

06-441-CD
James Beck et al vs William Troxel

James Beck et al vs William Troxel
2006-441-CD

JAMES W. BECK and
MARTHA M. BECK, his wife,

Plaintiffs,

vs.

WILLIAM TROXEL,
his cumulative heirs, devisees,
administrators, executors, assigns,
and all other person, persons, firms,
partnerships, or corporate entities
in interest,

Defendants.

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL ACTION - LAW

No. 06-441-CD

ACTION TO QUIET TITLE

Type of Pleading:

Complaint in Action to Quiet Title

Filed on behalf of:

James W. Beck and Martha M. Beck,
his wife, Plaintiffs

Counsel of Record for These Parties:

Michael S. Delaney, Esquire
936 Philadelphia Street
Indiana PA 15701
(724) 349-2255
ID #25537

FILED *Atty pd. 95.00*
m/11/28/06
MAR 23 2006 *1cc Atty*
W

William A. Shaw
Prothonotary/Clerk of Courts

ORIGINAL

JAMES W. BECK and
MARTHA M. BECK, his wife,

Plaintiffs,

vs.

WILLIAM TROXEL,
his cumulative heirs, devisees,
administrators, executors, assigns,
and all other person, persons, firms,
partnerships, or corporate entities
in interest,

Defendants.

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

: CIVIL ACTION - LAW

: No. _____

: ACTION TO QUIET TITLE

NOTICE

TO THE 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 judgment may be entered against you by the court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the 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's Office
CLEARFIELD COUNTY COURTHOUSE
1 N. 2nd Street
Clearfield, Pennsylvania 16830
TELEPHONE: (814) 765-2641, Ext. 5982

BY:


MICHAEL S. DELANEY, ESQUIRE
Attorney for Plaintiffs

JAMES W. BECK and
MARTHA M. BECK, his wife,

Plaintiffs,

vs.

WILLIAM TROXEL,
his cumulative heirs, devisees,
administrators, executors, assigns,
and all other person, persons, firms,
partnerships, or corporate entities
in interest,

Defendants.

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL ACTION - LAW

No. _____

ACTION TO QUIET TITLE

COMPLAINT

1. The Plaintiffs, James W. Beck and Martha M. Beck, his wife, are individuals residing at 712 Five Points Road, LaJose, Pennsylvania, 15753.

2. The Plaintiffs are the owners of ALL that certain piece, parcel or tract of land containing 18.5 acres, more or less, of surface and oil and gas, situate in Burnside Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a post; thence by Thompson F. Scoot, North 3° East 103 perches to a post; thence by Armstrong Currey, South 86-1/2° East 41 perches to a stone; thence by land of Jonas and John Snyder, South 3° West 103 perches to a stone pile; thence by land of Jonas and John Snyder, North 86-1/2° West 41 perches to a post and place of beginning. CONTAINING 26 acres and 63 perches, be the same, more or less.

EXCEPTING AND RESERVING 7.5 acres, more or less, as conveyed by James W. Beck and Martha M. Beck, his wife, to Kurt C. Brothers and Melissa A. Brothers, his wife, by deed dated March 15, 2002, and

recorded in the Recorder's Office of Clearfield County, Pennsylvania, at Instrument Number 200213757, bounded and described as follows:

BEGINNING at a post; thence by (now or formerly) Thompson F. Scoot, North 3° East 584 feet, more or less, to center line of SR 3014; thence through the land of which this a part, along center line of SR 3014 in an easterly direction 680 feet, more or less, to a point; thence by Wenturine Bros. Lumber, Inc., South 3° West 505 feet, more or less, to stone pile; thence by land of Wenturine Bros. Lumber, Inc., North 86-1/2° West 676 feet, more or less, to place of beginning. The parcel conveyed herein is all that portion of land south of SR 3014. CONTAINING 7.5 acres, more or less.

The subject tract of land is KNOWN as Clearfield County Assessment Parcel Number 108-D14-4, 18.5 acres.

3. An Abstract of Title setting forth the chain of title for the subject tract of land is attached hereto and marked Exhibit "A"..

4. As indicated at Item Number 7 of the Abstract, by deed dated July 6, 1877, and recorded in the Recorder's Office of Clearfield County, Pennsylvania, in Deed Book Volume 11, page 151, Jonas Snyder, et ux., et al., granted and conveyed to John H. Troxel 26 acres, 63 perches, of which the subject tract is a part.

5. As indicated at Item Number 6 of the Abstract, the said John H. Troxel died intestate on or about 1927, leaving to survive him as his sole heirs-at-law the following children: Harry Troxel, Cora Westover, Lizzie Westover Lee and William Troxel.

6. As indicated at Item Number 4 of the Abstract, by deed dated February 13, 1951, and recorded in the Recorder's Office of Clearfield County, Pennsylvania, in

Deed Book Volume 411, page 131, Harry Troxel and Julia Troxel, his wife; Cora Westover, widow; and Lizzie Lee and Samuel Lee, her husband, granted and conveyed to Joseph W. Boes 26 acres, 63 perches, situate in Burnside Township, Clearfield County, Pennsylvania. Said deed recites as follows:

“Being the same tract of land title to which became vested in John H. Troxel by deed recorded in Deed Book Volume 11, page 151; the said John H. Troxel died intestate; Harry Troxel was to receive property in consideration of his paying the funeral expenses; no deed was made to Harry Troxel although the consideration was accomplished. Cora Westover and Lizzie Westover Lee join in this deed to convey whatever interest they may have. Another heir, William Troxel, has since died and his heirs have departed.”

7. The remaining chain of title into the Plaintiffs, James W. Beck and Martha M. Beck, his wife, is set forth at Items Number 3, 2 and 1 of the Abstract.

8. That the Defendants may claim an interest in the subject tract herein described by virtue of the facts set forth in this Complaint and the attached Abstract of Title as marked Exhibit “A”.

9. That the whereabouts of the named Defendant and the identity of his heirs, successors and assigns are unknown to the Plaintiffs as is evidenced by an Affidavit hereby given and attached hereto and marked Exhibit B”.

10. That this action is brought to clear any and all possible clouds on the title to the subject tract of land as described in paragraph 2 above, which the herein named Defendant, his heirs, devisees, executors, administrators, assigns, and all other person, persons, firms, partnerships, or corporate entities in interest or their legal representatives may possess.

11. That this action is found upon the general powers of the Court to quiet title.

WHEREFORE, the Plaintiffs request the Court to decree that the 18.5 acres, more or less, of surface and oil and gas, situate in Burnside Township, Clearfield County, Pennsylvania, is in the names of the Plaintiffs, James W. Beck and Martha M. Beck, his wife, and that the Defendant, his heirs, devisees, executors, administrators, assigns, and all other person, persons, firms, partnerships, or legal representatives be forever barred from asserting any title to the said premises, or for impeaching, denying or in any other way attacking the Plaintiffs' title to the subject tract of 18.5 acres, more or less.

BY:


MICHAEL S. DELANEY, ESQUIRE
Attorney for Plaintiffs

EXHIBIT "A"

ITEM NUMBER 1

DEED

Roy Emerson Troxel and Donna Joan, ux

to

James W. Beck, Martha M. ux

Dated: September 29, 1994

Acknowledged: September 29, 1994

Recorded: October 7, 1994

Deed Book Volume 1636, Page 147

Consideration: \$10,400.00

General Warranty Deed

Signed, sealed and delivered

CONVEYS: 26 acres, 93 perches, Burnside Township (see copy for description).

EXCEPTIONS AND RESERVATIONS: None.

UNDER AND SUBJECT: Exceptions, reservations, restrictions and conditions as in prior deeds.

RECITAL: DBV 568, page 180.

ITEM NUMBER 2

DEED

Melvin G. Troxel, Virginia I. Troxel,
a/k/a Virginia J. Troxel, ux

to

Roy Emerson Troxel
Donna Joan Troxel

Dated: June 20, 1970

Acknowledged: June 20, 1970

Recorded: October 5, 1970

Deed Book Volume 568 page 180

Consideration: \$1.00

Quit-Claim Deed

Signed, sealed and delivered

CONVEYS: 26 acres, 63 perches.

EXCEPTIONS AND RESERVATIONS: None.

UNDER AND SUBJECT: Exceptions and reservations as in prior conveyances.

RECITAL: DBV 456, page 303.

ITEM NUMBER 3

Joseph W. Boes, single

to

Melvin G. Troxel, Virginia J. ux

DEED

Dated: September 11, 1956

Acknowledged: September 11, 1956

Recorded: February 8, 1957

Deed Book Volume 456, Page 303

Consideration: \$1.00

General Warranty Deed

Signed, sealed and delivered

CONVEYS: 26 acres, 63 perches.

EXCEPTIONS AND RESERVATIONS: None.

UNDER AND SUBJECT: Prior exceptions and reservations.

RECITAL: DBV 411, page 131.

ITEM NUMBER 4

Harry Troxel, Julia ux

Cora Westover, widow

Lizzie Lee, Samuel vir

to

Joseph W. Boes

DEED

Dated: February 13, 1951

Acknowledged: February 13, 1951

Recorded: February 21, 1951

Deed Book Volume 411, Page 131

Consideration: \$1.00

General Warranty Deed

Signed, sealed and delivered

CONVEYS: 26 acres, 63 perches.

EXCEPTIONS AND RESERVATIONS: None.

UNDER AND SUBJECT: None.

RECITAL: DBV 11, page 151, to John H. Troxel; intestate death of John H. Troxel; Harry Troxel was to receive property in consideration of his paying the funeral expenses; no deed was made to Harry Troxel although the consideration was accomplished. Cora Westover and Lizzie Westover Lee join in this deed to convey whatever interest they may have. (Another heir of Henry Troxel, William Troxel "has since died and his heirs have departed." (See copy.)

ITEM NUMBER 5

William Troxel

Died _____

No estate of record in Clearfield County.

Per recital in DBV 411, page 131, he "died and his heirs have departed."

ITEM NUMBER 6

John H. Troxel

Died c. 1927

No estate of record in Clearfield County.

Per recital in DBV 411, page 131, he died intestate, survived by 4 children:

Harry Troxel

Cora Westover

Lizzie Westover Lee

William Troxel

It is recited in DBV 411, page 131, that there was an Agreement among the heirs dated January 9, 1928, wherein Harry Troxel was to receive the subject tract of land in consideration of his paying the funeral expenses and erecting a tombstone, which consideration is recited as being accomplished. However, no agreement or deed was found of record.

ITEM NUMBER 7

Jonas Snyder, Mary ux
John Snyder, Louisa ux

to

John H. Troxel

DEED

Dated: July 6, 1877
Acknowledged: July 6, 1877
Recorded: April 26, 1878
Deed Book Volume 11, Page 151
Consideration: \$146.00
General Warranty Deed
Signed, sealed and delivered

CONVEYS: 26 acres, 63 perches.

EXCEPTIONS AND RESERVATIONS: None.

UNDER AND SUBJECT: None.

RECITAL: DBV DD, page 100.

EXHIBIT "B"

AFFIDAVIT RE DEFENDANTS

COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF Clearfield : ss.
:

JAMES W. BECK and MARTHA M. BECK, being duly sworn according to law, depose and say that they make this Affidavit as the Plaintiffs and, being authorized to do so, that the above-named Defendant's whereabouts are unknown, and that his date of death is unknown; that the names and whereabouts of his heirs and devisees of the above-mentioned party are unknown; that the names of any other parties who should be defendants in the above action are unknown; that they are unable to ascertain the names of the persons, other than the foregoing Defendants, who should be the defendants herein; that for the foregoing reasons, the names and addresses of several other defendants are unknown.

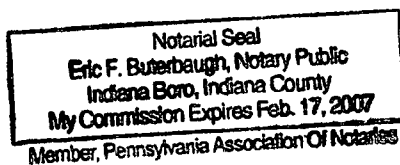
James W. Beck
JAMES W. BECK

Martha M. Beck
MARTHA M. BECK

Sworn to and subscribed
before me this 14th day
of March, 2006.

[Signature]
NOTARY PUBLIC

My Commission Expires:



COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF Clearfield : ss.
:

JAMES W. BECK and MARTHA M. BECK, being duly sworn according to law,
depose and say that they are the Plaintiffs named in the foregoing Complaint and that
the matters and facts set forth therein are true and correct to the best of their
knowledge, information and belief.

James W. Beck
JAMES W. BECK

Martha M. Beck
MARTHA M. BECK

Sworn to and subscribed
before me this 14th day
of March, 2006.

[Signature]
NOTARY PUBLIC

My Commission Expires:

Notarial Seal
Eric F. Buterbaugh, Notary Public
Indiana Boro, Indiana County
My Commission Expires Feb. 17, 2007
Member, Pennsylvania Association Of Notaries



FILED

MAR 23 2006

William A. Shaw
Prothonotary/Clerk of Courts

JAMES W. BECK and
MARTHA M. BECK, his wife,

Plaintiffs,

vs.

WILLIAM TROXEL,
his cumulative heirs, devisees,
administrators, executors, assigns,
and all other person, persons, firms,
partnerships, or corporate entities
in interest,

Defendants.

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL ACTION - LAW

No. 06-441-CD

ACTION TO QUIET TITLE

FILED ^{icc}
MAR 23 2006 ^{11:28 AM} ^{Py}

William A. Shaw
Prothonotary/Clerk of Court

AFFIDAVIT OF COUNSEL IN SUPPORT OF
MOTION TO SERVE COMPLAINT VIA PUBLICATION


COMMONWEALTH OF PENNSYLVANIA :
: ss.
COUNTY OF INDIANA :

Undersigned Counsel for the Plaintiffs, being duly sworn according to law, deposes and states that he makes this affidavit pursuant to Pa. R.C.P. 410 and 430, that the whereabouts and identities of the above-mentioned Defendants who might possibly claim an interest in this Quiet Title Action are presently unknown, that Plaintiffs and Counsel for Plaintiffs, Michael S. Delaney, Esquire, have made a good faith effort to ascertain the identities of the above-mentioned Defendants, including a title search and examination and research of available public records in conjunction with said title search, that said title abstract is attached to the Complaint, that the identities and/or whereabouts of the Defendants cannot be ascertained based upon said search and examination, and that service by publication pursuant to Pa. R.C.P.

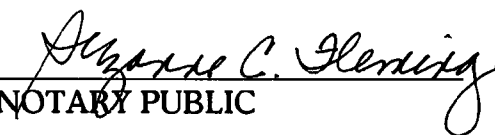
ORIGINAL

410 and 430 is the only method that can be utilized to serve notice of this action on the Defendants.

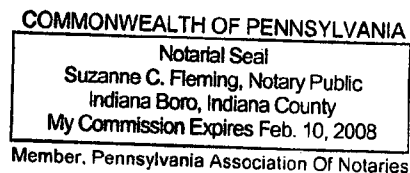
Respectfully submitted:

BY: 
MICHAEL S. DELANEY, ESQUIRE
Attorney for Plaintiffs

Sworn to and subscribed before
me this 22nd day of March, 2006.


NOTARY PUBLIC

My Commission Expires:



JAMES W. BECK and
MARTHA M. BECK, his wife,

Plaintiffs,

vs.

WILLIAM TROXEL,
his cumulative heirs, devisees,
administrators, executors, assigns,
and all other person, persons, firms,
partnerships, or corporate entities
in interest,

Defendants.

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL ACTION - LAW

No. 06-441-CD

ACTION TO QUIET TITLE

Type of Pleading:

Motion to Serve Complaint
Via Publication

Filed on behalf of:

James W. Beck and Martha M. Beck,
his wife, Plaintiffs

Counsel of Record for These Parties:

Michael S. Delaney, Esquire
936 Philadelphia Street
Indiana PA 15701
(724) 349-2255
ID #25537

FILED ^{1cc}
MAR 23 2006 ^{Att'y}
LB

William A. Shaw
Prothonotary/Clerk of Courts

ORIGINAL

JAMES W. BECK and
MARTHA M. BECK, his wife,

Plaintiffs,

vs.

WILLIAM TROXEL,
his cumulative heirs, devisees,
administrators, executors, assigns,
and all other person, persons, firms,
partnerships, or corporate entities
in interest,

Defendants.

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

:
:
: CIVIL ACTION - LAW

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: No. _____

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: ACTION TO QUIET TITLE
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MOTION TO SERVE COMPLAINT VIA PUBLICATION

AND NOW, comes the Plaintiffs, by and through their undersigned counsel, and aver that the whereabouts and identities of the above-mentioned Defendants who might possibly claim an interest in this Quiet Title Action are presently unknown, that the Plaintiffs and counsel for Plaintiffs have executed affidavits pursuant to Pa. R.C.P. 410 and 430 stating that they have made a good faith effort to ascertain the identities of the above-mentioned Defendants, including a title search and examination and research of available public records, that the identifies and/or whereabouts of the Defendants cannot be ascertained, and that service by publication pursuant to Pa. R.C.P. 410 and 430 is the only method that can be utilized to serve notice of this Action on the Defendants.

Accordingly, Plaintiffs, through their undersigned counsel, move this Court for leave to serve the Complaint on the above-mentioned Defendant, his cumulative heirs, devisees, administrators, executors, assigns, and all other persons, firms, partnerships, or corporate entities in interest, or their legal representatives, generally, by publication

and in such manner as the Court shall direct and as provided by Pa.R.C.P. 410 and 430.

Respectfully submitted:

BY 
MICHAEL S. DELANEY, ESQUIRE
Attorney for Plaintiffs

DATE: March 20, 2006

JAMES W. BECK and
MARTHA M. BECK, his wife,

Plaintiffs,

vs.

WILLIAM TROXEL,
his cumulative heirs, devisees,
administrators, executors, assigns,
and all other person, persons, firms,
partnerships, or corporate entities
in interest,

Defendants.

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL ACTION - LAW

No. 06-441-CD

ACTION TO QUIET TITLE

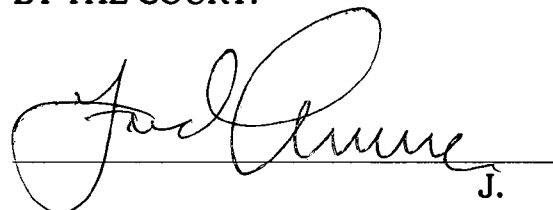
ORDER FOR PUBLICATION

AND NOW, the 24 day of March, 2006, upon consideration of the foregoing Motion, the Plaintiffs are granted leave to make service of the Complaint on the above-mentioned Defendant, his cumulative heirs, devisees, administrators, executors, assigns, and all other person, persons, firms, partnerships, or corporate entities in interest, or their legal representatives, by publication one (1) time in the Clearfield County Legal Journal and one (1) time in the Clearfield Progress. The notice is to contain a notice to the Defendant, his unknown heirs and assigns, to enter their appearance or plead to the Complaint within twenty (20) days of the publication of said notice or a default judgment may be entered against them.

FILED
019:36/37
MAR 28 2006

William A. Shaw
Prothonotary/Clerk of Courts

BY THE COURT:


J.

ORIGINAL

JAMES W. BECK and
MARTHA M. BECK, his wife,

Plaintiffs,

vs.

WILLIAM TROXEL,
his cumulative heirs, devisees,
administrators, executors, assigns,
and all other person, persons, firms,
partnerships, or corporate entities
in interest,

Defendants.

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL ACTION - LAW

No. 06-441-CD

ACTION TO QUIET TITLE

FILED *no cc*
MAY 09 2006 *10:41 AM*

William A. Shaw
Prothonotary/Clerk of Courts

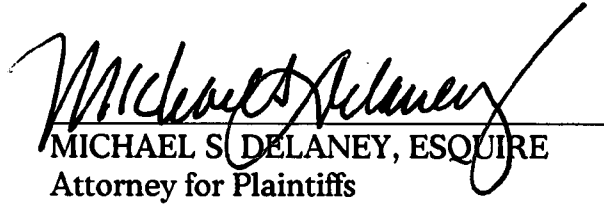
AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA :
: ss.
COUNTY OF INDIANA :

MICHAEL S. DELANEY, ESQUIRE, being duly sworn according to law, deposes and says that he is the attorney of record for the Plaintiffs in the above action, and makes this Affidavit on their behalf being authorized to do so, hereby swearing and attesting to the following facts: that a Complaint in Action to Quiet Title, endorsed with Notice to Plead within twenty (20) days from the services thereof, was filed in the Office of the Prothonotary of Clearfield County, Pennsylvania, at No. 06-441-CD; that on the 24th day of March, 2006, the said Court made an Order that service be made upon the Defendants set forth in above-captioned matter by publication; that said Notice, as ordered by said Court, was published one (1) time in The Progress, of Clearfield, Pennsylvania, on the 3rd day of April, 2006, as shown by the Proof of Publication of The Progress, which is attached hereto and made a part hereof; that said Notice, as ordered by said Court, was published one (1) time in the Clearfield County Legal Journal, of Clearfield, Pennsylvania, on the 14th day of April, 2006, as shown by

ORIGINAL

the Proof of Publication of the Clearfield County Legal Journal, which is attached hereto and made a part hereof; that the Complaint was served on the above-named Defendant by publication and that the Defendants have not filed an answer thereto, or otherwise entered an appearance or plead, although the time in which to do so has elapsed.


MICHAEL S. DELANEY, ESQUIRE
Attorney for Plaintiffs

Sworn to and subscribed

before me this 8th day

of May, 2006.


NOTARY PUBLIC

My Commission Expires:

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Suzanne C. Fleming, Notary Public
Indiana Boro, Indiana County
My Commission Expires Feb. 10, 2008
Member, Pennsylvania Association Of Notaries

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA
COUNTY OF CLEARFIELD
SS:

On this 4th day of April, A.D. 2006, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Margaret E. Krebs, who being duly sworn according to law, deposes and says that she is the President of The Progressive Publishing Company, Inc., and Associate Publisher of The Clearfield and State of Pennsylvania, and established April 5, 1913, and that the annexed is a true copy of a notice or advertisement published in said publication in

the regular issues of April 3, 2006
And that the affiant is not interested in the subject matter of the notice or advertising, and that all of the allegations of this statement as to the time, place, and character of publication are true.

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

George J. Robinson
Notary Public
Clearfield, Pa.
My Commission Expires
October 31, 2007
Cheryl J. Robinson, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires Oct. 31, 2007
Member, Pennsylvania Association Of Notaries

IN THE COURT
OF COMMON PLEAS
CLEARFIELD COUNTY,
PENNSYLVANIA
No. 06-441-CD
ACTION TO
QUIET TITLE
JAMES W. BECK and
MARTHA M. BECK, his wife,
vs.
WILLIAM TROXEL,
his cumulative heirs, devisees,
administrators, executors,
assigns, and all
other persons, persons,
firms, partnerships,
or corporate entities
in interest.
Defendants.
NOTICE
TO THE DEFENDANTS: WILLIAM
TROXEL, his cumulative heirs, de-
visees, administrators, executors,
assigns, and all other person, per-
sons, firms, partnerships, or cor-
porate entities in interest.
TAKE NOTICE that at No.
06-441-CD, in the Court of Com-
mon Pleas of Clearfield County,
Pennsylvania, James W. Beck and
Martha M. Beck, his wife, Plaintiffs,
filed this Complaint against you,
your heirs, devisees, administra-
tors, executors, assigns, and all
other person, persons, firms, part-
nerships, or corporate entities in in-
terest, averring that they are the
owners of ALL that certain piece,
parcel or tract of land containing
18.5 acres, more or less, of sur-
face and oil and gas, situated in Burn-
side Township, Clearfield County,
Pennsylvania, bounded and de-
scribed as follows:
BEGINNING at a post; thence by
Thompson F. Scoot, North 3° East
103 perches to a post; thence by
Armstrong Curry, South 86-1/2°
East 41 perches to a stone; thence
by land of Jonas and John Snyder,
South 3° West 103 perches to a
stone pile; thence by land of Jonas
and John Snyder, North 86-1/2°
West 41 perches to a post and
place of beginning. CONTAINING
26 acres and 63 perches, be the
same, more or less.
EXCEPTING AND RESERVING
7.5 acres, more or less, as con-
veyed by James W. Beck and Mar-
tha M. Beck, his wife, to Kurt C.
Brothers and Melissa A. Brothers,
his wife, by deed dated March 15,
2002, and recorded in the
Recorder's Office of Clearfield
County, Pennsylvania, at Instru-
ment Number 200213757.
Bounded and described as follows:
BEGINNING at a post; thence by
(now or formerly) Thompson F.
Scoot, North 3° East 584 feet,
more or less, to center line of SR
3014; thence through the land of
which this is a part, along centerline
of SR 3014 in an easterly direction
680 feet, more or less, to a point;
thence by Venturme Bros. Lum-
ber, Inc., South 3° West 505 feet,
more or less, to stone pile; thence
by land of Venturme Bros. Lum-
ber, Inc., North 86-1/2° West 676 feet,
more or less, to place of beginning.
The parcel conveyed herein is all
that portion of land south of SR
3014, CONTAINING 7.5 acres,
more or less.
The subject tract of land is
KNOWN as Clearfield County As-
sessment, Parcel Number
108-D14-4, 18.5 acres.
The Plaintiffs claim absolute own-
ership in the said surface and oil and
gas; that the Plaintiffs have insti-
tuted suit in order to have their inter-
est in said premises adjudicated
and that the Defendants be forever
barred from asserting any rights,
lien, title or interest in the said sur-
face and oil and gas inconsistent
with the interest of the Plaintiffs as
set forth in the Complaint.
YOU ARE NOTIFIED TO APPEAR
AND ANSWER THE SAID COM-
PLAINT ON SAID ACTION WITHIN
TWENTY (20) DAYS OF THIS NO-
TICE. OTHERWISE, JUDGMENT
WILL BE ENTERED AGAINST YOU
BARRING YOU FROM ANY
CLAIMS, RIGHTS, OR INTEREST
INCONSISTENT THEREWITH.
Michael S. Delaney, Esquire
936 Philadelphia Street
Indiana, PA 15701
Attorney for Plaintiffs
4:3-1d-b

www.ccsi

sit us Online

PROGRE

reprogressnews

For Rent

WOODLAND: 1 bed-

room, 2nd floor apart-

ment. Plenty of space.

Large yard. Parking.

No pets. \$275 a month.

Position Wanted

EXPERIENCED

loader operator with

CDL license seeking lo-

cal employment. Hard

working and depend-

able. Woodland

Unit it's SOLD!

www.aswrealtors

765-1771

VI

THE

www.ti

For Rent

OSCEOLA MILLS: 2

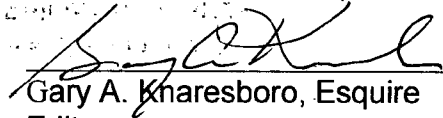
PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :

:

COUNTY OF CLEARFIELD :

On this 14th day of April 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 April 14, 2006. Vol. 18 No. 15. 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

Michael S Delaney
936 Philadelphia Street
Indiana PA 15701

FILED

MAY 09 2006

William A. Shaw
Prothonotary/Clerk of Courts

**IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA**
CIVIL ACTION - LAW
No. 06-441-CD
ACTION TO QUIET TITLE

JAMES W. BECK and MARTHA M. BECK, his wife, Plaintiffs, vs. WILLIAM TROXEL, his cumulative heirs, devisees, administrators, executors, assigns, and all other person, persons, firms, partnerships, or corporate entities in interest, Defendants.

NOTICE

TO THE DEFENDANTS: WILLIAM TROXEL, his cumulative heirs, devisees, administrators, executors, assigns, and all other person, persons, firms, partnerships, or corporate entities in interest

TAKE NOTICE that at No. 06-441-CD, in the Court of Common Pleas of Clearfield County, Pennsylvania, James W. Beck and Martha M. Beck, his wife, Plaintiffs, filed this Complaint against you, your heirs, devisees, administrators, executors, assigns, and all other person, persons, firms, partnerships, or corporate entities in interest, averring that they are the owners of ALL that certain piece, parcel or tract of land containing 18.5 acres, more or less, of surface and oil and gas, situate in Burnside Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a post; thence by Thompson F. Scoot, North 3° East 103 perches to a post; thence by Armstrong Currey, South 86-1/2° East 41 perches to a stone; thence by land of Jonas and John Snyder, South 3° West 103 perches to a stone pile; thence by land of Jonas and John Snyder, North 86-1/2° West 41 perches to a post and place of beginning. CONTAINING 26 acres and 63 perches, be the same, more or less.

EXCEPTING AND RESERVING 7.5 acres, more or less, as conveyed by James W. Beck and Martha M. Beck, his wife, to Kurt C. Brothers and Melissa A. Brothers, his wife, by deed dated March 15, 2002, and recorded in the Recorder's Office of Clearfield County, Pennsylvania, at

REPORT OF JUDGMENTS

April 6, 2006

LVNV Funding LLC, Sears, Sherman
Acquisition vs. Michael C. Punchios 2006-
538-CD \$3,188.49

John T. Gallaher Timber vs. Robert D.
Hamilton, Hamilton Enterprises 2004-221-
CD \$16,640.89

Presbyterian Homes Inc. Windy Hill
Village vs. Suzanne M. Russian 2005-1882-
CD \$34,129.69

REPORT OF JUDGMENTS

April 7, 2006

Internal Revenue Service vs. Sweet Pea
Potties Inc. 2006-546-CD \$2,462.88

Internal Revenue Service vs. Thomas J.
Dunlap 2006-547-CD \$76,595.26

Northwest Savings Bank vs. S. J.
Switala Trucking & Repair 2006-549-CD
\$81,483.91

Northwest Savings Bank vs. Stephen J.
Switala 2006-551-CD \$81,483.91

ESTATE NOTICES

Notice is hereby given that in the estates
of the decedents set forth below the Register
of Wills has granted letters testamentary or
of administration to the persons named. All
persons having claims or demands against
said estates are requested to make payment
without delay to the executors or
administrators or their attorneys named
below.

Third Publication

JOHN, ALMA J., Dec'd
Late of Osceola Mills
Executrix: **BRIDGETTE H. SIDORICK**
Attorney: **GEORGE S. TEST**
PO Box 706
Philipsburg, PA 16866

Instrument Number, 200213757, bounded and described as follows:

BEGINNING at a post; thence by (now or formerly) Thompson F. Scoot, North 3° East 584 feet, more or less, to center line of SR 3014; thence through the land of which this a part, along center line of SR 3014 in an easterly direction 680 feet, more or less, to a point; thence by Wenturine Bros. Lumber, Inc., South 3° West 505 feet, more or less, to stone pile; thence by land of Wenturine Bros. Lumber, Inc., North 86- 1/2° West 676 feet, more or less, to place of beginning. The parcel conveyed herein is all that portion of land south of SR 3014. CONTAINING 7.5 acres, more or less.

The subject tract of land is KNOWN as Clearfield County Assessment Parcel Number 108-D14-4, 18.5 acres.

The Plaintiffs claim absolute ownership in the said surface and oil and gas; that the Plaintiffs have instituted suit in order to have their interest in said premises adjudicated and that the Defendants be forever barred from asserting any rights, lien, title or interest in the said surface and oil and gas inconsistent with the interest of the Plaintiffs as set forth in the Complaint.

YOU ARE NOTIFIED TO APPEAR AND ANSWER THE SAID COMPLAINT ON SAID ACTION WITHIN TWENTY (20) DAYS OF THIS NOTICE, OTHERWISE, JUDGMENT WILL BE ENTERED AGAINST YOU BARRING YOU FROM ANY CLAIMS, RIGHTS, OR INTEREST INCONSISTENT THEREWITH.

Michael S. Delaney, Esquire, 936 Philadelphia Street, Indiana, PA 15701, Attorney for Plaintiffs.

there will be exposed to public sale in the Sheriff's Office in the Court House in the Borough of Clearfield on FRIDAY, MAY 5, 2006 at 10:00 A.M.

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

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

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

LEGAL DESCRIPTION

All of the right, title and interest of the Grantor in and to all that certain lot or piece of ground situated in the village of Blue Bell, Boggs Township, Clearfield County, Pennsylvania, being bounded and described as follows to wit:

BEGINNING at corner of Coffee lot on line of Township Road leading to Wallaceton; thence North along said road 72 feet to post; thence East 100 feet to post; thence South 72 feet to corner of said Coffee lot; thence West 100 feet along said Coffee lot; thence West 100 feet along said Coffee lot to township Road and the place of begin-

JAMES W. BECK and
MARTHA M. BECK, his wife,

Plaintiffs,

vs.

WILLIAM TROXEL,
his cumulative heirs, devisees,
administrators, executors, assigns,
and all other person, persons, firms,
partnerships, or corporate entities
in interest,

Defendants.

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL ACTION - LAW

No. 06-441-CD

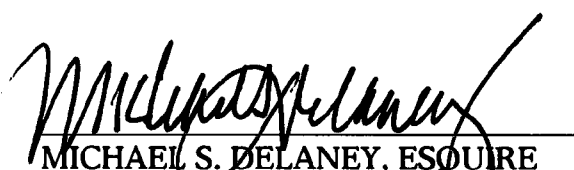
ACTION TO QUIET TITLE

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William A. Shaw
Prothonotary/Clerk of Courts

MOTION FOR JUDGMENT

AND NOW, this 8th day of May, 2006, an Affidavit having been filed by the Plaintiffs, that the Complaint with Notice to Plead was served by publication on the Defendants, that the Plaintiffs, by their attorney, Michael S. Delaney, Esquire, move the Court to enter judgment in favor of the Plaintiffs and against the Defendants and to grant the Plaintiffs the relief for which they have prayed in accordance with the Pennsylvania Rules of Civil Procedure relating to Quieting of Title, Rule 1066 in particular. The Plaintiffs further request the Honorable Court to modify the thirty (30) day period in which the Defendants have to file an ejectment action to eliminate such thirty (30) day period in accordance with Pennsylvania Rule of Civil Procedure Number 248.


MICHAEL S. DELANEY, ESQUIRE
Attorney for Plaintiffs

JAMES W. BECK and
MARTHA M. BECK, his wife,

Plaintiffs,

vs.

WILLIAM TROXEL,
his cumulative heirs, devisees,
administrators, executors, assigns,
and all other person, persons, firms,
partnerships, or corporate entities
in interest,

Defendants.

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL ACTION - LAW

No. 06-441-CD

ACTION TO QUIET TITLE

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William A. Shaw
Prothonotary/Clerk of Courts

ORDER OF COURT

AND NOW, this 9th day of May, 2006, an Affidavit of Service of the Complaint having been filed and no answer or other pleading or appearance having been made by any of the Defendants, the Court, upon Motion of Michael S. Delaney, Esquire, Attorney for the Plaintiffs herein, ORDERS AND DECREES:

That the property subject to this Quiet Title Action is ALL that certain piece, parcel or tract of land containing 18.5 acres, more or less, of surface and oil and gas, situate in Burnside Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a post; thence by Thompson F. Scoot, North 3° East 103 perches to a post; thence by Armstrong Currey, South 86-1/2° East 41 perches to a stone; thence by land of Jonas and John Snyder, South 3° West 103 perches to a stone pile; thence by land of Jonas and John Snyder, North 86-1/2° West 41 perches to a post and place of beginning. CONTAINING 26 acres and 63 perches, be the same, more or less.

EXCEPTING AND RESERVING 7.5 acres, more or less, as conveyed by James W. Beck and Martha M. Beck, his wife, to Kurt C. Brothers and Melissa A. Brothers, his wife, by deed dated March 15, 2002, and

recorded in the Recorder's Office of Clearfield County, Pennsylvania, at Instrument Number 200213757, bounded and described as follows:

BEGINNING at a post; thence by (now or formerly) Thompson F. Scoot, North 3° East 584 feet, more or less, to center line of SR 3014; thence through the land of which this a part, along center line of SR 3014 in an easterly direction 680 feet, more or less, to a point; thence by Wenturine Bros. Lumber, Inc., South 3° West 505 feet, more or less, to stone pile; thence by land of Wenturine Bros. Lumber, Inc., North 86-1/2° West 676 feet, more or less, to place of beginning. The parcel conveyed herein is all that portion of land south of SR 3014. CONTAINING 7.5 acres, more or less.

The subject tract of land is KNOWN as Clearfield County Assessment Parcel Number 108-D14-4, 18.5 acres.

That title to said surface and oil and gas is in James W. Beck and Martha M. Beck, his wife, Plaintiffs herein, as set forth in the Complaint in fee simple and absolutely;

That the Defendant, his administrators, executors, heirs, devisees, assigns, successors, and all other person, persons, firms, partnerships, or corporate entities in interest or legal representatives, are forever barred from asserting any right, title, lien, interest or claim whatsoever in the said premises in question that is inconsistent with the interest of the said Plaintiffs, James W. Beck and Martha M. Beck, his wife, as set forth in the Complaint, to the said premises, or impeaching, denying, or in any other way attacking said Plaintiffs' title to the said surface and oil and gas.

AND that the thirty (30) day provision in Pennsylvania Rule of Civil Procedure 1066(b)(1) is modified so as to eliminate the said thirty (30) day time period in which the Defendants would otherwise be entitled to take further action. Said modification is in accordance with authority vested in this Court by virtue of Pennsylvania Rule of Civil Procedure Number 248.

BY THE COURT:

J.