

05-1440-CD

J. Howard et al. vs. J. Freeman et al.

2005-1440-CD

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

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

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

-vs-

JOSEPH W. FREEMAN and  
JESSIE L. FREEMAN,  
Defendants

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

I hereby certify this to be a true  
and attested copy of the original  
statement filed in this case.

JUL 08 2005

Attest.

William L. Koerber  
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 VERA ROUNDS,  
Defendants

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

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

-vs-

JOSEPH W. FREEMAN and  
JESSIE L. FREEMAN,  
Defendants

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

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:

/s/ Fredric J. Ammerman

---

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

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

I hereby certify this to be a true and attested copy of the original statement filed in this case.

AUG 08 2006

Attest.

*William L. Goss*  
Prothonotary/  
Clerk of Courts

# 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
- NOW OR FORMERLY
- P.O.B.
- U.P.

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

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

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

BY

BEARING BASE  
MAGNETIC NORTH  
TAKEN: JANUARY 6, 2004

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

**JOHN HOWARD GOSS, WILLIAM  
HOWARD GOSS, and KIMBERLY  
ANN FRICK,**

Plaintiffs,

vs.

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

Defendants

\*  
\*  
\*  
\*  
\*

\* **NO. 2005-1440-CD**

\*

\*  
\*

\* **Type of Case: ACTION IN  
EJECTMENT**

\*  
\*

\* **Type of Pleading: COMPLAINT**

\*  
\*

\* **Filed on behalf of: Plaintiffs**

\*  
\*

\* **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** *son*

*012-30301 Atty Shope  
SEP 16 2005 Atty pd. 85.00*

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CIVIL DIVISION

**JOHN HOWARD GOSS, WILLIAM  
HOWARD GOSS, and KIMBERLY  
ANN FRICK,**

PlaintiffS,

\*

\*

\*

\*

\*

vs.

\* NO. 2005-

-CD

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

\*

\*

\*

\*

**NOTICE**

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

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

Court Administrator  
Clearfield County Courthouse  
1 North Second Street  
Clearfield, PA 16830  
(814) 765-2641, Ext. 88-89

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

**JOHN HOWARD GOSS, WILLIAM  
HOWARD GOSS, and KIMBERLY  
ANN FRICK,**

Plaintiffs,

vs.

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

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

\*  
\*  
\*

**COMPLAINT**

NOW COME the Plaintiffs, John Howard Goss, William Howard Goss and Kimberly Ann Frick, by their counsel, Barbara J. Hugney-Shope, Esquire, and file this Action in Ejectment in accordance with Pa.R.Civ.P. Rule 1051, et seq. And in support hereof avers as follows:

1. Plaintiff, John Howard Goss, is an adult individual residing at 4095 Allport Cutoff, Morrisdale, Clearfield County, Pennsylvania 16858.
2. Plaintiff, William Howard Goss, is an adult individual residing at 28 Pudding Stone Way, Florham Park, New Jersey 07932.
3. Plaintiff, Kimberly Ann Frick, is an adult individual residing at 7 Decker Lane, Boonton Township, New Jersey 07005.

4. Defendants are Joseph W. Freeman and Jessie L. Freeman, husband and wife, who reside at 1049 Oakridge Road, Madera, Pennsylvania 16661.

5. Plaintiffs are the owners in fee and in possession of a parcel of land located in Knox Township, Clearfield County, Pennsylvania, identified by Clearfield County Tax Assessment Map No. 122-I14 Parcel 23 which Plaintiffs obtained by deed dated January 30, 1993, from John Howard Goss, one of the Plaintiffs, and Janet L. Goss, his wife, recorded February 1, 1993 in the Office of the Recorder of Deeds of Clearfield County in Deeds and Records Book 1512, page 31 (hereinafter referred to as the "Premises" or "Plaintiffs' property"), A copy of the description of the "Premises" is attached hereto as Exhibit "A" and incorporated herein.

6. Defendants Freeman are the record and assessed owner of a parcel of land bounding the "Premises" on the southeast identified by Clearfield County Tax Assessment Map No. 122-I14, parcel 27, which Defendants obtained by Deed dated September 18, 1984, from Anna Lockett, formerly Anna Freeman, recorded in the Office of the Recorder of Deeds of Clearfield County on September 18, 1984 at Deeds and Records Book 971, page 60 (hereinafter referred to as "Defendant's parcel"). A copy of the deed into Defendants describing "Defendant's parcel" is attached hereto as Exhibit "B" and incorporated herein.

7. By survey obtained by Plaintiffs' predecessor in title in 1988, John Goss, the father of Plaintiff John Howard Goss, it was determined that Defendants' predecessor in title, Anna Freeman, had her mobile home installed on a portion of what is now Plaintiffs' land, the "Premises".

8. Plaintiffs' predecessor in title, being the father of John Howard Goss and the grandfather of William Howard Goss and Kimberly Ann Frick, represented to them that he had agreed with the said Anna Freeman that her mobile home could remain on this property as long as she was living.

9. Plaintiffs only recently became aware that the said Anna Freeman Lockett had in fact died July 27, 1990, when Defendants indicated a desire to purchase the area from Plaintiffs.

10. Plaintiffs and Defendants were unable to negotiate an agreement for the sale of any portion of Plaintiffs' "Premises" to Defendants.

11. Although aware that their use of the area formerly occupied by Anna Freeman Lockett was no longer consentual, Defendants have refused or failed to remove the mobile home from the "Premises."

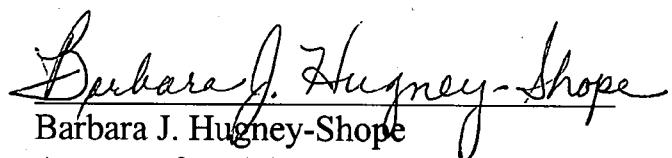
12. There are numerous other items of no value which Plaintiffs believe and therefore aver were disposed of by Defendants and dumped or scattered about on the "Premises."

13. Defendants have filed an Action to Quiet Title against Plaintiffs and others claiming ownership of the "Premises" by adverse possession; therefore, Plaintiffs' only recourse to have the Defendants' remove the mobile home and all trash and/or junk believed to be placed on the "Premises" by the Defendants or others acting on their behalf is through this Action in Ejectment.

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

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

Respectfully submitted,

  
Barbara J. Hugney-Shope  
Attorney for Plaintiffs  
Supreme Ct. I.D. No. 26274

23 North Second Street  
Clearfield, PA 16830

814-765-5155

All that certain parcel of land situate in the Township of Knox, Clearfield County, Pennsylvania, being more fully bounded and described as follows:

BEGINNING at the southwestern corner of land now or formerly of Mae McTavish and the northern right of way of Pennsylvania State Route 2015; thence along the said Mae McTavish and lands now or formerly of Eldon F. McGarry and Joseph W. Freeman North 40 degrees 56 minutes 3 seconds West a distance of 1072.24 feet to a  $\frac{3}{4}$ " rebar set at the northeast corner of land of McGarry or Freeman; thence continuing along said McGarry and Freeman South 50 degrees 23 minutes 57 seconds West a distance of 1445 feet to  $\frac{3}{4}$ " rebar set pin on the line of land now or formerly of John Hamilton; thence along said John Hamilton and land now or formerly of Roland G. Tiracorda North 38 degrees 10 minutes 27 seconds West a distance of 1236.77 feet to a  $\frac{3}{4}$  rebar set on line of land now or formerly of Shannon Land and Mining Company; thence along Shannon Land and Mining Company North 50 degrees 8 minutes 57 seconds East a distance of 834.89 feet to an existing one-inch iron pipe witnessed at the northwest corner of land now or formerly of Aldean and Bette Mae Hamilton; thence along said Hamilton line South 40 degrees 0 minutes 3 seconds East a distance of 829.31 feet to an existing one-inch iron pipe witnessed; thence still along said Hamilton North 50 degrees 13 minutes 26 seconds East a distance of 1409.10 feet to a  $\frac{3}{4}$ " rebar set pin at the unnamed run at northwest corner of land now or formerly of Clifford Tobias; thence along said Tobias South 39 degrees 45 minutes 57 seconds West a distance of 349.36 feet to  $\frac{3}{4}$ " rebar set; thence still along said Tobias South 25 degrees 15 minutes 57 seconds West a distance of 264.90 feet to a  $\frac{3}{4}$ " rebar set; thence still along said Tobias South 80 degrees 15 minutes 3 seconds East a distance of 535.50 feet to a  $\frac{3}{4}$ " rebar set at the western line of land now or formerly of Grant Rounds; thence along said Rounds South 25 degrees 15 minutes 57 seconds West a distance of 57.70 feet; thence still along said Rounds South 71 degrees 44 minutes 3 seconds East a distance of 47.70 feet to the northwest corner of land now or formerly of Joseph W. Freeman and Jessie L. Freeman; thence along said Freeman South 16 degrees 34 minutes 57 seconds East a distance of 371.50 feet to a  $\frac{3}{4}$ " rebar set and double red oak stump; thence still along land of said Freeman North 72 degrees 16 minutes 48 seconds East a distance of 140.40 feet to the western right of way of Pennsylvania State Route 2015; thence along said highway right of way the following courses and distances: South 13 degrees 26 minutes 12 seconds West a distance of 307.52 feet and South 6 degrees 34 minutes 55 seconds West a distance of 374.19 feet to place of beginning. Containing 43.310 acres as surveyed by David J. Thorp, Professional Land Surveyor, November 14-28, 1988.

EXHIBIT "A"

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

## 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 do es 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)

EXHIBIT "E"

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 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:

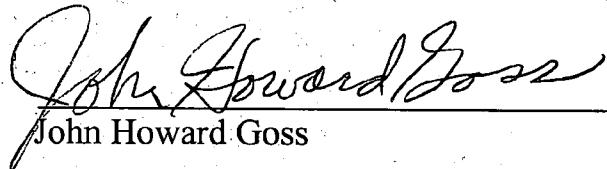
This ..... day of

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. 235, approved September 10, 1965, as amended.)

**VERIFICATION**

I, John Howard Goss, individually and as agent for William Howard Goss and Kimberly Ann Frick, verify that the statements made in this Complaint 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: 9/16/05

  
John Howard Goss  
John Howard Goss

RECEIVED

1 copy of moving Case, originally filed by and for William H. Shaw Case

and Kinnoph, you will find attached copy of the Settlement made in this Case, including the  
one day counter. I am enclosing copy of Settlement for your information and use  
regarding the filing of this Case.

Very truly yours

William H. Shaw Case

SEP 16 2005  
William A. Shaw  
Prothonotary/Clerk of Courts

**FILED**

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

John Howard Goss, William Howard  
Goss and Kimberly Ann Frick  
Plaintiffs

v.

Joseph W. Freeman and  
Jessie L. Freeman,  
Defendants

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

Docket No. 05-1440-CD

Type of Pleading:  
PRELIMINARY OBJECTIONS  
OF DEFENDANTS

Filed on behalf of:  
DEFENDANTS: 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**

OCT 19 2005

013:1514

William A. Shaw  
Prothonotary *(64)*

3 CERT TO ATTY

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

John Howard Goss, William Howard  
Goss and Kimberly Ann Frick  
Plaintiffs

v.

Joseph W. Freeman and  
Jessie L. Freeman,  
Defendants

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

Docket No. 05-1440-CD

**PRELIMINARY OBJECTIONS OF DEFENDANTS**

COME NOW, Defendants, Joseph W. Freeman and Jessie L. Freeman, by and through their attorney, Dwight L. Koerber, Jr., Esquire, and file the within Preliminary Objections to the Complaint herein filed by Plaintiffs, John Howard Goss, William Howard Goss and Kimberly Ann Frick.

**I.**

**LEGAL INSUFFICIENCY OF A PLEADING (DEMURRER)**

- (1) Pa. R.C.P. 1028(a)(4) provides that Preliminary Objections may be filed for the legal insufficiency of a pleading, in the form of a demurrer.
- (2) Defendants demur to the Action in Ejectment, as the Complaint fails to set forth clearly where the Defendants are located in violation of ownership rights which Plaintiffs allege that they possess.
- (3) In particular, Defendants would point out that there is no survey map or reference to a clear and specific geographic area where the alleged trespassing exists

that would give rise to the Ejectment Order which the Plaintiffs are requesting the Court to enter.

WHEREFORE, Defendants pray that their Preliminary Objections be sustained and that their demurrer be granted for the failure of Plaintiffs to establish set forth with clarity previously where the Defendants are trespassing.

II.

**LEGAL INSUFFICIENCY OF A PLEADING--  
FAILURE TO CONFORM TO RULE OF LAW**

(4) Pa. R.C.P. 1028(a)(2) provides that Preliminary Objections may be filed based upon the failure of a pleading to conform to a Rule of Court.

(5) Plaintiffs have failed to comply with Pa. R.C.P. 1054(b) wherein specific requirements for an Ejectment Action are set forth, which requires a party in its Complaint to set forth an abstract of the title upon which the party relies from a common source of the adverse title of the opposing parties. In the Complaint herein, Plaintiffs have failed to set forth a sufficient and proper abstract to accomplish that purpose.

(6) In the Complaint filed herein, Plaintiffs only go back to the September 18, 1984 deed, identified as Exhibit B to their Complaint, rather than tracing through the origin of their title and the origin of the Defendants' title to their common point of ownership.

WHEREFORE, Defendants pray that their Preliminary Objections be sustained and

the Complaint be stricken due to Plaintiffs' failure to comply with Pa. R.C.P. 1054(b) concerning the furnishing of a proper abstract that addresses the common sources of the adverse titles of the parties.

**III.  
LEGAL INSUFFICIENCY OF A PLEADING—  
FAILURE TO ATTACH SURVEY**

(7) Pa. R.C.P. 1028(a)(4) requires that a pleading may be stricken for failure to conform to a rule of law.

(8) The rule of law which Plaintiffs have failed to comply with is Pa. R.C.P. 1019(i) which requires a party to attach a copy of a written document if its claim or defense is based upon such document. In the circumstances here, in the Complaint filed herein, Plaintiffs state in paragraph 7 that they had a survey performed covering their property in 1988 and assert that this survey establishes certain ownership rights on their part. However, Plaintiffs have failed to attach a copy of such survey.

WHEREFORE, Defendants pray that their Preliminary Objections be sustained due to the failure of Plaintiffs to attach a copy of the survey upon which they are seeking and advancing their claim in this matter.

**IV.  
LEGAL INSUFFICIENCY OF A PLEADING—  
IMPROPER CONCLUSION OF IMPERTINENT MATTER**

(9) Pa. R.C.P. 1028(a)(2) provides that Preliminary Objections may be filed if

a pleading improperly includes impertinent matter.

(10) The impertinent matter which Plaintiffs have asserted is that which is set forth in paragraphs 7, 8 and 11, of their Complaint, where they allege that the late Anna Freeman acknowledged that the mobile home that she was living in was located on property that she did not own and she agreed consensually with the Defendants that she could remain there during her lifetime.

(11) The alleged agreement in acquiescence of the late Anna Freeman is impertinent and inadmissible in a Complaint, and in this proceeding in general, as it is in violation of the Dead Man's Act.

(12) Specifically, Plaintiffs would point out that in a civil proceeding involving a person who is dead or a person who is successor in interest to the rights of the dead person, no person who has an adverse interest to the deceased individual shall be a competent witness to any matter occurring before such death of that person.

(13) In attempting to premise their action in ejectment upon the alleged acquiescence of the late Anna Freeman, the Plaintiffs are relying upon impertinent material, contrary to the Dead Man's Act, and as such have filed a pleading in violation of Pa. R.C.P. 1028(a)(2).

WHEREFORE, Defendants pray that their Preliminary Objections be sustained and that any reference to the alleged agreement and/or acquiescence of Anna Freeman concerning the property in question should be stricken as being in violation of the Dead Man's Act.

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

John Howard Goss, William Howard  
Goss and Kimberly Ann Frick  
Plaintiffs

v.

Joseph W. Freeman and  
Jessie L. Freeman,  
Defendants

\*

\*

\*

\*

\*

\*

\*

\*

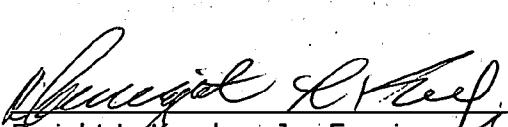
\*

Docket No. 05-1440-CD

**CERTIFICATE OF SERVICE**

I certify that on the 19<sup>th</sup> day of October, 2005, the undersigned served a true and correct copy of the Preliminary Objections in the above-captioned matter upon counsel for the Plaintiffs. 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 DEFENDANTS:  
Joseph W. Freeman and Jessie L. Freeman

FILED

OCT 19 2005

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100834  
NO: 05-1440-CD  
SERVICE # 1 OF 2  
COMPLAINT IN EJECTMENT

PLAINTIFF: JOHN HOWARD GOSS, WILLIAM HOWARD GOSS and KIMBERLY ANN FRICK  
VS.  
DEFENDANT: JOSEPH W. FREEMAN and JESSIE L. FREEMAN

**SHERIFF RETURN**

NOW, October 04, 2005 AT 11:44 AM SERVED THE WITHIN COMPLAINT IN EJECTMENT ON JOSEPH W. FREEMAN DEFENDANT AT 1049 OAKRIDGE ROAD, MADERA, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO JESSIE FREEMAN, WIFE. A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN EJECTMENT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

FILED

OCT 21 2005

William A. Shaw  
Prothonotary/Clerk of Courts

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

DOCKET # 100834  
NO: 05-1440-CD  
SERVICE # 2 OF 2  
COMPLAINT IN EJECTMENT

PLAINTIFF: JOHN HOWARD GOSS, WILLIAM HOWARD GOSS and KIMBERLY ANN FRICK  
VS.  
DEFENDANT: JOSEPH W. FREEMAN and JESSIE L. FREEMAN

**SHERIFF RETURN**

---

NOW, October 04, 2005 AT 11:44 AM SERVED THE WITHIN COMPLAINT IN EJECTMENT ON JESSIE L. FREEMAN DEFENDANT AT 1049 OAKRIDGE ROAD, MADERA, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO JESSIE FREEMAN, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN EJECTMENT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100834  
NO: 05-1440-CD  
SERVICES 2  
COMPLAINT IN EJECTMENT

PLAINTIFF: JOHN HOWARD GOSS, WILLIAM HOWARD GOSS and KIMBERLY ANN FRICK  
vs.

DEFENDANT: JOSEPH W. FREEMAN and JESSIE L. FREEMAN

SHERIFF RETURN

RETURN COSTS

| Description     | Paid By      | CHECK # | AMOUNT |
|-----------------|--------------|---------|--------|
| SURCHARGE       | HUGNEY-SHOPE | 3896    | 20.00  |
| SHERIFF HAWKINS | HUGNEY-SHOPE | 3896    | 44.74  |

Sworn to Before Me This

Day of 2005

So Answers,

*Chester A. Hawkins*  
*by Marilyn Harris*  
Chester A. Hawkins  
Sheriff

MONTGOMERY COUNTY, PENNSAUGETAY

DOC# 14-100834  
MO: 98-1441-C0  
PLAINEES: 3  
COMPLAINT IN EJECTMENT

JOHN HOWARD COSS, MARY HOWARD COSS and KIMBERLY ANN FRICK  
D/B/A JILLIE - PLAINEES: ROBERT M. FREEMAN and JEREMY FREEMAN

RELEASING COSS

SEARCHED

| AMOUNT | CHARGE# | SEARCHED         | SEARCHED       |
|--------|---------|------------------|----------------|
| 200    | 3009    | WILSON, J. HOPPE | SHAW, J. HOPPE |
| 450    | 3080    | SHAW, J. HOPPE   | SHAW, J. HOPPE |

FILED

OCT 2 12005

William A. Shaw  
Prothonotary/Clerk of Courts

CA

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

John Howard Goss, William Howard  
Goss and Kimberly Ann Frick  
Plaintiffs

v.

Joseph W. Freeman and  
Jessie L. Freeman,  
Defendants

\*

\*

\*

\*

\*

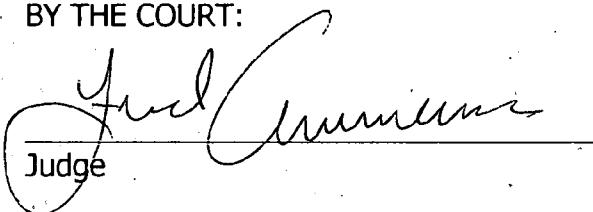
\*

Docket No. 05-1440-CD

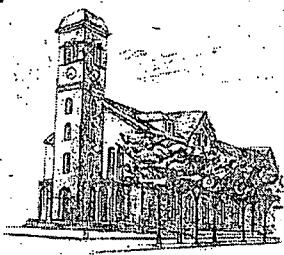
**ORDER**

NOW, this 21 day of October, 2005, upon the filing of the Preliminary Objections of Defendants, Joseph W. Freeman and Jessie L. Freeman, it is the Order and Decree of this Court that Oral Argument thereon shall be held on the 14<sup>th</sup> day of December, 2005, at 2:30 a.m./p.m. in Courtroom No. 1 of the Clearfield County Courthouse.

BY THE COURT:

  
\_\_\_\_\_  
Judge

FILED 3cc  
04:00 PM Atty  
OCT 24 2005 Koerber  
William A. Shaw  
Prothonotary/Clerk of Courts



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

William A. Shaw  
Prothonotary/Clerk of Courts

David S. Ammerman  
Solicitor

Jacki Kendrick  
Deputy Prothonotary

Bonnie Hudson  
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

Date: September 19, 2005

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

Sincerely,

William A. Shaw  
Prothonotary



You are responsible for serving all appropriate parties.

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

Plaintiff(s)/Attorney(s)

Defendant(s)/Attorney(s)

Other

Special Instructions:

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

JOHN HOWARD GOSS, WILLIAM  
HOWARD GOSS and KIMBERLY  
ANN FRICK

-vs-

No. 05-1440-CD

JOSEPH W. FREEMAN and JESSE  
L. FREEMAN

CA  
FILED 300  
12/15/05 ATTYS:  
DEC 15 2005 Shape  
Koerber

William A. Shaw  
Prothonotary/Clerk of Courts

O R D E R

NOW, this 14th day of December, 2005, following argument on the preliminary objections filed on behalf of the Defendants, it is the ORDER of this Court as follows:

1. Relative the Defendants' first preliminary objection, it is the ORDER of this Court that the Plaintiffs have no more than twenty (20) days from this date in which to file an amended complaint, including a survey map showing the location of the property and any alleged overlap;

2. Relative the second preliminary objection, it is the ORDER of this Court that, within no more than twenty (20) days from this date, Plaintiffs file an amended complaint which sets forth an abstract of title which meets with the requirements of Rule of Civil Procedure 1054(b);

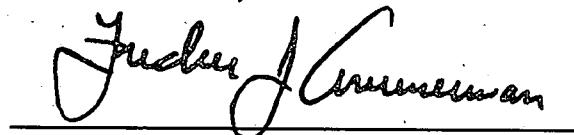
3. Preliminary objection number three is moot, as it references the same issues as contained in the first

preliminary objection;

4. The Court hereby denies the Defendants' fourth preliminary objection;

5. No ruling will be issued at this time on the fifth preliminary objection. The Court recognizes the companion suit filed with the Court and anticipates that the two cases may be joined for trial purposes in the future.

BY THE COURT,

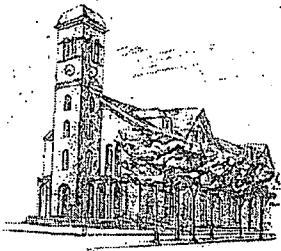


President Judge

FILED

DEC 15 2005

William A. Shaw  
Prothonotary/Clerk of Courts



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

William A. Shaw  
Prothonotary/Clerk of Courts

David S. Ammerman  
Solicitor

Jacki Kendrick  
Deputy Prothonotary

Bonnie Hudson  
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

Date: September 19, 2005

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

Sincerely,

William A. Shaw  
Prothonotary

1215105 \_\_\_\_\_ You are responsible for serving all appropriate parties.

1215105  The Prothonotary's office has provided service to the following parties:

Plaintiff(s)/Attorney(s)

Defendant(s)/Attorney(s)

Other

1215105 \_\_\_\_\_ Special Instructions:

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

**JOHN HOWARD GOSS, WILLIAM  
HOWARD GOSS, and KIMBERLY  
ANN FRICK,**

Plaintiffs,

vs.

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

Defendants

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

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

**JOHN HOWARD GOSS, WILLIAM  
HOWARD GOSS, and KIMBERLY  
ANN FRICK,**

PlaintiffS,

\*

\*

\*

\*

\*

vs.

**\* NO. 2005-1440-CD**

\*

\*

\*

\*

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

**NOTICE**

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

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

Court Administrator  
Clearfield County Courthouse  
1 North Second Street  
Clearfield, PA 16830  
(814) 765-2641, Ext. 88-89

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

**JOHN HOWARD GOSS, WILLIAM  
HOWARD GOSS, and KIMBERLY  
ANN FRICK,**

Plaintiffs,

vs.

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

\*  
\*  
\*  
\*  
\*  
\* NO. 2005-1440-CD  
\* IN EJECTMENT  
\*  
\*  
\*

**FIRST AMENDED COMPLAINT**

NOW COME the Plaintiffs, John Howard Goss, William Howard Goss and Kimberly Ann Frick, by their counsel, Barbara J. Hugney-Shope, Esquire, and file this First Amended Complaint in Ejectment in accordance with Pa.R.Civ.P. Rule 1051, et seq. , and in support hereof avers as follows:

1. Plaintiff, John Howard Goss, is an adult individual residing at 4095 Allport Cutoff, Morrisdale, Clearfield County, Pennsylvania 16858.
2. Plaintiff, William Howard Goss, is an adult individual residing at 28 Pudding Stone Way, Florham Park, New Jersey 07932.
3. Plaintiff, Kimberly Ann Frick, is an adult individual residing at 7 Decker Lane, Boonton Township, New Jersey 07005.

4. Defendants are Joseph W. Freeman and Jessie L. Freeman, husband and wife, who reside at 1049 Oakridge Road, Madera, Pennsylvania 16661.

5. Plaintiffs are the owners in fee of a parcel of land located in Knox Township, Clearfield County, Pennsylvania, described in the Fourth Thereof in a deed to Plaintiffs dated January 30, 1993, from John Howard Goss, one of the Plaintiffs, and Janet L. Goss, his wife, recorded February 1, 1993, in the Office of the Recorder of Deeds of Clearfield County in Deeds and Records Book Volume 1512, page 31, hereinafter referred to as the "Premises". A copy of the Plaintiffs' deed is attached hereto as Exhibit "A" and incorporated herein.

6. Defendants are the owners of a parcel of land located in Knox Township, Clearfield County, Pennsylvania, described as consisting of eleven (11) acres surface in a deed from Anna Lockett, formerly Anna Lockett, dated September 18, 1984, and recorded in Clearfield County Deeds and Records Book Volume 971, page 60, hereinafter referred to as "Freeman property". A copy of the Defendants' deed is attached hereto as Exhibit "B" and incorporated herein.

7. Plaintiffs acquired their "Premises" representing the residue of a certain parcel purported to contain seventy-seven (77) acres and described in a certain deed from the Clearfield County Commissioners dated May 25, 1942 to William Laughard and recorded in Clearfield County in Deed Book 344, page 467. A copy

of the Commissioners' Deed to William Laughard, one of Plaintiffs' predecessors in title, is attached hereto as Exhibit "C" and incorporated herein.

8. Defendants acquired the "Freeman property" purported to be out of the deed for twenty-eight (28) and eleven (11) acres conveyed by the Clearfield County Commissioners dated May 25, 1942 to William Laughard and recorded in Clearfield County in Deed Book 344, page 465. A copy of the Commissioners' Deed to William Laughard, one of Defendants' predecessors in title, is attached hereto as Exhibit "D" and incorporated herein.

9. The property owned by Plaintiffs, referred to as the "Premises" herein, was acquired from the Sarah J. Dale heirs by W. A. Gould and T. V. Gould by various deeds for the respective interests of the various heirs; to wit: Felix A. Dale, et ux, by deed dated August 20, 1920, and recorded in Clearfield County Deed Book 249, page 73; Leona Black, et vir, by deed dated December 8, 1920, and recorded in Clearfield County Deed Book 253, page 135; David E. Dale by deed dated December 8, 1920, and recorded in Clearfield County Deed Book 252, page 598; Susan Black, et vir, by deed dated June 1, 1922, and recorded in Clearfield County Deed Book 258, page 78.

10. The "Premises" were subsequently sold for unpaid taxes as the property of Gould Bros. in 1936 and the Clearfield County Commissioners then sold the property to William Laughard as set forth in Paragraph 7 above.

11. The "Premises" were subsequently awarded to John Goss as the testate heir of William W. Laughard, Deceased, by Decree of Court dated April 4, 1977, and recorded in Clearfield County Deed Book 737, page 486. A copy of said Decree of Court awarding the "Premises" to John Goss is attached hereto as Exhibit "E" and made a part hereof.

12. The said John Goss then conveyed the "Premises" to John Goss and John Howard Goss, as joint tenants with right of survivorship, by virtue of a deed from John Goss and Maude Goss dated March 12, 1985, and recorded in the Office of the Recorder of Deeds of Clearfield County in Deeds and Records Book Volume 1000, page 588. A copy of said deed is attached hereto as Exhibit "F" and made a part hereof.

13. The said John Goss died January 15, 1992, vesting sole ownership in John Howard Goss as the surviving joint tenant.

14. The said John Howard Goss and Janet Goss, his wife, subsequently conveyed the "Premises" to Plaintiffs as set forth in Paragraph 5 above.

15. The property owned by Defendants, referred to as the "Freeman property" which bounds the Plaintiffs' property the "Premises" on the southeast was acquired from Maria Jane McGarry and David A. McGarry by W. A. Gould and T.V. Gould by deed dated March 12, 1917, and recorded in Clearfield County Deed Book Vol. 220, page 270, described as a parcel containing thirty-nine (39) acres; however, assessment records in Clearfield County assess this property as twenty-eight (28) and eleven (11) acres. A copy of the deed of which the "Freeman property" is a part is attached hereto as Exhibit "G" and made a part hereof.

16. The property of which the "Freeman property" is a part was assessed as twenty-eight (28) and eleven (11) acres and sold for unpaid taxes as the property of Gould Bros. in 1936 and the Clearfield County Commissioners then sold the property to William Laughard as set forth in Paragraph 8 above.

17. The "Freeman property" was subsequently sold to Lewis Freeman and Anna Freeman by William Laughard by his deed dated August 22, 1942, and recorded in Clearfield County Deed Book 347, page 183. A copy of the deed is attached hereto as Exhibit "H" and made a part hereof.

18. Despite holding title to an eleven (11) acre parcel to the south and west of the "Premises", Defendants have encroached on approximately seven (7) acres

of Plaintiffs' land, with the area of encroachment hereinafter referred to as "Goss property." A copy of the survey prepared by Curry & Associates in 1988 for Plaintiffs and revised in December 2005 to set forth the area of encroachment is attached hereto as Exhibit "I" and made a part hereof.

19. Because of a family relationship between John Goss and a relative of the Defendants, the Plaintiffs have always consented to the use of the "Goss property" by Defendants' predecessors in title; to wit: Lewis Freeman and Anna Freeman, a.k.a. Anna Lockett.

20. It was only when Defendants filed a Quiet Title Action alleging adverse possession that Plaintiffs became aware that Defendants were claiming the "Goss property" as their own.

21. Plaintiffs hereby believe and aver that Defendants have failed to satisfy the legal requirements to deprive the Plaintiffs of their legal right to ownership of the "Goss property" for the following reasons:

- (a) Any usage of the land in question by Defendants' predecessor in title; specifically Anna Freeman, a.k.a. Anna Lockett, was with the consent of Plaintiffs' predecessor in title due to a family relationship;
- (b) The section of the "Goss property" that the Defendants' predecessor in title lived on was approximately a one (1) acre area in the

northeast corner adjacent to the highway where a mobile home was located, again with the consent of the Plaintiffs' predecessor in title, John Goss;

(c) There has never been any evidence of farming by either the Defendants or others occurring on the "Goss property";

(d) Plaintiffs have consistently and continually paid taxes on the "Premises";

(e) If Defendants paid taxes on eleven (11) acres, it is believed that the eleven (11) acres that they are being assessed with is the land that they acquired as set forth in Paragraph 8 and not the "Goss property";

(f) Any permission given by Defendants to others to use the property for recreation or hunting or representations to others that they owned the "Goss property" were not visible nor communicated to the Plaintiffs so as to indicate an exclusive or visible possession of the land.

22. In addition to the foregoing reasons indicating Defendants failure to satisfy the legal requirements for adverse possession, Plaintiffs have discovered numerous items of what is commonly referred to as solid waste, including, but not limited to, old household appliances, junk and garbage of no economic value that have been dumped or scattered about on the "Goss property."

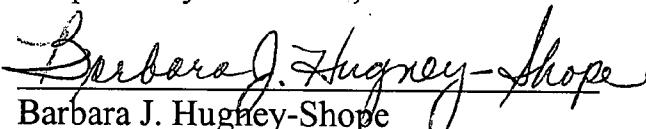
23. These items have been placed on the "Goss property" and the "Premises" without the consent of the Plaintiffs.

24. Plaintiffs believe that the solid waste consisting of used appliances, junk and other garbage that has been dumped on their "Premises" is in violation of Clearfield County's Solid Waste Ordinance, and that if Defendants believed that the "Goss property" was their land, they would not intentionally violate the law nor allow others to do so by disposing of solid waste, junk or other garbage on it.

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

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

Respectfully submitted,

  
Barbara J. Hughey-Shope  
Attorney for Plaintiffs  
Supreme Ct. I.D. No. 26274

23 North Second Street  
Clearfield, PA 16830  
814-765-5155

**EXHIBIT "A"**

**ATTACHED HERETO IS COPY OF PLAINTIFFS' DEED  
RECORDED IN CLEARFIELD COUNTY DEEDS AND RECORDS BOOK  
1512, PAGE 31,**

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 PRICK 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) -  
 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.

VOL 1512 PAGE 23

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 (30') minutes West crossing Fork Run one thousand five hundred 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' 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 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 George E. Erhard, by deed dated December 2, 1902, and recorded as 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

State of .....  
County of .....

VOL 1512 PAGE 37

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 is  
instrument, and acknowledged that he/she has subscribed to the within  
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  
TIME 3:11pm 2-1-93  
BY Barbara Schickling  
FEE 20.00  
Karen L. Stark, Recorder

Commonwealth of Pennsylvania  
County of Clearfield .....

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

Deed

WARRANTY DEED  
To the Commonwealth Co., Williamsport, Pa.

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

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

Dated January 30, 1993  
For those Parcels, in Boggs,  
Woodward, and, Knox, Towns...  
Consideration \$1.00  
Recorded ...  
Banned for Record in the Recorder's  
Office of ..... County, the day of Feb. 3  
1993 FEE \$ Recordee \_\_\_\_\_

BARBARA H. SCHICKLING  
Attala Title  
23 N. Second Street  
Clearfield, Pa. 16830  
(814) 743-3155  
(814) 743-2937

**EXHIBIT "B"**

**ATTACHED HERETO IS COPY OF PLAINTIFFS' DEED  
RECORDED IN CLEARFIELD COUNTY DEEDS AND RECORDS BOOK  
VOLUME 971, PAGE 60.**

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

**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 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:

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.)

**EXHIBIT "C"**

**ATTACHED HERETO IS COPY OF COMMISSIONER'S DEED TO  
PLAINTIFF' PREDECESSOR IN TITLE, WILLIAM LAUGHARD  
RECORDED IN CLEARFIELD COUNTY DEED BOOK 344, PAGE 467.**

## Deed

CLEARFIELD COUNTY  
COMMISSIONERS  
TO  
WM. LAUGHARD

THE, W. V. CARR, IRA JAY AND J. O. KESSLER, COUNTY  
COMMISSIONERS OF THE COUNTY OF CLEARFIELD,  
STATE OF PENNSYLVANIA, SEND GREETING:

Whereas, the County Commissioners of said County of Clearfield, in pursuance of the several Acts of Assembly in that behalf made and provided, at a County Treasurer's sale of.....seated lands, for taxes, made on the.....10th.....day of January.....1936.; did purchase all that certain parcel of.....seated lands, situate in.....the Township of Knox.....County and State aforesaid, containing.....77 A. Surf.....and sold as the property of.....Gould Bros.....there having been no bid made by any person sufficient to pay taxes, interest and costs.

And Whereas, the then County Treasurer of Clearfield County did make a deed to the County Commissioners, and to their successors in office, for the aforesaid parcel of land, subject, however, to the right of redemption granted by law; and the said parcel of land so purchased has remained unredeemed, for the period designated by law.

And Whereas, W. V. CARR, IRA JAY and J. O. KESSLER, said County Commissioners, having given due and timely notice, according to the several Acts of Assembly in relation thereto, of their power to sell, and of the time and place of sale, and all such matters as are required by law, did agreeably to law, on the.....23rd.....day of.....January.....1942, expose to public sale by public vendue or outcry, in Court Room No. 1 at the Court House at Clearfield, aforesaid, the aforesaid tract of land, and the aforesaid County Commissioners sold the whole of the aforesaid parcel of land to.....Wm. Laughard.....

.....for the sum of \$.....45.00....., lawful money of the United States, he.....being the highest bidder, and that the highest and best price bidden for the same.

Now, Know Ye, that we, the said W. V. CARR, IRA JAY and J. O. KESSLER, County Commissioners as aforesaid, in consideration of the premises and of the aforesaid sum of \$.....45.00.....in hand paid by the said.....Wm. Laughard.....

....., the receipt whereof is hereby acknowledged, do hereby grant and convey, to the said.....Wm. Laughard.....and to.....his.....heirs successors and assigns, according to the laws of the Commonwealth of Pennsylvania in such cases made and provided, for all such estate, right, title and interest as has been acquired by the first above mentioned purchase from the County Treasurer of the County of Clearfield, and as we, the said County Commissioners, have a right to convey, all that above mentioned and described parcel of land situate as aforesaid in.....Knox....., with the appurtenances;

To Have and to Hold the aforesaid parcel of land for all such estate, right, title and interest as the said County Commissioners of the County of Clearfield have a right to convey, unto the said grantee....., and to.....his.....heirs successors and assigns, to and for the only proper use and behoof of the said grantee....., and to.....his.....heirs successors and assigns, forever.

In Witness Whereof, we, the said County Commissioners of Clearfield County, have hereunto set our hands and caused the official seal of said County, duly attested, to be affixed, this.....25th.....day of.....May.....1942.

ATTEST

Fred B. Reed (off. seal)  
Chief Clerk

W. V. Carr

Ira Jay

J. O. Kessler

County Commissioners

STATE OF PENNSYLVANIA }  
COUNTY OF CLEARFIELD } SS:

On this, the.....29th.....day of.....May....., 1942....., before me,.....J. R. Dickey.....  
a. Justice of the Peace.....the undersigned officer, personally appeared  
W. V. CARR, IRA JAY and J. O. KESSLER, known to me to be the persons described in the foregoing deed, and acknowledged that they executed the same in the capacity therein stated and for the purposes therein contained.

In Witness Whereof, I have hereunto set my hand and official seal.

J. R. Dickey, Justice of the Peace.....J. R. Dickey (off. seal)  
Bell's Landing, Pa.  
My commission expires 1st Mon. in Jan. 1949.

**EXHIBIT "D"**

**ATTACHED HERETO IS COPY OF COMMISSIONER'S DEED TO  
DEFENDANTS' PREDECESSOR IN TITLE, WILLIAM LAUGHARD  
RECORDED IN CLEARFIELD COUNTY DEED BOOK 344, PAGE 465.**

Deed

CLEARFIELD COUNTY  
COMMISSIONERS  
TO  
WM. LAUGHARD

W<sup>Mr</sup>. W. V. CARR, IRA JAY AND J. O. KESSLER, COUNTY  
COMMISSIONERS OF THE COUNTY OF CLEARFIELD,  
STATE OF PENNSYLVANIA, SEND GREETING:

Whereas, the County Commissioners of said County of Clearfield, in pursuance of the several Acts of Assembly in that behalf made and provided, at a County Treasurer's sale of.....seated lands, for taxes, made on the.....10th.....day of.....January.....1942., did purchase all that certain parcel of.....seated lands, situate in.....the Township of Knox.....County and State aforesaid, containing.....28 & 11 A. Surf.....and sold as the property of.....Gould Bros.....

there having been no bid made by any person sufficient to pay taxes, interest and costs.

And Whereas, the then County Treasurer of Clearfield County did make a deed to the County Commissioners, and to their successors in office, for the aforesaid parcel of land, subject, however, to the right of redemption granted by law; and the said parcel of land so purchased has remained unredeemed, for the period designated by law.

And Whereas, W. V. CARR, IRA JAY and J. O. KESSLER, said County Commissioners, having given due and timely notice, according to the several Acts of Assembly in relation thereto, of their power to sell, and of the time and place of sale, and all such matters as are required by law, did agreeably to law, on the.....23rd.....day of.....January.....1942, expose to public sale by public vendue or outcry, in Court Room No. 1 at the Court House at Clearfield, aforesaid, the aforesaid tract of land, and the aforesaid County Commissioners sold the whole of the aforesaid parcel of land to.....Wm. Laughard.....

.....for the sum of \$.....40.00....., lawful money of the United States,.....he.....being the highest bidder, and that the highest and best price bidden for the same.

Now, Know Ye, that we, the said W. V. CARR, IRA JAY and J. O. KESSLER, County Commissioners as aforesaid, in consideration of the premises and of the aforesaid sum of \$..40.00.....in hand paid by the said.....

.....Wm. Laughard.....

....., the receipt whereof is hereby acknowledged, do hereby grant and convey, to the said.....Wm. Laughard.....

.....and to.....his.....heirs.....and successors.....and assigns, according to the laws of the Commonwealth of Pennsylvania in such cases made and provided, for all such estate, right, title and interest as has been acquired by the first above mentioned purchase from the County Treasurer of the County of Clearfield, and as we, the said County Commissioners, have a right to convey, all that above mentioned and described parcel of land situate as aforesaid in.....Knox Township....., with the appurtenances;

To Have and to Hold the aforesaid parcel of land for all such estate, right, title and interest as the said County Commissioners of the County of Clearfield have a right to convey, unto the said grantee....., and to.....his.....heirs.....successors.....and assigns, to and for the only proper use and behoof of the said grantee....., and to.....his.....heirs.....successors.....and assigns, forever.

In Witness Whereof, we, the said County Commissioners of Clearfield County, have hereunto set our hands and caused the official seal of said County, duly attested, to be affixed, this.....25th.....day of.....May.....1942.

ATTEST

W. V. Carr.....

Fred B. Reed.....(off. seal).....Chief Clerk

Ira Jay.....

J. O. Kessler.....

County Commissioners

STATE OF PENNSYLVANIA } SS:  
COUNTY OF CLEARFIELD }

On this, the.....29th.....day of.....May....., 1942., before me,.....  
A Justice of the Peace.....the undersigned officer, personally appeared  
W. V. CARR, IRA JAY and J. O. KESSLER, known to me to be the persons described in the foregoing deed, and acknowledged that they executed the same in the capacity therein stated and for the purposes therein contained.

In Witness Whereof, I have hereunto set my hand and official seal.  
J. R. DICKY, a Justice of the Peace

**EXHIBIT "E"**

**ATTACHED HERETO IS COPY OF THE ORDER OF COURT  
DATED APRIL 4, 1977, AND RECORDED IN CLEARFIELD COUNTY AT  
DEED BOOK VOLUME 737, PAGE 486.**

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

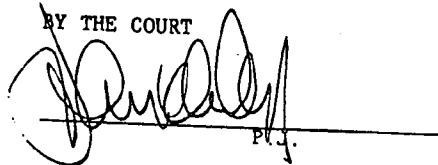
AND NOW, this 4 day of April, 1977, the foregoing First and Final Account of John W. Goss, Executor of the Estate of William W. Laughard, together with a Schedule of Proposed Distribution having been presented in open Court, and notice having been given to the heirs of the William W. Laughard Estate, 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:

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 Wllsworth Moore by Deed recorded in Deed Book 377, page 53.

BY THE COURT



\_\_\_\_\_  
P.M.

**EXHIBIT "F"**

**ATTACHED HERETO IS COPY OF DEED FROM JOHN GOSS AND  
MAUDE GOSS TO JOHN GOSS AND JOHN HOWARD GOSS,  
PLAINTIFFS' PREDECESSOR IN TITLE, RECORDED IN CLEARFIELD  
COUNTY DEEDS AND RECORDS BOOK VOLUME 1000, PAGE 588.**

1841 GOSS 388

1841 GOSS

1841 GOSS

VOL 1000 PAGE 588

FORM NALY No. 43—Statutory Deed—Warranty Act 1909 (With Coal Notice)  
© Copyright 1976 P. O. Naly Company

FCBjr./nms

For sale by P. O. Naly Co., Law Book Publishers  
425 Fourth Avenue, Pittsburgh, Pa. 15219

# Deed

Gave the 12<sup>th</sup> day of March 1985

Between JOHN GOSS and MAUDE GOSS, his wife, of Woodland, Pennsylvania 16881,

(hereinafter called "Grantor")

and JOHN GOSS of Woodland, Pennsylvania 16881 and JOHN HOWARD GOSS of Snow Shoe, Pennsylvania 16874, as joint tenants with right of survivorship and not as tenants in common,

(hereinafter called "Grantee")

Witnesseth, That in consideration of One and 00/100----- (\$1.00) Dollars, in hand paid, the receipt whereof is hereby acknowledged, Grantors do hereby grant and convey to Grantees:

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. , 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

AMT 1000 PAGE 288

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.

THIS IS A DEED FROM PARENTS TO PARENT AND SON.

EXHIBIT "G"

**ATTACHED HERETO IS COPY OF DEED FROM MARIA JANE  
McGARRY and DAVID A. McGARRY to W. A. GOULD and T. V. GOULD,  
BY DEED DATED MARY 12, 1917, AND RECORDED IN CLEARFIELD  
COUNTY DEED BOOK 220, PAGE 270.**

19027 atted 1925

to claim the same, shall and will warrant and forever defend.

In Witness whereof, the said parties of the first part have to these presents set their hands and seals. Dated the day and year above written.

Signed, sealed and delivered  
in presence of us  
John W. Marshall  
State of Pennsylvania,  
County of Clearfield, SS

Jennie V. Kerr (Seal)  
William G. Kerr (Seal)

On this twenty ninth day of March A. D. 1917, before me a Notary Public in and for said County, personally came the above named William G Kerr and Jennie V Kerr his wife and acknowledged the foregoing Deed to be their act and deed, and desired the same to be recorded as such.

Witness my hand and Notarial seal the day and year aforesaid.

John W. Marshall (N. P. Seal)  
Notary Public

Commission expires February 19, 1921.

Entered of record March 31, 1917 9-30 A.M.

Recorded and Compared by

*John W. Marshall*

Recorder

DEED

THIS DEED Made the 12th day of March in the year Nineteen  
MARIA JANE McGARRY ET AL hundred and seventeen

TO Between Maria Jane McGarry and David A. McGarry her husband  
W. A. GOULD ET AL of the Township of Knox, County of Clearfield and State of  
Pennsylvania parties of the first part and W. A. Gould and T. V. Gould of the Borough of  
Brisbin, County of Clearfield and State of Pennsylvania parties of the second part

Witnesseth, That in consideration of One Thousand (\$1000.00) Dollars in hand paid, the  
receipt whereof is hereby acknowledged, the said grantors do hereby grant and convey to the  
said grantee, all those two certain lots or pieces of ground situate in Knox Township,  
Clearfield County, Pennsylvania Bounded and described as follows:- Beginning at a stone corner  
on line between Knox and Jordan Townships; thence along lands of Lewis and Enoch Erhard North  
fifty five (55) degrees East fourteen hundred and eighty two (1482) feet to post, thence  
along other lands of said Sarah J. Dale North thirty seven (37) degrees twenty minutes West  
eleven hundred and ninety (1192) feet to post; thence along line of same South fifty five  
(55) degrees West fourteen hundred and forty five (1445) feet to post on above mentioned  
Township line; thence along said Township line South thirty five (35) degrees East eleven  
hundred and ninety one (1191) feet to stone corner and place of beginning containing thirty  
nine (39) acres net, being part of the same premises which Jennie D. Erhard, administrator  
of David Erhard late of said Township of Knox deceased, by deed dated the \_\_\_ day of \_\_\_ A. D.  
18 \_\_\_ and recorded at Clearfield in the office for recording of deeds for and in Clearfield  
County in Deed Book No. \_\_\_ page \_\_\_ Sold and conveyed to George E. Erhard the above  
named grantor who by agreement dated the \_\_\_ day of December A. D. 1895 sold to Sarah  
Dale and Phelix A. Dale, who by article of agreement dated the 26th day of April

A. D. 1896, sold out of the same the above described piece to Maria J. McGarry, this 26th day of June 1896, made direct from the said George E. Erhard and wife to said Maria J. McGarry under an agreement entered into between the said Sarah J. and Phelix A. Dale and Maria J. McGarry dated the 5th day of June A. D. 1896, which provided that the balance of purchase money due from said McGarry to said Dales was to be paid to said Erhard and upon receipt of same said Erhard was to make a deed for above described thirty nine (39) acres to said Maria J. McGarry.

Excepting and reserving however all the coal in upon and under said land with all the privileges contained in Deed of W. W. Bell to David and Enoch Erhard dated December 27th 1892 and recorded in Deed Book No. 74 page 263

These premises became vested in the present grantor by deed from George Erhard and Laura N. Erhard dated the 2nd day of December A. D. 1902 and recorded in Clearfield, Deed Book Vol. 128 page 516.

Second All that certain lot known as Lot No. 9 in the village of Erhard described as follows; fronting on Public road running back to alley adjoining Railroad containing ninety four and six tenths (94 6/10) rods.

Excepting and reserving nevertheless to the said parties of the first part all the coal in, under and upon the said lot with the right of ingress, egress and regress to mine and remove all of said coal with the right of way for the mining and removing as aforesaid.

These premises became vested in the present grantor by deed from David Erhard, Jennie Erhard, Enoch Erhard and Nancy J. Erhard by deed dated the 16th day of August A. D. 1894 and recorded in Clearfield in Deed Book Vol. 117 Page 104 as the record at large will appear.

And the said grantor do hereby covenant and agree to and with the said grantees that they the grantors, their heirs, executors and administrators Shall and will by these presents 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 grantors, and against every other person lawfully claiming or who shall hereafter claim the same or any part thereof.

In Witness whereof said grantors have hereunto set their hands and seals the day and year first above written.

Sealed and delivered in the  
presence of

H. Olsen

James W. Ruffner

State of Pennsylvania,

County of Clearfield, SS

her  
Maria Jane X McGarry (Seal)  
mark

D. A. McGarry (Seal)

On this 12th day of March A. D. 1917, before me a Justice of the Peace in and for said county came the above named Maria Jane McGarry and David A. McGarry and acknowledged the foregoing Deed to be their act and deed, and desired the same to be recorded as such,

Witness my hand and official seal the day and year aforesaid.

James W. Ruffner (J. P. Seal)  
Justice of the Peace  
My Commission expires First Monday January 1918

EXHIBIT "H"

**ATTACHED HERETO IS COPY OF DEED FROM WILLIAM  
LAUGHARD TO LEWIS FREEMAN, ET AL., DEFENDANTS'  
PREDECESSOR IN TITLE, RECORDED IN CLEARFIELD COUNTY  
DEED BOOK 347, PAGE 183.**

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.

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

Recorded and Compared by

A. B. Shaw

*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) 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 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 grantees 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*  
Recorder

DEED

THIS DEED,

WILLIAM LAUGHARD

Made the Twenty-second day of August, 1942.

**EXHIBIT "I"**

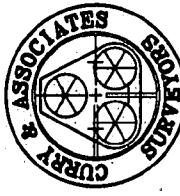
**ATTACHED HERETO IS COPY OF SURVEY PREPARED BY  
CURRY & ASSOCIATES SETTING FORTH THE ALLEGED  
ENCROACHMENT (shaded area) BY DEFENDANTS ON THE  
PLAINTIFFS' LAND AND REFERRED TO AS "GOSS PROPERTY" IN  
PLAINTIFFS' FIRST AMENDED COMPLAINT.**

TRUE NORTH

CLIFFORD TOBIAS

**JOHN HOWARD GOSS  
MAD SHOWMAN'S CHAM**

**NEW TOWNSHIP  
CLEARFIELD COUNTY**



DECEMBER 2005  
FIELD BOOK/PAGE:  
TAX MAP #122-114-2  
FILE NUMBER 7963

FIELD BOOK/ PAGE.

יג'ב ב' ב' ב' ב'

AX-MAP #122-114-23

REF ID: A11234567890

REF ID: A11234567890

CONN. & ASSOCIATES  
207 SOUTH THIRD STREET  
(614) 765-7226

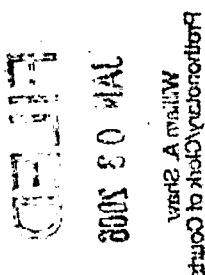
CLEARFIELD, PENNSYLVANIA

## VERIFICATION

I, John Howard Goss, individually and as agent for William Howard Goss and Kimberly Ann Frick, verifies that the statements made in this First Amended Complaint 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: 1-3-06

  
John Howard Goss



**FILED**

**JAN 03 2006**

William A. Shaw  
Prothonotary/Clerk of Courts

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

## JOHN HOWARD GOSS, WILLIAM HOWARD GOSS, and KIMBERLY ANN FRICK.

**Plaintiffs,**

vs.

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

## Defendants

水 水 水 水

\* NO. 2005-1440-CD

\* \* \*

\* **Type of Case: ACTION IN  
\* EJECTMENT**

**\* Type of Pleading: CERTIFICATE  
\* OF SERVICE**

\* Filed on behalf of: Plaintiffs

10

\* 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 2 cc  
01/05/2006 Atty Shape  
JAN 05 2006

William A. Shaw  
Prothonotary/Clerk of Courts

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

JOHN HOWARD GOSS, WILLIAM  
HOWARD GOSS, and KIMBERLY ANN  
FRICK,

Plaintiffs

vs.

\*  
\*  
\*  
\*  
\* No. 2005-1440-CD  
\*  
\*

JOSEPH W. FREEMAN and JESSIE L.  
FREEMAN,

Defendants

\*

CERTIFICATE OF SERVICE

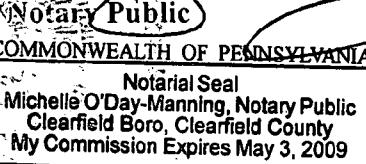
AND NOW, this 5<sup>th</sup> day of January, 2006, I, BARBARA J. HUGNEY-SHOPE, ESQUIRE, who, being duly sworn according to law, deposes and says that I served a certified copy of the FIRST AMENDED COMPLAINT, filed in the above-captioned matter, upon Dwight L. Koerber, Jr., Esquire, Attorney for the Defendants in the above-captioned matter, by HAND DELIVERY, on January 3, 2006, addressed to DWIGHT L. KOERBER, JR., ESQUIRE, Attorney for the Defendants, at the following address, to wit: Dwight L. Koerber, Jr., Esquire, 110 North Second Street, P.O. Box 1320, Clearfield, PA 16830.

Barbara J. Hugney-Shope  
Barbara J. Hugney-Shope, Esquire  
Attorney for Plaintiff

SWORN to and subscribed

before me this 5<sup>th</sup> day of

January, 2006.



1888-1892)

19. 6. 1979 1321.552 1331.553  
19. 6. 1979 1321.552 1331.553

卷之三

卷之三

卷之三

卷之三

19. *Leucosia* *leucostoma* *leucostoma* *leucostoma* *leucostoma* *leucostoma* *leucostoma*

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

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

-vs-

JOSEPH W. FREEMAN and  
JESSIE L. FREEMAN,  
Defendants

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

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 400  
07/30/2006

AUG 01 2006  
William A. Shaw  
Prothonotary/Clerk of Courts

Atty Koerber  
Original filed to  
05-1281-CD

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

John Howard Goss, William Howard  
Goss and Kimberly Ann Frick,  
Plaintiffs

vs.

Joseph W. Freeman and  
Jessie L. Freeman  
Defendants

\*

\*

\*

\*

\*

Docket No. 05-1440-CD

Type of Pleading:  
Certificate of Service

Filed on behalf of:  
Defendants:  
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** *3cc Atty Koerber*  
03/10/06  
OCT 27 2006 *JS*

William A. Shaw  
Prothonotary

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

John Howard Goss, William Howard  
Goss and Kimberly Ann Frick,  
Plaintiffs

vs.

Joseph W. Freeman and  
Jessie L. Freeman  
Defendants

\*

\*

\*

\*

\*

Docket No. 05-1440-CD

**CERTIFICATE OF SERVICE**

This is to certify that on the 25<sup>th</sup> day of October 2005 the undersigned served a true and correct copy of the Order Scheduling Oral Argument on the Preliminary Objections in the above-captioned matter upon counsel for Plaintiffs. Such document was served and 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 Defendants:  
Joseph W. Freeman and  
Jessie L. Freeman