

05-676-CD

R. Powers, et al vs. T.S. Wells, et al

Richard Powers et al v. T.S. Wells et al
2005-676-CD

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

RICHARD E. POWERS and JUNE A.
POWERS,

Plaintiffs

vs.

T. S. WELLS, THOMAS WELLS,
JENNIE WELLS, a/k/a JUINIE WELLS,
EDGAR WELLS, a/k/a EDGAR L. WELLS,
J. F. ARTHURS, W. C. QUICK, J. S.
REITZ, A. H. REITZ, and INDIAN
CAMP, and all of their heirs,
successors, administrators and
assigns,

Defendants

NO. 2005-676-C

Type of Case: Action to Quiet Title

Type of Pleading: Complaint

Filed on behalf of: Plaintiffs

Counsel of Record for this Party:
David P. King, Esquire
23 Beaver Drive
P. O. Box 1016
DuBois, PA 15801
(814) 371-3760

Supreme Court No. 22980

FILED

recd
MAY 13 2005

o/q:oo/m

William A. Shaw
Prothonotary

1 cent to MTR

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

RICHARD E. POWERS and JUNE A. :
POWERS, :
Plaintiffs :
: :
vs. :
: :
T. S. WELLS, THOMAS WELLS, :
JENNIE WELLS, a/k/a JUINIE WELLS, : NO. _____ C.D.
EDGAR WELLS, a/k/a EDGAR L. WELLS, :
J. F. ARTHURS, W. C. QUICK, J. S. :
REITZ, A. H. REITZ, and INDIAN
CAMP, and all of their heirs,
successors, administrators and :
assigns, Defendants

NOTICE

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

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

David S. Meholic, Court Administrator
Clearfield County Courthouse
230 East Market Street, Suite 228
Clearfield, PA 16830
(814) 765-2641 Ext. 5982

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

| | | |
|---|---|-----------------------|
| RICHARD E. POWERS and JUNE A. POWERS, | : | |
| | : | |
| Plaintiffs | : | |
| | : | |
| vs. | : | NO. _____ C.D. |
| | : | |
| T. S. WELLS, THOMAS WELLS, JENNIE WELLS, a/k/a JUINIE WELLS, EDGAR WELLS, a/k/a EDGAR L. WELLS, J. F. ARTHURS, W. C. QUICK, J. S. REITZ, A. H. REITZ, and INDIAN CAMP, and all of their heirs, successors, administrators and assigns, | : | ACTION TO QUIET TITLE |
| | : | |
| Defendants | : | |
| | | COMPLAINT |

AND NOW, come the Plaintiffs, RICHARD E. POWERS and JUNE A. POWERS, and bring this Action to Quiet Title for the purposes of barring the above named Defendants, their heirs, administrators, successors and assigns, in and to the property as described herein, as situated in Huston Township, Clearfield County, Pennsylvania, and avers the following cause of action in support of the same:

1. The Plaintiffs are RICHARD E. POWERS and JUNE A. POWERS, and they reside at 305 Highland Street Ext., DuBois, PA 15801.

2. The subject matter property is described in the assessment records of Clearfield County, PA, as Tax Map No. 119F1-5, consists of three acres, with a camp constructed upon the same.

3. Such camp was constructed by a predecessor in title, Anthony Zurinsky, Jr. in 1961.

4. The chain of title into the Plaintiffs is as follows:

(a) By Deed dated June 26, 1893, W. D. Woodward, Jr. and Lillian Woodward, his wife, conveyed a one hundred acre parcel to Mrs. Jennie Wells by Deed recorded in the Office of the Recorder of Deeds of Elk County, PA, in Volume 43, at Page 19.

(b) By Deed dated August 31, 1898, James W. Brown conveyed the same parcel to Mrs. Juinie Wells by Deed recorded in the Office of the Recorder of Deeds of Elk County, PA, in Volume 52, at Page 296.

(c) By Deed dated September 12, 1923, Jennie Wells and T. S. Wells, her husband, conveyed the property to Edgar Wells and the same was recorded in the Office of the Recorder of Deeds of Elk County, PA in Book 84, at Page 130.

(d) By Deed dated June 25, 1926, Edgar L. Wells conveyed the property to J. F. Arthurs and W. C. Quick. Said Deed was recorded in the Office of the Recorder of Deeds of Elk County, PA, in Book 87, at Page 225.

The above mentioned Deeds were not recorded in Clearfield County, PA, as they entailed a larger tract of land partially in Elk County, and partially in Clearfield County, with the subject premises being in Clearfield County.

(e) The assessment of Clearfield County showed the subject matter premises being assessed in the name of "Indian Camp". Such assessment was carried by the Clearfield County Tax Office as "Indian Camp" from 1929 to 1932.

(f) Thereafter, the subject property was sold for nonpayment of taxes by Clearfield County as the property of Edgar L. Wells to the Clearfield County Commissioners.

(g) The Clearfield County Commissioners sold the property to J. S. Reitz and A. H. Reitz in 1936 for nonpayment of taxes in 1928. Said

transfer is recorded in the lands-sold to County Book 4, at Page 66.

(h) J. S. Reitz and A. H. Reitz were vested in title until 1940 when the property was again sold for nonpayment of taxes to Clearfield County in lands sold to County Book 8, at Page 141.

(i) The Clearfield County Commissioners then transferred the property back to J. S. Reitz and A. H. Reitz on April 27, 1943.

(j) Thereafter, the Treasurer of Clearfield County transferred the subject matter premises to the Clearfield County Commissioners describing a three acre parcel in Huston Township, Clearfield County, PA, such Deed recorded in Deed Book Volume 443, Page 414.

The same was for nonpayment of taxes for the year 1950.

(k) The said Clearfield County Commissioners then sold the same subject matter premises to Anthony Zurinsky, Jr. as the former property of J. S. Reitz and A. H. Reitz, such Deed recorded in Deed Book Volume 443, Page 416. This pursuant to a private sale per the Petition of the County Commissioners.

(l) By Deed dated June 11, 1993, Anthony Zurinsky, Jr., et ux. conveyed the subject matter premises to Anthony Zurinsky, Jr. and Pauline J. Zurinsky as tenants by the entireties, the same being recorded in Deed Book Volume 1538, Page 428. The same was incorrectly identified as Tax Parcel No. 119.0-G03-000-00038, rather than the correct Tax Parcel No. 119.0-G04-000-00005.

(m) Anthony Zurinsky, Jr. died on June 10, 2004, and by Deed dated October 21, 2004, Pauline J. Zurinsky, a widow, conveyed the

property to Richard E. Powers and June A. Powers, the Plaintiffs herein. The Deed is recorded in the Office of the Recorder of Deeds as Instrument Number 2004-18361.

5. There is recorded in the Office of the Recorder of Deeds of Clearfield County in Deed Book 481, Page 560, a Certificate of Award of Real Estate and Distribution reserving a roadway "as now used by Thomas Wells being from the public highway to the farm building of the said Wells".

6. Said roadway has not been utilized by anyone, other than the Plaintiffs, or their predecessors in title, for a period well in excess of twenty one years.

7. The Plaintiffs or their predecessors in title have exclusively used such roadway and have held themselves to be the sole owners in control of and have been in actual, open, notorious, visible hostile and continuous possession of the same for a period far in excess of twenty one years.

8. By Road Right-of-Way Easement Agreement dated September 1, 1999, and recorded in the Office of the Recorder of Deeds as Instrument Number 2002-18641, Anthony W. Zurinsky and Pauline Zurinsky conveyed a right-of-way to Range Resources Development Company. The Deed reference in said Road Right-of-Way was incorrectly stated as and referenced in Book 1172, Page 131. The same actually refers to the property of a Lillian Bennett, who is not a party to this matter.

9. The Plaintiff and Plaintiff's predecessors in title have been in actual, open, notorious, visible, hostile and continuous possession of the premises for a period of fifty years.

10. The purpose of this Quiet Title Complaint is to quiet title as to any interest that the Defendants, their heirs, devisees, administrators, executors or assigns or any other person, persons, firms, partnerships, corporate entities in

interest may have in the property identified herein, because of any defects that may exist in the tax sales or private sales above described, or because said property was improperly assessed, or not properly described, because proper notice of Tax Sales to the record owner had not been made, or for any other reason that may raise some question as to the validity of title. The purpose of this action is to make the title marketable so that same can be certified.

WHEREFORE, Plaintiffs respectfully request your Honorable Court to enter the appropriate Order as follows:

- (a) Declaring that the rights of the Plaintiffs are superior to the rights of all of the Defendants named herein, as well as their heirs, executors, successors and assigns.
- (b) To declare that the Plaintiffs have a fee simple title in the premises described herein and as against all of the Defendants, their heirs, administrators, executors, successors and assigns.
- (c) To enjoin all of the Defendants, their heirs, administrators, executors, successors and assigns from setting up any title to the premises described herein, and from impeaching, denying or in anyway attacking the title to the Plaintiffs to the premises described.
- (d) And to grant and decree whatever relief may be deemed equitable and proper.

David P. King, Esquire
Attorney for Plaintiffs

I verify that the statements made in this Complaint are true and correct, and that as Attorney, have the permission of Plaintiffs to verify the same, and understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

Date: May 12, 2005



David P. King, Esquire
Attorney for Plaintiffs

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

RICHARD E. POWERS and JUNE A.

POWERS,

Plaintiffs

vs.

NO. 2005-676 C.D.

T. S. WELLS, THOMAS WELLS,

JENNIE WELLS, a/k/a JUINIE WELLS,

EDGAR WELLS, a/k/a EDGAR L. WELLS,

J. F. ARTHURS, W. C. QUICK, J. S.

REITZ, A. H. REITZ, and INDIAN

CAMP, and all of their heirs,

successors, administrators and

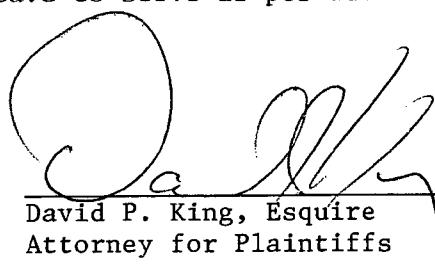
assigns, Defendants

MOTION FOR SERVICE BY ADVERTISEMENT

The undersigned, Attorney for Plaintiffs, moves your Honorable Court to enter an appropriate Order to serve the Defendants in this action by advertisement, and in support thereof states that after a reasonable search and investigation, the whereabouts of any and all of the Defendants, their heirs, executors, administrators and assigns, cannot be found, such search and investigation inquiring of telephone directories, voter registraton rolls, estate papers, deed records and miscellaneous dockets and records as may be applicable.

And by signature hereon, and verification, the movant does so state.

WHEREFORE, Plaintiff's Counsel asks for leave to serve as per advertisement for the reasons as stated.



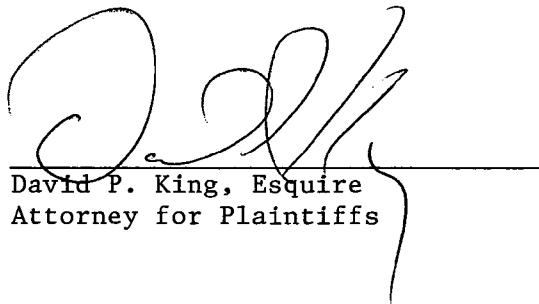
David P. King, Esquire
Attorney for Plaintiffs



William A. Shaw
Prothonotary/Clerk of Courts

I verify that the statements made in this Motion for Search by Advertisement are true and correct, and that as Attorney, have the permission of Plaintiffs to verify the same, and understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

Date: May 12, 2005



David P. King, Esquire
Attorney for Plaintiffs

PA

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

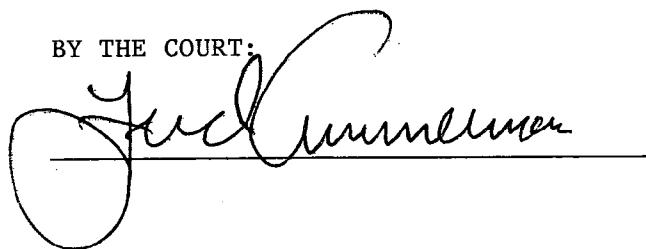
RICHARD E. POWERS and JUNE A. POWERS, :
Plaintiffs :
vs. :
T. S. WELLS, THOMAS WELLS, :
JENNIE WELLS, a/k/a JUINIE WELLS, :
EDGAR WELLS, a/k/a EDGAR L. WELLS, :
J. F. ARTHURS, W. C. QUICK, J. S. REITZ, A. H. REITZ, and INDIAN CAMP, and all of their heirs, successors, administrators and assigns, :
Defendants :

NO. 2005-676 C.D.

ORDER

AND NOW, this 13th day of May, 2005, in consideration of Plaintiffs' Motion to accomplish service in this Quiet Title Action through advertisement, the Motion is granted, and it is the Order of this Court that the appropriate Notice be advertised in the Clearfield County Legal Journal, as well as a newspaper in general circulation within the County of Clearfield and Commonwealth of Pennsylvania.

BY THE COURT:



FILED *RE*
193264 Atty King
MAY 13 2005

William A. Shaw
Prothonotary/Clerk of Courts

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

RICHARD E. POWERS and JUNE A.
POWERS,
Plaintiffs

vs.

T. S. WELLS, THOMAS WELLS,
JENNIE WELLS, a/k/a JUINIE WELLS,
EDGAR WELLS, a/k/a EDGAR L. WELLS,
J. F. ARTHURS, W. C. QUICK, J. S.
REITZ, A. H. REITZ, and INDIAN
CAMP, and all of their heirs,
successors, administrators and
assigns,

Defendants

NO. 2005-676-C.D.

Type of Case: Action to Quiet Title

Type of Pleading: Motion for Default
Judgment

Filed on behalf of: Plaintiffs

Counsel of Record for this Party:
David P. King, Esquire
23 Beaver Drive
P. O. Box 1016
DuBois, PA 15801
(814) 371-3760

Supreme Court No. 22980

FILED NO
01/12/05
OCT 20 2005
LSK

William A. Shaw
Prothonotary/Clerk of Courts

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

| | |
|------------------------------------|-------------------------|
| RICHARD E. POWERS and JUNE A. | : |
| POWERS, | : |
| Plaintiffs | : |
| | : |
| vs. | : NO. 2005-676-C.D. |
| | : |
| T. S. WELLS, THOMAS WELLS, | : ACTION TO QUIET TITLE |
| JENNIE WELLS, a/k/a JUINIE WELLS, | : |
| EDGAR WELLS, a/k/a EDGAR L. WELLS, | : |
| J. F. ARTHURS, W. C. QUICK, J.S. | : |
| REITZ, A. H. REITZ, and INDIAN | : |
| CAMP, and all of their heirs, | : |
| successors, administrators and | : |
| assigns, | : |
| Defendants | : |

MOTION FOR DEFAULT JUDGMENT

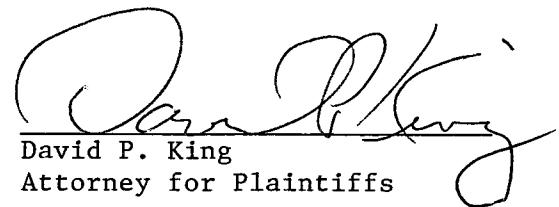
The Plaintiffs, RICHARD E. POWERS and JUNE A. POWERS, by their undersigned Attorney, files this Motion for Default Judgment against the Defendants in this matter, and in support thereof avers as follows:

1. This is an Action to Quiet Title in which the Plaintiffs have requested that the Defendants, and any persons claiming under the Defendants be permanently enjoined and restrained from asserting any claim or interest in the real property as described in Plaintiffs' Complaint.

2. Pursuant to Court Order dated May 13, 2005, the Complaint, containing Notice to Defend, was served upon all of the Defendants by appropriate advertisement in the Clearfield County Legal Journal, as well as the Courier-Express, said Proofs of Publications in original form attached hereto.

3. Such service with the appropriate Notice to Defend was thus complete, and more than twenty days have elapsed with no Answer or defense or objection being filed to said Complaint.

WHEREFORE, the Plaintiffs request this Court to enter an Order of Default Judgment against the Defendants, Quietting Title, this pursuant to the Rules of Procedure.



David P. King
Attorney for Plaintiffs

Public Notices UU1 Public Notices UU1

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

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

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

TO THE ABOVE NAMED DEFENDANTS, their heirs, successors and assigns:

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days 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 claim set forth against you. You are warned that if you fail to do so, the case may proceed without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiffs. You may lose money or property or other rights important to you.

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

COURT ADMINISTRATOR'S OFFICE, Clearfield County Courthouse, Clearfield, PA 16830 (814) 765-2641.

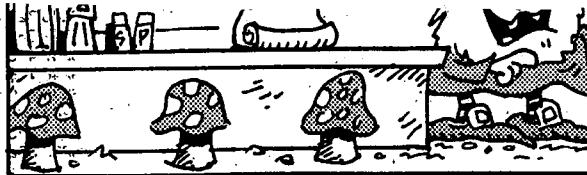
You are hereby notified that an Action to Quiet Title to all that certain piece or parcel of land lying, situated and being in Huston Township, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

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

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

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

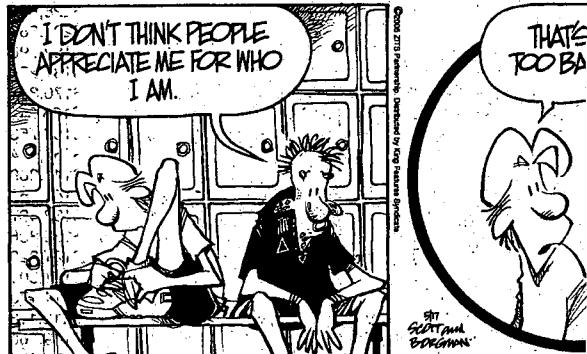
5/17/05



GRIZZWELLS by Bill Schorr



ZITS by Jerry Scott & Jim Borgman



DOONESBURY by Garry Trudeau



PROOF OF PUBLICATION 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

17th

day of

May

A.D.,

2005

Affidavit further deposes that he is an officer duly authorized by the **Courier-Express**, a daily newspaper, **Tri-County Sunday**, a weekly newspaper, and/or **Jeffersonian Democrat**, a weekly newspaper to verify the foregoing statement under oath and also declared that affiant is not interested in the subject matter of the aforesaid notice of publication, and that all allegations in the foregoing statement as to time, place and character of publication are true.

**McLEAN PUBLISHING COMPANY Publisher of
COURIER-EXPRESS/TRI-COUNTY SUNDAY/JEFFERSONIAN DEMOCRAT**

By

Linda Smith

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

Robin M. Duttry

NOTARY PUBLIC

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



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

TO

David P. King

| | |
|--|-----------------|
| For publishing the notice or advertisement attached hereto on the above stated dates..... | \$211.68 |
| Probating same..... | \$4.25 |
| Total..... | \$215.93 |

Publisher's Receipt for Advertising Costs

The **Courier-Express**, a daily newspaper, **Tri-County Sunday**, a weekly newspaper, and/or **Jeffersonian Democrat**, a weekly newspaper, hereby acknowledges receipt of the aforesaid advertising and publication costs, and certifies that the same have been fully paid.

Office: Jeffers Street and Beaver Drive, DuBois, PA 15801

Established 1879, Phone 814-371-4200

McLEAN PUBLISHING COMPANY

Publisher of

COURIER-EXPRESS/TRI-COUNTY SUNDAY/JEFFERSONIAN DEMOCRAT

By

I hereby certify that the foregoing is the original Proof of Publication and receipt for the Advertising costs in the subject matter of said notice.

ATTORNEY FOR

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA : :

COUNTY OF CLEARFIELD : :

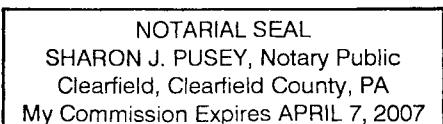
On this 20th day of May AD 2005, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Gary A. Knaresboro editor of the Clearfield County Legal Journal of the Courts of Clearfield County, and that the annexed is a true copy of the notice or advertisement published in said publication in the regular issues of Week of May 20, 2005. Vol. 17, No. 20. And that all of the allegations of this statement as to the time, place, and character of the publication are true.



Gary A. Knaresboro, Esquire
Editor

Sworn and subscribed to before me the day and year aforesaid.

Sharon J Pusey
Notary Public
My Commission Expires



David P King
PO Box 1016
DuBois PA 15801

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

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

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

TO THE ABOVE NAMED DEFENDANTS, their heirs, successors and assigns: YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days personally or by attorney and filing in writing with the court your defenses or objections to the claim set forth against you. You are warned that if you fail to do so, the case may proceed without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiffs. You may lose money or property or other rights important to you.

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

COURT ADMINISTRATOR'S OFFICE,
Clearfield County Courthouse, Clearfield, PA
16830 (814) 765-2641.

You are hereby notified that an Action to Quiet Title to all that certain piece or parcel of land lying, situated and being in Huston Township, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

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

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

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

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

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

WHEREUPON said Court ordered that notice of said action and the facts thereto be served on the Defendants Robert H. Williams, Henry Wick, Clara Wick, Frank Morrison, Mary E. Morrison, Charles H. McKee, Clara McKee, Donald S. Hopkins, Margaretta B. Hopkins, and William P. Hopkins, their heirs, executors, administrators and assigns, by the Plaintiffs by advertisement requiring Defendants Robert H. Williams, Henry Wick, Clara Wick, Frank Morrison, Mary E. Morrison, Charles H. McKee, Clara McKee, Donald S. Hopkins, Margaretta B. Hopkins, and William P. Hopkins, their heirs, executors, administrators and assigns, to answer the said complaint within twenty (20) days from the date of this publication. For failure to comply, a judgment will be taken by application of Plaintiffs before the Court at a hearing to be held on June 23, 2005, at 2:30 P.M., at the Clearfield County Courthouse, Courtroom No. 2, Clearfield, Pennsylvania. The previous hearing scheduled in this matter on May 23, 2005, at 11:00 A.M., has been cancelled by Order of the Court.

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

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

| | | |
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| RICHARD E. POWERS and JUNE A. POWERS, | : | |
| Plaintiffs | : | |
| vs. | : | NO. 2005-676-C.D. |
| T. S. WELLS, THOMAS WELLS, JENNIE WELLS, a/k/a JUINIE WELLS, EDGAR WELLS, a/k/a EDGAR L. WELLS, J. F. ARTHURS, W. C. QUICK, J. S. REITZ, A. H. REITZ, and INDIAN CAMP, and all of their heirs, successors, administrators and assigns, | : | ACTION TO QUIET TITLE |
| Defendants | : | |

FILED
01/12/2005
OCT 20 2005

William A. Shaw *GR*
Prothonotary/Clerk of Courts
2 CC Atty King

ORDER

AND NOW, this 30 day of October, 2005, in accordance with Plaintiffs' Motion for Default Judgment in this Action to Quiet Title, with appropriate service being made on all of the named Defendants, and no Answer having been filed nor objection or other defense asserted, it is hereby ORDERED that as to the following described property, situated in Huston Township, Clearfield County, Pennsylvania:

Camp and three (3) acres identified as and by Tax Map Number 119F1-5.

The rights of the Plaintiffs are superior to the rights of all of the Defendants named in this matter, as well as their heirs, successors, administrators, executors and assigns;

FURTHER, that the Plaintiffs have a fee simple title in the premises described herein, and as against all of the Defendants, their heirs, successors, administrators, executors and assigns;

AND FURTHER, that all of the said Defendants, their heirs, successors, administrators, executors and assigns are hereby enjoined and barred from setting up any title to the premises described herein, and from impeaching, denying or in anyway attacking the title to the Plaintiffs to the premises described.

BY THE COURT:



A handwritten signature in black ink, appearing to read "Fred A. Auneema", is written over a horizontal line. The signature is fluid and cursive, with a prominent "F" at the beginning.