

06-1526-CD

Ronald Guthridge et al vs Twp. Of Sandy al

2006-1526-CD
Ronald Guthridge et al vs Twp of Sandy et

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

RONALD H. GUTHRIDGE and
SUSANNE GUTHRIDGE,
Plaintiffs

No. 2006-1526-CO

Vs.

TOWNSHIP OF SANDY; ANNA FIORVANTI;
CHERIE M. BROWN, now known as CHERIE M.
SHANNON, and LARRY SHANNON; ALLEN E.
LERCH and ROBERTS LERCH;

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019-3701 Any Falso
SEP 26 2006
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William A. Shaw
Prothonotary/Clerk of Courts

ORDER

AND NOW, this 21st day of August, 2006 upon consideration of the letter presented by the Township of Sandy, Board of Supervisors, that the alleyway in question was not heretofore adopted by the Township of Sandy and that it has no ownership interests therein, it is the ORDER and DECREED:

1. That the Plaintiffs have title in fee simple to said premises, more fully described as follows: BEGINNING at the boundary of tax parcel B03-445-00026 and continuing over and across to tax parcel B03-445-032 and comprising all that land situate as an alleged alleyway between said parcels, and that the right of the Plaintiffs is superior to the rights of the Defendants, their heirs, devisees, administrators, executors and assigns, and all other persons, firms, partnerships or corporate entities in interest.
2. That the Defendants, their heirs, devisees, administrators, executors and assigns, and all other persons, firms, partnerships or corporate entities in interest, are enjoyed and forever barred

from asserting any right, title or interest in and to the premises described herein and from setting up any title to the premises and from impeaching, denying or in any way attacking the title to the Plaintiffs to the premises.

BY THE COURT,



JUDGE

FILED

SEP 26 2006

William A. Shaw
Prothonotary/Clerk of Courts

DATE: September

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

RONALD H. GUTHRIDGE and
SUSANNE GUTHRIDGE,
Plaintiffs

CIVIL DIVISION
No. 2006-1526-cp

vs.

TOWNSHIP OF SANDY; ANNA FIORVANTI;
CHERIE M. BROWN, now known as CHERIE M. FILED ON BEHALF OF:
SHANNON, and LARRY SHANNON; ALLEN E. Ronald H. And Susanne Guthridge
LERCH and ROBERTS LERCH,
Plaintiffs

Defendants

COUNSEL OF RECORD FOR THIS
PARTY:

Mark A. Falvo
Supreme Court I.D. #58135

Akman & Associates, P.C.
38 West Scribner Avenue
DuBois, PA 15801
(814) 375-2259

FILED
SEP 20 2006
011-451-
William A. Shaw
Prothonotary/Clerk of Courts

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

RONALD H. GUTHRIDGE and	:	
SUSANNE GUTHRIDGE,	:	No.
Plaintiffs	:	
:		
Vs.	:	
:		
TOWNSHIP OF SANDY; ANNA FIORVANTI;	:	
CHERIE M. BROWN, now known as CHERIE M.	:	
SHANNON, and LARRY SHANNON; ALLEN E.	:	
LERCH and ROBERTS LERCH;	:	
:		

PETITION TO FILE ORDER

1. That on November 15, 2001, Attorney Paul E. Cherry, of the Law Offices of Cherry & Cherry located in DuBois, Pennsylvania, sent a letter to the Sandy Township Board of Supervisors requesting an unimproved alley be vacated. "Exhibit A"

2. That on November 29, 2001, the Sandy Township Board of Supervisors sent a letter to the Law Office of Paul E. Cherry and informed him that at their special meeting on November 28, 2001, the Sandy Township Board of Supervisors cast a unanimous vote acknowledging that the Township does not own nor does it maintain an alley at the property located at McLane Avenue owned by Ronald and Susanne Guthridge. The letter was signed by township manager, M. B. Stojek, and Perry L. Bowser, engineer. "Exhibit B"

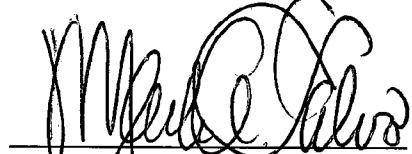
3. That on January 15, 2002, upon consideration of the letter and newspaper article that appeared in the Courier Express on or about November 29, 2001 (see Exhibit B), this court, specifically The Honorable John K. Riley, Jr., President Judge, entered an order on the same date

mentioned above, however, no order has been found to be recorded at the number given the case.

WHEREFORE, in order to correct either the misfiling or mishandling of the order that was entered by this court on January 15, 2002, Plaintiffs request that the order presented to the court at this time be an is hereby granted.

Respectfully submitted,

AKMAN & ASSOCIATES, P.C.



Mark A. Falvo
AKMAN & ASSOCIATES, P.C.
38 West Scribner Avenue
DuBois, PA 15801
(814) 375-2259
Supreme Court No. 58135

Law Offices
CHERRY & CHERRY

Paul E. Cherry

John A. Cherry
(1930 - 1992)

23 East Park Avenue Tel (814) 371-3288
Suite #1 Fax (814) 371-8372
Dubois, PA 15801

November 15, 2001

Sandy Township Board of Supervisors
Municipal Building
RD #3
Dubois, PA 15801

**IN RE: Property located at McLane Avenue
owned by Ronald and Susan Guthridge**

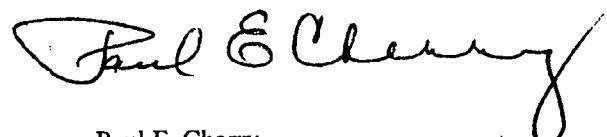
Dear Supervisors:

Please be advised that our office represents Ronald and Susan Guthridge. Mr. and Mrs. Guthridge have asked us to assist them in vacating an unimproved alley which runs between their property. It is my understanding that Sandy Township officials have already inspected the property and have no opposition to our request. We, therefore, need a letter from Sandy Township indicating that the alley may be vacated so we can present the letter to the Court and receive an appropriate Order.

Thank you for your consideration in this matter. Should you have any questions, please advise.

Very truly yours,

CHERRY & CHERRY



Paul E. Cherry

PEC/laf
cc: Ronald and Susan Guthridge

EXHIBIT "A"



November 29, 2001

Paul E. Cherry
Attorney at Law
23 East Park Avenue
Suite #1
DuBois, PA 15801

Dear Attorney Cherry:

At their Special meeting of November 28, 2001, the Sandy Township Board of Supervisors reviewed your correspondence dated November 15, 2001 regarding property owned by Ronald and Susan Gutheridge located at McLane Avenue, Sandy Township, Clearfield County. Per staff review and recommendation, the Board cast a unanimous vote acknowledging that the Township does not own nor does it maintain an alley on the afore referenced property.

Should you require anything further, do not hesitate to contact me.

Very truly,

MB Stojek,
Manager

Febr 27
Perry L. Bowser
Engineer

Closed alley discussed

... a closed alley between McLane Avenue and Euclid Avenue, Sandy Township, may stay closed.

The owners of property along the alley, Ron and Susan Guthridge, are going to court for an action of quiet title, according to Sandy Township Engineer Perry Bowser. The alley has been a grassy area for years, he said.

The Guthridges are asking for a letter from the township. Township Manager MB Stojek said the alley is not owned by the township and the township can send a letter about that. The supervisors gave approval to send a letter.