

05-38-CD  
G. Rivera et al vs. Mary Daub et al

etal.

Gabriel Rivera et al v. Mary Daub et al  
2005-038-CD

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

GABRIEL RIVERA and SHERRY L.  
RIVERA, husband and wife,  
Plaintiffs

vs.

MARY C. DAUB, heir of WILLARD,  
WILEY, deceased, JULIA A. WILEY,  
ELIZABETH BURFIELD, DONNA  
SHUSS and NANCY L. MILLIRON,  
heirs at law of STEWARD E. WILEY  
deceased, and all other heirs of  
the Estates of WILLARD H. WILEY  
and WILLARD E. WILEY, deceased,  
and their heirs, devisees,  
administrators, executors and  
assigns, and all other person,  
persons, firms, partnership or  
corporate entities in interest,  
Defendants

ACTION TO QUIET TITLE

No. 05-38-CD

Type of pleading:

COMPLAINT

Filed on behalf of:

PLAINTIFFS

Counsel of record for this  
Party:

Anthony S. Guido, Esq.  
Supreme Court No. 05877  
Hanak, Guido and Taladay  
498 Jeffers Street  
P. O. Box 487  
DuBois, PA 15801

814-371-7768

May 19, 2006 Document  
Reinstated/Reissued to Sheriff/Attorney  
for service.

William A. Shaw  
Deputy Prothonotary

FILED *Atty pd. 95.00*

*019:30816 CC Shff*  
JAN 10 2005

*1cc Atty*  
William A. Shaw  
Prothonotary/Clerk of Courts

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

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RIVERA, husband and wife,  
Plaintiffs

vs.

No. \_\_\_\_\_

MARY C. DAUB, heir of WILLARD WILEY,  
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BURFIELD, DONNA SHUSS and NANCY  
L. MILLIRON, heirs at law of STEWARD  
E. WILEY, deceased, and all other heirs  
of the Estates of WILLARD H. WILEY and  
WILLARD E. WILEY, deceased, and their  
heirs, devisees, administrators,  
executors and assigns, and all other  
person, persons, firms, partnerships,  
or corporate entities in interest,  
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NOTICE

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defense or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

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

Court Administrator  
Clearfield County Courthouse  
Second & Market Streets  
Clearfield, PA 16830  
(814) 765-2641 Ext. 1303

IN THE COURT OF COMMON PLEAS  
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RIVERA, husband and wife,  
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No. \_\_\_\_\_

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BURFIELD, DONNA SHUSS and NANCY  
L. MILLIRON, heirs at law of STEWARD  
E. WILEY, deceased, and all other heirs  
of the Estates of WILLARD H. WILEY and  
WILLARD E. WILEY, deceased, and their  
heirs, devisees, administrators,  
executors and assigns, and all other  
person, persons, firms, partnerships,  
or corporate entities in interest,  
Defendant

**COMPLAINT IN ACTION**  
**TO QUIET TITLE**

AND NOW, comes the Plaintiffs, GABRIEL RIVERA and SHERRY  
L. RIVERA, by and through their attorneys, HANAK, GUIDO AND  
TALADAY, and bring this action to quiet title to premises situate in  
Brady Township, Clearfield County, Pennsylvania, Clearfield County  
Assessment Map #107.0-C06-00048, a description of which is  
attached to this Complaint and marked Exhibit "A", upon a cause of  
action whereof the following is a statement:

1. The Plaintiffs, GABRIEL RIVERA and SHERRY L. RIVERA, are husband and wife and adult individuals who reside at 41 Gainswood Drive, East Marrero, Louisiana 70072.

2. The Defendant, MARY C. DAUB, is an adult individual who resides at 21 East Long Avenue, Apt. 101, DuBois, Clearfield County, Pennsylvania.

3. The Defendant, JULIA A. WILEY, is an adult individual who resides at R.D. #2, Curwensville, Clearfield County, Pennsylvania.

4. The Defendant, ELIZABETH BURFIELD, is an adult individual who resides at R.D. #3, Clearfield, Clearfield County, Pennsylvania.

5. The Defendant, DONNA SHUSS, is an adult individual who resides at R.D. #2, Curwensville, Clearfield County, Pennsylvania.

6. The Defendant, NANCY L. MILLIRON, is an adult individual who resides at State Street, Curwensville, Clearfield County, Pennsylvania.

7. By deed dated December 1, 1948, and recorded in the Office of the Recorder of Deeds in Deed Book Vol. 396, p. 92, S. M. Leis and Estella M. Leis, his wife, conveyed the premises described in Exhibit "A" to Michael J. Kopnitsky and Kathryn Kopnitsky, husband and wife, as tenants by the entireties, one-half (1/2) interest and Tony Yeafol and Theresa Yeafol, husband and wife, as tenants by the entireties, the remaining one-half (1/2) interest in and to the premises described on Exhibit "A".

8. By deed dated September 23, 1954, and recorded in the Office of the Recorder of Deeds in Deed Book Vol. 438, p. 22, Michael

J. Kopnitsky and Kathryn Kopnitsky, his wife, and Tony Yeafol and Theresa Yeafol, his wife, conveyed the premises described in Exhibit "A" to Willard H. Wiley and Steward E. Wiley.

9. By deed dated September 14, 1961, and recorded in the Office of the Recorder of Deeds in Deed Book Vol. 491, p. 401, I. R. Curtis Smith, Treasurer of Clearfield County, conveyed the premises described in Exhibit "A", assessed to the Willard H. and Steward E. Wiley, to Robert Spencer for nonpayment of 1957 real estate taxes.

10. By deed dated January 23, 2004, and recorded in the Office of the Recorder of Deeds at Instrument No. 200401395, Spencer Land Partnership, a partnership and its individual owners, Darrell G. Spencer, Ray L. Spencer and Robert G. Spencer, an incapacitated person by his Co-Guardians, Shad B. Spencer and Tim N. Morgan, conveyed the premises described in Exhibit "A" to Gabriel Rivera and Sherry L. Rivera, the Plaintiffs herein.

11. The Plaintiffs, GABRIEL RIVERA and SHERRY L. RIVERA, and their predecessors in title, namely Spencer Land Company, have been in actual, continuous, exclusive, visible, hostile, distinct and hostile possession of the subject premises described in Exhibit "A" for a period in excess of twenty-one (21) years.

12. One of the purposes of this action is to quiet title as to any interest the Defendants, MARY C. DAUB, heir of WILLARD WILEY, deceased, JULIA A. WILEY, ELIZABETH BURFIELD, DONNA SHUSS and NANCY L. MILLIRON, heirs at law of STEWARD E. WILEY, deceased, and all other heirs of the Estates of WILLARD H. WILEY and

WILLARD E. WILEY, deceased, and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships, or corporate entities in interest, in and to the premises described in Exhibit "A" because of any defect that may exist in the said tax sale of said premises by the Treasurer of Clearfield County, Pennsylvania, because of the premises being improperly assessed, not properly described, no notice of said tax sale to the record owner or owners, or that the premises were sold as the property of one other than the record owner or owners or for any other reason that may raise some question as to the validity of Plaintiffs' title to said premises.

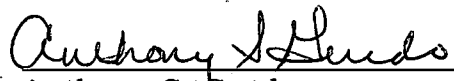
WHEREFORE, the Plaintiffs requests this Court to enter an Order decreeing the following:

(a) Determine that the Plaintiffs are seized of an indefeasible title to and are the legal owners of the premises described in Exhibit "A";

(b) Order the Defendants, MARY C. DAUB, heir of WILLARD WILEY, deceased, JULIA A. WILEY, ELIZABETH BURFIELD, DONNA SHUSS and NANCY L. MILLIRON, heirs at law of STEWARD E. WILEY, deceased, and all other heirs of the Estates of WILLARD H. WILEY and WILLARD E. WILEY, deceased, and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships, or corporate entities in interest, making any claim in and to the premises described in Exhibit "A" to bring an action in ejectment to establish its or their claims within a time set by

the Court or forever be barred from asserting any right, title, claim or interest in and to the premises described in Exhibit "A" inconsistent with the title of the Plaintiffs.

(c) Enter such judgment as is necessary to establish an indefeasible title in the Plaintiffs to the premises described in Exhibit "A".

  
\_\_\_\_\_  
Anthony S. Guido  
Attorney for Plaintiffs

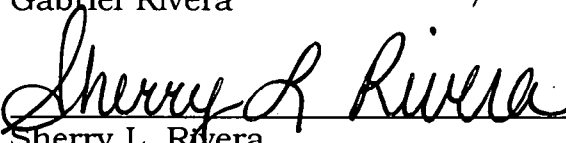


**VERIFICATION**

We, GABRIEL RIVERA and SHERRY L. RIVERA, verify that the statements in the foregoing Complaint are true and correct to the best of our knowledge, information and belief.

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

  
\_\_\_\_\_  
Gabriel Rivera

  
\_\_\_\_\_  
Sherry L. Rivera

**EXHIBIT "A"**

All that certain tract of land situate in the Township of Brady, County of Clearfield, Commonwealth of Pennsylvania, further bounded and described as follows;

BEGINNING at a stone at land now or formerly of S. M. Leis; thence East along land now or formerly of J. C. Mehrwein, one hundred and eighteen (118) perches to a stone corner; thence South along land now or formerly of F. F. Pentz, eighty-three and one-half (83-1/2) perches to a corner; thence West along land now or formerly of H. F. Soxman, one hundred eighteen (118) perches to a post; thence North along land now or formerly of S. M. Leis, eight-three and one-half (83-1/2) perches to the place of beginning.  
CONTAINING fifty-eight (58) acres, more or less.

BEING the North half of Lot No. 3 of Tract 368, surveyed to William Bradford on July 30, 1785.

BEING the same premises as was conveyed to Gabriel Rivera and Sherry L. Rivera, husband and wife, by deed dated January 23, 2004, by deed of Spencer Land Company, et al., and recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania, at Instrument No. 200401395.

EXCEPTING AND RESERVING all exceptions and reservations as they may appear in the chain of title or may be observed by an examination of the property.

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA**

DOCKET # 100121  
NO: 05-38-CD  
SERVICE # 1 OF 5  
COMPLAINT ACTION TO QUIET TITLE

PLAINTIFF: GABRIEL RIVERA & SHERRY L. RIVERA

vs.

DEFENDANT: MARY C. DAUB heir of WILLARD WILEY, Deceased et al

**SHERIFF RETURN**

---

NOW, January 14, 2005 AT 2:10 PM SERVED THE WITHIN COMPLAINT ACTION TO QUIET TITLE ON MARY C. DAUB DEFENDANT AT 21 E. LONG AVE. APT 101, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO MARY DAUB, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT ACTION TO QUIET TITLE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET / DEHAVEN

**FILED**

*WAS*  
FEB 23 2005  
019:401  
William A. Shaw  
Prothonotary/Clerk of Courts

**In The Court of Common Pleas of Clearfield County, Pennsylvania**

Service # 2 of 5 Services

Sheriff Docket #

**100121**

GABRIEL RIVERA & SHERRY L. RIVERA

Case #

05-38-CD

vs.

MARY C. DAUB heir of WILLARD WILEY, Deceased et al

**SHERIFF RETURNS**

NOW February 10, 2005 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT "NOT FOUND" AS TO JULIA A. WILEY, DEFENDANT. "DECEASED".

SERVED BY: /

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA**

DOCKET # 100121  
NO: 05-38-CD  
SERVICE # 3 OF 5  
COMPLAINT ACTION TO QUIET TITLE

PLAINTIFF: GABRIEL RIVERA & SHERRY L. RIVERA

vs.

DEFENDANT: MARY C. DAUB heir of WILLARD WILEY, Deceased et al

**SHERIFF RETURN**

---

NOW, January 25, 2005 AT 9:31 AM SERVED THE WITHIN COMPLAINT ACTION TO QUIET TITLE ON ELIZABETH BURFIELD DEFENDANT AT RD#3, READ ROAD, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO ELIZABETH BURFIELD, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT ACTION TO QUIET TITLE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING / HUNTER

**In The Court of Common Pleas of Clearfield County, Pennsylvania**

Service # 4 of 5 Services

Sheriff Docket # **100121**

GABRIEL RIVERA & SHERRY L. RIVERA

Case # 05-38-CD

vs.

MARY C. DAUB heir of WILLARD WILEY, Deceased et al

**SHERIFF RETURNS**

NOW February 10, 2005 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT  
"NOT FOUND" AS TO DONNA SHUSS, DEFENDANT. "DECEASED".

SERVED BY: /

**In The Court of Common Pleas of Clearfield County, Pennsylvania**

Service # 5 of 5 Services

Sheriff Docket # **100121**

GABRIEL RIVERA & SHERRY L. RIVERA

Case # 05-38-CD

vs.

MARY C. DAUB heir of WILLARD WILEY, Deceased et al

**SHERIFF RETURNS**

NOW February 10, 2005 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT "NOT FOUND" AS TO NANCY L. MILLIRON, DEFENDANT. NO LISTING AT POST OFFICE.

SERVED BY: /

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100121  
NO: 05-38-CD  
SERVICES 5  
COMPLAINT ACTION TO QUIET TITLE

PLAINTIFF: GABRIEL RIVERA & SHERRY L. RIVERA  
vs.  
DEFENDANT: MARY C. DAUB heir of WILLARD WILEY, Deceased et al

SHERIFF RETURN


RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	HANAK	13856	50.00
SHERIFF HAWKINS	HANAK	13856	50.00
SHERIFF HAWKINS	u	17470	27.01

Sworn to Before Me This

\_\_\_\_\_ Day of \_\_\_\_\_ 2005

So Answers,

  
by Marilyn Herr  
Chester A. Hawkins  
Sheriff



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

GABRIEL RIVERA and SHERRY L. :  
RIVERA, husband and wife, :  
Plaintiffs :

vs. :

MARY C. DAUB, heir of WILLARD, :  
WILEY, deceased, JULIA A. WILEY, :  
ELIZABETH BURFIELD, DONNA :  
SHUSS and NANCY L. MILLIRON, :  
heirs at law of STEWARD E. WILEY :  
deceased, and all other heirs of :  
the Estates of WILLARD H. WILEY :  
and WILLARD E. WILEY, deceased,:  
and their heirs, devisees, :  
administrators, executors and :  
assigns, and all other person, :  
persons, firms, partnership or :  
corporate entities in interest, :  
Defendants :

ACTION TO QUIET TITLE

No. 05-38-CD

Type of pleading:

COMPLAINT

Filed on behalf of:

PLAINTIFFS

Counsel of record for this  
Party:

Anthony S. Guido, Esq.  
Supreme Court No. 05877  
Hanak, Guido and Taladay  
498 Jeffers Street  
P. O. Box 487  
DuBois, PA 15801

814-371-7768

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

JAN 10 2005

Attest.

*William L. Shaw*  
Prothonotary/  
Clerk of Courts

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

AND NOW, comes the Plaintiffs, GABRIEL RIVERA and SHERRY  
L. RIVERA, by and through their attorneys, HANAK, GUIDO AND  
TALADAY, and bring this action to quiet title to premises situate in  
Brady Township, Clearfield County, Pennsylvania, Clearfield County  
Assessment Map #107.0-C06-00048, a description of which is  
attached to this Complaint and marked Exhibit "A", upon a cause of  
action whereof the following is a statement:

1. The Plaintiffs, GABRIEL RIVERA and SHERRY L. RIVERA, are husband and wife and adult individuals who reside at 41 Gainswood Drive, East Marrero, Louisiana 70072.

2. The Defendant, MARY C. DAUB, is an adult individual who resides at 21 East Long Avenue, Apt. 101, DuBois, Clearfield County, Pennsylvania.

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5. The Defendant, DONNA SHUSS, is an adult individual who resides at R.D. #2, Curwensville, Clearfield County, Pennsylvania.

6. The Defendant, NANCY L. MILLIRON, is an adult individual who resides at State Street, Curwensville, Clearfield County, Pennsylvania.

7. By deed dated December 1, 1948, and recorded in the Office of the Recorder of Deeds in Deed Book Vol. 396, p. 92, S. M. Leis and Estella M. Leis, his wife, conveyed the premises described in Exhibit "A" to Michael J. Kopnitsky and Kathryn Kopnitsky, husband and wife, as tenants by the entireties, one-half (1/2) interest and Tony Yeafol and Theresa Yeafol, husband and wife, as tenants by the entireties, the remaining one-half (1/2) interest in and to the premises described on Exhibit "A".

8. By deed dated September 23, 1954, and recorded in the Office of the Recorder of Deeds in Deed Book Vol. 438, p. 22, Michael

J. Kopnitsky and Kathryn Kopnitsky, his wife, and Tony Yeafol and Theresa Yeafol, his wife, conveyed the premises described in Exhibit "A" to Willard H. Wiley and Steward E. Wiley.

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11. The Plaintiffs, GABRIEL RIVERA and SHERRY L. RIVERA, and their predecessors in title, namely Spencer Land Company, have been in actual, continuous, exclusive, visible, hostile, distinct and hostile possession of the subject premises described in Exhibit "A" for a period in excess of twenty-one (21) years.

12. One of the purposes of this action is to quiet title as to any interest the Defendants, MARY C. DAUB, heir of WILLARD WILEY, deceased, JULIA A. WILEY, ELIZABETH BURFIELD, DONNA SHUSS and NANCY L. MILLIRON, heirs at law of STEWARD E. WILEY, deceased, and all other heirs of the Estates of WILLARD H. WILEY and

WILLARD E. WILEY, deceased, and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships, or corporate entities in interest, in and to the premises described in Exhibit "A" because of any defect that may exist in the said tax sale of said premises by the Treasurer of Clearfield County, Pennsylvania, because of the premises being improperly assessed, not properly described, no notice of said tax sale to the record owner or owners, or that the premises were sold as the property of one other than the record owner or owners or for any other reason that may raise some question as to the validity of Plaintiffs' title to said premises.

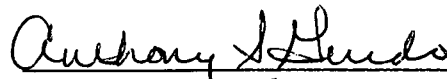
WHEREFORE, the Plaintiffs requests this Court to enter an Order decreeing the following:

(a) Determine that the Plaintiffs are seized of an indefeasible title to and are the legal owners of the premises described in Exhibit "A";

(b) Order the Defendants, MARY C. DAUB, heir of WILLARD WILEY, deceased, JULIA A. WILEY, ELIZABETH BURFIELD, DONNA SHUSS and NANCY L. MILLIRON, heirs at law of STEWARD E. WILEY, deceased, and all other heirs of the Estates of WILLARD H. WILEY and WILLARD E. WILEY, deceased, and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships, or corporate entities in interest, making any claim in and to the premises described in Exhibit "A" to bring an action in ejectment to establish its or their claims within a time set by

the Court or forever be barred from asserting any right, title, claim or interest in and to the premises described in Exhibit "A" inconsistent with the title of the Plaintiffs.

(c) Enter such judgment as is necessary to establish an indefeasible title in the Plaintiffs to the premises described in Exhibit "A".

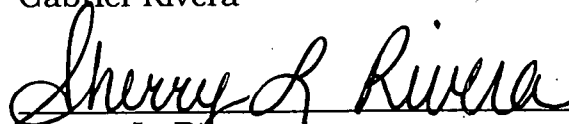
  
\_\_\_\_\_  
Anthony S. Guido  
Attorney for Plaintiffs

**VERIFICATION**

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

  
\_\_\_\_\_  
Gabriel Rivera

  
\_\_\_\_\_  
Sherry L. Rivera



**EXHIBIT "A"**

All that certain tract of land situate in the Township of Brady, County of Clearfield, Commonwealth of Pennsylvania, further bounded and described as follows;

BEGINNING at a stone at land now or formerly of S. M. Leis; thence East along land now or formerly of J. C. Mehrwein, one hundred and eighteen (118) perches to a stone corner; thence South along land now or formerly of F. F. Pentz, eighty-three and one-half (83-1/2) perches to a corner; thence West along land now or formerly of H. F. Soxman, one hundred eighteen (118) perches to a post; thence North along land now or formerly of S. M. Leis, eight-three and one-half (83-1/2) perches to the place of beginning.

CONTAINING fifty-eight (58) acres, more or less.

BEING the North half of Lot No. 3 of Tract 368, surveyed to William Bradford on July 30, 1785.

BEING the same premises as was conveyed to Gabriel Rivera and Sherry L. Rivera, husband and wife, by deed dated January 23, 2004, by deed of Spencer Land Company, et al., and recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania, at Instrument No. 200401395.

EXCEPTING AND RESERVING all exceptions and reservations as they may appear in the chain of title or may be observed by an examination of the property.

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Defendants

ACTION TO QUIET TITLE

No. 05-38-CD

Type of pleading:

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PLAINTIFFS

Counsel of record for this  
Party:

Anthony S. Guido, Esq.  
Supreme Court No. 05877  
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498 Jeffers Street  
P. O. Box 487  
DuBois, PA 15801

814-371-7768

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

JAN 10 2005

Attest.

*William L. Hanak*  
Prothonotary/  
Clerk of Courts

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

GABRIEL RIVERA and SHERRY L.  
RIVERA, husband and wife,  
Plaintiffs

vs.

No. \_\_\_\_\_

MARY C. DAUB, heir of WILLARD WILEY,  
deceased, JULIA A. WILEY, ELIZABETH  
BURFIELD, DONNA SHUSS and NANCY  
L. MILLIRON, heirs at law of STEWARD  
E. WILEY, deceased, and all other heirs  
of the Estates of WILLARD H. WILEY and  
WILLARD E. WILEY, deceased, and their  
heirs, devisees, administrators,  
executors and assigns, and all other  
person, persons, firms, partnerships,  
or corporate entities in interest,  
Defendant

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or corporate entities in interest,  
Defendant

**COMPLAINT IN ACTION**  
**TO QUIET TITLE**

AND NOW, comes the Plaintiffs, GABRIEL RIVERA and SHERRY  
L. RIVERA, by and through their attorneys, HANAK, GUIDO AND  
TALADAY, and bring this action to quiet title to premises situate in  
Brady Township, Clearfield County, Pennsylvania, Clearfield County  
Assessment Map #107.0-C06-00048, a description of which is  
attached to this Complaint and marked Exhibit "A", upon a cause of  
action whereof the following is a statement:

1. The Plaintiffs, GABRIEL RIVERA and SHERRY L. RIVERA, are husband and wife and adult individuals who reside at 41 Gainswood Drive, East Marrero, Louisiana 70072.

2. The Defendant, MARY C. DAUB, is an adult individual who resides at 21 East Long Avenue, Apt. 101, DuBois, Clearfield County, Pennsylvania.

3. The Defendant, JULIA A. WILEY, is an adult individual who resides at R.D. #2, Curwensville, Clearfield County, Pennsylvania.

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7. By deed dated December 1, 1948, and recorded in the Office of the Recorder of Deeds in Deed Book Vol. 396, p. 92, S. M. Leis and Estella M. Leis, his wife, conveyed the premises described in Exhibit "A" to Michael J. Kopnitsky and Kathryn Kopnitsky, husband and wife, as tenants by the entirety, one-half (1/2) interest and Tony Yeafol and Theresa Yeafol, husband and wife, as tenants by the entirety, the remaining one-half (1/2) interest in and to the premises described on Exhibit "A".

8. By deed dated September 23, 1954, and recorded in the Office of the Recorder of Deeds in Deed Book Vol. 438, p. 22, Michael

J. Kopnitsky and Kathryn Kopnitsky, his wife, and Tony Yeafol and Theresa Yeafol, his wife, conveyed the premises described in Exhibit "A" to Willard H. Wiley and Steward E. Wiley.

9. By deed dated September 14, 1961, and recorded in the Office of the Recorder of Deeds in Deed Book Vol. 491, p. 401, I. R. Curtis Smith, Treasurer of Clearfield County, conveyed the premises described in Exhibit "A", assessed to the Willard H. and Steward E. Wiley, to Robert Spencer for nonpayment of 1957 real estate taxes.

10. By deed dated January 23, 2004, and recorded in the Office of the Recorder of Deeds at Instrument No. 200401395, Spencer Land Partnership, a partnership and its individual owners, Darrell G. Spencer, Ray L. Spencer and Robert G. Spencer, an incapacitated person by his Co-Guardians, Shad B. Spencer and Tim N. Morgan, conveyed the premises described in Exhibit "A" to Gabriel Rivera and Sherry L. Rivera, the Plaintiffs herein.

11. The Plaintiffs, GABRIEL RIVERA and SHERRY L. RIVERA, and their predecessors in title, namely Spencer Land Company, have been in actual, continuous, exclusive, visible, hostile, distinct and hostile possession of the subject premises described in Exhibit "A" for a period in excess of twenty-one (21) years.

12. One of the purposes of this action is to quiet title as to any interest the Defendants, MARY C. DAUB, heir of WILLARD WILEY, deceased, JULIA A. WILEY, ELIZABETH BURFIELD, DONNA SHUSS and NANCY L. MILLIRON, heirs at law of STEWARD E. WILEY, deceased, and all other heirs of the Estates of WILLARD H. WILEY and

WILLARD E. WILEY, deceased, and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships, or corporate entities in interest, in and to the premises described in Exhibit "A" because of any defect that may exist in the said tax sale of said premises by the Treasurer of Clearfield County, Pennsylvania, because of the premises being improperly assessed, not properly described, no notice of said tax sale to the record owner or owners, or that the premises were sold as the property of one other than the record owner or owners or for any other reason that may raise some question as to the validity of Plaintiffs' title to said premises.

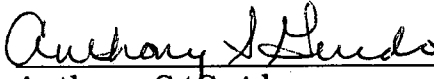
WHEREFORE, the Plaintiffs requests this Court to enter an Order decreeing the following:

(a) Determine that the Plaintiffs are seized of an indefeasible title to and are the legal owners of the premises described in Exhibit "A";

(b) Order the Defendants, MARY C. DAUB, heir of WILLARD WILEY, deceased, JULIA A. WILEY, ELIZABETH BURFIELD, DONNA SHUSS and NANCY L. MILLIRON, heirs at law of STEWARD E. WILEY, deceased, and all other heirs of the Estates of WILLARD H. WILEY and WILLARD E. WILEY, deceased, and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships, or corporate entities in interest, making any claim in and to the premises described in Exhibit "A" to bring an action in ejectment to establish its or their claims within a time set by

the Court or forever be barred from asserting any right, title, claim or interest in and to the premises described in Exhibit "A" inconsistent with the title of the Plaintiffs.

(c) Enter such judgment as is necessary to establish an indefeasible title in the Plaintiffs to the premises described in Exhibit "A".

  
\_\_\_\_\_  
Anthony S. Guido  
Attorney for Plaintiffs

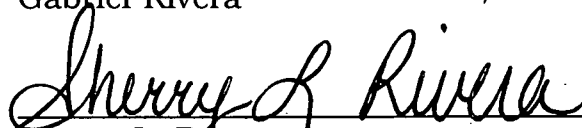


**VERIFICATION**

We, GABRIEL RIVERA and SHERRY L. RIVERA, verify that the statements in the foregoing Complaint are true and correct to the best of our knowledge, information and belief.

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

  
\_\_\_\_\_  
Gabriel Rivera

  
\_\_\_\_\_  
Sherry L. Rivera

**EXHIBIT "A"**

All that certain tract of land situate in the Township of Brady, County of Clearfield, Commonwealth of Pennsylvania, further bounded and described as follows;

BEGINNING at a stone at land now or formerly of S. M. Leis; thence East along land now or formerly of J. C. Mehrwein, one hundred and eighteen (118) perches to a stone corner; thence South along land now or formerly of F. F. Pentz, eighty-three and one-half (83-1/2) perches to a corner; thence West along land now or formerly of H. F. Soxman, one hundred eighteen (118) perches to a post; thence North along land now or formerly of S. M. Leis, eight-three and one-half (83-1/2) perches to the place of beginning.  
CONTAINING fifty-eight (58) acres, more or less.

BEING the North half of Lot No. 3 of Tract 368, surveyed to William Bradford on July 30, 1785.

BEING the same premises as was conveyed to Gabriel Rivera and Sherry L. Rivera, husband and wife, by deed dated January 23, 2004, by deed of Spencer Land Company, et al., and recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania, at Instrument No. 200401395.

EXCEPTING AND RESERVING all exceptions and reservations as they may appear in the chain of title or may be observed by an examination of the property.

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RIVERA, husband and wife,  
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vs.

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assigns, and all other person,  
persons, firms, partnership or  
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Defendants

ACTION TO QUIET TITLE

No. 05-38-CD

Type of pleading:

COMPLAINT

Filed on behalf of:

PLAINTIFFS

Counsel of record for this  
Party:

Anthony S. Guido, Esq.  
Supreme Court No. 05877  
Hanak, Guido and Taladay  
498 Jeffers Street  
P. O. Box 487  
DuBois, PA 15801

814-371-7768

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JAN 10 2005

Attest.

*William B. Shaw*  
Prothonotary/  
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**COMPLAINT IN ACTION**  
**TO QUIET TITLE**

AND NOW, comes the Plaintiffs, GABRIEL RIVERA and SHERRY L. RIVERA, by and through their attorneys, HANAK, GUIDO AND TALADAY, and bring this action to quiet title to premises situate in Brady Township, Clearfield County, Pennsylvania, Clearfield County Assessment Map #107.0-C06-00048, a description of which is attached to this Complaint and marked Exhibit "A", upon a cause of action whereof the following is a statement:

1. The Plaintiffs, GABRIEL RIVERA and SHERRY L. RIVERA, are husband and wife and adult individuals who reside at 41 Gainswood Drive, East Marrero, Louisiana 70072.

2. The Defendant, MARY C. DAUB, is an adult individual who resides at 21 East Long Avenue, Apt. 101, DuBois, Clearfield County, Pennsylvania.

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11. The Plaintiffs, GABRIEL RIVERA and SHERRY L. RIVERA, and their predecessors in title, namely Spencer Land Company, have been in actual, continuous, exclusive, visible, hostile, distinct and hostile possession of the subject premises described in Exhibit "A" for a period in excess of twenty-one (21) years.

12. One of the purposes of this action is to quiet title as to any interest the Defendants, MARY C. DAUB, heir of WILLARD WILEY, deceased, JULIA A. WILEY, ELIZABETH BURFIELD, DONNA SHUSS and NANCY L. MILLIRON, heirs at law of STEWARD E. WILEY, deceased, and all other heirs of the Estates of WILLARD H. WILEY and

WILLARD E. WILEY, deceased, and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships, or corporate entities in interest, in and to the premises described in Exhibit "A" because of any defect that may exist in the said tax sale of said premises by the Treasurer of Clearfield County, Pennsylvania, because of the premises being improperly assessed, not properly described, no notice of said tax sale to the record owner or owners, or that the premises were sold as the property of one other than the record owner or owners or for any other reason that may raise some question as to the validity of Plaintiffs' title to said premises.

WHEREFORE, the Plaintiffs requests this Court to enter an Order decreeing the following:

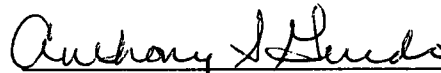
(a) Determine that the Plaintiffs are seized of an indefeasible title to and are the legal owners of the premises described in Exhibit "A";

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the Court or forever be barred from asserting any right, title, claim or interest in and to the premises described in Exhibit "A" inconsistent with the title of the Plaintiffs.

(c) Enter such judgment as is necessary to establish an indefeasible title in the Plaintiffs to the premises described in Exhibit "A".

A handwritten signature in cursive script, reading "Anthony S. Guido", written over a horizontal line.

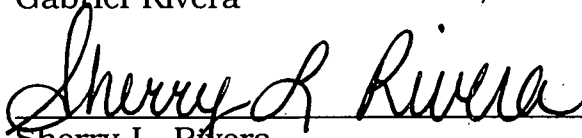
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Attorney for Plaintiffs

**VERIFICATION**

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GABRIEL RIVERA and SHERRY L. :  
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Plaintiffs :

vs. :

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ELIZABETH BURFIELD, DONNA :  
SHUSS and NANCY L. MILLIRON, :  
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deceased, and all other heirs of :  
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and WILLARD E. WILEY, deceased, :  
and their heirs, devisees, :  
administrators, executors and :  
assigns, and all other person, :  
persons, firms, partnership or :  
corporate entities in interest, :  
Defendants :

ACTION TO QUIET TITLE

No. 05-38-CD

Type of pleading:

COMPLAINT

Filed on behalf of:

PLAINTIFFS

Counsel of record for this  
Party:

Anthony S. Guido, Esq.  
Supreme Court No. 05877  
Hanak, Guido and Taladay  
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10. By deed dated January 23, 2004, and recorded in the Office of the Recorder of Deeds at Instrument No. 200401395, Spencer Land Partnership, a partnership and its individual owners, Darrell G. Spencer, Ray L. Spencer and Robert G. Spencer, an incapacitated person by his Co-Guardians, Shad B. Spencer and Tim N. Morgan, conveyed the premises described in Exhibit "A" to Gabriel Rivera and Sherry L. Rivera, the Plaintiffs herein.

11. The Plaintiffs, GABRIEL RIVERA and SHERRY L. RIVERA, and their predecessors in title, namely Spencer Land Company, have been in actual, continuous, exclusive, visible, hostile, distinct and hostile possession of the subject premises described in Exhibit "A" for a period in excess of twenty-one (21) years.

12. One of the purposes of this action is to quiet title as to any interest the Defendants, MARY C. DAUB, heir of WILLARD WILEY, deceased, JULIA A. WILEY, ELIZABETH BURFIELD, DONNA SHUSS and NANCY L. MILLIRON, heirs at law of STEWARD E. WILEY, deceased, and all other heirs of the Estates of WILLARD H. WILEY and



WILLARD E. WILEY, deceased, and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships, or corporate entities in interest, in and to the premises described in Exhibit "A" because of any defect that may exist in the said tax sale of said premises by the Treasurer of Clearfield County, Pennsylvania, because of the premises being improperly assessed, not properly described, no notice of said tax sale to the record owner or owners, or that the premises were sold as the property of one other than the record owner or owners or for any other reason that may raise some question as to the validity of Plaintiffs' title to said premises.

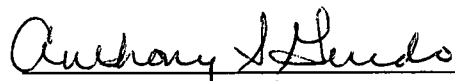
WHEREFORE, the Plaintiffs requests this Court to enter an Order decreeing the following:

(a) Determine that the Plaintiffs are seized of an indefeasible title to and are the legal owners of the premises described in Exhibit "A";

(b) Order the Defendants, MARY C. DAUB, heir of WILLARD WILEY, deceased, JULIA A. WILEY, ELIZABETH BURFIELD, DONNA SHUSS and NANCY L. MILLIRON, heirs at law of STEWARD E. WILEY, deceased, and all other heirs of the Estates of WILLARD H. WILEY and WILLARD E. WILEY, deceased, and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships, or corporate entities in interest, making any claim in and to the premises described in Exhibit "A" to bring an action in ejectment to establish its or their claims within a time set by

the Court or forever be barred from asserting any right, title, claim or interest in and to the premises described in Exhibit "A" inconsistent with the title of the Plaintiffs.

(c) Enter such judgment as is necessary to establish an indefeasible title in the Plaintiffs to the premises described in Exhibit "A".

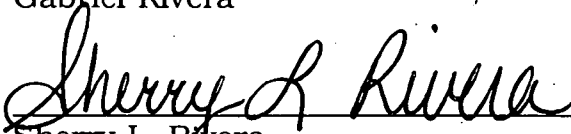
  
\_\_\_\_\_  
Anthony S. Guido  
Attorney for Plaintiffs

**VERIFICATION**

We, GABRIEL RIVERA and SHERRY L. RIVERA, verify that the statements in the foregoing Complaint are true and correct to the best of our knowledge, information and belief.

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

  
\_\_\_\_\_  
Gabriel Rivera

  
\_\_\_\_\_  
Sherry L. Rivera

### **EXHIBIT "A"**

All that certain tract of land situate in the Township of Brady, County of Clearfield, Commonwealth of Pennsylvania, further bounded and described as follows;

BEGINNING at a stone at land now or formerly of S. M. Leis; thence East along land now or formerly of J. C. Mehrwein, one hundred and eighteen (118) perches to a stone corner; thence South along land now or formerly of F. F. Pentz, eighty-three and one-half (83-1/2) perches to a corner; thence West along land now or formerly of H. F. Soxman, one hundred eighteen (118) perches to a post; thence North along land now or formerly of S. M. Leis, eight-three and one-half (83-1/2) perches to the place of beginning.  
CONTAINING fifty-eight (58) acres, more or less.

BEING the North half of Lot No. 3 of Tract 368, surveyed to William Bradford on July 30, 1785.

BEING the same premises as was conveyed to Gabriel Rivera and Sherry L. Rivera, husband and wife, by deed dated January 23, 2004, by deed of Spencer Land Company, et al., and recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania, at Instrument No. 200401395.

EXCEPTING AND RESERVING all exceptions and reservations as they may appear in the chain of title or may be observed by an examination of the property.

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

GABRIEL RIVERA and SHERRY L.  
RIVERA, husband and wife,  
Plaintiffs

vs.

MARY C. DAUB, heir of WILLARD,  
WILEY, deceased, JULIA A. WILEY,  
ELIZABETH BURFIELD, DONNA  
SHUSS and NANCY L. MILLIRON,  
heirs at law of STEWARD E. WILEY  
deceased, and all other heirs of  
the Estates of WILLARD H. WILEY  
and WILLARD E. WILEY, deceased,  
and their heirs, devisees,  
administrators, executors and  
assigns, and all other person,  
persons, firms, partnership or  
corporate entities in interest,  
Defendants

ACTION TO QUIET TITLE

No. 05-38-CD

Type of pleading:

PRAECIPE TO REINSTATE

Filed on behalf of:

PLAINTIFFS

Counsel of record for this  
Party:

Anthony S. Guido, Esq.  
Supreme Court No. 05877  
Hanak, Guido and Taladay  
498 Jeffers Street  
P. O. Box 487  
DuBois, PA 15801

814-371-7768

**FILED** *Atty pd. 7.00*  
*01/31/01*  
**MAY 19 2006** *1 Compl. Reinstated*  
*to Shff*

William A. Shaw  
Prothonotary/Clerk of Courts

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

GABRIEL RIVERA and SHERRY L.  
RIVERA, husband and wife,  
Plaintiffs

vs.

No. 05-38-CD

MARY C. DAUB, heir of WILLARD WILEY,  
deceased, JULIA A. WILEY, ELIZABETH  
BURFIELD, DONNA SHUSS and NANCY  
L. MILLIRON, heirs at law of STEWARD  
E. WILEY, deceased, and all other heirs  
of the Estates of WILLARD H. WILEY and  
WILLARD E. WILEY, deceased, and their  
heirs, devisees, administrators,  
executors and assigns, and all other  
person, persons, firms, partnerships,  
or corporate entities in interest,  
Defendant

**PRAECIPE TO REINSTATE THE COMPLAINT**

TO: WILLIAM A. SHAW, PROTHONOTARY

Please reinstate the Complaint filed in the above entitled case.



Anthony S. Guido  
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101561  
NO: 05-38-CD  
SERVICE # 1 OF 1  
COMPLAINT ACTION TO QUIET TITLE

PLAINTIFF: GABRIEL RIVERA and SHERR L. RIVERA  
vs.  
DEFENDANT: MARY C. DAUB heir of WILLARD, WILEY, Deceased et al

SHERIFF RETURN

NOW, May 24, 2006 AT 11:41 AM SERVED THE WITHIN COMPLAINT ACTION TO QUIET TITLE ON NANCY L. MILLIRON DEFENDANT AT 37 LAUREL RUN ROAD, CURWENSVILLE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO JOHN MILLIRON, HUSBAND A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT ACTION TO QUIET TITLE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

FILED

0/2:25 LM

JUN 15 2006

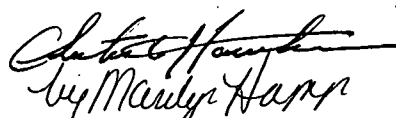
William A. Shaw  
Prothonotary

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	HANAK	14811	10.00
SHERIFF HAWKINS	HANAK	14811	14.73

Sworn to Before Me This

\_\_\_\_\_ Day of \_\_\_\_\_ 2006

So Answers,

  
Chester A. Hawkins  
Sheriff