

05-1281-CD

Joseph W. Freeman et al vs John H. Goss et al

Joseph W. Freeman et al vs John Goss et al  
2005-1281-CD

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

\*

JOSEPH W. FREEMAN AND  
JESSIE L. FREEMAN,  
Plaintiffs

\*

-vs-

\*

Docket No. 05-1281 -CD  
ACTION TO QUIET TITLE

JOHN HOWARD GOSS, WILLIAM  
HOWARD GOSS AND KIMBERLY ANN  
FRICK; ANNIE D. LYNN AND C.  
DAVID LYNN; AND VERA ROUNDS,  
Defendants

\*

\*

\*

Type of pleading:  
COMPLAINT

Filed on behalf of:  
PLAINTIFFS, Joseph W.  
Freeman and Jessie L.  
Freeman

Counsel of record for  
these parties:

Dwight L. Koerber, Jr.,  
Esquire  
PA I.D. No. 16332

110 North Second Street  
P. O. Box 1320  
Clearfield, PA 16830  
(814) 765-9611

FILED 11 CC  
01/14/05 Atty Koerber  
AUG 23 2005 Atty pd. 95.00  
William A. Shaw  
Prothonotary/Clerk of Courts

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

\*

JOSEPH W. FREEMAN AND  
JESSIE L. FREEMAN,  
Plaintiffs

\*

-VS-

\*

Docket No. 05- -CD  
ACTION TO QUIET TITLE

JOHN HOWARD GOSS, WILLIAM  
HOWARD GOSS AND KIMBERLY ANN  
FRICK; ANNIE D. LYNN AND C.  
DAVID LYNN; AND VERA ROUNDS,  
Defendants

\*

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action 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 within twenty (20) days. 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 relief claimed in the complaint by the plaintiff.

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

COURT ADMINISTRATOR  
Clearfield County Courthouse  
Second and Market Streets  
Clearfield, PA 16830  
(814) 765-2641

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

\*

JOSEPH W. FREEMAN AND  
JESSIE L. FREEMAN,  
Plaintiffs

\*

-vs-

\*

Docket No. 05- -CD  
ACTION TO QUIET TITLE

JOHN HOWARD GOSS, WILLIAM  
HOWARD GOSS AND KIMBERLY ANN  
FRICK; ANNIE D. LYNN AND C.  
DAVID LYNN; AND VERA ROUNDS,  
Defendants

\*

COMPLAINT

COME NOW, JOSEPH W. FREEMAN AND JESSIE L. FREEMAN, Husband and Wife, by and through their attorney, Dwight L. Koerber, Jr., Esquire, and file the within quiet title action pertaining to the 11-acre parcel of property they own and occupy in Knox Township, Clearfield County, Pennsylvania.

1. Plaintiffs are Joseph W. Freeman and Jessie L. Freeman, referred to hereinafter as "plaintiffs", who reside at 1049 Oakridge Road, Madera, PA 16661, formerly known as Star Route Box 105, Madera, PA 16661.

SECTION I  
IDENTIFY AND LOCATION OF DEFENDANTS

2. Defendants will be identified herein by name and by tax parcel number, so as to demonstrate the proximity of the real estate they own to the real estate which is the subject of this

quiet title action. In each case, the tax parcel identified is located in Clearfield County, in Knox Township, District No. 122 0, Map No. I-14. Attached hereto as Appendix A is a copy of the pertinent portion of the tax assessment map and the names shown on Map I-14.

3. The parcel of property that is the subject of this proceeding is that found in Map I-14, and identified as Tax Parcel 27, described in the assessment map as an 11 acre parcel of property<sup>1</sup>. Attached hereto as Appendix B is a copy of the assessment card identifying such property, and attached as Appendix B-1 is a copy of the deed associated with such property. The First Thereof parcel is the property involved in this proceeding.

4. Three of the defendants who own property identified as Map I-14, parcel 23, are JOHN HOWARD GOSS, WILLIAM HOWARD GOSS, and KIMBERLY ANN FRICK. Attached hereto as Appendix C is a copy of the assessment card which identifies their property, and attached hereto as Appendix C-1 is a copy of the deed identifying their property. The addresses of these three defendants is as follows:

John Howard Goss  
R. R. 1, Box 538  
Morrisdale, PA 16858

William Howard Goss  
28 Pudding Stone Way  
Florham Park, NJ 07932

---

<sup>1</sup> Plaintiffs also own property identified as Tax Parcel 12, such property directly adjoining Tax Parcel 27, but the basis of the quiet title action brought herein arises out of Tax Parcel 27, and not Tax Parcel 12.

Kimberly Ann Frick  
7 Decker Lane  
Boonton Township, NJ 07005

5. Defendants ANNIE D. LYNN AND C. DAVID LYNN are husband and wife and own property identified as Tax Parcel Nos. 4.1, 5 and 42. They have an address of H.C. 1, Box 98, Madera, PA 16661. Attached hereto as Appendix D is a copy of the assessment card covering their property. Attached hereto as Appendix D-1 is a copy of the deed to their property.

6. Defendant Verna ROUNDS owns property identified as Tax Parcel No. 13. She has an address of R. R. 1, Box 106, Madera, PA 16661. Attached hereto as Appendix E is a copy of the assessment card covering her property. Attached hereto as Appendix E-1 is a copy of the deed to her property.

SECTION II  
LOCATION OF SUBJECT PROPERTY

7. The specific property to which this quiet title action pertains is a parcel of 10.83 acres, located in Knox Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a found 3/4" iron rebar corner, said corner being the northwest corner of the property described herein; thence along the land of now or formerly Grant Rounds, South 60 degrees 46 minutes 02 seconds East, a distance of 47.66 feet to a found 3/4" iron rebar corner; thence along the land of Joseph W. & Jessie L. Freeman these following courses and distances: South 07 degrees 28 minutes 30 seconds East, a distance of 371.50 feet to a set 3/4" iron rebar corner; North 87 degrees 13 minutes 27 seconds East, a distance of 154.97 feet to a set 3/4" iron rebar corner; thence along the western right of way

of S.R. 2015 these following courses and distances: South 30 degrees 07 minutes 11 seconds West, a distance of 52.42 feet to a point; South 26 degrees 16 minutes 29 seconds West, a distance of 140.91 feet to a point; South 23 degrees 22 minutes 16 seconds West, a distance of 111.50 feet to a point; South 20 degrees 17 minutes 37 seconds West, a distance of 211.20 feet to a point; South 17 degrees 35 minutes 44 seconds West, a distance of 175.58 feet to a found angle iron; thence along the land of now or formerly Annie D. & David Lynn, these following course and distances: North 30 degrees 02 minutes 53 seconds West, a distance of 293.85 feet to a found Oak Tree; South 59 degrees 57 minutes 07 seconds West, a distance of 832.03 feet to a point; thence along an existing dirt road and the land of now or formerly John Howard Goss, William Howard Goss & Kimberly Ann Frick, these following course and distances: North 38 degrees 46 minutes 30 seconds East, a distance of 461.91 feet to a point; North 19 degrees 35 minutes 51 seconds East, a distance of 207.00 feet to a point; North 02 degrees 30 minutes 22 seconds East, a distance of 79.82 feet to a point; North 34 degrees 14 minutes 56 seconds East, a distance of 114.02 feet to a point; North 46 degrees 25 minutes 56 seconds East, a distance of 82.89 feet to a point; North 12 degrees 52 minutes 10 seconds East, a distance of 52.89 feet to a point; North 41 degrees 40 minutes 12 seconds East, a distance of 189.54 feet to a point; North 50 degrees 00 minutes 31 seconds East, a distance of 90.13 feet to a point; North 51 degrees 46 minutes 24 seconds East, a distance of 240.10 feet to a found 3/4" iron rebar corner, the place of beginning. CONTAINING 10.83 acres as shown on the attached map titled "Plat of Lands of Joseph W. & Jessie L. Freeman. KNOX TOWNSHIP, CLEARFIELD COUNTY", as prepared by Hess & Fisher Engineers, Inc., dated July 26, 2005.

8. Attached hereto as Appendix F is a copy of the survey map prepared by Hess & Fisher Engineers showing the precise location of the subject property.

9. Plaintiffs claim of ownership and the basis of this quiet title action is a combination of real estate conveyances in their

chain of title and adverse possession, with the elements of adverse possession being described in Section III of this Complaint.

10. By deed dated September 18, 1984, from Anna Lockett, formerly Anna Freeman, widow, plaintiffs acquired via conveyance their ownership in the subject property. Attached hereto as Appendix B-1 is a copy of that deed. The grantor in that deed, Anna Lockett, was the mother of Joseph W. Freeman, one of the plaintiffs herein.

11. The September 18, 1984 deed from Anna Lockett to plaintiffs specifically identifies an 11 acre parcel of property, and further defines it as being that which was formerly owned by Gould Bros., that was acquired by William Laughard through a tax sale, such deed being conveyed to him on May 25, 1942. Attached hereto as Appendix G is a copy of the deed from the said William Laughard to Lewis Freeman, et al. Attached as Appendix H is a copy of the tax sale deed whereby the Clearfield County Commissioners acquired said property on January 10, 1936.

12. Throughout the aforesaid chain of title, the subject property has merely been identified as an 11 acre parcel of property, which was formerly owned by Gould Bros., with no metes and bounds description. Through this proceeding, plaintiffs seek to establish with finality the precise metes and bounds description of their property, and confirm that they hold good and marketable title to it. While the description in the assessment map

identifies and generally locates where the said acres are, it is imprecise and for that reason, the subject quiet title action has been filed.

SECTION III  
**ADVERSE POSSESSION**

13. Plaintiff Joseph W. Freeman was raised on the subject parcel, and has firsthand knowledge that his family has occupied the land identified in the survey and as set forth in paragraph 3 of this Complaint, and has had actual, exclusive, visible, notorious, distinct and hostile possession of the land since it was acquired from William Laughard. Among the specific acts that constitute such adverse possession are the following, with this not being a full and exclusive listing:

(a) Plaintiffs and their predecessors in title (his family) actually lived on the premises.

(b) Plaintiffs and their predecessors in title farmed the premises and raised animals on the premises.

(c) Plaintiffs and their predecessors in title played on the property, had friends and visitors on the property, and thoroughly used the property.

(d) Plaintiffs and their predecessors in interest gave permission to others to hunt on the property.

(e) Plaintiffs and their predecessors in title consistently and continually paid taxes on the property.

(f) Plaintiffs and their predecessors in title charged wheelage for hauling coal over the property.

(g) Plaintiffs and their predecessors in title held themselves out to the community and were recognized by the community as owners of the premises.

(h) Plaintiffs and their predecessors in title performed the aforesaid acts, consisting of actual, exclusive, visible, notorious, distinct and hostile possession of the premises for a period of continuous 21 years and in excess thereof.

14. The firmness with which the subject property was occupied/possessed is reinforced by the fact that it has frontage directly running on State Route 2015, formerly S. R. 17036.

**SECTION IV**  
**RELIEF REQUESTED**

WHEREFORE, plaintiffs pray that defendants, and also all other persons unknown, claiming any right, title, estate, lien, or interest in the real property described in this Complaint adverse to plaintiff's ownership, or any cloud upon plaintiffs' title thereto, may be required to set forth the nature of their several claims; that all adverse claims of defendants or any of them may be determined by a decree of court; that by said decree it be declared and adjudged that plaintiffs are the sole owners of said premises and that defendants, or any of them, have no estate or interest whatsoever in or to said land and premises; that defendants, and each and every one of them, be forever barred from asserting any claim whatsoever in or to said land and premises adverse to plaintiffs', and for such other and further relief as the court deems just and proper.

Respectfully submitted,

By: Dwight L. Koerber  
Dwight L. Koerber, Jr., Esquire  
Attorney for Plaintiffs  
JOSEPH W. FREEMAN AND  
JESSIE L. FREEMAN

VERIFICATION

I verify that the statements made in this document are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

Joseph W. Freeman  
Joseph W. Freeman  
DATE: 8-19-05

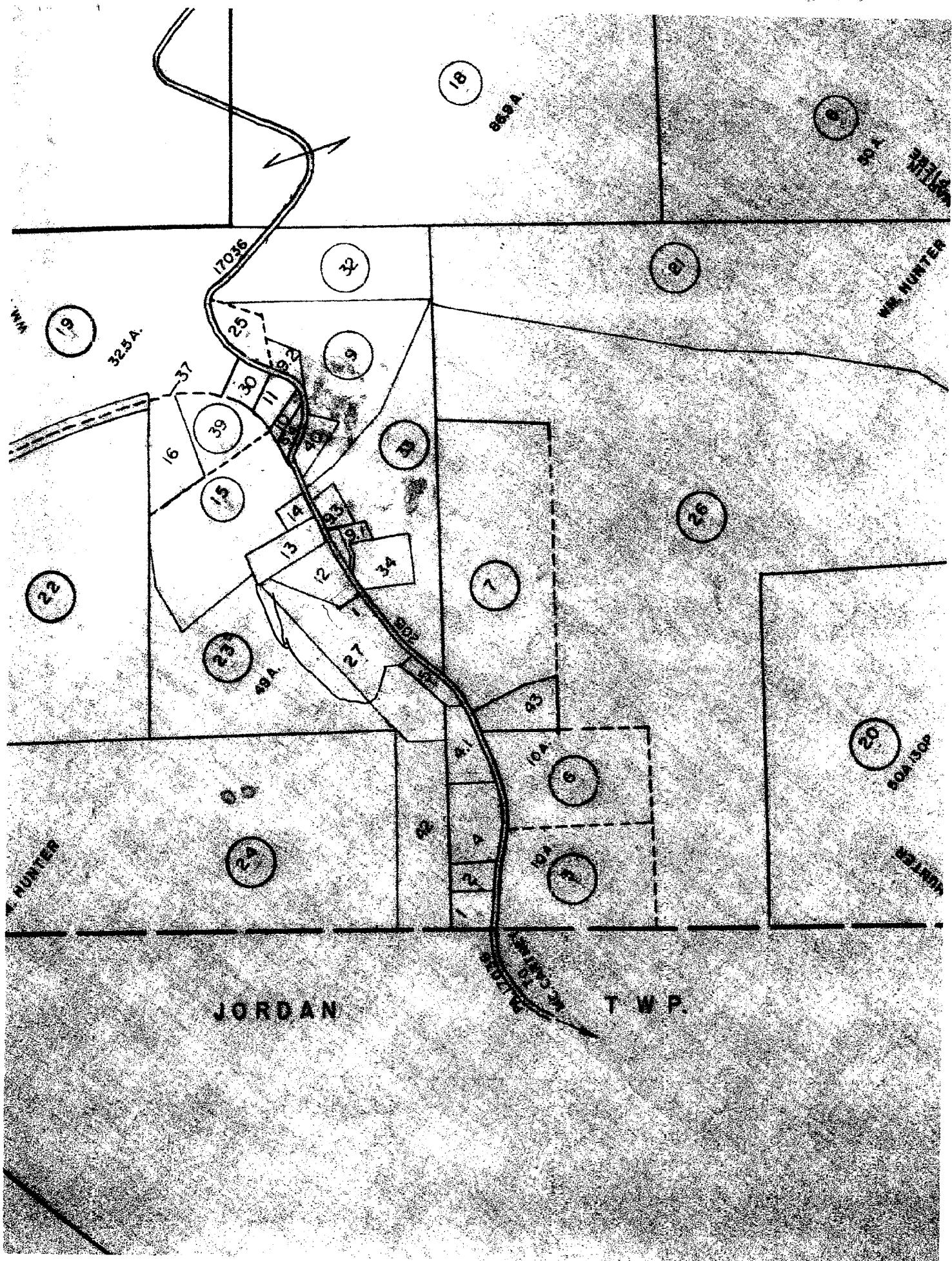
VERIFICATION

I verify that the statements made in this document are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S §4904 relating to unsworn falsification to authorities.

Jessie L. Freeman  
Jessie L. Freeman  
DATE: 8-19-05

APPENDIX A

Attached hereto is a copy of the assessment map showing the property that is the subject of this proceeding, identified as Parcel No. 27, and the names which are listed on the assessment map.



H 12

1. Bowers, Benjamin R.
3. Douglas, Terry & Sandra
5. Douglas, Terry L. & Sandra K.

I 14

1. Freeman, Jeffrey L.
2. Lynn, Snnie D. & David
3. Danvir, Edward B & Ethel I. et al
4. Lynn, Annie D. & David
- 4.1 Lynn, Annie F. & David
5. Lynn, C. David & Annie
6. Lynn, Annie D. & David
7. Ron Rowles Energy
8. Malinky, George & Beulah
9. Tobias, Bert & Dora
- 9.1 Clfd Electric Cooperative Inc.
- 9.2 McGary, Irvin E. & Charlene B.
- 9.3 Round, Terry G. & Judith A.
- 9.4 Tobias, Clifford & Betty
10. Lockett, William H. & Elsie May
11. McGarry, Eldon
12. Freeman, Joseph W. & Jessie L.
13. Rounds, Grant
14. McCracken, Jack William & Alexis Ja
15. Tobias, Clifford
16. McGarry, Ivan S. & Eldon F.
17. McGarry, Eldon
18. Walley, Norman W. & Ernestine E.
19. Gross, Laurence L. & Eleanor Joyce
20. Stein, Elliot D. Revoc. Trust
21. McGarry, Eldon
22. McGarry, Eldon
23. Goss, John Howard et al
24. Freeman, Rachel E. Heirs
25. Lockett, Clifford
26. Freeman, Rachel E. Heirs
27. Freeman, Joseph W. & Jessie L.
29. McCorkle, Terrance R. & Catherine
30. McGarry, Eldon
32. Hutton, Gerald W. & Linda K.
33. Round, Terry G. & Judith A.
34. Keilgy, Max A. & Bonnie J.
35. Litzinger, Richard & Joan
36. Gallaher, Brian E.
37. Ron Rowles Energy
38. Litzinger, Arthur Jr. & Harriet
39. McGarry, Ivan S. & Eldon F.
40. Tobias, Clifford & Betty W.
42. Lynn, Annie D. & David

469

1. New Millport M.E. Church

W

**APPENDIX B**

Attached hereto is a copy of the assessment card for plaintiff's property.



APPENDIX B-1

Attached hereto is a copy of the deed to plaintiffs' property.

County Parcel No. \_\_\_\_\_

1-0000

## This Deed;

MADE the 18th day of September  
in the year nineteen hundred and eighty-four (1984).

BETWEEN ANNA LOCKETT, formerly ANNA FREEMAN, widow, of Star Route,  
Box 105, Madera, Clearfield County, Pennsylvania, 16661, party of  
the first part, hereinafter referred to as "Grantor",

A  
N  
D

JOSEPH W. FREEMAN and JESSIE L. FREEMAN, husband and wife, of Star  
Route, Box 105, Madera, Clearfield County, Pennsylvania, 16661, as  
tenants by the entireties, parties of the second part, hereinafter  
referred to as "Grantees".

WITNESSETH, That in consideration of -----  
-----One (\$1.00) and No/100----- Dollars,  
in hand paid, the receipt whereof is hereby acknowledged, the said grantor does hereby grant  
and convey to the said grantees, their heirs, successors and assigns,

ALL those certain parcels or pieces of land situate in Knox Township,  
Clearfield County, Pennsylvania, bounded and described as follows:

THE FIRST THEREOF: All that certain parcel or piece  
of land located in Knox Township, Clearfield County,  
Pennsylvania, consisting of Eleven (11) acres surface,  
formerly owned by Gould Bros. Being part of the same  
premises sold as property of Gould Bros. by Harry F.  
Bigler, Jr., Treasurer of Clearfield County to the  
County Commissioners by Deed dated April 10, 1936, and  
recorded in Clearfield County in Deed Book 344, at page  
464, also being part of the same premises sold by the  
Clearfield County Commissioners to William Laughard,  
by deed dated May 25, 1942, and recorded in Clearfield  
County in Deed Book 344, at page 465.

BEING the same premises granted and conveyed to Lewis  
Freeman and Anna Freeman, husband and wife, by deed of  
William Laughard dated August 22, 1942, and recorded in  
Clearfield County Deed Book 347, page 183. The said  
Lewis Freeman having died April 15, 1962, sole title  
vested in Anna Freeman, his wife. The said Anna Freeman  
then married Clayton Lockett on April 15, 1967, The  
said Clayton Lockett died November 7, 1971.

(Over)

THE SECOND THEREOF; BEGINNING at a post on Right-of-Way of Pennsylvania Highway Route 17036; thence South 31° 10' minutes West 108.4 feet to a post; thence South 28° 30' minutes West, 115.2 feet to Beech Stump; thence North 83° 45' West 140.4 feet to Red Oak; thence North 6° 19' West 371.5 feet to a post; thence South 56° 50' East 348.3 feet to post and place of beginning. Containing One and 47 Hundredths acres (1.47). Surface only.

BEING the same premises granted and conveyed to Lewis Freeman and Anna Freeman, husband and wife, by deed of William W. Laughard, dated October 20, 1943, and recorded in Clearfield County Deed Book 359, page 382. The said Lewis Freeman having died April 15, 1962, sole title vested in Anna Freeman, his wife. The said Anna Freeman then married Clayton Lockett on April 15, 1967. The said Clayton Lockett died November 7, 1971.

THIS IS A CONVEYANCE FROM PARENT TO CHILD AND HIS SPOUSE.

## NOTICE

In accordance with the provisions of "The Bituminous Mine Subsidence and Land Conservation Act of 1966", I/we, the undersigned grantees/grantees, hereby certify that I/we know and understand that I/we may not be obtaining the right of protection against subsidence resulting from coal mining operations and that the purchased property may be protected from damage due to mine subsidence by a private contract with the owners of the economic interest in the coal. I/we further certify that this certification is in a color contrasting with that in the deed proper and is printed in twelve point type preceded by the word "notice" printed in twenty-four point type.

Witness:

This ..... day of .....

THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT. (This Notice is set forth pursuant to Act No. 255, approved September 10, 1965, as amended.)

APPENDIX C

Attached hereto is a copy of the assessment card pertaining to the property of Defendants John Howard Goss, William Howard Goss and Kimberly Ann Frick.

GOSS, JOHN HOWARD ET AL.  
R. R. 1, BOX 538  
MORRISDALE, PA.

TOPO.	
STREET	<b>NONE</b>
UTIL.	<b>NONE</b>
	<b>ROLLNG</b>
	SET BACK
	TRAFFIC
	<b>NONE</b>
	<b>NONE</b>

122 0	114	000	00023
DISTRICT	MAP	SUB-MAP	PARCEL
CONTROL NUMBER	122086248		
LEGAL DESCRIPTION	47.292 A SURF		

01 OF 01 F 000 CLASS 106 1007  
 CARD NO. UN. UNITS ZONE INC. MBRD LAND USE  
 PROPERTY ADDRESS  
 CATION  
 OUTING  
 REEL TIE BACK  
 NEIGH/SPOT NONE LR 17036 OFF  
 RESID CONDO LEVEL CONDO TYPE  
 LANDISC FRAME NO: 128913

DWELLING DATA & COMMUTATIONS      TOTAL LAND VALUE      6500

Y. HEIGHT/TAC

<b>TOTAL ROOMS:</b>	
<b>BEDROOMS:</b>	
<b>FAMILY ROOMS:</b>	
<b>BASEMENT:</b>	
<b>UNCOVERED FLUOR AREA:</b>	
<b>EXTERIOR WALLS:</b>	
<b>ADJUSTED BASE:</b>	

ITEM	DESCRIPTION	QUANTITY	UNIT	ITEM	DESCRIPTION	QUANTITY	UNIT
1	HEAT: SIS. FURNACE	1	UNIT	2	BATHROOMS	1	UNIT
3	ADDITIONAL FIXTURES	1	UNIT	4	BATHROOM	1	UNIT
5	KITCHEN REMOD	1	UNIT	6	HEAT & A/C	1	UNIT
7	BATHROOM REMOD	1	UNIT	8	PLUMBING	1	UNIT
9	REC ROOM	1	UNIT	10	REC ROOM	1	UNIT
11	FIN. BSMT LIVING AREA	1	UNIT	12	FIXTURES	1	UNIT
13	W/BP	1	UNIT				
14	BASEMENT GARAGE	1	UNIT				

SN	TYPE	QTY	YR	SIZE	AREA	GRD	RATE	COND	MODEL	MOD	CD	RCN	OTHER BUILDINGS & YARD
----	------	-----	----	------	------	-----	------	------	-------	-----	----	-----	------------------------

**TOTAL OTHER IMPROVEMENT**

APPENDIX C-1

Attached hereto is a copy of the deed to the property of Defendants John Howard Goss, William Howard Goss and Kimberly Ann Frick.

County Parcel No. \_\_\_\_\_

**This Deed,**

MADE the 30th day of January  
in the year nineteen hundred and ninety-three (1993)  
BETWEEN JOHN HOWARD GOSS and JANET L. GOSS, of R. D. 1, Box 538,  
Morrisdale, Clearfield County, Pennsylvania, as Parties of the First  
Part, hereinafter referred to as GRANTORS.

**A N D**

JOHN HOWARD GOSS of R. D. 1, Box 538, Morrisdale, WILLIAM HOWARD GOSS  
of Maplewood, New Jersey, and KIMBERLY ANN FRICK of Morrisdale,  
Pennsylvania, as joint tenants and NOT as tenants in common, with the  
right of survivorship, as Parties of the Second Part, hereinafter  
referred to as GRANTEES

WITNESSETH, That in consideration of the sum of ONE AND NO/100-----  
----- (\$1.00)----- Dollars,  
in hand paid, the receipt whereof is hereby acknowledged, the said grantors do hereby grant  
and convey to the said grantees, their heirs and assigns,

THE FIRST THEREOF: ALL that certain tract of land situate in  
Boggs Township, Clearfield County, Pennsylvania, bounded and  
described as follows:

1. ALL that certain area or tract of land situate in Boggs  
Township, Clearfield County, Pennsylvania, consisting of 265.27  
acres of surface and three-fourths interest in 290.27 acres of  
mineral rights except the Robison Vein, title to which vested in  
John Goss and Clair Goss by Deed of Lillian D. Eshelman, Treasurer  
dated the 10th day of January, 1963, and recorded at Clearfield in  
Deed Book 512 at Page 228. The said Clair Goss having died, Grace  
Goss, widow, and Edith Mae Goss, being all the heirs of Clair Goss,  
conveyed the undivided interest of Clair Goss in said property to  
John Goss and Maude Goss, his wife, by Deed dated the 30th day of  
May, 1973, and recorded in Clearfield County in Deed Book 653, at  
Page 142, and John Goss and Maude Goss, his wife, conveyed the  
premises to John Goss and John Howard Goss by Deed dated the 13th  
day of July, 1973, recorded at Clearfield in Deed Book 653 at Page  
145.

2. ALL that one-fourth interest in 290.27 acres of mineral  
rights, except the Robison Vein situate in Boggs Township,  
Clearfield County, Pennsylvania, title to which vested in John W.  
Goss and Howard Goss as joint tenants with right of survivorship  
under Deed of Richard Lininger, Harris G. Breth, J. Harold  
McFadden, Commissioners of Clearfield County dated the 21st day of  
November, 1973 and recorded at Clearfield in Deed Book 833, at Page  
52.

THE THIRD THEREOF: ALL that certain lot or piece of land situate in Woodward Township, Clearfield County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point at Township Road in line of land now or formerly of Harry Faunce; thence by tracts of land now or formerly in the names of Harry Faunce and A. Kline South thirteen (13°) degrees thirty (30') minutes West crossing a private road four thousand three hundred ninety-eight and nine tenths (4,398.9) feet to a point, formerly fallen White Oak at line of land now or formerly of Lytle; thence North sixty-six (66°) degrees thirty twenty-six and three tenths (1,526.3) feet to a point; thence by tract of land now or formerly in the name of J.M. Chase Estate North thirteen (13°) degrees thirty (30') minutes East recrossing Fork Run three thousand eight hundred seventy-one and no tenths (3,871.0) feet to a point; thence by tract of land now or formerly in the name of D. L. Turner South eighty-six (86°) degrees thirty (30') minutes East one thousand five hundred twenty-six and three tenths (1,526.3) feet to a point and place of beginning. Containing 143 acres more or less.

BEING the same parcel that was subject of a Quiet Title Action filed by John Goss and John Howard Goss vs. James Kline, et al., in the Court of Common Pleas of Clearfield County to No. 1984-1610-CD, with Default Judgment being entered on January 23, 1985, and becoming final 30 days thereafter with said Order being recorded in Clearfield County Deed Book 999, Page 578, on March 5, 1985. The said John Goss died January 15, 1992, vesting sole ownership in John Howard Goss as the surviving joint tenant. The said John Goss died January 15, 1992, vesting sole ownership in John Howard Goss as the surviving joint tenant.

THE FOURTH THEREOF: ALL that certain lot or piece of ground situate in Knox Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a post on the West line of said tract, thence South 34° 56' East 830 feet to post and stone; thence North 55° 10' 56" 3' East 79 feet; thence South 30° West 471 feet; thence South 12° 45' West 589 feet to post on line between said piece of land and residue of tract; thence South 55° 10' West 1458 feet to post; thence North 35° 25' West 2450 feet to post; thence North 55° 10' East 2349 feet to post and place of beginning, containing about one hundred and eight and one fourth acres, more or less; it being part of what is known as the William Hunter tract, and part of the same premises which Jennie D. Erhard, Administratrix of David Erhard, deceased, by Deed dated November 9, 1895, and recorded at Clearfield in Deed Book No. , page , sold and conveyed to George E. Erhard, and part of the same premises which the aforesaid aforesaid in Deed Book No. 188, page 102, conveyed to Sarah J. Dale, now deceased. Subject, however, to the following

VOL 1512 PAGE 35

reservations: First all the coal under and upon said land, with all the rights and privileges contained in Deed of W. W. Bell to David and Enoch Erhard dated December 27, 1892, recorded in Deed Book No. 74, page 263, Second-Reserving three lots each 60 feet by 160 feet previously sold out of the same by David and Enoch Erhard, former owners; Third-Also reserving forty acres conveyed by Deed dated December 2, 1902, to Marie J. McGarry, the same having been sold to her by the said Sarah J. Dale and Phelix A. Dale, by Article of Agreement dated April 28, 1896 with request that Deed for same be made direct from Erhard to said Maria J. McGarry. Also reserving the parcels having been conveyed out of the aforesaid larger tract.

BEING the same premises conveyed to John Goss and John Howard Goss, by deed of John Goss and Maude Goss, dated March 12, 1985, and recorded in Clearfield County Deed Book 1000, Page 588. The said John Goss died January 15, 1992, vesting sole ownership in John Howard Goss as the surviving joint tenant.

I hereby CERTIFY that this document  
is recorded in the Recorder's Office of  
Clearfield County, Pennsylvania.



*Karen L. Stark*  
Karen L. Stark  
Recorder of Deeds

Vol 1512 PAGE 37

State of ..... } ss.  
County of ..... }

On this, the day of 19, before me

the undersigned officer, personally appeared

known to me (or satisfactorily proven) to be the person whose name subscribed to the within instrument, and acknowledged that executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and

seal.

My Commission Expires .....

CLEARFIELD COUNTY

ENTERED OF RECORD 2-1-93

TIME 3:11pm

BY Barbara H. Schickling

FEES \$20.00

Karen L. Starck, Recorder

Commonwealth of Pennsylvania

County of ... Clearfield } ss.

RECORDED in the Office for Recording of Deeds, etc., in and for the said

County, in Deed Book No. , Page

WITNESS my hand and official seal this day of , 1993

Recorder of Deeds

No. 774

Deed

WARRANTY DEED  
The Packerham Co., Williamsport, Pa.

JOHN HOWARD GOSS AND JANET  
L. GOSS, GRANTORS  
JOHN HOWARD GOSS, WILLIAM H.  
GOSS AND KIMBERLY ANN FRICK  
GRANTEES

Dated January 30, 1993

For those parcels in Boggess,  
Woodard, and Knox, Twp.,

Consideration \$1.00

Recorded

Entered for Record in the Recorder's

Office of .....  
day of Jan. 3  
1993

Recorder

BARBARA H. SCHICKLING  
Attorney-at-Law  
23 N. Second Street  
Clearfield, Pa. 16830  
(814) 765-5159  
Fax (814) 765-2957

Entered of Record 2-1 1993 3:11pm Karen L. Starck, Recorder

**APPENDIX D**

Attached hereto is a copy of the assessment card pertaining to the property of Defendants Annie D. Lynn and David Lynn.





APPENDIX D-1

Attached hereto is a copy of the deed to the property of Defendants Annie D. Lynn and David Lynn.

# This Indenture,

BETWEEN MAE E. MACTAVISH, also known as Mae Freeman MacTavish, of Park Avenue Tower, 420 Park Avenue, Apartment 205, Borough of Curwensville, Clearfield County, Pennsylvania, party of the first part, Grantor.

A N D

C. DAVID LYNN and ANNIE LYNN, husband and wife, of R. D., Box 98, Madera, Borough of Knox, Clearfield County, Pennsylvania, parties of the second part, Grantees.

WITNESSETH, that in consideration of ONE (\$1.00) DOLLAR, in hand paid, the receipt whereof is hereby acknowledged, the said Grantor does hereby grant and convey to the said Grantees, as tenants by the entirety,

All those certain lots or pieces of ground situated in Knox Township, Clearfield County, Pennsylvania, bounded and described as follows:

The First Thereof: Bounded on the East by Pennsylvania State Highway formerly known as No. 17036 now known as Pennsylvania State Highway No. 2015; bounded on the South by lands formerly of Ben C. Freeman; bounded on the West by lands formerly of Ben C. Freeman; bounded on the North by lands formerly of Ben C. Freeman

BEING the same premises which Irvin MacTavish and Mae E. MacTavish, husband and wife, conveyed to Mae E. MacTavish, the Grantor herein, by deed dated January 22, 1949, and recorded on January 24, 1989 in the Office of the Recorder of Deeds for Clearfield County in Deed Book 394 page 300.

The Second Thereof: Beginning at a point, being the northeast corner of a parcel of land now or formerly owned by Irvin Mactavish where it intersects with Pennsylvania State Highway formerly known as No. 17036 now known as Pennsylvania State Highway No. 2015, said point also being the southwest corner of other lands now or formerly owned by Rachel E. Freeman, thence in a northerly direction along the center line of the aforesaid State Highway Route No. 2015, 250 feet to a point; thence in a generally easterly direction 138 feet to a point on the western boundary of other lands now or formerly owned by Ben C. Freeman and Rachel E. Freeman, which said point is 250 feet from the point of beginning; thence in a generally southerly direction along the western boundary of other lands now or formerly owned by Ben C. Freeman and Rachel B. Freeman, 250 feet to point and place of beginning.

BEING the same premises conveyed by Ben C. Freeman and Rachel E. Freeman, his wife, to the Grantor herein, by deed dated

vol 1308 page 165

October 12, 1966, and recorded in the office of the Recorder of Deeds for Clearfield County on April 19, 1976 in Deed Book 717, page 422.

THIS IS A CONVEYANCE FROM SISTER TO SISTER AND BROTHER-IN-LAW AND IS THEREFORE EXEMPT FROM PENNSYLVANIA REALTY TRANSFER TAX PURSUANT TO 891.52(b)(6) OF THE REGULATIONS.

For the purpose of complying with the Act of July 17, 1957, P. L. 984, as amended, 52 P. S. 1551, 1552, of the General Assembly of Pennsylvania, and for no other purpose, there is incorporated herein the following notice:

### NOTICE

In accordance with the provisions of "The Bituminous Mine Subsidence and Land Conservation Act of 1966", I/we, the undersigned grantee/grantees, hereby certify that I/we know and understand that I/we may not be obtaining the right of protection against subsidence resulting from coal mining operations and that the purchased property may be protected from damage due to mine subsidence by a private contract with the owners of the economic interest in the coal. I/we further certify that this certification is in a color contrasting with that in the deed proper and is printed in twelve point type preceded by the word "notice" printed in twenty-four point type.

Witness:

C. DAVID LYNN  
ANNIE LYNN

This 12<sup>th</sup> day of October 1989

THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT. (This Notice is set forth pursuant to Act No. 255, approved September 10, 1965, as amended.)

AND the said Grantors will **SPECIALLY WARRANT AND FOREVER DEFEND** the property hereby conveyed.

IN WITNESS WHEREOF, the said Grantors have hereunto set their hands and seals, the day and year first above-written.

Sealed and delivered in  
the presence of



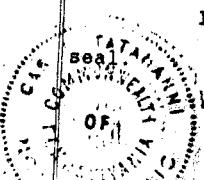
Mae E. MacTavish (SEAL)  
Mae E. MacTavish

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

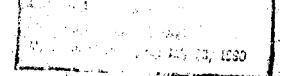
:  
SS:  
:

On this, the 2 day of October, 1989, before me,  
Mae E. MacTavish Notary Public, personally appeared MAE E. MACTAVISH known  
to me (or satisfactorily proven) to be the person whose name is  
subscribed to the within instrument, and acknowledged she has executed  
the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial



My Commission Expires: 7/23/90

Maureen MacTavish  


VOL 1308 PAGE 167

STATE OF

COUNTY OF

On this, the

day of

, 19

, before me,

, the undersigned officer, personally appeared

to me (or satisfactorily proven) to be the person whose name is known  
to the within instrument, and acknowledged he has executed the same for the purposes  
therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

My Commission Expires:

CERTIFICATE OF RESIDENCE

I hereby certify the correct address and place of residence of the GranteeS herein to be as follows:

Re: Ds. Box 98, Madera, PA

*Timothy E. Durant*

Attorney for GranteeS

TIMOTHY E. DURANT

RE: E. MATVYASH

AND

C. DAVID LYNN and

ANNE LYNN

AND

CLEA FIELD COUNTY  
ENTERED OF RECORD  
TIME: 2:01 P.M. 10-12-89  
BY C. DAVID LYNN  
FEES: 13.50  
Michael R. Lyle, Recorder

Dated:

For lots situated in Brook Township,

Clefield County, Pennsylvania

Consideration \$1.00

TIMOTHY E. DURANT  
ATTORNEY AT LAW  
36 NORTH SECOND STREET  
CLEARFIELD, PA 16830

RECORDED in the Office for Recording of Deeds, etc., in and for said County, in Deeds and  
Records Book Volume 1308, Page 164

Witness by Hand and Official Seal this 27<sup>th</sup> day of OCT., 1989

*Michael R. Lyle*  
Recorder of Deeds My Commission Expires  
First Monday in January, 1992

Entered of Record Oct. 12, 1989, 2:01 P.M. Michael R. Lyle, Recorder

# This Indenture,

BETWEEN MAE E. MACTAVISH, also known as Mae Freeman MacTavish, party of the first part, Grantor,

A N D

C. DAVID LYNN AND ANNIE LYNN, husband and wife, of R. D., Box 98, Madera, Township of Knox, Clearfield County, Pennsylvania, parties of the second part, Grantees.

WITNESSETH, that in consideration of ONE (\$1.00) DOLLAR, in hand paid, the receipt whereof is hereby acknowledged, the said Grantor does hereby grant and convey to the said Grantees, as tenants by the entirety,

ALL that certain lot or piece of ground situated in Knox Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a point, being the northeast corner of a parcel of land now owned by Irvin MacTavish where it intersects with Pennsylvania State Highway Route #17036, formerly erroneously identified as Route 17035 on prior deed and now known as Pennsylvania State Highway No. 2015; said point also being the southwest corner of other lands now or formerly owned by Ben C. Freeman and Rachel E. Freeman; thence in a generally easterly direction along the northern line of lot of Mae MacTavish, a distance of 421 feet to a point; thence in a generally northerly direction in a line parallel to the western boundary of a 77 acre tract of land now or formerly owned by Ben C. Freeman and Rachel E. Freeman, a distance of 227 feet to a point; thence in a generally westerly direction in a straight line approximately 316 feet to the southeast corner of the house and lot now or formerly owned and occupied by Ben C. Freeman, which was conveyed to him by deed of Sherman Swatsworth; thence in a southwesterly direction along the western boundary of lands now or formerly of Ben C. Freeman and Rachel E. Freeman, a distance of 412 feet to point and place of beginning.

BEING the same premises which vested in MAE E. MACTAVISH, also known as Mae Freeman MacTavish, by deed from Mae Freeman MacTavish and Irvin MacTavish dated and recorded in Clearfield County Recorder's Office on September , 1989 in Deeds and Records Book Volume , page .

THIS IS A CONVEYANCE FROM SISTER TO SISTER AND BROTHER-IN-LAW AND IS THEREFORE EXEMPT FROM PENNSYLVANIA REALTY TRANSFER TAX PURSUANT TO §91.52(b)(6) OF THE REGULATIONS.

For the purpose of complying with the Act of July 17, 1957, P. L. 984, as amended, 52 P. S. 1551, 1552, of the General Assembly of Pennsylvania, and for no other purpose, there is incorporated herein the following notice:

## NOTICE

In accordance with the provisions of "The Bituminous Mine Subsidence and Land Conservation Act of 1966", I/we, the undersigned grantee/grantees, hereby certify that I/we know and understand that I/we may not be obtaining the right of protection against subsidence resulting from coal mining operations and that the purchased property may be protected from damage due to mine subsidence by a private contract with the owners of the economic interest in the coal. I/we further certify that this certification is in a color contrasting with that in the deed proper and is printed in twelve point type preceded by the word "notice" printed in twenty-four point type.

Witness:

*C. David Lynn*

C. DAVID LYNN

*Annie Lynn*

ANNIE LYNN

This 12<sup>th</sup> day of September 1989.

THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL, AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT. (This Notice is set forth pursuant to Act No. 255, approved September 10, 1965, as amended.)

VOL 1308 PAGE 170

AND the said Grantor will SPECIALLY WARRANT AND FOREVER DEFEND the property hereby conveyed.

IN WITNESS WHEREOF, the said Grantor has hereunto set her hand and seal, the day and year first above-written.

Sealed and delivered in  
the presence of

*Daryl May*

*Mae E. MacTavish* (SEAL)

Mae E. MacTavish

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

:  
SS:  
:

On this, the 12 day of October, 1989, before me,

Mae E. MacTavish, a Notary Public, personally appeared MAE E. MACTAVISH, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged she has executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal.



*Carman Latemanis*

**APPENDIX E**

Attached hereto is a copy of the assessment card pertaining to the property of Defendant Verna Rounds.



APPENDIX E-1

Attached hereto is a copy of the deed to the property of Defendant Verna Rounds.

In the event that the Grantee's title is in any way defective, the expense of perfecting said title may be paid by the Grantee and deducted from the payment due the Grantor hereunder.

It is understood and agreed that the Grantee shall have the right at any time to pay and redeem for the Grantor any existing mortgages or liens or interest thereon, or discharge other liens existing, levied or assessed on or against the above described land and, in the event the Grantee exercises such option, it shall be subrogated to the rights of any holder or holders thereof.

To have and to hold the above described oil and gas rights together with all and singular the rights and appurtenances thereto in anywise belonging unto the Grantee, ~~nowhereunto written~~, heirs and assigns forever.

The Grantor does hereby bind ~~them~~ ~~nowhereunto written~~, heirs, executors and administrators to Warrant and forever defend all and singular the said oil and gas rights unto the Grantee, ~~nowhereunto written~~, heirs and assigns, and every person whomsoever lawfully claiming or to claim the same or any part thereof.

Witness the following signatures and seals:

*William Albert O'Harrow*

*William Albert O'Harrow*  
(L. S.)

*John J. O'Harrow*  
(L. S.)

(L. S.)

(L. S.)

(L. S.)

(L. S.)

COMMONWEALTH OF PENNSYLVANIA,

County of Clearfield,

On the 13th day of September, in the year one thousand nine hundred and fifty-one, before me, the subscriber, a Notary Public in and for said County, came the above named William Albert O'Harrow, and Julia G. O'Harrow, his wife, RD #1, West Dunbar, Pennsylvania,

and they acknowledged the within instrument to be their act and deed and desiring the same to be recorded as such.

Witness my hand and Notarial Seal.

*John J. O'Harrow*  
NOTARY PUBLIC

My commission expires 1/4/53

Entered of Record SEPT 25 1951, 412 472, Weir W. Mullen, Recorder

# This Indenture,

MADE THE Nineteenth day of August in the year  
of our Lord one thousand nine hundred FIFTY.

BETWEEN WILLIAM ROUND and GLADYS ROUND, His Wife, of the Village of McCartney,  
Jordan Township, Clearfield County, Pennsylvania, Grantors and Parties of the  
First Part,

AND

GRANT ROUND and VENNA ROUND, His Wife, as Tenants by the Entireties,  
of Knox Township, Clearfield County, Pennsylvania, Grantees and Parties

of the second part, WITNESSETH, that the said parties of the first part, for and in consideration of the sum of One (\$1.00) and no ~~100~~\*\*\*\*\* Dollars, lawful money of the United States of America unto ~~THEM~~ well and truly paid by the said parties of the second part, at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, have granted, bargained, sold, aliened, enfeoffed, released, conveyed and confirmed, and by these presents do grant, bargain, sell, alien, enfeoff, release, convey and confirm unto the said parties of the second part, their heirs, and assigns,

ALL that surface to that certain piece or parcel of land situate in the Township of Knox, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

Beginning at a point on the West side of State Highway Route #17036, Two Hundred Ten (210') feet North of the place where a Branch Line of the Pennsylvania R. R. Co. crosses said highway at or near the Village of Erhart in Knox Township; thence South Thirty Four (34°) degrees West, One Hundred Sixty Five (165') feet to a post; thence North Sixty Three (63°) degrees West, Three Hundred Ninety Six (396') feet to a post; thence North, Thirty Seven (37°) degrees East, One Hundred Sixty Five (165') feet to a post; thence South Sixty Three (63°) degrees East, Three Hundred Ninety Six (396') feet to place of beginning, containing One and Two-Fifths (1 2/5) acres or Two Hundred Twenty Four (224) square rods.

LEAVING the surface only, and part of the same premises which J. Howard Smith, single, by his deed dated the 12th day of August, A. D., 1942, recorded at Clearfield in Deed Book 347, granted and conveyed unto William W. Laughard, and the same premises which the said William W. Laughard by his deed dated September 24, 1942, and recorded in Deed Book 347 at page 473, granted and conveyed unto William Round and Gladys Round, the Grantors herein.

TOGETHER with all and singular, the said property, improvements, ways, waters, water courses, rights, liberties, privileges, hereditaments and appurtenances whatsoever thereunto belonging, or in anywise appertaining, and the reversions and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, property, claim and demand whatsoever, of the said parties \_\_\_\_\_ of the first part, in law, equity or otherwise howsoever, of, in and to the same and every part thereof.

TO HAVE AND TO HOLD the said

hereditaments and premises hereby granted or mentioned, and intended so to be, with the appurtenances, unto the said parties \_\_\_\_\_ of the second part, their \_\_\_\_\_ heirs and assigns, to and for the only proper use and behoof of the said parties \_\_\_\_\_ of the second part, their heirs and assigns forever.

the said parties \_\_\_\_\_ of the first part, for themselves, their \_\_\_\_\_ heirs, executors and administrators, do \_\_\_\_\_ by these presents covenant, grant and agree to and with the said parties \_\_\_\_\_ of the second part, their \_\_\_\_\_ heirs and assigns, that they \_\_\_\_\_ the said parties \_\_\_\_\_ of the first part, and their \_\_\_\_\_ heirs, all and singular the hereditaments and premises herein above described and granted or mentioned, and intended so to be, with the appurtenances, unto the said parties \_\_\_\_\_ of the second part, their \_\_\_\_\_ heirs and assigns against them \_\_\_\_\_ the said parties \_\_\_\_\_ of the first part and their \_\_\_\_\_ heirs, and against all and every other person or persons whomsoever lawfully claiming, or to claim the same or any part thereof by, from, through or under them or either of them \_\_\_\_\_

IN WITNESS WHEREOF, the said parties \_\_\_\_\_ of the first part have \_\_\_\_\_ to these presents set their \_\_\_\_\_ hand \_\_\_\_\_ and seal \_\_\_\_\_ Dated the day and year first above written.

Signed, Sealed and Delivered  
in the presence of

William Round  
Gladys Round



APPENDIX F

Attached hereto is a copy of the survey map prepared by Hess & Fisher Engineers.

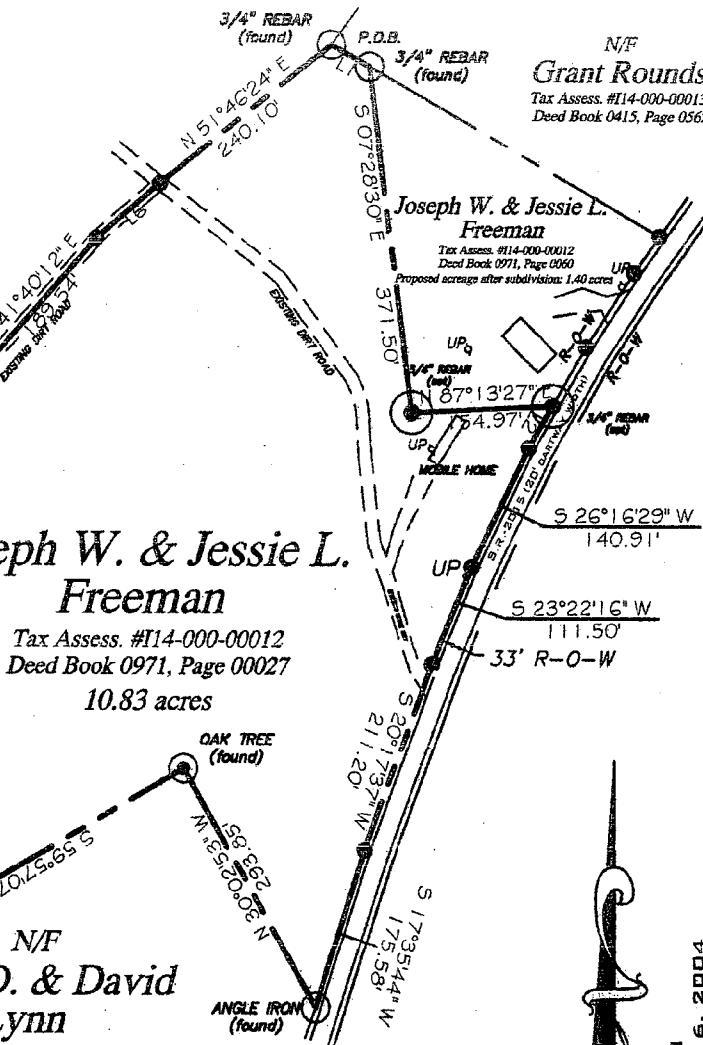
N/F  
**John Howard Goss,  
 William Howard Goss**  
**&  
 Kimberly Ann Frick**

Tax Assess. #I14-000-00023  
 Deed Book 1512, Page 00031



N/F  
**Rachel Freeman**

N/F  
**Annie D. & David  
 Lynn**  
 Tax Asses. #I14-000-00042  
 Deed Book 1491, Page 0370



LEGEND

— — — SURVEYED PROPERTY LINES  
 — — — NON-SURVEYED PROPERTY LINES  
 R-O-W — RIGHT-OF-WAY LINES

• BEGINNING AND END OF A LINE SEGMENT  
 ● 3/4" REBAR (SET)  
 ○ EXISTING MONUMENT  
 N/F NOW OR FORMERLY  
 P.O.B. POINT OF BEGINNING

BEARING TABLE

NUMBER	DIRECTION	DISTANCE
L1	S 60° 46' 02" E	47.66'
L2	S 30° 07' 11" W	52.42'
L3	N 02° 30' 22" E	79.82'
L4	N 46° 25' 56" E	82.89'
L5	N 12° 52' 10" E	52.89'
L6	N 50° 00' 31" E	90.13'

BEARING BASE  
 MAGNETIC NORTH  
 TAKEN: JANUARY 6, 2004

DRAWN BY:	RL	FILE NO.:
CHECKED BY:	WF	JOB NO.:
DATE:	8/26/05	FB NO.:
SCALE:	1"=200'	REVISION BY

cadserver/freeman/freeman.dwg

PLAT SHOWING LANDS OF  
 JOSEPH W. & JESSIE L. FREEMAN  
 KNOX TOWNSHIP, CLEARFIELD COUNTY

HESS & FISHER ENGINEERS, INC.  
 CONSULTING ENGINEERS, GEOLOGISTS & SURVEYORS  
 36 NORTH SECOND STREET  
 CLEARFIELD, PENNSYLVANIA 16830  
 814-765-7541

APPENDIX G

Attached hereto is a copy of the deed from William Laughard to Lewis Freeman, et al.

On this, the 22nd day of August, 1942, before me Geo. W. Gaylor Recorder of Deeds, the undersigned officer, personally appeared James Watson and Myrtle Watson, his wife, known to me (or satisfactorily proven) to be the person whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

Geo. W. Gaylor (Off. Seal)

Recorder of Deeds

Title of Officer

My Commission Expires First Monday in January 1944  
I Hereby Certify that the precise residence of the grantees or grantees is Pike Township, Clearfield County, Pennsylvania.

A. B. Shaw

Entered of Record Aug. 22 1942 10:25 A.M.

Recorded and Compared by

*Geo. W. Gaylor*  
Recorder

DEED

THIS DEED,

WILLIAM LAUGHARD : Made the Twenty-Second day of August in the year Nineteen Hundred and Forty-Two BETWEEN William Laughard, single, of the Township of Jordan, LEWIS FREEMAN ET AL : Clearfield County, Pennsylvania, party of the first part, hereinafter called the grantor And Lewis Freeman and his wife, Anna Freeman, as tenants by entirety, both of the Township of Knox, Clearfield County, Pennsylvania, parties of the second part, hereinafter called grantees

WITNESSETH, that in consideration of One (\$1.00) Dollars, in hand paid, the receipt whereof is hereby acknowledged, the said grantor does hereby grant and convey to the said grantees, as tenants by entirety

ALL that certain parcel or piece of land located in Knox Township, Clearfield County, Pennsylvania, consisting of Eleven (11) acres surface, formerly owned by Gould Bros. Being part of the same premises sold as property of Gould Bros, by Harry F. Bigler, Jr., Treasurer of Clearfield County to the County Commissioners by Deed dated April 10, 1936, and recorded in Clearfield County in Deed Book 344, at page 464, also being part of the same premises

sold by the Clearfield County Commissioners to the grantor herein by deed dated May 25, 1942, and recorded in Clearfield County in Deed Book 344, at page 465.

AND the said grantor, does hereby covenant and agree to and with the said grantees, that he, the grantor, his heirs, executors and administrators shall and will specially warrant and forever defend the herein above described premises, with the hereditaments and appurtenances, unto the said grantees, their heirs and assigns against the said grantor, and against every other person lawfully claiming or who shall hereafter claim the same or any part thereof

IN WITNESS WHEREOF said grantor has hereunto set his hand and seal the day and year first above written.

Sealed and delivered in the presence of

William Laughard

L. S.

William C. Chase

State of Pennsylvania

County of Clearfield

On this, the 22nd day of August, 1942, before me George W. Laughard Gaylor, Recorder of Deeds, the undersigned officer, personally appeared William Laughard known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he has executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

Geo. W. Gaylor (Off. Seal)

Recorder of Deeds

Title of Officer

My Commission expires First Monday in January 1944

I Hereby Certify that the precise residence of the grantee or grantees is Knox Township Star Route Madera, Pennsylvania

William C. Chase

Atty for Grantor

Entered of Record Aug. 22 1942 11:05 A.M.

Recorded and Compared by

*Geo. W. Gaylor*  
m.m.b.  
Recorder

DEED

THIS DEED,

WILLIAM LAUGHARD

Made the Twenty-Second day of August in the year of

APPENDIX H

Attached hereto is a copy of the tax sale deed dated January 10, 1936.

**Deed**

**H. F. BIGLER, JR.**  
TREASURER OF THE  
COUNTY OF CLEARFIELD  
TO  
COUNTY COMMISSIONERS

**To All To Whom These Presents Shall Come:**

I, H. F. BIGLER, Jr., Treasurer of the County of Clearfield, Pennsylvania, send Greetings:

Whereas the Tax Collector of Knox Township has made return to the County Commissioners of the County of Clearfield, Pennsylvania, of unpaid taxes for the years 19 1931 on a certain piece of seated land, consisting of

28 & 11 A. Surf

situate in the Township of Knox purporting to be owned and assessed in the name of Gould Bros.

And Whereas, the said owner or owners have neglected or refused to pay said taxes, which said property was rated, charged and assessed according to the laws of this Commonwealth with the payment of said taxes for the years 19 1931, and amounting in all to the sum of Thirly two dollars and one cents for all taxes, interest and penalties due, unpaid, and returned for the years above mentioned.

And Whereas, the said Treasurer, in pursuance of the several Acts of Assembly in such case made and provided, having given due legal notice of the time and place of sale of said seated land and property, the taxes for which as aforesaid were returned, and no person having paid said taxes, interest and penalties so rated, charged and assessed upon said tract of land and property and the costs accrued thereon,

And Whereas, the taxes, penalties, interest and costs remained unpaid, I, H. F. BIGLER, Jr., Treasurer of the County of Clearfield, aforesaid, commenced the sale of said tract of land, among others, on the 6th day of Aug., 1934, at the Court House in the Borough of Clearfield, County of Clearfield, and State of Pennsylvania, by public vendue and outcry, and on the 10th day of January last past, an amount sufficient to pay said taxes, interest, penalties and costs not being bidden, the said property was purchased by the County Commissioners of the County of Clearfield, aforesaid.

And Whereas, the said Treasurer having made report of said sale and return to the Court of Common Pleas of Clearfield County, Pennsylvania, on the 7th of Feb. last, (being the first Term of Court of Common Pleas of Clearfield County next succeeding said sale) which said report and return has been confirmed absolutely.

Now Know Ye, That I, H. F. BIGLER, Jr., Treasurer of the County of Clearfield aforesaid, for and in consideration of the sum of Thirly two dollars and one cents, being the amount of said taxes, interest, penalties and costs, have granted, bargained and sold and by these presents do grant, bargain and sell unto the said County Commissioners of the County of Clearfield, Pennsylvania, their successors and assigns all the aforementioned tract of land situate in the Township of Knox County of Clearfield, Pennsylvania, described as follows:

28 & 11 A. Surf

according to the form, force and effect of the several Acts of General Assembly of the Commonwealth of Pennsylvania relating to the sales of seated lands for the payment of taxes, and subject to the redemption allowed by law.

IN WITNESS WHEREOF, I, the said H. F. BIGLER, Jr., Treasurer of the County of Clearfield, Common-

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

\*

JOSEPH W. FREEMAN AND  
JESSIE L. FREEMAN,  
Plaintiffs

\*

-vs-

\*

Docket No. 05-1281-CD  
ACTION TO QUIET TITLE

JOHN HOWARD GOSS, WILLIAM  
HOWARD GOSS AND KIMBERLY ANN  
FRICK; ANNIE D. LYNN AND C.  
DAVID LYNN; AND VERA ROUNDS,  
Defendants

\*

Type of pleading:  
AFFIDAVIT OF SERVICE

Filed on behalf of:  
PLAINTIFFS, Joseph W.  
Freeman and Jessie L.  
Freeman

Counsel of record for  
these parties:

Dwight L. Koerber, Jr.,  
Esquire  
PA I.D. No. 16332

110 North Second Street  
P. O. Box 1320  
Clearfield, PA 16830  
(814) 765-9611

FILED NO  
013-3261 CC  
AUG 30 2005  
WM  
William A. Shaw  
Prothonotary/Clerk of Courts

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

\*

JOSEPH W. FREEMAN AND \*  
JESSIE L. FREEMAN, \*  
Plaintiffs \*

-vs-

\*

Docket No. 05-1281-CD  
ACTION TO QUIET TITLE

JOHN HOWARD GOSS, WILLIAM \*  
HOWARD GOSS AND KIMBERLY ANN \*  
FRICK; ANNIE D. LYNN AND C. \*  
DAVID LYNN; AND VERA ROUNDS, \*  
Defendants \*

**AFFIDAVIT OF SERVICE**

COMMONWEALTH OF PENNSYLVANIA:

:SS:

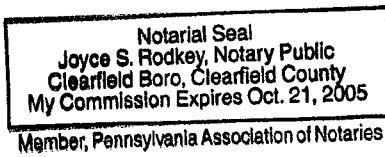
COUNTY OF CLEARFIELD :

DWIGHT L. KOERBER, JR., ESQUIRE, being duly sworn according to law, deposes and states that Defendants ANNIE D. LYNN, C. DAVID LYNN and VERA ROUNDS were served with a certified copy of the Complaint filed in the above-captioned matter, as shown by the Acceptances of Service attached hereto.

  
Dwight L. Koerber, Jr., Esquire

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

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



Member, Pennsylvania Association of Notaries

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

\*

JOSEPH W. FREEMAN AND  
JESSIE L. FREEMAN,  
Plaintiffs

\*

-vs-

\*

Docket No. 05-1281 -CD  
ACTION TO QUIET TITLE

JOHN HOWARD GOSS, WILLIAM  
HOWARD GOSS AND KIMBERLY ANN  
FRICK; ANNIE D. LYNN AND C.  
DAVID LYNN; AND VERA ROUNDS,  
Defendants

\*

\*

ACCEPTANCE OF SERVICE

I accept service of the Complaint in Action to Quiet Title  
filed in the above-captioned proceeding.

Annie D. Lynn

Annie D. Lynn

DATE: 8/31/05

Address: H.C. 1, Box 98 789 Oak Ridge Road  
Madera, PA 16661

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

\*

JOSEPH W. FREEMAN AND  
JESSIE L. FREEMAN,  
Plaintiffs

\*

-vs-

\*

Docket No. 05- 1281 -CD  
ACTION TO QUIET TITLE

JOHN HOWARD GOSS, WILLIAM  
HOWARD GOSS AND KIMBERLY ANN  
FRICK; ANNIE D. LYNN AND C.  
DAVID LYNN; AND VERA ROUNDS,  
Defendants

\*

\*

\*

ACCEPTANCE OF SERVICE

I accept service of the Complaint in Action to Quiet Title  
filed in the above-captioned proceeding.

*C. David Lynn*

C. David Lynn

DATE: Aug 24, 2005

Address: 788 OAKRIDGE ROAD  
H.C. 1, Box 98  
Madera, PA 16661

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

\*

JOSEPH W. FREEMAN AND  
JESSIE L. FREEMAN,  
Plaintiffs

\*

-vs-

\*

Docket No. 05-1281 -CD  
ACTION TO QUIET TITLE

JOHN HOWARD GOSS, WILLIAM  
HOWARD GOSS AND KIMBERLY ANN  
FRICK; ANNIE D. LYNN AND C.  
DAVID LYNN; AND Verna Rounds,  
Defendants

\*

\*

\*

\*

ACCEPTANCE OF SERVICE

I accept service of the Complaint in Action to Quiet Title  
filed in the above-captioned proceeding.

Verna Round

Verna Rounds

DATE: 8-24-2005

Address: R. R. 1, Box 106  
Madera, PA 16661

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

\*

JOSEPH W. FREEMAN AND  
JESSIE L. FREEMAN,  
Plaintiffs

\*

-vs-

\*

Docket No. 05-1281-CD  
ACTION TO QUIET TITLE

JOHN HOWARD GOSS, WILLIAM  
HOWARD GOSS AND KIMBERLY ANN  
FRICK; ANNIE D. LYNN AND C.  
DAVID LYNN; AND VERA ROUNDS,  
Defendants

\*

\*

Type of pleading:  
CERTIFICATE OF SERVICE

Filed on behalf of:  
PLAINTIFFS, Joseph W.  
Freeman and Jessie L.  
Freeman

Counsel of record for  
these parties:

Dwight L. Koerber, Jr.,  
Esquire  
PA I.D. No. 16332

110 North Second Street  
P. O. Box 1320  
Clearfield, PA 16830  
(814) 765-9611

FILED NO  
08/30/2005  
AUG 30 2005 (m)

William A. Shaw  
Prothonotary/Clerk of Courts

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

\*

JOSEPH W. FREEMAN AND  
JESSIE L. FREEMAN,  
Plaintiffs

\*

-vs-

\*

Docket No. 05-1281-CD  
ACTION TO QUIET TITLE

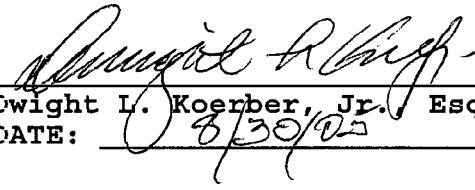
JOHN HOWARD GOSS, WILLIAM  
HOWARD GOSS AND KIMBERLY ANN  
FRICK; ANNIE D. LYNN AND C.  
DAVID LYNN; AND VERA ROUNDS,  
Defendants

\*

\*

CERTIFICATE OF SERVICE

I certify that Defendant KIMBERLY ANN FRICK was served with a certified copy of the Complaint filed in the above-captioned proceeding, by Certified Mail No. 7004-2510-0007-6101-1452. Attached hereto is the certified mail receipt signed by Defendant KIMBERLY ANN FRICK.

  
Dwight L. Koerber, Jr., Esquire

DATE: 08/30/05

U.S. Postal Service™ (1996)  
**CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

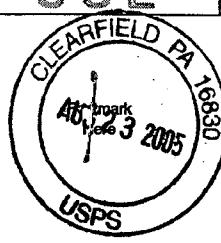
**OFFICIAL USE**

Postage	\$ 2.21
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 6.26

*2004-2510-0007-6101-1452*

**Sent To**  
Ms. Kimberly Ann Frick  
Street, Apt. No.,  
or PO Box No. 7 Decker Lane  
City, State, ZIP44 Boonton Township NJ 07005

PS Form 3800, June 2002 See Reverse for Instructions



<b>SENDER: COMPLETE THIS SECTION</b>		<b>COMPLETE THIS SECTION ON DELIVERY</b>	
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		<p>A. Signature <input checked="" type="checkbox"/> <i>Kim Frick</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>✓</i> <input type="checkbox"/> C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes  If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>1. Article Addressed to:  Ms. Kimberly Ann Frick  7 Decker Lane  Boonton Township NJ 07005</p>		<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>2. Article Number  (Transfer from service label)</p>		<p>7004-2510-0007-6101-1452</p>	

**FILED**

AUG 30 2005

William A. Shaw  
Prothonotary/Clerk of Courts

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

\*

JOSEPH W. FREEMAN AND  
JESSIE L. FREEMAN,  
Plaintiffs

\*

-vs-

\*

Docket No. 05-1281-CD  
ACTION TO QUIET TITLE

JOHN HOWARD GOSS, WILLIAM  
HOWARD GOSS AND KIMBERLY ANN  
FRICK; ANNIE D. LYNN AND C.  
DAVID LYNN; AND VERA ROUNDS,  
Defendants

\*

\*

\*

\*

Type of pleading:  
CERTIFICATE OF SERVICE

Filed on behalf of:  
PLAINTIFFS, Joseph W.  
Freeman and Jessie L.  
Freeman

Counsel of record for  
these parties:

Dwight L. Koerber, Jr.,  
Esquire  
PA I.D. No. 16332

110 North Second Street  
P. O. Box 1320  
Clearfield, PA 16830  
(814) 765-9611

FILED NO CC  
03:05 AM  
SEP 02 2006  
S

William A. Shaw  
Prothonotary/Clerk of Courts

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

\*

JOSEPH W. FREEMAN AND  
JESSIE L. FREEMAN,  
Plaintiffs

\*

-vs-

\*

Docket No. 05-1281-CD  
ACTION TO QUIET TITLE

JOHN HOWARD GOSS, WILLIAM  
HOWARD GOSS AND KIMBERLY ANN  
FRICK; ANNIE D. LYNN AND C.  
DAVID LYNN; AND Verna Rounds,  
Defendants

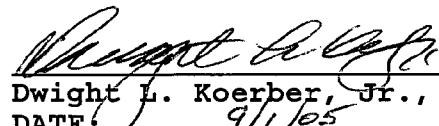
\*

\*

\*

CERTIFICATE OF SERVICE

I certify that Defendant WILLIAM HOWARD GOSS was served with  
a certified copy of the Complaint filed in the above-captioned  
proceeding on August 29, 2005, by Certified Mail No. 7004-2510-  
0007-6101-1445. Attached hereto is the certified mail receipt  
signed by an agent for Defendant WILLIAM HOWARD GOSS.

  
Dwight L. Koerber, Jr., Esquire  
DATE: 9/1/05

U.S. Postal Service™ (1996)  
**CERTIFIED MAIL™ RECEIPT**  
*(Domestic Mail Only; No Insurance Coverage Provided)*

For delivery information visit our website at [www.usps.com](http://www.usps.com)

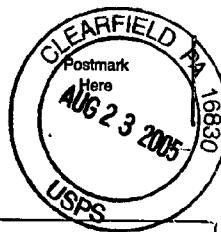
**OFFICIAL USE**

Postage	\$ 2.21
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	0.00
Total Postage & Fees	\$ 6.26

*2004 2510 0007 6101 1445*

*Sent To*  
**Mr. William Howard Goss**  
*Street, Apt. No.;*  
*or PO Box No.* 28 Pudding Stone Way  
*City, State, ZIP+4* Florham Park, NJ 07932

PS Form 3800, June 2002      See Reverse for Instructions



**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

**1. Article Addressed to:**

Mr. William Howard Goss  
 28 Pudding Stone Way  
 Florham Park NJ 07932

**COMPLETE THIS SECTION ON DELIVERY**

**A. Signature**

*X* *John Goss*       Agent       Addressee

**B. Received by (Printed Name)**

*John Goss* *8/29/05*      **C. Date of Delivery**

**D. Is delivery address different from item 1?**

If YES, enter delivery address below:       Yes       No

**3. Service Type**

<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.

**4. Restricted Delivery? (Extra Fee)**

Yes

**2. Article Number**  
*(Transfer from service label)*

7004-2510-0007-6101-1445

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

**JOSEPH W. FREEMAN and  
JESSIE L. FREEMAN,  
Plaintiffs,**

vs.

**JOHN HOWARD GOSS, WILLIAM  
HOWARD GOSS and KIMBERLY ANN  
FRICK; ANNIE D. LYNN and C. DAVID  
LYNN; and VERA ROUNDS,  
Defendants**

- \* \*
- \* \*
- \* \*
- \* \*
- \* \*
- \* **NO. 2005-1281-CD**
- \* **ACTION TO QUIET TITLE**
- \* \*
- \* \*
- \* \*
- \* \*
- \* **Type of Pleading:** ANSWER and
- \* NEW MATTER
- \* \*
- \* \*
- \* \*
- \* **Filed on behalf of:** DEFENDANTS
- \* JOHN HOWARD GOSS,
- \* WILLIAM HOWARD GOSS and
- \* KIMBERLY ANN FRICK
- \* \*
- \* \*
- \* **Counsel of Record for this Party:**
- \* BARBARA J. HUGNEY-SHOPE,
- \* ESQUIRE
- \* \*
- \* Supreme Court I. D. No. 26274
- \* 23 North Second Street
- \* Clearfield, PA 16830
- \* (814) 765-5155

*FILED 1CC  
013-1281-Alys Shope  
OCT 07 2005*

William A. Shaw  
Prothonotary/Clerk of Courts

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

**JOSEPH W. FREEMAN and  
JESSIE L. FREEMAN,**

Plaintiffs,

\*

\*

vs.

\* **NO. 2005-1281-CD**

\* **ACTION TO QUIET TITLE**

**JOHN HOWARD GOSS, WILLIAM \*  
HOWARD GOSS and KIMBERLY ANN \*  
FRICK; ANNIE D. LYNN and C. DAVID \*  
LYNN; and Verna Rounds,**

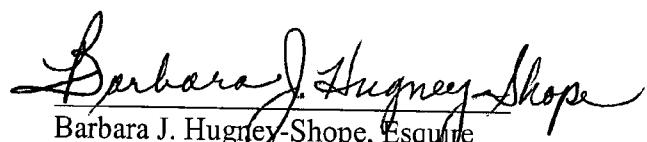
Defendants

\*

**NOTICE TO PLEAD**

**TO: JOSEPH W. FREEMAN  
JESSIE L. FREEMAN  
c/o Dwight L. Koerber, Jr.  
Attorney at Law  
110 North Second Street  
P.O. Box 1320  
Clearfield, PA 16830**

You are hereby notified to file a written response to the enclosed ANSWER and NEW MATTER within twenty (20) days from service hereof or a judgment may be entered against you.



Barbara J. Hugney-Shope, Esquire  
Attorney for Defendants, John  
Howard Goss, William Howard  
Goss and Kimberly Ann Frick  
23 North Second Street  
Clearfield, PA 16830  
(815)765-5155

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

<b>JOSEPH W. FREEMAN and</b>	*
<b>JESSIE L. FREEMAN,</b>	*
Plaintiffs,	*
	*
vs.	*
	* <b>NO. 2005-1281-CD</b>
	* <b>ACTION TO QUIET TITLE</b>
<b>JOHN HOWARD GOSS, WILLIAM</b>	*
<b>HOWARD GOSS and KIMBERLY ANN</b>	*
<b>FRICK; ANNIE D. LYNN and C. DAVID*</b>	
<b>LYNN; and VERA ROUNDS,</b>	*
Defendants	*

**ANSWER and NEW MATTER**

NOW COME Defendants, John Howard Goss, William Howard Goss and Kimberly Ann Frick, by their counsel, Barbara J. Hugney-Shope, Esquire, and file the within Answer and New Matter and in support hereof avers as follows:

**ANSWER**

1. Admitted.

**SECTION I**

2. Denied in part. John Howard Goss, William Howard Goss and Kimberly Ann Frick, hereinafter referred to as "these Defendants", specifically deny that the

tax assessment map attached to Plaintiffs' Complaint as Appendix A accurately reflects the location and extent of land actually owned by the Plaintiffs. On the contrary, the land owned by these Defendants extends to the abandoned railroad right of way as set forth in the deed to these Defendants identified in Plaintiffs' Appendix C-1 which includes the area trying to be claimed by the Plaintiffs.

3. Admitted.
4. Admitted.
5. No response from these Defendants required.
6. No response from these Defendants required.
7. Denied as stated. These Defendants deny that the property purported to be that of Plaintiffs accurately reflects what they obtained in the deed claimed in Paragraph 3 as Tax Parcel 27. On the contrary, these Defendants hereby aver that they are the legal owners of the property claimed by Plaintiffs as set forth in the deeds in their chain of title.
8. Denied in part. It is denied that the Plaintiffs' Appendix F shows the precise location of Plaintiffs' property. On the contrary, these Defendants obtained a survey from Curry and Associates which clearly indicates that the land claimed by Plaintiffs belongs to these Defendants. A copy of the survey map

prepared by Curry and Associates showing the location of property of these Defendants is attached hereto as Defendant's Exhibit "I" and incorporated herein.

9. Denied. It is denied that Plaintiffs have any claim of ownership or claim by adverse possession for the property described by the survey map prepared by Hess & Fisher Engineers. On the contrary, these Defendants' predecessor in title, John W. Goss, inherited this property from William W. Laughard by virtue of his Last Will and Testament which is filed of record in Clearfield County Will Book 30, page 529. The award of the subject real estate of the said William W. Laughard who died December 26, 1975, to the said John W. Goss was confirmed by Order of Court dated April 4, 1977, and is filed in Volume 28, page 195, setting forth metes and bounds for the property. A copy of the Order of Court is attached hereto as these Defendants' Exhibit II and incorporated herein. At all times since these Defendants and John W. Goss have held title to the property, Plaintiffs' predecessor in title has occupied a mobile home on these Defendants' property with the consent of these Defendants.

10. Denied in part. It is denied that Plaintiffs acquired any ownership in the subject property. On the contrary, these Defendants believe and aver that the property acquired by Plaintiffs in the deed from Anna Lockett is not the same

property as surveyed by Hess and Fisher but rather that in an area to the West of the subject property.

11. Admitted. In further answer, the deeds attached to Plaintiffs' Complaint fail to identify the location of the property but merely indicate that the land conveyed to Plaintiffs' predecessors in title was for 11 acres.

12. Admitted. In further answer, the deed for the property that these Defendants acquired was through the same William Laughard as in the chain of title of the Plaintiffs; however, the description of the parcel acquired by these Defendants specifically sets forth the metes and bounds of the property that they acquired.

### Section III

13. Denied in part. It is denied that the occupation of the land subject of this action by Plaintiff Joseph W. Freeman and his predecessors in title was adverse or that it was acquired from William Laughard. On the contrary, the predecessor in title of these Defendants, who was their father and grandfather, consented for Anna Freeman to place her mobile home on his land and continue to allow it to remain there for the remainder of her life and these Defendants accepted this condition when the property was conveyed to them. The said Anna Freeman died in 1990, a fact that these Defendants only recently learned.

(a) Admitted. The said Anna Freeman, mother of Defendant Joseph W. Freeman, lived on the subject property with the knowledge and consent of these Defendants.

(b) Denied in part. While the Plaintiffs and their predecessors in title exercised full use of a certain portion land of these Defendants, approximately one (1) acre as shown on the survey identified as Defendants' Exhibit "I", this was done with the consent of these Defendants and their predecessor, and it is denied that Plaintiffs exercised any control over the remaining portion of the said property.

(c) Denied. It is denied that Plaintiffs used the property, except for the area of approximately one (1) acre utilized by Anna Freeman for her mobile home and yard. On the contrary, the remaining portion of the subject property was utilized by these Defendants and their predecessors in title and is covered by a lease for a gas well from which they derive royalties.

(d) Denied in part. It is denied that Plaintiffs and their predecessors in title were the only ones who gave permission for parties to hunt on the property. On the contrary, these Defendants and their predecessors in title not only gave permission to others but also personally hunted on the subject property.

(e) Denied. These Defendants and their predecessors in title have consistently and continually paid taxes on the property which they acquired from William Laughard which extended to the railroad right-of-way and includes the property the subject of this Quiet Title Action.

(f) Denied. These Defendants, after reasonable investigation, are without sufficient knowledge or information to form a belief to the truth of this averment and strict proof thereof is demanded at trial.

(g) Denied. These Defendants, after reasonable investigation, are without sufficient knowledge or information to form a belief to the truth of this averment and strict proof thereof is demanded at trial.

(h) Denied. These Defendants denied that Plaintiffs and their predecessors in title exercised the acts stated for a period of 21 years or in excess thereof. On the contrary, the Plaintiffs' predecessor in title, Anna Freeman, used the property with the consent of Defendants and their predecessors in title during her lifetime and Anna Freeman Lockett did not pass away until 1990 when the consent granted to her expired.

14. Admitted. In further answer, the deed description of the property conveyed to these Defendants predecessor in title extended to the railroad right of way, now abandoned, and ran adjacent to the state highway.

## **SECTION IV**

WHEREFORE, these Defendants respectfully request this Honorable Court to enter a judgment in their favor against Plaintiffs as follows:

- a. Order Plaintiffs to remove the mobile home, any and all other structures and items of trash and/or junk dumped or scattered on Defendants' property, the "Premises" within sixty (60) days of said Order;
- b. Enjoin the Plaintiffs from all future encroachments;
- c. Such other relief as is just and proper.

## **NEW MATTER**

15. The averments set forth in these Defendant's Answers to Paragraphs 1 through 14 are incorporated herein as though set forth in full.

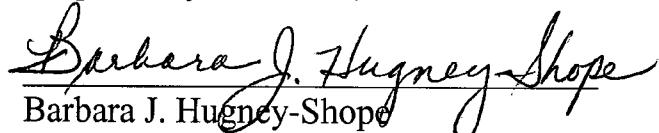
16. These Defendants were made aware that the said Anna Freeman, then Anna Lockett, had conveyed her property to Joseph W. Freeman and Jessie L. Freeman as set forth in the Action to Quiet Title Complaint filed by Plaintiffs and also learning that the said Anna Freeman Lockett had passed away in 1990 thus removing the condition imposed upon these Defendants by their predecessors in title to the property subject of this action, they filed an Action in Ejectment against the Plaintiffs in Clearfield County to Docket No. 05-1440-CD.

17. These Defendants in their Action in Ejectment requested that the Court require the Plaintiffs to remove their mobile home, any and all other structures and items of trash and/or junk dumped or scattered on the subject property property.

WHEREFORE, these Defendants respectfully request this Honorable Court to enter judgment in their favor against the Plaintiffs in this Action to Quiet Title and grant the following:

- a. Order Plaintiffs to remove the mobile home, any and all other structures and items of trash and/or junk dumped or scattered on these Defendants' property within sixty (60) days of said Order;
- b. Enjoin the Plaintiffs from all future encroachments; and
- c. Such other relief as is just and proper.

Respectfully submitted,

  
Barbara J. Hugney-Shope  
Attorney for Defendants, John Howard  
Goss, William Howard Goss, and  
Kimberly Ann Frick  
Supreme Ct. I.D. No. 26274

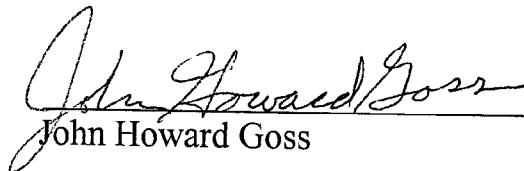
23 North Second Street  
Clearfield, PA 16830

814-765-5155

## VERIFICATION

I, John Howard Goss, individually and as agent for William Howard Goss and Kimberly Ann Frick, verify that the statements made in this Answer and New Matter are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsifications to authorities.

Date: 10-7-05

  
John Howard Goss

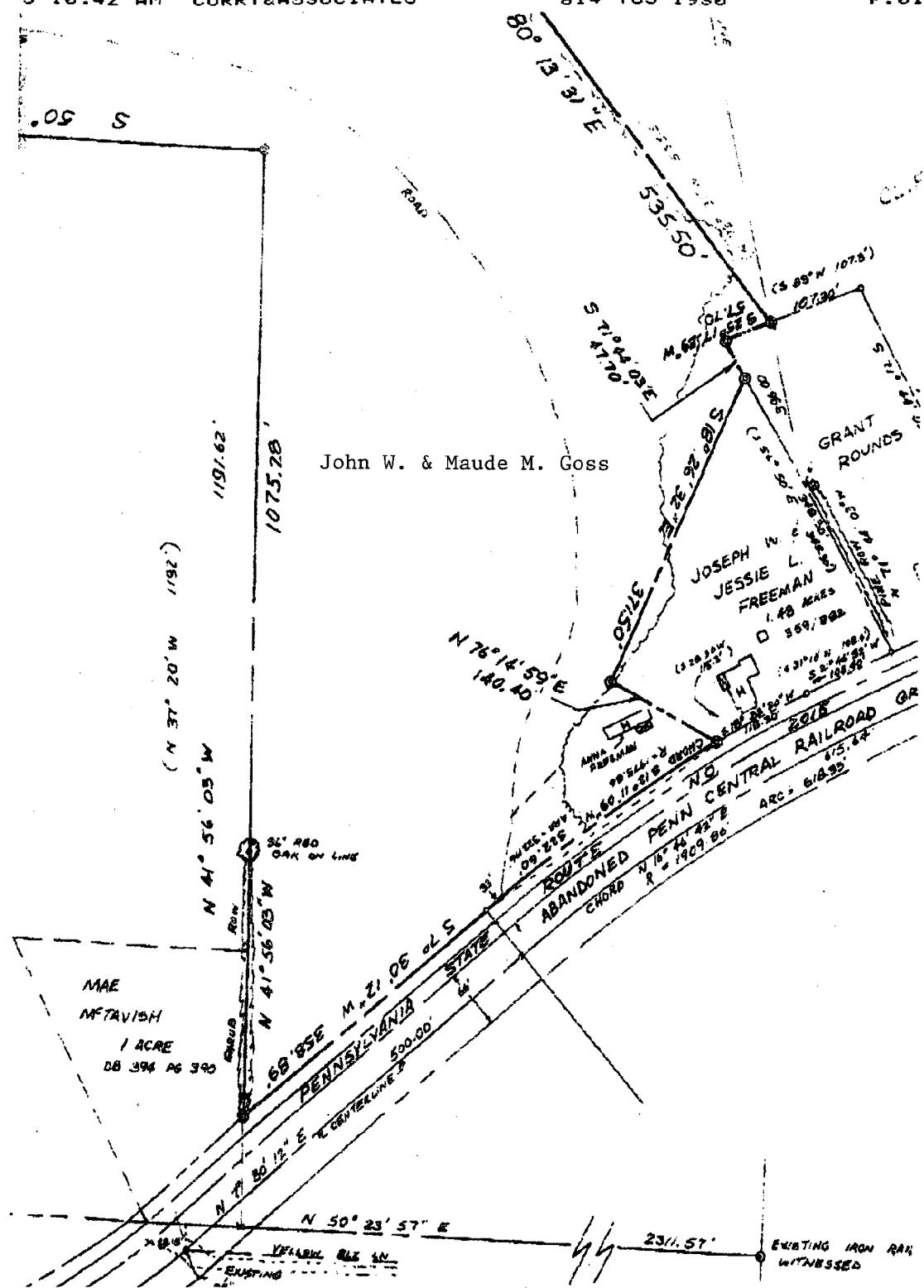


EXHIBIT "I"

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
ORPHANS' COURT DIVISION

IN RE: Estate of WILLIAM W. LAUGHARD, Deceased  
Late of the Township of Jordan, Clearfield  
County, Pennsylvania

O R D E R

AND NOW, this 4 day of April, 1977, the foregoing First and Final Account of John W. Goss, Executor of the Estate of William W. Laughard, together with a Schedule of Proposed Distribution having been presented in open Court, and notice having been given to the heirs of the William W. Laughard Estate, and it appearing that there have been no objections or exceptions thereto, the said Executor's First and Final Account is hereby confirmed, and the Schedule of Proposed Distribution is approved and the said Executor is directed to make distribution in accordance therewith as follows:

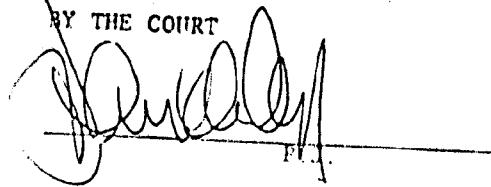
JOHN W. GOSS:

ALL that certain lot or piece of ground situate in Knox Township, Clearfield County, Pennsylvania, bounded and described as follows: BEGINNING at a post on the West line of said tract, thence South 34° 56' East 830 feet to post and stone; thence North 55° 10' East 2032 feet to Railroad; thence along the said Railroad South 56° 3' East 79 feet; thence South 30° West 471 feet; thence South 12° 45' West 589 feet to post on line between said piece of land and residue of tract; thence South 55° 10' West 1458 feet to post; thence North 35° 25' West 2450 feet to post; thence North 55° 10' East 2349 feet to post and place of beginning, containing about one hundred and eight and one fourth acres, more or less; it being part of what is known as the William Hunter tract, and part of the same premises which Jennie D. Erhard, Administratrix of David Erhard, deceased, by Deed dated 9 November 1895 and recorded at Clearfield in Deed Book No. 188, page sold and conveyed to George E. Erhard; and part of the same premises which the aforesaid George E. Erhard, by deed dated 2 December 1902 and recorded as aforesaid in Deed Book No. 188, page 102, conveyed to Sarah J. Dale, now deceased. Subject, however, to the following reservations: First all the coal under and upon said land, with all the rights and privileges contained in Deed of W. W. Bell to David and Enoch Erhard dated December 27, 1892, recorded in Deed Book No. 74, page 263; Second - Reserving three lots each 60 feet by 160 feet previously sold out of the same by David and Enoch Erhard, former owners; third Also reserving forty acres conveyed by Deed dated December 2, 1902 to Marie J. McGarry, the same having been sold to her by the said Sarah J. Dale and Phelix A. Dale, by article of agreement dated April 28, 1896 with request that Deed for same be made direct from Erhard to said Maria J. McGarry. Also reserving the parcels having been conveyed out of the aforesaid larger tract: .

Vol. 98 PAGE 196

1. 224 square rods conveyed to William Round by Deed recorded in Clearfield County Recorder of Deeds Office in Deed Book 347, page 473.
2. 10.745 acres conveyed to Elery Tobias by Deed recorded in Deed Book 357, page 354.
3. 3.55 acres conveyed to Henry McGary recorded in Deed Book 357, page 435;
4. 1.47 acres conveyed to Lewis Freeman by Deed recorded in Deed Book 359, page 382;
5. one-half acre conveyed to Wilsworth Moore by Deed recorded in Deed Book 377, page 53.

BY THE COURT



FILED Feb 11 1977

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

Joseph W. Freeman and  
Jessie L. Freeman,  
Plaintiffs

v.

John Howard Goss, William Howard  
Goss and Kimberly Ann Frick; Annie D.  
Lynn and C. David Lynn and Verna  
Rounds

Defendants

\*  
\*  
\*  
\*  
\*  
\*  
\*

Docket No. 05-1281-CD

Type of Pleading:  
REPLY TO NEW MATTER

Filed on behalf of:  
PLAINTIFFS: Joseph W. Freeman  
and Jessie L. Freeman

Counsel of record for  
these parties:

Dwight L. Koerber, Jr.  
PA I.D. No. 16332

110 North Second Street  
P. O. Box 1320  
Clearfield, PA 16830  
(814) 765-9611

**FILED** 3cc  
03/14/2015 Atty  
OCT 18 2015  
Koerber  
William A. Shaw  
Prothonotary/Clerk of Courts

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

Joseph W. Freeman and Jessie L. Freeman, Plaintiffs	*	
	*	
	*	
	*	
	*	
v.	*	Docket No. 05-1281-CD
	*	
	*	
John Howard Goss, William Howard Goss and Kimberly Ann Frick; Annie D. Lynn and C. David Lynn and Verna Rounds	*	
	*	
	*	
	*	
	*	
Defendants	*	

**REPLY TO NEW MATTER**

COME NOW, Plaintiffs, Joseph W. Freeman and Jessie L. Freeman, by and through their attorney, Dwight L. Koerber, Jr., Esquire, and file the within Reply to New Matter.

(15) No answer required.

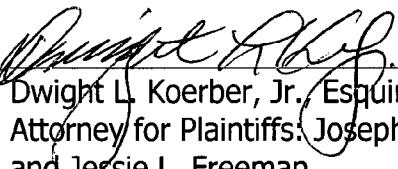
(16) The underlying premise that is set forth in this paragraph is specifically denied, to wit: Plaintiffs dispute and deny the assertion that the late Anna Freeman-Lockett had occupied a certain one (1) acre parcel of property only with the consent of Defendants and/or their predecessor in title. It is further denied that the Defendants just acquired notice of the passing away of the late Anna Freeman-Lockett, as this information was well known in the community and they were put on reasonable notice of it well in advance for many years. In addition to requiring strict proof of all the allegations made, Plaintiffs assert the affirmative defense of laches. Finally, Defendants object to any reliance upon the allegations allegedly made by the late Anna

Freeman-Lockett, as the Hearsay Rule and the Dead Man's Act preclude the admissability of such allegations.

(17) Legal Conclusion. No answer required. However, to the extent that an answer is required, Plaintiffs deny the viability of the assertion made by the Defendants in their Ejectment Action, as their claim is presented more than twenty-one (21) years after Plaintiffs and their predecessors in title have occupied the property in question.

WHEREFORE, Plaintiffs pray that the New Matter presented by Defendants be dismissed and that judgment be entered in favor of Plaintiffs and against Defendants in accordance with the issues raised in the Complaint filed herein.

Respectfully submitted,

  
Dwight L. Koerber, Jr., Esquire  
Attorney for Plaintiffs: Joseph W. Freeman  
and Jessie L. Freeman

**VERIFICATION**

I verify the statements made in the foregoing Reply to New Matter are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsifications to authorities.

10-12-05  
Date

Joseph W. Freeman  
Joseph W. Freeman

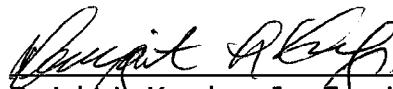
**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION**

Joseph W. Freeman and	*	
Jessie L. Freeman,	*	
Plaintiffs	*	
	*	
V.	*	Docket No. 05-1281-CD
	*	
John Howard Goss, William Howard	*	
Goss and Kimberly Ann Frick; Annie D.	*	
Lynn and C. David Lynn and Verna	*	
Rounds	*	
Defendants	*	

**CERTIFICATE OF SERVICE**

I certify that on the 17<sup>th</sup> day of October, 2005, the undersigned served a certified copy of the Reply to New Matter in the above-captioned matter upon counsel for the Defendants. Such document was served via United States First Class Mail upon the following:

Barbara J. Hugney-Shope, Esquire  
23 North Second Street  
Clearfield, PA 16830

  
Dwight L. Koerber, Jr., Esquire  
Attorney for Plaintiffs:  
Joseph W. Freeman and Jessie L. Freeman

**FILED**

**OCT 18 2005**

William A. Shaw  
Prothonotary/Clerk of Courts

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

Joseph W. Freeman and Jessie L. Freeman	*
Plaintiffs	*
vs.	*
John Howard Goss, William Howard Goss and Kimberly Ann Frick; Annie D. Lynn and C. David Lynn; and Verna Rounds	*
Defendants	*

Docket No. 05-1281-CD

Type of Pleading:  
**PRAECIPE TO ENTER JUDGMENT**

Filed on behalf of:  
Plaintiffs:  
**JOSEPH W. FREEMAN and  
JESSIE L. FREEMAN**

Counsel of record for this party:

Dwight L. Koerber, Jr.  
PA I.D. No. 16332

110 North Second Street  
P.O. Box 1320  
Clearfield, PA 16830  
(814) 765-9611

**FILED**

DEC 21 2005 073:15 (W) (60)  
William A. Shaw  
Prothonotary/Clerk of Courts  
1 CENT TO C. DAVID LYNN  
2 CENT TO ATTY

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

Joseph W. Freeman and \*

Jessie L. Freeman

Plaintiffs

\*

vs.

\*

Docket No. 05-1281-CD

John Howard Goss, William Howard  
Goss and Kimberly Ann Frick;  
Annie D. Lynn and C. David Lynn;  
and Verna Rounds

\*

Defendants

\*

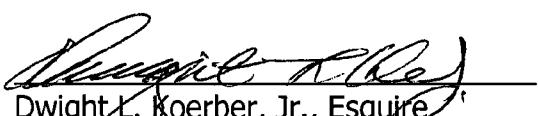
**PRAECIPE TO ENTER JUDGMENT**

TO WILLIAM A. SHAW, PROTHONOTARY:

Please enter judgment in favor of Plaintiff and against Defendant, C. David Lynn.  
Attached hereto is a copy of the 10-day notice that was previously served upon  
Defendant.

Defendant's address is:

Mr. C. David Lynn  
789 Oakridge Road  
Madera, PA 16661



Dwight L. Koerber, Jr., Esquire  
Attorney for Plaintiffs:  
Joseph W. Freeman and Jessie L. Freeman

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

JOSEPH W. FREEMAN AND JESSIE L. FREEMAN, Plaintiffs	*	
-vs-	*	Docket No. 05-1281-CD ACTION TO QUIET TITLE
JOHN HOWARD GOSS, WILLIAM HOWARD GOSS AND KIMBERLY ANN FRICK; ANNIE D. LYNN AND C. DAVID LYNN; AND VERA ROUNDS, Defendants	*	

**IMPORTANT NOTICE**

TO C. DAVID LYNN :  
DATE OF NOTICE: SEPTEMBER 22, 2005

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN (10) DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD TAKE THIS NOTICE TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP:

DAVID S. MEHOLICK, COURT ADMINISTRATOR  
Clearfield County Courthouse  
Second and Market Streets  
Clearfield, PA 16830  
(814) 765-2641, Ext. 5982

By: Dwight L. Koerber  
Dwight L. Koerber, Jr., Esquire  
Attorney for Plaintiffs,  
JOSEPH W. FREEMAN AND  
JESSIE L. FREEMAN

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

Joseph W. Freeman and \*

Jessie L. Freeman

Plaintiffs

\*

vs.

\*

Docket No. 05-1281-CD

John Howard Goss, William Howard  
Goss and Kimberly Ann Frick;  
Annie D. Lynn and C. David Lynn;  
and Verna Rounds

\*

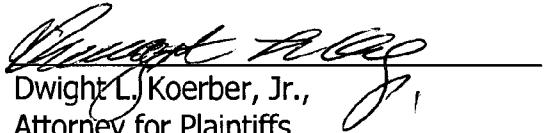
Defendants

\*

**CERTIFICATE OF SERVICE**

This is to certify that on the 21<sup>st</sup> day of December 2005, the undersigned served a PRAECIPE TO ENTER JUDGMENT in the above captioned matter upon Defendant C. David Lynn. Such document was served by United States First Class Mail upon the following:

Mr. C. David Lynn  
789 Oakridge Road  
Madera, PA 16661

  
Dwight L. Koerber, Jr.,  
Attorney for Plaintiffs,  
Joseph W. Freeman and Jessie L. Freeman

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

Joseph W. Freeman and

\*

Jessie L. Freeman

Plaintiffs

\*

vs.

\*

Docket No. 05-1281-CD

John Howard Goss, William Howard  
Goss and Kimberly Ann Frick;  
Annie D. Lynn and C. David Lynn;  
and Verna Rounds

\*

Defendants

\*

Type of Pleading:  
PRAECIPE TO ENTER JUDGMENT

Filed on behalf of:

Plaintiffs:

JOSEPH W. FREEMAN and  
JESSIE L. FREEMAN

Counsel of record for this party:

Dwight L. Koerber, Jr.  
PA I.D. No. 16332

110 North Second Street  
P.O. Box 1320  
Clearfield, PA 16830  
(814) 765-9611

**FILED**

DEC 21 2005

0/3:101 (60)

William A. Shaw

Prothonotary/Clerk of Courts

1 CERT TO ANNIE D. LYNN

2 CERT TO ATTORNEY

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

Joseph W. Freeman and

\*

Jessie L. Freeman

Plaintiffs

\*

vs.

\*

Docket No. 05-1281-CD

John Howard Goss, William Howard  
Goss and Kimberly Ann Frick;  
Annie D. Lynn and C. David Lynn;  
and Verna Rounds

\*

Defendants

\*

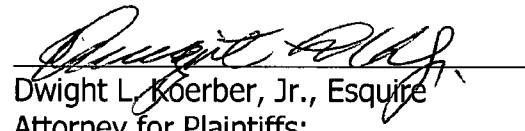
**PRAECIPE TO ENTER JUDGMENT**

TO WILLIAM A. SHAW, PROTHONOTARY:

Please enter judgment in favor of Plaintiff and against Defendant, Annie D. Lynn.  
Attached hereto is a copy of the 10-day notice that was previously served upon  
Defendant.

Defendant's address is:

Ms. Annie D. Lynn  
789 Oakridge Road  
Madera, PA 16661

  
Dwight L. Koerber, Jr., Esquire  
Attorney for Plaintiffs:  
Joseph W. Freeman and Jessie L. Freeman

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

JOSEPH W. FREEMAN AND JESSIE L. FREEMAN, Plaintiffs	*	
-vs-	*	Docket No. 05-1281-CD ACTION TO QUIET TITLE
JOHN HOWARD GOSS, WILLIAM HOWARD GOSS AND KIMBERLY ANN FRICK; ANNIE D. LYNN AND C. DAVID LYNN; AND VERA ROUNDS, Defendants	*	

IMPORTANT NOTICE

TO ANNIE D. LYNN :  
DATE OF NOTICE: SEPTEMBER 22, 2005

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN (10) DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD TAKE THIS NOTICE TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP:

DAVID S. MEHOLICK, COURT ADMINISTRATOR  
Clearfield County Courthouse  
Second and Market Streets  
Clearfield, PA 16830  
(814) 765-2641, Ext. 5982

By: Dwight L. Koerber, Jr.  
Dwight L. Koerber, Jr. Esquire  
Attorney for Plaintiffs,  
JOSEPH W. FREEMAN AND  
JESSIE L. FREEMAN

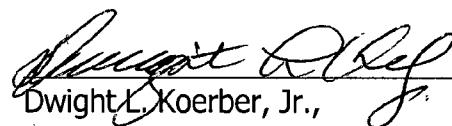
**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION**

Joseph W. Freeman and	*	
Jessie L. Freeman		
Plaintiffs	*	
vs.	*	
		Docket No. 05-1281-CD
John Howard Goss, William Howard	*	
Goss and Kimberly Ann Frick;		
Annie D. Lynn and C. David Lynn;	*	
and Verna Rounds		
Defendants	*	

**CERTIFICATE OF SERVICE**

This is to certify that on the 21<sup>st</sup> day of December 2005, the undersigned served a PRAECIPE TO ENTER JUDGMENT in the above captioned matter upon Defendant Annie D. Lynn. Such document was served by United States First Class Mail upon the following:

Ms. Annie D. Lynn  
789 Oakridge Road  
Madera, PA 16661

  
\_\_\_\_\_  
Dwight L. Koerber, Jr.,  
Attorney for Plaintiffs,  
Joseph W. Freeman and Jessie L. Freeman

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

Joseph W. Freeman and

\*

Jessie L. Freeman

Plaintiffs

\*

vs.

\*

Docket No. 05-1281-CD

John Howard Goss, William Howard  
Goss and Kimberly Ann Frick;  
Annie D. Lynn and C. David Lynn;  
and Verna Rounds

\*

Defendants

\*

Type of Pleading:  
**PRAECIPE TO ENTER JUDGMENT**

Filed on behalf of:

Plaintiffs:

**JOSEPH W. FREEMAN and  
JESSIE L. FREEMAN**

Counsel of record for this party:

Dwight L. Koerber, Jr.  
PA I.D. No. 16332

110 North Second Street  
P.O. Box 1320  
Clearfield, PA 16830  
(814) 765-9611

**FILED**

DEC 21 2005

0/3/06 (6K)

William A. Shaw  
Prothonotary/Clerk of Courts

1 CERT TO VERNNA ROUNDS

2 CERT TO ANNIE

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

Joseph W. Freeman and	*
Jessie L. Freeman	
Plaintiffs	*
vs.	*
	Docket No. 05-1281-CD
John Howard Goss, William Howard	*
Goss and Kimberly Ann Frick;	
Annie D. Lynn and C. David Lynn;	*
and Verna Rounds	
Defendants	*

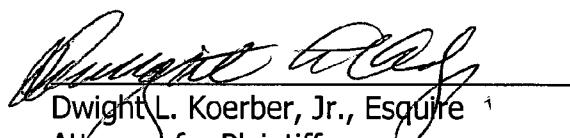
**PRAECIPE TO ENTER JUDGMENT**

TO WILLIAM A. SHAW, PROTHONOTARY:

Please enter judgment in favor of Plaintiff and against Defendant, Verna Rounds. Attached hereto is a copy of the 10-day notice that were previously served upon Defendant.

Defendant's address is:

Ms. Verna Rounds  
R.R. 1, Box 106  
Madera, PA 16661



Dwight L. Koerber, Jr., Esquire  
Attorney for Plaintiffs:  
Joseph W. Freeman and Jessie L. Freeman

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

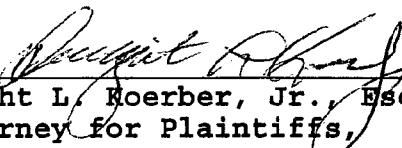
JOSEPH W. FREEMAN AND JESSIE L. FREEMAN, Plaintiffs	*	
-vs-	*	Docket No. 05-1281-CD ACTION TO QUIET TITLE
JOHN HOWARD GOSS, WILLIAM HOWARD GOSS AND KIMBERLY ANN FRICK; ANNIE D. LYNN AND C. DAVID LYNN; AND VERA ROUNDS, Defendants	*	

**IMPORTANT NOTICE**

TO VERNA ROUNDS :  
DATE OF NOTICE: SEPTEMBER 22, 2005

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN (10) DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD TAKE THIS NOTICE TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP:

DAVID S. MEHOLICK, COURT ADMINISTRATOR  
Clearfield County Courthouse  
Second and Market Streets  
Clearfield, PA 16830  
(814) 765-2641, Ext. 5982

By:   
Dwight L. Roerber, Jr., Esquire  
Attorney for Plaintiffs,  
JOSEPH W. FREEMAN AND  
JESSIE L. FREEMAN

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

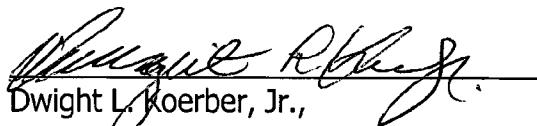
Joseph W. Freeman and Jessie L. Freeman	*
Plaintiffs	*
vs.	*
John Howard Goss, William Howard Goss and Kimberly Ann Frick; Annie D. Lynn and C. David Lynn; and Verna Rounds	*
Defendants	*

Docket No. 05-1281-CD

**CERTIFICATE OF SERVICE**

This is to certify that on the 21<sup>st</sup> day of December 2005, the undersigned served a PRAECIPE TO ENTER JUDGMENT in the above captioned matter upon Defendant Verna Rounds. Such document was served by United States First Class Mail upon the following:

Ms. Verna Rounds  
R.R. 1, Box 106  
Madera, PA 16661

  
Dwight L. Koerber, Jr.,  
Attorney for Plaintiffs,  
Joseph W. Freeman and Jessie L. Freeman

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100761  
NO: 05-1281-CD  
SERVICE # 1 OF 1  
COMPLAINT ACTION TO QUIET TITLE

PLAINTIFF: JOSEPH W. FREEMAN JESSIE L. FREEMAN  
vs.  
DEFENDANT: JOHN HOWARD GOSS a1

SHERIFF RETURN

NOW, September 15, 2005 AT 1:28 PM SERVED THE WITHIN COMPLAINT ACTION TO QUIET TITLE ON JOHN HOWARD GOSS DEFENDANT AT 4095 ALPORT CUTOFF, MORRISDALE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO JANET GOSS, WIFE A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT ACTION TO QUIET TITLE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING / HUNTER

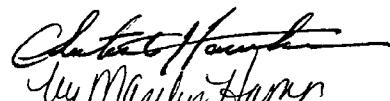
FILED  
d 3/30/06  
DEC 27 2005  
Clerk  
William A. Shaw  
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	KOERBER	2430	10.00
SHERIFF HAWKINS	KOERBER	2430	30.98

Sworn to Before Me This

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

So Answers,

  
Chester A. Hawkins  
Sheriff

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

JOSEPH W. FREEMAN and \*  
JESSIE L. FREEMAN,  
Plaintiffs \*

-vs-

JOHN HOWARD GOSS, WILLIAM \*  
HOWARD GOSS AND KIMBERLY ANN  
FRICK; ANNIE D. LYNN AND C. \*  
DAVID LYNN; AND VERA ROUNDS,  
Defendants \*

\*

\*

\*

\*

Docket No. 05-1281-CD  
ACTION TO QUIET TITLE

Type of pleading:  
AFFIDAVIT OF DEFAULT

Filed on behalf of:  
PLAINTIFFS, Joseph W.  
Freeman and Jessie L.  
Freeman

Counsel of record for  
this party:

Dwight L. Koerber, Jr.,  
Esquire  
PA I.D. No. 16332

110 North Second Street  
P. O. Box 1320  
Clearfield, PA 16830  
(814) 765-9611

FILED 2cc  
01/11/01/04 Atty Koerber  
JUN 14 2006 (60)  
Clerk

William A. Shaw  
Prothonotary/Clerk of Courts

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

JOSEPH W. FREEMAN and	*	
JESSIE L. FREEMAN,	*	
Plaintiffs	*	
 -vs-		
	*	Docket No. 05-1281-CD
		ACTION TO QUIET TITLE
JOHN HOWARD GOSS, WILLIAM	*	
HOWARD GOSS AND KIMBERLY ANN	*	
FRICK; ANNIE D. LYNN AND C.	*	
DAVID LYNN; AND VERNA ROUNDS,	*	
Defendants	*	

AFFIDAVIT OF DEFAULT

COMMONWEALTH OF PENNSYLVANIA:

:SS:

COUNTY OF CLEARFIELD :

DWIGHT L. KOERBER, JR., ESQUIRE, being duly sworn according to law, deposes and states as follows, pursuant to Pa.R.C.P. 1066:

1. That he is counsel of record for plaintiffs in the above-captioned matter.

2. That a Complaint to Quiet Title with Notice to Defend was filed in this matter on August 23, 2005, requesting that defendants, and any person or entity claiming under defendants, be permanently enjoined and restrained from asserting any claim or interest in or to real property described in plaintiffs' Complaint filed in this matter.

3. That the three named defendants, ANNIE D. LYNN, C. DAVID LYNN AND VERNA ROUNDS, were personally served with a certified copy of the Complaint, as shown by the Acceptances of Service dated August 24, 2005, and filed of record on August 30, 2005, as follows:

Annie D. Lynn  
789 Oakridge Road  
Madera, PA 16661

C. David Lynn  
789 Oakridge Road  
Madera, PA 16661

Verna Rounds (Verna Round)  
R. R. 1, Box 106  
Madera, PA 16661

4. That said named defendants did not file an Answer to the Complaint.

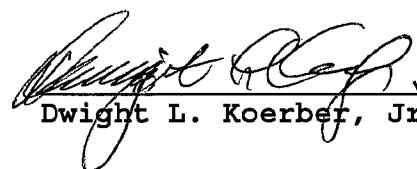
5. That in order to deal with the contested portion of this proceeding, pertaining to the interests of John Howard Goss, William Howard Goss and Kimberly Ann Frick, plaintiffs and said defendants have agreed upon a revised survey, more limited in scope than that which was originally set forth in the quiet title action, such survey map being dated April 5, 2006, prepared by Hess & Fisher Engineers, Inc., a reduced copy of which is attached hereto.

6. That a 10-day default notice was served upon defendants on September 22, 2005, as shown by the Certificate of Service filed of record in this case on December 21, 2005.

7. That the 10 day period has passed, and said named defendants have not filed an Answer.

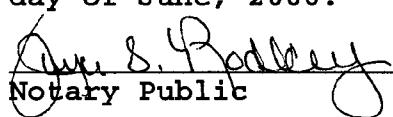
8. That Pa.R.C.P. 1066(a) specifies that this Honorable Court shall grant appropriate relief upon affidavit that a complaint containing a notice to defend has been served and that said named defendants have not filed an answer.

9. That plaintiffs request this Honorable Court to enter an Order against said named defendants, pursuant to Pa.R.C.P. §1066(b).



Dwight L. Koerber, Jr., Esquire

Sworn to and subscribed  
before me this 13<sup>th</sup>  
day of June, 2006.



\_\_\_\_\_  
Joyce S. Rodkey  
Notary Public

COMMONWEALTH OF PENNSYLVANIA	
Notarial Seal	
Joyce S. Rodkey, Notary Public	
Clearfield Boro, Clearfield County	
My Commission Expires Oct. 21, 2009	

Member, Pennsylvania Association of Notaries

Grant Rounds  
Tax Assess. #I14-000-00013  
Deed Book 0415, Page 0562

Joseph W. & Jessie L.  
Freeman

Tax Assess. #I14-000-00012  
Deed Book 0971, Page 0060

LOT BEARING TABLE		
NUMBER	DIRECTION	DISTANCE
L1	S 30°07'11" W	52.42'

John Howard Goss,  
William Howard Goss  
& Kimberly Ann Frick

Tax Assess. #I14-000-00023  
Deed Book 1512, Page 00031

LEGEND

- — — SURVEYED PROPERTY LINES
- — — ADJOINING PROPERTY LINES
- R-O-W — — — RIGHT-OF-WAY LINES
- — — — BEGINNING AND END OF A LINE SEGMENT
- 3/4" REBAR (SET)
- EXISTING MONUMENT
- N/F
- P.O.B.
- U.P.

DRAWN BY:	RL	FILE NO.:	PLAT OF LAND OF JOSEPH W. & JESSIE L. FREEMAN KNOX TOWNSHIP, CLEARFIELD COUNTY
CHECKED BY:	WF	JOB NO.:	
DATE:	4/5/06	FB NO.:	HESS & FISHER ENGINEERS, INC.
SCALE:	1"=60'	REVISION	CONSULTING ENGINEERS, GEOLOGISTS & SURVEYORS 36 NORTH SECOND STREET CLEARFIELD, PENNSYLVANIA 16830 814-765-7541

cadserver/freeman/freesub.dwg

BEARING BASE  
MAGNETIC NORTH  
TAKEN: JANUARY 6, 2004

**CERTIFICATE OF SERVICE**

I hereby certify that on the 13<sup>rd</sup> day of June, 2006, a copy of the Affidavit of Default was served by United States First Class Mail upon the following:

Ms. Annie D. Lynn  
789 Oakridge Road  
Madera, PA 16661

Mr. C. David Lynn  
789 Oakridge Road  
Madera, PA 16661

Ms. Verna Round  
R. R. 1, Box 106  
Madera, PA 16661

  
\_\_\_\_\_  
Dwight L. Koerber, Jr., Esquire

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

JOSEPH W. FREEMAN and \*  
JESSIE L. FREEMAN,  
Plaintiffs \*

-vs-

JOHN HOWARD GOSS, WILLIAM \*  
HOWARD GOSS AND KIMBERLY ANN  
FRICK; ANNIE D. LYNN AND C. \*  
DAVID LYNN; AND VERA ROUNDS,  
Defendants \*

\*

\*

\*

\*

\*

Docket No. 05-1281-CD  
ACTION TO QUIET TITLE

Type of pleading:  
ORDER

Filed on behalf of:  
PLAINTIFFS, Joseph W.  
Freeman and Jessie L.  
Freeman

Counsel of record for  
this party:

Dwight L. Koerber, Jr.,  
Esquire  
PA I.D. No. 16332

110 North Second Street  
P. O. Box 1320  
Clearfield, PA 16830  
(814) 765-9611

FILED 8cc Koerber  
0/8:52am 60  
JUN 19 2006

William A. Shaw  
Prothonotary

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

JOSEPH W. FREEMAN and	*	
JESSIE L. FREEMAN,	*	
Plaintiffs	*	
 -vs-		
	*	Docket No. 05-1281-CD
		ACTION TO QUIET TITLE
JOHN HOWARD GOSS, WILLIAM	*	
HOWARD GOSS AND KIMBERLY ANN	*	
FRICK; ANNIE D. LYNN AND C.	*	
DAVID LYNN; AND VERA ROUNDS,	*	
Defendants	*	

O R D E R

AND NOW, this 16<sup>th</sup> day of June, 2006, with no Answer to the Complaint having been filed by three of the named defendants, to wit: ANNIE D. LYNN, C. DAVID LYNN AND VERA ROUNDS, and an Affidavit of Default having been filed with this Court, IT IS THE ORDER AND DECREE of this Court pursuant to Pa.R.C.P. §1066 that a judgment by default be entered against said defendants, directing as follows:

(A) Defendants Annie D. Lynn, C. David Lynn and Verna Rounds, their Successors and Assigns, and any person or entity claiming under said defendants, are permanently enjoined and restrained from asserting any lien, title, claim or interest in or to the following real property of plaintiffs or any part thereof, with such description set forth hereinbelow containing and incorporating into the description the property as shown in the attached survey map

prepared by Hess & Fisher Engineers, Inc., dated April 5, 2006,  
which is the subject of the within quiet title action:

ALL that certain piece, parcel or tract of land lying and  
being situate in Knox Township, Clearfield County,  
Pennsylvania, bounded and described as follows:

BEGINNING at found 3/4" iron rebar corner, said corner  
being the most northern corner of the property described  
herein; thence along land of Joseph W. & Jessie L.  
Freeman the following courses and distances: South 07  
degrees 28 minutes 30 seconds East, a distance of 371.50  
feet to a set 3/4" iron rebar corner; thence North 87  
degrees 13 minutes 27 seconds East, a distance of 154.97  
feet to a set 3/4" iron rebar corner on the western right  
of way line to S.R. 2015; thence along the western right  
of way line of S.R. 2015 the following courses and  
distances: South 30 degrees 07 minutes 11 seconds West,  
a distance of 52.42 feet to a point; thence South 26  
degrees 16 minutes 29 seconds West, a distance of 140.91  
feet to a point; thence South 23 degrees 21 minutes 22  
seconds West, a distance of 112.05 feet to a set 3/4"  
iron rebar corner; thence along land of John Howard Goss,  
et al., the following courses and distances: North 20  
degrees 53 minutes 24 seconds West, a distance of 161.05  
feet to a set 3/4" iron rebar corner; thence North 01  
degree 43 minutes 20 seconds West, a distance of 135.75  
feet to a set 3/4" iron rebar corner, North 32 degrees 06  
minutes 18 seconds West, a distance of 188.81 feet to a  
set 3/4" iron rebar corner; thence North 25 degrees 52  
minutes 49 seconds East, a distance of 210.41 feet to a  
set 3/4" iron rebar corner, the place of beginning.

CONTAINING 1.20 acres on a Plat titled "Plat of Lands of  
Joseph W. & Jessie L. Freeman, Knox Township, Clearfield  
County", as prepared by Hess & Fisher Engineers, Inc.,  
dated April 5, 2006.

TOGETHER WITH the right of ingress, egress and regress  
over a dirt road leading off of S.R. 2015 to the driveway  
of Joseph W. & Jessie L. Freeman.

The relief requested in the Complaint filed herein shall be  
granted to Plaintiffs Joseph W. Freeman and Jessie L. Freeman

unless said defendants file a written Answer to the Complaint within thirty days of the date of this Order, setting forth their defenses to the Complaint, pursuant to Pa.R.C.P. 1066(b)(1).

IT IS THE FURTHER ORDER AND DECREE of this Court that if no such action is taken by said defendants within the thirty day time period specified herein, the Prothonotary, upon Praecept of the plaintiff, shall enter final judgment awarding the relief requested in the Complaint to plaintiffs, as reduced in scope by the April 5, 2006 survey map attached hereto, against the said three named defendants.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Judge J. Ammerman", is written over a horizontal line. The signature is fluid and cursive, with "Judge" on the left and "J. Ammerman" on the right.

Grant Rounds  
Tax Assess. #I14-000-00013  
Deed Book 0415, Page 0562

Joseph W. & Jessie L.  
Freeman

Tax Assess. #I14-000-00012  
Deed Book 0971, Page 0060

LOT BEARING TABLE

NUMBER	DIRECTION	DISTANCE
L1	S 30°07'11" W	52.42'

John Howard Goss,  
William Howard Goss  
& Kimberly Ann Frick

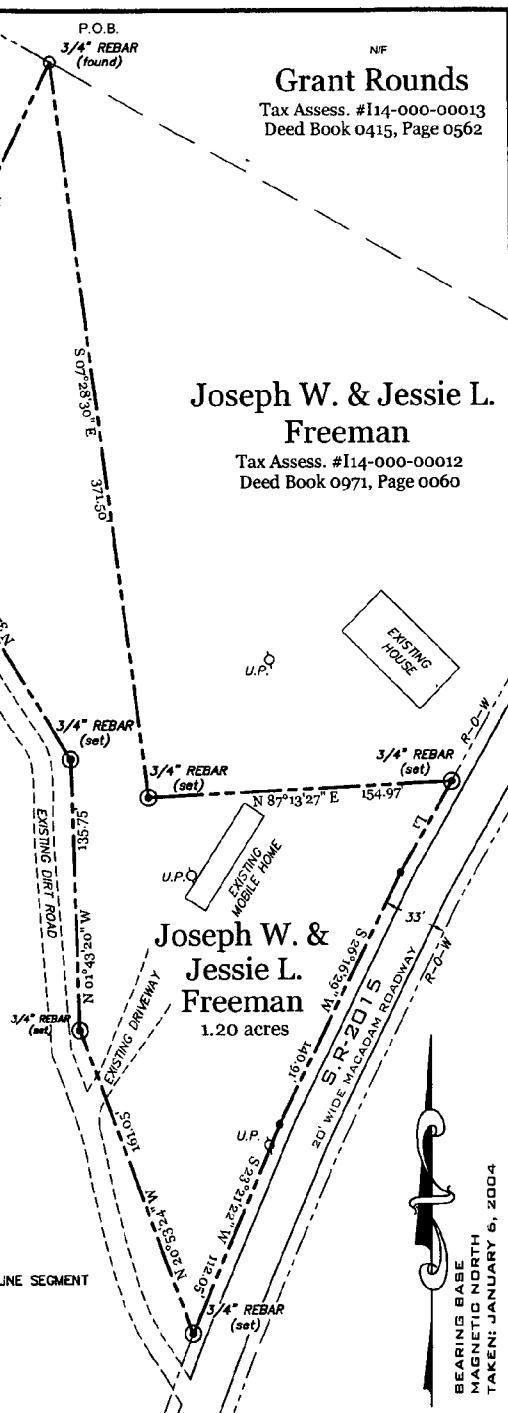
Tax Assess. #I14-000-00023  
Deed Book 1512, Page 00031

LEGEND

- — — SURVEYED PROPERTY LINES
- — — ADJOINING PROPERTY LINES
- R-O-W — — — RIGHT-OF-WAY LINES
- — — — BEGINNING AND END OF A LINE SEGMENT
- 3/4" REBAR (SET)
- — — — EXISTING MONUMENT
- N/F — — — NOW OR FORMERLY
- P.O.B. — — — POINT OF BEGINNING
- U.P. — — — UTILITY POLE

DRAWN BY:	RL	FILE NO.:	PLAT OF LAND OF JOSEPH W. & JESSIE L. FREEMAN KNOX TOWNSHIP, CLEARFIELD COUNTY	
CHECKED BY:	WF	JOB NO.:		
DATE:	4/5/06	FB NO.:	HESS & FISHER ENGINEERS, INC. CONSULTING ENGINEERS, GEOLOGISTS & SURVEYORS 36 NORTH SECOND STREET CLEARFIELD, PENNSYLVANIA 16830 814-765-7541	
SCALE:	1"=60'	REVISION	BY	
cadserver/freeman/freesub.dwg				

BEARING BASE  
MAGNETIC NORTH  
TAKEN: JANUARY 6, 2004



DATE: 6-19-06

You are responsible for serving all appropriate parties.

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

Plaintiff(s)  Plaintiff(s) Attorney  Other

Defendant(s)  Defendant(s) Attorney

Special Instructions:

FILED

JUN 19 2006

William A. Shaw  
Prothonotary

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

JOSEPH W. FREEMAN and  
JESSIE L. FREEMAN,  
Plaintiffs

\*

\*

-vs-

\*

Docket No. 05-1281-CD  
ACTION TO QUIET TITLE

JOHN HOWARD GOSS, WILLIAM  
HOWARD GOSS AND KIMBERLY ANN  
FRICK; ANNIE D. LYNN AND C.  
DAVID LYNN; AND VERA ROUNDS,  
Defendants

\*

\*

\*

Type of pleading:  
CERTIFICATE OF SERVICE

Filed on behalf of:  
PLAINTIFFS, Joseph W.  
Freeman and Jessie L.  
Freeman

Counsel of record for  
this party:

Dwight L. Koerber, Jr.,  
Esquire  
Pa.I.D. No. 16332

110 North Second Street  
P. O. Box 1320  
Clearfield, PA 16830  
(814) 765-9611

FILED  
03/11/01  
JUN 21 2008  
S

William A. Shaw  
Prothonotary/Clerk of Courts

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

JOSEPH W. FREEMAN and JESSIE L. FREEMAN, Plaintiffs	*	
-vs-	*	Docket No. 05-1281-CD ACTION TO QUIET TITLE
JOHN HOWARD GOSS, WILLIAM HOWARD GOSS AND KIMBERLY ANN FRICK; ANNIE D. LYNN AND C. DAVID LYNN; AND VERNA ROUNDS, Defendants	*	

CERTIFICATE OF SERVICE

I certify that on the 13th day of June, 2006, a copy of the Affidavit of Default filed on that date; and on June 20, 2006, a certified copy of the Order, dated June 13, 2006, were served by United States First Class Mail upon the following named defendants in this matter:

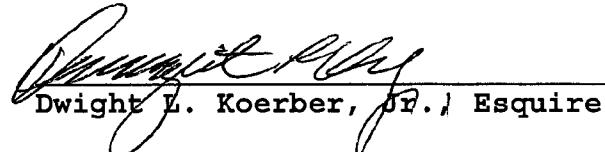
Ms. Annie D. Lynn  
789 Oakridge Road  
Madera, PA 16661

Mr. C. David Lynn  
789 Oakridge Road  
Madera, PA 16661

Ms. Verna Rounds  
R. R. 1, Box 106  
Madera, PA 16661

I further certify that on the 20th day of June, 2006, a certified copy of the Affidavit of Default and a certified copy of the June 13, 2006 Order were served upon counsel for the remaining named defendants, to wit: John Howard Goss, William Howard Goss and Kimberly Ann Frick, at the following name and address:

Barbara J. Hugney-Shope, Esquire  
23 Norht Second Street  
Clearfield, PA 16830

  
Dwight L. Koerber, Esquire

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

JOSEPH W. FREEMAN and  
JESSIE L. FREEMAN,  
Plaintiffs

\*

-vs-

\*

JOHN HOWARD GOSS, WILLIAM  
HOWARD GOSS AND KIMBERLY ANN  
FRICK; ANNIE D. LYNN AND C.  
DAVID LYNN; AND VERA ROUNDS,  
Defendants

Docket No. 05-1281-CD  
ACTION TO QUIET TITLE

Type of pleading:  
**PRAECIPE**

Filed on behalf of:  
**PLAINTIFFS, Joseph W.  
Freeman and  
Jessie L. Freeman**

Counsel of record for  
this party:

Dwight L. Koerber, Jr.,  
Esquire  
PA I.D. No. 16332

110 North Second Street  
P. O. Box 1320  
Clearfield, PA 16830  
(814) 765-9611

FILED 2006  
07/18/2006 Amy  
Koerber  
CR

William A. Shaw  
Prothonotary/Clerk of Courts

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

JOSEPH W. FREEMAN and JESSIE L. FREEMAN, Plaintiffs	*	
-vs-	*	Docket No. 05-1281-CD
JOHN HOWARD GOSS, WILLIAM HOWARD GOSS AND KIMBERLY ANN FRICK; ANNIE D. LYNN AND C. DAVID LYNN; AND VERA ROUNDS, Defendants	*	ACTION TO QUIET TITLE

PRAECLYPE

TO THE PROTHONOTARY:

Kindly enter judgment to quiet title in favor of Plaintiffs JOSEPH P. FREEMAN AND JESSIE L. FREEMAN and against Defendants ANNIE D. LYNN, C. DAVID LYNN AND VERA ROUNDS, and their respective Heirs and Assigns, in accordance with the Order of Court dated June 16, 2006, as filed of record in this case.

Respectfully submitted,

By: Dwight L. Koerber, Jr.  
Dwight L. Koerber, Jr., Esquire  
Attorney for Plaintiffs,  
JOSEPH W. FREEMAN AND  
JESSIE L. FREEMAN  
DATE: July 17, 2006

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

JOSEPH W. FREEMAN and JESSIE L. FREEMAN, Plaintiffs	*	
-vs-	*	Docket No. 05-1281-CD ACTION TO QUIET TITLE
JOHN HOWARD GOSS, WILLIAM HOWARD GOSS AND KIMBERLY ANN FRICK; ANNIE D. LYNN AND C. DAVID LYNN; AND VERA ROUNDS, Defendants	*	
JOHN HOWARD GOSS, WILLIAM HOWARD GOSS AND KIMBERLY ANN FRICK, Plaintiffs	*	
-vs-	*	Docket No. 05-1440-CD ACTION IN EJECTMENT
JOSEPH W. FREEMAN and JESSIE L. FREEMAN, Defendants	*	

Type of pleading:  
JOINT MOTION OF THE  
PARTIES

Filed on behalf of:  
JOSEPH W. FREEMAN AND  
JESSIE L. FREEMAN

Counsel of record for  
this party:

Dwight L. Koerber, Jr.,  
Esquire  
PA I.D. No. 16332

110 North Second Street  
P. O. Box 1320  
Clearfield, PA 16830  
(814) 765-9611

FILED 4CC  
07/31/2006 Atty Koerber  
AUG 01 2006 (6C)

William A. Shaw  
Prothonotary/Clerk of Courts

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

JOSEPH W. FREEMAN and JESSIE L. FREEMAN, Plaintiffs	*	
-vs-	*	Docket No. 05-1281-CD ACTION TO QUIET TITLE
JOHN HOWARD GOSS, WILLIAM HOWARD GOSS AND KIMBERLY ANN FRICK; ANNIE D. LYNN AND C. DAVID LYNN; AND VERA ROUNDS, Defendants	*	
	*	
JOHN HOWARD GOSS, WILLIAM HOWARD GOSS AND KIMBERLY ANN FRICK, Plaintiffs	*	
-vs-	*	Docket No. 05-1440-CD ACTION IN EJECTMENT
JOSEPH W. FREEMAN and JESSIE L. FREEMAN, Defendants	*	

JOINT MOTION OF THE PARTIES

COME NOW, the respective parties in the above-captioned proceedings, and file the within motion seeking to settle all outstanding matters through mutual consent of the parties. In support thereof, the parties hereunto aver and show as follows:

1. Joseph W. Freeman and Jessie L. Freeman (referred to hereinafter as "Freemans") are named plaintiffs in Docket No. 05-1281-CD, and are named defendants in Docket No. 05-1440-CD.

2. The Freemans are represented by Dwight L. Koerber, Jr., Esquire.

3. John Howard Goss, William Howard Goss and Kimberly Ann Frick (referred to hereinafter as "Goss, et al.") are three of the named defendants in Docket No. 05-1281-CD, and are named plaintiffs in Docket No. 05-1440-CD.

4. Goss, et al. are represented by Barbara J. Hugney-Shope, Esquire.

5. On August 23, 2005, Freemans filed a Complaint in a Quiet Title Action in Docket No. 05-1281-CD, naming, among others, the Goss, et al. parties as defendants, as it pertained to a parcel of property located in Knox Township, Clearfield County, Pennsylvania, at Assessment Map No. I-14, Parcel 27.

6. In addition to naming the Goss, et al. parties, Freemans also named three additional persons, with those three persons choosing not to contest the claims of the Freemans. Thus, to clarify, Defendants Annie D. Lynn, C. David Lynn and Verna Rounds, as named in the quiet title action, did not contest the claims of the Freemans, and a Praeclipe to enter judgment against those named defendants was filed on July 18, 2006 in Docket No. 05-1281-CD.

7. On September 16, 2005, the Goss, et al. parties filed a Complaint in an Action in Ejectment in Docket No. 05-1440-CD, against the Freemans, pertaining to the same property that was addressed in the quiet title action.

8. In addition, on January 3, 2006, the Goss, et al. parties filed a First Amended Complaint in Docket No. 05-1440-CD.

9. As the cases progressed, both parties subsequently filed pleadings in the two cases, including preliminary objections.

10. Although the two cases pertain to the identical property, they have never been consolidated by the court.

11. Through negotiation of the parties, and their respective counsel, the parties have now determined that they wish to consolidate the two cases under the quiet title action.

12. The parties have also approved a boundary line for the property of Freemans, pursuant to a survey performed by Hess & Fisher Engineers, Inc., dated April 5, 2006.

13. The parties, through this motion, now wish to settle all matters pertaining to the two above-captioned cases through an Order of Court.

14. Pursuant to the April 5, 2006 survey performed by Hess & Fisher Engineers, Inc., the parties agree that they have resolved the issues involving the subject property as addressed in this litigation, being the 10.83 acres addressed in this litigation.

15. Attached hereto as Appendix A is a copy of the survey map prepared by Hess & Fisher Engineers, Inc., dated April 5, 2006, which has been approved by the parties as it relates to the boundary line of the Freemans' property.

16. The parties wish to have the common boundary line between

the Freemans' property and the the Goss, et al. property, as shown on the survey map attached hereto as Appendix A, approved through an Order of Court.

17. The parties also wish to the Order entered in this proceeding filed with the Recorder of Deeds of Clearfield County, Pennsylvania.

18. In addition, with the entry of an Order of Court and the recording of the Order and said survey map, the parties wish to have the consolidated case in Docket No. 05-1440-CD dismissed.

19. The matter of a default judgment against Defendants Annie D. Lynn, C. David Lynn and Verna Rounds is addressed through separate Order of Court under Pa.R.C.P. No. 1066.

WHEREFORE, the parties hereunto respectfully move this Honorable Court to issue an Order, so as to:

1. Consolidate the two cases herein under Docket No. 05-1281-CD;

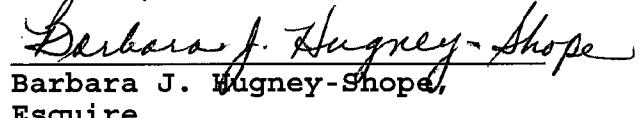
2. Grant and approve the quiet title action filed by Joseph W. Freeman and Jessie L. Freeman, in Docket No. 05-1281-CD, according to the survey performed by Hess & Fisher Engineers, Inc., dated April 5, 2006;

3. Approve the recording of the Order entered herein with the Recorder of Deeds of Clearfield County, Pennsylvania; and

4. Dismiss the consolidated case in Docket No. 05-1281-CD as settled.

Respectfully submitted,

  
Dwight L. Koerber, Jr.  
Esquire  
Attorney for  
JOSEPH W. FREEMAN AND  
JESSIE L. FREEMAN  
DATE: 8/01/06

  
Barbara J. Hugney-Shope  
Esquire  
Attorney for  
JOHN HOWARD GOSS, WILLIAM HOWARD  
GOSS AND KIMBERLY ANN FRICK  
DATE: July 31, 2006

APPENDIX A

Attached hereto is a copy of the survey map prepared by Hess & Fisher Engineers, Inc., dated April 5, 2006.

# Grant Rounds

N.F.  
Tax Assess. #I14-000-00013  
Deed Book 0415, Page 0562

## Joseph W. & Jessie L. Freeman

Tax Assess. #I14-000-00012  
Deed Book 0971, Page 0060

LOT BEARING TABLE		
NUMBER	DIRECTION	DISTANCE
L1	S 30° 07' 11" W	52.42'

## John Howard Goss, William Howard Goss & Kimberly Ann Frick

Tax Assess. #I14-000-00023  
Deed Book 1512, Page 00031

### LEGEND

- — — SURVEYED PROPERTY LINES
- — — ADJOINING PROPERTY LINES
- — — RIGHT-OF-WAY LINES
- — — — BEGINNING AND END OF A LINE SEGMENT
- — — — 3/4" REBAR (SET)
- — — — EXISTING MONUMENT
- N.F. — — — NOW OR FORMERLY
- P.O.B. — — — POINT OF BEGINNING
- U.P. — — — UTILITY POLE

DRAWN BY:	RL	FILE NO.:
CHECKED BY:	WF	JOB NO.:
DATE:	4/5/06	FB NO.:
SCALE:	1"=60'	REVISION BY

PLAT OF LAND OF  
JOSEPH W. & JESSIE L. FREEMAN  
KNOX TOWNSHIP, CLEARFIELD COUNTY  
**HESS & FISHER ENGINEERS, INC.**  
CONSULTING ENGINEERS, GEOLOGISTS & SURVEYORS  
36 NORTH SECOND STREET  
CLEARFIELD, PENNSYLVANIA 16830 814-755-7541

BEARING BASE  
MAGNETIC NORTH  
TAKEN: JANUARY 6, 2004

cadserver/freeman/freesub.dwg

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

JOSEPH W. FREEMAN and \*  
JESSIE L. FREEMAN,  
Plaintiffs \*

-vs-

JOHN HOWARD GOSS, WILLIAM \*  
HOWARD GOSS AND KIMBERLY ANN  
FRICK; ANNIE D. LYNN AND C. \*  
DAVID LYNN; AND VERA ROUNDS,  
Defendants \*

JOHN HOWARD GOSS, WILLIAM \*  
HOWARD GOSS AND KIMBERLY  
ANN FRICK,  
Plaintiffs \*

-vs-

JOSEPH W. FREEMAN and \*  
JESSIE L. FREEMAN,  
Defendants \*

\* Docket No. 05-1281-CD  
ACTION TO QUIET TITLE

\* Docket No. 05-1440-CD  
ACTION IN EJECTMENT

Type of pleading:  
CONSENT ORDER

Filed on behalf of:  
All Parties

Counsel of record:  
Dwight L. Koerber, Jr.,  
Esquire  
PA I. D. No. 16332

FILED 3  
01/30/06  
AUG 08 2006  
Atty Koerber  
CR

William A. Shaw  
Prothonotary/Clerk of Courts

CLERK COPY FILED  
TU 05-1440-CD

CA

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

JOSEPH W. FREEMAN and JESSIE L. FREEMAN, Plaintiffs	*	
-vs-	*	Docket No. 05-1281-CD ACTION TO QUIET TITLE
JOHN HOWARD GOSS, WILLIAM HOWARD GOSS AND KIMBERLY ANN FRICK; ANNIE D. LYNN AND C. DAVID LYNN; AND VERA ROUNDS, Defendants	*	
	*	
JOHN HOWARD GOSS, WILLIAM HOWARD GOSS AND KIMBERLY ANN FRICK, Plaintiffs	*	
-vs-	*	Docket No. 05-1440-CD ACTION IN EJECTMENT
JOSEPH W. FREEMAN and JESSIE L. FREEMAN, Defendants	*	

CONSENT ORDER

AND NOW, this 7<sup>th</sup> day of August, 2006, upon  
consideration of the Joint Motion of the Parties, IT IS THE ORDER  
AND DECREE OF THIS COURT:

1. That a copy of this Consent Order shall be entered in  
both above-captioned cases;
2. That the two above-captioned cases are hereby  
consolidated under Docket No. 05-1281-CD;
3. That the boundary line between the parties, as shown  
by the survey of Hess & Fisher Engineers, Inc., dated

April 5, 2006, is hereby approved, with a copy of such survey map attached hereto and incorporated by reference.

4. That a copy of this Order shall be filed with the Recorder of Deeds of Clearfield County, Pennsylvania, and shall be indexed under the names of Joseph W. Freeman and Jessie L. Freeman, John Howard Goss, William Howard Goss, Kimberly Ann Frick, Annie D. Lynn and C. David Lynn, and Verna Rounds;

5. That with the filing of the said survey map and a copy of this Order, the consolidated case under Docket No. 05-1281-CD is settled and dismissed; and

6. That defendants named in Docket No. 05-1281-CD, and any person claiming under defendants, are permanently enjoined and restrained from asserting any lien, title, claim or interest in or to the following real property of Joseph W. Freeman and Jessie L. Freeman, or any part thereof:

ALL that certain piece, parcel or tract of land lying and being situate in Knox Township, Clearfield County, Pennsylvania, bounded and described as follows:

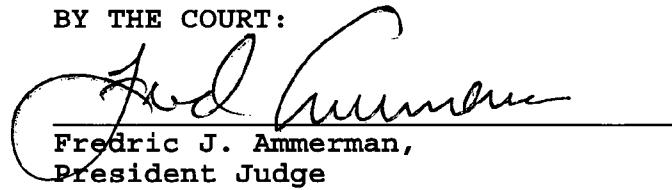
BEGINNING at found 3/4" iron rebar corner, said corner being the most northern corner of the property described herein; thence along land of Joseph W. & Jessie L. Freeman the following courses and distances: South 07 degrees 28 minutes 30 seconds East, a distance of 371.50 feet to a set 3/4" iron rebar corner; thence North 87 degrees 13 minutes 27 seconds East, a distance of 154.97 feet to a set 3/4" iron rebar corner on the western right of way line to S.R. 2015; thence along the western right of way line of S.R. 2015 the following courses and distances: South 30 degrees 07 minutes 11 seconds West, a distance of 52.42 feet to a point; thence South 26 degrees 16 minutes 29 seconds West, a distance of 140.91 feet to a point; thence South 23 degrees 21 minutes 22 seconds West, a distance of 112.05 feet to a set 3/4" iron rebar corner; thence along land of John Howard Goss, et al., the following courses and distances: North 20 degrees 53 minutes 24 seconds West, a distance of 161.05 feet to a set 3/4" iron rebar corner; thence North 01 degree 43 minutes 20 seconds West, a distance of 135.75 feet to a set 3/4" iron rebar corner, North 32 degrees 06

minutes 18 seconds West, a distance of 188.81 feet to a set 3/4" iron rebar corner; thence North 25 degrees 52 minutes 49 seconds East, a distance of 210.41 feet to a set 3/4" iron rebar corner, the place of beginning.

CONTAINING 1.20 acres on a Plat titled "Plat of Lands of Joseph W. & Jessie L. Freeman, Knox Township, Clearfield County", as prepared by Hess & Fisher Engineers, Inc., dated April 5, 2006.

TOGETHER WITH the right of ingress, egress and regress over a dirt road leading off of S.R. 2015 to the driveway of Joseph W. & Jessie L. Freeman.

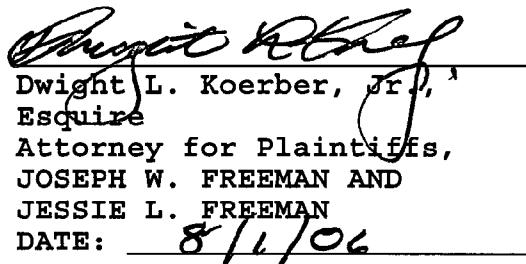
BY THE COURT:



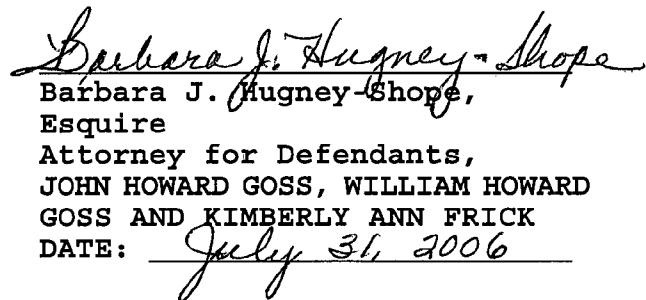
\_\_\_\_\_  
Fredric J. Ammerman,  
President Judge

CONSENT

On behalf of my clients, I hereby consent to the entry of the above Order.



\_\_\_\_\_  
Dwight L. Koerber, Jr.,  
Esquire  
Attorney for Plaintiffs,  
JOSEPH W. FREEMAN AND  
JESSIE L. FREEMAN  
DATE: 8/1/06



\_\_\_\_\_  
Barbara J. Hugney-Shope,  
Esquire  
Attorney for Defendants,  
JOHN HOWARD GOSS, WILLIAM HOWARD  
GOSS AND KIMBERLY ANN FRICK  
DATE: July 31, 2006

# Grant Rounds

Tax Assess. #I14-000-00013  
Deed Book 0415, Page 0562

## Joseph W. & Jessie L. Freeman

Tax Assess. #I14-000-00012  
Deed Book 0971, Page 0060

LOT BEARING TABLE		
NUMBER	DIRECTION	DISTANCE
L1	S 30°07'11" W	52.42'

John Howard Goss,  
William Howard Goss  
& Kimberly Ann Frick

Tax Assess. #I14-000-00023  
Deed Book 1512, Page 00031

### LEGEND

- — — SURVEYED PROPERTY LINES
- — — ADJOINING PROPERTY LINES
- — — RIGHT-OF-WAY LINES
- BEGINNING AND END OF A LINE SEGMENT
- 3/4" REBAR (SET)
- EXISTING MONUMENT
- N/F NOW OR FORMERLY
- P.O.B. POINT OF BEGINNING
- U.P. UTILITY POLE

DRAWN BY:	RL	FILE NO.:
CHECKED BY:	WF	JOB NO.:
DATE:	4/5/06	FB NO.:
SCALE:	1"=60'	REVISION BY

PLAT OF LAND OF JOSEPH W. & JESSIE L. FREEMAN KNOX TOWNSHIP, CLEARFIELD COUNTY	
HESS & FISHER ENGINEERS, INC. CONSULTING ENGINEERS, GEOLOGISTS & SURVEYORS 36 NORTH SECOND STREET CLEARFIELD, PENNSYLVANIA 16830 814-765-7541	

BEARING BASE  
MAGNETIC NORTH  
TAKEN JANUARY 6, 2004

DATE: 8/8/06  
William A. Shaw  
Prothonotary/Clerk of Courts

You are responsible for serving all appropriate parties.

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

Plaintiff(s)  Plaintiff(s) Attorney  Other

Defendant(s)  Defendant(s) Attorney

Special Instructions:

**FILED**  
AUG 08 2006