

05-1142-CD  
James J. Custred vs St. Paul's Protestant

James J. Custred, et al vs St. Paul's et al  
2005-1142-CD

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

DOCKET # 100715  
NO: 05-1142-CD  
SERVICE # 1 OF 2  
COMPLAINT ACTION TO QUIET TITLE

PLAINTIFF: JAMES J. CUSTRED and VIRGINIA A. CUSTRED

vs.

DEFENDANT: SAINT PAUL'S PROTESTANT EPISCOPAL CHURCH OF PHILIPSBURG;  
AMERICAN CANCER SOCIETY et al

**SHERIFF RETURN**

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NOW, August 12, 2005 AT 3:00 PM SERVED THE WITHIN COMPLAINT ACTION TO QUIET TITLE ON AMERICAN CANCER SOCIETY DEFENDANT AT 119 EAST MARKET ST., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO DEBRA DODSON, SPECIALIST A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT ACTION TO QUIET TITLE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HAWKINS /

FILED  
019:5281  
DEC 20 2005

William F. Snow  
Prothonotary/Clerk of Courts

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

DOCKET # 100715  
NO: 05-1142-CD  
SERVICE # 2 OF 2  
COMPLAINT ACTION TO QUIET TITLE

PLAINTIFF: JAMES J. CUSTRED and VIRGINIA A. CUSTRED

vs.

DEFENDANT: SAINT PAUL'S PROTESTANT EPISCOPAL CHURCH OF PHILIPSBURG;  
AMERICAN CANCER SOCIETY al

**SHERIFF RETURN**

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NOW, August 11, 2005 AT 11:10 AM SERVED THE WITHIN COMPLAINT ACTION TO QUIET TITLE ON MARK S. ZENDEK DEFENDANT AT 1087 WEST HANNAH ST., HOUTZDALE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO MARK S. ZENDEK, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT ACTION TO QUIET TITLE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100715  
NO: 05-1142-CD  
SERVICES 2  
COMPLAINT ACTION TO QUIET TITLE

PLAINTIFF: JAMES J. CUSTRED and VIRGINIA A. CUSTRED

vs.

DEFENDANT: SAINT PAUL'S PROTESTANT EPISCOPAL CHURCH OF PHILIPSBURG;  
AMERICAN CANCER SOCIETY et al

SHERIFF RETURN

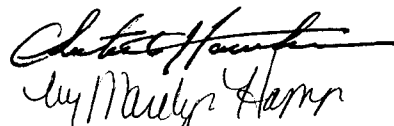
RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	LEHMAN	11982	20.00
SHERIFF HAWKINS	LEHMAN	11982	40.95

Sworn to Before Me This

\_\_\_\_\_ Day of \_\_\_\_\_ 2005

So Answers,



Chester A. Hawkins  
Sheriff

LEHMAN & KASUBICK  
611 BRISBIN STREET  
HOUTZDALE, PA 16651  
(814) 378-7840

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

JAMES J. CUSTRED and : No.: 2005- 1142 -CD  
VIRGINIA A. CUSTRED, his wife, : Type of Case:  
Plaintiffs : Quite Title Action  
vs. : Type of Pleading:  
 : Complaint  
 : Filed on behalf of:  
SAINT PAUL'S PROTESTANT : Plaintiffs  
EPISCOPAL CHURCH OF : Counsel Of Record For  
PHILIPSBURG; : This Party:  
 : Girard Kasubick, Esq.  
AMERICAN CANCER SOCIETY; : Supreme Court #30109  
 : 611 Brisbin Street  
HEART ASSOCIATION; : Houtzdale, PA 16651  
 :  
ARTHRTIS FOUNDATION; :  
 :  
SOCIETY FOR PREVENTION :  
OF CRUELTY TO ANIMALS; :  
 :  
MARK S. ZENDEK, SR.; :  
 :  
MICHL ARMSTRONG :  
a/k/a MICHAEL ARMSTRONG; :  
 :  
PAT COONEY :  
a/k/a PATRICK COONEY; :  
 :  
A. H. BURKET; :  
 :  
GEORGE L. FRAZIER; :  
 :  
FRANK MARINO; :  
 :  
MARGARET MARINO; :  
 :  
G. EDWARD HAUPT and :  
LIDAH M. HAUPT, his wife; :  
 :  
CLARENCE McCLELLEN; :  
 :  
CLARENCE BEN HAUPT; :  
 :  
F. D. WINNER :  
a/k/a FORNEY D. WINNER; :  
 :  
MARY E. WINNER; :

FILED 4cc Aug  
01:10:39 PM 2cc SHK  
AUG 05 2005  
Atty. ed.  
William A. Shaw  
Prothonotary/Clerk of Courts 95.00

MICHAEL RAFFERTY :  
a/k/a MICHAL RAFFERTY; :  
 :  
C. D. LORAINÉ :  
a/k/a CHARLES D. LORAINÉ and :  
KATE C. LORAINÉ, his wife; :  
 :  
CATHERINE LORAINÉ; :  
 :  
JOSEPH EDWARDS :  
a/k/a JOSEPH EDWARDS, SR.; :  
 :  
JAMES B. BEATTY; :  
 :  
MIMA F. GAREIS; :  
 :  
IRENE R. BEATTY; :  
 :  
EARL F. BEATTY; :  
 :  
ANNA BEATTY; :  
 :  
VICTORIA VIPOND; :  
 :  
THOMAS Q. BEATTY; :  
 :  
TERRANCE BEATTY; :  
 :  
GLENN ROBERTS; :  
 :  
JOHN TATTERS, SR.; :  
 :  
JOHN TATTERS, JR. and :  
FLORENCE TATTERS, his wife; :  
 :  
RICHARD PIKE and :  
MARY PIKE, his wife; :  
 :  
and RICHARD PIPE; :  
 :  
and their heirs, executors, :  
administrators, successors, :  
trustees and assigns, known :  
or unknown and any other :  
person who may claim title :  
in the property subject to :  
this action, :  
Defendants :

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

JAMES J. CUSTRED and : No.: 2005- -CD  
VIRGINIA A. CUSTRED, his wife, :  
Plaintiffs :  
vs. : QUIET TITLE ACTION  
SAINT PAUL'S PROTESTANT :  
EPISCOPAL CHURCH OF :  
PHILIPSBURG; AMERICAN CANCER :  
SOCIETY; HEART ASSOCIATION; :  
ARTHRITIS FOUNDATION; SOCIETY :  
FOR PREVENTION OF CRUELTY TO :  
ANIMALS; MARK S. ZENDEK, SR.; :  
MICHL ARMSTRONG a/k/a MICHAEL :  
ARMSTRONG; PAT COONEY a/k/a :  
PATRICK COONEY; A. H. BURKET; :  
GEORGE L. FRAZIER; FRANK :  
MARINO; MARGARET MARINO; :  
G. EDWARD HAUPT and LIDAH M. :  
HAUPT, his wife; CLARENCE :  
McCLELLEN; CLARENCE BEN HAUPT; :  
F. D. WINNER a/k/a FORNEY D. :  
WINNER; MARY E. WINNER; :  
MICHAEL RAFFERTY a/k/a MICHAL :  
RAFFERTY; C. D. LORAINÉ a/k/a :  
CHARLES D. LORAINÉ and KATE C. :  
LORAINÉ, his wife; CATHERINE :  
LORAINÉ; JOSEPH EDWARDS a/k/a :  
JOSEPH EDWARDS, SR.; JAMES :  
BEATTY; MIMA F. GAREIS; IRENE :  
R. BEATTY; EARL F. BEATTY; :  
ANNA BEATTY; VICTORIA VIPOND; :  
THOMAS Q. BEATTY; TERRANCE :  
BEATTY; GLENN ROBERTS; JOHN :  
TATTERS, SR.; JOHN :  
TATTERS, JR. and FLORENCE :  
TATTERS, his wife; RICHARD :  
PIKE and MARY PIKE, his wife; :  
and RICHARD PIPE; and their :  
heirs, executors, :  
administrators, successors, :  
trustees and assigns, known :  
or unknown and any other :  
person who may claim title in :  
the property subject to this :  
action, :  
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 Plaintiffs. You may lose money or property or other rights important to you.

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

David S. Meholick  
Court Administrator's Office  
Clearfield County Courthouse  
One North Second Street  
Clearfield, PA 16830  
(814) 765-2641, Ext. 5982

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

JAMES J. CUSTRED and : No.: 2005- -CD  
VIRGINIA A. CUSTRED, his wife, :  
Plaintiffs :  
vs. : QUIET TITLE ACTION  
SAINT PAUL'S PROTESTANT :  
EPISCOPAL CHURCH OF :  
PHILIPSBURG; AMERICAN CANCER :  
SOCIETY; HEART ASSOCIATION; :  
ARTHRITIS FOUNDATION; SOCIETY :  
FOR PREVENTION OF CRUELTY TO :  
ANIMALS; MARK S. ZENDEK, SR.; :  
MICHL ARMSTRONG a/k/a MICHAEL :  
ARMSTRONG; PAT COONEY a/k/a :  
PATRICK COONEY; A. H. BURKET; :  
GEORGE L. FRAZIER; FRANK :  
MARINO; MARGARET MARINO; :  
G. EDWARD HAUPT and LIDAH M. :  
HAUPT, his wife; CLARENCE :  
McCLELLEN; CLARENCE BEN HAUPT; :  
F. D. WINNER a/k/a FORNEY D. :  
WINNER; MARY E. WINNER; :  
MICHAEL RAFFERTY a/k/a MICHAL :  
RAFFERTY; C. D. LORAINÉ a/k/a :  
CHARLES D. LORAINÉ and KATE C. :  
LORAINÉ, his wife; CATHERINE :  
LORAINÉ; JOSEPH EDWARDS a/k/a :  
JOSEPH EDWARDS, SR.; JAMES :  
BEATTY; MIMA F. GAREIS; IRENE :  
R. BEATTY; EARL F. BEATTY; :  
ANNA BEATTY; VICTORIA VIPOND; :  
THOMAS Q. BEATTY; TERRANCE :  
BEATTY; GLENN ROBERTS; JOHN :  
TATTERS, SR.; JOHN :  
TATTERS, JR. and FLORENCE :  
TATTERS, his wife; RICHARD :  
PIKE and MARY PIKE, his wife; :  
and RICHARD PIPE; and their :  
heirs, executors, :  
administrators, successors, :  
trustees and assigns, known :  
or unknown and any other :  
person who may claim title in :  
the property subject to this :  
action, :  
Defendants :

### COMPLAINT

AND NOW comes JAMES J. CUSTRED and VIRGINIA A. CUSTRED, his wife, by and through their attorney, Girard Kasubick, Esq., and files the following Complaint:

1. The Plaintiffs are James J. Custred and Virginia A. Custred, who resides at 138 Little Spike Road, Osceola Mills, Pennsylvania 16666.

2. The Defendant, Saint Paul's Protestant Episcopal Church of Philipsburg, is located at P.O. Box 170, 318 Presqueisle Street, Philipsburg, PA 16866.

3. The Defendant, American Cancer Society, is a non-profit organization with an office at 119 East Market Street, Clearfield, PA 16830.

4. The Defendant, Heart Association, is a non-profit organization with an office at 501 Howard Avenue, Building D, Suite 101, Altoona, PA 16601.

5. The Defendant, Arthritis Foundation, is a non-profit organization with an office at 3544 North Progress Avenue, Suite 204, Harrisburg, PA 17110.

6. The Defendant, Society for Prevention of Cruelty to Animals, is a non-profit organization with an office at 541 Graham Station Road, Philipsburg, PA 16866.

7. The Defendant, Mark S. Zendek, Sr., resides at 1087 West Hannah Street, Houtzdale, PA 16651.

8. The Defendants, Michl Armstrong a/k/a Michael Armstrong; Pat Cooney a/k/a Patrick Cooney; A. H. Burket; George L. Frazier; Frank Marino; Margaret Marino; G. Edward Haupt and Lidah M. Haupt, his wife; Clarence McClellen; Clarence Ben Haupt; F. D. Winner a/k/a Forney D. Winner; Mary E. Winner; Michael Rafferty a/k/a Michal Rafferty; C. D. Loraine a/k/a Charles D. Loraine and Kate C. Loraine, his wife; Catherine Loraine; Joseph Edwards a/k/a Joseph Edwards, Sr.; James B. Beatty; Mima F. Gareis; Irene R. Beatty; Earl F. Beatty; Anna Beatty; Victoria Vipond; Thomas Q. Beatty; Terrance Beatty; Glenn Roberts; John Tatters, Sr.; John Tatters, Jr. and Florence Tatters, his wife; Richard Pike and Mary Pike, his wife; and Richard Pipe; and their heirs, executors, administrators, successors, trustees and assigns, known or unknown, and any other person who may claim title under them, and who are deceased or their whereabouts are unknown.

9. The real properties involved in and subject to this action are those six (6) certain pieces or parcels of land situated in Woodward Township, Clearfield County, Pennsylvania, bounded and described as follows:

**THE FIRST THEREOF:**

BEGINNING at the Southeast corner of two streets and running East along with street one hundred and fifty (150) feet to a post; thence in a southerly direction one

hundred and fifty (150) feet to a post; thence in a westerly direction one hundred and fifty (150) feet to a post on a street; thence along said street one hundred and fifty (150) feet to a post on the corner of two streets the place of beginning. And known and designated as the Northwestern corner of out lot No. 80 in the plan of lots laid out in the Israel Wheelin tract.

**THE SECOND THEREOF:**

Ground situate on the Israel Wheelin tract in Woodward Township, Clearfield County, and State of Pennsylvania bounded and described as follows, viz, on the North by a street on the East by Lot of John Taters, Lot 81, On the South by Lot of John Henshaw, No. 91 and on the west by Lot of Thomas Elliot and Michl Armstrong and being the eastern part of out Lot No. 80 and being one hundred and fifty (150) feet from East to West and three hundred feet (300) from North to South and containing one acre more or less. It being the Eastern half or part of same Lot.

**THE THIRD THEREOF:**

FRONTING fifty feet on a street and running back along land of Michl Armstrong One hundred (100) feet in an Easterly direction to a post bounded on the North by land of Michl Armstrong on the East by part of Lot No. 80; on the South by part of Lot No. 80 and on the West by a street and being known and designated as the Northwestern

part of lot known as out lot No. 80 in general plan of Lots laid out on Israel Wheelin tract.

**THE FOURTH THEREOF:**

PART of lot known and numbered on the plan of lots as laid out on Israel Wheelin Tract in Woodward Township, County of Clearfield, and State of Pennsylvania as out lot No. 81 and bounded as follows: On the North by a street on the East by land of John Tatters on the South by land of the said John Tatters and on the West by lot No. 80, and being fifty feet from East to West and one hundred and fifty feet from North to South.

**THE FIFTH THEREOF:**

BEGINNING at a post in the North line of Out Lot No. 81 in Loraine's Plat; thence running in an Easterly direction along the line of said Out Lot 50 feet to a post; thence running in a southerly direction in a line parallel with line of Out Lot No. 81, one hundred and fifty feet to post; thence running in a Westerly direction in a line parallel with the North line of Out Lot No. 81, 50 feet to a post; thence running in a Northerly direction in a line parallel with the West line of Out Lot No. 81, one hundred and fifty feet to a post the place of beginning and being a portion of Out Lot No. 81 as laid out on Plat of the Loraine tract.

**THE SIXTH THEREOF:**

BEGINNING at a post on the Northeast corner of out

80; thence running in an Easterly direction 50 feet to a post; thence running in a Southerly direction 150 feet to a post; thence running in an Eastwardly direction 50 feet to a post; thence running in a Northerly direction 150 feet to a post; thence running in an Easterly direction 200 feet to a post on corner of Out Lot No. 82; thence running in a Southerly direction along the line of said Lot three hundred feet to a post; thence running in a Westerly direction three hundred feet to a post; thence running in a Northerly direction three hundred feet to a post the place of beginning and being known as part of Out Lot No. 81 in the general plan of the Out Lots as plotted by the Loraine Est.

The above described property herein after collectively referred to as "Premises" with First Thereof, Second Thereof and Third Thereof being a part of Lot 80 and the Fourth Thereof, Fifth Thereof and Sixth Thereof being all of Lot 81 in the plan of lots of Loraine of the Israel Whellin tract or warrant. The Sixth Thereof description also includes the Fourth Thereof description.

10. The Premises described in paragraph 9 is currently assessed as unknown or not assessed by the Clearfield County Assessment office.

11. The chain of title to the real property described in paragraph 9 of this Complaint is as follows:

**A. As to the First Thereof Parcel.**

a). The First Thereof was conveyed to Michl Armstrong by deed from Thomas and Hannah Elliott, his wife, dated November 20, 1982 and recorded in Clearfield County Deed Book 23, Page 185. It is averred Michl Armstrong is also known as Michael Armstrong.

b). The Assessment Records of Woodward Township shows Michael Armstrong first assessed with real property in 1884 as a H & 1/2 acre.

c). The Assessment Records of Woodward Township in 1889 shows the H & 1/2 acre assessed to Michael Armstrong is changed to H & Lot.

d). The Assessment Records of Woodward Township shows that the H & Lot assessed to Michael Armstrong is transferred to Pat Cooney a/k/a Patrick Cooney in 1891.

e). After diligent search of the records of the Clearfield County Recorder of Deeds office no deed was recorded on the transfer of The First Thereof property from Michael Armstrong a/k/a Michl Armstrong to Pat Cooney a/k/a Patrick Cooney.

f). After diligent search of the records of the Clearfield County Register of Wills office, no estate could be found on Michael Armstrong a/k/a Michl Armstrong.

g). The Assessment Records of Woodward Township shows Patrick Cooney assessed with H & L then L only with house removed from 1891 until 1917 when it shows this L is sold to the County for non-payment of taxes.

h). In Lands Sold to County Book 2, Page 70 it shows that the L of Patrick Cooney in Woodward Township was sold on June 27, 1919 by the County for unpaid taxes to A. H. Burket.

i). After diligent search of the records of the Clearfield County Recorder of Deeds office no deed was recorded on the tax sale transfer of the lot in the name of Patrick Cooney to A. H. Burket.

j). After diligent search of the records of the Clearfield County Register of Wills office no estate could be found on Pat Cooney or Patrick Cooney.

k). The Assessment Records of Woodward Township shows the lot assessed to A. H. Burket from 1920 until 1927 when the lot is stated as sold to the County for unpaid taxes. A. H. Burket was assessed with other parcels at this time.

l). In Lands Sold to County Book 3 Page 59 it shows that the L of A. H. Burket in Woodward Township was sold on June 11, 1929 by the County for unpaid taxes to George L. Frazier.

m). After diligent search of the records of the Clearfield County Recorder of Deeds office no deed

was recorded on the tax sale transfer of the lot in the name of A. H. Burket to George L. Frazier.

n). After diligent search of the records of the Clearfield County Register of Wills office no estate could be found on A. H. Burket.

o). The Assessment Records of Woodward Township shows the lot assessed to George L. Frazier from 1930 to 1936 when the lot is stated as sold to the County. George L. Frazier was assessed with other parcels at this time.

p). In Lands Sold to County Book 6, Page 99 it shows that the L with other parcels of George L. Frazier in Woodward Township was sold on January 28, 1942 by the County for unpaid taxes to Frank Marino

q). After diligent search of the records of the Clearfield County Recorder of Deeds office no deed was recorded on the tax sale transfer of the lot in the name of George L. Frazier to Frank Marino.

r). After diligent search of the records of the Clearfield County Register of Wills office no estate could be found on George L. Frazier.

s). The Assessment Records of Woodward Township shows the L assessed to Frank Marino from 1942 to 1945 when the lot is stated as sold to the County along with the other parcels.

t). In Lands Sold to County Book 10, Page 163 it shows the L with other parcels of Frank Marino in Woodward Township was sold on March 19, 1947 by the County for unpaid taxes to G. Edward Haupt.

u). After diligent search of the records of the Clearfield County Recorder of Deeds office no deed was recorded on the tax sale transfer of the lot in the name of Frank Marino to G. Edward Haupt.

v). There were two estates found in Clearfield County on Frank J. Marino who died January 26, 1965 in Estate File No. 26207 and 87-306 and on Frank A. Marino who died July 26, 1984 in Estate File No. 84-322 but these estates do not show who his heirs were or if they are the same Frank Marino who was assessed with The First Thereof parcel except that Margaret M. Marino is listed as the wife of Frank A. Marino.

w). The Assessment Records of Woodward Township shows the lot assessed to G. Edward Haupt from 1948 until 1951 when the Lot was sold to the County along with the other parcels.

x). In Lands Sold to County Book 12, Page 95 and 96 it shows the Lot of G. Edward Haupt in Woodward Township was sold on August 13, 1957 by the County for unpaid taxes to F. D. and Mary E. Winner.

y). After diligent search of the records of the Clearfield County Recorder of Deeds office no deed

was recorded on the tax sale transfer of the lot in the name of G. Edward Haupt to F. D. and Mary F. Winner.

z). There is an estate for G. Edward Haupt who died April 24, 1953 in Clearfield County Estate File No. 76-439 with records exemplified from Centre County appointing George McClellen, Lidah M. Haupt and Clarence Ben Haupt executors and trustees, but no records can be found on the actions of the trust. Lidah M. Haupt is shown to be the wife of G. Edward Haupt.

aa). The Assessment Records of Woodward Township shows the L assessed to F. D. Winner and Mary E. Winner from 1958 until 1966 along with other parcels. From 1966 and thereafter they were not assessed with the Lot or any parcels in Woodward Township.

bb). In Lands Sold to County Book 14, Page 56 it shows the lot was sold to the County on August 1, 1966 but the County has never sold the lot to anyone.

cc). From other documents of record it is shown that F. D. Winner was also known as Forney D. Winner.

dd). After diligent search of the records of the Clearfield County Register of Wills office no estate could be found on F. D. Winner a/k/a Forney D. Winner or Mary E. Winner.

**B. As to The Second Thereof parcel.**

a). The Second Thereof parcel was conveyed

to Michal Rafferty by deed from Thomas Elliott and Hannah Elliot, his wife, dated November 20, 1882 and recorded in Clearfield County Deed Book 23, Page 368. It is averred Michal Rafferty is also known as Michael Rafferty.

b). The Assessment Records of Woodward Township shows Michael Rafferty first became assessed with real property in 1882 as a H & 1 acre, which became assessed as a H & L in 1883 and the house was removed in 1896 to make the assessment 1 Lot.

c). The Assessment Records of Woodward Township shows Michael Rafferty assessed with 1 Lot until 1901 when the records state the 1L was transferred to C. D. Loraine.

d). After diligent search of the records of the Clearfield County Recorder of Deeds office no deed was recorded on the transfer of the lot in the name of Michael Rafferty a/k/a Michal Rafferty to C. D. Loraine.

e). After diligent search of the records of the Clearfield County Register of Wills office no estate could be found on Michal Rafferty a/k/a Michael Rafferty.

f). The Assessment Records of Woodward Township shows in 1901 C. D. Loraine becomes assessed with 1 acre from Rafferty and the lot is again changed back to an acre.

g). The Assessment Records of Woodward Township shows C. D. Loraine assessed with the 1 acre in 1901 but again it is changed back to 1 Lot in 1902 and he is assessed with the lot until 1910, but after that nothing is shown on C. D. Loraine nor do the assessment records show what happened to the lot from Rafferty.

h). After diligent search of the records of the Clearfield County Recorder of Deeds office no deed could be found out of C. D. Loraine a/k/a Charles D. Loraine for the property described in Deed Book 23, Page 368 noted in subparagraph B. a). above.

i). There is an estate for Charles D. Loraine a/k/a C. D. Loraine found in Clearfield County Estate File No. 19948 showing he died January 30, 1933 and by his Will in Will Book W, Page 495 he devised and bequeathed everything to his wife, Kate C. Loraine, for life and the remainder to daughter, Catherine Loraine. Charles D. Loraine a/k/a C. D. Loraine's original estate is filed in Centre County Register of Wills office to File No. 12353.

j). Kate C. Loraine died April 4, 1952 as shown in Centre County Register of Wills office in Estate File No. 16060, and by her Will in Will Book N, Page 81 she devised and bequeathed all her estate to her daughter, Catherine Loraine.

k). Catherine Loraine died July 16, 1979 as shown in Centre County Register of Wills office in Estate File No. 14-79-254 and by her Will in Will Book Y, Page 1061 she devised and bequeathed her residue as follows:

- i). 1/5<sup>th</sup> to Saint Paul's Protestant Episcopal Church of Philipsburg
- ii). 1/5<sup>th</sup> to American Cancer Society
- iii). 1/5<sup>th</sup> to Heart Association
- iv). 1/5<sup>th</sup> to Arthritis Foundation
- v). 1/5<sup>th</sup> to Society for Prevention of Cruelty to Animals.

1). After diligent search of the records of the Clearfield County Recorder of deeds office, no other deeds are found on The Second Thereof parcel out of C.D. Loraine a/k/a Charles D. Loraine, Kate C. Loraine, Catherine Loraine, Saint Paul's Protestant Episcopal Church of Philipsburg, American Cancer Society, Heart Association, Arthritis Foundation or the Society for Prevention of Cruelty to Animals.

**C. As to The Third Thereof parcel.**

a). The Third Thereof parcel was conveyed to C. D. Loraine by deed from Simeon Jackson and Harriet Jackson, his wife, dated June 29, 1901 and recorded in Clearfield County Deed Book 118, Page 136. It is averred that C. D. Loraine is also known as Charles D. Loraine.

b). The Assessment Records of Woodward Township shows Charles D. Loraine being assessed with various tracts of land commencing in 1901, but none of the assessments indicate they are the property from Jackson in Deed Book 118, Page 136.

c). The Assessment Records of Woodward Township shows Charles D. Loraine assessed with various tracts of land until 1910, but after that nothing is shown of C. D. Loraine or Charles D. Loraine nor do the assessment records show what happened to the properties of Charles D. Loraine.

d). There is an estate for Charles D. Loraine a/k/a C. D. Loraine found in Clearfield County Estate File No. 19948 showing he died January 30, 1933 and by his Will in Will Book W, Page 495 he devised and bequeathed everything to his wife, Kate C. Loraine, for life and the remainder to daughter, Catherine Loraine. Charles D. Loraine a/k/a C. D. Loraine original estate is filed in Centre County Register of Wills office to File No. 12353.

e). Kate C. Loraine died April 4, 1952 as shown in Centre County Register of Wills office in Estate File No. 16060, and by her Will in Will Book N, Page 81 she devised and bequeathed all her estate to her daughter, Catherine Loraine.

f). Catherine Loraine died July 16, 1979 as shown in Centre County Register of Wills office in Estate File No. 14-79-254 and by her Will in Will Book Y, Page 1061 she devised and bequeathed her residue as follows:

- i). 1/5<sup>th</sup> to Saint Paul's Protestant Episcopal Church of Philipsburg
- ii). 1/5<sup>th</sup> to American Cancer Society
- iii). 1/5<sup>th</sup> to Heart Association
- iv). 1/5<sup>th</sup> to Arthritis Foundation
- v). 1/5<sup>th</sup> to Society for Prevention of Cruelty to Animals.

g). After diligent search of the records of the Clearfield County Recorder of deeds office, no other deeds are found on The Third Thereof parcel out of C.D. Loraine a/k/a Charles D. Loraine, Kate C. Loraine, Catherine Loraine, Saint Paul's Protestant Episcopal Church of Philipsburg, American Cancer Society, Heart Association, Arthritis Foundation or the Society for Prevention of Cruelty to Animals.

**D. As to The Fourth Thereof parcel.**

a). The Fourth Thereof parcel was conveyed to Joseph Edwards, Sr. by deed from Richard F. Nichols and Mary Ann Nichols, his wife, dated April 10, 1890 and recorded in Clearfield County Deed Book 57, Page 86.

b). The Assessment Records of Woodward Township shows Joseph Edwards, Sr. being assessed with

house and Lot from Richard F. Nichols in 1891. Joseph Edwards, Sr. was assessed with other lots also.

c). Joseph Edwards, Sr. or Joseph Edwards, Sr. Estate is assessed with this House and Lot until 1925 when it states the house is town down and the assessment is a Lot only and the Lot is assessed until 1936 when the assessment records state it was sold to the County.

d). In Lands Sold to County Book 6, Page 99 three (3) individual Lots assessed to Joseph Edwards, Sr. are combined into a 3 Lot assessment, one of which is The Fourth Thereof parcel. This Lands Sold to County Book shows the 3 Lots of Joseph Edwards, Sr. in Woodward Township was sold on January 24, 1942 by the County for unpaid taxes to James B. Beatty.

e). After diligent search of the records of the Clearfield County Recorder of Deeds office no deed was recorded on the tax sale transfer of the lot in the name of Joseph Edwards a/k/a Joseph Edwards, Sr. to James B. Beatty.

f). After diligent search of the records of the Clearfield County Register of Wills office no estate could be found on Joseph Edwards a/k/a Joseph Edwards, Sr.

g). The Assessment Records of Woodward Township shows James B. Beatty assessed with the 3 Lots of Joseph Edwards from 1942 until 1951, one of which is The

Fourth Thereof herein and in 1951 the 3 Lots were sold to the County.

h). In Lands Sold to County Book 12, Page 93 it shows the 3 Lots of James B. Beatty were redeemed by James B. Beatty on May 6, 1952.

i). The Assessment Records of Woodward Township shows the 3 Lots again assessed to James B. Beatty from 1953 until 1955 when it is again sold to the County in 1955.

j). In Lands Sold to County Book 13, Page 77 it shows the 3 Lots of James B. Beatty in Woodward Township was sold on July 28, 1958 to Glenn Roberts at a private tax sale to File No. 476 May term 1958 in the Prothonotary's office.

k). The 3 Lots of James B. Beatty was conveyed by the Clearfield County Commissioners under the said private tax sale to Glenn Roberts and Frances Roberts, his wife, by deed dated July 29, 1958 and recorded in Clearfield County Deed Book 474, Page 341.

l). There is an estate of record for James B. Beatty in Clearfield County Register of Wills office to Estate File No. 19643 which shows he died December 17, 1946 intestate and his heirs, were his seven (7) children, namely; Mima F. Gareis; Irene R. Beatty; Earl F. Beatty; Anna Beatty; Victoria Vipond; Thomas Q. Beatty; and Terrance Beatty. There is no mention of The Fourth

Thereof parcel in this estate nor do Plaintiff's know of whereabouts of the heirs of James B. Beatty or they may be deceased.

m). By deed dated August 19, 1982, Frances Roberts, widow, conveyed the 3 Lots in subparagraph 11 D. k). above to Mark S. Zendek and Darlene K. Zendek, his wife, said deed is recorded in Clearfield County Deeds and Records Book 852, Page 104.

n). In Deeds and Records Book 852, Page 104 it states Glenn Roberts died, but no date is given and after diligent search of the Clearfield County Register of Wills office, no estate could be found on the Glenn Roberts.

o). By deed dated April 6, 1998, Darlene K. Zendek, now single after a divorce, conveyed her interest in the 3 Lots, one of which is The Fourth Thereof parcel to Mark S. Zendek, Sr. a/k/a Mark S. Zendek. Said deed is recorded in Deeds and Records Book 1926, Page 143.

**E. As to The Fifth Thereof parcel.**

a). The Fifth Thereof parcel was conveyed to Charles D. Loraine, by deed from Florence Tatters and John Tatters, her husband, dated June 20, 1900 and recorded in Clearfield County Deed Book 111, Page 286.

b). The Assessment Records of Woodward Township shows John Tatters, Jr. assessed with a H & L from 1888 until 1901 when it is removed from the record

but does not say where it is transferred to. It is averred that John Tatters, Jr. was also known as John Tatters, wife of Florence Tatters.

c). The Assessment Records for Woodward Township does not show Charles D. Loraine or C. D. Loraine ever being assessed with a H & L from John Tatters or John Tatters, Jr.

d). After diligent search of the records of the Clearfield County Recorder of Deeds office no deed was recorded showing a conveyance out by Charles D. Loraine a/k/a C. D. Loraine of The Fifth Thereof parcel conveyed in Deed Book 111, Page 286.

e). There is an estate for Charles D. Loraine a/k/a C. D. Loraine found in Clearfield County Estate File No. 19948 showing he died January 30, 1933 and by his Will in Will Book W, Page 495 he devised and bequeathed everything to his wife, Kate C. Loraine, for life and the remainder to daughter, Catherine Loraine. Charles D. Loraine a/k/a C. D. Loraine original estate is filed in Centre County Register of Wills office to File No. 12353.

f). Kate C. Loraine died April 4, 1952 as shown in Centre County Register of Wills office in Estate File No. 16060, and by her Will in Will Book N, Page 81 she devised and bequeathed all her estate to her daughter, Catherine Loraine.

g). Catherine Loraine died July 16, 1979 as shown in Centre County Register of Wills office in Estate File No. 14-79-254 and by her Will in Will Book Y, Page 1061 she devised and bequeathed her residue as follows:

- i). 1/5<sup>th</sup> to Saint Paul's Protestant Episcopal Church of Philipsburg
- ii). 1/5<sup>th</sup> to American Cancer Society
- iii). 1/5<sup>th</sup> to Heart Association
- iv). 1/5<sup>th</sup> to Arthritis Foundation
- v). 1/5<sup>th</sup> to Society for Prevention of Cruelty to Animals.

h). After diligent search of the records of the Clearfield County Recorder of deeds office, no other deeds are found on The Fifth Thereof parcel out of C.D. Loraine a/k/a Charles D. Loraine, Kate C. Loraine, Catherine Loraine, Saint Paul's Protestant Episcopal Church of Philipsburg, American Cancer Society, Heart Association, Arthritis Foundation or the Society for Prevention of Cruelty to Animals.

**F. As to The Sixth Thereof parcel.**

a). The Sixth Thereof parcel was conveyed to Charles D. Loraine by deed from Mary Pike and Richard Pike, her husband, dated June 21, 1900 and recorded in Clearfield County Deed Book 111, Page 283.

b). The Assessment Records of Woodward Township shows Richard Pike assessed with a H & 1 ½ acres

from 1894 until 1902 which he obtained from John Tatters, Sr. and then with just 1 ½ acres and the house removed from 1903 until 1909; however, his name also changes to Richard Pipe. It is averred Richard Pike is also known as Richard Pipe and that he was the husband of Mary Pike.

c). A deed which includes The Fifth Thereof parcel was conveyed to John Tatters by L. Loraine and Fannie Loraine by J. Oscar Loraine and dated December 22, 1881 and recorded in Clearfield County Deed Book 23, Page 3.

d). After diligent search of the records of the Clearfield County Recorder of Deeds office no deeds were recorded from John Tatters a/k/a John Tatters, Sr. to Richard Pike or Mary Pike.

e). The Assessment Records of Woodward Township for 1909 shows that the 1 ½ acres of Richard Pipe is transferred to Charles Loraine and in 1909 Charles Loraine is assessed with 1 ½ acres from Pipe. It is averred that this is the change of assessment for the deed recorded in Deed Book 111, Page 283 above in subparagraph 11. F. a). above.

f). The Assessment Records for Woodward Township shows Charles D. Loraine assessed with the 1 ½ acres until 1910, but after that nothing is shown on C. D. Loraine or Charles D. Loraine nor do Assessment Records show what happened to it.

g). After diligent search of the records of the Register of Wills office of Clearfield County no estates could be found on John Tatters, Sr., John Tatters, Jr., Florence Tatters, Richard Pike or Mary Pike, his wife, or Richard Pipe.

h). After diligent search of the records of the Clearfield County Recorder of Deeds office no deed was recorded showing a conveyance out by Charles D. Loraine a/k/a C. D. Loraine of The Sixth Thereof parcel conveyed in Deed Book 111, Page 283.

i). There is an estate for Charles D. Loraine a/k/a C. D. Loraine found in Clearfield County Estate File No. 19948 showing he died January 30, 1933 and by his Will in Will Book W, Page 495 he devised and bequeathed everything to his wife, Kate C. Loraine, for life and the remainder to daughter, Catherine Loraine. Charles D. Loraine a/k/a C. D. Loraine original estate is filed in Centre County Register of Wills office to File No. 12353.

j). Kate C. Loraine died April 4, 1952 as shown in Centre County Register of Wills office in Estate File No. 16060, and by her Will in Will Book N, Page 81 she devised and bequeathed all her estate to her daughter, Catherine Loraine.

k). Catherine Loraine died July 16, 1979 as shown in Centre County Register of Wills office in

Estate File No. 14-79-254 and by her Will in Will Book Y, Page 1061 she devised and bequeathed her residue as follows:

- i). 1/5<sup>th</sup> to Saint Paul's Protestant Episcopal Church of Philipsburg
- ii). 1/5<sup>th</sup> to American Cancer Society
- iii). 1/5<sup>th</sup> to Heart Association
- iv). 1/5<sup>th</sup> to Arthritis Foundation
- v). 1/5<sup>th</sup> to Society for Prevention of Cruelty to Animals.

1). After diligent search of the records of the Clearfield County Recorder of deeds office, no other deeds are found on The Sixth Thereof parcel out of C.D. Loraine a/k/a Charles D. Loraine, Kate C. Loraine, Catherine Loraine, Saint Paul's Protestant Episcopal Church of Philipsburg, American Cancer Society, Heart Association, Arthritis Foundation or the Society for Prevention of Cruelty to Animals.

12. The Plaintiffs are the owners of an adjacent tract of land in Woodward Township, Clearfield County, Pennsylvania to the Premises subject of this action. The tract owned by the Plaintiffs is known by Clearfield County Tax Map No. 130-M14-408-27 and was conveyed to Plaintiffs by deed dated July 11, 1977 and recorded in Clearfield County Deed Book 742, Page 165.

13. The Plaintiffs have been in open continuous, notorious, actual, exclusive, visible, distinct, and

hostile possession of the Premises described in Paragraph 9 of this Complaint in excess of twenty-one (21) years immediately preceding the filing of this action, and thereby claim title by adverse possession.

14. The Acts of Adverse Possession of the Plaintiffs to and on the Premises subject of this action are as follows:

a). Removing trees and brush and shrub from the Premises and clearing fallen trees and brush.

b). The Plaintiffs have leveled with a bulldozer the spoil piles on parts of the Premises.

c). Filled in cave holes from mining operations.

d). Camped on the Premises and cut firewood.

e). Removed rocks and tried to keep area cleaned.

15. This Quiet Title Action is also necessary to establish a proper chain of title out of which the Premises subject of this action comes, because of irregularities in the chain of title including unrecorded deeds and tax sale deeds, variances in the descriptions in the chain of title, failure to file estates for deceased parties establishing a proper chain of title, tax sales of record, deeds recorded wherein it is unclear and not properly identifying what property may be transferred, all of which raises a question as to the chain of title to the

Premises subject of this action and creates a cloud on title. The Quiet Title Action is also necessary to establish the Adverse Possession claim of Plaintiffs to the Premises which has the irregular title for the reasons shown above.

16. It is finally averred that this Quiet Title Action is necessary to determine the validity or discharge of any document, obligation, assessment or deed affecting any right, title and interest in the property subject of this action, which may affect the rights of the Defendants.

17. The following named Defendants to this action are deceased or their whereabouts are unknown and Plaintiffs have made a diligent and reasonable search to locate the whereabouts of the Defendants, Michl Armstrong a/k/a Michael Armstrong; Pat Cooney a/k/a Patrick Cooney; A. H. Burket; George L. Frazier; Frank Marino; Margaret Marino; G. Edward Haupt and Lidah M. Haupt, his wife; Clarence McClellen; Clarence Ben Haupt; F. D. Winner a/k/a Forney D. Winner; Mary E. Winner; Michael Rafferty a/k/a Michal Rafferty; C. D. Loraine a/k/a Charles D. Loraine and Kate C. Loraine, his wife; Catherine Loraine; Joseph Edwards a/k/a Joseph Edwards, Sr.; James B. Beatty; Mima F. Gareis; Irene R. Beatty; Earl F. Beatty; Anna Beatty; Victoria Vipond; Thomas Q. Beatty; Terrance Beatty; Glenn Roberts; John Tatters, Sr.; John Tatters, Jr. and Florence

Tatters, his wife; Richard Pike and Mary Pike, his wife; and Richard Pipe; and their heirs, executors, administrators, successors, trustees and assigns, known or unknown, and any other person who may claim title under them, and who are deceased or their whereabouts are unknown.

WHEREFORE, Plaintiffs bring this action and respectfully requests the Court to decree as follows:

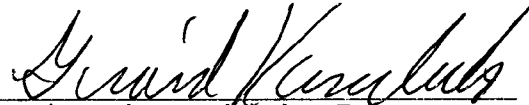
a). That the Plaintiffs, their heirs, executors, personal representatives and assigns are seized of an indefeasible title to the property situated in Woodward Township, Clearfield County, Pennsylvania, described herein and that an Order and Decree be entered adjudicating that each Defendant and any of their heirs, successors, trustees, personal representatives, or assigns be forever barred from asserting any right, title, lien or interest in the within described parcels of land.

b). That such other relief be granted as may be necessary in establishing Plaintiffs' title, including determinations on the validity or discharge of any documents, obligations or deeds affecting right, title and interest in the properties described herein.

c). Declaring that the Plaintiffs have adversely possessed the Premises subject of this action and adjudicating that each Defendant and any of their heirs, successors, trustees, personal representatives, or

assigns be forever barred from asserting any right, title, lien or interest in the within described Premises due to the adverse possession by Plaintiffs.

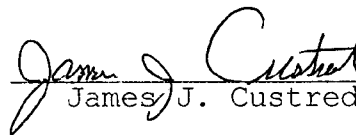
d). Such other and further relief as the Court deems proper.



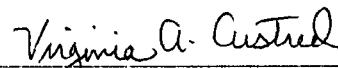
Girard Kasubick, Esq.  
Attorney for Plaintiffs

**VERIFICATION**

We, the undersigned, verify that the statements made in the foregoing Complaint are true and correct. We understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. 4904 relating to unsworn falsification to authorities.



James J. Custred



Virginia A. Custred

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

JAMES J. CUSTRED and	:	No.: 2005- 1142-CD
VIRGINIA A. CUSTRED, his wife,	:	Type of Case:
Plaintiffs	:	Quiet Title Action
	:	Type of Pleading:
vs.	:	Affidavit
	:	Filed on behalf of:
SAINT PAUL'S PROTESTANT	:	Plaintiffs
EPISCOPAL CHURCH OF	:	Counsel Of Record For
PHILIPSBURG; AMERICAN CANCER	:	This Party:
SOCIETY; HEART ASSOCIATION;	:	Girard Kasubick, Esq.
ARTHRITIS FOUNDATION; SOCIETY	:	Supreme Court #30109
FOR PREVENTION OF CRUELTY TO	:	611 Brisbin Street
ANIMALS; MARK S. ZENDEK, SR.;	:	Houtzdale, PA 16651
MICHL ARMSTRONG a/k/a MICHAEL	:	
ARMSTRONG; PAT COONEY a/k/a	:	
PATRICK COONEY; A. H. BURKET;	:	
GEORGE L. FRAZIER; FRANK	:	
MARINO; MARGARET MARINO;	:	
G. EDWARD HAUPT and LIDAH M.	:	
HAUPT, his wife; CLARENCE	:	
McCLELLEN; CLARENCE BEN HAUPT;	:	
F. D. WINNER a/k/a FORNEY D.	:	
WINNER; MARY E. WINNER;	:	
MICHAEL RAFFERTY a/k/a MICHAL	:	
RAFFERTY; C. D. LORAINÉ a/k/a	:	
CHARLES D. LORAINÉ and KATE C.	:	
LORAINÉ, his wife; CATHERINE	:	
LORAINÉ; JOSEPH EDWARDS a/k/a	:	
JOSEPH EDWARDS, SR.; JAMES	:	
BEATTY; MIMA F. GAREIS; IRENE	:	
R. BEATTY; EARL F. BEATTY;	:	
ANNA BEATTY; VICTORIA VIPOND;	:	
THOMAS Q. BEATTY; TERRANCE	:	
BEATTY; GLENN ROBERTS; JOHN	:	
TATTERS, SR.; JOHN	:	
TATTERS, JR. and FLORENCE	:	
TATTERS, his wife; RICHARD	:	
PIKE and MARY PIKE, his wife;	:	
and RICHARD PIPE; and their	:	
heirs, executors,	:	
administrators, successors,	:	
trustees and assigns, known	:	
or unknown and any other	:	
person who may claim title in	:	
the property subject to this	:	
action,	:	
Defendants	:	

FILED  
10/10/05 39/30  
AUG 5 2005  
cc

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

JAMES J. CUSTRED and : No.: 2005- -CD  
VIRGINIA A. CUSTRED, his wife, :  
Plaintiffs :

: QUIET TITLE ACTION

vs. :

:  
SAINT PAUL'S PROTESTANT :  
EPISCOPAL CHURCH OF :  
PHILIPSBURG; AMERICAN CANCER :  
SOCIETY; HEART ASSOCIATION; :  
ARTHRITIS FOUNDATION; SOCIETY :  
FOR PREVENTION OF CRUELTY TO :  
ANIMALS; MARK S. ZENDEK, SR.; :  
MICHL ARMSTRONG a/k/a MICHAEL :  
ARMSTRONG; PAT COONEY a/k/a :  
PATRICK COONEY; A. H. BURKET; :  
GEORGE L. FRAZIER; FRANK :  
MARINO; MARGARET MARINO; :  
G. EDWARD HAUPT and LIDAH M. :  
HAUPT, his wife; CLARENCE :  
McCLLEN; CLARENCE BEN HAUPT; :  
F. D. WINNER a/k/a FORNEY D. :  
WINNER; MARY E. WINNER; :  
MICHAEL RAFFERTY a/k/a MICHAL :  
RAFFERTY; C. D. LORAIN a/k/a :  
CHARLES D. LORAIN and KATE C. :  
LORAIN, his wife; CATHERINE :  
LORAIN; JOSEPH EDWARDS a/k/a :  
JOSEPH EDWARDS, SR.; JAMES :  
BEATTY; MIMA F. GAREIS; IRENE :  
R. BEATTY; EARL F. BEATTY; :  
ANNA BEATTY; VICTORIA VIPOND; :  
THOMAS Q. BEATTY; TERRANCE :  
BEATTY; GLENN ROBERTS; JOHN :  
TATTERS, SR.; JOHN :  
TATTERS, JR. and FLORENCE :  
TATTERS, his wife; RICHARD :  
PIKE and MARY PIKE, his wife; :  
and RICHARD PIPE; and their :  
heirs, executors, :  
administrators, successors, :  
trustees and assigns, known :  
or unknown and any other :  
person who may claim title in :  
the property subject to this :  
action, :  
Defendants :

**AFFIDAVIT**

COMMONWEALTH OF PENNSYLVANIA :  
 :  
COUNTY OF CLEARFIELD :

Before me, the undersigned officer, personally appeared JAMES J. CUSTRED and VIRGINIA A. CUSTRED, husband and wife, who being duly sworn according to law, deposes and says that the unknown Defendants, Michl Armstrong a/k/a Michael Armstrong; Pat Cooney a/k/a Patrick Cooney; A. H. Burket; George L. Frazier; Frank Marino; Margaret Marino; G. Edward Haupt and Lidah M. Haupt, his wife; Clarence McClellen; Clarence Ben Haupt; F. D. Winner a/k/a Forney D. Winner; Mary E. Winner; Michael Rafferty a/k/a Michal Rafferty; C. D. Loraine a/k/a Charles D. Loraine and Kate C. Loraine, his wife; Catherine Loraine; Joseph Edwards a/k/a Joseph Edwards, Sr.; James B. Beatty; Mima F. Gareis; Irene R. Beatty; Earl F. Beatty; Anna Beatty; Victoria Vipond; Thomas Q. Beatty; Terrance Beatty; Glenn Roberts; John Tatters, Sr.; John Tatters, Jr. and Florence Tatters, his wife; Richard Pike and Mary Pike, his wife; and Richard Pipe; their heirs, executors, administrators, successors, trustees, assigns and successors, known or unknown, are all deceased or their whereabouts are unknown to the Plaintiffs.

Plaintiffs and their attorney have made an investigation to locate the aforesaid Defendants that are

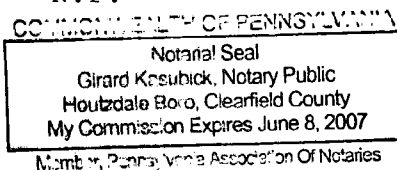
unknown, by checking the records of Clearfield County and by review of the telephone directories in the area, contacting the election office, tax rolls, and voting records, however none of the above were found because they are deceased or their whereabouts are unknown.

James J. Custred  
James J. Custred

Virginia A. Custred  
Virginia A. Custred

Sworn to and subscribed  
before me this 5<sup>th</sup>  
day of August, 2005.

Girard Kasubick  
N.P.



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

JAMES J. CUSTRED and	:	No.: 2005- 11 42-CD
VIRGINIA A. CUSTRED, his wife,	:	Type of Case:
Plaintiffs	:	Quiet Title Action
	:	Type of Pleading:
vs.	:	Motion For Service
	:	By Publication
SAINT PAUL'S PROTESTANT	:	Filed on behalf of:
EPISCOPAL CHURCH OF	:	Plaintiffs
PHILIPSBURG; AMERICAN CANCER	:	Counsel Of Record For
SOCIETY; HEART ASSOCIATION;	:	This Party:
ARTHRITIS FOUNDATION; SOCIETY	:	Girard Kasubick, Esq.
FOR PREVENTION OF CRUELTY TO	:	Supreme Court #30109
ANIMALS; MARK S. ZENDEK, SR.;	:	611 Brisbin Street
MICHL ARMSTRONG a/k/a MICHAEL	:	Houtzdale, PA 16651
ARMSTRONG; PAT COONEY a/k/a	:	
PATRICK COONEY; A. H. BURKET;	:	
GEORGE L. FRAZIER; FRANK	:	
MARINO; MARGARET MARINO;	:	
G. EDWARD HAUPT and LIDAH M.	:	
HAUPT, his wife; CLARENCE	:	
McCLELLEN; CLARENCE BEN HAUPT;	:	
F. D. WINNER a/k/a FORNEY D.	:	
WINNER; MARY E. WINNER;	:	
MICHAEL RAFFERTY a/k/a MICHAL	:	
RAFFERTY; C. D. LORAINNE a/k/a	:	
CHARLES D. LORAINNE and KATE C.	:	
LORAINNE, his wife; CATHERINE	:	
LORAINNE; JOSEPH EDWARDS a/k/a	:	
JOSEPH EDWARDS, SR.; JAMES	:	
BEATTY; MIMA F. GAREIS; IRENE	:	
R. BEATTY; EARL F. BEATTY;	:	
ANNA BEATTY; VICTORIA VIPOND;	:	
THOMAS Q. BEATTY; TERRANCE	:	
BEATTY; GLENN ROBERTS; JOHN	:	
TATTERS, SR.; JOHN	:	
TATTERS, JR. and FLORENCE	:	
TATTERS, his wife; RICHARD	:	
PIKE and MARY PIKE, his wife;	:	
and RICHARD PIPE; and their	:	
heirs, executors,	:	
administrators, successors,	:	
trustees and assigns, known	:	
or unknown and any other	:	
person who may claim title in	:	
the property subject to this	:	
action,	:	
Defendants	:	

NO CC  
01/10/30/01  
AUG 05 2005 LM  
Prothonotary, Clerk of Courts

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

JAMES J. CUSTRED and	:	No.: 2005-	-CD
VIRGINIA A. CUSTRED, his wife,	:		
Plaintiffs	:		
	:	QUIET TITLE ACTION	
vs.	:		
	:		
SAINT PAUL'S PROTESTANT	:		
EPISCOPAL CHURCH OF	:		
PHILIPSBURG; AMERICAN CANCER	:		
SOCIETY; HEART ASSOCIATION;	:		
ARTHRITIS FOUNDATION; SOCIETY	:		
FOR PREVENTION OF CRUELTY TO	:		
ANIMALS; MARK S. ZENDEK, SR.;	:		
MICHL ARMSTRONG a/k/a MICHAEL	:		
ARMSTRONG; PAT COONEY a/k/a	:		
PATRICK COONEY; A. H. BURKET;	:		
GEORGE L. FRAZIER; FRANK	:		
MARINO; MARGARET MARINO;	:		
G. EDWARD HAUPT and LIDAH M.	:		
HAUPT, his wife; CLARENCE	:		
McCLELLLEN; CLARENCE BEN HAUPT;	:		
F. D. WINNER a/k/a FORNEY D.	:		
WINNER; MARY E. WINNER;	:		
MICHAEL RAFFERTY a/k/a MICHAL	:		
RAFFERTY; C. D. LORAINNE a/k/a	:		
CHARLES D. LORAINNE and KATE C.	:		
LORAINNE, his wife; CATHERINE	:		
LORAINNE; JOSEPH EDWARDS a/k/a	:		
JOSEPH EDWARDS, SR.; JAMES	:		
BEATTY; MIMA F. GAREIS; IRENE	:		
R. BEATTY; EARL F. BEATTY;	:		
ANNA BEATTY; VICTORIA VIPOND;	:		
THOMAS Q. BEATTY; TERRANCE	:		
BEATTY; GLENN ROBERTS; JOHN	:		
TATTERS, SR.; JOHN	:		
TATTERS, JR. and FLORENCE	:		
TATTERS, his wife; RICHARD	:		
PIKE and MARY PIKE, his wife;	:		
and RICHARD PIPE; and their	:		
heirs, executors,	:		
administrators, successors,	:		
trustees and assigns, known	:		
or unknown and any other	:		
person who may claim title in	:		
the property subject to this	:		
action,	:		
Defendants	:		

**MOTION FOR SERVICE BY PUBLICATION**

1. Your Petitioners are James J. Custred and Virginia A. Custred, his wife, Plaintiffs in the above captioned matter.

2. Petitioners, by attached affidavit incorporated herein by reference thereto, believes that certain named Defendants are deceased or their whereabouts are unknown.

WHEREFORE, Petitioner, by their attorney, Girard Kasubick, Esq., requests that Your Honorable Court grant an order that certain of the herein named Defendants be served by publication as required by law.



Girard Kasubick, Esq.  
Attorney for Plaintiffs

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

JAMES J. CUSTRED and : No.: 2005-1142 -CD  
VIRGINIA A. CUSTRED, his wife, :  
Plaintiffs :

QUIET TITLE ACTION

vs.

SAINT PAUL'S PROTESTANT :  
EPISCOPAL CHURCH OF :  
PHILIPSBURG; AMERICAN CANCER :  
SOCIETY; HEART ASSOCIATION; :  
ARTHRITIS FOUNDATION; SOCIETY :  
FOR PREVENTION OF CRUELTY TO :  
ANIMALS; MARK S. ZENDEK, SR.; :  
MICHL ARMSTRONG a/k/a MICHAEL :  
ARMSTRONG; PAT COONEY a/k/a :  
PATRICK COONEY; A. H. BURKET; :  
GEORGE L. FRAZIER; FRANK :  
MARINO; MARGARET MARINO; :  
G. EDWARD HAUPT and LIDAH M. :  
HAUPT, his wife; CLARENCE :  
McCLLEN; CLARENCE BEN HAUPT; :  
F. D. WINNER a/k/a FORNEY D. :  
WINNER; MARY E. WINNER; :  
MICHAEL RAFFERTY a/k/a MICHAL :  
RAFFERTY; C. D. LORAINNE a/k/a :  
CHARLES D. LORAINNE and KATE C. :  
LORAINNE, his wife; CATHERINE :  
LORAINNE; JOSEPH EDWARDS a/k/a :  
JOSEPH EDWARDS, SR.; JAMES :  
BEATTY; MIMA F. GAREIS; IRENE :  
R. BEATTY; EARL F. BEATTY; :  
ANNA BEATTY; VICTORIA VIPOND; :  
THOMAS Q. BEATTY; TERRANCE :  
BEATTY; GLENN ROBERTS; JOHN :  
TATTERS, SR.; JOHN :  
TATTERS, JR. and FLORENCE :  
TATTERS, his wife; RICHARD :  
PIKE and MARY PIKE, his wife; :  
and RICHARD PIPE; and their :  
heirs, executors, :  
administrators, successors, :  
trustees and assigns, known :  
or unknown and any other :  
person who may claim title in :  
the property subject to this :  
action, :

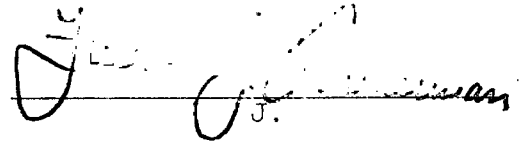
Defendants :

01/12/46/34 Aug  
AUG 9 2005  
Kasubick

**ORDER DIRECTING COMPLAINT TO BE SERVED**  
**BY ADVERTISEMENT ON DEFENDANTS**

NOW, this 8<sup>th</sup> day of AUGUST, 2005, the within Action being an Action to Quiet Title and the Plaintiffs having made Affidavit that the addresses of certain Defendants are unknown and cannot be ascertained, and therefore upon Motion of Girard Kasubick, Esq., Attorney for Plaintiffs, it is Ordered and Decreed that substitute service by publication be made upon the Defendants whose addresses are unknown, or may be deceased, by giving notice in the Progress, a newspaper of general circulation published in the Clearfield County area and in the Clearfield County Legal Journal, to the above named Defendants whose addresses are unknown, or may be deceased; such publication to be one (1) time only stating that this action has been filed, and that this Complaint must be pleaded to within twenty (20) days after publication of notice; otherwise judgment will be taken against all of the Defendants by default.

BY THE COURT,

  
J.

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

JAMES J. CUSTRED and	:	No.: 2005-1142-CD
VIRGINIA A. CUSTRED, his wife,	:	Type of Case:
Plaintiffs	:	Quiet Title Action
	:	Type of Pleading:
vs.	:	Acceptance of Service
	:	Filed on Behalf of:
	:	Plaintiffs
SAINT PAUL'S PROTESTANT	:	Counsel of Record For
EPISCOPAL CHURCH OF	:	This Party:
PHILIPSBURG; et. al.	:	Girard Kasubick, Esq.
Defendants	:	Supreme Court #30109
	:	611 Brisbin Street
	:	Houtzdale, PA 16651

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SEP 22 2005  
Girard Kasubick  
Prothonotary, Clearfield County, PA

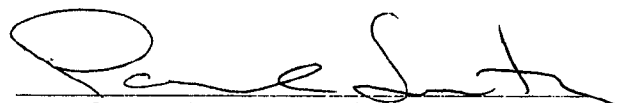
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA  
CIVIL DIVISION

JAMES J. CUSTRED and	:	
VIRGINIA A. CUSTRED, his wife,	:	No.: 2005-1142-CD
Plaintiffs	:	
	:	QUIET TITLE ACTION
	:	
vs.	:	
	:	
SAINT PAUL'S PROTESTANT	:	
EPISCOPAL CHURCH OF	:	
PHILIPSBURG; et. al.	:	
Defendants	:	

**ACCEPTANCE OF SERVICE**

I, the undersigned, Pamela Smith, President of the local Board for the Defendant, Society for Prevention of Cruelty to Animals, accepts service of the Complaint in the above captioned Quiet Title Action.

8-8-05  
Date

  
Pamela Smith, President of the  
Local Board for the Society for  
Prevention of Cruelty to  
Animals,  
Defendant

541 Graham Station Road  
Philipsburg, PA 16866  
Defendant's mailing address

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

JAMES J. CUSTRED and	:	No.: 2005-1142-CD
VIRGINIA A. CUSTRED, his wife,	:	Type of Case:
Plaintiffs	:	Quiet Title Action
	:	Type of Pleading:
vs.	:	Acceptance of Service
	:	Filed on Behalf of:
	:	Plaintiffs
SAINT PAUL'S PROTESTANT	:	Counsel of Record For
EPISCOPAL CHURCH OF	:	This Party:
PHILIPSBURG; et. al.	:	Girard Kasubick, Esq.
Defendants	:	Supreme Court #30109
	:	611 Brisbin Street
	:	Houtzdale, PA 16651

01:02:01 1CC  
SEP 27 2008 Amy Kasubick

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

JAMES J. CUSTRED and	:	
VIRGINIA A. CUSTRED, his wife,	:	No.: 2005-1142-CD
Plaintiffs	:	
	:	QUIET TITLE ACTION
	:	
vs.	:	
	:	
SAINT PAUL'S PROTESTANT	:	
EPISCOPAL CHURCH OF	:	
PHILIPSBURG; et. al.	:	
Defendants	:	

**ACCEPTANCE OF SERVICE**

I, the undersigned, Colleen Marshall, Agent or  
Officer of the Defendant, Heart Association, accepts  
service of the Complaint in the above captioned Quiet  
Title Action.

8/9/05  
Date

Colleen Marshall  
Colleen Marshall, Agent or  
Officer of Heart Association,  
Defendant

501 Howard Avenue  
Building D, Suite 101  
Altoona, PA 16601  
Defendant's mailing address

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

JAMES J. CUSTRED and	:	No.: 2005-1142-CD
VIRGINIA A. CUSTRED, his wife,	:	Type of Case:
Plaintiffs	:	Quiet Title Action
	:	Type of Pleading:
vs.	:	Acceptance of Service
	:	Filed on Behalf of:
	:	Plaintiffs
SAINT PAUL'S PROTESTANT	:	Counsel of Record For
EPISCOPAL CHURCH OF	:	This Party:
PHILIPSBURG; et. al.	:	Girard Kasubick, Esq.
Defendants	:	Supreme Court #30109
	:	611 Brisbin Street
	:	Houtzdale, PA 16651

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

JAMES J. CUSTRED and :  
VIRGINIA A. CUSTRED, his wife, : No.: 2005-1142-CD  
Plaintiffs :  
: QUIET TITLE ACTION  
:   
vs. :   
:   
:   
SAINT PAUL'S PROTESTANT :  
EPISCOPAL CHURCH OF :  
PHILIPSBURG; et. al. :  
Defendants :

**ACCEPTANCE OF SERVICE**

I, the undersigned, Thomas Gacki, Attorney for the  
Defendant, Arthritis Foundation, accepts service of the  
Complaint in the above captioned Quiet Title Action.

9/28/05  
Date

Thomas Gacki  
Thomas Gacki, Attorney for the  
Arthritis Foundation,  
Defendant

3544 North Progress Avenue  
Suite 204  
Harrisburg, PA 17110  
Defendant's mailing address

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

JAMES J. CUSTRED and	:	No.: 2005-1142-CD
VIRGINIA A. CUSTRED, his wife,	:	Type of Case:
Plaintiffs	:	Quiet Title Action
	:	Type of Pleading:
vs.	:	Acceptance of Service
	:	Filed on Behalf of:
	:	Plaintiffs
SAINT PAUL'S PROTESTANT	:	Counsel of Record For
EPISCOPAL CHURCH OF	:	This Party:
PHILIPSBURG; et. al.	:	Girard Kasubick, Esq.
Defendants	:	Supreme Court #30109
	:	611 Brisbin Street
	:	Houtzdale, PA 16651

012-0561 NO  
CC  
1001 (VP)

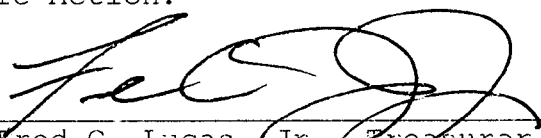
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA  
CIVIL DIVISION

JAMES J. CUSTRED and	:	
VIRGINIA A. CUSTRED, his wife,	:	No.: 2005-1142-CD
Plaintiffs	:	
	:	QUIET TITLE ACTION
	:	
vs.	:	
	:	
SAINT PAUL'S PROTESTANT	:	
EPISCOPAL CHURCH OF	:	
PHILIPSBURG; et. al.	:	
Defendants	:	

**ACCEPTANCE OF SERVICE**

I, the undersigned, Fred C. Lucas, Jr., Treasurer of the Defendant, Saint Paul's Protestant Episcopal Church of Philipsburg, accepts service of the Complaint in the above captioned Quiet Title Action.

092705  
Date

  
Fred C. Lucas, Jr., Treasurer  
Of Saint Paul's Protestant  
Episcopal Church of Philipsburg,  
Defendant

P.O. Box 170  
318 Presqueisle Street  
Philipsburg, PA 16866  
Defendant's mailing address

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

JAMES J. CUSTRED and  
VIRGINIA A. CUSTRED, his wife  
Plaintiffs

No. 2005-1142-CD

vs.

SAINT PAUL'S PROTESTANT  
EPISCOPAL CHURCH OF  
PHILIPSBURG; AMERICAN CANCER  
SOCIETY; HEART ASSOCIATION;  
ARTHRITIS FOUNDATION; SOCIETY  
FOR PREVENTION OF CRUELTY TO  
ANIMALS; MARK S. ZENDEK, SR.;  
MICHAEL ARMSTRONG a/k/a MICHAEL  
ARMSTRONG; PAT COONEY a/k/a  
PATRICK COONEY; A. H. BURKET;  
GEORGE L. FRAZIER; FRANK MARINO;  
MARGARET MARINO; G. EDWARD  
HAUPT and LIDAH M. HAUPT, his wife;  
CLARENCE MCCLELLEN; CLARENCE  
BEN HAUPT; F. D. WINNER a/k/a  
FORNEY D. WINNER a/k/a FORNEY D.  
WINNER; MARY E. WINNER; MICHAEL  
RAFFERTY a/k/a MICHAEL RAFFERTY  
C. D. LORAIN a/k/a CHARLES D.  
LORAIN and KATE C. LORAIN,  
his wife; CATHERINE LORAIN; JOSEPH  
EDWARDS a/k/a JOSEPH EDWARDS, SR.;  
JAMES BEATTY; MIMA F. GAREIS;  
IRENE R. BEATTY; EARL F. BEATTY;  
ANNA BEATTY; VICTORIA VIPOND;  
THOMAS Q. BEATTY; TERRANCE  
BEATTY; GLENN ROBERTS; JOHN  
TATTERS, SR.; JOHN TATTERS, JR.;  
and FLORENCE TATTERS, his wife;  
RICHARD PIKE and MARY PIKE, his wife;  
and RICHARD PIKE; and their heirs,  
executors, administrators, successors,  
trustees and assigns, known or unknown  
and any other person who may claim title in  
the property subject to this action  
Defendants

NO CC  
OCT 10 3 30 PM  
OCT 05 2005  
Prothonotary Clerk of Courts  
Copy to CIA

**P R A E C I P E**

To: Prothonotary of Clearfield County

Dear Sir:

Please enter my appearance as attorney for the SOCIETY FOR PREVENTION OF CURELTY  
TO ANIMALS in the Quiet-Title Action in the above-captioned matter.

Respectfully submitted

A handwritten signature in black ink, appearing to read 'Peter F. Smith', written over a horizontal line.

Peter F. Smith, Esquire

Dated: October 5, 2005

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

JAMES J. CUSTRED and  
VIRGINIA A. CUSTRED, his wife,  
Plaintiffs

vs.

SAINT PAUL'S PROTESTANT  
EPISCOPAL CHURCH OF  
PHILIPSBURG; AMERICAN CANCER  
SOCIETY; HEART ASSOCIATION;  
ARTHRITIS FOUNDATION; SOCIETY  
FOR PREVENTION OF CRUELTY TO  
ANIMALS; MARK S. ZENDEK, SR.;  
MICHL ARMSTRONG a/k/a MICHAEL  
ARMSTRONG; PAT COONEY a/k/a  
PATRICK COONEY; A. H. BURKET;  
GEORGE L. FRAZIER; FRANK  
MARINO; MARGARET MARINO;  
G. EDWARD HAUPT and LIDAH M.  
HAUPT, his wife; CLARENCE  
McCLELLEN; CLARENCE BEN HAUPT;  
F. D. WINNER a/k/a FORNEY D.  
WINNER; MARY E. WINNER;  
MICHAEL RAFFERTY a/k/a MICHAL  
RAFFERTY; C. D. LORAINÉ a/k/a  
CHARLES D. LORAINÉ and KATE C.  
LORAINÉ, his wife; CATHERINE  
LORAINÉ; JOSEPH EDWARDS a/k/a  
JOSEPH EDWARDS, SR.; JAMES  
BEATTY; MIMA F. GAREIS; IRENE  
R. BEATTY; EARL F. BEATTY;  
ANNA BEATTY; VICTORIA VIPOND;  
THOMAS Q. BEATTY; TERRANCE  
BEATTY; GLENN ROBERTS; JOHN  
TATTERS, SR.; JOHN  
TATTERS, JR. and FLORENCE  
TATTERS, his wife; RICHARD  
PIKE and MARY PIKE, his wife;  
and RICHARD PIPE; and their  
heirs, executors,  
administrators, successors,  
trustees and assigns, known  
or unknown and any other  
person who may claim title in  
the property subject to this  
action,

Defendants

: No.: 2005-1142-CD  
: Type of Case:  
: Quiet Title Action  
: Type of Pleading:  
: Stipulation  
: Filed on behalf of:  
: Plaintiffs  
: Counsel Of Record For  
: This Party:  
: Girard Kasubick, Esq.  
: Supreme Court #30109  
: 611 Brisbin Street  
: Houtzdale, PA 16651

FILED 10/18/05  
OCT 17 2005  
William A. Shaw  
Prothonotary/Clerk of Courts  
Kasubick

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

JAMES J. CUSTRED and : No.: 2005-1142-CD  
VIRGINIA A. CUSTRED, his wife, :  
Plaintiffs :  
vs. : QUIET TITLE ACTION  
:   
:   
SAINT PAUL'S PROTESTANT :  
EPISCOPAL CHURCH OF :  
PHILIPSBURG; et. al. :  
Defendants :

**STIPULATION**

THIS SETTLEMENT, AGREEMENT AND STIPULATION, is  
entered into this 14<sup>th</sup> day of October,  
2005, by and between JAMES J. CUSTRED & VIRGINIA A.  
CUSTRED, his wife, Plaintiffs, and AMERICAN CANCER  
SOCIETY, one of the Defendants in this Action.

WHEREAS, Plaintiffs have filed a Quiet Title Action  
on real property located in Woodward Township, Clearfield  
County, Pennsylvania, described in the Complaint against  
the Defendants named therein, and the Defendant in this  
Stipulation being one of the Defendants named in the  
Complaint, and;

WHEREAS, Plaintiffs and Defendant, American Cancer  
Society have reached an agreement for settlement of the  
above captioned case.

NOW THEREFORE, the Parties to this Stipulation with the intent to be legally bound hereby, and for purposes of amicably settling this court action between them, do hereby stipulate and agree as follows:

1. Plaintiffs have paid to the Defendant herein a sum of money agreed to in return for the Defendant herein not defending this Action or making any claim to the real property in Woodward Township described in the Complaint.

2. The Parties herein agree to the filing of this Stipulation with the Court of Common Pleas of Clearfield County and that the Court shall incorporate and approve the terms of this Stipulation by Order of Court when requested to do so by Plaintiffs, all of which shall be filed with the records of this case under the above term and number.

3. The Parties further agree that this Stipulation and settlement resolves all issues between the Parties and that a Final Order can be executed by the Court granting indefeasible title to the Plaintiffs of the real property subject of the Quiet Title Action to the exclusion of the Defendant named herein, American Cancer Society, and their heirs, personal representatives, successors and assigns.

Girard Kasubick  
Girard Kasubick, Esq.  
Attorney for Plaintiffs

PLAINTIFFS:

James J. Custred  
James J. Custred  
Virginia A. Custred  
Virginia A. Custred

DEFENDANT, AMERICAN CANCER  
SOCIETY:

Vicki J. Haake

David Ehrlich  
David Ehrlich, Chief  
Financial Officer for  
the American Cancer Society,  
Pennsylvania Division, Inc.

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

JAMES J. CUSTRED and  
VIRGINIA A. CUSTRED, his wife,  
Plaintiffs

vs.

SAINT PAUL'S PROTESTANT  
EPISCOPAL CHURCH OF  
PHILIPSBURG; AMERICAN CANCER  
SOCIETY; HEART ASSOCIATION;  
ARTHRITIS FOUNDATION; SOCIETY  
FOR PREVENTION OF CRUELTY TO  
ANIMALS; MARK S. ZENDEK, SR.;  
MICHL ARMSTRONG a/k/a MICHAEL  
ARMSTRONG; PAT COONEY a/k/a  
PATRICK COONEY; A. H. BURKET;  
GEORGE L. FRAZIER; FRANK  
MARINO; MARGARET MARINO;  
G. EDWARD HAUPT and LIDAH M.  
HAUPT, his wife; CLARENCE  
McCLLELLen; CLARENCE BEN HAUPT;  
F. D. WINNER a/k/a FORNEY D.  
WINNER; MARY E. WINNER;  
MICHAEL RAFFERTY a/k/a MICHAL  
RAFFERTY; C. D. LORAINe a/k/a  
CHARLES D. LORAINe and KATE C.  
LORAINe, his wife; CATHERINE  
LORAINe; JOSEPH EDWARDS a/k/a  
JOSEPH EDWARDS, SR.; JAMES  
BEATTY; MIMA F. GAREIS; IRENE  
R. BEATTY; EARL F. BEATTY;  
ANNA BEATTY; VICTORIA VIPOND;  
THOMAS Q. BEATTY; TERRANCE  
BEATTY; GLENN ROBERTS; JOHN  
TATTERS, SR.; JOHN  
TATTERS, JR. and FLORENCE  
TATTERS, his wife; RICHARD  
PIKE and MARY PIKE, his wife;  
and RICHARD PIPE; and their  
heirs, executors,  
administrators, successors,  
trustees and assigns, known  
or unknown and any other  
person who may claim title in  
the property subject to this  
action,  
Defendants

: No.: 2005-1142-CD  
: Type of Case:  
: Quiet Title Action  
: Type of Pleading:  
: Stipulation  
: Filed on behalf of:  
: Plaintiffs  
: Counsel Of Record For  
: This Party:  
: Girard Kasubick, Esq.  
: Supreme Court #30109  
: 611 Brisbin Street  
: Houtzdale, PA 16651

FILED ICC  
01:19:30 PM  
OCT 17 2005 Kasubick

William A. Shaw  
Prothonotary/Clerk of Courts

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

JAMES J. CUSTRED and : No.: 2005-1142-CD  
VIRGINIA A. CUSTRED, his wife, :  
Plaintiffs :  
vs. : QUIET TITLE ACTION  
:   
:   
SAINT PAUL'S PROTESTANT :  
EPISCOPAL CHURCH OF :  
PHILIPSBURG; et. al. :  
Defendants :

**STIPULATION**

THIS SETTLEMENT, AGREEMENT AND STIPULATION, is  
entered into this 13<sup>th</sup> day of October,  
2005, by and between JAMES J. CUSTRED & VIRGINIA A.  
CUSTRED, his wife, Plaintiffs, and HEART ASSOCIATION also  
known as AMERICAN HEART ASSOCIATION, one of the Defendants  
in this Action.

WHEREAS, Plaintiffs have filed a Quiet Title Action  
on real property located in Woodward Township, Clearfield  
County, Pennsylvania, described in the Complaint against  
the Defendants named therein, and the Defendant in this  
Stipulation being one of the Defendants named in the  
Complaint, and;

WHEREAS, Plaintiffs and Defendant, Heart Association a/k/a American Heart Association have reached an agreement for settlement of the above captioned case.

NOW THEREFORE, the Parties to this Stipulation with the intent to be legally bound hereby, and for purposes of amicably settling this court action between them, do hereby stipulate and agree as follows:

1. Plaintiffs have paid to the Defendant herein a sum of money agreed to in return for the Defendant herein not defending this Action or making any claim to the real property in Woodward Township described in the Complaint.

2. The Parties herein agree to the filing of this Stipulation with the Court of Common Pleas of Clearfield County and that the Court shall incorporate and approve the terms of this Stipulation by Order of Court when requested to do so by Plaintiffs, all of which shall be filed with the records of this case under the above term and number.

3. The Parties further agree that this Stipulation and settlement resolves all issues between the Parties and that a Final Order can be executed by the Court granting indefeasible title to the Plaintiffs of the real property subject of the Quiet Title Action to the exclusion of the

Defendant named herein, Heart Association a/k/a American Heart Association, and their heirs, personal representatives, successors and assigns.

Girard Kasubick  
Girard Kasubick, Esq.  
Attorney for Plaintiffs

PLAINTIFFS:

James J. Custred  
James J. Custred  
Virginia A. Custred  
Virginia A. Custred

DEFENDANT, HEART ASSOCIATION  
a/k/a AMERICAN HEART  
ASSOCIATION:

Sandra C. Hixson  
~~Colleen M. Marshall~~, Sandra Hixson  
~~Bequest Administrator~~ ~~Exec. VP~~ Hixson

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

JAMES J. CUSTRED and  
VIRGINIA A. CUSTRED, his wife,  
Plaintiffs

vs.

SAINT PAUL'S PROTESTANT  
EPISCOPAL CHURCH OF  
PHILIPSBURG; AMERICAN CANCER  
SOCIETY; HEART ASSOCIATION;  
ARTHRITIS FOUNDATION; SOCIETY  
FOR PREVENTION OF CRUELTY TO  
ANIMALS; MARK S. ZENDEK, SR.;  
MICHL ARMSTRONG a/k/a MICHAEL  
ARMSTRONG; PAT COONEY a/k/a  
PATRICK COONEY; A. H. BURKET;  
GEORGE L. FRAZIER; FRANK  
MARINO; MARGARET MARINO;  
G. EDWARD HAUPT and LIDAH M.  
HAUPT, his wife; CLARENCE  
McCLELLEN; CLARENCE BEN HAUPT;  
F. D. WINNER a/k/a FORNEY D.  
WINNER; MARY E. WINNER;  
MICHAEL RAFFERTY a/k/a MICHAL  
RAFFERTY; C. D. LORAINÉ a/k/a  
CHARLES D. LORAINÉ and KATE C.  
LORAINÉ, his wife; CATHERINE  
LORAINÉ; JOSEPH EDWARDS a/k/a  
JOSEPH EDWARDS, SR.; JAMES  
BEATTY; MIMA F. GAREIS; IRENE  
R. BEATTY; EARL F. BEATTY;  
ANNA BEATTY; VICTORIA VIPOND;  
THOMAS Q. BEATTY; TERRANCE  
BEATTY; GLENN ROBERTS; JOHN  
TATTERS, SR.; JOHN  
TATTERS, JR. and FLORENCE  
TATTERS, his wife; RICHARD  
PIKE and MARY PIKE, his wife;  
and RICHARD PIPE; and their  
heirs, executors,  
administrators, successors,  
trustees and assigns, known  
or unknown and any other  
person who may claim title in  
the property subject to this  
action,

Defendants

: No.: 2005-1142-CD  
: Type of Case:  
: Quiet Title Action  
: Type of Pleading:  
: Stipulation  
: Filed on behalf of:  
: Plaintiffs  
: Counsel Of Record For  
: This Party:  
: Girard Kasubick, Esq.  
: Supreme Court #30109  
: 611 Brisbin Street  
: Houtzdale, PA 16651

FILED 1cc Aug  
OCT 17 2005 Kasubick

William A. Shaw  
Prothonotary/Clerk of Courts

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

JAMES J. CUSTRED and	:	No.: 2005-1142-CD
VIRGINIA A. CUSTRED, his wife,	:	
Plaintiffs	:	
	:	QUIET TITLE ACTION
vs.	:	
	:	
SAINT PAUL'S PROTESTANT	:	
EPISCOPAL CHURCH OF	:	
PHILIPSBURG; et. al.	:	
Defendants	:	

**STIPULATION**

THIS SETTLEMENT, AGREEMENT AND STIPULATION, is entered into this 11<sup>th</sup> day of October, 2005, by and between JAMES J. CUSTRED & VIRGINIA A. CUSTRED, his wife, Plaintiffs, and ARTHRITIS FOUNDATION, one of the Defendants in this Action.

WHEREAS, Plaintiffs have filed a Quiet Title Action on real property located in Woodward Township, Clearfield County, Pennsylvania, described in the Complaint against the Defendants named therein, and the Defendant in this Stipulation being one of the Defendants named in the Complaint, and;

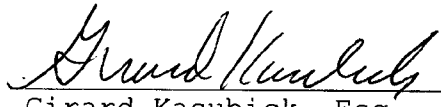
WHEREAS, Plaintiffs and Defendant, Arthritis Foundation have reached an agreement for settlement of the above captioned case.

NOW THEREFORE, the Parties to this Stipulation with the intent to be legally bound hereby, and for purposes of amicably settling this court action between them, do hereby stipulate and agree as follows:

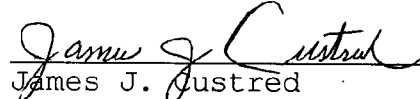
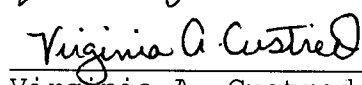
1. Plaintiffs have paid to the Defendant herein a sum of money agreed to in return for the Defendant herein not defending this Action or making any claim to the real property in Woodward Township described in the Complaint.

2. The Parties herein agree to the filing of this Stipulation with the Court of Common Pleas of Clearfield County and that the Court shall incorporate and approve the terms of this Stipulation by Order of Court when requested to do so by Plaintiffs, all of which shall be filed with the records of this case under the above term and number.

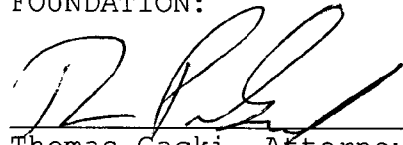
3. The Parties further agree that this Stipulation and settlement resolves all issues between the Parties and that a Final Order can be executed by the Court granting indefeasible title to the Plaintiffs of the real property subject of the Quiet Title Action to the exclusion of the Defendant named herein, Arthritis Foundation, and their heirs, personal representatives, successors and assigns.

  
Girard Kasubick, Esq.  
Attorney for Plaintiffs

PLAINTIFFS:

  
James J. Custred  
  
Virginia A. Custred

DEFENDANT, ARTHRITIS  
FOUNDATION:

  
Thomas Gacki, Attorney for  
the Arthritis Foundation

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

JAMES J. CUSTRED and  
VIRGINIA A. CUSTRED, his wife,  
Plaintiffs

vs.

SAINT PAUL'S PROTESTANT  
EPISCOPAL CHURCH OF  
PHILIPSBURG; AMERICAN CANCER  
SOCIETY; HEART ASSOCIATION;  
ARTHRITIS FOUNDATION; SOCIETY  
FOR PREVENTION OF CRUELTY TO  
ANIMALS; MARK S. ZENDEK, SR.;  
MICHL ARMSTRONG a/k/a MICHAEL  
ARMSTRONG; PAT COONEY a/k/a  
PATRICK COONEY; A. H. BURKET;  
GEORGE L. FRAZIER; FRANK  
MARINO; MARGARET MARINO;  
G. EDWARD HAUPT and LIDAH M.  
HAUPT, his wife; CLARENCE  
McCLELLEN; CLARENCE BEN HAUPT;  
F. D. WINNER a/k/a FORNEY D.  
WINNER; MARY E. WINNER;  
MICHAEL RAFFERTY a/k/a MICHAL  
RAFFERTY; C. D. LORAINÉ a/k/a  
CHARLES D. LORAINÉ and KATE C.  
LORAINÉ, his wife; CATHERINE  
LORAINÉ; JOSEPH EDWARDS a/k/a  
JOSEPH EDWARDS, SR.; JAMES  
BEATTY; MIMA F. GAREIS; IRENE  
R. BEATTY; EARL F. BEATTY;  
ANNA BEATTY; VICTORIA VIPOND;  
THOMAS Q. BEATTY; TERRANCE  
BEATTY; GLENN ROBERTS; JOHN  
TATTERS, SR.; JOHN  
TATTERS, JR. and FLORENCE  
TATTERS, his wife; RICHARD  
PIKE and MARY PIKE, his wife;  
and RICHARD PIPE; and their  
heirs, executors,  
administrators, successors,  
trustees and assigns, known  
or unknown and any other  
person who may claim title in  
the property subject to this  
action,

Defendants

No.: 2005-1142-CD  
Type of Case:  
Quiet Title Action  
Type of Pleading:  
Stipulation  
Filed on behalf of:  
Plaintiffs  
Counsel Of Record For  
This Party:  
Girard Kasubick, Esq.  
Supreme Court #30109  
611 Brisbin Street  
Houtzdale, PA 16651

FILED <sup>1cc</sup>  
OCT 17 2005 <sup>Ang</sup>  
Kasubick

William A Shaw  
Prothonotary/Clerk of Courts

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

JAMES J. CUSTRED and : No.: 2005-1142-CD  
VIRGINIA A. CUSTRED, his wife, :  
Plaintiffs :  
 : QUIET TITLE ACTION  
vs. :  
 :  
 :  
SAINT PAUL'S PROTESTANT :  
EPISCOPAL CHURCH OF :  
PHILIPSBURG; et. al. :  
Defendants :

**STIPULATION**

THIS SETTLEMENT, AGREEMENT AND STIPULATION, is  
entered into this 6 day of October,  
2005, by and between JAMES J. CUSTRED & VIRGINIA A.  
CUSTRED, his wife, Plaintiffs, and SOCIETY FOR PREVENTION  
OF CRUELTY TO ANIMALS, one of the Defendants in this  
Action.

WHEREAS, Plaintiffs have filed a Quiet Title Action  
on real property located in Woodward Township, Clearfield  
County, Pennsylvania, described in the Complaint against  
the Defendants named therein, and the Defendant in this  
Stipulation being one of the Defendants named in the  
Complaint, and;

WHEREAS, Plaintiffs and Defendant, Society For Prevention of Cruelty to Animals have reached an agreement for settlement of the above captioned case.

NOW THEREFORE, the Parties to this Stipulation with the intent to be legally bound hereby, and for purposes of amicably settling this court action between them, do hereby stipulate and agree as follows:

1. Plaintiffs have paid to the Defendant herein a sum of money agreed to in return for the Defendant herein not defending this Action or making any claim to the real property in Woodward Township described in the Complaint.

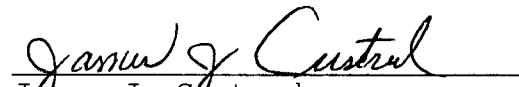
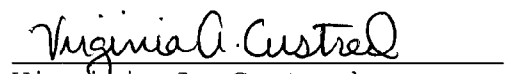
2. The Parties herein agree to the filing of this Stipulation with the Court of Common Pleas of Clearfield County and that the Court shall incorporate and approve the terms of this Stipulation by Order of Court when requested to do so by Plaintiffs, all of which shall be filed with the records of this case under the above term and number.


3. The Parties further agree that this Stipulation and settlement resolves all issues between the Parties and that a Final Order can be executed by the Court granting indefeasible title to the Plaintiffs of the real property subject of the Quiet Title Action to the exclusion of the

Defendant named herein, Society for Prevention of Cruelty  
to Animals, and their heirs, personal representatives,  
successors and assigns.

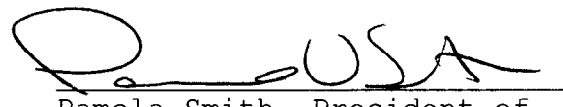
  
Girard Kasubick, Esq.  
Attorney for Plaintiffs

PLAINTIFFS:

  
James J. Custred  
  
Virginia A. Custred

  
Peter F. Smith, Esq.  
Attorney for Defendant

DEFENDANT, SOCIETY FOR  
PREVENTION OF CRUELTY  
TO ANIMALS:

  
Pamela Smith, President of  
Clearfield County Board

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

JAMES J. CUSTRED and  
VIRGINIA A. CUSTRED, his wife,  
Plaintiffs

vs.

SAINT PAUL'S PROTESTANT  
EPISCOPAL CHURCH OF  
PHILIPSBURG; AMERICAN CANCER  
SOCIETY; HEART ASSOCIATION;  
ARTHRITIS FOUNDATION; SOCIETY  
FOR PREVENTION OF CRUELTY TO  
ANIMALS; MARK S. ZENDEK, SR.;  
MICHL ARMSTRONG a/k/a MICHAEL  
ARMSTRONG; PAT COONEY a/k/a  
PATRICK COONEY; A. H. BURKET;  
GEORGE L. FRAZIER; FRANK  
MARINO; MARGARET MARINO;  
G. EDWARD HAUPT and LIDAH M.  
HAUPT, his wife; CLARENCE  
McCLELLEN; CLARENCE BEN HAUPT;  
F. D. WINNER a/k/a FORNEY D.  
WINNER; MARY E. WINNER;  
MICHAEL RAFFERTY a/k/a MICHAL  
RAFFERTY; C. D. LORAINÉ a/k/a  
CHARLES D. LORAINÉ and KATE C.  
LORAINÉ, his wife; CATHERINE  
LORAINÉ; JOSEPH EDWARDS a/k/a  
JOSEPH EDWARDS, SR.; JAMES  
BEATTY; MIMA F. GAREIS; IRENE  
R. BEATTY; EARL F. BEATTY;  
ANNA BEATTY; VICTORIA VIPOND;  
THOMAS Q. BEATTY; TERRANCE  
BEATTY; GLENN ROBERTS; JOHN  
TATTERS, SR.; JOHN  
TATTERS, JR. and FLORENCE  
TATTERS, his wife; RICHARD  
PIKE and MARY PIKE, his wife;  
and RICHARD PIPE; and their  
heirs, executors,  
administrators, successors,  
trustees and assigns, known  
or unknown and any other  
person who may claim title in  
the property subject to this  
action,

Defendants

: No.: 2005-1142-CD  
: Type of Case:  
: Quiet Title Action  
: Type of Pleading:  
: Stipulation  
: Filed on behalf of:  
: Plaintiffs  
: Counsel Of Record For  
: This Party:  
: Girard Kasubick, Esq.  
: Supreme Court #30109  
: 611 Brisbin Street  
: Houtzdale, PA 16651

FILED<sup>ice</sup>  
01/19/05  
OCT 17 2005  
Anykasubick

William A Shaw  
Prothonotary Clerk of Courts

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

JAMES J. CUSTRED and : No.: 2005-1142-CD  
VIRGINIA A. CUSTRED, his wife, :  
Plaintiffs :  
vs. : QUIET TITLE ACTION  
:   
:   
SAINT PAUL'S PROTESTANT :  
EPISCOPAL CHURCH OF :  
PHILIPSBURG; et. al. :  
Defendants :

**STIPULATION**

THIS SETTLEMENT, AGREEMENT AND STIPULATION, is  
entered into this 3<sup>RD</sup> day of October,  
2005, by and between JAMES J. CUSTRED & VIRGINIA A.  
CUSTRED, his wife, Plaintiffs, and SAINT PAUL'S PROTESTANT  
EPISCOPAL CHURCH OF PHILIPSBURG, one of the Defendants in  
this Action.

WHEREAS, Plaintiffs have filed a Quiet Title Action  
on real property located in Woodward Township, Clearfield  
County, Pennsylvania, described in the Complaint against  
the Defendants named therein, and the Defendant in this  
Stipulation being one of the Defendants named in the  
Complaint, and;

WHEREAS, Plaintiffs and Defendant, Saint Paul's Protestant Episcopal Church of Philipsburg have reached an agreement for settlement of the above captioned case.

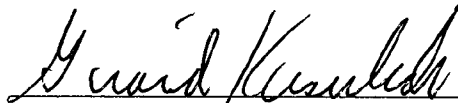
NOW THEREFORE, the Parties to this Stipulation with the intent to be legally bound hereby, and for purposes of amicably settling this court action between them, do hereby stipulate and agree as follows:

1. Plaintiffs have paid to the Defendant herein a sum of money agreed to in return for the Defendant herein not defending this Action or making any claim to the real property in Woodward Township described in the Complaint.

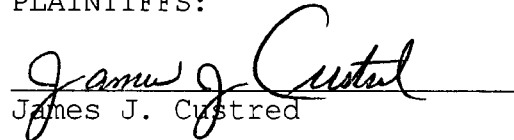
2. The Parties herein agree to the filing of this Stipulation with the Court of Common Pleas of Clearfield County and that the Court shall incorporate and approve the terms of this Stipulation by Order of Court when requested to do so by Plaintiffs, all of which shall be filed with the records of this case under the above term and number.

3. The Parties further agree that this Stipulation and settlement resolves all issues between the Parties and that a Final Order can be executed by the Court granting indefeasible title to the Plaintiffs of the real property subject of the Quiet Title Action to the exclusion of the

Defendant named herein, Saint Paul's Protestant Episcopal Church of Philipsburg, and their heirs, personal representatives, successors and assigns.

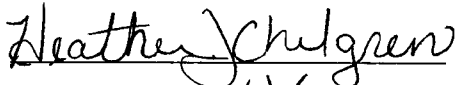
  
Girard Kasubick, Esq.  
Attorney for Plaintiffs

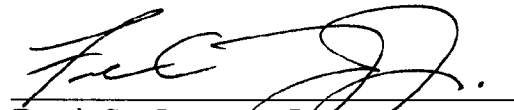
PLAINTIFFS:

  
James J. Custred

  
Virginia A. Custred

DEFENDANT, SAINT PAUL'S  
PROTESTANT EPISCOPAL  
CHURCH OF PHILIPSBURG:

  
Heather Chulgren  
Witness

  
Fred C. Lucas, Jr.,  
Treasurer of St. Paul's  
Episcopal Church

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

JAMES J. CUSTRED and  
VIRGINIA A. CUSTRED, his wife,  
Plaintiffs

vs.

SAINT PAUL'S PROTESTANT  
EPISCOPAL CHURCH OF  
PHILIPSBURG; AMERICAN CANCER  
SOCIETY; HEART ASSOCIATION;  
ARTHRITIS FOUNDATION; SOCIETY  
FOR PREVENTION OF CRUELTY TO  
ANIMALS; MARK S. ZENDEK, SR.;  
MICHL ARMSTRONG a/k/a MICHAEL  
ARMSTRONG; PAT COONEY a/k/a  
PATRICK COONEY; A. H. BURKET;  
GEORGE L. FRAZIER; FRANK  
MARINO; MARGARET MARINO;  
G. EDWARD HAUPT and LIDAH M.  
HAUPT, his wife; CLARENCE  
McCLELLEN; CLARENCE BEN HAUPT;  
F. D. WINNER a/k/a FORNEY D.  
WINNER; MARY E. WINNER;  
MICHAEL RAFFERTY a/k/a MICHAL  
RAFFERTY; C. D. LORAINÉ a/k/a  
CHARLES D. LORAINÉ and KATE C.  
LORAINÉ, his wife; CATHERINE  
LORAINÉ; JOSEPH EDWARDS a/k/a  
JOSEPH EDWARDS, SR.; JAMES  
BEATTY; MIMA F. GAREIS; IRENE  
R. BEATTY; EARL F. BEATTY;  
ANNA BEATTY; VICTORIA VIPOND;  
THOMAS Q. BEATTY; TERRANCE  
BEATTY; GLENN ROBERTS; JOHN  
TATTERS, SR.; JOHN  
TATTERS, JR. and FLORENCE  
TATTERS, his wife; RICHARD  
PIKE and MARY PIKE, his wife;  
and RICHARD PIPE; and their  
heirs, executors,  
administrators, successors,  
trustees and assigns, known  
or unknown and any other  
person who may claim title in  
the property subject to this  
action,

Defendants

: No.: 2005-1142-CD  
: Type of Case:  
: Quiet Title Action  
: Type of Pleading:  
: Stipulation  
: Filed on behalf of:  
: Plaintiffs  
: Counsel Of Record For  
: This Party:  
: Girard Kasubick, Esq.  
: Supreme Court #30109  
: 611 Brisbin Street  
: Houtzdale, PA 16651

FILED

OCT 21 2005

0/11:30/10

William A. Shaw

Prothonotary/Clerk of Courts

1 cent to Att

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

JAMES J. CUSTRED and : No.: 2005-1142-CD  
VIRGINIA A. CUSTRED, his wife, :  
Plaintiffs :  
vs. : QUIET TITLE ACTION  
:   
:   
SAINT PAUL'S PROTESTANT :  
EPISCOPAL CHURCH OF :  
PHILIPSBURG; et. al. :  
Defendants. :

**STIPULATION**

THIS SETTLEMENT, AGREEMENT AND STIPULATION, is  
entered into this 19<sup>th</sup> day of October, 2005, by and  
between JAMES J. CUSTRED & VIRGINIA A. CUSTRED, his wife,  
Plaintiffs, and MARK S. ZENDEK, SR., one of the Defendants  
in this Action.

WHEREAS, Plaintiffs have filed a Quiet Title Action  
on real property located in Woodward Township, Clearfield  
County, Pennsylvania, described in the Complaint against  
the Defendants named therein, and the Defendant in this  
Stipulation being one of the Defendants named in the  
Complaint, and;

WHEREAS, Plaintiffs and Defendant, Mark S. Zendek,  
Sr. have reached an agreement for settlement of the above  
captioned case.

NOW THEREFORE, the Parties to this Stipulation with the intent to be legally bound hereby, and for purposes of amicably settling this court action between them, do hereby stipulate and agree as follows:

1. Plaintiffs have paid to the Defendant herein a sum of money agreed to in return for the Defendant herein not defending this Action or making any claim to the real property in Woodward Township described in the Complaint.

2. The Parties herein agree to the filing of this Stipulation with the Court of Common Pleas of Clearfield County and that the Court shall incorporate and approve the terms of this Stipulation by Order of Court when requested to do so by Plaintiffs, all of which shall be filed with the records of this case under the above term and number.

3. The Parties further agree that this Stipulation and settlement resolves all issues between the Parties and that a Final Order can be executed by the Court granting indefeasible title to the Plaintiffs of the real property subject of the Quiet Title Action to the exclusion of the Defendant named herein, Mark S. Zendek, Sr. and their heirs, personal representatives, successors and assigns.

Girard Kasubick  
Girard Kasubick, Esq.  
Attorney for Plaintiffs

PLAINTIFFS:

James J. Custred  
James J. Custred

Virginia A. Custred  
Virginia A. Custred

DEFENDANT:

Mark S. Zendek, Sr.  
Mark S. Zendek, Sr.

LEHMAN & KASUBICK  
611 BRISBEN STREET  
HOUTZDALE, PA 16651  
(814) 378-7840

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

JAMES J. CUSTRED and	:	No.: 2005-1142-CD
VIRGINIA A. CUSTRED, his wife,	:	Type of Case:
Plaintiffs	:	Quiet Title Action
	:	Type of Pleading:
vs.	:	Affidavit of Service
	:	Filed on behalf of:
SAINT PAUL'S PROTESTANT	:	Plaintiffs
EPISCOPAL CHURCH OF	:	Counsel of Record For
PHILIPSBURG, et. al.,	:	This Party:
Defendants	:	Girard Kasubick, Esq.
	:	Supreme Court #30109
	:	611 Brisbin Street
	:	Houtzdale, PA 16651

FILED No. CC  
OCT 25 2005  
11:40 AM

William A Shaw  
Prothonotary Clerk of Courts

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

JAMES J. CUSTRED and	:	No.: 2005-1142-CD
VIRGINIA A. CUSTRED, his wife,	:	
Plaintiffs	:	
	:	QUIET TITLE ACTION
vs.	:	
	:	
SAINT PAUL'S PROTESTANT	:	
EPISCOPAL CHURCH OF	:	
PHILIPSBURG, et. al.,	:	
Defendants	:	

**AFFIDAVIT OF SERVICE**

Before me, William A. Shaw, Prothonotary, personally appeared Girard Kasubick, Esq., who being duly sworn according to law, deposes and says that service of the Complaint was made in this case by publication in the Clearfield Progress one time only on August 13, 2005 and in the Clearfield County Legal Journal one time only for the week of August 19, 2005, as appears by sworn proofs hereto attached, and that all the unknown Defendants who are deceased or their whereabouts are unknown were served by publication and not by any other manner; and that four (4) certain known named Defendants, being the Saint Paul's Protestant Episcopal Church of Philipsburg, Heart Association, Arthritis Foundation, and Society for Prevention of

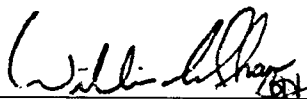
Cruelty to Animals were legally served by their Acceptances of Services all of which were filed on September 22, 2005 and September 30, 2005 and that the two (2) other known named Defendants being American Cancer Society and Mark S. Zendek, Sr. were served by the County Sheriff on August 11, 2005 and August 12, 2005, proof of service by Sheriff having been filed or to be filed.

WHEREFORE, this Affidavit of Service is filed of record to show service on all the named Defendants known and unknown as set forth herein.



Girard Kasubick, Esq.  
Attorney for Plaintiffs

Sworn to and subscribed to  
before me this 25<sup>th</sup> day  
of October, 2005.



WILLIAM A. SHAW  
Prothonotary  
My Commission Expires  
1st Monday in Jan. 2006  
Clearfield Co., Clearfield, PA

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

No.: 2005-1142-CD  
QUIET TITLE ACTION  
JAMES J. CUSTRED and  
VIRGINIA A. CUSTRED,  
his wife,  
Plaintiffs

vs.  
SAINT PAUL'S PROTESTANT  
EPISCOPAL CHURCH  
OF PHILIPSBURG;  
AMERICAN CANCER SOCIETY;  
HEART ASSOCIATION;  
ARTHRITIS FOUNDATION;  
SOCIETY FOR PREVENTION  
OF CRUELTY  
TO ANIMALS;  
MARKS, ZENDEK, SR.;  
MICHL ARMSTRONG,  
a/k/a MICHAEL ARMSTRONG;  
PAT COONEY,  
a/k/a PATRICK COONEY;  
A. H. BURKET;  
GEORGE L. FRAZIER;  
FRANK MARINO;  
MARGARET MARINO;  
G. EDWARD HAUPT and  
LIDA H. HAUPT,  
his wife;  
CLARENCE McCLELLAN;  
CLARENCE BEN HAUPT;  
F. D. WINNER,  
a/k/a FORNEY D. WINNER;  
MARY E. WINNER;  
MICHAEL RAFFERTY,  
a/k/a MICHAEL RAFFERTY;  
C. D. LORAIN,  
a/k/a CHARLES D. LORAIN and  
KATE C. LORAIN,  
his wife;  
CATHERINE LORAIN;  
JOSEPH EDWARDS,  
a/k/a JOSEPH EDWARDS, SR.;  
JAMES BEATTY;  
MIMA F. GAREIS;  
IRENE R. BEATTY;  
EARL F. BEATTY;  
ANNA BEATTY;  
VICTORIA VIPOND;  
THOMAS Q. BEATTY;  
TERRANCE BEATTY;  
GLENN ROBERTS;  
JOHN TATTERS, SR.;  
JOHN TATTERS JR. and  
FLORENCE TATTERS,  
his wife;  
RICHARD PIKE and  
MARY PIKE,  
his wife;  
and RICHARD PIPE; and their  
heirs, executors, administrators,  
successors, trustees  
and assigns, known  
or unknown and any other  
person who may claim  
title in the property  
subject to this action,  
Defendants

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :  
COUNTY OF CLEARFIELD : SS:

On this 16th day of August, A.D. 2005,  
before me, the subscriber, a Notary Public in and for said County and  
State, personally appeared Margaret E. Krebs, who being duly sworn  
according to law, deposes and says that she is the President of The  
Progressive Publishing Company, Inc., and Associate Publisher of The  
Progress, a daily newspaper published at Clearfield, in the County of  
Clearfield and State of Pennsylvania, and established April 5, 1913, and  
that the annexed is a true copy of a notice or advertisement published in  
said publication in

the regular issues of August 13, 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.

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

My Commission Expires  
October 31, 2007

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

**ACTION TO  
QUIET TITLE  
NOTICE**

TO: SAINT PAUL'S PROTESTANT EPISCOPAL CHURCH OF PHILIPSBURG; AMERICAN CANCER SOCIETY; HEART ASSOCIATION; ARTHRITIS FOUNDATION; SOCIETY FOR PREVENTION OF CRUELTY TO ANIMALS; MARK S. ZENDEK, SR.; MICHAEL ARMSTRONG, A/K/A MICHAEL ARMSTRONG; PAT CONEY, A/K/A PATRICK COONEY; A. H. BURKET; GEORGE L. FRAZIER; FRANK MARINO; MARGARET MARINO; G. EDWARD HAUPT AND LIDAH M. HAUPT, HIS WIFE; CLARENCE MCCLELLLEN; CLARENCE BEN HAUPT; F. D. WINNER, A/K/A FORNEY D. WINNER; MARY E. WINNER; MICHAEL RAFFERTY, A/K/A MICHAEL RAFFERTY; C. D. LORIANE, A/K/A CHARLES D. LORIANE AND KATE C. LORIANE, HIS WIFE; CATHERINE LORIANE; JOSEPH EDWARDS, A/K/A JOSEPH EDWARDS, SR.; JAMES BEATTY; MIMA F. GAREIS; IRENE R. BEATTY; EARL F. BEATTY; ANNA BEATTY; VICTORIA VIPOND; THOMAS Q. BEATTY; TERRANCE BEATTY; GLENN ROBERTS; JOHN TATTERS, SR.; JOHN TATTERS, JR. AND FLORENCE TATTERS, HIS WIFE; RICHARD PIKE AND MARY PIKE, HIS WIFE; AND RICHARD PIPE; and their heirs, executors, administrators, successors, trustees and assigns, known or unknown.

You have been sued in Court. You are hereby notified that an Action to Quiet Title to the premises situated in Woodward Township, Clearfield County, Pennsylvania, has been filed against you. Said lands are bounded and described as follows:

**THE FIRST THEREOF:**

BEGINNING at the Southeast corner of two streets and running East along with street one hundred and fifty (150) feet to a post; thence in a southerly direction one hundred and fifty (150) feet to a post; thence in a westerly direction one hundred and fifty (150) feet to a post on a street; thence along said street one hundred and fifty (150) feet to a post on the corner of two streets the place of beginning. And known and designated as the Northwestern corner of out Lot No. 80 in the plan of lots laid out in the Israel Wheelin tract.

**THE SECOND THEREOF:**

Ground situate on the Israel Wheelin tract in Woodward Township, Clearfield County, and State of Pennsylvania bounded and described as follows, viz, on the North by a street, on the East by lot of John Tatters, Lot 81, on the south by Lot of John Henshaw, No. 91 and on the west by lot of Thomas Elliot and Michl Armstrong and being the eastern part of out Lot No. 80 and being one hundred and fifty (150) feet from East to West and three hundred feet (300) from North to South and containing one acre more or less. It being the Eastern half or part of same Lot.

**THE THIRD THEREOF:**

FRONTING fifty feet on a street and running back along land of Michl Armstrong One Hundred (100) feet in an Easterly direction to a post bounded on the North by land of Michl Armstrong on the East by part of Lot No. 80; on the South by part of Lot No. 80 and on the West by a street and being known and designated as the Northwestern part of lot known as out lot No. 80 in the general plan of Lots laid out on Israel Wheelin tract.

**THE FOURTH THEREOF:**

PART of lot known and numbered on the plan of lots as laid out on Israel Wheelin Tract in Woodward Township, County of Clearfield, and State of Pennsylvania as out lot No. 81 and bounded as follows: On the North by a street on the East by land of John Tatters on the South by land of the said John Tatters and on the West by lot No. 80, and being fifty feet from East to West and one hundred and fifty feet from North to South.

**THE FIFTH THEREOF:**

BEGINNING at a post in the North line of Out Lot No. 81 in Loraine's Plat; thence running in an Easterly direction along the line of said Out Lot 50 feet to a post; thence running in a southerly direction in a line parallel with line of Out Lot No. 81, one hundred and fifty feet to a post; thence running in a Westerly direction in a line parallel with the North line of Out Lot no. 81, 50 feet to a post; thence running in a Northerly direction in a line parallel with the West line of Out Lot No. 81, one hundred and fifty feet to a post the place of beginning and being a portion of Out Lot No. 81 as laid out on Plat of the Loraine tract.

**THE SIXTH THEREOF:**

BEGINNING at a post on the Northeast corner of out Lot No. 80; thence running in an Easterly direction 50 feet to a post; thence running in a Southerly direction 150 feet to post; thence running in an Eastwardly direction 50 feet to a post; thence running in a Northerly direction 150 feet to a post; thence running in an Easterly direction 200 feet to a post on corner of Out Lot No. 82; thence running in a Southerly direction along the line of said Lot three hundred feet to a post; thence running in a Westerly direction three hundred feet to a post; thence running in a Northerly direction three hundred feet to a post the place of beginning and being known as part of Out Lot No. 81 in the general plan of the Out Lots as plotted by the Loraine Est.

You are further notified to appear and answer the Complaint in said Action within twenty (20) days of this Notice, otherwise a judgment will be entered against you barring you from all claims, rights and interest inconsistent with the Plaintiffs claim of title as set forth in the Complaint.

**NOTICE**

TO: SAINT PAUL'S PROTESTANT EPISCOPAL CHURCH OF PHILIPSBURG; AMERICAN CANCER SOCIETY; HEART ASSOCIATION; ARTHRITIS FOUNDATION; SOCIETY FOR PREVENTION OF CRUELTY TO ANIMALS; MARK S. ZENDEK, SR.; MICHAEL ARMSTRONG, A/K/A MICHAEL ARMSTRONG; PAT CONEY, A/K/A PATRICK COONEY; A. H. BURKET; GEORGE L. FRAZIER; FRANK MARINO; MARGARET MARINO; G. EDWARD HAUPT AND LIDAH M. HAUPT, HIS WIFE; CLARENCE MCCLELLLEN; CLARENCE BEN HAUPT; F. D. WINNER, A/K/A FORNEY D. WINNER; MARY E. WINNER; MICHAEL RAFFERTY, A/K/A MICHAEL RAFFERTY; C. D. LORIANE, A/K/A CHARLES D. LORIANE AND KATE C. LORIANE, HIS WIFE; CATHERINE LORIANE; JOSEPH EDWARDS, A/K/A JOSEPH EDWARDS, SR.; JAMES BEATTY; MIMA F. GAREIS; IRENE R. BEATTY; EARL F. BEATTY; ANNA BEATTY; VICTORIA VIPOND; THOMAS Q. BEATTY; TERRANCE BEATTY; GLENN ROBERTS; JOHN TATTERS, SR.; JOHN TATTERS, JR. AND FLORENCE TATTERS, HIS WIFE; RICHARD PIKE AND MARY PIKE, HIS WIFE; AND RICHARD PIPE; their heirs, executors, administrators, successors, trustees and assigns, known or unknown.

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.

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

David S. Meholic  
Court Administrator's Office  
Clearfield County Courthouse  
One North Second Street  
Clearfield, PA 16830  
(814) 765-2641, Ext. 5982  
LEHMAN & KASUBICK  
611 Brisbin Street  
Houtzdale, PA 16651

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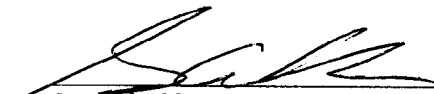
## PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :

:

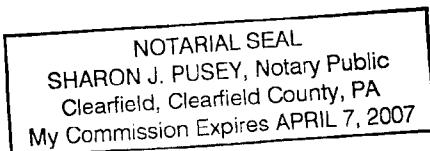
COUNTY OF CLEARFIELD :

On this 17th day of August 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 August 19, 2005. Vol. 17, No. 33. And that all of the allegations of this statement as to the time, place, and character of the publication are true.

  
\_\_\_\_\_  
Gary A. Knaresboro, Esquire  
Editor

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

  
\_\_\_\_\_  
Notary Public  
My Commission Expires



Lehman & Kasubick  
611 Brisbin Street  
Houtzdale PA 16651

\* First & Final Account of Michael Thomas Pusch and Charlotte F. McCluskey, Co-Executors of the Estate of Angeline C. Pusch, late of the City of Dubois, Clearfield County, PA, DECEASED.

First & Final Account of Gerard Paulinelle, Executor of the Estate of Constance I. Paulinelle, late of the City of Dubois, Clearfield County, PA, DECEASED.

First & Final Account of First Commonwealth Trust, Executor for the Estate of Kathryn A. Henretty, late of City of Dubois, Clearfield County, PA, DECEASED.

Third & Partial Account of S & T Bank, Trustee, of Roger C. Bojlad Trust A, late of Dubois, Clearfield County, PA, DECEASED.

KAREN L. STARCK, REGISTER OF WILLS & CLERK OF THE ORPHANS' COURT.  
ADV. August 12th & 19th 2005.

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

JAMES J. CUSTRED and VIRGINIA A. CUSTRED, his wife, Plaintiffs vs. SAINT PAUL'S PROTESTANT EPISCOPAL CHURCH OF PHILPSBURG, AMERICAN CANCER SOCIETY, HEART ASSOCIATION, ARTHRITIS FOUNDATION, SOCIETY FOR PREVENTION OF CRUELTY TO ANIMALS; MARK S. ZENDEK, SR.; MICHEL ARMSTRONG a/k/a MICHAEL ARMSTRONG; PAT COONEY a/k/a PATRICK COONEY; A.H. BURKET; GEORGE L. FRAZIER; FRANK MARINO; MARGARET MARINO; G. EDWARD HAUPT and LIDAH M. HAUPT, his wife; CLARENCE MCCLELLLEN; CLARENCE BEN HAUPT, F.D. WINNER a/k/a FORNEY D. WINNER; MARY E. WINNER; MICHAEL RAFFERTY a/k/a MICHAEL RAFFERTY; C.D. LORAINÉ a/k/a CHARLES D. LORAINÉ and KATE C. LORAINÉ, his wife CATHERINE LORAINÉ; JOSEPH EDWARDS a/k/a JOSEPH EDWARDS, SR.; JAMES BEATTY, MIMA F. GAREIS; IRENE R. BEATTY; EARL F. BEATTY; ANNA BEATTY; VICTORIA VIPOND; THOMAS Q. BEATTY; TERRANCE BEATTY; GLENN ROBERTS; JOHN TATTERS, SR.; JOHN TATTERS, JR. and FLORENCE TATTERS, his wife; RICHARD PIKE and MARY PIKE, his wife; and RICHARD PIPE; and their heirs, executors, administrators, successors, trustees and assigns, known or unknown and any other person who may claim title in the property subject to this action, Defendants.

No. 2005-1142 -CD  
ACTION TO QUIET TITLE  
NOTICE

TO: SAINT PAUL'S PROTESTANT EPISCOPAL CHURCH OF PHILPSBURG, AMERICAN CANCER SOCIETY, HEART ASSOCIATION, ARTHRITIS FOUNDATION, SOCIETY FOR PREVENTION OF CRUELTY TO ANIMALS; MARK S. ZENDEK, SR.; MICHEL ARMSTRONG a/k/a MICHAEL ARMSTRONG; PAT COONEY a/k/a PATRICK COONEY; A.H. BURKET; GEORGE L. FRAZIER; FRANK MARINO; MARGARET MARINO; G. EDWARD HAUPT and LIDAH M. HAUPT, his wife; CLARENCE MCCLELLLEN; CLARENCE BEN HAUPT, F.D. WINNER a/k/a FORNEY D. WINNER; MARY E. WINNER; MICHAEL RAFFERTY a/k/a MICHAEL RAFFERTY; C.D. LORAINÉ a/k/a CHARLES D. LORAINÉ and KATE C. LORAINÉ, his wife CATHERINE LORAINÉ; JOSEPH EDWARDS a/k/a JOSEPH EDWARDS, SR.; JAMES BEATTY, MIMA F. GAREIS; IRENE R. BEATTY; EARL F. BEATTY; ANNA BEATTY; VICTORIA VIPOND; THOMAS Q. BEATTY; TERRANCE BEATTY; GLENN ROBERTS; JOHN TATTERS, SR.; JOHN TATTERS, JR. and FLORENCE TATTERS, his wife; RICHARD PIKE and MARY PIKE, his wife; and RICHARD PIPE; and their heirs, executors, administrators, successors, trustees and assigns, known or unknown.

You have been sued in court. You are hereby notified that an Action to Quiet Title to the premises situated in Woodward Township, Clearfield County, Pennsylvania, has been filed against you. Said land is bounded and described as follows:

THE FIRST THEREOF: BEGINNING at the Southwest corner of two streets and running East along with street one hundred and fifty (150) feet to a post; thence in a southerly direction one hundred and fifty (150) feet to a post; thence in a westerly direction one hundred and fifty (150) feet to a post on the street; thence along said street one hundred and fifty (150) feet to the corner of two streets the place of beginning. And known and designated as the Northwestern corner of out lot No. 80 in the plan of lots laid out in the Israel Wheelin tract.

THE SECOND THEREOF: Ground situated on the Israel Wheelin tract in Woodward Township, Clearfield County, and State of Pennsylvania bounded and described as follows, viz, on the North by a street on the East by Lot of John Tatters, Lot 81, On the South by Lot of John Henshaw, Lot No. 91 and on the west by Lot of Thomas Elliot and Michl Armstrong and being the eastern part of out Lot No. 80 and being one

hundred and fifty (150) feet from East to West and three hundred feet (300) from North to South and containing one acre more or less. It being the Eastern half or part of same lot.

THE THIRD THEREOF: FRONTING fifty feet on a street and running back along land of Michl Armstrong One hundred (100) feet in an Easterly direction to a post bounded on the North by land of Michl Armstrong on the East by part of Lot No. 80, on the South by part of Lot No. 80 and on the West by a street and being known and designated as the Northwestern part of lot known as out lot No. 80 in general plan of Lots laid out on Israel Wheelin tract.

THE FOURTH THEREOF: PART of lot known and numbered on the plan of lots as laid out on Israel Wheelin Tract in Woodward Township, County of Clearfield, and State of Pennsylvania as out lot No. 81 and bounded as follows: On the North by a street on the East by land of John Tatters on the South by land of the John Tatters and on the West by lot No. 80, and being fifty feet from East to West and one hundred and fifty feet from North to South.

THE FIFTH THEREOF: BEGINNING at a post in the North line of Out Lot No. 81 in Loraine's Plat; thence running in an Easterly direction along the line of said Out Lot 50 feet to a post; thence running in a southerly direction in a line parallel with line of Out Lot No. 81, one hundred and fifty feet to post; thence running in a westerly direction in a line parallel with the North line of Out Lot No. 81, 50 feet to a post; thence running in a Northerly direction in a line parallel with the West line of Out Lot No. 81, one hundred and fifty feet to a post the place of beginning and being a portion of Out Lot No. 81 as laid out on Plat of the Loraine tract.

THE SIXTH THEREOF: BEGINNING at a post on the Northeast corner of out Lot No. 80; thence running in an Easterly direction 50 feet to a post; thence running in a Southerly direction 150 feet to post; thence running in an Eastwardly direction 50 feet to a post; thence running in a Northerly direction 150 feet to a post; thence running in an Easterly direction 200 feet to a post on corner of Out Lot No. 82; thence running in a Southerly direction along the line of said Lot three hundred feet to a post; thence running in a Westerly direction three hundred feet to a post; thence running in a Northerly direction three hundred feet to a post the place of beginning and being known as part of Out Lot No. 81 in the general plan of the Out Lots as plotted by the Loraine Est.

You are further notified to appear and answer the Complaint in said Action within twenty (20) days from the date of this publication, otherwise judgment will be

entered against you barring you from all claims, rights and interest inconsistent with the Plaintiffs' claim of title as set forth in the Complaint.

## NOTICE

TO: SAINT PAUL'S PROTESTANT EPISCOPAL CHURCH OF PHILPSBURG, AMERICAN CANCER SOCIETY, HEART ASSOCIATION, ARTHRITIS FOUNDATION, SOCIETY FOR PREVENTION OF CRUELTY TO ANIMALS; MARK S. ZENDEK, SR.; MICHEL ARMSTRONG a/k/a MICHAEL ARMSTRONG; PAT COONEY a/k/a PATRICK COONEY; A.H. BURKET; GEORGE L. FRAZIER; FRANK MARINO; MARGARET MARINO; G. EDWARD HAUPT and LIDAH M. HAUPT, his wife; CLARENCE MCCLELLLEN; CLARENCE BEN HAUPT, F.D. WINNER a/k/a FORNEY D. WINNER; MARY E. WINNER; MICHAEL RAFFERTY a/k/a MICHAEL RAFFERTY; C.D. LORAINÉ a/k/a CHARLES D. LORAINÉ and KATE C. LORAINÉ, his wife CATHERINE LORAINÉ; JOSEPH EDWARDS a/k/a JOSEPH EDWARDS, SR.; JAMES BEATTY, MIMA F. GAREIS; IRENE R. BEATTY; EARL F. BEATTY; ANNA BEATTY; VICTORIA VIPOND; THOMAS Q. BEATTY; TERRANCE BEATTY; GLENN ROBERTS; JOHN TATTERS, SR.; JOHN TATTERS, JR. and FLORENCE TATTERS, his wife; RICHARD PIKE and MARY PIKE, his wife; and RICHARD PIPE; and their heirs, executors, administrators, successors, trustees and assigns, known or unknown.

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David S. Meholic, Court Administrator's Office, Clearfield County Courthouse, One North Second Street, Clearfield, PA 16830.  
(814) 765-2641, Ext. 5982.  
LEHMAN & KASUBICK, 611 Brishin Street, Houtzdale, PA 16651.

LEHMAN & KASUBICK  
611 SRISBIN STREET  
HOUTZDALE, PA 16651  
(814) 378-7840

CA

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

JAMES J. CUSTRED and	:	No.: 2005-1142-CD
VIRGINIA A. CUSTRED, his wife,	:	Type of Case:
Plaintiffs	:	Quiet Title Action
	:	Type of Pleading:
vs.	:	Motion for Judgment
	:	Filed on behalf of:
SAINT PAUL'S PROTESTANT	:	Plaintiffs
EPISCOPAL CHURCH OF	:	Counsel of Record For
PHILIPSBURG, et. al.,	:	This Party:
Defendants	:	Girard Kasubick, Esq.
	:	Supreme Court #30109
	:	611 Brisbin Street
	:	Houtzdale, PA 16651

011-40301  
OCT 25 2005 (610) NCC

William A. Shaw  
Prothonotary, Clerk of Courts

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

JAMES J. CUSTRED and	:	No.: 2005-1142-CD
VIRGINIA A. CUSTRED, his wife,	:	
Plaintiffs	:	
	:	QUIET TITLE ACTION
vs.	:	
	:	
SAINT PAUL'S PROTESTANT	:	
EPISCOPAL CHURCH OF	:	
PHILIPSBURG, et. al.,	:	
Defendants	:	

**MOTION FOR JUDGMENT**


NOW, this 25th day of October, 2005, an Affidavit of Service having been executed and presented herewith on behalf of the Plaintiffs showing that the Complaint was served by publication on unknown Defendants, one time only, to wit: August 13, 2005 in the Clearfield Progress and the week of August 19, 2005 in the Clearfield County Legal Journal, and further that all the unknown named Defendants who are deceased or their whereabouts are unknown were not served in any other manner, and no unknown Defendants served by publication having entered an appearance or filed an Answer or having expressed any purpose of intent to be heard or desire to assert title to

said property, and twenty (20) days having elapsed since the last publication, and it appearing that it was impossible to serve any of the unknown Defendants by any other means.

AND FURTHER, that the six (6) known Defendants, having each been served with a Complaint containing a Notice to Defend and which four (4) known Defendants being Saint Paul's Protestant Episcopal Church of Philipsburg, Heart Association, Arthritis Foundation and Society for Prevention of Cruelty to Animals accepted service by signing Acceptance of Services which were filed on September 22, 2005 and September 30, 2005, and the other two (2) known Defendants being American Cancer Society and Mark S. Zendek, Sr. were served by Sheriff Service on August 11, 2005 and August 12, 2005 as is shown on the Affidavit of Service, and all six (6) of the known Defendants having entered into Stipulations with the Plaintiffs whereby the known Defendants make no claim to the real property subject of this Action and the Stipulations are in settlement to resolve all issues between the parties, said Stipulations filed on October

17, 2005 and October 21, 2005. As of the date of filing this Motion all known Defendants have withdrawn any claim to the property subject of this Action and no unknown Defendant has made any claim by filing Responsive Pleading and twenty (20) days having elapsed from service by publication.

WHEREFORE, Girard Kasubick, Esq., prays your Honorable Court, as attorney for the Plaintiffs, that judgment be entered in favor of the Plaintiffs and against the Defendants, their heirs and assigns, with direction that they file suit in ejectment or otherwise enter proceedings to contest the case within thirty (30) days, or judgment may be entered against them forever barring them from asserting any title or claim to the real estate in this action.

  
Girard Kasubick, Esq.  
Attorney for Plaintiffs

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

JAMES J. CUSTRED and	:	No.: 2005-1142-CD
VIRGINIA A. CUSTRED, his wife,	:	Type of Case:
Plaintiffs	:	Quiet Title Action
	:	Type of Pleading:
vs.	:	Order of Court
	:	Filed on behalf of:
SAINT PAUL'S PROTESTANT	:	Plaintiffs
EPISCOPAL CHURCH OF	:	Counsel of Record For
PHILIPSBURG, et. al.,	:	This Party:
Defendants	:	Girard Kasubick, Esq.
	:	Supreme Court #30109
	:	611 Brisbin Street
	:	Houtzdale, PA 16651

ICC  
014:00301 Amy  
OCT 27 2005 Kasubick  
Clerk of Courts

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

JAMES J. CUSTRED and : No.: 2005-1142-CD  
VIRGINIA A. CUSTRED, his wife, :  
Plaintiffs :  
 : QUIET TITLE ACTION  
vs. :  
 :  
SAINT PAUL'S PROTESTANT :  
EPISCOPAL CHURCH OF :  
PHILIPSBURG; AMERICAN CANCER :  
SOCIETY; HEART ASSOCIATION; :  
ARTHRITIS FOUNDATION; SOCIETY :  
FOR PREVENTION OF CRUELTY TO :  
ANIMALS; MARK S. ZENDEK, SR.; :  
MICHL ARMSTRONG a/k/a MICHAEL :  
ARMSTRONG; PAT COONEY a/k/a :  
PATRICK COONEY; A. H. BURKET; :  
GEORGE L. FRAZIER; FRANK :  
MARINO; MARGARET MARINO; :  
G. EDWARD HAUPT and LIDAH M. :  
HAUPT, his wife; CLARENCE :  
McCLELLEN; CLARENCE BEN HAUPT; :  
F. D. WINNER a/k/a FORNEY D. :  
WINNER; MARY E. WINNER; :  
MICHAEL RAFFERTY a/k/a MICHAL :  
RAFFERTY; C. D. LORAINÉ a/k/a :  
CHARLES D. LORAINÉ and KATE C. :  
LORAINÉ, his wife; CATHERINE :  
LORAINÉ; JOSEPH EDWARDS a/k/a :  
JOSEPH EDWARDS, SR.; JAMES :  
BEATTY; MIMA F. GAREIS; IRENE :  
R. BEATTY; EARL F. BEATTY; :  
ANNA BEATTY; VICTORIA VIPOND; :  
THOMAS Q. BEATTY; TERRANCE :  
BEATTY; GLENN ROBERTS; JOHN :  
TATTERS, SR.; JOHN :  
TATTERS, JR. and FLORENCE :  
TATTERS, his wife; RICHARD :

PIKE and MARY PIKE, his wife; :  
and RICHARD PIPE; and their :  
heirs, executors, :  
administrators, successors, :  
trustees and assigns, known :  
or unknown and any other :  
person who may claim title in :  
the property subject to this :  
action, :  
Defendants :

ORDER OF COURT

NOW, this 26 day of October, 2005, an  
Affidavit having been made that service was made by  
publication on unknown Defendants in the Clearfield  
Progress on August 13, 2005, and in the Clearfield County  
Legal Journal the week of August 19, 2005, and that the  
six (6) known Defendants have signed an Acceptance of  
Service or have been served by the Sheriff and the six (6)  
known Defendants having entered into Stipulations filed on  
October 17, 2005 and October 21, 2005 withdrawing any  
claim to the real property subject of this Action, and it  
appearing that it was impossible to serve any other  
Defendants by any other means,

IT IS ORDERED AND DECREED that Defendants file suit in ejectment or otherwise enter a proceeding to contest the case within thirty (30) days, or this Order of Court shall become final upon Praecipe by Plaintiff, which hereby Orders and Decrees that title to the land subject of this action is vested absolutely in the Plaintiffs, their heirs and assigns, free and clear of any and all claims of any nature by any of the named Defendants, their heirs, executors, administrators, trustees, successors and assigns or by anyone claiming by, through or under them or any of them, and that the Plaintiffs are seized of an indefeasible title to those six (6) certain pieces or parcels of land situated in Woodward Township, Clearfield County, Pennsylvania, bounded and described as follows:

**THE FIRST THEREOF:**

BEGINNING at the Southeast corner of two streets and running East along with street one hundred and fifty (150) feet to a post; thence in a southerly direction one hundred and fifty (150) feet to a post; thence in a westerly direction one hundred and fifty (150) feet to a post on a street; thence along said street one hundred and fifty (150) feet to a post on the corner of two streets the place of beginning. And known and designated as the Northwestern corner of out lot No. 80 in the plan of lots laid out in the Israel Wheelin tract.

**THE SECOND THEREOF:**

Ground situate on the Israel Wheelin tract in Woodward Township, Clearfield County, and State of Pennsylvania bounded and described as follows, viz, on the North by a street on the East by Lot of John Taters, Lot 81, On the South by Lot of John Henshaw, No. 91 and on the west by Lot of Thomas Elliot and Michl Armstrong and being the eastern part of out Lot No. 80 and being one hundred and fifty (150) feet from East to West and three hundred feet (300) from North to South and containing one acre more or less. It being the Eastern half or part of same Lot.

**THE THIRD THEREOF:**

FRONTING fifty feet on a street and running back along land of Michl Armstrong One hundred (100) feet in an Easterly direction to a post bounded on the North by land of Michl Armstrong on the East by part of Lot No. 80; on the South by part of Lot No. 80 and on the West by a street and being known and designated as the Northwestern part of lot known as out lot No. 80 in general plan of Lots laid out on Israel Wheelin tract.

**THE FOURTH THEREOF:**

PART of lot known and numbered on the plan of lots as laid out on Israel Wheelin Tract in Woodward Township, County of Clearfield, and State of Pennsylvania as out lot No. 81 and bounded as follows: On the North by a street on the East by land of John Tatters on the South by land of the said John Tatters and on the West by lot No. 80, and being fifty feet from East to West and one hundred and fifty feet from North to South.

**THE FIFTH THEREOF:**

BEGINNING at a post in the North line of Out Lot No. 81 in Loraine's Plat; thence running in an Easterly direction along the line of said Out Lot 50 feet to a post; thence running in a southerly direction in a line

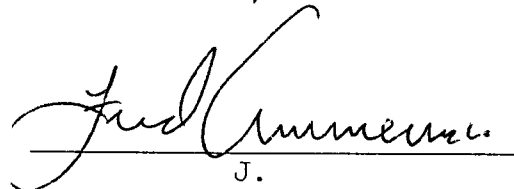
parallel with line of Out Lot No. 81, one hundred and fifty feet to post; thence running in a Westerly direction in a line parallel with the North line of Out Lot No. 81, 50 feet to a post; thence running in a Northerly direction in a line parallel with the West line of Out Lot No. 81, one hundred and fifty feet to a post the place of beginning and being a portion of Out Lot No. 81 as laid out on Plat of the Loraine tract.

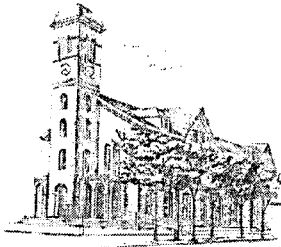
**THE SIXTH THEREOF:**

BEGINNING at a post on the Northeast corner of out Lot No. 80; thence running in an Easterly direction 50 feet to a post; thence running in a Southerly direction 150 feet to post; thence running in an Eastwardly direction 50 feet to a post; thence running in a Northerly direction 150 feet to a post; thence running in an Easterly direction 200 feet to a post on corner of Out Lot No. 82; thence running in a Southerly direction along the line of said Lot three hundred feet to a post; thence running in a Westerly direction three hundred feet to a post; thence running in a Northerly direction three hundred feet to a post the place of beginning and being known as part of Out Lot No. 81 in the general plan of the Out Lots as plotted by the Loraine Est.

The First Thereof, Second Thereof and Third Thereof being the residue of Lot 80 and The Fourth Thereof, Fifth Thereof and Sixth Thereof being all of Lot 81 in the plan of lots of Israel Wheelin Tract by Loraine.

BY THE COURT,

  
J.



## Clearfield County Office of the Prothonotary and Clerk of Courts

**William A. Shaw**  
Prothonotary/Clerk of Courts

**David S. Ammerman**  
Solicitor

**Jacki Kendrick**  
Deputy Prothonotary

**Bonnie Hudson**  
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

Date: September 19, 2005

Over the past several weeks, it has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw  
Prothonotary

  X   You are responsible for serving all appropriate parties.

       The Prothonotary's office has provided service to the following parties:

       Plaintiff(s)/Attorney(s)

       Defendant(s)/Attorney(s)

       Other

       Special Instructions:

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**LEHMAN & KASUBICK**  
611 BRISBIN STREET  
HOUTZDALE, PA 16651  
(814) 378-7840

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

JAMES J. CUSTRED and	:	No.: 2005-1142-CD
VIRGINIA A. CUSTRED, his wife,	:	Type of Case:
Plaintiffs	:	Quiet Title Action
	:	Type of Pleading:
vs.	:	Final Praecipe
	:	Filed on behalf of:
SAINT PAUL'S PROTESTANT	:	Plaintiffs
EPISCOPAL CHURCH OF	:	Counsel of Record For
PHILIPSBURG, et. al.,	:	This Party:
Defendants	:	Girard Kasubick, Esq.
	:	Supreme Court #30109
	:	611 Brisbin Street
	:	Houtzdale, PA 16651

FILED NO CC  
06:20/01  
NOV 30 2005 60

William A. Shaw  
Prothonotary/Clerk of Courts


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

JAMES J. CUSTRED and	:	No.: 2005-1142-CD
VIRGINIA A. CUSTRED, his wife,	:	
Plaintiffs	:	
	:	QUIET TITLE ACTION
vs.	:	
	:	
SAINT PAUL'S PROTESTANT	:	
EPISCOPAL CHURCH OF	:	
PHILIPSBURG, et. al.,	:	
Defendants	:	

**FINAL PRAECIPE**

TO: William A. Shaw, Prothonotary:

Please enter judgment in the above-captioned matter  
in favor of the Plaintiffs and against all of the named  
Defendants.

  
Girard Kasubick, Esq.,  
Attorney for Plaintiffs

Dated: November 30, 2005