

05-1013-CD

P. Beatty et al vs. E. McGee et al

2005-1013-CD
Paul Beatty et al vs. Esther McGee et al

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

PAUL W. BEATTY and
BARBARA S. BEATTY,
Plaintiffs

vs.

ESTHER McGEE a/k/a
ESTHER E. McGEE and
SOLOMON PEACE, their
respective heirs, successors and
assigns,

Defendants

: CIVIL ACTION - AT LAW
: No. 05-1013-cd
: ACTION TO QUIET TITLE
: Type of pleading:
: COMPLAINT
: Filed on behalf of:
: PLAINTIFFS
: Counsel of record for this
: party:
: Robert M. Hanak
: Supreme Court No. 05911
: Hanak, Guido and Taladay
: 498 Jeffers St., P. O. Box 487
: DuBois, PA 15801
: (814) 371-7768

July 12, 2005

FILED ^{cc}

07/12/2005 Atty

JUL 12 2005

BS
LC

William A. Shaw

Prothonotary/Clerk of Courts

Atty pd.
18500

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

PAUL W. BEATTY and	:
BARBARA S. BEATTY,	:
Plaintiffs	:
	No.
vs.	:
	ACTION TO QUIET TITLE
ESTHER McGEE a/k/a	:
ESTHER E. McGEE and	:
SOLOMON PEACE, their	:
respective heirs, successors 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 defense or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without further notice for any money claimed in the Complaint or for any other claim or relief requested by the 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
Second Floor
Clearfield, PA 16830
(814) 765-2641, Ext 1300 or 1303

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

PAUL W. BEATTY and	:	
BARBARA S. BEATTY,	:	
Plaintiffs	:	
vs.	:	No.
	:	ACTION TO QUIET TITLE
ESTHER McGEE a/k/a	:	
ESTHER E. McGEE and	:	
SOLOMON PEACE, their	:	
respective heirs, successors and	:	
assigns,	:	
Defendants	:	

COMPLAINT

AND NOW, come the Plaintiffs, by their Attorneys, HANAK, GUIDO AND TALADAY, and aver a cause of action for purposes of quieting title based on the following:

1. Plaintiffs are Paul W. Beatty and Barbara S. Beatty, husband and wife, of 120 West Mahoning Street, Punxsutawney, Jefferson County, Pennsylvania.
2. Defendants are Esther McGee a/k/a Esther E. McGee, deceased, late of Bell Township, Clearfield County, Pennsylvania, and her respective heirs, successors, administrators, executors and assigns, and Solomon Peace, believed to be deceased, late of Bell Township, Clearfield County, Pennsylvania, or Gaskill Township, Jefferson County, Pennsylvania, and his respective heirs, successors, administrators, executors and assigns.
3. Plaintiffs are the owners of 380.23 acres of real estate located in Bell Township, Clearfield County, Pennsylvania, described as

Clearfield County Tax Parcel No. A-10-15, as surveyed by the EADS Group under survey bearing date June 7, 2005, Project No. 360-05.028.

4. The property of Plaintiffs, as described above, traces back in title to the ownership of Esther McGee who acquired title to the premises from G. L. Reed by deed dated August 3, 1892, Clearfield County Deed Book 83, Page 320, which parcel is part of Warrant No. 5909.

5. As part of the ownership of Esther McGee as descended to Plaintiffs, there is a parcel described as two acres, more or less, that was conveyed by Esther E. McGee to Solomon Peace by deed of April 26, 1898, and deed recorded in Clearfield County Deed Book 100, Page 172. This deed conveyed to Solomon Peace the following described premises in Bell Township, Clearfield County, Pennsylvania:

BEGINNING at a stone on the division line of Clearfield and Jefferson Counties; thence South 88-1/2° East 19 perches to a stone pile; thence North 23-1/2° West a distance of 28-1/2 perches to a gum tree; thence North 86-1/2° West a distance of 7 perches to a stone pile on the aforesaid county line; thence along said county line South 2-1/2° West a distance of 25 perches to a stone at the place of beginning. Containing two acres.

Reserving one-half of all minerals on and under said described land with the right of ingress and egress.

(referred to as "the Premises").

6. From the time of the above deed for the Premises to Solomon Peace, as referred to in the above paragraph, there have been no conveyances or transfers from Solomon Peace, his heirs, successors or assigns, for the Premises which are of record in Clearfield County, Pennsylvania.

7. By deed recorded on November 25, 1921, Clearfield County Deed Book 254, Page 363, A. L. Kline, the Treasurer of Clearfield

County, conveyed the two acre parcel quoted as being surface to the County Commissioners of Clearfield County. This conveyance was the result of a tax sale for unpaid taxes in the years 1915 and 1916.

8. By further deed recorded on November 25, 1921, in Clearfield County Deed Book 254, Page 364, the County Commissioners of Clearfield County conveyed the two acre surface Premises to Esther E. McGee by virtue of a Commissioners' sale of land in that the premises were not redeemed by the original owner.

9. By deed of January 22, 1976, Esther McGee, with the joinder of her husband, James McGee, conveyed a 385 acre parcel of real estate in Bell Township, Clearfield County, Pennsylvania, to the Plaintiffs, Paul W. Beatty and Barbara S. Beatty by deed recorded in Clearfield County Deed Book 713, Page 10. This deed described an overall premises of 434.373 acres, less exceptions created by prior deeds of record, i.e. outparcels, or a net acreage of 385 acres, more or less..

10. At the time of this conveyance, referenced in the above paragraph, the two acre parcel was not an outparcel in that such parcel came back into the chain of title and into the ownership of Esther E. McGee by virtue of the Commissioners Deed referred to above.

11. There is no present tax assessment for the two acre parcel, and, in fact, the two acres are assessed as part of the 380.223 acre surveyed piece owned by Plaintiffs, and Plaintiffs have paid taxes on this parcel since their acquisition in 1976.

12. There are no parties claiming this parcel other than Plaintiffs.

13. Plaintiffs are now in exclusive possession of the subject Premises and have maintained such continuous possession since the date of their source deed in 1976.

COUNT I - ADVERSE POSSESSION

14. Plaintiffs incorporate the above paragraphs Nos. 1 through 13 and claim title by adverse possession.

15. Plaintiffs have openly, continuously, notoriously, and adversely possessed the Premises from January 22, 1976 through the present time.

16. Plaintiffs have acquired title by virtue of adverse possession to the exclusion of all prior record titleholders, including but not limited to Solomon Peace, his heirs, successors, administrators, executors or assigns. The said Solomon Peace being the last record titleholder prior to the Commissioners Deed to Esther McGee

COUNT II - TITLE BY DEED

17. Plaintiffs incorporate the above paragraphs Nos. 1 through 13.

18. Plaintiffs have acquired good and marketable title by virtue of an uninterrupted and continuous chain of title into Plaintiffs, all of which include the described Premises of two acres.

19. At the time of the conveyance from Esther McGee and James McGee to Plaintiffs, the said McGees owned the premises of two acres, together with all mineral rights, and there was no exception or reservation of the two acre parcel that is effective in Plaintiffs' deed.

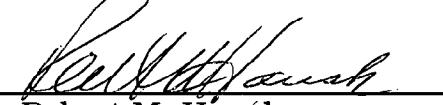
20. Plaintiffs own good and marketable title by virtue of the deed from Esther McGee of January 22, 1976, together with the minerals thereon or thereunder.

21. Because of the tax sale in the chain of title as referenced above, there may be issues concerning the effectiveness of the tax sale, the effectiveness of the notice, and the legal efficacy of the Treasurers Deed and the Commissioners Deed as referenced above.

WHEREFORE, Plaintiffs pray your Honorable Court to order the said Defendants:

- (a) to file an action of ejectment in accordance with the Pennsylvania Substantive Laws and Rules of Procedure against the Plaintiffs if they claim any right, title or interest in the Premises; or
- (b) determine Plaintiffs' right, title and interest in the Premises and to order the validity of the deed of the Premises as part of Plaintiffs' conveyance from Esther McGee as vesting good and marketable title to the Premises to the Plaintiffs; or
- (c) to discharge any claim, right, title or interest of any of the named Defendants in and to the Premises.

HANAK, GUIDO AND TALADAY

By: 

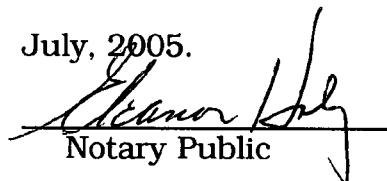
Robert M. Hanák
Attorney for Plaintiffs

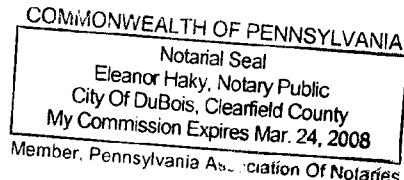
STATE OF PENNSYLVANIA :
COUNTY OF CLEARFIELD : SS

PAUL W. BEATTY, being duly sworn according to law, deposes and says that the facts set forth in the foregoing COMPLAINT TO QUIET TITLE are true and correct to the best of his knowledge, information and belief.


Paul W. Beatty

Sworn to and subscribed
before me this 11th day of
July, 2005.


Eleanor Haky
Notary Public



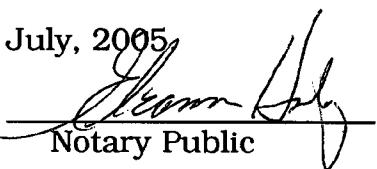
STATE OF PENNSYLVANIA :
: SS
COUNTY OF CLEARFIELD :

BARBARA S. BEATTY, being duly sworn according to law,
deposes and says that the facts set forth in the foregoing COMPLAINT TO
QUIET TITLE are true and correct to the best of her knowledge,
information and belief.

Barbara S. Beatty
Barbara S. Beatty

Sworn to and subscribed
before me this 11th day of

July, 2005



Notary Public

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
Eleanor Haky, Notary Public
City Of Dubois, Clearfield County
My Commission Expires Mar. 24, 2008

Member, Pennsylvania Association Of Notaries

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

PAUL W. BEATTY and
BARBARA S. BEATTY,
Plaintiffs

vs.

ESTHER McGEE a/k/a
ESTHER E. McGEE and
SOLOMON PEACE, their
respective heirs, successors and
assigns,

Defendants

CIVIL ACTION - AT LAW

No. 05-1013-CD

ACTION TO QUIET TITLE

Type of pleading:

**MOTION FOR SPECIAL ORDER
DIRECTING SERVICE BY
PUBLICATION**

Filed on behalf of:

PLAINTIFFS

Counsel of record for this
party:

Robert M. Hanak
Supreme Court No. 05911
Hanak, Guido and Taladay
498 Jeffers St., P. O. Box 487
DuBois, PA 15801

(814) 371-7768

July 12, 2005

FILED *10c*
07/12/2005 *AK*
JUL 12 2005
William A. Shaw
Prothonotary/Clerk of Courts

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

PAUL W. BEATTY and BARBARA S. BEATTY, Plaintiffs	:	
vs.	:	No.
ESTHER McGEE a/k/a ESTHER E. McGEE and SOLOMON PEACE, their respective heirs, successors and assigns,	:	ACTION TO QUIET TITLE
Defendants	:	

MOTION FOR SPECIAL ORDER
DIRECTING SERVICE BY PUBLICATION

AND NOW, this 10th day of July, 2005, the Plaintiffs, Paul W. Beatty and Barbara S. Beatty, by their undersigned Attorney, Robert M. Hanak, and pursuant to Pa. R.C.P. No. 430, motion this Court for a Special Order permitting service of the Complaint to Quiet Title in this action by publication. Plaintiffs' Affidavit having been executed and filed states that they are without knowledge or information as to the continued existence and whereabouts of the named Defendants; that they are without knowledge or information regarding the identity or whereabouts of the successors and assigns of the Defendants; that they are without knowledge or information regarding the identity of any other person, persons, firms, partnerships, or corporate entities who should be defendants in the above action; that, therefore, the Plaintiffs, by their Attorney, Robert M. Hanak, move the Court for leave to serve the Complaint on the Defendants generally by publication in

such manner as the Court shall direct, as provided by Pennsylvania Rules of Civil Procedure 430(b)(1).

WHEREFORE, the Plaintiffs request the Court to enter a Special Order directing service of the Complaint to Quiet Title on Defendants by publication pursuant to Pa.R.C.P. No. 430(b)(1).



Robert M. Hanak
Robert M. Hanak
Attorney for Plaintiffs

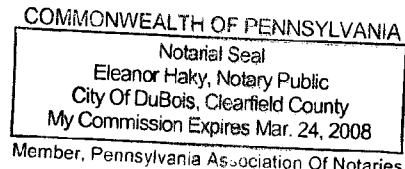
STATE OF PENNSYLVANIA :
COUNTY OF CLEARFIELD :
: SS.

PAUL W. BEATTY, being duly sworn according to law,
deposes and says that the facts set forth in the foregoing MOTION FOR
SPECIAL ORDER DIRECTING SERVICE BY PUBLICATION are true and
correct to the best of his knowledge, information and belief.

Paul W. Beatty
Paul W. Beatty

Sworn to and subscribed
before me this 11th day
of July, 2005.

Eleanor Haky
Notary Public



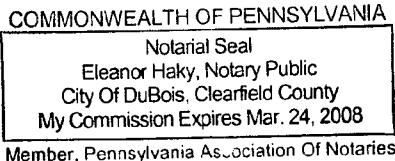
STATE OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :
:

BARBARA S. BEATTY, being duly sworn according to law,
deposes and says that the facts set forth in the foregoing MOTION FOR
SPECIAL ORDER DIRECTING SERVICE BY PUBLICATION are true and
correct to the best of her knowledge, information and belief.

Barbara S. Beatty
Barbara S. Beatty

Sworn to and subscribed
before me this 11th day
of July, 2005.

Eleanor Haky
Notary Public



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

PAUL W. BEATTY and BARBARA S. BEATTY, Plaintiffs	:	No.
vs.	:	ACTION TO QUIET TITLE
ESTHER McGEE a/k/a ESTHER E. McGEE and SOLOMON PEACE, their respective heirs, successors and assigns,	:	
Defendants	:	

NOTICE

TO: The above named Defendants, their heirs, successors and assigns, and all other person, persons, firms, partnerships or corporation entities in interest, claiming any right, title or interest in the premises described herein.

Plaintiffs have brought an action claiming that they are the fee simple owners of ALL that certain piece or parcel of real estate located in Bell Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a stone on the division line of Clearfield and Jefferson Counties; thence South 88-1/2° East 19 perches to a stone pile; thence North 23-1/2° West a distance of 28-1/2 perches to a gum tree; thence North 86-1/2° West a distance of 7 perches to a stone pile on the aforesaid county line; thence along said county line South 2-1/2° West a distance of 25 perches to a stone at the place of beginning. Containing two acres.

Reserving one-half of all minerals on and under said described land with the right of ingress and egress.

Plaintiffs are seeking an Order of Court discharging any right, title or interest that the Defendants may have to the above real estate.

You have been sued in Court. If you wish to defend against the claims set forth, you must take action within twenty (20) days 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 do not file an answer or enter an appearance, 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.

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.

Court Administrator
Clearfield County Courthouse
Second Floor
Clearfield, PA 16830
(814) 765-2641, Ext. 1300 or 1303

Robert M. Hanak
Attorney for Plaintiffs
Hanak, Guido and Taladay
498 Jeffers Street, P. O. Box 487
DuBois, PA 15801

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

PAUL W. BEATTY and BARBARA S. BEATTY, Plaintiffs	:	
vs.	:	No.
ESTHER McGEE a/k/a ESTHER E. McGEE and SOLOMON PEACE, their respective heirs, successors and assigns,	:	ACTION TO QUIET TITLE
Defendants	:	

AFFIDAVIT IN SUPPORT OF PLAINTIFFS'
MOTION FOR SPECIAL ORDER

PAUL W. BEATTY and BARBARA S. BEATTY, being duly
sworn according to law, deposes and says the following:

1. We, PAUL W. BEATTY and BARBARA S. BEATTY, are
the Plaintiffs in the above action.

2. The Defendants are ESTHER McGEE a/k/a
ESTHER E. McGee and SOLOMON PEACE, their respective heirs,
successors and assigns.

3. An investigation was conducted as to the
whereabouts of the Defendants. The efforts to locate the Defendants
included the following:

(a) A search on the internet as to the locality of
Defendants.

(b) A search of the telephone directories for
Jefferson and Clearfield County.

4. I have been unable to locate any addresses for the Defendants, and it is believed the Defendants are deceased.

5. The allegations in the foregoing Motion for Special Order are true and correct to the best of our personal knowledge, information and belief.

6. Unless the Court allows service by way of publication on the Defendants, Plaintiffs will be unable to maintain this action and injustice will result.

Paul W. Beatty

Paul W. Beatty

Barbara S. Beatty

Barbara S. Beatty

Sworn to and subscribed
before me this 11th day
of July, 2005.

Eleanor Haky
Notary Public

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Eleanor Haky, Notary Public
City Of DuBois, Clearfield County
My Commission Expires Mar. 24, 2008

Member, Pennsylvania Association Of Notaries

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

PAUL W. BEATTY and
BARBARA S. BEATTY,
Plaintiffs

vs.

ESTHER McGEE a/k/a
ESTHER E. McGEE and
SOLOMON PEACE, their
respective heirs, successors and
assigns,

Defendants

No. 05-1013-CD

ACTION TO QUIET TITLE

ORDER

AND NOW, this 12th day of July, 2005,
upon consideration of the foregoing Motion, the Plaintiffs are granted
leave to make service of the Complaint on the above named
Defendants, their heirs, successors and assigns, and all other persons,
firms, partnerships, corporate entities in interest, or their legal
representatives, by publication once in the **Courier Express**, a
newspaper published in Jefferson County, Pennsylvania, and once in
the **Clearfield County Legal Journal**.

BY THE COURT:

Paul E. Cleary

FILED

cc
JUL 12 2005
SOL 12 2005
Aly Hanak
B6
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

PAUL W. BEATTY and
BARBARA S. BEATTY,
Plaintiffs

vs.

ESTHER McGEE a/k/a
ESTHER E. McGEE and
SOLOMON PEACE, their
respective heirs, successors and
Defendants

CIVIL ACTION - AT LAW

No. 05-1013-CD

ACTION TO QUIET TITLE

Type of pleading:

**RETURN OF SERVICE AND
AFFIDAVIT OF SERVICE OF
PROCESS**

Filed on behalf of:

PLAINTIFFS

Counsel of record for this
party:

Robert M. Hanak
Supreme Court No. 05911
Hanak, Guido and Taladay
498 Jeffers St., P. O. Box 487
DuBois, PA 15801

(814) 371-7768

August 16, 2005

FILED
01/10/06
NO CC
AUG 16 2005
S

William A. Shaw
Prothonotary/Clerk of Courts

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

PAUL W. BEATTY and
BARBARA S. BEATTY,
Plaintiffs

vs.

ESTHER McGEE a/k/a
ESTHER E. McGEE and
SOLOMON PEACE, their
respective heirs, successors and
assigns,

Defendants

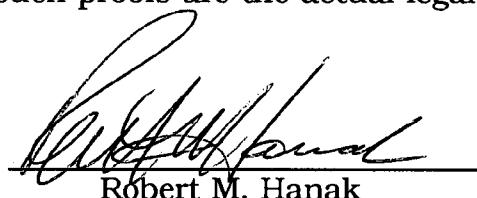
No. 05-1013 C.D.

ACTION TO QUIET TITLE

RETURN OF SERVICE AND
AFFIDAVIT OF SERVICE OF PROCESS

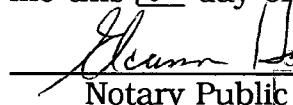
AND NOW, come the Plaintiffs and by their Attorney,
Robert M. Hanak, file this affidavit and return of service of process
pursuant to Pa. R.C.P. No. 405:

Robert M. Hanak, being duly sworn according to law,
deposes and says that pursuant to the Order of Court of July 12, 2005,
directing service of process by publication, the undersigned Attorney
has caused publication to occur in the Courier Express on July 19,
2005, and the Clearfield County Legal Journal on July 22, 2005. The
originals of the proofs of publication are attached hereto verifying the
dates of publication. Appended to such proofs are the actual legal
notices as published.



Robert M. Hanak

Sworn to and subscribed before
me this 16th day of August, 2005.



Notary Public

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal	
Eleanor Haky, Notary Public	
City Of DuBois, Clearfield County	
My Commission Expires Mar. 24, 2008	

Member, Pennsylvania Association Of Notaries

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :

:

COUNTY OF CLEARFIELD :

:

On this 22nd 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 22, 2005. Vol. 17, No. 29. 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

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

Robert M. Hanak
PO Box 487
DuBois PA 15801

Courthouse, One North Second Street,
Clearfield, PA 16830 (814) 765-2641, Ext.
1300 or 1303

Robert M. Hanak, Attorney for Plaintiffs,
Hanak, Guido & Taladay, 498 Jeffers Street,
PO Box 487, DuBois, PA 15801.

**SHERIFF'S SALE
OF VALUABLE REAL ESTATE**

BY VIRTUE OF: Execution issued out of
the Court of Common Pleas of Clearfield
County, Pennsylvania and to me directed,
there will be exposed to public sale in the
Sheriff's Office in the Court House in the
Borough of Clearfield on FRIDAY, AUGUST
5, 2005 at 10:00 A.M.

THE FOLLOWING DESCRIBED
PROPERTY TO WIT: (SEE ATTACHED
DESCRIPTION) TERMS OF SALE

The Price of sum at which the property
shall be struck off must be paid at the time
of sale or such other arrangements made as
will be approved, otherwise the property will
be immediately put up and sold again at the
expense and risk of the person to whom it
was struck off and who in case of deficiency
of such resale shall make good for the same
and in no instance will the deed be
presented for confirmation unless the money
is actually paid to the Sheriff.

TO all parties in interest and claimants:
A schedule of distribution will be filed by the
Sheriff in his office the first Monday following
the date of the sale and distribution will be
made in accordance with the schedule
unless exceptions are filed within ten (10)
days thereafter.

ALL THE RIGHT, TITLE, INTEREST
AND CLAIM OF BENJAMIN J. LOOMIS OF,
IN AND TO THE FOLLOWING DESCRIBED
PROPERTY:

ALL THE FOLLOWING DESCRIBED
REAL ESTATE SITUATED IN THE
TOWNSHIP OF SANDY, CLEARFIELD
COUNTY, PENNSYLVANIA. HAVING
ERECTED A DWELLING BEING KNOWN
AS RD 2, BOX 67, DUBOIS,
PENNSYLVANIA 15801. DOCUMENT ID
NUMBER 199919006. TAX PARCEL
NUMBER 128-E4-3.

SEIZED, taken in execution to be sold
as the property of BENJAMIN J. LOOMIS, at
the suit of WASHINGTON MUTUAL BANK.
JUDGMENT NO. 02-276-CD.

Chester A. Hawkins, Sheriff.
ADV: July 8th, 15th, 22nd, 2005.

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

No. 05-1013-CD

ACTION TO QUIET TITLE

PAUL W. BEATTY and BARBARA S. BEATTY, Plaintiffs

vs.

ESTHER McGEE a/k/a ESTHER E. McGEE and SOLOMON PEACE, their respective heirs, successors and assigns, Defendants

NOTICE

TO: The above named Defendants, their heirs, successors and assigns, and all other person, persons, firms, partnerships or corporation entities in interest, claiming any right, title or interest in the premises described herein.

Plaintiffs have brought an action claiming that they are the fee simple owners of ALL that certain piece or parcel of real estate located in Bell Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a stone on the division line of Clearfield and Jefferson Counties; thence South 88 1/2° East 19 perches to a stone pile; thence North 23 1/2° West a distance of 28 1/2 perches to a gum tree; thence North 86 1/2° West a distance of 7 perches to a stone pile on the aforesaid county line; thence along said county line South 2 1/2° West a distance of 25 perches to a stone at the place of beginning. Containing two acres.

Reserving one-half of all minerals on and under said described land with the right of ingress and egress.

~~Plaintiffs are awaiting an Order of Court discharging any right title.~~

FILED

AUG 16 2005

William A. Shaw
Prothonotary/Clerk of Courts

**PROOF OF PUBLICATION OF NOTICE APPEARING IN THE
COURIER EXPRESS/TRI-COUNTY SUNDAY/JEFFERSONIAN DEMOCRAT
PUBLISHED BY McLEAN PUBLISHING COMPANY,
DUBOIS PENNSYLVANIA**

Under act 587, Approved May 16, 1929, P.L. 1784

**STATE OF PENNSYLVANIA
COUNTY OF CLEARFIELD**

SS:

Linda Smith, Advertising Director or Dory Ferra, Classified Advertising Supervisor of the **Courier-Express/Tri-County Sunday/Jeffersonian Democrat** of the County and State aforesaid, being duly sworn, deposes and says that the **Courier Express**, a daily newspaper, the **Tri-County Sunday**, a weekly newspaper and **Jeffersonian Democrat**, a weekly newspaper published by McLean Publishing Company at 500 Jeffers Street, City of DuBois, County and State aforesaid, which was established in the year 1879, since which date said, the daily publication and the weekly publications, has been regularly issued in said County, and that a copy of the printed notice of publication is attached hereto exactly as the same was printed and published in the regular editions of the paper on the following dates, viz: the

19th day of **July** A.D., **2005**

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

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

By _____

Linda Smith

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

Robin M. Duttry

NOTARY PUBLIC



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

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

TO _____

Hanak Guido & Taladay

For publishing the notice or advertisement attached hereto on the above stated dates.....	<u>\$241.92</u>
Probating same.....	<u>\$4.25</u>
Total.....	<u>\$246.17</u>

Publisher's Receipt for Advertising Costs

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

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

Established 1879, Phone 814-371-4200

McLEAN PUBLISHING COMPANY

Publisher of

COURIER-EXPRESS/TRI-COUNTY SUNDAY/JEFFERSONIAN DEMOCRAT

By _____

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

ATTORNEY FOR

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

PAUL W. BEATTY and
BARBARA S. BEATTY,
Plaintiffs

vs.

ESTHER McGEE a/k/a
ESTHER E. McGEE and
SOLOMON PEACE, their
respective heirs, successors and
assigns,

Defendants

CIVIL ACTION - AT LAW

No. 05-1013-CD

ACTION TO QUIET TITLE

Type of pleading:

**MOTION FOR JUDGMENT
AND ORDER OF COURT**

Filed on behalf of:

PLAINTIFFS

Counsel of record for this
party:

Robert M. Hanak
Supreme Court No. 05911
Hanak, Guido and Taladay
498 Jeffers St., P. O. Box 487
DuBois, PA 15801

(814) 371-7768

August 19, 2005

FILED ^{cc Atty}
08/01/05
AUG 19 2005

William A. Shaw
Prothonotary/Clerk of Courts

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

PAUL W. BEATTY and BARBARA S. BEATTY, Plaintiffs	:	
vs.	:	No. 05-1013 C.D.
ESTHER McGEE a/k/a ESTHER E. McGEE and SOLOMON PEACE, their respective heirs, successors and assigns,	:	ACTION TO QUIET TITLE
Defendants	:	

MOTION FOR JUDGMENT AND ORDER OF COURT

AND NOW, come the Plaintiffs, PAUL W. BEATTY and
BARBARA S. BEATTY, and by their Attorney, Robert M. Hanak, motion
your Honorable Court for judgment as follows:

1. Plaintiffs have filed a Complaint for quieting title at the
above captioned number.
2. By Court Order dated July 12, 2005, your Honorable
Court ordered service of process by newspaper publication.
3. Plaintiffs have filed an affidavit indicating compliance
with the Court Order of Publication. This matter was published in the
Courier Express on July 19, 2005, and the Clearfield County Legal
Journal on July 22, 2005, and proofs of publication are now docketed
at the above number.
4. To date, there have been no entries of appearance by
any attorney on behalf of the Defendants, and there have been no

responsive pleadings, or generally any pleadings, filed to the above docket.

WHEREFORE, Plaintiffs pray your Honorable Court to enter judgment in favor of the Plaintiffs, ordering that the Plaintiffs have fee simple title in the premises, and the Defendants, their heirs, successors and assigns, be forever barred from asserting any claim, lien, title or interest in the property described as the premises herein.



Robert M. Hanak
Robert M. Hanak
Attorney for Plaintiffs

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

PAUL W. BEATTY and BARBARA S. BEATTY, Plaintiffs	:	
vs.	:	No. 05-1013 C.D.
ESTHER McGEE a/k/a ESTHER E. McGEE and SOLOMON PEACE, their respective heirs, successors and assigns,	:	ACTION TO QUIET TITLE
Defendants	:	

ORDER

AND NOW, this 19th day of August, 2005,

IT IS HEREBY ORDERED that the Defendants are forever barred from asserting any right, lien, title or interest in the property described herein, or any claim affecting right, title and interest in the subject premises that is inconsistent with the claim of the Plaintiffs set forth in the Complaint to Quiet Title. The subject premises, being ALL that certain piece or parcel of real estate located in Bell Township, Clearfield County, Pennsylvania, are bounded and described as follows:

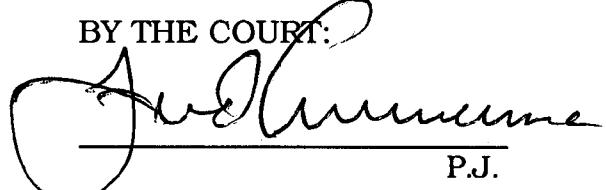
BEGINNING at a stone on the division line of Clearfield and Jefferson Counties; thence South 88-1/2° East 19 perches to a stone pile; thence North 23-1/2° West a distance of 28-1/2 perches to a gum tree; thence North 86-1/2° West a distance of 7 perches to a stone pile on the aforesaid county line; thence along said county line South 2-1/2° West a distance of 25 perches to a stone at the place of beginning. Containing two acres.

FILED ¹⁴
08/01/05
AUG 19 2005
Atty

William A. Shaw
Prothonotary/Clerk of Courts

Reserving one-half of all minerals on and under
said described land with the right of ingress
and egress.

BY THE COURT:



A handwritten signature in black ink, appearing to read "John J. Schaeffer".

P.J.