

06-1505-CD
Coca-Cola Ent. Vs DuBois Coca-Cola et al

2006-1505-CD
Coca-Cola et al vs DuBois Coca-Cola et al

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

COCA-COLA ENTERPRISES : NO. 06-1505-CV
INC., formerly known as :
COCA-COLA BOTTLING CO. : TYPE OF CASE: ACTION TO
OF DUBOIS, INC., and DUBOIS : QUIET TITLE
COCA-COLA, INC., :
PLAINTIFF : TYPE OF PLEADING: COMPLAINT
VS. : FILED ON BEHALF OF: PLAINTIFFS
DUBOIS COCA-COLA : COCA-COLA ENTERPRISES INC.,
BOTTLING COMPANY, DOID R. : formerly known as COCA-COLA
KANE, HAROLD KANE, CARL : BOTTLING CO. OF DUBOIS, INC.
L. FAUBLE, and DWIGHT L. : and DUBOIS COCA-COLA, INC.
KANE, their successors, assigns, :
directors, officers, shareholders, :
and any of : COUNSEL OF RECORD:
the foregoing's legal representatives, : CHRISTOPHER E. MOHNEY, ESQUIRE
heirs and all other person, persons :
or corporation entities in interest, or :
their legal representatives, :
SUPREME COURT NO.: 63494
25 EAST PARK AVENUE, SUITE 6
DUBOIS, PA 15801
(814) 375-1044

Original to
C/A

FILED
SEP 18 2006
011151
William A. Shaw
Prothonotary/Clerk of Courts
10 cent to Attorney

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

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William A. Shaw
Prothonotary/Clerk of Courts

LS sent to ATTY

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

COCA-COLA ENTERPRISES	:	NO. 06 -
INC., formerly known as	:	
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VS.	:	
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DUBOIS COCA-COLA	:	
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KANE, HAROLD KANE, CARL	:	
L. FAUBLE, and DWIGHT L.	:	
KANE, their successors, assigns,	:	
directors, officers, shareholders, and	:	
any of the foregoing's legal	:	
representatives, heirs and all other	:	
person, persons or corporation	:	
entities in interest, or their legal	:	
representatives,	:	
	:	
DEFENDANTS	:	

NOTICE

TO: DUBOIS COCA-COLA BOTTLING COMPANY, DOID R. KANE, HAROLD KANE, CARL L. FAUBLE, and DWIGHT L. KANE their successors, assigns, directors, officers, shareholders, and any of the foregoing's legal representatives, heirs and all other person, persons or corporation entities in interest, or their legal representatives,

YOU ARE HEREBY NOTIFIED THAT AN ACTION TO QUIET TITLE TO PREMISES SITUATE IN HUSTON TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA, HAS BEEN FILED AGAINST YOU. SAID PREMISES ARE DESCRIBED AS FOLLOWS:

ALL that certain piece or parcel of land situate, lying and being in the City of DuBois, Clearfield County, Pennsylvania, being bounded and described as follows:

BEGINNING at an iron pipe, said iron pipe being at the intersection of the northern right of way line of State Route 255 and the eastern line of a public alley; thence North 23 degrees 47 minutes East along the eastern boundary of said public alley and lands of The DuBois Coca Cola Bottling Co. of which this is a part, a distance of 230.0 feet to an iron pipe; thence South 74 degrees 43 minutes East a distance of 395.8 feet to an iron pipe; thence South 23 degrees 47 minutes West a distance of 230.1 feet to an iron pipe on the northern right of way of State Route 255; thence along the northern right of way of said State Route 255 the following courses and distances: North 75 degrees 27 minutes West 238.2 feet, North 73 degrees 34 minutes West 157.7 feet to an iron pipe, the place of beginning. CONTAINING 2.09 acres.

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 CLAIM 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.

CLEARFIELD COUNTY PROTHONOTARY
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PA 16830
(814) 765-2641 x 5982

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

COCA-COLA ENTERPRISES	:	NO. 06 -
INC., formerly known as	:	
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OF DUBOIS, INC., and DUBOIS	:	QUIET TITLE
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	:	
PLAINTIFF	:	
	:	
VS.	:	
	:	
DUBOIS COCA-COLA	:	
BOTTLING COMPANY, DOID R.	:	
KANE, HAROLD KANE, CARL L.	:	
FAUBLE, and DWIGHT L. KANE	:	
their successors, assigns, directors,	:	
officers, shareholders, and any of	:	
the foregoing's legal representatives,	:	
heirs and all other person, persons	:	
or corporation entities in interest, or	:	
their legal representatives,	:	
	:	:
DEFENDANT	:	
	:	

COMPLAINT

AND NOW, comes the Plaintiff ***COCA-COLA ENTERPRISES INC., formerly known as COCA-COLA BOTTLING CO. OF DUBOIS, INC. and DUBOIS COCA-COLA, INC.***, by and through its attorney, ***CHRISTOPHER E. MOHNEY, ESQUIRE***, and files the following Action to Compel Satisfaction of Mortgage, averring as follows:

1. Plaintiff COCA-COLA ENTERPRISES INC. is a corporation organized and existing under the laws of the State of Delaware, with a place of business at 601 E. DuBois Avenue, DuBois, Clearfield County, Pennsylvania, 15801.
2. Defendant DUBOIS COCA-COLA BOTTLING COMPANY was a Pennsylvania corporation, and according to the Corporation Bureau for the

Commonwealth of Pennsylvania, was created on December 27, 1954, after which a Certificate of Election to Dissolve was filed with the Commonwealth of Pennsylvania, Department of State, Corporation Bureau on June 24, 1968; the place of business of this dissolved corporation was 601 East DuBois Avenue, DuBois, Clearfield County, Pennsylvania 15801.

4. Defendant DOID R. KANE is believed to have been the President and Treasurer and director of Defendant DUBOIS COCA-COLA BOTTLING COMPANY, and Mr. Kane's whereabouts are unknown.

5. Defendant HAROLD KANE is believed to have been the Vice-President and director of Defendant DUBOIS COCA-COLA BOTTLING COMPANY, and Mr. Kane's whereabouts are unknown.

6. Defendant CARL L. FAUBLE is believed to have been Secretary and director of Defendant DUBOIS COCA-COLA BOTTLING COMPANY, and Mr. Fauble's whereabouts are unknown.

7. Defendant DWIGHT L. KANE is believed to have been a director of Defendant DUBOIS COCA-COLA BOTTLING COMPANY, and Mr. Kane's whereabouts are unknown.

8. Plaintiff is now the lawful owner and is in possession of the premises known as 601 East DuBois Avenue, DuBois, Clearfield County, Pennsylvania 15801 (hereinafter referred to as the "Property").

9. Plaintiff COCA-COLA ENTERPRISES INC. is the owner of the Property by virtue of a succession of mergers and acquisitions of preceding Coca-Cola-related entities that have operated on the Property for a number of years in the City of DuBois,

Pennsylvania, dating back to 1947 when a portion of the Property was titled to Coca-Cola Bottling Company.

10. Plaintiff's predecessor in interest, Coca-Cola Bottling Company of DuBois, Inc., by mortgage dated October 1, 1967, and recorded in Clearfield County Mortgage Book 224, page 612, delivered to Defendant DUBOIS COCA-COLA BOTTLING COMPANY a mortgage (hereinafter referred to as the "Mortgage"). The amount of the Mortgage was One Hundred Six Thousand Dollars (\$106,000.00), with interest at 6% per annum. The Mortgage is attached hereto and marked Exhibit A.

11. As referred in paragraph 2 of this Complaint, Defendant filed Articles of Dissolution with the Department of State, Corporation Bureau for the Commonwealth of Pennsylvania in 1968.

12. The aforementioned mortgage held by Defendant DUBOIS COCA-COLA BOTTLING COMPANY remains of record, neither marked satisfied nor the subject premises released from the Mortgage.

13. Defendants failure to satisfy the Mortgage creates a cloud upon Plaintiff's title in the Property.

14. After search of public records, there has been no assignment of the Mortgage.

15. Attached hereto and marked Exhibit B is affidavit of Thomas J. Hanford, President of the mortgagor referenced in the Mortgage, said affidavit stating that the loan obligation secured by the Mortgage was paid in full.

WHEREFORE, Plaintiff requests that this Honorable Court order that the Mortgage be marked satisfied of record.

Respectfully submitted,

By:

Christopher E. Mohney, Esquire
Attorney for Plaintiff

VERIFICATION

I, E. LISTON BISHOP, III, Vice President, Secretary, Deputy General Counsel and Director of Acquisitions for COCA-COLA ENTERPRISES INC., being duly authorized to make this verification, have read the foregoing Complaint. The statements therein are correct to the best of my personal knowledge or information and belief.

This statement and verification is made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn fabrication to authorities, which provides that if I make knowingly false averments I may be subject to criminal penalties.

COCA-COLA ENTERPRISES INC.

BY: 
E. LISTON BISHOP, III

U. S. Mortgagor

U. S. Mortgagor

On the First (1st) day of October in the year of our Lord, one thousand nine hundred and sixty-seven (1967).

MORTGAGOR COCA-COLA BOTTLING CO. OF DUBOIS, INC.

a Corporation under the laws of the Commonwealth of Pennsylvania, having its domicile in the City of Dubois, County of Clearfield, in said Commonwealth, party of the first part, and NUMBER COCA-COLA BOTTLING COMPANY

having its domicile in the City of Dubois, County of Clearfield, the said party of the first part, is and by its obligation, or writing obligation, duly executed, bearing

even date herewith, stands bound unto said party of the second part, in the sum of One Hundred and Six Thousand (\$106,000.00)

of the United States of America, conditioned for the payment of One hundred and six thousand (\$106,000.00) Dollars, lawful money

of One hundred and six thousand (\$106,000.00) Dollars, lawful money due and payable when and as often as the principal debt and interest are paid in full; said principal debt and interest are to be paid in full; and the balance to payment of principal; said Mortgagor shall have the right to anticipate any or all payment(s)

with interest thereon from the date hereof at the rate of six percent (6%) per annum, payable in full; interest only payable monthly from October 1, 1967 to September 30, 1968 and thereafter payable within ten (10) years at the rate of Eleven Hundred Seventy-Six Dollars and Twenty-Six Cents (\$1,176.26) per month, beginning on the 1st day of October, 1968, and on the 1st day of each month thereafter until the principal debt and interest are paid in full; said payments shall be applied first to payment of interest and the balance to payment of principal; said Mortgagor shall have the right to anticipate any or all payment(s)

and the right to require payment of any amount due and payable thereon at any time, and shall also, from time to time, until said debt and interest be fully paid, renew and keep alive, by paying the necessary premiums and charges of such policies of insurance as may be taken out to the amount of at least

One Hundred and Six Thousand (\$106,000.00)

by or in behalf of the said party of the second part, its executors or assigns upon any buildings or

improvements standing on the said land and premises hereinafter described, and also pay all State

Corporation taxes, and any and all taxes, municipal assessments or charges accrued against or upon

the mortgaged premises, and in case default be made in payment of said principal debt or sum, or

of any installment of interest or premium of insurance as aforesaid, or of all State Corporation taxes,

or any taxes, municipal assessments or charges as aforesaid, or any part thereof, when due and

payable respectively, by the terms of said obligation, or by law for the space of thirty (30) days as aforesaid, the whole of said principal debt or sum and interest then unpaid, shall thereupon

at the option of the holder hereof become due and payable forthwith, and shall also pay all fees, costs

and expenses of collecting the same, including an attorney's commission of ten per centum.

Now this Intuitio Delinquent, That the said party of the first part as well for and in consideration of the aforesaid debt or sum of One Hundred and Six Thousand (\$106,000.00)

and for the better securing the payment of the same, with interest as aforesaid, unto the said party of the second part, its executors, successors and assigns according to the conditions of said obligation, and in discharge thereof, as far and in consideration of the further sum of one dollar unto it in hand well and truly paid by the said party of the second part, at or before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, transferred, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, enjoin, release,

and convey and confirm unto the said party of the second part, its executors and assigns, all certain piece or parcel of land situate, lying and being in the

described as follows:

Ex. A.

Route 266 and the Kauffman line of a public alley, thence North, R. 47, East along the Eastern boundary of said public, all of and lands of the Dubois Coal Co. Bottling Co., of which this is a part, a distance of 230.0 feet to an iron pipe, thence South 74° 43' East a distance of 395.8 feet to an iron pipe, thence South 23° 47' West a distance of 230.1 feet to an iron pipe on the Northern right of way of State Route 255; thence along the Northern right of way of said State Route 255 the following courses and distances: North 75° 27' West 235.2 feet, North 73° 34' West 157.7 feet to an iron pipe, the place of beginning containing 2.09 acres.

BRING the same premises which were conveyed to Dubois Coal Co. Inc. by road of Dubois Coal Co. Bottling Co. dated September 28, 1867 and recorded at Clearfield, Pennsylvania, in Deed Book No. 538, Page 29. The said Dubois Coal Co. Inc. is now known as Coal-Coil Bottling Co. or Dubois, Inc., Mortgagor herein.

This Mortgage is made under and subject to a certain mortgage from Dubois Coal Co. Inc. to the Dubois Deposit National Bank, of Dubois, Pennsylvania, in the principal sum of \$100,000.00, dated September 28, 1867 and recorded at Clearfield, Pennsylvania, in Mortgage Book No. 223, page 684.

NOTICE

To comply with the Act of July 17, 1867 (52 P.S. Supp. Section 1551-1554) notice is hereby given as follows:

THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HERIN, 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 OTHER STRUCTURE ON OR IN SUCH LAND.

John C. Gandy

Together with all and singular the buildings and improvements, streets, lanes, alleys, passageways, waters, water-courses, rights, liberties, privileges, hereditaments and appurtenances whatsoever thereunto belonging, or in anywise appertaining, and the reversions, remainders, rents, issues and profits thereof.

To have and to hold the said hereditaments and premises hereby granted and conveyed, with the appurtenances, unto the said party of the second part, its successors and assigns, to the only proper use and benefit of the said party of the second part, its successors and assigns, forever.

Prohibited Clauses. Notwithstanding. That if the said party of the first part, its successors or assigns, attorney, successors or assigns, the aforesaid debt or sum of One Hundred and Six Thousand Dollars (\$106,000.00) with interest as aforesaid, on the day and time a hereinbefore mentioned and appointed for the payment thereof,

without any fraud or further delay, and without any deduction, defalcation or abatement to be made for or in respect of any taxes, charges or assessments whatsoever, then and from thenceforth, as well this present Indenture, and the estate hereby granted, as the said recited obligation, shall become void and of no effect, anything hereinbefore contained to the contrary thereof, in anywise notwithstanding.

But prohibited further, also. That in case default be made, in the payment of said principal debt or sum, or of any instalment of interest, or charges, or premiums of insurance or of any part thereof, or in payment of all state corporation taxes or any and all taxes, municipal assessments or charges annexed together or upon the mortgaged premises when due and payable respectively by the terms and conditions of said obligation, for the period of thirty (30)

And all errors in said proceedings, together with stay of, or exemption from execution, or extension of time of payment which may be given by any Act or Laws of Assembly, now in force, or which may be enacted hereafter, are hereby forever waived and released.

The COCA-COLA BOTTLING CO. OF DUBOIS, INC.

doth hereby constitute and appoint, THOMAS J. HANFORD, to be its attorney for it, and in its name and as and for its corporate act and deed to administer this Mortgage, before any person having authority by the laws of the Commonwealth of Pennsylvania to take such acknowledgement, to the intent that the same may be duly recorded.

This Mortgage is made under and by virtue of a resolution of the Board of Directors of the Mortgagor, duly passed at a regular meeting thereof held on the day of December 8th, A.D. 1967, a full quorum being present, authorizing and directing the same to be made and done. The witness whereof, The said Corporation, party of the first part, has caused its common and corporate seal to be affixed to these presents by the hand of its President, and the same to be duly attested by its Secretary. Dated the day and year first above written.

COCA-COLA BOTTLING CO. OF DUBOIS, INC.

By Thomas J. Hanford
(Name of Attorney)
President.

Attest:

Commonwealth of Pennsylvania
County of Clearfield
[REDACTED]

Secretary.

I hereby certify that on this 8th day of December A.D. 1967 before me, the subscriber, a Notary Public in and for the County of Clearfield and Commonwealth of Pennsylvania, personally appeared THOMAS J. HANFORD the person by name in the foregoing Mortgage, and by virtue and in pursuance of the authority herein conferred upon him by the Mortgagor acknowledged the said Mortgage to be the act of the said Mortgagor COCA-COLA BOTTLING CO. OF DUBOIS, INC. to the end that it may be recorded as such.

Witness my hand this 18th day of December A.D. 1967

Thomas J. Hanford
President

My Commission exp. 12-31-1968
At Commission Expt. Exp. 12-31-1968
Notary Public

CERTIFICATE OF RESIDENCE

I, GIBSON, CHERRY & GUIDO do hereby certify that my residence is 1103 S. 10th Street

Witness my hand this 18th day of December A.D. 1967

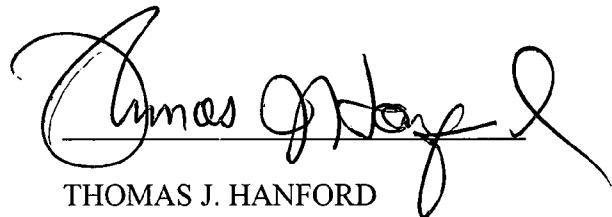
Thomas J. Hanford
President

SEARCHED OR READING 197 INDEXED 197 DICK REED RECORDER

AFFIDAVIT

STATE OF FLORIDA :
COUNTY OF PALM BEACH : ss :
:

I, THOMAS J. HANFORD, being duly sworn according to law, depose and say that: I am an adult individual, and was the President of Coca-Cola Bottling Company of DuBois, Inc. as of October 1, 1967; that the attached copy of Mortgage marked Exhibit "A" is a true and correct copy of mortgage that I signed on behalf of Coca-Cola Bottling Company of DuBois, Inc., I having signed it on December 8, 1967 and that the signature thereon is mine; that the obligation memorialized by the document attached hereto and marked Exhibit "A" was paid in full.



Thomas J. Hanford

SWORN TO AND SUBSCRIBED

before me this 5th day of
Sept., 2006.



Laura L. Emerick
Notary Public

NOTARIAL SEAL
Laura L. Emerick, Notary Public
DuBois, Clearfield County
My commission expires May 18, 2008

EXHIBIT B

Route 23, about the eastern line of a public highway, hence running north and south, including the Eastern boundary of said public alleys and lands of the Dubois Coca-Cola Bottling Co., which is 16 1/2 acres, 415 feet wide by 300 feet long, to an iron pipe, whence South 45 degrees East a distance of 305 8 feet to an iron pipe, thence South 23 degrees West a distance of 210 1 feet to an iron pipe, on the Northern front of which State Route 23, thence along the Northern front of the highway of said State Route 23, the following courses and distances: North 75 degrees West 238 2 feet, North 73 degrees West 157 7 feet to an iron pipe, the place of beginning, containing 440 acres.

SALE of the same premises which were conveyed to Dubois Coca-Cola Inc. by deed of Dubois Coca-Cola Bottling Co. dated September 29, 1967 and recorded at Clearfield, Pennsylvania, in Deed Book No. 533, page 203, in said Dubois Coca-Cola Inc. is now known as Coca-Cola Bottling Co. of Dubois Inc., in this paper herein.

This Mortgagor is made under and subject to a certain mortgage from Dubois Coca-Cola Inc. to the Dubois Deposit National Bank of Dubois, Pennsylvania, in the principal sum of \$100,000.00, dated September 29, 1967 and recorded at Clearfield, Pennsylvania in Mortgage Book No. 223, page 684.

NOTICE

To comply with the Act of July 17, 1937 (12 P.S. § 809), Section 1554, notice is hereby given as follows:

THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, OR THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL, AND IN THAT CONNECTION, UNMADE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND.

Given together with all and singular the buildings and improvements to the property, lands, tenements, hereditaments, and appurtenances whatsoever thereunto belonging, or to any use appertaining, and the revenues, rents, issues, and profits thereof.

Given and to DUBIOS CO. Coca-Cola Bottling Co. of Dubois, Pennsylvania, hereby granted and conveyed, with the appurtenances unto the said party of the second part, its successors and assigns for ever.

IT IS STIPULATED, THAT IF THE said party of the first part, its successors and assigns shall and do will and truly pay, or cause to be paid unto the said party of the second part, its successors and assigns for ever, the sum of One Hundred and Six Thousand Dollars (\$106,000.00) with interest as aforesaid on the day's and time's hereinbefore mentioned and appointed for the payment thereof.

Without any fine or further delay and without any deduction, defalcation or abatement to be made, or in respect of any taxes, charges or assessments whatsoever, then and from thenceforth, as well this present instrument, and the estate hereby granted, as the said rectified obligations, shall become void and of no effect, anything hereinbefore contained to the contrary thereof, in any wise notwithstanding.

IN WITNESS WHEREOF, that in case default be made, in the payment of said principal debt or any part thereof, or in payment of all costs, corporation taxes, or any and all taxes, imposts and assessments or charges assessed against or upon the mortgaged premises, when due and payable respectively, by the terms and conditions of said obligation, for the period of thirty (30)

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days after the same shall become due and payable, as aforesaid, the whole of said Principal debt, compound interest thereon, shall thereupon at the option of the holder hereof, become due and payable, and a Complaint in action of Mortgage Foreclosure may be issued forthwith on this Mortgag and prosecuted to judgment, and execution and sale, for collection of the whole amount of the said principal debt, and interest thereon, remaining unpaid, together with all premiums of insurance, fees, costs and expenses of such proceeding, including an attorney's commission of ten per centum for the collection of the sums.

And all errors in said proceedings, together with stay of, or exemption from execution, or extension of time of payment, which may be given by any Act, or Article of Assembly, now in force, or which may be enacted hereafter, are hereby forever waived and released.

doth hereby constitute and appoint **THOMAS J. HANFORD** to be its attorney for it, and in the name and as and for its corporate act and decree to acknowledge this Mortgage before any person having authority by the laws of the Commonwealth of Pennsylvania to take such acknowledgment to the intent that the same may be duly recorded, and to make and render and give virtue of its resolutions of the Board of Directors of the

COCA-COLA BOTTLING CO.
DUBOIS, PA.

By John W. H. H. 1860

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Constitutional Protection of Personal Privacy

Her attorney warned in the *International Herald Tribune* and
conferred upon him in the most cordial atmosphere of
COCA-COLA BOTTLING CO OF DUBAIS.

It is interesting that a family can experience an attack of *Leishmania* in different ways, and that the same family can experience different types of *Leishmania* disease.

LEAH M. HEDDER, Notary Public
of Commissioned Notaries, Inc.
19

THE CROWN OF WESTEND
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WITNESS AND FAITH

William A Shaw
Prothonotary/Clerk of Courts

SEP 18 2006

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COUNSEL OF RECORD:
CHRISTOPHER E. MOHNEY, ESQUIRE
SUPREME COURT NO.: 63494
25 EAST PARK AVENUE, SUITE 6
DUBOIS, PA 15801
(814) 375-1044

FILED

SEP 18 2006
07121514
William A. Shaw
Prothonotary/Clerk of Courts

1 CENT TO ATT

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

SEP 18 2006

Attest.

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
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their successors, assigns, directors, :
officers, shareholders, and any of :
the foregoing's legal representatives, :
heirs and all other person, persons :
or corporation entities in interest, or :
their legal representatives, :
: DEFENDANTS :

MOTION FOR SERVICE ON DEFENDANT
BY PUBLICATION

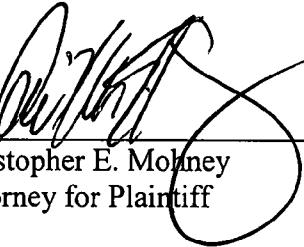
AND NOW, this _____ day of September, 2006, Affidavit having been
executed and filed by the Plaintiff that the identity and/or whereabouts of the Defendants,
their successors and assigns, directors, shareholders, and any of the foregoing's heirs are
unknown, Plaintiff, by its attorney, Christopher E. Mohney, Esquire, moves this Court for
leave to serve the Complaint on the above-mentioned Defendants, their successors,
assigns, directors, officers, shareholders, and any of the foregoing's legal representatives,
heirs and all other person, persons or corporation entities in interest, or their legal

representatives, by publication in such a manner as the Court shall direct, as provided by the Pennsylvania Rules of Civil Procedure 410 and 430 (b), and Clearfield County Local Rule 410.

Respectfully submitted,

BY:

Christopher E. Mohney
Attorney for Plaintiff

A handwritten signature in black ink, appearing to read "Christopher E. Mohney", is written over a horizontal line. To the right of the line is a large, roughly circular, hand-drawn oval.

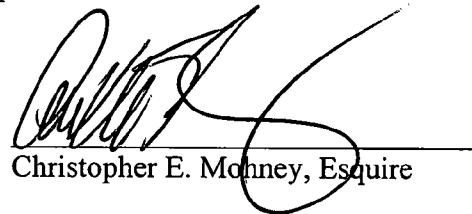
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL DIVISION

COCA-COLA ENTERPRISES	:	NO. 06 -
INC., formerly known as	:	
COCA-COLA BOTTLING CO.	:	TYPE OF CASE: ACTION TO
OF DUBOIS, INC., and DUBOIS	:	QUIET TITLE
COCA-COLA, INC.,	:	
	:	
PLAINTIFF	:	
	:	
VS.	:	
	:	
DUBOIS COCA-COLA	:	
BOTTLING COMPANY, DOID R.	:	
KANE, HAROLD KANE, CARL L.	:	
FAUBLE and DWIGHT L. KANE,	:	
their successors, assigns, directors,	:	
officers, shareholders, and any of	:	
the foregoing's legal representatives,	:	
heirs and all other person, persons	:	
or corporation entities in interest, or	:	
their legal representatives,	:	
	:	
DEFENDANTS	:	

AFFIDAVIT

I, CHRISTOPHER E. MOHNEY, ESQUIRE, being duly sworn according to law, depose and say that I am counsel for Plaintiff in the above-captioned matter and that I have determined that Defendant DuBois Coca-Cola Bottling Company filed a Certificate of Election to Dissolve with the Commonwealth of Pennsylvania, Department of State, Corporation Bureau, copy attached hereto and marked Exhibit "A"; that none of the officers or directors (and named as Defendants) listed on Exhibit "A" are listed in the DuBois telephone directory, nor are any of the individuals listed in the local tax records or voter registration records, nor are there any estates of record in Clearfield County,

Pennsylvania for any of the listed individuals to ascertain dates of death, whether any of them died testate or intestate, or the names and addresses of all the individuals heirs, legatees, or devisees; that after reasonable investigation, none of the listed individuals on Exhibit "A", or any of their heirs, legatees or devisees could be located to ascertain the identity the shareholders of the dissolved corporation of DuBois Coca-Cola Bottling Company; and that I have made a good faith effort to locate the whereabouts of the Defendants, its principals, or any heirs of the principals.



Christopher E. Mohney, Esquire

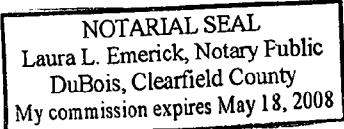
SWORN TO and SUBSCRIBED

before me this 7th day of

September, 2006.



Laura L. Emerick
Notary Public



3-1-68.18 1270

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
CORPORATION BUREAU
HARRISBURG, PENNSYLVANIA

CERTIFICATE OF ELECTION TO DISSOLVE

In accordance with provisions of Article XI, of the Business Corporation Law, approved May 5, 1933, P.L. 364, as amended, the within corporation hereby certifies under its corporate seal:

1. The name of the corporation is DUBOIS COCA-COLA BOTTLING COMPANY.
2. The address of its registered office is 601 East DuBois Avenue, DuBois, Pennsylvania.
3. The names and addresses, including street and number, and official title, of its officers are:

<u>Name</u>	<u>Address</u>	<u>Official Title</u>
DOID R. KANE	206 Spring Avenue, DuBois, Pa.	President & Treas.
HAROLD KANE	608 Green Glen Dr., DuBois, Pa.	Vice-President
CARL L. FAUBLE	210 W. DuBois Ave., DuBois, Pa.	Secretary

4. The names and addresses, including street and number, of its directors are:

<u>Name</u>	<u>Address</u>
DOID R. KANE	206 Spring Avenue, DuBois, Pennsylvania
HAROLD KANE	608 Green Glen Drive, DuBois, Pennsylvania
CARL L. FAUBLE	210 West DuBois Avenue, DuBois, Pennsylvania
DWIGHT L. KANE	1220 North Broad Street, Lancaster, Ohio

5. All shareholders of record signed personally or by their duly authorized attorney, an agreement consenting to the dissolution.

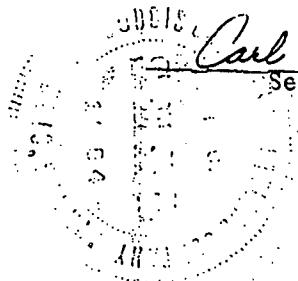
IN WITNESS WHEREOF, the aforesaid corporation has caused this certificate to be signed by its President and its corporate

Exhibit "A"

1271
3-1-68.18

seal duly attested by its Secretary to be hereunto affixed on the
20th day of June, 1968.

ATTEST:


Carl L. Fauble
Secretary

DUBOIS COCA-COLA BOTTLING COMPANY

By Louis R. Kane
President

Filed in the Department of State on
the 24th day of June 1968
Donald P. Kelly, Jr.
Secretary of the Commonwealth

ed

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE

February 28, 2006

TO ALL WHOM THESE PRESENTS SHALL COME, GREETING:

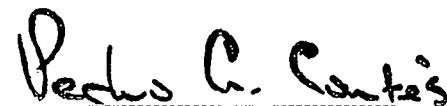
DUBOIS COCA-COLA BOTTLING COMPANY

I, Pedro A. Cortés, Secretary of the Commonwealth of Pennsylvania do hereby certify that the foregoing and annexed is a true and correct photocopy of Certificate of Election to Dissolve

which appear of record in this department



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the Secretary's Office to be affixed, the day and year above written.

A handwritten signature in black ink that reads "Pedro A. Cortés".

Secretary of the Commonwealth

STMARTZ

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

COCA-COLA ENTERPRISES	:	NO. 06 -
INC., formerly known as	:	
COCA-COLA BOTTLING CO.	:	TYPE OF CASE: ACTION TO
OF DUBOIS, INC., and DUBOIS	:	QUIET TITLE
COCA-COLA, INC.,	:	
	:	
PLAINTIFF	:	
VS.	:	
	:	
DUBOIS COCA-COLA	:	
BOTTLING COMPANY, DOID R.	:	
KANE, HAROLD KANE, CARL L.	:	
FAUBLE and DWIGHT L. KANE,	:	
their successors, assigns, directors,	:	
officers, shareholders, and any of	:	
the foregoing's legal representatives,	:	
heirs and all other person, persons	:	
or corporation entities in interest, or	:	
their legal representatives,	:	
	:	
DEFENDANTS	:	

ORDER

AND NOW, this _____ day of September, 2006, upon consideration of the foregoing Plaintiff's Motion for Service of Complaint on Defendants by Publication, the Plaintiff is granted leave to make service of the Complaint on all Defendants, their successors, assigns, directors, officers, shareholders, and any of the foregoing's legal representatives, heirs and all other person, persons or corporation entities in interest, or their legal representatives, by publication once in the Courier-Express, a newspaper of general circulation in the City of DuBois, Clearfield County, Pennsylvania, and once in the Clearfield County Legal Journal according to the attached Notice.

BY THE COURT,

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

COCA-COLA ENTERPRISES	:	NO. 06 -
INC., formerly known as	:	
COCA-COLA BOTTLING CO.	:	TYPE OF CASE: ACTION TO
OF DUBOIS, INC., and DUBOIS	:	QUIET TITLE
COCA-COLA, INC.,	:	
	:	
PLAINTIFF	:	
	:	
VS.	:	
	:	
DUBOIS COCA-COLA	:	
BOTTLING COMPANY, DOID R.	:	
KANE, HAROLD KANE, CARL L.	:	
FAUBLE, and DWIGHT L. KANE,	:	
their successors, assigns, directors,	:	
officers, shareholders, and any of	:	
the foregoing's legal representatives,	:	
heirs and all other person, persons	:	
or corporation entities in interest, or	:	
their legal representatives,	:	
	:	
DEFENDANTS	:	

ACTION TO QUIET TITLE TO NO.

TO: DUBOIS COCA-COLA BOTTLING COMPANY, DOID R. KANE, HAROLD KANE, CARL L. FAUBLE and DWIGHT L. KANE, their successors, assigns, directors, officers, shareholders, and any of the foregoing's legal representatives, heirs and all other person, persons or corporation entities in interest, or their legal representatives

You are hereby notified that an action to quiet title to premises situate in the City of DuBois, Clearfield County, Pennsylvania, has been filed against you. Said premises are described as follows:

ALL that certain piece or parcel of land situate, lying and being in the City of DuBois, Clearfield County, Pennsylvania, being bounded and described as follows:

BEGINNING at an iron pipe, said iron pipe being at the intersection of the northern right of way line of State Route 255 and the eastern line of a public alley; thence North 23 degrees 47 minutes East along the eastern boundary of said public alley and lands of The DuBois Coca Cola Bottling Co. of which this is a part, a distance of 230.0 feet to an iron pipe; thence South 74 degrees 43 minutes East a distance of 395.8 feet to an iron pipe; thence South 23 degrees 47 minutes West a distance of 230.1 feet to an iron pipe on the northern right of way of State Route 255; thence along the northern right of way of said State Route 255 the following courses and distances: North 75 degrees 27 minutes West 238.2 feet, North 73 degrees 34 minutes West 157.7 feet to an iron pipe, the place of beginning. CONTAINING 2.09 acres.

You have been sued in court. The purpose of this quiet title action is to extinguish any right or equity which the defendant above named and its successors, assigns, directors, officers, shareholders, and any of the foregoing's legal representatives, heirs and all other person, persons or corporation entities in interest, or their legal representatives may have in the property as described above. The Plaintiff in this action, after diligent search, has been unable to locate the Defendant, DUBOIS COCA-COLA BOTTLING COMPANY, its successors, assigns, directors, officers, shareholders, and any of the foregoing's legal representatives, heirs and all other person, persons or corporation entities in interest, or their legal representatives.

Whereupon, the Court ordered that Notice of said action be served on the Defendant, DUBOIS COCA-COLA BOTTLING COMPANY, its successors, assigns, directors, officers, shareholders, and any of the foregoing's legal representatives, heirs and all other person, persons or corporation entities in interest, or their legal representatives, by advertisement requiring Defendant's above-named and its successors, assigns, directors, officers, shareholders, and any of the foregoing's legal representatives,

heirs and all other person, persons or corporation entities in interest, or their legal representatives to answer the Complaint within twenty (20) days from the date of this publication.

NOTICE

IF YOU WISH TO DEFEND, YOU MUST ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE YOUR DEFENSE OR OBJECTIONS IN WRITING WITH THE COURT. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT FURTHER NOTICE FOR THE RELIEF REQUESTED BY THE PLAINTIFFS. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

CLEARFIELD COUNTY PROTHONOTARY
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PA 16830
(814) 765-2641 x 5982



Christopher E. Mohney, Esquire
25 East Park Avenue, Suite 6
DuBois, PA 15801
Attorney for Plaintiff

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

COCA-COLA ENTERPRISES : NO. 06-1505-CB
INC., formerly known as :
COCA-COLA BOTTLING CO. : TYPE OF CASE: ACTION TO
OF DUBOIS, INC., and DUBOIS : QUIET TITLE
COCA-COLA, INC., :
PLAINTIFF :
VS. :
DUBOIS COCA-COLA :
BOTTLING COMPANY, DOID R. :
KANE, HAROLD KANE, CARL L. :
FAUBLE and DWIGHT L. KANE, :
their successors, assigns, directors, :
officers, shareholders, and any of :
the foregoing's legal representatives, :
heirs and all other person, persons :
or corporation entities in interest, or :
their legal representatives, :
DEFENDANTS :
:

ORDER

AND NOW, this 21ST day of September, 2006, upon consideration of the foregoing Plaintiff's Motion for Service of Complaint on Defendants by Publication, the Plaintiff is granted leave to make service of the Complaint on all Defendants, their successors, assigns, directors, officers, shareholders, and any of the foregoing's legal representatives, heirs and all other person, persons or corporation entities in interest, or their legal representatives, by publication once in the Courier-Express, a newspaper of general circulation in the City of DuBois, Clearfield County, Pennsylvania, and once in the Clearfield County Legal Journal according to the attached Notice.

BY THE COURT



FILED
01/06/07
Atty Mohney
SEP 21 2006
©

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

COCA-COLA ENTERPRISES, INC., formerly known as COCA-COLA BOTTLING CO. OF DUBOIS, INC., and DUBOIS COCA-COLA, INC.,	:	NO. 06 – 1505 – C.D.
Plaintiff,	:	TYPE OF CASE: ACTION TO QUIET TITLE
vs.	:	TYPE OF PLEADING: MOTION FOR DEFAULT JUDGMENT
DUBOIS COCA-COLA BOTTLING COMPANY, DOID R. KANE, HAROLD KANE, CARL L. FAUBLE, and DWIGHT L. KANE, their successors, assigns, directors, officers, shareholders, and any of the foregoing's legal representatives, heirs and all other person, persons or corporation entities in interest, or their legal representatives,	:	FILED ON BEHALF OF: PLAINTIFFS COCA-COLA ENTERPRISES, INC., formerly known as COCA-COLA BOTTLING CO. OF DUBOIS, INC. and DUBOIS COCA-COLA, INC.
Defendants.	:	COUNSEL OF RECORD: CHRISTOPHER E. MOHNEY, ESQUIRE
	:	SUPREME COURT NO.: 63494
	:	25 EAST PARK AVENUE, SUITE 6 DUBOIS, PA 15801 (814) 375-1044

FILED
NOV 13 2006
NOV 08 2006
cc
B&D
William A. Shaw
Prothonotary/Clerk of Courts

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

COCA-COLA ENTERPRISES, INC.,	:	NO. 06 – 1505 – C.D.
formerly known as COCA-COLA	:	
BOTTLING CO. OF DUBOIS,	:	TYPE OF CASE: ACTION TO
INC., and DUBOIS COCA-COLA, INC.,	:	QUIET TITLE
Plaintiff,	:	
vs.	:	
DUBOIS COCA-COLA BOTTLING	:	
COMPANY, DOID R. KANE, HAROLD	:	
KANE, CARL L. FAUBLE, and DWIGHT	:	
L. KANE, their successors, assigns,	:	
directors, officers, shareholders, and any	:	
of the foregoing's legal representatives,	:	
heirs and all other person, persons	:	
or corporation entities in interest, or	:	
their legal representatives,	:	
Defendants.	:	

MOTION FOR DEFAULT JUDGMENT

AND NOW, comes the Plaintiff, COCA-COLA ENTERPRISES, INC., by and through their undersigned attorney, CHRISTOPHER E. MOHNEY, ESQUIRE, and files this Motion for Default Judgment against Defendants, DUBOIS COCA-COLA BOTTLING COMPANY, DOID R. KANE, HAROLD KANE, CARL L. FAUBLE, and DWIGHT L. KANE and in support thereof avers the following:

1. This is an action to quiet title in which COCA-COLA ENTERPRISES, INC. request that Defendants their heirs, administrators, executors, and assigns, and all other person, persons, firms, partnerships or corporate entities in interest or their legal representatives be forever barred from asserting any right, title, liens or interests in or impeaching, levying or in any way attack

the Plaintiff's title to the land described in Plaintiff's Complaint. A true and correct copy of the Plaintiff's Complaint is attached hereto, marked Exhibit "A".

2. That by Order of this Court dated September 21, 2006, the Plaintiff was given leave to serve the Complaint filed in the above-captioned quiet title action by publication once in the Courier-Express, a newspaper of general circulation in Clearfield County, Pennsylvania, and once in the Clearfield County Legal Journal, the service by publication being allowed upon Motion and Affidavits filed by the Plaintiffs that the whereabouts of the Defendants, DUBOIS COCA-COLA BOTTLING COMPANY, DOID R. KANE, HAROLD KANE, CARL L. FAUBLE, and DWIGHT L. KANE, and their heirs, administrators, executors and assigns, are unknown.

3. Pursuant to Order of Court dated September 21, 2006, Publication was made in the Courier Express on October 9, 2006, and in the Clearfield County Legal Journal the week of October 13, 2006, Volume 18, No. 41. Respective proofs of publication are attached hereto, marked Exhibit "B".

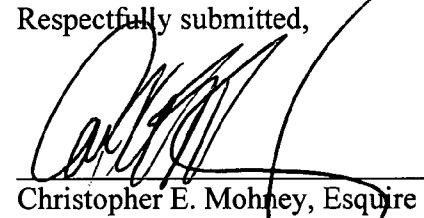
4. That more than twenty (20) days have elapsed since last service of the Complaint and no appearance nor answer to the Complaint has been filed by the Defendant, his heirs, administrators, executors and/or assigns.

5. Attached hereto and marked Exhibit "C" is an Affidavit stating that a Complaint was served by publication once in the Courier-Express and once in the Clearfield County Legal Journal and more than twenty (20) days have elapsed since service and that Defendants, or anyone claiming under Defendants, have not entered an appearance or filed an answer to the Complaint.

6. Pennsylvania Rule of Civil Procedure 1066(a) allows this Honorable Court to grant appropriate relief upon Affidavit that a Complaint containing notice to the Defendants has been served and Defendants has not filed an answer.

WHEREFORE, your Honorable Court is respectfully requested to enter an Order for judgment for the Plaintiffs as prescribed by Pennsylvania Rule of Civil Procedure 1066.

By:

Respectfully submitted,

Christopher E. Mohney, Esquire

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

COCA-COLA ENTERPRISES : NO. 06 - 1505-CV
INC., formerly known as :
COCA-COLA BOTTLING CO. :
OF DUBOIS, INC., and DUBOIS :
COCA-COLA, INC., :
PLAINTIFF :
VS. :
DUBOIS COCA-COLA :
BOTTLING COMPANY, DOID R. :
KANE, HAROLD KANE, CARL :
L. FAUBLE, and DWIGHT L. :
KANE, their successors, assigns, :
directors, officers, shareholders, :
and any of :
the foregoing's legal representatives, :
heirs and all other person, persons :
or corporation entities in interest, or :
their legal representatives, :
COUNSEL OF RECORD:
CHRISTOPHER E. MOHNEY, ESQUIRE
SUPREME COURT NO.: 63494

25 EAST PARK AVENUE, SUITE 6
DUBOIS, PA 15801
(814) 375-1044

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

SEP 18 2006

Attest.

William J. Mohney
Prothonotary/
Clerk of Courts

EXHIBIT

"A"

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

COCA-COLA ENTERPRISES	:	NO. 06 -
INC., formerly known as	:	
COCA-COLA BOTTLING CO.	:	TYPE OF CASE: ACTION TO
OF DUBOIS, INC., and DUBOIS	:	QUIET TITLE
COCA-COLA, INC.,	:	
PLAINTIFF	:	
VS.	:	
DUBOIS COCA-COLA	:	
BOTTLING COMPANY, DOID R.	:	
KANE, HAROLD KANE, CARL	:	
L. FAUBLE, and DWIGHT L.	:	
KANE, their successors, assigns,	:	
directors, officers, shareholders, and	:	
any of the foregoing's legal	:	
representatives, heirs and all other	:	
person, persons or corporation	:	
entities in interest, or their legal	:	
representatives,	:	
DEFENDANTS	:	

NOTICE

TO: DUBOIS COCA-COLA BOTTLING COMPANY, DOID R. KANE, HAROLD KANE, CARL L. FAUBLE, and DWIGHT L. KANE their successors, assigns, directors, officers, shareholders, and any of the foregoing's legal representatives, heirs and all other person, persons or corporation entities in interest, or their legal representatives,

YOU ARE HEREBY NOTIFIED THAT AN ACTION TO QUIET TITLE TO PREMISES SITUATE IN HUSTON TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA, HAS BEEN FILED AGAINST YOU. SAID PREMISES ARE DESCRIBED AS FOLLOWS:

ALL that certain piece or parcel of land situate, lying and being in the City of DuBois, Clearfield County, Pennsylvania, being bounded and described as follows:

BEGINNING at an iron pipe, said iron pipe being at the intersection of the northern right of way line of State Route 255 and the eastern line of a public alley; thence North 23 degrees 47 minutes East along the eastern boundary of said public alley and lands of The DuBois Coca Cola Bottling Co. of which this is a part, a distance of 230.0 feet to an iron pipe; thence South 74 degrees 43 minutes East a distance of 395.8 feet to an iron pipe; thence South 23 degrees 47 minutes West a distance of 230.1 feet to an iron pipe on the northern right of way of State Route 255; thence along the northern right of way of said State Route 255 the following courses and distances: North 75 degrees 27 minutes West 238.2 feet, North 73 degrees 34 minutes West 157.7 feet to an iron pipe, the place of beginning. CONTAINING 2.09 acres.

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 CLAIM 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.

CLEARFIELD COUNTY PROTHONOTARY
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PA 16830
(814) 765-2641 x 5982

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

COCA-COLA ENTERPRISES	:	NO. 06 -
INC., formerly known as	:	
COCA-COLA BOTTLING CO.	:	TYPE OF CASE: ACTION TO
OF DUBOIS, INC., and DUBOIS	:	QUIET TITLE
COCA-COLA, INC.,	:	
PLAINTIFF	:	
VS.	:	
DUBOIS COCA-COLA	:	
BOTTLING COMPANY, DOID R.	:	
KANE, HAROLD KANE, CARL L.	:	
FAUBLE, and DWIGHT L. KANE	:	
their successors, assigns, directors,	:	
officers, shareholders, and any of	:	
the foregoing's legal representatives,	:	
heirs and all other person, persons	:	
or corporation entities in interest, or	:	
their legal representatives,	:	
DEFENDANT	:	

COMPLAINT

AND NOW, comes the Plaintiff *COCA-COLA ENTERPRISES INC., formerly known as COCA-COLA BOTTLING CO. OF DUBOIS, INC. and DUBOIS COCA-COLA, INC.*, by and through its attorney, *CHRISTOPHER E. MOHNEY, ESQUIRE*, and files the following Action to Compel Satisfaction of Mortgage, averring as follows:

1. Plaintiff COCA-COLA ENTERPRISES INC. is a corporation organized and existing under the laws of the State of Delaware, with a place of business at 601 E. DuBois Avenue, DuBois, Clearfield County, Pennsylvania, 15801.
2. Defendant DUBOIS COCA-COLA BOTTLING COMPANY was a Pennsylvania corporation, and according to the Corporation Bureau for the

Commonwealth of Pennsylvania, was created on December 27, 1954, after which a Certificate of Election to Dissolve was filed with the Commonwealth of Pennsylvania, Department of State, Corporation Bureau on June 24, 1968; the place of business of this dissolved corporation was 601 East DuBois Avenue, DuBois, Clearfield County, Pennsylvania 15801.

4. Defendant DOID R. KANE is believed to have been the President and Treasurer and director of Defendant DUBOIS COCA-COLA BOTTLING COMPANY, and Mr. Kane's whereabouts are unknown.

5. Defendant HAROLD KANE is believed to have been the Vice-President and director of Defendant DUBOIS COCA-COLA BOTTLING COMPANY, and Mr. Kane's whereabouts are unknown.

6. Defendant CARL L. FAUBLE is believed to have been Secretary and director of Defendant DUBOIS COCA-COLA BOTTLING COMPANY, and Mr. Fauble's whereabouts are unknown.

7. Defendant DWIGHT L. KANE is believed to have been a director of Defendant DUBOIS COCA-COLA BOTTLING COMPANY, and Mr. Kane's whereabouts are unknown.

8. Plaintiff is now the lawful owner and is in possession of the premises known as 601 East DuBois Avenue, DuBois, Clearfield County, Pennsylvania 15801 (hereinafter referred to as the "Property").

9. Plaintiff COCA-COLA ENTERPRISES INC. is the owner of the Property by virtue of a succession of mergers and acquisitions of preceding Coca-Cola-related entities that have operated on the Property for a number of years in the City of DuBois,

Pennsylvania, dating back to 1947 when a portion of the Property was titled to Coca-Cola Bottling Company.

10. Plaintiff's predecessor in interest, Coca-Cola Bottling Company of DuBois, Inc., by mortgage dated October 1, 1967, and recorded in Clearfield County Mortgage Book 224, page 612, delivered to Defendant DUBOIS COCA-COLA BOTTLING COMPANY a mortgage (hereinafter referred to as the "Mortgage"). The amount of the Mortgage was One Hundred Six Thousand Dollars (\$106,000.00), with interest at 6% per annum. The Mortgage is attached hereto and marked Exhibit A.

11. As referred in paragraph 2 of this Complaint, Defendant filed Articles of Dissolution with the Department of State, Corporation Bureau for the Commonwealth of Pennsylvania in 1968.

12. The aforementioned mortgage held by Defendant DUBOIS COCA-COLA BOTTLING COMPANY remains of record, neither marked satisfied nor the subject premises released from the Mortgage.

13. Defendants failure to satisfy the Mortgage creates a cloud upon Plaintiff's title in the Property.

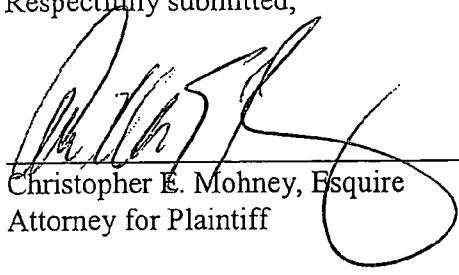
14. After search of public records, there has been no assignment of the Mortgage.

15. Attached hereto and marked Exhibit B is affidavit of Thomas J. Hanford, President of the mortgagor referenced in the Mortgage, said affidavit stating that the loan obligation secured by the Mortgage was paid in full.

WHEREFORE, Plaintiff requests that this Honorable Court order that the Mortgage be marked satisfied of record.

Respectfully submitted,

By:


Christopher E. Mohney, Esquire
Attorney for Plaintiff

VERIFICATION

I, E. LISTON BISHOP, III, Vice President, Secretary, Deputy General Counsel and Director of Acquisitions for COCA-COLA ENTERPRISES INC., being duly authorized to make this verification, have read the foregoing Complaint. The statements therein are correct to the best of my personal knowledge or information and belief.

This statement and verification is made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn fabrication to authorities, which provides that if I make knowingly false averments I may be subject to criminal penalties.

COCA-COLA ENTERPRISES INC.

BY: 
E. LISTON BISHOP, III

U.S. Indenture

Date the First (1st) day of October, in the year of 1987,
our Lord, one thousand nine hundred and sixty-seven (1987),

between KOCH-COLA BOTTLING CO., INC.

a Corporation under the laws of the Commonwealth of

Pennsylvania

having

its domicile in the

CITY OF DUBBS

County of Greene

in said Commonwealth, party of the first part, and DUBBS COCA-COLA BOTTLING COMPANY

a Corporation under the laws of the Commonwealth of

Pennsylvania

having its domicile in the

CITY OF DUBBS

County of Greene

Contracting with the Commonwealth of Pennsylvania, party of the second part,

Witness, the said party of the first part, to and by its obligations, or writing obligation,

whereas herewith stands bound unto said party of the second part, as the principal of

One Hundred and Sixty Thousand (\$160,000.00)

of the United States of America, evidenced by the payment of

One Hundred and Six Thousand (\$100,000.00)

Dollars, the said money as follows: together with interest thereon at the rate of

six percent (6%) per annum, payable annually, interest only pay-

able monthly, from October 1, 1983 to September 30, 1983 and thereafter,

payable within ten (10) years at the rate of Eleven Hundred Seven

Six Dollars and Twenty-Six Cents (\$1,176.26) per month, beginning on

the 1st day of October, 1983, and on the 1st day of each month thereafter

until the principal debt and interest are paid in full, same

after until the principal debt and interest are paid in full, same

payments shall be applied first to payment of interest and the balance

to payment of principal; said Mortgagor shall have the right to make

any prepayment or all payment

without notice therefore; upon the date of payment, bearing

interest on the amount paid, at the rate of six percent (6%) per annum, from the date of

payment, and thereafter bearing interest, new and keeping up, paying the necessary premium and

charges of such policy of insurance as may be taken by the company to insure

One Hundred and Six Thousand (\$100,000.00)

or in behalf of the said party of the second part, as necessary or assignable or otherwise

improvements standing on the land and premises hereinabove described and also as a State

Corporate trust in any amount, and any other insurance as may be required to insure the

foregoing premises, and in case default be made in payment of any amount

or any installment of interest or premium of insurance as aforesaid or in case of

any taxes, municipal assessments or charges as aforesaid, or any other premium and

charge whatsoever, or in case of said obligation to pay for the use of

any or all of the above or in case of any other expense, charge or liability, or in case of

any option of the holder hereof to require payment of any amount

and expenses of collecting the same, including attorney's fees, costs of

service, and other expenses of the same, interest as aforesaid on the amount

of the principal of or sum of One Hundred and Six Thousand (\$100,000.00)

and the amount of any premium and expenses of insurance as aforesaid on the amount

of the principal of or sum of One Hundred and Six Thousand (\$100,000.00)

and the amount of any premium and expenses of insurance as aforesaid on the amount

Route 25, about the Eastern line of a public carrier, thence North 23° 47' East, along the Western boundary of said town, public a key, running to the Dubois Coal Coal, thence Coal, of which this is 16.8 part of a distance of 210.0 feet to iron pipe; thence South 74° 43' East, a distance of 68.8 feet, to an iron pipe, thence South 23° 47' West, a distance of 230.0 feet to an iron pipe on the Northern right of way of State Route 255; thence along the Northern right of way of said State Route 255 the following courses and distances: North 76° 27' West 28.2 feet, North 73° 34' West 157.7 feet to an iron pipe, the place of beginning containing 0.0 acres.

RE, DEED, OF DUBOIS COCA-COLA BOTTLING CO., DATED SEPTEMBER 29, 1967, AND RECORDED AT CLAIRFIELD, PENNSYLVANIA, IN DEED BOOK NO. 633, PAGE 29. WE SAY, DUBOIS COCA-COLA, INC. IS NOW KNOWN AS COCA-COLA BOTTLING CO., DUBOIS, PA., THE MORTGAGEE THEREIN.

THIS MORTGAGE IS MADE, UNDERTAKEN AND SUBJECT TO A CERTAIN MORTGAGE FROM DUBOIS COCA-COLA, INC. TO THE DUBOIS DEPOSIT NATIONAL BANK, OF DUBOIS, PENNSYLVANIA, IN THE PRINCIPAL SUM OF \$100,000.00, DATED SEPTEMBER 26, 1967, AND RECORDED AT CLAIRFIELD, PENNSYLVANIA IN MORTGAGE BOOK NO. 223, PAGE 684.

100

To comply with the Act of July 17, 1957 (62 P.S. Supp. Section 1351) notice is hereby given as follows:

THIS DOCUMENT MAY NOT SEAL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO 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 OR SUCH COAL AND IN ANY CONNECTION DAMAGES MAY RESULT TO THE SURFACE OR THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND.

... *watercourses, flights, liberty, protoges, hereditaments and emportances unto the longing, or in original experiencing, and the reverberations, remanences, reveries, fessives, and phantasies.*

herein contained and premises hereby granted and conveyed, with the appurtenances unto the said party of the second part, its successors and assigns, to the only proper use and behoof of the said party of the second party, its successors and assigns forever.

PROTECTED STUNTS, Detectives, That if the said party of the first part, its successors or assigns, shall and do well and truly pay, or cause to be paid unto the said party of the second part, his attorney, successors, or assigns, the aforesaid debt or sum of One Hundred and Sixty
Thousands Dollars (\$160,000.00)

with interests as aforesaid, on the day's and time's hereinbefore mentioned and appointed for the government thereof.

without any fraud or further delay and without any deviation, defalcation or statement to be made for or in respect of any fees, charges or disbursements whatsoever, then and from thenceforth, as well this present indenture, and the estate hereby granted as the said recited obligation, shall become void, and of no effect, anything hereinbefore contained to the contrary thereof, in anywise notwithstanding.

And all errors in said proceedings, together with, stay of, or exemption from, cancellation, or extension of, kind of judgment, which may be given by any Act or Act of Assembly now in force, or which may be enacted hereafter, are hereby forever waived and released.

This Incorporated is made under and by virtue of a resolution of the Board of Directors of the Worthington, duly passed at a regular meeting thereof held on the day of 1890, by D. G., a full grown being present, authorizing and directing the same to be made and done.

[SCALE] *Jim Wallington's distribution, The Santa Corporation, party of the first part, have
consented to the contents and to be subject to these presents by the
present, and the same to be duly witnessed by the
hand of the
Secretary. Dated the day and year first aboves written.*

COCA-COLA BOTTLING CO. OF
DEBROS, INC.

James L. Clark
Secretary.

Components of Entrepreneurial Cultures

I hereby certify that on this 8th day of December A.D. 1911, before me, the subscriber, a Notary Public, in the County of Oak Park, and Commonwealth of Pennsylvania, personally appeared THOMAS HANFORD,

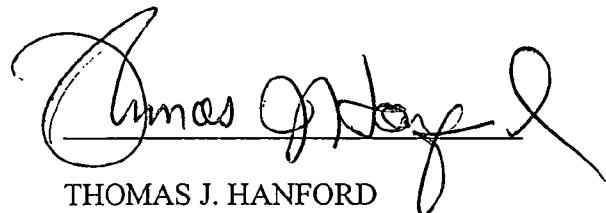
in morning named in the foregoing foregoing, and by whom and in what manner of his authority herein
confessed upon him by the contractor defendant, get the same written to be kept on his and
COCA-COLA BOTTLING CO. or DUBSONS, INC.
to record that it must be recorded as such
with his
my hand and Maria seal in a day and year aforesaid.

19. **Commissioner responsible for the protection of personal data** **NAME** **ADDRESS** **TELEPHONE NUMBER**

AFFIDAVIT

STATE OF FLORIDA :
: SS
COUNTY OF PALM BEACH :

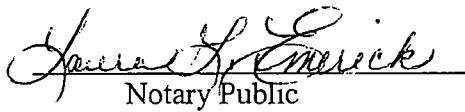
I, THOMAS J. HANFORD, being duly sworn according to law, depose and say that: I am an adult individual, and was the President of Coca-Cola Bottling Company of DuBois, Inc. as of October 1, 1967; that the attached copy of Mortgage marked Exhibit "A" is a true and correct copy of mortgage that I signed on behalf of Coca-Cola Bottling Company of DuBois, Inc., I having signed it on December 8, 1967 and that the signature thereon is mine; that the obligation memorialized by the document attached hereto and marked Exhibit "A" was paid in full.



Thomas J. Hanford

SWORN TO AND SUBSCRIBED

before me this 5th day of
Sept., 2006.



Laura L. Emerick
Notary Public

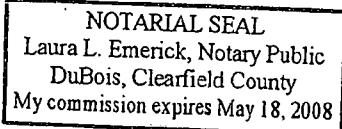


EXHIBIT B

publicly, and largely, of McDowell's Coal, Coal, Coal, and
Co., of which the first part of its name, or 2,000 feet
of iron pipe, hence South 74° 43' east, a distance
of 395 feet, to an iron pipe South 28° 44' West
of 1,154 feet, 200 feet to iron pipe on line, North 74°
43' east, of State Route 258, thence along the Northern
right of way of said State Route 258, the following courses
and distances, North 35° 21' West, 238 feet, West, North 74°
34' West, 157 feet, and iron pipe, the place of beginning
of which is 100 feet.

During the same premises, which were conveyed to DuBois Coal, Coal, Coal,
by David J. Dunlos, of Coalport, W. Va., on September 27, 1867,
recorded in Clermont, Pennsylvania, in Deed Book No. 13, page
14, David J. Dunlos, of Coal, Coal, Coal, is now known as Coal, Coal, Coal,
of DuBois, Pa., and Coalport, W. Va.

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To comply with the Act of July 1, 1954 (62 P.S. Supp. Sec. 10-155) notice is hereby given as follows:

THIS DOCUMENT MAY NOT SERVE TO CONVEY, TRANSFER, INCLUDE OR INSURE PROPERTY TO 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 OR SUCH COAL AND THAT CONNECTION, DRAWDOWN, OR RESURFACING, OR OTHER WORK, IN THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING, OR OTHER STRUCTURE ON OR IN SUCH LAND.

Consequently, it is all the more important that the buildings and improvements, streams, lands, airways, railroads, canals, watercourses, rights of way, harbors, piers, wharves, docks and other facilities which are the property of the Government, be so managed, protected, developed and improved as to be available for the benefit of the people, and to be used for the promotion of the welfare of the country.

shall, and do will, and truly pay, or cause to be paid unto the said party of the second part, in certain attorney's, successors or assigns, the aforesaid debt or sum of One hundred and Six thousand Dollars (\$16,000.00) with interest as aforesaid by the days and times hereinbefore mentioned and upon such terms and

affidavit, any fraud or other debt, and will not, by deduction, deduction or abatement, be made for or in respect of any taxes, charges, assessments, or whatever else and from whence arising, as set forth in this present Indenture, and the estate hereby granted to the said recited obligee, shall become void and of no effect, anything hereinbefore contained to the contrary herein, to the contrary notwithstanding.

Each of the parties hereto, when it comes to its respective hands, in the execution of this instrument, or instrument of transfer, or charges or premiums of any kind, or of any part thereof, or in payment of all state corporation taxes or any and all taxes, munition assessments or charges assessed against it upon the mortgaged premises, when due and payable respectively, by the terms and conditions of said obligation, to the person of third party. (30)

224 *THE JOURNAL*
Date often has come that become due and payable, as aforesaid, the value of said provision for
such and interest then due and thereupon at the option of the holder, herself, become due and
payable, and Complaint filed in uniform to mitigate foreclosing may be issued forthwith in the appropriate
Court and prosecuted to judgment and execution and sale, for satisfaction of the amount due, of all
such provision due, and in case of any remaining unpaid, together with all premiums of insurance,
fees, costs and expenses of such proceedings, including an attorney's commission of two

per cent for the collection of the sum.

And all actions in the State, probably, together with any and every claim, demand, or cause of action, or right, or privilege, or remedy, or of time of payment, which may be or shall be created by any Act or Acts of Assembly, now in, or to be, or which may be hereafter enacted, are hereby forever, waived and released.

done, to my constituents and to you, — **THOMAS J. MANIFOLD**,
atty. for the Commonwealth and as and for the corporate and other, to a considerable
no. of individuals, before any court having authority by the laws of the Commonwealth, of Pennsylvania,
to rule such a claim, to the intent that the same may be duly governed.

None being present to make a motion and by virtue of a resolution of the Board of Directors of the Workforce, duly passed at a regular meeting thereof held on the 11th day of April, 1949, a full quantity of printing, graphic, advertising and advertising materials and equipment.

With the deepest satisfaction, and entire satisfaction, of the
highest, commanding corporate soul, to be offered to the
hand of its President, and his name to be duly attested by the
Secretary. Date the day and year previous written.

COCA-COLA BOTTLING CO. OF
DUBOIS, INC.

Attest: *John C. Fremont*
Chairman of the Board

Communication de l'Académie

County of Contra Costa
Hercy Committee
1986

and Commonwealth of Pennsylvania personality appeared. **THOMAS HANFORD** the attorney general, and **WILLIAM H. DODGE**, the state's attorney, were present, and the attorney general's office was represented by **W. H. COOPER** and **W. H. COOPER**, the attorney general's personal attorney.

concerned with him by the proprietor, acknowledged his said ownership to be in force of the said
coca-leaf growing to or about DUBBS, INC.,
the 10th day of January, 1913.

Philippines, and the Pacific Islands, and the Malay Archipelago, and the South Seas.

THE JOURNAL OF CLIMATE, VOLUME 19, APRIL 2006 1601

DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
Washington, D. C.

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12. 12. 12. 12. 12. 12. 12. 12. 12. 12. 12. 12. 12. 12.

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA : :

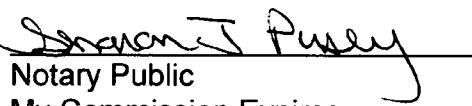
COUNTY OF CLEARFIELD : :

On this 13th day of October AD 2006, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Gary A. Knaresboro editor of the Clearfield County Legal Journal of the Courts of Clearfield County, and that the annexed is a true copy of the notice or advertisement published in said publication in the regular issues of Week of October 13, 2006, Vol. 18 No. 41. And that all of the allegations of this statement as to the time, place, and character of the publication are true.



Gary A. Knaresboro, Esquire
Editor

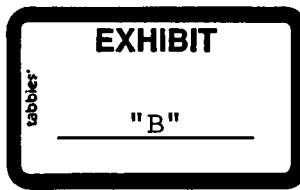
Sworn and subscribed to before me the day and year aforesaid.



Notary Public
My Commission Expires

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

Christopher E. Mohney
25 E Park Ave Suite 6
DuBois PA 15801



BEING the same premises conveyed to James R. Hendricks by deed of Bonnie U. Dobmeier, formerly Bonnie U. Martin, and John L. Dobmeier, her husband, dated May 1, 1947.

Subiect To all excepting reseruations, conditions, restrictions, easements and rights-of-way as fully as the same are contained in all prior deeds, instruments or writings or in any other manner touching or affecting the premises hereby conveyed.

The fence North along said land now or
formerly of Ralph E Smith, et ux., 300 feet
more or less, to a cut in concrete, the place
of beginning

Thence West by West to said land of Ralph E. Smith, more or less, to said land of Ralph E. Smith, 50 feet, from the corner of Jack McGregor et ux., 50 feet, et ux.

to Ralph E. Smith, at ux;
Theence by centre of said road,
northeastwardly 50 feet to a point,
Theence South and parallel to line of lot
of said Ralph E. Smith, at ux., 300 feet to a

BEGINNING at a cut in concrete center of old state road No. 322, the northeast corner of plot sold by Jack McCleugh, et ux.

310 Hence westward in centre of said road,
311 beginning, more or less, to the place of
312 known as the Troubadour and Acme in Sandy
313 Township, Pennsylvania.

Thence southerly and parallel to line of Johnstone lot and 300 feet theretom, 700 feet, more or less, to center of State Road No. 322;

Johnston lot 600 feet, more or less, to centre of road formerly No. 322; 300 feet, more or less, to a point, Thence eastward in center of said road,

THE FIRST THEREOF: BEGINNING at center of State Route No. 322, at the line of land now or formerly of Johnstown; thence North along line of said

All those two certain pieces of parcels days thereafter. of land situated, lying and being in the Township of Sandusky, Clearfield County, Pennsylvania, being more particularly bounded and described as follows:

Sherritt in this notice the first Monday following the date of the sale and distribution will be made in accordance with the schedule unless exceptions are filed within ten (10) days after the date of the sale.

To all parties in interest and claimants: A schedule of distribution will be filed by the Sheriff, in the Probate Court, on the 1st day of January, 1875, unless the presentment for confirmation unless the money is actually paid to the Sheriff.

expenses and risk of the person to whom it was struck off and who in case of deficiency was struck off and who in case of deficiency of such resale shall make good for the same and in no instance will the same be exceeded for a sum exceeding the amount of the sum to be paid for the same.

ENTERED AGAINST YOU WITHHELD FURTHER NOTICE FOR THE RELIEF
REQUISITED BY THE PLAINTIFFS. YOU MAY LOSE MONEY OR PROPERTY OR
OTHER RIGHTS IMPORTANT TO YOU.
YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO
NOT HAVE A LAWYER, OR CANNOT
AFFORD ONE, GO TO OR TELEPHONE
THE OFFICE SET FORTH BELOW TO
FIND OUT WHERE YOU CAN GET LEGAL
HELP.
CLEARFIELD COUNTY PROTHON-
OTARY, CLEARFIELD COUNTY COURT-
HOUSE, CLEARFIELD, PA 16830 (614)
765-2641 X 5982.
Christopher E. Mohney, Esquire, 25
East Park Avenue, Suite 6, Dubois, PA
15801, Attorney for Plaintiff.

Chester A. Sharp, late of Marshey,
Clearfield County.

County National Bank, Executor, Estate
of Leroy E. Brooks, late of Clearfield,
Clearfield County.

County National Bank, Trustee Under
Will of Richard Peale F/B/O Delila Shimmel,
late of Clearfield, Clearfield County.

Donna L. Merritt, Executrix, Estate of
Mabel L. Mandel, a/k/a Mabel Louise
Mandel, a/k/a Mabel Mandel, Late of Hawk
Run, Clearfield County.

Adam Lauder, Administrator, Estate of
Raymond Gary Lauder, late of Morrisdale,
Clearfield County.

Gary L. Rafferty and Cheryl Garman,
Co-Administrators, Estate of Truman
Anthony Rafferty, late of Grampian,
Clearfield County.

County National Bank, Guardian for the
Estate of Ruth McCullough, Clearfield,
Clearfield County.

William T. Shuss, Executor, Estate of
Frederick H. Shuss a/k/a Fred Shuss, late of
Curwenville, Clearfield County.

Raymond O. Sacolic, Executor, Estate
of Mary Sacolick, late of Madera, Clearfield
County.

Cindy L. Billotte, Executrix, Estate of
James C. Aughenbaugh, a/k/a J. Calvin
Aughenbaugh, a/k/a J. Calvin Aughen-
baugh, Sr., a/k/a Calvin Aughenbaugh, a/k/a
Cal Aughenbaugh, late of Clearfield,
Clearfield County.

Fifth and Partial Account of First
Commonwealth Trust Company now known
as First Commonwealth Bank-Trust Division,
Guardian, Estate of Nicole R. Butterbaugh,
a minor.

Lisa A. Zierden, Executrix, Muriel J.
Clyde, late of Sandy Township, Clearfield,
Clearfield County.

S & T Bank, Administrator D.B.N.C.T.A.,
Estate of Dorothy S. Adamson, late of

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

NO. 06 1505 - C.D.
TYPE OF CASE: ACTION TO QUIET
TITLE

COCA-COLA ENTERPRISES INC.,
formerly known as COCA-COLA BOTTLING
COMPANY, OF DUBOIS, INC., and
DUBOIS COCA-COLA, INC., PLAINTIFF
VS. DUBOIS COCA-COLA BOTTLING
COMPANY, DOID R. KANE, HAROLD
KANE, CARL L. FAUBLE, and DWIGHT L.
KANE, their successors, assigns, directors,
officers, shareholders, and any of the
foregoing's legal representatives, heirs and
all other person, persons or corporation
entities in interest, or their legal
representatives, DEFENDANTS

ACTION TO QUIET TITLE TO NO. 06-
1505-C.D.

TO: DUBOIS COCA-COLA BOTTLING
COMPANY, DOID R. KANE, HAROLD
KANE, CARL L. FAUBLE and DWIGHT L.
KANE, their successors, assigns, directors,
officers, shareholders, and any of the
foregoing's legal representatives, heirs and
all other person, persons or corporation
entities in interest, or their legal
representatives

You are hereby notified that an action to
quiet title to premises situate in the City of
DuBois, Clearfield County, Pennsylvania,
has been filed against you. Said premises
are described as follows:

ALL that certain piece or parcel of land
situate, lying and being in the City of DuBois,
Clearfield County, Pennsylvania, being
bounded and described as follows:

BEGINNING at an iron pipe, said iron

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION
NO. 06-1505-C.D.

TYPE OF CASE: ACTION TO QUIET TITLE

COCA-COLA ENTERPRISES INC., formerly known as
COCA-COLA BOTTLING CO. OF DUBOIS, INC., and DUBOIS
COCA-COLA, INC., PLAINTIFF

VS.

DUBOIS COCA-COLA BOTTLING COMPANY, DOID R. KANE,
HAROLD KANE, CARL L. FAUBLE, and DWIGHT L. KANE, their
successors, as signs, directors, officers, shareholders, and any of
the foregoing's legal representatives, heirs and all other person,
persons or corporation entities in interest, or their legal representa-
tives. DEFENDANTS

ACTION TO QUIET TITLE TO NO. 06-1505-C.D.

TO: DUBOIS COCA-COLA BOTTLING COMPANY, DOID R.
KANE, HAROLD KANE, CARL L. FAUBLE and DWIGHT L. KANE,
their successors, assigns, directors, officers, shareholders, and any
of the foregoing's legal representatives, heirs and all other person,
persons or corporation entities in interest, or their legal representa-
tives

You are hereby notified that an action to quiet title to premises situ-
ate in the City of DuBois, Clearfield County, Pennsylvania, has
been filed against you. Said premises are described as follows:

ALL that certain piece or parcel of land situate, lying and being in
the City of DuBois, Clearfield County, Pennsylvania, being bounded
and described as follows:

BEGINNING at an iron pipe, said iron pipe being at the intersection
of the northern right of way line of State Route 255 and the eastern
line of a public alley; thence North 23 degrees 47 minutes East
along the eastern boundary of said public alley and lands of The
DuBois Coca Cola Bottling Co. of which this is a part, a distance of
230.0 feet to an iron pipe; thence South 74 degrees 43 minutes
East a distance of 395.8 feet to an iron pipe; thence South 23 de-
grees 47 minutes West a distance of 230.1 feet to an iron pipe on
the northern right of way of State Route 255; thence along the
northern right of way of said State Route 255 the following courses
and distances: North 75 degrees 27 minutes West 238.2 feet; North
73 degrees 34 minutes West 157.7 feet to an iron pipe, the place of
beginning. CONTAINING 2.09 acres.

You have been sued in court. The purpose of this quiet title action
is to extinguish any right or equity which the defendant above
named and its successors, assigns, directors, officers, shareholders,
and any of the foregoing's legal representatives, heirs and all other person,
persons or corporation entities in interest, or their legal
representatives may have in the property as described above.
The Plaintiff in this action, after diligent search, has been unable to
locate the Defendant, DUBOIS COCA-COLA BOTTLING COMPANY,
its successors, assigns, directors, officers, shareholders,
and any of the foregoing's legal representatives, heirs and all other person,
persons or corporation entities in interest, or their legal
representatives.

Whereupon, the Court ordered that Notice of said action be served
on the Defendant, DUBOIS COCA-COLA BOTTLING COMPANY,
its successors, assigns, directors, officers, shareholders, and any of
the foregoing's legal representatives, heirs and all other person,
persons or corporation entities in interest, or their legal
representatives, by advertisement requiring Defendant's above-named and its
successors, assigns, directors, officers, shareholders, and any of
the foregoing's legal representatives, heirs and all other person,
persons or corporation entities in interest, or their legal
representatives to answer the Complaint within twenty (20) days from the date
of this publication.

NOTICE

IF YOU WISH TO DEFEND, YOU MUST ENTER A WRITTEN AP-
PEARANCE PERSONALLY OR BY ATTORNEY AND FILE YOUR
DEFENSE OR OBJECTIONS IN WRITING WITH THE COURT.
YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE
MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE
ENTERED AGAINST YOU WITHOUT FURTHER NOTICE FOR
THE RELIEF REQUESTED BY THE PLAINTIFFS. YOU MAY
LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT
TO YOU.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT
ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AF-
FORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH
BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

CLEARFIELD COUNTY PROTHONOTARY
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PA 16830
(814) 765-2641 x 5982

Christopher E. Mohney, Esquire
25 East Park Avenue, Suite 6
DuBois, PA 15801
Attorney for Plaintiff

POSITIONS START AT \$15.00/HOUR. Includes complete medical benefits package including dental, vision, prescription card, and hospitalization, paid vacation, holidays, and sick days, and 401K plan (full-time positions only).

Send resume to:

Children's Behavioral Health, Inc.
Corporate Office
Human Resources Department
College Park Plaza, Suite 106R,
Johnstown, PA 15904

EOE

General Help Wanted 095 General Help Wanted 095

JOBD IMMEDIATELY

Express/Tri-County Sunday

is currently seeking

Independent Contractors

treasure Lake, DuBois.

Call 800 ext. 100 for details

Join Us For Our Annual
PUMPKIN HUNT

Tri-County Sunday Classifieds
hru Friday, October 13.

Number of these pumpkins
classifieds from 10/8-10/13
IN THIS AD.

Number of pumpkins that you found in
October 8 and Friday, October 13.

of pumpkins: _____

Age for child: _____
Classifieds, P.O. Box 407, DuBois, PA 15801
DuBois or 301 Main St., Brookville.
by Monday, October 23.

will be given. Winners will be determined by a
rect entries. Winners will be notified by phone.

**PROOF OF PUBLICATION OF NOTICE APPEARING IN THE
COURIER EXPRESS/TRI-COUNTY SUNDAY/JEFFERSONIAN DEMOCRAT
PUBLISHED BY McLEAN PUBLISHING COMPANY,
DUBOIS PENNSYLVANIA**

Under act 587, Approved May 16, 1929, P.L. 1784

**STATE OF PENNSYLVANIA
COUNTY OF CLEARFIELD**

SS:

Linda Smith, Advertising Director or Dory Ferra, Classified Advertising Supervisor of the **Courier-Express/Tri-County Sunday/Jeffersonian Democrat** of the County and State aforesaid, being duly sworn, deposes and says that the **Courier Express**, a daily newspaper, the **Tri-County Sunday**, a weekly newspaper and **Jeffersonian Democrat**, a weekly newspaper published by McLean Publishing Company at 500 Jeffers Street, City of DuBois, County and State aforesaid, which was established in the year 1879, since which date said, the daily publication and the weekly publications, has been regularly issued in said County, and that a copy of the printed notice of publication is attached hereto exactly as the same was printed and published in the regular editions of the paper on the following dates, viz: the

9th day of **October** A.D., **2006**

Affidavit further deposes that he is an officer duly authorized by the **Courier-Express**, a daily newspaper, **Tri-County Sunday**, a weekly newspaper, and/or **Jeffersonian Democrat**, a weekly newspaper to verify the foregoing statement under oath and also declared that affiant is not interested in the subject matter of the aforesaid notice of publication, and that all allegations in the foregoing statement as to time, place and character of publication are true.

**McLEAN PUBLISHING COMPANY Publisher of
COURIER-EXPRESS/TRI-COUNTY SUNDAY/JEFFERSONIAN DEMOCRAT**

By Linda Smith

Sworn and subscribed to before me this 11th day of Oct., 2006

Robin M. Duttry
NOTARY PUBLIC



Statement of Advertising Cost
McLEAN PUBLISHING COMPANY
Publisher of
**COURIER-EXPRESS/TRI-COUNTY SUNDAY/
JEFFERSONIAN DEMOCRAT**
DuBois, PA

NOTARIAL SEAL
ROBIN M. DUTTRY, NOTARY PUBLIC
CITY OF DUBOIS, CLEARFIELD COUNTY
MY COMMISSION EXPIRES APRIL 16, 2010

TO Christopher E. Mohney

| | |
|--|------------------------|
| For publishing the notice or advertisement
attached hereto on the above stated dates..... | <u>\$372.60</u> |
| Probating same..... | <u>\$7.50</u> |
| Total..... | <u>\$380.10</u> |

Publisher's Receipt for Advertising Costs

The **Courier-Express**, a daily newspaper, **Tri-County Sunday**, a weekly newspaper, and/or **Jeffersonian Democrat**, a weekly newspaper, hereby acknowledges receipt of the aforesaid advertising and publication costs, and certifies that the same have been fully paid.

Office: Jeffers Street and Beaver Drive, DuBois, PA 15801

Established 1879, Phone 814-371-4200

McLEAN PUBLISHING COMPANY

Publisher of

COURIER-EXPRESS/TRI-COUNTY SUNDAY/JEFFERSONIAN DEMOCRAT

By _____

I hereby certify that the foregoing is the original Proof of Publication and receipt for the Advertising costs in the subject matter of said notice.



ATTORNEY FOR

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

| | | |
|--|---|-------------------------|
| COCA-COLA ENTERPRISES, INC., | : | NO. 06 - 1505 - C.D. |
| formerly known as COCA-COLA | : | |
| BOTTLING CO. OF DUBOIS, | : | TYPE OF CASE: ACTION TO |
| INC., and DUBOIS COCA-COLA, INC., | : | QUIET TITLE |
| Plaintiff, | : | |
| vs. | : | |
| DUBOIS COCA-COLA BOTTLING | : | |
| COMPANY, DOID R. KANE, HAROLD | : | |
| KANE, CARL L. FAUBLE, and DWIGHT | : | |
| L. KANE, their successors, assigns, | : | |
| directors, officers, shareholders, and any | : | |
| of the foregoing's legal representatives, | : | |
| heirs and all other person, persons | : | |
| or corporation entities in interest, or | : | |
| their legal representatives, | : | |
| Defendants. | : | |

AFFIDAVIT

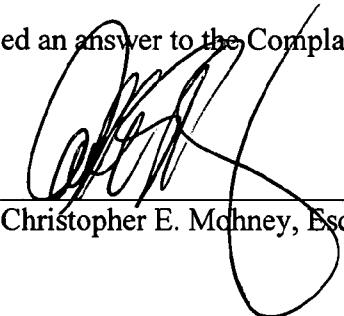
COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :

Personally appeared before me, CHRISTOPHER E. MOHNEY, ESQUIRE, who being duly sworn according to law, deposes and says that the complaint filed in the above-captioned action was served by publication once in the Courier-Express and once in the Clearfield County Legal Journal pursuant to Order of Court and that more than twenty (20) days have elapsed since publication and that the named Defendants, DUBOIS COCA-COLA BOTTLING COMPANY,

EXHIBIT "C"

DOID R. KANE, HAROLD KANE, CARL L. FAUBLE, and DWIGHT L. KANE,, or his
representatives have not entered an appearance or filed an answer to the Complaint.

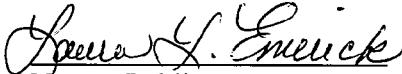
By:

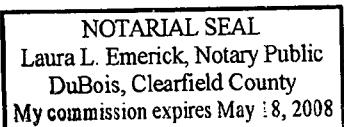

Christopher E. McHenry, Esquire

Sworn to and Subscribed

before me this 7th

day of November, 2006.


Laura L. Emerick
Notary Public



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

COCA-COLA ENTERPRISES, INC., : NO. 06 - 1505 - C.D.
formerly known as COCA-COLA :
BOTTLING CO. OF DUBOIS, : TYPE OF CASE: ACTION TO
INC., and DUBOIS COCA-COLA, INC., : QUIET TITLE
Plaintiff, :
vs. :
DUBOIS COCA-COLA BOTTLING :
COMPANY, DOID R. KANE, HAROLD :
KANE, CARL L. FAUBLE, and DWIGHT :
L. KANE, their successors, assigns, :
directors, officers, shareholders, and any :
of the foregoing's legal representatives, :
heirs and all other person, persons :
or corporation entities in interest, or :
their legal representatives, :
Defendants. :

FILED
01/10/2007 4:44 PM
NOV 14 2006 McHenry
6K

William A. Shaw
Prothonotary/Clerk of Courts

ORDER

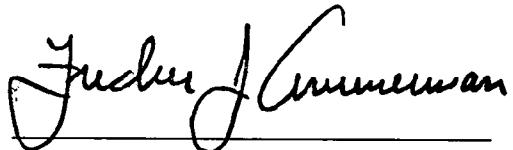
AND NOW, this 13th day of November, 2006, an Affidavit of Service of
a Complaint with Notice to Plead having been filed, and no answer having been
made by Defendants, DUBOIS COCA-COLA BOTTLING COMPANY, DOID R.
KANE, HAROLD KANE, CARL L. FAUBLE, and DWIGHT L. KANE, upon
consideration of the Motion of Plaintiff pursuant to Pennsylvania Rule of Civil
Procedure 1066(a), IT IS HEREBY ORDERED that Karen Starck, Recorder of
Deeds for Clearfield County, Pennsylvania shall forthwith satisfy of record the
mortgage given by Coca-Cola Bottling Company of DuBois, Inc. to DuBois Coca-

Cola Bottling Company, dated October 1, 1967 and recorded in Mortgage Book 224, page 612, and secured by the premises described in said mortgage instrument.

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

These proceedings, or any authenticated copy thereof, shall at all times be hereinafter taken as evidence of the facts declared and established thereby.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Judge J. Zimmerman", is written over a horizontal line.

FILED

NOV 14 2006

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 11/14/06

You are responsible for serving all appropriate parties.

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

Plaintiff(s) Plaintiff(s) Attorney Other

Defendant(s) Defendant(s) Attorney

Special Instructions: