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

JAMES K. BROWN, and  
VIRGINIA C. BROWN,  
Plaintiffs,

vs.

NO. 04-1702-CD

The Heirs of ANDREW L. PATRICK,

and

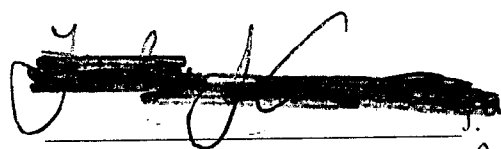
PHILIPS BUILDING & LOAN ASSOCIATION

Defendants

**ORDER**

AND NOW, this 29<sup>th</sup> day of October, 2004, upon consideration of the foregoing Motion to Quiet Title, a hearing on this matter shall be held on the 28 day of December, 2004, in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania, at 10:30 o'clock A.m.

BY THE COURT:



- Need to check Rules on*
- ① Filing Complaint vs. Motion
  - ② Not listing  $\Delta$ s on ~~the~~ at beginning & alleging their address. Failure to use Sheriff to serve & sending letters to obviously insufficient addresses.
  - ③ Not indicating if letters were returned.
  - ④ No affidavit of attempts to locate. no publication.
  - ⑤ verification signed by lawyer.
- OCT 29 2004  
0242306 act. atty. ECK

A

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
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JAMES K. BROWN, and  
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Plaintiffs,

vs.

The Heirs of ANDREW L. PATRICK,

and

PHILIPS BUILDING & LOAN ASSOCIATION

Defendants

NO. 04-1702-CD

FILED  
OCT 27 2004  
3:04 PM  
600 to 600

MOTION TO QUIET TITLE

AND NOW, comes the Plaintiff, James Brown, by and through his attorneys, Leslie A. Dutchcot, Esquire, and MASORTI & SULLIVAN, P.C., and brings this Motion to Quiet Title, whereof the following is a statement:

1. Plaintiff, James K. Brown, is an adult individual with a mailing address of P.O. Box 53, Morrisdale, Clearfield County, Commonwealth of Pennsylvania and residing at Box 29 Whitman Street, Hawk Run, Clearfield County, Commonwealth of Pennsylvania..
2. Plaintiff, Virginia C. Brown, is an adult individual with a mailing address of P.O. Box 53, Morrisdale, Clearfield County, Commonwealth of Pennsylvania and residing at Box 29 Whitman Street, Hawk Run, Clearfield County, Commonwealth of Pennsylvania..
3. Defendant, Heirs of Andrew L. Patrick, were created by the March 27, 1986 death of Andrew L. Patrick, late of Clearfield County.
4. Defendant Philips Building & Loan Association was a Pennsylvania corporation registered and doing business in Philipsburg, Clearfield County, Commonwealth of Pennsylvania..
5. Plaintiffs own and possesses real property located on Whitman Street, situated in the City of Hawk Run, County of Clearfield, Commonwealth of Pennsylvania, and more fully described as Morris Township map #124-

No affidavit  
re attempts to  
locate or  
request for  
publication.

How do they know.

is there a copy of it do they have it?

↑  
NO deed recorded.

Being clause of Deed Ex B says also conveyed to children of Andrew

Q11-564-37, consisting of two lots located on Whitman Street, known hereinafter as "subject property."

6. On or about May 1, 2000, Plaintiffs purchased subject property from Bertha Patrick, Single, by Mary Elizabeth Stojeck, her Attorney In Fact.
7. Conveyance of subject property was evidenced by deed dated May 1, 2000, and recorded May 5, 2000, with the Clearfield County Recorder of Deeds as Instrument Number 200006104. A true and correct copy of said Deed is attached hereto and incorporated herein as "Exhibit A."
8. On or about May 23, 1930, subject property was conveyed to Harry Patrick by Deed of Philips Building & Loan Association, however no Deed was recorded with the Clearfield County Recorder of Deeds.

9. On or about March 19, 1946, and recorded in Clearfield County Deed Book 397, page 368, Harry Patrick, widower, conveyed subject property to Andrew L. Patrick, Bertha Patrick and Mary Elizabeth Moslak.

10. On or about March 15, 1990, and recorded in Clearfield County Deed and Record Book 1366, page 233, Veronica Patrick, widow, and George N. Patrick and Sue Patrick, husband and wife, conveyed the 1/3 interest in subject property held by Andrew L. Patrick to Bertha Patrick. A true and correct copy of said Deed is attached hereto and incorporated herein as "Exhibit B."

11. Following the March 1990, conveyance, Bertha Patrick held a 2/3 interest in subject property. *Elizabeth Moslack & Thomas Moslack also grantors. A same as Mary Elizabeth Moslack?*

12. At the time of conveyance to Plaintiffs, Bertha Patrick held a 2/3 interest in subject property and Mary Elizabeth Moslak held 1/3 interest in subject property. *if ELIZ. Moslack same as Mary ELIZ. Then this is wrong and Bertha held 100% interest*

13. Andrew L. Patrick, a resident of Centre County, died intestate with Veronica Patrick, his wife, and George P. Patrick, his son, and Sue Patrick, husband and wife, his only heirs of Andrew L. Patrick. *if true Then why claim in C if wherefore clause that PL was fee simple?*

14. Defendant, Heirs of Andrew L. Patrick, claim an interest in said property adverse to plaintiffs. *if so Then I assume they know where they are.*

15. Defendant, Heirs of Andrew L. Patrick, is without any right whatsoever, and Defendant has no right, estate, title, lien or interest in or to the property, or any part thereof.

16. Although Defendant, Philips Building & Loan Association, failed to file

Is this company  
still in business?  
Is there a successor?  
No indication.

the Deed evidencing conveyance of subject property, Defendant, Philips Building & Loan Association, intended to convey full interest in subject property May 23, 1930, at the time possession of subject property was transferred to Harry Patrick.

17. Defendant, Philips Building & Loan Association, is without any right whatsoever, and Defendant has no right, estate, title, lien or interest in or to subject property, or any part thereof.

Wherefore, Plaintiffs pray this Honorable Court grant the following relief requested:

- A. That Defendants, and each of them, and all persons claiming under them, be required to set forth the nature of their claims to said real property;
- B. That all adverse claims to said real property be determined by a decree of this court;
- C. That said decree declare and adjudge that Plaintiffs own, in fee simple, and are entitled to the quiet and peaceful possession of, said real property; and that Defendants, and each of them, and all persons claiming under them, have no estate, right, title, lien, or interest in or to said real property or any part thereof;
- D. That said decree permanently enjoin Defendants, each of them, and all persons claiming under them, from asserting any adverse claim to Plaintiffs' title to said property;
- E. For costs of this action; and
- F. For such other and further relief as the court deems just and proper.

Respectfully submitted,  
MASORTI & SULLIVAN, P.C.

BY: Leslie A. Dutchcot

Leslie A. Dutchcot, Esq.  
341 North Science Park Road  
Suite 202  
State College, PA 16803  
(814) 234-9500  
Attorney I.D. #85834

Dated: 10-28-04

VERIFICATION

I, Leslie A. Dutchcot, attorney for the Plaintiff, Michael E. Homan, do hereby verify that the facts set forth in the foregoing document are true and correct to the best of my knowledge, information and belief, and that the source of my information is from discussions with my client and the documents provided.

I understand that the statements therein are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

Respectfully submitted,

MASORTI & SULLIVAN, P.C.

By: 

Leslie A. Dutchcot, Esq.  
341 North Science Park Road  
Suite 202  
State College, PA 16803  
(814) 234-9500  
Attorney I.D. #85834

County Parcel No.: 124-Q11-564-35

## Deed

MADE the 1<sup>ST</sup> day of MAY in the year two thousand (2000).

BETWEEN BERTHA PATRICK, single of R. D. 3, DuBois, Clearfield County, Pennsylvania, by MARY ELIZABETH STOJEK, her Attorney-in-Fact, under Power of attorney dated January 15, 1996 and recorded in the Clearfield County Office of Recorder of Deeds on January 22, 1996 in Deed and Record Book Volume 1732, page 342, party of the first part, hereinafter referred to as the "GRANTOR";

-AND-

JAMES R. BROWN, an adult individual and VIRGINIA C. BROWN, a widow, as tenants in common, of P.O. Box 53, Morrisdale, Clearfield County, Pennsylvania 16858, parties of the second part, hereinafter referred to as the "GRANTEES."

WITNESSETH, that in consideration of the sum of Thirty Six Thousand (\$36,800.00) Dollars, in hand paid, the receipt whereof is hereby acknowledged, the said Grantor does hereby grant and convey unto the Grantees, their heirs, executors, administrators, and assigns forever.

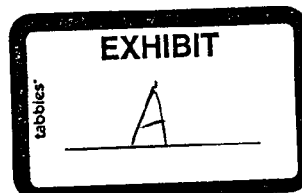
ALL those two certain pieces or lots of ground situate in the Village of Hawk Run, Township of Morris, County of Clearfield, and Commonwealth of Pennsylvania, more particularly bounded and described as follows, to-wit:

THE FIRST THEREOF: BEGINNING at a post on line of Whitman Street; thence Northeast one hundred four (104) feet to a corner; thence Northwest one hundred four (104) feet to a post corner; thence Southwest one hundred four (104) feet to post corner; thence Southwest one hundred four (104) feet to the line of Whitman Street and the place of beginning.

THE SECOND THEREOF: BEGINNING at a corner of public road; thence along the line of land formerly of James Divens one hundred (100) feet to a post; thence by line of land formerly of James Divens fifty-two (52) feet to a post; thence back by a parallel line one hundred (100) feet to the line of road; thence along the line of said road fifty-two (52) feet to the place of beginning.

BEING the same premises which Elizabeth Moslak and Thomas E. Moslak, her husband, granted and conveyed to Bertha Patrick, single in their deed dated March 15, 1990 and recorded in the Office of the Recorder of Deeds of Clearfield County on September 28, 1999 at Deeds and Record Book Volume 1366, page 233.

TOGETHER with all and singular, the improvements, privileges, hereditaments, and appurtenances whatsoever thereunto belonging, or in anywise appertaining, and the reversions and remainders, rents, issues, and profits thereof; and all the estate, right, title, interest, property, claim, and demand whatsoever of the said party of the first part in law, equity, or otherwise, howsoever, of, in, and to the same and every part thereof.



THIS DEED

VOL 1366 PAGE 233

MADE the 15<sup>th</sup> day of MARCH in the year nineteen hundred and ninety (1990).

BETWEEN ELIZABETH MOSLAK and THOMAS E. MOSLAK, her husband, of Box 114, Hawk Run, Morris Township, Clearfield County, Pennsylvania 16840; VERONICA PATRICK, widow, of R. D. 1, Box 329, Philipaburg, Pennsylvania 16866; and GEORGE N. PATRICK and SUE PATRICK, his wife, of 206 Hemlock Street, Philipaburg, Pennsylvania 16866, parties of the first part, hereinafter referred to as the "GRANTORS;"

-AND-

BERTHA PATRICK, single, of P. O. Box 114, Hawk Run, Morris Township, Clearfield County, Pennsylvania 16840, party of the second part, hereinafter referred to as the "GRANTEE."

WITNESSETH, that in consideration of the sum of One (\$1.00) Dollar and mutual love and affection, in hand paid, the receipt whereof is hereby acknowledged, the said Grantors do hereby grant and convey unto the Grantee, her heirs, executors, administrators, and assigns forever.

ALL those two certain places or lots of ground situate in the Village of Hawk Run, Township of Morris, County of Clearfield, and Commonwealth of Pennsylvania, more particularly bounded and described as follows, to-wit:

THE FIRST THEREOF: BEGINNING at a post on line of Whitman Street; thence Northeast one hundred four (104) feet to a corner; thence Northwest one hundred four (104) feet to a post corner; thence Southwest one hundred four (104) feet to a post corner; thence Southeast one hundred four (104) feet to the line of Whitman Street and the place of beginning.

THE SECOND THEREOF: BEGINNING at a corner of public road; thence along the line of land formerly of James Divens one hundred (100) feet to a post; thence by line of land formerly of James Divens fifty-two (52) feet to a post; thence back by a parallel line one hundred (100) feet to the line of road; thence along the line of said road fifty-two (52) feet to the place of beginning.

BEING the same premises which Harry Patrick, a widower, by deed dated March 19, 1946 and recorded in the Clearfield County Recorder of Deeds office in Deed Book Volume 397, page 368, granted and conveyed unto Bertha Patrick, Elizabeth Moslak, Andrew L. Patrick, and his children. The said Harry Patrick died

EXHIBIT

B

tabbies



intestate August 22, 1949, single, a widower, having never remarried, a resident and domiciliary of Clearfield County, Pennsylvania. The said Andrew L. Patrick died intestate March 27, 1986, a resident and domiciliary of Centre County, Pennsylvania, survived by his wife, Veronica Patrick, and his son, George N. Patrick, his sole heirs under the Intestate Laws of the Commonwealth of Pennsylvania, two of the Grantors herein.

By this conveyance, Grantors intend to convey all of their right, title, and interest in the above-described property to Grantee, their co-owner, and thereby vest sole and exclusive title in and to the above-described property in the Grantee, her heirs, executors, administrators, and assigns forever. The said Grantee is the sister of Elizabeth Moslak, sister-in-law of Veronica Patrick, and aunt of George N. Patrick, Grantors herein.

#### NOTICE

In accordance with the provisions of "The Bituminous Mine Subsidence and Land Conservation Act of 1966", I the undersigned Grantee, hereby certify that I know and understand that I may not be obtaining the right of protection against subsidence resulting from coal mining operations and that the purchased property may be protected from damage due to mine subsidence by a private contract with the owners of the economic interest in the coal. I further certify that this certification is in a color contrasting with that in the deed proper and is printed in twelve point type preceded by the word "notice" printed in twenty-four point type.

Witness:

Margaret B. Duggan

Bertha Patrick  
Bertha Patrick

this 28 day of Sept, 1990.

THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE, OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING, OR OTHER STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT, OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED, OR RESERVED BY THIS INSTRUMENT. (This Notice is set forth pursuant to Act No. 255, approved September 10, 1965, as amended.)

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

JAMES K. BROWN, and  
VIRGINIA C. BROWN,  
Plaintiffs,

vs.

NO. 04-1702-4

The Heirs of ANDREW L. PATRICK,

and

PHILIPS BUILDING & LOAN ASSOCIATION

Defendants

CERTIFICATE OF SERVICE

I, Leslie A. Dutchcot, Esq., hereby certify that on the 21<sup>st</sup> day of October, 2004,  
I served a true and correct copy of the within **Motion to Quiet Title** by U.S. mail, first  
class, postage paid:

Bertha Patrick  
R.D. 3  
DuBois, Pennsylvania 15801

Mary Elizabeth Stojek  
c/o  
Bertha Patrick  
R.D. 3  
DuBois, Pennsylvania 15801

George P. Patrick and Sue Patrick  
206 Hemlock Street  
Philipsburg, PA 16866

Philips Building & Loan Association  
Philipsburg PA 16866

*These addresses  
are clearly inadequate  
for post office  
indication whether  
letters were  
returned.*

OCT 27 2004

I hereby certify this to be a true  
and attested copy of the original  
statement filed in this case.

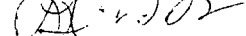
OCT 27 2004

Attest.

*William L. Brown*  
Prothonotary/  
Clerk of Courts

Respectfully submitted,

MASORTI & SULLIVAN, P.C.

By:  \_\_\_\_\_

Leslie A. Dutchcot, Esq.  
341 North Science Park Road  
Suite 202  
State College, PA 16803  
(814) 234-9500  
Attorney I.D. #85834

Bertha Patrick

her PORT Mary E Stojek

1930 Philips Build & loan to Andrew  
~~Patrick~~ Harry Patrick (no deed filed)

1946 Harry Patrick to

Andrew L. Bertha P and Mary E  
↓ Moslak  
died 3/27/86

1990 → Veronica Patrick (widow of <sup>intestate</sup> Andrew P) and  
<sup>son of</sup> George N. Patrick & Sue Patrick Hew to  
1/3 Bertha Patrick & now has 2/3

2000 2/3 Bertha Patrick (by Mary E Stojek)  
to Plaintiffs.

This deed also is by Elizabeth Moslak  
and Thomas E Moslak. if this is NOT  
same person as Mary E Moslak then PL only owns  
2/3

Date: 02/03/2005

Clearfield County Court of Common Pleas

User: BANDERSON

Time: 09:22 AM

ROA Report






Page 1 of 1

Case: 2004-01702-CD

Current Judge: Fredric Joseph Ammerman

James K. Brown, Virginia C. Brown vs. Andrew L. Patrick, Philips Building && Loan Association

Civil Other

Date		Judge
10/27/2004	Filing: Quiet Title Action Paid by: Dutchcot, Leslie A (attorney for Brown, James K.) Receipt number: 1889227 Dated: 10/27/2004 Amount: \$95.00 (Check) 6 CC to Atty.	No Judge 
10/29/2004	Order, AND NOW, this 29th day of October, 2004, upon consideration of the foregoing Motion to Quiet Title, a hearing on this matter shall be held on the 20th day of Dec. 2004, in Courtroom No. 1 of the Clfd. Co. Courthouse, Clfd. Pa. at 10:30 a.m. BY THE COURT:/s/ Fredric J. Ammerman, Judge. 6 CC to Atty.	Fredric Joseph Ammerman 
12/23/2004	ORDER, filed. NOW, this 20th day of Dec. 2004, following the hearing on Plff's Motion to Quiet Title, and there being no objection from the Def. it is hereby ORDERED that Plffs; Motion is Granted and all claims by Def. are hereinafter Dismissed. S/FJA 2 CC Atty. Dutchcot. 1 CC Bertha Patrick, Mary Stojek, George P. Patrick.	Fredric Joseph Ammerman 
01/18/2005	Order, NOW, this 17th day of Jan., 2005, the Court having reviewed the file in the above - captioned case and it appearing that the Plaintiffs did not follow The Rules of Civil Procedure including but not limited to: (see original). Therefore, the Court hereby orders reconsideration of the Order of Dec. 20, 2004. Status conference with counsel for the Plaintiffs and the Court is hereby scheduled for the 10th day of Feb. 2005 at 2:00 pm. estimated time thereof being 15 minutes. BY THE COURT: /s/ Fredric J. Ammerman, President Judge. 2CC Leslie A. Dutchcot, Esquire. 1CC To: Bertha Patrick, Mary Elizabeth Stojek, and George P. Patrick	Fredric Joseph Ammerman 
01/24/2005	Copy of Order addressed to Mary Elizabeth Stojek to 2 separate addresses, Returned, forwarding expired.	Fredric Joseph Ammerman 

Rapid Access Home Credit Agreement & Disclosure are attached hereto as Exhibits "A" and "B" respectively, and are incorporated herein by reference.

4. Said mortgage has not been assigned.

5. The 30-day Notice required by Act No. 6, 41 P.S. Section 403 and the Notice of Homeowners' Emergency Mortgage Assistance Act of 1983 were mailed to the Defendant on April 5, 2004, by certified mail, return receipt requested and by regular first class mail, postage prepaid. True and correct copies of said Notices and copies of return receipts are attached hereto as Exhibits "C" and "D", respectively, and are incorporated herein by reference.

6. More than thirty (30) days have elapsed since the Notice of Homeowner's Emergency Mortgage Assistance was mailed to the Defendant and the Defendant has not requested a face to face meeting with the Plaintiff, nor has Plaintiff received notice that the Defendant has requested such a meeting with a consumer credit counseling agency or applied for assistance under the Act.

7. The premises subject to the Mortgage is the property located at RD Bear Run, Rockton, Clearfield County, Pennsylvania, and is described on Exhibit "E" attached hereto and made a part hereof.

8. Said Mortgage is in default because the principal payments due upon said Mortgage are overdue and in default for a period of more than thirty (30) days and, by the terms of said Mortgage and Rapid Access Home Credit Agreement & Disclosure secured thereby, the whole of said unpaid balance of principal is immediately due and payable.

9. The unpaid balance of the indebtedness due Plaintiff under the terms of the said Mortgage and Note secured thereby is:

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
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JAMES K. BROWN, and  
VIRGINIA C. BROWN,  
Plaintiffs,

vs.

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Defendants

NO. 04-1702-CD

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BY THE COURT:



FILED <sup>EGK</sup>  
024230 bcc:clerk

OCT 29 2004

William A. Shaw  
Prothonotary

CA

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Defendants

NO. 04-1702-CD

FILED  
M 3:04 PM PL 9500  
6 Oct 2004  
OCT 27 2004

William A. Shaw  
Promontary

MOTION TO QUIET TITLE

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3. Defendant, Heirs of Andrew L. Patrick, were created by the March 27, 1986 death of Andrew L. Patrick, late of Clearfield County.
4. Defendant Philips Building & Loan Association was a Pennsylvania corporation registered and doing business in Philipsburg, Clearfield County, Commonwealth of Pennsylvania..
5. Plaintiffs own and possesses real property located on Whitman Street, situated in the City of Hawk Run, County of Clearfield, Commonwealth of Pennsylvania, and more fully described as Morris Township map #124-



Q11-564-37, consisting of two lots located on Whitman Street, known hereinafter as "subject property."

6. On or about May 1, 2000, Plaintiffs purchased subject property from Bertha Patrick, Single, by Mary Elizabeth Stojeck, her Attorney In Fact.
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14. Defendant, Heirs of Andrew L. Patrick, claim an interest in said property adverse to plaintiffs.
15. Defendant, Heirs of Andrew L. Patrick, is without any right whatsoever, and Defendant has no right, estate, title, lien or interest in or to the property, or any part thereof.
16. Although Defendant, Philips Building & Loan Association, failed to file

the Deed evidencing conveyance of subject property, Defendant, Philips Building & Loan Association, intended to convey full interest in subject property May 23, 1930, at the time possession of subject property was transferred to Harry Patrick.

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Wherefore, Plaintiffs pray this Honorable Court grant the following relief requested:

- A. That Defendants, and each of them, and all persons claiming under them, be required to set forth the nature of their claims to said real property;
- B. That all adverse claims to said real property be determined by a decree of this court;
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- D. That said decree permanently enjoin Defendants, each of them, and all persons claiming under them, from asserting any adverse claim to Plaintiffs' title to said property;
- E. For costs of this action; and
- F. For such other and further relief as the court deems just and proper.

Respectfully submitted,  
MASORTI & SULLIVAN, P.C.

BY: 

Leslie A. Dutchtot, Esq.  
341 North Science Park Road  
Suite 202  
State College, PA 16803  
(814) 234-9500  
Attorney I.D. #85834

Dated: 10-28-04

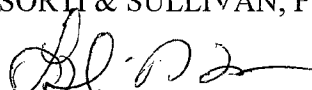
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By: 

Leslie A. Dutchcot, Esq.  
341 North Science Park Road  
Suite 202  
State College, PA 16803  
(814) 234-9500  
Attorney I.D. #85834

County Parcel No.: 124-Q11-564-35

## Deed

MADE the 1<sup>ST</sup> day of MAY in the year two thousand (2000).

BETWEEN BERTHA PATRICK, single of R. D. 3, DuBois, Clearfield County, Pennsylvania, by MARY ELIZABETH STOJEK, her Attorney-in-Fact, under Power of attorney dated January 15, 1996 and recorded in the Clearfield County Office of Recorder of Deeds on January 22, 1996 in Deed and Record Book Volume 1732, page 342, party of the first part, hereinafter referred to as the "GRANTOR";

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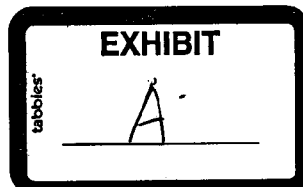
ALL those two certain pieces or lots of ground situate in the Village of Hawk Run, Township of Morris, County of Clearfield, and Commonwealth of Pennsylvania, more particularly bounded and described as follows, to-wit:

THE FIRST THEREOF: BEGINNING at a post on line of Whitman Street; thence Northeast one hundred four (104) feet to a corner; thence Northwest one hundred four (104) feet to a post corner; thence Southwest one hundred four (104) feet to post corner; thence Southwest one hundred four (104) feet to the line of Whitman Street and the place of beginning.

THE SECOND THEREOF: BEGINNING at a corner of public road; thence along the line of land formerly of James Divens one hundred (100) feet to a post; thence by line of land formerly of James Divens fifty-two (52) feet to a post; thence back by a parallel line one hundred (100) feet to the line of road; thence along the line of said road fifty-two (52) feet to the place of beginning.

BEING the same premises which Elizabeth Moslak and Thomas E. Moslak, her husband, granted and conveyed to Bertha Patrick, single in their deed dated March 15, 1990 and recorded in the Office of the Recorder of Deeds of Clearfield County on September 28, 1999 at Deeds and Record Book Volume 1366, page 233.

TOGETHER with all and singular, the improvements, privileges, hereditaments, and appurtenances whatsoever thereunto belonging, or in anywise appertaining, and the reversions and remainders, rents, issues, and profits thereof; and all the estate, right, title, interest, property, claim, and demand whatsoever of the said party of the first part in law, equity, or otherwise, howsoever, of, in, and to the same and every part thereof.



TO HAVE and HOLD the said hereditaments and premises hereby granted or mentioned, and intended so to be, with the appurtenances unto the said parties of the second part, their heirs, executors, administrators, and assigns, to and for the only proper use and behoof of the said parties of the second part, their heirs, executors, administrators, and assigns, FOREVER.

## NOTICE

In accordance with the provisions of "The Bituminous Mine Subsidence and Land Conservation Act of 1966" ~~we~~, the undersigned ~~grantee~~ grantees, hereby certify that ~~we~~ we know and understand that ~~we~~ we may not be obtaining the right of protection against subsidence resulting from coal mining operations and that the purchased property may be protected from damage due to mine subsidence by a private contract with the owners of the economic interest in the coal. ~~we~~ we further certify that this certification is in a color contrasting with that in the deed proper and is printed in twelve point type preceded by the word "notice" printed in twenty-four point type.

Witness:

Mark W. Bunge  
as to 1st

JAMES R. BROWN  
VIRGINIA C. BROWN

This 1st day of MAY 2000

THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE, OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING, OR OTHER STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT, OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED, OR RESERVED BY THIS INSTRUMENT. (This Notice is set forth pursuant to Act No. 255, approved September 10, 1965, as amended).

AND the said Grantor will SPECIALLY warrant and forever defend the property hereby conveyed.

IN WITNESS WHEREOF, the said Grantor has hereunto set her hand and seal the day and year first above written.

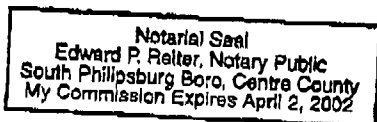
Sealed and delivered  
in the presence of:

Edward P. Reiter  
5-1-00

Bertha Patrick

By: Mary Elizabeth Stojek (SEAL)  
Mary Elizabeth Stojek, Power of Attorney  
POWER OF ATTORNEY

KCK/N.T.S.



Certificate of Residence

I hereby certify that the precise residence of the Grantee herein is as follows:

P.O. Box 53  
Morrisdale, PA 16858

Frank W. Banger  
Agent for Grantees

Commonwealth Of Pennsylvania :

: SS.

County Of ~~Clearfield~~ Centre :

On this, the 1 day of May, 2000, before me, the undersigned authority, personally appeared BERTHA PATRICK, single, by MARY ELIZABETH STOJEK, her Attorney-in-Fact, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that she executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

[Signature]  
Notary Public

My Commission Expires:

Notarial Seal  
Edward P. Reiter, Notary Public  
South Phillipsburg Boro, Centre County  
My Commission Expires April 2, 2002

KAREN L. STARCK  
REGISTER AND RECORDER  
CLEARFIELD COUNTY  
Pennsylvania

INSTRUMENT NUMBER  
200006104

RECORDED ON

May 04, 2000

1:07:55 PM

RECORDING FEES - \$13.00

RECORDER

COUNTY IMPROVEMENT \$1.00

FUND

RECORDER \$1.00

IMPROVEMENT FUND

STATE TRANSFER \$348.00

TAX

STATE UNIT TAX \$0.50

MORRIS TOWNSHIP \$184.00

WEST BRANCH AREA \$184.00

SCHOOLS

TOTAL \$751.50

THIS DEED

VOL 1366 PAGE 233

MADE the 15<sup>th</sup> day of MARCH in the year nineteen hundred and ninety (1990).

BETWEEN ELIZABETH MOSLAK and THOMAS E. MOSLAK, her husband, of Box 114, Hawk Run, Morris Township, Clearfield County, Pennsylvania 16840; VERONICA PATRICK, widow, of R. D. 1, Box 329, Philipsburg, Pennsylvania 16866; and GEORGE N. PATRICK and SUE PATRICK, his wife, of 206 Hemlock Street, Philipsburg, Pennsylvania 16866, parties of the first part, hereinafter referred to as the "GRANTORS;"

-AND-

BERTHA PATRICK, single, of P. O. Box 114, Hawk Run, Morris Township, Clearfield County, Pennsylvania 16840, party of the second part, hereinafter referred to as the "GRANTEE."

WITNESSETH, that in consideration of the sum of One (\$1.00) Dollar and mutual love and affection, in hand paid, the receipt whereof is hereby acknowledged, the said Grantors do hereby grant and convey unto the Grantee, her heirs, executors, administrators, and assigns forever.

ALL those two certain pieces or lots of ground situate in the Village of Hawk Run, Township of Morris, County of Clearfield, and Commonwealth of Pennsylvania, more particularly bounded and described as follows, to-wit:

THE FIRST THEREOF: BEGINNING at a post on line of Whitman Street; thence Northeast one hundred four (104) feet to a corner; thence Northwest one hundred four (104) feet to a post corner; thence Southwest one hundred four (104) feet to a post corner; thence Southeast one hundred four (104) feet to the line of Whitman Street and the place of beginning.

THE SECOND THEREOF: BEGINNING at a corner of public road; thence along the line of land formerly of James Divens one hundred (100) feet to a post; thence by line of land formerly of James Divens fifty-two (52) feet to a post; thence back by a parallel line one hundred (100) feet to the line of road; thence along the line of said road fifty-two (52) feet to the place of beginning.

BEING the same premises which Harry Patrick, a widower, by deed dated March 19, 1946 and recorded in the Clearfield County Recorder of Deeds office in Deed Book Volume 397, page 368, granted and conveyed unto Bertha Patrick, Elizabeth Moslak, Andrew L. Patrick, and his children. The said Harry Patrick died

EXHIBIT

B

tabbies

Intestate August 22, 1949, single, a widower, having never remarried, a resident and domiciliary of Clearfield County, Pennsylvania. The said Andrew L. Patrick died Intestate March 27, 1986, a resident and domiciliary of Centre County, Pennsylvania, survived by his wife, Veronica Patrick, and his son, George N. Patrick, his sole heirs under the Intestate Laws of the Commonwealth of Pennsylvania, two of the Grantors herein.

By this conveyance, Grantors intend to convey all of their right, title, and interest in the above-described property to Grantee, their co-owner, and thereby vest sole and exclusive title in and to the above-described property in the Grantee, her heirs, executors, administrators, and assigns forever. The said Grantee is the sister of Elizabeth Moslak, sister-in-law of Veronica Patrick, and aunt of George N. Patrick, Grantors herein.

N O T I C E

In accordance with the provisions of "The Bituminous Mine Subsidence and Land Conservation Act of 1966", I the undersigned Grantee, hereby certify that I know and understand that I may not be obtaining the right of protection against subsidence resulting from coal mining operations and that the purchased property may be protected from damage due to mine subsidence by a private contract with the owners of the economic interest in the coal. I further certify that this certification is in a color contrasting with that in the deed proper and is printed in twelve point type preceded by the word "notice" printed in twenty-four point type.

Witness:

Margaret B. Duggan

Bertha Patrick  
Bertha Patrick

this 28 day of SEP, 1990.

THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE, OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING, OR OTHER STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT, OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED, OR RESERVED BY THIS INSTRUMENT. (This Notice is set forth pursuant to Act No. 255, approved September 10, 1965, as amended.)



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

JAMES K. BROWN, and  
VIRGINIA C. BROWN,  
Plaintiffs,

vs.

The Heirs of ANDREW L. PATRICK,

and

PHILIPS BUILDING & LOAN ASSOCIATION

Defendants

NO. 04-1702-4

**CERTIFICATE OF SERVICE**

I, Leslie A. Dutchcot, Esq., hereby certify that on the 21<sup>st</sup> day of October, 2004,  
I served a true and correct copy of the within **Motion to Quiet Title** by U.S. mail, first  
class, postage paid:

Bertha Patrick  
R.D. 3  
DuBois, Pennsylvania 15801

Mary Elizabeth Stojek  
c/o  
Bertha Patrick  
R.D. 3  
DuBois, Pennsylvania 15801

George P. Patrick and Sue Patrick  
206 Hemlock Street  
Philipsburg, PA 16866

Philips Building & Loan Association  
Philipsburg PA 16866

**FILED**

*per 3:04 PM Nocc*

OCT 27 2004

**William A. Shaw**  
Prothonotary

I hereby certify this to be a true  
and attested copy of the original  
statement filed in this case.

OCT 27 2004

Attest.

*William A. Shaw*  
Prothonotary/  
Clerk of Courts

Respectfully submitted,

MASORTI & SULLIVAN, P.C.

By: 

Leslie A. Dutchcot, Esq.  
341 North Science Park Road  
Suite 202  
State College, PA 16803  
(814) 234-9500  
Attorney I.D. #85834

CA

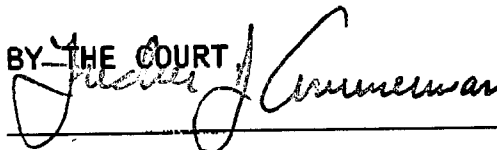
IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

JAMES K. BROWN AND VIRGINIA :  
BROWN, :  
PLAINTIFFS :  
VS : NO. 04-1702-CD  
THE HEIRS OF ANDREW L. :  
PATRICK, ET AL, AND THE :  
PHILIPSBURG SAVINGS AND LOAN, :  
DEFENDANTS :

ORDER

NOW, this 20th day of December, 2004, following the hearing on Plaintiffs' Motion to Quiet Title, and there being no objection from the Defendants, it is hereby ORDERED that Plaintiffs' Motion is GRANTED and all claims by Defendants are hereinafter DISMISSED.

BY THE COURT,



President Judge

FILED

DEC 23 2004

William A. Shaw  
Prothonotary/Clerk of Courts

2cc  
Leslie A. Dutchcot, Esq.  
341 N. Science Park Rd., Ste. 202  
State College, PA 16803

1cc  
Bertha Patrick  
RD 3  
DuBois, PA 15801

1cc  
Mary Elizabeth Stojek  
C/o Bertha Patrick  
RD 3  
DuBois, PA 15801

1cc  
George P. Patrick  
Sue Patrick  
206 Hemlock St.  
Philipsburg, PA 16866

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

JAMES K. BROWN and  
VIRGINIA BROWN,  
Plaintiffs

vs.

THE HEIRS OF ANDREW L. PATRICK,  
ET AL, AND THE PHILIPSBURG SAVINGS  
AND LOAN,  
Defendants

NO. 04-1702-CD

CA  
FILED cc-see  
01/18/05  
JAN 18 2005  
1:05 PM  
mailed  
1/18/05

William A. Shaw  
Prothonotary/Clerk of Courts

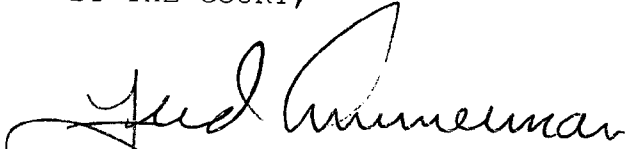
ORDER

NOW, this 17<sup>th</sup> day of January, 2005, the Court having reviewed the file in the above-captioned case and it appearing that the Plaintiffs did not follow The Rules of Civil Procedure including but not limited to:

1. Original service was allegedly made by regular mail and not by the Sheriff pursuant to Rule 400. No affidavit was filed with the recording indicating the whereabouts of any defendant(s) was unknown and what, if any, efforts were made to locate the defendant(s), nor any request based thereon for publication;
2. The verification to the "Motion" to Quiet Title was executed by counsel and not a party plaintiff.;
3. Rule 1063 requires the action be commenced by filing a Complaint not a "Motion".

Therefore, the Court hereby orders reconsideration of the Order of December 20, 2004. Status conference with counsel for the Plaintiffs and the Court is hereby scheduled for the 10 day of February, 2005 at 2:00 o'clock P.m., estimated time thereof being 15 minutes.

BY THE COURT,

  
FREDRIC J. AMMERMAN  
President Judge

04-1702-CD

James K. Brown et al vs. Heirs of Andrew L. Patrick, et al

2cc Leslie A. Dutchcot, Esq.  
341 N. Science Park Rd., Ste. 202  
State College, PA 16803

Bertha Patrick  
1cc RD 3  
DuBois, PA 15801

Mary Elizabeth Stojek  
1cc C/o Bertha Patrick  
RD 3  
DuBois, PA 15801

George P. Patrick  
1cc Sue Patrick  
206 Hemlock St.  
Philipsburg, PA 16866

WILLIAM A. SHAW  
PROTHONOTARY  
and CLERK of COURTS  
P.O. BOX 549  
CLEARFIELD, PENNSYLVANIA 16830

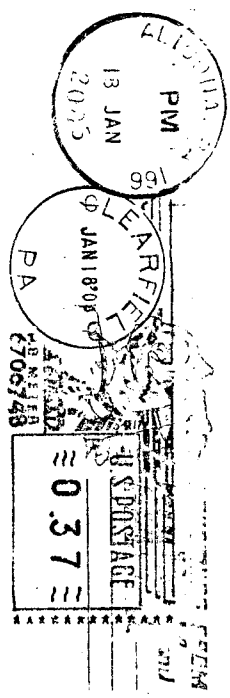
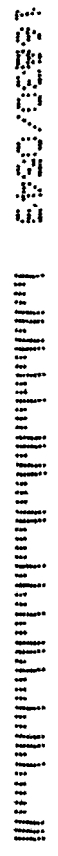
**FILED** *No further address on 6K file.*  
*m/10:24/20*  
JAN 24 2005

William A. Shaw  
Prothonotary/Clerk of Courts

Mary Elizabeth Stojek  
c/o Berna Patrick  
RD 3

☐ A ☐ INSUFFICIENT ADDRESS  
☐ C ☐ ATTEMPTED NOT KNOWN  
☒ S ☐ INSUFFICIENT NUMBER/ STREET  
☐ NOT DELIVERABLE AS ADDRESSED  
☒ UNABLE TO FORWARD

**RTS**  
RETURN TO SENDER





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

JAMES K. BROWN and  
VIRGINIA BROWN,  
Plaintiffs

vs.

THE HEIRS OF ANDREW L. PATRICK,  
ET AL, AND THE PHILIPSBURG SAVINGS  
AND LOAN,  
Defendants

NO. 04-1702-CD

**ORDER**

NOW, this 17<sup>th</sup> day of January, 2005, the Court having reviewed the file in the above-captioned case and it appearing that the Plaintiffs did not follow The Rules of Civil Procedure including but not limited to:

1. Original service was allegedly made by regular mail and not by the Sheriff pursuant to Rule 400. No affidavit was filed with the recording indicating the whereabouts of any defendant(s) was unknown and what, if any, efforts were made to locate the defendant(s), nor any request based thereon for publication;

2. The verification to the "Motion" to Quiet Title was executed by counsel and not a party plaintiff.;

3. Rule 1063 requires the action be commenced by filing a Complaint not a "Motion".

Therefore, the Court hereby orders reconsideration of the Order of December 20, 2004. Status conference with counsel for the Plaintiffs and the Court is hereby scheduled for the 10 day of February, 2005 at 2:00 o'clock Pm., estimated time thereof being 15 minutes.

BY THE COURT,

/s/ Fredric J. Ammerman

FREDRIC J. AMMERMAN  
President Judge

I hereby certify this to be a true  
and attested copy of the original  
statement filed in this case.

JAN 18 2005

Attest.

William D. Shaw  
Prothonotary/  
Clerk of Courts

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

JAMES K. BROWN and  
VIRGINIA BROWN,  
Plaintiffs

vs.

NO. 04-1702-CD

THE HEIRS OF ANDREW L. PATRICK,  
ET AL, AND THE PHILIPSBURG SAVINGS  
AND LOAN,  
Defendants

O R D E R

NOW, this 17<sup>th</sup> day of January, 2005, the Court having reviewed the file in the above-captioned case and it appearing that the Plaintiffs did not follow The Rules of Civil Procedure including but not limited to:

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BY THE COURT,

/s/ Fredric J. Ammerman

FREDRIC J. AMMERMAN  
President Judge

I hereby certify this to be a true  
and attested copy of the original  
statement filed in this case.

JAN 18 2005

Attest.

William B. Shaw  
Prothonotary/  
Clerk of Courts

WILLIAM A. SHAW  
PROTHONOTARY  
and CLERK of COURTS  
P.O. BOX 549  
CLEARFIELD, PENNSYLVANIA 16830

FILED

*m/10:24/01 No further  
JAN 24 2005 address on  
OK file.*

William A. Shaw  
Prothonotary/Clerk of Courts

Bertha Patrick  
RD 3

☐ A ☒ INSUFFICIENT ADDRESS  
☐ C ☐ ATTEMPTED NOT KNOWN  
☐ S ☐ NO SUCH NUMBER/STREET ☐ OTHER  
- UNABLE TO FORWARD AS ADDRESSED

**RTS**  
RETURN TO SENDER

16830/0543

