

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.
	✓ 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 Paul E. Cherry
	✓ 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
07/26/2005	Affidavit of Service filed. Notice of the Quiet Title Action was served upon Paul E. Cherry 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 Clearfiled County Legal Journal on July 8, 2005 filed by Carl A. Belin Jr. Esq. No CC
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)
08/15/2001	Transcript of Proceedings Defendant's Petition to Modify Custody, held on Friday July 20, 2001, filed. (Cathy Provost)
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
09/08/2004	Petition for Modification of Custody, filed by s/Jeffrey S. DuBois, Esq. Three CC Attorney DuBois
09/15/2004	Order Of Court: You, Tamara Gathagan, have been sued in court to obtain Paul E. Cherry 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.
11/23/2004	Emergency Petition for Custody, filed by s/Jeffrey S. DuBois, Esq. Three CC Attorney DuBois
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.
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. Ryan 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

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 -956- C.D.
: ACTION TO QUIET TITLE
T.A. JONES, also known as TIMOTHY :
JONES, TWILA A. JONES, BELIEVED : COMPLAINT
TO BE HIS WIFE, and TWILA M. :
LINVILLE, BELIEVED TO BE THEIR :
DAUGHTER, their heirs, executors, :
administrators and assigns, :
Defendants :

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 2cc
9/2/2001 Atty Belin
JUL 01 2005 Atty Belin
William A. Shaw Atty pd. 9500
Prothonotary/Clerk of Courts

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 :

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

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. Linyville, 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. Ricketts 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

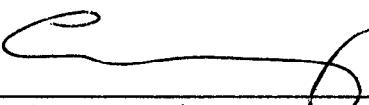
premises; from impeaching, denying or in any way attacking the Plaintiffs' title to said premises, from issuing or maintaining an ejectment of said premises or any part thereof; and

(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 :
:

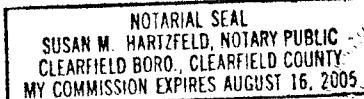
Before me the undersigned officer, personally appeared R. Wesley Smith and Samantha L. Smith, who being duly sworn according to law, depose and say that the facts set forth in the foregoing Complaint are true and correct to the best of their knowledge, information and belief.

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

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 :
AFFIDAVIT

Filed on behalf of
Plaintiffs

Counsel of Record for
this Party:

Carl A. Belin, Jr., Esq.
Pa. I.D. #08605

BELIN & KUBISTA
15 North Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED 2cc
07/03/01 Atty
JUL 01 2005 Belin

William A. Shaw
Prothonotary/Clerk of Courts

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

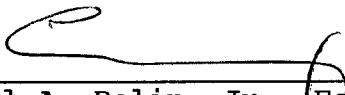
He further avers that he caused an abstractor to search the real estate and estate records of Clearfield County and that no listings in the name of Defendants T. A. Jones, also known as Timothy Jones, Twila A. Jones, believed to be his wife, and Twila M. Linville, believed to be their daughter, their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

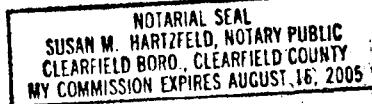
Based upon the foregoing search, personal service cannot be made upon Defendants T. A. Jones, also known as Timothy Jones, Twila A. Jones, believed to be his wife, or Twila M. Linville, believed to be their daughter, their heirs, executors, administrators and assigns, and it is necessary that service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

made by publication.


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

Sworn and subscribed before me this 1st day of
July, 2005.


Susan M. Hartzfeld
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 :
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 : 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 2cc
07/23/01 Amy Belin
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 :

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.

FILED

07-23-05
JUL 01 2005
Atty Beln

BY THE COURT,

Paul E Cherry

William A. Shaw *Copy to CJA*
Prothonotary/Clerk of Courts

FILED

JUL 01 2005

William A. Shaw
Prothonotary/Clerk of Courts

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

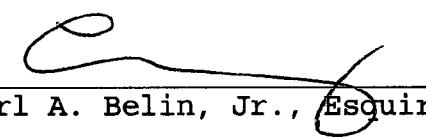
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TO BE HIS WIFE, and TWILA M.	:	
LINVILLE, BELIEVED TO BE THEIR	:	
DAUGHTER, their heirs, executors,	:	
administrators and assigns,	:	
Defendants	:	

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


Carl A. Belin, Jr., Esquire

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 :
:

Filed on behalf of
Plaintiffs

Counsel of Record for
this Party:

Carl A. Belin, Jr., Esq.
Pa. I.D. #08605

BELIN & KUBISTA
15 North Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED

JUL 26 2005 NO CC
0/10:56 AM

Wendy A. Shaw
Prothonotary *cm*

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. :
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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 :
: SS.
COUNTY OF CLEARFIELD :
:

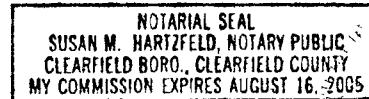
CARL A. BELIN, JR., attorney for the above named Plaintiffs,
being duly sworn according to law, deposes and states that Notice
of the Quiet Title Action was served upon Defendants T. A. Jones,
also known as Timothy Jones, and Twila A. Jones, believed to be his
wife, and Twila M. Linville, believed to 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 16th day of
July, 2005.


Susan M. Hartzfeld
Notary Public



IN THE COURT
OF COMMON PLEAS
OF CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL DIVISION
R. WESLEY SMITH
and SAMANTHAL 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, adminis-
trators 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 personally
or by attorney and file your de-
fenses or 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, Pennsylvania
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, adminis-
trators 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,
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 pre-
mises 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 Jones, Twila A. Jones
believed to be his wife, and Twila M.
Linville, believed to be their daughter,
their heirs, executors, adminis-
trators 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, adminis-
trators and assigns, to answer the
said complaint within twenty (20)
days from the date of the publica-
tion. For failure to comply, a judg-
ment 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 Clear-
field County Courthouse, Court-
room No. 2, Clearfield, Pennsylva-
nia.

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :
: SS:
COUNTY OF CLEARFIELD :

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

July 5, 2005

the regular issues of _____.
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.

Margaret E. Krebs

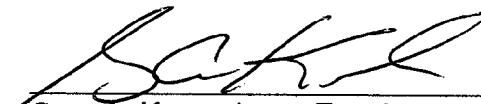
Sworn and subscribed to before me the day and year aforesaid.

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

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :
:
COUNTY OF CLEARFIELD :

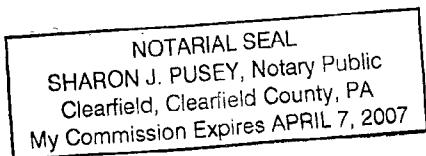
On this 8th day of July AD 2005, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Gary A. Knaresboro editor of the Clearfield County Legal Journal of the Courts of Clearfield County, and that the annexed is a true copy of the notice or advertisement published 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.

Sharon J. Pusey
Notary Public
My Commission Expires



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
Executor: **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. : No. 05 - 956 - 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 :
③
FILED ^{cc}
09/02/05 ^{Am Belin}
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:

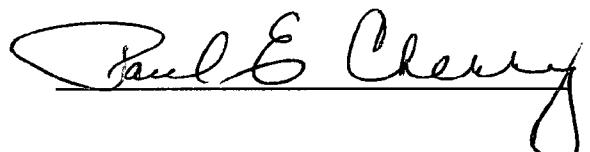
BOUNDED on the North by lands now or formerly of Blake McCoy; bounded on the East by lands now or formerly of Clair Semple and the First National Bank of Philipsburg; bounded on the South by lands now or formerly of Clair Rutter; and bounded on the West by lands now or formerly of Edna McCoy.

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 Praecept of the Plaintiffs shall enter final judgment against Defendants.

BY THE COURT,

A handwritten signature in black ink, appearing to read "Paul E. Cherry". The signature is fluid and cursive, with "Paul" and "E." on the first line and "Cherry" on the second line.

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 - 956 - 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 :
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 NO cc
011104 AM
SEP 14 2005 Statement to Atty
William A. Shaw
Prothonotary/Clerk of Courts @

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

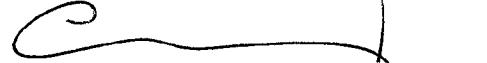
R. WESLEY SMITH and SAMANTHA L. :
SMITH, his wife, :
Plaintiffs :
: No. 05 - 956 - C.D.
vs. :
: ACTION TO QUIET TITLE
T.A. JONES, also known as TIMOTHY :
JONES, TWILA A. JONES, BELIEVED :
TO BE HIS WIFE, and TWILA M. :
LINVILLE, BELIEVED TO BE THEIR :
DAUGHTER, their heirs, executors, :
administrators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

PRAECLPICE 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

Vs.

Real Debt:

Atty's Comm:

Costs:

Int. From:

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