

05-1572-CD
Betty D. Demko vs Earl Iraca

Betty D. Demko vs. Earl Iraca
2005-1572-CD

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

BETTY D. DEMKO,
Plaintiff

vs.

EARL IRACA,
Defendant

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:
: 2005-1572-CD
: No. 05- -EQU
:
:

CASE NUMBER: 05- -EQU

TYPE OF CASE: Civil

TYPE OF PLEADING: COMPLAINT IN EQUITY - PARTITION

FILED ON BEHALF OF: Plaintiff

COUNSEL OF RECORD FOR THIS PARTY: R. DENNING GEARHART, ESQUIRE
Supreme Court I.D. #26540
207 E. Market Street
Clearfield, PA 16830
(814) 765-1581

FILED

OCT 11 2005

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William A. Shaw
Prothonotary

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

BETTY D. DEMKO,
Plaintiff

vs.

EARL IRACA,
Defendant

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No. 05- -EQU

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's Office
Clearfield County Courthouse
Clearfield, PA 16830
814-765-2641

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

BETTY D. DEMKO,
Plaintiff

vs.

EARL IRACA,
Defendant

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No. 05- -EQU

COMPLAINT IN EQUITY - PARTITION

AND NOW comes Betty D. Demko, by and through her attorney, R. Denning Gearhart, Esq., who avers as follows:

1. That Plaintiff is Betty D. Demko, an adult individual, who resides at 474 Atlantic Avenue, Houtzdale, PA 16651.

2. That Defendant is Earl Iraca, an adult individual, who resides at 424 Atlantic Avenue, Houtzdale, PA 16651.

3. That the property subject of this Partition Action was acquired by the Plaintiff, Betty D. Demko, by Deed dated July 6, 2004, and recorded in Clearfield County Instrument No. 200412650, situate in Bigler Township, Clearfield County, Pennsylvania, and more particularly described as follows:

ALL their undivided interest in and to all that certain piece or parcel of land situate in the Township of Bigler, County of Clearfield and State of Pennsylvania, and being bounded and described as follows:

BEGINNING at a point on the line of land between Charles Johnson and Lewis Hourdoeur; thence North along the line between Charles Johnson and Lewis Hourdoeur One hundred seventy-three (173') feet to a point on line between land of Lewis Hourdoeur and Mike Green; thence East along the line between the land of Mike Green and Lewis Hourdoeur Two hundred eighty-one (281') feet to a point on land of Lewis Hourdoeur; thence South along the line of land of Lewis Hourdoeur One hundred eighty (180') feet to a point on land of Lewis Hourdoeur; thence West along the land of Lewis Hourdoeur Two hundred seventy (270') feet to a point and place of beginning.

This piece of land being an irregular piece of land One hundred seventy-three (173') feet on the West side, Two hundred eighty (280') feet on the North side, One hundred eighty (180') feet on the East side, and Two hundred seventy (270') feet on the South side, containing 48,400 square feet, more or less, which was taken from a larger piece of land which became vested in Lewis Hourdoeur and Julie Hourdoeur by deed from Augusta Gustafson dated the 20th day of July A.D. 1914, and recorded in the Office for the Recording of Deeds in Clearfield in Deed Book Volume 220, Page 381.

SUBJECT, NEVERTHELESS, to all exceptions and reservations as contained in prior deeds in the chain of title.

4. That Lorrie A. Hanna became vested in said property upon the death of Florence Demko, who passed away on July 9, 1996, as indicated under Clearfield County Estate File No. 17-97-367, the property having been deeded into the name of Florence Demko, widow, and Lorrie A. Hanna, as joint tenants with right of survivorship, by deed of Florence Demko, dated September 21, 1995, and entered for record in the Office for the Recording of Deeds of Clearfield County, Pennsylvania, in Deeds & Records Book Vol. 1705, Page 542.

5. That Florence Demko became vested in said real estate upon the death of Joseph Demko, Jr. That Joseph Demko, Jr. and Florence Demko were vested in the property as tenants by the entireties by Deed from Carl Demko, et. al., dated April 11, 1968, and entered for record in the Office for the Recording of Deeds of Clearfield County, Pennsylvania, in Deed Book Vol. 537, Page 70. That Joseph Demko, Jr., passed away on July 3, 1995.

6. That the Deed mentioned in Paragraph 5 above, being Deed from Carl Demko, Helen Demko, his wife; Martin Demko and Elizabeth Demko, his wife; Evelyn Turner and

Fred Turner, her husband; and John Demko and Alice Demko, his wife, to Joseph Demko, Jr. and Florence Demko, was conveyed by the Grantors purporting to be all of the heirs of Joseph Demko, Sr.

7. In fact, the heirs of Joseph Demko, Sr., also included the Grantee, Joseph Demko, Jr., and Marion Iraca.

8. Marion Iraca did not Deed over to Joseph Demko, Jr., her interest in the property.

9. Marion Iraca passed away on June 30, 1997, as evidenced by her Death Certificate, as well as other estate papers, on record in the Office of the Register of Wills of Clearfield County, under Estate File No. 17 97-0340.

10. That under the Will of Marion Iraca she passed on her interest in the Joseph & Marie Demko Estate to her son, Earl Iraca. Assuming that she did not convey her interest, her estate would be entitled to one-sixth interest in said property.

11. That Earl Iraca is now asserting a one-sixth interest in said property described in Paragraph 3 above.

12. That there are no persons other than the named parties herein who has title or interest in the property.

13. No partition or division of the above described property has ever been made.

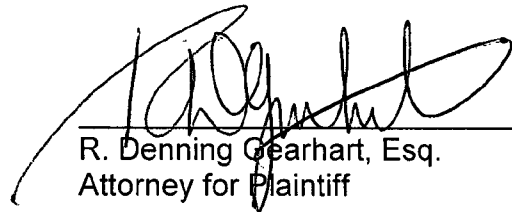
WHEREFORE, Plaintiff demands that:

(a) the Court decree partition of the real estate;

(b) the share or shares to which the respective parties are entitled be set out to them in severalty and that all proper and necessary conveyances and assurances be executed for carrying such partition into effect; and that, if the real estate cannot be divided without prejudice to or spoiling the whole, such proper and necessary sale or sales of the same may be made by such persons and in such manner as the Court may direct;

(c) such other and further relief be granted as the Court deems just and proper.

Respectfully submitted,



R. Denning Gearhart, Esq.
Attorney for Plaintiff

COMMONWEALTH OF PENNSYLVANIA :

: SS.

COUNTY OF CLEARFIELD :

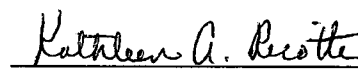
Before me, the undersigned officer, a Notary Public in and for the above named State and County, personally appeared BETTY D. DEMKO, who being duly sworn according to law deposes and says that the facts set forth in the foregoing Complaint are true and correct to the best of her knowledge, information and belief.

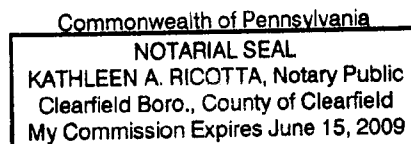

BETTY D. DEMKO

Sworn to and subscribed

before me, this 10

day of October, 2005.


Notary Public



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA CIVIL DIVISION
BETTY D. DEMKO, Plaintiff vs. EARL IRACA, Defendant
COMPLAINT IN EQUITY - PARTITION
R. DENNING GEARHART ATTORNEY AT LAW CLEARFIELD, PA. 16830

FILED

OCT 11 2005

William A. Shaw
Prothonotary

THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL DIVISION

BETTY D. DEMKO,

Plaintiff

vs.

EARL IRACA,

Defendant

No. 05-1572-CD

TYPE OF PLEADING:
ENTRY OF APPEARANCE

FILED ON BEHALF OF:
Earl Iraca

COUNSEL OF RECORD FOR
THIS PARTY:

David C. Mason, Esq.
Supreme Court No. 39180
Attorney at Law
P.O. Box 28
Philipsburg, PA 16866
(814) 342-2240

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OCT 31 2005

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL DIVISION

BETTY D. DEMKO,

Plaintiff

vs.

EARL IRACA,

Defendant

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No. 05-1572-CD

PRAECIPE FOR ENTRY OF APPEARANCE

TO THE PROTHONOTARY OF SAID COURT:

Kindly enter my appearance on the behalf of the above named Defendant.

MASON LAW OFFICE

DATED: 10/27/05

By:


David C. Mason, Esquire,
Attorney for Defendant

THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL DIVISION

BETTY D. DEMKO,

Plaintiff

vs.

EARL IRACA,

Defendant

No. 05-1572-CD

TYPE OF PLEADING:
ANSWER TO PLAINTIFF'S
COMPLAINT IN EQUITY - PARTITION

FILED ON BEHALF OF:
DEFENDANT

COUNSEL OF RECORD FOR
THIS PARTY:

David C. Mason, Esq.
Supreme Court No. 39180
Attorney at Law
P.O. Box 28
Philipsburg, PA 16866
(814) 342-2240

COUNSEL FOR PLAINTIFF:
R. Denning Gearhart, Esquire
Supreme Court No. 26540
207 East Market Street
Clearfield, PA 16830
(814) 765-1581

FILED *No cc*
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JAN 20 2006

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL DIVISION

BETTY D. DEMKO,

Plaintiff

vs.

EARL IRACA,

Defendant

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No. 05-1572-CD

ANSWER TO PLAINTIFF'S COMPLAINT IN EQUITY - PARTITION

AND NOW, comes the Defendant, EARL IRACA, by and through his Attorney, DAVID C. MASON, ESQUIRE, and files the following Answer to Plaintiff's Complaint in Equity - Partition:

1-2. ADMITTED.

3. ADMITTED IN PART AND DENIED IN PART. It is admitted that the Plaintiff, Betty D. Demko, acquired an interest in this property described in paragraph 3 of Plaintiff's Complaint. To the extent such paragraph implies that Betty D. Demko, Plaintiff, is the owner of all outstanding interests in the property, such implication is denied and strict proof thereof is demanded at the time trial. To the contrary, Defendant Earl Iraca is the owner of a 1/6 undivided interest in the premises.

4-6. DENIED. After reasonable investigation, Answering Defendant is without sufficient knowledge or information capable of forming a belief as to the truth of the averments contained in paragraphs 4, 5, and 6 of Plaintiff's Complaint. Therefore, to the extent deemed relevant strict proof thereof is demanded at the time of trial of this matter.

7-9. **ADMITTED.**

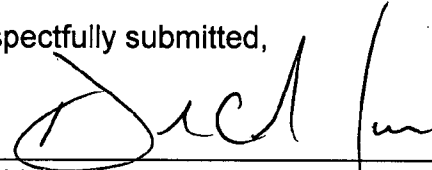
10. **ADMITTED.** By way of further answer, it is agreed that Marion Iraca did not convey, transfer or set aside her interest in the subject premises to anyone prior to her death. Accordingly, Defendant Earl Iraca is the owner of a 1/6 undivided interest in and to the subject property.

11. **ADMITTED.** By way of further answer, not only is Earl Iraca asserting an undivided 1/6 interest in the premises, he owns an undivided 1/6 interest in the premises.

12-13. **ADMITTED.**

WHEREFORE, Defendant prays your Honorable Court for the appointment of a Master to equitably divide and partition the subject premises in accordance with the Pennsylvania Rules of Civil Procedure.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. C. Mason', is written over a horizontal line.

David C. Mason, Esquire
Attorney for Answering Defendant,
Earl Iraca

VERIFICATION

I, Earl Iraca do hereby verify that the facts set forth in the foregoing **ANSWER TO PLAINTIFF'S COMPLAINT IN EQUITY - PARTITION** are true and correct to the best of my knowledge, information and belief. This verification is made subject to the penalties of 18 Fa. C.S. §4904, relating to unsworn falsification to authorities.

DATED:

1/17/06

Earl Iraca
Earl Iraca

FILED

JAN 20 2006

William A. Shaw
Prothonotary/Clerk of Courts

THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL DIVISION

BETTY D. DEMKO,

Plaintiff

vs.

EARL IRACA,

Defendant

No. 05-1572-CD

TYPE OF PLEADING: Certificate of Service

FILED ON BEHALF OF: Defendant

COUNSEL OF RECORD FOR THIS PARTY:

David C. Mason, Esq.
Supreme Court No. 39180
Attorney at Law
P.O. Box 28
Philipsburg, PA 16866
(814) 342-2240

COUNSEL FOR PLAINTIFF:
R. Denning Gearhart, Esquire
Supreme Court No. 26540
207 East Market Street
Clearfield, PA 16830
(814) 765-1581

FILED ^{NO}
mtio:3/2/01 cc
JAN 20 2006

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL DIVISION

BETTY D. DEMKO,

Plaintiff

vs.

EARL IRACA,

Defendant

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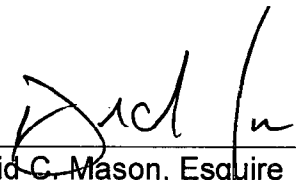
No. 05-1572-CD

CERTIFICATE OF SERVICE

I, DAVID C. MASON, Esquire, do hereby certify that I served a true and correct copy of the ANSWER TO PLAINTIFF'S COMPLAINT IN EQUITY - PARTITION, filed in the above captioned action on the following by depositing the same in the U. S. Mail, postage prepaid and addressed as follows:

R. Denning Gearhart, Esquire
207 East Market Street
Clearfield, PA 16830

DATED: 1-19-06



David C. Mason, Esquire
Attorney for Answering Defendant,
Earl Iraca

FILED

JAN 20 2006

William A. Shaw
Prothonotary/Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

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

BETTY D. DEMKO,
Plaintiff

vs.

EARL IRACA,
Defendant

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No. 05-1572 -EQU

**PLAINTIFF'S MOTION FOR ORDER DIRECTING
PARTITION OF REAL PROPERTY**

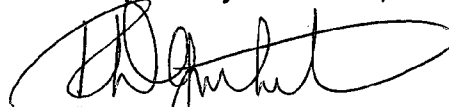
AND NOW comes Plaintiff, Betty D. Demko, and by and through her attorney, R. Denning Gearhart, avers the following:

1. Plaintiff, Betty D. Demko, by the undersigned counsel, moves the Court pursuant to Pa.R.C.P. 1557 for the entry of an order directing partition of the real property described in Plaintiff's Complaint according to the interest of the named parties as alleged in the Complaint, a copy of which is attached as Exhibit "A."

2. The basis for Plaintiff's motion is that the Defendant has filed an answer admitting the allegations of the Complaint and the relief requested. A copy of Defendant's Answer is attached hereto as Exhibit "B."

WHEREFORE, Plaintiff requests that the property at issue be partitioned as aforesaid.

Respectfully submitted,



R. Denning Gearhart, Esq.
Attorney for Plaintiff

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

BETTY D. DEMKO,
Plaintiff

vs.

EARL IRACA,
Defendant

No. 05-1572 -^{CD}~~ECU~~

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JAN 27 2008 *Gerhardt*

William A. Shaw
Prothonotary

ORDER

AND NOW, this 25th day of January, 2006, upon consideration of Plaintiff's Motion for the Entry of an Order Directing Partition because of Defendant's admissions and it appearing that the Complaint has been duly served, and that Defendant has admitted to the averments of the Complaint and the relief requested in his answers, it is hereby ORDERED that partition be made of the lands mentioned and described in the Complaint among the named parties in proportion to their respective interests, as follows:

To: Earl Iraca, one-sixth (1/6) share;
To: Betty D. Demko, five-sixths (5/6) shares.

The parties and their attorneys are directed to appear for a Preliminary Conference on the 9th day of February, 2006, at 10:00 o'clock, A.M., in Courtroom No. 2, of the Clearfield County Courthouse, Clearfield, Pennsylvania, to consider the matter set forth in Rule 1558.

By the Court:

Paul E Cherry
J.

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

BETTY D. DEMKO,
Plaintiff

vs.

EARL IRACA,
Defendant

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: No. 05-1512 ^{CD} -EQU
:
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CASE NUMBER: 05- -EQU

TYPE OF CASE: Civil

TYPE OF PLEADING: COMPLAINT IN EQUITY - PARTITION

FILED ON BEHALF OF: Plaintiff

COUNSEL OF RECORD FOR THIS PARTY: R. DENNING GEARHART, ESQUIRE
Supreme Court I.D. #26540
207 E. Market Street
Clearfield, PA 16830
(814) 765-1581

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

OCT 11 2005

Attest.

William L. Shaw
Prothonotary/
Clerk of Courts

EXHIBIT "A"

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

BETTY D. DEMKO,
Plaintiff

vs.

EARL IRACA,
Defendant

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: No. 05- -EQU
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NOTICE TO DEFEND

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Clearfield County Courthouse
Clearfield, PA 16830
814-765-2641

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

BETTY D. DEMKO,
Plaintiff

vs.

EARL IRACA,
Defendant

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:
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No. 05- -EQU

COMPLAINT IN EQUITY - PARTITION

AND NOW comes Betty D. Demko, by and through her attorney, R. Denning Gearhart, Esq., who avers as follows:

1. That Plaintiff is Betty D. Demko, an adult individual, who resides at 474 Atlantic Avenue, Houtzdale, PA 16651.
2. That Defendant is Earl Iraca, an adult individual, who resides at 424 Atlantic Avenue, Houtzdale, PA 16651.
3. That the property subject of this Partition Action was acquired by the Plaintiff, Betty D. Demko, by Deed dated July 6, 2004, and recorded in Clearfield County Instrument No. 200412650, situate in Bigler Township, Clearfield County, Pennsylvania, and more particularly described as follows:

ALL their undivided interest in and to all that certain piece or parcel of land situate in the Township of Bigler, County of Clearfield and State of Pennsylvania, and being bounded and described as follows:

BEGINNING at a point on the line of land between Charles Johnson and Lewis Hourdoeur; thence North along the line between Charles Johnson and Lewis Hourdoeur One hundred seventy-three (173') feet to a point on line between land of Lewis Hourdoeur and Mike Green; thence East along the line between the land of Mike Green and Lewis Hourdoeur Two hundred eighty-one (281') feet to a point on land of Lewis Hourdoeur; thence South along the line of land of Lewis Hourdoeur One hundred eighty (180') feet to a point on land of Lewis Hourdoeur; thence West along the land of Lewis Hourdoeur Two hundred seventy (270') feet to a point and place of beginning.

This piece of land being an irregular piece of land One hundred seventy-three (173') feet on the West side, Two hundred eighty (280') feet on the North side, One hundred eighty (180') feet on the East side, and Two hundred seventy (270') feet on the South side, containing 48,400 square feet, more or less, which was taken from a larger piece of land which became vested in Lewis Hourdoeur and Julie Hourdoeur by deed from Augusta Gustafson dated the 20th day of July A.D. 1914, and recorded in the Office for the Recording of Deeds in Clearfield in Deed Book Volume 220, Page 381.

SUBJECT, NEVERTHELESS, to all exceptions and reservations as contained in prior deeds in the chain of title.

4. That Lorrie A. Hanna became vested in said property upon the death of Florence Demko, who passed away on July 9, 1996, as indicated under Clearfield County Estate File No. 17-97-367, the property having been deeded into the name of Florence Demko, widow, and Lorrie A. Hanna, as joint tenants with right of survivorship, by deed of Florence Demko, dated September 21, 1995, and entered for record in the Office for the Recording of Deeds of Clearfield County, Pennsylvania, in Deeds & Records Book Vol. 1705, Page 542.

5. That Florence Demko became vested in said real estate upon the death of Joseph Demko, Jr. That Joseph Demko, Jr. and Florence Demko were vested in the property as tenants by the entireties by Deed from Carl Demko, et. al., dated April 11, 1968, and entered for record in the Office for the Recording of Deeds of Clearfield County, Pennsylvania, in Deed Book Vol. 537, Page 70. That Joseph Demko, Jr., passed away on July 3, 1995.

6. That the Deed mentioned in Paragraph 5 above, being Deed from Carl Demko, Helen Demko, his wife; Martin Demko and Elizabeth Demko, his wife; Evelyn Turner and

Fred Turner, her husband; and John Demko and Alice Demko, his wife, to Joseph Demko, Jr. and Florence Demko, was conveyed by the Grantors purporting to be all of the heirs of Joseph Demko, Sr.

7. In fact, the heirs of Joseph Demko, Sr., also included the Grantee, Joseph Demko, Jr., and Marion Iraca.

8. Marion Iraca did not Deed over to Joseph Demko, Jr., her interest in the property.

9. Marion Iraca passed away on June 30, 1997, as evidenced by her Death Certificate, as well as other estate papers, on record in the Office of the Register of Wills of Clearfield County, under Estate File No. 17 97-0340.

10. That under the Will of Marion Iraca she passed on her interest in the Joseph & Marie Demko Estate to her son, Earl Iraca. Assuming that she did not convey her interest, her estate would be entitled to one-sixth interest in said property.

11. That Earl Iraca is now asserting a one-sixth interest in said property described in Paragraph 3 above.

12. That there are no persons other than the named parties herein who has title or interest in the property.

13. No partition or division of the above described property has ever been made.

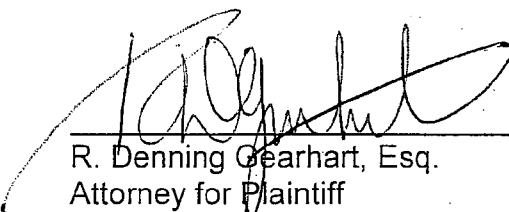
WHEREFORE, Plaintiff demands that:

(a) the Court decree partition of the real estate;

(b) the share or shares to which the respective parties are entitled be set out to them in severalty and that all proper and necessary conveyances and assurances be executed for carrying such partition into effect; and that, if the real estate cannot be divided without prejudice to or spoiling the whole, such proper and necessary sale or sales of the same may be made by such persons and in such manner as the Court may direct;

(c) such other and further relief be granted as the Court deems just and proper.

Respectfully submitted,



R. Denning Gearhart, Esq.
Attorney for Plaintiff

COMMONWEALTH OF PENNSYLVANIA :

: SS.

COUNTY OF CLEARFIELD :

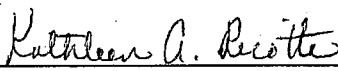
Before me, the undersigned officer, a Notary Public in and for the above named State and County, personally appeared BETTY D. DEMKO, who being duly sworn according to law deposes and says that the facts set forth in the foregoing Complaint are true and correct to the best of her knowledge, information and belief.

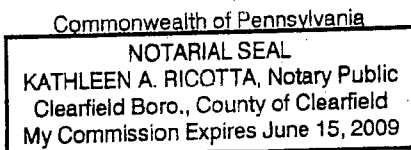

BETTY D. DEMKO

Sworn to and subscribed

before me, this 10

day of October, 2005.


Notary Public



THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL DIVISION

BETTY D. DEMKO,

Plaintiff

vs.

EARL IRACA,

Defendant

No. 05-1572-CD

TYPE OF PLEADING:
ANSWER TO PLAINTIFF'S
COMPLAINT IN EQUITY - PARTITION

FILED ON BEHALF OF:
DEFENDANT

COUNSEL OF RECORD FOR
THIS PARTY:

David C. Mason, Esq.
Supreme Court No. 39180
Attorney at Law
P.O. Box 28
Philipsburg, PA 16866
(814) 342-2240

COUNSEL FOR PLAINTIFF:
R. Denning Gearhart, Esquire
Supreme Court No. 26540
207 East Market Street
Clearfield, PA 16830
(814) 765-1581

EXHIBIT "B"

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL DIVISION

BETTY D. DEMKO,

Plaintiff

vs.

EARL IRACA,

Defendant

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No. 05-1572-CD

ANSWER TO PLAINTIFF'S COMPLAINT IN EQUITY - PARTITION

AND NOW, comes the Defendant, EARL IRACA, by and through his Attorney, DAVID C. MASON, ESQUIRE, and files the following Answer to Plaintiff's Complaint in Equity - Partition:

1-2. ADMITTED.

3. ADMITTED IN PART AND DENIED IN PART. It is admitted that the Plaintiff, Betty D. Demko, acquired an interest in this property described in paragraph 3 of Plaintiff's Complaint. To the extent such paragraph implies that Betty D. Demko, Plaintiff, is the owner of all outstanding interests in the property, such implication is denied and strict proof thereof is demanded at the time trial. To the contrary, Defendant Earl Iraca is the owner of a 1/6 undivided interest in the premises.

4-6. DENIED. After reasonable investigation, Answering Defendant is without sufficient knowledge or information capable of forming a belief as to the truth of the averments contained in paragraphs 4, 5, and 6 of Plaintiff's Complaint. Therefore, to the extent deemed relevant strict proof thereof is demanded at the time of trial of this matter.

7-9. **ADMITTED.**

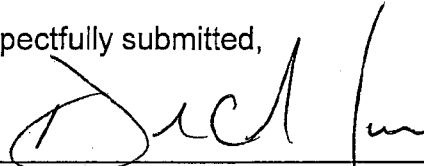
10. **ADMITTED.** By way of further answer, it is agreed that Marion Iraca did not convey, transfer or set aside her interest in the subject premises to anyone prior to her death. Accordingly, Defendant Earl Iraca is the owner of a 1/6 undivided interest in and to the subject property.

11. **ADMITTED.** By way of further answer, not only is Earl Iraca asserting an undivided 1/6 interest in the premises, he owns an undivided 1/6 interest in the premises.

12-13. **ADMITTED.**

WHEREFORE, Defendant prays your Honorable Court for the appointment of a Master to equitably divide and partition the subject premises in accordance with the Pennsylvania Rules of Civil Procedure.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'David C. Mason', is written over a horizontal line.

David C. Mason, Esquire
Attorney for Answering Defendant,
Earl Iraca

VERIFICATION

I, Earl Iraca do hereby verify that the facts set forth in the foregoing **ANSWER TO PLAINTIFF'S COMPLAINT IN EQUITY - PARTITION** are true and correct to the best of my knowledge, information and belief. This verification is made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.

DATED:

1/17/06

Earl Iraca
Earl Iraca

THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL DIVISION

BETTY D. DEMKO,

Plaintiff

vs.

EARL IRACA,

Defendant

No. 05-1572-CD

TYPE OF PLEADING: Certificate of
Service

FILED ON BEHALF OF:
Defendant

COUNSEL OF RECORD FOR
THIS PARTY:

David C. Mason, Esq.
Supreme Court No. 39180
Attorney at Law
P.O. Box 28
Philipsburg, PA 16866
(814) 342-2240

COUNSEL FOR PLAINTIFF:
R. Denning Gearhart, Esquire
Supreme Court No. 26540
207 East Market Street
Clearfield, PA 16830
(814) 765-1581

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL DIVISION

BETTY D. DEMKO,

Plaintiff

vs.

EARL IRACA,

Defendant

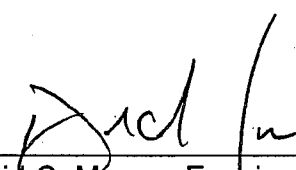
No. 05-1572-CD

CERTIFICATE OF SERVICE

I, DAVID C. MASON, Esquire, do hereby certify that I served a true and correct copy of the ANSWER TO PLAINTIFF'S COMPLAINT IN EQUITY - PARTITION, filed in the above captioned action on the following by depositing the same in the U. S. Mail, postage prepaid and addressed as follows:

R. Denning Gearhart, Esquire
207 East Market Street
Clearfield, PA 16830

DATED: 1-19-06



David C. Mason, Esquire
Attorney for Answering Defendant,
Earl Iraca

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION No. 05-1572-EQU

BETTY D. DEMKO,
Plaintiff

vs.

EARL IRACA,
Defendant

PLAINTIFF'S MOTION FOR ORDER
DIRECTING PARTITION OF REAL
PROPERTY

R. DENNING GEARHART
ATTORNEY AT LAW
CLEARFIELD, PA. 16830

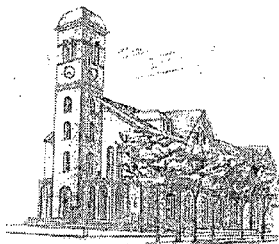
CORRECORD PRINTING CO., CLEARFIELD, PA

FILED

JAN 24 2006

William A. Shaw
Prothonotary/Clerk of Courts

Lap over margin



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

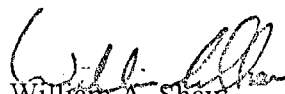
Bonnie Hudson
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

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

DATE: 1-27-2006

X 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

BETTY D. DEMKO,	:
Plaintiff	:
	:
vs.	: No. 05-1572-CD
	:
EARL IRACA,	:
Defendant	:

CASE NUMBER:	No. 05-1572-CD
TYPE OF CASE:	Civil
TYPE OF PLEADING:	CERTIFICATE OF SERVICE
FILED ON BEHALF OF:	R. Denning Gearhart, Esq.

COUNSEL OF RECORD FOR THIS PARTY: R. DENNING GEARHART, ESQUIRE
Supreme Court I. D. #26540
207 E. Market Street
Clearfield, PA 16830
(814) 765-1581

FILED *no cc*
01/10/51/201
JAN 31 2008
W
William A. Shaw
Prothonotary/Clerk of Courts

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

BETTY D. DEMKO,
Plaintiff

vs.

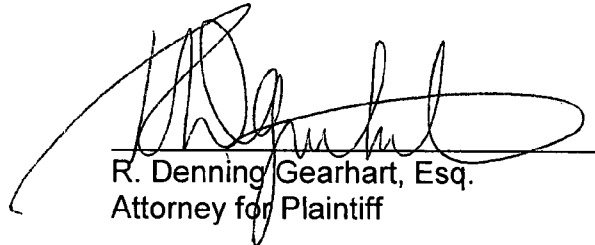
EARL IRACA,
Defendant

:
:
:
: No. 05-1572-CD
:
:

CERTIFICATE OF SERVICE

This is to certify that the undersigned has on this date served a certified copy of the Motion for Partition of Real Estate filed in the above captioned matter on the Defendant, through Defendant's attorney by depositing such documents in the United States Mail postage pre-paid and addressed as follows:

David C. Mason, Esq.
409 North Front Street
P. O. Box 28
Philipsburg, PA 16866


R. Denning Gearhart, Esq.
Attorney for Plaintiff

Dated: January 30, 2006

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100893
NO: 05-1572-CD
SERVICE # 1 OF 1
COMPLAINT IN EQUITY-PARTITION

PLAINTIFF: BETTY D. DEMKO
vs.
DEFENDANT: EARL IRACA

SHERIFF RETURN

NOW, October 21, 2005 AT 10:36 AM SERVED THE WITHIN COMPLAINT IN EQUITY-PARTITION ON EARL IRACA DEFENDANT AT ELM ST., MADERA, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO EARL IRACA, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN EQUITY-PARTITION AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	GEARHART	5784	10.00
SHERIFF HAWKINS	GEARHART	5784	38.74

FILED

FEB 09 2006
6/8:45/1
William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

_____ Day of _____ 2006

So Answers,


Chester A. Hawkins
Sheriff

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

BETTY D. DEMKO,
Plaintiff

vs.

EARL IRACA,
Defendant

No. 05-1572 -EQU

COPY

CASE NUMBER: 05- -EQU

TYPE OF CASE: Civil

TYPE OF PLEADING: COMPLAINT IN EQUITY - PARTITION

FILED ON BEHALF OF: Plaintiff

COUNSEL OF RECORD FOR THIS PARTY: R. DENNING GEARHART, ESQUIRE
Supreme Court I.D. #26540
207 E. Market Street
Clearfield, PA 16830
(814) 765-1581

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

OCT 11 2005

Attest.

William L. Shaw
Prothonotary/
Clerk of Courts

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

BETTY D. DEMKO,
Plaintiff

vs.

: No. 05- -EQU

EARL IRACA,
Defendant

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's Office
Clearfield County Courthouse
Clearfield, PA 16830
814-765-2641

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

BETTY D. DEMKO,
Plaintiff

vs.

: No. 05- -EQU

EARL IRACA,
Defendant

COMPLAINT IN EQUITY - PARTITION

AND NOW comes Betty D. Demko, by and through her attorney, R. Denning Gearhart, Esq., who avers as follows:

1. That Plaintiff is Betty D. Demko, an adult individual, who resides at 474 Atlantic Avenue, Houtzdale, PA 16651.

2. That Defendant is Earl Iraca, an adult individual, who resides at 424 Atlantic Avenue, Houtzdale, PA 16651.

3. That the property subject of this Partition Action was acquired by the Plaintiff, Betty D. Demko, by Deed dated July 6, 2004, and recorded in Clearfield County Instrument No. 200412650, situate in Bigler Township, Clearfield County, Pennsylvania, and more particularly described as follows:

ALL their undivided interest in and to all that certain piece or parcel of land situate in the Township of Bigler, County of Clearfield and State of Pennsylvania, and being bounded and described as follows:

BEGINNING at a point on the line of land between Charles Johnson and Lewis Hourdoeur; thence North along the line between Charles Johnson and Lewis Hourdoeur One hundred seventy-three (173') feet to a point on line between land of Lewis Hourdoeur and Mike Green; thence East along the line between the land of Mike Green and Lewis Hourdoeur Two hundred eighty-one (281') feet to a point on land of Lewis Hourdoeur; thence South along the line of land of Lewis Hourdoeur One hundred eighty (180') feet to a point on land of Lewis Hourdoeur; thence West along the land of Lewis Hourdoeur Two hundred seventy (270') feet to a point and place of beginning.

This piece of land being an irregular piece of land One hundred seventy-three (173') feet on the West side, Two hundred eighty (280') feet on the North side, One hundred eighty (180') feet on the East side, and Two hundred seventy (270') feet on the South side, containing 48,400 square feet, more or less, which was taken from a larger piece of land which became vested in Lewis Hourdoeur and Julie Hourdoeur by deed from Augusta Gustafson dated the 20th day of July A.D. 1914, and recorded in the Office for the Recording of Deeds in Clearfield in Deed Book Volume 220, Page 381.

SUBJECT, NEVERTHELESS, to all exceptions and reservations as contained in prior deeds in the chain of title.

4. That Lorrie A. Hanna became vested in said property upon the death of Florence Demko, who passed away on July 9, 1996, as indicated under Clearfield County Estate File No. 17-97-367, the property having been deeded into the name of Florence Demko, widow, and Lorrie A. Hanna, as joint tenants with right of survivorship, by deed of Florence Demko, dated September 21, 1995, and entered for record in the Office for the Recording of Deeds of Clearfield County, Pennsylvania, in Deeds & Records Book Vol. 1705, Page 542.

5. That Florence Demko became vested in said real estate upon the death of Joseph Demko, Jr. That Joseph Demko, Jr. and Florence Demko were vested in the property as tenants by the entireties by Deed from Carl Demko, et. al., dated April 11, 1968, and entered for record in the Office for the Recording of Deeds of Clearfield County, Pennsylvania, in Deed Book Vol. 537, Page 70. That Joseph Demko, Jr., passed away on July 3, 1995.

6. That the Deed mentioned in Paragraph 5 above, being Deed from Carl Demko, Helen Demko, his wife; Martin Demko and Elizabeth Demko, his wife; Evelyn Turner and

Fred Turner, her husband; and John Demko and Alice Demko, his wife, to Joseph Demko, Jr. and Florence Demko, was conveyed by the Grantors purporting to be all of the heirs of Joseph Demko, Sr.

7. In fact, the heirs of Joseph Demko, Sr., also included the Grantee, Joseph Demko, Jr., and Marion Iraca.

8. Marion Iraca did not Deed over to Joseph Demko, Jr., her interest in the property.

9. Marion Iraca passed away on June 30, 1997, as evidenced by her Death Certificate, as well as other estate papers, on record in the Office of the Register of Wills of Clearfield County, under Estate File No. 17 97-0340.

10. That under the Will of Marion Iraca she passed on her interest in the Joseph & Marie Demko Estate to her son, Earl Iraca. Assuming that she did not convey her interest, her estate would be entitled to one-sixth interest in said property.

11. That Earl Iraca is now asserting a one-sixth interest in said property described in Paragraph 3 above.

12. That there are no persons other than the named parties herein who has title or interest in the property.

13. No partition or division of the above described property has ever been made.

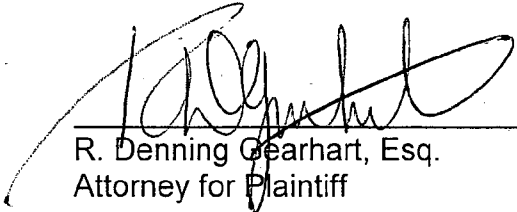
WHEREFORE, Plaintiff demands that:

(a) the Court decree partition of the real estate;

(b) the share or shares to which the respective parties are entitled be set out to them in severalty and that all proper and necessary conveyances and assurances be executed for carrying such partition into effect; and that, if the real estate cannot be divided without prejudice to or spoiling the whole, such proper and necessary sale or sales of the same may be made by such persons and in such manner as the Court may direct;

(c) such other and further relief be granted as the Court deems just and proper.

Respectfully submitted,



R. Denning Gearhart, Esq.
Attorney for Plaintiff

COMMONWEALTH OF PENNSYLVANIA :

: SS.

COUNTY OF CLEARFIELD :

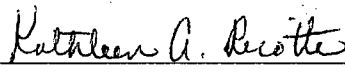
Before me, the undersigned officer, a Notary Public in and for the above named State and County, personally appeared BETTY D. DEMKO, who being duly sworn according to law deposes and says that the facts set forth in the foregoing Complaint are true and correct to the best of her knowledge, information and belief.

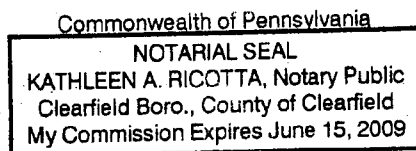

BETTY D. DEMKO

Sworn to and subscribed

before me, this 10

day of October, 2005.


Notary Public



IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

BETTY D. DEMKO

:

-VS-

:

No. 05-1572-CD

EARL IRACA

:

FILED
01/02/06
FEB 10 2006

William A. Shaw
Prothonotary/Clerk of Courts

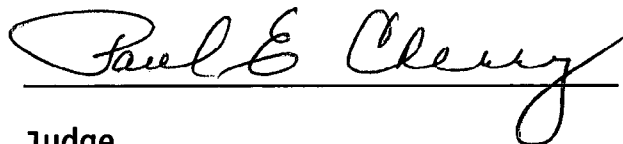
2 cc Atty's: Gearhart
Mason

O R D E R

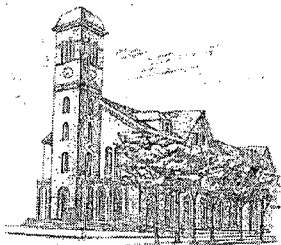
NOW, this 9th day of February, 2006, following argument on Motion for Partition of Real Estate, and upon presentation of the issues before the Court, it is the ORDER of this Court that said real estate shall be partitioned, with Plaintiff, Betty D. Demko, receiving a five-sixth (5/6) share and Defendant, Earl Iraca, receiving a one-sixth (1/6) share.

It is the further ORDER of this Court that Michael Yeager, Esquire, shall be and is hereby appointed Master to hear the entire matter or conduct any sale or act upon any issues or matters relating to the carrying out of the order of Partition. The parties shall be equally responsible for all fees and costs associated with the Master.

BY THE COURT,



Judge



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

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

DATE: 2/10/06

_____ 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, PA.

CIVIL DIVISION

BETTY D. DEMKO,

Plaintiff

VS.

EARL IRACA,

Defendant

*

* No. 05-1572-CD

*

*

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*

*

* TYPE OF PLEADING: Certificate
* of Service

*

*

*

* COUNSEL OF RECORD FOR THIS
* PARTY:

* David C. Mason, Esquire

* I.D. No. 39180

* Mason Law Office

* P.O. Box 28

* 409 N. Front Street

* Philipsburg, PA 16866

* (814) 342-2240

*

*

* COUNSEL FOR PLAINTIFF:

* R. Denning Gearhart, Esquire

* Supreme Court No. 26540

* 207 East Market Street

* Clearfield, PA 16830

* (814) 765-1581

FILED ^{NO} CC
m/12:53/24
FEB 21 2006

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL DIVISION

BETTY D. DEMKO,

Plaintiff

vs.

EARL IRACA,

Defendant

*

* No. 05-1572-CD

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CERTIFICATE OF SERVICE

I, DAVID C. MASON, Esquire, do hereby certify that I served a true and correct copy of MOTION FOR RECONSIDERATION OF ORDER DATED FEBRUARY 9, filed in the above captioned action by placing the same in the United States mail, postage prepaid and addressed as follows:

R. Denning Gearhart, Esquire
Attorney at Law
207 East Market Street
Clearfield, PA 16830

MASON LAW OFFICE

DATED: 2-17-05

By: 

David C. Mason, Esquire
Attorney for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL DIVISION

BETTY D. DEMKO,

Plaintiff

vs.

EARL IRACA,

Defendant

*

* No. 05-1572-CD

*

*

*

*

*

* TYPE OF PLEADING: Motion For
 * Reconsideration of Order dated
 * February 9, 2006

*

*

* COUNSEL OF RECORD FOR THIS
 * PARTY:

* David C. Mason, Esquire
 * I.D. No. 39180
 * Mason Law Office
 * P.O. Box 28
 * 409 N. Front Street
 * Philipsburg, PA 16866
 * (814) 342-2240

*

*

* COUNSEL FOR PLAINTIFF:

* R. Denning Gearhart, Esquire
 * Supreme Court No. 26540
 * 207 East Market Street
 * Clearfield, PA 16830
 * (814) 765-1581

FILED NO
 m/12:53/ cc
 FEB 21 2006 (GP)

William A. Shaw
 Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL DIVISION

BETTY D. DEMKO,

Plaintiff

vs.

EARL IRACA,

Defendant

*
* No. 05-1572-CD
*

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*
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ORDER OF COURT

AND NOW, this 22nd day of February, 2006, upon consideration of Defendant's Motion for Reconsideration of Order dated February 9 2006, the Order dated February 9, 2006, is hereby revised and it is hereby ORDERED AND DECREED that the costs associated with the partition action shall be allocated between the parties in accordance with the proportionate interests as received by each party.

BY THE COURT:

Paul E Cherry
J.

FILED ^{2cc}
9 11:25/06 Atty Mason
FEB 23 2006 (68)

William A. Shaw
Prothonotary/Clerk of Courts

CO-100-00

BELLY D. DEWINE

William A. Shaw
Prothonotary/Clerk of Courts

FEB 23 2006

FILED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL DIVISION

BETTY D. DEMKO,

Plaintiff

vs.

EARL IRACA,

Defendant

*
* No. 05-1572-CD
*
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*
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MOTION FOR RECONSIDERATION OF
ORDER DATED FEBRUARY 9, 2006

AND NOW comes the Defendant, Earl Iraca, by and through his counsel, David C. Mason, Esquire, who files the following Motion for Reconsideration of an Order dated February 9, 2006, and in support thereof avers as follows:

1. The above captioned matter is an action for partition of real property.
2. Pursuant to an Order dated February 9, 2006, the Court decreed partition of the premises, with the Plaintiff receiving a 5/6 interest and the Defendant receiving a 1/6 interest.
3. The Order of February 9, 2006, (photo copy attached as Exhibit "A") contains the following statement:

"The parties shall be equally responsible for all fees and costs
associated with the Master."
4. The Pennsylvania Rules of Civil Procedure, §1551 through §1574 control an action in partition. Pa. R.C.P. §1574 provides that costs associated with the partition

action shall be allocated between the parties in accordance with their proportionate interests.

WHEREFORE, Defendant prays your Honorable Court for the entry of an Order rescinding the Court's Order dated February 9, 2006, and permitting payment of costs associated with this partition action to be allocated between the parties in accordance with the proportionate interest they received.

Respectfully submitted,

MASON LAW OFFICE

By: 

David C. Mason, Esquire
Attorney for Defendant

Mason

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

FEB 13 2006

BETTY D. DEMKO

:

-VS-

:

No. 05-1572-CD

EARL IRACA

:

O R D E R

NOW, this 9th day of February, 2006, following argument on Motion for Partition of Real Estate, and upon presentation of the issues before the court, it is the ORDER of this Court that said real estate shall be partitioned, with Plaintiff, Betty D. Demko, receiving a five-sixth (5/6) share and Defendant, Earl Iraca, receiving a one-sixth (1/6) share.

It is the further ORDER of this Court that Michael Yeager, Esquire, shall be and is hereby appointed Master to hear the entire matter or conduct any sale or act upon any issues or matters relating to the carrying out of the Order of Partition. The parties shall be equally responsible for all fees and costs associated with the Master.

BY THE COURT,

Paul E. Cherry

Judge

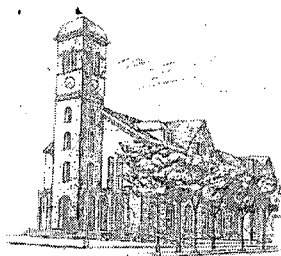
I hereby certify this to be a true and attested copy of the original statement filed in this case.

FEB 10 2006

Attest.

William L. Shaw
Prothonotary/
Clerk of Courts

Ex. "A"



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

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

DATE: 2/23/06

X 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, PA.

CIVIL DIVISION

BETTY D. DEMKO,

Plaintiff

vs.

EARL IRACA,

Defendant

*
* No. 05-1572-CD
*

*
* TYPE OF PLEADING: Certificate
* of Service
*

*
* COUNSEL OF RECORD FOR THIS
* PARTY:
*

* David C. Mason, Esquire
* I.D. No. 39180
* Mason Law Office
* P.O. Box 28
* 409 N. Front Street
* Philipsburg, PA 16866
* (814) 342-2240
*

*
* COUNSEL FOR PLAINTIFF:
* R. Denning Gearhart, Esquire
* Supreme Court No. 26540
* 207 East Market Street
* Clearfield, PA 16830
* (814) 765-1581
*

FILED *no cc*
m/12:4284
FEB 28 2006 *en*

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL DIVISION

BETTY D. DEMKO,

Plaintiff

vs.

EARL IRACA,

Defendant

*
* No. 05-1572-CD
*
*
*
*
*
*
*
*

CERTIFICATE OF SERVICE

I, DAVID C. MASON, Esquire, do hereby certify that I served a true and correct copy of an Order of Court, filed in the above captioned action by placing the same in the United States mail, postage prepaid and addressed as follows:

R. Denning Gearhart, Esquire
Attorney at Law
207 East Market Street
Clearfield, PA 16830

MASON LAW OFFICE

DATED: 2-24-06

By: _____

David C. Mason, Esquire
Attorney for Defendant

RECEIVED 12 13 2006

FILED

FEB 28 2006

William A. Shaw
Prothonotary/Clerk of Courts

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

BETTY D. DEMKO,
Plaintiff

vs.

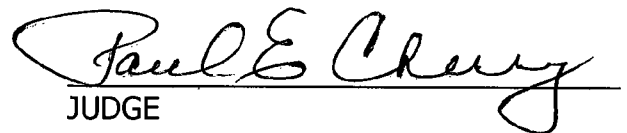
EARL IRACA,
Defendant

No. 05-1572-CD

ORDER

AND NOW THIS 30th day of March, 2006, upon consideration of Plaintiff's Motion for Reconsideration of Order dated February 22, 2006, it is the ORDER of this Court that a hearing shall be scheduled for the 5th Day of May, 2006, at 11:30 O'clock A.M., in Courtroom No. 2, of the Clearfield County Courthouse, Clearfield, Pennsylvania 16830.

BY THE COURT


JUDGE

FILED 3cc
010:24:201 - Amy Gearhart
MAR 31 2006 @P

William A. Shaw
Prothonotary/Clerk of Courts

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

BETTY D. DEMKO,
Plaintiff

vs.

EARL IRACA,
Defendant

:
:
:
: No. 05-1572-CD
:
:
:

MOTION FOR RECONSIDERATION OF ORDER DATED FEBRUARY 22, 2006

AND NOW, comes Betty D. Demko, the Plaintiff, by and through her attorney,
R. Denning Gearhart, Esq., who files the following :

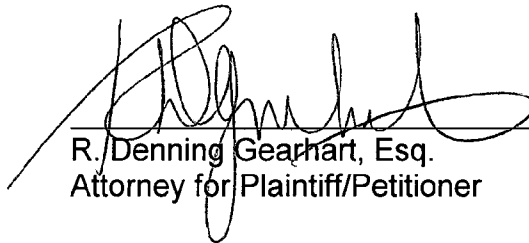
1. That on February 9, 2006, your Honorable Court issued an Order providing that the parties to the above Partition action would equally divide the costs of the Partition action. A copy of that Order is attached hereto as Exhibit 1.
2. Counsel for both parties were present and argued the above Motion.
3. That upon his return from vacation, counsel for Betty Demko received a copy of the Order dated February 22, 2006, in which your Honorable Court refers to a Motion for Reconsideration filed by the attorney for Defendant, Earl Iraca, and the Court amended its Order such that each party would pay proportionately to their ownership claim. A copy of that Order is attached hereto as Exhibit 2.
4. That Plaintiff's attorney was not given a date and time of said hearing on that Motion for Reconsideration, nor was the attorney given an opportunity to be heard.

Plaintiff argues that the Court was correct in its Order of February 9, 2006, in that both parties share equally the disagreement even though Plaintiff owns five-sixths of the property. To make the Plaintiff pay five-sixths of the costs because the one-sixth disagrees puts her at an unfair position.

Certainly, the Plaintiff was at an unfair position when her lawyer was not given the opportunity to argue Defendant's Motion.

WHEREFORE, Plaintiff/Petitioner prays your Honorable Court to reconsider its Order of February 22, 2006, and to schedule a hearing on the same.

Respectfully submitted,



R. Denning Gearhart, Esq.
Attorney for Plaintiff/Petitioner

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

BETTY D. DEMKO

:

-VS-

: No. 05-1572-CD

EARL IRACA

:

O R D E R

NOW, this 9th day of February, 2006, following argument on Motion for Partition of Real Estate, and upon presentation of the issues before the Court, it is the ORDER of this Court that said real estate shall be partitioned, with Plaintiff, Betty D. Demko, receiving a five-sixth (5/6) share and Defendant, Earl Iraca, receiving a one-sixth (1/6) share.

It is the further ORDER of this Court that Michael Yeager, Esquire, shall be and is hereby appointed Master to hear the entire matter or conduct any sale or act upon any issues or matters relating to the carrying out of the Order of Partition. The parties shall be equally responsible for all fees and costs associated with the Master.

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.

FEB 10 2006

Attest:

William L. Shaw
Prothonotary/
Clerk of Courts

EXHIBIT "1"

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL DIVISION

BETTY D. DEMKO,

Plaintiff

VS.

EARL IRACA,

Defendant

*
* No. 05-1572-CD
*

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*
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*
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*

ORDER OF COURT

AND NOW, this 22nd day of February, 2006, upon consideration of Defendant's Motion for Reconsideration of Order dated February 9 2006, the Order dated February 9, 2006, is hereby revised and it is hereby ORDERED AND DECREED that the costs associated with the partition action shall be allocated between the parties in accordance with the proportionate interests as received by each party.

BY THE COURT:

/s/ Paul E. Cherry

J.

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

FEB 23 2006

Attest.

W. E. Cherry
Prothonotary/
Clerk of Courts

EXHIBIT "2"

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION No. 05-1572-CD

BETTY D. DEMKO,
Plaintiff
vs.
EARL IRACA,
Defendant

MOTION FOR RECONSIDERATION OF
ORDER DATED FEBRUARY 22, 2006

R. DENNING GEARHART
ATTORNEY AT LAW
CLEARFIELD, PA. 16830

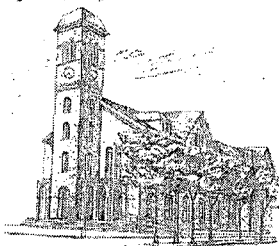
COMERCIAL PRINTING CO., CLEARFIELD, PA

FILED

MAR 29 2006

William A. Shaw
Prothonotary/Clerk of Courts

Lap over margin



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

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

DATE: 3/31/06

X 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

BETTY D. DEMKO,	:	
Plaintiff	:	
vs.	:	No. 05-1572-CD
EARL IRACA,	:	
Defendants	:	

CASE NUMBER:	No. 05- 1572-CD
TYPE OF CASE:	Civil
TYPE OF PLEADING:	CERTIFICATE OF SERVICE
FILED ON BEHALF OF:	Plaintiff

COUNSEL OF RECORD FOR THIS PARTY: R. DENNING GEARHART, ESQUIRE
Supreme Court I. D. #26540
207 E. Market Street
Clearfield, PA 16830
(814) 765-1581

FILED *NO CC*
01:11:00 PM
APR 03 2008 

William A. Shaw
Prothonotary/Clerk of Courts

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

BETTY D. DEMKO,

Plaintiff

vs.

No. 05-1572-CD

EARL IRACA,

Defendant

CERTIFICATE OF SERVICE

This is to certify that the undersigned has on this date served a certified copy of the Motion for Reconsideration of Order dated February 22, 2006, filed in the above captioned matter on the Defendant, through Defendant's attorney, by depositing such documents in the United States Mail postage pre-paid and addressed as follows:

David C. Mason, Esq.
409 North Front Street
P. O. Box 28
Philipsburg, PA 16866



R. Denning Gearhart, Esq.
Attorney for Plaintiff

Dated: March 31, 2006

JA

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

BETTY D. DEMKO,
Plaintiff,

v.

EARL IRACA,
Defendant.

No. 05-1572-CD

CASE NUMBER: 05-1572-CD

TYPE OF PLEADING: **MOTION TO WITHDRAW MOTION
FOR RECONSIDERATION OF ORDER
DATED FEBRUARY 22, 2006**

FILED ON BEHALF OF: Plaintiff

COUNSEL FOR RECORD FOR THIS PARTY: R. Denning Gearhart, Esquire
Supreme Court ID#: 26540
207 East Market Street
Clearfield, PA 16830
814-765-1581

FILED 3cc Atty Gearhart
0/10:45 am
APR 19 2006 (S)

William A. Shaw
Prothonotary

CA

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

BETTY D. DEMKO,
Plaintiff,

v.

EARL IRACA,
Defendant.

No. 05-1572-CD

ORDER

AND NOW, this 19th day of April, 2006, upon consideration of the forgoing Motion, it is the Order of this Court that the Motion for Reconsideration of Order Dated February 22, 2006, is hereby withdrawn and the hearing scheduled for May 5, 2006, is hereby canceled.

By the Court,

Paul E. Cherry
Judge

FILED 3cc
013:09-01
APR 20 2006
Atty Geashart
(62)

William A. Shaw
Prothonotary/Clerk of Courts

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Court at the City of New York, this 19th day of April, 2006.

WILLIAM A. SHAW
Prothonotary

100-10154

FILED
APR 20 2006

2006

THE COURT hereby certifies that the within and foregoing is a true and correct copy of the original as the same appears on the records of the Court.

WILLIAM A. SHAW

nb1

FILED
APR 20 2006
William A. Shaw
Prothonotary/Clerk of Courts

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

BETTY D. DEMKO,
Plaintiff,

v.

EARL IRACA,
Defendant.

No. 05-1572-CD

**MOTION TO WITHDRAW MOTION FOR RECONSIDERATION
OF ORDER DATED FEBRUARY 22, 2006**

AND now comes the Plaintiff, Betty D. Demko, by and through her attorney, R. Denning Gearhart, who files this Motion to Withdraw and support thereof avers as follows:

1. That a Motion for Reconsideration of Order Dated February 22, 2006, was filed on March 29, 2006.
2. That hearing is scheduled for May 5, 2006, at 11:30am.
3. That the parties have reached a settlement and therefore reconsideration is not necessary.

WHEREFORE, Plaintiff requests your Honorable Court to withdraw the Motion for Reconsideration of Order Dated February 22, 2006, and cancel the hearing scheduled for May 5, 2006, at 11:30am.

Respectfully submitted,

Date: April 19, 2006


R. Denning Gearhart
Attorney for Plaintiff

STATE OF TEXAS, COUNTY OF DALLAS, DEPARTMENT OF HEALTH SERVICES, PUBLIC HEALTH DIVISION

NOTICE OF PUBLIC HEARING

TO: ALL INTERESTED PARTIES

DATE: APRIL 19, 2006
TIME: 10:00 AM

AT: THE OFFICE OF THE PROTHONOTARY, 1000 WEST 19TH STREET, SUITE 1000, DALLAS, TEXAS 75201

RE: A PROPOSED AMENDMENT TO THE DALLAS HEALTH DEPARTMENT ORDINANCES

AND A PROPOSED AMENDMENT TO THE DALLAS HEALTH DEPARTMENT ORDINANCES

AND A PROPOSED AMENDMENT TO THE DALLAS HEALTH DEPARTMENT ORDINANCES

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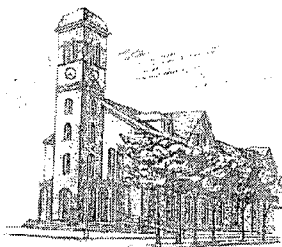
AND A PROPOSED AMENDMENT TO THE DALLAS HEALTH DEPARTMENT ORDINANCES

FILED

APR 19 2006

WILLIAM A. SHAW
PROTHONOTARY

William A. Shaw
Prothonotary



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

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

DATE: 4/20/06

X 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

BETTY D. DEMKO,
Plaintiff,

v.

EARL IRACA,
Defendant.

No. 05-1572-CD

CASE NUMBER: 05-1572-CD

TYPE OF PLEADING: CERTIFICATE OF SERVICE

FILED ON BEHALF OF: Plaintiff

COUNSEL FOR RECORD FOR THIS PARTY: R. Denning Gearhart, Esquire
Supreme Court ID#: 26540
207 East Market Street
Clearfield, PA 16830
814-765-1581

FILED *no cc*
01/10:39/201
APR 24 2006 *jm*

William A. Shaw
Prothonotary/Clerk of Courts

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

BETTY D. DEMKO,
Plaintiff,

v.

EARL IRACA,
Defendant.

No. 05-1572-CD

CERTIFICATE OF SERVICE

This is to certify that the undersigned has on this date served a certified copy of the Motion to Withdraw Motion for Reconsideration of Order Dated February 22, 2006, filed in the above-captioned matter on the Defendant, Earl Iraca, by depositing such documents in the United States Mail, postage pre-paid and addressed as follows:

David C. Mason, Esquire
409 North Front Street
PO Box 28
Philipsburg, PA 16866

Date: **April 21, 2006**



R. Denning Gearhart, Esquire
Attorney for Plaintiff

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 10/10/01 BY 60322 UCBAW

RECEIVED BY THE
JUDGE

U.S. DISTRICT COURT

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: THE ESTATE OF

JOHN F. BROWN, JR.
DECEASED
JAMES B. BROWN, JR.
DECEASED
JAMES B. BROWN, JR.
DECEASED
JAMES B. BROWN, JR.
DECEASED

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
JAMES B. BROWN, JR.
DECEASED

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FILED

APR 24 2006

William A. Shaw
Prothonotary/Clerk of Courts

original

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

BETTY D. DEMKO,

Plaintiff

vs.

EARL IRACA,

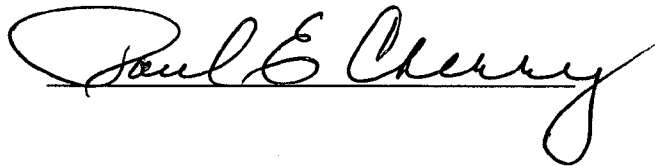
Defendant

No. 05-1572-CD

SCHEDULING ORDER

AND NOW, this 19th day of January, 2007, it is the ORDER of this Court that an argument on the Petition by the Master for Deposit of Costs and Fees filed by the Master in Partition is scheduled for the 14th day of February, 2007, at 10:00, A.m. in Courtroom No. 2, Clearfield, PA 16830.

BY THE COURT:



FILED 3CC AAH
9/2:45cm Yeager
JAN 19 2007 BK

William A. Shaw
Prothonotary/Clerk of Courts

FILED

JAN 19 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE 1-19-07

☒ You are responsible for serving all appropriate parties.

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

☐ Plaintiff(s) ☐ Plaintiff(s) Attorney ☐ Other

☐ Defendant(s) ☐ Defendant(s) Attorney

☐ Special Instructions:

UK

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

BETTY D. DEMKO,
Plaintiff

VS

EARL IRACA,
Defendant

: No. 05-1572-cd
:
: Type of Case: PARTITION ACTION
:
: Type of Pleading: Petition by Master For
: Deposit of Costs and Fees
:
: Filed on Behalf of: Master in Partition
:
: Michael P. Yeager, Esq.
: Supreme Court No.: 15587
: P.O. Box 752
: 110 North Second Street
: Clearfield, PA 16830
: (814) 765-9611

Dated: January 16, 2007

FILED 3cc AAH
9/2:45um
JAN 19 2007 Yeager
(6K)

William A. Shaw
Prothonotary/Clerk of Courts

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

BETTY D. DEMKO,
Plaintiff

vs.

EARL IRACA,
Defendant

:
:
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:
:
:

No. 05-1572-CD

PETITION BY MASTER FOR DEPOSIT OF COSTS AND FEES

1. The Plaintiff and Defendant are litigating a Partition Action as above-captioned.
2. The premises to be partitioned is described as set forth on a survey map of the same prepared by GeoTech Engineering, inc. dated February 3, 2004, a copy of which is enclosed as "Exhibit A" (hereinafter referred to as "Subject Premises").
3. The Subject Premises is also depicted by Clearfield County Assessment Map Number 103-L13-80 and a copy of the Assessment Card in that regard is attached as "Exhibit B".
4. Otherwise, the parties have not been able to agree upon a value for the property in question and cannot otherwise agree as to a purchase or sale of the same as between the parties or otherwise.
5. The Master proposes to hire and otherwise employ the services of Thomas Walsh (Amon, Shimmel & Walsh) to conduct an appraisal of the Subject Premises. It is estimated that his fees for this service will be approximately in the amount of \$325.00.
4. The Master has expended time and estimates that he will spend time as

described in "Exhibit C", attached hereto.

5. Accordingly, the Master requests that the Court order the parties to deposit, in proportion to their respective ownership, the total sum of \$2,287.50 with the Master to be placed in escrow for the anticipated costs and fees.

6. The estimate of fees and costs does not include ultimate recording costs nor appropriate transfer taxes for the successful bidder. The Master proposes that those amounts be paid directly by the ultimately successful bidder and otherwise adjusted from closing proceeds.

WHEREFORE, Your Master requests that the Court order the parties to deposit the total sum of \$2,287.50 with the Master to pay for the appraisal fee and attorney's fees and costs in advance with the same to be divided as between the parties as follows:

Betty D. Demko	5/6 of \$2,287.50	\$ 1,906.25
Earl L. Iraca	1/6 of \$2,287.50	\$ 381.25

Respectfully submitted,

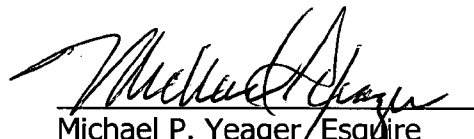

Michael P. Yeager Esquire
Master in Partition

EXHIBIT C

MICHAEL P. YEAGER, MASTER EXPENDED TIME AND ESTIMATED COSTS

ATTORNEY'S FEES TO DATE (ACTUAL & FURTHER ESTIMATED)

	<u>Time Expended</u>	<u>Hourly Rate</u>	<u>Fee Amount</u>
1. To date (2/16/06 – 4/19/06)	1.6	150.00	240.00
2. 1/8/07	1.7	175.00	297.50
3. 1/9/07	.5	175.00	87.50
4. Misc. correspondence re: scheduling	---	---	No charge
5. Further <u>estimates</u>			
a. Receive & review appraisal	.5	175.00	87.50
b. Correspondence, docs & schedule sale	1.5	175.00	262.50
c. Conduct sale	1.0	175.00	175.00
d. Correspondence, draft deed, documents & Master's Report	3.5	175.00	612.50
f. Filing Master's Report & service Record deed & misc.	1.0	175.00	175.00
6. Estimated misc. costs (copies telephone tolls, etc.)			<u>25.00</u>
TOTAL ACTUAL & ESTIMATED FEES			\$ 1,962.50

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

BETTY D. DEMKO,	:	
Plaintiff	:	
vs.	:	No. 05-1572-CD
EARL IRACA,	:	
Defendant	:	

ORDER

AND NOW, to wit, this _____ day of _____, 2007, upon
consideration of the foregoing Petition, it is hereby

ORDERED, ADJUDGED and DECREED that the parties shall deposit with the
Master the total sum of \$ _____ to be used for the actual and estimated costs of the
Partition Action in question with the allocation for this sum to be paid as follows:

Betty D. Demko	5/6 of \$2,287.50	\$ 1,906.25
Earl L. Iraca	1/6 of \$2,287.50	\$ 381.25

Additionally, the parties shall have 45 days from the date of this Order within
which to secure the appropriate funds and deposit the same with the Master.

By the Court:

P.J.

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

BETTY D. DEMKO,
Plaintiff

vs.

EARL IRACA,
Defendant

No. 05-1572-CD

FILED
01/31/07
JAN 23 2007
NO CC
JUN

William A. Shaw
Prothonotary/Clerk of Courts

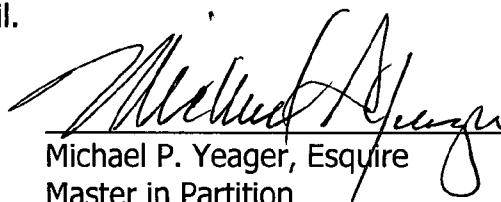
AFFIDAVIT OF SERVICE

I, Michael P. Yeager, Esquire, hereby certify that I served a true and correct copy
of the Order granting the Motion for Judgment on the Pleadings this 23rd day of
January, 2007, upon the following:

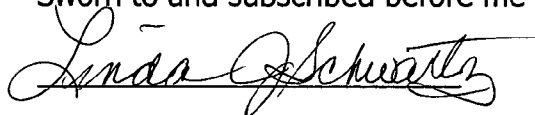
R. Denning Gearhart, Esquire
Attorney for Plaintiff
207 E. Market Street
Clearfield, PA 16830

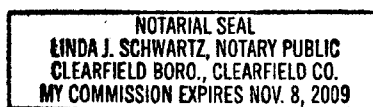
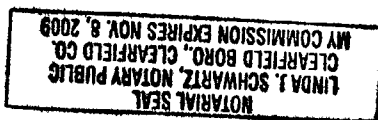
David C. Mason, Esquire
Attorney for Defendant
P.O. Box 28
Philipsburg, PA 16866

Said forwarding was by first class mail.


Michael P. Yeager, Esquire
Master in Partition

Sworn to and subscribed before me this 23rd day of January, 2007.





FILED

JAN 23 2007

William A. Shaw
Prothonotary/Clerk of Courts

NOTARY PUBLIC
JAN 23 2007
WILLIAM A. SHAW
PROTHONOTARY/CLERK OF COURTS
JAN 23 2007

NOTARY PUBLIC
JAN 23 2007
WILLIAM A. SHAW
PROTHONOTARY/CLERK OF COURTS
JAN 23 2007

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

BETTY D. DEMKO,
Plaintiff,

v.

EARL IRACA,
Defendant.

No. 05-1572-CD

CASE NUMBER: 05-1572-CD

TYPE OF PLEADING: PRAECIPE TO SETTLE AND DISCONTINUE

FILED ON BEHALF OF: Plaintiff

COUNSEL FOR RECORD FOR THIS PARTY: R. Denning Gearhart, Esquire
Supreme Court ID#: 26540
207 East Market Street
Clearfield, PA 16830
814-765-1581

FILED 3CC
0/3:53/013 Certificates
OCT 15 2007 to Atty
Gearhart

William A. Shaw
Prothonotary/Clerk of Courts

(60)

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

BETTY D. DEMKO,
Plaintiff,

v.

EARL IRACA,
Defendant.

No. 05-1572-CD

PRAECIPE TO SETTLE AND DISCONTINUE

TO THE PROTHONOTARY:

Please mark the above-captioned matter settled and discontinued.



R. Denning Gearhart
Attorney for Plaintiff

Date: **October 15, 2007**

FILED

OCT 15 2007

William A. Shaw
Prothonotary/Clerk of Courts

IN SENATE
JANUARY 11, 1907

SENATE
JANUARY 11, 1907

SENATE
JANUARY 11, 1907

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JANUARY 11, 1907

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JANUARY 11, 1907

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SENATE
JANUARY 11, 1907

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

Betty D. Demko

Vs.

No. 2005-01572-CD

Earl Iraca

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on October 15, 2007, marked:

Settled and Discontinued

Record costs in the sum of \$85.00 have been paid in full by R. Denning Gearhart, Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 15th day of October A.D. 2007.



William A. Shaw, Prothonotary