

05-956-CD  
R. Wesley Smith vs T. A. Jones et al

2005-956-CD  
R. Wesley Smith v. T.A. Jones et al

Date: 08/16/2005

Clearfield County Court of Common Pleas

User: LBENDER

Time: 01:44 PM

ROA Report

Page 1 of 1

Case: 2005-00956-CD

Current Judge: Paul E. Cherry

R. Wesley Smith, Samantha L. Smith vs. T. A. Jones, Twila A. Jones, Twila M. Linville

Civil Other

Date		Judge
07/01/2005	New Case Filed.	No Judge
	✓ Filing: Quiet Title Action Paid by: Belin, Carl A. Jr. (attorney for Smith, R. Wesley) Receipt number: 1904059 Dated: 07/01/2005 Amount: \$95.00 (Check) 2CC Atty Berlin.	No Judge
	✓ Affidavit, personal service cannot be made upon Defendants, filed by s/ Carl A. Belin Jr Esquire. 2CC Atty Belin.	No Judge
07/05/2005	✓ Motion for Publication filed by s/ Carl A. Belin Jr. Esquire. 2CC Atty Belin.	No Judge
	✓ Order, dated July 1, 2005, upon consideration of the foregoing Motion, the Plaintiffs are granted leave to make service of the Complaint on the Defendants, date set for hearing of said Complaint in Courtroom No. 2 at Clearfield, PA at 9:00 a.m. By the Court: /s/ Paul E Cherry, Judge. 2CC Atty Belin, copy to CA	Paul E. Cherry
07/26/2005	✓ Affidavit of Service filed. Notice of the Quiet Title Action was served upon Defendants, T. A. Jones, also known as Timothy Jones, and Twila A. Jones, Twila M. Linville by publication in The Progress on July 5, 2005 and the Clearfield County Legal Journal on July 8, 2005 filed by Carl A. Belin Jr. Esq. No CC	Paul E. Cherry
08/15/2005	✓ ORDER filed. 2 Cert. to Atty Belin NOW, this 15th day of August, 2005, RE: Final Order shall be entered if Defendants fail to take action withing 30 days.	Paul E. Cherry

## Divorce

Date		Judge
07/24/2001	ORDER, NOW, this 20th day of July, 2001, re: Counsel for both parties have no more than 20 days from this date to supply the Court w/appropriate Briefs and Custody/Partial Custody Orders. by the Court, s/FJA,J. 1 cc atty Naddeo, Shaw (received in Pro Office on 7/24/01)	Fredric Joseph Ammerman
08/15/2001	Transcript of Proceedings Defendant's Petition to Modify Custody, held on Friday July 20, 2001, filed. (Cathy Provost)	Fredric Joseph Ammerman
08/17/2001	ORDER, NOW, this 17th day of August, 2001, re: Petition to Modify Custody filed on Aug. 9, 2000 on behalf of the Defendant be and is hereby DISMISSED. Provisions of Child Custody Agreement dated May 10, 1995, shall continue to be in effect. by the Court, s/FJA,J. 2 cc to Atty Naddeo & Shaw	Fredric Joseph Ammerman
09/08/2004	Petition for Modification of Custody, filed by s/Jeffrey S. DuBois, Esq. Three CC Attorney DuBois	Fredric Joseph Ammerman
09/15/2004	Order Of Court: You, Tamara Gathagan, have been sued in court to obtain custody, partial custody or visitation of the child. You are Ordered to appear in person the 7th day of October, 2004, at 1:30 P.M. for a Custody Conference. Please report to the Court Administrator's Office, 2nd floor Clfd Co Courthouse. If you fail to appear as provided by this Order, an Order for Custody, partial custody or visitation may be entered against you or the Court may issue a warrant for your arrest. BY THE COURT:/s/ Paul E. Cherry, Judge. 3 CC Atty DuBois.	Paul E. Cherry
11/23/2004	Emergency Petition for Custody, filed by s/Jeffrey S. DuBois, Esq. Three CC Attorney DuBois	Paul E. Cherry
11/24/2004	Order, AND NOW, this 24th day of Nov., 2004, it is the ORDER of this Court that Petitioner's Emergency Petition is granted until a Hearing is held by this court. Hearing scheduled for Tues. Nov. 30, 2004 at 9:00 a.m. in Courtroom 2 of the Clfd. Co. Courthouse. BY THE COURT, /s/ Paul E. Cherry, Judge. 1CC Attys: Naddeo, DuBois.	Paul E. Cherry
11/30/2004	Order for Mediation Conference and Payment of Costs, NOW, this 30th day of November, 2004, it is Ordered that a Custody Mediation Conference be held. Further Ordered that the parties forthwith complete a Child Custody Mediation Questionnaire and forward the same to Dr. Ryen within ten days of receipt of this Order. Also Ordered that the cost of said Mediation Conference be borne equally by Plaintiff and Defendant. Each party or counsel for that party shall deposit \$175.00 (money orders only) made payable to the Clearfield County Treasurer and mailed to D. Peters, Judge's Chambers, 230 E. Market St., Clearfield, PA 16830 within 25 days of the date of this Order or submit a Custody Consent Order to the Court within 25 days of the date of this Order foregoing the Mediation Conference. This Court shall issue a further Order scheduling the Mediation Conference when the required deposit has been received from both parties. If a Custody Consent Order is received by the Court after the 25th day following this Order and no later than 7 days before scheduled Mediation Conference, then each party or counsel for the parties shall include \$20.00 (money order only) in order to defray administrative/processing expense. In this event, the original money order in the amount of \$175.00 previously deposited shall be returned. Failure of a party to deposit the required fee of \$175.00 shall result in the offending party being subject to contempt proceedings before the Court. BY THE COURT: /s/ Paul E. Cherry, Judge. Copies to Attys. T. Cherry and J. DuBois in person	Paul E. Cherry

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

R. WESLEY SMITH and SAMANTHA L. :  
SMITH, his wife, :  
Plaintiffs :

vs. :

T.A. JONES, also known as TIMOTHY :  
JONES, TWILA A. JONES, BELIEVED :  
TO BE HIS WIFE, and TWILA M. :  
LINVILLE, BELIEVED TO BE THEIR :  
DAUGHTER, their heirs, executors, :  
administrators and assigns, :  
Defendants :

No. 05 -956- C.D.

ACTION TO QUIET TITLE

COMPLAINT

Filed on behalf of  
Plaintiffs

Counsel of Record for  
this Party:

Carl A. Belin, Jr.  
Attorney-at-Law  
Pa. I.D. 06805

Belin & Kubista  
15 North Front Street  
P.O. Box 1  
Clearfield, PA 16830

(814) 765-8972

FILED<sup>2cc</sup>

9/2:2361  
JUL 01 2005

William A. Shaw  
Prothonotary/Clerk of Courts

Any Belin  
Any pd. 95.00

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
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R. WESLEY SMITH and SAMANTHA L. :  
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TO BE HIS WIFE, and TWILA M. :  
LINVILLE, BELIEVED TO BE THEIR :  
DAUGHTER, their heirs, executors, :  
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.

COURT ADMINISTRATOR  
Clearfield County Courthouse  
1 North Second Street  
Clearfield, PA 16830

(814) 765-2641 Ex 5982

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

R. WESLEY SMITH and SAMANTHA L.	:	
SMITH, his wife,	:	
Plaintiffs	:	
	:	No. 05 - - C.D.
vs.	:	
	:	ACTION TO QUIET TITLE
T.A. JONES, also known as TIMOTHY	:	
JONES, TWILA A. JONES, BELIEVED	:	
TO BE HIS WIFE, and TWILA M.	:	
LINVILLE, BELIEVED TO BE THEIR	:	
DAUGHTER, their heirs, executors,	:	
administrators and assigns,	:	
Defendants	:	

COMPLAINT

NOW COMES, the Plaintiffs, and by and through their attorneys Belin & Kubista, bring the following action in quiet title, and in support thereof, allege as follows:

1. That the Plaintiffs are R. Wesley Smith and Samantha L. Smith, his wife, of Winslow Township, Jefferson County, Pennsylvania, with a mailing address of P.O. Box 39, Reynoldsville, Pennsylvania 15851.

2. The Defendants are: T. A. Jones, also known as Timothy Jones, whose last known address is the Village of Berwindale, Jordan Township, Clearfield County, Pennsylvania, and Twila A. Jones, whose last known address was Kent, Portage County, Ohio, and who is believed to be the wife of T.A. Jones, also known as Timothy Jones; and Twila M. Linville, whose last

known address was Kent, Portage County, Ohio, and who is believed to be their daughter, and their heirs, executors, administrators and assigns.

3. That the Plaintiffs are the owners of a tract of land identified in the Clearfield County Tax Maps as Parcel Number 101-J-16-29 and 101-J16-75, which are part of the same tract, which is located in Beccaria Township, Clearfield County, Clearfield, Pennsylvania, more particularly bounded and described as follows ("the premises"):

BOUNDED on the North by lands now or formerly of Blake McCoy; bounded on the East by lands now or formerly of Clair Semple and the First National Bank of Philipsburg; bounded on the South by lands now or formerly of Clair Rutter; and bounded on the West by lands now or formerly of Edna McCoy.

CONTAINING 90 acres, more or less.

EXCEPTING AND RESERVING, however, out of the above described property all the coal, oil, gas, fireclay, clay, rock and other minerals of whatever kind lying in, under and upon the described premises together with the right to explore and drill for said oil and gas and all mining and removal rights and privileges necessary to prospect, mine, remove and carry away all the coal, oil, gas, fireclay, clay, rock and other minerals.

4. That R. Wesley Smith and Samantha L. Smith acquired a one-half (1/2) interest in the part of the premises

identified in the Clearfield County Tax Maps as 101-J16-29 by deed of Raymond A. Smith and Shirley B. Smith by deed dated June 28, 2001, and recorded in the Clearfield County Recorder of Deeds Office in Instrument Number 200110032.

5. That R. Wesley Smith and Samantha L. Smith acquired the part of the premises identified in the Clearfield County Tax Maps as 101-J16-75 by deed of Northern Counties Coal Co., Inc., dated May 3, 2002, and recorded in the Clearfield County Recorder of Deeds Office in Instrument Number 200207200.

6. That Northern Counties Coal Co., Inc., acquired the part of the premises identified in the Clearfield County Tax Maps as 101-J16-29 by deed of R. Wesley Smith, Samantha L. Smith, Raymond A. Smith and Shirley B. Smith dated December 13, 1991, and recorded in the Clearfield County Recorder of Deeds Office in Deeds and Records Book 1435, page 400.

7. That R. Wesley Smith, Samantha L. Smith, Raymond A. Smith, and Shirley B. Smith, acquired the entire premises by a deed from Genevieve A. Nelson et al. dated January 2, 1979, recorded in the Clearfield County Recorder of Deeds Office in Deed Book 775, page 076.

8. That the Grantors in the previous deed were the devisees of George T. Mullen who died on April 12, 1956, as the owner of one-half of the premises and, who, by his Last Will



and Testament devised the premises to the Grantors, which Last Will and Testament of George T. Mullen is recorded in Clearfield County Register of Wills Office in Will Book 2, page 521. That George C. Mullen, one of the Grantors in the deed to the Smiths, was also vested of the other one-half interest in the premises by virtue of the hereinafter-mentioned deed in Paragraph 10, and as a result the deed to the Smiths set forth in Paragraph 7 conveyed the complete title to the premises.

9. That George T. Mullen and George C. Mullen became the owners of the premises by virtue of a Clearfield County Commissioner's deed dated May 27, 1942, which was recorded in the Clearfield County Recorder of Deeds Office in Deed Book 353, page 73.

10. That the Clearfield County Treasurer acquired title to the premises by virtue of a deed from the Clearfield County Treasurer dated April 10, 1936, for unpaid taxes for the year of 1930 on 90 Acres of surface owned and assessed in the name of Isaac E. Ricketts which deed is recorded in the Clearfield County Recorder of Deeds Office in Deed Book 353, page 72.

11. That Isaac E. Ricketts acquired title to the premises by a deed from James Flynn and Jennie M. Flynn, his wife, in their own right and as partners doing business in the

name of Mountain City Lumber Company, dated March 8, 1919, and recorded in the Clearfield County Recorder of Deeds Office in Deed Book 239, page 205.

12. That Isaac E. Ricketts also acquired title to the premises by virtue of a deed from the Clearfield County Commissioners dated May 24, 1919, and recorded in the Clearfield County Recorder of Deeds Office in Deed Book 239, page 205, for premises described as 95 Acres in Beccaria Township which was assessed in the name of the Mountain City Lumber Company.

13. That Plaintiffs have acquired all the right, title, and interest of Isaac E. Ricketts and all other prior grantors of the premises by virtue of a quiet title action filed to Clearfield County Court of Common Pleas No. 05-122-CD. The Court has entered judgment in favor of the Plaintiffs, which judgment became final by the failure of Isaac E. Rickets and the prior owners to take the action specified in the Court Order, which Order is recorded in the Office of the Recorder of Deeds of Clearfield County as Instrument No. 200505514.

14. That T. A. Jones, also known as Timothy Jones, acquired the premises from Ira C. McCloskey, Sheriff, for taxes of Beccaria Township School District by a sheriff's deed dated

August 4, 1930, and recorded in the Office of the Recorder of Deeds of Clearfield County in Deed Book 284, page 221.

15. That thereafter in 1932, T. A. Jones had the existing assessment of Isaac E. Ricketts transferred to himself as Timothy Jones on the tax records of Beccaria Township, Clearfield County, Pennsylvania.

16. That the assessment for the premises continued in the name of Timothy Jones for the years 1932, 1933, 1934, and 1935. That the assessment records for the year 1936 were assessed to Timothy Jones Estate for the premises which was stricken as it was sold to the county in 1936 as the property of Isaac E. Ricketts for 1930 taxes in the same tax sale set forth in Paragraphs 9 and 10 which are hereby incorporated by reference and made a part hereof.

17. That an examination of the real estate records of Clearfield County show that T. A. Jones, also known as Timothy Jones, did not convey the premises to any third party.

18. That while the assessment record indicated that the property was assessed in the name of Timothy Jones estate, no estate was opened for Timothy Jones in the estate records for Clearfield County.

19. That an examination of the real estate records indicated that other conveyances were made to Timothy Jones and

that said records indicated that Twila A. Jones was the wife of Timothy Jones in the other deeds.

20. That it is believed and averred that Twila A. Jones was the Wife and heir of T. A. Jones, also known as Timothy Jones.

21. That Twila A. Jones conveyed other premises to Twila M. Linville as her daughter in Clearfield County in a deed dated September 23, 1970, and recorded in the Office of the Recorder of Deeds in Deed Book 567, page 708.

22. That it is believed and averred that Twila M. Linville was the daughter of T.A. Jones, also known as Timothy Jones, and Twila A. Jones and was their heir.

23. That neither Twila A. Jones or Twila M. Linville conveyed the premises to a third party.

24. That the purpose of this quiet title is to extinguish any interest that T. A. Jones, also known as Timothy Jones, his wife, Twila A. Jones, or their daughter Twila M. Linville, their heirs, successors, administrators and assigns, may have had in the premises remaining after the tax sale referred to in Paragraphs 9, 10, and 16, which are incorporated herein and made a part hereof, and to extinguish any interest in equity that T. A. Jones, also known as Timothy Jones, his wife, Twila A. Jones, or their daughter Twila M.

Linville, their heirs, successors, administrators and assigns, may have had in the premises due to a lack of notice or any other defect in the tax sale, and to extinguish any interest in equity that T. A. Jones, also known as Timothy Jones, his wife, Twila A. Jones, or their daughter Twila M. Linville, their heirs, successors, administrators and assigns, may have had in the premises following the tax sale.

25. That the Plaintiffs and their predecessors in title have exercised adverse, continuous, visible, notorious, exclusive and hostile possession over the premises and have continued possession for a period in excess of 21 years.

26. That the Defendants and the Plaintiffs herein are the only persons or entities known to the Plaintiffs who have any interest in the said premises.

WHEREFORE, Plaintiffs request:

(a) That by decree of Your Honorable Court it may be declared that the Plaintiffs have acquired title to the premises and that they should be allowed to enjoy said properties in peace;

(b) That the Defendants within twenty (20) days from the receipt of the Complaint, institute an action of ejectment against the Plaintiffs and that otherwise the Defendants be perpetually enjoined from setting up any title to said

premises; from impeaching, denying or in any way attacking the Plaintiffs' title to said premises, from issuing or maintaining an ejectment of said premises or any part thereof; and

(c) Such other relief as the court deems proper.

Respectfully Submitted,

BELIN & KUBISTA

By 

Carl A. Belin, Jr., Esq.

COMMONWEALTH OF PENNSYLVANIA :  
 : SS.  
COUNTY OF CLEARFIELD :

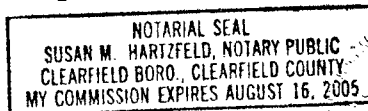
Before me the undersigned officer, personally appeared R. Wesley Smith and Samantha L. Smith, who being duly sworn according to law, depose and say that the facts set forth in the foregoing Complaint are true and correct to the best of their knowledge, information and belief.

R. Wesley Smith  
R. Wesley Smith

Samantha L. Smith  
Samantha L. Smith

Sworn and subscribed before me this 30th day of June, 2005.

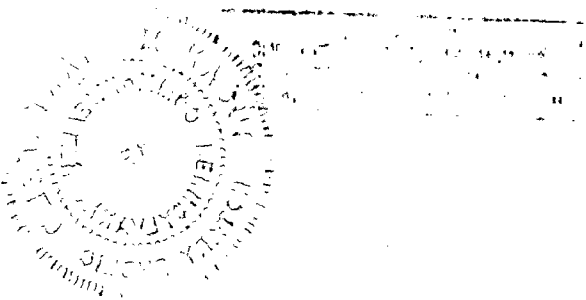
Susan M. Hartzfeld  
Notary Public



**FILED**

**JUL 01 2005**

William A. Shaw  
Prothonotary/Clerk of Courts





William A. Shaw  
Prothonotary/Clerk of Courts

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

R. WESLEY SMITH and SAMANTHA L. :  
SMITH, his wife, :  
Plaintiffs :  
vs. : No. 05 - - C.D.  
: ACTION TO QUIET TITLE  
T.A. JONES, also known as TIMOTHY :  
JONES, TWILA A. JONES, BELIEVED :  
TO BE HIS WIFE, and TWILA M. :  
LINVILLE, BELIEVED TO BE THEIR :  
DAUGHTER, their heirs, executors, :  
administrators and assigns, :  
Defendants :

AFFIDAVIT

Carl A. Belin, Jr., Esquire, being duly sworn according to law, deposes and states that he is the attorney for the Plaintiffs and that he attempted to ascertain the identity, whereabouts, and addresses of Defendants T. A. Jones, also known as Timothy Jones, and Twila A. Jones, believed to be his wife, and Twila M. Linville, believed to be their daughter, their heirs, executors, administrators, and assigns.


He further avers that he caused an abstractor to search the real estate and estate records of Clearfield County and that no listings in the name of Defendants T. A. Jones, also known as Timothy Jones, Twila A. Jones, believed to be his wife, and Twila M. Linville, believed to be their daughter, their heirs, executors,

administrators and assigns, were found after 1970; and the estate records of Clearfield County were searched and that no listings in the name of Defendants T. A. Jones, also known as Timothy Jones, and Twila A. Jones, believed to be his wife, and Twila M. Linville, believed to be their daughter were found; that phone directories were consulted in Clearfield, Pennsylvania, and no listings were found for T. A. Jones, also known as Timothy Jones, Twila A. Jones, believed to be his wife, or Twila A. Linville, believed to be their daughter; that the city directories, the tax records, or the indices in the Clearfield County Recorder of Deeds Office were searched and no addresses or recent transactions in the name of Defendants T. A. Jones, also known as Timothy Jones, Twila A. Jones, believed to be his wife, or Twila M. Linville, believed to be their daughter, were found.

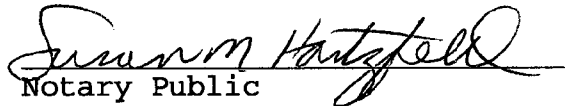
That the city directories and phone books were consulted for Kent, Portage County, Ohio, and no listings were found for T. A. Jones, also known as Timothy Jones who had lived in Clearfield County, or for Twila A. Jones or Twila M. Linville.

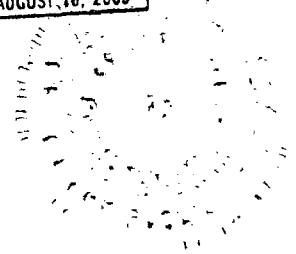
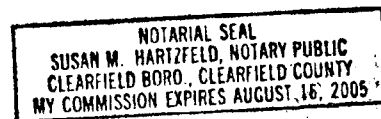
Based upon the foregoing search, personal service cannot be made upon Defendants T. A. Jones, also known as Timothy Jones, Twila A. Jones, believed to be his wife, or Twila M. Linville, believed to be their daughter, their heirs, executors, administrators and assigns, and it is necessary that service be

made by publication.

  
\_\_\_\_\_  
Carl A. Belin, Jr., Esquire  
Attorney for Plaintiffs

Sworn and subscribed before me this 12<sup>th</sup> day of  
July, 2005.

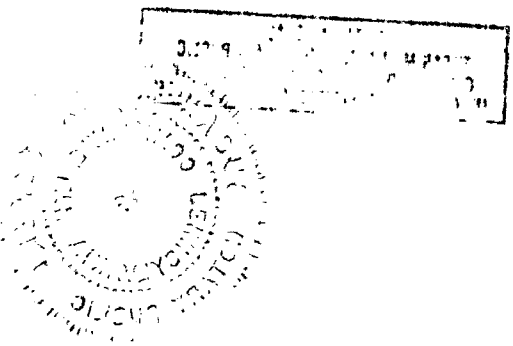
  
\_\_\_\_\_  
Notary Public



**FILED**

**JUL 01 2005**

William A. Shaw  
Prothonotary/Clerk of Courts



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

R. WESLEY SMITH and SAMANTHA L. :  
SMITH, his wife, :  
Plaintiffs :

vs. :

T.A. JONES, also known as TIMOTHY :  
JONES, TWILA A. JONES, BELIEVED :  
TO BE HIS WIFE, and TWILA M. :  
LINVILLE, BELIEVED TO BE THEIR :  
DAUGHTER, their heirs, executors, :  
administrators and assigns, :  
Defendants :

No. 05 - 956 - C.D.

ACTION TO QUIET TITLE

MOTION AND ORDER FOR  
PUBLICATION

Filed on behalf of  
Plaintiffs

Counsel of Record for  
This Party:  
Carl A. Belin, Jr., Esq.  
Pa. I.D. #06805

BELIN & KUBISTA  
15 North Front Street  
P.O. Box 1  
Clearfield, PA 16830

(814) 765-8972

FILED<sup>2cc</sup>  
0/2:2361 Amy Belin  
JUL 01 2005

William A. Shaw  
Prothonotary/Clerk of Courts

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vs.

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TO BE HIS WIFE, and TWILA M.  
LINVILLE, BELIEVED TO BE THEIR  
DAUGHTER, their heirs, executors,  
administrators and assigns,  
Defendants

No. 05 - 956 - C.D.

ACTION TO QUIET TITLE

ORDER

AND NOW, to wit: this 1st day of July, 2005,  
upon consideration of the foregoing Motion, the Plaintiffs are  
granted leave to make service of the Complaint on the Defendants,  
T. A. Jones, also known as Timothy Jones, and Twila A. Jones,  
believed to be his wife, and Twila M. Linville, believed to be  
their daughter, their heirs, executors, administrators and assigns,  
by general publication one time in *The Progress* and the *Clearfield*  
*County Legal Journal*, Clearfield, Pennsylvania not less than thirty  
(30) days prior to August 15, 2005, the date set for hearing  
of said Complaint in Courtroom No. 2 at Clearfield,  
Pennsylvania at 9:00 o'clock 9.m.

BY THE COURT,

FILED

07-23-05  
JUL 01 2005

William A. Shaw  
Prothonotary/Clerk of Courts

Paul E. Cherry

**FILED**

**JUL 01 2005**

William A. Shaw  
Prothonotary/Clerk of Courts



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TO BE HIS WIFE, and TWILA M. :  
LINVILLE, BELIEVED TO BE THEIR :  
DAUGHTER, their heirs, executors, :  
administrators and assigns, :  
Defendants :

MOTION FOR PUBLICATION

AND NOW, to wit: July 1, 2005, an affidavit  
having been executed and filed on behalf of the Plaintiffs that the  
Defendants T. A. Jones, also known as Timothy Jones, Twila A.  
Jones, believed to be his wife, and Twila M. Linville, believed to  
be their daughter, their heirs, executors, administrators, and  
assigns, present whereabouts are unknown, that Plaintiffs, by their  
attorneys, Belin & Kubista, move the Court for leave to serve the  
complaint on Defendants T. A. Jones, also known as Timothy Jones,  
Twila A. Jones, believed to be his wife, and Twila M. Linville,  
believed to be their daughter, their heirs, executors,  
administrators and assigns, by publication in *The Progress* and the  
*Clearfield County Legal Journal*, Clearfield, Pennsylvania one (1)

time.

BELIN & KUBISTA



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Carl A. Belin, Jr., Esquire

William A. Shaw  
 Notary Public LM

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
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TO BE HIS WIFE, and TWILA M. :  
LINVILLE, BELIEVED TO BE THEIR :  
DAUGHTER, their heirs, executors, :  
administrators and assigns, :  
Defendants :

AFFIDAVIT OF SERVICE

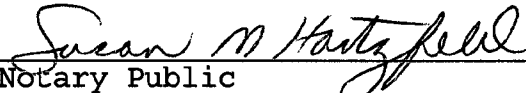
COMMONWEALTH OF PENNSYLVANIA :  
COUNTY OF CLEARFIELD : SS.

CARL A. BELIN, JR., attorney for the above named Plaintiffs,  
being duly sworn according to law, deposes and states that Notice  
of the Quiet Title Action was served upon Defendants T. A. Jones,  
also known as Timothy Jones, and Twila A. Jones, believed to be his  
wife, and Twila M. Linville, believed to be their daughter, their  
heirs, executors, administrators, and assigns, by publication in  
*The Progress*, a newspaper, on July 5, 2005, as evidenced by the  
Proof of Publication dated July 19, 2005, attached hereto, AND by  
publication in the *Clearfield County Legal Journal*, Clearfield, on  
July 8, 2005, as evidenced by the Proof of Publication dated

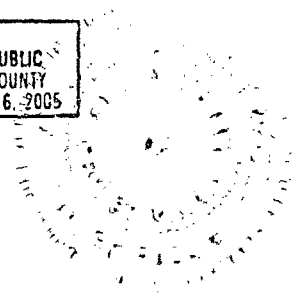
July 8, 2005, attached hereto.

  
\_\_\_\_\_  
Carl A. Belin, Jr., Esquire

SWORN AND SUBSCRIBED before me this 26<sup>th</sup> day of  
July \_\_\_\_\_, 2005.

  
\_\_\_\_\_  
Notary Public

NOTARIAL SEAL  
SUSAN M. HARTZFELD, NOTARY PUBLIC  
CLEARFIELD BORO., CLEARFIELD COUNTY  
MY COMMISSION EXPIRES AUGUST 16, 2005



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

R. WESLEY SMITH  
and SAMANTHA L. SMITH,  
his wife,  
Plaintiffs

vs.

T.A. JONES, also known as  
TIMOTHY JONES, TWILA A.  
JONES, BELIEVED TO BE HIS  
WIFE, and TWILA M. LINVILLE, BE-  
LIEVED TO BE THEIR DAUGHTER,  
their heirs, executors, administra-  
tors and assigns,

Defendants

No. 05-956 C.D.

ACTION TO QUIET TITLE

TO: T.A. JONES, ALSO KNOWN  
AS TIMOTHY JONES, TWILA A.  
JONES, BELIEVED TO BE HIS  
WIFE, AND TWILA A. LINVILLE,  
BELIEVED TO BE THEIR DAUGH-  
TER, THEIR HEIRS, EXECUTORS,  
ADMINISTRATORS AND AS-  
SIGNS:

NOTICE

If you wish to defend, you must  
enter a written appearance person-  
ally or by attorney and file your de-  
fenses of objections in writing with  
the court. You are warned that if  
you fail to do so, the case may pro-  
ceed without you and a judgement  
may be entered against you without  
further notice for the relief re-  
quested by the Plaintiffs. You may  
lose money or property or other  
rights important to you. IF YOU DO  
NOT HAVE A LAWYER OR CAN-  
NOT 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, 1 North Sec-  
ond Street, Clearfield, Pennsylva-  
nia 16830 (814) 765-2641 Ext.  
5982.

You are hereby notified that an  
Action to Quiet Title to premises  
identified in the Clearfield County  
Tax Maps as Parcel Numbers  
101-J-16-29 and 101-J-16-75,  
which are part of the same tract,  
which is located in Beccaria Town-  
ship, Clearfield County, Clearfield,  
Pennsylvania, more particularly  
bounded and described as follows:  
BOUNDED on the North by lands  
now or formerly of Blake McCoy;  
bounded on the East by lands now  
or formerly of Clair Semple and the  
First National Bank of Philipsburg;  
bounded on the South by lands now  
or formerly of Clair Rutter; and  
bounded on the West by lands now  
or formerly of Edna McCoy.  
CONTAINING 90 acres, more or  
less.

EXCEPTING AND RESERVING,  
however, out of the above de-  
scribed property all the coal, oil,  
gas, fireclay, clay, rock and other  
minerals of whatever kind lying in,  
under and upon the described  
premises together with the right to  
explore and drill for said oil and gas  
and all mining and removal rights  
and privileges necessary to pro-  
spect, mine, remove and carry  
away all the coal, oil, gas, fireclay,  
clay, rock and other minerals.

That the purposes of this Quiet Ti-  
tle Action include the following: to  
extinguish any interest that T.A.  
Jones, also known as Timothy  
Jones, his wife, Twila A. Jones, or  
their daughter Twila M. Linville,  
their heirs, successors, administra-  
tors and assigns, may have had in  
the premises remaining after the tax  
sale referred to in Paragraphs 9,  
10, and 16 of the Complaint, which  
are incorporated herein and made a  
part hereof, and to extinguish in  
equity that T.A. Jones, also known  
as Timothy Jones, his wife, Twila A.  
Jones, or their daughter Twila M.  
Linville, their heirs, successors, ad-  
ministrators and assigns may have  
had in the premises due to a lack of  
notice or any other defect in the tax  
sale, and to extinguish any interest  
in equity that T.A. Jones, also  
known as Timothy Jones, his wife,  
Twila A. Jones, or their daughter  
Twila M. Linville, their heirs, suc-  
cessors, administrators and as-  
signs, may have had in the prem-  
ises following the tax sale.

WHEREUPON said Court ordered  
that notice of said action and the  
facts thereto be served on the De-  
fendants T.A. Jones, also known as  
Timothy J. Jones, Twila A. Jones  
believed to be his wife, and Twila M.  
Linville, believed to be their daugh-  
ter, their heirs, executors, adminis-  
trators and assigns, by the Plaintiffs  
by advertisement requiring Defen-  
dants T.A. Jones, also known as  
Timothy Jones, Twila A. Jones, be-  
lieved to be his wife, and Twila M.  
Linville, believed to be their daugh-  
ter, their heirs, executors, adminis-  
trators and assigns, to answer the  
said complaint within twenty (20)  
days from the date of this publica-  
tion. For failure to comply, a judge-  
ment will be taken by application of  
Plaintiffs before the Court at a hear-  
ing to be held on August 15, 2005,  
at 9:00 o'clock A.M., at the Clear-  
field County Courthouse, Court-  
room No. 2, Clearfield, Pennsylva-  
nia.

7:5-1d-b

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :  
COUNTY OF CLEARFIELD : SS:

On this 19th day of July, A.D. 2005,  
before me, the subscriber, a Notary Public in and for said County and  
State, personally appeared Margaret E. Krebs, who being duly sworn  
according to law, deposes and says that she is the President of The  
Progressive Publishing Company, Inc., and Associate Publisher of The  
Progress, a daily newspaper published at Clearfield, in the County of  
Clearfield and State of Pennsylvania, and established April 5, 1913, and  
that the annexed is a true copy of a notice or advertisement published in  
said publication in

the regular issues of July 5, 2005

And that the affiant is not interested in the subject matter of the notice or  
advertising, and that all of the allegations of this statement as to the time,  
place, and character of publication are true.

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

*Cheryl J. Robison*  
Notary Public Clearfield, Pa.

My Commission Expires  
October 31, 2007

COMMONWEALTH OF PENNSYLVANIA  
Notarial Seal  
Cheryl J. Robison, Notary Public  
Clearfield Boro, Clearfield County  
My Commission Expires Oct. 31, 2007  
Member, Pennsylvania Association Of Notaries


## PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :

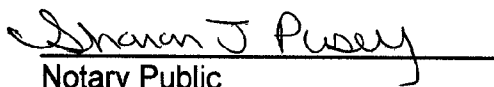
:

COUNTY OF CLEARFIELD :

On this 8<sup>th</sup> day of July 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 July 8, 2005. Vol. 17, No. 27. And that all of the allegations of this statement as to the time, place, and character of the publication are true.

  
Gary A. Knaresboro, Esquire  
Editor

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

  
Notary Public  
My Commission Expires

NOTARIAL SEAL  
SHARON J. PUSEY, Notary Public  
Clearfield, Clearfield County, PA  
My Commission Expires APRIL 7, 2007

Belin & Kubista  
PO Box 1  
Clearfield PA 16830

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

R. WESLEY SMITH and SAMANTHA L. SMITH, his wife, Plaintiffs vs. T.A. JONES, also known as TIMOTHY JONES, TWILA A. JONES, BELIEVED TO BE HIS WIFE, and TWILA M. LINVILLE, BELIEVED TO BE THEIR DAUGHTER, their heirs, executors, administrators and assigns, Defendants.

No. 05-956-C.D.

ACTION TO QUIET TITLE

TO: T.A. JONES, ALSO KNOWN AS TIMOTHY JONES, TWILA A. JONES, BELIEVED TO BE HIS WIFE, AND TWILA A. LINVILLE, BELIEVED TO BE THEIR DAUGHTER, THEIR HEIRS, EXECUTORS, ADMINISTRATORS AND ASSIGNS:

NOTICE

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the Plaintiffs. You may lose money or property or other rights important to you. 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, 1 North Second Street, Clearfield, Pennsylvania 16830 (814) 765-2641 Ex. 5982.

You are hereby notified that an Action to Quiet Title to premises identified in the Clearfield County Tax Maps as Parcel Numbers 101-J-16-29 and 101-J16-75, which are part of the same tract, which is located in Beccaria Township, Clearfield County, Clearfield, Pennsylvania, more particularly bounded and described as follows:

BOUNDED on the North by lands now or formerly of Blake McCoy; bounded on the East by lands now or formerly of Clair Semple and the First National Bank of Philipsburg; bounded on the South by lands now or formerly of Clair Rutter; and bounded on the West by lands now or formerly of Edna McCoy.

CONTAINING 90 acres, more or less.

EXCEPTING AND RESERVING, however, out of the above described property all the coal, oil, gas, fireclay, clay, rock and other minerals of whatever kind lying in, under and upon the described premises together with the right to explore and drill for said oil and gas and all mining

and removal rights and privileges necessary to prospect, mine, remove and carry away all the coal, oil, gas, fireclay, clay, rock and other minerals.

That the purposes of this Quiet Title Action include the following: to extinguish any interest that T. A. Jones, also known as Timothy Jones, his wife, Twila A. Jones, or their daughter Twila M. Linville, their heirs, successors, administrators and assigns, may have had in the premises remaining after the tax sale referred to in Paragraphs 9, 10, and 16 of the Complaint, which are incorporated herein and made a part hereof, and to extinguish any interest in equity that T. A. Jones, also known as Timothy Jones, his wife, Twila A. Jones, or their daughter Twila M. Linville, their heirs, successors, administrators and assigns, may have had in the premises due to a lack of notice or any other defect in the tax sale, and to extinguish any interest in equity that T. A. Jones, also known as Timothy Jones, his wife, Twila A. Jones, or their daughter Twila M. Linville, their heirs, successors, administrators and assigns, may have had in the premises following the tax sale.

WHEREUPON said Court ordered that notice of said action and the facts thereto be served on the Defendants T. A. Jones, also known as Timothy Jones, Twila A. Jones, believed to be his wife, and Twila M. Linville, believed to be their daughter, their heirs, executors, administrators and assigns, by the Plaintiffs by advertisement requiring Defendants T. A. Jones, also known as Timothy Jones, Twila A. Jones, believed to be his wife, and Twila M. Linville, believed to be their daughter, 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 August 15, 2005, at 9:00 o'clock A.M., at the Clearfield County Courthouse, Courtroom No. 2, Clearfield, Pennsylvania.

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



**MILLER, RUTH E.**, Dec'd  
Late of Clearfield  
Co-Executors:  
**CONSTANCE M. BUTLER**  
**TIMOTHY N. BUTLER**  
Attorney: **TIMOTHY E. DURANT**  
201 North Second Street  
Clearfield, PA 16830

**HUGNEY, VERNA M.**, Dec'd  
**A/K/a VERNA HUGNEY**  
Late of Frenchville  
Executrix: **CONNIE HUGNEY KELLAR**  
Attorney:  
**BARBARA J. HUGNEY-SHOPE**  
23 North Second Street  
Clearfield, PA 16830

**BROOKS, LEROY E.**, Dec'd  
Late of Hyde  
Executor: **COUNTY NATIONAL BANK**  
Attorney: **PETER F. SMITH**  
PO Box 130  
Clearfield, PA 16830

**CHAMBERS ALBERTA M.**, Dec'd  
Late of DuBois  
Executor: **DAVID C. ZETT**  
Attorney: **JOHN R. RYAN**  
PO Box 1  
Clearfield, PA 16830

**GIBBONS, BETTY K.**, Dec'd  
**A/k/a BETTY F. GIBBONS**  
Executor: **LINDA G. MAKUFKA**  
Attorney: **JOHN A. AYRES, JR.**  
101 South Second Street  
Clearfield, PA 16830

**SHORTENCARIER, MARY LOU**, Dec'd  
Late of Frenchville  
Executrix: **AMY ROWLES**  
Attorney: **RICHARD A. BELL**  
PO Box 670  
Clearfield, PA 16830

First Publication

**VIPOND, DAVID H. JR.**, Dec'd  
Late of DuBois  
Executrix: **JULIANA VIPOND**  
Attorney: **ANTHONY S. GUIDO**  
498 Jeffers Street

**WILLIAMS, ROBERT GARY**, Dec'd  
Late of Sandy Township  
Administratrix: **CARY PLATT**  
Attorney: **BLAKLEY & JONES**  
90 Beaver Drive, Box 6  
DuBois, PA 15801

**SOLOMON, ANTHONY**, Dec'd  
Late of Luthersburg  
Executrix: **MICHELE K. SOLOMON**  
Attorney: **DAVID J. HOPKINS**  
900 Beaver Drive  
DuBois, PA 15801

**RICHNER, DONNA M.**, Dec'd  
Late of Olanta  
Executrix: **MONA R. KARDOLLY**  
Attorney: **JOHN R. RYAN**  
PO Box 1  
15 North Front Street  
Clearfield, PA 16830

**KEITH, HELEN L.**, Dec'd  
Late of Beccaria Township  
Executor: **HERMAN C. KEITH**  
Attorney: **RAYMOND J. WENDEKIER**  
306 Magee Avenue  
Patton, PA 16668

**KITKO, MARK F.**, Dec'd  
**A/k/a MARK KITKO**  
Late of Ramey  
Administratrix: **ROSE P. BUNGO**  
Attorney: **GATES & SEAMAN**  
PO Box 846  
Clearfield, PA 16830

#### LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the Petition of JEANNE M. SIMONS, was filed in the Court of Common Pleas of Clearfield County, Pennsylvania to No. 05-865-CD, praying for a decree to change the name of her minor children from HOLLY ANNE SHEESLEY to HOLLY ANNE SIMONS; and KAYTLIN MARIE SHEESLEY to KAYTLIN MARIE SIMONS.

The Court has fixed the 29th day of August 2005, at 9:00 a.m., in Courtroom No. 1, of the Clearfield County Courthouse, Clearfield, Pennsylvania, as the time and place for hearing of the said Petition, when and where all person interested may appear and show cause, if any they have, why the prayer of said Petition should not be granted.

R. Denning Gearhart, Esquire 207 East Market Street, Clearfield PA 16830 814-765-1581.

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

R. WESLEY SMITH and SAMANTHA L.  
SMITH, his wife,

Plaintiffs

vs.

T.A. JONES, also known as TIMOTHY  
JONES, TWILA A. JONES, BELIEVED  
TO BE HIS WIFE, and TWILA M.  
LINVILLE, BELIEVED TO BE THEIR  
DAUGHTER, their heirs, executors,  
administrators and assigns,

Defendants

No. 05 - 956 - C.D.

ACTION TO QUIET TITLE

**FILED**

09:02 AM  
AUG 15 2005

William A. Shaw  
Prothonotary/Clerk of Courts

**ORDER**

AND NOW, this 15th day of August, 2005, an Affidavit of Service of the Complaint with Notice to Defend having been filed stating that the complaint and notice was served on all Defendants by publication, and no responsive pleading having been filed by said Defendants, the Defendants having not appeared in person or by attorney upon motion of Carl A. Belin, Jr., Attorney for Plaintiffs, it is the **ORDER** of this Court that title to said premises is found to be vested in the Plaintiffs and that they be allowed to enjoy said property in peace. Said property is identified in the Clearfield County Tax Maps as Parcel Numbers 101-J-16-29 and 101-J16-75, which are part of the same tract, which is located in Beccaria Township, Clearfield County, Clearfield Pennsylvania, more particularly bounded and described as follows:

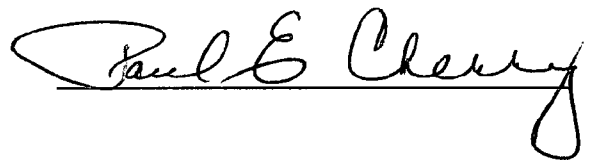
BOUNDED on the North by lands now or formerly of Blake McCoy; bounded on the East by lands now or formerly of Clair Semple and the First National Bank of Philipsburg; bounded on the South by lands now or formerly of Clair Rutter; and bounded on the West by lands now or formerly of Edna McCoy.

CONTAINING 90 acres, more or less.

EXCEPTING AND RESERVING, however, out of the above described property all the coal, oil, gas, fireclay, clay, rock and other minerals of whatever kind lying in, under and upon the described premises together with the right to explore and drill for said oil and gas and all mining and removal rights and privileges necessary to prospect, mine, remove and carry away all the coal, oil, gas, fireclay, clay, rock and other minerals.

It is the FURTHER ORDER of this Court that unless the Defendants file a responsive pleading to the complaint or institute an action in ejectment within thirty (30) days of the date hereof, the Defendants shall be forever barred from asserting any right, lien, title or interest in the land inconsistent with the interest of the claim of the Plaintiffs set forth in their Complaint. If Defendants fail to take such action within the thirty (30) day period, the Prothonotary on Praecipe of the Plaintiffs shall enter final judgment against Defendants.

BY THE COURT,

A handwritten signature in cursive script, reading "Paul E. Cherry". The signature is written in dark ink and is positioned below the text "BY THE COURT,". The signature is written over a horizontal line.

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

R. WESLEY SMITH and SAMANTHA L. :  
SMITH, his wife, :  
Plaintiffs :

vs. :

T.A. JONES, also known as TIMOTHY :  
JONES, TWILA A. JONES, BELIEVED :  
TO BE HIS WIFE, and TWILA M. :  
LINVILLE, BELIEVED TO BE THEIR :  
DAUGHTER, their heirs, executors, :  
administrators and assigns, :  
Defendants :

No. 05 - 956 - C.D.

ACTION TO QUIET TITLE

PRAECIPE

Filed on behalf of  
Plaintiffs

Counsel of Record for  
this Party:

Carl A. Belin, Jr.  
Attorney-at-Law  
Pa. I.D. 06805

Belin & Kubista  
15 North Front Street  
P.O. Box 1  
Clearfield, PA 16830

(814) 765-8972

FILED<sup>no cc</sup>  
SEP 14 2005  
William A. Shaw  
Prothonotary/Clerk of Courts  
Statement to Atty  
@

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


R. WESLEY SMITH and SAMANTHA L.	:	
SMITH, his wife,	:	
Plaintiffs	:	
	:	No. 05 - 956 - C.D.
vs.	:	
	:	ACTION TO QUIET TITLE
T.A. JONES, also known as TIMOTHY	:	
JONES, TWILA A. JONES, BELIEVED	:	
TO BE HIS WIFE, and TWILA M.	:	
LINVILLE, BELIEVED TO BE THEIR	:	
DAUGHTER, their heirs, executors,	:	
administrators and assigns,	:	
Defendants	:	

PRAECIPE FOR FINAL JUDGMENT


TO THE PROTHONOTARY:

Please enter final judgment against the Defendants in the above-captioned case for failure to comply with the Order of Court directing Defendants to file objections within thirty (30) days from the entry of Order of judgment in favor of Plaintiffs.

BELIN & KUBISTA

  
\_\_\_\_\_  
Carl A. Belin, Jr., Esq.  
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY,  
PENNSYLVANIA  
STATEMENT OF JUDGMENT

 COPY

R. Wesley Smith and  
Samantha L. Smith, his wife  
Plaintiff(s)

No.: 2005-00956-CD

Real Debt:

Atty's Comm:

Costs:

Int. From:

Vs.

T. A. Jones, also known as Timothy Jones,  
Twila A. Jones, believed to be his wife, and  
Twila M. Linville, believed to be their daughter,  
their heirs, executors, administrators and assigns

Defendant(s)

Instrument: Final Judgment

Date of Entry: September 14, 2005

Certified from the record this 14th day of September, 2005.

\_\_\_\_\_  
William A. Shaw, Prothonotary

\*\*\*\*\*

SIGN BELOW FOR SATISFACTION

Received on \_\_\_\_\_, \_\_\_\_\_, of defendant full satisfaction of this Judgment,  
Debt, Interest and Costs and Prothonotary is authorized to enter Satisfaction on the same.

\_\_\_\_\_  
Plaintiff/Attorney