

05-329-CD
S. Orcutt et al vs. M. Luce et al

MARY ELLA LUCE
ETAL

Steve Orcutt et al v. Mary Luce et al
2005-329-CD

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

STEVE A. ORCUTT and
PENNY D. ORCUTT,
Plaintiffs

vs.

MARY ELLA LUCE a/k/a MARY ELLA
HENDRICKS a/k/a ELLA PEOPLES
HENDRICKS a/k/a ELLA HENDRICKS,
a/k/a MARY ELLA LUCE HENDRICKS,
CLAUDE LUCE, RALPH LUCE,
IRENE WILSON, OTTO LUCE,
AVIS BEATON, CECILIA PEOPLES
a/k/a C. M. PEOPLES, JOHN I. PEOPLES
a/k/a J. P. PEOPLES, HAROLD LUCE,
AUDREY TITEL, FRANK JOSEPH
PARMIGIANI, JR., CORINNE
McBURNEY, NEIL LUCE, CHARLES
LUCE, GLENN LUCE, RUSSELL LUCE,
BETTY BARONI, SHIRLEY REITZ,
GILBERT WAYNE, and any heir, persons
claiming or who might claim title under
the aforesaid defendants; and any other
person, persons, firms, partnerships,
or corporate entities who might claim
title to the premises herein described,
Defendants

No. 2005-329-C.D.

ACTION IN QUIET TITLE

Type of Pleading: Complaint

Filed on behalf of: Steve A. Orcutt
and Penny D. Orcutt, Plaintiffs

Counsel of Record for this Party:

HOPKINS HELTZEL LLP

DAVID J. HOPKINS, ESQUIRE
Attorney at Law

Supreme Court No. 42519
900 Beaver Drive
DuBois, Pennsylvania 15801

(814) 375-0300

FILED ^{icc}
MAR 09 2005
William A. Shaw
Prothonotary/Clerk of Courts
Atty Hopkins
Atty pd. 95.00

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

STEVE A. ORCUTT and
PENNY D. ORCUTT,
Plaintiffs

vs.

No. 2005- C.D.

MARY ELLA LUCE a/k/a MARY ELLA
HENDRICKS a/k/a ELLA PEOPLES
HENDRICKS a/k/a ELLA HENDRICKS,
a/k/a MARY ELLA LUCE HENDRICKS,
CLAUDE LUCE, RALPH LUCE,
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LUCE, GLENN LUCE, RUSSELL LUCE,
BETTY BARONI, SHIRLEY REITZ,
GILBERT WAYNE, and any heir, persons
claiming or who might claim title under
the aforesaid defendants; and any other
person, persons, firms, partnerships,
or corporate entities who might claim
title to the premises herein described,

NOTICE

TO DEFENDANTS:

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 judgement 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.

Office of the Court Administrator
Clearfield County Courthouse
230 E. Market Street
Clearfield, PA 16830
(814) 765-2641 ext. 5982

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

STEVE A. ORCUTT and
PENNY D. ORCUTT,
Plaintiffs

vs.

No. 2005- C.D.

MARY ELLA LUCE a/k/a MARY ELLA
HENDRICKS a/k/a ELLA PEOPLES
HENDRICKS a/k/a ELLA HENDRICKS,
a/k/a MARY ELLA LUCE HENDRICKS,
CLAUDE LUCE, RALPH LUCE,
IRENE WILSON, OTTO LUCE,
AVIS BEATON, CECILIA PEOPLES
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GILBERT WAYNE, and any heir, persons
claiming or who might claim title under
the aforesaid defendants; and any other
person, persons, firms, partnerships,
or corporate entities who might claim
title to the premises herein described,
Defendants

COMPLAINT

NOW COMES, Plaintiffs, Steve A. Orcutt and Penny D. Orcutt, by and through their
attorneys, Hopkins Heltzel LLP and avers as follows:

COUNT I

1. Plaintiffs are married adult individuals who reside at 161 Union Boulevard,
Rockton, Pennsylvania 15856.

2. The property to be quieted is described as follows:

All that certain piece of land, situate in the Village of Rockton, Union Township, Clearfield County and State of Pennsylvania, known as No. 28 in Town Plot of said Village and bounded as follows:

Beginning at a stone, thence North one hundred twenty four (124') feet to Spruce Street;

Thence, West two hundred fifty six (256') feet to North and South Street;

Thence, South by said street to land now or formerly of William Welty, one hundred twenty four (124') feet;

Thence, East two hundred fifty six (256') feet by said lands now or formerly of William Welty to the place of beginning.

Excepting and reserving from the aforesaid the following property sold to Mary Ella Luce beginning at a post at corner of North and South Street and Spruce Street;

Thence, East one hundred eight (108') feet to a post;

Thence, South one hundred (100') feet to a post;

Thence, West one hundred eight (108') feet to a post on North and South Street;

Thence, North by said street one hundred (100') feet to post and place of beginning.

3. The property at issue was at one time part of Lot 28 in the Daniel E. Brubaker Extension of Rockton as identified in Miscellaneous Book 35 at page 558 in the Office of the Recorder of Deeds of Clearfield County.

4. By Deed dated March 2, 1985 and recorded in the Office of the Recorder of Deed in Clearfield County in Deed Book 49, at page 185, Elizabeth Wright conveyed the property described in paragraph 2 to John I. Peoples.

5. By Deed dated June 23, 1924 and recorded in the Office of the Recorder of Deeds of Clearfield County in Deed Book 268 at page 280, John I. Peoples conveyed the eastern portion of Lot 28 to Mary Ella Hendricks.

6. By Deed dated May 27, 1903 and recorded in the Office of the Recorder of Deeds of Clearfield County in Deed Book 133 at page 208, John I. Peoples and C. M. Peoples, a/k/a Cecilia M. Peoples conveyed the western portion of Lot 28 to Mary Ella Luce a/k/a Mary Ella Hendricks.

7. By Deed dated September 10, 1953, Mary Ella Luce Hendricks conveyed the western portion of Lot 28 to Otto H. Luce and Josephine R. Beezer.

8. Josephine R. Beezer died testate on December 6, 1991 and by item two of her Last Will and Testament duly probated in the Office of the Register of Wills of Clearfield County did devise her one half (1/2) interest in the western portion of Lot 28 to Otto H. Luce.

9. By Deed dated February 14, 1992 and recorded in the Office of the Recorder of Deeds of Clearfield County, in Volume 1448, at page 49, Otto Luce conveyed the western portion of Lot 28 to Beatty A. Baroni and Shirley J. Reitz.

10. By Deed dated June 19, 1992 and recorded in the Office of the Recorder of Deeds of Clearfield County in Volume 1474, at page 151, Beatty A. Baroni and her husband, Vigilio Baroni, and Shirley J. Reitz and her husband, Delbert Reitz, conveyed the western portion of Lot 28 to Plaintiffs, Steve A. Orcutt and Penny D. Orcutt.

11. Ella Hendricks died November 13, 1971. The estate inventory and inheritance tax return filed by the estate lists Ella Hendricks having died with no real property. The heirs listed on the inheritance tax return are Defendants.


12. The following people identified below were identified as having an interest in the contiguous property in a quiet title action filed in the matter of Otto H. Luce and Josephine R. Breezer vs. Cecilia Peoples, et al., No. 87-226 C.D., filed in the Court of Common Pleas. They may have an interest in this property. The people listed in No. 87-226 C.D. are Cecilia Peoples, C. M. Peoples, John I. Peoples, a/k/a J. P. Peoples, Mary Ella Luce Hendricks, a/k/a Ella Peoples

Hendricks, a/k/a Ella Hendricks, Harold Luce, Audrey Titel, Frank Joseph Parmigiani, Jr., Corinne McBurney, Neil Luce, Charles Luce, Glenn Luce, Russell Luce, Betty Baroni, Shirley Reitz, Gilbert Wayne Luce and Avis Beaton.

13. Plaintiffs herein and their predecessors in title have been in open, notorious, continuous, hostile and adverse possession of the subject property to the exclusion of the Defendants and their predecessor and successors in title since their acquisition of the property and have acquired said property by adverse possession thereby extinguishing any right, title or interest which the Defendants herein may have had in and to the subject property.

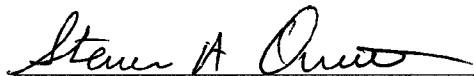
WHEREFORE, the Plaintiffs request your Honorable Court to enter a Decree terminating all the right, title and interest which the Defendants, their heirs, executors, successors and assigns may have in and to the premises as hereinbefore described and that the Plaintiffs herein shall have good and sufficient title thereto and that Defendants herein be enjoined from asserting any right, title and interest, claim or demand in or to said premises superior to that of the Plaintiffs.

Respectfully submitted,


David J. Hopkins, Esquire
Attorney for Plaintiffs

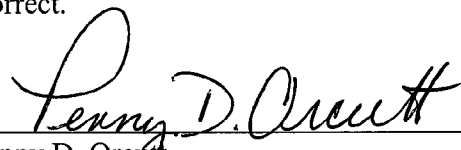
VERIFICATION

With full understanding that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities, I verify that the statements made in this pleading are true and correct.


Steve A. Orcutt

VERIFICATION

With full understanding that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities, I verify that the statements made in this pleading are true and correct.


Penny D. Orcutt

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

STEVE A. ORCUTT and
PENNY D. ORCUTT,
Plaintiffs

vs.

No. 2005- 329 C.D.

MARY ELLA LUCE a/k/a MARY ELLA
HENDRICKS a/k/a ELLA PEOPLES
HENDRICKS a/k/a ELLA HENDRICKS,
a/k/a MARY ELLA LUCE HENDRICKS,
CLAUDE LUCE, RALPH LUCE,
IRENE WILSON, OTTO LUCE,
AVIS BEATON, CECILIA PEOPLES
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McBURNEY, NEIL LUCE, CHARLES
LUCE, GLENN LUCE, RUSSELL LUCE,
BETTY BARONI, SHIRLEY REITZ,
GILBERT WAYNE, and any heir, persons
claiming or who might claim title under
the aforesaid defendants; and any other
person, persons, firms, partnerships,
or corporate entities who might claim
title to the premises herein described,
Defendants

FILED ^{icc}
MAR 09 2005
William A. Shaw
Prothonotary/Clerk of Courts
Any Hopkins

AFFIDAVIT OF UNKNOWN WHEREABOUTS

Plaintiffs, Steve A. Orcutt and Penny D. Orcutt, being duly sworn according to law,
deposes and says that to the best of their knowledge, information and belief, the whereabouts of
Defendants' Mary Ella Luce a/k/a Mary Ella Hendricks a/k/a Ella Peoples Hendricks a/k/a Ella
Hendricks a/k/a Mary Ella Luce Hendricks, Claude Luce, Ralph Luce, Irene Wilson, Otto Luce,
Avis Beaton, Cecilia Peoples a/k/a C. M. Peoples, John I. Peoples a/k/a J. P. Peoples, Harold
Luce, Audrey Titel, Frank Joseph Parmigiani, Jr., Corinne McBurney, Neil Luce, Charles Luce,

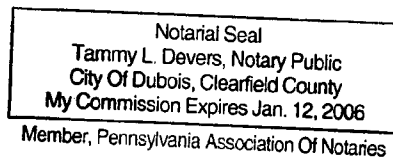
Glenn Luce, Russell Luce, Betty Baroni, Shirley Reitz and Gilbert Wayne, whereabouts are unknown to them.

Steve A. Orcutt
Steve A. Orcutt

Penny D. Orcutt
Penny D. Orcutt

Sworn to and subscribed before
me this 3rd day of
March 2005.

Tammy L. Devers
Notary Public



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

STEVE A. ORCUTT and
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No. 2005- 329- C.D.

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10/12/50
MAR 14 2005

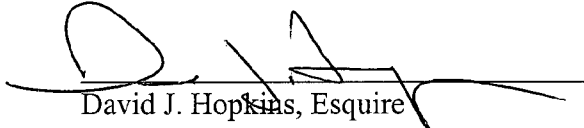
William A. Shaw
Prothonotary/Clerk of Courts

MOTION FOR PUBLICATION

AND NOW, this 10th day of March, 2005, an Affidavit having been executed and filed
by Steve A. Orcutt and Penny D. Orcutt, and that the whereabouts of Defendants, Mary Ella
Luce a/k/a Mary Ella Hendricks a/k/a Ella Peoples Hendricks a/k/a Ella Hendricks a/k/a Mary
Ella Luce Hendricks, Claude Luce, Ralph Luce, Irene Wilson, Otto Luce, Avis Beaton, Cecilia
Peoples a/k/a C. M. Peoples, John I. Peoples a/k/a J. P. Peoples, Harold Luce, Audrey Titel,
Frank Joseph Parmigiani, Jr., Corinne McBurney, Neil Luce, Charles Luce, Glenn Luce, Russell

Luce, Betty Baroni, Shirley Reitz and Gilbert Wayne, their accumulative heirs, devisees, administrators, executors, successors or assigns, and all other person, persons, firms, partnerships, or corporate entities in interest are unknown. The Plaintiffs, by their counsel, Hopkins Heltzel LLP, requests the Court for leave to serve the Complaint on the above mentioned Defendants, their heirs, devisees, administrators, executors, assigns, and all other person, persons, firms, partnerships, or corporate entity in interest, or their legal representatives, generally, by publication in such manner as the Court shall direct and as provided by Pa. R.C.P. Rule 410, and Pa.R.C.P. Rule 430.

Respectfully submitted,



David J. Hopkins, Esquire
Attorney for Plaintiffs

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

STEVE A. ORCUTT and
PENNY D. ORCUTT,
Plaintiffs

vs.

No. 2005-329- C.D.

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HENDRICKS a/k/a ELLA HENDRICKS,
a/k/a MARY ELLA LUCE HENDRICKS,
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a/k/a J. P. PEOPLES, HAROLD LUCE,
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title to the premises herein described,
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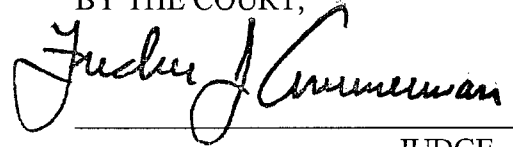
FILED 1cc
03/12/05 Amy Hopkins
MAR 15 2005 (6K)
William A. Shaw
Prothonotary/Clerk of Courts

ORDER FOR PUBLICATION

AND NOW, this th 15 day of March, 2005, upon the consideration of the
foregoing Motion, the Plaintiffs are granted leave to make service of the Complaint on
Defendants, Mary Ella Luce a/k/a Mary Ella Hendricks a/k/a Ella Peoples Hendricks a/k/a Ella
Hendricks a/k/a Mary Ella Luce Hendricks, Claude Luce, Ralph Luce, Irene Wilson, Otto Luce,
Avis Beaton, Cecilia Peoples a/k/a C. M. Peoples, John I. Peoples a/k/a J. P. Peoples, Harold
Luce, Audrey Titel, Frank Joseph Parmigiani, Jr., Corinne McBurney, Neil Luce, Charles Luce,

Glenn Luce, Russell Luce, Betty Baroni, Shirley Reitz and Gilbert Wayne, their heirs, devisees, administrators, executors, assigns, and all other person, persons, firms, partnerships, or corporate entities in interest, or their legal representatives, by publication one time in the Courier Express and one time in the Clearfield County Legal Journal.

BY THE COURT,



JUDGE

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

STEVE A. ORCUTT and
PENNY D. ORCUTT,
Plaintiffs

vs.

No. 2005-329 C.D.

MARY ELLA LUCE a/k/a MARY ELLA
HENDRICKS a/k/a ELLA PEOPLES
HENDRICKS a/k/a ELLA HENDRICKS,
a/k/a MARY ELLA LUCE HENDRICKS,
CLAUDE LUCE, RALPH LUCE,
IRENE WILSON, OTTO LUCE,
AVIS BEATON, CECILIA PEOPLES
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a/k/a J. P. PEOPLES, HAROLD LUCE,
AUDREY TITEL, FRANK JOSEPH
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McBURNEY, NEIL LUCE, CHARLES
LUCE, GLENN LUCE, RUSSELL LUCE,
BETTY BARONI, SHIRLEY REITZ,
GILBERT WAYNE, and any heir, persons
claiming or who might claim title under
the aforesaid defendants; and any other
person, persons, firms, partnerships,
or corporate entities who might claim
title to the premises herein described,

FILED

011021/34
MAY 17 2005

Ice
Amy Hopkins

William A. Shaw
Prothonotary/Clerk of Courts

MOTION FOR JUDGMENT

AND NOW, this 17th day of May, 2005, an Affidavit having been filed by David J. Hopkins, Esquire, Attorney for Plaintiffs, Steve A. Orcutt and Penny D. Orcutt, that the Complaint with Notice to Plead was served on Defendants. Defendants were served by publication pursuant to the Rules of Civil Procedure and Defendants have failed to file an answer. The Plaintiffs, by and through their attorney, move the Court to enter judgment in favor

of the Plaintiffs and against the Defendants in the above named case and to grant to the Plaintiffs the relief prayed for in accordance with Rules of Civil Procedure 1066. Plaintiffs further requests that the Honorable Court modify in accordance with Rules of Civil Procedure, Rule 248, the thirty (30) day period provided Defendants by Rules of Civil Procedure, Rule 1066(b) to assert any right, lien, title or interest in the land inconsistent with the interest or claim Plaintiffs set forth in their Complaint.

Respectfully submitted,



David J. Hopkins, Esquire

No. 2005-329-CD

QUIET TITLE ACTION NOTICE

TO: MARY ELLA LUCE a/k/a MARY ELLA HENDRICKS a/k/a ELLA PEOPLES HENDRICKS a/k/a ELLA HENDRICKS,, a/k/a MARY ELLA LUCE HENDRICKS, CLAUDE LUCE, RALPH LUCE, IRENE WILSON, OTTO LUCE, AVIS BEATON, CECILIA PEOPLES a/k/a C. M. PEOPLES, JOHN. PEOPLES a/k/a J. P. PEOPLES, HAROLD LUCE, AUDREY TITEL, FRANK JOSEPH PARMIGIANI, JR., CORINNE McBURNEY, NEIL LUCE, CHARLES LUCE, GLENN LUCE, RUSSELL LUCE, BETTY BARONI, SHIRLEY REITZ, GILBERT WAYNE, their heirs, devisees, administrators, executors and assigns and all other person, persons, firms, partnerships, or corporate entities in interest.

You are hereby notified that an action to quiet title to the premises situate, lying and being in the Village of Rockton, Union, Township, Clearfield County, Pennsylvania, known as No. 28 in Town Plot of said Village and bounded as follows:

Beginning at a stone, thence North one hundred twenty four (124') feet to Spruce Street;

Thence, West two hundred fifty six (256') feet to North and South Street;

Thence, South by said street to land now or formerly of William Welty, one hundred twenty four (124') feet;

Thence, East two hundred fifty six (256') feet by said lands now or formerly of William Welty to the place of beginning.

Excepting and reserving from the aforesaid the following property sold to Mary Ella Luce beginning at a post at corner of North and South Street and Spruce Street;

Thence, East one hundred eighty (108') feet to a post;

Thence, South one hundred (100') feet to a post;

Thence, West one hundred eight (108') feet to a post on North and South Street;

Thence, North by said street one hundred (100') feet to post and place of beginning.

You have been sued in Court. The purpose of this quiet title action is to extinguish any right or equity which the Defendants above named and his heirs, administrators, executors and assigns may have in the property as described above. The Plaintiffs in this action, after a diligent search, has been unable to locate the Defendants or their devisees or heirs.

Whereupon the Court Ordered that notice of said action be served on the Defendants, and their heirs.

IF YOU WISH TO DEFEND, YOU MUST ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY TO

GEARHART, WILLARD I., Dec'd
A/k/a WILLARD IRA GEARHART
Late of Brady Township
Executrix: **VIVIAN C. BLOOM**
A/k/a VIVIAN CHARLOTTE BLOOM
Attorney: **JOHN R. LHOTA**
110 North Second Street
Clearfield, PA 16830

HOUSE, DAVEY L., Dec'd
Late of Clearfield County
Executrix: **SUSAN D. KLEIN**
Attorney: **MICHAEL P. YEAGER**
PO Box 752
Clearfield, PA 16830

FOX, JAMES E., Dec'd
Late of Osceola Mills
Executrix: **JANE H. FOX**
Attorney: **LOUIS T. GLANTZ**
1901 East College Ave
State College, PA 16801

SPONTARELLI, EDITH D., Dec'd
Late of Curwensville
Co-Executor:
JOSEPH C. SPONTARELLI
JOYCE A. PAYTON
Attorney: **COURTNEY L. KUBISTA**
501 East Market Street, Suite 3
Clearfield, PA 16830

REGISTER & ORPHANS' COURT NOTICES

Notice is hereby given that the following Accounts have been examined by me and remain in the Office of Karen L Starck, Register of Wills for the inspection of the heirs, legatees and creditors and all others interested and will be presented to the Orphans' Court of Clearfield County, PA on the first Monday in April 2005.

The Accounts will be presented to the Orphans' Court for Confirmation NISI on the first Monday in May, 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 Thomas Leshner, Executor of the Estate of Jean E. Leshner, late of Coalport, Clearfield County, PA, DECEASED.

First & Final Account of Teresa A. Graham, Executrix of the Estate of Nancy L. Hull, late of Clearfield, Clearfield County, PA, DECEASED.

Seventy-Seventh and Partial Account of the Trustees' of the P. B. Zentmyer Trust,

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

STEVE A. ORCUTT and PENNY D. ORCUTT, Plaintiffs vs. MARY ELLA LUCE a/k/a MARY ELLA HENDRICKS a/k/a ELLA PEOPLES HENDRICKS a/k/a ELLA HENDRICKS, a/k/a MARY ELLA LUCE HENDRICKS, CLAUDE LUCE, RALPH LUCE, IRENE WILSON, OTTO LUCE, AVIS BEATON, CECILIA PEOPLES a/k/a C. M. PEOPLES, JOHN I. PEOPLES a/k/a J. P. PEOPLES, HAROLD LUCE, AUDREY TITEL, FRANK JOSEPH PARMIGIANI, JR., CORINNE McBURNEY, NEIL LUCE, CHARLES LUCE, GLENN LUCE, RUSSELL LUCE, BETTY BARONI, SHIRLEY REITZ, GILBERT WAYNE, and any heir, persons claiming or who might claim title under the aforesaid defendants; and any other person, persons, firms, partnerships, or corporate entities who might claim title to the premises herein described, Defendants.

service.

The name of the party involved in the business is: Michael D. Charles, 2275 Goshen Road, Clearfield, PA 16830.

Belin & Kubista, 15 North Front Street, Clearfield, PA 16830.

FICTITIOUS NAME NOTICE

Notice is hereby given, pursuant to the provisions of the Fictitious Names Act of Pennsylvania that an application for registration of a fictitious name was filed in the Office of the Department of State of the Commonwealth on the 7th day of February 2005, for the conduct of a business under the name of SEAORPHAN'S PERSONALIZED BOOKS, with its principle place of business located at 1739 Parsonville Road, Osceola Mills, PA 16666.

The name and address of the person or persons owning or interested in said business is: Tracy A. Marks, 1739 Parsonville Road, Osceola Mills, PA 16666.

BEGINNING at the Southeast corner of land now or formerly of Sterling Oil Company and the northeast corner of land hereby conveyed; thence in a Southwesterly direction in center of State Road No. 119, a distance of 225 feet to a point; thence West and parallel to the North line of this lot along other lands now or formerly of M.I. McCreight, et ux., 187 feet to a point; thence North at right angles along other lands now or formerly of M.I. McCreight, et ux., 175 feet, more or less, to line of land now formerly of Tapper; thence along line now or formerly of Tapper and Sterling, East 325 feet, more or less, to place of beginning.

EXCEPTING the gas and oil right therein, but without right to occupy the surface of said ground to obtain the same.

THE Tax Parcel Identification No. for this parcel of property is 128-B4-651-15.

Property known as: 1120 S. Brady Street, DuBois, PA 15801.

SEIZED, taken in execution to be sold as the property of DQI, Inc., a Delaware

FILE YOUR DEFENSE OR OBJECTIONS IN WRITING WITH THE COURT. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT FURTHER NOTICE FOR THE RELIEF REQUESTED BY THE PLAINTIFFS. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

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

Court Administrator, Clearfield County Courthouse, 230 East Market Street, Clearfield, PA 16830. (814) 765-2641.

David J. Hopkins, Esquire, Attorney for Plaintiffs, 900 Beaver Drive, DuBois, PA 15801. (814) 375-0300.


PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :

:

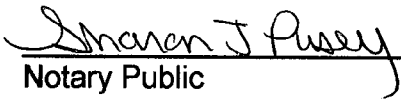
COUNTY OF CLEARFIELD :

On this 22nd day of April 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 April 15, 2005. Vol. 17, No. 15. 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

David J Hopkins
900 Beaver Drive
DuBois PA 15801

COMMON PLEAS
COUNTY, PENNSYLVANIA
DIVISION
IN THE COURT
OF CLEARFIELD 5-329 C.D.
(CIVIL) D. ORCUTT, Plaintiff
No. 28

STEVE A. ORCUTT and PENNY

Plaintiffs

vs.

HE

MARY ELLA LUCE a/k/a MARY ELLA HENDRICKS a/k/a ELLA PEOPLES HENDRICKS a/k/a ELLA HENDRICKS, a/k/a MARY ELLA LUCE HENDRICKS, CLAUDE LUCE, RALPH LUCE, IRENE WILSON, OTTO LUCE, AVIS BEATON, CECILIA PEOPLES a/k/a C. M. PEOPLES, JOHN I. PEOPLES a/k/a J. P. PEOPLES, HAROLD LUCE, AUDREY TITEL, FRANK JOSEPH PARMIGIANI, JR., CORINNE McBURNEY, NEIL LUCE, CHARLES LUCE, GLENN LUCE, RUSSELL LUCE, BETTY BARONI, SHIRLEY REITZ, GILBERT WAYNE, and any heir, persons claiming or who might claim title under the aforesaid defendants; and any other person, persons, firms, partnerships, or corporate entities who might claim title to the premises herein described.

QUIET TITLE ACTION NOTICE

TO: Mary Ella Luce a/k/a Mary Ella Hendricks a/k/a Ella Peoples Hendricks a/k/a Ella Hendricks a/k/a Mary Ella Luce Hendricks, Claude Luce, Ralph Luce, Irene Wilson, Otto Luce, Avis Beaton, Cecilia Peoples a/k/a C. M. Peoples, John I. Peoples a/k/a J. P. Peoples, Harold Luce, Audrey Titel, Frank Joseph Parmigiani, Jr., Corinne McBurney, Neil Luce, Charles Luce, Glenn Luce, Russell Luce, Betty Baroni, Shirley Reitz and Gilbert Wayne, their heirs, devisees, administrators, executors and assigns and all other person, persons, firms, partnerships or corporate entities in interest.

You are hereby notified that an action to quiet title to the premises situate, lying and being in the Village of Rockton, Union Township, Clearfield County, Pennsylvania, known as No.28 in Town Plot of said Village and bounded as follows:

Beginning at a stone, thence North one hundred twenty four (124') feet to Spruce Street;

Thence, West two hundred fifty six (256') feet to North and South Street;

Thence, South by said street to land now or formerly of William Welty, one hundred twenty four (124') feet;

Thence, East two hundred fifty six (256') feet by said lands now or formerly of William Welty to the place of beginning.

Excepting and reserving from the aforesaid the following property sold to Mary Ella Luce beginning at a post at corner of North and South Street and Spruce Street;

Thence, East one hundred eight (108') feet to a post;

Thence, South one hundred (100') feet to a post;

Thence, West one hundred eight (108') feet to a post on North and South Street;

Thence, North by said street one hundred (100') feet to post and place of beginning.

You have been sued in Court. The purpose of this quiet title action is to extinguish any right or equity which the Defendants above named and their heirs, administrators, executors and assigns may have in the property as described above. The Plaintiffs in this action, after a diligent search, have been unable to locate the Defendants or their devisees or heirs.

Whereupon the Court Ordered that notice of said action be served on the Defendants and their heirs.

IF YOU WISH TO DEFEND, YOU MUST ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY TO FILE YOUR DEFENSE OR OBJECTIONS IN WRITING WITH THE COURT. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT FURTHER NOTICE FOR THE RELIEF REQUESTED BY THE PLAINTIFFS. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

YOU SHOULD TAKE THIS 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
230 East Market Street
Clearfield, Pennsylvania 16830
(814) 765-2641

David J. Hopkins
Attorney for Plaintiffs
900 Beaver Drive
DuBois, PA 15801
(814) 375-0300

4/12/05

William A. Shaw
Prothonotary/Clerk of Courts

MAY 17 2005

FILED

PROOF OF AFFIRMATION OF NOTICE APPEARING IN THE
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

12th day of April 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**

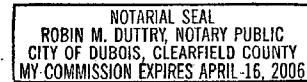
By [Signature]

Sworn and subscribed to before me this 9th day of May, 2005

[Signature]
NOTARY PUBLIC



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



TO Hopkins Heltzell LLP

For publishing the notice or advertisement attached hereto on the above stated dates.....	<u>\$347.76</u>
Probating same.....	<u>\$4.25</u>
Total.....	<u>\$352.01</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

COURIER-EXPRESS/TRI

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

STEVE A. ORCUTT and
PENNY D. ORCUTT,
Plaintiffs

vs.

No. 2005-329 C.D.

MARY ELLA LUCE a/k/a MARY ELLA
HENDRICKS a/k/a ELLA PEOPLES
HENDRICKS a/k/a ELLA HENDRICKS,
a/k/a MARY ELLA LUCE HENDRICKS,
CLAUDE LUCE, RALPH LUCE,
IRENE WILSON, OTTO LUCE,
AVIS BEATON, CECILIA PEOPLES
a/k/a C. M. PEOPLES, JOHN I. PEOPLES
a/k/a J. P. PEOPLES, HAROLD LUCE,
AUDREY TITEL, FRANK JOSEPH
PARMIGIANI, JR., CORINNE
McBURNEY, NEIL LUCE, CHARLES
LUCE, GLENN LUCE, RUSSELL LUCE,
BETTY BARONI, SHIRLEY REITZ,
GILBERT WAYNE, and any heir, persons
claiming or who might claim title under
the aforesaid defendants; and any other
person, persons, firms, partnerships,
or corporate entities who might claim
title to the premises herein described,

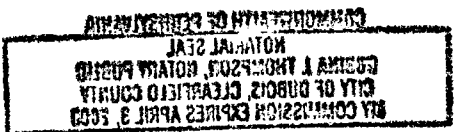
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MAY 17 2005
@

William A. Shaw
Prothonotary/Clerk of Courts

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :

Personally appeared before me, the undersigned officer, David J. Hopkins, Attorney for
Plaintiffs, Steve A. Orcutt and Penny D. Orcutt, who, being duly sworn according to law,
deposes and says that the service of the foregoing Complaint to Quiet Title, endorsed with



FILED


MAY 17 2005

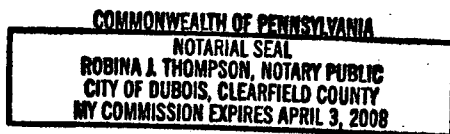
William A. Shaw
Prothonotary/Clerk of Courts

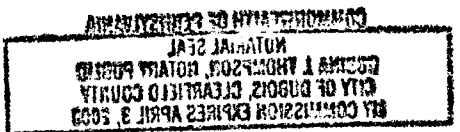
Notice to Plead, has been served upon all Defendants, Mary Ella Luce a/k/a Mary Ella Hendricks a/k/a Ella Peoples Hendricks a/k/a Ella Hendricks a/k/a Mary Ella Luce Hendricks, Claude Luce, Ralph Luce, Irene Wilson, Otto Luce, Avis Beaton, Cecilia Peoples a/k/a C. M. Peoples, John I. Peoples a/k/a J. P. Peoples, Harold Luce, Audrey Titel, Frank Joseph Parmigiani, Jr., Corinne McBurney, Neil Luce, Charles Luce, Glenn Luce, Russell Luce, Betty Baroni, Shirley Reitz and Gilbert Wayne, and their heirs, devisees, administrators, executors and assigns, by publication, and more than twenty (20) days have elapsed since said service, and that the said Defendants have not filed an appearance or any answer to the Complaint, although the time in which to do so has expired.


David J. Hopkins, Esquire

Sworn to and subscribed before me this
13th day of May, 2005.


Notary Public





FILED

MAY 17 2005

William A. Shaw
Prothonotary/Clerk of Courts

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

STEVE A. ORCUTT and
PENNY D. ORCUTT,
Plaintiffs

vs.

No. 2005-329 C.D.

MARY ELLA LUCE a/k/a MARY ELLA
HENDRICKS a/k/a ELLA PEOPLES
HENDRICKS a/k/a ELLA HENDRICKS,
a/k/a MARY ELLA LUCE HENDRICKS,
CLAUDE LUCE, RALPH LUCE,
IRENE WILSON, OTTO LUCE,
AVIS BEATON, CECILIA PEOPLES
a/k/a C. M. PEOPLES, JOHN I. PEOPLES
a/k/a J. P. PEOPLES, HAROLD LUCE,
AUDREY TITEL, FRANK JOSEPH
PARMIGIANI, JR., CORINNE
McBURNEY, NEIL LUCE, CHARLES
LUCE, GLENN LUCE, RUSSELL LUCE,
BETTY BARONI, SHIRLEY REITZ,
GILBERT WAYNE, and any heir, persons
claiming or who might claim title under
the aforesaid defendants; and any other
person, persons, firms, partnerships,
or corporate entities who might claim
title to the premises herein described,

FILED ^{WR}
010:09/01 ^{2cc} Amy Hopkins
MAY 18 2005

William A. Shaw
Prothonotary/Clerk of Courts

ORDER

AND NOW, this th 17 day of May, 2005 appearing that service of the Complaint to

Quiet Title in the above stated action was served upon Defendants, Mary Ella Luce a/k/a Mary
Ella Hendricks a/k/a Ella Peoples Hendricks a/k/a Ella Hendricks a/k/a Mary Ella Luce
Hendricks, Claude Luce, Ralph Luce, Irene Wilson, Otto Luce, Avis Beaton, Cecilia Peoples

a/k/a C. M. Peoples, John I. Peoples a/k/a J. P. Peoples, Harold Luce, Audrey Titel, Frank Joseph Parmigiani, Jr., Corinne McBurney, Neil Luce, Charles Luce, Glenn Luce, Russell Luce, Betty Baroni, Shirley Reitz and Gilbert Wayne, their heirs, devisees, administrators, executors and assigns and all other person, persons, firms, partnerships or corporate entities in interest by publication and by Affidavit of David J. Hopkins, Attorney for Plaintiffs, that no answer or appearance has been filed to said action, and on Motion of David J. Hopkins, Esquire, it is hereby ORDERED and DECREED:

1. That the Defendants, Mary Ella Luce a/k/a Mary Ella Hendricks a/k/a Ella Peoples Hendricks a/k/a Ella Hendricks a/k/a Mary Ella Luce Hendricks, Claude Luce, Ralph Luce, Irene Wilson, Otto Luce, Avis Beaton, Cecilia Peoples a/k/a C. M. Peoples, John I. Peoples a/k/a J. P. Peoples, Harold Luce, Audrey Titel, Frank Joseph Parmigiani, Jr., Corinne McBurney, Neil Luce, Charles Luce, Glenn Luce, Russell Luce, Betty Baroni, Shirley Reitz and Gilbert Wayne, and their heirs, devisees, persons, firms, partnerships, or corporate entities in interest, are forever barred from asserting any right, title, lien or interest inconsistent with the interest or claim of the Plaintiffs as set forth in their Complaint in and to:

All that certain piece of land, situate in the Village of Rockton, Union Township, Clearfield County and State of Pennsylvania, known as No. 28 in Town Plot of said Village and bounded as follows:

Beginning at a stone, thence North one hundred twenty four (124') feet to Spruce Street;

Thence, West two hundred fifty six (256') feet to North and South Street;

Thence, South by said street to land now or formerly of William Welty, one hundred twenty four (124') feet;

Thence, East two hundred fifty six (256') feet by said lands now or formerly of William Welty to the place of beginning.

Excepting and reserving from the aforesaid the following property sold to Mary Ella Luce beginning at a post at corner of North and South Street and Spruce Street;

Thence, East one hundred eight (108') feet to a post;

Thence, South one hundred (100') feet to a post;

Thence, West one hundred eight (108') feet to a post on North and South Street;

Thence, North by said street one hundred (100') feet to post and place of beginning.

2. The property in this quite title was at one time part of Lot 28 in the Daniel E. Brubaker Extension of Rockton as identified in Miscellaneous Book 35 at page 558 in the Office of the Recorder of Deeds of Clearfield County.

3. That title to said property is now vested in Steve A. Orcutt and Penny D. Orcutt as prayed.

4. That the rights of the Plaintiffs are superior to the rights of the Defendants, Mary Ella Luce a/k/a Mary Ella Hendricks a/k/a Ella Peoples Hendricks a/k/a Ella Hendricks a/k/a Mary Ella Luce Hendricks, Claude Luce, Ralph Luce, Irene Wilson, Otto Luce, Avis Beaton, Cecilia Peoples a/k/a C. M. Peoples, John I. Peoples a/k/a J. P. Peoples, Harold Luce, Audrey Titel, Frank Joseph Parmigiani, Jr., Corinne McBurney, Neil Luce, Charles Luce, Glenn Luce, Russell Luce, Betty Baroni, Shirley Reitz and Gilbert Wayne, and any heirs, persons claiming, or who might claim title under the aforesaid Defendants; and any other person, persons, firms, partnerships, or corporate entities who might claim title to the premises herein described.

5. That the Plaintiffs have title in fee simple to said premises as described in the Complaint as against the Defendants, Mary Ella Luce a/k/a Mary Ella Hendricks a/k/a Ella Peoples Hendricks a/k/a Ella Hendricks a/k/a Mary Ella Luce Hendricks, Claude Luce, Ralph

Luce, Irene Wilson, Otto Luce, Avis Beaton, Cecilia Peoples a/k/a C. M. Peoples, John I. Peoples a/k/a J. P. Peoples, Harold Luce, Audrey Titel, Frank Joseph Parmigiani, Jr., Corinne McBurney, Neil Luce, Charles Luce, Glenn Luce, Russell Luce, Betty Baroni, Shirley Reitz and Gilbert Wayne, and their heirs, devisees, administrators, executors, and assigns.

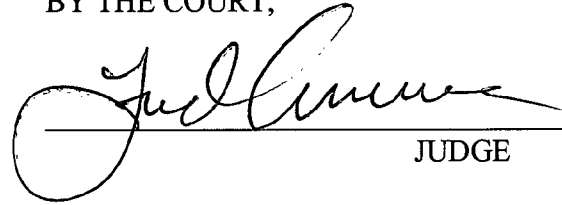
6. That the Defendants, Mary Ella Luce a/k/a Mary Ella Hendricks a/k/a Ella Peoples Hendricks a/k/a Ella Hendricks a/k/a Mary Ella Luce Hendricks, Claude Luce, Ralph Luce, Irene Wilson, Otto Luce, Avis Beaton, Cecilia Peoples a/k/a C. M. Peoples, John I. Peoples a/k/a J. P. Peoples, Harold Luce, Audrey Titel, Frank Joseph Parmigiani, Jr., Corinne McBurney, Neil Luce, Charles Luce, Glenn Luce, Russell Luce, Betty Baroni, Shirley Reitz and Gilbert Wayne, and their heirs, devisees, administrators, executors and assigns are enjoined and forever barred from asserting any right, title or interest in or to the premises described which are inconsistent with the interest or claims of the Plaintiffs as set forth in their Complaint and from setting up any title to the premises and from impeaching, denying or in any way attacking the title of the Plaintiffs to the premises.

7. That the thirty (30) days provisions of Pennsylvania Rules of Civil Procedure 1066(b)(i) be modified as to eliminate the said thirty (30) day Rule of Pennsylvania Rules of Civil Procedure from this case. Said modification is in accordance with the authority vested in this Court by virtue of Pennsylvania Rules of Civil Procedure 248 to eliminate any time period prescribed by Pennsylvania Rules of Civil Procedure upon Order of Court.

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

9. That a certified copy of this Order shall be recorded in the Office of the Recorder of Deed of Clearfield County, Pennsylvania.

BY THE COURT,

A handwritten signature in black ink, appearing to read "Judith", is written over a horizontal line. The signature is fluid and cursive, with a large loop at the beginning.

JUDGE