

06-675-CD
Donald Sample et al vs Paul J. Carmella et al

2006-675-CD
Donald Sample et al vs Paul J. Carmella et al

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

DONALD L. SAMPLE and KATHLEEN SAMPLE, husband and wife, Plaintiffs, : No. 06 - 1675 C.D.
vs. : TYPE OF CASE: ACTION TO QUIET TITLE
PAUL J. CARMELLA and MARY LOUISE CARMELLA, and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest, Defendants. : TYPE OF PLEADING: COMPLAINT
: FILED ON BEHALF OF: DONALD L. SAMPLE and KATHLEEN SAMPLE, husband and wife, Plaintiffs
: COUNSEL OF RECORD FOR THIS PARTY:
: PAULA M. CHERRY, ESQ.
: Supreme Court No.: 36023
: GLEASON, CHERRY AND CHERRY, L.L.P.
: Attorneys at Law
: One North Franklin Street
: P.O. Box 505
: DuBois, PA 15801-0505
: (814) 371-5800

FILED *1625761* Atty pd. 95.00
MAY 01 2006 *recd Atty*
W.A.S.

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

DONALD L. SAMPLE and KATHLEEN	:	
SAMPLE, husband and wife,	:	
Plaintiffs,	:	
vs.	:	No. 06-_____ C.D.
PAUL J. CARMELLA and MARY	:	ACTION TO QUIET TITLE
LOUISE CARMELLA, and their heirs,	:	
devisees, administrators, executors and	:	
assigns, and all other person, persons,	:	
firms, partnerships or corporate entities	:	
in interest,	:	
Defendants.	:	

NOTICE

TO: PAUL J. CARMELLA and MARY LOUISE CARMELLA, and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest:

YOU ARE HEREBY NOTIFIED THAT AN ACTION TO QUIET TITLE TO
THE PREMISES SITUATE IN SANDY TOWNSHIP, CLEARFIELD COUNTY,
PENNSYLVANIA, HAS BEEN FILED AGAINST YOU. Said premises is described as
follows:

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

BEGINNING at a point in the State Highway leading from DuBois to Gelnett School, thence by land now or formerly of Julian D. Hays, South 9° 42' East

(all bearings herein being magnetic as of March 6, 1937) 14.7 feet to an iron pipe; thence by the same, South 9° 42' East 1,348.3 feet to an iron pipe; thence by land now or formerly of John E. DuBois Estate (Warrant No. 210), South 26° 58' West 377.5 feet to an iron pipe; thence by land now or formerly of Ralph Smith, North 62° 59' West 255.3 feet to an iron pipe; thence by land now or formerly of Liddle of which this is a part, North 6° 38' West 1,542.7 feet to an iron pipe; thence North 6° 38' West, 14.7 feet to a point in the center of said State Highway; and thence in said State Highway, North 87° 41' East 350 feet to the place of beginning. Containing 14 acres, more or less.

UNDER AND SUBJECT to all exceptions, reservations, restrictions and conditions as contained in prior deeds of conveyance.

FURTHER EXCEPTING AND RESERVING unto the said Stephen A. Alsbaugh and Lucille Alsbaugh, their heirs, administrators, executors and assigns, all of the gas and oil on or underlying the said premises, together with the right to remove the same.

ALSO EXCEPTING AND RESERVING all oil and gas rights currently under lease from the said Stephen A. Alsbaugh and Lucille Alsbaugh to the New York State Natural Gas Corporation by lease dated September 1, 1955, and recorded at Clearfield, Pennsylvania, in Miscellaneous Book No. 99, Page 304.

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within Twenty (20) days after this Complaint and Notice are served by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiffs. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO

NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE
OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

COURT ADMINISTRATOR
Clearfield County Courthouse
230 East Market Street, Suite 228
Clearfield, PA 16830
(814) 765-2641 Ex. 5982

GLEASON, CHERRY AND CHERRY, L.L.P.
Attorneys at Law
One North Franklin Street
P.O. Box 505
DuBois, PA 15801-0505
(814) 371-5800
Attorneys for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

DONALD L. SAMPLE and KATHLEEN
SAMPLE, husband and wife,

Plaintiffs, :

vs.

No. 06 - _____ C.D.

PAUL J. CARMELLA and MARY
LOUISE CARMELLA, and their heirs,
devisees, administrators, executors and
assigns, and all other person, persons,
firms, partnerships or corporate entities
in interest,

ACTION TO QUIET TITLE

Defendants. :

COMPLAINT

The Plaintiffs in the above-entitled matter, DONALD L. SAMPLE and KATHLEEN
SAMPLE, bring this Action to Quiet Title for the purpose of barring the Defendants, PAUL J.
CARMELLA and MARY LOUISE CARMELLA, and their heirs, devisees, administrators,
executors and assigns, and all other person, persons, firms, partnerships or corporate entities in
interest, entitled Defendants, from asserting any right, title and interest or lien in and to the
premises described in Exhibit "A", which is situate in Sandy Township, Clearfield County,
Pennsylvania, and aver the following cause of action:

1. The Plaintiffs, DONALD L. SAMPLE and KATHLEEN SAMPLE, are husband and wife, who reside at 6611 Home Camp Road, DuBois, Clearfield County, Pennsylvania 15801.
2. After diligent search, the Plaintiffs are unable to discover the whereabouts or the

identify of the Defendants, PAUL J. CARMELLA and MARY LOUISE CARMELLA, and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest.

3. The premises more particularly described in Exhibit "A", which is situate in Sandy Township, Clearfield County, Pennsylvania, is the same premises which was conveyed to Stephen A. Alsbaugh and Lucille Alsbaugh, husband and wife, by Deed of Charles F. Liddle, dated July 13, 1939, and recorded at Clearfield, Pennsylvania, in Deed Book Vol. 328, Page 546.

4. The said Stephen A. Alsbaugh and Lucille Alsbaugh entered into an Agreement of Sale with PAUL J. CARMELLA and MARY LOUISE CARMELLA, husband and wife, to convey the premises which is the subject of this Action to Quiet Title to them under certain terms and conditions. Said Agreement of Sale was dated October 1, 1958, and recorded in the Office of the Register and Recorder of Deeds of Clearfield County, Pennsylvania, in Misc. Docket 112, Page 588.

5. By the terms of the said Agreement of Sale entered into between Stephen A. Alsbaugh and Lucille Alsbaugh with PAUL J. CARMELLA and MARY LOUISE CARMELLA, Defendants named herein, Defendants were required to make twelve (12) monthly payments of SIXTY-FIVE DOLLARS (\$65.00) per month and complete the purchase of the subject premises by paying the balance due on the purchase price at the end of the twelve (12) month period, time being of the essence. The Agreement of Sale further provided that the Defendants, PAUL J. CARMELLA and MARY LOUISE CARMELLA, had the right

and privilege of canceling said agreement of purchase at any time within the twelve (12) month period. It is believed and therefore averred that the Defendants, PAUL J. CARMELLA and MARY LOUISE CARMELLA, did not tender the funds necessary to complete the purchase of the subject premises as provided for in the Agreement of Sale and, therefore, forfeited their right to purchase the same.

6. The said Stephen A. Alsbaugh and Lucille Alsbaugh later conveyed the premises more particularly described in Exhibit "A", which is the subject of this Action to Quiet Title, to Alonzo Robert Howle and Doris J. Howle, husband and wife, by Deed dated May 24, 1960, and recorded in the Office of the Register and Recorder of Deeds of Clearfield County, Pennsylvania, in Deed Book Vol. 483, Page 173, on June 2, 1960.

7. By Deed dated June 24, 1963, and recorded in the Office of the Register and Recorder of Deeds of Clearfield County, Pennsylvania, in Deed Book Vol. 502, Page 579, on July 5, 1963, the said Alonzo Robert Howle and Doris J. Howle conveyed the premises more particularly described in Exhibit "A", which is the subject of this Action to Quiet Title, to DONALD L. SAMPLE and KATHLEEN SAMPLE, husband and wife, Plaintiffs herein.

8. Plaintiffs, DONALD L. SAMPLE and KATHLEEN SAMPLE, and their predecessors in title, have been in actual, open, notorious, visible, hostile and continuous possession of the premises described in Exhibit "A", which is attached hereto and made a part hereof, for a period of twenty-one (21) years and upward.

9. That one of the purposes of this Action is to quiet the title as to any interest that the Defendants, PAUL J. CARMELLA and MARY LOUISE CARMELLA, and their heirs,

devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest, may have in the said premises described in Exhibit "A", attached hereto and made a part hereof, because of any defect that may exist in the title due to the fact that Stephen A. Alsbaugh and Lucille Alsbaugh had entered into an Agreement of Sale for the subject premises with PAUL J. CARMELLA and MARY LOUISE CARMELLA, which Agreement of Sale was not consummated to a final sale and because there is no indication on the record that the said Defendants, PAUL J. CARMELLA and MARY LOUISE CARMELLA, relinquished their right to purchase the subject premises prior to the said Stephen A. Alsbaugh and Lucille Alsbaugh conveying the premises to Alonzo Robert Howle and Doris J. Howle, predecessors in title to the Plaintiffs, DONALD L. SAMPLE and KATHLEEN SAMPLE, or because of any other defect or for any other reason or reasons that may raise some question as to the validity of the title. Further, Plaintiffs, claim title in fee to the premises more particularly described in Exhibit "A" by adverse possession because they and their predecessors in title have been in actual, open, notorious, visible, hostile and continuous possession of the premises for a period of twenty-one (21) years and upward. Another purpose of this Action is to make the title to the premises described in Exhibit "A" marketable so that the same can be certified.

WHEREFORE, Plaintiffs request the Court to:

(a) Determine that their rights are superior to the rights of the Defendants, PAUL J. CARMELLA and MARY LOUISE CARMELLA, and their heirs, devisees, administrators,

executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest;

(b) Determine that the Plaintiffs have fee simple title to the premises described in Exhibit "A" as against the Defendants, PAUL J. CARMELLA and MARY LOUISE CARMELLA, and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest;

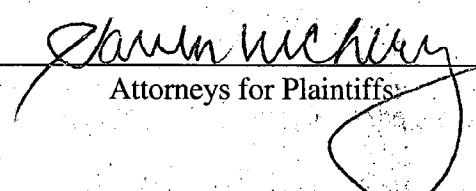
(c) Enjoin the Defendants, PAUL J. CARMELLA and MARY LOUISE CARMELLA, and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest from setting up any title to the premises described in Exhibit "A" and from impeaching, denying or in any way attacking the title of the Plaintiffs to the premises described in Exhibit "A"; and

(d) Grant and decree whatever relief may seem equitable and proper.

AND they will ever pray.

GLEASON, CHERRY AND CHERRY, L.L.P.

By


Attorneys for Plaintiffs

COMMONWEALTH OF PENNSYLVANIA

: SS.

COUNTY OF CLEARFIELD

Personally appeared before me, the undersigned officer, a Notary Public in and for the county and state aforesaid, DONALD L. SAMPLE and KATHLEEN SAMPLE, who, being duly sworn according to law, deposes and says that the facts set forth in the foregoing Complaint are true and correct to the best of their knowledge, information and belief:

Donald L. Sample
Donald L. Sample

Kathleen Sample
Kathleen Sample

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

Marlene E. Duttry
Notary Public
My commission expires:

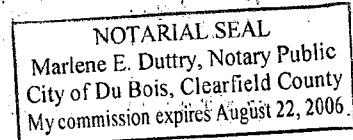


Exhibit "A"

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

BEGINNING at a point in the State Highway leading from DuBois to Gelnett School, thence by land now or formerly of Julian D. Hays, South $9^{\circ} 42'$ East (all bearings herein being magnetic as of March 6, 1937) 14.7 feet to an iron pipe; thence by the same, South $9^{\circ} 42'$ East 1,348.3 feet to an iron pipe; thence by land now or formerly of John E. DuBois Estate (Warrant No. 210), South $26^{\circ} 58'$ West 377.5 feet to an iron pipe; thence by land now or formerly of Ralph Smith, North $62^{\circ} 59'$ West 255.3 feet to an iron pipe; thence by land now or formerly of Liddle of which this is a part, North $6^{\circ} 38'$ West 1,542.7 feet to an iron pipe; thence North $6^{\circ} 38'$ West, 14.7 feet to a point in the center of said State Highway; and thence in said State Highway, North $87^{\circ} 41'$ East 350 feet to the place of beginning. Containing 14 acres, more or less.

UNDER AND SUBJECT to all exceptions, reservations, restrictions and conditions as contained in prior deeds of conveyance.

FURTHER EXCEPTING AND RESERVING unto the said Stephen A. Alsbaugh and Lucille Alsbaugh, their heirs, administrators, executors and assigns, all of the gas and oil on or underlying the said premises, together with the right to remove the same.

ALSO EXCEPTING AND RESERVING all oil and gas rights currently under lease from the said Stephen A. Alsbaugh and Lucille Alsbaugh to the New York State Natural Gas Corporation by lease dated September 1, 1955, and recorded at Clearfield, Pennsylvania, in Miscellaneous Book No. 99, Page 304.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

DONALD L. SAMPLE and KATHLEEN	:	
SAMPLE, husband and wife,	:	
Plaintiffs,	:	
vs.	:	No. 06 - _____ C.D.
	:	
PAUL J. CARMELLA and MARY	:	ACTION TO QUIET TITLE
LOUISE CARMELLA, and their heirs,	:	
devisees, administrators, executors and	:	
assigns, and all other person, persons,	:	
firms, partnerships or corporate entities	:	
in interest,	:	
Defendants.	:	

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Personally appeared before me, the undersigned officer, PAULA M. CHERRY, attorney for DONALD L. SAMPLE and KATHLEEN SAMPLE, who, being duly sworn according to law, deposes and says that after diligent search, including a search of the Clearfield County Courthouse records, telephone directory assistance, telephone book and post office, she is unable to find the Defendants, PAUL J. CARMELLA and MARY LOUISE CARMELLA, and their heirs, devisees, administrators, executors and assigns, and all other

person, persons, firms, partnerships or corporate entities in interest.

Further Deponent saith not.

Charter Meier

Sworn to and subscribed before me, this 18th day of MAY, 2006.

Karen L. Starck

RECORDER OF DEEDS

MY COMMISSION EXPIRES
FIRST MONDAY IN JANUARY 2008

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

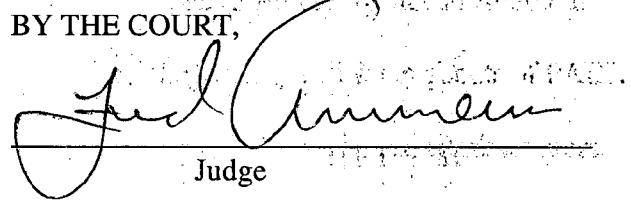
CIVIL DIVISION

DONALD L. SAMPLE and KATHLEEN :
SAMPLE, husband and wife, :
Plaintiffs, :
vs. : No. 06 - _____ C.D.
PAUL J. CARMELLA and MARY :
LOUISE CARMELLA, and their heirs, :
devisees, administrators, executors and :
assigns, and all other person, persons, :
firms, partnerships or corporate entities :
in interest, :
Defendants. :

O R D E R

NOW, this 1ST day of May, 2006, it appearing that an Action to
Quiet Title has been filed in the above-entitled case and the identity and whereabouts of PAUL
J. CARMELLA and MARY LOUISE CARMELLA, and their heirs, devisees, administrators,
executors and assigns, and all other person, persons, firms, partnerships or corporate entities in
interest, are unknown, the Defendants shall be served with a copy of the Complaint by
advertising the same one (1) time in the Courier-Express newspaper and one (1) time in the
Clearfield County Legal Journal in accordance with the Notice attached to and made a part of
the Complaint.

BY THE COURT,



Judge

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

DONALD L. SAMPLE and KATHLEEN SAMPLE, husband and wife,
Plaintiffs,
vs.
PAUL J. CARMELLA and MARY LOUISE CARMELLA, and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest,
Defendants.

: No. 06 - 675 C.D.
: TYPE OF CASE: ACTION TO QUIET TITLE
: TYPE OF PLEADING: AFFIDAVIT
: FILED ON BEHALF OF: DONALD L. SAMPLE and KATHLEEN SAMPLE, husband and wife, Plaintiffs
: COUNSEL OF RECORD FOR THIS PARTY:
: PAULA M. CHERRY, ESQ.
: Supreme Court No.: 36023
: GLEASON, CHERRY AND CHERRY, L.L.P.
: Attorneys at Law
: One North Franklin Street
: P.O. Box 505
: DuBois, PA 15801-0505
: (814) 371-5800

FILED *no cc*
of 30261
JUN 05 2008 *W*

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

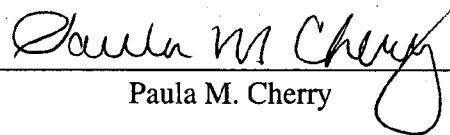
DONALD L. SAMPLE and KATHLEEN	:	
SAMPLE, husband and wife,	:	
Plaintiffs,	:	
vs.	:	No. 06 - 675 C.D.
	:	
PAUL J. CARMELLA and MARY	:	ACTION TO QUIET TITLE
LOUISE CARMELLA, and their heirs,	:	
devisees, administrators, executors and	:	
assigns, and all other person, persons,	:	
firms, partnerships or corporate entities	:	
in interest,	:	
Defendants.	:	

AFFIDAVIT

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

Personally appeared before me, the undersigned officer, PAULA M. CHERRY,
Attorney for DONALD L. SAMPLE and KATHLEEN SAMPLE, Plaintiffs, who, being duly
sworn according to law, deposes and says that the service of the foregoing Complaint to Quiet
Title, endorsed with Notice to Plead within Twenty (20) days from the date of publication was
made on all of the Defendants by publication on May 4, 2006, in the Courier-Express
newspaper, and the week of May 12, 2006, in the Clearfield County Legal Journal, proof of the
same is hereto attached, in accordance with the Order of Court, and more than Twenty (20)

days have elapsed since said publications and that said Defendants have not filed an Appearance or any Answer to the Complaint, although the time in which to do so has expired.


Paula M. Cherry

Sworn to and subscribed before me this 5th day of June, 2006.



WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2010
Clearfield Co., Clearfield, PA

JN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION
No.06-675C.D.

ACTION TO QUIET TITLE

DONALD L. SAMPLE and KATHLEEN SAMPLE, husband and wife, Plaintiffs,

vs.
PAUL J. CARMELLA and MARY LOUISE CARMELLA, and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest, Defendants.

NOTICE

TO: PAUL J. CARMELLA and MARY LOUISE CARMELLA, and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest:

YOU ARE HEREBY NOTIFIED THAT AN ACTION TO QUIET TITLE TO THE PREMISES SITUATE IN SANDY TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA, HAS BEEN FILED AGAINST YOU. Said premises is described as follows:

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

BEGINNING at a point in the State Highway leading from DuBois to Gelnett School, thence by land now or formerly of Julian D. Hays, South 9° 42' East (all bearings herein being magnetic as of March 1937) 14.7 feet to an iron pipe; thence by the same, South 9° 42' East 1,348.3 feet to an iron pipe; thence by land now or formerly of John E. DuBois Estate (Warrant No. 210), South 26° 58' West 377.5 feet to an iron pipe; thence by land now or formerly of Ralph Smith, North 62° 59' West 255.3 feet to an iron pipe; thence by land now or formerly of Liddle of which this is a part, North 6° 38' West 1,542.7 feet to an iron pipe; thence North 6° 38' West, 14.7 feet to a point in the center of said State Highway; and thence in said State Highway, North 87° 41' East 350 feet to the place of beginning. Containing 14 acres, more or less.

UNDER AND SUBJECT to all exceptions, reservations, restrictions and conditions as contained in prior deeds of conveyance.

FURTHER EXCEPTING AND RESERVING unto the said Stephen Alsbaugh and Lucille Alsbaugh, their heirs, administrators, executors and assigns, all of the gas and oil on or underlying the said premises, together with the right to remove the same.

ALSO EXCEPTING AND RESERVING all oil and gas rights currently under lease from the said Stephen A. Alsbaugh and Lucille Alsbaugh to the New York State Natural Gas Corporation by lease dated September 1, 1955, and recorded at Clearfield, Pennsylvania, in Miscellaneous Book No. 99, Page 304.

You have been sued in Court. If you wish to defend against the claims set forth in the Complaint, you must take action within Twenty (20) days from the date of publication of this Notice, to wit, or before May 24, 2006, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiffs. You may lose money or property or other rights important to you.

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

COURT ADMINISTRATOR
Clearfield County Courthouse
230 East Market Street, Suite 228
Clearfield, PA 16830
(814) 765-2641 Ex. 5982

GLEASON, CHERRY AND CHERRY, L.L.P.
Attorneys at Law
One North Franklin Street
P.O. Box 505
DuBois, PA 15801-0505
(814) 371-5800
Attorneys for Plaintiffs

**PROOF OF PUBLICATION OF NOTICE APPEARING IN THE
COURIER EXPRESS/TRI-COUNTY SUNDAY/JEFFERSONIAN DEMOCRAT
PUBLISHED BY McLEAN PUBLISHING COMPANY,
DUBOIS PENNSYLVANIA**

Under act 587, Approved May 16, 1929, P.L. 1784

**STATE OF PENNSYLVANIA
COUNTY OF CLEARFIELD**

SS:

Linda Smith, Advertising Director or Dory Ferra, Classified Advertising Supervisor of the **Courier-Express/Tri-County Sunday/Jeffersonian Democrat** of the County and State aforesaid, being duly sworn, deposes and says that the **Courier Express**, a daily newspaper, the **Tri-County Sunday**, a weekly newspaper and **Jeffersonian Democrat**, a weekly newspaper published by McLean Publishing Company at 500 Jeffers Street, City of DuBois, County and State aforesaid, which was established in the year 1879, since which date said, the daily publication and the weekly publications, has been regularly issued in said County, and that a copy of the printed notice of publication is attached hereto exactly as the same was printed and published in the regular editions of the paper on the following dates, viz: the

4th day of **May** A.D., **2006**

Affidavit further deposes that he is an officer duly authorized by the **Courier-Express**, a daily newspaper, **Tri-County Sunday**, a weekly newspaper, and/or **Jeffersonian Democrat**, a weekly newspaper to verify the foregoing statement under oath and also declared that affiant is not interested in the subject matter of the aforesaid notice of publication, and that all allegations in the foregoing statement as to time, place and character of publication are true.

**McLEAN PUBLISHING COMPANY Publisher of
COURIER-EXPRESS/TRI-COUNTY SUNDAY/JEFFERSONIAN DEMOCRAT**

By Linda Smith

Sworn and subscribed to before me this 5th day of May, 2006

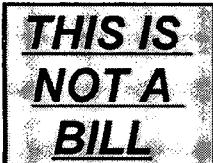
Andrew L. Booth

NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA

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

Member, Pennsylvania Association of Notaries



Statement of Advertising Cost
McLEAN PUBLISHING COMPANY
Publisher of
**COURIER-EXPRESS/TRI-COUNTY SUNDAY/
JEFFERSONIAN DEMOCRAT**
DuBois, PA

TO

Gleason Cherry & Cherry

For publishing the notice or advertisement attached hereto on the above stated dates.....	<u>\$324.00</u>
Probating same.....	<u>\$7.50</u>
Total.....	<u>\$331.50</u>

Publisher's Receipt for Advertising Costs

The **Courier-Express**, a daily newspaper, **Tri-County Sunday**, a weekly newspaper, and/or **Jeffersonian Democrat**, a weekly newspaper, hereby acknowledges receipt of the aforesaid advertising and publication costs, and certifies that the same have been fully paid.

Office: Jeffers Street and Beaver Drive, DuBois, PA 15801

Established 1879, Phone 814-371-4200

McLEAN PUBLISHING COMPANY

Publisher of

COURIER-EXPRESS/TRI-COUNTY SUNDAY/JEFFERSONIAN DEMOCRAT

By

I hereby certify that the foregoing is the original Proof of Publication and receipt for the Advertising costs in the subject matter of said notice.

ATTORNEY FOR

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :

:

COUNTY OF CLEARFIELD :

:

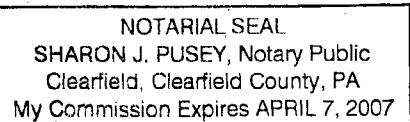
On this 12th day of May AD 2006, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Gary A. Knaresboro editor of the Clearfield County Legal Journal of the Courts of Clearfield County, and that the annexed is a true copy of the notice or advertisement published in said publication in the regular issues of Week of May 12, 2006, Vol. 18 No. 19. 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



Gleason Cherry & Cherry LLP
One North Franklin Street
PO Box 505
DuBois PA 15801

NOTICE

TO: PAUL J. CARMELLA and MARY LOUISE CARMELLA, and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest:

YOU ARE HEREBY NOTIFIED THAT AN ACTION TO QUIET TITLE TO THE PREMISES SITUATE IN SANDY TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA, HAS BEEN FILED AGAINST YOU. Said premises is described as follows:

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

BEGINNING at a point in the State Highway leading from DuBois to Gelnett School, thence by land now or formerly of Julian D. Hays, South 9° 42' East (all bearings herein being magnetic as of March 6, 1937) 14.7 feet to an iron pipe; thence by the same, South 9° 42' East 1,348.3 feet to an iron pipe; thence by land now or formerly of John E. DuBois Estate (Warrant No. 210), South 26° 58' West 377.5 feet to an iron pipe; thence by land now or formerly of Ralph Smith, North 62° 59' West 255.3 feet to an iron pipe; thence by land now or formerly of Liddle of which this is a part, North 6° 38' West 1,542.7 feet to an iron pipe; thence North 6° 38' West, 14.7 feet to a point in the center of said State Highway; and thence in said State Highway, North 87° 41' East 350 feet to the place of beginning. Containing 14 acres, more or less.

UNDER AND SUBJECT to all exceptions, reservations, restrictions and conditions as contained in prior deeds of conveyance.

FURTHER EXCEPTING AND RESERVING unto the said Stephen A. Alsbaugh and Lucille Alsbaugh, their heirs, administrators, executors and assigns, all of the gas and oil on or underlying the said premises, together with the right to remove the same.

ALSO EXCEPTING AND RESERVING all oil and gas rights currently under lease from the said Stephen A. Alsbaugh and Lucille Alsbaugh to the New York State Natural Gas Corporation by lease dated September 1, 1955, and recorded at Clearfield, Pennsylvania, in Miscellaneous Book No. 99, Page 304.

You have been sued in Court. If you wish to defend against the claims set forth in the Complaint, you must take action within Twenty (20) days from the date of publication of this Notice by entering a written appearance personally or by attorney and filing in writing with the Court your

BABICK, MICHAEL ROBERT, Dec'd.
Late of Frenchville
Administratrix: **DOROTHY M. KELLY**
Attorney: **JAMES A. NADDEO**
PO Box 552
Clearfield, PA 16830

BEATTY, GRACE I., Dec'd.
Executor: **ELMER E. BEATTY**
Attorney: **JEFFREY S. DUBOIS**
190 West Park Ave., Suite #5
DuBois, PA 15801

**REGISTER & ORPHANS' COURT
NOTICES**

Notice is hereby given that the following Accounts have been examined by me and remain in the Office of Karen L. Starck. Register of Wills for the inspection of the heirs, legatees and creditors and all others interested and will be presented to the Orphans' Court of Clearfield County, PA on the first Monday in May, 2006.

The Accounts will be presented to the Orphans' Court for Confirmation NISI on the first Monday in June, 2006, and if no Objections or Exceptions are filed to the Account, it will be Confirmed Absolutely, as of course, without further notice by the Court in 10 days.

First & Final Account of Sanford C. Hummel, Executor for the Estate of Della Mae Hummel a/k/a Della May Hummel, late of Clearfield, Clearfield County, PA, DECEASED.

First & Final Account of Cheryl Pataky, Executrix for the Estate of Maxine Reed, late of Clearfield, Clearfield County, PA, DECEASED.

First & Final Account of Terrence W. O'Donnell, Executor for the Estate of Margaret J. Harmic a/k/a Peg Harmic, late of Clearfield, Clearfield County, PA, DECEASED.

First & Final Account of Carol McNamee, Administratrix for the Estate of Regis William McNamee, late of Brisbin, Clearfield County, PA, DECEASED.

First & Final Account of Helen L. Frailey, Executrix for the Estate of Marie H. Riddle a/k/a Helen Marie Riddle, late of Curwensville, Clearfield County, PA, DECEASED.

First & Final Account of Verna Knepp, Legal Representative for the Estate of James I. Smith, late of Morris Township, Clearfield County, PA, DECEASED.

First & Partial Account of S & T Bank, Trustee for J. Clyde Martin TUW FBO Esther Martin Memorial Fund late of DuBois,

southwesterly in the northerly right of way of Township Road T-633 two hundred eight and seventy-one one-hundredths (208.71) feet to a point; thence northerly perpendicular to Township Road T-633 two hundred eight and seventy-one one-hundredths (208.71) feet to a point; thence westerly parallel to Township Road T-633 to the line of Albert Kampe Property two hundred eight and seventy-one one-hundredths (208.71) feet to a point in the line of Kampe property; thence southerly in line of Kampe property two hundred eight and seventy-one one-hundredths (208.71) feet to the place of beginning. Containing one (1) acre.

BEING the same premises conveyed to Joseph Colavecchi from the Tax Claim Bureau of Clearfield County, Pennsylvania by deed dated January 14, 1985, said deed being recorded at Clearfield in Volume 991, page 232.

Being Parcel # P05-000-00065
RECORD OWNER
TITLE TO SAID PREMISES IS
VESTED IN Douglas L. Saltsman and Elaine
M. Saltsman, husband and wife, by Deed

defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiffs. You may lose money or property or other rights important to you.

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

COURT ADMINISTRATOR, Clearfield County Courthouse, 230 East Market Street, Suite 228, Clearfield, PA 16830. (814) 765-2641 Ex. 5982.

GLEASON, CHERRY AND CHERRY, L.L.P. Attorneys at Law, One North Franklin Street, P.O. Box 505, DuBois, PA 15801-0505. (814) 371-5800, Attorneys for Plaintiffs.

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

DONALD L. SAMPLE and KATHLEEN
SAMPLE, husband and wife, Plaintiffs, vs.
PAUL J. CARMELLA and MARY LOUISE
CARMELLA, and their heirs, devisees,
administrators, executors and assigns, and
all other person, persons, firms, partnerships
or corporate entities in interest, Defendants

No. 06 - 675 C.D.
ACTION TO QUIET TITLE

Bankruptcy No. 05-10341-WWWB
Chapter 13
Document No.
Hearing Date & Time: 25 May 2005 @
1:30 p.m.
NOTICE OF HEARING WITH
RESPONSE DEADLINE ON MOTION OF
SHARON A. RISHELL FOR PRIVATE SALE
OF REAL ESTATE FREE AND CLEAR OF
ALL LIENS
TO THE RESPONDENTS:
You are hereby notified that the above
Movant seeks an order affecting your rights
or property.
You are further notified to file with the
Clerk and serve upon the undersigned
attorney for Movant a response to the Motion

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

DONALD L. SAMPLE and KATHLEEN SAMPLE, husband and wife, Plaintiffs, vs. PAUL J. CARMELLA and MARY LOUISE CARMELLA, and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest, Defendants.

: No. 06 - 675 C.D.
: TYPE OF CASE: ACTION TO QUIET TITLE
: TYPE OF PLEADING: MOTION FOR JUDGMENT
: FILED ON BEHALF OF: DONALD L. SAMPLE and KATHLEEN SAMPLE, husband and wife, Plaintiffs
: COUNSEL OF RECORD FOR THIS PARTY:
: PAULA M. CHERRY, ESQ.
: Supreme Court No.: 36023
: GLEASON, CHERRY AND CHERRY, L.L.P.
: Attorneys at Law
: One North Franklin Street
: P.O. Box 505
: DuBois, PA 15801-0505
: (814) 371-5800

FILED NOCC
01/30/2006
JUN 05 2006
66
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

DONALD L. SAMPLE and KATHLEEN	:	
SAMPLE, husband and wife,	:	
Plaintiffs,	:	
vs.	:	No. 06 - 675 C.D.
	:	
PAUL J. CARMELLA and MARY	:	ACTION TO QUIET TITLE
LOUISE CARMELLA, and their heirs,	:	
devisees, administrators, executors and	:	
assigns, and all other person, persons,	:	
firms, partnerships or corporate entities	:	
in interest,	:	
Defendants.	:	

MOTION FOR JUDGMENT

AND NOW, this 5th day of June, 2006, an Affidavit having been filed by Plaintiffs, DONALD L. SAMPLE and KATHLEEN SAMPLE, by their attorney, PAULA M. CHERRY, that the Complaint with Notice to Plead was served on all of the Defendants and the Defendants have not answered, the Plaintiffs, by their attorney, PAULA M. CHERRY, move the Court to enter judgment in favor of the Plaintiffs and against the Defendants in the above-named case and to grant to the Plaintiffs the relief prayed for in accordance with Pennsylvania Rules of Civil Procedure 1066. Plaintiffs further request that the Honorable Court modify in accordance with Pennsylvania Rules of Civil Procedure, Rule 248, the Thirty (30) day period provided Defendants by Pennsylvania Rules of Civil Procedure, Rule 1066(b) to assert any

right, lien, title or interest in the land inconsistent with the interest or claim Plaintiffs set forth in their Complaint.

GLEASON, CHERRY AND CHERRY, L.L.P.

By Sharon W. Cherry
Attorneys for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

DONALD L. SAMPLE and KATHLEEN SAMPLE, husband and wife, Plaintiffs, : No. 06 - 675 C.D.
vs. : TYPE OF CASE: ACTION TO QUIET TITLE
PAUL J. CARMELLA and MARY LOUISE CARMELLA, and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest, Defendants. : TYPE OF PLEADING: ORDER
: FILED ON BEHALF OF: DONALD L. SAMPLE and KATHLEEN SAMPLE, husband and wife, Plaintiffs
: COUNSEL OF RECORD FOR THIS PARTY:
: PAULA M. CHERRY, ESQ.
: Supreme Court No.: 36023
: GLEASON, CHERRY AND CHERRY, L.L.P.
: Attorneys at Law
: One North Franklin Street
: P.O. Box 505
: DuBois, PA 15801-0505
: (814) 371-5800
:

FILED *cc*
01/31/2006 *Am P. Cherry*
JUN 06 2006 *60*

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

DONALD L. SAMPLE and KATHLEEN :
SAMPLE, husband and wife, :
Plaintiffs, :
vs. : No. 06 - 675 C.D.
:

PAUL J. CARMELLA and MARY : ACTION TO QUIET TITLE
LOUISE CARMELLA, and their heirs, :
devisees, administrators, executors and :
assigns, and all other person, persons, :
firms, partnerships or corporate entities :
in interest, :
Defendants. :

O R D E R

AND NOW, this 6th day of June, 2006, it appearing that service of the Complaint to Quiet Title in the above Action was made on all of the Defendants and by Affidavit of PAULA M. CHERRY, Attorney for Plaintiffs, no Answer or Appearance has been filed to said Action, and on Motion of PAULA M. CHERRY, Attorney for Plaintiffs, it is hereby

ORDERED AND DECREED:

1. That the Defendants, PAUL J. CARMELLA and MARY LOUISE CARMELLA, and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest, are forever barred from asserting any right, title, lien or interest inconsistent with the interest or claim of the Plaintiffs as set forth in their Complaint in and to:

ALL that certain piece, parcel or tract of land situate, lying and being in the Township of Sandy, County of Clearfield, and Commonwealth of Pennsylvania, bounded and described as

follows, to wit:

BEGINNING at a point in the State Highway leading from DuBois to Gelnett School, thence by land now or formerly of Julian D. Hays, South 9° 42' East (all bearings herein being magnetic as of March 6, 1937) 14.7 feet to an iron pipe; thence by the same, South 9° 42' East 1,348.3 feet to an iron pipe; thence by land now or formerly of John E. DuBois Estate (Warrant No. 210), South 26° 58' West 377.5 feet to an iron pipe; thence by land now or formerly of Ralph Smith, North 62° 59' West 255.3 feet to an iron pipe; thence by land now or formerly of Liddle of which this is a part, North 6° 38' West 1,542.7 feet to an iron pipe; thence North 6° 38' West, 14.7 feet to a point in the center of said State Highway; and thence in said State Highway, North 87° 41' East 350 feet to the place of beginning. Containing 14 acres, more or less.

UNDER AND SUBJECT to all exceptions, reservations, restrictions and conditions as contained in prior deeds of conveyance.

FURTHER EXCEPTING AND RESERVING unto the said Stephen A. Alsbaugh and Lucille Alsbaugh, their heirs, administrators, executors and assigns, all of the gas and oil on or underlying the said premises, together with the right to remove the same.

ALSO EXCEPTING AND RESERVING all oil and gas rights currently under lease from the said Stephen A. Alsbaugh and Lucille Alsbaugh to the New York State Natural Gas Corporation by lease dated September 1, 1955, and recorded at Clearfield, Pennsylvania, in Miscellaneous Book No. 99, Page 304.

and that title to said property is now vested in DONALD L. SAMPLE and KATHLEEN SAMPLE, Plaintiffs, as prayed.

2. That the rights of the Plaintiffs are superior to the rights of the Defendants, PAUL J. CARMELLA and MARY LOUISE CARMELLA, and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest.

3. That the Plaintiffs have title in fee simple to said premises as described in the Complaint as against the Defendants, PAUL J. CARMELLA and MARY LOUISE

CARMELLA, and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest.

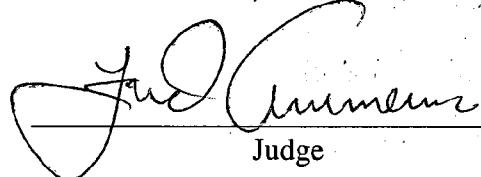
4. That the Defendants, PAUL J. CARMELLA and MARY LOUISE CARMELLA, and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest, are enjoined and forever barred from asserting any right, title or interest in and to the premises described which are inconsistent with the interest or claims of the Plaintiffs as set forth in their Complaint and from setting up any title to the premises and from impeaching, denying or in any way attacking the title of the Plaintiffs to the premises.

5. That the Thirty (30) day provision of Pennsylvania Rules of Civil Procedure 1066(b)(i) be modified as to eliminate the said Thirty (30) day Rule of Pennsylvania Rules of Civil Procedure from this case. Said modification is in accordance with the authority vested in this Court by virtue of the Pennsylvania Rules of Civil Procedure No. 248, to eliminate any time period prescribed by Pennsylvania Rules of Civil Procedure upon Order of Court.

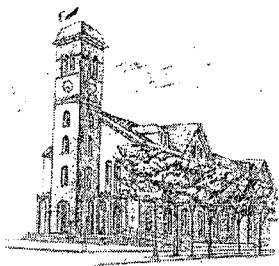
6. That these proceedings, or any authenticated copy thereof, shall at all times hereafter be taken as evidence of the facts declared and established thereby.

7. That a certified copy of this Order shall be recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania.

BY THE COURT,



Jud C. Cummens
Judge



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: 6/6/06

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s) Plaintiff(s) Attorney Other

Defendant(s) Defendant(s) Attorney

Special Instructions:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

DONALD L. SAMPLE and KATHLEEN SAMPLE, husband and wife, Plaintiffs, : No. 06 - 675 C.D.
vs. :
PAUL J. CARMELLA and MARY LOUISE CARMELLA, and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest, Defendants. : TYPE OF CASE: ACTION TO QUIET TITLE
: TYPE OF PLEADING: PRAECIPE
: FILED ON BEHALF OF: DONALD L. SAMPLE and KATHLEEN SAMPLE, husband and wife, Plaintiffs
: COUNSEL OF RECORD FOR THIS PARTY:
: PAULA M. CHERRY, ESQ.
: Supreme Court No.: 36023
: GLEASON, CHERRY AND CHERRY, L.L.P.
: Attorneys at Law
: One North Franklin Street
: P.O. Box 505
: DuBois, PA 15801-0505
: (814) 371-5800
:

FILED NO
0/330/06
JUN 06 2006 6K

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

DONALD L. SAMPLE and KATHLEEN	:
SAMPLE, husband and wife,	:
Plaintiffs,	:
vs.	:
	No. 06 - 675 C.D.
	:
PAUL J. CARMELLA and MARY	:
LOUISE CARMELLA, and their heirs,	:
devisees, administrators, executors and	:
assignis, and all other person, persons,	:
firms, partnerships or corporate entities	:
in interest,	:
Defendants.	:

P R A E C I P E

TO: WILLIAM A. SHAW, PROTHONOTARY

Dear Sir:

Please enter final judgment in favor of the above-named Plaintiffs and against the
Defendants in accordance with Order of Court dated June 16, 2006.

GLEASON, CHERRY AND CHERRY, L.L.P.

By Dana Michalek
Attorneys for Plaintiffs