

05-1709-CD
Douglas Mihalko vs John Estep al

Douglas Mihalko al vs John A. Estep, al
05-1709-CD

LEHMAN & KASUBICK
611 BRISBIN STREET
HOUTZDALE, PA 16651
(814) 378-7840

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

DOUGLAS F. MIHALKO, Plaintiff	:	No.: 2005-1709 CD
vs.	:	Type of Case: Quiet Title Action
JOHN A. ESTEP and FRANCES ESTEP a/k/a FRANCES MAY ESTEP, his wife; MABEL ESTEP; WILLIAM R. ESTEP; MARTHA ESTEP; ALBERT ESTEP; and EDNIE ESTEP; and their heirs, executors, administrators, successors, trustees, and assigns, known or unknown, and any other person who may claim title or an interest in the property subject to this action,	:	Type of Pleading: Motion For Service By Publication Filed on behalf of: Plaintiff
Defendants	:	Counsel of Record For This Party: Girard Kasubick, Esq. Supreme Court #30109 LEHMAN & KASUBICK 611 Brisbin Street Houtzdale, PA 16651

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Printed on 01/25/06
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA
CIVIL DIVISION

DOUGLAS F. MIHALKO,
Plaintiff
vs.
JOHN A. ESTEP and FRANCES
ESTEP a/k/a FRANCES MAY
ESTEP, his wife; MABEL ESTEP;
WILLIAM R. ESTEP; MARTHA
ESTEP; ALBERT ESTEP; and
EDNIE ESTEP;
and their heirs, executors,
administrators, successors,
trustees, and assigns, known
or unknown, and any other
person who may claim title
or an interest in the
property subject to this
action,
Defendants

:
No.: 2005-1709-CD
Type of Case: Quiet
Title Action
Type of Pleading:
Complaint
Filed on behalf of:
Plaintiff
Counsel of Record For
This Party:
Girard Kasubick, Esq.
Supreme Court #30109
LEHMAN & KASUBICK
611 Brisbin Street
Houtzdale, PA 16651

FILED *Att'y ad. 95.00*
0/12/570 NOV 02 2005 *No CC*
William A. Shaw
Prothonotary/Clerk of Courts

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

DOUGLAS F. MIHALKO,
Plaintiff

vs.

JOHN A. ESTEP and FRANCES
ESTEP a/k/a FRANCES MAY ESTEP,
his wife; MABEL ESTEP; WILLIAM
R. ESTEP; MARTHA ESTEP; ALBERT
ESTEP; and EDNIE ESTEP;
and their heirs, executors,
administrators, successors,
trustees, and assigns, known
or unknown, and any other
person who may claim title or
an interest in the property
subject to this action,

Defendants

No.: 2005-

QUIET TITLE ACTION

NOTICE

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, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

David Meholic
Court Administrator's Office
Clearfield County Court House
Clearfield, PA 16830
(814) 765-2641

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

DOUGLAS F. MIHALKO, :
Plaintiff :
vs. :
No.: 2005-
QUIET TITLE ACTION
JOHN A. ESTEP and FRANCES :
ESTEP a/k/a FRANCES MAY ESTEP, :
his wife; MABEL ESTEP; WILLIAM :
R. ESTEP; MARTHA ESTEP; ALBERT :
ESTEP; and EDNIE ESTEP; :
and their heirs, executors, :
administrators, successors, :
trustees, and assigns, known :
or unknown, and any other :
person who may claim title or :
an interest in the property :
subject to this action, :
Defendants :

COMPLAINT

AND NOW comes, Douglas F. Mihalko, by and through his attorney, Girard Kasubick, Esq., and files the following Complaint:

1. The Plaintiff is Douglas F. Mihalko, who resides at 721 Houtz Street, Houtzdale, PA 16651.
2. The Defendants are John A. Estep and Frances Estep a/k/a Frances May Estep, his wife; Mabel Estep; William R. Estep; Martha Estep; Albert Estep; and Ednie Estep; and their heirs, executors, administrators, successors, trustees and assigns, known or unknown, and

any other person who may claim title under them, and who are deceased or their whereabouts are unknown.

3. The real property involved in and subject of this action is all those real properties or parcels of land situate in Bigler Township, Clearfield County, Pennsylvania, bounded and described as follows:

THE FIRST THEREOF:

BEGINNING at corner of Lot Nos. 11 & 12 on Winona Alley; thence South Eighty (80) feet along line between Lots Nos. 11 & 12 to right-of-way of Vulcan Branch Railroad; thence along said right-of-way Southwest Ninety (90) feet to a point along Worth Street; thence West along Worth Street about Eight (8) feet to corner of Lots Nos. 12 & 13; thence North along said line of Lots Nos. 12 & 13, One Hundred and Fifty (150) feet to a point on Winona Alley; thence along the western side of Winona Alley in a southerly direction to place of beginning and known as Lot No. 12 on the plan of Beulah City as recorded in the office for recording of deeds in said County in Deed Book No. 73, Page 504.

THE SECOND THEREOF:

BOUNDED on the East by Lot No. 12; on the North by Winona Alley; on the West by Lot No. 14, and on the South by Worth Street and known as Lot No. 13 on the plan of Beulah City as recorded in the office for recording of deeds in said County in Deed Book 73, Page 504.

THE THIRD THEREOF:

BOUNDED on the East by Whiteside Street; on the North by Winona Alley; on the West by Lot No. 12; and on the South by Worth Street and known as Lot No. 11 on the Beulah City as recorded in the office for recording of deeds in said County in Deed Book No. 72, Page 504. This Lot being divided by the right-of-way for the Vulcan Branch Railroad.

The above properties combined is currently known by Clearfield County Tax Map No. 103-L14-372-8. The above properties herein after referred to as "Premises".

4. The deeds and method by which Douglas F. Mihalko obtained title to the Premises described in Paragraph 3 is as follows:

a). The Premises was conveyed to Douglas F. Mihalko by deed from Carol Mihalko a/k/a Carol Ann Mihalko and James A. Mihalko, her husband, dated June 6, 2005 and recorded in Clearfield County Instrument No. 200509193. The description in this deed is only by the Tax Map Number being 103-L14-372-8.

b). The Premises was devised to Carol Ann Mihlako by the Will of Mabel Estep dated November 3, 1971 and recorded in Clearfield County Will Book 46, Page 22 in the Estate of Mabel Estep to Clearfield County Estate File No. 77-246. The Premises was devised under paragraph Second of the Will. Mabel Estep died on November 30, 1982.

c). The Premises was conveyed to Mabel Estep by deed from K. L. Scollins, single, dated October 24, 1946 and recorded in Clearfield County Deed Book 379, Page 223. The description in this deed is only as House and 2 Lots of Frances Estep Estate sold at Treasurers Tax Sale with no metes and bounds description.

d). The Premises was conveyed to K. L. Scollins by deed from Foster W. Kerr, Treasurer of Clearfield County in the name of Frances Estep Estate for unpaid 1942 taxes by deed dated February 10, 1945 and recorded in Clearfield County Deed Book 379, Page 222. The description in this deed is only as House and 2 Lots with no metes and bounds description. The Treasurers Tax Sale for the Premises is found in Prothonotary File No. 241 December Term 1944.

e). The Assessment Records for Bigler Township, Clearfield County, shows Frances Estep or Frances Estep Estate assessed with H and 2L from 1932 until 1948. In 1948 said records show that the H & 2L is transferred to Mabel Estep. In 1932 said records show the H & 2L is transferred from John Estep.

f). Frances Estep a/k/a Frances May Estep died on September 15, 1939 as shown in Clearfield County Estate File No. 17416.

g). The Estate of Frances May Estep a/k/a Frances Estep lists a House and 2 Lots in Bigler Township in the Estate and by her Will dated February 9, 1939 she devised and bequeathed all property real and personal to her daughter, Mabel Estep, and son, William R. Estep. The Will is found in Clearfield County Will Book T, Page 170.

h). The Premises was devised in the estate of John A. Estep found in Clearfield County Estate File No. 14833 to his wife, Frances May Estep, but the home to be used for his children Mable Estep, Martha Estep, William R. Estep, Albert Estep and Ednie Estep.

i). John A. Estep died August 19, 1931 and his Will dated August 10, 1931 is recorded in Clearfield County Will Book P, Page 521 which devises the Premises as set forth in subparagraph 4. h). above.

j). The Premises was conveyed to John A. Estep by deed from Joseph Hopkins and Hannah Hopkins, his wife, dated June 15, 1907 and recorded in Clearfield County Deed Book 161, Page 390. This deed contains the First Thereof and Second Thereof descriptions of the Premises set forth in paragraph 3. above, corrected to properly describe Lots 12 & 13 in the Plan of Beulah City recorded in Clearfield County Deed Book 73, Page 504 as shown on said plan.

k). After diligent search of the records in the Clearfield County Recorder of Deeds and Register of Wills offices, no other deeds on the Premises was found of record nor were any Estates found for Martha Estep, William R. Estep, Albert Estep or Ednie Estep.

Furthermore, no deed could be found recorded on Lot No. 11 being The Third Thereof described in paragraph 3. above.

1). The County Assessment Records have included Lot No. 11 in the Plan of Beulah City as being assessed with Lot Nos. 12 and 13 in the Plan of Beulah City under one Tax Map Number being 103-L14-372-8 since at least the 1950's.

5. The Plaintiff and his predecessor in title have since 1982 been in open, continuous, notorious, actual, exclusive, visible, distinct, and hostile possession of the Premises described in paragraph 3. of this Complaint in excess of twenty-one (21) years immediately preceding the filing of this action, and thereby claim title by adverse possession.

6. This Quiet Title Action is necessary to establish a proper chain of title out of which the Premises subject of this action comes, because of irregularities in the chain of title, including possible unrecorded deeds, variances in the descriptions, tax sale deeds, unclear tax assessments, and no proof of deaths or estates of record proving heirs or the proper chain of title, all of which raise a question as to the chain of title to the property and create a cloud on title.

7. It is finally averred that this Quiet Title Action is necessary to determine the validity or discharge of any document, obligation, assessment or deed affecting any right, title and interest in the property subject of this action, which may affect the rights of the Defendants and their heirs.

8. All of the named Defendants to this Action are deceased or their whereabouts are unknown and Plaintiff has made a diligent and reasonable search to locate the whereabouts of the Defendants, John A. Estep and Frances Estep a/k/a Frances May Estep, his wife, Mabel Estep, William R. Estep, Martha Estep, Albert Estep, and Ednie Estep, but they are deceased or their whereabouts are unknown.

WHEREFORE, Plaintiff brings this action and respectfully requests the Court to decree as follows:

a). That the Plaintiff, his heirs, executors, personal representatives and assigns are seized of an indefeasible title to the property situated in Bigler Township, Clearfield County, Pennsylvania, described herein and that an Order and Decree be entered adjudicating that each of the Defendants and any of their heirs, successors, trustees, personal representatives, or

assigns be forever barred from asserting any right, title, lien or interest in the within described parcel of land.

b). That such other relief be granted as may be necessary in establishing Plaintiffs' title, including determinations on the validity or discharge of any documents, obligations or deeds affecting right, title and interest in the property described herein.

c). Such other and further relief as the Court deems proper.



Girard Kasubick, Esq.
Attorney for Plaintiff

VERIFICATION

I, the undersigned, verify that the statements made in the foregoing Complaint are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. 4904 relating to unsworn falsification to authorities.



Douglas F. Mihalko

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

DOUGLAS F. MIHALKO,
Plaintiff :
vs. : No.: 2005-1709-CD
JOHN A. ESTEP and FRANCES : Type of Case: Quiet
ESTEP a/k/a FRANCES MAY : Title Action
ESTEP, his wife; MABEL ESTEP; : Type of Pleading:
WILLIAM R. ESTEP; MARTHA : Affidavit
ESTEP; ALBERT ESTEP; and : Filed on behalf of:
EDNIE ESTEP; and their heirs, : Plaintiff
executors, administrators, : Counsel of Record For
successors, trustees, and : This Party:
assigns, known or unknown, : Girard Kasubick, Esq.
and any other person who : Supreme Court #30109
may claim title or an interest : LEHMAN & KASUBICK
in the property subject to : 611 Brisbin Street
this action, : Houtzdale, PA 16651
Defendants :
:

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William A. Shaw
Prothonotary/Clerk of Courts

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

DOUGLAS F. MIHALKO, :
Plaintiff :
vs. : No.: 2005-
: QUIET TITLE ACTION
JOHN A. ESTEP and FRANCES :
ESTEP a/k/a FRANCES MAY ESTEP, :
his wife; MABEL ESTEP; WILLIAM :
R. ESTEP; MARTHA ESTEP; ALBERT :
ESTEP; and EDNIE ESTEP; :
and their heirs, executors, :
administrators, successors, :
trustees and assigns, known :
or unknown, and any other :
person who may claim title or :
an interest in the property :
subject to this action, :
Defendants :

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA : :
COUNTY OF CLEARFIELD : \$:

Before me, the undersigned officer, personally
appeared DOUGLAS F. MIHALKO, who being duly sworn
according to law, deposes and says that the names of the
Defendants, JOHN A. ESTEP and FRANCES ESTEP a/k/a FRANCES
MAY ESTEP, his wife; MABEL ESTEP; WILLIAM R. ESTEP; MARTHA
ESTEP; ALBERT ESTEP; and EDNIE ESTEP; their heirs,
executors, administrators, successors, trustees, assigns
and successors, known or unknown, are all deceased or
their whereabouts are unknown to the Plaintiff.

Plaintiff and his attorney have made an investigation to locate the aforesaid Defendants that are unknown, by checking the records of Clearfield County and by review of the telephone directories in the area, contacting the election office, tax rolls, and voting records, however none of the above were found because they are deceased or their whereabouts are unknown.



Douglas F. Mihalko

Sworn to and subscribed
before me this 28th
day of October, 2005.



Girard Kasubick
N.P.

COMMONWEALTH OF PENNSYLVANIA	
Notarial Seal	
Girard Kasubick, Notary Public	
Houtzdale Boro, Clearfield County	
My Commission Expires June 8, 2007	
Member, Pennsylvania Association Of Notaries	

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

DOUGLAS F. MIHALKO,
Plaintiff

vs.

JOHN A. ESTEP and FRANCES
ESTEP a/k/a FRANCES MAY
ESTEP, his wife; MABEL ESTEP;
WILLIAM R. ESTEP; MARTHA
ESTEP; ALBERT ESTEP; and
EDNIE ESTEP; and their heirs,
executors, administrators,
successors, trustees, and
assigns, known or unknown,
and any other person who
may claim title or an interest
in the property subject to
this action,

Defendants

: No.: 2005-1709 CD
: Type of Case: Quiet
: Title Action
: Type of Pleading:
: Motion For Service
: By Publication
: Filed on behalf of:
: Plaintiff
: Counsel of Record For
: This Party:
: Girard Kasubick, Esq.
: Supreme Court #30109
: LEHMAN & KASUBICK
: 611 Brisbin Street
: Houtzdale, PA 16651

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William A. Shaw
Prothonotary/Clerk of Courts

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

DOUGLAS F. MIHALKO, :
Plaintiff :
vs. : No.: 2005-
: QUIET TITLE ACTION
JOHN A. ESTEP and FRANCES :
ESTEP a/k/a FRANCES MAY ESTEP, :
his wife; MABEL ESTEP; WILLIAM :
R. ESTEP; MARTHA ESTEP; ALBERT :
ESTEP; and EDNIE ESTEP; :
and their heirs, executors, :
administrators, successors, :
trustees and assigns, known :
or unknown, and any other :
person who may claim title or :
an interest in the property :
subject to this action, :
Defendants :

MOTION FOR SERVICE BY PUBLICATION

1. Your Petitioner is Douglas F. Mihalko, Plaintiff,
in the above captioned matter.

2. Petitioner, by attached affidavit incorporated
herein by reference thereto, believe that the named
Defendants are deceased or their whereabouts are unknown.

WHEREFORE, Petitioner, by his attorney, Girard
Kasubick, Esq., requests that Your Honorable Court grant
an order that all of the herein named Defendants be served
by publication as required by law.



Girard Kasubick, Esq.
Attorney for Plaintiff

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William A. Shaw
Prothonotary/Clerk of Courts

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

DOUGLAS F. MIHALKO, :
Plaintiff :
vs. :
No.: 2005-1709 CD
QUIET TITLE ACTION
JOHN A. ESTEP and FRANCES :
ESTEP a/k/a FRANCES MAY ESTEP, :
his wife; MABEL ESTEP; WILLIAM :
R. ESTEP; MARTHA ESTEP; ALBERT :
ESTEP; and EDNIE ESTEP; :
and their heirs, executors, :
administrators, successors, :
trustees and assigns, known :
or unknown, and any other :
person who may claim title or :
an interest in the property :
subject to this action, :
Defendants :
:

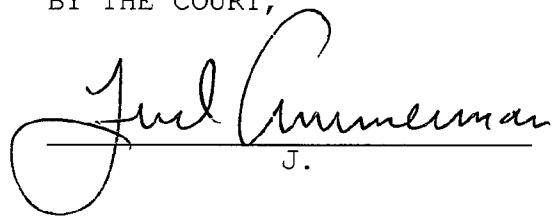
ORDER DIRECTING COMPLAINT TO BE SERVED

BY ADVERTISEMENT ON DEFENDANTS

NOW, this 3rd day of November, 2005, the
within Action being an Action to Quiet Title and the
Plaintiff having made Affidavit that the addresses of
Defendants are unknown and cannot be ascertained, and
therefore upon Motion of Girard Kasubick, Esq., Attorney
for Plaintiff, it is Ordered and Decreed that substitute
service by publication be made upon the Defendants whose
addresses are unknown, or may be deceased, by giving
notice in the Progress, a newspaper of general circulation
published in the Clearfield County area and in the

Clearfield County Legal Journal, to the above named Defendants whose addresses are unknown, or may be deceased; such publication to be one (1) time only stating that this action has been filed, and that this Complaint must be pleaded to within twenty (20) days after publication of notice; otherwise judgment will be taken against all of the Defendants by default.

BY THE COURT,



Jud Cummelman
J.

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

DOUGLAS F. MIHALKO, :
Plaintiff :
vs. :
: No.: 2005-1709-CD
JOHN A. ESTEP and FRANCES : Type of Case: Quiet
ESTEP a/k/a FRANCES MAY : Title Action
ESTEP, his wife; MABEL ESTEP; : Type of Pleading:
WILLIAM R. ESTEP; MARTHA : Affidavit of Service
ESTEP; ALBERT ESTEP; and : Filed on behalf of:
EDNIE ESTEP; : Plaintiff
: Counsel of Record For
and their heirs, executors, : This Party:
administrators, successors, : Girard Kasubick, Esq.
trustees, and assigns, known : Supreme Court #30109
or unknown, and any other : LEHMAN & KASUBICK
person who may claim title : 611 Brisbin Street
or an interest in the : Houtzdale, PA 16651
property subject to this :
action, :
Defendants :
:

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William A. Shaw
Prothonotary/Clerk of Courts

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

DOUGLAS F. MIHALKO, :
Plaintiff :
vs. : No.: 2005-1709-CD
: QUIET TITLE ACTION
JOHN A. ESTEP and FRANCES :
ESTEP a/k/a FRANCES MAY ESTEP, :
his wife; MABEL ESTEP; WILLIAM :
R. ESTEP; MARTHA ESTEP; ALBERT :
ESTEP; and EDNIE ESTEP; :
and their heirs, executors, :
administrators, successors, :
trustees, and assigns, known :
or unknown, and any other :
person who may claim title or :
an interest in the property :
subject to this action, :
Defendants :

AFFIDAVIT OF SERVICE

Before me, William A. Shaw, Prothonotary, personally appeared Girard Kasubick, Esq., who being duly sworn according to law, deposes and says that service was made in this case by publication in the Clearfield Progress one time only on November 10, 2005 and in the Clearfield County Legal Journal one time only for the week of November 18, 2005, as appears by sworn proof hereto attached, and that all the named Defendants who are deceased or their whereabouts are unknown were served by publication and not by any other manner. No appearance having been entered on behalf of any of the Defendants served by publication, nor any answer filed by any of them

after service of a Complaint containing a notice to defend. Plaintiff has caused this Affidavit to be made for the purpose of obtaining a decree or Order of Court under Pa. R.C.P. 1066.

WHEREFORE, this Affidavit of Service made by the manner aforesaid is made for the purpose of obtaining a Decree of Court.

Girard Kasubick
Girard Kasubick, Esq.,
Attorney for Plaintiff

Sworn to and subscribed
before me this 9th
day of December, 2005.

W.A. Shaw
N.P.

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2006
Clearfield Co., Clearfield, PA

NOTICE
IN THE COURT
OF COMMON PLEAS
OF CLEARFIELD COUNTY, PA
CIVIL DIVISION
No.: 2005-1709-CD
QUIET TITLE ACTION

DOUGLAS F. MIHALKO,
Plaintiff

vs.

JOHNA ESTEP
and FRANCES ESTEP,
a/k/a FRANCES MAY ESTEP,
his wife;
MABEL ESTEP;
WILLIAM R. ESTEP;
MARTHA ESTEP;
ALBERT ESTEP
and EDNIE ESTEP;
and their heirs,
executors, administrators,
successors, trustees,
and assigns, known
or unknown, and
any other person who
may claim title or
an interest in
the property subject to
this action,
Defendants

ACTION TO
QUIET TITLE

TO: JOHN A. ESTEP and
FRANCES ESTEP, a/k/a
FRANCES MAY ESTEP, his wife;
MABEL ESTEP; WILLIAM R. ES-
TEP; MARTHA ESTEP, ALBERT
ESTEP; and EDNIE ESTEP, and
their heirs, executors, administrators,
successors, trustees, suc-
cessors and assigns, know or un-
known:

You have been sued in Court. You
are hereby notified that an Action to
Quiet Title to those tracts or parcels
of land located in Bigler Township,
Clearfield County, Pennsylvania,
has been filed against you. Said
land is bounded and described as
follows:

THE FIRST THEREOF:

BEGINNING at corner of Lot Nos.
11 & 12 on Winona Alley; thence
South eighty (80) feet along line be-
tween Lots Nos. 11 & 12 to right-of-
way of Vulcan Branch Railroad;
thence along said right-of-way
Southwest Ninety (90) feet to a
point along Worth Street; thence
West along Worth Street about
Eight (8) feet to corner of Lots Nos.
12 & 13; thence North along said
line of Lots Nos. 12 & 13, One Hun-
dred and Fifty (150) feet to a point
on Winona Alley; thence along the
western side of Winona Alley in a
southerly direction to place of be-
ginning and known as Lot No. 12 on
the plan of Beulah City as recorded
in the office for recording of deeds
in said County in Deed Book No.
73, Page 504.

THE SECOND THEREOF:

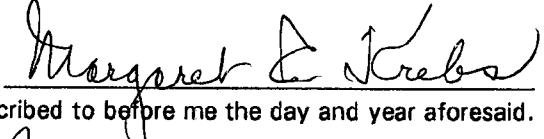
BOUNDED on the East by Lot No.
12; on the North by Winona Alley;
on the West by Lot No. 14; and on
the South by Worth Street and
known as Lot No. 13 on the plan of
Beulah City as recorded in the of-
fice for recording of deeds in said
County in Deed Book, Page 504.

PROOF OF PUBLICATION

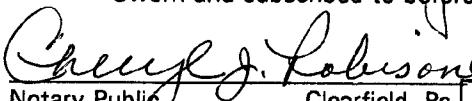
STATE OF PENNSYLVANIA :
COUNTY OF CLEARFIELD : SS:

On this 17th day of November, A.D. 2005,
before me, the subscriber, a Notary Public in and for said County and
State, personally appeared Margaret E. Krebs, who being duly sworn
according to law, deposes and says that she is the President of The
Progressive Publishing Company, Inc., and Associate Publisher of The
Progress, a daily newspaper published at Clearfield, in the County of
Clearfield and State of Pennsylvania, and established April 5, 1913, and
that the annexed is a true copy of a notice or advertisement published in
said publication in

the regular issues of November 10, 2005.
And that the affiant is not interested in the subject matter of the notice or
advertising, and that all of the allegations of this statement as to the time,
place, and character of publication are true.



Sworn and subscribed to before me the day and year aforesaid.


Cheryl J. Robison, COMMONWEALTH OF PENNSYLVANIA
Notary Public, Clearfield, Pa.

My Commission Expires
October 31, 2007

Notarial Seal
Cheryl J. Robison, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires Oct. 31, 2007

Member, Pennsylvania Association Of Notaries

THE THIRD THEREOF:

BOUNDED on the East by White-
side Street; on the North by Winona
Alley; on the West by Lot No. 12;
and on the South by Worth Street
and known as Lot No. 11 on the
Beulah City as recorded in the of-
fice for recording of deeds in said
County in Deed Book No. 72, Page
504. This Lot being divided by the
right-of-way for the Vulcan Branch
Railroad.

The above properties combined is
currently known by Clearfield
County Tax Map No.
103-L14-372-8.

You are further notified to appear
and answer the Complaint in said
Action within twenty (20) days from
the date of this publication, other-
wise judgment will be entered
against you barring you from all
claims, rights and interest inconsis-
tent with the Plaintiffs' claim of title
set forth in the Complaint.

NOTICE

TO: JOHN ESTEP and FRANCES
ESTEP, a/k/a FRANCES MAY ES-
TEP, his wife; MABEL ESTEP; WIL-
LIAM R. ESTEP; MARTHA ESTEP,
ALBERT ESTEP; and EDNIE ES-
TEP; and their heirs, executors, ad-
ministrators, successors, trustees
and assigns, known or unknown.

If you wish to defend, you must
enter a written appearance person-
ally or by attorney and file your de-
fenses or objections in writing with
the Court. You are warned that if

you fail to do so, the case may pro-
ceed without you and a judgment
may be entered against you without
further notice for the relief re-
quested by the Plaintiff. You may
lose money or property or other
rights important to you.

YOU SHOULD TAKE THIS PA-
PER TO YOUR LAWYER AT
ONCE. IF YOU DO NOT HAVE A
LAWYER, GOTO OR TELEPHONE
THE OFFICE SET FORTH BELOW.
THIS OFFICE CAN PROVIDE YOU
WITH INFORMATION ABOUT HIR-
ING A LAWYER.

IF YOU CANNOT AFFORD TO
HIRE A LAWYER, THIS OFFICE
MAY BE ABLE TO PROVIDE YOU
WITH INFORMATION ABOUT
AGENCIES THAT MAY OFFER LE-
GAL SERVICES TO ELIGIBLE
PERSONS AT A REDUCED FEE
OR NO FEE.

Court
Administrator's Office
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-2641
LEHMAN & KASUBICK
611 Brisbin Street
Houtzdale, PA 16651

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :

:

COUNTY OF CLEARFIELD :

:

On this 18th day of November AD 2005, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Gary A. Knaresboro editor of the Clearfield County Legal Journal of the Courts of Clearfield County, and that the annexed is a true copy of the notice or advertisement published in said publication in the regular issues of Week of November 18, 2005. Vol. 17, No. 46. And that all of the allegations of this statement as to the time, place, and character of the publication are true.



Gary A. Knaresboro, Esquire
Editor

Sworn and subscribed to before me the day and year aforesaid.

Sharon J. Pusey
Notary Public
My Commission Expires

NOTARIAL SEAL
SHARON J. PUSEY, Notary Public
Clearfield, Clearfield County, PA
My Commission Expires APRIL 7, 2007

Lehman & Kasubick
611 Brisbin St
Houtzdale PA 16651

CLEARFIELD COUNTY LEGAL JOURNAL

First and Final Account of First Commonwealth Trust Company, Executor for the Estate of Annabelle E. Cook, late of DuBois, Clearfield County, PA. DECEASED.

Second and Partial Account of First Commonwealth Trust Company and Brenda L. Orsich, Co-Guardians for the Estate of Jennifer L. Weaver, a minor.

ADV: November 11 & 18, 2005.

KAREN L. STARCK, REGISTER OF WILLS & CLERK OF ORPHANS' COURT.

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

DOUGLAS F. MIHALKO, Plaintiff vs. JOHN A. ESTEP and FRANCES ESTEP a/k/a FRANCES MAY ESTEP, his wife; MABEL ESTEP; WILLIAM R. ESTEP; MARTHA ESTEP; ALBERT ESTEP and EDNIE ESTEP; and their heirs, executors, administrators, successors, trustees, and assigns, known or unknown, and any other person who may claim title or an interest in the property subject to this action, Defendants

No. 2005-1709 -CD
ACTION TO QUIET TITLE

NOTICE

TO: JOHN A. ESTEP and FRANCES ESTEP a/k/a FRANCES MAY ESTEP, his wife; MABEL ESTEP; WILLIAM R. ESTEP; MARTHA ESTEP; ALBERT ESTEP; and EDNIE ESTEP; and their heirs, executors, administrators, successors, trustees, successors and assigns, known or unknown:

You have been sued in Court. You are hereby notified that an Action to Quiet Title to those tracts or parcels of land located in Bigler Township, Clearfield County, Pennsylvania, has been filed against you. Said land is bounded and described as follows:

THE FIRST THEREOF

BEGINNING at corner of Lot Nos. 11 & 12 on Winona Alley; thence South Eighty (80) feet along line between Lots Nos. 11 & 12 to right-of-way of Vulcan Branch Railroad; thence along said right-of-way Southwest Ninety (90) feet to a point along Worth Street; thence West along Worth Street about Eight (8) feet to corner of Lots Nos. 12 & 13; thence North along said line of Lots Nos. 12 & 13, One Hundred and Fifty (150) feet to a point on Winona Alley; Thence along the western side of Winona Alley in a southerly direction to place of beginning and known as Lot No. 12 on the plan of Beulah City as recorded in the office

for recording of deeds in said County in Deed Book No. 73, Page 504.

THE SECOND THEREOF

BOUNDED on the East by Lot No. 12; on the North by Winona Alley; on the West by Lot No. 14, and on the South by Worth Street and known as Lot No. 13 on the plan of Beulah City as recorded in the office for recording of deeds in said County in Deed Book 73, Page 504.

THE THIRD THEREOF

BOUNDED on the East by Whiteside Street; on the North by Winona Alley; on the West by Lot No. 12; and on the South by Worth Street and known as Lot No. 11 on the Beulah City as recorded in the office for recording of deeds in said County in Deed Book No. 72, Page 504. This Lot being divided by the right-of-way for the Vulcan Branch Railroad.

The above properties combined is currently known by Clearfield County Tax Map No. 103-L14-372-8.

You are further notified to appear and answer the Complaint in said Action within twenty (20) days from the date of this publication, otherwise judgment will be entered against you barring you from all claims, rights and interest inconsistent with the Plaintiffs' claim of title as set forth in the Complaint.

NOTICE

TO: JOHN A. ESTEP and FRANCES ESTEP a/k/a FRANCES MAY ESTEP, his wife; MABEL ESTEP; WILLIAM R. ESTEP; MARTHA ESTEP; ALBERT ESTEP; and EDNIE ESTEP; and their heirs, executors, administrators, successors, trustees and assigns, known or unknown.

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the Court. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Court Administrator's Office, Clearfield

County Courthouse, Clearfield, PA 16830
(814) 765-2641.

LEHMAN & KASUBICK, 611 Brisbin Street, Houtzdale, PA 16651.

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

No. 05 - 1758 - C.D.
ACTION TO QUIET TITLE

MAHONING DISTRIBUTION, INC., Plaintiff vs. BENJAMIN COAL COMPANY, and D. W. MICHAEL, A/K/A D. W. MICHAELS, A/K/A DAVID W. MICHAEL, A/K/A DAVID W. MICHAELS, their heirs, executors, administrators and assigns, Defendants.

TO: BENJAMIN COAL COMPANY, and D. W. MICHAEL, A/K/A D. W. MICHAELS, A/K/A DAVID W. MICHAEL, A/K/A DAVID W. MICHAELS, THEIR HEIRS, EXECUTORS, ADMINISTRATORS AND ASSIGNS:

NOTICE

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the Plaintiffs. You may lose money or property or other rights important to you.

IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP:

Court Administrator, Clearfield County Courthouse, 1 North Second Street, Clearfield, Pennsylvania 16830 (814) 765-2641 Ex. 5982.

You are hereby notified that an action has been filed to Quiet Title to the following premises identified in the Clearfield County Tax Maps as Parcel Number 109-D14-33 which is located in Chest Township, Clearfield County, Pennsylvania, more particularly bounded and described as two (2) tracts as follows:

BEGINNING at a $\frac{3}{4}$ " iron roofer bolt corner on the northern right-of-way line of S.R. 3014 (L.R. 17004), and land of Benjamin Coal Company, grantor herein of which this is a part; thence by line of Benjamin Coal Company, North forty-two (42°) degrees fifty (50') minutes thirty (30") seconds East a

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

DOUGLAS F. MIHALKO,
Plaintiff :
vs. : No.: 2005-1709-CD
JOHN A. ESTEP and FRANCES : Type of Case: Quiet
ESTEP a/k/a FRANCES MAY : Title Action
ESTEP, his wife; MABEL ESTEP; : Type of Pleading:
WILLIAM R. ESTEP; MARTHA : Motion for Judgment
ESTEP; ALBERT ESTEP; and : Filed on behalf of:
EDNIE ESTEP; : Plaintiff
and their heirs, executors, : Counsel of Record For
administrators, successors, : This Party:
trustees, and assigns, known : Girard Kasubick, Esq.
or unknown, and any other : Supreme Court #30109
person who may claim title : LEHMAN & KASUBICK
or an interest in the : 611 Brisbin Street
property subject to this : Houtzdale, PA 16651
action, :
Defendants :
:

FILED NO CC
01/17/01
DEC 09 2005

William A. Shaw
Prothonotary/Clerk of Courts

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

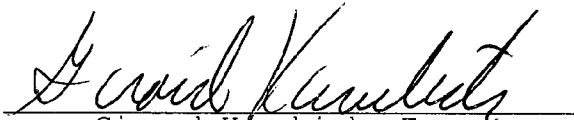
DOUGLAS F. MIHALKO, :
Plaintiff :
vs. : No.: 2005-1709-CD
: QUIET TITLE ACTION
JOHN A. ESTEP and FRANCES :
ESTEP a/k/a FRANCES MAY ESTEP, :
his wife; MABEL ESTEP; WILLIAM :
R. ESTEP; MARTHA ESTEP; ALBERT :
ESTEP; and EDNIE ESTEP; :
and their heirs, executors, :
administrators, successors, :
trustees, and assigns, known :
or unknown, and any other :
person who may claim title or :
an interest in the property :
subject to this action, :
Defendants :

MOTION FOR JUDGMENT

NOW, this 9th day of December, 2005, an Affidavit
having been executed and presented herewith on behalf of
the Plaintiff showing that the Complaint was served by
publication on all of the Defendants, one time only, to
wit: November 10, 2005 in the Clearfield Progress and the
week of November 18, 2005 in the Clearfield County Legal
Journal, and further that all the named Defendants who are
deceased or their whereabouts are unknown were not served
in any other manner, and no Defendants served by
publication having entered an appearance or filed an
Answer or having expressed any purpose of intent to be
heard or desire to assert title to said property, and

twenty (20) days having elapsed since the last publication, and it appearing that it was impossible to serve any of the Defendants by any other means.

WHEREFORE, Girard Kasubick, Esq., prays Your Honorable Court, as attorney for the Plaintiff, that judgment be entered in favor of the Plaintiff and against the Defendants, their heirs and assigns, with direction that they file suit in ejectment or otherwise enter proceedings to contest the case within thirty (30) days, or judgment may be entered against them forever barring them from asserting any title or claim to the real estate in this action.



Girard Kasubick
Girard Kasubick, Esq.,
Attorney for Plaintiff

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

DOUGLAS F. MIHALKO,
Plaintiff :
vs. : No.: 2005-1709-CD
JOHN A. ESTEP and FRANCES : Type of Case: Quiet
ESTEP a/k/a FRANCES MAY : Title Action
ESTEP, his wife; MABEL ESTEP; : Type of Pleading:
WILLIAM R. ESTEP; MARTHA : Order of Court
ESTEP; ALBERT ESTEP; and : Filed on behalf of:
EDNIE ESTEP; : Plaintiff
and their heirs, executors, : Counsel of Record For
administrators, successors, : This Party:
trustees, and assigns, known : Girard Kasubick, Esq.
or unknown, and any other : Supreme Court #30109
person who may claim title : LEHMAN & KASUBICK
or an interest in the : 611 Brisbin Street
property subject to this : Houtzdale, PA 16651
action, :
Defendants :
:

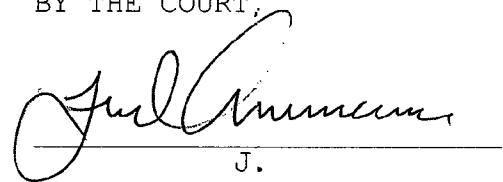
Even
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09-27-01 Atty
DEC 14 2005 Kasubick
cc

William A. Shaw
Prothonotary/Clerk of Courts

being divided by the right-of-way for the Vulcan Branch Railroad.

The above properties combined is currently known by Clearfield County Tax Map No. 103-L14-372-8.

BY THE COURT,



J. Hammann

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

DOUGLAS F. MIHALKO,
Plaintiff :
vs. : No.: 2005-1709-CD
JOHN A. ESTEP and FRANCES : Type of Case: Quiet
ESTEP a/k/a FRANCES MAY : Title Action
ESTEP, his wife; MABEL ESTEP; : Type of Pleading:
WILLIAM R. ESTEP; MARTHA : Final Praecipe
ESTEP; ALBERT ESTEP; and : Filed on behalf of:
EDNIE ESTEP; : Plaintiff
and their heirs, executors, : Counsel of Record For
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trustees, and assigns, known : Girard Kasubick, Esq.
or unknown, and any other : Supreme Court #30109
person who may claim title : LEHMAN & KASUBICK
or an interest in the : 611 Brisbin Street
property subject to this : Houtzdale, PA 16651
action, :
Defendants :
:

FILED NO CC
01/14/06
JAN 17 2006 (6)
10:00 AM

William A. Shaw
Prothonotary/Clerk of Courts

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

DOUGLAS F. MIHALKO, :
Plaintiff :
vs. : No.: 2005-1709-CD
: QUIET TITLE ACTION
JOHN A. ESTEP and FRANCES :
ESTEP a/k/a FRANCES MAY ESTEP, :
his wife; MABEL ESTEP; WILLIAM :
R. ESTEP; MARTHA ESTEP; ALBERT :
ESTEP; and EDNIE ESTEP; :
and their heirs, executors, :
administrators, successors, :
trustees, and assigns, known :
or unknown, and any other :
person who may claim title or :
an interest in the property :
subject to this action, :
Defendants :

FINAL PRAECIPE

TO: William A. Shaw, Prothonotary:

Please enter judgment in the above-captioned matter
in favor of the Plaintiff.



Girard Kasubick
Girard Kasubick, Esq.,
Attorney for Plaintiff

Dated: January 16, 2006