

05-1780-CD
Ronald Bender vs Roy Brothers al

05-1780-CD
Ronald Bender al vs Harriet Mlurray al

RONALD T. BENDER and JANET E.
BENDER, husband and wife,

Plaintiffs

VS.

ROY BROTHERS; HARRIET MURRAY,
formerly known as HARRIET WESTOVER;
and LYDIA WESTOVER; their cumulative
heirs, devisees, administrators, executors,
successors and assigns, and anyone claiming
right, title and interest in the subject pieces
or parcels of land,

Defendants

* IN THE COURT OF COMMON PLEAS OF
* CLEARFIELD COUNTY, PENNSYLVANIA
*
* CIVIL ACTION - LAW
*
* TYPE OF DOCUMENT: ACTION TO QUIET
* TITLE
*
* NO. 2005 - 1780 - CD
*
* COUNSEL OF RECORD FOR PLAINTIFFS:
*
* George P. Elias, Esquire
* 3502 Bigler Avenue
* Northern Cambria, PA 15714
* Telephone: (814) 948-9282
* Supreme Court I.D. #43658

Oncooccus
to C/H

FILED

NOV. 14 2005 (B)

May 2. 1944

William A. Shaw
Prothonotary

No C(1)

RONALD T. BENDER and JANET E. BENDER, husband and wife,	*	IN THE COURT OF COMMON PLEAS OF
	*	CLEARFIELD COUNTY, PENNSYLVANIA
	*	
Plaintiffs	*	CIVIL ACTION - LAW
	*	
vs.	*	ACTION TO QUIET TITLE
	*	
ROY BROTHERS; HARRIET MURRAY, formerly known as HARRIET WESTOVER; and LYDIA WESTOVER; their cumulative heirs, devisees, administrators, executors, successors and assigns, and anyone claiming right, title and interest in the subject pieces or parcels of land,	*	NO.
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	*	
Defendants	*	
	*	
	*	

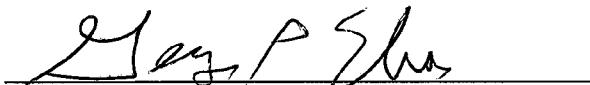
NOTICE

TO THE DEFENDANTS:

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 Plaintiffs. 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
 Clearfield County Courthouse
 1 North Second Street
 Clearfield, Pennsylvania 16830
 Telephone (814) 765-2641 Extension 5982


 George P. Elias, Esquire
 Attorney for Plaintiffs

RONALD T. BENDER and JANET E. BENDER, husband and wife,	*	IN THE COURT OF COMMON PLEAS OF
	*	CLEARFIELD COUNTY, PENNSYLVANIA
	*	
Plaintiffs	*	CIVIL ACTION - LAW
	*	
vs.	*	ACTION TO QUIET TITLE
	*	
ROY BROTHERS; HARRIET MURRAY, formerly known as HARRIET WESTOVER; and LYDIA WESTOVER; their cumulative heirs, devisees, administrators, executors, successors and assigns, and anyone claiming right, title and interest in the subject pieces or parcels of land,	*	NO.
	*	
	*	
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	*	
	*	
	*	
Defendants	*	
	*	
	*	

C O M P L A I N T

AND NOW, come Plaintiffs, Ronald T. Bender and Janet E. Bender, husband and wife, by their attorney, George P. Elias, Esquire, and makes this Complaint in an Action to Quiet Title of which the following is a statement:

1. Plaintiff is Ronald T. Bender and Janet E. Bender, husband and wife, who reside in Burnside Township, Clearfield County, Pennsylvania, with a mailing address of 375 Sylvis Road, Cherry Tree, Pennsylvania, 15724.
2. Defendants are Roy Brothers; Harriet Murray, formerly known as Harriet Westover; and Lydia Westover, their cumulative heirs, devisees, administrators, executors, successors and assigns, and anyone claiming right, title and interest in the subject pieces or parcels of land, or were individuals whose present whereabouts are unknown.
3. Ronald T. Bender and Janet E. Bender, husband and wife, are the owners of record of real estate bounded and described as follows:

ALL THOSE two certain pieces or parcels of land situate, lying and being in the Township of Burnside, County of Clearfield and State of Pennsylvania, bounded and described as follows:

FIRST: BEGINNING at an iron pin, said iron pin being the northeast corner of land now or formerly of Pauline Brothers and also the northwest corner of the property of which this is a part, and being located on the line of land (formerly of A.C. Brillhart), now or formerly of Barry and Diane Einsig; thence by the line of said Einsig, South 87° 25' East, for a distance of 315.0 feet to an iron pin and stones corner; thence through the land now or formerly of Hilda A. Brown for a new line, South 9° 51' East for a distance of 691.26 feet to a corner in the centerline of Pennsylvania Legislative

Route 17002, being 16.5 feet southeast of an iron pin on the highway right of way; thence by the centerline of said highway, South 79° 45' West for a distance of 252.45 feet to a corner in the centerline of the said road; thence leaving the said road and along the line of land now or formerly of Pauline Brothers, North 14° 00' West passing through an iron pin 19.22 feet and continuing on for a total distance of 762.87 feet to an iron pin and stones and the place of beginning, containing 4.65 acres.

BEING the same premises title to which became vested in Ronald T. Bender and Janet E. Bender, husband and wife, by deed of Doris Jean (Brown) Wysocki and Francis M. Wysocki, wife and husband, dated January 17, 1990, and recorded on January 17, 1990, in the Recorder of Deeds Office in and for Clearfield County, Pennsylvania in Record Book Volume 1322, Page 292.

BEING identified at the Clearfield County Assessment Office as Map Parcel No. 108-A15-000-00105.

SECOND: BEGINNING at an iron pin and stones on the line of land formerly of A. C. Brillhart, now Barry and Diane Einsig, said iron pin and stones corner being located, South 87° 25' East, a distance of 315.0 feet from the Northwest corner of the land of which this is a part; thence by line of said Einsig, South 87° 25' East, for a distance of 427.47 feet to an iron pin and stones corner; thence through the lands now or formerly of Hilda A. Brown for a new line, South 12° 49' East, for a distance of 597.3 feet to a corner in the center of Pennsylvania State Highway Route Number 17002, being 21.72 feet Southeast of an iron pin and stones; thence along the centerline of said Highway, South 79° 45' West, 449.19 feet to a corner in the centerline of said Highway; thence through the land now or formerly of Hilda A. Brown for a new line, North 9° 51' West, passing through an iron pin at 16.5 feet and continuing on for a total distance of 691.26 feet to iron pin and stones and the place of beginning. Containing in all 6.39 acres and all as shown on the map recorded in Clearfield County Deed Book Volume 810, at Page 556.

EXCEPTING AND RESERVING, unto Lawrence Russell Brown and Helen Marie Stephens Brown, husband and wife, or the survivor of them, all the oil and gas with such rights necessary for operating and removing the same. When both Lawrence Russell Brown and Helen Marie Stephens Brown, husband and wife, have passed away, the oil and gas rights shall automatically revert to Ronald T. Bender and Janet E. Bender, who shall then own all the right, title and interest to the oil and gas.

BEING the same premises title to which became vested in Ronald T. Bender and Janet E. Bender, husband and wife, by deed of Lawrence Russell Brown and Helen Marie Stephens Brown, husband and wife, dated May 5, 1994, and recorded on August 12, 1994, in the Recorder of Deeds Office in and for Clearfield County, Pennsylvania in Record Book Volume 1625, Page 79.

BEING identified at the Clearfield County Assessment Office as Map Parcel No. 108-A15-000-00106.

4. Doris Jean Brown Wysocki acquired ownership of the aforesaid piece or parcel of land (denoted as "FIRST" in Paragraph 3 of this Complaint) by Deed of Hilda A. Brown, widow, dated April 10, 1981, and recorded on April 10, 1981, in the Recorder of Deeds Office in and for Clearfield County,

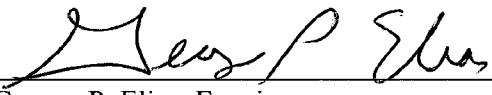
Pennsylvania, in Deed Book Volume 810, Page 546. Being a portion or part of land title to which became vested in Lynn Brown and Hilda Brown by deed of Hilda Brown, et vir, et al, recorded in the Recorder of Deeds Office in and for Clearfield County, Pennsylvania, in Deed Book Volume 613, Page 132.

5. Lawrence Russell Brown and Helen Marie Stephens Brown, his wife, acquired ownership of the aforesaid piece or parcel of land (denoted as "SECOND" in Paragraph 3 of this Complaint) by Deed of Hilda A. Brown, widow, dated April 10, 1981, and recorded on April 10, 1981, in the Recorder of Deeds Office in and for Clearfield County, Pennsylvania, in Deed Book Volume 810, Page 554. Being a portion or part of land title to which became vested in Lynn Brown and Hilda Brown by deed of Hilda Brown, et vir, et al, recorded in the Recorder of Deeds Office in and for Clearfield County, Pennsylvania, in Deed Book Volume 613, Page 132.
6. Lynn Brown and Hilda Brown, his wife, acquired ownership of two pieces or parcels of land No. 1 being 1 acre, more or less, and No. 2 being 15 acres and 54 perches by Deed of Hilda Brown and Lynn Brown, her husband; Zella Brothers, single; Jean Myers and Frank Myers, her husband; Doris Hugg and Edward Hugg, her husband; Calvin Brothers and Ruby Brothers, his wife; Walter Westover, widower; Bernard J. Baker and Ruth Baker, his wife; Charles Baker and Marie Baker, his wife; Dorothy Wagner, single; John R. Baker and Lois T. Baker, his wife; Allen Baker and Ruth Baker, his wife; James Baker and Dolores Baker, his wife; Edwin Westover and Bertha Westover, his wife; Zanetta Ackerman and Russell Ackerman, her husband; Anna Davison and Theodore Davison, her husband; Paul Westover and Betty Westover, his wife; Ken Westover and Juanita Westover, his wife; and Virginia Stewart and Robert Stewart, her husband, dated October 1, 1971, and recorded on November 28, 1972, in the Recorder of Deeds Office in and for Clearfield County, Pennsylvania, in Deed Book Volume 613, Page 132. Lynn Brown predeceased his wife, Hilda Brown, thereby vesting title in Hilda Brown as sole surviving tenant.
7. J.L. Brothers acquired ownership of 15 acres and 54 perches by Deed of J.B. Shepherd and Rella D. Shepherd, also known as Rilla D. Shepherd, his wife, dated January 10, 1916, and recorded on February 14, 1916, in the Recorder of Deeds Office in and for Clearfield County, Pennsylvania, in Deed Book Volume 212, Page 397.
8. J.L. Brothers acquired ownership of 1 acre, more or less, by Deed of Wilma V. Spicher, also known as Wilma C. Spicher, and Doyle W. Spicher, her husband, dated June 29, 1918, and recorded on July 2, 1918, in the Recorder of Deeds Office in and for Clearfield County, Pennsylvania, in Deed Book Volume 226, Page 598.
9. The said J.L. Brothers, also known as Joseph L. Brothers, died testate on May 3, 1925. By his Last Will and Testament of record in the Register of Wills Office of Clearfield County, Pennsylvania, to File No. 10037 states in part that after providing for payment of his just debts and funerals expenses, and the bequeath of \$100.00 Liberty Bond to his son, Calvin Brothers, he gave, devised and bequeathed all the rest, residue and remainder of his Estate real, personal or mixed of whatsoever nature or kind, or wheresoever situate, to his wife, Lydia Brothers.
10. The said Lydia Brothers died intestate on March 15, 1939. Her heirs at the time of her death under the Pennsylvania Intestacy Statute were as follows: Roy Brothers, son; Calvin Brothers, son; Zella

Brothers, daughter; Velva Baker, otherwise Belva Baker, daughter, who died intestate on September 25, 1965, leaving to survive her as her heirs Bernard J. Baker, son, Charles Baker, son, Dorothy Wagner, daughter, John R. Baker, son, Allen Baker, son, and James Baker, son; Leona Westover, who died intestate on August 12, 1939, leaving to survive her as her heirs Walter Westover, spouse, Anna Davison, daughter, Paul Westover, son, Ken Westover, son, and Virginia Stewart, daughter; Jean Myers, daughter; Doris Hugg, formerly known as Doris Stone, daughter; Hilda Brown, daughter; Esta Westover, daughter, who died intestate on February 19, 1919, leaving to survive her as her heirs Walter Westover, spouse (who subsequently married Esta's sister Leona Westover), Edwin Westover, son, Harriet Murray, formerly known as Harriet Westover, daughter, Lydia Westover, daughter, and Zanetta Ackerman, formerly known as Canetta Westover, daughter.

11. In the conveyance of the realty in Paragraph 6, the Defendants never joined in the deed to convey all their right, title and interest, thereby causing a cloud on Plaintiffs' title to the aforesaid pieces or parcels of land described in Paragraph 3.
12. Plaintiffs, as well as all applicable predecessors in interest have in combination, occupied said pieces or parcels of land, for a period in excess of twenty-one (21) years, thus establishing full and complete ownership by virtue of adverse possession.
13. Plaintiffs have made a diligent and thorough search to determine the present whereabouts of Defendants, Roy Brothers; Harriet Murray, formerly known as Harriet Westover; and Lydia Westover, their cumulative heirs, devisees, administrators, executors, successors and assigns and anyone claiming right, title and interest in the subject pieces or parcels of land, but Plaintiffs have been unable to determine the whereabouts of the Defendants.
14. Plaintiffs believe and therefore, aver that Defendants are the only parties having a potential interest or right in or a potential claim against the aforesaid pieces or parcels of land.
15. The possibility of the existence of Defendants or any of them, having an interest or right in or having a claim against the aforesaid pieces or parcels of land, constitutes a cloud on Plaintiffs' title to the aforesaid pieces or parcels of land.

WHEREFORE, Plaintiffs, Ronald T. Bender and Janet E. Bender, husband and wife, claim that they are entitled to a Decree of the above said Court adjudging the Plaintiffs own the properties in fee simple and are entitled to the quiet, lawful and peaceful possession thereof; that all right, title and interest to said pieces or parcels of land to be a valid and indefeasible as against all interests, rights and claims whatsoever of Defendants, Roy Brothers; Harriet Murray, formerly known as Harriet Westover; and Lydia Westover, their cumulative heirs, devisees, administrators, executors, successors and assigns, and anyone claiming right, title and interest in the subject pieces or parcels of land, or any of them, and further, Plaintiffs authorize their attorney, George P. Elias, Esquire, to execute this Complaint on their behalf.



George P. Elias, Esquire
Attorney for Plaintiffs

STATE OF PENNSYLVANIA

*

COUNTY OF CAMBRIA

*

ss:

*

Ronald T. Bender and Janet E. Bender, husband and wife, being duly sworn according to law, depose and say that they are the Plaintiffs in the foregoing Complaint and that the facts set forth therein are true and correct to the best of their knowledge, information and belief.

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Beth A. Buterbaugh, Notary Public
Northern Cambria Boro Cambria County
My Commission Expires Oct. 6, 2007

Ronald T. Bender

RONALD T. BENDER, Plaintiff

Janet E. Bender

JANET E. BENDER, Plaintiff

Sworn and subscribed to before me

this 10th day of November, 2005.

Beth A. Buterbaugh

Notary Public

RONALD T. BENDER and JANET E.
BENDER, husband and wife,

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

Plaintiffs

* CIVIL ACTION - LAW

vs.

* ACTION TO QUIET TITLE

ROY BROTHERS; HARRIET MURRAY,
formerly known as HARRIET WESTOVER;
and LYDIA WESTOVER; their cumulative
heirs, devisees, administrators, executors,
successors and assigns, and anyone claiming
right, title and interest in the subject pieces
or parcels of land,

* NO.

Defendants

*

ORDER OF COURT

AND NOW, this 14 day of November, 2005, upon consideration of the within Motion for Special Order of Service, as authorized under PA. R.C.P. 430, it is hereby ORDERED, ADJUDGED, and DECREED that the Plaintiffs are hereby authorized to serve the Complaint in the above-captioned Action to Quiet Title, by advertising notice of the Action once in the Clearfield County Legal Journal and once in The Progress.

BY THE COURT:

Paul Gummesson J.

FILED
01/4/05 AM
NOV 15 2005
I hereby certify this to be a true
and attested copy of the original
statement filed in this case.
William H. Shaw
Prothonotary/Clerk of Courts
NOV 15 2005
I came to ATT
Attest.
William H. Shaw
Prothonotary/
Clerk of Courts

RONALD T. BENDER and JANET E. BENDER, husband and wife,	*	IN THE COURT OF COMMON PLEAS OF
	*	CLEARFIELD COUNTY, PENNSYLVANIA
	*	
Plaintiffs	*	CIVIL ACTION - LAW
	*	
vs.	*	ACTION TO QUIET TITLE
	*	
ROY BROTHERS; HARRIET MURRAY, formerly known as HARRIET WESTOVER; and LYDIA WESTOVER; their cumulative heirs, devisees, administrators, executors, successors and assigns, and anyone claiming right, title and interest in the subject pieces or parcels of land,	*	NO.
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	*	
Defendants	*	
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MOTION FOR SPECIAL ORDER OF SERVICE

NOW COME, Plaintiffs above-named, and through their counsel, George P. Elias, Esquire, and do file this Motion for Special Order for Service and in Support thereof, offer the following:

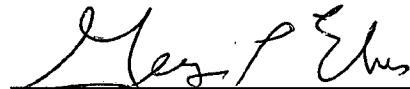
1. The moving parties are the Plaintiffs in the above-captioned Action to Quiet Title.
2. The Complaint in the above captioned Action to Quiet Title is currently pending against the Defendants, Roy Brothers; Harriet Murray, formerly known as Harriet Westover; and Lydia Westover, their cumulative heirs, devisees, administrators, executors, successors or assigns and anyone claiming right, title and interest in the subject pieces or parcels of land under the above Term and Number.
3. The Plaintiffs have taken the following actions in an attempt to locate the Defendants or any of their cumulative heirs, devisees, administrators, executors, successors or assigns.
 - (a) Reviewing telephone listings for the general area and attempting to contact any persons or entities with the same names as that of the Defendants to determine whether or not there are any outstanding heirs of the Defendants and/or any successor entities; and
 - (b) Examining the records contained in the Recorder of Deeds Office in and for the County of Clearfield and also the Tax Assessment Office in and for the County of Clearfield to determine if the Defendants, their cumulative heirs, devisees, administrators, executors, successors or assigns own real property within said area; and
 - (c) Examining the records contained in the Register of Wills Office in and for the County of Clearfield to determine if Estates were opened for Defendants Roy Brothers; Harriet Murray, formerly known as Harriet Westover; and Lydia Westover, their cumulative heirs,

devisees, administrators, executors, successors or assigns with said county and whether or not any information disclosing the identity of any cumulative heirs, devisees, administrators, executors, successors or assigns of the said Defendants, Roy Brothers; Harriet Murray, formerly known as Harriet Westover; and Lydia Westover, would be contained therein.

4. The Plaintiffs have exercised due diligence in attempting to locate the Defendants, Roy Brothers; Harriet Murray, formerly known as Harriet Westover; and Lydia Westover, their cumulative heirs, devisees, administrators, executors, successors or assigns, and have not been able to determine the current status and/or to locate the Defendants and/or their cumulative heirs, devisees, administrators, executors, successors or assigns.

WHEREFORE, the Plaintiffs pray this Honorable Court to authorize service of the Complaint in the above-captioned Action to Quiet Title on the Defendants Roy Brothers; Harriet Murray, formerly known as Harriet Westover; and Lydia Westover, their cumulative heirs, devisees, administrators, executors, successors or assigns and anyone claiming right, title and interest in the subject pieces or parcels of land, by advertising notice of the action once in the Clearfield County Legal Journal and once in The Progress.

Respectfully submitted,



George P. Elias
Attorney for Plaintiffs

STATE OF PENNSYLVANIA

*

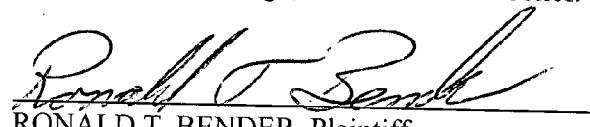
COUNTY OF CAMBRIA

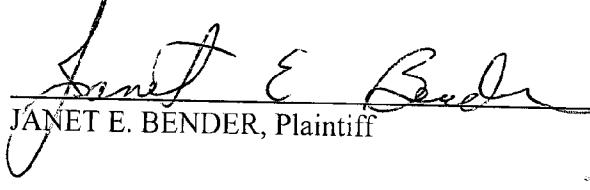
* SS.

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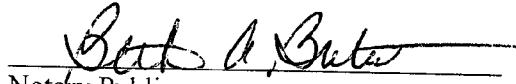
Personally appeared before me, the undersigned authority, a Notary Public in and for said County and State, Ronald T. Bender and Janet E. Bender, husband and wife, who being duly sworn according to law, depose and say that they are the Plaintiffs above named; that they are familiar with the facts set forth in the foregoing Motion and are duly authorized to make this Affidavit; that the facts set forth in the foregoing Motion are true and correct to the best of their knowledge, information and belief.

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Beth A. Buterbaugh, Notary Public
Northern Cambria Boro Cambria County
My Commission Expires Oct. 6, 2007


RONALD T. BENDER, Plaintiff


JANET E. BENDER, Plaintiff

Sworn to and subscribed before me
this 10th day of November, 2005.


Beth A. Buterbaugh

Notary Public



RONALD T. BENDER and JANET E.
BENDER, husband and wife,

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

Plaintiffs

* CIVIL ACTION - LAW

vs.

* ACTION TO QUIET TITLE

ROY BROTHERS; HARRIET MURRAY,
formerly known as HARRIET WESTOVER;
and LYDIA WESTOVER; their cumulative
heirs, devisees, administrators, executors,
successors and assigns, and anyone claiming
right, title and interest in the subject pieces
or parcels of land,

* NO.

Defendants

*

*

AFFIDAVIT

STATE OF PENNSYLVANIA

*

* SS.

COUNTY OF CAMBRIA

*

Before me, a Notary Public in and for said County and State, personally appeared **RONALD T. BENDER** and **JANET E. BENDER**, husband and wife, who being duly sworn according to law depose and say that they are the Plaintiffs above named; that they are authorized to make this Affidavit and that they and their agents have made diligent efforts to locate or determine the present status of Roy Brothers; Harriet Murray, formerly known as Harriet Westover; and Lydia Westover, their cumulative heirs, devisees, administrators, executors, successors or assigns, including but not limited to reviewing telephone listings for the general area; reviewing all records of the Recorder of Deeds and Tax Assessment Offices in the County of Clearfield, reflecting any current address or locations of the Defendants or any of their cumulative heirs, devisees, administrators, executors, successors or assigns; reviewing records in the Register of Wills Office for the County of Clearfield reflecting address or location information pertaining to any possible heirs of the said Defendants. However, despite their best and most diligent efforts, including review of telephone listings, Plaintiffs have been unable to locate or determine the present status of the Defendants, their cumulative heirs, devisees, administrators, executors, successors or assigns.

RONALD T. BENDER

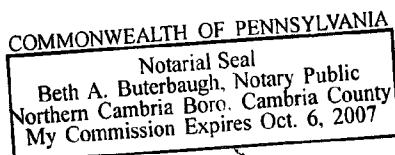
RONALD T. BENDER

JANET E. BENDER

JANET E. BENDER

Sworn to and subscribed before me
this 10th day of November, 2005.

Beth A. Buterbaugh
Notary Public



47
NO.

IN THE COURT OF COMMON PLEAS

OF
CLEARFIELD COUNTY,

PENNSYLVANIA

CIVIL ACTION- LAW

RONALD T. BENDER and JANET E.
BENDER, husband and wife,

Plaintiffs

vs.

ROY BROTHERS; HARRIET MURRAY,
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WESTOVER and LYDIA WESTOVER; their
cummulative heirs, devisees,
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successors and assigns, and
anyone claiming right, title and
interest in the subject pieces or
parcels of land, Defendants

ACTION TO QUIET TITLE

MOTION FOR SPECIAL ORDER
OF SERVICE

GEORGE P. ELIAS
ATTORNEY AT LAW
3502 BIGLER AVENUE
NORTHERN CAMBRIA, PA 15714
814 - 948-9282

W.A. Shaw

NOV 11 2005
William A. Shaw
Prothonotary

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vs.

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

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* CIVIL ACTION - LAW

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* ACTION TO QUIET TITLE

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* NO. 2005-1780 CD

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FILED

9/23/05 cm

ICC Atty Elias

DEC 19 2005

William A. Shaw
Prothonotary

FINAL DECREE

AND NOW, this 16 day of December, 2005, upon consideration and review of the Motion filed by Plaintiffs' counsel, George P. Elias, Esquire, and it appearing to this Court that the Affidavit of Service of the Plaintiffs' Complaint with Notice to Defend has been executed and filed and no Answer having been made by the Defendants, ROY BROTHERS; HARRIET MURRAY, formerly known as HARRIET WESTOVER; and LYDIA WESTOVER; their cumulative heirs, devisees, administrators, executors, successors and assigns, and anyone claiming right, title and interest in the subject pieces or parcels of land, and the time to do so having expired, the Plaintiffs, their heirs, successors and assigns are entitled to the prayer requested in the Motion filed by George P. Elias, Esquire, and as such, said Motion is granted.

IT IS HEREBY ORDERED ADJUDGED AND DECREED that the Defendants, ROY BROTHERS; HARRIET MURRAY, formerly known as HARRIET WESTOVER; and LYDIA WESTOVER; their cumulative heirs, devisees, administrators, executors, successors and assigns, and anyone claiming right, title and interest in the subject pieces or parcels of land, are forever barred from asserting any right, lien, title or interest in the following:

ALL THOSE two certain pieces or parcels of land situate, lying and being in the Township of Burnside, County of Clearfield and State of Pennsylvania, bounded and described as follows:

FIRST: BEGINNING at an iron pin, said iron pin being the northeast corner of land now or formerly of Pauline Brothers and also the northwest corner of the property of which this is a part, and being located on the line of land (formerly of A.C. Brillhart), now or formerly of Barry and Diane Einsig; thence by the line of said Einsig, South 87° 25' East, for a distance of 315.0 feet to an iron pin and stones corner; thence through the land now or formerly of Hilda A. Brown for a new line, South 9° 51' East for a distance of 691.26 feet to a corner in the centerline of Pennsylvania Legislative Route 17002, being 16.5 feet southeast of an iron pin on the highway right of way; thence by the centerline of said highway, South 79° 45' West for a distance of 252.45 feet to a corner in the centerline of the said road; thence leaving the said road and along the line of land now or formerly of Pauline Brothers, North 14° 00' West passing through an iron

pin 19.22 feet and continuing on for a total distance of 762.87 feet to an iron pin and stones and the place of beginning, containing 4.65 acres.

BEING the same premises title to which became vested in Ronald T. Bender and Janet E. Bender, husband and wife, by deed of Doris Jean (Brown) Wysocki and Francis M. Wysocki, wife and husband, dated January 17, 1990, and recorded on January 17, 1990, in the Recorder of Deeds Office in and for Clearfield County, Pennsylvania in Record Book Volume 1322, Page 292.

BEING identified at the Clearfield County Assessment Office as Map Parcel No. 108-A15-000-00105.

SECOND: BEGINNING at an iron pin and stones on the line of land formerly of A. C. Brillhart, now Barry and Diane Einsig, said iron pin and stones corner being located, South 87° 25' East, a distance of 315.0 feet from the Northwest corner of the land of which this is a part; thence by line of said Einsig, South 87° 25' East, for a distance of 427.47 feet to an iron pin and stones corner; thence through the lands now or formerly of Hilda A. Brown for a new line, South 12° 49' East, for a distance of 597.3 feet to a corner in the center of Pennsylvania State Highway Route Number 17002, being 21.72 feet Southeast of an iron pin and stones; thence along the centerline of said Highway, South 79° 45' West, 449.19 feet to a corner in the centerline of said Highway; thence through the land now or formerly of Hilda A. Brown for a new line, North 9° 51' West, passing through an iron pin at 16.5 feet and continuing on for a total distance of 691.26 feet to iron pin and stones and the place of beginning. Containing in all 6.39 acres and all as shown on the map recorded in Clearfield County Deed Book Volume 810, at Page 556.

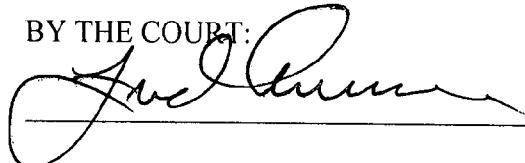
EXCEPTING AND RESERVING, unto Lawrence Russell Brown and Helen Marie Stephens Brown, husband and wife, or the survivor of them, all the oil and gas with such rights necessary for operating and removing the same. When both Lawrence Russell Brown and Helen Marie Stephens Brown, husband and wife, have passed away, the oil and gas rights shall automatically revert to Ronald T. Bender and Janet E. Bender, who shall then own all the right, title and interest to the oil and gas.

BEING the same premises title to which became vested in Ronald T. Bender and Janet E. Bender, husband and wife, by deed of Lawrence Russell Brown and Helen Marie Stephens Brown, husband and wife, dated May 5, 1994, and recorded on August 12, 1994, in the Recorder of Deeds Office in and for Clearfield County, Pennsylvania in Record Book Volume 1625, Page 79.

BEING identified at the Clearfield County Assessment Office as Map Parcel No. 108-A15-000-00106.

The Defendants, ROY BROTHERS; HARRIET MURRAY, formerly known as HARRIET WESTOVER; and LYDIA WESTOVER; their cumulative heirs, devisees, administrators, executors, successors and assigns, and anyone claiming right, title and interest in the subject pieces or parcels of land, to have thirty (30) days from the date of this Order to take action by appeal to this Court. If no action is taken at the end of thirty (30) days, the Prothonotary of Clearfield County, upon Praecepte of the Plaintiffs, shall enter final judgement in favor of the Plaintiffs, their heirs, successors and assigns.

BY THE COURT:



J.

RONALD T. BENDER and JANET E.
BENDER, husband and wife,

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

Plaintiffs

* CIVIL ACTION - LAW

vs.

ROY BROTHERS; HARRIET MURRAY,
formerly known as HARRIET WESTOVER;
and LYDIA WESTOVER; their cumulative
heirs, devisees, administrators, executors,
successors and assigns, and anyone claiming
right, title and interest in the subject pieces
or parcels of land,

* ACTION TO QUIET TITLE

* NO. 2005-1780 CD

Defendants

*

*

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA

*

COUNTY OF CAMBRIA

* SS:

*

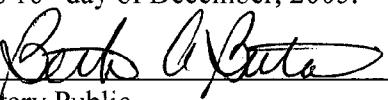
George P. Elias, Esquire, being duly sworn according to law, deposes and says that he is the attorney for the Plaintiffs and makes this Affidavit on their behalf saying that a Complaint in an Action to Quiet Title endorsed with a Notice To Defendants was served on the Defendants, ROY BROTHERS; HARRIET MURRAY, formerly known as HARRIET WESTOVER; and LYDIA WESTOVER; their cumulative heirs, devisees, administrators, executors, successors and assigns, and anyone claiming right, title and interest in the subject pieces or parcels of land, by publication in the The Progress on November 18, 2005, and the Clearfield County Legal Journal on November 25, 2005, all in accordance with an Order of Publication dated November 14, 2005. See Proofs of Publication attached hereto and made a part hereof.



George P. Elias, Esquire
Attorney for Plaintiffs

Sworn and subscribed to before me

this 16th day of December, 2005.


Notary Public

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Beth A. Buterbaugh, Notary Public
Northern Cambria Boro Cambria County
My Commission Expires Oct. 6, 2007

NOTICE
IN THE COURT
OF COMMON PLEAS
OF CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL ACTION-LAW
NO. 2005-1780-CD

Ronald T. Bender,
and Janet E. Bender,
husband and wife,
Plaintiffs
vs.

Roy Brothers; Harriet Murray,
formerly known as
Harriet Westover;
and Lydia Westover,
their cumulative heirs,
devisees, administrators,
executors, successors
and assigns, and
anyone claiming right,
title and interest
in the subject
pieces or parcels
of land,
Defendants.

ACTION TO
QUIET TITLE

Ronald T. Bender and Janet E.
Bender, husband and wife, Plaintiffs,
vs. Roy Brothers; Harriet Murray,
formerly known as Harriet Westover;
and Lydia Westover,
their cumulative heirs, devisees,
administrators, executors, successors
and assigns, and anyone
claiming right, title and interest in
the subject pieces or parcels of
land, Defendants.

To the above named Defendants,
Roy Brothers; Harriet Murray,
formerly known as Harriet Westover;
and Lydia Westover, their cumulative
heirs, devisees, administrators,
executors, successors or assigns
and anyone claiming right, title
and interest in the subject pieces
or parcels of land:

You are hereby notified that the
above action has been commenced
against you to quiet title to the following
described real estate:

ALL THOSE two certain pieces or
parcels of land situate, lying and
being in the Township of Burnside,
County of Clearfield and State of
Pennsylvania, bounded and described as follows:

FIRST: BEGINNING at an iron pin,
said iron pin being the northeast
corner of land now or formerly of
Pauline Brothers and also the north-
west corner of the property of
which this is a part, and being located
on the line of land (formerly of
A.C. Brillhart), now or formerly of
Barry and Diane Einsig; thence by
the line of said Einsig, South 87°
25' East, for a distance of 315.0
feet to an iron pin and stones corner;
thence through the land now or
formerly of Hilda A. Brown for a new
line, South 9° 51' East, for a distance
of 691.26 feet to a corner in
the centerline of Pennsylvania
Legislative Route 17002, being
16.5 feet southeast of an iron pin
on the highway right-of-way;
thence by the centerline of said
highway, South 79° 45' West, for
a distance of 252.45 feet to a corner
in the centerline of the said
road; thence leaving the said road
and along the line of land now or formerly
of Pauline Brothers, North
14° 00' West passing through an
iron pin 19.22 feet and continuing
on for a total distance of 762.87
feet to an iron pin and stones and
the place of beginning, containing
4.65 acres.

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA : SS:
COUNTY OF CLEARFIELD :

On this 22nd day of November, A.D. 20 05,
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 18, 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.

Margaret E. Krebs

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

Cheryl J. Robison COMMONWEALTH OF PENNSYLVANIA

Notary Public Clearfield, Pa. Notarial Seal
My Commission Expires Cheryl J. Robison, Notary Public
October 31, 2007 Clearfield Boro, Clearfield County
My Commission Expires Oct. 31, 2007
Member, Pennsylvania Association of Notaries

TITLE to which became vested in Ronald T. Bender and Janet E. Bender, his wife, by deed of Doris Jean (Brown) Wysocki and Francis M. Wysocki, her husband, dated January 17, 1990, and recorded on January 17, 1990, in the Clearfield County Recorder of Deeds Office in Record Book Volume 1322, Page 292. Clearfield County Assessment Office Map Parcel No. 108-A15-000-00105.

SECOND: BEGINNING at iron pin and stones on the line of land formerly of A.C. Brillhart, now Barry and Diane Einsig, said iron pin and stones corner being located, South 87° 25' East, a distance of 315.0 feet from the Northwest corner of the land of which this is a part; thence by line of said Einsig, South 87° 25' East, for a distance of 427.47 feet to an iron pin and stones corner; thence through the lands now or formerly of Hilda A. Brown for a new line, South 12° 49' East, for a distance of 597.3 feet to a corner in the center of Pennsylvania State Highway Route Number 17002, being 21.72 feet Southeast of an iron pin and stones; thence along the centerline of said Highway, South 79° 45' West, 449.19 feet to a corner in the centerline of said Highway; thence through the land now or formerly of Hilda A. Brown for a new line, North 9° 51' West, passing through an iron pin at 16.5 feet and continuing on for a total distance of 691.26 feet to iron pin and stones and the place of beginning. Containing in all 6.39 acres and all as shown on the map recorded in Clearfield County Deed Book Volume 810, at Page 556.

EXCEPTING AND RESERVING, unto Lawrence Russell Brown and Helen Marie Stephens Brown, husband and wife, or the survivor of them, all the oil and gas with such rights necessary for operating and removing the same. When both, Lawrence Russell Brown and Helen Marie Stephens Brown, husband and wife, have passed away, the oil and gas rights shall automatically revert to Ronald T. Bender and Janet E. Bender, who shall then own all the right title and interest to the oil and gas.

TITLE to which became vested in Ronald T. Bender and Janet F. Bender, his wife, by deed of Lawrence Russell Brown and Helen Marie Stephens Brown, his wife, dated May 5, 1994, and recorded on August 12, 1994, in the Clearfield County Recorder of Deeds Office in Record Book Volume 1625, Page 79. Clearfield County Assessment Office Map Parcel No. 108-A15-000-00106.

You are further notified that you are required to answer the Complaint filed in said action within twenty (20) days from the date of this publication and, in default of an Answer, a Final Order will be entered against you, whereby you will be forever barred from asserting any lien, right, title, interest or claim to the described pieces or parcels of land inconsistent with the interest or claim of the Plaintiffs.

GEORGE P. ELIAS
Attorney for Plaintiffs
3502 Bigler Avenue
Northern Cambria,
Pennsylvania 15714

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 Plaintiffs. 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.

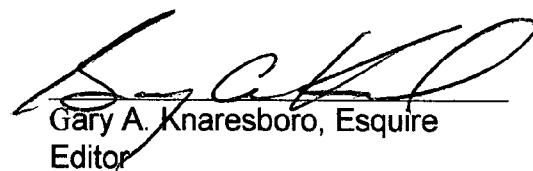
Court Administrator
Clearfield County Courthouse
1 North Second Street
Clearfield, Pennsylvania 16830
Telephone (814) 765-2641
Extension 5982

11:18-1d-b

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :
:
COUNTY OF CLEARFIELD :

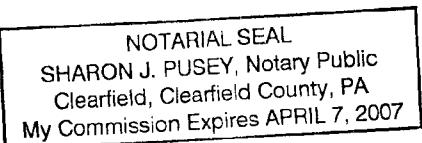
On this 25th day of November AD 2005, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Gary A. Knaresboro editor of the Clearfield County Legal Journal of the Courts of Clearfield County, and that the annexed is a true copy of the notice or advertisement published in said publication in the regular issues of Week of November 25, 2005. Vol. 17, No. 47. 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



George P Elias
3502 Bigler Ave
Northern Cambria PA 15714

Stephens Brown, husband and wife, or the survivor of them, all the oil and gas with such rights necessary for operating and removing the same. When both Lawrence Russell Brown and Helen Marie Stephens Brown, husband and wife, have passed away, the oil and gas rights shall automatically revert to Ronald T. Bender and Janet E. Bender, who shall then own all the right, title and interest to the oil and gas.

TITLE to which became vested in Ronald T. Bender and Janet E. Bender, his wife, by deed of Lawrence Russell Brown and Helen Marie Stephens Brown, his wife, dated May 5, 1994, and recorded on August 12, 1994, in the Clearfield County Recorder of Deeds Office in Record Book Volume 1625, Page 79.

Clearfield County Assessment Office Map Parcel No. 108-A15-000-00106.

You are further notified that you are required to answer the Complaint filed in said action within twenty (20) days from the date of this publication and, in default of an Answer, a final Order will be entered against you, whereby you will be forever barred from asserting any lien, right, title, interest or claim to the described pieces or parcels of land inconsistent with the interest or claim of the Plaintiffs.

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 Plaintiffs. 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, Clearfield County Courthouse, 1 North Second Street, Clearfield, Pennsylvania 16830. Telephone (814) 765-2641 Extension 5982.

George P. Elias, Attorney at Law, 3502 Bigler Avenue, Northern Cambria, PA 15714. 814-948-282.

Lawrence Russell Brown and Helen Marie at Page 556.

EXCEPTING AND RESERVING, unto

Clearfield County Deed Book Volume 810,

at Page 556.

ALL THOSE two certain pieces of

land described as follows:

State of Pennsylvania, County of Clearfield

and Township of Bumside, lying and being in the

parcels of land situated, lying and being in the

described as follows:

ALL THOSE two certain pieces of

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No. 2005-1780.CD

IN THE COURT OF COMMON PLEAS
OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION - LAW
ACTION TO QUIET TITLE

RONALD T. BENDER and JANET E.
BENDER, husband and wife,
Plaintiffs

vs.

ROY BROTHERS; HARRIET MURRAY,
formerly known as HARRIET
WESTOVER; and LYDIA WESTOVER,
their cumulative heirs, devisees,
administrators, executors,
successors and assigns, and any-
one claiming right, title and
interest in the subject pieces
or parcels of land,
Defendants

FINAL DECREE

and

PROOFS OF PUBLICATION

GEORGE P. ELIAS
ATTORNEY AT LAW
3502 BIGLER AVENUE
NORTHERN CAMBRIA, PA 15714
814 - 948-9282

George P. Elias
Attorney at Law
Certified Public Accountant

3502 Bigler Avenue
Northern Cambria, PA 15714

PHONE: (814) 948-9282
FAX: (814) 948-7020

December 16, 2005

William A. Shaw, Prothonotary
Clearfield County Courthouse
PO Box 549
1 North Second Street
Clearfield, PA 16830

Re: Ronald T. Bender, et ux
File No. 2005-1780 CD
Our File Number 89-1274

Dear Mr. Shaw:

Enclosed please find the Final Decree and Proofs of Publication for the above referenced matter. I have enclosed an extra copy of the Final Decree to be mailed back to my office in the enclosed self-addressed, stamped envelope.

Should you have any questions, please do not hesitate to contact me.

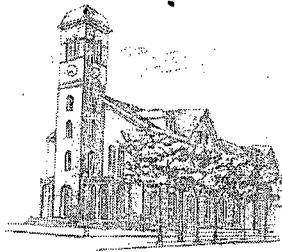
Sincerely,



George P. Elias

Enclosures

GPE/jsm



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: 12-19-05

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:

RONALD T. BENDER and JANET E.
BENDER, husband and wife,

Plaintiffs

vs.

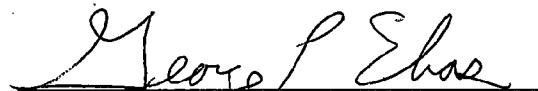
ROY BROTHERS; HARRIET MURRAY,
formerly known as HARRIET WESTOVER;
and LYDIA WESTOVER; their cumulative
heirs, devisees, administrators, executors,
successors and assigns, and anyone claiming
right, title and interest in the subject pieces
or parcels of land,

Defendants

* IN THE COURT OF COMMON PLEAS OF
* CLEARFIELD COUNTY, PENNSYLVANIA
*
* CIVIL ACTION - LAW
*
* ACTION TO QUIET TITLE
*
* NO. 2005-1780 CD
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PRAECIPE FOR FINAL JUDGMENT

Please enter Final Judgment in favor of the Plaintiffs, their heirs, successors and assigns, and against the Defendants in the above stated case, for failure to file an Appeal within thirty (30) days from the date of the FINAL DECREE which was December 16, 2005.



George P. Elias, Esquire
Attorney for Plaintiffs

FILED NO
m/12/06 cc
JAN 17 2006

William A. Shaw
Prothonotary/Clerk of Courts