

05-89-CD
E. Diehl et al vs J. Warmundzky et al
KY, et al.

Evelyn Diehl et al v. John
2005-089-CD

Michael Starr

LEHMAN & KASUBICK
611 BROAD STREET
HOMEDALE, PA 16651
(814) 878-7840

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

EVELYN DIEHL, Executrix
of the Estate of ELIZABETH
V. POSANSKY,
Plaintiffs
vs.
JOHN WARMUNDZKY a/k/a
JOHN WARMUNDZKI a/k/a
JOHN WARMUNDRKI a/k/a
JOHN WAKSMUNDZKI a/k/a and
TEKLA WARMUNDZKY a/k/a
TEKLA WARMUNDZKI, a/k/a
TEKLA WARMUNDRKI, a/k/a
TEKLA WAKSMUNDZKI, his wife;
and their heirs, executors,
administrators, successors
trustees and assigns, known
or unknown, and any other
person who may claim title
or an interest in the
property subject to this
action,
Defendants
:

No.: 2005- 89 -CD
Type of Case:
Quiet Title Action
Type of Pleading:
Complaint
Filed on behalf of:
Plaintiffs
Counsel of Record For
This Party:
Girard Kasubick, Esq.
Supreme Court #30109
LEHMAN &KASUBICK
611 Brisbin Street
Houtzdale, PA 16651

FILED 1/20/05 A.A. pd.
JAN 20 2005 95.00

William A. Smith
Prothonotary, Clerk of Courts

Original
to C.H.

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

EVELYN DIEHL, Executrix :
of the Estate of ELIZABETH :
V. POSANSKY, : No.: 2005-89 -CD
Plaintiffs :
vs. : QUIET TITLE ACTION
:
JOHN WARMUNDZKY a/k/a JOHN :
WARMUNDZKI a/k/a JOHN :
WARMUNDZKI a/k/a JOHN :
WAKSMUNDZKI and TEKLA :
WARMUNDZKY a/k/a TEKLA :
WARMUNDZKI a/k/a TEKLA :
WAKSMUNDZKI a/k/a TEKLA :
WAKSMUNDZKI, his wife; :
and their heirs, executors, :
administrators, successors, :
trustees and assigns, known :
or unknown, and any other :
person who may claim title or :
an interest in the property :
subject to this action, :
Defendants :
: *FILED NO CC
01/10/05
JAN 20 2005*

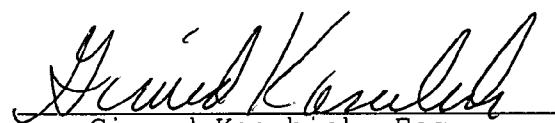
MOTION FOR SERVICE BY PUBLICATION

1. Your Petitioner is Evelyn Diehl, Executrix of the Estate of Elizabeth V. Posansky, Plaintiffs in the above captioned matter.

2. Petitioner, by attached affidavit incorporated herein by reference thereto, believes that the named Defendants are deceased or their whereabouts are unknown.

WHEREFORE, Petitioner, by her attorney, Girard

Kasubick, Esq., requests that Your Honorable Court grant an order that all of the herein named Defendants be served by publication as required by law.



Girard Kasubick, Esq.
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

EVELYN DIEHL, Executrix :
of the Estate of ELIZABETH : No.: 2005- 89 -CD
V. POSANSKY, : Type of Case:
Plaintiffs : Quiet Title Action
vs. : Type of Pleading:
JOHN WARMUNDZKY a/k/a : Complaint
JOHN WARMUNDZKI a/k/a : Filed on behalf of:
JOHN WARMUNDRKI a/k/a : Plaintiffs
JOHN WAKSMUNDZKI a/k/a and : Counsel of Record For
TEKLA WARMUNDZKY a/k/a : This Party:
TEKLA WARMUNDZKI, a/k/a : Girard Kasubick, Esq.
TEKLA WARMUNDRKI, a/k/a : Supreme Court #30109
TEKLA WAKSMUNDZKI, his wife; : LEHMAN & KASUBICK
and their heirs, executors, : 611 Brisbin Street
administrators, successors : Houtzdale, PA 16651
trustees and assigns, known :
or unknown, and any other :
person who may claim title :
or an interest in the :
property subject to this :
action, :
Defendants :
:

FILED No CC
01/10/05 A.A. pd.
JAN 20 2005 U.S. CO.

William A. Shaw
Prothonotary/Clerk of Courts

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

EVELYN DIEHL, Executrix :
of the Estate of ELIZABETH :
V. POSANSKY, : No.: 2005- -CD
Plaintiffs :
vs. : QUIET TITLE ACTION
:
JOHN WARMUNDZKY a/k/a JOHN :
WARMUNDZKI a/k/a JOHN :
WARMUNDRKI a/k/a JOHN :
WAKSMUNDZKI and TEKLA :
WARMUNDZKY a/k/a TEKLA :
WARMUNDZKI a/k/a TEKLA :
WARMUNDRKI a/k/a TEKLA :
WAKSMUNDZKI, his wife; :
and their heirs, executors, :
administrators, successors, :
trustees and assigns, known :
or unknown, and any other :
person who may claim title or :
an interest in the property :
subject to this action, :
Defendants :
:

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 defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a 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 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.

David Meholick
Court Administrator's Office
Clearfield County Court House
Clearfield, PA 16830
(814) 765-2641

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

EVELYN DIEHL, Executrix :
of the Estate of ELIZABETH :
V. POSANSKY, : No.: 2005- -CD
Plaintiffs : QUIET TITLE ACTION
vs. :
JOHN WARMUNDZKY a/k/a JOHN :
WARMUNDZKI a/k/a JOHN :
WARMUNDRKI a/k/a JOHN :
WAKSMUNDZKI and TEKLA :
WARMUNDZKY a/k/a TEKLA :
WARMUNDZKI a/k/a TEKLA :
WARMUNDRKI a/k/a TEKLA :
WAKSMUNDZKI, his wife; :
and their heirs, executors, :
administrators, successors, :
trustees and assigns, known :
or unknown, and any other :
person who may claim title or :
an interest in the property :
subject to this action, :
Defendants :

COMPLAINT

AND NOW comes, Evelyn Diehl, Executrix of the Estate of Elizabeth V. Posansky, by and through her attorney, Girard Kasubick, Esq., and files the following Complaint:

1. The Plaintiff is Evelyn Diehl, Executrix of the Estate of Elizabeth v. Posansky who resides at 54 Cooper Avenue, P.O. Box 83, Glen Hope, PA 16645.
2. The Defendants are John Warmundzky a/k/a John Warmundzki a/k/a John Warmundrki a/k/a John Waksmundzki

and Tekla Warmundzky a/k/a Tekla Warmundzki a/k/a Tekla Warmundrki a/k/a Tekla Waksmundzki, his wife; and their heirs, executors, administrators, successors, trustees and assigns, known or unknown, and any other person who may claim title under them, and who are deceased or their whereabouts are unknown.

3. Evelyn Diehl was granted Letters Testamentary in the Estate of Elizabeth V. Posansky by the Register of Wills of Clearfield County Pennsylvania on November 2, 2004. The Estate is in Clearfield County File No. 1704-0644.

4. The real property involved in and subject of this action is all that real property or parcel of land situate in Glen Hope Borough, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a post on Cooper Avenue; thence along Cooper Avenue in a Northwest direction one hundred and ten (110') feet to lot No. 54; thence along Lot No. 54 in a Southwest direction sixty (60') feet; thence across lots No. 52 and 53 in a Southeast direction one hundred and ten (110') feet to lot No. 51; thence along Lot No. 51 in a northeast direction sixty (60') feet to a post and place of beginning. These same premises known as part of Lots No. 52 and 53 in the general plan of Glen Hope Borough being 60 by 100 feet.

The above property currently known by Clearfield County Tax Map No. 8-I15-361-10. The above property herein after referred to as "Premises".

5. The deeds and method by which Elizabeth V. Posansky obtained title to the real property described

in Paragraph 4 above of this Complaint is as follows:

a). The Premises was conveyed to John Posansky and Elizabeth Posansky a/k/a Elizabeth V. Posansky, by deed of the Clearfield County Commissioners in the name of John Warmundzky, dated August 23, 1943 and recorded in Clearfield County Deed Book 352, Page 295.

b). John Posansky and Elizabeth Posansky a/k/a Elizabeth V. Posansky, were husband and wife, and the parents of Evelyn Diehl. John Posansky died January 22, 1968 vesting the Premises in his surviving wife, Elizabeth Posansky a/k/a Elizabeth V. Posansky.

c). The description of the property in Deed Book 352, Page 295 noted in subparagraph a). above is as "H & L" with no metes and bounds description.

d). The Premises was conveyed to the Clearfield County Commissioners by deed of H.F. Bigler, Treasurer of Clearfield County in the name of John Warmundzky, dated December 31, 1937 and recorded in Clearfield County Deed Book 352, Page 294. This deed described the property as a "H & L" with no metes and bounds description. This deed states it was sold for unpaid 1933, 1934 and 1935 real estate taxes.

e). The Assessment Records for Glen Hope Borough, Clearfield County shows a H & L assessed to John

Warmundzky or John Warmundzky Estate or John Warmundrki from 1924 to 1938.

f). The Assessment Records for Glen Hope Borough, Clearfield County shows the H & L first assessed to John Warmundzki is transferred from Mike Wroblewski who was assessed with it from 1921 to 1924.

g). The Premises was conveyed to John Waksmundzki and Tekla Waksmundzki, his wife, by deed from Frances Holota and Thomas Holota, her husband, dated January 8, 1923 and recorded on April 23, 1923 in Clearfield County Deed Book 262, Page 217. This deed does contain the metes and bounds description as described in Paragraph 4. above.

h). The Premises was conveyed to Frances Holota by deed from Michael Wroblewski and Marie Helen Wroblewski, his wife, dated November 6, 1922 and recorded November 27, 1922 in Deed Book 259, Page 398.

i). The Assessment Records for Glen Hope Borough, Clearfield County do not show any assessment of a H & L to Frances Holota or Thomas Holota, but the recorded deeds show that they only owned the Premises from November 6, 1922 until January 8, 1923 which is only a few months and therefore the assessment records go from Mike Wroblewski to John Warmundzki.

j). It is averred and believed that John Waksmundzki and John Warmundzki and John Warmundzky and John Warmundrki was one and the same person as were the various spellings of his wife, Tekla. No assessment in the Glen Hope Borough Assessment Records could be found in the 1920's in the name of John or Tekla Waksmundzki.

k). After diligent search of the records of estate indexes in the Clearfield County Register of Wills Office, no estates could be found on John Warmundzky a/k/a John Warmundzki a/k/a John Warmundrki a/k/a John Waksmundzki and Tekla Warmundzky a/k/a Tekla Warmundzki a/k/a Tekla Warmundrki a/k/a Tekla Waksmundzki.

6. The Estate of Elizabeth V. Posansky and Elizabeth V. Posansky prior to her death and her husband before his death have been in open, continuous, notorious, actual, exclusive, visible, distinct and hostile possession of the Premises described in Paragraph 4. of this Complaint in excess of twenty-one (21) years immediately preceding the filing of this action, and thereby claim title by adverse possession.

7. This Quiet Title Action is necessary to establish a proper chain of title out of which the real property subject of this action comes, because of irregularities in the chain of title, including possible unrecorded deeds, variances in the descriptions which do not always clearly identify the property, tax sale deeds, unclear tax assessments, and no proof of deaths or estates of record proving heirs, all of which raise a question as to the chain of title to the property and create a cloud on title.

8. It is finally averred that this Quiet Title Action is necessary to determine the validity or discharge of any document, obligation, assessment or deed affecting any right, title and interest in the property subject of this action, which may affect the rights of the Defendants and their heirs.

9. All of the named Defendants to this Action are deceased or their whereabouts are unknown and Plaintiff has made a diligent and reasonable search to locate the whereabouts of the Defendants, John Warmundzky a/k/a John Warmundzki a/k/a John Warmundrki a/k/a John Waksmundzki and Tekla Warmundzky a/k/a Tekla Warmundzki a/k/a Tekla Warmundrki a/k/a Tekla Waksmundzki, his wife, but they are deceased or their whereabouts are unknown.

WHEREFORE, Plaintiff brings this action and respectfully requests the Court to decree as follows:

a). That the Plaintiffs, their heirs, executors, personal representatives and assigns are seized of an indefeasible title to the property situated in Glen Hope Borough, Clearfield County, Pennsylvania, described herein and that an Order and Decree be entered adjudicating that each of the Defendants and any of their heirs, successors, trustees, personal representatives, or assigns be forever barred from asserting any right, title, lien or interest in the within described parcel of land.

b). That such other relief be granted as may be necessary in establishing Plaintiffs' title, including determinations on the validity or discharge of any documents, obligations or deeds affecting right, title and interest in the property described herein.

c). Such other and further relief as the Court deems proper.



Girard Kasubick
Girard Kasubick, Esq.
Attorney for Plaintiff

VERIFICATION

I, the undersigned, verify that the statements made in the foregoing Complaint are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. 4904 relating to unsworn falsification to authorities.



Evelyn Diehl, Executrix of
the Estate of Elizabeth V.
Posansky

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

EVELYN DIEHL, Executrix :
of the Estate of ELIZABETH :
V. POSANSKY, : No.: 2005- 89 -CD
Plaintiffs :
vs. : QUIET TITLE ACTION
John WARMUNDZKY a/k/a JOHN :
WARMUNDZKI a/k/a JOHN :
WARMUNDRKI a/k/a JOHN :
WAKSMUNDZKI and TEKLA :
WARMUNDZKY a/k/a TEKLA :
WARMUNDZKI a/k/a TEKLA :
WARMUNDRKI a/k/a TEKLA :
WAKSMUNDZKI, his wife; :
and their heirs, executors, :
administrators, successors, :
trustees and assigns, known :
or unknown, and any other :
person who may claim title or :
an interest in the property :
subject to this action, :
Defendants :
FEB 11 2005 NO
of 110 Bk
JAN 20 2005

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA :
S:
COUNTY OF CLEARFIELD :
FEB 11 2005 NO
of 110 Bk
JAN 20 2005

Before me, the undersigned officer, personally
appeared EVELYN DIEHL, EXECUTRIX OF THE ESTATE OF
ELIZABETH V. POSANSKY, who being duly sworn according to
law, deposes and says that the names of the Defendants,
JOHN WARMUNDZKY a/k/a JOHN WARMUNDZKI a/k/a JOHN
WARMUNDRKI a/k/a JOHN WAKSMUNDZKI and TEKLA WARMUNDZKY

a/k/a TEKLA WARMUNDZKI a/k/a TEKLA WARMUNDRKI a/k/a TEKLA WAKSMUNDZKI, his wife, their heirs, executors, administrators, successors, trustees, assigns and successors, known or unknown, are all deceased or their whereabouts are unknown to the Plaintiffs.

Plaintiffs and their attorney have made an investigation to locate the aforesaid Defendants that are unknown, by checking the records of Clearfield County and by review of the telephone directories in the area, contacting the election office, tax rolls, and voting records, however none of the above were found because they are deceased or their whereabouts are unknown.

Evelyn Diehl Exec
Evelyn Diehl, Executrix of the
Estate of Elizabeth V. Posansky

Sworn to and subscribed
before me this 18th
day of January, 2005.

Girard Kasubick

N.P.
COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
Girard Kasubick, Notary Public
Houtzdale Boro, Clearfield County
My Commission Expires June 8, 2007

Member, Pennsylvania Association Of Notaries

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

EVELYN DIEHL, Executrix	:	
of the Estate of ELIZABETH	:	
V. POSANSKY,	:	No.: 2005-89 -CD
Plaintiffs	:	
vs.	:	QUIET TITLE ACTION
JOHN WARMUNDZKY a/k/a JOHN	:	
WARMUNDZKI a/k/a JOHN	:	
WARMUNDRKI a/k/a JOHN	:	
WAKSMUNDZKI and TEKLA	:	
WARMUNDZKY a/k/a TEKLA	:	
WARMUNDZKI a/k/a TEKLA	:	
WARMUNDRKI a/k/a TEKLA	:	
WAKSMUNDZKI, his wife;	:	
and their heirs, executors,	:	
administrators, successors,	:	
trustees and assigns, known	:	
or unknown, and any other	:	
person who may claim title or	:	
an interest in the property	:	
subject to this action,	:	
Defendants	:	

FILED
03:18 MA 100 to attorney

JAN 21 2005

William A. Shaw
Prothonotary

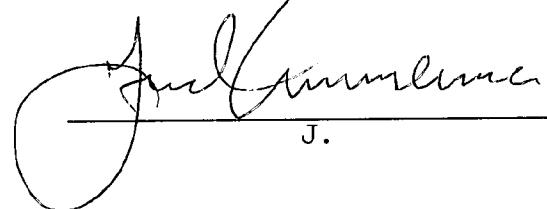
ORDER DIRECTING COMPLAINT TO BE SERVED

BY ADVERTISEMENT ON DEFENDANTS

NOW, this 21 day of January, 2005, the within Action being an Action to Quiet Title and the Plaintiffs having made Affidavit that the addresses of Defendants are unknown and cannot be ascertained, and therefore upon Motion of Girard Kasubick, Esq., Attorney for Plaintiffs, it is Ordered and Decreed that substitute service by publication be made upon the Defendants whose addresses

are unknown, or may be deceased, by giving notice in the Progress, a newspaper of general circulation published in the Clearfield County area and in the Clearfield County Legal Journal, to the above named Defendants whose addresses are unknown, or may be deceased; such publication to be one (1) time only stating that this action has been filed, and that this Complaint must be pleaded to within twenty (20) days after publication of notice; otherwise judgment will be taken against all of the Defendants by default.

BY THE COURT,



J. Hammel

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

EVELYN DIEHL, Executrix :
of the Estate of ELIZABETH :
V. POSANSKY, : No.: 2005-89-CD
Plaintiffs : Type of Case: Quiet
vs. : Title Action
JOHN WARMUNDZKY a/k/a JOHN : Type of Pleading:
WARMUNDZKI a/k/a JOHN : Affidavit of Service
WARMUNDRKI a/k/a JOHN : Filed on behalf of:
WAKSMUNDZKI and TEKLA : Plaintiffs
WARMUNDZKY a/k/a TEKLA : Counsel of Record For
WARMUNDZKI a/k/a TEKLA : This Party:
WARMUNDRKI a/k/a TEKLA : Girard Kasubick, Esq.
WAKSMUNDZKI, his wife; : Supreme Court #30109
and their heirs, executors, : LEHMAN & KASUBICK
administrators, successors, : 611 Brisbin Street
trustees and assigns, known : Houtzdale, PA 16651
or unknown, and any other :
person who may claim title or :
an interest in the property :
subject to this action, :
Defendants :
:

FILED
11/24/01 NO
MAR 22 2005 CC
64

William A. Shaw
Prothonotary/Clerk of Courts

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

EVELYN DIEHL, Executrix :
of the Estate of ELIZABETH :
V. POSANSKY, : No.: 2005-89-CD
Plaintiffs :
vs. : QUIET TITLE ACTION
:
JOHN WARMUNDZKY a/k/a JOHN :
WARMUNDZKI a/k/a JOHN :
WARMUNDRKI a/k/a JOHN :
WAKSMUNDZKI and TEKLA :
WARMUNDZKY a/k/a TEKLA :
WARMUNDZKI a/k/a TEKLA :
WARMUNDRKI a/k/a TEKLA :
WAKSMUNDZKI, his wife; :
and their heirs, executors, :
administrators, successors, :
trustees and assigns, known :
or unknown, and any other :
person who may claim title or :
an interest in the property :
subject to this action, :
Defendants :

AFFIDAVIT OF SERVICE

Before me, William A. Shaw, Prothonotary, personally appeared Girard Kasubick, Esq., who being duly sworn according to law, deposes and says that service was made in this case by publication in the Clearfield Progress one time only on February 21, 2005 and in the Clearfield County Legal Journal one time only for the week of February 25, 2005, as appears by sworn proof hereto attached, and that all the named Defendants who are

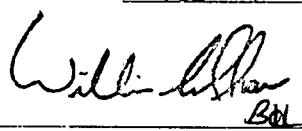
deceased or their whereabouts are unknown were served by publication and not by any other manner. No appearance having been entered on behalf of any of the Defendants served by publication, nor any answer filed by any of them after service of a Complaint containing a notice to defend. Plaintiffs have caused this Affidavit to be made for the purpose of obtaining a decree or Order of Court under Pa. R.C.P. 1066.

WHEREFORE, this Affidavit of Service made by the manner aforesaid is made for the purpose of obtaining a Decree of Court.



Girard Kasubick, Esq.,
Attorney for Plaintiffs

Sworn to and subscribed
before me this 22nd
day of March, 2005.



Bd

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2006
Clearfield Co., Clearfield, PA

NOTICE
IN THE COURT OF
COMMON PLEAS OF
CLEARFIELD COUNTY, PA
CIVIL DIVISION
NO.: 2005-89-CD
QUIET TITLE ACTION
EVELYN DIEHL, Executrix
of the Estate of ELIZABETH
V. POSANSKY,
Plaintiffs

vs.
JOHN WARMUNDZKY a/k/a,
JOHN WARMUNDZKI a/k/a/
JOHN WARMUNDRKI a/k/a, JOHN
WAKSMUNDZKI a/k/a, and TEKLA
WARMUNDZKY a/k/a, TEKLA
WARMUNDZKI, a/k/a, TEKLA
WAKSMUNDZKI, his wife; and
their heirs, executors, administrators,
successors, trustees and as-
signs, known or unknown, and any
other person who may claim title or
an interest in the property subject
to this action,

Defendants
ACTION TO QUIET TITLE
NOTICE

TO: JOHN WARMUNDZKY a/k/a,
JOHN WARMUNDZKI a/k/a, JOHN
WARMUNDRKI a/k/a, JOHN
WAKSMUNDZKI and TEKLA WAR-
MUNDZKY a/k/a, TEKLA WAR-
MUNDZKI, a/k/a, TEKLA WAR-
MUNDRKI, a/k/a, TEKLA WAKS-
MUNDZKI, his wife, and their heirs,
executors, administrators, suc-
cessors, trustees, successors and as-
signs, known or unknown:

You have been sued in Court. You
are hereby notified that an Action to
Quiet Title to that tract or parcel of
land located in Glen Hope Borough,
Clearfield County, Pennsylvania,
has been filed against you. Said
land is bounded and described as
follows:

BEGINNING at a post on Cooper
Avenue; thence along Cooper Ave-
nue in a Northwest direction one
hundred and ten (110') foot to Lot
No. 54; thence along Lot No. 54 in

a Southwest direction sixty (60')
feet; thence across Lots No. 52
and 53 in a Southeast direction one
hundred and ten (110') feet to Lot
No. 51; thence along Lot No. 51 in
a Northeast direction sixty (60')
feet to a post and place of begin-
ning. These same premises known
as part of Lots No. 52 and 53 in the
general plan of Glen Hope Borough
being 60 by 100 feet.

The above property currently
known by Clearfield County Tax
Map No. 8-15-361-10.

You are further notified to appear
and answer the Complaint in said
Action within twenty (20) days from
the date of this publication other-
wise judgment will be entered
against you barring you from all
claims, rights and interest inconsis-
tent with the Plaintiff's claim of title
as set forth in the Complaint.

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :
COUNTY OF CLEARFIELD :

On this 24th day of February, A.D. 2005,
before me, the subscriber, a Notary Public in and for said County and
State, personally appeared Margaret E. Krebs, who being duly sworn
according to law, deposes and says that she is the President of The
Progressive Publishing Company, Inc., and Associate Publisher of The
Progress, a daily newspaper published at Clearfield, in the County of
Clearfield and State of Pennsylvania, and established April 5, 1913, and
that the annexed is a true copy of a notice or advertisement published in
said publication in

the regular issues of February 21, 2005

And that the affiant is not interested in the subject matter of the notice or
advertising, and that all of the allegations of this statement as to the time,
place, and character of publication are true.

Margaret E. Krebs

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

Cheryl J. Robison
Notary Public

My Commission Expires
October 31, 2007

COMMONWEALTH OF PENNSYLVANIA

Clearfield, Pa.

Notarial Seal
Cheryl J. Robison, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires Oct. 31, 2007
Member, Pennsylvania Association Of Notaries

17P

NOTICE
TO: JOHN WARMUNDZKY a/k/a,
JOHN WARMUNDZKI a/k/a, JOHN
WARMUNDRKI a/k/a, JOHN

WAKSMUNDZKI and TEKLA WAR-
MUNDZKY a/k/a, TEKLA WAR-
MUNDZKI a/k/a, TEKLA WAR-
MUNDRKI a/k/a, TEKLA WAKS-
MUNDZKI, his wife, and their heirs,
executors, administrators, suc-
cessors, trustees and assigns, known
or unknown.

If you wish to defend, you must
enter a written appearance person-
ally or by attorney and file your de-
fenses or objections in writing with
the Court. You are warned that if
you fail to do so, the case may pro-
ceed without you and a judgment
may be entered against you without
further notice for the relief re-
quested by the Plaintiff. You may
lose money or property or other
rights important to you.

YOU SHOULD TAKE THIS PA-
PER 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's Office
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-2641

LEHMAN & KASUBICK
611 Brisbin Street
Houtzdale, PA 16651

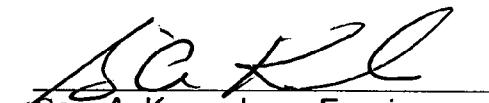
2:21-1d-b

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA : :

COUNTY OF CLEARFIELD : :

On this 28th day of February 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 February 25, 2005. Vol. 17, No. 8. And that all of the allegations of this statement as to the time, place, and character of the publication are true.

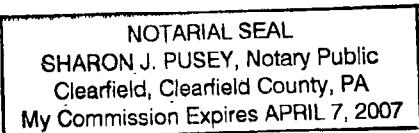


Gary A. Knaresboro, Esquire
Editor

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



Notary Public
My Commission Expires



Lehman & Kasubick
611 Brisbin Street
Houtzdale PA 16651

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

EVELYN DIEHL, Executrix of the Estate of ELIZABETH V. POSANSKY, Plaintiffs vs. JOHN WARMUNDZKY a/k/a JOHN WARMUNDRKI a/k/a JOHN WAKSMUNDZKI a/k/a and TEKLA WARMUNDZKY a/k/a TEKLA WARMUNDZKI, a/k/a TEKLA WAKSMUNDZKI, his wife; and their heirs, executors, administrators, successors, trustees and assigns, known or unknown and any other person who may claim title in the property subject to this action, Defendants.

No. 05-89-CD
QUIET TITLE ACTION
NOTICE

TO: JOHN WARMUNDZKY a/k/a JOHN WARMUNDZKI a/k/a JOHN WARMUNDRKI a/k/a JOHN WAKSMUNDZKI a/k/a and TEKLA WARMUNDZKY a/k/a TEKLA WARMUNDZKI, a/k/a TEKLA WAKSMUNDZKI, his wife; and their heirs, executors, administrators, successors, trustees and assigns, known or unknown.

You have been sued in court. You are hereby notified that an Action to Quiet Title to that tract or parcel of land located in Glen Hope Borough, Clearfield County, Pennsylvania, has been filed against you. Said land is bounded and described as follows:

BEGINNING at a post on Cooper Avenue; thence along Cooper Avenue in a Northwest direction one hundred and ten (110') feet to lot No. 54; thence along Lot No. 54 in a Southwest direction sixty (60') feet; thence across lots nos. 52 and 53 in a Southeast direction one hundred and ten (110') feet to Lot No. 51; thence along Lot No. 51 in a northeast direction sixty (60') feet to a post and place of beginning. These same premises known as part of Lots No. 52 and 53 in the general plan of Glen Hope Borough being 60 by 100 feet.

The above property currently known by Clearfield County Tax Map No. 8-115-361-10.

You are further notified to appear and answer the Complaint in said Action within twenty (20) days from the date of this publication, otherwise judgment will be entered against you barring you from all claims, rights and interest inconsistent with the Plaintiffs' claim of title as set forth in the Complaint.

NOTICE
TO: JOHN WARMUNDZKY a/k/a JOHN

WARMUNDZKI a/k/a JOHN WARMUNDRKI a/k/a JOHN WAKSMUNDZKI a/k/a and TEKLA WARMUNDZKY a/k/a TEKLA WARMUNDZKI, a/k/a TEKLA WAKSMUNDZKI, his wife; and their heirs, executors, administrators, successors, trustees and assigns, known or unknown.

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses 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 NOTICE 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's Office, Clearfield County Courthouse, One North Second Street, Clearfield, PA 16830 (814) 765-2641.
LEHMAN & KASUBICK, 611 Brisbin Street, Houtzdale, PA 16651.

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

EVELYN DIEHL, Executrix	:	
of the Estate of ELIZABETH	:	
V. POSANSKY,	:	No.: 2005-89-CD
Plaintiffs	:	Type of Case: Quiet
vs.	:	Title Action
JOHN WARMUNDZKY a/k/a JOHN	:	Type of Pleading:
WARMUNDZKI a/k/a JOHN	:	Motion for Judgment
WARMUNDRKI a/k/a JOHN	:	Filed on behalf of:
WAKSMUNDZKI and TEKLA	:	Plaintiffs
WARMUNDZKY a/k/a TEKLA	:	Counsel of Record For
WARMUNDZKI a/k/a TEKLA	:	This Party:
WARMUNDRKI a/k/a TEKLA	:	Girard Kasubick, Esq.
WAKSMUNDZKI, his wife;	:	Supreme Court #30109
and their heirs, executors,	:	LEHMAN & KASUBICK
administrators, successors,	:	611 Brisbin Street
trustees and assigns, known	:	Houtzdale, PA 16651
or unknown, and any other	:	
person who may claim title or	:	
an interest in the property	:	
subject to this action,	:	
Defendants	:	

FILED No
01-24-01
MAR 22 2005 60

William A. Shaw
Prothonotary/Clerk of Courts

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

EVELYN DIEHL, Executrix :
of the Estate of ELIZABETH :
V. POSANSKY, : No.: 2005-89-CD
Plaintiffs :
vs. : QUIET TITLE ACTION
:
JOHN WARMUNDZKY a/k/a JOHN :
WARMUNDZKI a/k/a JOHN :
WARMUNDRKI a/k/a JOHN :
WAKSMUNDZKI and TEKLA :
WARMUNDZKY a/k/a TEKLA :
WARMUNDZKI a/k/a TEKLA :
WARMUNDRKI a/k/a TEKLA :
WAKSMUNDZKI, his wife; :
and their heirs, executors, :
administrators, successors, :
trustees and assigns, known :
or unknown, and any other :
person who may claim title or :
an interest in the property :
subject to this action, :
Defendants :

MOTION FOR JUDGMENT

NOW, this 21ST day of March, 2005, an Affidavit
having been executed and presented herewith on behalf of
the Plaintiffs showing that the Complaint was served by
publication on all of the Defendants, one time only, to
wit: February 21, 2005 in the Clearfield Progress and the
week of February 25, 2005 in the Clearfield County Legal
Journal, and further that all the named Defendants who are
deceased or their whereabouts are unknown were not served
in any other manner, and no Defendants served by

publication having entered an appearance or filed an Answer or having expressed any purpose of intent to be heard or desire to assert title to said property, and twenty (20) days having elapsed since the last publication, and it appearing that it was impossible to serve any of the Defendants by any other means.

WHEREFORE, Girard Kasubick, Esq., prays Your Honorable Court, as attorney for the Plaintiffs, that judgment be entered in favor of the Plaintiffs and against the Defendants, their heirs and assigns, with direction that they file suit in ejectment or otherwise enter proceedings to contest the case within thirty (30) days, or judgment may be entered against them forever barring them from asserting any title or claim to the real estate in this action.



Girard Kasubick
Girard Kasubick, Esq.,
Attorney for Plaintiffs

(X)

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

EVELYN DIEHL, Executrix :
of the Estate of ELIZABETH :
V. POSANSKY, : No.: 2005-89-CD
Plaintiffs : Type of Case: Quiet
vs. : Title Action
JOHN WARMUNDZKY a/k/a JOHN : Type of Pleading:
WARMUNDZKI a/k/a JOHN : Order of Court
WARMUNDRKI a/k/a JOHN : Filed on behalf of:
WAKSMUNDZKI and TEKLA : Plaintiffs
WARMUNDZKY a/k/a TEKLA : Counsel of Record For
WARMUNDZKI a/k/a TEKLA : This Party:
WARMUNDRKI a/k/a TEKLA : Girard Kasubick, Esq.
WAKSMUNDZKI, his wife; : Supreme Court #30109
and their heirs, executors, : LEHMAN & KASUBICK
administrators, successors, : 611 Brisbin Street
trustees and assigns, known : Houtzdale, PA 16651
or unknown, and any other :
person who may claim title or :
an interest in the property :
subject to this action, :
Defendants :
:

FILED ^{cc}
of 11/10/05 *Atty Kasubick*
MAR 3 0 2005 *60*

William A. Shaw
Prothonotary/Clerk of Courts

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

EVELYN DIEHL, Executrix :
of the Estate of ELIZABETH :
V. POSANSKY, : No.: 2005-89-CD
Plaintiffs :
vs. : QUIET TITLE ACTION
:
JOHN WARMUNDZKY a/k/a JOHN :
WARMUNDZKI a/k/a JOHN :
WARMUNDRKI a/k/a JOHN :
WAKSMUNDZKI and TEKLA :
WARMUNDZKY a/k/a TEKLA :
WARMUNDZKI a/k/a TEKLA :
WARMUNDRKI a/k/a TEKLA :
WAKSMUNDZKI, his wife; :
and their heirs, executors, :
administrators, successors, :
trustees and assigns, known :
or unknown, and any other :
person who may claim title or :
an interest in the property :
subject to this action, :
Defendants :
:

ORDER OF COURT

NOW, this 28th day of MARCH, 2005, an
Affidavit having been made that service was made by
publication on unknown Defendants in the Clearfield
Progress on February 21, 2005, and in the Clearfield
County Legal Journal the week of February 25, 2005, and it
appearing that it was impossible to serve any other
Defendants by any other means,

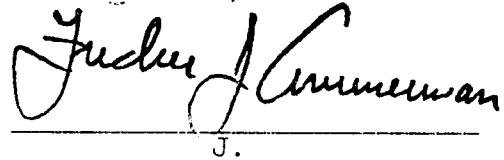
IT IS ORDERED AND DECREED that Defendants file suit
in ejectment or otherwise enter a proceeding to contest

the case within thirty (30) days, or this Order of Court shall become final upon praecipe by Plaintiffs, which hereby Orders and Decrees that title to the land subject of this action is vested absolutely in the Plaintiffs, their heirs and assigns, free and clear of any and all claims of any nature by any of the named Defendants, their heirs, executors, administrators, trustees, successors and assigns or by anyone claiming by, through or under them or any of them, and that the Plaintiffs are seized of an indefeasible title to that certain piece or parcel of land located in Glen Hope Borough, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a post on Cooper Avenue; thence along Cooper Avenue in a Northwest direction one hundred and ten (110') feet to lot No. 54; thence along Lot No. 54 in a Southwest direction sixty (60') feet; thence across lots No. 52 and 53 in a Southeast direction one hundred and ten (110') feet to lot No. 51; thence along Lot No. 51 in a northeast direction sixty (60') feet to a post and place of beginning. These same premises known as part of Lots No. 52 and 53 in the general plan of Glen Hope Borough being 60 by 100 feet.

The above property currently known by Clearfield County Tax Map No. 8-I15-361-10.

BY THE COURT,



J.

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

EVELYN DIEHL, Executrix :
of the Estate of ELIZABETH :
V. POSANSKY, :
Plaintiffs :
vs. :
JOHN WARMUNDZKY a/k/a JOHN :
WARMUNDZKI a/k/a JOHN :
WARMUNDRKI a/k/a JOHN :
WAKSMUNDZKI and TEKLA :
WARMUNDZKY a/k/a TEKLA :
WARMUNDZKI a/k/a TEKLA :
WARMUNDRKI a/k/a TEKLA :
WAKSMUNDZKI, his wife; :
and their heirs, executors, :
administrators, successors, :
trustees and assigns, known :
or unknown, and any other :
person who may claim title or :
an interest in the property :
subject to this action, :
Defendants :

: No.: 2005-89-CD
: Type of Case: Quiet
: Title Action
: Type of Pleading:
: Final Praecipe
: Filed on behalf of:
: Plaintiffs
: Counsel of Record For
: This Party:
: Girard Kasubick, Esq.
: Supreme Court #30109
: LEHMAN & KASUBICK
: 611 Brisbin Street
: Houtzdale, PA 16651

FILED (6R)
01/03/05 NO CC
APR 28 2005

William A. Shaw
Prothonotary/Clerk of Courts

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

EVELYN DIEHL, Executrix	:	
of the Estate of ELIZABETH	:	
V. POSANSKY,	:	No.: 2005-89-CD
Plaintiffs	:	
vs.	:	QUIET TITLE ACTION
JOHN WARMUNDZKY a/k/a JOHN	:	
WARMUNDZKI a/k/a JOHN	:	
WARMUNDRKI a/k/a JOHN	:	
WAKSMUNDZKI and TEKLA	:	
WARMUNDZKY a/k/a TEKLA	:	
WARMUNDZKI a/k/a TEKLA	:	
WARMUNDRKI a/k/a TEKLA	:	
WAKSMUNDZKI, his wife;	:	
and their heirs, executors,	:	
administrators, successors,	:	
trustees and assigns, known	:	
or unknown, and any other	:	
person who may claim title or	:	
an interest in the property	:	
subject to this action,	:	
Defendants	:	

FINAL PRAECIPE

TO: William A. Shaw, Prothonotary:

Please enter judgment in the above-captioned matter
in favor of the Plaintiffs.



Girard Kasubick, Esq.,
Attorney for Plaintiffs

Dated: April 28, 2005