

05-17-CD
F. Marshall etal vs. R. W. Brain

BRAN, etal.

Frederick Marshall v. Frances Marshall Et Al
2005-017-CD

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

FREDERICK S. MARSHALL and
FRANCES A. MARSHALL,
Husband and wife,

PLAINTIFFS

VS.

R. W. BRIAN, his heirs,
Administrators, executors and
Assigns,

DEFENDANTS

CIVIL DIVISION

NO. 04 - 17 - C.D.

TYPE OF CASE: ACTION TO
QUIET TITLE

TYPE OF PLEADING: COMPLAINT

FILED ON BEHALF OF: PLAINTIFF

COUNSEL OF RECORD:
CHRISTOPHER E. MOHNEY, ESQUIRE

SUPREME COURT NO.: 63494

CHRISTOPHER E. MOHNEY, ESQUIRE
90 BEAVER DRIVE, SUITE 111B
DUBOIS, PA 15801
(814) 375-1044

FILED

JAN 05 2005

0/10:2/2
William A. Shaw
Prothonotary

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ORIGINAL
to C/A

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

FREDERICK S. MARSHALL and
FRANCES A. MARSHALL,
Husband and wife,

PLAINTIFFS

VS.

R. W. BRIAN, his heirs,
Administrators, executors and
Assigns,

DEFENDANT

CIVIL DIVISION

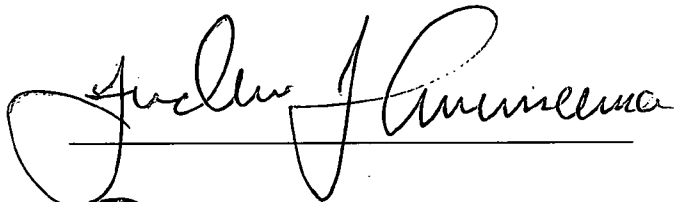
NO. 04-17 - C.D.

TYPE OF CASE: ACTION TO
QUIET TITLE

ORDER

AND NOW, this 7th day of January, 2005, upon consideration of the foregoing Plaintiffs' Motion for Service of Complaint on Defendants by Publication, the Plaintiffs are granted leave to make service of the Complaint on the Defendant, and his heirs, administrators, executors and assigns, by publication once in the Courier-Express, a newspaper of general circulation in Clearfield County, Pennsylvania, and once in the Clearfield County Legal Journal according to the attached Notice.

BY THE COURT,



FILED
6K 08:55 AM Kelly Mahoney
JAN 10 2005

William A. Shaw
Prothonotary

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

FREDERICK S. MARSHALL and
FRANCES A. MARSHALL,
Husband and wife,

PLAINTIFFS

VS.

R. W. BRIAN, his heirs,
Administrators, executors and
Assigns,

DEFENDANTS

CIVIL DIVISION

NO. ⁰⁵~~04~~ - 17 - C.D.

TYPE OF CASE: ACTION TO
QUIET TITLE

TYPE OF PLEADING: COMPLAINT

FILED ON BEHALF OF: PLAINTIFF

COUNSEL OF RECORD:
CHRISTOPHER E. MOHNEY, ESQUIRE

SUPREME COURT NO.: 63494

CHRISTOPHER E. MOHNEY, ESQUIRE
90 BEAVER DRIVE, SUITE 111B
DUBOIS, PA 15801
(814) 375-1044

FILED

JAN 05 2006

0/10/06
William A. Shaw
Prothonotary

1 CENT to Ann

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

FREDERICK S. MARSHALL and
FRANCES A. MARSHALL,
Husband and wife,

PLAINTIFFS

VS.

R. W. BRIAN, his heirs,
Administrators, executors and
Assigns,

DEFENDANTS

CIVIL DIVISION

NO. 04 - - C.D.

TYPE OF CASE: ACTION TO
QUIET TITLE

NOTICE

TO: R. W. BRIAN, his heirs, administrators, executors and assigns

YOU ARE HEREBY NOTIFIED THAT AN ACTION TO QUIET TITLE TO PREMISES SITUATE IN SANDY TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA, HAVE BEEN FILED AGAINST YOU. SAID PREMISES ARE DESCRIBED AS FOLLOWS:

A portion of all those certain pieces, parcels or tracts of land situate in Sandy Township, Clearfield County, Pennsylvania, together with building and improvements, further described as follows:

BEGINNING at an existing iron pipe, said iron pipe being the southwest corner of Lot 27 of the Loeb Addition, Section A, also being along the northern right of way of Loeb Avenue;

Thence North 18 degrees 45 minutes 00 seconds East 100 feet to an iron pipe;

Thence South 71 degrees 15 minutes 00 seconds East 90 feet to an iron pipe;

Thence South 18 degrees 45 minutes 00 seconds West 100 feet to an iron pipe;

Thence North 71 degrees 15 minutes 00 seconds West 90 feet to the place of beginning.

The land subject of this quiet title and being a portion of the aforementioned described property is also known, or formerly known, as Tax Map #128-B4-429-155, and Lot #25 of the Loeb Addition, Section A.

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 CLAIM SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO, THE CASE MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR ANY MONEY CLAIMED IN THE COMPLAINT OR FOR ANY OTHER CLAIM OR RELIEF REQUESTED BY THE 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.

CLEARFIELD COUNTY PROTHONOTARY
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PA 16214
(814) 765-2641 x 5982

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

FREDERICK S. MARSHALL and
FRANCES A. MARSHALL,
Husband and wife,

PLAINTIFFS

VS.

R. W. BRIAN, his heirs,
Administrators, executors and
Assigns,

DEFENDANTS

CIVIL DIVISION

NO. 04 - - C.D.

TYPE OF CASE: ACTION TO
QUIET TITLE

COMPLAINT

AND NOW, comes the Plaintiffs, ***FREDERICK S. MARSHALL and FRANCES A. MARSHALL, husband and wife***, by and through their attorney, ***CHRISTOPHER E. MOHNEY, ESQUIRE***, and brings this Action to Quiet Title to the premises hereinafter described against the above-named Defendants, and in support thereof avers:

1. Plaintiffs, FREDERICK S. MARSHALL and FRANCES A. MARSHALL are adult individuals, husband and wife, and reside at 628 1st Street, Apartment #1, DuBois, Clearfield County, Pennsylvania.

2. Defendant R. W. BRIAN had a last known address of Shawmut, Elk County, Pennsylvania.

3. After search of the Courthouse records in Clearfield County and Elk County, Pennsylvania, no estate for R. W. Brian has ever been opened.

4. By researching the Tax Assessment records of Clearfield County for the within described premises, there is no address listed for R. W. Brian.

5. The purpose of this action is to quiet title to the following described real estate:

A portion of all those certain pieces, parcels or tracts of land situate in Sandy Township, Clearfield County, Pennsylvania, together with building and improvements, further described as follows:

BEGINNING at an existing iron pipe, said iron pipe being the southwest corner of Lot 27 of the Loeb Addition, Section A, also being along the northern right of way of Loeb Avenue;

Thence North 18 degrees 45 minutes 00 seconds East 100 feet to an iron pipe;

Thence South 71 degrees 15 minutes 00 seconds East 90 feet to an iron pipe;

Thence South 18 degrees 45 minutes 00 seconds West 100 feet to an iron pipe;

Thence North 71 degrees 15 minutes 00 seconds West 90 feet to the place of beginning.

The land subject of this quiet title and being a portion of the aforementioned described property is also known, or formerly known, as Tax Map #128-B4-429-155, and Lot #25 of the Loeb Addition, Section A.

6. By deed dated August 1, 1909, and recorded in Clearfield County Deed Book Volume 180, page 539, Norman Loeb and his wife, Sadie R. Loeb, conveyed the above-described property to R. W. Brian.

7. In 1993, the above-described property was sold by the Tax Claim Bureau of Clearfield County, Pennsylvania, for unpaid real estate taxes.

8. By deed dated December 10, 1993, and recorded December 15, 1993 in Clearfield County Record Book Volume 1575, page 596, the Tax Claim Bureau of Clearfield County conveyed the above-described property to Anthony P. Novitsky.

9. By deed dated September 3, 2004, and recorded September 30, 2004 in Clearfield County Office of the Recorder of Deeds, Instrument #200416106, Barbara J. Ross, a/k/a Barbara Ross, and Frances Ann Marshall, a/k/a Frances A. Marshall, individually and as Co-Executrices of the Estate of Anthony P. Novitsky, a/k/a Anthony Paul Novitsky, Ronald D. Ross, husband of Barbara J. Ross; Frederick S. Marshall, husband of Frances A. Marshall; and Carol A. Teddick and John Teddick, wife and husband, conveyed the above described property to Plaintiffs Frederick S. Marshall and Frances A. Marshall.

10. No third party has ever made any claim of any kind to ownership of interest and or claim to or upon the property except as set forth in this Complaint.

11. This action is brought to clear any and all clouds on the title to the ownership in interest to the property described in paragraph 5 of this Complaint, which the herein named Defendant, his heirs, devisees, executors, administrators, successors and assigns, and all other person, persons, partnerships or corporate entities in interest or their legal representatives might claim, possess or assert pertaining to any alleged irregularities in the chain of title herein set forth.

12. This suit to quiet title is instituted under the terms and provisions of the Pennsylvania Rules of Civil Procedure 1061 to 1067, inclusive, pertaining to the quieting of titles and other pertinent roles of local procedure.

WHEREFORE, your Plaintiffs request this Honorable Court to decree that title to the above described property in paragraph 5 of this Complaint is in the name of FREDERICK S. MARSHALL AND FRANCES A. MARSHALL, and that the Defendant, his executors, administrators and assigns, and all other person, persons, firms,

partnerships, or corporate entities in interest, or their legal representative, be forever barred from asserting any right, title, lien or interest in the land in question that is inconsistent with the interest of the Plaintiffs as set forth herein to the said premises, or impeaching, denying or in any way attacking the Plaintiffs' title to the said premises; and that your Honorable Court make any other necessary for the granting of proper relief as it deems necessary to equitably and legally recognize and preserve Plaintiffs' rights in this matter.

Respectfully submitted,

By: 

Christopher H. Mohney, Esquire
Attorney for Plaintiffs

VERIFICATION

WE, FREDERICK S. MARSHALL and FRANCES A. MARSHALL, being duly authorized to make this verification, have read the foregoing Complaint. The statements therein are correct to the best of our personal knowledge or information and belief.

This statement and verification is made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn fabrication to authorities, which provides that if I make knowingly false averments I may be subject to criminal penalties.


FREDERICK S. MARSHALL


FRANCES A. MARSHALL

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

FREDERICK S. MARSHALL and
FRANCES A. MARSHALL,
husband and wife,

Plaintiffs,

vs.

R. W. BRIAN, his heirs,
administrators, executors
and assigns,

Defendants.

COMPLAINT

LAW OFFICES
CHRISTOPHER E. MOHNEY
90 BEAVER DRIVE - SUITE 111B
DUBOIS, PA 15801
(814) 375-1044

FILED

JAN 05 2004

William A. Shaw
Prothonotary

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

FREDERICK S. MARSHALL and
FRANCES A. MARSHALL,
Husband and wife,

PLAINTIFFS

VS.

R. W. BRIAN, his heirs,
Administrators, executors and
Assigns,

DEFENDANT

CIVIL DIVISION

NO. 04-17 - C.D.

TYPE OF CASE: ACTION TO
QUIET TITLE

TYPE OF PLEADING: MOTION FOR
SERVICE OF COMPLAINT ON
DEFENDANTS BY PUBLICATION

FILED ON BEHALF OF: PLAINTIFFS

COUNSEL OF RECORD:
CHRISTOPHER E. MOHNEY, ESQUIRE

SUPREME COURT NO.: 63494

CHRISTOPHER E. MOHNEY, ESQUIRE
90 BEAVER DRIVE, SUITE 111B
DUBOIS, PA 15801
(814) 375-1044

FILED FILED

JAN 05 2004

JAN 05 2004

William A. Shaw
Prothonotary

William A. Shaw
Prothonotary

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1 cent to ATT

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

FREDERICK S. MARSHALL and
FRANCES A. MARSHALL,
Husband and wife,

PLAINTIFFS

VS.

R. W. BRIAN, his heirs,
Administrators, executors and
Assigns,

DEFENDANT

CIVIL DIVISION

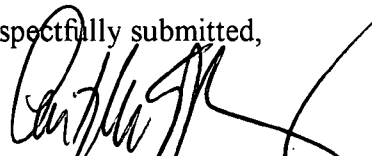
NO. 04 - - C.D.

TYPE OF CASE: ACTION TO
QUIET TITLE

MOTION FOR SERVICE OF COMPLAINT ON
DEFENDANTS BY PUBLICATION

AND NOW, this 4th day of January, 200 5, Affidavits having
been executed and filed by the Plaintiffs that the identity and whereabouts of the
Defendant, his heirs and assigns, are unknown, Plaintiffs, by their attorney,
CHRISTOPHER E. MOHNEY, ESQUIRE, moves the Court for leave to serve the
Complaint on the above-mentioned Defendant, his heirs and assigns, by publication in
such a manner as the Court shall direct, as provided by the Pennsylvania Rules of Civil
Procedure 410 and 430(b).

Respectfully submitted,



Christopher E. Mohny, Esquire
Attorney for Plaintiffs

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

FREDERICK S. MARSHALL and
FRANCES A. MARSHALL,
Husband and wife,

PLAINTIFFS

VS.

R. W. BRIAN, his heirs,
Administrators, executors and
Assigns,

DEFENDANT

CIVIL DIVISION

NO. 04 - - C.D.

TYPE OF CASE: ACTION TO
QUIET TITLE

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA

:
: SS.
:

COUNTY OF CLEARFIELD

WE, Frederick S. Marshall and Frances A. Marshall, being duly sworn according to law, depose and say that they are Plaintiffs in the above-captioned matter and that they have been unable to discover the whereabouts and identity of R. W. Brian, the above-named Defendant, his heirs and assigns, and have caused the records in offices of the Registers and Recorders of Elk and Clearfield County to be examined to ascertain the date of death of the Defendant, whether he died testate or intestate, the names and addresses of all the Defendant's heirs, legatees, or devisees, and whether or not there has been any adverse conveyance of the real estate that is subject to suit, and that they have made a good faith effort to locate the whereabouts of the Defendant.


FREDERICK S. MARSHALL

Frances A. Marshall
FRANCES A. MARSHALL

SWORN TO and SUBSCRIBED

before me this 4th day of

January, 2005.

Laura L. Emerick
Notary Public

NOTARIAL SEAL
Laura L. Emerick, Notary Public
DuBois, Clearfield County
My commission expires May 18, 2008

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

FREDERICK S. MARSHALL and
FRANCES A. MARSHALL,
Husband and wife,

PLAINTIFFS

VS.

R. W. BRIAN, his heirs,
Administrators, executors and
Assigns,

DEFENDANT

CIVIL DIVISION

NO. 04 - - C.D.

TYPE OF CASE: ACTION TO
QUIET TITLE

ACTION TO QUIET TITLE NO. 04 - - C.D.

TO: R. W. BRIAN, his heirs, Administrators, executors and assigns

You are hereby notified that an action to quiet title to premises situate in the Township of Sandy, Clearfield County, Pennsylvania, has been filed against you. Said premises are described as follows:

A portion of all those certain pieces, parcels or tracts of land situate in Sandy Township, Clearfield County, Pennsylvania, together with building and improvements, further described as follows:

BEGINNING at an existing iron pipe, said iron pipe being the southwest corner of Lot 27 of the Loeb Addition, Section A, also being along the northern right of way of Loeb Avenue;

Thence North 18 degrees 45 minutes 00 seconds East 100 feet to an iron pipe;

Thence South 71 degrees 15 minutes 00 seconds East 90 feet to an iron pipe;

Thence South 18 degrees 45 minutes 00 seconds West 100 feet to an iron pipe;

Thence North 71 degrees 15 minutes 00 seconds West 90 feet to the place of beginning.

The land subject of this quiet title and being a portion of the aforementioned described property is also known, or formerly known, as Tax Map #128-B4-429-155, and Lot #25 of the Loeb Addition, Section A.

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

Whereupon, the Court ordered that Notice of said action be served on the Defendants, his heirs, administrators, executors and assigns, by advertisement requiring Defendants' above-named and their heirs, administrators, executors and assigns to answer the Complaint within twenty (20) days from the date of this publication.

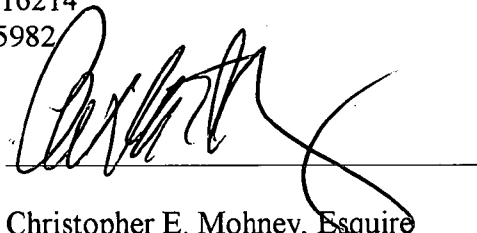
NOTICE

IF YOU WISH TO DEFEND, YOU MUST ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND 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.

CLEARFIELD COUNTY PROTHONOTARY
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PA 16214
(814) 765-2641 x 5982

A handwritten signature in black ink, appearing to read 'C. Mohny', is written over a horizontal line.

Christopher E. Mohny, Esquire
90 Beaver Drive, Suite 111B
DuBois, PA 15801
Attorney for Plaintiffs

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

FREDERICK S. MARSHALL and
FRANCES A. MARSHALL,
husband and wife,

Plaintiffs,

vs.

R. W. BRIAN, his heirs,
administrators, executors
and assigns,

Defendants.

MOTION FOR SERVICE OF
COMPLAINT ON DEFENDANT BY
PUBLICATION

LAW OFFICES
CHRISTOPHER E. MOHNEY
90 BEAVER DRIVE - SUITE 111B
DUBOIS, PA 15801
(814) 375-1044

FILED

JAN 05 2004

William A. Shaw
Prothonotary

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

FREDERICK S. MARSHALL and
FRANCES A. MARSHALL,
husband and wife,

PLAINTIFFS,

vs

R. W. BRIAN, his heirs,
administrators, executors and
assigns,

DEFENDANTS

NO. 05 - 17 - C.D

FILED ^{icc}
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FEB 17 2005
Atty Mohney

William A. Shaw
Prothonotary/Clerk of Courts

ORDER

AND NOW, this 17th day of February, 2005, it appearing on Motion of CHRISTOPHER E. MOHNEY, ESQUIRE, attorney for Plaintiffs that service of Complaint in the above-captioned quiet title action as per Order of Court was served on the Defendant once in the Courier-Express, a newspaper of general circulation in Clearfield County, Pennsylvania, and once in the Clearfield County Legal Journal, and that the identity and whereabouts of the Defendant, his heirs, administrators, executors, and/or assigns are unknown, it appearing that no answer has been filed nor any appearance entered by the named Defendant, nor his duly authorized representatives for more than twenty (20) days since the dates of publication it is hereby ordered:

1. That R. W. BRIAN, his heirs, administrators, executors, and assigns, are forever barred from asserting any right, title, lien or interest in consistent with the interests of claim of

the Plaintiffs as set forth in their Complaint in and to the following parcel of land located in Sandy Township, Clearfield County, Pennsylvania, bounded and described as follows:

A portion of all those certain pieces, parcels or tracts of land situate in Sandy Township, Clearfield County, Pennsylvania, together with building and improvements, further described as follows:

BEGINNING at an existing iron pipe, said iron pipe being the southwest corner of Lot 27 of the Loeb Addition, Section A, also being along the northern right of way of Loeb Avenue;

Thence North 18 degrees 45 minutes 00 seconds East 100 feet to an iron pipe;

Thence South 71 degrees 15 minutes 00 seconds East 90 feet to an iron pipe;

Thence South 18 degrees 45 minutes 00 seconds West 100 feet to an iron pipe;

Thence North 71 degrees 15 minutes 00 seconds West 90 feet to the place of beginning.

The land subject of this quiet title and being a portion of the aforementioned described property is also known, or formerly known, as Tax Map #128-B4-429-155, and Lot #25 of the Loeb Addition, Section A.

This Order to be final and absolute unless the aforesaid Defendant shall file exceptions to this Order within thirty (30) days of the date hereof.

2. That if said Defendant above-named shall not have filed said exceptions within thirty (30) days, the Prothonotary, upon Praecept of the Plaintiffs, shall enter final judgment for the Plaintiffs and against the named Defendants.

3. That the right of the Plaintiffs in the premises is at all times superior to the rights of the named Defendant and that Plaintiffs' title is in fee simple to the premises described in the Complaint against the Defendant.

4. That the Defendant or any person claiming under him shall be forever enjoined from setting up any title to the premises of the Plaintiffs described in the Complaint and from impeaching, denying or in any way attacking the title to the title to the Plaintiffs to the premises.

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

6. That a copy of this Order shall be recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania.

BY THE COURT:



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

FREDERICK S. MARSHALL and
FRANCES A. MARSHALL,
husband and wife,

PLAINTIFFS,

vs

R. W. BRIAN, his heirs,
administrators, executors and
assigns,

DEFENDANTS

CIVIL DIVISION

NO. 05 - 17 - C.D.

TYPE OF CASE: ACTION TO
QUIET TITLE

TYPE OF PLEADING: MOTION FOR
DEFAULT JUDGMENT

FILED ON BEHALF OF: PLAINTIFF

COUNSEL OF RECORD:
CHRISTOPHER E. MOHNEY, ESQUIRE

SUPREME COURT NO.: 63494

CHRISTOPHER E. MOHNEY, ESQUIRE
90 BEAVER DRIVE, SUITE 111B
DUBOIS, PA 15801
(814) 375-1044

FILED

FEB 16 2005

0/11:30 AM

William A. Shaw

Prothonotary/Clerk of Courts

1 SENT TO ATT

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

FREDERICK S. MARSHALL and
FRANCES A. MARSHALL,
husband and wife,

PLAINTIFFS,

vs

NO. 05 - 17 - C.D

R. W. BRIAN, his heirs,
administrators, executors and
assigns,

DEFENDANTS

MOTION FOR DEFAULT JUDGMENT

AND NOW, comes the Plaintiffs, FREDERICK S. MARSHALL AND FRANCES A. MARSHALL, husband and wife, by and through their attorney, CHRISTOPHER E. MOHNEY, ESQUIRE, and files this Motion for Default Judgment in the above-caption action and in support thereof avers:

1. This is an action to quiet title in which Plaintiffs Frederick S. Marshall and Frances A. Marshall, husband and wife, request that Defendant, R. W. Brian, his heirs, administrators, executors, and assigns, and all other person, persons, firms, partnerships or corporate entities in interest or their legal representatives be forever barred from asserting any right, title, liens or interests in or impeaching, levying or in any way attack the Plaintiff's title to the land described in Plaintiffs' Complaint. A true and correct copy of the Plaintiffs' Complaint is attached hereto, marked Exhibit "A".

2. That by Order of this Court dated January 7, 2005, the Plaintiffs were given leave to serve the Complaint filed in the above-captioned quiet title action by publication once in the Courier-Express, a newspaper of general circulation in Clearfield County, Pennsylvania, and once in the Clearfield County Legal Journal, the service by publication being allowed upon Motion and Affidavits filed by the Plaintiffs that the whereabouts of the Defendant, R. W. Brian, and his heirs, administrators, executors and assigns, are unknown.

3. That pursuant to the Order of Court dated January 7, 2005, publication was made in the Courier-Express on January 14, 2005, and in the Clearfield County Legal Journal on the week of January 21, 2005, Volume 17, No. 3. Respective proofs of publication are attached hereto, marked Exhibit "B".

4. That more than twenty (20) days since last service of the Complaint and no appearance nor answer to the Complaint has been filed by the Defendant, his heirs, administrators, executors and/or assigns.

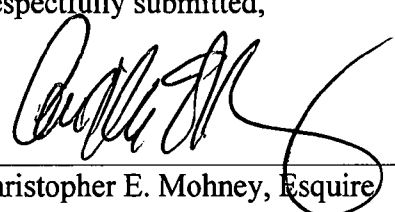
5. Attached hereto and marked Exhibit "C" is an Affidavit stating that a Complaint was served by publication once in the Courier-Express and once in the Clearfield County Legal Journal and more than twenty (20) days have elapsed since service and that Defendant, or anyone claiming under Defendant, have not entered an appearance or filed an answer to the Complaint.

6. Pennsylvania Rule of Civil Procedure 1066(a) allows this Honorable Court to grant appropriate relief upon Affidavit that a Complaint containing notice to the Defendant has been served and Defendant has not filed an answer.

WHEREFORE, your Honorable Court is respectfully requested to enter an Order for judgment for the Plaintiffs as prescribed by Pennsylvania Rule of Civil Procedure 1066.

Respectfully submitted,

By:



Christopher E. Mohnhey, Esquire

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

FREDERICK S. MARSHALL and
FRANCES A. MARSHALL,
Husband and wife,

PLAINTIFFS

VS.

R. W. BRIAN, his heirs,
Administrators, executors and
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DEFENDANTS

CIVIL DIVISION

NO. ⁵04-17 - C.D.

TYPE OF CASE: ACTION TO
QUIET TITLE

TYPE OF PLEADING: COMPLAINT

FILED ON BEHALF OF: PLAINTIFF

COUNSEL OF RECORD:
CHRISTOPHER E. MOHNEY, ESQUIRE

SUPREME COURT NO.: 63494

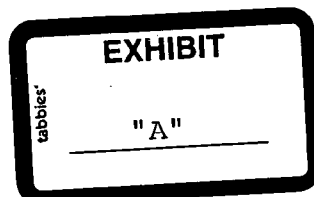
CHRISTOPHER E. MOHNEY, ESQUIRE
90 BEAVER DRIVE, SUITE 111B
DUBOIS, PA 15801
(814) 375-1044

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

JAN 05 2004

Attest.

William L. H.
Prothonotary/
Clerk of Courts



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

FREDERICK S. MARSHALL and	:	CIVIL DIVISION
FRANCES A. MARSHALL,	:	
Husband and wife,	:	NO. 04- ⁵ 17 - C.D.
	:	
PLAINTIFFS	:	
	:	TYPE OF CASE: ACTION TO
VS.	:	QUIET TITLE
	:	
R. W. BRIAN, his heirs,	:	
Administrators, executors and	:	
Assigns,	:	
DEFENDANTS	:	

NOTICE

TO: R. W. BRIAN, his heirs, administrators, executors and assigns

YOU ARE HEREBY NOTIFIED THAT AN ACTION TO QUIET TITLE TO PREMISES SITUATE IN SANDY TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA, HAVE BEEN FILED AGAINST YOU. SAID PREMISES ARE DESCRIBED AS FOLLOWS:

A portion of all those certain pieces, parcels or tracts of land situate in Sandy Township, Clearfield County, Pennsylvania, together with building and improvements, further described as follows:

BEGINNING at an existing iron pipe, said iron pipe being the southwest corner of Lot 27 of the Loeb Addition, Section A, also being along the northern right of way of Loeb Avenue;

Thence North 18 degrees 45 minutes 00 seconds East 100 feet to an iron pipe;

Thence South 71 degrees 15 minutes 00 seconds East 90 feet to an iron pipe;

Thence South 18 degrees 45 minutes 00 seconds West 100 feet to an iron pipe;

Thence North 71 degrees 15 minutes 00 seconds West 90 feet to the place of beginning.

The land subject of this quiet title and being a portion of the aforementioned described property is also known, or formerly known, as Tax Map #128-B4-429-155, and Lot #25 of the Loeb Addition, Section A.

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 CLAIM SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO, THE CASE MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR ANY MONEY CLAIMED IN THE COMPLAINT OR FOR ANY OTHER CLAIM OR RELIEF REQUESTED BY THE 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.

CLEARFIELD COUNTY PROTHONOTARY
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PA 16214
(814) 765-2641 x 5982

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

FREDERICK S. MARSHALL and :
FRANCES A. MARSHALL, :
Husband and wife, :

PLAINTIFFS :

VS. :

R. W. BRIAN, his heirs, :
Administrators, executors and :
Assigns, :

DEFENDANTS :

CIVIL DIVISION

NO. ⁵04-17 - C.D.

TYPE OF CASE: ACTION TO
QUIET TITLE

COMPLAINT

AND NOW, comes the Plaintiffs, ***FREDERICK S. MARSHALL and FRANCES A. MARSHALL, husband and wife***, by and through their attorney, ***CHRISTOPHER E. MOHNEY, ESQUIRE***, and brings this Action to Quiet Title to the premises hereinafter described against the above-named Defendants, and in support thereof avers:

1. Plaintiffs, FREDERICK S. MARSHALL and FRANCES A. MARSHALL are adult individuals, husband and wife, and reside at 628 1st Street, Apartment #1, DuBois, Clearfield County, Pennsylvania.

2. Defendant R. W. BRIAN had a last known address of Shawmut, Elk County, Pennsylvania.

3. After search of the Courthouse records in Clearfield County and Elk County, Pennsylvania, no estate for R. W. Brian has ever been opened.

4. By researching the Tax Assessment records of Clearfield County for the within described premises, there is no address listed for R. W. Brian.

5. The purpose of this action is to quiet title to the following described real estate:

A portion of all those certain pieces, parcels or tracts of land situate in Sandy Township, Clearfield County, Pennsylvania, together with building and improvements, further described as follows:

BEGINNING at an existing iron pipe, said iron pipe being the southwest corner of Lot 27 of the Loeb Addition, Section A, also being along the northern right of way of Loeb Avenue;

Thence North 18 degrees 45 minutes 00 seconds East 100 feet to an iron pipe;

Thence South 71 degrees 15 minutes 00 seconds East 90 feet to an iron pipe;

Thence South 18 degrees 45 minutes 00 seconds West 100 feet to an iron pipe;

Thence North 71 degrees 15 minutes 00 seconds West 90 feet to the place of beginning.

The land subject of this quiet title and being a portion of the aforementioned described property is also known, or formerly known, as Tax Map #128-B4-429-155, and Lot #25 of the Loeb Addition, Section A.

6. By deed dated August 1, 1909, and recorded in Clearfield County Deed Book Volume 180, page 539, Norman Loeb and his wife, Sadie R. Loeb, conveyed the above-described property to R. W. Brian.

7. In 1993, the above-described property was sold by the Tax Claim Bureau of Clearfield County, Pennsylvania, for unpaid real estate taxes.

8. By deed dated December 10, 1993, and recorded December 15, 1993 in Clearfield County Record Book Volume 1575, page 596, the Tax Claim Bureau of Clearfield County conveyed the above-described property to Anthony P. Novitsky.

9. By deed dated September 3, 2004, and recorded September 30, 2004 in Clearfield County Office of the Recorder of Deeds, Instrument #200416106, Barbara J. Ross, a/k/a Barbara Ross, and Frances Ann Marshall, a/k/a Frances A. Marshall, individually and as Co-Executrices of the Estate of Anthony P. Novitsky, a/k/a Anthony Paul Novitsky, Ronald D. Ross, husband of Barbara J. Ross; Frederick S. Marshall, husband of Frances A. Marshall; and Carol A. Teddick and John Teddick, wife and husband, conveyed the above described property to Plaintiffs Frederick S. Marshall and Frances A. Marshall.

10. No third party has ever made any claim of any kind to ownership of interest and or claim to or upon the property except as set forth in this Complaint.

11. This action is brought to clear any and all clouds on the title to the ownership in interest to the property described in paragraph 5 of this Complaint, which the herein named Defendant, his heirs, devisees, executors, administrators, successors and assigns, and all other person, persons, partnerships or corporate entities in interest or their legal representatives might claim, possess or assert pertaining to any alleged irregularities in the chain of title herein set forth.

12. This suit to quiet title is instituted under the terms and provisions of the Pennsylvania Rules of Civil Procedure 1061 to 1067, inclusive, pertaining to the quieting of titles and other pertinent roles of local procedure.

WHEREFORE, your Plaintiffs request this Honorable Court to decree that title to the above described property in paragraph 5 of this Complaint is in the name of FREDERICK S. MARSHALL AND FRANCES A. MARSHALL, and that the Defendant, his executors, administrators and assigns, and all other person, persons, firms,

partnerships, or corporate entities in interest, or their legal representative, be forever barred from asserting any right, title, lien or interest in the land in question that is inconsistent with the interest of the Plaintiffs as set forth herein to the said premises, or impeaching, denying or in any way attacking the Plaintiffs' title to the said premises; and that your Honorable Court make any other necessary for the granting of proper relief as it deems necessary to equitably and legally recognize and preserve Plaintiffs' rights in this matter.

Respectfully submitted,

By: 

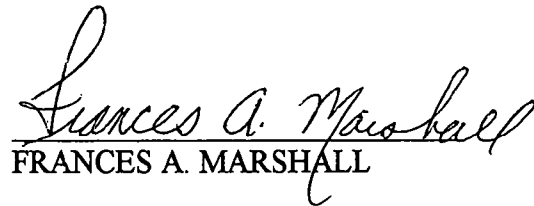
Christopher E. Mohn, Esquire
Attorney for Plaintiffs

VERIFICATION

WE, FREDERICK S. MARSHALL and FRANCES A. MARSHALL, being duly authorized to make this verification, have read the foregoing Complaint. The statements therein are correct to the best of our personal knowledge or information and belief.

This statement and verification is made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn fabrication to authorities, which provides that if I make knowingly false averments I may be subject to criminal penalties.


FREDERICK S. MARSHALL


FRANCES A. MARSHALL

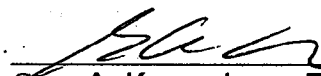
PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :

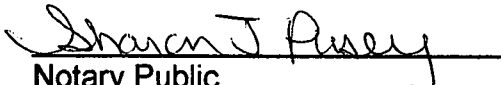
:

COUNTY OF CLEARFIELD :

On this 26th day of January AD 2005, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Gary A. Knaresboro editor of the Clearfield County Legal Journal of the Courts of Clearfield County, and that the annexed is a true copy of the notice or advertisement published in said publication in the regular issues of Week of January 21, 2005. Vol. 17, No. 3 And that all of the allegations of this statement as to the time, place, and character of the publication are true.

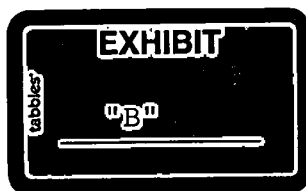

Gary A. Knaresboro, Esquire
Editor

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


Notary Public
My Commission Expires

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

Christopher E. Mohney Esquire
90 Beaver Drive Suite 111-B
DuBois PA 15801



Sheriff in his office the first Monday following the date of the sale and distribution will be made in accordance with the schedule unless exceptions are filed within ten (10) days thereafter.

ALL THAT CERTAIN REAL PROPERTY SITUATED IN GULICH TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POST ON THE PUBLIC ROAD LEADING TO JANESVILLE; THENCE BY SAID ROAD SOUTH THIRTY DEGREES FORTY-FOUR MINUTES WEST (S 30° 44' W) FIFTY (50') FEET TO A THIRTY (30') FOOT STREET; THENCE BY SAID STREET, NORTH FIFTY-NINE DEGREES SIXTEEN MINUTES WEST (N 59° 16' W) FOUR HUNDRED THIRTY-FIVE AND SIX TENTHS (435.6') FEET TO A POST; THENCE NORTH THIRTY DEGREES FORTY-FOUR MINUTES EAST (N 30° 44' E) FIFTY (50') FEET TO A POST; THENCE SOUTH FIFTY-NINE DEGREES SIXTEEN MINUTES EAST (S 59° 16' E) FOUR HUNDRED THIRTY-FIVE AND SIX TENTHS (435.6') FEET TO THE PLACE OF BEGINNING; AND CONTAINING ONE-HALF (1/2) ACRE, MORE OR LESS.

BEING THE SAME PROPERTY CONVEYED TO CHARLES K. ZIMMERMAN BY DEED FROM ASSOCIATES CONSUMER DISCOUNT COMPANY RECORDED 09/14/1999 AS INSTRUMENT NO. 199915344, IN THE OFFICE OF THE RECORDER OF DEEDS OF CLEARFIELD COUNTY, PENNSYLVANIA.

TAX ID# 118-K16-513-9

SEIZED, taken in execution to be sold as the property of CHARLES E. ZIMMERMAN, at the suit of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. 04-1013-CD

Chester A. Hawkins, Sheriff.

ADV: January 7th, 14th, 21st, 2005.

SHERIFF'S SALE OF VALUABLE REAL ESTATE

BY VIRTUE OF: Execution issued out of the Court of Common Pleas of Clearfield County, Pennsylvania and to me directed, there will be exposed to public sale in the Sheriff's Office in the Court House in the Borough of Clearfield on FRIDAY, FEBRUARY 4, 2005 at 10:00 A.M.

THE FOLLOWING DESCRIBED PROPERTY TO WIT: (SEE ATTACHED DESCRIPTION) TERMS OF SALE

The Price of sum at which the property shall be struck off must be paid at the time

of sale or such other arrangements made as will be approved, otherwise the property will be immediately put up and sold again at the expense and risk of the person to whom it was struck off and who in case of deficiency of such resale shall make good for the same and in no instance will the deed be presented for confirmation unless the money is actually paid to the Sheriff.

TO all parties in interest and claimants: A schedule of distribution will be filed by the Sheriff in his office the first Monday following the date of the sale and distribution will be made in accordance with the schedule unless exceptions are filed within ten (10) days thereafter.

The parcel of real estate subject to this action is a commercial property known as "Shawville Dairy & Grill." It is located on State Route 879 in the Village of Shawville, Goshen Township, Clearfield County, Pennsylvania. It contains of a store building, and other improvements and fixtures. This property is also identified by Clearfield County Tax Map No. 115-M06-667-00015 and is more particularly described as follows: ALL that certain piece or parcel of real estate situate in Goshen Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a post corner of an alley and Woodland Road, in the Woolridge-Wrigley & Son plot of lots adjoining the Borough of Clearfield, which plot is recorded at Clearfield in Miscellaneous Book "R", Page 407; thence by Woodland Road North eighty-four (84) degrees thirty (30) minutes East (the map says twenty-one (21) minutes East) ninety (90) feet to a post corner of Lot No. 36 in the Woolridge-Wrigley & Son plot of lots; thence by line of Lot No. 36 South seventeen (17) degrees forty-three (43) minutes West one hundred sixty-four and nine tenths (164.9) feet to an alley; thence by the line of said alley North eighty-seven (87) degrees eighteen (18) minutes West ninety (90) feet to post corner of another alley; thence by line of the last mentioned alley North twenty-one (21) degrees thirty (30) minutes East one hundred fifty-two and nine tenths (152.9) feet to post on Woodland Road and place of beginning.

BEING the same premises conveyed by Plaintiffs to David W. Amon and Sarah E. Amon by deed dated October 15, 2001 and recorded in Clearfield County Instrument Number 200116666.

The first and second Defendants subsequently conveyed these premises to Harry Shepler and Traci Shepler, the third and fourth Defendants by deed dated July 3, 2003 and recorded at Clearfield County Instrument Number 200311767.

SEIZED, taken in execution to be sold as the property of HARRY SHEPLER AND

STATE OF PENNSYLVANIA
COUNTY OF CLEARFIELD

14th day of **January** A.D., **2005**

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

By

Sworn and subscribed to before me this 2nd day of Feb., 2005

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

THIS IS
NOT A
BILL

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

TO **Christopher E. Mohnhey, Esquire**

For publishing the notice or advertisement attached hereto on the above stated dates.....	\$396.90
Probating same.....	\$4.25
Total.....	\$401.15

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

EXHIBIT

"B"

ATTORNEY FOR

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

FREDERICK S. MARSHALL and
FRANCES A. MARSHALL,
Husband and wife,

CIVIL DIVISION

NO. 05-17-C.D.

PLAINTIFFS

VS.

TYPE OF CASE: ACTION TO
QUIET TITLE

R.W. BRIAN, his heirs,
Administrators, executors and
Assigns,

DEFENDANT.

ACTION TO QUIET TITLE NO. 05-17-C.D.

TO: R.W. BRIAN, his heirs, Administrators, executors and assigns

You are hereby notified that an action to quiet title to premises situate in the Township of Sandy, Clearfield County, Pennsylvania, has been filed against you. Said premises are described as follows:

A portion of all those certain pieces, parcels or tracts of land situate in Sandy Township, Clearfield County, Pennsylvania, together with building and improvements, further described as follows:

BEGINNING at an existing iron pipe, said iron pipe being the southwest corner of Lot 27 of the Loeb Addition, Section A, also being along the northern right of way of Loeb Avenue;

Thence North 18 degrees 45 minutes 00 seconds East 100 feet to an iron pipe;

Thence South 71 degrees 15 minutes 00 seconds East 90 feet to an iron pipe;

Thence South 18 degrees 45 minutes 00 seconds West 100 feet to an iron pipe;

Thence North 71 degrees 15 minutes 00 seconds West 90 feet to the place of beginning.

The land subject of this quiet title and being a portion of the aforementioned described property is also known, or formerly known, as Tax Map #128-B4-429-155, and Lot #25 of the Loeb Addition, Section A.

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

Whereupon, the Court ordered that Notice of said action be served on the Defendants, his heirs, administrators, executors and assigns, by advertisement requiring Defendants' above-named and their heirs, administrators, executors and assigns to answer the Complaint within twenty (20) days from the date of this publication.

NOTICE

IF YOU WISH TO DEFEND, YOU MUST ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND 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.

CLEARFIELD COUNTY PROTHONOTARY
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PA 16214
(814) 765-2641 x 5982

Christophe E. Mohny, Esquire
90 Beaver Drive, Suite 111B
DuBois, PA 15801
Attorney for Plaintiffs

01/14/2005

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

FREDERICK S. MARSHALL and
FRANCES A. MARSHALL,
husband and wife,

PLAINTIFFS,

vs

R. W. BRIAN, his heirs,
administrators, executors and
assigns,

DEFENDANTS

NO. 05 - 17 - C.D

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF CLEARFIELD

SS.

Personally appeared before me, CHRISTOPHER E. MOHNEY, ESQUIRE, who,
being duly sworn according to law, deposes and says that the Complaint filed in the
above-captioned action was served by publication once in The Courier-Express and once
in the Clearfield County Legal Journal pursuant to Order of Court and that more than
twenty (20) days have elapsed since publication and that the named defendant or his
representatives have not entered an appearance or filed an answer to the Complaint.


Christopher E. Mohney, Esquire

Sworn to and Subscribed before me
this 14th day of February, 2005.


Notary Public

Notarial Seal
Susan M. Swales, Notary Public
City Of Dubois, Clearfield County
My Commission Expires April 14, 2007
Member, Pennsylvania Association Of Notaries

EXHIBIT

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

FREDERICK S. MARSHALL and
FRANCES A. MARSHALL,
husband and wife,

Plaintiffs,

vs.

R. W. BRIAN, his heirs,
administrators, executors
and assigns,

Defendants.

MOTION FOR DEFAULT JUDGMENT

NO. 05-17-C.D.

LAW OFFICES

CHRISTOPHER E. MOHNEY

80 BEAVER DRIVE - SUITE 111B

DUBOIS, PA 15801

(814) 375-1044

FILED

FEB 16 2005

William A. Shaw
Prothonotary/Clerk of Courts

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

FREDERICK S. MARSHALL and
FRANCES A. MARSHALL,
husband and wife,

PLAINTIFFS,

VS

R. W. BRIAN, his heirs,
administrators, executors and
assigns,

DEFENDANTS

CIVIL DIVISION

NO. 05 - 17 - C.D.

TYPE OF CASE:
ORDER

TYPE OF PLEADING: PRAECIPE
FOR FINAL JUDGMENT

FILED ON BEHALF OF: PLAINTIFF

COUNSEL OF RECORD:
CHRISTOPHER E. MOHNEY, ESQUIRE

SUPREME COURT NO.: 63494

CHRISTOPHER E. MOHNEY, ESQUIRE
90 BEAVER DRIVE, SUITE 111B
DUBOIS, PA 15801
(814) 375-1044

FILED
m/jl:al/et cc
MAR 24 2005 (GK)

William A. Shaw
Prothonotary/Clerk of Courts

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

FREDERICK S. MARSHALL and
FRANCES A. MARSHALL,
husband and wife,

PLAINTIFFS,

vs

R. W. BRIAN, his heirs,
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assigns,

DEFENDANTS

NO. 05 - 17 - C.D

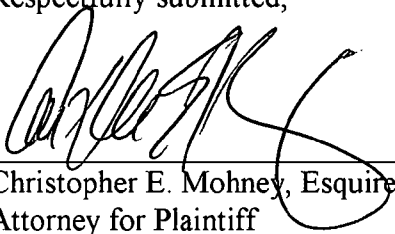
**PRAECIPE FOR FINAL JUDGMENT FOR FAILURE
TO FILE EXCEPTIONS WITHIN THIRTY (30) DAYS OF COURT ORDER**

TO: WILLIAM A SHAW, PROTHONOTARY

Please enter judgment in favor of the Plaintiffs and against the Defendants herein as per Order of Court dated the 17th day of February, 2005, in the above quiet title action, the Defendants having failed to file exceptions to the said Order within thirty (30) days of the date of said Order.

Respectfully submitted,

By:



Christopher E. Mohney, Esquire
Attorney for Plaintiff

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

FREDERICK S. MARSHALL and
FRANCES A. MARSHALL,
husband and wife,

Plaintiffs,

vs.

R. W. BRIAN, his heirs,
administrators, executors
and assigns,

Defendants.

PRAECIPE FOR FINAL JUDGMENT

No. 05-17-C.D.

FILED

MAR 24 2005

William A. Shaw
Prothonotary/Clerk of Courts

LAW OFFICES

CHRISTOPHER E. MOHNEY

90 BEAVER DRIVE - SUITE 111B
DUBOIS, PA 16801
(814) 375-1044