

05-201-CD

T. Robertson Sr. et al vs. R. Eighmy et al

RTINA EIGHMY, et al.

Tim Robertson et v. Robertina Eighmy et al  
2005-201-CD

## Civil Other

| Date       |  | Judge          |
|------------|--|----------------|
| 02/11/2005 | New Case Filed.  | No Judge       |
|            | ✓ Filing: Quiet Title Action Paid by: Belin, Carl A. Jr. (attorney for Robertson, Timothy) Receipt number: 1895700 Dated: 02/11/2005 Amount: \$95.00 (Check) 4 CC to Atty. 1 CC to Shff.   | No Judge       |
| 03/07/2005 | ✓ Certificate of Service, certified copy of Complaint to Robertina Eighmy, on Feb. 16th, 2005. Filed by s/ Carl A. Belin, Jr., Esquire. No CC  | No Judge       |
| 03/23/2005 | ✓ Sheriff Return, March 8, 2005 Complaint served to Alvin W. Gearhart, Def. So Answers Chester A. Hawkins, Sheriff, by s/ Marilyn Hamm   | No Judge       |
| 04/04/2005 | ✓ Affidavit Of Service, Notice of Default served on Defendant, Robertina Eighmy, on March 21, 2005. Filed by s/ Carl A. Belin, Jr., Esquire. No CC   | No Judge       |
| 04/07/2005 | ✓ Motion, filed by s/ Carl A. Belin, Jr., Esquire. 3CC Atty  | Paul E. Cherry |
|            | Order, AND NOW, this 7th day of April, 2005, it is the ORDER of the Court that title to said premises, is found to be in the Plaintiffs (see original). BY THE COURT: /s/ Paul E. Cherry, Judge. 4CC Atty. copy to C/A   | Paul E. Cherry |
|            | ✓ Motion For Publication, filed by s/ Carl A. Belin, Jr., Esquire. 1CC to Atty   | Paul E. Cherry |
|            | ✓ Affidavit, filed by s/ Carl A. Belin, Jr., Esquire. 1CC Atty   | Paul E. Cherry |
|            | ✓ AND NOW, this 7th day of April, 2005, upon consideration of the foregoing Motion, the Plaintiffs are granted leave to make service of the Complaint on the Defendants by publication (see original). BY THE COURT; /s/ Paul E. Cherry, Judge. 1CC Atty   | Paul E. Cherry |
| 04/12/2005 | ✓ Certificate of Service Copy. Certified Copy of Order, Motion, Sertificate of Service of the Complaint and Affidavit os Service of Default Notice on begalf of Plaintiffs was served via first class mail to Robertina Eighmy . Filed by Carl Belin Esq. No CC  | Paul E. Cherry |
| 05/12/2005 | ✓ Motion For Republication, filed by s/ Carl A. Belin, Jr., Esquire. No CC   | Paul E. Cherry |
| 05/13/2005 | Amended Order, AND NOW, this 12th day of May, 2005, upon consideration of the foregoing Motion, the plaintiffs are granted leave to make service of the Complaint on the Defendants by general publication not less than 30 days prior to June 23, 2005, the date set for the rescheduled hearing of said Complaint in Courtroom no. 2 at 2:30 p.m. BY THE COURT: /s/ Paul E. Cherry, Judge. 1CC Atty. Belin | Paul E. Cherry |
|            | ✓ Stipulation, entered into May 4, 2005 between Timothy B. Robertson, Sr., and Carolyn C. Robertson and Alvin W. Gearhart, signed by Carl A. Belin, Jr., Esquire, and Anthony S. Guido, Esquire. Filed by s/ Carl A. Belin, Jr., Esquire. 4CC Atty Belin   | Paul E. Cherry |
|            | ✓ Final Order, AND NOW, this 13th day of May, 2005, upon considering the foregoing Stipulation, the Court does hereby enter a Final Order as follows: (see original). BY THE COURT: /s/ Paul E. Cherry, Judge. 4CC Atty. Belin   | Paul E. Cherry |
|            | ✓ Praecipe For Final Judgment, in favor of the Plaintiffs and against the Defendant Robertina Eighmy to take action within 30 days as directed by the Order of Court entered April 7, 2005. Filed by s/ Carl A. Belin, Jr., Esquire. No CC   | Paul E. Cherry |
| 06/07/2005 | ✓ Affidavit of Service, Notice of the Quiet Title Action was served upon Defendants by publication on May 20, 2005. Filed by s/ Carl A. Belin, Jr., Esquire No CC  | Paul E. Cherry |

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

TIMOTHY B. ROBERTSON, SR., and :  
CAROLYN C. ROBERTSON, Husband and :  
Wife, :

Plaintiffs :

vs. :

ROBERTINA EIGHMY, ALVIN W. :  
GEARHART, ROBERT H. WILLIAMS, :  
HENRY WICK, CLARA WICK, FRANK :  
MORRISON, MARY E. MORRISON, :  
CHARLES H. McKEE, CLARA McKEE, :  
DONALD S. HOPKINS, MARGARETTA B. :  
HOPKINS, WILLIAM P. HOPKINS, their :  
heirs, executors, administrators :  
and assigns, :

Defendants :

No. 05 - 201 - C.D.

ACTION TO QUIET TITLE

COMPLAINT

Filed on behalf of  
Plaintiffs

Counsel of Record for  
this Party:

Carl A. Belin, Jr.  
Attorney-at-Law  
Pa. I.D. 06805

Belin & Kubista  
15 North Front Street  
P.O. Box 1  
Clearfield, PA 16830

(814) 765-8972

FILED

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400 to 400  
FEB 11 2005

William A. Shaw  
Prothonotary

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

TIMOTHY B. ROBERTSON, SR., and :  
CAROLYN C. ROBERTSON, Husband and :  
Wife, :  
Plaintiffs :  
vs. :  
No. 05 - - C.D.  
ACTION TO QUIET TITLE  
ROBERTINA EIGHMY, ALVIN W. :  
GEARHART, ROBERT H. WILLIAMS, :  
HENRY WICK, CLARA WICK, FRANK :  
MORRISON, MARY E. MORRISON, :  
CHARLES H. McKEE, CLARA McKEE, :  
DONALD S. HOPKINS, MARGARETTA B. :  
HOPKINS, WILLIAM P. HOPKINS, their :  
heirs, executors, administrators :  
and assigns, :  
Defendants :

**NOTICE**

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

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

COURT ADMINISTRATOR  
Clearfield County Courthouse  
1 North Second Street  
Clearfield, PA 16830  
(814) 765-2641 Ex 5982

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

|                                    |   |                       |
|------------------------------------|---|-----------------------|
| TIMOTHY B. ROBERTSON, SR., and     | : |                       |
| CAROLYN C. ROBERTSON, Husband and  | : |                       |
| Wife,                              | : |                       |
|                                    | : |                       |
| Plaintiffs                         | : |                       |
|                                    | : | No. 05 - - C.D.       |
| vs.                                | : |                       |
|                                    | : | ACTION TO QUIET TITLE |
| ROBERTINA EIGHMY, ALVIN W.         | : |                       |
| GEARHART, ROBERT H. WILLIAMS,      | : |                       |
| HENRY WICK, CLARA WICK, FRANK      | : |                       |
| MORRISON, MARY E. MORRISON,        | : |                       |
| CHARLES H. McKEE, CLARA McKEE,     | : |                       |
| DONALD S. HOPKINS, MARGARETTA B.   | : |                       |
| HOPKINS, WILLIAM P. HOPKINS, their | : |                       |
| heirs, executors, administrators   | : |                       |
| and assigns,                       | : |                       |
| Defendants                         | : |                       |

COMPLAINT

NOW COMES, the Plaintiffs, and by and through their attorneys Belin & Kubista, bring the following action in quiet title, and in support thereof, aver as follows:

1. That the Plaintiffs are Timothy B. Robertson, Sr. and Carolyn C. Robertson, husband and wife, of Sandy Township, Clearfield County, Pennsylvania, with a mailing address of 4822 Wayne Road, DuBois, Pennsylvania 15801 ("Robertsons").

2. The Defendants are: Robertina Eighmy, whose address is 10434 West Seven Mile Road, Northville, Michigan 48167; Alvin W. Gearhart, an individual whose address is 307

Treasure Lake, DuBois, Pennsylvania 15801; Robert H. Williams, whose last known address is Oak Ridge, Pennsylvania; Henry Wick, whose last known address is Buffalo, New York; Clara Wick, whose last known address is Buffalo, New York; Frank Morrison, whose last known address is Sharon, Pennsylvania; Mary E. Morrison, whose last known address is Sharon, Pennsylvania; Charles H. McKee, whose last known address is Pittsburgh, Pennsylvania; Clara McKee, whose last known address is Pittsburgh, Pennsylvania; Donald S. Hopkins, whose last known address is Spokane, Washington; Margaretta B. Hopkins, whose last known address is Spokane, Washington; and William P. Hopkins, whose last known address is Spokane, Washington.

PARCEL NO. 1

3. That the Plaintiffs are the owners of a Parcel No. 1 which is identified in the Clearfield County Tax Maps as Parcel Number 128-A3-14 and 123-A3-14.1, which are part of the same tract, which is located in Sandy Township, Clearfield County, Clearfield, Pennsylvania, more particularly bounded and described as follows ("the first premises"):

BEGINNING at a point in the North line of the estate of Thomas Wayne and at the southeast corner of E. Dixon's land, and running thence North six (06°) degrees East

along said Dixon's East line fifteen hundred and fifty-two (1552) feet to a post corner; thence along same land North eighty-five (85°) degrees fifteen (15') minutes West thirteen hundred and fifty-six (1356) feet to a post corner in the Jefferson and Clearfield County line; thence by said County line North four (04°) degrees thirty (30') minutes East nine hundred and two (902) feet to a post; thence North eighty-seven (87°) degrees East along lands of the Falls Creek Mining Company sixteen hundred and fifty (1650) feet to a post corner; thence by the same land and land of A. C. Hopkins North five (05°) degrees East twenty-nine hundred (2900) feet to a post at corner of land conveyed by A. Bell to J. E. Long; thence by said land South thirty-nine (39°) degrees East, twenty-three hundred and twenty (2320) feet to a post corner; thence by same land South fifty-one (51°) degrees West, one hundred and ninety-eight (198) feet to a post corner; thence by same land South thirty-nine (39°) degrees East, eighteen hundred and sixty (1860) feet to a post corner in the North line of J. Reisinger's 50 acre tract; thence along said tract North eighty-six (86°) degrees thirty (30') minutes West four hundred and thirty (430) feet to a post corner of said J. Reisinger's tract; thence by said tract South thirty-three (33°) degrees West twenty-seven hundred and eighty (2780) feet to a post in the North line of land of the estate of Thomas Wayne; thence along said Wayne land North eighty-five (85°) degrees thirty (30') minutes West thirteen hundred and twenty (1320) feet to the place of beginning. Containing two hundred thirty-nine (239) acres, be the same more or less. Being a part of Warrant No. 5891 surveyed November 30, 1805.

The above premises are conveyed subject to a right of way granted by Alfred George Lewis to H. W. Reay on June 13, 1934, over property known as the "Patch" of the Old Road to the Rochester Mine.

4. That the Robertsons acquired the **first premises** by a deed from Olive L. Robertson and Roberta G. Robertson, dated September 14, 1999, and recorded in the Office of the Recorder of Deeds of Clearfield County in Instrument Number 199917497.

5. That Olive L. Robertson and Roberta G. Robertson acquired the **first premises** as joint tenants with right of survivorship by the Last Will and Testament of Harry E. Robertson recorded in the Clearfield County Register of Wills Office in Will Book 30, page 26. The said Harry E. Robertson died on April 18, 1976.

6. That Harry E. Robertson acquired the **first premises** by deed of Agnes B. Lewis, Alfred G. Lewis, Jr. and W. Horace Rogers, Executors of the Estate of Alfred George Lewis, dated June 21, 1946, and recorded in the Office of the Recorder of Deeds of Clearfield County in Deed Book 376, page 311.

7. That said deed did not contain any reservations except for the right of way granted by Alfred George Lewis to H. W. Reay referred to in the description of the **first premises**.



8. That Alfred G. Lewis acquired the **first premises** by deed of Katherine B. Lewis dated January 20, 1911, and recorded in the Office of the Recorder of Deeds of Clearfield County in Deed Book 183, page 517. Said deed conveyed the surface and coal (except the coal known as the "Mahoning seam") for the **first premises**.

9. That Katherine B. Lewis acquired the **first premises** by a deed from Alfred G. Lewis date the "\_\_\_\_ day" of May, 1905, and recorded in the Office of the Recorder of Deeds of Clearfield County in Deed Book 148, page 355. Said deed conveyed the surface and coal (except the coal known as the "Mahoning seam") for the **first premises**.

10. That Alfred G. Lewis acquired the premises from Katherine B. Lewis as Executrix for Alfred Bell estate dated October 31, 1901, and recorded in the Office of the Recorder of Deeds of Clearfield County in Deed Book 119, page 471. Said deed conveyed the surface and coal (except the coal known as the "Mahoning seam") for the **first premises**.

11. That while there was also an exception of coal and other minerals in the foregoing deed for coal and other minerals that may have been conveyed to other owners by Alfred Bell in his lifetime, or by Katherine Lewis as Executrix of the Alfred Bell Estate, a review of all conveyances of Alfred Bell

and his Executrix indicates that no such coal was conveyed under the **first premises** in any of the conveyances.

12. That Alfred Bell acquired the **first premises** from Martin B. Young and Martha Young, his wife, by deed dated March 10, 1864, and recorded in the Office of the Recorder of Deeds of Clearfield County in Deed Book Y, page 208.

13. That after acquiring the premises in 1911, Alfred George Lewis had all the coal and other minerals assessed as 1094 Acres of mineral rights which would have included the coal underlying the **first premises** which coal and minerals were sold for taxes in the year 1963 to Don Eighmy and Robertina Eighmy, his wife, by Treasurer's Deed dated September 3, 1965, and recorded in the Office of the Recorder of Deeds in Deed Book 577, page 563.

14. That said Treasurer's deed to Don Eighmy and Robertina Eighmy did not convey any title to the coal underlying the **first premises** as said coal had already been conveyed by the Executors of Albert George Lewis to Harry E. Robertson in 1946 as set forth in Paragraph 6 of this complaint which is hereby incorporated by reference and made a part hereof and therefore was not a part of the mineral assessment sold to the Don and Robertina Eighmy by the Treasurer's Deed.

15. That Don Eighmy died on April 1, 1999, and Robertina Eighmy became the sole owner as surviving tenant by the entirety.

16. That the Mahoning seam of coal, which was reserved in the deed to Alfred G. Lewis by Katherine B. Lewis as Executrix of the Estate of Alfred Bell referred to Paragraph 10 hereinbefore, was sold to the Jefferson and Clearfield Coal and Iron Company by a deed from Katherine B. Lewis as Executrix of the Estate of Alfred Bell dated October 31, 1901, and recorded in the Office of the Recorder of Deeds of Clearfield County in Deed Book 119, page 484.

17. That by various and sundry deeds not of record or by corporate succession the title to said Mahoning seam of coal vested in Jefferson and Clearfield Coal and Iron Company became vested in the Rochester & Pittsburgh Coal Company.

18. That the Rochester & Pittsburgh Coal Company purported to convey title to all the coal underlying the **first premises** by deed dated December 13, 2000, and recorded in the Office of the Recorder of Deeds of Clearfield County to Instrument No. 200307332 to Alvin W. Gearhart, but said deed, in fact, only conveyed title to the Mahoning Seam of coal as set forth in the deed set forth in the recital of title to

Gearhart which is the same deed referred to in Paragraph 16 hereof.

19. That the purpose of this quiet title action is to establish that the Robertsons have title to the surface and all coal seams except the Mahoning seam of coal in the **first premises.**

20. That the Robertsons, Robertina Eighmy, and Alvin W. Gearhart are the only parties who have an interest in the surface and coal and other minerals in the **first premises.**

**PARCEL NO. 2**

21. That the Robertsons are the owners of a tract of land identified in the Clearfield County Tax Maps as 128-A3-15 and 128-A3-15.1, which are part of the same tract, which is located in Sandy Township, Clearfield County, Clearfield, Pennsylvania, more particularly bounded and described as follows ("**the second premises**"):

BEGINNING at a hemlock, an original corner, and being the Northeast corner of the land hereby conveyed; thence South one (01°) degree East one hundred four and five tenths (104.5) perches to a pine; thence South eighty-three (83°) degrees West one hundred ten (110) perches to a post on the line dividing the Counties of Clearfield and Jefferson; thence by said County line North one (01°) degree eight (08') minutes East one hundred eight and seven tenths (108.7) perches to an ash corner; thence

North eighty-five (85°) degrees East one hundred five and six tenths (105.6) perches to the place of beginning. Containing 71.4 acres, be the same more or less.

EXCEPTING AND RESERVING unto The Bell Telephone Company a right of way or easement upon, across, over and/or under the land to construct, reconstruct, operate and maintain lines of telephone and telegraph, consisting of such poles, wires, and other fixtures and appurtenances as may be required; together with the right of ingress, egress and regress at all times and such other rights as were granted unto The Bell Telephone Company by agreement of Frederick C. Harriman and wife dated March 7, 1939, and recorded in Miscellaneous Book 52, page 392.

22. That the Robertsons acquired the **second premises** by a deed from Olive L. Robertson and Roberta G. Robertson, dated September 14, 1999, and recorded in the Office of the Recorder of Deeds of Clearfield County in Instrument Number 199917497.

23. That Olive L. Robertson and Roberta G. Robertson acquired the **second premises** as joint tenants with right of survivorship by the Last Will and Testament of Harry E. Robertson recorded in the Clearfield County Register of Wills Office in Will Book 30, page 26. The said Harry E. Robertson died on April 18, 1976.

24. That Harry E. Robertson and Tom A. Robertson acquired the **second premises** by deed of Frederick C. Harriman, dated April 2, 1947, and recorded in the Office of the Recorder of Deeds in Deed Book 382, page 539.

25. That Tom A. Robertson died on November 4, 1968 and by virtue of his Last Will and Testament recorded in the Office of the Register of Wills of Clearfield County in Will Book 14, page 226, devised the premises to Harry E. Robertson. That as a result, the title to the **second premises** was vested in Harry E. Robertson.

26. That Frederick C. Harriman acquired the **second premises** by virtue of a deed from George H. Lewis, Katherine B. Lewis, his wife, and Frederick Bell, dated June 10, 1896, and recorded in the Office of the Recorder of Deeds of Clearfield County in Deed Book 96, page 1. That said deed did not have any reservation of coal and other minerals.

27. That Frederick A. Bell and George H. Lewis acquired the **second premises** by deed of S. B. Elliott, Trustee of the Falls Creek Mining Company, dated June 3, 1896, and recorded in the Office of the Recorder of Deeds of Clearfield County in Deed Book 94, page 273. That said deed conveyed the **second premises** without any reservation of any coal or minerals.

28. That Falls Creek Mining Company acquired the **second premises** by deed of Robert H. Williams et al. dated November 19, 1889, and recorded in the Office of the Recorder of Deeds of Clearfield County in Deed Book 54, page 489. That said deed did not have any reservation of coal and other minerals.

29. That following the acquisition of the property by George H. Lewis in 1896, it is believed and averred his title by sundry conveyances became vested in Alfred H. Lewis by inheritance which Alfred George Lewis included in the assessment of 1094 acres of the coal and other minerals which included the coal and other minerals under the **second premises**, and which coal and minerals were sold for taxes in the year 1963 to Don Eighmy and Robertina Eighmy by Treasurer's Deed dated September 3, 1965, and recorded in the Office of the Recorder of Deeds in Deed Book 577, page 563.

30. That said Treasurer's deed did not convey any title to the coal underlying the **second premises** as said coal had already been conveyed by George H. Lewis and Frederick Bell to the Robertsons' predecessor in title as set forth in Paragraph 26 of this complaint which is hereby incorporated by reference and made a part hereof and therefore was not a part

of the mineral assessment sold to the Don and Robertina Eighmy by the Treasurer's Deed.

31. That Don Eighmy died on April 1, 1999, and Robertina Eighmy became the sole owner as surviving tenant by the entirety.

32. That the only parties having an interest in the surface and coal are the Plaintiffs, Timothy B Robertson, Sr., and Carolyn C. Robertson, and the Defendant Robertina Eighmy.

33. That one of the purposes of the quiet title is to establish that title to the surface and coal in the **second premises** is vested in Plaintiffs, Timothy B. Robertson, Sr. and Carolyn C. Robertson, and that Defendant Robertina Eighmy has no interest in the coal underlying the **second premises**.

**"30,000 Square Foot Reservation"**

34. That the **second premises** also includes the following tract of land, which is identified in Clearfield County Tax Maps as 128-A3-15 as .69 acres:

"ALL that lot or piece of land, same being bounded and described as follows: Beginning at an ash corner on the northwest corner of the land herein described and on the line dividing the counties of Clearfield and Jefferson; thence by the northern line of the said land herein conveyed North eighty-five (85°) degrees East seven hundred and twenty (720) feet to a point, the said point being the northwest corner of the lot hereby reserved; thence



from said point North eighty-five (85°) degrees East two hundred (200) feet to a point; thence South five (05°) degrees East one hundred and fifty (150) feet to a point; thence South eighty-five (85°) degrees West two hundred (200) feet to a point; thence North five (05°) degrees West one hundred and fifty (150) feet to the place of beginning. Containing thirty thousand (30,000) square feet more or less."

**"the reservation."**

35. That all the deeds in the Robertson chain of title refer to **the reservation** in the description of the **second premises**.

36. That the deed from Robert H. Williams, Henry Wick, Clara Wick, Frank Morrison and Mary E. Morrison to the Falls Creek Mining Company dated November 19, 1889, was the first deed in which the **reservation** to those grantors originally appears.

37. That no deeds from the grantors Robert H. Williams, Henry Wick, Clara Wick, his wife, Frank Morrison and Mary E. Morrison, to any third party were found of said **reservation** in the Clearfield County deed indices from November 19, 1889, to the present.

38. That no assessment of the **reservation** in the names of Robert H. Williams, Henry Wick, Clara Wick, Frank

Morrison and Mary E. Morrison, were found of the **reservation** in the Clearfield County Tax records from November 19, 1889, to the present.

39. That no use or occupation of the land comprising the reservation was ever made by the grantors Robert H. Williams, Henry Wick, Clara Wick, Frank Morrison and Mary E. Morrison, following the creation of the **reservation** in the 1889 deed to the Falls Creek Mining Company

40. That Timothy B. Robertson, Sr., and Carolyn C. Robertson, and their predecessors in title, obtained title to the **reservation** by adverse possession which was open, continuous, visible, notorious, exclusive, and hostile as a result of their exclusive occupation of the land for a period in excess of twenty-one (21) years.

41. That one of the purposes of this quiet title action is to establish that the Plaintiffs Timothy B. Robertson, Sr., and Carolyn C. Robertson, are the owners of the **reservation** by adverse possession.

42. That Timothy B. Robertson, Sr., and Carolyn C. Robertson, and Robert H. Williams, Henry Wick, Clara Wick, Frank Morrison and Mary E. Morrison, are the only parties who have an interest in said **reservation**.

PARCEL NO. 3

43. That the Robertsons are the owners of a tract of land identified in the Clearfield County Tax Maps as 128-A2-31, 128-A2-32, 128-A2-34, and 128-A2-38, which are part of the same tract, which is located in Sandy Township, Clearfield County, Clearfield, Pennsylvania, more particularly bounded and described as follows ("the third premises"):

BOUNDED on the North by lands now or formerly of Falls Creek Borough and the Baum-Mason Tract; on the East by lands now or formerly constituting Tract 2009; on the South by lands now or formerly of W. A. Bell and the DuBois Land and Improvement Company; and on the West by lands now or formerly of the R. F. and C. Railroad Company. Being known as Warrant No. 13 in and within Sandy Township.

44. That the Robertsons acquired the **third premises** by a deed from Olive L. Robertson and Roberta G. Robertson, dated September 14, 1999, and recorded in the Office of the Recorder of Deeds of Clearfield County in Instrument Number 199917497.

45. That Olive L. Robertson and Roberta G. Robertson acquired the **third premises** as joint tenants with right of survivorship by the Last Will and Testament of Harry E. Robertson recorded in the Clearfield County Register of Wills

Office in Will Book 30, page 26. The said Harry E. Robertson died on April 18, 1976.

46. That Harry E. Robertson acquired title to the **third premises** by deed of David Robertson and Ruth M. Robertson, his wife, dated November 29, 1957, and recorded in the Office of the Recorder of Deeds of Clearfield County in Deed Book 464, page 128.

47. That David Robertson acquired title to the **third premises** by virtue of a Treasurer's Deed of a certain piece of land assessed in the name of Donald S. Hopkins, William P. Hopkins, and Clara A. McKee Estate, dated April 24, 1950, and recorded in the Office of the Recorder of Deeds of Clearfield County in Deed Book 434, page 395.

48. That one of the purposes of this quiet title action is to extinguish any interest that Donald S. Hopkins, William P. Hopkins, and Clara A. McKee Estate, their heirs and assigns, may have had in and to said **third premises** due to lack of notice or any other defect in the tax sale referred to in Paragraph 47 of the complaint which is incorporated herein by reference and made a part hereof, and to extinguish any interest or equity that Donald S. Hopkins, William P. Hopkins, and Clara A. McKee Estate, their heirs and assigns, may have had in the premises following said tax sale.

49. That Harry E. Robertson also acquired title to the **third premises** by virtue of a deed from Donald S. Hopkins and Margaretta B. Hopkins, his wife, and Florence B. Hopkins, as Trustees of the Estate of William P. Hopkins, and the Fidelity Trust Company, Trustee of the Estate of Clara A. McKee, dated December 20, 1956, and recorded in the Office of the Recorder of Deeds of Clearfield County in Deed Book 461, page 26.

50. That the deed referred to in Paragraph 49 contained an exception and reservation of all the "gas, oil, coal and other minerals . . . as may have been reserved unto the Grantors in deeds and conveyances prior to the Clearfield Treasurer's tax sale to said Grantee on November 21, 1949."

51. That a search of the Clearfield County Deed indices did not find any reservations to the Grantors of coal, gas, oil, or other minerals under the **third premises** prior to the tax deed dated November 2, 1949.

52. That the Clara McKee estate is presumed to be the wife of Charles H. McKee who acquired a one-fourth (1/4<sup>th</sup>) interest in the **third premises** by deed of Albert C. Hopkins and Matilda G. Hopkins dated July 25, 1903, and recorded in the Office of the Recorder of Deeds of Clearfield County in Deed Book 172, page 299.

53. That William P. Hopkins and Donald S. Hopkins became the owners of a three-fourths ( $3/4^{\text{th}}$ ) interest in the **third premises** by deed from William P. Hopkins and Isaac A. Shaffer, Jr., Trustees of the Estate of Albert C. Hopkins, dated June 9, 1931, and recorded in the Office of the Recorder of Deeds of Clearfield County in Deed Book 299, page 457.

54. That Albert C. Hopkins acquired title to the **third premises** by deeds of Leir Bird Duff, dated May 11, 1889, and recorded in the Office of the Recorder of Deeds of Clearfield County in Deed Book 51, page 225, and by deed dated May 12, 1889, recorded in the Office of the Recorder of Deeds of Clearfield County in Deed Book 51, page 231.

55. That it is one of the purposes of this quiet title to establish that Charles H. McKee, Clara McKee, Donald S. Hopkins, Margaretta B. Hopkins, and William P. Hopkins, their heirs, executors, administrators and assigns, conveyed all their interest to the Robertsons in the **third premises** by the foregoing deeds and that they have no interest in the **third premises**.

56. That the Robertsons, and Charles H. McKee, Clara McKee, Donald S. Hopkins, Margaretta B. Hopkins, and William P. Hopkins, their heirs, executors, administrators and assigns,

are the only persons or entities known to the Plaintiffs who have an interest in the **third premises**.

WHEREFORE, Plaintiffs demand judgment:

(a) that they are the owners of the **first premises** and have title to the surface and all coal and other minerals except for the Mahoning seam of coal;

(b) that they are the owners of the surface and the coal, and all other minerals, of the **second premises**;


(c) that they are the owners of the surface and the coal and all other minerals under the **third premises**;

(d) that the Defendants referred to in Paragraphs 20, 32, 42, and 56 are hereby directed to bring an action in ejectment within thirty (30) days from the entry of the order pursuant to Pa. R.C.P. 1066(b)(1) or be forever barred from asserting a claim to the **first, second, or third premises**; and

(e) such other relief as the Court deems proper.

Respectfully Submitted,

BELIN & KUBISTA

By   
Carl A. Belin, Jr., Esq.

COMMONWEALTH OF PENNSYLVANIA

:

SS.

:

COUNTY OF CLEARFIELD

Before me the undersigned officer, personally appeared  
**TIMOTHY B. ROBERTSON, SR.**, and **CAROLYN C. ROBERTSON**, who being  
duly sworn according to law, depose and say that the facts set  
forth in the foregoing Complaint are true and correct to the  
best of their knowledge, information and belief.

*Timothy B. Robertson Sr.*  
**Timothy B. Robertson, Sr.**

*Carolyn C. Robertson*  
**Carolyn C. Robertson**

Sworn and subscribed before me this 10<sup>th</sup> day of

February, 2005.

*Susan M. Hartzfeld*  
Notary Public

NOTARIAL SEAL  
SUSAN M. HARTZFELD, NOTARY PUBLIC  
CLEARFIELD BORO., CLEARFIELD COUNTY  
MY COMMISSION EXPIRES AUGUST 16, 2005



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

---

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

TIMOTHY B. ROBERTSON, SR., and  
CAROLYN C. ROBERTSON, Husband and  
Wife,

Plaintiffs

vs.

ROBERTINA EIGHMY, ALVIN W.  
GEARHART, ROBERT H. WILLIAMS,  
HENRY WICK, CLARA WICK, FRANK  
MORRISON, MARY E. MORRISON,  
CHARLES H. MCKEE, CLARA MCKEE,  
DONALD S. HOPKINS, MARGARETTA B.  
HOPKINS, WILLIAM P. HOPKINS, their  
heirs, executors, administrators  
and assigns,

Defendants

No. 05 - 201 - C.D.

ACTION TO QUIET TITLE

MOTION

Filed on behalf of  
Plaintiffs

Counsel of Record for  
This Party:  
Carl A. Belin, Jr., Esq.  
Pa. I.D. #06805

BELIN & KUBISTA  
15 North Front Street  
P.O. Box 1  
Clearfield, PA 16830

(814) 765-8972

FILED 3cc  
013:15 PM Ally  
APR 07 2005

William A. Shaw  
Prothonotary/Clerk of Courts

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

TIMOTHY B. ROBERTSON, SR., and :  
CAROLYN C. ROBERTSON, Husband and :  
Wife, :

Plaintiffs :

vs. :

No. 05 - 201 - C.D.

ACTION TO QUIET TITLE

ROBERTINA EIGHMY, ALVIN W. :  
GEARHART, ROBERT H. WILLIAMS, :  
HENRY WICK, CLARA WICK, FRANK :  
MORRISON, MARY E. MORRISON, :  
CHARLES H. MCKEE, CLARA MCKEE, :  
DONALD S. HOPKINS, MARGARETTA B. :  
HOPKINS, WILLIAM P. HOPKINS, their :  
heirs, executors, administrators :  
and assigns, :

Defendants :

MOTION

AND NOW, comes Plaintiffs, by their attorneys, Belin &  
Kubista, and file the following motion:

1. That a complaint was filed in the above-captioned matter on February 11, 2005.
2. That service was made by certified mail, return receipt requested on Defendant, Robertina Eighmy, on February 16, 2005.
3. That no answer has been filed and on March 21, 2005, counsel for Plaintiffs served upon Defendant Robertina Eighmy a notice of default by regular mail.
4. That no answer has been filed since the notice of

default and counsel seeks an order of the Court that Plaintiffs are determined to be the owners of the premises set forth in the Complaint and that unless Defendant Robertina Eighmy files a responsive pleading or institutes an action in ejectment against Plaintiffs within thirty (30) days Plaintiffs may file judgment in the above-captioned action against Defendant, Robertina Eighmy.

AND they will ever pray.

BELIN & KUBISTA

---

Carl A. Belin, Sr., Esquire

**BELIN & KUBISTA**

ATTORNEYS AT LAW

15 NORTH FRONT STREET

P. O. BOX 1

CLEARFIELD, PENNSYLVANIA 16830

---

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

TIMOTHY B. ROBERTSON, SR., and  
CAROLYN C. ROBERTSON, Husband and  
Wife,

Plaintiffs

vs.

ROBERTINA EIGHMY, ALVIN W.  
GEARHART, ROBERT H. WILLIAMS,  
HENRY WICK, CLARA WICK, FRANK  
MORRISON, MARY E. MORRISON,  
CHARLES H. MCKEE, CLARA MCKEE,  
DONALD S. HOPKINS, MARGARETTA B.  
HOPKINS, WILLIAM P. HOPKINS, their  
heirs, executors, administrators  
and assigns,

Defendants

No. 05 - 201 - C.D.

ACTION TO QUIET TITLE

CERTIFICATE OF SERVICE

Filed on behalf of  
Plaintiffs

Counsel of Record for  
this Party:

Carl A. Belin, Jr.  
Attorney-at-Law  
Pa. I.D. 06805

Belin & Kubista  
15 North Front Street  
P.O. Box 1  
Clearfield, PA 16830

(814) 765-8972

FILED

MAR 07 2005  
e/2:10/urs  
William A. Shaw  
Prothonotary/Clerk of Courts  
no C/C

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

TIMOTHY B. ROBERTSON, SR., and  
CAROLYN C. ROBERTSON, Husband and  
Wife,

Plaintiffs

vs.

ROBERTINA EIGHMY, ALVIN W.  
GEARHART, ROBERT H. WILLIAMS,  
HENRY WICK, CLARA WICK, FRANK  
MORRISON, MARY E. MORRISON,  
CHARLES H. MCKEE, CLARA MCKEE,  
DONALD S. HOPKINS, MARGARETTA B.  
HOPKINS, WILLIAM P. HOPKINS, their  
heirs, executors, administrators  
and assigns,

Defendants

No. 05 - 201 - C.D.

ACTION TO QUIET TITLE

CERTIFICATE OF SERVICE

This is to certify that the undersigned has sent a  
certified copy of the Complaint on behalf of the Plaintiffs in  
the above-captioned matter to the following party by postage  
prepaid United States certified mail, return receipt requested,  
on the 16th day of February, 2005, said receipt being attached  
hereto:

Robertina Eighmy  
10434 W. Seven Mile Road  
Northville, MI 48167

BELIN & KUBISTA

By 

Carl A. Belin, Jr., Esquire  
Attorney for Plaintiffs



| Robertson v.   |   |
|--|---|
| SENDER: COMPLETE THIS SECTION  | COMPLETE THIS SECTION ON DELIVERY   |
| <p><input type="checkbox"/> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p><input type="checkbox"/> Print your name and address on the reverse so that we can return the card to you.</p> <p><input type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p>Ms. Robertina Eighmy<br/>10434 W. Seven Mile Road<br/>Northville, MI 48167</p> | <p>A. Signature<br/> <input checked="" type="checkbox"/> <i>Richard Ambrose</i> <input type="checkbox"/> Agent<br/> <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>2/16/05</i> C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes<br/> <input checked="" type="checkbox"/> NO, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type<br/> <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail<br/> <input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p> |
| <p>2. Article Number<br/>(Transfer from service label)</p>   | <p>7001 2510 0002 6639 6521</p>   |
| <p>PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540</p>  |   |

**BELIN & KUBISTA**

ATTORNEYS AT LAW

15 NORTH FRONT STREET

P. O. BOX 1

CLEARFIELD, PENNSYLVANIA 16830

---

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100220  
NO: 05-201-CD  
SERVICE # 1 OF 1  
COMPLAINT ACTION TO QUIET TITLE

PLAINTIFF: TIMOTHY B. ROBERTSON, SR. & CAROLYN C. ROBERTSON  
vs.  
DEFENDANT: ROBERTINA EIGHMY et al

SHERIFF RETURN

NOW, March 08, 2005 AT 2:35 PM SERVED THE WITHIN COMPLAINT ACTION TO QUIET TITLE ON ALVIN W. GEARHART DEFENDANT AT 307 TREASURE LAKE, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO DORLOSES GEARHART, WIFE A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT ACTION TO QUIET TITLE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DEHAVEN / COUDRIET

FILED  
019:04/BN  
MAR 23 2005

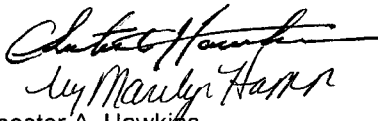
William A. Shaw  
Prothonotary/Clerk of Courts

| PURPOSE         | VENDOR | CHECK # | AMOUNT |
|-----------------|--------|---------|--------|
| SURCHARGE       | BELIN  | 18822   | 10.00  |
| SHERIFF HAWKINS | BELIN  | 18822   | 79.93  |

Sworn to Before Me This

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

So Answers,

  
Chester A. Hawkins  
Sheriff

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

TIMOTHY B. ROBERTSON, SR., and :  
CAROLYN C. ROBERTSON, Husband and :  
Wife, :

Plaintiffs :

vs. :

ROBERTINA EIGHMY, ALVIN W. :  
GEARHART, ROBERT H. WILLIAMS, :  
HENRY WICK, CLARA WICK, FRANK :  
MORRISON, MARY E. MORRISON, :  
CHARLES H. McKEE, CLARA McKEE, :  
DONALD S. HOPKINS, MARGARETTA B. :  
HOPKINS, WILLIAM P. HOPKINS, their :  
heirs, executors, administrators :  
and assigns, :

Defendants :

No. 05 - 201 - C.D.

ACTION TO QUIET TITLE

AFFIDAVIT

Filed on behalf of  
Plaintiffs

Counsel of Record for  
this Party:

Carl A. Belin, Jr.  
Attorney-at-Law  
Pa. I.D. 06805

Belin & Kubista  
15 North Front Street  
P.O. Box 1  
Clearfield, PA 16830

(814) 765-8972

FILED<sup>NO</sup>  
0/3:4781 CC  
APR 04 2005 @

William A. Shaw  
Prothonotary/Clerk of Courts

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

TIMOTHY B. ROBERTSON, SR., and  
CAROLYN C. ROBERTSON, Husband and  
Wife,

Plaintiffs

vs.

No. 05 - 201 - C.D.

ACTION TO QUIET TITLE

ROBERTINA EIGHMY, ALVIN W.  
GEARHART, ROBERT H. WILLIAMS,  
HENRY WICK, CLARA WICK, FRANK  
MORRISON, MARY E. MORRISON,  
CHARLES H. MCKEE, CLARA MCKEE,  
DONALD S. HOPKINS, MARGARETTA B.  
HOPKINS, WILLIAM P. HOPKINS, their  
heirs, executors, administrators  
and assigns,

Defendants

AFFIDAVIT OF SERVICE

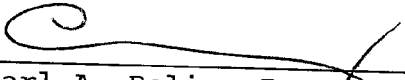
COMMONWEALTH OF PENNSYLVANIA

COUNTY OF CLEARFIELD

SS.

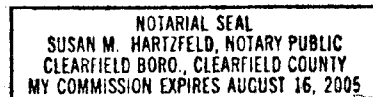
CARL A. BELIN, JR., attorney for the above-named  
Plaintiffs, being duly sworn according to law, deposes and says  
that the attached Notice of Default was served on Defendant,  
Robertina Eighmy, on March 21, 2005, by United States first  
class mail, and that no answer or other pleading was filed by

said Defendant, Robertina Eighmy, in response thereto.

  
Carl A. Belin, Jr., Esq.

SWORN AND SUBSCRIBED before me this 1<sup>st</sup> day of April, 2005.

  
Notary Public



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

TIMOTHY B. ROBERTSON, SR., and :  
CAROLYN C. ROBERTSON, Husband and :  
Wife, :

Plaintiffs :

vs. :

No. 05 - 201 - C.D.

ROBERTINA EIGHMY, ALVIN W. :  
GEARHART, ROBERT H. WILLIAMS, :  
HENRY WICK, CLARA WICK, FRANK :  
MORRISON, MARY E. MORRISON, :  
CHARLES H. MCKEE, CLARA MCKEE, :  
DONALD S. HOPKINS, MARGARETTA B. :  
HOPKINS, WILLIAM P. HOPKINS, their :  
heirs, executors, administrators :  
and assigns, :

Defendants :

ACTION TO QUIET TITLE

NOTICE

To: **Robertina Eighmy**  
10434 W. Seven Mile Road  
Northville, MI 48167


DATE: **March 21, 2005**

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO TAKE ACTION  
REQUIRED OF YOU IN THIS CASE. UNLESS YOU ACT WITHIN TEN (10)  
DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED  
AGAINST YOU WITHOUT 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 Ex. 5982

BELIN & KUBISTA

By

  
Carl A. Belin, Jr., Esquire



**BELIN & KUBISTA**

ATTORNEYS AT LAW

15 NORTH FRONT STREET

P. O. BOX 1

CLEARFIELD, PENNSYLVANIA 16830

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

TIMOTHY B. ROBERTSON, SR., and  
CAROLYN C. ROBERTSON, Husband and  
Wife,

Plaintiffs

vs.

ROBERTINA EIGHMY, ALVIN W.  
GEARHART, ROBERT H. WILLIAMS,  
HENRY WICK, CLARA WICK, FRANK  
MORRISON, MARY E. MORRISON,  
CHARLES H. MCKEE, CLARA MCKEE,  
DONALD S. HOPKINS, MARGARETTA B.  
HOPKINS, WILLIAM P. HOPKINS, their  
heirs, executors, administrators  
and assigns,

Defendants

No. 05 - 201 - C.D.

ACTION TO QUIET TITLE

ORDER

Filed on behalf of  
Plaintiffs

Counsel of Record for  
this Party:

Carl A. Belin, Jr.  
Attorney-at-Law  
Pa. I.D. 06805

Belin & Kubista  
15 North Front Street  
P.O. Box 1  
Clearfield, PA 16830

(814) 765-8972

FILED

01/3/15/01  
APR 07 2005

William A. Shaw  
Prothonotary/Clerk of Courts

4cc  
Amy  
Copy to CIA

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

TIMOTHY B. ROBERTSON, SR., and  
CAROLYN C. ROBERTSON, Husband and  
Wife,

Plaintiffs

vs.

ROBERTINA EIGHMY, ALVIN W.  
GEARHART, ROBERT H. WILLIAMS,  
HENRY WICK, CLARA WICK, FRANK  
MORRISON, MARY E. MORRISON,  
CHARLES H. MCKEE, CLARA MCKEE,  
DONALD S. HOPKINS, MARGARETTA B.  
HOPKINS, WILLIAM P. HOPKINS, their  
heirs, executors, administrators  
and assigns,

Defendants

No. 05 - 201 - C.D.

ACTION TO QUIET TITLE

ORDER

AND NOW, this 7<sup>th</sup> day of April, 2005,  
service having been made of the Complaint with Notice to Defend  
on Defendant, Robertina Eighmy, by certified mail, return  
receipt requested, and an Affidavit of Service of Notice of  
Default having been served on Defendant, Robertina Eighmy, and  
no responsive pleading having been failed by said Defendant,  
Robertina Eighmy, the Defendant, Robertina Eighmy having not  
appeared in person or by attorney, upon motion of Carl A.  
Belin, Jr., Attorney for Plaintiffs, it is the ORDER of this

Court that title to said premises, is found to be in the Plaintiffs and that they be allowed to enjoy said property in peace. Said property consisting of premises identified in the Clearfield County Tax Maps as Parcel Numbers 128-A3-14 and 123-A3-14.1M, said property consisting of the surface, coal (except the Mahoning seam of coal), and all other minerals, which are part of the same tract, which is located in Sandy Township, Clearfield County, Clearfield, Pennsylvania, more particularly bounded and described as follows ("the first premises"):

BEGINNING at a point in the North line of the estate of Thomas Wayne and at the southeast corner of E. Dixon's land, and running thence North six (06°) degrees East along said Dixon's East line fifteen hundred and fifty-two (1552) feet to a post corner; thence along same land North eighty-five (85°) degrees fifteen (15') minutes West thirteen hundred and fifty-six (1356) feet to a post corner in the Jefferson and Clearfield County line; thence by said County line North four (04°) degrees thirty (30') minutes East nine hundred and two (902) feet to a post; thence North eighty-seven (87°) degrees East along lands of the Falls Creek Mining Company sixteen hundred and fifty (1650) feet to a post corner; thence by the same land and land of A. C. Hopkins North five (05°) degrees East twenty-nine hundred (2900) feet to a post at corner of land conveyed by A. Bell to J. E. Long; thence by said land South thirty-nine (39°) degrees East, twenty-three hundred and twenty (2320) feet to a post corner; thence by same land South fifty-one (51°)

degrees West, one hundred and ninety-eight (198) feet to a post corner; thence by same land South thirty-nine (39°) degrees East, eighteen hundred and sixty (1860) feet to a post corner in the North line of J. Reisinger's 50 acre tract; thence along said tract North eighty-six (86°) degrees thirty (30') minutes West four hundred and thirty (430) feet to a post corner of said J. Reisinger's tract; thence by said tract South thirty-three (33°) degrees West twenty-seven hundred and eighty (2780) feet to a post in the North line of land of the estate of Thomas Wayne; thence along said Wayne land North eighty-five (85°) degrees thirty (30') minutes West thirteen hundred and twenty (1320) feet to the place of beginning. Containing two hundred thirty-nine (239) acres, be the same more or less. Being a part of Warrant No. 5891 surveyed November 30, 1805.

The above premises are conveyed subject to a right of way granted by Alfred George Lewis to H. W. Reay on June 13, 1934, over property known as the "Patch" of the Old Road to the Rochester Mine.

And property consisting of premises identified in the Clearfield County Tax Maps as Parcel Numbers 128-A3-15 and 128-A3-15.1M, which are part of the same tract, consisting of the surface and coal, which is located in Sandy Township, Clearfield County, Clearfield, Pennsylvania, more particularly bounded and described as follows ("the second premises"):

BEGINNING at a hemlock, an original corner, and being the Northeast corner of the land hereby conveyed; thence South one (01°)

degree East one hundred four and five tenths (104.5) perches to a pine; thence South eighty-three (83°) degrees West one hundred ten (110) perches to a post on the line dividing the Counties of Clearfield and Jefferson; thence by said County line North one (01°) degree eight (08') minutes East one hundred eight and seven tenths (108.7) perches to an ash corner; thence North eighty-five (85°) degrees East one hundred five and six tenths (105.6) perches to the place of beginning. Containing 71.4 acres, be the same more or less.

EXCEPTING AND RESERVING unto The Bell Telephone Company a right of way or easement upon, across, over and/or under the land to construct, reconstruct, operate and maintain lines of telephone and telegraph, consisting of such poles, wires, and other fixtures and appurtenances as may be required; together with the right of ingress, egress and regress at all times and such other rights as were granted unto The Bell Telephone Company by agreement of Frederick C. Harriman and wife dated March 7, 1939, and recorded in Miscellaneous Book 52, page 392.

And property consisting of premises identified in the Clearfield County Tax Maps as 128-A3-15 as .69 acres as follows ("the reservation"):

"ALL that lot or piece of land, same being bounded and described as follows: Beginning at an ash corner on the northwest corner of the land herein described and on the line dividing the counties of Clearfield and Jefferson; thence by the northern line of the said land herein conveyed North eighty-five (85°) degrees

East seven hundred and twenty (720) feet to a point, the said point being the northwest corner of the lot hereby reserved; thence from said point North eighty-five (85°) degrees East two hundred (200) feet to a point; thence South five (05°) degrees East one hundred and fifty (150) feet to a point; thence South eighty-five (85°) degrees West two hundred (200) feet to a point; thence North five (05°) degrees West one hundred and fifty (150) feet to the place of beginning. Containing thirty thousand (30,000) square feet more or less."

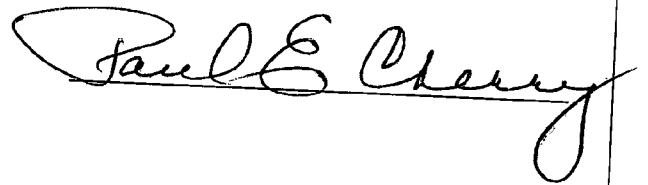
And property consisting of premises identified in the Clearfield County Tax Maps as 128-A2-31, 128-A2-32, 128-A2-34, and 128-A2-38, which are part of the same tract, which is located in Sandy Township, Clearfield County, Clearfield, Pennsylvania, more particularly bounded and described as follows ("the third premises"):

BOUNDED on the North by lands now or formerly of Falls Creek Borough and the Baum-Mason Tract; on the East by lands now or formerly constituting Tract 2009; on the South by lands now or formerly of W. A. Bell and the DuBois Land and Improvement Company; and on the West by lands now or formerly of the R. F. and C. Railroad Company. Being known as Warrant No. 13 in and within Sandy Township.

It is the FURTHER ORDER of this Court that unless the Defendant, Robertina Eighmy, files a responsive pleading to the complaint or institutes an action in ejectment within thirty

(30) days of the date hereof, the Defendant, Robertina Eighmy, shall be forever barred from asserting any right, lien, title or interest in the land inconsistent with the interest of the claim of the Plaintiffs set forth in their Complaint. If Defendant, Robertina Eighmy, fails to take such action within the thirty (30) day period, the Prothonotary, on praecipe of the Plaintiffs, shall enter final judgment against Defendant Robertina Eighmy.

BY THE COURT,

A handwritten signature in cursive script, reading "Paul E. Cherry". The signature is written in dark ink and is positioned below the text "BY THE COURT,".



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

TIMOTHY B. ROBERTSON, SR., and  
CAROLYN C. ROBERTSON, Husband and  
Wife,

Plaintiffs

vs.

ROBERTINA EIGHMY, ALVIN W.  
GEARHART, ROBERT H. WILLIAMS,  
HENRY WICK, CLARA WICK, FRANK  
MORRISON, MARY E. MORRISON,  
CHARLES H. MCKEE, CLARA MCKEE,  
DONALD S. HOPKINS, MARGARETTA B.  
HOPKINS, WILLIAM P. HOPKINS, their  
heirs, executors, administrators  
and assigns,

Defendants

No. 05 - 201 - C.D.

ACTION TO QUIET TITLE

MOTION FOR PUBLICATION

Filed on behalf of  
Plaintiffs

Counsel of Record for  
this Party:

Carl A. Belin, Jr., Esq.  
Pa. I.D. #08605

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

FILED

APR 07 2005

0/2:20/4  
William A. Shaw  
Prothonotary/Clerk of Courts

1 Cmt to Atty

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

TIMOTHY B. ROBERTSON, SR., and  
CAROLYN C. ROBERTSON, Husband and  
Wife,

Plaintiffs

vs.

No. 05 - 201 - C.D.

ACTION TO QUIET TITLE

ROBERTINA EIGHMY, ALVIN W.  
GEARHART, ROBERT H. WILLIAMS,  
HENRY WICK, CLARA WICK, FRANK  
MORRISON, MARY E. MORRISON,  
CHARLES H. McKEE, CLARA McKEE,  
DONALD S. HOPKINS, MARGARETTA B.  
HOPKINS, WILLIAM P. HOPKINS, their  
heirs, executors, administrators  
and assigns,

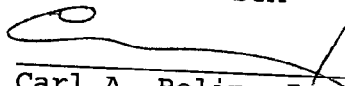
Defendants

MOTION FOR PUBLICATION

AND NOW, to wit: April 7, 2005, an affidavit  
having been executed and filed on behalf of the Plaintiffs that the  
Defendants ROBERT H. WILLIAMS, HENRY WICK, CLARA WICK, FRANK  
MORRISON, MARY E. MORRISON, CHARLES H. McKEE, CLARA McKEE, DONALD  
S. HOPKINS, MARGARETTA B. HOPKINS, and WILLIAM P. HOPKINS, their  
heirs, executors, administrators, and assigns, present whereabouts  
are unknown, that Plaintiffs, by their attorneys, Belin & Kubista,  
move the Court for leave to serve the complaint on Defendants  
ROBERT H. WILLIAMS, HENRY WICK, CLARA WICK, FRANK MORRISON, MARY  
E. MORRISON, CHARLES H. McKEE, CLARA McKEE, DONALD S. HOPKINS,  
MARGARETTA B. HOPKINS, and WILLIAM P. HOPKINS, their heirs,

executors and assigns, by publication in *The Courier Express* and  
the *Clearfield County Legal Journal*, Clearfield, Pennsylvania one  
(1) time.

BELIN & KUBISTA

  
\_\_\_\_\_  
Carl A. Belin, Jr., Esquire

**BELIN & KUBISTA**

ATTORNEYS AT LAW

15 NORTH FRONT STREET

P. O. BOX 1

CLEARFIELD, PENNSYLVANIA 16830

---

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

TIMOTHY B. ROBERTSON, SR., and  
CAROLYN C. ROBERTSON, Husband and  
Wife,

Plaintiffs

vs.

ROBERTINA EIGHMY, ALVIN W.  
GEARHART, ROBERT H. WILLIAMS,  
HENRY WICK, CLARA WICK, FRANK  
MORRISON, MARY E. MORRISON,  
CHARLES H. MCKEE, CLARA MCKEE,  
DONALD S. HOPKINS, MARGARETTA B.  
HOPKINS, WILLIAM P. HOPKINS, their  
heirs, executors, administrators  
and assigns,

Defendants

No. 05 - 201 - C.D.

ACTION TO QUIET TITLE

AFFIDAVIT

Filed on behalf of  
Plaintiffs

Counsel of Record for  
This Party:  
Carl A. Belin, Jr., Esq.  
Pa. I.D. #06805

BELIN & KUBISTA  
15 North Front Street  
P.O. Box 1  
Clearfield, PA 16830

(814) 765-8972

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of 3:15 PM  
APR 07 2005  
@ 6K

William A. Shaw  
Prothonotary/Clerk of Courts

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

TIMOTHY B. ROBERTSON, SR., and  
CAROLYN C. ROBERTSON, Husband and  
Wife,

Plaintiffs

vs.

ROBERTINA EIGHMY, ALVIN W.  
GEARHART, ROBERT H. WILLIAMS,  
HENRY WICK, CLARA WICK, FRANK  
MORRISON, MARY E. MORRISON,  
CHARLES H. MCKEE, CLARA MCKEE,  
DONALD S. HOPKINS, MARGARETTA B.  
HOPKINS, WILLIAM P. HOPKINS, their  
heirs, executors, administrators  
and assigns,

Defendants

No. 05 - 201 - C.D.

ACTION TO QUIET TITLE

AFFIDAVIT

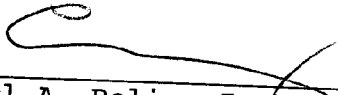
Carl A. Belin, Jr., Esquire, being duly sworn according to law, deposes and states that he is the attorney for the Plaintiffs and that he attempted to ascertain the identity, whereabouts, and addresses of Defendants Robert H. Williams, Henry Wick, Clara Wick, Frank Morrison, Mary E. Morrison, Charles H. McKee, Clara McKee, Donald S. Hopkins, Margaretta B. Hopkins, and William P. Hopkins, their heirs, executors, administrators, and assigns.

He further avers that he caused an abstractor to search the real estate and estate records of Clearfield County and that no listings in the name of Defendants Robert H. Williams, Henry Wick, Clara Wick, Frank Morrison, Mary E. Morrison, Charles H. McKee,

Clara McKee, Donald S. Hopkins, Margaretta B. Hopkins, and William P. Hopkins, their heirs, executors, administrators and assigns; that phone directories were consulted in Oak Ridge, Pennsylvania, and no listings were found for Robert H. Williams, his heirs, executors, administrators and assigns; that the phone directories were consulted in Buffalo, New York, and no listings were found for Henry Wick and Clara Wick, their heirs, executors, administrators and assigns; that the phone directories were consulted in Sharon, Pennsylvania, and no listings were found for Frank Morrison and Mary E. Morrison, their heirs, executors, administrators and assigns; that the phone directories were consulted in Pittsburgh, Pennsylvania, and no listings were found for Charles H. McKee and Clara McKee, their heirs, executors, administrators and assigns; that the phone directories were consulted in Spokane, Washington, and no listings were found for David S. Hopkins, Margaretta B. Hopkins, and William P. Hopkins, their heirs, executors, administrators and assigns.

Based upon the foregoing search, personal service cannot be made upon Defendants Robert H. Williams, Henry Wick, Clara Wick, Frank Morrison, Mary E. Morrison, Charles H. McKee, Clara McKee, Donald S. Hopkins, Margaretta B. Hopkins, and William P. Hopkins, their heirs, executors, administrators, and assigns, and it is

necessary that service be made by publication.

  
Carl A. Belin, Jr., Esquire  
Attorney for Plaintiffs

Sworn and subscribed before me this 5th day of  
April, 2005.

  
Notary Public

NOTARIAL SEAL  
SUSAN M. HARTZFELD, NOTARY PUBLIC  
CLEARFIELD BORO, CLEARFIELD COUNTY  
MY COMMISSION EXPIRES AUGUST 16, 2005



**BELIN & KUBISTA**

ATTORNEYS AT LAW

15 NORTH FRONT STREET

P. O. BOX 1

CLEARFIELD, PENNSYLVANIA 16830

---

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

TIMOTHY B. ROBERTSON, SR., and  
CAROLYN C. ROBERTSON, Husband and  
Wife,

Plaintiffs

vs.

ROBERTINA EIGHMY, ALVIN W.  
GEARHART, ROBERT H. WILLIAMS,  
HENRY WICK, CLARA WICK, FRANK  
MORRISON, MARY E. MORRISON,  
CHARLES H. MCKEE, CLARA MCKEE,  
DONALD S. HOPKINS, MARGARETTA B.  
HOPKINS, WILLIAM P. HOPKINS, their  
heirs, executors, administrators  
and assigns,

Defendants

No. 05 - 201 - C.D.

ACTION TO QUIET TITLE

ORDER

Filed on behalf of  
Plaintiffs

Counsel of Record for  
This Party:  
Carl A. Belin, Jr., Esq.  
Pa. I.D. #06805

BELIN & KUBISTA  
15 North Front Street  
P.O. Box 1  
Clearfield, PA 16830

(814) 765-8972

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APR 07 2005

William A. Shaw  
Prothonotary/Clerk of Courts

Copy to CIA

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

TIMOTHY B. ROBERTSON, SR., and  
CAROLYN C. ROBERTSON, Husband and  
Wife,

Plaintiffs

vs.

ROBERTINA EIGHMY, ALVIN W.  
GEARHART, ROBERT H. WILLIAMS,  
HENRY WICK, CLARA WICK, FRANK  
MORRISON, MARY E. MORRISON,  
CHARLES H. MCKEE, CLARA MCKEE,  
DONALD S. HOPKINS, MARGARETTA B.  
HOPKINS, WILLIAM P. HOPKINS, their  
heirs, executors, administrators  
and assigns,

Defendants

No. 05 - 201 - C.D.

ACTION TO QUIET TITLE

ORDER

AND NOW, to wit: this 7<sup>th</sup> day of April, 2005,  
upon consideration of the foregoing Motion, the Plaintiffs are  
granted leave to make service of the Complaint on the Defendants,  
Robert H. Williams, Henry Wick, Clara Wick, Frank Morrison, Mary  
E. Morrison, Charles H. McKee, Clara McKee, Donald S. Hopkins,  
Margaretta B. Hopkins, and William P. Hopkins, their heirs,  
executors, administrators and assigns by general publication one  
time in *The Courier Express* and the *Clearfield County Legal  
Journal*, Clearfield, Pennsylvania not less than thirty (30) days  
prior to May 23, 2005, the date set for hearing of said  
Complaint in Courtroom No. 2 at Clearfield, Pennsylvania at

11:00 o'clock a.m.

BY THE COURT,

Paul E Cherry

75 NORTH FRONT STREET  
P. O. BOX 1  
CLEARFIELD, PENNSYLVANIA 16830

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

TIMOTHY B. ROBERTSON, SR., and :  
CAROLYN C. ROBERTSON, Husband and :  
Wife, :  
Plaintiffs :

vs. :

ROBERTINA EIGHMY, ALVIN W. :  
GEARHART, ROBERT H. WILLIAMS, :  
HENRY WICK, CLARA WICK, FRANK :  
MORRISON, MARY E. MORRISON, :  
CHARLES H. MCKEE, CLARA MCKEE, :  
DONALD S. HOPKINS, MARGARETTA B. :  
HOPKINS, WILLIAM P. HOPKINS, their :  
heirs, executors, administrators :  
and assigns, :  
Defendants :

No. 05 - 201 - C.D.

ACTION TO QUIET TITLE

CERTIFICATE OF SERVICE

Filed on behalf of  
Plaintiffs

Counsel of Record for  
this Party:

Carl A. Belin, Jr.  
Attorney-at-Law  
Pa. I.D. 06805

Belin & Kubista  
15 North Front Street  
P.O. Box 1  
Clearfield, PA 16830

(814) 765-8972

FILED<sup>sw</sup>

APR 11 2005  
6/10/55/2  
William A. Shaw  
Prothonotary/Clerk of Courts  
ws C/C

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

TIMOTHY B. ROBERTSON, SR., and  
CAROLYN C. ROBERTSON, Husband and  
Wife,

Plaintiffs

vs.

No. 05 - 201 - C.D.

ACTION TO QUIET TITLE

ROBERTINA EIGHMY, ALVIN W.  
GEARHART, ROBERT H. WILLIAMS,  
HENRY WICK, CLARA WICK, FRANK  
MORRISON, MARY E. MORRISON,  
CHARLES H. MCKEE, CLARA MCKEE,  
DONALD S. HOPKINS, MARGARETTA B.  
HOPKINS, WILLIAM P. HOPKINS, their  
heirs, executors, administrators  
and assigns,

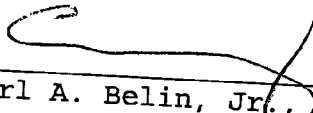
Defendants

CERTIFICATE OF SERVICE

This is to certify that the undersigned has sent a  
certified copy of Order, Motion, Certificate of Service of the  
Complaint and Affidavit of Service of Default Notice on behalf  
of the Plaintiffs in the above-captioned matter to the  
following party by postage prepaid United States first class  
mail, on the 8th day of April, 2005:

Robertina Eighmy  
10434 W. Seven Mile Road  
Northville, MI 48167

BELIN & KUBISTA

By   
Carl A. Belin, Jr., Esquire  
Attorney for Plaintiffs



**BELIN & KUBISTA**

ATTORNEYS AT LAW

15 NORTH FRONT STREET

P. O. BOX 1

CLEARFIELD, PENNSYLVANIA 16830

---

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

TIMOTHY B. ROBERTSON, SR., and  
CAROLYN C. ROBERTSON, Husband and  
Wife,

Plaintiffs

vs.

ROBERTINA EIGHMY, ALVIN W.  
GEARHART, ROBERT H. WILLIAMS,  
HENRY WICK, CLARA WICK, FRANK  
MORRISON, MARY E. MORRISON,  
CHARLES H. MCKEE, CLARA MCKEE,  
DONALD S. HOPKINS, MARGARETTA B.  
HOPKINS, WILLIAM P. HOPKINS, their  
heirs, executors, administrators  
and assigns,

Defendants

No. 05 - 201 - C.D.

ACTION TO QUIET TITLE

FILED 4CC  
d9:33AM  
MAY 13 2005  
Belin

William A. Shaw  
Prothonotary/Clerk of Courts

FINAL ORDER

AND NOW this 13<sup>th</sup> day of May, 2005, upon considering the  
foregoing Stipulation, the Court does hereby enter a Final  
Order as follows:

1. That Timothy B. Robertson, Sr., and Carolyn C.  
Robertson are the owners of all the coal and other minerals in,  
upon, and under Parcel 1, a plot of which is hereto attached as  
Exhibit "A," except for the Mahoning seam of coal which is  
owned by Alvin W. Gearhart and which coal seam is more  
particularly described as follows: The 'Mahoning vein' which

has not already been removed under the terms and provisions of a certain mining lease dated the 17<sup>th</sup> day of May, A.D. 1886 (1888), between Alfred Bell, of the first part, and the Bell, Lewis and Yates Coal Mining Company, of the second part, which said lease was duly assigned by the Bell, Lewis and Yates Coal Mining Company to The Jefferson and Clearfield Coal and Iron company and by sundry corporate actions became the Rochester & Pittsburgh Coal Company, more fully described in Clearfield County Deed Volume 119, Page 484, containing 921 Acres more or less also known as Alfred Bell tract. Parcel 1 is more particularly described as follows:

PARCEL NO. 1

All that certain tract of land which is identified in the Clearfield County Tax Maps as Parcel Number 128-A3-14 and 123-A3-14.1, which are part of the same tract, which is located in Sandy Township, Clearfield County, Clearfield, Pennsylvania, more particularly bounded and described as follows ("**the first premises**"):

BEGINNING at a point in the North line of the estate of Thomas Wayne and at the southeast corner of E. Dixon's land, and running thence North six (06°) degrees East along said Dixon's East line fifteen hundred and fifty-two (1552) feet to a post corner; thence along same land North eighty-five (85°) degrees fifteen (15')

minutes West thirteen hundred and fifty-six (1356) feet to a post corner in the Jefferson and Clearfield County line; thence by said County line North four (04°) degrees thirty (30') minutes East nine hundred and two (902) feet to a post; thence North eighty-seven (87°) degrees East along lands of the Falls Creek Mining Company sixteen hundred and fifty (1650) feet to a post corner; thence by the same land and land of A. C. Hopkins North five (05°) degrees East twenty-nine hundred (2900) feet to a post at corner of land conveyed by A. Bell to J. E. Long; thence by said land South thirty-nine (39°) degrees East, twenty-three hundred and twenty (2320) feet to a post corner; thence by same land South fifty-one (51°) degrees West, one hundred and ninety-eight (198) feet to a post corner; thence by same land South thirty-nine (39°) degrees East, eighteen hundred and sixty (1860) feet to a post corner in the North line of J. Reisinger's 50 acre tract; thence along said tract North eighty-six (86°) degrees thirty (30') minutes West four hundred and thirty (430) feet to a post corner of said J. Reisinger's tract; thence by said tract South thirty-three (33°) degrees West twenty-seven hundred and eighty (2780) feet to a post in the North line of land of the estate of Thomas Wayne; thence along said Wayne land North eighty-five (85°) degrees thirty (30') minutes West thirteen hundred and twenty (1320) feet to the place of beginning. Containing two hundred thirty-nine (239) acres, be the same more or less. Being a part of Warrant No. 5891 surveyed November 30, 1805.

The above premises are conveyed subject to a right of way granted by Alfred George Lewis to H. W. Reay on June 13, 1934, over property known as the "Patch" of the Old Road to the Rochester Mine.

2. That Timothy B. Robertson, Sr., and Carolyn C. Robertson are the owners of all the coal and other minerals underlying all the following tracts of land:

PARCEL NO. 2

All that certain tract of land identified in the Clearfield County Tax Maps as 128-A3-15 and 128-A3-15.1, which are part of the same tract, which is located in Sandy Township, Clearfield County, Clearfield, Pennsylvania, more particularly bounded and described as follows ("the second premises"):

BEGINNING at a hemlock, an original corner, and being the Northeast corner of the land hereby conveyed; thence South one (01°) degree East one hundred four and five tenths (104.5) perches to a pine; thence South eighty-three (83°) degrees West one hundred ten (110) perches to a post on the line dividing the Counties of Clearfield and Jefferson; thence by said County line North one (01°) degree eight (08') minutes East one hundred eight and seven tenths (108.7) perches to an ash corner; thence North eighty-five (85°) degrees East one hundred five and six tenths (105.6) perches to the place of beginning. Containing 71.4 acres, be the same more or less.

EXCEPTING AND RESERVING unto The Bell Telephone Company a right of way or easement upon, across, over and/or under the land to construct, reconstruct, operate and maintain lines of telephone and telegraph, consisting of such poles, wires, and other fixtures and appurtenances as may

be required; together with the right of ingress, egress and regress at all times and such other rights as were granted unto The Bell Telephone Company by agreement of Frederick C. Harriman and wife dated March 7, 1939, and recorded in Miscellaneous Book 52, page 392.

**"30,000 SQUARE FOOT RESERVATION"**

And property consisting of premises identified in the Clearfield County Tax Maps as 128-A3-15 as .69 acres as follows ("the reservation"):

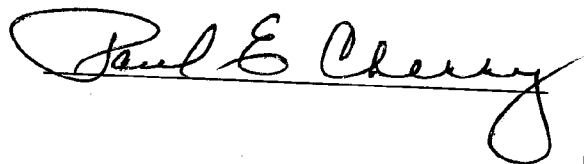
"ALL that lot or piece of land, same being bounded and described as follows: Beginning at an ash corner on the northwest corner of the land herein described and on the line dividing the counties of Clearfield and Jefferson; thence by the northern line of the said land herein conveyed North eighty-five (85°) degrees East seven hundred and twenty (720) feet to a point, the said point being the northwest corner of the lot hereby reserved; thence from said point North eighty-five (85°) degrees East two hundred (200) feet to a point; thence South five (05°) degrees East one hundred and fifty (150) feet to a point; thence South eighty-five (85°) degrees West two hundred (200) feet to a point; thence North five (05°) degrees West one hundred and fifty (150) feet to the place of beginning. Containing thirty thousand (30,000) square feet more or less."

PARCEL NO. 3

And property consisting of premises identified in the Clearfield County Tax Maps as 128-A2-31, 128-A2-32, 128-A2-34, and 128-A2-38, which are part of the same tract, which is located in Sandy Township, Clearfield County, Clearfield, Pennsylvania, more particularly bounded and described as follows ("the third premises"):

BOUNDED on the North by lands now or formerly of Falls Creek Borough and the Baum-Mason Tract; on the East by lands now or formerly constituting Tract 2009; on the South by lands now or formerly of W. A. Bell and the DuBois Land and Improvement Company; and on the West by lands now or formerly of the R. F. and C. Railroad Company. Being known as Warrant No. 13 in and within Sandy Township.

BY THE COURT,

A handwritten signature in cursive script, reading "Paul E. Cherry". The signature is written in dark ink and is positioned below the text "BY THE COURT,".





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

TIMOTHY B. ROBERTSON, SR., and  
CAROLYN C. ROBERTSON, Husband and  
Wife,

Plaintiffs

vs.

ROBERTINA EIGHMY, ALVIN W.  
GEARHART, ROBERT H. WILLIAMS,  
HENRY WICK, CLARA WICK, FRANK  
MORRISON, MARY E. MORRISON,  
CHARLES H. McKEE, CLARA McKEE,  
DONALD S. HOPKINS, MARGARETTA B.  
HOPKINS, WILLIAM P. HOPKINS, their  
heirs, executors, administrators  
and assigns,

Defendants

No. 05 - 201 - C.D.

ACTION TO QUIET TITLE

FILED 40c  
019:336/ Amy  
MAY 13 2005  
Belin

William A. Shaw  
Prothonotary/Clerk of Courts

STIPULATION

AND NOW THIS STIPULATION entered into this 4th day of  
May, 2005, between Timothy B. Robertson, Sr., and Carolyn C.  
Robertson, by their attorney Carl A. Belin, Jr., Esquire, of  
Belin & Kubista, and Alvin W. Gearhart, by and through his  
attorney Anthony S. Guido, Esquire, of Hanak, Guido & Taladay,  
hereby stipulate as follows:

1. That Alvin W. Gearhart was served with a Complaint in  
an Action to Quiet Title to the above-captioned number on March  
8, 2005.

2. That after completing a title search of the premises involved in the quiet title action, Alvin W. Gearhart does hereby admit that Plaintiffs Timothy B. Robertson, Sr., and Carolyn C. Robertson, are the owners of the coal and other minerals, in, upon, and under Parcel 1, a plot of which is hereto attached as Exhibit "A," except for the Mahoning Seam of coal which is owned by Alvin W. Gearhart which coal seam is more particularly described as follows: The 'Mahoning vein' which has not already been removed under the terms and provisions of a certain mining lease dated the 17<sup>th</sup> day of May, A.D. 1886 (1888), between Alfred Bell, of the first part, and the Bell, Lewis and Yates Coal Mining Company, of the second part, which said lease was duly assigned by the Bell, Lewis and Yates Coal Mining Company to The Jefferson and Clearfield Coal and Iron Company and by sundry corporate actions became the Rochester & Pittsburgh Coal Company, more fully described in Clearfield County Deed Volume 119, Page 484, containing 921 Acres more or less also known as Alfred Bell tract.

3. That Alvin W. Gearhart hereby admits that Plaintiffs Timothy B. Robertson, Sr., and Carolyn C. Robertson are the owners of all the coal and other minerals underlying Parcel 2, including the 30,000 square foot reservation, and Parcel 3, set

forth in the Complaint in the above-captioned quiet title action.

4. The parties further agree that an Order setting forth this Stipulation shall be presented to the Court for an appropriate Final Order.

BELIN & KUBISTA

HANAK, GUIDO & TALADAY

By 

Carl A. Belin, Jr., Esquire  
Attorney for Plaintiffs  
Timothy B. Robertson, Sr. and  
Carolyn C. Robertson

By 

Anthony S. Guido, Esquire  
Attorney for Defendant  
Alvin W. Gearhart

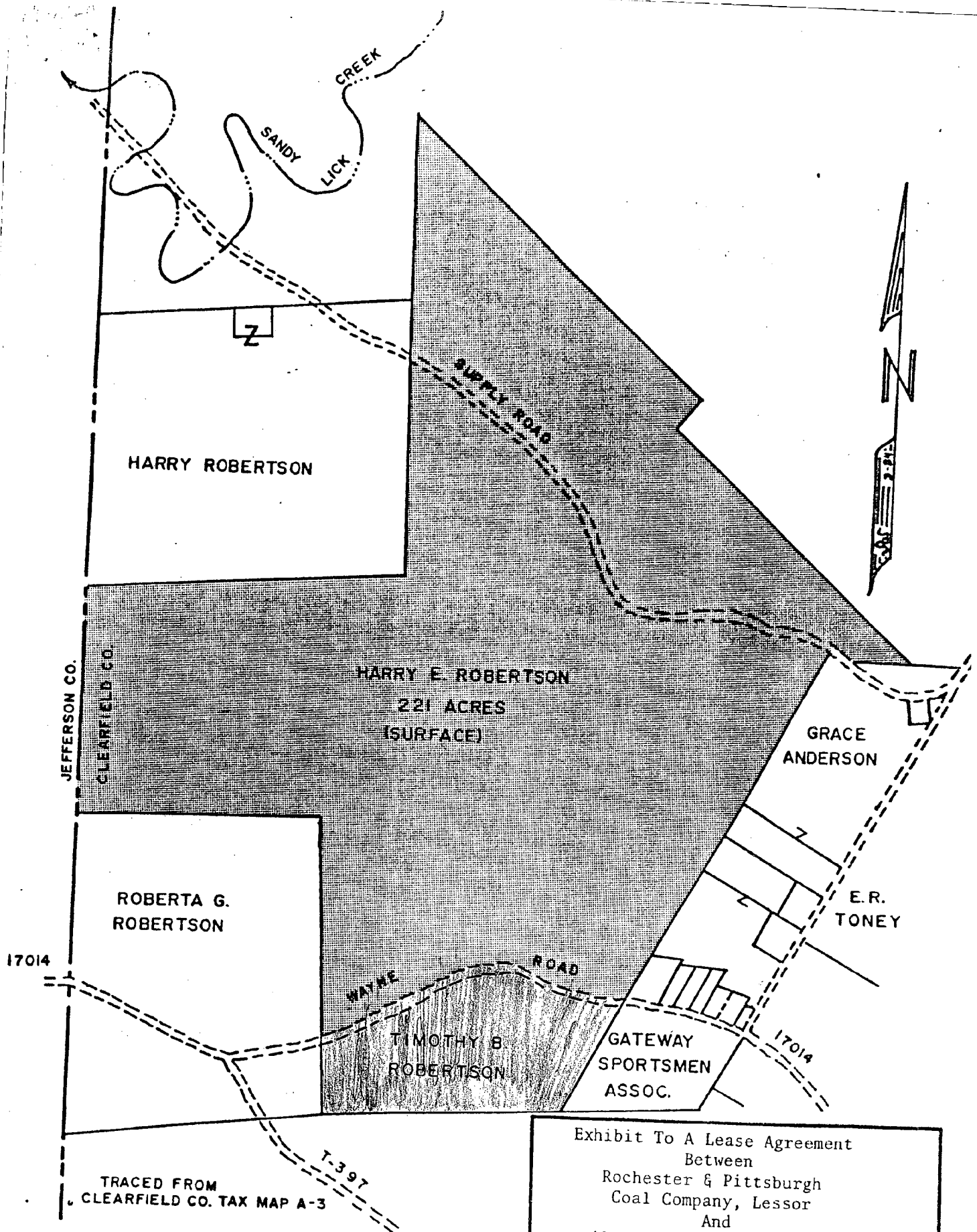


EXHIBIT "A"

Exhibit To A Lease Agreement  
Between  
Rochester & Pittsburgh  
Coal Company, Lessor  
And  
Alvin W. Gearhart, Lessee  
Sandy Township, Clearfield County, PA  
Scale: 1"=400'

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

TIMOTHY B. ROBERTSON, SR., and  
CAROLYN C. ROBERTSON, Husband and  
Wife,

Plaintiffs

vs.

ROBERTINA EIGHMY, ALVIN W.  
GEARHART, ROBERT H. WILLIAMS,  
HENRY WICK, CLARA WICK, FRANK  
MORRISON, MARY E. MORRISON,  
CHARLES H. MCKEE, CLARA MCKEE,  
DONALD S. HOPKINS, MARGARETTA B.  
HOPKINS, WILLIAM P. HOPKINS, their  
heirs, executors, administrators  
and assigns,

Defendants

No. 05 - 201 - C.D.

ACTION TO QUIET TITLE

AMENDED ORDER

Filed on behalf of  
Plaintiffs

Counsel of Record for  
This Party:  
Carl A. Belin, Jr., Esq.  
Pa. I.D. #06805

BELIN & KUBISTA  
15 North Front Street  
P.O. Box 1  
Clearfield, PA 16830

(814) 765-8972

FILED <sup>60</sup>  
010-0784 <sup>100</sup> Amy Belin  
MAY 12 2005

William A. Shaw  
Prothonotary/Clerk of Courts

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

TIMOTHY B. ROBERTSON, SR., and  
CAROLYN C. ROBERTSON, Husband and  
Wife,

Plaintiffs

vs.

ROBERTINA EIGHMY, ALVIN W.  
GEARHART, ROBERT H. WILLIAMS,  
HENRY WICK, CLARA WICK, FRANK  
MORRISON, MARY E. MORRISON,  
CHARLES H. MCKEE, CLARA MCKEE,  
DONALD S. HOPKINS, MARGARETTA B.  
HOPKINS, WILLIAM P. HOPKINS, their  
heirs, executors, administrators  
and assigns,

Defendants

No. 05 - 201 - C.D.

ACTION TO QUIET TITLE

AMENDED ORDER

AND NOW, to wit: this 12<sup>th</sup> day of May, 2005,  
upon consideration of the foregoing Motion, the Plaintiffs are  
granted leave to make service of the Complaint on the Defendants,  
Robert H. Williams, Henry Wick, Clara Wick, Frank Morrison, Mary  
E. Morrison, Charles H. McKee, Clara McKee, Donald S. Hopkins,  
Margaretta B. Hopkins, and William P. Hopkins, their heirs,  
executors, administrators and assigns by general publication one  
time in *The Courier Express* and the *Clearfield County Legal  
Journal*, Clearfield, Pennsylvania not less than thirty (30) days  
prior to June 23, 2005, the date set for the rescheduled  
hearing of said Complaint in Courtroom No. 2 at Clearfield,

Pennsylvania at 2:30 o'clock P.M. The hearing scheduled for  
May 23, 2005 at 11:00 A.M. is hereby cancelled.

BY THE COURT,

Paul E Cherry

**BELIN & KUBISTA**

ATTORNEYS AT LAW

15 NORTH FRONT STREET

P. O. BOX 1

CLEARFIELD, PENNSYLVANIA 16830

---

GA



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

TIMOTHY B. ROBERTSON, SR., and  
CAROLYN C. ROBERTSON, Husband and  
Wife,

Plaintiffs

vs.

ROBERTINA EIGHMY, ALVIN W.  
GEARHART, ROBERT H. WILLIAMS,  
HENRY WICK, CLARA WICK, FRANK  
MORRISON, MARY E. MORRISON,  
CHARLES H. MCKEE, CLARA MCKEE,  
DONALD S. HOPKINS, MARGARETTA B.  
HOPKINS, WILLIAM P. HOPKINS, their  
heirs, executors, administrators  
and assigns,

Defendants

No. 05 - 201 - C.D.

ACTION TO QUIET TITLE

MOTION FOR  
REPUBLICATION

Filed on behalf of  
Plaintiffs

Counsel of Record for  
This Party:  
Carl A. Belin, Jr., Esq.  
Pa. I.D. #06805

BELIN & KUBISTA  
15 North Front Street  
P.O. Box 1  
Clearfield, PA 16830

(814) 765-8972

FILED

01/10/07  
MAY 12 2005

William A. Shaw  
Prothonotary/Clerk of Courts

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

TIMOTHY B. ROBERTSON, SR., and :  
CAROLYN C. ROBERTSON, Husband and :  
Wife, :  
Plaintiffs :

vs. :

No. 05 - 201 - C.D.

ACTION TO QUIET TITLE

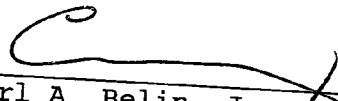
ROBERTINA EIGHMY, ALVIN W. :  
GEARHART, ROBERT H. WILLIAMS, :  
HENRY WICK, CLARA WICK, FRANK :  
MORRISON, MARY E. MORRISON, :  
CHARLES H. McKEE, CLARA McKEE, :  
DONALD S. HOPKINS, MARGARETTA B. :  
HOPKINS, WILLIAM P. HOPKINS, their :  
heirs, executors, administrators :  
and assigns, :  
Defendants :

MOTION FOR REPUBLICATION

AND NOW, to wit: May 12, 2005, an affidavit  
having been executed and filed on behalf of the Plaintiffs that the  
Defendants ROBERT H. WILLIAMS, HENRY WICK, CLARA WICK, FRANK  
MORRISON, MARY E. MORRISON, CHARLES H. McKEE, CLARA McKEE, DONALD  
S. HOPKINS, MARGARETTA B. HOPKINS, and WILLIAM P. HOPKINS, their  
heirs, executors, administrators, and assigns, present whereabouts  
are unknown, that Plaintiffs, by their attorneys, Belin & Kubista,  
move the Court for leave to serve the complaint on Defendants  
ROBERT H. WILLIAMS, HENRY WICK, CLARA WICK, FRANK MORRISON, MARY  
E. MORRISON, CHARLES H. McKEE, CLARA McKEE, DONALD S. HOPKINS,  
MARGARETTA B. HOPKINS, and WILLIAM P. HOPKINS, their heirs,  
executors and assigns, and due to the failure of The Courier

*Express* to publish the notice timely, Movant requests rescheduling of the hearing in order to provide adequate time for proper notice by republication in *The Courier Express* and the *Clearfield County Legal Journal*, Clearfield, Pennsylvania one (1) time.

BELIN & KUBISTA

  
Carl A. Belin, Jr., Esquire

**BELIN & KUBISTA**

ATTORNEYS AT LAW

15 NORTH FRONT STREET

P. O. BOX 1

CLEARFIELD, PENNSYLVANIA 16830

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

TIMOTHY B. ROBERTSON, SR., and :  
CAROLYN C. ROBERTSON, Husband and :  
Wife, :  
Plaintiffs :

vs. :

ROBERTINA EIGHMY, ALVIN W. :  
GEARHART, ROBERT H. WILLIAMS, :  
HENRY WICK, CLARA WICK, FRANK :  
MORRISON, MARY E. MORRISON, :  
CHARLES H. MCKEE, CLARA MCKEE, :  
DONALD S. HOPKINS, MARGARETTA B. :  
HOPKINS, WILLIAM P. HOPKINS, their :  
heirs, executors, administrators :  
and assigns, :  
Defendants :

No. 05 - 201 - C.D.

ACTION TO QUIET TITLE

PRAECIPE FINAL JUDGMENT  
AGAINST ROBERTINA  
EIGHMY

Filed on behalf of  
Plaintiffs

Counsel of Record for  
this Party:

Carl A. Belin, Jr.  
Attorney-at-Law  
Pa. I.D. 06805

Belin & Kubista  
15 North Front Street  
P.O. Box 1  
Clearfield, PA 16830

(814) 765-8972

FILED<sup>®</sup> NO  
0/3/06/04 CC  
MAY 13 2005

William A. Shaw  
Prothonotary/Clerk of Courts

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

TIMOTHY B. ROBERTSON, SR., and  
CAROLYN C. ROBERTSON, Husband and  
Wife,

Plaintiffs

vs.

ROBERTINA EIGHMY, ALVIN W.  
GEARHART, ROBERT H. WILLIAMS,  
HENRY WICK, CLARA WICK, FRANK  
MORRISON, MARY E. MORRISON,  
CHARLES H. MCKEE, CLARA MCKEE,  
DONALD S. HOPKINS, MARGARETTA B.  
HOPKINS, WILLIAM P. HOPKINS, their  
heirs, executors, administrators  
and assigns,

Defendants

No. 05 - 201 - C.D.

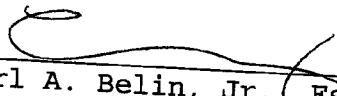
ACTION TO QUIET TITLE

PRAECIPE FOR FINAL JUDGMENT

TO THE PROTHONOTARY:

Please enter final judgment in favor of the Plaintiffs  
and against the Defendant Robertina Eighmy in the above-  
captioned case for failure of Defendant Robertina Eighmy to  
take action within thirty (30) days as directed by the Order of  
Court entered April 7, 2005.

BELIN & KUBISTA

  
Carl A. Belin, Jr. Esq.  
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
STATEMENT OF JUDGMENT

Timothy Robertson  
Carolyn C. Robertson  
Plaintiff(s)

No.: 2005-00201-CD

Real Debt: Quiet Title

Vs.

**Robertina Eighmy**  
Alvin W. Gearhart  
Robert H. Williams  
Henry Wick  
Clara Wick  
Frank Morrison  
Mary E. Morrison  
Charles H. McKee  
Clara McKee  
Donald S. Hopkins  
Margaretta B. Hopkins  
William P Hopkins  
Defendant(s)

Instrument: Final Judgment Against Robertina  
Eighmy for the premises

Date of Entry: May 13, 2005

Expires:

Certified from the record this May 31, 2005

\_\_\_\_\_  
William A. Shaw, Prothonotary

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

TIMOTHY B. ROBERTSON, SR., and  
CAROLYN C. ROBERTSON, Husband and  
Wife,

Plaintiffs

vs.

ROBERTINA EIGHMY, ALVIN W.  
GEARHART, ROBERT H. WILLIAMS,  
HENRY WICK, CLARA WICK, FRANK  
MORRISON, MARY E. MORRISON,  
CHARLES H. MCKEE, CLARA MCKEE,  
DONALD S. HOPKINS, MARGARETTA B.  
HOPKINS, WILLIAM P. HOPKINS, their  
heirs, executors, administrators  
and assigns,

Defendants

No. 05 - 201 - C.D.

ACTION TO QUIET TITLE

AFFIDAVIT

Filed on behalf of  
Plaintiffs

Counsel of Record for  
this Party:

Carl A. Belin, Jr., Esq.  
Pa. I.D. #08605

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

FILED  
01/10/4021 CC  
JUN 07 2005 CR

William A. Shaw  
Prothonotary/Clerk of Courts



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

TIMOTHY B. ROBERTSON, SR., and  
CAROLYN C. ROBERTSON, Husband and  
Wife,

Plaintiffs

vs.

No. 05 - 201 - C.D.

ACTION TO QUIET TITLE

ROBERTINA EIGHMY, ALVIN W.  
GEARHART, ROBERT H. WILLIAMS,  
HENRY WICK, CLARA WICK, FRANK  
MORRISON, MARY E. MORRISON,  
CHARLES H. MCKEE, CLARA MCKEE,  
DONALD S. HOPKINS, MARGARETTA B.  
HOPKINS, WILLIAM P. HOPKINS, their  
heirs, executors, administrators  
and assigns,

Defendants

AFFIDAVIT OF SERVICE


COMMONWEALTH OF PENNSYLVANIA

COUNTY OF CLEARFIELD

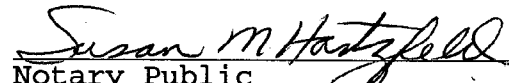
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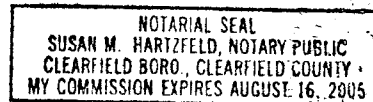
CARL A. BELIN, JR., attorney for the above named Plaintiffs,  
being duly sworn according to law, deposes and states that Notice  
of the Quiet Title Action was served upon Defendants, Robert H.  
Williams, Henry Wick, Clara Wick, Frank Morrison, Mary E. Morrison,  
Charles H. McKee, Clara McKee, Donald S. Hopkins, Margaretta B.  
Hopkins, and William P. Hopkins, their heirs, executors,  
administrators, and assigns, by publication in *The Courier*  
*Express*, a newspaper, on May 15, 2005, as evidenced by the Proof  
of Publication dated May 31, 2005, attached hereto, AND by

publication in the *Clearfield County Legal Journal*, Clearfield, on May 20, 2005, as evidenced by the Proof of Publication dated May 20, 2005, attached hereto.

  
\_\_\_\_\_  
Carl A. Belin, Jr., Esquire

SWORN AND SUBSCRIBED before me this 6<sup>th</sup> day of June, 2005.

  
\_\_\_\_\_  
Notary Public



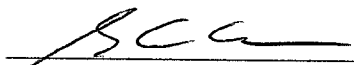
## PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :

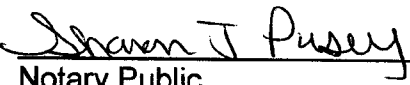
:

COUNTY OF CLEARFIELD :

On this 20th day of May 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 May 20, 2005. Vol. 17, No. 20. 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  
PO Box 1  
Clearfield PA 16830

2005 at 10:30 a.m. in Courtroom No. 2 of the Clearfield County Courthouse, Clearfield, Pennsylvania, as the time and place of hearing of the said Petition, when and where all persons interested may appear and show cause, if any they have, why the prayer of said Petition should not be granted.

RICHARD H. MILGRUB, Attorney-at Law, 211 North Second Street, Clearfield, PA 16830.

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

TIMOTHY B. ROBERTSON, SR., and  
CAROLYN C. ROBERTSON, Husband and  
Wife, Plaintiffs

No. 05 - 201 - C.D.

vs.

**ACTION TO QUIET TITLE**

ROBERTINA EIGHMY, ALVIN W.  
GEARHART, ROBERT H. WILLIAMS,  
HENRY WICK, CLARA WICK, FRANK  
MORRISON, MARY E. MORRISON,  
CHARLES H. McKEE, CLARA McKEE,  
DONALD S. HOPKINS, MARGARETTA B.  
HOPKINS, WILLIAM P. HOPKINS, their  
heirs, executors, administrators and  
assigns, Defendants

TO: ROBERT H. WILLIAMS, HENRY  
WICK, CLARA WICK, FRANK MORRISON,  
MARY E. MORRISON, CHARLES H.  
McKEE, CLARA McKEE, DONALD S.  
HOPKINS, MARGARETTA B. HOPKINS,  
AND WILLIAM P. HOPKINS, THEIR HEIRS,  
EXECUTORS, ADMINISTRATORS  
AND ASSIGNS:

**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, 1 North Second Street, Clearfield, Pennsylvania 16830 (814) 765-2641 Ex. 5982.

You are hereby notified that an Action to Quiet Title to premises identified in the Clearfield County Tax Maps as Parcel Numbers as 128-A3-15 and 128-A3-15.1M, said property consisting of the surface, coal (except the Mahoning seam of coal), and all

other minerals, which are part of the same tract, which is located in Sandy Township, Clearfield County, Clearfield, Pennsylvania, more particularly bounded and described as follows ("the first premises"):

BEGINNING at a point in the North line of the estate of Thomas Wayne and at the southeast corner of E. Dixon's land, and running thence North six (06°) degrees East along said Dixon's East line fifteen hundred and fifty-two (1552) feet to a post corner; thence along same land North eighty-five (85°) degrees fifteen (15') minutes West thirteen hundred and fifty-six (1356) feet to a post corner in the Jefferson and Clearfield County line; thence by said County line North four (04°) degrees thirty (30') minutes East nine hundred and two (902) feet to a post; thence North eighty-seven (87°) degrees East along lands of the Falls Creek Mining Company sixteen hundred and fifty (1650) feet to a post corner; thence by the same land and land of A. C. Hopkins North five (05°) degrees East twenty-nine hundred (2900) feet to a post at corner of land conveyed by A. Bell to J. E. Long; thence by said land South thirty-nine (39°) degrees East, twenty-three hundred and twenty (2320) feet to a post corner; thence by same land South fifty-one (51°) degrees West, one hundred and ninety-eight (198) feet to a post corner; thence by same land South thirty-nine (39°) degrees East, eighteen hundred and sixty (1860) feet to a post corner in the North line of J. Reisinger's 50 acre tract; thence along said tract North eighty-six (86°) degrees thirty (30') minutes West four hundred and thirty (430) feet to a post corner of said J. Reisinger's tract; thence by said tract South thirty-three (33°) degrees West twenty-seven hundred and eighty (2780) feet to a post in the North line of land of the estate of Thomas Wayne; thence along said Wayne land North eighty-five (85°) degrees thirty (30') minutes West thirteen hundred and twenty (1320) feet to the place of beginning. Containing two hundred thirty-nine (239) acres, be the same more or less.

Being a part of Warrant No. 5891 surveyed November 30, 1805.

The above premises are conveyed subject to a right of way granted by Alfred George Lewis to H. W. Reay on June 13, 1934, over property known as the "Patch" of the Old Road to the Rochester Mine.

And property consisting of premises identified in the Clearfield County Tax Maps as Parcel Numbers 128-A3-15 and 128-A3-15.1M, which are part of the same tract, consisting of the surface and coal, which is located in Sandy Township, Clearfield County, Clearfield, Pennsylvania, more particularly bounded and described as follows ("the second premises"):

BEGINNING at a hemlock, an original corner, and being the Northeast corner of the land hereby conveyed; thence South

**PEARING IN THE**

visor of the **Courier-Express/Tri-County** sworn, deposes and says that the **Courier Jeffersonian Democrat**, a weekly of DuBois, County and State aforesaid, on and the weekly publications, has been on is attached hereto exactly as the same dates viz: the

**2005**

a daily newspaper, **Tri-County** verify the foregoing statement resaid notice of publication, and ion are true.

sher of  
**ONIAN DEMOCRAT**

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

**\$691.74**

**\$4.25**

**\$695.99**

d/or **Jeffersonian Democrat**, a tion costs, and certifies that the

801

**DEMOCRAT**

advertising costs in the subject

OR

The above premises are conveyed subject to a right of way granted by Alfred George Lewis to H. W. Reay on June 13, 1934, over property known as the "Patch" of the Old Road to the Rochester Mine:

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I hereby matter BEGINNING at a hemlock, an original corner, and being the Northeast corner of the land hereby conveyed; thence South one (01°) degree East one hundred four and five tenths (104.5) perches to a pine; thence South eighty-three (83°) degrees West one hundred ten (110) perches to a post on the line dividing the Counties of Clearfield and Jefferson; thence by said County line North one (01°) degree eight (08') minutes East one hundred eight and seven tenths (108.7) perches to an ash corner; thence North eighty-five (85°) degrees East one hundred five and six tenths (105.6) perches to the place of beginning. Containing 71.4 acres, be the same more or less.

2005 at 10:30 a.m. in Courtroom No. 2 of the Clearfield County Courthouse, Clearfield, Pennsylvania, as the time and place of hearing of the said Petition, when and where all persons interested may appear and show cause, if any they have, why the prayer of said Petition should not be granted.  
RICHARD H. MILGRUB, Attorney-at-Law, 211 North Second Street, Clearfield, PA 16830.

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

TIMOTHY B. ROBERTSON, SR., and  
CAROLYN C. ROBERTSON, Husband and  
Wife, Plaintiffs

No. 05 - 201 - C.D.

vs.

**ACTION TO QUIET TITLE**

ROBERTINA EIGHMY, ALVIN W.  
GEARHART, ROBERT H. WILLIAMS,  
HENRY WICK, CLARA WICK, FRANK  
MORRISON, MARY E. MORRISON,  
CHARLES H. McKEE, CLARA McKEE,  
DONALD S. HOPKINS, MARGARETTA B.  
HOPKINS, WILLIAM P. HOPKINS, their  
heirs, executors, administrators and  
assigns, Defendants

TO: ROBERT H. WILLIAMS, HENRY  
WICK, CLARA WICK, FRANK MORRISON,  
MARY E. MORRISON, CHARLES H.  
McKEE, CLARA McKEE, DONALD S.  
HOPKINS, MARGARETTA B. HOPKINS,  
AND WILLIAM P. HOPKINS, THEIR HEIRS,  
EXECUTORS, ADMINISTRATORS  
AND ASSIGNS:

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BEGINNING at a hemlock, an original corner, and being the Northeast corner of the land hereby conveyed; thence South

The Accounts will be presented to the Orphans' Court for Confirmation NISI on the first Monday in June, 2005 and if no Objections or Exceptions are filed to the Account, it will be Confirmed Absolutely, as of course, without further notice by the Court in 10 days.

First & Final Account of Carolyn J. Bender, Executrix of the Estate of R. Geraldine Bickford, late of Clearfield, Clearfield County, PA, DECEASED.

First & Final Account of Carol A. Harley and Sara Louise Biancuzzo, Co-Executrices of the Estate of Anna Romaine Crawford a/k/a Romaine Crawford a/k/a A. Romaine Crawford, late of Hyde, Clearfield County, PA, DECEASED.

First & Final Account of Judy M. Farwell, Executor of the Estate of Allen R. DeLisle, late of Grampian, Clearfield County, PA, DECEASED.

First & Final Account of David A. Hess, Executor of the Estate of Sylvia Jean Hess, late of Grampian, Clearfield County, PA, DECEASED.

First & Final Account of Carlynn E. Crouse, Executrix of the Estate of Gerald L. Hawk, late of Penfield, Clearfield County, PA, DECEASED.

First & Final Account of County National Bank, Executor of the Estate of Ruth M. Rydberg, late of Kylertown, Clearfield County, PA, DECEASED.

Amended First & Final Account of Clearfield Bank & Trust Company, Trustee of A. E. Woolridge and J. C. Woolridge Real Estate Liquidating Trust.

First & Final Account of Thomas A. Prontock, Executor of the Estate of Helen A. Prontock, late of DuBois, Clearfield County, PA, DECEASED.

Third & Partial Account of S & T Bank, Trustee of Robert W. Fulton, Trust B, late of DuBois, Clearfield County, PA, DECEASED.

First & Final Account of Joseph M. Pisoni, Executor of the Estate of Rev. Otto B. Pisoni, late of Sandy Township, Clearfield County, PA, DECEASED.

First & Final Account of Frank R. Phillips, Executor of the Estate of Henrietta C. Phillips, late of the City of DuBois, Clearfield County, PA, DECEASED.

KAREN L. STARCK, REGISTER OF WILLS & CLERK OF THE ORPHANS' COURT.

ADV: May 13th & 20th 2005.

#### ARTICLES OF INCORPORATION

NOTICE IS HEREBY GIVEN THAT Articles of Incorporation were filed with the

Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania.

The name of the proposed corporation is MARK T. SULLIVAN CO., INC.

The Corporation has been incorporated under the Pennsylvania Business Corporation Law of 1988.

BLAKLEY & JONES, 90 Beaver Drive, Box 6, DuBois, Pa 15801.

#### LEGAL NOTICE

NOTICE is hereby given pursuant to the Municipality Authorities Act of the intention of the Moshannon Valley Joint Sewer Authority, with its office at 829 North Ninth Street, Philipsburg, (Rush Township), Centre County, Pennsylvania, to file Articles of Amendment with the Secretary of the Commonwealth on May 26, 2005, which Articles of Amendment shall provide that the members shall be Philipsburg Borough, South Philipsburg Borough, and Rush Township, all of Centre County, and Chester Hill Borough, Decatur Township, and Morris Township, all of Clearfield County; that the Board of the Authority shall consist of thirteen (13) members with each municipality having one permanent member; that the balance of the membership shall be allocated upon the expiration of their respective terms proportionately among the municipalities; and that the term of existence of the Authority shall be extended to a date fifty years from the date of approval of the Articles of Amendment by the Secretary of the Commonwealth.

Moshannon Valley Joint Sewer Authority, Board Secretary  
Winifred H. Jones-Wenger, 333 Laurel Street, PO Box 469, Philipsburg, PA 16866.

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

IN RE: RICHARD MICHAEL MILLER  
AUGENBAUGH

No. 05-597-CD

NOTICE - CHANGE OF NAME  
NOTICE IS HEREBY GIVEN THAT on

April 29, 2005, the Petition of Richard Michael Miller Aughenbaugh was filed in the above named Court, praying for a decree to change her name to Richard Michael Miller.

The Court has fixed the 6th day of July,

one (01°) degree East one hundred four and five tenths (104.5) perches to a pine; thence South eighty-three (83°) degrees West one hundred ten (110) perches to a post on the line dividing the Counties of Clearfield and Jefferson; thence by said County line North one (01°) degree eight (08') minutes East one hundred eight and seven tenths (108.7) perches to an ash corner; thence North eighty-five (85°) degrees East one hundred five and six tenths (105.6) perches to the place of beginning. Containing 71.4 acres, be the same more or less.

EXCEPTING AND RESERVING unto The Bell Telephone Company a right of way or easement upon, across, over and/or under the land to construct, reconstruct, operate and maintain lines of telephone and telegraph, consisting of such poles, wires, and other fixtures and appurtenances as may be required; together with the right of ingress, egress and regress at all times and such other rights as were granted unto The Bell Telephone Company by agreement of Frederick C. Harriman and wife dated March 7, 1939, and recorded in Miscellaneous Book 52, page 392.

And property consisting of premises identified in the Clearfield County Tax Maps as 128-A3-15 as .69 acres as follows ("the reservation"):

"ALL that lot or piece of land, same being bounded and described as follows: Beginning at an ash corner on the northwest corner of the land herein described and on the line dividing the counties of Clearfield and Jefferson; thence by the northern line of the said land herein conveyed North eighty-five (85°) degrees East seven hundred and twenty (720) feet to a point, the said point being the northwest corner of the lot hereby reserved; thence from said point North eighty-five (85°) degrees East two hundred (200) feet to a point; thence South five (05°) degrees East one hundred and fifty (150) feet to a point; thence South eighty-five (85°) degrees West two hundred (200) feet to a point; thence North five (05°) degrees West one hundred and fifty (150) feet to the place of beginning. Containing thirty thousand (30,000) square feet more or less."

And property consisting of premises identified in the Clearfield County Tax Maps as 128-A2-31, 128-A2-32, 128-A2-34, and 128-A2-38, which are part of the same tract, which is located in Sandy Township, Clearfield County, Clearfield, Pennsylvania, more particularly bounded and described as follows ("the third premises"):

BOUNDED on the North by lands now or formerly of Falls Creek Borough and the Baum-Mason Tract; on the East by lands now or formerly constituting Tract 2009; on the South by lands now or formerly of W. A. Bell and the DuBois Land and Improvement Company; and on the West by lands now or formerly of the R. F. and C. Railroad

Company. Being known as Warrant No. 13 in and within Sandy Township.

That one of the purposes of this Quiet Title Action is to establish that the Plaintiffs have title to the surface and all coal seams except the Mahoning seam of coal in the first premises; that title to the surface and coal in the second premises is vested in the Plaintiffs; that the Plaintiffs are the owners of the reservation by adverse possession; and that another purpose of this Quiet Title Action is to extinguish any interest that Donald S. Hopkins, William P. Hopkins, and Clara A. McKee Estate, their heirs and assigns, may have had in and to the third premises due to lack of notice or any other defect in the tax sale referred to in Paragraph 47 of the Complaint which is incorporated herein by reference and made a part hereof, and to extinguish any interest or equity that Donald S. Hopkins, William P. Hopkins, and Clara A. McKee Estate, their heirs and assigns may have had in the premises following said tax sale; that another purpose of this Quiet Title Action is to establish that Charles H. McKee, Clara McKee, Donald S. Hopkins, Margaretta B. Hopkins, and William P. Hopkins, their heirs, executors, administrators and assigns, conveyed all their interest to the Plaintiffs in the third premises by the deeds set forth in the complaint which are hereby incorporated by reference and made a part hereof, and that they have no interest in the third premises.

WHEREUPON said Court ordered that notice of said action and the facts thereto be served on the Defendants Robert H. Williams, Henry Wick, Clara Wick, Frank Morrison, Mary E. Morrison, Charles H. McKee, Clara McKee, Donald S. Hopkins, Margaretta B. Hopkins, and William P. Hopkins, their heirs, executors, administrators and assigns, by the Plaintiffs by advertisement requiring Defendants Robert H. Williams, Henry Wick, Clara Wick, Frank Morrison, Mary E. Morrison, Charles H. McKee, Clara McKee, Donald S. Hopkins, Margaretta B. Hopkins, and William P. Hopkins, their heirs, executors, administrators 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 Plaintiffs before the Court at a hearing to be held on June 23, 2005, at 2:30 P.M., at the Clearfield County Courthouse, Courtroom No. 2, Clearfield, Pennsylvania. The previous hearing scheduled in this matter on May 23, 2005, at 11:00 A.M., has been cancelled by Order of the Court.

BELIN & KUBISTA, Attorneys at Law,  
15 North Front Street, Clearfield, Penn-  
sylvania, Attorneys for Plaintiffs.

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

RICHARD E. POWERS and JUNE A. POWERS, Plaintiffs vs. T. S. WELLS, THOMAS WELLS, JENNIE WELLS, a/k/a JUINIE WELLS, EDGAR WELLS, a/k/a EDGAR L. WELLS, J.F. ARTHURS, W.C. QUICK, J.S. REITZ, A.H. REITZ and INDIAN CAMP, their heirs, successors, administrators, and assigns, and/or any persons or entity claiming under them to the herein described premises, Defendants

ACTION TO QUIET TITLE NOTICE  
NO. 2005-676 C.D.

TO THE ABOVE NAMED DEFENDANTS, their heirs, successors and assigns: 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 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 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 GET LEGAL HELP.

COURT ADMINISTRATOR'S 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 lying, situated and being in Huston Township, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

Camp and three (3) acres identified as Tax Map No. 119F1-5.

Further, the court of Common Pleas of Clearfield County, Pennsylvania, did by Order executed the 13th day of May, 2005, direct that notice of this action be served upon you by advertisement in the Clearfield County Legal Journal, as well as a newspaper in general circulation within Clearfield County, PA, and that if you do not appear or otherwise defend such action within thirty (30) days from the date of advertisement, you shall be, by appropriate Order, forever barred from asserting any right, lien, title or interest or claim of the Plaintiffs as set forth in their Complaint.

DAVID P. KING, ESQUIRE, Attorney  
for Plaintiffs, 23 Beaver Drive P.O. Box  
1016, DuBois, PA 15801 (814) 371-3760.

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, JUNE 3, 2005 at 10:00 A.M.

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

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

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

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

BEGINNING at a 3/4" rebar (set) at the northeast corner of other lands of Jonathan A. Zimmerman, also said rebar being on the western right of way of Township Road T-519 also known as Flegal Road, also said rebar being the southeast corner of lands being conveyed and running;

1. THENCE along the other lands of Jonathan A. Zimmerman North 75 degrees 37 minutes 07 seconds West a direction of 152.59 feet to a 3/4" rebar (set), said rebar being on the centerline of the old Witmer-Steele tram road;

2. THENCE through lands of the grantor and along the old Witmer-Steele tram road for a new line North 46 degrees 42 minutes 49 seconds East a distance of 25.00 feet to a 3/4" rebar (set);

3. THENCE still through lands of the grantor for a new line South 76 degrees 23 minutes 48 seconds East a distance of 148.69 feet to a 3/4" rebar (set), said rebar being on the western right of way of the aforementioned Flegal Road;

4. THENCE along the western right of way of Flegal Road South 36 degrees 36 minutes 05 seconds West a distance of 25.00 feet to a 3/4" rebar (set) and place of beginning;

CONTAINING 3,322.54 square feet as shown on map prepared by Curry and Associates dated August 27, 1990. Bearing the base on True North.



# AND BUILD

Tri-COUNTY

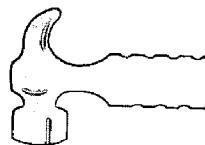
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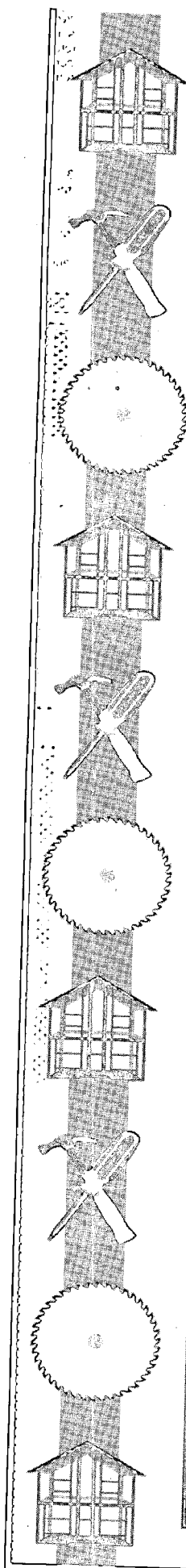
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION  
No. 05 - 201 - C.D.  
ACTION TO QUIET TITLE

TIMOTHY B. ROBERTSON, SR., and CAROLYN C. ROBERTSON, Husband and Wife,  
Plaintiffs  
vs.

ROBERTINA EIGHMY, ALVIN W. GEARHART, ROBERT H. WILLIAMS, HENRY WICK, CLARA WICK, FRANK MORRISON, MARY E. MORRISON, CHARLES H. MCKEE, CLARA MCKEE, DONALD S. HOPKINS, MARGARETTA B. HOPKINS, WILLIAM P. HOPKINS, their heirs, executors, administrators and assigns, Defendants

TO: ROBERT H. WILLIAMS, HENRY WICK, CLARA WICK,  
FRANK MORRISON, MARY E. MORRISON, CHARLES  
H. MCKEE, CLARA MCKEE, DONALD S. HOPKINS,  
MARGARETTA B. HOPKINS, AND WILLIAM P. HOPKINS,  
THEIR HEIRS, EXECUTORS, ADMINISTRATORS AND  
ASSIGNS:

NOTICE

If you wish to defend, you must enter a written appearance personally or by attorney and file your answer 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, 1 North Second Street, Clearfield, Pennsylvania 16830 (814) 765-2641 Ex. 5982.

You are hereby notified that an Action to Quiet Title to premises identified in the Clearfield County Tax Maps as Parcel Numbers as 128-A3-15 and 128-A3-15.1M, said property consisting of the surface and coal (except the Mahoning seam of coal), and all other minerals, which are part of the same tract, which is located in Sandy Township, Clearfield County, Clearfield, Pennsylvania, more particularly bounded and described as follows ("the first premises"):

BEGINNING at a point in the North line of the estate of Thomas Wayne and at the southeast corner of E. Dixon's land, and running thence North six (06°) degrees East along said Dixon's East line fifteen hundred and fifty-two (1552) feet to a post corner; thence along same land North eighty-five (85°) degrees fifteen (15) minutes West thirteen hundred and fifty-six (1356) feet to a post corner in the Jefferson and Clearfield County line; thence by said County line North four (04°) degrees thirty (30°) minutes East nine hundred and two (902) feet to a post; thence North eighty-seven (87°) degrees East along lands of the Falls Creek Mining Company sixteen hundred and fifty (1650) feet to a post corner; thence by the same land and land of A. C. Hopkins North five (05°) degrees East twenty-nine hundred (2900) feet to a post at corner of land conveyed by A. Bell to J. E. Long; thence by said land South thirty-nine (39°) degrees East, twenty-three hundred and twenty (2320) feet to a post corner; thence by same land South fifty-one (51°) degrees West, one hundred and ninety-eight (198) feet to a post corner; thence by same land South thirty-nine (39°) degrees East, eighteen hundred and sixty (1860) feet to a post corner in the North line of J. Reisinger's 50 acre tract; thence along said tract North eighty-six (86°) degrees thirty (30°) minutes West four hundred and thirty (430) feet to a post corner of said J. Reisinger's tract; thence by said tract South thirty-three (33°) degrees West twenty-seven hundred and eighty (2780) feet to a post in the North line of land of the estate of Thomas Wayne; thence along said Wayne land North eighty-five (85°) degrees thirty (30°) minutes West thirteen hundred and twenty (1320) feet to the place of beginning. Containing two hundred thirty-nine (239) acres, be the same more or less. Being a part of Warrant No. 5891 surveyed November 30, 1805.

The above premises are conveyed subject to a right of way granted by Alfred George Lewis to H. W. Reay on June 13, 1934, over property known as the "Patch" of the Old Road to the Rochester Mine.

And property consisting of premises identified in the Clearfield County Tax Maps as Parcel Numbers 128-A3-15 and 128-A3-15.1M, which are part of the same tract, consisting of the surface and coal, which is located in Sandy Township, Clearfield County, Clearfield, Pennsylvania, more particularly bounded and described as follows ("the second premises"):

BEGINNING at a hemlock, an original corner, and being the Northeast corner of the land hereby conveyed; thence South one (01°) degree East one hundred four and five tenths (104.5) perches to a pine; thence South eighty-three (83°) degrees West one hundred ten (110) perches to a post on the line dividing the Counties of Clearfield and Jefferson; thence by said County line North one (01°) degree eight (08°) minutes East one hundred eight and seven tenths (108.7) perches to an ash corner; thence North eighty-five (85°) degrees East one hundred five and six tenths (105.6) perches to the place of beginning. Containing 71.4 acres, be the same more or less.

EXCEPTING AND RESERVING unto The Bell Telephone Company a right of way or easement upon, across, over and/or under the land to construct, reconstruct, operate and maintain lines of telephone and telegraph, consisting of such poles, wires, and other fixtures and appurtenances as may be required; together with the right of ingress, egress and regress at all times and such other rights as were granted unto The Bell Telephone Company by agreement of Frederick C. Harriman and wife dated March 7, 1939, and recorded in Miscellaneous Book 52, page 392.

And property consisting of premises identified in the Clearfield County Tax Maps as 128-A3-15 as .69 acres as follows ("the reservation"):

"ALL that lot or piece of land, same being bounded and described as follows: Beginning at an ash corner on the northwest corner of the land herein described and on the line dividing the counties of Clearfield and Jefferson; thence by the northern line of the said land herein conveyed North eighty-five (85°) degrees East seven hundred and twenty (720) feet to a point, the said point being the northwest corner of the lot hereby reserved; thence from said point North eighty-five (85°) degrees East two hundred (200) feet to a point; thence South five (05°) degrees East one hundred and fifty (150) feet to a point; thence South eighty-five (85°) degrees West two hundred (200) feet to a point; thence North five (05°) degrees West one hundred and fifty (150) feet to the place of beginning. Containing thirty thousand (30,000) square feet more or less."

And property consisting of premises identified in the Clearfield County Tax Maps as 128-A2-31, 128-A2-32, 128-A2-34, and 128-A2-38, which are part of the same tract, which is located in Sandy Township, Clearfield County, Clearfield, Pennsylvania, more particularly bounded and described as follows ("the third premises"):

BOUNDED on the North by lands now or formerly of Falls Creek Borough and the Baum-Mason Tract on the East by lands now or formerly constituting Tract 2009; on the South by lands now or formerly of W. A. Bell and the Dubois Land and Improvement Company; and on the West by lands now or formerly of the R. F. and C. Railroad Company. Being known as Warrant No. 13 in and within Sandy Township.

That one of the purposes of this Quiet Title Action is to establish that the Plaintiffs have title to the surface and all coal seams except the Mahoning seam of coal in the first premises; that title to the surface and coal in the second premises is vested in the Plaintiffs; that the Plaintiffs are the owners of the reservation by adverse possession; and that another purpose of this Quiet Title Action is to extinguish any interest that Donald S. Hopkins, William P. Hopkins, and Clara A. McKee Estate, their heirs and assigns, may have had in and to the third premises due to lack of notice or any other defect in the tax sale referred to in Paragraph 47 of the Complaint which is incorporated herein by reference and made a part hereof, and to extinguish any interest or equity that Donald S. Hopkins, William P. Hopkins, and Clara A. McKee Estate, their heirs and assigns may have had in the premises following said tax sale; that another purpose of this Quiet Title Action is to establish that Charles H. McKee, Clara McKee, Donald S. Hopkins, Margarett B. Hopkins, and William P. Hopkins, their heirs, executors, administrators and assigns, conveyed all their interest to the Plaintiffs in the third premises by the deeds set forth in the complaint which are hereby incorporated by reference and made a part hereof, and that they have no interest in the third premises.

WHEREUPON said Court ordered that notice of said action and the facts thereto be served on the Defendants Robert H. Williams, Henry Wick, Clara Wick, Frank Morrison, Mary E. Morrison, Charles H. McKee, Clara McKee, Donald S. Hopkins, Margarett B. Hopkins, and William P. Hopkins, their heirs, executors, administrators and assigns, by the Plaintiffs by advertisement requiring Defendants Robert H. Williams, Henry Wick, Clara Wick, Frank Morrison, Mary E. Morrison, Charles H. McKee, Clara McKee, Donald S. Hopkins, Margarett B. Hopkins, and William P. Hopkins, their heirs, executors, administrators 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 Plaintiffs before the Court at a hearing to be held on June 23, 2005, at 2:30 P.M., at the Clearfield County Courthouse, Court room No. 2, Clearfield, Pennsylvania. The previous hearing scheduled in this matter on May 23, 2005, at 11:00 A.M., has been cancelled by Order of the Court.

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

**STATE OF PENNSYLVANIA**  
**COUNTY OF CLEARFIELD**

**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

**15th** day of **May** 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 Trude Smith

Sworn and subscribed to before me this 31st day of May, 2005

NOTARY PUBLIC

**THIS IS**  
**NOT A**  
**BILL**

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

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

TO **Belin & Kubista**

|  |                 |
|--|-----------------|
| For publishing the notice or advertisement<br>attached hereto on the above stated dates..... | <u>\$691.74</u> |
| Probating same.....  | <u>\$4.25</u>   |
| Total.....   | <u>\$695.99</u> |

### 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 DIVISION

TIMOTHY B. ROBERTSON, SR., and :  
CAROLYN C. ROBERTSON, Husband and :  
Wife, :

Plaintiffs :

vs. :

No. 05 - 201 - C.D.

ACTION TO QUIET TITLE

ROBERTINA EIGHMY, ALVIN W. :  
GEARHART, ROBERT H. WILLIAMS, :  
HENRY WICK, CLARA WICK, FRANK :  
MORRISON, MARY E. MORRISON, :  
CHARLES H. McKEE, CLARA McKEE, :  
DONALD S. HOPKINS, MARGARETTA B. :  
HOPKINS, WILLIAM P. HOPKINS, their :  
heirs, executors, administrators :  
and assigns, :

Defendants :

FILED 3cc  
JUN 23 2005  
Belk

William A. Shaw  
Prothonotary/Clerk of Courts

ORDER

AND NOW, this 23<sup>rd</sup> day of June, 2005, an Affidavit of Service of the Complaint with Notice to Defend having been filed stating that the complaint and notice was served on Defendants Robert H. Williams, Henry Wick, Clara Wick, Frank Morrison, Mary E. Morrison, Charles H. McKee, Clara McKee, Donald S. Hopkins, Margaretta B. Hopkins, and William P. Hopkins, their heirs, executors, administrators and assigns by publication, and no responsive pleading having been filed by said Defendants, Robert H. Williams, Henry Wick, Clara Wick, Frank Morrison, Mary E. Morrison, Charles H. McKee, Clara McKee, Donald S. Hopkins, Margaretta B. Hopkins, and William P. Hopkins, their heirs, executors, administrators and

assigns, the Defendants Robert H. Williams, Henry Wick, Clara Wick, Frank Morrison, Mary E. Morrison, Charles H. McKee, Clara McKee, Donald S. Hopkins, Margaretta B. Hopkins, and William P. Hopkins, their heirs, executors, administrators and assigns, having not appeared in person or by attorney upon motion of Carl A. Belin, Jr., Attorney for Plaintiffs, it is the **ORDER** of this Court that title to said premises is found to be vested in the Plaintiffs and that they be allowed to enjoy said property in peace. Said property is identified in the Clearfield County Tax Maps as Parcel Numbers 128-A3-14 and 123-A3-14.1M, said property consisting of the surface, coal (except the Mahoning seam of coal), and all other minerals, which are part of the same tract, which is located in Sandy Township, Clearfield County, Clearfield, Pennsylvania, more particularly bounded and described as follows ("**the first premises**"):

BEGINNING at a point in the North line of the estate of Thomas Wayne and at the southeast corner of E. Dixon's land, and running thence North six (06°) degrees East along said Dixon's East line fifteen hundred and fifty-two (1552) feet to a post corner; thence along same land North eighty-five (85°) degrees fifteen (15') minutes West thirteen hundred and fifty-six (1356) feet to a post corner in the Jefferson and Clearfield County line; thence by said County line North four (04°) degrees thirty (30') minutes East nine hundred and two (902) feet to a post; thence North eighty-seven (87°) degrees East along lands of the Falls Creek Mining Company sixteen hundred and fifty (1650) feet to a

post corner; thence by the same land and land of A. C. Hopkins North five (05°) degrees East twenty-nine hundred (2900) feet to a post at corner of land conveyed by A. Bell to J. E. Long; thence by said land South thirty-nine (39°) degrees East, twenty-three hundred and twenty (2320) feet to a post corner; thence by same land South fifty-one (51°) degrees West, one hundred and ninety-eight (198) feet to a post corner; thence by same land South thirty-nine (39°) degrees East, eighteen hundred and sixty (1860) feet to a post corner in the North line of J. Reisinger's 50 acre tract; thence along said tract North eighty-six (86°) degrees thirty (30') minutes West four hundred and thirty (430) feet to a post corner of said J. Reisinger's tract; thence by said tract South thirty-three (33°) degrees West twenty-seven hundred and eighty (2780) feet to a post in the North line of land of the estate of Thomas Wayne; thence along said Wayne land North eighty-five (85°) degrees thirty (30') minutes West thirteen hundred and twenty (1320) feet to the place of beginning. Containing two hundred thirty-nine (239) acres, be the same more or less. Being a part of Warrant No. 5891 surveyed November 30, 1805.

The above premises are conveyed subject to a right of way granted by Alfred George Lewis to H. W. Reay on June 13, 1934, over property known as the "Patch" of the Old Road to the Rochester Mine.

And property consisting of premises identified in the Clearfield County Tax Maps as Parcel Numbers 128-A3-15 and 128-A3-15.1M, which are part of the same tract, consisting of the surface and coal, and all other minerals, which is located in Sandy Township, Clearfield County, Clearfield, Pennsylvania, more particularly bounded and described as follows ("the second

**premises") :**

BEGINNING at a hemlock, an original corner, and being the Northeast corner of the land hereby conveyed; thence South one (01°) degree East one hundred four and five tenths (104.5) perches to a pine; thence South eighty-three (83°) degrees West one hundred ten (110) perches to a post on the line dividing the Counties of Clearfield and Jefferson; thence by said County line North one (01°) degree eight (08') minutes East one hundred eight and seven tenths (108.7) perches to an ash corner; thence North eighty-five (85°) degrees East one hundred five and six tenths (105.6) perches to the place of beginning. Containing 71.4 acres, be the same more or less.

EXCEPTING AND RESERVING unto The Bell Telephone Company a right of way or easement upon, across, over and/or under the land to construct, reconstruct, operate and maintain lines of telephone and telegraph, consisting of such poles, wires, and other fixtures and appurtenances as may be required; together with the right of ingress, egress and regress at all times and such other rights as were granted unto The Bell Telephone Company by agreement of Frederick C. Harriman and wife dated March 7, 1939, and recorded in Miscellaneous Book 52, page 392.

And property consisting of premises identified in the Clearfield County Tax Maps as 128-A3-15 as .69 acres as follows

**("the reservation") :**

**"ALL** that lot or piece of land, same being bounded and described as follows: Beginning at an ash corner on the northwest corner of the land herein described and on the line dividing the counties of Clearfield and Jefferson; thence by the northern line of the said land herein conveyed North eighty-five

(85°) degrees East seven hundred and twenty (720) feet to a point, the said point being the northwest corner of the lot hereby reserved; thence from said point North eighty-five (85°) degrees East two hundred (200) feet to a point; thence South five (05°) degrees East one hundred and fifty (150) feet to a point; thence South eighty-five (85°) degrees West two hundred (200) feet to a point; thence North five (05°) degrees West one hundred and fifty (150) feet to the place of beginning. Containing thirty thousand (30,000) square feet more or less."

And property consisting of premises identified in the Clearfield County Tax Maps as 128-A2-31, 128-A2-32, 128-A2-34, and 128-A2-38, which are part of the same tract, which is located in Sandy Township, Clearfield County, Clearfield, Pennsylvania, more particularly bounded and described as follows ("**the third premises**"):

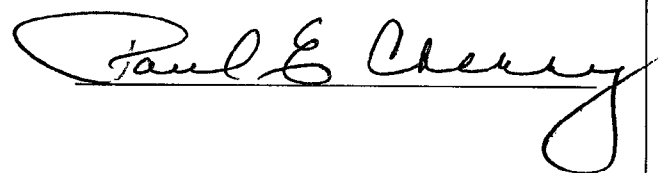
BOUNDED on the North by lands now or formerly of Falls Creek Borough and the Baum-Mason Tract; on the East by lands now or formerly constituting Tract 2009; on the South by lands now or formerly of W. A. Bell and the DuBois Land and Improvement Company; and on the West by lands now or formerly of the R. F. and C. Railroad Company. Being known as Warrant No. 13 in and within Sandy Township.

It is the FURTHER ORDER of this Court that unless the Defendants Robert H. Williams, Henry Wick, Clara Wick, Frank Morrison, Mary E. Morrison, Charles H. McKee, Clara McKee, Donald S. Hopkins, Margaretta B. Hopkins, and William P. Hopkins, their heirs, executors, administrators and assigns, file a responsive



pleading to the complaint or institute an action in ejectment within thirty (30) days of the date hereof, the Defendants Robert H. Williams, Henry Wick, Clara Wick, Frank Morrison, Mary E. Morrison, Charles H. McKee, Clara McKee, Donald S. Hopkins, Margaretta B. Hopkins, and William P. Hopkins, their heirs, executors, administrators and assigns, shall be forever barred from asserting any right, lien, title or interest in the land inconsistent with the interest of the claim of the Plaintiffs set forth in their Complaint. If Defendants Robert H. Williams, Henry Wick, Clara Wick, Frank Morrison, Mary E. Morrison, Charles H. McKee, Clara McKee, Donald S. Hopkins, Margaretta B. Hopkins, and William P. Hopkins, their heirs, executors, administrators and assigns, fail to take such action within the thirty (30) day period, the Prothonotary on Praecipe of the Plaintiffs shall enter final judgment against Defendants Robert H. Williams, Henry Wick, Clara Wick, Frank Morrison, Mary E. Morrison, Charles H. McKee, Clara McKee, Donald S. Hopkins, Margaretta B. Hopkins, and William P. Hopkins, their heirs, executors, administrators and assigns.

BY THE COURT,

A handwritten signature in cursive script, reading "Paul E. Cherry". The signature is written in dark ink and is positioned below the text "BY THE COURT,". The signature is somewhat stylized, with a large, looping initial "P" and a long, sweeping underline.

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

TIMOTHY B. ROBERTSON, SR., and  
CAROLYN C. ROBERTSON, Husband and  
Wife,

Plaintiffs

vs.

ROBERTINA EIGHMY, ALVIN W.  
GEARHART, ROBERT H. WILLIAMS,  
HENRY WICK, CLARA WICK, FRANK  
MORRISON, MARY E. MORRISON,  
CHARLES H. MCKEE, CLARA MCKEE,  
DONALD S. HOPKINS, MARGARETTA B.  
HOPKINS, WILLIAM P. HOPKINS, their  
heirs, executors, administrators  
and assigns,

Defendants

No. 05 - 201 - C.D.

ACTION TO QUIET TITLE

PRAECIPE FINAL JUDGMENT  
AGAINST ROBERT H.  
WILLIAMS, HENRY WICK,  
CLARA WICK, FRANK  
MORRISON, MARY E.  
MORRISON, CHARLES H.  
MCKEE, CLARA MCKEE,  
DONALD S. HOPKINS,  
MARGARETTA B. HOPKINS,  
WILLIAM P. HOPKINS,  
their heirs, executors,  
administrators and  
assigns

Filed on behalf of  
Plaintiffs

Counsel of Record for  
this Party:

Carl A. Belin, Jr.  
Attorney-at-Law  
Pa. I.D. 06805

Belin & Kubista  
15 North Front Street  
P.O. Box 1  
Clearfield, PA 16830

(814) 765-8972

FILED<sup>®</sup> NO CC  
D/11:04/01  
JUL 25 2005

William A. Shaw  
Prothonotary/Clerk of Courts

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

|                                    |   |                       |
|------------------------------------|---|-----------------------|
| TIMOTHY B. ROBERTSON, SR., and     | : |                       |
| CAROLYN C. ROBERTSON, Husband and  | : |                       |
| Wife,                              | : |                       |
|                                    | : |                       |
| Plaintiffs                         | : |                       |
|                                    | : | No. 05 - 201 - C.D.   |
| vs.                                | : |                       |
|                                    | : | ACTION TO QUIET TITLE |
| ROBERTINA EIGHMY, ALVIN W.         | : |                       |
| GEARHART, ROBERT H. WILLIAMS,      | : |                       |
| HENRY WICK, CLARA WICK, FRANK      | : |                       |
| MORRISON, MARY E. MORRISON,        | : |                       |
| CHARLES H. McKEE, CLARA McKEE,     | : |                       |
| DONALD S. HOPKINS, MARGARETTA B.   | : |                       |
| HOPKINS, WILLIAM P. HOPKINS, their | : |                       |
| heirs, executors, administrators   | : |                       |
| and assigns,                       | : |                       |
| Defendants                         | : |                       |

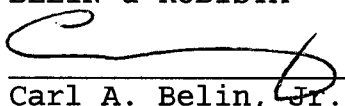
PRAECIPE FOR FINAL JUDGMENT

TO THE PROTHONOTARY:

Please enter final judgment in favor of the Plaintiffs and against Defendants Robert H. Williams, Henry Wick, Clara Wick, Frank Morrison, Mary E. Morrison, Charles H. McKee, Clara McKee, Donald S. Hopkins, Margaretta B. Hopkins, and William P. Hopkins, their heirs, executors, administrators and assigns, in the above-captioned case for failure of Defendants Robert H. Williams, Henry Wick, Clara Wick, Frank Morrison, Mary E. Morrison, Charles H. McKee, Clara McKee, Donald S. Hopkins, Margaretta B. Hopkins, and William P. Hopkins, their heirs,

executors, administrators and assigns, to take action within thirty (30) days as directed by the Order of Court entered June 23, 2005.

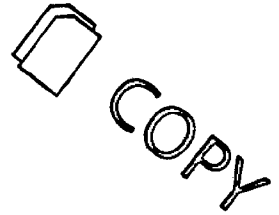
BELIN & KUBISTA



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Carl A. Belin, Jr., Esq.  
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY,  
PENNSYLVANIA  
STATEMENT OF JUDGMENT

 COPY

Timothy Robertson, Sr. and Carolyn C. Robertson  
Plaintiff(s)

No.: 2005-00201-CD

Real Debt: Quiet Title

Vs.

Robertina Eighmy, Alvin W. Gearhart, Robert H.  
Williams, Henry Wick, Clara Wick, Frank  
Morrison, Mary E. Morrison, Charles H. McKee,  
Clara McKee, Donald S. Hopkins, Margaretta B.  
Hopkins, William P. Hopkins  
Defendant(s)

Instrument: **Final Judgment Against Robert  
H. Williams, Henry Wick, Clara Wick,  
Frank Morrison, Mary E. Morrison,  
Charles H. McKee, Clara McKee,  
Donald S. Hopkins, Margaretta B. Hopkins,  
William P. Hopkins for the premises**

Date of Entry: July 25, 2005

Expires:

Certified from the record this 25th day of July, 2005.

\_\_\_\_\_  
William A. Shaw, Prothonotary

\*\*\*\*\*

SIGN BELOW FOR SATISFACTION

Received on \_\_\_\_\_, \_\_\_\_\_, of defendant full satisfaction of this Judgment,  
Debt, Interest and Costs and Prothonotary is authorized to enter Satisfaction on the same.

\_\_\_\_\_  
Plaintiff/Attorney