

05-1995-CD
Russel Mason al vs George W. Ellinger al

Russel Mason vs George Ellinger et al
2005-1995-CD

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

RUSSEL J. MASON, SR. and :
CONNIE M. MASON, :
Plaintiffs :
vs. :
: No. 2005-1995 C.D.

GEORGE W. ELLINGER and :
CATHERINE THOMAS ELLINGER, :
husband and wife, CHARLES ELLINGER :
and GLADYS ELLINGER, HERBERT C. :
ELLINGER, SIMON WOLF and :
JOSEPHINE WOLF, husband and wife, :
HOWARD D. WOLF, VIRGIE :
MICHAELS a/k/a VIRGINIA :
MICHAELS and JOHN MICHAELS, :
wife and husband, JOHN MICHAELS and :
GUSSIE E. MICHAELS, husband and wife, :
and any heir, persons claiming or who :
might claim title under the aforesaid :
defendants; and any other person, persons, :
firms, partnerships, or corporate entities :
who might claim title to the premises :
herein described,

Defendants

Type of Pleading: Complaint

Filed on behalf of: Russel J. Mason, Sr.
and Connie M. Mason, Plaintiffs

Counsel of Record for this Party:

HOPKINS HELTZEL LLP

DAVID J. HOPKINS, ESQUIRE
Attorney at Law

Supreme Court No. 42519
900 Beaver Drive
DuBois, Pennsylvania 15801

(814) 375-0300

FILED *No cc*
01/3/06 BY *44y pd*
DEC 22 2005 *95.00*
William A. Shaw
Prothonotary/Clerk of Courts

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

RUSSEL J. MASON, SR. and :
CONNIE M. MASON, :
Plaintiffs :
:
vs. : No. 2005- C.D.
: ACTION IN QUIET TITLE
GEORGE W. ELLINGER and :
CATHERINE THOMAS ELLINGER, :
husband and wife, CHARLES ELLINGER :
and GLADYS ELLINGER, HERBERT C. :
ELLINGER, SIMON WOLF and :
JOSEPHINE WOLF, husband and wife, :
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wife and husband, JOHN MICHAELS and :
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might claim title under the aforesaid :
defendants; and any other person, persons, :
firms, partnerships, or corporate entities :
who might claim title to the premises :
herein described, :

NOTICE

TO 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 judgement may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Office of the Court Administrator
Clearfield County Courthouse
230 E. Market Street
Clearfield, PA 16830
(814) 765-2641 ext. 5982

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

RUSSEL J. MASON, SR. and	:	
CONNIE M. MASON,	:	
Plaintiffs	:	
vs.	:	No. 2005- C.D.
	:	ACTION IN QUIET TITLE
GEORGE W. ELLINGER and	:	
CATHERINE THOMAS ELLINGER,	:	
husband and wife, CHARLES ELLINGER	:	
and GLADYS ELLINGER, HERBERT C.	:	
ELLINGER, SIMON WOLF and	:	
JOSEPHINE WOLF, husband and wife,	:	
HOWARD D. WOLF, VIRGIE	:	
MICHAELS a/k/a VIRGINIA	:	
MICHAELS and JOHN MICHAELS,	:	
wife and husband, JOHN MICHAELS and	:	
GUSSIE E. MICHAELS, husband and wife,	:	
and any heir, persons claiming or who	:	
might claim title under the aforesaid	:	
defendants; and any other person, persons,	:	
firms, partnerships, or corporate entities	:	
who might claim title to the premises	:	
herein described,	:	

COMPLAINT

AND NOW COMES, Plaintiffs, Russel J. Mason, Sr. and Connie M. Mason, husband and wife, by and through their attorneys, Hopkins Heltzel LLP and avers as follows:

COUNT I

1. Plaintiffs are husband and wife who reside at 376 Mason Road, Penfield, Pennsylvania 15849.

2. The property to be quieted is situate in the Township of Pike, County of Clearfield and State of Pennsylvania and is described on Exhibit "A".

3. By Deed dated May 12, 1862 and recorded in the Office of the Recorder of Deeds in Deed Book GG, at page 60, John McDowell conveyed to Samuel Irwin two (2) parcels of land, one (1) containing nine (9) acres and 53 perches and the other containing twelve (12) acres.

4. By Deed date June 14, 1865 and recorded in the Office of the Recorder of Deeds in Deed Book GG, at page 61, George B. Dale conveyed to Samuel Irwin two (2) parcels, one (1) parcel being one (1) acre and 58.2 perches and the other parcel containing two (2) acres and 115.2 perches.

5. By Deed dated April 8, 1878 and recorded in the Office of the Recorder of Deeds of Clearfield County in Deed Book 11, at page 230, Samuel Irwin and Philena B. Irwin, his wife, conveyed to Loretta Ellinger a one (1) acre parcel.

6. By Deed dated December 26, 1901 and recorded in the Office of the Recorder of Deeds of Clearfield County in Deed Book 121, at page 141, Loretta Ellinger in a Deed signed by her as Loretta M. Ellinger and Peter M. Ellinger, her husband, conveyed the said one (1) acre to Defendant, George W. Ellinger.

7. George W. Ellinger married Catherine Thomas.

8. Catherine Thomas died March 11, 1921 survived by her husband, George Ellinger. George Ellinger died December 27, 1922 leaving to survive him four (4) children:

A. Charles Ellinger who died September 13, 1958 survived by his wife, Gladys Ellinger and eight (8) children.

B. Herbert C. Ellinger died August 8, 1957 survived by his widow, Celia Ellinger who later married Samuel Leonard. Herbert C. Ellinger and Celia Ellinger had two (2) children, Carola Ellinger Heidt and Josephine Rafferty (later Josephine Bennett).

C. Josephine Wolf who married Simon Wolf and both of whom are deceased. It is believed Josephine Wolf bore and was survived by her only child, Howard D. Wolfe;

D. Virgie (Virginia) Ellinger who married John Michaels. Virgie (Virginia) Michaels died about 1947. It is believed her husband, John Michaels survived her and married Gussie E. Michaels.

9. By Deed dated September 18, 1970 and recorded in the Office of the Recorder of Deeds of Clearfield County in Volume 572, at page 44, Celia Ellinger a/k/a Celia Leonard, Samuel Leonard, Josephine Rafferty a/k/a Josephine Bennett, Edward Bennett, Carola Ellinger a/k/a Carola Heidt and Bruce Heidt conveyed the property described in paragraph two (2) to Winebert E. Ramsey and Violet J. Ramsey. Said Deed states that Celia Leonard was given the property as a verbal gift of her family for taking care of her father in law [George W. Ellinger].

10. By Deed dated April 28, 1989 and recorded in the Office of the Recorder of Deeds in Volume 1279, at page 396, W. Earle Ramsey and Violet J. Ramsey, husband and wife, conveyed the property described in paragraph two (2) to Frederick V. Dickson and Debra L. Dickson.

11. By Deed dated August 31, 2000 and recorded in the Office of the Recorder of Deeds as Instrument No. 2000-13310, Frederick V. Dickson and Debra L. Dickson conveyed the property to Frederick V. Dickson.

12. By Deed dated June 23, 2004 and recorded in the Office of the Recorder of Deeds as Instrument No. 2004-10206, Frederick V. Dickson conveyed the property to Plaintiffs, Russell J. Mason and Connie M. Mason.

13. Plaintiffs and their predecessors in title have held the property described in paragraph (2) openly, notorious and hostilely against all individuals and entities who may claim title to the property.

14. The purpose of this quiet title action is to eliminate any and all claims of the heirs of George W. Ellinger, including, but not limited to those claims of his children and their spouses and heirs being Charles Ellinger, Herbert Ellinger, Josephine Wolf and Virgie (Virginia) Ellinger Michaels.

WHEREFORE, the Plaintiffs request your Honorable Court to decree that title to the Premises described in paragraph two (2) be granted unto Plaintiffs, in fee simple and absolutely, and that the Defendants, their heirs devisees, executors, administrators and assigns and all other person, persons, firms, partnerships or corporate entities in interest or their legal representatives be forever barred from asserting any right, lien, or interest inconsistent with the interest or claim of the Plaintiffs as set forth herein, in and to the property described in paragraph two (2).

Respectfully submitted,



David J. Hopkins, Esquire
Attorney for Plaintiffs

EXHIBIT "A"

ALL that certain parcel of land located in Pike Township, Clearfield, County, Pennsylvania, bounded in accordance with the survey by Robert L. Kester, P.L.S., No. 17384E, dated March 31, 1988 and described as follows:

BEGINNING at a point on the northeastern right-of-way line of State Route 4005 (PA 861), said point being on the division between land of now or formerly J. H. France Refractories Company and Ramsey; thence along J. H. France North forty-nine (49°) degrees fifty-five (55') minutes fifteen (15") seconds East, passing an iron pin set at four and thirty-nine one-hundredths (4.39) feet, a total distance of two hundred seventy-two and fifteen one-hundredths (272.15) feet to an iron pin on line of J. H. France; thence still along J. H. France South twenty-five (25°) degrees twenty-one (21') minutes forty-three (43") seconds East one hundred seventy-four and eighty-one one-hundredths (174.81) feet to an iron pin set on J. H. France and other lands of Ramsey, being Parcel II herein; thence along other Ramsey land South forty-nine (49°) degrees fifty-five (55') minutes fifteen (15") seconds West, passing an iron pin set at two hundred eighteen and forty-four one hundredths (218.44) feet, a total distance of two hundred twenty-three and seventy-two one-hundredths (223.72) feet to a point on the northeastern right-of-way of said S.R. 4005; thence along said right-of-way North forty-one (41°) degrees twenty-six (26') minutes twenty-six (26") seconds West one hundred sixty-nine and thirteen one hundredths (169.13) feet to the place of beginning. Consisting of ninety-six one-hundredths (0.96) of an acre more or less.

Identified as Clearfield County Tax Map No. 126-G9-10.

This conveyance is subject to any and all restrictions, exceptions, reservations, rights-of-way, easements and privileges as contained in prior deeds in the chain of title.

BEING a portion of the premises which vested in Frederick V. Dixon, an adult individual by deed dated August 31, 2000 from Frederick V. Dixon and his wife Debra L. Dixon, recorded in the Office of the Clearfield County Recorder of Deeds as Instrument No. 2000-13310 on September 11, 2000. The premises conveyed herewith were described and identified in the aforesaid deed as "THE FIRST THEREOF".

VERIFICATION

With full understanding that false statements herein are made subject to the penalties of
18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities, I verify that the
statements made in this pleading are true and correct.



Russel J. Mason

VERIFICATION

With full understanding that false statements herein are made subject to the penalties of
18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities, I verify that the
statements made in this pleading are true and correct.



Connie M. Mason

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

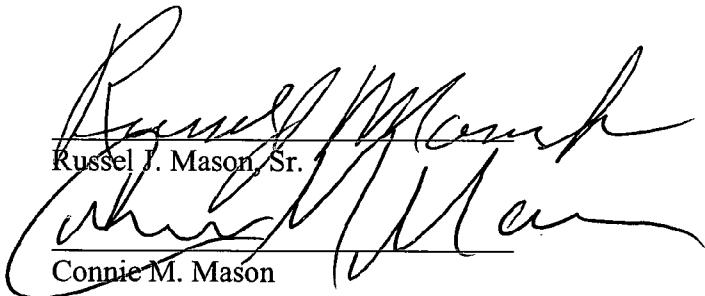
RUSSEL J. MASON, SR. and :
CONNIE M. MASON, :
Plaintiffs :
:
vs. : No. 2005-1095 C.D.
:
GEORGE W. ELLINGER and :
CATHERINE THOMAS ELLINGER, :
husband and wife, CHARLES ELLINGER :
and GLADYS ELLINGER, HERBERT C. :
ELLINGER, SIMON WOLF and :
JOSEPHINE WOLF, husband and wife, :
HOWARD D. WOLF, VIRGIE :
MICHAELS a/k/a VIRGINIA :
MICHAELS and JOHN MICHAELS, :
wife and husband, JOHN MICHAELS and :
GUSSIE E. MICHAELS, husband and wife, :
and any heir, persons claiming or who :
might claim title under the aforesaid :
defendants; and any other person, persons, :
firms, partnerships, or corporate entities :
who might claim title to the premises :
herein described, :
:

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William A. Shaw
Prothonotary/Clerk of Courts

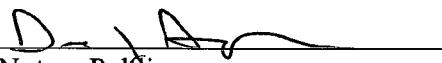
AFFIDAVIT OF UNKNOWN WHEREABOUTS

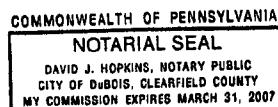
Plaintiffs, Russel J. Mason, Sr. and Connie M. Mason, being duly sworn according to law, hereby certifies that they have made a search of the records of the Clearfield County Courthouse and greater Pike Township area and have been unable to locate the heirs of the Defendants in this action.


Russel J. Mason, Sr.


Connie M. Mason

Sworn to and subscribed before
me this 19th day of
December, 2005.


Notary Public



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

RUSSEL J. MASON, SR. and :
CONNIE M. MASON, :
Plaintiffs :
:
vs. : No. 2005-1995-C.D.
: ACTION IN QUIET TITLE
GEORGE W. ELLINGER and :
CATHERINE THOMAS ELLINGER, :
husband and wife, CHARLES ELLINGER :
and GLADYS ELLINGER, HERBERT C. :
ELLINGER, SIMON WOLF and :
JOSEPHINE WOLF, husband and wife, :
HOWARD D. WOLF, VIRGIE :
MICHAELS a/k/a VIRGINIA :
MICHAELS and JOHN MICHAELS, :
wife and husband, JOHN MICHAELS and :
GUSSIE E. MICHAELS, husband and wife, :
and any heir, persons claiming or who :
might claim title under the aforesaid :
defendants; and any other person, persons, :
firms, partnerships, or corporate entities :
who might claim title to the premises :
herein described, :
Defendants :

FILED NO
013:16054 CC
DEC 22 2005
William A. Shaw
Prothonotary/Clerk of Courts

MOTION FOR PUBLICATION

AND NOW, this 24 day of December, 2005, an Affidavit having been executed and filed by Russel J. Mason, Sr. and Connie M. Mason, and that the whereabouts of Defendants, George W. Ellinger and Catherine Thomas Ellinger, husband and wife, Charles Ellinger and Gladys Ellinger, Herbert C. Ellinger, Simon Wolf and Josephine Wolf, husband and wife, Howard D. Wolf, Virgie Michaels a/k/a Virginia Michaels and John Michaels, wife and husband, John Michaels and Gussie E. Michaels, husband and wife, their accumulative heirs, devisees,

administrators, executors, successors or assigns, and all other person, persons, firms, partnerships, or corporate entities in interest are unknown. The Plaintiffs, by their counsel, Hopkins Heltzel LLP, requests the Court for leave to serve the Complaint on the above mentioned Defendants, their heirs, devisees, administrators, executors, assigns, and all other person, persons, firms, partnerships, or corporate entity in interest, or their legal representatives, generally, by publication in such manner as the Court shall direct and as provided by Pa. R.C.P. Rule 410, and Pa.R.C.P. Rule 430.

Respectfully submitted,



David J. Hopkins, Esquire
Attorney for Plaintiffs

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

RUSSEL J. MASON, SR. and :
CONNIE M. MASON, :
Plaintiffs :
vs. :
No. 2005-1995-C.D.
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CATHERINE THOMAS ELLINGER, :
husband and wife, CHARLES ELLINGER :
and GLADYS ELLINGER, HERBERT C. :
ELLINGER, SIMON WOLF and :
JOSEPHINE WOLF, husband and wife, :
HOWARD D. WOLF, VIRGIE :
MICHAELS a/k/a VIRGINIA :
MICHAELS and JOHN MICHAELS, :
wife and husband, JOHN MICHAELS and :
GUSSIE E. MICHAELS, husband and wife, :
and any heir, persons claiming or who :
might claim title under the aforesaid :
defendants; and any other person, persons, :
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who might claim title to the premises :
herein described, :
Defendants :
:

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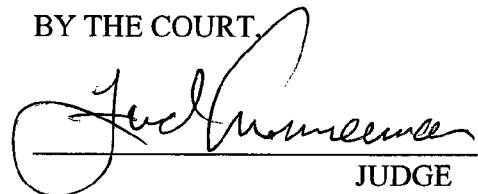
William A. Shaw
Prothonotary/Clerk of Courts

ORDER FOR PUBLICATION

AND NOW, this 28 day of December, 2005, upon the consideration of the foregoing Motion, the Plaintiffs are granted leave to make service of the Complaint on Defendants, George W. Ellinger and Catherine Thomas Ellinger, husband and wife, Charles Ellinger and Gladys Ellinger, Herbert C. Ellinger, Simon Wolf and Josephine Wolf, husband and wife, Howard D. Wolf, Virgie Michaels a/k/a Virginia Michaels and John Michaels, wife and husband, John Michaels and Gussie E. Michaels, husband and wife, their heirs, devisees, administrators, executors, assigns, and all other person, persons, firms, partnerships, or corporate

entities in interest, or their legal representatives, by publication one time in the Courier Express and one time in the Clearfield County Legal Journal.

BY THE COURT,

A handwritten signature in black ink, appearing to read "Jack M. Moseman". The signature is fluid and cursive, with a horizontal line underneath it.

JUDGE

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

RUSSEL J. MASON, SR. and :
CONNIE M. MASON, :
Plaintiffs :
vs. : No. 2005-01995 C.D.
GEORGE W. ELLINGER and :
CATHERINE THOMAS ELLINGER, :
husband and wife, CHARLES ELLINGER :
and GLADYS ELLINGER, HERBERT C. :
ELLINGER, SIMON WOLF and :
JOSEPHINE WOLF, husband and wife, :
HOWARD D. WOLF, VIRGIE :
MICHAELS a/k/a VIRGINIA :
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who might claim title to the premises :
herein described, :
Defendants :
Prot

FILED 1cc
01/03/2006 Amy Hopkins
FEB 03 2006
GK

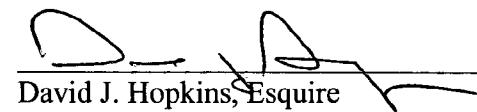
William A. Shaw
Prothonotary/Clerk of Courts

MOTION FOR JUDGMENT

AND NOW, this 3rd day of February, 2006, an Affidavit having been filed by David J. Hopkins, Esquire, Attorney for Plaintiffs, Russel J. Mason, Sr. and Connie M. Mason, that the Complaint with Notice to Plead was served on Defendants. Defendants were served by publication pursuant to the Rules of Civil Procedure and Defendants have failed to file an answer. The Plaintiffs, by and through their attorney, move the Court to enter judgment in favor of the Plaintiffs and against the Defendants in the above named case and to grant to the Plaintiffs the relief prayed for in accordance with Rules of Civil Procedure 1066. Plaintiffs further requests

that the Honorable Court modify in accordance with Rules of Civil Procedure, Rule 248, the thirty (30) day period provided Defendants by Rules of Civil Procedure, Rule 1066(b) to assert any right, lien, title or interest in the land inconsistent with the interest or claim Plaintiffs set forth in their Complaint.

Respectfully submitted,



David J. Hopkins, Esquire

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :

:

COUNTY OF CLEARFIELD :

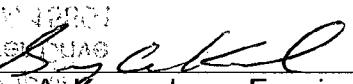
:

On this 13th day of January 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 January 13, 2006. Vol. 18 No. 2. And that all of the allegations of this statement as to the time, place, and character of the publication are true.

January 13, 2006

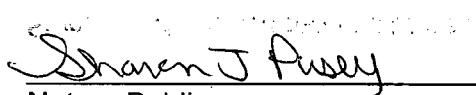
900 Beaver Drive

DuBois PA 15801


Gary A. Knaresboro, Esquire

Editor

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


Sharon J. Pusey

Notary Public

My Commission Expires

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

January 13, 2006
David J. Hopkins
900 Beaver Drive
DuBois PA 15801

County, Pennsylvania and to me directed, there will be exposed to public sale in the Sheriff's Office in the Court House in the Borough of Clearfield on FRIDAY, FEBRUARY 3, 2006 at 10:00 A.M.

THE FOLLOWING DESCRIBED PROPERTY TO WIT: (SEE ATTACHED DESCRIPTION) TERMS OF SALE

The Price or sum at which the property shall be struck off must be paid at the time of sale or such other arrangements made as will be approved, otherwise the property will be immediately put up and sold again at the expense and risk of the person to whom it was struck off and who in case of deficiency of such resale shall make good for the same and in no instance will the deed be presented for confirmation unless the money is actually paid to the Sheriff.

TO all parties in interest and claimants: A schedule of distribution will be filed by the Sheriff in his office the first Monday following the date of the sale and distribution will be made in accordance with the schedule unless exceptions are filed within ten (10) days thereafter.

ALL THAT CERTAIN TRACT OF LAND, TOGETHER WITH ALL IMPROVEMENTS THEREON, DESIGNATES AS LOT 67, SECTION 1, "BARBADOS" IN THE TREASURE LAKE SUBDIVISION IN SANDY TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA, RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS OF CLEARFIELD COUNTY IN MISCELLANEOUS DOCKET MAP FILE NO. 25. MAP #128-D02-001-00067-00-21.

UNDER AND SUBJECT, NEVERTHELESS, TO ALL RESERVATIONS, RESTRICTIONS, COVENANTS, CONDITIONS, EASEMENTS, LEASES, AND RIGHTS OF WAY APPEARING OF

NOT LIMITED

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

er
No. 2005-01995 C.D.
ACTION IN QUIET TITLE

RUSSEL J. MASON, SR. and CONNIE M. MASON, Plaintiffs

vs.

GEORGE W. ELLINGER and CATHERINE THOMAS ELLINGER husband and wife, CHARLES ELLINGER and GLADYS ELLINGER, HERBERT C. ELLINGER, SIMON WOLF and JOSEPHINE WOLF, husband and wife, HOWARD D. WOLF, VIRGIE MICHAELS a/k/a VIRGINIA MICHAELS and JOHN MICHAELS, wife and husband, JOHN MICHAELS and GUSSIE E. MICHAELS, husband and wife, and any heir, persons claiming or who might claim title under the aforesaid defendants; and any other person, persons, firms, partnerships, or corporate entities who might claim title to the premises herein described,

QUIET TITLE ACTION NOTICE

TO: George W. Ellinger and Catherine Thomas Ellinger, husband and wife, Charles Ellinger and Gladys Ellinger, Herbert C. Ellinger, Simon Wolf and Josephine Wolf, husband and wife, Howard D. Wolf, Virgie Michaels a/k/a Virginia Michaels and John Michaels, wife and husband, John Michaels and Gussie E. Michaels, husband and wife, their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest.

You are hereby notified that an action to quiet title to the premises situate, lying and being in Pike Township, Clearfield County, Pennsylvania has been filed against you. Said premises are described on Exhibit "A" attached to the Complaint which is filed of record with the Prothonotary of the Clearfield County Courthouse, Clearfield, Pennsylvania.

You have been sued in Court. The purpose of this quiet title action is to extinguish any right or equity which the Defendants above named and their heirs, administrators, executors and assigns may have in the property as described above. The Plaintiffs in this action, after a diligent search, has been unable to locate the Defendants or their devisees or heirs.

Whereupon the Court Ordered that notice of said action be served on the Defendants, and their heirs.

IF YOU WISH TO DEFEND, YOU MUST ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY TO FILE YOUR DEFENSE OR OBJECTIONS IN WRITING WITH THE COURT. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT FURTHER NOTICE FOR THE RELIEF REQUESTED BY THE PLAINTIFFS. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

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.

st
Court Administrator
Clearfield County Courthouse
em
1 North Second Street
tto
Clearfield, Pennsylvania 16830
(814) 765-2641

David J. Hopkins
Attorney for Plaintiffs
900 Beaver Drive
DuBois, PA 15801
(814) 375-0300

4000 per month. 699-0701.

DUBOIS - 119 East Weber.
2 bedroom, 2 story. \$400
plus utilities. (814)375-2700.

NEW DUBOIS - 3 bed-
AD room, \$450+, park-
ing, no pets, (814)591-7244

NEW DUBOIS - 3 bed-
AD room, parking, no
pets, \$425+,
(814)375-6988.

DUBOIS - near hospital,
newly remodeled, 2 1/2 bed-
rooms, 2 baths, storage
shed, \$425 a month plus
utilities, security deposit, no
pets. 591-9195.

DUBOIS - Nice 3 bedroom,
parking, 1st floor laundry,
\$500 plus, 541-9676.

FALLS CREEK - 3 bedroom,
garage, new carpet, \$525+,
590-1021.

TREASURE LAKE - 2 bed-
room, 1 large bath, on
180'x130' level lot near
Marina, new flooring,
countertops, dishwasher,
light fixtures, roof and
newer range. Wrap-around
deck and 21'x12' shed.
\$68,500. (814)375-0863.

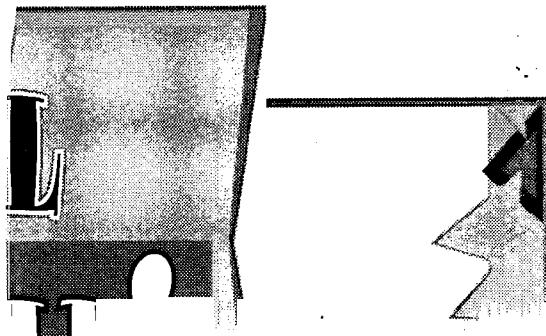
Mobile Homes/Sites 585

PENFIELD - We have
mobile home lots avail-
able for rent or mobile
homes for rent or rent
to own. Water, sew-
age and garbage in-
cluded. Also guaran-
teed lowest propane
price in entire area.

Only at
PINE VALLEY COURT
Call 637-5522

Wanted Real Estate 605

WANTED house or mobile
home with land in country
setting or small farm.
(814)512-1402



**PROOF OF PUBLICATION OF NOTICE APPEARING IN THE
COURIER EXPRESS/TRI-COUNTY SUNDAY/JEFFERSONIAN DEMOCRAT
PUBLISHED BY McLEAN PUBLISHING COMPANY,
DUBOIS PENNSYLVANIA**

Under act 587, Approved May 16, 1929, P.L. 1784

**STATE OF PENNSYLVANIA
COUNTY OF CLEARFIELD**

SS-

Linda Smith, Advertising Director or Dory Ferra, Classified Advertising Supervisor of the **Courier-Express/Tri-County Sunday/Jeffersonian Democrat** of the County and State aforesaid, being duly sworn, deposes and says that the **Courier Express**, a daily newspaper, the **Tri-County Sunday**, a weekly newspaper and **Jeffersonian Democrat**, a weekly newspaper published by McLean Publishing Company at 500 Jeffers Street, City of DuBois, County and State aforesaid, which was established in the year 1879, since which date said, the daily publication and the weekly publications, has been regularly issued in said County, and that a copy of the printed notice of publication is attached hereto exactly as the same was printed and published in the regular editions of the paper on the following dates, viz: the

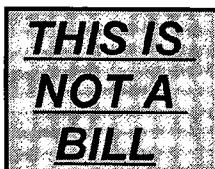
Affidavit further deposes that he is an officer duly authorized by the **Courier-Express**, a daily newspaper, **Tri-County Sunday**, a weekly newspaper, and/or **Jeffersonian Democrat**, a weekly newspaper to verify the foregoing statement under oath and also declared that affiant is not interested in the subject matter of the aforesaid notice of publication, and that all allegations in the foregoing statement as to time, place and character of publication are true.

MCLEAN PUBLISHING COMPANY Publisher of
COURIER-EXPRESS/TRI-COUNTY SUNDAY/JEFFERSONIAN DEMOCRAT

By Linda Smith

Sworn and subscribed to before me this 19th day of Jan., 2006

Brian M. Actting
NOTARY PUBLIC



Statement of Advertising Cost
McLEAN PUBLISHING COMPANY
Publisher of
COURIER-EXPRESS/TRI-COUNTY SUNDAY/
JEFFERSONIAN DEMOCRAT
DuBois, PA

NOTARIAL SEAL
ROBIN M. DUTTRY, NOTARY PUBLIC
CITY OF DUBOIS, CLEARFIELD COUNTY
MY COMMISSION EXPIRES APRIL 16, 2006

TO **Hopkins Heltzell LLP**

For publishing the notice or advertisement
attached hereto on the above stated dates..... **\$275.40**
Probating same..... **\$7.50**
Total..... **\$282.90**

Publisher's Receipt for Advertising Costs

The Courier-Express, a daily newspaper, **Tri-County Sunday**, a weekly newspaper, and/or **Jeffersonian Democrat**, a weekly newspaper, hereby acknowledges receipt of the aforesaid advertising and publication costs, and certifies that the same have been fully paid.

Office: Jeffers Street and Beaver Drive, DuBois, PA 15801

Established 1879, Phone 814-371-4200

McLEAN PUBLISHING COMPANY

Publisher of

COURIER-EXPRESS/TRI-COUNTY SUNDAY/JEFFERSONIAN DEMOCRAT

By

I hereby certify that the foregoing is the original Proof of Publication and receipt for the Advertising costs in the subject matter of said notice.

ATTORNEY FOR

FILED
FEB 03 2006

William A. Shaw
Prothonotary/Clerk of Courts

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

RUSSEL J. MASON, SR. and :
CONNIE M. MASON, :
Plaintiffs :

vs. : No. 2005-01995 C.D.

GEORGE W. ELLINGER and :
CATHERINE THOMAS ELLINGER, :
husband and wife, CHARLES ELLINGER :
and GLADYS ELLINGER, HERBERT C. :
ELLINGER, SIMON WOLF and :
JOSEPHINE WOLF, husband and wife, :
HOWARD D. WOLF, VIRGIE :
MICHAELS a/k/a VIRGINIA :
MICHAELS and JOHN MICHAELS, :
wife and husband, JOHN MICHAELS and :
GUSSIE E. MICHAELS, husband and wife, :
and any heir, persons claiming or who :
might claim title under the aforesaid :
defendants; and any other person, persons, :
firms, partnerships, or corporate entities :
who might claim title to the premises :
herein described, :

Defendants :

FILED
0103341
FEB 03 2006

William A. Shaw
Prothonotary/Clerk of Courts

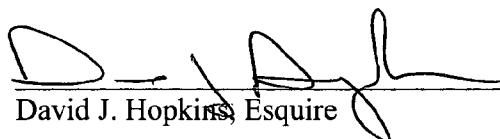
ICL
Atty Hopkins
⑥

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :

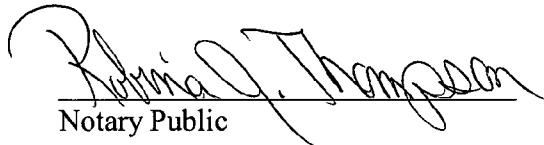
Personally appeared before me, the undersigned officer, David J. Hopkins, Attorney for
Plaintiffs, Russel J. Mason, Sr. and Connie M. Mason, who, being duly sworn according to law,

deposes and says that the service of the foregoing Complaint to Quiet Title, endorsed with Notice to Plead, has been served upon all Defendants, George W. Ellinger and Catherine Thomas Ellinger, husband and wife, Charles Ellinger and Gladys Ellinger, Herbert C. Ellinger, Simon Wolf and Josephine Wolf, husband and wife, Howard D. Wolf, Virgie Michaels a/k/a Virginia Michaels and John Michaels, wife and husband, John Michaels and Gussie E. Michaels, husband and wife, and their heirs, devisees, administrators, executors and assigns, by publication, and more than twenty (20) days have elapsed since said service, and that the said Defendants have not filed an appearance or any answer to the Complaint, although the time in which to do so has expired.

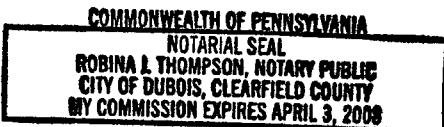


David J. Hopkins, Esquire

Sworn to and subscribed before me this
3rd day of February, 2006.



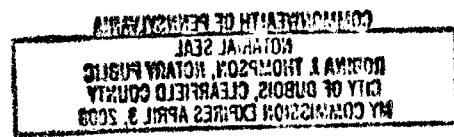
Robina L. Thompson
Notary Public



FILED

FEB 03 2006

William A. Shaw
Prothonotary/Clerk of Courts



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

RUSSEL J. MASON, SR. and :
CONNIE M. MASON, :
Plaintiffs :
:
vs. : No. 2005-1995 C.D.
:
:
GEORGE W. ELLINGER and :
CATHERINE THOMAS ELLINGER, :
husband and wife, CHARLES ELLINGER :
and GLADYS ELLINGER, HERBERT C. :
ELLINGER, SIMON WOLF and :
JOSEPHINE WOLF, husband and wife, :
HOWARD D. WOLF, VIRGIE :
MICHAELS a/k/a VIRGINIA :
MICHAELS and JOHN MICHAELS, :
wife and husband, JOHN MICHAELS and :
GUSSIE E. MICHAELS, husband and wife, :
and any heir, persons claiming or who :
might claim title under the aforesaid :
defendants; and any other person, persons, :
firms, partnerships, or corporate entities :
who might claim title to the premises :
herein described, :
Defendants :
:

FILED
FEB 06 2006

William A. Shaw
Prothonotary/Clerk of Courts

ICC Atty Hopkins

ORDER

AND NOW, this 3rd day of February, 2006 appearing that service of the Complaint to Quiet Title in the above stated action was served upon Defendants, George W. Ellinger and Catherine Thomas Ellinger, husband and wife, Charles Ellinger and Gladys Ellinger, Herbert C. Ellinger, Simon Wolf and Josephine Wolf, husband and wife, Howard D. Wolf, Virgie Michaels a/k/a Virginia Michaels and John Michaels, wife and husband, John Michaels and Gussie E. Michaels, husband and wife, their heirs, devisees, administrators, executors and

assigns and all other person, persons, firms, partnerships or corporate entities in interest by publication and by Affidavit of David J. Hopkins, Attorney for Plaintiffs, that no answer or appearance has been filed to said action, and on Motion of David J. Hopkins, Esquire, it is hereby ORDERED and DECREED:

1. That the Defendants, George W. Ellinger and Catherine Thomas Ellinger, husband and wife, Charles Ellinger and Gladys Ellinger, Herbert C. Ellinger, Simon Wolf and Josephine Wolf, husband and wife, Howard D. Wolf, Virgie Michaels a/k/a Virginia Michaels and John Michaels, wife and husband, John Michaels and Gussie E. Michaels, husband and wife, and their heirs, devisees, persons, firms, partnerships, or corporate entities in interest, are forever barred from asserting any right, title, lien or interest inconsistent with the interest or claim of the Plaintiffs as set forth in their Complaint in and to:

All that certain piece of land, situate in Pike Township, Clearfield County Pennsylvania and more fully described on Exhibit "A" attached hereto.

2. That title to said property is now vested in Russel J. Mason, Sr. and Connie M. Mason as prayed.

3. That the rights of the Plaintiffs are superior to the rights of the Defendants, George W. Ellinger and Catherine Thomas Ellinger, husband and wife, Charles Ellinger and Gladys Ellinger, Herbert C. Ellinger, Simon Wolf and Josephine Wolf, husband and wife, Howard D. Wolf, Virgie Michaels a/k/a Virginia Michaels and John Michaels, wife and husband, John Michaels and Gussie E. Michaels, husband and wife, and any heirs, persons claiming, or who might claim title under the aforesaid Defendants; and any other person, persons, firms, partnerships, or corporate entities who might claim title to the premises herein described.

4. That the Plaintiffs have title in fee simple to said premises as described in the Complaint as against the Defendants, George W. Ellinger and Catherine Thomas Ellinger, husband and wife, Charles Ellinger and Gladys Ellinger, Herbert C. Ellinger, Simon Wolf and Josephine Wolf, husband and wife, Howard D. Wolf, Virgie Michaels a/k/a Virginia Michaels and John Michaels, wife and husband, John Michaels and Gussie E. Michaels, husband and wife, and their heirs, devisees, administrators, executors, and assigns.

5. That the Defendants, George W. Ellinger and Catherine Thomas Ellinger, husband and wife, Charles Ellinger and Gladys Ellinger, Herbert C. Ellinger, Simon Wolf and Josephine Wolf, husband and wife, Howard D. Wolf, Virgie Michaels a/k/a Virginia Michaels and John Michaels, wife and husband, John Michaels and Gussie E. Michaels, husband and wife, and their heirs, devisees, administrators, executors and assigns are enjoined and forever barred from asserting any right, title or interest in or to the premises described which are inconsistent with the interest or claims of the Plaintiffs as set forth in their Complaint and from setting up any title to the premises and from impeaching, denying or in any way attacking the title of the Plaintiffs to the premises.

6. That the thirty (30) days provisions of Pennsylvania Rules of Civil Procedure 1066(b)(i) be modified as to eliminate the said thirty (30) day Rule of Pennsylvania Rules of Civil Procedure from this case. Said modification is in accordance with the authority vested in this Court by virtue of Pennsylvania Rules of Civil Procedure 248 to eliminate any time period prescribed by Pennsylvania Rules of Civil Procedure upon Order of Court.

7. That these proceedings or any authenticated copy thereof, shall at all times hereinafter be taken as evidence of the facts declared and established thereby.

8. That a certified copy of this Order shall be recorded in the Office of the Recorder of Deed of Clearfield County, Pennsylvania.

BY THE COURT,



J. C. Cummiskey

JUDGE

EXHIBIT "A"

ALL that certain parcel of land located in Pike Township, Clearfield, County, Pennsylvania, bounded in accordance with the survey by Robert L. Kester, P.L.S., No. 17384E, dated March 31, 1988 and described as follows:

BEGINNING at a point on the northeastern right-of-way line of State Route 4005 (PA 861), said point being on the division between land of now or formerly J. H. France Refractories Company and Ramsey; thence along J. H. France North forty-nine (49°) degrees fifty-five (55') minutes fifteen (15") seconds East, passing an iron pin set at four and thirty-nine one-hundredths (4.39) feet, a total distance of two hundred seventy-two and fifteen one-hundredths (272.15) feet to an iron pin on line of J. H. France; thence still along J. H. France South twenty-five (25°) degrees twenty-one (21') minutes forty-three (43") seconds East one hundred seventy-four and eighty-one one-hundredths (174.81) feet to an iron pin set on J. H. France and other lands of Ramsey, being Parcel II herein; thence along other Ramsey land South forty-nine (49°) degrees fifty-five (55') minutes fifteen (15") seconds West, passing an iron pin set at two hundred eighteen and forty-four one hundredths (218.44) feet, a total distance of two hundred twenty-three and seventy-two one-hundredths (223.72) feet to a point on the northeastern right-of-way of said S.R. 4005; thence along said right-of-way North forty-one (41°) degrees twenty-six (26') minutes twenty-six (26") seconds West one hundred sixty-nine and thirteen one hundredths (169.13) feet to the place of beginning. Consisting of ninety-six one-hundredths (0.96) of an acre more or less.

Identified as Clearfield County Tax Map No. 126-G9-10.

This conveyance is subject to any and all restrictions, exceptions, reservations, rights-of-way, easements and privileges as contained in prior deeds in the chain of title.

BEING a portion of the premises which vested in Frederick V. Dixon, an adult individual by deed dated August 31, 2000 from Frederick V. Dixon and his wife Debra L. Dixon, recorded in the Office of the Clearfield County Recorder of Deeds as Instrument No. 2000-13310 on September 11, 2000. The premises conveyed herewith were described and identified in the aforesaid deed as "THE FIRST THEREOF".