

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

SAMUEL SERIAN,

Plaintiff,

vs.

DELBROS, CORPORATION its successors
and assigns,

Defendants

) Case No.: 968 - 2006 C.D.
)
) Type of Case: CIVIL
)
) Type of Pleading: COMPLAINT IN ACTION
) TO QUIET TITLE
)
) Filed on behalf of: Plaintiff
)
) Counsel of Record for this Party:
) J. Kipp Lukehart
) PA I.D. 05865
) LUKEHART & LUNDY
) 219 East Union Street
) PO Box 74
) Punxsutawney, PA 15767
) (814) 938-8110

FILED

JUN 16 2006

William A. Shaw
Prothonotary/Clerk of Courts

m/2:40 atty Lukehart pd
\$95.00
3cc atty.

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

| | | |
|---|---|-----------------------|
| SAMUEL SERIAN, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | |
| |) | Case No.: - 2006 C.D. |
| DELBROS Corporation, its successors and |) | |
| assigns, |) | |
| |) | |
| Defendants |) | |
| |) | |

COMPLAINT IN ACTION TO QUIET TITLE

AND NOW, comes the Plaintiff, Samuel Serian, by and through his attorneys, Lukehart & Lundy, with the following Complaint in Action to Quiet Title, pursuant to Rule 1061 et seq of the Pennsylvania Rules of Civil Procedure:

1. Plaintiff, Samuel Serian, is an adult individual who resides at 22 Clinton Street, Rossiter, Indiana County, Pennsylvania 15772.
2. Defendant, DELBROS CORPORATION, is a corporation organized under and existing by the virtue of the laws of the Commonwealth of Pennsylvania with its last known mailing address at P.O. Box 727, Clearfield, Pennsylvania 16830 and it's registered office at New Street, DuBois, Pennsylvania 15801.
3. Plaintiff acquired title to Map Number 128-B01-000-00043 consisting of 8.11 acres, more or less, located in Sandy Township, Clearfield County, Pennsylvania, by Deed dated November 20, 2000 from the Tax Claim Bureau of Clearfield County, Pennsylvania, said Deed recorded at Affidavit Number 33461, Instrument Number 200017389, recorded on November 21, 2000.
4. By prior Deed of Records, hereinafter stated, the property is more particularly described as follows:

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

BEGINNING at an iron pin on the Easterly right of way line of L. R. 59 (U.S. 219); also said pin being the Northwest corner of Place Electric; thence by the Easterly right of way line of U.S. 219, North 14° 44' 48" East 364.67 feet to an iron pin; thence by same Easterly right of way line of U.S. 219, North 14° 44' 48" East 200.04 feet to a point; thence also by U.S. 219, North 14° 44' 48" East 59.77 feet to an existing iron pin making as Easterly corner of lands of the Penn Central Corporation; thence by said Penn Central land, North 83° 38' 07" East 13.67 feet to an existing iron axle; thence also by Penn Central land, North 5° 49' 26" West 36.29 feet to an iron pin on the Easterly right of way line of U.S. 219, North 14° 44' 48" East 2.29 feet to a point on line of other lands of Cecil and Martha Steele; thence by said other lands of Steele, South 69° 20' 00" East 568.29 feet to a point on the Westerly right of way line of the Bell Telephone Company; thence by said Easterly line of Bell Telephone Company right of way, South 20° 30' 00" West 100.04 feet to a point; thence also by said Easterly line of Bell Telephone Company right of way South 20° 30' 00" West 198.97 feet to a point; thence also by said Easterly line of Bell, South 20° 30' 00" West 361.27 feet to a point on the Northerly line of Place Electric; thence by said Northerly line of Place Electric, North 69° 20' 00" West 501.55 feet to iron pin and place of beginning. Said parcel containing 8.11 acres..

5. The property as described in paragraph 4 above was conveyed from the Clearfield County Industrial Development Authority to DELBROS CORPORATION by Deed dated December 10, 1984 and recorded in the Recorder's Office of Clearfield County in Volume 1012 at Page 31.

6. The property was sold at public sale by the Tax Claim Bureau of Clearfield County on September 15, 2000 to the Plaintiff for the unpaid real estate taxes for the years 1998 and 1999 assessed to the Defendant DELBROS CORPORATION at Claim Number 98-7874 said sale confirmed by the Court of Common Pleas of Clearfield County, Pennsylvania in 00-1275- C.D.

7. Notices of the delinquent status of the real estate taxes and pending sale for non-payment of said real estate taxes was sent by the Tax Claim Bureau of Clearfield County to DELBROS CORPORATION by Notices dated April 14, 1999; April 24, 2000 and May 18th, 2000. Said Notices sent by certified mail, with return receipts being executed by a person known as Richard Cook, believed to be the President and Treasurer of DELBROS CORPORATION.

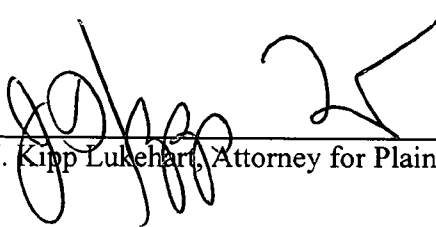
Attached hereto and cumulatively marked as Exhibit "A" are photocopies of all applicable Notices.

8. Tax sales in general create a cloud on title because of questions of applicable sufficient Notice of the pending tax sale which cloud on Title affects the Plaintiff's ownership and furthermore his ability to transfer or sell the property.

WHEREFORE, Plaintiff prays your Honorable Court as follows:

1. That all Defendants be compelled under Pennsylvania Rule of Civil Procedure No. 1061 (b)(1) to commence an action of ejectment against the Plaintiff.
2. The all Defendants pursuant to Pennsylvania Rule of Civil Procedure 1061(b)(3) admits the validity of the Tax Sale of the premises to the Plaintiff.
3. That an Order be issued barring the Defendants, their successors and assigns or any and all other persons from asserting any right, lien, title or interest inconsistent with the interest of the Plaintiff and from impeaching, denying or in any way attacking the Plaintiff's Title to the property and from issuing or maintaining any action attacking the Plaintiff's Title.

Respectfully submitted,

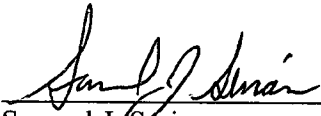
A handwritten signature in black ink, appearing to read "J. Kipp Lukehart", is written over a horizontal line. To the right of the signature is a large, stylized handwritten number "25".

J. Kipp Lukehart, Attorney for Plaintiff

VERIFICATION

I, Samuel J. Serian, verify that the statements made in the foregoing Complaint in Action to Quiet Title are true and correct to the best of my knowledge of information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

6-14-06
Date


Samuel J. Serian

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CIVIL DIVISION

SAMUEL SERIAN,

Plaintiff,

vs.

DELBROS CORPORATION, its successors
and assigns,

Defendants

Case No.: 968 - 2006 C.D.

PRAECIPE FOR DISCONTINUANCE

TO THE PROTHONOTARY:

Please mark the above captioned matter

Discontinued.

Respectfully submitted,

Date:

6/30/06



J. Kipp Lukhart, Attorney for Plaintiff

FILED

m/11:45am

JUL 03 2006

2cc to CeA of
disc issued to
Atty Lukhart
(57)

William A. Shaw
Prothonotary

FILED

JUL 03 2006

William A. Shaw
Prothonotary

LUKEHART & LUNDY

Attorneys at Law
219 East Union Street, P.O. Box 74
Punxsutawney, PA 15767-0074

J. Kipp Lukehart
Jeffrey Lundy
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lukehartandlundy@adelphia.net

June 30, 2006

Clearfield County Prothonotary
Clearfield County Courthouse
One North Second Street
Clearfield, PA 16830

Re: Samuel Serian v. DELBROS
Complaint in Quiet Title

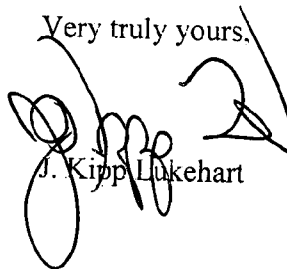
Dear Prothonotary:

Enclosed herein please find a Praecipe for Discontinuance regarding the above named matter along with a check in the amount of \$7.00 for filing of same.

Please return the filed copies in the self addressed, stamped envelope provided.

Thank you.

Very truly yours.



J. Kipp Lukehart

JKL/elm
Enclosures

Cc: Samuel J. Serian

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

Samuel Serian

Vs.

No. 2006-00968-CD

Delbros Corporation

CERTIFICATE OF DISCONTINUATION

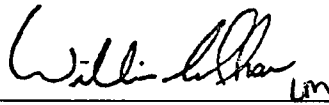
Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on July 3, 2006, marked:

Discontinued

Record costs in the sum of \$85.00 have been paid in full by J. Kipp Lukehart Esq. .

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 3rd day of July A.D. 2006.



William A. Shaw, Prothonotary