

04-1702-CD
JAMES K., BROWN, et al. vs. ANDREW L. PATRICK

James Brown et al vs Andrew Patrick et al
2004-1702-CD

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

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

vs.

NO. 04-1702-C

The Heirs of ANDREW L. PATRICK,
and

PHILIPS BUILDING & LOAN ASSOCIATION
Defendants

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 20 day of December, 2004, in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania, at 10:30 0'clock A.m.

BY THE COURT:

Need to check
rules on
filing complaint vs. Motion ~~04-1702-C~~

① filing complaint vs. Motion ~~04-1702-C~~

② not listing Ds on ~~the~~ at beginning & a listing their address.

③ failure to use Sheriff to obviously send out letters to addresses.

④ insufficient addresses if letters were returned.

⑤ no affidavit to locate no publication.

⑥ signed by lawyer.

OCT 29 2004
0242 30 Socality

A

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-CD
:
: *2 LOST MAIL 10/27/04
in 304 Bt pd 95-00
6 OCT 2004*
: OCT 27 2004

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:

*NO affidavits
no attempts to
locate or
request for
publication.*

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-

how do they
know.

is there a
copy of it. do
they have it?

↑
NO deed
recorded

Being clause of ⑨
Deed Et B says
also conveyed
to children
of Andrew

6. On or about May 1, 2000, Plaintiffs purchased subject property from Bertha Patrick, Single, by Mary Elizabeth Stojec, 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." *Elizabeth Moslack & Thomas Moslack
also Grantors. I same as Mary Elizabeth Moslack?*
11. Following the March 1990, conveyance, Bertha Patrick held a 2/3 interest in subject property. *if ELIZ. Moslack same as Mary ELIZ.*
Then This is wrong and Bertha held 100% interest
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 true Then why claim in C of
where clause That PI has fee simple?*
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.
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, Esq.
341 North Science Park Road
Suite 202
State College, PA 16803
(814) 234-9500
Attorney I.D. #85834

Dated: 10-26-04

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

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 1ST 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 "GRANTEEES".

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.

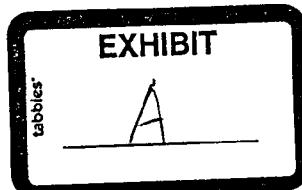
All those two certain pieces or lots of ground situate in the Village of Hawk Run, Township of Morris, County of Clearfield, and Commonwealth of Pennsylvania, more particularly bounded and described as follows, to-wit:

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 15th 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

vol 1366 PAGE 234

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:

Therese B. Dingley

Bertha Patrick
Bertha Patrick

this 28 day of May, 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 21st 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 marked for post office where indication letters were returned.
10/30/04 NOCC

OCT 27 2004

WILL
FBI

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

OCT 27 2004

Attest.

Leslie A. Dutchcot
Prothonotary/
Clerk of Courts

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

MASORTI & SULLIVAN P.C.
ATTORNEYS AT LAW
341 N. SCIENCE PARK ROAD
SUITE 202
STATE COLLEGE PA 16803

Bertha Patrick

her POA Mary E Stoeck

1930

Philip Build a loan to Andrew
~~Re~~ Harry Patrick (no deed filed)

1946 Harry Patrick TO

Andrew L. Bertha P and Mary E
Moslate

and 3/27/86

1990 → Veronica Patrick (widow of ^{intestate} Andrew P) and

George N. Patrick & Sue Patrick Hew to

Bertha Patrick & now has 2/3

2000 $\frac{2}{3}$ Bertha Patrick (by Mary E Stoeck)
to Plaintiffs.

This deed also is by Elizabeth Moslate
and Thomas E Moslate. If this is not
same person as Mary E Moslate then PL only owns

Date: 02/03/2005

Clearfield County Court of Common Pleas

User: BANDERSON

Time: 09:22 AM

Page 1 of 1

ROA Report

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:

(A)

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

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

vs.

NO. 04-1702-C

The Heirs of ANDREW L. PATRICK,

and

PHILIPS BUILDING & LOAN ASSOCIATION

Defendants

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 20 day of December, 2004, in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania, at 10:30 0'clock A.m.

BY THE COURT:



FILED ^{EGR}
024230 6 oct 2004

OCT 29 2004

William A. Shaw
Prothonotary

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-CD

FILED
M 3:04 AM pd 95-00
6 OCT 2004
OCT 27 2004

William A. Shaw
Prothonotary

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-

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.
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11. Following the March 1990, conveyance, Bertha Patrick held a 2/3 interest in subject property.
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.
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.
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.

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

Dated: 10-20-04

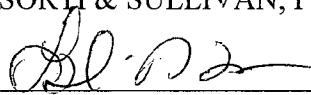
VERIFICATION

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

Deed

MADE the 1st 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 "GRANTEEES."

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.

EXHIBIT

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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 grantors/grantees, hereby certify that we know and understand that 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 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. Brown
as to date

James R. Brown
Virginia C. Brown

This 1st day of MAY 2002

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:

Edgar P. Ritter
5-1-00

Bertha Patrick

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

KCK/N.T.S.

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

Certificate of Residence

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

P.O. Box 53
Morrison, PA 16858

Mark W. Bingham
Agent for Grantee

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.

Edward P. Reiter
Notary Public

My Commission Expires:



KAREN L. STARCK	INSTRUMENT NUMBER	\$13.00
REGISTER AND RECORDER	RECORDED ON	\$1.00
CLEARFIELD COUNTY	May 04, 2000	
Pennsylvania	1:07:55 PM	
	RECORDING FEES -	
	RECORDER	\$1.00
	COUNTY IMPROVEMENT FUND	\$1.00
	RECORDER IMPROVEMENT FUND	\$1.00
	STATE TRANSFER TAX	\$348.00
	STATE WRIT TAX	\$0.50
	MORRIS TOWNSHIP	\$184.00
	WEST BRANCH AREA	\$184.00
	SCHOOLS	
	TOTAL	\$751.50

THIS DEED

VOL 1366 PAGE 233

MADE the 15th 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 Whit-
man 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

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vol 1366 PAGE 234

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. Dugan

Bartha Patrick
Bartha 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 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. 04-1792-4
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 21st 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
10/27/04 PM No. 2

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: AD

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

MASORTI & SULLIVAN P.C.
ATTORNEYS AT LAW
341 N. SCIENCE PARK ROAD
SUITE 202
STATE COLLEGE, PA 16803

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
Judie J. Zimmerman

President Judge

FILED
CC-
See
1st
01/9/2004
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

cc Bertha Patrick
RD 3
DuBois, PA 15801

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

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

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

CA
FILED cc-see
01/18/05 6:01 PM
1st
JAN 18 2005

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 :
:

William A. Shaw
Prothonotary/Clerk of Courts

O R D E R

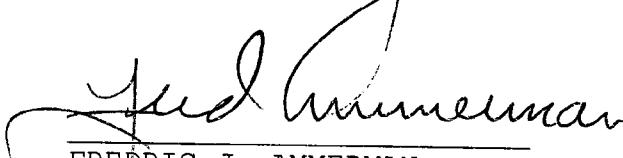
NOW, this 17th day of January, 2005, the Court having
reviewed the file in the above-captioned case and it appearing
that the Plaintiffs did not follow The Rules of Civil Procedure
including but not limited to:

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,


FREDERIC 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
vc RD 3
DuBois, PA 15801

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

George P. Patrick
vc 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
m110-2446d*
JAN 24 2005 *GR file.*

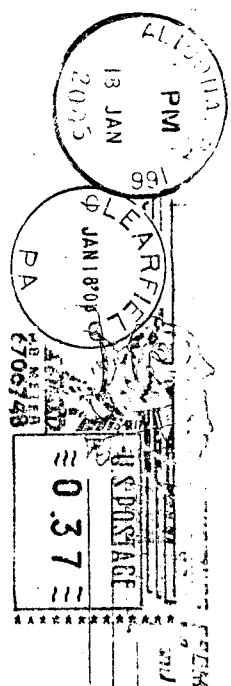
William A. Shaw
Prothonotary/Clerk of Courts

Mary Elizabeth Sjek
c/o Barbara Patrick

RD 3

A INSUFFICIENT ADDRESS
 C ATTEMPTED NOT KNOWN
 S NO SUCH NUMBER, STREET
 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. : 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 17th 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,

/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. Ober
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

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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 B. Shan
Prothonotary/
Clerk of Courts

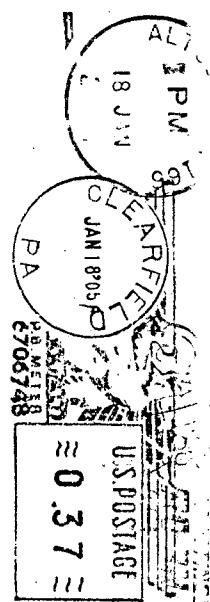
WILLIAM A. SHAW
PROTHONOTARY
and CLERK of COURTS
P.O. BOX 549
CLEARFIELD, PENNSYLVANIA 16830

FILED

10:24 AM
JAN 24 2005
GR

No further
address on
file.

William A. Shaw
Prothonotary/Clerk of Courts



Bertha Patrick
RD 3

A ~~INSUFFICIENT ADDRESS~~
 C ~~ATTEMPTED NOT KNOWN~~
 S ~~NO SUCH NUMBER/STREET~~
 NOT DELIVERABLE AS ADDRESSED
 UNABLE TO FORWARD

RTS
RETURN TO SENDER