



## Civil Other

Date		Judge
7/25/2006	New Case Filed.	No Judge
	X Filing: Complaint for Partition of Real Property, situated in the Township of Bloom. Paid by: Naddeo, James A. (attorney for LP Land, LLC) Receipt number: 1914836 Dated: 07/25/2006 Amount: \$85.00 (Check) 2 CC shff and 5 CC Atty Naddeo.	No Judge
8/7/2006	X Motion for Special Order Directing Service Generally and by Publication to the Unknown Heirs and Successors in Interest, filed by Atty. Naddeo. 6 cert. to Atty.	No Judge
8/8/2006	X Affidavit of Service filed. That a certified copy of the Complaint for Partition of Real Property filed in the above-captioned action was served upon the Defendant, Janet Bonita hartshorn, filed by s/ James A. Naddeo Esq. NO CC.	No Judge
8/9/2006	X Order Granting Petition for Special Order Directing Service Generally and by Publication to the Unknown heirs and Successors and Interest, filed. AND NOW, this 8th day of August 2006, upon consideration of Plaintiff's Motion for special order directing service generally and by way of publication, (etc. see original for details) BY THE COURT: /s/ Fredric J. Ammerman, P. Judge. 6CC Atty Naddeo.	Fredric Joseph Ammerman
8/10/2006	Entry of Appearance, on behalf of the Def., Samuel J. Serian, filed by s/ J. Kipp Lukehart, Esquire. No CC, copy to C/A	No Judge
8/18/2006	X Sheriff Return, July 26, 2006, Sheriff of Indiana County was deputized. August 7, 2006 at 11:08 am Served the within Complaint for Partition of Real Property on Samuel J. Serian. July 26, 2006, Sheriff of Blair County was deputized. August 8, 2006 at 12:35 pm Served the within Complaint for Partition of Real Property on Harold G. Eyster Jr. So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm Shff Hawkins costs pd by Naddeo \$50.00 Indiana Co. costs pd by Naddeo \$100.00 Blair Co. costs pd by Naddeo \$26.50	No Judge
8/21/2006	X Filing: Praecipe to Reinstate Complaint Paid by: Naddeo, James A. (attorney for LP Land, LLC) Receipt number: 1915221 Dated: 08/21/2006 Amount: \$7.00 (Cash) Filed by s/ James A. Naddeo, Esquire. 1 Complaint Reinstated to Atty.	No Judge
8/28/2006	X Affidavit of Service filed. That a certified copy of the Complaint for Partition of Real Property filed in the above-captioned action was served upon the Defendant, Edward K. Eyster on August 7, 2006, filed by s/ James A. Naddeo Esq. NO CC.	No Judge
9/5/2006	X Answer to Complaint for Partition of Real Property, filed by s/ J. Kipp Lukehart Esq. 3CC Atty.	No Judge
9/22/2006	X Answer to Complaint for Partition of Real Property, filed by s/ Richard L. Campbell Esq. No CC.	No Judge
11/1/2006	X Motion For Order Directing Partition, filed by Atty. Naddeo. 2 Cert. to Atty.	No Judge
11/3/2006	X Order, NOW, this 2nd day of Nov., 2006, upon consideration of the Motion for Order Directing Partition, it is Ordered that this case will be heard before the Court on the 14th day of Dec., 2006, at 2:30 p.m. Courtroom No. 2. 1 hour has been allotted for this hearing. By the Court, /s/ Fredric J. Ammerman, Pres. Judge 2CC Atty. Naddeo	Fredric Joseph Ammerman

Missing 600's  
B-6-4

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION

IN RE: PETITION FOR RULE TO  
DISTRIBUTE MONIES

06-1566 CD

ORDER OF COURT

AND NOW, this day of \_\_\_\_\_, 2006, upon consideration of the within Petition and its attached Exhibit "A", Rule is granted upon all parties in interest as set forth in said Petition and its attached exhibit, to show cause why a Decree should not be made that monies received from the within mentioned sale be distributed as proposed in said Petition.

It is the FURTHER ORDER of the court that notice shall be given by the Clearfield County Tax Claim Bureau to each recipient of said monies in accordance with the Real Estate Tax Sale Law, 72 P.S. 5860.205 (d).

In the event no objection or exceptions are filed to the distribution within thirty (30) days after the date of this Petition, an Order for Distribution will be signed by this Court.

BY THE COURT:

\_\_\_\_\_  
President Judge

## Civil Other

Date	Selected Items	Judge
12/15/2006	<p>Order, NOW, this 14th day of Dec., 2006, upon agreement of the parties, Ordered that Winifred Jones-Wenger, Esquire, be appointed Master in Partition, limited to obtaining an appraisal of the property which is the subject of this litigation until further Order of Court or until agreement of the parties. It is the further Order of this Court that the Master provide a copy of the appraisal to counsel of record. By The Court, /s/ Fredric J. Ammerman, Pres. Judge.</p> <p>1 CC to:</p> <p>James Naddeo, Esquire Kipp Lukhart Winifred Jones-Wenger H. Eyster, J. Hartshorn, E. Eyster</p> <p>Harold G. Eyster, Jr. 190 Kings Highway Altoona, PA 16602</p> <p>Janet Bonita Hartshorn 7 Windsor Drive Charleston, NC 29407</p> <p>Edward K. Eyster 1621 SE 8th Street Cape Coral, FL 33990</p> <p>Josephine Edwards (Deceased) Harold G. Eyster (Deceased) Effie M. Rupert (Deceased)</p>	Fredric Joseph Ammerman
3/28/2007	<p>Motion For Order Appointing Substitute Master in Partition, filed by s/ James A. Naddeo Esq. No CC.</p>	Fredric Joseph Ammerman
3/29/2007	<p>Order, NOW, this 29th day of March, 2007, Ordered that Winnifred Jones-Wenger be removed as Master in Partition and that Ron Collins be appointed to act as Master in Partition in the above captioned case. (see original). By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty. Naddeo</p>	Fredric Joseph Ammerman
6/7/2007	<p>Petition for Order Directing Defendants to Pay Their Share of the Appraisal Fee, filed by s/ James A. Naddeo Esq. 3CC Atty Naddeo.</p>	Fredric Joseph Ammerman
6/11/2007	<p>Order, NOW, this 8th day of June, 2006, upon consideration of the Petition for Order Directing Defendants to Pay Their Share of the Appraisal Fee, it is Ordered that this case will be heard before the Court on the 10th day of July, 2007 at 9:30 a.m. Courtroom 1. One hour has been allotted for this hearing. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 3CC Atty. Naddeo</p>	Fredric Joseph Ammerman
6/12/2007	<p>Certificate of Service, filed. That a certified copy of Petition for Order Directing Defendants to Pay Their Share of the Appraisal Fee was served on the 12th day of June 2007 to Ronald Collins Esq., J. Kipp Lukehart Esq. and Richard L. Campbell Esq., filed by s/ James A. Naddeo Esq. 1CC Atty Naddeo.</p>	Fredric Joseph Ammerman

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

LP Land, LLC, a limited  
liability corporation,  
Plaintiff,

v.

Samuel J. Serian, Harold G.  
Eyster Jr., Janet Bonita  
Hartshorn, Edward K. Eyster,  
unknown heirs and successors  
in interest to the estate of  
Jospehine Edwards; unknown  
heirs and successors in  
interest to the estate of  
Harold G. Eyster; and unknown  
heirs and successors in  
interest to the estate of  
Effie M. Rupert, individuals,  
Defendants.

No. *2006-1191* - CD

Type of Pleading:

**COMPLAINT FOR PARTITION  
OF REAL PROPERTY**

Filed on behalf of:  
Plaintiff

Counsel of Record for  
this party:

James A. Naddeo, Esq.  
Pa I.D. 06820

207 East Market Street  
P.O. Box 552  
Clearfield, PA 16830  
(814) 765-1601

**FILED**

0/3:30 Lm

JUL 25 2006

*per \$85.00 Att'y  
2cc Shff  
SIC Att'y Naddeo*

William A. Shaw  
Prothonotary

*Aug 24, 2006* Document  
Reinstated/Reissued to Sheriff/Attorney  
for service

*W.A. Shaw* GK  
Deputy Prothonotary

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

LP Land, LLC, a limited	*
liability corporation,	*
Plaintiff,	*
	*
v.	*
	*
Samuel J. Serian, Harold G.	*
Eyster Jr., Janet Bonita	*
Hartshorn, Edward K. Eyster,	*
unknown heirs and successors	*
in interest to the estate of	*
Jospehine Edwards; unknown	*
heirs and successors in	*
interest to the estate of	*
Harold G. Eyster; and unknown	*
heirs and successors in	*
interest to the estate of	*
Effie M. Rupert, individuals,	*
Defendants.	*

No. - - CD

NOTICE

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 Plaintiff. 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.

COURT ADMINISTRATOR  
CLEARFIELD COUNTY COURTHOUSE  
Market and Second Streets  
Clearfield, PA 16830

(814) 765-2641

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

LP Land, LLC, a limited	*			
liability corporation,	*			
Plaintiff,	*			
	*			
v.	*	No.	-	- CD
	*			
Samuel J. Serian, Harold G.	*			
Eyster Jr., Janet Bonita	*			
Hartshorn, Edward K. Eyster,	*			
unknown heirs and successors	*			
in interest to the estate of	*			
Jospehine Edwards; unknown	*			
heirs and successors in	*			
interest to the estate of	*			
Harold G. Eyster; and unknown	*			
heirs and successors in	*			
interest to the estate of	*			
Effie M. Rupert, individuals,	*			
Defendants.	*			

COMPLAINT FOR PARTITION OF REAL PROPERTY

NOW COMES the Plaintiff, LP Land, LLC, and by their attorney, James A. Naddeo, Esquire, sets forth the following:

1. That the Plaintiff, LP Land, LLC, is a limited liability company, and has its principal place of business at 1124 Lezzer Lane, Curwensville, Pennsylvania.

2. That the Defendant, Samuel J. Serian, is an individual, who was last know to reside at 22 Clinton Street, Rossiter, PA 15772.

3. That the Defendant, Janet Bonita Hartshorn, is an individual, residing at 7 Windsor Drive, Charleston, North Carolina 29407.

4. That the Defendant, Edward K. Eyster, is an individual residing at 1621 SE 8<sup>th</sup> Street, Cape Coral, Florida 33990.

5. That the Defendants, namely Harold G. Eyster Jr. is an individual last known to be residing at 190 Kings Highway, Altoona, PA 16602.

6. That the Defendants, namely any other heirs and successors in interest to the estate of Harold G. Eyster may or may not exist and are unidentified and whereabouts are unknown.

7. That the Defendants, namely the heirs and successors in interest to the estate of Josephine Edwards are unidentified and whereabouts are unknown.

8. That the Defendants, namely the heirs and successors in interest to the estate of Effie M. Rupert are unidentified and whereabouts are unknown.

9. Plaintiffs and defendants are the owners of certain real estate in Clearfield County as described below, and all the interests of the parties in the property are held as tenants in common and are undivided.

10. The property in question is identified as No. 3579, and is all that certain tract or parcel of land situated in The Township of Bloom (Map No. 104-F7-4), County of Clearfield and State of Pennsylvania. The property is bounded and described as follows:



Beginning at a post, the Southwest corner of tract; thence by tract No. 3610, North four and one-half degrees East one hundred and one (101) perches to point on line of Thomas Currie one hundred and thirty-eight acre tract; thence by said Currie tract South eighty-five and one-half degrees East seventy-nine (79) perches, more or less, to post and stones on West line of right of way of Clearfield & Mahoning Railroad; thence by said right of way line in a Northwesterly direction one hundred and fifty-two (152) perches, more or less, to where the said right of way line intersects the West line North four and one-half degrees East two hundred (200) perches, more or less, to Gum corner of tract; thence by tract No. 3596 South eighty-five and one-half degrees East four hundred and sixteen (416) perches to a Gum on line of tract No. 4252; thence South four and a half degrees West four hundred and sixteen (416) perches to a whiteoak; thence by tract No. 3590 North eighty-five and one-half degrees West four hundred and sixteen (416) perches to the place of beginning, containing one thousand and twenty (1020) acres, more or less, being part of tract No. 3579.

11. That Plaintiffs acquired title to a 37.5 percent undivided interest in the property described above by deeds from two separate grantors, one being the Estate of Charles A. Irvin and one being several heirs and descendants of R. Wilson McNaul, the last recorded conveyance of the same are dated October 26, 2005, recorded in Clearfield County as Instrument No. 200600126; and November 28, 2005, recorded in Clearfield County as Instrument No. 200600125, respectively.

12. That Defendant, Samuel J. Serian, acquired title with his wife, Ruth Carol Serian, to a 25 percent interest in the property described above by deed, the last recorded conveyance of the same from Kim Mowrey Hobba, dated January 14, 1993,

recorded in Clearfield County Deeds and Records Book Volume 1509, Page 431.

13. That Ruth Carol Serian is now deceased causing Samuel J. Serian to be the sole holder of the 25 percent interest acquired by the couple on January 14, 1993, recorded in Clearfield County Deeds and Records Book Volume 1509, Page 431.

14. That Defendants, Janet Bonita Hartshorn, Edward K. Eyster each acquired title to a 4.16 percent share of the property described above by intestate share as heirs and successors in interest to the estate of Olive E. Eyster.

15. That Olive E. Eyster had acquired title to a 12.5 percent interest in the property described above through a devise in the will of James M. Edwards recorded as Estate No. 5704 in Clearfield County Will Book H, Page 399.

16. That the Defendant, Harold G. Eyster, Jr. acquired a representative and intestate share to a 4.16 percent interest in the above described property as an heir and successor in interest to the estate of Harold G. Eyster.

17. That the Defendants, namely any other the heirs and successors in interest to the estate of Harold G. Eyster identities and whereabouts are unknown and may or may not exist as heirs or successors in interest to the estate of Harold G. Eyster.

18. That the unknown heirs and successors in interest of Harold G. Eyster, should any exist, would acquire title to a representative and intestate share of 4.16 percent interest; the same share of the property described above which Harold G. Eyster had acquired by intestate share as an heir and successor in interest to the estate of Olive E. Eyster.

19. That Defendants, namely the heirs and successors in interest to the estate of Josephine Edwards, identities and whereabouts are unknown and may or may not exist as heirs or successors in interest to the estate of Josephine Edwards.

20. That the unknown heirs and successors in interest of Josephine Edwards, should any exist, would acquire title to a 12.5 percent interest in the property described above from the estate of Josephine Edwards upon her death.

21. That both Elmer and Josephine Edwards are believed to be deceased.

22. That Elmer and Josephine Edwards had acquired title to a 12.5 percent interest as tenants by the entirety: the last recorded deed of which is recorded in Clearfield County Deeds and Records Book Volume 500, Page 486.

23. That Elmer Edwards is believed to have predeceased Josephine Edwards causing her to be the sole owner of the 12.5 percent interest, the last recorded deed of which is recorded in Clearfield County Deeds and Records Book Volume 500, Page 486.

24. That the unknown heirs and successors in interest of Effie M. Rupert, should any exist, would acquire a representative share in title to a 12.5 percent interest in the property described above from the estate of Effie M. Rupert upon her death.

25. That Effie M. Rupert is believed to be deceased.

26. That Effie M. Rupert had acquired title to a 12.5 percent interest in the property described above by giving effect to a clause in the will of James M. Edwards which provided she receive an intestate share of his property upon her remarriage, recorded in Estate No. 5704 in Clearfield County Will Book H, Page 399.

27. That no other person other than those named as known or those named as unknown has any title or interest in the property.

28. No partition or division of the above-described property has ever been made.

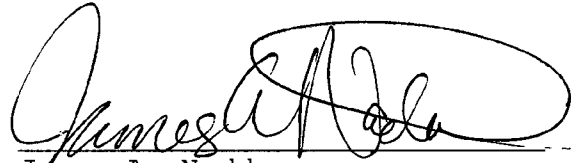
WHEREFORE, Plaintiff requests:

(a) the Court decree partition of the real estate;

(b) the share or shares to which the respective parties are entitled be set out to them in severalty and that all proper and necessary conveyances and assurances be executed for carrying such partition into effect; and that, if the real estate cannot be divided without prejudice to or spoiling the whole, such

proper and necessary sale or sales of the same may be made by such persons and in such manner as the Court may direct;

(c) such other and further relief be granted as the Court deems just and proper.

A handwritten signature in black ink, appearing to read "James A. Naddeo", written over a horizontal line.

James A. Naddeo  
Attorney for Plaintiffs

FILED

JUL 25 2006

William A. Shaw  
Prothonotary

**JAMES A. NADDEO**  
ATTORNEY AT LAW  
207 EAST MARKET STREET  
P.O. BOX 552  
CLEARFIELD, PENNSYLVANIA 16830

ASSOCIATE  
LINDA C. LEWIS

(814) 765-1601  
FAX: (814) 765-8142  
naddeolaw@atlanticbbn.net

July 25, 2006

William A. Shaw  
Clearfield County Prothonotary  
230 East Market Street  
Clearfield, PA 16830

RE: LP Land, LLC v. Samuel Serian,  
Harold G. Eyster Jr., ET. Al.

Dear Mr. Shaw:

I am filing with the Court today a *Complaint for Partition of Real Property*. Two copies are to be certified and forwarded to the Sheriff's Office for service along with this letter. Please certify five additional copies for our service of out-of-state defendants and other potential defendants.

There are two defendants to be served in this case in the state of Pennsylvania. One is Samuel J. Serian located at 22 Clinton Street, Rossiter, Pa., Indiana County. The other is Harold G. Eyster, Jr. located at 190 Kings Highway, Altoona, Pa., Blair County. I have enclosed your advance costs along with a check for both Indiana and Blair County for their advanced costs.

Thank you for your kind attention to this matter. Please call my office with any questions or concerns.

Sincerely,



James A. Naddeo

JAN/tgl

Cc: Dave Lezzer

Enclosures

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

LP Land, LLC, a limited  
liability corporation,  
Plaintiff,

v.

Samuel J. Serian, Harold G.  
Eyster Jr., Janet Bonita  
Hartshorn, Edward K. Eyster,  
unknown heirs and successors  
in interest to the estate of  
Jospehine Edwards; unknown  
heirs and successors in  
interest to the estate of  
Harold G. Eyster; and unknown  
heirs and successors in  
interest to the estate of  
Effie M. Rupert, individuals,  
Defendants.

No. 2006 - 1191 - CD

**FILED**

AUG 07 2006

01320/c  
William A. Shaw  
Prothonotary/Clerk of Courts

6 CENT TO ATT

Type of Pleading:

**MOTION FOR SPECIAL ORDER  
DIRECTING SERVICE  
GENERALLY AND BY  
PUBLICATION TO THE  
UNKNOWN HEIRS AND  
SUCCESSORS IN INTEREST**

Filed on behalf of:  
Plaintiff

Counsel of Record for  
this party:

James A. Naddeo, Esq.  
Pa I.D. 06820

207 East Market Street  
P.O. Box 552  
Clearfield, PA 16830  
(814) 765-1601

Dated: August 7, 2006



3. That the Defendant, Janet Bonita Hartshorn, is an individual, residing at 7 Windsor Drive, Charleston, South Carolina 29407.

4. That the Defendant, Edward K. Eyster, is an individual residing at 1621 SE 8<sup>th</sup> Street, Cape Coral, Florida 33990.

5. That the Defendants, namely Harold G. Eyster Jr. is an individual last known to be residing at 190 Kings Highway, Altoona, PA 16602.

6. That the Defendants, namely any other heirs and successors in interest to the estate of Harold G. Eyster may or may not exist and are unidentified and whereabouts are unknown.

7. That the Defendants, namely the heirs and successors in interest to the estate of Josephine Edwards are unidentified and whereabouts are unknown.

8. That the Defendants, namely the heirs and successors in interest to the estate of Effie M. Rupert are unidentified and whereabouts are unknown.

9. That Plaintiff is unable to properly serve original process of its Complaint in this action upon those heirs and successors in interest that are unknown.

10. That specifically there are three estates in this case where heirs and successors in interest may or may not exist.

The three estates are as follows:

- a. The estate of Josephine Edwards
- b. The estate of Harold G. Eyster
- c. The estate of Effie M. Ruppert


11. That potential heirs and successors in interest to the estates listed in Paragraph 10 are unable to be identified.

12. That due to Plaintiff's inability to identify individuals who may or may not be heirs and successors in interest to the estates listed in Paragraph 10, Plaintiff is thus unable to serve any possible heir and successor in interest as a defendant.

13. That as a result of the foregoing Plaintiff is unable to serve possible heirs and successors in interest as required by the applicable Pennsylvania Rules of Civil Procedure.

14. That service by publication is proper in this case and is supported by Plaintiff Counsel's affidavit attached hereto.

WHEREFORE, Plaintiff requests this Honorable Court to enter a special order allowing Plaintiff to serve unknown heirs and successors in interest to the estates of Josephine Edwards, Harold G. Eyster, and Effie M. Ruppert by publication pursuant to Rule 430 of the Pennsylvania Rules of Civil Procedure.

  
James A. Naddeo, Esquire  
Attorney for Plaintiff

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

LP Land, LLC, a limited \*  
liability corporation, \*  
Plaintiff, \*

v. \*

No. 2006 - 1191 - CD

Samuel J. Serian, Harold G. \*  
Eyster Jr., Janet Bonita \*  
Hartshorn, Edward K. Eyster, \*  
unknown heirs and successors \*  
in interest to the estate of \*  
Josephine Edwards; unknown \*  
heirs and successors in \*  
interest to the estate of \*  
Harold G. Eyster; and unknown \*  
heirs and successors in \*  
interest to the estate of \*  
Effie M. Rupert, individuals, \*  
Defendants. \*

AFFIDAVIT PURSUANT TO PA. R.C.P. 430

1. Counsel for Movant has been unable to determine the identity of the following potential defendants: the heirs and successors in interest to the estates of Josephine Edwards, Harold G. Eyster, and Effie M. Ruppert.

2. Movant and Counsel for Movant have made the following attempts to identify defendants, the potential heirs and successors in interest to the estate of Josephine Edwards:

A. Counsel has spoken to one Edward Eyster, a relative, who confirmed that Josephine Edwards died without children, but could not state conclusively whether any

other possible relatives of Josephine Edwards may or may not have been living at her death.

B. Counsel has contacted Blair County Court in Holidaysburg (the last known county in which Josephine Edwards was known to reside) and confirmed that no estate is recorded for one Josephine Edwards.

C. Counsel is unable to locate and/or contact any other relatives who might have knowledge of Josephine Edwards' name prior to marriage and/or whether she had any living relatives at her death.

D. Counsel has attempted, but is unable, to locate potential heirs and successors in interest by use of telephone directory assistance for Clearfield, Philipsburg, and Altoona Pennsylvania, and surrounding areas.

E. Counsel has attempted to locate potential heirs and successors in interest by searching local tax records.

3. Movant and Counsel for Movant have made the following attempts to identify defendants, the potential heirs and successors in interest to the estate of Harold G. Eyster:

A. Counsel has spoken to one Edward Eyster, a relative, who confirmed that Harold G. Eyster is deceased, and that one Harold G. Eyster, Jr. is his heir, but could not confirm whether any other possible relatives or named

successors in interest of Harold G. Eyster may or may not have been living at his death.

B. Counsel has contacted Blair County Court in Holidaysburg (the last known county in which Harold G. Eyster was known to reside) and confirmed that the estate on record for Harold G. Eyster, to file number "07040589," contained no will and no items were probated.

C. Counsel is unable to locate any other relatives, including one Harold G. Eyster, Jr., who might have knowledge of Harold G. Eyster's other living relatives or other named successors in interest at his death.

D. Counsel has attempted, but is unable, to locate potential heirs and successors in interest by use of telephone directory assistance for Clearfield, Philipsburg, Altoona, Pennsylvania, and surrounding areas.

E. Counsel has attempted to locate potential heirs and successors in interest by searching local tax records. One Harold G. Eyster, Jr. is the only individual listed, whom Movant has served at the address whereby local tax records are being sent.

4. Movant and Counsel for Movant have made the following attempts to identify defendants, the potential heirs and successors in interest to the estate of Effie M. Rupert:

A. Counsel has spoken to one Edward Eyster, a relative, who confirmed that Effie M. Rupert may have married a third time, but could not state conclusively whether any other possible relatives of Effie M. Ruppert may or may not have been living at her death.

B. Counsel has contacted the Clearfield County Court (the last known county in which Effie M. Ruppert was known to reside) and confirmed that no estate is recorded for one Effie M. Ruppert.

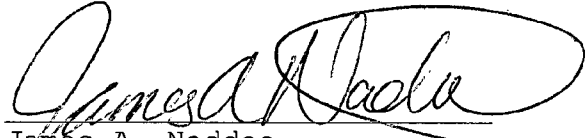
C. Counsel is unable to locate and/or contact any other relatives who might have knowledge of Effie M. Ruppert's name after a possible third marriage and/or whether she had any living relatives at her death.

D. Counsel has attempted, but is unable, to locate potential heirs and successors in interest by use of telephone directory assistance for Clearfield, Philipsburg, DuBois Pennsylvania, and surrounding areas.

E. Counsel has attempted to locate potential heirs and successors in interest by searching local tax records.

I verify that the statements made in the Affidavit are true and correct. I understand that false statements herein

are made subject to the penalties of Pa. C. S. Section 4904  
relating to unsworn falsifications to authorities.

A handwritten signature in cursive script, appearing to read "James A. Naddeo", is written over a horizontal line. The signature is enclosed within a large, loopy oval shape.

James A. Naddeo  
Attorney at Law



**FILED**

**AUG 07 2006**

**William A. Shaw**  
**Prothonotary/Clerk of Courts**

207 East Market Street  
P.O. Box 552  
Clearfield, PA 16830  
(814) 765-1601

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
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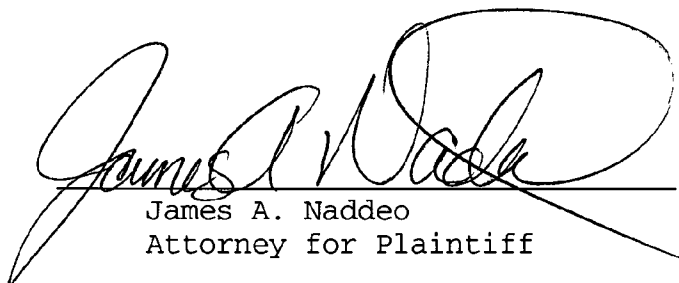
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No. 2006 - 1191 - CD

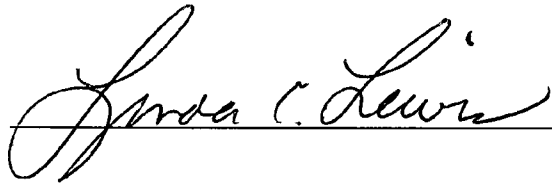
**AFFIDAVIT**

COMMONWEALTH OF PENNSYLVANIA )  
SS  
COUNTY OF CLEARFIELD )

James A. Naddeo, Esquire, being duly sworn according to law, deposes and states that a certified copy of the Complaint For Partition of Real Property filed in the above-captioned action was served upon the Defendant, Janet Bonita Hartshorn, by first-class mail, RESTRICTED DELIVERY, return receipt requested on August 04, 2006, at the Defendant's address of 7 Windsor Drive, Charleston, SC, 29407 as appears from the receipt of Certified Mail attached hereto.

  
James A. Naddeo  
Attorney for Plaintiff

SWORN and SUBSCRIBED before me this 8th day of August, 2006.

  
\_\_\_\_\_

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal  
Linda C. Lewis, Notary Public  
Clearfield Boro, Clearfield County  
My Commission Expires July 25, 2007

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

**1. Article Addressed to:**

Janet Bonita Hartshorn  
7 Windsor Drive  
Charleston, SC 29407

**COMPLETE THIS SECTION ON DELIVERY****A. Signature**

**X** *Janet Hartshorn* ☐ Agent ☐ Addressee

**B. Received by (Printed Name)**

*Janet Hartshorn*

**C. Date of Delivery****D. Is delivery address different from item 1? ☐ Yes**

If YES, enter delivery address below: ☐ No

**3. Service Type**

- ☒ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

**4. Restricted Delivery? (Extra Fee) ☐ Yes****2. Article Number**  
(Transfer from service label)

7005 0390 0003 7232 6382

FILED

AUG - 8 2006

William A. Shaw  
Prothonotary

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

LP Land, LLC, a limited  
liability corporation,  
Plaintiff,

v.

No. 2006 - 1191 - CD

Samuel J. Serian, Harold G.  
Eyster Jr., Janet Bonita  
Hartshorn, Edward K. Eyster,  
unknown heirs and successors  
in interest to the estate of  
Josephine Edwards; unknown  
heirs and successors in  
interest to the estate of  
Harold G. Eyster; and unknown  
heirs and successors in  
interest to the estate of  
Effie M. Rupert, individuals,  
Defendants.

FILED *lcc*  
01:11:52 PM *Att'y Maddeo*  
AUG 09 2006  
William A. Shaw  
Prothonotary/Clerk of Courts

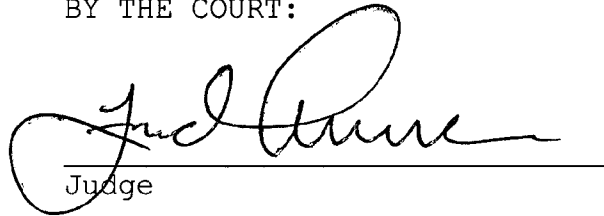
**ORDER GRANTING PETITION FOR SPECIAL  
ORDER DIRECTING SERVICE GENERALLY AND BY PUBLICATION  
TO THE UNKNOWN HEIRS AND SUCCESSORS IN INTEREST**

AND NOW, this 8 day of August,

2006, upon consideration of plaintiff's motion for a special order directing service generally and by way of publication and it appearing to the court that plaintiff has made a good faith effort to ascertain defendants, the unknown heirs and successors in interests to the estate of Josephine Edwards; the unknown heirs and successors in interest to the estate of Harold G. Eyster; and the unknown heirs and successors in interest to the estate of Effie M. Ruppert, it is hereby ORDERED that the motion is granted. Service upon defendants, the unknown heirs and

successors in interests to the estate of Josephine Edwards and upon defendants, the unknown heirs and successors in interests to the estate of Harold G. Eyster is to be made by way of publication by advertising the notice of action once in the Clearfield County Legal Journal and once in both the Clearfield and Blair County Newspapers. Service upon defendants, the unknown heirs and successors in interests to the estate of Effie M. Ruppert is to be made by way of publication by advertising the notice of action once in the Clearfield County Legal Journal and once in the Clearfield County Newspaper.

BY THE COURT:



A handwritten signature in cursive script, appearing to read "Judge", is written over a horizontal line. The signature is fluid and stylized, with a large loop at the beginning and end.

Judge



**FILED**  
AUG 07 2006  
William A. Shaw  
Prothonotary/Clerk of Courts

**FILED**  
AUG 09 2006  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101758  
NO: 06-1191-CD  
SERVICE # 1 OF 2  
COMPLAINT FOR PARTITION OF REAL PROPERTY

PLAINTIFF: LP LAND, LLC A limited liability corporation  
vs.  
DEFENDANT: SAMUEL J. SERIAN, HAROLD G. EYSTER JR. al

**SHERIFF RETURN**

NOW, July 26, 2006, SHERIFF OF INDIANA COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT FOR PARTITION OF REAL PROPERTY ON SAMUEL J. SERIAN.

NOW, August 07, 2006 AT 11:08 AM SERVED THE WITHIN COMPLAINT FOR PARTITION OF REAL PROPERTY ON SAMUEL J. SERIAN, DEFENDANT. THE RETURN OF INDIANA COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

FILED  
0/3:10cm  
AUG 18 2006

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101758

NO: 06-1191-CD

SERVICE # 2 OF 2

COMPLAINT FOR PARTITION OF REAL PROPERTY

PLAINTIFF: LP LAND, LLC A limited liability corporation

vs.

DEFENDANT: SAMUEL J. SERIAN, HAROLD G. EYSTER JR. al

**SHERIFF RETURN**

NOW, July 26, 2006, SHERIFF OF BLAIR COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT FOR PARTITION OF REAL PROPERTY ON HAROLD G. EYSTER, JR..

NOW, August 08, 2006 AT 12:35 PM SERVED THE WITHIN COMPLAINT FOR PARTITION OF REAL PROPERTY ON HAROLD G. EYSTER, JR., DEFENDANT. THE RETURN OF BLAIR COUNTY IS HERETO **ATTACHED** AND MADE PART OF THIS RETURN.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101758  
NO: 06-1191-CD  
SERVICES 2  
COMPLAINT FOR PARTITION OF REAL

PROPERTY

PLAINTIFF: LP LAND, LLC A limited liability corporation  
vs.  
DEFENDANT: SAMUEL J. SERIAN, HAROLD G. EYSTER JR. al

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	NADDEO	18412	20.00
SHERIFF HAWKINS	NADDEO	18412	30.00
INDIANA CO.	NADDEO	18411	100.00
BLAIR CO.	NADDEO	18410	26.50

Sworn to Before Me This

\_\_\_\_\_ Day of \_\_\_\_\_ 2006

\_\_\_\_\_

So Answers,



Chester A. Hawkins  
Sheriff

INDIANA COUNTY SHERIFF'S OFFICE

PLAINTIFF LP LAND

date received: 7/25/2006 status: C

VS

case number: 20061191

DEFENDANT SERIAN SAMUEL J

paper type: COMPLAINT

ATTORNEY'S NAME: JAMES NADDEO ESQ

LAST DAY OF SERVICE: 8/24/2006

ATTORNEY'S ADDRESS: P O BOX 552  
CLEARFIELD PA 16830

# of services: 1

ADVANCE CHARGED: \$100.00

RECEIVING DOCKETING: \$9.00

SURCHARGE: \$0.00

FOUND SERVICE: \$9.00

NOTARY FEE: \$5.00

NOT FOUND \$0.00

MILEAGE: \$77.00

ADDITIONAL DEFENDANTS SERVED \$0.00

POSTAGE: \$0.00

DEPUTIZATION \$0.00

TOTAL COSTS: \$100.00

REFUND DUE: \$0.00

RETURN OF SERVICE:

NOW 8/7/06 AT 11:08AM SERVED SAMUEL J SERIAN BY HANDING  
TO MARGARET ORCUTT, EMPLOYEE & PIC AT 22 CLINTON ST  
ROSSITER PA-CAMPISANO

SWORN AND SUBSCRIBED BEFORE ME  
THIS 14 DAY OF AUGUST 2006

*Loretta J. Wissinger*

COMMONWEALTH OF PENNSYLVANIA

NOTARIAL SEAL  
LORETTA J. WISSINGER, NOTARY PUBLIC  
INDIANA, INDIANA CO  
MY COMMISSION EXPIRES MAR. 15, 2010

*Robert E. Fyock*

ROBERT E. FYOCK, SHERIFF

BY:

DEPUTY THOMAS J CAMPISANO



CHESTER A. HAWKINS  
SHERIFF

# Sheriff's Office Clearfield County

COURTHOUSE  
1 NORTH SECOND STREET, SUITE 116  
CLEARFIELD, PENNSYLVANIA 16830

OFFICE (814) 765-2641 EXT. 5986  
AFTER 4:00 P.M. (814) 765-1533  
FAX (814) 765-5915

ROBERT SNYDER  
CHIEF DEPUTY

MARILYN HAMM  
DEPT. CLERK

CYNTHIA AUGHENBAUGH  
OFFICE MANAGER

PETER F. SMITH  
SOLICITOR

## DEPUTATION

### IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

PAGE 101758

LP LAND, LLC A limited liability corporation

vs.

SAMUEL J. SERIAN, HAROLD G. EYSTER JR. al

TERM & NO. 06-1191-CD

COMPLAINT FOR PARTITION OF REAL PROPERTY

**SERVE BY: 08/24/06**

**MAKE REFUND PAYABLE TO JAMES A. NADDEO, ESQ.**

**SERVE:** SAMUEL J. SERIAN

**ADDRESS:** 22 CLINTON ST., ROSSITER, PA 15772

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF OF INDIANA COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, July 26, 2006.

RESPECTFULLY,

CHESTER A. HAWKINS,  
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

2006 JUL 27 A 11:25

INDIANA COUNTY SHERIFF

101758

DATE RECEIVED

DATE PROCESSED

## SHERIFF'S DEPARTMENT

BLAIR COUNTY, PENNSYLVANIA  
COURTHOUSE, HOLLIDAYSBURG, PA. 16648

62013T

SHERIFF SERVICE  
PROCESS RECEIPT, and AFFIDAVIT OF RETURN

## INSTRUCTIONS:

Print legibly, insuring readability of all copies.  
Do not detach any copies. BCSD ENV.#

1. PLAINTIFF / S / <i>LP Land</i>		2. COURT NUMBER <i>06-1191-00</i>	
3. DEFENDANT / S / <i>Marold Eyster JR. et al</i>		4. TYPE OF WRIT OR COMPLAINT <i>complaint</i>	
SERVE AT	5. NAME OF INDIVIDUAL / COMPANY, CORPORATION, ETC., TO SERVICE OR DESCRIPTION OF PROPERTY TO BE LEVIED, ATTACHED OR SOLD. <i>Marold Eyster JR. (no JR)</i>		
	6. ADDRESS (Street or RFD, Apartment No., City, Boro, Two / State and ZIP Code) <i>190 Kings Highway Altoona</i>		
7. INDICATE UNUSUAL SERVICE: <input type="checkbox"/> PERSONAL <input type="checkbox"/> PERSON IN CHARGE <input type="checkbox"/> DEPUTIZE <input type="checkbox"/> CERT. MAIL <input type="checkbox"/> REGISTERED MAIL <input type="checkbox"/> POSTED <input type="checkbox"/> OTHER			
NOW, _____, I, SHERIFF OF BLAIR COUNTY, PA., do hereby deputize the Sheriff of County to execute this Writ and make return thereof according to law. This deputation being made at the request and risk of the plaintiff.			
SHERIFF OF BLAIR COUNTY			
8. SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE:			

NOTE ONLY APPLICABLE ON WRIT OF EXECUTION: N.B. WAIVER OF WATCHMAN — Any deputy sheriff levying upon or attaching any property under within writ may leave same without a watchman, in custody of whomever is found in possession, after notifying person of levy or attachment, without liability on the part of such deputy or the sheriff to any plaintiff herein for any loss, destruction or removal of any such property before sheriff's sale thereof.

9. SIGNATURE of ATTORNEY or other ORIGINATOR requesting service on behalf of: <i>Naddeo</i>	10. TELEPHONE NUMBER	11. DATE
<input type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT		

## SPACE BELOW FOR USE OF SHERIFF ONLY — DO NOT WRITE BELOW THIS LINE

12. I acknowledge receipt of the writ or complaint as indicated above	SIGNATURE of Authorized BCSD Deputy or Clerk and Title <i>Diane J. Wilk</i>		13. Date Received <i>7/25/06</i>	14. Expiration/Hearing date <i>8/24/06</i>								
15. I hereby CERTIFY and RETURN that I <input checked="" type="checkbox"/> have personally served, <input type="checkbox"/> have served person in charge, <input type="checkbox"/> have legal evidence of service as shown in "Remarks" (on reverse) <input type="checkbox"/> have posted the above described property with the writ or complaint described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., at the address inserted below by handing or Posting a TRUE and ATTESTED COPY thereof.												
16. <input type="checkbox"/> I hereby certify and return a NOT FOUND because I am unable to locate the individual, company, corporation, etc., named above (See remarks below)												
17. Name and title of individual served <i>Mary Eyster wife</i>			18. A person of suitable age and discretion then residing in the defendant's usual place of abode <input type="checkbox"/>	Read Order <input type="checkbox"/>								
19. Address of where served (complete only if different than shown above) (Street or RFD, Apartment No., City, Boro, Two, State and ZIP Code) <i>Same</i>			20. Date of Service <i>8/8/06</i>	21. Time <i>12<sup>35</sup></i>								
22. ATTEMPTS	Date	Miles	Dep. Int.	Date	Miles	Dep. Int.	Date	Miles	Dep. Int.	Date	Miles	Dep. Int.
23. Advance Costs <i>\$150.00</i>	24. Receipt <i>120813</i>	25. <i>SM</i>	26. <i>not</i>	27. Total Costs <i>21.50</i>	28. COST DUE OR REFUND <i>26.50</i>	<i>123.50</i>						
30. REMARKS <i>Subject Deceased</i>												

## SO ANSWER.

AFFIRMED and subscribed to before me this <i>9th</i> day of <i>August, 2006</i> <i>Carol Grieco</i> NOTARY PUBLIC Hollidaysburg Boro, Blair County My Commission Expires <i>Apr 3, 2009</i>	By (Sheriff/Dep. Sheriff) (Please Print or Type) <i>DAD/STE</i> Signature of Sheriff <i>[Signature]</i> SHERIFF OF BLAIR COUNTY	Date <i>8/8/06</i> Date
39. Date Received		

## SHERIFF'S RETURN OF SERVICE

- ( ) (1) The within \_\_\_\_\_  
upon \_\_\_\_\_, the within named  
defendant by mailing to \_\_\_\_\_  
by \_\_\_\_\_ mail, return receipt requested, postage  
prepaid \_\_\_\_\_ on the \_\_\_\_\_  
a true and attested copy thereof at \_\_\_\_\_

The return receipt signed by \_\_\_\_\_  
defendant on the \_\_\_\_\_ is hereto attached and  
made part of this return.

- ( ) (2) Outside the Commonwealth, pursuant to Pa. R.C.P. 405 (c) (1) (2), by mailing a true and  
attested copy thereof at \_\_\_\_\_

in the following manner.

- ( ) (a) To the defendant by ( ) registered ( ) certified mail, return receipt requested,  
postage prepaid, addressee only on the \_\_\_\_\_,  
said receipt being returned NOT signed by defendant, but with a notation by the Postal  
Authorities that defendant refused to accept the same. The returned receipt and envelope  
is attached hereto and made part of this return.

And thereafter:

- ( ) (b) To the defendant by ordinary mail addressed to defendant at same address, with the  
return address of the Sheriff appearing thereon, on the \_\_\_\_\_

I further certify that after fifteen ( 15 ) days from the mailing date, I have not received said  
envelope back from the Postal Authorities. A certificate of mailing is hereto attached as a  
proof of mailing.

- ( ) (3) By publication in a daily publication of general circulation in the County of **Blair**,  
Commonwealth of Pennsylvania, \_\_\_\_\_ time (s) with publication appearing

The affidavit from said publication is hereto attached.

- ( ) (4) By mailing to \_\_\_\_\_  
by \_\_\_\_\_ mail, return receipt requested, postage prepaid,  
on the \_\_\_\_\_  
a true and attested copy thereof at \_\_\_\_\_

The \_\_\_\_\_ returned by the Postal  
Authorities marked \_\_\_\_\_  
is hereto attached.

- ( ) (5) Other \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



# RECEIPT FOR PAYMENT

=====

Blair County Pennsylvania  
Blair County Courthouse  
423 Allegheny Street

Receipt Date 07/27/2006  
Receipt Time 12:29:20  
Receipt No. 120813

LP LAND (VS) EYSTER, HAROLD JR.

Case Number 2006-62013 T  
Service Info 001  
Remarks

7/27/2006 Open

Total Check...	+	150.00
Total Cash....	+	.00
Cash Out.....	-	.00

Number .. 18410

Receipt total. = 150.00

## ----- Distribution Of Payment -----

Transaction Description	Payment Amount
-------------------------	----------------

ADVANCE PAYMENT	150.00
-----------------	--------

NADDEO, JAMES

	<u>150.00</u>
--	---------------

FILED

AUG 18 2006

William A. Shaw  
Prothonotary



CHESTER A. HAWKINS  
SHERIFF

# Sheriff's Office Clearfield County

COURTHOUSE  
1 NORTH SECOND STREET, SUITE 116  
CLEARFIELD, PENNSYLVANIA 16830

OFFICE (814) 765-2641 EXT. 5986  
AFTER 4:00 P.M. (814) 765-1533  
FAX (814) 765-5915  
ROBERT SNYDER  
CHIEF DEPUTY  
MARILYN HAMM  
DEPT. CLERK  
CYNTHIA AUGHENBAUGH  
OFFICE MANAGER  
PETER F. SMITH  
SOLICITOR

62013T

## DEPUTATION

### IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

PAGE 101758

LP LAND, LLC A limited liability corporation

vs.

SAMUEL J. SERIAN, HAROLD G. EYSTER JR. al

TERM & NO. 06-1191-CD

COMPLAINT FOR PARTITION OF REAL PROPERTY

**SERVE BY: 08/24/06**

**MAKE REFUND PAYABLE TO JAMES A. NADDEO, ESQ.**

**SERVE:** HAROLD G. EYSTER, JR.

**ADDRESS:** 190 KINGS HIGHWAY, ALTOONA, PA 16602

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF OF BLAIR COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, July 26, 2006.

RESPECTFULLY,

CHESTER A. HAWKINS,  
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

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

LP Land, LLC, a limited  
liability corporation,  
Plaintiff,

v.

Samuel J. Serian, Harold G.  
Eyster Jr., Janet Bonita  
Hartshorn, Edward K. Eyster,  
unknown heirs and successors  
in interest to the estate of  
Jospehine Edwards; unknown  
heirs and successors in  
interest to the estate of  
Harold G. Eyster; and unknown  
heirs and successors in  
interest to the estate of  
Effie M. Rupert, individuals,  
Defendants.

No. 2006 - 1191 - CD

Type of Pleading:

**PRAECIPE TO REINSTATE  
COMPLAINT**

Filed on behalf of:  
Plaintiff

Counsel of Record for  
this party:

James A. Naddeo, Esq.  
Pa I.D. 06820

207 East Market Street  
P.O. Box 552  
Clearfield, PA 16830  
(814) 765-1601

Dated: August 21, 2006

**FILED**

0 2:05 p.m. GK paid 7.00  
AUG 21 2006

William A. Shaw 1 Complaint  
Prothonotary/Clerk of Courts Reinstated to Atty.  
GK

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

LP Land, LLC, a limited  
liability corporation,  
Plaintiff,


v.

No. 2006 - 1191 - CD

Samuel J. Serian, Harold G.  
Eyster Jr., Janet Bonita  
Hartshorn, Edward K. Eyster,  
unknown heirs and successors  
in interest to the estate of  
Josphine Edwards; unknown  
heirs and successors in  
interest to the estate of  
Harold G. Eyster; and unknown  
heirs and successors in  
interest to the estate of  
Effie M. Rupert, individuals,  
Defendants.

TO THE PROTHONOTARY OF CLEARFIELD COUNTY:

Please reinstate the Complaint filed in the above-  
captioned case.

  
James A. Naddeo  
Attorney for Plaintiff



Home | Help

Track &amp; Confirm

## Track & Confirm

### Search Results

Label/Receipt Number: 7005 0390 0003 7232 6313  
Status: Delivered

Your item was delivered at 10:59 am on August 07, 2006 in CAPE CORAL, FL 33990.

[Additional Details >](#)
[Return to USPS.com Home >](#)

### Track & Confirm

Enter Label/Receipt Number.

### Notification Options

#### Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)



POSTAL INSPECTORS  
Preserving the Trust

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[jobs](#)
[National & Premier Accounts](#)

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SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>1. Article Addressed to:</p> <p>Edward K. Eyster 1621 SE 8th Street Cape Coral, FL 33990</p>		<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <input type="checkbox"/> Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p>	
<p>2. Article Number (Transfer from service label)</p> <p>7005 0390 0003 7232 6313</p>		<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
<p>PS Form 3811, February 2004</p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p> <p>Domestic Return Receipt</p> <p>102595-02-M-1540</p>	

**FILED**

**AUG 28 2006**

William A. Shaw  
Prothonotary/Clerk of Courts

William A. Shaw  
Prothonotary/Clerk of Courts



LP Land, LLC, a limited  
liability corporation,  
Plaintiff,

[illegible]

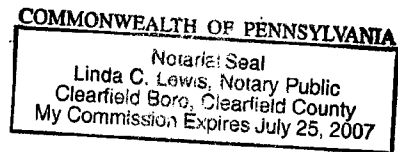
Samuel J. Serian, Harold G. Eyster Jr., Janet Bonita Hartshorn, Edward K. Eyster, unknown heirs and successors in interest to the estate of Josphine Edwards; unknown heirs and successors in interest to the estate of Harold G. Eyster; and unknown heirs and successors in interest to the estate of Effie M. Rupert, individuals, Defendants.

COMMONWEALTH OF PENNSYLVANIA )  
COUNTY OF CLEARFIELD )

James A. Naddeo  
Attorney for Plaintiff

SWORN and SUBSCRIBED before me this 28th day of August, 2006.

*Linda C. Lewis*



[Home](#) | [Help](#)[Track & Confirm](#)

## Track & Confirm

### Search Results

Label/Receipt Number: 7005 0390 0003 7232 6313  
Status: **Delivered**

Your item was delivered at 10:59 am on August 07, 2006 in CAPE CORAL, FL 33990.

[Additional Details >](#)[Return to USPS.com Home >](#)

### Track & Confirm

Enter Label/Receipt Number.

### Notification Options

#### Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)



POSTAL INSPECTORS  
Preserving the Trust

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### SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

#### 1. Article Addressed to:

Edward K. Eyster  
1621 SE 8th Street  
Cape Coral, FL 33990

#### 2. Article Number (Transfer from service label)

7005 0390 0003 7232 6313

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

### COMPLETE THIS SECTION ON DELIVERY

- A. Signature ☒ Agent ☐ Addressee
- B. Received by (Printed Name) C. Date of Delivery
- D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

#### 3. Service Type

- ☒ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

#### 4. Restricted Delivery? (Extra Fee) ☐ Yes

**FILED**

**AUG 28 2006**

William A. Shaw  
Prothonotary/Clerk of Courts

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

LP Land, LLC, a limited liability corporation,	)	
	)	Case No.: 2006-1191- CD
Plaintiff,	)	
vs.	)	Type of Case: CIVIL
	)	
Samuel J. Serian, Harold G. Eyster Jr., Janet	)	Type of Pleading: ANSWER TO
Bonita Hartshorn, Edward K. Eyster, unknown	)	COMPLAINT FOR PARTITION OF REAL
heirs and successors in interest to the estate of	)	PROPERTY
Josephine Edwards; unknown heirs and	)	
successors in interest to the estate of Harold G.	)	Filed on Behalf of Defendant, Samuel J. Serian
Eyster; and unknown heirs and successors in	)	
interest to the estate of Effie M. Rupert,	)	Counsel of Record for this Party:
individuals,	)	J. KIPP LUKEHART
	)	PA I.D. 05865
	)	LUKEHART & LUNDY
Defendants.	)	219 East Union Street
	)	PO Box 74
	)	Punxsutawney, PA 15767
	)	(814) 938-8110

---

FILED  
SEP 05 2006  
11:43 AM  
3cc  
Any  
William A. Shaw  
Prothonotary/Clerk of Courts

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

LP Land, LLC, a limited liability corporation, )

Plaintiff, )

vs. )

Samuel J. Serian, Harold G. Eyster Jr., Janet )

Bonita Hartshorn, Edward K. Eyster, unknown )

heirs and successors in interest to the estate of )

Josephine Edwards; unknown heirs and )

successors in interest to the estate of Harold G. )

Eyster; and unknown heirs and successors in )

interest to the estate of Effie M. Rupert, )

individuals, )

Defendants. )

Case No.: 2006-1191- CD

**ANSWER TO COMPLAINT FOR PARTITION OF REAL PROPERTY**

AND NOW COMES, Samuel J. Serian, Defendant, by and through his attorneys,  
Lukehart & Lundy, with the following Answer:

1. Admitted.
2. Admitted.
3. After reasonable investigation the Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment.
4. After reasonable investigation the Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment.
5. After reasonable investigation the Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment.
6. After reasonable investigation the Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment.
7. After reasonable investigation the Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment.
8. After reasonable investigation the Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment.

9. After reasonable investigation the Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment.
10. Admitted.
11. After reasonable investigation the Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment.
12. Admitted.
13. Admitted.
14. After reasonable investigation the Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment.
15. After reasonable investigation the Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment.
16. After reasonable investigation the Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment.
17. After reasonable investigation the Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment.
18. After reasonable investigation the Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment.
19. After reasonable investigation the Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment.
20. After reasonable investigation the Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment.
21. After reasonable investigation the Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment.
22. After reasonable investigation the Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment.
23. After reasonable investigation the Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment.
24. After reasonable investigation the Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment.

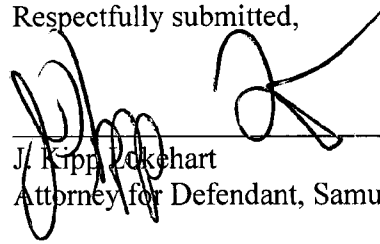
25. After reasonable investigation the Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment.

26. After reasonable investigation the Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment.

27. After reasonable investigation the Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment.

28. Admitted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. Kipp Lukehart', is written over a horizontal line.

J. Kipp Lukehart  
Attorney for Defendant, Samuel J. Serian



## VERIFICATION

**I verify that the statements made in this Answer are true and correct. I understand that false statements herein are subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to the authorities.**

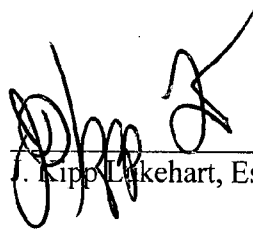
9-1-06  
Date

Samuel J. Serian  
Samuel J. Serian

**CERTIFICATE OF SERVICE**

I, J. Kipp Lukehart, hereby certify that on the 1<sup>st</sup> day of September, 2006, a true and correct copy of the foregoing Answer to Complaint for Partition of Real Property was forwarded via first-class mail, postage prepaid, to the following:

James A. Naddeo, Esquire  
207 East Market Street  
P.O. Box 552  
Clearfield, PA 16830

  
\_\_\_\_\_  
J. Kipp Lukehart, Esquire

**FILED**

**SEP 05 2006**

William A. Shaw  
Prothonotary/Clerk of Courts

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

LP LAND, LLC, a limited  
liability corporation,  
Plaintiff,

vs.

Samuel J. Serian, Harold G. Eyster,  
Jr., Janet Bonita Hartshorn, Edward  
K. Eyster, unknown heirs and  
successors in interest to the estate of  
Josephine Edwards; unknown heirs  
and successors in interest to the  
estate of Harold G. Eyster; and  
unknown heirs and successors in  
interest to the estate of Effie M.  
Rupert, individuals,  
Defendants.

NO. 2006-1191 – CD

Type of Pleading:  
Answer to Complaint for  
Partition of Real Property

Filed on Behalf of:  
Defendants, Edward K. Eyster, Janet Bonita  
Hartshorn, Mary Eyster and Kevin Eyster

Counsel of Record for this Party:

Richard L. Campbell, Esq.  
MILLER, KISTLER, CAMPBELL,  
MILLER, WILLIAMS &  
BENSON, INC.  
720 South Atherton Street  
State College, PA 16801  
(814) 234-1500  
Fax: (814) 234-1549  
PA I.D. Number 06753

FILED NO CC  
m/b/454  
SEP 22 2006

William A. Shaw  
Prothonotary/Clerk of Courts

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

LP LAND, LLC, a limited	)	
liability corporation,	)	
Plaintiff,	)	NO. 2006-1191 – CD
	)	
vs.	)	
	)	
Samuel J. Serian, Harold G. Eyster,	)	
Jr., Janet Bonita Hartshorn, Edward	)	
K. Eyster, unknown heirs and	)	
successors in interest to the estate of	)	
Josephine Edwards; unknown heirs	)	
and successors in interest to the	)	
estate of Harold G. Eyster; and	)	
unknown heirs and successors in	)	
interest to the estate of Effie M.	)	
Rupert, individuals,	)	
Defendants.	)	

**ANSWER TO COMPLAINT**  
**FOR PARTITION OF REAL PROPERTY**

AND NOW COMES, Richard L. Campbell, Esquire, attorney for Edward K.

Eyster, Janet Bonita Hartshorn, Mary Eyster and Kevin Eyster, and answers Plaintiff's Complaint  
for Partition of Real Property as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.

5. Harold G. Eyster, Jr., is deceased. His address at the time of his death was 190 Kings Highway, Altoona, PA.

6. Harold G. Eyster, Sr., was the spouse of Olive J. Eyster who died intestate in 1935. Harold G. Eyster, Sr., also died intestate, survived by three children, Janet Bonita Hartshorn, Edward K. Eyster and Harold Eyster, Jr. Harold Eyster, Jr., died intestate survived by his wife, Mary and one child, Kevin Eyster.

7. It is believed and therefore averred that Josephine Edwards died intestate, with no issue or any other intestate heirs.

8. It is denied that Effie M. Rupert had any interest in the subject property. However, it is believed and therefore averred that Effie M. Rupert died intestate, survived by two children, namely Elmer Roosevelt Edwards and Olive J. Edwards (now Eyster). Two other children, William A. Edwards and Violet G. Edwards, died prematurely.

9. Admitted, except that it is believed and therefore averred that the Commonwealth of Pennsylvania received a one-eighth (1/8) interest in the premises through the estate of Josephine Edwards.

10. Admitted.

11. Admitted.

12. Admitted.

13. Admitted.

14. Denied; on the contrary, it is believed and therefore averred that Janet Bonita Hartshorn and Edward K. Eyster each acquired title to a one-twelfth (1/12) or 8.33% share of the property as the intestate heirs of Olive J. Eyster.

15. Denied. It is averred that Olive J. Eyster acquired title to 18.75% interest in the property through the estate of James M. Edwards. The other 18.75% interest was acquired by Elmer Roosevelt Edwards. Elmer Roosevelt Edwards conveyed a one-eighth (1/8) or 12.5% interest by deed unto his wife and the remaining one-sixteenth (1/16) or 6.25% interest passed by intestacy to the three children of Olive J. Edwards. It is specifically denied that Effie M. Edwards acquired any interest in the subject premises through the estate of James M. Edwards.

16. Denied; on the contrary, it is averred that Harold G. Eyster, Jr., acquired a one-twelfth (1/12) or 8.33% interest in the above-described property as an heir and successor in interest to the estate of Harold G. Eyster, Sr., and/or the estate of Olive E. Eyester.

17. Denied. By way of answer to paragraph 17 of the Partition Complaint, it is specifically averred that the intestate heirs of the estate of Harold G. Eyster are Mary Eyster, his wife, and Kevin Eyster, his son and only issue.

18. The allegations of paragraph 18 of the Partition Complaint are denied. On the contrary, it is averred that the estate of Harold G. Eyster owned a one-twelfth (1/12) or 8.33% interest in the subject premises for the reasons otherwise set forth and the Answer to paragraph 16 of this Complaint.

19. Admitted, except that it is believed that the Josephine Edwards estate was the owner of only a one-eighth (1/8) interest in the subject premises and said interest by statute

passed to the Commonwealth of Pennsylvania inasmuch as Josephine died intestate with no intestate heirs.

20. Admitted.

21. Admitted.

22. Admitted. It is further averred that Elmer Edwards inherited an 18.75% interest from the estate of James M. Edwards, 12.5% or one-eighth (1/8) was conveyed by deed to his wife, Josephine, and the other 6.25% passed by intestacy to the heirs of his sister, Olive J. Edwards.

23. Admitted.

24. Denied; on the contrary, it is averred that Effie M. Rupert inherited no interest in the subject premises through the estate of James M. Edwards. The real estate was part of the residuary estate which passed to his children under paragraph Third of his Will.

25. Admitted.

26. The allegations of paragraph 26 of Plaintiff's Complaint are denied. On the contrary, it is averred that said reference referred only to the homestead lot and residence and not to the residuary estate which was disposed of under the Third paragraph of the Will of James M. Edwards.

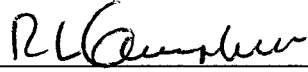
27. Admitted, except that the Commonwealth of Pennsylvania may have inherited the interest of Josephine Edwards for the reasons otherwise set forth in the answer to paragraph 19 above.

28. Admitted.



WHEREFORE, Defendants concur in Plaintiff's request to have the premises partitioned and to distribute the share or shares to the appropriate parties as their interests may appear, to reimburse Defendants for all real estate taxes, costs and expenses paid relating to the property and to grant such other and further relief as the court deems just and proper.

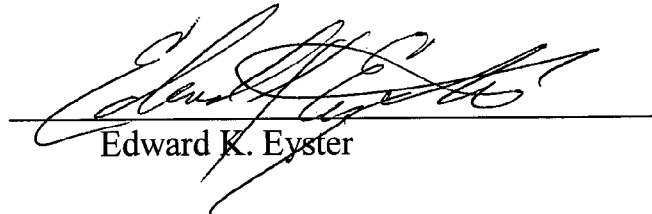
MILLER, KISTLER, CAMPBELL,  
MILLER, WILLIAMS & BENSON, INC.

By:   
Richard L. Campbell, Esquire

Dated: 9/20/06

**VERIFICATION**

I verify that the statements contained in the foregoing document are true and correct to the best of my knowledge, information and belief. I understand that false statements therein are made subject to the penalties of 18 Pa. C.S.A. Section 4904, relating to unsworn falsification to authorities.



Edward K. Eyster

Dated: 9-19-06

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

LP LAND, LLC, a limited liability corporation, )  
Plaintiff, ) NO. 2006-1191 – CD  
vs. )  
Samuel J. Serian, Harold G. Eyster, )  
Jr., Janet Bonita Hartshorn, Edward )  
K. Eyster, unknown heirs and )  
successors in interest to the estate of )  
Josephine Edwards; unknown heirs )  
and successors in interest to the )  
estate of Harold G. Eyster; and )  
unknown heirs and successors in )  
interest to the estate of Effie M. )  
Rupert, individuals, )  
Defendants. )

**CERTIFICATE OF SERVICE**

I, Richard L. Campbell, Esquire, of Miller, Kistler, Campbell, Miller & Williams, Inc., do hereby certify that on this 21<sup>st</sup> day of Sept., 2006, I served a true and correct copy of the within Answer to Complaint for Partition of Real Property on the following person by depositing the same in the United States Mail, postage prepaid, addressed as follows:

James A. Naddeo, Esq.  
207 East Market Street  
P.O. Box 552  
Clearfield, PA 16830

  
Richard L. Campbell, Esq.

**FILED**

**SEP 22 2006**

William A. Sliaw  
Prothonotary/Clerk of Courts

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

LP Land, LLC, a limited  
liability corporation,  
Plaintiff,

v.

Samuel J. Serian, Harold G.  
Eyster Jr., Janet Bonita  
Hartshorn, Edward K. Eyster,  
unknown heirs and successors  
in interest to the estate of  
Jospehine Edwards; unknown  
heirs and successors in  
interest to the estate of  
Harold G. Eyster; and unknown  
heirs and successors in  
interest to the estate of  
Effie M. Rupert, individuals,  
Defendants.

No. 2006 - 1191 - CD

**FILED**

NOV 01 2006

0/3:15/10

William A. Shaw  
Prothonotary/Clerk of Courts

2 CLERK TO

APPL

Type of Pleading:

**MOTION FOR ORDER  
DIRECTING PARTITION**

Filed on behalf of:  
Plaintiff

Counsel of Record for  
this party:

James A. Naddeo, Esq.  
Pa I.D. 06820

207 East Market Street  
P.O. Box 552  
Clearfield, PA 16830  
(814) 765-1601

Dated: November 1, 2006

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

LP Land, LLC, a limited \*  
liability corporation, \*  
Plaintiff, \*

v. \*

No. 2006 - 1191 - CD

Samuel J. Serian, Harold G. \*  
Eyster Jr., Janet Bonita \*  
Hartshorn, Edward K. Eyster, \*  
unknown heirs and successors \*  
in interest to the estate of \*  
Jospehine Edwards; unknown \*  
heirs and successors in \*  
interest to the estate of \*  
Harold G. Eyster; and unknown \*  
heirs and successors in \*  
interest to the estate of \*  
Effie M. Rupert, individuals, \*  
Defendants. \*

**MOTION FOR ORDER DIRECTING PARTITION**

TO THE HONORABLE JUDGE OF THE COURT:

NOW COMES the Plaintiff, by its undersigned counsel,  
James A. Naddeo, Esquire, and hereby moves this Honorable Court  
to direct partition of the premises which is the subject of this  
suit against defendants for failure to answer and/or admission  
and sets forth as follows:

1. That plaintiff commenced the above captioned  
action by filing a complaint for partition of real property on  
July 25, 2006. Said complaint was reinstated at plaintiff's  
request on August 28, 2006. A true and correct copy of the  
Complaint is attached hereto as Exhibit "A.")

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

LP Land, LLC, a limited  
liability corporation,  
Plaintiff,

v.

No. 2006 - 1191 - CD

Samuel J. Serian, Harold G.  
Eyster Jr., Janet Bonita  
Hartshorn, Edward K. Eyster,  
unknown heirs and successors  
in interest to the estate of  
Josphine Edwards; unknown  
heirs and successors in  
interest to the estate of  
Harold G. Eyster; and unknown  
heirs and successors in  
interest to the estate of  
Effie M. Rupert, individuals,  
Defendants.

**FILED** *xc A44*  
*9/3:40Lm* *Naddeo*  
**NOV - 3 2006** *CR*

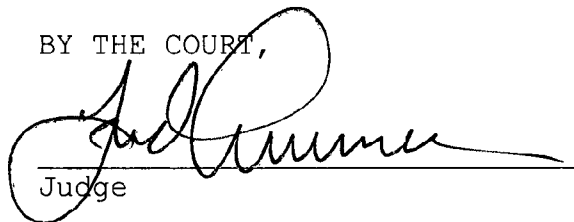
William A. Shaw  
Prothonotary/Clerk of Courts

**O R D E R**

AND NOW this 2nd day of November, 2006, upon  
consideration of the Motion for Order Directing Partition, filed  
by James A. Naddeo, attorney of record for Plaintiff, it is the  
Order of this Court that this case will be heard before the  
Court on the 14th day of December, 2006, at 2:30 P.M.,  
at the Clearfield County Courthouse, Clearfield, Pennsylvania,  
Courtroom No. 2.

One hour has been allotted for this hearing.

BY THE COURT,

  
Judge

Date: ~~10~~ 11-3-2006

☒ I have caused to be served on all appropriate parties.

☐ The Clerk of Court has provided service to the following parties:

☐ Plaintiff(s) ☐ Plaintiff(s) Attorney ☐ Other

☐ Defendant(s) ☐ Defendant(s) Attorney

☐ Special Instructions:

**FILED**

**NOV - 3 2006**

**William A. Shaw  
Prothonotary/Clerk of Courts**



2. That upon motion by plaintiff for a special order directing service generally and by publication this Honorable Court directed such with regard to the unknown heirs and successors in interest to the estate of Josephine Edwards, unknown heirs and successors in interest to the estate of Harold G. Eyster, and the unknown heirs and successors in interest to the estate of Effie M. Rupert. A true and correct copy of Order Granting Petition for Special Order Directing Service Generally and By Publication to the Unknown Heirs and Successors in Interest is attached hereto as Exhibit "B."

3. That the complaint contained a Notice to Defend within twenty (20) days from the date of service thereof, which notice was served generally to the unknown heirs and successors in interest, as fully named in Paragraph 2 above, on the 22<sup>nd</sup> and 25<sup>th</sup> days of August 2006, by publication in The Progress and Clearfield County Legal Journal, respectively. (Proof of each publication is attached collectively hereto as Exhibit "C.")

4. That answers were due to be filed by the unknown heirs or successors in interests, as fully named in Paragraph 2 above, on or before September 14, 2006.

5. That plaintiff provided written notice of its intention to request judgment against the unknown heirs and successors in interest, as fully named in Paragraph 2 above. This notice was served generally and by publication on the 21<sup>st</sup>

and 22<sup>nd</sup> days of September 2006 in The Progress and Clearfield County Legal Journal, respectively. (Proof of each publication is attached collectively hereto as Exhibit "D.")

6. That each publication as described in Paragraph 5 above is at least ten days prior to the filing of this motion.

7. That no person or entity has responded to the publications and/or answered to the complaint as a result of the publications, as more fully described in paragraph 3 above.

8. That defendants, Edward K. Eyster and Janet Bonita Hartshorn have answered plaintiff's complaint and have stated therein their concurrence to have the premises partitioned. A true and correct copy of said defendants' answer is attached hereto as Exhibit "E." (See page 5 thereof.)

9. That defendant Harold G. Eyster, Jr. as identified in the complaint has been averred by defendants, as named in paragraph 8 above, as being deceased. That the same have averred that Harold G. Eyster, Jr. died intestate survived by his wife Mary and son Kevin Eyster. (Exhibit E, page 2, paragraphs 5 and 6.)

10. That Mary Eyster and Kevin Eyster have answered plaintiff's complaint and have stated their concurrence to have the premises partitioned. (Exhibit E, page 5.)

11. That defendant, Samuel J. Serian, answered to the complaint and has admitted all paragraphs relevant to his

ownership, the description of the property, and that no partition of the described property has been made. A true and correct copy of said defendant's answer is attached hereto as Exhibit "F." (See paragraphs 2, 10, 12, 13 and 28.)

12. That pursuant to Pa. R.C.P. 1577 provides for the Court to enter an order directing partition upon default or admission of the parties. Further that Pa. R.C.P. 1037(c) and (d) provides that on motion of a party, the Court may enter an order and appropriate judgment against a party upon default or admission.

WHEREFORE, counsel for Plaintiff respectfully requests the Court enter an order directing partition as against the defendants.

Respectfully submitted,

A handwritten signature in cursive script, reading "James A. Naddeo", is written over a horizontal line.

James A. Naddeo, Esquire  
Attorney for Plaintiff

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

LP Land, LLC, a limited  
liability corporation,  
Plaintiff,

v.

Samuel J. Serian, Harold G.  
Eyster Jr., Janet Bonita  
Hartshorn, Edward K. Eyster,  
unknown heirs and successors  
in interest to the estate of  
Josphine Edwards; unknown  
heirs and successors in  
interest to the estate of  
Harold G. Eyster; and unknown  
heirs and successors in  
interest to the estate of  
Effie M. Rupert, individuals,  
Defendants.

No. 2006-1191 - CD

Type of Pleading:

COMPLAINT FOR PARTITION  
OF REAL PROPERTY

Filed on behalf of:  
Plaintiff

Counsel of Record for  
this party:

James A. Naddeo, Esq.  
Pa I.D. 06820

207 East Market Street  
P.O. Box 552  
Clearfield, PA 16830  
(814) 765-1601

Exhibit "A"

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

LP Land, LLC, a limited  
liability corporation,  
Plaintiff,

v.

No. - - CD

Samuel J. Serian, Harold G.  
Eyster Jr., Janet Bonita  
Hartshorn, Edward K. Eyster,  
unknown heirs and successors  
in interest to the estate of  
Jospehine Edwards; unknown  
heirs and successors in  
interest to the estate of  
Harold G. Eyster; and unknown  
heirs and successors in  
interest to the estate of  
Effie M. Rupert, individuals,  
Defendants.

NOTICE

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 Plaintiff. 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.

COURT ADMINISTRATOR  
CLEARFIELD COUNTY COURTHOUSE  
Market and Second Streets  
Clearfield, PA 16830

(814) 765-2641

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

LP Land, LLC, a limited  
liability corporation,  
Plaintiff,

v.

Samuel J. Serian, Harold G.  
Eyster Jr., Janet Bonita  
Hartshorn, Edward K. Eyster,  
unknown heirs and successors  
in interest to the estate of  
Jospehine Edwards; unknown  
heirs and successors in  
interest to the estate of  
Harold G. Eyster; and unknown  
heirs and successors in  
interest to the estate of  
Effie M. Rupert, individuals,  
Defendants.

\*  
\*  
\*  
\*  
\* No. - - CD  
\*

COMPLAINT FOR PARTITION OF REAL PROPERTY

NOW COMES the Plaintiff, LP Land, LLC, and by their  
attorney, James A. Naddeo, Esquire, sets forth the following:

1. That the Plaintiff, LP Land, LLC, is a limited  
liability company, and has its principal place of business at  
1124 Lezzer Lane, Curwensville, Pennsylvania.

2. That the Defendant, Samuel J. Serian, is an individual,  
who was last know to reside at 22 Clinton Street, Rossiter, PA  
15772.

3. That the Defendant, Janet Bonita Hartshorn, is an  
individual, residing at 7 Windsor Drive, Charleston, North  
Carolina 29407.

18. That the unknown heirs and successors in interest of Harold G. Eyster, should any exist, would acquire title to a representative and intestate share of 4.16 percent interest; the same share of the property described above which Harold G. Eyster had acquired by intestate share as an heir and successor in interest to the estate of Olive E. Eyster.

19. That Defendants, namely the heirs and successors in interest to the estate of Josephine Edwards, identities and whereabouts are unknown and may or may not exist as heirs or successors in interest to the estate of Josephine Edwards.

20. That the unknown heirs and successors in interest of Josephine Edwards, should any exist, would acquire title to a 12.5 percent interest in the property described above from the estate of Josephine Edwards upon her death.

21. That both Elmer and Josephine Edwards are believed to be deceased.

22. That Elmer and Josephine Edwards had acquired title to a 12.5 percent interest as tenants by the entirety: the last recorded deed of which is recorded in Clearfield County Deeds and Records Book Volume 500, Page 486.

23. That Elmer Edwards is believed to have predeceased Josephine Edwards causing her to be the sole owner of the 12.5 percent interest, the last recorded deed of which is recorded in Clearfield County Deeds and Records Book Volume 500, Page 486.

recorded in Clearfield County Deeds and Records Book Volume 1509, Page 431.

13. That Ruth Carol Serian is now deceased causing Samuel J. Serian to be the sole holder of the 25 percent interest acquired by the couple on January 14, 1993, recorded in Clearfield County Deeds and Records Book Volume 1509, Page 431.

14. That Defendants, Janet Bonita Hartshorn, Edward K. Eyster each acquired title to a 4.16 percent share of the property described above by intestate share as heirs and successors in interest to the estate of Olive E. Eyster.

15. That Olive E. Eyster had acquired title to a 12.5 percent interest in the property described above through a devise in the will of James M. Edwards recorded as Estate No. 5704 in Clearfield County Will Book H, Page 399.

16. That the Defendant, Harold G. Eyster, Jr. acquired a representative and intestate share to a 4.16 percent interest in the above described property as an heir and successor in interest to the estate of Harold G. Eyster.

17. That the Defendants, namely any other the heirs and successors in interest to the estate of Harold G. Eyster identities and whereabouts are unknown and may or may not exist as heirs or successors in interest to the estate of Harold G. Eyster.



Beginning at a post, the Southwest corner of tract; thence by tract No. 3610, North four and one-half degrees East one hundred and one (101) perches to point on line of Thomas Currie one hundred and thirty-eight acre tract; thence by said Currie tract South eighty-five and one-half degrees East seventy-nine (79) perches, more or less, to post and stones on West line of right of way of Clearfield & Mahoning Railroad; thence by said right of way line in a Northwesterly direction one hundred and fifty-two (152) perches, more or less, to where the said right of way line intersects the West line North four and one-half degrees East two hundred (200) perches, more or less, to Gum corner of tract; thence by tract No. 3596 South eighty-five and one-half degrees East four hundred and sixteen (416) perches to a Gum on line of tract No. 4252; thence South four and a half degrees West four hundred and sixteen (416) perches to a whiteoak; thence by tract No. 3590 North eighty-five and one-half degrees West four hundred and sixteen (416) perches to the place of beginning, containing one thousand and twenty (1020) acres, more or less, being part of tract No. 3579.

11. That Plaintiffs acquired title to a 37.5 percent undivided interest in the property described above by deeds from two separate grantors, one being the Estate of Charles A. Irvin and one being several heirs and descendants of R. Wilson McNaul, the last recorded conveyance of the same are dated October 26, 2005, recorded in Clearfield County as Instrument No. 200600126; and November 28, 2005, recorded in Clearfield County as Instrument No. 200600125, respectively.

12. That Defendant, Samuel J. Serian, acquired title with his wife, Ruth Carol Serian, to a 25 percent interest in the property described above by deed, the last recorded conveyance of the same from Kim Mowrey Hobba, dated January 14, 1993,

successors in interests to the estate of Josephine Edwards and upon defendants, the unknown heirs and successors in interests to the estate of Harold G. Eyster is to be made by way of publication by advertising the notice of action once in the Clearfield County Legal Journal and once in both the Clearfield and Blair County Newspapers. Service upon defendants, the unknown heirs and successors in interests to the estate of Effie M. Ruppert is to be made by way of publication by advertising the notice of action once in the Clearfield County Legal Journal and once in the Clearfield County Newspaper.

BY THE COURT:

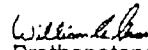
/s/ Fredric J. Ammerman

\_\_\_\_\_  
Judge

I hereby certify this to be a true  
and attested copy of the original  
statement filed in this case.

AUG 09 2006

Attest.

  
Prothonotary/  
Clerk of Courts

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

LP Land, LLC, a limited  
liability corporation,  
Plaintiff,

v.

\*  
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\*  
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\*  
\*  
\*  
\*  
\*

No. 2006 - 1191 - CD

Samuel J. Serian, Harold G.  
Eyster Jr., Janet Bonita  
Hartshorn, Edward K. Eyster,  
unknown heirs and successors  
in interest to the estate of  
Jospheine Edwards; unknown  
heirs and successors in  
interest to the estate of  
Harold G. Eyster; and unknown  
heirs and successors in  
interest to the estate of  
Effie M. Rupert, individuals,  
Defendants.

ORDER GRANTING PETITION FOR SPECIAL  
ORDER DIRECTING SERVICE GENERALLY AND BY PUBLICATION  
TO THE UNKNOWN HEIRS AND SUCCESSORS IN INTEREST

AND NOW, this 8 day of August,

2006, upon consideration of plaintiff's motion for a special order directing service generally and by way of publication and it appearing to the court that plaintiff has made a good faith effort to ascertain defendants, the unknown heirs and successors in interests to the estate of Josephine Edwards; the unknown heirs and successors in interest to the estate of Harold G. Eyster; and the unknown heirs and successors in interest to the estate of Effie M. Ruppert, it is hereby ORDERED that the motion is granted. Service upon defendants, the unknown heirs and

Exhibit "B"

OF COMMON PLEAS  
OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
CIVIL DIVISION  
No. 06-1191-CD

LP Land, LLC,  
a limited  
liability corporation,  
Plaintiff.

vs.

Samuel J. Serian,  
Harold G. Eyster, Jr.,  
Janet Bonita Hartshorn,  
Edward K. Eyster,  
unknown heirs and successors  
in interest to the estate of  
Josephine Edwards;  
unknown heirs and successors  
in interest to the estate of  
Harold G. Eyster;  
and unknown heirs  
and successors in interest to  
the estate of  
Effie M. Rupert,  
individuals,  
Defendants.

TO: Heirs, Successors in Interest  
of the Estate of Josephine Ed-  
wards; Heirs, Successors in Inter-  
est of the Estate of Effie M. Rupert;  
Heirs, Successors in Interest of the  
Estate of Harold G. Eyster.

Defendants  
Date of Notice:

September 15, 2006

IMPORTANT NOTICE

YOU ARE IN DEFAULT BE-  
CAUSE YOU HAVE FAILED TO  
ENTER A WRITTEN APPEAR-  
ANCE PERSONALLY OR BY AN  
ATTORNEY AND FILE IN WRITING  
WITH THE COURT YOUR DE-  
FENSES OR OBJECTIONS TO  
THE CLAIMS SET FORTH  
AGAINST YOU. UNLESS YOU  
ACT WITHIN TEN DAYS FROM  
THE DATE OF THIS NOTICE, A  
JUDGMENT MAY BE ENTERED  
AGAINST YOU WITHOUT A HEAR-  
ING AND YOU MAY LOSE YOUR  
PROPERTY OR OTHER IMPOR-  
TANT RIGHTS.

YOU SHOULD TAKE THIS PA-  
PER 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 HIR-  
ING A LAWYER. IF YOU CANNOT  
AFFORD TO HIRE A LAWYER,  
THIS OFFICE MAY BE ABLE TO  
PROVIDE YOU WITH INFORMA-  
TION ABOUT AGENCIES THAT  
MAY OFFER LEGAL SERVICES  
TO ELIGIBLE PERSONS AT A RE-  
DUCED FEE OR NO FEE.

Court Administrator  
Clearfield County Courthouse  
Market and Second Streets  
Clearfield, PA 16830  
(814) 765-2641, Ext. 5982

s/James A. Naddeo, Esquire  
207 East Market Street  
Clearfield, PA 16830  
(814) 765-1601

9:18-1d-b

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :  
COUNTY OF CLEARFIELD : SS:

On this 21st day of September, A.D. 2006,  
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 September 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.

*Cheryl J. Robison*  
Notary Public Clearfield, Pa.

My Commission Expires  
October 31, 2007

COMMONWEALTH OF PENNSYLVANIA  
Notarial Seal  
Cheryl J. Robison, Notary Public  
Clearfield Boro, Clearfield County  
My Commission Expires Oct. 31, 2007  
Member, Pennsylvania Association Of Notaries

Exhibit "D"

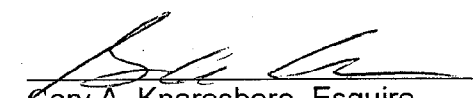
## PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :

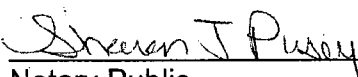
:

COUNTY OF CLEARFIELD :

On this 25th day of August 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 August 25, 2006, Vol. 18 No. 34. 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.

  
Notary Public  
My Commission Expires

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

James A Naddeo  
PO Box 552  
Clearfield PA 16830

IN THE COURT OF COMMON  
PLEAS, OF CLEARFIELD  
COUNTY, PENNSYLVANIA, CIVIL  
DIVISION - LP Land, LLC, a limited  
liability corporation, Plaintiff, v. Sa-  
muel J. Serian, Harold G. Eyster Jr.,  
Janet Bonita Hartshorn, Edward K.  
Eyster, unknown heirs and succes-  
sors in interest to the estate of Jo-  
sephine Edwards; unknown heirs  
and successors in interest to the  
estate of Harold G. Eyster; and un-  
known heirs and successors in in-  
terest to the estate of Effie M. Ru-  
pert, individuals, Defendants.

No. 2006-1191-CD

To: The heirs, executors, admin-  
istrators, assigns, and successors  
in interest of EFFIE M. RUPERT.

To: The heirs, executors, admin-  
istrators, assigns, and successors  
in interest of HAROLD G. EYSTER.

To: The heirs, executors, admin-  
istrators, assigns, and successors  
in interest of JOSEPHINE ED-  
WARDS.

You are hereby notified that an  
Action to Partition property identi-  
fied as No. 3579, all that certain  
tract or parcel of land situated in  
The Township of Bloom (Map No.  
104-F7-4), County of Clearfield  
and State of Pennsylvania, has  
been filed against you. Said parcel  
of land being more particularly  
bounded and described as follows:

Beginning at a post, the South-  
west corner of tract; thence by tract  
No. 3610, North four and one-half  
degrees East one hundred and one  
(101) perches to point on line of  
Thomas Currie one hundred and  
thirty-eight acre tract; thence by  
said Currie tract South eighty-five  
and one-half degrees East seventy-  
nine (79) perches, more or less, to  
post and stones on West line of  
right-of-way of Clearfield & Mahon-  
ing Railroad; thence by said right-  
of-way line in a Northwesterly direc-  
tion one hundred and fifty-two  
(152) perches, more or less, to  
where the said right-of-way line in-  
tersects the West line North four  
and one-half degrees East two hun-  
dred (200) perches, more or less,  
to Gum corner of tract; thence by  
tract No. 3596 South eighty-five  
and one-half degrees East four hun-  
dred and sixteen (416) perches to  
a Gum on line of tract No. 4252;  
thence South four and a half de-  
grees West four hundred and six-  
teen (416) perches to a white oak;  
thence by tract No. 3590 North  
eighty-five and one-half degrees  
West four hundred and sixteen  
(416) perches to the place of be-  
ginning, containing one thousand  
and twenty (1020) acres, more or  
less, being part of tract No. 3579.

The purpose of this action is to  
partition the above described prop-  
erty which is presently held by the  
named defendants and plaintiff as  
tenants in common and is undi-  
vided.

WHEREUPON, said Court or-  
dered that notice of the said Action  
be served generally upon the heirs,  
executors, administrators, as-  
signs, and successors in interest of  
Effie M. Rupert, Harold G. Eyster,  
and Josephine Edwards to answer  
the said Complaint within twenty  
(20) days from the date of this publi-  
cation. For failure to comply, a judg-  
ment will be taken by application of  
Plaintiff before the Court.

NOTICE - If you wish to defend,  
you must enter a written appear-  
ance 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

## PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :  
: SS:  
COUNTY OF CLEARFIELD :

On this 22nd day of August, A.D. 2006,  
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 August 19, 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.

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

*Cheryl J. Robison*  
Notary Public Clearfield, Pa.

My Commission Expires  
October 31, 2007

COMMONWEALTH OF PENNSYLVANIA  
Notarial Seal  
Cheryl J. Robison, Notary Public  
Clearfield Boro, Clearfield County  
My Commission Expires Oct. 31, 2007

Member, Pennsylvania Association Of Notaries

a judgment may be entered against  
you without further notice for the re-  
lief requested by the plaintiff. You  
may lose money or property or  
other rights important to you.

YOU SHOULD TAKE THIS NO-  
TICE 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, Clearfield,  
Pennsylvania, (814) 765-2641,  
Ext. 5982.

Published by: James A. Naddeo,  
Esquire, 207 East Market Street,  
P.O. Box 552, Clearfield, Pennsyl-  
vania, 16830, Attorney for Plaintiff.

8:19-1d-b

Exhibit "C"

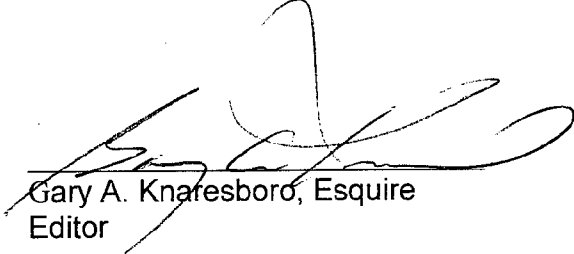
## PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :

:

COUNTY OF CLEARFIELD :

On this 22nd day of September 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 September 22, 2006, Vol. 18 No. 38. 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.

  
Notary Public  
My Commission Expires

James A Naddeo  
PO Box 552  
Clearfield PA 16830

SEP 22 2006

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

LP LAND, LLC, a limited  
liability corporation,

Plaintiff,

vs.

Samuel J. Serian, Harold G. Eyster,  
Jr., Janet Bonita Hartshorn, Edward  
K. Eyster, unknown heirs and  
successors in interest to the estate of  
Josephine Edwards; unknown heirs  
and successors in interest to the  
estate of Harold G. Eyster; and  
unknown heirs and successors in  
interest to the estate of Effie M.  
Rupert, individuals,

Defendants.

NO. 2006-1191 – CD

Type of Pleading:  
Answer to Complaint for  
Partition of Real Property

Filed on Behalf of:  
Defendants, Edward K. Eyster, Janet Bonita  
Hartshorn, Mary Eyster and Kevin Eyster

Counsel of Record for this Party:

Richard L. Campbell, Esq.  
MILLER, KISTLER, CAMPBELL,  
MILLER, WILLIAMS &  
BENSON, INC.  
720 South Atherton Street  
State College, PA 16801  
(814) 234-1500  
Fax: (814) 234-1549  
PA I.D. Number 06753

Exhibit "E"



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

LP LAND, LLC, a limited	)	
liability corporation,	)	
Plaintiff,	)	NO. 2006-1191 – CD
	)	
vs.	)	
	)	
Samuel J. Serian, Harold G. Eyster,	)	
Jr., Janet Bonita Hartshorn, Edward	)	
K. Eyster, unknown heirs and	)	
successors in interest to the estate of	)	
Josephine Edwards; unknown heirs	)	
and successors in interest to the	)	
estate of Harold G. Eyster; and	)	
unknown heirs and successors in	)	
interest to the estate of Effie M.	)	
Rupert, individuals,	)	
Defendants.	)	

**ANSWER TO COMPLAINT**  
**FOR PARTITION OF REAL PROPERTY**

AND NOW COMES, Richard L. Campbell, Esquire, attorney for Edward K.

Eyster, Janet Bonita Hartshorn, Mary Eyster and Kevin Eyster, and answers Plaintiff's Complaint  
for Partition of Real Property as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.

5. Harold G. Eyster, Jr., is deceased. His address at the time of his death was 190 Kings Highway, Altoona, PA.

6. Harold G. Eyster, Sr., was the spouse of Olive J. Eyster who died intestate in 1935. Harold G. Eyster, Sr., also died intestate, survived by three children, Janet Bonita Hartshorn, Edward K. Eyster and Harold Eyster, Jr. Harold Eyster, Jr., died intestate survived by his wife, Mary and one child, Kevin Eyster.

7. It is believed and therefore averred that Josephine Edwards died intestate, with no issue or any other intestate heirs.

8. It is denied that Effie M. Rupert had any interest in the subject property. However, it is believed and therefore averred that Effie M. Rupert died intestate, survived by two children, namely Elmer Roosevelt Edwards and Olive J. Edwards (now Eyster). Two other children, William A. Edwards and Violet G. Edwards, died prematurely.

9. Admitted, except that it is believed and therefore averred that the Commonwealth of Pennsylvania received a one-eighth (1/8) interest in the premises through the estate of Josephine Edwards.

10. Admitted.

11. Admitted.

12. Admitted.

13. Admitted.

14. Denied; on the contrary, it is believed and therefore averred that Janet Bonita Hartshorn and Edward K. Eyster each acquired title to a one-twelfth (1/12) or 8.33% share of the property as the intestate heirs of Olive J. Eyster.

15. Denied. It is averred that Olive J. Eyster acquired title to 18.75% interest in the property through the estate of James M. Edwards. The other 18.75% interest was acquired by Elmer Roosevelt Edwards. Elmer Roosevelt Edwards conveyed a one-eighth (1/8) or 12.5% interest by deed unto his wife and the remaining one-sixteenth (1/16) or 6.25% interest passed by intestacy to the three children of Olive J. Edwards. It is specifically denied that Effie M. Edwards acquired any interest in the subject premises through the estate of James M. Edwards.

16. Denied; on the contrary, it is averred that Harold G. Eyster, Jr., acquired a one-twelfth (1/12) or 8.33% interest in the above-described property as an heir and successor in interest to the estate of Harold G. Eyster, Sr., and/or the estate of Olive E. Eyester.

17. Denied. By way of answer to paragraph 17 of the Partition Complaint, it is specifically averred that the intestate heirs of the estate of Harold G. Eyster are Mary Eyster, his wife, and Kevin Eyster, his son and only issue.

18. The allegations of paragraph 18 of the Partition Complaint are denied. On the contrary, it is averred that the estate of Harold G. Eyster owned a one-twelfth (1/12) or 8.33% interest in the subject premises for the reasons otherwise set forth and the Answer to paragraph 16 of this Complaint.

19. Admitted, except that it is believed that the Josephine Edwards estate was the owner of only a one-eighth (1/8) interest in the subject premises and said interest by statute

passed to the Commonwealth of Pennsylvania inasmuch as Josephine died intestate with no intestate heirs.

20. Admitted.

21. Admitted.

22. Admitted. It is further averred that Elmer Edwards inherited an 18.75% interest from the estate of James M. Edwards, 12.5% or one-eighth (1/8) was conveyed by deed to his wife, Josephine, and the other 6.25% passed by intestacy to the heirs of his sister, Olive J. Edwards.

23. Admitted.

24. Denied; on the contrary, it is averred that Effie M. Rupert inherited no interest in the subject premises through the estate of James M. Edwards. The real estate was part of the residuary estate which passed to his children under paragraph Third of his Will.

25. Admitted.

26. The allegations of paragraph 26 of Plaintiff's Complaint are denied. On the contrary, it is averred that said reference referred only to the homestead lot and residence and not to the residuary estate which was disposed of under the Third paragraph of the Will of James M. Edwards.

27. Admitted, except that the Commonwealth of Pennsylvania may have inherited the interest of Josephine Edwards for the reasons otherwise set forth in the answer to paragraph 19 above.

28. Admitted.

WHEREFORE, Defendants concur in Plaintiff's request to have the premises partitioned and to distribute the share or shares to the appropriate parties as their interests may appear, to reimburse Defendants for all real estate taxes, costs and expenses paid relating to the property and to grant such other and further relief as the court deems just and proper.

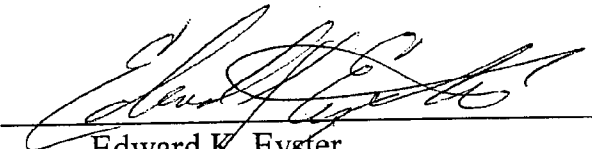
MILLER, KISTLER, CAMPBELL,  
MILLER, WILLIAMS & BENSON, INC.

By: Richard L. Campbell  
Richard L. Campbell, Esquire

Dated: 9/20/06

**VERIFICATION**

I verify that the statements contained in the foregoing document are true and correct to the best of my knowledge, information and belief. I understand that false statements therein are made subject to the penalties of 18 Pa. C.S.A. Section 4904, relating to unsworn falsification to authorities.

  
\_\_\_\_\_  
Edward K. Eyster

Dated: 9-19-06

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

LP LAND, LLC, a limited liability corporation, )  
Plaintiff, ) NO. 2006-1191 – CD  
vs. )  
Samuel J. Serian, Harold G. Eyster, )  
Jr., Janet Bonita Hartshorn, Edward )  
K. Eyster, unknown heirs and )  
successors in interest to the estate of )  
Josephine Edwards; unknown heirs )  
and successors in interest to the )  
estate of Harold G. Eyster; and )  
unknown heirs and successors in )  
interest to the estate of Effie M. )  
Rupert, individuals, )  
Defendants. )

CERTIFICATE OF SERVICE

I, Richard L. Campbell, Esquire, of Miller, Kistler, Campbell, Miller & Williams, Inc., do hereby certify that on this 21<sup>st</sup> day of Sept, 2006, I served a true and correct copy of the within Answer to Complaint for Partition of Real Property on the following person by depositing the same in the United States Mail, postage prepaid, addressed as follows:

James A. Naddeo, Esq.  
207 East Market Street  
P.O. Box 552  
Clearfield, PA 16830

Richard L. Campbell  
Richard L. Campbell, Esq.

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

SEP 05 2006

LP Land, LLC, a limited liability corporation, )

Plaintiff, )

vs. )

Samuel J. Serian, Harold G. Eyster Jr., Janet )  
Bonita Hartshorn, Edward K. Eyster, unknown )  
heirs and successors in interest to the estate of )  
Josephine Edwards; unknown heirs and )  
successors in interest to the estate of Harold G. )  
Eyster; and unknown heirs and successors in )  
interest to the estate of Effie M. Rupert, )  
individuals, )

Defendants. )

Case No.: 2006-1191- CD

Type of Case: CIVIL

Type of Pleading: ANSWER TO  
COMPLAINT FOR PARTITION OF REAL  
PROPERTY

Filed on Behalf of Defendant, Samuel J. Serian

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

Exhibit "F"



9. After reasonable investigation the Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment.

10. Admitted.

11. After reasonable investigation the Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment.

12. Admitted.

13. Admitted.

14. After reasonable investigation the Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment.

15. After reasonable investigation the Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment.

16. After reasonable investigation the Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment.

17. After reasonable investigation the Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment.

18. After reasonable investigation the Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment.

19. After reasonable investigation the Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment.

20. After reasonable investigation the Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment.

21. After reasonable investigation the Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment.

22. After reasonable investigation the Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment.

23. After reasonable investigation the Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment.

24. After reasonable investigation the Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment.

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

LP Land, LLC, a limited liability corporation, )  
Plaintiff, )

vs. )

Samuel J. Serian, Harold G. Eyster Jr., Janet )  
Bonita Hartshorn, Edward K. Eyster, unknown )  
heirs and successors in interest to the estate of )  
Josephine Edwards; unknown heirs and )  
successors in interest to the estate of Harold G. )  
Eyster; and unknown heirs and successors in )  
interest to the estate of Effie M. Rupert, )  
individuals, )  
Defendants. )

Case No.: 2006-1191- CD

**ANSWER TO COMPLAINT FOR PARTITION OF REAL PROPERTY**

AND NOW COMES, Samuel J. Serian, Defendant, by and through his attorneys,  
Lukehart & Lundy, with the following Answer:

1. Admitted.
2. Admitted.
3. After reasonable investigation the Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment.
4. After reasonable investigation the Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment.
5. After reasonable investigation the Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment.
6. After reasonable investigation the Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment.
7. After reasonable investigation the Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment.
8. After reasonable investigation the Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment.

**VERIFICATION**

**I verify that the statements made in this Answer are true and correct. I understand that false statements herein are subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to the authorities.**

9-1-06  
Date

Samuel J. Serian  
Samuel J. Serian

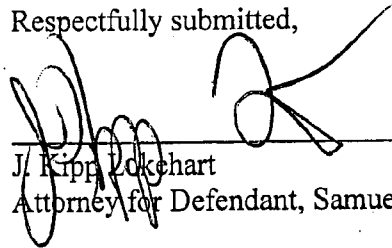
25. After reasonable investigation the Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment.

26. After reasonable investigation the Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment.

27. After reasonable investigation the Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment.

28. Admitted.

Respectfully submitted,



---

J. Kipp Zokchart  
Attorney for Defendant, Samuel J. Serian

proper and necessary sale or sales of the same may be made by  
such persons and in such manner as the Court may direct;

(c) such other and further relief be granted as the Court  
deems just and proper.

A handwritten signature in dark ink, appearing to read "James A. Naddeo", is written over a horizontal line. The signature is stylized with a large, looping initial "J" and a circular flourish at the end.

James A. Naddeo  
Attorney for Plaintiffs

24. That the unknown heirs and successors in interest of Effie M. Rupert, should any exist, would acquire a representative share in title to a 12.5 percent interest in the property described above from the estate of Effie M. Rupert upon her death.

25. That Effie M. Rupert is believed to be deceased.

26. That Effie M. Rupert had acquired title to a 12.5 percent interest in the property described above by giving effect to a clause in the will of James M. Edwards which provided she receive an intestate share of his property upon her remarriage, recorded in Estate No. 5704 in Clearfield County Will Book H, Page 399.

27. That no other person other than those named as known or those named as unknown has any title or interest in the property.

28. No partition or division of the above-described property has ever been made.

WHEREFORE, Plaintiff requests:

(a) the Court decree partition of the real estate;

(b) the share or shares to which the respective parties are entitled be set out to them in severalty and that all proper and necessary conveyances and assurances be executed for carrying such partition into effect; and that, if the real estate cannot be divided without prejudice to or spoiling the whole, such

4. That the Defendant, Edward K. Eyster, is an individual residing at 1621 SE 8<sup>th</sup> Street, Cape Coral, Florida 33990.

5. That the Defendants, namely Harold G. Eyster Jr. is an individual last known to be residing at 190 Kings Highway, Altoona, PA 16602.

6. That the Defendants, namely any other heirs and successors in interest to the estate of Harold G. Eyster may or may not exist and are unidentified and whereabouts are unknown.

7. That the Defendants, namely the heirs and successors in interest to the estate of Josephine Edwards are unidentified and whereabouts are unknown.

8. That the Defendants, namely the heirs and successors in interest to the estate of Effie M. Rupert are unidentified and whereabouts are unknown.

9. Plaintiffs and defendants are the owners of certain real estate in Clearfield County as described below, and all the interests of the parties in the property are held as tenants in common and are undivided.

10. The property in question is identified as No. 3579, and is all that certain tract or parcel of land situated in The Township of Bloom (Map No. 104-F7-4), County of Clearfield and State of Pennsylvania. The property is bounded and described as follows:

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

LP LAND, LLC, a limited  
liability corporation

-vs-

SAMUEL J. SERIAN, et al.

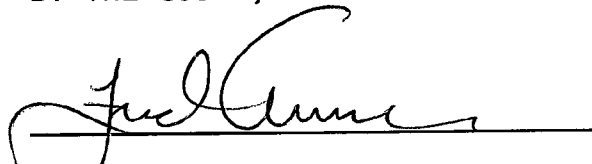
No. 06-1191-CD

O R D E R

NOW, this 14th day of December, 2006, upon agreement of the parties, it is the ORDER of this Court that Winifred Jones-Wenger, Esquire, be appointed to act as Master in Partition in the above-captioned matter, limited to obtaining an appraisal of the property which is the subject of this litigation until further Order of Court or until agreement of the parties.

It is the further ORDER of this Court that the Master provide a copy of the appraisal to counsel of record.

BY THE COURT,

  
President Judge

FILED  
DEC 15 2006

Copies -  
See attached

(GR)

William A. Shaw  
Prothonotary/Clerk of Courts



FILED

DEC 15 2006

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 12/15/06

\_\_\_\_ You are responsible for serving all appropriate parties.

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

\_\_\_\_ Plaintiff(s) \_\_\_\_ Plaintiff(s) Attorney X Other -see attached

\_\_\_\_ Defendant(s) \_\_\_\_ Defendant(s) Attorney

\_\_\_\_ Special Instructions:

06-1191-CD  
LP Land vs. Samuel Serian et al

1 CC-James Naddeo, Esq. (Plaintiff)

1 CC-J. Kipp Lukhart (Defendant-Serian)

1 CC-Winifred Jones-Wenger (Master)

1 CC: H. Eyster, J. Hartshorn, E. Eyster

Harold G. Eyster, Jr.  
190 Kings Highway  
Altoona, PA 16602

Janet Bonita Hartshorn  
7 Windsor Drive  
Charleston, NC 29407

Edward K. Eyster  
1621 SE 8<sup>th</sup> Street  
Cape Coral, FL 33990

Josephine Edwards (Deceased)

Harold G. Eyster (Deceased)

Effie M. Rupert (Deceased)

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

LP Land, LLC, a limited  
liability corporation,  
Plaintiff,

v.

No. 06-1191-CD

Samuel J. Serian, Harold G.  
Eyster Jr., Janet Bonita  
Hartshorn, Edward K. Eyster,  
unknown heirs and successors  
in interest to the estate of  
Jospehine Edwards; unknown  
heirs and successors in  
interest to the estate of  
Harold G. Eyster; and unknown  
heirs and successors in  
interest to the estate of  
Effie M. Rupert, individuals,  
Defendants.

FILED No CC.  
9/9:20Lm  
MAR 28 2007 (Lm)

William A. Shaw  
Prothonotary/Clerk of Courts

**MOTION FOR ORDER APPOINTING SUBSTITUTE MASTER IN PARTITION**

TO THE HONORABLE JUDGE OF THE COURT:

NOW COMES the Plaintiff, by its undersigned counsel,  
James A. Naddeo, Esquire, and hereby moves this Honorable Court  
to appoint a substitute Master and sets forth as follows:

1. That plaintiff commenced the above captioned  
action by filing a complaint for partition of real property on  
July 25, 2006.

2. That upon motion by plaintiff for an Order  
Directing Partition, on December 14, 2006 this Court entered an  
Order appointing Winifred Jones-Wenger to act as Master in

Partition of this case. A true and correct copy of said Order is attached hereto as Exhibit "A."

3. That the same Order as identified in paragraph 2 limits the service to be provided by the Master to obtaining an appraisal of the property which is the subject of this litigation.

4. That no later than January 5, 2006, Winifred Jones-Wenger had in her possession all necessary information regarding the subject property required to proceed with obtaining an appraisal, as well as all information regarding counsel of record in this matter.

5. That on February 1, 2006 the office of Plaintiff's counsel contacted Mrs. Jones-Wenger, spoke to Mrs. Jones-Wenger and was advised that she had contacted a realtor to perform the appraisal. Further that she would be sending out a letter to all parties designating which realtor she had chosen.

6. That to date Plaintiff has not received any information from Mrs. Jones-Wenger as to the realtor chosen or as to any other circumstance which may be preventing the progression of this appraisal.

7. That Plaintiff's counsel has continued to pursue the status of the appraisal with Mrs. Jones-Wenger to no avail.

8. That specifically, on or about February 15, 2007 Plaintiff's counsel inquired to Mrs. Jones-Wenger by letter as

to the status of the appraisal. True and correct copy of said letter is attached hereto as Exhibit "B."

9. That on or about March 6, 2007, Plaintiff's counsel telephoned Mrs. Jones-Wenger's office, was not offered the opportunity to speak to her, but left a detailed message for Mrs. Jones-Wenger urging the importance of her simply providing the status of the appraisal in this case.

10. That to date Plaintiff has not received any information from Mrs. Jones-Wenger regarding the status of obtaining an appraisal in this case.

11. That defense counsel have been placed on notice and have no objection to Plaintiff's filing of this motion to appoint a substitute Master in Partition.

12. That as a result of the lack of progression by the presently appointed Master, Plaintiff respectfully requests this Court remove Mrs. Jones-Wenger as Master and appoint a substitute individual to act as Master in Partition in this case.

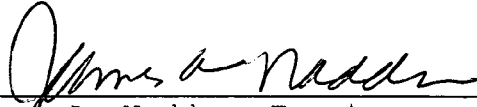
13. That said appointment of a substitute Master in Partition should be limited to obtaining an appraisal of the property which is the subject of this litigation and that said Master be ordered to provide a copy of the appraisal to counsel of record.

WHEREFORE, counsel for Plaintiff respectfully requests the Court enter an order removing Winifred Jones-Wenger as Master in Partition and appoint a substitute individual to act as Master in Partition in the above captioned case.

Respectfully submitted,

NADDEO & LEWIS, LLC

By

  
James A. Naddeo, Esquire  
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

LP LAND, LLC, a limited  
liability corporation

-vs-

SAMUEL J. SERIAN, et al.

No. 06-1191-CD

O R D E R

NOW, this 14th day of December, 2006, upon agreement of the parties, it is the ORDER of this Court that Winifred Jones-Wenger, Esquire, be appointed to act as Master in Partition in the above-captioned matter, limited to obtaining an appraisal of the property which is the subject of this litigation until further Order of Court or until agreement of the parties.

It is the further ORDER of this Court that the Master provide a copy of the appraisal to counsel of record.

BY THE COURT,

/s/ Fredric J. Ammerman

President Judge

I hereby certify this to be a true  
and attested copy of the original  
statement filed in this case.

DEC 15 2006

Exhibit "A"

Attest.

*William A. Khan*  
Prothonotary/  
Clerk of Courts

JAMES A. NADDEO  
ATTORNEY AT LAW  
207 EAST MARKET STREET  
P.O. BOX 552  
CLEARFIELD, PENNSYLVANIA 16830

ASSOCIATE  
LINDA C. LEWIS

(814) 765-1601  
FAX: (814) 765-8142  
naddeolaw@atlanticbbn.net

February 15, 2007

Winifred H. Jones-Wenger, Esquire  
333 East Laurel Street  
Philipsburg, PA 16866

RE: LP Land, LLC v. Samuel J. Serian, et. al.

Dear Ms. Jones-Wenger:

The Court appointed you as Master in Partition by Order dated December 14, 2006. The Order instructs you to have the property appraised for the purpose of determining its value. Can you please provide me with the status of your efforts? Has an appraiser been retained?

Sincerely,

James A. Naddeo

JAN/dab

cc: LP Land, LLC

Exhibit "B"



(9)

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

LP Land, LLC, a limited  
liability corporation,  
Plaintiff,

v.

No. 06-1191-CD

Samuel J. Serian, Harold G.  
Eyster Jr., Janet Bonita  
Hartshorn, Edward K. Eyster,  
unknown heirs and successors  
in interest to the estate of  
Josphine Edwards; unknown  
heirs and successors in  
interest to the estate of  
Harold G. Eyster; and unknown  
heirs and successors in  
interest to the estate of  
Effie M. Rupert, individuals,  
Defendants.

**FILED**  
013:3161  
MAR 29 2007

ICC  
Amy Naddo  
GR

William A. Shaw  
Prothonotary/Clerk of Courts

ORDER

NOW, this 29<sup>th</sup> day of March, 2007, upon consideration of the Motion for Order Appointing Substitute Master in Partition by Plaintiff and upon said agreement of defense counsel it is the ORDER of this Court that Winifred Jones-Wenger be removed as Master in Partition in the above captioned case and that Ron Collins be appointed to act as Master in Partition in the above captioned case. Said appointment is limited to obtaining an appraisal of the property which is the subject of this litigation until further Order of the Court or until agreement of the parties.

It is the further Order of this Court that the Master  
provide a copy of the appraisal to counsel of record.

BY THE COURT,

Frederick J. Cunningham

FILED

MAR 29 2007

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 3/29/07

X 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

LP Land, LLC, a limited  
liability corporation,  
Plaintiff,

v.

Samuel J. Serian, Harold G.  
Eyster Jr., Janet Bonita  
Hartshorn, Edward K. Eyster,  
unknown heirs and successors  
in interest to the estate of  
Josphine Edwards; unknown  
heirs and successors in  
interest to the estate of  
Harold G. Eyster; and unknown  
heirs and successors in  
interest to the estate of  
Effie M. Rupert, individuals,  
Defendants.

No. 2006 - 1191 - CD

FILED 3CC AH4  
9/3/30cm Naddeo  
JUN 07 2007

William A. Shaw  
Prothonotary/Clerk of Courts

Type of Pleading:

**PETITION FOR ORDER  
DIRECTING DEFENDANTS TO  
PAY THEIR SHARE OF THE  
APPRAISAL FEE**

Filed on behalf of:  
Plaintiff

Counsel of Record for  
this party:

James A. Naddeo, Esq.  
Pa I.D. 06820

207 East Market Street  
P.O. Box 552  
Clearfield, PA 16830  
(814) 765-1601

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

LP Land, LLC, a limited \*  
liability corporation, \*  
Plaintiff, \*

v. \*

No. 2006 - 1191 - CD

Samuel J. Serian, Harold G. \*  
Eyster Jr., Janet Bonita \*  
Hartshorn, Edward K. Eyster, \*  
unknown heirs and successors \*  
in interest to the estate of \*  
Josphine Edwards; unknown \*  
heirs and successors in \*  
interest to the estate of \*  
Harold G. Eyster; and unknown \*  
heirs and successors in \*  
interest to the estate of \*  
Effie M. Rupert, individuals, \*  
Defendants. \*

**PETITION FOR ORDER DIRECTING DEFENDANTS TO**  
**PAY THEIR SHARE OF THE APPRAISAL FEE**

TO THE HONORABLE JUDGE OF THE COURT:

NOW COMES the Plaintiff, by its undersigned counsel,  
James A. Naddeo, Esquire, and hereby petitions this Honorable  
Court to direct Defendants, Edward K. Eyster, Janet Bonita  
Hartshorn, Mary Eyster and Kevin Eyster, to pay their share of  
the appraisal fee and sets forth as follows:

1. That plaintiff commenced the above captioned  
action by filing a complaint for partition of real property on  
July 25, 2006.

2. That Defendants, Edward K. Eyster, Janet Bonita Hartshorn, Mary Eyster and Kevin Eyster, have answered plaintiff's complaint and have stated therein their concurrence to have the premises partitioned.

3. That on or about November 1, 2006, Plaintiff moved to have this Honorable Court direct partition based upon admission of all existing parties.

4. That on December 14, 2006, a hearing was held before this Honorable Court regarding Plaintiff's Motion for Order Directing Partition.

5. That on December 14, 2006, after hearing the matter and upon agreement of the parties this Honorable Court entered an Order appointing a Master in Partition, limited to obtaining an appraisal of the property of the subject litigation. A true and correct copy of said Order is attached hereto as Exhibit "A."

6. That on March 29, 2007, pursuant Plaintiff's Motion for Order Appointing Substitute Master in Partition this Honorable Court entered an Order appointing Ron Collins to act as Master in Partition, with the same being limited to obtaining an appraisal of the subject property. A true and correct copy of said Order is attached hereto as Exhibit "B."

7. That the Master obtained an appraisal and requested payment from the represented parties through their counsel.

8. That Plaintiff and Defendant, Samuel J. Serian have each paid their share (each has paid 1/3 of the total fee) of the appraisal fee as requested by the Master.

9. That Defendants, Edward K. Eyster, Janet Bonita Hartshorn, Mary Eyster and Kevin Eyster, have refused to pay their share of the appraisal fee.

10. That as a result, the Master is unwilling to provide a copy of the same appraisal to counsels of record whose clients have paid their share of the appraisal fee.

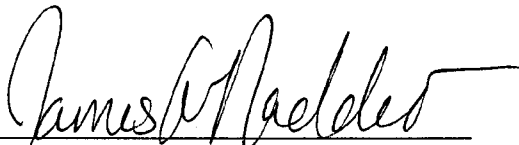
11. That it is appropriate for this Honorable Court to enter an Order directing Defendants, Edward K. Eyster, Janet Bonita Hartshorn, Mary Eyster and Kevin Eyster, to pay their share of the appraisal fee.

WHEREFORE, counsel for Plaintiff respectfully requests the Court enter an order directing Defendants, Edward K. Eyster, Janet Bonita Hartshorn, Mary Eyster and Kevin Eyster, to pay their share of the appraisal fee (said share being 1/3 of the total appraisal fee).

Respectfully submitted,

NADDEO & LEWIS, LLC

By

  
James A. Naddeo, Esquire  
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

LP LAND, LLC, a limited  
liability corporation

-VS-

SAMUEL J. SERIAN, et al.

:  
:  
:  
:  
:  
:  
:

No. 06-1191-CD

O R D E R

NOW, this 14th day of December, 2006, upon agreement of the parties, it is the ORDER of this Court that Winifred Jones-Wenger, Esquire, be appointed to act as Master in Partition in the above-captioned matter, limited to obtaining an appraisal of the property which is the subject of this litigation until further order of Court or until agreement of the parties.

It is the further ORDER of this Court that the Master provide a copy of the appraisal to counsel of record.

BY THE COURT,

/s/ Fredric J. Ammerman

\_\_\_\_\_  
President Judge

I hereby certify this to be a true  
and attested copy of the original  
statement filed in this case.

DEC 15 2006

Attest.

*William L. Shaw*  
Prothonotary/  
Clerk of Courts

EXHIBIT 'A'



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

LP Land, LLC, a limited  
liability corporation,  
Plaintiff,

v.

No. 06-1191-CD

Samuel J. Serian, Harold G.  
Eyster Jr., Janet Bonita  
Hartshorn, Edward K. Eyster,  
unknown heirs and successors  
in interest to the estate of  
Jospehine Edwards; unknown  
heirs and successors in  
interest to the estate of  
Harold G. Eyster; and unknown  
heirs and successors in  
interest to the estate of  
Effie M. Rupert, individuals,  
Defendants.

ORDER

NOW, this 29<sup>th</sup> day of March, 2007, upon consideration  
of the Motion for Order Appointing Substitute Master in  
Partition by Plaintiff and upon said agreement of defense  
counsel it is the ORDER of this Court that Winifred Jones-Wenger  
be removed as Master in Partition in the above captioned case  
and that Ron Collins be appointed to act as  
Master in Partition in the above captioned case. Said  
appointment is limited to obtaining an appraisal of the property  
which is the subject of this litigation until further Order of  
the Court or until agreement of the parties.

EXHIBIT 'B'

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

LP Land, LLC, a limited  
liability corporation,  
Plaintiff,

v.

No. 2006 - 1191 - CD

Samuel J. Serian, Harold G.  
Eyster Jr., Janet Bonita  
Hartshorn, Edward K. Eyster,  
unknown heirs and successors  
in interest to the estate of  
Josphine Edwards; unknown  
heirs and successors in  
interest to the estate of  
Harold G. Eyster; and unknown  
heirs and successors in  
interest to the estate of  
Effie M. Rupert, individuals,  
Defendants.

FILED 3cc A44  
9/11:50 am  
JUN 11 2007  
Naddeo  
CR

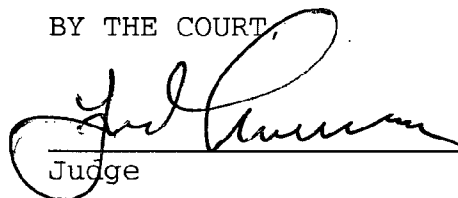
William A. Shaw  
Prothonotary/Clerk of Courts

ORDER

AND NOW this 8 day of June, 2006, upon  
consideration of the Petition for Order Directing Defendants to  
Pay Their Share of the Appraisal Fee, filed by James A. Naddeo,  
attorney of record for Plaintiff, it is the Order of this Court  
that this case will be heard before the Court on the 10<sup>th</sup> day  
of July, 2007, at 9:30 A.M., at the Clearfield County  
Courthouse, Clearfield, Pennsylvania, Courtroom No. 1.

One hour has been allotted for this hearing.

BY THE COURT,

  
Judge

FILED

JUN 11 2007

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 06-11-2007

☒ 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:

It is the further Order of this Court that the Master  
provide a copy of the appraisal to counsel of record.

BY THE COURT,

**/S/ Fredric J Ammerman**

I hereby certify this to be a true  
and attested copy of the original  
statement filed in this case.

MAR 29 2007

Attest.

*William A. Shaw*  
Prothonotary/  
Clerk of Courts

William A. Shaw  
Prothonotary/Clerk of Courts

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

LP Land, LLC, a limited	*	
liability corporation,	*	
Plaintiff,	*	
	*	
v.	*	No. 2006 - 1191 - CD
	*	
Samuel J. Serian, Harold G.	*	
Eyster Jr., Janet Bonita	*	
Hartshorn, Edward K. Eyster,	*	
unknown heirs and successors	*	
in interest to the estate of	*	
Jospehine Edwards; unknown	*	
heirs and successors in	*	
interest to the estate of	*	
Harold G. Eyster; and unknown	*	
heirs and successors in	*	
interest to the estate of	*	
Effie M. Rupert, individuals,	*	
Defendants.	*	

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a certified copy of Petition for Order Directing Defendants to Pay Their Share of the Appraisal Fee was served on the following and in the following manner on the 12<sup>th</sup> day of June, 2007:

First-Class Mail, Postage Prepaid

Ronald L. Collins, Esquire  
Sobel & Collins  
218 South Second Street  
Clearfield, PA 16830

J. Kipp Lukehart, Esquire  
LUKEHART & LUNDY  
219 East Union Street  
PO Box 74  
Punsutawney, PA 15767

Richard L. Campbell, Esquire  
MILLER, KISTLER & CAMPBELL  
720 South Atherton Street  
State College, PA 16801

NADDEO & LEWIS, LLC

By 

James A. Naddeo

Attorney for Plaintiff

**FILED**

**JUN 12 2007**

**William A. Shaw**  
Prothonotary/Clerk of Courts



LAND3579attny

FILED

JUL 13 2007

m/3:45/1  
William A. Shaw  
Prothonotary/Clerk of Courts  
cc c/c

TO: THE HONORABLE COURT OF COMMON PLEAS OF CLEARFIELD  
COUNTY, PENNSYLVANIA, CIVIL DIVISION  
238 Market Street Room 1  
Clearfield, PA, 16830

July 6, 2007

re: Court Order dated Jun 11, 2007, No. 2006-1191-CD

AT THE REQUEST OF THE ABOVE AND TELEPHONE REQUESTS  
OF TODAY, I AM FORWARDING

MY PERSONAL CHECK IN THE AMOUNT OF \$158.33, PAYABLE  
TO MR JAMES A NADDEO ESQ.

NADDEO & LEWIS, LLC, ATTORNEY FOR PLAINTIFF, LP LAND  
LLC.

THE DELAY IN PAYMENT OF OUR COURT DIRECTED ONE-THIRD  
SHARE OF THE COST FOR

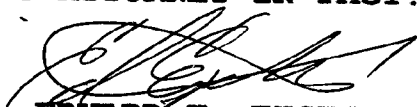
APPRAISAL FEE OF PROVOST REALITY. TOTAL BEING  
\$475.00.

IT HAS BEEN EXPLAINED BY SOBEL & COLLINS THAT THE  
ENTIRE FEE WAS PAID BY THE

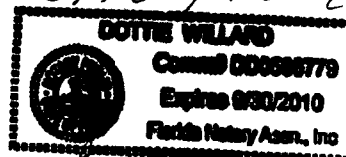
FIRM OF NADDEO & LEWIS, AND MY CHECK SHOULD BE  
PAYABLE TO RE-EMBURSE THEM.

PLEASE BE INFORMED THAT ANY FURTHER ACTIONS IN  
RELATION TO MY FAMILY'S 38%

INTEREST SHOULD BE DIRECTED TO ME AS I WILL BE  
ACTING AS ATTORNEY IN FACT.

  
EDWARD K. EYSTER  
1621 SE 8TH ST.  
CAPE CORAL, FL, 33990

cc: ALL PRINCIPALS



4 incl w/C, 000 order + CK 435942392 Cashier CK dtp 7/7/07

**NADDEO & LEWIS, LLC**  
ATTORNEYS AT LAW  
207 EAST MARKET STREET  
P.O. BOX 552  
CLEARFIELD, PENNSYLVANIA 16830

JAMES A. NADDEO  
LINDA C. LEWIS  
Trudy G. Lumadue

RECEIVED  
PROTHONOTARY'S OFFICE  
7/10/07  
WILLIAM A. SHAW  
PROTHONOTARY/CLERK OF COURTS  
(814) 765-1601  
FAX: (814) 765-8142  
naddeolaw@atlanticbbn.net

July 10, 2007

William Shaw, Prothonotary  
Clearfield County Court House  
Market Street  
Clearfield, PA 16830

RE: LP Land, LLC v. Serian, et al  
No. 06-1191-CD

Dear Bill:

I stopped at your office on Tuesday, July 10, 2007, in response to the telephone call that you made to me on July 9, 2007 concerning the above-captioned suit. One of your Clerks provided me with a check from Edward Eyster in the amount of \$158.33. This check was intended to cover the Eyster's share of the cost of appraising the property which is the subject of this action. The "pleading" filed with the check purports to be an appearance by Edward Eyster on behalf of the members of his family all of whom are defendants in this action.

It seems to me that Mr. Eyster has a right to represent his own interests albeit it is clear from his pleading that he is clueless in terms of proper procedure. There was no certificate of service filed with his appearance documenting that all counsel of record have been served. The pleadings does indicate that "all principals" were copied.

It is my opinion that the document filed by Mr. Eyster should be treated as an appearance on behalf of the Eyster defendants and filed accordingly. I am delivering this pleading to you with this letter for your consideration.

William Shaw, Prothonotary  
July 10, 2007  
Page 2

Sincerely,

A handwritten signature in dark ink, appearing to read "James A. Naddeo". The signature is fluid and cursive, with the first name "James" and last name "Naddeo" clearly distinguishable.

James A. Naddeo

JAN/lcl

Cc: LP Land, LLC  
J. Kipp Lukehart, Esq.  
Ronald L. Collins, Esq.  
Richard L. Campbell, Esq.  
Edward Eyster

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

LP LAND, LLC, a limited  
liability corporation,

Plaintiff,

vs.

Samuel J. Serian, Harold G. Eyster,  
Jr., Janet Bonita Hartshorn, Edward  
K. Eyster, unknown heirs and  
successors in interest to the estate of  
Josephine Edwards; unknown heirs  
and successors in interest to the  
estate of Harold G. Eyster; and  
unknown heirs and successors in  
interest to the estate of Effie M.  
Rupert, individuals,

Defendants.

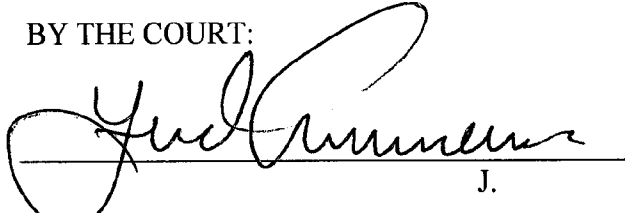
NO. 2006-1191 – CD

**ORDER**

AND NOW, to-wit, this 18<sup>th</sup> day of July, 2007, upon

consideration of the attached Petition, permission is hereby granted upon Petitioner to withdraw  
his appearance on behalf of Edward K. Eyster, Janet Bonita Hartshorn, Mary Eyster and Kevin  
Eyster.

BY THE COURT:

  
J.

**FILED**  
013:46/61  
JUL 18 2007

Copies-  
see attached  
(GK)

William A. Shaw  
Prothonotary/Clerk of Courts

DATE 7/18/07

       You are responsible for serving all appropriate parties.

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

       Plaintiff(s)   X   Plaintiff(s) Attorney        Other

  X   Defendant(s)   X   Defendant(s) Attorney

Harold Foster & Associates, LLC

       Special Instructions:

**FILED**

JUL 18 2007

William A. Shaw  
Prothonotary/Clerk of Courts

06-1191-CD

LP Land vs. S. Serian et al

1cc

James A. Naddeo, Esq.

1cc

J. Kipp Lukehart  
Lukehart & Lundy  
219 East Union Street  
PO Box 74  
Punxsutawney, PA 15767

1cc

Harold G. Eyster, Jr.  
190 Kings Highway  
Altoona, PA 16602

1cc

Janet Bonita Hartshorn  
7 Windsor Drive  
Charleston, NC 29407

1cc

Edward K. Eyster  
1621 SE 8<sup>th</sup> Street  
Cape Coral, FL 33990

1cc Attorney Campbell

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

LP LAND, LLC, a limited  
liability corporation,

Plaintiff,

vs.

Samuel J. Serian, Harold G. Eyster,  
Jr., Janet Bonita Hartshorn, Edward  
K. Eyster, unknown heirs and  
successors in interest to the estate of  
Josephine Edwards; unknown heirs  
and successors in interest to the  
estate of Harold G. Eyster; and  
unknown heirs and successors in  
interest to the estate of Effie M.  
Rupert, individuals,

Defendants.

NO. 2006-1191 – CD

Type of Pleading:  
PETITION TO WITHDRAW AS  
COUNSEL

Counsel of Record for this Party:

Richard L. Campbell, Esq.  
MILLER, KISTLER, CAMPBELL,  
MILLER, WILLIAMS &  
BENSON, INC.  
720 South Atherton Street  
State College, PA 16801  
(814) 234-1500  
Fax: (814) 234-1549  
PA I.D. Number 06753

FILED No  
cc  
JUL 13 2007  
10:57 AM  
CR

William A. Shaw  
Prothonotary/Clerk of Courts

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

LP LAND, LLC, a limited	)	
liability corporation,	)	
Plaintiff,	)	NO. 2006-1191 – CD
	)	
vs.	)	
	)	
Samuel J. Serian, Harold G. Eyster,	)	
Jr., Janet Bonita Hartshorn, Edward	)	
K. Eyster, unknown heirs and	)	
successors in interest to the estate of	)	
Josephine Edwards; unknown heirs	)	
and successors in interest to the	)	
estate of Harold G. Eyster; and	)	
unknown heirs and successors in	)	
interest to the estate of Effie M.	)	
Rupert, individuals,	)	
Defendants.	)	

**PETITION TO WITHDRAW AS COUNSEL**

TO THE HONORABLE, THE JUDGES OF SAID COURT:

Your Petitioner, Richard L. Campbell, Esquire, respectfully represents:

1. Your Petitioner is Richard L. Campbell, Esquire, of Miller, Kistler, Campbell, Miller, Williams & Benson, Inc., 720 South Atherton Street, State College, Pennsylvania 16801.
2. Your Petitioner entered an Appearance and filed an Answer to the above-captioned case on behalf of Defendants Edward K. Eyster, Janet Bonita Hartshorn, Mary Eyster and Kevin Eyster, which Answer was filed with the Prothonotary of Clearfield County on September 22, 2006.



3. That the Defendants, by and through their spokesman, Edward K. Eyster, have indicated to your Petitioner that the above-named Defendants no longer wish your Petitioner to continue as their counsel of record.

4. That the Defendants above named indicate that they disagree with Petitioner's legal position and handling of the case and would appear and represent themselves before the Court.

5. Edward Eyster has entered an appearance on behalf of the Eyster Defendants as outlined on Exhibit "A" filed with the Prothonotary of Clearfield County.

WHEREFORE, your Petitioner requests permission to withdraw as counsel for the above-named Defendants.

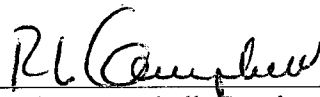
MILLER, KISTLER, CAMPBELL,  
MILLER, WILLIAMS & BENSON, INC.

By: Richard L. Campbell  
Richard L. Campbell, Esquire

Dated: 7-12-07

**VERIFICATION**

I verify that the statements contained in the foregoing document are true and correct to the best of my knowledge, information and belief. I understand that false statements therein are made subject to the penalties of 18 Pa. C.S.A. Section 4904, relating to unsworn falsification to authorities.

  
\_\_\_\_\_  
Richard L. Campbell, Esquire

Dated: 7/12/07



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

LP LAND, LLC, a limited )  
liability corporation, )  
Plaintiff, ) NO. 2006-1191 – CD  
vs. )  
Samuel J. Serian, Harold G. Eyster, )  
Jr., Janet Bonita Hartshorn, Edward )  
K. Eyster, unknown heirs and )  
successors in interest to the estate of )  
Josephine Edwards; unknown heirs )  
and successors in interest to the )  
estate of Harold G. Eyster; and )  
unknown heirs and successors in )  
interest to the estate of Effie M. )  
Rupert, individuals, )  
Defendants. )

**CERTIFICATE OF SERVICE**

I, Richard L. Campbell, Esquire, of Miller, Kistler, Campbell, Miller & Williams,  
Inc., do hereby certify that on this 12<sup>th</sup> day of July, 2007, I served a true  
and correct copy of the within Petition to Withdraw as Counsel on the following person by  
depositing the same in the United States Mail, postage prepaid, addressed as follows:

James A. Naddeo, Esq.  
207 East Market Street  
P.O. Box 552  
Clearfield, PA 16830

Richard L. Campbell  
Richard L. Campbell, Esq.

**FILED**

**JUL 13 2007**

**William A. Shaw**  
Prothonotary/Clerk of Courts

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

LP Land, LLC, a limited  
liability corporation,  
Plaintiff,

v.

Samuel J. Serian, Harold G.  
Eyster Jr., Janet Bonita  
Hartshorn, Edward K. Eyster,  
unknown heirs and successors  
in interest to the estate of  
Josphine Edwards; unknown  
heirs and successors in  
interest to the estate of  
Harold G. Eyster; and unknown  
heirs and successors in  
interest to the estate of  
Effie M. Rupert, individuals,  
Defendants.

No. 2006 - 1191 - CD

Type of Pleading:

**NOTICE OF INTENT TO  
PROCEED**

Filed on behalf of:  
Plaintiff

Counsel of Record for  
this party:

James A. Naddeo, Esq.  
Pa I.D. 06820

207 East Market Street  
P.O. Box 552  
Clearfield, PA 16830  
(814) 765-1601

**FILED 3cc**  
*01318301 Amy Naddeo*  
APR 06 2010

William A. Shaw  
Prothonotary/Clerk of Courts

No. 2006 - 1191 - CD

BY James A. Naddeo  
James A. Naddeo, Esquire  
Attorney for Plaintiff

No. 2006 - 1191 - CD

J. Kipp Lukehart, Esquire  
LUKEHART & LUNDY  
219 East Union Street  
PO Box 74  
Punxsutawney, PA 15767



Richard L. Campbell, Esquire  
MILLER, KISTLER & CAMPBELL  
720 South Atherton Street  
State College, PA 16801

NADDEO & LEWIS, LLC

By James A. Naddo  
James A. Naddo  
Attorney for Plaintiff

**FILED**

**APR 06 2010**

**William A. Shaw  
Prothonotary/Clerk of Courts**

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

LLP LAND, LLC,  
Plaintiff

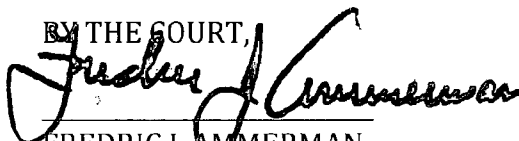
vs.

SAMUEL J. SERIN, HAROLD G. EYSTER, JR.,  
JANET BONITA HARTSHORN, EDWARD EYSTER,  
JOSEPHINE EDWARDS, HAROLD G. EYSTER, and  
EFFIE RUPERT,  
Defendants

\* NO. 2006-1191-CD  
\*  
\*  
\*  
\*  
\*  
\*  
\*

**ORDER**

NOW, this 15<sup>th</sup> day of March, 2013, it is the ORDER of this Court that a **status conference** in the above-captioned case be and is hereby scheduled for the **8th day of May, 2013 at 1:30 p.m.** in Courtroom No. 1, Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT,  
  
FREDRIC J. AMMERMAN  
President Judge

**FILED**  
MAR 8 2013  
William A. Shaw  
Prothonotary/Clerk of Courts

2CC Attys:  
Noddeo  
Lukhart  
ICC depts  
E. Eyster  
J. Hartshorn  
H. Eyster  
GK

E. Eyster @  
1621 SE 8th St.  
Cape Coral FL 33990

H. Eyster @  
190 Kings Highway  
Altoona PA 16602

J. Hartshorn @  
7 Windsor Drive  
Charleston NC 29407

FILED

MAR 18 2013

William A. Shaw  
Prothonotary/Clerk of Courts

(S)

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

LLP Land, LLC,

Plaintiff

vs.

Samuel J. Serian, Harold G. Eyster, Jr., Janet  
Bonita Hartshorn, Edward Eyster, Josephine  
Edwards, Harold G. Eyster, and Effie Rupert,

Defendant

: NO.1191- 2006 C.D.  
:  
: Type of Pleading: Motion for Continuance  
:  
: Filed on Behalf of: Defendant  
:  
: Counsel of Record for this Party:  
: J. Kipp Lukehart, Esquire  
: Supreme Court I.D. # 05865  
: 219 East Union Street  
: Punxsutawney, PA 15767  
:: (814) 938-8110

FILED 2 CCAsy  
m/11:41cm Lukehart  
APR 01 2013  
William A. Shaw  
Prothonotary/Clerk of Courts  
612

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

LLP Land, LLC,

Plaintiff

vs.

NO.1191- 2006 C.D.

Samuel J. Serian, Harold G. Eyster, Jr., Janet  
Bonita Hartshorn, Edward Eyster, Josephine  
Edwards, Harold G. Eyster, and Effie Rupert,

Defendant

**MOTION FOR CONTINUANCE**

AND NOW, comes the Defendant's Attorney, J. Kipp Lukehart, with the following Motion for Continuance:

1. The above captioned matter was originally filed July 25, 2006.
2. On April 6, 2010, the Plaintiff's counsel filed a Notice of Intent to Proceed but from that date there were no further pleadings or actions until the Court Order of March 15, 2013, scheduling a status conference to be held May 8, 2013, at 1:30 p.m.
3. Counsel for Defendant, Samuel J. Serian, has previously schedule and paid for a vacation for the week of May 6<sup>th</sup> through 13<sup>th</sup>.

WHEREFORE, your Petitioner respectfully requests a continuance of the above scheduled status conference.

Respectfully submitted,

  
\_\_\_\_\_  
J. Kipp Lukehart  
Attorney for the Defendant

**CERTIFICATE OF SERVICE**

I, J. Kipp Lukehart, hereby certify that on the 27<sup>th</sup> day of March, 2013, a copy of the foregoing Defendant's Motion for Continuance was sent via first-class mail, postage prepaid, to the following:

James A. Naddeo, Esquire  
207 East Market Street  
P.O. Box 552  
Clearfield, PA 16830

Ronald L. Collins, Esquire  
218 South Second Street  
Clearfield, PA 16830

Edward K. Eyster  
1621 SE 8<sup>th</sup> Street  
Cape Coral, FL 33990

FILED  
APR 01 2013  
Prothonotary/Clerk of Courts  
William A. Shaw



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

LLP LAND, LLC  
Plaintiff

vs.

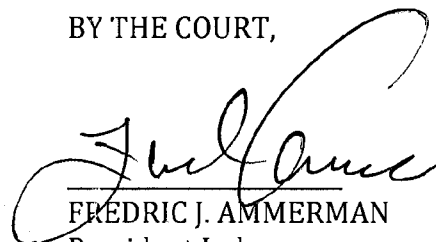
SAMUEL SERIAN, HAROLD G. EYSTER, JR., JANET  
BONITA HARTSHORN, EDWARD EYSTER, JOSEPHINE  
EDWARDS, HAROLD G. EYSE, and EFFIE RUPERT,  
Defendants

\* NO. 2006-1191-CD  
\*  
\*  
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\*  
\*

**ORDER**

NOW, this 2<sup>nd</sup> day of April, 2013, upon receipt and review of the Defendants' Motion for Continuance filed by J. Kipp Lukehart, Esquire; it is the ORDER of this Court that the Motion is GRANTED and the status conference in the above-captioned case scheduled for 8<sup>th</sup> day of May, 2013 be and is hereby rescheduled to May 21, 2013 at 2:00 p.m. in Judge's Chambers, Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT,

  
FREDRIC J. AMMERMAN  
President Judge

FILED

019:13 LN  
APR 03 2013

William A. Shaw  
Prothonotary/Clerk of Courts

icc Atty's Nodded  
Lukehart

icc drafts:  
H. Eyster  
J. Hartshorn  
E Eyster  
GR

DATE: 4.3.13

       You are responsible for serving all appropriate parties.

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

       Plaintiff(s)   X   Plaintiff(s) Attorney        Other

  X   Defendant(s)   X   Defendant(s) Attorney

       Special Instructions:

**FILED**

**APR 03 2013**

**William A. Shaw  
Prothonotary/Clerk of Courts**

clerk

H. Eyster  
190 Kings Highway  
Altamira 16602

clerk

J. Hartshorn  
7 Windsor Dr.  
Charleston NC  
29407

clerk

E. Eyster  
1621 SE 8th St  
Cape Coral FL  
33990

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

LP Land, LLC, a limited  
liability corporation,  
Plaintiff,

v.

Samuel J. Serian, Harold G.  
Eyster Jr., Janet Bonita  
Hartshorn, Edward K. Eyster,  
unknown heirs and successors  
in interest to the estate of  
Jospehine Edwards; unknown  
heirs and successors in  
interest to the estate of  
Harold G. Eyster; and unknown  
heirs and successors in  
interest to the estate of  
Effie M. Rupert, individuals, \  
Defendants.

No. 2006 - 1191 - CD

Type of Pleading:

**PRAECIPE TO SETTLE  
AND DISCONTINUE**

Filed on behalf of:  
Plaintiff

Counsel of Record for  
this party:

James A. Naddeo, Esq.  
Pa I.D. 06820

207 East Market Street  
P.O. Box 552  
Clearfield, PA 16830  
(814) 765-1601

**FILED**

01/3:47pm  
MAY 22 2013

3cc a  
3 cert of  
disc to  
Atty Naddeo  
William A. Shaw  
Prothonotary/Clerk of Courts  
copy to  
c/A  
6K

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

LP Land, LLC, a limited  
liability corporation,  
Plaintiff,

v.

Samuel J. Serian, Harold G.  
Eyster Jr., Janet Bonita  
Hartshorn, Edward K. Eyster,  
unknown heirs and successors  
in interest to the estate of  
Josphine Edwards; unknown  
heirs and successors in  
interest to the estate of  
Harold G. Eyster; and unknown  
heirs and successors in  
interest to the estate of  
Effie M. Rupert, individuals,  
Defendants.

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No. 2006 - 1191 - CD

**PRAECIPE TO SETTLE AND DISCONTINUE**

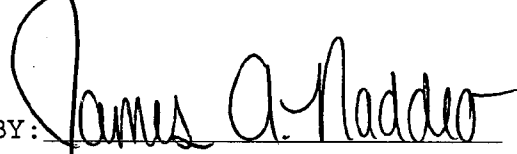
TO THE PROTHONOTARY:

Dear Sir:

Please mark the above-captioned case settled and  
discontinued.

NADDEO & LEWIS, LLC

BY:



James A. Naddeo, Esquire  
Attorney for Plaintiff

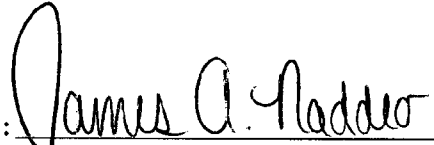
No. 2006 - 1191 - CD

J. Kipp Lukehart, Esquire  
LUKEHART & LUNDY  
219 East Union Street  
PO Box 74  
Punxsutawney, PA 15767

Edward K. Eyster  
1621 SE 8<sup>th</sup> Street  
Cape Coral, FL 33990

NADDEO & LEWIS, LLC

By:

A handwritten signature in dark ink, reading "James A. Naddeo". The signature is written in a cursive style with a large, looping initial "J".

James A. Naddeo, Esquire  
Attorney for Plaintiff

**FILED**

**MAY 22 2013**

**William A. Shaw  
Prothonotary/Clerk of Courts**

**IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA**

**CIVIL DIVISION**

**LP Land, LLC**

**Vs.**

**No. 2006-01191-CD**

**Samuel J Serin  
Harold G. Eyster Jr.  
Janet Bonita Hartshorn  
Edward K. Eyster  
Josephine Edwards  
Harold G. Eyster  
Effie M. Rupert**

COPY

**CERTIFICATE OF DISCONTINUATION**

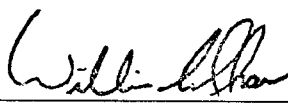
Commonwealth of PA  
County of Clearfield

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 May 22, 2013, marked:

Settled and Discontinued

Record costs in the sum of \$92.00 have been paid in full by James A Naddeo Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 22nd day of May A.D. 2013.

 LM  
\_\_\_\_\_  
William A. Shaw, Prothonotary