

05-1908-CD
Samuel Serian vs Mark Lucas et al

Samuel Serian vs Mark Lucas et al
2005-1908-CD

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

SAMUEL SERIAN,) Case No.: 05 - 1908 C.D.
vs. Plaintiff,)
vs.) Type of Case: CIVIL
MARK LUCAS his heirs and assigns MIKE)
LUCAS his heirs and assigns and WILLIAM) Type of Pleading: AFFIDAVIT OF SERVICE
HUDZY his heirs and assigns,)
Defendants) Filed on behalf of: Plaintiff
) Counsel of Record for this Party:
) J. Kipp Lukehart
) PA ID: 05865
) LUKEHART & LUNDY
) 219 East Union Street
) PO Box 74
) Punxsutawney, PA 15767
) (814) 938-8110
)
)

FILED

MAR 29 2006

4/3:45/06
William A. Shaw *WAS*
Prothonotary/Clerk of Courts

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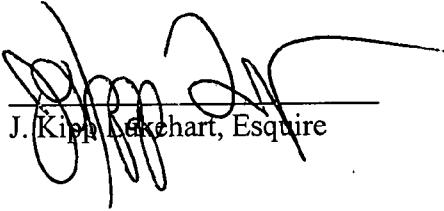
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL DIVISION

SAMUEL SERIAN,)
Plaintiff,)
vs.) Case No.: 05-1908 CD
MARK LUCAS his heirs and assigns MIKE)
LUCAS his heirs and assigns and WILLIAM)
HUDZY his heirs and assigns,)
Defendants)

AFFIDAVIT OF SERVICE

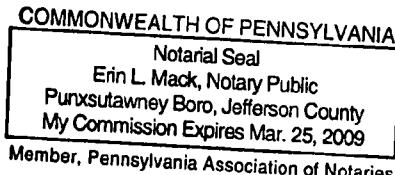
COMMONWEALTH OF PENNSYLVANIA
Ss:
COUNTY OF CLEARFIELD

Before me, the undersigned authority, personally appeared J. Kipp Lukehart, Attorney for the Plaintiff, who, being duly sworn according to law, deposes and says that he, pursuant to the Order of Court dated February 1, 2006 caused publication to be made in the Clearfield County Law Journal on February 17, 2006 and once in the The Progress, a newspaper of general circulation published in Clearfield County, Pennsylvania, on February 10, 2006 as evidenced by the attached proofs of publication.


J. Kipp Lukehart, Esquire

Sworn to and subscribed before me this
27th day of March, 2006.

Erin L. Mack
Notary Public



PROOF OF PUBLICATION

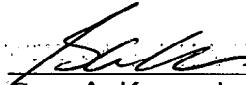
STATE OF PENNSYLVANIA :

:

COUNTY OF CLEARFIELD :

:

On this 17th day of February AD 2006, 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 February 17, 2006. Vol. 18 No. 7. 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.



Notary Public
My Commission Expires

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

Lukehart & Lundy
PO Box 74
Punxsutawney PA 15767

of Common Pleas of Clearfield County, Pennsylvania, by S & T Bank, Trustee under the said Trust Agreement, seeking to distribute your share of said Trust to the remaining beneficiaries of said Trust. A Rule has been issued setting hearing on said Motion for the 27th day of March 2006, at 9:00 o'clock a.m. in Courtroom No. 1, Clearfield County Courthouse, Clearfield, Pennsylvania.

YOU SHOULD TAKE THIS NOTICE 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.

David S. Meholick, Court Administrator, Clearfield County Courthouse, 230 East Market Street, Clearfield, PA 16830. (814) 765-2641, Ext. 5982.

Blakley & Jones, 90 Beaver Drive, Box 6, DuBois, PA 15801. (814) 371-2730.

ADV: February 17, 2006 February 24, 2006 & March 3, 2006.

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

Action to Quiet Title
No. 2005-1908 C.D.

SAMUEL SERIAN, Plaintiff, vs. MARK LUCAS his heirs and assigns MIKE LUCAS his heirs and assigns and WILLIAM HUDZY his heirs and assigns, Defendants.

To MARK LUCAS his heirs and assigns MIKE LUCAS his heirs and assigns and WILLIAM HUDZY his heirs and assigns:

You are hereby notified that the above Plaintiff has commenced an Action to Quiet Title against you, which you are required to defend.

You are required to plead to the Complaint within twenty (20) days after the service has been completed by publication.

This action concerns real property, described as follows, to-wit:

All that tract or lot of land situate in the village of Smoke Run, Beccaria Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a post, thence part of the distance by land of Mike Strick, North 16° 5' West, five hundred (500) feet to a post; thence North 53° East three hundred (300) feet to a post; thence South 84° 30' East four hundred forty-four (444) feet to a post; thence South 4° thirty (30) minutes West,

570 feet to a post; thence South 730 55' West, five hundred (500) feet to the place of beginning. Containing seven (7) acres, more or less as surveyed by John Quinn on November 17, 1909.

RESERVING AND EXCEPTING, therefrom and unto the heirs of David K. Ramey, all the coal, iron ore, stone, fire-clay, oil and gas and all other minerals under and upon the said premises; together with the full and free right of ingress and egress and privileges needful for the purpose of examining, searching for and mining coal, iron ore, stone, fire-clay, oil and gas and all other minerals.

BEING the same premises granted and conveyed to Samuel Serian from the Tax Claim Bureau of Clearfield County, Pennsylvania by Tax Claim Bureau Deed dated December 1, 1999, and recorded in the Recorder's Office of Clearfield County, Pennsylvania at Affidavit Number 32186, Instrument No. 199919708.

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 other property or other rights important to you.

YOU SHOULD TAKE THIS NOTICE 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.

Clearfield County Prothonotary & Clerk of Courts, Clearfield County Courthouse, One North Second Street, Clearfield, PA 16830. 814-765-2641.

J. Kipp Lukehart, Esq. LUKEHART & LUNDY, 219 East Union Street, P.O. Box 74, Punxsutawney, PA 15767.

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

DAVID ZINZA and KATHLEEN J. ZINZA, husband and wife Plaintiffs VS. WINIFRED P. CLARK, her heirs, successors and assigns; AARON P. CLARK, his heirs, successors and assigns; J.O. CLARK, JR., his heirs, successors and assigns, and/or any person or entity claiming title in and to the herein described premises

| | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| On this <u>27th</u> day of <u>February</u> , A.D. <u>2006</u> , | 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 Clearfield and State of Pennsylvania, and established April 5, 1913, and that the annexed is a true copy of a notice of advertisement published in said publication in |
| the regular issues of <u>February 10, 2006</u> . | |
| 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. | |
| <p style="text-align: right;"><i>Signature of Notary Public</i></p> <p style="text-align: right;"><i>Signature of Subscriber</i></p> | |
| <p style="text-align: right;">Notary Public Clearfield, Pa.</p> <p style="text-align: right;">My Commission Expires October 31, 2007</p> <p style="text-align: right;">My Commission Expires Oct 31, 2007</p> <p style="text-align: right;">Clearfield Board, Notary Public Chem. J. Robson, Clearfield County Notary Seal</p> <p style="text-align: right;">Commonwealth of PENNSYLVANIA</p> | |

PROOF OF PUBLICATION

COUNTY OF CLEARFIELD
COMMONWEALTH OF PENNSYLVANIA

SEARCHED SERIALIZED INDEXED
CLERICAL FILED SERIALIZED INDEXED
TAX COLLECTOR, PENNSYLVANIA BY
CLERMAL COUNTY, BUREAU DEED SALES DE-
CEMBER 1, 1999, AND RECORDED IN
THE RECORDED'S OFFICE OF CLERK OF
COUNTY, PENNSYLVANIA AT ALBRECHT
NUMBER 32186, INSTRUMENT NO.
1999-10289

of the distance can be had of the like
Shick, North 16° 5' West, five hun-
dred (500) feet to a post; thence
North (300) feet to a post; thence
South (300) feet to a post; thence
South (30) minutes West, (44°)
75° feet to a post; thence South
570 feet to a post; hence
South (44°) thirty (30) minutes
West, (50) minutes South
73° 55' West, five hundred (500)
feet to the place of beginning, Con-
-

NOTICE
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL DIVISION
Action to Quiet Title
No. 2005-1980 C.D.
SARAH L. SERIAN,
Plaintiff

CLEARFIELD: Nice, 1, 2, 3 bedroom apartment

345-5920.
tation furnished
ment. Heat, water, san-
itary, 2 bedroom apart-
ment, 2nd floor, 2nd
CLEARFIELD: 2nd

after 4:00.
ment. No pets. 236-3164
Non-smoking environ-
ment. Security.
CLUDED. SECURITY.
ALL UTILITIES IN-
CLARFIELD: 2nd
floor, 2 bedroom, \$355,
CLARFIELD: 2nd
floor, \$255, includes all
unit behind Sid's Sub
Shop. \$255, includes all
utilities. 765-3540 or
Sid's Pak.

CLARFIELD: Motel
unit behind Sid's Sub
Shop. \$255, includes all
utilities. 765-3540 or
includes. 342-7092.

CLARFIELD: Mod-
ern 1 bedroom apart-
ment, 2nd floor. \$250
plus utilities. Appli-
ances and parking in-
cluded. 342-7092.

CLARFIELD: Call 378-8373.
\$350 a month plus \$100
deposit, utilities in-
cluded. 1 bed-
room, 2nd floor. No pets.

CLARFIELD: 1 bed-
room, \$261-6216.
no pets, available Feb-
ruary deposit required,
security deposit required,
room, \$385/month, se-
cluded. 3 bed-
room, \$385/month.

CLARFIELD: 2nd
floor, 2 bedrooms. In-
cludes heat, water, sew-
erage. No pets. 765-1654.

CHESTER HILL: 3 bed-

room, \$385/month.

CA
ORIGINAL

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

SAMUEL SERIAN,) Case No. 05 - 1908 C.D.
vs.)
Plaintiff,) Type of Case: CIVIL
vs.)
MARK LUCAS his heirs and assigns MIKE) Type of Pleading: MOTION FOR SERVICE
LUCAS his heirs and assigns and WILLIAM) BY PUBLICATION
HUDZY his heirs and assigns,) Filed on behalf of: Plaintiff
Defendants) Counsel of Record for this Party:
) J. Kipp Lukehart
) PA ID: 05865
) LUKEHART & LUNDY
) 219 East Union Street
) PO Box 74
) Punxsutawney, PA 15767
) (814) 938-8110
)

FILED
FEB 01 2006 12:35 PM 2cc
Attn: Lukehart
60
William A. Shaw
Prothonotary/Clerk of Courts

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

SAMUEL SERIAN,)
Plaintiff,)
vs.)
MARK LUCAS his heirs and assigns MIKE)
LUCAS his heirs and assigns and WILLIAM)
HUDZY his heirs and assigns,)
Defendants)
Case No.: 05-1908 CD

MOTION FOR SERVICE BY PUBLICATION

AND NOW comes the Plaintiff, SAMUEL SERIAN, by and through his attorney, J. Kipp Lukehart and, pursuant to Rule 430 of the Pennsylvania Rules of Civil Procedure requests your Honorable Court for leave to serve the Complaint on Mark Lucas his heirs and assigns, Mike Lucas his heirs and assigns, and William Hudzy, his heirs and assigns by publication, in such a manner as the Court shall direct.

Attached to this Motion for Service by Publication is an Affidavit of the Plaintiff relative to its good faith efforts to determine the whereabouts of the named Defendant, his heirs, successors and assigns.

Date 1-27-06

Respectfully Submitted,

J. Kipp Lukehart, Attorney for Plaintiff

ORIGINAL

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

SAMUEL SERIAN,)
vs.)
Plaintiff,)
vs.) Case No.: 05-1908 CD
MARK LUCAS his heirs and assigns MIKE)
LUCAS his heirs and assigns and WILLIAM)
HUDZY his heirs and assigns,)
Defendants)

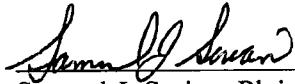
)

AFFIDAVIT

I, Samuel J. Serian, Plaintiff in the above captioned action hereby, being duly sworn according to law depose and say that I have made an investigation to determine the whereabouts of the Defendants, Mark Lucas his heirs and assigns, Mike Lucas his heirs and assigns, and William Hudzy his heirs and assigns including the following:

- A. Service by certified mail to William P. Hudzy at his last known address, which was returned "not deliverable as addressed, unable to forward.
- B. Mark Lucas is believed to be deceased and his heirs, and assigns are unknown.
- C. Mike Lucas is believed to be deceased and his heirs and assigns are unknown.
- D. Phone books of the vicinity of Clearfield County, Pennsylvania.
- E. Internet search resulted in no matches for any of the Defendants in Pennsylvania.

Despite the foregoing, I have not been able to locate the Defendants or their heirs, successors and assigns.

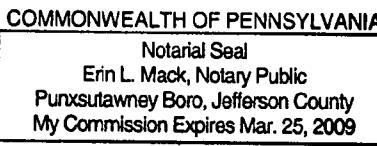


Samuel J. Serian, Plaintiff

Sworn to and subscribed before me this
27th day of January, 2006.



Notary Public



Member, Pennsylvania Association of Notaries

CA
ORIGINAL

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

SAMUEL SERIAN,

) Case No.: 05-1908 CD

Plaintiff,

) Type of Case: CIVIL

vs.

MARK LUCAS his heirs and assigns MIKE
LUCAS his heirs and assigns and WILLIAM
HUDZY his heirs and assigns,

) Type of Pleading: ORDER FOR
PUBLICATION

Defendants

) Filed on behalf of: Plaintiff

) Counsel of Record for this Party:

) J. Kipp Lukehart

) PA ID: 05865

) LUKEHART & LUNDY

) 219 East Union Street

) PO Box 74

) Punxsutawney, PA 15767

) (814) 938-8110

)

FILED 1CC
01/28/07 Atty Lukehart
FEB 02 2006
eP

William A. Shaw
Prothonotary/Clerk of Courts

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

SAMUEL SERIAN,)
Plaintiff,)
vs.) Case No.: 05-1908 C.D.
MARK LUCAS his heirs and assigns MIKE)
LUCAS his heirs and assigns and WILLIAM)
HUDZY his heirs and assigns,)
Defendants)

ORDER FOR PUBLICATION

AND NOW, this 1 day of Feb., 2006 upon consideration of the foregoing Motion for Service by Publication, the Plaintiff is directed to serve the Defendant, MARK LUCAS his heirs and assigns MIKE LUCAS his heirs and assigns and WILLIAM HUZY his heirs and assigns by publication, once in a newspaper of general circulation published in Clearfield County, Pennsylvania and once in the Clearfield County Legal Journal said publication to direct the Defendants to answer the Complaint within twenty (20) days after publication.

BY THE COURT:

John Cramer

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

SAMUEL SERIAN,

Plaintiff,

VS.

MARK LUCAS his heirs and assigns MIKE
LUCAS his heirs and assigns and WILLIAM
HUDZY his heirs and assigns,

Defendants

05-1908-CD
Case No.: - 2005 C.D.

) Type of Case: CIVIL

) Type of Pleading: COMPLAINT IN ACTION

) TO QUIET TITLE

) Filed on behalf of: Plaintiff

) Counsel of Record for this Party:
J. Kipp Lukehart
PA I.D. 05865
LUKEHART & LUNDY
219 East Union Street
PO Box 74
Punxsutawney, PA 15767
(814) 938-8110

FILED 3cc
10/25/05
DEC 07 2005 Atty Lukehart
William A. Shaw Atty pd.
Prothonotary/Clerk of Courts 95.00

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

SAMUEL SERIAN,)
Plaintiff,)
vs.)
MARK LUCAS his heirs and assigns MIKE)
LUCAS his heirs and assigns and WILLIAM)
HUDZY his heirs and assigns,)
Defendants)
Case No.: 2005 C.D.

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 the 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.

Clearfield County Prothonotary
CLEARFIELD COUNTY COURTHOUSE
One North Second Street
Clearfield, PA 16830
814-765-2641

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

COMPLAINT IN ACTION TO QUIET TITLE

AND NOW, comes the Plaintiff, Samuel Serian, by and through his attorneys, Lukehart & Lundy, with the following Complaint in Action to Quiet Title, pursuant to Rule 1061 et seq of the Pennsylvania Rules of Civil Procedure:

1. Plaintiff, Samuel Serian, is an adult individual who resides at 22 Clinton Street, Rossiter, Indiana County, Pennsylvania 15772.
2. Defendant Mark Lucas is believed to be deceased and his heirs, successors and assigns are unknown.
3. Defendant Mike Lucas is believed to be deceased and his heirs, successors and assigns are unknown.
4. Defendant William P. Hudzy is believed to be an adult individual whose last known address was P.O. Box 175, Smoke Run, Pennsylvania 16681-0175.
5. Plaintiff acquired title to map number 101-K15-000-00028 located in Beccaria Township, Clearfield County, Pennsylvania by Deed dated December 1, 1999 from the Tax Claim Bureau of Clearfield County, said Deed recorded at Affidavit Number 32186, Instrument

Number 199919708. Recorded on December 2, 1999 said property described as a house and seven (7) acres.

6. By prior Deed of Records, hereinafter stated, the property is more particularly described as follows:

All that tract or lot of land situate in the village of Smoke Run, Beccaria Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a post, thence part of the distance by land of Mike Strick, North 16° 5' West, five hundred (500) feet to a post; thence North 53° East three hundred (300) feet to a post; thence South 84° 30' East four hundred forty-four (444) feet to a post; thence South 4° thirty (30) minutes West, 570 feet to a post; thence South 73° 55' West, five hundred (500) feet to the place of beginning. Containing seven (7) acres, more or less as surveyed by John Quinn on November 17, 1909.

RESERVING AND EXCEPTING, therefrom and unto the heirs of David K. Ramey, all the coal, iron ore, stone, fire-clay, oil and gas and all other minerals under and upon the said premises; together with the full and free right of ingress and egress and privileges needful for the purpose of examining, searching for and mining coal, iron ore, stone, fire-clay, oil and gas and all other minerals.

7. The property as described in paragraph six (6) above was conveyed from Theodore Blair Patton and David William Ramey, co executers of the Last Will and Testament of David K. Ramey to Mike Lucas by Deed dated September 28, 1912 and recorded in the recorders office of Clearfield County in Book 193 at Page 512.

8. Defendant Mike Lucas is believed to have died on or prior to the year 1925 and the owner of the property per assessment rules records of Clearfield County, Pennsylvania was changed from Mike Lucas to Mark Lucas without any Deed of Record or Estate filing for Mike Lucas.

9. Mark Lucas and his heirs were assessed for the real property from 1925 through 1999 and his date of death is not certain.

10. The property was sold at public sale by the Tax Claim Bureau of Clearfield County on September 17, 1990 for the unpaid real estate taxes for the years 1997 and 1998 assessed to the Mark Lucas heirs at claim number 97-1880.

11. Notices of the delinquent status of the real estate taxes and pending sale for non-payment of real estate taxes were sent by the Tax Claim Bureau of Clearfield County to Mark Lucas heirs, care of William P. Hudzy, P.O. box 175, Smoke Run, Pennsylvania, 16681 0175 and he executed a return receipt on June 17, 1999. Furthermore, notice of the Tax Sale to the Plaintiff herein was forwarded to the Mark Lucas heirs also in care of William P. Hudzy who executed a return receipt on October 1, 1999. Prior notices were also delivered to William P. Hudzy by the Clearfield County Tax Claim Bureau and he received the same on August 1, 1998 and April 26, 1999 advising him that the property had been returned to the Tax Claim Bureau for non payment of the 1998 and 1999 taxes. Attached hereto and marked as Exhibits A-D are copies of all applicable notices.

12. There are no estates of record for either Mike Lucas or Mark Lucas and there is no record indicating the relationship of William P. Hudzy to either Mike Lucas or Mark Lucas.

13. Tax sales in general create a cloud on title because of notice questions which cloud affects the Plaintiff's ownership and furthermore his ability to transfer or sell the property.

14. Furthermore, a cloud of title appears because there is no estate of record to Mike Lucas and although the assessment rules transfer the property for Mark Lucas in the year 1925 there is no Deed of Record to Mark Lucas.

15. Furthermore, with no estate filing for Mark Lucas there is uncertainty as to his proper fiduciaries, heirs and assigns.

WHEREFORE, Plaintiff prays your Honorable Court as follows:

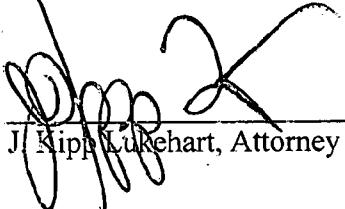
1. That all Defendants be compelled under Pennsylvania Rule of Civil Procedure No. 1061 (b)(1) to commence an action of ejectment against the Plaintiff.

2. The all Defendants pursuant to Pennsylvania Rule of Civil Procedure 1061(b)(3) admits the validity of the Tax Sale of the premises to the Plaintiff.

3. That an Order be issued barring the Defendants, their successors and assigns or any and all other persons from asserting any right, lien, title or interest inconsistent with the

interest of the Plaintiff and from impeaching, denying or in any way attacking the Plaintiff's Title to the property and from issuing or maintaining any action attacking the Plaintiff's Title.

Respectfully submitted,



J. Kipp Lukehart, Attorney for Plaintiff

VERIFICATION

I, Samuel J. Serian, verify that the statements made in the foregoing Complaint in Action to Quiet Title are true and correct to the best of my knowledge of information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

12-16-05

Date



Samuel J. Serian

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

SAMUEL SERIAN,

) Case No.: 05 - 1908 C.D.

Plaintiff,

) Type of Case: CIVIL

vs.

) Type of Pleading: MOTION FOR DEFAULT
JUDGMENT

MARK LUCAS his heirs and assigns MIKE
LUCAS his heirs and assigns and WILLIAM
HUDZY his heirs and assigns,

) Filed on behalf of: Plaintiff

Defendants

) Counsel of Record for this Party:

) J. Kipp Lukehart

) PA ID: 05865

) LUKEHART & LUNDY

) 219 East Union Street

) PO Box 74

) Punxsutawney, PA 15767

) (814) 938-8110

)

FILED

MAR 29 2006

11/3:50/06

William A. Shaw
Prothonotary/Clerk of Courts

2 CEN to Army

(A)

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

SAMUEL SERIAN,)
)
)
Plaintiff,)
)
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vs.)
) Case No.: 05-1908 CD
MARK LUCAS his heirs and assigns MIKE)
LUCAS his heirs and assigns and WILLIAM)
HUDZY his heirs and assigns,)
)
Defendants)
)
)
)

MOTION FOR DEFAULT JUDGMENT

AND NOW, comes J. Kipp Lukehart, Attorney for the Plaintiff, with the following:

1. On December 7, 2005, a Complaint was filed in the above captioned matter.
2. On February 1, 2006, your Honorable Court directed that service of the Complaint be made upon the Defendants by publication once in the Clearfield County Law Journal and once in Clearfield local newspaper, The Progress directing the Defendants to answer the Complaint within twenty (20) days from the date of last publication.
4. Publication of the Notice was made in the Clearfield County Law Journal on February 17, 2006 and in The Progress on February 10, 2006.
5. More than twenty (20) days have elapsed since service has been made upon the Defendants by publication.
6. No pleadings have been filed by the Defendants to Plaintiff's Complaint.
7. The Plaintiff hereby requests the following:
 - a) Pursuant to the Pennsylvania Rules of Civil Procedure No. 248 to waive the twenty (20) day period prescribed by Rule 1066 (b) (1).
 - b) To enter the following final Order of Court:

"That the Defendants be forever barred from asserting any right, lien, title or interest in the premises, described in Exhibits "A", inconsistent with the interest or claim of the Plaintiff as set forth in his Complaint; from impeaching, denying, or in any way attaching the Plaintiff's title to the property; from issuing or maintaining any ejectment action for the same premises; from encumbering, mortgaging or conveying the same, or any part thereof; and specifically, to admit to the validity of the Plaintiff's title."

LUKEHART & LUNDY
Attorney for Plaintiff

3-21-09

Date

J. Kipp Lukehart

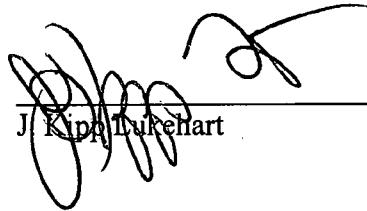


EXHIBIT A

Description: Parcel No. 101-K15-000-00028 located in Beccaria Township, Clearfield County at Affidavit Number 32186, Instrument Number 199919708.

All that tract or lot of land situate in the village of Smoke Run, Beccaria Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a post, thence part of the distance by land of Mike Strick, North 16° 5' West, five hundred (500) feet to a post; thence North 53° East three hundred (300) feet to a post; thence South 84° 30' East four hundred forty-four (444) feet to a post; thence South 4° thirty (30) minutes West, 570 feet to a post; thence South 73° 55' West, five hundred (500) feet to the place of beginning. Containing seven (7) acres, more or less as surveyed by John Quinn on November 17, 1909.

RESERVING AND EXCEPTING, therefrom and unto the heirs of David K. Ramey, all the coal, iron ore, stone, fire-clay, oil and gas and all other minerals under and upon the said premises; together with the full and free right of ingress and egress and privileges needful for the purpose of examining, searching for and mining coal, iron ore, stone, fire-clay, oil and gas and all other minerals.

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

SAMUEL SERIAN,)
vs.)
Plaintiff,)
vs.) Case No.: 05 - 1908 C.D.
MARK LUCAS his heirs and assigns MIKE)
LUCAS his heirs and assigns and WILLIAM)
HUDZY his heirs and assigns,)
Defendants)

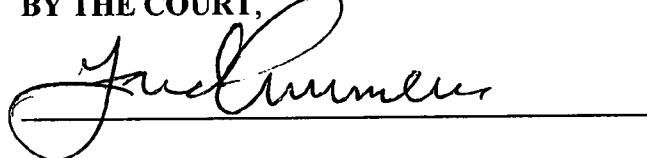
ORDER OF COURT

AND NOW, this 31 day of March, 2006, upon motion of J. Kipp Lukehart, Esquire, attorney for the Plaintiff, and upon submission of proofs of publication and service, it is HEREBY ORDERED AND DECREED as follows:

a) Pursuant to the Pennsylvania Rules of Civil Procedure No. 248 the twenty (20) day period prescribed by Rule 1066 (b) (1) is waived.

b) The Defendants are forever barred from asserting any right, lien, title or interest in the premises, described in Exhibits "A", inconsistent with the interest or claim of the Plaintiff as set forth in his Complaint; from impeaching, denying, or in any way attaching the Plaintiff's title to the property; from issuing or maintaining any ejectment action for the same premises; from encumbering, mortgaging or conveying the same, or any part thereof; and specifically, to admit to the validity of the Plaintiff's title.

BY THE COURT,



FILED
03:43 PM MAR 31 2006
1CC Atty Lukehart
1CC to Clfd Co. Reg. &
Recorder per Atty
Lukehart's instructi
William A. Shaw
Prothonotary/Clerk of Courts
©

EXHIBIT A

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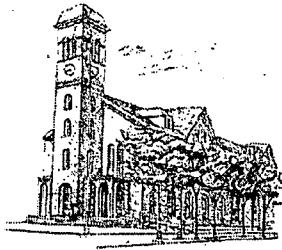
FILED

MAR 31 2006

William A. Shaw
Prothonotary/Clerk of Courts

FILED
MAR 29 2006

William A. Shaw
Prothonotary/Clerk of Courts



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

David S. Ammerman
Solicitor

Jacki Kendrick
Deputy Prothonotary

Bonnie Hudson
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

It has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw
Prothonotary

DATE: 3/31/06

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: