

05-1000-CD
Hemlock Hunting Corp. vs Robert W.
Walker

2005-1000-CD
Hemlock Hunt Corp. v. Robert Walker

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

2005-1000-CD

HEMLOCK HUNTING CORPORATION,) Case No.: - 2005 C.D.
Plaintiff,)
) Type of Case: CIVIL
)
vs.) Type of Pleading: COMPLAINT IN ACTION
) TO QUIET TITLE
ROBERT W. WALKER TRUST, its)
successors and assigns,) Filed on behalf of: Plaintiff
)
Defendant) Counsel of Record for this Party:
) J. Kipp Lukehart
) PA I.D. 05865
) LUKEHART & LUNDY
) 219 East Union Street
) PO Box 74
) Punxsutawney, PA 15767
) (814) 938-8110
)

)

FILED

JUL 08 2005

mt 3:00 h

William A. Shaw
benton@clark.ucla.edu

3 CENTS TO APP

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,

PENNSYLVANIA

CIVIL DIVISION

HEMLOCK HUNTING CORPORATION,)
Plaintiff,)
vs.) Case No.: - 2005 C.D.
ROBERT W. WALKER TRUST, its)
successors and assigns,)
Defendant)

)

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 the 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 claim in the complaint or for any other claim or relief requested by the plaintiff.

**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 OBTAIN LEGAL HELP.**

Clearfield County Prothonotary
CLEARFIELD COUNTY COURTHOUSE
One North Second Street
Clearfield, PA 16830
814-765-2641

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

HEMLOCK HUNTING CORPORATION,)
)
Plaintiff,)
)
vs.) Case No.: - 2005 C.D.
ROBERT W. WALKER TRUST, its)
successors and assigns,)
)
Defendant)
)

COMPLAINT IN ACTION TO QUIET TITLE

AND NOW, comes the Plaintiff, Hemlock Hunting Corporation, by and through its attorneys, Lukehart & Lundy, with the following Complaint in Action to Quiet Title, pursuant to Rule 1061 of the Pennsylvania Rules of Civil Procedure:

1. Plaintiff, Hemlock Hunting Corporation, is a corporation organized under and existing by virtue of the laws of the Commonwealth of Pennsylvania with its principle office located at 24 Clinton Street, Rossiter, Indiana County, Pennsylvania 15772.

2. Plaintiff acquired Title to the Parcel No. 4-2-K08-234-00038 containing a house, garage and lot located in the second ward, Borough of Clearfield, Clearfield County, Pennsylvania, by Deed dated November 19, 2002 from the Tax Claim Bureau of Clearfield County, Pennsylvania, said Deed recorded in the Recorder's Office of Clearfield County at Instrument No. 200218876.

3. The above Tax Sale was sold under Tax Claim Number 2000-000300 as the property of the Robert W. Walker Trust for the delinquent taxes for the years 2000 through 2001.

4. The property was previously conveyed by Harry W. Hand and Dolly E. Hand, husband and wife by Deed dated June 23, 1993 to the Robert W. Walker Trust, said Deed

recorded in the Recorder's Office of Clearfield County in Volume 1540 at Page 473. A more complete and full description of the property appears in that Deed as follows:

All that certain piece or parcel of land located in what is known as Reed's Addition to the Borough of Clearfield, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at the corner of Oak Avenue, (now known as South 4th Street) and Spruce Street; thence by Oak Avenue South fifty-two and five-tenths (52.5) degrees East one hundred and seventy (170) feet; thence by an alley South thirty-seven and five-tenth (37.5) degrees West sixty (60) feet; thence by other lands of G. L. Reed fifty-two and five-tenths degrees (52.5) West one hundred and seventy (170) feet; thence North thirty-seven and five tenths degrees East by Spruce Street to the beginning.

5. The last known address for the Robert W. Walker Trust was 15922 Belfast Lane, Huntington Beach, California, 92647.

6. Robert W. Walker, believed to be the original Settlor, died a resident of California on July 30, 1993 and a non-resident inheritance tax return was filed at file number 99 94-0676, reporting the property for inheritance tax purposes and all such taxes were paid.

7. Plaintiff paid to the Tax Claim Bureau the sum of \$57,500.00 for the property which was claimed by and received by Robert Kelly Brown, purportedly, a successor trustee of the Robert W. Walker Trust, said sum forwarded to him at his address at 12357 Aralia Drive, Chino, California 91710. By requesting and receiving the over bid paid by the Plaintiff, it reflects knowledge by Robert Kelly Brown and the Robert W. Walker Trust of the prior tax sale.

8. Plaintiff was advised that Cynthia Ann Marian was a Successor Trustee of the Robert W. Walker Trust and proceeded to pay her the sum of \$500.00 for her execution of a Quit Claim Deed dated 12th of April, 2005 and Recorded May 13, 2005 in the Recorder's Office of Clearfield County, Pennsylvania. Subsequently, Plaintiff learned she was not a Successor Trustee.

9. Plaintiff avers that all required notices of the tax sale were provided to the Defendant by the Tax Claim Bureau of Clearfield County and that the same was properly advertised.

10. It is believed that Robert Kelly Brown is now deceased. It is further believed that the successor trustees of the Robert W. Walker Trust are Pamela D. Morgan, last known address of 2250 Knoxville, Long Beach, California 90815 and Richard K. Brown, last known address of 3810 Kern Road, Chino, California 91710.

11. Tax sales in general, create a cloud on Title which affects the Plaintiff's ownership and ability to transfer the property.

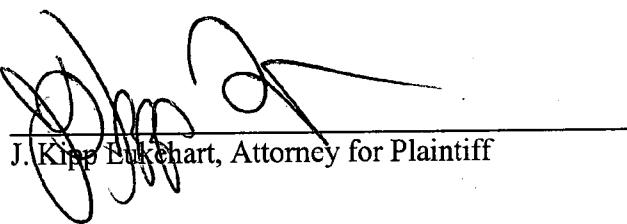
WHEREFORE, Plaintiff prays your Honorable Court as follows:

1. That Defendant be compelled under Pennsylvania Rule of Civil Procedure No. 1061 (b)(1) to commence an action of ejectment against the Plaintiff.

2. The Defendant pursuant to Pennsylvania Rule of Civil Procedure 1061(b)(3) admits the validity of the Tax Sale of the premises to the Plaintiff.

3. That an Order be issued barring the Defendant, its successors and assigns or any and all other persons from asserting any right, lien, title or interest inconsistent with the interest of the Plaintiff and from impeaching, denying or in any way attacking the Plaintiff's Title to the property and from issuing or maintaining any action attacking the Plaintiff's Title.

Respectfully submitted,



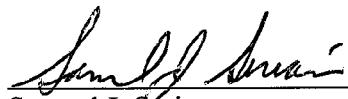
J. Kipp Eukhart, Attorney for Plaintiff

VERIFICATION

I, Samuel J. Serian, President of Hemlock Hunting Corporation verify that the statements made in the foregoing Complaint in Action to Quiet Title are true and correct to the best of my knowledge of information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

7-6-05

Date



Samuel J. Serian

CA

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

HEMLOCK HUNTING CORPORATION,) Case No.: 2005-1000 C.D.
vs.)
Plaintiff,) Type of Case: CIVIL
vs.)
ROBERT W. WALKER TRUST, its) Type of Pleading: MOTION FOR SERVICE
successors and assigns,) BY PUBLICATION
Defendant)
) Filed on behalf of: Plaintiff
)
) Counsel of Record for this Party:
) J. Kipp Lukehart
) PA I.D. 05865
) LUKEHART & LUNDY
) 219 East Union Street
) PO Box 74
) Punxsutawney, PA 15767
) (814) 938-8110

FILED 3CC
112:59 AM *Aug 22 2005* *Aug 22 2005*
SEP 22 2005 *W.A. Shaw* *W.A. Shaw*
6K

William A. Shaw
Prothonotary/Clerk of Courts

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

HEMLOCK HUNTING CORPORATION,)
)
Plaintiff,)
)
vs.)
)
ROBERT W. WALKER TRUST, its) Case No.: - 2005 C.D.
successors and assigns,)
)
Defendant)
)

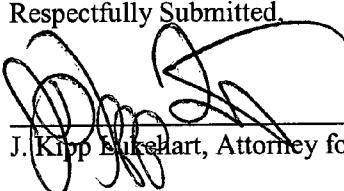
MOTION FOR SERVICE BY PUBLICATION

AND NOW comes the Plaintiff, HEMLOCK HUNTING CORPORATION, by and through its attorney, J. Kipp Lukehart and, pursuant to Rule 430 of the Pennsylvania Rules of Civil Procedure requests your Honorable Court for leave to serve the Complaint on ROBERT W. WALKER TRUST, its successors and assigns by publication, in such a manner as the Court shall direct.

Attached to this Motion for Service by Publication is an Affidavit of the Plaintiff relative to its good faith efforts to determine the whereabouts of the named Defendant, his heirs, successors and assigns.

Date 9-21-05

Respectfully Submitted,


J. Kipp Lukehart, Attorney for Plaintiff

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

HEMLOCK HUNTING CORPORATION,)
Plaintiff,)
)
)
vs.)
)
ROBERT W. WALKER TRUST, its) Case No.: 2005 – 1000- C.D.
successors and assigns,)
Defendant)

AFFIDAVIT

I, Samuel J. Serian, President of HEMLOCK HUNTING CORPORATION, Plaintiff in the above captioned action hereby, being duly sworn according to law depose and say that I have made an investigation to determine the whereabouts of the Defendant, ROBERT W. WALKER TRUST, its heirs successors and assigns including the following:

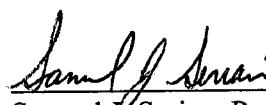
A. On January 17, 2005 a letter was sent to Robert Kelly Brown, surviving Trustee of the Robert W. Walker Trust. A telephone call from Diana Brown on February 3, 2005 advised that Robert Kelly Brown was deceased.

B. Cynthia Marian, advised in error that she was a Successor Trustee and was paid \$500.00 for execution of a Quit Claim Deed dated April 12, 2005 and recorded May 13, 2005.

C. Thereafter, Plaintiff was advised that Richard K. Brown and Pamela D. Morgan were possibly Successor Trustees of the Robert W. Walker Trust. On July 25, 2005, the Complaint in Action to Quiet Title was mailed to them at their last known addresses of 2250 Knoxville, Long Beach, California, 90815 and 3810 Kern Road, Chino, California, 91710. Both were returned unclaimed.

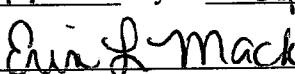
D. Internet Search for Pamela D. Morgan and Richard K. Brown did not reveal an address for either of them.

Despite the foregoing, I have not been able to locate the Defendant or his heirs, successors and assigns.



Samuel J. Serian, President
Hemlock Hunting Corporation

Sworn to and subscribed before me this
19th day of September, 2005.



Erin L. Mack
Notary Public

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Erin L. Mack, Notary Public
Punxsutawney Boro, Jefferson County
My Commission Expires Mar. 25, 2009
Member, Pennsylvania Association of Notaries

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

CA

HEMLOCK HUNTING CORPORATION,) Case No.: 2005 - 1000 - C.D.
)
Plaintiff,) Type of Case: CIVIL
)
vs.) Type of Pleading: ORDER FOR
ROBERT W. WALKER TRUST, its) PUBLICATION
successors and assigns,)
) Filed on behalf of: Plaintiff
Defendant)
) Counsel of Record for this Party:
) J. Kipp Lukehart
) PA I.D. 05865
) LUKEHART & LUNDY
) 219 East Union Street
) PO Box 74
) Punxsutawney, PA 15767
) (814) 938-8110

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01/10/35 2005
SEP 28 2005
Atty Lukehart
VN

William A. Shaw
Prothonotary/Clerk of Courts

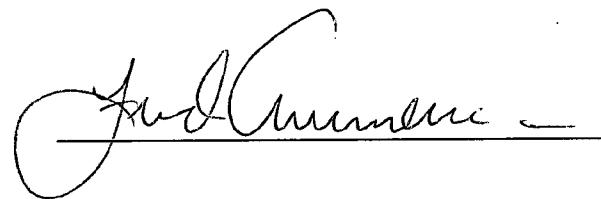
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL DIVISION

HEMLOCK HUNTING CORPORATION,)
)
Plaintiff,)
)
vs.) Case No.: 2005 - 1000 - C.D.
)
ROBERT W. WALKER TRUST, its)
successors and assigns,)
)
Defendant)
)

ORDER FOR PUBLICATION

AND NOW, this 27 day of Sept, 2005 upon consideration of the foregoing Motion for Service by Publication, the Plaintiff is directed to serve the Defendant, ROBERT W. WALKER TRUST, its successors and assigns by publication, once in a newspaper of general circulation published in Clearfield County, Pennsylvania and once in the Clearfield County Legal Journal said publication to direct the Defendants to answer the Complaint within twenty (20) days after publication.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Judge Chumane", is written over a horizontal line.

ORIGINAL

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

HEMLOCK HUNTING CORPORATION,)
Plaintiff,) Case No.: 2005 - 1000 CD
vs.) Type of Pleading: AFFIDAVIT OF SERVICE
ROBERT W. WALKER TRUST, its)
successors and assigns,) Filed on Behalf of: PLAINTIFF
Defendant) Counsel of Record for this Party:
) J. KIPP LUKEHART, ESQUIRE
) Supreme Court I.D. # 05865
) LUKEHART & LUNDY
) 219 East Union Street
) Punxsutawney, PA 15767
) (814) 938-8110
)
)
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William A. Shaw
Prothonotary/Clerk of Courts

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

HEMLOCK HUNTING CORPORATION,)
Plaintiff,)
vs.)
ROBERT W. WALKER TRUST, its)
successors and assigns,)
Defendant)
Case No.: 2005 - 1000 CD

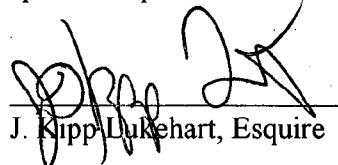
AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA

Ss:

COUNTY OF JEFFERSON

Before me, the undersigned authority, personally appeared J. Kipp Lukehart, Attorney for the Plaintiff, who, being duly sworn according to law, deposes and says that he, pursuant to the Order of Court dated September 27, 2005 caused publication to be made three (3) times in the Clearfield County Law Journal during the week of September 30, 2005, October 7, 2005 and October 14, 2005 and once in the The Progress, a newspaper of general circulation published in Clearfield County, Pennsylvania, on October 8, 2005 as evidenced by the attached proofs of publication.



J. Kipp Lukehart, Esquire

Sworn to and subscribed before me this
4th day of November, 2005.

Erin L. Mack
Notary Public

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Erin L. Mack, Notary Public
Punxsutawney Boro, Jefferson County
My Commission Expires Mar. 25, 2009

Member, Pennsylvania Association of Notaries

NOTICE
IN THE COURT
OF COMMON PLEAS
OF CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL DIVISION
Action to Quiet Title
No. 2005-1000 C.D.

HEMLOCK HUNTING CORPORATION,
Plaintiff

vs.

ROBERT W. WALKER TRUST
its successors and assigns

Defendant

To ROBERT W. WALKER TRUST, successors and assigns: You are hereby notified that the above Plaintiff has commenced an Action to Quiet Title against you, which you are required to defend. You are required to plead to the Complaint within twenty (20) days after the service has been completed by publication.

This action concerns real property described as follows, to wit:

All that certain piece or parcel of land located in what is known as Reed's Addition to the Borough of Clearfield, Second Ward, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at the corner of Oak Avenue (now known as South 4th Street) and Spruce Street, thence by Oak Avenue South fifty-two and five-tenths (52.5) degrees, East one hundred and seventy (170) feet, thence by Tan Alley South thirty-seven and five-tenths (37.5) degrees, West sixty (60) feet, thence by other lands of G. L. Reed fifty-two and five-tenths degrees (52.5) West one hundred and seventy (170) feet, thence North thirty-seven and five-tenths degrees, East by Spruce Street to the beginning of the parcel (No. 4-2-K08-234-00038).

BEING the same premises granted and conveyed to Robert W. Walker Trust from Harry W. Hand and Dolly E. Hand, husband and wife, by Deed dated June 23, 1993, and recorded in the Recorder's Office of Clearfield County, Pennsylvania in Record Book 1540, at page 473.

ALSO BEING the same premises granted and conveyed to Hemlock Hunting Corp. from the Tax Claim Bureau of Clearfield County, Pennsylvania by Tax Claim Bureau Deed dated November 19, 2002, and recorded in the Recorder's Office of Clearfield County, Pennsylvania at Instrument No. 200218876.

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 Plaintiff. You may lose money or other property or other rights important to you.

YOU SHOULD TAKE THIS NOTICE 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.

Clearfield County Prothonotary

& Clerk of Courts

Clearfield County Courthouse

One North Second Street

Clearfield, PA 16830

814-765-2841

Kipp Lukehart, Esq.

LUKEHART & LUNDY

219 East Union Street

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :
COUNTY OF CLEARFIELD : SS:

On this 25th day of October, A.D. 20 05, 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 October 8, 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.

Margaret E. Krebs

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

Cecily J. Robison COMMONWEALTH OF PENNSYLVANIA
Notary Public Clearfield, Pa.

My Commission Expires
October 31, 2007

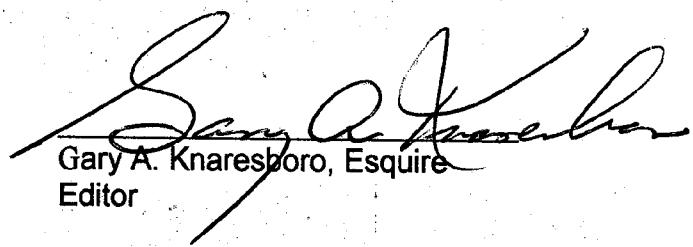
Notarial Seal
Cecily J. Robison, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires Oct. 31, 2007
Member, Pennsylvania Association Of Notaries

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :

COUNTY OF CLEARFIELD :

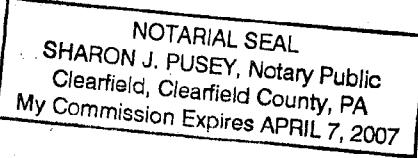
On this 14th day of October AD 2005, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Gary A. Knaresboro editor of the Clearfield County Legal Journal of the Courts of Clearfield County, and that the annexed is a true copy of the notice or advertisement published in said publication in the regular issues of Week of September 30, 2005, October 7, 2005, October 14, 2005. Vol. 17, No. 39, 40, 41. 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



J. Kipp Lukehart
219 East Union Street
PO Box 74
Punxsutawney PA 15767

First and Final Account of Darlene M. Scepanik, Executrix for the Estate of Charles I. Gallup, late of Sandy Township, Clearfield County, PA. DECEASED.

First and Final Account of David W. Buys, Executor for the Estate of Elizabeth S. Nelson, late of DuBois, Clearfield County, PA. DECEASED.

First and Final Account of Shari Neff, Executrix for the Estate of Aileen Middleton, late of Westover, Clearfield County, PA. DECEASED.

Fourth and Partial Accounting of First Commonwealth Trust Company, Guardian of the Estate of Nicole Butterbaugh, a minor.

Fourth and Partial Accounting of First Commonwealth Trust Company, Guardian of the Estate of Ryan Butterbaugh, a minor.

ADV: October 7 & 14, 2005.

KAREN L. STARCK, REGISTER OF WILLS & CLERK OF ORPHANS' COURT.

NOTICE

NOTICE IS HEREBY GIVEN THAT on September 9, 2005 a Certificate of Organization of a Domestic LLC was filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA.

The name of the LLC is Blackwood & Blackwood, LLC.

The LLC has been organized and formed under and pursuant to the Act known as the Pennsylvania Limited Liability Company Law of 1994, in 15 Pa. C. S. § 8901, et. seq.

Timothy E. Durant, Esquire, Attorney, I.D. No. 21352, 201 North Second Street, Clearfield, PA 16830. (814) 765-1711.

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

Action to Quiet Title
No. 2005-1000 C.D.

HEMLOCK HUNTING CORPORATION, Plaintiff, vs. ROBERT W. WALKER TRUST, its successors and assigns, Defendant. To ROBERT W. WALKER TRUST, successors and assigns:

You are hereby notified that the above Plaintiff has commenced an Action to Quiet Title against you, which you are required to

defend.

You are required to plead to the Complaint within twenty (20) days after the service has been completed by publication.

This action concerns real property, described as follows, to-wit:

All that certain piece or parcel of land located in what is known as Reed's Addition to the Borough of Clearfield, Second Ward, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at the corner of Oak Avenue, (now known as South 4th Street) and Spruce Street; thence by Oak Avenue South fifty-two and five-tenths (52.5) degrees East one hundred and seventy (170) feet; thence by an alley South thirty-seven and five-tenth (37.5) degrees West sixty (60) feet; thence by other lands of G. L. Reed fifty-two and five-tenths degrees (52.5) West one hundred and seventy (170) feet; thence North thirty-seven and five tenths degrees East by Spruce Street to the beginning. Parcel No. 4-2-K08-234-00038

BEING the same premises granted and conveyed to Robert W. Walker Trust from Harry W. Hand and Dolly E. Hand, husband and wife, by Deed dated June 23, 1993, and recorded in the Recorder's Office of Clearfield County, Pennsylvania in Record Book 1540, at page 473.

ALSO BEING the same premises granted and conveyed to Hemlock Hunting Corp. from the Tax Claim Bureau of Clearfield County, Pennsylvania by Tax Claim Bureau Deed dated November 19, 2002, and recorded in the Recorder's Office of Clearfield County, Pennsylvania at Instrument No. 200218876.

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 Plaintiff. You may lose money or other property or other rights important to you.

YOU SHOULD TAKE THIS NOTICE 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.

Clearfield County Prothonotary & Clerk of Courts, Clearfield County Courthouse, One North Second Street, Clearfield, PA 16830. 814-765-2641.

J. Kipp Lukehart, Esq. LUKEHART & LUNDY, 219 East Union Street, P.O. Box 74, Punxsutawney, PA 15767.

FILED

JAN 05 2006

William A. Shaw
Prothonotary/Clerk of Courts

~~FILED~~
NOV 9 2005
William A. Shaw
Prothonotary/Clerk of Courts

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

HEMLOCK HUNTING CORPORATION,) Case No.: 2005 - 1000 C.D.
Plaintiff,)
vs.) Type of Case: CIVIL
ROBERT WALKER TRUST, its successors) Type of Pleading: MOTION FOR DEFAULT
and assigns,) JUDGMENT
Defendant) Filed on behalf of: Plaintiff
) Counsel of Record for this Party:
) J. Kipp Lukehart
) PA ID: 05865
) LUKEHART & LUNDY
) 219 East Union Street
) PO Box 74
) Punxsutawney, PA 15767
) (814) 938-8110
)

FILED 2cc
MAY 6 2006 ATT'y Lukehart
JAN 6 2006 @

William A. Shaw
Prothonotary/Clerk of Courts

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

HEMLOCK HUNTING CORPORATION,)
)
Plaintiff,)
)
vs.) Case No.: 2005 - 1000 CD
ROBERT W. WALKER TRUST, its)
successors and assigns,)
)
Defendant)
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MOTION FOR DEFAULT JUDGMENT

AND NOW, comes J. Kipp Lukehart, Attorney for the Plaintiff, with the following:

1. On July 8, 2005, a Complaint was filed in the above captioned matter.
2. On February 3, 2005, the office of Lukehart & Lundy was notified by telephone that the surviving Trustee of the Robert W. Walker Trust, was deceased. It was further indicated that Richard K. Brown and Pamela D. Morgan were possible Successor Trustees to which a Complaint in Action to Quiet Title was mailed to them at their last known addresses and same were returned unclaimed.
3. On September 27, 2005, your Honorable Court directed that service of the Complaint be made upon the Defendants by publication once in the Clearfield County Law Journal and once in Clearfield local newspaper, The Progress directing the Defendants to answer the Complaint within twenty (20) days from the date of last publication.
4. Publication of the Notice was made in the Clearfield County Law Journal on October 14, 2005 and in The Progress on October 8, 2005.
5. More than twenty (20) days have elapsed since service has been made upon the Defendants by publication.

6. No pleadings have been filed by the Defendants to Plaintiff's Complaint.
7. The Plaintiff hereby requests the following:
 - a) Pursuant to the Pennsylvania Rules of Civil Procedure No. 248 to waive the twenty (20) day period prescribed by Rule 1066 (b) (1).
 - b) To enter the following final Order of Court:

"That the Defendants be forever barred from asserting any right, lien, title or interest in the premises, described in Exhibits "A", inconsistent with the interest or claim of the Plaintiff as set forth in his Complaint; from impeaching, denying, or in any way attaching the Plaintiff's title to the property; from issuing or maintaining any ejectment action for the same premises; from encumbering, mortgaging or conveying the same, or any part thereof; and specifically, to admit to the validity of the Plaintiff's title."

LUKEHART & LUNDY
Attorney for Plaintiff

1-3-04
Date

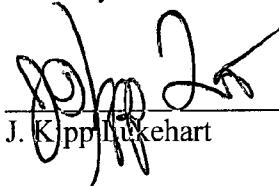

J. Kipp Lukehart

EXHIBIT A

Description: Parcel No. 4-2-K08-234-00038 Clearfield County at Instrument No. 200218876.

All that certain piece or parcel of land located in what is known as Reed's Addition to the Borough of Clearfield, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at the corner of Oak Avenue, (now known as South 4th Street) and Spruce Street; thence by Oak Avenue South fifty-two and five-tenths (52.5) degrees East one hundred and seventy (170) feet; thence by an alley South thirty-seven and five-tenth (37.5) degrees West sixty (60) feet; thence by other lands of G. L. Reed fifty-two and five-tenths degrees (52.5) West one hundred and seventy (170) feet; thence North thirty-seven and five tenths degrees East by Spruce Street to the beginning.

CA

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

HEMLOCK HUNTING CORPORATION,)
)
)
Plaintiff,)
)
vs.)
) Case No.: 2005 - 1000 CD
ROBERT W. WALKER TRUST, its)
successors and assigns,)
)
Defendant)

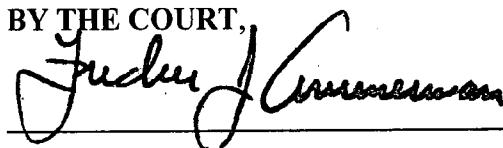
ORDER OF COURT

AND NOW, this 16th day of JANUARY, 2006, upon motion of J. Kipp Lukehart, Esquire, attorney for the Plaintiff, and upon submission of proofs of publication and service, it is HEREBY ORDERED AND DECREED as follows:

a) Pursuant to the Pennsylvania Rules of Civil Procedure No. 248 the twenty (20) day period prescribed by Rule 1066 (b) (1) is waived.

b) The Defendants are forever barred from asserting any right, lien, title or interest in the premises, described in Exhibits "A", inconsistent with the interest or claim of the Plaintiff as set forth in his Complaint; from impeaching, denying, or in any way attaching the Plaintiff's title to the property; from issuing or maintaining any ejectment action for the same premises; from encumbering, mortgaging or conveying the same, or any part thereof; and specifically, to admit to the validity of the Plaintiff's title.

BY THE COURT,



FILED 1cc to
01/09/2006 Register & Recorder's
JAN 09 2006 office, per Atty

William A. Shaw
Prothonotary/Clerk of Courts

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