

05-620-CD

B. Williams et al. v. D. Hamilton

Benjamin Williams et al v. Anna Hamilton
2005-620-CD

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BENJAMIN J. WILLIAMS and BETTY
SUE WILLIAMS, his wife,
Plaintiffs

vs.

ROBERT E. HAMILTON and ANNA M.
HAMILTON, his wife; and JAMES
E. HAMILTON, JR. and ETHEL M.
HAMILTON, his wife, and any
heirs or persons claiming or
who might claim title under
them and any other person,
persons, firms, partnerships,
or corporate entities who might
claim any title to the premises
herein described,

Defendants

CIVIL DIVISION

No. 05 - 620 - CD

COMPLAINT IN ACTION TO QUIET
TITLE

Filed on Behalf of:

Plaintiffs, BENJAMIN J.
WILLIAMS and BETTY SUE
WILLIAMS

Counsel of Record for This
Party:

JOSEPH COLAVECCHI, ESQUIRE
Pa. I.D. #06810

COLAVECCHI & COLAVECCHI
221 East Market Street
P.O. Box 131
Clearfield, PA 16830

814/765-1566

LAW OFFICES OF
COLAVECCHI
& COLAVECCHI
221 E. MARKET ST.
(ACROSS FROM
COURTHOUSE)
P. O. BOX 131
CLEARFIELD, PA

FILED 5cc
MAY 03 2005
William A. Shaw
Prothonotary/Clerk of Courts
Atty Colavecchi
Atty pd. 95.00

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

BENJAMIN J. WILLIAMS and BETTY :
SUE WILLIAMS, his wife, :
Plaintiffs :
vs. : No. 05 - - CD
ROBERT E. HAMILTON and ANNA M. :
HAMILTON, his wife; and JAMES E. : ACTION TO QUIET TITLE
HAMILTON, JR. and ETHEL M. :
HAMILTON, his wife, and any heirs :
or persons claiming or who might :
claim title under them and any :
other person, persons, firms, :
partnerships, or corporate :
entities who might claim any title :
to the premises herein described, :
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 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
Second and Market Streets
Clearfield, PA 16830
Phone 814/765-2641 Ex. 5982

LAW OFFICES OF
COLAVECCHI
& COLAVECCHI
221 E. MARKET ST.
(ACROSS FROM
COURTHOUSE)
P. O. BOX 131
CLEARFIELD, PA

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

BENJAMIN J. WILLIAMS and BETTY	:	
SUE WILLIAMS, his wife,	:	
Plaintiffs	:	
	:	
vs.	:	No. 05 - - CD
	:	
ROBERT E. HAMILTON and ANNA M.	:	
HAMILTON, his wife; and JAMES E.	:	ACTION TO QUIET TITLE
HAMILTON, JR. and ETHEL M.	:	
HAMILTON, his wife, and any heirs	:	
or persons claiming or who might	:	
claim title under them and any	:	
other person, persons, firms,	:	
partnerships, or corporate	:	
entities who might claim any title	:	
to the premises herein described,	:	
Defendants	:	

C O M P L A I N T

1. Plaintiffs are Benjamin J. Williams and Betty Sue Williams, his wife, who reside at 331 Lyleville Road, Coalport, Pennsylvania, 16627.

2. Defendants are:

a. Robert E. Hamilton and Anna M. Hamilton, his wife, of R.D. 1, Coalport, Pennsylvania, 16627, and any heirs or persons claiming or who might claim title under them and any other person, persons, firms, partnerships, or corporate entities who might claim any title to the premises herein described.

b. James E. Hamilton, Jr. and Ethel M. Hamilton, his wife, of 262 Market Street, Coalport, Pennsylvania, 16627, and any heirs or persons claiming or who might claim title under them and any other person, persons, firms, partnerships, or corporate entities who might claim any title to the premises herein described.

3. The subject of this Action to Quiet Title is a parcel of land situated in Beccaria Township, Clearfield County, Pennsylvania, bounded and described as follows:

PARCEL NO. 1:

BEGINNING at an existing Railroad Spike located in the centerline of S.R. 3008, said Railroad Spike being the southern most corner of the parcel herein described; thence along the centerline of S.R. 3008 the following eight (8) courses and distances: North forty-six (46) degrees fifty (50) minutes (06) seconds West, a distance of fifty-four and thirty-nine one-hundredths (54.39) feet to a point; thence along the same, North forty-two (42) degrees eight (08) minutes fifty-nine (59) seconds West, a distance of ninety-nine and twenty-three one-hundredths (99.23) feet to a point; thence along the same, North forty (40) degrees seventeen (17) minutes fourteen (14) seconds West, a distance of one hundred five and sixty-one one-hundredths (105.61) feet to a point; thence along the same, North forty (40) degrees fifty-eight (58) minutes fifty-six (56) seconds West, a distance of ninety-four and seventy one-hundredths (94.70) feet to a point;

thence along the same, North forty-five (45) degrees fifty-eight (58) minutes fifty-four (54) seconds West, a distance of one hundred four and seven one-hundredths (104.07) feet to a point; thence along the same, North forty-eight (48) degrees five (05) minutes fifty-seven (57) seconds West, a distance of one hundred and twelve one-hundredths (100.12) feet to a point; thence along the same, North fifty-one (51) degrees twenty-eight (28) minutes forty-five (45) seconds West, a distance of ninety-seven and twenty-one one-hundredths (97.21) feet to a point; thence along the same, North fifty-seven (57) degrees fourteen (14) minutes forty-four (44) seconds West, a distance of one hundred forty-two and eighty-seven one-hundredths (142.87) feet to an existing Railroad Spike; thence along the line of land of JE Hamilton Family Trust, North thirty-nine (39) degrees eight (08) minutes thirty-seven (37) seconds East, a distance of one thousand seven hundred seventeen and thirty-five one-hundredths (1717.35) feet to an iron pin; thence along the same, South forty-three (43) degrees twenty-two (22) minutes fifty-nine (59) seconds East, a distance of one thousand two hundred and twenty-eight one-hundredths (1200.28) feet to an iron pin; thence along the line of land of Harry T. and Judith L. Beers South fifty-three (53) degrees zero (00) minutes zero (00) seconds West, a distance of eight hundred ninety-five and no hundredths (895.00) feet to an iron pin; thence along the three (3) acre parcel North thirty-seven (37) degrees zero (00) minutes zero (00) seconds West a distance of three hundred sixty-one and

fifty one-hundredths (361.50) feet to an iron pin; thence along the same, South fifty-three (53) degrees zero (00) minutes zero (00) seconds West, a distance of three hundred sixty-one and fifty one-hundredths (361.50) feet to an iron pin; thence along the same, South thirty-seven (37) degrees zero (00) minutes zero (00) seconds East, a distance of three hundred sixty-one and fifty one-hundredths (361.50) feet to an iron pin; thence along the line of land of Harry T. and Judith L. Beers, South fifty-three (53) degrees zero (00) minutes zero (00) seconds West, a distance of four hundred four and twenty-two one-hundredths (404.22) feet to an existing Railroad Spike and the point of beginning.

Containing 31.458 acres, more or less.

PARCEL NO. 2:

BEGINNING at an iron pin located North fifty-three (53) degrees zero (00) minutes zero (00) seconds East, a distance of four hundred four and twenty-two one-hundredths (404.22) feet from a railroad spike on the northern side of S.R. 3008, said spike being the southern most corner of the parcel of land of which this is a part; thence from the beginning iron pin through lands of the Grantors North thirty-seven (37) degrees zero (00) minutes zero (00) seconds West, a distance of three hundred sixty-one and fifty one-hundredths (361.50) feet to an iron pin; thence through the same, North fifty-three (53) degrees zero (00) minutes zero (00) seconds East, a distance of three hundred sixty-one and fifty one-hundredths (361.50) feet to an iron pin; thence through the same,

South thirty-seven (37) degrees zero (00) minutes zero (00) seconds East, a distance of three hundred sixty-one and fifty one-hundredths (361.50) feet to an iron pin; thence along the line of land of Harry T. and Judith L. Beers, South fifty-three (53) degrees zero (00) minutes zero (00) seconds West, a distance of three hundred sixty-one and fifty (50) one-hundredths feet to an iron pin and the point of beginning.

Containing 3.00 acres, more or less.

EXCEPTING AND RESERVING 3.231 acres, more or less, previously sold to Harry Williams by various deeds.

EXCEPTING AND RESERVING 0.034 acres, more or less, for S.R. 3008 Right of Way.

Said premises more fully set forth on a survey of land dated May 11, 2004 for Ben Williams as prepared by George A. Cree, Registered Surveyor, 2417 Skyline Drive, Fallentimber, Pennsylvania, 16639. Said survey map being attached to this Complaint marked Exhibit "A".

BEING part of the same premises conveyed to Benjamin J. Williams and Betty Sue Williams by deed dated April 23, 1976 from Benjamin J. Williams and Betty Sue Williams, his wife, and the other Heirs of Rhoda Williams who died intestate on March 29, 1955, said deed being recorded at Clearfield in Record Book 718, Page 124.

Also being part of the same premises conveyed to Benjamin J. Williams and Betty S. Williams by deed dated September 26, 1991 from John Pusey and Ione C. Pusey, his wife, said deed being recorded at Clearfield County Volume 1420, Page 583.

Being part of the same premises as described in the deed dated February 21, 1946 from Benjamin T. Williams and Rhoda Williams to Benjamin T. Williams and Rhoda Williams, said deed being recorded at Clearfield in Record Book 374, Page 105.

Being part of the same premises conveyed to Benjamin T. Williams from R.E. Chaplin and Edith Chaplin by deed dated March 24, 1927, recorded at Clearfield in Record Book 282, Page 378.

Being part of the same premises conveyed to Ione C. Copenhaver from Reginald Copenhaver by deed dated April 12, 1956, recorded in Record Book 449, Page 514.

Being part of the same premises conveyed from Benjamin T. Williams to James Copenhaver and Ione Copenhaver by deed dated September 4, 1935, recorded in Record Book 304, Page 180.

4. Plaintiffs have acquired title to the above-described premises through the chain of title set out in Paragraph 3, and also by more than twenty-one (21) years adverse possession of said property by them and their predecessors in the chain of title. Said possession having been actual, continuous, exclusive, visible, notorious, distinct and hostile to all interests which the Defendants enumerated herein may have in the premises.

5. Plaintiffs, personally, and through their predecessors in title, made adverse entry on the above-described property commencing in 1976, and said adverse possession has continued until the present time.

Plaintiffs adverse possession of this property, through themselves and their predecessors in title, has been actual, continuous, exclusive, visible, notorious, distinct and hostile and has continued for more than the statutory period of twenty-one (21) years, it having been adverse to all parties which the Defendants enumerated herein may have in the premises.

6. That this Action to Quiet Title is necessary in order to firmly vest title in the Plaintiffs through the chain of title as set out above and by adverse possession, and to illustrate the property lines as set out on the attached survey map prepared by George Cree. It is the purpose of this Action to Quiet Title to give all parties the opportunity to present any claim they might have to the property.


WHEREFORE, Plaintiffs bring this Action to Quiet Title and asks the Court to Decree as follows:

a. That the Plaintiffs are seized of an indefeasible title as acquired through the chain of title set out in Paragraph 3 and also by adverse possession to the premises situated in Beccaria Township, Clearfield County, Pennsylvania, consisting of approximately 34.993 acres as shown on the survey map prepared by George Cree. The complete description of the property which is the

subject of this Action to Quiet Title is set out in Paragraph 3 and is shown on the survey map attached to this Complaint marked Exhibit "A".

b. Enter such judgment or other relief which may be necessary in establishing an indefeasible title in the Plaintiffs.

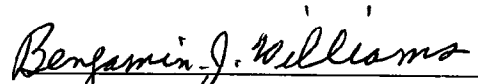
c. Such other and further relief as the Court may deem proper.



JOSEPH COLAVECCHI, ESQUIRE
Attorney for Plaintiffs
221 East Market Street
Clearfield, PA 16830
(814) 765-1566

VERIFICATION

We verify that the statements made in this Complaint in Action to Quiet Title are true and correct. We understand that false statements herein are made subject to the penalties of 18 Pa. C.S. 4904, relating to unsworn falsification to authorities.

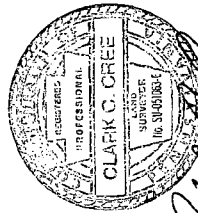
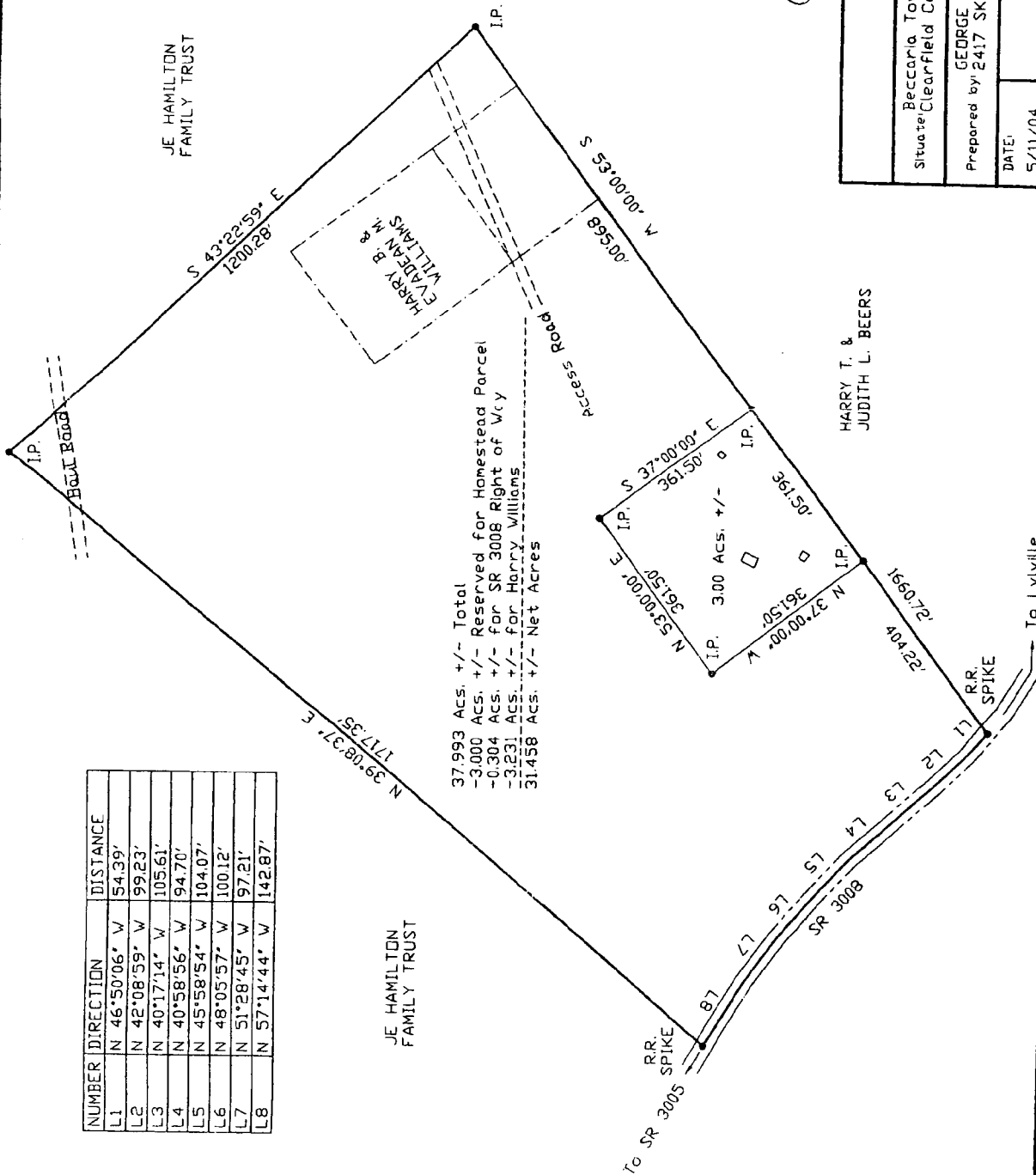

BENJAMIN J. WILLIAMS


BETTY S. WILLIAMS

NUMBER	DIRECTION	DISTANCE
L1	N 46°50'06" W	54.39'
L2	N 42°08'59" W	99.23'
L3	N 40°17'14" W	105.61'
L4	N 40°58'56" W	94.70'
L5	N 45°58'54" W	104.07'
L6	N 48°05'57" W	100.12'
L7	N 51°28'45" W	97.21'
L8	N 57°14'44" W	142.87'

JE HAMILTON
FAMILY TRUST

37.993 Acs. +/- Total
-3.000 Acs. +/- Reserved for Homestead Parcel
-0.304 Acs. +/- for SR 3008 Right of Way
-3.231 Acs. +/- for Harry Williams
31.458 Acs. +/- Net Acres



Clark C. Cree

Survey of Land for Ben Williams			
Situate: Beccaria Township Clearfield Co., Penna.	SCALE: 1"=200'	DRAWN BY: C.C.C. FB# 305	
Prepared by: GEORGE A. CREE, REGISTERED SURVEYOR 2417 SKYLINE DRIVE, FALLEN TIMBER, PA. 16639			
DATE: 5/11/04	JOB NO. B141804		

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100441
NO: 05-620-CD
SERVICE # 1 OF 4
COMPLAINT ACTION TO QUIET TITLE

PLAINTIFF: BENJAMIN J. WILLIAMS and BETTY SUE WILLIAMS
vs.
DEFENDANT: ROBERT E. HAMILTON and ANNA M. HAMILTON et al

SHERIFF RETURN

NOW, May 05, 2005 AT 10:50 AM SERVED THE WITHIN COMPLAINT ACTION TO QUIET TITLE ON ROBERT E. HAMILTON DEFENDANT AT 889 ROSE ST., IRVONA, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO BOBBI HAMILTON, DAUGHTER/ADULT AT RESIDENCE A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT ACTION TO QUIET TITLE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

FILED
ck d/3:36
MAY 11 2005

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100441
NO: 05-620-CD
SERVICE # 2 OF 4
COMPLAINT ACTION TO QUIET TITLE

PLAINTIFF: BENJAMIN J. WILLIAMS and BETTY SUE WILLIAMS

vs.

DEFENDANT: ROBERT E. HAMILTON and ANNA M. HAMILTON et al

SHERIFF RETURN

NOW, May 05, 2005 AT 10:50 AM SERVED THE WITHIN COMPLAINT ACTION TO QUIET TITLE ON ANNA M. HAMILTON DEFENDANT AT 889 ROSE ST., IRVONA, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO BOBBI HAMILTON, DAUGHTER/ADULT AT RESIDENCE A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT ACTION TO QUIET TITLE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100441
NO: 05-620-CD
SERVICE # 3 OF 4
COMPLAINT ACTION TO QUIET TITLE

PLAINTIFF: BENJAMIN J. WILLIAMS and BETTY SUE WILLIAMS

vs.

DEFENDANT: ROBERT E. HAMILTON and ANNA M. HAMILTON et al

SHERIFF RETURN

NOW, May 06, 2005 AT 10:54 AM SERVED THE WITHIN COMPLAINT ACTION TO QUIET TITLE ON JAMES E. HAMILTON JR. DEFENDANT AT 262 MARKET ST., COALPORT, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO JAMES HAMILTON, SON/ADULT AT RESIDENCE A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT ACTION TO QUIET TITLE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100441
NO: 05-620-CD
SERVICE # 4 OF 4
COMPLAINT ACTION TO QUIET TITLE

PLAINTIFF: BENJAMIN J. WILLIAMS and BETTY SUE WILLIAMS

vs.

DEFENDANT: ROBERT E. HAMILTON and ANNA M. HAMILTON et al

SHERIFF RETURN

NOW, May 06, 2005 AT 10:54 AM SERVED THE WITHIN COMPLAINT ACTION TO QUIET TITLE ON ETHEL M. HAMILTON DEFENDANT AT 262 MARKET ST., COALPORT, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO JAMES HAMILTON, SON/ADULT AT RESIDENCE A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT ACTION TO QUIET TITLE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100441
NO: 05-620-CD
SERVICES 4
COMPLAINT ACTION TO QUIET TITLE

PLAINTIFF: BENJAMIN J. WILLIAMS and BETTY SUE WILLIAMS

vs.

DEFENDANT: ROBERT E. HAMILTON and ANNA M. HAMILTON et al

SHERIFF RETURN

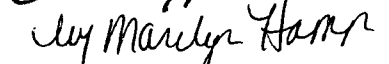
RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	COLAVECCHI	8295	40.00
SHERIFF HAWKINS	COLAVECCHI	8295	60.00
SHERIFF HAWKINS	u	8302	21.73

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

BENJAMIN J. WILLIAMS
and BETTY SUE WILLIAMS, his wife,
Plaintiffs

VS.

ROBERT E. HAMILTON and ANNA M.
HAMILTON, his wife; and JAMES
E. HAMILTON, JR. and ETHEL N.
HAMILTON, his wife, and any heirs
or persons claiming or who might claim title
under them and any other person, persons, firms,
partnerships, corporate entities who
might claim any title to the premises
herein described,

Defendants

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No. 05 -620- CD

ACTION TO QUIET TITLE

FILED

MAY 20 2005
William A. Shaw
Prothonotary/Clerk of Courts
4 cent to Att

**PRAECIPE FOR ENTRY OF
APPEARANCE**

Counsel of Record For Plaintiffs':

JOSEPH COLAVECCHI
Pa. I.D. #06810
COLAVECCHI & COLAVECCHI
221 East Market Street
P.O. Box 131
Clearfield, PA 16830
(814)765-1566

Counsel of Record for Defendants':

TIMOTHY E. DURANT
PA I.D. No. 21352
201 North Second Street
Clearfield, PA 16830
(814) 765-1711

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

BENJAMIN J. WILLIAMS
and BETTY SUE WILLIAMS, his wife,
Plaintiffs

VS.

ROBERT E. HAMILTON and ANNA M.
HAMILTON, his wife; and JAMES
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HAMILTON, his wife, and any heirs
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herein described,

Defendants

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No. 05 -620- CD

ACTION TO QUIET TITLE

PRAECIPE FOR ENTRY OF APPEARANCE

Please enter my appearance for Defendants ROBERT E. HAMILTON and ANNA M.
HAMILTON, his wife; and JAMES E. HAMILTON, JR. and ETHEL N. HAMILTON, in the
above case.

Dated:

5/20/05


Timothy E. Durant, Esquire

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

BENJAMIN J. WILLIAMS
and BETTY SUE WILLIAMS, his wife,
Plaintiffs

VS.

ROBERT E. HAMILTON and ANNA M.
HAMILTON, his wife; and JAMES
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HAMILTON, his wife, and any heirs
or persons claiming or who might claim title
under them and any other person, persons, firms,
partnerships, corporate entities who
might claim any title to the premises
herein described,
Defendants

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No. 05 -620- CD

ACTION TO QUIET TITLE

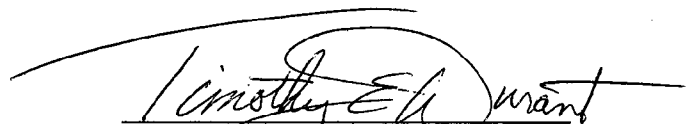
PROOF OF SERVICE

I hereby certify that I am this day serving one certified copy of the Praecipe For Entry Of
Appearance on behalf of Defendants on the following person and in the manner indicated below.

Service by first class mail addressed as follows:

Attorney for Plaintiffs:
Joseph Colavecchi, Esquire
Colavecchi & Colavecchi
221 East Market St.
P.O. Box 131
Clearfield, PA 16830

DATED: May 20, 2005


Timothy E. Durant, Esquire

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BENJAMIN J. WILLIAMS and BETTY
SUE WILLIAMS, his wife,
Plaintiffs

vs.

ROBERT E. HAMILTON and ANNA M.
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HAMILTON, his wife, and any
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them and any other person,
persons, firms, partnerships,
or corporate entities who might
claim any title to the premises
herein described,

Defendants

CIVIL DIVISION

No. 05 - 620 - CD

ORDER

Filed on Behalf of:

Plaintiffs, BENJAMIN J.
WILLIAMS and BETTY SUE
WILLIAMS

Counsel of Record for This
Party:

JOSEPH COLAVECCHI, ESQUIRE
Pa. I.D. #06810

COLAVECCHI & COLAVECCHI
221 East Market Street
P.O. Box 131
Clearfield, PA 16830

814/765-1566

FILED

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DEC 07 2005

2cc

Att J. Colavecchi

(JTC)

William A. Shaw
Prothonotary

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

BENJAMIN J. WILLIAMS and BETTY :
SUE WILLIAMS, his wife, :
Plaintiffs :
vs. : No. 05 - 620 - CD
ROBERT E. HAMILTON and ANNA M. :
HAMILTON, his wife; and JAMES E. : ACTION TO QUIET TITLE
HAMILTON, JR. and ETHEL M. :
HAMILTON, his wife, and any heirs :
or persons claiming or who might :
claim title under them and any :
other person, persons, firms, :
partnerships, or corporate :
entities who might claim any title :
to the premises herein described, :
Defendants :

O R D E R

AND NOW, this 5 day of December, 2005,

it appearing that service of the Complaint to Quiet Title in the above-stated Action was served on the Defendants. Service having been made personally by the office of the Clearfield County Sheriff on May 5, 2005 and May 6, 2005 and as shown by return from the office of the Clearfield County Sheriff. A ten day notice having been given to the Defendants and filed of record by Joseph Colavecchi, Esquire, Attorney for Plaintiffs, Benjamin J. Williams and Betty Sue Williams, his wife. No contest to the claim in this Action to Quiet Title is to be filed by the Defendants, as per

letter dated November 18, 2005 from Timothy E. Durant, Attorney for Defendants, and filed of record by Joseph Colavecchi, Esquire, Attorney for Plaintiffs, it is hereby ORDERED AND DECREED:

1. That the above-named Defendants, and any heirs or persons claiming under them, are forever barred from asserting any right, lien or interest, inconsistent with the interest or claim of the Plaintiffs, Benjamin J. Williams and Betty Sue Williams, as set forth in their Complaint, in and to the following-described piece or parcel of land, together with the improvements thereon, situated in Beccaria Township, Clearfield County, Pennsylvania, bounded and described as follows:

PARCEL NO. 1:

BEGINNING at an existing Railroad Spike located in the centerline of S.R. 3008, said Railroad Spike being the southern most corner of the parcel herein described; thence along the centerline of S.R. 3008 the following eight (8) courses and distances: North forty-six (46) degrees fifty (50) minutes (06) seconds West, a distance of fifty-four and thirty-nine one-hundredths (54.39) feet to a point; thence along the same, North forty-two (42) degrees eight (08) minutes fifty-nine (59) seconds West, a distance of ninety-nine and twenty-three one-hundredths (99.23) feet to a point; thence along the same, North forty (40) degrees seventeen (17) minutes fourteen (14) seconds West, a distance of one hundred five and sixty-one one-hundredths (105.61) feet to a point; thence along the same, North forty (40) degrees

fifty-eight (58) minutes fifty-six (56) seconds West, a distance of ninety-four and seventy one-hundredths (94.70) feet to a point; thence along the same, North forty-five (45) degrees fifty-eight (58) minutes fifty-four (54) seconds West, a distance of one hundred four and seven one-hundredths (104.07) feet to a point; thence along the same, North forty-eight (48) degrees five (05) minutes fifty-seven (57) seconds West, a distance of one hundred and twelve one-hundredths (100.12) feet to a point; thence along the same, North fifty-one (51) degrees twenty-eight (28) minutes forty-five (45) seconds West, a distance of ninety-seven and twenty-one one-hundredths (97.21) feet to a point; thence along the same, North fifty-seven (57) degrees fourteen (14) minutes forty-four (44) seconds West, a distance of one hundred forty-two and eighty-seven one-hundredths (142.87) feet to an existing Railroad Spike; thence along the line of land of JE Hamilton Family Trust, North thirty-nine (39) degrees eight (08) minutes thirty-seven (37) seconds East, a distance of one thousand seven hundred seventeen and thirty-five one-hundredths (1717.35) feet to an iron pin; thence along the same, South forty-three (43) degrees twenty-two (22) minutes fifty-nine (59) seconds East, a distance of one thousand two hundred and twenty-eight one-hundredths (1200.28) feet to an iron pin; thence along the line of land of Harry T. and Judith L. Beers South fifty-three (53) degrees zero (00) minutes zero (00) seconds West, a distance of eight hundred ninety-five and no hundredths (895.00) feet to an iron pin; thence along the three

(3) acre parcel North thirty-seven (37) degrees zero (00) minutes zero (00) seconds West a distance of three hundred sixty-one and fifty one-hundredths (361.50) feet to an iron pin; thence along the same, South fifty-three (53) degrees zero (00) minutes zero (00) seconds West, a distance of three hundred sixty-one and fifty one-hundredths (361.50) feet to an iron pin; thence along the same, South thirty-seven (37) degrees zero (00) minutes zero (00) seconds East, a distance of three hundred sixty-one and fifty one-hundredths (361.50) feet to an iron pin; thence along the line of land of Harry T. and Judith L. Beers, South fifty-three (53) degrees zero (00) minutes zero (00) seconds West, a distance of four hundred four and twenty-two one-hundredths (404.22) feet to an existing Railroad Spike and the point of beginning.

Containing 31.458 acres, more or less.

PARCEL NO. 2:

BEGINNING at an iron pin located North fifty-three (53) degrees zero (00) minutes zero (00) seconds East, a distance of four hundred four and twenty-two one-hundredths (404.22) feet from a railroad spike on the northern side of S.R. 3008, said spike being the southern most corner of the parcel of land of which this is a part; thence from the beginning iron pin through lands of the Grantors North thirty-seven (37) degrees zero (00) minutes zero (00) seconds West, a distance of three hundred sixty-one and fifty one-hundredths (361.50) feet to an iron pin; thence through the same, North fifty-three (53) degrees zero (00) minutes zero (00)

seconds East, a distance of three hundred sixty-one and fifty one-hundredths (361.50) feet to an iron pin; thence through the same, South thirty-seven (37) degrees zero (00) minutes zero (00) seconds East, a distance of three hundred sixty-one and fifty one-hundredths (361.50) feet to an iron pin; thence along the line of land of Harry T. and Judith L. Beers, South fifty-three (53) degrees zero (00) minutes zero (00) seconds West, a distance of three hundred sixty-one and fifty (50) one-hundredths feet to an iron pin and the point of beginning.

Containing 3.00 acres, more or less.

EXCEPTING AND RESERVING 3.231 acres, more or less, previously sold to Harry Williams by various deeds.

EXCEPTING AND RESERVING 0.034 acres, more or less, for S.R. 3008 Right of Way.

Said premises more fully set forth on a survey of land dated May 11, 2004 for Ben Williams as prepared by George A. Cree, Registered Surveyor, 2417 Skyline Drive, Fallentimber, Pennsylvania, 16639. A copy of the survey map is attached to the Complaint filed in this action and marked Exhibit "A".

BEING the same premises conveyed to Benjamin J. Williams and Betty Sue Williams by deed dated April 23, 1976 from Benjamin J. Williams and Betty Sue Williams, his wife, the Heirs of Rhoda Williams who died intestate on March 29, 1955, said deed being recorded at Clearfield in Record Book 718, Page 124.

Said Order to be FINAL and ABSOLUTE unless the Defendants named above, shall file exceptions thereto within thirty (30) days from the date of this Order.

2. That if the above-named Defendants have not filed exceptions within said thirty (30) day period, Prothonotary shall enter Final Judgment upon Praecipe of the Plaintiffs, Benjamin J. Williams and Betty Sue Williams.

3. That the rights of the Plaintiffs, Benjamin J. Williams and Betty Sue Williams, to the respective premises are superior to the rights of the Defendants, and any other heirs or persons claiming under them.

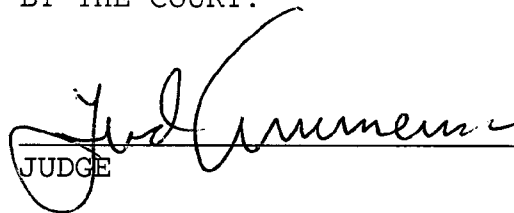
4. That the said Plaintiffs, Benjamin J. Williams and Betty Sue Williams, are vested with an indefeasible title to the property which is part of Tax Assessment Map Numbers 101-H18-000-00004 and 101-H18-000-0087. Said title to be indefeasible as against all of the above-named Defendants. Said title to be indefeasible against all of the above-named defendants, their heirs and assigns.

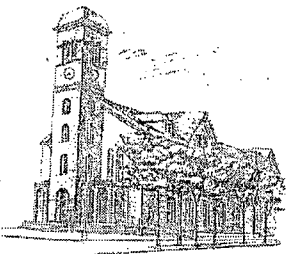
5. That the Defendants above-named, and any heirs or persons claiming under them, are enjoined from setting up any title to the above-described premises of the Plaintiffs, Benjamin J. Williams and Betty Sue Williams, described in said Complaint, and also described in this Order, from impeaching, denying or in any way attacking the title of the Plaintiffs, Benjamin J. Williams and Betty Sue Williams, to the said described premises and as authorized under Pennsylvania Rule of Civil Procedure 1066.

6. That these proceedings or an authenticated copy thereof shall at all times thereafter be taken as evidence of the facts declared and established thereby.

7. That a Certified Copy of this Order shall be recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania.

BY THE COURT:


JUDGE



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

David S. Ammerman
Solicitor

Jacki Kendrick
Deputy Prothonotary

Bonnie Hudson
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

Date: September 19, 2005

Over the past several weeks, it has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw
Prothonotary

☒ You are responsible for serving all appropriate parties.

☐ The Prothonotary's office has provided service to the following parties:

☐ Plaintiff(s)/Attorney(s)

☐ Defendant(s)/Attorney(s)

☐ Other

☐ Special Instructions:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BENJAMIN J. WILLIAMS and BETTY
SUE WILLIAMS, his wife,
Plaintiffs

vs.

ROBERT E. HAMILTON and ANNA M.
HAMILTON, his wife; and JAMES
E. HAMILTON, JR. and ETHEL M.
HAMILTON, his wife, and any
heirs or persons claiming or
who might claim title under
them and any other person,
persons, firms, partnerships,
or corporate entities who might
claim any title to the premises
herein described,

Defendants

CIVIL DIVISION

No. 05 - 620 - CD

PRAECIPE FOR JUDGMENT

Filed on Behalf of:

Plaintiffs, BENJAMIN J.
WILLIAMS and BETTY SUE
WILLIAMS

Counsel of Record for This
Party:

JOSEPH COLAVECCHI, ESQUIRE
Pa. I.D. #06810

COLAVECCHI & COLAVECCHI
221 East Market Street
P.O. Box 131
Clearfield, PA 16830

814/765-1566

LAW OFFICES OF
COLAVECCHI
& COLAVECCHI
221 E. MARKET ST.
(ACROSS FROM
COURTHOUSE)
P. O. BOX 131
CLEARFIELD, PA

FILED *no cc*
013:3781
NOV 29 2005 *64*

William A. Shaw
Prothonotary/Clerk of Courts

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

BENJAMIN J. WILLIAMS and BETTY	:	
SUE WILLIAMS, his wife,	:	
Plaintiffs	:	
	:	
vs.	:	No. 05 - 620 - CD
	:	
ROBERT E. HAMILTON and ANNA M.	:	
HAMILTON, his wife; and JAMES E.	:	ACTION TO QUIET TITLE
HAMILTON, JR. and ETHEL M.	:	
HAMILTON, his wife, and any heirs	:	
or persons claiming or who might	:	
claim title under them and any	:	
other person, persons, firms,	:	
partnerships, or corporate	:	
entities who might claim any title	:	
to the premises herein described,	:	
Defendants	:	

PRAECIPE FOR JUDGMENT

TO: WILLIAM A. SHAW, PROTHONOTARY

A Complaint was filed on behalf of Plaintiffs, Benjamin J. Williams and Betty Sue Williams in this Action to Quiet Title on May 2, 2005.


The Defendants, Robert E. Hamilton and Anna M. Hamilton, his wife, were served personally by the office of the Clearfield County Sheriff on May 5, 2005 and James E. Hamilton, Jr. and Ethel M. Hamilton, his wife, were served personally by the office of the Clearfield County Sheriff on May 6, 2005.

Timothy E. Durant, Esquire, filed an Entry of Appearance on behalf of the Defendants on May 20, 2005.

No answer having been filed to the Complaint in this Action to Quiet Title, a further ten (10) day notice was then served on Defendants on November 8, 2005, a copy of said notice being attached to this Praecipe.

No contest of the claim in this Action to Quiet Title is to be filed by the Defendants as per letter dated November 18, 2005 from Timothy E. Durant, Attorney for Defendants, a copy of said letter being attached hereto.

Enter judgment against the above-named Defendants.



JOSEPH COLAVECCHI, ESQUIRE
Attorney for Plaintiffs

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

BENJAMIN J. WILLIAMS and BETTY :
SUE WILLIAMS, his wife, :
Plaintiffs :

vs. :

No. 05 - 620 - CD

ROBERT E. HAMILTON and ANNA M. :
HAMILTON, his wife; and JAMES E. : ACTION TO QUIET TITLE
HAMILTON, JR. and ETHEL M. :
HAMILTON, his wife, and any heirs :
or persons claiming or who might :
claim title under them and any :
other person, persons, firms, :
partnerships, or corporate :
entities who might claim any title :
to the premises herein described, :
Defendants :

TO: ROBERT E. HAMILTON and ANNA M. HAMILTON
JAMES E. HAMILTON, JR. and ETHEL N. HAMILTON
c/o TIMOTHY E. DURANT
Attorney at Law
201 North Second Street
Clearfield, PA 16830


DATE OF NOTICE: November 8, 2005

IMPORTANT NOTICE

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:

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814/765-2641, Ext. 5982



JOSEPH COLAVECCHI, ESQUIRE
221 East Market Street
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TIMOTHY E. DURANT

Attorney at Law

201 NORTH SECOND STREET
CLEARFIELD, PENNSYLVANIA 16830
TELEPHONE (814) 765-1711
FAX (814) 765-9596

November 18, 2005

Joseph Colavecchi Esq.
Colavecchi & Colavecchi
221 E Market Street
P.O. Box 131
Clearfield, PA 16830

Re: BENJAMIN J. WILLIAMS & BETTY SUE
WILLIAMS VS. ROBERT E. HAMILTON, ANNA
M. HAMILTON & JAMES E. HAMILTON, JR.,
ETHEL N. HAMILTON; Quiet Title Action Clfd.
County No. 05-620-CD

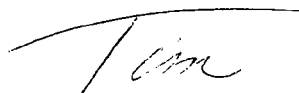
Dear Joe:

Today, I was told by my clients that they do not wish to contest the claim by the Williams's. As I told you on the telephone this afternoon I will not be filing an Answer to your complaint.

My clients have considered the claims by your clients in the above action and reviewed the survey map (attached to Complaint as Exhibit "A") in detail. The claim by your clients is not objected to by my clients.

We appreciated the time to review the claim and the attached map. The time helped to make the decision.

Sincerely yours,



Timothy E. Durant

TED/plc

pc: Mr. and Mrs. Robert Hamilton
Mr. and Mrs. James Hamilton

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BENJAMIN J. WILLIAMS and BETTY
SUE WILLIAMS, his wife,
Plaintiffs

vs.

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HAMILTON, his wife; and JAMES
E. HAMILTON, JR. and ETHEL M.
HAMILTON, his wife, and any
heirs or persons claiming or
who might claim title under
them and any other person,
persons, firms, partnerships,
or corporate entities who might
claim any title to the premises
herein described,

Defendants

CIVIL DIVISION

No. 05 - 620 - CD

AFFIDAVIT

Filed on Behalf of:

Plaintiffs, BENJAMIN J.
WILLIAMS and BETTY SUE
WILLIAMS

Counsel of Record for This
Party:

JOSEPH COLAVECCHI, ESQUIRE
Pa. I.D. #06810

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221 East Market Street
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FILED ^{NO CC}
013:3781
NOV 29 2005

William A. Shaw
Prothonotary/Clerk of Courts

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

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SUE WILLIAMS, his wife, :
Plaintiffs :
vs. : No. 05 - 620 - CD
ROBERT E. HAMILTON and ANNA M. :
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HAMILTON, JR. and ETHEL M. :
HAMILTON, his wife, and any heirs :
or persons claiming or who might :
claim title under them and any :
other person, persons, firms, :
partnerships, or corporate :
entities who might claim any title :
to the premises herein described, :
Defendants :

A F F I D A V I T

COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF CLEARFIELD :

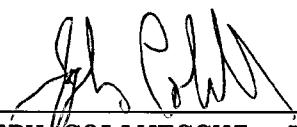
JOSEPH COLAVECCHI, ESQUIRE, Attorney for Benjamin J. Williams
and Betty Sue Williams, Plaintiffs in the above-captioned case,
hereby certifies that the Defendants, Robert E. Hamilton and Anna
M. Hamilton, his wife, were served personally by the office of the
Clearfield County Sheriff on May 5, 2005 and James E. Hamilton, Jr.
and Ethel M. Hamilton, his wife, were served personally by the
office of the Clearfield County Sheriff on May 6, 2005.

Subsequently, Timothy E. Durant, Esquire, entered his appearance as Attorney for the Defendants on May 20, 2005.

No answer having been filed to the Complaint in this Action to Quiet Title, a further ten day notice was then served on Defendants through their Attorney, Timothy E. Durant, on November 8, 2005, a copy of said notice being attached to this Affidavit.

No contest of the claim in this Action to Quiet Title is to be filed by the Defendants as per letter dated November 18, 2005 from Timothy E. Durant, Attorney for Defendants, a copy of said letter being attached hereto.

Said statements are true and correct to the best of Affiant's information, knowledge and belief.

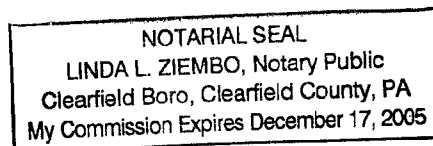


JOSEPH COLAVECCHI, ESQUIRE
Attorney for Plaintiffs

Sworn to and subscribed before me
this 29 day of November, 2005.



Linda L. Ziembo



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

BENJAMIN J. WILLIAMS and BETTY :
SUE WILLIAMS, his wife, :
Plaintiffs :
vs. : No. 05 - 620 - CD
ROBERT E. HAMILTON and ANNA M. :
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HAMILTON, JR. and ETHEL M. :
HAMILTON, his wife, and any heirs :
or persons claiming or who might :
claim title under them and any :
other person, persons, firms, :
partnerships, or corporate :
entities who might claim any title :
to the premises herein described, :
Defendants :

TO: ROBERT E. HAMILTON and ANNA M. HAMILTON
JAMES E. HAMILTON, JR. and ETHEL N. HAMILTON
c/o TIMOTHY E. DURANT
Attorney at Law
201 North Second Street
Clearfield, PA 16830


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221 East Market Street
P.O. Box 131
Clearfield, PA 16830
814/765-1566

TIMOTHY E. DURANT

Attorney at Law

201 NORTH SECOND STREET
CLEARFIELD, PENNSYLVANIA 16830
TELEPHONE (814) 765-1711
FAX (814) 765-9596

November 18, 2005

Joseph Colavecchi Esq.
Colavecchi & Colavecchi
221 E Market Street
P.O. Box 131
Clearfield, PA 16830

Re: BENJAMIN J. WILLIAMS & BETTY SUE
WILLIAMS VS. ROBERT E. HAMILTON, ANNA
M. HAMILTON & JAMES E. HAMILTON, JR.,
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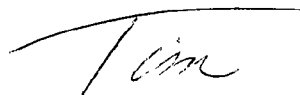
Dear Joe:

Today, I was told by my clients that they do not wish to contest the claim by the Williams's. As I told you on the telephone this afternoon I will not be filing an Answer to your complaint.

My clients have considered the claims by your clients in the above action and reviewed the survey map (attached to Complaint as Exhibit "A") in detail. The claim by your clients is not objected to by my clients.

We appreciated the time to review the claim and the attached map. The time helped to make the decision.

Sincerely yours,



Timothy E. Durant

TED/plc

pc: Mr. and Mrs. Robert Hamilton
Mr. and Mrs. James Hamilton