



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

A CONDEMNATION IN REM BY THE :  
CAMBRIA COUNTY CONSERVATION :  
AND RECREATION AUTHORITY of :  
An undivided 50% interest in 40 acres of :  
real estate in Chest Township, Clearfield :  
County, Pennsylvania **AND** an undivided :  
50% interest in 100 acres of real estate in :  
Chest Township, Clearfield, Pennsylvania, :  
for the purpose of construction of a :  
recreational facility. :

No. 2006 - 814 - CD


EMINENT DOMAIN

TYPE OF PLEADING:  
Declaration of Taking  
(E.M. Brown Property)

FILED ON BEHALF OF:  
Cambria County Conservation &  
Recreation Authority

COUNSEL OF RECORD FOR CONDEMNOR:  
Michelle A. Tokarsky, Esq. (#70343)  
Lesley R. Childers (#92348)  
Silverman, Tokarsky & Forman, LLC  
227 Franklin Street, Suite 410  
Johnstown, PA 15901  
TEL: (814) 536-8600

FILED

MAY 23 2006   
m/12.20/06  
William A. Shaw  
Prothonotary/Clerk of Courts  
2 CERT TO ATT

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

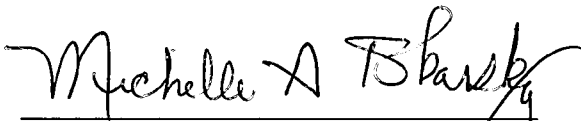
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County, Pennsylvania AND an undivided	:	
50% interest in 100 acres of real estate in	:	
Chest Township, Clearfield, Pennsylvania,	:	
for the purpose of construction of a	:	
recreational facility.	:	

**NOTICE TO DEFEND**

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 thirty (30) 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 A 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.

**MidPenn Legal Services**  
213-A North Front Street  
Harrisburg, PA 17101  
(717) 232-0581

  
Michelle A. Tokarsky, Esquire

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recreational facility. :

**DECLARATION OF TAKING (E.M. Brown Property)**

The Cambria County Conservation & Recreation Authority hereby declares that:

1. Condemnor is the Cambria County Conservation & Recreation Authority, a municipal authority organized and existing under the Pennsylvania Municipal Authorities Act of 1945, 53 P.S. Section 306. The address of Condemnor is 401 Candlelight Drive, Suite 234, Ebensburg, CLEARFIELD County, Pennsylvania, 15931.

2. This condemnation is authorized under Section 4 of the Municipal Authorities Act of 1945, as amended (53 P.S. Section 306).

3. This Declaration of Taking was authorized by the Board of the Cambria County Conservation & Recreation Authority at its regular monthly meeting. A record of said authorization may be examined by reviewing the approved minutes of the meeting at the address for the Cambria County Conservation & Recreation Authority listed above.

4. The purpose of this condemnation is to acquire the property in order to construct a recreational facility, primarily for motorized use. The public need thereby served is to provide recreational opportunities and economic growth. The secondary purpose is to remediate conditions created by mining operations on the property.

5. The property described in Exhibit "A" attached hereto and made a part hereof, which is a portion of property described in deed recorded in the Clearfield County Recorder of

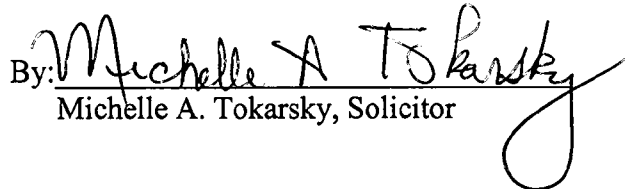
Deeds Office on December 29, 1995 in Deed Book Volume 1728 at page 92, is hereby CONDEMNED. Said property consists of two separate parcels of land currently owned by the Cambria County Conservation & Recreation Authority (50% interest) and E. M. Brown, Inc. (50% interest). Plans showing the property condemned are this day being lodged for record in the Office of the Recorder of Deeds in Clearfield County, Pennsylvania in accordance with Section 404 of the Eminent Domain Code.

6. A plan showing the condemned property may be inspected at the Cambria County Conservation & Recreation Authority at 401 Candlelight Drive, Suite 234, Ebensburg, Pennsylvania, 15931.

7. Condemnor is taking the following estate in the property: Fee simple absolute, excepting and reserving any mineral rights reserved in Condemnee by virtue of any prior instruments of conveyance and excepting deep mineral rights, which are excluded from this condemnation.

8. Just compensation has been made or secured by the filing of the Bond of the Authority, attached hereto and made a part hereof as Exhibit "B" for the use and benefit of the owner or the owners of the property in interest, a condition of which the Condemnor shall pay such amount of damages as the said owner or owners of the properties and other parties in interest shall be entitled to receive by reason of such condemnation, after the same shall have been agreed upon or assessed in the manner provided by law.

CAMBRIA COUNTY CONSERVATION &  
RECREATION AUTHORITY

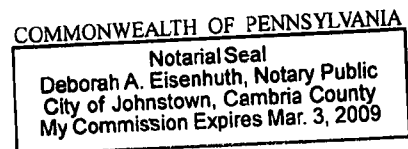
By:   
Michelle A. Tokarsky, Solicitor

COMMONWEALTH OF PENNSYLVANIA :  
: SS:  
COUNTY OF CAMBRRIA :

On this the 19<sup>th</sup> day of May, 2006, before me, a Notary Public, in and for Cambria County, Pennsylvania, personally appeared Michelle A. Tokarsky, Esquire, who acknowledged herself to be the Solicitor of the Cambria County Conservation & Recreation Authority, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of Cambria County Conservation & Recreation Authority by herself as Solicitor.

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

Deborah A. Eisenhuth  
Notary Public



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A CONDEMNATION IN REM BY THE  
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DOMAIN An undivided 50% interest in 40 acres  
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interest in 100 acres of real estate in Chest  
Township, Clearfield, Pennsylvania, for the  
purpose of construction of a recreational facility.

EMINENT DOMAIN COMPLAINT

SILVERMAN, TOKARSKY  
FORMAN & GREEN, LLC  
ATTORNEYS-AT-LAW  
227 FRANKLIN STREET  
SUITE 410  
JOHNSTOWN, PENNSYLVANIA 15901  
(814) 536-8600

William A. Shaw  
Prothonotary/Clerk of Courts

MAY 23 2006

FILED