

06-1300-CD
Edward Shok vs Matson Timber-Land Co.

Edward Shok et al vs Linda London
2006-1300-CD

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

EDWARD J. SHOK and
ANGELA L. SHOK,
Plaintiffs

vs.

MATSON TIMBER-LAND
CO. and any other person, persons,
firms, partnerships or corporate entities
who might claim title to the premises
herein described,
Defendants

No. 06-1300-CD

Type of Pleading: Complaint

Filed on behalf of: Edward J. Shok,
and Angela L. Shok, Plaintiffs

Counsel of Record for this party:

HOPKINS HELTZEL LLP

DAVID J. HOPKINS, ESQUIRE
Attorney at Law

Supreme Court No. 42519
100 Meadow Lane, Suite 5
DuBois, Pennsylvania 15801

(814) 375-0300

FILED Any pd. 95.00

9/2:3301
AUG 14 2006

William A. Shaw
Prothonotary/Clerk of Courts

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

EDWARD J. SHOK and	:	
ANGELA L. SHOK,	:	
Plaintiffs	:	
vs.	:	No.
	:	
MATSON TIMBER-LAND	:	
CO. and any other person, persons,	:	
firms, partnerships or corporate entities	:	
who might claim title to the premises	:	
herein described,	:	
Defendants	:	

NOTICE

TO DEFENDANT:

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 OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Office of the Court Administrator
Clearfield County Courthouse
230 E. Market Street
Clearfield, PA 16830
(814) 765-2641 ext. 1303

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

EDWARD J. SHOK and	:	
ANGELA L. SHOK,	:	
Plaintiffs	:	
vs.	:	No.
	:	
MATSON TIMBER-LAND	:	
CO. and any other person, persons,	:	
firms, partnerships or corporate entities	:	
who might claim title to the premises	:	
herein described,	:	
Defendants	:	

COMPLAINT

AND NOW, comes, Plaintiffs, Edward J. Shok and Angela L. Shok, by and through their attorneys, Hopkins Heltzel LLP, and says as follows:

1. Plaintiffs, Edward J. Shok and Angela L. Shok, are husband and wife and are adult individuals who reside a 230 Korb Lane, Luthersburg, Pennsylvania 15848.

2. Plaintiffs are the owners of certain real property situate in the Township of Brady, Clearfield County, Pennsylvania. The property is described in a Deed recorded in the Office of the Recorder of Deeds of Clearfield County as Instrument No. 2002-17805. The property is identified as Tax Parcel No. C07-000-00026 and C07-000-00027.

3. Defendant, Matson Timber-Land Co., is a Pennsylvania corporation, with a principal mailing address of 132 Main Street, Brookville, Pennsylvania 15825. Defendant is the owner of real property located in Brady Township, Clearfield County, Pennsylvania, described in a Deed recorded in the Office of the Recorder of Deeds of Clearfield County as Instrument No. 1999-13390. The property is identified as Tax Parcel No. C07-000-00030.

4. The vacant real property that is the subject of this quiet title action are two driveways running from Micknis Road from Plaintiffs' property. One driveway is known as Korb Road and the other driveway is unnamed. Both driveways are approximately fifteen (15') feet in width and are set forth on the attached diagram as Exhibit "A". The driveways are located on lands of the Defendant.

5. Plaintiffs acquired their property by Deed dated October 30, 2002 from Olan London and Linda London. The Deed is recorded in the Office of the Recorder of Deeds of Clearfield County as Instrument No. 2002-17805. Throughout the Shok's ownership, they have used the driveways described in paragraph 4 to access their property.

6. Olan London and Linda London, husband and wife, acquired title to the Shok property by Deed of James J. Barraclough and Irene Ruth Barraclough by Deed dated May 17, 1990 and recorded in the Office of the Recorder of Deeds of Clearfield County in Deed Book 1343, at page 250. Throughout the London's ownership of the property, they used the driveways described in paragraph 4 to access the property.

7. By Deed dated February 3, 1977, James L. Barraclough and Irene Ruth Barraclough acquired title to the property by Deed of J. I. Korb a/k/a Jesse I. Korb and Twila C. Korb. The Deed is recorded in the Office of the Recorder of Deeds of Clearfield County in Volume 734, at page 232. Throughout the Barraclough's ownership of the property, they used the driveways described in paragraph 4 to access the property.

8. J. I. Korb and Twila Korb acquired title to the property by Deed of J. I. Korb and Twila G. Korb. Said Deed is dated April 2, 1952 and recorded in the Office of the Recorder of Deeds of Clearfield County as Deed Book 422, at page 160. Throughout the

Korbs' ownership of the property, they used the northern driveway described in Paragraph 4 to access the property.

9. Jesse I. Korb acquired title to the property by Deed of Twila G. Korb and Tesse T. Korb by Deed dated October 3, 1929. Throughout the Jesse I. Korb ownership, she utilized the northern driveway described in paragraph 4 to access the property.

10. Plaintiffs trace ownership of their property and use of the northern driveway to 1851.

11. At all material times, Plaintiffs have used the driveways openly, hostilely, and notoriously and against Defendant and all of Defendant's predecessors in title for a period of time in excess of twenty one (21) years.

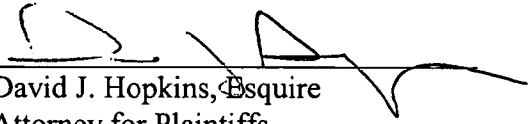
12. Plaintiffs have acquired title to the driveways and the lands south of the northern driveway by adverse possession.

13. The purpose of this quiet title action is to confirm Plaintiffs' ownership of the fifteen (15') foot wide driveways and all lands to the south of the northern most driveway.

WHEREFORE, the Plaintiffs request the Court to decree that title to the premises described in paragraph 4 of the Complaint (that being the fifteen (15') foot wide driveways and the lands south of the northern most driveway) be granted unto Plaintiffs, Edward J.

Shok and Angela L. Shok, in fee simple absolute; and that the Defendant, Matson Timber-Land Co., its successors and assigns, be forever barred from asserting any right, lien or interest inconsistent with the interest or claim of the Plaintiffs.

Respectfully submitted,



David J. Hopkins, Esquire
Attorney for Plaintiffs

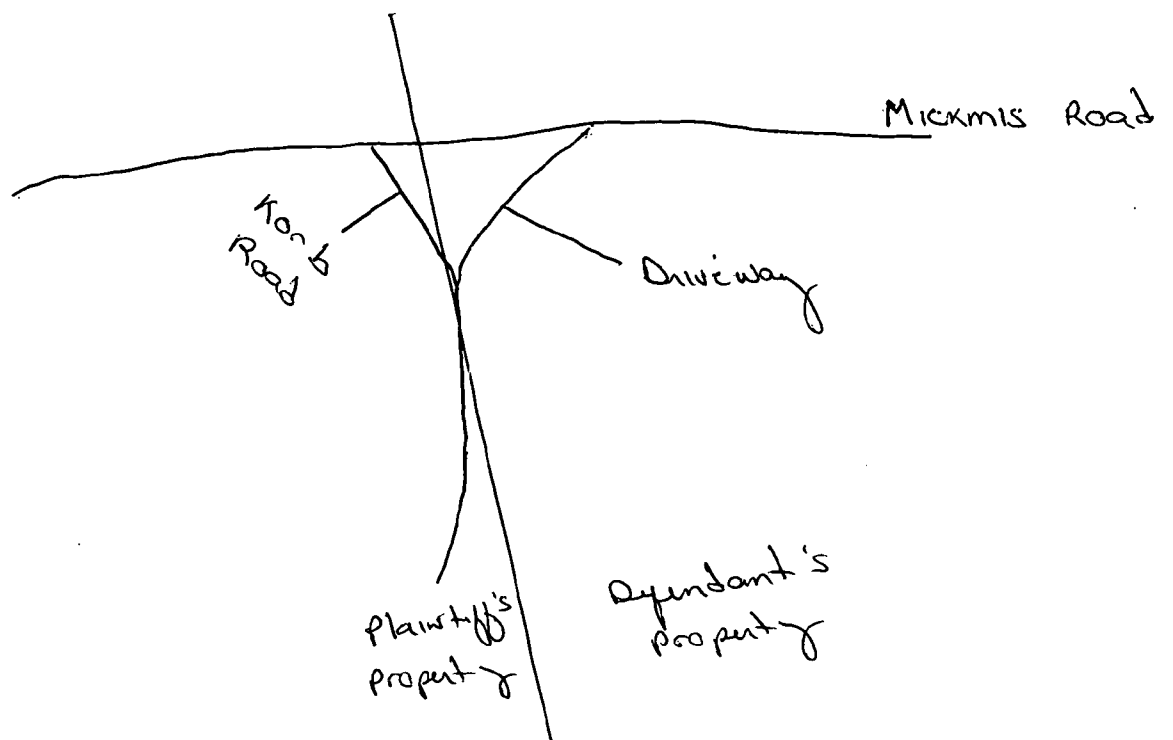


Exhibit "A"

FILED

AUG 14 2006

William A. Shaw
Prothonotary/Clerk of Courts

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

EDWARD J. SHOK and ANGELA
L. SHOK.

Plaintiffs,

vs.

MATSON TIMBER-LAND CO., and
any other person, persons, firms,
partnerships, or corporate entities
who might claim title to the premises
herein described,

Defendant.

CIVIL ACTION - LAW

Number 1300 of 2006, C. D.

Type of Case: Civil Division

Type of Pleading: Appearance

Filed on Behalf of: Defendant

Counsel of Record for this Party:
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

FILED ^{no cc}
M 11:30/61
AUG 31 2006 (5)

William A. Shaw
Prothonotary/Clerk of Courts

EDWARD J. SHOK and ANGELA
L. SHOK,
Plaintiffs,

vs.

MATSON TIMBER-LAND CO., and any
other person, persons, firms, partnerships,
or corporate entities who might claim title
to the premises herein described,
Defendant.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
* Civil Action - Law

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* Number 06 - 1300 C. D.

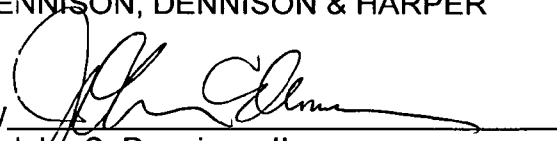
APPEARANCE

TO THE PROTHONOTARY:

Enter our Appearance on behalf of Matscn Timber-Land Co., the Defendant in the
above captioned matter.

DENNISON, DENNISON & HARPER

By



John C. Dennison, II
Attorneys for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101822
NO: 06-1300-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: EDWARD J. SHOK and ANGELA L. SHOK
vs.
DEFENDANT: MATSON TIMBER-LAND CO.

SHERIFF RETURN

NOW, August 16, 2006, SHERIFF OF JEFFERSON COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ON MATSON TIMBER-LAND CO..

NOW, August 18, 2006 AT 11:25 AM SERVED THE WITHIN COMPLAINT ON MATSON TIMBER-LAND CO., DEFENDANT. THE RETURN OF JEFFERSON COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

FILED
06:47 PM
AUG 31 2006
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101822
NO: 06-1300-CD
SERVICES 1
COMPLAINT

PLAINTIFF: EDWARD J. SHOK and ANGELA L. SHOK
vs.
DEFENDANT: MATSON TIMBER-LAND CO.

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	HOPKINS	16608	10.00
SHERIFF HAWKINS	HOPKINS	16608	21.00
JEFFERSON CO.	HOPKINS	16809	22.43

Sworn to Before Me This

_____ Day of _____ 2006

So Answers,



Chester A. Hawkins
Sheriff

No. 06-1300 C.D.

Personally appeared before me, Sandy Means, Deputy for Thomas A. Demko, Sheriff of Jefferson County, Pennsylvania, who according to law deposes and says that on August 18, 2006 at 11:25 o'clock A.M. served the Notice and Complaint upon MATSON TIMBER-LAND COMPANY, Defendant, at the address of 132 Main Street, Borough of Brookville, County of Jefferson, State of Pennsylvania, by handing to Pat Kifer, receptionist and adult person in charge at time of service, a true copy of the Notice and Complaint and by making known to her the contents thereof.

Advance Costs Received:	\$125.00	
My Costs:	20.43	Paid
Prothy:	2.00	
Total Costs:	22.43	
REFUNDED:	\$102.57	

Sworn and subscribed

to before me this

25th

day of

Aug 2006

By

Thomas A. Demko
 My Commission Expires
 the 1st of Jan. 2010.

So Answers,

Sandy J. Means Deputy
Thomas A. Demko Sheriff
 JEFFERSON COUNTY, PENNSYLVANIA

FILED

AUG 31 2006

William A. Shaw
Prothonotary/Clerk of Courts

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

EDWARD J. SHOK and
ANGELA L. SHOK,

Plaintiffs

vs.

No. 06-1300 C.D.

MATSON TIMBER-LAND
CO. and any other person, persons,
firms, partnerships or corporate entities
who might claim title to the premises
herein described,

Defendants

Type of Pleading: Verification
of Complaint

Filed on behalf of: Edward J. Shok,
and Angela L. Shok, Plaintiffs

Counsel of Record for this party:

HOPKINS HELTZEL LLP

DAVID J. HOPKINS, ESQUIRE
Attorney at Law

Supreme Court No. 42519
100 Meadow Lane, Suite 5
DuBois, Pennsylvania 15801

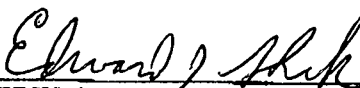
(814) 375-0300

FILED ^{no cc}
01/10:45/64
SEP 05 2006

William A. Shaw
Prothonotary/Clerk of Courts


VERIFICATION

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


EDWARD J. SHOK

VERIFICATION

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


ANGELA L. SHOK

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

EDWARD J. SHOK and
ANGELA L. SHOK,

Plaintiffs

vs.

No. 06-1300 C.D.

MATSON TIMBER-LAND
CO. and any other person, persons,
firms, partnerships or corporate entities
who might claim title to the premises
herein described,

Defendants

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of Verification of Complaint, filed on behalf of Plaintiffs, Edward J. Shok and Angela L. Shok, was forwarded by first class mail, postage prepaid, on the 5th day of September, 2006, to all counsel of record, addressed as follows:

John C. Dennison, II, Esquire
Dennison, Dennison & Harper
293 Main Street
Brookville, PA 15825


David J. Hopkins, Esquire
Attorney for Plaintiffs

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

EDWARD J. SHOK and
ANGELA L. SHOK,

Plaintiffs

vs.

No. 06-1300 C.D.

MATSON TIMBER-LAND
CO. and any other person, persons,
firms, partnerships or corporate entities
who might claim title to the premises
herein described,

Defendants

Type of Pleading: Lis Pendens

Filed on behalf of: Edward J. Shok
and Angela L. Shok, Plaintiffs

Counsel of Record for this party:

HOPKINS HELTZEL LLP

DAVID J. HOPKINS, ESQUIRE
Attorney at Law

Supreme Court No. 42519
100 Meadow Lane, Suite 5
DuBois, Pennsylvania 15801

(814) 375-0300

FILED
10/2:47/67
SEP 08 2006
Atty pd. 20.00
No CC
CR

William A. Shaw
Prothonotary/Clerk of Courts

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

EDWARD J. SHOK and
ANGELA L. SHOK,

Plaintiffs

vs.

No. 06-1300 C.D.

MATSON TIMBER-LAND
CO. and any other person, persons,
firms, partnerships or corporate entities
who might claim title to the premises
herein described,

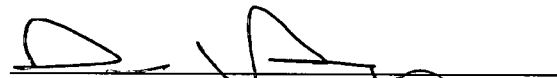
Defendants

LIS PENDENS

TO THE PROTHONOTARY:

Kindly file a Lis Pendens against a portion of property located in Brady Township, Clearfield County, known as Tax Parcel No. C07-000-00030 and described in a Deed recorded in the office of the Recorder of Deeds as Instrument No. 1999-13390. The property in question is two driveways running from Micknis Road to Plaintiffs' property. One driveway is known as Korb Road and the other driveway is unnamed. Both driveways are approximately fifteen (15') feet in width and are set forth on the attached diagram as Exhibit "A".

Respectfully submitted,



David J. Hopkins, Esquire
Attorney for Plaintiffs

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

EDWARD J. SHOK and
ANGELA L. SHOK,

Plaintiffs

vs.

No. 06-1300 C.D.


MATSON TIMBER-LAND
CO. and any other person, persons,
firms, partnerships or corporate entities
who might claim title to the premises
herein described,

Defendants

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the Lis Pendens
filed on behalf of Plaintiffs, Edward J. Shok and Angela L. Shok, was forwarded on the
7th day of September, 2006, by U.S. Mail, postage prepaid, to all counsel of record,
addressed as follows:

John C. Dennison, II, Esquire
Dennison, Dennison & Harper
293 Main Street
Brookville, PA 15825


David J. Hopkins, Esquire
Attorney for Plaintiffs
Supreme Court No. 42519

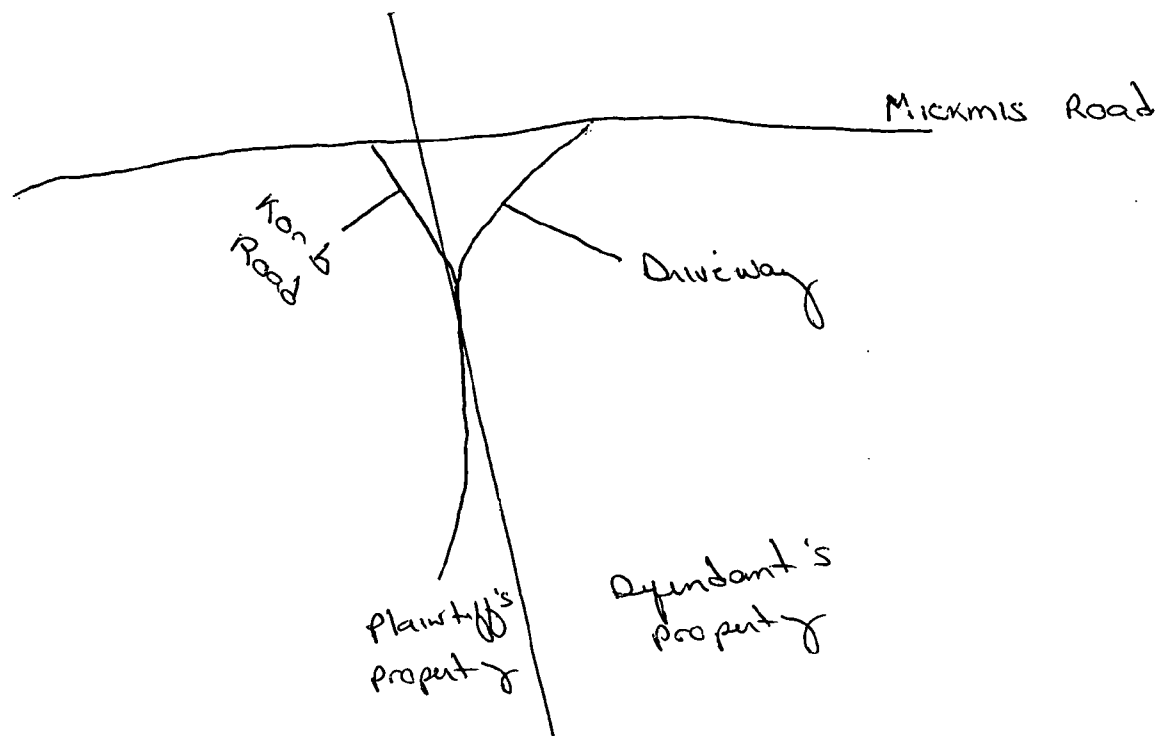


Exhibit "A"

COURT OF COMMON FLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

EDWARD J. SHOK and ANGELA
L. SHOK,

Plaintiffs,

vs.

MATSON TIMBER-LAND CO., and
any other person, persons, firms,
partnerships, or corporate entities
who might claim title to the premises
herein described,

Defendant.

CIVIL ACTION - LAW

Number 1300 of 2006, C. D.

Type of Case: Civil Division

Type of Pleading: Answer

Filed on Behalf of: Defendant

Counsel of Record for this Party:
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

FILED ^{NO}
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SEP 28 2006 ^{cc}
LM

William A. Shaw
Prothonotary/Clerk of Courts

EDWARD J. SHOK and ANGELA
L. SHOCK,
Plaintiffs,

vs.

MATSON TIMBER-LAND CO., and any
other person, persons, firms, partnerships,
or corporate entities who might claim title
to the premises herein described,
Defendant.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
* Civil Action - Law

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*

* Number 06 - 1300 C. D.

ANSWER

AND NOW, comes the Defendant, MATSON TIMBER-LAND CO., by its attorneys,
Dennison, Dennison & Harper, who file the following Answer to Plaintiffs' Complaint:

1. The averments of Paragraph 1 of Plaintiffs' Complaint are admitted.
2. The averments of Paragraph 2 of Plaintiffs' Complaint are deemed to be denied as conclusions of law and no further answer is required thereto.
3. With respect to the averments of Paragraph 3 of Plaintiffs' Complaint, it is denied that the Defendant is a corporation. On the contrary, the Defendant is a limited partnership. The remaining averments of Paragraph 3 of Plaintiffs' Complaint are admitted.
4. The averments of Paragraph 4 of Plaintiffs' Complaint are deemed to be denied as conclusions of law and no further answer is required thereto.

5. With respect to the averments of Plaintiffs' Complaint which relate to the manner in which the Plaintiffs allegedly acquired ownership of their tract of land, the same are deemed to be denied as conclusions of law and no further answer is required thereto.

With respect to the remaining averments of Paragraph 5 of Plaintiffs' Complaint, after reasonable investigation, the Defendant is without knowledge or information sufficient to form a belief as to the truth of such averments, and said averments are therefore denied.

6. The averments of Paragraph 6 of Plaintiffs' Complaint are deemed to be denied as conclusions of law and no further answer is required thereto. In addition, after reasonable investigation, the Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of Paragraph 6 of Plaintiffs' Complaint, and said averments are therefore denied.

7. The averments of Paragraph 7 of Plaintiffs' Complaint are deemed to be denied as conclusions of law and no further answer is required thereto. In addition, after reasonable investigation, the Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of Paragraph 7 of Plaintiffs' Complaint, and said averments are therefore denied.

8. The averments of Paragraph 8 of Plaintiffs' Complaint are deemed to be denied as conclusions of law and no further answer is required thereto. In addition, after reasonable investigation, the Defendant is without knowledge or information sufficient to

form a belief as to the truth of the averments of Paragraph 8 of Plaintiffs' Complaint, and said averments are therefore denied.

9. The averments of Paragraph 9 of Plaintiffs' Complaint are deemed to be denied as conclusions of law and no further answer is required thereto. In addition, after reasonable investigation, the Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of Paragraph 9 of Plaintiffs' Complaint, and said averments are therefore denied.

10. The averments of Paragraph 10 of Plaintiffs' Complaint are deemed to be denied as conclusions of law and no further answer is required thereto. In addition, after reasonable investigation, the Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of Paragraph 10 of Plaintiffs' Complaint, and said averments are therefore denied.

11. The averments of Paragraph 11 of Plaintiffs' Complaint are deemed to be denied as conclusions of law and no further answer is required thereto. In addition, after reasonable investigation, the Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of Paragraph 11 of Plaintiffs' Complaint, and said averments are therefore denied.

12. The averments of Paragraph 12 of Plaintiffs' Complaint are deemed to be denied as conclusions of law and no further answer is required thereto. In addition, after reasonable investigation, the Defendant is without knowledge or information sufficient to

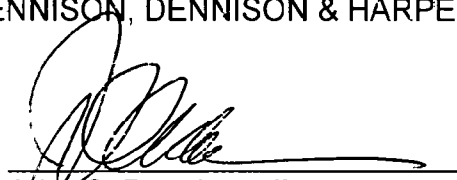
form a belief as to the truth of the averments of Paragraph 12 of Plaintiffs' Complaint, and said averments are therefore denied.

13. The averments of Paragraph 13 of Plaintiffs' Complaint are deemed to be denied as conclusions of law and no further answer is required thereto. In addition, after reasonable investigation, the Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of Paragraph 13 of Plaintiffs' Complaint, and said averments are therefore denied.

WHEREFORE, the Defendant, Matson Timber-Land Co., demands judgment in its favor.


DENNISON, DENNISON & HARPER

By



John C. Dennison, II
Attorneys for Defendant

I verify that I am the President of Matson Hardwoods, Inc., general partner of Matson Timber-Land Co., a limited partnership, the within Defendant; I make this Affidavit on its behalf being authorized to do so; I verify that the statements made in the foregoing Answer are true and correct to the best of my knowledge, information and belief. I understand that false statements herein made are subject to the penalties of 18 Pa. C. S. Section 4904, relating to unsworn falsification to authorities.



Becky J. Matson

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

EDWARD J. SHOK and ANGELA
L. SHOK,

Plaintiffs,

vs.

MATSON TIMBER-LAND CO., and
any other person, persons, firms,
partnerships, or corporate entities
who might claim title to the premises
herein described.

Defendant.

CIVIL ACTION - LAW

Number 1300 of 2006, C. D.

Type of Case: Civil Division

Type of Pleading: Motion to Amend Caption
and named Defendant

Filed on Behalf of: Defendant

Counsel of Record for this Party:
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316


FILED
m/1:11a34
JAN 09 2007

William A. Shaw
Prothonotary/Clerk of Courts

WHEREFORE, the undersigned by parties hereby move Your Honorable Court to amend the above captioned matter by substituting Linda London, as Defendant, in place of Matson Timber-Land Co.

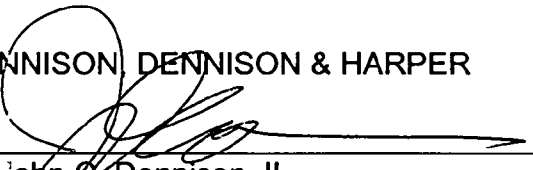
HOPKINS HELTZEL LLP

By


David J. Hopkins, Attorneys for
Edward J. Shok and Angela L. Shok

DENNISON, DENNISON & HARPER

By


John C. Dennison, II
Attorneys for Matson Timber-Land Co.


Mary L. Pothoven, attorney for
Linda London

FILED

JAN 09 2007

William A. Shaw
Prothonotary/Clerk of Courts

EDWARD J. SHOK and ANGELA
L. SHOK,
Plaintiffs,

vs.

MATSON TIMBER-LAND CO., and any
other person, persons, firms, partnerships,
or corporate entities who might claim title
to the premises herein described,
Defendant.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
* Civil Action - Law

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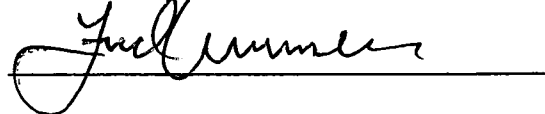
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* Number 06 - 1300 C. D.

ORDER

AND NOW, this 10th day of January, 2007, after review of the within Motion which has been agreed to by the parties through their respective counsel, it is HEREBY ORDERED AND DECREED that Linda London is hereby substituted as the Defendant for Matson Timber-Land Co., and Linda London shall hereinafter be set forth as the named Defendant in all subsequent pleadings and Matson Timber-Land Co. is hereby dismissed as a party.

BY THE COURT



FILED
013:57/SH
JAN 11 2007

100
Attys: Hopkins
Dennison
Pothoven

William A. Shaw
Prothonotary/Clerk of Courts



FILED

JAN 11 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 1/11/07

 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

 Defendant(s) X Defendant(s) Attorney

 Special Instructions:

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

EDWARD J. SHOK and
ANGELA L. SHOK,
Plaintiffs
vs.
LINDA LONDON,
Defendant

No. 06-1300 C.D.

Type of Pleading: Motion to
Enforce Settlement

Filed on behalf of: Edward J. Shok
and Angela L. Shok, Plaintiffs

Counsel of Record for this party:

HOPKINS HELTZEL LLP

DAVID J. HOPKINS, ESQUIRE
Attorney at Law

Supreme Court No. 42519
100 Meadow Lane, Suite 5
DuBois, Pennsylvania 15801

(814) 375-0300

FILED

DEC 06 2007

m/12.20/um
William A. Shaw
Prothonotary/Clerk of Courts
NO C/C (6K)

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

EDWARD J. SHOK and	:	
ANGELA L. SHOK,	:	
Plaintiffs	:	
vs.	:	No. 06-1300 C.D.
	:	
LINDA LONDON,	:	
Defendant	:	

MOTION TO ENFORCE SETTLEMENT

AND NOW, comes Edward J. Shok and Angela L. Shok, by and through their attorneys, Hopkins Heltzel LLP, and files the within Motion to Enforce Settlement and in support thereof says as follows:

1. Your Petitioners are Edward J. Shok and Angela L. Shok whose address is 230 Korb Lane, Luthersburg, Pennsylvania 15848.
2. Respondent is Linda London whose address is 59 Treasure Lake, DuBois, Pennsylvania 15848.
3. Plaintiffs commenced this cause of action on August 14, 2006 filing a Complaint seeking a decree that two (2) driveways were located on property owned by Petitioners.
4. The original Defendant was Matson Timber-Land Co, and thereafter, Linda London was substituted as the Defendant after she acquired the property from Matson Timber-Land Co.

5. Plaintiff propounded discovery upon Defendant Linda London. Thereafter, Petitioners' attorney received an April 30, 2007 letter from counsel for Linda London, Mary L. Pothoven, Esquire, a photocopy of which is attached hereto as Exhibit "A". In essence, Ms. Pothoven proposed to settle the case entering into an Order that Shok would receive title to the driveways that they sought in their Complaint. Plaintiffs accepted the settlement.

6. Pursuant to the settlement, in June of 2007, Plaintiffs and Defendant met and amicably agreed to the property line. Counsel for Shok prepared a Consent Order (a photocopy of which is attached hereto as Exhibit "B") and forwarded same to Defendant's attorney by letter dated June 11, 2007. See Exhibit "C".

7. The Consent Order was not sufficiently formal and London requested an actual survey with a metes and bounds description of the property Shok would receive in the settlement.

8. Shok hired the services of D.E.M. Surveying, P.C. who surveyed the area in dispute and prepared a map and metes and bounds description dated July, 2007.

9. By letter dated August 15, 2007, the revised Consent Order together with the metes and bounds description was sent to London's attorney. The August 15, 2007 letter is attached hereto as Exhibit "D" and the revised Consent Order is attached as Exhibit "E".

10. Shok heard nothing from London until October 15, 2007 when London's attorney advised that the Consent Order and legal description were incorrect.

11. Petitioner believes, and therefore avers, London's refusal to execute the Consent Order is a repudiation of the settlement agreement. The attached survey clearly

shows that Shoks will receive only the land necessary for their driveway and there is no other reasonable means to settle this case with Shoks receiving title to their driveway other than as set forth on the survey of D.E.M. Surveying, P.C.

12. Inasmuch as the parties have settled this case, then the terms of the revised Consent Order with D.E.M. Surveying, P.C. survey and metes and bounds description should be binding upon the parties.

WHEREFORE, Petitioners, Edward L. Shok and Angela L. Shok, respectfully request this Honorable Court enter an Order obligating Defendant to execute the Consent Order attached hereto as Exhibit "E", or in the alternative, enter an Order declaring:


1. The driveway known as Korb Road and 15 foot driveway used by Plaintiffs and described in their Complaint are herein declared to be within Plaintiffs' boundary line.

2. Plaintiffs Edward J. Shok's and Angela L. Shok's property shall include 15,129 square feet or .35 acres, as set forth in a metes and bounds description and map prepared by D.E.M. Surveying, P.C. dated July 2007.

3. This boundary line Order is binding upon the parties, their heirs, successors and assigns.

4. A copy of this Order shall be recorded in the Office of the Recorder of Deeds of Clearfield County.

HOPKINS HELTZEL LLP

By: 
David J. Hopkins, Esquire

LAW OFFICES

Querino R. Torretti

ATTORNEY AT LAW
600 E. MAIN STREET
P. O. Box 218
REYNOLDSVILLE, PENNSYLVANIA 15851

TELEPHONE
814-653-2243

FAX
814-653-8319

Mary L Pothoven
Associate

April 30, 2007

VIA FACSIMILE: 375-5035

Dave Hopkins, Esq.
100 Meadow Lane, Ste. 5
DuBois, PA 15801

RE: Shok v. London

Dear Dave:

Please be advised I just received a call from the Londons. Mr. London said if the Shocks would like the driveway he will be agreeable to setting a pin then the Quiet Title can be stopped. He would like Mr. Shok to contact him to arrange a time to meet and agree on a place to set the pin. If the parties can agree on this matter, your office can prepare a deed conveying the agreed portion of the land without the need for further court intervention. At this time the Londons will not be answering the Interrogatories, but I would still like an extension of time within which to resolve this matter.

Cordially yours,

Mary L. Pothoven
Mary L. Pothoven

Encl.
LMB/lmb

EXHIBIT

A

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

EDWARD J. SHOK and
ANGELA L. SHOK,
Plaintiffs

vs.

LINDA LONDON,
Defendant

No. 06-1300 C.D.

Type of Pleading: Consent Order

Filed on behalf of: Edward J. Shok
and Angela L. Shok, Plaintiffs

Counsel of Record for this party:

HOPKINS HELTZEL LLP

DAVID J. HOPKINS, ESQUIRE
Attorney at Law

Supreme Court No. 42519
100 Meadow Lane, Suite 5
DuBois, Pennsylvania 15801

(814) 375-0300

EXHIBIT

B

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

EDWARD J. SHOK and	:	
ANGELA L. SHOK,	:	
Plaintiffs	:	
vs.	:	No. 06-1300 C.D.
	:	
LINDA LONDON,	:	
Defendant	:	

CONSENT ORDER

AND NOW, this _____ day of _____, 2007, this matter having come before the Court; Plaintiffs having been represented by Hopkins Heltzel LLP and Defendant having been represented by Mary L. Pothoven, Esquire; and it appearing the parties have entered into this Consent Order to form a consensual boundary line to resolve this action; and for good cause shown;

It is ORDERED and DECREED as follows:

1. The driveway known as Korb Road and 15 foot driveway used by Plaintiffs are herein declared to be within Plaintiffs' boundary line. The defining line is shown on Exhibit "A"

2. The boundary line between Plaintiffs, Edward J. Shok and Angela L. Shok, husband and wife, and Linda London that initiated this action shall be:

Beginning at an existing rebar being identified on Exhibit "B" attached hereto; Thence South 85° 26' 14" East 573.77 feet crossing Township Route 354 (Micknis Road) to a point. Thence in a northerly direction following the non-contested boundary line of Edward J. Shok and Angela L. Shok.

3. This boundary line Order is binding upon the parties, their heirs, successors and assigns. A copy of this Order shall be recorded in the Office of the Recorder of Deeds of Clearfield County.

BY THE COURT,

JUDGE

I consent to the form and entry of the within Order.

David J. Hopkins, Esquire

Mary L. Pothoven, Esquire

Edward J. Shok

Linda London

Angela L. Shok

Consensual boundary line
to resolve 1300 of 2006 (

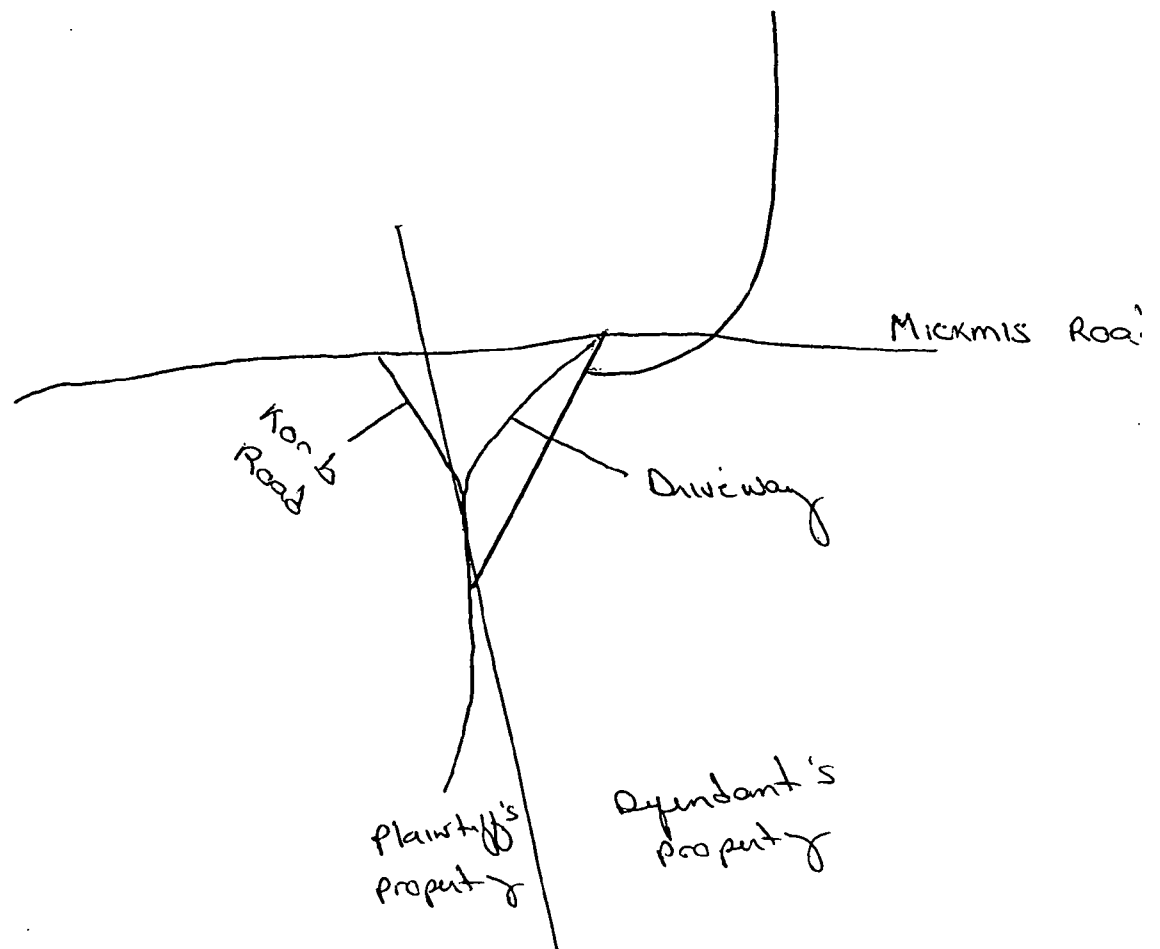


Exhibit "A"

VERA SHELLEY DTL 3 GAS LUTHERSBURG MASTER MAP 0149

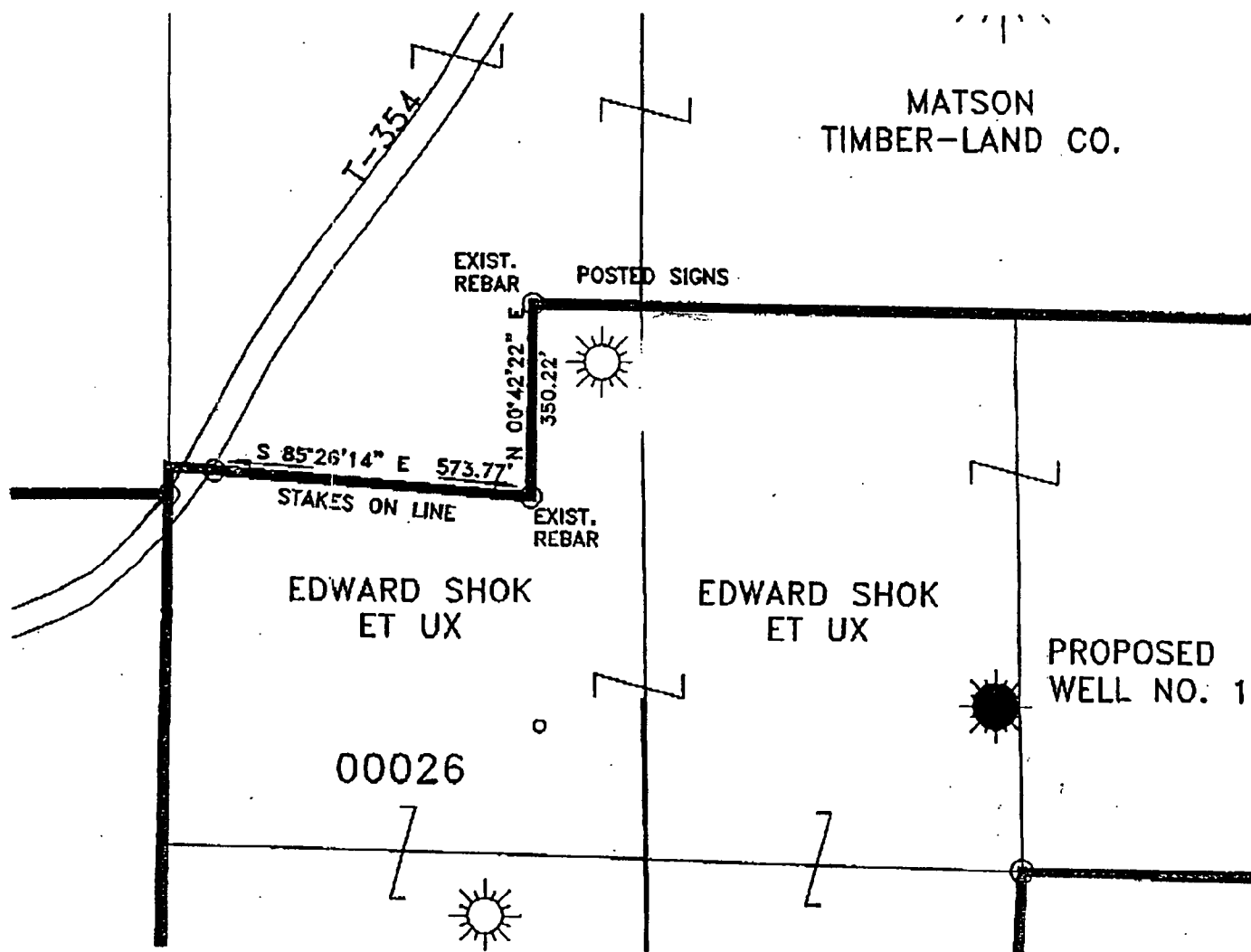


Exhibit "B"

HOPKINS HELTZEL LLP

100 Meadow Lane, Suite 5 • DuBois, PA 15801

David J. Hopkins
Licensed in PA & NJ
Masters in Taxation

Lea Ann Heltzel
Licensed in PA

- Voice: (814) 375 - 0300
- Fax: (814) 375 - 5035
- Email: hhlaw@comcast.net

June 11, 2007


Mary Pothoven, Esquire
600 E. Main Street
Reynoldsville, PA 15851

Dear Ms. Pothoven:

I understand our clients have met and amicably resolved the property line dispute. Towards that end, I have prepared a Consent Order. Would you please review it with your client and if it is acceptable to you, please have your client execute the Order and return to me. Dr. and Mrs. Shok have already reviewed the Order and consent to it.

Thank you for your consideration in this case and the common sense way you offered to resolve it.

Very truly yours,


David J. Hopkins
Attorney at Law

DJH/bjr

Enclosures

cc: Dr. and Mrs. Edward Shok

EXHIBIT

C

HOPKINS HELTZEL LLP

100 Meadow Lane, Suite 5 • DuBois, PA 15801


David J. Hopkins
Licensed in PA & NJ
Masters in Taxation

Lea Ann Heltzel
Licensed in PA

- Voice: (814) 375 - 0300
- Fax: (814) 375 - 5035
- Email: hhlaw@comcast.net

August 15, 2007

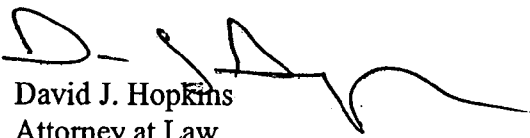
Mary Pothoven, Esquire
600 E. Main Street
Reynoldsville, PA 15851

Dear ~~Ms. Pothoven~~ 

Enclosed herewith please find revised Consent Order together with a survey map. I have also enclosed an additional survey map for your client. Would you be so kind as to obtain your client's signature on the Consent Order and return to me. I will obtain Dr. and Mrs. Shok and file same with the Court.

If you have any questions, please feel free to contact me.

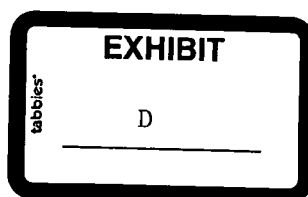
Very truly yours,


David J. Hopkins
Attorney at Law

DJH/bjr

Enclosures

cc: Dr. and Mrs. Edward Shok



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

EDWARD J. SHOK and
ANGELA L. SHOK,

Plaintiffs

vs.

LINDA LONDON,

Defendant

No. 06-1300 C.D.

Type of Pleading: Consent Order

Filed on behalf of: Edward J. Shok
and Angela L. Shok, Plaintiffs

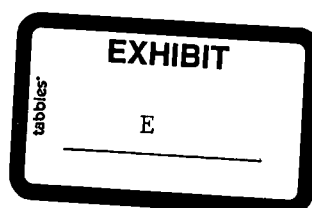
Counsel of Record for this party:

HOPKINS HELTZEL LLP

DAVID J. HOPKINS, ESQUIRE
Attorney at Law

Supreme Court No. 42519
100 Meadow Lane, Suite 5
DuBois, Pennsylvania 15801

(814) 375-0300



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

EDWARD J. SHOK and
ANGELA L. SHOK,
Plaintiffs

vs.

LINDA LONDON,
Defendant

:
:
:
:
:
:
:
:

No. 06-1300 C.D.

CONSENT ORDER

AND NOW, this _____ day of _____, 2007, this matter having come before the Court; Plaintiffs having been represented by Hopkins Heltzel LLP and Defendant having been represented by Mary L. Pothoven, Esquire; and it appearing the parties have entered into this Consent Order to form a consensual boundary line to resolve this action; and for good cause shown;

It is ORDERED and DECREED as follows:

1. The driveway known as Korb Road and 15 foot driveway used by Plaintiffs and described in their Complaint are herein declared to be within Plaintiffs' boundary line.

2. Plaintiffs Edward J. Shok's and Angela L. Shok's property shall include 15,129 square feet or .35 acres, the metes and bounds description of which is set forth on Exhibit "A" and the map of which prepared by D.E.M. Surveying, P.C. dated July 2007 is set forth on Exhibit "B".

3. This boundary line Order is binding upon the parties, their heirs, successors and assigns. A copy of this Order shall be recorded in the Office of the Recorder of Deeds of Clearfield County.

BY THE COURT,

JUDGE

I consent to the form and entry of the within Order.

David J. Hopkins, Esquire

Mary L. Pothoven, Esquire

Edward J. Shok

Linda London

Angela L. Shok

EXHIBIT "A"

ALL that certain piece, parcel or tract of land situate in Brady Township, Clearfield County, Pennsylvania, being bounded and described as follows:

BEGINNING at the southwest corner of the tract of land herein described at point in the centerline of Micknis Road (T-354) (being situate at the southwest corner of a larger tract of land of which the herein described tract was formerly a part, and situate at the northwest corner of lands now or formerly of Edward J. Shok); thence, along the centerline of Micknis Road North $37^{\circ}00'42''$ East 31.82 feet to a point; thence, along same North $29^{\circ}49'50''$ East 11.70 feet to a point; thence, through lands now or formerly of Linda London South $88^{\circ}02'44''$ East 525.86 feet to a set $5/8''$ iron rebar; thence, through same South $78^{\circ}01'39''$ East 84.97 feet to an existing $5/8''$ iron rebar; thence, along lands now or formerly of Edward J. Shok North $90^{\circ}00'00''$ West 633.65 feet to a point in the centerline of Micknis Road, said place of beginning.

CONTAINING 15,129 square feet or 0.35 acres according to a survey by D.E.M. Surveying, P.C. dated July 2007.

Notes:

The purpose of this survey was to define the boundaries of a tract to be conveyed to an adjacent landowner and to become a part of said adjacent tract; i.e. London to Shok, pursuant to a letter prepared by Dave Hopkins, Esq. for Linda London, and dated July 9, 2007.

Notes:
No Abstract of Title, nor title commitment, nor results of a title search were furnished to the surveyor. There may exist unrecorded easements or other interests in the land surveyed. Partial may be subject to other easements, reservations, R-O-W, leases, exceptions, reservations, restrictions, etc., if any that may appear, either of record or unrecorded.

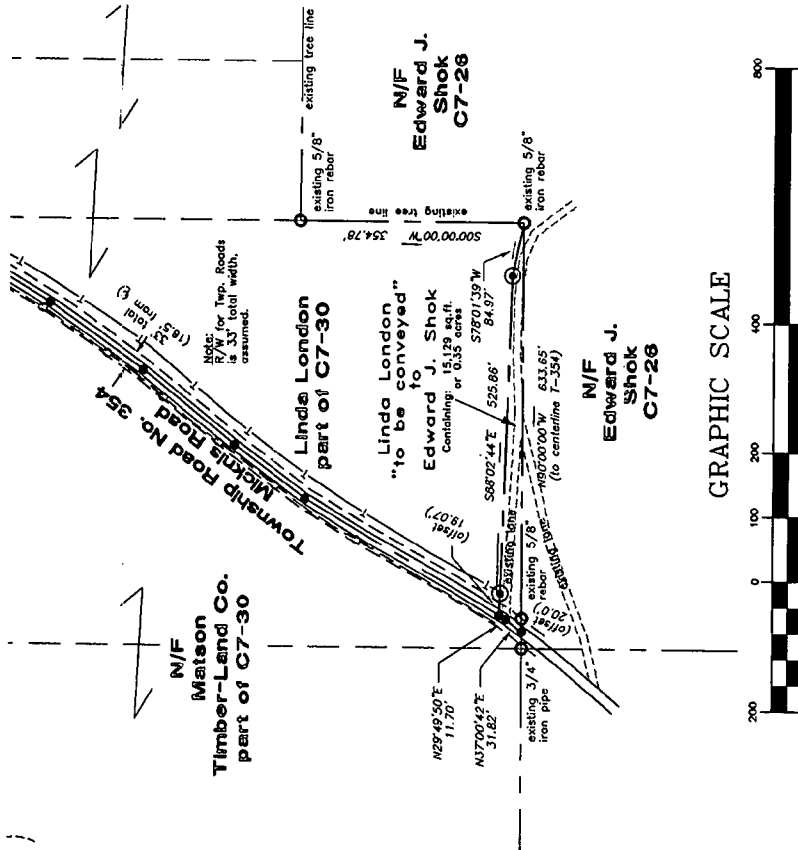
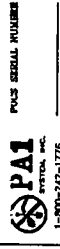
Legend:

- denotes a point
- existing iron marker (as labeled)
- ⊙ set 5/8" iron rebar with plastic survey cap
- approximate interior tract or lot line
- Twp. road R/W (see notes)
- G — approximate location Devonian Resources gasline
- T — approximate location overhead telephone line

Note: The approximate utility line locations shown hereon are according discussions with Matson & London, not surveyed.

There may be unlocated buried utilities located on the premises shown hereon. It is the responsibility of the contractor to place a PA OneCall prior to any excavation activities.

CALL BEFORE YOU DIG!
PENNSYLVANIA LAW REQUIRES
3 WORKING DAYS NOTICE FOR
CONSTRUCTION PLEASE AND 10 WORKING
DAYS IN DESIGN STAGE—STOP CALL



GRAPHIC SCALE

(IN FEET)

1 inch = 200 ft.



Daniel E. Moore, PLS (PLS No. SU-039402-E)
7-31-07
Date

Notes:
Orientation to North was based on a bearing of North 90° East ("East") between 2 existing iron markers along the northern boundary of the northern tract (N/F) of William E. Minns, Sr. and acc. to DB1959 PG206.
Reference was made to a Survey & Subdivision for Matson Timber-Land by D.E.M. dated September 2006.

D.E.M. Surveying, P.C.
Professional Land Surveying

56 Industrial Park Road, Suite #1
Brookville, PA 15825

(814) 849-8230 www.demsurveying.com

Title: Survey for Edward J. Shok 230 Korb Lane, Luthersburg, PA 15848		Drawing No.:	shok-lond.dwg
Municipality: Brady Township	Date: July 2007	Drawn By: dem	Scale: As Shown
County: Clearfield County, PA			

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

EDWARD J. SHOK and	:	
ANGELA L. SHOK,	:	
Plaintiffs	:	
vs.	:	No. 06-1300 C.D.
	:	
LINDA LONDON,	:	
Defendant	:	

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the Motion to Enforce Settlement, filed on behalf of Plaintiffs, Edward J. Shok and Angela L. Shok, was forwarded on the 5th day of December, 2007, by U.S. Mail, postage prepaid, to all counsel of record, addressed as follows:

Mary Pothoven, Esquire
600 E. Main Street
Reynoldsville, PA 15851


David J. Hopkins, Esquire
Attorney for Plaintiffs
Supreme Court No. 42519

FILED

DEC 06 2007

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

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

EDWARD J. SHOK and
ANGELA L. SHOK,

Plaintiffs

vs.

No. 06-1300 C.D.

LINDA LONDON,

Defendant

SCHEDULING ORDER

AND NOW, this 10th day of December, 2007, upon consideration of the Motion to Enforce Settlement, it is hereby ORDERED that:

1. A Rule is issued upon Respondent to show cause why the moving party is not entitled to the relief requested.
2. The Respondent shall file an Answer to the Motion within _____ days of this date;
3. The Motion shall be decided under Pa.R.C.P. §206.7;
4. Depositions and all other discovery shall be completed within _____ days of this date;
5. An Evidentiary Hearing on disputed issues of material fact shall be held on the _____ day of _____, 200____, at _____ o'clock _____.M., in Courtroom No. _____ of the Clearfield County Courthouse, Clearfield, Pennsylvania;
6. Argument shall be held on the 23rd day of January, 2008 at 9:30 o'clock A.M., in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania; and

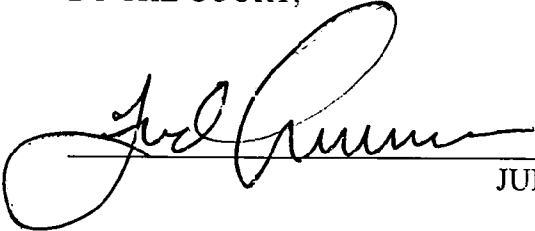
FILED
DEC 10 2007

William A. Shaw
Prothonotary/Clerk of Courts

100
Any Hopkins
(GK)

7. Notice of the entry of this Order shall be provided to all parties by the moving party.

BY THE COURT,


JUDGE

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

EDWARD J. SHOK and
ANGELA L. SHOK,
Plaintiffs

vs.

LINDA LONDON,
Defendant

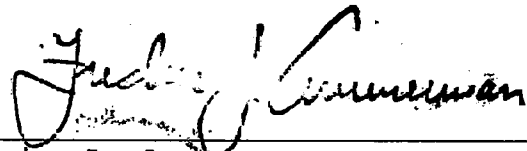
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NO. 06-1300-CD

ORDER OF COURT

AND NOW, this 23rd day of January, 2008,
following argument on the plaintiff's petition to enforce
settlement, IT IS THE ORDER OF THIS COURT that said
petition be and is hereby denied.

BY THE COURT:



Fredric J. Ammerman
President Judge

FILED
JAN 24 2008

William A. Shaw
Prothonotary/Clerk of Courts

cc: Mrs. Hopkins
Fothover

(6K)

FILED

JAN 24 2000

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 1/24/00

☐ 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
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

EDWARD J. SHOK AND ANGELA L. SHOK, :
Plaintiffs : No. 06-1300 C.D.
v. :
: Type of Pleading:
: **NOTICE OF SERVICE OF**
: **ANSWERS TO PLAINTIFFS'**
: **FIRST SET OF**
: **INTERROGATORIES DIRECTED TO**
: **DEFENDANT AND DEFENDANT'S**
: **RESPONSE TO PLAINTIFFS'**
: **REQUEST FOR PRODUCTION OF**
: **DOCUMENTS**
:
LINDA LONDON, : Counsel of Record for
Defendant : This Party:
: Mary L. Pothoven, Esq.
: Supreme Court ID #72164
: 600 E. Main Street
: PO Box 213
: Reynoldsville PA 15851
: (814)653-2243

FILED ^{2cc}
m/1:00 PM
APR 25 2008
Mary Pothoven

William A. Shaw
Prothonotary/Clerk of Courts

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

EDWARD J. SHOK AND ANGELA L. SHOK, :
Plaintiffs : No. 06-1300 C.D.
v. :
LINDA LONDON, :
Defendant :


**NOTICE OF SERVICE OF ANSWERS TO PLAINTIFFS' FIRST SET OF
INTERROGATORIES DIRECTED TO DEFENDANT AND DEFENDANT'S RESPONSE
TO PLAINTIFFS' REQUEST FOR PRODUCTION OF DOCUMENTS**

TO TONYA S. GEIST, PROTHONOTARY:

PLEASE TAKE NOTICE that the Defendant, Linda London, has served ANSWERS TO PLAINTIFFS' FIRST SET OF INTERROGATORIES DIRECTED TO DEFENDANT AND DEFENDANT'S RESPONSE TO PLAINTIFFS' REQUEST FOR PRODUCTION OF DOCUMENTS by mailing the same, regular mail, postage prepaid to their attorney, David J. Hopkins, Esquire; 100 Meadow Lane, Ste. 5; DuBois, Pennsylvania 15801 on April 22, 2008.

Respectfully submitted by:

Date: April 22, 2008


Mary L. Pothoven, Esquire
Attorney for Defendant

FILED

APR 25 2008

William A. Shaw
Prothonotary/Clerk of Courts

CA

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

EDWARD J. SHOK and
ANGELA L. SHOK,
Plaintiffs
vs.
LINDA LONDON,
Defendant

FILED

No. 06-1300 C.D.

MAR 31 2011
William A. Shaw
Notary/Clerk of Courts

Type of Pleading: Petition to File
an Amended Complaint

Filed on behalf of: Edward J. Shok
and Angela L. Shok, Plaintiffs

Counsel of Record for this party:

HOPKINS HELTZEL LLP

DAVID J. HOPKINS, ESQUIRE
Attorney at Law

Supreme Court No. 42519
100 Meadow Lane, Suite 5
DuBois, Pennsylvania 15801

(814) 375-0300

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

EDWARD J. SHOK and	:	
ANGELA L. SHOK,	:	
Plaintiffs	:	
vs.	:	No. 06-1300 C.D.
	:	
LINDA LONDON,	:	
Defendant	:	

PETITION TO FILE AMENDED COMPLAINT

AND NOW, comes Plaintiffs, Edward J. Shok and Angela L. Shok, by and through their attorneys, Hopkins Heltzel LLP, and files the within Petition to Amend their Complaint to add a count for fraud and in support thereof, states as follows:

1. Plaintiffs are Edward J. Shok and Angela L. Shok who reside at 230 Korb Lane, Luthersburg, Pennsylvania 15848.
2. Defendant is Linda London who resides at Box 320 Stoney Lonesome Road, Luthersburg, Pennsylvania 15848.
3. This matter commenced by Plaintiffs filing a quiet title action naming Defendant Matson Timber – Land Company as a Defendant. Plaintiffs filed a Lis Pendens. Nevertheless, Matson Timber – Land Company conveyed the property to Linda London at a time when Linda London knew of the quiet title action. Linda London was later substituted as an original Defendant.
4. The within action concerns two (2) driveways running from Micknis Road to Plaintiffs' property. One (1) driveway is known as Korb Road and the other driveway is unnamed. Both driveways are approximately fifteen (15) feet in width and are set forth on the attached diagram as Exhibit "A".

5. Plaintiffs acquire their property by Deed dated October 30, 2002 from Olan London and Defendant Linda London. The Deed is recorded in the Office of the Recorder of Deeds of Clearfield County as Instrument No. 2002-17805.

6. Olan and Linda London acquired title to the Plaintiffs' property by Deed of James and Irene Barraclough by Deed dated March 17, 1990. Throughout the London's ownership of the property, they used the driveways described herein and in the quiet title action to access their property.

7. When Plaintiffs and Defendant met to discuss Plaintiffs' purpose of Defendant's property, Defendant represented that both driveways used to access the property were the property of the Londons.

8. After acquiring title to the property, Plaintiffs discovered the driveways were not on the deeded portion of their title and were forced to commence a quiet title against Matson Timber – Land Company.

9. Subsequent to the quiet title action being filed, the Londons acquired the Matson Timber – Land Company property and filed an Answer objecting to the quiet title action.

10. In the event Plaintiffs are unsuccessful in the quiet title action, then they have suffered damages as a result of the fraudulent misrepresentations by Defendant.

11. Defendant made the aforesaid representations that the driveways were owned by the Defendant prior to her conveyance to the Plaintiffs. Defendant made the statements knowing the statements were untrue and did so for the purpose of inducing Plaintiffs to buy the property. As a result of the fraudulent representations of Defendant, Plaintiffs acquired the property from the Defendant.

12. As a result of the fraudulent statements of the Defendant, it is conceivable Plaintiffs have suffered damages in the following ways:

- a. Having to share a driveway with a neighbor;
- b. Reduction in square footage of the property Plaintiffs' acquired from Defendant;
- c. The cost to construct their own driveway that safely accesses Micknis Road; and
- d. Such other damages as may be introduced at trial.

13. Plaintiffs believe the damages they have suffered are in excess of \$50,000.00.

14. Plaintiffs' desire to amend their Complaint alleging the fraud committed by the Defendants against the Plaintiffs. The proposed Amended Complaint is attached hereto as Exhibit "B".

WHEREFORE, Plaintiffs respectfully request this Honorable Court authorize Plaintiffs to amend their Complaint in the form attached hereto as Exhibit "B".

Respectfully submitted,

HOPKINS HELTZEL LLP



David J. Hopkins, Esquire
Attorney for Plaintiffs
Supreme Court No. 42519

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

EDWARD J. SHOK and
ANGELA L. SHOK,

Plaintiffs

vs.

LINDA LONDON,

Defendant

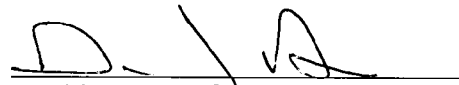
No. 06-1300 C.D.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the Petition to File Amended Complaint, filed on behalf of Plaintiffs, Edward J. Shok and Angela L. Shok, was forwarded on the 28th day of March, 2011, by U.S. Mail, postage prepaid, to all counsel of record, addressed as follows:

Mary L. Pothoven, Esquire
600 E. Main Street
Reynoldsville, PA 15851

HOPKINS HELTZEL LLP


David J. Hopkins, Esquire
Attorney for Plaintiffs
Supreme Court No. 42519

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

EDWARD J. SHOK and

ANGELA L. SHOK,

Plaintiffs

vs.

LINDA LONDON,

Defendant

No. 06-1300 C.D.

Type of Pleading: Amended
Complaint

Filed on behalf of: Edward J. Shok
and Angela L. Shok, Plaintiffs

Counsel of Record for this party:

HOPKINS HELTZEL LLP

DAVID J. HOPKINS, ESQUIRE
Attorney at Law

Supreme Court No. 42519
100 Meadow Lane, Suite 5
DuBois, Pennsylvania 15801

(814) 375-0300

EXHIBIT "B"

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

EDWARD J. SHOK and	:	
ANGELA L. SHOK,	:	
Plaintiffs	:	
vs.	:	No. 06-1300 C.D.
	:	
LINDA LONDON,	:	
Defendant	:	

NOTICE

TO DEFENDANT:

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 OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Office of the Court Administrator
Clearfield County Courthouse
230 E. Market Street
Clearfield, PA 16830
(814) 765-2641 ext. 1303

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

EDWARD J. SHOK and	:	
ANGELA L. SHOK,	:	
Plaintiffs	:	
vs.	:	No. 06-1300 C.D.
	:	
LINDA LONDON,	:	
Defendant	:	

AMENDED COMPLAINT

AND NOW, comes Edward J. Shok and Angela L. Shok, by and through their attorneys, Hopkins Heltzel LLP, and files the within Amended Complaint and set forth as follows:

COUNT I

1. Plaintiffs, Edward J. Shok and Angela L. Shok, are husband and wife and are adult individuals who reside a 230 Korb Lane, Luthersburg, Pennsylvania 15848.

2. Plaintiffs are the owners of certain real property situate in the Township of Brady, Clearfield County, Pennsylvania. The property is described in a Deed recorded in the Office of the Recorder of Deeds of Clearfield County as Instrument No. 2002-17805. The property is identified as Tax Parcel No. C07-000-00026 and C07-000-00027.

3. Defendant, Linda London is an adult individual who resides at Box 320 Stoney Lonesome Road, Luthersburg, Pennsylvania 15848. Defendant is the owner of real property located in Brady Township, Clearfield County, Pennsylvania, described in a Deed recorded in the Office of the Recorder of Deeds of Clearfield County as Instrument No. 2006-19776. The property is identified as Tax Parcel No. C07-000-00030.

4. The vacant real property that is the subject of this quiet title action are two driveways running from Micknis Road from Plaintiffs' property. One driveway is known as Korb Road and the other driveway is unnamed. Both driveways are approximately fifteen (15') feet in width and are set forth on the attached diagram as Exhibit "A". The driveways are located on lands of the Defendant.

5. Defendant acquired the property by Deed dated October 24, 2005 from Matson Timber Land Co. The Deed is recorded in the Office of the Recorder of Deeds of Clearfield County as Instrument No. 2006-19776.

6. Matson Timber Land Co. acquired the property by Deed dated October 30, 2002 from Olan London and Linda London. The Deed is recorded in the Office of the Recorder of Deeds of Clearfield County as Instrument No. 2002-17805. Throughout the Shok's ownership, they have used the driveways described in paragraph 4 to access their property.

7. Olan London and Linda London, husband and wife, acquired title to the Shok property by Deed of James J. Barraclough and Irene Ruth Barraclough by Deed dated May 17, 1990 and recorded in the Office of the Recorder of Deeds of Clearfield County in Deed Book 1343, at page 250. Throughout the London's ownership of the property, they used the driveways described in paragraph 4 to access the property.

8. By Deed dated February 3, 1977, James L. Barraclough and Irene Ruth Barraclough acquired title to the property by Deed of J. I. Korb a/k/a Jesse I. Korb and Twila C. Korb. The Deed is recorded in the Office of the Recorder of Deeds of Clearfield County in Volume 734, at page 232. Throughout the Barraclough's ownership of the property, they used the driveways described in paragraph 4 to access the property.

9. J. I. Korb and Twila Korb acquired title to the property by Deed of J. I. Korb and Twila G. Korb. Said Deed is dated April 2, 1952 and recorded in the Office of the Recorder of Deeds of Clearfield County as Deed Book 422, at page 160. Throughout the Korbs' ownership of the property, they used the northern driveway described in Paragraph 4 to access the property.

10. Jesse I. Korb acquired title to the property by Deed of Twila G. Korb and Jesse T. Korb by Deed dated October 3, 1929. Throughout the Jesse I. Korb ownership, he utilized the northern driveway described in paragraph 4 to access the property.

11. Plaintiffs trace ownership of their property and use of the northern driveway to 1851.

12. At all material times, Plaintiffs have used the driveways openly, hostilely, and notoriously and against Defendant and all of Defendant's predecessors in title for a period of time in excess of twenty one (21) years.

13. Plaintiffs have acquired title to the driveways and the lands south of the northern driveway by adverse possession.

14. The purpose of this quiet title action is to confirm Plaintiffs' ownership of the fifteen (15') foot wide driveways and all lands to the south of the northern most driveway.

WHEREFORE, the Plaintiffs request the Court to decree that title to the premises described in paragraph 4 of the Complaint (that being the fifteen (15') foot wide driveways and the lands south of the northern most driveway) be granted unto Plaintiffs,

Edward J. Shok and Angela L. Shok, in fee simple absolute; and that the Defendant, Matson Timber-Land Co., its successors and assigns, be forever barred from asserting any right, lien or interest inconsistent with the interest or claim of the Plaintiffs.

COUNT TWO

15. Plaintiffs repeat each of the allegations set forth in paragraphs 1 through 14 as if set forth at length herein.

16. Plaintiffs acquired their property by deed dated October 30, 2002 from Olan London and Linda London. The deed is recorded in the office of the recorder of deeds of Clearfield County as instrument No. 2002-17805.

17. At all material times during the negotiations between Plaintiffs and Olan London and Linda London, the London's represented that the driveways at issue were on the Londons property.

18. At all material times relevant hereto, Olan London and Linda London knew or should have known the driveways were not on their property to be conveyed to the Plaintiffs.

19. The representations by Olan London and Linda London concerning the driveways were false and were made with the intent of Plaintiffs' relying upon their statements.

20. Plaintiffs did rely upon the statements of Olan London and Linda London that the driveways at issue were on the London property and Plaintiffs purchased the property from Olan London and Linda London.

21. The statements by Olan London and Linda London were false. They were made for the purpose of deceiving the Plaintiffs and they did in fact deceive the Plaintiffs.

22. The actions of Olan London and Linda London constitute the tort of fraud.

23. Plaintiffs have suffered damages as a result of Olan London and Linda London's fraud in the nature of:

- a. Having to share a driveway with a neighbor;
- b. Reduction in square footage of the property Plaintiffs' acquired from Defendant;
- c. The cost to construct their own driveway that safely accesses Micknis Road; and
- d. Such other damages as may be introduced at trial.

24. The actions of Olan London and Linda London are so outrageous and wanted and were so willful as to entitle Plaintiffs to an award of punitive damages.

WHEREFORE, Plaintiffs demand judgment against Olan London and Linda London, jointly and severally, for compensatory damages, punitive damages, costs of suit, equitable relief in the nature of awarding the driveways at issue to Plaintiff and such other and further relief as the court deems fair, just and equitable.

Respectfully submitted,

HOPKINS HELTZEL LLP

By: _____
David J. Hopkins, Esquire
Attorney for Plaintiffs

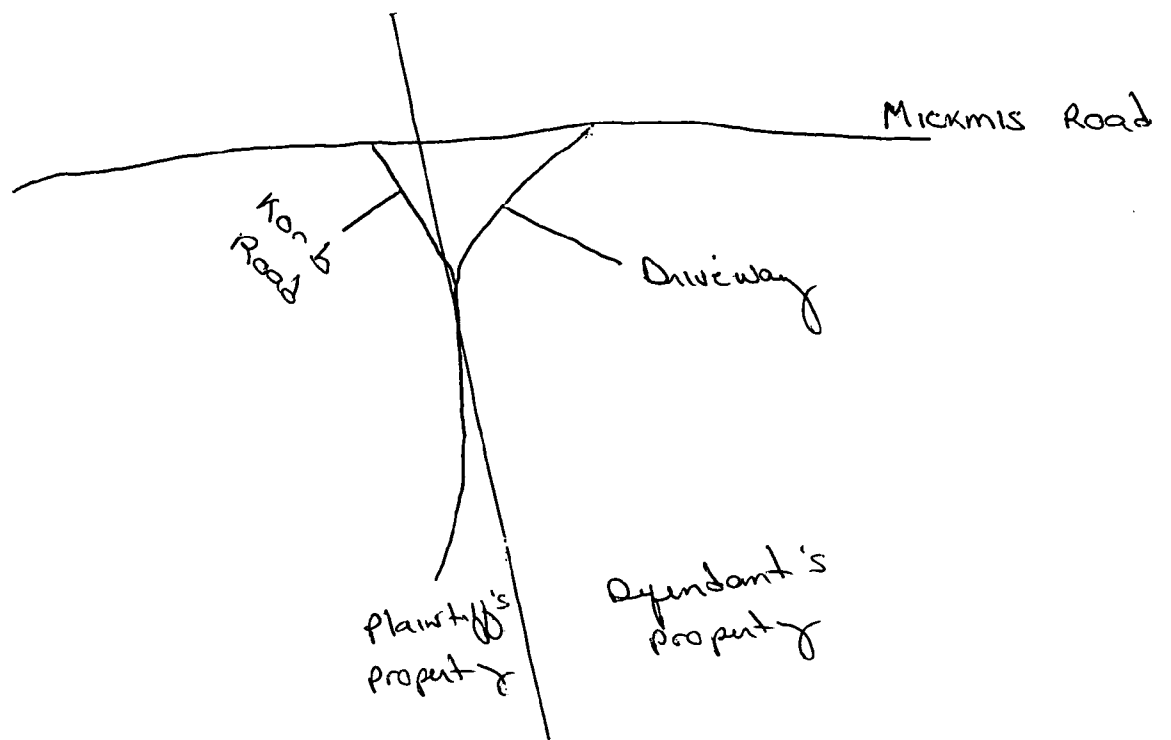


Exhibit "A"

FILED

MAR 31 2011

William A. Shaw
Prothonotary/Clerk of Courts

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

EDWARD J. SHOK and
ANGELA L. SHOK,
Plaintiffs
vs.
LINDA LONDON,
Defendant

No. 06-1300 C.D.

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0740001
APR 01 2011
William A. Shaw
Prothonotary/Clerk of Courts
ICCAly Hopkins

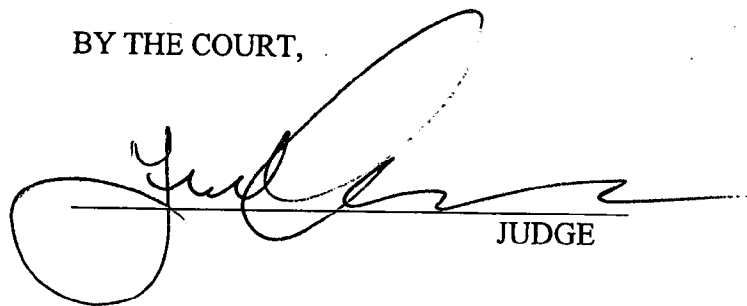
SCHEDULING ORDER

AND NOW, this 31 day of March, 2011 upon consideration of the Petition to File Amended Complaint it is hereby ORDERED that:

1. A Rule is issued upon Respondent to show cause why the moving party is not entitled to the relief requested.
- ~~2.~~ The Respondent shall file an Answer to the Petition within ____ days of this date;
3. The Petition shall be decided under Pa.R.C.P. §206.7;
- ~~4.~~ Depositions and all other discovery shall be completed within ____ days of this date;
- ~~5.~~ An Evidentiary Hearing on disputed issues of material fact shall be held on the 31st day of March, 2011, at 10:00 o'clock AM.M., in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania;
6. Argument shall be held on the 13th day of May, 2011 at 9:00 o'clock A.M., in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania; and

7. Notice of the entry of this Order shall be provided to all parties by the moving party.

BY THE COURT,

A handwritten signature in black ink, written over a horizontal line. The signature is stylized and cursive, with a large loop at the beginning and a long, sweeping tail that extends to the right. The word "JUDGE" is printed in capital letters to the right of the signature.

JUDGE

FILED

APR 01 2011

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL DIVISION

EDWARD J. SHOK AND ANGELA L. SHOK, :
:
Plaintiffs : No. 06-1300 C.D.
:
: Type of Pleading:
v. : PRAECIPE TO SUBSTITUTE
: COUNSEL
:
LINDA LONDON, : Filed on Behalf of:
Defendant : **DEFENDANT**
:
:
: Filed By:
:
: Patrick Lavelle, Esq.
: PA. ID# 85537
: 25 East Park Ave.
: Suite #2
: DuBois, PA. 15801
: (814) 371-2232
: (814) 371-4480 Fax

FILED

MAY 03 2011

William A. Shaw
Prothonotary/Clerk of Courts

copy to CIA

(610)

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

EDWARD J. SHOK AND ANGELA L. SHOK, :
Plaintiffs : No. 06-1300 C.D.
:
v. :
:
LINDA LONDON, :
Defendant :

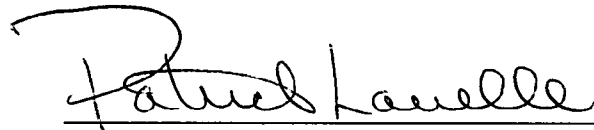
PRAECIPE TO SUBSTITUTE COUNSEL

TO THE PROTHONOTARY:

Please withdraw my appearance on behalf of the Defendant,
Linda London.


Mary L. Pothoven, Esq.

Please enter my appearance on behalf of the Defendant,
Linda London.


Patrick Lavelle, Esq.

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

EDWARD J. SHOK AND ANGELA L. SHOK, :
Plaintiffs : No. 06-1300 C.D.
:
v. :
:
LINDA LONDON, :
Defendant :

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing
Praecipe for the Substitution of Counsel, by mailing same via 1st
class mail, postage prepaid, to the following:

David A. Hopkins, Esq.
Hopkins, Heltzel LLP
100 Meadow Lane
Suite 5
DuBois, PA. 15801

May 2, 2011


Patrick Lavelle, Esq.

FILED

MAY 03 2011

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL DIVISION

EDWARD J. SHOK AND ANGELA L. SHOK, :
:
Plaintiffs : No. 06-1300 C.D.
:
v. : Type of Pleading:
: **RESPONSE TO PETITION TO**
: **FILE AMENDED COMPLAINT**
:
LINDA LONDON, : Filed on Behalf of:
: **DEFENDANT**
:
:
: Filed By:
:
: **Patrick Lavelle, Esq.**
: **PA. ID# 85537**
:
: **Adrianne Peters**
: **PA ID# 309997**
:
: **25 East Park Ave.**
: **Suite #2**
: **DuBois, PA. 15801**
: **(814) 371-2232**
: **(814) 371-4480 Fax**

FILED No
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MAY 03 2011 (W)
William A. Shaw
Prothonotary/Clerk of Courts

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

EDWARD J. SHOK AND ANGELA L. SHOK, :
Plaintiffs : No. 06-1300 C.D.
:
v. :
:
LINDA LONDON, :
Defendant :

RESPONSE TO PETITION TO FILE AMENDED COMPLAINT

AND NOW comes the defendant, Linda London, by and through her attorney, Patrick Lavelle, Esq., and files the within response to Plaintiffs' Petition to Amend their Complaint and in support thereof states as follows:

1. As set forth in Paragraph 5 of Plaintiffs' Petition to file Amended Complaint, the plaintiffs acquired title to their property by a deed dated October 30, 2002 from Olan London and defendant, Linda London.

2. Plaintiffs allege in Paragraph 7 of their Petition to Amend Complaint that defendant, prior to Plaintiffs' purchase of the above referenced property, represented to them that two driveways (which driveways are at issue in the underlying quiet title action) were located on the property being acquired by the Plaintiffs from defendant, Linda London, and her husband, Olan London.

3. In as much as Plaintiffs in their Petition to Amend Complaint allege they acquired their property from defendant on October 30, 2002 and further allege that prior to acquiring the property on October 30, 2002, that representations were made to them by defendant regarding ownership of the two driveways the alleged representations must have taken place prior to October 30, 2002, almost nine years ago.

4. The Complaint Plaintiffs seek to amend in their Petition is a Quiet Title Action which was filed on August 14, 2006, almost five years ago.

5. The Complaint originally filed by the Plaintiffs herein on August 14, 2006 was a Quiet Title Action naming Matson Timber-land Company as defendant.

6. Subsequent to Plaintiffs filing their Complaint on August 14, 2006, defendant, Linda London, purchased the property at issue in the underlying quiet title action from Matson Timber-Land Company.

7. Pursuant to a stipulated motion to amend the caption and substitute defendant, the Court of Common Pleas of Clearfield County, on January 10, 2007 substituted Linda London as defendant in the underlying quiet title action in place of Matson Timber-Land Company and further ordered Linda London be hereinafter set forth as the named defendant in all subsequent

pleadings and Matson Timber-Land Company was thereby dismissed as a party.

8. The amended complaint plaintiffs seek leave to file reiterates a claim for quiet title action in Count I, however, it adds a Count II claim for fraud.

9. Pursuant to 42 Pa. C.S.A. 5524, plaintiffs claim for fraud is barred for the two year statute of limitations and plaintiffs, therefore, are barred from amending their Complaint to add the count of fraud.

CASE AUTHORITY

Amendments to pleadings are freely allowed under the *Pennsylvania Rules of Civil Procedure (Rule 1033)* and it is within the trial court's discretion whether to grant or deny permission to amend. See Trude v. Martin, 442 Pa. Super. 614, 660 A.2d 626 (1995). The rules of civil procedure, however, do not change the well established principal forbidding an amendment for introducing a new cause of action that is barred by the statute of limitations. Id., at 635. Thus, an amendment to a complaint is not permissible after the expiration of the statutory period where the purpose is to introduce a new cause of action. Laursen v. General Hospital of Monroe County, 494 Pa. 238, 243; 431 A.2d 237, 239 (1981). An amendment adding new causes of action after the statute of limitations have run is prejudicial to defendants because it subjects them to claims

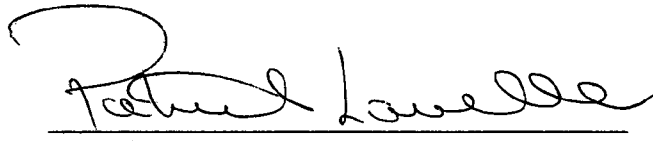
without permitting them to raise the defense of the statute of limitations which would otherwise be available to them. Hodgen v. Summers, 555 A.2d 214, 216 (1989).

In the instant case, the statute of limitations for claims of fraud arising in conjunction with plaintiffs' purchase of their property from defendant ended on October 30, 2004, two years after having acquired their property from defendant, Linda London, and her husband, Olan London. Even if the court should find the statute of limitations did not begin to run until Matson Timber-land Company had their neighboring property surveyed for purposes of subdividing, which survey revealed the two driveways at issue were not on plaintiffs' property, the survey was performed in July of 2006. The plaintiffs clearly knew as of August 14, 2006, the date they filed their original complaint to quiet title against Matson Timber Land Company, that the survey revealed the two driveways were not on their property. The statute of limitations for plaintiffs' claims arising from alleged fraud on the part of defendant would have ended August 14, 2008, approximately two and a half years ago.

WHEREFORE, defendant respectfully requests this honorable court deny plaintiff's Petition to amend their complaint in the form attached as Exhibit "B" to their petition, specifically that the court deny plaintiffs' request to add Count II to their Complaint.

RESPECTFULLY SUBMITTED

Date: 5/2/11


Patrick Lavelle, Esq.

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

EDWARD J. SHOK AND ANGELA L. SHOK, :
Plaintiffs : No. 06-1300 C.D.
:
v. :
:
LINDA LONDON, :
Defendant :

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing
Response to Petition to File Amended Complaint, by mailing same
via 1st class mail, postage prepaid, to the following:

David J. Hopkins, Esq.
Hopkins, Heltzel LLP
100 Meadow Lane
Suite 5
DuBois, PA. 15801

5/2/11
Date


Patrick Lavelle, Esq.

FILED

MAY 03 2011

William A. Shaw
Prothonotary/Clerk of Courts

CA

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

EDWARD J. SHOK and
ANGELA L. SHOK,
Plaintiffs

vs.

LINDA LONDON,
Defendant

No. 06-1300 C.D.

Type of Pleading: Praeipue
to Withdraw Petition to File
an Amended Complaint

Filed on behalf of: Edward J. Shok
and Angela L. Shok, Plaintiffs

Counsel of Record for this party:

HOPKINS HELTZEL, LLP

DAVID J. HOPKINS, ESQUIRE
Attorney at Law
Supreme Court No. 42519

LEA ANN HELTZEL, ESQUIRE
Attorney at Law
Supreme Court No. 83998

CARL J. ZWICK, ESQUIRE
Attorney at Law
Supreme Court No. 306554

100 Meadow Lane, Suite 5
DuBois, Pennsylvania 15801
(814) 375-0300

FILED
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NOV 28 2011
City Hopkins
William A. Shaw
Prothonotary/Clerk of Courts
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

EDWARD J. SHOK and
ANGELA L. SHOK,

Plaintiffs

vs.

LINDA LONDON,

Defendant

:
:
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:
:
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No. 06-1300 C.D.

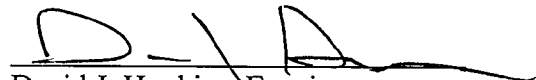
PRAECIPE TO WITHDRAW PETITION TO
FILE AMENDED COMPLAINT

TO THE PROTHONOTARY:

Kindly withdraw the Petition to File Amended Complaint filed on March 31, 2011
in the above captioned matter.

Respectfully submitted,

HOPKINS HELTZEL LLP



David J. Hopkins, Esquire
Attorney for Plaintiffs
Supreme Court No. 42519

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

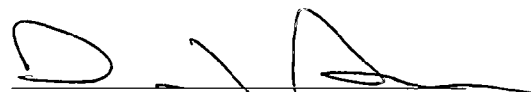
EDWARD J. SHOK and	:	
ANGELA L. SHOK,	:	
Plaintiffs	:	
vs.	:	No. 06-1300 C.D.
	:	
LINDA LONDON,	:	
Defendant	:	

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the Praecipe to Withdraw Petition to File Amended Complaint, filed on behalf of Plaintiffs, Edward J. Shok and Angela L. Shok, was forwarded on the 28th day of November, 2011, by U.S. Mail, postage prepaid, to all counsel of record, addressed as follows:

Patrick Lavelle, Esquire
25 East Park Avenue, Suite #2
DuBois, PA 15801

HOPKINS HELTZEL LLP



David J. Hopkins, Esquire
Attorney for Plaintiffs
Supreme Court No. 42519

FILED

NOV 28 2011

William A. Shaw
Prothonotary/Clerk of Courts

CA

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

EDWARD J. SHOK and
ANGELA L. SHOK,

Plaintiffs

vs.

LINDA LONDON,

Defendant

No. 06-1300 C.D.

Type of Pleading: Petition to File
an Amended Complaint

Filed on behalf of: Edward J. Shok
and Angela L. Shok, Plaintiffs

Counsel of Record for this party:

HOPKINS HELTZEL LLP

DAVID J. HOPKINS, ESQUIRE
Attorney at Law
Supreme Court No. 42519

CARL J. ZWICK, ESQUIRE
Attorney at Law
Supreme Court No. 306554

100 Meadow Lane, Suite 5
DuBois, Pennsylvania 15801

(814) 375-0300

FILED
JUL 28 2011
William A. Shaw
Prothonotary/Clerk of Courts
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

EDWARD J. SHOK and	:	
ANGELA L. SHOK,	:	
Plaintiffs	:	
vs.	:	No. 06-1300 C.D.
	:	
LINDA LONDON,	:	
Defendant	:	

PETITION TO FILE AMENDED COMPLAINT

AND NOW, comes Plaintiffs, Edward J. Shok and Angela L. Shok, by and through their attorneys, Hopkins Heltzel LLP, and files the within Petition to Amend their Complaint to add counts for unjust enrichment, estoppel, specific performance and boundary by acquiescence and in support thereof, states as follows:

I. PARTIES

1. Plaintiffs are Edward J. Shok and Angela L. Shok who reside at 230 Korb Lane, Luthersburg, Pennsylvania 15848.

2. Defendant is Linda London who resides at Box 320 Stoney Lonesome Road, Luthersburg, Pennsylvania 15848.

II. BACKGROUND

3. This matter commenced, on April 14, 2006, by Plaintiffs filing a quiet title action naming Defendant Matson Timber-Land Company ("Matson") as a Defendant. Plaintiffs also filed a Lis Pendens. Notwithstanding the pending civil action, Matson conveyed its property to Linda London via deed, which was placed of record on November 27, 2006 in the Office of the Clearfield County Recorder of Deeds. Thus, Linda London

knew of the quiet title action when she purchased the real property from Matson. Linda London was later substituted as an original Defendant.

4. The within action concerns two driveways running from Micknis Road to Plaintiffs' property. The first driveway is known as Korb Road and the other is unnamed. Both driveways are approximately fifteen (15) feet in width and are set forth on the attached diagram as Exhibit "A".

5. Plaintiffs acquired their property by Deed dated October 30, 2002 from Olan London and Defendant Linda London. The Deed is recorded in the Office of the Recorder of Deeds of Clearfield County as Instrument No. 2002-17805.

6. Olan London and Linda London acquired title to the Plaintiffs' property by Deed of James and Irene Barraclough by Deed dated March 17, 1990. Throughout the London's ownership of the property, the London's used the driveways described herein and in the quiet title action to access their property.

7. When Plaintiffs and Defendant met to discuss Plaintiffs' purpose of Defendant's property, Defendant represented that both driveways were used to access the property and were owned by the Londons. Defendant further represented that both driveways would be conveyed to Plaintiffs in the event Plaintiffs acquired the subject property from the Londons.

8. After acquiring title to the property, Plaintiffs discovered the driveways were not on the deeded portion of their title and were forced to commence a quiet title against Matson.

9. Subsequent to the quiet title action being filed, the Londons acquired the Matson property and filed an Answer objecting to the quiet title action and Plaintiffs' exclusive right to use the upper driveway.

III. UNJUST ENRICHMENT

10. In the event Plaintiffs are unsuccessful in the quiet title action, then Defendant will be unjustly enriched due to her representations regarding ownership of the two driveways in question.

11. The sale of the property would not have been consummated if Defendant had represented to Plaintiffs that the two driveways in question were not being conveyed to Plaintiffs through the sale of the subject property.

12. As a result of Defendant's representations regarding the ownership and conveyance of the two driveways, if Defendant is permitted to retain the upper driveway, Defendant would be unjustly enriched at Plaintiff's expense, not only because Defendant received from Plaintiffs consideration for the property that included the two driveways, but also because Defendant purchased the adjacent parcel from Matson and now claims that Defendant is the rightful owner of the upper driveway.

13. Defendant either wrongfully secured or passively received any right, title or interest that she may have in the upper driveway, and to avoid Defendant's unjust enrichment, this Honorable Court must impose a constructive trust in which the two driveways are held for the benefit of the Plaintiffs.

WHEREFORE, Plaintiffs respectfully request this Honorable Court authorize Plaintiffs to amend their Complaint to include a count for unjust enrichment.

IV. ESTOPPEL

14. In the event Plaintiffs are unsuccessful in the quiet title action, then Defendant nonetheless must be estopped from claiming she has any right, title and interest in the two driveways.

15. To induce Plaintiffs to purchase the subject property, Defendant represented that the property included the two driveways at issue in this case.

16. The Plaintiffs were induced to purchase the subject property based on, among other things, Defendant's representations regarding the two driveways being part of the subject property.

17. The sale of the property would not have been completed if Defendant had represented to Plaintiffs that the two driveways in question were not being conveyed to Plaintiffs through the sale of the subject property.

18. Injustice in this case can be avoided only by enforcement of Defendant's representation regarding the two driveways, and thus Defendant must be estopped from asserting that she is the rightful owner of the two driveways.

WHEREFORE, Plaintiffs respectfully request this Honorable Court authorize Plaintiffs to amend their Complaint to include a count for estoppel.

V. SPECIFIC PERFORMANCE

19. In the event Plaintiffs are unsuccessful in the quiet title action, then Defendant nonetheless must be required to convey any right, title and interest she has in the two driveways to Plaintiffs, as Defendant already purported to convey the driveways to Plaintiffs when Plaintiffs purchased the subject property on October 30, 2002.

20. As a result of Defendant's conduct in representing her ownership of the driveways when negotiating the sale of the subject property to Plaintiffs, as well as Defendant's expressed intention to convey the driveways as part of the property, the Plaintiffs have suffered unique damages for which no adequate remedy exists at law.

21. Defendant is now the owner of the adjacent property on which the driveways are situated.

22. Plaintiffs therefore request that the Court require the Defendant to perform specifically on her representation of ownership and conveyance of the two driveways to Plaintiffs, as Defendant now owns the adjacent parcel on which the driveways are actually situated.

WHEREFORE, Plaintiffs respectfully request this Honorable Court authorize Plaintiffs to amend their Complaint to include a count for specific performance.

VI. BOUNDARY BY ACQUIESCENCE

23. In the event Plaintiffs are unsuccessful in the quiet title action, then Defendant nonetheless must convey any right, title and interest she has in the two driveways to Plaintiffs, as Defendant exclusively used the driveways when she was the owner of the subject property and agreed to the Plaintiff's exclusive use of the driveways if they purchased the subject property. In other words, Defendant acquiesced to the upper driveway being the boundary of the subject property.

24. The doctrine of boundary by acquiescence functions as a rule of repose to quiet title and discourage vexatious litigation.

25. As a result of Defendant's representations that she owned and was conveying to the Plaintiffs the two driveways, the Defendant accepted the driveways as the

boundary line between the subject property and the Matson property, which property is now owned by Defendant.

26. Plaintiffs therefore request that the Court require the Defendant to convey any and all right, title and interest she may have in the two driveways to Plaintiffs.

WHEREFORE, Plaintiffs respectfully request this Honorable Court authorize Plaintiffs to amend their Complaint to include a count for boundary by acquiescence.

VII. CONCLUSION

27. As a result of the foregoing, it is conceivable that Plaintiffs have suffered damages in the following ways:

- a. Having to share a driveway with a neighbor;
- b. Reduction in square footage of the property Plaintiffs' acquired from Defendant;
- c. The cost to construct their own driveway that safely accesses Micknis Road; and
- d. Such other damages as may be introduced at trial.

28. Plaintiffs believe the damages they have suffered are in excess of \$50,000.00.

29. Plaintiffs desire to amend their Complaint in accordance with the foregoing paragraphs. The proposed Amended Complaint is attached hereto as Exhibit "B".

WHEREFORE, Plaintiffs respectfully request this Honorable Court authorize Plaintiffs to amend their Complaint in the form attached hereto as Exhibit "B".

Respectfully submitted,

HOPKINS HELTZEL LLP

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

David J. Hopkins, Esquire
Attorney for Plaintiffs
Supreme Court No. 42519

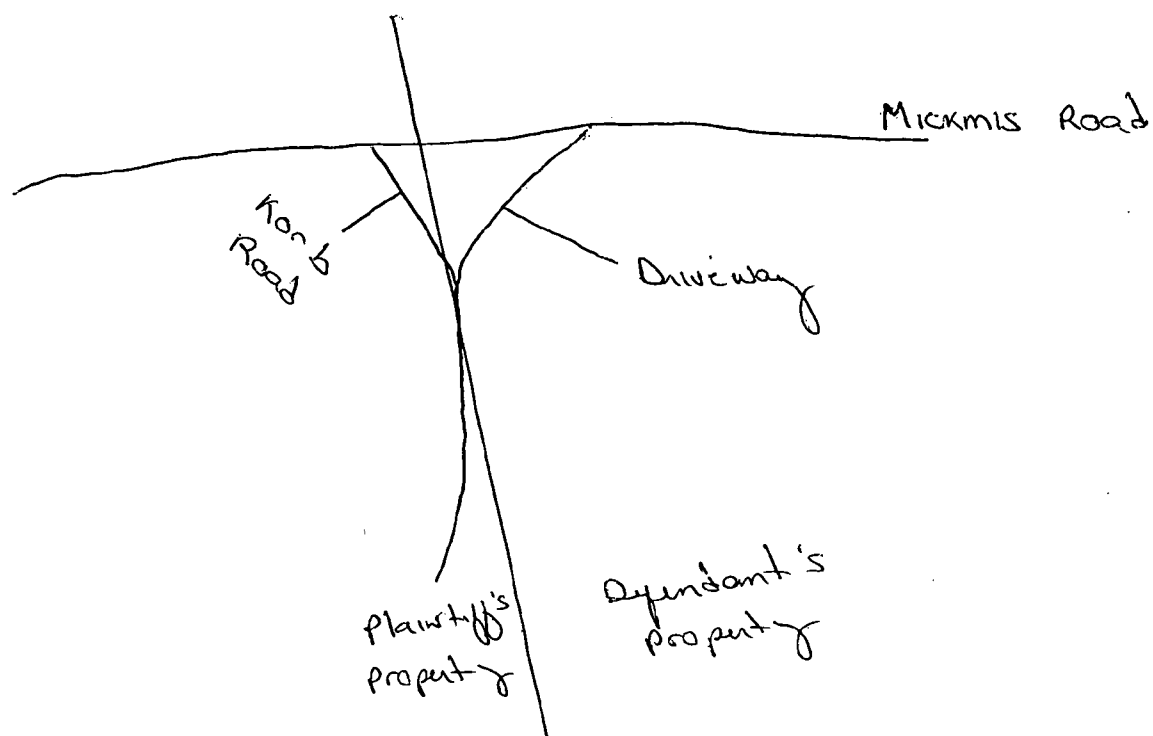


Exhibit "A"

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

EDWARD J. SHOK and
ANGELA L. SHOK,

Plaintiffs

vs.

LINDA LONDON,

Defendant

No. 06-1300 C.D.

Type of Pleading: Amended
Complaint

Filed on behalf of: Edward J. Shok
and Angela L. Shok, Plaintiffs

Counsel of Record for this party:

HOPKINS HELTZEL LLP

DAVID J. HOPKINS, ESQUIRE
Attorney at Law
Supreme Court No. 42519

CARL J. ZWICK, ESQUIRE
Attorney at Law
Supreme Court No. 306554

100 Meadow Lane, Suite 5
DuBois, Pennsylvania 15801

(814) 375-0300

EXHIBIT "B"

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

EDWARD J. SHOK and
ANGELA L. SHOK,

Plaintiffs

vs.

LINDA LONDON,

Defendant

No. 06-1300 C.D.

NOTICE

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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 OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Office of the Court Administrator
Clearfield County Courthouse
230 E. Market Street
Clearfield, PA 16830
(814) 765-2641 ext. 1303

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

EDWARD J. SHOK and	:	
ANGELA L. SHOK,	:	
Plaintiffs	:	
vs.	:	No. 06-1300 C.D.
	:	
LINDA LONDON,	:	
Defendant	:	

AMENDED COMPLAINT

AND NOW, comes Edward J. Shok and Angela L. Shok, by and through their attorneys, Hopkins Heltzel LLP, and files the within Amended Complaint and set forth as follows:

COUNT I – QUIET TITLE ACTION

1. Plaintiffs, Edward J. Shok and Angela L. Shok, are husband and wife and are adult individuals who reside a 230 Korb Lane, Luthersburg, Pennsylvania 15848.

2. Plaintiffs are the owners of certain real property situate in the Township of Brady, Clearfield County, Pennsylvania. The property is described in a Deed recorded in the Office of the Recorder of Deeds of Clearfield County as Instrument No. 2002-17805. The property is identified as Tax Parcel No. C07-000-00026 and C07-000-00027.

3. Defendant, Linda London, is an adult individual who resides at Box 320 Stoney Lonesome Road, Luthersburg, Pennsylvania 15848. Defendant is the owner of real property located in Brady Township, Clearfield County, Pennsylvania, described in a Deed recorded in the Office of the Recorder of Deeds of Clearfield County as Instrument No. 2006-19776. The property is identified as Tax Parcel No. C07-000-00030.

4. The vacant real property that is the subject of this quiet title action are two driveways running from Micknis Road to Plaintiffs' property. One driveway is known as Korb Road and the other driveway is unnamed. Both driveways are approximately fifteen feet in width and are set forth on the attached diagram as Exhibit "A". The driveways are located on lands of the Defendant.

5. Defendant acquired the property by Deed dated October 24, 2005 from Matson Timber Land Co. The Deed is recorded in the Office of the Recorder of Deeds of Clearfield County as Instrument No. 2006-19776.

6. Matson Timber Land Co. acquired the property by Deed dated October 30, 2002 from Olan London and Linda London. The Deed is recorded in the Office of the Recorder of Deeds of Clearfield County as Instrument No. 2002-17805. Throughout the Shok's ownership, they have used the driveways described in paragraph 4 to access their property.

7. Olan London and Linda London, husband and wife, acquired title to the Shok property by Deed of James J. Barraclough and Irene Ruth Barraclough by Deed dated May 17, 1990 and recorded in the Office of the Recorder of Deeds of Clearfield County in Deed Book 1343, at page 250. Throughout the London's ownership of the property, they used the driveways described in paragraph 4 to access the property.

8. By Deed dated February 3, 1977, James L. Barraclough and Irene Ruth Barraclough acquired title to the property by Deed of J. I. Korb a/k/a Jesse I. Korb and Twila C. Korb. The Deed is recorded in the Office of the Recorder of Deeds of Clearfield County in Volume 734, at page 232. Throughout the Barraclough's ownership of the property, they used the driveways described in paragraph 4 to access the property.

9. J. I. Korb and Twila Korb acquired title to the property by Deed of J. I. Korb and Twila G. Korb. Said Deed is dated April 2, 1952 and recorded in the Office of the Recorder of Deeds of Clearfield County as Deed Book 422, at page 160. Throughout the Korbs' ownership of the property, they used the northern driveway described in Paragraph 4 to access the property.

10. Jesse I. Korb acquired title to the property by Deed of Twila G. Korb and Jesse T. Korb by Deed dated October 3, 1929. Throughout the Jesse I. Korb ownership, he utilized the northern driveway described in paragraph 4 to access the property.

11. Plaintiffs trace ownership of their property and use of the northern driveway to 1851.

12. At all material times, Plaintiffs have used the driveways openly, hostily, and notoriously and against Defendant and all of Defendant's predecessors in title for a period of time in excess of twenty one (21) years.

13. Plaintiffs have acquired title to the driveways and the lands south of the northern driveway by adverse possession.

14. The purpose of this quiet title action is to confirm Plaintiffs' ownership of the fifteen foot wide driveways and all lands to the south of the northern most driveway.

WHEREFORE, the Plaintiffs request the Court to decree that title to the premises described in paragraph 4 of the Complaint (that being the fifteen foot wide driveways and the lands south of the northern most driveway) be granted unto Plaintiffs, Edward J. Shok and Angela L. Shok, in fee simple absolute; and that the Defendant, Linda London, her successors and assigns, be forever barred from asserting any right, lien or interest inconsistent with the interest or claim of the Plaintiffs.

COUNT TWO – UNJUST ENRICHMENT

15. Plaintiffs repeat each of the allegations set forth in paragraphs 1 through 14 as if set forth at length herein.

16. Plaintiffs acquired their property by deed dated October 30, 2002 from Olan London and Linda London. The deed is recorded in the office of the recorder of deeds of Clearfield County as instrument No. 2002-17805. Defendant represented to Plaintiffs, during negotiations leading to the Plaintiffs' purchase of the subject property, that the two driveways in question were being conveyed as part of the property.

17. The sale of the property would not have been consummated if Defendant had represented to Plaintiffs that the two driveways in question were not being conveyed to Plaintiffs through the sale of the subject property.

18. As a result of Defendant's representations regarding the ownership and conveyance of the two driveways, if Defendant is permitted to retain the upper driveway, Defendant would be unjustly enriched at Plaintiff's expense, not only because Defendant received from Plaintiffs consideration for the property that included the two driveways, but also because Defendant purchased the adjacent parcel from Matson and now claims that Defendant is the rightful owner of the upper driveway.

19. Defendant either wrongfully secured or passively received any right, title or interest that she may have in the upper driveway, and to avoid Defendant's unjust enrichment, this Honorable Court must impose a constructive trust in which the two driveways are held for the benefit of the Plaintiffs.

WHEREFORE, Plaintiffs, Edward J. Shok and Angela L. Shok, respectfully request this Honorable Court to impose a constructive trust in which the two driveways

will be placed for the benefit of Plaintiffs to avoid the unjust enrichment of Defendant, Linda London.

COUNT THREE – ESTOPPEL

20. Plaintiffs repeat each of the allegations set forth in paragraphs 1 through 14 as if set forth at length herein.

21. To induce Plaintiffs to purchase the subject property, Defendant represented that the property included the two driveways at issue in this case.

22. The Plaintiffs were induced to purchase the subject property based on, among other things, Defendant's representations regarding the two driveways being part of the subject property.

23. The sale of the property would not have been completed if Defendant had represented to Plaintiffs that the two driveways in question were not being conveyed to Plaintiffs through the sale of the subject property.

24. Injustice in this case can be avoided only by enforcement of Defendant's representation regarding the two driveways, and thus Defendant must be estopped from asserting that she is the rightful owner of the two driveways.

WHEREFORE, Plaintiffs, Edward J. Shok and Angela L. Shok, respectfully request this Honorable Court to enforce the Defendant's, Linda London, representation regarding the two driveways and estop Defendant from claiming ownership thereof.

COUNT FOUR – SPECIFIC PERFORMANCE

25. Plaintiffs repeat each of the allegations set forth in paragraphs 1 through 14 as if set forth at length herein.

26. Defendant must be required to convey any right, title and interest she has in the two driveways to Plaintiffs, as Defendant already purported to convey the driveways to Plaintiffs when Plaintiffs purchased the subject property on October 30, 2002.

27. As a result of Defendant's conduct in representing her ownership of the driveways when negotiating the sale of the subject property to Plaintiffs, as well as Defendant's expressed intention to convey the driveways as part of the property, the Plaintiffs have suffered unique damages for which no adequate remedy exists at law.

28. Defendant is now the owner of the adjacent property on which the driveways are situated.

29. Plaintiffs therefore request that the Court require the Defendant to perform specifically on her representation of ownership and conveyance of the two driveways to Plaintiffs, as Defendant now owns the adjacent parcel on which the driveways are actually situated.

WHEREFORE, Plaintiffs, Edward J. Shok and Angela L. Shok, respectfully request this Honorable Court to require the Defendant, Linda London, to specifically perform on her representation of ownership and conveyance of the two driveways to Plaintiffs.

COUNT FIVE – BOUNDARY BY ACQUIESCENCE

30. Plaintiffs repeat each of the allegations set forth in paragraphs 1 through 14 as if set forth at length herein.

31. Defendant must convey any right, title and interest she has in the two driveways to Plaintiffs, as Defendant exclusively used the driveways when she was the

owner of the subject property and agreed to the Plaintiff's exclusive use of the driveways if they purchased the subject property. Thus, Defendant acquiesced to upper driveway being the boundary of the subject property.


32. The doctrine of boundary by acquiescence functions as a rule of repose to quiet title and discourage vexatious litigation.

33. As a result of Defendant's representations that she owned and was conveying to the Plaintiffs the two driveways, the Defendant accepted the driveways as the boundary line between the subject property and the Matson property, which property is now owned by Defendant.

WHEREFORE, Plaintiffs, Edward J. Shok and Angela L. Shok, therefore request that the Court require the Defendant, Linda London, to convey any and all right, title and interest she may have in the two driveways to Plaintiffs.

Respectfully submitted,

HOPKINS HELTZEL LLP

By: 
David J. Hopkins, Esquire
Attorney for Plaintiffs

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

EDWARD J. SHOK and	:	
ANGELA L. SHOK,	:	
Plaintiffs	:	
vs.	:	No. 06-1300 C.D.
	:	
LINDA LONDON,	:	
Defendant	:	

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the Petition to File Amended Complaint, filed on behalf of Plaintiffs, Edward J. Shok and Angela L. Shok, was forwarded on the 28th day of November, 2011, by U.S. Mail, postage prepaid, to all counsel of record, addressed as follows:

Patrick Lavelle, Esquire
25 East Park Avenue, Suite #2
DuBois, PA 15801

HOPKINS HELTZEL LLP



David J. Hopkins, Esquire
Attorney for Plaintiffs
Supreme Court No. 42519

CA

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

EDWARD J. SHOK and
ANGELA L. SHOK,
Plaintiffs

vs.

LINDA LONDON,
Defendant

No. 06-1300 C.D.

FILED

DEC 01 2011
9/10/2011
William A. Shaw
Prothonotary/Clerk of Courts

2 cert re
HARRIS

SCHEDULING ORDER

AND NOW, this 30 day of November, 2011 upon consideration

of the Petition to File Amended Complaint it is hereby ORDERED that:

① A Rule is issued upon Respondent to show cause why the moving party is not entitled to the relief requested.

~~2.~~ The Respondent shall file an Answer to the Petition within ____ days of this date;

3. The Petition shall be decided under Pa.R.C.P. § 206.7;

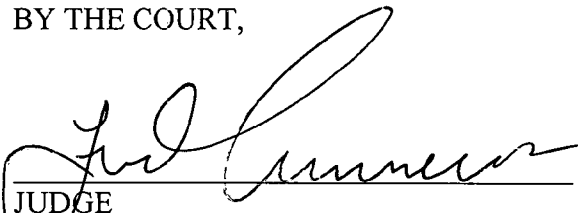
~~4.~~ Depositions and all other discovery shall be completed within ____ days of this date;

~~5.~~ An Evidentiary Hearing on disputed issues of material fact shall be held on the ____ day of _____, 201__, at ____ o'clock ____ .M., in Courtroom No. ____ of the Clearfield County Courthouse, Clearfield, Pennsylvania;

⑥ Argument shall be held on the 11th day of January, 2012 at 11:00 o'clock A..M., in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania; and

7. Notice of the entry of this Order shall be provided to all parties by the moving party.

BY THE COURT,


JUDGE

FILED

DEC. 01 2011

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

EDWARD J. SHOK AND ANGELA }
L. SHOK } NO. 2006-1300-CD
VS }
LINDA LONDON }

O R D E R

NOW, this 11th day of January, 2012, following
Argument on the Plaintiff's Petition to file Amended
Complaint, it is the ORDER of this Court that said
Petition be and is hereby GRANTED. Plaintiff shall have
no more than Ten (10) Days from this date in which to file
the amended complaint.

BY THE COURT,



President Judge

FILED 2cc
01/10/13/12
JAN 18 2012
William A. Shaw
Prothonotary/Clerk of Courts
Lavelle
Hopkins
OK

FILED

JAN 13 2012

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 1/13/12

☐ You are responsible for serving all appropriate parties.

☒ The Prothonotary's office has provided service to:

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

☐ Defendant(s) ☒ Defendant(s) Attorney

☐ Proceed in rem

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

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ANGELA L. SHOK,

Plaintiffs

vs.

LINDA LONDON,

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Type of Pleading: Amended
Complaint

Filed on behalf of: Edward J. Shok
and Angela L. Shok, Plaintiffs

Counsel of Record for this party:

HOPKINS HELTZEL LLP

DAVID J. HOPKINS, ESQUIRE
Attorney at Law
Supreme Court No. 42519

CARL J. ZWICK, ESQUIRE
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Supreme Court No. 306554

100 Meadow Lane, Suite 5
DuBois, Pennsylvania 15801

(814) 375-0300

FILED

M/1336H
JAN 23 2007

William A. Shaw
Prothonotary/Clerk of Courts

1cc
Atty Hopkins

66

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

EDWARD J. SHOK and	:	
ANGELA L. SHOK,	:	
Plaintiffs	:	
vs.	:	No. 06-1300 C.D.
	:	
LINDA LONDON,	:	
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Respectfully submitted,

HOPKINS HELTZEL LLP

By: 

David J. Hopkins, Esquire
Attorney for Plaintiffs

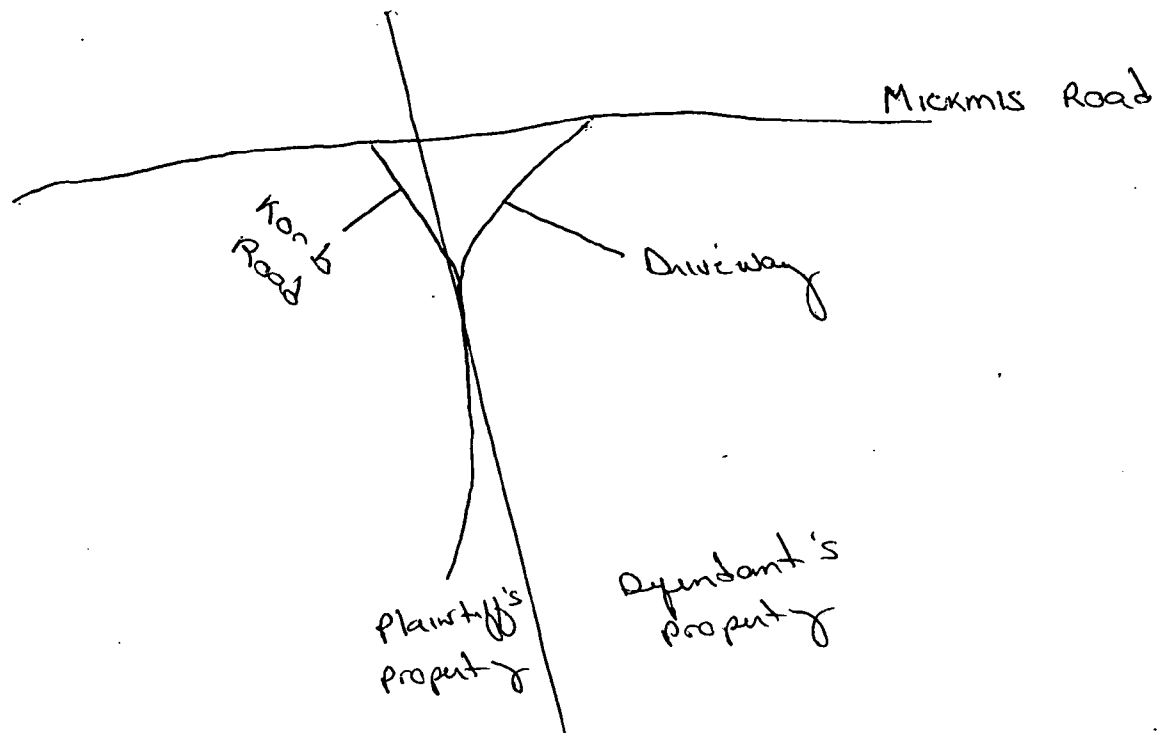


Exhibit "A"

VERIFICATION

I hereby verify that the statements made in this pleading are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. Section 4904, relating to Unsworn Falsification to Authorities.



Edward J. Shok

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

EDWARD J. SHOK and
ANGELA L. SHOK,

Plaintiffs

vs.

LINDA LONDON,

Defendant

No. 06-1300 C.D.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the Amended Complaint, filed on behalf of Plaintiffs, Edward J. Shok and Angela L. Shok, was forwarded on the 20th day of January, 2012, by U.S. Mail, postage prepaid, to all counsel of record, addressed as follows:

Patrick Lavelle, Esquire
25 East Park Avenue, Suite #2
DuBois, PA 15801

HOPKINS HELTZEL LLP



David J. Hopkins, Esquire
Attorney for Plaintiffs
Supreme Court No. 42519

FILED

JAN 23 2012

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL DIVISION

FILED

4 SEP 12 2012

William A. Shaw
Prothonotary/Clerk of Courts
to ATTORNEY

EDWARD J. SHOK AND ANGELA L. SHOK, :

Plaintiffs :

v. :

LINDA LONDON, :

Defendant :

No. 06-1300 C.D. 2

Type of Pleading:
ANSWER - NEW MATTER TO
PLAINTIFFS' AMENDED
COMPLAINT

Filed on Behalf of:
DEFENDANT

Filed By:

Patrick Lavelle, Esq.
PA. ID# 85537

Adrianne Peters
PA ID# 309997

25 East Park Ave.
Suite #2
DuBois, PA. 15801
(814) 371-2232
(814) 371-4480 Fax

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL DIVISION

EDWARD J. SHOK AND ANGELA L. SHOK, :
Plaintiffs : No. 06-1300 C.D.
:
v. :
:
LINDA LONDON, :
Defendant :

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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
Second & Market Streets
Clearfield, PA. 16830
(814) 765-2641

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL DIVISION

EDWARD J. SHOK AND ANGELA L. SHOK, :
Plaintiffs : No. 06-1300 C.D.
:
v. :
:
LINDA LONDON, :
Defendant :

ANSWER - NEW MATTER

AND NOW comes the defendant, LINDA LONDON, by and through her attorney, PATRICK LAVELLE, ESQ., and files the within stated Answer & New Matter, averments in support of which are as follows:

ANSWER

COUNT 1 - Action to Quiet Title

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

4. It is admitted that Plaintiffs' complaint references two driveways. It is admitted that they are so named. It is denied that the plaintiffs' Exhibit A evidences any width of said driveway, is an accurate depiction of boundary lines, or amounts to anything more than an aid to the creation of a mental picture of the area in question.

5. To the extent plaintiffs' averments in paragraph five (5) are consistent with documents of record, they are admitted.

6. Defendant is without sufficient knowledge, information or belief to admit or deny the averments of paragraph six (6), and they are therefore DENIED. Full proof thereof is demanded at the time of trial in this case.

7. Defendant's paragraph seven contains multiple averments. To the extent that documents of record are consistent with plaintiffs' averments related to the defendant's acquisition of certain real property, they are admitted. As to the averment alleging specific driveway use, it is vague and ambiguous and defies specific admission or denial, and it is therefore denied.

8. Defendant is without sufficient knowledge, information or belief to admit or deny the averments of paragraph eight (8), and they are therefore DENIED. Full proof thereof is demanded at the time of trial in this case.

9. Defendant is without sufficient knowledge, information or belief to admit or deny the averments of paragraph nine (9), and they are therefore DENIED. Full proof thereof is demanded at the time of trial in this case.

10. Defendant is without sufficient knowledge, information or belief to admit or deny the averments of paragraph ten (10),

and they are therefore DENIED. Full proof thereof is demanded at the time of trial in this case.

11. Defendant is without sufficient knowledge, information or belief to admit or deny the averments of paragraph eleven (11), and they are therefore DENIED. Full proof thereof is demanded at the time of trial in this case.

12. Denied. By way of further response Plaintiffs' have had possession of their individual property only since 2002; their use of the driveways during this period has not been exclusive nor hostile to the defendant nor anyone else, nor has it been used by the plaintiff under any claim of right.

13. Paragraph thirteen amounts to a conclusion of law which requires no response. To the extent a response is deemed to be required it is Denied.

14. This paragraph amounts to a statement of purpose by the plaintiff and requires no response. To the extent a response is deemed to be required it is DENIED.

WHEREFORE the Defendant prays that this Honorable Court will enter its ORDER dismissing said claim with prejudice.

COUNT II - UNJUST ENRICHMENT

15. Defendant hereby incorporates her responses to paragraphs one (1) through fourteen (14) inclusive, the same as though set forth fully herein.

16. Paragraph sixteen (16) is Admitted in part, and Denied in part. It is Admitted that the plaintiffs acquired their property as stated. It is Denied that there was ever an assertion made to the plaintiffs by the defendant that she was the titled owner of the two driveways, that she had the right to convey the driveways or that it was her intention convey the driveways to the plaintiffs.

17. Defendant is without sufficient knowledge, information or belief to admit or deny the averments of paragraph seventeen (17), and they are therefore DENIED. Full proof thereof is demanded at the time of trial in this case.

18. Paragraph eighteen improperly contains multiple averments which will be answered *seriatim*:

a. Defendant Denies having made any representations to plaintiffs that she owned or intended to convey any driveways to the plaintiffs;

b. Defendant Denies that the Doctrine of Unjust Enrichment applies or that she has been unjustly enriched;

c. Defendant denies having received any consideration for the conveyance of any driveways to the plaintiffs that she had no right to convey at the time;

d. It is admitted that the defendant came to ownership of the upper driveway subsequent to the conveyance of the

property to the plaintiffs, it is Denied that such action is evidence of an unjust enrichment.

19. Defendant is without sufficient knowledge, information or belief to admit or deny the averments of paragraph nineteen (19), and they are therefore DENIED. Full proof thereof is demanded at the time of trial in this case.

WHEREFORE the Defendants pray that this Honorable Court will dismiss this claim with prejudice.

COUNT III - ESTOPPEL

20. Defendant hereby incorporates her responses to paragraphs one (1) through nineteen (19) inclusive, the same as though set forth fully herein.

21. Denied. By way of further response defendant avers that no representations were made to the plaintiffs that could have been reasonably interpreted as a claim of title to the driveway, or that indicated that the defendant could or would convey any driveways to the plaintiffs.

22. Denied. By way of further response defendant avers that no representations were made to the plaintiffs that could have been reasonably interpreted as a claim of title to the driveway, or that indicated that the defendant could or would convey any driveways to the plaintiffs.

23. Defendant is without sufficient knowledge, information or belief to admit or deny the averments of paragraph seventeen (17), and they are therefore DENIED. Full proof thereof is demanded at the time of trial in this case.

24. Denied. By way of further response the defendant avers that no representations were made to the plaintiffs that could have been reasonably interpreted as a claim of title to the driveway, or that indicated that the defendant could or would convey any driveways to the plaintiffs.

WHEREFORE the Defendant prays that this Honorable Court will dismiss this claim with prejudice.

COUNT IV - SPECIFIC PERFORMANCE

25. Defendant hereby incorporates her responses to paragraphs one (1) through twenty-four (24) inclusive, the same as though set forth fully herein.

26. Denied. By way of further response defendant avers that at the time of the conveyance she was not the owner of the driveways, and made no representations to that effect, and therefore conveyance of the driveways to the plaintiffs by the defendant was not possible.

27. Denied. By way of further response defendant avers that at the time of the conveyance she was not the owner of the driveways, and made no representations to that effect, and

therefore conveyance of the driveways to the plaintiffs by the defendant was not possible.

28. Admitted.

29. Paragraph twenty-nine (29) is in the form of a prayer for relief to which no response is required. To the extent a response is deemed to be required it is Denied.

WHEREFORE the defendant prays that this Honorable Court will dismiss this claim with prejudice.

COUNT V - BOUNDARY BY ACQUIESCENCE

30. Defendant hereby incorporates her responses to paragraphs one (1) through twenty-nine (29) inclusive, the same as though set forth fully herein.

31. Denied. Defendant never acquiesced to the driveway as any boundary line to any property and defendant never claimed title to nor exercised dominion over the said driveway until 2005.

32. Paragraph thirty-two (32) amounts to a conclusion of law, which requires no response.

33. Denied. By way of further response the defendant avers that no representations were made to the plaintiffs that could have been reasonably interpreted as a claim of title to the driveway, and at no time did the defendant act or proceed in a manner indicating that she was claiming the driveway as her own

such that she could be viewed as consenting to any specific boundary line.

WHEREFORE the defendant prays that this Honorable Court will dismiss this claim with prejudice.

NEW MATTER

34. The driveways that are the subject of Plaintiffs' complaint were not included in the property description of the Deed delivered to plaintiffs by the defendant.

35. The agreement of sale did not reference the inclusion of any of the driveways.

36. The aforementioned agreement was reviewed and approved by counsel for the plaintiffs prior to the conveyance of the property to the plaintiffs by the defendant.

37. The property description in the deed which conveyed the property to the plaintiffs did not include the driveways at issue here.

38. The aforementioned deed was reviewed and accepted by plaintiffs' counsel prior to the closing of the conveyance transaction.

39. There was never a survey completed by plaintiffs prior to accepting and recording their deed.

40. At the time of the conveyance the plaintiffs had the right to conduct such survey to ensure themselves of the proper boundaries to property they were acquiring.

41. The chain of title was examined and reviewed by counsel for the plaintiffs prior to the conveyance of the property to the plaintiffs by the defendant.

42. Such an examination and review would have disclosed the fact that the driveways were not part of the transaction.

43. Following the review and examination of the chain of title, counsel for the plaintiffs certified the title to the property being conveyed to the plaintiffs and acquired insurance protecting the title that he certified.

44. The defendant hereby asserts the affirmative defense of waiver. The plaintiffs, having had the last opportunity to investigate and determine the boundaries of the property they were acquiring, and having done so to the extent that they determined was necessary, and having accepted the deed as written following their reliance on their attorney's certification of title, have effectively waived their right to raise a subsequent claim of misrepresentation.

45. The defendant hereby asserts the affirmative defense of the Statute of Frauds. Plaintiffs may not seek to enforce a purported agreement concerning the right, title or any interest

in real property unless such agreement is in writing signed by the party against whom a claim is asserted.

46. The defendant hereby asserts the affirmative defense of the Merger. Under the doctrine of Merger, absent an express exception in the agreement, any agreement for the conveyance of an interest in real property is merged with the deed.

47. The defendant hereby asserts the affirmative defense of the Statute of Limitations. Count 1 of Plaintiff's complaint, although characterized as a "Quiet Title" action, in fact asserts a cause of action sounding in Tort alleging intentional misrepresentation, which claim has a two (2) year Statute of Limitations.

48. The defendant hereby asserts the affirmative defense of the Statute of Limitations. Counts 2,3,& 4 of Plaintiff's complaint, although characterized as equitable actions, in fact assert causes of action sounding in contract or implied contract, which claims have a four (4)year Statute of Limitations.

49. The defendant hereby asserts the affirmative defense of the Statute of Limitations. Count five (5) of Plaintiff's complaint asserts a cause of action claiming Boundary by Acquiescence. Plaintiffs have not held their property for the requisite period of time to support such a claim, and plaintiffs may not "tack" their time to any predecessors in interest as the

defendants were the titled owners prior to the plaintiffs, thus undermining any claim to continuity of possession. Defendant may not be deemed to have possessed the property adversely to herself.

50. The defendant hereby asserts the affirmative defense of impossibility of performance. Plaintiffs seek specific performance to convey property pursuant to an agreement for the conveyance of real property. However, at the time of the conveyance to the plaintiff the defendant was not the owner of the driveway sought by the plaintiffs, and thus could not have conveyed the subject driveway at the time the conveyance occurred.

47. At the time of the conveyance of the property to the plaintiffs by the defendant, and for the subsequent four years, the plaintiffs knew or should have known that the driveway in question was owned by Matson Lumber.

48. Plaintiffs have named this defendant on the assertion that she is the predecessor in interest of Matson Lumber regarding the property which is adjacent to plaintiffs' property and on which the questioned driveway is located.

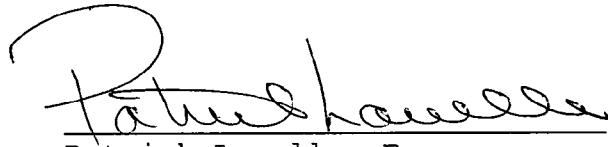
49. The current defendant was not named as a defendant in the plaintiffs' original complaint against Matson Lumber.

50. The defendant hereby asserts the affirmative defense of estoppel. The Plaintiffs knew or should have known the identity

of the actual owner of the driveway at the time they accepted the deed for the property. Such knowledge is evidenced by plaintiffs' original complaint naming the true owner, Matson Lumber. Plaintiffs may not now assert that they justifiably relied on alleged statements of this defendant to support their claim in the face of their knowledge of the true owner at the time of the conveyance.

51. The defendant hereby asserts the defense of immunity from suit. The original defendant in this case, Matson Lumber, would be insulated from this suit by the very fact that they were not a party to any transaction, nor did they owe any contractual duty to the plaintiffs regarding the conveyance of any property to plaintiffs from the defendant. Matson's continued to own the property adjoining the plaintiffs' property including the subject driveway for the intervening four years following the conveyance of the plaintiffs' property to the plaintiffs by the defendant. Upon succeeding to the Matson Lumber property in 2006, the defendant then stepped into the shoes of Matson Lumber and succeeded to the same right, title and interest in the Matson Lumber property as Matson Lumber enjoyed at the time of that conveyance, including the right to be free from this suit brought by the plaintiffs.

RESPECTFULLY SUBMITTED

A handwritten signature in cursive script, appearing to read "Patrick Lavelle", written over a horizontal line.

Patrick Lavelle, Esq.
Counsel for the Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

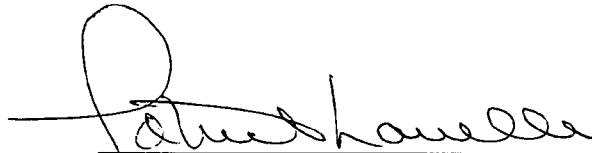
CIVIL DIVISION

EDWARD J. SHOK AND ANGELA L. SHOK, :
Plaintiffs : No. 06-1300 C.D.
:
v. :
:
LINDA LONDON, :
Defendant :

CERTIFICATE OF SERVICE

By my signature appearing below, I hereby Certify that on
the 12th day of September, 2012, I served a copy of the
foregoing Answer and New Matter by mailing same, via 1st class
mail, to the following:

David J. Hopkins, Esq.
HOPKINS HETZEL, LLP
100 Meadow Lane
Suite #5
DuBois, PA. 15801



Patrick Lavelle, Esq.
Counsel for the Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL DIVISION

EDWARD J. SHOK AND ANGELA L. SHOK, :
Plaintiffs : No. 06-1300 C.D.
:
v. :
:
LINDA LONDON, :
Defendant :

VERIFICATION

I, Linda London, the defendant in this action, do hereby verify that all of the foregoing facts set forth in the Answer and New Matter are true and correct to the best of my knowledge, information and belief. Further, I make this verification with knowledge and understanding of the provisions of 18 Pa. C.S.A. § 4904 (*Unsworn Falsification to Authorities*).


Linda London

FILED

SEP 12 2012

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

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

EDWARD J. SHOCK and
ANGELA L. SHOK,

Plaintiffs

vs.

LINDA LONDON,

Defendant

No. 06-1300 C.D.

Type of Pleading: Answer to
New Matter

Filed on behalf of: Edward J. Shok
and Angela L. Shok, Plaintiffs

Counsel of Record for this party:

HOPKINS HELTZEL LLP

DAVID J. HOPKINS, ESQUIRE
Supreme Court No. 42519

LEA ANN HELTZEL, ESQUIRE
Supreme Court No. 83998

CARL J. ZWICK, ESQUIRE
Supreme Court No. 306554

100 Meadow Lane, Suite 5
DuBois, Pennsylvania 15801

(814) 375-0300

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9/11/11
NOV 05 2012

William A. Shaw
Prothonotary/Clerk of Courts

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

EDWARD J. SHOK and	:	
ANGELA L. SHOK,	:	
Plaintiffs	:	
vs.	:	No. 06-1300 C.D.
	:	
LINDA LONDON,	:	
Defendant	:	

ANSWER TO NEW MATTER

AND NOW, come Plaintiffs, Edward J. Shok and Angela L. Shok, by and through their attorneys, Hopkins Heltzel LLP, and files the within Answer to New Matter and set forth as follows:

34. Denied. Portions of the driveways in question were described in Plaintiffs' deed to Defendant.

35. Denied. At all material times, Defendant and her agent indicated the driveways were part of the property.

36. Denied.

37. Admitted in part and denied in part. One driveway was described in the deed description.

38. No answer is required of this paragraph.

39. Admitted.

40. Admitted. By way of further answer, Plaintiffs were entitled to rely upon the representations of the Defendant and her agent.

41. Admitted.

42. Denied. The chain of title does not identify actual structures or driveways upon a property.

43. Denied.

44. Denied. Plaintiffs have never waived their right to own the driveway and instituted the within action as soon as it became apparent Defendant's property line was other than Defendant and her agent had represented.

45. Denied. The Statute of Frauds is inapplicable.

46. Denied. The Doctrine of Merger is inapplicable.

47. Denied. The Statute of Limitations as it applies to tort is inapplicable.

48. Denied. The Statute of Limitations as it applies to contract is inapplicable.

49. Denied. The Statute of Limitations as to boundary line by acquiescence is inapplicable.

50. Denied. The defense of the impossibility of performance is inapplicable.

47. Denied. At all material times, Defendant and her agent represented to Plaintiffs they owned the driveway.

48. No answer is required of this paragraph.

49. No answer is required of this paragraph.


50. Denied. Estoppel is inapplicable to this action.

51. Denied. Immunity from suit is inapplicable to this action.

WHEREFORE, Plaintiffs, Edward J. Shok and Angela L. Shok, respectfully
request the Court dismiss Defendant's New Matter with prejudice.

Respectfully submitted,

HOPKINS HELTZEL LLP

By: 
David J. Hopkins, Esquire
Attorney for Plaintiffs

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


EDWARD J. SHOK and	:	
ANGELA L. SHOK,	:	
Plaintiffs	:	
vs.	:	No. 06-1300 C.D.
	:	
LINDA LONDON,	:	
Defendant	:	

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the Answer to New Matter, filed on behalf of Plaintiffs, Edward J. Shok and Angela L. Shok, was forwarded on the 2nd day of November 2012, by U.S. Mail, postage prepaid, to all counsel of record, addressed as follows:

Patrick Lavelle, Esquire
25 East Park Avenue, Suite #2
DuBois, PA 15801

HOPKINS HELTZEL LLP



David J. Hopkins, Esquire
Attorney for Plaintiffs
Supreme Court No. 42519

FILED

NOV 05 2012

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL DIVISION

EDWARD J. SHOK AND ANGELA L. SHOK, :

Plaintiffs :

v. :

LINDA LONDON, :

Defendant :

No. 06-1300 C.D.

Type of Pleading:
**ANSWER - NEW MATTER TO
PLAINTIFFS' AMENDED
COMPLAINT**

Filed on Behalf of:
DEFENDANT

Filed By:

Patrick Lavelle, Esq.
PA. ID# 85537

Adrianne Peters
PA ID# 309997

25 East Park Ave.
Suite #2
DuBois, PA. 15801
(814) 371-2232
(814) 371-4480 Fax

FILED

NOV 06 2012

William A. Shaw
Prothonotary/Clerk of Courts

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD CCUNTY,
PENNSYLVANIA

CIVIL DIVISION

EDWARD J. SHOK AND ANGELA L. SHOK, :
Plaintiffs : No. 06-1300 C.D.
:
v. :
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LINDA LONDON, :
Defendant :

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
Second & Market Streets
Clearfield, PA. 16830
(814) 765-2641

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL DIVISION

EDWARD J. SHOK AND ANGELA L. SHOK, :
Plaintiffs : No. 06-1300 C.D.
:
v. :
:
LINDA LONDON, :
Defendant :

ANSWER - NEW MATTER

AND NOW comes the defendant, LINDA LONDON, by and through her attorney, PATRICK LAVELLE, ESQ., and files the within stated Answer & New Matter, averments in support of which are as follows:

ANSWER

COUNT 1 - Action to Quiet Title

1. Admitted.

2. Admitted.

3. Admitted.

4. It is admitted that Plaintiffs' complaint references two driveways. It is admitted that they are so named. It is denied that the plaintiffs' Exhibit A evidences any width of said driveway, is an accurate depiction of boundary lines, or amounts to anything more than an aid to the creation of a mental picture of the area in question.

5. To the extent plaintiffs' averments in paragraph five (5) are consistent with documents of record, they are admitted.

6. Defendant is without sufficient knowledge, information or belief to admit or deny the averments of paragraph six (6), and they are therefore DENIED. Full proof thereof is demanded at the time of trial in this case.

7. Defendant's paragraph seven contains multiple averments. To the extent that documents of record are consistent with plaintiffs' averments related to the defendant's acquisition of certain real property, they are admitted. As to the averment alleging specific driveway use, it is vague and ambiguous and defies specific admission or denial, and it is therefore denied.

8. Defendant is without sufficient knowledge, information or belief to admit or deny the averments of paragraph eight (8), and they are therefore DENIED. Full proof thereof is demanded at the time of trial in this case.

9. Defendant is without sufficient knowledge, information or belief to admit or deny the averments of paragraph nine (9), and they are therefore DENIED. Full proof thereof is demanded at the time of trial in this case.

10. Defendant is without sufficient knowledge, information or belief to admit or deny the averments of paragraph ten (10),

and they are therefore DENIED. Full proof thereof is demanded at the time of trial in this case.

11. Defendant is without sufficient knowledge, information or belief to admit or deny the averments of paragraph eleven (11), and they are therefore DENIED. Full proof thereof is demanded at the time of trial in this case.

12. Denied. By way of further response Plaintiffs' have had possession of their individual property only since 2002; their use of the driveways during this period has not been exclusive nor hostile to the defendant nor anyone else, nor has it been used by the plaintiff under any claim of right.

13. Paragraph thirteen amounts to a conclusion of law which requires no response. To the extent a response is deemed to be required it is Denied.

14. This paragraph amounts to a statement of purpose by the plaintiff and requires no response. To the extent a response is deemed to be required it is DENIED.

WHEREFORE the Defendant prays that this Honorable Court will enter its ORDER dismissing said claim with prejudice.

COUNT II - UNJUST ENRICHMENT

15. Defendant hereby incorporates her responses to paragraphs one (1) through fourteen (14) inclusive, the same as though set forth fully herein.

16. Paragraph sixteen (16) is Admitted in part, and Denied in part. It is Admitted that the plaintiffs acquired their property as stated. It is Denied that there was ever an assertion made to the plaintiffs by the defendant that she was the titled owner of the two driveways, that she had the right to convey the driveways or that it was her intention convey the driveways to the plaintiffs.

17. Defendant is without sufficient knowledge, information or belief to admit or deny the averments of paragraph seventeen (17), and they are therefore DENIED. Full proof thereof is demanded at the time of trial in this case.

18. Paragraph eighteen improperly contains multiple averments which will be answered *seriatim*:

a. Defendant Denies having made any representations to plaintiffs that she owned or intended to convey any driveways to the plaintiffs;

b. Defendant Denies that the Doctrine of Unjust Enrichment applies or that she has been unjustly enriched;

c. Defendant denies having received any consideration for the conveyance of any driveways to the plaintiffs that she had no right to convey at the time;

d. It is admitted that the defendant came to ownership of the upper driveway subsequent to the conveyance of the

property to the plaintiffs, it is Denied that such action is evidence of an unjust enrichment.

19. Defendant is without sufficient knowledge, information or belief to admit or deny the averments of paragraph nineteen (19), and they are therefore DENIED. Full proof thereof is demanded at the time of trial in this case.

WHEREFORE the Defendants pray that this Honorable Court will dismiss this claim with prejudice.

COUNT III - ESTOPPEL

20. Defendant hereby incorporates her responses to paragraphs one (1) through nineteen (19) inclusive, the same as though set forth fully herein.

21. Denied. By way of further response defendant avers that no representations were made to the plaintiffs that could have been reasonably interpreted as a claim of title to the driveway, or that indicated that the defendant could or would convey any driveways to the plaintiffs.

22. Denied. By way of further response defendant avers that no representations were made to the plaintiffs that could have been reasonably interpreted as a claim of title to the driveway, or that indicated that the defendant could or would convey any driveways to the plaintiffs.

23. Defendant is without sufficient knowledge, information or belief to admit or deny the averments of paragraph seventeen (17), and they are therefore DENIED. Full proof thereof is demanded at the time of trial in this case.

24. Denied. By way of further response the defendant avers that no representations were made to the plaintiffs that could have been reasonably interpreted as a claim of title to the driveway, or that indicated that the defendant could or would convey any driveways to the plaintiffs.

WHEREFORE the Defendant prays that this Honorable Court will dismiss this claim with prejudice.

COUNT IV - SPECIFIC PERFORMANCE

25. Defendant hereby incorporates her responses to paragraphs one (1) through twenty-four (24) inclusive, the same as though set forth fully herein.

26. Denied. By way of further response defendant avers that at the time of the conveyance she was not the owner of the driveways, and made no representations to that effect, and therefore conveyance of the driveways to the plaintiffs by the defendant was not possible.

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WHEREFORE the defendant prays that this Honorable Court will dismiss this claim with prejudice.

COUNT V - BOUNDARY BY ACQUIESCENCE

30. Defendant hereby incorporates her responses to paragraphs one (1) through twenty-nine (29) inclusive, the same as though set forth fully herein.

31. Denied. Defendant never acquiesced to the driveway as any boundary line to any property and defendant never claimed title to nor exercised dominion over the said driveway until 2005.

32. Paragraph thirty-two (32) amounts to a conclusion of law, which requires no response.

33. Denied. By way of further response the defendant avers that no representations were made to the plaintiffs that could have been reasonably interpreted as a claim of title to the driveway, and at no time did the defendant act or proceed in a manner indicating that she was claiming the driveway as her own

such that she could be viewed as consenting to any specific boundary line.

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NEW MATTER

34. The driveways that are the subject of Plaintiffs' complaint were not included in the property description of the Deed delivered to plaintiffs by the defendant.

35. The agreement of sale did not reference the inclusion of any of the driveways.

36. The aforementioned agreement was reviewed and approved by counsel for the plaintiffs prior to the conveyance of the property to the plaintiffs by the defendant.

37. The property description in the deed which conveyed the property to the plaintiffs did not include the driveways at issue here.

38. The aforementioned deed was reviewed and accepted by plaintiffs' counsel prior to the closing of the conveyance transaction.

39. There was never a survey completed by plaintiffs prior to accepting and recording their deed.

40. At the time of the conveyance the plaintiffs had the right to conduct such survey to ensure themselves of the proper boundaries to property they were acquiring.

41. The chain of title was examined and reviewed by counsel for the plaintiffs prior to the conveyance of the property to the plaintiffs by the defendant.

42. Such an examination and review would have disclosed the fact that the driveways were not part of the transaction.

43. Following the review and examination of the chain of title, counsel for the plaintiffs certified the title to the property being conveyed to the plaintiffs and acquired insurance protecting the title that he certified.

44. The defendant hereby asserts the affirmative defense of waiver. The plaintiffs, having had the last opportunity to investigate and determine the boundaries of the property they were acquiring, and having done so to the extent that they determined was necessary, and having accepted the deed as written following their reliance on their attorney's certification of title, have effectively waived their right to raise a subsequent claim of misrepresentation.

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49. The defendant hereby asserts the affirmative defense of the Statute of Limitations. Count five (5) of Plaintiff's complaint asserts a cause of action claiming Boundary by Acquiescence. Plaintiffs have not held their property for the requisite period of time to support such a claim, and plaintiffs may not "tack" their time to any predecessors in interest as the

defendants were the titled owners prior to the plaintiffs, thus undermining any claim to continuity of possession. Defendant may not be deemed to have possessed the property adversely to herself.

50. The defendant hereby asserts the affirmative defense of impossibility of performance. Plaintiffs seek specific performance to convey property pursuant to an agreement for the conveyance of real property. However, at the time of the conveyance to the plaintiff the defendant was not the owner of the driveway sought by the plaintiffs, and thus could not have conveyed the subject driveway at the time the conveyance occurred.

47. At the time of the conveyance of the property to the plaintiffs by the defendant, and for the subsequent four years, the plaintiffs knew or should have known that the driveway in question was owned by Matson Lumber.

48. Plaintiffs have named this defendant on the assertion that she is the predecessor in interest of Matson Lumber regarding the property which is adjacent to plaintiffs' property and on which the questioned driveway is located.

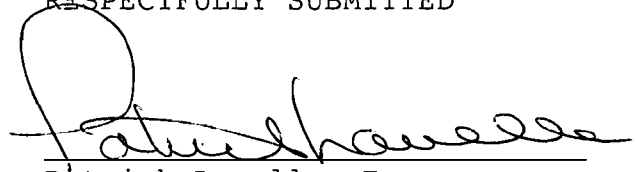
49. The current defendant was not named as a defendant in the plaintiffs' original complaint against Matson Lumber.

50. The defendant hereby asserts the affirmative defense of estoppel. The Plaintiffs knew or should have known the identity

of the actual owner of the driveway at the time they accepted the deed for the property. Such knowledge is evidenced by plaintiffs' original complaint naming the true owner, Matson Lumber. Plaintiffs may not now assert that they justifiably relied on alleged statements of this defendant to support their claim in the face of their knowledge of the true owner at the time of the conveyance.

51. The defendant hereby asserts the defense of immunity from suit. The original defendant in this case, Matson Lumber, would be insulated from this suit by the very fact that they were not a party to any transaction, nor did they owe any contractual duty to the plaintiffs regarding the conveyance of any property to plaintiffs from the defendant. Matson's continued to own the property adjoining the plaintiffs' property including the subject driveway for the intervening four years following the conveyance of the plaintiffs' property to the plaintiffs by the defendant. Upon succeeding to the Matson Lumber property in 2006, the defendant then stepped into the shoes of Matson Lumber and succeeded to the same right, title and interest in the Matson Lumber property as Matson Lumber enjoyed at the time of that conveyance, including the right to be free from this suit brought by the plaintiffs.

RESPECTFULLY SUBMITTED

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

Patrick Lavelle, Esq.
Counsel for the Defendant

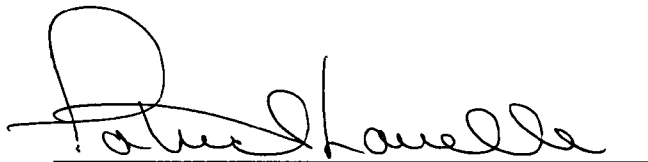
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL DIVISION

EDWARD J. SHOK AND ANGELA L. SHOK,	:
Plaintiffs	: No. 06-1300 C.D.
	:
v.	:
	:
LINDA LONDON,	:
Defendant	:

VERIFICATION

I, Patrick Lavelle, Esq., am counsel to Linda London, the defendant in this action, and hereby verify that I have been authorized by the defendant to make this verification on her behalf. In that capacity, I do verify on behalf of the defendant that all of the foregoing facts set forth in the Answer and New Matter are true and correct to the best of her knowledge, information and belief. Further, the defendant makes this verification with knowledge and understanding of the provisions of 18 Pa. C.S.A. § 4904 (*Unsworn Falsification to Authorities*).

A handwritten signature in black ink, appearing to read "Patrick Lavelle", is written over a horizontal line.

Patrick Lavelle, Esq.
Counsel for the Defendant.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

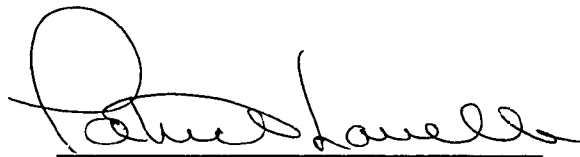
CIVIL DIVISION

EDWARD J. SHOK AND ANGELA L. SHOK, :
Plaintiffs : No. 06-1300 C.D.
: :
v. : :
: :
LINDA LONDON, : :
Defendant :

CERTIFICATE OF SERVICE

By my signature appearing below, I hereby Certify that on
the 28th day of September, 2012, I served a copy of the
foregoing Answer and New Matter by mailing same, via 1st class
mail, to the following:

David J. Hopkins, Esq.
HOPKINS HETZEL, LLP
100 Meadow Lane
Suite #5
DuBois, PA. 15801



Patrick Lavelle, Esq.
Counsel for the Defendant

FILED

NOV 06 2012

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

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL TRIAL LISTING

CERTIFICATE OF READINESS

TO THE PROTHONOTARY

DATE PRESENTED 3-5-13

CASE NUMBER TYPE TRIAL REQUESTED ESTIMATED TRIAL TIME
06-1300 C.D.
Date Complaint () Jury (X) Non-Jury
Filed: Aug. 14, 2006 () Arbitration 2 days/hours

PLAINTIFF(S)

Edward J. Shok and
Angela L. Shok

()

Check block if a Minor
is a Party to the Case

DEFENDANT(S)

Linda London

()

ADDITIONAL DEFENDANT(S)

()

FILED
9/10/07 cm
MAR 4 2013

ICC AH
Hopkins

William A. Shaw

Prothonotary/Clerk of Courts

JURY DEMAND FILED BY:

N/A

DATE JURY DEMAND FILED:

N/A

AMOUNT AT ISSUE CONSOLIDATION DATE CONSOLIDATION ORDERED

N/A

N/A

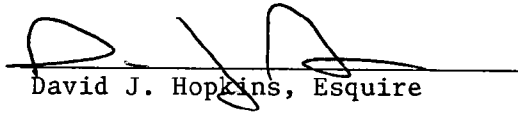
More than

&

() yes (X) no

PLEASE PLACE THE ABOVE CAPTIONED CASE ON THE TRIAL LIST.

I certify that all discovery in the case has been completed; all necessary parties and witnesses are available; serious settlement negotiations have been conducted; the case is ready in all respects for trial, and a copy of this Certificate has been served upon all counsel of record and upon all parties of record who are not represented by counsel:


David J. Hopkins, Esquire

FOR THE PLAINTIFF

David J. Hopkins, Esquire

TELEPHONE NUMBER

(814) 375-0300

FOR THE DEFENDANT

Patrick Lavelle, Esquire

TELEPHONE NUMBER

(814) 371-2232

FOR ADDITIONAL DEFENDANT

TELEPHONE NUMBER

FILED

MAR 6 2013

William A. Shaw
Prothonotary/Clerk of Courts

CA

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

EDWARD J. SHOK and
ANGELA L. SHOK

Plaintiffs

vs.

NO. 2006-1300-CD

LINDA LONDON

Defendant

ORDER

AND NOW, this 11th day of March, 2013, upon receipt of Certification of Readiness filed by counsel for the plaintiffs, it is the Order of the Court that a Pre-Trial Conference in the above-captioned matter shall be and is hereby scheduled for **Monday, April 1, 2013, at 11:00 A.M.** in Judge's chambers, Clearfield County Courthouse, Clearfield, PA.

One half hour has been reserved for this conference.

BY THE COURT:

FILED

01/10/2013
MAR 12 2013

5
William A. Shaw
Prothonotary/Clerk of Courts

ICC Atty's: Hopkins

Lavelle

Col



FREDRIC J. AMMERMAN
PRESIDENT JUDGE

FILED

MAR 12 2013

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 3/12/13

..... 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

____ Defendant(s) X Defendant(s) Attorney

____ Special Interests

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL DIVISION

EDWARD J. SHOK AND ANGELA L. SHOK, :
:
Plaintiffs : No. 06-1300 C.D.
:
:
v. : Type of Pleading:
: MOTION FOR CONTINUANCE
:
:
LINDA LONDON, :
Defendant : Filed on Behalf of:
: DEFENDANT
:
:
: Filed By:
:
: Patrick Lavelle, Esq.
: PA. ID# 85537
:
: Adrienne Peters
: PA ID# 309997
:
: LAVELLE & PETERS, LTD.
: Attorneys at Law
: 25 East Park Ave.
: Suite #2
: DuBois, PA. 15801
: (814) 371-2232
: (814) 371-4480 Fax

FILED

01 9:24:00
MAR 21 2013

William A. Shaw
Prothonotary/Clerk of Courts

ICC AH
Peters

OK

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL DIVISION

EDWARD J. SHOK AND ANGELA L. SHOK, :
Plaintiffs : No. 06-1300 C.D.
:
v. :
:
LINDA LONDON, :
Defendant :

MOTION FOR CONTINUANCE

AND NOW comes the defendant, LINDA LONDON, by and through her attorney, PATRICK LAVELLE, ESQ., and files the within stated Motion for Continuance, averments in support of which are as follows:

1. Plaintiff have filed their Certificate of Readiness for trial in this case.

2. The Court has scheduled the matter for a pre-trial conference on April 1, 2013.

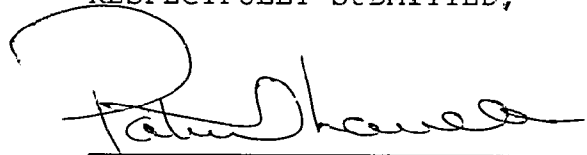
3. Counsel for the defendant will be out of the country on vacation until April 1, 2013.

4. Due to his scheduled extended absence, defendant's counsel requests a continuance to provide additional time to research, interview and otherwise prepare for said pre-trial conference and to prepare an adequate per-trial statement.

5. Counsel for the plaintiffs has been consulted and has no objection to the granting of a continuance.

WHEREFORE, the defendant prays that this honorable Court will grant the continuance and re-schedule the matter for a pre-trial conference at a later date.

RESPECTFULLY SUBMITTED,

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

Patrick Lavelle, Esq.
Counsel for the Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

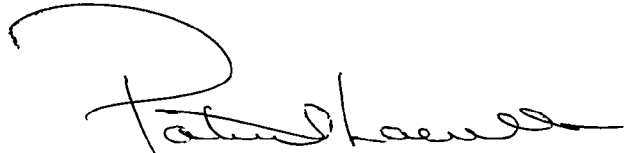
CIVIL DIVISION

EDWARD J. SHOCK AND ANGELA L. SHOCK, :
Plaintiffs : No. 06-1300 C.D.
:
v. :
:
LINDA LONDON, :
Defendant :

CERTIFICATE OF SERVICE

By my signature appearing below, I hereby Certify that on the 20th day of March, 2013, I served a copy of the foregoing Motion for Continuance by mailing same, via 1st class mail, to the following:

David J. Hopkins, Esq.
HOPKINS HETZEL, LLP
100 Meadow Lane
Suite #5
DuBois, PA. 15801



Patrick Lavelle, Esq.
Counsel for the Defendant

FILED

MAR 21 2013

William A. Shaw
Prothonotary/Clerk of Courts

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL DIVISION

EDWARD J. SHOK AND ANGELA L. SHOK, :
Plaintiffs : No. 06-130C C.D.
v. :
LINDA LONDON, :
Defendant :

FILED
6/4.00 Lm
MAR 26 2013

ICC Atty
Lavelle
6K

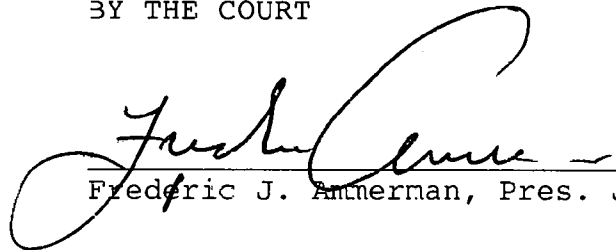
ORDER

William A. Snaw
Prothonotary/Clerk of Courts

AND NOW this 25 day of March, 2013, upon consideration
of the defendant's Motion for Continuance, it is hereby ORDERED
that said Motion is hereby GRANTED.

The Pre-Trial Conference originally scheduled for April 2,
2013 is hereby re-scheduled for the 2nd day of May,
2013 at 9:30 o'clock A.M., in Judge's Chambers, at Clearfield
County Court House, Clearfield, PA.

BY THE COURT


Frederic J. Ammerman, Pres. Judge

FILED

MAR 26 2013

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

DATE 3-26-13

☒ 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:

CA

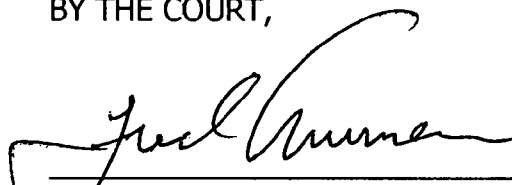
**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION**

EDWARD J. SHOK and ANGELA L. SHOK	*	NO. 2006-1300-CD
Plaintiffs	*	
	*	
VS	*	
	*	
LINDA LONDON	*	
Defendant	*	

ORDER

NOW, this 2nd day of May, 2013, following Pre-Trial Conference with counsel and the Court; it is the ORDER of this Court that a two day non-jury trial be and is hereby scheduled for **SEPTEMBER 19 and 20, 2013** commencing at **9:00 a.m.** each day in Courtroom No. 1 of the Clearfield County Courthouse.

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

FILED ICC Attys.
01 2:57pm Hopkins
MAY 06 2013 Lavelle
William A. Shaw
Prothonotary/Clerk of Courts

RECEIVED

JUN 06 2013

William A. Shaw
Prothonotary Clerk of Courts

CA

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

EDWARD J. SHOK and
ANGELA L. SEOK,

Plaintiffs

vs.

LINDA LONDON,

Defendant

No. 05-1300 C.D.

Type of Pleading: Stipulation

Filed on behalf of: Edward J. Shok
and Angela L. Shok, Plaintiffs

Counsel of Record for this party:

HOPKINS HELTZEL LLP

DAVID J. HOPKINS, ESQUIRE
Supreme Court No. 42519

LEA ANN HELTZEL, ESQUIRE
Supreme Court No. 83998

CARL J. ZWICK, ESQUIRE
Supreme Court No. 306554

100 Meadow Lane, Suite 5
DuBois, Pennsylvania 15801

(814) 375-0300

FILED

5/10:35
JUL 02 2013

William A. Shaw
Prothonotary/Clerk of Courts

2cc Atty
Hopkins

CEK

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

EDWARD J. SHOCK and
ANGELA L. SHOK,

Plaintiffs

vs.

LINDA LONDON,

Defendant

No. 05-1300 C.D.

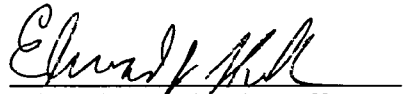
STIPULATION

AND NOW, this 4th day of ~~May~~ ^{June} 2013, the parties have reached a settlement of all issues related to the above-captioned matter and desiring to resolve the matter without the need for a trial, do hereby stipulate and agree that the Court enter the Order that hereinafter appears.

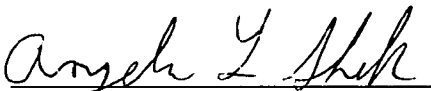
HOPKINS HELTZEL LLP



David J. Hopkins, Esquire
Attorney for Edward L. Shok and
Angela L. Shok

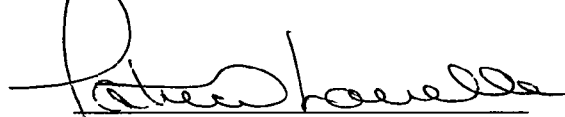


Edward J. Shok, Plaintiff



Angela L. Shok, Plaintiff

LAVELLE & PETERS LTD



Patrick J. Lavelle, Esquire
Attorney for Linda London



Linda London, Defendant

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

EDWARD J. SHOK and
ANGELA L. SHOK,

Plaintiffs

vs.

No. 05-1300 C.D.

LINDA LONDON,

Defendant

CONSENT ORDER

AND NOW, this 1 day of July 2013, upon consideration of the foregoing Stipulation, it is hereby ORDERED and DECREED that:

1. Linda London, joined by her husband, Olan London, shall deed the property identified in yellow on Exhibit "A" to Edward J. Shok and Angela L. Shok, husband and wife, in fee simple without reservation. The property shall be conveyed free and clear of liens and encumbrances. The form of the deed shall be as set forth on Exhibit "B".

2. The Clearfield County Assessment Office is directed to issue a UPI number to the parcel. The Clearfield County Recorder of Deeds is directed to record the deed upon payment of standard recording fees and transfer taxes.

3. Contemporaneous with the execution of the deed by Linda London and Olan London, Plaintiffs shall pay Linda London Three Thousand Five Hundred (\$3,500.00) Dollars by check payable to Linda London and Lavelle & Peters, Ltd.

4. Linda London shall cause "Koro Lane" to be removed from its geocaching website.

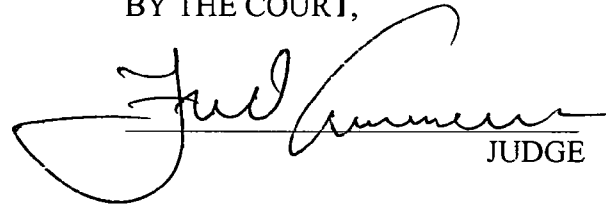
FILED
9/10/13
JUL 02 2013

2cc Atty
Hopkins

William A. Shaw
Prothonotary/Clerk of Courts

5. When the land transfer has been completed and Korb Lane removed from Linda London's geocaching website, Plaintiff shall file a Praecipe to Settle and Discontinue with the Prothonotary.

BY THE COURT,

A handwritten signature in black ink, appearing to read "Fred Summer", is written over a horizontal line. The signature is stylized with a large initial "F" and a long, sweeping underline.

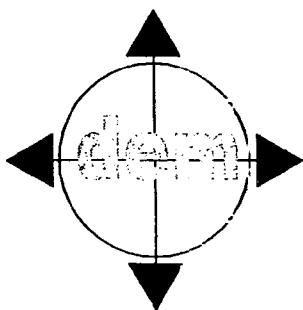
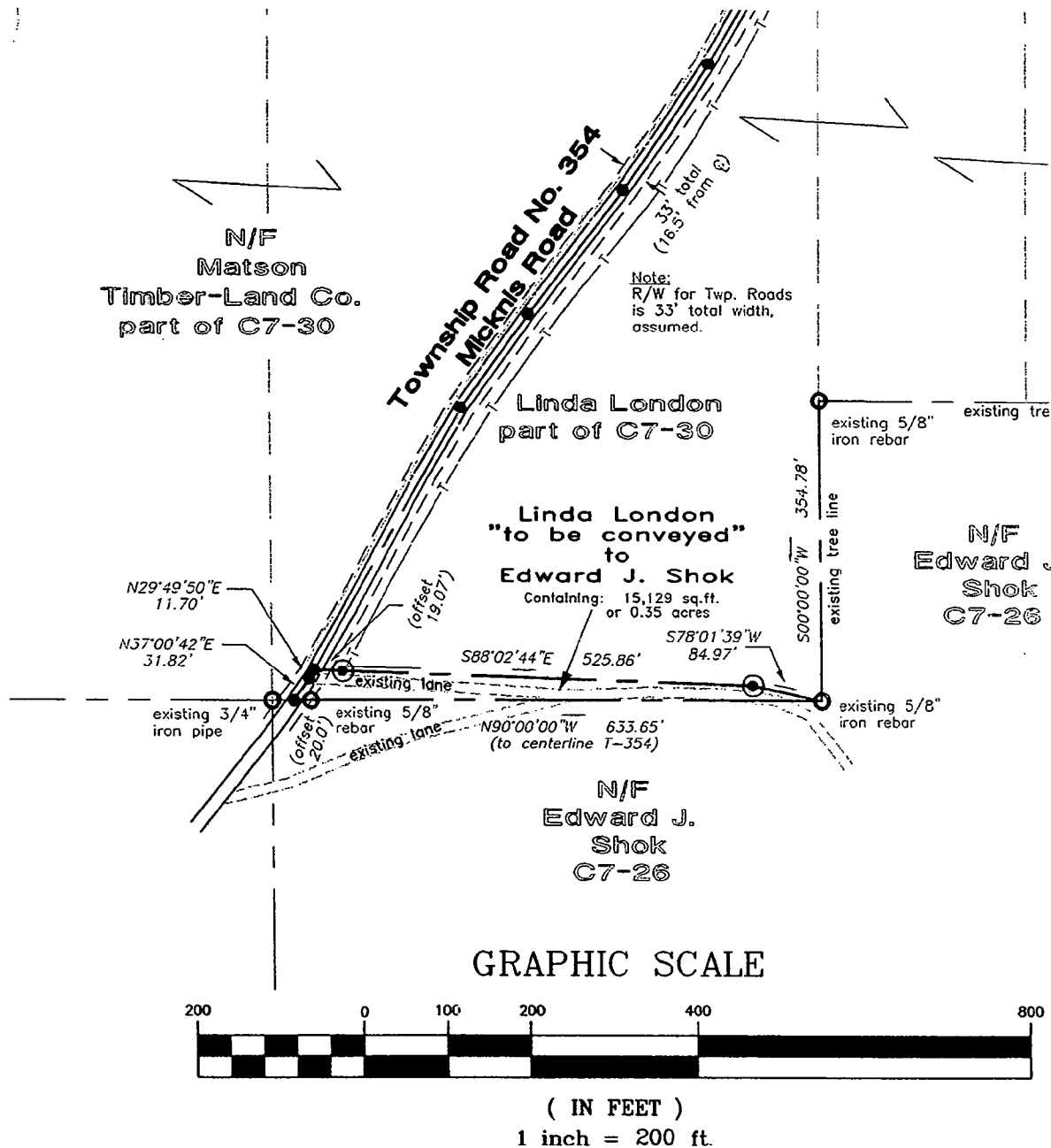
JUDGE

FILED

JUL 02 2013

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

see Notes



D.E.M. Surveying, P.C. **Professional Land Surveying**

56 Industrial Park Road, Suite #1
 Brookville, PA 15825

(814) 849-8230 www.demsurveying.com

Notes:
 Orientation to North was
 a bearing of North 90° E
 ("East") between 2 existin
 markers along the norther
 boundary of lands now or
 (N/F) of William E. Miknis
 and acc. to DB1969 PG21

Reference was made to a
 & Subdivision for Matson
 Timber-Land by D.E.M. do
 September 2006.

UPI #

THIS DEED,

MADE the 8th day of May, in the year two thousand and thirteen (2013), between

LINDA LONDON and OLAN LONDON, wife and husband, whose address is 173 Short Mag Lane, Luthersburg, Pennsylvania, hereinafter referred to as Grantors;

A
N
D

EDWARD J. SHOK and ANGELA L. SHOK, husband and wife, whose address is 230 Korb Lane, Luthersburg, Pennsylvania, as tenants by the entireties, hereinafter referred to as Grantees;

The words "Grantor" and "Grantee" shall mean all Grantors and Grantees listed above.

WITNESSETH, That in consideration of THREE THOUSAND FIVE HUNDRED DOLLARS (\$3,500.00), in hand paid, the receipt whereof is hereby acknowledged, the said Grantors do hereby grant and convey to the said Grantees,

ALL that certain piece of land situate in Brady Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at the southwest corner of the tract of land herein described at point in the centerline of Micknis Road (T-354) (being situate at the southwest corner of a larger tract of land of which the herein described tract was formerly a part, and situate at the northwest corner of lands now or formerly of Edward J. Shok); thence, along the centerline of Micknis Road North 37° 00' 42" East 31.82 feet to a point; thence, along same North 29° 49' 50" East 11.70 feet to a point; thence, through lands now or formerly of Linda London South 88° 02' 44" East 525.86 feet to a set 5/8" iron rebar; thence, through same South 78° 01' 39" East 84.97 feet to an existing 5/8" iron rebar; thence, along lands now or formerly of Edward J. Shok North 90° 00' 00" West 633.65 feet to a point in centerline of Micknis Road, said place of beginning.

CONTAINING 15,129 square feet or 0.35 acres according to a survey by D.E.M. Surveying, P.C. dated July 2007.

BEING a portion of the tract or tracts of land conveyed to Linda London by deed of Matson Timber-Land Co., dated October 24, 2006 and recorded in the Office of the Recorder of Deeds in and for Clearfield County as Instrument No. 2006-19776.

HAZARDOUS WASTE: THE GRANTORS HEREIN STATE THAT THE
HEREINABOVE DESCRIBED PROPERTY IS NOT PRESENTLY BEING USED FOR THE
DISPOSAL OF HAZARDOUS WASTE NOR TO THE BEST OF THEIR KNOWLEDGE,
INFORMATION AND BELIEF HAS IT EVER BEEN USED FOR THE DISPOSAL OF
HAZARDOUS WASTE. THIS STATEMENT IS MADE IN COMPLIANCE WITH THE
SOLID WASTE MANAGEMENT ACT, NO. 1980-97, SECTION 405.

PROMISES. And the said Grantors herein will SPECIALLY WARRANT AND FOREVER
DEFEND the property hereby conveyed.

IN WITNESS WHEREOF, said Grantors have hereunto set their hand and seal, the day and
year first above-written.

WITNESS

LINDA LONDON {Seal}

OLAN LONDON {Seal}

Commonwealth of Pennsylvania)
:ss:
County of Clearfield)

On this, the _____ day of May, 2013, before me, the undersigned officer, personally
appeared Linda London and Olan London, wife and husband, known to me (or satisfactorily
proven) to be the persons whose names are subscribed to the within instrument, and
acknowledged that they executed the same for the purpose therein contained.

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

My Commission Expires: _____
Notary Public

NOTICE

In accordance with the provisions of "The Bituminous Mine Subsidence and Land Conservation Act of 1966". I/we, the undersigned grantee/grantees, hereby certify that I/we know and understand that I/we may not be obtaining the right of protection against subsidence resulting from coal mining operations and that the purchased property may be protected from damage due to mine subsidence by a private contract with the owners of the economic interest in the coal. I/we further certify that this certification is in a color contrasting with that in the deed proper and is printed in twelve point type preceded by the word "notice" printed in twenty-four point type.

Witness:

This ____ day of _____, _____

THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE OF THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT. (This Notice is set forth pursuant to Act No. 255, approved September 10, 1965 as amended.)

CERTIFICATE OF RESIDENCE

I/we hereby certify, that the precise residence for the Grantee herein is as follows:

Attorney or Agent for Grantee

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

EDWARD J. SHOK and
ANGELA L. SHOK,
Plaintiffs

vs.

LINDA LONDON,
Defendant

No. 06-1300 C.D.

Type of Pleading: Praecipe to Discontinue

Filed on behalf of: Edward J. Shok
and Angela L. Shok, Plaintiffs

Counsel of Record for this party:

HOPKINS HELTZEL LLP

DAVID J. HOPKINS, ESQUIRE
Supreme Court No. 42519

LEA ANN HELTZEL, ESQUIRE
Supreme Court No. 83998

CARL J. ZWICK, ESQUIRE
Supreme Court No. 306554

100 Meadow Lane, Suite 5
DuBois, Pennsylvania 15801

(814) 375-0300

FILED
SEP 10 2013
William A. Shaw
Prothonotary/Clerk of Courts

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

EDWARD J. SHOK and
ANGELA L. SHOK,
Plaintiffs

vs.

LINDA LONDON,
Defendant

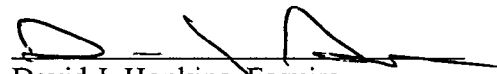
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No. 06-1300 C.D.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the foregoing Praecipe to Discontinue, filed on behalf of Plaintiffs, Edward J. Shok and Angela L. Shok, was forwarded on the 9th day of September, 2013, by United States Mail, first class, postage prepaid, to all counsel of record, addressed as follows:

Patrick Lavelle, Esquire
Lavelle & Peters, Ltd.
25 East Park Avenue, Suite #2
DuBois, PA 15801


David J. Hopkins, Esquire
Attorney for Plaintiffs
Supreme Court No. 42519

FILED

SEP 10 2013

William A. Shaw
Prothonotary/Clerk of Courts