

05-1596-CD
In Re: Right of Way State Route
2005-1596-CD

Commonwealth of Pa., Dept. of Transport.
2005-1596-CD

FILED *pa 85.00
0/11/48 Lm, Comm of PA
OCT 17 2005 2CC plff*

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: CONDEMNATION BY
THE COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
OF RIGHT-OF-WAY FOR
STATE ROUTE 2014, SECTION A01,
IN THE TOWNSHIP OF DECATUR

NO.
05-1596-C1

William A. Shaw
Prothonotary

EMINENT DOMAIN PROCEEDING
IN REM

DECLARATION OF TAKING

TO THE HONORABLE, THE JUDGES OF THE SAID COURT:

This Declaration of Taking, based on the provisions of Article IV, Section 402, of the Eminent Domain Code, Act of June 22, 1964, P. L. 84, 26 P. S. 1-402, as amended, respectfully represents that:

1. The Condemnor is the Commonwealth of Pennsylvania, Department of Transportation, acting through the Secretary of Transportation.

2. The address of the Condemnor is:

Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel
P. O. Box 8212
Harrisburg PA 17105-8212

3. The Department of Transportation is authorized by the provisions of Section 2003(e) of the Administrative Code of 1929, P. L. 177, 71 P. S. 513(e), as amended, to acquire by gift, purchase, condemnation, or otherwise, land in fee simple or such other estate or interest as it shall determine, in the name of the Commonwealth for all transportation purposes.

4. The within condemnation has been authorized by a plan signed by the Secretary of Transportation on April 25, 2005, titled "Drawings Authorizing Acquisition for Right-of-Way of State Route 2014 Section A01 R/W in Clearfield County," a copy of which plan was filed in the County Recorder's Office as Instrument Number 200514885 on September 13, 2005.

5. The purpose of the within condemnation is to acquire property for transportation purposes.

6. A Schedule of Property Condemned identifying and specifying the location of the property hereby condemned is attached hereto and made a part hereof.

7. Plans showing the property hereby condemned may be inspected in the Recorder's Office of the aforesaid County at the places indicated on the attached Schedule of Property Condemned or, if not shown thereon, on the day of the filing of this document being lodged for record or filed in said Recorder's Offices, where they may be inspected.

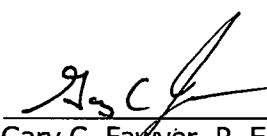
8. The nature of the title hereby condemned is fee simple, excepting and reserving therefrom a property interest in the nature of an easement for its facilities on parcel 6 to Pennsylvania Electric Company (Penelec); and temporary construction easements.

9. In the event there are recoverable minerals (including gas and oil) within the areas, if any, hereby condemned in fee simple, the mineral rights (including rights to gas and oil) in those areas are hereby excepted and reserved from this condemnation, provided, however, that the right of support of the areas condemned is included within the scope of this condemnation, and no access from the surface of such areas for removal purposes will be allowed without permission from the Commonwealth.

10. The payment of just compensation in this matter is secured by the Commonwealth's power of taxation.

11. I, Gary C. Fawver, P. E., Chief of the Utilities and Right-of-Way Section, of the Department of Transportation, do hereby depose, swear, and affirm that I am authorized by and do hereby execute this Declaration of Taking on behalf of the Commonwealth of Pennsylvania, Department of Transportation, and that the averments contained and set forth herein are true and correct to the best of my knowledge, information, and belief, and are made subject to penalties provided in 18 Pa. C. S. §4904, relating to false swearing to authorities.

WHEREFORE, fee simple title excepting and reserving therefrom a property interest in the nature of an easement for its facilities to Pennsylvania Electric Company (Penelec) on parcel 6; and temporary construction easements are hereby condemned from the properties identified on the attached Schedule of Property Condemned, as indicated on the plans referenced in paragraph 7 above.



Gary C. Fawver, P. E.
Chief, Utilities and Right-of-Way Section

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

NO.

IN RE: CONDEMNATION BY
THE COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
OF RIGHT-OF-WAY FOR
STATE ROUTE 2014, SECTION A01,
IN THE TOWNSHIP OF DECATUR

DECLARATION OF TAKING

Christopher J. Clements
Assistant Counsel in Charge, R/W
Supreme Court ID Number 44699

Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel
P. O. Box 8212
Harrisburg PA 17105-8212

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: CONDEMNATION BY
THE COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
OF RIGHT-OF-WAY FOR
STATE ROUTE 2014, SECTION A01,
IN THE TOWNSHIP OF DECATUR

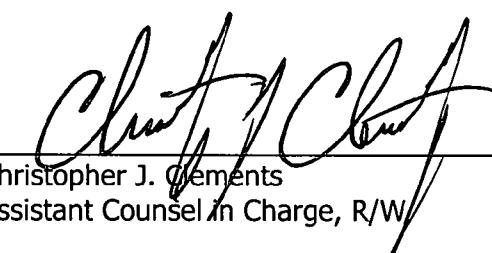
NO.

EMINENT DOMAIN PROCEEDING
IN REM

PRAECIPE TO ENTER APPEARANCE

TO THE PROTHONOTARY OF SAID COURT:

Please enter the appearance of Michael J. Creighton, Assistant Counsel in Charge, 1209 State Office Building, 300 Liberty Avenue, Pittsburgh PA 15222, and Christopher J. Clements, Assistant Counsel in Charge, R/W, Office of Chief Counsel, Department of Transportation, P. O. Box 8212, Harrisburg PA 17105-8212, as attorneys for the Commonwealth of Pennsylvania, Department of Transportation, Condemnor in the above-captioned proceedings.


Christopher J. Clements
Assistant Counsel in Charge, R/W

Michael J. Creighton
Assistant Counsel in Charge

Dated: 10-11-05

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

NO.

IN RE: CONDEMNATION BY
THE COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
OF RIGHT-OF-WAY FOR
STATE ROUTE 2014, SECTION A01,
IN THE TOWNSHIP OF DECATUR

PRAECIPE TO ENTER APPEARANCE

Filed, _____, 20____

____ A.M. ____ P.M.

Commonwealth of Pennsylvania
Department of Transportation

Office of Chief Counsel
P. O. Box 8212
Harrisburg PA 17105-8212
Telephone Number (717) 787-3128

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
SCHEDULE OF PROPERTY CONDEMNED
(Declaration of Taking)



REMIS PROJ. NO.	020122
COUNTY	Clearfield
S.R. - SECTION	S.R. 2014 - Sec. A01
MUNICIPALITY	Decatur Township

*TYPE OF TAKE	
PT-	Partial Take
TT-	Total Take

**TYPE OF DESCRIPTION	
D-	Deed Description
P-	Plan lodged for recording with Notice of Condemnation
R-	Plan now recorded in Recorder's Office

Parcel No.	Claim Number	*Type of Take	Name, Property Interest of Condemnees, Mailing Address, and Location of Condemned Property	Attached Exhibit Number (if any)	**Type of Description	Plan (if any) Recorded in
9	17002390000	PT	<p>David Lee Cowfer and Phyllis W. Cowfer, h/w RD 1 Box 752B Osceola Mills PA 16666</p> <p>Location of Property: Clearfield County DB 481 PG 476</p>		R	Instrument # 200514885 Sheet 14
6	17002360000	PT	<p>William H. Myers, Raymond A. Myers, and David G. Myers 116 Kreidler Avenue York PA 17402</p> <p>Location of Property: Clearfield County DB 531 PG 617</p>		R	Instrument # 200514885 Sheet 12

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: CONDEMNATION BY
THE COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
OF RIGHT-OF-WAY FOR
STATE ROUTE 2014, SECTION A01,
IN THE TOWNSHIP OF DECATUR

NO. 05-1596 TERM, 2005

EMINENT DOMAIN PROCEEDING
IN REM

MEMORANDUM TO PROTHONOTARY

You are hereby informed that notice of the condemnation effected by the Declaration of Taking filed to the above term and number on October 17, 2005, was recorded in the office of the Recorder of Deeds of the above county in Instrument No. 200517803 page(s).

The condemnation book and page number, file number, or microfilm number of any property plat filed or microfilmed separately from the said Notice of Condemnation is shown on the list of property condemned which is attached hereto.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

BY Michael Dust
District Right-of-Way Administrator
Engineering District 2-0

FILED 100
10:45 AM Comm. of PA
OCT 28 2005
SW

William A. Shaw
Prothonotary/Clerk of Courts

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
SCHEDULE OF PROPERTY CONDEMNED
(Declaration of Taking)



REMIS PROJ. NO.	020122
COUNTY	Clearfield
S.R. - SECTION	S.R. 2014 - Sec. A01
MUNICIPALITY	Decatur Township

***TYPE OF TAKE**

PT- Partial Take

TT- Total Take

****TYPE OF DESCRIPTION**

D- Deed Description

P- Plan lodged for recording with
Notice of CondemnationR- Plan now recorded in Recorder's
Office

Parcel No.	Claim Number	*Type of Take	Name, Property Interest of Condemnees, Mailing Address, and Location of Condemned Property	Attached Exhibit Number (if any)	**Type of Description	Plan (if any) Recorded in
9	17002390000	PT	<p>David Lee Cowfer and Phyllis W. Cowfer, h/w RD 1 Box 752B Osceola Mills PA 16666</p> <p>Location of Property: Clearfield County DB 481 PG 476</p>		R	Instrument # 200514885 Sheet 14
6	17002360000	PT	<p>William H. Myers, Raymond A. Myers, and David G. Myers 116 Kreidler Avenue York PA 17402</p> <p>Location of Property: Clearfield County DB 531 PG 617</p>		R	Instrument # 200514885 Sheet 12

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: CONDEMNATION BY THE : NO. 1596 TERM, 2005
COMMONWEALTH OF :
PENNSYLVANIA, DEPARTMENT OF :
TRANSPORTATION, OF THE :
RIGHT-OF-WAY FOR STATE :
ROUTE 2014, SECTION A01 : EMINENT DOMAIN PROCEEDING
IN THE TOWNSHIP OF DECATUR : IN REM

PROOF OF SERVICE

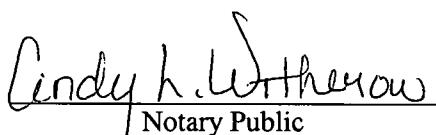
COMMONWEALTH OF PENNSYLVANIA :
: ss:
COUNTY OF CLEARFIELD :
:

I Michael Hnat, being duly sworn according to law, deposes and says that he is District Right-of-Way Administrator of Engineering District 2-0, Department of Transportation, Commonwealth of Pennsylvania, and that on or before October 19, 2005, notice of the filing of the declaration of taking in the above matter was served on the condemnees affected thereby in compliance with Article IV, Section 405, of the Eminent Domain Code, Act June 22, 1964, P.L. 84, as amended. A schedule of the condemnees so notified is attached hereto and made part hereof.



Michael Hnat
District Right-of-Way Administrator

Sworn to and subscribed before me



CINDY L. WITHEROW
Notary Public

My Commission Expires: Feb 3, 2007

NOTARIAL SEAL
CINDY L. WITHEROW, Notary Public
Clearfield Boro, Clearfield County, PA
My Commission Expires, February 3, 2007

FILED 1cc
01/10/45 Boro Comm. of PA
OCT 28 2005
IN
William A. Shaw
Prothonotary/Clerk of Courts

SCHEDULE OF CONDEMNNEES
DECLARATION OF TAKING
NO. 1596 – TERM 2005

David Lee and Phyllis W. Cowfer
942 Coal Run Road
Osceola Mills, PA 16666
Claim No.: 1700239000
Date of Service: October 18, 2005

David G. Myers, William H. Myers &
Raymond A. Myers
116 Kreidler Ave.
York, PA 17402
Claim No.: 1700236000
Date of Service: October 19, 2005

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

David G Myers, William H Myers
 Raymond A Myers
 116 Kridler Ave
 York PA 17402

2. Article Number

7005 0390 0003 7235 5894

3014/AC

(Transfer from service label)

PS Form 3811, February 2004

Domestic Return Receipt

CLW/ROW

102595-02-M-154

COMPLETE THIS SECTION ON DELIVERY**A. Signature**

Lois C. Myers Agent
 Addressee

B. Received by (Printed Name)*LOIS C. MYERS 10/19/06***C. Date of Delivery****D. Is delivery address different from item 1? Yes**If YES, enter delivery address below: No**3. Service Type**

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

4. Restricted Delivery? (Extra Fee) Yes**SENDER: COMPLETE THIS SECTION**

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

1. Article Addressed to:

David Lee & Phyllis W. Cowher
 942 Coal Run Road
 Osceola Mills, PA 16066

2. Article Number

7005 0390 0003 7235 5900

3014/AC

(Transfer from service label)

PS Form 3811, February 2004

Domestic Return Receipt

CLW/ROW

COMPLETE THIS SECTION ON DELIVERY**A. Signature**

Phyllis Cowher Agent
 Addressee

B. Received by (Printed Name)*Phyllis Cowher 10-18-03***C. Date of Delivery****D. Is delivery address different from item 1? Yes**If YES, enter delivery address below: No**3. Service Type**

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

4. Restricted Delivery? (Extra Fee) Yes

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION, OF
RIGHT OF WAY FOR STATE ROUTE 2014,
SECTION A01, IN THE TOWNSHIP OF
DECATUR

CLAIM NO. 1700239000

: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PA
:
: EMINENT DOMAIN PROCEEDING
: IN REM
:
:
: NO. 05-1596-CD

CA
FILED *Em*

PETITION TO DEPOSIT ESTIMATED JUST COMPENSATION *JAN 19 2006*

TO THE HONORABLE JUDGE OF SAID COURT:

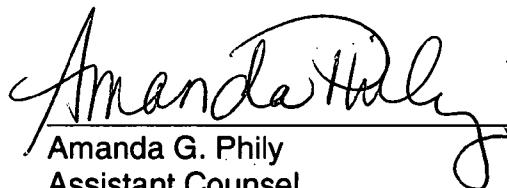
610-575-1100
William A. Shaw
Prothonotary/Clerk of Courts

1. The Department of Transportation is an administrative agency of the *2 court to file*
Commonwealth of Pennsylvania, with offices at P.O. Box 8212, Harrisburg,
Pennsylvania, 17105-8212.
2. On October 17, 2005, a Declaration of Taking was filed in the above-
captioned case by the Secretary of Transportation.
3. Although the condemnees listed on the attached Proposed Schedule of
Distribution were offered the full amount of the Commonwealth's estimated just
compensation as payment *pro tanto* of their right of way damage claim, without
prejudice to their right to proceed to a final determination of just compensation, the
Commonwealth has been unable to make payment because the claimants have not
accepted Estimated Just Compensation.
4. A draft made payable to the Prothonotary of this Court representing the
total amount of estimated just compensation due the condemnees and the
Commonwealth's pro-rata share of taxes on the subject property is attached.
5. I, Amanda G. Phily, Assistant Counsel, affirm that I am authorized to
execute this Petition to Deposit Estimated Just Compensation on behalf of the
Commonwealth of Pennsylvania, Department of Transportation, and that the averments

contained and set forth in this Petition are true and correct to the best of my knowledge, information and belief, and are subject to the penalties provided in 18 Pa.C.S.A. 4904, relating to unsworn falsification to authorities.

WHEREFORE, to assure Petitioner's possession of the condemned property, if required, to which it is entitled under Section 1-407 of the Eminent Domain Code of 1964, as amended, 26 P.S. Section 1-407, Petitioner respectfully requests that the Honorable Court direct payment of the estimated just compensation and the Commonwealth's pro-rata share of the taxes on the subject property into Court, to be held until further Order of Court directing payment of said amount, or any part thereof, to the condemnees and/or interested parties entitled thereto pursuant to Section 1-407, 1-521 and/or 1-522 of the Eminent Domain Code, as applicable.

Respectfully submitted,



Amanda G. Phily
Assistant Counsel
Supreme Court I.D. No. 80772
Commonwealth of Pennsylvania
Department of Transportation
P.O. Box 8212
Harrisburg, PA 17105-8212

PROPOSED SCHEDULE OF DISTRIBUTION

REMIS PROJ. NO.	020122
COUNTY	Clearfield
S.R.-SECTION	2014 - A01
MUNICIPALITY	DECATUR TOWNSHIP
PARCEL NO.	9
CLAIM NO.	1700239000

NAME(S) & ADDRESS(ES) OF CONDEMNEE(S); LOCATION OF PROPERTY(IES)	ENCUMBRANCES, TAXES, ETC.					NET DUE TO CONDEMNEE
	ESTIMATED JUST COMPENSATION	TYPE	DATE OF RECORD	PLACE OF RECORD	NAME AND ADDRESS OF LIENOR	
David Lee Cowfer and Phyllis W. Cowfer	E.J.C. \$3,900.00			Commonwealth Pro-Rata Share Real Estate Taxes \$57.00		\$3,957.00
942 Coal Run Road Osceola Mills PA 16666						
Clearfield County DB 481 P G 476						
	Total			<u>\$3,957.00</u>		

Subject to possible unliened, unpaid municipal claims and taxes.

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION, OF
RIGHT OF WAY FOR STATE ROUTE 2014,
SECTION A01, IN THE TOWNSHIP OF
DECATUR

CLAIM NO. 1700239000

: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PA
:
: EMINENT DOMAIN PROCEEDING
: IN REM
:
:
: NO. 05-1596-CD

ORDER

AND NOW, this _____ day of _____ 2005, upon
presentation of the Petition to Deposit Estimated Just Compensation, it is **ORDERED**
and **DIRECTED** that the sum of \$3,957.00, representing the amount of just
compensation estimated by the Commonwealth of Pennsylvania, Department of
Transportation and the Commonwealth's pro-rata share of real estate taxes due the
condemnees and/or interested parties on the subject property shown on the attached
Proposed Schedule of Distribution, be paid into Court in an interest bearing account. It
is further **ORDERED** that the sum shall be held until further Order of Court directing full
or partial payment to the condemnees and/or interested parties entitled to is pursuant to
Sections 1-407, 1-521 and/or 1-522 of the Eminent Domain Code of 1964, as amended,
26 P.S. Sections 1-407, 1-521 and/or 1-522, as applicable.

BY THE COURT:

J.

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION, OF
RIGHT OF WAY FOR STATE ROUTE 2014,
SECTION A01, IN THE TOWNSHIP OF
DECATUR

CLAIM NO. 1700239000

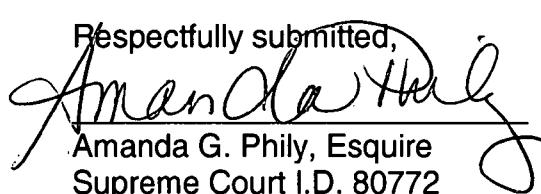
: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PA
:
: EMINENT DOMAIN PROCEEDING
: IN REM
:
:
: NO. 05-1596-CD

**SWORN STATEMENT AS TO NOTICE OF PRESENTATION OF PETITION TO
DEPOSIT ESTIMATED JUST COMPENSATION**

I, Amanda G. Phily, Assistant Counsel in the Right of Way Section, affirm that I am authorized to execute this sworn statement on behalf of the Commonwealth of Pennsylvania, Department of Transportation, that this statement is true and correct to the best of my knowledge, information and belief and that it is made subject to the penalties set forth in 18 Pa.C.S.A. Section 4904 relating to unsworn falsification to authorities.

In compliance with Section 1-522 of the Eminent Domain Code of 1964, as amended, condemnees and interested parties were notified of the Department's intent to present a Petition to Deposit Estimated Just Compensation in the above-captioned case to the Clearfield County Court of Common Pleas twenty days after they received said notice. In addition to the notice, the parties received copies of the Petition and the proposed Order.

Respectfully submitted,


Amanda G. Phily, Esquire
Supreme Court I.D. 80772
Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel
P.O. Box 8212
Harrisburg, PA 17105-8212

CERTIFIED MAIL
COUNTY: Clearfield
S.R. 2014, SECTION A01
CLAIM NO. 1700239000
COURT DOCKET NO. 05-1596-CD

SCHEDULE OF INTERESTED PARTIES NOTIFIED OF THE PRESENTATION TO
DEPOSIT ESTIMATED JUST COMPENSATION

<u>NAMES AND ADDRESSES</u>	<u>DATE RECEIVED CERTIFIED MAIL</u>
David Lee & Phyllis W. Cowfer 942 Coal Run Road Osecola Mills, PA 16666	Certified Mail Number 7003 1680 0005 1268 2940 Received on November 18, 2005

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

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
OF RIGHT OF WAY FOR STATE ROUTE
2014, SECTION A01, IN THE TOWNSHIP
OF DECATUR

CLAIM NO. 1700239000

EMINENT DOMAIN PROCEEDING
IN REM

NO: 05-1596-CD

FILED

JAN 19 2006

©/10/15/06
William A. Shaw
Prothonotary/Clerk of Courts

2 cent to Mfr

**PRAECIPE FOR ENTRY OF COURT ORDER TO PERMIT THE DEPARTMENT
OF TRANSPORTATION TO DEPOSIT ESTIMATED JUST COMPENSATION**

AND NOW, comes the Commonwealth of Pennsylvania, Department of Transportation (DOT), by and through its attorneys Andrew M. Rapach, Assistant Counsel, and the Office of Chief Counsel, and hereby requests the Honorable Court execute the attached Order to Permit the Department of Transportation to deposit estimated just compensation upon the following averments:

1. On October 17, 2005, a Declaration of Taking was filed in the above-captioned case by the Secretary of Transportation.
2. Thereafter, the Department of Transportation notified the Claimants by its Petition to Deposit Estimated Just Compensation, pursuant to Section 1-522 of the Eminent Domain Code of 1964, 26 P.S. § 1-522, that it intended to deposit estimated just compensation into Court because the Claimants had refused to accept payment.
3. The Claimants received notice of the Petition to Deposit Estimated Just Compensation and the proposed Order on November 18, 2005

4. More than 20 days have lapsed since the Claimants received notice of the Petition to Deposit Estimated Just Compensation and before presentation to the Court as required by Section 1-522.

THEREFORE, the Commonwealth of Pennsylvania, Department of Transportation requests the Court the attached Order to permit the Department of Transportation to deposit estimated just compensation into court.

Respectfully submitted,



ANDREW M. RAPACH
ASSISTANT COUNSEL
PA. ID #62016

OFFICE OF CHIEF COUNSEL
FIRM #052
1209 STATE OFFICE BUILDING
300 LIBERTY AVENUE
PITTSBURGH, PA 15222

412.565.7555

VERIFICATION

I, Andrew M. Rapach, Assistant Counsel, do hereby verify that the statements made in the foregoing document are true and correct to the best of my knowledge, information, and belief.

I understand that false statements made herein are subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.



Andrew M. Rapach
Assistant Counsel
Pa. ID #62016

Office of Chief Counsel
Firm #052
1209 State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222

412.565.7555

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION, OF
RIGHT OF WAY FOR STATE ROUTE 2014,
SECTION A01, IN THE TOWNSHIP OF
DECATUR

CLAIM NO. 1700239000

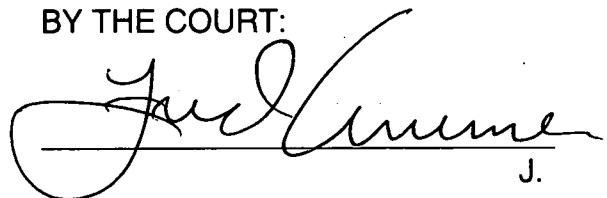
: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PA
:
: EMINENT DOMAIN PROCEEDING
: IN REM
:
:
: NO. 05-1596-CD

ORDER

AND NOW, this 20th day of January ²⁰⁰⁵, upon

presentation of the Petition to Deposit Estimated Just Compensation, it is **ORDERED**
and **DIRECTED** that the sum of \$3,957.00, representing the amount of just
compensation estimated by the Commonwealth of Pennsylvania, Department of
Transportation and the Commonwealth's pro-rata share of real estate taxes due the
condemnees and/or interested parties on the subject property shown on the attached
Proposed Schedule of Distribution, be paid into Court in an interest bearing account. It
is further **ORDERED** that the sum shall be held until further Order of Court directing full
or partial payment to the condemnees and/or interested parties entitled to is pursuant to
Sections 1-407, 1-521 and/or 1-522 of the Eminent Domain Code of 1964, as amended,
26 P.S. Sections 1-407, 1-521 and/or 1-522, as applicable.

BY THE COURT:



FILED ⁶⁰
10:55 AM ²⁰⁰⁶ Atty Philly
JAN 24 2006

William A. Shaw
Prothonotary/Clerk of Courts

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

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
OF RIGHT OF WAY FOR STATE ROUTE
2014, SECTION A01, IN THE TOWNSHIP
OF DECATUR

CLAIM NO. 1700239000
DAVID LEE & PHYLLIS W. COWFER

EMINENT DOMAIN PROCEEDING
IN REM

NO: 05-1596-CD

FILED

JAN 31 2006

01/26/06

William A. Shaw
Prothonotary/Clerk of Courts
1 cent to Atty

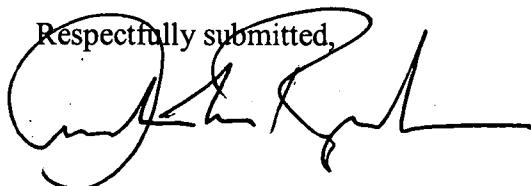
PRAECIPE FOR TO DEPOSIT ESTIMATED JUST COMPENSATION

AND NOW, comes the Commonwealth of Pennsylvania, Department of Transportation (PennDOT), by and through its attorneys Andrew M. Rapach, Assistant Counsel, and the Office of Chief Counsel, and hereby requests the Prothonotary accept for deposit into Court estimated just compensation upon the following averments:

1. On October 17, 2005, a Declaration of Taking was filed in the above-captioned case by the Secretary of Transportation.
2. Thereafter, PennDOT notified the Claimants by its Petition to Deposit Estimated Just Compensation, pursuant to Section 1-522 of the Eminent Domain Code of 1964, 26 P.S. § 1-522, that it intended to deposit estimated just compensation into Court because the Claimants had refused to accept payment.
3. On January 20, 2005, the Court of Common Pleas of Clearfield County entered an Order to allow PennDOT to pay estimated just compensation into Court.
4. Attached to the within Praecepse is check number 00452715, in the amount of \$3,957.00, on behalf of Claimants in the above-captioned case, David Lee & Phyllis W. Cowfer, Claim No. 1700239000.

THEREFORE, the Commonwealth of Pennsylvania, Department of
Transportation deposits estimated just compensation into court.

Respectfully submitted,



Andrew M. Rapach
Assistant Counsel
Pa. ID #62016

Office of Chief Counsel
Firm #052
1209 State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222

412.565.7555

HOLD DOCUMENT TO LIGHT TO VERIFY WATERMARKS

00000		008	120605	00601560	286013	
CDC	FUND	DEPT	PREP DATE	VOUCHER	WARRANT	ID

000085 62-0101
311

26 00452715

CHECK NUMBER

12/14/2005

DATE

COMMERCE BANK
PHILADELPHIA, PA

VERIFICATION AVAILABLE - "POSITIVE PAY" PROTECTED



PAY ONLY **3,957.00**
NINE SEVEN
THREE FIVE CTS CTS

TO THE ORDER OF

DAVID LEE & PHYLLIS W COWFER
OR CLEARFIELD CO PROTHONOTARY
PO BOX 8212
AMANDA PHILLY ASST COUNSEL
HARRISBURG PA 17105-8212



VOID AFTER 180 DAYS

\$ ***3,957.00**

Robert P. Casey, Jr.
TREASURER OF PENNSYLVANIA

00452715 00311010171 950001115

DO NOT ACCEPT WITHOUT HOLDING. TO LIGHT TO VERIFY WATERMARKS

Date: 1/31/2006
Time: 12:31:PM

Clearfield County Court of Common Pleas
Receipt

NO. 1912290
Page 1 of 1

Received of: Commonwealth of Pennsylvania \$ 3,957.00

, PA
Three Thousand Nine Hundred Fifty-Seven and 00/100 Dollars

Plaintiff: Commonwealth of Pennsylvania vs. no defendant

Case	Litigant type	Amount
2005-01596-CD	Plaintiff	
	Trust account	3,957.00
		Total: 3,957.00
		Balance due: 0.00

Check: 2600452715 Bank: Commerce Bank of Phila.

Payment Method: Check William A. Shaw, Prothonotary/Clerk of Cou
Amount Tendered: 3,957.00
Change Returned: 0.00 By: _____
Clerk: BILLSHAW Deputy Clerk

184088



REMITTER: NO 05 1596 CD & PW COWFER

DATE 6/02/11

CLEARFIELD CO PROTHONOTARY -----
EXACTLY **4,105 AND 99/100 DOLLARS \$ \$4,105.99

CUSTOMER - FILE COPY

CASHIER'S CHECK

AUTHORIZED SIGNATURE

NOT NEGOTIABLE

A handwritten signature in black ink, appearing to read "Be", is placed here.

Clearfield County Court of Common Pleas
DISBURSEMENT

NO. 0020433

Thursday, June 02, 2011

\$4105.99

Paid to: Commonwealth of Pennsylvania

301 5th Ave.

Office of Chief Counsel, Denise Farkas
Pittsburgh PA 15222

Four Thousand One Hundred Five and 99/100 Dollars

ff: Commonwealth of Pennsylvania vs. no defendant

Case: 2005-01596-CD

4105.99 William A. Shaw, Prothonotary/Clerk of Courts

For: Trust

By:

Deputy Clerk

NOT NEGOTIABLE

Clerk: BILLSHAW

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
OF RIGHT OF WAY FOR STATE,
ROUTE 2014, SECTION A01, IN THE
TOWNSHIP OF DECATUR

EMINENT DOMAIN PROCEEDINGS

NO. 05-1596-CD

Claim No. 17002390000

**PETITION TO PAY THE COMMONWEALTH
OF PENNSYLVANIA, DEPARTMENT OF
TRANSPORTATION THE UNDISTRIBUTED
ESTIMATED JUST COMPENSATION
DEPOSITED INTO COURT**

Filed on Behalf of:

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION

Counsels of Record for this Party:

Denise H. Farkas, Jr.
Assistant Counsel
Pa. I.D. 82072
Office of Chief Counsel
301 5th Ave., Ste. 210
Pittsburgh, PA 15222
(412) 565-7555

Kelly Solomon
Assistant Counsel
Commonwealth of Pennsylvania
Department of Transportation
P.O. Box 8212
Harrisburg, PA 17105-8212

FILED 200
01/25/2011 Atty Farkas
S JUN 01 2011

William A. Shaw
Prothonotary/Clerk of Courts

IN RE: CONDEMNATION BY THE : IN THE COURT OF COMMON PLEAS
COMMONWEALTH OF PENNSYLVANIA, : CLEARFIELD COUNTY, PA
DEPARTMENT OF TRANSPORTATION, OF :
RIGHT OF WAY FOR STATE ROUTE 2014, : EMINENT DOMAIN PROCEEDING
SECTION A01, IN THE TOWNSHIP OF : IN REM
DECATUR :
CLAIM NO. 1700239000 : NO. 05-1596-CD

**PETITION TO PAY CLAIMANTS UNDISTRIBUTED ESTIMATED JUST
COMPENSATION PREVIOUSLY DEPOSITED INTO COURT**

TO THE HONORABLE JUDGE OF SAID COURT:

Petitioner, the Department of Transportation of the Commonwealth of Pennsylvania, respectfully represents that:

1. The Department of Transportation ("Commonwealth") is a Department of the Commonwealth of Pennsylvania with offices at P.O. Box 8212, Harrisburg, Pennsylvania 17105-8212.
2. On October 17, 2005, the Commonwealth filed a Declaration of Taking, condemning, *inter alia*, certain real property owned by David Lee Cowfer ("claimant").
3. On January 31, 2006, upon Petition of the Commonwealth, this Honorable Court ordered and directed that the sum of \$3,957.00, representing the amount of just compensation estimated by the Commonwealth due to claimant for damages sustained resulting from the condemnation of his property, be deposited into Court.
4. At the time the Commonwealth filed its Petition to Deposit Estimated Just Compensation, there were no liens or encumbrances against the property, as shown on the attached Proposed Schedule of Distribution.

5. The sum of \$3,957.00 that was deposited into Court in accordance with this Court's Order remains deposited, as no party in interest has filed a petition.

6. Subsequent to the Commonwealth petitioning for the deposit of the estimated just compensation into Court, the claimant entered into a post-condemnation settlement with the Commonwealth and the Commonwealth agreed to present this Petition on his behalf.

7. I, Kelly Edward Solomon, Assistant Counsel, affirm that I am authorized to execute this Petition to Pay Claimant on behalf of the Commonwealth, that all statements are true and correct to the best of my knowledge, information and belief, and that all statements are made subject to the penalties provided in 18 Pa.C.S.A. §4904, relating to unsworn falsification to authorities.

WHEREFORE, Petitioner respectfully requests that this Honorable Court order and direct that the sum of \$3,957.00, representing the amount deposited into Court as just compensation due claimant, plus any accrued interest, be paid to David Lee Cowfer, as provided in Section 522 of the Eminent Domain Code, 26 Pa. §522, as amended.

Respectfully submitted,



Kelly Edward Solomon
Assistant Counsel
I.D. No. 85714
Pennsylvania Department of Transportation
Office of Chief Counsel
P.O. Box 8212
Harrisburg, Pennsylvania 17105-8212

PROPOSED SCHEDULE OF DISTRIBUTION

PROPOSED SCHEDULE OF DISTRIBUTION

NAME(S) & ADDRESS(IES) OF CONDEEMEE(S); LOCATION OF PROPERTY(IES)	ESTIMATED JUST COMPENSATION	ENCUMBRANCES, TAXES, ETC.				NET DUE TO CONDEEMEE
		TYPE	DATE OF RECORD	PLACE OF RECORD	NAME AND ADDRESS OF LIENOR	
David Lee Cowfer and Phyllis W. Cowfer	E.J.C. \$3,900.00					
942 Coal Run Road Osceola Mills PA 16666		Commonwealth Pro-Rata Share Real Estate Taxes				
Clearfield County DB 481 P C 476		\$57.00				
	Total		<u>\$3,957.00</u>			

Subject to possible unliened, unpaid municipal claims and taxes.

1330

CLEARFIELD COUNTY PROTHONOTARY 7-83
ATTEN: ~~WILLIAM A. SHAW~~ William A. Shaw
ESCROW ACCOUNT
P.O. BOX 549
CLEARFIELD, PA 16830

VO10 45 DAYS FROM
June 2, 2011

60-629/313

JUNE 2 2011

PAY
TO THE
ORDER OF

David Lee Cowfer

\$ 4,105.99

DOLLARS

Forty-one hundred five and 99/100



Main Office
11 North 2nd Street
Clearfield, PA 16830

IMMA

Willie

FOR 2005-1596-CO PEN COURT ORDER

410313062940 1 2 26577 21 1330



184088

REMITTER: NO 05 1596 CD & PW COWFER

6/02/11

PAY TO THE
ORDER OFCLEARFIELD CO PROTHONOTARY

EXACTLY **4,105 AND 99/100 DOLLARS

\$ \$4,105.99**CASHIER'S CHECK**

THE PURCHASE OF AN INDEMNITY BOND WILL BE REQUIRED BEFORE ANY
CASHIER'S CHECK OF THIS BANK WILL BE REPLACED OR REFUNDED IN THE
EVENT IT IS LOST, MISPLACED, OR STOLEN.

AUTHORIZED SIGNATURE

A handwritten signature in black ink that reads "Bonnie Ackley". Above the signature, the words "AUTHORIZED SIGNATURE" are printed in a small, capitalized font.

00000184088 0313062940 19000027

184088



REMITTER: NO 05 1596 CD & PW COWFER

DATE 6/02/11

CLEARFIELD CO PROTHONOTARY

EXACTLY **4,105 AND 99/100 DOLLARS

\$ \$4,105.99

CUSTOMER - FILE COPY

CASHIER'S CHECK

AUTHORIZED SIGNATURE

NOT NEGOTIABLE

A handwritten signature in black ink that reads "Be". Above the signature, the words "AUTHORIZED SIGNATURE" are printed in a small, capitalized font.

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION, OF
RIGHT OF WAY FOR STATE ROUTE 2014,
SECTION A01, IN THE TOWNSHIP OF
DECATUR

CLAIM NO. 1700239000

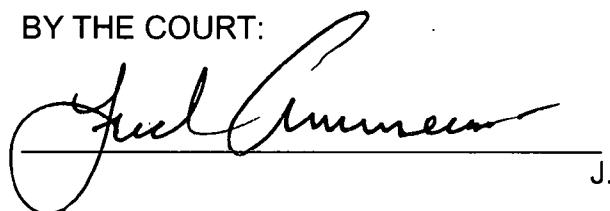
IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PA
EMINENT DOMAIN PROCEEDING
IN REM
NO. 05-1596-CD

ORDER

AND NOW, June 1st, 2011, upon presentation of the Petition to Pay Claimant, it is **ORDERED** and **DIRECTED** that the sum of \$3,957.00, representing the amount deposited into Court as estimated just compensation due to claimant, plus any accrued interest, shall be paid to David Lee Cowfer.

It is further **ORDERED** that the Prothonotary make a check payable to David Lee Cowfer for \$3,957.00, plus any accrued interest, deliver it to Denise H. Farkas, Office of Chief Counsel, Pennsylvania Department of Transportation, and mark the record accordingly.

BY THE COURT:



J.

②
FILED 2 cc
JUN 01 2011 Atty Farkas
OPD:SSB

William A. Shaw
Prothonotary/Clerk of Courts