

05-1156-CD

Foster Crawford Concrete Co. vs V.

Foster Crawford Concrete vs Viola McCoy  
2005-1156-CD

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

FOSTER CRAWFORD CONCRETE : NO. 05 - 1156 - C.D.  
COMPANY, :  
Plaintiff, : Type of Case:  
vs. : ACTION TO QUIET TITLE  
VIOLA M. McCOY, her heirs, :  
administrators, executors and assigns, : Filed on Behalf of: PLAINTIFF  
Defendant. : FOSTER CRAWFORD CONCRETE  
: COMPANY  
: Counsel of Record:  
: CHRISTOPHER E. MOHNEY, ESQUIRE  
: Supreme Court No.: 63494  
: 90 BEAVER DRIVE  
: SUITE 111B  
: DUBOIS, PA 15801  
: (814) 375-1044

FILED <sup>NO</sup> cc  
M 11:09 AM  
AUG 08 2005 Atty pd,  
95.00

William A. Shaw  
Prothonotary/Clerk of Courts

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

FOSTER CRAWFORD CONCRETE	:	NO. 05 -	- C.D.
COMPANY,	:		
	:		
Plaintiff,	:	ACTION TO QUIET TITLE	
	:		
vs.	:		
	:		
VIOLA M. MCCOY, her heirs,	:		
administrators, executors and assigns,	:		
	:		
Defendant.	:		

**NOTICE**

TO: VIOLA M. MCCOY, her heirs, administrators, executors and assigns

YOU ARE HEREBY NOTIFIED THAT AN ACTION TO QUIET TITLE TO PREMISES SITUATE IN SANDY TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA, HAVE BEEN FILED AGAINST YOU. SAID PREMISES ARE DESCRIBED AS FOLLOWS:

ALL that certain tract of land designated as Lot No. 362, Section No. 16, "Aruba" in the Treasure Lake Subdivision in Sandy Township, Clearfield County, Pennsylvania, recorded in the Recorder of Deeds Office in Misc. Docket Map File No. 25.

EXCEPTING AND RESERVING therefrom and subject to:

1. All easements, rights-of-way, reservations, restrictions and limitations shown or contained in prior instruments of record and in the aforesaid recorded plan.
2. The Declarations of Restrictions, Treasure Lake, Inc., recorded in Misc. Book Vol. 146, page 476; all of said restrictions being covenants which run with the land.
3. All minerals and mining rights of every kind and nature.
4. A lien for all unpaid charges or assessments as may be made by Developer or Treasure Lake Property Owners Association, Inc., which lien shall run with the land and be an encumbrance against it.

The land subject of this quiet title is also Tax Map No. 128-C2-16-362-21.

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 CLAIM SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO, THE CASE MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR ANY MONEY CLAIMED IN THE COMPLAINT OR FOR ANY OTHER CLAIM OR RELIEF REQUESTED BY THE PLAINTIFF. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

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

CLEARFIELD COUNTY PROTHONOTARY  
CLEARFIELD COUNTY COURTHOUSE  
CLEARFIELD, PA 16830  
(814) 765-2641 x 5982

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

FOSTER CRAWFORD CONCRETE	:	NO. 05 -	- C.D.
COMPANY,	:		
	:		
Plaintiff,	:	ACTION TO QUIET TITLE	
	:		
vs.	:		
	:		
VIOLA M. McCOY, her heirs,	:		
administrators, executors and assigns,	:		
	:		
Defendant.	:		

**COMPLAINT**

AND NOW, comes the Plaintiff **FOSTER CRAWFORD CONCRETE COMPANY**, by and through its attorney, **CHRISTOPHER E. MOHNEY, ESQUIRE**, and brings this Action to Quiet Title to the premises hereinafter described against the above-named Defendant, and in support thereof avers:

1. Plaintiff FOSTER CRAWFORD CONCRETE COMPANY is a sole proprietorship owned by Foster Crawford, with an address at P. O. Box N, DuBois, Clearfield County, Pennsylvania, 15801.
2. Defendant VIOLA M. McCoy had a last known address of 234 North 25<sup>th</sup> Street, Mesa, Arizona, 85203.
3. After search of the Courthouse records in Clearfield County, Pennsylvania, no estate for Viola M. McCoy has ever been opened.
4. Plaintiff, through his undersigned counsel, has attempted to locate Viola M. McCoy at her last known address, unsuccessfully.

5. The purpose of this action is to quiet title to the following described real estate:

ALL that certain tract of land designated as Lot No. 362, Section No. 16, "Aruba" in the Treasure Lake Subdivision in Sandy Township, Clearfield County, Pennsylvania, recorded in the Recorder of Deeds Office in Misc. Docket Map File No. 25.

EXCEPTING AND RESERVING therefrom and subject to:

5. All easements, rights-of-way, reservations, restrictions and limitations shown or contained in prior instruments of record and in the aforesaid recorded plan.
6. The Declarations of Restrictions, Treasure Lake, Inc., recorded in Misc. Book Vol. 146, page 476; all of said restrictions being covenants which run with the land.
7. All minerals and mining rights of every kind and nature.
8. A lien for all unpaid charges or assessments as may be made by Developer or Treasure Lake Property Owners Association, Inc., which lien shall run with the land and be an encumbrance against it.

The land subject of this quiet title is also Tax Map No. 128-C2-16-362-21.

6. By Deed dated January 15, 1971, and recorded in Clearfield County Deed Book Volume 632, Page 175, Treasure Lake, Inc. conveyed the above-described property to William C. McCoy.
7. By Deed dated June 4, 1981, and recorded in Clearfield County Deed Book Volume 814, Page 232, William C. McCoy conveyed the above-described property to Viola M. McCoy.
8. By Deed dated March 1, 1988, and recorded in Clearfield County Record Book Volume 1211, Page 101, the Tax Claim Bureau of Clearfield County, Pennsylvania, conveyed the above-described property to Foster Crawford Concrete Company.
9. The land being sold out from under Viola M. McCoy for unpaid taxes against the above-described property.

10. No third party has ever made any claim of any kind to ownership of interest and/or claim to or upon the property except as set forth in this Complaint.

11. Plaintiff is unaware of any right, title or interest claimed by the named Defendant, nor has the Plaintiff been able to learn anything of the heirs of VIOLA M. McCOY.

12. Plaintiff has been informed and therefore believes that the Defendant, her heirs, successors, or assigns, may have a claim or interest adverse to the Plaintiff. The claims of the Defendant, her heirs, successors and assigns are without any right whatsoever, and Defendant's potential claims are wholly without right and constitute clouds on the Plaintiff's title, which Plaintiff desires to remove.

13. This action is brought to clear any and all clouds on the title to the ownership in interest to the property described in paragraph 5 of this Complaint, which the herein named Defendant, her heirs, devisees, executors, administrators, successors and assigns, and all other person, persons, partnerships or corporation entities in interest or their legal representatives might claim, possess or assert pertaining to any alleged irregularities in the chain of title herein set forth.

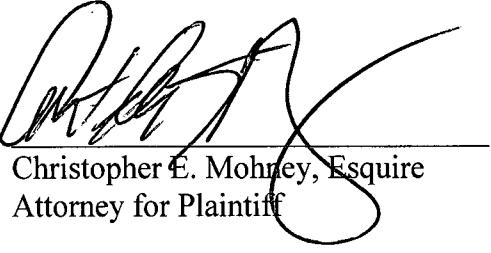
14. This suit to quiet title is instituted under the terms and provisions of the Pennsylvania Rules of Civil Procedure 1061 to 1067, inclusive, pertaining to the quieting of titles and other pertinent rules of local procedure.

WHEREFORE, your Plaintiff requests this Honorable Court to decree that title to the above-described property in paragraph 5 of this Complaint is in the name of FOSTER CRAWFORD CONCRETE COMPANY, and that the Defendant, her executors, administrators and assigns, and all other person, persons, firms, partnerships, or corporate entities in interest, or

their legal representatives, be forever barred from asserting any right, title, lien or interest in the land in question that is inconsistent with the interest of the Plaintiff as set forth herein to the said premises, or impeaching, denying or in any way attacking the Plaintiff's title to the said premises; and that your Honorable Court make any other necessary Order for the granting of proper relief as it deems necessary to equitably and legally recognize and preserve Plaintiff's rights in this matter.

Respectfully submitted,

By:

  
Christopher E. Mohney, Esquire  
Attorney for Plaintiff

**VERIFICATION**

I, FOSTER CRAWFORD, of FOSTER CRAWFORD CONCRETE COMPANY, being duly authorized to make this verification, have read the foregoing Complaint. The statements therein are correct to the best of our personal knowledge or information and belief.

This statement and verification is made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn fabrication to authorities, which provides that if I make knowingly false averments I may be subject to criminal penalties.

FOSTER CRAWFORD CONCRETE  
COMPANY

By:   
FOSTER CRAWFORD

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY  
PENNSYLVANIA

FOSTER CRAWFORD CONCRETE  
COMPANY,

Plaintiff,

vs.

VIOLA M. MCCOY, her heirs,  
administrators, executors  
and assigns,

Defendant.

COMPLAINT

ACTION TO QUIET TITLE

FILED

AUG 08 2005

William A. Shaw  
Prothonotary/Clerk of Courts

LAW OFFICES  
**CHRISTOPHER E. MOHNEY**  
90 BEAVER DRIVE - SUITE 111B  
DUBOIS, PA 15801  
(814) 375-1044

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

FOSTER CRAWFORD CONCRETE : NO. 05-1156 - C.D.  
COMPANY, :  
Plaintiff, : Type of Case:  
vs. : ACTION TO QUIET TITLE  
VIOLA M. McCOY, her heirs, : Type of Pleading: MOTION FOR  
administrators, executors and assigns, : SERVICE OF COMPLAINT ON  
Defendant. : DEFENDANT BY PUBLICATION  
: Filed on Behalf of: PLAINTIFF  
: FOSTER CRAWFORD CONCRETE  
: COMPANY  
: Counsel of Record:  
: CHRISTOPHER E. MOHNEY, ESQUIRE  
: Supreme Court No.: 63494  
: 90 BEAVER DRIVE  
: SUITE 111B  
: DUBOIS, PA 15801  
: (814) 375-1044

FILED NOCC  
M 11:09 AM  
AUG 08 2005

William A. Shaw  
Prothonotary/Clerk of Courts

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

FOSTER CRAWFORD CONCRETE	:	NO. 05 -	- C.D.
COMPANY,	:		
	:		
Plaintiff,	:	ACTION TO QUIET TITLE	
	:		
vs.	:		
	:		
VIOLA M. McCOY, her heirs,	:		
administrators, executors and assigns,	:		
	:		
Defendant.	:		

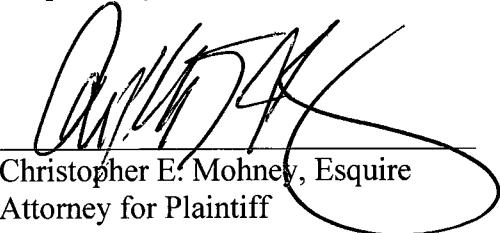
**MOTION FOR SERVICE OF COMPLAINT ON**  
**DEFENDANT BY PUBLICATION**

AND NOW, this 4 day of August, 2005, Affidavit having been executed and filed by the Plaintiff that the identity and whereabouts of the Defendant VIOLA M. MCCOY, her heirs, administrators, executors, and assigns, are unknown, Plaintiff, by its attorney, CHRISTOPHER E. MOHNEY, ESQUIRE, moves this Court for leave to serve the Complaint on the above-mentioned Defendant VIOLA M. MCCOY, her heirs, administrators, executors and assigns, by publication in such a manner as the Court shall direct, as provided by the Pennsylvania Rules of Civil Procedure 410 and 430(b).

Respectfully submitted,

By:

Christopher E. Mohney, Esquire  
Attorney for Plaintiff



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

FOSTER CRAWFORD CONCRETE : NO. 05 - - C.D.  
COMPANY, :  
Plaintiff, : ACTION TO QUIET TITLE  
vs. :  
VIOLA M. MCCOY, her heirs, :  
administrators, executors and assigns, :  
Defendant. :  
:

**AFFIDAVIT**

COMMONWEALTH OF PENNSYLVANIA :  
: SS.  
COUNTY OF CLEARFIELD :  
:

I, FOSTER CRAWFORD, being duly sworn according to law, depose and say that I am Plaintiff in the above-captioned matter and that I have been unable to discover the whereabouts and identity of VIOLA M. MCCOY, the above-named Defendant, her heirs and assigns, and have caused the records in offices of the Registers and Recorders of Clearfield County to be examined to ascertain the date of death of the Defendant, whether she died testate or intestate, the names and addresses of all the Defendant's heirs, legatees, or devisees, and whether or not there has been any adverse conveyance of the real estate that is subject to suit, and that I have made a good faith effort to locate the whereabouts of the Defendant.

FOSTER CRAWFORD CONCRETE  
COMPANY

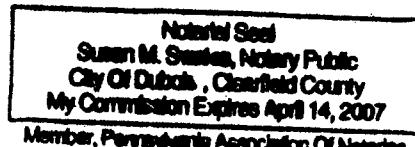
By: *Foster Crawford*  
FOSTER CRAWFORD

SWORN TO and SUBSCRIBED

before me this 4<sup>th</sup> day of

August, 2005.

*Susan M. Shulka*  
Notary Public



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

FOSTER CRAWFORD CONCRETE  
COMPANY,

Plaintiff,

vs.

VIOLA M. MCCOY, her heirs,  
administrators, executors  
and assigns,

Defendant.

MOTION FOR SERVICE OF  
COMPLAINT ON DEFENDANT  
BY PUBLICATION

ACTION TO QUIET TITLE

FILED

AUG 08 2005

William A. Shaw  
Prothonotary/Clerk of Courts

LAW OFFICES  
**CHRISTOPHER E. MOHNEY**  
90 BEAVER DRIVE - SUITE 111B  
DUBOIS, PA 15801  
(814) 375-1044

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

FOSTER CRAWFORD CONCRETE : NO. 05 - 1156 - C.D.  
COMPANY, :  
Plaintiff, : ACTION TO QUIET TITLE  
vs. :  
VIOLA M. MCCOY, her heirs, :  
administrators, executors and assigns, :  
Defendant. :  
:

ORDER

AND NOW, this 10 <sup>th</sup> day of August, 2005, upon consideration of the foregoing Plaintiff's Motion for Service of Complaint on Defendant by Publication, the Plaintiff is granted leave to make service of the Complaint on the Defendant, VIOLA M. MCCOY, her heirs, administrators, executors and assigns, by publication once in the Courier-Express, a newspaper of general circulation in Clearfield County, Pennsylvania, and once in the Clearfield County Legal Journal according to the attached Notice.

BY THE COURT,



FILED <sup>CC</sup>  
012:40 PM Atty  
AUG 10 2005 Mohney

William A. Shaw  
Prothonotary/Clerk of Courts

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

FOSTER CRAWFORD CONCRETE COMPANY,	:	NO. 05 - - C.D.
	:	
Plaintiff,	:	ACTION TO QUIET TITLE
	:	
vs.	:	
	:	
VIOLA M. MCCOY, her heirs, administrators, executors and assigns,	:	
	:	
Defendant.	:	

**ACTION TO QUIET TITLE NO. 05 - - C.D.**

TO: VIOLA M. MCCOY, her heirs, administrators, executors and assigns

You are hereby notified that an action to quiet title to premises situate in the Township of Sandy, Clearfield County, Pennsylvania, has been filed against you. Said premises are described as follows:

ALL that certain tract of land designated as Lot No. 362, Section No. 16, "Aruba" in the Treasure Lake Subdivision in Sandy Township, Clearfield County, Pennsylvania, recorded in the Recorder of Deeds Office in Misc. Docket Map File No. 25.

EXCEPTING AND RESERVING therefrom and subject to:

1. All easements, rights-of-way, reservations, restrictions and limitations shown or contained in prior instruments of record and in the aforesaid recorded plan.
2. The Declarations of Restrictions, Treasure Lake, Inc., recorded in Misc. Book Vol. 146, page 476; all of said restrictions being covenants which run with the land.
3. All minerals and mining rights of every kind and nature.

4. A lien for all unpaid charges or assessments as may be made by Developer or Treasure Lake Property Owners Association, Inc., which lien shall run with the land and be an encumbrance against it.

The land subject of this quiet title is also Tax Map No. 128-C2-16-362-21.

You have been sued in court. The purpose of this quiet title action is to extinguish any right or equity which the defendant above named and her heirs, administrators, executors and assigns may have in the property as described above. The Plaintiff in this action, after diligent search, has been unable to locate the Defendant, VIOLA M. MCCOY, or her devisees or heirs.

Whereupon, the Court ordered that Notice of said action be served on the Defendant, VIOLA M. MCCOY, her heirs, administrators, executors and assigns, by advertisement requiring Defendant's above-named and her heirs, administrators, executors and assigns to answer the Complaint within twenty (20) days from the date of this publication.

### **NOTICE**

IF YOU WISH TO DEFEND, YOU MUST ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE YOUR DEFENSE 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.

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CLEARFIELD COUNTY PROTHONOTARY  
CLEARFIELD COUNTY COURTHOUSE  
CLEARFIELD, PA 16830  
(814) 765-2641 x 5982

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Christopher E. Mohney, Esquire  
90 Beaver Drive, Suite 111B  
DuBois, PA 15801  
Attorney for Plaintiff

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

FOSTER CRAWFORD CONCRETE  
COMPANY,

Plaintiff,

vs.

VIOLA M. MCCOY, her heirs,  
administrators, executors  
and assigns,

Defendant.

ORDER

ACTION TO QUIET TITLE

FILED

AUG 10 2005

ANTHONY A. SHAW  
Prothonotary, Clerk of Courts

LAW OFFICES  
**CHRISTOPHER E. MOHNEY**  
90 BEAVER DRIVE - SUITE 111B  
DUBOIS, PA 15801  
(814) 375-1044

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

FOSTER CRAWFORD CONCRETE  
COMPANY,

Plaintiff,

vs.

VIOLA M. McCOY, her heirs,  
administrators, executors and assigns,

Defendant.

NO. 05 - 1156 - C.D.

Type of Case:  
ACTION TO QUIET TITLE

Type of Pleading: MOTION FOR  
DEFAULT JUDGMENT

Filed on Behalf of: PLAINTIFF  
FOSTER CRAWFORD CONCRETE  
COMPANY

Counsel of Record:  
CHRISTOPHER E. MOHNEY, ESQUIRE

Supreme Court No.: 63494

90 BEAVER DRIVE  
SUITE 111B  
DUBOIS, PA 15801  
(814) 375-1044

FILED

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William A. Shaw  
Prothonotary  
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION – AT LAW

FOSTER CRAWFORD CONCRETE COMPANY,	:	NO. 05 - 1156 - C.D.
Plaintiff,	:	ACTION TO QUIET TITLE
vs.	:	
VIOLA M. McCOY, her heirs, administrators, executors and assigns,	:	
Defendant.	:	

**MOTION FOR DEFAULT JUDGMENT**

AND NOW, comes the Plaintiff, FOSTER CRAWFORD CONCRETE COMPANY, by and through its attorney, CHRISTOPHER E. MOHNEY, ESQUIRE, and files this Motion for Default Judgment in the above-caption action and in support thereof avers:

1. This is an action to quiet title in which Plaintiff, FOSTER CRAWFORD CONCRETE COMPANY, requests that Defendant, Viola M. McCoy, her heirs, administrators, executors, and assigns, and all other person, persons, firms, partnerships or corporate entities in interest or their legal representatives be forever barred from asserting any right, title, liens or interests in or impeaching, levying or in any way attack the Plaintiff's title to the land described in Plaintiffs' Complaint. A true and correct copy of the Plaintiff's Complaint is attached hereto, marked Exhibit "A".

2. That by Order of this Court dated August 10, 2005, the Plaintiff was given leave to serve the Complaint filed in the above-captioned quiet title action by publication once in the Courier-Express, a newspaper of general circulation in Clearfield County, Pennsylvania, and once in the Clearfield County Legal Journal, the service by publication being allowed upon Motion and Affidavits filed by the Plaintiff that the whereabouts of the Defendant, Viola M. McCoy, and her heirs, administrators, executors and assigns, are unknown.

3. That pursuant to the Order of Court dated August 10, 2005, publication was made in the Courier-Express on August 17, 2005, and in the Clearfield County Legal Journal on the week of August 19, Volume 17, No. 33. Respective proofs of publication are attached hereto, marked Exhibit "B".

4. That more than twenty (20) days since last service of the Complaint and no appearance nor answer to the Complaint has been filed by the Defendant, his heirs, administrators, executors and/or assigns.

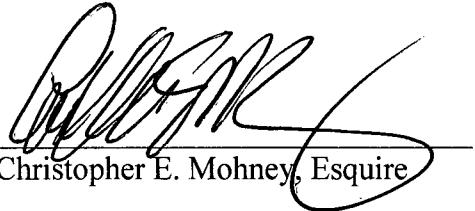
5. Pennsylvania Rule of Civil Procedure 1066(a) allows this Honorable Court to grant appropriate relief upon Affidavit that a Complaint containing a Notice to Defend has been served and Defendant has not filed an answer.

6. Attached hereto and marked Exhibit "C" is an Affidavit stating that a Complaint containing a Notice to Defend was served by publication once in the Courier-Express and once in the Clearfield County Legal Journal and more than twenty (20) days have elapsed since service and that Defendant, or anyone claiming under Defendant, have not entered an appearance or filed an answer to the Complaint.

WHEREFORE, Plaintiff requests this Court to enter an Order of Default Judgment against Defendant, Viola M. McCoy, her heirs, administrators, executors and assigns, pursuant to Pennsylvania Rule of Civil Procedure 1066(a).

Respectfully submitted,

By:

  
Christopher E. Mohney, Esquire

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

FOSTER CRAWFORD CONCRETE : NO. 05-1156-C.D.  
COMPANY, :  
Plaintiff, : Type of Case:  
vs. : ACTION TO QUIET TITLE  
VIOLA M. McCOY, her heirs, :  
administrators, executors and assigns, :  
Defendant. : Type of Pleading:  
: COMPLAINT  
: Filed on Behalf of: PLAINTIFF  
: FOSTER CRAWFORD CONCRETE  
: COMPANY  
: Counsel of Record:  
: CHRISTOPHER E. MOHNEY, ESQUIRE  
: Supreme Court No.: 63494  
: 90 BEAVER DRIVE  
: SUITE 111B  
: DUBOIS, PA 15801  
: (814) 375-1044

EXHIBIT

"A"

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

FOSTER CRAWFORD CONCRETE COMPANY,	:	NO. 05 - - C.D.
Plaintiff,	:	ACTION TO QUIET TITLE
vs.	:	
VIOLA M. MCCOY, her heirs, administrators, executors and assigns,	:	
Defendant.	:	

**NOTICE**

TO: VIOLA M. MCCOY, her heirs, administrators, executors and assigns

YOU ARE HEREBY NOTIFIED THAT AN ACTION TO QUIET TITLE TO PREMISES SITUATE IN SANDY TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA, HAVE BEEN FILED AGAINST YOU. SAID PREMISES ARE DESCRIBED AS FOLLOWS:

ALL that certain tract of land designated as Lot No. 362, Section No. 16, "Aruba" in the Treasure Lake Subdivision in Sandy Township, Clearfield County, Pennsylvania, recorded in the Recorder of Deeds Office in Misc. Docket Map File No. 25.

EXCEPTING AND RESERVING therefrom and subject to:

1. All easements, rights-of-way, reservations, restrictions and limitations shown or contained in prior instruments of record and in the aforesaid recorded plan.
2. The Declarations of Restrictions, Treasure Lake, Inc., recorded in Misc. Book Vol. 146, page 476; all of said restrictions being covenants which run with the land.
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CLEARFIELD COUNTY PROTHONOTARY  
CLEARFIELD COUNTY COURTHOUSE  
CLEARFIELD, PA 16830  
(814) 765-2641 x 5982

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

FOSTER CRAWFORD CONCRETE COMPANY : NO. 05 - - C.D.  
Plaintiff : ACTION TO QUIET TITLE  
vs. :  
VIOLA M. McCOY, her heirs, administrators, executors and assigns, :  
Defendant. :

COMPLAINT

AND NOW, comes the Plaintiff **FOSTER CRAWFORD CONCRETE COMPANY**, by and through its attorney, **CHRISTOPHER E. MOHNEY, ESQUIRE**, and brings this Action to Quiet Title to the premises hereinafter described against the above-named Defendant, and in support thereof avers:

1. Plaintiff FOSTER CRAWFORD CONCRETE COMPANY is a sole proprietorship owned by Foster Crawford, with an address at P. O. Box N, DuBois, Clearfield County, Pennsylvania, 15801.
2. Defendant VIOLA M. McCoy had a last known address of 234 North 25<sup>th</sup> Street, Mesa, Arizona, 85203.
3. After search of the Courthouse records in Clearfield County, Pennsylvania, no estate for Viola M. McCoy has ever been opened.
4. Plaintiff, through his undersigned counsel, has attempted to locate Viola M. McCoy at her last known address, unsuccessfully.

5. The purpose of this action is to quiet title to the following described real estate:

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EXCEPTING AND RESERVING therefrom and subject to:

5. All easements, rights-of-way, reservations, restrictions and limitations shown or contained in prior instruments of record and in the aforesaid recorded plan.
6. The Declarations of Restrictions, Treasure Lake, Inc., recorded in Misc. Book Vol. 146, page 476; all of said restrictions being covenants which run with the land.
7. All minerals and mining rights of every kind and nature.
8. A lien for all unpaid charges or assessments as may be made by Developer or Treasure Lake Property Owners Association, Inc., which lien shall run with the land and be an encumbrance against it.

The land subject of this quiet title is also Tax Map No. 128-C2-16-362-21.

6. By Deed dated January 15, 1971, and recorded in Clearfield County Deed Book Volume 632, Page 175, Treasure Lake, Inc. conveyed the above-described property to William C. McCoy.

7. By Deed dated June 4, 1981, and recorded in Clearfield County Deed Book Volume 814, Page 232, William C. McCoy conveyed the above-described property to Viola M. McCoy.

8. By Deed dated March 1, 1988, and recorded in Clearfield County Record Book Volume 1211, Page 101, the Tax Claim Bureau of Clearfield County, Pennsylvania, conveyed the above-described property to Foster Crawford Concrete Company.

9. The land being sold out from under Viola M. McCoy for unpaid taxes against the above-described property.

10. No third party has ever made any claim of any kind to ownership of interest and/or claim to or upon the property except as set forth in this Complaint.

11. Plaintiff is unaware of any right, title or interest claimed by the named Defendant, nor has the Plaintiff been able to learn anything of the heirs of VIOLA M. MCCOY.

12. Plaintiff has been informed and therefore believes that the Defendant, her heirs, successors, or assigns, may have a claim or interest adverse to the Plaintiff. The claims of the Defendant, her heirs, successors and assigns are without any right whatsoever, and Defendant's potential claims are wholly without right and constitute clouds on the Plaintiff's title, which Plaintiff desires to remove.

13. This action is brought to clear any and all clouds on the title to the ownership in interest to the property described in paragraph 5 of this Complaint, which the herein named Defendant, her heirs, devisees, executors, administrators, successors and assigns, and all other person, persons, partnerships or corporation entities in interest or their legal representatives might claim, possess or assert pertaining to any alleged irregularities in the chain of title herein set forth.

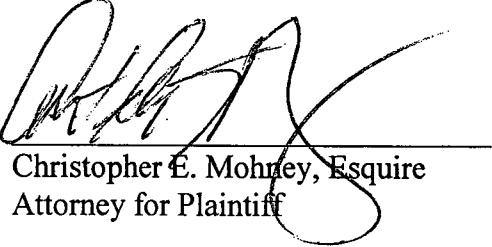
14. This suit to quiet title is instituted under the terms and provisions of the Pennsylvania Rules of Civil Procedure 1061 to 1067, inclusive, pertaining to the quieting of titles and other pertinent rules of local procedure.

WHEREFORE, your Plaintiff requests this Honorable Court to decree that title to the above-described property in paragraph 5 of this Complaint is in the name of FOSTER CRAWFORD CONCRETE COMPANY, and that the Defendant, her executors, administrators and assigns, and all other person, persons, firms, partnerships, or corporate entities in interest, or

their legal representatives, be forever barred from asserting any right, title, lien or interest in the land in question that is inconsistent with the interest of the Plaintiff as set forth herein to the said premises, or impeaching, denying or in any way attacking the Plaintiff's title to the said premises; and that your Honorable Court make any other necessary Order for the granting of proper relief as it deems necessary to equitably and legally recognize and preserve Plaintiff's rights in this matter.

Respectfully submitted,

By:

  
Christopher E. Mohney, Esquire  
Attorney for Plaintiff

**VERIFICATION**

I, FOSTER CRAWFORD, of FOSTER CRAWFORD CONCRETE COMPANY, being duly authorized to make this verification, have read the foregoing Complaint. The statements therein are correct to the best of our personal knowledge or information and belief.

This statement and verification is made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn fabrication to authorities, which provides that if I make knowingly false averments I may be subject to criminal penalties.

FOSTER CRAWFORD CONCRETE  
COMPANY

By:   
FOSTER CRAWFORD

## 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.

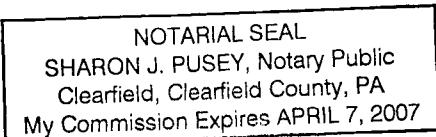


Gary A. Knaresboro, Esquire  
Editor

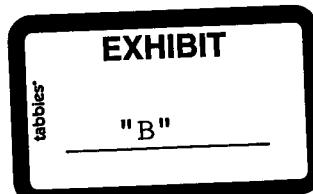
Sworn and subscribed to before me the day and year aforesaid.



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



Christopher E. Mohney  
90 Beaver Drive Suite 111B  
DuBois PA 15801



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

FOSTER CRAWFORD CONCRETE  
COMPANY, Plaintiff vs. VIOLA M. MCCOY,  
her heirs, administrators, executors and  
assigns, Defendant

ACTION TO QUIET TITLE  
No. 05-1156-CD

TO: VIOLA M. MCCOY, her heirs,  
administrators, executors and assigns,

You are hereby notified that an action to  
quiet title to the premises situate, in the  
Township of Sandy, Clearfield County,  
Pennsylvania, has been filed against you.  
Said premises are described as follows:

ALL that certain tract of land designated  
as Lot No. 362, Section No. 16, "Aruba" in  
the Treasure Lake Subdivision in Sandy  
Township, Clearfield County, Pennsylvania,  
recorded in the Recorder of Deeds Office in  
Misc. Docket Map File No. 25.

EXCEPTING AND RESERVING  
therefrom and subject to:

1. All easements, rights-of-way,  
reservations, restrictions and limitations  
shown or contained in prior instruments of  
record and in the aforesaid recorded plan.

2. The Declarations of Restrictions,  
Treasure Lake, Inc., recorded in Misc. Book  
Vol. 146, page 476; all of said restrictions  
being covenants which run with the land.

3. All minerals and mining rights of every  
kind and nature.

4. A lien for all unpaid charges or  
assessments as may be made by Developer or  
Treasure Lake Property Owners  
Association, Inc., which lien shall run with  
the land and be an encumbrance against it.

The land subject of this quiet title is also  
Tax Map No. 128-C2-16-362-21.

You have been sued in Court. The  
purpose of this quiet title action is to  
extinguish any right or equity which the  
Defendants above named and their heirs,  
administrators, executors and assigns may  
have in the property as described above.  
The Plaintiff in this action, after a diligent  
search, have been unable to locate the  
Defendant, VIOLA M. MCCOY, or her  
devisees or heirs.

Whereupon the Court Ordered that  
notice of said action be served on the  
Defendant, VIOLA M. MCCOY, her heirs,  
administrators, executors and assigns, by  
advertisement requiring Defendants' above-  
named and her heirs, administrators,  
executors and assigns to answer the  
Complaint within twenty (20) days from the  
date of this publication.

NOTICE  
IF YOU WISH TO DEFEND, YOU

MUST ENTER A WRITTEN APPEARANCE  
PERSONALLY OR BY ATTORNEY TO  
FILE YOUR DEFENSE 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 NOTICE TO  
YOUR LAWYER AT ONCE. IF YOU DO  
NOT HAVE A LAWYER OR CANNOT  
AFFORD ONE, GO TO OR TELEPHONE  
THE OFFICE SET FORTH BELOW TO  
FIND OUT WHERE YOU CAN GET LEGAL  
HELP.

Clearfield County Prothonotary,  
Clearfield County Courthouse, Clearfield, PA  
16830 (814) 765-2641. (ext. 5982).

Christopher E. Mohney, Esquire, 90  
Beaver Drive, Suite 111-B, DuBois, PA  
15801, Attorney for Plaintiff.

accepted, and the sale of said realty authorized, approved and confirmed by the Court.

Higher and better offers will be accepted at the time of hearing.

The terms of sale include, but are not limited to the fact that the sale is an "AS IS" "WHERE IS" sale, without representations or warranties of any kind. The buyer and seller shall be equally responsible for all of the realty transfer taxes, if any be due and owing, and taxes and rents shall be pro-rated as of closing.

Closing shall occur on or before 30 days from the date the Order of Sale becomes final.

The successful bidder shall be required to deposit \$8,000.00 of the purchase price in cash, or by certified or cashiers checks, at the time of the hearing.

All buyers are advised that the above is intended to be a summary of the terms of sale. Buyers should obtain a copy of the Complaint to Sell, as the specific terms and conditions set forth in the Complaint shall at all times prevail and be controlling. The ~~terms of sale are contained in the Complaint~~

### SHERIFF'S SALE OF VALUABLE REAL ESTATE

BY VIRTUE OF: Execution issued out of the Court of Common Pleas of Clearfield County, Pennsylvania and to me directed, there will be exposed to public sale in the Sheriff's Office in the Court House in the Borough of Clearfield on FRIDAY, SEPTEMBER 2, 2005 at 10:00 A.M.

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

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

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

#### EXHIBIT 'A'

ALL those five pieces or parcels of land with improvements thereon erected situate in the Second Ward of the Borough of Curwensville, Clearfield County, Pennsylvania, bounded and described as follows:

THE FIRST THEREOF Bounded on the South by Meadow Street; on the East by an alley; on the West by Filbert Street, and on the North by lot formerly of C. S. Russell, M. C. Porter, and E. C. Blandy, Trustees (now described as the Second hereof) and the Edwards Motor Transit Company, being a lot sixty (60) feet in width by one hundred twenty (190) feet in depth. Having erected thereon a two story brick and office building.

THE SECOND THEREOF Beginning at a post on the eastern side of Filbert Street, sixty (60) feet North from the line of Meadow Street and at the corner of the lot first herein described; thence by said lot first described one hundred thirty (130) feet to a post and the line of the lot now or formerly of E. R. and J. W. Edwards; thence by the line of the Edwards' lot in a northerly direction fifteen (15) feet to a post and the line of a lot now or formerly of Marry W. Riddle; thence by said Riddle lot in a westerly direction one hundred thirty (130) feet to the line of Filbert Street; thence by the line of Filbert Street in a southerly direction fifteen (15) feet to the place of beginning.

THE THIRD THEREOF Beginning at a

COUNTY, PENNSYLVANIA  
CIVIL ACTION - AT LAW  
NO. 05-1156-C.D.  
ACTION TO QUIET TITLE

FOSTER CRAWFORD CONCRETE COMPANY, Plaintiff,

vs.

VIOLA M. MCCOY, her heirs, administrators, executors and assigns, Defendant.

ACTION TO QUIET TITLE NO. 05-1156-C.D.

TO: VIOLA M. MCCOY, her heirs, administrators, executors and assigns

You are hereby notified that an action to quiet title to premises situated in the Township of Sandy, Clearfield County, Pennsylvania, has been filed against you. Said premises are described as follows:

ALL that certain tract of land designated as Lot No. 362, Section No. 16, "Aruba" in the Treasure Lake Subdivision in Sandy Township, Clearfield County, Pennsylvania, recorded in the Recorder of Deeds Office in Misc. Docket Map File No. 25.

EXCEPTING AND RESERVING therefrom and subject to:

1. All easements, rights-of-way, reservations, restrictions and limitations shown or contained in prior instruments of record and in the aforesaid recorded plan.
2. The Declarations of Restrictions, Treasure Lake, Inc., recorded in Misc. Book Vol. 146, page 476; all of said restrictions being covenants which run with the land.
3. All minerals and mining rights of every kind and nature.
4. A lien for all unpaid charges or assessments as may be made by Developer or Treasure Lake Property Owners Association, Inc., which lien shall run with the land and be an encumbrance against it.

The land subject of this quiet title is also Tax Map No. 128-C2-16-362-21.

You have been sued in court. The purpose of this quiet title action is to extinguish any right or equity which the defendant above named and her heirs, administrators, executors and assigns may have in the property as described above. The Plaintiff in this action, after diligent search, has been unable to locate the Defendant, VIOLA M. MCCOY, or her devisees or heirs.

Whereupon, the Court ordered that Notice of said action be served on the Defendant, VIOLA M. MCCOY, her heirs, administrators, executors and assigns, by advertisement requiring Defendant's above-named and her heirs, administrators, executors and assigns to answer the Complaint within twenty (20) days from the date of this publication.

NOTICE

IF YOU WISH TO DEFEND, YOU MUST ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE YOUR DEFENSE 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.

CLEARFIELD COUNTY PROTHONOTARY  
CLEARFIELD COUNTY COURTHOUSE  
CLEARFIELD, PA 16830  
(814)765-2641 x 5982

Christopher E. Mohney, Esquire  
90 Beaver Drive, Suite 111B  
DuBois, PA 15801  
Attorney for Plaintiff



## Days at the table

by Phillip Alder

hey split 3-3. My 12 four spades, two diamonds and two I would also have subtract if either opponent with the club king

and four spades: that hand would have been squeezed.)

Against three no-trump, the club start isn't silly, but leading away from a king against six no-trump is ill-advised.

sified ads, 371-4200 or 849-6737

## A Crossword Puzzle

38 Walrus hunter  
39 Variety of lettuce  
40 Music genre  
41 Mil. officer  
42 Duck's foot  
43 Job application info  
44 Give the pink slip  
45 Place for laundry  
46 "Northanger Abbey" novelist  
51 Camel kin  
55 Mean to  
56 Bring forth  
57 Distress signal  
58 Ride the banister

### DOWN

1 White Sox org.  
2 Above, to Tennyson  
3 Rocky Mountain tribe

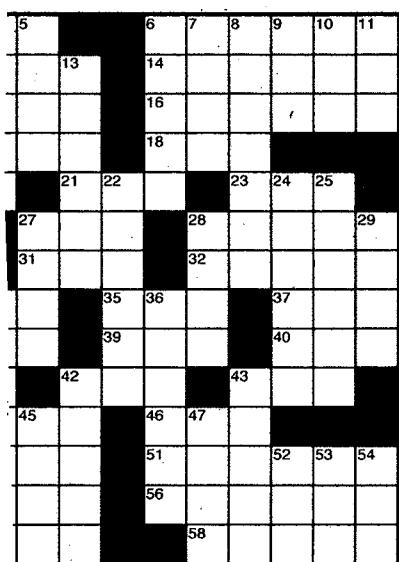
### Answer to Previous Puzzle



4 Robbery  
5 Mist  
6 Planet's course  
7 Meadow murmurs  
8 Eavesdrops

9 Hill builder  
10 Tie-dyed garment  
11 Sullivan and Murrow  
13 Ogled  
19 Adds up  
20 Spice rack item  
22 This second (2 wds.)

24 Perfume essences  
25 Taipei locale  
26 Hatha-  
27 Tempo  
28 Nose-bag tidbits  
29 Warm-up  
34 Changed drastically  
36 Teeter  
42 "Peter Pan" girl  
43 Slug cousin  
45 Lucy Lawless role  
47 Troubles  
48 Zero in on  
49 Ms. Merkel  
50 Animal shelter  
52 Sprint rival  
53 Bail out  
54 Sault — Marie



© 2005 by NEA, Inc.

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

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

**STATE OF PENNSYLVANIA  
COUNTY OF CLEARFIELD**

ss:

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

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

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

By

Sworn and subscribed to before me this 18<sup>th</sup> day of Aug., 2005

Brian M. Duttry  
NOTARY PUBLIC

**THIS IS  
NOT A  
BILL**

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

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

TO

## Christopher Mohney

For publishing the notice or advertisement  
attached hereto on the above stated dates..... **\$294.84**  
Probating same..... **\$7.50**  
Total..... **\$302.34**

## **Publisher's Receipt for Advertising Costs**

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

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

Established 1879, Phone 814-371-4200

MCLEAN PUBLISHING COMPANY

**Publisher of**

COURIER-EXPRESS/TRI-COUNTY SUNDAY/JEFFERSONIAN DEMOCRAT

By

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

**ATTORNEY FOR**

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

FOSTER CRAWFORD CONCRETE  
COMPANY,

NO. 05 - 1156 - C.D.

Plaintiff,

ACTION TO QUIET TITLE

vs.

VIOLA M. McCOY, her heirs,  
administrators, executors and assigns,

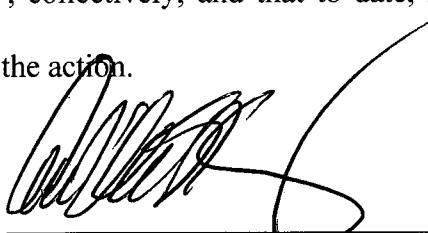
Defendant.

**AFFIDAVIT**

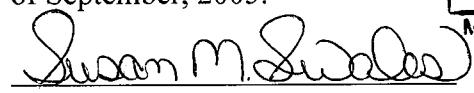
COMMONWEALTH OF PENNSYLVANIA :  
: SS.  
COUNTY OF CLEARFIELD :

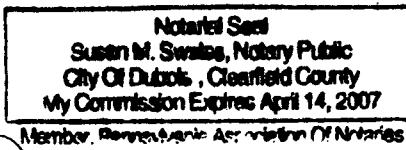
I, CHRISTOPHER E. MOHNEY, ESQUIRE, being duly sworn according to law, deposes and says that I am counsel for Plaintiff in this action, and make this Affidavit on behalf of Plaintiff, being authorized to do so; that a Complaint in this action to quiet title, containing a Notice to Defend within twenty (20) days of service was duly served on Defendant, Viola M. McCoy, her heirs, administrators, executors and assigns, as evidenced by the original proofs of publication attached to this Motion as Exhibit "B", collectively; and that to date, none of the aforementioned Defendants have filed an answer in the action.

By:

  
Christopher E. Mohney, Esquire

Sworn to and Subscribed  
before me this 8<sup>th</sup> day  
of September, 2005.

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



**EXHIBIT "C"**

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

FOSTER CRAWFORD CONCRETE  
COMPANY,

Plaintiff,

vs.

VIOLA M. MCCOY, her heirs,  
administrators, executors  
and assigns,

Defendant.

MOTION FOR DEFAULT JUDGMENT

No. 05-1156-C.D.

William A. Shaw  
Prothonotary

SEP 12 2005

FILED

LAW OFFICES

CHRISTOPHER E. MOHNEY  
90 BEAVER DRIVE - SUITE 111B  
DUBOIS, PA 15801  
(814) 375-1044

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

FOSTER CRAWFORD CONCRETE : NO. 05 - 1156 - C.D.  
COMPANY, :  
Plaintiff, : ACTION TO QUIET TITLE  
vs. :  
VIOLA M. McCOY, her heirs, :  
administrators, executors and assigns, :  
Defendant. :  
: ORDER

FILED <sup>2cc</sup>  
08/5/05 Atty  
SEP 16 2005 Mohney  
William A. Shaw  
Prothonotary/Clerk of Courts  
6K

AND NOW, this 19 day of September, 2005, it appearing on Motion of Christopher E. Mohney, Esquire, attorney for Plaintiff, that service of Complaint in the above-captioned quiet title action as per Order of Court was served on the Defendant, Viola M. McCoy, her heirs, administrators, executors and assigns, once in the Courier-Express, a newspaper of general circulation in Clearfield County, Pennsylvania, and once in the Clearfield County Legal Journal, and that the identity and whereabouts of the Defendant, Viola M. McCoy, her heirs, administrators, executors, and/or assigns are unknown, it appearing that no answer has been filed nor any appearance entered by the named Defendant, Viola M. McCoy, nor her duly authorized representatives for more than twenty (20) days since the dates of publication, it is ORDERED:

1. That Viola M. McCoy, her heirs, administrators, executors, and assigns are forever barred from asserting any right, title, lien or interest in consistent with the interest of claim of the Plaintiff as set forth in its Complaint in and to the following parcel of land located in Sandy Township, Clearfield County, Pennsylvania, described as followed:

ALL that certain tract of land designated as Lot No. 362, Section No. 16, "Aruba" in the Treasure Lake Subdivision in Sandy Township, Clearfield County, Pennsylvania, recorded in the Recorder of Deeds Office in Misc. Docket Map File No. 25.

EXCEPTING AND RESERVING therefrom and subject to:

1. All easements, rights-of-way, reservations, restrictions and limitations shown or contained in prior instruments of record and in the aforesaid recorded plan.
2. The Declarations of Restrictions, Treasure Lake, Inc., recorded in Misc. Book Vol. 146, page 476; all of said restrictions being covenants which run with the land.
3. All minerals and mining rights of every kind and nature.
4. A lien for all unpaid charges or assessments as may be made by Developer or Treasure Lake Property Owners Association, Inc., which lien shall run with the land and be an encumbrance against it.

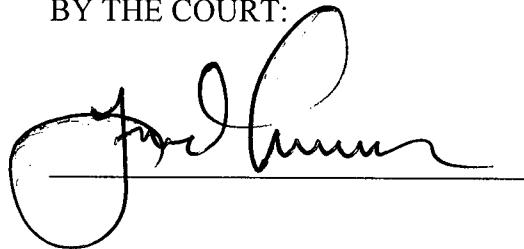
The land subject of this quiet title is also Tax Map No. 128-C2-16-362-21.

This Order shall be final and absolute unless the aforesaid Defendant shall file exceptions to this Order within thirty (30) days of the date hereof.

2. That if said Defendant above-named shall not have filed said exceptions within thirty (30) days, the Prothonotary, upon Praecept of the Plaintiff shall enter final judgment for the Plaintiff and against the named Defendants.
3. That the right of the Plaintiff in the premises is at all times superior to the rights of the named Defendant and that Plaintiff's title is in fee simple to the premises described in the Complaint against the Defendant.
4. That the Defendant or any person claiming under her shall be forever enjoined from setting up any title to the premises of the Plaintiff described in the Complaint and from impeaching, denying or in any way attacking the title to the premises.

5. That these proceedings, or any authenticated copy thereof, shall at all times be hereinafter taken as evidence of the facts declared and established thereby.
6. That a copy of this Order shall be recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania.

BY THE COURT:

A handwritten signature in black ink, appearing to read "John J. Hamm", is written over a horizontal line. The signature is fluid and cursive, with a large, stylized 'J' at the beginning.

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

FOSTER CRAWFORD CONCRETE  
COMPANY, : NO. 05 - 1156 - C.D.  
Plaintiff, : Type of Case:  
vs. : ACTION TO QUIET TITLE  
VIOLA M. McCOY, her heirs,  
administrators, executors and assigns, : Type of Pleading: PRAECIPE FOR  
Defendant. : FINAL JUDGMENT  
: Filed on Behalf of: PLAINTIFF  
: FOSTER CRAWFORD CONCRETE  
: COMPANY  
: Counsel of Record:  
: CHRISTOPHER E. MOHNEY, ESQUIRE  
: SUPREME COURT NO.: 63494  
: 90 BEAVER DRIVE  
: SUITE 111B  
: DUBOIS, PA 15801  
: (814) 375-1044

FILED  
01/10/52/01  
OCT 18 2005  
cc  
GR

William C. Shaw  
Prothonotary/Clerk of Courts

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

FOSTER CRAWFORD CONCRETE : NO. 05 - 1156 - C.D.  
COMPANY, :  
: Plaintiff, : ACTION TO QUIET TITLE  
: vs. :  
: VIOLA M. McCOY, her heirs, :  
: administrators, executors and assigns, :  
: Defendant. :  
:

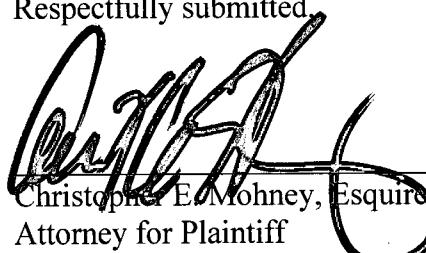
**PRAECIPE FOR FINAL JUDGMENT FOR FAILURE**  
**TO FILE EXCEPTIONS WITHIN THIRTY (30) DAYS OF COURT ORDER**

TO: WILLIAM A SHAW, PROTHONOTARY

Please enter judgment in favor of the Plaintiffs and against the Defendants herein as per Order of Court dated the September 14, 2005, in the above quiet title action, the Defendants having failed to file exceptions to the aforementioned Order within thirty (30) days of the date of said Order.

Respectfully submitted,

By:

  
Christopher E. Mohney, Esquire  
Attorney for Plaintiff

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

FOSTER CRAWFORD CONCRETE  
COMPANY,

Plaintiff,

vs.

VIOLA M. MCCOY, her heirs,  
administrators, executors  
and assigns,

Defendant.

PRAECLPICE FOR FINAL  
JUDGMENT

NO. 05-1156-C.D.

**FILED**

CC 18 2005

William A. Shaw  
Prothonotary/Clerk of Courts

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