

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

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

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. Ole-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*  
*3/11/2006* *1cc Atty*  
*W*  
*MAR 23 2006*

William A. Shaw  
Prothonotary/Clerk of Courts

ORIGINAL

JAMES W. BECK and	:	IN THE COURT OF COMMON PLEAS
MARTHA M. BECK, his wife,	:	CLEARFIELD COUNTY,
	:	PENNSYLVANIA
Plaintiffs,	:	
	:	
vs.	:	CIVIL ACTION - LAW
	:	
	:	
	:	No. _____
WILLIAM TROXEL,	:	
his cumulative heirs, devisees,	:	
administrators, executors, assigns,	:	
and all other person, persons, firms,	:	
partnerships, or corporate entities	:	
in interest,	:	
	:	
Defendants.	:	

### NOTICE

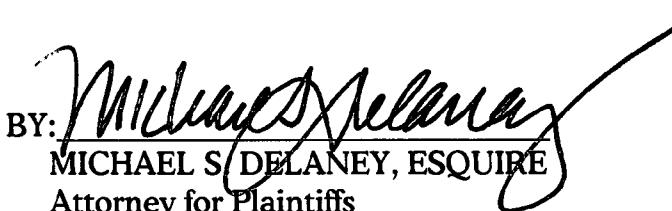
#### TO THE DEFENDANTS:

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	:	IN THE COURT OF COMMON PLEAS
MARTHA M. BECK, his wife,	:	CLEARFIELD COUNTY,
	:	PENNSYLVANIA
Plaintiffs,	:	
	:	
vs.	:	CIVIL ACTION - LAW
	:	
	:	
	:	
	:	No. _____
WILLIAM TROXEL,	:	
his cumulative heirs, devisees,	:	
administrators, executors, assigns,	:	
and all other person, persons, firms,	:	
partnerships, or corporate entities	:	
in interest,	:	
	:	
Defendants.	:	

## 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".

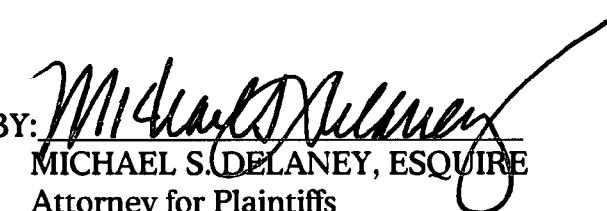
9. That the whereabouts of the named Defendant and the identity of his heirs, successors and assigns are unknown to the Plaintiffs as is evidenced by an Affidavit hereby given and attached hereto and marked Exhibit B".

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

Roy Emerson Troxel and Donna Joan, ux  
to  
James W. Beck, Martha M. ux

DEED

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

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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.

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ITEM NUMBER 2

Melvin G. Troxel, Virginia I. Troxel,  
a/k/a Virginia J. Troxel, ux  
to  
Roy Emerson Troxel  
Donna Joan Troxel

DEED

Dated: June 20, 1970  
Acknowledged: June 20, 1970  
Recorded: October 5, 1970  
Deed Book Volume 568age 180  
Consideration: \$1.00  
Quit-Claim Deed  
Signed, sealed and delivered

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CONVEYS: 26 acres, 63 perches.

EXCEPTIONS AND RESERVATIONS: None.

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

RECITAL: DBV 456, page 303.

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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

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CONVEYS: 26 acres, 63 perches.

EXCEPTIONS AND RESERVATIONS: None.

UNDER AND SUBJECT: Prior exceptions and reservations.

RECITAL: DBV 411, page 131.

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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.)

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**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."

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**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.

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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

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CONVEYS: 26 acres, 63 perches.

EXCEPTIONS AND RESERVATIONS: None.

UNDER AND SUBJECT: None.

RECITAL: DBV DD, page 100.

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# **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

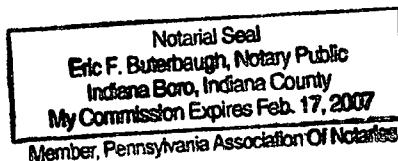
Martha M. Beck  
MARTHA M. BECK

Sworn to and subscribed  
before me this 14<sup>th</sup> day  
of March, 2006.



NOTARY PUBLIC

My Commission Expires:



COMMONWEALTH OF PENNSYLVANIA :  
: ss.  
COUNTY OF Clearfield :

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.

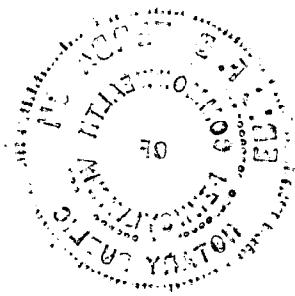
  
NOTARY PUBLIC

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 : IN THE COURT OF COMMON PLEAS  
MARTHA M. BECK, his wife, : CLEARFIELD COUNTY,  
Plaintiffs, : PENNSYLVANIA  
vs. :  
: CIVIL ACTION - LAW  
: No. 06-441-CD  
WILLIAM TROXEL, :  
his cumulative heirs, devisees, : ACTION TO QUIET TITLE  
administrators, executors, assigns, :  
and all other person, persons, firms, :  
partnerships, or corporate entities :  
in interest, :  
Defendants. :  
cc  
3/11/2006 Atty  
MAR 23 2006  
W.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 :  
:

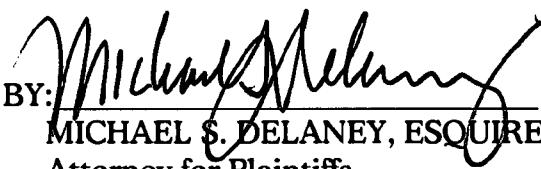
Undersigned Counsel for the Plaintiffs, being duly sworn according to law, deposes and states that he makes this affidavit pursuant to Pa. R.C.P. 410 and 430, that the whereabouts and identities of the above-mentioned Defendants who might possibly claim an interest in this Quiet Title Action are presently 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.

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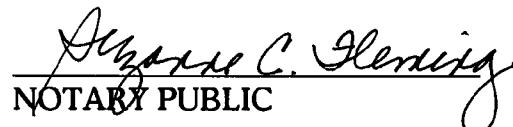
410 and 430 is the only method that can be utilized to serve notice of this action on the Defendants.

Respectfully submitted:

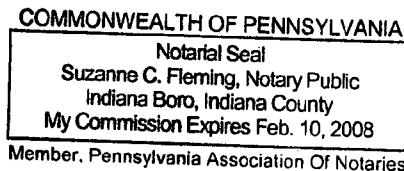
BY:

  
MICHAEL S. DELANEY, ESQUIRE  
Attorney for Plaintiffs

Sworn to and subscribed before  
me this 23rd 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 1:28 PM MAR 23 2006  
1cc Atty  
MAR 23 2006  
LB

William A. Shaw  
Prothonotary/Clerk of Courts

ORIGINAL

JAMES W. BECK and	:	IN THE COURT OF COMMON PLEAS
MARTHA M. BECK, his wife,	:	CLEARFIELD COUNTY,
	:	PENNSYLVANIA
Plaintiffs,	:	
	:	
	:	CIVIL ACTION - LAW
vs.	:	
	:	
	:	No. _____
WILLIAM TROXEL,	:	
his cumulative heirs, devisees,	:	
administrators, executors, assigns,	:	
and all other person, persons, firms,	:	
partnerships, or corporate entities	:	
in interest,	:	
Defendants.	:	

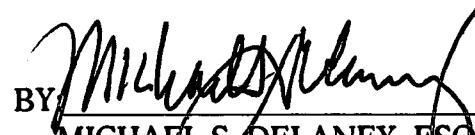
### MOTION TO SERVE COMPLAINT VIA PUBLICATION

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 identities 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

CA

JAMES W. BECK and : IN THE COURT OF COMMON PLEAS  
MARTHA M. BECK, his wife, : CLEARFIELD COUNTY,  
Plaintiffs, : PENNSYLVANIA  
vs. :  
: CIVIL ACTION - LAW  
: No. 06-441-CD  
WILLIAM TROXEL, : ACTION TO QUIET TITLE  
his cumulative heirs, devisees, :  
administrators, executors, assigns, :  
and all other person, persons, firms, :  
partnerships, or corporate entities :  
in interest, :  
Defendants. :  
:

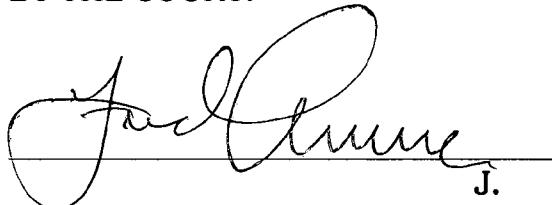
### ORDER FOR PUBLICATION

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 <sup>cc</sup>  
09:30 AM  
MAR 28 2006  
Atty Sharrow

William A. Shaw  
Prothonotary/Clerk of Courts

BY THE COURT:



J.

ORIGINAL

JAMES W. BECK and	:	IN THE COURT OF COMMON PLEAS
MARTHA M. BECK, his wife,	:	CLEARFIELD COUNTY,
	:	PENNSYLVANIA
Plaintiffs,	:	
	:	
	:	CIVIL ACTION - LAW
vs.	:	
	:	
	:	
	:	No. 06-441-CD
WILLIAM TROXEL,	:	
his cumulative heirs, devisees,	:	
administrators, executors, assigns,	:	ACTION TO QUIET TITLE
and all other person, persons, firms,	:	
partnerships, or corporate entities	:	
in interest,	:	
	:	
Defendants.	:	

FILED <sup>NOCC</sup>  
 MAY 09 2006

William A. Shaw  
 Prothonotary/Clerk of Courts

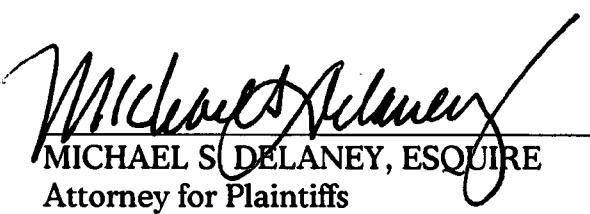
### AFFIDAVIT OF SERVICE

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

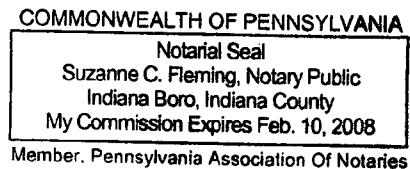
before me this 8<sup>th</sup> day

of May, 2006.



Suzanne C. Fleming  
NOTARY PUBLIC

My Commission Expires:



Member, Pennsylvania Association Of Notaries

Notary Public  
Clearfield, Pa.  
Cherry J. Robinson, Notary Public  
Clearfield Board of Clerks  
Cherry J. Robinson, Notary Public  
My Commission Expires Oct 31, 2007  
My Commission Expires Oct 31, 2007

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

And that the affidavit 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.

On this 4th day of April, A.D. 2006,

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA

www.cs1.org

FOR RENT

# PROGRAMS

Sit Us Online

FOR RENT

www.cs1.org

THE  
VI

FOR RENT

www.cs1.org

Position Wanted

577-6089.

No Pets, \$275 a month.

Large Yard, Parking.

Woodland: 1 bed-  
room, 2nd floor apart-  
ment, Plenty of space.

EXPERIENCE

CDL license seeking to-  
load operator with  
hard employment. Hard  
working and depend-  
able. Worked at Laund-  
ries until it's sold!

765-1771

www.aswrealtors

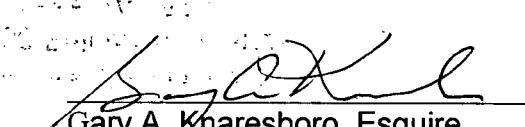
OSCEOLA MILLS: 2

FOR RENT

## 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.

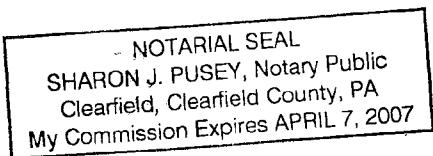


Gary A. Knaresboro, Esquire

Editor

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

Sharon J. Pusey  
Notary Public  
My Commission Expires



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. Puncios 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

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**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 is 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 Wallacetown; 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-

CA

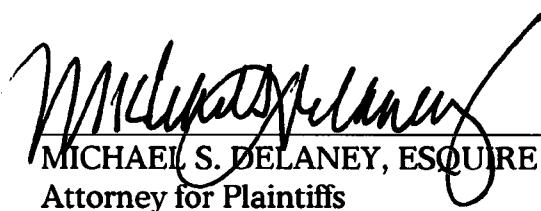
JAMES W. BECK and : IN THE COURT OF COMMON PLEAS  
MARTHA M. BECK, his wife, : CLEARFIELD COUNTY,  
Plaintiffs, : PENNSYLVANIA  
vs. :  
: CIVIL ACTION - LAW  
: No. 06-441-CD  
WILLIAM TROXEL, : ACTION TO QUIET TITLE  
his cumulative heirs, devisees, :  
administrators, executors, assigns, :  
and all other person, persons, firms, :  
partnerships, or corporate entities :  
in interest, :  
Defendants. :  
:

**FILED** 2cc  
m/10/4/06 May 9 2006 Michael S. Delaney  
GK

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

ORIGINAL

CR

JAMES W. BECK and : IN THE COURT OF COMMON PLEAS  
MARTHA M. BECK, his wife, : CLEARFIELD COUNTY,  
Plaintiffs, : PENNSYLVANIA  
vs. :  
: CIVIL ACTION - LAW  
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his cumulative heirs, devisees, :  
administrators, executors, assigns, :  
and all other person, persons, firms, :  
partnerships, or corporate entities :  
in interest, :  
Defendants. : :

FILED *09/5/2006* *Atty Delaney* *GP*  
MAY 10 2006

William A. Shaw  
Prothonotary/Clerk of Courts

### ORDER OF COURT

AND NOW, this 9<sup>th</sup> 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.

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

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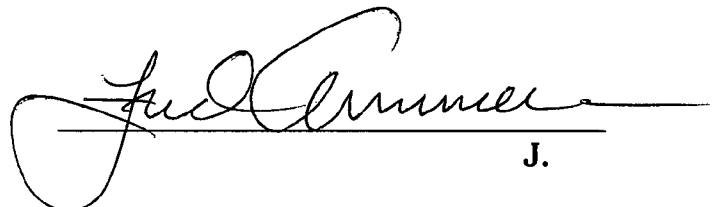
The subject tract of land is KNOWN as Clearfield County Assessment  
Parcel Number 108-D14-4, 18.5 acres.

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.