

06-1396-CD
Lawrence Doman et al vs Doris Doman

Lawrence Doman et al vs Doris Doman
2006-1396-CD

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL ACTION - LAW

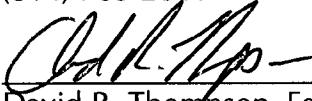
LAWRENCE P. DOMAN AND ELMA J. DOMAN, his wife,	:	
	:	
	:	06-
Plaintiff	:	
	:	
vs.	:	
	:	
DORIS DOMAN, an individual,	:	
	:	
Defendant	:	

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 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 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.

Court Administrator
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-2641



David R. Thompson, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION - LAW

LAWRENCE P. DOMAN AND ELMA J. DOMAN, his wife,	:	
	:	CIVIL ACTION
	:	06-
Plaintiffs	:	
	:	
vs.	:	
	:	
DORIS J. DOMAN, an individual,	:	
	:	
Defendant	:	

COMPLAINT IN PARTITION

AND NOW, comes the Plaintiffs, LAWRENCE P. DOMAN and ELMA J. DOMAN, husband and wife, by and through their attorney David R. Thompson, Esquire, who file the following Complaint in Partition of which the following is averred::

1. The Plaintiffs are LAWRENCE P. DOMAN and ELMA J. DOMAN, husband and wife, who has an address of 3500 Blackburn Road, Houtzdale, Clearfield County, Pennsylvania, 16651.
2. The Defendant is DORIS J. DOMAN, an individual, who has an address of 143 Pine Street, Houtzdale, Clearfield County, Pennsylvania, 16651.
3. The parties are the joint owners of a parcel of real property located in the Borough of Houtzdale, County of Clearfield, Pennsylvania, previously assessed in the name of Andrew Domen a/k/a Andrew Doman.
4. The parties are heirs of the said Andrew Domen a/k/a Andrew Doman, and are successors in interest of the said real property, as more particularly described herein.
5. The real property was vested in the said Andrew Domen a/k/a Andrew Doman by

deed dated February 14, 1907 and recorded in the Clearfield County Recorder's Office in Deed Book No. 168 at Page 222, more particularly described as follows:

ALL that interest in that certain lot or piece of ground situate in the Borough of Houtzdale, County of Clearfield and State of Pennsylvania, described as follows:

BEGINNING on the Northwest corner of Don Street and Squirrel Alley, running along said alley, North seventy eight and one half degrees West, One Hundred and Fifty (150) feet to Charles Street; thence along the said Street South eleven and one half degrees West fifty (50) feet to a post; thence South seventy eight and one half degrees East one hundred and fifty (150) feet to Don Street; thence along said Street North eleven and one half degrees East, fifty (50) feet to a post at the place of beginning and known as lot No. 404 in the general plan of the said Borough.

EXCEPTING AND RESERVING, NEVERTHELESS, all the stone, coal and other minerals underlying the said described premises with the right of mine and remove the same, and all rights excepted and reserved in the deed from Houtz Heirs to William Wynn, recorded in the Recorder's office of Clearfield County.

6. Plaintiffs Lawrence P. Doman and Elma J. Doman are the owners of a Five-Sixth (5/6th) interest in the real property by virtue of a deed dated April 27, 2006 and recorded in the Clearfield County Recorder's Office as Instrument Number 200607093.

7. Defendant Doris J. Doman is the owner of a One-Sixth (1/6th) interest in the real property as the sole remaining heir of the said Andrew Domen a/k/a Andrew Doman who has not relinquished her interest, as more particularly averred herein.

8. The said Andrew Doman died on December 7, 1955 intestate, and no estate has been opened for that individual. By way of further pleading, the property has remained

unoccupied and in poor condition.

9. At the time of his death, the heirs at law of Andrew Domen a/k/a Andrew Doman were his children; to wit: Mary Mirkin, John A. Doman, Sophia Doman, Catherine Doman, Andrew J. Doman, Lawrence Doman, (Plaintiff herein), Joseph F. Doman, Dorothy Doman and Thomas L. Doman. By way of further pleading, Doris J. Doman is the spouse of Joseph F. Doman.

10. The said John A. Doman died January 21, 1967, leaving to survive him, his wife Elizabeth Doman, who died September 8, 2002, and his children Robert Doman, Frederick Doman, Elizabeth Semler, and John A. Doman, Jr. The said John A. Doman, Jr. died on July 13, 1997, leaving to survive him, his wife Theresa Doman, and his children Randall Doman, Terry Kirkpatrick, Trudy Doman, and Tracy Kranik.

11. The said Mary Mirkin died on July 3, 1976, a widow with no children. Her heirs at law were her siblings and/or their respective surviving heirs.

12. The said Catherine Doman died on May 3, 1980, a single individual with no children. Her heirs at law were her siblings and/or their respective surviving heirs.

13. The said Andrew L. Doman died on November 5, 1992, a single individual with no children. His heirs at law were his siblings and/or their respective surviving heirs.

14. The said Sophia Doman died on May 29, 1997, a single individual with no children. Her heirs at law were her siblings and/or their respective surviving heirs.

15. The said Thomas L. Doman died on September 1, 2001, a widower with no children. His heirs at law were his siblings and/or their respective surviving heirs.

16. The said Joseph F. Doman died on April 25, 2004, leaving to survive him, his wife Doris J. Doman (Defendant) and son Joseph Doman.

17. The said Dorothy Doman Rothwell died on June 20, 2005, a single individual with no children. Her heirs at law were her siblings and/or their respective surviving heirs.

18. At the time of the said Andrew Domen a/k/a Andrew Doman's death, his children each owned a One-Ninth (1/9th) interest in the real property.

19. As of September 25, 2005, the heirs at law of John A. Doman (referenced in Paragraph 10 herein) collectively owned a One-third (1/3rd) interest in the real property.

20. As of September 25, 2005, the heirs at law of Joseph F. Doman (referenced in Paragraph 16 herein) collectively owned a One-third (1/3rd) interest in the real property. Specifically, Doris J. Doman (Defendant) and Joseph Doman each owned a One-Sixth (1/6th) interest.

21. As of September 25, 2005, Plaintiff Lawrence Doman owned a One-Third (1/3rd) interest in the real property.

22. By deed dated September 26, 2005 and recorded in the Clearfield County Recorder's Office as Instrument Number 200607092, the heirs at law of John A. Doman, together with their spouses, conveyed their interest in the real property unto the Plaintiffs.

23. By deed dated October 21, 2005 and recorded in the Clearfield County Recorder's Office as Instrument Number 200607091, the said Joseph Doman, together with his spouse, conveyed his One-Sixth (1/6th) interest in the real property unto the Plaintiffs.

24. By virtue of their deed referenced in Paragraph 6 herein, Plaintiffs are the owners of a Five-Sixth (5/6th) interest in the real property.

25.. Doris J. Doman, by virtue of the laws of intestacy, remains the owner of a One-Sixth (1/6th) interest in the said real property.

26. Plaintiffs have been in the actual physical possession of the said real property since

approximately June of 2005, maintaining the structures and real property to the best of their ability.

27. There exists no mortgages or judgment liens against the real property that appear of record, and no person or persons other than those above mentioned have an interest in the real property.

WHEREFORE, Plaintiffs respectfully request:

1. That a Partition of the said real property be made according to the rights of the respective parties hereto; and if a partition cannot be had without material injury to those rights, then that said premises be sold and the proceeds be applied in the following order:
 - a. To the payment of the general costs of this action;
 - b. To the costs of reference, if any, including attorney's fees; and
 - c. To the Plaintiffs and Defendant in proportion to their respective interests.
2. Any other relief that the Court deems appropriate.

Respectfully submitted,



DAVID R. THOMPSON, ESQUIRE
Attorney for Plaintiffs

VERIFICATION

I certify that the facts set forth in the foregoing ***COMPLAINT IN PARTITION*** are true and correct to the best of my knowledge, information and belief. This verification is made subject to the penalties of 18 Pa. C. S. § 4904, relating to unsworn falsification to authorities.

Dated: *August 7, 2006*

Lawrence P. Doman
Lawrence P. Doman

Elma J. Doman
Elma J. Doman

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION - LAW

LAWRENCE P. DOMAN AND ELMA J.,
DOMAN, his wife

*
*
* No. 06-1396-CD

Plaintiffs

*
*
* TYPE OF CASE:
* Civil Action - Law
*

vs.

DORIS J. DOMAN, an individual,

Defendant

* TYPE OF PLEADING:
* Affidavit of Service
*
* FILED ON BEHALF OF:
* Plaintiffs
*
*
* COUNSEL OF RECORD FOR THIS
* PARTY:
*
* David R. Thompson, Esquire
* P.O. Box 587
* Philipsburg, PA 16866
* (814) 342-4100
* I.D. No. 73053

FILED
OCT 4 2006
SEP 14 2006
1cc
Amy
S

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION - LAW

LAWRENCE P. DOMAN AND ELMA J.,	*
DOMAN, his wife	*
	*
	No. 06-1396-CD
Plaintiffs	*
	*
	*
vs.	*
	*
DORIS J. DOMAN, an individual,	TYPE OF PLEADING:
	*
	Affidavit of Service
	*
Defendant	*

AFFIDAVIT OF SERVICE

I, DAVID R. THOMPSON, Esquire, hereby certify that I have caused to be served a certified copy of the **Complaint in Partition**, in the above captioned matter. I served the same by depositing in the U.S. Mail, postage prepaid, certified mail, return receipt requested, addressed as follows:

Doris J. Doman
143 Pine St.
Houtzdale, PA 16651

DATED: September 2, 2006



David R. Thompson, Esquire
Attorney for Plaintiff

SENDER: COMPLETE THIS SECTION**COMPLETE THIS SECTION ON DELIVERY**

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

1. Article Addressed to:

Doris J. Doman
143 Pine St
Hutzdale, PA 16651

A. Signature X	<input type="checkbox"/> Agent	
<input type="checkbox"/> Addressee		<input type="checkbox"/> Addressee
B. Received by (Printed Name) ✓ J. J.	C. Date of Delivery 9/20/01	
D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> If YES, enter delivery address below: ✓		

3. Service Type
<input checked="" type="checkbox"/> Certified Mail
<input type="checkbox"/> Registered
<input type="checkbox"/> Insured Mail
<input type="checkbox"/> Express Mail
<input checked="" type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> C.O.D.
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes

2. Article Number (Transfer from service label)	7005 1160 0001 6141 5981
Domestic Return Receipt	

102595-02-MM-1540

PS Form 3811, February 2004



06 SEP 2006 PM 1

ALTOONA, PA. 166

First-Class Mail
Postage & Fees Paid
U.S.P.S.

- **Sender:** Please print your name, address, and ZIP+4 in this box

David R. Thompson
Attorney at Law
P.O. Box 587
Philipsburg, PA 16866

9002

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION LAW

LAWRENCE P. DOMAN AND ELMA J.
DOMAN, his wife,

Plaintiff

*
*
* No. 06-1396-CD

vs.

DORIS J. DOMAN, an individual,

Defendant

* TYPE OF CASE:
* Civil Division

*
*
*
*
* TYPE OF PLEADING:
* Praeclipe to Discontinue

*
* FILED ON BEHALF OF:
* Plaintiff

*
* COUNSEL OF RECORD FOR
* THIS PARTY:
* David R. Thompson, Esquire
* Supreme Court I.D. No. 73053
* Attorney at Law
* P.O. Box 587
* 308 Walton Street, Suite 4
* Philipsburg PA 16866
* (814) 342-4100

*

FILED

NOV 01 2006

01:05 PM

William A. Shaw

Prothonotary/Clerk of Courts

3 CIRCUIT TO ATTY
COPY TO CJA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL ACTION - LAW

LAWRENCE P. DOMAN AND ELMA J. *
DOMAN, his wife, *
Plaintiff * No. 06-1396-CD
*
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vs. *
*
DORIS J. DOMAN, an individual, *
*
Defendant *

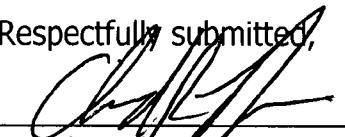
PRAECIPE TO DISCONTINUE

TO THE PROTHONOTARY:

Kindly discontinue the above-captioned matter.

DATE: 10-26-06

Respectfully submitted,



David R. Thompson, Esquire

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

CIVIL DIVISION

**Lawrence P. Doman
Elma J. Doman**

Vs. **No. 2006-01396-CD**
Doris Doman

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on November 1, 2006, marked:

Discontinued

Record costs in the sum of \$85.00 have been paid in full by David R. Thompson, Esq..

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 1st day of November A.D. 2006.

William A. Shaw, Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION - LAW

FILED

NOV 17 2006

William A. Shaw
Prothonotary/Clerk of Courts

1 CERT TO APPY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION - LAW

LAWRENCE P. DOMAN AND ELMA J.	*
DOMAN, his wife,	*
	*
Plaintiff	No. 06-1396-CD
	*
	*
VS.	*
	*
DORIS J. DOMAN, an individual,	*
	*
Defendant	*

CERTIFICATE OF SERVICE

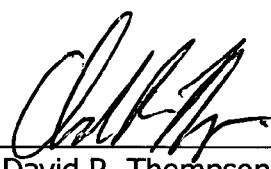
TO THE PROTHONOTARY:

I, **DAVID R. THOMPSON, ESQUIRE**, do hereby certify that I served a true and correct copy of the **Praecipe to Discontinue and Certificate of Discontinuation**, in the above captioned matter by depositing the same in the U.S. First Class Mail, postage prepaid, addressed as follows:

Girard Kasubick, Esquire
LEHMAN & KASUBICK
611 Brisbin Street
Houtzdale, PA 16651

DATE: November 15, 2006

BY:



David R. Thompson, Esquire