

06-68-CD
Ronald Wooster et al vs Richard

2006-68-CD
Ronald Wooster et al vs Richard Mozes et al

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

RONALD E. WOOSTER and
GERALDINE J. WOOSTER,
Plaintiffs

vs.

No. 2006- 68 C.D.

RICHARD A. MOZES and
MARY ANN MOZES
Defendants

Type of Pleading: Complaint

Filed on behalf of: Ronald E. Wooster
and Geraldine J. Wooster, Plaintiffs

Counsel of Record for this party:

HOPKINS HELTZEL LLP

DAVID J. HOPKINS, ESQUIRE
Attorney at Law
Supreme Court No. 42519

LEA ANN HELTZEL, ESQUIRE
Attorney at Law
Supreme Court No. 83998

900 Beaver Drive
DuBois, Pennsylvania 15801

(814) 375-0300

FILED 2^{CC}
01/20/06 Atty Hopkins
JAN 13 2006 Atty pd.
95.00
William A. Shaw
Prothonotary/Clerk of Courts

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

RONALD E. WOOSTER and	:	
GERALDINE J. WOOSTER,	:	
Plaintiffs	:	
	:	
vs.	:	No. 2006- C.D.
	:	
	:	
	:	
RICHARD A. MOZES and	:	
MARY ANN MOZES,	:	
Defendants	:	

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)

RONALD E. WOOSTER and	:	
GERALDINE J. WOOSTER,	:	
Plaintiffs	:	
	:	
vs.	:	No. 2006- C.D.
	:	
	:	
	:	
RICHARD A. MOZES and	:	
MARY ANN MOZES,	:	
Defendants	:	

COMPLAINT

NOW COMES, Plaintiffs, Ronald E. Wooster and Geraldine J. Wooster, by and through their attorneys, Hopkins Heltzel LLP and avers as follows:

COUNT I

1. Plaintiffs are Ronald E. Wooster and Geraldine J. Wooster, husband and wife, who are adult individuals who reside at Treasure Lake, DuBois, Pennsylvania 15801.

2. Defendants, Richard A. Mozes and Mary Ann Mozes, are believed to be husband and wife, whose current address is unknown. Defendants' last known address is 352 New World Drive, Clairton, Pennsylvania 15052. The said Defendants also may have resided at 4125 Glen Cairn Street, West Mifflin, Pennsylvania 15122.

3. The real property at issue in this matter is identified as Section 16, Lot 66 of the Treasure Lake Subdivision of Sandy Township, Clearfield County, Pennsylvania.

4. By Deed dated October 11, 1980 and recorded in the Office of the Recorder of Deeds of Clearfield County in Volume 812 at page 469, Recreation Land Corporation conveyed the property described in paragraph 3 to Defendants, Richard A. Mozes and Mary Ann Mozes.

5. Richard A. Mozes and Mary Ann Mozes failed to pay real estate taxes assessed against the property for the years 1994 through 1998.

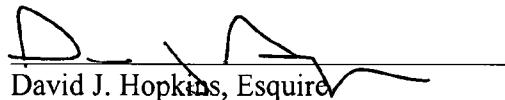
6. By Deed dated January 19, 2000 and recorded in the Office of the Recorder of Deeds of Clearfield County as Instrument No. 2000-00959, the Tax Claim Bureau of Clearfield County, Pennsylvania, as Trustee, conveyed the property to Paul W. Anderson and Earlene R. Anderson.

7. By Deed dated June 9, 2005 and recorded in the Office of the Recorder of Deeds of Clearfield County as Instrument No. 2005-10980, Paul W. Anderson and Earlene R. Anderson conveyed the property to Plaintiffs, Ronald E. Wooster and Geraldine J. Wooster.

8. The purpose of this quiet title action is also to remove any and all claims that Richard A. Mozes and Mary Ann Mozes may possess in the property described herein and to remove any clouds upon the title to said property as a result of the tax claim sale described herein.

WHEREFORE, the Plaintiffs request the Court to decree that title to the premises described in paragraph three (3) of the Complaint be granted unto Plaintiffs, Ronald E. Wooster and Geraldine J. Wooster, in fee simple absolute; and that the Defendants, Richard A. Mozes and Mary Ann Mozes, and the heirs, devisees and assigns of Richard A. Mozes and Mary Ann Mozes and all other person, persons, partnerships, limited liability companies 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 in and to the property known as Section 16, Lot 66 of the Treasure Lake Subdivision of Sandy Township, Clearfield County, Pennsylvania.

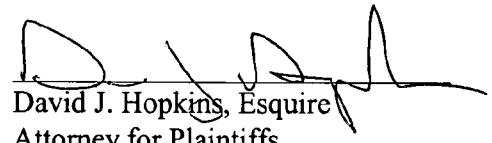
Respectfully submitted,



David J. Hopkins, Esquire

VERIFICATION

I, David J. Hopkins, Esquire, do hereby state that I am the attorney for the Plaintiffs, Ronald E. Wooster and Geraldine J. Wooster, and the facts set forth in the foregoing Complaint are true and correct, and that the purpose of this Verification is to expedite the litigation, and that the Verification of the Plaintiffs, will be supplied, if demanded, also, subject to the penalties of 18 Pa.C.S.A. §4904, relating to unsworn falsification to authorities.



David J. Hopkins, Esquire
Attorney for Plaintiffs

FILED

JAN 13 2006

William A. Shaw
Prothonotary/Clerk of Courts

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

RONALD E. WOOSTER and
GERALDINE J. WOOSTER,
Plaintiffs

vs. : No. 2006- 108 C.D.

RICHARD A. MOZES and
MARY ANN MOZES,
Defendants

AFFIDAVIT OF UNKNOWN WHEREABOUTS

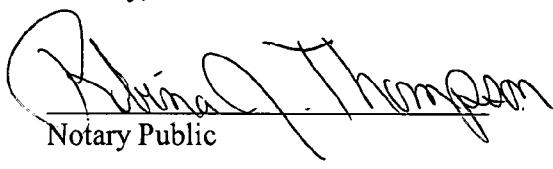
David J. Hopkins, attorney for Ronald E. Wooster and Geraldine J. Wooster, being duly sworn according to law, deposes and says that to the best of my knowledge, information and belief, the whereabouts of Defendants, Richard A. Mozes and Mary Ann Mozes, are unknown.

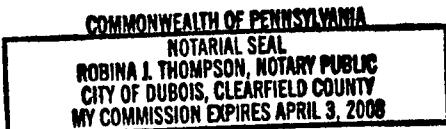
David J. Hopkins, Esquire, has conducted a search of the telephone directory with accompanying telephone calls, an internet search and a search of the Allegheny County Register of Wills Office all without locating the named Defendants.

As a result of the foregoing unsuccessful search, the whereabouts of Richard A. Mozes and Mary Ann Mozes are unknown and your Affiant respectfully requests they be served by publication.


David J. Hopkins, Esquire

Sworn to and subscribed before
me this 12th day of
January, 2006.


Robina J. Thompson
Notary Public

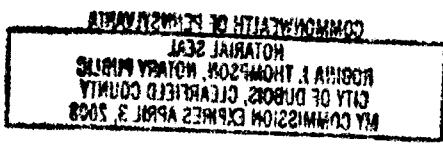


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01/13/2006 Atty Hopkins
JAN 13 2006
William A. Shaw
Prothonotary/Clerk of Courts

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JAN 13 2006

William A. Shaw
Prothonotary/Clerk of Courts



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

RONALD E. WOOSTER and
GERALDINE J. WOOSTER,
Plaintiffs

vs.

No. 2006- 68 C.D.

RICHARD A. MOZES and
MARY ANN MOZES,
Defendants

MOTION FOR PUBLICATION

AND NOW, this 13th day of January, 2006, an Affidavit having been executed and filed by Ronald E. Wooster and Geraldine J. Wooster 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

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01/22/2006 2cc
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LW

William A. Shaw
Prothonotary/Clerk of Courts

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JAN 13 2006

William A. Shaw
Prothonotary/Clerk of Courts

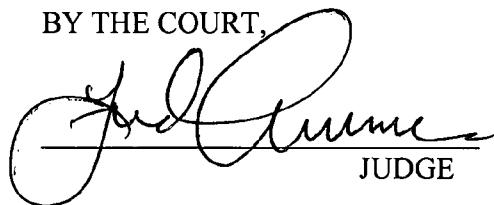
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

RONALD E. WOOSTER and :
GERALDINE J. WOOSTER, :
Plaintiffs :
vs. : No. 2006- 68 C.D.
: :
: :
RICHARD A. MOZES and :
MARY ANN MOZES, :
Defendants :
:

ORDER FOR PUBLICATION

AND NOW, this 17 day of January, 2006, upon the consideration of the foregoing Motion, the Plaintiffs are granted leave to make service of the Complaint on Defendants, Richard A. Mozes and Mary Ann Mozes, 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 Pittsburgh Legal Journal and one time in the Pittsburgh Post Gazette.

BY THE COURT,



JUDGE

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R/9:59 AM JAN 18 2006 Hopkins
JAN 18 2006
LM
William A. Shaw
Prothonotary/Clerk of Courts

FILED
JAN 18 2006

William A. Shaw
Prothonotary/Clerk of Courts

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

RONALD E. WOOSTER and
GERALDINE J. WOOSTER,
Plaintiffs

vs. : No. 2006-68 C.D.

RICHARD A. MOZES and
MARY ANN MOZES
Defendants

AFFIDAVIT

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01/09/2006
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WAS

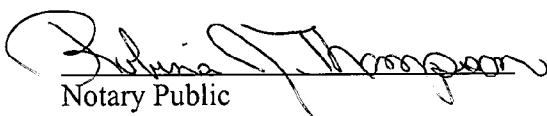
William A. Shaw
Prothonotary/Clerk of Courts

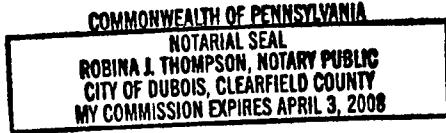
COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :
:

Personally appeared before me, the undersigned officer, David J. Hopkins, Attorney for Plaintiffs, Ronald E. Wooster and Geraldine J. Wooster, 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 Defendant, Richard A. Mozes and Mary Ann Moze and their heirs, devisees, administrators, executors and assigns, by publication, and that twenty (20) days have elapsed since said service and 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
21st day of February, 2006.


Notary Public



D

Q

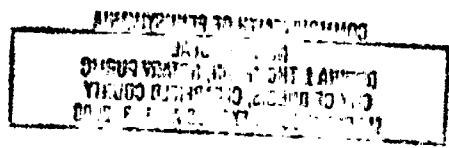
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FILED

FEB 23 2006

William A. Shaw
Prothonotary/Clerk of Courts



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

RONALD E. WOOSTER and :
GERALDINE J. WOOSTER, :
Plaintiffs :
vs. : No. 2006-68 C.D.
:

RICHARD A. MOZES and :
MARY ANN MOZES :
Defendants :
:

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FEB 23 2006

MOTION FOR JUDGMENT

GW
William A. Shaw
Prothonotary/Clerk of Courts

AND NOW, this 23rd day of February, 2006, an Affidavit having been filed by David J. Hopkins, Esquire, Attorney for Plaintiffs, Ronald E. Wooster and Geraldine J. Wooster, that the Complaint with Notice to Plead was served on all of the Defendants by publication and the Defendants have not answered. 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

No. _____ Term, _____

Proof of Publication of Notice in Pittsburgh Post-Gazette

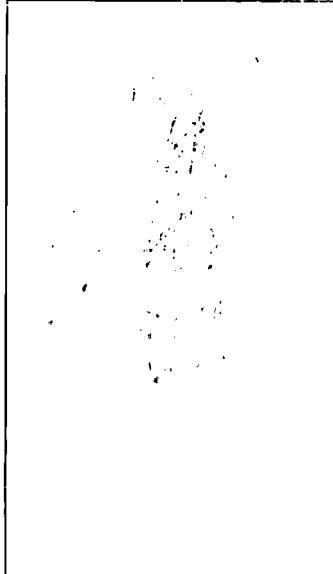
Under Act No. 587, Approved May 16, 1929, P.L. 1784, as last amended by Act No. 409 of September 29, 1951

Commonwealth of Pennsylvania, County of Allegheny, ss: M. Goodwin, being duly sworn, deposes and says that the Pittsburgh Post-Gazette, a newspaper of general circulation published in the City of Pittsburgh, County and Commonwealth aforesaid, was established in 1993 by the merging of the Pittsburgh Post-Gazette and Sun-Telegraph and The Pittsburgh Press and the Pittsburgh Post-Gazette and Sun-Telegraph was established in 1960 and the Pittsburgh Post-Gazette was established in 1927 by the merging of the Pittsburgh Gazette established in 1786 and the Pittsburgh Post, established in 1842, since which date the said Pittsburgh Post-Gazette has been regularly issued in said County and that a copy of said printed notice or publication is attached hereto exactly as the same was printed and published in the regular editions and issues of the said Pittsburgh Post-Gazette a newspaper of general circulation on the following dates, viz:

26 of January, 2006

Affiant further deposes that he/she is an agent for the PG Publishing Company, a corporation and publisher of the Pittsburgh Post-Gazette; that, as such agent, affiant is duly authorized to verify the foregoing statement under oath; that affiant is not interested in the subject matter of the aforesaid notice or publication; and that all allegations in the foregoing statement as to time, place and character of publication are true.

COPY OF NOTICE OR PUBLICATION



M. Goodwin

PG Publishing Company

Sworn to and subscribed before me this day of:
January 26, 2006

Mary E. Wazengger

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Mary E. Wazengger, Notary Public
City of Pittsburgh, Allegheny County
My Commission Expires Feb. 18, 2008
Member, Pennsylvania Association of Notaries

STATEMENT OF ADVERTISING COSTS

HOPKINS HELTZEL LLP

Entered against the PLAVER DR.
on behalf of the Plaintiff for the
relief requested by the
Plaintiff in the amount of
\$660.00
in damages 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 and cannot afford
one, go to or telephone
the office of the Allegheny
County Bar Association
to find out where you can
get legal help.
Court Administrator
Allegheny County Court
House, 230 East Market
Street, Pittsburgh 15230, (814)
765-2641
Attorney for Plaintiff, 90th
Seaver Drive, Duquesne, PA
15411-1639

To PG Publishing Company

\$660.00

Publisher's Receipt for Advertising Costs

PG PUBLISHING COMPANY, publisher of the Pittsburgh Post-Gazette, a newspaper of general circulation, hereby acknowledges receipt of the aforesaid advertising and publishing costs in the amount of \$660.00. I hereby certify that the same have been fully paid.

Office
34 Boulevard of the Allies
PITTSBURGH, PA 15222
Phone 412-263-1338

PG Publishing Company, a Corporation, Publisher of
Pittsburgh Post-Gazette, a Newspaper of General Circulation

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

Action to Quiet Title.

PAGE 1 of 1

Proof of Publication of Notice in Pittsburgh Legal Journal

UNDER ACT OF MAY 16, 1929, P.L. 1784, AS LAST AMENDED BY
ACT 520, OF JULY 5, 1947

State of Pennsylvania }
 }
 }SS
County of Allegheny. }

Jennifer Pulice, a designated agent of the Publisher of the PITTSBURGH LEGAL JOURNAL, being duly sworn, deposes and says that the PITTSBURGH LEGAL JOURNAL is a legal newspaper which is published by The Allegheny County Bar Association at 400 Koppers Building, Pittsburgh, Allegheny County, Pennsylvania; and that the PITTSBURGH LEGAL JOURNAL was established as a weekly newspaper on April 23, 1853, and as a daily legal newspaper on January 4, 1926, since which date said daily newspaper has been regularly issued in said County, and that a copy of the printed notice or publication appearing at the right is exactly the same as it was printed and published in the regular editions and issues of the said daily legal newspaper on the FOLLOWING DATES, January 26, 2006.

Affiant further deposes that she is an agent duly authorized by the publisher of said PITTSBURGH LEGAL JOURNAL, to verify the foregoing statement under oath and also declares that affiant is not interested in the subject matter of the aforesaid notice or publication, and that all allegations in the foregoing statement as to time, place and character of publication are true.

Jennifer Pulice
Jennifer Pulice, Agent for the Publisher of PITTSBURGH LEGAL JOURNAL
Sworn to and subscribed before me 26th day of January, 2006

Margaret Ann Lewis

David J. Hopkins
Hopkins Heltzel, LLP
900 Beaver Drive
DuBois, PA 15801

Statement of Advertising Cost
For publishing the notice or advertisement on the above stated dates.....\$339.30
Proof fees.....\$1.00
Total\$340.30
The PITTSBURGH LEGAL JOURNAL hereby acknowledges receipt of the aforesaid advertising and publication costs and certifies that the same have been fully paid.

PITTSBURGH LEGAL JOURNAL
400 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
Phone 412-261-6255

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
PLJ No.06-00660

Action to Quiet Title

In the Court of Common Pleas of Clearfield
County, Pennsylvania
(Civil Division)
No. 2006-68 C.D.
Ronald E. Wooster and Geraldine J. Wooster,

Plaintiffs

vs
Richard A. Mozes and Mary Ann Mozes,
Defendants

TO: Richard A. Mozes and Mary Ann Mozes, their heirs, devisees, administrators, executors and assigns and all other persons, 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 Sandy Township, Clearfield County, and identified as Section 16, Lot 66 of the Treasure Lake Subdivision, DuBois, Pennsylvania has been filed against you.

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, have 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.

Court Administrator
Clearfield County Courthouse
230 East Market Street
Clearfield, Pennsylvania 16830
814-765-2641

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

06-00660 Jan 26, 2006

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Margaret Ann Lewis, Notary Public
City of Pittsburgh, Allegheny County
My Commission Expires Nov. 16, 2008
Member, Pennsylvania Association of Notaries

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

RONALD E. WOOSTER and
GERALDINE J. WOOSTER,
Plaintiffs

vs. No. 2006-68 C.D.

RICHARD A. MOZES and
MARY ANN MOZES
Defendants

ORDER

AND NOW, this 24 day of February, 2006 appearing that service of the Complaint to Quiet Title in the above stated action was served upon Defendants, 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:

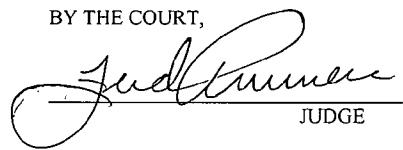
1. That the Defendants, Richard A. Mozes and Mary Ann Mozes and their heirs, devisees, persons, firms, partnerships, or corporate entities in interest, are forever barred from asserting any right, title, lien or interest inconsistent with the interest or claim of the Plaintiffs as set forth in their Complaint in and to: Section 16, Lot 66 of the Treasure Lake Subdivision of Sandy Township, Clearfield County, Pennsylvania.
2. The property in this quiet title action is identified as Section 16, Lot 66 of the Treasure Lake Subdivision, DuBois, Pennsylvania.

FILED *cc*
02:53 AM FEB 24 2006 *Atty Hopkins*
FEB 24 2006 *LM*
William A. Shaw
Prothonotary/Clerk of Courts

3. That title to said property is now vested in Ronald E. Wooster and Geraldine J. Wooster, as prayed.
4. That the rights of the Plaintiffs are superior to the rights of the Defendants, Richard A. Mozes and Mary Ann Mozes and any other person, persons, firms, partnerships, or corporate entities who might claim title to the premises herein described.
5. That the Plaintiffs have title in fee simple to said premises as described in the Complaint as against the Defendants, Richard A. Mozes and Mary Ann Mozes, and their heirs, devisees, administrators, executors, and assigns.
6. That the Defendants, Richard A. Mozes and Mary Ann Mozes, 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.
7. 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.
8. That these proceedings or any authenticated copy thereof, shall at all times hereinafter be taken as evidence of the facts declared and established thereby.

9. 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,

A handwritten signature in black ink, appearing to read "Judge Palmer".

JUDGE