

06-91-CD
Comm of PA. Vs State Route 3006.

In Re: Comm of PA
2006-91-CD

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: CONDEMNATION BY
THE COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT
OF TRANSPORTATION,
OF RIGHT-OF-WAY FOR
STATE ROUTE 3006, SECTION B01,
IN THE BOROUGH OF WESTOVER

NO. 2006-91-CO

EMINENT DOMAIN PROCEEDING
IN REM

DECLARATION OF TAKING

TO THE HONORABLE, THE JUDGES OF THE SAID COURT:

This Declaration of Taking, based on the provisions of Article IV, Section 402, of the Eminent Domain Code, Act of June 22, 1964, P. L. 84, 26 P. S. 1-402, as amended, respectfully represents that:

1. The Condemnor is the Commonwealth of Pennsylvania, Department of Transportation, acting through the Secretary of Transportation.

2. The address of the Condemnor is:

Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel
P. O. Box 8212
Harrisburg PA 17105-8212

3. The Department of Transportation is authorized by the provisions of Section 2003(e) of the Administrative Code of 1929, P. L. 177, 71 P. S. 513(e), as amended, to acquire by gift, purchase, condemnation, or otherwise, land in fee simple or such other estate or interest as it shall determine, in the name of the Commonwealth for all transportation purposes.

FILED

JAN 19 2006

0131251
William A. Shaw
Prothonotary/Clerk of Courts

2 cert to Comm

4. The within condemnation has been authorized by a plan signed by the Secretary of Transportation on March 15, 2005, titled "Drawings Authorizing Acquisition of Right-of-Way for Borough Street Water Street in Clearfield County," a copy of which plan was filed in the County Recorder's Office as Instrument Number 200504716 on April 4, 2005. The aforesaid plan was revised and reauthorized by signature of the Secretary of Transportation on November 22, 2005, a copy of which plan was filed in the aforesaid County Recorder's Office as Instrument Number 200521579 on December 14, 2005.

5. The purpose of the within condemnation is to acquire property for transportation purposes.

6. A Schedule of Property Condemned identifying and specifying the location of the property hereby condemned is attached hereto and made a part hereof.

7. Plans showing the property hereby condemned may be inspected in the Recorder's Office of the aforesaid County at the places indicated on the attached Schedule of Property Condemned or, if not shown thereon, on the day of the filing of this document being lodged for record or filed in said Recorder's Offices, where they may be inspected.

8. The nature of the title hereby condemned is fee simple, excepting and reserving therefrom a real property interest to the Westover Borough Municipal Authority on parcel 25 in the nature of an easement for its facilities.


9. In the event there are recoverable minerals (including gas and oil) within the areas, if any, hereby condemned in fee simple, the mineral rights (including rights to gas and oil) in those areas are hereby excepted and reserved from this condemnation, provided, however, that the right of support of the areas condemned is included within the scope of

this condemnation, and no access from the surface of such areas for removal purposes will be allowed without permission from the Commonwealth.

10. The payment of just compensation in this matter is secured by the Commonwealth's power of taxation.

11. I, Gary C. Fawver, P. E., Chief of the Utilities and Right-of-Way Section, of the Department of Transportation, do hereby depose, swear, and affirm that I am authorized by and do hereby execute this Declaration of Taking on behalf of the Commonwealth of Pennsylvania, Department of Transportation, and that the averments contained and set forth herein are true and correct to the best of my knowledge, information, and belief, and are made subject to penalties provided in 18 Pa. C. S. §4904, relating to false swearing to authorities.

WHEREFORE, fee simple title, excepting and reserving therefrom a real property interest to the Westover Borough Municipal Authority on parcel 25 in the nature of an easement for its facilities, is hereby condemned of the properties identified on the attached Schedule of Property Condemned, as indicated on the plans referenced in paragraph 7 above.



Gary C. Fawver, P. E.
Chief, Utilities and Right-of-Way Section

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

NO.

IN RE: CONDEMNATION BY
THE COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
OF RIGHT-OF-WAY FOR
STATE ROUTE 3006, SECTION B01,
IN THE BOROUGH OF WESTOVER

DECLARATION OF TAKING

Christopher J. Clements
Assistant Counsel in Charge, R/W
Supreme Court ID Number 44699

Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel
P. O. Box 8212
Harrisburg PA 17105-8212

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: CONDEMNATION BY
THE COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT
OF TRANSPORTATION,
OF RIGHT-OF-WAY FOR
STATE ROUTE 3006, SECTION B01,
IN THE BOROUGH OF WESTOVER

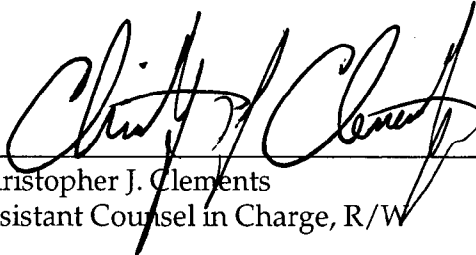
NO.

EMINENT DOMAIN PROCEEDING
IN REM

PRAECIPE TO ENTER APPEARANCE

TO THE PROTHONOTARY OF SAID COURT:

Please enter the appearance of Michael J. Creighton, Assistant Counsel in Charge, 1209 Pennsylvania State Office Building, 300 Liberty Avenue, Pittsburgh PA 15222, and Christopher J. Clements, Assistant Counsel in Charge, R/W, Office of Chief Counsel, Department of Transportation, P. O. Box 8212, Harrisburg PA 17105-8212, as attorneys for the Commonwealth of Pennsylvania, Department of Transportation, Condemnor in the above-captioned proceedings.



Christopher J. Clements
Assistant Counsel in Charge, R/W

Michael J. Creighton
Assistant Counsel in Charge

Dated: 01.09.06

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

NO.

IN RE: CONDEMNATION BY
THE COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
OF RIGHT-OF-WAY FOR
STATE ROUTE 3006, SECTION B01,
IN THE BOROUGH OF WESTOVER

PRAECIPE TO ENTER APPEARANCE

Filed, _____, 20

_____ A.M. _____ P.M.

Commonwealth of Pennsylvania
Department of Transportation

Office of Chief Counsel
P. O. Box 8212
Harrisburg PA 17105-8212
Telephone Number (717) 787-3128

RW-437 (12/04)

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
SCHEDULE OF PROPERTY CONDEMNED
 (Declaration of Taking)



REMIS PROJ. NO.	020113
COUNTY	Clearfield
S.R. - SECTION	3006-B01
MUNICIPALITY	Westover Borough

<u>*TYPE OF TAKE</u>
PT- Partial Take
TT- Total Take

<u>**TYPE OF DESCRIPTION</u>
D- Deed Description
P- Plan lodged for recording with Notice of Condemnation
R- Plan now recorded in Recorder's Office

Parcel No.	Claim Number	*Type of Take	Name, Property Interest of Condemnees, Mailing Address, and Location of Condemned Property	Attached Exhibit Number (if any)	**Type of Description	Plan (if any) Recorded in
25	17002280000	TT	Unknown Owner Address Unknown Location: East side of Water Street at SR 3006 bridge over Chest Creek		R	Clearfield County Instrument # 200521579, sheet 23
28	17002290000	TT	William Penn, Jr. Address unknown Owner unlocatable after diligent search Location: Record Book 671, page 141		R	Clearfield County Instrument # 200521579, sheet 24

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: CONDEMNATION BY
THE COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT
OF TRANSPORTATION,
OF RIGHT-OF-WAY FOR
STATE ROUTE 3006, SECTION B01,
IN THE BOROUGH OF WESTOVER

NO. 91 CD

TERM, 2006


EMINENT DOMAIN PROCEEDING
IN REM

MEMORANDUM TO PROTHONOTARY

You are hereby informed that notice of the condemnation effected by the Declaration of Taking filed to the above term and number on January 19, 2006, was recorded in the office of the Recorder of Deeds of the above county in Inst. # 200600983, page(s) .

The condemnation book and page number, file number, or microfilm number of any property plat filed or microfilmed separately from the said Notice of Condemnation is shown on the list of property condemned which is attached hereto.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

BY 
District Right-of-Way Administrator
Engineering District 2-0

FILED
JAN 19 2006
013-3016
William A. Shaw
Prothonotary/Clerk of Courts

1 sent to common
wealth

RW-437 (12/04)

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
SCHEDULE OF PROPERTY CONDEMNED
 (Declaration of Taking)



REMIS PROJ. NO.	020113
COUNTY	Clearfield
S.R. - SECTION	3006-B01
MUNICIPALITY	Westover Borough

*TYPE OF TAKE
PT- Partial Take
TT- Total Take

**TYPE OF DESCRIPTION
D- Deed Description
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA


IN RE: CONDEMNATION BY THE
COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF
TRANSPORTATION, OF THE
RIGHT-OF-WAY FOR STATE
ROUTE 3006, SECTION B01
IN THE BOROUGH OF WESTOVER

: NO. 91-CD TERM, 2006
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: EMINENT DOMAIN PROCEEDING
: IN REM

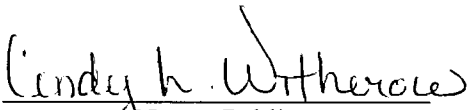
PROOF OF SERVICE

COMMONWEALTH OF PENNSYLVANIA :
: ss:
COUNTY OF CLEARFIELD :

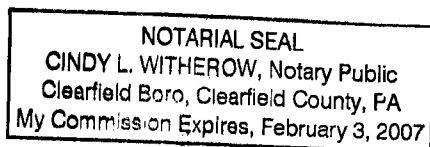
Michael Hnat, being duly sworn according to law, deposes and says that he is District Right-of-Way Administrator of Engineering District 2-0, Department of Transportation, Commonwealth of Pennsylvania, and that on or before February 10, 2006, notice of the filing of the declaration of taking in the above matter was served on the condemnees affected thereby in compliance with Article IV, Section 405, of the Eminent Domain Code, Act June 22, 1964, P.L. 84, as amended. A schedule of the condemnees so notified is attached hereto and made part hereof.


District Right-of-Way Administrator

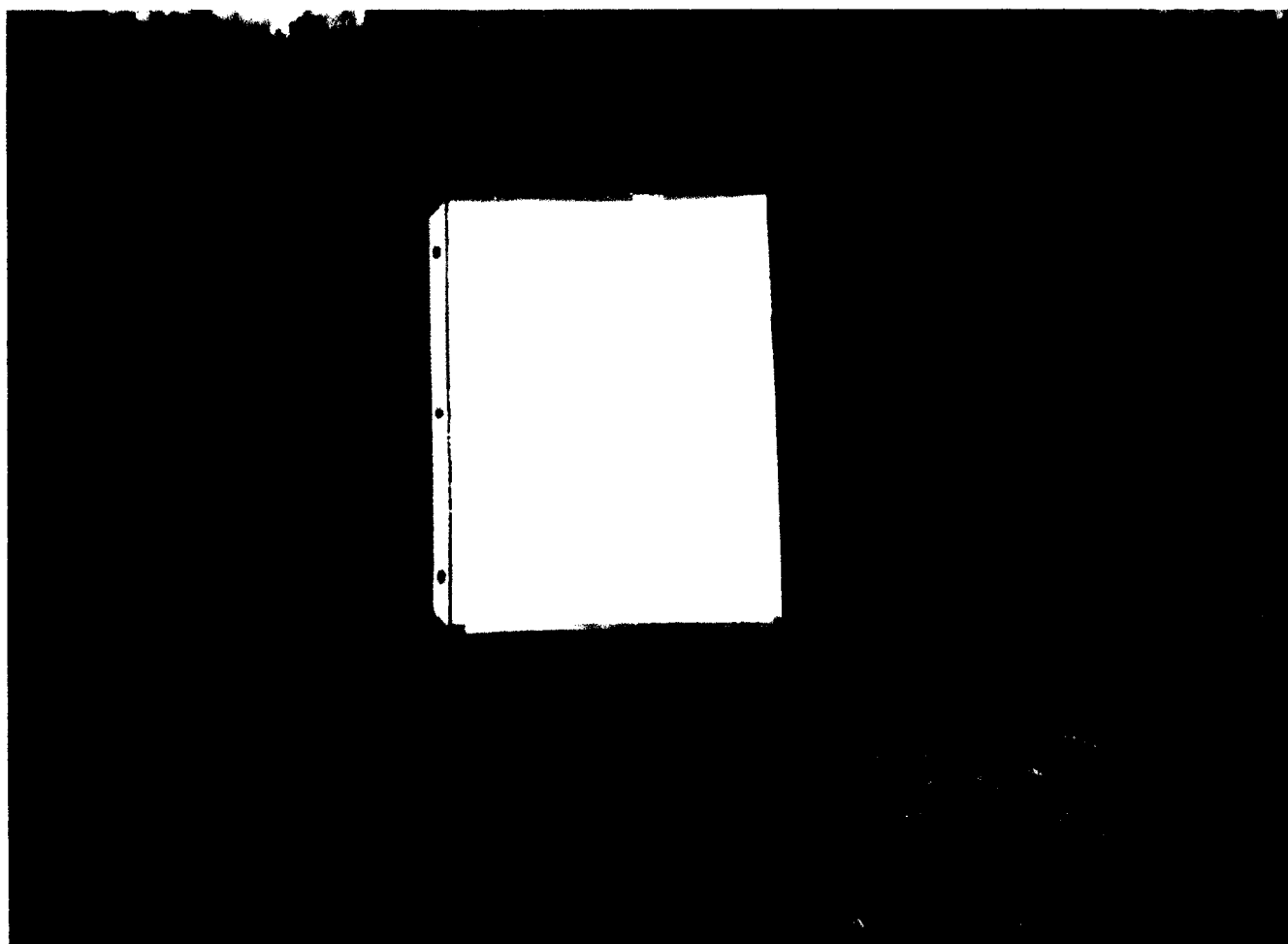
Sworn to and subscribed before me


Notary Public

My Commission Expires: February 3, 2007



FILED 2cc
01/10/19/01 PennDot
MAR 01 2006 (SM)
William A. Shaw
Prothonotary/Clerk of Courts



POSTED 2-3-06

F.I.D.#25-0408380

THE PROGRESS

20426

P.O. Box 291
CLEARFIELD, PA 16830
(814) 765-5581

Date February 6, 2006

PA Department of Transportation

PO Box 342

Clearfield, PA 16830

Date	Month	Words
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651 Words @ .22 \$ 143 22
Lines @

Notice of Condemnation and Deposit
of Estimated Just Compensation
Unknown Owner, William Penn
Vendor #142215

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :

COUNTY OF CLEARFIELD :

KRK	<input type="checkbox"/>
KLM	<input type="checkbox"/>
BRL	<input type="checkbox"/>
RJK	<input type="checkbox"/>
RLC	<input type="checkbox"/>
RJW	<input type="checkbox"/>
SLH	<input type="checkbox"/>
MRF	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>

*Has
Copy

On this 10th 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 10, 2006. Vol. 18 No. 6. And that all of the allegations of this statement as to the time, place, and character of the publication are true.

CLERK OF COURT

60 2006

10 FEB 2006

10 FEB 2006

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

Engineering District 2-0
1924-30 Daisy Street
PO Box 342
Clearfield PA 16830

RW-437 (12/04)

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
SCHEDULE OF PROPERTY CONDEMNED

(Declaration of Taking)



REMIS PROJ. NO.	020113
COUNTY	Clearfield
S.R. - SECTION	3006-B01
MUNICIPALITY	Westover Borough

***TYPE OF TAKE**

PT- Partial Take

TT- Total Take

****TYPE OF DESCRIPTION**

D- Deed Description

P- Plan lodged for recording with
Notice of CondemnationR- Plan now recorded in Recorder's
Office

Parcel No.	Claim Number	*Type of Take	Name, Property Interest of Condemnees, Mailing Address, and Location of Condemned Property	Attached Exhibit Number (if any)	**Type of Description	Plan (if any) Recorded in
25	17002280000	TT	Unknown Owner Address Unknown Location: East side of Water Street at SR3006 bridge over Chest Creek		R	Clearfield County Instrument # 200504716 Pages 8 & 10
28	17002290000	TT	William Penn, Jr. Address Unknown Unlocatable Owner after diligent search Location: RB671/141		R	Clearfield County Instrument # 200504716 Page 10

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION-LAW**

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
OF RIGHT OF WAY FOR STATE ROUTE
3006, SECTION B01, IN THE BOROUGH
OF WESTOVER

EMINENT DOMAIN PROCEEDING
IN REM

NO: 06-91-CD

CLAIMANT: UNKNOWN OWNER
CLAIM NO. 1700228000

FILED ²⁰⁰
m/11:1930 ^{Any}
APR 12 2006 ^{GR}
William A. Shaw
Prothonotary/Clerk of Courts

**PRAECIPE FOR ENTRY OF COURT ORDER TO PERMIT THE DEPARTMENT
OF TRANSPORTATION TO DEPOSIT ESTIMATED JUST COMPENSATION**

AND NOW, comes the Commonwealth of Pennsylvania, Department of Transportation (DOT), by and through its attorneys Andrew M. Rapach, Assistant Counsel, and the Office of Chief Counsel, and hereby requests the Honorable Court execute the attached Order to permit the Department of Transportation to deposit estimated just compensation upon the following averments:

1. On January 19, 2006, a Declaration of Taking was filed in the above-captioned case by the Secretary of Transportation.

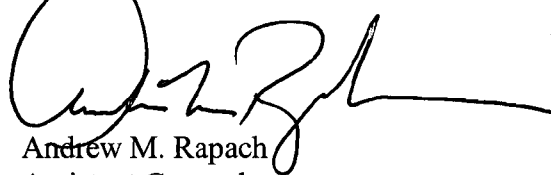
2. Thereafter, the Department of Transportation notified the Claimant by its Petition to Deposit Estimated Just Compensation, pursuant to Section 1-522 of the Eminent Domain Code of 1964, 26 P.S. § 1-522, that it intended to deposit estimated just compensation into Court because the Claimant is unknown.

3. Notice of Condemnation and Deposit of Estimated Just Compensation was posted on the subject property on February 3, 2006 and published in the Progress on February 3, 2006 and in the Clearfield Legal Journal on February 10, 2006.

4. More than 20 days have lapsed since the Claimant was given notice of the Petition to Deposit Estimated Just Compensation and before presentation to the Court as required by Section 1-522.

THEREFORE, the Commonwealth of Pennsylvania, Department of Transportation requests the Court the attached Order to permit the Department of Transportation to deposit estimated just compensation into court.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Andrew M. Rapach', with a long horizontal flourish extending to the right.

Andrew M. Rapach
Assistant Counsel
Pa. ID #62016

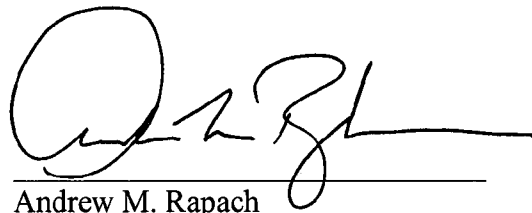
Office of Chief Counsel
Firm #052
1209 State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222

412.565.7555

VERIFICATION

I, Andrew M. Rapach, Assistant Counsel, do hereby verify that the statements made in the foregoing document are true and correct to the best of my knowledge, information, and belief.

I understand that false statements made herein are subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

A handwritten signature in black ink, appearing to read 'A. M. Rapach', written over a horizontal line.

Andrew M. Rapach
Assistant Counsel
Pa. ID #62016

Office of Chief Counsel
Firm #052
1209 State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222

412.565.7555

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
OF RIGHT OF WAY FOR STATE
ROUTE 3006, SECTION B01, IN THE
BOROUGH OF WESTOVER

CLAIM NO. 1700228000

: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PA

:
: EMINENT DOMAIN PROCEEDING
: IN REM

: NO. 2006-91-CD

FILED 2cc
APR 12 2006
Atty
(GK)

William A. Shaw
Prothonotary/Clerk of Courts

PETITION TO DEPOSIT ESTIMATED JUST COMPENSATION

TO THE HONORABLE, THE JUDGES OF THE SAID COURT:

1. The Department of Transportation is an administrative agency of the Commonwealth of Pennsylvania, with offices at P.O. Box 8212, Harrisburg, Pennsylvania, 17105-8212.

2. On January 19, 2006 a Declaration of Taking was filed to the above-captioned court term and number by the Secretary of Transportation.

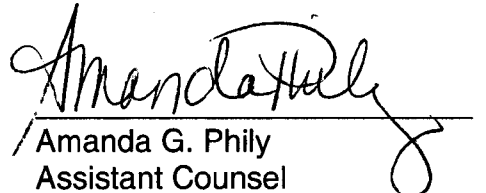
3. The Commonwealth has been unable to make payment because claimant is unknown.

4. A draft in the total amount of just compensation due the condemnee, as estimated by the Commonwealth, and the Commonwealth's pro-rata share of taxes on the subject property made payable to the Prothonotary of this Court is attached hereto.

5. I, Amanda G. Phily, Assistant Counsel, do affirm that I am authorized to execute this Petition to Deposit Estimated Just Compensation on behalf of the Commonwealth of Pennsylvania, Department of Transportation, that the averments contained and set forth herein are true and correct to the best of my knowledge, information and belief and that they are made subject to the penalties provided in 18 Pa. C.S. §4909, relating to unsworn falsification to authorities.

WHEREFORE, in order to assure possession of the condemned property, if required, by your Petitioner to which is entitled under Section 1-407, of the Eminent Domain Code of 1964, *as amended* 26 P.S. §1-407, your Petitioner prays that your Honorable Court direct payment of the aforesaid estimated just compensation and the Commonwealth's pro-rata share of the taxes on the subject property into Court, to be held until further Order of Court directing payment of said amount, or any part thereof, to the said condemnee and/or interested parties entitled thereto pursuant to Sections 1-407, 1-521 and/or 1-522, of the said Code, 26 P.S. §§1-407, 1-521 and/or 1-522, as applicable.

Respectfully submitted,


Amanda G. Phily
Assistant Counsel
Supreme Court ID No. 80772
Commonwealth of Pennsylvania
Department of Transportation
P.O. Box 8212
Harrisburg, PA 17105-8212

PROPOSED SCHEDULE OF DISTRIBUTION

REMISS PROJ. NO.	020108
COUNTY	Clearfield
S.R.-SECTION	3006-B01
MUNICIPALITY	WESTOVER BOROUGH
PARCEL NO.	25
CLAIM NO.	1700228000

NAME(S) & ADDRESS(ES) OF CONDEMNEE(S); LOCATION OF PROPERTY(IES)	ESTIMATED JUST COMPENSATION	ENCUMBRANCES, TAXES, ETC.						NET DUE TO CONDEMNEE
		TYPE	DATE OF RECORD	PLACE OF RECORD	NAME AND ADDRESS OF LIENOR	RECORD AMOUNT DUE	ACTUAL AMOUNT DUE	
UNKNOWN OWNER ADDRESS UNKNOWN	E.J.C. \$1,400.00	None						\$1,400.00
Located on the east side of Water Street at SR 3006 bridge over Chest Creek	Commonwealth Pro-Rata Share Real Estate Taxes <u>\$0.00</u>							
	Total <u>\$1,400.00</u>							

Subject to possible unliened, unpaid municipal claims and taxes.

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
OF RIGHT OF WAY FOR STATE
ROUTE 3006, SECTION B01, IN THE
BOROUGH OF WESTOVER

CLAIM NO. 1700228000

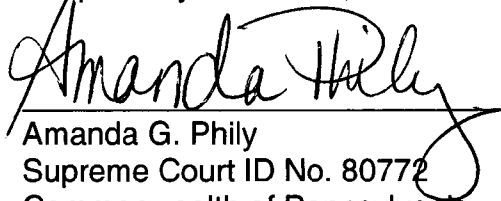
: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PA
:
: EMINENT DOMAIN PROCEEDING
: IN REM
:
:
: NO. 2006-91-CD

**SWORN STATEMENT AS TO NOTICE OF PRESENTATION OF PETITION TO
DEPOSIT ESTIMATED JUST COMPENSATION**

I, Amanda G. Phily, Assistant Counsel in the Right of Way Section, affirm that I am authorized to execute this sworn statement on behalf of the Commonwealth of Pennsylvania, Department of Transportation, that this statement is true and correct to the best of my knowledge, information and belief and that it is made subject to the penalties provided by 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

As the condemnee is not locatable, notice regarding estimated just compensation was posted on the subject property February 3, 2006 and published in the Progress on February 3, 2006 and in the Clearfield Legal Journal on February 10, 2006. In compliance with Section 1-522 of the Eminent Domain Code of 1964, as amended, the notice stated the Department's intent to present a Petition to Deposit Estimated Just Compensation in the above-captioned case to the Clearfield County Court of Common Pleas twenty days subsequent to the expiration of the statutory period for the filing of Preliminary Objections to the Declaration of Taking.

Respectfully Submitted,

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

Amanda G. Phily
Supreme Court ID No. 80772
Commonwealth of Pennsylvania
Pennsylvania Department of Transportation
Office of Chief Counsel
P.O. Box 8212
Harrisburg, PA 17105-8212

CERTIFIED MAIL
COUNTY: Somerset
S.R. 3006, SECTION B01
CLAIM NO. 1700228000
COURT DOCKET NO. 2006-91-CD

**SCHEDULE OF INTERESTED PARTIES NOTIFIED OF THE PRESENTATION TO
DEPOSIT ESTIMATED JUST COMPENSATION**

NAMES AND ADDRESSES

Ownership is unknown and
undeterminable after a
diligent search

DATE RECEIVED CERTIFIED MAIL

Address Unknown. Notice of Declaration of
Taking posted on February 3, 2006 and
published on February 3, 2006 and February
10, 2006.

RW-406 (3/82)

Instrument Number - 200600983

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: CONDEMNATION BY THE	:	NO. 91CD	TERM, 2006
COMMONWEALTH OF	:		
PENNSYLVANIA, DEPARTMENT OF	:		
TRANSPORTATION, OF THE	:		
RIGHT-OF-WAY FOR STATE	:		
ROUTE 3006, SECTION B01	:	EMINENT DOMAIN PROCEEDING	
IN THE BOROUGH OF WESTOVER	:	IN REM	

NOTICE OF CONDEMNATION AND DEPOSIT OF ESTIMATED JUST COMPNSATION

Notice is hereby given that the Commonwealth of Pennsylvania, by the Secretary of Transportation, whose address is the Commonwealth of Pennsylvania, Department of Transportation, Office of Chief Counsel, Real Property Division, Commonwealth Keystone Building, Harrisburg, Pennsylvania 17120, pursuant to the provisions of Section 2003(e) of the Administrative Code of 1929, P.L. 177, 71 P.S. 513(e), as amended, has filed on January 19, 2006 a Declaration of Taking to the above term and number, condemning the property shown on the plans of the parcels listed on the Schedule of Property Condemned which have been recorded in the Recorder's Office of the above county at the places indicated on the said schedule. The name(s) of the owner(s) of the property interest(s) condemned is (are) also shown on the aforesaid Schedule. The Secretary of Transportation has approved the within condemnation by signing on March 15, 2005 a plan entitled Drawings Authorizing Acquisition of Right of Way for Borough Street Water Street in Clearfield County, a copy of which plan was recorded in the Recorder's Office of the aforesaid county on April 4, 2005, in Instrument Number 200504716. The aforesaid plan was revised and reauthorized by signature of the Secretary of Transportation on November 22, 2005, a copy of which plan was filed in the aforesaid County Recorder's Office as Instrument Number 200521579 on December 14, 2005.

The purpose of the condemnation is to acquire property for transportation purposes.

Plans showing the property condemned from the parcels listed on the Schedule of Property Condemned have been recorded in the aforesaid Recorder's Office at the places indicated on the Schedule, where they are available for inspection. The Property Interest thereby condemned is designated on the Declaration of Taking heretofore filed. The Commonwealth of Pennsylvania is not required to post security, inasmuch as it has the power of taxation.

Because the identity or the whereabouts of the condemnee(s) listed below is (are) unknown or for other reasons he (they) cannot be served, this notice is hereby published in accordance with Section 405(b) of the Eminent Domain Code of 1964 (26 P.S. 1-405(b)).

RW-406 (3/82)

Page 2 of 2

Claim No.	Parcel No.	Name	Address
1700228000	25	Unknown Owner	Unknown
1700229000	28	William Penn, Jr.	Unlocatable

The power or right of the Secretary of Transportation of the Commonwealth of Pennsylvania to appropriate the property condemned, the procedure followed by the Secretary of Transportation or the Declaration of Taking may be challenged by filing preliminary objections within thirty (30) days of the date of this notice.

FURTHERMORE NOTICE IS GIVEN THAT the Commonwealth of Pennsylvania, Department of Transportation, pursuant to Section 522 of the Eminent Domain Code of 1964 (26 P.S. 1-522), will, no less than twenty (20) day subsequent to the expiration of the statutory period for the filing of preliminary objections to the Declaration of Taking, present a petition to the Court of Common Pleas of the above county to deposit into court the just compensation estimated by the Commonwealth to be due all parties in interest for damages sustained as the result of the condemnation of the property herein involved.

The petition to deposit estimated just compensation may not be presented to the court if the owner(s) of the property herein involved inform the District Right-of-Way Administrator of the District noted below of their existence and/or whereabouts prior to the expiration of the noted period. After estimated just compensation has been deposited into court, the said monies may be withdrawn by the persons entitled thereto only upon petition to the court.



Michael Hnat

District Right-of-Way Administrator
Engineering District 2-0
Pennsylvania Department of Transportation

PUBLICATIONS AUTHORIZATION AND INVOICE

PUBLICATIONS AUTHORIZATION (To be completed by agency):

TO: (NAME AND ADDRESS OF NEWSPAPER)

The Progress

PO Box 291

Clearfield, PA 16830

FEDERAL ID NO./SOC SEC NO

25-0408380

FROM: (NAME AND ADDRESS OF AGENCY) AGENCY TELEPHONE NO.

PA Dept. Transportation

PO Box 342

Clearfield, PA 16830

HEREWITH IS ENCLOSED COPY FOR PUBLICATION OF ADVERTISEMENT FOR PROPOSALS TO

☐ EMPLOY☐ PURCHASE☐ CONTRACT☐ SELL

TYPE OF AD

☐ CLASSIFIED☐ LEGAL NOTICE

PUBLISH ADVERTISEMENT (NO. OF TIMES)

MAXIMUM NO OF LINES

DATE

ORDER NO

DATES OF INSERTION

February 3, 2006

SIGNATURE FOR AGENCY

You, as vendor, are authorized to publish this advertisement in your newspaper, subject to the terms of this order, as follows: Advertisement to be published in regular advertising columns, no position specified; caption of two lines and signature to be in capitals and subject matter and title of officer to be set solid in type regularly used by your newspaper for public (legal) notice advertising; charge to be made at the rate charged to and paid by commercial advertisers for matter similarly set and occupying similar space; advertisement to be run in the editions specified above. Vendor agrees that, in the performance of any contract awarded to it hereunder, said vendor will not discriminate against any employee or other persons on account of race, color, sex, religious creed, ancestry, age or national origin and that the Commonwealth, upon receipt of satisfactory evidence of such discrimination, shall have the right to cancel said contract. Return this copy at once if you will not accept this advertisement under the terms set forth.

Proof of advertising in the form of a tearsheet must be included on Parts 1, 2 & 3. Return original and two copies (signed by the editor or publisher) to Agency listed above. Part 1 must be notarized. Part 4 is yours.

Commonwealth to be billed only for actual number of printed lines published.

ACCOUNT CODE	FUND	DEPT	APP	YEAR	LOG	ORG	COST FUNCTION	OBJ	AMOUNT

INVOICE (To be completed by publisher):

DATE OF INSERTION	ACTUAL NO OF PRINTED LINES	COST PER LINE	TOTAL AMOUNT
1st Ad February 3, 2006	651 words		

IN THE COURT OF COMMONPLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA NO. 91CD TERM, 2006 EMINENT DOMAIN PROCEEDING IN REM IN RE: CONDEMNATION BY THE COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF TRANSPORTATION, OF THE RIGHT-OF-WAY FOR STATE ROUTE 3006, SECTION 801 IN THE BOROUGH OF WESTOVER NOTICE OF CONDEMNATION AND DEPOSIT OF ESTIMATED JUST COMPENSATION

Notice is hereby given that the Commonwealth of Pennsylvania, by the Secretary of Transportation, whose address is the Commonwealth of Pennsylvania, Department of Transportation, Office of Chief Counsel, Real Property Division, Commonwealth Keystone Building, Harrisburg, Pennsylvania 17120, pursuant to the provisions of Section 2003(e) of the Administrative Code of 1929, P.L. 177, 71 P.S. 513(e), as amended, has filed on January 19, 2006 a Declaration of Taking to the above term and number, condemning the property shown on the plans of the parcels listed on the Schedule of Property Condemned which have been recorded in the Recorder's Office of the above county at the places indicated on the said schedule. The name(s) of the owner(s) of the property interest(s) condemned is (are) also shown on the aforesaid Schedule. The Secretary of Transportation has approved the within condemnation by signing on March 15, 2006 a plan entitled Drawings Authorizing Acquisition of Right-of-Way for Borough Street Water Street in Clearfield County, a copy of which plan was recorded in the Recorder's Office of the aforesaid county on April 4, 2005, in instrument Number 200504716. The aforesaid plan was revised and reauthorized by signature of the Secretary of Transportation on November 22, 2005, a copy of which plan was filed in the aforesaid County Recorder's Office as instrument Number 200521579 on December 14, 2005. The purpose of the condemnation is to acquire property for transportation purposes. Plans showing the property condemned from the parcels listed on the Schedule of Property Condemned have been recorded in the aforesaid Recorder's Office at the places indicated on the Schedule, where they are available for inspection. The Property Interest Interest

County of Clearfield

Before me, the subscriber, a Notary Public in and for said County, personally came Margaret E. Krebs who being duly sworn, doth depose and say that he is* Assoc. Publisher the The Progress a general newspaper published at Clearfield, PA 16830 that the advertisement, of which tearsheet is attached hereto, was published in the regular advertising columns of said newspaper, in the editions of said newspaper, in all respects as ordered and invoiced above; and that the Commonwealth is not charged therefor at a rate higher than is charged any ordinary commercial advertiser for a similar amount of matter occupying similar space and set in a similar manner, in said newspaper.

Sworn and subscribed before me this 6th day of February 2006

Cheryl J. Robinson
NOTARY PUBLIC

My commission expires October 31, 2007

*This affidavit must be made by the Owner, Publisher, or the designated agent of the owner or publisher.

SIGNATURE OF AFFIANT
COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
Cheryl J. Robinson, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires Oct. 31, 2007

Member, Pennsylvania Association Of Notaries

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :

COUNTY OF CLEARFIELD :

KRK ☐
 KLM ☐
 BRL ☐
 RJK ☐
 RLC ☐
 RJW ☐
 SLH ☐
 MRF ☐
☐
☐
☐

*Has
Copy

On this 10th 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 10, 2006. Vol. 18 No. 6. And that all of the allegations of this statement as to the time, place, and character of the publication are true.

OFFICE OF THE CLERK OF COURTS

CLERK OF COURTS

CLERK OF COURTS

CLERK OF COURTS

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

Engineering District 2-0
1924-30 Daisy Street
PO Box 342
Clearfield PA 16830

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
OF RIGHT OF WAY FOR STATE
ROUTE 3006, SECTION B01, IN THE
BOROUGH OF WESTOVER

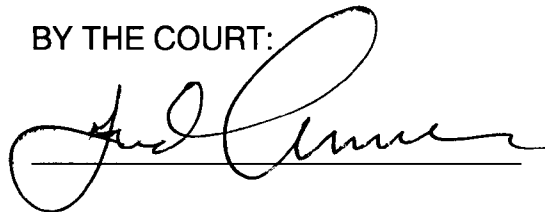
CLAIM NO. 1700228000

CA
: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PA
:
: EMINENT DOMAIN PROCEEDING
: IN REM
:
:
: NO. 2006-91-CD

ORDER

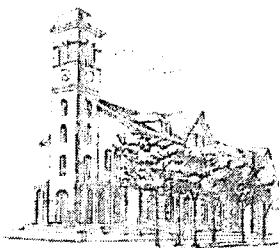
AND NOW, this 17 day of April, 2006, upon presentation of the Petition to Deposit Estimated Just Compensation, it is **ORDERED** and **DIRECTED** that the sum of \$1,400.00, representing the amount of just compensation estimated by the Commonwealth of Pennsylvania, Department of Transportation and the Commonwealth's pro-rata share of real estate taxes due the condemnee and/or interested parties on the subject property shown on the attached Proposed Schedule of Distribution, be paid into Court in an interest bearing account. It is further **ORDERED** that the sum shall be held until further Order of Court directing full or partial payment to the condemnee and/or interested parties entitled to it pursuant to Sections 1-407, 1-521 and/or 1-522 of the Eminent Domain Code of 1964, as amended, 26 P.S. Sections 1-407, 1-521 and/or 1-522, as applicable.

BY THE COURT:



FILED 2cc
013:37/34
APR 17 2006
Amy Philly
@

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: 4/17/06

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:

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION-LAW**

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
OF RIGHT OF WAY FOR STATE ROUTE
3006, SECTION B01, IN THE BOROUGH
OF WESTOVER

EMINENT DOMAIN PROCEEDING
IN REM

NO: 06-91-CD

CLAIMANT: WILLIAM PENN, JR.
CLAIM NO. 1700229000

FILED

APR 21 2006

William A. Shaw
Prothonotary/Clerk of Courts

2 Cent to April

**PRAECIPE FOR ENTRY OF COURT ORDER TO PERMIT THE DEPARTMENT
OF TRANSPORTATION TO DEPOSIT ESTIMATED JUST COMPENSATION**

AND NOW, comes the Commonwealth of Pennsylvania, Department of Transportation (DOT), by and through its attorneys Andrew M. Rapach, Assistant Counsel, and the Office of Chief Counsel, and hereby requests the Honorable Court execute the attached Order to permit the Department of Transportation to deposit estimated just compensation upon the following averments:

1. On January 19, 2006, a Declaration of Taking was filed in the above-captioned case by the Secretary of Transportation.

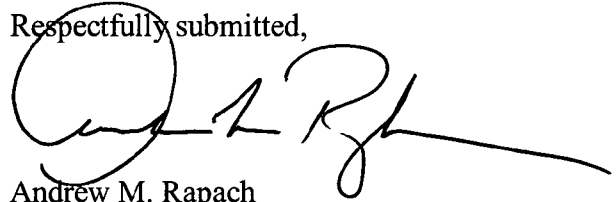
2. Thereafter, the Department of Transportation notified the Claimant by its Petition to Deposit Estimated Just Compensation, pursuant to Section 1-522 of the Eminent Domain Code of 1964, 26 P.S. § 1-522, that it intended to deposit estimated just compensation into Court because the Claimant could not be located after a diligent search.

3. Notice of Condemnation and Deposit of Estimated Just Compensation was posted on the subject property on February 3, 2006 and published in the Progress on February 3, 2006 and in the Clearfield Legal Journal on February 10, 2006.

4. More than 20 days have lapsed since the Claimant was given notice of the Petition to Deposit Estimated Just Compensation and before presentation to the Court as required by Section 1-522.

THEREFORE, the Commonwealth of Pennsylvania, Department of Transportation requests the Court the attached Order to permit the Department of Transportation to deposit estimated just compensation into court.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Andrew M. Rapach', with a long horizontal flourish extending to the right.

Andrew M. Rapach
Assistant Counsel
Pa. ID #62016

Office of Chief Counsel
Firm #052
1209 State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222

412.565.7555

VERIFICATION

I, Andrew M. Rapach, Assistant Counsel, do hereby verify that the statements made in the foregoing document are true and correct to the best of my knowledge, information, and belief.

I understand that false statements made herein are subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

A handwritten signature in black ink, appearing to read 'Andrew M. Rapach', written over a horizontal line.

Andrew M. Rapach
Assistant Counsel
Pa. ID #62016

Office of Chief Counsel
Firm #052
1209 State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222

412.565.7555

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
OF RIGHT OF WAY FOR STATE
ROUTE 3006, SECTION B01, IN THE
BOROUGH OF WESTOVER

CLAIM NO. 1700229000

: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PA
:
: EMINENT DOMAIN PROCEEDING
: IN REM
:
:

: NO. 2006-91-CD

FILED

APR 21 2006

William A. Shaw

Prothonotary/Clerk of Courts

2 CERT to Att

PETITION TO DEPOSIT ESTIMATED JUST COMPENSATION

TO THE HONORABLE, THE JUDGES OF THE SAID COURT:

1. The Department of Transportation is an administrative agency of the Commonwealth of Pennsylvania, with offices at P.O. Box 8212, Harrisburg, Pennsylvania, 17105-8212.

2. On January 19, 2006 a Declaration of Taking was filed to the above-captioned court term and number by the Secretary of Transportation.

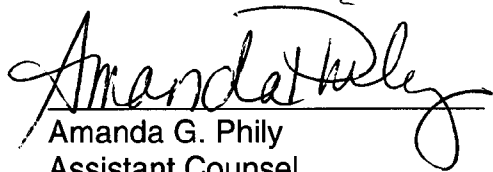
3. The Commonwealth has been unable to make payment because claimant is unlocatable after a diligent search.

4. A draft in the total amount of just compensation due the condemnee, as estimated by the Commonwealth, and the Commonwealth's pro-rata share of taxes on the subject property made payable to the Prothonotary of this Court is attached hereto.

5. I, Amanda G. Phily, Assistant Counsel, do affirm that I am authorized to execute this Petition to Deposit Estimated Just Compensation on behalf of the Commonwealth of Pennsylvania, Department of Transportation, that the averments contained and set forth herein are true and correct to the best of my knowledge, information and belief and that they are made subject to the penalties provided in 18 Pa. C.S. §4909, relating to unsworn falsification to authorities.

WHEREFORE, in order to assure possession of the condemned property, if required, by your Petitioner to which is entitled under Section 1-407, of the Eminent Domain Code of 1964, *as amended* 26 P.S. §1-407, your Petitioner prays that your Honorable Court direct payment of the aforesaid estimated just compensation and the Commonwealth's pro-rata share of the taxes on the subject property into Court, to be held until further Order of Court directing payment of said amount, or any part thereof, to the said condemnee and/or interested parties entitled thereto pursuant to Sections 1-407, 1-521 and/or 1-522, of the said Code, 26 P.S. §§1-407, 1-521 and/or 1-522, as applicable.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Amanda G. Phily", written over a horizontal line.

Amanda G. Phily
Assistant Counsel
Supreme Court ID No. 80772
Commonwealth of Pennsylvania
Department of Transportation
P.O. Box 8212
Harrisburg, PA 17105-8212

PROPOSED SCHEDULE OF DISTRIBUTION

REMIS PROJ. NO.	020108
COUNTY	Clearfield
S.R.-SECTION	3006-B01
MUNICIPALITY	WESTOVER BOROUGH
PARCEL NO.	28
CLAIM NO.	1700229000

NAME(S) & ADDRESS(ES) OF CONDEMNEE(S); LOCATION OF PROPERTY(IES)	ESTIMATED JUST COMPENSATION	ENCUMBRANCES, TAXES, ETC.						NET DUE TO CONDEMNEE
		TYPE	DATE OF RECORD	PLACE OF RECORD	NAME AND ADDRESS OF LIENOR	RECORD AMOUNT DUE	ACTUAL AMOUNT DUE	
William Penn, Jr. Address Unknown Owner Unlocatable after diligent search RB 671/141	E.J.C. \$500.00 Commonwealth Pro-Rata Share Real Estate Taxes \$7.50 Total \$507.50	None						\$507.50

Subject to possible unliened, unpaid municipal claims and taxes.

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
OF RIGHT OF WAY FOR STATE
ROUTE 3006, SECTION B01, IN THE
BOROUGH OF WESTOVER

CLAIM NO. 1700229000

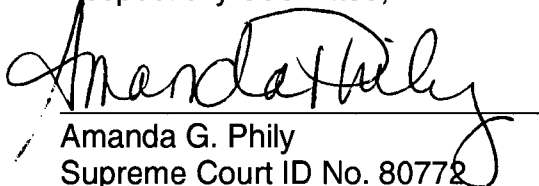
: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PA
:
: EMINENT DOMAIN PROCEEDING
: IN REM
:
:
: NO. 2006-91-CD

**SWORN STATEMENT AS TO NOTICE OF PRESENTATION OF PETITION TO
DEPOSIT ESTIMATED JUST COMPENSATION**

I, Amanda G. Phily, Assistant Counsel in the Right of Way Section, affirm that I am authorized to execute this sworn statement on behalf of the Commonwealth of Pennsylvania, Department of Transportation, that this statement is true and correct to the best of my knowledge, information and belief and that it is made subject to the penalties provided by 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

As the condemnee is not locatable, notice regarding estimated just compensation was posted on the subject property February 3, 2006 and published in the Progress on February 3, 2006 and in the Clearfield Legal Journal on February 10, 2006. In compliance with Section 1-522 of the Eminent Domain Code of 1964, as amended, the notice stated the Department's intent to present a Petition to Deposit Estimated Just Compensation in the above-captioned case to the Clearfield County Court of Common Pleas twenty days subsequent to the expiration of the statutory period for the filing of Preliminary Objections to the Declaration of Taking.

Respectfully Submitted,



Amanda G. Phily
Supreme Court ID No. 80772
Commonwealth of Pennsylvania
Pennsylvania Department of Transportation
Office of Chief Counsel
P.O. Box 8212
Harrisburg, PA 17105-8212

CERTIFIED MAIL
COUNTY: Somerset
S.R. 3006, SECTION B01
CLAIM NO. 1700229000
COURT DOCKET NO. 2006-91-CD

**SCHEDULE OF INTERESTED PARTIES NOTIFIED OF THE PRESENTATION TO
DEPOSIT ESTIMATED JUST COMPENSATION**

NAMES AND ADDRESSES

William Penn, Jr.
Address Unknown
Owner unlocatable
after diligent search.

DATE RECEIVED CERTIFIED MAIL

Address Unknown. Notice of Declaration of
Taking posted on February 3, 2006 and
published on February 3, 2006 and February
10, 2006.

RW-406 (3/82)

Instrument Number - 200600983

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: CONDEMNATION BY THE	:	NO. 91CD	TERM, 2006
COMMONWEALTH OF	:		
PENNSYLVANIA, DEPARTMENT OF	:		
TRANSPORTATION, OF THE	:		
RIGHT-OF-WAY FOR STATE	:		
ROUTE 3006, SECTION B01	:	EMINENT DOMAIN PROCEEDING	
IN THE BOROUGH OF WESTOVER	:	IN REM	

NOTICE OF CONDEMNATION AND DEPOSIT OF ESTIMATED JUST COMPNSATION

Notice is hereby given that the Commonwealth of Pennsylvania, by the Secretary of Transportation, whose address is the Commonwealth of Pennsylvania, Department of Transportation, Office of Chief Counsel, Real Property Division, Commonwealth Keystone Building, Harrisburg, Pennsylvania 17120, pursuant to the provisions of Section 2003(e) of the Administrative Code of 1929, P.L. 177, 71 P.S. 513(c), as amended, has filed on January 19, 2006 a Declaration of Taking to the above term and number, condemning the property shown on the plans of the parcels listed on the Schedule of Property Condemned which have been recorded in the Recorder's Office of the above county at the places indicated on the said schedule. The name(s) of the owner(s) of the property interest(s) condemned is (are) also shown on the aforesaid Schedule. The Secretary of Transportation has approved the within condemnation by signing on March 15, 2005 a plan entitled Drawings Authorizing Acquisition of Right of Way for Borough Street Water Street in Clearfield County, a copy of which plan was recorded in the Recorder's Office of the aforesaid county on April 4, 2005, in Instrument Number 200504716. The aforesaid plan was revised and reauthorized by signature of the Secretary of Transportation on November 22, 2005, a copy of which plan was filed in the aforesaid County Recorder's Office as Instrument Number 200521579 on December 14, 2005.

The purpose of the condemnation is to acquire property for transportation purposes.

Plans showing the property condemned from the parcels listed on the Schedule of Property Condemned have been recorded in the aforesaid Recorder's Office at the places indicated on the Schedule, where they are available for inspection. The Property Interest thereby condemned is designated on the Declaration of Taking heretofore filed. The Commonwealth of Pennsylvania is not required to post security, inasmuch as it has the power of taxation.

Because the identity or the whereabouts of the condemnee(s) listed below is (are) unknown or for other reasons he (they) cannot be served, this notice is hereby published in accordance with Section 405(b) of the Eminent Domain Code of 1964 (26 P.S. 1-405(b)).

RW-406 (3/82)

Page 2 of 2

Claim No.	Parcel No.	Name	Address
1700228000	25	Unknown Owner	Unknown
1700229000	28	William Penn, Jr.	Unlocatable

The power or right of the Secretary of Transportation of the Commonwealth of Pennsylvania to appropriate the property condemned, the procedure followed by the Secretary of Transportation or the Declaration of Taking may be challenged by filing preliminary objections within thirty (30) days of the date of this notice.

FURTHERMORE NOTICE IS GIVEN THAT the Commonwealth of Pennsylvania, Department of Transportation, pursuant to Section 522 of the Eminent Domain Code of 1964 (26 P.S. 1-522), will, no less than twenty (20) day subsequent to the expiration of the statutory period for the filing of preliminary objections to the Declaration of Taking, present a petition to the Court of Common Pleas of the above county to deposit into court the just compensation estimated by the Commonwealth to be due all parties in interest for damages sustained as the result of the condemnation of the property herein involved.

The petition to deposit estimated just compensation may not be presented to the court if the owner(s) of the property herein involved inform the District Right-of-Way Administrator of the District noted below of their existence and/or whereabouts prior to the expiration of the noted period. After estimated just compensation has been deposited into court, the said monies may be withdrawn by the persons entitled thereto only upon petition to the court.



Michael Haas

District Right-of-Way Administrator
Engineering District 2-0
Pennsylvania Department of Transportation

PROOF OF PUBLICATION

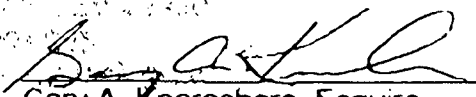
STATE OF PENNSYLVANIA :

COUNTY OF CLEARFIELD :

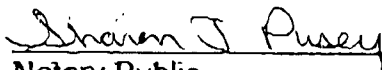
KRK ☐
 KLM ☐
 BRL ☐
 RJIC ☐
 RLC ☐
 RJW ☐
 SLH ☐
 MRF ☐
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*Has
Copy

On this 10th 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 10, 2006. Vol. 18 No. 6. 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

Engineering District 2-0
 1924-30 Daisy Street
 PO Box 342
 Clearfield PA 16830

F.I.D. #25-0408380

THE PROGRESS

20426

P.O. Box 291

CLEARFIELD, PA 16830

(814) 765-5581

Date February 6, 2006

PA Department of Transportation

PO Box 342

Clearfield, PA 16830

Date	Month	Words
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3	Feb.	651
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651

Words
Lines

@ .22 \$ 143 22

Notice of Condemnation and Deposit
of Estimated Just Compensation
Unknown Owner, William Penn
Vendor #142215

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
OF RIGHT OF WAY FOR STATE
ROUTE 3006, SECTION B01, IN THE
BOROUGH OF WESTOVER

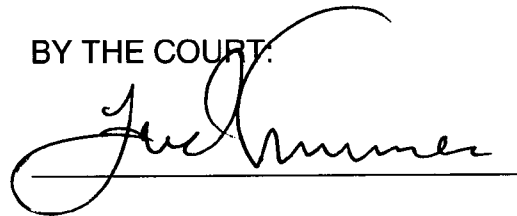
CLAIM NO. 1700229000

CA
: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PA
:
: EMINENT DOMAIN PROCEEDING
: IN REM
:
:
: NO. 2006-91-CD

ORDER

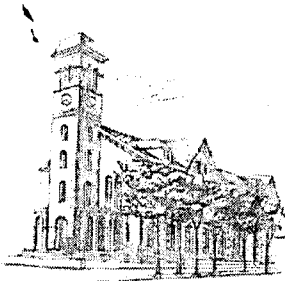
AND NOW, this 24th day of April, 2006, upon presentation of the Petition to Deposit Estimated Just Compensation, it is **ORDERED** and **DIRECTED** that the sum of \$507.50, representing the amount of just compensation estimated by the Commonwealth of Pennsylvania, Department of Transportation and the Commonwealth's pro-rata share of real estate taxes due the condemnee and/or interested parties on the subject property shown on the attached Proposed Schedule of Distribution, be paid into Court in an interest bearing account. It is further **ORDERED** that the sum shall be held until further Order of Court directing full or partial payment to the condemnee and/or interested parties entitled to it pursuant to Sections 1-407, 1-521 and/or 1-522 of the Eminent Domain Code of 1964, as amended, 26 P.S. Sections 1-407, 1-521 and/or 1-522, as applicable.

BY THE COURT:



FILED
013:44301
APR 24 2006
200
Amy Phil.
@

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: 4/24/06

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:

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION-LAW**

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
OF RIGHT OF WAY FOR STATE ROUTE
3006, SECTION B01, IN THE BOROUGH
OF WESTOVER

EMINENT DOMAIN PROCEEDING
IN REM

NO: 06-91-CD

CLAIMANT: UNKNOWN OWNER
CLAIM NO.: 1700228000

FILED

APR 26 2006
8:11:15 PM
William A. Shaw
Prothonotary/Clerk of Courts
2 cfr to Atty

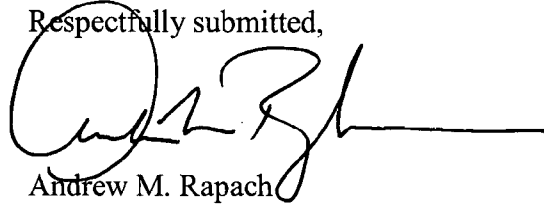
PRAECIPE TO DEPOSIT ESTIMATED JUST COMPENSATION

AND NOW, comes the Commonwealth of Pennsylvania, Department of Transportation (PennDOT), by and through its attorneys Andrew M. Rapach, Assistant Counsel, and the Office of Chief Counsel, and hereby requests the Prothonotary accept for deposit into Court estimated just compensation upon the following averments:

1. On January 19, 2006, a Declaration of Taking was filed in the above-captioned case by the Secretary of Transportation.
2. Thereafter, PennDOT notified the Claimant by its Petition to Deposit Estimated Just Compensation, pursuant to Section 1-522 of the Eminent Domain Code of 1964, 26 P.S. § 1-522, that it intended to deposit estimated just compensation into Court because the Claimant is unknown.
3. On April 17, 2006, the Court of Common Pleas of Clearfield County entered an Order to allow PennDOT to pay estimated just compensation into Court.
4. Attached to the within Praecipe is check number 26-00482222, in the amount of \$1,400.00, on behalf of Claimant in the above-captioned case, UNKNOWN OWNER, Claim No. 1700228000.

THEREFORE, the Commonwealth of Pennsylvania, Department of
Transportation deposits estimated just compensation into court.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Andrew M. Rapach', with a long horizontal line extending to the right.

Andrew M. Rapach
Assistant Counsel
Pa. ID #62016

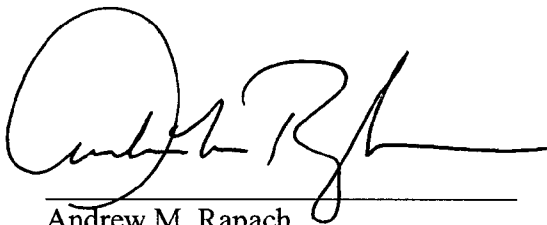
Office of Chief Counsel
Firm #052
1209 State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222

412.565.7555

VERIFICATION

I, Andrew M. Rapach, Assistant Counsel, do hereby verify that the statements made in the foregoing document are true and correct to the best of my knowledge, information, and belief.

I understand that false statements made herein are subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

A handwritten signature in black ink, appearing to read 'Andrew M. Rapach', written over a horizontal line.

Andrew M. Rapach
Assistant Counsel
Pa. ID #62016

Office of Chief Counsel
Firm #052
1209 State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222

412.565.7555

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
OF RIGHT OF WAY FOR STATE
ROUTE 3006, SECTION B01, IN THE
BOROUGH OF WESTOVER

CLAIM NO. 1700228000

: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PA
:
: EMINENT DOMAIN PROCEEDING
: IN REM
:
:
: NO. 2006-91-CD

ORDER

AND NOW, this 17 day of April, 2006, upon presentation of the Petition to Deposit Estimated Just Compensation, it is **ORDERED** and **DIRECTED** that the sum of \$1,400.00, representing the amount of just compensation estimated by the Commonwealth of Pennsylvania, Department of Transportation and the Commonwealth's pro-rata share of real estate taxes due the condemnee and/or interested parties on the subject property shown on the attached Proposed Schedule of Distribution, be paid into Court in an interest bearing account. It is further **ORDERED** that the sum shall be held until further Order of Court directing full or partial payment to the condemnee and/or interested parties entitled to it pursuant to Sections 1-407, 1-521 and/or 1-522 of the Eminent Domain Code of 1964, as amended, 26 P.S. Sections 1-407, 1-521 and/or 1-522, as applicable.

BY THE COURT:

/s/ Fredric J. Ammerman

thereby certify this to be a true
and attested copy of the original
statement filed in this case.

APR 17 2006

Attest:

Michelle S. Kane
Prothonotary
Clerk of Courts

Date: 4/26/2006
Time: 11:28 AM

Clearfield County Court of Common Pleas
Receipt

NO. 1913512
Page 1 of 1

Received of: Commonwealth of Penna. \$ 1,400.00

One Thousand Four Hundred and 00/100 Dollars

Subject: IN RE: Commonwealth of Pennsylvania, etal.
Case Litigant type

Case	Subject	Amount
2006-00091-CD	Subject	
Trust account		1,400.00

Total: 1,400.00

Balance due: 0.00

HOLD DOCUMENT TO LIGHT TO VERIFY WATERMARKS

00000	008	031606	00667199	349438	
CDC	FUND	DEPT	PREP DATE	VOUCHER	WARRANT
					ID

000329 62-0101
311

26 00482222

CHECK NUMBER

03/21/2006

DATE

COMMERCE BANK
PHILADELPHIA, PA

VERIFICATION AVAILABLE - "POSITIVE PAY" PROTECTED

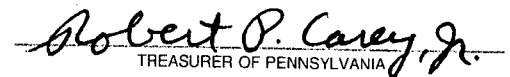
PAY ONLY 

TO THE ORDER OF

000329
CLEARFIELD COUNTY PROTHONOTARY
PENNDOT O OF CC PO BOX 8212
C/O AMANDA PHILLY ASST COUNSEL
HARRISBURG PA 17105

VOID AFTER 180 DAYS

\$ *****1,400.00


TREASURER OF PENNSYLVANIA

00482222 031101017 950001115

DO NOT ACCEPT WITHOUT HOLDING TO LIGHT TO VERIFY WATERMARKS

Check: 00482222

Payment Method: Check
Amount Tendered: 1,400.00
Change Returned: 0.00
Clerk: BILLSHAW

William A. Shaw, Prothonotary/Clerk of Cou
By: _____
Deputy Clerk

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION-LAW**

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
OF RIGHT OF WAY FOR STATE ROUTE
3006, SECTION B01, IN THE BOROUGH
OF WESTOVER

EMINENT DOMAIN PROCEEDING
IN REM

NO: 06-91-CD

CLAIMANT: WILLIAM PENN, JR.
CLAIM NO.: 1700229000

FILED (Filer)

APR 26 2006
11:20 AM
William A. Shaw
Prothonotary/Clerk of Courts
2 CENT TO ATT

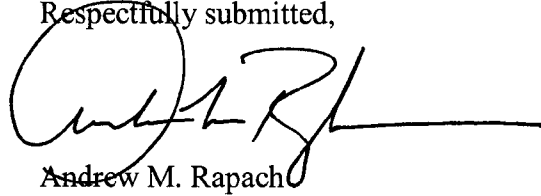
PRAECIPE TO DEPOSIT ESTIMATED JUST COMPENSATION

AND NOW, comes the Commonwealth of Pennsylvania, Department of Transportation (PennDOT), by and through its attorneys Andrew M. Rapach, Assistant Counsel, and the Office of Chief Counsel, and hereby requests the Prothonotary accept for deposit into Court estimated just compensation upon the following averments:

1. On January 19, 2006, a Declaration of Taking was filed in the above-captioned case by the Secretary of Transportation.
2. Thereafter, PennDOT notified the Claimant by its Petition to Deposit Estimated Just Compensation, pursuant to Section 1-522 of the Eminent Domain Code of 1964, 26 P.S. § 1-522, that it intended to deposit estimated just compensation into Court because the Claimant cannot be located after a diligent search.
3. On April 24, 2006, the Court of Common Pleas of Clearfield County entered an Order to allow PennDOT to pay estimated just compensation into Court.
4. Attached to the within Praecipe is check number 23-09268965, in the amount of \$507.50, on behalf of Claimant in the above-captioned case, William Penn, Jr., Claim No. 1700229000.

THEREFORE, the Commonwealth of Pennsylvania, Department of
Transportation deposits estimated just compensation into court.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Andrew M. Rapach', with a long horizontal line extending to the right.

Andrew M. Rapach
Assistant Counsel
Pa. ID #62016

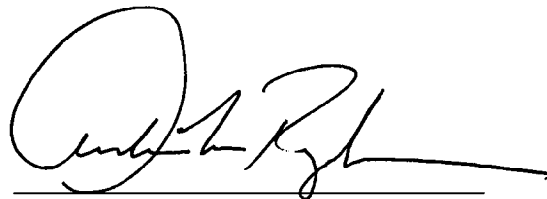
Office of Chief Counsel
Firm #052
1209 State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222

412.565.7555

VERIFICATION

I, Andrew M. Rapach, Assistant Counsel, do hereby verify that the statements made in the foregoing document are true and correct to the best of my knowledge, information, and belief.

I understand that false statements made herein are subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

A handwritten signature in black ink, appearing to read 'Andrew M. Rapach', is written over a horizontal line.

Andrew M. Rapach
Assistant Counsel
Pa. ID #62016

Office of Chief Counsel
Firm #052
1209 State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222

412.565.7555

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
OF RIGHT OF WAY FOR STATE
ROUTE 3006, SECTION B01, IN THE
BOROUGH OF WESTOVER

CLAIM NO. 1700229000

: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PA
:
: EMINENT DOMAIN PROCEEDING
: IN REM
:
:
: NO. 2006-91-CD

ORDER

AND NOW, this 24th day of April, 2006, upon presentation of the Petition to Deposit Estimated Just Compensation, it is **ORDERED** and **DIRECTED** that the sum of \$507.50, representing the amount of just compensation estimated by the Commonwealth of Pennsylvania, Department of Transportation and the Commonwealth's pro-rata share of real estate taxes due the condemnee and/or interested parties on the subject property shown on the attached Proposed Schedule of Distribution, be paid into Court in an interest bearing account. It is further **ORDERED** that the sum shall be held until further Order of Court directing full or partial payment to the condemnee and/or interested parties entitled to it pursuant to Sections 1-407, 1-521 and/or 1-522 of the Eminent Domain Code of 1964, as amended, 26 P.S. Sections 1-407, 1-521 and/or 1-522, as applicable.

BY THE COURT:

/s/ Fredric J. Ammerman

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

APR 24 2006

4000

[Signature]
Secretary
Clerk of Courts

HOLD DOCUMENT TO LIGHT TO VERIFY WATERMARKS

00000		008	032806	00674584	360295	
CDC	FUND	DEPT	PREP DATE	VOUCHER	WARRANT	ID

000965

60-160
433

23 09268965

CHECK NUMBER

04/05/2006

DATE

Commonwealth of Pennsylvania
State Treasury Department

MELLON BANK
PITTSBURGH, PA

VERIFICATION AVAILABLE - "POSITIVE PAY" PROTECTED

PAY ONLY  **50 CTS CTS**

TO THE ORDER OF

WILLIAM PENN JR OR
CLEARFIELD COUNTY PROTHONOTARY
PENNDOT O OF CC PO BOX 8212
C/O AMANDA PHILLY ASST COUNSEL
HARRISBURG PA 17105-8212

000965

VOID AFTER 180 DAYS

\$ *******507.50**

Robert P. Carey, Jr.
TREASURER OF PENNSYLVANIA

⑈09268965⑈ ⑆043301601⑆ 920⑈8617⑈

DO NOT ACCEPT WITHOUT HOLDING TO LIGHT TO VERIFY WATERMARKS

Date: 4/26/2006
Time: 11:24 AM

Clearfield County Court of Common Pleas
Receipt

NO. 1913511
Page 1 of 1

Received of: Commonwealth of Penna. \$ 507.50

Five Hundred Seven and 50/100 Dollars

Subject: IN RE: Commonwealth of Pennsylvania, etal.
Case Litigant type

	Amount
2006-00091-CD Subject Trust account	507.50

Total: 507.50

Balance due: 0.00

Check: 09268965

Payment Method: Check
Amount Tendered:
Change Returned:
Clerk: BILLSHAW

507.50
0.00

William A. Shaw, Prothonotary/Clerk of Cou

By: _____
Deputy Clerk

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
OF RIGHT OF WAY FOR STATE
ROUTE 3006, SECTION B01, IN THE
BOROUGH OF WESTOVER

CLAIM NO. 1700229000

: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PA
:
: EMINENT DOMAIN PROCEEDINGS
:
: IN REM
:
: NO. 2006-91-CD

**PETITION TO PAY THE COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT
OF TRANSPORTATION THE UNDISTRIBUTED ESTIMATED JUST
COMPENSATION DEPOSITED INTO COURT**

TO THE HONORABLE JUDGE OF SAID COURT:

Petitioner, the Commonwealth of Pennsylvania, Department of Transportation,
respectfully represents that:

1. The Department of Transportation ("Commonwealth") is a Department of the Commonwealth of Pennsylvania, with offices at P.O. Box 8212, Harrisburg, Pennsylvania, 17105-8212.
2. On January 19, 2006, the Commonwealth filed a Declaration of Taking, condemning, *inter alia*, certain real property owned by William Penn, Jr. ("condemnee").
3. On April 24, 2006, upon Petition of the Commonwealth, this Honorable Court ordered and directed that the sum of \$507.50, representing the just compensation estimated by the Commonwealth to be due condemnees in the above-captioned case, be deposited into Court.
4. At the time the Commonwealth filed its Petition to Deposit Estimated Just Compensation, there were no liens nor encumbrances against the subject property as reflected on the attached Proposed Schedule of Distribution.

S
FILED
AUG 06 2012
William A. Shaw
Prothonotary/Clerk of Courts
2cc
Amy Farkas

5. The sum of \$507.50 remains deposited.

6. No fee shall be charged against these funds. 26 P.S. §1-522; *City of Pittsburgh v. Imler Supply Company*, 471 A.2d 591(Pa. Cmwlth. 1984).

7. Pursuant to 26 P.S. §1-522, if no petition is presented by any party in interest within a period of five years of the date of payment into court, the court shall order the fund or any balance remaining to be paid to the Commonwealth without escheat.

8. I, Sean M. Concannon, Assistant Counsel, affirm that I am authorized to execute this Petition to Pay the Commonwealth of Pennsylvania, Department of Transportation the Undistributed Estimated Just Compensation Deposited into Court on behalf of the Commonwealth, that the averments set forth in this Petition are true and correct to the best of my knowledge, information and belief and that they are made subject to the penalties provided in 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

WHEREFORE, your Petitioner respectfully requests that this Honorable Court order and direct that the sum of \$507.50, representing the amount of estimated just compensation due to condemnee which remains undistributed, together with any accrued interest, be paid to the Commonwealth of Pennsylvania, Department of Transportation, without escheat, as provided in Section 1-522 of the Eminent Domain Code of 1964, 26 P.S. §1-522, as amended.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Sean M. Concannon', written over a horizontal line.

Sean M. Concannon
Assistant Counsel
I.D. No. 205998
Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel
P.O. Box 8212
Harrisburg, PA 17105-8212
717-787-3128
sconcannon@pa.gov

PROPOSED SCHEDULE OF DISTRIBUTION

NAME(S) & ADDRESS(ES) OF CONDEMNEE(S); LOCATION OF PROPERTY(IES)		ESTIMATED JUST COMPENSATION	ENCUMBRANCES, TAXES, ETC.	ENCUMBRANCES, TAXES, ETC.					NET DUE TO CONDEMNEE
			TYPE	DATE OF RECORD	PLACE OF RECORD	NAME AND ADDRESS OF LIENOR	RECORD AMOUNT DUE	ACTUAL AMOUNT DUE	
William Penn, Jr. Address Unknown Owner unlocatable after diligent search		E.J.C. \$500.00	None						\$507.50
RB 671/141		Commonwealth Pro-Rata Share Real Estate Taxes \$7.50							
		Total \$507.50							

Subject to possible unliened, unpaid municipal claims and taxes.

REMIS PROJ. NO.	020108
COUNTY	Clearfield
S.R.-SECTION	3006-B01
MUNICIPALITY	WESTOVER BOROUGH
PARCEL NO.	28
CLAIM NO.	1700229000

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION, OF
RIGHT OF WAY FOR STATE ROUTE 3006,
SECTION B01, IN THE BOROUGH
OF WESTOVER

: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PA
:
: EMINENT DOMAIN PROCEEDING
: IN REM
:
:
: NO. 2006-91-CD


CLAIM NO. 1700229000

**SWORN STATEMENT AS TO NOTICE TO PAY THE COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF TRANSPORTATION THE UNDISTRIBUTED
ESTIMATED JUST COMPENSATION DEPOSITED INTO COURT**

I, Sean M. Concannon, Assistant Counsel in the Right of Way Section, affirm that I am authorized to execute this sworn statement on behalf of the Pennsylvania Department of Transportation, that this statement is true and correct to the best of my knowledge, information and belief and that it is made subject to the penalties set forth in 18 Pa.C.S.A. Section 4904, relating to unsworn falsification to authorities.

In compliance with Section 522 of the Eminent Domain Code of 2006, as amended, the Department sent notice to the condemnee (unlocatable after a diligent search) and interested parties of its intent to present this Petition to the Clearfield County Court of Common Pleas twenty days after they received said notice. In addition to the notice, the Department also sent copies of the Petition, the proposed Order and the Proposed Schedule of Distribution. The Department has noted the name and address of the condemnee (unknown owner) and interested parties and the date and manner of service on the attached Schedule of Interested Parties Notified.

Respectfully submitted,



Sean M. Concannon, Esquire
Supreme Court I.D. 205998
Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel
P.O. Box 8212
Harrisburg, PA 17105-8212

CERTIFIED MAIL
COUNTY: Clearfield
S.R./Section: 3006-B01
CLAIM NO. 1700229000
COURT DOCKET NO. 2006-91-CD

**SCHEDULE OF INTERESTED PARTIES NOTIFIED OF THE PRESENTATION OF
PETITION TO PAY THE COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT
OF TRANSPORTATION THE UNDISTRIBUTED ESTIMATED JUST
COMPENSATION DEPOSITED INTO COURT**

NAMES AND ADDRESSES

CERTIFIED MAIL

William Penn, Jr.
Address - Unknown Owner
Unlocatable after a diligent search

Address unknown. Notice of Declaration of
Taking posted on February 3, 2006 and
published on February 3, 2006 and February
10, 2006.

190300



REMITTER: WM PENN JR NO 0691CD 1700229000

8/07/12

PAY TO THE
ORDER OF

CLEARFIELD COUNTY PROTHONOTARY

EXACTLY **525 AND 85/100 DOLLARS

\$ 525.85

CASHIER'S CHECK

THE PURCHASE OF AN INDEMNITY BOND WILL BE REQUIRED BEFORE ANY
CASHIER'S CHECK OF THIS BANK WILL BE REPLACED OR REFUNDED IN THE
EVENT IT IS LOST, MISPLACED, OR STOLEN.

AUTHORIZED SIGNATURE

⑈0000190300⑈ ⑆031306294⑆ 19000027⑈

190300



REMITTER: WM PENN JR NO 0691CD 1700229000 DATE 8/07/12

CLEARFIELD COUNTY PROTHONOTARY

EXACTLY **525 AND 85/100 DOLLARS

\$ 525.85

CUSTOMER - FILE COPY

CASHIER'S CHECK

AUTHORIZED SIGNATURE

NOT NEGOTIABLE

CLEARFIELD COUNTY PROTHONOTARY

WILLIAM A. SHAW, PROTHONOTARY
ESCROW ACCOUNT
P.O. BOX 549
CLEARFIELD, PA 16830

Void 60 days from Aug. 7, 2012

1395


DATE August 7, 2012

60-629-313

PAY TO THE ORDER OF Commonwealth of Pennsylvania, Department of Transportation \$ 1,450.64

Fourteen Hundred Fifty and 64/100-----

DOLLARS

 Security Features
Included.
Details on Back.CLEARFIELD BANK
&
TRUST COMPANY

Main Office
11 North 2nd Street
Clearfield, PA 16830

06-91-CD Unknown Owners C/O 8-6-12

FOR

IMMA

MP

⑈001395⑈ ⑆031306294⑆ 1 2 26577 2⑈

CLEARFIELD COUNTY PROTHONOTARY

WILLIAM A. SHAW, PROTHONOTARY
ESCROW ACCOUNT
P.O. BOX 549
CLEARFIELD, PA 16830

Void 60 days from Aug. 7, 2012

1396

DATE August 7, 2012

60-629-313

PAY TO THE ORDER OF Commonwealth of Pennsylvania, Department of Transportation \$ 525.85

Five Hundred Twenty-Five and 85/100-----

DOLLARS

 Security Features
Included.
Details on Back.CLEARFIELD BANK
&
TRUST COMPANY

Main Office
11 North 2nd Street
Clearfield, PA 16830

FOR 06-91-CD Wm. Penn Jr. C/O 8-6-12

IMMA

MP

⑈001396⑈ ⑆031306294⑆ 1 2 26577 2⑈

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
OF RIGHT OF WAY FOR STATE
ROUTE 3006, SECTION B01, IN THE
BOROUGH OF WESTOVER

CLAIM NO.1700229000

: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PA
:
: EMINENT DOMAIN PROCEEDINGS
:
: IN REM
:
: NO. 2006-91-CD

ORDER

AND NOW, August 6 2012, upon

presentation of the Commonwealth's Petition, it is **ORDERED** and **DIRECTED** that the undistributed amount of estimated just compensation due to William Penn, Jr., that was previously deposited into Court, shall be paid to the Pennsylvania Department of Transportation without escheat in accordance with 26 P.S. §1-522.

It is further ordered that the Prothonotary make a check payable to the Commonwealth of Pennsylvania, Department of Transportation in the amount of \$507.50, together with any accrued interest, deliver it to

Denise Farkas, attorney for the Commonwealth of Pennsylvania, and mark the record accordingly.

BY THE COURT:

J.

FILED

9/11/44/57
AUG 06 2012

William A. Shaw
Prothonotary/Clerk of Courts

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
OF RIGHT OF WAY FOR STATE
ROUTE 3006, SECTION B01, IN THE
BOROUGH OF WESTOVER

CLAIM NO. 1700228000

: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PA
:
: EMINENT DOMAIN PROCEEDINGS
:
: IN REM
:
: NO. 2006-91-CD

**PETITION TO PAY THE COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT
OF TRANSPORTATION THE UNDISTRIBUTED ESTIMATED JUST
COMPENSATION DEPOSITED INTO COURT**

TO THE HONORABLE JUDGE OF SAID COURT:

Petitioner, the Commonwealth of Pennsylvania, Department of Transportation,
respectfully represents that:

1. The Department of Transportation ("Commonwealth") is a Department of
the Commonwealth of Pennsylvania, with offices at P.O. Box 8212, Harrisburg,
Pennsylvania, 17105-8212.

2. On January 19, 2006, the Commonwealth filed a Declaration of Taking,
condemning, *inter alia*, certain real property owned by Unknown Owner. ("condemnee").

3. On April 17, 2006, upon Petition of the Commonwealth, this Honorable
Court ordered and directed that the sum of \$1,400.00, representing the just
compensation estimated by the Commonwealth to be due condemnees in the above-
captioned case, be deposited into Court.

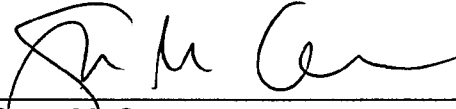
4. At the time the Commonwealth filed its Petition to Deposit Estimated Just
Compensation, there were no liens nor encumbrances against the subject property as
reflected on the attached Proposed Schedule of Distribution.

S
FILED
011:43/01
AUG 06 2012
William A. Shaw
Prothonotary/Clerk of Courts
2cc
Atty Farkas

5. The sum of \$1,400.00 remains deposited.
6. No fee shall be charged against these funds. 26 P.S. §1-522; *City of Pittsburgh v. Imler Supply Company*, 471 A.2d 591(Pa. Cmwlth. 1984).
7. Pursuant to 26 P.S. §1-522, if no petition is presented by any party in interest within a period of five years of the date of payment into court, the court shall order the fund or any balance remaining to be paid to the Commonwealth without escheat.
8. I, Sean M. Concannon, Assistant Counsel, affirm that I am authorized to execute this Petition to Pay the Commonwealth of Pennsylvania, Department of Transportation the Undistributed Estimated Just Compensation Deposited into Court on behalf of the Commonwealth, that the averments set forth in this Petition are true and correct to the best of my knowledge, information and belief and that they are made subject to the penalties provided in 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

WHEREFORE, your Petitioner respectfully requests that this Honorable Court order and direct that the sum of \$1,400.00, representing the amount of estimated just compensation due to condemnee which remains undistributed, together with any accrued interest, be paid to the Commonwealth of Pennsylvania, Department of Transportation, without escheat, as provided in Section 1-522 of the Eminent Domain Code of 1964, 26 P.S. §1-522, as amended.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Sean M. Concannon', written over a horizontal line.

Sean M. Concannon
Assistant Counsel
I.D. No. 205998
Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel
P.O. Box 8212
Harrisburg, PA 17105-8212
717-787-3128
sconcannon@pa.gov

PROPOSED SCHEDULE OF DISTRIBUTION

REMIS PROJ. NO.	020108
COUNTY	Clearfield
S.R.-SECTION	3006-B01
MUNICIPALITY	WESTOVER BOROUGH
PARCEL NO.	25
CLAIM NO.	1700228000

ENCUMBRANCES, TAXES, ETC.						NET DUE TO CONDEMNEE
NAME(S) & ADDRESS(ES) OF CONDEMNEE(S); LOCATION OF PROPERTY(IES)	ESTIMATED JUST COMPENSATION	TYPE	DATE OF RECORD	PLACE OF RECORD	NAME AND ADDRESS OF LIENOR	
UNKNOWN OWNER ADDRESS UNKNOWN	E.J.C. \$1,400.00	None				\$1,400.00
Located on the east side of Water Street at SR 3006 bridge over Chest Creek	Commonwealth Pro-Rata Share Real Estate Taxes \$0.00					
	Total \$1,400.00					

Subject to possible unliened, unpaid municipal claims and taxes.

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION, OF
RIGHT OF WAY FOR STATE ROUTE 3006,
SECTION B01, IN THE BOROUGH
OF WESTOVER

: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PA
:
: EMINENT DOMAIN PROCEEDING
: IN REM
:
:

CLAIM NO. 1700228000

: NO. 2006-91-CD

**SWORN STATEMENT AS TO NOTICE TO PAY THE COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF TRANSPORTATION THE UNDISTRIBUTED
ESTIMATED JUST COMPENSATION DEPOSITED INTO COURT**

I, Sean M. Concannon, Assistant Counsel in the Right of Way Section, affirm that I am authorized to execute this sworn statement on behalf of the Pennsylvania Department of Transportation, that this statement is true and correct to the best of my knowledge, information and belief and that it is made subject to the penalties set forth in 18 Pa.C.S.A. Section 4904, relating to unsworn falsification to authorities.

In compliance with Section 522 of the Eminent Domain Code of 2006, as amended, the Department sent notice to the condemnee (unknown owner) and interested parties of its intent to present this Petition to the Clearfield County Court of Common Pleas twenty days after they received said notice. In addition to the notice, the Department also sent copies of the Petition, the proposed Order and the Proposed Schedule of Distribution. The Department has noted the name and address of the condemnee (unknown owner) and interested parties and the date and manner of service on the attached Schedule of Interested Parties Notified.

Respectfully submitted,



Sean M. Concannon, Esquire
Supreme Court I.D. 205998
Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel
P.O. Box 8212
Harrisburg, PA 17105-8212

CERTIFIED MAIL
COUNTY: Clearfield
S.R./Section: 3006-B01
CLAIM NO. 1700228000
COURT DOCKET NO. 2006-91-CD

**SCHEDULE OF INTERESTED PARTIES NOTIFIED OF THE PRESENTATION OF
PETITION TO PAY THE COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT
OF TRANSPORTATION THE UNDISTRIBUTED ESTIMATED JUST
COMPENSATION DEPOSITED INTO COURT**

NAMES AND ADDRESSES

Ownership is unknown and
undeterminable after a diligent search

CERTIFIED MAIL

Address unknown. Notice of Declaration of
Taking posted on February 3, 2006 and
published on February 3, 2006 and February
10, 2006.

190299



REMITTER: NO 0691CD 1700228000

8/07/12

PAY TO THE
ORDER OF

CLEARFIELD COUNTY PROTHONOTARY

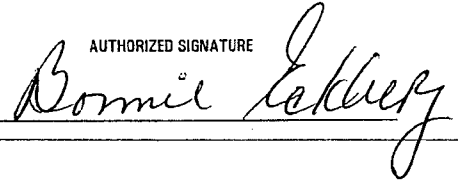
EXACTLY **1,450 AND 64/100 DOLLARS

\$ 1,450.64

CASHIER'S CHECK

THE PURCHASE OF AN INDEMNITY BOND WILL BE REQUIRED BEFORE ANY
CASHIER'S CHECK OF THIS BANK WILL BE REPLACED OR REFUNDED IN THE
EVENT IT IS LOST, MISPLACED, OR STOLEN.

AUTHORIZED SIGNATURE



⑈0000190299⑈ ⑆031306294⑆ 19000027⑈

190299



REMITTER: NO 0691CD 1700228000

DATE 8/07/12

CLEARFIELD COUNTY PROTHONOTARY

EXACTLY **1,450 AND 64/100 DOLLARS

\$ 1,450.64

CUSTOMER - FILE COPY

CASHIER'S CHECK

AUTHORIZED SIGNATURE

NOT NEGOTIABLE



CLEARFIELD COUNTY PROTHONOTARY

WILLIAM A. SHAW, PROTHONOTARY
ESCROW ACCOUNT
P.O. BOX 549
CLEARFIELD, PA 16830

Void 60 days from Aug. 7, 2012

1395

DATE August 7, 2012

60-629-313

PAY TO THE ORDER OF Commonwealth of Pennsylvania, Department of Transportation \$ 1,450.64

Fourteen Hundred Fifty and 64/100

DOLLARS

 Security Features
Included.
Details on Back.

CLEARFIELD BANK
&
TRUST COMPANY

Main Office
11 North 2nd Street
Clearfield, PA 16830

06-91-CD Unknown Owners C/O 8-6-12

FOR

IMMA

MP

⑈001395⑈ ⑆031306294⑆ 1 2 26577 2⑈

CLEARFIELD COUNTY PROTHONOTARY

WILLIAM A. SHAW, PROTHONOTARY
ESCROW ACCOUNT
P.O. BOX 549
CLEARFIELD, PA 16830

Void 60 days from Aug. 7, 2012

1396


DATE August 7, 2012

60-629-313

PAY TO THE ORDER OF Commonwealth of Pennsylvania, Department of Transportation \$ 525.85

Five Hundred Twenty-Five and 85/100

DOLLARS

 Security Features
Included.
Details on Back.

CLEARFIELD BANK
&
TRUST COMPANY

Main Office
11 North 2nd Street
Clearfield, PA 16830

06-91-CD Wm. Penn Jr. C/O 8-6-12

FOR

IMMA

MP

⑈001396⑈ ⑆031306294⑆ 1 2 26577 2⑈

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
OF RIGHT OF WAY FOR STATE
ROUTE 3006, SECTION B01, IN THE
BOROUGH OF WESTOVER

CLAIM NO.1700228000

: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PA
:
: EMINENT DOMAIN PROCEEDINGS
:
: IN REM
:
: NO. 2006-91-CD

ORDER

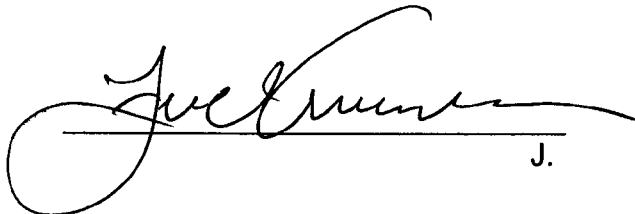
AND NOW, August 6 2012, upon

presentation of the Commonwealth's Petition, it is **ORDERED** and **DIRECTED** that the undistributed amount of estimated just compensation due to Unknown Owner, that was previously deposited into Court, shall be paid to the Pennsylvania Department of Transportation without escheat in accordance with 26 P.S. §1-522.

It is further ordered that the Prothonotary make a check payable to the Commonwealth of Pennsylvania, Department of Transportation in the amount of \$1,400.00, together with any accrued interest, deliver it to

Denise Farkas, attorney for the Commonwealth of Pennsylvania, and mark the record accordingly.

BY THE COURT:


J.

5
FILED 2ce
01:43 PM
AUG 06 2012 Amy Farkas
William A. Shaw
Prothonotary/Clerk of Courts