

05-1685-CD

Clara V. Ardary vs Barbara

Clara V. Ardary vs. Barbara Emerson et al  
2005-1685-CD

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

CLARA V. ARDARY,

Plaintiff

vs.

BARBARA EMERSON and  
GORDON EMERSON, her husband  
Defendants

NO. 2005-1685 -CD

TYPE OF CASE:  
ACTION IN PARTITION

TYPE OF PLEADING:  
COMPLAINT

FILED ON BEHALF OF:  
PLAINTIFF

COUNSEL OF RECORD FOR  
THIS PARTY:

Richard A. Bell, Esquire  
Supreme Ct. I.D. #06808

BELL, SILBERBLATT & WOOD  
318 E. Locust Street  
P.O. Box 670  
Clearfield, PA 16830

(814) 765-5537

FILED 2cc Amy Bell  
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OCT 31 2005  
William A. Shaw  
Prothonotary/Clerk of Courts

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

CLARA V. ARDARY, Plaintiff

ACTION IN PARTITION

vs.

NO. 05- CD

BARBARA EMERSON, and  
GORDON EMERSON, her husband,  
Defendants

TO THE WITHIN NAMED DEFENDANTS

NOTICE TO DEFEND

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF  
YOU DO NOT HAVE A LAWYER OR CANNOT FIND ONE, GO TO OR TELEPHONE

THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL  
HELP.

COURT ADMINISTRATOR  
CLEARFIELD COUNTY COURTHOUSE  
2nd & Market Streets  
Clearfield, Pennsylvania 16830  
Telephone (814) 765-2641 Ex.5982

BELL, SILBERBLATT & WOOD  
BY

A handwritten signature in cursive script, appearing to read "Richard A. Bell", written over a horizontal line.

Richard A. Bell, Esquire  
Attorney for Plaintiff

BELL, SILBERBLATT & WOOD  
318 East Locust Street  
P.O. Box 670  
Clearfield, Pennsylvania 16830

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

CLARA V. ARDARY, Plaintiff

ACTION IN PARTITION

vs.

NO. 05- CD

BARBARA EMERSON, and  
GORDON EMERSON, her husband,  
Defendants

COMPLAINT

NOW COMES the Plaintiff by and through her attorney, RICHARD A. BELL Esquire, of Bell, Silberblatt & Wood and files the following:

1. The Plaintiff is Clara V. Ardary, an individual residing at 989 Goshen Road, Clearfield, Clearfield County, Pennsylvania 16830. The Plaintiff is of full age and sui juris.

2. The Defendants are Barbara Emerson and Gordon Emerson, her husband residing at 122 Highledge Drive, Penfield, New York, 14526. The Defendants are of full age and sui juris.

3. Plaintiff and Defendants are the owners of certain real estate in Clearfield County, Pennsylvania, and all of the interest of the parties in the property are held as undivided interests as tenants in common.

4. The property in question is located in Lawrence Township, Clearfield County, Pennsylvania bounded and described as follows:

BEGINNING at a hemlock the south east corner of land conveyed to E. & W. F. Irwin, Lot No. 92; thence west one hundred and fifty five (155) perches to a post the south east corner of land conveyed to John Butler, Lot No. 119; thence north fifty six (56) perches to a post corner of Lot

No. 181; thence east one hundred and fifty five (155) perches to a white pine, the south east corner of Lot No. 181, and thence south fifty six (56) perches to place of beginning and containing fifty one (51) acres, with allowance of six per cent, more or less; being Lot No. 182 of Allotment of Keating, in said Lawrence Township, and being Warrant No. 1905.

EXCEPTING AND RESERVING all that certain lot or plot of ground conveyed by Nettie M. Ardary, et ux to Arvilla Pearl Gaines by Deed dated March 27, 1942 and recorded in the Recorder's Office Of Clearfield County, Pennsylvania in Deed Book 343, at Page 158.

ALSO EXCEPTING AND RESERVING all that certain lot or parcel of ground conveyed by Don F. Ardary and Nettie M. Ardary to Clyde W. Ardary and Clara V. Ardary, by Deed dated April 10, 1948 and recorded in the Office Of The Recorder Of Deeds Of Clearfield County, Pennsylvania in Deed Book 390, at Page 238.

EXCEPTING AND RESERVING all exceptions and reservations which appear in the prior chain of title.

5. The Plaintiff acquired her interest from a Deed from Eleanor Byers, et al dated June 8, 2005, and recorded to Instrument No. 200513569 and a Deed from Ann Mae Barber and Gerald E. Barber, dated August 15, 2005 and recorded to Instrument No. 200513568 in the Office Of The Recorder Of Deeds Of Clearfield County, Pennsylvania. The Plaintiff also acquired an interest as Widow and Heir of Clyde W. Ardary who died September 18, 2004.

6. The Defendants acquired her interest as an heir of Clyde W. Ardary and her husband Gordon Emerson is that of marital interest.

7. Clyde W. Ardary acquired his interest from the Last Will and Testament of Nettie M. Ardary who died October 4, 1960.

8. Nettie M. Ardary acquired her title by a Deed from D. S. Stiver, et ux dated

September 24, 1908, and recorded in the Office Of The Recorder Of Deeds Of Clearfield County, Pennsylvania in Deed Book 173 at Page 178.

9. The parties hold title to the property as tenants in common. The Defendants own a one-fortieth interest and the Plaintiff owns a thirty-nine fortieth interest. No person other than the named parties has any title or interest in the property.

10. The property is presently in the possession of the Plaintiff Clara V. Ardary by virtue of the Deed hereinbefore recited, and the Estate of Clyde W. Ardary.

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


WHEREFORE, the Plaintiff demands that:

(A). The Court decree partition of the said real estate.

(B). That the shares of the respective parties are set out to them, 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.

BELL, SILBERBLATT & WOOD  
By

  
Richard A. Bell, Esquire  
Attorney for Plaintiff

VERIFICATION

I, CLARA V. ARDARY, verify that the within statements in the foregoing Complaint 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.A. §4904, relating to unsworn falsification to authorities.

DATED: 10-26-2005

Clara V. Ardary  
CLARA V. ARDARY



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

CLARA V. ARDARY,

Plaintiff

vs.

BARBARA EMERSON and  
GORDON EMERSON, her husband

Defendants

NO. 2005-1685 -CD

TYPE OF CASE:  
ACTION IN PARTITION

TYPE OF PLEADING:  
PRAECIPE TO SETTLE &  
DISCONTINUE

FILED ON BEHALF OF:  
PLAINTIFF

COUNSEL OF RECORD FOR  
THIS PARTY:

Richard A. Bell, Esquire  
Supreme Ct. I.D. #06808

BELL, SILBERBLATT & WOOD  
318 E. Locust Street  
P.O. Box 670  
Clearfield, PA 16830

(814) 765-5537

FILED  
O/11:00am  
JUN 08 2008  
disc. issued to  
Att. Bell

William A. Shaw  
Prothonotary

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

CLARA V. ARDARY, Plaintiff

ACTION IN PARTITION

vs.

NO. 05-1685-CD

BARBARA EMERSON, and  
GORDON EMERSON, her husband,  
Defendants

PRAECIPE

TO: WILLIAM A. SHAW, PROTHONOTARY

Please mark the above-captioned matter settled and discontinued.

BELL, SILBERBLATT & WOOD  
BY

DATED: 6-7-06

  
Richard A. Bell, Esquire  
Attorney for Plaintiff

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

**CIVIL DIVISION**

**COPY**

**Clara V. Ardary**

**Vs.**

**No. 2005-01685-CD**

**Barbara Emerson  
Gordon Emerson**

**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 June 8, 2006, marked:

Settled and discontinued

Record costs in the sum of \$85.00 have been paid in full by Richard A. Bell Esq. .

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 8th day of June A.D. 2006.



\_\_\_\_\_  
William A. Shaw, Prothonotary