

05-332-CD
Galando Jr. et al vs. Bay-Colony Inc

VS

BAY COLONY-GATEWAY, INC.

Goseph Galando et al v. Bay Colony et al
2005-332-CD

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

JOSEPH A. GALANDO, JR., and
KATHLEEN M GALANDO,

Plaintiff,

vs.

BAY COLONY-GATEWAY, INC., a
Delaware Corporation, successor in
interest to TREASURE LAKE OF
PENNSYLVANIA, INC., its heirs,
successors, executors, administrators and
assigns and all successors and all person,
persons, firms, partnerships or corporate
entities in interest or their legal
representatives,

Defendant.

) NO. 05 - 332- C.D.
)
) Type of Case: ACTION TO QUIET TITLE
)
) Type of Pleading: COMPLAINT
)
) Filed on Behalf of: PLAINTIFFS
)
) Counsel of Record:
) BENJAMIN S. BLAKLEY, III, ESQ.
)
) Supreme Court No. 26331
)
) BLAKLEY & JONES
) 90 Beaver Drive, Box 6
) Du Bois, Pa. 15801
) (814) 371-2730
)

FILED 3cc
01/05/2001 Atty Blakley
MAR 10 2005
Blakley William A. Shaw
Prothonotary/Clerk of Courts
Atty pd. 95.00

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

JOSEPH A. GALANDO, JR., and)	NO. 05 -	- C.D.
KATHLEEN M GALANDO,)		
)		
Plaintiff,)		
)		
vs.)		
)		
BAY COLONY-GATEWAY, INC., a)		
Delaware Corporation, successor in)		
interest to TREASURE LAKE OF)		
PENNSYLVANIA, INC., its heirs,)		
successors, executors, administrators and)		
assigns and all successors and all person,)		
persons, firms, partnerships or corporate)		
entities in interest or their legal)		
representatives,)		
)		
Defendant.)		

NOTICE

TO: **BAY COLONY-GATEWAY, INC., a Delaware Corporation, successor in interest to TREASURE LAKE OF PENNSYLVANIA, INC., its heirs, successors, executors, administrators and assigns and all successors and all person, persons, firms, partnerships or corporate entities in interest or their legal representatives, Defendant**

You are hereby notified that an action to quiet title to premises situate in Sandy Township, Clearfield County, Pennsylvania, has been filed against you. Said premises are described as follows:

ALL that certain tract of land designated as Lot No. 239, Section No. 15, in the Treasure Lake Subdivision in Sandy Township, Clearfield County, Pennsylvania, recorded in the Recorder of Deeds Office in Miscellaneous Docket Map File No. 25. Excepting and reserving therefrom and subject to.

1. All easements, rights of way, reservations, restrictions and limitation shown or contained in prior instruments of record and in the aforesaid recorded plan.
2. The Declaration of Restrictions, Treasure Lake, Inc. recorded in Miscellaneous Book Vol. 146, page 476; all of said restrictions being covenants which run with the land.
3. All minerals and mining rights of every kind and nature.
4. A lien for all unpaid charges or assessments as may be made by Grantor or Treasure Lake Property Owners association, Inc.; which lien shall run with the land and be an encumbrance against it.

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 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 FIND ONE, GO TO OR TELEPHONE THE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

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

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

JOSEPH A. GALANDO, JR., and) NO. 05 - - C.D.
KATHLEEN M GALANDO,)

Plaintiff,)

vs.)

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Delaware Corporation, successor in)
interest to TREASURE LAKE OF)
PENNSYLVANIA, INC., its heirs,)
successors, executors, administrators and)
assigns and all successors and all person,)
persons, firms, partnerships or corporate)
entitles in interest or their legal)
representatives,)

Defendant.)

COMPLAINT

AND NOW, come the Plaintiffs, **JOSEPH A. GALANDO, JR., and**
KATHLEEN M GALANDO, by and through their attorneys, **BLAKLEY & JONES**, and bring
this action to quiet title to the premises hereinafter described against the above-named
Defendants and in support thereof avers:

1. Plaintiffs, **JOSEPH A. GALANDO, JR., and KATHLEEN M**
GALANDO, are adult individuals residing at 400 North Prairie Drive, Oconomowoc,
Wisconsin, 53066.

2. Defendant, **BAY COLONY-GATEWAY, INC.**, is a Delaware Corporation whose registered agent is Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware, 19808, and is successor in interest to **TREASURE LAKE, INC.**, a/k/a **TREASURE LAKE OF PENNSYLVANIA, INC.**

3. The purpose of this action is to quiet title to the following described real estate:

ALL that certain tract of land designated as Lot No. 239, Section No. 15, in the Treasure Lake Subdivision in Sandy Township, Clearfield County, Pennsylvania, recorded in the Recorder of Deeds Office in Miscellaneous Docket Map File No. 25. Excepting and reserving therefrom and subject to.

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

The Declaration of Restrictions, Treasure Lake, Inc. recorded in Miscellaneous Book Vol. 146, page 476; all of said restrictions being covenants which run with the land.

All minerals and mining rights of every kind and nature.

A lien for all unpaid charges or assessments as may be made by Grantor or Treasure Lake Property Owners association, Inc.; which lien shall run with the land and be an encumbrance against it.

4. By deed dated October 16, 1970, and recorded in Clearfield County Deed Book 571, Page 113, Defendant, **TREASURE LAKE, INC.**, a Pennsylvania Corporation, conveyed the premises described above to Richard T. Wagner and Mary E. Wagner (his wife).

5. In said deed, the President of **TREASURE LAKE, INC.**, did fail to sign the aforesaid deed, in spite of the notarization of his signature and an attestation of said signature by the Secretary of the said Corporation, thereby rendering the validity of said deed in question.

6. By deed dated June 29, 1987, and recorded in Clearfield County Deed and Record Book 1172, Page 374, Richard T. Wagner and Mary E. Wagner did convey the subject premises to John A. Galando and June M. Galando.

7. By deed dated October 4, 1990, and recorded in Clearfield County Deed and Record Book 1367, Page 558, John A. Galando and June N. Galando did convey the subject premises to Defendants, **JOHN A. GALANDO, JR., and KATHLEEN M. GALANDO.**

8. No third party has ever made any claim of any kind to ownership of interest in, or claim to or upon, the property except as set forth in this Complaint.

9. This action is brought to clear any and all clouds on the title to the ownership and interest to the property described in Paragraph 3 of this Complaint, which the herein named Defendant, its heirs, executors, administrators, successors, and assigns and all other person, persons, partnerships or corporate entities in interest, or their legal representatives might claim, possess or assert pertaining to any alleged irregularities in the chain of title herein set forth or to any alleged irregularities arising from the lack of the signature of the President of **TREASURE LAKE, INC.**, in the October 16, 1970, deed from the Defendant to Richard T. Wagner and Mary E. Wagner.

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

WHEREFORE, your Plaintiffs request this Honorable Court decree that title to the above-described premises set forth in Paragraph 3 of this Complaint is in the name of Plaintiffs **JOHN A. GALANDO, JR., and KATHLEEN M. GALANDO**, and that the Defendant, its executors, successors, administrators and assigns and all other person, persons, firms, partnerships or corporate entities in interest or their legal representatives be forever barred from asserting any right, title, lien or interest in the land in question that is inconsistent with the interest of the Plaintiffs as set forth herein to the said premises or impeaching, denying or in any way attacking the Plaintiffs' title to the said premises, and that your Honorable Court make any other order necessary for the granting of the proper relief as it deems necessary to equitably and legally recognize and preserve Plaintiffs' rights in this matter.

Respectfully submitted,

BLAKLEY & JONES

Benjamin S. Blakley, III
Attorney for Plaintiffs

VERIFICATION

We, **JOHN A. GALANDO, JR., and KATHLEEN M. GALANDO**, being duly authorized to make this verification, have read the foregoing Complaint. The statements therein are correct to the best of our personal knowledge or information and belief.

This statement and verification is made subject to the penalties of 18 Pa. C. S. § 4904 relating to unsworn fabrication to authorities, which provides that if we make knowingly false averments we may be subject to criminal penalties.

DATED: 2-12-05



John A. Galando, Jr.
JOHN A. GALANDO, JR.

DATED: 2-19-05



Kathleen M. Galando
KATHLEEN M. GALANDO

FILED

MAR 10 2005

William A. Shaw
Prothonotary/Clerk of Courts

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

JOSEPH A. GALANDO, JR., and
KATHLEEN M GALANDO,

Plaintiff,

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entities in interest or their legal
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Defendant.

) NO. 05-332-C.D.
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) Type of Case: ACTION TO QUIET TITLE
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) Type of Pleading:
) AFFIDAVIT OF SERVICE
)
) Filed on Behalf of: PLAINTIFFS
)
) Counsel of Record:
) BENJAMIN S. BLAKLEY, III, ESQ.
)
) Supreme Court No. 26331
)
) BLAKLEY & JONES
) 90 Beaver Drive, Box 6
) Du Bois, Pa 15801
) (814) 371-2730

FILED NO
02-43-BW
MAR 21 2005
OK

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
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JOSEPH A. GALANDO, JR., and
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Defendant.

) NO. 05-332-C.D.

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AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA

:

SS.

COUNTY OF CLEARFIELD

:

BENJAMIN S. BLAKLEY, III, ESQUIRE, being duly sworn according to law,

deposes and says that as attorney for Plaintiff, he did on, March 15, 2005, serve **BAY**

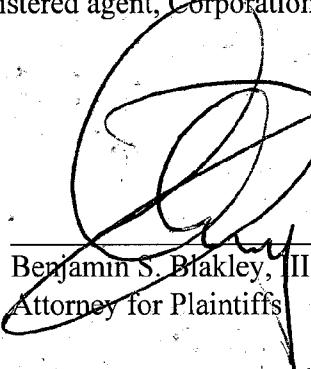
COLONY-GATEWAY, INC., Defendant, with a certified copy of a Complaint in Custody by

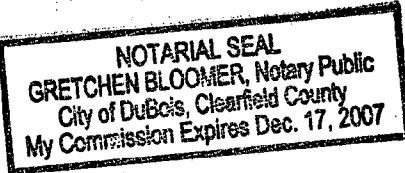
Certified Mail, Return Receipt Requested, to its registered agent, Corporation Service Company,
said return receipt is being attached hereto.

Sworn to and Subscribed
before me this 21st day
of March, 2005.

Gretchen Bloomer

Notary Public


Benjamin S. Blakley, III
Attorney for Plaintiffs



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

**CORPORATION SERVICE COMPANY
REGISTERED AGENT FOR BAY
COLONY-GATEWAY, INC.
2711 CENTERVILLE ROAD STE 400
WILMINGTON DE 19808**

2. Article Number

(Transfer from service label)

7003 2260 0001 2036 8455

PS Form 3811, August 2001

Domestic Return Receipt

2ACPRI-03-P-4081

COMPLETE THIS SECTION ON DELIVERY**A. Signature**

Dawn M. Cooper Agent
 Addressee

B. Received by (Printed Name)**C. Date of Delivery**

WILMINGTON DE
D. Is delivery address different from item 1? Yes
if YES, enter delivery address below: No

MAR 15 2005

USPS 19808

3. Service Type

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
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-) NO. 05-332-C.D.
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-) Type of Case: ACTION TO QUIET TITLE
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-) Type of Pleading: PRAECIPE TO SETTLE,
DISCONTINUE AND END
-)
-) Filed on Behalf of: PLAINTIFFS
-)
-) Counsel of Record:
BENJAMIN S. BLAKLEY, III, ESQ.
-)
-) Supreme Court No. 26331
-)
-) BLAKLEY & JONES
-) 90 Beaver Drive, Box 6
-) Du Bois, Pa 15801
-) (814) 371-2730

FILED

JUN 02 2005

330/2
William A. Shaw
Prothonotary

1 cent to Atty
w/cent on file

copy to 91

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

JOSEPH A. GALANDO, JR., and) NO. 05-332-C.D.
KATHLEEN M GALANDO,)
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entities in interest or their legal)
representatives,)
Defendant.)

PRAECIPE TO SETTLE, DISCONTINUE AND END

TO: William Shaw, Prothonotary

Please mark the above matter as settled, discontinued and ended.

Respectfully submitted,

BLAKLEY & JONES

Benjamin S. Blakley, III
Attorney for Plaintiffs

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

JOSEPH A. GALANDO, JR., and) NO. 05-332-C.D.
KATHLEEN M GALANDO,)
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successors, executors, administrators and)
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representatives,)
Defendant.)

CERTIFICATE OF SERVICE

I, **BENJAMIN S. BLAKLEY, III**, hereby certify that I have served a true and correct copy of Plaintiffs' Praeclipe to Settle, Discontinue and End upon counsel for the Defendant on this 15 day of June, 2005, by depositing the same with the United States Postal Service via First-Class Mail, postage pre-paid, addressed as follows:

Joshua A. Hajek, Esquire
Cohen & Grigsby
27200 Riverview Center Boulevard Ste 309
Bonita Springs FL 34134-4317

BLAKLEY & JONES

Benjamin S. Blakley, III
Attorney for Plaintiffs

FILED

JUN 02 2005

William A. Shaw
Prothonotary

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

CIVIL DIVISION

**Joseph A. Galando Jr.
Kathleen M. Galando**

**Vs. No. 2005-00332-CD
Bay Colony-Gateway, Inc.
Treasure Lake of Pennsylvania, Inc.**

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on June 2, 2005, marked:

Settle, Discontinued and Ended

Record costs in the sum of \$95.00 have been paid in full by Atty. Blakley.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 2nd day of June A.D. 2005.

William A. Shaw, Prothonotary