

06-1495-CD
Cherry Timber al vs Theodore Beer al

2006-1495-CD
Cherry Timber vs Theodore Beer et al

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

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William A. Shaw
Notary/Clerk of Courts

CHERRY TIMBER ASSOCIATES, INC.,) IN THE COURT OF COMMON PLEAS OF
Plaintiff,) CLEARFIELD COUNTY, PENNSYLVANIA
)
vs.) Civ. No. - 2006
)
THEODORE BEER and,)
G. E. BUCKSBEE,)
Defendant.)

COMPLAINT

AND NOW, comes the Plaintiff, Cherry Timber Associates, Inc., by and through its attorneys, the Dale Woodard Law Firm, and files this Complaint, and in support thereof states as follows:

BACKGROUND FACTS

1. The Plaintiff, Cherry Timber Associates, Inc., is an Ohio Corporation with a registered office and principal place of business at 23925 Commerce Park Road, Beachwood, Ohio 44122.

2. The Defendant, Theodore Beer, is an adult individual residing at 1385 Johnson Avenue, Salem, Ohio 44460.

3. Cherry Timber Associates, Inc. acquired title to a 58 acre tract of land (sometimes also referred to in instruments of record as a 60 acre tract of land and hereinafter referred to as the "subject property") by virtue of a Quit-Claim Deed from Green Glen Corporation dated December 21, 1988 and recorded in Clearfield County Deed Book, Volume 1260, Page 338 ("the Green Glen Deed"). A true and correct copy of the Green Glen Deed is attached hereto and now by reference incorporated herein as Exhibit "1". The subject property is described in the Green Glen

Deed as follows:

All that certain piece or parcel of real estate located in Huston Township, Clearfield County, Pennsylvania, BOUNDED on the North by lands of Tinker & Hoyt; BOUNDED on the Southeast by Bennetts Branch Run; BOUNDED on the Southwest by lands of Harold Duttry; BOUNDED on the West by lands of Sadie Beer;

4. The subject property was surveyed on or about July 5, 1995 by Lional Alexander, P.L.S., a registered surveyor, and is more accurately described as follows:

ALL that certain piece, parcel, or tract of land lying and being situate in Huston Township, Clearfield County, Pennsylvania, bounded and described as follows, to wit: **BEGINNING** at a one inch pipe set by this survey, said iron pipe being the northeast corner of said lands of Paul I. Dixon, et. al. and the northwest corner of the herein described parcel, further being shown as Corner Number 1 on the hereto attached plat; **THENCE**, S 84 Degrees 40 Minutes E along lands now or formerly of Sadie Beer (Deed Book 330 Page 380 and Deed Book 378 Page 552) a distance of 970.24 feet to a one inch iron pipe set by this survey, said iron pipe being the northeast corner of the herein described parcel, further being shown as Corner Number 2 on the hereto attached plat; **THENCE**, S 40 Degrees 40 Minutes E along lands now or formerly of Thelma Bush, Beverly R. Williams, and John D. Duttry a distance of 1,562.76 feet to a one inch pipe set by this survey, said iron pipe being along the northern right-of-way for lands now or formerly of B&S Railroad and also being the southwest corner of lands now or formerly of Thelma Bush, Beverly R. Williams, and John D. Duttry (Deed Book 1300 page 20) and the southeast corner of the herein described parcel, further being shown as Corner Number 3 on the hereto attached plat; **THENCE**, along the northern right-of-way for lands now or formerly of B&S Railroad by a curve to the left, said curve having a radius of 1,473.00 feet and an arc length of 159.97 feet, to a point, further being shown as Corner Number 4 on the hereto attached plat; **THENCE**, S 55 Degrees 02 Minutes W along the northern right-of-way for lands onw or formerly of B & S Railroad a distance of 1,129.42 feet to a one inch iron pipe set

by this survey, said iron pipe being the southeast corner of land now or formerly of Paul I. Dixon, et. al. (third parcel described in Deed Book 1292 Page 125) and the southwest corner of the herein described parcel, further being shown as Corner Number 5 on the hereto attached plat;

THENCE, N 35 Degrees 34 Minutes W along lands now or formerly of Paul I. Dixon, et. al. a distance of 722.50 feet to an existing angle iron replaced with a one inch iron pipe set by this survey, further being shown as Corner Number 6 on the hereto attached plat;

THENCE, N 86 Degrees 15 Minutes W along lands now or formerly of Paul I. Dixon, et. al. a distance of 652.34 feet to a 30-inch maple tree, further being shown as Corner Number 7 on the hereto attached plat;

THENCE, N 06 Degrees 06 Minutes E along the division line for Huston Township and Sandy Township and along lands now or formerly of Paul I. Dixon, et. al. a distance of 1,384.33 feet to a one inch iron pipe set by this survey, the point of beginning;

CONTAINING 2,524,771.3 square feet or 58.0 acres.

BEING subject to McCracken Run, an overhead electric service line, and any other utility easements which may be of record.

BEING the same lands described in Deed Book 298 Page 136 from John E. DuBois to G. E. Bucksbee, dated November 8, 1927 and recorded in the Clearfield County Courthouse.

BEING Parcel Number 16 on Clearfield County Assessment Map Number 119-E4-16.

5. Green Glen Corporation acquired title to the subject property by virtue of a deed from John E. Dubois, Jr. and Renee Hadley Dubois, his wife; Louis G. Dubois, unmarried; Carolyn Dubois Pfaelzer, unmarried; David Dubois and Shirley C. Dubois, his wife; and Sarah E. Dubois, unmarried, dated September 1, 1947 and recorded in Clearfield County Deed Book 393, Page 411, recorded July 23, 1947. A true and correct copy of the aforesaid Deed is attached hereto and now by reference incorporated herein as Exhibit "2".

6. John E. Dubois, Jr., Louis G. Dubois, Sarah B. Dubois, David Dubois, and Carolyn Dubois Pfaelzer acquired title to the subject property by virtue of a Deed from David Dubois and Shirley C. Dubois, his wife, dated June 18, 1947 and recorded in Clearfield County Deed Book 384, Page 524 on July 23, 1947. A true and correct copy of aforesaid Deed is attached hereto and now by reference incorporated herein as Exhibit "3".

7. David Dubois acquired title to the subject property by virtue of a deed from the Commissioners of Clearfield County dated October 8, 1945 and recorded in Clearfield County Deed Book 370, Page 458 on October 17, 1945. A true and correct copy of aforesaid Deed is attached hereto and now by reference incorporated herein as Exhibit "4".

8. The subject property was listed for sale for delinquent taxes on January 10, 1936. No bids were made at the sale and the subject property became part of the repository of Clearfield County. The property was assessed as that of G. E. Bucksbee at the time of the tax sale.

9. G. E. Bucksbee acquired title to the subject property by virtue of a deed from John E. Dubois and Willie G. Dubois, his wife, dated November 8, 1927 and recorded in Clearfield County Deed Book 298, Page 136. A true and correct copy of aforesaid Deed is attached hereto and now by reference incorporated herein as Exhibit "5".

10. The Defendant, Theodore Beer, acquired title to a one hundred and twenty-three point two (123.2) acre parcel of land adjoining the subject property by virtue of a deed from Thelma Bush and Beverly R. Williams, now know as Beverly R. Copelli, dated March 17, 2005 and recorded in Clearfield County as Instrument Number 200503754 (hereinafter sometimes referred to as "the Duttry property"). A true and correct copy of the aforesaid deed is attached hereto and now by reference incorporated herein as Exhibit "6". A copy of the tax assessment map showing the respective locations of the subject property and the Duttry property is attached hereto and now by reference incorporated herein as Exhibit "7".

11. Thelma Bush, Beverly R. Williams, now know as Beverly R. Copelli and John D. Duttry conveyed the Duttry property to Thelma Bush and Beverly R. Williams, now know as Beverly R. Copelli, by deed dated August 10, 2004 and recorded in the Recorder of Deeds of Clearfield County as Instrument Number 200414968. A true and correct copy of the aforesaid Deed is attached hereto and now by reference incorporated herein as Exhibit "8".

12. Beverly R. Williams, Thelma Bush and John D. Duttry acquired title to the Duttry property by virtue of a Decree of Distribution dated August 7, 1989 from the estate of Harold E. Duttry and located in the records of the Orphan's Court of Clearfield County, Pennsylvania at 149 of 1988. A true and

correct copy of the aforesaid Decree of Distribution is attached herein and now by reference incorporated herein as Exhibit "9".

13. Harold E. Duttry and Mary Duttry acquired title to the Duttry property by virtue of a deed from Harry Bender and Annie Bender, dated February 21, 1955 and recorded in Clearfield County in Deed Book 440, Page 573. This deed contained the following description of the Duttry property;

On the North by land of the Green Glen Corporation; on the South by land of Walter Brown; on the East by right-of-way of the B&O Railroad; on the West of the lands of Tinker, Albaugh, and Burns.

The aforementioned description was incorrect and actually described the subject premises and not the Duttry property. This description is contained in the deeds referred to in Paragraphs 10, 11, and 12 of this Complaint. A true and correct copy of aforesaid deed is attached hereto and now by reference incorporated herein as Exhibit "10".

14. Harry Bender and Annie Bender acquired title to the Duttry property by virtue of a deed from Ralph J. Smith, Treasurer of the County of Clearfield, Pennsylvania dated December 10, 1951 and recorded in Clearfield County Deed Book 440, Page 571. The property was sold for taxes for the year 1949 and was reported to be owned and assessed in the name of Albert Dennis. A true and correct copy of aforesaid deed is attached hereto and now by reference incorporated herein as Exhibit " 11".

15. Albert Dennis obtained an interest in the Duttry property by virtue of an assignment dated January 22, 1947 from Jerry Bender, et. ux. to Ralph Weisman and Albert Dennis and said assignment is recorded in Clearfield County Deed Book 380, Page 585. A true and correct copy of aforesaid assignment is attached hereto and now by reference incorporated herein as Exhibit "12".

16. Harry Bender acquired title to the Duttry property by virtue of a Commissioners Sale on March 27, 1945. The property was sold as that of G.E. Bucksbee and said deeds were recorded in Clearfield County Deed Book 380, page 583 and 584. A true and correct copy of aforesaid Commissioners Deed is attached hereto and now by reference incorporated herein as Exhibit "13".

17. The Duttry property was assessed to G. E. Bucksbee from 1924 to 1936 and was sold to the County as the property of G. E. Bucksbee and redeemed by Mrs. G. E. Bucksbee on September 15, 1937. There is no deed recorded in the Recorder of Deeds office of the County of Clearfield, however, indicating that G. E. Bucksbee had ever acquired title to the Duttry property. The assessment records indicated that the Duttry property was owned by John E. DuBois prior to 1924.

18. From 1955 through the present, the description of the Duttry property contained in the various deeds referred to in this Complaint in the chain of title of the Duttry property erroneously described the subject property and not the Duttry property and it

is believed that as a result the Defendants and their predecessors in title believed that they owned the subject property.

19. John D. Duttry on October 18, 1994 on behalf of himself, Thelma Bush and Beverly Williams entered into a Timber Harvest Agreement with Mitchell Lumber Company which provided for the removal of timber from property allegedly owned by Duttry. A true and correct copy of aforesaid Agreement is attached hereto and now by reference incorporated herein as Exhibit "14".

20. Mitchell Lumber Company subsequently removed timber from the subject property.

21. John Duttry, Thelma Bush and Beverly Williams asserted an interest in the subject property from the time it was timbered through the time which they conveyed their interests in the Duttry property to the Defendant, Theodore Beer.

22. The Plaintiff believes, and therefore avers, that the Defendant, Theodore Beer, erroneously believes that he is the owner in fee simple of the subject property rather than the Duttry property.

COUNT I - QUIET TITLE

23. The averments contained in Paragraphs 1 through 22 are incorporated herein as though set forth at length.

24. An Action to Quiet Title is necessary against Theodore Beer because his predecessors in title have asserted a claim to the subject property and the Plaintiff alleges and avers that

Theodore Beer and his predecessors in title have no interest in the subject premises.

25. An Action to Quiet Title is necessary against the Defendant, G. E. Bucksbee, because the property was sold for taxes as the property of G. E. Bucksbee, and no estate was opened for G. E. Bucksbee to determine the ownership interest of G. E. Bucksbee, to determine the heirs of G. E. Bucksbee or to determine any potential interest owned by the heirs of G. E. Bucksbee.

26. The Defendants may claim and assert an interest adverse to the Plaintiff's interest in the subject property.

27. The Plaintiff believes, and therefore avers, that any interest the Defendants claim in the subject property is without any right whatsoever, and that the Defendants have not, nor has any of them, any estate, right, title or interest whatever in the subject property or premises or any part thereof.

WHEREFORE, Plaintiff prays that the Defendants, and also all other persons unknown claiming right, title, estate, lien or interest in the subject property adverse to the Plaintiff's ownership or any cloud upon Plaintiff's title thereto, be required to:

- (1) Set forth the nature of their several claims;
- (2) That all adverse claims of Defendants or any of them may be determined by Decree of this Court;
- (3) That by said Decree it is declared and adjudged that

Plaintiffs are the owners of the subject property;

(4) The Defendants, their heirs or assigns, have no interest or estate whatever in or to the subject property or the oil, petroleum, minerals and gas thereunder;

(5) The Defendants, their heirs and assigns, be forever barred from asserting any claim whatever in or to the subject property or the oil, petroleum, minerals and gas under the subject property adverse to the Plaintiffs; and

(6) For such other and further relief as to the Court shall seem proper and just.

Respectfully Submitted,

DALE WOODARD LAW FIRM

By Keith M. Pemrick
Keith M. Pemrick, Esquire
Joseph H. Keebler, Jr., Esquire
Attorneys for Plaintiff

Exhibit "1"

Penna. Quit-Claim Deed

THIS INDENTURE

MADE the 21st day of December in the year nineteen hundred and eighty-eight (1988)

BETWEEN GREEN GLEN CORPORATION, a Pennsylvania business corporation of Sandy Township, DuBois, Clearfield County, Pennsylvania, Party of the First Part,

and

CHERRY TIMBER ASSOCIATES, INC., a business corporation with a mailing address at Russel Street, Endeavor, Pennsylvania 16322, Party of the Second Part,

WITNESSETH, That the said first party, for and in consideration of the sum of One ----- (\$1.00) -----Dollar lawful money of the United States of America to it well and truly paid by the said party of the second part, at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has remised, released and quit-claimed, and by these presents does remise, release and forever quit-claim, unto the said party of the second part, its successors and assigns,

ALL those certain parcels of real estate located in Clearfield County, Pennsylvania as follows:

PARCEL NO. 1: All that certain parcel of real estate located in Pike Township, Clearfield County, Pennsylvania,

BOUNDED on the North by lands of Anderson and Hartshorn Run;
BOUNDED on the East by lands of Buskey & Mainey;

BOUNDED on the South by lands of McBride, Bailey, Bailor, and Baughman, and

BOUNDED on the East by other lands of the Grantor and being identified as Clearfield County Map Parcel No. 126-H8-15;

PARCEL NO. 2: All that certain parcel of real estate located in Union Township, Clearfield County, Pennsylvania,

BOUNDED on the North by Township Road T360;

BOUNDED on the East by lands of Robinson;

BOUNDED on the South by B&O Railroad;

*See Affidavit of Value Filer
with deed recorded in Deed & Records Book 1260, page 280*

CL. 1260 COUNTY
ENTERED 3:30 PM 12-21-88
TIME 44-21-0
FEE 27.50
MICHAEL [Signature]
RECORDED

BOUNDED on the North by lands of Milligan;
BOUNDED on the East by lands of Wilson and Department
of Forest & Waters;
BOUNDED on the South by lands of Spicher;
BOUNDED on the West by lands of Lewis & Milligan;
Being located on Clearfield County Tax Map Parcel No. 119-E2
as a four (4) acre tract.

PARCEL NO. 12: All that certain parcel of real estate located in Sandy
Township, Clearfield County, Pennsylvania,

BOUNDED on the North by Township Road 408;
BOUNDED on the East by the Huston Township border;
BOUNDED on the South by lands of Maloney;
BOUNDED on the West by lands of Maloney;
Identified per Clearfield County Tax Map Parcel No. 128-E3.

PARCEL NO. 13: All that certain parcel of real estate located in Huston
Township, Clearfield County, Pennsylvania,

BOUNDED on the North by lands of Tinker & Hoyt;
BOUNDED on the Southeast by Bennetts Branch Run;
BOUNDED on the Southwest by lands of Harold Duttry;
BOUNDED on the West by lands of Sadie Beer;
Being identified as Clearfield County Tax Map Parcel
No. 119-E3-33.

PARCEL NO. 14: All that certain piece or parcel of real estate located in
Huston Township, Clearfield County, Pennsylvania,

BOUNDED on the Northwest by land of W. Dixon et al. and
Harold Duttry;
BOUNDED on the East by other lands of the Green Glen
Corporation;
BOUNDED on the South by the Huston Township boundary
line and the Commonwealth of Pennsylvania Gamelands and
being identified as Clearfield County Tax Map Parcel No. 119-E4-13.

PARCEL NO. 15: All that certain piece or parcel of real estate located in
Huston Township, Clearfield County, Pennsylvania,

BOUNDED on the West by the Consolidated Rail Corporation;
BOUNDED on the East by lands of Hopton;
BOUNDED on the South by other lands of the Grantor;
Being identified as Clearfield County Tax Map Parcel No. 119-G3-17.

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AREAS FROM
MAP OF
EXCEPTED
D.A.D.

Exhibit "2"

DEED) This Indenture Made the 1st day of September in the
JOHN E. DUBOIS, JR ET AL) year of our Lord, one thousand nine hundred and forty
TO) seven (1947) Between John E. Du Bois, Jr. and Rene
GREEN GLEN CORPORATION) Hadley Du Bois, his wife, Louis G. Du Bois, unmarried,
) Caroline Du Bois Pfaelzer, unmarried, David Du Bois,
) and Shirley C. Du Bois, his wife, and Sarah B. Du Bois,
unmarried, all of the City of Du Bois, County of Clearfield and Commonwealth of Pennsylvania,
parties of the first part, AND GREEN GLEN CORPORATION, a corporation organized
under and existing by virtue of the laws of the Commonwealth of Pennsylvania, with its
principal place of business in the City of Du Bois, aforesaid, party of the second part.
Witnesseth, that the said parties of the first part, in consideration of Forty
Five Thousand Fifty three and 95/100 Dollars (\$45,053.95) to them now paid by the said
party of the second part, do grant, bargain, sell and convey unto the said party of the
second part, its successors and assigns,

PROPERTIES IN THE CITY OF DU BOIS.

1. ALL that certain tract or parcel of land in the city of Du Bois, County of Clearfield and Commonwealth of Pennsylvania, bounded and described as follows:

On the north by an alley; on the East by land of the grantors herein; on the south by East Second Avenue; and on the west by lot No. 647; being 60 feet wide on East Second Avenue and 160 feet deep to an alley and 60 feet wide on said alley; having erected thereon a two story frame dwelling house, known and numbered as 317 East Second Avenue.

The consideration for the conveyance of this item is \$1,000.00.

8. ALL that certain tract or parcel of land in Block 14 in the Third ward of the City of Du Bois, County of Clearfield and Commonwealth of Pennsylvania, bounded and described as follows:

Beginning at a point on Fourth street; thence east 136 feet to a point; thence north approximately 140 feet to a point; thence east 1,797.2 feet to a point; thence south (approximately 600 feet to a point; thence west 936.2 feet to a point in an alley leading off North end of Sixth street; thence north approximately 10 feet to a point; thence west approximately 780 feet to a point; thence at a northwesterly angle 60 feet to a point; thence north 200 feet to a point; thence west along an alley 300 feet to a point on North Fourth street; and thence north 430 feet along the East side of North Fourth street to the place of beginning.

Excepting and reserving therefrom the tract or parcel of land described as item No. 7. The consideration for the conveyance of this item is \$500.00.

PROPERTIES IN BRADY TOWNSHIP

9. All that certain tract or parcel of land in the Township of Brady, County of Clearfield and Commonwealth of Pennsylvania, containing 222.70 acres of surface in Warrant No. 2010.

The consideration for the conveyance of this item is \$668.10.

16. ALL that certain tract or parcel of land in the Township of Brady, County of Clearfield and Commonwealth of Pennsylvania, containing 246.53 acres in Warrant No. 3617.

The consideration for the conveyance of this item is \$736.59.

PROPERTIES IN HUSTON TOWNSHIP

11. ALL that certain tract or parcel of land in the Township of Huston, County of Clearfield and Commonwealth of Pennsylvania, known and numbered as Lot 13 in the Reynolds Sub-Division, containing 88 acres of surface.

The consideration for the conveyance of this item is \$264.00.

12. ALL that certain tract or parcel of land in the Township of Huston, County of Clearfield and Commonwealth of Pennsylvania, known and numbered as lot 15 in the Reynolds Sub-Division, containing 88 acres of surface.

The consideration for the conveyance of this item is \$264.00

13. ALL that certain tract or parcel of land in the John Du Bois or "Ross" Warrant in the Township of Huston, County of Clearfield and Commonwealth of Pennsylvania, containing 147 acres of surface.

The consideration for the conveyance of this item is \$11.00

14. ALL that certain tract or parcel of land in the Austin S. Brown Warrant in the Township of Huston, County of Clearfield and Commonwealth of Pennsylvania, containing 218 acres of surface.

The consideration for the conveyance of this item is \$654.00

15. ALL that certain tract or parcel of land in the Township of Huston, County of Clearfield and Commonwealth of Pennsylvania, containing 359 acres of surface in Warrant No. 7556.

That you and I are in the same boat, and that we are both in the same boat.

16. ALL that certain tract or parcel of land in the Township of Huston, County of Clearfield and Commonwealth of Pennsylvania, bounded and described as follows:

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thence south 3° west 420 perches; thence north $89\frac{1}{2}^{\circ}$ west 320.5 perches to a maple post and stones (the southeast corner of the east 50 acre tract sold to C. Blanchard by John E. Du Bois prior to 1867); thence north $\frac{1}{2}^{\circ}$ east 100 perches to a chestnut post and stones; thence north $89\frac{1}{2}^{\circ}$ west 115 perches to a chestnut post and stones; thence north 45° east 50 perches to the place of beginning, containing 735.05 acres (Caldwell Map).

The consideration for the conveyance of this item is \$2,205.15.

17. ALL that certain tract or parcel of land in the Township of Huston, County of Clearfield and Commonwealth of Pennsylvania, containing 50 acres of surface in Warrant No. 3600.

The consideration for the conveyance of this item is \$150.00.

18. ALL that certain tract or parcel of land in the Township of Huston, County of Clearfield and Commonwealth of Pennsylvania, containing 291.81 acres of surface in Warrant No. 3601.

The consideration for the conveyance of this item is \$675.43.

19. ALL that certain tract or parcel of land in the Township of Huston, County of Clearfield and Commonwealth of Pennsylvania, bounded and described as follows:

Beginning at a hemlock corner, said corner also being the southwest corner of Warrant No. 5067; thence south $89\frac{5}{8}^{\circ}$ west 297 perches to a post; thence north 19° west 56 perches along Warrant No. 79; thence north $70\frac{1}{3}^{\circ}$ east 334.8 perches along Warrants No. 360 and No. 452 to a hemlock; thence by line of Warrant No. 5067, south 164.8 perches to the place of beginning, containing 211 $\frac{1}{2}$ acres (Map) (Warrant No. 5068).

The consideration for the conveyance of this item is \$634.50.

PROPERTIES IN SANDY TOWNSHIP

20. ALL that certain tract or parcel of land in the Township of Sandy, County of Clearfield and Commonwealth of Pennsylvania; containing 1 acre in fee out of Warrant No. 27.

The consideration for the conveyance of this item is \$3.00.

21. ALL that certain tract or parcel of land in the Township of Sandy, County of Clearfield and Commonwealth of Pennsylvania, bounded and described as follows:

Beginning at the corner of Maple Avenue and Eighth street, on plan of lots of Van Tassel; thence along Maple Avenue, east to where said Maple Avenue intersects with Eleventh street; thence by Eleventh street to Walnut Avenue (formerly called Burnham Avenue); thence along said Walnut Avenue, west to Eighth street, thence by Eighth street to Maple Avenue, the place of beginning; containing 126 town lots, or 25 acres, more or less, said lots being 50 feet by 150 feet in size and numbered 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197 (numbered on map 187), 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, together with streets and alleys within said boundaries as laid out by Plan of lots of Van Tassel; it being intended hereby to convey all the town lots contained within the boundaries of the said streets named, whether numbered accurately or not; excepting the surface rights to lots Nos. 156, 157, 158, 159, 160, 175, 176, 177, 178, 179, 180, 184, 185, 214, and 215, which have been previously sold and conveyed.

The consideration for the conveyance of this item, which contains 17.674 acres in Warrant No. 110 is \$66.15.

22. ALL that certain tract or parcel of land in the Township of Sandy, County of Clearfield and Commonwealth of Pennsylvania, bounded and described as follows:

Beginning at a post at the southeast corner of the Burt Brown lot, said lot being more or less in the Van Tassel Plan for an addition to the Borough of Du Bois; thence south 74° 56' 40" west along the south side of the Public Highway leading from Du Bois to Oklahoma, thence south $13^{\circ} 40'$ east 166 feet to a stone monument, a corner marking the division line between lands of R. Van Tassel and John E. Du Bois; thence south $15^{\circ} 40'$

34. ALL that certain tract or parcel of land in the Township of Sandy, County of Clearfield and Commonwealth of Pennsylvania, containing 494.45 acres of surface in Warrant No. 3604.

The consideration for the conveyance of this item is \$1,483.35.

35. ALL that certain tract or parcel of land in the Township of Sandy, County of Clearfield and Commonwealth of Pennsylvania, containing 61 acres of surface in Warrant No. 4090.

The consideration for the conveyance of this item is \$183.00.

36. ALL that certain tract or parcel of land in the Township of Sandy, County of Clearfield and Commonwealth of Pennsylvania, containing 1,025 acres of surface in warrant No. 4226.

The consideration for the conveyance of this item is \$3,075.00.

37. ALL that certain tract or parcel of land in the Township of Sandy, County of Clearfield and Commonwealth of Pennsylvania, containing 582 acres of surface in Warrant No. 4229.

The consideration for the conveyance of this item is \$1,746.00.

38. ALL that certain tract or parcel of land in the Township of Sandy, County of Clearfield and Commonwealth of Pennsylvania, containing 253 acres in fee in Warrant No. 4230.

The consideration for the conveyance of this item is \$759.00.

39. ALL that certain tract or parcel of land in the Township of Sandy, County of Clearfield and Commonwealth of Pennsylvania, containing 329 acres in fee in Warrant No. 4231.

The consideration for the conveyance of this item is \$987.00.

40. ALL that certain tract or parcel of land in the Township of Sandy, County of Clearfield and Commonwealth of Pennsylvania, containing 509 acres of surface in Warrant No. 4234.

The consideration for the conveyance of this item is \$1,527.00.

41. ALL that certain tract or parcel of land in the Township of Sandy, County of Clearfield and Commonwealth of Pennsylvania, containing 1,040 acres of surface in Warrant No. 4235.

The consideration for the conveyance of this item is \$3,120.00.

42. The coal reservation on all those certain 597.20 acres in warrant No. 276 in the Township of Sandy, County of Clearfield and Commonwealth of Pennsylvania, as set forth in deed from John E. Du Bois to the City of Du Bois, dated December 22, 1930.

The consideration for the conveyance of this item is \$2,986.00.

PROPERTIES IN UNION TOWNSHIP

43. ALL that certain tract or parcel of land in the Township of Union, County of Clearfield and Commonwealth of Pennsylvania, containing 320 acres of surface in Warrant No. 3599.

The consideration for the conveyance of this item is \$960.00.

44. ALL that certain tract or parcel of land in the Township of Union, County of Clearfield and Commonwealth of Pennsylvania, containing 248 acres of surface in warrant No. 3608.

The consideration for the conveyance of this item is \$744.00.

John E. Du Bois, the father of John E. Du Bois, Jr., Louis G. Du Bois, Caroline Du Bois Praelzer, David Du Bois and Sarah B. Du Bois, of the grantors herein, being possessed, inter alia, of the foregoing tracts or parcels of land and/or other rights hereinabove described, died on November 11, 1934 and by, through and under his Last Will and Testament, of record in the office of the Register of Wills of Clearfield County, Pennsylvania, Will Book D, page 474, bequeathed the owners of the entire interest of said John E. Du Bois, Jr. and to said tracts or parcels of land and other interests hereinabove conveyed.

45. ALL those certain pieces or parcels of land located in Huston Township, Clearfield County, Pennsylvania, identified as follows:

THE FIRST THEREOF: Premises containing 60 acres, more or less, formerly sold as the Property of G. E. Bucksbee at Clearfield County Treasurer's tax sale to the County Commissioners of Clearfield County, Pennsylvania, and conveyed by said County Commissioners to David Du Bois by deed dated October 8, 1945, recorded at Clearfield, Pa., in Deed Book 370, page 458.

THE SECOND THEREOF: premises containing 95 and 20 acres of surface, more or less, formerly sold as the property of Percy Clyde, at Clearfield County Treasurer's sale, to the County Commissioners of Clearfield County, and conveyed by said County Commissioners to David Du Bois by deed dated October 8, 1945, recorded at Clearfield, Pa., in Deed Book 370, page 460.

THE THIRD THEREOF: Premises containing 101 acres, more or less, formerly sold as the property of W. M. Newell, at Clearfield County Treasurer's Tax Sale to the County Commissioners of Clearfield County, Pennsylvania, and conveyed by said County Commissioners to David Du Bois, by deed dated October 8, 1945, recorded at Clearfield, Pa., in Deed Book 370, page 461.

Being the same property which David Du Bois and Shirley Du Bois, his wife, by their deed dated the 18th day of June, 1947, and recorded in the Recorder's office of Clearfield County in Deed Book Vol. 384, page 524, granted and conveyed unto John E. Du Bois Jr., Louis G. Du Bois, Caroline Du Bois Pfaelzer, David Du Bois and Sarah B. Du Bois, of the grantors herein.

The consideration for the conveyance of this item is \$112.00.

46. ALL those certain pieces or parcels of land located in Clearfield County, Pennsylvania, identified as follows:

THE FIRST THEREOF: Certain premises located in Pike Township, containing 440 acres of surface and timber, Warrant No. 5978, formerly sold as the property of Cook & Guthrie, at Clearfield County Treasurer's sale to the County Commissioners of Clearfield County, and conveyed by said County Commissioners to John E. Du Bois Jr., by deed dated December 28, 1946, recorded at Clearfield, Pa., in Deed Book 363, page 571.

THE SECOND THEREOF: Certain premises located in Karthaus Township, containing 252 acres in fee, Warrant No. 1901, formerly sold as the property of Trustees Karthaus Estate at Clearfield County Treasurer's Sale to the County Commissioners of Clearfield County, Pennsylvania, and conveyed by said County Commissioners to John E. Du Bois, Jr., by deed dated May 25, 1942, recorded at Clearfield, Pa., in Deed Book 344, page 279.

THE THIRD THEREOF: Certain premises located in Karthaus Township, containing 600 acres in fee, Warrant No. 1900, formerly sold as the property of Trustees of Karthaus Estate at Clearfield County Treasurer's Tax Sale to the County Commissioners of Clearfield County, Pennsylvania, and conveyed by said County Commissioners to John E. Du Bois, Jr., by deed dated May 25, 1942, recorded at Clearfield, Pa., in Deed Book 344, page 277.

THE FOURTH THEREOF: Certain premises located in Union Township, containing 100 acres, Warrant No. 3606, formerly sold as the property of Blaine S. Stine and A. E. Woolridge at Clearfield County Treasurer's sale to the County Commissioners of Clearfield County, Pennsylvania, and conveyed by said County Commissioners to John E. Du Bois, Jr., by deed dated December 28, 1946, recorded at Clearfield, Pennsylvania, in Deed Book 353, page 565.

THE FIFTH THEREOF: Certain premises located in Union Township, containing 306 acres, Warrant No. 1990, formerly sold as the property of Blaine S. Stine and A. E. Woolridge, at Clearfield County Treasurer's Tax Sale to the County Commissioners of Clearfield County, Pennsylvania, and conveyed by said County Commissioners to John E. Du Bois, Jr., by deed dated December 28, 1946, recorded at Clearfield, Pennsylvania, in Deed Book 353, page 567.

Excepting and reserving from the two parcels of land hereinbefore identified as "THE SECOND THEREOF" and "THE THIRD THEREOF", both located in Karthaus Township, and containing respectively 252 acres in fee, and 600 acres in fee, all of the oil and gas, including oil, gas, living in, upon or under the same, and the same, and the rights and

privileges heretofore sold and conveyed by John E. Du Bois Jr., and Rene Du Bois, his wife, to William G. Brown and Vivian H. Brown, by deed dated October 11, 1946, recorded at Clearfield, Pa., in Deed Book 380, page 152.

Being the same property which John E. Du Bois Jr., and Rene Du Bois, his wife, by their deed dated the 18th day of June, 1947, and recorded in the Recorder's office of Clearfield County in Deed Book Vol. 384, page 525, granted and conveyed unto John E. Du Bois Jr., Louis G. Du Bois, Caroline Du Bois Pfaelzer, David Du Bois and Sarah B. Du Bois, of the grantors herein.

The consideration for the conveyance of this item is \$823.00.

with the appurtenances: TO HAVE AND TO HOLD the same unto and for the use of the said parties of the second part, its successors and assigns forever, and the said parties of the first part, for themselves, their heirs, executors and administrators covenant with the said party of the second part, its successors and assigns against all lawful claimants generally the same and every part thereof to Warrant and defend.

Witness the hands and seals of the said parties of the first part.

Attest:

Merritt I. Edner	John E. Du Bois Jr. (SEAL)
Merritt I. Edner	John E. Du Bois Jr.
Merritt I. Edner	Rene Hadley Du Bois (SEAL)
Merritt I. Edner	Rene Hadley Du Bois
Merritt I. Edner	Louis G. Du Bois (SEAL)
Mary A. McCallister	Louis G. Du Bois
Mary A. McCallister	Caroline Du Bois Pfaelzer (SEAL)
Mary A. McCallister	Caroline Du Bois Pfaelzer
	David Du Bois (SEAL)
	David Du Bois
	Shirley C. Du Bois (SEAL)
	Shirley C. Du Bois
	Sarah B. Du Bois (SEAL)
	Sarah B. Du Bois

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD SS:

On this the 1st day of September 1947, before me a Notary Public, the undersigned officer, personally appeared John E. Du Bois Jr., and Rene Hadley Du Bois, his wife, Louis G. Du Bois, unmarried, Caroline Du Bois Pfaelzer, unmarried, David Du Bois and Shirley C. Du Bois, his wife, and Sarah B. Du Bois, unmarried, 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 purposes therein contained.

In Witness whereof, I hereunto set my hand and official seal.

Merritt I. Edner (OFF SEAL)

Notary Public

Notary Public, Du Bois, Pa.

My Com. exp. 1-7-51

U. S. Revenue \$50.00

I hereby certify that the precise residence of the grantee or grantees is Du Bois, Pa.

Duly Stamped by City Engineer

Entered of Record Nov. 2, 1948 3:45 P. M.

Recorded and Compared by

Wm. J. Mullins
Recorder

Exhibit "3"

DEED)
DAVID DU BOIS ET AL)
TO)
JOHN E. DU BOIS JR ET AL)

This Deed, Made the 18th day of June in the year Nineteen Hundred and forty seven, Between David Du Bois and Shirley C. Du Bois, his wife, both of the City of Du Bois, Clearfield County, Pennsylvania, hereinafter called grantors, parties of the first part, AND John E. Du Bois, Jr., Louis G. Du Bois, Sarah B. Du Bois, David Du Bois, and Caroline Du Bois Pfaelzer, all of the City of Du Bois, Clearfield County, Pennsylvania, hereinafter called grantees, parties of the second part.

Witnesseth, that in consideration of One Dollar~~s~~, in hand paid, the receipt whereof is hereby acknowledged, the said grantors do hereby grant and convey to the said grantees equal interests as tenants in common ~~of~~ in and to ALL those pieces or parcels of land located in Houston Township, Clearfield County, Pennsylvania, identified as follows:

The First Thereof: Premises containing 60 acres, more or less, formerly sold as the property of G. E. Bucksbee at Clearfield County Treasurer's tax sale to the County Commissioners of Clearfield County, Pennsylvania, and conveyed by said County Commissioners to David Du Bois by deed dated October 8, 1945, recorded at Clearfield, Pa., in Deed Book 370, page 458.

The Second Thereof: Premises containing 95 & 20 A. Surf, more or less, formerly sold as the property of Percy Clyde at Clearfield County Treasurer's sale to the County Commissioners of Clearfield County and conveyed by the said County Commissioners to David Du Bois by deed dated October 8, 1945, recorded at Clearfield, Pa., in Deed Book 370, page 460.

The Third thereof; Premises containing 101 acres, more or less, formerly sold as the property of W. M. Newell, at Clearfield County Treasurer's tax sale to the County Commissioners of Clearfield County, Pennsylvania, and conveyed by said County Commissioners to David Du Bois, by deed dated October 8, 1945, recorded at Clearfield, Pa., in Deed Book 370, page 461.

The purpose of this deed is to vest title to the above described premises in the grantees herein so that each of said grantees shall hold an undivided one fifth interest therein.

And the said grantors do hereby covenant and agree to and with the said grantees that they, the grantors their heirs, executors and administrators, shall and will specially warrant and forever defend the herein above described premises with the hereditaments and appurtenances, unto the said grantees their heirs and assigns against the said grantors and against every other person lawfully claiming or who shall hereafter claim the same or any part thereof.

In Witness whereof, said grantors have hereunto set their hands and seals the day and year first above written.

Sealed and delivered
in the presence of
Merritt I. Edner

David Du Bois (LS)
David Du Bois
Shirley C. Du Bois (LS)
Shirley C. Du Bois

State of Pennsylvania
County of Clearfield

Notary Public

On this, the 18 day of June 1947, before me Merritt I. Edner, the undersigned officer, personally appeared David Du Bois and Shirley C. Du Bois, his wife, 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 purposes therein contained.

In Witness whereof, I hereunto set my hand and official seal.

Merritt I. Edner (OFF SEAL)
Notary Public
Title of Officer

My Comm exp. 1/7/51

I hereby certify that the precise residence of the grantee or grantees is Du Bois, Clearfield County, Pennsylvania.

Smith & Maine, Attys.

Entered of Record July 23, 1947 10:20 A. M.

Recorded and Compared by

Wm W. Muller
Recorder & S.

Exhibit "4"

DEED)
COUNTY COMMISSIONERS) We, J. O. Kessler, Archie Hill and Ira Jay
TO) Commissioners of the County of Clearfield, State of Pennsylvania,
DAVID DUROIS) send Greeting.
) WHEREAS, the County Commissioners of said County of Clear-
field, in pursuance of the several Acts of Assembly in that
behalf made and provided at a County Treasurers sale of seated lands, for taxes, made
on the 10th day of January 1936, did purchase all that certain paroel of seated lands,
situate in the Township of Huston, County and State aforesaid, containing 60 A. and sold
as the property of G. E. Bucksbee there having been no bid made by any personsufficient
to pay taxes, interest and costs.

AND WHEREAS, the then County Treasurer of Clearfield County did make a deed to the County Commissioners, and to their successors in office, for the aforesaid parcel of land, subject, however, to the right of redemption granted by law; and the said parcel of land so purchased has remained unredeemed for the period designated by law,

AND WHEREAS, W. V. Carr, Ira Jay and J. O. Kessler, said County Commissioners, having given due and timely notice, according to the several Acts of Assembly in relation thereto of their power to sell, and of the time and place of sale, and all such matters as are required by law, did agreeably to law, on the 23rd day of January 1942, expose to public sale by public vendue or outcry in Court Room No. 1 at the Court House at Clearfield, aforesaid the aforesaid tract of land, and the aforesaid County Commissioners sold the whole of the aforesaid parcel of land to David Du Bois for the sum of \$20.00, lawful money of the United States, he being the highest bidder, and that the highest and best price bidden for the same.

NOW KNOW YE, that we, the said W. V. Carr, Ira Jay and J. O. Kessler, County Commissioners as aforesaid, in consideration of the premises and of the aforesaid sum of \$20.00 in hand paid by the said David Du Bois, the receipt whereof is hereby acknowledged, do hereby grant and convey, to the said David Du Bois, and to his heirs and assigns, according to the laws of the Commonwealth of Pennsylvania in such cases made and provided, for all such estate, right, title and interest as has been acquired by the first above mentioned purchase from the County Treasurer of the County of Clearfield, and as we, the said County Commissioners, have a right to convey, all that above mentioned and described parcel of land situate as aforesaid in Huston Township, with the appurtenances;

TO HAVE AND TO HOLD the aforesaid parcel of land for all such estate, right, title and interest as the said County Commissioners of the County of Clearfield have a right to convey, unto the said grantee and to his heirs and assigns, to and for the only proper use and behoof of the said grantee and to his heirs and assigns forever.

IN WITNESS WHEREOF, we the said County Commissioners of Clearfield County, have hereunto set our hands and caused the official seal of said County, duly attested, to be affixed this 8th day of October 1945. This is a duplicate deed made to take the place of deed executed and delivered to David Du Bois, grantee, dated as of May 25th 1942, said deed lost by said grantee.

J. O. Kessler

Attest:

Archie Hill

G. A. Lukehart (OFF SEAL)

Ira Jay

Chief Clerk

County Commissioners

STATE OF PENNSYLVANIA SS:
COUNTY OF CLEARFIELD

On this the 8th day of October 1945, before me a Justice of the Peace, the undersigned officer personally appeared ~~J. O. Kessler, Archie Hill and Ira Jay~~ known to me to be the persons described in the foregoing deed, and acknowledged that they executed the same in the capacity therein stated and for the purposes therein contained. IN WITNESS WHEREOF I have hereunto set my hand and official seal.

R. P. Neal (OFF SEAL)

Justice of the Peace

My Commission expires First Monday in January 1950

Entered of Record Oct. 17, 1945 10:40 A. M.

Recorded and Compared by

Weir & Muller
Recorder

Exhibit "5"

DEED

JOHN E. DUBOIS) THIS DEED, made this eighth day of November in the year Nineteen
hundred and twenty-seven.

TO) BETWEEN John E. Dubois and Willie C. Dubois, his wife, of Dubois,
G E BUCKSBEE) Pennsylvania, (hereinafter called the grantors), and G. E. Buckbee
of Huston Township, Clearfield county, Pennsylvania, (hereinafter called the grantee).

WITNESSETH, that in consideration of Four Hundred eighty and 96/100 dollars, in
hand paid, the receipt whereof is hereby acknowledged, the said Grantors do hereby grant
and convey to the said Grantee, his heirs and assigns, ALL that certain piece or parcel
of land situate in Warrant No. 3576 in Huston Township, Clearfield county, Pennsylvania,
described as follows, to wit:

Beginning at the northeast corner of the A.P. Burns' tract of land, thence by
lands of Duncan Albaugh N 84° - 40' E. 986 feet to a post, thence by lands of the grantor,
surveyed for G. E. Buckbee, S. 40° - 40' E. 1560 feet to a point in the north right of way
line of the Buffalo and Susquehanna Railroad, thence by said Buffalo and Susquehanna
Railroad north right of way line, the same being 110 feet distant at a right angle from
the center line of said railroad, the following courses and distances, by a curve to the
left S 58° - 45' W 100 feet, continuing by same curve to the left S 64° 55' W 100 feet
and by a tangent S 64° - 19' W. 1119 feet, thence by lands of the grantor, surveyed for
Walter Brown, N. 33° - 18' W 707 feet to a post, thence still further by lands of the gran-
tor, surveyed for Walter Brown, N. 84° - 46' W 670 feet to a post, the southeast corner of
A.P. Burns' lands; thence by said A.P. Burns' Lands N. 5° - 53' T 1388.4 feet to the place
of beginning. Containing 60.12 acres. Courses given are magnetic bearings for the year
1922. Surveyed May 29, 1922 by J. E. Fry.

Excepting and reserving therefrom to the said John E. Dubois, his heirs and as-
signs forever, all the coal, oils, gas, fire-clay and other minerals contained in or
beneath the surface of said lands together with the unobstructed right to mine, dig and
carry away the same, without being liable for any damages caused to the surface thereof
or the buildings thereon, by operations carried on beneath the surface of said land.

AND the said grantors do hereby covenant and agree to and with the said
grantee that the grantors, their heirs, executors and administrators, shall and will
warrant and forever defend the hereinabove described premises, with the hereditaments
and appurtenances, unto the said Grantee, his heirs and assigns, against the said grantors
and against every other person lawfully claiming or who shall hereafter claim the same
or any part thereof.

Exhibit "6"

THIS DEED

MADE the 17 day of MARCH, in the year Two Thousand Five (2005)

BETWEEN THELMA BUSH, and BEVERLY R. WILLIAMS, now known as BEVERLY R. COPELLI, equally, as tenants in common, hereinafter referred to as "Grantors",

AND

THEODORE BEER, an individual, hereinafter referred to as "Grantee",

WITNESSETH, That in consideration of Ten Thousand and 00/100 (\$10,000.00) Dollars, in hand paid, the receipt whereof is hereby acknowledged, the said Grantors do hereby grant and convey to the said Grantee,

ALL that certain piece or parcel of real property situate in the Township of Huston, County of Clearfield, and Commonwealth of Pennsylvania, more particularly bounded and described as follows:

On the North by land now or formerly owned by the Green Glen Corporation; on the south by land now or formerly owned by Walter Brown; on the East by right-of-way of the B & O Railroad; on the West by lands now or formerly owned by Tinker, Alsbaugh; and Burns. Believed to contain 123 acres, more or less.

TOGETHER with all rights, privileges, rights-of-way, easements, claims, choose in action, and all other thing or matter, real or personal, arising from, relating to, or pertinent to thereto.

BEING the same premises which became vested in Thelma Bush and Beverly R. Williams, now known as Beverly R. Copelli, equally, by deed of the Thelma Bush, Beverly R. Williams, now known as Beverly R. Copelli, and John Duttry, dated August 10, 2004, and recorded in Clearfield County on September 13, 2004, to Instrument Number 200414968.

EXCEPTING AND RESERVING all restrictions and reservations as appear of record.

ALSO, EXCEPTING AND RESERVING TO THE GRANTORS one-third (1/3) of all gas and other minerals which may be contained or extracted under the surface.

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 HIS/HER/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.

And the said Grantors herein will **SPECIALLY WARRANT** the property hereby conveyed.

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

WITNESS:

Janna L. McClintick

Janna L. McClintick

Thelma Bush (SEAL)
Thelma Bush

Beverly R. Copelli (SEAL)
Beverly R. Copelli

COMMONWEALTH OF PENNSYLVANIA :

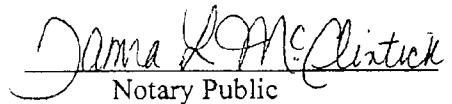
: SS:

COUNTY OF CLEARFIELD :

On this, the 17 day of March, 2005, before me, the undersigned officer, personally appeared THELMA BUSH, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that she executed the same for the purpose therein contained.

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

My commission Expires:


Tamra L. McClintick
Notary Public

NOTARIAL SEAL
TAMRA L. MCCLINTICK, NOTARY PUBLIC
CITY OF DUBOIS, CLEARFIELD COUNTY
MY COMMISSION EXPIRES SEPT. 24, 2007

COMMONWEALTH OF PENNSYLVANIA :

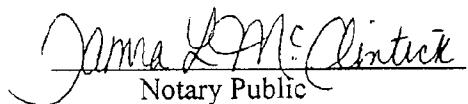
: SS:

COUNTY OF CLEARFIELD :

On this, the 17 day of March, 2005, before me, the undersigned officer, personally appeared BEVERLY R. WILLIAMS, now known as BEVERLY R. COPELLI, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that she executed the same for the purpose therein contained.

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

My commission Expires:


Tamra L. McClintick
Notary Public

NOTARIAL SEAL
TAMRA L. MCCLINTICK, NOTARY PUBLIC
CITY OF DUBOIS, CLEARFIELD COUNTY
MY COMMISSION EXPIRES SEPT. 24, 2007

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:

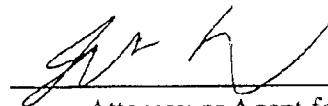
Theodore Beer
Theodore Beer

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:
1385 Johnson Avenue, Salem, OH 44460



Attorney or Agent for Grantee

CLEARFIELD COUNTY RECORDER OF DEEDS

Karen L. Starck, Recorder

Maurene Inlow - Chief Deputy

P.O. Box 361

1 North Second Street, Suite 103
Clearfield, Pennsylvania 16830

*RETURN DOCUMENT TO:

Instrument Number - 200503754
Recorded On 3/18/2005 At 2:04:24 PM

*Instrument Type - DEED

*Total Pages - 5

Invoice Number - 126355

*Grantor - BUSH, THELMA

*Grantee - BEER, THEODORE

*Customer - DUBOIS, JEFFREY S

*FEES

STATE TRANSFER TAX	\$100.00
STATE WRIT TAX	\$0.50
JCS/ACCESS TO JUSTICE	\$10.00
RECORDING FEES -	\$13.00
RECORDER	
RECORDER IMPROVEMENT	\$3.00
FUND	
COUNTY IMPROVEMENT FUND	\$2.00
DUBOIS AREA SCHOOLS	\$50.00
REALTY TAX	
HUSTON TOWNSHIP	\$50.00
TOTAL	\$228.50

I hereby CERTIFY that this document
is recorded in the Recorder's Office of
Clearfield County, Pennsylvania.



Karen L. Starck

Karen L. Starck
Recorder of Deeds

THIS IS A CERTIFICATION PAGE

Do Not Detach

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

Exhibit "7"

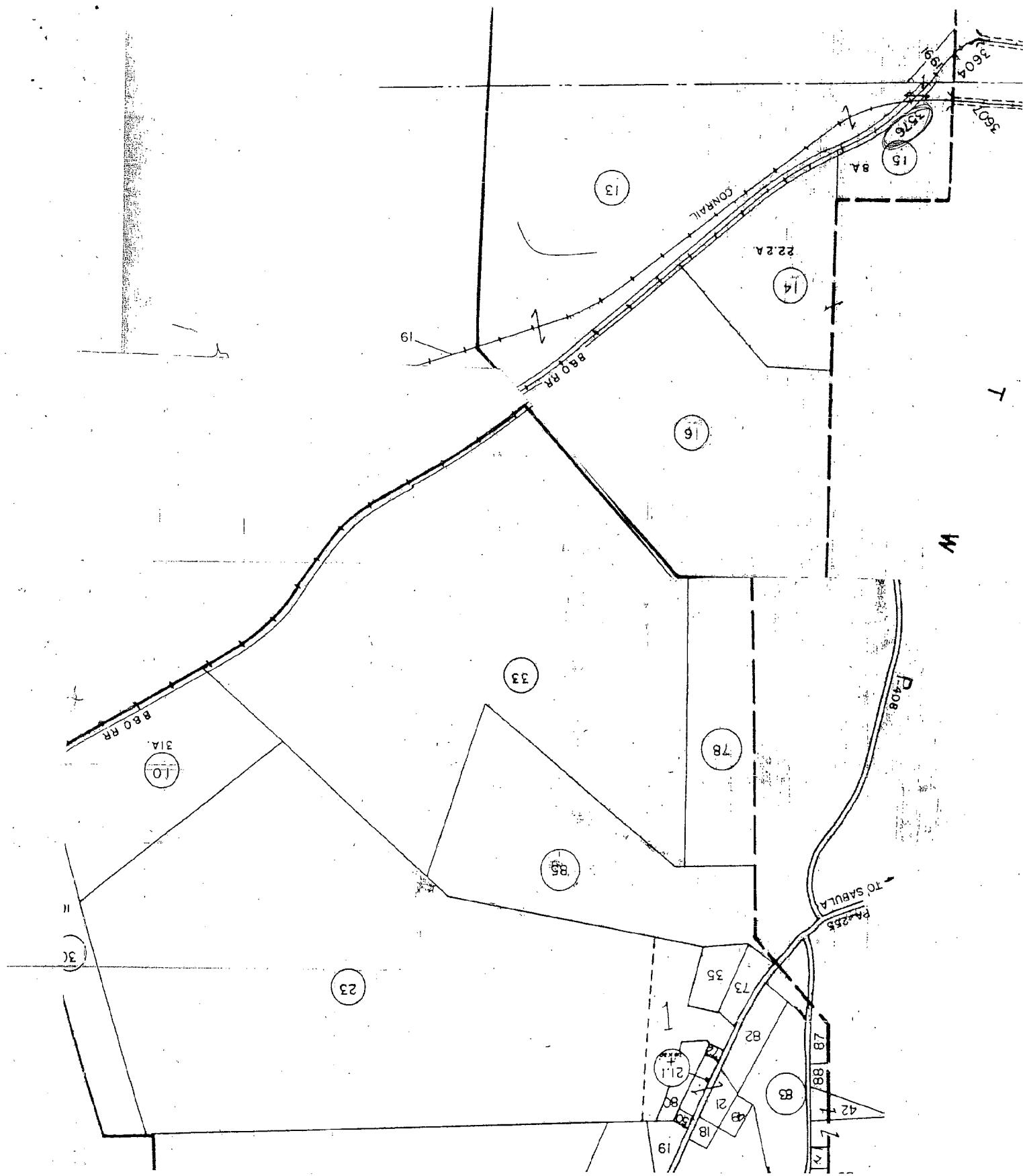


Exhibit "8"

THIS DEED,

MADE the 10 day of August, in the year Two Thousand Four (2004)

BETWEEN THELMA BUSH, BEVERLY R. WILLIAMS, now known as BEVERLY R. COPELLI, and JOHN D. DUTTRY, equally, as tenants in common, hereinafter referred to as "Grantors",

AND

THELMA BUSH and BEVERLY R. WILLIAMS, now known as BEVERLY R. COPELLI, equally, as tenants in common, hereinafter referred to as "Grantees",

WITNESSETH, That in consideration of One and 00/100 (\$1.00) Dollar, 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 or parcel of real property situate in the township of Huston, county of Clearfield, and Commonwealth of Pennsylvania, more particularly bounded and described as follows:

On the North by land of the Green Glen Corporation; on the south by land of Walter Brown; on the East by right-of-way of the B & O Railroad; on the West by lands of Tinker, Alsbaugh, and Burns. Believed to contain 123 acres, more or less.

TOGETHER with all rights, privileges, rights-of-way, easements, claims, choose in action, and all other thing or matter, real or personal, arising from, relating to, or pertinent to thereto.

BEING the same premises which became vested in TheIma Bush, Beverly R. Williams, now known as Beverly R. Copelli, and John D. Duttry, equally, by deed of the Harold E. Duttry Estate, dated January 26, 1989 and recorded in Clearfield County on January 26, 1989, to Volume 130, Page 362.

EXCEPTING AND RESERVING all restrictions and reservations as appear of record.

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 HIS/HER/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.

FOR REALTY TRANSFER TAX PURPOSES, THIS IS A CONVEYANCE BETWEEN SIBLINGS AND THEREFORE NO TAX IS DUE

And the said Grantors herein will **SPECIALLY WARRANT** the property hereby conveyed.

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

WITNESS:

J. R.
J. R.
J. R.

Thelma Bush (SEAL)
Thelma Bush

Beverly R. Copelli (SEAL)
Beverly R. Copelli

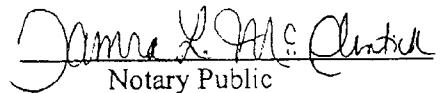
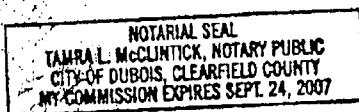
John D. Duttry (SEAL)
John D. Duttry

COMMONWEALTH OF PENNSYLVANIA :
: SS:
COUNTY OF CLEARFIELD :

On this, the 10 day of AUGUST, 2004, before me, the undersigned officer, personally appeared THELMA BUSH, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that she executed the same for the purpose therein contained.

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

My commission Expires:



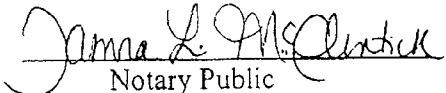
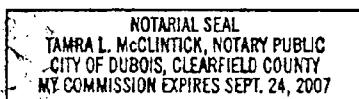
Tamra L. McClintick
Notary Public

COMMONWEALTH OF PENNSYLVANIA :
: SS:
COUNTY OF CLEARFIELD :

On this, the 10 day of AUGUST, 2004, before me, the undersigned officer, personally appeared BEVERLY R. WILLIAMS, now known as BEVERLY R. COPELLI, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that she executed the same for the purpose therein contained.

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

My commission Expires:



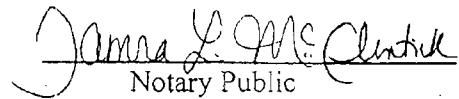
Tamra L. McClintick
Notary Public

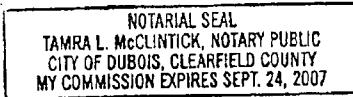
COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF CLEARFIELD : SS:

On this, the 10 day of AUGUST, 2004, before me, the undersigned officer, personally appeared JOHN D. DUTTRY, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he 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:

Thelma Bush
Thelma Bush

Beverly R. Copelli
Beverly R. Copelli

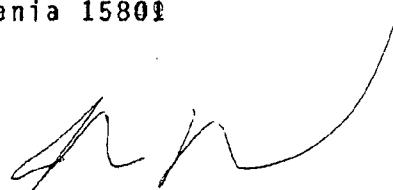
This 10 day of August, 2004.

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:
DuBois, Pennsylvania 15801

P.O. Box 736



Attorney or Agent for Grantee

CLEARFIELD COUNTY RECORDER OF DEEDS

Karen L. Starck, Recorder

Maurene Inlow - Chief Deputy

P.O. Box 361

1 North Second Street, Suite 103
Clearfield, Pennsylvania 16830

*RETURN DOCUMENT TO:

Instrument Number - 200414968

Recorded On 9/13/2004 At 2:23:33 PM

*Instrument Type - DEED

*Total Pages - 6

Invoice Number - 117515

*Grantor - BUSH, THELMA

*Grantee - BUSH, THELMA

*Customer - DUBOIS, JEFFREY S

JEFFREY S DUBOIS
190 WEST PARK AVE, SUITE 5
DUBOIS, PA 15801

*FEES

STATE WRIT TAX	\$0.50
JCS/ACCESS TO JUSTICE	\$10.00
RECORDING FEES -	\$16.50
RECORDER	
RECORDER IMPROVEMENT	\$3.00
FUND	
COUNTY IMPROVEMENT FUND	\$2.00
TOTAL	\$32.00

I hereby CERTIFY that this document
is recorded in the Recorder's Office of
Clearfield County, Pennsylvania.



Karen L. Starck

Karen L. Starck
Recorder of Deeds

THIS IS A CERTIFICATION PAGE

Do Not Detach

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

* - Information denoted by an asterisk may change during the verification process and may not be reflected on this page.

Exhibit "9"

VOL 1300 PAGE 020

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
ORPHANS' COURT DIVISION

Estate of HAROLD E. DUTTRY
Deceased, Late of Sandy Township * NO. 88-149
Clearfield County, PA *

DECREE OF DISTRIBUTION

AND NOW, to-wit: this 7th day of August, 1989, the First and Final Account of Beverly R. Williams, Thelma Bush, and John D. Duttry, Administrators of the above-captioned estate, having been filed, together with a Certificate of Notice as provided for by Clfd. O.C. Rule 6.3A and a Statement of Proposed Distribution provided for by Clfd. O.C. Rule 6.3B, no exceptions or objections having been filed thereto.

NOW THEREFORE, it is hereby ORDERED, ADJUDGED, and DECREED that the First and Final Account, together with all advancements and the Family Agreement, shall be and is hereby approved and confirmed nisi; and further, that unless exceptions or objections to this Decree Nisi are filed within ten (10) days from the date hereof, this Court shall confirm the First and Final Account absolutely, as of course, and it shall be deemed confirmed Administrators, following distribution of the net balance in their hands, pursuant to this Decree, shall be and are hereby discharged of all future liability on account of their appointment as administrators; and further, it is ORDERED, ADJUDGED, and DECREED that the property, real and personal, constituting the net balance of the estate in the hands of the Administrators for distribution as set forth in the First and Final Account, specifically: property having an inventory value of \$19,950.00, shall be and hereby is distributed as follows:

PERSONAL PROPERTY:

To: Thelma Bush, daughter

1985 Chevrolet truck

4,500.00

1/3 miscellaneous
household goods

166.66

4,666.66

To: Beverly R. Williams, daughter

1/3 miscellaneous
household goods

166.67

CONFIRMED NI SI

August 7, 1989

CONFIRMED ABSOLUTELY

August 17, 1989

BY THE COURT

JOHN K. REILLY, JR., P.L.

BY: Michael L. Dutt CLERK

To: John D. Duttry, son

1982 Ward's trailer	1,200.00	
1967 Chevy dump truck	500.00	
1962 Allis Chalmers tractor	900.00	
Montgomery Ward riding mower	50.00	
1/3 miscellaneous household goods	<u>166.67</u>	<u>2,816.67</u>

TOTAL PERSONALTY:

7,650.00

REAL PROPERTY:

TO: Thelma Bush, Beverly R. Williams, and John D. Duttry, equally, as tenants in common:

ALL that certain parcel of real property situate in the Township of Huston, County of Clearfield, and Commonwealth of Pennsylvania, more particularly bounded and described as follows:

On the North by land of the Green Glen Corporation; on the South by land of Walter Brown; on the East by right-of-way of the B & O Railroad; on the West by lands of Tinker, Alsbaugh, and Burns. Believed to contain 123 acres, more or less.

TOGETHER with all rights, privileges, rights-of way, easements, claims, choses in action, and all other thing or matter, real or personal, arising from, relating to, or pertinent to thereto.

BEING the same premises which Harry Bender and Annie Bender, his wife, by their deed dated February 21, 1955 and recorded in the Recorder of Deeds office of Clearfield County, Pennsylvania in Deed Book Volume 440, page 573, granted and conveyed unto Harold E. Duttry and Mary Duttry, his wife.

TOTAL REALTY:

12,300.00

TOTAL NET BALANCE DISTRIBUTED:

19,950.00

BY THE COURT:

John K. Reilly, Jr.

Judge

FILED August 26, 1989

150 VOL 1300 PAGE 022

STATE OF PENNSYLVANIA
COUNTY OF CLEARFIELD, PA
RECORDED in the Recorders Office in and for
County in Deeds and Research Book No. 1300
Page 020 etc.

WITNESS my hand and seal of office the
19th day of August A.D. 1989

Michael R. Lytle Recorder

86949
CLEARFIELD COUNTY ENTERED OF RECORD
TIME 11:24 P.M.
BY Michael R. Lytle, etc.
FEES 19.50
Michael R. Lytle, Recorder

My Commission Expires
First Monday in January, 1992

STATE OF PENNSYLVANIA:
COUNTY OF CLEARFIELD, SS

Certified from the records, in the office of Book No. 130
Page 371 this 19th day of August 1989

Michael R. Lytle Recorder

My Commission Expires
First Monday in January, 1992

Entered of Record Aug 29, 1989, 11:24 P.M. Michael R. Lytle, Recorder

Exhibit "10"

This Deed,

On the Twenty-first (21) day of February in the year
of our Lord one thousand nine hundred fifty-five (1955)

Between HARRY BENDER and ANNIE BENDER, husband and wife,
of the Borough of Coalport, County of Clearfield, and State of
Pennsylvania, hereinafter known as the

and

HAROLD E. DUTTRY and MARY DUTTRY, husband and
wife, tenants by entireties, of the Township of Sandy, County of
Clearfield, and State of Pennsylvania, hereinafter known as the

Grantor s .

Witnesseth, that in consideration of

Four Hundred (\$400.00) Dollars,
in hand paid, the receipt whereof is hereby acknowledged, the said grantor s do hereby
grant and convey to the said grantee s,

Grantee s .

ALL THAT certain piece or parcel of land situate in the Township
of Huston, County of Clearfield, and State of Pennsylvania, bounded
and described as follows, to wit:-

On the North by land of the Green Glen
Corporation; on the South by land of Walter
Brown; on the East by right-of-way of the
B & O Railroad; on the West by lands of Tinker,
Albaugh, and Burns.

CONTAINING 123-1/5 acres more or less.

BEING the premises which became vested in the Grantors
by deed of Ralph J. Smith, Treasurer of Clearfield County, dated
December 10, 1951, and intended to be recorded herewith.



And the said grantor s. do hereby covenant that they will WARRANT the property hereby conveyed.

In witness whereof, said grantor s. have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered
in the presence of:

J. M. Leing

Harry Bender

Harry Bender



Annie Bender

Annie Bender

State of PENNSYLVANIA

County of CLEARFIELD

ss.

On this, the 23rd----- day of February 1955 before me,

the undersigned officer, personally appeared,

Harry Bender and Annie Bender,
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 purposes therein
contained.

In witness whereof, I hereunto set my hand and official seal.

James W. Leing

Notary Public *

Title of Officer



My Commission Expires Jan. 21, 1956

CERTIFICATE OF RESIDENCE
I do hereby certify that the precise residence of the within named grantee is
Village of Sabilla, R. D. 2, DuBois, Penn.

February 21, 1955

John B. Reed

Grantee

Entered of Record Feb. 28 1955, 10:52 A.M. Attorney for Dick Reed, Recorder

Exhibit "11"

Deed

On All to Whom These Presents Shall Come:

I, RALPH J. SMITH, Treasurer of the County of Clearfield, Pennsylvania, send Greetings.

Whereas, the Tax Collector of Huston Township

has made return to the County Commissioners of the County of Clearfield, Pennsylvania, of unpaid taxes for the years 19 49.

on a certain piece of seated land, consisting of 123 1/5 A

situate in the Township of Huston purporting to be owned and assessed in the name of Albert Dennis

And Whereas, the said owner or owners have neglected or refused to pay said taxes, which said property was rated, charged and assessed according to the laws of this commonwealth with the payment of said taxes for the years 19 49.

Twenty-seven and amounting in all to the sum of dollars and seven cents for all taxes, interest and penalties legally due, unpaid, and returned for the years above mentioned.

And Whereas, the said Treasurer, in pursuance of the several Acts of Assembly in such case made and provided, having given due legal notice of the time and place of sale of said seated land and property, the taxes for which as aforesaid were returned, and no person having paid said taxes, interest and penalties so rated, charged and assessed upon said tract of land and property and the costs accrued thereon.

And Whereas, the taxes, penalties, interests and costs remaining unpaid, I, RALPH J SMITH, Treasurer of the County of Clearfield, aforesaid, commenced the sale of said tract of land, among others, at the Court House in the Borough of Clearfield, County of Clearfield and State of Pennsylvania, by public vendue and outcry, and on the 6th day of

August last past, sold the whole of said tract of land and property to Harry & Annie Bender

Twenty-seven dollars and seven cents for the sum of the same being the highest and best bidder, and at the highest and best price bidden for the same.

And Whereas, the said Treasurer having made a report of said sale and return to the Court of Common Pleas of Clearfield County, Pennsylvania, on the 30th day of August last (being the first Term of Court of Common Pleas of Clearfield

County next succeeding said sale) which said report and return has been confirmed absolutely.

Annu. Edition 11

That I, RALPH J. SMITH, Treasurer of the County of Clearfield, aforesaid, for and in consideration of the sum of Twenty-seven dollars and seven cents, lawful money of the United States, (being the amount of said taxes, penalties, interest, and costs) to me in hand paid by the said Harry & Annie Bender at and before the sealing and delivery hereof, (and of the subsequent delivery to me of a bond for the surplus money, if any) the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain and sell unto the said Harry & Annie Bender, their heirs and assigns, all the aforementioned tract of land situate in the Township of Huston County of Clearfield, Pennsylvania, described as follows: 123 1/5 A

TOGETHER with all and singular the ways, water courses, rights, liberties, hereditaments and appurtenances whatsoever thereto belonging or in any wise appertaining.

TO HAVE and to hold the said premises hereby granted to the said Harry & Annie Bender, their heirs, and assigns, to the only proper use and behoof of the said Harry & Annie Bender, their heirs and assigns forever, according to the form, force and effect of the several Acts of the General Assembly of the Commonwealth of Pennsylvania relating to the sales of seated lands for the payment of taxes, and subject to the redemption allowed by law.

IN WITNESS WHEREOF I the said RALPH J. SMITH, Treasurer of the County of Clearfield, Commonwealth of Pennsylvania, have hereunto set my hand and seal the 10th day of December, 1951.

Sealed and delivered in the presence of

Helen C. Anderson


(SEAL)
TREASURER

STATE of PENNSYLVANIA : SS:

AT a Court of Common Pleas held at Clearfield, Pa., on the 10th day of December in the year of our Lord, one thousand nine hundred and forty-one before the Judge of the said Court, RALPH J. SMITH, Treasurer of the County of Clearfield, Pennsylvania, appeared in his proper person in open Court and acknowledged the foregoing deed poll to be his act and deed, pursuant to the several Acts of Assembly, in such case made and provided. Recorded in Docket No. 453, page 322.

In Testimony whereof I have hereunto set my hand and seal of said Court the day and year aforesaid.


PROTHONOTARY

Entered of Record Feb 28 1955 10:50 a.m. Dick Reed, Recorder

Exhibit "12"

ASSIGNMENT)
HARRY BENDER ET AL)
TO)
RALPH WEISMAN ET AL)

ASSIGNMENT
For and in consideration of the sum of One (\$1.00) Dollar, we,
Harry Bender and Annie Bender, his wife, do hereby assign,
transfer and set over unto Ralph Weisman and Albert Dennis all
our right, title and interest in and to the premises mentioned
in the County Commissioners' deed hereto attached and made a
part hereof, being deed dated July 9, 1945, not yet but intended to be recorded simulta-
neously herewith for lands situate in the Township of Huston, Clearfield County, Pennsylvania,
containing 123 1/5 acres and sold as the property of Mrs. G. E. Bucksbee to Harry Bender

one of the assignors herein, at County Commissioners' sale on March 27, 1945.

In Witness whereof, we have hereunto set our hands and seals this 22nd day of January A. D. 1947.

Witness:

Harry Bender (SEAL)

Annie Bender (SEAL)

J. W. Laing

State of Pennsylvania SS:
County of Clearfield

On this 22nd day of January A. D. 1947, before me J. W. Laing, Justice of the Peace personally appeared Harry Bender and Annie Bender, known to me to be the persons described in the foregoing assignment and acknowledged that they executed the same in the capacity therein stated.

In Witness whereof, I have hereunto set my hand and official seal.

J. W. Laing J. P. (OFF SEAL)

My Commission expires January 2, 1950

Certificate of Residence

I hereby certify that the precise residence of the grantees herein is 7205 Pittville Avenue, Philadelphia, 26, Penna.

W. Albert Ramey

Entered of Record Feb 10, 1947. 2:09 P. M.

Recorded and Compared by

Wm W. Muller
Recorder E.B.

Exhibit "13"

DEED

MRS. G. E. BUCKSSEE BY TREAS.)
TO
COUNTY COMMISSIONERS)

DEED

TO ALL TO WHOM THESE PRESENTS SHALL COME:

I, Edna Marsden, Treasurer of the County of Clearfield, Pennsylvania, send Greetings:

Whereas, the Tax Collector of Huston Twp has made return to the County Commissioners of the County of Clearfield, Pennsylvania, of unpaid taxes for the years 1939 on a certain piece of seated land, consisting of 123 1/5 A. situate in the township of Huston purporting to be owned and assessed in the name of Mrs. G. E. Bucksbee

And Whereas, the said owner or owners have neglected or refused to pay said taxes, which said property was rated, charged and assessed according to the laws of this Commonwealth with the payment of said taxes for the year 1939, and amounting in all to the sum of twenty five dollars and eleven cents for all taxes, interest and penalties due, unpaid and returned for the years above mentioned.

And whereas, the said Treasurer in pursuance of the several Acts of Assembly in such case made and provided having given due legal notice of the time and place of sale of said seated land and property, the taxes for which as aforesaid were returned and no person having paid said taxes, interest and penalties so rated, charged and assessed upon said tract of land and property and the costs accrued thereon.

And Whereas, the taxes, penalties, interests and costs remaining unpaid, I, Edna Marsden, Treasurer of the County of Clearfield, aforesaid, commenced the sale of said tract of land, among others, at the Court House in the Borough of Clearfield, County of Clearfield and State of Pennsylvania, by public vendue and outcry and on the seventh day of April last past, an amount sufficient to pay said taxes, interest, penalties and costs not being bidden the said property was purchased by the County Commissioners of the County of Clearfield aforesaid.

And Whereas, the said Treasurer having made report of said sale and return to the Court of Common Pleas of Clearfield County, Pennsylvania, on May 4th last, (being the first term of Court of Common Pleas of Clearfield County next succeeding said sale) which said report and return has been confirmed absolutely.

Now Know Ye, That I, Edna Marsden, treasurer of the County of Clearfield, aforesaid, for and in consideration of the sum of Eight dollars and eighty seven cents, being the amount of said taxes, interest, penalties and costs, have granted, bargained and sold and by these presents do grant, bargain and sell unto the said County Commissioners of the County of Clearfield, Pennsylvania, their successors and assigns all the aforementioned tract of land situate in the township of Huston, County of Clearfield, Pennsylvania, described as follows: 123 1/5 A.

according to the form, force and effect of the several Acts of General Assembly of the Commonwealth of Pennsylvania relating to the sales of seated lands for the payment of taxes, and subject to the redemption allowed by law.

In witness whereof, I, the said Edna Marsden, Treasurer of the County of Clearfield, Commonwealth of Pennsylvania, have hereunto set my hand and seal the 8th day of Sept. 1942.

Edna Marsden (OFF SEAL)

Sealed and delivered
in the presence of
Tony Reano Jr.

Treasurer

State of Pennsylvania SS:
County of Clearfield

At a Court of Common Pleas held at Clearfield, Pa., on the 8th day of September in the year of our Lord, one thousand nine hundred and forty two before the judge of the said Court, Edna Marsden, Treasurer of the County of Clearfield, Pennsylvania, appeared in her proper person, in open Court and acknowledged the foregoing deed-poll to be her act and deed, pursuant to the several Acts of Assembly in such case made and provided. Recorded in Docket No. 140, page 199.

In Testimony whereof, I have hereunto set my hand and seal of said Court the day and year aforesaid.

J. Harold McFadden (OFF. SEAL)
Prothonotary

Entered of Record Feb 10, 1947 2:05 P. M.

Recorded and Compared by

Wm W. Muller
Recorder & B.

DEED) We, J. O. Kessler, Archie Hill and Ira Jay, County Comm-
COUNTY COMMISSIONERS) issioners of the County of Clearfield, State of Pennsyl-
TO) vania, send greetings:
HARRY BENDER) Whereas, the County Commissioners of said County of
Clearfield, in pursuance of the several Acts of Assembly
in that behalf made and provided, at a County Treasurer's sale of seated lands for taxes
made on the 7th day of April 1942, did purchase all that certain parcel of seated lands
situate in the Township of Huston County and State aforesaid, containing 123 1/5 A. and
sold as the property of Mrs. G. E. Bucksbee there having been no bid made by any person
sufficient to pay taxes, interest and costs.

And Whereas, the then County Treasurer of Clearfield County did make a deed to the
County Commissioners and to their successors in office, for the aforesaid parcel of land
subject however, to the right of redemption granted by law; and the said parcel of land
so purchased has remained unredeemed for the period designated by law.

And Whereas, J. O. Kessler, Archie Hill and Ira Jay, said County Commissioners, having
given due and timely notice according to the several Acts of Assembly in relation thereto
of their power to sell, and of the time and place of sale, and all such matters as are
required by law, did agreeably to law on the 27th day of March 1945, expose to public
sale by public vendue or outcry in Court Room No. 1 at the Court house at Clearfield,

aforsaid, the aforsaid tract of land and the aforsaid County Commissioners sold the whole of the aforsaid parcel of land to Harry Bender for the sum of \$81.00 lawful money of the United States, he being the highest bidder and that the highest and best price bidden for the same.

Now Know Ye, that we, the said J. O. Kessler, Archie Hill and Ira Jay, County Commissioners aforsaid, in consideration of the premises and of the aforsaid sum of \$81.00 in hand paid by the said Harry Bender, the receipt whereof is hereby acknowledged, do hereby grant and convey to the said Harry Bender and to his heirs and assigns, according to the laws of the Commonwealth of Pennsylvania in such cases made and provided, for all such estate right, title and interest as has been acquired by the first above mentioned purchase from the County Treasurer of the County of Clearfield, and as we, the said County Commissioners have a right to convey, all that above mentioned and described parcel of land situate as aforsaid in Huston Township, with the appurtenances:

To have and to hold the aforsaid parcel of land for all such estate, right, title and interest as the said County Commissioners of the County of Clearfield have a right to convey, unto the said grantee and to his heirs and assigns, to and for the only proper use and behoof of the said grantee and to his heirs and assigns forever.

In Witness whereof, we, the said County Commissioners of Clearfield County, have hereunto set our hands and caused the official seal of said County, duly attested, to be affixed this 9th day of July 1945.

Attest:

G. A. Lukehart (OFF SEAL)
Chief Clerk

J. O. Kessler

Archie Hill
Ira Jay

County Commissioners

State of Pennsylvania
County of Clearfield SS:

On this the 11th day of July 1945, before me a Justice of the Peace the undersigned officer, personally appeared J. O. Kessler, Archie Hill and Ira Jay, known to me to be the persons described in the foregoing deed, and acknowledged that they executed the same in the capacity therein stated and for the purposes therein contained.

In Witness whereof, I have hereunto set my hand and official seal.

Chas. G. Gill (OFF SEAL)
My Commission expires First Monday in January 1950

Entered of Record Feb 10, 1947 2:07 P. M.
Recorded and Compared by

Wm W. Miller
Recorder 68

Exhibit "14"

TIMBER HARVEST AGREEMENT

This agreement, made this 18th day of October,
1994 by and between:

Tom D. Duttry
P.O. Box 736
DuBois, PA 15801
375-4407

Parties of the first part,
LANDOWNERS

A N D

MITCHELL LUMBER COMPANY
Box 64, German Settlement Road
Ridgway, PA 15853
(814) 772-2720 or (814) 265-1146

Parties of the second part,
TIMBER OPERATORS.

In consideration of the following promises and covenants, the
parties have agreed as follows:

1. Timber Operator will remove such timber from the property
of the Landowner located at Huston Township,

Clearfield County, Pennsylvania, more fully described in
Clearfield County Plat Book at Page 1/4 Parcel 1/4,
comprising of _____ acres more or less, under the following
terms and conditions:

2. The timber operator will remove all standing timber on
the above described property down to a diameter of 10 inches,

3. Timber operator shall pay Landowner according to the
following schedule: 300/m³ Ash, 500/m³ Oak, 600/m³ Cherry,
350/m³ W. Oak, 200/m³ Maple, 75/m³ Pine-Norfolk,
75/m³ Poplar-Bass, 50/m³ Birch 150/t³ pulp.

4. Timber Operator shall, as soon as conditions permit, secure necessary permits (State and Federal), for the harvesting of said timber.

5. Landowner guarantees that he is the owner of the above described property and that he has full title and authority to sell the above timber. Landowner also guarantees the said boundaries of said property.

6. Timber Operator agrees to repair and maintain all skid roads and trails on the above property, according to law.

7. All cutters and skidder operators will be required to carry their own liability and compensation insurance, including hospitalization, during the term of this agreement.

8. Timber Operator agrees to keep streams on the property free of all tree tops during this agreement.

9. This agreement will terminate on March 1985 at 12:00 noon EST.

10. IN WITNESS WHEREOF, the parties hereto have executed this agreement the day and the year first above stated.

John H. Hickey
LANDOWNER

Robert M. Mull
WITNESS

Robert M. Mull
OPERATOR

Robert M. Mull
WITNESS

VERIFICATION

The undersigned, President of Cherry Timber Associates, Inc., states that the facts averred in the foregoing Complaint to Quiet Title are true and correct to the best of his knowledge, information and belief. The undersigned further states that he understands that false statements therein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.



Michael Drusinsky

Dated: Sept 1., 2006

FILED

SEP 14 2006

William A. Shaw
Prothonotary/Clerk of Courts

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

CHERRY TIMBER ASSOCIATES, INC., *
Plaintiff *
vs. * NO. 06-1495-CD
THEODORE BEER and G.E. BUCKSBEE, *
Defendants *

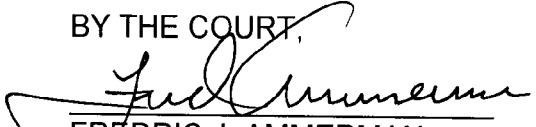
NOTICE

A PETITION HAS BEEN FILED AGAINST YOU IN COURT. IF YOU WISH TO DEFEND AGAINST THE MATTERS SET FORTH IN THE FOLLOWING PETITION, YOU MUST ENTER A WRITTEN APPEARANCE PERSONALLY OR BY AN ATTORNEY AND FILE AN ANSWER IN WRITING WITH THE PROTHONOTARY SETTING FORTH YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH AGAINST YOU AND SERVE A COPY ON THE ATTORNEY OR PERSON FILING THE PETITION. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND AN ORDER MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR THE RELIEF REQUESTED BY THE PETITIONER. YOU MAY LOSE 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
230 E. Market Street
Clearfield, PA 16830
814-765-2641, ext 5982

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

FILED 2cc
01/24/754
JUL 12 2007 Atty Pennick
(GR)

William A. Shaw
Prothonotary/Clerk of Courts

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

CHERRY TIMBER ASSOCIATES, INC.,)
Plaintiff,) Civ No. 06-1495-CD
)
vs.) Type of Pleading:
THEODORE BEER and) NOTICE TO DEFEND
G. E. BUCKSBEE,)
Defendant.)
)
) Filed on Behalf of:
) PLAINTIFF
)
) Counsel of Record for this
) Party:
)
) Keith M. Pemrick, Esquire
) Sup. Ct. I.D. # 30322
) Joseph H. Keebler, Jr., Esquire
) Sup. Ct. I.D. #76581
) Dale Woodard Law Firm
) 1030 Liberty Street
) Franklin, PA 16323
) Telephone: (814) 432-2181
) Facsimile: (814)437-3212

CHERRY TIMBER ASSOCIATES, INC.,) IN THE COURT OF COMMON PLEAS OF
Plaintiff,) CLEARFIELD COUNTY, PENNSYLVANIA
)
vs.) Civ. No. 06-1495-CD
)
THEODORE BEER and,)
G. E. BUCKSBEE,)
Defendant.)

ORDER

AND NOW, this ____ day of _____, 2007, upon consideration of the foregoing petition, it is hereby ordered that:

- (1) a rule is issued upon the respondent to show cause why the petitioner is not entitled to the relief requested;
- (2) the respondent shall file an answer to the petition within twenty (20) days of service upon the respondent;
- (3) the petition shall be decided under Pa.R.C.P. No. 206.7;
- (4) notice of the entry of this order shall be provided to all parties by the petitioner.

NOTICE

A PETITION HAS BEEN FILED AGAINST YOU IN COURT. IF YOU WISH TO DEFEND AGAINST THE MATTERS SET FORTH IN THE FOLLOWING PETITION, YOU MUST ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE AN ANSWER IN WRITING WITH THE PROTHONOTARY SETTING FORTH YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH AGAINST YOU AND SERVE A COPY ON THE ATTORNEY OR PERSON FILING THE PETITION. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND AN ORDER MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR THE RELIEF REQUESTED BY THE PETITIONER. YOU MAY LOSE 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
Second & Market Streets
Clearfield, PA 16830
(814) 765-2641, Ext. 50-51

BY THE COURT,

J. _____

James M. Greenfield
Keith M. Pemrick
Brian M. Spaid
Joseph H. Keebler, Jr.



1030 Liberty Street
Franklin, PA 16323-1298
814/432-2181
FAX 814/437-3212

Raymond S. Woodard
(Of Counsel)
Ralph L. Montgomery, Jr.
(Of Counsel)
Robert M. Dale
(1905-1983)

email: dwlaw@csonline.net
website: www.dalewoodard.com

July 6, 2007

William A. Shaw, Sr., Prothonotary
Clearfield County Courthouse
230 E. Market Street
Clearfield, PA 16830

Re: Cherry Timber Associates, Inc., v. Theodore Beer and G.
E. Bucksbee
Complaint in Action to Quite Title
Civ No. 06-1495-CD

Dear Mr. Shaw:

Please find enclosed a Notice to Defend for the above-captioned case. The notice was inadvertently omitted when the Complaint was filed last September.

We apologize for any inconvenience. Thank you for your attention to this matter.

Sincerely,

DALE WOODARD LAW FIRM

By

Joseph H. Keebler, Jr.

JHK/mrw
Enclosure

CHERRY TIMBER ASSOCIATES, INC.,) IN THE COURT OF COMMON PLEAS OF
Plaintiff,) CLEARFIELD COUNTY, PENNSYLVANIA
)
vs.) Civ. No. 06-1495-CD
)
THEODORE BEER and,) TYPE OF PLEADING:
G. E. BUCKSBE,) MOTION FOR SERVICE BY
Defendants.) PUBLICATION
)
) FILED ON BEHALF OF PLAINTIFF:
) CHERRY TIMBER ASSOCIATES, INC.
)
) COUNSEL OF RECORD FOR THIS
) PARTY:

FILED

Minion Cc
Athy Keebler
AUG 14 2007

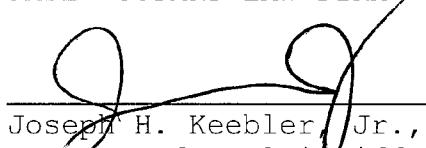
William A. Shaw
Prothonotary/Clerk of Courts

) Joseph H. Keebler, Jr., Esquire
Sup. Ct. I.D. #76581
Dale Woodard Law Firm
1030 Liberty Street
Franklin, PA 16323
Telephone: (814) 432-2181
Facsimile: (814) 437-3212

AFFIDAVIT THAT CERTAIN DEFENDANTS ARE DEAD, RESIDING OUT OF
STATE, OR WHEREABOUTS ARE UNKNOWN

Joseph H. Keebler, Jr., Esq., being duly sworn according to law, deposes and says that he is the Attorney for the Plaintiff, Cherry Timber Associates, Inc., in the above action and that the Defendant, G. E. Bucksbee, his heirs, executors, administrators, successors or assigns, or any other person or party claiming by, through, from or under them, are either deceased, residing outside the Commonwealth of Pennsylvania, or their whereabouts are unknown and, after investigation, their whereabouts cannot be ascertained.

DALE WOODARD LAW FIRM


Joseph H. Keebler, Jr., Esquire
Attorney for Plaintiff
1030 Liberty Street
Franklin, PA 16323
(814) 432-2181

Sworn to and subscribed before me this 10th day of August, 2007.

Violet J. Aldrich
Notary Public

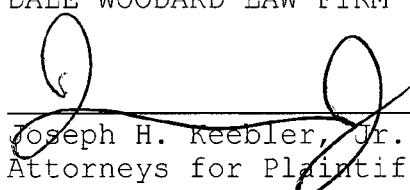
NOTARIAL SEAL
VIOLET J ALDRICH
Notary Public
CRANBERRY TWP. VENANGO COUNTY
My Commission Expires Jul 14, 2011

CHERRY TIMBER ASSOCIATES, INC.,) IN THE COURT OF COMMON PLEAS OF
Plaintiff,) CLEARFIELD COUNTY, PENNSYLVANIA
)
vs.) Civ. No. 06-1495-CD
)
THEODORE BEER and,) TYPE OF PLEADING:
G. E. BUCKSBEE,) MOTION FOR SERVICE BY
Defendants.) PUBLICATION
)
) FILED ON BEHALF OF PLAINTIFF:
) CHERRY TIMBER ASSOCIATES, INC.
)
) COUNSEL OF RECORD FOR THIS
) PARTY:
)
) Joseph H. Keebler, Jr., Esquire
) Sup. Ct. I.D. #76581
) Dale Woodard Law Firm
) 1030 Liberty Street
) Franklin, PA 16323
) Telephone: (814) 432-2181
) Facsimile: (814) 437-3212

MOTION FOR SERVICE BY PUBLICATION

AND NOW, this 10th day of August, 2007, an Affidavit having been executed and filed by Counsel for Plaintiff, Joseph H. Keebler, Jr., Esquire, that the present identity, whereabouts or existence of the Defendant, G. E. Bucksbee, in the above captioned action is unknown, despite a diligent search to ascertain the same, the Plaintiff, by and through his attorneys, Dale Woodard Law Firm, moves your Honorable Court for leave to serve the Complaint heretofore filed in the above captioned action on the Defendant named in the accompanying Affidavit, and his representatives, heirs, devisees, successors and/or assigns, by publication in the manner that your Honorable Court shall direct and as provided by Pa. R.C.P. Nos. 410 and 430.

DALE WOODARD LAW FIRM


Joseph H. Keebler, Jr., Esquire
Attorneys for Plaintiff

FILED
AUG 14 2007

William A. Shaw
Prothonotary/Clerk of Courts

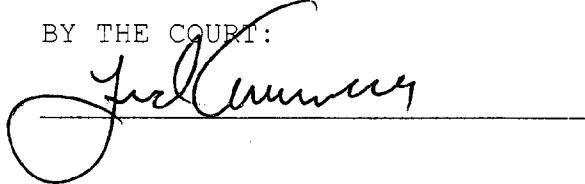
CHERRY TIMBER ASSOCIATES, INC., Plaintiff, vs. THEODORE BEER and, G. E. BUCKSBEE, Defendants.

) IN THE COURT OF COMMON PLEAS OF
) CLEARFIELD COUNTY, PENNSYLVANIA
)
) Civ. No. 06-1495-CD
)
) TYPE OF PLEADING:
) MOTION FOR SERVICE BY
) PUBLICATION
)
) FILED ON BEHALF OF PLAINTIFF:
) CHERRY TIMBER ASSOCIATES, INC.
)
) COUNSEL OF RECORD FOR THIS
) PARTY:
) Joseph H. Keebler, Jr., Esquire
) Sup. Ct. I.D. #76581
) Dale Woodard Law Firm
) 1030 Liberty Street
) Franklin, PA 16323
) Telephone: (814) 432-2181
) Facsimile: (814) 437-3212

ORDER AND DECREE

AND NOW, this 20 day of August, 2007, the Plaintiff's Complaint having been filed as well as an Affidavit of the Plaintiff's Attorney, that the whereabouts of the Defendant, G. E. BUCKSBEE, his heirs, executors, administrators, successors or assigns or any other person or party claiming by, through, from or under them, are either deceased, residing outside the Commonwealth of Pennsylvania, or their whereabouts are unknown and, after investigation, their whereabouts cannot be ascertained. It is Ordered that the Plaintiff shall serve the Defendant, his heirs, executors, administrators, successors and assigns, or any other person or party claiming by, through, from or under any of them, by publication one time in the *Clearfield County Legal Journal* and *The Progress Newspaper*.

BY THE COURT:



FILED ^{rec}
01/01/2007 Atty Keebler
AUG 21 2007 (GK)

William A. Shaw
Prothonotary/Clerk of Courts

FILED

AUG 21 2007

William A. Shaw
Prothonotary/Clerk of Courts

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

CHERRY TIMBER ASSOCIATES, INC., : No. 06-1495-CD
Plaintiff :
Vs. : Type of Pleading:
THEODORE BEER and :
G. E. BUCKSBEE, :
Defendants : **DEFENDANT THEODORE
BEER'S ANSWER TO
PLAINTIFF'S COMPLAINT**
: Filed on Behalf of:
: DEFENDANT BEER'S
: Counsel of Record for This Party:
: Jeffrey S. DuBois, Esquire
: Supreme Court No. 62074
: 190 West Park Avenue, Suite #5
: DuBois, PA 15801
: (814) 375-5598

FILED 3cc
O'meara Atty
AUG 20 2007
William A. Shaw
Prothonotary/Clerk of Courts (68)

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

CHERRY TIMBER ASSOCIATES, INC., : No. 06-1495-CD
Plaintiff :
: Vs.
: THEODORE BEER and
: G. E. BUCKSBEE,
Defendants :
:

**DEFENDANT THEODORE BEER'S
ANSWER TO PLAINTIFF'S COMPLAINT**

AND NOW, comes Defendant THEODORE BEER, by and through his attorney, Jeffrey S. DuBois, Esquire, who files this Answer to Complaint, and in support thereof avers the following:

1. Admitted.
2. Admitted.
3. Said deed referenced in Plaintiff's paragraph three (3) speaks for itself, but as to exactly what Plaintiff acquired title to in said deed, Defendant is without sufficient information and knowledge to form a belief as to the truth or falsity of the averments in paragraph three (3), and therefore the same is denied and strict proof is demanded at Trial.
4. The averments set forth in paragraph four (4) contain information which would only be known to Plaintiff and not Defendant Beer, and therefore the same is denied and strict proof thereof is demanded at Trial.

5. Said information is not within the possession of Defendant Beer, and therefore Defendant is without sufficient information and knowledge to form a belief as to the truth or falsity of the averments of paragraph five (5) and therefore the same are denied and strict proof thereof is demanded at Trial.

6. Said information is not within the possession of Defendant Beer, and therefore Defendant is without sufficient information and knowledge to form a belief as to the truth or falsity of the averments of paragraph six (6) and therefore the same are denied and strict proof thereof is demanded at Trial.

7. Said information is not within the possession of Defendant Beer, and therefore Defendant is without sufficient information and knowledge to form a belief as to the truth or falsity of the averments of paragraph seven (7) and therefore the same are denied and strict proof thereof is demanded at Trial.

8. Said information is not within the possession of Defendant Beer, and therefore Defendant is without sufficient information and knowledge to form a belief as to the truth or falsity of the averments of paragraph eight (8) and therefore the same are denied and strict proof thereof is demanded at Trial.

9. Said information is not within the possession of Defendant Beer, and therefore Defendant is without sufficient information and knowledge to form a belief as to the truth or falsity of the averments of paragraph nine (9) and therefore the same are denied and strict proof thereof is demanded at Trial.

10. Admitted.

11. Admitted.

12. Admitted.

13. Denied. It is denied that the description in paragraph 13 was the Plaintiff's premises and not the Duttry property, and on the contrary the description sets forth the Duttry property and the property now owned by Defendant Beer.

14. Said information is not within the possession of Defendant Beer, and therefore Defendant is without sufficient information and knowledge to form a belief as to the truth or falsity of the averments of paragraph 14 and therefore the same are denied and strict proof thereof is demanded at Trial.

15. Said information is not within the possession of Defendant Beer, and therefore Defendant is without sufficient information and knowledge to form a belief as to the truth or falsity of the averments of paragraph 15 and therefore the same are denied and strict proof thereof is demanded at Trial.

16. Said information is not within the possession of Defendant Beer, and therefore Defendant is without sufficient information and knowledge to form a belief as to the truth or falsity of the averments of paragraph 16 and therefore the same are denied and strict proof thereof is demanded at Trial.

17. Said information is not within the possession of Defendant Beer, and therefore Defendant is without sufficient information and knowledge to form a belief as to the truth or falsity of the averments of paragraph 17 and therefore the same are denied and strict proof thereof is demanded at Trial.

18. Denied. It is denied the description of the Duttry property set forth in deeds in Plaintiff's Complaint erroneously described the subject property and not the Duttry property and further denied that Defendants erroneously believe that they own the subject property.

19. The averments set forth in Plaintiffs paragraph 19 involve other persons other than Defendant Beer, and therefore Defendant Beer has no information to answer the same, and consequently said averments are denied and strict proof is demanded at Trial.

20. The averments set forth in Plaintiffs paragraph 20 involve other persons other than Defendant Beer, and therefore Defendant Beer has no information to answer the same, and consequently said averments are denied and strict proof is demanded at Trial.

21. The averments set forth in Plaintiffs paragraph 21 involve other persons other than Defendant Beer, and therefore Defendant Beer has no information to answer the same, and consequently said averments are denied and strict proof is demanded at Trial.

22. No responsive pleading is required as Plaintiff does not set forth any factual averments. By way of further answer, Defendant Beer is the owner and fee simple of one hundred twenty three (123) acres, more or less, located in Huston Township, Clearfield County, Pennsylvania.

COUNT I – QUIET TITLE

23. No responsive pleading is required.

24. Denied. It is denied that an Action in Quiet Title is necessary, as Defendant Beer is the owner and fee simple of one hundred twenty three (123) acres, more or less, located in Huston Township, Clearfield County, Pennsylvania.

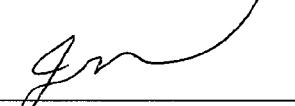
25. No responsive pleading is required as this averment is addressed to Defendant other than Defendant Beer and therefore pursuant to Pennsylvania Rules, no responsive pleading is required of Defendant Beer.

26. It is admitted that Defendant Beer may claim an interest adverse to Plaintiff's.

27. Denied. Any claim set forth by Defendant Beer is correct, and Defendant does have an interest to the subject one hundred twenty three (123) acres.

WHEREFORE, Defendant Beer respectfully requests this Honorable Court to dismiss Plaintiff's Complaint and award judgment in favor of Defendant Beer.

Respectfully submitted,


Jeffrey S. DuBois, Esquire
Attorney for Defendant Beer

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

CHERRY TIMBER ASSOCIATES, INC., : No. 06-1495-CD
Plaintiff :
: Vs.
: THEODORE BEER and
: G. E. BUCKSBEE,
Defendants :
:

CERTIFICATE OF SERVICE

I do hereby certify that on the 10th day of August, 2007, I served a true and correct copy of the within Answer to Complaint by first class mail, postage prepaid, on the following:

Keith M. Pemrick, Esquire
1030 Liberty Street
Franklin, PA 16323-1298



Jeffrey S. DuBois

FILED

AUG 20 2007

William A. Shaw
Prothonotary/Clerk of Courts

CHERRY TIMBER ASSOCIATES, INC.,) IN THE COURT OF COMMON PLEAS OF
Plaintiff,) CLEARFIELD COUNTY, PENNSYLVANIA
vs.)
THEODORE BEER and,)
G. E. BUCKSBEE,)
Defendant.) No. 06 - 1495 C.D.

PRAECIPE FOR TRIAL LIST

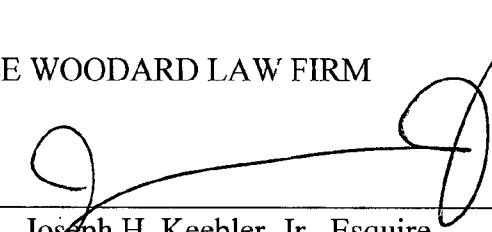
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NOV 10 2008
S

William A. Shaw
Prothonotary/Clerk of Courts

TO: William A. Shaw, Prothonotary

Please place the above-captioned action on the Civil Trial List.

DALE WOODARD LAW FIRM

By: 

Joseph H. Keebler, Jr., Esquire
Dale Woodard Law Firm
1030 Liberty Street
Franklin, PA 16323
Telephone (814) 432-2181
Facsimile: (814) 437-3212
Attorneys for Plaintiff

LA

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

CHERRY TIMBER ASSOICATES, INC. :
vs. : No. 06-1495-CD
THEODORE BEER and G.E. BUCKSBEE :

ORDER

AND NOW, this 2nd day of December, 2008, 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, December 22, 2008 at 3:00 P.M. in Judges Chambers, Clearfield County Courthouse, Clearfield, PA.

Additionally, Jury Selection in this matter shall be and is hereby scheduled for January 6, 2009 at 9:00 a.m. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT:


FREDRIC J. AMMERMAN
President Judge

FILED

01/01/09 10:00 AM
DEC 02 2008

Attns: Pennick
DeBois

William A. Shaw
Prothonotary/Clerk of Courts

610

FILED

DEC 02 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 12/10/08

 You are responsible for serving all appropriate parties.

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

Plaintiff(s) Plaintiff(s) Attorney Other

Defendant(s) Defendant(s) Attorney

Special Instructions:

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

CHERRY TIMBER,
Plaintiff
vs.
THEODORE BEER & G.E. BUCKSBEE,
Defendants

*
*
* NO. 06-1495-CD
*
*

ORDER

NOW, this 22nd day of December, 2008, following status conference on this date with counsel for the parties as set forth above, it is the ORDER of this Court that a one-day Non-Jury Trial is hereby scheduled for **April 29, 2009** commencing at **9:00 a.m.** in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT

FREDRIC J. AMMERMAN
President Judge

FILED 2CC Atts:
12/3/2008 Lemrick/Keebler
DEC 23 2008 Dubois

William A. Shaw
Prothonotary/Clerk of Courts (61)

FILED

DEC 23 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 12/23/08

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 Other
Special Instructions:

FILED
1:12 p.m.
MAR 02 2009
No cc
S
William A. Shaw
Prothonotary/Clerk of Courts
10

CHERRY TIMBER ASSOCIATES, INC.,) IN THE COURT OF COMMON PLEAS OF
Plaintiffs) CLEARFIELD COUNTY, PENNSYLVANIA
)
v.) Civil Action
)
THEODORE BEER and)
G. E. BUCKSBEE)
Defendants.) No. 06-1495-CD

MOTION TO AMEND COMPLAINT

NOW comes Cherry Timber Associates, Inc. ("Cherry Timber"), through its undersigned counsel, and moves your Honorable Court for leave to amend its Complaint, and in support thereof states as follows:

1. This case arises as a result of a dispute that arose between Cherry Timber and the predecessors in title to the Defendant regarding property owned by the Defendant which adjoins the property of Cherry Timber.
2. Cherry timber has alleged that the predecessors in title to Cherry Timber and predecessors in title to the Defendant believed that they owned property of the other party. Cherry Timber would allege that this was caused by the properties being improperly assessed.
3. On September 14, 2006 Cherry Timber filed a Complaint in Quiet Title against the Defendant.
4. On August 20, 2007 the Defendant, Theodore Beer, filed an answer to the Complaint.
5. It has come to the attention of Cherry Timber that there were several typographical errors regarding the names of grantors in the parties chains of title, deed book and page

numbers, and assessment numbers. Further, the Complaint gave a description for the property conveyed to Cherry Timber by its predecessors in title that needs to be clarified.

6. Neither party has engaged in any discovery in this case and will not be prejudiced by an amendment if it is permitted by this Court.

7. Although this matter is scheduled for a hearing on April 29, 2009, an amendment as requested by the Cherry Timber will not in any way prejudice the Defendant because the Plaintiff is not setting forth a new cause of action and is not pleading any facts that were not originally pled in the Plaintiff's Complaint.

8. Discovery if desired by either party could still be conducted and would in no way be affected by any of the amendments proposed to the Complaint.

WHEREFORE, Cherry Timber moves your Honorable Court for leave to file an Amended Complaint to further allege and clarify the chain of title of the parties properties and the descriptions of said properties.

DALE WOODARD LAW FIRM

By _____

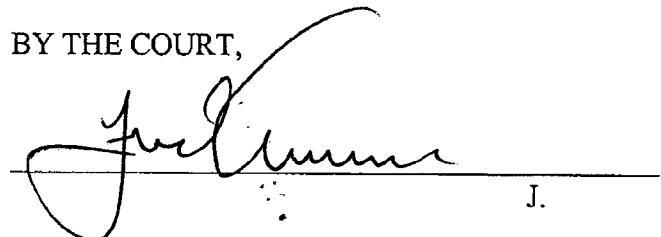

Joseph H. Keebler, Jr.

CHERRY TIMBER ASSOCIATES, INC.,) IN THE COURT OF COMMON PLEAS OF
Plaintiffs) CLEARFIELD COUNTY, PENNSYLVANIA
)
v.) Civil Action
)
THEODORE BEER and)
G. E. BUCKSBEE)
Defendants.) No. 06-1495-CD

ORDER OF COURT

AND NOW, this 5 day of March, 2009, a hearing on the
foregoing Motion to Amend Complaint is scheduled for March 31, 2009, at
10:30 A.m., in Courtroom 1 of the Clearfield County Courthouse, Clearfield,
Pennsylvania.

BY THE COURT,



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FILED

MAR 05 2009
0/1:30
William A. Shaw
Prothonotary/Clerk of Courts
I went to Attn

FILED

MAP 05 2009

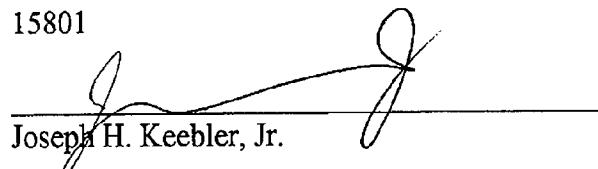
William A. Shaw
Prothonotary/Clerk of Courts

DATE 3-5-09
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 Other
Special Instructions:

CERTIFICATE OF SERVICE

I, Joseph H. Keebler, Jr., Esquire, do hereby certify that I have mailed a true and correct copy of the within Motion to Amend Complaint by regular mail, postage pre-paid, to the following on February 26, 2009.

Jeffrey DuBois, Esquire
210 McCracken Run Road
DuBois, PA 15801

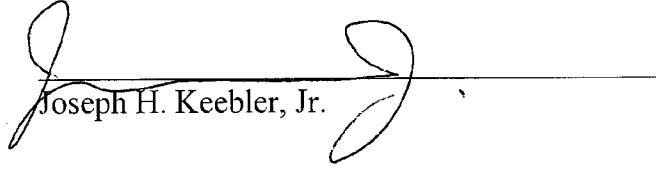

Joseph H. Keebler, Jr.

CHERRY TIMBER ASSOCIATES, INC.,) IN THE COURT OF COMMON PLEAS OF
Plaintiffs) CLEARFIELD COUNTY, PENNSYLVANIA
)
v.)) Civil Action
)
THEODORE BEER and)
G. E. BUCKSBEE)
Defendants.)) No. 06-1495-CD

CERTIFICATE OF SERVICE

I, Joseph H. Keebler, Jr., Esquire, do hereby certify that I have mailed a copy of the signed Order of Court on the Motion to Amend Complaint by regular mail, postage pre-paid, to the following on March 9, 2009.

Jeffrey DuBois, Esquire
210 McCracken Run Road
DuBois, PA 15801


Joseph H. Keebler, Jr.

5
FILED 1cc
MAY 12 2009 Amy Keebler
WAS
William A. Shaw
Prothonotary/Clerk of Courts

FILED

MAR 12 2009

William A. Shaw
Prothonotary/Clerk of Courts

CHERRY TIMBER ASSOCIATES, INC.,
Plaintiffs
v.
THEODORE BEER and
G. E. BUCKSBEE
Defendants.

) IN THE COURT OF COMMON PLEAS OF
) CLEARFIELD COUNTY, PENNSYLVANIA
)
)
)
) Civil Action
)
) No. 06-1495-CD
)
)
)
)
)
) Type of Pleading:
) Motion to Withdraw Motion to Amend
) Complaint
)
) Filed on behalf of: Plaintiff
)
) Counsel of Record for this Party:
) Keith M. Pemrick
) Supreme Court I.D. No. 30322
) Joseph H. Keebler
) Supreme Court I.D. No. 76581
)
) DALE WOODARD LAW FIRM
) 1030 Liberty Street
) Franklin, Pennsylvania 16323-1298
) Telephone: (814) 432-2181
) Facsimile: (814) 437-3212

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FILED *ICC*
of 8:50 AM
MAR 31 2009
Atty Penrich

William A. Shaw
Prothonotary/Clerk of Courts

CHERRY TIMBER ASSOCIATES, INC., Plaintiffs) IN THE COURT OF COMMON PLEAS OF
v.) CLEARFIELD COUNTY, PENNSYLVANIA
THEODORE BEER and)
G. E. BUCKSBEE)
Defendants.) Civil Action
) No. 06-1495-CD

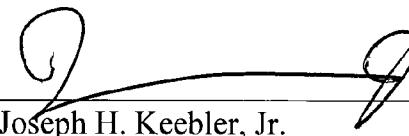
MOTION TO WITHDRAW MOTION TO AMEND COMPLAINT

AND NOW, comes Cherry Timber Associates, Inc., by and through its attorneys, the Dale Woodard Law Firm, and files the within Motion to Withdraw Motion to Amend Complaint and states as follows:

1. On March 2, 2009, the Plaintiff filed a Motion to Amend Complaint and an argument was scheduled on said motion for March 31, 2009 at 10:30 a.m.
2. The Defendant, by and through his attorney, Jeffrey S. DuBois, has consented to the amendment of the complaint.
3. Therefore, the argument is no longer necessary.

WHEREFORE, the Movant respectfully requests this Honorable Court to withdraw its Motion to Amend Complaint.

DALE WOODARD LAW FIRM

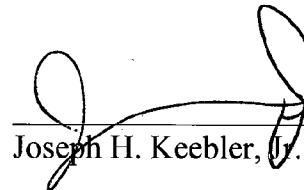
By 
Joseph H. Keebler, Jr.

CERTIFICATE OF SERVICE

I, Joseph H. Keebler, Jr., Esquire, do hereby certify that I have served a true and correct copy of the within Motion to Withdraw Motion to Amend Complaint by facsimile transmission on the following on March 30, 2009.

Jeffrey DuBois, Esquire

814-375-8710



Joseph H. Keebler, Jr.

FILED

MAR 31 2009

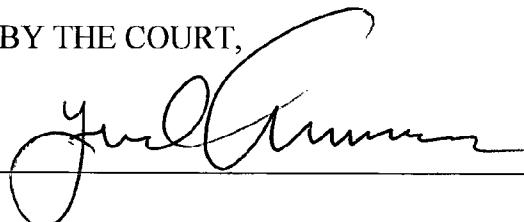
William A. Shaw
Prothonotary/Clerk of Courts

CHERRY TIMBER ASSOCIATES, INC., Plaintiffs) IN THE COURT OF COMMON PLEAS OF
v.) CLEARFIELD COUNTY, PENNSYLVANIA
THEODORE BEER and)
G. E. BUCKSBEE)
Defendants.) Civil Action
)
) No. 06-1495-CD

ORDER OF COURT

AND NOW, this 31 day of March, 2009, the Plaintiff's Motion to Amend Complaint
is hereby withdrawn.

BY THE COURT,



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William A. Shaw
Prothonotary/Clerk of Courts

FILED

MAR 31 2009

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 3/31/09
You are responsible for serving all appropriate parties.

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

Plaintiff(s) Plaintiff(s) Attorney Other
 Defendant(s) Defendant(s) Attorney
 Special Instructions:

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

FILED

CIVIL ACTION - LAW

CHERRY TIMBER ASSOCIATES, INC.,)

Plaintiff,) No: 06-1495-CD

)

) Type of Pleading:

vs.)

) AMENDED COMPLAINT IN

) ACTION TO QUIET TITLE

THEODORE BEER and)

G. E. BUCKSBEE,)

Defendant.)

) Filed on Behalf of:

) PLAINTIFF

)

) Counsel of Record for this

) Party:

)

) Keith M. Pemrick, Esquire

) Sup. Ct. I.D. # 30322

) Joseph H. Keebler, Jr., Esquire

) Sup. Ct. I.D. #76581

) Dale Woodard Law Firm

) 1030 Liberty Street

) Franklin, PA 16323

) Telephone: (814) 432-2181

) Facsimile: (814)437-3212

APR 06 2009

My 10:55 AM

William A. Shaw

Prothonotary/Clerk of Courts

No 9/1

CHERRY TIMBER ASSOCIATES, INC.,) IN THE COURT OF COMMON PLEAS OF
Plaintiff,) CLEARFIELD COUNTY, PENNSYLVANIA
)
vs.) CIVIL ACTION - LAW
)
THEODORE BEER and,) No: 06-1495-CD
G. E. BUCKSBEE,)
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 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
230 East Market Street
Clearfield, PA 16830

(814) 765-2641, Ext. 5982

CHERRY TIMBER ASSOCIATES, INC.,) IN THE COURT OF COMMON PLEAS OF
Plaintiff,) CLEARFIELD COUNTY, PENNSYLVANIA
)
vs.) CIVIL ACTION - LAW
)
THEODORE BEER and,) No: 06-1495-CD
G. E. BUCKSBE,)
Defendant.)

AMENDED COMPLAINT

AND NOW, comes the Plaintiff, Cherry Timber Associates, Inc., by and through its attorneys, the Dale Woodard Law Firm, and files this Amended Complaint, and in support thereof states as follows:

BACKGROUND FACTS

1. The Plaintiff, Cherry Timber Associates, Inc., is an Ohio Corporation with a registered office and principal place of business at 23925 Commerce Park Road, Beachwood, Ohio 44122.
2. The Defendant, Theodore Beer, is an adult individual residing at 1385 Johnson Avenue, Salem, Ohio 44460.
3. Cherry Timber Associates, Inc. acquired title to a 58 acre tract of land (sometimes also referred to in instruments of record as a 60 acre tract of land and hereinafter referred to as "the Cherry Timber property") by virtue of a Quit-Claim Deed from Green Glen Corporation dated December 21, 1988 and recorded in Clearfield County Deed Book Volume 1260, Page 338 ("the Green Glen Deed"). A true and correct copy of the Green Glen Deed is attached hereto and now by reference incorporated herein as Exhibit "1".

4. The Cherry Timber property is not specifically described in the Green Glen Deed, but was conveyed to Plaintiff by virtue of the following quit claim grant in the Deed:

PARCEL NO. 21: All right, title and interest to the Grantor in and to all real property owned by the Grantor in Clearfield County, Pennsylvania, including all rents, profits, issues, remainders and reverters.

5. A retracement survey of the Cherry Timber property was prepared on or about July 5, 1995, by Lional Alexander, P.L.S., and the property is more accurately described as follows:

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

BEGINNING at a one inch pipe set by this survey, said iron pipe being the northeast corner of said lands of Paul I. Dixon, et. al and the northwest corner of the herein described parcel, further being shown as Corner Number 1 on the hereto attached plat;

THENCE, S 84 Degrees 40 Minutes E along lands now or formerly of Sadie Beer (Deed Book 339 Page 380 and Deed Book 378 Page 552) a distance of 970.24 feet to a one inch iron pipe set by this survey, said iron pipe being the northeast corner of the herein described parcel, further being shown as Corner Number 2 on the hereto attached plat;

THENCE, S 40 Degrees 40 Minutes E along lands now or formerly of Thelma Bush, Beverly R. Williams, and John D. Duttry a distance of 1,562.76 feet to a one inch pipe set by this survey, said iron pipe being along the northern right-of-way for lands now or formerly of B&S Railroad and also being the southwest corner of lands now or formerly of Thelma Bush, Beverly R. Williams, and John D. Duttry (Deed Book 1300 page 20) and the southeast corner of the herein described parcel, further being shown as Corner Number 3 on the hereto attached plat;

THENCE, along the northern right-of-way for lands now or formerly of B&S Railroad by a curve to the left, said curve having a radius of 1,473.00 feet and an arc length of 159.05 feet, to a point, further being shown as Corner Number 4 on the hereto attached plat;

THENCE, S 55 Degrees 02 Minutes W along the northern right-of-way for lands Now or formerly of B & S Railroad a distance of 1,129.42 feet to a

one inch iron pipe set by this survey, said iron pipe being the southeast corner of land now or formerly of Paul I. Dixon, et. al (third parcel described in Deed Book 1292 Page 125) and the southwest corner of the herein described parcel, further being shown as Corner Number 5 on the hereto attached plat;

THENCE, N 35 Degrees 34 Minutes W along lands now or formerly of Paul I. Dixon, et. al a distance of 722.50 feet to an existing angle iron replaced with a one inch iron pipe set by this survey, further being shown as Corner Number 6 on the hereto attached plat;

THENCE, N 86 Degrees 15 Minutes W along lands now or formerly of Paul I. Dixon, et. al a distance of 652.34 feet to a 30-inch maple tree, further being shown as Corner Number 7 on the hereto attached plat;

THENCE, N 06 Degrees 06 Minutes E along the division line for Huston Township and Sandy Township and along lands now or formerly of Paul I. Dixon, et. al a distance of 1,384.33 feet to a one inch iron pipe set by this survey, the point of beginning;

CONTAINING 2,524,771.3 square feet or 58.0 acres.

BEING subject to McCracken Run, an overhead electric service line, and any other utility easements which may be of record.

BEING the same lands described in Deed Book 298 Page 136 from John E. DuBois to G. E. Bucksbee, dated November 8, 1927 and recorded in the Clearfield County Courthouse.

6. A true and correct copy of the Retracement Survey prepared by Lional Alexander is attached hereto as Exhibit "2".
7. Green Glen Corporation acquired title to the Cherry Timber property by virtue of a deed from John E. Dubois, Jr. and Renee Hadley Dubois, his wife; Louis G. Dubois, unmarried; Carolyn Dubois Pfaelzer, unmarried; David Dubois and Shirley C. Dubois, his wife; and Sarah E. Dubois, unmarried, dated September 1, 1947 and recorded in Clearfield County Deed Book 393, Page 411, recorded November 2, 1948. A true and correct copy of the aforesaid Deed is attached hereto and now by reference incorporated herein as Exhibit "3".

8. John E. Dubois, Jr., Louis G. Dubois, Sarah B. Dubois, David Dubois, and Caroline Dubois Pfaelzer acquired title to the Cherry Timber property by virtue of a Deed from David Dubois and Shirley C. Dubois, his wife, dated June 18, 1947 and recorded in Clearfield County Deed Book 384, Page 524 on July 23, 1947. A true and correct copy of the aforesaid Deed is attached hereto and now by reference incorporated herein as Exhibit "4".

9. David Dubois acquired title to the Cherry Timber property by virtue of a deed from the Commissioners of Clearfield County dated October 8, 1945 and recorded in Clearfield County Deed Book 370, Page 458 on October 17, 1945. A true and correct copy of the aforesaid Deed is attached hereto and now by reference incorporated herein as Exhibit "5".

10. The Cherry Timber property was listed for sale for delinquent taxes on January 10, 1936. No bids were made at the sale and the Cherry Timber property became part of the repository of Clearfield County. The property was assessed as that of G. E. Bucksbee at the time of the tax sale.

11. G. E. Bucksbee acquired title to the Cherry Timber property by virtue of a deed from John E. Dubois and Willie G. Dubois, his wife, dated November 8, 1927 and recorded in Clearfield County Deed Book 298, Page 136. A true and correct copy of the aforesaid Deed, which contains a survey description of the Cherry Timber property prepared by J.E. Fry which was used by Lional Alexander in the preparation of his retracement survey, is attached hereto and now by reference incorporated herein as Exhibit "6".

12. The Defendant, Theodore Beer, acquired title to a one hundred and twenty-three point two (123.2) acre parcel of land adjoining the Cherry Timber property to the northeast by virtue of a deed from Thelma Bush and Beverly R. Williams, now known as Beverly R. Copelli, dated March 17, 2005 and recorded on March 18, 2005, in Clearfield County as Instrument Number 200503754 (hereinafter sometimes referred to as "the Duttry property"). A true and correct copy of the aforesaid Deed is attached hereto and now by reference incorporated herein as Exhibit "7".

13. Thelma Bush and Beverly R. Williams, now known as Beverly R. Copelli, acquired title to the Duttry property by virtue of a deed from Thelma Bush, Beverly R. Williams, now known as Beverly R. Copelli, and John D. Duttry, dated August 10, 2004 and recorded on September 13, 2004, in the Office of the Recorder of Deeds of Clearfield County as Instrument Number 200414968. A true and correct copy of the aforesaid Deed is attached hereto and now by reference incorporated herein as Exhibit "8".

14. Beverly R. Williams, Thelma Bush and John D. Duttry acquired title to the Duttry property by virtue of a Decree of Distribution dated August 7, 1989 from the Estate of Harold E. Duttry and recorded in the Recorder's Office of Clearfield County, Pennsylvania, in Deeds and Records Book 1300, page 020. A true and correct copy of the aforesaid Decree of Distribution is attached herein and now by reference incorporated herein as Exhibit "9".

15. Harold E. Duttry and Mary Duttry acquired title to the Duttry property by virtue of a Deed from Harry Bender and Annie Bender, dated February 21, 1955 and recorded in Clearfield County in Deed Book 440, Page 573. This Deed contained the following description of the Duttry property;

On the North by land of the Green Glen Corporation; on the South by land of Walter Brown; on the East by right-of-way of the B&O Railroad; on the West of the lands of Tinker, Alsbaugh, and Burns.

It is believed, and therefore averred, that the aforementioned description was based on the erroneous belief that the Cherry Timber property (then owned by Green Glen Corporation) was located to the north of the Duttry property (then owned by Harry Bender and Annie Bender), when in fact the Cherry Timber property is located to the south of the Duttry property. This erroneous description is also contained in the deeds referred to in Paragraphs 12, 13, and 14 of this Amended Complaint. A true and correct copy of the aforesaid Deed is attached hereto and now by reference incorporated herein as Exhibit "10".

16. Harry Bender and Annie Bender acquired title to the Duttry property by virtue of a Deed from Ralph J. Smith, Treasurer of the County of Clearfield, Pennsylvania dated December 10, 1951 and recorded in Clearfield County Deed Book 440, Page 571. The property was sold for taxes for the year 1949 and was reported to be owned and assessed in the name of Albert Dennis. A true and correct copy of the aforesaid deed is attached hereto and now by reference incorporated herein as Exhibit "11".

17. Albert Dennis obtained an interest in the Duttry property by virtue of an Assignment dated January 22, 1947 from Harry Bender, et. ux. to Ralph Weisman and

Albert Dennis, and said Assignment is recorded in Clearfield County Deed Book 380, Page 585. A true and correct copy of the aforesaid Assignment is attached hereto and now by reference incorporated herein as Exhibit "12".

18. Harry Bender acquired title to the Duttry property by virtue of a Commissioners Sale on March 27, 1945. The property was sold as that of Mrs. G.E. Bucksbee, and deeds from Mrs. G. E. Bucksbee by Edna Marsden, Treasurer of the County of Clearfield to County Commissioners of the County of Clearfield and from the County Commissioners of the County of Clearfield to Harry Bender , are recorded in Clearfield County Deed Book 380, pages 583 and 584, respectively. True and correct copies of the aforesaid Deeds are attached hereto and now by reference incorporated herein as Exhibit "13".

19. The Duttry property was assessed to G. E. Bucksbee from 1924 to 1936 and was sold to the County as the property of G. E. Bucksbee and redeemed by Mrs. G. E. Bucksbee on September 15, 1937. Although there is no deed recorded in the Office of the Recorder of Deeds of Clearfield County evidencing a conveyance of the Duttry property to G. E. Bucksbee, there is evidence that G. E. Bucksbee owned the property, said evidence consisting of the following:

(a) A map from the files of John E. DuBois on which the Duttry property is identified as "J.E. & W.G. DuBois to Mrs. G.E. Bucksbee, November 9, 1927, WT. 3576-Huston Township, 123.2 A.", a true and correct copy of which is attached hereto and now by reference incorporated herein as Exhibit "14";

- (b) A deed from John DuBois et ux to G.E. Bucksbee, recorded at Deed Book 298, Page 136 (Exhibit "6" herein), which is a conveyance of the Cherry Timber property which lies to the south of, and is contiguous with, the Duttry property, and which contains a call which states "... thence by lands of the Grantor, surveyed for G.E. Bucksbee . . .";
- (c) A deed from John DuBois et ux to C.E. Hoyt, recorded at Deed Book 278, Page 236, which is a conveyance of property which lies to the north of, and is contiguous with, the Duttry property, and which contains a call which states "... thence by lands of the Grantor (surveyed for G.E. Bucksbee) . . ."; and
- (d) Clearfield County Assessment Records which indicate that the Duttry property was owned by John E. DuBois prior to 1924.

20. From 1955 through the present, the description of the Duttry property contained in the various deeds referred to in this Amended Complaint in the chain of title of the Duttry property erroneously described the Cherry Timber property as being to the north of the Duttry property. It is believed that as a result the Defendants and their predecessors in title believed that the property they owned was located south of the Cherry Timber property and not to the north of it.

21. Recent tax assessment maps and property records cards of Clearfield County have erroneously identified Thelma Bush et al. as the owner of Parcel No. 119-E4-16 and Cherry Timber Associates, Inc., as the owner of Parcel No. 119-E3-33.

22. On October 18, 1994, John D. Duttry, on behalf of himself, Thelma Bush and Beverly Williams, entered into a Timber Harvest Agreement with Mitchell Lumber Company which provided for the removal of timber from property allegedly owned by Duttry. A true and correct copy of aforesaid Agreement is attached hereto and now by reference incorporated herein as Exhibit "15".

23. Mitchell Lumber Company subsequently removed timber from the Cherry Timber property.

24. John Duttry, Thelma Bush and Beverly Williams asserted an interest in the Cherry Timber property from the time it was timbered through the time they conveyed their interests in the Duttry property to the Defendant, Theodore Beer.

25. The Plaintiff believes, and therefore avers, that the Defendant, Theodore Beer, erroneously believes that he is the owner in fee simple of the Cherry Timber property rather than the Duttry property.

26. An Action to Quiet Title is necessary against Theodore Beer because his predecessors in title have asserted a claim to the Cherry Timber property and the Plaintiff alleges and avers that Theodore Beer and his predecessors in title have no interest in the Cherry Timber property.

27. An Action to Quiet Title is necessary against the Defendant, G. E. Bucksbee, because the property was sold for taxes as the property of Mrs. G. E. Bucksbee, and no estate was opened for G. E. Bucksbee to determine the ownership interest of G. E. Bucksbee, to determine the heirs of G. E. Bucksbee or to determine any potential interest owned by the heirs of G. E. Bucksbee.

28. The Defendants may claim and assert an interest adverse to the Plaintiff's interest in the Cherry Timber property.

29. The Plaintiff believes, and therefore avers, that any interest the Defendants claim in the Cherry Timber property is without any right whatsoever, and that the Defendants have not, nor has any of them, any estate, right, title or interest whatever in the Cherry Timber property or premises or any part thereof.

WHEREFORE, Plaintiff prays that:

(1) The Defendants, and also all other persons unknown claiming right, title, estate, lien or interest in the Cherry Timber property adverse to the Plaintiff's ownership or any cloud upon Plaintiff's title thereto, be required to set forth the nature of their several claims;

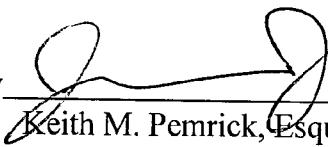
(2) All adverse claims of Defendants or any of them may be determined by Decree of this Court, and that by said Decree it is declared and adjudged that:

- (a) The Plaintiffs are the owners of the Cherry Timber property;
- (b) The Defendants, their heirs or assigns, have no interest or estate whatever in or to the Cherry Timber property or the oil, petroleum, minerals and gas thereunder;
- (c) The Defendants, their heirs and assigns, be forever barred from asserting any claim whatever in or to the Cherry Timber property or the oil, petroleum, minerals and gas under the Cherry Timber property adverse to the Plaintiff; and

(d) The Court orders such other and further relief as to the Court shall seem proper and just.

Respectfully Submitted,

DALE WOODARD LAW FIRM

By 

Keith M. Pemrick, Esquire
Joseph H. Keebler, Jr., Esquire
Attorneys for Plaintiff

Exhibit "1"

VOL 1260 PAGE 338

Penna. Quit-Claim Deed

THIS INDENTURE

MADE the 21st day of December in the year nineteen hundred and eighty-eight (1988)

BETWEEN GREEN GLEN CORPORATION, a Pennsylvania business corporation of Sandy Township, DuBois, Clearfield County, Pennsylvania, Party of the First Part,

and

CHERRY TIMBER ASSOCIATES, INC., a business corporation with a mailing address at Russel Street, Endeavor, Pennsylvania 16322, Party of the Second Part,

WITNESSETH, That the said first party, for and in consideration of the sum of One----- (\$1.00)-----Dollar lawful money of the United States of America to it well and truly paid by the said party of the second part, at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has remised, released and quit-claimed, and by these presents does remise, release and forever quit-claim, unto the said party of the second part, its successors and assigns,

ALL those certain parcels of real estate located in Clearfield County, Pennsylvania as follows:

PARCEL NO. 1: All that certain parcel of real estate located in Pike Township, Clearfield County, Pennsylvania,

BOUNDED on the North by lands of Anderson and Hartshorn Run;

BOUNDED on the East by lands of Buskey & Mainey;

BOUNDED on the South by lands of McBride, Bailey, Bailor, and

Baughman, and

BOUNDED on the East by other lands of the Grantor and being identified as Clearfield County Map Parcel No. 126-H8-15;

PARCEL NO. 2: All that certain parcel of real estate located in Union Township, Clearfield County, Pennsylvania,

BOUNDED on the North by Township Road T360;

BOUNDED on the East by lands of Robinson;

BOUNDED on the South by B&O Railroad;

CLL 1260 COUNTY
ENTR 3:34 PM 11-21-88
TIME
BY 13021 V
FEES 27.50
Michael

*See Affidavit of Value filed
with deed recorded in Deed & Records Book 1260, page 280*

BOUNDED on the West by lands of Shubert;
Further described as Clearfield County Tax Map Parcel No. 129-E7-41;

PARCEL NO. 3: All that certain parcel of real estate located in Bloom
Township, Clearfield County, Pennsylvania,

BOUNDED on the North and East by the Baltimore & Ohio
Railroad;

BOUNDED on the South by lands of James M. Edwards Estate;
BOUNDED on the East by lands of Walker and the Haupt heirs;
Being identified as Clearfield County Tax Map Parcel No. 104-F8-11.

PARCEL NO. 4: All that certain parcel of real estate located in Union
Township,

BOUNDED on the North by lands of Pentz, et al;
BOUNDED on the East by lands of Miller and Haupt;
BOUNDED on the South by lands of Thomas;
BOUNDED on the West by lands of Thomas;
Being identified as Clearfield County Tax Map Parcel
No. 129-E7-42.

PARCEL NO. 5: All that certain piece or parcel of real estate located in Union
Township, Clearfield County, Pennsylvania,

BOUNDED on the North by State Game Lands No. 93;
BOUNDED on the East by lands of the City of DuBois;
BOUNDED on the South by lands of the City of DuBois;
BOUNDED on the West by State Game Lands No. 93;
Being further identified as Clearfield County Tax Map Parcel
No. 129-F5-18.

PARCEL NO. 6: All that certain parcel of real estate located in Huston
Township, Clearfield County, Pennsylvania,

BOUNDED on the North by lands of McClintick;
BOUNDED on the East by Under Hill Mining Company and the
Commonwealth of Pennsylvania;
BOUNDED on the South by lands of the Commonwealth of
Pennsylvania and Green Glen Corporation;
Being identified as Clearfield County Tax Map Parcel No. 119-H1-51.

PARCEL NO. 7: All that certain parcel of real estate located in Huston
Township, Clearfield County, Pennsylvania,

BOUNDED on the North by lands of the New Shawmut Mining

AFFIDAVIT NO. 16453

Company, the Commonwealth of Pennsylvania and lands of
Scott;
BOUNDED on the East by small parcels, and the Village of Tyler;
BOUNDED on the South by lands of the Under Hill Coal
Mining Company;
BOUNDED on the West by lands of Luchuck;
Being identified as Clearfield County Tax Map Parcel Nos. 119-H1-51,
119-H1-50 and 119-H1-49.

PARCEL NO. 8: All that certain parcel of real estate located in Huston
Township, Clearfield County, Pennsylvania,

BOUNDED on the North by Mason;
BOUNDED on the East by lands of Wayne Cherry;
BOUNDED on the South by lands of Under Hill Coal
Mining Company;
BOUNDED on the West by the Village of Tyler-
small tracts;
Being identified as Clearfield County Tax Map Parcel
No. 119-I-1-9.

PARCEL NO. 9: All that certain parcel of real estate located in Huston
Township, Clearfield County, Pennsylvania,

BOUNDED on the North by the Elk County border;
BOUNDED on the East by small tracts, Township Road 410 and
lands of Donahue;
BOUNDED on the South by Township Road 410 and PA Route
153;
BOUNDED on the West by lands of Hutchison;
Being identified as Clearfield County Tax Map Parcel No. 119-F1-2.

PARCEL NO. 10: All that certain parcel of real estate located in Huston
Township, Clearfield County, Pennsylvania,

BOUNDED on the North by the Elk County borderline;
BOUNDED on the East by Commonwealth of Pennsylvania,
Department of Forest & Waters;
BOUNDED on the South by lands of Bennett and PA Route
153;
BOUNDED on the West by lands of Donahue and Bodner;
Being identified as Clearfield County Tax Map Parcel No. 119-F1-5.

PARCEL NO. 11: All that certain parcel of real estate located in Huston
Township, Clearfield County, Pennsylvania,

BOUNDED on the North by lands of Milligan;
BOUNDED on the East by lands of Wilson and Department
of Forest & Waters;
BOUNDED on the South by lands of Spicher;
BOUNDED on the West by lands of Lewis & Milligan;
Being located on Clearfield County Tax Map Parcel No. 119-E2
as a four (4) acre tract.

PARCEL NO. 12: All that certain parcel of real estate located in Sandy
Township, Clearfield County, Pennsylvania,

BOUNDED on the North by Township Road 408;
BOUNDED on the East by the Huston Township border;
BOUNDED on the South by lands of Maloney;
BOUNDED on the West by lands of Maloney;
Identified per Clearfield County Tax Map Parcel No. 128-E3.

PARCEL NO. 13: All that certain parcel of real estate located in Huston
Township, Clearfield County, Pennsylvania,

BOUNDED on the North by lands of Tinker & Hoyt;
BOUNDED on the Southeast by Bennetts Branch Run;
BOUNDED on the Southwest by lands of Harold Duttry;
BOUNDED on the West by lands of Sadie Beer;
Being identified as Clearfield County Tax Map Parcel
No. 119-E3-33.

PARCEL NO. 14: All that certain piece or parcel of real estate located in
Huston Township, Clearfield County, Pennsylvania,

BOUNDED on the Northwest by land of W. Dixon et al. and
Harold Duttry;
BOUNDED on the East by other lands of the Green Glen
Corporation;
BOUNDED on the South by the Huston Township boundary
line and the Commonwealth of Pennsylvania Gamelands and
being identified as Clearfield County Tax Map Parcel No. 119-E4-13.

PARCEL NO. 15: All that certain piece or parcel of real estate located in
Huston Township, Clearfield County, Pennsylvania,

BOUNDED on the West by the Consolidated Rail Corporation;
BOUNDED on the East by lands of Hopton;
BOUNDED on the South by other lands of the Grantor;
Being identified as Clearfield County Tax Map Parcel No. 119-G3-17.

PARCEL NO. 16: All that certain piece or parcel of real estate located in Huston Township, Clearfield County, Pennsylvania,

BOUNDED on the North by lands of Bundy and Glen Irvan Corporation;

BOUNDED on the East by lands of Munn;

BOUNDED on the South by other lands of the Grantor;

BOUNDED on the West by lands of the Glen Irvan Corporation;

Being identified as Clearfield County Tax Map Parcel No. 119-G3-13.

PARCEL NO. 17: All that certain parcel of real estate located in Huston Township, Clearfield County, Pennsylvania,

BOUNDED on the North by the Consolidated Rail Corporation;

BOUNDED on the East by lands of Riccadona;

BOUNDED on the South by Osceola Fire Brick Company and

other lands of the Grantor;

Being identified per Clearfield County Tax Map Parcel No. 119-G2.

PARCEL NO. 18: Any and all coal and other minerals, oil and gas together with ancillary and incidental rights possessed by Grantor in and to that certain parcel of real estate;

BOUNDED on the North by State Game lands No. 93;

BOUNDED on the East by State Game lands No. 93;

BOUNDED on the South by lands of McClinton and others;

BOUNDED on the West by other lands of the Grantor which

parcel is currently assessed to Haddie F. Westphal and

being identified as Clearfield County Tax Map Parcel No. 119-E4-17.

PARCEL NO. 19: All rights to coal and other minerals, gas and oil and other hydrocarbons, and generally all subterranean mineral rights which may underlie any property situate in Clearfield County, Pennsylvania. It is the intention to convey to Grantee all of Grantor's rights unless specifically listed in Exceptions 1 through 8 set forth hereinafter.

PARCEL NO. 20: All that certain parcel of real estate located in Sandy Township, Clearfield County, Pennsylvania, bounded on the North by the Jefferson County line; bounded on the East by Robertson; bounded on the South by Robertson; bounded on the West by the Jefferson County line. Being identified per Clearfield County Tax Map Parcel No. 128-A-2-42.

PARCEL NO. 21: All right, title and interest to the Grantor in and to all real property owned by the Grantor in Clearfield County, Pennsylvania, including all rents, profits, issues, remainders and reverters.

EXCEPTING AND RESERVING unto the Green Glen Corporation, its successors or assigns, the following:

Exception No. 1. Any and all properties owned by the Grantor in the City of DuBois;

Exception No. 2. All property in Sandy Township which lies South of the Interstate 80 Right-of-Way, West of the interchange of Route 255 and Interstate 80, North of Route 255, and East of the DuBois City line, the DuBois Country Club, and Township Road 399 i.e., the Clear Run Road, specifically identified as Clearfield County Tax Map Parcel No. 128 C3-7, 128 C3-9, 128 C3-10, 128 C3-11, 128 C3-29, and 128 C3-30. This is shown on the attached map as map parcels No. 20VL63, 16VL59, 17VL60, 18VL61, 19VL62 and 15VL59. There is excluded from this description a certain 32.9 acre tract which is described as follows:

BEGINNING at a point, said point being the northeast corner of this parcel in common with the corner of the Ramada Inn property on the southern right-of-way line of U. S. Interstate Route 80; thence along the property of Ramada Inn and United Electric Cooperative, Inc. South $15^{\circ} 45' 44''$ West 381.38 feet to a point; thence South $26^{\circ} 19' 10''$ East 637.07 feet along the United Electric Cooperative, Inc. property to a point; thence South $65^{\circ} 42' 56''$ West 705.22 feet to a point; thence North $75^{\circ} 14' 16''$ West 635.04 feet to a point; thence North $00^{\circ} 43' 01''$ East 1,457.93 feet to a point on the Southern right-of-way of U. S. Interstate Route 80; thence along said right-of-way line South $69^{\circ} 41' 38''$ East a distance of 1,123.18 feet to the place of beginning.

Exception No. 3. That land area and real estate located in Sandy Township lying between the Route 255 on the North and the Baltimore & Ohio Right-of-Way on the South, the Interstate 80 Right-of-Way on the West and the lands of Ringold Corporation, Christian, and other ownerships which lie to the East. This reserved parcel comprises a part of Clearfield County Tax Map Parcel No. 128-D4-84. This is shown on the attached map as map parcel 20TL27.

Exception No. 4. That tract of land in Sandy Township which is described as follows:

BEGINNING at the Intersection of the Interstate 80 Right-of-Way and the Intersection of PA Route 255;

THENCE along the Southerly line of the Interstate 80 Right-of-Way in an Easterly direction to a point at the Interstate 80 intersection with the B&O Railroad;

THENCE in a Southwesterly direction along the B&O Railroad, crossing Township Road 372 to a point at lands of Owens;

THENCE in a Southwesterly direction along lands of Owens and Gerald Tapper to the Southerly property line now or formerly of Tapper;

THENCE in a Southeasterly direction along the Tapper's Southerly property line to a point at land now or formerly of Tail Twisters, Inc.;

THENCE in a Southwesterly direction along lands now or formerly of Tail Twisters, Inc., Price and other properties, and continuing along the borderline of Green Glen Corporation and other properties to a point at its intersection with Legislative Route 17030;

THENCE in a Westerly direction along Legislative Route 17030 to a point at lands of Heller;

THENCE along lands of Heller and Beers in a Northerly direction to a point;

THENCE continuing along the Northerly boundary line of Beers in a Westerly direction to a point at or near lands now or formerly of Smolukas;

THENCE in a northerly direction along lands of Smolukas to a point at the intersection of the B&O Railroad Right-of-Way;

THENCE in a Westerly direction along the Railroad Right-of-Way to a point at Shaffer Road;

THENCE in a Northerly direction along Shaffer Road, to the land of the DuBois Mall;

THENCE along lands of the DuBois Mall and other tracts in an Easterly direction to a point;

THENCE in a Northeastery direction along the Western border of Green Glen lands to a point at the right-of-way of PA Route 255;

THENCE in an Easterly direction along Route 255 to a point at its intersection of Interstate 80, being the place of beginning. Said tract comprises 490 acres more or less and is defined as Clearfield County Tax Map Parcel 128-C3-15, 16, 23, and also Clearfield County Tax Map Parcel No. 128-C4-72. This tract also includes that irregular shaped parcel of land which lies South of Township Road 372, and North of lands now or formerly of Tapper and East of other lands excepted herein. Being part of Clearfield County Tax Map Parcel No. 128-C3-31.

This is shown on the attached map as Parcels 13VL56, NN-M, 12VL55, 11VL54, 14VL57 and 8VL51. This Exception No. 4 is not intended to include a certain 4.3 acre tract more particularly described as follows:

BEGINNING at a point at the intersection of the southern right-of-way line of Chessie System and the western right of way line of Plat Road, Sandy Township Route 372; thence by the western right-of-way line of Sandy Township Route 372 and at all times 16.5 feet from the centerline of said road 75.0 feet, more or less, to a point on the right-of-way line of other lands of the Green Glen Corporation; thence by a line that right angles to the right-of-way line of the Chessie System and along the eastern line of this parcel in a southeasterly direction 175.5 feet, more or less, to a point at the southeast corner of this parcel; thence by a line parallel and approximately 235.5 feet from the southern right-of-way line of the Chessie System right-of-way and along other land of the Green Glen Corporation, 840 feet, more or less, to a point at the southwest corner of this parcel; thence still by lands of the Green Glen Corporation by a line that right angles to the last described line in a northwesterly direction 235.5 feet, more or less, to a point on the southern right-of-way line of the Chessie System; thence by the southern right-of-way line of the Chessie System in a northeasterly direction 800 feet more or less to a point at the intersection of the southern right-of-way line of the Chessie System and the western right-of-way line of Plat Road, Sandy Township Route 372, and the place of beginning.

Exception No. 5. Clearfield County Tax Map Parcel No. 128-B3-30, being a 16 Acre parcel more or less presently used by the DuBois Riding Stable. This is shown on the attached map as 10VL53.

Exception No. 6. All that certain tract of land situate in Sandy Township, Clearfield County, Pennsylvania, bounded on the North by Penn Gas & Water Co.; on the East by Recreation Land Corp. and Treasure Lake; on the South by Bolam, Moorehouse, Shaffer and others; on the West by State Game Lands 77, Hetrick, McAninch and others. Containing 250 acres, more or less and identified as Clearfield County Tax Map Parcel Nos. 128-B2-16, 128-B2-9 and 128-B3-16. This is shown on the attached map as 18TL25, 33TL40, 19T.26 and 3R6.

Exception No. 7. All rights to coal and other minerals, gas and oil and

other hydrocarbons, and generally all subterranean mineral rights which may underlie any of the properties specifically excluded per this Quit-Claim Deed, and furthermore all of such rights to coal and other hard minerals, gas and oil and other hydrocarbons, and generally all subterranean mineral rights which underlie the Treasure Lake Sub-Division as now in existence which were conveyed to the developers of Treasure Lake by virtue of deeds from the Green Glen Corporation and John DuBois et ux. Specifically:

- (1) Green Glen Corporation Deed dated February 7, 1968, recorded in Clearfield County Deed Book 535, page 387 describing 7,027.77 acres;
- (2) A deed from John DuBois, Jr. et ux dated February 7, 1968, recorded in Clearfield County Deed Book 535, page 394 and describing 759 acres more or less.

Exception No. 8.

A 4.26 Acre tract located in Huston Township which is being deeded to the Sabula Fire Company by simultaneous deed herewith, which deed is not yet recorded.

TO HAVE AND TO HOLD the said premises, with all and singular the appurtenances, unto the said party of the second part, its successors heirs and assigns, to and for the only proper use and behoof of the said party of the second part, its successors and assigns forever.

IN WITNESS WHEREOF, the said party of the first part has hereunto set its hands and and seals the day and year first above written.

GREEN GLEN CORPORATION

Alfred C. Sh. B. (SEAL)
President

Attest:

Walter E. Spangler
Secretary

Commonwealth of Pennsylvania

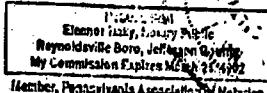
County of Jefferson

SS:

On this 21st day of December, 1988 before me a Notary Public came the above named President of the Green Glen Corporation and acknowledged the foregoing Indenture to be the act and deed, and desired the same to be recorded as such.

Witness my hand and official seal, the day and year aforesaid,

Elmer R. Sh. B.
My Commission Expires



STATE OF PENNSYLVANIA: 88
COUNTY OF CLEARFIELD: 88
RECORDED in the Recorders Office in and for said
County in Deeds and Records Book No. 340
Page 538 etc.

WITNESS my hand and seal of office
21 day of December 1988

Michael R. Tyler

My Commission Expires
First Monday in January, 1992

Exhibit "2"

Copyright © 1995 ALEXANDER & ASSOCIATES
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be reproduced by photocopying, recording or
by any other means, or stored, processed or
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the surveyor. Copies of this plan without an
impression seal are not valid.

LOCATION MAP

Alexander & Associates Inc.
112 Church Street P.O. Box 576
Falls Creek, Pennsylvania 15840
(814) 571-5770

RETRACEMEN T SURVEY
HUSTON TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA

INDUSTRIAL TIMBER & LAND COMPANY

1 OF 1 SHEET NO. 1 JOB NO. JN123995

Exhibit "3"

Being the same premises that Anna Mura et bar, by deed dated July 31, 1920 and recorded in Clearfield County in Deed Book 245, page 80, granted and conveyed to the grantors herein, Vera P. Smith, the wife of Jacob H. Smith died and said Jacob H. Smith, later married Mary A. Sherofky and is now the present wife of Jacob H. Smith.

And the said grantors do hereby warrant specially the property hereby conveyed.

In witness whereof, said grantors have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered
in the presence of
G. M. Fryberger

Jacob H. Smith (LS)
Mary A. Smith (LS)

Commonwealth of Pennsylvania
County of Centre SS:

On this the 30 day of October 1948, before me a Notary Public, the undersigned officer, personally appeared Jacob H. Smith and ~~Mary A.~~ Smith, his wife, 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 notarial seal.

Geraldine E. Craft (OFF SEAL)
Notary Public

My Commission expires 3/5/49

I hereby certify that the precise address of the grantees herein is 721 Hale St. Osceola Mills, Clearfield County, Pa.

Edward T. Kelley
Attorney for grantees.

U. S. revenue \$2.20

Entered of Record Nov. 2, 1948 10:01 A. M.

Recorded and Compared by

Wm W. Muller
Recorder A.

393- 411

DEED

JOHN E. DUBOIS, JR ET AL) This Indenture Made the 1st day of September in the
TO) year of our Lord, one thousand nine hundred and forty
GREEN GLEN CORPORATION) seven (1947) Between John E. Du Bois, Jr. and Rene
Hadley Du Bois, his wife, Louis G. Du Bois, unmarried,
Caroline Du Bois Pfaelzer, unmarried, David Du Bois
and Shirley C. Du Bois, his wife, and Sarah B. Du Bois,
unmarried, all of the City of Du Bois, County of Clearfield and Commonwealth of Pennsylvania, parties of the first part, AND GREEN GLEN CORPORATION, a corporation organized under and existing by virtue of the laws of the Commonwealth of Pennsylvania, with its principal place of business in the City of Du Bois, aforesaid, party of the second part:

Witnesseth, that the said parties of the first part, in consideration of Forty Five Thousand Fifty three and 95/100 Dollars (\$45,053.95) to them now paid by the said party of the second part, do grant, bargain, sell and convey unto the said party of the second part, its successors and assigns,

PROPERTIES IN THE CITY OF DU BOIS

- ALL that certain tract or parcel of land in the City of Du Bois, County of Clearfield and Commonwealth of Pennsylvania, bounded and described as follows:

Starting at the intersection of the south line of the Pennsylvania Railroad right of way and the East line of North Fifth street; thence south 18° west 64.4 feet to a point on the north line of land belonging to the Tri-County Broadcasting Company; thence south 76° 39' east 45.9 feet to the northeast corner of said land of Tri-County Broadcasting Company; thence south 20° 21' west 170.5 feet to an iron post; thence south 69° 39' east 165 feet to a point; thence north 20° 21' East 231 feet to the south line of the Pennsylvania Railroad right of way; and thence north 70° 23' West 203.3 feet to the place of beginning.

The consideration for the conveyance of this item is \$1.00.

2. ALL that certain tract or parcel of land in Block 23 in the Third Ward of the City of Du Bois, County of Clearfield and Commonwealth of Pennsylvania, bounded and described as follows:

Beginning at a corner on Liberty Boulevard, (formerly North Brady street); thence west along line of lands now or formerly of Pittsburgh Du Bois Company 316 feet to a point; thence south along line of lands now or formerly of Pittsburgh Du Bois Company 351 feet to a point; thence east along Beaver Run 316 feet to a point on Liberty Boulevard; and thence north along Liberty Boulevard 351 feet to the place of beginning; containing 1.343 acres, more or less, and having erected thereon two double frame dwelling houses.

The consideration for the conveyance of this item is \$1,025.00-\$1,000 for the buildings and \$25.00 for the land.

3. ALL that certain tract or parcel of land in the City of Du Bois, County of Clearfield and Commonwealth of Pennsylvania, bounded and described as follows:

Beginning at a corner on Liberty Boulevard, (formerly North Brady street); thence west along line of proposed parkway (now an alley) 280 feet to a point; thence south along line of lands of Pennsylvania Electric Company 100 feet to a point; thence east along line of lands of Pennsylvania Electric Company 280 feet to a point; and thence north along Liberty Boulevard 100 feet to the place of beginning; and having erected thereon a two story frame house known and numbered as 423 Liberty Boulevard.

The consideration for the conveyance of this item is \$500.00.

4. ALL that certain tract or parcel of land known as Lot No. 232 in the John E. Du Bois Plan of lots in the Third Ward of the City of Du Bois, County of Clearfield and Commonwealth of Pennsylvania, bounded and described as follows:

On the North by an alley; on the east by lot No. 233; on the south by East Du Bois Avenue; and on the west by Lot No. 231; being 60 feet wide on East Du Bois Avenue and 160 feet deep to an alley and 60 feet wide on said alley; having erected thereon a two story frame dwelling house, known and numbered as 523 East Du Bois Avenue.

The consideration for the conveyance of this item is \$400.00.

5. ALL that certain tract or parcel of land known as Lot No. 233 in the John E. Du Bois plan of lots in the Third Ward of the City of Du Bois, County of Clearfield and Commonwealth of Pennsylvania, bounded and described as follows:

On the North by an alley; on the east by lot No. 234; on the south by East Du Bois Avenue; and on the West by lot No. 232; being 60 feet wide on East Du Bois Avenue and 160 feet deep to an alley and 60 feet wide on said alley.

The consideration for the conveyance of this item is \$1.00.

6. ALL that certain tract or parcel of land known as Lot No. 235 in the John E. Du Bois Plan of lots in the Third Ward of the City of Du Bois, County of Clearfield and Commonwealth of Pennsylvania, bounded and described as follows:

On the North by an alley; on the East by an alley; on the south by East Du Bois Avenue; and on the west by lot No. 234; being 60 feet wide on East Du Bois Avenue and 160 feet deep to an alley and 60 feet wide on said alley.

The consideration for the conveyance of this item is \$20.00.

7. ALL that certain tract or parcel of land known as Lot No. 648 in the John E. Du Bois Plan of lots in the Third ward of the City of Du Bois, County of Clearfield and Commonwealth of Pennsylvania, bounded and described as follows:

On the north by an alley; on the East by land of the grantors herein; on the south by East Second Avenue; and on the west by lot No. 647; being 60 feet wide on East Second Avenue and 160 feet deep to an alley and 60 feet wide on said alley; having erected thereon a two story frame dwelling house, known and numbered as 317 East Second Avenue.

The consideration for the conveyance of this item is \$1,000.00.

8. ALL that certain tract or parcel of land in Block 14 in the Third ward of the City of Du Bois, County of Clearfield and Commonwealth of Pennsylvania, bounded and described as follows:

Beginning at a point on Fourth street; thence east 136 feet to a point; thence north approximately 140 feet to a point; thence east 1,797.2 feet to a point; thence south (approximately 800 feet to a point; thence west 936.2 feet to a point in an alley leading) off North end of Sixth street; thence north approximately 10 feet to a point; thence west approximately 780 feet to a point; thence at a northwesterly angle 60 feet to a point; thence north 200 feet to a point; thence west along an alley 300 feet to a point on North Fourth street; and thence north 430 feet along the East side of North Fourth street to the place of beginning.

Excepting and reserving therefrom the tract or parcel of land described as item No. 7. The consideration for the conveyance of this item is \$500.00.

PROPERTIES IN BRADY TOWNSHIP

9. ALL that certain tract or parcel of land in the Township of Brady, County of Clearfield and Commonwealth of Pennsylvania, containing 222.70 acres of surface in Warrant No. 2010.

The consideration for the conveyance of this item is \$668.10.

10. ALL that certain tract or parcel of land in the Township of Brady, County of Clearfield and Commonwealth of Pennsylvania, containing 245.53 acres in Warrant No. 3617. The consideration for the conveyance of this item is \$736.59.

PROPERTIES IN HUSTON TOWNSHIP

11. ALL that certain tract or parcel of land in the Township of Huston, County of Clearfield and Commonwealth of Pennsylvania, known and numbered as Lot 13 in the Reynolds Sub-Division, containing 88 acres of surface.

The consideration for the conveyance of this item is \$264.00.

12. ALL that certain tract or parcel of land in the Township of Huston, County of Clearfield and Commonwealth of Pennsylvania, known and numbered as lot 15 in the Reynolds Sub-Division, containing 88 acres of surface.

The consideration for the conveyance of this item is \$264.00.

13. ALL that certain tract or parcel of land in the John Du Bois or "Ross" Warrant in the Township of Huston, County of Clearfield and Commonwealth of Pennsylvania, containing 147 acres of surface.

The consideration for the conveyance of this item is \$441.00.

14. ALL that certain tract or parcel of land in the Austin S. Brown Warrant in the Township of Huston, County of Clearfield and Commonwealth of Pennsylvania, containing 218 acres of surface.

The consideration for the conveyance of this item is \$654.00.

15. ALL that certain tract or parcel of land in the Township of Huston, County of Clearfield and Commonwealth of Pennsylvania, containing 359 acres of surface in Warrant No. 3576.

The consideration for the conveyance of this item is \$1077.00.

16. ALL that certain tract or parcel of land in the Township of Huston, County of Clearfield and Commonwealth of Pennsylvania, bounded and described as follows:

Beginning at an old stone corner on the north line of Warrant No. 3578, same being the southwest corner of Robert Bundy (now Hopton) tract, also the southeast corner of Warrant No. 252 (now Dold); thence by lands of Bundy and others north 45° east 226 perches to a corner; thence north 69 1/2° east 163 perches to a corner; thence north 21° 26'

thence south 3° west 420 perches; thence north $89\frac{1}{2}^{\circ}$ west 320.5 perches to a maple post and stones (the southeast corner of the east 50 acre tract sold to C. Blanchard by John E. Du Bois prior to 1867); thence north $\frac{1}{2}^{\circ}$ east 100 perches to a chestnut post and stones; thence north $89\frac{1}{2}^{\circ}$ west 115 perches to a chestnut post and stones; thence north 45° east 50 perches to the place of beginning, containing 735.05 acres (Caldwell Map).

The consideration for the conveyance of this item is \$2,205.15.

17. ALL that certain tract or parcel of land in the Township of Huston, County of Clearfield and Commonwealth of Pennsylvania, containing 50 acres of surface in Warrant No. 3600.

The consideration for the conveyance of this item is \$150.00.

18. ALL that certain tract or parcel of land in the Township of Huston, County of Clearfield and Commonwealth of Pennsylvania, containing 291.81 acres of surface in Warrant No. 3601.

The consideration for the conveyance of this item is \$875.43.

19. ALL that certain tract or parcel of land in the Township of Huston, County of Clearfield and Commonwealth of Pennsylvania, bounded and described as follows:

Beginning at a hemlock corner, said corner also being the southwest corner of Warrant No. 5067; thence south $89\frac{5}{6}^{\circ}$ west 297 perches to a post; thence north 19° west 56 perches along Warrant No. 79; thence north $70\frac{1}{3}^{\circ}$ east 334.8 perches along Warrants No. 360 and No. 452 to a hemlock; thence by line of Warrant No. 5067, south 164.8 perches to the place of beginning, containing 211 $\frac{1}{2}$ acres (Map) (Warrant No. 5068).

The consideration for the conveyance of this item is \$634.50.

PROPERTIES IN SANDY TOWNSHIP

20. ALL that certain tract or parcel of land in the Township of Sandy, County of Clearfield and Commonwealth of Pennsylvania, containing 1 acre in fee out of Warrant No. 27.

The consideration for the conveyance of this item is \$3.00.

21. ALL that certain tract or parcel of land in the Township of Sandy, County of Clearfield and Commonwealth of Pennsylvania, bounded and described as follows:

Beginning at the corner of Maple Avenue and Eighth street, on plan of lots of Van Tassel; thence along Maple Avenue, east to where said Maple Avenue intersects with Eleventh street; thence by Eleventh street to Walnut Avenue (formerly called Burnham Avenue); thence along said Walnut Avenue, west to Eighth street, thence by Eighth street to Maple Avenue, the place of beginning; containing 126 town lots, or 25 acres, more or less, said lots being 50 feet by 150 feet in size and numbered 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197 (numbered on map 197), 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 320, 321, 322, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, together with streets and alleys within said boundaries, as laid out by Plan of lots of Van Tassel; it being intended hereby to convey all the town lots contained within the boundaries of the said streets named, whether numbered accurately or not; excepting the surface rights to lots Nos. 156, 157, 158, 159, 160, 175, 176, 177, 178, 179, 180, 184, 185, 214, and 215, which have been previously sold and conveyed.

The consideration for the conveyance of this item, which contains 17.874 acres in Warrant No. 110 is \$66.15.

22. ALL that certain tract or parcel of land in the Township of Sandy, County of Clearfield and Commonwealth of Pennsylvania, bounded and described as follows:

Beginning at a post at the southeast corner of the Burt Brown lot, said lot being No. 27 in the Van Tassel Plan for an addition to the Borough of Du Bois; thence south $74^{\circ} 31' 48''$ feet to a post; thence north $15^{\circ} 40'$ east 166 feet to a stone monument, a corner marking the division line between lands of A. R. Van Tassel and John E. Du Bois; thence north $74^{\circ} 27'$ west along said division line 1,460.8 feet to a post; thence south $15^{\circ} 40'$

west crossing an alley and along the East line of said lot No. 27, 167.3 feet to the place of beginning, being lots No. 1 to 26, inclusive, with street and alleys in the Van Tassel Plan of lots for an addition to the Borough of Du Bois, containing in all 5.589 acres.

Excepting and reserving therefrom the surface rights to lots No. 6, 7, 8, 16, 17, 18, 19, 20, 22, 23, 24, 25 and 26, which have been previously sold and conveyed.

The consideration for the conveyance of this item which contains 4.376 acres in Warrant No. 110, is \$1.00.

23. ALL that certain tract or parcel of land in the Township of Sandy, County of Clearfield and Commonwealth of Pennsylvania, containing 153 acres in Warrant No. 192, 63 acres of which are conveyed in fee and 90 acres of surface only.

The consideration for the conveyance of this item is \$459.00.

24. ALL that certain tract or parcel of land in the Township of Sandy, County of Clearfield and Commonwealth of Pennsylvania, containing 131 acres of surface in warrant No. 216.

The consideration for the conveyance of this item is \$393.00.

✓25. ALL that certain tract or parcel of land in the Township of Sandy, County of Clearfield and Commonwealth of Pennsylvania, containing 181.34 acres in Warrant No. 1994, 146.34 acres of which are conveyed in surface only, 60 acres of mineral rights and 35 acres are conveyed in fee.

The consideration for the conveyance of this item is \$544.02.

26. ALL that certain tract or parcel of land in the Township of Sandy, County of Clearfield and Commonwealth of Pennsylvania, containing 246 acres in Warrant No. 2009, 13 acres of which are conveyed in fee and 233 acres in surface only.

The consideration for the conveyance of this item is \$727.35.

27. ALL that certain tract or parcel of land in the Township of Sandy, County of Clearfield and Commonwealth of Pennsylvania, containing 89 acres of surface only in Warrant No. 2010.

The consideration for the conveyance of this item is \$267.00.

28. ALL that certain tract or parcel of land in the Township of Sandy, County of Clearfield and Commonwealth of Pennsylvania, containing 489.1 acres in Warrant No. 3582, 35 acres of which are conveyed in fee and 454.1 acres in surface only.

The consideration for the conveyance of this item is \$1,467.30.

29. ALL that certain tract or parcel of land in the Township of Sandy, County of Clearfield and Commonwealth of Pennsylvania, containing 489.4 acres in Warrant 3584, 160 acres of which are conveyed in fee, 10 acres in mineral rights and 329.4 acres in surface only.

The consideration for the conveyance of this item is \$1,438.20.

30. ALL that certain tract or parcel of land in the Township of Sandy, County of Clearfield and Commonwealth of Pennsylvania, containing 1,059.77 acres of surface in Warrant No. 3585.

The consideration for the conveyance of this item is \$3,179.31.

31. ALL that certain tract or parcel of land in the Township of Sandy, County of Clearfield and Commonwealth of Pennsylvania, containing 581.5 acres of surface only in Warrant No. 3589.

The consideration for the conveyance of this item is \$1,744.50.

32. ALL that certain tract or parcel of land in the Township of Sandy, County of Clearfield and Commonwealth of Pennsylvania, containing 877 acres of surface only in Warrant No. 3594.

The consideration for the conveyance of this item is \$2,631.00.

33. ALL that certain tract or parcel of land in the Township of Sandy, County of Clearfield and Commonwealth of Pennsylvania, containing 737 acres in Warrant No. 3597, 202 acres of which are conveyed in fee and 535 acres in surface only.

34. ALL that certain tract or parcel of land in the Township of Sandy, County of Clearfield and Commonwealth of Pennsylvania, containing 494.45 acres of surface in Warrant No. 3604.

The consideration for the conveyance of this item is \$1,483.35.

35. ALL that certain tract or parcel of land in the Township of Sandy, County of Clearfield and Commonwealth of Pennsylvania, containing 61 acres of surface in Warrant No. 4090.

The consideration for the conveyance of this item is \$183.00.

36. ALL that certain tract or parcel of land in the Township of Sandy, County of Clearfield and Commonwealth of Pennsylvania, containing 1,025 acres of surface in warrant No. 4226.

The consideration for the conveyance of this item is \$3,075.00.

37. ALL that certain tract or parcel of land in the Township of Sandy, County of Clearfield and Commonwealth of Pennsylvania, containing 582 acres of surface in Warrant No. 4229.

The consideration for the conveyance of this item is \$1,746.00.

38. ALL that certain tract or parcel of land in the Township of Sandy, County of Clearfield and Commonwealth of Pennsylvania, containing 253 acres in fee in Warrant No. 4230.

The consideration for the conveyance of this item is \$759.00.

39. ALL that certain tract or parcel of land in the Township of Sandy, County of Clearfield and Commonwealth of Pennsylvania, containing 329 acres in fee in Warrant No. 4231.

The consideration for the conveyance of this item is \$987.00.

40. ALL that certain tract or parcel of land in the Township of Sandy, County of Clearfield and Commonwealth of Pennsylvania, containing 509 acres of surface in Warrant No. 4234.

The consideration for the conveyance of this item is \$1,527.00.

41. ALL that certain tract or parcel of land in the Township of Sandy, County of Clearfield and Commonwealth of Pennsylvania, containing 1,040 acres of surface in Warrant No. 4235.

The consideration for the conveyance of this item is \$3,120.00.

42. The coal reservation on all those certain 597.20 acres in warrant No. 276 in the Township of Sandy, County of Clearfield and Commonwealth of Pennsylvania, as set forth in deed from John E. Du Bois to the City of Du Bois, dated December 22, 1930.

The consideration for the conveyance of this item is \$2,986.00.

PROPERTIES IN UNION TOWNSHIP

43. ALL that certain tract or parcel of land in the Township of Union, County of Clearfield and Commonwealth of Pennsylvania, containing 320 acres of surface in Warrant No. 3599.

The consideration for the conveyance of this item is \$960.00.

44. ALL that certain tract or parcel of land in the Township of Union, County of Clearfield and Commonwealth of Pennsylvania, containing 248 acres of surface in warrant No. 3603.

The consideration for the conveyance of this item is \$744.00.

✓ John E. Du Bois, the father of John E. Du Bois, Jr., Louis G. Du Bois, Caroline Du Bois Pfaelzer, David Du Bois and Sarah B. Du Bois, of the grantors herein, being possessed, inter alie, of the foregoing tracts or parcels of land and/or other rights herein above described, died on November 11, 1934 and by, through and under his Last Will and Testament, of record in the office of the Register of Wills of Clearfield County, Pennsylvania, Will Book Q, page 474, became the owners of the entire interest of said John E. Du Bois in and to said tracts or parcels of land and other interests herein above conveyed.

101

45. ALL those certain pieces or parcels of land located in Huston Township, Clearfield County, Pennsylvania, identified as follows:

THE FIRST THEREOF: Premises containing 60 acres, more or less, formerly sold as the Property of G. E. Bucksbee at Clearfield County Treasurer's tax sale to the County Commissioners of Clearfield County, Pennsylvania, and conveyed by said County Commissioners to David Du Bois by deed dated October 8, 1945, recorded at Clearfield, Pa., in Deed Book 370, page 458.

THE SECOND THEREOF: premises containing 95 and 20 acres of surface, more or less, formerly sold as the property of Percy Clyde, at Clearfield County Treasurer's sale, to the County Commissioners of Clearfield County, and conveyed by said County Commissioners to David Du Bois by deed dated October 8, 1945, recorded at Clearfield, Pa., in Deed Book 370, page 460.

THE THIRD THEREOF: Premises containing 101 acres, more or less, formerly sold as the property of W. M. Newell, at Clearfield County Treasurer's Tax Sale to the County Commissioners of Clearfield County, Pennsylvania, and conveyed by said County Commissioners to David Du Bois, by deed dated October 8, 1945, recorded at Clearfield, Pa., in Deed Book 370, page 461.

Being the same property which David Du Bois and Shirley Du Bois, his wife, by their deed dated the 18th day of June, 1947, and recorded in the Recorder's office of Clearfield County in Deed Book Vol. 384, page 524, granted and conveyed unto John E. Du Bois Jr., Louis G. Du Bois, Caroline Du Bois Pfaelzer, David Du Bois and Sarah B. Du Bois, of the grantors herein.

The consideration for the conveyance of this item is \$112.00.

46. ALL those certain pieces or parcels of land located in Clearfield County, Pennsylvania, identified as follows:

THE FIRST THEREOF: Certain premises located in Pike Township, containing 440 acres of surface and timber, Warrant No. 5979, formerly sold as the property of Cook & Gutherie, at Clearfield County Treasurer's sale to the County Commissioners of Clearfield County, and conveyed by said County Commissioners to John E. Du Bois Jr.; by deed dated December 28, 1946, recorded at Clearfield, Pa., in Deed Book 353, page 571.

THE SECOND THEREOF: Certain premises located in Karthaus Township, containing 252 acres in fee, Warrant No. 1901, formerly sold as the property of Trustees Karthaus Estate at Clearfield County Treasurer's Sale to the County Commissioners of Clearfield County, Pennsylvania, and conveyed by said County Commissioners to John E. Du Bois, Jr., by deed dated May 25, 1942, recorded at Clearfield, Pa., in Deed Book 344, page 279.

THE THIRD THEREOF: Certain premises located in Karthaus Township, containing 600 acres in fee, Warrant No. 1900, formerly sold as the property of Trustees of Karthaus Estate at Clearfield County Treasurer's Tax Sale to the County Commissioners of Clearfield County, Pennsylvania, and conveyed by said County Commissioners to John E. Du Bois, Jr., by deed dated May 25, 1942, recorded at Clearfield, Pa., in Deed Book 344, page 277.

THE FOURTH THEREOF: Certain premises located in Union Township, containing 100 acres, Warrant No. 3606, formerly sold as the property of Blaine S. Stine and A. E. Woolridge at Clearfield County Treasurer's sale to the County Commissioners of Clearfield County, Pennsylvania, and conveyed by said County Commissioners to John E. Du Bois, Jr., by deed dated December 28, 1946, recorded at Clearfield, Pennsylvania, in Deed Book 353, page 569.

THE FIFTH THEREOF: Certain premises located in Union Township, containing 300 acres, Warrant No. 1990, formerly sold as the property of Blaine S. Stine and A. E. Woolridge, at Clearfield County Treasurer's Tax Sale to the County Commissioners of Clearfield County, Pennsylvania, and conveyed by said County Commissioners to John E. Du Bois, Jr., by deed dated December 28, 1946, recorded at Clearfield, Pennsylvania, in Deed Book 353, page 567.

Excepting and reserving from the two parcels of land hereinbefore identified as "THE SECOND THEREOF" and "THE THIRD THEREOF", both located in Karthaus Township, and containing respectively 252 acres in fee, and 600 acres in fee, all of the coal, oil

privileges heretofore sold and conveyed by John E. Du Bois Jr., and Rene Du Bois, his wife, to William G. Brown and Vivian H. Brown, by deed dated October 11, 1946, recorded at Clearfield, Pa., in Deed Book 380, page 152.

Being the same property which John E. Du Bois Jr., and Rene Du Bois, his wife, by their deed dated the 18th day of June, 1947, and recorded in the Recorder's office of Clearfield County in Deed Book Vol. 384, page 525, granted and conveyed unto John E. Du Bois Jr., Louis G. Du Bois, Caroline Du Bois Pfaelzer, David Du Bois and Sarah B. Du Bois, of the grantors herein.

The consideration for the conveyance of this item is \$823.00.

with the appurtenances: TO HAVE AND TO HOLD the same unto and for the use of the said parties of the second part, its successors and assigns forever, and the said parties of the first part, for themselves, their heirs, executors and administrators covenant with the said party of the second part, its successors and assigns against all lawful claimants generally the same and every part thereof to Warrant and defend.

Witness the hands and seals of the said parties of the first part.

Attest:

Merritt I. Edner	John E. Du Bois Jr. (SEAL) ✓
Merritt I. Edner	John E. Du Bois Jr. ✓
Merritt I. Edner	Rene Hadley Du Bois (SEAL) ✓
Merritt I. Edner	Rene Hadley Du Bois ✓
Mary A. McCallister	Louis G. Du Bois (SEAL) ✓
Mary A. McCallister	Louis G. Du Bois ✓
Mary A. McCallister	Caroline Du Bois Pfaelzer (SEAL) ✓
	Caroline Du Bois Pfaelzer ✓
	David Du Bois (SEAL) ✓
	David Du Bois ✓
	Shirley C. Du Bois (SEAL) ✓
	Shirley C. Du Bois ✓
	Sarah B. Du Bois (SEAL) ✓
	Sarah B. Du Bois ✓

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF CLEARFIELD SS:

On this the 1st day of September 1947, before me a Notary Public, the undersigned officer, personally appeared John E. Du Bois Jr., and Rene Hadley Du Bois, his wife, Louis G. Du Bois, unmarried, Caroline Du Bois Pfaelzer, unmarried, David Du Bois and Shirley C. Du Bois, his wife, and Sarah B. Du Bois, unmarried, 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 purposes therein contained.

In Witness whereof, I hereunto set my hand and official seal.

Merritt I. Edner (OFF SEAL)

Notary Public

Notary Public, Du Bois, Pa.

My Com. exp. 1-7-51

U. S. Revenue \$50.05

I hereby certify that the precise residence of the grantee or grantees is Du Bois, Pa.

Duly Stamped by City Engineer

Entered of Record Nov. 2, 1948 3:45 P. M.

Recorded and Compared by

Wm. W. Muller
Recorder

Exhibit "4"

DEED)
DAVID DU BOIS ET AL)
TO)
JOHN E. DU BOIS JR ET AL)

This Deed, Made the 18th day of June in the year Nineteen Hundred and forty seven, Between David Du Bois and Shirley C. Du Bois, his wife, both of the City of Du Bois, Clearfield County, Pennsylvania, hereinafter called grantors, parties of the first part, AND John E. Du Bois, Jr., Louis G. Du Bois, Sarah B. Du Bois, David Du Bois, and Caroline Du Bois Pfaelzer, all of the City of Du Bois, Clearfield County, Pennsylvania, hereinafter called grantees, parties of the second part.

Witnesseth, that in consideration of One Dollars, in hand paid, the receipt whereof is hereby acknowledged, the said grantors do hereby grant and convey to the said grantees equal interests as tenants in common ~~of~~ in and to ALL those pieces or parcels of land located in Houston Township, Clearfield County, Pennsylvania, identified as follows:

The First Thereof: Premises containing 60 acres, more or less, formerly sold as the property of G. E. Buckspée at Clearfield County Treasurer's tax sale to the County Commissioners of Clearfield County, Pennsylvania, and conveyed by said County Commissioners to David Du Bois by deed dated October 8, 1945, recorded at Clearfield, Pa., in Deed Book 370, page 458.

The Second Thereof: Premises containing 95 & 20 A. Surf, more or less, formerly sold as the property of Peroy Clyde at Clearfield County Treasurer's sale to the County Commissioners of Clearfield County and conveyed by the said County Commissioners to David Du Bois by deed dated October 8, 1945, recorded at Clearfield, Pa., in Deed Book 370, page 460.

The Third thereof; Premises containing 101 acres, more or less, formerly sold as the property of W. M. Newell, at Clearfield County Treasurer's tax sale to the County Commissioners of Clearfield County, Pennsylvania, and conveyed by said County Commissioners to David Du Bois, by deed dated October 8, 1945, recorded at Clearfield, Pa., in Deed Book 370, page 461.

The purpose of this deed is to vest title to the above described premises in the grantees herein so that each of said grantees shall hold an undivided one fifth interest therein.

And the said grantors do hereby covenant and agree to and with the said grantees that they, the grantors their heirs, executors and administrators, shall and will specially warrant and forever defend the herein above described premises with the hereditaments and appurtenances, unto the said grantees their heirs and assigns against the said grantors and against every other person lawfully claiming or who shall hereafter claim the same or any part thereof.

In Witness whereof, said grantors have hereunto set their hands and seals the day and year first above written.

Sealed and delivered

David Du Bois (LS)

in the presence of

David Du Bois

Merritt I. Edner

Shirley C. Su Bois (LS)

Shirley C. Du Bois

State of Pennsylvania

County of Clearfield

Notary Public

On this, the 18 day of June 1947, before me Merritt I. Edner, the undersigned officer, personally appeared David Du Bois and Shirley C. Du Bois, his wife, 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 purposes therein contained.

In Witness whereof, I hereunto set my hand and official seal.

Merritt I. Edner (OFF SEAL)

Notary Public

Title of Officer

My Comm exp. 1/7/51

I hereby certify that the precise residence of the grantee or grantees is Du Bois, Clearfield County, Pennsylvania.

Smith & Maine, Attys.

Entered of Record July 23, 1947 10:20 A. M.

Recorded and Compared by

W. W. Muller
Recorder G.B.

Exhibit "5"

DEED)
COUNTY COMMISSIONERS) We, W. O. Kessler, Archie Hill and Ira Jay,
TO) Commissioners of the County of Clearfield, State of Pennsylvania,
DAVID DUBOIS) send greeting.
) WHEREAS, the County Commissioners of said County of Clear-
field, in pursuance of the several Acts of Assembly in that
behalf made and provided at a County Treasurers sale of seated lands, for taxes, made
on the 10th day of January 1936, did purchase all that certain parcel of seated lands,
situate in the Township of Huston, County and State aforesaid, containing 60 A. and sold
as the property of G. E. Bucksbee there having been no bid made by any persons sufficient
to pay taxes, interest and costs.

AND WHEREAS, the then County Treasurer of Clearfield County did make a deed to the County Commissioners, and to their successors in office, for the aforesaid parcel of land, subject, however, to the right of redemption granted by law; and the said parcel of land so purchased has remained unredeemed for the period designated by law.

AND WHEREAS, W. V. Carr, Ira Jay and J. O. Kessler, ^{their predecessors in office} said County Commissioners/ having given due and timely notice, according to the several Acts of Assembly in relation thereto of their power to sell, and of the time and place of sale, and all such matters as are required by law, did agreeably to law, on the 23rd day of January 1942, expose to public sale by public vendue or outcry in Court Room No. 1 at the Court House at Clearfield, aforesaid the aforesaid tract of land, and the aforesaid County Commissioners sold the whole of the aforesaid parcel of land to David Du Bois for the sum of \$20.00, lawful money of the United States, he being the highest bidder, and that the highest and best price bidden for the same.

NOW KNOW YE, that we, the said W. V. Carr, Ira Jay and J. O. Kessler, ^{their predecessors in office} County Commissioners as aforesaid, in consideration of the premises and of the aforesaid sum of \$20.00 in hand paid by the said David Du Bois, the receipt whereof is hereby acknowledged, do hereby grant and convey, to the said David Du Bois, and to his heirs and assigns, according to successors the laws of the Commonwealth of Pennsylvania in such cases made and provided, for all such estate, right, title and interest as has been acquired by the first above mentioned purchase from the County Treasurer of the County of Clearfield, and as we, the said County Commissioners, have a right to convey, all that above mentioned and described parcel of land situate as aforesaid in Huston Township, with the appurtenances;

TO HAVE AND TO HOLD the aforesaid parcel of land for all such estate, right, title and interest as the said County Commissioners of the County of Clearfield have a right to convey, unto the said grantee and to his heirs and assigns, to and for the only proper use and behoof of the said grantee and to his heirs and assigns forever.

IN WITNESS WHEREOF, we the said County Commissioners of Clearfield County, have hereunto set our hands and caused the official seal of said County, duly attested, to be affixed this 8th day of October ¹⁹⁴⁵ This is a duplicate deed made to take the place of deed executed and delivered to David Du Bois, grantee, dated as of May 25th 1942, said deed lost by said grantee.

J. O. Kessler

Archie Hill

Ira Jay

County Commissioners

STATE OF PENNSYLVANIA SS:
COUNTY OF CLEARFIELD

On this the 8th day of October 1945, before me a Justice of the Peace, the undersigned officer personally appeared ^{J. O. Kessler, Archie Hill and Ira Jay} known to me to be the persons described in the foregoing deed, and acknowledged that they executed the same in the capacity therein stated and for the purposes therein contained. IN WITNESS WHEREOF I have hereunto set my hand and official seal.

R. P. Neal (OFF SEAL)

Justice of the Peace

My Commission expires First Monday in January 1950

Entered of Record Oct. 17, 1945 10:40 A. M.

Recorded and Compared by

Wm. H. Muller
Recorder

Exhibit "6"

Witness my hand and notarial seal the day and year first above written.

L.D. McCall (off. seal)

Notary Public

My commission expires March 7 1931.

Entered of Record Jan. 16, 1931. 9 A M

Recorded and Compared by

Edgar J. Brown
Recorder

298-136

DEED

JOHN E DUBOIS) THIS DEED, made this eighth day of November in the year Nineteen
hundred and twenty-seven.

TO) BETWEEN John E. DuBois and Willie G. DuBois, his wife, of DuBois,
G E BUCKSBEE) Pennsylvania, (hereinafter called the grantors), and G.E. Bucksbee
of Huston Township, Clearfield county, Pennsylvania, (hereinafter called the grantees).

WITNESSETH, that in consideration of Four Hundred eighty and 96/100 dollars, in
hand paid, the receipt whereof is hereby acknowledged, the said Grantors do hereby grant
and convey to the said grantees, his heirs and assigns, ALL that certain piece or parcel
of land situate in Warrant No. 3576 in Huston Township, Clearfield county, Pennsylvania,
described as follows, to wit:

Beginning at the northeast corner of the A.P. Burns' tract of land; thence by
lands of Duncan Alsbaugh N 84° -40' E. 985 feet to a post; thence by lands of the grantor,
surveyed for G.E. Bucksbee, S. 40° - 40' E. 1560 feet to a point in the north right of way
line of the Buffalo and Susquehanna Railroad; thence by said Buffalo and Susquehanna
Railroad north right of way line, the same being 40 feet distant at a right angle from
the center line of said railroad, the following courses and distances; by a curve to the
left S 58° - 45' W 100 feet, continuing by same curve to the left S 64° 55' W 100 feet,
and by a tangent S 54° - 19' W. 1119 feet; thence by lands of the grantor, surveyed for
Walter Brown, N. 33° -18' W 707 feet to a post; thence still further by lands of the grantor,
surveyed for Walter Brown, N. 84° -45' W 670 feet to a post, the southeast corner of
A.P. Burns' lands; thence by said A.P. Burns' Lands N. 5° -53' E 1368.4 feet to the place
of beginning. Containing 60.12 acres Courses given are magnetic bearings of the year
1922. Surveyed May 29, 1922 by J.E. Fry.

Excepting and reserving therefrom to the said John E. DuBois, his heirs and as-
signs forever, all the coal, oils, gas, fire clay and other minerals contained in or
beneath the surface of said lands together with the unobstructed right to mine, dig and
carry away the same, without being liable for any damages caused to the surface thereof
or the buildings thereon, by operations carried on beneath the surface of said land.

AND the said grantors do hereby covenant and agree to and with the said
grantee that the grantors, their heirs, executors and administrators, shall and will
warrant and forever defend the herein above described premises, with the hereditaments
and appurtenances, unto the said Grantee, his heirs and assigns, against the said grantors
and against every other person lawfully claiming or who shall hereafter claim the same
or any part thereof.

In Witness Whereof, said Grantors have hereunto set their hand and seal the day and year first above written.

Sealed and delivered in
the presence of
Dorsey D Neff

John E. DuBois (seal)
Willie G. DuBois (seal)

State of Pennsylvania)

County of Clearfield)SS

On this 29th day of November A.D. 1927, before me, came the above named John E. DuBois and Willie G. DuBois and acknowledged the foregoing deed to be their act and deed, and desired the same to be recorded as such.

Witness my hand and official seal the day and year aforesaid.

Dorsey D Neff (off. seal)
Alderman

My commission expires January 4- 1932

I hereby certify that the precise residence of the grantee or grantees is DuBois R D #1, Pa.

G.E. Bucksbee

Entered of Record Jan. 16, 1931. 1-30 P M

Recorded and Compared by

W. Neff

Recorder

DEED) THIS DEED made the fourteenth day of January in the year
CHARLES M SHAW ETAL) nineteen hundred and thirty one
To) BETWEEN Charles M. Shaw and Pearl A. Shaw by Charles M. Shaw,
MATTIE S DEANS) Trustee, hereinafter called grantors, of the Borough of
Clearfield county of Clearfield and State of Pennsylvania, and Mattie S. Deans of Haverford
Township, Delaware County, Pa., hereinafter called grantee.

WHEREAS, Pearl A. Shaw, wife of the grantor herein is in ill health and unable to join in the conveyance, and,

WHEREAS, Charles M. Shaw petitioned the Court for the appointment of a Commission and upon the report of said Commission, an order was made by the Court and filed to No. 13 September Term, 1929, authorizing the said Charles M. Shaw to convey any and all interest of his wife in whatever real estate she may then be possessed upon filing bond approved by the Court.

WITNESSETH, that in consideration of One (\$1.00) dollars, in hand paid, the receipt whereof is hereby acknowledged, the said grantors do hereby grant and convey to the said grantee, her heirs and assigns.

All that undivided 1/4 interest of what is known as the A.B. Shaw Homestead property situate in the First Ward of the Borough of Clearfield, bounded on the west by Front Street; on the north by property of A.B. Reed; on the East by the Clearfield Central Garage property, title being in the name of C.M. Shaw, et al, and on the South by property of S.L. Snyder, being ninety feet front on Front Street and extending in depth one hundred feet, having thereon erected a two story brick dwelling house and being the same premises which Clara W. Shaw, by deed dated the 3rd day of November, A.D. 1925, recorded in Deed Book 277,

Exhibit "7"

THIS DEED

MADE the 17 day of MARCH, in the year Two Thousand Five (2005)

BETWEEN THELMA BUSH, and BEVERLY R. WILLIAMS, now known as BEVERLY R. COPELLI, equally, as tenants in common, hereinafter referred to as "Grantors",

AND

THEODORE BEER, an individual, hereinafter referred to as "Grantee",

WITNESSETH, That in consideration of Ten Thousand and 00/100 (\$10,000.00) Dollars, in hand paid, the receipt whereof is hereby acknowledged, the said Grantors do hereby grant and convey to the said Grantee,

ALL that certain piece or parcel of real property situate in the Township of Huston, County of Clearfield, and Commonwealth of Pennsylvania, more particularly bounded and described as follows:

On the North by land now or formerly owned by the Green Glen Corporation; on the south by land now or formerly owned by Walter Brown; on the East by right-of-way of the B & O Railroad; on the West by lands now or formerly owned by Tinker, Alsbaugh, and Burns. Believed to contain 123 acres, more or less.

TOGETHER with all rights, privileges, rights-of-way, easements, claims, choose in action, and all other thing or matter, real or personal, arising from, relating to, or pertinent to thereto.

BEING the same premises which became vested in Thelma Bush and Beverly R. Williams, now known as Beverly R. Copelli, equally, by deed of the Thelma Bush, Beverly R. Williams, now known as Beverly R. Copelli, and John Duttry, dated August 10, 2004, and recorded in Clearfield County on September 13, 2004, to Instrument Number 200414968.

EXCEPTING AND RESERVING all restrictions and reservations as appear of record.

ALSO, EXCEPTING AND RESERVING TO THE GRANTORS one-third (1/3) of all gas and other minerals which may be contained or extracted under the surface.

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 HIS/HER/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.

And the said Grantors herein will **SPECIALLY WARRANT** the property hereby conveyed.

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

WITNESS:

Janna L. McEntire

Janna L. McEntire

Thelma Bush (SEAL)
Thelma Bush

Beverly R. Copelli (SEAL)
Beverly R. Copelli

COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF CLEARFIELD : SS:

On this, the 17 day of March, 2005, before me, the undersigned officer, personally appeared THELMA BUSH, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that she executed the same for the purpose therein contained.

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

My commission Expires:


Tamra L. McClintick
Notary Public

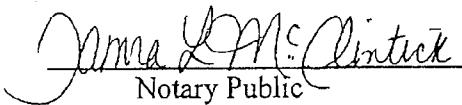
NOTARIAL SEAL
TAMRA L. MCCLINTICK, NOTARY PUBLIC
CITY OF DUBOIS, CLEARFIELD COUNTY
MY COMMISSION EXPIRES SEPT. 24, 2007

COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF CLEARFIELD : SS:

On this, the 17 day of March, 2005, before me, the undersigned officer, personally appeared BEVERLY R. WILLIAMS, now known as BEVERLY R. COPELLI, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that she executed the same for the purpose therein contained.

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

My commission Expires:


Tamra L. McClintick
Notary Public

NOTARIAL SEAL
TAMRA L. MCCLINTICK, NOTARY PUBLIC
CITY OF DUBOIS, CLEARFIELD COUNTY
MY COMMISSION EXPIRES SEPT. 24, 2007

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:

Theodore Beer

Theodore Beer

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:

1385 Johnson Avenue, Salem, OH 44460

JW K

Attorney or Agent for Grantee

CLEARFIELD COUNTY RECORDER OF DEEDS

Karen L. Starck, Recorder

Maurene Inlow - Chief Deputy

P.O. Box 361

1 North Second Street, Suite 103
Clearfield, Pennsylvania 16830

*RETURN DOCUMENT TO:

Instrument Number - 200503754

Recorded On 3/18/2005 At 2:04:24 PM

* Instrument Type - DEED

* Total Pages - 5

Invoice Number - 126355

* Grantor - BUSH, THELMA

* Grantee - BEER, THEODORE

* Customer - DUBOIS, JEFFREY S

JEFFREY S DUBOIS
190 WEST PARK AVE, SUITE 5
DUBOIS, PA 15801

* FEES

STATE TRANSFER TAX	\$100.00
STATE WRIT TAX	\$0.50
JCS/ACCESS TO JUSTICE	\$10.00
RECORDING FEES -	\$13.00
RECORDER	
RECORDER IMPROVEMENT	\$3.00
FUND	
COUNTY IMPROVEMENT FUND	\$2.00
DUBOIS AREA SCHOOLS	\$50.00
REALTY TAX	
HUSTON TOWNSHIP	\$50.00
TOTAL	\$228.50

I hereby CERTIFY that this document
is recorded in the Recorder's Office of
Clearfield County, Pennsylvania.



Karen L. Starck

Karen L. Starck
Recorder of Deeds

THIS IS A CERTIFICATION PAGE

Do Not Detach

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

Exhibit "8"

THIS DEED,

MADE the 10 day of August, in the year Two Thousand Four (2004)

BETWEEN THELMA BUSH, BEVERLY R. WILLIAMS, now known as BEVERLY R. COPELLI, and JOHN D. DUTTRY, equally, as tenants in common, hereinafter referred to as "Grantors",

AND

THELMA BUSH and BEVERLY R. WILLIAMS, now known as BEVERLY R. COPELLI, equally, as tenants in common, hereinafter referred to as "Grantees",

WITNESSETH, That in consideration of One and 00/100 (\$1.00) Dollar, 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 or parcel of real property situate in the township of Huston, county of Clearfield, and Commonwealth of Pennsylvania, more particularly bounded and described as follows:

On the North by land of the Green Glen Corporation; on the south by land of Walter Brown; on the East by right-of-way of the B & O Railroad; on the West by lands of Tinker, Alsbaugh, and Burns. Believed to contain 123 acres, more or less.

TOGETHER with all rights, privileges, rights-of-way, easements, claims, choose in action, and all other thing or matter, real or personal, arising from, relating to, or pertinent to thereto.

BEING the same premises which became vested in Thelma Bush, Beverly R. Williams, now known as Beverly R. Copelli, and John D. Duttry, equally, by deed of the Harold E. Duttry Estate, dated January 26, 1989 and recorded in Clearfield County on January 26, 1989, to Volume 130, Page 362.

EXCEPTING AND RESERVING all restrictions and reservations as appear of record.

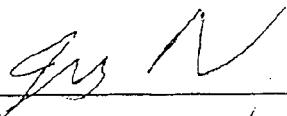
THE GRANTORS HEREIN STATE THAT THE HEREINABOVE DESCRIBED PROPERTY IS NOT PRESENTLY BEING USED FOR THE DISPOSAL OF HAZARDOUS WASTE NOR TO THE BEST OF HIS/HER/THEIR KNOWLEDGE, INFORMATION AND BELIEF HAS IT EVER BEEN USED FOR THE DISPOSAL OF HAZARDOUS WASTE. THIS STATEMENT IS MADE IN COMPLIANCE WITH THE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

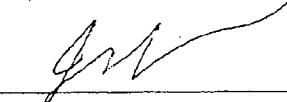
FOR REALTY TRANSFER TAX PURPOSES, THIS IS A CONVEYANCE BETWEEN SIBLINGS AND THEREFORE NO TAX IS DUE

And the said Grantors herein will **SPECIALLY WARRANT** the property hereby conveyed.

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

WITNESS:





Thelma Bush (SEAL)
Thelma Bush

Beverly R. Copelli (SEAL)
Beverly R. Copelli

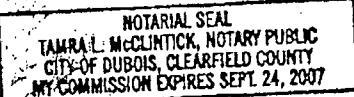
John D. Duttry (SEAL)
John D. Duttry

COMMONWEALTH OF PENNSYLVANIA :
: SS:
COUNTY OF CLEARFIELD :

On this, the 10 day of AUGUST, 2004, before me, the undersigned officer, personally appeared THELMA BUSH, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that she executed the same for the purpose therein contained.

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

My commission Expires:



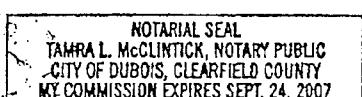
Tamra L. McClintick
Notary Public

COMMONWEALTH OF PENNSYLVANIA :
: SS:
COUNTY OF CLEARFIELD :

On this, the 10 day of AUGUST, 2004, before me, the undersigned officer, personally appeared BEVERLY R. WILLIAMS, now known as BEVERLY R. COPELLI, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that she executed the same for the purpose therein contained.

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

My commission Expires:



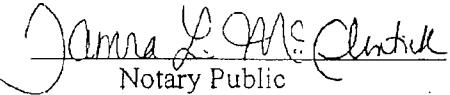
Tamra L. McClintick
Notary Public

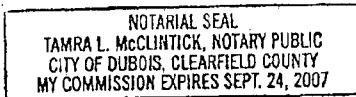
COMMONWEALTH OF PENNSYLVANIA : SS:
COUNTY OF CLEARFIELD :

On this, the 10 day of AUGUST, 2004, before me, the undersigned officer, personally appeared JOHN D. DUTTRY, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he 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:

Thelma Bush
Thelma Bush

Beverly R. Copelli
Beverly R. Copelli

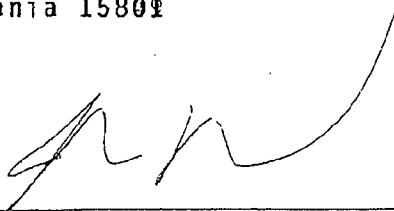
This 10 day of August, 2004.

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:
DuBois, Pennsylvania 15801

P.O. Box 736



Attorney or Agent for Grantee

CLEARFIELD COUNTY RECORDER OF DEEDS

Karen L. Starck, Recorder

Maurene Inlow - Chief Deputy

P.O. Box 361

1 North Second Street, Suite 103
Clearfield, Pennsylvania 16830

*RETURN DOCUMENT TO:

Instrument Number - 200414968

Recorded On 9/13/2004 At 2:23:33 PM

* Instrument Type - DEED

* Total Pages - 6

Invoice Number - 117515

* Grantor - BUSH, THELMA

* Grantee - BUSH, THELMA

* Customer - DUBOIS, JEFFREY S

* FEES

STATE WRIT TAX	\$0.50
JCS/ACCESS TO JUSTICE	\$10.00
RECORDING FEES -	\$16.50
RECORDER	
RECORDER IMPROVEMENT	\$3.00
FUND	
COUNTY IMPROVEMENT FUND	\$2.00
TOTAL	\$32.00

I hereby CERTIFY that this document
is recorded in the Recorder's Office of
Clearfield County, Pennsylvania.



Karen L. Starck

Karen L. Starck
Recorder of Deeds

THIS IS A CERTIFICATION PAGE

Do Not Detach

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

Exhibit "9"

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
ORPHANS' COURT DIVISION

Estate of HAROLD E. DUTTRY
Deceased, Late of Sandy Township * NO. 88-149
Clearfield County, PA *

DECREE OF DISTRIBUTION

AND NOW, to-wit: this 7th day of August, 1989, the First and Final Account of Beverly R. Williams, Thelma Bush, and John D. Duttry, Administrators of the above-captioned estate, having been filed, together with a Certificate of Notice as provided for by Clfd. O.C. Rule 6.3A and a Statement of Proposed Distribution provided for by Clfd. O.C. Rule 6.3B, no exceptions or objections having been filed thereto.

NOW THEREFORE, it is hereby ORDERED, ADJUDGED, and DECREED that the First and Final Account, together with all advancements and the Family Agreement, shall be and is hereby approved and confirmed nisi, and further, that unless exceptions or objections to this Decree Nisi are filed within ten (10) days from the date hereof, this Court shall confirm the First and Final Account absolutely, as of course, and it shall be deemed confirmed absolutely without further action by the Court and the said Administrators, following distribution of the net balance in their hands, pursuant to this Decree, shall be and are hereby discharged of all future liability on account of their appointment as administrators; and further, it is ORDERED, ADJUDGED, and DECREED that the property, real and personal, constituting the net distribution of the estate in the hands of the Administrators for specifically: property having an inventory value of \$19,950.00, shall be and hereby is distributed as follows:

PERSONAL PROPERTY:

To: Thelma Bush, daughter	
1985 Chevrolet truck	4,500.00
1/3 miscellaneous household goods	166.66
	4,666.66

To: Beverly R. Williams, daughter	
1/3 miscellaneous household goods	166.67

CONFIRMED NI SI

August 7, 1969

CONFIRMED ABSOLUTELY

August 17, 1969

BY THE COURT

JOHN K. REILLY, JR., P.L.

BY: Michael K. Reilly

CLERK

To: John D. Duttry, son

1982 Ward's trailer
1967 Chevy dump truck
1962 Allis Chalmers
tractor
Montgomery Ward
riding mower
1/3 miscellaneous
household goods

1,200.00	
500.00	
900.00	
50.00	
<u>166.67</u>	<u>2,816.67</u>

TOTAL PERSONALTY:

7,650.00

REAL PROPERTY:

TO: Thelma Bush, Beverly R. Williams, and John D. Duttry,
equally, as tenants in common:

ALL that certain parcel of real property situate in the
Township of Huston, County of Clearfield, and
Commonwealth of Pennsylvania, more particularly bounded
and described as follows:

On the North by land of the Green Glen
Corporation; on the South by land of Walter Brown; on
the East by right-of-way of the B & O Railroad; on the
West by lands of Tinker, Alsbaugh, and Burns. Believed
to contain 123 acres, more or less.

TOGETHER with all rights, privileges, rights-of way,
easements, claims, choses in action, and all other
thing or matter, real or personal, arising from,
relating to, or pertinent to thereto.

BEING the same premises which Harry Bender and
Annie Bender, his wife, by their deed dated February
21, 1955 and recorded in the Recorder of Deeds office
of Clearfield County, Pennsylvania in Deed Book Volume
440, page 573, granted and conveyed unto Harold E.
Duttry and Mary Duttry, his wife.

TOTAL REALTY:

12,300.00

TOTAL NET BALANCE DISTRIBUTED:

19,950.00

BY THE COURT:

John K. Reilly, Jr.

Judge

FILED August 19, 1969

150 VOL 1300 PAGE 022

STATE OF PENNSYLVANIA
COUNTY OF CLEARFIELD, SS
RECORDED in the Recorder's Office in and for
County in Deeds and Records Book No. 1300
Page 020 etc.

39th WITNESS my hand and seal of office this
day of August A.D. 1989

Michael R. Lytle Recorder

My Commission Expires
First Monday in January, 1992

CLEARFIELD COUNTY *10/24/89*
ENTERED OF RECORD
TIME *1:24 PM*
BY *Michael R. Lytle, recd.*
FEES *3.50*
Michael R. Lytle, Recorder

Key OK

STATE OF PENNSYLVANIA: SS
COUNTY OF CLEARFIELD: SS
Certified from the records, Int. Recd.
Page 39th this 29th day of August 1989

Michael R. Lytle Recorder

My Commission Expires
First Monday in January, 1992

Entered of Record *Aug 29, 1989, 1:24 PM* Michael R. Lytle, Recorder

Exhibit "10"

This Deed,

Made the Twenty-first (21) day of February in the year
of our Lord one thousand nine hundred fifty-five (1955)

Between HARRY BENDER and ANNIE BENDER, husband and wife,
of the Borough of Coalport, County of Clearfield, and State of
Pennsylvania, hereinafter known as the

Grantor(s),
and HAROLD E. DUTTRY and MARY DUTTRY, husband and
wife, tenants by entireties, of the Township of Sandy, County of
Clearfield, and State of Pennsylvania, hereinafter known as the

Witnesseth, that in consideration of
Four Hundred (\$400.00)
in hand paid the receipt whereof is hereby acknowledged, the said grantor(s) do hereby
grant and convey to the said grantee(s),

ALL THAT certain piece or parcel of land situate in the Township
of Huston, County of Clearfield, and State of Pennsylvania, bounded
and described as follows, to wit:-

On the North by land of the Green Glen
Corporation; on the South by land of Walter
Brown; on the East by right-of-way of the
B & O Railroad; on the West by lands of Tinker,
Alsbaugh, and Burns.

CONTAINING 123-1/5 acres more or less.

BEING the premises which became vested in the Grantors
by deed of Ralph J. Smith, Treasurer of Clearfield County, dated
December 10, 1951, and intended to be recorded herewith.



And the said grantor/s do hereby covenant that they will WARRANT
the property hereby conveyed.

In witness whereof, said grantor/s have hereunto set their hands and seals the
day and year first above written.

Signed, Sealed and Delivered
in the presence of

J. H. Loring

Harry Bender

Harry Bender



Annie Bender

Annie Bender



State of **PENNSYLVANIA**

County of **CLEARFIELD**

On this, the **23rd** day of **February** **1955** before me,

the undersigned officer, personally appeared,

Harry Bender and Annie Bender,

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 purposes therein
contained.

In witness whereof, I hereunto set my hand and official seal.

James H. Loring

Notary Public

Title of Officer

My Commission Expires Jan 2 1956

CERTIFICATE OF RESIDENCE
I do hereby certify that the precise residence of the within named grantee is
Village of Babalia, R. D. 2, DuBois, Penn.

February 21, 1955

O. D. Reed

Grantee

Entered of Record Feb 28 1955, 105201M Dick Reed, Recorder

Exhibit "11"

DEED

To All to Whom These Presents Shall Come:

I, RALPH J. SMITH, Treasurer of the County of Clearfield, Pennsylvania, send Greetings:
William H. Bender, the Tax Collector of Huston Township
has made return to the County Commissioners of the County of Clearfield, Pennsylvania, of unpaid taxes for the years 19 49
on a certain piece of seated land, consisting of 123 1/5 A
situate in the Township of Huston
to be owned and assessed in the name of Albert Dennis purporting

And Whereas, the said owner or owners have neglected or refused to pay said taxes, which said property was rated, charged and assessed according to the laws of this commonwealth with the payment of said taxes for the years 19 49

Twenty-seven and amounting in all to the sum of
dollars and seven cents
for all taxes, interest and penalties legally due, unpaid, and returned for the years above mentioned.

And Whereas, the said Treasurer, in pursuance of the several Acts of Assembly in such case made and provided, having given due legal notice of the time and place of sale of said seated land and property, the taxes for which as aforesaid were returned, and no person having paid said taxes, interest and penalties so rated, charged and assessed upon said tract of land and property and the costs accrued thereon,

And Whereas, the taxes, penalties, interests and costs remaining unpaid, I, RALPH J. SMITH, Treasurer of the County of Clearfield, aforesaid, commenced the sale of said tract of land, among others, at the Court House in the Borough of Clearfield, County of Clearfield and State of Pennsylvania, by public vendue and outcry, and on the 6th day of August last past, sold the whole of said tract of land and property to Harry & Anna Bender for the sum of
Twenty-seven dollars and seven cents,
they being the highest and best bidder, and at the highest and best price bidden for the same.

And Whereas, the said Treasurer having made a report of said sale and return to the Court of Common Pleas of Clearfield County, Pennsylvania, on the 30th day of August last (being the first Term of Court of Common Pleas of Clearfield County next succeeding said sale) which said report and return has been confirmed absolutely.

Name Known to:

That RALPH J. SMITH, Treasurer of the County of Clearfield, aforesaid, for and in consideration of the sum of **Twenty Seven** dollars and **Seven** cents, lawful money of the United States, (being the amount of said taxes, penalties, interest, and costs to me in hand paid by the said **Harry & Annie Bender** at and before the ensing and delivery hereof, (and of the subsequent delivery to me of a bond for the surplus money, if any) the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain and sell unto the said **Harry & Annie Bender, their** heirs and assigns, all the aforesigned tract of land situate in the **Township of Huston** County of Clearfield, Pennsylvania, described as follows: **123 1/5 A**

TOGETHER with all and singular the ways, water courses, rights, liberties, hereditaments and appurtenances, whatsoever thereunto belonging or in any wise appertaining.

TO HAVE and to hold the said premises hereby granted to the said **Harry & Annie Bender, their** heirs, and assigns, to the only proper use and behoof of the said **Harry & Annie Bender, their** heirs and assigns forever according to the form, force and effect of the several Acts of the General Assembly of the Commonwealth of Pennsylvania relating to the sales of seated lands for the payment of taxes and subject to the redemption allowed by law.

IN WITNESS WHEREOF, I the said RALPH J. SMITH, Treasurer of the County of Clearfield, Commonwealth of Pennsylvania, have hereunto set my hand and seal the **10th** day of **December** 1951.

Sealed and delivered in the presence of

Helen A. Johnson

(SEAL)

RECORDED

STATE of PENNSYLVANIA
COUNTY of CLEARFIELD ss.

AT a Court of Common Pleas held at Clearfield, Pa., on the **10th** day of **December** in the year of our Lord, one thousand nine hundred and **forty nine** before the Judge of the said Court, RALPH J. SMITH, Treasurer of the County of Clearfield, Pennsylvania, appeared in his proper person in open Court and acknowledged the foregoing deed to be his act and deed, pursuant to the several Acts of Assembly, in such case made and provided. Recorded in Docket No. **7 S-13**, page **322**.

In Testimony Whereof, I have hereunto set my hand and seal of said Court the day and year aforesaid.

(John T. Hagerty)

PROTHONOTARY

Entered of Record **Feb. 28, 1952, 10:50 a.m.** Dick Reed, Recorder

Exhibit "12"

ASSIGNMENT)
HARRY BENDER ET AL)
TO)
RALPH WEISMAN ET AL)

ASSIGNMENT
For and in consideration of the sum of One (\$1.00) Dollar, we,
Harry Bender and Annie Bender, his wife, do hereby assign,
transfer and set over unto Ralph Weisman and Albert Dennis all
our right, title and interest in and to the premises mentioned
in the County Commissioners' deed hereto attached and made a
part hereof, being deed dated July 9, 1945, not yet but intended to be recorded simultan-
eously herewith for lands situate in the Township of Huston, Clearfield County, Pennsylvania,
containing 123 1/5 acres and sold as the property of Mrs. G. E. Bucksbee to Harry Bender

one of the assignors herein, at County Commissioners' sale on March 27, 1945.

In Witness whereof, we have hereunto set our hands and seals this 22nd day of January A. D. 1947.

Witness: Harry Bender (SEAL)
J. W. Laing Annie Bender (SEAL)

State of Pennsylvania SS:
County of Clearfield

On this 22nd day of January A. D. 1947, before me J. W. Laing, Justice of the Peace personally appeared Harry Bender and Annie Bender, known to me to be the persons described in the foregoing assignment and acknowledged that they executed the same in the capacity therein stated.

In Witness whereof, I have hereunto set my hand and official seal.

J. W. Laing J. P. (OFF SEAL)
My Commission expires January 2, 1950

Certificate of Residence

I hereby certify that the precise residence of the grantees herein is 7205 Pittville Avenue, Philadelphia, 26, Penna.

W. Albert Ramey

Entered of Record Feb 10, 1947 2:09 P. M.

Recorded and Compared by

W. W. Muller
Recorder E.B.

Exhibit "13"

DEED

MRS. G. E. BUCKSBEY BY TREAS.)
TO)
COUNTY COMMISSIONERS)

DEED

TO ALL TO WHOM THESE PRESENTS SHALL COME:

I, Edna Marsden, Treasurer of the County of Clearfield, Pennsylvania, send Greetings:

Whereas, the Tax Collector of Huston Twp has made return to the County Commissioners of the County of Clearfield, Pennsylvania, of unpaid taxes for the years 1939 on a certain piece of seated land, consisting of 123 1/5 A. situate in the township of Huston purporting to be owned and assessed in the name of Mrs. G. E. Bucksbee

And Whereas, the said owner or owners have neglected or refused to pay said taxes, which said property was rated, charged and assessed according to the laws of this Commonwealth with the payment of said taxes for the year 1939, and amounting in all to the sum of twenty five dollars and eleven cents for all taxes, interest and penalties due, unpaid and returned for the years above mentioned.

And whereas, the said Treasurer in pursuance of the several Acts of Assembly in such case made and provided having given due legal notice of the time and place of sale of said seated land and property, the taxes for which as aforesaid were returned and no person having paid said taxes, interest and penalties so rated, charged and assessed upon said tract of land and property and the costs accrued thereon.

And Whereas, the taxes, penalties, interests and costs remaining unpaid, I, Edna Marsden, Treasurer of the County of Clearfield, aforesaid, commenced the sale of said tract of land, among others, at the Court House in the Borough of Clearfield, County of Clearfield and State of Pennsylvania, by public vendue and outcry and on the seventh day of April last past, an amount sufficient to pay said taxes, interest, penalties and costs not being bidden the said property was purchased by the County Commissioners of the County of Clearfield aforesaid.

And Whereas, the said Treasurer having made report of said sale and return to the Court of Common Pleas of Clearfield County, Pennsylvania, on May 4th last, (being the first term of Court of Common Pleas of Clearfield County next succeeding said sale) which said report and return has been confirmed absolutely.

Now Know Ye, That I, Edna Marsden, treasurer of the County of Clearfield, aforesaid, for and in consideration of the sum of Eight dollars and eighty seven cents, being the amount of said taxes, interest, penalties and costs, have granted, bargained and sold and by these presents do grant, bargain and sell unto the said County Commissioners of the County of Clearfield, Pennsylvania, their successors and assigns all the aforementioned tract of land situate in the township of Huston, County of Clearfield, Pennsylvania, described as follows: 123 1/5 A.

according to the form, force and effect of the several Acts of General Assembly of the Commonwealth of Pennsylvania relating to the sales of seated lands for the payment of taxes, and subject to the redemption allowed by law.

In witness whereof, I, the said Edna Marsden, Treasurer of the County of Clearfield, Commonwealth of Pennsylvania, have hereunto set my hand and seal the 8th day of Sept. 1942.

Edna Marsden (OFF SEAL)

Sealed and delivered
in the presence of
Tony Reane Jr.

Treasurer

State of Pennsylvania SS:
County of Clearfield

At a Court of Common Pleas held at Clearfield, Pa., on the 8th day of September in the year of our Lord, one thousand nine hundred and forty two before the Judge of the said Court, Edna Marsden, Treasurer of the County of Clearfield, Pennsylvania, appeared in her proper person, in open Court and acknowledged the foregoing deed-poll to be her act and deed, pursuant to the several Acts of Assembly in such case made and provided. Recorded in Docket No. 140, page 199.

In Testimony whereof, I have hereunto set my hand and seal of said Court the day and year aforesaid.

J. Harold McFadden (OFF. SEAL)
Prothonotary

Entered of Record Feb 10, 1947 2:05 P. M.

Recorded and Compared by

Wm W. Muller
Recorder & B.

DEED) We, J. O. Kessler, Archie Hill and Ira Jay, County Comm-
COUNTY COMMISSIONERS) issioners of the County of Clearfield, State of Pennsyl-
TO) vania, send greetings:
HARRY BENDER) Whereas, the County Commissioners of said County of
Clearfield, in pursuance of the several Acts of Assembly
in that behalf made and provided, at a County Treasurer's sale of seated lands for taxes
made on the 7th day of April 1942, did purchase all that certain parcel of seated lands
situate in the Township of Huston County and State aforesaid, containing 123 1/5 A. and
sold as the property of Mrs. G. E. Bucksbee there having been no bid made by any person
sufficient to pay taxes, interest and costs.

And Whereas, the then County Treasurer of Clearfield County did make a deed to the
County Commissioners and to their successors in office, for the aforesaid parcel of land
subject however, to the right of redemption granted by law; and the said parcel of land
so purchased has remained unredeemed for the period designated by law.

And Whereas, J. O. Kessler, Archie Hill and Ira Jay, said County Commissioners, having
given due and timely notice according to the several Acts of Assembly in relation thereto
of their power to sell, and of the time and place of sale, and all such matters as are
required by law, did agreeably to law on the 27th day of March 1945, expose to public
sale by public vendue or outcry in Court Room No. 1 at the Court house at Clearfield,

1
aforesaid, the aforesaid tract of land and the aforesaid County Commissioners sold the whole of the aforesaid parcel of land to Harry Bender for the sum of \$81.00 lawful money of the United States, he being the highest bidder and that the highest and best price bidden for the same.

Now Know Ye, that we, the said J. O. Kessler, Archie Hill and Ira Jay, County Commissioners aforesaid, in consideration of the premises and of the aforesaid sum of \$81.00 in hand paid by the said Harry Bender, the receipt whereof is hereby acknowledged, do hereby grant and convey to the said Harry Bender and to his heirs and assigns, according to the laws of the Commonwealth of Pennsylvania in such cases made and provided, for all such estate right, title and interest as has been acquired by the first above mentioned purchase from the County Treasurer of the County of Clearfield, and as we, the said County Commissioners have a right to convey, all that above mentioned and described parcel of land situate as aforesaid in Huston Township, with the appurtenances:

To have and to hold the aforesaid parcel of land for all such estate, right, title and interest as the said County Commissioners of the County of Clearfield have a right to convey, unto the said grantee and to his heirs and assigns, to and for the only proper use and behoof of the said grantee and to his heirs and assigns forever.

In Witness whereof, we, the said County Commissioners of Clearfield County, have hereunto set our hands and caused the official seal of said County, duly attested, to be affixed this 9th day of July 1945.

Attest:

G. A. Lukehart (OFF SEAL)
Chief Clerk

J. O. Kessler

Archie Hill

Ira Jay

County Commissioners

State of Pennsylvania

County of Clearfield SS:

On this the 11th day of July 1945, before me a Justice of the Peace the undersigned officer, personally appeared J. O. Kessler, Archie Hill and Ira Jay, known to me to be the persons described in the foregoing deed, and acknowledged that they executed the same in the capacity therein stated and for the purposes therein contained.

In Witness whereof, I have hereunto set my hand and official seal.

Chas. G. Gill (OFF SEAL)

My Commission expires First Monday in January 1950

Entered of Record Feb 10, 1947 2:07 P. M.

Recorded and Compared by

Wlio W. Muller
Recorder & C.

Exhibit "14"

Exhibit "15"

TIMBER HARVEST AGREEMENT

This agreement, made this 18th day of OCTOBER,
1994 by and between:

Tom D. DUTTKE
P.O. Box 736
DuBois, PA 15801
375-4407

Parties of the first part,
LANDOWNERS

A N D

MITCHELL LUMBER COMPANY
Box 64, German Settlement Road
Ridgway, PA 15853
(814) 772-2720 or (814) 265-1146

Parties of the second part,
TIMBER OPERATORS.

In consideration of the following promises and covenants, the
parties have agreed as follows:

1. Timber Operator will remove such timber from the property
of the Landowner located at Huston Township,
CLEARFIELD County, Pennsylvania, more fully described in
CLEARFIELD County Plat Book at Page 1/4 Parcel 1/4,
comprising of _____ acres more or less, under the following
terms and conditions:

2. The timber operator will remove all standing timber on
the above described property down to a diameter of 1 1/2 inches.

3. Timber operator shall pay Landowner according to the
following schedule: 300/m³ Ash, 500/m³ Oak, 600/m³ Cherry,
350/m³ W. Oak, 200/m³ Maple, 75/m³ Pine-Norfolk,
75/m³ Poplar-Bass, 50/m³ Black Locust 1.50/lb x pulp.

4. Timber Operator shall, as soon as conditions permit, secure necessary permits (State and Federal), for the harvesting of said timber.

5. Landowner guarantees that he is the owner of the above described property and that he has full title and authority to sell the above timber. Landowner also guarantees the said boundaries of said property.

6. Timber Operator agrees to repair and maintain all skid roads and trails on the above property, according to law.

7. All cutters and skidder operators will be required to carry their own liability and compensation insurance, including hospitalization, during the term of this agreement.

8. Timber Operator agrees to keep streams on the property free of all tree tops during this agreement.

9. This agreement will terminate on March, 1975 at 12:00 noon EST.

10. IN WITNESS WHEREOF, the parties hereto have executed this agreement the day and the year first above stated.

John H. Lockett
LANDOWNER

Robert P. Miller
WITNESS

John S. Mitchell
OPERATOR

Robert P. Miller
WITNESS

VERIFICATION

The undersigned, President of Cherry Timber Associates, Inc., states that the facts averred in the foregoing Amended Complaint in Action to Quiet Title are true and correct to the best of his knowledge, information and belief. The undersigned further states that he understands that false statements therein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.



Michael Drusinsky

Dated: February 12, 2009

4 1 0
Prothonotary/Clerk of Courts
William A Shaw

APR 06 2009

FILED

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

CHERRY TIMBER ASSOCIATES, INC., : No. 06-1495-CD
Plaintiff :
Vs. : Type of Pleading:
THEODORE BEER and :
G. E. BUCKSBEE, :
Defendants : **DEFENDANT'S ANSWER
AND NEW MATTER TO
PLAINTIFF'S AMENDED
COMPLAINT**
: Filed on Behalf of:
: DEFENDANT BEER
: Counsel of Record for This Party:
: Jeffrey S. DuBois, Esquire
: Supreme Court No. 62074
: 210 McCracken Run Rd
: DuBois, PA 15801
: (814) 375-5598

FILED 3cc
M 12/4/2009 Atty DuBois
APR 22 2009
William A. Shaw
Prothonotary/Clerk of Courts

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

CHERRY TIMBER ASSOCIATES, INC., : No. 06-1495-CD
Plaintiff :
: :
Vs. :
: :
THEODORE BEER and :
G. E. BUCKSBEE, :
Defendants :
:

**DEFENDANT'S ANSWER AND NEW
MATTER TO PLAINTIFF'S AMENDED COMPLAINT**

AND NOW, comes Defendant THEODORE BEER, by and through his attorney, Jeffrey S. DuBois, Esquire, who files this Answer and New Matter to Plaintiff's Amended Complaint, and in support thereof avers the following:

1. Admitted.
2. Admitted.
3. Admitted.
4. The deed referenced in Plaintiff's paragraph number four (4) and its description is a general description, and not a specific description; therefore it cannot be admitted to that said description is the property in which Plaintiff is attempting to set forth in its Complaint, and therefore the same is denied and strict proof thereof is demanded at trial.
5. The averments set forth in Plaintiff's paragraph five (5) is under the sole knowledge of Plaintiff, or representatives or agents of Plaintiff, and are facts known unto

Plaintiff and/or prepared on behalf of Plaintiff, and therefore the same is denied and strict proof thereof is demanded at trial.

6. No responsive pleading is required.
7. No responsive pleading is required, as the deed speaks for itself.
8. No responsive pleading is required, as the deed speaks for itself.
9. No responsive pleading is required, as the deed speaks for itself.
10. Admitted.
11. No responsive pleading is required, as the deed speaks for itself.
12. Admitted.
13. Admitted.
14. Admitted.

15. It is admitted that Harold and Mary Duttry acquired the property as aforesaid. It is denied that there was any erroneous belief on where the two (2) properties sat. By way of further answer, on or about 1960 Harold Duttry and John Duttry had conversations with representatives of Green Glen Corporation, where it was agreed to that the one hundred twenty three (123) acre tract owned by the Duttry's was to the South of the of sixty (60) acre tract owned by Green Glen Corporation which would be to the North. From that time, on or about 1960, through an including 2005 when the Duttry's sold the property to Defendant, the Duttry's, and all other owners, treated the one hundred twenty three (123) acre to the South as their property.

16. Admitted.
17. Admitted.
18. Admitted.

19. No responsive pleading is required, as the documents speak for themselves.
20. Denied, at set forth herein, the Duttry property is to the South, and the Green Glen/Cherry Timber property is to the North. By way of further answer, at set forth herein, the two (2) descriptions of the properties were agreed to by the respective owners of the properties, and said boundary line was carried out for a period in excess of twenty one (21) years.
21. Denied. Said tax assessment maps are correct, except for the size of the actual parcels but the North and South positions are correct.
22. The averments of Plaintiff's paragraph twenty two (22) involve individuals other than Defendant, and therefore Defendant is not in the position to ascertain the truth or falsity of said averments, and therefore the same are denied and strict proof is demanded at trial.
23. Same answer as set forth in paragraph twenty two (22) herein.
24. Same answer as set forth in paragraph twenty two (22) herein.
25. It is admitted that the Defendant Theodore Beer believes that he is the owner in fee simple of the Southern property, but said belief is not an erroneous belief, but an accurate belief, as he is the owner of a one hundred twenty three (123) acre parcel to the South of the Cherry Timber property.
26. No response of pleading is required, as paragraph twenty six (26) sets forth a conclusion of law. By way of further answer, an action to Quiet Title is not necessary as Defendant is the proper owner of said property.
27. The averments set forth in paragraph twenty seven (27) relate to a Defendant other than Defendant Beer, and therefore no responsive pleading is required.

28. No responsive pleading is required.

29. Denied. Defendant Beer has a complete interest in said property, and Defendant Beer is the rightful owner of the one hundred twenty three (123) acre parcel of land to the South of Plaintiff's property.

WHEREFORE, Defendant Beer respectfully requests this Honorable Court to dismiss Plaintiff's Complaint in its entirety and award judgment in favor of Defendant Beer.

NEW MATTER

30. Defendant Beer hereby incorporates paragraphs one (1) through twenty nine (29) herein as if set forth in full.

31. As set forth herein, on or about 1960, Jack Duttry and Harold Duttry spoke with representatives of Green Glen Corporation, on where the two (2) respective properties are and would be located.

32. All parties agreed that the Duttry property would be the one hundred twenty three (123) acre to the South, and the Green Glen property would be the sixty (60) acre parcel to the North.

33. From that point on, on or about 1960, the respective parties treated the boundary line as such, with the Duttry property being to the South and Green Glen property being to the North.

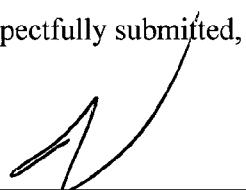
34. As such, the respective parties agreed and consented to a boundary line as set forth above.

35. Consequently, because there was such a consentable boundary line agreed to by the parties, and since this boundary line has been in effect since 1960, Plaintiff cannot contest said boundary line.

36. Plaintiff's complaint fails to set forth a claim to which relief can be granted.

37. Plaintiff's complaint fails to set forth a cause of action.

Respectfully submitted,



Jeffrey S. DuBois, Esquire
Attorney for Defendant Beer

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

CHERRY TIMBER ASSOCIATES, INC., : No. 06-1495-CD
Plaintiff :

Vs. :

THEODORE BEER and
G. E. BUCKSBEE,
Defendants :

CERTIFICATE OF SERVICE

I do hereby certify that on the 22nd day of April, 2009, I served a true and correct copy of the within Defendant's Answer and New Matter to Amended Complaint by first class mail, postage prepaid, on the following:

Joe Keebler, Esquire
1030 Liberty Street
Franklin, PA 16323-1298



Jeffrey S. DuBois

FILED

APR 22 2009

William A. Shaw
Prothonotary/Clerk of Courts

CHERRY TIMBER ASSOCIATES, INC.,
Plaintiffs

v.

THEODORE BEER and
G. E. BUCKSBEE
Defendants.

) IN THE COURT OF COMMON PLEAS OF
) CLEARFIELD COUNTY, PENNSYLVANIA
)
)
)
) Civil Action
)
) No. 06-1495-CD
)
)
)
)
) Type of Pleading:
) Stipulation
)
) Filed on behalf of: Plaintiff
)
) Counsel of Record for this Party:
) Keith M. Pemrick
) Supreme Court I.D. No. 30322
) Joseph H. Keebler
) Supreme Court I.D. No. 76581
)
) DALE WOODARD LAW FIRM
) 1030 Liberty Street
) Franklin, Pennsylvania 16323-1298
) Telephone: (814) 432-2181
) Facsimile: (814) 437-3212

FILED
04/10/2009 4CC
APR 29 2009 Atty Dubois

William A. Shaw
Prothonotary/Clerk of Courts

26

CHERRY TIMBER ASSOCIATES, INC., Plaintiffs) IN THE COURT OF COMMON PLEAS OF
v.) CLEARFIELD COUNTY, PENNSYLVANIA
THEODORE BEER and)
G. E. BUCKSBEE)
Defendants.) Civil Action
)
) No. 06-1495-CD

STIPULATION

AND NOW, comes Cherry Timber Associates, Inc. and Theodore Beer, by and through their respective attorneys, the Dale Woodard Law Firm and Jeffrey DuBois, Esquire, and present this stipulation to the Court and in support thereof states as follows:

1. A Complaint was filed on September 14, 2006 by the Plaintiff seeking to quiet the title to a piece of property purportedly owned by the Plaintiff in Huston Township, Clearfield County.
2. An Answer was filed on August 20, 2007 by Theodore Beer and trial was scheduled for April 29, 2009 at 9:00 a.m. at the Clearfield County Courthouse.
3. An action was also filed by Cherry Timber Associates. Inc. against John Duttry captioned Cherry Timber Associates, Inc., and Chagrin Land Limited, Partnership, Plaintiffs, v. Audra Mitchell, John D. Duttry, Thelma Bush and Beverly R. Williams a/k/a Beverly Copelli, Defendants and bearing the Clearfield County Case No. 06-1498-CD.
4. Trial was held on the aforementioned case on April 21 and 22, 2009.
5. The parties would agree and stipulate that one of the central issues in the aforementioned case against Audra Mitchell, et al. was the ownership interests of Cherry

Timber Associates, Inc. and John Duttry, the predecessor in title to Theodore Beer.

6. The parties also agree and stipulate that all of the evidence presented related to the ownership interests of the respective property of the parties in the above-captioned matter presented at the trial on April 21 and 22 would be the same evidence that would be presented at the trial on the above-captioned matter.

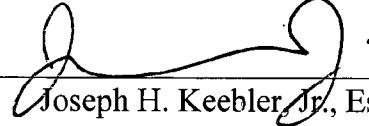
7. Judicial economy would be served by stipulating and agreeing to allow the Court to consider all of the testimony and evidence submitted at the trial in the case of Cherry Timber Associates, Inc., and Chagrin Land Limited, Partnership, Plaintiffs, v. Audra Mitchell, John D. Duttry, Thelma Bush and Beverly R. Williams a/k/a Beverly Copelli, Defendants on April 21 and 22 in the above-captioned matter, related to the ownership of and title to properties bearing the assessment nos. 119-E3-33 and 119-E4-16.

THEREFORE, the parties stipulate and agree that the Court shall be permitted to consider all of the testimony and exhibits submitted in the case of Cherry Timber Associates, Inc., and Chagrin Land Limited, Partnership, Plaintiffs, v. Audra Mitchell, John D. Duttry, Thelma Bush and Beverly R. Williams a/k/a Beverly Copelli, Defendants on April 21 and 22 relating to the issue of title of an approximately 60 acre tract in Huston Township allegedly owned by Cherry Timber Associates and 126 acre tract allegedly owned by Theodore Beer. The Court shall not consider any evidence related to the cutting of timber or any items not specifically related to ownership and title of the properties bearing the assessment nos. 119-E3-33 and 119-E4-16.

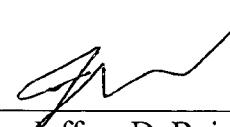
Respectfully submitted,

DALE WOODARD LAW FIRM

By



Joseph H. Keebler, Jr., Esquire



Jeffrey DuBois, Esquire

FILED

APR 29 2009

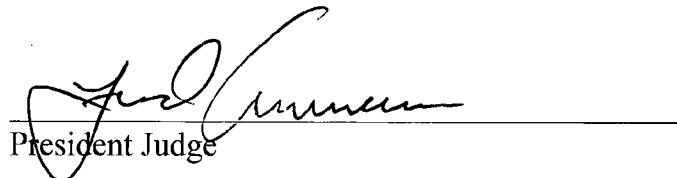
William A. Shaw
Prothonotary/Clerk of Courts

CHERRY TIMBER ASSOCIATES, INC., Plaintiffs) IN THE COURT OF COMMON PLEAS OF
v.) CLEARFIELD COUNTY, PENNSYLVANIA
THEODORE BEER and)
G. E. BUCKSBEE) Civil Action
Defendants.))
) No. 06-1495-CD

ORDER OF COURT

AND NOW, this 29th day of April, 2009, the Court does hereby adopt the Stipulation of the parties in the above-captioned matter. The Court shall consider the testimony and evidence presented at the trial in the case of Cherry Timber Associates, Inc., and Chagrin Land Limited, Partnership, Plaintiffs, v. Audra Mitchell, John D. Duttry, Thelma Bush and Beverly R. Williams a/k/a Beverly Copelli, Defendants on April 21 and 22 relating to the title and ownership interests of the parties and two (2) pieces of parcels of land bearing the Clearfield County Assessment Nos. 119-E3-33 and 119-E4-16 at the trial scheduled for April 29, 2009 in the above-captioned matter. The Court shall not consider evidence presented at the trial on April 21 and 22 which does not directly and/or indirectly relate to the issue of ownership and/or title to the aforementioned properties. The parties shall not be required to present duplicative evidence related to the title of the properties at the trial scheduled for April 29, 2009 in the above-captioned matter.

BY THE COURT,


President Judge

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04/10/08 62/Amy DeBois
APR 29 2009 (will serve) 60
William A. Shaw
Prothonotary/Clerk of Courts

FILED

APR 29 2009

William A. Shaw
Prothonotary/Clerk of Courts

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

CHERRY TIMBER

-VS-

No. 06-1495-CD

THEODORE BEER & G.E.
BUCKSBEE

O R D E R

AND NOW, this 29th day of April, 2009, following conclusion of non-jury trial, it is the ORDER of this Court that counsel for both parties provide the Court with letter brief within no more than twenty (20) days from this date.

BY THE COURT,



President Judge

FILED 2CC Atty's:
04/10/09 Pennick/Keebles
MAY 01 2009 DeBois

S William A. Shaw
Prothonotary/Clerk of Courts (610)

FILED

MAY 01 2009

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 5/1/09

 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 Other

 Special Instructions:

CHERRY TIMBER ASSOCIATES, INC.,
Plaintiffs

v.

THEODORE BEER and
G. E. BUCKSBEE
Defendants.

) IN THE COURT OF COMMON PLEAS OF
) CLEARFIELD COUNTY, PENNSYLVANIA
)
)
)
) Civil Action
)
) No. 06-1495-CD
)
)
)
)
) Type of Pleading:
) Reply to New Matter
)
) Filed on behalf of: Plaintiff
)
) Counsel of Record for this Party:
) Keith M. Pemrick
) Supreme Court I.D. No. 30322
) Joseph H. Keebler
) Supreme Court I.D. No. 76581
)
) DALE WOODARD LAW FIRM
) 1030 Liberty Street
) Franklin, Pennsylvania 16323-1298
) Telephone: (814) 432-2181
) Facsimile: (814) 437-3212

FILED

MAY 13 2009
S my W. Shaw
William A. Shaw
Prothonotary/Clerk of Courts

no 61

CHERRY TIMBER ASSOCIATES, INC., Plaintiffs) IN THE COURT OF COMMON PLEAS OF
v.) CLEARFIELD COUNTY, PENNSYLVANIA
THEODORE BEER and)
G. E. BUCKSBEE)
Defendants.) Civil Action
)
) No. 06-1495-CD

REPLY TO NEW MATTER

AND NOW, comes the Plaintiff, Cherry Timber Associates, Inc., by and through its attorneys, the Dale Woodard Law Firm, and files this Reply to New Matter, and in support thereof states as follows:

30. The averments contained in paragraph 30 are of such a nature that no response is required.

31. The averments contained in paragraph 31 are denied. It is denied that the Jack Duttry and Harold Duttry spoke with representatives of Green Glen Corporation regarding the location of the two (2) respective property.

32. The averments contained in paragraph 32 are specifically denied. It is denied that there was any agreement that Duttry would own 123 acres to the south and Green Glen would own 60 acres to the north. Further it is averred and alleged that the property to the south is approximately 60 acres and the property to the north is approximately 123 acres.

33. The averments contained in paragraph 33 are denied. It is admitted that there was confusion as to where the properties were located. However, the Plaintiff is

without sufficient knowledge or information to know what the predecessors in title believed or thought from 1960 through the time that it acquired the property.

34. The averments contained in paragraph 34 are a conclusion of law to which no response is required. To the extent any response is deemed necessary, the averments are denied.

35. The averments contained in paragraph 35 are a conclusion of law to which no response is required. To the extent any response is deemed necessary, the averments are denied.

36. The averments contained in paragraph 36 are a conclusion of law to which no response is required. To the extent any response is deemed necessary, the averments are denied.

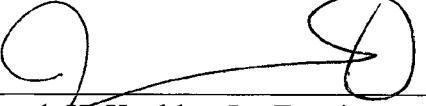
37. The averments contained in paragraph 37 are a conclusion of law to which no response is required. To the extent any response is deemed necessary, the averments are denied.

WHEREFORE, Plaintiff respectfully requests that it be declared the legal and equitable owner of the subject property, that the Defendant, their successors, heirs and assigns be forever barred and is stopped from claiming any right, title or interest thereto and that this Court grant such other relief as may be appropriate, fair and just.

Respectfully submitted,

DALE WOODARD LAW FIRM

By

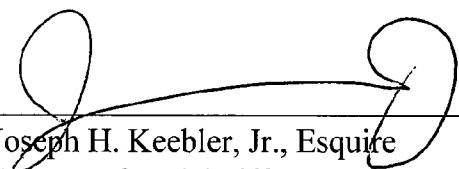

Joseph H. Keebler, Jr., Esquire
Attorneys for Plaintiff

CHERRY TIMBER ASSOCIATES, INC.,) IN THE COURT OF COMMON PLEAS OF
Plaintiffs) CLEARFIELD COUNTY, PENNSYLVANIA
)
v.)) Civil Action
)
THEODORE BEER and)
G. E. BUCKSBEE)
Defendants.)) No. 06-1495-CD

A F F I D A V I T

COMMONWEALTH OF PENNSYLVANIA :
: ss
COUNTY OF VENANGO :

Joseph H. Keebler, Jr., Esquire, being duly sworn according to law, deposes and says that he is the attorney for the Plaintiff, Cherry Timber Associates, Inc., that the Plaintiff has his principal place of residence outside the jurisdiction of the Court of Common Pleas of Clearfield County, Pennsylvania, and that the facts set forth in the foregoing Reply to New Matter are true and correct to his information, knowledge and belief, said information, knowledge and belief being based on facts and information being supplied to him by Plaintiff. I understand that false statements herein made are subject to the penalties of 18 Pa.C.S. 4904 relating to unsworn falsification to authorities.


Joseph H. Keebler, Jr., Esquire
Attorney for Plaintiff

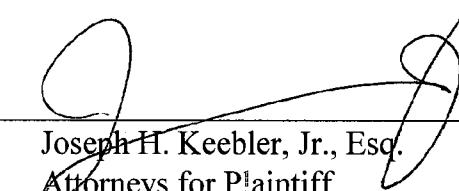
CHERRY TIMBER ASSOCIATES, INC.,) IN THE COURT OF COMMON PLEAS OF
Plaintiffs) CLEARFIELD COUNTY, PENNSYLVANIA
)
v.) Civil Action
)
THEODORE BEER and)
G. E. BUCKSBEE)
Defendants.) No. 06-1495-CD

CERTIFICATE OF SERVICE

I certify that on this 12 day of May, 2009, a true and correct copy of the within
Reply to New Matter was served upon counsel for Defendant by United States Mail first
class mail, postage prepaid to:

Jeffrey S. DuBois, Esquire
210 McCracken Run Road
DuBois, PA 15801

DALE WOODARD LAW FIRM

By: 

Joseph H. Keebler, Jr., Esq.
Attorneys for Plaintiff

Protthonotary/Clerk of Courts
William A. Shaw

MAY 18 2009

FILED

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

CHERRY TIMBER ASSOCIATES, INC., * NO. 06-1495-CD

Plaintiff *

vs *

THEODORE BEER & G.E. BUCKSBEE *

Defendants *

ORDER

FILED

03/11/09
AUG 18 2009

William A. Shaw
Prothonotary/Clerk of Courts

2CC Atts: Penrick/Keebler
DeBois

AND NOW, this 17th day of August, 2009, following non-jury trial relative the Plaintiff's Complaint to Quiet Title and receipt of the parties' briefs it is the FINDINGS and ORDER of this Court as follows:

1. The Court finds that the Plaintiff Cherry Timber Associates, Inc. has met its burden of proof in order to establish legal ownership to the property in question and to quiet the title;
2. The Court hereby determines that the Plaintiff is the true owner of the property located in Huston Township, Clearfield County, more accurately described as follows:

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

BEGINNING at a one inch pipe set by this survey, said iron pipe being the northeast corner of said lands of Paul I. Dixon, et. al. and the northwest corner of the herein described parcel, further being shown as Corner Number 1 on the hereto attached plat;

THENCE, S 84 Degrees 40 Minutes E along lands now or formerly of Sadie Beer (Deed Book 330 Page 380 and Deed Book 378 Page 552) a distance of 970.24 feet to a one inch iron pipe set by this survey, said iron pipe being the northeast corner of the herein described parcel, further being shown as Corner Number 2 on the hereto attached plat;

THENCE, S 40 Degrees 40 Minutes E along lands now or formerly of Thelma Bush, Beverly R. Williams, and John D. Duttry a distance of 1,562.76 feet to a one inch pipe set by this survey, said iron pipe being along the northern right-of-way for lands now or formerly of B&S Railroad and also being the southwest corner of lands now or formerly of Thelma Bush, Beverly R. Williams, and John D. Duttry (Deed Book 1300 page 20) and the southeast corner of the herein described parcel, further being shown as Corner Number 3 on the hereto attached plat;

THENCE, along the northern right-of-way for lands now or formerly of B&S Railroad by a curve to the left, said curve having a radius of 1,473.00 feet and

an arc length of 159.97 feet, to a point, further being shown as Corner Number 4 on the hereto attached plat;

THENCE, S 55 Degrees 02 Minutes W along the northern right-of-way for lands now or formerly of the B&S Railroad a distance of 1,129.42 feet to a one inch iron pipe set by this survey, said iron pipe being the southeast corner of land now or formerly of Paul I. Dixon, et. al. (third parcel described in Deed Book 1292 Page 125) and the southwest corner of the herein described parcel, further being shown as Corner Number 5 on the hereto attached plat;

THENCE, N 35 Degrees 34 Minutes W along lands now or formerly of Paul I. Dixon, et. al. a distance of 722.50 feet to an existing angle iron replaced with a one inch iron pipe set by this survey, further being shown as Corner Number 6 on the hereto attached plat;

THENCE, N 86 Degrees 15 Minutes W along lands now or formerly of Paul I. Dixon, et. al. a distance of 652.34 feet to a 30 – inch maple tree, further being shown as Corner Number 7 on the hereto attached plat;

THENCE, N 06 Degrees 06 Minutes E along the division line for Huston Township and Sandy Township and along lands now or formerly of Paul I. Dixon, et. al. a distance of 1,384.33 feet to a one inch iron pipe set by this survey, the point of beginning;

CONTAINING 2,524,771.3 square feet or 58.0 acres.

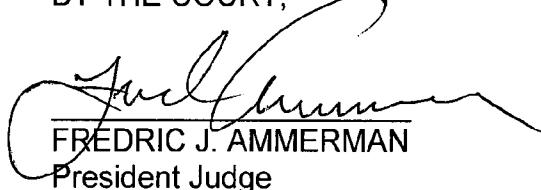
BEING subject to McCracken Run, an overhead electric service line, and any other utility easements which may be of record.

BEING the same lands described in Deed Book 298 Page 136 from John E. DuBois to G.E. Bucksbee, dated November 8, 1927 and recorded in the Clearfield County Courthouse.

BEING Parcel Number 16 on Clearfield County Assessment Map Number 119-E4-16.

3. The Court hereby finds that the Defendants Theodore Beer and G.E. Bucksbee, their heirs and/or assigns, have no interest or estate whatsoever in or to the subject property or to the oil, petroleum, minerals and gas which may be situate thereunder;
4. The Defendants, their heirs, and assigns, are hereby forever barred from asserting any claim whatsoever in or to the subject property or to the oil, petroleum, minerals and gas under the subject property.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

FILED

AUG 18 2009

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 8/18/09

✓ You are responsible for serving all non-governmental parties.

✓ The Prothonotary's office has forwarded service to the following parties:

✓ Plaintiff(s) ✓ Plaintiff(s)' Attorney Other

 Defendant(s) ✓ Defendant(s)' Attorney

 Special Instructions: