

05-159-CD
KD Land LLC vs. R. Cross et al

KD Land LLC v. Rachael Cross et al
2005-159-CD

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

K D LAND LLC,

Plaintiff,

vs

RACHEL CROSS and WARREN CROSS
and the COMMISSIONERS OF
CLEARFIELD COUNTY,
PENNSYLVANIA, their respective heirs,
personal representatives, administrators,
executors, successors and assigns
Defendants.

CIVIL ACTION - LAW

QUIET TITLE

NO. 05-159 CD

FOR FILING: (1) COMPLAINT
(2) MOTION FOR
SERVICE BY
PUBLICATION
(3) INVESTIGATING
AFFIDAVIT

FOR JUDGE'S

SIGNATURE: ORDER FOR
SERVICE BY
PUBLICATION

THE LAW OFFICE OF
RAYMOND J. WENDEKIER
ATTORNEYS FOR THE PLAINTIFFS
BY: MARK R. WENDEKIER
ID #55284
306 MAGEE AVENUE
PATTON, PA 16668
(814) 674-5991
FASCIMILE: (814) 674-5992

FILED *My pd.*
01/11/2005 *95.c*
FEB 03 2005 *300 Atty*
William A. Shaw
Prothonotary/Clerk of Courts

*Original
to CM*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100210
NO: 05-159-CD
SERVICE # 1 OF 1

COMPLAINT;MOT./SERVICEbyPUBLICATION;INVEST.AFF.

PLAINTIFF: K D LAND LLC

vs.

DEFENDANT: RACHEL CROSS and WARREN CROSS and the COMMISSIONERS OF CLEARFIELD COUNTY, PENNSYLVANIA their heirs, personal representaives, administrators, executors, successors and assigns

SHERIFF RETURN

NOW, February 11, 2005 AT 9:45 AM SERVED THE WITHIN COMPLAINT;MOT./SERVICEbyPUBLICATION;INVEST.AFF. ON COMMISSIONERS OF CLEARFIELD COUNTY, PENNSYLVANIA DEFENDANT AT 230 EAST MARKET ST., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO REX READ, COUNTY COMMISSIONER A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT;MOT./SERVICEbyPUBLICATION;INVEST.AFF. AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: SNYDER /

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	WENDEKIER	14766	10.00
SHERIFF HAWKINS	WENDEKIER	14766	20.37

FILED

6K FEB 11 2005
0/2:50h
William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

_____ Day of _____ 2005

So Answers,

Chester A. Hawkins
by Marilyn Harris

Chester A. Hawkins
Sheriff

COPY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

K D LAND LLC,

Plaintiff,

vs

RACHEL CROSS and WARREN CROSS
and the COMMISSIONERS OF
CLEARFIELD COUNTY,
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personal representatives, administrators,
executors, successors and assigns
Defendants.

HEREBY CERTIFIED TO BE
A TRUE AND CORRECT COPY
OF THE ORIGINAL


ATTORNEY

CIVIL ACTION - LAW

QUIET TITLE

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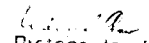
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SIGNATURE: ORDER FOR
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RAYMOND J. WENDEKIER
ATTORNEYS FOR THE PLAINTIFFS
BY: MARK R. WENDEKIER
ID #55284
306 MAGEE AVENUE
PATTON, PA 16668
(814) 674-5991
FASCIMILE: (814) 674-5992

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

FEB 03 2005

Attest.


Patricia A. Rasmussen
Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

K D LAND LLC,

Plaintiff,

VS

RACHEL CROSS and WARREN CROSS
and the COMMISSIONERS OF
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personal representatives, administrators,
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Defendants.

CIVIL ACTION - LAW

QUIET TITLE

NO. 05-159-CD

ORDER FOR SERVICE BY PUBLICATION

AND NOW, this 8th day of February, 2005,
upon consideration of the foregoing Motion, Plaintiffs are granted leave to make service
of the Complaint in this action on the Defendants, RACHEL CROSS and WARREN
CROSS, their respective heirs, personal representatives, administrators, executors,
successors and assigns, as named in the Complaint filed in this action, pursuant to Pa
Rule of Civil Procedure No. 430 (b) (1) and (2), by publication one (1) time each in the
Clearfield County Legal Journal and The Clearfield Progress.

BY THE COURT:

/s/ Fredric J. Ammerman

Judge

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

FEB 09 2005

Attest.

William A. Brown
Prothonotary/
Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

K D LAND LLC,

Plaintiff,

vs

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personal representatives, administrators,
executors, successors and assigns

Defendants.

CIVIL ACTION - LAW

QUIET TITLE

NO. 05-159-CD

MOTION FOR SERVICE BY PUBLICATION

AND NOW this 3rd day of February, 2005, an Investigating Affidavit having been executed and filed on behalf of the Plaintiffs that the whereabouts of the Defendants, RACHEL CROSS and WARREN CROSS, and their respective heirs, devisees, personal representatives, successors and assigns are unknown, Plaintiffs by attorneys, The Law Office of Raymond J. Wendekier and Mark R. Wendekier, move this Court for leave to serve the Complaint on the Defendants, RACHEL CROSS and WARREN CROSS, and their respective heirs, devisees, personal representatives, successors and assigns generally by publication in such manner as the Court shall direct, as provided by Pa Rule of Civil Procedure No. 430 (a).

Respectfully submitted,
THE LAW OFFICE OF RAYMOND J. WENDEKIER

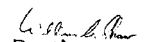
BY: 

Mark R. Wendekier, Esquire
Attorney for Plaintiffs
306 Magee Avenue
Patton, Pennsylvania 16668
PA Attorney ID# 55284
(814) 674-5991

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

FEB 03 2005

Attest.


Notary Public/
Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

K D LAND LLC,

Plaintiff,

CIVIL ACTION - LAW
QUIET TITLE
NO.

vs

RACHEL CROSS and WARREN CROSS
and the COMMISSIONERS OF
CLEARFIELD COUNTY,
PENNSYLVANIA, their respective heirs,
personal representatives, administrators,
executors, successors and assigns
Defendants.

INVESTIGATING AFFIDAVIT

STATE OF PENNSYLVANIA

ss

COUNTY OF CAMBRIA

I, MARK R. WENDEKIER, Esquire, an attorney for Plaintiffs being duly sworn according to law, make this affidavit on behalf of Plaintiffs, being authorized so to do, and depose, and say that I have conducted a good faith effort to locate the whereabouts of Defendants named in the Complaint filed in this Action, and their heirs, devisees, personal representatives, successors and assigns; that the whereabouts of all of the Defendants their heirs, devisees, personal representatives, successors and assigns are unknown.

My investigation to attempt to learn the names and whereabouts of the Defendants and their heirs, devisees, personal representatives, successors and assigns was performed by inquiries of and examinations of telephone directories, inquiries of directory assistance in towns and cities of the last known residences of the Defendants, random telephone calls to persons with the same name and examination of local voter registration records, local tax records and relevant records of the Cambria County Courthouse.

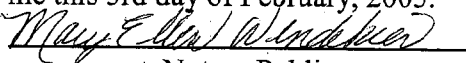
As a result of my good faith investigation I have been unable to locate the Defendants named in this Action or their heirs, devisees, personal representatives, successors or assigns.

LAW OFFICE OF RAYMOND J. WENDEKIER

By: 

Mark R. Wendekier

Sworn and subscribed before
me this 3rd day of February, 2005.


Notary Public

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
Mary Ellen Wendekier, Notary Public
Patton Boro, Cambria County
My Commission Expires Nov. 13, 2008
Member, Pennsylvania Association Of Notaries

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

K D LAND LLC,

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personal representatives, administrators,
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Defendants.

CIVIL ACTION - LAW

QUIET TITLE

NO.

NOTICE TO DEFEND

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 of objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you, and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint, or for any 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 OR KNOW A LAWYER, OR YOU CANNOT AFFORD A LAWYER, THEN YOU SHOULD GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

**DAVID S. MEHOILCK
COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
SUITE 228, 230 EAST MARKET STREET
CLEARFIELD, PENNSYLVANIA 16830
Telephone: (814) 765-2641**

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Clearfield County, Pennsylvania is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the court.

THE LAW OFFICE OF RAYMOND J. WENDEKIER

By: 

Mark R. Wendekier, Esquire
306 Magee Avenue
Patton, Pennsylvania 16668
Supreme Court ID# 55284
(814) 674-5991

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

K D LAND LLC,

Plaintiff,

vs

RACHEL CROSS and WARREN CROSS
and the COMMISSIONERS OF
CLEARFIELD COUNTY,
PENNSYLVANIA, their respective heirs,
personal representatives, administrators,
executors, successors and assigns
Defendants.

CIVIL ACTION - LAW

QUIET TITLE

NO.

COMPLAINT

AND NOW, this 3rd day of February, 2005, come Plaintiff, K D LAND LLC (hereinafter referred to as "K D LAND") by and through their attorneys, THE LAW OFFICE OF RAYMOND J. WENDEKIER, and files this COMPLAINT and in support of which avers as follows:

1. K D LAND LLC, is a Limited Liability Company organized under the laws of the State of New York, with an address of 4 Meadow Wood Circle, Pittsford, New York 14534.
2. Defendants, Rachel Cross and Warren Cross, were adult individuals who are believed to be deceased and whose last known address is unknown.
3. Defendants, the Commissioners of Clearfield County, Pennsylvania are the governing body politic of Clearfield County, Pennsylvania, with an address of 230 East Market Street, The Clearfield County, Pennsylvania Courthouse, Clearfield, Pennsylvania 16830.
4. The description of the property is as follows:

ALL THAT certain piece or parcel or lot of land situate in Beccaria Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a stone corner; then by land now or formerly of The Jessee Williams heirs South 85° 20' East for a distance of 56.48 perches to a post at a corner of what has been

referred to in previous deeds as purport number 2; then North 4° 36' East for a distance of 165.5 perches to a post at the line of land now or formerly of Adam Nevling; then by lands now or formerly of Adam Neveling North 85° 50' West for a distance of 56.24 perches to stones; then by lands formerly of Davis, and now or formerly of J.A. Adams for a distance of 165 perches to stones and the place of beginning.

EXCEPTING FROM THE ABOVE DESCRIBED PROPERTY

all that certain piece or parcel of land consisting of approximately 3.07 acres, which is more fully described in the deed recorded in Clearfield County, Pennsylvania in Deed/Record Book Volume 874, Page 61.

ALSO EXCEPTING AND RESERVING TO BUTERBAUGH BROS. LAND AND TIMBER CORPORATION, its successors and assigns, all coal, oil, gas and other minerals.

5. The chain of title for the above described property for a period in excess of sixty (60) years is as follows:

- a. Deed to John S. Weld from the Trustee in Partition of the real estate of Aaron Weld, dated April 11, 1893 as recorded in Clearfield County, Pennsylvania in Deed Book Volume 77, Page 420.
- b. Deed to Moses Arthurs from John S. Weld, dated March 13, 1902, as recorded in Clearfield County, Pennsylvania in Deed Book Volume 123, Page 205.
- c. Deed to Warren Cross from Moses Arthurs, dated July 12, 1902, as recorded in Clearfield County, Pennsylvania in Deed Book Volume 160, Page 4.
- d. Deed to Rachel Cross from Warren Cross, her husband, dated April 18, 1921, as recorded in Clearfield County, Pennsylvania in Deed Book Volume 255, Page 300.
- e. Deed to Rachel Cross from Warren Cross, her husband, dated April 18, 1921, as recorded in Clearfield County, Pennsylvania in Deed Book Volume 255, Page 300.
- f. In 1922 the Beccaria Township, Clearfield County, Pennsylvania tax assessment records indicate that Rachel Cross is assessed with 52 acres and 7 acres of land. This assessment being for the property described in the deed which is recorded in Clearfield County, Pennsylvania Deed Book Volume 255, Page 300.

- g. Rachel Cross is assessed with 52 acres and 7 acres of land in the tax assessment records of Beccaria Township, Clearfield County, Pennsylvania from 1922 until 1938.
- h. The tax assessment records of Beccaria Township, Clearfield County, Pennsylvania in 1938 and Commissioner's Sales Book Volume 6, Page 199 shows that 52 acres and 7 acres of land was sold to Clearfield County, Pennsylvania on November 12, 1937 for 1934 and 1935 delinquent real estate taxes.
- i. The Clearfield County, Pennsylvania Commissioner's Sales Book Volume 6, Page 199 shows that the 52 acres and 7 acres of land was sold to by the Clearfield County, Pennsylvania Commissioners to Margaret McGlynn on April 21, 1943.
- j. Despite a thorough review of the records of the Clearfield County, Pennsylvania Courthouse, no recorded deed can be found or located for the property referred to in Paragraph 5(h) above.
- k. The assessment records for Beccaria Township, Clearfield County, Pennsylvania for 1945 shows 59 acres of surface land as being assessed to Margaret McGlynn, and formerly assessed to Rachel Cross.
- l. By quitclaim to Buterbaugh Bros. Land and Timber Corporation from J. Howard Smith and Roy I. Fulton, Executors of the Estate of Margaret Glynn, all right, title and interest of Margaret McGlynn in Clearfield County, Pennsylvania properties was dated May 8, 1969 and recorded in Clearfield County, Pennsylvania in Clearfield County, Pennsylvania Deed Book Volume 547, Page 433.
- m. The assessment records for Beccaria Township, Cambria County, Pennsylvania assess Buterbaugh Bros. Land and Timber Corporation 59 acres of surface land in 1970.
- n. Except for one out-sale for 3 acres to Joseph Eugene Callahan and Cherrie Marie Callahan, his wife, by deed from Buterbaugh Brothers Land and Timber Corporation, dated July 21, 1978 and recorded in Cambria County, Pennsylvania in Deed Book Volume 874, Page 61, Buterbaugh Bros. Land and Timber Corporation has been assessed from the property described in Paragraph 4 above from 1970 to and including 2004.
- o. Buterbaugh Bros. Land and Timber Corporation conveyed the property described in Paragraph 4 above to K D Land LLC by deed dated January 27, 2005 and recorded in Clearfield County, Pennsylvania as Instrument Number 200501343.

6. A quiet to title is necessary because:

- a. It is averred that there is a lost and unrecorded deed from the Clearfield County, Pennsylvania Commissioners to Margaret McGlynn in consummation of the sale on April 21, 1943 as indicated in the Clearfield County, Pennsylvania Commissioners' Sale Book, which causes a gap in the chain of title for the Property described in Paragraph 4 above in the Clearfield County, Pennsylvania Recorder of Deeds Office.
- b. It is averred that there may have been irregularities in the tax Sale referred to in Paragraph 5 (h) above which may or does cause a defect in the chain of title to the Property described in Paragraph 4 above.

7. The Plaintiffs and their predecessors in tile have been in open, continuous, notorious, hostile and the other elements of adverse possession for more than 21 years immediately preceding the filing of this Compliant.

8. The Plaintiffs require this action to quiet title to remedy the gap in the chain of title caused by the matters referred to in Paragraph 6 above.

WHEREFORE, Plaintiffs pray your Honorable Court to enter an Order and Decree that title to the Property is in the Plaintiffs and adjudge the title of Plaintiffs in the Property to be valid and indefeasible against any and all rights and claims whatsoever and forever enjoin and bar the Defendants, or their heirs, devisees, personal representatives, successors and assigns from impeaching, denying and attacking the title of Plaintiffs to the Property or asserting any right, lien, title or interest, whatsoever inconsistent with the interest, claim and title of the Plaintiffs as set forth in this Complaint and to enter such Order as may be necessary for the granting of appropriate relief.

THE LAW OFFICE OF RAYMOND J. WENDEKIER

BY: 

Mark R. Wendekier, Esquire
Attorney for Plaintiffs
306 Magee Avenue
Patton, Pennsylvania
Supreme Court ID# 55284
(814) 674-5991

CP

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

K D LAND LLC,

Plaintiff,

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CIVIL ACTION - LAW

QUIET TITLE

NO. 05-159 CD

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ATTORNEYS FOR THE PLAINTIFFS
BY: MARK R. WENDEKIER
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FASCIMILE: (814) 674-5992

FILED *Att. pd.*
02/11/2005 *95.00*
FEB 03 2005 *3CC Att.*
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

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CIVIL ACTION - LAW

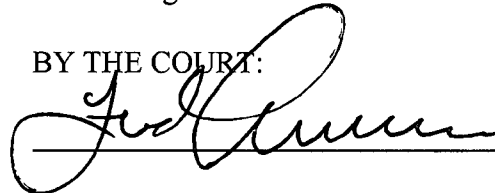
QUIET TITLE

NO. 05-159-CD

ORDER FOR SERVICE BY PUBLICATION

AND NOW, this 8 day of Feb, 2005,
upon consideration of the foregoing Motion, Plaintiffs are granted leave to make service
of the Complaint in this action on the Defendants, RACHEL CROSS and WARREN
CROSS, their respective heirs, personal representatives, administrators, executors,
successors and assigns, as named in the Complaint filed in this action, pursuant to Pa
Rule of Civil Procedure No. 430 (b) (1) and (2), by publication one (1) time each in the
Clearfield County Legal Journal and The Clearfield Progress.

BY THE COURT:


Judge

FILED ^{6K}

M 12:58 1cc to atty
2cc to Shiff

FEB 09 2005

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

K D LAND LLC,

Plaintiff,

vs

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Defendants.

CIVIL ACTION - LAW

QUIET TITLE

NO. 05-159-C

MOTION FOR SERVICE BY PUBLICATION

AND NOW this 3rd day of February, 2005, an Investigating Affidavit having been executed and filed on behalf of the Plaintiffs that the whereabouts of the Defendants, RACHEL CROSS and WARREN CROSS, and their respective heirs, devisees, personal representatives, successors and assigns are unknown, Plaintiffs by attorneys, The Law Office of Raymond J. Wendekier and Mark R. Wendekier, move this Court for leave to serve the Complaint on the Defendants, RACHEL CROSS and WARREN CROSS, and their respective heirs, devisees, personal representatives, successors and assigns generally by publication in such manner as the Court shall direct, as provided by Pa Rule of Civil Procedure No. 430 (a).

Respectfully submitted,
THE LAW OFFICE OF RAYMOND J. WENDEKIER

BY: 

Mark R. Wendekier, Esquire
Attorney for Plaintiffs
306 Magee Avenue
Patton, Pennsylvania 16668
PA Attorney ID# 55284
(814) 674-5991

FILED 3cc
01/11:30 AM
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William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

K D LAND LLC,

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CIVIL ACTION - LAW

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Defendants.

INVESTIGATING AFFIDAVIT

STATE OF PENNSYLVANIA

ss

COUNTY OF CAMBRIA

I, MARK R. WENDEKIER, Esquire, an attorney for Plaintiffs being duly sworn according to law, make this affidavit on behalf of Plaintiffs, being authorized so to do, and depose, and say that I have conducted a good faith effort to locate the whereabouts of Defendants named in the Complaint filed in this Action, and their heirs, devisees, personal representatives, successors and assigns; that the whereabouts of all of the Defendants their heirs, devisees, personal representatives, successors and assigns are unknown.

My investigation to attempt to learn the names and whereabouts of the Defendants and their heirs, devisees, personal representatives, successors and assigns was performed by inquiries of and examinations of telephone directories, inquiries of directory assistance in towns and cities of the last known residences of the Defendants, random telephone calls to persons with the same name and examination of local voter registration records, local tax records and relevant records of the Cambria County Courthouse.

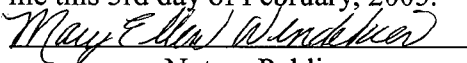
As a result of my good faith investigation I have been unable to locate the Defendants named in this Action or their heirs, devisees, personal representatives, successors or assigns.

LAW OFFICE OF RAYMOND J. WENDEKIER

By: 

Mark R. Wendekier

Sworn and subscribed before
me this 3rd day of February, 2005.



Notary Public

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Mary Ellen Wendekier, Notary Public
Patton Boro, Cambria County

My Commission Expires Nov. 13, 2008

Member, Pennsylvania Association Of Notaries

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COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
SUITE 228, 230 EAST MARKET STREET
CLEARFIELD, PENNSYLVANIA 16830
Telephone: (814) 765-2641

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306 Magee Avenue
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Supreme Court ID# 55284
(814) 674-5991

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CIVIL ACTION - LAW

QUIET TITLE

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COMPLAINT

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1. K D LAND LLC, is a Limited Liability Company organized under the laws of the State of New York, with an address of 4 Meadow Wood Circle, Pittsford, New York 14534.
2. Defendants, Rachel Cross and Warren Cross, were adult individuals who are believed to be deceased and whose last known address is unknown.
3. Defendants, the Commissioners of Clearfield County, Pennsylvania are the governing body politic of Clearfield County, Pennsylvania, with an address of 230 East Market Street, The Clearfield County, Pennsylvania Courthouse, Clearfield, Pennsylvania 16830.
4. The description of the property is as follows:

ALL THAT certain piece or parcel or lot of land situate in Beccaria Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a stone corner; then by land now or formerly of The Jessee Williams heirs South $85^{\circ} 20'$ East for a distance of 56.48 perches to a post at a corner of what has been

referred to in previous deeds as purport number 2; then North 4⁰ 36' East for a distance of 165.5 perches to a post at the line of land now or formerly of Adam Nevling; then by lands now or formerly of Adam Neveling North 85⁰ 50' West for a distance of 56.24 perches to stones; then by lands formerly of Davis, and now or formerly of J.A. Adams for a distance of 165 perches to stones and the place of beginning.

EXCEPTING FROM THE ABOVE DESCRIBED PROPERTY

all that certain piece or parcel of land consisting of approximately 3.07 acres, which is more fully described in the deed recorded in Clearfield County, Pennsylvania in Deed/Record Book Volume 874, Page 61.

ALSO EXCEPTING AND RESERVING TO BUTERBAUGH BROS. LAND AND TIMBER CORPORATION, its successors and assigns, all coal, oil, gas and other minerals.

5. The chain of title for the above described property for a period in excess of sixty (60) years is as follows:

- a. Deed to John S. Weld from the Trustee in Partition of the real estate of Aaron Weld, dated April 11, 1893 as recorded in Clearfield County, Pennsylvania in Deed Book Volume 77, Page 420.
- b. Deed to Moses Arthurs from John S. Weld, dated March 13, 1902, as recorded in Clearfield County, Pennsylvania in Deed Book Volume 123, Page 205.
- c. Deed to Warren Cross from Moses Arthurs, dated July 12, 1902, as recorded in Clearfield County, Pennsylvania in Deed Book Volume 160, Page 4.
- d. Deed to Rachel Cross from Warren Cross, her husband, dated April 18, 1921, as recorded in Clearfield County, Pennsylvania in Deed Book Volume 255, Page 300.
- e. Deed to Rachel Cross from Warren Cross, her husband, dated April 18, 1921, as recorded in Clearfield County, Pennsylvania in Deed Book Volume 255, Page 300.
- f. In 1922 the Beccaria Township, Clearfield County, Pennsylvania tax assessment records indicate that Rachel Cross is assessed with 52 acres and 7 acres of land. This assessment being for the property described in the deed which is recorded in Clearfield County, Pennsylvania Deed Book Volume 255, Page 300.

- g. Rachel Cross is assessed with 52 acres and 7 acres of land in the tax assessment records of Beccaria Township, Clearfield County, Pennsylvania from 1922 until 1938.
- h. The tax assessment records of Beccaria Township, Clearfield County, Pennsylvania in 1938 and Commissioner's Sales Book Volume 6, Page 199 shows that 52 acres and 7 acres of land was sold to Clearfield County, Pennsylvania on November 12, 1937 for 1934 and 1935 delinquent real estate taxes.
- i. The Clearfield County, Pennsylvania Commissioner's Sales Book Volume 6, Page 199 shows that the 52 acres and 7 acres of land was sold to by the Clearfield County, Pennsylvania Commissioners to Margaret McGlynn on April 21, 1943.
- j. Despite a thorough review of the records of the Clearfield County, Pennsylvania Courthouse, no recorded deed can be found or located for the property referred to in Paragraph 5(h) above.
- k. The assessment records for Beccaria Township, Clearfield County, Pennsylvania for 1945 shows 59 acres of surface land as being assessed to Margaret McGlynn, and formerly assessed to Rachel Cross.
- l. By quitclaim to Buterbaugh Bros. Land and Timber Corporation from J. Howard Smith and Roy I. Fulton, Executors of the Estate of Margaret Glynn, all right, title and interest of Margaret McGlynn in Clearfield County, Pennsylvania properties was dated May 8, 1969 and recorded in Clearfield County, Pennsylvania in Clearfield County, Pennsylvania Deed Book Volume 547, Page 433.
- m. The assessment records for Beccaria Township, Cambria County, Pennsylvania assess Buterbaugh Bros. Land and Timber Corporation 59 acres of surface land in 1970.
- n. Except for one out-sale for 3 acres to Joseph Eugene Callahan and Cherrie Marie Callahan, his wife, by deed from Buterbaugh Brothers Land and Timber Corporation, dated July 21, 1978 and recorded in Cambria County, Pennsylvania in Deed Book Volume 874, Page 61, Buterbaugh Bros. Land and Timber Corporation has been assessed from the property described in Paragraph 4 above from 1970 to and including 2004.
- o. Buterbaugh Bros. Land and Timber Corporation conveyed the property described in Paragraph 4 above to K D Land LLC by deed dated January 27, 2005 and recorded in Clearfield County, Pennsylvania as Instrument Number 200501343.

6. A quiet to title is necessary because:

- a. It is averred that there is a lost and unrecorded deed from the Clearfield County, Pennsylvania Commissioners to Margaret McGlynn in consummation of the sale on April 21, 1943 as indicated in the Clearfield County, Pennsylvania Commissioners' Sale Book, which causes a gap in the chain of title for the Property described in Paragraph 4 above in the Clearfield County, Pennsylvania Recorder of Deeds Office.
- b. It is averred that there may have been irregularities in the tax Sale referred to in Paragraph 5 (h) above which may or does cause a defect in the chain of title to the Property described in Paragraph 4 above.

7. The Plaintiffs and their predecessors in tile have been in open, continuous, notorious, hostile and the other elements of adverse possession for more than 21 years immediately preceding the filing of this Compliant.

8. The Plaintiffs require this action to quiet title to remedy the gap in the chain of title caused by the matters referred to in Paragraph 6 above.

WHEREFORE, Plaintiffs pray your Honorable Court to enter an Order and Decree that title to the Property is in the Plaintiffs and adjudge the title of Plaintiffs in the Property to be valid and indefeasible against any and all rights and claims whatsoever and forever enjoin and bar the Defendants, or their heirs, devisees, personal representatives, successors and assigns from impeaching, denying and attacking the title of Plaintiffs to the Property or asserting any right, lien, title or interest, whatsoever inconsistent with the interest, claim and title of the Plaintiffs as set forth in this Complaint and to enter such Order as may be necessary for the granting of appropriate relief.

THE LAW OFFICE OF RAYMOND J. WENDEKIER

BY: 

Mark R. Wendekier, Esquire
Attorney for Plaintiffs
306 Magee Avenue
Patton, Pennsylvania
Supreme Court ID# 55284
(814) 674-5991

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

K D LAND, LLC,

Plaintiff,

v.

RACHEL CROSS and WARREN CROSS
and the COMMISSIONERS OF
CLEARFIELD COUNTY, PENNSYLVANIA,
their respective heirs, personal representatives,
administrators, executors, successors and assigns,

Defendants.

No. 05-159-CD
ACTION TO QUIET TITLE

PRAECIPE TO WITHDRAW
APPEARANCE/PRAECIPE FOR ENTRY
OF APPEARANCE

Filed on behalf of
Plaintiff

Counsel of Record for this Party:

Kimberly M. Kubista

PA ID #52782

BELIN & KUBISTA
15 North Front Street
Clearfield, PA 16830

(814) 765-8972

FILED *NO cc*
013:5781
AUG 10 2006
Copy to CIA
William A. Shaw
Prothonotary/Clerk of Courts

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

K D LAND, LLC,

Plaintiff,

v.

RACHEL CROSS and WARREN CROSS
and the COMMISSIONERS OF
CLEARFIELD COUNTY, PENNSYLVANIA,
their respective heirs, personal representatives,
administrators, executors, successors and assigns,

Defendants.

No. 05-159-CD

PRAECIPE TO WITHDRAW APPEARANCE

TO THE PROTHONOTARY:

Please withdraw my appearance on behalf of Plaintiff K D LAND, LLC, in the
above captioned action.

Date: 8/9/06


Mark R. Wendekier

PRAECIPE FOR ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Please enter my appearance in the above action on behalf of Plaintiff K D LAND,
LLC, in the above captioned action.

Date: 8/9/06


Kimberly M. Kubista

BELIN & KUBISTA
ATTORNEYS AT LAW
15 NORTH FRONT STREET
P.O. BOX 1
CLEARFIELD, PENNSYLVANIA 16830

FILED

AUG 10 2006

William A. Shaw
Prothonotary/Clerk of Courts

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

K D LAND, LLC,

Plaintiff,

v.

RACHEL CROSS and WARREN CROSS
and the COMMISSIONERS OF
CLEARFIELD COUNTY, PENNSYLVANIA,
their respective heirs, personal representatives,
administrators, executors, successors and assigns,

Defendants.

No. 05-159-CD
ACTION TO QUIET TITLE

AFFIDAVIT

Filed on behalf of
Plaintiff

Counsel of Record for this Party:

Kimberly M. Kubista

PA ID #52782

BELIN & KUBISTA
15 North Front Street
Clearfield, PA 16830

(814) 765-8972

FILED 100
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AUG 10 2006
William A. Shaw
Prothonotary/Clerk of Courts

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

K D LAND, LLC,

Plaintiff,

v.

RACHEL CROSS and WARREN CROSS
and the COMMISSIONERS OF
CLEARFIELD COUNTY, PENNSYLVANIA,
their respective heirs, personal representatives,
administrators, executors, successors and assigns,

Defendants.

No. 05-159-CD

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA

:


: ss.

COUNTY OF CLEARFIELD

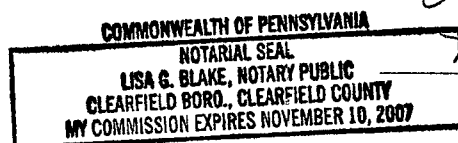
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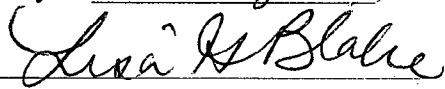
KIMBERLY M. KUBISTA, being duly sworn according to law, deposes and states that she is the attorney for the Plaintiff in the above-captioned case and that the last known and current addresses of Defendants Rachel Cross and Warren Cross are unknown.

She further avers that she attempted to locate said Defendants by checking the local telephone directories, estate files for Clearfield County and all other available listings, but as a result of the search, no information outside the existing records set forth in the quiet title action was attainable.


Kimberly M. Kubista
Attorney for Plaintiff

Subscribed and sworn to before me this 10th day of August, 2006.




notary public

CHARLETT, PENNSYLVANIA 16830

P.O. BOX 11

15 NORTH FRONT STREET

ATTORNEYS AT LAW

BELIN & KUBISTA

FILED

AUG 10 2006

William A. Shaw
Prothonotary/Clerk of Courts

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

K D LAND, LLC,

Plaintiff,

v.

RACHEL CROSS and WARREN CROSS
and the COMMISSIONERS OF
CLEARFIELD COUNTY, PENNSYLVANIA,
their respective heirs, personal representatives,
administrators, executors, successors and assigns,

Defendants.

No. 05-159-CD
ACTION TO QUIET TITLE

AMENDED MOTION FOR
PUBLICATION

Filed on behalf of
Plaintiff

Counsel of Record for this Party:

Kimberly M. Kubista

PA ID #52782

BELIN & KUBISTA
15 North Front Street
Clearfield, PA 16830

(814) 765-8972

FILED

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AUG 10 2006

icc
Atty Kubista

William A. Shaw
Prothonotary/Clerk of Courts

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

K D LAND, LLC,

Plaintiff,

v.

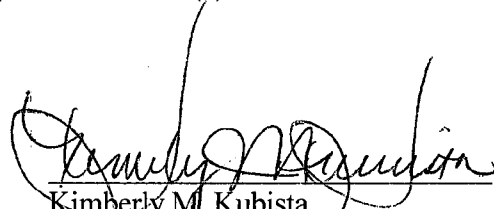
RACHEL CROSS and WARREN CROSS
and the COMMISSIONERS OF
CLEARFIELD COUNTY, PENNSYLVANIA,
their respective heirs, personal representatives,
administrators, executors, successors and assigns,

Defendants.

No. 05-159-CD

AMENDED MOTION FOR PUBLICATION

AND NOW, to wit: August 10, 2006, an affidavit having been executed and filed on behalf of the Plaintiff that the whereabouts of Defendants Rachel Cross and Warren Cross are unknown and that, the Plaintiff, by its attorney, Kimberly M. Kubista, moves the Court for leave to serve the complaint on Defendants Rachel Cross and Warren Cross by publication one (1) time in *The Progress*, and by publication one (1) time in the Clearfield County Legal Journal.


Kimberly M. Kubista
Attorney for Plaintiff

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

K D LAND, LLC,

Plaintiff,

v.

RACHEL CROSS and WARREN CROSS
and the COMMISSIONERS OF
CLEARFIELD COUNTY, PENNSYLVANIA,
their respective heirs, personal representatives,
administrators, executors, successors and assigns,

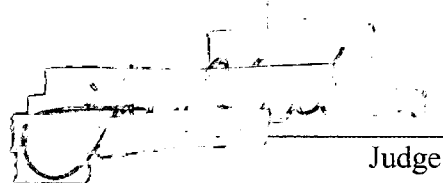
Defendants.

No. 05-159-CD

AMENDED ORDER FOR PUBLICATION

AND NOW, to wit: August 14th, 2006, upon consideration of the foregoing Motion, the Plaintiff is granted leave to make service of the Complaint on Defendants Rachel Cross and Warren Cross by general publication one (1) time in *The Progress* and one (1) time in the *Clearfield County Legal Journal*, the last insertion to appear not less than thirty (30) days prior to _____, 2006, the date set for hearing of said Complaint in Courtroom No. ___ of the Clearfield County Courthouse, Clearfield, Pennsylvania at _____ m.

BY THE COURT:


Judge

CLEARFIELD PENNSYLVANIA 16830

P.O. BOX 1
15 NORTH FRONT STREET

ATTORNEYS AT LAW
BELIN & KUBISTA

FILED

AUG 10 2006

William A. Shaw
Prothonotary/Clerk of Courts

CA

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

K D LAND, LLC,

Plaintiff,

v.

RACHEL CROSS and WARREN CROSS
and the COMMISSIONERS OF
CLEARFIELD COUNTY, PENNSYLVANIA,
their respective heirs, personal representatives,
administrators, executors, successors and assigns,

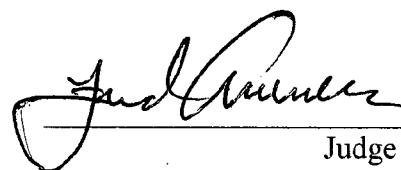
Defendants.

No. 05-159-CD

AMENDED ORDER FOR PUBLICATION

AND NOW, to wit: August 16th, 2006, upon consideration of the foregoing Motion, the Plaintiff is granted leave to make service of the Complaint on Defendants Rachel Cross and Warren Cross by general publication one (1) time in *The Progress* and one (1) time in the *Clearfield County Legal Journal*, the last insertion to appear not less than thirty (30) days prior to September 25, 2006.

BY THE COURT:


Judge

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0/3:35/01 Amy K. Kubista
AUG 16 2006
William A. Shaw
Prothonotary/Clerk of Courts

FILED

AUG 16 2006

William A. Shaw
Prothonotary/Clerk of Courts

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WM
William A. Shaw
Notary/Clerk of Courts

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

K D LAND, LLC,

Plaintiff,

v.

RACHEL CROSS and WARREN CROSS
and the COMMISSIONERS OF
CLEARFIELD COUNTY, PENNSYLVANIA,
their respective heirs, personal representatives,
administrators, executors, successors and assigns,
Defendants.

No. 05-159-CD

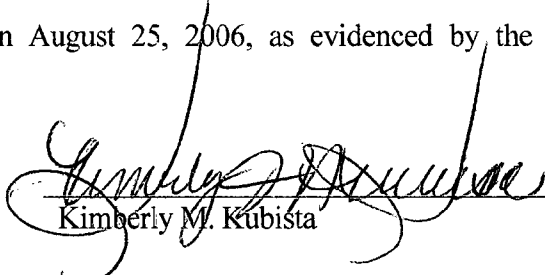
AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA)

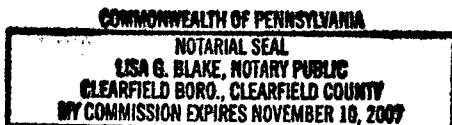
) SS.


COUNTY OF CLEARFIELD)

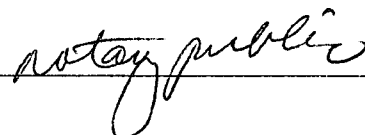
Kimberly M. Kubista, Attorney for the above named Plaintiff, being duly sworn according to law, deposes and states that Notice of the Quiet Title Action was served on Defendants Rachel Cross and Warren Cross by publication in *The Progress* on August 22, 2006 and *Clearfield County Legal Journal* on August 25, 2006, as evidenced by the proofs of publication attached hereto.


Kimberly M. Kubista

SWORN AND SUBSCRIBED TO before me this 26th day of September 2006.






notary public

NOTICE

K D LAND, LLC, a New York limited liability company, Plaintiff v. RACHEL CROSS and WARREN CROSS, adult individuals, and the COMMISSIONERS OF CLEARFIELD COUNTY, PENNSYLVANIA, their respective heirs, personal representatives, administrators, executors, successors and assigns, Defendants.

No. 05-159-CD;

ACTION IN QUIET TITLE

TO: RACHEL CROSS AND WARREN CROSS, their heirs, executors and assigns, Defendants

NOTICE -- If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the Court. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the Plaintiffs. You may lose money or property or other rights important to you. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Court Administrator, Clearfield County Courthouse, Clearfield, Pennsylvania (814) 765-2641, ext. 1300.

You are hereby notified that an Action in Quiet Title to the following premises situate in Beccaria Township, Clearfield County, Pennsylvania, has been filed against you. Said premises are more particularly bounded and described as follows:

ALL that certain piece or parcel or lot of land situate in Beccaria Township, Clearfield County, Pennsylvania, bounded and described

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :
COUNTY OF CLEARFIELD : SS:

On this 28th day of August, A.D. 2006, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Margaret E. Krebs, who being duly sworn according to law, deposes and says that she is the President of The Progressive Publishing Company, Inc., and Associate Publisher of The Progress, a daily newspaper published at Clearfield, in the County of Clearfield and State of Pennsylvania, and established April 5, 1913, and that the annexed is a true copy of a notice or advertisement published in said publication in

the regular issues of August 22, 2006

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

Margaret E. Krebs
Sworn and subscribed to before me the day and year aforesaid.

Cheryl J. Robinson
Notary Public Clearfield, Pa.

My Commission Expires
October 31, 2007

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Cheryl J. Robinson, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires Oct. 31, 2007

Member, Pennsylvania Association Of Notaries

lows.

BEGINNING at a stone corner; then by land now or formerly of The Jesse Williams heirs South eighty-five (85°) degrees twenty (20') minutes East for a distance of fifty-

six and forty-eight hundredths (56.48) perches to a post at a corner of what has been referred to in previous deeds as purpart number 2; then North four (04°) degrees thirty-six (36') minutes East for a distance of one hundred sixty-five and five tenths (165.5) perches to a post at the line of land now or formerly of Adam Nevling; then by lands now or formerly of Adam Nevling North eighty-five (85°) degrees fifty (50') minutes West for a distance of fifty-six and twenty-four hundredths (56.24) perches to stones; then by lands formerly of Davis, and now or formerly of J.A. Adams for a distance of one hundred sixty-five (165) perches to stones and the place of beginning.

EXCEPTING FROM THE ABOVE DESCRIBED PROPERTY all that certain piece or parcel of land consisting of approximately 3.07 acres, which is more fully described in the deed recorded in Clearfield County, Pennsylvania in Deed/Record Book Volume 874, page 61.

ALSO EXCEPTING AND RESERVING TO BUTERAUGH BROS. LAND AND TIMBER CORPORATION, its successors and assigns, all coal, oil, gas and other minerals.

UNDER AND SUBJECT TO:

(a) Any and all exceptions, reservations, covenants, agreements, conveyances and restrictions which affect the premises and are visible by inspection of the premises.

(b) Any and all exceptions, reservations, covenants, agreements, conveyances and restrictions contained in any and all prior deeds, grants and conveyances affecting the premises.

(c) Under and subject to the ex-


ception and reservations as contained in the deed recorded in Clearfield County, Pennsylvania in Deed Book Volume 255, page 300.

That a purpose of this quiet title action is to remedy a gap in the chain of title caused by an unrecorded deed from the Clearfield County Commissioners to Margaret McGlynn.

That the final purpose of this quiet title action is to extinguish any equity of redemption which Rachel Cross and Warren Cross, their heirs, executors and assigns, may have in and to the subject premises by virtue of the tax sale.

WHEREUPON said Court ordered that notice of said action and the facts thereto be served on Defendants RACHEL CROSS and WARREN CROSS, their heirs, executors, and assigns, by the Plaintiff by advertisement requiring Defendants above named, their heirs, executors and assigns, to answer the said Complaint within twenty (20) days from the date of this publication. For failure to comply, a judgment will be taken by application of Plaintiff.

BELIN & KUBISTA,
Attorneys at Law
15 North Front Street
Clearfield, Pennsylvania
Attorneys for Plaintiff



ment includes meals, fenced-in outdoor play area, story time, music time, arts and crafts, and tons of tender loving care. References available. Call today. Clearfield 765-3708.

OPENINGS available at state registered day care. Nutritious meals, large play area and lots of activities. Keystone Stars provider. Fall discount, call for details. Clearfield 765-6375.

Employment

ARBY'S OF CLEARFIELD: Located off of I-80 exit 120, is now accepting applications for Night shift slicer operators (must be at least 18) and a variety of Day shifts. We offer on job training, a pleasant working environment, and flexible scheduling. Arby's has the ideal opportunity for second income earners and ambidextrous professionals. Professionals in all brick, block, stone repairs. New installation. Clearfield 765-2096.

MR AND MRS. FIX IT: Interior painting, minor electrical and plumbing repairs and lots more. Philipsburg 342-0659.

RETIRED CONTRACTOR. Kraftmaid cabinets, 70% off. Free estimates and delivery! Fully insured. Roy Felgar, Mahaffey 277-6329.

SACKS ROOFING. All types of roofing. Call Clearfield 765-4899.

**ENGLISH PAINTING
& CONTRACTING
POWER WASHING**

Commercial
Residential

RECEIVED

AUG 31 2006


PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :

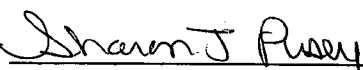
:

COUNTY OF CLEARFIELD :

On this 25th day of August AD 2006, 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 August 25, 2006, Vol. 18 No. 34. 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

Belin & Kubista
15 North Front Street
Clearfield PA 16830

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

K D LAND, LLC, a New York limited liability company, Plaintiff v. RACHEL CROSS and WARREN CROSS, adult individuals, and the COMMISSIONERS OF CLEARFIELD COUNTY, PENNSYLVANIA, their respective heirs, personal representatives, administrators, executors, successors and assigns, Defendants.

No. 05-159-CD; ACTION IN QUIET
TITLE

TO: RACHEL CROSS and WARREN
CROSS, their heirs, executors and assigns,

assigns, and successors in interest of JOSEPHINE EDWARDS.

You are hereby notified that an Action to Partition property identified as No. 3579, all that certain tract or parcel of land situated in The Township of Bloom (Map No. 104-F7-4), County of Clearfield and State of Pennsylvania, has been filed against you. Said parcel of land being more particularly bounded and described as follows:

Beginning at a post, the Southwest corner of tract; thence by tract No. 3610, North four and one-half degrees East one hundred and one (101) perches to point on line of Thomas Currie one hundred and thirty-eight acre tract; thence by said Currie tract South eighty-five and one-half degrees East seventy-nine (79) perches, more or less, to post and stones on West line of right of way of Clearfield & Mahoning Railroad; thence by said right of way line in a Northwesterly direction one hundred and fifty-two (152) perches, more or less, to where the said right of way line intersects the West line North four and one-half degrees East two hundred (200) perches, more or less, to Gum corner of tract; thence by tract No. 3596 South eighty-five and one-half degrees East four hundred and sixteen (416) perches to a Gum on line of tract No. 4252; thence South four and a half degrees West four hundred and sixteen (416) perches to a whiteoak; thence by tract No. 3590 North eighty-five and one-half degrees West four hundred and sixteen (416) perches to the place of beginning, containing one thousand and twenty (1020) acres, more or less, being part of tract No. 3579.

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

Court Administrator, Clearfield County Court House, Clearfield, Pennsylvania, (814) 765-2641, Ex. 5982.

James A. Naddeo, Esquire, 207 East Market Street, P.O. Box 552, Clearfield, Pennsylvania, 16830, Attorney for Plaintiff.

SHERIFF'S SALE OF VALUABLE REAL ESTATE

BY VIRTUE OF: Execution issued out of the Court of Common Pleas of Clearfield County, Pennsylvania and to me directed, there will be exposed to public sale in the Sheriff's Office in the Court House in the Borough of Clearfield on FRIDAY, SEPTEMBER 1, 2006 at 10:00 A.M.

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

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

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

PARCEL I:

ALL that certain tract of land designated as Section 16 'Aruba', Lot 429 in the Treasure Lake Subdivision in Sandy Township, Clearfield County, Pennsylvania recorded in the Recorder of Deeds Office in Misc. Docket Map File No. 25.

EXCEPTING AND RESERVING therefrom and subject to:

1. All easements, rights of way, reservations, restrictions and limitations shown or contained in prior instruments of record and in the aforesaid recorded plan.

2. The Declaration of Restrictions, Treasure Lake, Inc. recorded in Misc. Book Vol. 146, p. 476; all of said restrictions being

Defendants

NOTICE

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the Court. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the Plaintiffs. You may lose money or property or other rights important to you.

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

Court Administrator, Clearfield County Courthouse, Clearfield, Pennsylvania (814) 765-2641, ext. 1300

You are hereby notified that an Action in Quiet Title to the following premises situate in Beccaria Township, Clearfield County, Pennsylvania, has been filed against you. Said premises are more particularly bounded and described as follows:

ALL that certain piece or parcel or lot of land situate in Beccaria Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a stone corner; then by land now or formerly of The Jesse Williams heirs South eighty-five (85°) degrees twenty (20') minutes East for a distance of fifty-six and forty-eight hundredths (56.48) perches to a post at a corner of what has been referred to in previous deeds as purpart number 2; then North four (04°) degrees thirty-six (36') minutes East for a distance of one hundred sixty-five and five tenths (165.5) perches to a post at the line of land now or formerly of Adam Nevling; then by lands now or formerly of Adam Nevling North eighty-five (85°) degrees fifty (50') minutes West for a distance of fifty-six and twenty-four hundredths (56.24) perches to stones; then by lands formerly of Davis, and now or formerly of J.A. Adams for a distance of one hundred sixty-five (165) perches to stones and the place of beginning.

EXCEPTING FROM THE ABOVE DESCRIBED PROPERTY all that certain piece or parcel of land consisting of approximately 3.07 acres, which is more fully described in the deed recorded in Clearfield County, Pennsylvania in Deed/Record Book Volume 874, page 61.

ALSO EXCEPTING AND RESERVING TO BUTERAUGH BROS. LAND AND TIMBER CORPORATION, its successors and assigns, all coal, oil, gas and other minerals.

UNDER AND SUBJECT TO:

(a) Any and all exceptions, reservations,

covenants, agreements, conveyances and restrictions which affect the premises and are visible by inspection of the premises.

(b) Any and all exceptions, reservations, covenants, agreements, conveyances and restrictions contained in any and all prior deeds, grants and conveyances affecting the premises.

(c) Under and subject to the exception and reservations as contained in the deed recorded in Clearfield County, Pennsylvania in Deed Book Volume 255, page 300.

That a purpose of this quiet title action is to remedy a gap in the chain of title caused by an unrecorded deed from the Clearfield County Commissioners to Margaret McGlynn.

That the final purpose of this quiet title action is to extinguish any equity of redemption which Rachel Cross and Warren Cross, their heirs, executors and assigns, may have in and to the subject premises by virtue of the tax sale.

WHEREUPON said Court ordered that notice of said action and the facts thereto be served on Defendants RACHEL CROSS and WARREN CROSS, their heirs, executors, and assigns, by the Plaintiff by advertisement requiring Defendants above named, their heirs, executors and assigns, to answer the said Complaint within twenty (20) days from the date of this publication. For failure to comply, a judgment will be taken by application of Plaintiff.

BELIN & KUBISTA, Attorneys at Law,
15 North Front Street, Clearfield,
Pennsylvania, Attorneys for Plaintiff.

BELIN, KUBISTA & RYAN

ATTORNEYS AT LAW

15 NORTH FRONT STREET

PHILADELPHIA

19102-1100
CLEARFIELD, PENNSYLVANIA 16830

FILED

SEP 26 2006

William A. Shaw
Prothonotary/Clerk of Courts

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

K D LAND, LLC,

Plaintiff,

v.

RACHEL CROSS and WARREN CROSS
and the COMMISSIONERS OF
CLEARFIELD COUNTY, PENNSYLVANIA,
their respective heirs, personal representatives,
administrators, executors, successors and assigns,

Defendants.

No. 05-159-CD
ACTION TO QUIET TITLE

MOTION AND ORDER

Filed on behalf of
Plaintiff

Counsel of Record for this Party:

Kimberly M. Kubista

PA ID #52782

BELIN, KUBISTA & RYAN
15 North Front Street
Clearfield, PA 16830

(814) 765-8972

FILED 1cc
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OCT 04 2006
Att'y Kubista
@

William A. Shaw
Prothonotary/Clerk of Courts

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

K D LAND, LLC,

Plaintiff,

v.

RACHEL CROSS and WARREN CROSS
and the COMMISSIONERS OF
CLEARFIELD COUNTY, PENNSYLVANIA,
their respective heirs, personal representatives,
administrators, executors, successors and assigns,

Defendants.

No. 05-159-CD

MOTION

AND NOW, this 4th day of October, 2006, an affidavit having been executed and filed on behalf of the Plaintiff that the Complaint with Notice to Defend was served on Defendants Rachel Cross and Warren Cross by publication, and no answer having been filed by said Defendants, and Defendant the Commissioners of Clearfield County, Pennsylvania, having executed a quit claim deed into the Plaintiff, the Plaintiff, by its attorney, Kimberly M. Kubista, hereby moves the Court to enter judgment in favor of the Plaintiff and against Defendants Rachel Cross and Warren Cross, their heirs, personal representatives, administrators, executors and assigns.

BELIN, KUBISTA & RYAN

By: 

Kimberly M. Kubista
Attorney for Plaintiff

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

K D LAND, LLC,

Plaintiff,

v.

RACHEL CROSS and WARREN CROSS
and the COMMISSIONERS OF
CLEARFIELD COUNTY, PENNSYLVANIA,
their respective heirs, personal representatives,
administrators, executors, successors and assigns,

Defendants.

No. 05-159-CD

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OCT 09 2006
K. Kubista
(Clerk)

William A. Shaw
Prothonotary/Clerk of Courts

ORDER

AND NOW, this 6th day of October, 2006, an Affidavit of Service

of the Complaint with Notice to Defend having been filed stating that the complaint was served on Defendants Rachel Cross and Warren Cross by publication, and no response to pleading having been filed by said Defendants, the Court, upon motion of Kimberly M. Kubista, Attorney for Plaintiff, hereby ORDERS that title to said premises is in the Plaintiff and that it be allowed to enjoy said property in peace. Said property is situate in Beccaria Township, Clearfield County, Pennsylvania, being more fully described as follows:

ALL that certain piece or parcel or lot of land situate in Beccaria Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a stone corner; then by land now or formerly of The Jessee Williams heirs South eighty-five (85°) degrees twenty (20') minutes East for a distance of fifty-six and forty-eight hundredths (56.48) perches to a post at a corner of what has been referred to in previous deeds as purpart number 2; thence North four (04°) degrees thirty-six (36') minutes East for a distance of one hundred sixty-five and five tenths (165.5) perches to a post at the line of land now or formerly of Adam Nevling; then by lands now or formerly of Adam Nevling North eighty-five (85°) degrees fifty (50') minutes West for a distance of fifty-six and twenty-four hundredths (56.24) perches to stones; then by lands formerly of Davis, and no or formerly of J.A. Adams for a distance of one hundred sixty-five (165) perches to

stones and the place of beginning.

EXCEPTING FROM THE ABOVE DESCRIBED PROPERTY all that certain piece or parcel of land consisting of approximately 3.07 acres, which is more fully described in the deed recorded in Clearfield County, Pennsylvania in Deed/Record Book Volume 874, page 61.

ALSO EXCEPTING AND RESERVING TO BUTERAUGH BROS. LAND AND TIMBER CORPORATION, its successors and assigns, all coal, oil, gas and other minerals.

UNDER AND SUBJECT TO:

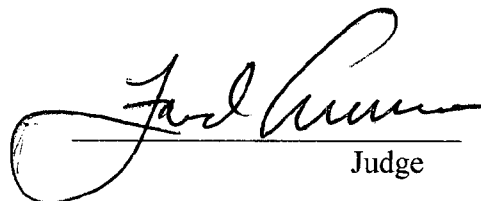
(a) Any and all exceptions, reservations, covenants, agreements, conveyances and restrictions which affect the premises and are visible by inspection of the premises.

(b) Any and all exceptions, reservations, covenants, agreements, conveyances and restrictions contained in any and all prior deeds, grants and conveyances affecting the premises.

(c) Under and subject to the exception and reservations as contained in the deed recorded in Clearfield County, Pennsylvania in Deed Book Volume 255, page 300.

It is FURTHER ORDERED that the Defendants are forever barred from asserting any right, lien, title or interest in the land inconsistent with the interest of claim of the Plaintiff set forth in its Complaint, unless the Defendants take such action as the Order directs within Thirty (30) days thereafter. If such action is not taken within the thirty-day period, the Prothonotary on Praeceptum of the Plaintiff shall enter final judgment. Defendants shall file an Answer within thirty days of the date hereof or judgment will be entered in accordance with this Order.

BY THE COURT:


Judge

BELEN, KUBISTA & RYAN
ATTORNEYS AT LAW
111 NORTH BROAD STREET
PHILADELPHIA, PENNSYLVANIA 19102
215.591.1630

FILED

OCT 04 2006

William A. Shaw
Prothonotary/Clerk of Courts

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

K D LAND, LLC,

Plaintiff,

v.

RACHEL CROSS and WARREN CROSS
and the COMMISSIONERS OF
CLEARFIELD COUNTY, PENNSYLVANIA,
their respective heirs, personal representatives,
administrators, executors, successors and assigns,

Defendants.

No. 05-159-CD

PRAECIPE FOR
FINAL JUDGMENT

Filed on behalf of
Plaintiff

Counsel of Record for
this Party:

Kimberly M. Kubista

Pa. I.D. 52782
BELIN & KUBISTA
15 North Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED
NOV 06 2006

cc
Atty Kubista
(K)

William A. Shaw
Prothonotary/Clerk of Courts

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

K D LAND, LLC,

Plaintiff,

v.

RACHEL CROSS and WARREN CROSS
and the COMMISSIONERS OF
CLEARFIELD COUNTY, PENNSYLVANIA,
their respective heirs, personal representatives,
administrators, executors, successors and assigns,

Defendants.

No. 05-159-CD

PRAECIPE FOR FINAL JUDGMENT

TO: PROTHONOTARY, CLEARFIELD COUNTY

Please enter final judgment against Defendants Rachel Cross and Wareen Cross, their heirs, executors and assigns, in the above-captioned case for failure to comply with the Order of Court directing Defendants to file a responsive pleading within thirty (30) days from the entry of Order of judgment in favor of Plaintiff.

BELIN & KUBISTA

By: 

Kimberly M. Kubista
Attorney for Plaintiff

BELIN, KUBISTA & RYAN
ATTORNEYS AT LAW
15 NORTH FRONT STREET
PO BOX 16830
CLEARFIELD, PENNSYLVANIA 16830

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William A. Shaw
Prothonotary/Clerk of Courts