

Date: 11/08/2005

Clearfield County Court of Common Pleas

User: LBENDER

Time: 11:42 AM

ROA Report

Page 1 of 1

Case: 2005-01570-CD

Current Judge: No Judge

Harry Strawser, Harry Straw, Timothy Straw, Jeffrey Straw, Brian Rhinesmuth, Brian Davis vs. Robert Holland, John A. Baran, Robin E. Baran

Civil Other

Date		Judge
10/10/2005	New Case Filed.	No Judge
	✓ Filing: Complaint Paid by: Neiswender, Frederick M. (attorney for Strawser, Harry) Receipt number: 1909937 Dated: 10/10/2005 Amount: \$85.00 (Check) 5CC Atty.	No Judge
10/11/2005	✓ Preliminary Injunction, filed by s/ Frederick M. Neiswender Esq. 5CC atty.	No Judge
	✓ Rule Returnable, NOW, this 11th day of October, upon consideration of Plaintiffs' Preliminary Injunction, a Rule is hereby issued upon the Defendants, Robert Holland, John A. Baran and Robin E. Baran, to show cause why the Preliminary Injunction should not be granted. Rule Returnable for Answer by the Defendants and hearing on said Preliminary Injunction to be held on the 14th day of October 2005 at 1:00 p.m. in Courtroom No. 2. BY THE COURT: /s/ Paul E. Cherry, Judge. 5CC Atty Neisender	Paul E. Cherry
	✓ Order NOW, this 11th day of October 2005, upon consideration of Plaintiffs' Preliminary Injunction, it is the ORDER of this Court that the Preliminary Injunction be and is hereby GRANTED. The Defendants, Robert Holland, John A. Baran, Robin E. Baran and their agents are hereby enjoined from entering, cutting and removing timber from the property in Knox Township, Clearfield County, Pennsylvania that is the subject of Plaintiffs' Complaint until a hearing can be held in this matter. BY THE COURT: /S/ Paul E. Cherry, Judge. 5CC Atty Neiswender	No Judge
/10/13/2005	✓ Preliminary Objections filed on behalf of Robert Holland, filed by s/Peter F. Smith, Esq. Two CC Atty Smith	No Judge
	✓ Praecipe, filed. Please enter my appearance as attorney for Defendant Robert Holland in the above-captioned matter, filed by s/ Peter F. Smith Esq. No CC.	No Judge
	✓ Certificate of Service, filed. Sent true and correct copy of Preliminary Objections, Entry of Appearance and Defendant Robert Holland's Memorandum on October 13, 2005 to Frederick M. Neiswender Esq., filed by s/ Peter F. Smith Esq. No CC.	No Judge
10/14/2005	✓ Entry of Appearance, on behalf of Defendants John A. Baran and Robin E. Baran: filed by s/ Timothy E. Durant, Esquire. 4CC to Atty.	No Judge
11/03/2005	✓ Preliminary Objections, filed by s/ Timothy E. Durant, Esquire. 5CC Atty. Durant	No Judge
	✓ Affidavit of Service filed. I have this date placed a certified copy of the PRELIMINARY OBJECTIONS filed on November 3, 2005 to Frederick M. Neiswender Esq., and Peter F. Smith Esq., filed by s/ Timothy E. Durant Esq. No CC.	No Judge
11/08/2005	✓ Order AND NOW, this 7th day of November 2005, following argument on Plaintiff's Preliminary Injunction and upon consideration of same, the Court having reviewed all documents provided to it by counsel for all parties, it is the ORDER of this court that said Preliminary Injunctions shall be and is hereby DISSOLVED. It is further ORDER of the Court that Plaintiff's Petition and Complaint shall be and are hereby DISMISSED. BY THE COURT: /s/ Paul E. Cherry, Judge. 1CC Attys: Neiswender, P. Smith and Durant.	No Judge

Date: 03/18/2005

Time: 08:42 AM

Page 1 of 3

Clearfield County Court of Common Pleas

ROA Report

Case: 2002-01271-CD

Current Judge: Paul E. Cherry

User: GLKNISLEY

Darice Janel Bradyvs.Dennis Allen Corson

Custody

Date		Judge
08/15/2002	✓ Filing: Custody Complaint/Visitation Paid by: Freeman, Robert J. Esq (attorney for Brady, Darice Janel) Receipt number: 1847092 Dated: 08/15/2002 Amount: \$80.00 (Check) 1 cc Atty	No Judge
08/20/2002	✓ ORDER OF COURT, re: DENNIS ALLEN CORSON to appear in person the 24th day of Sept., 2002, at 1:30 p.m. for a Custody Conference. by the Court, s/FJA,J. 2 cc Atty Freeman	Fredric Joseph Ammerman
09/24/2002	✓ ORDER OF COURT, re: DENNIS ALLEN CORSON to appear in person the 18th day of October, 2002, at 2:30 p.m. for a Custody Conference. by the Court, s/FJA,J. 2 cc Atty Freeman	Fredric Joseph Ammerman
10/18/2002	✓ Affidavit of Service, Plaintiff's Complaint upon DENNIS A. CORSON. s/Robert J. Freeman, Esquire	Fredric Joseph Ammerman
10/25/2002	✓ ORDER FOR MEDIATION CONFERENCE and PAYMENT OF COSTS, NOW, this 24th day of October, 2002, re: Custody Mediation Conference to be held before Allen H. Ryen, Ph.D. Licensed Child Psychologist. by the Court, s/FJA,J. 2 cc & Quest. to Atty Freeman, Beyer, 1 copy to Judge Ammerman, and Allen H. Ryen, Ph.D. Qust. given to both attorneys	Fredric Joseph Ammerman
12/05/2002	✓ Petition for Special Relief filed by Plaintiff. 2 CC to Atty. Freeman	Fredric Joseph Ammerman
12/06/2002	✓ Affidavit of Service filed by Atty. Freeman no cert. copies Served copy of Petition for Special Relif on David L. Beyer.	Fredric Joseph Ammerman
12/09/2002	✓ ORDER, NOW, this 9th day of December, 2002, re: Custody Mediation Conference scheduled for Jan. 29, 2003, at 9:00 a.m. by the Court, s/FJA,J. 2 cc to Atty Freeman, Atty Beyer, 1 copy to Judge Ammerman, Allen H. Ryne, Ph.D., and CA	Fredric Joseph Ammerman
12/20/2002	✓ Petition for Special Relief/Emergency Relief, filed by Atty. Freeman 3 cert. to Atty.	Fredric Joseph Ammerman
12/23/2002	✓ Answer To Petition For Special Relief. filed by s/David L. Beyer, Esquire no cc	Fredric Joseph Ammerman
12/24/2002	✓ ORDER, AND NOW, this 23rd day of December, 2002, a Hearing for Plaintiff's Petition for Special Relief/Emergency Relief is scheduled as follows: Jan/ 16, 2003, at 11:30o a.m. by the Court, s/FJA,J. 3 cc Atty Freeman	Fredric Joseph Ammerman
	Order, AND NOW, this 24 day of December, 2002, a hearing for the Plaintiff's Petition for Special Relief is scheduled as follows: January 16, 2003, 11:30 a.m. BY THE COURT: /s/Fredric J. Ammerman, Judge Two CC Attorney Freeman	Fredric Joseph Ammerman
01/20/2003	✓ ORDER, NOW, this 16th day of January, 2003, re: Petitions for Special Relief. by the Court, s/FJA,J. 2 cc Atty Freeman, Beyer	Fredric Joseph Ammerman
02/04/2003	✓ ORDER, NOW, this 29th day of January, 2003, re: Mediation Conference. by the Court, s/FJA,J. 2 cc Atty Freeman, Beyer	Fredric Joseph Ammerman
05/08/2003	✓ Petition For Civil Contempt For Disobedience Of A Partial Custody Order. filed by s/ Robert J. Freeman, Esquire Verification s/Darice Janel Brady 2 cc Atty Freeman	Fredric Joseph Ammerman
05/22/2003	✓ NOTICE AND ORDER TO APPEAR, DENNIS ALLEN CORSON, whether or not you file in writing with the Court your defenses or objections, you must appear in person in Court on June 20, 2003 at 9:00 a.m. by the Court, s/FJA,J. 5/21/03 2 cc to Atty Freeman	Fredric Joseph Ammerman

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

HARRY STRAWSER, HARRY STRAW,
TIMOTHY STRAW, JEFFREY STRAW,
BRIAN RHINESMUTH and
BRIAN DAVIS,

Plaintiffs,

vs.

ROBERT HOLLAND, JOHN A. BARAN
and ROBIN E. BARAN, husband and wife,
Defendants.

No. 05 - 1570- CD

Type of case: Civil

Type of pleading: Complaint

Filed on behalf of: Plaintiffs,
Harry Strawser, et. al.

Counsel for Plaintiffs:
Frederick M. Neiswender, Esquire
Supreme Court No. 74456
501 East Market Street, Suite 3
Clearfield, Pennsylvania 16830
(814) 765-6500

FILED

0/3:38
OCT 10 2005

William A. Shaw

Prothonotary/Clerk of Courts

Any pd.
85.00
5 cc Any

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

HARRY STRAWSER, HARRY STRAW,
TIMOTHY STRAW, JEFFREY STRAW,
BRIAN RHINESMUTH and
BRIAN DAVIS,

Plaintiffs,

vs.

No. 05 - - CD

ROBERT HOLLAND, JOHN A. BARAN
and ROBIN E. BARAN, husband and wife,
Defendants.

NOTICE TO DEFEND

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

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

COURT ADMINISTRATOR
1 North Second Street
Clearfield, Pennsylvania 16830
(814) 765-2641

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

HARRY STRAWSER, HARRY STRAW,
TIMOTHY STRAW, JEFFREY STRAW,
BRIAN RHINESMUTH and
BRIAN DAVIS,

Plaintiffs,

vs.

ROBERT HOLLAND, JOHN A. BARAN
and ROBIN E. BARAN,

Defendants.

No. 05 - - CD

COMPLAINT

AND NOW, come the Plaintiffs, HARRY STRAWSER, HARRY STRAW, TIMOTHY STRAW, JEFFREY STRAW, BRIAN RHINESMUTH and BRIAN DAVIS, by and through their attorney, FREDERICK M. NEISWENDER, ESQUIRE, and file this Complaint against the Defendants, ROBERT HOLLAND, JOHN A. BARAN and ROBIN E. BARAN, husband and wife, on a cause of action upon which the following is a statement:

1. Plaintiffs, HARRY STRAWSER, HARRY STRAW, TIMOTHY STRAW, JEFFREY STRAW, BRIAN RHINESMUTH and BRIAN DAVIS [hereinafter referred to as "Plaintiffs"], are adult individuals with the primary tenant HARRY STRAWSER residing at 1115 Dartmouth Road, Hummelstown, Dauphin County, Pennsylvania 17036.

2. Defendant, ROBERT HOLLAND [hereinafter referred to as "Defendant Holland"], is an adult individual with a mailing address of P.O. Box 367, Curwensville, Clearfield County, Pennsylvania 16833.

3. Defendant, JOHN A. BARAN [hereinafter referred to as "Defendant Baran"], is an adult individual, residing at 511 East Spruce Street, Philipsburg, Centre County, Pennsylvania 16866.

4. Defendant, ROBIN E. BARAN [hereinafter referred to as "Defendant Baran"], is an adult individual, residing at 844 Thorn Street #63, Sewickley, Allegheny County, Pennsylvania 15143.

5. Plaintiffs own property comprising land and a camp in Knox Township, Clearfield County, Pennsylvania, consisting of 358.9837 acres to which they took title by deed of record in the Clearfield County Courthouse on August 2, 2002 recorded at Instrument Number 200212501. *See attached Exhibits "A" and "B"*

COUNT I – CONVERSION

6. Plaintiffs restate and incorporate Paragraphs 1 through 5 above as if stated at length herein.

7. Sometime in 2003, Defendant Holland entered into a contract to cut timber on property allegedly owned by Defendants Baran.

8. Plaintiffs believe and therefore aver that the property that is the subject of this contract is in fact part of their property described above.

9. Subsequent to the contract signing, an agent for Defendant Holland was observed cutting and removing timber from Plaintiffs' property. Plaintiffs informed the agent that he was trespassing and requested that he cease and desist from the further cutting of timber. The agent complied with their request.

10. Sometime in July 2004, Defendant Holland renewed his contract with Defendants Baran to resume cutting timber on the subject property.

11. On or about the week of September 26, 2005, an agent for Defendant Holland resumed cutting timber on the subject property.

12. Agents for Defendant Holland were observed cutting the timber into billets and removing it in pick-up trucks.

13. When the agents for Defendant Holland realized that they were being observed they ran from the property leaving behind their equipment and the cut timber.

14. Upon learning that the timbering had resumed, Plaintiffs called the Pennsylvania State Police for assistance.

15. When the police arrived, an agent for Defendant Holland presented them with a contract, which he stated gave Defendant Holland a right to cut timber on the subject property. The police subsequently declined to file a criminal complaint.

16. Agents for Defendant Holland continue to remove timber from the Plaintiffs' property.

17. Plaintiffs have suffered a significant loss to the value of their property as a result of the actions of the Defendants.

18. Plaintiffs have suffered a significant loss of valuable timber as a result of the actions of the Defendants.

WHEREFORE, Plaintiffs request this Court enter judgement against Defendant in an amount in excess of \$20,000.00.

COUNT II – TRESPASS

19. Plaintiffs restate and incorporate Paragraphs 1 through 18 above as if stated at length herein.

20. The entire perimeter of Plaintiffs' property, as described above, is posted with "No Trespassing" signs and the perimeter trees are painted to delineate a clear boundary line.

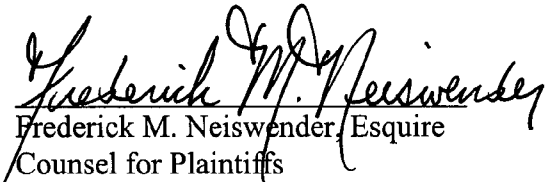
21. Defendants have ignored these signs, entered onto Plaintiffs' property, and caused significant damage.

22. Plaintiffs have suffered a significant loss to the value of their property as a result of the actions of the Defendants.

23. Plaintiffs have suffered a significant loss of valuable timber as a result of the actions of the Defendants.

WHEREFORE, Plaintiffs request this Court enter judgement against Defendant in an amount in excess of \$20,000.00.

Respectfully submitted,


Frederick M. Neiswender, Esquire
Counsel for Plaintiffs

THIS DEED,

MADE THE 2nd day of , AUGUST, in the year two thousand two (2002),

BETWEEN CHARLES M. COLONY, DOROTHY I. COLONY and ERIC E. EMINHIZER, individually and as partners trading as FERGUSON VALLEY HARDWOODS, with its principal place of business at 501 Electric Avenue, Lewistown, Mifflin County, Pennsylvania, Grantor

AND

HARRY STRAWSER, HARRY STRAW, TIMOTHY STRAW, JEFFREY STRAW, BRIAN DAVIS and BRIAN RHINESMITH, as tenants in common, Grantees

WITNESS, that in consideration of One Hundred Thirty Thousand (\$130,000.00) Dollars, in hand paid, the receipt whereof is hereby acknowledged, the said Grantor does hereby grant and convey to the said Grantees,

ALL THAT CERTAIN piece, parcel or tract of land situate in the Township of Knox, County of Clearfield and State of Pennsylvania, bounded and described on Schedule "A" attached.

SUBJECT, HOWEVER, to all exceptions, reservations, restrictions, leases, interests, covenants, agreements, rights-of-way and easements contained in, and/or conveyed and/or granted by, prior instruments of writing of record in the chain of title, insofar as they may still be in force and effect; all easements apparent on the premises; municipal zoning ordinances; building codes; laws, ordinances or governmental regulations relating to sewage disposal; and, all laws, ordinances and regulations relating to subdivisions.


EXCEPTING AND RESERVING unto the grantors herein all oil and gas rights.

NOTWITHSTANDING the reservation of the oil and gas rights set forth above grantors convey unto the grantee all the "House Gas" rights under any existing oil and gas leases. Grantee agrees for it and its heirs and assigns to release and indemnify grantor for any liability for personal or property damage resulting from grantees use of the House Gas.

TOGETHER WITH the appurtenances.

Exhibit "B"

NOTICE – Grantee (hereinafter, whether one or more, called “Grantee”) hereby agrees that he 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.



Harry Strawser

NOTE – 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 in the manner provided in Section 1 of the Act of July 17, 1957, P.L. 984, as amended, and is not intended as notice of unrecorded instruments, if any.]

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

Sealed and delivered in the presence of

Charles M. Colony

CHARLES M. COLONY, individually
and as a partner of Ferguson Valley
Hardwoods

Dorothy I. Colony

DOROTHY I. COLONY, individually
and as a partner of Ferguson Valley
Hardwoods

Eric E. Eminhizer

ERIC E. EMINHIZER, individually
and as a partner of Ferguson Valley
Hardwoods

CERTIFICATE OF RESIDENCE

I hereby certify, that the precise residence of the Grantees herein is as follows:

1955 LANDAVATER ROAD, Hummelstown PA 17036

Daniel Z. Seare

Attorney for Grantees

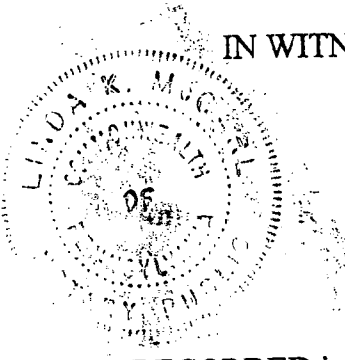
COMMONWEALTH OF PENNSYLVANIA

SS:

COUNTY OF MIFFLIN

On this, the 2nd day of August, 2002, before me, the undersigned officer, personally appeared CHARLES M. COLONY, DOROTHY I. COLONY and ERIC E. EMINHIZER, individually and as partners of FERGUSON VALLEY HARDWOODS, known to me (or satisfactorily proven) to be the persons 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.



Notary Public

Notarial Seal
Linda K. McCarl, Notary Public
Lewistown Boro, Mifflin County
My Commission Expires Sept. 21, 2002
Member, Pennsylvania Association of Notaries

RECORDED in the Office for Recording of Deeds, etc., in and for said County, in Record Book _____, Page _____.
WITNESS my hand and official seal this _____ day of _____, 200__.

Recorder of Deeds

KAREN L. STARCK
REGISTER AND RECORDER
CLEARFIELD COUNTY
Pennsylvania

INSTRUMENT NUMBER
200212501

RECORDED ON
AUG 06, 2002
1:57:01 PM
Total Pages: 6

RECORDING FEES -	\$20.00
RECORDER	
COUNTY IMPROVEMENT FUND	\$2.00
RECORDER IMPROVEMENT FUND	\$3.00
STATE TRANSFER TAX	\$1,300.00
STATE WRIT TAX	\$0.50
KNOX TOWNSHIP	\$650.00
CLEARFIELD AREA SCHOOLS	\$650.00
TOTAL	\$2,625.50

CUSTOMER
THOMPSON, DAVID

SCHEDULE "A"

ALL THAT CERTAIN parcel of land located in Knox Township, Clearfield County, Pennsylvania, more fully bounded and described as follows, to wit:

BEGINNING at a post being the common corner of four separate warrants, to wit, Caleb Foulk, Jr. warrant, George Wescot warrant, also the John Pierre warrant and the Owen Foulk warrant, of which latter two warrants this tract is a part; thence along the line of land now or formerly of Carnwath Coal company South 34 degrees 30 minutes East 915 feet to a post, being the Northwest corner of a 27.67 acre tract formerly the property of Witherow, now or formerly of R.D. Tonkin; thence along the Northern line of same North 56 degrees 30 minutes East 676.5 feet to post; thence South 34 degrees 30 minutes East 4851 feet to post, being the southeast corner of a 20.5 acres tract formerly the property of Witherow, now or formerly of R.D. Tonkin; thence South 56 degrees 30 minutes West 676.5 feet to post on line between John Pierre warrant and Owen Foulk warrant; thence continuing into the Owen Foulk warrant South 56 degrees 30 minutes West 705 feet to a post; thence South 34 degrees 30 minutes East 429 feet to post near hickory tree and on line between Owen Foulk warrant and William Hunter warrant; thence South 56 degrees 30 minutes West 1361 feet to post; thence North 34 degrees 30 minutes West along line of lands now or formerly of Jackson and also of Joseph Witherow 6195 feet to stone on line of land of Caleb Foulk, Jr. warrant; thence North 56 degrees 30 minutes East 2066 feet to place of beginning.

UNDER AND SUBJECT, nevertheless, to all existing easements, conditions restrictions, and covenants of record, including the reservation of all oil and gas in and underlying the same, together with the free right of ingress and egress and all privileges necessary to prospect for, develop and take away the said oil and gas.

BEING the premises which Ferguson Valley Hardwoods, became seized by deed of Eugene Orwick, et al, dated December 15, 1998, and recorded in the Recorder's Office of Clearfield County, Pennsylvania, at Instrument Number 199801233.

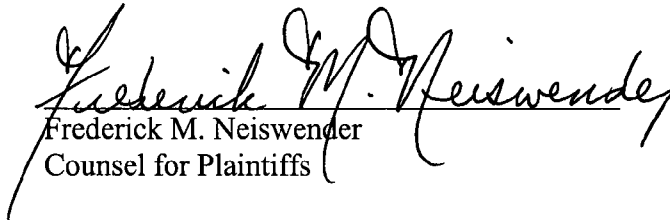
AND the said Grantor will **SPECIALLY WARRANT** the property hereby conveyed.

GRANTOR certifies that no hazardous waste, within the meaning of the Solid Waste Management Act of 1980, is presently being disposed of or has ever been disposed of by the Grantor or to the Grantor's actual knowledge in or upon the premises above described.

VERIFICATION

FREDERICK M. NEISWENDER, ESQUIRE hereby states that he is Counsel for the Plaintiffs' in this action and that the statements of fact made in the foregoing Complaint are true and correct upon opinion and belief based on information provided to him by the Plaintiffs. The undersigned is verifying this Petition on behalf of the Plaintiffs as per the Pennsylvania Rules of Civil Procedure due to the fact that the Plaintiffs reside outside the jurisdiction of this Court and time constraints do not permit their verification of the Complaint. Both the Plaintiffs and the undersigned understand the statements herein are made subject to the penalties of 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities.

Date: Oct. 7, 2005


Frederick M. Neiswender
Counsel for Plaintiffs

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

HARRY STRAWSER, HARRY STRAW,
TIMOTHY STRAW, JEFFREY STRAW,
BRIAN RHINESMUTH and
BRIAN DAVIS,

Plaintiffs,

vs.

ROBERT HOLLAND, JOHN A. BARAN
and ROBIN E. BARAN, husband and wife,
Defendants.

No. 05 - 1570 - CD

FILED

99:39 500 A44
OCT 11 2005

William A. Shaw
Prothonotary/Clerk of Courts

Type of case: Civil

Type of pleading: Preliminary Injunction

Filed on behalf of: Plaintiffs,
Harry Strawser, et. al.

Counsel for Plaintiffs:
Frederick M. Neiswender, Esquire
Supreme Court No. 74456
501 East Market Street, Suite 3
Clearfield, Pennsylvania 16830
(814) 765-6500

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

HARRY STRAWSER, HARRY STRAW,	:	
TIMOTHY STRAW, JEFFREY STRAW,	:	
BRIAN RHINESMUTH and	:	
BRIAN DAVIS,	:	
	:	
Plaintiffs,	:	
	:	
vs.	:	No. 05 - 1570 - CD
	:	
ROBERT HOLLAND, JOHN A. BARAN	:	
and ROBIN E. BARAN, husband and wife,	:	
Defendants.	:	

NOTICE TO DEFEND

A Petition or Motion has been filed against you in court. If you wish to defend against the claims set forth in the following pages, you must take action before the date set forth in the Rule Returnable 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 order may be entered against you by the court without further notice for the relief requested by the Petitioner. You may lose 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
1 North Second Street
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(814) 765-2641

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
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HARRY STRAWSER, HARRY STRAW,
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BRIAN RHINESMUTH and
BRIAN DAVIS,

Plaintiffs,

vs.

ROBERT HOLLAND, JOHN A. BARAN
and ROBIN E. BARAN, husband and wife,
Defendants.

No. 05 - 1570 - CD

PRELIMINARY INJUNCTION

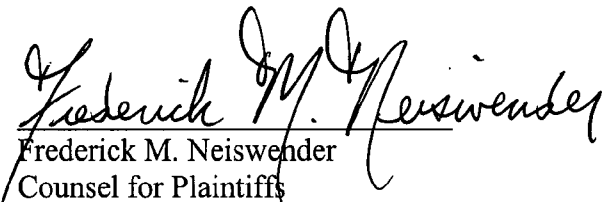
AND NOW, come the Plaintiffs, HARRY STRAWSER, HARRY STRAW, TIMOTHY STRAW, JEFFREY STRAW, BRIAN RHINESMUTH and BRIAN DAVIS, by and through their attorney, FREDERICK M. NEISWENDER, ESQUIRE, and present the following request for a Preliminary Injunction pursuant to Rule 1531 of the Pennsylvania Rules of Civil Procedure and in support thereof allege the following:

1. Plaintiffs have filed a Complaint in this matter against Defendants with the Prothonotary of Clearfield County, a true and correct copy of which is attached hereto.
2. Plaintiffs have brought this action to seek a Preliminary Injunction, prohibiting the Defendants, Robert Holland, John A. Baran and Robin E. Baran from cutting timber on property that they claim to own but which is owned by the Plaintiffs.
3. Plaintiffs have the right to file for a Preliminary Injunction under Rule 1531 of the Pennsylvania Rules of Civil Procedure.

4. Plaintiffs may suffer immediate and irreparable harm if an injunction is not granted in that valuable hardwood trees have been removed and continue to be removed from Plaintiffs' property by Defendants.

WHEREFORE, Plaintiffs respectfully prays that this Court issue a Preliminary Injunction enjoining the Defendants, Robert Holland, John A. Baran and Robin E. Baran from cutting timber on the Plaintiffs' property as described in the attached Complaint.

Respectfully submitted,


Frederick M. Neiswender
Counsel for Plaintiffs

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

HARRY STRAWSER, HARRY STRAW,
TIMOTHY STRAW, JEFFREY STRAW,
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Plaintiffs,

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and ROBIN E. BARAN, husband and wife,
Defendants.

No. 05 -1570 - CD

Type of case: Civil

Type of pleading: Complaint

Filed on behalf of: Plaintiffs,
Harry Strawser, et. al.

Counsel for Plaintiffs:
Frederick M. Neiswender, Esquire
Supreme Court No. 74456
501 East Market Street, Suite 3
Clearfield, Pennsylvania 16830
(814) 765-6500

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

OCT 10 2005

Attest

Prothonotary
Clerk of Courts

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

HARRY STRAWSER, HARRY STRAW,
TIMOTHY STRAW, JEFFREY STRAW,
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ROBERT HOLLAND, JOHN A. BARAN
and ROBIN E. BARAN, husband and wife,
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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.

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1 North Second Street
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(814) 765-2641

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

HARRY STRAWSER, HARRY STRAW,
TIMOTHY STRAW, JEFFREY STRAW,
BRIAN RHINESMUTH and
BRIAN DAVIS,

Plaintiffs,

vs.

No. 05 - - CD

ROBERT HOLLAND, JOHN A. BARAN
and ROBIN E. BARAN,

Defendants.

COMPLAINT

AND NOW, come the Plaintiffs, HARRY STRAWSER, HARRY STRAW, TIMOTHY STRAW, JEFFREY STRAW, BRIAN RHINESMUTH and BRIAN DAVIS, by and through their attorney, FREDERICK M. NEISWENDER, ESQUIRE, and file this Complaint against the Defendants, ROBERT HOLLAND, JOHN A. BARAN and ROBIN E. BARAN, husband and wife, on a cause of action upon which the following is a statement:

1. Plaintiffs, HARRY STRAWSER, HARRY STRAW, TIMOTHY STRAW, JEFFREY STRAW, BRIAN RHINESMUTH and BRIAN DAVIS [hereinafter referred to as "Plaintiffs"], are adult individuals with the primary tenant HARRY STRAWSER residing at 1115 Dartmouth Road, Hummelstown, Dauphin County, Pennsylvania 17036.

2. Defendant, ROBERT HOLLAND [hereinafter referred to as "Defendant Holland"], is an adult individual with a mailing address of P.O. Box 367, Curwensville, Clearfield County, Pennsylvania 16833.

3. Defendant, JOHN A. BARAN [hereinafter referred to as "Defendant Baran"], is an adult individual, residing at 511 East Spruce Street, Philipsburg, Centre County, Pennsylvania 16866.

4. Defendant, ROBIN E. BARAN [hereinafter referred to as "Defendant Baran"], is an adult individual, residing at 844 Thorn Street #63, Sewickley, Allegheny County, Pennsylvania 15143.

5. Plaintiffs own property comprising land and a camp in Knox Township, Clearfield County, Pennsylvania, consisting of 358.9837 acres to which they took title by deed of record in the Clearfield County Courthouse on August 2, 2002 recorded at Instrument Number 200212501. *See attached Exhibits "A" and "B"*

COUNT I – CONVERSION

6. Plaintiffs restate and incorporate Paragraphs 1 through 5 above as if stated at length herein.

7. Sometime in 2003, Defendant Holland entered into a contract to cut timber on property allegedly owned by Defendants Baran.

8. Plaintiffs believe and therefore aver that the property that is the subject of this contract is in fact part of their property described above.

9. Subsequent to the contract signing, an agent for Defendant Holland was observed cutting and removing timber from Plaintiffs' property. Plaintiffs informed the agent that he was trespassing and requested that he cease and desist from the further cutting of timber. The agent complied with their request.

10. Sometime in July 2004, Defendant Holland renewed his contract with Defendants Baran to resume cutting timber on the subject property.

11. On or about the week of September 26, 2005, an agent for Defendant Holland resumed cutting timber on the subject property.

12. Agents for Defendant Holland were observed cutting the timber into billets and removing it in pick-up trucks.

13. When the agents for Defendant Holland realized that they were being observed they ran from the property leaving behind their equipment and the cut timber.

14. Upon learning that the timbering had resumed, Plaintiffs called the Pennsylvania State Police for assistance.

15. When the police arrived, an agent for Defendant Holland presented them with a contract, which he stated gave Defendant Holland a right to cut timber on the subject property. The police subsequently declined to file a criminal complaint.

16. Agents for Defendant Holland continue to remove timber from the Plaintiffs' property.

17. Plaintiffs have suffered a significant loss to the value of their property as a result of the actions of the Defendants.

18. Plaintiffs have suffered a significant loss of valuable timber as a result of the actions of the Defendants.

WHEREFORE, Plaintiffs request this Court enter judgement against Defendant in an amount in excess of \$20,000.00.

COUNT II - TRESPASS

19. Plaintiffs restate and incorporate Paragraphs 1 through 18 above as if stated at length herein.

20. The entire perimeter of Plaintiffs' property, as described above, is posted with "No Trespassing" signs and the perimeter trees are painted to delineate a clear boundary line.

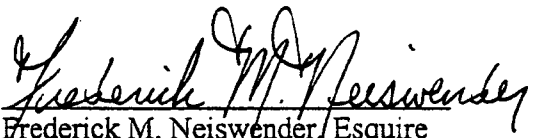
21. Defendants have ignored these signs, entered onto Plaintiffs' property, and caused significant damage.

22. Plaintiffs have suffered a significant loss to the value of their property as a result of the actions of the Defendants.

23. Plaintiffs have suffered a significant loss of valuable timber as a result of the actions of the Defendants.

WHEREFORE, Plaintiffs request this Court enter judgement against Defendant in an amount in excess of \$20,000.00.

Respectfully submitted,


Frederick M. Neiswender, Esquire
Counsel for Plaintiffs

THIS DEED,

MADE THE 2nd day of , AUGUST, in the year two thousand two (2002),

BETWEEN CHARLES M. COLONY, DOROTHY I. COLONY and ERIC E. EMINHIZER, individually and as partners trading as FERGUSON VALLEY HARDWOODS, with its principal place of business at 501 Electric Avenue, Lewistown, Mifflin County, Pennsylvania, Grantor

AND

HARRY STRAWSER, HARRY STRAW, TIMOTHY STRAW, JEFFREY STRAW, BRIAN DAVIS and BRIAN RHINESMITH, as tenants in common, Grantees

WITNESS, that in consideration of One Hundred Thirty Thousand (\$130,000.00) Dollars, in hand paid, the receipt whereof is hereby acknowledged, the said Grantor does hereby grant and convey to the said Grantees,

ALL THAT CERTAIN piece, parcel or tract of land situate in the Township of Knox, County of Clearfield and State of Pennsylvania, bounded and described on Schedule "A" attached.

SUBJECT, HOWEVER, to all exceptions, reservations, restrictions, leases, interests, covenants, agreements, rights-of-way and easements contained in, and/or conveyed and/or granted by, prior instruments of writing of record in the chain of title, insofar as they may still be in force and effect; all easements apparent on the premises; municipal zoning ordinances; building codes; laws, ordinances or governmental regulations relating to sewage disposal; and, all laws, ordinances and regulations relating to subdivisions.


EXCEPTING AND RESERVING unto the grantors herein all oil and gas rights.

NOTWITHSTANDING the reservation of the oil and gas rights set forth above grantors convey unto the grantee all the "House Gas" rights under any existing oil and gas leases. Grantee agrees for it and its heirs and assigns to release and indemnify grantor for any liability for personal or property damage resulting from grantees use of the House Gas.

TOGETHER WITH the appurtenances.

Exhibit "B"

NOTICE – Grantee (hereinafter, whether one or more, called “Grantee”) hereby agrees that he 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.


Harry Strawser

NOTE – 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 in the manner provided in Section 1 of the Act of July 17, 1957, P.L. 984, as amended, and is not intended as notice of unrecorded instruments, if any.]

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

Sealed and delivered in the presence of

Charles M. Colony
CHARLES M. COLONY, individually
and as a partner of Ferguson Valley
Hardwoods

Dorothy J. Colony
DOROTHY J. COLONY, individually
and as a partner of Ferguson Valley
Hardwoods

Eric E. Eminhizer
ERIC E. EMINHIZER, individually
and as a partner of Ferguson Valley
Hardwoods

CERTIFICATE OF RESIDENCE

I hereby certify, that the precise residence of the Grantees herein is as follows:

1955 LANDAVATER ROAD, Hummelstown PA 17036

Daniel Z. Searer
Attorney for Grantees

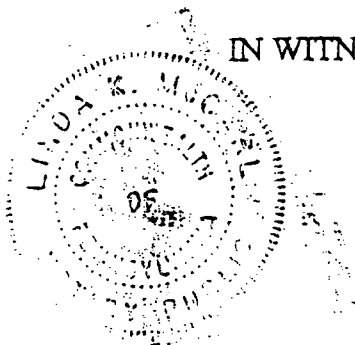
COMMONWEALTH OF PENNSYLVANIA

SS:

COUNTY OF MIFFLIN

On this, the 2nd day of August, 2002, before me, the undersigned officer, personally appeared CHARLES M. COLONY, DOROTHY I. COLONY and ERIC E. EMINHIZER, individually and as partners of FERGUSON VALLEY HARDWOODS, known to me (or satisfactorily proven) to be the persons 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.



Linda K. McCart
Notary Public

Notarial Seal
Linda K. McCart, Notary Public
Lewistown Boro, Mifflin County
My Commission Expires Sept. 21, 2002
Member, Pennsylvania Association of Notaries

RECORDED in the Office for Recording of Deeds, etc., in and for said County, in Record Book _____, Page _____.

WITNESS my hand and official seal this _____ day of _____, 200__.

Recorder of Deeds

KAREN L. STARCK
REGISTER AND RECORDER
CLEARFIELD COUNTY
Pennsylvania

INSTRUMENT NUMBER

200212501

RECORDED ON

AUG 06, 2002

1:57:01 PM

Total Pages: 6

RECORDING FEES - \$20.00

RECORDER

COUNTY IMPROVEMENT \$2.00

FUND

RECORDER \$3.00

IMPROVEMENT FUND

STATE TRANSFER \$1,300.00

TAX

STATE WRIT TAX \$0.50

KNOX TOWNSHIP \$650.00

SCHOOLS

CLEARFIELD AREA \$650.00

TOTAL \$2,625.50

CUSTOMER

THOMPSON, DAVID

SCHEDULE "A"

ALL THAT CERTAIN parcel of land located in Knox Township, Clearfield County, Pennsylvania, more fully bounded and described as follows, to wit:

BEGINNING at a post being the common corner of four separate warrants, to wit, Caleb Foulk, Jr. warrant, George Wescot warrant, also the John Pierre warrant and the Owen Foulk warrant, of which latter two warrants this tract is a part; thence along the line of land now or formerly of Carnwath Coal company South 34 degrees 30 minutes East 915 feet to a post, being the Northwest corner of a 27.67 acre tract formerly the property of Witherow, now or formerly of R.D. Tonkin; thence along the Northern line of same North 56 degrees 30 minutes East 676.5 feet to post; thence South 34 degrees 30 minutes East 4851 feet to post, being the southeast corner of a 20.5 acres tract formerly the property of Witherow, now or formerly of R.D. Tonkin; thence South 56 degrees 30 minutes West 676.5 feet to post on line between John Pierre warrant and Owen Foulk warrant; thence continuing into the Owen Foulk warrant South 56 degrees 30 minutes West 705 feet to a post; thence South 34 degrees 30 minutes East 429 feet to post near hickory tree and on line between Owen Foulk warrant and William Hunter warrant; thence South 56 degrees 30 minutes West 1361 feet to post; thence North 34 degrees 30 minutes West along line of lands now or formerly of Jackson and also of Joseph Witherow 6195 feet to stone on line of land of Caleb Foulk, Jr. warrant; thence North 56 degrees 30 minutes East 2066 feet to place of beginning.

UNDER AND SUBJECT, nevertheless, to all existing easements, conditions, restrictions, and covenants of record, including the reservation of all oil and gas in and underlying the same, together with the free right of ingress and egress and all privileges necessary to prospect for, develop and take away the said oil and gas.

BEING the premises which Ferguson Valley Hardwoods, became seized by deed of Eugene Orwick, et al, dated December 15, 1998, and recorded in the Recorder's Office of Clearfield County, Pennsylvania, at Instrument Number 199801233.

AND the said Grantor will **SPECIALLY WARRANT** the property hereby conveyed.

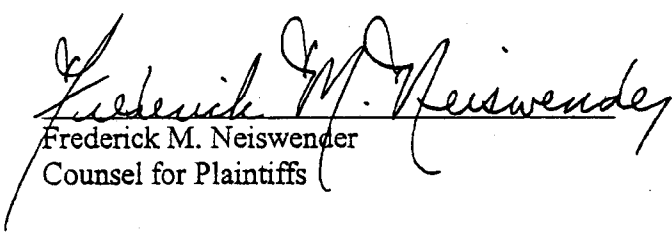
GRANTOR certifies that no hazardous waste, within the meaning of the Solid Waste Management Act of 1980, is presently being disposed of or has ever been disposed of by the Grantor or to the Grantor's actual knowledge in or upon the premises above described.

VERIFICATION

FREDERICK M. NEISWENDER, ESQUIRE hereby states that he is Counsel for the Plaintiffs' in this action and that the statements of fact made in the foregoing Complaint are true and correct upon opinion and belief based on information provided to him by the Plaintiffs. The undersigned is verifying this Petition on behalf of the Plaintiffs as per the Pennsylvania Rules of Civil Procedure due to the fact that the Plaintiffs reside outside the jurisdiction of this Court and time constraints do not permit their verification of the Complaint. Both the Plaintiffs and the undersigned understand the statements herein are made subject to the penalties of 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities.

Date: _____

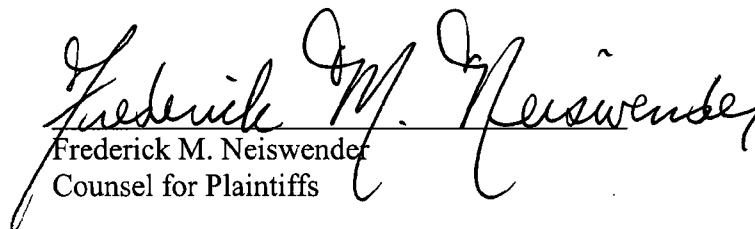
Oct 7, 2005


Frederick M. Neiswender
Counsel for Plaintiffs

VERIFICATION

FREDERICK M. NEISWENDER, ESQUIRE hereby states that he is Counsel for the Plaintiffs' in this action and that the statements of fact made in the foregoing Preliminary Injunction are true and correct upon opinion and belief based on information provided to him by the Plaintiffs. The undersigned is verifying this Petition on behalf of the Plaintiffs as per the Pennsylvania Rules of Civil Procedure due to the fact that the Plaintiffs reside outside the jurisdiction of this Court and time constraints do not permit their verification of the Preliminary Injunction. Both the Plaintiffs and the undersigned understand the statements herein are made subject to the penalties of 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities.

Date: Oct. 10, 2005


Frederick M. Neiswender
Counsel for Plaintiffs

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

HARRY STRAWSER, HARRY STRAW,
TIMOTHY STRAW, JEFFREY STRAW,
BRIAN RHINESMUTH and
BRIAN DAVIS,

Plaintiffs,

vs.

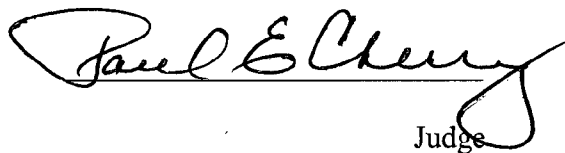
ROBERT HOLLAND, JOHN A. BARAN
and ROBIN E. BARAN, husband and wife,
Defendants.

No. 05 - 1570 - CD

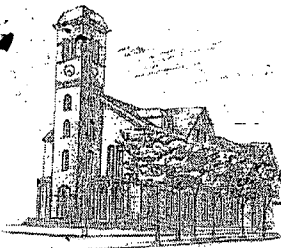
RULE RETURNABLE

NOW, this 11th day of October 2005, upon consideration of Plaintiffs' Preliminary Injunction, a Rule is hereby issued upon the Defendants, Robert Holland, John A. Baran and Robin E. Baran, to show cause why the Preliminary Injunction should not be granted. Rule Returnable for Answer by the Defendants and hearing on said Preliminary Injunction to be held on the 14th day of October, 2005, at 1:00 o'clock P. m. in Courtroom No. 2 of the Clearfield County Courthouse.

BY THE COURT,


Judge

FILED ^{5cc}
01/10/21/04
OCT 11 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

X You are responsible for serving all appropriate parties.

e 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 ACTION)

HARRY STRAWSER, HARRY STRAW,
TIMOTHY STRAW, JEFFREY STRAW,
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vs.

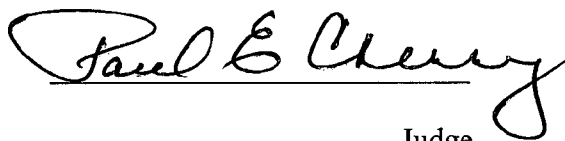
ROBERT HOLLAND, JOHN A. BARAN
and ROBIN E. BARAN, husband and wife,
Defendants.

No. 05 - 1570 - CD

ORDER

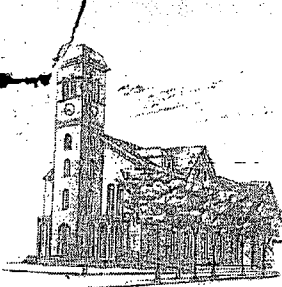
NOW, this 11th day of October 2005, upon consideration of Plaintiffs' Preliminary Injunction, it is the ORDER of this Court that the Preliminary Injunction be and is hereby GRANTED. The Defendants, Robert Holland, John A. Baran, Robin E. Baran and their agents are hereby enjoined from entering, cutting and removing timber from the property in Knox Township, Clearfield County, Pennsylvania that is the subject of Plaintiffs' Complaint until a hearing can be held in this matter.

BY THE COURT,


Judge

FILED^{5cc}
01/10/21/05 *Any new order*
OCT 11 2005 *(N)*

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

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Administrative Assistant

To: All Concerned Parties

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Sincerely,

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Prothonotary

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 Plaintiff(s)/Attorney(s)

 Defendant(s)/Attorney(s)

 Other

 Special Instructions:

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

HARRY STRAWSER, HARRY STRAW,
TIMOTHY STRAW, JEFFREY STRAW,
BRIAN RHINESMUTH and
BRIAN DAVIS,
Plaintiffs

vs.

ROBERT HOLLAND, JOHN A. BARAN
and ROBIN E. BARAN, husband and wife,
Defendants

No. 05-1570-CD

Type of Case:
CIVIL

Type of Pleading:
PRELIMINARY OBJECTIONS

Filed on Behalf of:
Defendant Robert Holland

Counsel of Record for this Party:
Peter F. Smith, Esquire
Supreme Court ID #34291
30 South Second Street
P. O. Box 130
Clearfield, PA 16830
(814) 765-5595

Counsel of Record for Plaintiffs:
Frederick M. Neiswender, Esquire
Supreme Court ID #74456
501 East Market Street, Suite 3
Clearfield, PA 16830
(814) 765-6500

FILED
OCT 13 2005

William A. Shaw
Prothonotary/Clerk of Courts

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

HARRY STRAWSER, HARRY STRAW,	:	
TIMOTHY STRAW, JEFFREY STRAW,	:	No. 05-1570-CD
BRIAN RHINESMUTH and	:	
BRIAN DAVIS,	:	
Plaintiffs	:	
	:	
vs.	:	
	:	
ROBERT HOLLAND, JOHN A. BARAN	:	
and ROBIN E. BARAN, husband and wife,	:	
Defendants	:	

PRELIMINARY OBJECTIONS

COMES NOW, Defendant ROBERT HOLLAND by his attorney Peter F. Smith, who makes the following preliminary objections to the Petition for a Preliminary Injunction and the Complaint filed in this matter:

1. The Petition and Complaint are legally insufficient because they fail to set forth facts establishing the Plaintiffs' ownership of the property actually at issue. Pa.R.C.P. 1028(a)(4).
2. The Petition and Complaint are legally insufficient because they fail to set forth facts establishing that the Plaintiffs are in possession of the property actually at issue. Pa.R.C.P. 1028(a)(4).
3. Therefore, the Plaintiffs must first bring either an Action to Quiet Title and/or an Action in Ejectment against the Defendants.
4. The Petition and Complaint are insufficient to establish Plaintiffs' entitlement to equitable relief because they have a full, complete and adequate non-statutory remedy of law. Pa.R.C.P. 1028(a)(8).

5. Plaintiffs' claim for equitable relief is barred by the Doctrine of Unclean Hands.

6. Plaintiffs' claim for equitable relief is barred by the Doctrine of Laches.

7. Counsel for Mr. Holland wrote to Plaintiff Harry Strawser on May 13, 2004 and again on June 8, 2005. Copies of those letters are attached. The Plaintiffs were given an opportunity to establish their claim to the property in question and avoid this litigation. Neither they nor an attorney on their behalf responded.

Their silence is an admission of the Barans' title and Mr. Holland's right to enter the premises and cut timber pursuant to his agreement with the Barans.

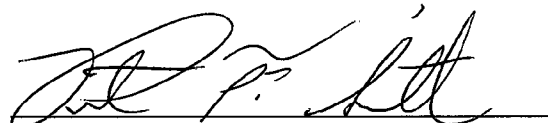
8. The Preliminary Injunction was improperly issued because:

- a. Plaintiffs did not post a bond pursuant to Pa.R.C.P. 1531(b); and,
- b. Their Petition is not properly verified by a person with personal knowledge of the facts averred therein as required by Pa.R.C.P. 1024(a).

WHEREFORE, the Defendant prays that this Honorable Court enter an Order dissolving the Preliminary Injunction and dismissing both the Petition and Complaint with prejudice.

Respectfully submitted,

Date: 10/13/05



Peter F. Smith, Esquire
Attorney for Defendant Robert Holland

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

HARRY STRAWSER, HARRY STRAW,	:	
TIMOTHY STRAW, JEFFREY STRAW,	:	No. 05-1570-CD
BRIAN RHINESMUTH and	:	
BRIAN DAVIS,	:	
Plaintiffs	:	
	:	
vs.	:	
	:	
ROBERT HOLLAND, JOHN A. BARAN	:	
and ROBIN E. BARAN, husband and wife,	:	
Defendants	:	

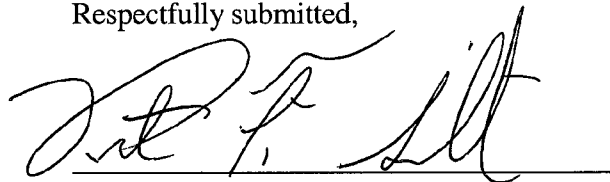
PRAECIPE

To: William A. Shaw, Prothonotary

Dear Sir:

Please enter my appearance as attorney for Defendant Robert Holland in the above-captioned matter.

Respectfully submitted,



Peter F. Smith, Esquire
Attorney for Robert Holland
Supreme Court I.D. # 34291
P. O. Box 130, 30 South Second Street
Clearfield, PA 16830
(814) 765-5595

Date:

10/13/05

FILED *no ec*
013:554
OCT 13 2005 *LM*

William A. Shaw
Prothonotary/Clerk of Courts

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

HARRY STRAWSER, HARRY STRAW, :
TIMOTHY STRAW, JEFFREY STRAW, : No. 05-1570-CD
BRIAN RHINESMUTH and :
BRIAN DAVIS, :
Plaintiffs :
vs. :
ROBERT HOLLAND, JOHN A. BARAN :
and ROBIN E. BARAN, husband and wife, :
Defendants :

CERTIFICATE OF SERVICE

I, Peter F. Smith, attorney for Defendant Robert Holland in the above-captioned matter, certify that I sent a true and correct copy of **PRELIMINARY OBJECTIONS, ENTRY OF APPEARANCE and DEFENDANT ROBERT HOLLAND'S MEMORANDUM** by U.S. First Class Mail, Postage Pre-Paid to the attorney for the Plaintiffs on October 13, 2005 at the following address:

Frederick M. Neiswender, Esquire
501 East Market Street, Suite 3
Clearfield, PA

Respectfully submitted,



Date: October 13, 2005

Peter F. Smith, Esquire
Attorney for Robert Holland
Supreme Court I.D. # 34291
P. O. Box 130, 30 South Second Street
Clearfield, PA 16830
(814) 765-5595

FILED *no cc*
013:55/BA
OCT 13 2005
William A. Shaw
Prothonotary/Clerk of Courts

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

HARRY STRAWSER, HARRY STRAW, *
TIMOTHY STRAW, JEFFREY STRAW, *
BRIAN RHINESMUTH and *
BRIAN DAVIS *
Plaintiffs *

VS. *

ROBERT HOLLAND, JOHN A. BARAN *
and ROBIN E. BARAN, *
Defendants *

No. 05-1570-CD

Type of Pleading:
ENTRY OF APPEARANCE

Filed on behalf of:
JOHN A. BARAN and ROBIN E. BARAN, Defendants

Counsel for Defendants John A. Baran and Robin E. Baran:

TIMOTHY E. DURANT, ESQ.
Pa. I.D. No. 21352
201 North Second Street
Clearfield, PA 16830
(814) 765-1711

Counsel For Defendant
Robert Holland:

Peter F. Smith, Esq.
Pa. I.D. No. 34291
30 North 2nd Street
Clearfield, PA 16830
(814) 765-5595

Counsel For Plaintiffs:

Frederick M. Neiswender, Esq
Pa. I. D. No. 74456
501 E. Market St., Suite 3
Clearfield, PA 16830
(814) 765-6500

Filed by:


Timothy E. Durant, Esq.

FILED

O 1:42 P.M. 6K

OCT 14 2005

4 CC TO ATTY

GW

W
Prothonotary

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

HARRY STRAWSER, HARRY STRAW, *
TIMOTHY STRAW, JEFFREY STRAW, *
BRIAN RHINESMUTH and *
BRIAN DAVIS *
Plaintiffs *

VS. *

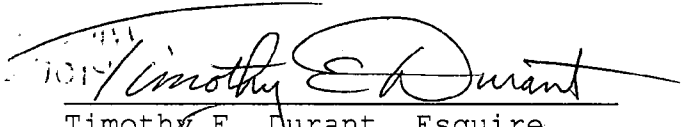
No. 05-1570-CD

ROBERT HOLLAND, JOHN A. BARAN *
and ROBIN E. BARAN, *
Defendants *

ENTRY OF APPEARANCE

Please enter my appearance for Defendants, John A. Baran and
Robin E. Baran in regard to the above-captioned matter.

FILED
OCT 17 2005


Timothy E. Durant, Esquire
I.D. No. 21352
201 North Second Street
Clearfield, PA 16830
(814) 765-1711

Dated: October 14, 2005

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

**HARRY STRAWSER, HARRY STRAW,
TIMOTHY STRAW, JEFFREY STRAW,
BRIAN RHINESMUTH and
BRIAN DAVIS**

Plaintiffs

vs.

**ROBERT HOLLAND, JOHN A. BARAN
and ROBIN E. BARAN, husband and wife**
Defendants

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*
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No. 05-1570-CD

Type of Pleading:
PRELIMINARY OBJECTIONS

Filed on Behalf of:

Defendants: John A. Baran, and
Robin E. Baran

Counsel of Record for Defendants
John A. Baran and Robin E. Baran:

Timothy E. Durant, Esq.

Pa. I.D. No. 21352
201 North Second Street
Clearfield, PA 16830
(814) 765-1711

Counsel of Record For Defendant
Robert Holland:

Peter F. Smith, Esquire

Pa. I.D. No. 34291
30 South Second Street
PO Box 130
Clearfield, PA 16830
(814) 765-5595

Counsel of Record for Plaintiffs:

Frederick M. Neiswender, Esquire

Pa. I.D. No. 74456
501 East Market Street, Suite 3
Clearfield, PA 16830
(814) 765-6500

FILED ^{SCC}
Timothy E. Durant
NOV 03 2005 @

William A. Shaw
Prothonotary/Clerk of Courts

Filed by:

Timothy E. Durant
Timothy E. Durant, Esq.

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

**HARRY STRAWSER, HARRY STRAW,
TIMOTHY STRAW, JEFFREY STRAW,
BRIAN RHINESMUTH and
BRIAN DAVIS**

Plaintiffs

vs.

**ROBERT HOLLAND, JOHN A. BARAN
and ROBIN E. BARAN, husband and wife**
Defendants

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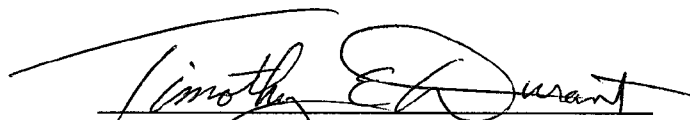
No. 05-1570-CD

To all plaintiffs
c/o **Frederick M. Neiswender, Esquire**
501 East Market Street, Suite 3
Clearfield, PA 16830

NOTICE TO PLEAD

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

November 3, 2005



Timothy E. Durant, Esquire
Attorney for Defendant
201 North Second Street
Clearfield, PA 16830

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

**HARRY STRAWSER, HARRY STRAW,
TIMOTHY STRAW, JEFFREY STRAW,
BRIAN RHINESMUTH and
BRIAN DAVIS**

Plaintiffs

vs.

**ROBERT HOLLAND, JOHN A. BARAN
and ROBIN E. BARAN, husband and wife**

Defendants

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No. 05-1570-CD

PRELIMINARY OBJECTIONS

Defendants JOHN A. BARAN and ROBIN E. BARAN by their attorney Timothy E. Durant,
file the following preliminary objections to the Petition for a Preliminary Injunction as well as the
Complaint filed in this matter:

Demurrer

1. The Petition and Complaint are legally insufficient because they fail to set forth facts
establishing the Plaintiffs' ownership of the property actually at issue. See Pa. R.C.P. 1028(a)(4).

2. The Petition and Complaint are legally insufficient because they fail to set forth facts
establishing that the Plaintiffs are in possession of the property which is actually at issue. See Pa.
R.C.P. 1028(a)(4).

3. Therefore, the Plaintiffs must first bring either an Action to Quiet Title and/or an Action
in Ejectment against the Defendants.

Adequate Remedy at Law

4. The Petition and Complaint are insufficient to establish Plaintiffs' entitlement to equitable

relief because they have a full, complete and adequate non-statutory remedy at law. See Pa. R.C.P. 1028(a)(8).

5. Plaintiffs' claim for equitable relief is barred by the Doctrine of Unclean Hands.

6. Plaintiffs' claim for equitable relief is barred by the Doctrine of Laches.

7. Counsel for Defendant Robert. Holland wrote to Plaintiff Harry Strawser on May 13, 2004 and again on June 8, 2005. Copies of those letters were attached to the Preliminary Objections filed by Robert Holland.. Plaintiffs were given an opportunity to establish their claim to the property in question and avoid this litigation. Neither they nor any attorney on their behalf responded. Plaintiffs' silence is an admission of the Barans' title and Mr. Holland's right to enter the premises and cut timber pursuant to his agreement with the Barans.

8. The Preliminary Injunction of October 11, 2005 was improperly issued because:

- a. Plaintiffs did not post a bond pursuant to Pa.R.C.P. 1531(b); and,
- b. Their Petition is not properly verified by a person with personal knowledge of the facts averred therein as required by Pa.R.C.P. 1024(a) (i.e. none of the Plaintiffs signed it).

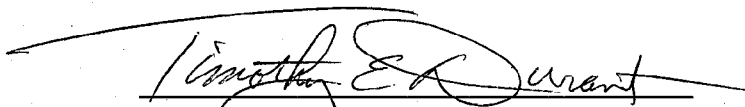
9. After scheduling a hearing before this Court (for 1:00 p.m. on October 14, 2005) to determine whether the ex-parte injunction should be continued, none of the Plaintiffs appeared and thus no testimony was presented by Plaintiffs.

10. At the hearing on October 14, 2005 this Court would not accept testimony from Defendant Robert Holland who was then and there present and prepared to testify.

11. As of the date of this filing the ex-parte injunction, filed without any bond and not verified by anyone with personal knowledge remains in place preventing the legitimate use by defendant Barans' of their property.

WHEREFORE, the Defendants, JOHN A. BARAN and ROBIN E. BARAN pray that this Honorable Court enter an Order dissolving the Preliminary Injunction and dismissing both the Petition and Complaint with prejudice.

Respectfully submitted

A handwritten signature in dark ink, appearing to read "Timothy E. Durant", is written over a horizontal line.

Timothy E. Durant, Esquire, Attorney for
Defendants John A. Baran and Robin E. Baran

November 2, 2005

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

**HARRY STRAWSER, HARRY STRAW,
TIMOTHY STRAW, JEFFREY STRAW,
BRIAN RHINESMUTH and
BRIAN DAVIS**

Plaintiffs

vs.

**ROBERT HOLLAND, JOHN A. BARAN
and ROBIN E. BARAN, husband and wife**
Defendants

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No. 05-1570-CD

AFFIDAVIT OF SERVICE

I, Timothy E. Durant, Esquire, hereby verify that I have this date placed a certified copy of the PRELIMINARY OBJECTIONS filed on November 3, 2005 for Defendants, John A. Baran and Robin E. Baran in this matter, in the U.S. Mail, prepaid, to counsel as follows:

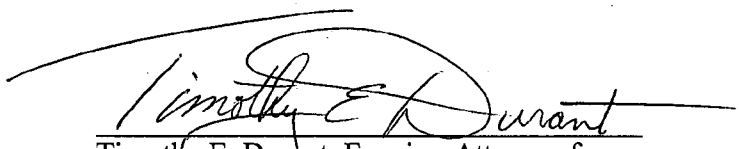
For Plaintiffs:

FREDERICK M. NEISWENDER, ESQUIRE
501 East Market Street, Suite 3
Clearfield, PA 16830

Counsel of Record For Defendant Robert Holland:

PETER F. SMITH, ESQUIRE
30 South Second Street
PO Box 130
Clearfield, PA 16830

Dated: November 3, 2005


Timothy E. Durant, Esquire, Attorney for
Defendants John A. Baran and Robin E. Baran

FILED

NOV 03 2005

William A. Shaw
Prothonotary/Clerk of Courts

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

HARRY STRAWSER, HARRY STRAW, : NO. 05-1570-CD
TIMOTHY STRAW, JEFFREY STRAW, :
BRIAN RHINESBUTH and :
BRIAN DAVIS, :
Plaintiffs :

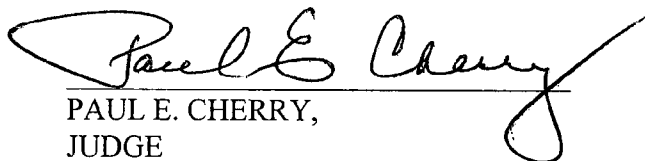
V. :

ROBERT HOLLAND, JOHN A. BARAN :
and ROBIN E. BARAN, husband and wife, :
Defendants :

ORDER

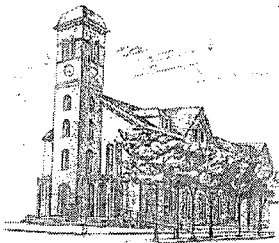
AND NOW, this 7th day of November, 2005, following argument on Plaintiff's Preliminary Injunction and upon consideration of same, the Court having reviewed all documentation provided to it by counsel for all parties, it is the ORDER of this Court that said Preliminary Injunctions shall be and is hereby DISSOLVED. It is the further ORDER of this Court that Plaintiff's Petition and Complaint shall be and are hereby DISMISSED.

BY THE COURT,


PAUL E. CHERRY,
JUDGE

FILED 100 Atty's:
D/10: 24/01 Atty's: Neiswander
NOV 08 2005 P. Smith
JW Durant

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.

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

 X Plaintiff(s)/Attorney(s)

 X Defendant(s)/Attorney(s)

_____ Other

_____ Special Instructions:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100868
NO: 05-1570-CD
SERVICE # 1 OF 2
COMPLAINT, PRELIMINARY INJUNCTION, RULE &

ORDER

PLAINTIFF: HARRY STRAWSER, HARRY STRAW, TIMOTHY STRAW, JEFFREY STRAW, BRIAN RHINESMUTH & BRIAN DAVIS

vs.

DEFENDANT: ROBERT HOLLAND, JOHN A. BARAN and ROBIN E. BARAN

SHERIFF RETURN

NOW, October 11, 2005, SHERIFF OF CENTRE COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT, PRELIMINARY INJUNCTION, RULE & ORDER ON JOHN A. BARAN.

NOW, October 12, 2005 ATTEMPTED TO SERVE THE WITHIN COMPLAINT, PRELIMINARY INJUNCTION, RULE & ORDER ON JOHN A. BARAN, DEFENDANT. THE RETURN OF CENTRE COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN MARKED "NOT FOUND".

FILED
9/2:30 am
DEC 12 2005 (5)

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100868

NO: 05-1570-CD

SERVICE # 2 OF 2

COMPLAINT, PRELIMINARY INJUNCTION, RULE &

ORDER

PLAINTIFF: HARRY STRAWSER, HARRY STRAW, TIMOTHY STRAW, JEFFREY STRAW, BRIAN RHINESMUTH
& BRIAN DAVIS

vs.

DEFENDANT: ROBERT HOLLAND, JOHN A. BARAN and ROBIN E. BARAN

SHERIFF RETURN

NOW, October 11, 2005, SHERIFF OF ALLEGHENY COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT, PRELIMINARY INJUNCTION, RULE & ORDER ON ROBIN E. BARAN.

NOW, October 14, 2005 AT 2:45 PM SERVED THE WITHIN COMPLAINT, PRELIMINARY INJUNCTION, RULE & ORDER ON ROBIN E. BARAN, DEFENDANT. THE RETURN OF ALLEGHENY COUNTY IS HERETO **ATTACHED** AND MADE PART OF THIS RETURN.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100868
NO: 05-1570-CD
SERVICES 2
COMPLAINT, PRELIMINARY INJUNCTION, RULE &

ORDER

PLAINTIFF: HARRY STRAWSER, HARRY STRAW, TIMOTHY STRAW, JEFFREY STRAW, BRIAN
RHINESMUTH & BRIAN DAVIS

vs.

DEFENDANT: ROBERT HOLLAND, JOHN A. BARAN and ROBIN E. BARAN

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	NEISWENDER	2071	20.00
SHERIFF HAWKINS	NEISWENDER	2071	47.00
CENTRE CO.	NEISWENDER	2070	42.00
ALLEGHENY CO.	NEISWENDER	2072	50.00
SHEILA O'BRIEN, NOT	NEISWENDER	2073	5.00

Sworn to Before Me This

_____ Day of _____ 2005

So Answers,



Chester A. Hawkins
Sheriff

SHERIFF'S OFFICE

CENTRE COUNTY

Rm 101 Court House, Bellefonte, Pennsylvania, 16823 (814) 355-6803

1163

SHERIFF SERVICE PROCESS RECEIPT, AND AFFIDAVIT OF RETURN

INSTRUCTIONS FOR SERVICE OF PROCESS: You must file one instruction sheet for each defendant. please type or print legibly. Do Not detach any copies.

1. Plaintiff(s)

Harry Strawser, et al

2. Case Number

05-157

3. Defendant(s)

John A. Baron

4. Type of Writ or Complaint:

Complaint, Rule & Order

SERVE

AT

5. Name of Individual, Company, Corporation, Etc., to Serve or Description of Property to be Levied, Attached or Sold.

John A. Baron

6. Address (Street or RFD, Apartment No., City, Boro, Twp., State and Zip Code)

511 E Spruce street, Philipsburg, Pa 16866

7. Indicate unusual service: ☐ Reg Mail ☐ Certified Mail ☐ Deputize ☐ Post ☐ Other

Now, _____ 20____. I SHERIFF OF CENTRE COUNTY, PA., do hereby deputize the Sheriff of _____ County to execute this Writ and make return thereof according to law. This deputation being made at the request and risk of the plaintiff. _____ Sheriff of Centre County

8. SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE

NOTE ONLY APPLICABLE ON WRIT OF EXECUTION: N.B. WAIVER OF WATCHMAN - Any deputy sheriff levying upon or attaching any property under within writ may leave same without a watchman, in custody of whomever is found in possession, after notifying person of levy or attachment, without liability on the part of such deputy or the sheriff to any plaintiff herein for any loss, destruction or removal of any such property before sheriff's sale thereof.

9. Print/Type Name and Address of Attorney/Originator

10. Telephone Number

11. Date

12. Signature

SPACE BELOW FOR USE OF SHERIFF ONLY - DO NOT WRITE BELOW THIS LINE

13. I acknowledge receipt of the writ or complaint as indicated above.

SIGNATURE of Authorized CCSD Deputy of Clerk and Title

14. Date Filed

15. Expiration/Hearing Date

TO BE COMPLETED BY SHERIFF

16. Served and made known to _____, on the _____ day of _____, 20____, at _____ o'clock, _____ m., at _____, County of Centre

Commonwealth of Pennsylvania, in the manner described below:

- ☐ Defendant(s) personally served.
- ☐ Adult family member with whom said Defendant(s) resides(s). Relationship is _____
- ☐ Adult in charge of Defendant's residence.
- ☐ Manager/Clerk of place of lodging in which Defendant(s) resides(s).
- ☐ Agent or person in charge of Defendant's office or usual place of business.
- ☐ _____ and officer of said Defendant company.
- ☐ Other _____

On the 12 day of October, 2005, at 3:15 o'clock, P M.

Defendant not found because:

☒ Moved ☐ Unknown ☐ No Answer ☐ Vacant ☐ Other _____

Remarks:

844 Thorn st, Apt #63 Sewisley, Pa 15143

Advance Costs	Docket	Service	Sur Charge	Affidavit	Mileage	Postage	Misc.	Total Costs	Costs Due or Refund
75.00	9.00	3.00	-	2.50	24.00	.50	1.00	42.00	33.00

17. AFFIRMED and subscribed to before me this _____

So Answer.

18. Signature of Dep. Sheriff

19. Date

20. day of _____ 20____

21. Signature of Sheriff

22. Date

23. _____
Notary Public

SHERIFF OF CENTRE COUNTY

Amount Pd.

Page

My Commission Expires

24. I ACKNOWLEDGE RECEIPT OF THE SHERIFF'S RETURN SIGNATURE OF AUTHORIZED AUTHORITY AND TITLE.

25. Date Received



CHESTER A. HAWKINS
SHERIFF

Sheriff's Office Clearfield County

COURTHOUSE
1 NORTH SECOND STREET, SUITE 116
CLEARFIELD, PENNSYLVANIA 16830

OFFICE (814) 765-2641 EXT. 5986
AFTER 4:00 P.M. (814) 765-1533
FAX (814) 765-5915

ROBERT SNYDER
CHIEF DEPUTY

MARILYN HAMM
DEPT. CLERK

CYNTHIA AUGHENBAUGH
OFFICE MANAGER

PETER F. SMITH
SOLICITOR

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

PAGE 100868

TERM & NO. 05-1570-CD

HARRY STRAWSER, HARRY STRAW, TIMOTHY STRAW, JEFFREY STRAW, BRIAN RHINESMUTH & BRIAN DAVIS

COMPLAINT, PRELIMINARY INJUNCTION, RULE & ORDER

VS.

ROBERT HOLLAND, JOHN A. BARAN and ROBIN E. BARAN

HEARING
SERVE BY: 10/14/05

MAKE REFUND PAYABLE TO FRED M. NEI

SERVE: JOHN A. BARAN

ADDRESS: 511 EAST SPRUCE ST., PHILIPSBURG, PA 168

Know all men by these presents, that I, CHESTER A. HAWKINS, Sheriff of Clearfield County, State of Pennsylvania, do hereby deputize the SHERIFF to execute this writ. This Deputation being made at the request

Complaint expires 11/10/05

Hearing on Preliminary Injunction
Rule & ORDER - 10/14/05

RESPECTFULLY,

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

293247-49
pd 11/20

FW 100868
RUSH

ALLEGHENY COUNTY SHERIFF'S DEPARTMENT

436 GRANT STREET
PITTSBURGH, PA 15219-2496
PHONE (412) 350-4700
FAX (412) 350-6388

PETER R. DEFAZIO
Sheriff

DENNIS SKOSNIK
Chief Deputy

1008170

PLAINTIFF: HARRY STRAWSER a1

VS.

DEFT: ROBERT HOLLAND a1

DEFT: SERVED: ROBIN E. BARAN
844 Thorn S. #63
Sewickley, Pa. 15143

GARNISHEE:

ADDRESS:

MUNICIPALITY OR CITY WARD:

ATTY: Fred M. Neiswender

DATE: 20

ADDRESS: 501 E. Market St. Suite 3
Clearfield, Pa. 16830

ATTY'S PHONE: 814-765-6500

CASE#: 05-1570-CD

EXPIRES: 10/14/05

- ☐ SUMMONS/PRAECIPE
☐ SEIZURE OR POSSESSION
☒ NOTICE AND COMPLAINT - 10-14-05
☐ REVIVAL OR SCI FA
☐ INTERROGATORIES
☐ EXECUTION • LEVY OR GARNISHEE
☐ OTHER PRELIMINARY INJUNCTION

RULE & ORDER Exg. 10-14-05

INDICATE TYPE OF SERVICE: ☐ PERSONAL ☐ PERSON IN CHARGE ☒ DEPUTIZE ☐ MAIL ☐ POSTED ☐ OTHER ☐ LEVY ☐ SEIZED & STORED

NOW: October 11 20 05 I, SHERIFF OF ALLEGHENY COUNTY, PA do hereby deputize the Sheriff of ALLEGHENY County to execute this Writ and make return thereof according to law

NOTE: ONLY APPLICABLE ON WRIT OF EXECUTION: N.B. WAIVER OF WATCHMAN - Any deputy sheriff levying upon or attaching any property under within writ may leave same without a watchman, in custody of whomever is found in possession, after notifying person of levy or attachment, with out liability on the part of such deputy herein for any loss, destruction or removal of any such property before sheriff's sale thereof.

Seize, levy, advertise and sell all the personal property of the defendant on the premises located at:

MAKE MODEL MOTOR NUMBER SERIAL NUMBER LICENSE NUMBER

SHERIFF'S OFFICE USE ONLY

I hereby CERTIFY and RETURN that on the 14th day of OCTOBER, 20 05, at 2:45 o'clock, A.M./P.M. Address Above/ Address Below, County of Allegheny, Pennsylvania

I have served in the manner Described below:

- ☒ Defendant(s) personally served.
☐ Adult family member with whom said Defendant(s) reside(s). Name & Relationship
☐ Adult in charge of Defendant's residence who refused to give name or relationship.
☐ Manager/other person authorized to accept deliveries of United States Mail
☐ Agent or person in charge of Defendant(s) office or usual place of business.
☐ Other
☐ Property Posted

Defendant not found because: ☐ Moved ☐ Unknown ☐ No Answer ☐ Vacant ☐ Other

☐ Certified Mail ☐ Receipt ☐ Envelope Returned ☐ Neither receipt or envelope returned: writ expired

☐ Regular Mail Why

You are hereby notified that on _____, levy was made in the case of _____
Possession/Sale has been set for _____, 20 _____ at _____ o'clock

YOU MUST CALL DEPUTY ON THE MORNING OF SALE/POSSESSION BETWEEN 8:30 - 9:30 A.M.

ATTEMPTS

Additional Costs Due \$ _____, This is placed on writ when returned to Prothonotary. Please check before satisfying case.

PETER R. DEFAZIO, Sheriff

BY: [Signature] (DEPUTY)

Affirmed and subscribed before me this 25 day of OCT 2005

Notarial Seal
Sheila R. O'Brien, Notary Public
City of Pittsburgh, Allegheny County
My Commission Expires June 19, 2008

DISTRICT: 4

Member, Pennsylvania Association of Notaries

Pink Copy - Attorney

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

HARRY STRAWSER, HARRY STRAW,
TIMOTHY STRAW, JEFFREY STRAW,
BRIAN RHINESMUTH and
BRIAN DAVIS,

Plaintiffs,

vs.

No. 05 - 1570 - CD

ROBERT HOLLAND, JOHN A. BARAN
and ROBIN E. BARAN, husband and wife,
Defendants.

RULE RETURNABLE

NOW, this 11th day of October 2005, upon consideration of Plaintiffs' Preliminary Injunction, a Rule is hereby issued upon the Defendants, Robert Holland, John A. Baran and Robin E. Baran, to show cause why the Preliminary Injunction should not be granted. Rule Returnable for Answer by the Defendants and hearing on said Preliminary Injunction to be held on the 14th day of October, 2005, at 1:00 o'clock p. m. in Courtroom No. 2 of the Clearfield County Courthouse.

BY THE COURT,

/s/ Paul E. Cherry

Judge

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

OCT 11 2005

Attest

William B. Shaw
Prothonotary/
Clerk of Courts

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

HARRY STRAWSER, HARRY STRAW,
TIMOTHY STRAW, JEFFREY STRAW,
BRIAN RHINESMUTH and
BRIAN DAVIS,

Plaintiffs,

vs.

No. 05 - 1570 - CD

ROBERT HOLLAND, JOHN A. BARAN
and ROBIN E. BARAN, husband and wife,
Defendants.

ORDER

NOW, this 11th day of October 2005, upon consideration of Plaintiffs' Preliminary Injunction, it is the ORDER of this Court that the Preliminary Injunction be and is hereby GRANTED. The Defendants, Robert Holland, John A. Baran, Robin E. Baran and their agents are hereby enjoined from entering, cutting and removing timber from the property in Knox Township, Clearfield County, Pennsylvania that is the subject of Plaintiffs' Complaint until a hearing can be held in this matter.

BY THE COURT,

/s/ Paul E. Cherry

Judge

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

OCT 11 2005

Attest:

Paul E. Cherry
Clerk of Courts



CHESTER A. HAWKINS
SHERIFF

Sheriff's Office Clearfield County

COURTHOUSE
1 NORTH SECOND STREET, SUITE 116
CLEARFIELD, PENNSYLVANIA 16830

OFFICE (814) 765-2641 EXT. 5986
AFTER 4:00 P.M. (814) 765-1533
FAX (814) 765-5915

ROBERT SNYDER
CHIEF DEPUTY

MARILYN HAMM
DEPT. CLERK

CYNTHIA AUGHENBAUGH
OFFICE MANAGER

PETER F. SMITH
SOLICITOR

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

PAGE 100868

TERM & NO. 05-1570-CD

HARRY STRAWSER, HARRY STRAW, TIMOTHY STRAW, JEFFREY STRAW, BRIAN RHINESMUTH & BRIAN DAVIS

COMPLAINT, PRELIMINARY INJUNCTION, RULE & ORDER

vs.

ROBERT HOLLAND, JOHN A. BARAN and ROBIN E. BARAN

Hearing
SERVE BY: 10/14/05

MAKE REFUND PAYABLE TO FRED M. NEISWENDER, ESQ.

SERVE: ROBIN E. BARAN

ADDRESS: 844 THORN ST. #63, SEWICKLEY, PA 15143

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF OF ALLEGHENY COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, October 11, 2005.

RESPECTFULLY,

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA