

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 *recd*  
@10:53 AM  
AUG 18 2005 *Any pd. 95.00*  
William A. Shaw *LM*  
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  
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

**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  
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

**COMPLAINT**

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

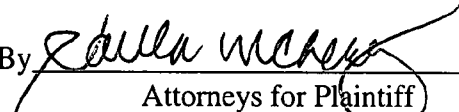
their heirs, devisees, administrators, executors, successors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest;

(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

Sworn to and subscribed before me, this 15<sup>th</sup> day of August, 2005.

  
Notary Public  
My commission expires: September 16, 2005

NOTARIAL SEAL  
PAULA M. CHERRY, NOTARY PUBLIC  
CITY OF DUBOIS, CLEARFIELD COUNTY  
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.	:	

AFFIDAVIT

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,

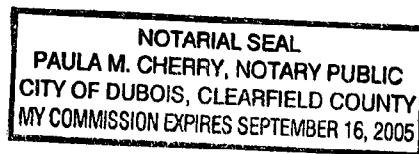
and all other person, persons, firms, partnerships or corporate entities in interest, claiming such interest.

Further Deponent saith not.

Maria A. Merritt  
Maria A. Merritt

Sworn to and subscribed before me, this 15<sup>th</sup> day of August, 2005.

Paula M. 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,

ACTION TO QUIET TITLE

Defendants.

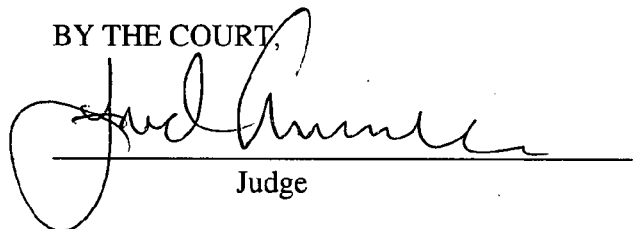
FILED  
012:3861  
AUG 19 2005 @

William A. Shaw  
Prothonotary/Clerk of Courts

ORDER

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,  
vs.  
Plaintiff,

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, partnership or corporate entities in interest, Defendants.

# COMPLAINT

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

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

74

AUG 18 2005

William A. Shaw  
Prothonotary/Clerk of Courts

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

FILED NO  
0124281 CC  
SEP 30 2005 LN

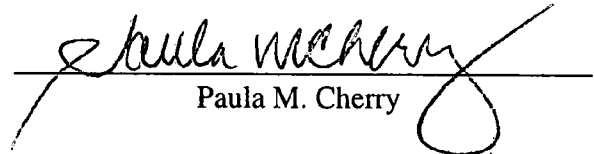
William A. Shaw  
Prothonotary/Clerk of Courts

**AFFIDAVIT**

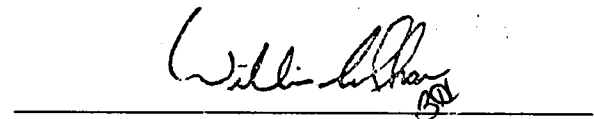
COMMONWEALTH OF PENNSYLVANIA :  
: SS.  
COUNTY OF CLEARFIELD :

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

MARIA A. MERRITT, Plaintiff,

VS.

GEORGE J. GREENWALT, a/k/a MARIE K. 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, partnerships or corporate entities in interest, Defendants.

NOTICE

Ferra, Classified Advertising Supervisor of the Courier-Express/Tri-County Sunday, a weekly newspaper and Jeffersonian Democrat, a publishing company at 500 Jeffers Street, City of DuBois, County and State of Pennsylvania, since which date said, the daily publication and the weekly publication in the regular editions of the paper on the following dates, viz: the September 16, 2005

er duly authorized by the Courier-Express, a daily newspaper, Tri-County Jeffersonian Democrat, a weekly newspaper to verify the foregoing statement not interested in the subject matter of the aforesaid notice of publication, and as to time, place and character of publication are true.

PUBLISHING COMPANY Publisher of

TRICOUNTY SUNDAY/JEFFERSONIAN DEMOCRAT

is 16th day of Sept. 2005

NOTARY PUBLIC

Statement of Advertising Cost

McLEAN PUBLISHING COMPANY

ER-EXPRESS/TRI-COUNTY SUNDAY/JEFFERSONIAN DEMOCRAT

DuBois, PA

Gleason, Cherry and Cherry

the notice or advertisement

\$302.40

\$7.50

\$309.90

blisher's Receipt for Advertising Costs

YON 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

9/1/05

ATTORNEY FOR

original Proof of Publication and receipt for the Advertising costs in the subject

TRICOUNTY SUNDAY/JEFFERSONIAN DEMOCRAT

McLEAN PUBLISHING COMPANY

Established 1879, Phone 814-371-4200  
offers Street and Beaver Drive, DuBois, PA 15801

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

CATION OF NOTICE APPEARING IN THE  
COUNTY SUNDAY/JEFFERSONIAN DEMOCRAT  
Y McLEAN PUBLISHING COMPANY,  
UBOIS PENNSYLVANIA  
17, Approved May 16, 1929, P.L. 1784  
SS:

TO: GEORGE J. GREEN WALT, a/k/a  
 GEORGE J. GREEN WALT, and MARIE K.  
 GREEN WALT, a/k/a MARIE K.  
 GREEN WALT, and their heirs, devisees,  
 administrators, 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

NOTICE  
 YOU ARE HEREBY NOTIFIED THAT  
 AN ACTION TO QUIET TITLE TO THE  
 PREMISES SITUATE IN THE TREASURE  
 LAKE SUBDIVISION OF SANDY TOWN-  
 SHIP, CLEARFIELD COUNTY, PENNSYL-  
 VANIA, 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 Complaint, you must take action within Twenty (20) days from the date of publication of this Notice 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

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, p. 476; all of said restrictions being

covenants which run with the land;

3. All mineral and mining rights of every

kind and nature.

4. A lien for all unpaid charges or

assessments as may be made by Treasure

Lake, Inc., 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 recreation facilities within said

Treasure Lake Subdivision to assess fees

and charges against Grantee, its heirs,

administrators, executors, successors 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

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.

LEGAL DESCRIPTION

ALL THAT CERTAIN piece or parcel of

land situate in the Village of Smoke Run,

Bigler Township, Clearfield County,

Pennsylvania, bounded and described as

follows:

BEGINNING at an iron pin along

Legislative Route A5508, which is located

three hundred ninety-four and thirty one

hundredths (394.30) feet from the East

Bridge Abutment of the bridge over Muddy

Run on Legislative Route A5508; thence

North sixty-one (61) degrees thirty (30)

minutes East along Legislative Route A5

508 one hundred forty and thirty-seven one

hundredths (140.37) feet to an iron pin;

thence South forty-five (45) degrees forty-

nine (49) minutes East along unnamed

macadam Township Road twenty-five and

thirty-five one hundredths (25.35) feet to an

iron pin; thence South twenty-five (25)

degrees fifty-six (56) minutes thirty (30)

seconds West along said Township Road

one hundred twenty-four and sixty-eight one

hundredths (124.68) feet to an iron pin;

thence South twenty-nine (29) degrees

eighteen (18) minutes 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

pin; thence North twenty-eight (28) degrees

thirty (30) minutes West still along said land

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

prepared by George A. Cree, Registered

Surveyor.

BEING identified in the Clearfield

County Mapping and Assessment Office as

Map No. 103-K-15-495-22.

Tax Parcel #103-K-15-495-22

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

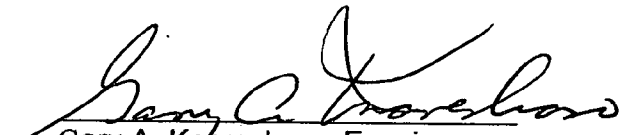
## PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :

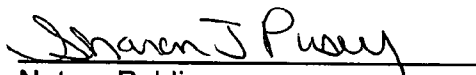
:

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 9th day of September AD 2005, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Gary A. Knapp, editor of the Clearfield County Legal Journal of the County of Clearfield County, and that the annexed is a true copy of the notice or advertisement published in said publication in the regular issue of Week of September 9, 2005, Vol. 17, No. 38. And that all of the allegations on this statement as to the time, place, and character of the publication are true.

Editor  
Gary A. Knapp, Esquire

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

Notary Public  
My Commission Expires

DuBois PA 15801  
PO Box 505  
Glasgow Cherry & Cherry

FILED

SEP 30 2005

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 - 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

FILED  
013:18 BT  
SEP 30 2005

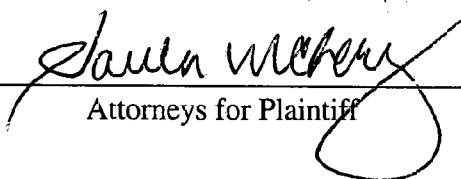
William A. Shaw  
Prothonotary/Clerk of Courts

**MOTION FOR JUDGMENT**

AND NOW, this 30<sup>th</sup> 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   
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  
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

FILED  
OCT 05 2005

William A. Shaw  
Prothonotary/Clerk of Courts  
ICC Amy P. Cherry

ORDER

AND NOW, this 4<sup>th</sup> 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.

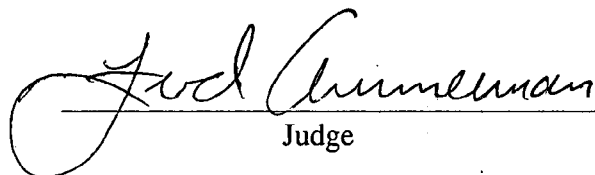
4. That the Defendants, GEORGE J. GREENWALT, a/k/a GEORGE J. GREENAWALT, and MARIE K. GREENWALT, a/k/a MARIE K. GREENAWALT, and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest, are enjoined and forever 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  
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

**PRAECIPE**

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*  
Attorneys for Plaintiff

FILED  
019:2961  
OCT 05 2005  
cc  
GR

William A. Shaw  
Prothonotary/Clerk of Courts