

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

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

1 CENT TO APT

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

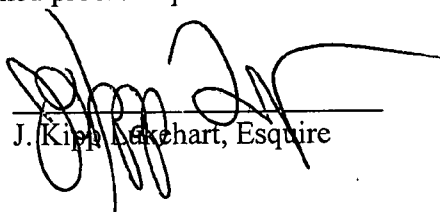
**AFFIDAVIT OF SERVICE**

COMMONWEALTH OF PENNSYLVANIA

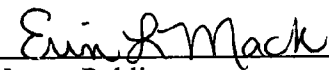
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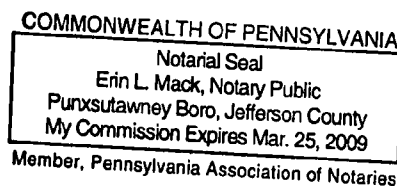
COUNTY OF CLEARFIELD

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  
27<sup>th</sup> day of March, 2006.

  
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. Meholic, 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 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.

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

# PROOF OF PUBLICATION

STATE OF PENNSYLVANIA  
: SS:  
COUNTY OF CLEARFIELD

On this 27th day of February, A.D. 20 06, 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 February 10, 2006 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.

COMMONWEALTH OF PENNSYLVANIA  
Notarial Seal  
Cheryl J. Robison, Notary Public  
Clearfield Boro, Clearfield County  
My Commission Expires Oct. 31, 2007  
Member, Pennsylvania Association Of Notaries

My Commission Expires  
October 31, 2007

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 situated in the village of Smoke Run, Berchara Township, Clearfield County, Pennsylvania, bounded and described as follows:  
BEGINNING at a post, thence part of the distance by land of Mike Stick, 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 needed 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 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 Lukerhart, Esq.  
LUKEHART & LUNDY  
219 East Union Street  
P.O. Box 74  
Punxsutawney, PA 15767  
2:10-14b

WENSVILLE: 2nd floor, 2 bedrooms. Includes heat, water, sewerage. No pets. 765-1654.

CHESTER HILL: 3 bedroom, \$385/ month, security deposit required, no pets, available February 12th. (814)861-6216.

CLEARFIELD: 1 bedroom, 2nd floor. No pets. \$350 a month plus deposit, utilities included. Call 378-8373.

CLEARFIELD: Modern 1 bedroom apartment, 2nd floor. \$250 plus utilities. Appliances and parking included. 342-7092.

CLEARFIELD: Motel unit behind Sid's Shop. \$255, includes all utilities. 765-3540 or Sid's-Pak.

CLEARFIELD: 2nd floor, 2 bedroom. \$355, ALL UTILITIES INCLUDED. Security. Non-smoking environment. No pets. 236-3164 after 4:00.

CLEARFIELD: 2nd floor, 2 bedroom apartment. Heat, water, sanitation furnished. 345-5920.

CLEARFIELD: Nice, 1, 2, 3 bedroom apartments.

CA  
**ORIGINAL**

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 C.D.  
)  
) Type of Case: CIVIL  
)  
) Type of Pleading: MOTION FOR SERVICE  
) BY PUBLICATION  
)  
) 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**  
FEB 01 2006  
12:35 PM  
2 cc  
Atty Lukehart  
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.

Respectfully Submitted,

Date 1-27-06

  
J. Kipp Lukehart, Attorney for Plaintiff

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,

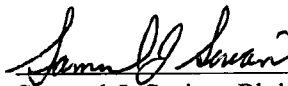
Defendants

AFFIDAVIT

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

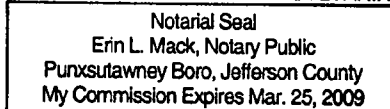
Sworn to and subscribed before me this

27<sup>th</sup> day of January, 2006.



Notary Public

COMMONWEALTH OF PENNSYLVANIA



Member, Pennsylvania Association of Notaries

ORIGINAL

CA

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  
)  
) Type of Case: CIVIL  
)  
) Type of Pleading: ORDER FOR  
) PUBLICATION  
)  
) 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 <sup>ICC</sup>  
01:28:30  
FEB 02 2006  
Atty Lukehart  
⑥12

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,

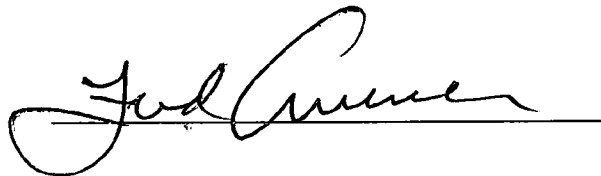
Defendants

Case No.: 05-1908 C.D.

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 HUDZY 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:

A handwritten signature in black ink, appearing to read "Jud Crum", is written over a horizontal line.

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  
- 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  
10/2:59/34 Atty Lukehart  
DEC 07 2005 Atty ad. 95.00  
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.: 11 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

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.

**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 executors of the Last Will and Testament of David K. Ramey to Mike Lucas by Deed dated September 28, 1912 and recorded in the records 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 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:

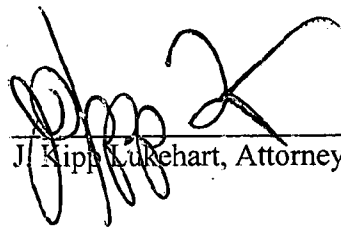
1. That all Defendants be compelled under Pennsylvania Rule of Civil Procedure No. 1061 (b)(1) to commence an action of ejectment against the Plaintiff.

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,


A handwritten signature in black ink, appearing to read 'J. Kipp Lukehart', is written over a horizontal line.

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.

12-6-05  
Date

  
Samuel J. Serian

CA

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 C.D.  
)  
) Type of Case: CIVIL  
)  
) Type of Pleading: MOTION FOR DEFAULT  
) JUDGMENT  
)  
) 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

01/3:50/6

William A. Shaw  
Prothonotary/Clerk of Courts

2 CENA to Amy

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	)	
	)	
	)	
	)	
	)	

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**MOTION FOR DEFAULT JUDGMENT**

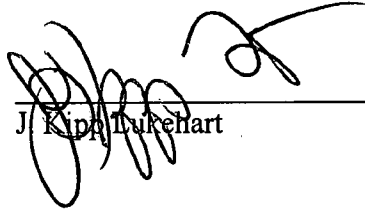
AND NOW, comes J. Kipp Lukehart, Attorney for the Plaintiff, with the following:

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

3-27-00  
Date

  
\_\_\_\_\_  
J. Kip 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  $16^{\circ} 5'$  West, five hundred (500) feet to a post; thence North  $53^{\circ}$  East three hundred (300) feet to a post; thence South  $84^{\circ} 30'$  East four hundred forty-four (444) feet to a post; thence South  $4^{\circ}$  thirty (30) minutes West, 570 feet to a post; thence South  $73^{\circ} 55'$  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,

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 C.D.

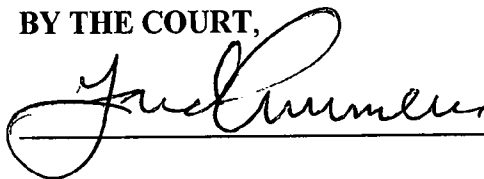
**ORDER OF COURT**

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**  
02:43 PM  
MAR 31 2006

William A. Shaw  
Prothonotary/Clerk of Courts

ICC Atty Lukehart  
ICC to Clfd Co. Reg. &  
Recorder per Atty  
Lukehart's Instruct'ns  
(CR)



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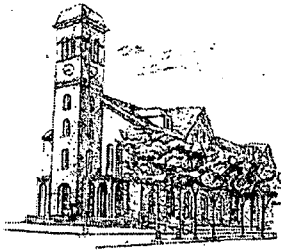
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~~FILED~~  
~~MAR 29 2006~~  
William A. Shaw  
Prothonotary/Clerk of Courts

**FILED**  
MAR 31 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

X 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: