

06-676-CD

Douglas Hanes et al vs James F. Nance et al

2006-676-CD

Douglas Hanes et al vs James F. Nance et al

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

DOUGLAS M. HANES and SHELLEY A. HANES, husband and wife, Plaintiffs, vs. JAMES F. NANCE and BARBARA S. NANCE, husband and wife, and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest, Defendants.

Plaintiffs, : TYPE OF CASE: ACTION TO QUIET TITLE
vs. : TYPE OF PLEADING: COMPLAINT
JAMES F. NANCE and BARBARA S. NANCE, husband and wife, and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest, Defendants. : FILED ON BEHALF OF: DOUGLAS M. HANES and SHELLEY A. HANES, 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 1 rec. Atty
01301-01
MAY 01 2006 Atty pd. 95-00

William A. Shaw
Prothonotary/Clerk of Courts

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

DOUGLAS M. HANES and SHELLEY A. :
HANES, husband and wife, :
Plaintiffs, :
vs. : No. 06 - _____ C.D.
JAMES F. NANCE and BARBARA S. :
NANCE, husband and wife, and their :
heirs, devisees, administrators, executors :
and assigns, and all other person, persons, :
firms, partnerships or corporate entities :
in interest, :
Defendants. :
ACTION TO QUIET TITLE

NOTICE

TO: JAMES F. NANCE and BARBARA S. NANCE, husband and wife, 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 DESIGNATED AS LOT NO. 122, SECTION NO. 15, "BIMINI", IN THE
TREASURE LAKE SUBDIVISION OF SANDY TOWNSHIP, CLEARFIELD COUNTY,
PENNSYLVANIA, HAS BEEN FILED AGAINST YOU.

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

DOUGLAS M. HANES and SHELLEY A. HANES, husband and wife, Plaintiffs, vs. Defendants. :

No. 06 - _____ C.D.

JAMES F. NANCE and BARBARA S. NANCE; husband and wife, and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest, Defendants. :

ACTION TO QUIET TITLE

C O M P L A I N T

The Plaintiffs in the above-entitled matter, DOUGLAS M. HANES and SHELLEY A. HANES, husband and wife, bring this Action to Quiet Title for the purpose of barring the Defendants, JAMES F. NANCE and BARBARA S. NANCE, 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", situate in the Treasure Lake Subdivision of Sandy Township, Clearfield County, Pennsylvania, and aver the following cause of action:

1. The Plaintiffs, DOUGLAS M. HANES and SHELLEY A. HANES, are husband and wife, whose mailing address is 221 Treasure Lake, DuBois, Pennsylvania 15801.
2. After diligent search, the Plaintiffs are unable to discover the whereabouts or the

identify of the Defendants, JAMES F. NANCE and BARBARA S. NANCE, and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest.

3. That taxes levied against the premises described in Exhibit "A", which is the subject of this Action to Quiet Title, for the years 1995 through 2004, had not been paid and the said delinquent taxes against the property were returned to the Tax Claim Bureau of Clearfield County, Pennsylvania, and the tax lien against the subject premises became absolute.

4. That after proceeding under the provisions of the Act of July 7, 1947, P.L. 1368, and amendments thereto, the Tax Claim Bureau of Clearfield County, Pennsylvania, did expose the premises more particularly described in Exhibit "A", which is the subject of this Action to Quiet Title, to public sale on September 12, 1997, however the property was not sold at said sale.

5. That the property more particularly described in Exhibit "A", which is the subject of this Action to Quiet Title, remained unsold for a period of years until such time as Plaintiffs, DOUGLAS M. HANES and SHELLEY A. HANES, placed a bid to purchase the same at private sale as provided for in P.L. 1368 No. 542, Section 613.

6. That notification of the acceptance of the bid of Plaintiffs was sent to the assessed owners, Sandy Township Supervisors, DuBois Area School District, and Clearfield County Commissioners on January 6, 2006, and notice of the proposed sale was published in the Courier-Express newspaper on January 6, 2006, and January 20, 2006, and also published in the Clearfield County Legal Journal on January 6, 2006, and January 20, 2006.

7. That no Order having been issued by the Court of Common Pleas to halt the sale, the Tax Claim Bureau of Clearfield County, Pennsylvania, Trustee under the provisions of the Act as aforesaid, did convey the premises more particularly described in Exhibit "A", which is the subject of this Action to Quiet Title, to DOUGLAS M. HANES and SHELLEY A. HANES, Plaintiffs herein, by Deed dated March 8, 2006, and recorded in the Office of the Register and Recorder of Deeds of Clearfield County, Pennsylvania, as Instrument No. 200603575, on March 8, 2006.

8. That JAMES F. NANCE and BARBARA S. NANCE, and their heirs, devisees, administrators, executors and assigns; and all other person, persons, firms, partnerships or corporate entities in interest were legally divested of all of their right, title and interest in the premises described in Exhibit "A" by virtue of the tax sale conducted by the Tax Claim Bureau of Clearfield County, Pennsylvania, and the private sale and sale proceedings conducted by the Tax Claim Bureau of Clearfield County, Pennsylvania, as aforesaid.

9. That the said tax assessments were properly made and the said public tax sale conducted by the Tax Claim Bureau of Clearfield County, Pennsylvania, as well as the private sale conducted by the Tax Claim Bureau of Clearfield County, Pennsylvania, for delinquent real estate taxes, were valid and the Plaintiffs, through said private sale, obtained all of the right, title and interest in and to the premises described in Exhibit "A".

10. One of the purposes of this Action is to quiet the title as to any interest the Defendants, JAMES F. NANCE and BARBARA S. NANCE, and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or

corporate entities in interest, may have in said premises described in Exhibit "A" because of any defect that may exist or may have existed in either the said public tax sale or the private tax sale of the premises conducted by the Tax Claim Bureau of Clearfield County, Pennsylvania; because of the premises being improperly assessed; not properly described; no proper notice of said tax sale to the record owners; or that said premises was sold as a property of one other than the record owner or the legal heirs or assigns of the record owner; or for any other reason or reasons that may raise some question as to the validity of the title. Another purpose of this Action is to make the title to the premises as 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, JAMES F. NANCE and BARBARA S. NANCE, 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, JAMES F. NANCE and BARBARA S. NANCE, and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest;
- (c) Enjoin the Defendants, JAMES F. NANCE and BARBARA S. NANCE, 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

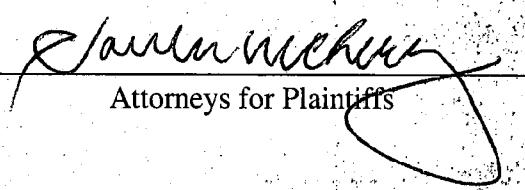
in Exhibit "A" and from impeaching, denying or in any way attacking the title of the Plaintiffs to the premises described in Exhibit "A"; and

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

AND they will ever pray.

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

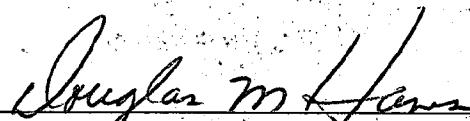
By


Attorneys for Plaintiffs

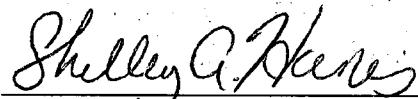
COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

: SS.

Personally appeared before me, the undersigned officer, a Notary Public in and for the county and state aforesaid, DOUGLAS M. HANES and SHELLEY A. HANES, husband and wife, 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.

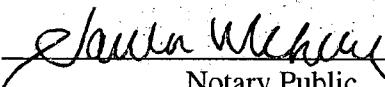


Douglas M. Hanes



Shelley A. Hanes

Sworn to and subscribed before me, this 1st day of May, 2006,


Notary Public

My commission expires: September 16, 2009

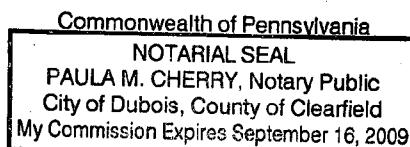


Exhibit "A"

ALL that certain tract of land designated as Lot No. 122, Section No. 15, "Bimini", in the
Treasure Lake Subdivision of Sandy Township, Clearfield County, Pennsylvania.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

DOUGLAS M. HANES and SHELLEY A. HANES, husband and wife, Plaintiffs, vs. No. 06 - C.D. JAMES F. NANCE and BARBARA S. NANCE, husband and wife, and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest, Defendants. ACTION TO QUIET TITLE

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA

: SS.

COUNTY OF CLEARFIELD

Personally appeared before me, a Notary Public in and for the county and state aforesaid, DOUGLAS M. HANES and SHELLEY A. HANES, who, being duly sworn according to law, depose and say that after diligent search, including a search of the Clearfield County Courthouse records, telephone book, post office, and computer, they are unable to find the Defendants, JAMES F. NANCE and BARBARA S. NANCE, and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest.

Further Deponents saith not.

Douglas M. Hanes

Douglas M. Hanes

Shelley A. Hanes

Shelley A. Hanes

Sworn to and subscribed before me, this 1st day of May, 2006.

Paula M. Cherry

Commonwealth of Pennsylvania

NOTARIAL SEAL

PAULA M. CHERRY, Notary Public
City of Dubois, County of Clearfield
My Commission Expires September 16, 2009

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

DOUGLAS M. HANES and SHELLEY A.
HANES, husband and wife,

Plaintiffs, :
vs. : No. 06-_____ C.D.

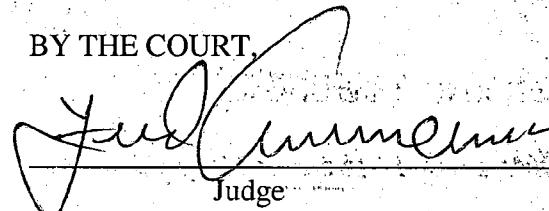
JAMES F. NANCE and BARBARA S. : ACTION TO QUIET TITLE
NANCE, husband and wife, and their :
heirs, devisees, administrators, executors :
and assigns, and all other person, persons, :
firms, partnerships or corporate entities :
in interest,

Defendants:

O R D E R

NOW, this 15th 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 JAMES F. NANCE and BARBARA S. NANCE, 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

DOUGLAS M. HANES and SHELLEY A. : No. 06 - 676 C.D.
HANES, husband and wife, :
Plaintiffs, : TYPE OF CASE: ACTION TO QUIET TITLE
vs. :
JAMES F. NANCE and BARBARA S. :
NANCE, husband and wife, and their :
heirs, devisees, administrators, executors :
and assigns, and all other person, persons, :
firms, partnerships or corporate entities :
in interest, :
Defendants. : 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
AUG 5 2006 BY
JUN 05 2006 (M)

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

DOUGLAS M. HANES and SHELLEY A. HANES, husband and wife, Plaintiffs, vs. : No. 06 - 676 C.D.

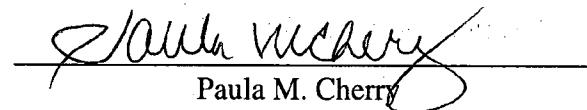
JAMES F. NANCE and BARBARA S. NANCE, husband and wife, and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest, Defendants. : ACTION TO QUIET TITLE

AFFIDAVIT

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

Personally appeared before me, the undersigned officer, PAULA M. CHERRY, Attorney for DOUGLAS M. HANES and SHELLEY A. HANES, 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

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD
COUNTY, PENNSYLVANIA
CIVIL DIVISION
No.06-676 C.D.

ACTION TO QUIET TITLE

DOUGLAS M. HANES and SHELLEY A. HANES, husband and wife, Plaintiffs,

vs.

JAMES F. NANCE and BARBARA S NANCE, husband and wife, and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest, Defendants.

NOTICE

TO: JAMES F. NANCE and BARBARA S. NANCE, husband and wife, 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 DESIGNATED AS LOT NO. 122, SECTION NO. 15, "BIMINI", IN THE TREASURE LAKE SUBDIVISION OF SANDY TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA, HAS BEEN FILED AGAINST YOU.

You have been sued in Court. If you wish to defend against the claims set forth in this Complaint, you must take action within Twenty (20) days from the date of publication of this Notice, to wit: on 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

5/4/06

**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.

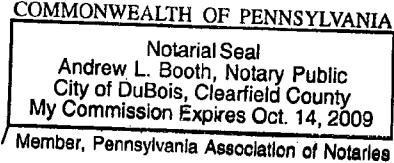
**McLEAN PUBLISHING COMPANY Publisher of
COURIER-EXPRESS/TRI-COUNTY SUNDAY/JEFFERSONIAN DEMOCRAT**

By Linda Smith

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

Andrew L. Booth

NOTARY PUBLIC



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>\$210.60</u>
Probating same.....	<u>\$7.50</u>
Total.....	<u>\$218.10</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

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

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

William A. Shaw
Prothonotary/Clerk of Courts

FILED
JUN 05 2006

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

DOUGLAS M. HANES and SHELLEY A. HANES, husband and wife, Plaintiffs, vs. JAMES F. NANCE and BARBARA S. NANCE, husband and wife, and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest, Defendants.

No. 06 - 676 C.D.
ACTION TO QUIET TITLE
NOTICE

TO: JAMES F. NANCE and BARBARA S. NANCE, husband and wife, 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 DESIGNATED AS LOT N 122, SECTION NO. 15, "BIMINI", IN THE TREASURE LAKE SUBDIVISION OF SANDY TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA, HAS BEEN FILED AGAINST YOU.

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

M. Saltsman, husband and wife, by Deed from Joan Helen Colavecchi, a married woman, dated 7-15-02, recorded 7-19-02 in Deed Inst#: 200211547.

PREMISES BEING: 1079 CONGRESS HILL ROAD a/k/a P.O. BOX 214, CONGRESS HILL ROAD, FRENCHVILLE, PA 16836.

SEIZED, taken in execution to be sold as the property of DOUGLAS L. SALTSMAN AND ELAINE N. SALTSMAN, at the suit of ABN AMRO MORTGAGE GROUP, INC. JUDGMENT NO. 05-1339-CD.

Chester A. Hawkins, Sheriff.

ADV: May 5th, 12th, 19th, 2006.

**SHERIFF'S SALE
OF VALUABLE REAL ESTATE**

BY VIRTUE OF: Execution issued out of the Court of Common Pleas of Clearfield County, Pennsylvania and to me directed, there will be exposed to public sale in the Sheriff's Office in the Court House in the Borough of Clearfield on FRIDAY, JUNE 2, 2006 at 10:00 A.M.

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

The Price or sum at which the property shall be struck off must be paid at the time of sale or such other arrangements made as will be approved, otherwise the property will be immediately put up and sold again at the expense and risk of the person to whom it

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.

without you and a judgment may be entered against you, without further notice for the relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

KEYSTONE LEGAL SERVICES, 211
1/2 E. LOCUST STREET, CLEARFIELD,
PA 16830. 814-765-9646.

**SHERIFF'S SALE
OF VALUABLE REAL ESTATE**

BY VIRTUE OF: Execution issued out of

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

DOUGLAS M. HANES and SHELLEY A. : No. 06 - 676 C.D.

HANES, husband and wife,

Plaintiffs, : TYPE OF CASE: ACTION TO QUIET TITLE
vs. : TYPE OF PLEADING: MOTION FOR

JAMES F. NANCE and BARBARA S. : JUDGMENT
NANCE, husband and wife, and their :
heirs, devisees, administrators, executors : FILED ON BEHALF OF: DOUGLAS M.
and assigns, and all other person, persons, : HANES and SHELLEY A. HANES,
firms, partnerships or corporate entities : husband and wife, Plaintiffs
in interest,

Defendants. : 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

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William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

DOUGLAS M. HANES and SHELLEY A. HANES, husband and wife,	:
Plaintiffs,	:
vs.	:
	No. 06 - 676 C.D.
:	
JAMES F. NANCE and BARBARA S. NANCE, husband and wife, 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, DOUGLAS M. HANES and SHELLEY A. HANES, 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 Saulnichony
Attorneys for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

DOUGLAS M. HANES and SHELLEY A. : No. 06 - 676 C.D.

HANES, husband and wife,

Plaintiffs, : TYPE OF CASE: ACTION TO QUIET TITLE

vs.

: TYPE OF PLEADING: ORDER

JAMES F. NANCE and BARBARA S.

NANCE, husband and wife, and their
heirs, devisees, administrators, executors
and assigns, and all other person, persons,
firms, partnerships or corporate entities
in interest,

Defendants.

: FILED ON BEHALF OF: DOUGLAS M.
HANES and SHELLEY A. HANES,
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

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Atty P. Cherry

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

DOUGLAS M. HANES and SHELLEY A. :
HANES, husband and wife, :
Plaintiffs, :
vs. : No. 06 - 676 C.D.

JAMES F. NANCE and BARBARA S. : ACTION TO QUIET TITLE
NANCE, husband and wife, 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, JAMES F. NANCE and BARBARA S. NANCE, 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 tract of land designated as Lot No. 122, Section No. 15, "Bimini", in the Treasure Lake Subdivision of Sandy Township, Clearfield, County, Pennsylvania.

and that title to said property is now vested in DOUGLAS M. HANES and SHELLEY A. HANES, Plaintiffs, as prayed.

2. That the rights of the Plaintiffs are superior to the rights of the Defendants, JAMES F. NANCE and BARBARA S. NANCE, 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, JAMES F. NANCE and BARBARA S. NANCE, and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest.

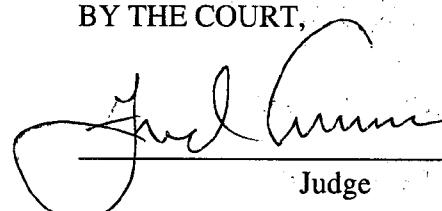
4. That the Defendants, JAMES F. NANCE and BARBARA S. NANCE, and their heirs, devisees, administrators, executors and assigns, and all other person, persons, firms, partnerships or corporate entities in interest, are enjoined and forever barred from asserting any right, title or interest in and to the 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

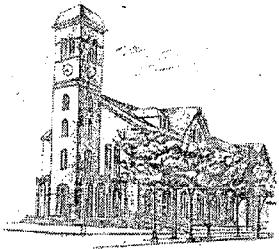
Civil Procedure from this case. Said modification is in accordance with the authority vested in this Court by virtue of the Pennsylvania Rules of Civil Procedure No. 248, to eliminate any time period prescribed by Pennsylvania Rules of Civil Procedure upon Order of Court.

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,



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: 6/7/06

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

DOUGLAS M. HANES and SHELLEY A. : No. 06 - 676 C.D.
HANES, husband and wife, :
Plaintiffs, : TYPE OF CASE: ACTION TO QUIET TITLE
vs. :
JAMES F. NANCE and BARBARA S. :
NANCE, husband and wife, and their :
heirs, devisees, administrators, executors : FILED ON BEHALF OF: DOUGLAS M.
and assigns, and all other person, persons, : HANES and SHELLEY A. HANES,
firms, partnerships or corporate entities : husband and wife, Plaintiffs
in interest, :
Defendants. : 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
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William A. Shaw
Prothonotary/Clerk of Courts

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CIVIL DIVISION

DOUGLAS M. HANES and SHELLEY A. :	:
HANES, husband and wife, :	:
Plaintiffs, :	
vs. :	No. 06 - 676 C.D.
:	
JAMES F. NANCE and BARBARA S. :	ACTION TO QUIET TITLE
NANCE, husband and wife, and their :	
heirs, devisees, administrators, executors :	
and assigns, 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 6, 2006.

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

By Paula M. Cherry
Attorneys for Plaintiffs