

06-624-CD  
John Amick et al vs Don Eigbemy et al

2006-624-CD  
John Amick et al vs Don Eigbemy

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

JOHN C. AMICK and JUDITH A. AMICK, :  
Husband and Wife, :  
Plaintiffs :  
vs. : No. 06 - 624 - C.D.  
: ACTION TO QUIET TITLE  
DON EIGHMY, ROBERTINA EIGHMY, and :  
ALFRED GEORGE LEWIS, A/K/A ALFRED :  
G. LEWIS, their heirs, executors, :  
administrators and assigns, :  
Defendants : COMPLAINT

Filed on behalf of  
Plaintiffs

Counsel of Record for  
this Party:

Carl A. Belin, Jr., Esq.  
Pa. I.D. #08605

BELIN & KUBISTA  
15 North Front Street  
P.O. Box 1  
Clearfield, PA 16830  
(814) 765-8972

FILED  
09/03/06 2cc  
APR 21 2006 Atty Belin  
Atty pd. 95.00  
William A. Shaw  
Prothonotary/Clerk of Courts

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

JOHN C. AMICK and JUDITH A. AMICK, :  
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G. LEWIS, their heirs, executors, :  
administrators and assigns, :  
Defendants :

NOTICE

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 Plaintiff. You may lose money or property or other rights important to you.

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

COURT ADMINISTRATOR  
Clearfield County Courthouse  
1 North Second Street  
Clearfield, PA 16830

(814) 765-2641 Ex 5982

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

JOHN C. AMICK and JUDITH A. AMICK, :  
Husband and Wife, :  
Plaintiffs :  
: No. 06 - - C.D.  
vs. :  
: ACTION TO QUIET TITLE  
DON EIGHMY, ROBERTINA EIGHMY, and :  
ALFRED GEORGE LEWIS, A/K/A ALFRED :  
G. LEWIS, their heirs, executors, :  
administrators and assigns, :  
Defendants :

COMPLAINT

NOW COMES, the Plaintiffs, and by and through their attorneys Belin & Kubista, bring the following action in quiet title, and in support thereof, aver as follows:

1. That the Plaintiffs are John C. Amick and Judith A. Amick, husband and wife, of Sandy Township, Clearfield County, Pennsylvania, with a mailing address of 1233 West Long Avenue, DuBois, Pennsylvania 15801 ("Amicks").

2. The Defendants are: Don Eighmy, whose last known address was 10434 West Seven Mile Road, Northville, Michigan 48167 ("Eighmy"); Robertina Eighmy, whose address is 10434 West Seven Mile Road, Northville, Michigan 48167 ("Eighmy"); and Alfred George Lewis, also known as Alfred G. Lewis, whose last known address was the town of Geneva, County of Ontario and State of New York ("Lewis").

3. That the Plaintiffs are the owners of all of the coal and other minerals (except for the coal known as the "Mahonning vein" which was sold to the Bell, Lewis and Yates Coal Mining Company by lease dated the 17<sup>th</sup> day of May, A.D. 1866) which lies in, upon or under the following described two tracts of land situated in the Township of Sandy, Clearfield County, Pennsylvania, identified in the Clearfield County Tax Maps as Parcel Number 128-A3-000-00063 et al., and which are more particularly bounded and described as follows:

THE FIRST PARCEL: BEGINNING at the northwest corner of John Rumbarger's farm and running thence South forty-four (44°) degrees West twenty eight hundred and forty-five (2845) feet to the southwest corner of said Rumbarger's farm; thence South forty-five (45°) degrees East to a post at the northeast corner of the farm known as the "Henry Heberling farm;" thence South forty-five (45°) degrees West, thirty and eight tenths (30.8) perches to a pine stump; thence South one (01°) degree West, one hundred ninety-two (192) perches to a post at the southeast corner of Peter S. Heberling's farm: thence North eighty-nine (89°) degrees West, ninety and three tenths (90.3) perches to a beech; thence North sixty-two and one/half (62-1/2°) degrees West thirty and four tenths (30.4) perches to a post; thence North thirty (30°) degrees East, along land of E. Hand, one hundred forty and five tenths (140.5) perches to a post; thence North sixty-six (66°) degrees West, along land of said Hand and Thomas Wayne, two hundred five (205) perches to the southwest corner of the John Reisinger farm; thence South thirty (30°)

degrees West, about six and five tenths (6.5) perches to the North line of Warrant No. 5881; thence South eighty-eight ( $88^\circ$ ) degrees East, one hundred twenty-two (122) perches to Soliday's purchase; thence, along the same, North one ( $01^\circ$ ) degree East, ninety-three (93) perches to a post; thence West eighty-six (86) perches; thence North one ( $01^\circ$ ) degree East forty-five (45) perches to the southwest corner of William Reynold's first purchase; thence East along his line, one hundred (100) perches; thence North one ( $01^\circ$ ) degree East, one hundred two (102) perches; thence by the same course, seventy-two (72) perches to a white pine; thence North thirty-seven ( $37^\circ$ ) degrees East, one hundred forty (140) perches; thence North sixty-four ( $64^\circ$ ) degrees East, thirty-two (32) perches to a beech; thence South forty-six ( $46^\circ$ ) degrees East, three hundred ten (310) perches to a post; thence North nineteen ( $19^\circ$ ) degrees East, thirty-six (36) perches to a post; thence South seventy-six ( $76^\circ$ ) degrees East, about fifty-eighty (58) perches; thence South forty-four ( $44^\circ$ ) degrees West, about seventy (70) perches to the place of beginning. Containing 921 Acres, more or less.

**THE SECOND PARCEL:** The second of said tracts is known as the "Joseph Heberling farm" and is described as follows, to wit:

BEGINNING at a post at the southwest corner of said land and running thence South sixty-two ( $62^\circ$ ) degrees East, along the North line of land of C. H. Prescott, one hundred forty and six tenths (140.6) perches to a post on the West line of land of Issaac Frantz; thence along the lien of land of said Frantz and land of E. Hand, North thirty ( $30^\circ$ ) degrees East, one hundred thirty and one tenth (130.1)

perches to the line of land of Thomas Wayne; thence along the line of said land of Thomas Wayne, North sixty-two (62°) degrees West, one hundred forty and six tenths (140.6) perches to a post; thence South thirty (30°) degrees West, one hundred thirty and one tenth (130.1) perches to the place of beginning. Containing 119.61 acres, be the same more or less.

(the "premises")

4. That the Amicks became the owners of the **premises** by virtue of a Clearfield County tax claim bureau deed dated April 5, 2006, and recorded in the Office of the Recorder of Deeds of Clearfield County as Instrument Number 200605094, for unpaid taxes on an assessment in the name of Don Eighmy and Robertina Eighmy, for taxes assessed for the years of 1989 through 2004.

5. That it is believed and averred that Don Eighmy and Robertina Eighmy were husband and wife, that it is believed that Don Eighmy died on April 1, 1999, and Robertina Eighmy became the sole owner as surviving tenant by the entirety. However, Don Eighmy, his heirs and assigns, are included as a defendant in the event the parties were not married or that they did not own the premises as tenants by the entireties.

6. That one of the purposes of this quiet title is to extinguish any title that Don Eighmy and Robertina Eighmy,

their heirs and assigns, may have had in and to the said premises due to lack of notice or any other defect in the tax sale referred to in Paragraph 4 of the Complaint which is incorporated herein by reference and made a part hereof, and to extinguish any interest or equity that Don Eighmy and Robertina Eighmy, their heirs and assigns, may have had in the premises following said tax sale.

7. That Don Eighmy and Robertina Eighmy became the owners of said **premises** by virtue of a Treasurer's Deed of Clearfield County dated November 15, 1965, and recorded in the Office of the Recorder of Deeds of Clearfield County in Deed Book 577, page 563, consisting of 1094 acres of mineral rights assessed in the name of Alfred George Lewis, also known as Alfred G. Lewis, for unpaid taxes for the year of 1963.

8. That the other purpose of this quiet title is to extinguish any title that Alfred George Lewis, also known as Alfred G. Lewis, his heirs and assigns, may have had in and to the said premises due to lack of notice or any other defect in the tax sale referred to in Paragraph 7 of the Complaint which is incorporated herein by reference and made a part hereof, and to extinguish any interest or equity that Alfred George Lewis, also known as Alfred G. Lewis, his heirs and assigns, may have had in the premises following said tax sale.

9. That Alfred George Lewis, also known as Alfred G. Lewis, acquired the **premises** by deed of Katherine B. Lewis dated January 20, 1911, and recorded in the Office of the Recorder of Deeds of Clearfield County in Deed Book 183, page 517. Said deed conveyed all the coal and other minerals (except the coal known as the "Mahoning seam") in the **premises**.

10. That after acquiring the premises in 1911, Alfred George Lewis, also known as Alfred G. Lewis, had all the coal and other minerals assessed as 1094 Acres of mineral rights which would have included the coal underlying the **premises** which coal and other minerals were sold for taxes in the year 1963 to Don Eighmy and Robertina Eighmy, his wife, by Treasurer's deed hereinbefore referred to in Paragraph 7.

11. That while there was also an exception of coal and other minerals in the foregoing deed for coal and other minerals that may have been conveyed to other owners by Alfred Bell in his lifetime, or by Katherine Lewis as Executrix of the Alfred Bell Estate, a review of all conveyances of Alfred Bell and his Executrix indicates that no such coal was conveyed under the **premises** in any of the conveyances made by those parties prior to the conveyance to Alfred George Lewis, also known as Alfred G. Lewis.

12. That Katherine B. Lewis acquired the **premises** by a deed from Alfred George Lewis, also known as Alfred G. Lewis, dated the "\_\_\_\_\_ day" of May, 1905, and recorded in the Office of the Recorder of Deeds of Clearfield County in Deed Book 148, page 355. Said deed conveyed all the coal and other minerals (except the coal known as the "Mahoning seam") in the **premises**.

13. That Alfred George Lewis, also known as Alfred G. Lewis, acquired the **premises** from Katherine B. Lewis as Executrix for Alfred Bell estate dated October 31, 1901, and recorded in the Office of the Recorder of Deeds of Clearfield County in Deed Book 119, page 471. Said deed conveyed all the coal and other minerals (except the coal known as the "Mahoning seam") in the **premises**.

14. That the Amicks, Don Eighmy, Robertina Eighmy, and Alfred George Lewis, also known as Alfred G. Lewis, are the only parties who have an interest in the surface and coal and other minerals in the **premises**.

WHEREFORE, Plaintiffs demand judgment:

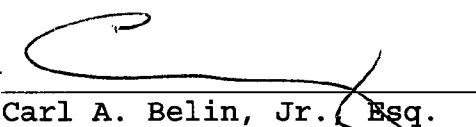
(a) that they are the owners of all the coal and other minerals (except the coal known as the "Mahoning seam") in, upon, and under the **premises**, and have title to all the coal and other minerals except for the Mahoning seam of coal;

(b) that the Defendants referred to in Paragraphs 5, and 9 are hereby directed to bring an action in ejectment within thirty (30) days from the entry of the order pursuant to Pa. R.C.P. 1066(b)(1) or be forever barred from asserting a claim to the **premises**; and

(c) such other relief as the Court deems proper.

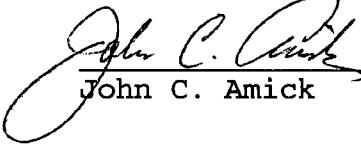
Respectfully Submitted,

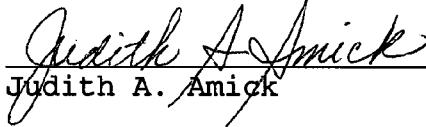
BELIN & KUBISTA

By   
Carl A. Belin, Jr. Esq.

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

Before me the undersigned officer, personally appeared John C. Amick and Judith A. Amick, who being duly sworn according to law, depose and say that the facts set forth in the foregoing Complaint are true and correct to the best of their knowledge, information and belief.

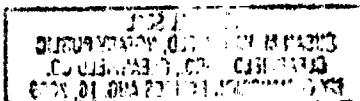
  
John C. Amick

  
Judith A. Amick

Sworn and subscribed before me this 20th day of  
April, 2006.

  
Susan M. Hartzfeld  
Notary Public

NOTARIAL SEAL  
SUSAN M. HARTZFELD, NOTARY PUBLIC  
CLEARFIELD BORO., CLEARFIELD CO.  
MY COMMISSION EXPIRES AUG. 16, 2009



**FILED**

APR 21 2006

William A. Shaw  
Prothonotary/Clerk of Courts

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

JOHN C. AMICK and JUDITH A. AMICK, :  
Husband and Wife, :  
Plaintiffs :  
vs. :  
: No. 06 - 624 - C.D.  
: ACTION TO QUIET TITLE  
DON EIGHMY, ROBERTINA EIGHMY, and :  
ALFRED GEORGE LEWIS, A/K/A ALFRED :  
G. LEWIS, their heirs, executors, :  
administrators and assigns, :  
Defendants :  
AFFIDAVIT

Filed on behalf of  
Plaintiffs

Counsel of Record for  
This Party:  
Carl A. Belin, Jr., Esq.  
Pa. I.D. #06805

BELIN & KUBISTA  
15 North Front Street  
P.O. Box 1  
Clearfield, PA 16830

(814) 765-8972

FILED <sup>1cc</sup>  
04/03/01 Atty Belin  
APR 21 2001 *WS*

William A. Shaw  
Prothonotary/Clerk of Courts

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

JOHN C. AMICK and JUDITH A. AMICK, :  
Husband and Wife, :  
Plaintiffs :  
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DON EIGHMY, ROBERTINA EIGHMY, and :  
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Defendants :

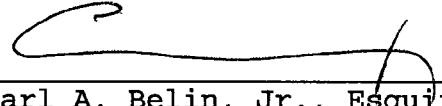
AFFIDAVIT

Carl A. Belin, Jr., Esquire, being duly sworn according to law, deposes and states that he is the attorney for the Plaintiffs and that he attempted to ascertain the identity, whereabouts, and addresses of Defendants Don Eighmy and Alfred George Lewis, also known as Alfred G. Lewis, their heirs, executors, administrators, and assigns.

He further avers that he caused an abstractor to search the real estate and estate records of Clearfield County and that no listings were found in the name of Defendants Don Eighmy and Alfred George Lewis, also known as Alfred G. Lewis, their heirs, executors, administrators and assigns; that phone directories were consulted in Northville, Michigan, and no listings were found for Don Eighmy, his heirs, executors, administrators and assigns; that the phone directories were consulted in Geneva, New York, and no

listings were found for Alfred George Lewis, also known as Alfred G. Lewis, his heirs, executors, administrators and assigns.

Based upon the foregoing search, personal service cannot be made upon Defendants Don Eighmy and Alfred George Lewis, also known as George F. Lewis, their heirs, executors, administrators, and assigns, and it is necessary that service be made by publication.

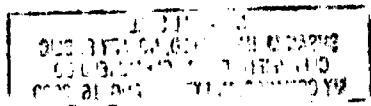
  
Carl A. Belin, Jr., Esquire  
Attorney for Plaintiffs

Sworn and subscribed before me this 30th day of  
April, 2006.

  
Susan M. Hartzfeld  
Notary Public

NOTARIAL SEAL  
SUSAN M. HARTZELD, NOTARY PUBLIC  
CLEARFIELD BORO., CLEARFIELD CO.  
MY COMMISSION EXPIRES AUG. 16, 2009





**FILED**

**APR 21 2006**

William A. Shaw  
Prothonotary/Clerk of Courts

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

JOHN C. AMICK and JUDITH A. AMICK, :  
Husband and Wife, :  
Plaintiffs :  
vs. : No. 06 - 624 - C.D.  
: ACTION TO QUIET TITLE  
DON EIGHMY, ROBERTINA EIGHMY, and :  
ALFRED GEORGE LEWIS, A/K/A ALFRED :  
G. LEWIS, their heirs, executors, :  
administrators and assigns, :  
Defendants : MOTION AND ORDER  
FOR PUBLICATION

Filed on behalf of  
Plaintiffs

Counsel of Record for  
This Party:  
Carl A. Belin, Jr., Esq.  
Pa. I.D. #06805

BELIN & KUBISTA  
15 North Front Street  
P.O. Box 1  
Clearfield, PA 16830

(814) 765-8972

FILED <sup>1cc</sup>  
09/03/2011  
APR 21 2006  
Atty Belin

William A. Shaw  
Prothonotary/Clerk of Courts

4.

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

JOHN C. AMICK and JUDITH A. AMICK, :  
Husband and Wife, :  
Plaintiffs :  
: No. 06 - - C.D.  
vs. :  
: ACTION TO QUIET TITLE  
DON EIGHMY, ROBERTINA EIGHMY, and :  
ALFRED GEORGE LEWIS, A/K/A ALFRED :  
G. LEWIS, their heirs, executors, :  
administrators and assigns, :  
Defendants :  
:

MOTION FOR PUBLICATION

AND NOW, to wit: April 21, 2006, an affidavit  
having been executed and filed on behalf of the Plaintiffs that the  
Defendants Don Eighmy and Alfred George Lewis, also known as Alfred  
G. Lewis, their heirs, executors, administrators, and assigns,  
present whereabouts are unknown, that Plaintiffs, by their  
attorneys, Belin & Kubista, move the Court for leave to serve the  
complaint on Defendants Don Eighmy and Alfred George Lewis, also  
known as Alfred G. Lewis, their heirs, executors and assigns, by  
publication in *The Courier Express* and the *Clearfield County Legal  
Journal*, Clearfield, Pennsylvania one (1) time.

BELIN & KUBISTA

Carl A. Belin, Jr., Esquire

1

**FILED**

**APR 21 2006**

*William A. Shaw*  
Prothonotary/Clerk of Courts

4

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

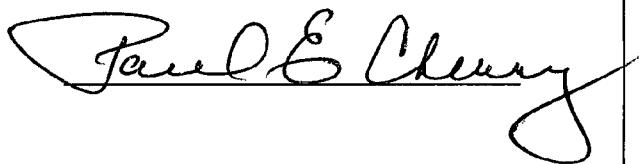
JOHN C. AMICK and JUDITH A. AMICK, :  
Husband and Wife, :  
Plaintiffs :  
vs. : No. 06 - 624 - C.D.  
: ACTION TO QUIET TITLE  
DON EIGHMY, ROBERTINA EIGHMY, and :  
ALFRED GEORGE LEWIS, A/K/A ALFRED :  
G. LEWIS, their heirs, executors, :  
administrators and assigns, :  
Defendants :

ORDER

AND NOW, to wit: this 21<sup>st</sup> day of April, 2006,  
upon consideration of the foregoing Motion, the Plaintiffs are  
granted leave to make service of the Complaint on the Defendants,  
Don Eighmy and Alfred George Lewis, also known as Alfred G. Lewis,  
their heirs, executors, administrators and assigns by general  
publication one time in *The Courier Express* and the *Clearfield  
County Legal Journal*, Clearfield, Pennsylvania not less than thirty  
(30) days prior to May 30, 2006, the date set for hearing  
of said Complaint in Courtroom No. 2 at Clearfield,  
Pennsylvania at 8:45 o'clock A.m.

FILED  
09:03 AM  
APR 21 2006 cc Amy Belin  
William A. Shaw  
Prothonotary/Clerk of Courts

BY THE COURT,

Paul E. Cherry

**FILED**

**APR 21 2006**

*William A. Shaw*  
Prothonotary/Clerk of Courts

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

JOHN C. AMICK and JUDITH A. AMICK, :  
Husband and Wife, :  
Plaintiffs :  
vs. : No. 06 - 624 - C.D.  
: ACTION TO QUIET TITLE  
DON EIGHMY, ROBERTINA EIGHMY, and :  
ALFRED GEORGE LEWIS, A/K/A ALFRED : AFFIDAVIT  
G. LEWIS, their heirs, executors, :  
administrators and assigns, :  
Defendants :

Filed on behalf of  
Plaintiffs

Counsel of Record for  
this Party:

Carl A. Belin, Jr., Esq.  
Pa. I.D. #08605

BELIN & KUBISTA  
15 North Front Street  
P.O. Box 1  
Clearfield, PA 16830  
(814) 765-8972

FILED

MAY 12 2006

0/2:45

William A. Shaw *W*  
Prothonotary/Clerk of Courts

No C/C

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

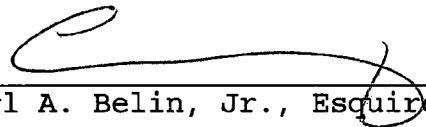
JOHN C. AMICK and JUDITH A. AMICK, :  
Husband and Wife, :  
Plaintiffs :  
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ALFRED GEORGE LEWIS, A/K/A ALFRED :  
G. LEWIS, their heirs, executors, :  
administrators and assigns, :  
Defendants :

AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA :  
: SS.  
COUNTY OF CLEARFIELD :

CARL A. BELIN, JR., attorney for the above named Plaintiffs,  
being duly sworn according to law, deposes and states that Notice  
of the Quiet Title Action was served upon Defendants, Don Eighmy  
and Alfred George Lewis, also known as Alfred G. Lewis, their  
heirs, executors, administrators, and assigns, by publication in  
*The Progress*, a newspaper, on April 24, 2006, as evidenced by the  
Proof of Publication dated May 1, 2006, *The Courier Express*, a  
newspaper, on April 26, 2006, as evidenced by the Proof of  
Publication dated May 5, 2006, attached hereto, and by publication  
in the *Clearfield County Legal Journal*, Clearfield, on April 28,  
2006, as evidenced by the Proof of Publication dated April 28,

2006, attached hereto.

  
Carl A. Belin, Jr., Esquire

SWORN AND SUBSCRIBED before me this 12<sup>th</sup> day of May,  
2006.

  
Susan M. Hartzfeld  
Notary Public

NOTARIAL SEAL  
SUSAN M. HARTZFELD, NOTARY PUBLIC  
CLEARFIELD BORO., CLEARFIELD CO.  
MY COMMISSION EXPIRES AUG. 16, 2009



**PROOF OF PUBLICATION OF NOTICE APPEARING IN THE**

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION  
No. 06-624-C.D.  
ACTION TO QUIET TITLE

JOHN C. AMICK and JUDITH A. AMICK, Husband and Wife, Plaintiffs

vs.

DON EIGHMY, ROBERTINA EIGHMY, and ALFRED GEORGE LEWIS, A/K/A ALFRED G. LEWIS,  
their heirs, executors, administrators and assigns, Defendants

**TO: DON EIGHMY, AND ALFRED GEORGE LEWIS, A/K/A ALFRED G. LEWIS, THEIR HEIRS, EXECUTORS, ADMINISTRATORS AND ASSIGNS:**

**NOTICE**

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the Plaintiffs. You may lose money or property or other rights important to you. 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, 1 North Second Street, Clearfield, Pennsylvania 16830 (814) 765-2641 Ex. 5982.

You are hereby notified that an Action to Quiet Title to all of the coal and other minerals (except for the coal known as the "Mahoning vein" which was sold to the Bell, Lewis and Yates Coal Mining Company by lease dated the 17th day of May, A.D. 1866) which lies in, upon or under the following described two, tracts of land situated in the Township of Sandy, Clearfield County, Pennsylvania, identified in the Clearfield County Tax Maps as Parcel Number 128-A3-000-00063 et al., and which are more particularly bounded and described as follows:

**THE FIRST PARCEL:** BEGINNING at the northwest corner of John Rumbarger's farm and running thence South forty-four (44°) degrees West twenty eight hundred and forty-five (2845) feet to the southwest corner of said Rumbarger's farm; thence South forty-five (45°) degrees East to a post at the northeast corner of the farm known as the "Henry Heberling farm;" thence South forty-five (45°) degrees West, thirty and eight tenths (30.8) perches to a pine stump; thence South one (01°) degree West, one hundred ninety-two (192) perches to a post at the southeast corner of Peter S. Heberling's farm; thence North eighty-nine (89°) degrees West, ninety and three tenths (90.3) perches to a beech; thence North sixty-two and one/half (62-1/2") degrees West thirty and four tenths (30.4) perches to a post; thence North thirty (30°) degrees East, along land of E. Hand, one hundred forty and five tenths (140.5) perches to a post; thence North sixty-six (66°) degrees West, along land of said Hand and Thomas Wayne, two hundred five (205) perches to the southwest corner of the John Reisinger farm; thence South thirty (30°) degrees West, about six and five tenths (6.5) perches to the North line of Warrant No. 5881; thence South eighty-eight (88°) degrees East, one hundred twenty-two (122) perches to Soliday's purchase; thence, along the same, North one (01°) degree East, ninety-three (93) perches to a post; thence West eighty-six (86) perches; thence North one (01°) degree East forty-five (45) perches to the southwest corner of William Reynold's first purchase; thence East along his line, one hundred (100) perches; thence North one (01°) degree East, one hundred two (102) perches; thence by the same course, seventy-two (72) perches to a white pine; thence North thirty-seven (37°) degrees East, one hundred forty (140) perches; thence North sixty-four (64°) degrees East, thirty-two (32) perches to a beech; thence South forty-six (46°) degrees East, three hundred ten (310) perches to a post; thence North nineteen (19°) degrees East, thirty-six (36) perches to a post; thence South seventy-six (76°) degrees East, about fifty-eight (58) perches; thence South forty-four (44°) degrees West, about seventy (70) perches to the place of beginning. Containing 921 Acres, more or less.

**THE SECOND PARCEL:** The second of said tracts is known as the "Joseph Heberling farm" and is described as follows, to wit:

BEGINNING at a post at the southwest corner of said land and running thence South sixty-two (62°) degrees East, along the North line of land of C. H. Prescott, one hundred forty and six tenths (140.6) perches to a post on the West line of land of Isaac Frantz; thence along the line of land of said Frantz and land of E. Hand, North thirty (30°) degrees East, one hundred thirty and one tenth (130.1) perches to the line of land of Thomas Wayne; thence along the line of said land of Thomas Wayne, North sixty-two (62°) degrees West, one hundred forty and six tenths (140.6) perches to a post; thence South thirty (30°) degrees West, one hundred thirty and one tenth (130.1) perches to the place of beginning. Containing 119.61 acres, be the same more or less.

(the "premises").

That one of the purposes of this Quiet Title Action is to extinguish any title that Don Eighmy and Robertina Eighmy, their heirs and assigns, may have had in and to the said premises due to lack of notice or any other defect in the tax sale referred to in Paragraph 4 of the Complaint which is incorporated herein by reference and made a part hereof, and to extinguish any interest or equity that Don Eighmy and Robertina Eighmy, their heirs and assigns, may have had in the premises following said tax sale; another purpose of this Quiet Title Action is to extinguish any title that Alfred G. Lewis, also known as Alfred G. Lewis, his heirs and assigns, may have had in and to the said premises due to lack of notice or any other defect in the tax sale referred to in Paragraph 7 of the Complaint which is incorporated herein by reference and made a part hereof, and to extinguish any interest or equity that Alfred G. Lewis, also known as Alfred G. Lewis, his heirs and assigns, may have had in the premises following said tax sale.

WHEREUPON said Court ordered that notice of said action and the facts thereto be served on the Defendants Don Eighmy and Alfred George Lewis, also known as Alfred G. Lewis, their heirs, executors, administrators and assigns, by the Plaintiffs by advertisement requiring Defendants Don Eighmy and Alfred George Lewis, also known as Alfred G. Lewis, their heirs, executors, administrators and assigns, to answer the said complaint within twenty (20) days from the date of this publication. For failure to comply, a judgment will be taken by application of Plaintiffs before the Court at a hearing to be held on May 30, 2006, at 8:45 A.M., at the Clearfield County Courthouse, Courtroom No. 2, Clearfield, Pennsylvania.

**JEFFERSONIAN DEMOCRAT  
SHING COMPANY,  
ANIA  
, 1929, P.L. 1784**

g Supervisor of the **Courier-Express/Tri-  
said, being duly sworn, deposes and says that the  
y newspaper and **Jeffersonian Democrat**, a  
eifers Street, City of DuBois, County and State  
1, the daily publication and the weekly  
of the printed notice of publication is attached  
ions of the paper on the following dates, viz: the  
A.D., 2006**

**courier-Express**, a daily newspaper, Tri-County  
y newspaper to verify the foregoing statement  
matter of the aforesaid notice of publication, and  
racter of publication are true.

**ANY Publisher of  
/JEFFERSONIAN DEMOCRAT**

*[Signature]*

of May, 2006

C **COMMONWEALTH OF PENNSYLVANIA**

Cost

**MPANY**

**Notarial Seal**  
Andrew L. Booth, Notary Public  
City of DuBois, Clearfield County  
My Commission Expires Oct. 14, 2009

**NTY SUNDAY**

**RAT**

a

.....	<b>\$522.45</b>
.....	<b>\$7.50</b>
.....	<b>\$529.95</b>

**tising Costs**

ekly newspaper, and/or **Jeffersonian Democrat**, a  
rtising and publication costs, and certifies that the

e, DuBois, PA 15801

-371-4200

**OMPANY**

**JEFFERSONIAN DEMOCRAT**

and receipt for the Advertising costs in the subject

**ATTORNEY FOR**

enty (70) perches to the place of beginning. Containing 921 Acres, more or less.

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That one of the purposes of this Quiet Title Action is to extinguish any title that Don Eighmy and Robertina Eighmy, their heirs and assigns, may have had in and to the said premises due to lack of notice or any other defect in the tax sale referred to in Paragraph 4 of the Complaint which is incorporated herein by reference and made a part hereof, and to extinguish any interest or equity that Don Eighmy and Robertina Eighmy, their heirs and assigns, may have had in the premises following said tax sale; another purpose of this Quiet Title Action is to extinguish any title that Alfred George Lewis, also known as Alfred G. Lewis, his heirs and assigns, may have had in and to the said premises due to lack of notice or any other defect in the tax sale referred to in Paragraph 7 of the Complaint which is incorporated herein by reference and made a part hereof, and to extinguish any interest or equity that Alfred George Lewis, also known as Alfred G. Lewis, his heirs and assigns, may have had in the premises following said tax sale.

WHEREUPON said Court ordered that notice of said action and the facts thereto be served on the Defendants Don Eighmy and Alfred George Lewis, also known as Alfred G. Lewis, their heirs, executors, administrators and assigns, by the Plaintiffs by advertisement requiring Defendants Don Eighmy and Alfred George Lewis, also known as Alfred G. Lewis, their heirs, executors, administrators and assigns, to answer the said complaint within twenty (20) days from the date of this publication. For failure to comply, a judgment will be taken by application of Plaintiffs before the Court at a hearing to be held on May 30, 2006, at 8:45 A.M., at the Clearfield County Courthouse, Courtroom No. 2, Clearfield, Pennsylvania.

BELIN & KUBISTA  
Attorneys at Law  
15 North Front Street  
Clearfield, Pennsylvania  
Attorneys for Plaintiffs



IN THE COURT  
OF COMMON PLEAS  
OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
CIVIL DIVISION  
No. 06-624-C.D.  
ACTION TO  
QUIET TITLE  
JOHN C. AMICK  
and JUDITH A. AMICK,  
Husband and Wife,  
Plaintiffs  
vs.  
DON EIGHMY,  
ROBERTINA EIGHMY,  
and ALFRED GEORGE LEWIS,  
A/K/A ALFRED G. LEWIS,  
their heirs, executors,  
administrators and assigns,  
Defendants  
TO: DON EIGHMY, AND ALFRED  
GEORGE LEWIS, A/K/A ALFRED  
G. LEWIS, THEIR HEIRS, EXECU-  
TORS, ADMINISTRATORS AND  
ASSIGNS:

NOTICE

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the Plaintiffs. You may lose money or property or other rights important to you. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, TO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Court Administrator, Clearfield County Courthouse, 1 North Second Street, Clearfield, Pennsylvania 16830 (814) 765-2641 Ext. 5982.

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PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :  
COUNTY OF CLEARFIELD : SS:

On this 1st day of May, A.D. 20 06, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Margaret E. Krebs, who being duly sworn according to law, deposes and says that she is the President of The Progressive Publishing Company, Inc., and Associate Publisher of The Progress, a daily newspaper published at Clearfield, in the County of Clearfield and State of Pennsylvania, and established April 5, 1913, and that the annexed is a true copy of a notice or advertisement published in said publication in

the regular issues of April 24, 2006

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

*Margaret E. Krebs*

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

*Cheryl J. Robison*

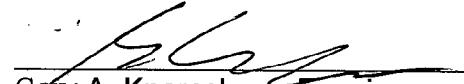
COMMONWEALTH OF PENNSYLVANIA  
Notary Public Clearfield, Pa. Notarial Seal  
My Commission Expires Cheryl J. Robison, Notary Public  
October 31, 2007 Clearfield Boro, Clearfield County  
My Commission Expires Oct. 31, 2007  
Member, Pennsylvania Association Of Notaries

## PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :

COUNTY OF CLEARFIELD :

On this 28th 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 28, 2006. Vol. 18 No. 17. 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

NOTARIAL SEAL  
SHARON J. PUSEY, Notary Public  
Clearfield, Clearfield County, PA  
My Commission Expires APRIL 7, 2007

Belin & Kubista  
15 North Front St  
PO Box 1  
Clearfield PA 16830

William A Shaw  
Prototy/Clerk of Courts

MAY 12 2006

FILED

ALFRED G. LEWIS, their heirs, executors, administrators and assigns, Defendants

TO: DON EIGHMY, AND ALFRED GEORGE LEWIS, A/K/A ALFRED G. LEWIS, THEIR HEIRS, EXECUTORS, ADMINISTRATORS AND ASSIGNS:

NOTICE

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the Plaintiffs. You may lose money or property or other rights important to you. 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.

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IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
CIVIL DIVISION  
No. 06 - 624 - C.D.  
ACTION TO QUIET TITLE

JOHN C. AMICK and JUDITH A.  
AMICK, Husband and Wife, Plaintiffs  
vs.  
DON EIGHMY, ROBERTINA EIGHMY,  
and ALFRED GEORGE LEWIS, A/K/A

the southwest corner of the John Reisinger farm; thence South thirty (30°) degrees West, about six and five tenths (6.5) perches to the North line of Warrant No. 5881; thence South eighty-eight (88°) degrees East, one hundred twenty-two (122) perches to Soliday's purchase; thence, along the same, North one (01°) degree East, ninety-three (93) perches to a post; thence West eighty-six (86) perches; thence North one (01°) degree East forty-five (45) perches to the southwest corner of William Reynold's first purchase; thence East along his line, one hundred (100) perches; thence North one (01°) degree East, one hundred two (102) perches; thence by the same course, seventy-two (72) perches to a white pine; thence North thirty-seven (37°) degrees East, one hundred forty (140) perches; thence North sixty-four (64°) degrees East, thirty-two (32) perches to a beech; thence South forty-six (46°) degrees East, three hundred ten (310) perches to a post; thence North nineteen (19°) degrees East, thirty-six (36) perches to a post; thence South seventy-six (76°) degrees East, about fifty-eight (58) perches; thence South forty-four (44°) degrees West, about seventy (70) perches to the place of beginning. Containing 921 Acres, more or less.

THE SECOND PARCEL: The second of said tracts is known as the "Joseph Heberling farm" and is described as follows, to wit:

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(the "premises").

That one of the purposes of this Quiet Title Action is to extinguish any title that Don Eighmy and Robertina Eighmy, their heirs and assigns, may have had in and to the said premises due to lack of notice or any other defect in the tax sale referred to in Paragraph 4 of the Complaint which is incorporated herein by reference and made a part hereof, and to extinguish any interest or equity that Don Eighmy and Robertina Eighmy, their heirs and assigns, may have

JP Morgan Chase Bank, N.A., S/B/M  
With Bank One, N.A. vs. Mark A. Gormont  
NOTICE

TO Mark A. Gormont:

You are hereby notified that on January 23, 2006 Plaintiff, JP Morgan Chase Bank, N.A., S/B/M With Bank One, N.A., filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of Clearfield County Pennsylvania, docketed to No. 2006-97-CD. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 405 Gertrude Street, Philipsburg, PA 16866 whereupon your property would be sold by the Sheriff of Clearfield County.



If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you without further notice for the sole benefit of the Plaintiff's. You may be relieved of property or other rights important to you 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 of Common Pleas, Clermont County Courthouse, 1 North Second Street, Clermont, Pennsylvania 16830 (814) 765-2641 EX. 5982.

Quiet Title to all of the coal minerals (except for the coal known as the "Methionine vein", which was sold to the Bell, Lewis and Yates Coal Mining Company by Lewis and Yates Coal Mining Company) bounded and described two tracts of land situated in the Township of Sandy, Ohio described in the following release dated the 17th day of May, A.D. 1866 which reads in full:

Permitting, I, Alfred G. Lewis, their heirs, executors, administrators and assigns, Defendants to: DON EIGHMY, A/K/A ALFRED G. GEORGE LEWIS, THEIR HERS, EXECUTORS, LEWIS, THEIR HERS, A/K/A ALFRED G. LEWIS, their heirs, executors, administrators and assigns, Defendants to: NOTICE ADMINISTRATORS AND ASSIGNS:

All buyers are advised that the above is intended to be a summary of the terms of sale. Buyers should obtain a copy of the Motion to Sell, as the specific terms and conditions set forth in the Motion shall all prevail and be controlling. The terms of sale are contained in the Motion to Sell which is of record and may and should be inspected by any party desiring to be aware of the terms and conditions of sale. The Trustee shall expose the Premises to sale in open Court, with higher and better offers to be entered and the Premises to be sold to the maker of the highest and best offer after the time of sale.

Motion to be a summary of the terms of sale, Buyers should obtain a copy of the Motion to Sell, as the specific terms and conditions set forth in the Motion shall all prevail and be controlling. The terms of sale are contained in the Motion to Sell which is of record and may and should be inspected by any party desiring to be aware of the terms and conditions of sale. The Trustee shall expose the Premises to be sold to the maker of the highest and best offer after the time of sale.

Before the Honorable Judge, in the Unified States Bankruptcy Court, Counterroom B, Penn Traffic Building, Washington Street, Johnstown, Pennsylvania, 15901, at 1:30 p.m. on the 11th day of May, 2006, at which time all persons having an interest may appear and be heard, and at which time any party desiring to make higher and better offers may appear and be heard, the same to be held at the same time and place as the sale of the Premises to be sold to the maker of the highest and best offer after the time of sale.

Parties desiring to conduct the sale, at its terms, shall file written objections to the sale and file the same with the Clerks Office, 54 Floor, USX Tower, 600 Grant Street, Pittsburgh, Pennsylvania 15220, and serve

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

JOHN C. AMICK and JUDITH A. AMICK, :  
Husband and Wife, :  
Plaintiffs :  
vs. : No. 06 - 624 - C.D.  
: ACTION TO QUIET TITLE  
DON EIGHMY, ROBERTINA EIGHMY, and :  
ALFRED GEORGE LEWIS, A/K/A ALFRED :  
G. LEWIS, their heirs, executors, :  
administrators and assigns, :  
Defendants :

Filed on behalf of  
Plaintiffs

Counsel of Record for  
This Party:  
Carl A. Belin, Jr., Esq.  
Pa. I.D. #06805

BELIN & KUBISTA  
15 North Front Street  
P.O. Box 1  
Clearfield, PA 16830

(814) 765-8972

FILED

MAY 12 2006  
0/2:45/2006  
William A. Shaw  
Prothonotary/Clerk of Courts  
No 4C

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

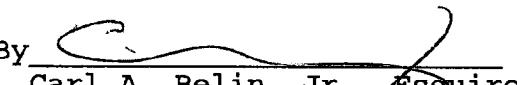
JOHN C. AMICK and JUDITH A. AMICK, :  
Husband and Wife, :  
Plaintiffs :  
: No. 06 - 624 - C.D.  
vs. :  
: ACTION TO QUIET TITLE  
DON EIGHMY, ROBERTINA EIGHMY, and :  
ALFRED GEORGE LEWIS, A/K/A ALFRED :  
G. LEWIS, their heirs, executors, :  
administrators and assigns, :  
Defendants :

CERTIFICATE OF SERVICE

This is to certify that the undersigned has sent a certified copy of the Complaint on behalf of the Plaintiffs in the above-captioned matter to the following party by postage prepaid United States certified mail, return receipt requested, on the 28th day of April, 2006, said receipt being attached hereto:

Robertina Eighmy  
10434 W. Seven Mile Road  
Northville, MI 48167

BELIN & KUBISTA

By   
Carl A. Belin, Jr., Esquire  
Attorney for Plaintiffs

Amick

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ms. Robertina Eighmy  
10434 W. Seven Mile Road  
Northville, Michigan 48167

2. Article Number

*(Transfer from service label)*

7002 3150 0000 7854 3784

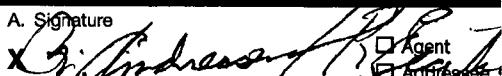
PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

  
 Agent  
 Addressee

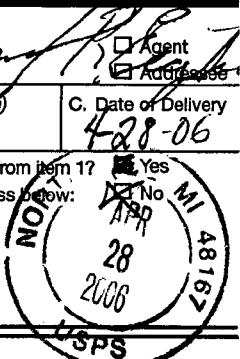
B. Received by (Printed Name)

C. Date of Delivery

4-28-06

D. Is delivery address different from item 1?

If YES, enter delivery address below:



3. Service Type

<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input checked="" type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

UNITED STATES POSTAL SERVICE

28 APR 2006 PM 9:11

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1 BELIN & KUBISTA  
15 NORTH FRONT STREET  
P. O. BOX 1  
LEARFIELD, PENNSYLVANIA 168

Prothonotary/Clerk of Courts  
William A Shaw

MAY 12 2006

FILED

Ronda-Nist  
Sier re -  
Spinduck  
Camp not  
file

# HANAK, GUIDO and TALADAY

## Attorneys at Law

Robert M. Hanak  
Anthony S. Guido  
Matthew B. Taladay

Nicole Hanak Bankovich  
S. Casey Bowers

Telephone: (814) 371-7768  
Fax: (814) 371-1974

498 Jeffers Street  
P.O. Box 487  
DuBois, PA 15801

May 23, 2006

David Meholic, Court Administrator  
Clearfield County Courthouse, Suite 228  
230 E. Market Street  
Clearfield, PA 16830

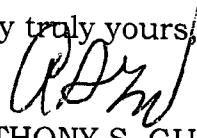
Re: John C. Amick, et ux, vs.  
Don Eighmy, et al  
No. 06-624-CD

Dear David:

We have forwarded to the Prothonotary's Office on behalf of our client, Alvin Gearhart, a Petition to intervene in the above entitled case. We have instructed the Prothonotary's Office to mark the original filed and then refer it to your office for action by the Court.

To my understanding, Carl Belin, Jr., who represents the Plaintiffs, has no objection to the Court granting the intervention. However, I understand Mr. Belin is out of town this week and, as soon as he returns, I'll have him file with the Court a Praeclipe to the effect that the Plaintiffs have no objection to the intervention.

I trust that all is in order but if you should have any further questions, please advise.

Very truly yours,  
  
ANTHONY S. GUIDO

ASG:ks

Encls.

Cc: Alvin Gearhart

CK

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

JOHN C. AMICK and  
JUDITH A. AMICK, husband and  
wife,

Plaintiffs

vs.

DON EIGHMY, ROBERTINA  
EIGHMY, and ALFRED GEORGE  
LEWIS, a/k/a ALFRED G.  
LEWIS, their heirs, executors,  
administrators and assigns

Defendants

No. 06-624-CD

Type of Pleading:

**PETITION TO INTERVENE**

Filed on Behalf of:

Alvin Gearhart

Counsel of Record for  
This Party:

Anthony S. Guido, Esq.  
Supreme Court No. 05877  
Hanak, Guido and Taladay  
498 Jeffers Street  
P.O. Box 487  
DuBois, PA 15801  
814-371-7768

Date: 5-24-06

**FILED** *cc*  
*M 110:42 6/1 Atty Guido*  
**MAY 25 2006** *ER*

William A. Shaw  
Prothonotary/Clerk of Courts

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

JOHN C. AMICK and :  
JUDITH A. AMICK, husband and :  
wife, :  
Plaintiffs : No. 06-624-CD  
vs. :  
DON EIGHMY, ROBERTINA :  
EIGHMY, and ALFRED GEORGE :  
LEWIS, a/k/a ALFRED G. :  
LEWIS, their heirs, executors, :  
administrators and assigns :  
Defendants :  
:

TO THE HONORABLE FREDRIC J. AMMERMAN, PRESIDENT JUDGE  
OF SAID COURT

**PETITION FOR INTERVENTION**

AND NOW, comes proposed Intervener, Alvin Gearhart, and by his  
attorneys, Hanak, Guido and Taladay, respectfully petitions the Court  
pursuant to Pa.R.C.P. 2327(1) for leave to intervene in this action as a  
Party Defendant for the following reasons:

1. Petitioner is an individual residing at 307 Treasure Lake,  
DuBois, Pennsylvania.
2. Petition is not a party to this action.
3. The above mentioned action seeks to quiet title to all of the coal  
and other minerals (except to the coal known as the Mahoning vein  
which was sold to the Bell, Lewis and Yates Coal Mining Company by  
lease dated the 17th day of May, A.D. 1866) which lies in or under a

certain tract of land situate in Sandy Township, Clearfield County, Pennsylvania, identified in the Clearfield County Tax Maps as Parcel No. 128-A3-000-00063, et al, and which are more particularly described in said Complaint.

4. Petitioner is the owner of the so-called "Mahoning vein" of coal in and under said 921-acre parcel of land.

5. Petitioner seeks to intervene to establish the particular vein of coal that is referred to as the Mahoning vein of coal and to establish, if such splits exists, any split veins of the Mahoning vein of coal.

6. The approval of the intervention in this case by Petitioner will result in judicial economy in that it will not be necessary to file a separate action with reference to said vein of coal designated as the Mahoning vein of coal. The approval of this intervention will not unduly delay or prejudice the trial or adjudication of the rights of the original parties as the issues involved within the intervenor's rights will not impact the Plaintiff's action against the original Defendants.

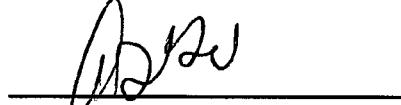
WHEREFORE, Petitioner respectfully requests that your Honorable Court will grant Petitioner leave to intervene as a party defendant in this action pursuant to Pa.R.C.P. 2327(4) and 2329.

HANAK, GUIDO AND TALADAY

By   
\_\_\_\_\_  
Attorney for Petitioner

**VERIFICATION**

I, Anthony S. Guido, hereby verify that the statements contained in the foregoing PETITION FOR INTERVENTION are correct to the best of my personal knowledge or information and belief based on information provided to me and I am authorized to make this verification on behalf of the Petitioner because of my position as counsel of record.



\_\_\_\_\_  
Anthony S. Guido  
Attorney for Petitioner

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

JOHN C. AMICK and	:
JUDITH A. AMICK, husband and	:
wife,	:
Plaintiffs	No. 06-624-CD
vs.	
DON EIGHMY, ROBERTINA	:
EIGHMY, and ALFRED GEORGE	:
LEWIS, a/k/a ALFRED G.	:
LEWIS, their heirs, executors,	:
administrators and assigns	:
Defendants	:

CERTIFICATE OF SERVICE

I hereby certify that true and correct copy of the Petition For Intervention filed in the above captioned action, were served upon the following by United States First Class Mail, postage prepaid, deposited on the 24<sup>th</sup> day of May, 2006, in the United States Post Office, DuBois, Pennsylvania, addressed as follows:

CARL BELIN, JR., ESQ.  
Belin & Kubista  
PO Box 1  
Clearfield, PA 16830

  
\_\_\_\_\_  
Anthony S. Guido  
Attorney for Petitioner

Date: 5-24-06

**FILED**

**MAY 25 2006**

*William A. Shaw*  
Prothonotary/Clerk of Courts

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

JOHN C. AMICK and	:
JUDITH A. AMICK, husband and	:
wife,	:
Plaintiffs	:
vs.	:
DON EIGHMY, ROBERTINA	:
EIGHMY, and ALFRED GEORGE	:
LEWIS, a/k/a ALFRED G.	:
LEWIS, their heirs, executors,	:
administrators and assigns	:
Defendants	:

**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2006, upon  
consideration of the foregoing Petition, Petitioner, Alvin Gearhart, is  
hereby granted the permission to intervene as a party defendant in the  
above entitled case.

BY THE COURT:

(\_\_\_\_\_)J.

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

JOHN C. AMICK and JUDITH A. AMICK, :  
Husband and Wife, :  
Plaintiffs :  
vs. : No. 06 - 624 - C.D.  
: ACTION TO QUIET TITLE  
DON EIGHMY, ROBERTINA EIGHMY, and :  
ALFRED GEORGE LEWIS, A/K/A ALFRED :  
G. LEWIS, their heirs, executors, :  
administrators and assigns, :  
Defendants :

Filed on behalf of  
Plaintiffs

Counsel of Record for  
this Party:

Carl A. Belin, Jr., Esq.  
Pa. I.D. #08605

BELIN & KUBISTA  
15 North Front Street  
P.O. Box 1  
Clearfield, PA 16830  
(814) 765-8972

FILED 2cc  
05/26/2006  
MAY 23 2006 Atty Belin  
SF  
William A. Shaw  
Prothonotary/Clerk of Courts

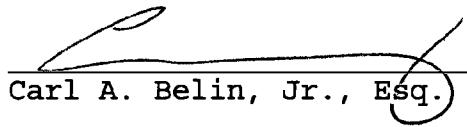
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

JOHN C. AMICK and JUDITH A. AMICK, :  
Husband and Wife, :  
Plaintiffs :  
vs. : No. 06 - 624 - C.D.  
: ACTION TO QUIET TITLE  
DON EIGHMY, ROBERTINA EIGHMY, and :  
ALFRED GEORGE LEWIS, A/K/A ALFRED :  
G. LEWIS, their heirs, executors, :  
administrators and assigns, :  
Defendants :

AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA :  
: SS.  
COUNTY OF CLEARFIELD :

CARL A. BELIN, JR., attorney for the above-named Plaintiffs,  
being duly sworn according to law, deposes and says that the  
attached Notice of Default was served on Defendant, Robertina  
Eighmy, on May 12, 2006, by United States first class mail, and  
that no answer or other pleading was filed by said Defendant,  
Robertina Eighmy, in response thereto.

  
Carl A. Belin, Jr., Esq.

SWORN AND SUBSCRIBED before me this 27<sup>th</sup> day of May,  
2006.

  
Susan M. Hartzfeld  
Notary Public

NOTARIAL SEAL  
SUSAN M. HARTZFELD, NOTARY PUBLIC  
CLEARFIELD BORO., CLEARFIELD CO.  
MY COMMISSION EXPIRES AUG. 16, 2009

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

JOHN C. AMICK and JUDITH A. AMICK, :  
Husband and Wife, :  
Plaintiffs :  
: No. 06 - 624 - C.D.  
vs. :  
: ACTION TO QUIET TITLE  
DON EIGHMY, ROBERTINA EIGHMY, and :  
ALFRED GEORGE LEWIS, A/K/A ALFRED :  
G. LEWIS, their heirs, executors, :  
administrators and assigns, :  
Defendants :

NOTICE

To: **Robertina Eighmy**  
10434 W. Seven Mile Road  
Northville, MI 48167

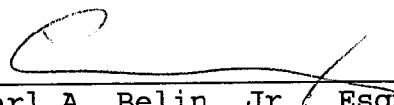
DATE: **May 12, 2006**

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO TAKE ACTION REQUIRED OF YOU IN THIS CASE. UNLESS YOU ACT WITHIN TEN (10) DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD TAKE THIS NOTICE TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP:

COURT ADMINISTRATOR  
Clearfield County Courthouse  
1 North Second Street  
Clearfield, PA 16830  
(814) 765-2641 Ex. 5982

BELIN & KUBISTA

By

  
Carl A. Belin, Jr., Esquire

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

JOHN C. AMICK and JUDITH A. AMICK, :  
Husband and Wife, :  
Plaintiffs :  
: No. 06 - 624 - C.D.  
vs. :  
: ACTION TO QUIET TITLE  
DON EIGHMY, ROBERTINA EIGHMY, and :  
ALFRED GEORGE LEWIS, A/K/A ALFRED :  
G. LEWIS, their heirs, executors, :  
administrators and assigns, :  
Defendants :  
CERTIFICATE OF SERVICE

Filed on behalf of  
Plaintiffs

Counsel of Record for  
this Party:

Carl A. Belin, Jr., Esq.  
Pa. I.D. #08605

BELIN & KUBISTA  
15 North Front Street  
P.O. Box 1  
Clearfield, PA 16830  
(814) 765-8972

FILED No cc.  
03:02 pm  
MAY 30 2008

William A. Shaw  
Prothonotary

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

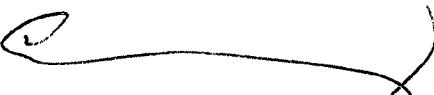
JOHN C. AMICK and JUDITH A. AMICK, :  
Husband and Wife, :  
Plaintiffs :  
: : No. 06 - 624 - C.D.  
vs. : : ACTION TO QUIET TITLE  
DON EIGHMY, ROBERTINA EIGHMY, and :  
ALFRED GEORGE LEWIS, A/K/A ALFRED :  
G. LEWIS, their heirs, executors, :  
administrators and assigns, :  
Defendants :  
:

**CERTIFICATE OF SERVICE**

This is to certify that the undersigned has sent a certified copy of Order, Motion, Certificate of Service of the Complaint, and Affidavit of Service of Default Notice on behalf of the Plaintiffs in the above-captioned matter to the following party by postage prepaid United States first class mail, on the 30th day of May, 2006:

Robertina Eighmy  
10434 W. Seven Mile Road  
Northville, MI 48167

BELIN & KUBISTA

By   
Carl A. Belin, Jr., Esquire  
Attorney for Plaintiffs

FILED

MAY 30 2006

William A. Shaw  
Prothonotary

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

JOHN C. AMICK and JUDITE A. AMICK, :  
Husband and Wife, :  
Plaintiffs :  
vs. : No. 06 - 624 - C.D.  
: ACTION TO QUIET TITLE  
DON EIGHMY, ROBERTINA EIGHMY, and :  
ALFRED GEORGE LEWIS, A/K/A ALFRED : MOTION AND ORDER  
G. LEWIS, their heirs, executors, :  
administrators and assigns, :  
Defendants :

Filed on behalf of  
Plaintiffs

Counsel of Record for  
This Party:  
Carl A. Belin, Jr., Esq.  
Pa. I.D. #06805

BELIN & KUBISTA  
15 North Front Street  
P.O. Box 1  
Clearfield, PA 16830

(814) 765-8972

FILED <sup>acc</sup>  
By 8:57 AM Atty Belin  
MAY 30 2006 (GW)

William A. Shaw  
Prothonotary/Clerk of Courts

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

JOHN C. AMICK and JUDITH A. AMICK, :  
Husband and Wife, :  
Plaintiffs :  
: No. 06 - 624 - C.D.  
vs. :  
: ACTION TO QUIET TITLE  
DON EIGHMY, ROBERTINA EIGHMY, and :  
ALFRED GEORGE LEWIS, A/K/A ALFRED :  
G. LEWIS, their heirs, executors, :  
administrators and assigns, :  
Defendants :  
:

MOTION

AND NOW, comes Plaintiffs, by their attorneys, Belin & Kubista, and file the following motion:

1. That a complaint was filed in the above-captioned matter on April 21, 2006.
2. That service was made by certified mail, return receipt requested on Defendant, Robertina Eighmy, on April 28, 2006.
3. That no answer has been filed and on May 12, 2006, counsel for Plaintiffs served upon Defendant Robertina Eighmy a notice of default by regular mail.
4. That no answer has been filed since the notice of default and counsel seeks an order of the Court that Plaintiffs are determined to be the owners of the premises set forth in the Complaint and that unless Defendant Robertina Eighmy files a

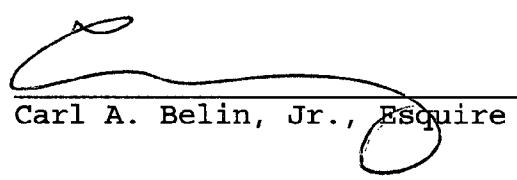
responsive pleading or institutes an action in ejectment against Plaintiffs within thirty (30) days Plaintiffs may file judgment in the above-captioned action against Defendant, Robertina Eighmy.

5. That an affidavit of service of the complaint with notice to defend has been filed stating that the complaint and notice was served on Defendants Don Eighmy, Alfred George Lewis, also known as Alfred G. Lewis, their heirs, executors, administrators, and assigns, by publication, and no responsive pleading has been filed by Defendants Don Eighmy, Alfred George Lewis, also known as Alfred G. Lewis, their heirs, executors, administrators, and assigns, the Defendants Don Eighmy, Alfred George Lewis, also known as Alfred G. Lewis, their heirs, executors, administrators, and assigns, and Don Eighmy, Alfred George Lewis, also known as Alfred G. Lewis, their heirs, executors, administrators, and assigns, having not appeared in person or by attorney, counsel seeks an order of the Court that Plaintiffs are determined to be the owners of the premises set forth in the Complaint and that unless Defendants Don Eighmy, Alfred George Lewis, also known as Alfred G. Lewis, their heirs, executors, administrators, and assigns, the Defendants Don Eighmy, Alfred George Lewis, also known as Alfred G. Lewis, their heirs, executors, administrators, and assigns, file a responsive pleading or institutes an action in ejectment against Plaintiffs within thirty (30) days Plaintiffs may file judgment in the above-

captioned action against Defendants Don Eighmy, Alfred George Lewis, also known as Alfred G. Lewis, their heirs, executors, administrators, and assigns, the Defendants Don Eighmy, Alfred George Lewis, also known as Alfred G. Lewis, their heirs, executors, administrators, and assigns.

AND they will ever pray.

BELIN & KUBISTA

  
Carl A. Belin, Jr., Esquire

**FILED**

**MAY 30 2006**

William A. Shaw  
Prothonotary/Clerk of Courts

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

JOHN C. AMICK and JUDITH A. AMICK, :  
Husband and Wife, :  
Plaintiffs :  
vs. : No. 06 - 624 - C.D.  
: ACTION TO QUIET TITLE  
DON EIGHMY, ROBERTINA EIGHMY, and :  
ALFRED GEORGE LEWIS, A/K/A ALFRED :  
G. LEWIS, their heirs, executors, :  
administrators and assigns, :  
Defendants :  
: **FILED** 4cc  
01/8/57/01 MAY 30 2006 Amy Belin  
60

ORDER

William A. Shaw  
Prothonotary/Clerk of Courts

AND NOW, this 30th day of May, 2006, an Affidavit of Service of the Complaint with Notice to Defend having been filed stating that the complaint and notice was served on Defendants Don Eighmy, Alfred George Lewis, also known as Alfred G. Lewis, their heirs, executors, administrators, and assigns by publication, and Robertina Eighmy by certified mail, return receipt requested, and a notice of default was served upon Robertina Eighmy by regular mail, and no responsive pleading having been filed by said Defendants, the Defendants having not appeared in person or by attorney upon motion of Carl A. Belin, Jr., Attorney for Plaintiffs, it is the **ORDER** of this Court that title to said premises is found to be vested in the Plaintiffs and that they be allowed to enjoy said property in peace. Said property being described as all of the coal and other minerals (except for the

coal known as the "Mahoning vein" which was sold to the Bell, Lewis and Yates Coal Mining Company by lease dated the 17<sup>th</sup> day of May, A.D. 1866) which lies in, upon or under the following described two tracts of land situated in the Township of Sandy, Clearfield County, Pennsylvania, identified in the Clearfield County Tax Maps as Parcel Number 128-A3-000-00063 et al., and which are more particularly bounded and described as follows:

**THE FIRST PARCEL:** BEGINNING at the northwest corner of John Rumbarger's farm and running thence South forty-four (44°) degrees West twenty eight hundred and forty-five (2845) feet to the southwest corner of said Rumbarger's farm; thence South forty-five (45°) degrees East to a post at the northeast corner of the farm known as the "Henry Heberling farm;" thence South forty-five (45°) degrees West, thirty and eight tenths (30.8) perches to a pine stump; thence South one (01°) degree West, one hundred ninety-two (192) perches to a post at the southeast corner of Peter S. Heberling's farm: thence North eighty-nine (89°) degrees West, ninety and three tenths (90.3) perches to a beech; thence North sixty-two and one/half (62-1/2°) degrees West thirty and four tenths (30.4) perches to a post; thence North thirty (30°) degrees East, along land of E. Hand, one hundred forty and five tenths (140.5) perches to a post; thence North sixty-six (66°) degrees West, along land of said Hand and Thomas Wayne, two hundred five (205) perches to the southwest corner of the John Reisinger farm; thence South thirty (30°) degrees West, about six and five tenths (6.5) perches to the North line of Warrant No. 5881; thence South eighty-eight (88°) degrees East, one hundred twenty-two (122) perches to Soliday's purchase; thence, along the same, North one (01°) degree East, ninety-three (93) perches

to a post; thence West eighty-six (86) perches; thence North one ( $01^\circ$ ) degree East forty-five (45) perches to the southwest corner of William Reynold's first purchase; thence East along his line, one hundred (100) perches; thence North one ( $01^\circ$ ) degree East, one hundred two (102) perches; thence by the same course, seventy-two (72) perches to a white pine; thence North thirty-seven ( $37^\circ$ ) degrees East, one hundred forty (140) perches; thence North sixty-four ( $64^\circ$ ) degrees East, thirty-two (32) perches to a beech; thence South forty-six ( $46^\circ$ ) degrees East, three hundred ten (310) perches to a post; thence North nineteen ( $19^\circ$ ) degrees East, thirty-six (36) perches to a post; thence South seventy-six ( $76^\circ$ ) degrees East, about fifty-eighty (58) perches; thence South forty-four ( $44^\circ$ ) degrees West, about seventy (70) perches to the place of beginning. Containing 921 Acres, more or less.

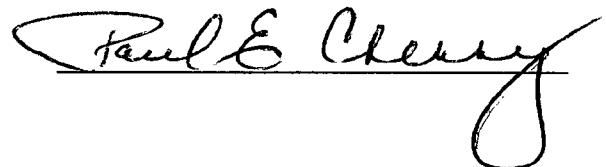
**THE SECOND PARCEL:** The second of said tracts is known as the "Joseph Heberling farm" and is described as follows, to wit:

BEGINNING at a post at the southwest corner of said land and running thence South sixty-two ( $62^\circ$ ) degrees East, along the North line of land of C. H. Prescott, one hundred forty and six tenths (140.6) perches to a post on the West line of land of Issaac Frantz; thence along the lien of land of said Frantz and land of E. Hand, North thirty ( $30^\circ$ ) degrees East, one hundred thirty and one tenth (130.1) perches to the line of land of Thomas Wayne; thence along the line of said land of Thomas Wayne, North sixty-two ( $62^\circ$ ) degrees West, one hundred forty and six tenths (140.6) perches to a post; thence South thirty ( $30^\circ$ ) degrees West, one hundred thirty and one tenth (130.1) perches to the place of beginning. Containing 119.61 acres, be the same more or less.

(the "premises").

It is the FURTHER ORDER of this Court that unless the Defendants file a responsive pleading to the complaint or institute an action in ejectment within thirty (30) days of the date hereof, the Defendants shall be forever barred from asserting any right, lien, title or interest in the land inconsistent with the interest of the claim of the Plaintiffs set forth in their Complaint. If Defendants fail to take such action within the thirty (30) day period, the Prothonotary on Praecept of the Plaintiffs shall enter final judgment against Defendants.

BY THE COURT,

A handwritten signature in black ink, appearing to read "Paul E. Cherry", is enclosed within a large, open, irregular circle.

**FILED**

**MAY 30 2006**

William A. Shaw  
Prothonotary/Clerk of Courts

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

JOHN C. AMICK and JUDITH A. AMICK, :  
Husband and Wife, :  
Plaintiffs :  
vs. : : No. 06 - 624 - C.D.  
: : ACTION TO QUIET TITLE  
DON EIGHMY, ROBERTINA EIGHMY, and :  
ALFRED GEORGE LEWIS, A/K/A ALFRED :  
G. LEWIS, their heirs, executors, :  
administrators and assigns, :  
Defendants : : PRAECIPE FOR FINAL  
: : JUDGMENT

Filed on behalf of  
Plaintiffs

Counsel of Record for  
this Party:

Carl A. Belin, Jr., Esq.  
Pa. I.D. #08605

BELIN & KUBISTA  
15 North Front Street  
P.O. Box 1  
Clearfield, PA 16830  
(814) 765-8972

FILED <sup>cc</sup>  
07/10/2006 Atty Belin  
JUN 30 2006 w/ statement  
of Judgment

William A. Shaw  
Prothonotary/Clerk of Courts

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

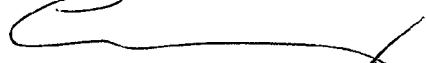
JOHN C. AMICK and JUDITH A. AMICK, :  
Husband and Wife, :  
Plaintiffs :  
: No. 06 - 624 - C.D.  
vs. :  
: ACTION TO QUIET TITLE  
DON EIGHMY, ROBERTINA EIGHMY, and :  
ALFRED GEORGE LEWIS, A/K/A ALFRED :  
G. LEWIS, their heirs, executors, :  
administrators and assigns, :  
Defendants :

PRAECIPE FOR FINAL JUDGMENT

TO THE PROTHONOTARY:

Please enter final judgment in favor of the Plaintiffs and against the Defendants Don Eighmy, Robertina Eighmy, and Alfred George Lewis, also known as Alfred G. Lewis, in the above-captioned case for failure of Defendants Don Eighmy, Robertina Eighmy, and Alfred George Lewis, also known as Alfred G. Lewis, to take action within thirty (30) days as directed by the Order of Court entered May 30, 2006.

BELIN & KUBISTA

  
Carl A. Belin, Jr., Esq.  
Attorney for Plaintiffs

**FILED**  
**JUN 30 2006**

William A. Shaw  
Prothonotary/Clerk of Courts

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

John C. Amick and Judith A. Amick,  
Husband and Wife  
Plaintiff(s)

No.: 2006-00624-CD

Real Debt: \$

Atty's Comm: \$

Vs. Costs: \$

Int. From: \$

Don Eighmy, Robertina Eighmy, and  
Alfred George Lewis, a/k/a Alfred G. Lewis,  
their heirs, executors, administrators and assigns  
Defendant(s)

Entry: \$

Instrument: Final Judgment

Date of Entry: June 30, 2006

Certified from the record this 30th day of June, 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

JOHN C. AMICK and JUDITH A. AMICK, :  
Husband and Wife, :  
Plaintiffs :  
vs. : No. 06 - 624 - C.D.  
: ACTION TO QUIET TITLE  
DON EIGHMY, ROBERTINA EIGHMY, and :  
ALFRED GEORGE LEWIS, A/K/A ALFRED :  
G. LEWIS, their heirs, executors, :  
administrators and assigns, :  
Defendants : ANSWER OF JOHN C. AMICK  
AND JUDITH A. AMICK TO  
PETITION TO INTERVENE  
OF ALVIN GEARHART

Filed on behalf of  
Plaintiffs/Respondents

Counsel of Record for  
this Party:

Carl A. Belin, Jr., Esq.  
Pa. I.D. #08605

BELIN & KUBISTA  
15 North Front Street  
P.O. Box 1  
Clearfield, PA 16830  
(814) 765-8972

FILED *1/24/06* *Att'y Belin*  
JUL 06 2006  
WM  
William A. Shaw  
Prothonotary/Clerk of Courts

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

JOHN C. AMICK and JUDITH A. AMICK, :  
Husband and Wife, :  
Plaintiffs :  
: No. 06 - 624 - C.D.  
vs. :  
: ACTION TO QUIET TITLE  
DON EIGHMY, ROBERTINA EIGHMY, and :  
ALFRED GEORGE LEWIS, A/K/A ALFRED :  
G. LEWIS, their heirs, executors, :  
administrators and assigns, :  
Defendants :

ANSWER OF JOHN C. AMICK AND JUDITH A. AMICK TO PETITION TO  
INTERVENE OF ALVIN GEARHART

AND NOW comes Plaintiffs/Respondents John C. Amick and Judith A. Amick, by and through their attorneys, Belin & Kubista, and file the following answer to Petition to Intervene:

1. Paragraph 1 is admitted.
2. Paragraph 2 is admitted.
3. Paragraph 3 is admitted and it is averred that the Mahoning seam of coal was excluded specifically from the title claimed in the quiet title action and consequently has no relevance as to the merits of the quiet title action:

Complaint - Paragraph 3.

"That the Plaintiffs are the owners of all of the coal and other minerals (except for the coal known as the "Mahoning vein" which was sold to the Bell, Lewis and Yates Coal Mining Company by lease dated the 17<sup>th</sup> day of May, A.D. 1866) which lies in, upon or

under the following described two tracts of land situated in the Township of Sandy, Clearfield County, Pennsylvania, identified in the Clearfield County Tax Maps as Parcel Number 128-A3-000-00063 et al., and which are more particularly bounded and described as follows:

[Description]."

4. Paragraph 4 is denied that Petitioner is the owner of the Mahoning seam underlying the entire 921-acre parcel of land based upon record title; in any event, the ownership of the Mahoning seam of coal is not relevant to the claim set forth in the quiet title action as it involves all seams of coal except for the Mahoning seam.

5. Paragraph 5 is denied as Petitioner seeks to raise issues outside the claims of title involved in the quiet title action as well as outside the chain of title set forth in the quiet title and consequently is irrelevant to the action.

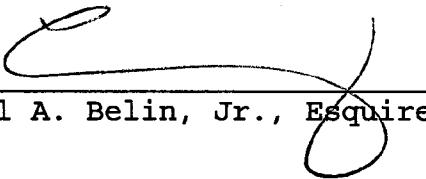
6. Paragraph 6 is denied and it is averred under Pa. R.C.P. 2327 in that the quiet title will not affect the title asserted by Intervenor and further that Intervenor could not have been joined as an original party given the claim as to title set forth in Paragraph 3 of the complaint, and finally, that the determination resulting from the quiet title will not affect any legally enforceable interest of Petitioner.

In further answer thereto, under Pa. R.C.P. 2239 the Court may refuse the intervention as the claim of Intervenor is

not "in subordination or in recognition" of the claims of the quiet title as Petitioner is claiming title to only the Mahoning seam of coal which has been excluded from the quiet title action and no claim is set forth in their quiet title which affects the title of Petitioner.

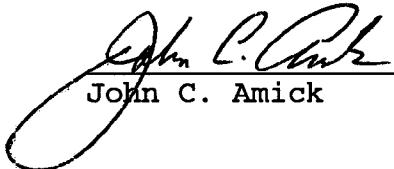
WHEREFORE, Plaintiffs/Respondents request Your Honorable Court to deny the petition for intervention as a party defendant in this action.

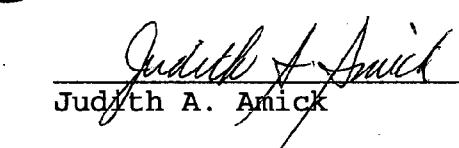
BELIN & KUBISTA

  
Carl A. Belin, Jr., Esquire

COMMONWEALTH OF PENNSYLVANIA :  
: SS.  
COUNTY OF CLEARFIELD :

Before me the undersigned officer, personally appeared John C. Amick and Judith A. Amick, who being duly sworn according to law, depose and say that the facts set forth in the foregoing Answer to Petition for Intervention are true and correct to the best of their knowledge, information and belief.

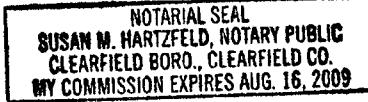
  
John C. Amick

  
Judith A. Amick

Sworn and subscribed before me this 10<sup>th</sup> day of

July, 2006.

  
Susan M. Hartzfeld  
Notary Public



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

JOHN C. AMICK and JUDITH A. AMICK, :  
Husband and Wife, :  
Plaintiffs :  
vs. : No. 06 - 624 - C.D.  
: ACTION TO QUIET TITLE  
DON EIGHMY, ROBERTINA EIGHMY, and :  
ALFRED GEORGE LEWIS, A/K/A ALFRED :  
G. LEWIS, their heirs, executors, :  
administrators and assigns, :  
Defendants :

**CERTIFICATE OF SERVICE**

This is to certify that the undersigned has sent a certified copy of the Answer of John C. Amick and Judith A. Amick to Petition to Intervene of Alvin Gearhart, on behalf of the Plaintiffs/Respondents in the above-captioned matter to the following party by postage prepaid United States first class mail on the 6th day of July, 2006:

Anthony S. Guido, Esquire  
Hanak, Guido and Taladay  
498 Jeffers Street  
P.O. Box 487  
DuBois, PA 16830.

BELIN & KUBISTA

By

Carl A. Belin, Jr., Esquire  
Attorney for Plaintiffs/  
Respondents

**FILED**

**JUL 06 2006**

William A. Shaw  
Prothonotary/Clerk of Courts

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

JOHN C. AMICK and :  
JUDITH A. AMICK, husband and :  
wife,  
Plaintiffs :  
vs.  
: No. 06-624-CD  
DON EIGHMY, ROBERTINA :  
EIGHMY, and ALFRED GEORGE :  
LEWIS, a/k/a ALFRED G. :  
LEWIS, their heirs, executors, :  
administrators and assigns :  
Defendants :  
: Type of Pleading:  
: **PRAECIPE**  
: Filed on Behalf of:  
: Alvin Gearhart  
: Counsel of Record for  
: This Party:  
: Anthony S. Guido, Esq.  
: Supreme Court No. 05877  
: Hanak, Guido and Taladay  
: 498 Jeffers Street  
: P.O. Box 487  
: DuBois, PA 15801  
: 814-371-7768

Date: July 6, 2006

FILED <sup>NO</sup> <sub>cc</sub>  
JUL 11 2006  
JUL 07 2006

William A. Shaw  
Prothonotary/Clerk of Courts

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

JOHN C. AMICK and	:
JUDITH A. AMICK, husband and	:
wife,	:
Plaintiffs	No. 06-624-CD
vs.	:
DON EIGHMY, ROBERTINA	:
EIGHMY, and ALFRED GEORGE	:
LEWIS, a/k/a ALFRED G.	:
LEWIS, their heirs, executors,	:
administrators and assigns	:
Defendants	:

TO: WILLIAM SHAW, PROTHONOTARY

**PRAECIPE**

On behalf of the Intervener, Alvin Gearhart, we hereby withdraw  
the Intervention which we filed in the above entitled case.

Respectfully submitted,  
HANAK, GUIDO AND TALADAY

By *PD*  
Attorney for Petitioner

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

JOHN C. AMICK and	:
JUDITH A. AMICK, husband and	:
wife,	:
Plaintiffs	No. 06-624-CD
vs.	
DON EIGHMY, ROBERTINA	:
EIGHMY, and ALFRED GEORGE	:
LEWIS, a/k/a ALFRED G.	:
LEWIS, their heirs, executors,	:
administrators and assigns	:
Defendants	:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Praeclipe  
filed in the above captioned action, were served upon the following by  
United States First Class Mail, postage prepaid, deposited on the 6<sup>th</sup> day  
of July, 2006, in the United States Post Office, DuBois, Pennsylvania,  
addressed as follows:

CARL BELIN, JR., ESQ.  
Belin & Kubista  
PO Box 1  
Clearfield, PA 16830

---

Anthony S. Guido  
Attorney for Intervener

**FILED**

**JUL 07 2006**

*William A. Shaw*  
Prothonotary/Clerk of Courts