

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

JOSEPH P. RUOT, JR. AND
SHARON L. RUOT,
Plaintiffs

-vs-

DEWEY D. SHAFFER AND RACHEL S.
SHAFFER, Husband and Wife;
PATRICK H. MOWREY, an
individual; KIM MOWREY HOBBA,
an individual; THE PATRICK H.
MOWREY FAMILY TRUST; AND THE
KIM MOWREY HOBBA FAMILY TRUST,
Defendants

Docket No. 06-565 -CD
ACTION TO QUIET TITLE

Type of pleading:
COMPLAINT

Filed on behalf of:
PLAINTIFFS, Joseph P.
Ruot, Jr. and Sharon L.
Ruot

Counsel of record for
these parties:

Dwight L. Koerber, Jr.,
Esquire
PA I.D. No. 16332

110 North Second Street
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611

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William A. Shaw
Prothonotary/Clerk of Courts

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MOWREY FAMILY TRUST; AND THE
KIM MOWREY HOBBA FAMILY TRUST,
Defendants

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N O T I C E

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action 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 within twenty (20) days. 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 relief claimed in the complaint by the plaintiff.

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

COURT ADMINISTRATOR
Clearfield County Courthouse
Second and Market Streets
Clearfield, PA 16830
(814) 765-2641

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individual; KIM MOWREY HOBBA,
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MOWREY FAMILY TRUST; AND THE
KIM MOWREY HOBBA FAMILY TRUST,
Defendants

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COMPLAINT

COME NOW, JOSEPH P. RUOT, JR. AND SHARON L. RUOT, Husband and Wife, by and through their attorney, Dwight L. Koerber, Jr., Esquire, and file the within quiet title action pertaining to a proposed paper alley located in Bell Township, Clearfield County, Pennsylvania.

1. Plaintiffs are Joseph P. Ruot, Jr. and Sharon L. Ruot, referred to hereinafter as "plaintiffs", who reside at 2460 Clover Run Road, Mahaffey, PA 15757.

2. Defendants DEWEY D. SHAFFER and RACHEL S. SHAFFER are husband and wife, who have a mailing address c/o Vivienne A. Shaffer, 659 55th Street, Brooklyn, NY 11220-3130.

3. Defendant PATRICK H. MOWREY is an individual, who has a

mailing address of 362 North Park Street, Sykesville, PA 15865.

4. Defendant KIM MOWREY HOBBA is an individual, who has a mailing address of 362 North Park Street, Sykesville, PA 15856.

5. Defendant THE PATRICK H. MOWREY FAMILY TRUST is a trust whose Trustee and Trustor is Patrick H. Mowrey, with an address of 362 North Park Street, Sykesville, PA 15865.

6. Defendant THE KIM MOWREY HOBBA FAMILY TRUST is a trust whose Trustee and Trustor is Kim Mowrey Hobba, with an address of 362 North Park Street, Sykesville, PA 15865.

IDENTITY OF PAPER ALLEY

7. This quiet title action relates to a certain alley which adjoins the property which plaintiffs own at 2460 Clover Run Road, Mahaffey, PA 15757.

8. The proposed alleyway was originally identified in a deed dated November 13, 1906, recorded at Clearfield County Deed Book Volume 159, page 462. Attached hereto as Appendix A is a copy of that deed.

9. The 1906 deed, attached hereto as Appendix A, which set forth the proposed alleyway contains the same deed description as that of plaintiffs.

10. The parcel of property that is the subject of this proceeding is not identified in Map B10, has never been opened as an alleyway, and is used by plaintiffs in part as their driveway

and also as their lawn, both of which they have maintained for a period in excess of 21 years.

11. The location of the paper alley on Map No. B10 would be found between Parcel Nos. 85 and 63, and Parcel Nos. 60 and 61.

12. Attached hereto as Appendix B is a copy of the assessment card and a copy of the deed of plaintiffs, showing that they own Parcel No. 85.

13. Defendants are identified herein by name and by tax parcel number, so as to demonstrate the proximity of the real estate they own to the real estate which is the subject of this quiet title action. In each case, the parcel identified is located in Clearfield County, in Bell Township, District No. 102, Map No. B10. Attached hereto as Appendix C is a copy of the pertinent portion of the tax assessment map and the names shown on Map B10.

14. The defendants who own property identified on Map B10, and who have adjoining property that may have an interest in the proposed paper alley are DEWEY D. SHAFFER AND RACHEL S. SHAFFER, PATRICK H. MOWREY, KIM MOWREY HOBBA, THE PATRICK H. MOWREY FAMILY TRUST, AND THE KIM MOWREY HOBBA FAMILY TRUST. The addresses and parcel numbers of these six defendants are as follows:

<u>Name and Address of Defendant</u>	<u>Parcel Nos.</u>
Dewey D. Shaffer c/o Vivienne A. Shaffer 659 55th Street Brooklyn, NY 11220-3130	60, 61, 63

Rachel S. Shaffer 60, 61, 63
c/o Vivienne A. Shaffer
659 55th Street
Brooklyn, NY 11220-3130

Patrick H. Mowrey AND 84
The Patrick H. Mowrey Family Trust
362 North Park Street
Sykesville, PA 15865

Kim Mowrey Hobba AND 84
The Kim Mowrey Hobba Family Trust
362 North Park Street
Sykesville, PA 15865

15. Defendants **DEWEY D. SHAFFER AND RACHEL S. SHAFFER** are husband and wife and own property identified as Tax Parcel Nos. 60, 61 and 63. Attached hereto as Appendix D are copies of the three assessment cards covering their property, and a copy of the deed to their three parcels.

16. As it pertains to Defendants **SHAFFER**, the said proposed paper alley runs between Parcel No. 63 of Defendants **SHAFFER** and plaintiffs' property, on the one side, and Parcel Nos. 60 and 61 of Defendants **SHAFFER** on the other side.

17. Defendants **PATRICK H. MOWREY, KIM MOWREY HOBBA, THE PATRICK H. MOWREY FAMILY TRUST AND THE KIM MOWREY HOBBA FAMILY TRUST** own property jointly, identified as Tax Parcel No. 84. Attached hereto as Appendix E is a copy of the assessment card covering their property and a copy of the deed to their property.

18. The said paper alley is supposedly extended to the northern portion of the parcel owned by those named Defendants

referred to herein as **MOWREY/HOBBA**, which is known as Parcel No. 84.

19. Through this proceeding, plaintiffs seek to confirm that they have acquired ownership of a substantial portion of the said paper alley, by virtue of having occupied that land in a fashion so as to meet the requirements of adverse possession.

20. The specific property to which this quiet title action pertains is a proposed paper alley, which has never been opened, located in Bell Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a set 3/4" rebar corner, said corner being the northwestern corner of lands of now or formerly Patrick H. Mowrey and Kim Mowrey Hobba and also being the southeastern corner of the adversely occupied area described herein; thence along land of Joseph P. Ruot, Jr. and Sharon L. Ruot and lands of now or formerly Dewey D. Shaffer and Rachel S. Shaffer, North 80 degrees 44 minutes 39 seconds West, a distance of 187.91 feet to a point; thence along lands of now or formerly Dewey D. Shaffer and Rachel S. Shaffer, North 84 degrees 29 minutes 29 seconds West, a distance of 62.09 feet to a point on the eastern right of way line of S.R. 3009; thence along the right of way line of S.R. 3009, North 17 degrees 39 minutes 59 seconds East, a distance of 26.60 feet to a point; thence along other lands of Dewey D. Shaffer and Rachel S. Shaffer, South 84 degrees 29 minutes 29 seconds East, a distance of 57.34 feet to a point; thence along lands of Dewey D. Shaffer and Rachel S. Shaffer and other lands of Dewey D. Shaffer and Rachel S. Shaffer, South 80 degrees 44 minutes 39 seconds East, a distance of 189.59 feet to a point; thence along land of now or formerly Patrick L. Mowry, et al., South 11 degrees 05 minutes 08 seconds West, a distance of 26.01 feet to a set 3/4" iron rebar corner, the place of beginning.

CONTAINING 0.15 acres on a plat titled "Plat of Areas Adversely Occupied, Maintained and Used by Joseph P. Jr. & Sharon L. Ruot, Bell Township, Clearfield County", as prepared by Hess & Fisher Engineers, Inc., dated March 13, 2006.

21. Attached hereto as Appendix F is a copy of the survey map prepared by Hess & Fisher Engineers showing the precise location of the proposed paper alleyway.

22. Plaintiffs claim of ownership and the basis of this quiet title action is through the elements of adverse possession.

23. Plaintiffs, and their predecessors in title, from whom plaintiffs purchased the property beginning in 1982, have exercised actual, exclusive, visible, notorious, distinct and hostile possession of the proposed paper alleyway for a period in excess of 21 years. Among the specific acts that constitute such adverse possession are the following, with this not being a full and exclusive listing:

(a) Plaintiffs have actually lived on the premises for a period in excess of 21 years, with plaintiffs having resided on the property since 1982 when they signed their land contract to purchase the real estate in their deed, Appendix B, attached hereto.

(b) Plaintiffs have maintained the proposed paper alleyway through year-round maintenance and through placing a shed on the said parcel of property for a period in excess of 21 years.

(c) Plaintiffs have utilized the property as a driveway leading to their home from and to S. R. 3009, and as a lawn for a period in excess of 21 years.

(d) Plaintiffs have held themselves out to the community and were recognized by the community as owners of the

premises for a period in excess of 21 years.

(e) Plaintiffs performed the aforesaid acts, consisting of actual, exclusive, visible, notorious, distinct and hostile possession of the premises for a period of continuous 21 years and in excess thereof.

24. Plaintiffs hereby request that the description of their property be amended so as to include the proposed paper alleyway, with the revised deed description to read as follows:

BEGINNING at a found 1" pipe corner, said corner being the northeastern corner of lands of now or formerly of Brett Robins and also being on the southern property line of the property described herein; thence along land of now or formerly Brett Robins, North 57 degrees 50 minutes 41 seconds West, a distance of 111.32 feet to a found 1" pipe corner; thence along land of now or formerly Dewey D. and Rachel S. Shaffer the following bearing and distances: North 11 degrees 05 minutes 08 seconds East, a distance of 71.64 feet to a set 3/4' iron rebar corner; thence North 80 degrees 44 minutes 39 seconds West, a distance of 27.91 feet to a point; thence North 84 degrees 29 minutes 29 seconds West a distance of 62.09 feet to a point on the eastern right of way line of S. R. 3009; thence along the eastern right of way line of S. R. 3009, North 17 degrees 39 minutes 59 seconds East a distance of 26.60 feet to a point; thence along land of now or formerly Dewey D. and Rachel S. Shaffer, South 84 degrees 29 minutes 29 seconds East, a distance of 57.34 feet to a point; thence along land of now or formerly Dewey D. and Rachel S. Shaffer and other lands of Dewey D. and Rachel S. Shaffer, South 80 degrees 44 minutes 39 seconds East, a distance of 189.59 feet to a point; thence along land of Patrick H. Mowrey and Kim Mowrey Hobba, et al., South 11 degrees 05 minutes 08 seconds West, a distance of 156.01 feet to a set 3/4" iron rebar corner; thence along land of now or formerly Patrick H. Mowrey and Kim Mowrey Hobba, et al., North 65 degrees 37 minutes 59 seconds West, a distance of 57.59 feet to a found 1" pipe, the place of beginning.

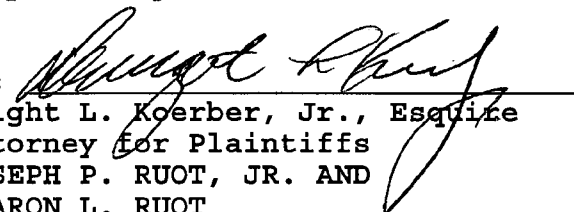
CONTAINING 0.53 acres on a plat titled "Plat of Land of Joseph P. Jr. and Sharon L. Ruot, Bell Township,

Clearfield County", as prepared by Hess & Fisher Engineers, Inc., dated March 13, 2006.

25. Attached hereto as Appendix G is a copy of the survey map prepared by Hess & Fisher Engineers, Inc., with that map showing the property of plaintiffs' including the proposed paper alleyway which they have occupied and used for a period in excess of 21 years, resulting in a description as set forth in the preceding paragraph.

WHEREFORE, plaintiffs pray that defendants, and also all other persons unknown, claiming any right, title, estate, lien, or interest in the real property described in this Complaint adverse to plaintiff's ownership, or any cloud upon plaintiffs' title thereto, may be required to set forth the nature of their several claims; that all adverse claims of defendants or any of them may be determined by a decree of court; that by said decree it be declared and adjudged that plaintiffs are the sole owners of said premises and that defendants, or any of them, have no estate or interest whatsoever in or to said land and premises; that defendants, and each and every one of them, be forever barred from asserting any claim whatsoever in or to said land and premises adverse to plaintiffs', and for such other and further relief as the court deems just and proper.

Respectfully submitted,

By: 
Dwight L. Koerber, Jr., Esquire
Attorney for Plaintiffs
JOSEPH P. RUOT, JR. AND
SHARON L. RUOT

VERIFICATION

I verify that the statements made in this document are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

Joseph P. Ruot, Jr.
Joseph P. Ruot, Jr.
DATE: 4-5-2006

VERIFICATION

I verify that the statements made in this document are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

Sharon L. Ruot
Sharon L. Ruot
DATE: 4-5-2006

APPENDIX A

Attached hereto is a copy of the 1906 deed which listed the proposed paper alleyway in the deed description.

heretofore done or committed any act, matter or thing whatsoever whereby the premises hereby granted or any part thereof, is, are or shall or may be impeached, charged or incumbered in title, charge or estate, howsoever.

In Witness Whereof, the said party of the first part has hereunto affixed her hand and seal the day and year first above written.

Signed, Sealed and Delivered
in the presence of
D. S. Moore

Mary A. Arnold (seal)
Surviving Executrix of the
last Will and Testament of Samuel
Arnold, deceased.

State of Pennsylvania:
County of Clearfield:

Be it Remembered that on this 7th day of August A.D. 1906, before me, the subscriber a Notary Public duly commissioned in and for said County and State, personally came the above named Mary A. Arnold, surviving Executrix of the last Will and Testament of Samuel Arnold, deceased who in due form of law acknowledged the foregoing Indenture to be her act and deed as such Executrix to the end that the same might be recorded as such, according to law.

Witness my hand and official seal the day and year aforesaid.

D. S. Moore (N.P. seal)
Notary Public
My commission expires Mar. 27, 1909.

Entered of record Nov. 27, 1906.

Recorded and Compared by 9-45 a.m.
D. J. De Haai

Recorder

159/462

DEED # This Indenture, Made the Thirteenth day of November in
the year of our Lord one thousand nine hundred and six.
B. J. Sykes #
Between B. J. Sykes and Messina Sykes his wife, of Trait-
to # ville Borough, Clearfield County and State of Pennsylvania, of the first
Jennie Yoder # part; and Mrs Jennie Yoder of Bell township, County and State aforesaid of the
second part:

Witnesseth, that the party of the first part for and in consideration of the sum of Four Hundred (400) Dollars, lawful money of the United States of America unto them well and truly paid by the said party of the second part, at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged have granted, bargained, sold, aliened, enfeoffed, released, conveyed and confirmed, and by these presents do grant, bargain, sell, alien, enfeoff, release, convey and confirm unto the said party of the second part her heirs and assigns,

All that certain lot or parcel of land situate in Bell Township, Clearfield County, and State of Pennsylvania, bounded and described as follows, to wit: Beginning at a post, also corner of lot of Owen Byers; thence along alley one hundred and sixty (160) feet to post; thence South one hundred and thirty (130) feet to a post parallel with line of Mary Simpson lot; thence N.W. forty seven (47) feet to corner of said Mary Simpson lot; thence along line

or same One hundred and eleven (111) feet to post, also corner of Owen Byers lot; thence along same seventy four (74) feet to place of beginning. .Containing sixteen thousand two hundred & eighteen (16218) feet, (be it more or less.)

Being a part of a larger tract of land of which by sundry good and sufficient indentures in law and in equity title became vested in Mary Alice Sykes, and the said Mary Alice Sykes by deed dated theday of.....Recorded in Clearfield County in Deed book Vol.....page.....conveyed the same to B.J. Sykes grantor hereto, this Indenture however is subject to all the reservations and privileges reserved in the before mentioned Deed of coal, and other minerals the said grantor also has obtained title to the said tract of land by Deed from Leslie Stewart Treasurer of Clearfield County, Pa. Dated August 27th, 1906. Reference being had to foregoing in part recited Indentures it will more fully and at large appear.

Together with all and singular the said property, improvements, ways, waters, watercourses, rights, liberties, privileges, hereditaments and appurtenances whatsoever thereunto belonging, or in anywise appertaining, and the reversions and remainders, rents, issues and profits thereof, and all the estates, right, title, interest, property, claim and demand whatsoever, or the said party of the first part in law, equity or otherwise howsoever of, in and to the same and every part thereof.

To Have and to Hold the said premises and hereditaments hereby granted or mentioned, and intended so to be, with the appurtenances, unto the said party of the second part, her heirs and assigns, to and for the only proper use and behoof of the said party of the second part her heirs and assigns forever.

The said parties of the first part, for themselves their heirs, executors and administrators, do by these presents covenant, grant and agree to and with the said party of the second part her heirs and assigns, that they the parties of the first part and their heirs all and singular the hereditaments and premises herein above described and granted or mentioned and intended so to be, with the appurtenances, unto the said party of the second part her heirs and assigns, against them the said party of the first part, and their heirs and assigns and against all and every other person or persons whomsoever lawfully claiming or to claim the same or any part thereof.

Shall and Will Warrant and forever Defend.

In Witness Whereof, the said parties of the first part have to these presents set their hands and seals. Dated the day and year first above written.

Sealed, and Delivered
in the presence of
Henry Buchelt

S.G. Kuntz

B.J. Sykes (seal)

Messina P. Sykes (seal)

Received the day of the date of the above Indenture of the above named Mrs Jennie Yoder the sum of Four Hundred (400) Dollars lawful money of the United States, being the consideration money above in full.
Witness. O.H. Byers

B.J. Sykes

State of Pennsylvania:

Clearfield County: SS.

On this 13th day of November A.D. 1906, before me the subscriber a Justice of the Peace in and for said county, personally came the above named B.J. Sykes and Mesina Sykes his wife, who in due form of law acknowledged the foregoing Indenture to be their act and deed and desired that the same might be recorded as such.

Witness my hand and official seal the day and year aforesaid.

S.G. Kuntz J.P. (J.P. seal)
Commission expires Apr. 30, 1907.

Entered of record Nov. 27, 1906.

Recorded and Compared by *W. P. De Haven* 6 p.m.

Recorder

DEED # This Indenture, Made the Twenty ninth day of June in the
year of our Lord one thousand nine hundred and five.
Ella Stewart et al #
Between Ella Stewart of Clearfield, Pa., Stettie M.
to # Clark and B. Martin Clark her husband of the City of Buffalo, State of
New York, Christena J. Stewart, of Clearfield, Penna. widow and heirs of
Ella Sipe # John C. Stewart, late of Clearfield borough, deceased, W.T. Spackman and
Maud his wife, of the borough of Clearfield, Pennsylvania, parties of
the first part, and Ella Sipe of Goshen township, Clearfield County, Pennsylvania, party of the
second part:

Witnesseth, that the said parties of the first part, for and in consideration of the sum of Five Hundred and fifty (550) Dollars lawful money of the United States of America, well and truly paid by the said party of the second part to the said parties of the first part, at and before the ensealing and delivery of these presents, the receipt whereof is hereby acknowledged have granted, bargained, sold, aliened, enfeoffed, released, conveyed and confirmed, and by these presents do grant, bargain, sell, alien, enfeoff, release, convey and confirm unto the said party of the second part, her heirs and assigns,

All that certain piece or parcel of land situate and being in Goshen township, Clearfield County, Pennsylvania, bounded and described as follows: Beginning at a white oak corner of land conveyed by W.W. Betts to R.G. Shaws', thence along same..... 83 3/10° East 97 7/15 perches to a post; thence South 74° East 43 2/10 perches to a post; thence South 89 3/11° West 92 8/10 perches to a post; thence South 74° West 43 2/10 perches to white oak and place of beginning. Containing twenty six acres. Being the same premises formerly the property of W.M. Wilson, which was seized upon and sold by the Sheriff of Clearfield county on the 3rd of December 1897, by virtue of an execution, to John C. Stewart and W.T. Spackman, said deed being recorded at Clearfield, Pa. in Prothonotarys office in Sheriffs Deed Book No. 3 page 214, and the said John C. Stewart being so thereof seized of an undivided one half died leaving to survive him a widow and two heirs, who are parties hereto.

Together with all and singular the buildings, improvements, woods, ways, rights, liberties,

APPENDIX B

Attached hereto is a copy of the assessment card and a copy of the deed of plaintiffs' property.

CARD #: 1 OF 1

[illegible]



County Parcel No. _____

This Deed,

MADE the 4th day of JUNE

in the year nineteen hundred and ninety-one (1991)

BETWEEN ROBERT V. HENRY and PATRICIA L. HENRY, husband and wife, of R. D. #2, DuBois, Clearfield County, Pennsylvania, GRANTORS, Parties of the First Part;

A
N
D

JOSEPH P. RUOT, JR., and SHAREN L. RUOT, husband and wife, of R. D. #1, Mahaffey, Clearfield County, Pennsylvania, as Tenants by the Entireties, GRANTEES, Parties of the Second Part;

WITNESSETH, That in consideration of EIGHTEEN THOUSAND -----

----- (\$18,000.00) ----- Dollars,

in hand paid, the receipt whereof is hereby acknowledged, the said grantors do hereby grant and convey to the said grantees ,

ALL that certain piece or parcel of land, situate, in Bell Township, Clearfield County, Pennsylvania, and being bounded and described as follows, to wit:

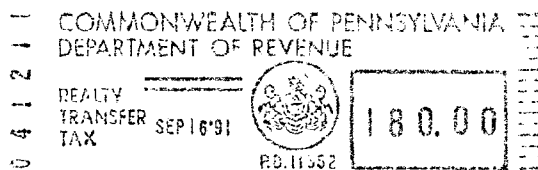
BEGINNING at a Post and corner of Lot now or formerly of Owen Byers; thence along an Alley One Hundred Sixty (160) Feet to a Post; thence South, One Hundred Thirty (130) Feet to a Post parallel with line of Lot now or formerly of Mary Simpson; thence Northwest, Forty-seven (47) Feet to corner of said Lot now or formerly of Mary Simpson; thence along line of same, One Hundred Eleven (111) Feet to a Post and corner of lot now or formerly of Owen Byers; thence along same Seventy-four (74) Feet to a post and place of beginning and containing Sixteen Thousand Two Hundred Eighteen (16,218) Feet, be it more or less.

BEING Parcel No. 2 of the premises which became vested in James D. Rupert by deed of Mervin Hoch and Zoe E. Hoch, dated January 14, 1942, and recorded in Clearfield County, Deed Book 350, Page 241.

BEING the same premises which were conveyed to Robert V. Henry and Patricia L. Henry, husband and wife, by deed of Deposit National Bank, Administrator of the Estate of James Rupert, dated June 5, 1975, and recorded in Deed Book Vol. 773, page 370.

ALSO BEING the same premises which was the subject of an Installment Sale Land Contract entered into between Robert V. Henry and Patricia L. Henry to Joseph P. Ruot, Jr., and Sharen L. Ruot, dated May 15, 1982.

The Grantors above-named do further quitclaim, grant and convey to Grantees herein any right, title, interest, rights-of-way or claims they may have had in any other real property situated in Bell Township, Clearfield County, Pennsylvania, as of the date of the Installment Sale Land Contract entered into between the parties on May 15, 1982.



PURCHASE LINE SCHOOL DISTRICT
1% REALTY TRANSFER TAX

AMOUNT \$ 180.00

PAID 9-16-91 MICHAEL P. LYKE
Date Agent

NOTICE

In accordance with the provisions of "The Bituminous Mine Subsidence and Land Conservation Act of 1966", I/we, the undersigned grantee/grantees, hereby certify that I/we know and understand that I/we may not be obtaining the right of protection against subsidence resulting from coal mining operations and that the purchased property may be protected from damage due to mine subsidence by a private contract with the owners of the economic interest in the coal. I/we further certify that this certification is in a color contrasting with that in the deed proper and is printed in twelve point type preceded by the word "notice" printed in twenty-four point type.

Witness:

Paul W. [Signature]
Joseph P. Ruot, Jr.
Sharen L. Ruot

This 23rd day of July 1991

THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT. (This Notice is set forth pursuant to Act No. 255, approved September 10, 1965, as amended.)

AND the said grantor s will GENERALLY hereby conveyed.

WARRANT AND FOREVER DEFEND the property

IN WITNESS WHEREOF, said grantor s ha ve hereunto set their hands and seal s , the day and year first above-written.

Sealed and delivered in the presence of

[Handwritten signatures of witnesses]

Robert V. Henry [Seal]
 Robert V. Henry
 [Seal]
Patricia L. Henry [Seal]
 Patricia L. Henry
 [Seal]
 [Seal]
 [Seal]

CERTIFICATE OF RESIDENCE

NB

I hereby certify, that the precise residence of the grantees herein is as follows:

N.T.S.

R. D. #1
 Mahaffey, PA 15757

Paula M. Cherry
 Attorney ~~XXXXXX~~ for GranteeS

Commonwealth of Pennsylvania

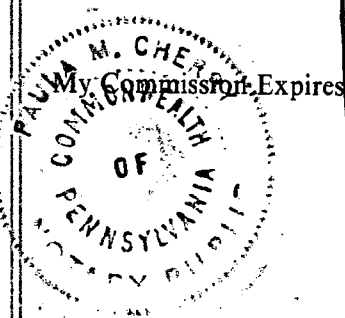
County of CLEARFIELD

ss.

On this, the *4th* day of *JUNE* 19 *91*, before me a Notary Public,

the undersigned officer, personally appeared ROBERT V. HENRY and PATRICIA L. HENRY, husband and wife, known to me (or satisfactorily proven) to be the persons whose name s / subscribed to the within instrument, and acknowledged that they executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.



NOTARIAL SEAL
 PAULA M. CHERRY, Notary Public
 Dubois, Clearfield County, Pa.
 My Commission Expires Sept. 16, 1993

Paula M. Cherry

State of }
 County of } ss.

On this, the _____ day of _____ 19____, before me
 the undersigned officer, personally appeared
 known to me (or satisfactorily proven) to be the person _____ whose name _____ subscribed to the within
 instrument, and acknowledged that _____ executed the same for the purpose therein
 contained.

IN WITNESS WHEREOF, I have hereunto set my hand and

seal.

My Commission Expires

CLEARFIELD COUNTY
 ENTERED OF RECORD
 TIME 9:30 A.M. 9-16-91
 BY PAULA CHERRY
 FEES 13.50
 Michael R. Lytle, Recorder

Commonwealth of Pennsylvania }
 County of CLEARFIELD } ss.



RECORDED in the Office for Recording of Deeds, etc., in and for the said
 County, in Deed Book No. 1418, Page 601

WITNESS my hand and official seal this 16th day of SEPT., 1991

Michael R. Lytle
 Recorder of Deeds

My Commission Expires
 First Monday in January, 1992

Purchase Line 5.00 90.00
 Bell TP. 90.00

Deed

WARRANTY DEED

The Plankenhorn Co., Williamsport, Pa.

ROBERT V. HENRY and PATRICIA
 L. HENRY, husband and wife

-to-

JOSEPH P. RUOT, JR., and
SHAREN L. RUOT, husband and
wife

Dated.....
 For premises situate in BELL.....
 TOWNSHIP, Clearfield County,.....
 Pennsylvania.....
 Consideration \$18,000.00.....
 Recorded

Entered for Record in the Recorder's
 Office of
 County, the day of Tax. \$
 19..... Fees, \$
 Recorder

GLEASON, CHERRY AND CHERRY, P.C.
 ATTORNEYS AT LAW
 ONE NORTH FRANKLIN STREET
 DuBOIS, PENNSYLVANIA 15801

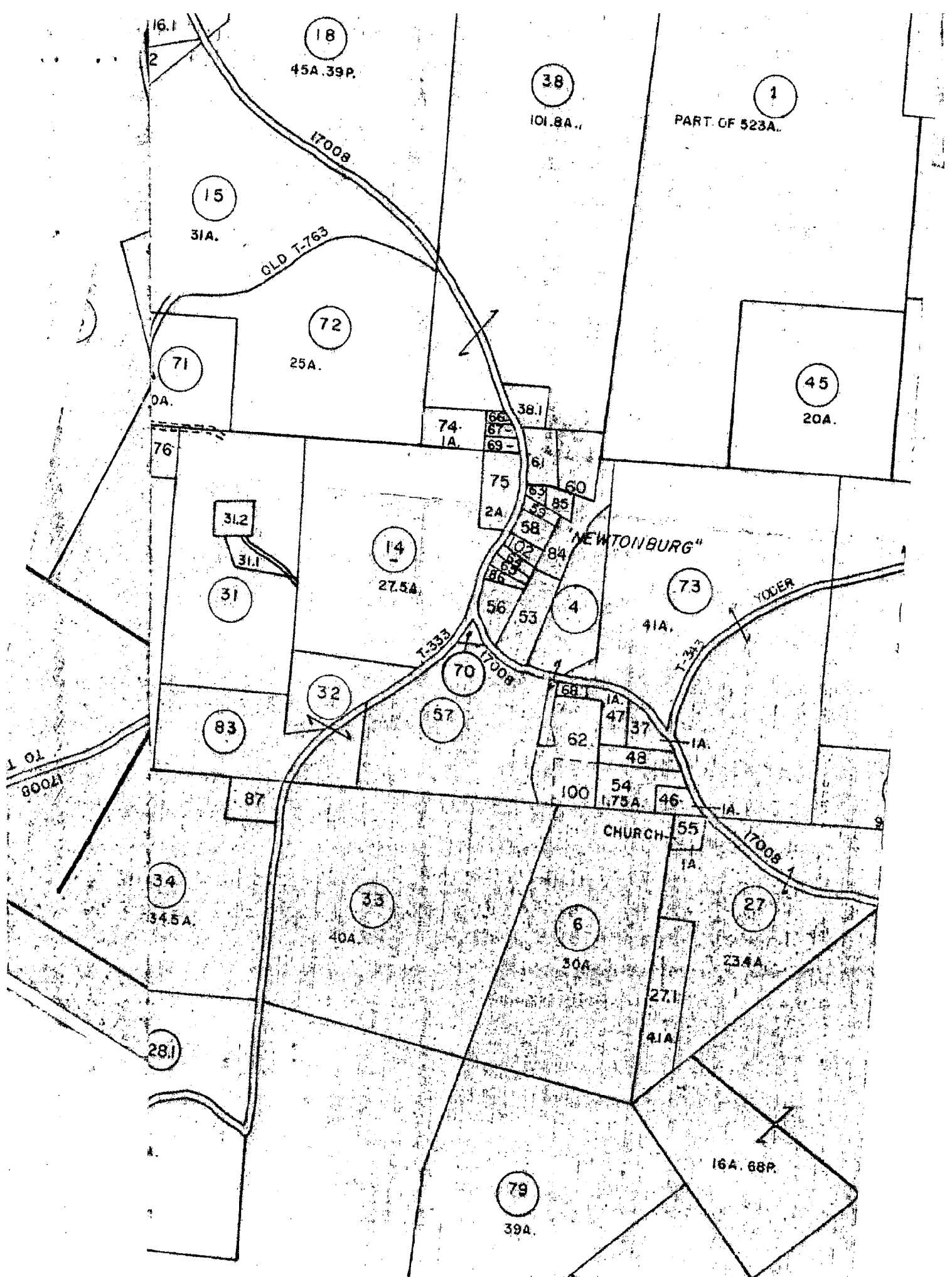
Entered of Record SEPT. 16, 1991 9:30 AM Michael R Lytle Recorder

APPENDIX C

Attached hereto is a copy of the pertinent portion of the assessment map showing the parcels that would adjoin the proposed paper alley, and the names which are listed on the assessment map for the adjoining property owners.

57. Smith, Randy D. & Ruth D.
58. Rhoades, V. H.
59. Mowrey, Patrick H. et al
- 60. Shaffer, Dewey D.
- 61. Shaffer, Dewey D. & Rachel S.
62. Varner, Charles B. & Nancy L.
- 63. Shaffer, Dewey D.
64. Shaffer, Dewey D.
65. Shaffer, Dewey D. & Rachel S.
66. Mowrey, Patrick H. et al
67. Shaffer, Dewey D.
68. Shaffer, Dewey D.
69. Shaffer, Dewey D. & Rachel S.
70. Clearfield Electric Cooperative, Inc.
71. Deemer, Alexander D. II Trustee
72. Loss, Arthur E. et al
73. Miller, Keith R. & Leona
74. Shaffer, Dewey D.
75. Shaffer, Dewey D. & Rachel S.
76. Smith, R. Wesley & Samantha et al
77. Kann, John et al
78. Carson, Fred W. & Louis Emanuel III
79. Beatty, Richard M. & Dora K.
80. Daisner, Clair Franklin & Joan Carol
81. Dehaven, A. J. Heirs
82. Beatty, Donald C. & Betty Jane
83. Kickok, Donald
- 84. Mowrey, Patrick H. et al
- 85. Ruot, Joseph P. Jr & Sharen L.
86. Davidson, John Otto & Randall
87. Kleboff, Frank
88. Dinsmore, Ray W. & Roberta M.
89. Dinsmore, Ray W. & Roberta M.
90. Weber, Loyd W. & Peggy A.
91. Wineberg, George M. & Jane W.
92. Clover Run-Mt Carmel Cemetery Assoc.
93. Dinsmore, Ray W. & Roberta M.
94. Colussy, Richard L.
95. Egolf, Charles P. Jr & Jane Ann
96. Byers, Jeffery Allen & Karen Elaine
97. Parrish, Theodore R. & Virginia E.
99. Lingenfelter, Richaky A. & Jill E.
100. Fowkes, George E.
- #02. James, William D. & Marie

Day, for his
and from
the office
over the
and cover



APPENDIX D

Attached hereto are copies of the assessment cards and a copy of the deed to the three parcels owned by Defendants Shaffer.

SHAFER, DEWEY D & RACHEL S
10 VIVIANNE A SHAFER
101 FRANKLIN AVE
PITTSBURGH, PA
15221

DISTRICT 10200 B10 000 00060
MAP SUB MAP PARCEL SURFCEL 1
CONTROL NUMBER 102014960
LEGAL DESCRIPTION 2 A
0518 0477

PROPERTY ADDRESS
LOCATION
FRONTING
PARCEL TIE BACK
RT: 17008 OFF
NEIGH/SPOT
RESID
CONDO LEVEL
CONDO TYPE
LANDISC FRAME NO:

LAND DATA & COMPUTATIONS
ACTUAL EFFECTIVE DEPTH ACTUAL EFFECTIVE INFLUENCE LOT
FRONTAGE FRONTAGE UNIT PRICE RATE FACTOR VALUE
659 55 d to 11220 - 3130
Brooklyn NY

WOODLAND 2.000 ACRE 300 -25 450

TOTAL ACRES 2.000

ROSS LAND TOTAL LAND VALUE 500

DWELLING DATA & COMPUTATIONS
STORY HEIGHT/ATTIC
GROUND FLOOR AREA
EXTERIOR WALLS
ADJUSTED BASE
BASEMENT
HEAT & A/C
PLUMBING
REC ROOM
FIN BSMT LIVING AREA
WBFP
BASEMENT GARAGE
UNFIN AREA
HEATING AREA (H)
SUBTOTAL
GRADE
C & D FACTOR
RCN
PERCENT GOOD
TOTAL DWELLING VALUE

OTHER BUILDINGS & YARD
SN TYPE QTY YR SIZE AREA GRD RATE COND MODEL MOD CD RCN

TERIOR CONDITION RELATIVE TO EXT

ENTRANCE CODES PARTIAL
LIST 041
04/23/87
APPR COST VAL 500

RSN# 3 09/09/87
CLEARFIELD COUNTY, PA

VALUES
OLD 116
LAND 112
BLOG
TOTAL

APPRaisal
CURRENT ASMT
VALUE
500
500

THIS INDENTURE

MADE the Twelfth day of November in the year nineteen hundred and sixty five, BETWEEN DEWEY D. SHAFFER, of Berkley, California, Grantor herein, party of the first part,

A N D

DEWEY D. SHAFFER and RACHEL S. SHAFFER, husband and wife, as tenants by the entireties, with right of survivorship, of the same place, under and by virtue of the Act of 1941, P. L. 273, as amended, 69 P. S. 541, Grantees herein, parties of the second part, WITNESSETH, That the said party of the first part, for and in consideration of the sum of One (\$1.00) Dollar, lawful money of the United States of America, well and truly paid by the said parties of the second part to the said party of the first part, at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, enfeoffed, released, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, enfeoff, release, convey and confirm unto the said parties of the second part,

ALL those five certain pieces or parcels of land situate in Bell Township, Clearfield County, Pennsylvania, bounded and described as follows:

THE FIRST THEREOF: BEGINNING at a post on public road on line of Daniel Bouch; thence west along said line of Bouch 200 feet to a post; thence north 60 feet to a post; thence east to public road; thence along said public road, designated as Legislative Route 17008, to post and place of beginning. Containing 11,000 square feet, more or less.

EXCEPTING AND RESERVING THEREFROM, all the coal and minerals.

BEING the same lot or piece of ground which was conveyed by Abram Keslar et ux to William M. McMasters by deed dated October 27, 1897, as recorded in Deed Book 99, page 90, and being the same as is designated in the Mapping Office of Clearfield County as B10-69 in Bell Township and currently being assessed to Dewey D. Shaffer. While being so thereof seized, same was sold for unpaid taxes to A. D. Lydic and subsequently sold for taxes

W. ALBERT RAMEY
ATTORNEY AT LAW
CLEARFIELD, PA.

to Andy Miller as per deed recorded in Deed Book 187, page 200, and assessed in the name of Andy Miller from Lydie as "H & L" and subsequently assessed to Andy Miller as "Lot" in 1922. The same became assessed to Clyde Nicodemus marked "from Andy Miller." In 1925 said "L" was sold for 1922 taxes as the property of Clyde Nicodemus to Clearfield County as per Sale Docket No. 3, page 23, and sold to Jennie Bailey at Commissioners' Sale held August 10, 1927, and assessed to Jennie Bailey for 1929 taxes, and sold as the property of Jennie Bailey for unpaid 1932 to 1935 taxes to County Commissioners as per deed recorded in the Prothonotary's office in Docket No. 133, page 71, and sold by the County Commissioners to Dewey D. Shaffer, as the property of Jennie Bailey at Commissioners' Sale held April 22, 1943, and conveyed to Dewey D. Shaffer by deed of Clearfield County Commissioners, dated August 23, 1943, not yet but intended to be recorded simultaneously herewith.

THE SECOND THEREOF: BEGINNING at a post on the side of road leading from McGees Mills to Troutville, said road being designated Legislative Route 17008; thence south 57° east, 248 feet to post on line now or formerly of P. C. Linsenbiger; thence along said line, north 29° east, fifty (50) feet to post; thence north 57° west, 248 feet to post on the east side of Legislative Route 17008; thence south along same 29° west, 50 feet to place of beginning. Containing 12,400 square feet.

BEING the same as was conveyed to W. S. Strawcutter from Mary L. Rhoads as per deed recorded in Deed Book 178, page 33, and which item is designated in the Mapping Office of Clearfield County as B10-05 in Tell Township, and currently assessed to Dewey D. Shaffer. While being so thereof seized the said W. S. Strawcutter became assessed with said item as "H & L" in 1911, which said item was transferred in 1917 to A. J. DeHaven, marked "from W. S. Strawcutter." In 1930 the item was assessed to A. J. DeHaven Estate, and continued to be so assessed until 1934, when it was assessed as "L-House torn down" and then transferred on the assessment records to Sadie DeHaven and sold to Clearfield County in 1937 as the property of Mrs. Sadie DeHaven and A. J. DeHaven Estate, as per deed recorded in the Prothonotary's office in Docket No. 133, page 71, and conveyed by Clearfield County Commissioners to Dewey D. Shaffer as "H & L" by deed dated August 23, 1943, not yet but intended to be recorded simultaneously herewith.

THE THIRD THEREOF: BEGINNING at a post at public road, designated as Legislative Route 17008, which post also marks corner of lot now or formerly of Mrs. Simpson; thence along said road 40 feet to post on an alley; thence east along said alley, 90 feet to post at what is known as Office Lot; thence south along said Office Lot, 80 feet to a post corner of Mary Simpson lot; thence in a northwest direction along said Simpson lot, 95 feet to post and place of beginning. Containing 5,550 square feet, more or less, and designated in the Mapping Office of Clearfield County as B10-63 in Bell Township, and currently assessed to R. Adiar and Janet D. McGee.

BEING the same lot, title to which became vested in Mary Alice Sykes and conveyed by Mary Alice Sykes et vir, to Orin N. Byers by deed dated December 7, 1903, as recorded in Deed Book 130, page 120. Said lot became assessed to O. N. Byers and

W. ALBERT RAMEY
ATTORNEY AT LAW
CLEARFIELD, PA.

transferred in 1913 on the assessment records to Young People's Association, and subsequently purchased for unpaid taxes by A. D. Lydic, and sold as the property of A. D. Lydic for unpaid taxes to Clearfield County Commissioners for the years 1932, 1933, 1934, and 1935, as per deed recorded in the Prothonotary's office in Docket No. 133, page 71, and sold and conveyed by Clearfield County Commissioners as "H & L" to Dewey D. Shaffer by deed dated August 23, 1943, not yet but intended to be recorded simultaneously herewith.

THE FOURTH THEREOF: (Bloom-Township Bell Township) BEGINNING at a post on a 26-foot alley which post marks the corner of lot sold to Alice Shaffer by B. J. Sykes et ux with deed taken in name of Samuel Hall (Deed Book 206, page 50 - The Fifth Hereof); thence north 330 feet, more or less, to a post on lot now or formerly of L. D. Bracken; thence east 261 feet, more or less, to right of way of railroad; thence south 389 feet, more or less, to a post on 26-foot alley; thence west along said alley, 218 feet to place of beginning. Containing 2 acres, and being designated in the Mapping Office of Clearfield County as B10-60 in Bell Township, and assessed to James D. Rupert.

Subject to all reservations of coal and other minerals.

BEING the same 2 acres which were conveyed by Jennie V. Pearce et vir to James Rupert by deed dated October 18, 1922, as recorded in Deed Book 201, page 80, but which said item continued to be assessed in the name of Jennie V. Pearce as "Lot" and returned for unpaid taxes for the year 1929 in the name of Jennie Pearce and sold by Clearfield County Treasurer to Clearfield County Commissioners on August 10, 1931, and conveyed to County Commissioners by deed dated February 9, 1932, as recorded in the Prothonotary's office in Docket No. 1, page 164, and sold and conveyed by Clearfield County Commissioners to Dewey D. Shaffer as "Lot" as the property of Jennie Pearce by deed dated August 23, 1943, not yet but intended to be recorded simultaneously herewith.

THE FIFTH THEREOF: BEGINNING at a post on public road, designated Legislative Route 17008, and a 26-foot alley; thence along said alley east, to a post directly opposite to the northeast corner of Byers lot (The Third Hereof); thence north along line of lands formerly owned by Yoder and conveyed by Yoder to James Rupert (The Fourth Hereof), 330 feet to post on line of Bracken lot; thence along said Bracken lot, west to post at public road aforesaid; thence south along said road to place of beginning. Containing 1 acre more or less and designated in the Clearfield County Mapping Office as B10-61, Bell Township, currently assessed to Dewey D. Shaffer.

BEING same as was conveyed by B. J. Sykes et ux to Samuel Hall for Alice Shaffer, mother of grantor herein, and assessed in 1910 to Alice Shaffer, marked "from B. J. Sykes," which item continued to be assessed in the name of Alice Shaffer until it was sold to Jennie Bailey for unpaid taxes, and sold as the property of Jennie Bailey for unpaid taxes for the years 1932 to 1935 as 1 acre, to the Clearfield County Commissioners as per County Treasurer's deed recorded in the Prothonotary's

W. ALBERT RAMEY
ATTORNEY AT LAW
CLEARFIELD, PA.

10-1-4000
office in Docket 133, page 71, dated December 31, 1937. Said item was sold and conveyed by Clearfield County Commissioners as the property of Jennie Bailey to Dewey D. Shaffer by deed dated August 23, 1943, not yet but intended to be recorded simultaneously herewith.

THIS DOCUMENT DOES NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND IN THAT CONNECTION DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND.

TOGETHER with all and singular the tenements, hereditaments and appurtenances to the same belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; AND ALSO all the estate, right, title, interest, property, claim and demand whatsoever, both in law and equity, of the said party of the first part, of, in, to or out of the said premises, and every part and parcel thereof, TO HAVE AND TO HOLD the said premises, with all and singular the appurtenances unto the said parties of the second part, their heirs and assigns, to and for the only proper use and behoof of said parties of the second part, their heirs and assigns forever.

AND the said grantor herein, his heirs, executors and administrators, does by these presents, covenant, grant and agree to and with the said parties of the second part, their heirs and assigns, that he the said grantor herein, his heirs, all and singular the hereditaments and premises herein above described and granted, or mentioned and intended so to be, with the appurtenances unto the said parties of the second part, their heirs and assigns, against the said party of the first part and his heirs, and against all and every other person or persons, whomsoever, lawfully claiming or to claim the same or any part thereof, shall and will, by these presents, WARRANT AND FOREVER DEFEND.

W. ALBERT RAMEY
ATTORNEY AT LAW
CLEARFIELD, PA.

APPENDIX E

Attached hereto is a copy of the assessment card and a copy of the deed to the property owned by Defendants Mowry/Hobba, et al.

MADE the Tenth day December, in the year of our Lord, 1993,

BETWEEN THE TAX CLAIM BUREAU OF CLEARFIELD COUNTY, PENNSYLVANIA, Trustee, under the provisions of the Act of July 7, 1947, P.L. 1368, and amendments thereto, hereinafter called the GRANTOR,

PATRICK H. MOWREY, an undivided 1/3 interest;
KIM MOWREY HOBBA, an undivided 1/3 interest;
PATRICK H. MOWREY AND KIM MOWREY HOBBA, TRUSTEES OF THE PATRICK H. MOWREY FAMILY TRUST, created under Trust Agreement of Harry L. Mowrey and Florence A. Mowrey dated April 23, 1989, an undivided 1/6 interest;
KIM MOWREY HOBBA AND PATRICK H. MOWREY, TRUSTEES OF THE KIM MOWREY HOBBA FAMILY TRUST, created under Trust Agreement of Harry L. Mowrey and Florence A. Mowrey dated April 23, 1989, an undivided 1/6 interest;
all held as tenants in common, of the Borough of Sykesville, County of Jefferson, State of Pennsylvania, Parties of the Second Part,

hereinafter referred to as "GRANTEES"

WHEREAS, the hereinafter described premises were assessed in the name of UNKNOWN, which have not been paid and which are delinquent; and

WHEREAS, the said delinquent taxes against the said property were filed in the Tax Claim Bureau of Clearfield County, Pennsylvania; and

WHEREAS, after proceeding under the provisions of the Act aforesaid, the Tax Claim Bureau did expose the said premises to public sale on the Fourteenth day of September, 1993; and

WHEREAS, the said premises were sold at said public sale to, PATRICK H. MOWREY & KIM MOWREY HOBBA, TRUSTEES, for the sum of Three Thousand Three Hundred Dollars, (\$3,300.00), as is more particularly shown in the report and return of said sale by the Tax Claim Bureau, and at the subsequent confirmation thereof by the Court of Common Pleas of Clearfield County, Pennsylvania, at Miscellaneous Docket 10, Page 35.

NOW THIS INDENTURE WITNESSETH, that for and in consideration of the sum of Three Thousand Three Hundred Dollars, (\$3,300.00), the receipt thereof is hereby acknowledged, Grantor does hereby grant and convey unto the said Grantees, their heirs, successors or assigns the following described property to-wit:.

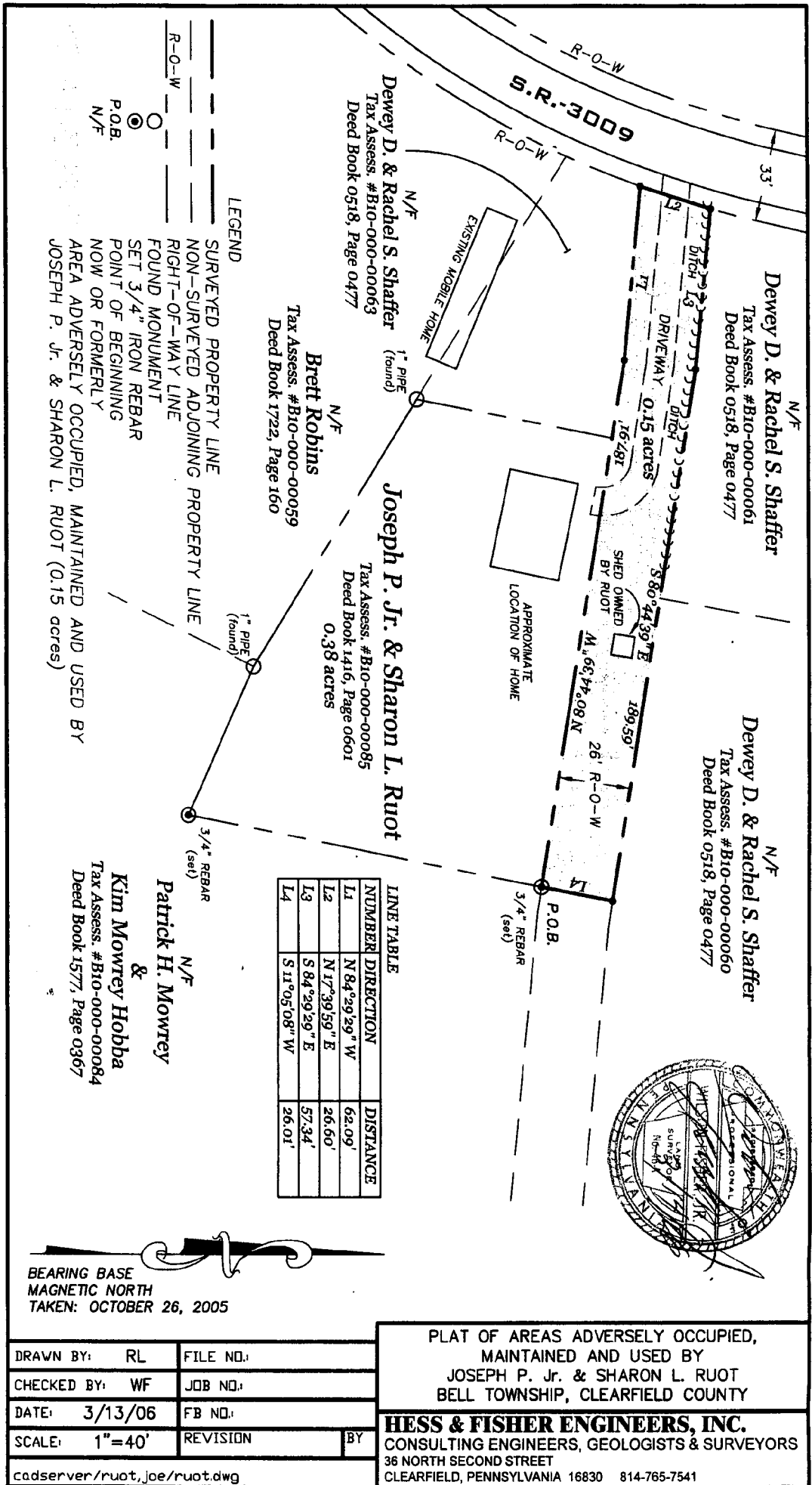
BELL TOWNSHIP
MAP #102-B10-000-00084
2.95 A

BEING the same property offered for sale for delinquent taxes in accordance with the provisions of the Act of Assembly hereinbefore recited under Tax Claim No. 88-1931 as the property of UNKNOWN.

101588

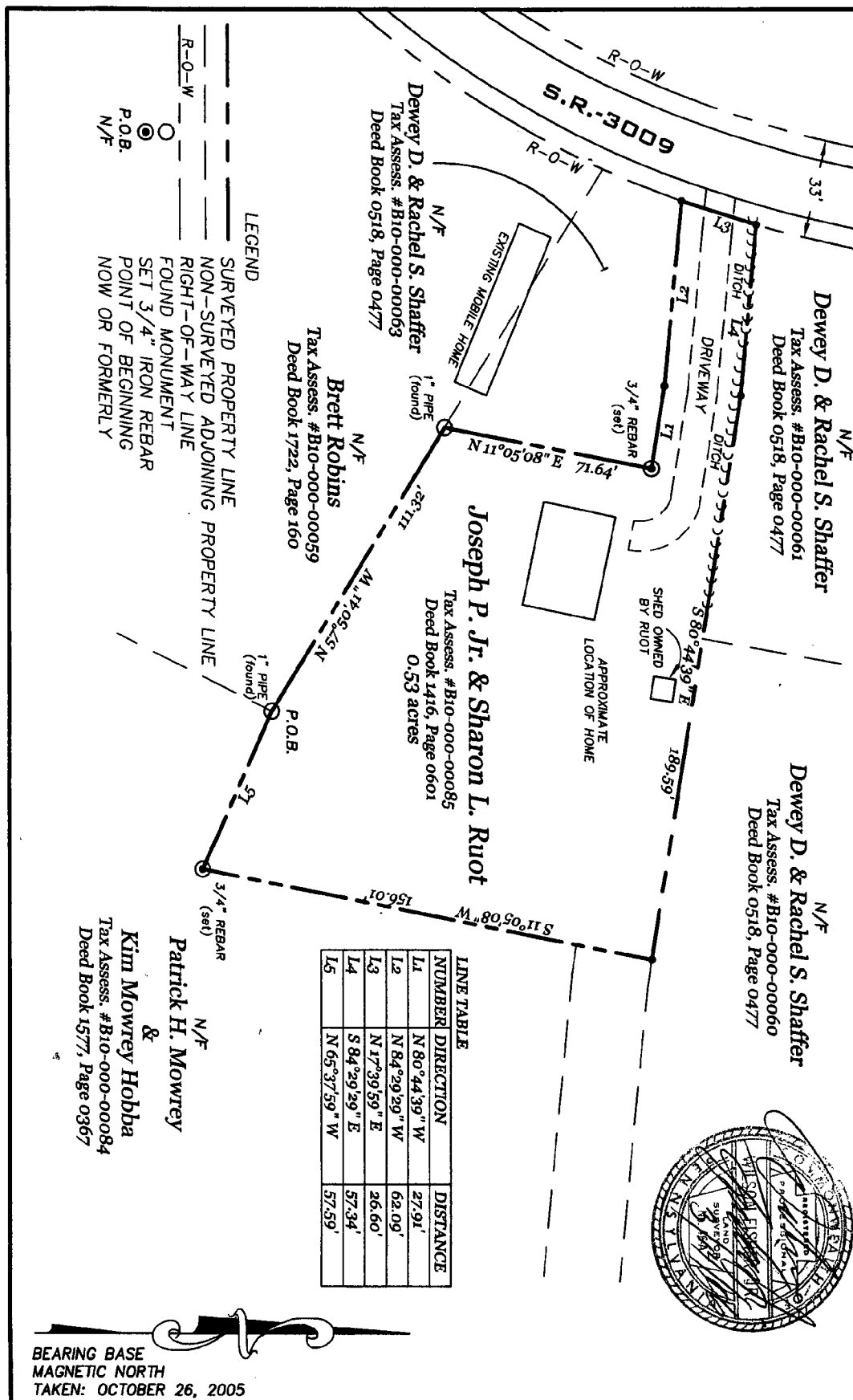
APPENDIX F

Attached hereto is a copy of the survey map prepared by Hess & Fisher Engineers, Inc., showing the location of the proposed paper alleyway.



APPENDIX G

Attached hereto is a copy of the survey map prepared by Hess & Fisher Engineers, Inc., showing the property of plaintiffs' which includes the proposed paper alleyway.



DRAWN BY: RL			FILE NO.:			PLAT OF AREAS ADVERSELY OCCUPIED, MAINTAINED AND USED BY JOSEPH P. Jr. & SHARON L. RUOT BELL TOWNSHIP, CLEARFIELD COUNTY								
CHECKED BY: WF			JOB NO.:											
DATE: 3/13/06			FB NO.:											
SCALE: 1"=40'			REVISION											
						BY			HESS & FISHER ENGINEERS, INC. CONSULTING ENGINEERS, GEOLOGISTS & SURVEYORS 36 NORTH SECOND STREET CLEARFIELD, PENNSYLVANIA 16830 814-765-7541					
cadserver/ruot,joe/ruot.dwg														

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

*

JOSEPH P. RUOT, JR. AND
SHARON L. RUOT,
Plaintiffs

*

*

-vs-

*

Docket No. 06-565-CD
ACTION TO QUIET TITLE

DEWEY D. SHAFFER AND RACHEL S.
SHAFFER, Husband and Wife;
PATRICK H. MOWREY, an
individual; KIM MOWREY HOBBA,
an individual; THE PATRICK H.
MOWREY FAMILY TRUST; AND THE
KIM MOWREY HOBBA FAMILY TRUST,
Defendants

*

*

*

*

*

Type of pleading:
AMENDED COMPLAINT

Filed on behalf of:
PLAINTIFFS, Joseph P.
Ruot, Jr. and Sharon L.
Ruot

Counsel of record for
these parties:

Dwight L. Koerber, Jr.,
Esquire
PA I.D. No. 16332

110 North Second Street
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611

FILED
03/26/06
APR 27 2006

9cc
Amy Koerber
Clerk

William A. Shaw
Prothonotary/Clerk of Courts

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

*

JOSEPH P. RUOT, JR. AND
SHARON L. RUOT,
Plaintiffs

*

*

-vs-

*

Docket No. 06-565-CD
ACTION TO QUIET TITLE

DEWEY D. SHAFFER AND RACHEL S.
SHAFFER, Husband and Wife;
PATRICK H. MOWREY, an
individual; KIM MOWREY HOBBA,
an individual; THE PATRICK H.
MOWREY FAMILY TRUST; AND THE
KIM MOWREY HOBBA FAMILY TRUST,
Defendants

*

*

*

*

*

N O T I C E

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action 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 within twenty (20) days. 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 relief claimed in the complaint by the plaintiff.

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

COURT ADMINISTRATOR
Clearfield County Courthouse
Second and Market Streets
Clearfield, PA 16830
(814) 765-2641

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

*

JOSEPH P. RUOT, JR. AND
SHARON L. RUOT,
Plaintiffs

*

*

-vs-

*

Docket No. 06-565-CD
ACTION TO QUIET TITLE

DEWEY D. SHAFFER AND RACHEL S.
SHAFFER, Husband and Wife;
PATRICK H. MOWREY, an
individual; KIM MOWREY HOBBA,
an individual; THE PATRICK H.
MOWREY FAMILY TRUST; AND THE
KIM MOWREY HOBBA FAMILY TRUST,
Defendants

*

*

*

*

*

AMENDED COMPLAINT

COME NOW, JOSEPH P. RUOT, JR. AND SHARON L. RUOT, Husband and Wife, by and through their attorney, Dwight L. Koerber, Jr., Esquire, and file the within Amended Complaint in the above-captioned matter.

1. Plaintiffs have ascertained that two of the defendants named in this proceeding, to wit: DEWEY D. SHAFFER AND RACHEL S. SHAFFER, are deceased.

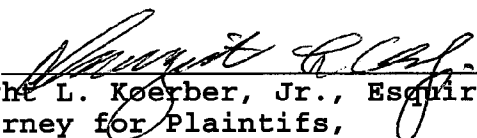
2. Plaintiffs believe that the daughter and sole heir of the ESTATES OF DEWEY D. SHAFFER AND RACHEL S. SHAFFER is VIVIENNE A. SHAFFER, of 7134 Thomas Boulevard, Pittsburgh, PA 15204-2437.

3. Plaintiffs believe and therefore aver that the ownership rights and legal interests of VIVIENNE A. SHAFFER are the same as

those of her late parents, to wit: DEWEY D. SHAFFER AND RACHEL S. SHAFFER.

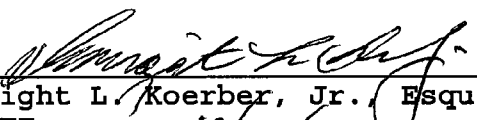
WHEREFORE, plaintiffs pray that VIVienne A. SHAFFER be named as a defendant and as the representative of the ESTATES OF DEWEY D. SHAFFER AND RACHEL S. SHAFFER in this matter, and that in all other respects, the matters set forth in the Complaint filed herein on April 11, 2006 shall apply to this Amended Complaint.

Respectfully submitted,

By: 
Dwight L. Koerber, Jr., Esquire
Attorney for Plaintiffs,
JOSEPH P. RUOT, JR. AND
SHARON L. RUOT

VERIFICATION

I verify that the statements made in this document are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.


Dwight L. Koerber, Jr., Esquire
DATE: 4/27/06

AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA:

:SS:

COUNTY OF CLEARFIELD

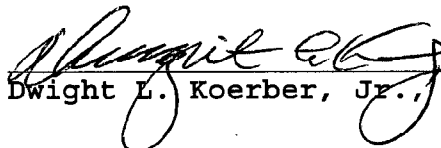
:

DWIGHT L. KOERBER, JR., ESQUIRE, being duly sworn according to law, deposes and states that on this 27th day of April, 2006, a copy of the foregoing pleading was served by United States First Class Mail upon the following:

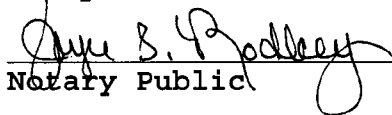
Vivienne A. Shaffer for the
Estates of Dewey D. Shaffer and
Rachel S. Shaffer
c/o Gary Thorp, Surveyor
CURRY & ASSOCIATES
209 South Third Street
Clearfield, PA 16830

Patrick H. Mowrey and
The Patrick H. Mowrey Family Trust
362 North Park Street
Sykesville, PA 15856

Kim Mowrey Hobba and
The Kim Mowrey Hobba Family Trust
362 North Park Street
Sykesville, PA 15856


Dwight L. Koerber, Jr., Esquire

Sworn to and subscribed
before me this 27th day
of April, 2006.


Notary Public

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
Joyce S. Rodkey, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires Oct. 21, 2009

Member, Pennsylvania Association of Notaries

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

JOSEPH P. RUOT, JR. AND *
SHARON L. RUOT, *
Plaintiffs *

-vs- *

DEWEY D. SHAFFER AND RACHEL S. *
SHAFFER, Husband and Wife; *
PATRICK H. MOWREY, an *
individual; KIM MOWREY HOBBA, *
an individual; THE PATRICK H. *
MOWREY FAMILY TRUST; AND THE *
KIM MOWREY HOBBA FAMILY TRUST, *
Defendants *

Docket No. 06-565-CD
ACTION TO QUIET TITLE

Type of pleading:
AFFIDAVIT OF SERVICE

Filed on behalf of:
PLAINTIFFS, Joseph P.
Ruot and Sharon L.
Ruot

Counsel of record for
these parties:

Dwight L. Koerber, Jr.,
Esquire
PA I.D. No. 16332

110 North Second Street
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611

FILED 2cc

0/3:31/01
MAY 02 2008

William A. Shaw
Prothonotary/Clerk of Courts

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

JOSEPH P. RUOT, JR. AND *
SHARON L. RUOT, *
Plaintiffs *

-vs-

Docket No. 06-565-CD
ACTION TO QUIET TITLE

DEWEY D. SHAFFER AND RACHEL S. *
SHAFFER, Husband and Wife; *
PATRICK H. MOWREY, an *
individual; KIM MOWREY HOBBA, *
an individual; THE PATRICK H. *
MOWREY FAMILY TRUST; AND THE *
KIM MOWREY HOBBA FAMILY TRUST, *
Defendants *

AFFIDAVIT OF SERVICE


COMMONWEALTH OF PENNSYLVANIA:

:SS:

COUNTY OF CLEARFIELD

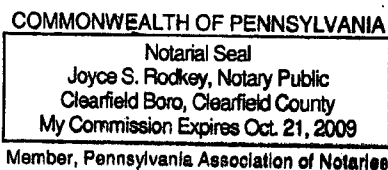
:

DWIGHT L. KOERBER, JR., ESQUIRE, being duly sworn according to law, deposes and states that Defendants THE ESTATE OF DEWEY D. SHAFFER AND THE ESTATE OF RACHEL S. SHAFFER, c/o VIVIENNE SHAFFER were served with a certified copy of the Complaint and a certified copy of the Amended Complaint filed in the above-captioned matter, as shown by the Acceptance of Service attached hereto.


Dwight L. Koerber, Jr., Esquire

Sworn to and subscribed
before me this 2nd day
of May, 2006.


Notary Public



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

JOSEPH P. RUOT, JR. AND
SHARON L. RUOT,
Plaintiffs

*

*

-vs-

*

Docket No. 06-565-CD
ACTION TO QUIET TITLE

DEWEY D. SHAFFER AND RACHEL S.
SHAFFER, Husband and Wife;
PATRICK H. MOWREY, an
individual; KIM MOWREY HOBBA,
an individual; THE PATRICK H.
MOWREY FAMILY TRUST; AND THE
KIM MOWREY HOBBA FAMILY TRUST,
Defendants

*

*

*

*

ACCEPTANCE OF SERVICE

I accept service of the Complaint in Action to Quiet Title filed in the above-captioned proceeding, as well as the Amended Complaint filed in this matter, on behalf of Vivienne Shaffer, sole heir of the Estates of Dewey D. Shaffer and Rachel S. Shaffer.



Gary Thorp

DATE: _____

4-28-06

Address: 207 South Third Street
Clearfield, PA 16830

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101439

NO: 06-565-CD

SERVICE # 1 OF 4

COMPLAINT ACTION TO QUIET TITLE

PLAINTIFF: JOSEPH P. RUOT, JR. and SHARON L. RUOT

vs.

DEFENDANT: DEWEY D. SHAFFER and RACHEL S. SHAFFER et al

SHERIFF RETURN

NOW, April 13, 2006, SHERIFF OF JEFFERSON COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ACTION TO QUIET TITLE ON PATRICK H. MOWREY.

NOW, April 17, 2006 AT 12:45 PM SERVED THE WITHIN COMPLAINT ACTION TO QUIET TITLE ON PATRICK H. MOWREY, DEFENDANT. THE RETURN OF JEFFERSON COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

FILED
06-565-CD
MAY 08 2006

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101439
NO: 06-565-CD
SERVICE # 2 OF 4
COMPLAINT ACTION TO QUIET TITLE

PLAINTIFF: JOSEPH P. RUOT, JR. and SHARON L. RUOT
vs.
DEFENDANT: DEWEY D. SHAFFER and RACHEL S. SHAFFER al

SHERIFF RETURN

NOW, April 13, 2006, SHERIFF OF JEFFERSON COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ACTION TO QUIET TITLE ON KIM MOWREY HOBBA.

NOW, April 17, 2006 AT 12:45 PM SERVED THE WITHIN COMPLAINT ACTION TO QUIET TITLE ON KIM MOWREY HOBBA, DEFENDANT. THE RETURN OF JEFFERSON COUNTY IS HERETO **ATTACHED** AND MADE PART OF THIS RETURN.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101439
NO: 06-565-CD
SERVICE # 3 OF 4
COMPLAINT ACTION TO QUIET TITLE

PLAINTIFF: JOSEPH P. RUOT, JR. and SHARON L. RUOT
vs.
DEFENDANT: DEWEY D. SHAFFER and RACHEL S. SHAFFER al

SHERIFF RETURN

NOW, April 13, 2006, SHERIFF OF JEFFERSON COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ACTION TO QUIET TITLE ON THE PATRICK H. MOWREY FAMILY TRUST.

NOW, April 17, 2006 AT 12:45 PM SERVED THE WITHIN COMPLAINT ACTION TO QUIET TITLE ON THE PATRICK H. MOWREY FAMILY TRUST, DEFENDANT. THE RETURN OF JEFFERSON COUNTY IS HERETO **ATTACHED** AND MADE PART OF THIS RETURN.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101439
NO: 06-565-CD
SERVICE # 4 OF 4
COMPLAINT ACTION TO QUIET TITLE

PLAINTIFF: JOSEPH P. RUOT, JR. and SHARON L. RUOT
vs.
DEFENDANT: DEWEY D. SHAFFER and RACHEL S. SHAFFER al

SHERIFF RETURN

NOW, April 13, 2006, SHERIFF OF JEFFERSON COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ACTION TO QUIET TITLE ON THE KIM MOWREY HOBBA FAMILY TRUST.

NOW, April 17, 2006 AT 12:45 PM SERVED THE WITHIN COMPLAINT ACTION TO QUIET TITLE ON THE KIM MOWREY HOBBA FAMILY TRUST, DEFENDANT. THE RETURN OF JEFFERSON COUNTY IS HERETO **ATTACHED** AND MADE PART OF THIS RETURN.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101439
NO: 06-565-CD
SERVICES 4
COMPLAINT ACTION TO QUIET TITLE

PLAINTIFF: JOSEPH P. RUOT, JR. and SHARON L. RUOT
vs.
DEFENDANT: DEWEY D. SHAFFER and RACHEL S. SHAFFER al

SHERIFF RETURN

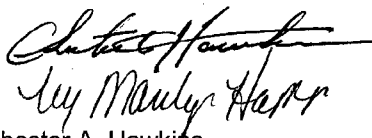
RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	KOERBER	2654	40.00
SHERIFF HAWKINS	KOERBER	2654	48.00
JEFFERSON CO.	KOERBER	2655	56.04

Sworn to Before Me This

_____ Day of _____ 2006

So Answers,


Chester A. Hawkins
Sheriff

No. 565 C.D. 2006

Personally appeared before me, Harry Dunkle, Deputy for Thomas A. Demko, Sheriff of Jefferson County, Pennsylvania, who according to law deposes and says that on April 17, 2006 at 12:45 o'clock P.M. served the Notice and Complaint upon KIM MOWREY HOBBA, PATRICK MOWREY, THE PATRICK H. MOWREY FAMILY TRUST and THE KIM MOWREY HOBBA FAMILY TRUST, Defendant, at the address of 362 N. Park Street, Borough of Sykesville, County of Jefferson, State of Pennsylvania, by handing to Joyce Brink, Receptionist and adult person in charge at time of service, four true copies of the Notice and Complaint and by making known to her the contents thereof.

Advance Costs Received:	\$125.00
My Costs:	\$ 54.04 Paid
Prothy:	\$ 2.00
Total Costs:	\$ 56.04
Refunded:	\$ 68.96

Sworn and subscribed 18th
 to before me this 18th
 day of April 2006
 By Thomas A. Demko Sheriff
 my commission Prothonotary
 expires: 1st Monday of January 2007
 So Answers,
Harry Dunkle Deputy
Thomas A. Demko Sheriff
 JEFFERSON COUNTY, PENNSYLVANIA

BY _____
attorney for _____
_____ 10 _____

FILED

MAY 08 2006

William A. Shaw
Prothonotary/Clerk of Courts

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

*

JOSEPH P. RUOT, JR. AND
SHARON L. RUOT,
Plaintiffs

*

*

-vs-

*

Docket No. 06-565-CD
ACTION TO QUIET TITLE

DEWEY D. SHAFFER AND RACHEL S.
SHAFFER, Husband and Wife;
PATRICK H. MOWREY, an
individual; KIM MOWREY HOBBA,
an individual; THE PATRICK H.
MOWREY FAMILY TRUST; AND THE
KIM MOWREY HOBBA FAMILY TRUST,
Defendants

*

*

*

*

*

Type of pleading:
CERTIFICATE OF SERVICE

Filed on behalf of:
PLAINTIFFS, Joseph P.
Ruot, Jr. and Sharon L.
Ruot

Counsel of record for
this party:

Dwight L. Koerber, Jr.,
Esquire
PA I.D. No. 16332

110 North Second Street
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611

FILED NO CC
013:2764
MAY 24 2008 (M)

William A. Shaw
Prothonotary/Clerk of Courts

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

*

JOSEPH P. RUOT, JR. AND
SHARON L. RUOT,
Plaintiffs

*

*

-vs-

*

Docket No. 06-565-CD
ACTION TO QUIET TITLE

DEWEY D. SHAFFER AND RACHEL S.
SHAFFER, Husband and Wife;
PATRICK H. MOWREY, an
individual; KIM MOWREY HOBBA,
an individual; THE PATRICK H.
MOWREY FAMILY TRUST; AND THE
KIM MOWREY HOBBA FAMILY TRUST,
Defendants

*

*

*

*

*

CERTIFICATE OF SERVICE


I certify that on the 23rd day of May, 2006, a 10-day Notice
of Default was served upon the following by United States First
Class Mail:

Mr. Patrick H. Mowrey
362 North Park Street
Sykesville PA 15865

Ms. Kim Mowrey Hobba
362 North Park Street
Sykesville PA 15865

The Patrick H. Mowrey Family Trust
362 North Park Street
Sykesville PA 15865

The Kim Mowrey Hobba Family Trust
362 North Park Street
Sykesville PA 15865


Dwight L. Koerber, Jr.; Esquire

(A)

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

JOSEPH P. RUOT, JR. AND
SHARON L. RUOT,
Plaintiffs

-vs-

DEWEY D. SHAFFER AND RACHEL S.
SHAFFER, Husband and Wife;
PATRICK H. MOWREY, an
individual; KIM MOWREY HOBBA,
an individual; THE PATRICK H.
MOWREY FAMILY TRUST; AND THE
KIM MOWREY HOBBA FAMILY TRUST,
Defendants

Docket No. 06-565-CD
ACTION TO QUIET TITLE

Type of pleading:
AFFIDAVIT OF DEFAULT
AND ORDER

Filed on behalf of:
PLAINTIFFS, Joseph P.
Ruot, Jr. and
Sharon L. Ruot

Counsel of record for
this party:

Dwight L. Koerber, Jr.,
Esquire
PA I.D. No. 16332

110 North Second Street
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611

FILED
9:35 AM
JUN 01 2006

7CC
Atty Koerber
GK

William A. Shaw
Prothonotary/Clerk of Courts

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

	*	
JOSEPH P. RUOT, JR. AND	*	
SHARON L. RUOT,	*	
Plaintiffs	*	
-vs-	*	Docket No. 06-565-CD
		ACTION TO QUIET TITLE
DEWEY D. SHAFFER AND RACHEL S.	*	
SHAFFER, Husband and Wife;	*	
PATRICK H. MOWREY, an	*	
individual; KIM MOWREY HOBBA,	*	
an individual; THE PATRICK H.	*	
MOWREY FAMILY TRUST; AND THE	*	
KIM MOWREY HOBBA FAMILY TRUST,	*	
Defendants	*	

AFFIDAVIT OF DEFAULT

COMMONWEALTH OF PENNSYLVANIA:
:SS:
COUNTY OF CLEARFIELD :

DWIGHT L. KOERBER, JR., ESQUIRE, being duly sworn according to law, deposes and states as follows, pursuant to Pa.R.C.P. 1066:

1. That he is counsel of record for plaintiffs in the above-captioned matter.

2. That a Complaint to Quiet Title with Notice to Defend was filed in this matter on April 11, 2006, requesting that defendants, and any person or entity claiming under defendants, be permanently enjoined and restrained from asserting any claim or interest in or to real property described in plaintiffs' Complaint filed in this matter.

3. That the Sheriff of Jefferson County, Pennsylvania served the Complaint upon the following defendants on the 17th day of April, 2006:

Patrick H. Mowrey
Kim Mowrey Hobba
The Patrick H. Mowrey Family Trust
The Kim Mowrey Hobba Family Trust

4. That an Amended Complaint was filed in this matter on April 27, 2006, with an additional Notice to Defend attached to the Amended Complaint.

5. That service of the Amended Complaint was made upon defendants by United States First Class Mail.

6. That defendants did not file an Answer to the Complaint or to the Amended Complaint.

7. That a 10-day default notice was served upon defendants on May 23, 2006, as shown by the Certificate of Service filed of record in this case.

8. That the 10 day period has passed, and defendants have not filed an Answer.

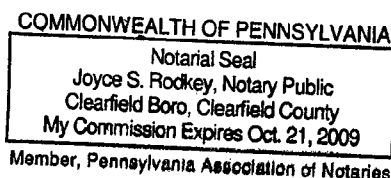
9. That Pa.R.C.P. 1066(a) specifies that this Honorable Court shall grant appropriate relief upon affidavit that a complaint containing a notice to defend has been served and that defendants have not filed an answer.

10. That plaintiffs request this Honorable Court to enter an Order against defendants, pursuant to Pa.R.C.P. §1066(b).


Dwight L. Koerber, Jr., Esquire

Sworn to and subscribed
before me this 15th
day of June, 2006.


Notary Public



CERTIFICATE OF SERVICE

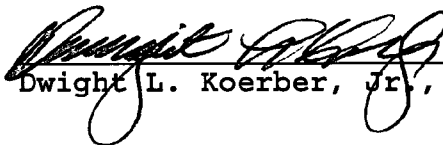
I hereby certify that on the 1st day of June, 2006, a copy of the Affidavit of Default was served by United States First Class Mail upon the following:

Mr. Patrick H. Mowrey
362 North Park Street
Sykesville PA 15865

Ms. Kim Mowrey Hobba
362 North Park Street
Sykesville PA 15865

The Patrick H. Mowrey Family Trust
362 North Park Street
Sykesville PA 15865

The Kim Mowrey Hobba Family Trust
362 North Park Street
Sykesville PA 15865


Dwight L. Koerber, Jr., Esquire

CA

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

JOSEPH P. RUOT, JR. AND
SHARON L. RUOT,
Plaintiffs

-vs-

DEWEY D. SHAFFER AND RACHEL S.
SHAFFER, Husband and Wife;
PATRICK H. MOWREY, an
individual; KIM MOWREY HOBBA,
an individual; THE PATRICK H.
MOWREY FAMILY TRUST; AND THE
KIM MOWREY HOBBA FAMILY TRUST,
Defendants

Docket No. 06-565-CD
ACTION TO QUIET TITLE

FILED ^{TCC}
06/22/06 Amy
JUN 05 2006 Koerber

William A. Shaw
Prothonotary/Clerk of Courts

O R D E R

AND NOW, this 2ND day of JUNE, 2006, with no Answer to the Complaint having been filed by defendants, and an Affidavit of Default having been filed with this Court, IT IS THE ORDER AND DECREE of this Court pursuant to Pa.R.C.P. §1066 that a judgment by default be entered against defendants, directing as follows:

(A) Defendants Patrick H. Mowrey, Kim Mowrey Hobba, The Patrick H. Mowrey Family Trust, and The Kim Mowrey Hobba Family Trust, their Successors and Assigns, and any person or entity claiming under said defendants, are permanently enjoined and restrained from asserting any lien, title, claim or interest in

or to the following real property of plaintiffs or any part thereof, with such description set forth hereinbelow containing and incorporating into the description the property which is the subject of the within quiet title action:

ALL that certain piece or parcel of ground situate in the Township of Bell, County of Clearfield and Commonwealth of Pennsylvania, bounded and described as follows:

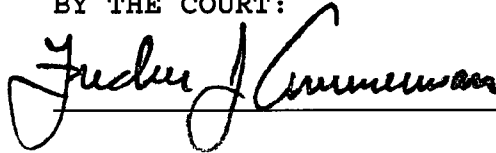
BEGINNING at a found 1" pipe corner, said corner being the northeastern corner of lands of now or formerly of Brett Robins and also being on the southern property line of the property described herein; thence along land of now or formerly Brett Robins, North 57 degrees 50 minutes 41 seconds West, a distance of 111.32 feet to a found 1" pipe corner; thence along land of now or formerly Dewey D. and Rachel S. Shaffer the following bearing and distances: North 11 degrees 05 minutes 08 seconds East, a distance of 71.64 feet to a set 3/4' iron rebar corner; thence North 80 degrees 44 minutes 39 seconds West, a distance of 27.91 feet to a point; thence North 84 degrees 29 minutes 29 seconds West a distance of 62.09 feet to a point on the eastern right of way line of S. R. 3009; thence along the eastern right of way line of S. R. 3009, North 17 degrees 39 minutes 59 seconds East a distance of 26.60 feet to a point; thence along land of now or formerly Dewey D. and Rachel S. Shaffer, South 84 degrees 29 minutes 29 seconds East, a distance of 57.34 feet to a point; thence along land of now or formerly Dewey D. and Rachel S. Shaffer and other lands of Dewey D. and Rachel S. Shaffer, South 80 degrees 44 minutes 39 seconds East, a distance of 189.59 feet to a point; thence along land of Patrick H. Mowrey and Kim Mowrey Hobba, et al., South 11 degrees 05 minutes 08 seconds West, a distance of 156.01 feet to a set 3/4" iron rebar corner; thence along land of now or formerly Patrick H. Mowrey and Kim Mowrey Hobba, et al., North 65 degrees 37 minutes 59 seconds West, a distance of 57.59 feet to a found 1" pipe, the place of beginning.

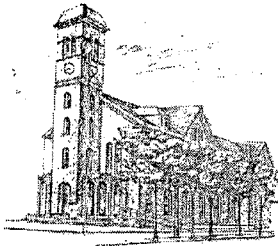
CONTAINING 0.53 acres on a plat titled "Plat of Land of Joseph P. Jr. and Sharon L. Ruot, Bell Township, Clearfield County", as prepared by Hess & Fisher Engineers, Inc., dated March 13, 2006.

The relief requested in the Complaint filed herein shall be granted to Plaintiffs Joseph P. Ruot, Jr. and Sharon L. Ruot unless defendants file a written Answer to the Complaint within thirty days of the date of this Order, setting forth their defenses to the Complaint, pursuant to Pa.R.C.P. 1066(b)(1).

IT IS THE FURTHER ORDER AND DECREE of this Court that if no such action is taken by defendants within the thirty day time period specified herein, the Prothonotary, upon Praecipe of the plaintiff, shall enter final judgment awarding the relief requested in the Complaint to plaintiffs.

BY THE COURT:

A handwritten signature in cursive script, reading "Frederick J. Cunningham", is written over a horizontal line.



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: 6/5/06

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 DIVISION

JOSEPH P. RUOT, JR. AND
SHARON L. RUOT,
Plaintiffs

-vs-

DEWEY D. SHAFFER AND RACHEL S.
SHAFFER, Husband and Wife;
PATRICK H. MOWREY, an
individual; KIM MOWREY HOBBA,
an individual; THE PATRICK H.
MOWREY FAMILY TRUST; AND THE
KIM MOWREY HOBBA FAMILY TRUST,
Defendants

Docket No. 06-565-CD
ACTION TO QUIET TITLE

Type of pleading:
CERTIFICATE OF SERVICE

Filed on behalf of:
PLAINTIFFS, Joseph P.
Ruot, Jr. and Sharon L.
Ruot

Counsel of record for
this party:

Dwight L. Koerber, Jr.,
Esquire
Pa.I.D. No. 16332

110 North Second Street
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611

FILED No CC
9/3:30 am
JUN 07 2006

William A. Shaw
Prothonotary/Clerk of Courts

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

JOSEPH P. RUOT, JR. AND
SHARON L. RUOT,
Plaintiffs

-vs-

DEWEY D. SHAFFER AND RACHEL S.
SHAFFER, Husband and Wife;
PATRICK H. MOWREY, an
individual; KIM MOWREY HOBBA,
an individual; THE PATRICK H.
MOWREY FAMILY TRUST; AND THE
KIM MOWREY HOBBA FAMILY TRUST,
Defendants

Docket No. 06-565-CD
ACTION TO QUIET TITLE

CERTIFICATE OF SERVICE

I certify that on this 6th day of June, 2006, a certified copy
of the Affidavit of Default and Order dated June 2, 2006 was served
by United States First Class Mail upon the following:

Mr. Patrick H. Mowrey
362 North Park Street
Sykesville PA 15865

Ms. Kim Mowrey Hobba
362 North Park Street
Sykesville PA 15865

The Patrick H. Mowrey Family Trust
362 North Park Street
Sykesville PA 15865

The Kim Mowrey Hobba Family Trust
362 North Park Street
Sykesville PA 15865


Dwight L. Koerber, Jr., Esquire

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

JOSEPH P. RUOT, JR. AND
SHARON L. RUOT,
Plaintiffs

-vs-

DEWEY D. SHAFFER AND RACHEL S.
SHAFFER, Husband and Wife;
PATRICK H. MOWREY, an
individual; KIM MOWREY HOBBA,
an individual; THE PATRICK H.
MOWREY FAMILY TRUST; AND THE
KIM MOWREY HOBBA FAMILY TRUST,
Defendants

Docket No. 06-565-CD
ACTION TO QUIET TITLE

Type of pleading:
PRAECIPE

Filed on behalf of:
PLAINTIFFS, Joseph P.
Ruot, Jr. and
Sharon L. Ruot

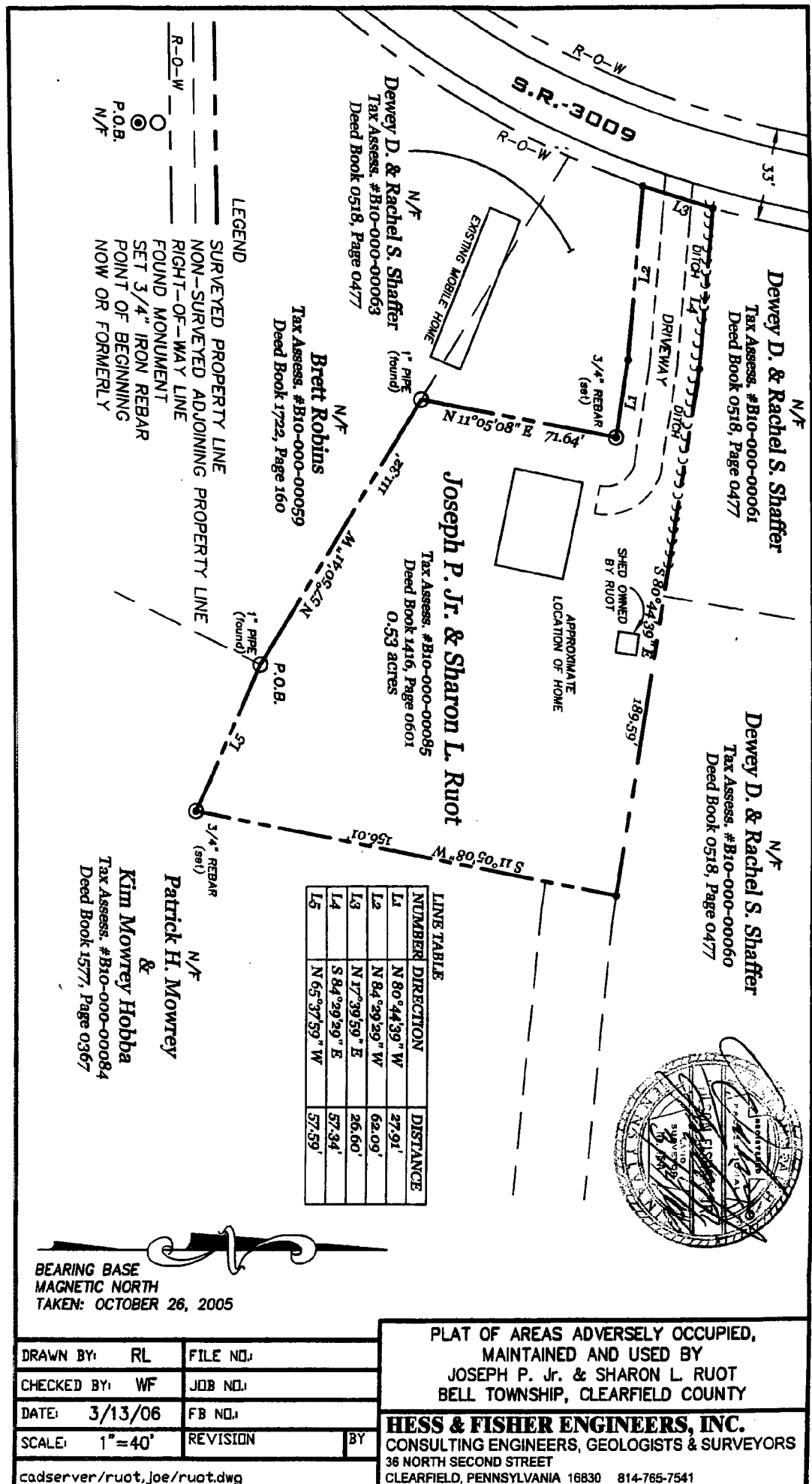
Counsel of record for
this party:

Dwight L. Koerber, Jr.,
Esquire
PA I.D. No. 16332

110 North Second Street
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611

FILED 2009 3 statements
012:36:01 Amy Koerber
JUL 06 2006

William A. Shaw
Prothonotary/Clerk of Courts



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY ,
PENNSYLVANIA
STATEMENT OF JUDGMENT

CC-1

Joseph P. Ruot Jr. and
Sharon L. Ruot
Plaintiff(s)

No.: 2006-00565-CD

Real Debt: \$

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Dewey D. Shaffer and Rachel S. Shaffer,
Husband and wife; Patrick H. Mowrey,
an individual; Kim Mowrey Hobba, an
individual; The Patrick H. Mowrey Family
Trust; and The Kim Mowrey Hobba Family
Trust
Defendant(s)

Entry: \$

Instrument: Quiet Title Judgment against
Patrick H. Mowrey, Kim Mowrey Hobba, The
Patrick H. Mowrey Family Trust; and The Kim
Mowrey Hobba Family Trust ONLY

Date of Entry: July 6, 2006

Certified from the record this 6th day of July, 2006.


William A. Shaw, Prothonotary

SIGN BELOW FOR SATISFACTION

Received on _____, _____, of defendant full satisfaction of this Judgment,
Debt, Interest and Costs and Prothonotary is authorized to enter Satisfaction on the same.

Plaintiff/Attorney

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

JOSEPH P. RUOT, JR. and *
SHARON L. RUOT, *
Plaintiffs *

-vs-

Docket No. 06-565-CD

DEWEY D. SHAFFER AND RACHEL S. *
SHAFFER, Husband and Wife; *
PATRICK H. MOWREY, an individual; *
KIM MOWREY HOBBA, an individual; *
THE PATRICK H. MOWREY FAMILY *
TRUST; and THE KIM MOWREY *
HOBBA FAMILY TRUST, *
Defendants *

Type of pleading:
STIPULATION

Filed on behalf of:
PLAINTIFFS, Joseph P.
Ruot, Jr. and Sharon
L. Ruot

Counsel of record for
this party:

Dwight L. Koerber, Jr.,
Esquire
PA I.D. No. 16332

110 North Second Street
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611

FILED
JUL 18 2006

William A. Shaw
Prothonotary/Clerk of Courts

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

JOSEPH P. RUOT, JR. AND
SHARON L. RUOT,
Plaintiffs

-VS-

DEWEY D. SHAFFER AND RACHEL S.
SHAFFER, Husband and Wife;
PATRICK H. MOWREY, an
individual; KIM MOWREY HOBBA,
an individual; THE PATRICK H.
MOWREY FAMILY TRUST; AND THE
KIM MOWREY HOBBA FAMILY TRUST,
Defendants

Docket No. 06-565-CD
ACTION TO QUIET TITLE

STIPULATION

THIS STIPULATION is by and between **VIVIENNE SHAFFER**, Heir-at-Law for her parents, **DEWEY D. SHAFFER** and **RACHEL S. SHAFFER**, listed in the within legal proceeding as defendants, and **JOSEPH P. RUOT, JR.** and **SHARON L. RUOT**, listed in the within legal proceeding as plaintiffs.

The parties hereby stipulate to the following:

(a) That **VIVIENNE SHAFFER** is the lawful owner of those parcels located in Bell Township, Clearfield County, Pennsylvania, identified in paragraph 3 of the Complaint filed herein as Tax Parcel Nos. 60, 61 and 63.

(b) That the issue before the Court in the Quiet Title Complaint filed by the plaintiffs is whether plaintiffs have acquired legal ownership of a certain "paper alley", as identified in Appendix F to the Complaint, a copy of which is attached hereto as Exhibit A, with such ownership having been vested in plaintiffs by virtue of their adverse possession of the said "paper alleyway".

(c) That the parties hereunto now agree that the proper boundary line

between them is in accordance with the survey map attached hereto, which shows that plaintiffs have acquired title to the "paper alley" that previously extended along the boundary line of the plaintiffs and the boundary line of **VIVIENNE SHAFFER**.

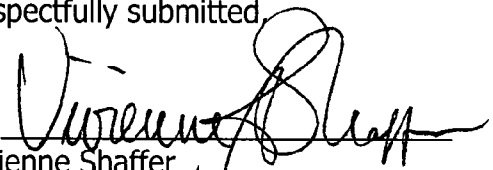
(d) That in order to facilitate the process of permitting **VIVIENNE SHAFFER**, and her heirs, successors and assigns, to enter onto and exit from Highway S.R. 3009, plaintiffs hereby convey unto **VIVIENNE SHAFFER**, her heirs, successors and assigns, the right of ingress, egress and regress over that portion of their driveway which is identified as "driveway" in the survey map, attached hereto as Exhibit A.

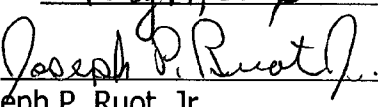
(e) That the parties agree that in exercising the right of ingress, egress and regress, **VIVIENNE SHAFFER**, and her heirs, successors and assigns, shall be responsible for repairing or correcting any damage that they cause to the driveway owned by plaintiffs, as identified in Exhibit A, attached hereto. Notwithstanding this duty imposed upon **VIVIENNE SHAFFER**, and her heirs, successor and assigns, there shall be no responsibility imposed on them to assist in the maintenance and upkeep of the driveway of the plaintiffs, as that responsibility shall be assumed and performed solely by the plaintiffs in the use of their property.

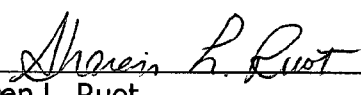
(f) That the parties hereunto agree that this Stipulation shall be filed of record in the subject proceeding, and shall be binding upon their respective heirs, successors and assigns.

(g) That the parties agree that a copy of this Stipulation shall be filed with the Recorder of Deeds of Clearfield County, Pennsylvania, so as to insure that it is reflected in their respective chains of title to their properties.

Respectfully submitted,

By: 
Vivienne Shaffer
DATE: July 14, 2006

By: 
Joseph P. Ruot, Jr.
DATE: July 17, 2006

By: 
Sharon L. Ruot
DATE: July 17, 2006

ACKNOWLEDGEMENT

COMMONWEALTH OF PENNSYLVANIA:

Clearfield :SS:
COUNTY OF ~~ALLEGHENY~~ :

On this, the 14th day of ~~June~~^{July}, 2006, before me, the undersigned officer, a Notary Public, personally appeared **VIVIENNE SHAFFER**, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that she executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set forth my hand and Notarial Stamp.

Sharon A. Hudson
Notary Public

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
Sharon A. Hudson, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires Dec. 9, 2006

Member, Pennsylvania Association of Notaries

ACKNOWLEDGEMENT

COMMONWEALTH OF PENNSYLVANIA:

:SS:

COUNTY OF CLEARFIELD :

On this, the 17 day of ^{July}~~June~~, 2006, before me, the undersigned officer, a Notary Public, personally appeared **JOSEPH P. RUOT, JR.** and **SHARON L. RUOT**, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set forth my hand and Notarial Stamp.

Sharon A. Hudson
Notary Public

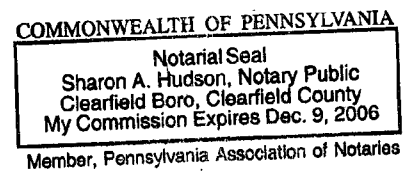


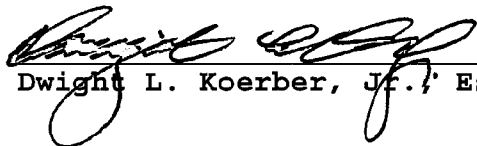
EXHIBIT A

Attached hereto is a copy of the survey map showing the "paper alley" which is the subject of the within proceeding.

CERTIFICATE OF SERVICE

I certify that on this 18th day of July, 2006, a copy of the foregoing Stipulation was served by United States First Class Mail upon the following:

Ms. Vivienne A. Shaffer
7134 Thomas Blvd.
Pittsburgh, PA 15208-2437


Dwight L. Koerber, Jr., Esquire

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

*

JOSEPH P. RUOT, JR. AND
SHARON L. RUOT,
Plaintiffs

*

*

-vs-

*

Docket No. 06-565-CD
ACTION TO QUIET TITLE

DEWEY D. SHAFFER AND RACHEL S.
SHAFFER, Husband and Wife;
PATRICK H. MOWREY, an
individual; KIM MOWREY HOBBA,
an individual; THE PATRICK H.
MOWREY FAMILY TRUST; AND THE
KIM MOWREY HOBBA FAMILY TRUST,
Defendants

*

*

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*

*

Type of pleading:
PRAECIPE

Filed on behalf of:
PLAINTIFFS, Joseph P.
Ruot, Jr. and
Sharon L. Ruot

Counsel of record for
this party:

Dwight L. Koerber, Jr.,
Esquire
PA I.D. No. 16332

110 North Second Street
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611

FILED
013:2761
JUL 20 2006

2cc
Amy Koerber
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
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JOSEPH P. RUOT, JR. AND
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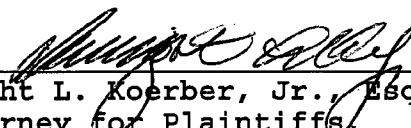
PRAECIPE

TO THE PROTHONOTARY:

In view of the judgment entered on July 6, 2006 against Defendants Patrick H. Mowrey, Kim Mowrey Hobba, The Patrick H. Mowrey Family Trust and The Kim Mowrey Hobba Family Trust, and in view of the Stipulation signed by plaintiffs and Defendant Vivienne Shaffer (sole heir of the late Dewey D. Shaffer and the late Rachel S. Shaffer), and filed of record on July 18, 2006, all matters in this proceeding have been brought to a conclusion.

Accordingly, please mark the docket in this case closed.

Respectfully submitted,

By: 
Dwight L. Koerber, Jr., Esquire
Attorney for Plaintiffs
Joseph P. Ruot, Jr. and
Sharon L. Ruot
DATE: July 20, 2006