

06-1527-CD
Kathryn Honsaker vs Agnes Golian

2006-1527-CD
Kathryn Honsaker vs Agnes Golian

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

KATHRYN I. HONSAKER
Plaintiff

vs.

No. *AO-1527-CD*

AGNES GOLIAN,
Defendant

Type of Pleading: Petition to Release
Real Property from Judgment

Filed on behalf of: Kathryn I. Honsaker,
Plaintiff

Counsel of Record for this party:
Hopkins Heltzel LLP

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

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

100 Meadow Lane, Suite 5
DuBois, Pennsylvania 15801

(814) 375-0300

FILED 4cc Atty Hopkins
OCT 10 2016
SEP 21 2016 Atty pd 85.00
W

William A. Shaw
Prothonotary/Clerk of Courts

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

KATHRYN I. HONSAKER :
Plaintiff :
:
vs. : No.
:
AGNES GOLIAN, :
Defendant :
:

NOTICE

TO: Defendant

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Amended Complaint is served, by entering a written appearance personally or by Attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

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

Office of the Court Administrator
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830
(814) 765-2641 (ext. 5982)

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

KATHRYN I. HONSAKER	:	
Plaintiff	:	
	:	
vs.	:	No.
	:	
AGNES GOLIAN,	:	
Defendant	:	

PETITION TO RELEASE REAL PROPERTY FROM JUDGMENT

AND NOW, comes Petitioner, Kathryn I. Honsaker, by and through her attorneys, Hopkins Heltzel LLP, and says as follows:

1. Petitioner, Kathryn I. Honsaker, is an adult individual who resides at 913 Blair Street, Hollidaysburg, Pennsylvania 16678.

2. Defendant, Agnes Golian, is an adult individual who resides at 390 Rose Branch Street, Johnstown, Pennsylvania 15909.

3. This action concerns real property known as Section 1, Lot 31, in the Treasure Lake Subdivision of Sandy Township, Clearfield County, Pennsylvania, (hereinafter "Property").

4. Prior to November 4, 1999, the Property was owned by Jill E. Depew a/k/a Jill E. Bowley, a single individual.

5. On or about September 17, 1999, Respondent, Agnes Golian, obtained a District Court judgment against Jill Depew Bowley, in the amount of \$4,036.00 that was recorded in the Office of the Prothonotary of Clearfield County as Docket No. 99-1056 C.D.

6. The judgment of Agnes Golian became a lien against real property owned by Jill Depew Bowley, including Section 1, Lot 31, in the Treasure Lake Subdivision of Sandy Township, Clearfield County.

7. Notwithstanding the lien, Jill Depew Bowley transferred the property to Petitioner, Kathryn I. Honsaker, by Deed dated October 25, 1999 and recorded in the Office of the Recorder of Deeds of Clearfield County on November 4, 1999.

8. Pa.R.C.P. §3023(a) states:

(a) Except as provided by Subsection (b), a judgment entered in the Judgment Index shall create a lien on real property located in the County, title to which, at the time of entry is recorded in the name of the person against whom the judgment is entered.

(c) The lien shall continue for five (5) years from the date the judgment was entered in the Judgment Index unless the judgment is sooner discharged or the lien is sooner revived.

9. Agnes Golian revived the aforesaid judgment against Jill Depew Bowley on or about February 2, 2004 as Docket No. 04-191 C.D.

10. Pa.R.C.P. §3026.3 provides . . . if an interest in real property subject to a lien of a judgment has been acquired by a terre tenant, then the lien of the judgment on the property shall be revived only if the terre tenant within the five (5) year period of Rule 3023(c) or Rule 3031.1(a) joins in an agreement to revive or is made a party to the writ of revival.

11. Agnes Golian did not revived the judgment against the terre tenant, your Petitioner, Kathryn I. Honsaker.

12. Five (5) years has passed since Kathryn I. Honsaker acquired title to the property and consequently the lien against the Property has expired and is now void.

WHEREFORE, Petitioner respectfully requests the Court to enter an Order releasing the lien of the Agnes Golian judgment against Jill Depew Bowley as set forth in C.D. 04-191 C.D. from real property and improvements known as Section 1, Lot 31 in the Treasure Lake Subdivision of Sandy Township, Clearfield County, Pennsylvania.

Respectfully submitted,



David J. Hopkins, Esquire
Attorney for Petitioner

VERIFICATION

I, David J. Hopkins, Esquire, do hereby state that I am the attorney for the Petitioner, Kathryn I. Honsaker, that I am authorized to make this Verification on behalf of the Petitioner, and the facts set forth in the foregoing Petition are true and correct and that the purpose of this Verification is to expedite the litigation, and that the Verification of the Petitioner, Kathryn I. Honsaker, will be supplied, if demanded, also, subject to the penalties of 18 Pa.C.S.A. §4904, relating to unsworn falsification to authorities.


David J. Hopkins, Esquire

FILED 4cc 1A
09/5/06 Amy
SEP 26 2006 Hopkins
William A. Shaw
Prothonotary/Clerk of Courts
GR

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

KATHRYN I. HONSAKER :
Plaintiff :
vs. :
No. OLe-1527-CD
AGNES GOLIAN, :
Defendant :
:

SCHEDULING ORDER

AND NOW, this 22nd day of September, 2006, upon consideration of the Petition to Release Judgment of Real Property, Inc.

1. A Rule is issued upon Respondent to show cause why the moving party is not entitled to the relief requested.
2. The Respondent shall file an Answer to the Petition within 20 days of this date;
3. The Petition shall be decided under Pa.R.C.P. §206.7;
4. Depositions and all other discovery shall be completed within _____ days of this date;
5. An Evidentiary Hearing on disputed issues of material fact shall be held on the 31st day of October, 2006, at 2:00 o'clock P.M., in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania;
6. Argument shall be held on the _____ day of _____, 2006 at _____ o'clock _____.M., in Courtroom No. _____ of the Clearfield County Courthouse, Clearfield, Pennsylvania; and

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

BY THE COURT,



JUDGE

FILED

SEP 26 2006

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 9/26/06

X

You are responsible for serving all appropriate parties.

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

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

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

KATHRYN I. HONSAKER :
Plaintiff :
vs. :
No. 06-1527 C.D.
AGNES GOLIAN, :
:

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of Petition to Release Property from Judgment together with Scheduling Order, filed on behalf of Kathryn I. Honsaker, was mailed on September 29, 2006, by United States Mail, first class, postage prepaid addressed as follows:

CERTIFIED MAIL

Article Number: 7006 0810 0001 0127 1639

Agnes Golian
390 Rose Branch Street
Johnstown, PA 15909

Agnes Golian signed for the certified letter on September 30, 2006.

HOPKINS HELTZEL LLP



David J. Hopkins, Esquire

FILED
OCT 31 2006
S
William A. Shaw
Prothonotary/Clerk of Courts

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

Agnes Golian
390 Rose Branch Street
Johnstown, PA 15909

COMPLETE THIS SECTION ON DELIVERY**A. Signature***Agnes Golian* Agent Addressee**B. Received by (Printed Name)****C. Date of Delivery**

9/30

D. Is delivery address different from item 1? YesIf YES, enter delivery address below: No**3. Service Type** Certified Mail Express Mail Registered Return Receipt for Merchandise Insured Mail C.O.D.**4. Restricted Delivery? (Extra Fee) Yes****2. Article Number***(Transfer from service label)*

7006 0810 0001 0127 1639

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

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

KATHRYN I. HONSAKER :
Plaintiff :
vs. : No. 06-1527 C.D.
AGNES GOLIAN, :
Defendant :
:

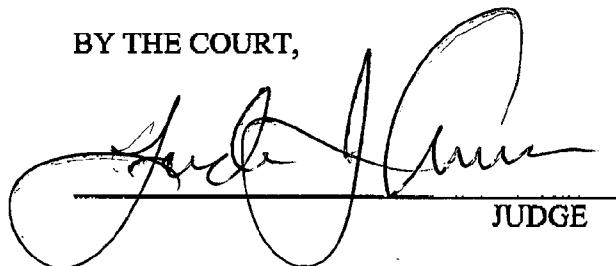
ORDER

AND NOW, this 31st day of October, 2006, upon consideration of the Petition to Release Judgment of Real Property, Inc.; and for good cause shown;

It is hereby ORDERED and ADJUDGED that the lien of Agnes Golian arising from a judgment described in Docket Number 99-1056 C.D. and revived at Docket Number 04-191 C.D. is released from real property and improvements known as Section

PSA
Lot 31 of the Treasure Lake Subdivision, Sandy Township, Clearfield County, Pennsylvania.

BY THE COURT,


JUDGE

FILED 3cc
OCT 31 2006 Atty Hopkins
(will serve)

William A. Shaw
Prothonotary/Clerk of Courts



CIVIL ACTION

DOCKET 279

SEPTEMBER 1999

	AGNES GOLIAN 390 Rose Branch St. Johnstown, PA 15909	SEPTEMBER 17, 1999, JUDGMENT FROM D.J., Patrick E. Ford, filed by Plaintiff Judgment is entered in favor of the Plaintiff and against the Defendant in the sum of \$1,346.00. Notice to the Defendant Certified Copy to Defendant. Statement to Plaintiff.
--	--	--

Printed by:
LAW OFFICES OF
William J. Hause

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

99-1056-CO

OCT 31 2006

Attest.

William J. Hause
Prothonotary/
Clerk of Courts

JILL DEPEN-BOWLEY
652 Treasure Lake
DuBois, PA 15801

Received to

(4-191-4)

Pro BY PLPP 9.50

PLAINTIFF'S
EXHIBIT(013109
cf)

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

46-3-01

DJ Name: Hon.

PATRICK N. FORD
Address: **109 NORTH BRADY STREET**
P.O. BOX 452
DUBOIS, PA
Telephone: **(814) 371-5321** **15801**

PATRICK N. FORD
109 NORTH BRADY STREET
P.O. BOX 452
DUBOIS, PA 15801

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF: **GOLIAN, AGNES** NAME and ADDRESS

390 ROSE BRANCH ST
JOHNSTOWN, PA 15909

VS.

DEFENDANT: NAME and ADDRESS

DEPEW-BOWLEY, JILL
632 TREASURE LAKE
DUBOIS, PA 15801

Docket No.: **CV-0000335-99**
Date Filed: **5/12/99**



04-191-CD

THIS IS TO NOTIFY YOU THAT:

Judgment:

DEFAULT JUDGMENT PLTF

Judgment was entered for: (Name) **GOLIAN, AGNES**

Judgment was entered against: (Name) **DEPEW-BOWLEY, JILL**

in the amount of \$ **4,346.00** on: _____ (Date of Judgment) **6/14/99**

Defendants are jointly and severally liable. I certify this to be a true (Date & Time) _____ and attested copy of the original

Damages will be assessed on _____ statement filed in this case.

This case dismissed without prejudice. **OCT 31 2006**

Amount of Judgment Subject to Attest.
Attachment/Act 5 of 1996 \$ _____

Amount of Judgment	\$ 4,250.00
Judgment Costs	\$ 96.00
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 4,346.00

Levy is stayed for _____ days or generally stayed.

Prothonotary	Post Judgment Credits
Clerk of Courts	Post Judgment Costs
=====	

Objection to levy has been filed and hearing will be held:

Certified Judgment Total

FILED

Date:	Place:
Time:	

FEB 09 2004

*ml 11:00 am
return to DCR*

William A. Shaw
Prothonotary

ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. YOU MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.

6/14/99 Date *Patrick N. Ford*, District Justice

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.

8-3-99 Date *Patrick N. Ford*, District Justice

My commission expires first Monday of January,

2000

SEAL

NOTICE OF JUDGMENT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL DIVISION

Agnes Golian

Vs.

No. 2004-00191-CD

Jill Depew-Bowley

To: DEFENDANT(S)

NOTICE is given that a JUDGMENT in the above captioned matter has been entered
against you in the amount of \$4,346.00 on the February 9, 2004.

William A. Shaw
Prothonotary

William A. Shaw

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
STATEMENT OF JUDGMENT

AGNES GOLIAN

Docket 279

Plaintiff

vs.

No. 99-1056-CD

Real Debt \$4,346.00

Atty's Comm

Costs \$

Int. From

Entry \$9.50

Instrument Default Judgment

Date of Entry June 14, 1999

JILL DEPEW-BOWLEY

Defendant

Certified from the record this 17th day of September, 19 99.

William A. Shaw, Prothonotary

SIGN BELOW FOR SATISFACTION

Received on _____, 19 __, of defendant full satisfaction of this Judgment, Debt, Interest and Costs and Prothonotary is authorized to enter Satisfaction on the same.

Plaintiff/Attorney

WILLIAM A. SHAW
PROTHONOTARY/CLERK OF COURTS
CLEARFIELD COUNTY COURTHOUSE
P.O. BOX 549
CLEARFIELD, PA 16830
(814) 765-2641, EXT. 19

NO 33738 A

DATE Sept. 17 1999

RECEIVED OF Agnes Golian

ATTORNEY

CASE # 99-1056 CD

Agnes Golian vs. Jill Drew Bowley

QUANTITY	DESCRIPTION	AMOUNT
	<u>Default Judgment.</u>	
	PAID	

SEP 17 1999

William A. Shaw
Prothonotary

TOTAL \$ 9.50

CASH X M/O _____

CHECK # _____

THE ABOVE MENTIONED INSTRUMENTS ARE RECEIVED SUBJECT TO THE PROVISIONS OF ACT OF ASSEMBLY
REQUIRING PAYMENT OF FEES IN ADVANCE. NO REFUNDS ON OVERPAYMENT OF \$5.00 OR LESS.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA
STATEMENT OF JUDGMENT

Agnes Golian
Plaintiff(s)

No.: 2004-00191-CD

Real Debt: \$4,346.00

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Jill Depew-Bowley
Defendant(s)

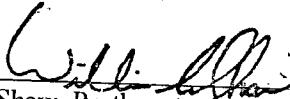
Entry: \$20.00

Instrument: DJ Judgment

Date of Entry: February 9, 2004

Expires: February 9, 2009

Certified from the record this 9th day of February 2004


William A. Shaw, Prothonotary

SIGN BELOW FOR SATISFACTION

Received on _____, _____, of defendant full satisfaction of this Judgment, Debt, Interest and Costs and Prothonotary is authorized to enter Satisfaction on the same.


Plaintiff/Attorney

County Parcel No. _____

KAREN L. STARK
GISTER AND RECORDER
CLEARFIELD COUNTY
Pennsylvania
RECORDED ON
10-25-1999
INSTRUMENT NUMBER
199918306
11:36:07 AM

THIS DEED

MADE the 25th day of October, in the year nineteen hundred and ninety-nine (1999)

BETWEEN JILL E. DEPEW, a/k/a JILL E. BOWLEY, single, whose address is 632 Treasure Lake, DuBois, Pennsylvania, 15801, referred to as Grantor;

A
N
D

KATHYRN I. HONSAKER, a married individual, whose address is R.D. #1, Box 602, Claysburg, Pennsylvania, 16625, referred to as Grantee;

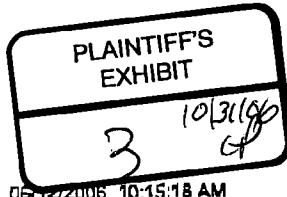
The words "Grantor" and "Grantee" shall mean all Grantors and Grantees listed above.

WITNESSETH, That in consideration of **FOURTY EIGHT THOUSAND TWENTY FIVE AND 13/100TH DOLLARS (\$48,025.13)**, in hand paid, the receipt whereof is hereby acknowledged, the said Grantor does hereby grant and convey to the said Grantee,

ALL that certain tract of land designated as Section 1, Lot 31, in the Treasure Lake Subdivision in Sandy Township, Clearfield County, Pennsylvania, recorded in the Recorder of Deeds Office in Misc. Docket Map File No. 25.

EXCEPTING AND RESERVING therefrom and subject to:

1. All easements, rights of way, reservations, restrictions and limitations shown or contained in prior instruments of record and in the aforesaid recorded plan.
2. The Declaration of Restrictions, Treasure Lake, Inc. recorded in Misc. Book Vol. 146, p. 476; all of said restrictions being covenants which run with the land.
3. All minerals and mining rights of every kind and nature.



4. A lien for all unpaid charges or assessments as may be made by Treasure Lake, Inc. or Treasure Lake Property Owners Association, Inc.; which lien shall run with the land and be an encumbrance against it.

BEING A PART OF the same premises conveyed by deed of William G. Bowley and Jill E. Bowley, husband and wife, to Jill E. Bowley, an individual, dated May 27, 1998, and recorded in the Office of the Recorder of Clearfield County in Volume 1936, page 483.

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

IN WITNESS WHEREOF, said Grantor has hereunto set his/her hand and seal, the day and year first above-written.


 JILL E. DEPEW, a/k/a JILL E. BOWLEY (Seal)

State of Pennsylvania)
)
 County of Clearfield)
)
 :ss:

On this, the 25th day of October, 1999, before me, the undersigned officer, personally appeared JILL E. DEPEW, a/k/a JILL E. BOWLEY, single, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that she executed the same for the purpose therein contained.

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

My Commission Expires: _____


 Notary Public

