

05-1239-CD
Maria A. Merritt vs George J. Greenwalt et

Maria Merritt vs. George Greenwalt, et al
2005-1239-CD

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

MARIA A. MERRITT,

Plaintiff,

vs.

GEORGE J. GREENWALT, a/k/a
GEORGE J. GREENAWALT, and
MARIE K. GREENWALT, a/k/a
MARIE K. GREENAWALT, and
their heirs, devisees, administrators,
executors, successors and assigns,
and all other person, persons, firms,
partnerships or corporate entities in
interest,

Defendants.

: No. 05 - 1239 C.D.

: TYPE OF CASE: ACTION TO QUIET TITLE

: TYPE OF PLEADING: COMPLAINT

: FILED ON BEHALF OF:

MARIA A. MERRITT, Plaintiff

: COUNSEL OF RECORD FOR THIS PARTY:

: PAULA M. CHERRY, ESQ.

: Supreme Court No.: 36023

: GLEASON, CHERRY AND CHERRY, L.L.P.

: Attorneys at Law

: One North Franklin Street

: P.O. Box 505

: DuBois, PA 15801-0505

: (814) 371-5800

:

:

:

FILED *cc. Atty*

010:53/81
AUG 18 2005 *Atty pd. 95.00*

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

MARIA A. MERRITT,	:	
Plaintiff,	:	
vs.	:	No. 05 - _____ C.D.
GEORGE J. GREENWALT, a/k/a	:	ACTION TO QUIET TITLE
GEORGE J. GREENAWALT, and	:	
MARIE K. GREENWALT, a/k/a	:	
MARIE K. GREENAWALT, and	:	
their heirs, devisees, administrators,	:	
executors, successors and assigns,	:	
and all other person, persons, firms,	:	
partnerships or corporate entities in	:	
interest,	:	
Defendants.	:	

NOTICE

TO: GEORGE J. GREENWALT, a/k/a GEORGE J. GREENAWALT, and MARIE K. GREENWALT, a/k/a MARIE K. GREENAWALT, and their heirs, devisees, administrators, executors, successors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest:

YOU ARE HEREBY NOTIFIED THAT AN ACTION TO QUIET TITLE TO THE PREMISES SITUATE IN THE TREASURE LAKE SUBDIVISION OF SANDY TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA, HAS BEEN FILED AGAINST YOU. Said premises are described as follows:

ALL that certain tract of land designated as Lot No. 105, Section No. 25, 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 Declaration 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.
5. The right of the owner and/or operator of any recreational facilities within the said Treasure Lake Subdivision to assess fees and charges against Grantee, her heirs, administrators, executors and assigns, for the use and/or maintenance of any such facilities which if unpaid, shall become a lien upon the land and be an encumbrance against it.

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within Twenty (20) days after this Complaint and Notice are served by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO

NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE
OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

COURT ADMINISTRATOR
Clearfield County Courthouse
230 East Market Street, Suite 228
Clearfield, PA 16830
(814) 765-2641 Ex. 5982

GLEASON, CHERRY AND CHERRY, L.L.P.
Attorneys at Law
One North Franklin Street
P.O. Box 505
DuBois, PA 15801-0505
(814) 371-5800
Attorneys for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

MARIA A. MERRITT,	:	
Plaintiff,	:	
vs.	:	No. 05 - _____ C.D.
	:	
GEORGE J. GREENWALT, a/k/a	:	ACTION TO QUIET TITLE
GEORGE J. GREENAWALT, and	:	
MARIE K. GREENWALT, a/k/a	:	
MARIE K. GREENAWALT, and	:	
their heirs, devisees, administrators,	:	
executors, successors and assigns,	:	
and all other person, persons, firms,	:	
partnerships or corporate entities in	:	
interest,	:	
Defendants.	:	

C O M P L A I N T

The Plaintiff in the above-entitled matter, MARIA A. MERRITT, brings this Action to Quiet Title for the purpose of barring the Defendants, GEORGE J. GREENWALT, a/k/a GEORGE J. GREENAWALT, and MARIE K. GREENWALT, a/k/a MARIE K. GREENAWALT, and their heirs, devisees, administrators, executors, successors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest, entitled Defendants, from asserting any right, title and interest or lien in and to the premises described in Exhibit "A", which is situate in the Treasure Lake Subdivision of Sandy Township, Clearfield County, Pennsylvania, and avers the following cause of action:

1. The Plaintiff, MARIA A. MERRITT, is an individual, who resides in Sandy

Township, Clearfield County, Pennsylvania, with a mailing address of 1417 Treasure Lake, DuBois, Pennsylvania 15801.

2. After diligent search, the Plaintiff is unable to discover the whereabouts or identify of the Defendants, GEORGE J. GREENWALT, a/k/a GEORGE J. GREENAWALT, and MARIE K. GREENWALT, a/k/a MARIE K. GREENAWALT, and their heirs, devisees, administrators, executors, successors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest.

3. The premises more particularly described in Exhibit "A", which is designated as Lot No. 105, Section 25, in the Treasure Lake Subdivision of Sandy Township, Clearfield County, Pennsylvania, was the same premises conveyed to GEORGE J. GREENAWALT and MARIE K. GREENAWALT, by Deed of Recreation Land Corporation dated August 6, 1980, and recorded in the Office of the Register and Recorder of Deeds of Clearfield County, Pennsylvania, in Deeds and Records Book Vol. 809, Page 549, on March 18, 1981.

4. The premises more particularly described in Exhibit "A", attached hereto and made a part hereof, was exposed to tax sale by the Tax Claim Bureau of Clearfield County, Pennsylvania, on September 13, 1994, for unpaid taxes and was sold by the Tax Claim Bureau of Clearfield County, Pennsylvania, to Randy L. Yeager and Deborah L. Yeager. A Deed to the said Randy L. Yeager and Deborah L. Yeager from the Tax Claim Bureau of Clearfield County, Pennsylvania, dated December 5, 1994, was recorded in the Office of the Register and Recorder of Deeds of Clearfield County, Pennsylvania, in Clearfield County Deeds and Records Book Vol. 1650, Page 604.

5. By Deed dated June 23, 2005, and recorded in the Office of the Register and Recorder of Deeds of Clearfield County, Pennsylvania, as Instrument No. 200510205, on July 7, 2005, the said Randy L. Yeager and Deborah L. Yeager conveyed the premises more particularly described in Exhibit "A" as Lot No. 105, Section No. 25, of the Treasure Lake Subdivision of Sandy Township, Clearfield County, Pennsylvania, to MARIA A. MERRITT, Plaintiff herein.

6. The Plaintiff, MARIA A. MERRITT, and her predecessors in title have been in actual, open, notorious, visible, hostile and continuous possession of the premises described in Exhibit "A" since the time period that the premises were conveyed to them by virtue of the above-set forth deeds.

7. The said GEORGE J. GREENWALT, a/k/a GEORGE J. GREENAWALT, and MARIE K. GREENWALT, a/k/a MARIE K. GREENAWALT, and their heirs, devisees, administrators, executors, successors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest, were legally divested of all of their right, title and interest in the premises described in Exhibit "A" by virtue of the tax sale conducted by the Tax Claim Bureau of Clearfield County, Pennsylvania.

8. That the said tax assessments were properly made, and the said tax sale conducted by the Tax Claim Bureau of Clearfield County, Pennsylvania, for delinquent real estate taxes was valid, and the Plaintiff's predecessors in title, through said tax sale, obtained all of the right, title and interest in and to the premises herein described in Exhibit "A", attached hereto and made a part hereof.

9. One of the purposes of this Action is to quiet the title as to any interest the Defendants, GEORGE J. GREENWALT, a/k/a GEORGE J. GREENAWALT, and MARIE K. GREENWALT, a/k/a MARIE K. GREENAWALT, and their heirs, devisees, administrators, executors, successors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest, may have in the said premises described in Exhibit "A", because of any defect that may exist or may have existed in said tax sale of said premises by the Tax Claim Bureau of Clearfield County, Pennsylvania, because of the premises being improperly assessed, not properly described, no proper notice of said tax sale to the record owners, or that said premises was sold as the property of one other than the record owner or the legal heirs or assigns of the record owners, or for any other reason that may raise some question as to the validity of the title. Another purpose of this Action is to make the title to the premises described in Exhibit "A", marketable so that the same can be certified.

WHEREFORE, Plaintiff requests the Court to:

- (a) Determine that her rights are superior to the rights of the Defendants, GEORGE J. GREENWALT, a/k/a GEORGE J. GREENAWALT, and MARIE K. GREENWALT, a/k/a MARIE K. GREENAWALT, and their heirs, devisees, administrators, executors, successors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest;
- (b) Determine that the Plaintiff has fee simple title to the premises described in Exhibit "A" as against the Defendants, GEORGE J. GREENWALT, a/k/a GEORGE J. GREENAWALT, and MARIE K. GREENWALT, a/k/a MARIE K. GREENAWALT, and

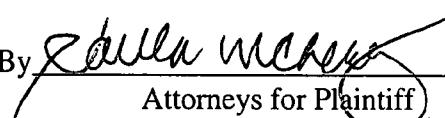
their heirs, devisees, administrators, executors, successors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest;

(c) Enjoin the Defendants, GEORGE J. GREENWALT, a/k/a GEORGE J. GREENAWALT, and MARIE K. GREENWALT, a/k/a MARIE K. GREENAWALT, and their heirs, devisees, administrators, executors, successors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest from setting up any title to the premises described in Exhibit "A" and from impeaching, denying or in any way attacking the title of the Plaintiff to the premises described in Exhibit "A"; and

(d) Grant and decree whatever relief may seem equitable and proper.

AND she will ever pray.

GLEASON, CHERRY AND CHERRY, L.L.P.

By 

Attorneys for Plaintiff

COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :

Personally appeared before me, the undersigned officer, a Notary Public in and for the county and state aforesaid, MARIA A. MERRITT, who, being duly sworn according to law, deposes and says that the facts set forth in the foregoing Complaint are true and correct to the best of her knowledge, information and belief.

Maria A. Merritt

Maria A. Merritt

Sworn to and subscribed before me, this 15th day of August, 2005.

Paula M. Cherry
Notary Public
My commission expires: September 16, 2005

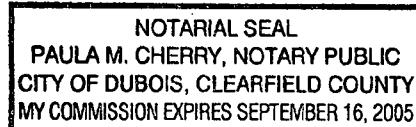


Exhibit "A"

ALL that certain tract of land designated as Lot No. 105, Section No. 25, 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 Declaration 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.
5. The right of the owner and/or operator of any recreational facilities within the said Treasure Lake Subdivision to assess fees and charges against Grantee, her heirs, administrators, executors and assigns, for the use and/or maintenance of any such facilities which if unpaid, shall become a lien upon the land and be an encumbrance against it.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

MARIA A. MERRITT,	:	
Plaintiff,	:	
vs.	:	No. 05 - _____ C.D.
GEORGE J. GREENWALT, a/k/a	:	ACTION TO QUIET TITLE
GEORGE J. GREENAWALT, and	:	
MARIE K. GREENWALT, a/k/a	:	
MARIE K. GREENAWALT, and	:	
their heirs, devisees, administrators,	:	
executors, successors and assigns,	:	
and all other person, persons, firms,	:	
partnerships or corporate entities in	:	
interest,	:	
Defendants.	:	

A F F I D A V I T

COMMONWEALTH OF PENNSYLVANIA	:	
	:	SS.
COUNTY OF CLEARFIELD	:	

Personally appeared before me, a Notary Public in and for the county and state aforesaid, MARIA A. MERRITT, who, being duly sworn according to law, deposes and says that after diligent search, including a search of the Clearfield County Courthouse records, telephone books and post office, she is unable to find GEORGE J. GREENWALT, a/k/a GEORGE J. GREENAWALT, and MARIE K. GREENWALT, a/k/a MARIE K. GREENAWALT, and their heirs, devisees, administrators, executors, successors and assigns,

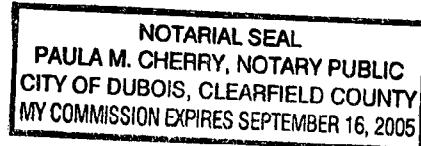
and all other person, persons, firms, partnerships or corporate entities in interest, claiming such interest.

Further Deponent saith not.

Maria A. Merritt
Maria A. Merritt

Sworn to and subscribed before me, this 15th day of August, 2005.

Paula Cherry
Notary Public
My commission expires: September 16, 2005



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

MARIA A. MERRITT, :
Plaintiff, :
vs. : No. 05 - 1239 C.D.
GEORGE J. GREENWALT, a/k/a :
GEORGE J. GREENAWALT, and :
MARIE K. GREENWALT, a/k/a :
MARIE K. GREENAWALT, and :
their heirs, devisees, administrators, :
executors, successors and assigns, :
and all other person, persons, firms, :
partnerships or corporate entities in :
interest, :
Defendants. :
ACTION TO QUIET TITLE

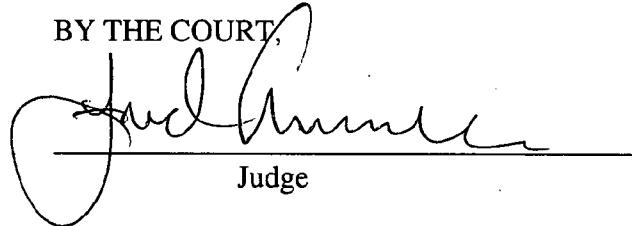
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012:3861
AUG 19 2005 (W)

William A. Shaw
Prothonotary/Clerk of Courts
ICC Atty P.Chester

O R D E R

NOW, this 19 day of August, 2005, it appearing that an Action to Quiet Title has been filed in the above-entitled case and the identity and whereabouts of GEORGE J. GREENWALT, a/k/a GEORGE J. GREENAWALT, and MARIE K. GREENWALT, a/k/a MARIE K. GREENAWALT, and their heirs, devisees, administrators, executors, successors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest, are unknown, the Defendants shall be served with a copy of the Complaint by advertising the same one (1) time in the Courier-Express newspaper and one (1) time in the Clearfield County Legal Journal in accordance with the Notice attached to and made a part of the Complaint.

BY THE COURT,



Judge

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

MARIA A. MERRITT, Plaintiff,
vs.

GEORGE J. GREENWALT, a/k/a GEORGE
J. GREENWALT, and MARIE K.
GREENWALT, a/k/a MARIE K.
GREENWALT, and their heirs,
devisees, administrators,
executors, successors and assigns,
and all other person, persons,
firms, partnership or corporate
entities in interest, Defendants.

C O M P L A I N T

No. 05 - C.D.

To The Within Defendants:

YOU ARE HEREBY NOTIFIED TO
PLEAD TO THE WITHIN COMPLAINT
WITHIN TWENTY (20) DAYS FROM THE
DATE OF SERVICE HEREOF.
GLEASON, CHERRY AND CHERRY, L.L.P.:

By _____
Attorneys for Plaintiff

FILED

AUG 18 2005

William A. Shaw
Prothonotary/Clerk of Courts

LAW OFFICES
GLEASON, CHERRY & CHERRY, L.L.P.
P. O. Box 505
Du Bois, PENNSYLVANIA 15801-0505
ONE NORTH FRANKLIN STREET

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

MARIA A. MERRITT, :
Plaintiff, :
vs. : No. 05 - 1239 C.D.
: :
GEORGE J. GREENWALT, a/k/a : ACTION TO QUIET TITLE
GEORGE J. GREENAWALT, and :
MARIE K. GREENWALT, a/k/a :
MARIE K. GREENAWALT, and :
their heirs, devisees, administrators, :
executors, successors and assigns, :
and all other person, persons, firms, :
partnerships or corporate entities in :
interest, :
Defendants. :
:

FILED
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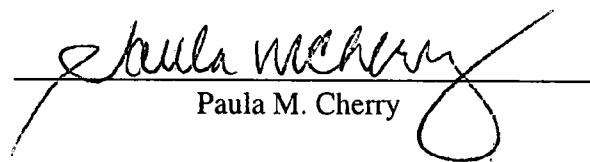
William A. Shaw
Prothonotary/Clerk of Courts

AFFIDAVIT

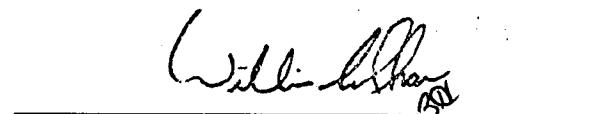
COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :
:

Personally appeared before me, a Notary Public in and for the county and state
aforesaid, PAULA M. CHERRY, Attorney for MARIA A. MERRITT, Plaintiff, who, being
duly sworn according to law, deposes and says that the service of the foregoing Complaint to
Quiet Title, endorsed with Notice to Plead within Twenty (20) days from the date of
publication was made on all of the Defendants by publication on September 1, 2005, in the
Courier-Express newspaper, and the week of September 9, 2005, in the Clearfield County
Legal Journal, proof of the same is hereto attached, in accordance with the Order of Court, and

more than Twenty (20) days have elapsed since said publications and that said Defendants have not filed an Appearance or any Answer to the Complaint, although the time in which to do so has expired.


Paula M. Cherry

Sworn to and subscribed before me this 30th day of September, 2005.



William A. Shaw

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

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 your notice or knowledge. You may lose money or property or other rights important to you.

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

COURT ADMINISTRATOR, Clearfield County Courthouse, 230 East Market Street, Suite 16830 (614) 765-2621 EX. 5982

GERALD CHERRY AND CHERRY, 15801-1, Suite 100, One North Franklin Street, P.O. Box 505, Dubois, PA 15801-0505 (614) 371-5800. Attorneys for Plaintiff, L.L.P.

againsit you. If you wish to defend against the claims set forth in the Complaint, you must take action within Twenty (20) days from the date of publication of this Notice. If you fail to file a suit within this time period, you will be estopped from bringing suit against the Defendants.

Leaseholder Lake Subdivision to assess fees and charges against Grantee, heirs, administrators, executors and assissees, for the use and/or maintenance of any such facilities which if unpaid, shall become a lien upon the land and be an encumbrance upon the title to the land.

4. A lien for all unpaid charges or assessments as may be made by Developer or Assessors.
5. The right of the owner and/or operator of any recreational facilities within the said area to be an entrepreneur against it.

2. The Declaration of Restraintions.
3. All minerals and mining rights of every kind and nature.

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

ALL that certain tract of land described as Lot No. 105, Section No. 25, in the Township of Clearfield County, in Sandy Township, Lake Subdivision in the as described in the Record of Deeds Office in Mic's Book of Maps File No. 25. RESERVING EXCEPTING

YOU ARE HEREBY NOTIFIED THAT AN ACTION TO QUIET TITLE TO THE PREMISES SITUATE IN THE TREAURE LAKE SUBDIVISION OF SANDY TOWN, SHIR, CLEELFIELD COUNTY, PENNSYLVANIA, HAS BEEN FILED AGAINST YOU. Said premises are described as follows:

EXCEPFTING AND RESERVING

shown or contained in prior instruments of conveyance and, if so, the described lands.

2. The Deed Declaration of Restraintions, Treasue Lake, Inc., recorded in Mlsc. Book Vol. 1, 196, p. 476, all of said restrictions being covenants which run with the land.

3. All mineral and mining rights of every

ALL THAT CERTAINLY PEECE OF PACCET OF
LAND SITUATE IN THE VILLEAGE OF SMOKE RUN,
DOWERS ASSOCIATION, INC., WHICH SELL
RUN WITH THE LAND AND BE AN ENCUMBRANCE

5. The right of the owner and/or operator of any reclamation facilities within said Pennsylvania, bounded and described as follows:

Bridge Abutment of the bridge over Muddy Run on Legislative Route 5508. Hence unincorporated areas (394330) seen from the East any such facilities which unpermitted shall become a lien upon the land and be an assigee subject to the use and enjoyment of the property.

508 one hundred forty and thirty-seven one
hundredeth South forty-five (45) degrees forty-
three minutes and forty seconds east of
507 one hundred forty and thirty-seven one
hundredeth South forty-five (45) degrees forty-
three minutes and forty seconds east of

Macadam Lowership Head twenty-five
thirty-five one hundred and twenty-five
iron pins; hence South twenty-five (25.35) refer to an
iron pin;

iron pins, truncheons, South mowbray-nine (25) degrees, fifty-six (56) minutes thirty (30) seconds, West along said Townships Road

hence $S_{0.9}$ twenty-nine (29) degrees
eighteen (18) minutes forty-five (45)
seconds West still forty-five (45)

seconds West still along said Township Road one hundred seventy-three and thirty-five one hundredths (173.35) feet to an iron

five one hundredths (173.35) feet to an iron pin, hence North westerly eight (28) degrees thirty (30) minutes West along land now or

thirty-five and nine one hundredths (35.09) minutes were spent in the chamber of Dena Mae and Shari K. Chamber (30) minutes were spent in the chamber of thirty-five and nine one hundredths (35.09).

pin; hence North went-y-eight (28°) degrees thirty (30°) minutes West still along said land thirty (30°) feet to the iron nail and thirty (30°) feet to the iron nail and

thirty-nine (39.00) feet to an iron pin and place of beginning, containing 0.04 acres as shown on Map dated March, 21, 1988 and

Surveyed by George A. Clegg, Registered
shown on map dated March, 21, 1988 and
Surveyor.

Map No. 103-K-15-495-22
Tax Parcel #103-K-15-495-22

2. *U. S. Fish Commission, Annual Report, 1881*, p. 100.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION
MERRITT, Plaintiff, vs.
MARIA A. GREENWALT, aka GEORGE
GEORGE J. GREENWALT

PROOF OF PUBLICATION

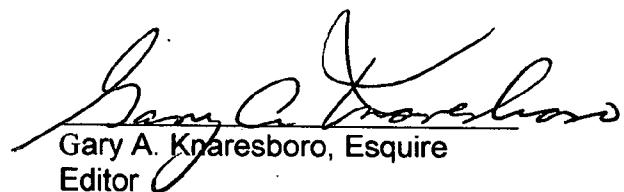
STATE OF PENNSYLVANIA :

:

COUNTY OF CLEARFIELD :

:

On this 9th day of September AD 2005, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Gary A. Knaresboro editor of the Clearfield County Legal Journal of the Courts of Clearfield County, and that the annexed is a true copy of the notice or advertisement published in said publication in the regular issues of Week of September 9, 2005. Vol. 17, No. 36. 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

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

Gleason Cherry & Cherry
PO Box 505
DuBois PA 15801

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA

COUNTY OF CLEARFIELD

On this 6th day of September AD 2005, before me, the subscriber,
Notary Public in and for said County and State, personally observed Gail A.
Kressel, editor of the Clearfield County Daily Journal of the County of
Clearfield County, and that the foregoing is a true copy of the notices of
a class action lawsuit published in said publication in the regular issues of the
September 6, 2005, Vol. 17, No. 39. And that all of the allegations of this
statement as to the time, place, and character of the publication are true.

Gail A. Kressel, Esquire
Editor

Show and subscribe to persons we the day and year aforesaid.

WY COMMISSION EXHIBIT
NOTARY PUBLIC

Glasson Cheung Cheung
PO Box 505
Dubois PA 15801

FILED

SEP 3 0 2005

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

MARIA A. MERRITT, :
Plaintiff, :
vs. :
GEORGE J. GREENWALT, a/k/a :
GEORGE J. GREENAWALT, and :
MARIE K. GREENWALT, a/k/a :
MARIE K. GREENAWALT, and :
their heirs, devisees, administrators, :
executors, successors and assigns, :
and all other person, persons, firms, :
partnerships or corporate entities in :
interest, :
Defendants. :
: No. 05 - 1239 C.D.
: ACTION TO QUIET TITLE
: 013:18671
: SEP 30 2005
: WILLIAM A. STANLEY
: Prothonotary/Clerk of Courts

MOTION FOR JUDGMENT

AND NOW, this 30th day of September, 2005, an Affidavit having been filed by Plaintiff, MARIA A. MERRITT, by her attorney, PAULA M. CHERRY, that the Complaint with Notice to Plead was served on all of the Defendants and the Defendants have not answered, the Plaintiff, by her attorney, PAULA M. CHERRY, moves the Court to enter judgment in favor of the Plaintiff and against the Defendants in the above-named case and to grant to the Plaintiff the relief prayed for in accordance with Pennsylvania Rules of Civil Procedure 1066. Plaintiff further requests that the Honorable Court modify in accordance with Pennsylvania Rules of Civil Procedure, Rule 248, the Thirty (30) day period provided Defendants by Pennsylvania Rules of Civil Procedure, Rule 1066(b) to assert any right, lien,

title or interest in the land inconsistent with the interest or claim Plaintiff set forth in her
Complaint.

GLEASON, CHERRY AND CHERRY, L.L.P.

By Saula McLean
Attorneys for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

MARIA A. MERRITT, :
Plaintiff, :
vs. : No. 05 - 1239 C.D.
: :
GEORGE J. GREENWALT, a/k/a : ACTION TO QUIET TITLE
GEORGE J. GREENAWALT, and :
MARIE K. GREENWALT, a/k/a :
MARIE K. GREENAWALT, and :
their heirs, devisees, administrators, :
executors, successors and assigns, :
and all other person, persons, firms, :
partnerships or corporate entities in :
interest, :
Defendants. :
:

FILED
01 9-28-05
OCT 05 2005
William A. Shaw
Prothonotary/Clerk of Courts
1CC Amy P. Cherry

ORDER

AND NOW, this 4th day of October, 2005, it appearing that
service of the Complaint to Quiet Title in the above Action was made on all of the Defendants
and by Affidavit of PAULA M. CHERRY, Attorney for Plaintiff, no Answer or Appearance
has been filed to said Action, and on Motion of PAULA M. CHERRY, Attorney for Plaintiff, it
is hereby ORDERED AND DECREED:

1. That the Defendants, GEORGE J. GREENWALT, a/k/a GEORGE J. GREENAWALT, and MARIE K. GREENWALT, a/k/a MARIE K. GREENAWALT, and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest, are forever barred from asserting any right, title,

lien or interest inconsistent with the interest or claim of the Plaintiff as set forth in her
Complaint in and to:

ALL that certain tract of land designated as Lot No. 105, Section No. 25, 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 Declaration 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.
5. The right of the owner and/or operator of any recreational facilities within the said Treasure Lake Subdivision to assess fees and charges against Grantee, her heirs, administrators, executors and assigns, for the use and/or maintenance of any such facilities which if unpaid, shall become a lien upon the land and be an encumbrance against it.

and that title to said property is now vested in MARIA A. MERRITT, Plaintiff, as prayed.

2. That the rights of the Plaintiff are superior to the rights of the Defendants, GEORGE J. GREENWALT, a/k/a GEORGE J. GREENAWALT, and MARIE K. GREENWALT, a/k/a MARIE K. GREENAWALT, and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest.

3. That the Plaintiff has title in fee simple to said premises as described in the Complaint as against the Defendants, GEORGE J. GREENWALT, a/k/a GEORGE J. GREENAWALT, and MARIE K. GREENWALT, a/k/a MARIE K. GREENAWALT, and their

heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest.

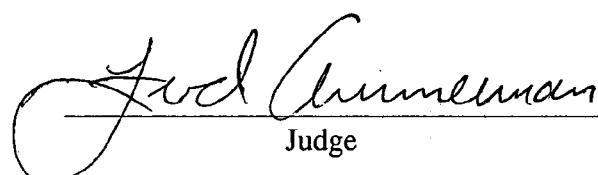
4. That the Defendants, GEORGE J. GREENWALT, a/k/a GEORGE J. GREENAWALT, and MARIE K. GREENWALT, a/k/a MARIE K. GREENAWALT, and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest, are enjoined and forever barred from asserting any right, title or interest in and to the premises described which are inconsistent with the interest or claims of the Plaintiff as set forth in her Complaint and from setting up any title to the premises and from impeaching, denying or in any way attacking the title of the Plaintiff to the premises.

5. That the Thirty (30) day provision of Pennsylvania Rules of Civil Procedure 1066(b)(i) be modified as to eliminate the said Thirty (30) day Rule of Pennsylvania Rules of Civil Procedure from this case. Said modification is in accordance with the authority vested in this Court by virtue of the Pennsylvania Rules of Civil Procedure No. 248, to eliminate any time period prescribed by Pennsylvania Rules of Civil Procedure upon Order of Court.

6. That these proceedings, or any authenticated copy thereof, shall at all times hereafter be taken as evidence of the facts declared and established thereby.

7. That a certified copy of this Order shall be recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania.

BY THE COURT,



Judge

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

MARIA A. MERRITT, :
Plaintiff, :
vs. : No. 05 - 1239 C.D.
: :
GEORGE J. GREENWALT, a/k/a : ACTION TO QUIET TITLE
GEORGE J. GREENAWALT, and :
MARIE K. GREENWALT, a/k/a :
MARIE K. GREENAWALT, and :
their heirs, devisees, administrators, :
executors, successors and assigns, :
and all other person, persons, firms, :
partnerships or corporate entities in :
interest, :
Defendants. : :

P R A E C I P E

TO: WILLIAM A. SHAW, PROTHONOTARY

Dear Sir:

Please enter final judgment in favor of the above-named Plaintiff and against the
Defendants in accordance with Order of Court dated October 4, 2005.

GLEASON, CHERRY AND CHERRY, L.L.P.

By Paula McHugh
Atorneys for Plaintiff

FILED
09/20/05
OCT 05 2005
cc
William A. Shaw
Prothonotary/Clerk of Courts