

05-132-CD

F. Marshall et al vs. H. Smith et al

Smith, et al.

Frederick Marshall et al v. H. W. Smith et al
2005-132-CD

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. 05 - ~~32~~ C.D.
: :
PLAINTIFFS, : TYPE OF CASE: ACTION TO
: QUIET TITLE
: :
VS. : TYPE OF PLEADING: MOTION FOR
: SERVICE OF COMPLAINT ON
: DEFENDANTS BY PUBLICATION
: :
H. W. SMITH, his heirs, : FILED ON BEHALF OF: PLAINTIFFS
administrators, executors and :
assigns, MARY ANN HOPPER, :
BARBARA BUNDY, ROBERT :
KISTLER and MARY :
MARGARET KISTLER, :
: COUNSEL OF RECORD:
DEFENDANTS. : CHRISTOPHER E. MOHNEY, ESQUIRE
: :
: SUPREME COURT NO.: 63494
: :
: CHRISTOPHER E. MOHNEY, ESQUIRE
: 90 BEAVER DRIVE, SUITE 111B
: DUBOIS, PA 15801
: (814) 375-1044

*Original
To [initials]*

FILED
09-4284-NOCC

JAN 28 2005

William A. Shaw
Prothonotary

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

FREDERICK S. MARSHALL and *
FRANCES A. MARSHALL, husband *
and wife, *
Plaintiffs *
*
vs. * NO. 05-132-CD
*
H.W. SMITH, his heirs, * TYPE OF CASE: ACTION TO
administrators, executors * QUIET TITLE
and assigns, MARY ANN HOPPER, *
BARBARA BUNDY, ROBERT KISTLER, *
and MARY MARGARET KISTLER, *
Defendants *

O R D E R

AND NOW, this 17th day February, 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 H.W. SMITH, 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.

The remaining named Defendants shall be personally served.

64
FILED
01/3/05 by Atty Mohney
FEB 17 2005

William A. Shaw
Prothonotary/Clerk of Courts

BY THE COURT,


FREDERIC J. AMMERMAN
President Judge

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. 05 - 32 C.D.
	:	
PLAINTIFFS,	:	
VS.	:	TYPE OF CASE: ACTION TO
	:	QUIET TITLE
	:	
H. W. SMITH, his heirs,	:	TYPE OF PLEADING: MOTION FOR
administrators, executors and	:	SERVICE OF COMPLAINT ON
assigns, MARY ANN HOPPER,	:	DEFENDANTS BY PUBLICATION
BARBARA BUNDY, ROBERT	:	
KISTLER and MARY	:	FILED ON BEHALF OF: PLAINTIFFS
MARGARET KISTLER,	:	
	:	COUNSEL OF RECORD:
DEFENDANTS.	:	CHRISTOPHER E. MOHNEY, ESQUIRE
	:	
	:	SUPREME COURT NO.: 63494
	:	
	:	CHRISTOPHER E. MOHNEY, ESQUIRE
	:	90 BEAVER DRIVE, SUITE 111B
	:	DUBOIS, PA 15801
	:	(814) 375-1044

FILED
09-4287-NOC

JAN 28 2005

William A. Shaw
Prothonotary

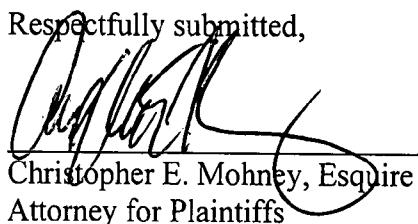
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL ACTION – AT LAW

FREDERICK S. MARSHALL and	:	CIVIL DIVISION
FRANCES A. MARSHALL,	:	
Husband and wife,	:	NO. 05 - - C.D.
PLAINTIFFS,	:	
VS.	:	TYPE OF CASE: ACTION TO
	:	QUIET TITLE
H. W. SMITH, his heirs,	:	
administrators, executors and	:	
assigns, MARY ANN HOPPER,	:	
BARBARA BUNDY, ROBERT	:	
KISTLER and MARY	:	
MARGARET KISTLER,	:	
DEFENDANTS.	:	

MOTION FOR SERVICE OF COMPLAINT ON
DEFENDANTS BY PUBLICATION

AND NOW, this 19th day of January, 2005, Affidavits having been executed and filed by the Plaintiffs that the identity and whereabouts of the Defendant *H. W. SMITH*, his heirs and assigns, are unknown, Plaintiffs, by their attorney, ***CHRISTOPHER E. MOHNEY, ESQUIRE***, moves this Court for leave to serve the Complaint on the above-mentioned Defendant, *H. W. SMITH*, 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. Mohney, Esquire
Attorney for Plaintiffs

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. 05 - - C.D.
	:	
PLAINTIFFS,	:	
	:	TYPE OF CASE: ACTION TO
VS.	:	QUIET TITLE
	:	
H. W. SMITH, his heirs,	:	
administrators, executors and	:	
assigns, MARY ANN HOPPER,	:	
BARBARA BUNDY, ROBERT	:	
KISTLER and MARY	:	
MARGARET KISTLER,	:	
	:	
DEFENDANTS.	:	

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 H. W. SMITH, the above-named Defendant, his heirs and assigns, and have caused the records in offices of the Registers and Recorders of 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

SWORN TO and SUBSCRIBED

before me this 18th day of

Jan. 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	:	CIVIL DIVISION
FRANCES A. MARSHALL,	:	
Husband and wife,	:	NO. 05 - - C.D.
PLAINTIFFS,	:	
VS.	:	TYPE OF CASE: ACTION TO
	:	QUIET TITLE
H. W. SMITH, his heirs,	:	
administrators, executors and	:	
assigns, MARY ANN HOPPER,	:	
BARBARA BUNDY, ROBERT	:	
KISTLER and MARY	:	
MARGARET KISTLER,	:	
DEFENDANTS.	:	

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

TO: H. W. SMITH, 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 Defendant, H. W. SMITH, or his devisees or heirs.

Whereupon, the Court ordered that Notice of said action be served on the Defendant, H. W. SMITH, 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

Christopher E. Mohney, 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,

Plaintiff,
vs.

H. W. SMITH, his heirs,
administrators, executors
and assigns, MARY ANN HOPPER,
BARBARA BUNDY, ROBERT KISTLER,
and MARY MARGARET KISTLER,

Defendants.

MOTION FOR SERVICE OF COMPLAINT
ON DEFENDANTS BY PUBLICATION

LAW OFFICES

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

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. 05 - 132 - C.D.
:
PLAINTIFFS :
VS. : TYPE OF CASE: ACTION TO
: QUIET TITLE
:
H. W. SMITH, his heirs, : TYPE OF PLEADING: COMPLAINT
administrators, executors and :
assigns, MARY ANN HOPPER, : FILED ON BEHALF OF: PLAINTIFF
BARBARA BUNDY, ROBERT :
KISTLER and MARY : COUNSEL OF RECORD:
MARGARET KISTLER, : CHRISTOPHER E. MOHNEY, ESQUIRE
:
DEFENDANTS. : SUPREME COURT NO.: 63494
:
CHRISTOPHER E. MOHNEY, ESQUIRE
90 BEAVER DRIVE, SUITE 111B
DUBOIS, PA 15801
(814) 375-1044

FILED
8:42 AM 2/28/05 2 to outer
PAC 95 3 to inner
JAN 28 2005

William A. Shaw
Prothonotary

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. 05 - - C.D.
	:	
PLAINTIFFS,	:	
	:	TYPE OF CASE: ACTION TO
VS.	:	QUIET TITLE
	:	
H. W. SMITH, his heirs,	:	
administrators, executors and	:	
assigns, MARY ANN HOPPER,	:	
BARBARA BUNDY, ROBERT	:	
KISTLER and MARY	:	
MARGARET KISTLER,	:	
	:	
DEFENDANTS.	:	

NOTICE

TO: H. W. SMITH, his heirs, administrators, executors and assigns MARY ANN HOPPER, BARBARA BUNDY, ROBERT KISTLER and MARY MARGARET KISTLER

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-B4-429-32, and Lots #26 and 27 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	:	CIVIL DIVISION
FRANCES A. MARSHALL,	:	
Husband and wife,	:	NO. 05 - - C.D.
PLAINTIFFS,	:	
VS.	:	TYPE OF CASE: ACTION TO
	:	QUIET TITLE
H. W. SMITH, his heirs,	:	
administrators, executors and	:	
assigns, MARY ANN HOPPER,	:	
BARBARA BUNDY, ROBERT	:	
KISTLER and MARY	:	
MARGARET KISTLER,	:	
DEFENDANTS.	:	

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 H. W. SMITH had a last known address of Borough of Rural Valley, Armstrong County, Pennsylvania.

3. Defendant MARY ANN HOPPER, is an adult individual with a last known address at 2110 Queenswood Drive, Tallahassee, Florida,

4. Defendant BARBARA BUNDY is an adult individual with a last known address at Pennsylvania Avenue, Hallstead, Pennsylvania,

5. Defendant ROBERT KISTLER and MARY MARGARET KISTLER are adult individuals with a last known address at R. R. #1, Box 399A, Philipsburg, Pennsylvania, 16866.

6. After search of the Courthouse records in Clearfield County, Pennsylvania, no estate for H. W. SMITH has ever been opened.

7. 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.

8. By deed dated January 17, 1914, and recorded in Clearfield County Deed Book Volume 200, page 318, Norman Loeb and his wife, Sadie R. Loeb, conveyed the above-described property to H. W. Smith.

9. In 1943, the above-described property was sold to Clearfield County for unpaid real estate taxes.

10. On or about March 27, 1945, the above-described property was sold by Clearfield County at Commissioner's sale to J. S. Reitz and A. H. Reitz for unpaid real estate taxes, see Docket No. 10, page 39.

11. J. S. Reitz died testate October 13, 1950, and by his Last Will and Testament devised his estate to his Wife, A. H. Reitz.

12. A. H. Reitz died testate December 15, 1956, and by her last Will and Testament filed in Will Book 11, page 112, devised her estate to her son, Thomas E. H. Reitz..

13. On or about October 8, 1973, the above described property was sold at Commissioner's sale to Robert Kistler and Mary Margaret Kistler, see Docket No. 12, page 176.

14. Thomas E. H. Reitz died testate July 11, 1983, and by his Last Will and Testament filed in Will Book 46, page 295, devised his estate to his wife, Marian B. Reitz.

15. Marian B. Reitz died testate May 29, 1993, and by her Last Will and Testament devised her estate to her daughters, Defendants, Mary Ann Hopper and Barbara Bundy.

16. By Tax Claim Bureau Deed dated December 5, 1994, recorded in Clearfield County Record Book Volume 1650, page 610, the Tax Claim Bureau of Clearfield County, Pennsylvania, conveyed the above-described property to Anthony P. Novitsky, for unpaid taxes.

17. Anthony P. Novitsky died testate on June 2, 2004, and by his Last Will and Testament filed to Number 1704-0403 in the Orphan's Court Division of the Clearfield County Court of Common Pleas, named Barbara J. Ross, a/k/a Barbara Ross and Frances Ann Marshall, a/k/a Frances A. Marshall his co-executors.

18. By Deed dated September 3, 2004, and recorded in Clearfield County Recorder of Deeds as Instrument No. 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.

19. 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.

20. Plaintiffs are unaware of any right, title or interest claimed by any of the named Defendants, nor have the Plaintiffs been able to learn anything of the heirs of H. W. Smith.

21. Plaintiffs have been informed and therefore believe that the Defendants, their heirs, successors, or assigns, may have a claim or interest adverse to the Plaintiffs. The claims of the Defendants, their heirs, successors and assigns are without any right whatsoever, and Defendants' potential claims are wholly without right and constitute clouds on the Plaintiffs' title, which Plaintiffs' desire to remove.

22. This action is brought to clear any and all clouds on the title to the ownership in interest to the property described in paragraph 7 of this Complaint, which the herein named Defendants, their heirs, devisees, executors, administrators, successors and assigns, and all other person, persons, partnerships or corporation 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.

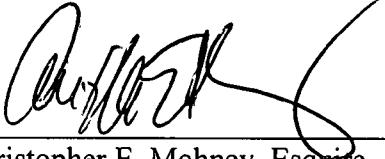
23. This suit to quiet title is instituted under the terms and provisions of the Pennsylvania Rules of Civil Procedure 1061 to 1067, inclusive, pertaining to the quieting of titles and other pertinent rules of local procedure.

WHEREFORE, your Plaintiffs request this Honorable Court to decree that title to the above-described property in paragraph 7 of this Complaint is in the name of FREDERICK S. MARSHALL and FRANCES A. MARSHALL, and that the Defendants, their executors, administrators 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, 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 Order 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:

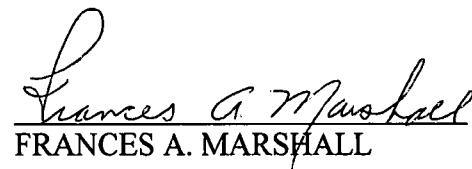

Christopher E. Mohney, Esquire
Attorney for Plaintiffs

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

62

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

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

Plaintiffs,
vs.

H. W. SMITH, his heirs,
administrators, executors
and assigns, MARY ANN HOPPER,
BARBARA BUNDY, ROBERT KISTLER,
and MARY MARGARET KISTLER,
Defendants.

COMPLAINT

LAW OFFICES

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

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. 05 - 132 - C.D.
PLAINTIFFS,	:	
VS.	:	TYPE OF CASE: ACTION TO QUIET TITLE
H. W. SMITH, his heirs, administrators, executors and assigns, MARY ANN HOPPER, BARBARA BUNDY, ROBERT KISTLER and MARY MARGARET KISTLER,	:	TYPE OF PLEADING: AFFIDAVIT OF RETURN OF SERVICE BY MAIL
DEFENDANTS.	:	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
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MAR 18 2005
no
cc
OK

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	:	CIVIL DIVISION
FRANCES A. MARSHALL,	:	
Husband and wife,	:	NO. 05 - 132 - C.D.
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VS.	:	TYPE OF CASE: ACTION TO QUIET TITLE
H. W. SMITH, his heirs,	:	
administrators, executors and	:	
assigns, MARY ANN HOPPER,	:	
BARBARA BUNDY, ROBERT	:	
KISTLER and MARY	:	
MARGARET KISTLER,	:	
DEFENDANTS.	:	

AFFIDAVIT OF RETURN OF SERVICE BY MAIL

On January 31, 2005, I mailed a certified true and correct copy of Complaint in action to quiet title by certified mail, return receipt requested to Defendant, Mary Ann Hopper, at her address. The Defendant signed the return receipt upon delivery and the receipt, attached here as Exhibit "A", was return by the post office on February 4, 2005.

I make these statements pursuant to 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities and I understand that false statements may subject me to criminal penalties under that statute.

Date: 3/16/05

By:


Christopher E. Mohney, Esquire
Attorney for Plaintiffs

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Signature</p> <p><i>Mary Ann Hopper</i></p> <p><input type="checkbox"/> Agent</p> <p><input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Mary Ann Hopper</i></p> <p>C. Date of Delivery <i>2-4-05</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No</p>	
<p>1. Article Addressed to:</p> <p><i>Mary Ann Hopper 316 Queenswood Drive Tallahassee, FL 32303</i></p>		<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input checked="" type="checkbox"/> Yes</p>	
<p>2. Article Number</p> <p><i>2004 0750 0000 8595 5424</i></p>			

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY,
PENNSYLVANIA, CIVIL DIV.

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

Plaintiffs,

vs.

H. W. SMITH, his heirs,
administrators, executors
and assigns, MARY ANN HOPPER,
BARBARA BUNDY, ROBERT KISTLER,
and MARY MARGARET KISTLER,

Defendant.

AFFIDAVIT OF RETURN OF
SERVICE BY MAIL

NO. 05-132-C.D.

FILED

MAR 18 2005

William A. Shaw
Prothonotary/Clerk of Courts

LAW OFFICES

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100185
NO: 05-132-CD
SERVICE # 1 OF 3
COMPLAINT ACTION TO QUIET TITLE

PLAINTIFF: FREDERICK S. MARSHALL and FRANCES A. MARSHALL
vs.
DEFENDANT: H.W. SMITH his heirs, adm. exec. and assigns ET AL

SHERIFF RETURN

NOW, February 03, 2005 AT 9:40 AM SERVED THE WITHIN COMPLAINT ACTION TO QUIET TITLE ON ROBERT KISTLER DEFENDANT AT RR#1 BOX 399A, PHILIPSBURG, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO MARY KISTLER, WIFE A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT ACTION TO QUIET TITLE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER /

FILED
01/08/2005
MAR 08 2005

William A. Smith
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100185
NO: 05-132-CD
SERVICE # 2 OF 3
COMPLAINT ACTION TO QUIET TITLE

PLAINTIFF: FREDERICK S. MARSHALL and FRANCES A. MARSHALL
VS.
DEFENDANT: H.W. SMITH his heirs, adm. exec. and assigns ET AL

SHERIFF RETURN

NOW, February 03, 2005 AT 9:40 AM SERVED THE WITHIN COMPLAINT ACTION TO QUIET TITLE ON MARY MARGARET KISTLER DEFENDANT AT RR#1 BOX 399A, PHILIPSBURG, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO MARY MARGARET KISTLER, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT ACTION TO QUIET TITLE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER /

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100185
NO: 05-132-CD
SERVICE # 3 OF 3
COMPLAINT ACTION TO QUIET TITLE

PLAINTIFF: FREDERICK S. MARSHALL and FRANCES A. MARSHALL
vs.
DEFENDANT: H.W. SMITH his heirs, adm. exec. and assigns ET AL

SHERIFF RETURN

NOW, January 31, 2005, SHERIFF OF SUSQUEHANA COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ACTION TO QUIET TITLE ON BARBARA
BUNDY.

NOW, February 17, 2005 AT 4:16 PM SERVED THE WITHIN COMPLAINT ACTION TO QUIET TITLE ON BARBARA
BUNDY, DEFENDANT. THE RETURN OF SUSQUEHANA COUNTY IS HERETO ATTACHED AND MADE PART OF
THIS RETURN.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100185
NO: 05-132-CD
SERVICES 3
COMPLAINT ACTION TO QUIET TITLE

PLAINTIFF: FREDERICK S. MARSHALL and FRANCES A. MARSHALL
vs.
DEFENDANT: H.W. SMITH his heirs, adm. exec. and assigns ET AL

SHERIFF RETURN

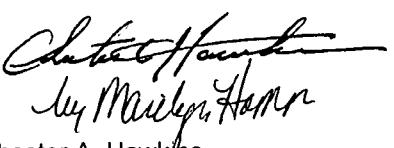
RETURN COSTS

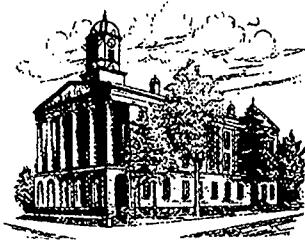
Description	Paid By	CHECK #	AMOUNT
SURCHARGE	MARSHALL, Plff.	1860	30.00
SHERIFF HAWKINS	MARSHALL, Plff.	1860	67.92
SUSQUEHANNA ADV.	MARSHALL,Plff.	1862	53.58

Sworn to Before Me This

So Answers,

____ Day of _____ 2005


Chester A. Hawkins
Sheriff



Lance M Benedict, Sheriff
 Paula J Mack, Chief Deputy
 Bina Patrick, Real Estate Clerk

Susquehanna County
 Sheriff's Office



11 Maple Street – PO Box 218
 Montrose, Pennsylvania 18801

570-278-4600 ext. 141
 Fax 570-278-2853

COMMONWEALTH OF PENNSYLVANIA

: COUNTY OF CLEARFIELD

SS: : CASE: 2005-132 CD

COUNTY OF SUSQUEHANNA

: FRED MARSHALL VS BARBARA BUNDY

 SHERIFF'S RETURN

I hereby certify and return that on February 17, 2005, at 4:16 P.M., I served BARBARA BUNDY, Defendant, by personally handing to her, a certified attested copy of the within Complaint in Action to Quiet Title, and at the same time made known to her, the contents thereof at the Sheriff's office located at 11 Maple Street, Montrose, Montrose Borough, Susquehanna County, Pennsylvania.

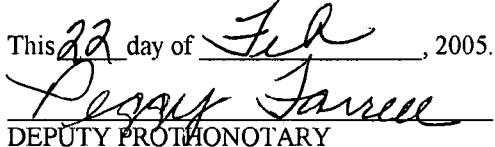
SO ANSWERS

 DEPUTY SHERIFF

BY Donald F. Bennett, Deputy Sheriff

Sworn and subscribed to before me

This 22 day of Feb, 2005.


 DEPUTY PROTHONOTARY



CHESTER A. HAWKINS
SHERIFF

Sheriff's Office Clearfield County

OFFICE (814) 765-2641 EXT. 5986
AFTER 4:00 P.M. (814) 765-1533
FAX (814) 765-5915

COURTHOUSE
1 NORTH SECOND STREET, SUITE 116
CLEARFIELD, PENNSYLVANIA 16830

ROBERT SNYDER
CHIEF DEPUTY

MARILYN HAMM
DEPT. CLERK

CYNTHIA AUGHENBAUGH
OFFICE MANAGER

PETER F. SMITH
SOLICITOR

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

PAGE 100185

FREDERICK S. MARSHALL and FRANCES A. MARSHALL
vs.

H.W. SMITH his heirs, adm. exec. and assigns ET AL

TERM & NO. 05-132-CD

COMPLAINT ACTION TO QUIET TITLE

SERVE BY: 02/27/05

MAKE REFUND PAYABLE TO FRANCES A.& FRED S. MARSHALL

SERVE: BARBARA BUNDY

ADDRESS: PENNSYLVANIA AVE., HALLSTEAD, PA

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF OF SUSQUEHANA COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, January 31, 2005.

RESPECTFULLY,

A handwritten signature in black ink, appearing to read "Chester A. Hawkins".

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

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.

H. W. SMITH, his heirs,
administrators, executors and
assigns, MARY ANN HOPPER,
BARBARA BUNDY, ROBERT
KISTLER and MARY MARGARET
KISTLER,

DEFENDANTS.

NO. 05 - 132 - C.D.

FILED *acc*
of 11/19/05 *Atty*
APR 01 2005 *Mohney*
William A. Shaw *WA*
Prothonotary/Clerk of Courts

ORDER

AND NOW, this 1st day of April, 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, H. W. Smith, his heirs, administrators, executors and assigns, 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, H. W. Smith, 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, H. W. Smith, nor his duly authorized representatives for more than twenty (20) days since the dates of publication it is hereby ordered:

1. That H. W. SMITH, 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-B4-429-32, and Lots #26 and #27 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.

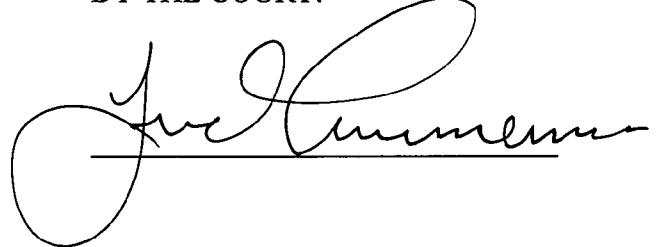
3. That the right of the Plaintiffs in the premises is at all times superior to the rights of the named Defendant and that Plaintiffs' title is in fee simple to the premises described in the Complaint against the Defendant.

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:

A handwritten signature in black ink, appearing to read "Judge Cunningham", is written over a horizontal line. The signature is fluid and cursive, with a large, stylized 'J' at the beginning.

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, :
PLAINTIFFS, : NO. 05 - 132 - C.D.
vs. :
H. W. SMITH, his heirs, : TYPE OF CASE: ACTION TO
administrators, executors and : QUIET TITLE
assigns, MARY ANN HOPPER, :
BARBARA BUNDY, ROBERT : TYPE OF PLEADING: MOTION FOR
KISTLER and MARY MARGARET : DEFAULT JUDGMENT
KISTLER, : FILED ON BEHALF OF: PLAINTIFF
DEFENDANTS. : COUNSEL OF RECORD:
: CHRISTOPHER E. MOHNEY, ESQUIRE
: SUPREME COURT NO.: 63494
: 90 BEAVER DRIVE, SUITE 111B
: DUBOIS, PA 15801
: (814) 375-1044

FILED 2cc
03/5/05
MAR 30 2005 Atty Mohney
William A. Shaw
Prothonotary/Clerk of Courts
(64)

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. :
H. W. SMITH, his heirs, :
administrators, executors and :
assigns, MARY ANN HOPPER, :
BARBARA BUNDY, ROBERT :
KISTLER and MARY MARGARET :
KISTLER, :
DEFENDANTS. :

NO. 05 - 132 - C.D.

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 Defendants, H. W. Smith, his heirs, administrators, executors, and assigns, Mary Ann Hopper, Barbara Bundy, Robert Kistler and Mary Margaret Kistler, 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 Plaintiffs' 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 February 17, 2005, the Plaintiffs were given leave to serve the Complaint filed in the above-captioned quiet title action on Defendant, H. W. Smith, 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, the service by publication being allowed upon Motion and Affidavits filed by the Plaintiffs that the whereabouts of the Defendant, H. W. Smith, and his heirs, administrators, executors and assigns, are unknown.

3. That pursuant to the Order of Court dated February 17, 2005, publication was made in the Courier-Express on March 4, 2005, and in the Clearfield County Legal Journal on the week of March 4, 2005, Volume 17, No. 9. 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.

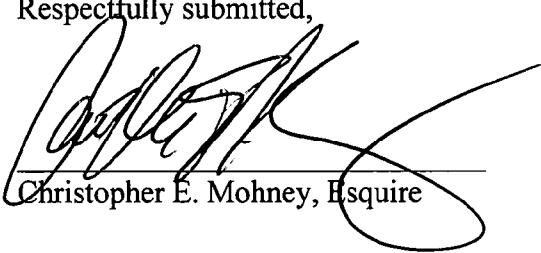
5. Attached hereto and marked Exhibit "C" is an Affidavit stating that a Complaint was served by publication once in the Courier-Express and once in the Clearfield County Legal Journal and more than twenty (20) days have elapsed since service and that Defendant, H. W. Smith, his administrators, executors and assigns, or anyone claiming under Defendant, H. W. Smith, his administrators, executors and assigns, 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, H. W. Smith, his administrators, executors and assigns, has been served and Defendant, H. W. Smith, his administrators, executors and assigns 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. Mohney, Esquire

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. 05 -/32- C.D.

PLAINTIFFS :

VS. : TYPE OF CASE: ACTION TO
QUIET TITLE

H. W. SMITH, his heirs, : TYPE OF PLEADING: COMPLAINT
administrators, executors and :
assigns, MARY ANN HOPPER, : FILED ON BEHALF OF: PLAINTIFF
BARBARA BUNDY, ROBERT :
KISTLER and MARY : COUNSEL OF RECORD:
MARGARET KISTLER, : CHRISTOPHER E. MOHNEY, ESQUIRE

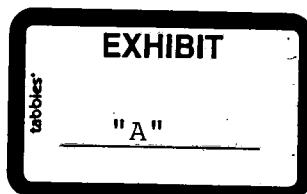
DEFENDANTS. : SUPREME COURT NO.: 63494
: CHRISTOPHER E. MOHNEY, ESQUIRE
: 90 BEAVER DRIVE, SUITE 111B
: DUBOIS, PA 15801
: (814) 375-1044

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

JAN 28 2005

Attest.

William L. Mohney
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. 05 - - C.D.
PLAINTIFFS,		
VS.	:	TYPE OF CASE: ACTION TO QUIET TITLE
H. W. SMITH, his heirs, administrators, executors and assigns, MARY ANN HOPPER, BARBARA BUNDY, ROBERT KISTLER and MARY MARGARET KISTLER,	:	
DEFENDANTS.		

NOTICE

TO: H. W. SMITH, his heirs, administrators, executors and assigns MARY ANN HOPPER, BARBARA BUNDY, ROBERT KISTLER and MARY MARGARET KISTLER

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-B4-429-32, and Lots #26 and 27 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	:	CIVIL DIVISION
FRANCES A. MARSHALL,	:	
Husband and wife,	:	NO. 05 - - C.D.
PLAINTIFFS,	:	
VS.	:	TYPE OF CASE: ACTION TO QUIET TITLE
H. W. SMITH, his heirs,	:	
administrators, executors and	:	
assigns, MARY ANN HOPPER,	:	
BARBARA BUNDY, ROBERT	:	
KISTLER and MARY	:	
MARGARET KISTLER,	:	
DEFENDANTS.	:	

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 H. W. SMITH had a last known address of Borough of Rural Valley, Armstrong County, Pennsylvania.

3. Defendant MARY ANN HOPPER, is an adult individual with a last known address at 2110 Queenswood Drive, Tallahassee, Florida,

4. Defendant BARBARA BUNDY is an adult individual with a last known address at Pennsylvania Avenue, Hallstead, Pennsylvania,

5. Defendant ROBERT KISTLER and MARY MARGARET KISTLER are adult individuals with a last known address at R. R. #1, Box 399A, Philipsburg, Pennsylvania, 16866.

6. After search of the Courthouse records in Clearfield County, Pennsylvania, no estate for H. W. SMITH has ever been opened.

7. 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.

8. By deed dated January 17, 1914, and recorded in Clearfield County Deed Book Volume 200, page 318, Norman Loeb and his wife, Sadie R. Loeb, conveyed the above-described property to H. W. Smith.

9. In 1943, the above-described property was sold to Clearfield County for unpaid real estate taxes.

10. On or about March 27, 1945, the above-described property was sold by Clearfield County at Commissioner's sale to J. S. Reitz and A. H. Reitz for unpaid real estate taxes, see Docket No. 10, page 39.

11. J. S. Reitz died testate October 13, 1950, and by his Last Will and Testament devised his estate to his Wife, A. H. Reitz.

12. A. H. Reitz died testate December 15, 1956, and by her last Will and Testament filed in Will Book 11, page 112, devised her estate to her son, Thomas E. H. Reitz..

13. On or about October 8, 1973, the above described property was sold at Commissioner's sale to Robert Kistler and Mary Margaret Kistler, see Docket No. 12, page 176.

14. Thomas E. H. Reitz died testate July 11, 1983, and by his Last Will and Testament filed in Will Book 46, page 295, devised his estate to his wife, Marian B. Reitz.

15. Marian B. Reitz died testate May 29, 1993, and by her Last Will and Testament devised her estate to her daughters, Defendants, Mary Ann Hopper and Barbara Bundy.

16. By Tax Claim Bureau Deed dated December 5, 1994, recorded in Clearfield County Record Book Volume 1650, page 610, the Tax Claim Bureau of Clearfield County, Pennsylvania, conveyed the above-described property to Anthony P. Novitsky, for unpaid taxes.

17. Anthony P. Novitsky died testate on June 2, 2004, and by his Last Will and Testament filed to Number 1704-0403 in the Orphan's Court Division of the Clearfield County Court of Common Pleas, named Barbara J. Ross, a/k/a Barbara Ross and Frances Ann Marshall, a/k/a Frances A. Marshall his co-executors.

18. By Deed dated September 3, 2004, and recorded in Clearfield County Recorder of Deeds as Instrument No. 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.

19. 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.

20. Plaintiffs are unaware of any right, title or interest claimed by any of the named Defendants, nor have the Plaintiffs been able to learn anything of the heirs of H. W. Smith.

21. Plaintiffs have been informed and therefore believe that the Defendants, their heirs, successors, or assigns, may have a claim or interest adverse to the Plaintiffs. The claims of the Defendants, their heirs, successors and assigns are without any right whatsoever, and Defendants' potential claims are wholly without right and constitute clouds on the Plaintiffs' title, which Plaintiffs' desire to remove.

22. This action is brought to clear any and all clouds on the title to the ownership in interest to the property described in paragraph 7 of this Complaint, which the herein named Defendants, their heirs, devisees, executors, administrators, successors and assigns, and all other person, persons, partnerships or corporation 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.

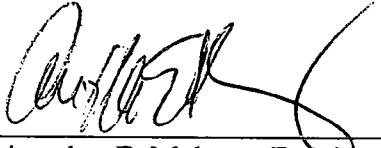
23. This suit to quiet title is instituted under the terms and provisions of the Pennsylvania Rules of Civil Procedure 1061 to 1067, inclusive, pertaining to the quieting of titles and other pertinent rules of local procedure.

WHEREFORE, your Plaintiffs request this Honorable Court to decree that title to the above-described property in paragraph 7 of this Complaint is in the name of FREDERICK S. MARSHALL and FRANCES A. MARSHALL, and that the Defendants, their executors, administrators 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, 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 Order 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:

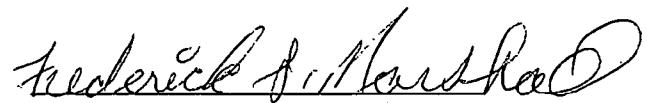


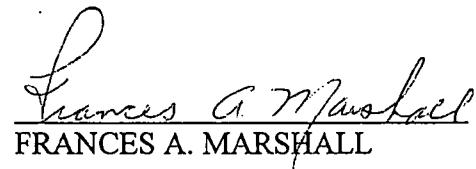
Christopher E. Mohney, Esquire
Attorney for Plaintiffs

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.

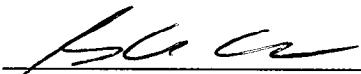

FREDERICK S. MARSHALL


FRANCES A. MARSHALL

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :
:
COUNTY OF CLEARFIELD :

On this 7th day of March 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 March 4, 2005, Vol. 17, No. 9. 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
90 Beaver Drive Suite 111B
DuBois PA 15801



wife, PLAINTIFFS VS. H. W. SMITH, his heirs, administrators, executors and assigns, MARY ANN HOPPER, BARBARA BUNDY, ROBERT KISTLER and MARY MARGARET KISTLER, DEFENDANTS.

ACTION TO QUIET TITLE

No. 05-132-CD

TO: H. W. SMITH, his heirs, administrators, executors and assigns.

You are hereby notified that an action to quiet title to the 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 Defendants above named and their heirs, administrators, executors and assigns may have in the property as described above. The Plaintiffs in this action, after a diligent search, have been unable to locate the Defendant, H. W. SMITH, or his devisees or heirs.

Whereupon the Court Ordered that notice of said action be served on the Defendant, H. W. SMITH, 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 TO 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 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.

Clearfield County Prothonotary, Clearfield County Courthouse, Clearfield, PA 16830 (814) 765-2641. (ext. 5982).

Christopher E. Mohney, Esquire, 90 Beaver Drive, Suite 111-B, 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

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 GET LEGAL HELP.

COURT ADMINISTRATORS OFFICE,
Clearfield County Courthouse, Clearfield, PA
16830 (814) 765-2641.

You are hereby notified that an Action to Quiet Title to all that certain piece or parcel of land situate in the Commonwealth of Pennsylvania, County of Clearfield, Township of Jordan, has been filed against you. Said premises are described as follows:

ALL that certain parcel of seated lands situate in the Township of Jordan, Clearfield County, Pennsylvania, containing one and one-half (1/2 A); ten and three-fourths acres
HOFFMAN, MARTIN L., Dec'd

Late of Clearfield
Executrix: **LISA SOULT**
Attorney: **JAMES A. NADDEO**
207 East Market Street
PO Box 552
Clearfield, PA 16830

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY,
PENNSYLVANIA
NOTICE OF ACTION IN
MORTGAGE FORECLOSURE
NO. 03-273-CD

CHASE MANHATTAN MORTGAGE CORPORATION, PLAINTIFF VS. TRUDY A. ADAMS and DAVID W. ADAMS, Defendants.

NOTICE TO: TRUDY A. ADAMS,
DAVID W. ADAMS

NOTICE OF SHERIFF'S SALE OF
REAL PROPERTY

ALL THAT CERTAIN piece, parcel or tract of land situate in Burnside Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at an iron pin corner on the right-of-way of Pennsylvania State Highway, Legislative Route Number 17001, running from Pennsylvania State Highway Traffic Route Number 219 near Stiffertown to Sylvis; being also located South 56 degrees, 29 minutes East a distance of 370.2 feet from a spike on the edge of the pavement that is on the centerline of Township Road route Number T-304 extended; thence from said iron pin beginning point and through the land now or formerly of William and Lois Gerade for a new line North 3 degrees, 20 minutes West for a distance of 225.85 feet to an iron pin corner; thence still through lands now or formerly said William and Lois Gerade, North 86 degrees, 40 minutes East for a distance of 245.38 feet to an iron pin corner; thence still through the lands now or formerly of William and Lois Gerade for a new line, South 3 degrees 20 minutes East for a distance of 275.5 feet to an iron on the right-of-way of Pennsylvania State Highway Route Number 17001 aforementioned; thence by the right-of-way for said State Highway, South 85 degrees, 54 minutes West for a distance of 76.12 feet; North 63 degrees, 00 minutes West for a distance of 76.12 feet; North 63 degrees, 00 minutes West for a distance of 77.28 feet to an iron pin and place of beginning.

CONTAINING in all 1.50 acres.

Is scheduled to be sold at the Sheriff's Sale on MAY 5, 2005, at 10:00 A.M. at the Clearfield County Courthouse, 230 East Market Street, Clearfield, PA 16830 to enforce the Court Judgment of 5/14/03, obtained by CHASE MANHATTAN MORTGAGE CORPORATION, (the mortgagee), against you. Prop. Sit. In the City of Burnside Township, County of Clearfield, and State of Pennsylvania.

Being Premises: RR3 Box 44C, Sylvis Road, Cherry Tree, PA 15724 improvements consist of residential property.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD
COUNTY, PENNSYLVANIA
CIVIL ACTION - AT LAW
CIVIL DIVISION
NO. 05-132-C.D.
TYPE OF CASE: ACTION TO QUIET TITLE

FREDERICK S. MARSHALL and FRANCES A. MARSHALL,
Husband and wife, PLAINTIFFS,
VS.
H. W. SMITH, his heirs, administrators, executors and assigns,
MARY ANN HOPPER, BARBARA BUNDY, ROBERT KISTLER
and MARY MARGARET KISTLER, DEFENDANTS.

ACTION TO QUIET TITLE NO. 05-132-C.D.

TO: H. W. SMITH, 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 Defendant, H. W. SMITH, or his devisees or heirs.

Whereupon, the Court ordered that Notice of said action be served on the Defendant, H. W. SMITH, 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.

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

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

med./surg. experience and have current PA license. Successful candidate must have good assessment skills, be dependable, and willing to travel to patients homes. This full-time position is a great opportunity for someone who is looking for a change and likes a challenge.

Interested candidates can fax resume to (814)772-6851, Attn: H.R. Director or send to 225 South Street, Ridgway, PA 15853. Resumes will be accepted until March 14th, 2005.

EOE

Health Care 097 Health Care 097

CRNA

Health Center is looking for a full-time CRNA.

and PA Medical License required.

competitive compensation and benefit package considered for this position, please email a with your resume, credentials and three ref-

rvo@elkregional.org or
FAX to (814)788-8046

→ Phone Calls Please.

Received on or before March 16, 2005.

System is an equal opportunity employer.

Health Care 097 Health Care 097

OPPORTUNITY AVAILABLE FOR:

ESOURCE GENERALIST

ization is looking for a Human Resource candidates must have a minimum of 2 years related HR department, including benefits, n - including claims, unemployment comp, hearings, and pension management.

competitive compensation and benefit pack-

To be considered for this position, please est, along with your resume, credentials and

rvo@elkregional.org or
FAX to (814)788-8046

→ Phone Calls Please.

Received on or before March 16, 2005.

System is an equal opportunity employer.

**PROOF OF PUBLICATION OF NOTICE APPEARING IN THE
STATE OF PENNSYLVANIA
COUNTY OF CLEARFIELD** ss:

SS:

Linda Smith, Advertising Director or Dory Ferra, Classified Advertising Supervisor of the **Courier-Express/Tri-County Sunday/Jeffersonian Democrat** of the County and State aforesaid, being duly sworn, deposes and says that the **Courier Express**, a daily newspaper, the **Tri-County Sunday**, a weekly newspaper and **Jeffersonian Democrat**, a weekly newspaper published by McLean Publishing Company at 500 Jeffers Street, City of DuBois, County and State aforesaid, which was established in the year 1879, since which date said, the daily publication and the weekly publications, has been regularly issued in said County, and that a copy of the printed notice of publication is attached hereto exactly as the same was printed and published in the regular editions of the paper on the following dates, viz: the

4th day of **March** A.D., **2005**

Affidavit further deposes that he is an officer duly authorized by the **Courier-Express**, a daily newspaper, **Tri-County Sunday**, a weekly newspaper, and/or **Jeffersonian Democrat**, a weekly newspaper to verify the foregoing statement under oath and also declared that affiant is not interested in the subject matter of the aforesaid notice of publication, and that all allegations in the foregoing statement as to time, place and character of publication are true.

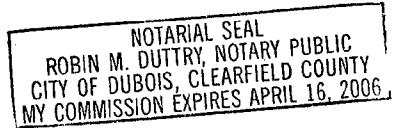
McLEAN PUBLISHING COMPANY Publisher of
COURIER-EXPRESS/TRI-COUNTY SUNDAY/JEFFERSONIAN DEMOCRAT

By Leanda Lee

Sworn and subscribed to before me this 15th day of Mar., 2005

NOTARY PUBLIC

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



TO **Christopher E. Mohney**

For publishing the notice or advertisement attached hereto on the above stated dates.....	\$272.16
Probating same.....	\$4.25
Total.....	\$276.41

Publisher's Receipt for Advertising Costs

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

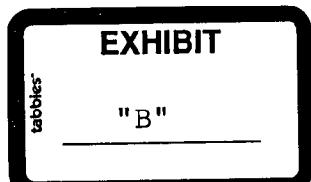
McLEAN PUBLISHING COMPANY

Publisher of

COURIER-EXPRESS/TRI-COUNTY SUNDAY/JEFFERSONIAN DEMOCRAT

By

I hereby certify that the foregoing is the original Proof of Publication and receipt for the Advertising costs in the subject matter of said notice.



ATTORNEY FOR

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

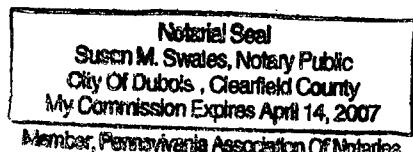
FREDERICK S. MARSHALL and :
FRANCES A. MARSHALL, :
husband and wife, :
:
PLAINTIFFS, :
:
VS. :
:
H. W. SMITH, his heirs, :
administrators, executors and :
assigns, MARY ANN HOPPER, :
BARBARA BUNDY, ROBERT :
KISTLER and MARY MARGARET :
KISTLER, :
:
DEFENDANTS. :
:

NO. 05 - 132 - C.D.

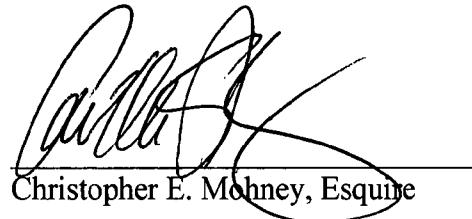
AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :
:

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, H. W. Smith, or his representatives have not entered
an appearance or filed an answer to the Complaint.



By:


Christopher E. Mohney, Esquire

Sworn to and Subscribed before me
this 30th day of March, 2005.


Susan M. Swales
Notary Public

EXHIBIT "C"

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

FREDERICK S. MARSHALL and
FRANCES A. MARSHALL,

Plaintiffs,

vs.

H. W. SMITH, his heirs,
administrators, executors and
assigns, MARY ANN HOPPER,
BARBARA BUND, ROBERT KISTLER
and MARY MARGARET KISTLER,
Defendants.

MOTION FOR DEFAULT JUDGMENT

NO. 05-132-C.D. **FILED**

MAR 30 2005

William A. Shaw
Prothonotary/Clerk of Courts

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

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 - 132 - C.D.
H. W. SMITH, his heirs,	:	
administrators, executors and	:	
assigns, MARY ANN HOPPER,	:	
BARBARA BUNDY, ROBERT	:	
KISTLER and MARY MARGARET	:	
KISTLER,	:	
	:	
DEFENDANTS.	:	

FILED *2ce*
Off 11/9/01 *Atty Mohney*
APR 01 2005 *60*

William A. Shaw
Prothonotary/Clerk of Courts

ORDER

AND NOW, this 1st day of April, 2005, an Affidavit of Service of a Complaint with Notice to Plead having been filed, and no answer having been made by Defendants, Mary Ann Hopper, Barbara Bundy, Robert Kistler and Mary Margaret Kistler, upon consideration of the Motion of Plaintiffs pursuant to Pennsylvania Rule of Civil Procedure 1066(a), IT IS HEREBY ORDERED that a judgment by default be entered against the aforementioned Defendants directing Defendants, Mary Ann Hopper, Barbara Bundy, Robert Kistler and Mary Margaret Kistler, and any person claiming under these named Defendants are permanently enjoined and restrained from asserting any claim or interest in or to the following real property or any part thereof:

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:

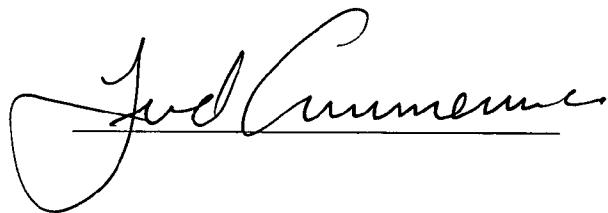
BEGINNING at an existing iron pipe, said iron pipe being the southwest corner of Lot 27 of the Loeb Addition, Section A, also being along the northern right of way of Loeb Avenue; Thence North 18 degrees 45 minutes 00 seconds East 100 feet to an iron pipe; Thence South 71 degrees 15 minutes 00 seconds 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-B4-429-32, and Lots #26 and #27 of the Loeb Addition, Section A.

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

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

BY THE COURT:

A handwritten signature in black ink, appearing to read "Judge Cummins", is written over a horizontal line. The signature is fluid and cursive, with a large, stylized 'J' at the beginning.

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. 05 - 132 - C.D.
PLAINTIFFS, :
: TYPE OF CASE: ACTION TO
vs. : QUIET TITLE
: TYPE OF PLEADING: MOTION FOR
: DEFAULT JUDGMENT
H. W. SMITH, his heirs, : FILED ON BEHALF OF: PLAINTIFF
administrators, executors and :
assigns, MARY ANN HOPPER, : COUNSEL OF RECORD:
BARBARA BUNDY, ROBERT : CHRISTOPHER E. MOHNEY, ESQUIRE
KISTLER and MARY MARGARET :
KISTLER, : SUPREME COURT NO.: 63494
DEFENDANTS. : 90 BEAVER DRIVE, SUITE 111B
: DUBOIS, PA 15801
: (814) 375-1044

FILED 2cc
3:56pm MAR 30 2005 Atty Mohney
13
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. :
H. W. SMITH, his heirs, :
administrators, executors and :
assigns, MARY ANN HOPPER, :
BARBARA BUNDY, ROBERT :
KISTLER and MARY MARGARET :
KISTLER, :
DEFENDANTS. :

NO. 05 - 132 - C.D.

MOTION FOR DEFAULT JUDGMENT

AND NOW, comes the Plaintiffs, FREDERICK S. MARSHALL AND FRANCES A. MARSHALL, husband and wife, by and through their undersigned attorney, CHRISTOPHER E. MOHNEY, ESQUIRE, and files this Motion for Default Judgment against Defendants, MARY ANN HOPPER, BARBARA BUNDY, ROBERT KISTLER and MARY MARGARET KISTLER and in support thereof avers the following:

1. This is an action to quiet title in which Plaintiffs Frederick S. Marshall and Frances A. Marshall, husband and wife, requests that Defendants and any persons claiming under Defendants be permanently enjoined and restrained from asserting any claim or interest in or to real property 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 February 17, 2005, the Plaintiffs were given permission by the Court to serve Defendant, H. W. Smith, his heirs, administrators, executors and assigns, by publication.

3. Attached as Exhibit "B" is an Affidavit stating that Complaint containing a Notice to Defendant was served personally on Defendants, Mary Ann Hopper, Barbara Bundy, Robert Kistler and Mary Margaret Kistler, and that none of the Defendants have filed an answer to the Complaint.

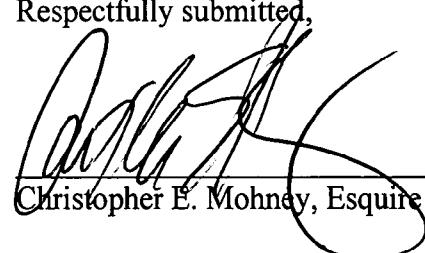
4. Attached as Exhibit "C" are copies of important notices sent to the respective Defendants personally served the Complaint, which important Notices were sent March 17, 2005.

5. Pennsylvania Rule of Civil Procedure No. 1066(a) allows the Court to grant appropriate relief on Affidavit that a Complaint containing a Notice to Defend has been served and Defendants have not filed an Answer.

WHEREFORE, Plaintiffs requests this Court to enter an Order of Default Judgment against Defendants, Mary Ann Hopper, Barbara Bundy, Robert Kistler and Mary Margaret Kistler, pursuant to Pennsylvania Rule of Civil Procedure No. 1066(a).

Respectfully submitted,

By:


Christopher E. Mohney, Esquire

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. 05 - /32 C.D.

PLAINTIFFS :
VS. : 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

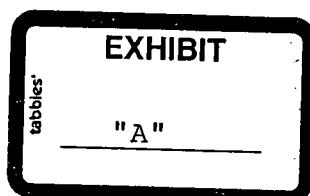
DEFENDANTS.

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

JAN 28 2005

Attest.

William L. Mohney
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. 05 - - C.D.
PLAINTIFFS,	:	
VS.	:	TYPE OF CASE: ACTION TO QUIET TITLE
H. W. SMITH, his heirs,	:	
administrators, executors and	:	
assigns, MARY ANN HOPPER,	:	
BARBARA BUNDY, ROBERT	:	
KISTLER and MARY	:	
MARGARET KISTLER,	:	
DEFENDANTS.	:	

NOTICE

TO: H. W. SMITH, his heirs, administrators, executors and assigns MARY ANN HOPPER, BARBARA BUNDY, ROBERT KISTLER and MARY MARGARET KISTLER

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-B4-429-32, and Lots #26 and 27 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	:	CIVIL DIVISION
FRANCES A. MARSHALL,	:	
Husband and wife,	:	NO. 05 - - C.D.
PLAINTIFFS,	:	
VS.	:	TYPE OF CASE: ACTION TO QUIET TITLE
H. W. SMITH, his heirs,	:	
administrators, executors and	:	
assigns, MARY ANN HOPPER,	:	
BARBARA BUNDY, ROBERT	:	
KISTLER and MARY	:	
MARGARET KISTLER,	:	
DEFENDANTS.	:	

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 H. W. SMITH had a last known address of Borough of Rural Valley, Armstrong County, Pennsylvania.

3. Defendant MARY ANN HOPPER, is an adult individual with a last known address at 2110 Queenswood Drive, Tallahassee, Florida,

4. Defendant BARBARA BUNDY is an adult individual with a last known address at Pennsylvania Avenue, Hallstead, Pennsylvania,

5. Defendant ROBERT KISTLER and MARY MARGARET KISTLER are adult individuals with a last known address at R. R. #1, Box 399A, Philipsburg, Pennsylvania, 16866.

6. After search of the Courthouse records in Clearfield County, Pennsylvania, no estate for H. W. SMITH has ever been opened.

7. 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.

8. By deed dated January 17, 1914, and recorded in Clearfield County Deed Book Volume 200, page 318, Norman Loeb and his wife, Sadie R. Loeb, conveyed the above-described property to H. W. Smith.

9. In 1943, the above-described property was sold to Clearfield County for unpaid real estate taxes.

10. On or about March 27, 1945, the above-described property was sold by Clearfield County at Commissioner's sale to J. S. Reitz and A. H. Reitz for unpaid real estate taxes, see Docket No. 10, page 39.

11. J. S. Reitz died testate October 13, 1950, and by his Last Will and Testament devised his estate to his Wife, A. H. Reitz.

12. A. H. Reitz died testate December 15, 1956, and by her last Will and Testament filed in Will Book 11, page 112, devised her estate to her son, Thomas E. H. Reitz..

13. On or about October 8, 1973, the above described property was sold at Commissioner's sale to Robert Kistler and Mary Margaret Kistler, see Docket No. 12, page 176.

14. Thomas E. H. Reitz died testate July 11, 1983, and by his Last Will and Testament filed in Will Book 46, page 295, devised his estate to his wife, Marian B. Reitz.

15. Marian B. Reitz died testate May 29, 1993, and by her Last Will and Testament devised her estate to her daughters, Defendants, Mary Ann Hopper and Barbara Bundy.

16. By Tax Claim Bureau Deed dated December 5, 1994, recorded in Clearfield County Record Book Volume 1650, page 610, the Tax Claim Bureau of Clearfield County, Pennsylvania, conveyed the above-described property to Anthony P. Novitsky, for unpaid taxes.

17. Anthony P. Novitsky died testate on June 2, 2004, and by his Last Will and Testament filed to Number 1704-0403 in the Orphan's Court Division of the Clearfield County Court of Common Pleas, named Barbara J. Ross, a/k/a Barbara Ross and Frances Ann Marshall, a/k/a Frances A. Marshall his co-executors.

18. By Deed dated September 3, 2004, and recorded in Clearfield County Recorder of Deeds as Instrument No. 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.

19. 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.

20. Plaintiffs are unaware of any right, title or interest claimed by any of the named Defendants, nor have the Plaintiffs been able to learn anything of the heirs of H. W. Smith.

21. Plaintiffs have been informed and therefore believe that the Defendants, their heirs, successors, or assigns, may have a claim or interest adverse to the Plaintiffs. The claims of the Defendants, their heirs, successors and assigns are without any right whatsoever, and Defendants' potential claims are wholly without right and constitute clouds on the Plaintiffs' title, which Plaintiffs' desire to remove.

22. This action is brought to clear any and all clouds on the title to the ownership in interest to the property described in paragraph 7 of this Complaint, which the herein named Defendants, their heirs, devisees, executors, administrators, successors and assigns, and all other person, persons, partnerships or corporation 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.

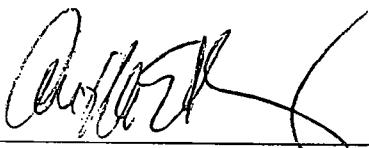
23. This suit to quiet title is instituted under the terms and provisions of the Pennsylvania Rules of Civil Procedure 1061 to 1067, inclusive, pertaining to the quieting of titles and other pertinent rules of local procedure.

WHEREFORE, your Plaintiffs request this Honorable Court to decree that title to the above-described property in paragraph 7 of this Complaint is in the name of FREDERICK S. MARSHALL and FRANCES A. MARSHALL, and that the Defendants, their executors, administrators 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, 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 Order for the granting of proper relief as it deems necessary to equitably and legally recognize and preserve Plaintiffs' rights in this matter.

Respectfully submitted,

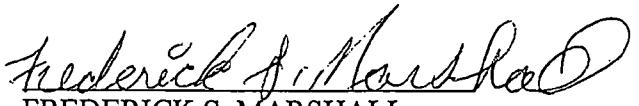
By:

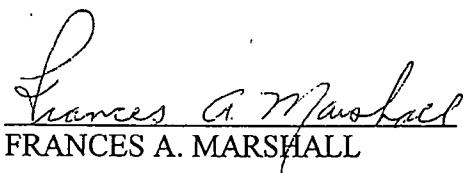

Christopher E. Mohney, Esquire
Attorney for Plaintiffs

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 – AT LAW

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

PLAINTIFFS, :

vs. :

NO. 05 - 132 - C.D.

H. W. SMITH, his heirs, :
administrators, executors and :
assigns, MARY ANN HOPPER, :
BARBARA BUNDY, ROBERT :
KISTLER and MARY MARGARET :
KISTLER, :

DEFENDANTS. :

AFFIDAVIT

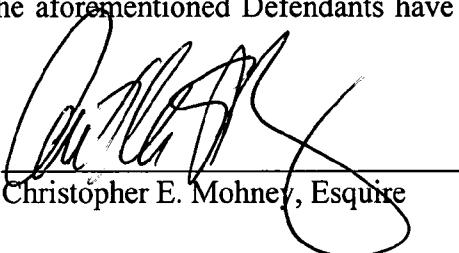
COMMONWEALTH OF PENNSYLVANIA :

: SS.

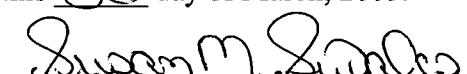
COUNTY OF CLEARFIELD :

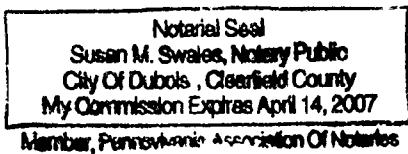
CHRISTOPHER E. MOHNEY, ESQUIRE, being duly sworn according to law, deposes and says that he is counsel for Plaintiffs in this action, and makes this Affidavit on behalf of Plaintiffs, being authorized to do so; that a Complaint in this action to quiet title, containing a Notice to Defend within twenty (20) days of service was duly served on Defendants, Mary Ann Hopper, Barbara Bundy, Robert Kistler and Mary Margaret Kistler, as evidenced by Returns of Service filed of record; and that to date, none of the aforementioned Defendants have filed an answer in the action.

By:


Christopher E. Mohney, Esquire

Sworn to and Subscribed before me
this 30th day of March, 2005.


Notary Public



Member, Pennsylvania Association Of Notaries

EXHIBIT "B"

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. 05 - 132 - C.D.
: :
PLAINTIFFS, : :
VS. : TYPE OF CASE: ACTION TO
: QUIET TITLE
: :
H. W. SMITH, his heirs, administrators, :
executors and assigns, MARY ANN :
HOPPER, BARBARA BUNDY, :
ROBERT KISTLER and MARY :
MARGARET KISTLER, :
: :
DEFENDANTS. : :

TO: MARY ANN HOPPER
2110 Queenswood Drive
Tallahassee, FL 32303

DATE OF NOTICE: March 17, 2005

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN (10) DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITH A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD TAKE THIS NOTICE TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP:

COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
1 NORTH SECOND STREET
CLEARFIELD, PA 16830

(814) 765-2641

BY: 

Christopher E. Mohney, Esquire

Attorney for Plaintiff

I.D. #63494

90 Beaver Drive, Suite 111-B

DuBois, PA 15801

(814) 375-1044

EXHIBIT

103
"C"

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. 05 - 132 - C.D.
:
PLAINTIFFS, :
VS. : TYPE OF CASE: ACTION TO
: QUIET TITLE
:
H. W. SMITH, his heirs, administrators, :
executors and assigns, MARY ANN :
HOPPER, BARBARA BUNDY, :
ROBERT KISTLER and MARY :
MARGARET KISTLER, :
:
DEFENDANTS. :

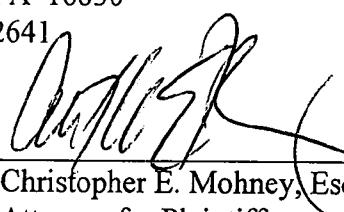
TO: BARBARA BUNDY
11 Maple Street
Montrose, PA 18801

DATE OF NOTICE: March 17, 2005

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN (10) DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITH A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD TAKE THIS NOTICE TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP:

COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
1 NORTH SECOND STREET
CLEARFIELD, PA 16830
(814) 765-2641

BY: 

Christopher E. Mohney, Esquire
Attorney for Plaintiff
I.D. #63494
90 Beaver Drive, Suite 111-B
DuBois, PA 15801
(814) 375-1044

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. 05 - 132 - C.D.
: :
PLAINTIFFS, : :
VS. : TYPE OF CASE: ACTION TO
: QUIET TITLE
: :
H. W. SMITH, his heirs, administrators, :
executors and assigns, MARY ANN :
HOPPER, BARBARA BUNDY, :
ROBERT KISTLER and MARY :
MARGARET KISTLER, :
: :
DEFENDANTS. : :

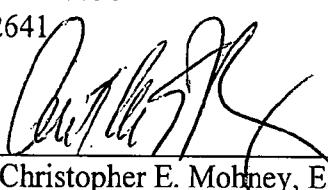
TO: ROBERT KISTLER
R. R. #1, Box 399A
Philipsburg, PA 16866

DATE OF NOTICE: March 17, 2005

IMPORTANT NOTICE

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CLEARFIELD COUNTY COURTHOUSE
1 NORTH SECOND STREET
CLEARFIELD, PA 16830
(814) 765-2641

BY: 

Christopher E. Mohney, Esquire
Attorney for Plaintiff
I.D. #63494
90 Beaver Drive, Suite 111-B
DuBois, PA 15801
(814) 375-1044

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. 05 - 132 - C.D.
:
PLAINTIFFS, :
VS. : TYPE OF CASE: ACTION TO
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H. W. SMITH, his heirs, administrators, :
executors and assigns, MARY ANN :
HOPPER, BARBARA BUNDY, :
ROBERT KISTLER and MARY :
MARGARET KISTLER, :
:
DEFENDANTS. :

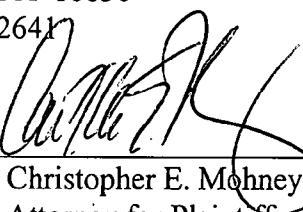
TO: MARY MARGARET KISTLER
R. R. #1, Box 399A
Philipsburg, PA 16866

DATE OF NOTICE: March 17, 2005

IMPORTANT NOTICE

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CLEARFIELD, PA 16830
(814) 765-2641

BY: 

Christopher E. Mohney, Esquire
Attorney for Plaintiff
I.D. #63494
90 Beaver Drive, Suite 111-B
DuBois, PA 15801
(814) 375-1044

U.S. POSTAL SERVICE **CERTIFICATE OF MAIL**
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT
PROVIDE FOR INSURANCE—POSTMASTER

Received **Christopher E. Mohney, Esquire**
— 90 Beaver Drive
— Suite 111B
— DuBois, PA 15801

One piece of ordinary mail addressed to:
MARY ANN HOPPER
2110 Queenswood Drive
Tallahassee, FL 32303

PS Form 3817, January 2001

U.S. POSTAL SERVICE **CERTIFICATE OF MAIL**
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— Suite 111B
— DuBois, PA 15801

One piece of ordinary mail addressed to:
ROBERT KISTLER
R. R. #1, Box 399A
Philippsburg, PA 16866

PS Form 3817, January 2001

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— DuBois, PA 15801

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BARBARA BUNDY
11 Maple Street
Montrose, PA 18801

PS Form 3817, January 2001

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— 90 Beaver Drive
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One piece of ordinary mail addressed to:
MARY MARGARET KISTLER
R. R. #1, Box 399A
Philippsburg, PA 16866

PS Form 3817, January 2001

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

FREDERICK S. MARSHALL and
FRANCES A. MARSHALL,

Plaintiffs,

vs.

H. W. SMITH, his heirs,
administrators, executors and
assigns, MARY ANN HOPPER,
BARBARA BUNDY, ROBERT KISTLER,
and MARY MARGARET KISTLER,
Defendants.

MOTION FOR DEFAULT JUDGMENT

NO. 05-132-C.D.

FILED

MAR 3 02005

William A. Shaw
Prothonotary/Clerk of Courts

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

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. 05 - 132 - C.D.
: :
PLAINTIFFS, : TYPE OF CASE: ACTION TO
: QUIET TITLE
: :
vs. : TYPE OF PLEADING: PRAECIPE FOR
: FINAL JUDGMENT
: :
H. W. SMITH, his heirs, : FILED ON BEHALF OF: PLAINTIFF
administrators, executors and :
assigns, MARY ANN HOPPER, :
BARBARA BUNDY, ROBERT :
KISTLER and MARY MARGARET :
KISTLER, : COUNSEL OF RECORD:
: CHRISTOPHER E. MOHNEY, ESQUIRE
: :
DEFENDANTS. : SUPREME COURT NO.: 63494
: :
: 90 BEAVER DRIVE, SUITE 111B
: DUBOIS, PA 15801
: (814) 375-1044

FILED NO. 63494
01/10/2005
MAY 02 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. : : NO. 05 - 132 - C.D.
H. W. SMITH, his heirs, :
administrators, executors and :
assigns, MARY ANN HOPPER, :
BARBARA BUNDY, ROBERT :
KISTLER and MARY MARGARET :
KISTLER, :
: DEFENDANTS. :
:

PREAECIPE 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 H. W. SMITH, his heirs, administrators, executors and assigns as per Order of Court dated the 1st day of April, 2005, in the above quiet title action, the aforementioned 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