons, firms, partnerships, :
or corporate entities who might claim :
title to the premises herein described, :
Defendants :
:

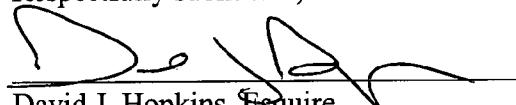
FILED
OCT 18 2004
iCC
Atty Hopkins

William A. Shaw
Prothonotary Clerk of Courts

MOTION FOR PUBLICATION

AND NOW, this 18th day of October 2004, an Affidavit having been executed and filed on behalf of Alvin D. Rodgers and Mary Anne Rodgers, and that the whereabouts of Defendants, Lewis W. Simbeck and Hanna H. Simbeck, their accumulative heirs, devisees, administrators, executors, successors or assigns, and all other person, persons, firms, partnerships, or corporate entities in interest are unknown. The Plaintiffs, by their counsel, Hopkins Heltzel LLP, requests the Court for leave to serve the Complaint on the above mentioned Defendant, their heirs, devisees, administrators, executors, assigns, and all other person, persons, firms, partnerships, or corporate entity in interest, or their legal representatives, generally, by publication in such manner as the Court shall direct and as provided by Pa. R.C.P. Rule 410, and Pa.R.C.P. Rule 430.

Respectfully submitted,


David J. Hopkins, Esquire
Attorney for Plaintiffs

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

ALVIN D. RODGERS and MARY :
ANNE RODGERS, :
Plaintiffs :
:

vs. : No. 04-1629 C.D.
:

LEWIS W. SIMBECK and HANNA H. :
SIMBECK, and any heir, persons claiming :
or who might claim title under the :
aforesaid defendants; and any other :
person, persons, firms, partnerships, :
or corporate entities who might claim :
title to the premises herein described, :
Defendants :
:

FILED

612 JAN 13 2005
01-201w
William A. Shaw
Prothonotary

ORDER

1 CERT TO ATTY

AND NOW, this 13th day of January, 2005, it appearing that service of the
Complaint to Quiet Title in the above stated action was served upon Defendants by publication,
pursuant to the Rules of Civil Procedure; and by Affidavit of David J. Hopkins, Attorney for
Plaintiffs, that no answer or appearance has been filed to said action, and on Motion of David J.
Hopkins, Esquire, it is hereby ORDERED and DECREED:

1. That the Defendants, Lewis W. Simbeck and Hanna H. Simbeck, their successors and
assigns and all other person, persons, firms, partnerships, or corporate entities in interest, are
forever barred from asserting any right, title, lien or interest inconsistent with the interest or
claim of the Plaintiffs as set forth in their Complaint in and to:

318 Wood Street, DuBois, Pennsylvania 15801, Tax Parcel No. 007.5-009-000-
2438.

2. That title to the property is now vested in Alvin D. Rodgers and Mary Anne Rodgers, as prayed.

3. That the rights of the Plaintiffs are superior to the rights of the Defendants, Lewis W. Simbeck and Hanna H. Simbeck, their successors and assigns who might claim title under the aforesaid Defendants; and any other person, persons, firms, partnerships, or corporate entities who might claim title to the premises herein described.

4. That the Plaintiffs have title in fee simple to said premises as described in the Complaint as against the Defendants, Lewis W. Simbeck and Hanna H. Simbeck, their successors and assigns as set forth in paragraph 1 of this Order.

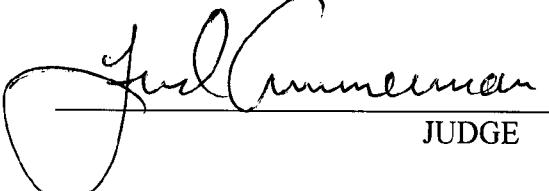
5. That the Defendants, Lewis W. Simbeck and Hanna H. Simbeck, their successors and assigns are forever barred from asserting any right, title or interest in or to the premises described which are inconsistent with the interest or claims of the Plaintiffs as set forth in their Complaint and from setting up any title to the premises and from impeaching, denying or in any way attacking the title of the Plaintiffs to the premises.

6. That the thirty (30) days provisions of Pennsylvania Rules of Civil Procedure 1066(b)(i) be modified as to eliminate the said thirty (30) day Rule of Pennsylvania Rules of Civil Procedure from this case. Said modification is in accordance with the authority vested in this Court by virtue of Pennsylvania Rules of Civil Procedure 248 to eliminate any time period prescribed by Pennsylvania Rules of Civil Procedure upon Order of Court.

7. That these proceedings or any authenticated copy thereof, shall at all times hereinafter be taken as evidence of the facts declared and established thereby.

8. That a certified copy of this Order shall be recorded in the Office of the Recorder of
Deed of Clearfield County, Pennsylvania.

BY THE COURT,



Judge Culmerman

JUDGE

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

ALVIN D. RODGERS and MARY :
ANNE RODGERS, :
Plaintiffs :
vs. :
No. 04-1629 C.D.
:
:
LEWIS W. SIMBECK and HANNA H. :
SIMBECK, and any heir, persons claiming :
or who might claim title under the :
aforesaid defendants; and any other :
person, persons, firms, partnerships, :
or corporate entities who might claim :
title to the premises herein described, :
Defendants :
:
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:
:
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:
:
Counsel of Record for this party:
:
HOPKINS HELTZEL LLP
:
DAVID J. HOPKINS, ESQUIRE
Attorney at Law
:
Supreme Court No. 42519
900 Beaver Drive
DuBois, Pennsylvania 15801
:
(814) 375-0300

FILED

JAN 05 2005

o 12:50 a.m.
William A. Shaw
Prothonotary

No Court Copies

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

ALVIN D. RODGERS and MARY :
ANNE RODGERS, :
Plaintiffs :
:
vs. : No. 04-1629 C.D.
:
:
LEWIS W. SIMBECK and HANNA H. :
SIMBECK, and any heir, persons claiming :
or who might claim title under the :
aforesaid defendants; and any other :
person, persons, firms, partnerships, :
or corporate entities who might claim :
title to the premises herein described, :
Defendants :

MOTION FOR JUDGMENT

AND NOW, this 5th day of January, 2005, an Affidavit having been filed by David J. Hopkins, Esquire, Attorney for Plaintiffs, Alvin D. Rodgers and Mary Anne Rodgers, that the Complaint with Notice to Plead was served on the Defendants by publication and the Defendants have not answered. The Plaintiffs, Alvin D. Rodgers and Mary Anne Rodgers, by and through their attorney, move the Court to enter judgment in favor of the Plaintiffs and against the Defendants in the above named case and to grant to the Plaintiffs the relief prayed for in accordance with Rules of Civil Procedure 1066. Plaintiffs further requests that the Honorable Court modify in accordance with Rules of Civil Procedure, Rule 248, the thirty (30) day period provided Defendants by Rules of Civil Procedure, Rule 1066(b) to assert any right, lien, title or interest in the land inconsistent with the interest or claim Plaintiffs set forth in their Complaint.

Respectfully submitted,



David J. Hopkins, Esquire

**PROOF OF PUBLICATION OF NOTICE APPEARING IN THE
STATE OF PENNSYLVANIA
COUNTY OF CLEARFIELD**

SS:

Linda Smith, Advertising Director or Dory Ferra, Classified Advertising Supervisor of the **Courier-Express/Tri-County Sunday/Jeffersonian Democrat** of the County and State aforesaid, being duly sworn, deposes and says that the **Courier Express**, a daily newspaper, the **Tri-County Sunday**, a weekly newspaper and **Jeffersonian Democrat**, a weekly newspaper published by McLean Publishing Company at 500 Jeffers Street, City of DuBois, County and State aforesaid, which was established in the year 1879, since which date said, the daily publication and the weekly publications, has been regularly issued in said County, and that a copy of the printed notice of publication is attached hereto exactly as the same was printed and published in the regular editions of the paper on the following dates, viz: the

30th day of November A.D. 2004

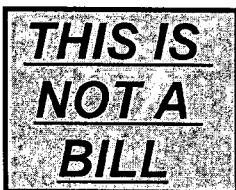
Affidavit further deposes that he is an officer duly authorized by the **Courier-Express**, a daily newspaper, **Tri-County Sunday**, a weekly newspaper, and/or **Jeffersonian Democrat**, a weekly newspaper to verify the foregoing statement under oath and also declared that affiant is not interested in the subject matter of the aforesaid notice of publication, and that all allegations in the foregoing statement as to time, place and character of publication are true.

**McLEAN PUBLISHING COMPANY Publisher of
COURIER-EXPRESS/TRI-COUNTY SUNDAY/JEFFERSONIAN DEMOCRAT**

By Linda Smith

Sworn and subscribed to before me this 7th day of Dec., 2004

Robin M. Duttry
NOTARY PUBLIC



Statement of Advertising Cost
McLEAN PUBLISHING COMPANY
Publisher of
**COURIER-EXPRESS/TRI-COUNTY SUNDAY/
JEFFERSONIAN DEMOCRAT**
DuBois, PA

NOTARIAL SEAL
ROBIN M. DUTTRY, NOTARY PUBLIC
CITY OF DUBOIS, CLEARFIELD COUNTY
MY COMMISSION EXPIRES APRIL 16, 2006

TO Hopkins Heltzell LLP

For publishing the notice or advertisement attached hereto on the above stated dates.....	\$190.76
Probating same.....	\$4.25
Total.....	\$195.01

Publisher's Receipt for Advertising Costs

The **Courier-Express**, a daily newspaper, **Tri-County Sunday**, a weekly newspaper, and/or **Jeffersonian Democrat**, a weekly newspaper, hereby acknowledges receipt of the aforesaid advertising and publication costs, and certifies that the same have been fully paid.

Office: Jeffers Street and Beaver Drive, DuBois, PA 15801

Established 1879, Phone 814-371-4200

McLEAN PUBLISHING COMPANY
Publisher of

COURIER-EXPRESS/TRI-COUNTY SUNDAY/JEFFERSONIAN DEMOCRAT

By

I hereby certify that the foregoing is the original Proof of Publication and receipt for the Advertising costs in the subject matter of said notice.

ATTORNEY FOR

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)
No. 04-1629 C.D.

ALVIN D. RODGERS and MARY ANNE RODGERS, Plaintiffs

vs.
LEWIS W. SIMBECK and HANNA H. SIMBECK, and any heir, persons claiming or who might claim title under the aforesaid defendants; and any other person, persons, firms, partnerships, or corporate entities who might claim title to the premises herein described, Defendants

QUIET TITLE ACTION NOTICE

TO: Lewis W. Simbeck and Hanna H. Simbeck, their heirs, devisees, administrators, executors and assigns and all other persons, firms, partnerships or corporate entities in interest.

You are hereby notified that an action to quiet title to the premises situate, lying and being in Clearfield County and known as 318 Wood Street, DuBois, Pennsylvania and identified as Tax Parcel No. 007.5-009-000-2438 has been filed against you.

You have been sued in Court. The purpose of this quiet title action is to extinguish any right of equity that the Defendants above named and their heirs, administrators, executors and assigns may have in the property as described above. The Plaintiffs in this action, after a diligent search, have been unable to locate the Defendants or their devisees or heirs.

Whereupon the Court Ordered that notice of said action be served on the Defendants, and their heirs.

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.

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
230 East Market Street
Clearfield, Pennsylvania 16830
(814) 765-2641

David J. Hopkins, Esquire
Attorney for Plaintiffs
900 Beaver Drive
DuBois, PA 15801
(814) 375-0300

11/30/04 (11/30/04)

Clearfield County Legal Journal

The Official Legal Journal of the Courts of Clearfield County, PA

**CLEARFIELD COUNTY
LEGAL JOURNAL**

P. O. Box 521, Clearfield, PA

Owned and Published Weekly

by the

Clearfield County
Bar Association

Frederic Ammerman President Judge
Paul Cherry Judge

Earle D. Lees, Jr. President
Robin Foer Vice President
Linda C. Lewis Secretary
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Joseph Colavecchi Exec. Editor
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Ann B. Wood, Earle D. Lees, Jr.
Jeffrey S. DuBois

All advertisements must be in the hands
of the editor by 4:00 P.M. Friday of each
week.

Annual Subscription \$35.00
Single Copies \$7.75

REPORT OF DEEDS

November 24, 2004

Cheryl Haviland, to Nina Cooper
Trustee, 04-18905, \$450
Kitty Scott, to R. Ronald Young, 04-
18913, \$1
Jennifer Rogers, to Kevin Jordan, 04-
18914, \$1
Kevin Jordan, to Francis Adams, 04-
18915, \$1
Helen Gill, to W. Louis McDonald, 04-
18919, \$200
Hal Smith, to Hal Smith, 04-18931,
\$2,500
Clinton Goss, to Randolph Strickland
Jr., 04-18942, \$100,000
David Hess, to Scott Hess, 04-18984,
\$52,000
Lezzer Cash & Carry of Curwensville, to
Curwensville Feed Store Inc., 04-18993,
\$75,000
David Walter, to Leanne Walter, 04-
18994, \$1
James Tepsic, to James Tepsic, 04-
18995, \$1
W. Robert Froats, to James Tepsic,
Patrick Moore, to Victor Harker, 04-
19001, \$27,000
Stern Properties Inc. to Richard Lennon
Jr., 04-19003, \$50,000
Anna Pribell, to Roy Hall, 04-19004,
\$52,000
Stern Properties Inc. to Richard Lennon
Jr., 04-19005, \$50,000
Edith Ery, to Edith Ery, 04-19008, \$1

REPORT OF DEEDS

November 23, 2004

Eric Mehok, to Eric Mehok, 04-19012,
\$1
Richard Fioravanti, to Richard Kerstetter
II, 04-19016, \$35,000
William McDonald, to Mickey Moore,
04-18878, \$33,000
Kenneth Smeal, to Kenneth Smeal, 04-
18880, \$1
Roger Thomas, to Richard Davidson,
04-18881, \$125,000
Donald Reigel, to C. Neilson Herrick,
04-18885, \$271,000
Jerry Bergdahl, to Special Needs Inc.,
04-18887, \$101
Edward Morales, to Steve Loehr, 04-
18901, \$2,300
19045, \$100

REPORT OF DEEDS

November 22, 2004

Warren Williamson, to Howard Becker,
04-19085, \$89,000
Jamison Wang, to Timothy Iraca, 04-
19091, \$1,000
County National Bank, to Barry Gonnont
Sr., 04-19105, \$50,125.25
Betty Van Nort, to Helen Nevell, 04-
19106, \$1
David Schell, to Samuel Scribe, 04-
19114, \$117,000
Aaron Williams, to Michael Johnson,
04-19118, \$43,000
Mark Russell, to Gwendolyn Boalich,
04-19124, \$82,000
C. Alan Walker, to Burris Dixon, 04-
19035, \$10,000
Dixie Peterman, to James McCulley Sr.,
04-19038, \$30,000
Alfreda Matevish, to Harry Davis Jr.,
04-19041, \$8,000
Alfreda Matevish, to Harry Davis Jr.,
04-19042, \$7,000
Many Vaikus, to Kevin McLaughlin, 04-
19155, \$1
Joyce Folmar, to Joyce Folmar, 04-
19156, \$1
William Hess, to William Hess, 04-
19157, \$1

REPORT OF MORTGAGES

November 22, 2004

Brian Jacoby, to County National Bank,
04-18875, \$17,880
Mickey Moore, to Northwest Savings
Bank, 04-18879, \$36,500
Larry Brown Jr., to ABN Amro Mortgage
Group Inc., 04-18883, \$70,200
Compton Construction Inc. to S & T
Bank, 04-18884, \$155,000
C. Neilson Herrick, to First National
Bank of Pennsylvania, 04-18886, \$200,000
George Padisak, to PNC Bank National
Association, 04-18888, \$13,885.05
Dennis Koozer, to PNC Bank National
Association, 04-18889, \$29,000
Michael Caruso, to First Commonwealth
Bank, 04-18906, \$10,000
Regis Grattan, to First Commonwealth
Bank, 04-18907, \$90,000
Leslie Munn, to S & T Bank, 04-18908,
\$25,000
William Knight, to Aames Funding Corp.,
04-18909, \$44,100
Donald Clapsaddle, to Mortgage
Electronic Registration Systems Inc., 04-
18912, \$111,000
Francis Adams, to Jersey Shore State
Bank, 04-18916, \$58,000
William Abell, to Full Spectrum Lending
Inc., 04-18921, \$80,000
John Moore, to Mortgage Electronic
Registration Systems Inc., 04-18927,
\$52,000
Charles Sullenberger, to S & T Bank,
04-18932, \$25,000
RIP Management Group Corp., to
Mohommad Ghuman, 04-18933,
\$1,750,000
Randolph Strickland Jr., to Pennsylvania
State Employees Credit Union, 04-18943,
\$90,000
Scott Hess, to Mortgage Electronic
Registration Systems Inc., 04-18985,
\$52,000
LLC, 04-19163, \$25,000
Roger Larson, to Cassidy Shultz, 04-
19169, \$12,500
Dorothy Lobb, to Samuel Beiler, 04-
19173, \$224,000
Sidney Fye, to Michael McCullough, 04-
19176, \$58,000
Nancy Woods, to Debbie Guidash, 04-
19177, \$1
James Allen, to Janet Lines, 04-19180,
\$85,000

ESTATE NOTICES

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

Notice is hereby given that in the estates of the decedents set forth below the Register of Wills has granted letters testamentary or of administration to the persons named. All persons having claims or demands against said estates are requested to make payment without delay to the executors or administrators or their attorneys named below.

Third Publication

HARMIC, MARGARET J., Dec'd
A/k/a **PEG HARMIC**

Late of Clearfield Borough
Executor: **TERRY O'DONNELL**
Attorney: **JOHN SUGHRUE**
23 North Second Street
Clearfield, PA 16830

SAYERS, C. URSULA, Dec'd

A/k/a **C. U. SAYERS**

A/k/a **CATHERINE U. SAYERS**
A/k/a **CATHARINE U. SAYERS**

Late of Frenchville
Executor: **CLAUDE ALLEN SAYERS**
Attorney: **GATES & SEAMAN**
PO Box 846
Clearfield, PA 16830

Second Publication

SNYDER, LEAVERNE C., Dec'd

Late of Sandy Township
Executor: **ERNEST L. KELLY**
Attorney: **GLEASON, CHERRY**
& **CHERRY, LLP**

One North Franklin Street
PO Box 505
DuBois, PA 15801

First Publication

BAKER, HILDA P., Dec'd

Late of DuBois
Executor: **JAMES E. WALKER**
Attorney: **GLEASON, CHERRY**
& **CHERRY**

PO Box 505
DuBois, PA 15801

Defendants
No. 2004-1629-CD
ACTION TO QUIET TITLE NOTICE
TO: Lewis W. Simbeck and Hanna H.

Simbeck, their heirs, devisees, administrators, executors and assigns and all other person, persons, firms, partnerships or corporate entities in interest.
You are hereby notified that an action to quiet title to the premises situate, lying and being in Clearfield County and known as 318 Wood Street, DuBois, Pennsylvania, and identified as Tax Parcel No. 007-5-009-000. 2438 has been filed against you.

You have been sued in Court. The purpose of this quiet title action is to extinguish any right or equity which the Defendants above named and his heirs, administrators, executors and assigns may have in the property as described above. The Plaintiffs in this action, after a diligent search, has been unable to locate the Defendants or their devisees or heirs.

Whereupon the Court Ordered that notice of said action be served on the Defendants, and their heirs.
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.
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, 230 East Market Street, Clearfield, PA 16830 (814) 765-2641.
David J. Hopkins, Esquire, Attorney for Plaintiffs, 900 Beaver Drive, DuBois, PA 15801 (814) 375-0300.

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

ALVIN D. RODGERS and MARY :
ANNE RODGERS, :
Plaintiffs :
vs. :
No. 04-1629 C.D.
:

LEWIS W. SIMBECK and HANNA H. :
SIMBECK, and any heir, persons claiming :
or who might claim title under the :
aforesaid defendants; and any other :
person, persons, firms, partnerships, :
or corporate entities who might claim :
title to the premises herein described, :
Defendants :

FILED

JAN 05 2005

01/12:50 (ms)
William A. Shaw
Prothonotary

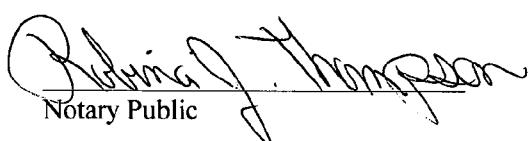
AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :

Personally appeared before me, the undersigned officer, David J. Hopkins, Attorney for Alvin D. Rodgers and Mary Anne Rodgers, who, being duly sworn according to law, deposes and says that the service of the foregoing Complaint to Quiet Title, endorsed with Notice to Plead, has been served upon Defendants, Lewis W. Simbeck and Hanna H. Simbeck and their successors and assigns, by publication, and that twenty (20) days have elapsed since said service and Defendants have not filed an appearance or any answer to the Complaint, although the time in which to do so has expired.


David J. Hopkins, Esquire

Sworn to and subscribed before me this
5th day of January, 2005.


Robina J. Thompson
Notary Public

COMMONWEALTH OF PENNSYLVANIA

NOTARIAL SEAL

ROBINA J. THOMPSON, NOTARY PUBLIC
CITY OF DUBOIS, CLEARFIELD COUNTY
MY COMMISSION EXPIRES APRIL 3, 2008

FILED

JAN 05 2005

William A. Shaw
Prothonotary

2005-01-05 10:45:29 PM
MAYORAL SEAL
BISHOP T. HOWARD BROTHERS LIBRARY
CITY OF DUBLIN, CUYAHOGA COUNTY
OHIO 44028
THE COMMISSIONERS OF DUBLIN, OHIO

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

ALVIN D. RODGERS and MARY :
ANNE RODGERS, :
Plaintiffs :
vs. :
No. 04-1629 C.D.

LEWIS W. SIMBECK and HANNA H. :
SIMBECK, and any heir, persons claiming :
or who might claim title under the :
aforesaid defendants; and any other :
person, persons, firms, partnerships, :
or corporate entities who might claim :
title to the premises herein described, :
Defendants :

FILED ^{cc}
1/31/05 Atty Hopkins
JAN 21 2005

William A. Shew
Prothonotary/Clerk of Courts

AMENDED ORDER

AND NOW, this 21 day of January, 2005, it appearing that service of the
Complaint to Quiet Title in the above stated action was served upon Defendants by publication,
pursuant to the Rules of Civil Procedure; and by Affidavit of David J. Hopkins, Attorney for
Plaintiffs, that no answer or appearance has been filed to said action, and on Motion of David J.
Hopkins, Esquire, it is hereby ORDERED and DECREED:

1. That the Defendants, Lewis W. Simbeck and Hanna H. Simbeck, their successors and
assigns and all other person, persons, firms, partnerships, or corporate entities in interest, are
forever barred from asserting any right, title, lien or interest inconsistent with the interest or
claim of the Plaintiffs as set forth in their Complaint in and to:

318 Wood Street, City of DuBois, Pennsylvania 15801, Tax Parcel No. 007.5-
009-000-2438.

2. That title to the property is now vested in Alvin D. Rodgers and Mary Anne Rodgers, as prayed.
3. That the rights of the Plaintiffs are superior to the rights of the Defendants, Lewis W. Simbeck and Hanna H. Simbeck, their successors and assigns who might claim title under the aforesaid Defendants; and any other person, persons, firms, partnerships, or corporate entities who might claim title to the premises herein described.
4. That the Plaintiffs have title in fee simple to said premises as described in the Complaint as against the Defendants, Lewis W. Simbeck and Hanna H. Simbeck, their successors and assigns as set forth in paragraph 1 of this Order.
5. That the Defendants, Lewis W. Simbeck and Hanna H. Simbeck, their successors and assigns are forever barred from asserting any right, title or interest in or to the premises described which are inconsistent with the interest or claims of the Plaintiffs as set forth in their Complaint and from setting up any title to the premises and from impeaching, denying or in any way attacking the title of the Plaintiffs to the premises.
6. That the thirty (30) days provisions of Pennsylvania Rules of Civil Procedure 1066(b)(i) be modified as to eliminate the said thirty (30) day Rule of Pennsylvania Rules of Civil Procedure from this case. Said modification is in accordance with the authority vested in this Court by virtue of Pennsylvania Rules of Civil Procedure 248 to eliminate any time period prescribed by Pennsylvania Rules of Civil Procedure upon Order of Court.
7. That these proceedings or any authenticated copy thereof, shall at all times hereinafter be taken as evidence of the facts declared and established thereby.

8. That a certified copy of this Order shall be recorded in the Office of the Recorder of
Deed of Clearfield County, Pennsylvania.

BY THE COURT,



A handwritten signature in black ink, appearing to read "John C. Kumerow". The signature is fluid and cursive, with a prominent "J" at the beginning. A horizontal line is drawn underneath the signature, and the word "JUDGE" is printed in capital letters to the right of the line.