

05-669-CD  
C. Gossar, et al vs. G. Hess, et al

Carol Gossar et al v. Scott Hess et al  
2005-669-CD

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CAROL L. GOSSAR, an  
individual, JOAN L. SOUTHERN,  
an individual, and W. SCOTT  
HESS, an individual,

Plaintiffs

GARY R. HESS, an individual,  
and STANLEY G. HESS and  
MARGARET HESS, husband and  
wife,

Defendants

CIVIL DIVISION

No. 05 - 669 - CD

PRAECIPE FOR APPEARANCE

Filed on Behalf of:

Defendants, GARY R. HESS, and  
STANLEY G. HESS and MARGARET  
HESS, his wife

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**

JUN 03 2005  
073-251-60  
William A. Shaw  
Prothonotary/Clerk of Courts  
No C/c.

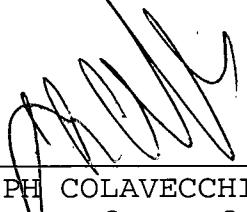
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION

CAROL L. GOSSAR, an individual, :  
JOAN L. SOUTHERN, and individual, :  
and W. SCOTT HESS, an individual, :  
Plaintiffs :  
:  
vs. : No. 05 - 669 - CD  
:  
GARY R. HESS, an individual, and :  
STANLEY G. HESS and MARGARET HESS, :  
husband and wife, :  
Defendants :  
:

PRAECIPE FOR APPEARANCE

TO: WILLIAM SHAW, PROTHONOTARY

Please enter my appearance on behalf of the Defendants,  
Stanley G. Hess and Margaret Hess, his wife, and Gary R. Hess in  
the above-captioned action.

  
JOSEPH COLAVECCHI, ESQUIRE  
Attorney for Defendants  
221 East Market Street  
Clearfield, PA 16830

May 31, 2005

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

CAROL L. GOSSAR, an  
individual, JOAN L.  
SOUTHERN, an individual,  
and W. SCOTT HESS, an  
individual,

Plaintiffs,

v.

GARY R. HESS, an individual,  
and STANLEY G. HESS and  
MARGARET HESS, husband and  
wife,

Defendants.

\* No. 05 - 669 - CD

\* Type of Pleading:

**AFFIDAVIT OF SERVICE**

\* Filed on behalf of:  
\* Plaintiffs

\* Counsel of Record for  
\* this party:

\* James A. Naddeo, Esq.  
\* Pa I.D. 06820

\* 207 E. Market Street  
\* P.O. Box 552  
\* Clearfield, PA 16830  
\* (814) 765-1601

FILED  
MAY 31 2005  
NO CC  
6/11/03 6/1  
MAY 31 2005

William A. Shaw  
Prothonotary/Clerk of Courts

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

CAROL L. GOSSAR, an  
individual, JOAN L.  
SOUTHERN, an individual,  
and W. SCOTT HESS, an  
individual,

Plaintiffs,

V.

\* No. 05 - 669 - CD

GARY R. HESS, an individual,  
and STANLEY G. HESS and  
MARGARET HESS, husband and  
wife.

Defendants.

## **AFFIDAVIT**

COMMONWEALTH OF PENNSYLVANIA )  
SS )  
COUNTY OF CLEARFIELD )

James A. Naddeo, Esquire, Attorney for the above-named Plaintiffs, being duly sworn according to law, deposes and states that a certified copy of the Complaint filed in the above-captioned action was served upon the Defendant, Stanley G. Hess, by first-class mail, Restricted Delivery, return receipt requested on May 17, 2005, at the Defendant's residence of 2264 Northwest Third Avenue, Boca Raton, FL 33431 and on the Defendant, Margaret Hess, by first-class mail, Restricted Delivery, return receipt requested on May 25, 2005 at the Defendant's residence of 2264 Northwest Third Avenue, Boca Raton, FL 33431, as appears from the receipts of Certified Mail attached hereto.

James A. Naddeo, Esquire  
Attorney for Plaintiff

James A. Naddeo, Esquire  
Attorney for Plaintiff

SWORN and SUBSCRIBED before me this 11<sup>th</sup> day of April, 2005.

*Linda C. Lewis*

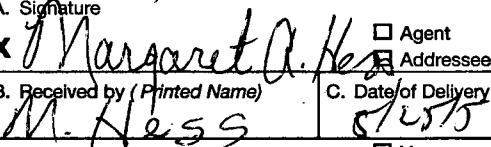
Notary Seal  
Linda C. Lakin Notary Public  
Clearfield, Clearfield County, Pennsylvania  
My Commission Expires July 25, 2007

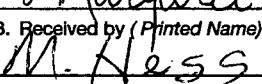
**SENDER: COMPLETE THIS SECTION**

- 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:  
Margaret Hess  
2264 Northwest Third Avenue  
Boca Raton, FL 33431

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature   
 Agent  Addressee

B. Received by / Printed Name) 

C. Date of Delivery  
07/05/05

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

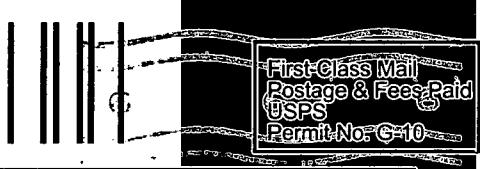
3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number  
(Transfer from service label) 7003 3110 0001 9382 9368

UNITED STATES POSTAL SERVICE

GOSSAR



• Sender: Please print your name, address, and ZIP+4 in this box ◦

JAMES A. NADDEO

ATTORNEY AT LAW  
211 1/2 EAST LOCUST STREET  
MARINO BUILDING  
P.O. BOX 552  
CLEARFIELD, PENNSYLVANIA 16830

05

|||||

**SENDER: COM**

- Complete item 4 if Restricted Delivery required.
- 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:

Stanley G. Hess  
2264 Northwest Third Avenue  
Boca Raton, FL 33431

<input checked="" type="checkbox"/> <i>Stanley Hess</i>		<input type="checkbox"/> Addressee
<input type="checkbox"/> Received by (Printed Name)	C. Date of Delivery	
<i>Stanley Hess</i> 5/15		
D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No		
3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.		
4. Restricted Delivery? (Extra Fee) <input checked="" type="checkbox"/> Yes		

2. Article Number

*(Transfer from service label)*

7003 3110 0001 9382 9351

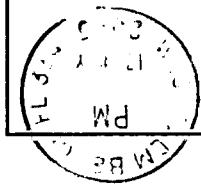
UNITED STATES POSTAL SERVICE

GOSSAR

First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

JAMES A. NADDEO  
ATTORNEY AT LAW  
211 1/2 EAST LOCUST STREET  
MARINO BUILDING  
P.O. BOX 552  
CLEARFIELD, PENNSYLVANIA 16830



FILED

MAY 3 1 2005

William A. Slay  
Prothonotary Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100469  
NO: 05-669-CD  
SERVICE # 1 OF 1  
COMPLAINT

PLAINTIFF: CAROL L. GOSSAR al  
vs.  
DEFENDANT: GARY R. HESS, an individual al

**SHERIFF RETURN**

NOW, May 18, 2005 AT 10:05 AM SERVED THE WITHIN COMPLAINT ON GARY R. HESS DEFENDANT AT RD#3 BOX 557C, MAHAFFEY, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO ELIZABETH HESS, WIFE A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

FILED  
01:58 PM  
MAY 24 2005

William A. Shaw  
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	NADDEO	10192	10.00
SHERIFF HAWKINS	NADDEO	10192	36.19

Sworn to Before Me This

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

So Answers,

*Chester A. Hawkins  
by Marilyn H. Asmar*  
Chester A. Hawkins  
Sheriff

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

CAROL L. GOSSAR, an  
individual, JOAN L.  
SOUTHERN, an individual,  
and W. SCOTT HESS, an  
individual,

Plaintiffs,

v.

GARY R. HESS, an individual,  
and STANLEY G. HESS and  
MARGARET HESS, husband and  
wife,

Defendants.

\* No. 05 - 6069 - CD

\* Type of Pleading:

\* **COMPLAINT**

\* Filed on behalf of:  
\* Plaintiff

\* Counsel of Record for  
\* this party:

\* James A. Naddeo, Esq.  
\* Pa I.D. 06820

\* 207 E. Market Street  
\* P.O. Box 552  
\* Clearfield, PA 16830  
\* (814) 765-1601

①  
FILED 3cc  
d 3:45pm MAY 11 2005 Atty pd. 85.00  
MAY 11 2005 Atty pd. 85.00

William A. Shaw  
Prothonotary/Clerk of Courts

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

CAROL L. GOSSAR, an  
individual, JOAN L.  
SOUTHERN, an individual,  
and W. SCOTT HESS, an  
individual,

Plaintiffs,

v.

GARY R. HESS, an individual,  
and STANLEY G. HESS and  
MARGARET HESS, husband and  
wife,

Defendants.

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\* No. 05 - - CD

NOTICE

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

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

Court Administrator  
Clearfield County Courthouse  
Market and Second Streets  
Clearfield, PA 16830

(814) 765-2641, ext. 5982

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

CAROL L. GOSSAR, an \*  
individual, JOAN L. \*  
SOUTHERN, an individual, \*  
and W. SCOTT HESS, an \*  
individual, \*  
Plaintiffs, \*  
\*  
v. \* No. 05 - - CD  
\*  
GARY R. HESS, an individual, \*  
and STANLEY G. HESS and \*  
MARGARET HESS, husband and \*  
wife, \*  
Defendants. \*

COMPLAINT IN EQUITY - PARTITION

NOW COME the Plaintiffs, Carol L. Gossar, Joan L. Southern, and W. Scott Hess, and by their attorney, James A. Naddeo, Esquire, set forth the following:

1. That the Plaintiff, Carol L. Gossar, is an adult individual who resides at 1947 Ginter Morann Highway, Ginter, Pennsylvania 16651.
2. That the Plaintiff, Joan L. Southern, is an adult individual who resides at 1141 Banion Road, Madera, Pennsylvania 16661.
3. That the Plaintiff, W. Scott Hess, is an adult individual who resides at 7683 Admiral Perry Highway, Cresson, Pennsylvania 16630.

4. That the Defendant, Gary R. Hess, is an adult individual, who resides at R. D. 3, Box 557C, Mahaffey, Pennsylvania 15757.

5. That the Defendant, Stanley G. Hess, is an adult individual, who resides at 2264 Northwest Third Avenue, Boca Raton, Florida 33431.

6. That the Defendant, Margaret Hess, is an adult individual, who resides at 2264 Northwest Third Avenue, Boca Raton, Florida 33431.

7. That the Plaintiffs and Defendants are the owners of certain real estate located in Greenwood Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a post on line now or formerly of Joseph Newcomer; thence South Twenty-five degrees West (S 25° W) One Hundred Eighty-six (186) perches to a post; thence by land now or formerly of A. H. Newcomer North forty-one degrees West (N 41° W) Fifty-one (51) perches to a hemlock; thence North one and one-half degrees East (N 1½° E) along land now or formerly of Irwin Seventy-eight (78) perches to a post; thence still by land now or formerly of Irvin North fifty-one degrees East (N 51° E) One Hundred Twenty-four (124) perches to a post; thence South Twenty-six and one-half degrees East (S 26½° E) Twenty-nine and Seven tenths (29.7) perches to a post and place of beginning. Containing Sixty-five and One-fourth (65 1/4) acres, more or less, with the usual allowance of six percent.

8. That the Plaintiffs, Carol L. Gossar, Joan L. Southern, and W. Scott Hess, each acquired a one-fourth interest in the subject property by Deed of William R. Hess and Margaret

M. Hess, his wife, dated December 16, 1999 and recorded in the Office of the Register and Recorder for Clearfield County as Instrument No. 199920609.

9. That the Defendant, Gary R. Hess, acquired a one-fourth interest in the subject property by Deed of William R. Hess and Margaret M. Hess, his wife, dated December 16, 1999 and recorded in the Office of the Register and Recorder for Clearfield County as Instrument No. 199920609.

10. That the Defendants, Stanley G. Hess and Margaret Hess, acquired an undivided one-half interest in the subject property by Deed of Leslie L. Hess, single, dated November 17, 1994 and recorded in Clearfield County Deed and Record Book 1645, page 394.

11. No person other than the parties to this suit has any interest in the property, which is presently in the possession of the Defendant, Gary R. Hess.

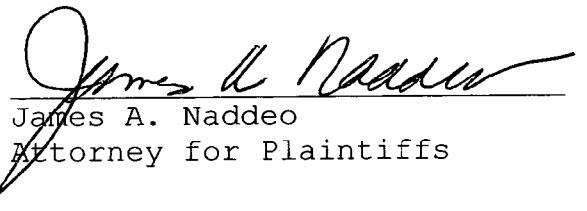
12. No partition or division of the property has ever been made, although Plaintiffs have requested the Defendants to join with them in making one.

WHEREFORE, Plaintiffs demand that:

(a) The Court decree partition of the real estate;  
(b) the share or shares to which the respective parties are entitled be set out to them in severalty and that all proper and necessary conveyances and assurances be executed

for carrying such partition into effect; and that, if the real estate cannot be divided without prejudice to or spoiling the whole, such proper and necessary sale or sales of the same may be made by such persons and in such manner as the Court may direct;

(c) such other and further relief be granted as the Court deems just and proper.

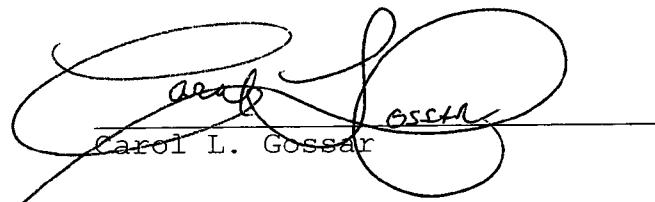


James A. Naddeo

Attorney for Plaintiffs

COMMONWEALTH OF PENNSYLVANIA )  
ss.  
COUNTY OF CLEARFIELD )

Before me, the undersigned officer, personally appeared CAROL L. GOSSAR, who, being duly sworn according to law, deposes and states that the facts set forth in the foregoing Complaint are true and correct to the best of her knowledge, information and belief.

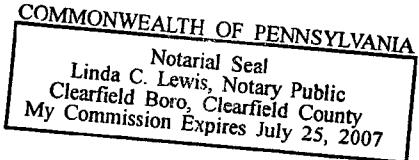


carol L. Gossar

SWORN and SUBSCRIBED before me this 26th day of April, 2005.



Linda C. Lewis



**FILED**

**MAY 11 2005**

William A. Shaw  
Prothonotary/Clerk of Courts

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

CAROL L. GOSSAR, an  
individual, JOAN L.  
SOUTHERN, an individual,  
and W. SCOTT HESS, an  
individual,  
Plaintiffs

Plaintiffs,

v.

GARY R. HESS, an individual,  
and STANLEY G. HESS and  
MARGARET HESS, husband and  
wife.

Defendants.

No. 05 - 669 - CD

### Type of Pleading:

**PRAECLIPSE TO DISCONTINUE**

Filed on behalf of:  
Plaintiffs

Counsel of Record for  
this party:

James A. Naddeo, Esq.  
Pa I.D. 06820

207 E. Market Street  
P.O. Box 552  
Clearfield, PA 16830  
(814) 765-1601

FILED <sup>1cc</sup>  
013-4381 Atty. abodeo  
OCT 20 2005

William A. Shaw  
Prothonotary/Clerk of Courts

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

CAROL L. GOSSAR, an \*  
individual, JOAN L. \*  
SOUTHERN, an individual, \*  
and W. SCOTT HESS, an \*  
individual, \*  
Plaintiffs, \*  
\*  
v. \* No. 05 - 669 - CD  
\*  
GARY R. HESS, an individual, \*  
and STANLEY G. HESS and \*  
MARGARET HESS, husband and \*  
wife, \*  
Defendants. \*

**PRAECIPE**

TO THE PROTHONOTARY:

Please mark the above-captioned case discontinued.

  
\_\_\_\_\_  
James A. Naddeo, Esquire  
Attorney for Plaintiffs

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

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a certified copy of the Praeclipe to Discontinue was served on the following and in the following manner on the 20th day of October, 2005:

First-Class Mail, Postage Prepaid

Joseph Colavecchi, Esquire  
Colavecchi & Colavecchi  
221 East Market Street  
PO Box 131  
Clearfield, PA 16830

~~James A. Naddeo  
Attorney for Plaintiffs~~

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

 COPY

**Carol L. Gossar**  
**Joan L. Southern**  
**W. Scott Hess**

vs.

**No. 2005-00669-CD**

**Gary R. Hess**  
**Stanley G. Hess**  
**Margaret Hess**

**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 October 20, 2005, marked:

Discontinued

Record costs in the sum of \$85.00 have been paid in full by James A. Naddeo, Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 20th day of October A.D. 2005.

---

William A. Shaw, Prothonotary