

06-1093-CD

James Brown vs Philips Building & Loan

2006-1093-CD

James Brown et al vs Philips Building

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

JAMES R. BROWN and VIRGINIA C. BROWN, Plaintiffs, : No. 06- 1093 - CD
: Type of Case: Civil
: Type of Pleading:
-vs- : COMPLAINT IN ACTION TO
: QUIET TITLE
: Filed on behalf of:
PHILIPS BUILDING & LOAN ASSOCIATION, Defendant : Plaintiffs
: Counsel of Record for
: this Party:
: Andrew P. Gates, Esquire
: Supreme Court No.: 36604
: GATES & SEAMAN
: 2 North Front St.
: P.O. Box 846
: Clearfield, PA 16830
: (814) 765-1766

FILED
JUL 10 2000
10:55 AM Atty Gates
Atty pd.
William A. Shaw 95.00
Prothonotary/Clerk of Courts

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

JAMES R. BROWN and VIRGINIA C. :
BROWN, Plaintiffs : No. 06 - - CD
: :
-vs- : ACTION TO QUIET TITLE
: :
PHILIPS BUILDING & LOAN :
ASSOCIATION, Defendant :
:

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 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, 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.

DAVID S. MEHOLICK, COURT ADMINISTRATOR
Clearfield County Court House
Clearfield, PA 16830
(814) 765-2641, Ext. 1303

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

JAMES R. BROWN and VIRGINIA C. BROWN, Plaintiffs : No. 06 - - CD
: ACTION TO QUIET TITLE
-vs- :
PHILIPS BUILDING & LOAN ASSOCIATION, Defendant :
:

COMPLAINT

NOW COME, Plaintiffs, JAMES R. BROWN and VIRGINIA C. BROWN, by their attorney, Andrew P. Gates, Esquire, of Gates & Seaman, Attorneys at Law, and set forth the following causes of action against the named Defendant herein and assert as follows:

1. Plaintiff, JAMES R. BROWN, is an adult individual, presently residing in Clearfield County, Pennsylvania, with a current mailing address of P. O. Box 53, Morrisdale, Pennsylvania 16858.
2. Plaintiff, VIRGINIA C. BROWN, is an adult individual, presently residing in Clearfield County, Pennsylvania, with a current mailing address of P. O. Box 20, Kylertown, Pennsylvania 16847.
3. Defendant, PHILIPS BUILDING & LOAN ASSOCIATION, is believed to be a corporation which, at one time, was organized and existing under the laws of the Commonwealth of Pennsylvania, but whose whereabouts and continuing existence is unknown, but according to prior documents filed of public record, said Defendant at one time had a office in Philipsburg (Centre County), Pennsylvania.

4. The subject matter of this Action to Quiet Title is a rectangular shaped parcel of real estate situate in the Village of Hawk Run, Morris Township, Clearfield County, Pennsylvania, which is more particularly described as set forth on Exhibit "A" which is attached hereto and made a part hereof.

5. Plaintiffs became the owners of the premises described in Exhibit "A" by virtue of a Deed from Bertha Patrick, single, dated May 1, 2000 and appearing of record as Clearfield County Instrument No. 200006104, with said premises being described therein as "THE SECOND THEREOF".

6. Previously, Defendant, PHILIPS BUILDING & LOAN ASSOCIATION, became vested with the premises in question by virtue of the deed from Percy E. Smith, High Sheriff of Clearfield County, Pennsylvania, dated October 26, 1926 and appearing of record in Clearfield County Deed Book 284, Page 30, with the premises in question being described as the first parcel therein.

7. Thereafter, the premises in question were conveyed by Harry Patrick, widower, to Andrew L. Patrick, Bertha Patrick and Elizabeth Moslak, by deed dated March 19, 1946 and recorded in Clearfield County Deed Book 397, Page 368.

8. In the recital following the description of the premises in question in the deed described in the preceding paragraph, it is set forth that the premises in question were sold and conveyed unto Harry Patrick, the grantor therein, by

Philips Building & Loan Association by their corporate deed dated May 23, 1930 and not yet but intended to be recorded. A photocopy of the deed dated March 19, 1946 and appearing of record in Clearfield County Deed Book 397, Page 368, is attached hereto and made a part hereof as Exhibit "B".

9. Despite the reference in the recital in the deed described in the preceding two paragraphs herein, no deed appears of record in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania, from Defendant, PHILIPS BUILDING & LOAN ASSOCIATION to Harry Patrick.

10. Thereafter, Andrew L. Patrick died intestate as a resident of Centre County, Pennsylvania on March 27, 1986, and under the laws of intestacy of the Commonwealth of Pennsylvania, said decedent's one-third (1/3rd) interest in the premises in question did devolve to his surviving widow, Veronica Patrick, and a son, George N. Patrick, as said decedent's nearest next of kin.

11. Thereafter, by deed dated March 15, 1990 and appearing of record in Clearfield County Deeds and Records Book 1366, Page 233, Elizabeth Moslak, et ux, Veronica Patrick, widow, and George N. Patrick, et ux, granted and conveyed unto Bertha Patrick, single, all their right, title and interest in the premises in question with said premises being described therein as THE SECOND THEREOF.

12. Thus, following recording of the deed identified in the preceding paragraph, sole title to the premises in question vested in Bertha Patrick, single.

COUNT I

13. Paragraphs 1 through 12 hereof are incorporated herein by reference, as though set forth at length.

14. Due to the fact that no deed appears of record for the premises in question from Defendant, PHILIPS BUILDING & LOAN ASSOCIATION, to Harry Patrick, as alluded to in Paragraphs 8 and 9 hereof, it is necessary that this Quiet Title Action be filed in order to clarify Plaintiffs' title in the premises described in Exhibit "A" and otherwise to extinguish any right, title and interest which could be claimed by Defendant, PHILIPS BUILDING & LOAN ASSOCIATION, its successors and/or assigns, with respect to the ownership of said premises.

WHEREFORE, Plaintiffs request this Honorable Court to:

(a) determine that Plaintiffs, JAMES R. BROWN and VIRGINIA C. BROWN, are seized of an indefeasible title to the premises described in Exhibit "A";

(b) order Defendant, PHILIPS BUILDING & LOAN ASSOCIATION, its successors and/or assigns, and any other party having any claim to the premises described herein, to bring an action in ejectment to establish their claim to said premises within a time set by the Court, or forever be barred from asserting any

right, title and interest in said premises as described in Exhibit "A", inconsistent with the title of the Plaintiffs;

(c) enter such judgment as may be necessary in establishing an indefeasible title in Plaintiffs in the premises described in Exhibit "A";

(d) permanently enjoin Defendant, PHILIPS BUILDING & LOAN ASSOCIATION, its successors and/or assigns, and any other persons or parties acting by, for, or on their behalf from interfering with or obstructing Plaintiffs' interest in the premises described in Exhibit "A";

(e) enter an Order determining that title to the premises in question previously passed from Defendant, PHILIPS BUILDING & LOAN ASSOCIATION, to Andrew Patrick by virtue of a deed dated May 23, 1930; and

(f) grant such other relief as this Court may deem appropriate and just.

COUNT II

15. Plaintiffs hereby incorporate by reference Paragraphs 1 through 14 hereof as though set forth at length herein.

16. Plaintiffs, JAMES R. BROWN and VIRGINIA C. BROWN, and their predecessors in title, have been in actual, continuous, open, exclusive, visible, notorious, distinct and hostile possession of the premises described in Exhibit "A" for more than twenty-one (21) years.

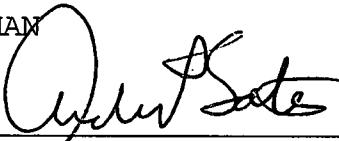
17. During the period of Plaintiffs' adverse possession described in Paragraph 16 hereof, neither Defendant, PHILIPS BUILDING & LOAN ASSOCIATION, nor their successors and/or assigns, nor any other party claiming any right to said premises have possessed the premises described in Exhibit "A", under any claim, right or title.

WHEREFORE, Plaintiffs request this Honorable Court to:

- a. determine that Plaintiffs, JAMES R. BROWN and VIRGINIA C. BROWN, are seized of an indefeasible title to the said premises as described in Exhibit "A";
- b. order Defendant, PHILIPS BUILDING & LOAN ASSOCIATION, their successors and/or assigns, and any other party having any claim to the premises described herein, to bring an action in Ejectment to establish their claim to said premises within a time set by the Court, or forever be barred from asserting any right, title and interest in said premises as described in Exhibit "A", inconsistent with the title of the Plaintiffs;
- c. enter such judgment as may be necessary in establishing an indefeasible title in Plaintiffs, JAMES R. BROWN and VIRGINIA C. BROWN, in said premises as described in Exhibit "A";
- d. permanently enjoin Defendant, PHILIPS BUILDING & LOAN ASSOCIATION, its successors and/or assigns, and any persons or parties acting by, for or on their behalf from interfering with or obstructing Plaintiffs' interests in the premises described in Exhibit "A"; and

e. grant such other relief as this Honorable Court may
deem appropriate and just.

GATES & SEAMAN

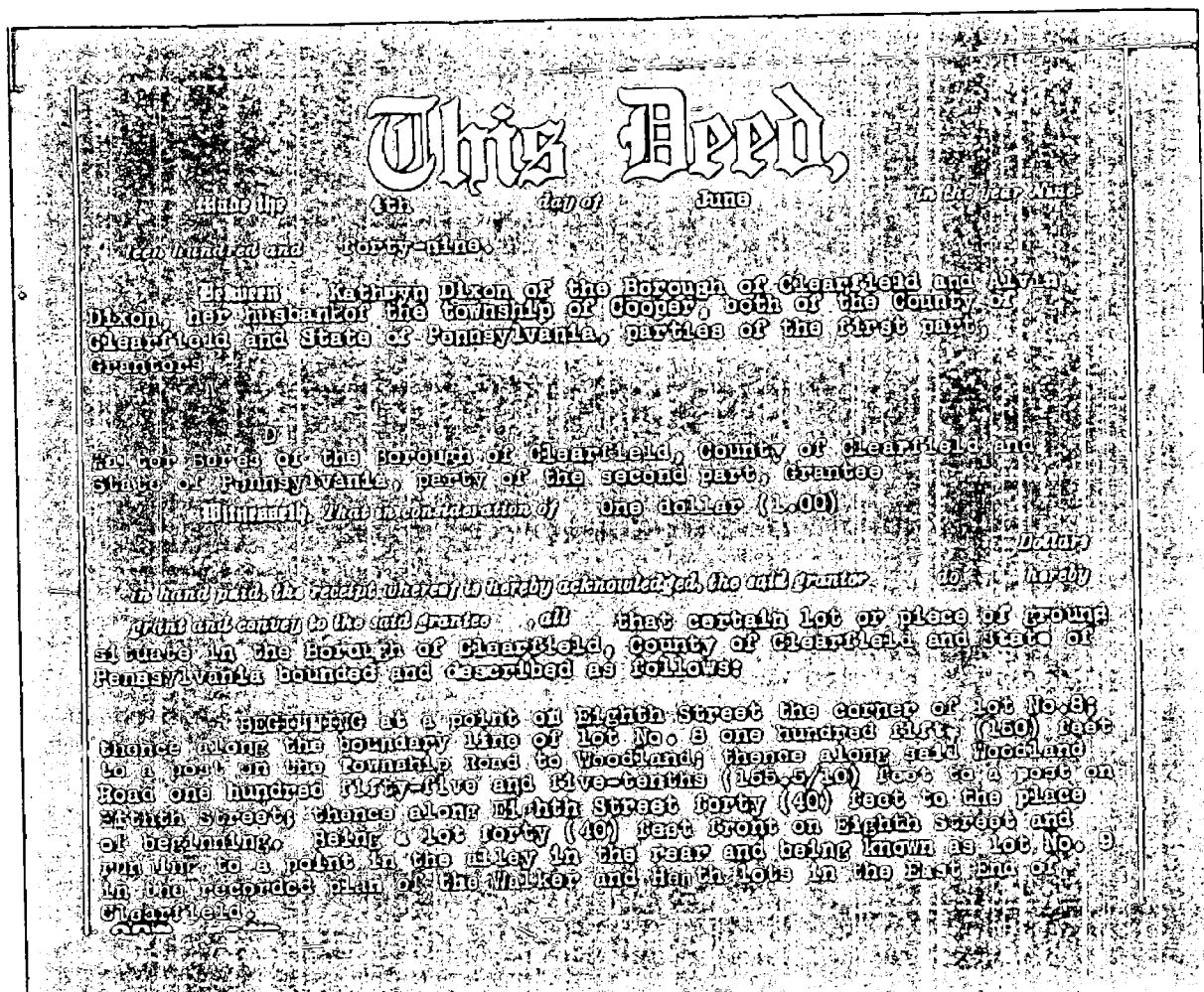
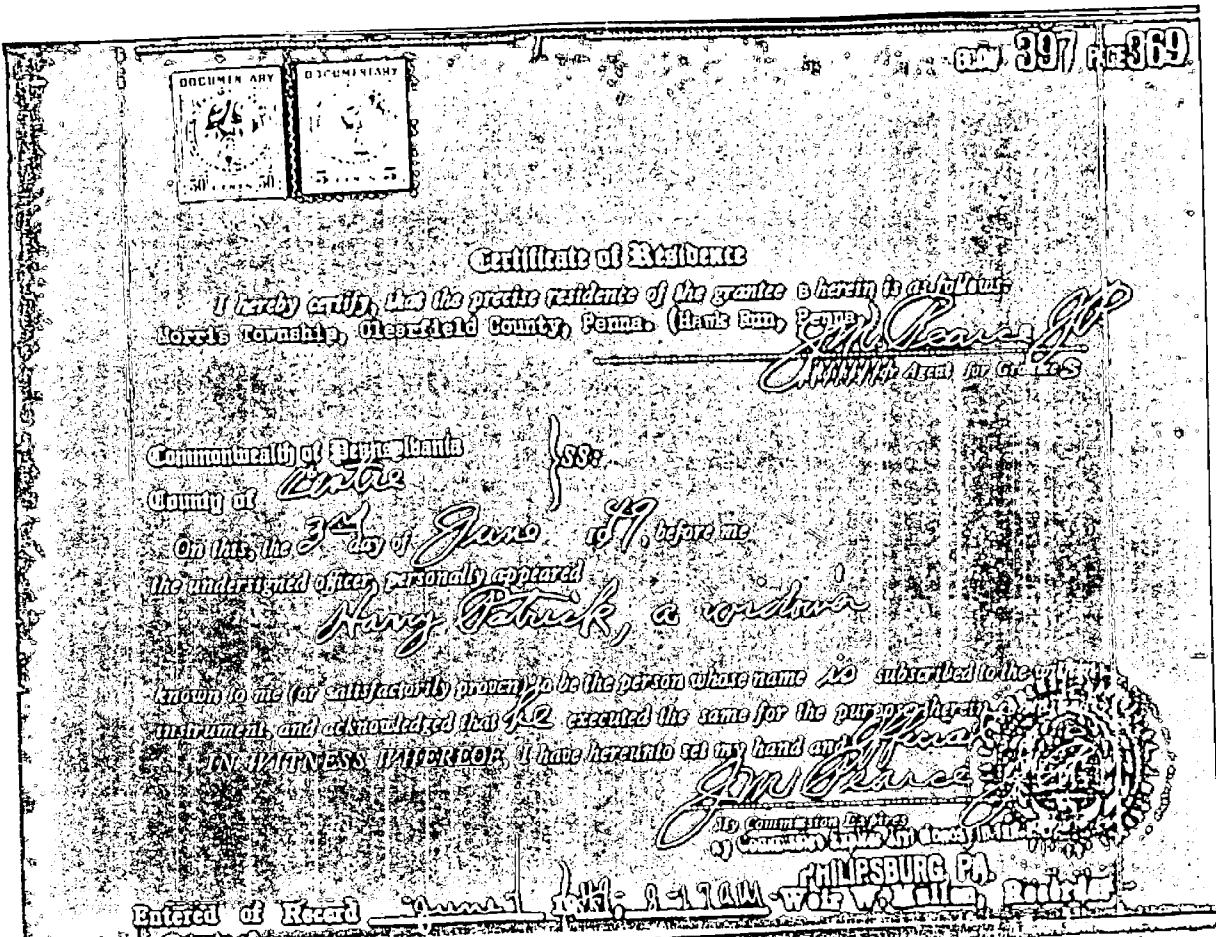
BY: 

Andrew R. Gates, Esquire
Attorney for James R. Brown
and Virginia C. Brown, Plaintiffs

Two North Front Street
P. O. Box 846
Clearfield, PA 16830
(814) 765-1766

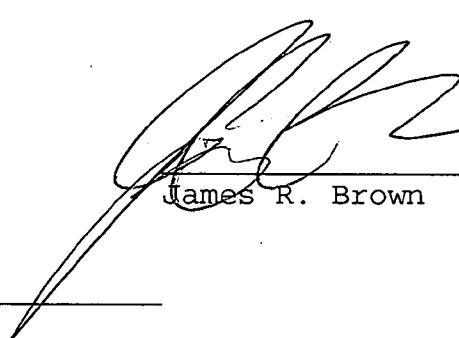
ALL that certain tract or parcel of ground situate in the Village of Hawk Run, Township of Morris, County of Clearfield and Commonwealth of Pennsylvania, more particularly bounded and described as follows, to-wit:

BEGINNING at a corner of public road; thence along the line of land formerly of James Divens one hundred (100) feet to a post; thence by line of land formerly of James Divens fifty-two (52) feet to a post; thence back by a parallel line one hundred (100) feet to the line of road; thence along the line of said road fifty-two (52) feet to the place of beginning.



VERIFICATION

I, JAMES R. BROWN, verify that I am one of the Plaintiffs in the within action, and that the statements made in the foregoing Complaint are true and correct to the best of my knowledge, information and belief. I the undersigned understand that false statements made herein are subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.



James R. Brown

Date: 7/1/06

VERIFICATION

I, VIRGINIA C. BROWN, verify that I am one of the Plaintiffs in the within action, and that the statements made in the foregoing Complaint are true and correct to the best of my knowledge, information and belief. I the undersigned understand that false statements made herein are subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.

Virginia C. Brown
Virginia C. Brown

Date: 7/1/06

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

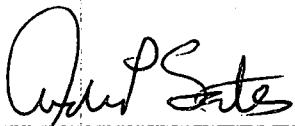
JAMES R. BROWN and VIRGINIA C. BROWN, Plaintiffs : No. 06-1093 - CD
-vs- : ACTION TO QUIET TITLE
PHILIPS BUILDING & LOAN ASSOCIATION, Defendant :

MOTION

AND NOW, this 10th day of July, 2006, an Affidavit (attached hereto and made a part hereof) as Exhibit "A" having been executed and verified on behalf of Plaintiffs, that despite an extensive investigation therein specifically detailed, the identity, whereabouts and continuing existence of Defendant, PHILIPS BUILDING & LOAN ASSOCIATION, its successors and/or assigns, is unknown to Plaintiffs. Since the whereabouts and continuing existence of the named Defendant are unknown to Plaintiffs, they are unable to effectuate service as provided by Pa. R.C.P. § 400 et seq.

Therefore, Plaintiffs, by their attorneys, Gates & Seaman, move this Honorable Court for an Order directing that service of process be effectuated upon named Defendant, PHILIPS BUILDING & LOAN ASSOCIATION, its successors and/or assigns, by publication as provided by Pa.R.C.P. § 430(b)(1).

GATES & SEAMAN
By:


Andrew P. Gates, Esquire
Attorney for Plaintiffs

Two North Front St./P. O. Box 846
Clearfield, PA 16830
(814) 765-1766

FILED ^{1cc}
JUL 10 2006
Atty Gates
SAC

William A. Shay
Prothonotary/Clerk of Courts

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

JAMES R. BROWN and VIRGINIA C. BROWN, Plaintiffs : No. 06 - - CD
-vs- : ACTION TO QUIET TITLE
PHILIPS BUILDING & LOAN ASSOCIATION, Defendant :

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF CLEARFIELD : SS:
:

Andrew P. Gates, Esquire, being duly sworn according to law, deposes and states that he makes this Affidavit on behalf of Plaintiffs, JAMES R. BROWN and VIRGINIA C. BROWN, as to the nature and extent of the investigation made to ascertain the existence and whereabouts of Defendant, PHILIPS BUILDING & LOAN ASSOCIATION, its successors and/or assigns:

1. Other than as set forth in the Complaint, the undersigned, by and through his staff and abstractors, examined the current Clearfield County Assessment records for any assessments titled in the name of Defendant, PHILIPS BUILDING & LOAN ASSOCIATION, and, there are no current assessments for said Defendant.

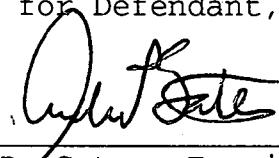
2. Furthermore, a review was also made of the 1942 Miscellaneous Docket in the Prothonotary's Office for any other Quiet Title Actions filed versus Defendant, PHILIPS BUILDING & LOAN ASSOCIATION, and nothing of record appears which would inform counsel of said Defendant's address, continuing existence or whereabouts, or the existence and whereabouts of any successors and/or assigns of said Defendant.

3. A check was also made of the local telephone directory in regards to Defendant, PHILIPS BUILDING & LOAN ASSOCIATION, and there is no record or listing of this Defendant.

4. A check was made from 1975 to present of the Clearfield County Deed, Mortgage, Miscellaneous, Deeds and Records indices and on the Landex Computer System in the Clearfield County Recorder of Deeds Office, and nothing could be located establishing the whereabouts and/or last mailing address of the named Defendant, PHILIPS BUILDING & LOAN ASSOCIATION, its successors and/or assigns.

5. The staff of the undersigned conducted an internet search through the Pennsylvania Corporation Bureau as to the registration, existence and/or an address for Defendant, PHILIPS BUILDING & LOAN ASSOCIATION, and said undersigned's staff informed that the only information available was a 1923 registration for said entity with the only address being Philipsburg, Pennsylvania.

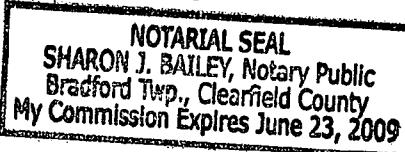
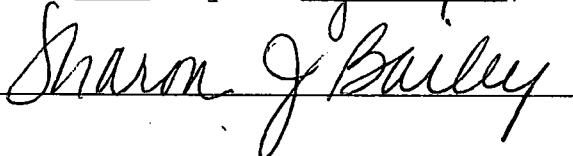
6. The undersigned's staff also checked with the U. S. Postal Authorities in Philipsburg, Pennsylvania, being the last known municipality address for said entity, and said postal authorities had no address or listing for Defendant, PHILIPS BUILDING & LOAN ASSOCIATION.



Andrew P. Gates, Esquire

Sworn to and subscribed before me

this 10th day of July, 2006.



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

JAMES R. BROWN and VIRGINIA C. :
BROWN, Plaintiffs : No. 06 - 1093 - CD
: :
-vs- : ACTION TO QUIET TITLE
: :
PHILIPS BUILDING & LOAN :
ASSOCIATION, Defendant :
:

O R D E R

AND NOW, this 11th day of July, 2006, the
within action being an Action to Quiet Title and Plaintiffs,
having satisfied the Court by virtue of an Affidavit stating
that a sufficient investigation had been conducted to determine
the whereabouts and continuing existence of Defendant, PHILIPS
BUILDING & LOAN ASSOCIATION, its successors and/or assigns, but
the same remains unknown to Plaintiff, on Motion of Gates &
Seaman, Attorneys for Plaintiff, IT IS ORDERED AND DECREED that
service of process in the above captioned proceeding be made by
publication by giving notice in **THE PROGRESS**, a newspaper of
general circulation in the County of Clearfield and also for
Philipsburg Borough, Centre County, Pennsylvania, on one
occasion, and also in the **CLEARFIELD COUNTY LEGAL JOURNAL** on one
occasion, to said Defendant, its successors and/or assigns, and
anyone claiming any interest in said premises, stating in said
publication that an Action to Quiet Title has been filed and the
same must be pled to within twenty (20) days after publication
of the last notice as provided herein, and further, upon
granting relief to Plaintiffs by the Court, the said Defendant,
its successors and/or assigns, or anyone claiming an interest,
lien, right or title in said premises shall be forever barred if
they fail to take such action as the Order of Court may direct
within thirty (30) days thereafter.

BY THE COURT:

FILED
07/11/14
JUL 12 2006
1cc
Atty Gates
CR

William A. Shaw
Prothonotary/Clerk of Courts

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

JAMES R. BROWN and VIRGINIA C.:
BROWN, Plaintiffs,

-vs-

PHILIPS BUILDING & LOAN
ASSOCIATION, Defendant

: No. 06- 1093 - CD
: ACTION TO QUIET TITLE
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: Type of Case: Civil
:
: Type of Pleading:
: PETITION FOR JUDGMENT
and ORDER
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: Filed on behalf of:
Plaintiff
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: Counsel of Record for
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: Andrew P. Gates, Esquire
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: Supreme Court No.: 36604
:
: GATES & SEAMAN
: 2 North Front St.
: P.O. Box 846
: Clearfield, PA 16830
: (814) 765-1766

FILED
013-26001 NO CC
AUG 17 2006
GK

William A. Shaw
Prothonotary/Clerk of Courts

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

JAMES R. BROWN and VIRGINIA C. BROWN, Plaintiffs : No. 06 - 1093 - CD
: :
-vs- : ACTION TO QUIET TITLE
: :
PHILIPS BUILDING & LOAN ASSOCIATION, Defendant : :

PETITION FOR JUDGMENT

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

The Petition of Gates & Seaman, Attorneys for Plaintiffs in the above-captioned action, respectfully represents:

1. Your Petitioner is the attorney of record for Plaintiffs, James R. Brown and Virginia C. Brown, in the above-captioned proceedings.
2. By Order of Court of Fredric J. Ammerman, President Judge, dated July 11, 2006, service of the Complaint in the above-captioned proceedings by publication was authorized by giving notice in The Progress and Clearfield County Legal Journal to Defendant, Philips Building & Loan Association, its successors and/or assigns, and anyone claiming any interest, right or title to the premises described in Plaintiff's Complaint, on one (1) occasion and further ordering that said action must be pled to within twenty(20) days after the last publication of said Notice.
3. Publication in accordance with the Order referred to in Paragraph 2 hereof was made in The Progress on July 18, 2006, and in the Clearfield County Legal Journal in the issue dated

July 21, 2006. Copies of the said Notices as advertised and proofs of publication thereof are attached hereto as Exhibits "A" and "B" and made a part hereof.

4. That no appearance or pleadings have been entered or filed on behalf of Defendant, Phillips Building & Loan Association, or otherwise and more than twenty (20) days have elapsed since the last date of publication.

WHEREFORE, Plaintiffs, James R. Brown and Virginia C. Brown, by their attorneys, Gates & Seaman, move this Honorable Court to enter judgment in favor of Plaintiffs, James R. Brown and Virginia C. Brown, and against Defendant, Phillips Building & Loan Association, their successors and assigns and any other parties claiming any right, title or interest in the premises described herein in accordance with the prayer of Plaintiffs' Complaint and Pa. R.C.P. §1066.

GATES & SEAMAN
By:


Andrew P. Gates, Esquire
Attorney for Plaintiffs

Two North Front Street
P. O. Box 846
Clearfield, PA 16830
(814) 765-1766

Date: August 17, 2006

NOTICE

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

JAMES R. BROWN and VIRGINIA C. BROWN, Plaintiffs : No. 06 - 1093 - CD
: :
-vs- : ACTION TO QUIET TITLE
: :
PHILIPS BUILDING & LOAN ASSOCIATION, Defendant : :

LEGAL NOTICE

TO: DEFENDANT, PHILIPS BUILDING & LOAN ASSOCIATION,
its successors and/or assigns:

You are hereby notified that the Plaintiffs listed above have filed a Complaint in an Action to Quiet Title regarding title to certain premises situate in the Village of Hawk Run, Morris Township, Clearfield County, Pennsylvania, said land being more particularly bounded and described as follows:

ALL that certain tract or parcel of ground situate in the Village of Hawk Run, Township of Morris, County of Clearfield and Commonwealth of Pennsylvania, more particularly bounded and described as follows, to-wit:

BEGINNING at a corner of public road; thence along the line of land formerly of James Divens one hundred (100) feet to a post; thence by line of land formerly of James Divens fifty-two (52) feet to a post; thence back by a parallel line one hundred (100) feet to the line of road; thence along the line of said road fifty-two (52) feet to the place of beginning.

TAKE NOTICE that the Plaintiffs are the owners of the land described hereinabove and that they have requested in their Complaint which is on file in the Office of the Prothonotary of the Court of Common Pleas of Clearfield County, that the Court decree that the title to the same is in them, free and clear of the claims of the Defendant, its successors and/or assigns, and any other person or parties claiming or who might claim title under it, and all other persons or parties claiming any right, title or interest in the land described, or anyone claiming by, through or under it.

Should the above named Defendant, its successors and/or assigns, or any other person or party claiming or who might claim title under it, or all other persons or parties claiming any right, title or interest in the land described herein fail to plead to the Plaintiffs' Complaint within twenty (20) days from the last publication of this Notice, said Defendants, its successors and/or assigns, and any other person or party claiming or who might claim title under it, and all other persons or parties claiming

any right, title or interest in the land described, except the Plaintiffs, will be forever barred from asserting any interest, lien, right or title to the said land, inconsistent with the Plaintiffs, their heirs, personal representatives and assigns.

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

YOU SHOULD TAKE THIS PAPER 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.

David S. Meholic, Court Administrator
Clearfield County Court House
Clearfield, Pennsylvania 16830
Telephone: (814) 765-2641, Ext. 1303

GATES & SEAMAN
2 North Front Street
P. O. Box 846
Clearfield, Pennsylvania 16830
(814) 765-1766
Attorneys for Plaintiffs,
James R. Brown and Virginia C. Brown

NOTICE
IN THE COURT
OF COMMON PLEAS
OF CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL ACTION-LAW
No. 06-1093-CD
ACTION TO
QUIET TITLE
JAMES R. BROWN
and VIRGINIA C. BROWN,
Plaintiffs
vs.
PHILIPS BUILDING
& LOAN ASSOCIATION,
Defendant

LEGAL NOTICE

TO: DEFENDANT, PHILIPS
BUILDING & LOAN ASSOCIATION,
its successors and/or assigns:

You are hereby notified that the Plaintiffs listed above have filed a Complaint in an Action to Quiet Title regarding title to certain premises situate in the Village of Hawk Run, Morris Township, Clearfield County, Pennsylvania, said land being more particularly bounded and described as follows:

ALL that certain tract or parcel of ground situate in the Village of Hawk Run, Township of Morris, County of Clearfield and Commonwealth of Pennsylvania, more particularly bounded and described as follows, to-wit:

BEGINNING at a corner of public road; thence along the line of land formerly of James Divens one hundred (100) feet to a post; thence by line of land now or formerly of James Divens fifty-two (52) feet to a post; thence back by a parallel line one hundred (100) feet to the line of road; thence along the line of said road fifty-two (52) feet to the place of beginning.

TAKE NOTICE that the Plaintiffs are the owners of the land described hereinabove and that they have requested in their Complaint which is on file in the Office of the Prothonotary of the Court of Common Pleas of Clearfield County, that the Court decree that the title to the same is in them, free and clear of the claims of the Defendant, its successors and/or assigns, and any other person or parties claiming or who might claim title under it, and all other persons or parties claiming any right, title or interest in the land described, or anyone claiming by, through or under it.

Should the above named Defendant, its successors and/or assigns, or any other person or party claiming or who might claim title under it, or all other persons or parties claiming any right, title or interest in the land described herein fail to plead to the Plaintiffs' Complaint within twenty (20) days from the last publication of this Notice, said Defendants, its successors and/or assigns, and any other person or party claiming or who might claim title under it, and all other persons or parties claiming any right, title or interest in the land described, except the Plaintiffs, will be forever barred from asserting any interest, lien, right or title to the said land, inconsistent with the Plaintiffs, their heirs, personal representatives and assigns.

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the Court. You are warned that if

If you wish to defend, you must enter a written appearance personally or by attorney and file your de-

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :
COUNTY OF CLEARFIELD : SS:

On this 28th day of July, A.D. 20 06, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Margaret E. Krebs, who being duly sworn according to law, deposes and says that she is the President of The Progressive Publishing Company, Inc., and Associate Publisher of The Progress, a daily newspaper published at Clearfield, in the County of Clearfield and State of Pennsylvania, and established April 5, 1913, and that the annexed is a true copy of a notice or advertisement published in said publication in

the regular issues of July 18, 2006

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

Margaret E. Krebs

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

Cheney J. Robison
Notary Public

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Cheney J. Robison, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires Oct. 31, 2007

Member, Pennsylvania Association Of Notaries

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

YOU SHOULD TAKE THIS PAPER 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.

David S. Meholic,
Court Administrator
Clearfield County Courthouse
Clearfield, Pennsylvania 16830
Telephone: (814) 765-2641,
Ext. 1303
GATES & SEAMAN
2 North Front Street
P.O. Box 846
Clearfield, Pennsylvania 16830
(814) 765-1766
Attorneys for Plaintiffs
James R. Brown
and Virginia C. Brown

7:18-1d-b

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :

:

COUNTY OF CLEARFIELD :

:

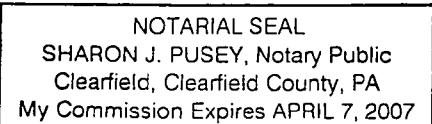
On this 21st day of July AD 2006, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Gary A. Knaresboro editor of the Clearfield County Legal Journal of the Courts of Clearfield County, and that the annexed is a true copy of the notice or advertisement published in said publication in the regular issues of Week of July 21, 2006, Vol. 18 No. 29. 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



Gates & Seaman
PO Box 846
Clearfield PA 16830

**NOTICE
IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW**

JAMES R. BROWN and VIRGINIA C.
BROWN, Plaintiffs VS PHILIPS BUILDING
& LOAN ASSOCIATION, Defendant

No. 06-1093-CD

**ACTION TO QUIET TITLE
LEGAL NOTICE**

TO: DEFENDANT, PHILIPS BUILDING
& LOAN ASSOCIATION, its successors
and/or assigns:

You are hereby notified that the Plaintiffs
listed above have filed a Complaint in an
Action to Quiet Title regarding title to certain
premises situate in the Village of Hawk Run,
Morris Township, Clearfield County, Penn-
sylvania, said land being more particularly
bounded and described as follows:

ALL that certain tract or parcel of ground
situate in the Village of Hawk Run, Township
of Morris, County of Clearfield and Common-
wealth of Pennsylvania, more particularly
bounded and described as follows, to-wit:

BEGINNING at a corner of public road;
thence along the line of land formerly of
James Divens one hundred (100) feet to a
post; thence by line of land formerly of
James Divens fifty-two (52) feet to a post;
thence back by a parallel line one hundred
(100) feet to the line of road; thence along
the line of said road fifty-two (52) feet to the
place of beginning.

TAKE NOTICE that the Plaintiffs are the
owners of the land described hereinabove
and that they have requested in their
Complaint which is on file in the Office of the
Prothonotary of the Court of Common Pleas
of Clearfield County, that the Court decree
that the title to the same is in them, free and
clear of the claims of the Defendant, its
successors and/or assigns, and any other
person or parties claiming or who might
claim title under it, and all other persons or
parties claiming any right, title or interest in
the land described, or anyone claiming by,
through or under it.

Should the above named Defendant, its
successors and/or assigns, or any other
person or party claiming or who might claim
title under it, or all other persons or parties
claiming any right, title or interest in the land
described herein fail to plead to the Plaintiffs'
Complaint within twenty (20) days from the
last publication of this Notice, said
Defendants, its successors and/or assigns,
and any other person or party claiming or
who might claim title under it, and all other
persons or parties claiming any right, title or
interest in the land described, except the
Plaintiffs, will be forever barred from
asserting any interest, lien, right or title to the
said land, inconsistent with the Plaintiffs,
their heirs, personal representatives and
assigns.

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

YOU SHOULD TAKE THIS PAPER 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
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LEGAL SERVICES TO ELIGIBLE PER-
SONS AT A REDUCED FEE OR NO FEE.

David S. Meholic, Court Administrator,
Clearfield County Court House, Clearfield,
Pennsylvania 16830. Telephone: (814) 765-
2641, Ext. 1303.

GATES & SEAMAN, 2 North Front
Street, P. O. Box 846, Clearfield, Pennsyl-
vania 16830, (814) 765-1766, Attorneys for
Plaintiffs, James R. Brown and Virginia C.
Brown.

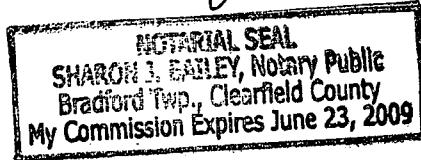
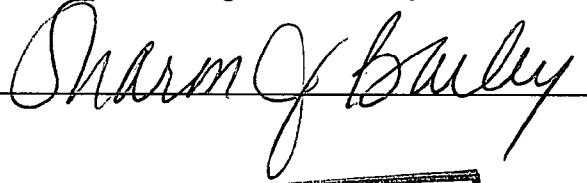
COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF CLEARFIELD :
:SS.
:

ANDREW P. GATES, ESQUIRE, being duly sworn according to law, deposes and says that the facts set forth in the foregoing Petition for Judgment are true and correct to the best of his knowledge, information and belief.



Andrew P. Gates

Sworn to and subscribed before
me this 17th day of August, 2006.



FILED
01090761
AUG 21 2006 cc
Amy Gates
William A. Shaw
Prothonotary/Clerk of Courts
60

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

JAMES R. BROWN and VIRGINIA C. BROWN, Plaintiffs : No. 06 - 1093 - CD
: ACTION TO QUIET TITLE
-vs- :
PHILIPS BUILDING & LOAN ASSOCIATION, Defendant :
:

O R D E R

AND NOW, this 18 day of August, 2006, a Petition having been considered and the Court being advised that no pleadings or appearances have been filed by or on behalf of Defendant, Philips Building & Loan Association and/or by any other parties claiming any right, title or interest in the premises described herein, and in accordance with Order of Court dated July 11, 2006, except Plaintiffs claiming an interest, lien, right or title to all that certain piece or parcel of land situate in the Village of Hawk Run, Morris Township, Clearfield County, Pennsylvania, as is more fully described in Exhibit "A", which is attached hereto and made a part hereof.

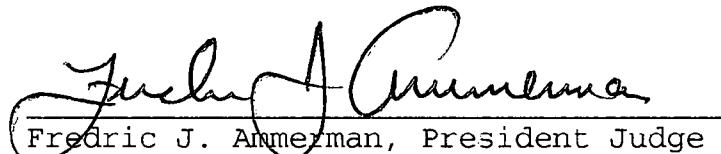
IT IS ORDERED AND DECREED that Defendant, Philips Building & Loan Association, its successors and assigns, and anyone claiming an interest, lien, right or title in the said premises inconsistent with the interest or claim of Plaintiffs as set forth in their Complaint, shall be forever barred, unless appropriate action is taken by said Defendant, its successors or assigns, or anyone claiming an adverse interest, lien, right or title inconsistent with the interest, title or claim of Plaintiffs, within thirty (30) days from the date of this Order.

Upon failure of said Defendant, its successors or assigns, or anyone claiming an adverse interest, lien, right or title in said premises to take appropriate action as provided by this Order, the Prothonotary of Clearfield County is directed to enter final judgment for Plaintiffs, as to the premises described in Exhibit "A", upon the expiration of the thirty (30) day period, upon Praecept by Plaintiffs' counsel, and upon Final Judgment, Plaintiffs shall be seized of an indefeasible title to said premises as aforesaid. Furthermore, upon entry of final Judgment, it is also ORDERED AND DECREED that:

(a) Defendant, Philips Building & Loan Association, its successors and assigns and any other person or party are permanently enjoined from interfering with or obstructing Plaintiffs' interest in the premises described in Exhibit "A"; and

(b) Title to the premises described in Exhibit "A" previously passed from Defendant, Philips Building & Loan Association, to Andrew Patrick by virtue of a deed dated May 23, 1930 which does not appear of record in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania.

BY THE COURT:



Fredric J. Ammerman
Fredric J. Ammerman, President Judge

ALL that certain tract or parcel of ground situate in the Village of Hawk Run, Township of Morris, County of Clearfield and Commonwealth of Pennsylvania, more particularly bounded and described as follows, to-wit:

BEGINNING at a corner of public road; thence along the line of land formerly of James Divens one hundred (100) feet to a post; thence by line of land formerly of James Divens fifty-two (52) feet to a post; thence back by a parallel line one hundred (100) feet to the line of road; thence along the line of said road fifty-two (52) feet to the place of beginning.

EXHIBIT "A"

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

JAMES R. BROWN and VIRGINIA C. BROWN, Plaintiffs, : No. 06- 1093 - CD
: Type of Case: Civil
: Type of Pleading:
: PRAECIPE FOR JUDGMENT
-vs-
: Filed on behalf of:
: Plaintiff
: Counsel of Record for
: this Party:
: Andrew P. Gates, Esquire
: Supreme Court No.: 36604
: GATES & SEAMAN
: 2 North Front St.
: P.O. Box 846
: Clearfield, PA 16830
: (814) 765-1766

FILED
01/25/07
SEP 19 2006
B6d
William A. Shaw
Prothonotary/Clerk of Courts

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

JAMES R. BROWN and VIRGINIA C. BROWN, Plaintiffs : No. 06 - 1093 - CD
: ACTION TO QUIET TITLE
-vs- :
PHILIPS BUILDING & LOAN ASSOCIATION, Defendant :
:

PRAECIPE FOR JUDGMENT

TO: WILLIAM A. SHAW, PROTHONOTARY:

Enter Final Judgment in favor of Plaintiffs and against Defendant, Phillips Building & Loan Association, its successors and assigns, and any other parties claiming any right, title or interest in the premises in question in the above-captioned matter for failure of the named Defendant to comply with the Order of Court dated August 18, 2006, entered in the above-captioned proceedings, which Order decreed that Final Judgment be entered for Plaintiffs, JAMES R. BROWN and VIRGINIA C. BROWN, as to the premises described in Exhibit "A" attached to said Order and which Order otherwise provides Plaintiffs are seized of an indefeasible title to said premises so described.

GATES & SEAMAN
By:



Andrew P. Gates, Esquire
Attorney for Plaintiffs, James R.
Brown and Virginia C. Brown

Date: September 19, 2006.